



AGENDA PLANNING AND DEVELOPMENT COMMITTEE 19 JUNE 2017

MEMBERSHIP:
Mr M Kneipp (Administrator).

The meeting is scheduled to commence at 5.30pm.

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**DUBBO REGIONAL
COUNCIL**

Report of the Planning and Development Committee - Meeting 15 May 2017

AUTHOR: Administrative Officer - Governance
REPORT DATE: 2 June 2017

The Committee has before it the report of the Planning and Development Committee meeting held 15 May 2017.

MOTION

That the report of the Planning and Development Committee meeting held on 15 May 2017, be adopted.



**REPORT
PLANNING AND DEVELOPMENT
COMMITTEE
15 MAY 2017**

PRESENT:

Mr M Kneipp (Administrator).

ALSO IN ATTENDANCE:

The Interim General Manager, the Director Organisational Services, the Manager Governance and Risk, the Supervisor Governance (J O’Dea), the Director Corporate Development, the Corporate Communications Supervisor (A Woodcock), the Director Technical Services, the Manager Civil Infrastructure and Solid Waste, the Director Environmental Services, the Manager Building and Development Services, the Manager City Strategy Services, the Director Community Services, the Director Parks and Landcare Services and the Transition Project Lead.

Mr M Kneipp (Administrator) assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm.

**PDC17/15 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE -
MEETING 18 APRIL 2017 (ID17/749)**

The Committee had before it the report of the Planning and Development Committee meeting held 18 April 2017.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends that the report of the Planning and Development Committee meeting held on 18 April 2017, be adopted.

CARRIED

PDC17/16 DUBBO CBD PRECINCTS PLAN - STATUS REPORT (ID17/760)

The Committee had before it the report dated 9 May 2017 from the Manager City Strategy Services regarding Dubbo CBD Precincts Plan - Status Report.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends:

- 1. That progress towards achievement of the 50 Bright Ideas be noted.**
- 2. That the 50 Bright Ideas as included in the following programs be included in the new Community Strategic Plan for the Dubbo Regional Council Local Government Area:**
 - Fast Track Approvals Program;**
 - CBD Infrastructure Improvements Program;**
 - Development Incentive Program.**
- 3. That an update report be provided to Council in July annually detailing project progress towards achievement of the bright ideas.**

CARRIED

PDC17/17 DEVELOPMENT APPLICATION D2016-624 (2) - COTTON STORAGE FACILITY
PROPERTY: LOT 2670 DP 852445, 27R BOOTHENBA ROAD AND LOT 2452 DP
1049405, YARRANDALE ROAD, DUBBO
APPLICANT: FLETCHER INTERNATIONAL EXPORTS PTY LTD
OWNER: CRO-BAH PTY LTD (LOT 2670) AND FROME STREET INVESTMENTS
NO. 41 PTY LTD (LOT 2452) (ID17/766)

The Committee had before it the report dated 9 May 2017 from the Senior Planner 1 regarding Development Application D2016-624 (2) - Cotton Storage Facility Property: Lot 2670 DP 852445, 27R Boothenna Road and Lot 2452 DP 1049405, Yarrandale Road, Dubbo.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends:

1. That Council agree to reduce the Urban Roads contribution for D16-624 from \$416,581.20 to \$13,322.40 (based on the adopted 2016/2017 financial year notes).
2. That modified Development Application D16-624 (Part 2) for a cotton storage facility at Lot 2670 DP 852445, 27R Boothenna Road and Lot 2452 DP 1049405, Yarrandale Road, Dubbo be granted approval subject to the conditions of consent provided attached in Appendix 1 to the report of the Senior Planner 1 dated 9 May 2017, noting the amendment to Condition 22.
3. That an additional condition be added to the conditions of consent that reads:
*“The payment of \$13,322.40 (26 industrial trips) for Urban Roads Headworks contributions, in accordance with Council’s adopted Amended Section 94 Contributions Plan – Roads, Traffic Management and Carparking, operational 3 March 2016 has been adopted based on the data provided by Barnson Pty Ltd dated 24 April 2017 relating to the use of the buildings as a cotton storage facility. To confirm the accuracy of the data annual returns are to be submitted to Council for a period of three (3) years from the commencement of the operation of the site. Any increase in the trip rates associated with the use of the site may require recalculation of the required contribution as applicable.
{Reason: Implementation of Council’s Section 94 Contributions Plan – Roads, Traffic Management and Carparking dated 2016}”*

CARRIED

**PDC17/18 DEVELOPMENT APPLICATION D17-162 - TELECOMMUNICATIONS FACILITY - LOT 1 DP 1213064 RES 1000457, COBRA STREET, DUBBO
APPLICANT: SERVICE STREAM MOBILE COMMUNICATIONS
OWNER: DUBBO REGIONAL COUNCIL (ID17/759)**

The Committee had before it the report dated 5 May 2017 from the Planner regarding Development Application D17-162 - Telecommunications Facility - Lot 1 DP 1213064 Res 1000457, Cobra Street, Dubbo.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends:

- 1. That Development Application D17-162 for a Telecommunications Facility at Lot 1 DP 1213064 Reserve 1000457, Cobra Street, Dubbo, be granted approval subject to the conditions of consent, included as Appendix 1, to the report of the Planner dated 5 May 2017.**
- 2. That those who made submissions be advised of Council's determination in this matter.**

CARRIED

PDC17/19 RELEASE OF EASEMENT FOR WATER SUPPLY - LOTS 31 AND 32 DP 636021, 11R DUNEDOO ROAD AND 9 BUSHLAND DRIVE, DUBBO (ID17/747)

The Committee had before it the report dated 9 May 2017 from the Planner regarding Release of Easement for Water Supply - Lots 31 and 32 DP 636021, 11R Dunedoo Road and 9 Bushland Drive, Dubbo.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends:

- 1. That Council release the existing Easement for Water Supply on DP 636021 and create replacement Easement for Water Supply as detailed in the subdivision plan, administration documents and Section 88B Instrument submitted with Subdivision Certificate SC2012-365.**
- 2. That any necessary documents be executed under the common seal of the Council.**

CARRIED

PDC17/20 DEVELOPMENT APPLICATION D2016-403 - EDUCATIONAL ESTABLISHMENT (SCHOOL - ALTERATIONS AND ADDITIONS) FOR LOT 1 DP 348033 AND LOT 1 DP 433302, 70 NORTH STREET, DUBBO (WEST DUBBO PUBLIC SCHOOL) (ID17/767)

The Committee had before it the report dated 9 May 2017 from the Planner regarding Development Application D2016-403 - Educational Establishment (School - Alterations and Additions) for Lot 1 DP 348033 and Lot 1 DP 433302, 70 North Street, Dubbo (West Dubbo Public School).

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends:

1. That Development Application D2016-403 for an Educational Establishment (School – Alterations and Additions) on Lot 1 DP 348033 and Lot 1 DP 433302, 70 North Street Dubbo, for the redevelopment of West Dubbo Public School be approved subject to the draft conditions included in Appendix 1 of the report of the Planner dated 9 May 2017.
2. That following receipt of Crown Concurrence of the draft conditions, the General Manager be delegated authority to amend the conditions of consent if/as required and to issue the Notice of Determination.

CARRIED

The meeting closed at 5.40 pm.

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CHAIRMAN



DUBBO REGIONAL
COUNCIL

REPORT: Planning Proposal (R16-5) - Southlakes Estate, Dubbo

AUTHOR: Manager City Strategy Services
REPORT DATE: 13 June 2017
TRIM REFERENCE: ID17/768

EXECUTIVE SUMMARY

A Planning Proposal was lodged with Council on 7 October 2016 by Maas Group Properties which seeks to amend the Dubbo Local Environmental Plan 2011 (LEP). The Planning Proposal affects land known as Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321 which are located east of the existing Southlakes Estate. A copy of the original Planning Proposal is provided under separate cover as **Appendix 1** with a copy of the Proponents amended Planning Proposal also being provided under separate cover as **Appendix 2**.

The majority of the land subject to the Planning Proposal is currently zoned R2 Low Density Residential under the provisions of the Dubbo Local Environmental Plan 2011. The land also has a minimum lot size of 600 square metres and 4,000 square metres along the Hennessy Road boundary. A component of the land is also zoned RE1 Public Recreation along the existing drainage corridor which traverses the site from the north-east to the south-west.

The Planning Proposal seeks a number of amendments to the Dubbo Local Environmental Plan 2011 across the subject land. The proposed amendments include rezoning parts of the land from R2 Low Density Residential to R1 General Residential to facilitate further residential development types, alteration to the overall density of development in the southern section of the land and to amend the location of the public open space/stormwater system by amending the location of land zoned RE1 Public Recreation.

The Planning Proposal also seeks to rezone an area of approximately 19,500 square metres along the future Boundary Road extension to B1 Neighbourhood Centre to facilitate a future supermarket and specialty stores to serve the needs of future residents.

The Proponent as a component of the subject Planning Proposal has also undertaken a review of the impact of the proposed Southern Distributor Road on the development densities and overall lot yields. As a result of this review, the Proponent has included a proposal to amend the indicative location of the Southern Distributor further to the south. This proposal includes filling of part of the Eulomogo Creek Cowl. This proposal will be further assessed by the State Government Department of Primary Industries (Water) as a component of any Gateway Determination. The Proponent is also requesting to amend the Stage 1 Structure Plan for the South-East Residential Urban Release Area to ensure the Structure Plan is consistent with the lot densities as contained in the Planning Proposal and also to reference the amended indicative location of the Southern Distributor Road. This issue is further discussed in the report.

The Planning Proposal is not considered to be strictly consistent with the provisions of the Dubbo Urban Areas Development Strategy including the Dubbo Residential Areas Development Strategy and the Dubbo Commercial Areas Development Strategy. In respect of compliance with the Dubbo Residential Areas Development Strategy, the proposed densities, including minimum allotment sizes in the southern section of the land are not fully compliant with the principles of concentric zoning, ie denser development adjacent facilities increasing outwards to the edge of the urban area. Notwithstanding, on balance, the proposed lot sizes are considered suitable to enable Gateway assessment by the NSW Department of Planning and Environment.

In respect of compliance with the Dubbo Commercial Areas Development Strategy, the Planning Proposal includes land to be rezoned B1 Neighbourhood Centre, which would allow the development of a new neighbourhood centre. To review the Economic Impact Assessment provided with the Planning Proposal and to provide an assessment of the proposal's impact on the adopted commercial hierarchy of the City and compliance with the provisions of the Dubbo Commercial Areas Development Strategy, Council sought a third party review by independent Economic and Property Consultants, Hill PDA. A copy of the review undertaken by Hill PDA is provided under separate cover as **Appendix 3**. The review of the Economic Impact Assessment has confirmed that this component of the Planning Proposal is suitable to enable gateway assessment by the NSW Department of Planning and Environment.

It is recommended that the Planning Proposal be submitted to the Department of Planning and Environment to seek a Gateway Determination. However, given the overall size and complexity of the Planning Proposal and given the land adjoins the Keswick Residential Estate, which is owned by Council, it is recommended that Council not request to use its Delegations under Section 59 of the Environmental Planning and Assessment Act, 1979.

Following receipt of a Gateway Determination, Council will place the draft amendment on public exhibition. The Planning Proposal would be placed on public exhibition for a period of no less than 28 days.

ORGANISATIONAL VALUES

Customer Focused: Council officers have worked with the applicant to address issues with the Planning Proposal in its early stages prior to consideration by Council and submission to the Department of Planning and Environment (DPE).

Integrity: The Planning Proposal has been assessed against the requirements of the Environmental Planning and Assessment Act, 1979 and the NSW Department of Planning and Environment's document: *A Guide to Preparing Planning Proposals*.

One Team: Numerous Council staff have been involved in the assessment of the Planning Proposal in accordance with relevant legislation and Dubbo Regional Council policy.

FINANCIAL IMPLICATIONS

The applicant provided on lodgement of the Planning Proposal, payment of fees to Council in the amount of \$25,000. These fees are to cover the ad hoc processing and assessment fees for the Planning Proposal application in accordance with Council's adopted Revenue Policy.

POLICY IMPLICATIONS

The Planning Proposal is provided for consideration and endorsement to seek a Gateway Determination. Receipt of a Gateway Determination from the DPE will allow Council to, conditionally, undertake an amendment to the LEP. The proposal is generally consistent with the Dubbo Urban Areas Development Strategy which underpins the land use decisions in the LEP.

RECOMMENDATION

- 1. That Council endorse the amended Planning Proposal as provided by the Proponent and included as Appendix 2 to the report of the Manager City Strategy Services dated 13 June 2017 and including the following amendments:**
 - **That land situated to the south of the indicative location of the Southern Distributor be zoned RE2 Private Recreation.**
 - **That the area of land proposed to be zoned B1 Neighbourhood Centre be subject to a suitable provision in the Dubbo Local Environmental Plan 2011 that limits the total retail floorspace of any centre to 5,000 square metres.**
 - **That the additional use of recreation facility (indoor) be permitted on the subject area of the land proposed to be zoned B1 Neighbourhood Centre under the provisions of the Dubbo Local Environmental Plan 2011.**
- 2. That Council support a minimum 28 day public exhibition period for the Planning Proposal.**
- 3. That Council not use its delegation under Section 59 of the Environmental Planning and Assessment Act, 1979 to draft the amendments to the Dubbo Local Environmental Plan 2011.**
- 4. That following the completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.**
- 5. That Council undertake a concurrent amendment to the Stage 1 Structure Plan for the South-East Residential Urban Release Area to ensure the Structure Plan is consistent with the development densities and typologies as included in the Planning Proposal and to show the amended indicative location of the Southern Distributor Road, noting that the State Government Department of Primary Industries (Water) will undertake assessment of this proposal as a component of the Planning Proposal process.**
- 6. That the amendment to the Stage 1 Structure Plan for the South-East Residential Urban Release Area be placed on public exhibition with the subject Planning Proposal.**

Steven Jennings
Manager City Strategy Services

BACKGROUND

The Planning Proposal was lodged on 7 October 2016 by Maas Group Properties. The Planning Proposal seeks to rezone Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321 which are located east of the existing Southlakes Estate. (As shown in **Appendix 1**).

The majority of the land subject to the Planning Proposal is currently zoned R2 Low Density Residential with a minimum lot size of 600 square metres and 2,000 square metres along the Hennessy Road boundary. A component of the land is also zoned RE1 Public Recreation along the existing drainage corridor which traverses the site from the north-east to the south-west.

The Planning Proposal seeks to introduce several areas of R1 General Residential zone across the site with a minimum lot size of 450 square metres in some areas and no minimum lot size in other areas.

It also seeks to rezone an area of approximately 19,500 square metres along the future Boundary Road extension to B1 Neighbourhood Centre to facilitate a future supermarket and specialty stores to serve the needs of future residents.

In addition, the Planning Proposal seeks to reconfigure the existing RE1 Public Recreation land and amend the minimum lot size within the R2 Low Density Residential area to have lots ranging in size of 600 square metres, 800 square metres and 2,000 square metres.

The Dubbo Transportation Strategy to 2045 also includes a proposal to construct a southern ring road or distributor road as a component of a larger road network for the future management of City traffic. The Southern Distributor or Ring Road will effectively link Macquarie Street through the existing alignment of part of Hennessy Road through to the Mitchell Highway to the east. As a component of the subject Planning Proposal, the Proponent has now undertaken further assessment of overall constraints in providing the indicative corridor location for the proposed Southern Distributor road through the subject land only.

REPORT

1. Particulars of the Planning Proposal Application

Owner/Applicant:	Maas Group Properties
Subject site:	Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321
Land area:	Approximately 138.8 hectares
Current zoning:	R2 Low Density Residential, RE1 Public Recreation
Proposed LEP amendment:	The rezoning of several areas to R1 General Residential, reconfiguration of RE1 Public Recreation land and addition of a 19,500 square metre B1 Neighbourhood Centre zone and rezoning of part of Eulomogo Creek to RE2 Private Recreation.
Lodgement date:	7 October 2016

2. Amendments to Local Environmental Plans

The Department of Planning and Environment (DPE) introduced a process for the consideration of amendments to Local Environmental Plans in 2009. The process for the consideration of an amendment to a Local Environmental Plan commences with Council's consideration of a Planning Proposal. The Planning Proposal process is shown in Figure 1.

PLANNING PROPOSAL PROCESS

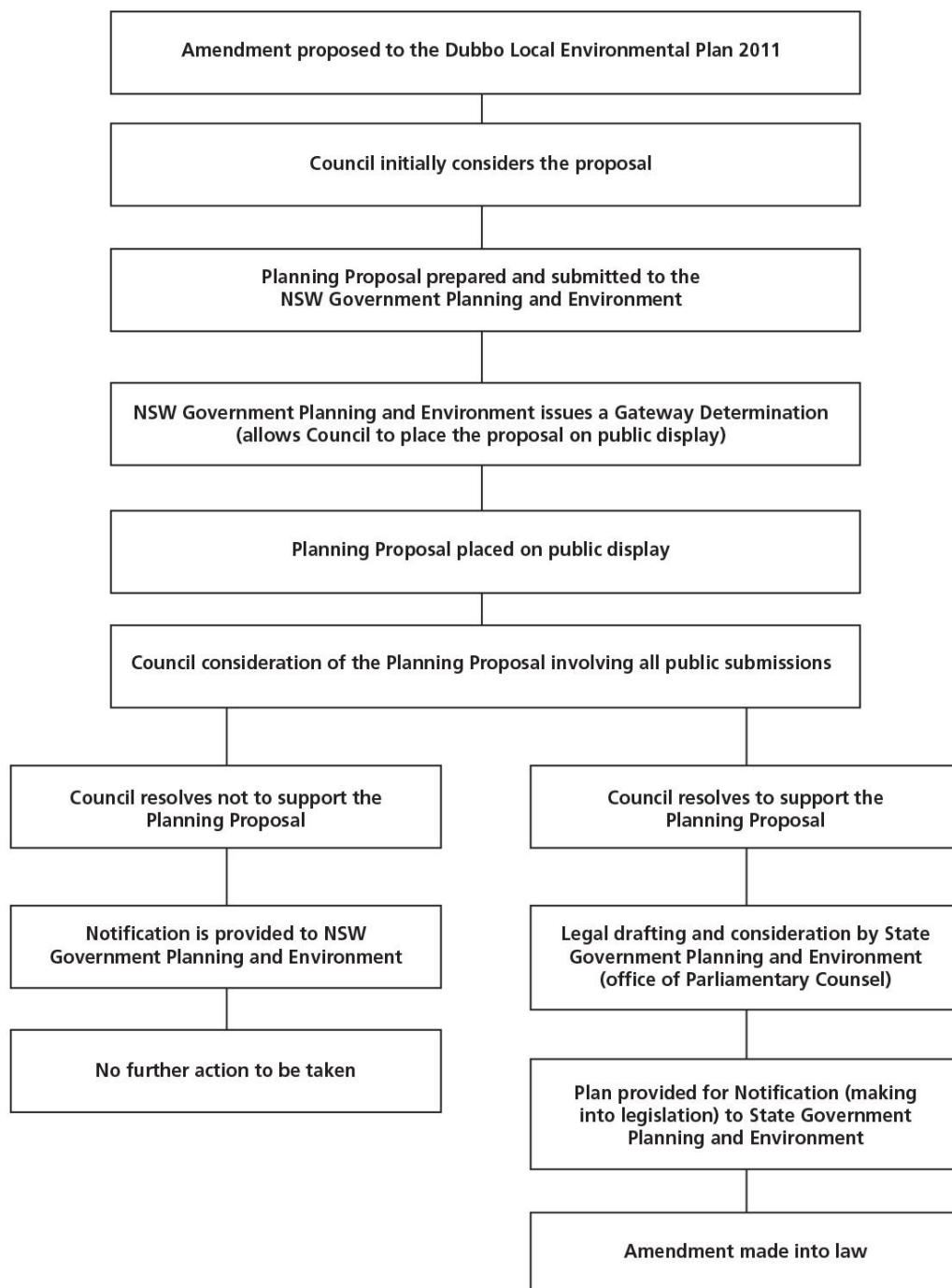


Figure 1. Planning Proposal Process

The role of a Planning Proposal is to explain the intended effects of a proposed Local Environmental Plan amendment and the justification for undertaking the amendment. Council has the role of considering the Planning Proposal. If Council resolves to continue with the Planning Proposal, the amendment is provided to the Department of Planning and Environment to seek a Gateway Determination.

The Gateway Determination reviews and considers Planning Proposals in their initial stages prior to further consideration by Council. After consideration by the Department, Council is provided with a Gateway Determination for the LEP amendment.

The Gateway Determination specifies that the Department will allow the proposed amendment to proceed, any matters that require additional information, the level of public consultation required and State Government agencies to be consulted. After all the additional matters have been addressed and the required consultation has been carried out, a report is provided to Council for further consideration.

It is noted that the Planning Proposal would be considered by the Department for delegation of powers to make the amendment back to Council following receipt of the Gateway Determination. This could allow the Planning Proposal to be finalised by Council without further consideration by the Department following public exhibition. In this circumstance, Council is required to liaise with Parliamentary Counsel for legal drafting and finalisation of the Plan. In this case however due to the fact that Council is also owner/developer of adjacent land and the complexities of this proposal, it is considered that it would not be appropriate for Council to be delegated this authority.

3. Planning Proposal

The Planning Proposal from Maas Group Properties seeks to rezone and amend the minimum allotment size for a number of areas within the South-East Dubbo Residential Urban Release Area, which are located east of the existing Southlakes Estate. The Planning Proposal affects the following allotments:

- Lot 399 DP 1199356, Boundary Road, Dubbo;
- Lot 12 DP 1207280; and
- Lot 503 DP 1152321.

The original Planning Proposal was lodged with Council on 7 October 2016 (**Appendix 1**). However, the Proponent lodged an amended Planning Proposal with Council on 3 April 2017 (**Appendix 2**). The amended proposal of the Proponent now incorporates the indicative location of the Southern Distributor road being moved further to the south and resultant filling being undertaken of part of the Eulomogo Creek Cowl.

The Proponents amended proposal also incorporates additional residential development on the area north of the indicative location of the Southern Distributor Road. The location of the Southern Distributor Road and the proposed filling of the Eulomogo Creek Cowl are further discussed in the body of the report.

The current land use zoning regime on the subject land is shown in Figure 2. The proposed land use zoning regime is shown in Figure 3.



Subject land

Figure 2: Current Land Use Zoning Regime, Dubbo Local Environmental Plan 2011

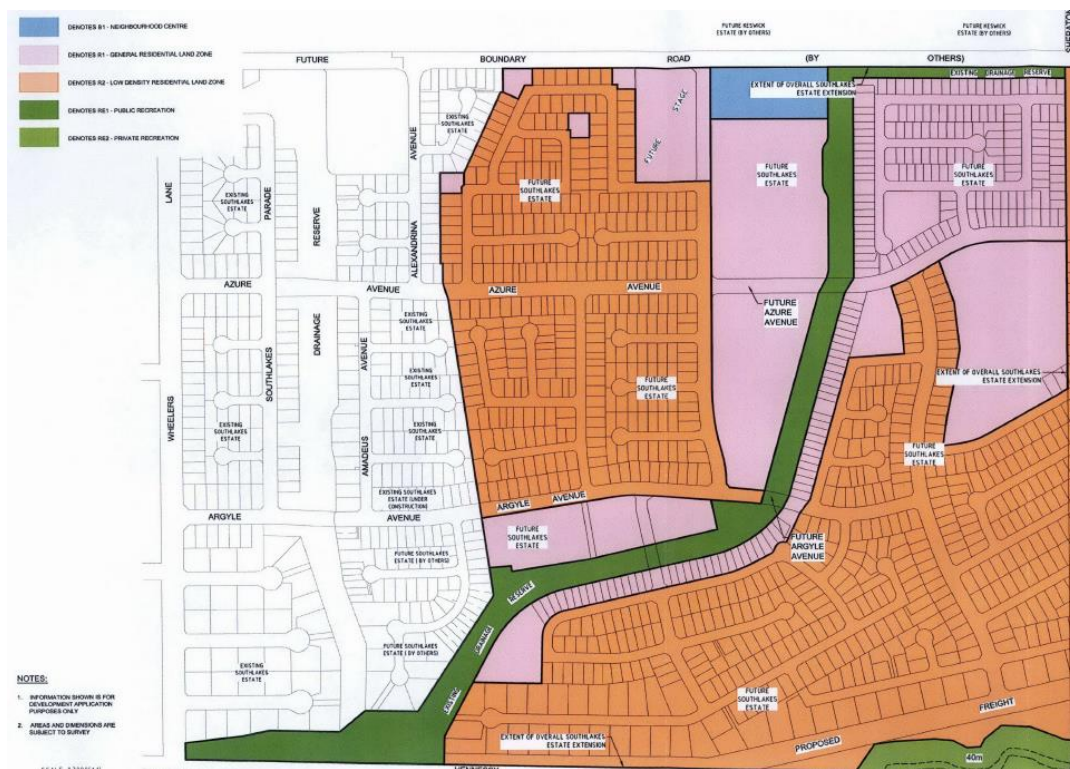


Figure 3: Proposed Land Use Zoning Regime

The proponent, as a component of the Planning Proposal, is also seeking to amend the minimum allotment sizes for subdivision of the land. The current minimum allotment sizes for subdivision of the land are shown in Figure 4. The proposed minimum allotment sizes for subdivision of the land are shown in Figure 5.

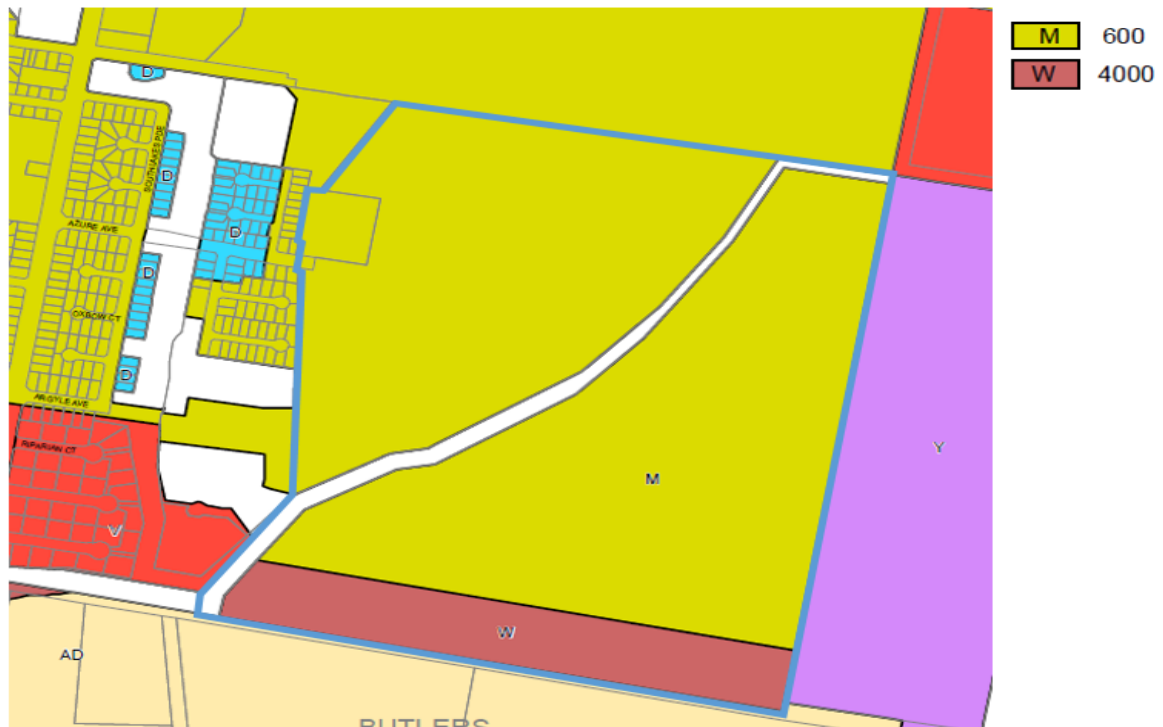


Figure 4: Current Land Minimum Allotment Size for Subdivision, Dubbo Local Environmental Plan 2011

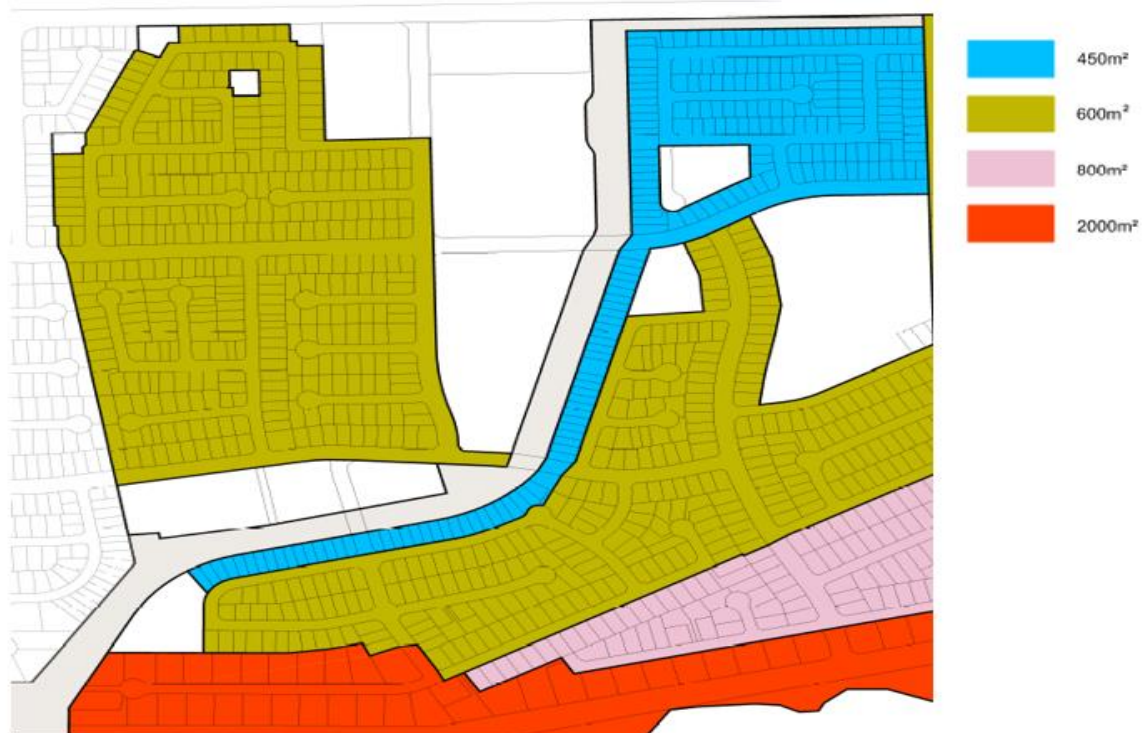


Figure 5: Proposed Minimum Allotment Size regime

In respect of the proposed rezoning of part of the land from R2 Low Density Residential to B1 Neighbourhood Centre, the Proponent has also sought the additional permitted use of recreation facility (indoor) for the subject land.

The proponent has provided the following information explaining the anticipated development typologies on the land:

"It is anticipated that primarily the Planning Proposal would facilitate a combination of single storey and two storey development with the majority of development being single storey in height.

The following types of housing to be provided within the R1 zoned land would be:

- 1. Traditional medium density (multi dwelling housing) development generally in the form of attached 2 bedroom single storey dwellings approximately 4 to 6 dwellings long.*
- 2. Small lot housing (attached and semi-detached dwellings), generally where divided by roads and drainage corridors and in the form of attached and detached dwellings with minimal private curtilage upon local through roads.*
- 3. Integrated house and land development (Multi dwelling housing, attached dwellings, semi-detached dwellings, and dwellings) with private roads, open space and community facilities.*

It is anticipated that the R1 zoned areas would be developed with a mix of all forms of housing ranging from the traditional medium density housing to integrated house and land development.

It is envisaged that the R2 zoned areas would be developed with a mix of traditional house and land development with larger lot living located along the southern fringe.

It is anticipated that the B1 zoned land would be developed with a local neighbourhood business centre that provides a range of supporting retail uses centered on a supermarket with associated parking, loading and unloading and landscaped areas.

It is envisaged that the RE1 zoned land would be landscaped with a range of vegetation and developed with decorative lakes, children's playground and footpaths to provide active and passive recreation areas for residents."

A copy of the amended Planning Proposal and accompanying information is provided as **Appendix 2**.

It should be noted that the proposal seeks to provide a split land use zoning of R2 Low Density Residential and RE2 Private Recreation for land situated south of the indicative location of the Southern Distributor Road. It is considered that this land should only be zoned RE2 Private Recreation based on the location of Eulomogo Creek and the characteristics of the land. This issue is further discussed in the report.

4. Site Characteristics

The land subject of the Planning Proposal is Lot 399 DP 1199356, Lot 12 DP 1207280, Lot 15 DP 1225930, Lot 470 DP 1212783 and Lot 503 DP 1152321, Dubbo. The subject sites are located south of the unformed section of Boundary Road in south-east Dubbo and have an overall land area of approximately 138.834 hectares. The subject land is the largest single land holding in the South-East Residential Urban Release Area under the provisions of the Dubbo Local Environmental Plan 2011. The overall site is shown in Figure 6.



Figure 6. Subject Land

5. Planning Considerations

This section of the report provides an analysis against the planning considerations Council is required to consider in the Planning Proposal process. The information below does not provide an analysis of all planning considerations associated with the Planning Proposal.

The purpose of this section is to explain any significant matters for consideration in the Planning Proposal process.

(i) Dubbo Residential Areas Development Strategy

The Dubbo Urban Areas Development Strategy (including the Dubbo Residential Areas Development Strategy) was first adopted by the former Dubbo City Council in 1996 and was endorsed by the Department of Planning and Environment in 2011. The Strategy forms the basis for the land use zonings and planning controls provided in the Dubbo Local Environmental Plan 2011.

The land subject to the Planning Proposal is situated in the South-East Precinct. The Strategy provides the following future objectives for land use activities in the precinct:

- *“Ensure potential for conflict between residential development and quarry/crushing/trucking operations, agriculture and the greyhound track are resolved prior to zoning for residential use.*
- *Based on the Draft Keswick Structure Plan 1996 and other considerations commit this as the final major area for fully serviced residential development east of the Macquarie River.*
- *Resolve concerns related to aquifers and Eulomogo Creek in the event of a decision to allow for suburban residential development.*
- *Consolidate the Hawthorn Street light industrial area.*
- *Resolve traffic conflicts at the Hawthorn Street junction.”*

It is considered that the Planning Proposal is broadly consistent with the overall future land use objectives of the Precinct.

Issues particularly in respect of the compliance of the Planning Proposal with the concentric zoning objectives of the Strategy are further discussed in the Stage 1 Structure Plan for the South-East Residential Urban Release Area component of the report.

(ii) Dubbo Commercial Areas Development Strategy

The Planning Proposal includes the proposed rezoning of 1.95 hectares of the land from R2 Low Density Residential to B1 Neighbourhood Centre under the provisions of the Dubbo Local Environmental Plan 2011. The proposed neighbourhood centre zoning is situated in the northern section of the land, adjacent to the future location of the Boundary Road extension.

The Planning Proposal has provided the following information in respect of the proposed neighbourhood centre zoning:

“B1 Zoned Land

- *Provide a neighbourhood commercial centre with a range of uses to service the daily needs of residents of the area;*
- *Provide a neighbourhood centre with direct access to the adjoining ‘lakes’ corridor which provides for an effective pedestrian link between the neighbourhood centre and the residential zoned land;*
- *Provide a neighbourhood centre separated from adjoining residential use areas through adjoining roads and the landscaped corridor;*
- *Provide a neighbourhood centre which maintains the commercial hierarchy of Dubbo by providing retail development of an appropriate scale;*
- *Provide a neighbourhood centre of between 5,000 and 6,000 square metres which accommodates a supermarket of at least 3,500 square metres and ancillary supporting retail outlets including a gym;*
- *Provide a neighbourhood centre with direct access to Boundary Road to confirm its identity as the local neighbourhood centre for the urban release area.”*

The Dubbo Urban Areas Development Strategy (including the Dubbo Commercial Areas Development Strategy) forms the basis for the business zonings and planning controls provided in the Dubbo Local Environmental Plan 2011.

Under the Commercial Areas Development Strategy Neighbourhood Centres should:

- *“Provide limited convenience retailing and services to the surrounding residential area*
- *Not have scope for expansion beyond role*
- *Have a secure market i.e., needs separate from other Neighbourhood shopping centres (i.e. catchments)*
- *Provide adequate short term parking, public transport*
- *Have safe traffic movement*
- *Have safe pedestrian areas*
- *Minimise disturbance to surrounding residential uses*
- *Be contained within the block, not divided by streets*
- *Be located close to other neighbourhood facilities (schools, child care, recreational leisure)*
- *Have symbiosis with other community facilities*
- *Accept minimum density nearby*
- *Not include pubs – they are problematic and not part of the floor space of the centre, rather they are peripheral ancillary use*
- *Not include public facilities as part of the total retail floor area; and*
- *Have a floor area normally limited to 1500m² (larger areas are exceptional egg small supermarket).”*

The proposed rezoning of the area of the subject land to B1 Neighbourhood Centre and the likely development of a future neighbourhood centre is not currently included in the Commercial Areas Development Strategy, which was originally adopted by the former Dubbo City Council in 2007.

To consider the overall impact of the proposed B1 Neighbourhood Centre zoning, including the impact of the zoning on existing neighbourhood centres and the Dubbo Central Business District and the adopted commercial hierarchy of the City which aims to protect the primacy of the CBD, Council sought a third party review of the Economic Impact Assessment provided with the Planning Proposal.

Independent property and economic consultants, Hill PDA were engaged by Council to undertake a review of the Proponent's Economic Impact Assessment, to consider the impact of the proposal on the overall Dubbo retail hierarchy and whether the size and commencement date of development are too large/too early to facilitate development on the land. A copy of the assessment undertaken by Hill PDA is provided as **Appendix 3**.

Hill PDA were requested by Council to assess a number of matters as provided below:

1. Where the proposed new centre would fit into the adopted retail hierarchy of Dubbo.
2. Would the proposed new centre impact Council's adopted strategy of expanding the Central Business District towards West Dubbo over time.
3. Would Council still require the twin B1 Neighbourhood Centre land use zonings at both Myall Street and Websdale Drive, including consideration of whether the proposal would result in any impacts on Myall Street and Websdale Drive.
4. The overall timing and size of a neighbourhood centre development.

In summary, the assessment undertaken by Hill PDA provided the following conclusions:

1. Any proposed new neighbourhood centre to be developed on the land is likely to be of a similar size and composition to the Delroy Centre in West Dubbo. Also, that the Centre would perform the function of a Third Level centre for residents in South-East Dubbo in a similar fashion to the Delroy Centre in West Dubbo.
2. In respect of the proposal to extend the Dubbo Commercial Business District to the west over time, it was considered that any proposed neighbourhood centre on the land is unlikely to affect this proposal as the trade area for the centre would be more localised in the South-East precinct.
3. In respect of the impact and use of the neighbourhood centre situated on Myall Street and the land zoned B1 Neighbourhood Centre on Websdale Drive, the Hill PDA assessment concluded that any proposed centre is unlikely to provide any considerable impacts based on the trade areas of the centres. However, Hill PDA recommended that Council, in preparing a new Employment Lands Strategy for Dubbo should carefully consider the close proximity of the two (2) neighbourhood centre zones.

The new Employment Lands Strategy for Dubbo is currently being prepared and will be provided to Council for consideration in the coming months.

4. In respect of the composition and timing of any proposed neighbourhood centre, Hill PDA provided information that 2,800 to 3,000 square metres is considered to be a minimum size for a full-line supermarket in the current retail market.

The review suggests that a more appropriate year of commencement for any neighbourhood centre would be 2025-2026, when a further nucleus of population would be located within the catchment. However, based on the anticipated lead time for the development of any neighbourhood centre and the fact that an anchor supermarket tenant is not likely to occupy the 3,500 square metre tenancy until a suitable population was available, it is considered that no such limitations be placed on the future development of a neighbourhood centre.

Hill PDA also provided information that a further 1,000 square metres of complimentary retail floor space and a further 500 square metres of complimentary services floorspace, such as for real estate services and medical services, would likely be suitable.

Based on the assessment undertaken by Consultants Hill PDA and the Economic Impact Assessment provided by the Proponent with the Planning Proposal, it is considered that the proposed B1 Neighbourhood Centre zoning is appropriate for the land. However, it is recommended that the Planning Proposal provide a limitation on the overall retail floorspace of 5,000 square metres and that a supermarket only, be a permissible form of development in the 3,500 square metre tenancy on the land.

(iii) South-East Dubbo Residential Urban Release Area Stage 1 Structure Plan

The South-East Dubbo Residential Urban Release Area – Stage 1 Structure Plan was adopted by Council at its meeting on 25 May 2016. The Structure Plan was prepared by Council specifically in respect of the subject land.

The Structure Plan includes 40 Residential Growth Principles and accompanying density and indicative land use zoning mapping, which was prepared by Council to guide development of the subject lands.

In respect of the density and indicative land use zoning mapping as included in the Structure Plan, the Planning Proposal is inconsistent with the associated minimum allotment sizes for subdivision.

The Proponent provided the following additional information to Council in respect of this issue:

“The proposed minimum allotment plans are at some variance to that indicated within Structure Plan 1 for the South-East Dubbo Residential Area (URA). The proposed minimum allotment size is considered to be at parity with densities in the immediate area and in particular those located to the west along Hennessy Road, within the existing Southlakes Estate and consistent with land to the west and north east over O’Connor’s land.

As detailed further within this letter additional impact assessment of the site and its future development has been undertaken to understand the constraints of the land and future infrastructure most notably the proposed Southern Distributor. In particular an Acoustic Impact Assessment report, which considers development densities along the Southern Distributor provides the following discussion:

In most cases, increased housing density (i.e. smaller lots) and/or increasing the building heights of dwellings fronting major roadways provides effective noise attenuation to remaining lots within subdivision developments. This is due to dwellings effectively forming a 4m to 6m barrier between the noise source and ensuing lot.

Where larger lots front a roadway, the number of dwellings adjacent to the road is reduced and the open spaces between dwellings allow for propagation of road noise further into the development.

Therefore, it is recommended that the development consider the balance between having less dwellings fronting the Southern Distributor (i.e. larger lots) against the additional attenuation benefits that smaller lots (i.e. denser housing) may provide to the overall development.

Notwithstanding, it is recommended that building orientation within each lot, and the location of habitable rooms (e.g. sleeping areas) should be optimised wherever practicable to locate dwellings and/or sleeping areas as far from the Southern Distributor as possible.

In this respect the proposed density is considered to be consistent with the intent of the structure plan and responsive to development impacts of the proposed Southern Distributor as it provides larger lots to its north in a concentric configuration.”

In addition, the Proponent has also sought to amend the Structure Plan to take account of the new proposed location of the Southern Distributor and to amend the lot size regime included in the Structure Plan to be consistent with the lot size regime as included in the Planning Proposal.

The Proponents proposed changes to the Structure Plan are provided in Figure 7:

6.10 Development Density Southlakes and other lands

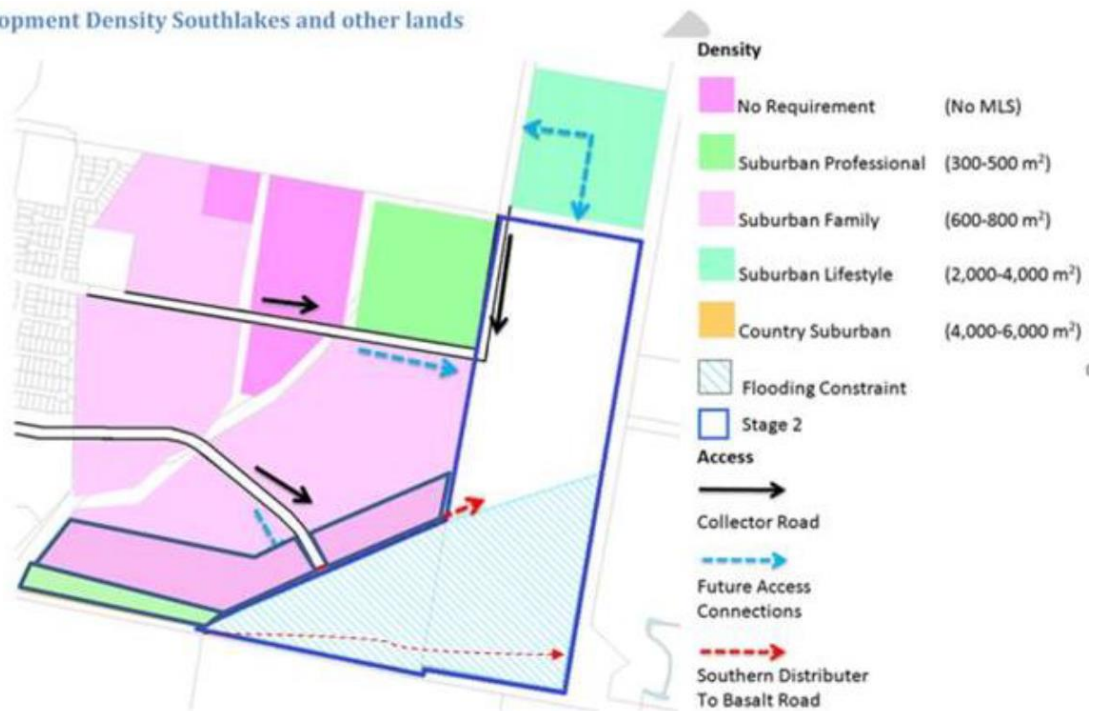


Figure 7. Proponent's Changes to the South East Dubbo Residential Urban Release Area Stage 1 Structure Plan

In respect of the current minimum allotment sizes for subdivision on the land, the Dubbo Local Environmental Plan provides a minimum allotment size requirement of 4,000 square metres for the southern section of the land. The proponent, as a component of the Planning Proposal has sought to provide a minimum allotment size of 2,000 square metres for part of the land before graduating to a 600 or 800 square metre minimum allotment size. It is considered that this minimum allotment size is inconsistent with the provisions of the Dubbo Local Environmental Plan 2011 and is inconsistent with the overall allotment size regime in this section of the City.

The information provided by the Proponent in respect of acoustic impacts is considered sound. However, acoustic impacts alone are not the only determining factors of lot size. Lot size and overall density of a new subdivision development must ensure effective neighbourhoods can be created that afford residents an acceptable level of residential amenity today and into the future, provide walkable and well connected neighbourhoods and attempt to limit overall car dependency.

Whilst the proposal put forward by the Proponent in the Planning Proposal does provide a level of compliance with the concepts of concentric zoning, the proposal has not achieved compliance with the concentric zoning requirements as contained in the Dubbo Residential Areas Development Strategy.

Notwithstanding the above, on balance, the proposed lot sizes are considered suitable to enable gateway assessment by the NSW Department of Planning and Environment.

In respect of access and movement throughout the future subdivision, the Structure Plan contains the following requirement:

“18. Any residential subdivision should comply with the minimum internal connectivity index score of 1.3.”

The role of the Internal Connectivity Index is to ensure an appropriate level of connectivity is maintained throughout residential subdivisions and to facilitate the development of well-planned neighbourhoods. The Structure Plan defines a well-planned neighbourhood as follows:

- Sets the urban character and design of the area;
- Provides the footprint for public spaces that allows for social interaction;
- Defines access and movement networks that will encourage active transport; and
- Identifies land for a range of uses, E.G. shops, community centres, parks and enables a community to meet most of their daily needs within walking or cycling distance of home.

The Proponent has previously objected to Council’s inclusion of a minimum Internal Connectivity Index in the Structure Plan and has not shown an acceptance of the overall role and use of the Internal Connectivity Index as a tool to assist in the design of residential subdivisions, which can readily be achieved on this site.

While a debate on this matter is a detail that would ordinarily be addressed in a development application, with the subdivision design, the Proponent is effectively seeking this element to be set aside now. The Proponent should ensure compliance is achieved with the Internal Connectivity Index score of 1.3. This may result in the Proponent’s subdivision plans for the land having to be re-visited to achieve compliance. However, it is considered that a final subdivision plan should not be developed at the Planning Proposal stage. As indicated above, a final subdivision plan should only be developed following detailed consideration of all planning constraints and planning requirements. This includes the results of the current Planning Proposal process.

It is recommended that an amendment to the Stage 1 Structure Plan for the South-East Residential Urban Release Area be prepared, to facilitate the overall development densities as included in the Planning Proposal. The Proponents proposal to alter the indicative location of the Southern Distributor is further discussed in the relevant section of the report.

(iv) Section 117 Directions

A number of Section 117 Directions are applicable to the Planning Proposal as described in the following table.

Direction	Requirement	Consistency
1.1 Business and Industrial Zones	The Direction is applicable when a Planning Proposal is prepared that will affect land within an existing or proposed business or industrial zone.	<p>The Planning Proposal seeks to rezone an area of approximately 19,500 square metres to B1 Neighbourhood Centre to facilitate a future supermarket and specialty stores. The Planning Proposal is considered inconsistent with the Direction. However the inconsistency is justified by a study prepared by MacroPlanDimasi in support of the Planning Proposal.</p> <p>In addition, Consultants Hill PDA also undertook a third party review of the Economic Impact Assessment provided by MacroPlanDimasi that concluded that the proposed Neighbourhood Centre zoning was justified on economic grounds.</p>
1.3 Mining, Petroleum Production and Extractive Industries	The Direction is applicable when a Planning Proposal is prepared that would restrict or be incompatible with mining.	The Planning Proposal is inconsistent with the Direction however, the inconsistency is of minor significance as the subject area is within an existing residential area where mining is not compatible with residential development.

Direction	Requirement	Consistency
2.3 Heritage Conservation	The Direction is applicable when any Planning Proposal is prepared.	The Direction requires a Planning Proposal to contain provisions that facilitate the conservation of items, areas, objects and places of environmental and indigenous heritage significance. The Planning Proposal is consistent with the Direction as existing controls in the Dubbo LEP 2011 regulate the conservation and development of heritage items.
3.1 Residential Zones	The Direction is applicable when a Planning Proposal is prepared that will impact land in a residential zone.	The Direction requires a Planning Proposal to include requirements that will make use of existing infrastructure, broaden housing choice and types, be of good design and reduce land consumption. The Planning Proposal is consistent with the Direction.
3.3 Home Occupations	The Direction is applicable when a Planning Proposal is prepared that includes residential accommodation.	The Direction requires a Planning Proposal to include provisions allowing home occupations to be carried out. The Dubbo LEP 2011 allows home occupations to be carried out without approval.
3.4 Integrating Land Use and Transport	The Direction is applicable when a Planning Proposal is prepared relating to urban land.	The Direction requires a Planning Proposal to ensure zones to be used for urban purposes allow for access to employment, opportunities for alternative transport methods, public transport and to reduce the requirement for domestic vehicles. The Planning Proposal is consistent with the Direction.
6.1 Approval and Referral Requirements	The Direction is applicable when any Planning Proposal is prepared.	The Direction requires a Planning Proposal to not include or minimise any requirements for concurrence from any other applicable public authority. The Planning Proposal does not include any provisions that require concurrence.

Direction	Requirement	Consistency
6.2 Reserving Land for Public Purposes	The Direction is applicable when any Planning Proposal is prepared.	The Direction requires a Planning Proposal to not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Department of Planning. The Planning Proposal seeks to reconfigure the RE1 Public Recreation zone and will not result in a significant reduction in the area reserved for this purpose. The Planning Proposal is consistent with the Direction.
6.3 Site Specific Provisions	The Direction is applicable when a Planning Proposal is prepared that allows specific development to be carried out.	The Direction requires a Planning Proposal to not provide any additional specific development standards or requirements to those already provided on the land. A Planning Proposal must also not include any drawings showing details of the development. The Planning Proposal is considered consistent with the Direction.

(v) State Environmental Planning Policies

A number of State Environmental Planning Policies (SEPPs) apply to the Planning Proposal. It is considered that the Planning Proposal is consistent with the following State Environmental Planning Policies:

- SEPP No 1 – Development Standards
- SEPP No. 21 – Caravan Parks
- SEPP No. 36 - Manufactured Home Estates
- SEPP No 55 – Remediation of Land
- SEPP No 64 – Advertising and Signage
- SEPP No. 65 – Design Quality of Residential Flat Development
- SEPP (Affordable Rental Housing) 2009
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007

- SEPP (Mining, Petroleum Production and Extractive Industries) 2007

(vi) Southern Distributor Road

The Dubbo Transportation Strategy to 2045 includes a proposal to construct a southern ring road or distributor road as a component of a larger road network for the future management of City traffic.

The Southern Distributor or Ring Road will effectively link Macquarie Street through the existing alignment of part of Hennessy Road through to the Mitchell Highway to the east. The Stage 1 Structure Plan for the South-East Residential Urban Release Area shows the indicative location of the Southern Distributor in Figure 8:

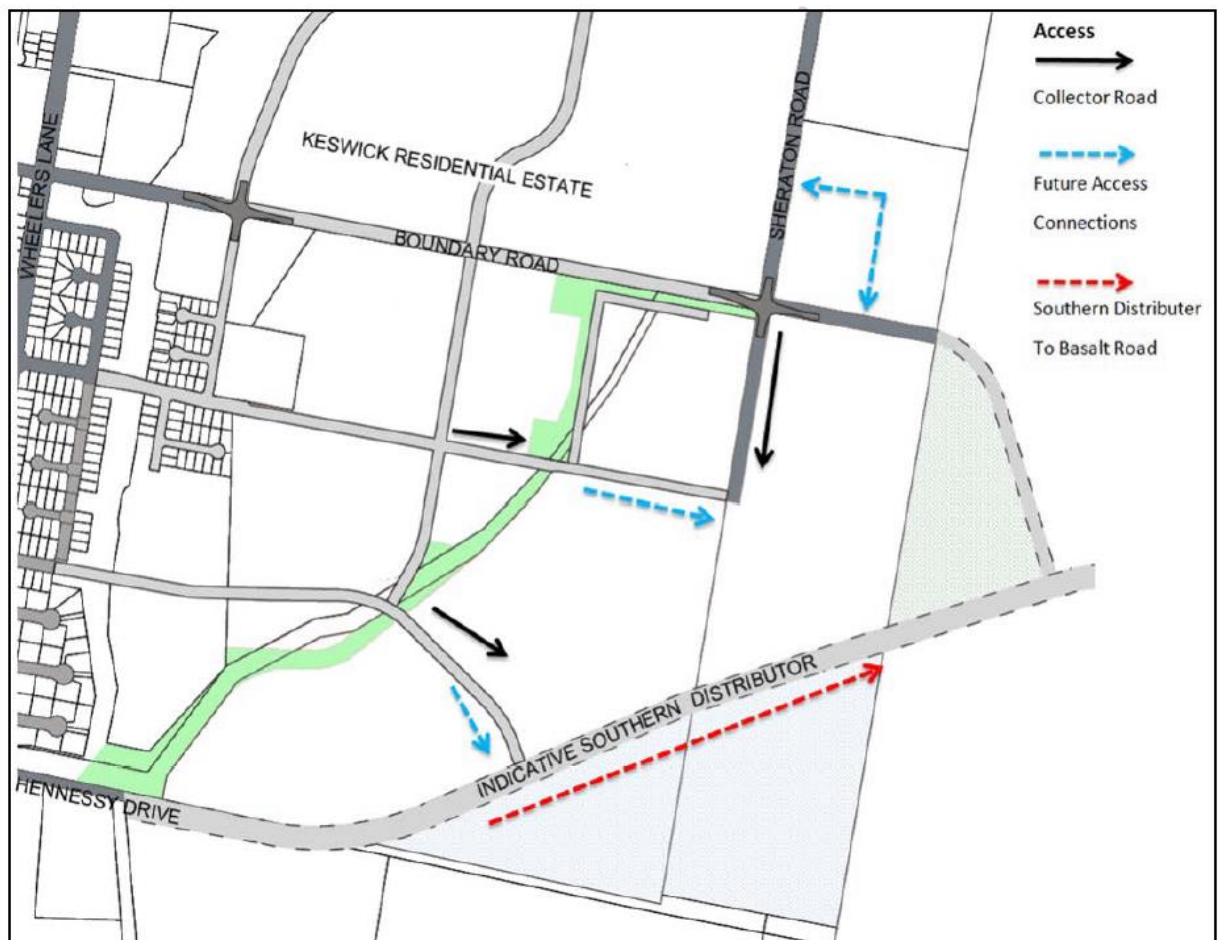


Figure 8. Indicative location of the Southern Distributor, Stage 1 Structure Plan for the South-East Residential Urban Release Area Structure Plan.

The Southern Distributor road should provide limited access points for vehicles and limited opportunities for dwellings to front the road. High level planning for the Southern Distributor road will centre on ensuring an 80 km hour speed environment can be maintained.

Development within the vicinity of the indicative corridor for the Southern Distributor road including any potential for development south of the Corridor will be required to be carefully considered in conjunction with overall infrastructure and servicing constraints.

The Proponent, as a component of the subject Planning Proposal has sought to alter the indicative location of the Southern Distributor further to the south to maximise residential development opportunities in the subject land.

The Proponent has provided the following information in respect of the proposal:

“The proposed location of the Southern Distributor has been discussed with Council’s Technical Services Division Staff. Discussions regarding filling flood affected land to the south and required separation from the Eulomogo Creek corridor along the southern property boundaries have also informed the positioning of this road. Consultants Cardno have prepared a supplementary flood study based on the Keswick Drainage Review and having regard to the proposed lot layout and the location of the Southern Distributor.

The location of the Southern Distributor would be located above the Flood Planning Level and further south to maximise development yield of the site.

It is proposed that the future development of the site be primarily for residential development with associated drainage land as affected by Eulomogo Creek zoned RE2 Private Recreation (i.e. riparian corridor, stormwater detention with 2000 square metre allotments located on the northern side of the Southern Distributor and lots of a similar or greater size upon its southern side that would include the land affected by the riparian zone.”

Council’s Technical Services Division has undertaken an assessment of the Proponents proposal, the further flood study provided by consultants Cardno and the proposed indicative location of the Southern Distributor road through the subject land only.

This assessment has shown that the Proponent’s proposal is considered acceptable at the current Planning Proposal stage. However, it should be noted that any filling of the subject land, including the Eulomogo Creek Cowal, should be undertaken in accordance with the requirements of the Department of Primary Industries (Water) and Council. As such, it is considered appropriate for the Stage 1 Structure Plan for the South-East Residential Urban Release Area be amended to incorporate the new indicative alignment of the Southern Distributor Road.

In addition Council, as a component of any Gateway Determination for the Planning Proposal, will undertake consultation with the State Government Department of Primary Industries, particularly in respect of the proposal to fill the Eulomogo Creek Cowal area and to consider any impacts on adjacent or adjoining lands.

In respect to the overall alignment of the Southern Distributor and its connection with the Mitchell Highway, the alignment and Mitchell Highway connection is currently being planned prior to consideration by Council and ultimately detailed stakeholder consultation with affected landowners and other parties throughout the precinct.

(vii) Infrastructure

The Proponent, as a component of the Planning Proposal, provided a Servicing Strategy for the land and the projected development outcome. A number of overall infrastructure servicing issues were discussed with the Proponent at the meeting with Council Staff on 4 May 2017. This included issues particularly in respect of the overall servicing strategy and requirements for the South-East precinct, including land situated to the east of the subject land. Overall infrastructure provision and density of development on the subject land is linked to the density of development on adjoining lands.

Following assessment of the overall Planning Proposal by the Technical Services Division, the following information can be provided in respect of infrastructure impacts:

1. Town water supply reticulation for the overall Planning Proposal area is satisfactory if all water mains are provided in accordance with Council's requirements and associated hydraulic model analysis.
2. Gravity sewer for the overall Planning Proposal area is considered satisfactory as long as the system is developed in accordance with the principles of the Servicing Strategy and information provided by Consultants Geolyse in respect of the Sewer System.
3. Stormwater drainage for the overall Planning Proposal area is considered satisfactory if the system is development in accordance with the principles included in the Keswick Drainage Review, undertaken by Consultants Cardno Pty Ltd and information provided by Consultants Geolyse.

(viii) Acoustic Impacts

The proposed Southern Distributor will traverse through the southern part of the subject site. Additionally, a quarry is proposed on land in close proximity to the east of the subject land. A Road Traffic Noise Assessment has been prepared by Muller Acoustic Consulting Pty Ltd to assess the acoustic impacts associated with the proposed Southern Distributor road only.

The assessment concluded that the noise predictions for the proposed Southern Distributor are above acceptable levels. However, appropriate noise reduction methods associated with the construction of residential dwellings would be required to be further considered at subdivision and development stage of the land. In addition, the assessment also concluded that noise attenuation of the overall Southern Distributor would be likely to be required. Such future noise attenuation measures could be in the form of an earth mound or barrier. However, further acoustic assessment will be required following the consideration of the overall traffic volumes, the final location of the Southern Distributor road and the final design of the residential subdivision in the vicinity of the Southern Distributor.

(ix) Groundwater Vulnerability/Salinity

The subject site is mapped as containing moderately high and high levels of ground water vulnerability pursuant to the provisions of Clause 7.5 of the Dubbo LEP. Included as part of the Planning Proposal was a groundwater and salinity study which was undertaken to determine the impacts of development on the sites salinity and groundwater levels. Following the study consultants, Envirowest Consulting Pty Ltd, prepared a number of recommendations, these are as follows:

- “1. Promote plantings of deep rooted vegetation as street trees, along the proposed freight way and within the riparian zone.*
- 2. Deep rooted trees should be established in the road reserves in accordance with council policy of 1 tree per block.*
- 3. Additional plantings of deep rooted vegetation in the road reserves located at the geological interface. The trees should be planted with 20m spacings (25 trees/ha).*
- 4. Planting of trees in expected areas of lithological/hydrological interfaces to minimise saline soils/groundwater.*
- 5. Piping of surface water off-site.*
- 6. Promote water sensitive design of dwellings and gardens.*
- 7. Stormwater retention basins lined with an impermeable layer.*
- 8. Design road levels similar to natural soil levels to minimise excavations.*
- 9. Earthworks comprising cut should be minimised.*
- 10. Excavation material with elevated salinity should be backfilled, utilised as fill under roads or disposed to landfill.*
- 11. Assessment of soil salinity prior to house construction to enable appropriate design of footings.”*

The landscape master plan prepared by APS Landscape Architects is consistent with the above recommendations with the intent to mitigate the potential risk of groundwater salinity. However, further salinity investigation will be required to be undertaken at development application stage for the subdivision of the land to enable quantification of any ongoing impacts and the provision of appropriate mitigation measures. This is especially in respect of the Proponents proposal to amend the location of the proposed public open space/stormwater system through the land.

(x) Aboriginal Archaeology

The Planning Proposal included an Aboriginal Due Diligence Archaeological Assessment prepared by OzArk Environmental and Heritage Management to assess the impacts of the proposed development on the Aboriginal Archaeology. The assessment recorded two Aboriginal sites located on the southern part of the subject land; Hillview-IF-1 and 36-4-0186 Artefact. Another two (2) Aboriginal sites were identified outside of the subject site area; one (1) to the south, 36-1-0187, and one (1) to the south east.

OzArk Environmental and Heritage Management has made the following recommendations:

- “1. Further investigation and impact assessment of the Study Area must be undertaken, including the preparation of an ACHAR, following the ACHARs and adhering to the Code of Practice. If this assessment concludes that harm to Aboriginal objects will occur, then an AHIP application must be made.*
- 2. Ground disturbing activities must not occur within the riparian zone or within the Study Area boundaries south of Eulomogo Creek. This will avoid harm to AHIMS #36-1-0186 and most of the area of PAS. Due to the close proximity to the Study Area, management of AHIMS #36-1-0187 may also be required during the proposed work to avoid inadvertently harming the site.*
- 3. The establishment of a riparian zone around Eulomogo Creek has not avoided ground disturbing activities within the updated AHIMS #36-1-0188 site extent and PAD area or within the northeast portion of the area of PAS. If ground disturbing work cannot be avoided in this area, test excavations in accordance with the Code of Practice will be required to establish whether an archaeological deposit exists in this area, with results reported in an Archaeological Assessment Report or included in the ACHAR. Surface salvage of previously recorded artefacts and, possibly, salvage excavations will subsequently be required under an AHIP.*
- 4. Harm to Hillview-IF1 has not been avoided and therefore surface collection of the artefact will be required under an AHIP.”*

Council, as a component of any Gateway Determination will undertake consultation with the Office of Environment and Heritage in respect of any impacts on Aboriginal Heritage impacts associated with the Planning Proposal.

SUMMARY

A Planning Proposal was lodged by the Proponent on 7 October 2016, to undertake a number of amendments to the Dubbo Local Environmental Plan 2011 across the subject land. The proposed amendments include rezoning parts of the land from R2 Low Density Residential to R1 General Residential to facilitate further residential development types, alteration to the overall density of development in the southern section of the land and to amend the location of the public open space/stormwater system by amending the location of land zoned RE1 Public Recreation.

The Planning Proposal has also sought to rezone an area of approximately 19,500 square metres along the future Boundary Road extension to B1 Neighbourhood Centre to facilitate a future supermarket and specialty stores to serve the needs of future residents.

The Proponent has also sought an amendment to the Stage 1 Structure Plan for the South-East Residential Urban Release Area to facilitate the proposed densities as contained in the Planning Proposal.

The Planning Proposal is not considered to be strictly consistent with the provisions of the Dubbo Urban Areas Development Strategy including the Dubbo Residential Areas

Development Strategy and the Dubbo Commercial Areas Development Strategy. In respect of compliance with the Dubbo Residential Areas Development Strategy, the proposed densities, including minimum allotment sizes in the southern section of the land are not fully compliance with the principles of concentric zoning. However, on balance, the proposed lot sizes are considered suitable to enable Gateway assessment by the NSW Department of Planning and Environment.

In respect of compliance with the Dubbo Commercial Areas Development Strategy, the Planning Proposal includes the provision of further land to be zoned B1 Neighbourhood Centre, which would allow the development of a new neighbourhood centre. The third party review of the Economic Impact Assessment has confirmed that the subject component of the Planning Proposal is also considered suitable to enable gateway assessment by the NSW Department of Planning and Environment.

It is considered that the Planning Proposal be submitted to the Department of Planning and Environment to seek a Gateway Determination. However, given Council is the owner and developer of the adjacent land (Keswick Estate), the overall size and complexity of the Planning Proposal, it is considered that Council should not request to use its Delegations under Section 59 of the Environmental Planning and Assessment Act, 1979.

Following receipt of a Gateway Determination, Council will place the draft amendment on public exhibition. The Planning Proposal will be placed on public exhibition for a period of no less than 28 days.

Appendices:

- | | | |
|---|---|---|
| 1 | Original Planning Proposal - October 2016 | <i>Provided Under Separate Cover</i> |
| 2 | Amended Planning Proposal - April 2017 | <i>Provided Under Separate Cover</i> |
| 3 | Hill PDA Third Party Review - South East Neighbourhood Centre | <i>Provided Under Separate Cover</i> |