

Addendum – Planning Proposal

Lot 8 DP 1063425, 4L Camp Road, Dubbo.

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1. BACKGROUND

The Planning Proposal was lodged on 23 September 2016 by consultants, Doherty Smith and Associates on behalf of the land owner, Mrs L K Bender. The Planning Proposal originally sought to rezone the subject land from SP3 Tourist to part RU2 Rural Landscape and part E3 Environmental Management. The Planning Proposal also sought to provide a minimum lot size for subdivision of land zoned RU2 Rural Landscape of two (2) hectares and 100 hectares for land zoned E3 Environmental Management.

The Planning, Development and Environment Committee at its meeting on 11 December 2017 considered a report in respect of the Planning Proposal. In consideration of the report, Committee resolved as follows:

1. *“That Council endorse the amended Planning Proposal included as Appendix 2 and the further information included as Appendix 3 to the report of the Manager Strategic Planning Services dated 5 December 2017 for the following amendments to the Dubbo Local Environmental Plan 2011:*
 - *That the RU6 Transition zone be inserted into the Dubbo Local Environmental Plan 2011, including the Land Use Table as included in this report;*
 - *That part of Lot 8 DP 1063425, 4L Camp Road, Dubbo be rezoned from SP3 Tourist to RU6 Transition;*
 - *That part of Lot 8 DP 1063425, 4L Camp Road, Dubbo be rezoned from SP3 Tourist to E3 Environmental Management;*
 - *That part of Lot 8 DP 1063425, 4L Camp Road, Dubbo proposed to be zoned RU6 Transition be provided with a minimum allotment size for subdivision of two (2) hectares; and*
 - *That part of Lot 8 DP 1063425, 4L Camp Road, Dubbo proposed to be zoned E3 Environmental Management be provided with a minimum allotment size for subdivision of 100 hectares.*
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 amendment to the Dubbo Local Environmental Plan 2011 as the State Government may issue a conditional Gateway Determination in respect of the Planning Proposal.*
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.”*

A request for a Gateway Determination was sent to the Department of Planning, Industry and Environment on 12 January 2018.

Council received correspondence from the DPIE on 13 February 2018. The correspondence included the results of the Department’s preliminary assessment of the Planning Proposal and the further information required to support the Proposal.

The issues raised by the DPIE are as follows:

- *“The proposal represents a significant departure from the endorsed Dubbo Urban Areas Development Strategy and Dubbo Rural Areas Strategy and the established position of excluding residential development in the zone SP3 Tourist Camp Road Precinct. The introduction of a new Rural zone, a minimum lot size of 2 hectares and permissibility for dwelling houses on this land in isolation has not been justified inconsistent with both the strategic and policy framework for the Camp Road precinct;*
- *There are inconsistencies with section 117 Directions 1.2 Rural Zones and 1.5 Rural Lands, 2.1 Environmental Protection Zones, 3.1 Residential Zones, 3.4 Integrating Land Use Transport, 4.4 Planning for Bushfire Protection and 5.10 Implementation of Regional Plans. Council is required to assess and provide justification for these policy inconsistencies which cannot be considered as being of minor significance;*
- *Pertain to the unjustified departure from a Department –endorsed local strategy and inadequate assessment of natural hazards and constraints.*
- *The information provided indicates the RU6 Transition zone will provide for both tourism and large lot residential development. This is an inappropriate zone in this setting and the reasons provided for its use are not unique or compelling. The proposal is inconsistent with the SEPP Rural Lands 2008 through the fragmentation of the land and increased potential for rural land use conflict with adjoining land uses. The form of development being proposed is akin to R5 Large Lot Residential and it is further noted the Dubbo Residential Areas Strategy does not identify the site as a future release area;*
- *Council is to provide further justification as to why the established Camp Road Tourist precinct should be changed through permitting residential development and further assess the expected impacts on:*
 - *Established tourist and visitor development particularly the Western Plains Zoo;*
 - *Morris Park Speedway, noting that it is poor planning practice to impose additional building standards to ameliorate noise impacts of existing noise sources;*
 - *Existing and approved tourist and visitor accommodation and ‘Dundullimal’, State Heritage item;*
 - *Surrounding low density rural amenity ;*
 - *Groundwater vulnerability and terrestrial biodiversity,*
 - *Newell Highway in terms of traffic impacts, and*
 - *Precedent, in terms of permitting residential development against the recommendations of the endorsed strategy.”*

In response to the comments provided by the Department of Planning, Industry and Environment (DPIE), Council has undertaken extensive strategic planning and stakeholder consultation in the preparation of an Addendum to the Planning Proposal. The following information and justification has been prepared as an Addendum for consideration by the DPIE. Subject to approval from the DPIE, the Addendum will be attached to the original Planning Proposal and provided to the State Government Department of Planning, Industry and Environment, for a Gateway assessment.

2. OBJECTIVES OR INTENDED OUTCOMES

The intent of the Planning Proposal is to facilitate the development of dwelling houses on the subject site whilst maintaining provision for small-scale rural-based tourist activity on land adjoining Camp Road. Additional amendments are proposed to create a revised minimum lot size regime, mitigate the impacts of localised light on the surrounding dark skies and restrict residential development in areas of the site impacted by noise from the Morris Park Speedway.

The proposed amendments to the Dubbo LEP 2011 are as follows:

- (a) Include an additional permitted use to allow the erection of dwelling houses in the SP3 Tourist zone, exclusive to the subject land only.
- (b) Include an additional local provision to mitigate impacts on adjoining and nearby tourist uses, exclusive to the subject land and identified by a new clause application map.
- (c) Amend Lot Size Map – Sheet LSZ_008 to provide a range of minimum lot sizes including no MLS, two (2) hectares and five (5) hectares, in respect of the subject land only.
- (d) Include an additional local provision to prohibit residential development in areas of the subject site impacted by noise levels greater than 55dBA from the existing Morris Park Speedway.

3. EXPLANATION OF PROVISIONS

The proposed objectives and intended outcomes will be achieved through the following:

- (a) Include an additional permitted use to allow the erection of dwelling houses in the SP3 Tourist zone, exclusive to the subject land and identified by a new clause application map.

The Planning Proposal seeks to include an additional permitted use under the provisions of the Dubbo LEP 2011 for the purposes of making dwelling houses permissible with consent on the subject land only. The land subject of the Planning Proposal will be identified on a new Additional Permitted Uses Map – Sheet APU_008.

- (b) Include an additional local provision to mitigate the impacts on adjoining and nearby tourist uses, exclusive to the subject land and identified by a new clause application map.

The objectives of the proposed clause are as follows:

- To protect the observing conditions of the Dubbo Observatory by promoting lighting practices that minimise local light pollution.
 - To protect the operations of the adjoining vineyard
 - To ensure that the following planning controls are imposed on any dwelling house development located on the subject land:
 - No more than 2 shielded outdoor light fittings per dwelling;
 - No skylights permitted in any dwellings; and
 - All outdoor lights to be controlled via a motion sensor.
 - Outdoor lights shall not protrude past 30 degrees horizontal.
 - To undertake measures to minimise dust associated with development.
 - To provide a vegetation planting screen between future dwellings on the subject land and the vineyard and observatory.
 - To ensure that new residential subdivision of the subject land does not include provision for street lighting.
- (c) Amend Lot Size Map – Sheet LSZ_008 to provide a range of lot sizes including no MLS, two (2) hectares and five (5) hectares.

The subject land currently has no minimum lot size pursuant to the Dubbo LEP 2011. The Planning Proposal seeks to amend Lot Size Map – Sheet LSZ_008 to provide a range of lot sizes including no MLS, two (2) hectares and five (5) hectares. The proposed lot size regime is shown in figure 1.

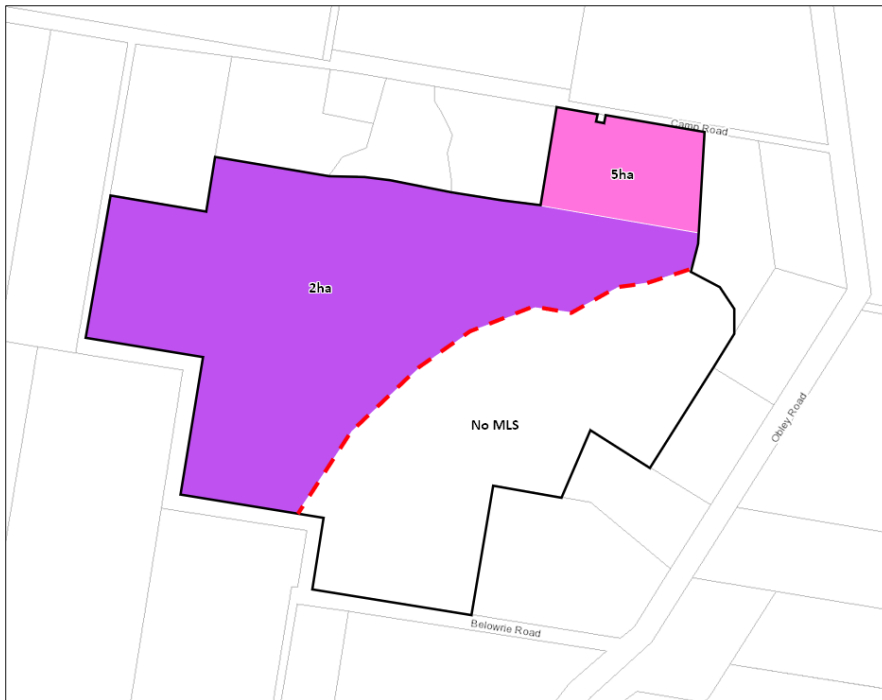


Figure 1. Proposed Lot Size Regime

(i) No Minimum Lot Size (MLS)

The proposed area to remain with no minimum lot size is a result of the noise related impacts caused by the Morris Park Speedway. The red line as indicated in figure 1, shows the 55dBA noise extent resonating from Morris Park Speedway race meetings. No MLS will ensure that the area is not identified for the development of land parcels suitable for dwellings. Tourist related development will remain permissible with consent, however will be considered on its individual merits with respect to potential noise impacts.

(ii) Two (2) hectares

The majority of the subject land will offer a two (2) hectare MLS to facilitate the development of semi-rural lifestyle blocks alongside small-scale rural based tourist activities. A two (2) hectare MLS is considered appropriate based on the soil topography, natural constraints and the availability of services to the subject site and surrounding precinct. In addition, the MLS is considered large enough to reduce the potential for land use conflicts and will provide additional housing options for the region's real estate market.

(iii) Five (5) hectares

It is proposed to include a MLS of five (5) hectares along the frontage of Camp Road to preserve lot sizes large enough to undertake tourist activities and/or co-existence of dwellings on the land. This portion of the subject site benefits from immediate access and high visibility from Camp Road.

- (d) *Include an additional local provision to prohibit residential development in areas of the subject site impacted by noise levels greater than 55dBA from the existing Morris Park Speedway.*

The Planning Proposal seeks to include an additional local provision to prohibit residential development in areas of the subject site impacted by noise levels greater than 55dBA from the existing Morris Park Speedway. The area subject to the proposed local provision is shown in figure 2.

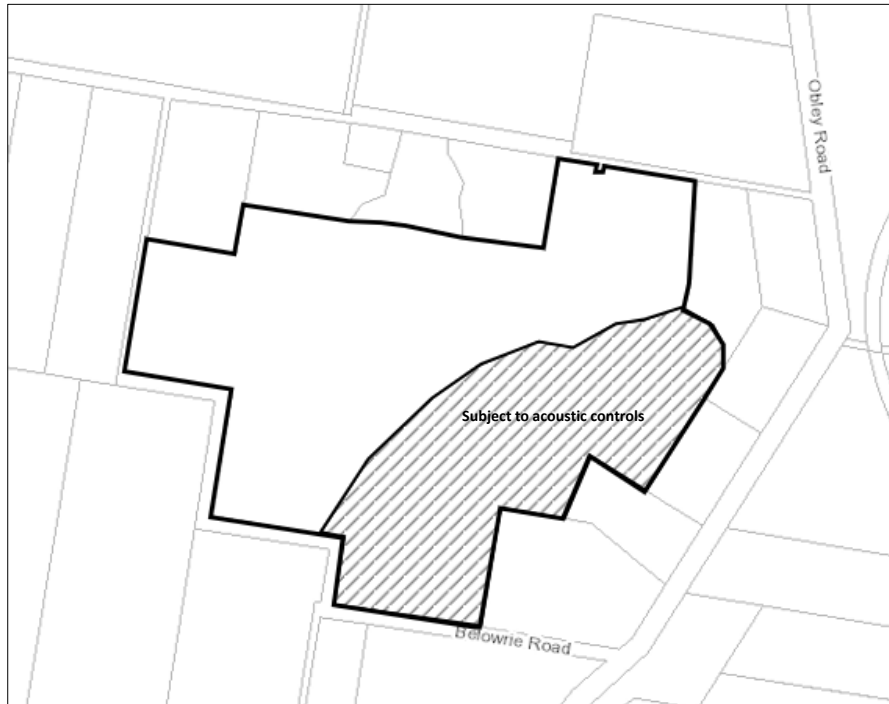


Figure 2. Area subject to new local provision.

The objective of the proposed clause is to ensure that development for the purposes of dwelling houses and other noise sensitive receivers is prohibited in the area east of the 55dBA line. Tourist related development will remain permitted with consent as per the provisions of the Dubbo LEP 2011, which will be considered on its individual merits.

4. JUSTIFICATION

4.1 NEED FOR THE PLANNING PROPOSAL

The land subject of the Planning Proposal is located within the Camp Road Precinct. This land is zoned SP3 Tourist pursuant to the provisions of the Dubbo LEP 2011. The Dubbo Employment Lands Strategy, adopted by Council on 11 March 2019 and endorsed by the DPIE on 18 September 2019, considered the issues with the Camp Road Precinct.

A summary of these issues include:

- Expansion of the Zoo's accommodation options
- Ability of property owners to gain finance
- Lack of embellishment in the area

The Planning Proposal seeks to provide additional development opportunities to support the activation of the area and provide semi-rural style lifestyle housing which can co-exist with small-scale rural based tourist development.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4.2.1 CONSISTENT WITH THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY

Central West and Orana Regional Plan 2036

The Central West and Orana Regional Plan is considered applicable to the Planning Proposal as the subject land is located within the Orana Regional Area. The Planning Proposal is considered to be broadly consistent with a number of Directions as provided by the Plan.

In particular, it is considered that the Planning Proposal is consistent with the following:

Direction 1: Protect the region's diverse and productive agricultural land

The land subject to the Planning Proposal adjoins RU1 Primary Production to the south which currently hosts existing agricultural uses. The Planning Proposal seeks to minimise potential land use conflict by providing a 50m buffer to the south of the subject site as well as the proposed 2 hectare minimum lot size regime.

Direction 4: Promote and diversify regional tourism markets

The Planning Proposal seeks to continue to facilitate tourist-related activities on the subject land with larger lot sizes proposed to areas of the subject site immediately adjoining Camp Road.

Direction 25: Increase housing diversity and choice

A preliminary undertaking of a supply and demand analysis in the Dubbo Regional LGA would indicate there is limited availability of vacant two (2) hectare lots. The Planning Proposal seeks to provide additional two (2) hectare allotments aimed at facilitating semi-rural style lifestyle housing options for the Dubbo LGA.

2040 Community Strategic Plan

Council's adopted Community Strategic Plan houses the local community's vision out to 2040 and is guided by the Plan's strategic outcomes.

The Planning Proposal is considered to be consistent with the following strategic outcomes as identified by the Community Strategic Plan:

- 1.1 Residential housing opportunity meets the current and projected needs of our community and facilitates an ultimate population of 100,000 people;
- 1.4 An adequate supply of land is maintained close to established community services and facilities;
- 3.1 Visitor economy growth is supported through product development, enhancement and strategic management;
- 3.7 A strategic framework is in place to maximise the realisation of economic development opportunities for the region; and
- 3.9 The importance of the local development industry to the continued growth and development of the Local Government Area is recognised.

4.2.2 CONSISTENT WITH LOCAL STRATEGIC PLANNING STATEMENT, OR ANOTHER ENDORSED LOCAL STRATEGY OR STRATEGIC PLAN

i) Dubbo Employment Lands Strategy

The Dubbo Employment Lands Strategy was adopted by Council on 11 March 2019 and endorsed by the Department of Planning, Industry and Environment on 18 September 2019. The Strategy guides the development of employment land and ensures adequate supply is maintained to facilitate a diverse range of job opportunities for the Dubbo community.

The subject land is located within the Zoo and Camp Road Precinct. The Strategy identifies the future role of Camp Road as follows:

"The role of Camp Road is to provide a suitable strip of land which allows small-scale rural based tourist development not suitable for central urban areas which are compatible with semi-rural style residential living. The precinct should enable semi-rural residential development to facilitate the activation and embellishment of the area in order to support small-scale rural based tourist development."

The Planning Proposal seeks to provide additional rural lifestyle housing opportunities guided by an amended lot size regime for the subject land. The proposed lot size regime will enable a large portion of the subject land to be subdivided down to two (2) hectare and five (5) hectare allotments.

The Strategy acknowledges that the subject land and surrounding area lacks opportunity for large scale full-time tourist activities and would be more likely to accommodate smaller scale of a part-time or seasonal nature. Existing planning provisions restrict the ability for property owners to access the equity in their dwellings as they are a prohibited land use. The precinct surrounding the subject land requires embellishment and activation to boost the appeal and generate tourist interest.

The Planning Proposal intends to deliver the appropriate planning mechanisms needed to activate and generate investment into the precinct. The Planning Proposal is considered to be consistent with the Dubbo Employment Lands Strategy.

Strategic Merit Justification

The Department of Planning, Industry and Environment's Guide to Preparing Planning Proposals provides assessment criteria in determining whether strategic merit has been established. The Guide states that a planning proposal must:

"give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department"

The Dubbo Employment Lands Strategy provides the following precinct guidance relevant to this Planning Proposal, with respect to establishing strategic merit:

"a) Land Use Zone

It is recommended that the SP3 Tourist zoned land south of Camp Road be investigated further with respect to analysing whether this is the most appropriate zone based on the future role of the precinct and Council's objectives for the land."

Comment:

The Planning Proposal does not intend to amend the current zoning of the subject land, being SP3 Tourist. Further detailed analysis of the SP3 Tourist zone over the Camp Road precinct has been undertaken. Noting the role of the Camp Road precinct as outlined in the Dubbo Employment Land Strategy, to ensure that small-scale rural based tourist development remains the primary focus, the zone should remain SP3 Tourist.

"b) Dwellings

It is recommended that dwellings become a permissible form of development on the land south of Camp Road. It is considered that dwellings will be restricted to a Minimum Lot Size (MLS) for the SP3 zoned land. The MLS will be established in further Strategic Work upon adoption of a Structure Plan."

Comment:

The Planning Proposal seeks to introduce provisions which make dwellings permissible upon the subject land within the SP3 Tourist zone.

“c) Review of lot sizes

As the land is currently zoned SP3 Tourist and dwellings are prohibited, the land does not have any minimum lot size provisions. As the Strategy recommends that the role of the Camp Road precinct change with dwellings being considered as a permissible form of development, a review of the minimum lot size provisions should be undertaken. In this regard, it is recommended that Council facilitate the subdivision of large lots to both allow more manageable land parcels and excise unused land for additional capital.

Noting that many property owners in this precinct continue to highlight issues with the ability to generate capital to undertake tourist related development ventures. This was predominantly as a result of dwellings being made a prohibited form of development in the SP3 Tourist zone complicating matters from a finance perspective with lending institutions. Given the area also lacks embellishment, somewhat as a result of stagnated development, new dwellings and property owners into the area could assist with embellishment of the precinct. Existing development which could potentially suffer through inappropriate buffers should be considered with determination of a minimum lot size.”

Comment:

The Planning Proposal seeks to implement the minimum lot size regime adopted as part of the Camp Road Structure Plan. The Structure Plan is discussed in detail below.

“d) Morris Park Speedway

Morris Park Speedway has operated on the south eastern side of Camp Road since the early 1960’s. Being a motorsport activity it is a significant noise generator. However, noise is somewhat mitigated with the natural topography assisting with noise reduction. Noise studies have shown that the 55 dB(A) noise contour is not a major constraint for the precinct. It is recommended that areas subject to noise impacts generated by Morris Park be formalised through planning provisions in the Dubbo Local Environmental Plan 2011.”

Comment:

The Planning Proposal has considered Morris Park Speedway and its potential noise impacts on the subject land as result of motorsport activities. The Applicant has provided a Noise Impact Assessment (Proposed New Residential Development, Noise Assessment of Motor Sports - May 2016, Report No. nss 22429 - Final) which outlines potential noise impacts on the subject land. Morris Park has been addressed in detail under the Camp Road Structure Plan, below.

Noting the above, it is considered that strategic merit has been established having appropriately assessed the Planning Proposal against the Dubbo Employment Land Strategy.

ii) Camp Road Structure Plan

The Camp Road Structure Plan was adopted by Council at its meeting on 8 October 2019. The Plan was prepared by Council following a recommendation of the Dubbo Employment Lands Strategy. The Plan aims to provide overarching guidance for future development by identifying constraints and opportunities within the Camp Road Precinct.

The subject land is located within the Camp Road Precinct as identified by the Structure Plan. The Plan addresses a number of key planning matters for consideration in the future development of the area.

Site-Specific Strategic Merit Justification

The Department of Planning, Industry and Environment's Guide to Preparing Planning Proposals provides assessment criteria in determining whether site-specific strategic merit has been established. The Guide states that a planning proposal must have regard for the following:

- *“the natural environment (including known significant environmental values, resources or hazards) and*
- *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
- *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.”*

The Camp Road Structure Plan builds on the Dubbo Employment Land Strategy to provide further consideration towards the precinct guidance. The relevant components of the Camp Road Structure Plan which relate to the Planning Proposal are addressed below:

These considerations are as follows:

- Topography
- Buffer Areas
- Morris Park Speedway
- Taronga Western Plains Zoo
- Infrastructure
- Transport and access
- Minimum Lot Sizes

The Camp Road Structure Plan is as follows in Figure 3.

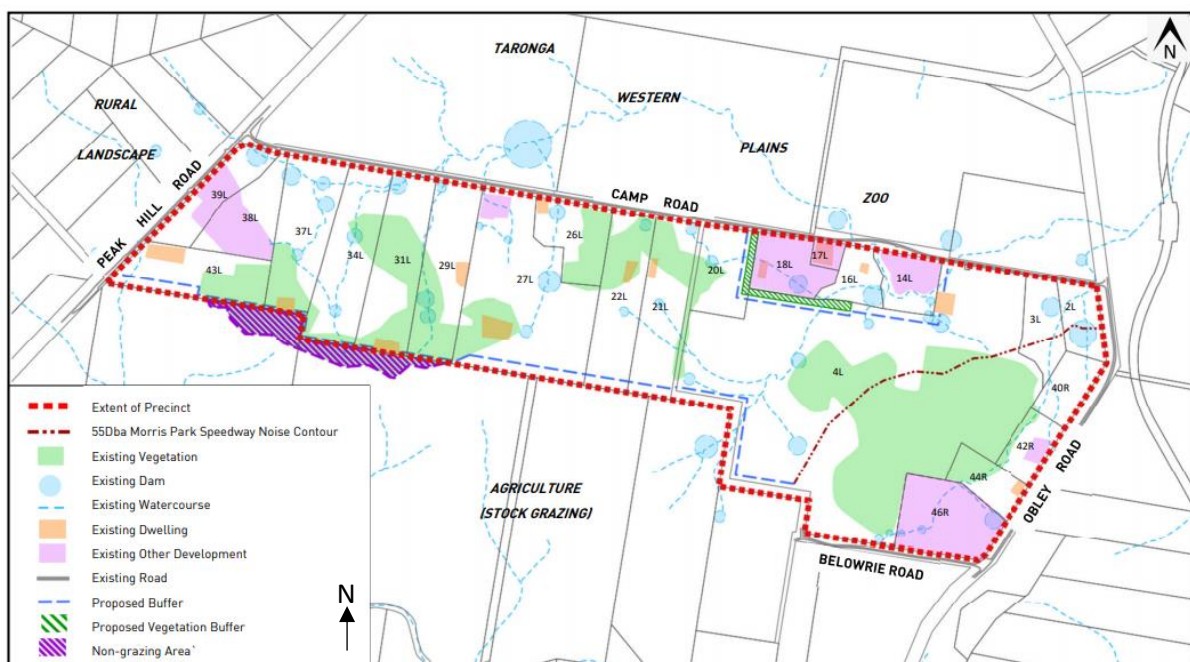


Figure 3. Camp Road Structure Plan

The intent of the Planning Proposal is to allow the development of dwelling houses on certain areas of the land at 4L Camp Road, Dubbo. The Planning Proposal intends to provide a lot size regime that is guided by the existing vegetation on the subject site and the 55dBA noise contour derived from Morris Park Speedway. The Planning Proposal seeks to provide a range of lot sizes including no MLS, two (2) hectares and five (5) hectares to remain sensitive to existing constraints and opportunities as identified by the Structure Plan. In addition, development for the purposes of dwelling houses will be prohibited in the area east of the 55dBA line.

The Planning Proposal includes a Noise Impact Assessment that considers and addresses noise impacts on the subject land as a result of Morris Park Speedway's motorsport activities. It is noted that after discussions with the Department of Planning, Industry and Environment's Noise Specialist, there is no specific criteria for assessing existing speedways against noise sensitive receivers such as dwellings. The Camp Road Structure Plan adopted the 55dBA noise contour as a base line whereby dwellings noise mitigation measures could be applied to ensure dwellings can meet the minimum noise criteria established with Clause 102 of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP), being no greater than 35dBA in any bedroom or 40dBA anywhere else in the dwelling.

Whilst the Noise Specialist advised that Clause ISEPP did not specifically apply to speedways, the most applicable guideline was Chapter 152 of the Noise Control Guideline. This guideline outlines that no dwellings should be constructed where the motorsport noise level exceeds 45dBA. It is noted that this guideline has since been repealed. Discussions with the Noise Specialist therefore focused around applying a practical approach based on achieving sustainable outcomes utilising current legislation and practices. In this regard, it is considered appropriate to allow dwellings to be constructed outside of the 55dBA noise contour, however must undertake building attenuation measures to achieve the internal maximum noise levels pursuant with the ISEPP. This will result in internal noise levels being lower than the Noise Control Guideline.

Additionally, to ensure the Speedway can continue to operate unencumbered, the Planning Proposal includes provision for a noise restriction area between the Speedway and the identified 55dBA noise contour.

The proposed new provision would include a new clause which addresses the following:

- The objective of this clause is to ensure that development for residential purposes, or for any other purpose involving regular human occupation, on land subject to significant exposure to noise (including noise emitted from the Morris Park Speedway) is prohibited.
- This clause applies to the land identified as "Subject to Clause 7.15" on the Clause Application Map.
- Development consent must not be granted to residential development, or development for any other purpose involving regular human occupation, on land to which this clause applies.
- Land identified as "Subject to Clause 7.15" on the Clause Application Map is identified as being within a buffer area for the purposes of clause 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

The 5 hectare MLS will preserve opportunities for tourist-related development with direct access to Camp Road and greater visibility to passing motorists.

Buffer zones have been proposed to the north and south of the subject site. The northern buffer shows an indicative separation between the operations of the Red Earth Estate Winery, Dubbo Observatory and Rhino Lodge accommodation. The buffer to the south considers the existing agricultural operations and mitigation of potential future land use conflicts to occur. These buffers would be considered further as part of the development approvals process.

The Structure Plan identifies that existing infrastructure is available via a sewerage pump station located adjacent to the subject site and direct access to reticulated water supply via Rifle Range Road. The limited capacity of the sewerage pump station may mean that additional development would require onsite sewerage management. The suitability of this infrastructure would be assessed as part of the Development Application and Construction Certificate stages.

The Dubbo City Transportation Strategy includes a proposal for a Distributor Road to connect the Newell Highway through to Camp Road. This project is considered long-term, not likely required until at least 2060, but more likely towards 2070.

Noting the above, the Planning Proposal demonstrates site-specific strategic merit and is considered to be consistent with the Camp Road Structure Plan.

4.3 CONSISTENCY WITH STATE ENVIRONMENTAL PLANNING POLICIES

The original Planning Proposal was deemed inconsistent with SEPP (Rural Lands) 2008 by the Department of Planning, Industry and Environment. The intent of the Planning Proposal has since been revised with further consideration of the sensitivity of adjoining agricultural land. SEPP (Rural Lands) 2008 has since been revoked and replaced by SEPP (Primary Production and Rural Development) 2019 which took place on 28 February 2019.

The aims of SEPP (Primary Production and Rural Development) 2019 are as follows:

- “(a) to facilitate the orderly economic use and development of lands for primary production,*
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of vegetation, biodiversity and water resources,*
- (c) to identify State significant agricultural land for the purposes of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts and for routine and emergency work in irrigation areas and districts,*
- (e) to encourage sustainable agriculture, including sustainable aquaculture,*
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,*
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.”*

The Addendum seeks to provide a two (2) hectare MLS in areas adjoining the southern boundary of the subject site with the intent to facilitate semi-rural style lifestyle residential housing options whilst protecting the rural character of the adjoining rural zoned land. The land immediately south of the precinct is zoned RU1 Primary Production which has historically been utilised for the purposes of extensive livestock grazing. The topography of the land to the south of the subject site contains rock and steeper hilly terrain which limits higher levels of agricultural output of the land.

A 50m buffer is proposed along the southern boundary of the subject land to reduce potential land use conflicts including noise, odour and visual impacts. The Planning Proposal is not considered to result in any negative impacts to the adjoining agricultural activities to the south of the subject land. The Planning Proposal is considered to be consistent with the aims of the SEPP (Primary Production and Rural Development) 2019.

4.4 CONSISTENCY WITH SECTION 9.1 MINISTERIAL DIRECTIONS

The original Planning Proposal was considered to be inconsistent with the following Section 9.1 Ministerial Directions as identified in Table 1. The inconsistency with these Directions was not considered to be of minor significance and required further justification. The original Planning Proposal has since been revised and an additional assessment has been provided as shown in Table 1.

Direction	Requirement	Consistency
1.2 Rural Zones	<p>The land subject of the Planning Proposal is not currently zoned as rural.</p> <p>It is considered that this Direction does not apply to the Planning Proposal.</p>	<p>Whilst the Direction does not directly apply to the Planning Proposal, it is considered that the proposed amendments are consistent with the objective of this Direction.</p> <p>The Planning Proposal seeks to provide appropriate lot sizing that is sensitive to the rural character of the agricultural land adjoining the subject site to the south.</p>
1.5 Rural Lands	<p>The land subject of the Planning Proposal is not currently zoned as rural.</p> <p>It is considered that this Direction does not apply to the Planning Proposal.</p>	<p>Whilst the Direction does not directly apply to the Planning Proposal, it is considered that the proposed amendments are consistent with the objective of this Direction.</p> <p>The Planning Proposal seeks to provide appropriate lot sizing that is sensitive to the rural character of the agricultural land adjoining the subject site to the south.</p>

2.1 Environmental Protection Zones	This Direction applies when a Planning Proposal is prepared.	<p>The land subject of the Planning Proposal is not currently zoned as environmental nor does it intend to reduce the environmental protection standards that apply to the land.</p> <p>The Planning Proposal seeks to include a new additional local provision to prohibit residential development east of the 55dBA noise contour. A large portion of this land is mapped as containing moderate and high levels of biodiversity.</p> <p>The remaining land that is subject to biodiversity constraints is minimal.</p> <p>Any potential impacts on biodiversity would be considered under the provisions of the Biodiversity and Conservation Act 2016 at the Development Assessment stage.</p> <p>The Planning Proposal is considered to be inconsistent with this Direction, however this inconsistency is considered to be of minor significance.</p>
3.1 Residential Zones	<p>This Direction applies to the Planning Proposal as the subject site is zoned SP3 Tourist and is proposed to facilitate semi-rural style lifestyle living on the land.</p> <p>To facilitate this form of development, a lot size regime comprising of no MLS, two (2) hectares and five (5) hectares is proposed for the subject land.</p> <p>In addition, the Planning Proposal seeks to include an</p>	<p>The Planning Proposal seeks to provide a variety of housing options with consideration of environmental factors achieved by the use of lot size controls, restrictions on localised light emissions and noise identification mapping.</p> <p>The subject site is considered to be adequately serviced by infrastructure through an existing reticulated water connection and will consider onsite waste water</p>

	additional permitted use for the purposes of a dwelling house on the subject land.	<p>management as part of the Development Application and Construction Certificate processes.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
3.4 Integrating Land Use and Transport	This Direction applies to the Planning Proposal as it seeks to permit the development of dwelling houses and reduce the minimum lot size of the land to facilitate future subdivision.	<p>The Planning Proposal seeks to provide semi-rural style lifestyle blocks aimed at supporting two (2) hectare allotments with potential for dwelling house development.</p> <p>The proposed density of the subject site is considered to be appropriate in respect of access to transport options. The semi-rural character of the area is typically serviced by road and privatised transport networks with the potential for future bus options becoming available longer-term.</p> <p>The existing road connections allow convenient access to the Newell Highway from Camp Road. An additional access option is available onto the Highway from Obley Road with lower entry speeds of 80km/h.</p> <p>Cycle and pedestrian tracks are also located immediately north of the Zoo with links from the Tracker Riley bike path to the CBD.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
4.4 Planning for Bushfire Protection	This Direction is applicable to the Planning Proposal as a large portion of the subject land is classified as Category 1 bushfire prone land.	The Planning Proposal is considered to be inconsistent with this Direction. The inconsistency is considered to be of minor significance.

	The land classified as bushfire prone land is predominantly located in the area of the subject site with restricted development potential and no prescribed MLS.	The majority of the area classified as bushfire prone land is also impacted by noise levels higher than 55dBA. Dwelling houses will be prohibited in this area and the land will not be prescribed a MLS.
5.10 Implementation of Regional Plans	<p>The Direction is applicable as the land subject of the Planning Proposal is located within the Orana region.</p> <p>The development of the Orana region is guided by the Goals and Directions of the Central West and Orana Regional Plan 2036.</p>	<p>The Planning Proposal is considered to be consistent with the Central West and Orana Regional Plan. In particular, the Planning Proposal is considered to be consistent with the Plan's following Directions:</p> <ul style="list-style-type: none"> • Direction 1: Protect the region's diverse and productive agricultural land; • Direction 4: Promote and diversify regional tourism markets; and • Direction 25: Increase housing diversity and choice.

Table 1. Section 9.1 Ministerial Directions

4.5 ADDITIONAL CONSIDERATIONS

(a) Existing tourist and visitor accommodation and Dundullimal Homestead

The Planning Proposal will continue to facilitate tourist development on the subject site with a dedicated five (5) hectare MLS on land adjoining Camp Road, preserving the benefits of accessibility and visibility to the site. Additional development opportunities as proposed by the Planning Proposal, will activate and deliver embellishment to the Precinct.

The proposed smaller two (2) hectare allotments are not considered to result in any significant impact on surrounding tourist uses. An additional local provision and buffers are proposed to limit localised light emissions on the Dubbo Observatory which is adjoins the subject site to the north.

The Dundullimal Homestead is a State heritage item located approximately 1km north east of the subject site. The Planning Proposal is not anticipated to result in any significant impact on the Dundullimal Homestead.

(b) Groundwater vulnerability

The subject land is mapped as containing moderate and high levels of groundwater vulnerability. The Planning Proposal will provide opportunity for low density residential subdivision to occur with a minimum lot size restriction of two (2) hectares. The Planning Proposal is not considered to result in any significant adverse impact to groundwater.

Subject to the conditions of a future Gateway Determination, Council will be required to undertake consultation with the Natural Resources Access Regulator Division of the Department of Planning, Industry and Environment.

(c) Terrestrial Biodiversity

A portion of the subject site is mapped as containing moderate and high levels of biodiversity. This area is predominantly located within the restricted development zone created as a result of the noise impacts from Morris Park Speedway. The Planning Proposal seeks to develop land outside of areas with moderate and high levels of biodiversity where possible. Any future development including clearing of land on the subject site, may be required to undertake an assessment of significance in accordance with Part 7 of the Biodiversity Conservation Act 2016. This assessment would be undertaken as part of the development approvals process.

Subject to the conditions of a future Gateway Determination, Council will be required to undertake consultation with the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment.

(d) Traffic Impacts on Newell Highway

The Planning Proposal seeks to facilitate subdivision of the land for the purposes of semi-rural style lifestyle allotments. The development proposed is not considered to result in any significant increase in vehicle traffic movements onto the Newell Highway.

Subject to the conditions of a future Gateway Determination, Council will be required to undertake consultation with the State Government Department of Roads and Maritime Services.