



# PLANNING PROPOSAL



ADDITIONAL PERMITTED USE



Lot 407 in DP 1248682  
Southlakes Estate, Dubbo



March 2020

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## **APPENDICIES**

- A. Site Plan, prepared by Maas Group Properties
- B. Design Intent, prepared by Maas Group Properties Pty Ltd
- C. Servicing Strategy, prepared by Geolye Pty Ltd
- D. Traffic Study, prepared by Geolyse Pty Ltd
- E. Groundwater and Salinity Study, prepared by Envirowest Pty Ltd
- F. Ecological Assessment, prepared by OzArk Environmental and Heritage Management Pty Ltd
- G. Contamination Investigation, prepared by Envirowest Pty Ltd
- H. Road Traffic Noise Assessment, Muller Acoustic Consulting
- I. Aboriginal Archaeological Assessment, prepared by OzArk Environmental and Heritage Management Pty Ltd
- J. Employment Lands Strategy, prepared by Dubbo Regional Council
- K. Economic Impact Analysis, prepared by PPM Consulting
- L. Social Impact Assessment, prepared by Umwelt (Australia) Pty Ltd

## EXECUTIVE SUMMARY

This document is to provide an outline of the development intention for the land identified within the Southlakes Estate Residential Urban Release Area known as The Southlakes Shopping Centre upon Pt. Lot 407 in DP 1248682. The proposal seeks an amendment to the *Dubbo Local Environmental Plan 2011* (DLEP) Schedule 1 Additional Permitted Use cl 5 Use of Land at Boundary Road, Dubbo to allow for development for the purposes of a pub and/or retail premises as permitted with development consent.

This PP has been prepared in accordance with the NSW Department of Planning and Environment's (DPE) advisory documents '*A Guide to Preparing Local Environmental Plans*' and '*A Guide to Preparing Planning Proposals*'.

The intention of this PP is to include a gastronomic pub (gastropub) within Southlake's neighbourhood centre precinct that will be focused on providing a space for community interaction and dining for the current and future residents of the Southlake's Estate and members of the Dubbo Community.

It is anticipated that this PP would facilitate:

- A range of small-scale retail, business and community uses that serve the needs of people who live in or work in the surrounding neighbourhood and;
- Continued economic growth and development of Southlakes Estate neighbourhood centre to be consistent with the commercial hierarchy of the City of Dubbo.



## BACKGROUND

### 1.1 INTRODUCTION

The Southlakes Estate Master Plan includes establishment of a neighbourhood centre precinct in the centre of the estate to provide community services such as a supermarket, space for specialty stores, restaurants and cafes.

A Planning Proposal (PP) that sought to rezone land at Boundary road to facilitate the development of the neighbourhood centre was approved by Dubbo Regional Council in February 2018 and the Local Environmental Plan was subsequently amended in June 2018 to include this precinct.

Maas Group Properties Pty Ltd have prepared this PP to support a proposed amendment to DLEP Schedule 1 Additional Permitted Use cl 5 Use of Land at Boundary Road, Dubbo to allow for development for the purposes of a pub as defined in the DLEP as a *“licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises”*.

It is anticipated that this PP would facilitate:

- A range of small-scale retail, business and community uses that serve the needs of people who live in or work in the surrounding neighbourhood and;
- Continued economic growth and development of Southlakes Estate neighbourhood centre to be consistent with the commercial hierarchy of the City of Dubbo.

Details of the proposal's compliance with relevant strategic, regional, and local planning instruments, state environmental planning policies, and ministerial directions are contained in the following sections.

## 1.2 SCOPE OF REPORT

This PP has been prepared in accordance with the NSW Department of Planning's advisory documents '*A Guide to Preparing Local Environmental Plans*' and '*A Guide to Preparing Planning Proposals*'. The latter document requires the PP to be provided in five (5) parts, those being;

- *Part 1* – A statement of the objectives or intended outcomes of the proposed LEP;
- *Part 2* – An explanation of the provisions that are to be included in the proposed LEP;
- *Part 3* – The justification for those objectives, outcomes, and provisions and the process for their implementation;
- *Part 4* – Mapping, and;
- *Part 5* – Details of the community consultation that is to be undertaken on the Planning Proposal.

It is noted that Part 4 would be confirmed following a Gateway Determination of this Planning Proposal by the NSW Department of Planning and Environment.

## 1.3 STRUCTURE

This PP is provided in the following structure;

- **Section 2** provides an overview of the subject site; the development intent; and development constraints;
- **Section 3** provides a statement of the objective and explanation of provisions of the PP;
- **Section 4** provides justification regarding the need for the PP; outlines its relationship to strategic planning strategies; and overviews the environmental, economic, and social impacts of the proposal;
- **Section 5** provides the proposed mapping amendments relating to the Planning Proposal area; and
- **Section 6** details how community consultation is to be undertaken with respect to the PP; and



## OVERVIEW

### 2.1 THE SUBJECT SITE

#### 2.1.1 SITE DESCRIPTION AND LOCATION

The subject site is known as Pt. Lot 407 in DP 1248682 and is within the south-eastern Residential Urban Release Area. The site is bounded by future Boundary Road extension to the north, Southlakes drainage corridor to the east and land zoned for future residential development to the west and south.

This land is nearing readiness for development as the existing ongoing residential estate development progresses east, within the Urban Release Area (URA).

**Figure 1** below provides an aerial view of the land relative to the existing Southlakes residential estate, future growth and immediate surrounding locality.



Source: NearMaps May 2019

**FIGURE 1:** Aerial view of subject site & Locality



## 2.2 BACKGROUND

The subject site is situated within the identified URA for future residential subdivision in the south-east sector of the Dubbo LGA. Maas Group Properties Southlakes Pty Ltd owns the subject land on which the future commercial hub is to be developed, being an englobo allotment for future subdivision. Maas Group Properties has been undertaking residential development within this subject area since circa 2015, currently developing the wider Southlakes Residential Estate, Lakeview Estate, Magnolia Estate and Keswick on the Park Estate. A plethora of development consents have been obtained over land in the subject area, including general residential and medium density subdivisions and their associated development. For example, there is a current Development Application (DA) lodged with Council seeking a 101-lot residential subdivision immediately west of the subject site pertaining to this PP, Council's reference D2020-5 (Pt 1).

It is Maas Group Properties ongoing development within this south-east sector of the Dubbo urban area, passion for the growth and development of regional cities and financially vested interest that will see this immediate area of Dubbo encompass a population of approximately 10,000 residents by circa 2028. The ongoing Southlakes Estate residential subdivision development will account for a projected 2,080 allotments, being home to in excess of 6,500 residents.

## 2.3 DEVELOPMENT INTENT

The intent of this PP is to provide an additional permitted use on the subject site, specifically the additional permitted use of a gastropub on the subject land that is proposed for a commercial neighbourhood centre. The additional permitted use is to provide a supplementary land use within the neighbourhood centre precinct as a point of difference, that will focus on providing a space for community interaction and dining for the current and future residents of the Southlakes Estate and wider south-east sector of the Dubbo urban area.

A gastropub is defined as a pub or tavern that offers meals of high quality, notable for the focus on food rather than dining. It is proposed that the gastropub be developed within the neighbourhood centre alongside the proposed supermarket with construction planned to commence in mid-2021. This PP will continue to establish Southlake's as a neighbourhood centre that can provide for a range of small-scale retail, business and community uses that serve the needs of its residents.

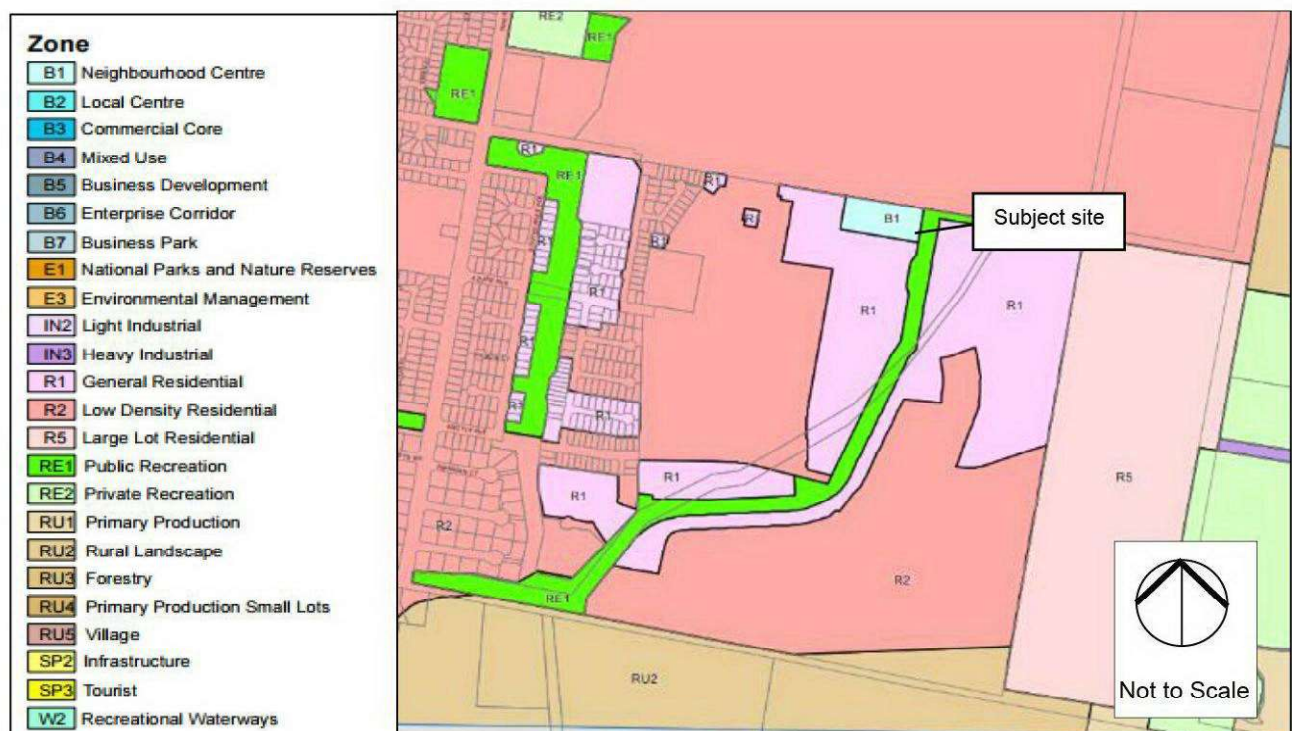
It is intended to amend Schedule 1 – Additional Permitted Uses of the DLEP to permit a gastronomic pub land use to occur on the subject site, forming part of the neighbourhood centre. A Development Application would therefore utilise Clause 2.5 – Additional Permitted Uses for Particular land, of the DLEP to carry out the development specified.



## 2.2.1 EXISTING LAND ZONING AND LOCALITY

The land immediately around the site is generally residential in zoning, however, physically is characterised as existing cleared agricultural grazing land. Existing, and ongoing residential development is located to the west of the subject site, that continues to develop in an eastern direction toward the urban fringe.

As represented below in **Figure 2**, in accordance with Land Zoning Map – Sheet LZN\_008B of the DLEP, the surrounding land is predominantly zoned either R1 – General Residential or R2 – Low Density Residential. Whereas the subject site is identified as the B1 – Neighbourhood Centre land zone. It is also witnessed that some RE1 – Public Recreation land zoning is in relatively close proximity to the site.



Source: Dubbo LEP 2011

**FIGURE 2: Land Zoning Map**

## 2.2.3 PROPOSED ADDITIONAL PERMITTED USE

The intent of this PP is to provide an additional permitted use on the subject site, specifically the additional permitted use of a gastropub on the subject land that is proposed for a commercial neighbourhood centre. The amendment to Schedule 1 in the DLEP, additional permitted uses on certain land, must be amended to permit a *pub* land use to be developed and operate on the subject site.

Pubs are currently listed as prohibited in the DLEP B1 land use zone. This PP seeks to amend Schedule 1 clause 5 of the DLEP to include the following:

- (3) *Development for the purposes of a pub is permitted with development consent.*



The proposed additional permitted use of a pub within certain land at Boundary Road is sought to ensure the continued economic growth and development of Southlakes Estate Residential Urban Release Area consistent with the objectives in the LEP B1 land zone, by providing an additional retail use to the shopping centre that would service the amenity needs for the immediate residents.

The proposed development and use of a pub within Southlakes will facilitate a functional mixed-use neighbourhood centre that will provide for a variety of uses to serve the surrounding neighbourhood and greater Dubbo community.

#### **2.2.4 ANTICIPATED DEVELOPMENT TYPOLOGIES**

It is anticipated that a varied mix of small-scale retail, business and community uses would continue to be provided within the proposed shopping centre site.

It is proposed the site would facilitate a neighbourhood supermarket as well as specialty & general merchandise stores such as a pub, newsagency, post office, dry cleaning facility, etc.

A proposed indicative Site Plan of the neighbourhood centre is illustrated at **Appendix A**.

The indicative design intent of the gastropub is illustrated at **Appendix B**.

#### **2.2.5 PROPOSED DEVELOPMENT OBJECTIVES**

The subject site that forms part of this PP, and the proposed additional permitted use on the site are to be developed and operated generally in accordance with the following objectives:

- To enable the legal development of a pub on the subject site
- To integrate suitable small-scale business, retail, community uses and food and drink to serve the needs of people who live or work in the surrounding neighbourhood
- To encourage employment opportunities
- To ensure economic growth within Dubbo, and surrounding localities
- Additional retail uses that support the residential amenity of the surrounding estate

#### **2.2.6 SERVICES**

No Council services (reticulated water, reticulated sewer and stormwater infrastructure) are situated to service the subject site at this current point in time. However, a *Servicing Strategy* prepared by Geolyse dated June 2017 includes the provision of future local roads, water, sewer, and stormwater mains infrastructure to support the future development consistent with required service providers design requirements and that of surrounding arrangements. The Servicing Strategy is provided at **Appendix C**.

In general, telecommunications, roads, power and water service mains are being constructed/extended from the existing mains located to the west with sewer and stormwater being extended and augmented from their respective downstream mains in the south. It is anticipated that the mains would be primarily located within the road network and along and across common boundaries where necessary.



The proposed additional use is not considered to compromise the adopted servicing strategy for this land and remains unchanged from that previously supported with the adoption of the neighbourhood centre zoning by Council previously.

## **2.2.8 TRAFFIC & TRANSPORT CONSIDERATION**

The supporting *Traffic Study* prepared by Geolyse dated June 2017 and provided at **Appendix D** calculates the predicted traffic generation rates for the estate once developed in accordance with that indicated upon the masterplan plan.

Once fully constructed, the proposed residential estate would be provided with east/west and north/south local collector/spine roads that link to the surrounding local collector roads of Boundary Road, Hennessy Drive and Sheraton Road

The study identifies that the additional vehicle trips are not considered to have an adverse impact upon traffic congestion within the surrounding road network and generally result in service levels of A and B for the roads of Boundary Road, Sheraton Road and their inclusive intersections as modelled using SIDRA.

Should future development be considered to generate traffic at a higher rate than that identified within the supporting traffic impact assessment report such development would be required at the development application stage to demonstrate it would be suitable within the surrounding road network.

## **2.2.7 CONSISTENCY WITH EXISTING COUNCIL DECISIONS AND POLICIES**

The existing 'Southlakes' development has been a fixture within the Dubbo landscape since 2010. Since that time, Council has supported low and medium residential development of single and dual occupancy dwellings, real estate display village, childcare centre and proposed shopping centre within the Southlakes neighbourhood centre. The development intent is simply to continue the successful execution of Southlakes Estate Residential Urban release area to continue to provide for residential and economic growth within the Dubbo community.

## **2.3 ENVIRONMENTAL CONSIDERATION**

### **2.3.1 TOPOGRAPHY & SOILS**

The subject site is predominately cleared of native vegetation and is maintained for agricultural grazing. The subject land is located within the Talbragar Valley Subregion of the Brigalow Belt South Bioregion. Within this subregion Morgan and Terrey (1992) describe the soil environment as;

*"Thin stony loams and texture contrast soils over most of the landscape with deeper sands and brown earths on valley floors".*

This soil type is consistent with being able to sustain urban development subject to design improvements to ensure soil salinity and erosion impact are minimised as detailed below.

### 2.3.2 SALINITY & GROUNDWATER

A *Groundwater and Salinity Study* dated 8 September 2016 prepared by Envirowest Consulting has been prepared for the Southlakes Estate Residential Urban Release Area and is provided at **Appendix E**.

The objective of this report was to provide detailed information on potential impacts and mitigation options (if required) in relation to dryland and urban salinity processes and groundwater. The report assesses the existing salinity conditions of the soil and groundwater and determines the impact of the development on groundwater.

Generally, the report concludes that the intended development is suitable for the site and is of a scale and location in the landscape that is not considered to be high risk with recommendations to ensure intended development mitigates any potential adverse impacts.

It is noted this report was adopted upon gazettal of the change in zoning to a neighbourhood centre and that the abovementioned additional permitted use does not change the findings of this report.

### 2.3.3 FLORA & FAUNA

As described within the supporting *Ecological Assessment* prepared by Ozark Pty Ltd dated May 2015 and provided at **Appendix F**, the site is completely cleared, ploughed and disturbed due to agricultural purposes.

No known threatened species or ecologically endangered communities have been identified as being present on the site. In this regard, having considered the ecology within the subject site, the report concludes that the development of the site is:

- Unlikely to significantly affect any of the listed threatened species, fauna populations or communities.
- Unlikely to augment or significantly contribute to any of the National or State listed Key Threatening Processes, if the appropriate safeguards regarding the control of potential vertebrate pests are effectively applied.
- Unlikely to significantly affect any RAMSAR wetland or CAMBA, ROKAMBA or JAMBA listed species;
- Unlikely to significantly affect local hydrology.
- Consistent with ESD principles with regard to fauna, would not adversely affect the local biodiversity and that no issue of intergenerational or value-added matters are relevant in this instance.

The report concluded that the proposed activity should not be considered to constitute a significant impact and, as such, no Species Impact Statement (SIS) is warranted. No Koala Habitat Management Plan pursuant to SEPP 44 is required (as above).

### 2.3.4 BUSHFIRE

Reference is made to Dubbo City Council's *Bushfire Prone Land Map* which indicates the level of fire risk for properties. In accordance with this Map, the subject land is not identified as being located on bush fire prone land. In this regard, no further investigation for this PP has been undertaken.



### 2.3.5 FLOODING

The subject site is not within land identified in DLEP *Flood Planning Map* as flood prone. In this regard, no further investigation for this PP has been undertaken.

### 2.3.6 CONTAMINATION

The soils contained in the area of land proposed for urban and residential development are of similar quality to that present within the bounds of the existing Southlakes Estate. Each of these sites have previously been assessed and considered as suitable for residential and recreational use and development by Council.

Notwithstanding, a *Contamination Investigation Study* prepared by Envirowest Consulting dated June 2019 and provided at **Appendix G** was conducted for the land to ensure the land is suitable for its intended use. The contamination investigation was prepared in accordance with the Contaminated Land Management Guidelines referenced by *State Environmental Planning Policy No. 55 - Remediation of Land*. The conclusion of the Contamination Investigation Report is as follows:

- The site has a land-use history of grazing;
- There is no evidence of potentially contaminating land uses or activities on the site;
- The contamination status of the site was assessed through a soil sampling and laboratory analysis program. The soil sampling program did not detect elevated levels of the analysed metals, OCP or TRH. The levels of all substances evaluated were below the EPA investigation threshold for residential and recreational land-use with access to soil. Therefore, no contamination was found;
- Several stockpiles of soil, timber and trace general refuse were located across the site. No asbestos was identified in the stockpiles on site.

The subject site and surrounding area is therefore suitable for the future residential and urban land uses.

### 2.3.7 ACOUSTIC REVIEW

An acoustic report of cumulative noise for the intended use of the subject site would be prepared by a qualified consultant and provided to Council subject to a future development application. The noise impact assessment would be site and use specific and address relevant LEP and DCP objectives.

It should be noted a *Road Traffic Noise Assessment* prepared by Muller Acoustic Consulting dated July 2019 was carried out as part of PP1 and PP2 for the Southlakes URA and is provided at **Appendix H**.

The assessment details the adjoining quarry and road traffic noise emissions from the proposed Southern Distributor including the preparation of an acoustic impact map.

The findings of this review identified that the distributor is the acoustically dominant source of noise, the overall increase in cumulative noise is less than 1dB and generally this would not be perceptible by residents as quarry noise would be masked by road noise from the distributor and potentially inaudible.

## 2.4 SOCIAL AND CULTURAL CONSIDERATIONS

### 2.4.1 ABORIGINAL ARCHAEOLOGY

Ozark Environmental Management and Heritage conducted an *Aboriginal Archaeological Assessment* (of the land) to determine the presence and potential impact of the proposal upon aboriginal heritage significance of the area, dated June 2015. The assessment is provided at **Appendix I**.

The assessment report identified additional items of low heritage significance noting they had been disturbed and damaged from past agricultural uses. In this respect and having regard to the indicative lot layout and likely servicing strategy, the existing items are likely to require removal through the issue of an AHIP.

It should be noted that should, during the further development of the site, any artefact, potential site or objects of Aboriginal Cultural Heritage Significance be uncovered, works would cease immediately pending referral for an investigation by the NSW Office of Environment and Heritage in accordance with *the National Parks and Wildlife Act 1974*.

### 2.4.2 EUROPEAN HERITAGE

The subject site does not contain any locally listed European heritage items as identified by the DLEP. In this regard, no further investigation for this PP has been undertaken.



## DEVELOPMENT INTENT AND PROVISIONS

### 3.1 OBJECTIVE

The objective of this Planning Proposal (PP) is to enable a gastronomic pub (gastropub) on the subject land that is proposed for a commercial neighbourhood centre. The gastropub would provide a supplementary land use within the neighbourhood centre precinct as a point of difference, that will focus on providing a space for community interaction and dining for the current and future residents of the Southlakes Estate and wider south-east sector of the Dubbo urban area.

The PP seeks the Additional Permitted Use on the subject site to include a 'pub' land use.

### 3.2 EXPLANATION OF PROVISIONS

The PP affects the Additional Permitted Uses (APU) Map APU\_008B of the *Dubbo Local Environmental Plan 2011* (LEP). This PP seeks to allow the APU of a 'pub' land use on the subject site.

A "pub" is to be defined in accordance with the Standard Instrument as a "*licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises*".

## JUSTIFICATION

The overarching principles that guide the preparation of PP's are:

- The level of justification should be proportionate to the impact the PP would have;
- It is not necessary to address a question if it is not considered relevant to the PP; and
- The level of justification should be sufficient to allow a Gateway determination to be made with confidence that the LEP can be finalised within the timeframe proposed.

The following justification addresses each relevant question applicable to this PP to ensure confidence can be given at the Gateway determination.

### 4.1 NEED FOR THE PLANNING PROPOSAL

#### Is the proposal the result of any strategic study or report?

This PP aligns with the principles of Dubbo Regional Councils (DRC) Employment Lands Strategy 2019, attached at **Appendix J**, by establishing a local neighbourhood centre in Southlake's that can provide for future growth and employment opportunities servicing the day to day needs of Southlakes residents and members of the Dubbo community.

Findings from DRC Employments Land Strategy reveal the following:

- Dubbo has a steady population growth over a long period;
- Dubbo has a low unemployment rate, high self-sufficiency rate and high self-contentment rate which demonstrates Dubbo's ability to generate employment opportunities for residents living in Dubbo whilst also attracting residents from other LGAs;
- Dubbo is a major service centre for regional NSW highlighted by three largest employment sectors in health care and social assistance, retail trade and education and training.

It is considered that the level of future economic growth and development in the area of Dubbo necessitates the future provision of a neighbourhood shopping centre. The Southlake's neighbourhood centre will have an approximate trade area of 10,000 residents by 2031 (DRC Employment Lands Strategy p. 53). The proposal to include a gastro pub within the neighbourhood centre precinct will continue to implement the planning principles of the DRC Employments Land Strategy by providing opportunities that:

- Encourage the appropriate development of the neighbourhood centre in terms of built form, scale and design that compliments the adjoining residential estate;
- Allow accessibility for the surrounding community. It is intended that the gastro pub would be accessible via Boundary Road with car parking provided at the neighbourhood centre; and
- Manage land-use conflicts by providing a functional mixed-use neighbourhood centre that will deliver a variety of uses to serve the surrounding neighbourhood and greater Dubbo community.

An Economic Impact Assessment (EIA) prepared by PPM Consulting (attached as **Appendix K**), is an independent assessment of the economic impacts and net community benefits relating to a gastronomic pub (gastropub) proposed to be located within the planned neighbourhood centre in the Southlakes Estate located in East Dubbo, NSW. The EIA undertook an analysis of the DRC employment strategy for the LGA, of which represents a current shortage of 3,991m<sup>2</sup> of GFA for restaurants, liquor, take-aways, hotels and clubs. It is forecast that this shortage is expected to increase to 7,185m<sup>2</sup> in 2031. Following the establishment of the proposed gastropub, there would still be a floorspace shortage in the sector of over 6,500m<sup>2</sup>.

In addition, there are no pubs, clubs, restaurants or packaged alcohol venues within a 15-minute walk of the proposed gastropub. In this sense, the proposed gastropub will be a local offering. The analysis provided in this report suggests that not only is the proposed gastro pub not likely to adversely affect current businesses, it will have a positive overall effect on the Dubbo economy.



**Is the proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The proposed site is zoned B1 – Neighbourhood Centre. The objectives of this PP continue to align the Land Use Zoning provisions by:

- Providing for a range of small-scale retail, business and community uses that service the needs of people who live or work in the surrounding neighbourhood;
- Ensuring the growth of the neighbourhood centre is consistent with the commercial hierarchy of the City of Dubbo.

The proposal to include a pub within the neighbourhood centre precinct seeks to continue with the Southlakes Master Plan to provide for additional retail amenity needs of its residents and to strengthen the centre as a meeting / local point for the community.

The submission of a PP to amend Schedule 1 clause 5 of the DLEP represents the best method of achieving the desired outcome. Noting this has been the previous approval pathway for stage 1 and stage 2 of Southlakes Estate.

## 4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

**Is the proposal consistent with the objectives and actions or any applicable regional or sub-regional strategy?**

Central West and Orana Regional Plan 2036

The role of the Plan is to guide the NSW Government's land use planning priorities and decisions over the years, leading in to 2036. It provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions.

An implementation Plan accompanies this Plan and includes priority actions, as well as medium to long term actions to coincide with population and economic change.

This PP is consistent with the objectives of this Plan, especially Goal 1 of the Plan, *The Most Diverse Regional Economy in NSW* and specifically *Direction 10: Promotes Business and Industrial Activities in Employment Lands*, and associated action 10.6.

*10.6 Accommodate future commercial and retail activity in existing commercial centres, unless there is a demonstrated need or social and economic benefits to locating this activity elsewhere.*

The proposed gastropub would be established within the identified and appropriately zoned neighbourhood centre commercial site of the Southlakes Estate residential area. This is not an existing commercial centre, however there would be a social and economic benefit for the gastropub to be established in this location.

The Social Impact Assessment (SIA) prepared by UMWELT (attached as **Appendix L**), provides an assessment of the *potential social impacts associated with the addition of the gastro pub to the neighbourhood shopping centre in the Southlakes Estate. Specifically, assessing the impact on people's way of life (how they live, work, play and interact with one another on a day to day basis), the culture of the affected community (its shared beliefs, customs and values) and the nature of the affected community (its cohesion, interactions, stability, character, services and facilities) (Dubbo Regional Council, 2013).*

The SIA establishes that the development:

- Is consistent with the regulatory and business development framework, including state government legislation and the Dubbo Regional Council's strategic plans;
- Is an appropriate development in relation to the projected changes to population, largely due to the continuing development of Southlakes Estate, and the demographics in the region;
- Is unlikely to have an impact on the social amenity of the community in the construction or operational phase;



- Is unlikely to have an impact on the cultural heritage or community significance in the area;
- Will create access to dining facilities and encourage community networking through acting as a centre for community interaction;
- Would be a benefit contributing to the overall sense of place and community sustainability of the Dubbo South community;
- Will have a positive impact on the economy and employment opportunities in the region.

In addition to the social impacts, there are also economic benefits that would occur. The neighbourhood centre site and gastropub would service the growing, surrounding residential area. This area, being the south-east sector of Dubbo would encompass a population of approximately 1,000 residents by circa 2028. The immediate Southlakes Estate residential subdivision development will account for a projected 2,080 allotments, being home to in excess of 6,500 residents.

The EIA prepared by PPM Consulting (**Appendix K**), as previously mentioned, also concluded that:

- The proposed gastro pub at Southlakes would add to the Dubbo restaurant, hotel and gaming sector, as well as provide a local outlet for package alcohol.
- At the local level, the proposal would service the 5,200 new local residents in the Southlakes Estate but would also be accessible by car within a 15 minute drive from most of the Dubbo city centre.
- There is a large shortage of floorspace for restaurants, liquor, take-aways, hotels and clubs in Dubbo. As the proposed gastro pub would only be small as far as gross floorspace is concerned (580m<sup>2</sup> including restaurant, bar, gaming venue and packaged alcohol sales), it would only have a very small impact on reducing that under-supply.
- Due to the relatively small size of the proposed gastro pub, the large shortage of floorspace and the relatively small increase in the number of EGMs, it is very unlikely that currently existing venues would be adversely affected by the operation of the proposal.
- The analysis provided in this report suggests that not only is the proposed gastro pub not likely to adversely affect current businesses, it will have a positive overall effect on the Dubbo economy.

### Is the proposal consistent with Council's local strategy or other local strategic plan?

#### South East Dubbo Residential Urban Release Area Structure Plan

The role of the Plan is to set the overall direction for development in the south east Residential Urban Release Area, inform land use decisions in the LEP and allow the developers of the Southlakes Estate to pursue the continued development of the Estate having regard to overall infrastructure and servicing constraints.

The Plan provides four (4) 'Strategic Residential Growth Principles' which have been considered during the preparation of this PP. The principles and a comment having regard to the PP is provided within the following table:

Strategic Residential Growth Principles	Comment
Any future amendment to the Dubbo Local Environmental Plan 2011 to introduce a commercial zoning to facilitate a neighbourhood centre be required to include a maximum floorspace limitation to limit the size and configuration of any commercial development to a neighbourhood scale.	DLEP Part 7.12 and 7.12A stipulate limitations to gross floor area applicable to the subject site.
Any Planning Proposal to introduce a commercial zone to allow for neighbourhood centre development will be required to provide an economic impact assessment which provides an assessment of such a proposal on the Dubbo Central District, the Orana Mall Marketplace and other neighbourhood centres.	The EIA, prepared by PPM Consulting is attached to this report, provided at <b>Appendix K</b> . The report presents findings supportive of this PP.



A variety of access provisions are to be provided to any neighbourhood centre development including facilities for walking, cycling onsite public transport provision and suitable parking for private cars.	Access to the proposed pub within the Southlakes neighbourhood centre precinct would be via Boundary Road and Stream Avenue with car parking provided at the neighbourhood centre to allow accessibility for the surrounding community.  Similarly, pedestrian access would be facilitated by a number of paths and a bridge link to the residential area to the east of the centre.
Any neighbourhood centre development will be of a local scale which will not impact the residential amenity of development.	This will be determined as part of a separate development application with DRC. It is envisaged that building heights of residential area would be respected and sufficient setbacks provided.

Having regard to the above consideration of the Strategic Residential Growth Principles this PP is considered to be consistent with those of the Structure Plan.

#### Dubbo City Planning & Transportation Strategy 2036

The Dubbo City Planning and Transportation Strategy 2036 has been designed to provide guidance regarding the construction of roads and pedestrian pathways in Dubbo City. The 'Context' of the Plan states that the Strategy is to be considered in future strategic land use planning decisions.

Part 2.3.1 identifies community business as an *"all-encompassing name for activities that are compatible with residential activities and that generate pedestrian activity. These activities attract pedestrians, and not trucks, operate only during the day and are therefore quiet at night. Limiting the size of a development in this category limits the scale of traffic generation and therefore the impact on local streets"* (p.18).

The recommendation from the report is that community businesses must be located along streets where buildings front the street edge and parking is located at the rear of the buildings. It is intended that access to the gastro pub would be via Boundary Road with car parking provided at the neighbourhood centre to allow accessibility from the surrounding community. In this regard, this PP is considered to be consistent with Part 2.3.1 of the Dubbo City Planning and Transportation Strategy.

## Consistent with applicable State Environmental Planning Policies (SEPP)

State Environmental Planning Policy	Comment
<u>State Environmental Planning Policy No. 44 – Koala Habitat Protection</u>	<p>An Ecological Assessment provided at <b>Appendix F</b> has been prepared which assesses the impact of the proposal upon ecological communities and or their habitats.</p> <p>The report concluded that the proposed activity should not be considered to constitute a significant impact and, as such, no Species Impact Statement (SIS) is warranted and no Koala Habitat Management Plan pursuant to SEPP 44 should be required. In this respect the suitability of this site for residential and commercial purposes is considered suitable.</p>
<u>State Environmental Planning Policy No. 55 – Remediation of Land</u>	<p>Clause 6 of <i>SEPP 55 – Remediation of Land</i> requires the issue of contamination and remediation to be considered in zoning or rezoning proposals. A contamination investigation has been prepared for the subject land which found the land to be suitable for its intended development. In this respect the suitability of this site for residential purposes is considered suitable.</p>
<u>State Environmental Planning Policy No. 64 – Advertising and Signage</u>	<p>The change in zoning would enable limited business uses subject to development consent from Council. If signage were to form part of a future development application the provisions of <i>SEPP 64 – Advertising and Signage</i> would apply and the development and would need to ensure the relevant provisions of the policy are achieved. This PP does not include provisions that contradict or hinder the application of this policy.</p>
<u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>	<p>The provisions of <i>SEPP (Exempt and Complying Development Codes) 2008</i> would continue to apply to the land generally consistent with that achievable under the current land zoning. This PP does not include provisions that contradict or hinder the application of this policy.</p>
<u>State Environmental Planning Policy (Infrastructure) 2007</u>	<p>The provisions of <i>SEPP (Infrastructure) 2007</i> would continue to apply consistent with that achievable under the current zoning. This PP does not include provisions that contradict or hinder the application of this policy.</p>



State Environmental Planning Policy  
(Mining, Petroleum Production and  
Extractive Industries) 2007

The site is not located within any identified resource areas, potential resource areas or transitional areas. There are adjacent extractive industries to the east of Sheraton Road. The adjacent industries are provided with landscaped managed setbacks to Sheraton Road and the future residential land which are also limited via respective development consents and mining leases. An acoustic modelling report and mapping is provided at **Appendix H**. Given existing development on the site and within the immediate locality this PP would be of minor significance and would not further restrict development potential or create land use conflict beyond existing arrangements.

#### 4.2.1 Consistent with the applicable Part 9.1 (2) Ministerial Directions?

The Minister for Planning and Infrastructure, under Part 9 of the EP&A Act 1979 issues directions that local Councils must follow when preparing PP's for new Local Environmental Plans. The directions cover the following broad categories:

1. Employment and Resources
2. Environment and Heritage
3. Housing, Infrastructure and Urban Development
4. Hazard and Risk
5. Regional Planning
6. Local Plan Making

The following table provides an assessment of this PP against the relevant Part 9.1 directions.

Ministerial Direction	Comment
<u>Direction 1.1 – Business and Industrial Zones</u>	This direction is applicable as the PP is within land zoned B1 – Neighbourhood Centre. The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres.
<u>Direction 1.3 – Mining, Petroleum Production and Extractive Industries</u>	This direction is applicable as the PP is adjacent to operative basalt quarries located upon the eastern side of Sheraton Road. The PP is not considered to prohibit the winning or obtaining of extractive materials or restricting their potential development of such by permitting a land use that is likely to be incompatible with such development as sufficient buffer is provided between land uses, landscaped setbacks are maintained and provided within the front setbacks of the quarries and Sheraton Road, and Development consent D2016-482 issued by the JRPP approved the most recent quarry having regard to the cumulative environmental impact assessment upon surrounding land uses, including conditions of consent requiring the extraction regime to be undertaken in a co-ordinated manner to maintain residential amenity.  It is noted that the PP's subject land is currently zoned for neighbourhood centre use and provides a residential land use buffer as well as the road corridor of Sheraton Road.
<u>Direction 2.1 – Environment Protection Zones</u>	This direction does not apply to this PP as mapped by the DLEP <i>Natural Resource Biodiversity Map NRB_008</i> as being of 'high' biodiversity significance. The area is not known to contain an Endangered Ecological Community (EEC). This PP is not considered to adversely affect the EEC.



<u>Direction 2.3 – Heritage Conservation</u>	<p>This direction is not applicable as the PP affected land does not include known items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Notwithstanding, an Environmental Heritage Report and Aboriginal Archaeological report has been prepared for the site. The reports conclude the land is suitable for future development.</p>
<u>Direction 3.1 – Residential Zones</u>	<p>This direction is not applicable as the PP is not in relation to any residentially zoned land.</p>
<u>Direction 4.3 – Flood Prone Land</u>	<p>This direction is applicable as the very southern extent of the current lot is slightly mapped as being identified as flood prone land by the DLEP.</p> <p>The subject proposal and identified particular portion of land is not impacted by flooding, and the subject PP is for a ‘use’ within an existing commercial zone.</p>
<u>Direction 6.1 – Approval and Referral Requirements</u>	<p>This direction applies to all PPs forwarded for Gateway Determination by a local authority.</p> <p>The proposed APU includes provisions that would not trigger a need for concurrence, consultation, or referral to the State Government.</p>
<u>Direction 6.3 – Site Specific Provisions</u>	<p>This direction applies to the subject PP as the PP is for the APU of a pub land use on the subject site.</p>

## 4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

**Is there a likelihood that critical habitat or threatened species, populations or ecological communities or their habitats, will be adversely affected as a result of the proposal?**

An Ecological Assessment provided at **Appendix D** was prepared and assessed under a previous PP for the subject land and wider area, which resulted in the land obtaining its commercial zoning. The report concluded that the proposed activity should not be considered to constitute a significant impact and, as such, no Species Impact Statement (SIS) is warranted. No Koala Habitat Management Plan pursuant to SEPP 44 should be required.

This PP does not affect the existing DLEP 'Additional Local Provisions' for consideration of Natural Resource – biodiversity and Groundwater vulnerability.

**Are there any other likely environmental effects as a result of the PP and how are they proposed to be managed?**

The parcel of land subject to this PP largely consist of vacant grassland of no particular environmental value. No known threatened species or ecological communities are present on each site. Any future development of these areas would require due consideration of relevant environmental impacts be undertaken during a development application.

**Has the PP adequately addressed any social and economic effects?**

The proposed additional permitted use on the site would have minimal social and/or economic impacts on the surrounding locality.

## 4.4 STATE AND COMMONWEALTH INTERESTS

**Is there adequate public infrastructure for the PP?**

The subject site and subject area for the proposed additional permitted use does not currently feature infrastructure connections. However, the site is identified within the Servicing Strategy (**Appendix C**) which represents how the site will be provided with reticulated water and sewer, as well as appropriate stormwater drainage infrastructure.

In addition, vehicle, pedestrian and public transport access would service the site via the Boundary Road extension which would front the site, as well as the adjacent road running along the western boundary of the site.

**What are the views of state and commonwealth public authorities consulted in accordance with the Gateway determination?**

The views of State and commonwealth public authorities would be ascertained during the formal consultation phase of this PP assessment in accordance with the Gateway Determination.



## COMMUNITY CONSULTATION

### 5.1 TYPE OF COMMUNITY CONSULTATION REQUIRED

Section 5.5.2 of 'A Guide to Preparing Local Environmental Plans' identifies two different exhibition periods for community consultation;

- Low Impact Proposals – 14 days; and
- All other Planning Proposals (including any proposal to reclassify land) – 28 days.

The Guide describes Low Impact Proposals as having the following attributes;

- *A 'low' impact planning proposal is a planning proposal that, in the opinion of the person making the gateway determination, is;*
  - *Consistent with the pattern of surrounding land use zones and/or land uses;*

The proposed additional permitted use on the subject site accords with Council's local strategies and policies as detailed above and would be consistent with the commercially zoned portion of land and proposed development of the site.

- *Consistent with the strategic planning framework;*

Responses have been provided within Section 4.2 of this report detailing the proposal's compliance with relevant local, regional and state planning strategies, policies, and ministerial directions.

- *Presents no issues with regard to infrastructure servicing;*

The proposed use and any potential future development of the site would have access to future sewer, water, stormwater, electricity and telecommunication services and facilities in the area.

- *Not a principle LEP; and*

Not relevant.

- *Does not reclassify public land.*

The PP does not seek to reclassify existing public land.

In accordance with the responses to the above 'Low Impact Proposals' guide, the PP is considered to be of low impact. Respectfully, it is therefore requested that a community consultation period of 14 days be applied to the exhibition of this PP.