



AGENDA PLANNING AND DEVELOPMENT COMMITTEE 17 JULY 2017

MEMBERSHIP:
Mr M Kniepp (Administrator).

The meeting is scheduled to commence at 5.30pm.

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The Committee had before it the report dated 12 July 2017 from the Manager City Strategy Services regarding Planning Proposal (R15-3) - Proposed Alteration to Minimum Lot Sizes - Lot 172 DP 753233, 20R Peak Hill Road, Dubbo.	



**DUBBO REGIONAL
COUNCIL**

Report of the Planning and Development Committee - Meeting 19 June 2017

AUTHOR: Administrative Officer - Governance
REPORT DATE: 6 July 2017

The Committee had before it the report of the Planning and Development Committee meeting held 19 June 2017.

MOTION

That the report of the Planning and Development Committee meeting held on 19 June 2017, be adopted.



**REPORT
PLANNING AND DEVELOPMENT
COMMITTEE
19 JUNE 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 (N Comber), the Corporate Communications Supervisor, the Director Technical Services, the Manager Fleet Management Services, the Fleet Maintenance Supervisor, 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 Manager Social Services, the Director Parks and Landcare Services and the Transition Project Leader.

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

The proceedings of the meeting commenced at 5.30pm.

**PDC17/21 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - MEETING 15
MAY 2017 (ID17/954)**

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

Moved by Mr M Kneipp (Administrator)

MOTION

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

CARRIED

PDC17/22 PLANNING PROPOSAL (R16-5) - SOUTHLAKES ESTATE, DUBBO (ID17/768)

The Committee had before it the report dated 13 June 2017 from the Manager City Strategy Services regarding Planning Proposal (R16-5) - Southlakes Estate, Dubbo. The Committee reports having met with Mr Steve Guy of Maas Group Properties regarding the matter.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends:

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.

CARRIED

The meeting closed at 5.35pm.

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CHAIRMAN



REPORT: Planning Proposal (R15-3) - Proposed Alteration to Minimum Lot Sizes - Lot 172 DP 753233, 20R Peak Hill Road, Dubbo

AUTHOR: Manager City Strategy Services
REPORT DATE: 12 July 2017
TRIM REFERENCE: ID17/1223

EXECUTIVE SUMMARY

A Planning Proposal was lodged with Council on 21 December 2015 by consultants, Geolyse Pty Ltd on behalf of the owner of Lot 172 DP 753233, 20R Peak Hill Road, Dubbo, Highview Country Estates Pty Ltd. A copy of the Planning Proposal is provided as attached under separate cover.

The land subject to the Planning Proposal is currently zoned R5 Large Lot Residential with a minimum lot size of 10 hectares under the provisions of the Dubbo Local Environmental Plan 2011.

The intent of the Planning Proposal is to amend the Dubbo Local Environmental Plan 2011 to allow further residential subdivision of the subject land. The Planning Proposal has sought to achieve this by reducing the minimum lot size from 10 hectares to a range of 2,000 m² and 4,000 m² and reducing the area mapped as 'moderate biodiversity' to facilitate the future road and subdivision layout.

Council's assessment of the Planning Proposal revealed a number of significant issues in respect of infrastructure provision, particularly in relation to reticulated water supply, reticulated sewerage services, stormwater infrastructure and road infrastructure. Council held a number of discussions with the Proponent in order to address these issues. Following discussions with Council, the Proponent provided further information to Council on 14 February 2017. The further information showed how a potential Community Title subdivision of the land could be undertaken. It also included details in respect of infrastructure management on the subject land. A copy of the further information provided by the Proponent is also provided under separate cover.

It is considered that the Planning Proposal is not inconsistent with the provisions of the Dubbo Urban Areas Development Strategy including the Dubbo Residential Areas Development Strategy which includes the policy to "confirm and protect the land identified for Rural Buffer with no further fragmentation to occur." It is considered that the proposed amendment to the Dubbo LEP 2011 would provide for a buffer between residential development and land situated to the south of the subject site. Notwithstanding, it is considered that the Planning Proposal would further assist with the provision of housing

within the South-West Urban Release Area and provide a greater variety of housing choice in the Dubbo housing market.

It is recommended that the Planning Proposal be submitted to the Department of Planning and Environment to seek a Gateway Determination. 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.

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.

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: Staff across the organisation 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 Department will allow Council to, conditionally, undertake an amendment to the LEP. The Planning 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 Planning Proposal with respect to Lot 172 DP 753233, 20R Peak Hill Road Dubbo, including the further information provided by the Proponent, to amend the minimum allotment size for subdivision of the land from 10 hectares to a range between 2,000 m² and 4,000 m² and including the following amendments:
 - The residue area of the land maintain the current minimum allotment size for subdivision of 10 hectares under the provisions of the Dubbo Local Environmental Plan 2011.
 - The Natural Resource – Biodiversity Map (Sheet NRB_008) not be amended as intended in the Planning Proposal as it is considered that removal of the land from the Natural Resource – Biodiversity Map would be premature prior to any development application for residential subdivision being considered by Council.
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 as the caretaker period associated with the next Local Government Election on 9 September 2017 may impact progression of the Planning Proposal.
4. That Council request the Department of Planning and Environment to provide the Director General's requirements for the provision of State Public Infrastructure for the subject land only in accordance with Clause 6.1 of the Dubbo Local Environmental Plan 2011.
5. That following completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition for further consideration of the Planning Proposal.

Steven Jennings
Manager City Strategy Services

BACKGROUND

The Planning Proposal was lodged on 21 December 2015, by consultants, Geolyse Pty Ltd on behalf of Highview Country Estates Pty Ltd. The Planning Proposal seeks to amend the minimum allotment sizes for subdivision of the land.

The subject land covers an area of 98.14 ha and is zoned R5 Large Lot Residential with a minimum lot size of 10 hectares under the provisions of the Dubbo Local Environmental Plan 2011. Under these provisions, a subdivision of the land into a maximum of nine (9) lots is permissible with development consent. It is the intention of the owner, Highview Country Estates Pty Ltd, to increase this allotment potential to approximately 137 community title lots with 105 lots ranging in size from approximately 2,000 m² to 5,000 m² and 32 lots ranging in size from approximately 4,000 m² to 8,700 m².

The subject land is also mapped as having 'moderate biodiversity' across the entire site and forms a component of the South-West Dubbo Urban Release Area.

Council's assessment of the Planning Proposal revealed a number of significant issues in respect of infrastructure provision, particularly in relation to reticulated water supply, reticulated sewerage services, stormwater infrastructure and road infrastructure. Council held a number of discussions with the Proponent in order to address these issues. Following these discussions, the Proponent provided further information to Council on 14 February 2017. The further information shows how a potential Community Title subdivision of the land could be undertaken. The information also included details in respect of infrastructure management on the subject land. A copy of the further information provided by the Proponent is attached under separate cover.

This report provides an overall assessment of the Planning Proposal and recommends that Council seek a Gateway Determination from the Department of Planning and Environment.

REPORT

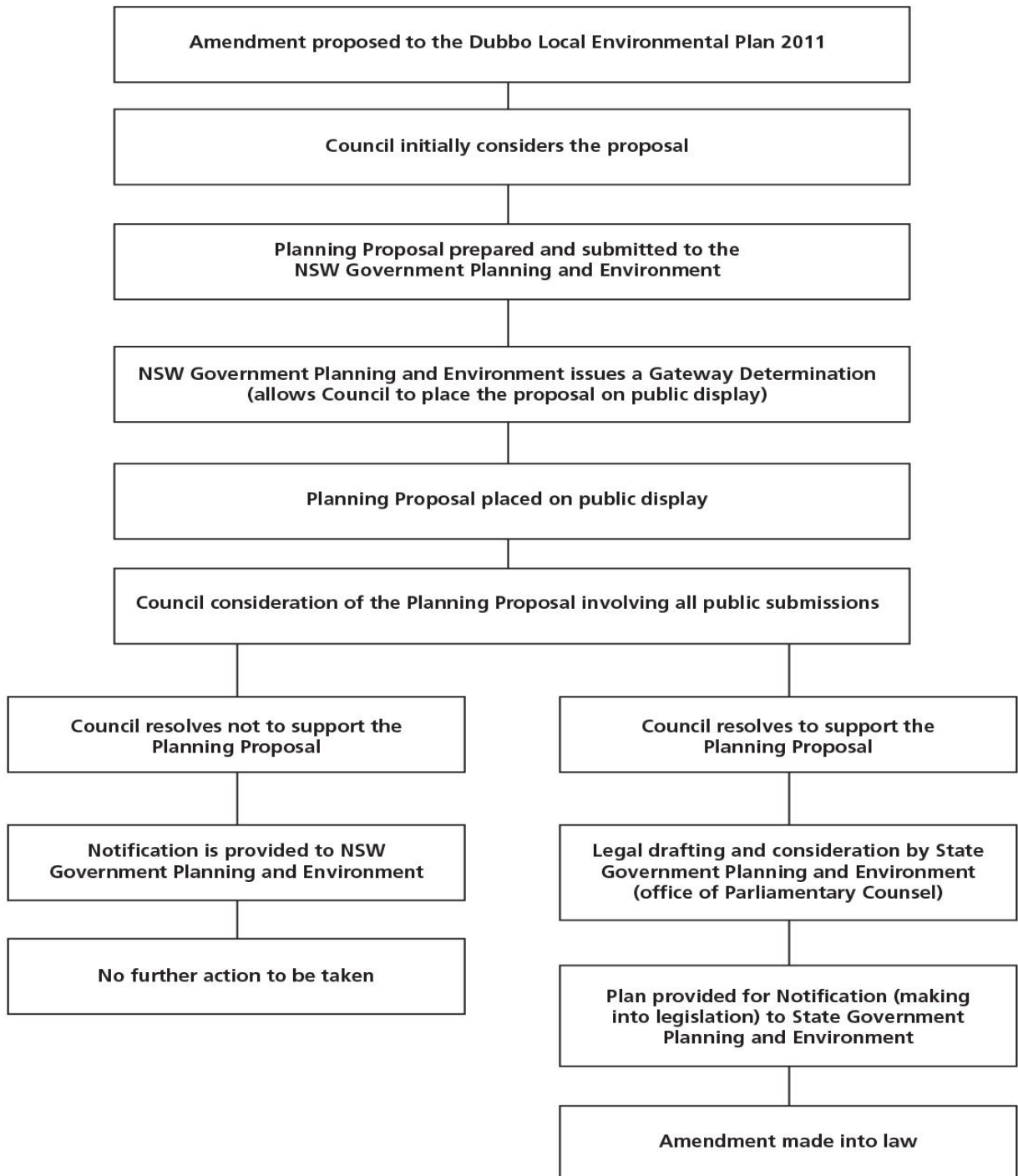
1. Particulars of the Planning Proposal

Owner:	Highview Country Estates Pty Ltd
Applicant:	Geolyse Pty Limited
Subject site:	Lot 172 DP 753233, 20R Peak Hill Road, Dubbo
Current zoning:	R5 Large Lot Residential
Current minimum lot size:	10 hectares
Proposed LEP amendments:	Amend the minimum allotment size for subdivision of the land from 10 hectares to a range including 2,000 m ² and 4,000 m ² .
Lodgement date:	21 December 2015

2. Amendments to Local Environmental Plan

The Department of Planning and Environment has 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 (LEP) commences with Council's consideration of a Planning Proposal. The Planning Proposal process is outlined in Figure 1.

PLANNING PROPOSAL PROCESS



The role of a Planning Proposal is to explain the intended effects of a proposed LEP 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 LEP amendment is provided to the Department to seek a Gateway Determination.

The Gateway is a relatively recent addition to the plan making process, which ultimately 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, specify any matters that require additional information, the level of public consultation required and State Government agencies to be consulted. After all additional matters have been addressed and the required consultation has been carried out, a report will be 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. Given the nature of the Planning Proposal and the impact of the caretaker period associated with the next Local Government Election on 9 September 2017, it is considered that it would not be appropriate for Council to be delegated this authority.

3. Planning Proposal

The Planning Proposal was lodged by consultants, Geolyse Pty Limited on behalf of Highview Country Estates Pty Ltd and seeks to amend the Dubbo Local Environmental Plan 2011 in respect of Lot 172 DP 753233, 20R Peak Hill Road, Dubbo. The subject allotment is zoned R5 Large Lot Residential with a minimum lot size of 10 hectares and is mapped as having 'moderate biodiversity' on the land under the provisions of the Dubbo Local Environmental Plan 2011. The subject allotment is also situated within the South-West Residential Urban Release Area under the provisions of the Dubbo LEP 2011.

A copy of the proposed minimum allotment size changes and the indicative subdivision of the land is shown in Figure 2.

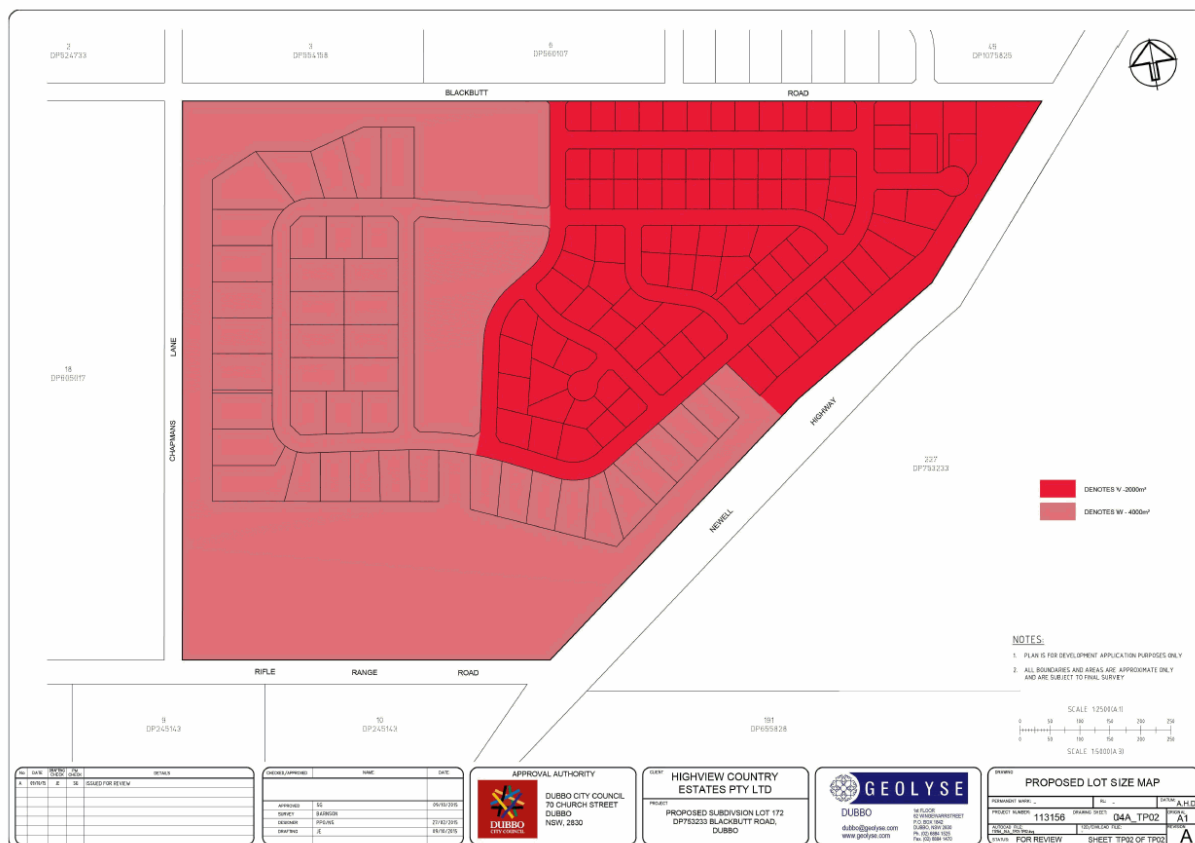


Figure 2. Minimum Lot Size changes and indicative subdivision plan

The intent of the Planning Proposal is to reduce the minimum allotment size for subdivision on the site from 10 ha to a range between 2,000 m² and 8,700 m² so as to allow subdivision of the land into smaller residential allotments. The Planning Proposal also seeks to amend the ‘Natural resource–biodiversity’ map to facilitate the future road and subdivision layout by reducing the area mapped as ‘moderate biodiversity sensitivity’ to selected areas which will be retained as bushland for public recreation and drainage corridors in the future residential subdivision.

Following assessment of the Planning Proposal by Council’s Infrastructure and Operations Officers, concerns were raised with the Proponent that the subject land could not be adequately serviced with Council infrastructure and as such, future development on the land may not be able to be adequately serviced to Council’s adopted service levels.

Following further consideration of infrastructure planning issues across the land and within the immediate locality, the Proponent provided further information to Council on 14 February 2017. The further information included details of how a potential Community Title subdivision of the land could function and also provide infrastructure for residential development to be undertaken. The Proponent provided the following information:

- *The Proponent’s intention is to develop the land as a Community Scheme in order to provide opportunity for the appropriate protection and management of the bushland*

and open space areas, both in terms of land management (ecological, bush fire, stormwater management) and amenity opportunities for the residents of the Estate. The residential component of the subdivision would be developed on the remaining 62 hectares of the site in size from approximately 137 community development lots with 105 lots ranging in size from approximately 2,000 m² to 5,000 m² with 32 lots ranging in size from approximately 4,000 m² to 8,700 m².

- *A Community Management Statement would be prepared to describe the following:-*
 - *The development concept and by-laws fixing details of the development with particular emphasis on the appropriate use and management of the Community Association land*
 - *Any special rules in relation to Association Property including rules for road usage and use and maintenance of open space corridors*
 - *Mandatory Matters such as garbage collection, fencing, services and statutory easement including clearly specifying who is responsible to own and maintain each service*
 - *Other matters like insurances and election of the committee*
 - *Optional matters such as visitors, use of a lot, security and other local rules*
 - *Any public authority by-laws generated through the development determination process*
- *All internal roads would be Community roads (Open Access Ways) owned and maintained by the Community Association.*
- *The development would be provided with a single point of connection into Council's sewer system, a single point of connection for potable water and a separate point of connection for a fire service*
- *All internal sewer, potable water and fire service lines would be owned and maintained by the Community association.*
- *The internal water system would include a reservoir to be owned and maintained by the community association.*
- *The internal sewer main would need to be located wholly within Lot 1 (Association property).*
- *The Community Association would own and manage the open space corridors including the feeding habitat for the glossy black cockatoos.*
- *The Community Association would also take on responsibilities in respect to maintaining the fire egress tracks and asset protection zones in and around the open space corridors in accordance with the recommendations of the bushfire report.*
- *The Community Association would need to contract garbage collection services.*

Following the provision of further information from the Proponent in respect of a likely development scenario for the land, this report recommends that a Gateway Determination be sought from the Department of Planning and Environment for the Planning Proposal.

4. Site Characteristics

The site subject to the Planning Proposal is Lot 172 DP 753233, 20R Peak Hill Road, Dubbo.

The allotment is located in south-west Dubbo and is boarded by Blackbutt Road to the north, Rifle Range Road to the south, Chapmans Road to the west and Peak Hill Road (Newell Highway) to the east. The site has an area of 98.14 hectares as shown in **Figure 3**.



Figure 3. Lot 172 DP 753233, 20R Peak Hill Road, Dubbo

The Proponent, as a component of the Planning Proposal, also seeks removal of the area of the land having a moderate biodiversity sensitivity from the Biodiversity Map as contained in the Dubbo LEP 2011. However, it is considered that removal of the subject area of the land from the biodiversity map would be premature given the environmental sensitivities of the land and also consistency with Section 117 Direction 2.1 Environment Protection.

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 significant matters for consideration in the Planning Proposal process.

(i) Central West and Orana Regional Plan

The Central West and Orana Regional Plan was released by the Minister for Planning and Housing on 14 June 2017. The Plan has the following vision for the Central West and Orana Region:

“The most diverse regional economy in NSW with a vibrant network of centres leveraging the opportunities of being at the heart of NSW.”

The Plan also has the following goals:

Goal 1

The most diverse regional economy in NSW

Goal 2

A stronger, healthier environment and diverse heritage

Goal 3

Quality freight, transport and infrastructure networks

Goal 4

Dynamic, vibrant and healthy communities

It is considered that the Planning Proposal is consistent with the vision of the Central West and Orana Regional Plan and is also consistent with Goal 4 of the Plan.

(ii) 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 of the land use zonings and planning controls provided in the Dubbo Local Environmental Plan 2011.

The land subject to the Planning Proposal is identified as being a ‘Rural Buffer’ within the South West Sub-District (SWSd) which provides the following objectives for land use activities:

- *“Protection of the long term role of the sub-district in providing fully serviced residential expansion opportunities westward;*
- *Continuation of the existing urban fringe/country life styles on small acreages;*
- *Protection of the transport corridor; and*
- *Providing the buffer area to protect agricultural areas.”*

It is considered that the Planning Proposal is not inconsistent with the provisions of the Dubbo Urban Areas Development Strategy including the Dubbo Residential Areas Development Strategy which includes the policy to “confirm and protect the land identified for Rural Buffer with no further fragmentation to occur.” It is considered that the proposed amendment to the Dubbo LEP 2011 will provide for a buffer between residential development and land situated to the south of the subject site. Notwithstanding, it is considered that the Planning Proposal will further assist with the provision of housing within the South-West Urban Release Area and provide a greater variety of housing choice in the Dubbo housing market.

It is considered that the Planning Proposal is broadly consistent with the objectives for land use in the South West Sub-District and will assist in the continuation of the existing urban fringe to deliver additional residential allotments in the area.

(iii) Section 117 Directions

Section 117 Directions that are applicable to the Planning Proposal are described below:

Direction	Requirement	Consistency
1.3 Mining, Petroleum Production and Extractive Industries	This 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. The inconsistency is considered to be of minor significance as the land affected by the Planning Proposal already permits residential development which would already be restrictive or incompatible with mining.
2.1 Environment Protection	This Direction is applicable when a Planning Proposal is prepared that applies to land identified for environmental protection purposes in an LEP.	The Direction requires a Planning Proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas. The Planning Proposal includes provisions that facilitate the protection and conservation of environmentally sensitive areas by including land mapped as having moderate biodiversity significance in the Natural Resource Biodiversity Map NRB_008 in Dubbo Local Environmental Plan 2011. The Planning Proposal is consistent with the Direction.

2.3 Heritage Conservation	This Direction is applicable when a Planning Proposal is prepared.	The Planning Proposal affects land containing items, areas, objects and places of Indigenous heritage significance. The Planning Proposal will not alter or affect any provisions that facilitate the conservation of heritage items, areas, objects and places of heritage significance. Future development will require consideration of these provisions in the Dubbo Local Environmental Plan 2011. The Planning Proposal is consistent with the Direction.
3.1 Residential Zones	This Direction is applicable as the Planning Proposal will impact land in an existing residential zone.	It is considered that the Planning Proposal would facilitate additional housing types and encourage greater housing choice in Dubbo. It is considered that the Planning Proposal will provide a greater range of housing types and styles in the South-West Residential Urban Release Area. The Planning Proposal is consistent with the objectives of the Direction.
3.3 Home Occupations	The Direction is applicable when a Planning Proposal is prepared that includes residential accommodation.	The Planning Proposal will not alter the current controls contained in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and the Dubbo Local Environmental Plan 2011, which permit the undertaking of home occupations without development consent. The Planning Proposal is consistent with the Direction.
3.4 Integrating Land Use and Transport	This Direction is applicable when a Planning Proposal will alter a provision relating to urban land.	The Planning Proposal does not locate any additional zones for urban purposes away from existing infrastructure and urban development. It is considered that the Planning Proposal is consistent with the Direction.
4.4 Planning for Bushfire Protection	The Direction is applicable when a Planning Proposal will affect land that is mapped as being bushfire prone.	The Planning Proposal does not seek to reduce any controls that avoid placing inappropriate developments in hazardous areas. A Bushfire Constraints Assessment has been undertaken as part of the Planning Proposal to satisfy the aim and objectives of <i>Planning for Bushfire Protection 2006</i> . In addition, Council will also consult with the NSW Rural Fire Service as a requirement of any Gateway Determination. The Planning Proposal is considered consistent with the Direction.
5.10 Implementation of Regional Plans	The Direction is applicable when Council prepares a Planning Proposal.	The Direction requires a Planning Proposal to be consistent with the vision and guiding principles of the Central West and Orana Regional Plan. It is considered that the Planning Proposal is consistent with the vision and guiding principles of the Plan.

6.1 Approval and Referral Requirements	This Direction is applicable when any Planning Proposal is prepared.	The Planning Proposal does not include any provisions that require concurrence. The Planning Proposal is considered consistent with the Direction.
6.3 Site Specific Provisions	The Direction is applicable when a Planning Proposal is prepared that will allow a particular 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. It is considered that the Planning Proposal is consistent with the Direction.

(iv) State Environmental Planning Policies

A number of State Environmental Planning Policies are applicable 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 (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

(v) Dubbo Local Environmental Plan 2011

Land Use Zoning

The subject land is currently zoned R5 Large Lot Residential with a minimum allotment size of 10 hectares, pursuant to the provisions of the DLEP 2011.

The objectives of the R5 Large Lot Residential zone are as follows:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The Planning Proposal is considered consistent with the objectives of the R5 Large Lot Residential zone.

Minimum Lot Size

The subject land currently has a minimum allotment size for subdivision of 10 hectares. The Planning Proposal seeks to amend the minimum allotment size for subdivision to between 2,000 m² and 4,000 m². The areas of remnant vegetation on the land are proposed to be provided with a minimum allotment size for subdivision of 4,000 m².

Given the characteristics of the vegetation on the land it is considered appropriate for these areas of the subject site to retain the current minimum allotment size for subdivision of 10 hectares.

Urban Release Areas

The subject land is located within in the South-West Dubbo Residential Urban Release Area which will have future considerations for the development of the site as provided in Part 6 of the Dubbo Local Environmental Plan 2011.

Pursuant to Clause 6.1 of the Dubbo Local Environmental Plan 2011, development consent must not be granted for the subdivision of land in an Urban Release Area unless Council has obtained written advice from the Director-General of the Department of Planning and Environment that satisfactory arrangements have been made for the provision of designated State public infrastructure in relation to the land.

This report recommends that Council request the Department of Planning and Environment to provide the Director General's concurrence for the provision of State Public Infrastructure in respect of the subject land only.

Clause 7.2 Natural Resource–biodiversity

The subject site is mapped as having 'moderate biodiversity sensitivity' across the entire site under the provisions of the Natural Resource–Biodiversity Map as contained in the DLEP 2011.

Clause 7.2 of the DLEP 2011 applies to development on land identified on the Natural Resource–Biodiversity Map. The objectives of this clause are to protect, maintain and improve the diversity of native vegetation, including:

- “(a) protecting biological diversity of native flora and fauna, and*
- (b) protecting the ecological processes necessary for their continued existence, and*
- (c) encouraging the recovery of threatened species, communities or populations and their habitats.”*

The Proponent, as a component of the Planning Proposal, is also seeking removal of the area of the land having a moderate biodiversity sensitivity from the Biodiversity Map as contained in the Dubbo LEP 2011. However, it is considered that removal of the subject area of the land from the biodiversity map would be premature given the environmental sensitivities of the land and is also consistent with Section 117 Direction 2.1 Environment Protection.

(vi) Flora and Fauna

The subject site is mapped as containing moderately high biodiversity sensitivity pursuant to the Dubbo Local Environmental Plan 2011.

The Proponent provided an Ecological Constraints and Opportunities Report for the subject site which was prepared in April 2013 by Geolyse Pty Ltd.

The report determined that a large area of vegetation totalling approximately 36 hectares be set aside in the middle of the site and around the perimeter of the site as a woodland corridor. The indicative proposed subdivision plan provided with the Planning Proposal has been designed to include these recommendations and addresses concerns raised previously by Council in respect of habitat connectivity and particularly habitat for Grey Crowned Babblers (*Pomatostomus temporalis temporalis*) and Glossy Black Cockatoos (*Calyptorhynchus lathami*).

In addition to overall management of a possible future subdivision of the land under Community Title, the Proponent has also provided information that the areas of remnant vegetation could be managed as a component of the association property.

(vii) Groundwater Vulnerability/Salinity

The Dubbo Local Environmental Plan 2011 maps the subject site as having moderately high groundwater vulnerability.

Detailed assessment of the groundwater and salinity report provided with the Planning Proposal has shown that the proposed subdivision and residential development on the land is likely to present minor salinity and groundwater impacts. Further information regarding mitigation measures for groundwater impacts will be required to be provided at the Development Application stage.

In relation to the proposed reduction in the minimum lot size regime on the land, Council, as a component of the Planning Proposal process, will consult with the Department of Primary Industries in relation to whether any increase in density will provide any further salinity and/or groundwater impacts.

(viii) Infrastructure

The Proponent, as a component of the Planning Proposal, provided an Infrastructure Assessment – Site Servicing Strategy for the land and the proposed development outcome. A number of infrastructure servicing issues were identified by Council and discussed with the Proponent at meetings held on 16 May 2016 and 26 August 2016. This included issues particularly in respect of the overall Servicing Strategy including water supply, sewerage, stormwater, access and traffic.

Following meetings with the Proponent and consultants, the Proponent provided further information to Council on 14 February 2017. The further information showed how a potential Community Title subdivision of the land could be undertaken. The further information also included details in respect of infrastructure management on the subject land.

The further information (including a potential Community Title subdivision of the land) was assessed by Council's Technical Services Officers. The following outlines the results of this assessment.

Water

Council could provide two water connection points to the development, with the internal water system and reservoir to be owned and maintained by the Community Association as a component of the Community Title subdivision of the land. The Community Association would be responsible for water pressure monitoring, firefighting capabilities, water quality, maintenance, water metering and billing for individual lots.

Sewerage

Part of the subject site is located within a sewerage catchment which drains by the existing Cootha sewage pump station. Approximately 60 lots could be serviced by a one (1) kilometre (approximately) extension of the sewer main to Lot 172. It is proposed that two additional sewage pump stations would be installed to service the remaining 78 lots. The developer would be responsible for the proposed sewer extension, staging of sewer to the development, negotiation with developers downstream of the site, maintenance and management of the internal sewerage infrastructure.

Stormwater

Stormwater drainage would be provided to include interallotment stormwater drainage pipes and inlet pits, roadway stormwater drainage and inlet pits and four retarding basin systems.

(ix) Traffic

A Traffic and Access Assessment has been provided with the Planning Proposal which provided the following conclusion:

“The surrounding and future road network is of sufficient capacity to cater for the future increase in vehicle trips once developed.”

Access to the proposed future development would be via two entry/exit locations off Blackbutt Road which provide good access to/from Dubbo via the Newell Highway. Development of the subject land to the extent intended by the Planning Proposal has the distinct likelihood of increasing traffic generation at the existing Blackbutt Road/Newell Highway intersection. It is estimated that the proposed development of a 137 lot Community Title subdivision would have an anticipated daily and peak hour traffic generation of 1,507 vehicle trips per day or 137 vehicle trips per hour.

Council, as a component of any Gateway Determination received in respect of the Planning Proposal, will consult with the Roads and Maritime Services.

(x) Heritage

An Aboriginal Archaeological Assessment for the subject site was undertaken by OzArk Environmental and Heritage Management in September 2015.

The investigation found and recorded two new Aboriginal sites (BR-IF1 and BR-ST1), while two previously recorded sites (CR-OS-1 (#36-1-0523) and CR-ST-1 (#36-1-0525)) were unable to be located.

The investigation report made a number of recommendations for the study area, including that no further archaeological investigation is warranted at any of the identified Aboriginal sites.

(xi) Noise Pollution and Vibration

A Road Traffic Noise Assessment for the subject site was undertaken by Muller Acoustic Consulting in October 2015. The noise assessment found that part of the site would be impacted by noise and any future residential development in this area would require construction using materials to mitigate those noise impacts.

Further assessment of road noise impact and the provision of appropriate mitigation measures would be required to be undertaken as a component of any development application for residential subdivision.

(xii) Contamination

The subject site is listed on Council's Register of Potentially Contaminated Land for friable asbestos due to a house fire. The site also has a history of potentially contaminating activities including illegal dumping and small-scale landfilling.

The Proponent provided a Remediation and Validation Report for the subject site which was prepared in December 2015 by Envirowest Consulting. The report identified that numerous stockpiles were present across the site comprising building materials (bricks, concrete, asbestos cement sheeting, iron, tiles and fencing), household refuse (furniture, electrical appliances, clothing, linen, glass, plastic, cans, nappies and household rubbish), soil and gravel. The site also has a history of agriculture (grazing) however no contamination is expected as a result of the agricultural land use.

All contaminated areas were remediated by excavation and off-site disposal. A Site Validation Report will be required to be prepared by a suitably accredited person and submitted to Council as a component of any future development application for residential subdivision.

SUMMARY

A Planning Proposal was lodged with Council on 21 December 2015 by consultants, Geolyse Pty Ltd on behalf of the owner of Lot 172 DP 753233, 20R Peak Hill Road, Dubbo, Highview Country Estates Pty Ltd.

Council's assessment of the Planning Proposal revealed a number of significant issues in respect of infrastructure provision, particularly in relation to reticulated water supply, reticulated sewerage services, stormwater infrastructure and road infrastructure. Council held a number of discussions with the Proponent in order to address these issues. Following discussions with Council, the Proponent provided further information to Council on 14 February 2017. The further information shows how a potential Community Title subdivision of the land could be undertaken. The further information also included details in respect of infrastructure management on the subject land.

It is recommended that the Planning Proposal be submitted to the Department of Planning and Environment to seek a Gateway Determination. Following receipt of a Gateway Determination, Council would 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.

Appendices:

- 1 Planning Proposal – Alteration to Minimum Lot Size – 20R Peak Hill Road, Dubbo – Provided under separate cover.
- 2 Further Information provided by the Proponent – Provided under separate cover.