

PLANNING PROPOSAL

**Reduce the Minimum Lot Size for Subdivision of
Lots 661 and 662 DP 565756; Lots 64 and 65 DP 754287;
Lots 316 and 317 DP 754308; and Lot 200 in DP 825059
Daisy Hill, Eulomogo, Pinedale and Torwood Roads, Dubbo**

**Prepared for
Bourke Securities Pty Ltd**

Ref: PP13032(v3)

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1.0 INTRODUCTION

1.1 OVERVIEW

This Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning & Assessment Act 1979 (the Act) and the Department of Planning's advisory document *A Guide to Preparing Planning Proposals*.

A Gateway determination under Section 56 of the Act is requested.

Bourke Securities Pty Ltd was initially invited to submit a Planning Proposal in response to the following resolution of Dubbo City Council dated 27 May 2013:

7. That in relation to submission 40 (Daisy Hill):

- a) Council invite the proponent to submit a Planning Proposal which seeks to amend the LEP as follows:*
 - (i) The minimum allotment size for subdivision of Lots 661 and 662 DP 565756 Eulomogo, Pinedale and Torwood Roads and the subdivision of Lot 200 DP 825059 Eulomogo Road, Dubbo be a minimum of 6,000m²;*
 - (ii) Lots 64 and 65 DP 754287 Eulomogo and Pinedale Roads, Dubbo be a minimum of 1.5 hectares; and*
 - (iii) Lots 316 and 317 DP 754308 Eulomogo and Pinedale Roads, Dubbo be an average of 6 hectares.*
- b) That for the purposes of preparing a Planning Proposal for the subject land described in 7(a) above, Council accept that the proposal would be consistent with the Urban Development Strategy Plan specifically in respect of Strategy (A) – Residential Areas Development Strategy*

A Planning Proposal was prepared on the basis of the above resolution. However, as a result of various detailed assessments and on-going meetings with Council and NSW Department of Primary Industries staff throughout the process, it has been agreed to revise and submit the Planning Proposal on the basis of the following:

- *The minimum allotment size for subdivision of Lots 661 and 662 DP 565756 and Lot 65 DP 754287 be 3 hectares;*
- *The minimum allotment size for subdivision of Lot 64 DP 754287 be 1.5 hectares;*
- *The minimum allotment size for subdivision of Lots 316 and 317 DP 754308 be 6,000m²;*
- *The minimum allotment size for subdivision of Lot 200 DP 825059 be retained at 1.5 hectares as is presently the case under the LEP;*

The subject land is zoned R5 Large Lot Residential. The character of development permitted under such zoning is more commonly referred to as rural residential or rural lifestyle development. The intent is for this style of development to continue albeit based on a smaller lot size than is currently provided for in the current Dubbo Local Environmental Plan 2011 (DLEP 2011).

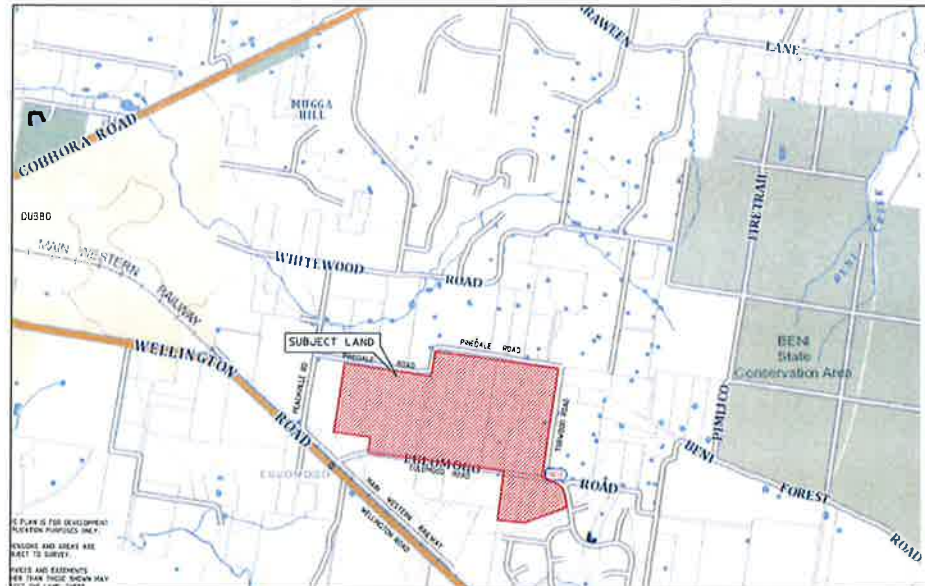
Accordingly, this planning proposal seeks to amend the Minimum Lot Size (MLS) for the subject land as indicated in the table below.

Land	Zoning	Current Minimum Lot Size	Proposed Minimum Lot Size
Lot 200 DP 825059	R5 Large Lot Residential	1.5 hectares	1.5 hectares (no change to LEP)
Lot 661 DP 565756	R5 Large Lot Residential	8 hectares	3 hectares
Lot 662 DP 565756	R5 Large Lot Residential	8 hectares	3 hectares
Lot 65 DP 754287	R5 Large Lot Residential	8 hectares	3 hectares
Lot 64 DP 754287	R5 Large Lot Residential	8 hectares	1.5 hectares
Lot 316 DP 754308	R5 Large Lot Residential	8 hectares	6,000m ²
Lot 317 DP 754308	R5 Large Lot Residential	8 hectares	6,000m ²

The current MLS enables a lot yield in the order of 80 lots. Based on the proposed MLS, lot yield may increase to approximately 284 with lot sizes ranging from 6,000m² to 3 hectares (subject to design and site constraints).

1.2 LOCATION OF SUBJECT LAND

The subject land commences approximately 7.5 kilometres to the east of the Dubbo CBD and approximately 2.5 kilometres to the east of the Dubbo urban fringe (refer below and Figure 1, Annexure A).



1.3 SITE DESCRIPTION

The Real Property description of the subject land is Lots 661 and 662 DP 565756; Lots 64 and 65 DP 754287; and Lots 316 and 317 DP 754308. It has a total area of approximately 383 hectares (refer Figure 2 Annexure A).

The majority of the land is on the northern side of Eulomogo Road. It is bounded to the north by Pinedale Road and to the east by Torwood Road.

The topography of the land comprises very gently inclined slopes that fall gradually to the west from a low rise along the eastern fringe of the property. Elevation across the subject land is in the range of 311 to 377 metres AHD.

The subject land is substantially clear of native woodland with only a small concentration remaining towards the centre of Lot 64 DP 754287. Vegetative cover is dominated by introduced pasture species including ryegrass, lucerne, soft brome and oats. Native pasture species includes weeping grass, spear grass, native medics and naturalised clovers. White cypress pines are located around the boundary of the site and isolated white cedar, white cypress pines and kurrajong trees occur throughout the paddocks.

In terms of surface water, there are no permanent streams within the subject land. An intermittent drainage line is located through the central section of the site and runs south east to north west. Surface water over the majority of the site flows into intermittent drainage lines which empty into Troy Creek located approximately 900 metres to the northwest of the site.

Surface water in the southern section of the site flows south and into Eulomogo Creek located approximately 1 kilometre from the site.

In terms of groundwater, there are three operational bores and two abandoned bores within the site. Water bearing zones range from 14 metres to 90 metres and standing water levels range from 12 metres to 52 metres. These bores indicate shallow water does not occur on the site.

The subject land has a long history of grazing and occasional cropping. Improvements to the property are reflective of such land use. Dwellings and associated infrastructure are located on Lots 64 and 65 DP754287 and Lot 662 DP565756.

1.4 DEVELOPMENT CONCEPT

The rural residential development of the site would involve the following:

- Lot sizes ranging from 6,000m² to 3 hectares.
- A sealed internal road network to provide access to all of the proposed lots;
- Disposal of wastewater will be undertaken on-site;
- Water supply for residential purposes to be provided via connection to the town water supply, supplemented by rainwater tanks.

It is proposed that the development be released in stages, based on demand for the lots and the provision of roads and services.

A conceptual development plan has been prepared and is attached to this report (refer Figure 3 in Annexure A). It should be noted that the conceptual plan is indicative only at this stage and is subject to final assessment and design.

2.0 OBJECTIVES OR INTENDED OUTCOMES

The objectives or intended outcomes of this Planning Proposal are:

- To reduce the Minimum Lot Size (MLS) for the subject land.
- To continue rural residential development of the area on the basis of a smaller lot size than is currently provided for in the current Dubbo Local Environmental Plan 2011 (DLEP 2011).

3.0 EXPLANATION OF PROVISIONS

The objectives or intended outcomes of this Planning Proposal would be achieved by:

- Amending the *Dubbo Local Environmental Plan 2011 Lot Size Map (Sheet LSZ_008)* as it applies to Lot 65 DP 754287 and Lots 661 and 662 DP 565756 to permit a Minimum Lot Size of 3 hectares.
- Amending the *Dubbo Local Environmental Plan 2011 Lot Size Map (Sheet LSZ_008)* as it applies to Lot 64 DP 754287 to permit a Minimum Lot Size of 1.5 hectares.
- Amending the *Dubbo Local Environmental Plan 2011 Lot Size Map (Sheet LSZ_008)* as it applies to Lots 316 and 317 DP 754308 to permit a Minimum Lot Size of 6,000m².

4.0 JUSTIFICATION

4.1 NEED FOR THE PLANNING PROPOSAL

a) Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report. However, it is in response to the following resolution of Dubbo City Council, dated 27 May 2013:

7. That in relation to submission 40 (Daisy Hill):

a) Council invite the proponent to submit a Planning Proposal which seeks to amend the LEP as follows:

(i) The minimum allotment size for subdivision of lots 661 and 662 DP 565756 Eulomogo, Pinedale and Torwood Roads and the subdivision of Lot 200 DP 825059 Eulomogo Road, Dubbo be a minimum of 6,000m²;

(ii) Lots 64 and 65 DP 754287 Eulomogo and Pinedale Roads, Dubbo be a minimum of 1.5 hectares; and

(iii) Lots 316 and 317 DP 754308 Eulomogo and Pinedale Roads, Dubbo be an average of 6 hectares.

b) That for the purposes of preparing a Planning Proposal for the subject land described in 7(a) above, Council accept that the proposal would be consistent with the Urban Development Strategy Plan specifically in respect of Strategy (A) – Residential Areas Development Strategy

The above resolution was in response to a submission made by the landowner in respect of the Administrative Review of Dubbo LEP 2011, whereby a reduction in the minimum allotment size for the subject land was sought.

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

An amendment to the Dubbo LEP 2011 Minimum Lot Size map as it applies to the subject land is the best means of achieving the objectives or intended outcomes.

c) Is there a net community benefit?

On balance, it is expected that a net community benefit would be gained from the Planning Proposal. In this regard:

- The proposal will result in an increase in the number of large residential lots within an appropriately zoned area. As such it will enhance the supply and diversity of such land.
- The proposal does not seek to change the R5 zoning of the land. As such the land will continue to be developed for large lot residential development, albeit based on a smaller lot size than is provided for in the current LEP.
- The proposed reduction in the Minimum Lot Size will allow zoned large lot residential land to be developed to an optimum yield and thus minimise pressure for such development to expand onto agricultural land.
- The proposal has the potential to bring indirect economic benefit by providing for additional permanent population in close proximity to a major regional centre.
- The provision of services and infrastructure to serve the development will be borne by the developer and without additional costs or burden upon the community. In particular:
 - The Eulomogo area is already serviced by electricity, telecommunications and town water. It is noted the subject land is included in Dubbo City Council's current Water and Sewerage Contribution Policy. The proponent recognises that Lots 661 and 662 are above Council's nominated service level for water supply. This shortcoming will be addressed during the Development Application process so that provision of water to these parcels will be to a standard acceptable to Council, at the developer's cost (refer letter of confirmation in Annexure K). The use of rainwater tanks to capture roof water for internal use, which is compulsory under BASIX, will help to minimise water demands.
 - Reticulated sewer and stormwater infrastructure is not required for this style of development. The proposed lots will incorporate on site waste water disposal and stormwater not captured on site for water supply will be returned to the rural catchment in a non-erosive manner.

- Based on the information provided later in this Planning Proposal (Section 4.3(b)(ii) Traffic Impacts) the existing road network is capable of accommodating the development without unreasonable upgrading.
- The proposal is unlikely to impact upon travel distances given that it will continue large lot residential development on the fringe of a major regional centre. The site integrates with the existing transport routes that serve the area.
- There are no known significant government infrastructure investments in the immediate area that would be affected by this proposal.
- The subject land has not been identified as having any significant environmental or biodiversity values. The land has been subject to ongoing agricultural activities (grazing and dryland cropping) over many years. Consequently the land has been cleared and is highly disturbed.

4.2 RELATIONSHIP TO STRATEGIC PLANNING NETWORK

a) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

There is no Regional Strategy that is relevant to the subject land or proposal.

b) Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

(i) Dubbo City Council Urban Development Strategy (A) Residential Areas Development Strategy, 1996

The *Dubbo City Council Urban Development Strategy (A) Residential Areas Development Strategy, 1996* (the Strategy) is to be considered.

Part (b) of the Council resolution of 27 May 2013 states:

That for the purposes of preparing a Planning Proposal for the subject land described in 7(a) above, Council accept that the proposal would be consistent with the Urban Development Strategy Plan specifically in respect of Strategy (A) – Residential Areas Development Strategy

On the basis of the above resolution, it is the formal position of Council that the proposal described by this Planning Proposal is consistent with the Strategy. In arriving at this decision, it is understood that Council were aware of a legal Memorandum of Advice (MoA) prepared by TF Robertson Senior Counsel on behalf of the proponent. A copy of the MoA is attached to this Planning Proposal as Annexure B.

The MoA considers the proposal with reference to the Strategy and is predicated on the basis of the following:

"....land releases for rural residential development have no impact upon the strategy, which was designed to provide a supply pipeline of urban land favouring development to the west. Development of the urban fringe stands apart and was considered according to different principles." (MoA Page 11 under item 19.)

In arriving at this position the MoA makes the following points:

- Rural residential development (being the style of development contemplated by this Planning Proposal) represents rural fringe development. As stated in the MoA (under item 10) *it is not part of the urban environment of Dubbo: it sits on the fringe between the urban and rural areas of the City, but is impressed with the character, by its long-term zoning, of rural residential land.*
- The objective of the strategy to rebalance the eastward expansion of the urban area back to the west is not relevant in regard to rural fringe development. At item 5 of the MoA, it states:

Council's strategy will not be affected at all by the location of rural fringe development, and it is clear from the face of the strategy that the location of that development depends upon land capability rather than in promoting the objective of rebalancing urban development in Dubbo towards the west. In the rural fringe areas, the critical matters are salinity and maintaining the rural buffer. So long as the development proposal meets those goals, it complies with the strategy. In fact, the strategy encourages rural fringe development in the eastern fringe because it provides another level of housing choice, allowing internal migration by existing residents and paradoxically, enabling environmental repair of areas which have been denuded of vegetation at what is now realised to be significant environmental cost. Well planned rural residential development can advance public goals at private cost, so long as it does not require diversion of Council's resources for the construction of infrastructure and services."

- It is therefore a reasonable submission that the minimum lot sizes that currently apply to the subject land were not based on any strategic intent relating to the east-versus-west expansion of the urban area. Rather, they relate to:
 - Potential salinity impacts caused by smaller lot sizes.
 - Maintenance of the rural buffer which separates urban land use from rural land use.

In regard to the rural buffer, reference to the Strategy Sub-district Map (East) will confirm that the subject land does not encroach upon the defined Buffer area.

In regard to the salinity issue, the MoA states:

In the map of this sub-district, the subject land has two subscripts, one stating “no further development pending the adoption of a salinity strategy in this area” and the other “salinity issue no further development until resolved”. The corollary is that, once resolved, further development will take place (under item 19).

In my opinion, the intention of this strategy is to encourage and promote environmentally suitable development for small acreage rural residential lifestyle dwellings on this land once the salinity issue has been resolved. The constraints on future development depend not upon the overarching strategy of shifting development to the west but upon resolution of those issues. Nothing in my opinion could be clearer (under item 20).

In addition to the points made in the MoA, the following information demonstrates consistency with the Policy requirements of the Eastern Sub-District Residential Strategy.

Dubbo City Council Urban Development Strategy (A) Residential Areas Development Strategy, 1996 Eastern Sub-District Residential Strategy	
Policy	Response/comment
Confirm the residential market targets for the subdistrict as Urban Fringe only	Consistent. The proposed lots are all of a size to maintain rural residential character which typifies the urban fringe.
Only limited municipal services to be provided	Consistent. As with existing rural residential development in the sub district the proposed lots will be connected to town water, electricity and telecommunication services only.
Confirm the existing residential 1(c) zonings where already in place.	Consistent. The proposal does not involve a change to existing zoning (formerly 1(c) now R5 under DLEP 2011)
No further fragmentation of the Buffer area	Consistent. The subject land is located outside the Buffer area.
Further development only where environmental issues have been resolved	Consistent. This Planning Proposal is supported by environmental assessments which demonstrate that environmental issues can be resolved.
Council to promote future development of an environmentally conscious nature, i.e. reduced contribution to dryland salinity, erosion control, revegetation, habitat and watercourse protection, efficient effluent disposal etc through its environmental management programs	Consistent. This Planning Proposal is supported by environmental assessments which demonstrate that environmental issues can be resolved. Should the PP progress through the Gateway, additional studies can be undertaken to ensure satisfactory environmental performance.

Dubbo City Council Urban Development Strategy (A) Residential Areas Development Strategy, 1996 Eastern Sub-District Residential Strategy	
Policy	Response/comment
Consider need for, and the provisions of, a Transport Corridor Zone to protect efficiency and safety without the need for reduced highway speeds	Council has not designated a Transport Corridor Zone.
Protection of transport corridors to consist of restrictions on creation of new access points to frontage properties, restrictions of further subdivision and restrictions on rezoning for residential purposes within the designated transport corridors.	Council has not designated a Transport Corridor Zone.
Creation of a Buffer zone based on the Rural Strategy provisions for Buffer creation, policy 10 of the Central District Strategy p.62	Consistent. The sub-district map identifies the Buffer zone and the subject land is located outside the defined Buffer area.
Consider the creation of a zone to manage small acre areas which have potential for further subdivision to sizes greater than that permissible in present 1(c) zones.	The proposal is not adverse to this policy.
Allow no further development (subdivision) in the area generally bounded by Peachville Rd, Eulomogo Rd and Whitewood Rd, pending the outcome of the dryland salinity study as outlined in the Rural Strategy (Central District Strategy page 61 Policy 4).	Consistent. This proposal is accompanied by a salinity study which supports further subdivision of the subject land.
Restrictions on the construction of further dwellings on existing holdings to be removed subject to environmental limitations	This policy is not applicable to the proposal.

(ii) Dubbo City Planning & Transportation Strategy 2036

Whilst the broad principles of the *Dubbo City Planning & Transportation Strategy 2036* do not represent the adopted Strategic Landuse Policy for the City and its future growth; they are to be considered in future strategic land use planning decisions.

There are no aspects of the Planning Proposal that conflict with the broad principles of the Transport Strategy.

c) Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal is consistent with the applicable State Environmental Planning Policies (refer to Annexure C).

Orana Regional Environmental Plan No. 1 – Siding Spring Observatory applies to the Dubbo LGA. The REP is primarily concerned with large light emissions in the region and their impacts on the observatory. Given the observatory is located some 100 kilometres away in Coonabarabran, the REP is not considered relevant to the proposal.

d) Is the planning proposal consistent with applicable Ministerial Directions?

Section 117 of the Environmental Planning and Assessment Act, 1979 allows the Minister to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft Local Environmental Plans.

A Planning Proposal needs to be consistent with the requirements of the Direction but can be inconsistent if justified using the criteria stipulated.

The consistency or otherwise of the planning proposal with the Ministerial Directions is provided in Annexure D.

4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

A preliminary flora and fauna assessment has been undertaken by Envirowest Consulting (refer Annexure E).

The Assessment concludes as follows:

The study area consists of disturbed improved grasslands with isolated trees and a small area of the listed endangered ecological community Inland Grey Box woodland. The woodland is highly modified due to regular grazing, presence of weeds and absence of regeneration and therefore of low ecological value. Additional assessments will be required to determine if the woodland along road reserves forms part of an endangered ecological community.

Threatened or endangered species and populations are unlikely to be present within the study area. Development areas are expected to be within grassland areas that have been disturbed through clearing, stock grazing, cropping and

agricultural practices. The construction of dwellings, driveways, access roads and fencing is not expected to inhibit faunal habitat or movement.

Access from Pinedale Road will not require the removal of trees. Habitat will not become further isolated or fragmented. Preliminary conclusions are the development will not have a significant impact on threatened species, populations or communities.

Typical recommendations which will ensure the protection and maintenance or enhancement of habitat for the native flora and fauna existing or likely to exist within the study area include:

- Restrict the removal of trees and shrubs*
- Restrict the removal of dead trees*
- Retain fallen logs as habitat where possible*
- Avoid the introduction of introduced plants that may become weeds*
- Erosion and sediment control plans to be implemented prior to construction activities*
- Restrict the removal of bush rock*
- Maintain understorey shrubs, herbs and grasses*
- Control feral animals*
- Restrict removal of timber for commercial purposes*
- New boundary fences to be 90cm high stock proof fences constructed of plain wire to ensure free movement of native fauna*

The Assessment recommends as follows:

An additional assessment will be undertaken to describe flora and fauna over the whole Daisy Hill site to confirm the preliminary conclusions. The additional assessment will include the road reserves areas adjacent and within the Daisy Hill Estate. The flora and fauna assessment will include assessment of impacts and mitigation measures to minimise the impacts.

b) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The potential impacts of the Planning Proposal are considered below.

(i) Salinity

An extensive site investigation was undertaken by Envirowest Consulting (refer Annexure F) in consultation with Mr Allan Nicholson (Team Leader, Land Management Technical Group, Water Research Unit, Department of Primary Industries) to assess the existing salinity conditions of the soil and groundwater and determine the impact of the development on groundwater.

The groundwater and soil salinity investigation included:

- A desktop study comprising a review of historical investigations, soil landscape maps, hydro-geological landscapes, groundwater databases and groundwater vulnerability maps.
- An electromagnetic induction (EM31) survey and soil investigation to map subsurface salinity and identify the boundary between the Pilliga Sandstone and Purlewaugh Formation.

A surface inspection was undertaken for evidence of salinity from vegetation growth. Sub-surface investigations included construction of boreholes in areas based on the EM survey. Boreholes were constructed to 6m depth, profile described and soil samples collected for electrical conductivity.

Soil analysis results were used to calibrate the EM survey. Simulation modelling of hydraulic and salinity flows were undertaken for pre and post development scenarios.

Assessment was undertaken of the land-use objectives of the Dubbo City Urban Salinity Management Strategy. An on-site meeting was held with Mr Allan Nicholson, Team Leader, Land Management Technical Group, Water Research Unit, Department of Primary Industries. The strategic framework, salt impacts, groundwater recharge, land-use and infrastructure of the development was assessed.

The Report makes the following conclusions:

The Daisy Hill Estate is located on improved grazing and cropping land on the properties Peachville Park, Peachville Park South, Olivetti and Firgrove. The land has been extensively cleared and little deep rooted vegetation remains. Vegetation comprises native and introduced grasses, clovers, medics and broadleaved weeds. Scattered eucalypt, kurrajong and native pines are located over the site. Removal of deep rooted vegetation over the site for farming has resulted in changes in the water balance and has potential for redistribution of salt in the landscape.

No permanent waterways, poorly drained or seepage, discharge or water logged areas are located on the site. Several small farm dams are located along drainage lines. Soil on the site is brown to yellowish red sandy loam to sandy clay loam over a strong brown to yellowish red sandy clay to medium clay with sand.

Daisy Hill is located in the Richmond Estate and Firgrove Hydro-geological Landscapes (HGL) forming part of the upper Troy Gully catchment. Salinity issues within the Richmond Estate HGL indicate potential for moderate to high impact and the Firgrove HGL low to moderate potential impact. No shallow groundwater was identified on the site. Bores on the site have confined water bearing zones greater than 10m in sandstone and basalt.

Hydro-geological mapping identified a potential salinity risk at the interface between the Pilliga Sandstone and Purlewaugh Formation. The interface was identified by EM survey and confirmed by borehole construction, soil sampling and analysis. Moderate to high soil salinity was identified at the interface area. Groundwater sensitive design was undertaken to minimise the impacts on salinity of the development. The recommendations to manage salinity were undertaken after consultation with Allan Nicholson to achieve industry best practice.

High soil conductivity levels from EM31 survey was recorded in the central area of the site at in the northern section of Peachville Park. The high EM conductivity levels are attributed primarily to the response from clayey subsoils. Soil analysis from three boreholes identified low to moderately saline soil from 2.5m in part of the northern section of Peachville Park.

An area of moderate salinity was also identified in a small area of west of the site from EM survey and soil borings. Impacted soil was at a depth of greater than 1.8 metres.

Simulation modelling of hydraulic and salinity balances indicated the development will result in a reduction in infiltration and groundwater recharge on the site. Reduced infiltration, recharge and salinity are achieved by planting of deep rooted vegetation along road reserves. The simulation modeling indicates the salinity status of the site and off-site will be unchanged by the development.

The report makes the following Recommendations:

Establish deep rooted vegetation in road reserves

Deep-rooted vegetation comprising trees and shrubs planted along all road reserves and in strategic areas equivalent to 36.5 hectares. Vegetation buffers along road reserves in areas identified at the hydro-geological interface will be 30m wide on the upper side of the sealed road equivalent to 3.2 hectares. Vegetation buffers along road reserves in other areas of the site will include a 10m wide vegetated area on both sides of the road equivalent to 30ha. Other designated vegetation buffer zones in the plan will be 3.3 hectares. The vegetation buffers will contain deep rooted vegetation to extraction of soil

moisture within the profile and reduce infiltration and intercept shallow groundwater. Reducing water infiltration in to the soil will also minimise the movement of salt stores. Vegetation buffers in the Richmond Residential Estate have been effective in maintaining groundwater levels and preventing salinity impacts.

Urban sensitive design

The final subdivision plan will maintains the natural drainage pattern to ensure minimal disturbance.

The plan minimises depth of cut and exposure of susceptible soils. Earthworks in areas of saline subsoil will be restricted to depths of less than 500mm reducing the risk of exposure of saline subsoils. Reversing or mixing the soil when undertaking cut and fill will be avoided. Imported fill will be tested for salinity.

The existing trees along the unformed road on the site will be maintained. Additional trees will be established be individual landholders.

The building envelope for the lot in the north eastern corner of the investigation area under the conceptual plan will be sited outside of high saline areas as identified by the EM survey.

Infrastructure including roads and buildings will be engineered with consideration of soil aggressiveness. Dwellings in area identified in areas with high salinity require BIASE consideration including high impact membranes, exposure bricks, damp course and 32 MPa concrete.

Reduce groundwater recharge

Existing dams will be filled and no new dams will be constructed in the development preventing leaking water recharging the groundwater. Runoff from roads and other hard areas will be discharged to a drainage network which is adjacent to the vegetation buffers.

Swimming pools will be regulated to utilise paper filters rather than sand filters. Paper filters do not require backwashing therefore reducing recharge to groundwater. The requirement for paper filters on pools will be enforced by a Section 88B instrument.

Rainwater reuse

All buildings will be connected to rainwater tanks to reduce groundwater recharge. The rainwater will be used for garden watering at a time when it will be utilised by plants and not infiltrate into the soil. Collection of roof water will be enforced by a Section 88B instrument.

Waterwise gardening

Waterwise gardening will be promoted to future land owners throughout the development. This promotion will be undertaken by the developer. Dubbo City Council has a waterwise promotion program. Low water use gardens are achieved by reducing areas of irrigated lawn and the use of native species. Community trends towards waterwise gardening are expected to become more common over time. Waterwise gardening will be further encouraged by enforcing restrictions on the extraction of groundwater at the site. Native species and waterwise gardening will result in minimal requirements for applications of fertilisers and herbicides.

(ii) Traffic Impacts

The traffic pattern as a result of the development is likely to be based on commuter traffic between the subject land and Dubbo. Eulomogo, Pinedale and Peachville Roads are anticipated to provide the most likely transport routes between the site and Dubbo.

It is considered that 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 due to the following:

- The internal road network to service the proposed lots will be two lane bitumen sealed carriageways and the intersections provided to a standard satisfactory to Council.
- The primary access to the development will be via Eulomogo Road and the Mitchell Highway. Eulomogo Road; its intersection with the highway; and the level crossing at the railway line was upgraded as part of the development of Firgrove Estate by the developer. It is proposed to minimise the number of lots that will have direct access onto Eulomogo Road to ensure its function as a collector road is maintained. The Firgrove Estate is now fully developed and it is understood that there are no traffic delays.
- Based on *Austroads Guide to Traffic Engineering Practice Part 2 Roadway Capacity*, 1988, Eulomogo Road is likely to have a capacity of around 1000 vehicles per hour per lane.
- The intersection of Eulomogo Road and the Mitchell Highway is an unsignalised intersection. Based on *Austroads Guide to Traffic Engineering Practice Part 2 Roadway Capacity*, 1988, Figure 8.2 the estimated practical absorption capacity of the intersection is more than 800 vehicles per hour.

School bus routes operate along Pinedale, Torwood and Eulomogo Roads with school and passenger services available to the Firgrove and Richmond Estates. Such services can be extended to the new lots as demand dictates.

Due to the distance of the site from the CBD, pedestrian and cycling paths are not considered integral elements of the proposal.

(iii) Noise Impact

By its very nature (rural residential land use) there are no aspects pertaining to the proposal that would generate unreasonable noise impacts.

(iv) Soil Stability

A description of the study area's geology and soils is presented in the groundwater and soil salinity investigation by Envirowest Consulting (Annexure F). According to that report the soils are well draining with moderate erodibility.

Whilst it was not an express purpose of the report; it did not identify any issues pertaining to soil stability that would unreasonably constrain the proposed development.

(v) Water Quality

Potential impacts on water quality relate to the following:

- Salinity and groundwater.
- On-site effluent disposal.
- Erosion and sedimentation as a result of earthworks during the construction phases of the development.
- An increase in impervious surfaces as a result of buildings and roadways will increase the volume and velocity of run-off from the site.

The proposal is unlikely to generate unreasonable impacts on water quality due to the following:

Salinity and Groundwater

An extensive site investigation was undertaken by Envirowest Consulting (refer Annexure F) in consultation with Mr Allan Nicholson (Team Leader, Land Management Technical Group, Water Research Unit, Department of Primary Industries) to assess the existing salinity conditions of the soil and groundwater and determine the impact of the development on groundwater. The investigation found that the proposal would be satisfactory in this regard.

On-site Effluent Disposal

On-site effluent disposal systems within each lot are to comprise surface irrigation and sized to ensure nil to minimal wastewater infiltrates the soil.

An on-site effluent management study has been undertaken by Envirowest Consulting and is included as Annexure G. A desktop study and site and soil assessment was undertaken using *Australian Standard 1547:2012 On-site domestic wastewater management* and *On-site sewage management for single households* (Department of Urban Affairs and Planning 1998), as guidelines.

The assessment made the following generic recommendations for the treatment and application of effluent:

- On red earth soils, the generic recommended effluent application system is a secondary treatment system and irrigation application with an area of 537m². Other innovative systems such as an amended sand mound and composting toilets may also be suitable.
- On earthy sand soils, the generic recommended effluent application system is a secondary treatment system and irrigation application with an area of 723m². Other innovative systems such as an amended sand mound and composting toilets may also be suitable.
- All lots are expected to have sufficient areas for application systems after allowance for buffer distances to boundaries, buildings and bores.

The assessment states that the above recommendations are made using the available data and should be considered as being generalised for the site as a whole. A detailed site and soil assessment of each lot should be undertaken to make recommendations of locations and suitable systems for individual lots prior to dwelling construction.

Soil Erosion

An erosion and sediment control plan should be prepared and should provide for:

- Retention of existing vegetation around disturbed areas where practical to reduce mass movement of sediment.
- Staging of excavation and earthworks where practical to minimise the extent of ground disturbance.
- The retention of as much topsoil as possible for reuse as landscaping material.
- The use and installation of sediment traps, bunds, banks and drains in suitable locations during all stages of the development.
- The prompt revegetation or stabilisation of all disturbed areas.

- Re-sow exposed areas with appropriate grass species as soon as practical after construction works have been completed.
- The erosion and sediment control devices installed at the construction phase should remain in place until revegetation of the exposed areas has occurred.

Provided that the above measures are implemented it is not expected that there will be a significant reduction in water quality on the site or downstream from the site.

Stormwater Management

Stormwater drainage from future buildings and the roadway should be provided in a manner that returns flows to the rural catchment at non erosive velocities. In this regard the following measures may mitigate potential impacts:

- Implement appropriate erosion and sediment control devices.
- Collect roof water in rain water tanks for water supply, which will provide an on-site water supply to satisfy BASIX requirements as well as reduce the peak run-off from the site.
- Provide appropriate drains from roads, driveway and paved areas with adequate scour protection measures as required.

(vi) Flooding

The subject land is not identified as flood liable land.

(vii) Bushfire hazard

Part of the eastern fringe of the subject land (bounding Torwood Road); and part of the south western corner (off Eulomogo Road) is within the 100 metre buffer area that is attributed to sections of High Category bushfire prone land to the east and south west 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*.

(viii) Land/Site Contamination

The proposal is not expected to be constrained in terms of land or site contamination.

A preliminary site investigation was undertaken by Envirowest Consulting in accordance with the contaminated land management planning guidelines *State*

Environmental Planning Policy No. 55 (SEPP 55) to determine the potential for soil contamination of the subject land (refer Annexure H).

The contamination status of the site was assessed from a desktop study, site inspection and review of previous reports. No soil samples were collected as part of the Daisy Hill investigation. Soil samples have previously been collected from Lot 64 as part of a previous investigation.

The preliminary assessment found as follows:

- A detailed soil contamination investigation was undertaken for a previously approved rural-residential subdivision of Lot 64 DP754287 (refer Envirowest Consulting Pty Ltd report number R10297-1c.1). Analysis of soil samples collected from the field area of Lot 64 indicated the field area was suitable for residential land-use. The results are considered indicative of the field area across the investigation area.
- Potential contamination sources associated with the historic land-use of the site include:
 - Agriculture in all paddocks comprising grazing and cereal cropping
 - Minor fuel stains under aboveground storage tank (AST) in Lot 64
 - Backfill material used in a former quarry on Lot 200
- Residential land-use is expected to be suitable on the site. Additional investigations including a site inspection and soil sampling of potential areas of contamination are required to confirm suitability.
- The additional investigations should be undertaken in accordance with the contaminated land management planning guidelines of SEPP 55 and include a sampling, analysis and quality plan.

(ix) Resource Lands

The proposal would not adversely impact upon resource lands. In this regard:

- The proposal is not within a defined drinking water catchment.
- Due to the zoning pattern (R5 Large Lot Residential) the subject land does not represent an agricultural resource.
- The proposal does not encroach upon the defined rural buffer that separates residential lands from rural lands (refer Sub-district Map (East) in Council's *Urban Development Strategy - (A) Residential Areas Development Strategy*).

(x) Heritage

Schedule 5 of Dubbo Local Environmental Plan 2011 lists items of environmental heritage that are to be protected and conserved in accordance with the relevant provisions of the LEP. The Schedule indicates that an existing pipe house within Lot 65 DP 754287 is a heritage item of Local significance.

The identified item does not unreasonably constrain the proposal. However 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).

(xi) Archaeology

Aboriginal archaeology does not represent a significant constraint to the proposal.

An Aboriginal archaeological site investigation has been undertaken by Envirowest Consulting (refer Annexure I). The findings are summarised as follows:

- The assessment identified 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 sites were identified during a survey undertaken by Lloyd Nolan of Guarra Aboriginal Site Surveys in 1998. 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. The assessment concluded that the development would have no impact on the artefact as it had been removed from the site. The scarred tree was not located near proposed lot boundaries and the development would have no impact on the scarred tree.
- The development layout will protect the scarred tree that remains on the site. No trees near the scarred tree will be removed as part of the development. The site is not expected to be impacted by the proposed development. The scarred tree is not under direct threat from the development.
- No other aboriginal heritage sites are recorded or declared in or near the investigation area.

European archaeology is not expected to pose a constraint to the development. A Statement of Heritage Impact will be required in respect of the identified heritage item in Lot 65 DP 754287. An assessment of European archaeology can be undertaken at that time.

(xii) Economic Impact

Urban Economics have prepared a *Residential Supply and Demand Assessment* on behalf of the landowner (refer Annexure J).

The report was prepared in 2010, prior to the gazettal of Dubbo LEP 2011. An update document was prepared in 2012, following gazettal of Dubbo LEP 2011.

The purpose of the report was to:

- Examine the supply and demand imperatives that influence the local residential market.
- Examine the economic need for and implications of the proposed development.
- Discuss the economics of developing rural residential allotments.

The findings of the report are summarised below.

Residential Activity

In terms of residential activity in Dubbo, the report made the following findings:

- The suburban residential market historically has been considerably larger than the rural residential market in Dubbo City.
- The existing residential estates reflect this, with most offering typical suburban residential lots and houses.
- Median prices for vacant land over the three land size groupings analysed (0-1999m²; 2000-5999m²; and 6000m²-10ha) all increased substantially and consistently over the previous decade. Vacant land of 6,000m² to 10 hectares recorded the highest proportional increase in median price since 2001/02 of 176%.
- Sales of vacant land of 6,000m² to 10 hectares comprised an average of 9% sales volume since 2001/02 and houses with lots in this range comprised an average of 7% sales volume, although represented about 15% of house sales in the previous 2 financial years.
- Building approvals have been very consistent (excluding a drop off in 2006/07) and averaged about 224 approvals per annum since 2001/02.

Demand

In terms of demand the report observes that:

Dubbo's residential market has experienced steady growth throughout the last decade, with consistent sales volumes and building approvals and solid growth in median house prices. Rural residential lots form a small but key component of the City's residential market, also recording steady sales volumes and consistent price growth. The sales of rural residential lots are constrained by supply and do not represent the underlying demand for such lots in Dubbo (emphasis added).

Demand appears steady/sustained. The report provides figures to demonstrate that building approvals have been very consistent, averaging approximately 224 approvals per annum since 2001/02 (excluding a drop off in 2006/07).

The report states that Dubbo Part A (being the Dubbo urban area and its fringes) is expected to accommodate the bulk of growth in coming years. This is particularly relevant to this Planning Proposal because the subject land is considered to represent a key rural residential development site within Dubbo Part A.

Supply Analysis

In its assessment of rural residential supply, the report provides as follows:

- Current residential estates in and around Dubbo are predominantly for suburban residential allotments with limited vacant lots above 6,000m² available.
- At the time of writing the report (2010) the supply of lots in the range 6,000m² to 10 hectares was assessed to represent less than 1 years supply. This was based on supply available in Richmond Estate (perhaps the style of development most comparable to what is proposed by this Planning Proposal) and also on vacant lots listed for sale at that time.
- Based on the above, Urban Economics submitted that there is a severe undersupply of rural residential land in Dubbo Part A. This view was repeated by Urban Economics following their appraisal of the situation following the gazettal of Dubbo LEP 2011 where they state as follows:
 - a) *It is our opinion that the LEP fails to adequately provide for Dubbo's future needs for rural residential land;* (emphasis added)
 - b) *It is not apparent where a development similar to that proposed could be provided on appropriately designated land in Dubbo, that would have the same attractiveness as a rural residential estate;*

- c) *From a review of the zoning and minimum lot size maps, it appears that there remains very limited choice of vacant residential lots of the range 6,000m² to 5ha (sic), with the vast majority of lands with minimum lot size designations in this range being already occupied;*
- d) *The minimum lot sizes of 600m² and 800m² on several large, vacant lots in Dubbo means that these lots would not be developed for rural residential uses as it would be uneconomic to do so.*

From Urban Economics's review of the LEP, it remains our opinion that there is a need for further rural residential land similar to that proposed by Bourke Securities Pty Ltd to be provided in the earliest possible time frame to ensure availability of stock and choice for residents.

The assessment by Urban Economics demonstrates that there is a lack of rural residential land. In this regard:

- Point (c) above raises a valid observation about the zoned rural residential land supply. The majority of the R5 zones that surround Dubbo urban area are subject to a minimum lot size of 8 hectares (some have a minimum lot size of 35 hectares). The cadastral pattern within the majority of these zoned R5 areas shows that most have been subdivided already and that very few englobo sites exist to offer future subdivision opportunities at the scale of a planned estate. It appears that only zoned sites that would be suitable for such development would be the subject land for this Planning Proposal plus a site on the western side of the Dubbo urban area (Burrabadine Road).
- Point (d) raises some important matters to justify the proposal. It submits that existing urban expansion lands cannot be relied upon to satisfy the demand for rural residential allotments. Such an approach would be against the planning intent that underlies the area. It would also be an uneconomic proposition to develop urban expansion lands for rural residential lots when it is likely that urban lots will achieve a greater yield and profit. A review of the zoning and minimum lot size maps under Dubbo LEP 2011 will show that the MLS for R1 and R2 zones within the expansion areas generally do not offer lot sizes that are commensurate with rural residential development (one exception is a small tract of land on the northern side of Blackbutt Road which allows a minimal amount of 6,000m² lots).

c) How has the planning proposal adequately addressed any social and economic effects?

The social and economic benefits of the Planning Proposal are considered to be positive due to the following:

- Encourages additional permanent population via the provision of new appropriately located rural residential land within the fringe of the Dubbo urban area.

- The potential for additional population in such close proximity to Dubbo will:
 - Have direct and indirect impacts upon the retail, service and employment sectors of Dubbo.
 - Make use of existing retail and community services established within the city and also provide for a possible increase in the demand for such services.
- Increases the availability of zoned rural residential land in close commuting distance to Dubbo. In terms of connectivity, school bus routes operate along Pinedale, Torwood and Eulomogo Roads with school and passenger services available to the Firgrove and Richmond Estates. Such services can be extended to the new lots as demand dictates. Due to the distance of the site from the CBD, pedestrian and cycling paths are not considered integral elements of the proposal.
- The R5 zone provisions permit a range of compatible non-residential uses such as neighbourhood shops and community facilities that may be of benefit to the immediate area.

4.4 STATE AND COMMONWEALTH INTERESTS

a) Is there adequate public infrastructure for the Planning Proposal?

Yes. The Planning Proposal applies to an existing R5 Large Lot Residential Zone. 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.

Reticulated urban infrastructure such as gravity sewer and stormwater drainage will not be provided. These will be addressed via on-site means and thus not present a burden to the community.

The conceptual subdivision pattern and new road system relates effectively to the existing road network. Road infrastructure to serve the development will be provided by the developer.

The development will be connected to the existing water supply system. The developer will meet the cost of providing water to this subdivision to a standard acceptable to Dubbo City Council.

b) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The view of State and Commonwealth public authorities are not required on the Planning Proposal until after the Gateway determination.

5.0 COMMUNITY CONSULTATION

The Planning Proposal will be subject to public exhibition and agency consultation as part of the Gateway process. The Gateway determination will specify the community consultation that must be undertaken on the Planning Proposal.

This Planning Proposal is considered to be a minor proposal for the following reasons:

- It does not involve a change to the existing R5 zoning. The intent is for rural residential development to continue within the subject land albeit based on a smaller lot size than is currently provided for in the current Dubbo Local Environmental Plan 2011 (DLEP 2011).
- This Planning Proposal provides information to demonstrate that it is consistent with the strategic planning framework.
- Issues pertaining to infrastructure servicing are not significant and can be adequately addressed.
- The Planning Proposal is not for a principal LEP.
- The Planning Proposal does not seek to reclassify public land.

Community consultation would involve:

- An exhibition period of 28 days.
- The community is to be notified of the commencement of the exhibition period via a notice in the local newspaper and on Council's website. The notice will:
 - Give a brief description of the objectives or intended outcomes of the planning proposal;
 - Indicate the land affected by the planning proposal;
 - State where and when the planning proposal can be inspected;
 - Provide the name and address for the receipt of submissions; and
 - Indicate the closing date for submissions.
- Written notification to adjoining and surrounding land owners.

During the exhibition period, it is expected that Council would make the following material available for inspection:

- The planning proposal in the form approved for community consultation by the Director General of Planning;
- Any studies (if required) relied upon by the planning proposal.

Electronic copies of relevant exhibition documentation to be made available to the community free of charge. At the conclusion of the notification and public exhibition period Council staff will consider submissions made in respect of the Planning Proposal and prepare a report to Council.

6.0 CONCLUSION

This Planning Proposal warrants support due to the following:

- It accords with the formal position of Dubbo City Council expressed in part (b) of the Council resolution of 27 May 2013 which states:

That for the purposes of preparing a Planning Proposal for the subject land described in 7(a) above, Council accept that the proposal would be consistent with the Urban Development Strategy Plan specifically in respect of Strategy (A) – Residential Areas Development Strategy

- The information presented in Section 4.2(b)(i) reinforces the consistency of the proposal with the Strategy.
- The information presented in Section 4.3(b)(xii) demonstrates that there is demand for the type of lots contemplated by this proposal which outweighs current supply. In short, the sales of rural residential lots are constrained by supply and do not represent the underlying demand for such lots in Dubbo.
- The information presented in Section 4.3 and the relevant assessments (as attached) demonstrates that the potential environmental impacts of the development can be adequately addressed. In particular, sufficient information is provided to address the key Strategy issues pertaining to:
 - Salinity (refer Section 4.3(b)(i) and the detailed salinity assessment in Annexure F).
 - Rural Buffer (the subject land does not encroach upon the Buffer area as defined by the Strategy).

Yours faithfully

Peter Basha Planning & Development



Per:

PETER BASHA

Annexure A

Plan Set

Annexure B

Memorandum of Advice prepared by TF Robertson Senior Counsel

Annexure C

State Environmental Planning Policies Schedule of Consideration

Annexure D

Section 117 Directions Statement of Consistency

Annexure E

Preliminary Flora and Fauna Assessment by Envirowest Consulting

Annexure F

*Groundwater and Salinity Study and Supplementary Report
by Envirowest Consulting*

Annexure G

On-site Effluent Management Study by Envirowest Consulting

Annexure H

Preliminary Contamination Assessment by Envirowest Consulting

Annexure I

Aboriginal Archaeological Site Investigation by Envirowest Consulting

Annexure J

Residential Supply and Demand Assessment by Urban Economics

Annexure K

Letter from Heath Consulting Engineers regarding water supply