

DAISY HILL SUBMISSIONS REVIEW

SUMMARY OF SUBMISSIONS

The following provides a summary of the key issues raised by members of the public and Council as a result of the public exhibition of the draft Daisy Hill DCP (Daisy Hill DCP).

SUBMISSIONS

Submission in support

There were no submissions in support of the proposal.

Submissions by agencies

No agency submissions were received.

Public Submissions

Five (5) public submissions against the proposal were received raising the following issues (**Attachment A - Redacted Submissions**):

- Loss of amenity
- Small lots incompatible with rural area
- Demand for additional lots in area
- Traffic generation and road network capacity
- Impact on agricultural land
- Salinity impacts on the site and downstream
- Servicing, telecommunications and low water pressure already in the area for adjacent rural residential housing estate
- Social impacts from increased population i.e. crime

The public submissions did not raise specific issues about the Daisy Hill DCP. However, standards and requirements to address issues such as traffic, servicing and amenity have been included in the Daisy Hill DCP and will be required to be addressed by council at the Development Application stage.

The public submissions are addressed below:

Issue raised	Comment	DPIE Comment	Resolution
Additional Traffic generation	Additional traffic flow from the development will impact on the existing local road network particularly access from Eulomogo Road onto the Mitchell Highway and entry and exit points from Eulomogo Road into the "Daisy Hill" development.	There will be an additional 222 lots in this area. There will be an increase in traffic generation and a change in traffic volume in the locality in terms of additional vehicular movements as a result of the proposal particularly when compared to the current situation. Additional traffic	Traffic generation was addressed in the Submissions Report for the LEP Amendment, and further consideration will be given by council at the Development Application stage with the final subdivision layout.

		<p>generation and the impact on the existing road network will be considered in detail by Council and RMS at the Development Application stage, when the final lot layout, density and vehicular access points are known. There is an adequate road network surrounding the development site. There is adequate road reserve area to allow road upgrades to the appropriate standards as required by Council and RMS. The proponent is required to prepare a Traffic Study for consideration by Council and RMS at the Development Application stage</p>	<p>No change required to the concept plan or Daisy Hill DCP at this stage.</p> <p>Detailed traffic impacts are required to be addressed at the Development Application stage</p>
Amenity	<p>The submissions raised concern about the impact of the increased residential development will have on the low scale rural amenity currently enjoyed by the residents of the area. There was also an expectation when purchasing in this area that the rural character of the area would be maintained and that the proposed 6000m² lots identified on the draft subdivision concept plan will be out of character with the area.</p>	<p>The Panel supported the change in density initially when the Rezoning Review was considered and the Gateway Determination was issued. The strategic merit of the proposal was established at that time. With the range in lot sizes, proposed landscaping with adequate separation between dwellings as specified in the site specific Daisy Hill DCP will mitigate against adverse impacts. The Panel recommended that the LEP Amendment proceed with a higher density and removed the potential for 6000m² lots. Note MLS increased to 1.5ha</p>	<p>The minimum lot size for the subject land has been amended to 1.5ha. No 6000m² lots are proposed. No change to the Daisy Hill DCP is required.</p>
Salinity	<p>Public submissions raised salinity issues in relation to impacts the</p>	<p>The Panel considered the Salinity Management Strategy</p>	<p>The SMS has been adopted as part of the LEP Amendment, and</p>

	<p>additional density of the proposal would have on the land, in relation to additional septic tanks, impacts on cropping, road location through high salinity areas, and the impact of the density change (from lot size 8 ha and 1.5 ha and increase from 66 lots to 222 lots) on the downstream Troy Gully catchment.</p>	<p>(SMS) when it determined to proceed with the LEP Amendment. The SMS has been prepared to be consistent with the Dubbo Salinity Management Strategy and Implementation Plan with an accepted methodology with appropriate inputs. Extensive salinity investigations undertaken indicates that the salinity impacts can be managed without impacting Troy Gully downstream. The SMS also includes a vegetation management plan and monitoring program that can be enhanced as suggested by independent consultants EMM to ensure impacts are monitored and mitigated throughout the life of the development. The monitoring program will be designed to connect into the Dubbo Salinity Monitoring Network and consistent with the current reporting and triggers to indicate impact. The mechanism of how this will be achieved will be determined as part of the Development Application process.</p>	<p>is reflected in Clause 7.15 of the Dubbo LEP 2011.</p> <p>The Daisy Hill DCP refers to the SMS. No further work is required for the Daisy Hill DCP.</p> <p>Salinity impacts were thoroughly addressed through the LEP Amendment process and supported by the Panel.</p>
Reticulated water	<p>The submissions raised that not all surrounding dwellings in area have reticulated water, and that additional dwellings in the area could have impacts on existing bores. As well, additional dwellings and bores</p>	<p>Daisy Hill is proposed to be connected to a reticulated town water supply. This connection is not proposed to extend to dwellings outside of the Daisy Hill subdivision. On-site waste water systems will be</p>	<p>These issues have been addressed in the Daisy Hill DCP and in the submissions report for the LEP amendment. No further work is required for the Daisy Hill DCP.</p>

	would place additional strain on water supply in drought area	required to be installed on all lots, and lot sizes have made allowances for this. A preliminary waste water study was prepared for the Planning Proposal. No bores or dams are to be permissible in Daisy Hill subdivision to be enforced by Council. Water supply and indeed all servicing will be considered at the Development Application stage.	
Heritage	One submission raised that there could be Aboriginal artefacts in the area.	A listed heritage item of local significance is located on Lot 65 DP 754287 (pise house). The heritage status of this item is not proposed to change.	The heritage of the site was considered as part of the planning proposal and included in the Daisy Hill DCP. No further work is required for the Daisy Hill DCP. Council will consider heritage impacts at the Development Application stage.
Council does not support	Two submissions raised that the proposal was not supported by Council and people bought in this area based on previous MLS and future plans	The subject land was identified as R5 Large Lot Residential in Dubbo LEP 2011 and Council's adopted and endorsed land use strategy. The MLS has been changed by a thorough planning proposal process. The Panel supported the change and carefully considered the Council position.	Strategic merit for the proposal has been established and the LEP amendment has been finalised. This is not a consideration for the draft Daisy Hill DCP. No further work is required.

Submission by Dubbo Regional Council (Attachment A)

Council made a submission dated 15 October 2019 when the draft LEP and Daisy Hill DCP were exhibited in July 2019. Changes were made to the draft Daisy Hill DCP which was re-exhibited in August / September 2020. Council made a further submission (dated 11 September 2020) including matters not previously raised. The draft Daisy Hill DCP has been amended accordingly and adopts most of the issues raised by Council (below).

Issue raised	Council Comment	DPIE Comment	Resolution
---------------------	------------------------	---------------------	-------------------

<p>Salinity management and enforcement</p>	<p>Council does not have funds for the ongoing maintenance and enforcement of long-term salinity management and monitoring as described in the draft Daisy Hill DCP. In particular, maintenance of landscaped road reserves, enforcement of Section 88B Restrictions and monitoring of salinity levels.</p>	<p>The draft Daisy Hill DCP proposes that the ongoing salinity level maintenance will be undertaken through linking proposed monitoring wells into Council's existing monitoring network. The cost of the monitoring wells will be borne by the proponent in the first instance. The enforcement of Section 88B Restrictions will be considered by Council at the Development Application stage by Council. The management of the road reserves will be an additional cost to Council for maintenance however, this is considered the case with all new residential subdivisions in the LGA.</p>	<p>The Daisy Hill DCP refers to the adopted Salinity Management Strategy dated 2 July 2020 whereby there is a lot layout and indicated vegetation located on road reserves.</p> <p>Having regard to the comments made by Council, the Daisy Hill DCP has been amended to refer more generally to landscaping and not to commit Council or the proponent to vegetated road reserves. This provides flexibility to Council and the proponent to resolve vegetation provision at the Development Application stage.</p>
<p>Pre-conceived lot layout</p>	<p>Council supports performance criteria of the draft Daisy Hill DCP, however has raised that the acceptable solutions that rely on the conceptual plan layout contradict the relevant performance criteria. Council has also noted that the draft Daisy Hill DCP identifies the lot layout as 'concept only' and may change with Council approval.</p>	<p>The Daisy Hill DCP contains Figure 4 Daisy Hill DCP Conceptual Layout and Staging Plan. It is clearly stated in the Daisy Hill DCP that this is "...conceptual only and subject to the development assessment process; the provisions of this Daisy Hill DCP; and council approval.." The concept subdivision plan shows lot sizes ranging in size from 1.5 ha to 3ha as the</p>	<p>No change. Retain Figure 4 and related explanatory text.</p>

		<p>land is developed from west to east.</p> <p>The finalisation of the LEP Amendment has identified the subject land on the Minimum Lot Size Map LSZ_008 of the Dubbo LEP 2011 as having a minimum lot size of 1.5ha, with the opportunity to increase this further to 3ha via Clause 7.15 of the Dubbo LEP 2011 if the development does not result in more than 196 lots.</p> <p>This is consistent with the salinity modelling work and Salinity Management Strategy supported by the Panel.</p> <p>The performance criteria and the acceptable solutions for the draft Daisy Hill DCP have not been altered since the previous community exhibition of the draft Daisy Hill DCP. Council did not make comment about this issue at that time. In addition, the concept plan and lot layout has been the subject of discussions over the life of the amendment. It is appropriate that a conceptual lot layout be included in the draft Daisy</p>	
--	--	--	--

		Hill DCP however the conceptual lot layout may be amended through the Development Application process between Council and the proponent.	
Vegetation reserves	<p>The concept layout only contains one (1) vegetation reserve/tree planting area and this is only required prior to the release of the subdivision certificate for 51 lots (25% of the proposed development). Council requests additional vegetation reserves and tree planting areas to be provided within Stage 1 of the development in low to moderate salinity risk areas to further mitigate salinity issues and downstream impacts.</p>	<p>Additional tree plantings/road reserves may be able to be provided, dependent on the final lot layout and landscaping plan that is approved through the Development Application process by Council.</p> <p>Council did not previously raise this concern.</p> <p>While the proposed landscaping is staged, Council, as the consent authority, has the ability through the Development Application to assess and resolve this.</p>	<p>No change to Daisy Hill DCP. This is a matter that can be addressed at the Development Application stage for the subdivision, and requirements negotiated between Council and the proponent.</p>
Vegetation with the Road Reserve	<p>Council does not promote vegetation within the road reserve as managing and maintaining salinity mitigation, due to competing infrastructure corridor requirements (for water, power, telecommunications etc), road safety and legal requirements. Council also does not have funds to manage and maintain the road reserve.</p>	<p>The use of vegetation to mitigate salinity impacts on the site has been identified throughout the LEP process and supported by the Panel in the Salinity Management Plan (SMS) and Vegetation Management Plan (VMP) as a way to mitigate salinity impacts.</p>	<p>The use of vegetation to assist in mitigating salinity impacts is accepted. The SMP and VMP identifies vegetation on the road reserve.</p> <p>The concern of Council about the provision of vegetation on the road reserve is acknowledged.</p> <p>The Daisy Hill DCP has been amended to remove the</p>

		Council has not previously raised this concern	<p>specific requirement for vegetation within the road reserve and is referenced more generally.</p> <p>This change allows more flexibility for Council and the proponent to negotiate vegetation provision and location at the Development Application stage.</p>
Section 88B Restriction on the Use of the Land	The use of a Section 88B instrument to regulate swimming pools, dams, maximum size of lawn areas, extraction of groundwater for irrigation purposes, and minimum rainwater tank requirements is considered unduly onerous and additional funds for this enforcement are not included in Council's budget.	The use of a Section 88B instrument on this site to regulate certain items is considered to be an appropriate and commonly used mechanism. The sensitive groundwater salinity management of the site requires controls. This mechanism was proposed in the draft Daisy Hill DCP during the first round of community consultation and Council did not raise concerns at that time.	<p>No change to Daisy Hill DCP.</p> <p>While the section 88B mechanism is identified Council and the proponent will be able to negotiate other mechanisms to meet this outcome through the Development Application process.</p>
Stormwater Management	Not consistent with Council's adopted best practice and Australian Standards.	Recommend that proponent update draft Daisy Hill DCP to reflect Council's amendments.	The draft Daisy Hill DCP has been updated to reflect Council's suggested amendments.
Staging of Development and monitoring salinity	Concerns that Council will be responsible for monitoring salinity impacts between stages of development, and the responsibility of maintenance of off-site monitoring wells,	Monitoring of salinity management and monitoring wells was supported by the Panel as identified by EMM consultants in the Salinity Management Plan	No change to Daisy Hill DCP. The mechanism to manage salinity, based on the work already done, is through the Development Application process

	including the preparation of Action Plans.	and Vegetation Management Plan.	and conditions of consent.
--	--	---------------------------------	----------------------------

The proponent was given the opportunity to address the Council submission and provided a response on 28 October 2020. The proponent accepted most issues raised by Council and agreed to the changes to the Daisy Hill DCP as proposed.

The Table below are the matters raised by Council that were considered to require the draft Daisy Hill DCP to be amended:

Matter	Comment	Proposed resolution
Part 1 Introduction	Figure 1 on page 2 of the Daisy Hill DCP shows additional land outside of "Daisy Hill" land	Figure 1 has been amended to indicate correct extent of the land to which the Daisy Hill DCP applies.
Element 2 Lot Layout	Figure 4 is not referenced	Reference to Figure 4 provided
Element 4 Infrastructure P1	A1.3 amend reference to water service design requirements.	A1.3 amended as required by Council
Element 5 Street Design and Road Hierarchy P1	A1.2 amend reference to road design requirements	A1.2 amended as required by Council
Element 5 Street Design and Road Hierarchy P2	Amend A2.1 to include reference to services and omit A2.2	A2.1 – insert dashpoint reference to services A2.2 – omitted as now included in A2.1
Element 6 Stormwater Management P1	A1.1 amend reference to stormwater design requirements	A1.1 amended as per Council requirement.

Element 6 Stormwater Management P3	A3.1 amend AEP from 10% to 1%	A3.1 – 10% retained after further consultation with Council.
Element 6 Stormwater Management P4	Amend A4.1 to reference pipe or open channel	A4.1 – no change - retained without reference to pipe Inserted A4.2 requiring the provision of 45,000 litre water tank for each dwelling
2.2 Residential Design - Element 1 Streetscape character P6	A6.1 Front fence requirements to be consistent with SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP)	A6.1 amended to reflect Council comment and reference to Codes SEPP.
Element 2 Building setbacks P1	A1.1 minimum setbacks consistent with SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP)	A1.1 amended to reflect Council comment and reference to Codes SEPP.
Element 5 - Infrastructure P3	A3.1 and A3.2 amend to create only A3.1- omit A3.2	A3.1 amended to reflect Council comment.
Element 12 Signage P2 - Signage P2 and P3	A2.1, A2.2 and A3.1 – reference to SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP)	Element 12 amended to reflect Council comment and reference to Codes SEPP

In addition to above changes there have been minor formatting and administrative changes to the final document that does not change the intent of the Daisy Hill DCP.

A track changed version of the amended draft Daisy Hill DCP dated 2 November 2020 was provided to both Council and the proponent from 2 November 2020 until 6 November 2020 to allow further comment. No further comments were received and the draft Daisy Hill DCP dated 11 November 2020 has now been finalised.

SUMMARY

The draft Daisy Hill DCP has been amended having regard to the comments from Council. Generally the majority of comments by Council have been accepted.

The draft Daisy Hill DCP has been prepared and exhibited in accordance with Division 3.6 of the Environmental Planning and Assessment Act, 1979 and Part 3 of the Environmental Planning and Assessment Regulation 2000 and is suitable for approval by the Planning Secretary.

Notwithstanding the proposed Daisy Hill DCP, development within the Daisy Hill area may also be undertaken as Complying development, under Part 3A Rural Housing Code of the

State Environmental Planning Policy (Exempt and Complying Development) Codes 2008 (Codes SEPP), if the specified requirements are met. This would be assessed on a site-by-site basis, subject to the individual dwellings and other structures proposed. Provisions of the Code SEPP prevail over the LEP and DCP requirements.

The draft Daisy Hill DCP was placed on public exhibition for 28 days. A total of six (6) submissions were received. All of these were objections to the proposal, five (5) from members of the public and one from Dubbo Regional Council.

It has been assessed that the submissions in objection from the public did not raise matters which would prevent the proposed Daisy Hill DCP from progressing and those matters have been adequately addressed in the LEP Amendment process that was considered and supported by the Panel. There are detailed matters such as traffic impacts that will be addressed through the Development Application process.

No agency submissions were received in relation to the draft Daisy Hill DCP.

Under the Dubbo Regional Council Community Participation Plan it is likely that the Development Application for the development of the land will be notified to the public and referred to relevant agencies thus providing a further opportunity for engagement.

The Daisy Hill DCP has been prepared in accordance with the requirements of Gateway determination dated 9 June 2016 condition 3. The statutory requirements have been met and comments from Dubbo Regional Council have been included. The Daisy Hill DCP dated 11 November 2020 is suitable for approval. Once approved the Department will have no further role in this matter.

It is therefore appropriate that the Daisy Hill DCP dated 11 November 2020 proceed to finalisation.