



# AGENDA

## DEVELOPMENT AND ENVIRONMENT COMMITTEE

### 13 JULY 2020

MEMBERSHIP: Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields

The meeting is scheduled to commence at 5.30pm.

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	Page
<b>DEC20/19</b>	
<b>REPORT OF THE DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING 9 JUNE 2020 (ID20/644)</b>	<b>3</b>
The Committee had before it the report of the Development and Environment Committee meeting held 9 June 2020.	
<b>DEC20/20</b>	
<b>BUILDING SUMMARY - JUNE 2020 (ID20/579)</b>	<b>7</b>
The Committee had before it the report dated 30 June 2020 from the Director Development and Environment regarding Building Summary - June 2020.	
<b>DEC20/21</b>	
<b>PLANNING PROPOSAL - (R18-3) - SOUTHLAKES ESTATE, DUBBO, PROPOSED ALTERATIONS TO LAND USE ZONINGS AND MINIMUM LOT SIZES (ID20/182)</b>	<b>10</b>
The Committee had before it the report dated 26 June 2020 from the Manager Growth Planning regarding Planning Proposal - (R18-3) - Southlakes Estate, Dubbo, Proposed Alterations to Land Use Zonings and Minimum Lot Sizes.	
<b>DEC20/22</b>	
<b>PLANNING PROPOSAL - (R20-1) - SOUTHLAKES ESTATE, DUBBO (ID20/400)</b>	<b>21</b>
The Committee had before it the report dated 29 June 2020 from the Manager Growth Planning regarding Planning Proposal - (R20-1) - Southlakes Estate, Dubbo.	

<b>DEC20/23</b>	<b>NAMING OF THOROUGHFARES ASSOCIATED WITH THE KINTYRE HEIGHTS SUBDIVISION, 20R PEAK HILL ROAD, DUBBO (ID20/654)</b>	<b>38</b>
	The Committee had before it the report dated 24 June 2020 from the LIS and E-Services Coordinator regarding Naming of Thoroughfares Associated with the Kintyre Heights Subdivision, 20R Peak Hill Road, Dubbo.	



**DUBBO REGIONAL  
COUNCIL**

## **Report of the Development and Environment Committee - meeting 9 June 2020**

**AUTHOR: Executive Manager Governance and  
Internal Control**

**REPORT DATE: 18 June 2020**

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The Committee had before it the report of the Development and Environment Committee meeting held 9 June 2020.

### **RECOMMENDATION**

**That the report of the Development and Environment Committee meeting held on 9 June 2020, be noted.**



**REPORT  
DEVELOPMENT AND ENVIRONMENT  
COMMITTEE  
9 JUNE 2020**

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**PRESENT:** Councillors V Etheridge, D Grant, S Lawrence, G Mohr, K Parker and B Shields.

**ALSO IN ATTENDANCE:**

The Chief Executive Officer, the Executive Manager Governance and Internal Control, the Acting Governance Team Leader, the Communications Partner, the Director Organisational Performance, the Director Culture and Economy, the Director Infrastructure, the Director Development and Environment, the Director Liveability the Manager of Growth and Planning and the Manager of Corporate Image and Communications.

Councillor G Mohr assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm.

**DEC20/14      REPORT OF THE DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING  
11 MAY 2020 (ID20/448)**

The Committee had before it the report of the Development and Environment Committee meeting held 11 May 2020.

Moved by Councillor Lawrence and seconded by Councillor Etheridge

**MOTION**

**That the report of the Development and Environment Committee meeting held on 11 May 2020, be noted.**

**CARRIED**

**DEC20/15 BUILDING SUMMARY - MAY 2020 (ID20/470)**

The Committee had before it the report dated 26 May 2020 from the Director Development and Environment regarding Building Summary - May 2020.

Moved by Councillor Parker and seconded by Councillor Etheridge

**MOTION**

**That the information contained within the report of the Director Development and Environment dated 26 May 2020, be noted.**

**CARRIED**

**DEC20/16 REVIEW OF COUNCIL POLICY - OUTDOOR DINING - MACQUARIE STREET, DUBBO (ID20/493)**

The Committee had before it the report dated 25 May 2020 from the Manager Growth Planning regarding Review of Council Policy - Outdoor Dining - Macquarie Street, Dubbo.

Moved by Councillor Lawrence and seconded by Councillor Shields

**MOTION**

- 1. That the next review of the Outdoor Dining Policy be undertaken before the end of the 2022 Financial Year.**
- 2. That the Outdoor Dining Policy be extended to incorporate Talbragar Street, Darling Street, Brisbane Street, Cobra Street, Bultje Street and Wingewarra Street, within the Dubbo Central Business District.**
- 3. That extension of the Outdoor Dining Policy examine suitable outdoor dining opportunities for Category A locations.**
- 4. That the Category A lease fee of \$160 per week (50 square metres) be included in Council's Fees and Charges.**
- 5. That the lease fee for the 2020/2021 Financial Year be \$0 for Category A areas.**

**CARRIED**

**DEC20/17 DUBBO CENTRAL BUSINESS DISTRICT PLAN (ID20/541)**

The Committee had before it the report dated 1 June 2020 from the Manager Growth Planning regarding Dubbo Central Business District Plan.

Moved by Councillor Lawrence and seconded by Councillor Shields

**MOTION**

**That the information contained within the report of the Manager Growth Planning dated 1 June 2020, be noted.**

**CARRIED**

**DEC20/18 LEAVE OF ABSENCE**

A request for leave of absence was received from Councillor A Jones, J Diffey and D Gumley and J Ryan who were absent from the meeting due to personal reasons.

Moved by Councillor Lawrence and seconded by Councillor Etheridge

**MOTION**

**That such request for leave of absence be accepted and Councillor A Jones, J Diffey and D Gumley and J Ryan be granted leave of absence from this meeting.**

**CARRIED**

The meeting closed at 5:33pm.

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CHAIRMAN



DUBBO REGIONAL  
COUNCIL

## REPORT: Building Summary - June 2020

**AUTHOR:** Director Development and Environment  
**REPORT DATE:** 30 June 2020  
**TRIM REFERENCE:** ID20/579

### EXECUTIVE SUMMARY

Information has been prepared on the statistics of the number of dwellings and other residential development approved in the Dubbo Regional Council Local Government Area (LGA) together with statistics for total approved Development Applications for the information of Council.

**Appendix 1** relates specifically to residential approval figures, and includes both historical and current financial year data relating to the Dubbo LGA. **Appendices 2 to 5** include both the current and retrospective figures for all development types approved within the Dubbo LGA for the financial years stated.

All development applications, construction certificates and complying development certificates can be tracked online at <https://planning.dubbo.nsw.gov.au/Home/Disclaimer>.

### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

### POLICY IMPLICATIONS

There are no policy implications arising from this report.

### RECOMMENDATION

**That the information contained within the report of the Director Development and Environment dated 30 June 2020, be noted.**

*Stephen Wallace*

Director Development and Environment

## REPORT

Provided, for information, are the latest statistics (as at the time of production of this report) for Development Applications for Dubbo Regional Council.

### 1. Residential Building Summary

Dwellings and other residential developments approved during June 2020 were as follows:

#### June

Single dwellings	8
Other residential development	1
(No. of units)	1

For consistency with land use definitions included in the Local Environmental Plan (LEP), residential development has been separated into 'Single Dwellings' (defined in the LEP as 'dwelling house') and 'Other residential development' (comprising 'dual occupancies', 'secondary dwellings', 'multi dwelling housing', 'seniors housing', 'shop top housing' and 'residential flat buildings').

These figures include development applications approved by private certifying authorities (in the form of Complying Development Certificates).

A summary of residential approvals for the former Dubbo City Council area since 2011-2012 is included in **Appendix 1** however, it should be noted that the figures from July 2017 onwards include the approvals within the former Wellington Local Government Area as a consequence of the commencement of the merged application system.

### 2. Approved Development Applications

The total number of approved Development Applications (including Complying Development Certificates) for June 2020 and a comparison with figures 12 months prior and the total for the respective financial years, are as follows:

	<u>1 June 2020 – 30 June 2020</u>	<u>1 July 2019 – 30 June 2020</u>
No. of applications	40	669
Value	\$6,371,790	\$150,722,384
	<u>1 June 2019 – 30 June 2019</u>	<u>1 July 2018 – 30 June 2019</u>
No. of applications	56	751
Value	\$12,416,180	\$334,273,535

A summary breakdown of the figures is included in **Appendices 2-5**.



### 3. Online Application Tracking

All development applications, construction certificates and complying development certificates are tracked online and can be accessed at any time. A link is available on Councillor iPads for assistance (<https://planning.dubbo.nsw.gov.au/Home/Disclaimer>).

What information is available?

- All development applications, construction certificates and complying development certificates submitted from 1 November 2015 will provide access to submitted plans and supporting documents as well as tracking details of the progress of the application.
- More limited information is provided for applications submitted from 1 January 2001 to 31 October 2015.
- Occupation certificates (where issued) are provided from 2010.

What information is not available?

- Application forms.
- Floor plans for residential dwellings.
- Documentation associated with privately certified applications.
- Internal reports.

Councillors are welcome to contact me should they require further information in respect of outstanding Development Applications emanating from the online tracking system.

The information included in this report is provided for notation.

Appendices:

<b>1</b>	Building Summary - June 2020	Provided under separate cover
		
<b>2</b>	Approved Applications - 1 June 2020 to 30 June 2020	Provided under separate cover
		
<b>3</b>	Approved Applications - 1 June 2019 to 30 June 2019	Provided under separate cover
		
<b>4</b>	Approved Applications - 1 July 2019 to 30 June 2020	Provided under separate cover
		
<b>5</b>	Approved Applications - 1 July 2018 to 30 June 2019	Provided under separate cover
		



## **REPORT: Planning Proposal - (R18-3) - Southlakes Estate, Dubbo, Proposed Alterations to Land Use Zonings and Minimum Lot Sizes**

**AUTHOR:** Manager Growth Planning  
**REPORT DATE:** 26 June 2020  
**TRIM REFERENCE:** ID20/182

### **SUMMARY**

A Planning Proposal was lodged with Council on 25 June 2018 by MAAS Group Family Properties. The Planning Proposal seeks to rezone Lot 2 DP 880413, 24R Sheraton Road, Dubbo, which is located east of the existing Southlake's Estate.

The subject land is currently zoned R5 Large Lot Residential with a minimum lot size of 1.5 hectares. The Planning Proposal seeks to rezone the R5 Large Lot Residential zone to a mixture of R1 General Residential, R2 Low Density Residential and RU2 Rural Landscape.

In addition, the Planning Proposal seeks to amend the minimum lot size of 1.5 hectares to a range of no minimum lot size, 600m<sup>2</sup>, 800m<sup>2</sup>, 2000m<sup>2</sup>, and 100 hectares.

In accordance with the conditions of the Gateway Determination, the Planning Proposal and supporting documentation, were placed on public exhibition from 19 February 2020 to 20 March 2020.

This report contains the results of the public exhibition period, including Council's consultation with State Government Agencies.

It is recommended that Council supports the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 and a request be made to the Department of Planning, Industry and Environment for the draft amendment for the Plan to be made.

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

### **POLICY IMPLICATIONS**

The adoption of the Planning Proposal by Council as recommended in this report would result in an amendment to the Dubbo Local Environmental Plan 2011.

**RECOMMENDATION**

1. That the Planning Proposal attached as Appendix 1, to undertake the following amendments to the Dubbo Local Environmental Plan 2011, be adopted by Council:
  - That the subject land be rezoned from R5 Large Lot Residential to R1 General Residential and R2 Low Density Residential;
  - That the minimum lot size be changed from the existing 1.5 hectares to a mixture of no minimum lot size, 600m<sup>2</sup>, 800m<sup>2</sup>, 2000m<sup>2</sup> and 100 hectares;
  - That land situated to the south of the indicative location of the Southern Distributor be zoned RU2 Rural Landscape;
2. That Council request the Department of Planning, Industry and Environment to prepare the draft amendment to the Dubbo Local Environmental Plan 2011 and provide Council with an Opinion that the Plan be made.
3. That Council request gazettal of the Plan following receipt of the Opinion from the Department that the Plan be made.
4. That those who made a submission are sent an acknowledgement and advised of Council's determination in this matter.

*Steven Jennings*  
Manager Growth Planning

## BACKGROUND

A Planning Proposal was lodged with Council on 25 June 2018 by MAAS Group Family Properties. The Planning Proposal seeks to rezone Lot 2 DP 880413, 24R Sheraton Road, Dubbo, located east of the existing Southlake's Estate.

The subject land is currently zoned R5 Large Lot Residential with a subsequent minimum lot size of 1.5 hectares. The Planning Proposal seeks to rezone the R5 Large Lot Residential zone to a mixture of R1 General Residential, R2 Low Density Residential and RU2 Rural Landscape.

In addition, the Proposal seeks to amend the minimum lot size of 1.5 hectares to a range of no minimum lot size, 600m<sup>2</sup>, 800m<sup>2</sup>, 2000m<sup>2</sup>, and 100 hectares.

Council at its meeting on 29 October 2018 considered a report in respect of the Planning Proposal and resolved as follows:

- "1. That Council endorse the Planning Proposal as provided by the Proponent and included as Appendix 1 to the report of the Senior Strategic Planner dated 16 October 2018.*
- 2. That Council support a minimum 28 days 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."*

This report contains the results of the public exhibition period, including Council's consultation with State Government Agencies.

It is recommended that Council supports the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 and a request be made to the Department of Planning, Industry and Environment for the draft amendment of the Plan to be made.

REPORT

1. Gateway Determination

The Department of Planning, Industry and Environment issued a Gateway Determination for the Planning Proposal on 23 January 2020. The Gateway Determination included the following conditions:

- “1. Prior to consultation with public authorities, a revised, consolidated planning proposal is to be produced and submitted to the Department of Planning, Industry and Environment Planning – Western Region (DPIE-WR) Office which addresses the following:*
  - a. Prepare maps to clearly identify the subject site. In this regard, ensure all maps that form part of the planning proposal must clearly identify the subject land;*
  - b. Include all appendices and reports relevant to the planning proposal and reflect in the table of contents. Furthermore, include the following as part of the planning proposal:*
    - Updated 9.1 Direction Assessment;*
    - Noise and Vibration Impact Assessment and Staging Plan for Keswick Quarry Project;*
    - Noise Monitoring Assessment;*
    - Road Traffic Noise Assessment; and*
    - Any other Document or map that is relevant to this planning proposal.*
- 2. Prior to public exhibition, consultation is required with the following public authorities/organisations under section 3.34(2)(d) and Section 9.1 Ministerial Direction 1.3 – Mining, Petroleum Production and Extractive Industries of the Act to address any inconsistencies:*
  - Department of Planning, Industry and Environment – Environmental Protection Authority;*
  - Department of Planning, Industry and Environment – Regions, Industry, Agriculture and Resources;*
  - Department of Planning, Industry and Environment – Biodiversity Conservation Division (Floodplain Management);*
  - Transport for NSW – Roads and Maritime Services, and*
  - Department of Planning, Industry and Environment – Resources and Geoscience.*

*A revised planning proposal incorporating amendments sought (if required) by public authorities/organisations mentioned above along with the responses provided by public authorities/organisations must be provided to the DPIE-WR Office prior to proceeding with public exhibition.*

3. *Public exhibition is required under Section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:*
  - (a) *the planning proposal must be made publicly available for a minimum of 28 days; and*
  - (b) *the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of A guide to preparing local environmental plans (Department of Planning, Industry and Environment, 2018).*
4. *A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
5. *Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps, must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.*
6. *The time frame for completing the LEP is to be 12 months following the date of the Gateway determination."*

Council on 7 February 2020 provided the DPIE with an amended Planning Proposal in accordance with condition 1 of the Gateway Determination. The requirements of condition 2 of the Gateway Determination were considered excessive and an amendment to the condition was requested by Council. Council on 14 February 2020 received an Alteration of Gateway Determination. Condition 2 of the original Gateway Determination was replaced with the following condition:

*"During public consultation, consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act:*

- *Department of Planning, Industry and Environment – Environmental Protection Authority;*
- *Department of Planning, Industry and Environment – Regions, Industry, Agriculture and Resources;*
- *Department of Planning, Industry and Environment – Biodiversity Conservation Division (Floodplain Management);*
- *Transport for NSW – Roads and Maritime Services; and*
- *Department of Planning, Industry and Environment – Resources and Geoscience."*

Additionally, correspondence from the DPIE acknowledged satisfactory completion of condition 1 of the Gateway Determination and approval for the Planning Proposal to be placed on public exhibition.

## 2. Public Exhibition

In accordance with the conditions of the Gateway Determination, the Planning Proposal and supporting documentation, were placed on public display from 19 February 2020 to 20 March 2020.

The Planning Proposal was displayed at Dubbo Regional Council's Civic Administration Building, Dubbo, the Dubbo Branch of the Macquarie Regional Library and on Council's website. An advertisement was also placed in local print media on 19 February 2020 and letters were sent to the adjoining owners of the subject land.

No submissions were received from the public and four (4) submissions were received from State Government Agencies in respect of the Planning Proposal.

## 3. State Agency Consultation

The Gateway Determination as provided by the DPIE required Council to undertake consultation with the following State Government Agencies:

- Department of Planning, Industry and Environment – Environmental Protection Authority (EPA);
- Department of Planning, Industry and Environment – Regions, Industry, Agriculture and Resources,
- Department of Planning, Industry and Environment – Biodiversity Conservation Division (Floodplain Management),
- Transport for NSW – Roads and Maritime Services, and
- Department of Planning, Industry and Environment – Resources and Geoscience.

The following information details the issues raised in the submissions, including a relevant comment. A copy of the State Agencies submissions are provided as **Appendix 2**.

### Submission 1 – Department of Planning, Industry and Environment – Environmental Protection Authority.

A summary of the submission provided by the Department of Planning, Industry and Environment – Environmental Protection Authority is as follows:

*“...The EPA recommends that the proposal does not progress without an additional cumulative noise assessment, supported by modelling, that demonstrates the compatibility of existing and proposed land uses...”*

*...The EPA also encourages Dubbo Regional Council to consider the potential environmental and human health impacts that may result from the proposal, including cumulative impacts to:*

- *Air quality (dust and fine particulate matter) due to the construction and operation of existing industries and other approved development.*
- *Noise amenity due to existing and proposed industry and road traffic, which should be assessed and comply with the relevant NSW government guidelines.*
- *Water quality, including sediment and erosion controls designed and maintained to minimise potential impacts to surface water and groundwater. This will ensure that water quality is maintained or improved for drinking water and agricultural purposes downstream..."*

*Comment:*

Council provided additional information on 23 April 2020 to the EPA which addressed the abovementioned concerns. A copy of Council's correspondence is provided attached as **Appendix 3**.

Following consideration of Council's correspondence, the EPA provided the following comments:

*"...acoustic treatment of future buildings should be extended to include dwellings along the eastern boundary of the proposal, near Sheraton Road.*

*Council should audit both the South Keswick Quarry and Holcim's Dubbo Quarry to ensure that actual noise emissions are consistent with respective noise impact assessments and that all required noise mitigation measures are installed and maintained.*

*The EPA would like to reiterate the importance of appropriate and sustainable developments that allow the cohabitation of complimentary land use and avoid land use conflicts...*

*...forward any resulting applications to the EPA for comment, to ensure that the potential land use conflicts and impacts to the environment and human health are avoided or mitigated to an acceptable level..."*

*Comment:*

Council notes the comments provided by the EPA and the potential for land use conflict between the proposed residential development, future Southern Distributor Road and neighbouring extractive industries. Council also acknowledges that it is difficult to determine the future impacts on the proposed development at this present time, due to the uncertain timing of development within the locality and on land adjoining the subject site.



It is anticipated that the proposed residential development on the subject site will commence in the year 2026. The South Keswick Quarry will begin moving its operation eastward around the year 2025 and the Holcim Quarry could potentially move operations to the south and the south-east.

Council notes the recommendations provided by the EPA and suggest that further mitigation of acoustic impacts through building treatments is an issue to be addressed as part of the Development Approvals process. Similarly, the need for a noise audit of both quarries would be addressed prior to the issue of a future development consent on the land for residential subdivision and development.

Council acknowledges the EPA's interest in the proposal and notes their request to be consulted during the Development Approvals stage in respect of the subject land.

Submission 2 – Department of Planning, Industry and Environment – Biodiversity Conservation Division (Floodplain Management).

A summary of the submission from the Department of Planning, Industry and Environment – Biodiversity Conservation Division (Floodplain Management) is as follows:

*“...Based on the information provided, BCD has no specific comments to make on the proposal at this stage noting that development that requires clearing of native vegetation (including any planned sub-division) will need to be assessed in accordance with the Biodiversity Conservation Act 2016. This may require the development application to be accompanied by a biodiversity development assessment report prepared by an accredited person. Biodiversity impacts that cannot be avoided may need to be offset...”*

*Comment:*

Council acknowledges the comments provided by the Biodiversity Conservation Division and the requirement to address any potential impacts to Biodiversity Conservation as part of the Development Approvals process.

Submission 3 – Transport for NSW – Roads and Maritime Services.

A summary of the submission from Transport for NSW – Roads and Maritime Services is as follows:

*“TfNSW does not object to the proposed amendment subject to further consideration of the following:*

- *Urban expansion areas should have vehicle connectivity to Dubbo CBD through local roads rather than new connections to classified roads.*
- *Sheraton Road and the Mitchell Highway intersection will, in our opinion, experience delays beyond those noted in the Traffic Study.*

- *Noting the study calculated the impacts based on vehicle usage and has not identified potential benefit through the provision for linkages and facilities that can reduce vehicle usage.*
- *Further investigation for the staging, funding and signalisation by the developer is required.*
- *Undertake any road infrastructure upgrades in accordance with Council's Section 94 Contributions Plan.*
- *All connections with State classified roads should include duplication and flood proofing to the satisfaction of the consent authority.*
- *An additional Traffic Study may be required to assist in the planning approval process to better determine a schedule of required works.*
- *Active transport modes, walking and cycling and appropriate timely provision of public transport for travel between a neighbourhood precinct and residential areas is crucial.*
- *Neighbourhood precincts will reduce the use of classified roads, as more local traffic occurs.*
- *Further investigations is warranted to determine safe use of Sheraton Road between the existing Heavy and Light traffic resulting from the adjacent extractive industries.*
- *Consideration is needed for appropriate connection between the development and the closest catchment of public schools as well as the potential traffic impacts on the schools located along Sheraton Road.*
- *The provisions of walking and cycling connections undertaken by the developer should be prioritised and supported by safe facilities aligned with Safe System principles as per the Liveable and Safe Urban Communities initiative of NSW Road Safety Plan 2021.*
- *A final assessment should be undertaken once the final position and elevation of the Southern Distributor is determined along with contemporary traffic flows available in order to appropriately ascertain the impacts and subsequent required level of mitigation measures.*
- *Appropriate arrangements between the developer(s) and Council should be further considered in relation to mitigating against noise and air emissions, as well as vibrations resulting from the location of any residential lots in the vicinity of the Proposed Southern Distributor Road.*
- *All works are to be undertaken at no cost to TfNSW."*

*Comment:*

Council acknowledges that TfNSW commented on a number of issues including connection of Sheraton Road to the Mitchell Highway, consideration of the Urban Roads Section 94 Plan, connections to schools, staging of development and potential impacts from the adjacent extractive industries and proposed Southern Distributor Road.

Council also notes that TfNSW does not object to the proposed amendment to the Dubbo Local Environmental Plan 2011 and is therefore of the opinion that the concerns mentioned will be addressed in more detail as part of the Development Approval's process.

Submission 4 - Department of Planning, Industry and Environment – Resources and Geoscience.

A summary of the submission from Department of Planning, Industry and Environment – Resources and Geoscience is as follows:

- *“On page 23, it is stated that State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 does not apply as “The site is not located within any identified resource areas”. However, there are two hard rock quarries to the east of the site within approximately 50m of the eastern boundary.*
- *On page 23, the Ministerial Direction 1.3 – Mining, Petroleum Production and Extractive Industries is addressed. It is quoted “This direction is not applicable as the Planning Proposal affected land does not prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials or restricting the potential development of such by permitting a land use that is likely to be incompatible with such development”. The Planning Proposal is however within approximately 50m of two operating quarries and therefore may be impacted by potential activities associated with quarrying operations such as noise, vibration, dust, traffic etc. Furthermore, the hard rock resource is likely to extend west to within the subject land.*

*NSW Resources and Geoscience also noted that the subject land was located within the 1 kilometre buffer as identified in the Mineral Resource Audit of the Holcim Quarry.*

*...Consequently, Council should consider any impacts that quarry operations may have on future development...The Proponent would also need to demonstrate that the presence of the subdivision and any associated development would not restrict extraction operations of the quarries...”*

*Comment:*

Council notes the comments provided by the DPIE - Resources and Geoscience and the adjoining extractive industries, South Keswick Quarry and Holcim Quarry. Technical studies were prepared and submitted with the Planning Proposal to assess any potential impacts from the adjoining extractive industries. The studies conclude that residential development of the subject land is achievable without any significant impacts resulting from the adjoining industries.

Council would also like to acknowledge and consider that the subject land is currently zoned as R5 Large Lot Residential and hosts an existing residential dwelling. The subject site is also contained within an existing urban release area as mapped under the provisions of the Dubbo Local Environmental Plan 2011.

The staging of the South Keswick Quarry is anticipated to commence extraction eastward by the time development of the subject land begins.

Further assessment will need to be undertaken by Council in relation to land use compatibility as part of the Development Approvals Process.

#### 4. Legal Drafting of Local Environmental Plan

Subject to endorsement of the Planning Proposal by Council, a request will be provided to the Department of Planning, Industry and Environment to prepare the draft Dubbo Local Environmental Plan 2011 under Section 3.36 of the Environmental Planning and Assessment Act, 1979.

The Department will liaise with Parliamentary Counsel about the content of the draft Amendment. Once the content has been finalised, an Opinion stating that the Plan can be made will be provided to Council.

Following consideration of the Opinion, Council will be required to make request to the Department to arrange for Plan to be made. Once the Plan is made, the Department will request Parliamentary Counsel to notify the Plan on the NSW legislation website.

#### SUMMARY

A Planning Proposal was lodged with Council on 25 June 2018 by MAAS Group Family Properties. The Planning Proposal seeks to rezone Lot 2 DP 880413, 24R Sheraton Road, Dubbo, located east of the existing Southlake's Estate.

The subject land is currently zoned R5 Large Lot Residential with a subsequent minimum lot size of 1.5 hectares. The Planning Proposal seeks to rezone the R5 Large Lot Residential zone to a mixture of R1 General Residential, R2 Low Density Residential and RU2 Rural Landscape.

In addition, the Planning Proposal seeks to amend the minimum lot size of 1.5 hectares to a range of no minimum lot size, 600m<sup>2</sup>, 800m<sup>2</sup>, 2000m<sup>2</sup>, and 100 hectares.

It is recommended that Council supports the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 and a request be made to the Department of Planning, Industry and Environment for the draft amendment for the Plan to be made.

#### Appendices:

1⇒ Planning Proposal	Provided under separate cover
2⇒ Submissions	Provided under separate cover
3⇒ Council's Correspondence dated 23/04/2020	Provided under separate cover



DUBBO REGIONAL  
COUNCIL

## REPORT: Planning Proposal - (R20-1) - Southlakes Estate, Dubbo

**AUTHOR:** Manager Growth Planning  
**REPORT DATE:** 29 June 2020  
**TRIM REFERENCE:** ID20/400

### EXECUTIVE SUMMARY

A Planning Proposal was lodged on 20 March 2020 by Maas Group Properties. The Planning Proposal has sought to amend Schedule 1(5) of the Dubbo Local Environmental Plan 2011 to allow an additional permitted use for the purposes of a pub at Lot 407 DP 1248682, Boundary Road, Dubbo.

The subject land was recently zoned B1 Neighbourhood Centre under Amendment 12 of the Dubbo Local Environmental Plan 2011 (notified on 15 June 2018), which included the rezoning of land at Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321 to facilitate the extension of the Southlakes Estate.

The pub is intended to be in the format of a gastropub with the focus on offering both quality food and drinks as opposed to the standard expectation of a regular pub setting. The Proponent has provided information that the proposed gastropub will be situated in the future neighbourhood shopping centre, which is yet to be the subject of a formal Development Application. It is considered that the proposal will provide appropriate synergies alongside future development of the surrounding neighbourhood centre.

It is recommended that the Planning Proposal be submitted to the Department of Planning, Industry and Environment to seek a Gateway Determination. In addition, it should also be considered that Council is the owner and developer of an adjacent residential development (Keswick Estate) and that Council should not request to use its Delegations under Section 59 of the Environmental Planning and Assessment Act, 1979 in this matter.

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.

### FINANCIAL IMPLICATIONS

The Applicant provided, on lodgement of the Planning Proposal, payment of fees to Council in the amount of \$35,000. These fees are to cover the ad hoc processing and assessment costs of 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 DPIE will allow Council to, conditionally, undertake an amendment to the Dubbo LEP 2011. The Proposal is generally consistent with the Dubbo Employment Lands Strategy which underpins commercial land use decisions in the LEP.

### **RECOMMENDATION**

- 1. That Council endorse the Planning Proposal as provided by the Proponent and included as Appendix 1 to the report of the Manager Growth Planning dated 29 June 2020.**
- 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 public exhibition and for further consideration of the Planning Proposal.**

*Steven Jennings*  
Manager Growth Planning

## BACKGROUND

A Planning Proposal was lodged on 20 March 2020 by Maas Group Properties. The Planning Proposal seeks to amend Schedule 1(5) under the provisions of the Dubbo Local Environmental Plan 2011 to allow an additional permitted use for the purposes of a pub at Lot 407 DP 1248682, Boundary Road, Dubbo.

The subject land was recently zoned B1 Neighbourhood Centre under Amendment 12 of the Dubbo Local Environmental Plan 2011 (notified on 15 June 2018), which included the rezoning of land at Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321 to facilitate the extension of the Southlakes Estate.

The proposed development is intended to be in the format of a gastropub with the focus on offering both quality food and drinks as opposed to the standard expectation of a regular pub setting. The proposed gastropub will be situated within the existing B1 zone and provide appropriate synergies alongside future commercial development of the surrounding neighbourhood centre.

## REPORT

### 1. Particulars of the Planning Proposal Application

Owner/Applicant:	Maas Group Properties
Subject site:	Lot 407 DP 1248682, Boundary Road, Dubbo
Land area:	2 hectares
Current Zoning:	B1 Neighbourhood Centre
Proposed LEP Amendment:	Amend Schedule 1(5) to allow an additional permitted use for the purposes of a pub
Lodgement date:	20 March 2020

### 2. Amendments to Local Environmental Plans

The Department of Planning, Industry and Environment (DPIE) 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 here in Figure 1.

# PLANNING PROPOSAL PROCESS

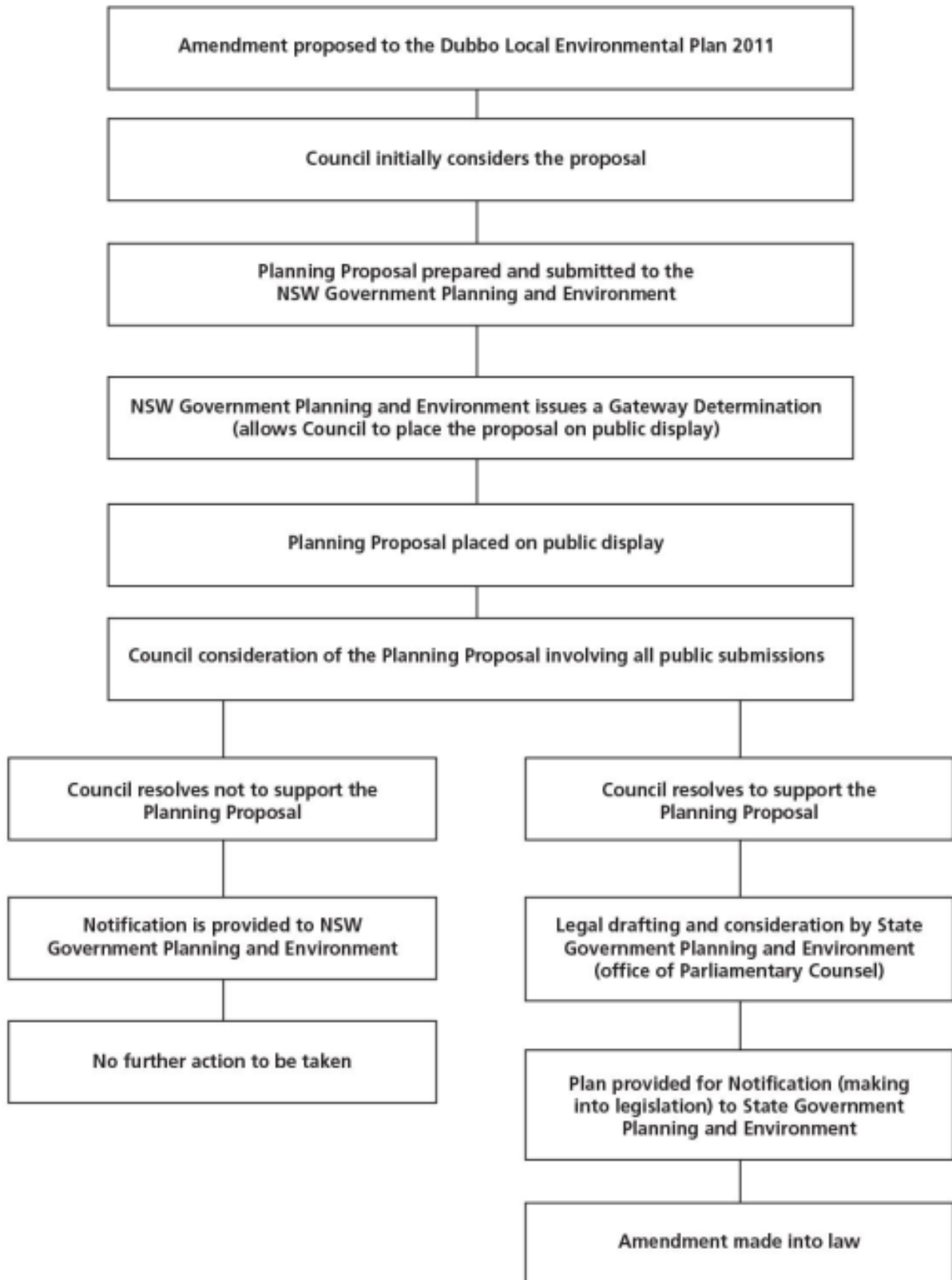


Figure 1. Planning Proposal Process



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 a 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 nature of the Proposal and its relevance to Amendment 12, it is considered that it would not be appropriate for Council to be delegated this authority.

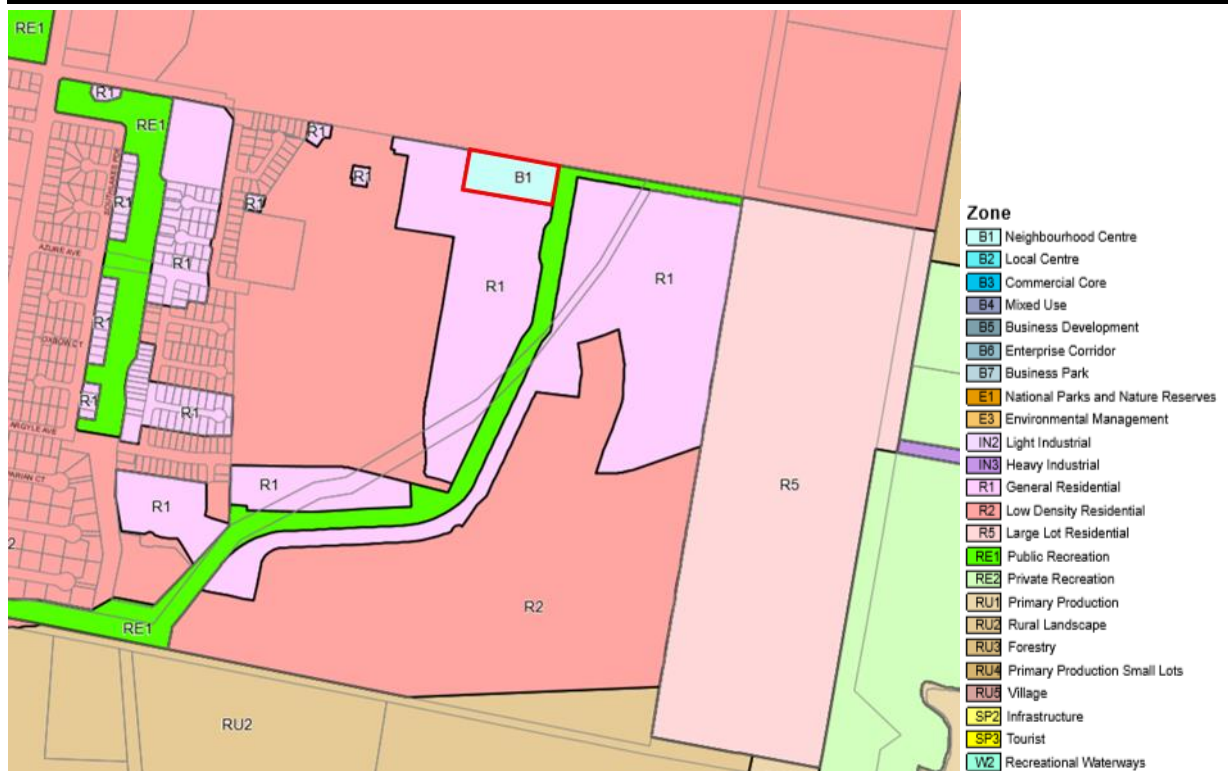
### **3. Planning Proposal**

The Planning Proposal from Maas Group Properties seeks to amend Schedule 1(5) under the Dubbo Local Environmental Plan 2011 to allow an additional permitted use for the purposes of a pub relating to land zoned B1 Neighbourhood Centre at Lot 407 DP 1248682, Boundary Road, Dubbo.

The Planning Proposal was lodged with Council on 20 March 2020 and is attached as **Appendix 1**.

The current land use zoning regime and the location of the subject land is shown in Figure 2.

The location of the subject land in relation to the subject allotment is shown in Figure 3.




 Subject Land

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





 Subject Land     Subject Allotment (Lot 407 DP 1248682)

Figure 3. Location of the subject land.

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

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

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

A copy of the Planning Proposal, including the indicative site plan and design details, is provided as **Appendix 1**.

#### **4. Site Characteristics**

The subject land is located at Lot 407 DP 1248682, Boundary Road, Dubbo. The subject site refers to the portion of the allotment which is zoned B1 Neighbourhood Centre and has an overall area of approximately two (2) hectares. The gross floor area (GFA) of the proposed gastropub will be approximately 580m<sup>2</sup>. The subject land forms part of the South-East Residential Urban Release Area under the provisions of the Dubbo Local Environmental Plan 2011.

The subject site is contained by the future extension of Boundary Road to the north which separates the site from Keswick Estate. The western and southern boundaries of the site adjoin R1 General Residential zoned land and the eastern boundary abuts the Southlakes drainage reserve.

#### **5. Planning Considerations**

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

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

##### **(i) Central West and Orana Regional Plan 2036**

The Central West and Orana Regional Plan was released by the Minister for Planning 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 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

In particular, the Planning Proposal is considered to be consistent with the following:

*Direction 10: Promote business and industrial activities in employment lands:*

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

The proposed gastropub will be located within the existing B1 Neighbourhood Centre zone within the South East Urban Release Area identified under the Dubbo Local Environmental Plan 2011.

An Economic Impact Analysis was prepared by PPM Consulting and submitted as part of the Planning Proposal. The anticipated economic benefits outlined in the Analysis are as follows:

- *“Increased choice and amenity for the population of the area.*
- *Increased competition, potentially resulting in an improvement in offerings from all venues in the area.*
- *Increased competition, potentially leading to innovations in service delivery.*
- *More convenient access to a restaurant, gaming and packaged alcohol for those living in the Southlakes Estate.*
- *Reduced travel time for those living in the Southlakes Estate, and the potential increase in walking. This may have the benefit of reducing fuel expenses as well as helping to combat health issues through increased walking (although this could be negated by consuming the offerings of the gastro pub).*
- *An opportunity for creation of a new local business, which will likely reinvest in the local area.*
- *Providing jobs within the Southlakes Estate, which may be taken up by local residents, potentially reducing fuel use and traffic in Dubbo.”*

A Social Impact Assessment was prepared by Umwelt and submitted as part of the Planning Proposal. The anticipated social benefits outlined in the Assessment are as follows:

- *“Is consistent with the regulatory and business development framework, including state government legislation and the Dubbo Regional Council’s strategic plans;*
- *Is an appropriate development in relation to the projected changes to population, largely due to the continuing development of Southlakes Estate, and the demographics in the region;*

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

The Planning Proposal is considered to be consistent with the Central West and Orana Regional Plan 2036.

## **(ii) 2040 Community Strategic Plan**

The 2040 Community Strategic Plan (CSP) is Council’s highest level strategy that guides and influences the actions and initiatives of the Dubbo Regional Council, the community, all tiers of government and community stakeholders over the 22 year period through to 2040.

The 2040 CSP was adopted in June 2018 and sets out the following community visions:

- *“Provide for housing choice and housing affordability to meet the needs of our community;*
- *Achieve ongoing economic prosperity through a diverse employment base and a visitor economy that makes use of our tourism assets;*
- *Key infrastructure and services are provided to further enhance the quality of life of our community and to maintain economic growth;*
- *A united and cohesive Council that provides leadership to our community; and*
- *We have access to a range of community, cultural and open space facilities and areas.”*

In particular, the Planning Proposal is considered to be consistent with the following strategic objectives of the Plan:

### *1.5 Neighbourhoods are designed and enhanced to ensure social cohesion and connectivity*

The proposed gastropub will provide for a localised social meeting place that is walkable for those residents living within the Southlakes Estate.

### *3.2 Employment opportunities are available in all sectors of our economy*

It is anticipated that the gastropub will result in a net increase of 26 full time ongoing jobs and additional 8 short-term construction jobs.

The Planning Proposal is considered to be broadly consistent with the 2040 Community Strategic Plan.

**(iii) Local Strategic Planning Statement**

The Local Strategic Planning Statement was adopted by Council in June 2020. The LSPS states the land use planning priorities for the Dubbo Regional Council LGA.

The Planning Proposal is considered to be broadly consistent with the LSPS.

In particular, the Planning Proposal is considered to be consistent with the following Action:

*“8.1 Implement and progress the recommendations as contained within the Employment Lands Strategy 2019”.*

**(iv) Dubbo Employment Lands Strategy 2019**

The Dubbo Employment Lands Strategy (ELS) was adopted by Council and endorsed by the Department of Planning, Industry and Environment in 2019. The Dubbo ELS aims to ensure the City of Dubbo has an appropriate level of commercial, industrial, institutional and tourist zoned land in the future.

There is a current undersupply of 3,991m<sup>2</sup> of floorspace for restaurants, liquor, take aways, hotels and clubs across the Dubbo LGA. It is projected that this undersupply will increase to 7,185m<sup>2</sup> by 2031. The proposed gastropub will provide an estimated 580m<sup>2</sup> of additional floorspace which will decrease the existing undersupply down to 3,411m<sup>2</sup>.

The subject land is located within the Southlakes Neighbourhood Centre Precinct under the ELS. The proposed centre has been identified to have an estimated trade area of 10,000 residents by 2031 and has a GFA requirement of up to 5,000m<sup>2</sup>.

The precinct’s planning principle is to:

*“Maintain and support the CBD as Dubbo’s primary service and retail centre.”*

The proposed gastropub will have an estimated GFA of 580m<sup>2</sup> which is not anticipated to have any significant impact on the Dubbo CBD.

The Planning Proposal is considered to be broadly consistent with the Dubbo Employment Lands Strategy.

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

The Planning Proposal is considered to be broadly consistent with the South-East Dubbo Residential Urban Release Area Stage 1 Structure Plan.

In particular, the Planning Proposal is considered to be consistent with the following Strategic Residential Growth Principles of the Plan:

- “9. Any future amendment to the Dubbo Local Environmental Plan 2011 to introduce a commercial zoning to facilitate a neighbourhood centre be required to include a maximum floorspace limitation to limit the size and configuration of any commercial development to a neighbourhood scale.
10. Any Planning Proposal to introduce a commercial zone to allow for neighbourhood centre development will be required to provide an economic impact assessment which provides an assessment of such a proposal on the Dubbo Central Business District, the Orana Mall Marketplace and neighbourhood centres.
11. A variety of access provisions are to be provided to any neighbourhood centre development including facilities for walking, cycling, onsite public transport provision and suitable parking for private cars.
12. Any neighbourhood centre development will be of a local scale which will not impact the residential amenity of development.”

An economic impact assessment, prepared by PPM consulting, was submitted as part of the Planning Proposal. The Assessment concluded that the proposed gastropub would assist in addressing a current undersupply for restaurants, liquor, take aways, hotels and clubs in Dubbo. In addition, it is anticipated that the small scale of the proposed development would be unlikely to result in any detrimental impacts on existing venues.

**(vi) Section 9.1 Directions**

Direction	Requirement	Consistency
1.1 Business and Industrial Zones	<p>This Direction applies when a planning proposal is prepared that will affect land within an existing or proposed business or industrial zone.</p> <p>The location of the proposed gastropub will be within an existing B1 Neighbourhood Centre zone.</p>	<p>The Planning Proposal seeks to facilitate development of a gastropub on the subject land. The development is anticipated to generate an additional 26 ongoing full time jobs and provide an additional 580m<sup>2</sup> gross floor area for restaurants, liquor, take away, hotels and clubs.</p> <p>The scale and location of the proposed venue will provide a convenient destination for the local residents of the Southlakes Estate.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>

2.1 Environment Protection Zone	This Direction applies when a planning proposal is prepared.	<p>The Planning Proposal is unlikely to result in any significant environmental impacts.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
2.3 Heritage Conservation	This Direction applies when a planning proposal is prepared.	<p>The Aboriginal Archaeological Assessment submitted with the Planning Proposal did not identify any sites of indigenous heritage significance on the subject land.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
2.6 Remediation of Contaminated Land	This Direction applies as the land subject of the Planning Proposal was historically used for agriculture grazing.	<p>The contamination report submitted with the Planning Proposal stated that the site is suitable for residential and recreational land-use.</p> <p>The proposed use of the land, as described by the Planning Proposal, is for a gastropub which is considered to be a commercial land use.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	This Direction applies when a planning proposal is prepared.	<p>The Planning Proposal does not intend to rezone the subject land from its existing B1 Neighbourhood Centre zone.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
3.3 Home Occupations	This Direction applies when a planning proposal is prepared.	<p>The Planning Proposal seeks to facilitate development of the land for the purposes of a gastropub.</p> <p>The proposed development does not relate to dwelling houses and is considered to be consistent with this Direction.</p>



<p>3.4 Integrated Land Use and Transport</p>	<p>This Direction applies as the Planning Proposal will create a provision relating to land zoned for business purposes.</p>	<p>The subject land is located within an existing B1 Neighbourhood Centre zone.</p> <p>The proposed gastropub development is anticipated to service the local residents of the Southlakes Estate.</p> <p>The development is intended to be provided with direct access via Boundary Road with on-site car parking. The subject site is within a walkable distance for many of the residents in the Southlakes Estate.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
<p>5.10 Implementation of Regional Plans</p>	<p>This Direction applies when a planning proposal is prepared.</p>	<p>The Planning Proposal is considered to be consistent with the Central West and Orana Regional Plan 2036 in particular:</p> <p><i>“Action 10.6 Accommodate future commercial and retail activity in existing commercial centres, unless there is a demonstrated need or social and economic benefit to locating this activity elsewhere.”</i></p>
<p>6.1 Approval and Referral Requirements</p>	<p>This Direction applies when a planning proposal is prepared.</p>	<p>The Planning Proposal is not anticipated to result in the requirement for further concurrence, consultation or referral of a future development application to a Minister or public authority.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
<p>6.2 Reserving Land for Public Purposes</p>	<p>This Direction applies when a planning proposal is prepared.</p>	<p>The subject land is privately owned by the Applicant and is not intended to be reserved for a public purpose.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>

6.3 Site Specific Provisions	This Direction applies as the Planning Proposal seeks to allow an additional permitted use for the purposes of a gastropub on the subject land.	The Planning Proposal will allow the land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the Dubbo LEP 2011.  The Planning Proposal is considered to be consistent with this Direction.
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**(vii) 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. 21 – Caravan Parks
- SEPP No. 55 – Remediation of Land
- SEPP No. 64 – Advertising and Signage
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007

**(viii) Dubbo Local Environmental Plan 2011**

The subject land is located within an existing B1 Neighbourhood Centre zone which contains the following objectives:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure the growth of each neighbourhood centre is consistent with the commercial hierarchy of the City of Dubbo.

Development for the purposes of a pub is prohibited within the B1 zone under the provisions of the DLEP 2011 and is defined as follows:

*“**pub** means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises includes hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.”*

The Planning Proposal intends to allow an additional permitted use to facilitate development for the purposes of a gastropub. The key difference between a regular pub and a gastropub is that the gastropub prides itself on the service of quality food. The Proposal also seeks to permit the installation and operation of 12 electronic gaming machines and additionally offer the sale of packaged alcohol.

The Planning Proposal is also considered to be consistent with the provisions of clause 7.12 under the Dubbo LEP 2011. The Applicant, as a component of the Planning Proposal, has provided an economic impact assessment to determine the potential impacts of the development. The Assessment concludes that the proposed gastropub, including the retail component, will have an overall GFA of approximately 580m<sup>2</sup> and is of an appropriate scale to not result in any significant impact on Dubbo's economic hierarchy.

The Planning Proposal is considered to be broadly consistent with the provisions of the Dubbo Local Environmental Plan 2011 however will be assessed in more detail as part of the Development Approvals process.

**(ix) Infrastructure**

The Applicant, as a component of the Planning Proposal, provided a Servicing Strategy which included the subject land as well as the 'Hillview' and 'Ringlands' land which comprises of Stage 2 and Stage 3 of the Southlakes Estate extension. Given the site specific nature and the scale of this Proposal, servicing of the site will be considered in more detail at the Development Application stage.

A Traffic Study has also been provided in support of the Planning Proposal which assesses the potential traffic impacts in respect to the overall extension of the Southlakes Estate development. Assessment of the traffic generated by the proposed gastropub development is not specifically discussed in the study, however, traffic will be assessed in more detail as part of the development approvals process.

**(x) Biodiversity**

The subject site is predominantly cleared and generally disturbed as a result of agricultural practices including grazing and cultivation.

An Ecological Assessment has been prepared by OzArk Environmental and Heritage Management which concludes that there is unlikely to be any significant impacts on any of the listed threatened species, fauna populations or communities.

**(xi) Contamination**

The subject land has historically been used for the purposes of agricultural grazing.

An inspection of the subject site was undertaken on 14 May 2019 and a contamination report was prepared as a component of the Planning Proposal. The report concluded that the subject site was deemed suitable for residential and recreational land uses. Similarly, it is reasonable to assume that the proposed gastropub development would also be consistent with the Report's conclusions.

**(xii) Aboriginal Archaeological**

An Aboriginal Archaeological Assessment was provided as part of the Planning Proposal. The study identified one previously recorded open artefact scatter site (K-OS-4) located in the southern portion of the allotment which was outside of the extent of the subject land.

Although no artefacts were identified within the area of the subject land, further assessment of Aboriginal archaeology will be undertaken at the Development Application stage.

**(xiii) Groundwater Vulnerability/Salinity**

The subject site is mapped as containing moderately high levels of groundwater vulnerability pursuant to the provisions of the Dubbo Local Environmental Plan 2011. A Groundwater and Salinity Study was submitted, as a component of the Planning Proposal, to determine the proposed development's impact on the site's salinity and groundwater levels.

The report concludes that the Planning Proposal will not significantly impact on groundwater quality or quantity noting that further investigations will be required at the Development Application stage.

**SUMMARY**

A Planning Proposal was lodged on 20 March 2020 by Maas Group Properties. The Planning Proposal seeks to amend Schedule 1(5) under the provisions of the Dubbo Local Environmental Plan 2011 to allow an additional permitted use for the purposes of a pub at Lot 407 DP 1248682, Boundary Road, Dubbo.

The subject land was recently zoned B1 Neighbourhood Centre under Amendment 12 of the Dubbo Local Environmental Plan 2011 (notified on 15 June 2018), which included the rezoning of land at Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321 to facilitate the extension of the Southlakes Estate.

The pub is intended to be in the format of a gastropub with the focus on offering both quality food and drinks as opposed to the standard expectation of a regular pub setting. The proposed gastropub will be situated within the existing B1 zone and provide appropriate synergies alongside future commercial development of the surrounding neighbourhood centre.

The Planning Proposal is considered to be broadly consistent with the objectives of Dubbo Employment Lands Strategy 2019.

It is recommended that the Planning Proposal be submitted to the Department of Planning, Industry and Environment to seek a Gateway Determination. It should also be considered that Council is the owner and developer of an adjacent residential development (Keswick Estate) and 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⇒ Planning Proposal                      Provided under separate cover



## **REPORT: Naming of Thoroughfares Associated with the Kintyre Heights Subdivison, 20R Peak Hill Road, Dubbo**

**AUTHOR:** LIS and E-Services Coordinator  
**REPORT DATE:** 24 June 2020  
**TRIM REFERENCE:** ID20/654

### **EXECUTIVE SUMMARY**

Dubbo Regional Council has received a request from a consultant, Premise NSW Pty Ltd Dubbo, to name open access ways to be constructed as part of Development Consent D2018-637 for a community title subdivision of 144 residential lots and one (1) common property lot, located on Lot 172 in DP753233, 20R Peak Hill Road, Dubbo.

### **FINANCIAL IMPLICATIONS**

The cost of the provision of the blade sign and installation would be met by the developer.

### **POLICY IMPLICATIONS**

The proposed road names have been considered in accordance with Council's Policy 'Naming of Thoroughfares and Other Geographical Features within the City of Dubbo' and the Geographical Names Board 'NSW Addressing Policy'.

### **RECOMMENDATION**

- 1. That the proposed names listed below by the consultant be approved by Council:**
  - Kildavie Circuit, Calliburn Street, Saddell Street, Glenbarr Parkway, Dippen Street, Carradale Court, Barfad Street, Ballochroy Parkway, Tarbert Street and Whitehouse Street.**
- 2. That the proposed names be notified in the local newspaper and Government Authorities notified in accordance with Section 162 of the Roads Act 1993 and the Roads Regulation 2018.**
- 3. That the consultant be advised accordingly once approval under the Roads Regulation 2018 has been given.**

*Kim Edwards*  
LIS and E-Services Coordinator

REPORT

A request was received from a consultant, Premises NSW Pty Ltd Dubbo, on behalf of their client Highview Country Estate Pty Ltd to name new open access ways created under the Community Titles legislation and as such will not be public roads owned by Council. Nonetheless, authorised persons will have access to the roads and normal road rules and traffic regulations will apply.

The open access ways will be constructed as part of Development Consent D2018-637 of 144 residential lots and one (1) common property lot, located on Lot 172 in DP753233, 20R Peak Hill Road, Dubbo.

Figure below is an aerial photograph of Lot 172 in DP753233, 20R Peak Hill Road.

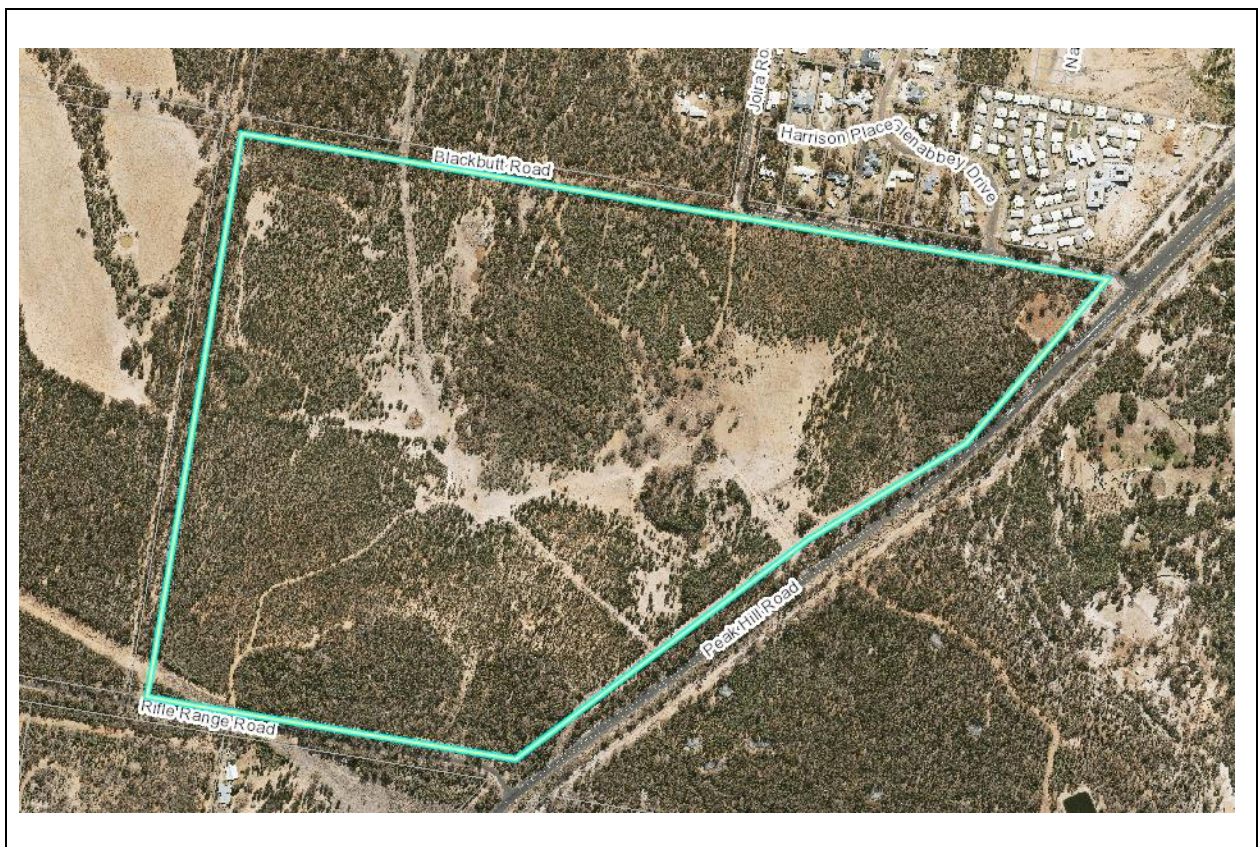
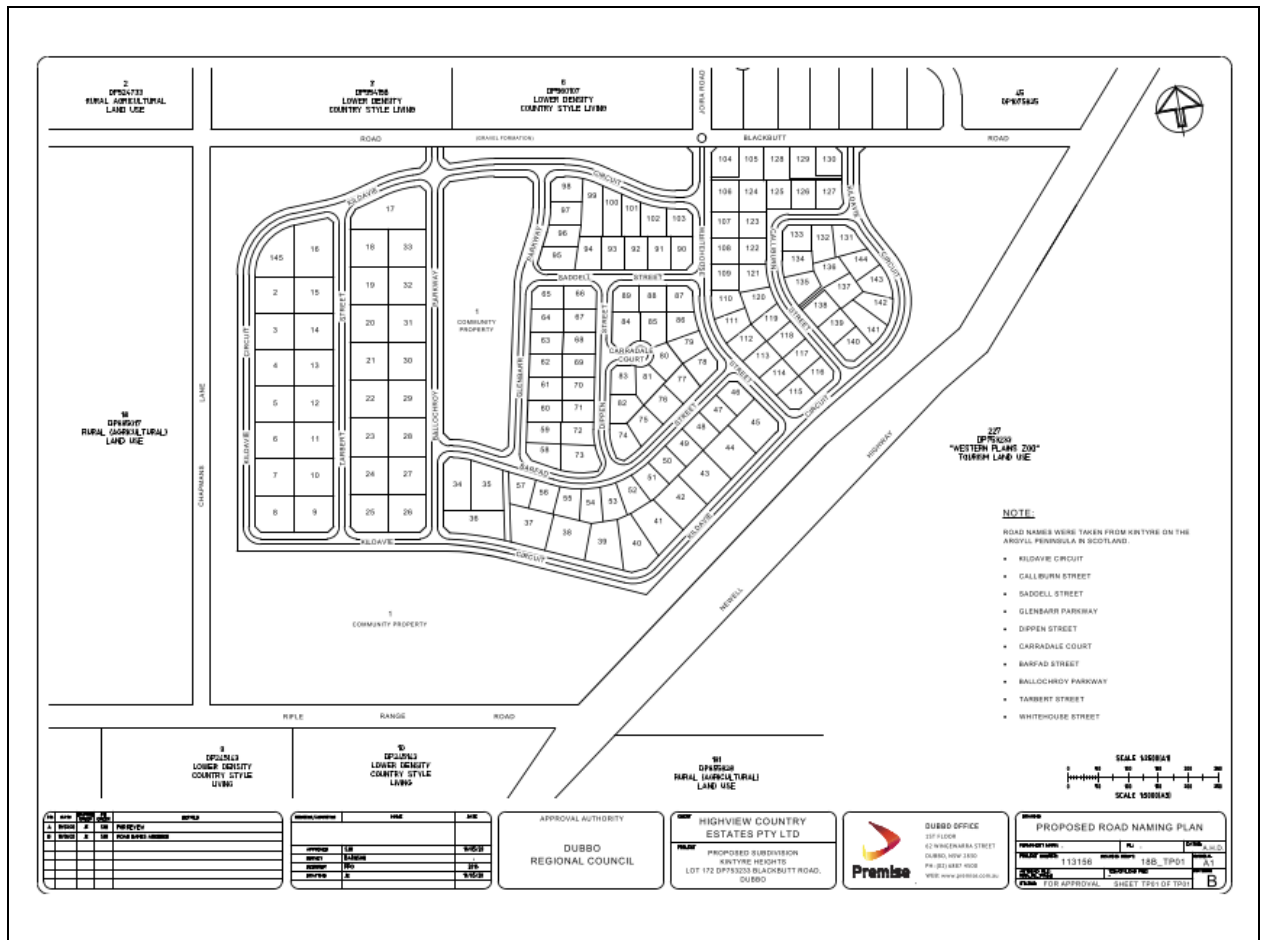


Figure below is the road layout to be constructed as part of Development Consent D2018-637.



The primary access (ring) road in the subdivision is proposed to be named Kildavie Circuit, with the other roads being named Calliburn Street, Saddell Street, Glenbarr Parkway, Dippen Street, Carradale Court, Barfad Street, Ballochroy Parkway, Tarbert Street and Whitehouse Street.

The theme is a continuation of the road naming theme adopted in the northerly adjoining Kintyre Estate being villages and locations from Kintyre on the Argyll Peninsula in Scotland.

**SUMMARY**

The proposed road names are in keeping with Council’s Policy ‘Naming of Thoroughfares and Other Geographical Features within the City of Dubbo’ and the Geographical Names Board ‘NSW Addressing Policy’. Accordingly, approval of the road names as proposed is recommended.