

ANNEXURE D
STATEMENT OF CONSISTENCY, SECTION 117 DIRECTIONS
DAISY HILL, DUBBO

1. EMPLOYMENT AND RESOURCES

1.1 Business and Industrial Zones

This Direction does not apply because the Planning Proposal does not affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

1.2 Rural Zones

This Direction does not apply because the Planning Proposal does not affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

1.3 Mining, Petroleum and Extractive Industries

The planning proposal is not affected by this Direction.

1.4 Oyster Aquaculture

The planning proposal is not affected by this Direction.

1.5 Rural Lands

This Direction does not apply because the Planning Proposal:

- Does not affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary).
- Does not change the existing minimum lot size on land within a rural or environment protection zone.

2. ENVIRONMENT AND HERITAGE

2.1 Environment Protection Zones

This Direction does not apply because the Planning Proposal does not affect land within an environment protection zone.

2.2 Coastal Protection

The Planning Proposal is not affected by this Direction.

2.3 Heritage Conservation

This Direction is applicable to the Planning Proposal because the subject land comprises:

- A listed heritage item of Local Significance (being the existing pise house within Lot 65 DP 754287); and
- Two aboriginal sites in Lot 64 DP 754287 as listed on the Department of Environment, Climate Change and Water *Aboriginal Heritage Information Management System* (AHIMS). The sites were identified as an artefact and a modified tree (carved or scarred). The artefact was identified adjacent to the existing dwelling and the modified tree within the stand of remnant vegetation located in the central section of the investigation area.

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

According to this Direction, a planning proposal must contain provisions that facilitate the conservation of:

- a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
- b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
- c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

The Planning Proposal is inconsistent with this Direction to the extent that it does not include provisions to the above effect. However, the inconsistency is justified on the grounds that the potential impacts are not significant and that a more detailed assessment can be undertaken at the DA stage. In this regard:

- This Planning Proposal does not alter the heritage status of the identified heritage item (pise house). The current provisions of Dubbo LEP 2011 require an assessment of potential heritage impacts. Prior to any development involving the item or land in the vicinity of the item, it will be necessary to prepare a Statement of Heritage Impact in accordance with the NSW Heritage Office publication *Statement of Heritage Impact Guidelines* (particularly Table 7 – Relevant HIS Questions). It is appropriate for this assessment to be undertaken at the DA stage.

- In regard to the identified Aboriginal sites:
 - A consent and permit to salvage the artefact was granted in June 1999 with the artefact placed in the care and control of the Dubbo Local Aboriginal Land Council. As such, the artefact has been removed from the site.
 - The development layout in this Planning Proposal aims to protect the scarred tree that remains on the site. No trees near the scarred tree will be removed as part of the development.
 - No other aboriginal heritage sites are recorded or declared in or near the investigation area.
 - The Aboriginal archaeological site investigation that has been undertaken by Envirowest Consulting (refer Annexure I of the Planning Proposal) follows the generic due diligence process as expressed in *The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*.

2.4 Recreation Vehicle Areas

The Planning Proposal is not affected by this Direction.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

3.1 Residential Zones

This Direction is applicable to the Planning Proposal.

The objectives of this Direction are:

- a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- c) to minimise the impact of residential development on the environment and resource lands.

According to this Direction a planning proposal must include provisions that encourage the provision of housing that will:

- a) broaden the choice of building types and locations available in the housing market, and
- b) make more efficient use of existing infrastructure and services, and

- c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
- d) be of good design.

A planning proposal must, in relation to land to which this Direction applies:

- a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
- b) not contain provisions which will reduce the permissible residential density of land.

The Planning Proposal is considered to be consistent with this Direction due to the following:

- It broadens the choice of building types and locations available in the housing market, compared to what is currently permissible on the site, due to a mixture of different proposed lot sizes.
- The proposal will increase lot yield and thus will contribute to a more efficient use of existing infrastructure and services.
- The proposal applies to land currently zoned R5 Large Lot Residential. The proposed increase in lot yield may assist to reduce the consumption of land for housing and associated urban development in other urban fringe areas.
- The planning proposal is not adverse to the provision of housing with good design.
- Town water, electricity and telecommunications are available in the area and will be extended to the proposed development in accordance with the requirements of the relevant service authority. In accordance with Council's normal requirements the provision of services will occur at the subdivision stage and prior to any residential development being undertaken on any allotment.
- The planning proposal does not contain provisions that reduce the permissible residential density of the subject land. In fact the proposal seeks to increase the permissible residential density.

3.2 Caravan Parks and Manufactured Home Estates

The Planning Proposal is not affected by this Direction.

3.3 Home Occupations

The Planning Proposal is not affected by this Direction.

3.4 Integrating Land Use and Transport

This Direction applies to the Planning Proposal.

There are no aspects of the proposal that are inconsistent with the objectives of this Direction, particularly as:

- The existing and planned road system would be of an adequate standard to cater for the additional traffic that would be generated by this proposal.
- School bus routes operate in the vicinity of the subject land along with passenger services along Pinedale, Torwood and Eulomogo Roads. Such services can be extended to the new lots as demand dictates.
- The distance of the site from the CBD, does not warrant the provision of pedestrian and cycling paths.

3.5 Development near Licensed Aerodromes

The Planning Proposal is not affected by this Direction.

3.6 Shooting Ranges

The Planning Proposal is not affected by this Direction.

4. HAZARD AND RISK

4.1 Acid Sulphate Soils

The Planning Proposal is not affected by this Direction.

4.2 Mine Subsidence and Unstable Land

The Planning Proposal is not affected by this Direction.

4.3 Flood Prone Land

The Planning Proposal is not affected by this Direction.

4.4 Planning for Bushfire Protection

This Direction is applicable to the Planning Proposal because part of the eastern fringe of the subject land (bounding Torwood Road) is within the 100 metre buffer area that is attributed to a section of High Category bushfire prone land to the east of the subject land.

Future development within this tract of land is required to satisfy the *Rural Fires Amendment Regulation 2006* and the relevant provisions of *NSW Rural Fire Service Planning for Bushfire Protection 2006*. Whilst a full assessment would be undertaken at the DA stage, a preliminary assessment indicates that the proposed lots in the vicinity of the bushfire prone land would be subject to an Asset Protection Zone of 10 metres based on the following:

- The hazard vegetation is to the east of the subject land and is identified as woodland.
- The hazard vegetation is upslope of the subject land and the slope under vegetation is within the range of 0 - 5°.
- The subject land is within the FDI 80 Fire Area. Accordingly, *Table A2.5 Minimum Specifications for Asset Protection Zones for Residential and Rural Residential Subdivision (for Class 1 and 2 Buildings)* is used to determine the APZ. With reference to this table, an APZ of 10 metres is required.

5. REGIONAL PLANNING

5.1 Implementation of Regional Strategies

The Planning Proposal is not affected by this Direction.

5.2 Sydney Drinking Water Catchments

The Planning Proposal is not affected by this Direction.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

The Planning Proposal is not affected by this Direction.

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

The Planning Proposal is not affected by this Direction.

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)

Revoked

5.6 Sydney to Canberra Corridor

Revoked

5.7 Central Coast in vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)

Revoked

5.8 Second Sydney Airport: Badgery's Creek

The Planning Proposal is not affected by this Direction.

6. LOCAL PLAN MAKING

6.1 Approval and Referral Requirements

The Planning Proposal does not alter provisions relating to approval and referral requirements.

6.2 Reserving Land for Public Purposes

The Planning Proposal is not affected by this Direction.

6.3 Site Specific Provisions

The Planning Proposal is not affected by this Direction.

7. METROPOLITAN PLANNING

7.1 Implementation of the Metropolitan Strategy

The planning proposal is not affected by this Direction.