

Site: Lot 5 DP817149

9R Belgravia Road (also Belmont Rd)

(CUMBOOGLE) DUBBO NSW

iPLAN PROJECTS
Planning & Development Solutions
andrew@iplanprojects.com.au
www.iplanprojects.com.au
Ph. 0410 519 469

PLANNING PROPOSAL

Land Use Zone & Minimum Lot Size for Large Lot Residential Subdivision

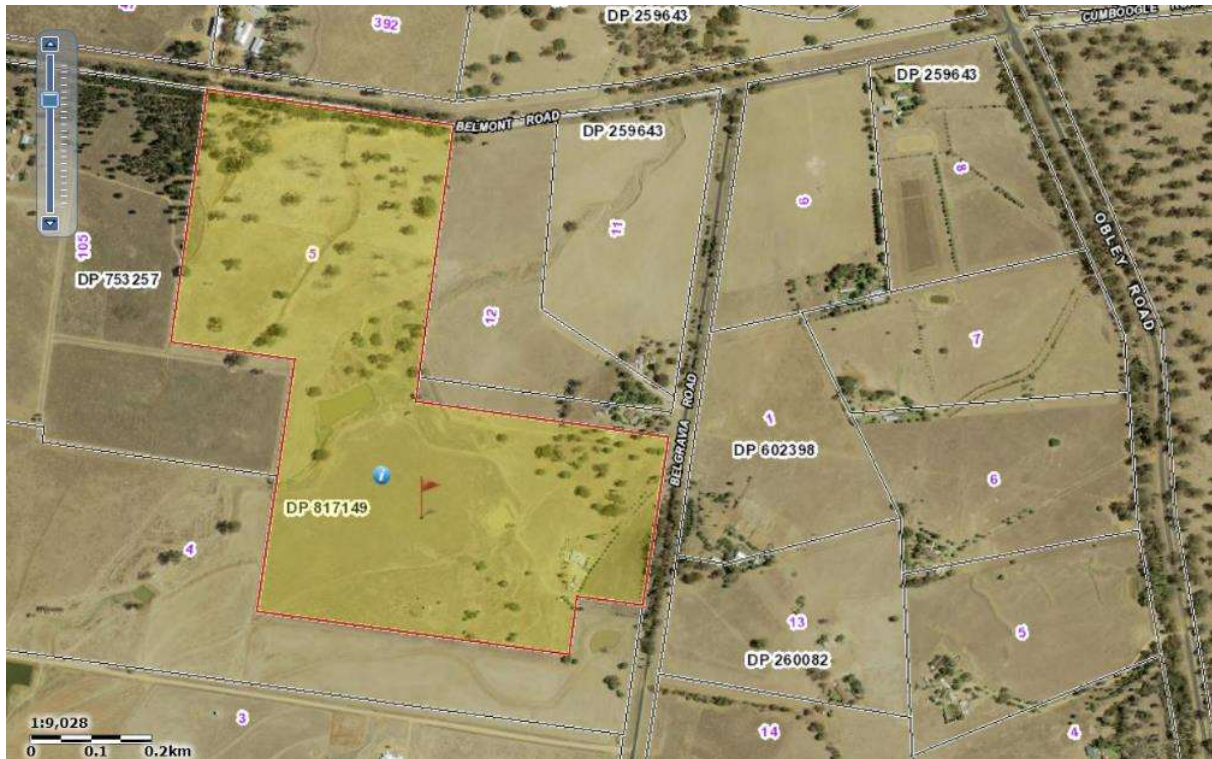


Figure 1: Aerial photo showing Site affected by the Proposal (Source: SIX Maps NSW Government).

Applicant: David & Carmen Isbester

c/- **iPLAN PROJECTS**

91 Heifer Station Ln, BORENORE NSW 2800

To be lodged with: Dubbo Regional Council

10 March 2021

Version B: FINAL for Lodgement with Council

Document Control

Date / Version	Document	Provided To
8 March 2021 – Version A	Draft for Internal Review ONLY	David & Carmen Isbester
10 March 2021 – Version B	Final for Lodgement with Council	Client/ Dubbo Regional Council

Figures

Figure 1: Aerial photo showing Site affected by the Proposal (Source: SIX Maps NSW Government).	i
Figure 2: Location of Subject Lot (yellow line) in relation to Dubbo urban area (Zoning Map - NSW Planning Portal).	5
Figure 3: Location of the Site (red line/yellow fill) (NSW Government Six Maps 2012 Aerial Photo).	6
Figure 4: Site photos.	6
Figure 5: Topographic map with marked watercourses/dams on Site (yellow boundary) (Source: NSW Planning Portal).	8
Figure 6: Groundwater / Water Map overlay (DLEP2011) showing Site is part in high or moderately high groundwater sensitivity area).	8
Figure 7: Aerial photo with overlay of Terrestrial Biodiversity (DLEP2011) & Bushfire Prone Land on Site (yellow boundary) (Source: NSW Planning Portal).	9
Figure 8: Heritage Map HER_008 Excerpt (DLEP2011).	14
Figure 9: AHIMS Basic Search for Site (www.environment.nsw.gov.au).	15
Figure 10: Salinity/hydro-geological mapping of the area showing the Site (green circle) (eSPADE: www.environment.nsw.gov.au).	16
Figure 11: Excerpts from (top) Land Zoning Map LZN_008 & (bottom) Lot Size Map LSZ_008 for Site (DLEP2011).	17
Figure 12: Recommendations from Council Report (June 2020) for LSPS & Site.	18
Figure 13: Mining SEPP Strategic Agricultural Land Map Sheet STA_022.	19
Figure 14: Macquarie District Strategy (1995) Land Use Map.	20
Figure 15: Land & Soil Capability – Site Class 3 within green circle (eSPADE mapping www.environment.nsw.gov.au).	20
Figure 16: Macquarie District Strategy – Environmental Constraints Map.	27
Figure 17: Existing & Proposed Land Zoning & Lot Size extended to Site (red boundary).	30

Table of Contents

1	EXECUTIVE SUMMARY	3
1.1	SUMMARY OF PLANNING PROPOSAL	3
1.2	SUPPORTING INFORMATION	3
1.3	PROCESS OVERVIEW	4
2	EXISTING SITE ANALYSIS & KEY CONTROLS	5
2.1	SITE LOCATION	5
2.2	LARGE LOT RESIDENTIAL CONTEXT	5
2.3	SITE DESCRIPTION	5
2.4	SITE PHOTOS	6
2.5	TOPOGRAPHY, WATERCOURSE(S) & FLOOD POTENTIAL	7
2.6	GROUNDWATER	8
2.7	VEGETATION & BUSHFIRE	9
2.8	FLORA & FAUNA	9
2.9	NON-INDIGENOUS HERITAGE, CHARACTER & SCENIC PROTECTION	14
2.10	ABORIGINAL HERITAGE & ARCHAEOLOGY	14
2.11	SALINITY	15
2.12	SITE HISTORY & CONTAMINATION	16
2.13	ACCESS/UTILITIES	16
3	PLANNING PROPOSAL – JUSTIFICATION OVERVIEW	17
3.1	PROPOSAL	17
3.2	COUNCIL SUPPORT FOR REZONING	18
3.3	PROXIMITY TO DUBBO/DEMAND FOR LIFESTYLE LOTS	19
3.4	SITE OPPORTUNITIES & CONSTRAINTS	19
3.5	INTERFACE WITH AGRICULTURE	19
3.6	MINERAL POTENTIAL	21
4	PLANNING PROPOSAL	22
4.1	PART 1: OBJECTIVES OR INTENDED OUTCOMES	22
4.2	PART 2: EXPLANATION OF PROVISIONS	22
4.3	PART 3: JUSTIFICATION OF PROPOSED LEP AMENDMENTS	22
4.4	PART 4: MAPPING	30
4.5	PART 5: COMMUNITY CONSULTATION	31
4.6	PART 6: PROJECT TIMELINE	31

1 EXECUTIVE SUMMARY

1.1 Summary of Planning Proposal

The following table summarises the key aspects of this Planning Proposal:

Planning Proposal/ Site Description	<p>This Planning Proposal seeks to amend the Land Zoning (LZN) & Lot Size (LSZ) for 9R Belgravia Rd/ Lot 5 DP817149 ('Subject Site' or 'Site') to enable it to be developed/ subdivided for large lot residential purposes under <i>Dubbo Local Environmental Plan 2011</i> (DLEP2011) as shown on attached plans and in Section 3.1 Relevant Site Maps & Part 4: Mapping of this Report. The preferred outcome is:</p> <p>a) Change the Land Zoning from Zone RU1 Primary Production to Zone R5 Large Lot Residential;</p> <p>b) Reduce the Minimum Lot Size (MLS) from 800ha (AH) to 8ha (AA3).</p>
Applicant/ Owner	<p>David & Carmen Isbester</p> <p>9R Belgravia Rd</p>
Local Gov.	Dubbo Regional Council ('Council')
Summary of Justification	<p>The Site is suitable for the proposed Land Zoning / Lot Size because:</p> <ol style="list-style-type: none"> 1. It has been approved for consideration by Dubbo Regional Council on the adoption of the Draft Local Strategic Planning Statement (LSPS) in June 2020 (see details in this report below); 2. It is in close proximity to the City of Dubbo (~6-7km to urban edge & ~10-11km to the CBD) and as such is likely to be highly desirable as rural 'lifestyle' housing in close proximity to services, employment etc.; 3. It is immediately adjacent to an existing Zone R5 Large Lot Residential (LLR) Area with a Lot Size of 8ha (Belgravia Rd/Belgravia Heights Rd). This LLR area is getting close to full take-up of existing lots for LLR purposes suggesting strong demand for the 8ha lot size this close to the City of Dubbo; 4. The Site has frontages to Belgravia Rd (sealed) and Belmont Rd (unsealed) with excellent access and existing safe access to Obley Road (not a classified road); 5. There is existing LLR land to the west of Belgravia Rd (Lots 11 & 12 DP259643) so Belgravia Rd is NOT an existing buffer to agricultural land; 6. The Site has an area of ~40.68ha so it has limited agricultural potential and is currently used as a semi-lifestyle lot with limited grazing and cultivation. Its rezoning will not increase fragmentation of high-quality agricultural land; 7. It does not significantly increase the perimeter of LLR land that would interface with agricultural land so it does not significantly increase potential land use conflict; 8. The land is relatively free of environmental sensitivity & constraints and/or a Minimum Lot Size (MLS) of 4-8ha is likely to ensure minimal impacts in terms of tree removal, suitable dwelling & on-site effluent management envelopes setback from watercourses, etc.

1.2 Supporting Information

The Planning Proposal is supported by the following plans/reports:

Field	Report / Plans	Reference	Name
Site Analysis	Deposited Plan 817149 showing Site	A101 March 2021	iPLAN PROJECTS
	Site (Google Aerial)	A103 March 2021	
	Site Analysis – Key Constraints (Planning Portal)	A201 March 2021	
Subdivision Concept	Subdivision Concept (Indicative 3-4 lots)	A301 March 2021	iPLAN PROJECTS
Planning Proposal	Planning Control – Proposed Change(s)	A401 March 2021	iPLAN PROJECTS

This Proposal has been extensively discussed with Council and it has been agreed that no further studies are required at the time of lodging this Planning Proposal for consideration.

1.3 Process Overview

The Planning Proposal has been prepared in accordance with *Divisions 3.4 – Environmental Planning Instruments (LEPs)* of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') and the NSW Government Guideline (Dec 2018) '*A guide to preparing planning proposals*'.

Section 1.3 of the Guideline states that a Planning Proposal should provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan making process including identifying relevant environmental, social, economic and other site-specific considerations.

However, this Proposal is not a development application, so it is NOT required to consider specific detailed matters that would likely form part of any future application. The proposed indicative subdivision layout is provided only to inform an understanding of possible outcomes.

A gateway determination under the EP&A Act is requested from the NSW Department of Planning, Industry & Environment ('DPIE') to allow this planning proposal to be placed on public exhibition. The regional office of DPIE has delegations to make Gateway Determinations unless the proposal is not supported or is contentious because it is not consistent with strategic planning for the area (in which case the Executive may consider the application). Planning Circular PS 18-013 (14 December 2018) updates delegation of plan making decisions under the EP&A Act (and replaces PS16-005 & PS12-006).

Section 3.34(2)(g) of the EP&A Act provides that if the planning proposal authority is a council, the Gateway Determination may authorise the council to make the proposed instrument and set out any conditions the council is required to comply with before the instrument is made and, as a result, the council becomes the local plan-making authority. The Applicant requests, on behalf of Council, that this matter is delegated to Council to become the plan making authority.

The Gateway Determination may provide details of further studies/consultation required by Council to enable the public exhibition and finalisation of the LEP amendments but we believe that the attached studies should be sufficient to support this Planning Proposal.

Please see **Section 4.6: Part 6: Project Timeline** of this Report for an indicative timetable of steps to achieve the outcomes in this Proposal.

2 EXISTING SITE ANALYSIS & KEY CONTROLS

2.1 Site Location

The Subject Site is located adjacent to an existing Large Lot Residential (LLR) zoned area known as 'Belgravia' or 'Belgravia Heights' with frontage to Belgravia Rd and Belmont Rd ~6-7km to the south of the urban area of the City of Dubbo (see zoning map in Figure.2 below). The Site is located ~3-4km west of the Macquarie River and 2-3km south of the Dubbo (Western Plains) Zoo. Belmont Rd connects to Obley Rd that connects to the Newell Highway just north of the Zoo. It is in the parish area of Cumboogee that is part of the Toongi District.

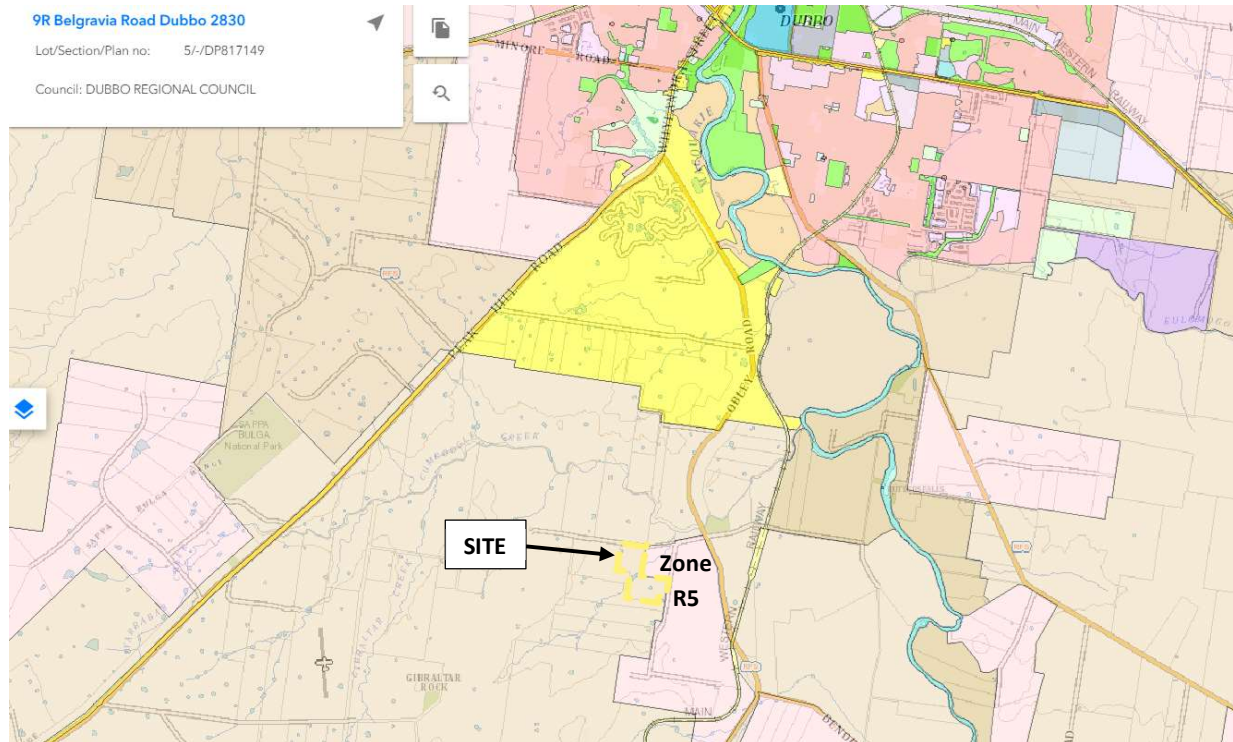


Figure 2: Location of Subject Lot (yellow line) in relation to Dubbo urban area (Zoning Map - NSW Planning Portal).

2.2 Large Lot Residential Context

The Site sits at the north-western end of an existing Belgravia or Belgravia Heights Large Lot Residential (LLR) area. Under the *Dubbo Rural Areas Development Strategy 1995-2015* (Nov 2003) the Site is in the Macquarie District (Land Use) Strategy but this is significantly out-of-date. Whilst Council is endeavouring to prepare an updated Large Lot Residential Strategy in 2021 – no timeframe has been given.

As noted in **Section 3.2** below, in the June 2020 LSPS Council Report the Site was noted as having initial planning merit for rezoning. Therefore, the Applicant has elected to proceed with an independent Planning Proposal (in accordance with Council's support & options for the way forward).

2.3 Site Description

The Site is a single lot (Lot 5 DP817149) that is a rough 'L' shape and fronts both Belgravia Rd to the east and Belmont Rd to the north, wrapping around existing Zone R5 Large Lot Residential lands at the intersection of these two roads.

The Lot is ~40.68ha in area (by Deposited Plan). It contains a single dwelling house located in the south-eastern corner with access from Belgravia Rd. Belgravia Rd connects to Belmont Rd then Obley Rd north to Dubbo or south to Yeoval.

The Site is currently used as grazing land but has limited agricultural potential due to its area. In reality it is already more of a 'lifestyle' lot and has historically required off-farm income to be sustained.

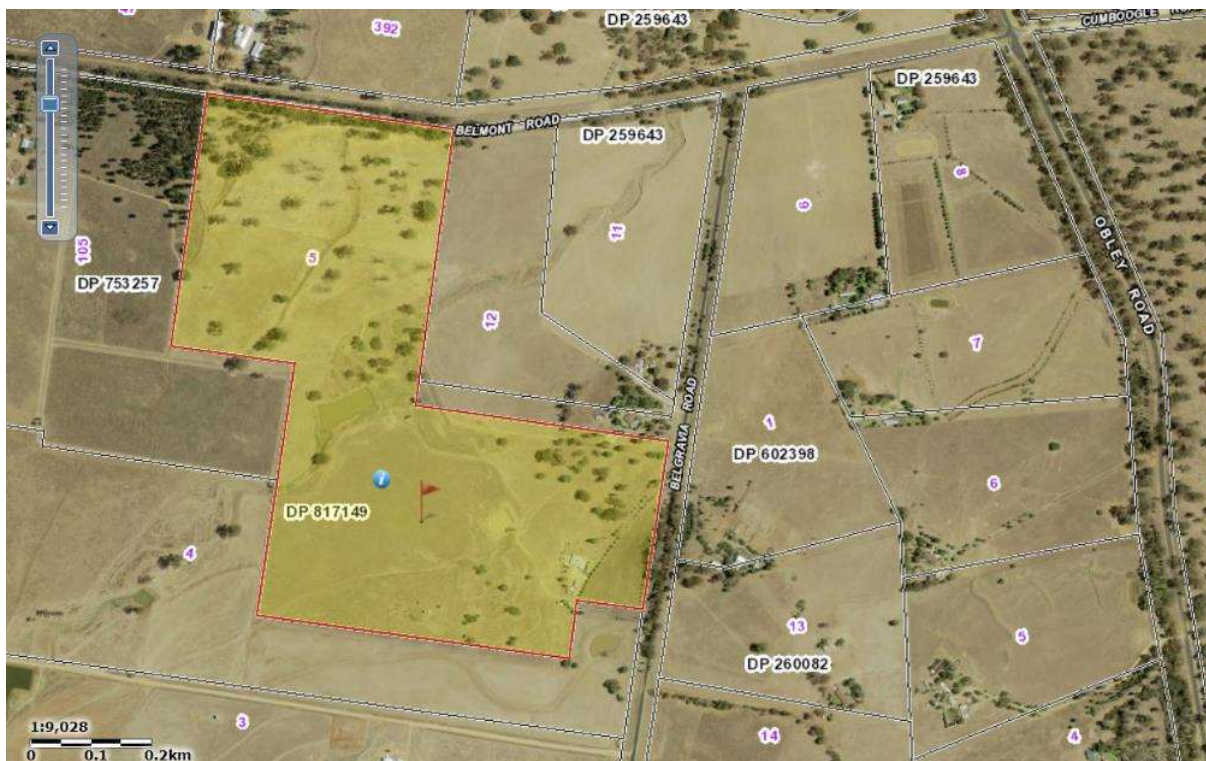


Figure 3: Location of the Site (red line/yellow fill) (NSW Government Six Maps 2012 Aerial Photo).

2.4 Site Photos

Figure 4: Site photos.



Photos of (left) intersection Belmont & Belgravia Roads; (right) Belmont Road watercourse crossing.



Photos of (left) entrance to Site; (right) view to dwelling/sheds on Site from Belgravia Road.



Photo looking west from house yard on Site across flat land.



Photo of the existing dwelling & shed(s) in the house yard (looking east).



Photo of the Site from Belmont Rd (near north-west corner).

2.5 Topography, Watercourse(s) & Flood Potential

As the Figure below shows, the land has a gentle slope falling from the west (along Belmont Rd) and south (along Belgravia Rd) towards the north-east.

There is an unnamed watercourse that extends up towards Gibraltar Rock (3km south-west of the Site) and drains north-east to Cumboogie Creek (just north of Belmont Road). It cuts across the Site through its mid-point, effectively separating the land fronting Belmont Rd from the land fronting Belgravia Rd. It is likely a 2nd or 3rd order watercourse but it is only intermittent and flows during heavy rains. The watercourse is not mapped as a Riparian Watercourse in DLEP2011 and there is limited vegetation on or near this watercourse.

There is a small watercourse (first order) extending from the dam on the land immediately south of the lot (adjacent to Belgravia Road) down to the unnamed watercourse above. This also has no visible riparian functions and is only a drainage overflow for the dams.

There is no Flood Map in DLEP2011 that applies to the land as there is unlikely to be a flood study of the area. The Macquarie River is >3km to the north-east/east of the Site and the land sits at a higher elevation. The Macquarie District Strategy has a map showing flood liable lands (1 in 100 year approx.) and only identified lands along the Macquarie River & Cumboogle Creek (north of Belmont Rd) but not including/affecting the Site. Intermittent overland flows may occur close to the unnamed watercourse but would not be expected to affect a significant area of the Site or preclude it from Large Lot Residential (LLR) use.

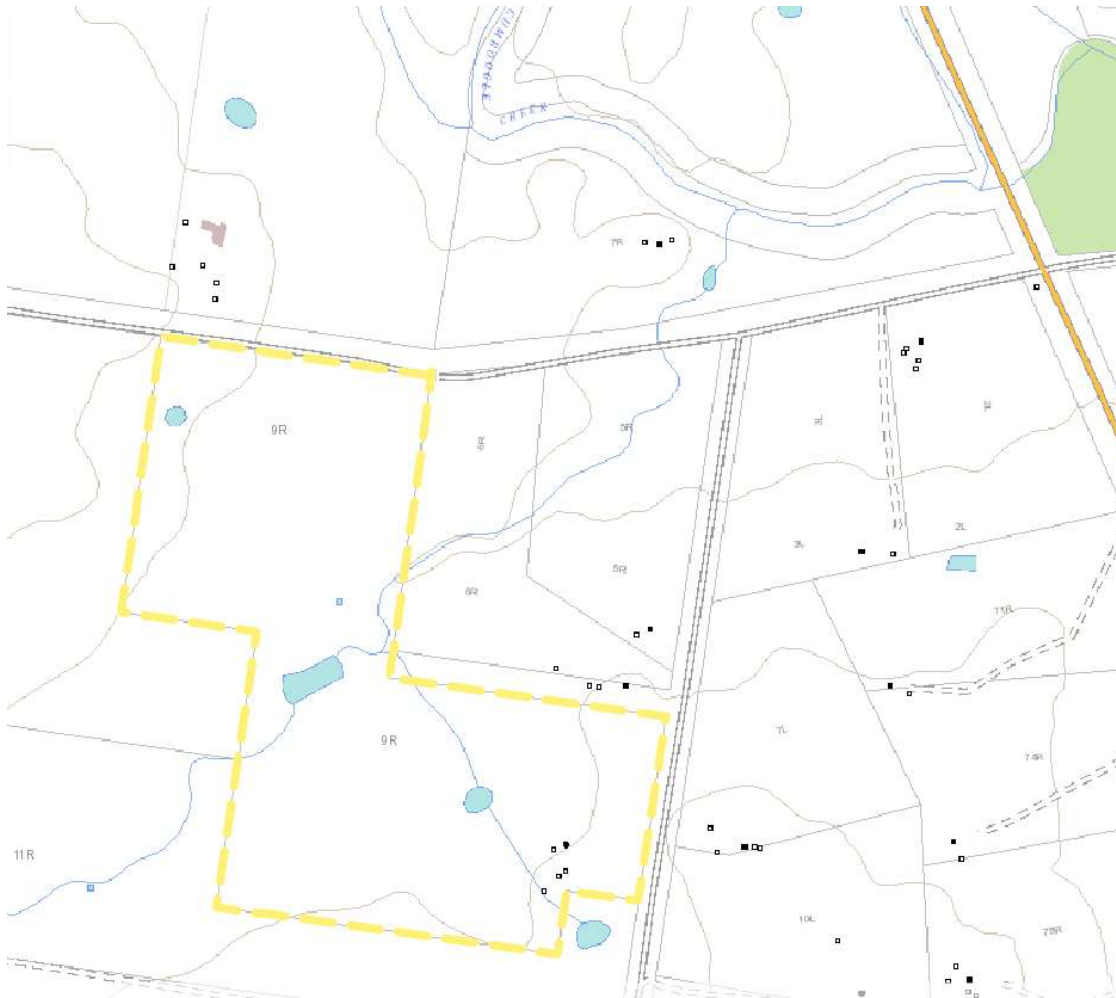
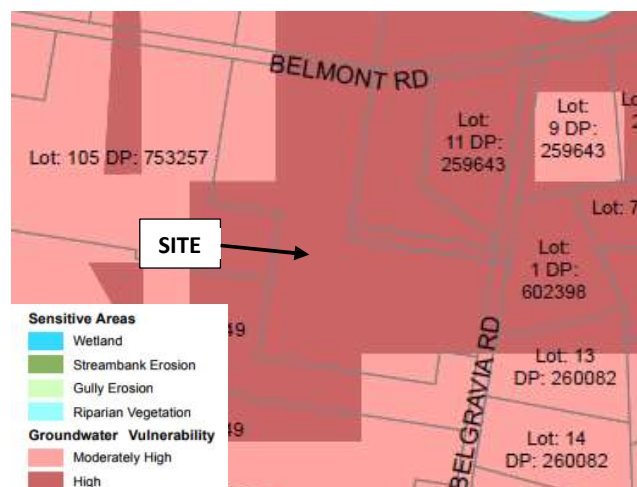


Figure 5: Topographic map with marked watercourses/dams on Site (yellow boundary) (Source: NSW Planning Portal).

2.6 Groundwater

The Site is in an area of moderately high to high groundwater sensitivity (that roughly follows the drainage corridor and lower lying lands). This also affects a range of other existing large lot residential land in the area. A larger lot size of 8ha would minimise the number of additional bores on this aquifer and large lot residential does not pose a substantial risk of contaminating this aquifer if there is appropriate on-site effluent management (to be determined at the subdivision stage).

Figure 6: Groundwater / Water Map overlay (DLEP2011) showing Site is part in high or moderately high groundwater sensitivity area).



2.7 Vegetation & Bushfire

The aerial photo below shows that there is limited vegetation scattered across the Site with most of the Site cleared historically for extensive agriculture. The densest pocket of existing vegetation is in the north-western corner and along the Belmont Rd reserve adjacent.

Whilst the vegetation in the north-western half of the Site is scattered, it is mapped in DLEP2011 as *Terrestrial Biodiversity* (see green overlay below) but doesn't extend to vegetation in the southern half of the Site. Vegetation is not strongly connected through ecological corridors to other vegetation, except perhaps along Belmont Road and to the north of the Site.

Denser vegetation further up Belmont Rd on the hill-top is mapped as bushfire prone land (red overlay below) with the buffer (yellow overlay) extending slightly across the north-western corner of the Site.

Any future subdivision is likely to be 'integrated development' under the EP&A Act as it would require a bush fire safety authority under Section 100B of the *Rural Fires Act 1997* and would be referred to the Rural Fire Service (RFS). The indicative Subdivision Concept Plan (attached) suggests that dwelling envelopes can occur outside of the bushfire prone land and may be able to achieve the requirements of *Planning for Bush Fire Protection 2019* (PBP2019).



Figure 7: Aerial photo with overlay of Terrestrial Biodiversity (DLEP2011) & Bushfire Prone Land on Site (yellow boundary) (Source: NSW Planning Portal).

2.8 Flora & Fauna

Barson (March 2001) *Statement of Environmental Effects* was prepared to support the approval of the existing dwelling on the Site. At Section 3.6 of that Report, it included a Flora and Fauna review including an assessment against the 'threatened species' test. It provided the following table of threatened flora and fauna and the likelihood of its impact. It is recognised that this document is now dated and only applied to the proposed dwelling site and immediate surround. However, it does provide a reasonable consideration of the likelihood of most threatened species in the area.

As a result, the Barson (2001) Report concluded '*[b]ased on the consideration of all bioclimatically predicted and previously recorded species for the Dubbo area, no species were found to be likely to occur within the area of concern, being the 360m², proposed residential development site.*' Whilst it is an extrapolation, most of the comments above could be extended to the remainder of the Site as it has a similar extent of significant tree coverage and has been equally disturbed by historic agriculture.

A review of the Bionet Atlas (www.environment.nsw.gov.au) suggests that there have been no threatened species sightings on the Site. The nearest sightings are a *Eolophus roseicapilla* (Galah) near the intersection of Belmont &

Belgravia Roads and a Striped Wattle further down Belgravia Road – neither of which are classified as sensitive or threatened.

MAMMALS

Common Name	Species Name	Distribution	TSC Act Status	Notes:	Reference
Spotted-tailed Quoll	<i>Dasyurus maculatus</i>	Bioclimatic Prediction	Vulnerable	Site habitat is not suitable for nesting. The species is not expected as foraging sites are usually near nesting sites.	Edgar in Strahan 1983; Ayers et al 1997.
Eastern Quoll	<i>Dasyurus viverrinus</i>	Bioclimatic Prediction	Endangered	Utilisation of site habitat is not expected by this species.	Godsell in Strahan 1983. Ayers et al 1997.
Brush-tailed Phascogale	<i>Phascogale tapoatafa</i>	Bioclimatic Prediction	Vulnerable	Site habitat does not include forest areas on ridges, and therefore their presence is not likely.	Cuttle in Strahan 1983. Ayers et al 1997.
Stripe-faced Dunnart	<i>Sminthopsis macroura</i>	Bioclimatic Prediction	Vulnerable	No suitable habitat for shelter etc. This species seeks shelter during the day and is active at night	Ayers et al 1997.
Bilby	<i>Macrotis lagotis</i>	Recorded Sighting	Presumed Extinct	Associated habitat is not found at the site.	Johnson in Strahan 1983. Ayers et al 1997.
Koala	<i>Phascolarctos cinereus</i>	Recorded Sighting	Vulnerable	Not expected due to lack of habitat tree species. Site is not treed.	Martin in Strahan 1983. Ayers et al 1997.
Squirrel Glider	<i>Petaurus norfolcensis</i>	Bioclimatic Prediction	Vulnerable	Lack of suitable habitat at site- not expected.	Suckling in Strahan 1983. Ayers et al 1997.
Rufous Bettong	<i>Aepyprymnus rufescens</i>	Bioclimatic Prediction	Vulnerable	Lives in well grassed open forest. This species is not expected due to the lack of habitat suitable for nest construction, food etc	Johnson in Strahan 1983. Ayers et al 1997.
Burrowing Bettong	<i>Bettongia lesueur</i>	Bioclimatic Prediction	Presumed Extinct	Not expected to occur due to lack of suitable habitat. The species burrows in limestone or similar type rock, loamy soils, which is not available at the site	Burbidge in Strahan 1983. Ayers et al 1997.
Brush-tailed Rock-wallaby	<i>Petrogale penicillata</i>	Bioclimatic Prediction	Vulnerable	No suitable habitat occurs for this species. They inhabit rocky areas in forests, using windblown caves etc for shelter.	Maynes and Sharman in Strahan 1983. Ayers et al 1997.

Yellow-bellied Shearwater	<i>Saccolaimus flaviventris</i>	Bioclimatic Prediction	Vulnerable	The bat roosts in tree hollows within eucalypt forests – not expected.	Richards in Strahan 1983. Ayers et al 1997.
Little Pied Bat	<i>Chalinolobus picatus</i>	Bioclimatic Prediction	Vulnerable	These species roosts in dry caves or mine shafts. Therefore this species is not expected to occur.	Richards in Strahan 1983. Ayers et al 1997.
Greater Long-eared Bat	<i>Nyctophilus timoriensis</i>	Bioclimatic Prediction	vulnerable	No suitable habitat exists to support the presence of this species. They are associated with river red gums that line watercourses.	Richards in Strahan 1983. Ayers et al 1997.

REPTILES

Common Name	Species Name	Distribution	TSC Act Status	Notes	Reference
Western-blue tongued Lizard	<i>Tiliqua occipitalis</i>	Bioclimatic prediction	Vulnerable	This lizard is often in close association with mallee communities, and therefore is not expected at the site.	Cogger 1983. Ayers et al 1997.
Pale-headed Snake	<i>Hoplocephalus bitorquatus</i>	Bioclimatic prediction	Vulnerable	These snakes are not known to occur in disturbed environments such as at the site.	Cogger 1983. Ayers et al 1997.

BIRDS

Common Name	Species Name	Distribution	TSC Act Status	Notes	Reference
Red-tailed Tropicbird	<i>Paethon rubricauda</i>	Bioclimatic prediction	Vulnerable	No suitable habitat for nesting.	Cayley 1980. Ayers et al 1997.
Australasian Bittern	<i>Botaurus poiciloptilus</i>	Bioclimatic prediction	Vulnerable	No suitable habitat i.e. wetlands.	Cayley 1980. Ayers et al 1997.
Black-necked Stork	<i>Xenorhynchus asiaticus</i>	Bioclimatic prediction	Vulnerable	No suitable habitat i.e. wetlands.	Cayley 1980. Ayers et al 1997.
Magpie Goose	<i>Anseranas semipalmata</i>	Bioclimatic prediction	Vulnerable	No suitable habitat i.e. wetlands.	Cayley 1980. Ayers et al 1997.
Freckled Duck	<i>Stictonetta naevosa</i>	Bioclimatic prediction	Vulnerable	No suitable habitat i.e. wetlands.	Cayley 1980. Ayers et al 1997.
Blue-billed Duck	<i>Oxyura australis</i>	Bioclimatic prediction	Vulnerable	No suitable habitat i.e. water body.	Cayley 1980. Ayers et al 1997.
Osprey	<i>Pandion haliaetus</i>	Bioclimatic prediction	Vulnerable	No suitable habitat i.e. water body.	Cayley 1980. Ayers et al 1997.
Square-tailed Kite	<i>Lopholictinia isura</i>	Recorded Sighting	Vulnerable	Found in patches of eucalypt forest.	Cayley 1980.
					Ayers et al 1997.
Black-breasted Buzzard	<i>Hamirostra melanosternon</i>	Bioclimatic prediction	Vulnerable	This species is not expected, as it does not tolerate disturbance by human activity.	Cayley 1980. Ayers et al 1997.

Gray Falcon	<i>Falco hypoleucos</i>	Bioclimatic prediction	Vulnerable	Site does not include disturbance of habitat potentially utilised by this species.	Cayley 1980. Ayers et al 1997.
Malleefowl	<i>Leipoa ocellata</i>	Recorded Sighting	Endangered	No suitable habitat, and lack of litter etc.	Cayley 1980. Ayers et al 1997.
Brolga	<i>Grus rubicundus</i>	Bioclimatic prediction	Vulnerable	No suitable habitat for roosting, nesting or feeding.	Cayley 1980. Ayers et al 1997.
Australian Bustard	<i>Ardeotis australis</i>	Bioclimatic prediction	Endangered	Available habitat is not suitable for this species.	Cayley 1980. Ayers et al 1997.
Plains-wanderer	<i>Pedionomus torquatus</i>	Bioclimatic prediction	Endangered	No suitable habitat, due to agricultural use.	Cayley 1980. Ayers et al 1997.
Bush Thick-knee (Curlew)	<i>Burhinus magnirostris</i>	Recorded Sighting	Endangered	Habitat associated with this species is not found within the proposed development area.	Cayley 1980. Ayers et al 1997.
Painted Snipe	<i>Rostratula benghalensis</i>	Bioclimatic prediction	Vulnerable	No suitable habitat i.e. marshes, swamp area.	Cayley 1980. Ayers et al 1997.
Black-tailed Godwit	<i>Limosa limosa</i>	Bioclimatic prediction	Vulnerable	No suitable habitat i.e. mud flats, marshes etc.	Cayley 1980. Ayers et al 1997.
Red-tailed Black-cockatoo	<i>Calyptorhynchus magnificus</i>	Bioclimatic prediction	Vulnerable	Suitable habitat not present.	Cayley 1980. Ayers et al 1997.
Glossy Black-cockatoo	<i>Calyptorhynchus lathami</i>	Recorded Sighting	Vulnerable	No suitable feeding sites nearby, therefore this species is not expected to occur since this species forage only on one tree species.	Cayley 1980. Ayers et al 1997.
Superb Parrot	<i>Polytelis swainsonii</i>	Bioclimatic prediction	Vulnerable	Woodland is not associated with the proposal.	Cayley 1980. Ayers et al 1997.
Swift Parrot	<i>Lathamus discolor</i>	Bioclimatic prediction	Vulnerable	Not expected to occur due to the lack of suitable trees.	Cayley 1980. Ayers et al 1997.
Turquoise Parrot	<i>Neophema pulchella</i>	Recorded Sighting	Vulnerable	Lives on edge of woodland. Land surrounding proposed site is sparsely treed.	Cayley 1980. Ayers et al 1997.
Powerful Owl	<i>Ninox strenua</i>	Bioclimatic prediction	Vulnerable	Not expected, as it inhabits mountainous forests and scrubs.	Cayley 1980. Ayers et al 1997.
Masked Owl	<i>Tyto novaehollandiae</i>	Bioclimatic prediction	Vulnerable	Requires a variety of habitats including eucalypt forest. Not associated with site.	Cayley 1980. Ayers et al 1997.
Pink Robin	<i>Petroica rodinogaster</i>	Bioclimatic prediction	Vulnerable	No suitable breeding or nesting habitat exists within the proposed development area.	Cayley 1980. Ayers et al 1997.

Gilbert's whistler	<i>Pachycephala inornata</i>	Recorded Sighting	Vulnerable	No suitable shrubby understorey occurs for this species presence to be likely.	Cayley 1980. Ayers et al 1997.
Calamanthus	<i>Sericornis fuliginosus</i>	Bioclimatic prediction	Vulnerable	Vegetation and landscape do not support the likelihood of the presence of this species.	Cayley 1980. Ayers et al 1997.
Regent Honeyeater	<i>Xanthomyza phrygia</i>	Recorded Sighting	Endangered	Found in box-ironbark woodlands. Lack of trees on subject area, not expected.	Cayley 1980. Ayers et al 1997.
Painted Honeyeater	<i>Garniella picta</i>	Bioclimatic prediction	Vulnerable	No suitable habitat (i.e. no mistletoe found in site) since this species forages only on one species.	Cayley 1980. Ayers et al 1997.
Pied Honeyeater	<i>Certhionyx variegatus</i>	Bioclimatic prediction	Vulnerable	Not expected as no flowering shrubs occur in the site.	Cayley 1980. Ayers et al 1997.

PLANTS

Common Name	Species Name	Distribution	TSC Act Status	Notes	Reference
Peppergrass	<i>Lepidium hyssopifolium</i>	Bioclimatic prediction	Endangered	Not expected due to grazing intolerance.	Ayers et al 1997. Cropper 1993.
	<i>Indigofera efoliata</i>	Sole recorded Habitat	Endangered	Not expected due to the disturbed nature of the area, and it has previously been found on stony ground (known sites occur between Dubbo and Geurie).	Ayers et al 1997.
	<i>Swainsona recta</i>	Bioclimatic prediction	Endangered	Is found in open woodland. Not associated with the site.	Cropper 1993. Ayers et al 1997.
	<i>Homoranthus darwinoides</i>	Recorded Habitat	Vulnerable	Found in woodlands usually on sandstone outcrops.	Ayers et al 1997.
	<i>Dichroanthium setosum</i>	Bioclimatic prediction	Vulnerable	Suitable soil does not occur within the area, also associated species are not found in area, therefore this species is not expected to be present or be affected by the proposal.	Ayers et al 1997.
	<i>Eriostemon ericifolius</i>	Recorded Habitat	Vulnerable	This species is moisture loving, therefore it is not expected at this site (as it is not a drainage area or near a watercourse).	Ayers et al 1997.
	<i>Zieria ingramii</i>	Sole Recorded Habitat	Endangered	Not expected due to lack of associated soil types.	Ayers et al 1997.
	<i>Rulingia procumbens</i>	Recorded Habitat	Vulnerable	Found in sandy sites. Associated habitat is not found within the study area.	Ayers et al 1997.

2.9 Non-Indigenous Heritage, Character & Scenic Protection

The Site is not a listed heritage item or in a heritage conservation area (HCA).

As the Figure opposite show, the nearest heritage item is Item No.14 – Woolshed & Shearer's Hut – Benolong Rd (Lot 90 DP253576) more than 1.5km to the east of the Site (east of Obley Rd & the railway line). Consistent with large lot residential subdivision in the area, this is unlikely to have any significant impact on this heritage item.

The Site is not visible from Obley Road as it is nearly 1km to the west along Belmont & Belgravia Roads. There are no known scenic or landscape protection requirements in this area. Development of this area is consistent with other large lot subdivision along Belgravia Road and immediately adjacent to the Site.

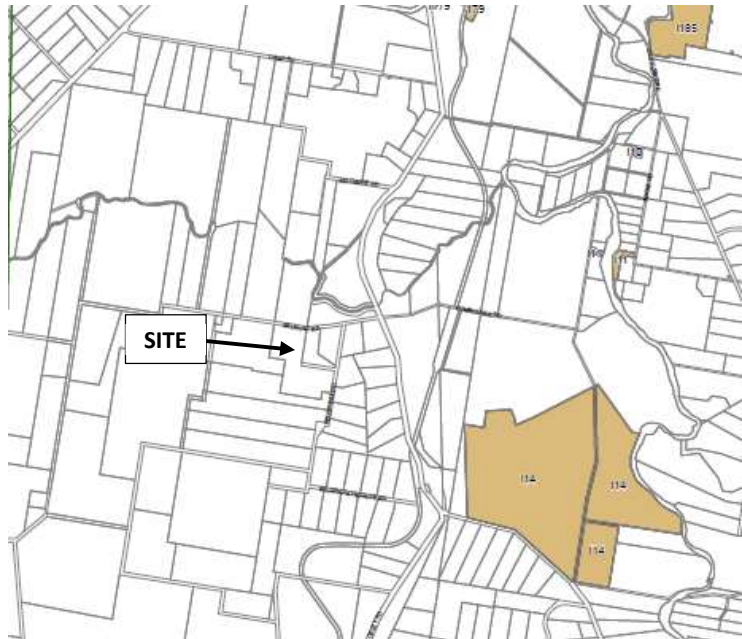


Figure 8: Heritage Map HER_008 Excerpt (DLEP2011).

2.10 Aboriginal Heritage & Archaeology

The lack of any permanent watercourses or major ridgelines on the Site (and its distance from the Macquarie River) suggests a lower probability of Aboriginal artefacts and cultural items. More detailed heritage assessments may be required where there are, amongst others:


- Aboriginal Sites identified in or near the development area;
- Significant impact is likely to areas of bushland or undisturbed ground;
- Significant sandstone outcrops, rock shelters, old growth trees, sand bodies, or ground adjacent to permanent creeks/rivers/lakes/swamps; or
- Areas of importance to the Aboriginal community.

As the Site has been used for extensive agriculture and cultivated for some time, this is likely to have reduced the chance of finding significant artefacts. Most of the land is cleared or only included sparse vegetation. There is no need for extensive clearing of significant vegetation to support the development. There are no rock shelters, overhangs, old growth trees, or sand bodies. The unnamed creek through the Site is intermittent and more of a drainage channel.

An AHIMS Basic Search conducted on 8/03/2021 (see below) shows that for Lot 5 DP817149 (+200m buffer) there are NO Aboriginal sites recorded or places that have been declared in or near the above location.

In the Barson (2001) Report noted above, it was stated (*Section 3.12 – Archaeological Artefacts*) that Mr Lloyd Nolan, representative of Dubbo Aboriginal Land Council, was consulted regarding the occurrence of areas important to the Aboriginal community. No sites of known importance (e.g., story places, buildings, missions, etc) are within or adjacent to the proposed site of redevelopment. The nearest known location of artefacts/sites are near land surveyed off Camp Road, at least 3.5km from the Site. Future development applications can be conditioned to have 'stop work' orders in case of finding any artefacts.

Figure 9: AHIMS Basic Search for Site (www.environment.nsw.gov.au).



**Office of
Environment
& Heritage**

AHIMS Web Services (AWS)

Search Result

Purchase Order/Reference : 9R Belgravia Rd

Client Service ID : 574345

iPLAN PROJECTS

91 Heifer Station Ln

Borenore New South Wales 2800

Attention: Andrew Napier


Email: andrew@iplanprojects.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 5, DP:DP817149 with a Buffer of 200 meters, conducted by Andrew Napier on 08 March 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.

Date: 08 March 2021

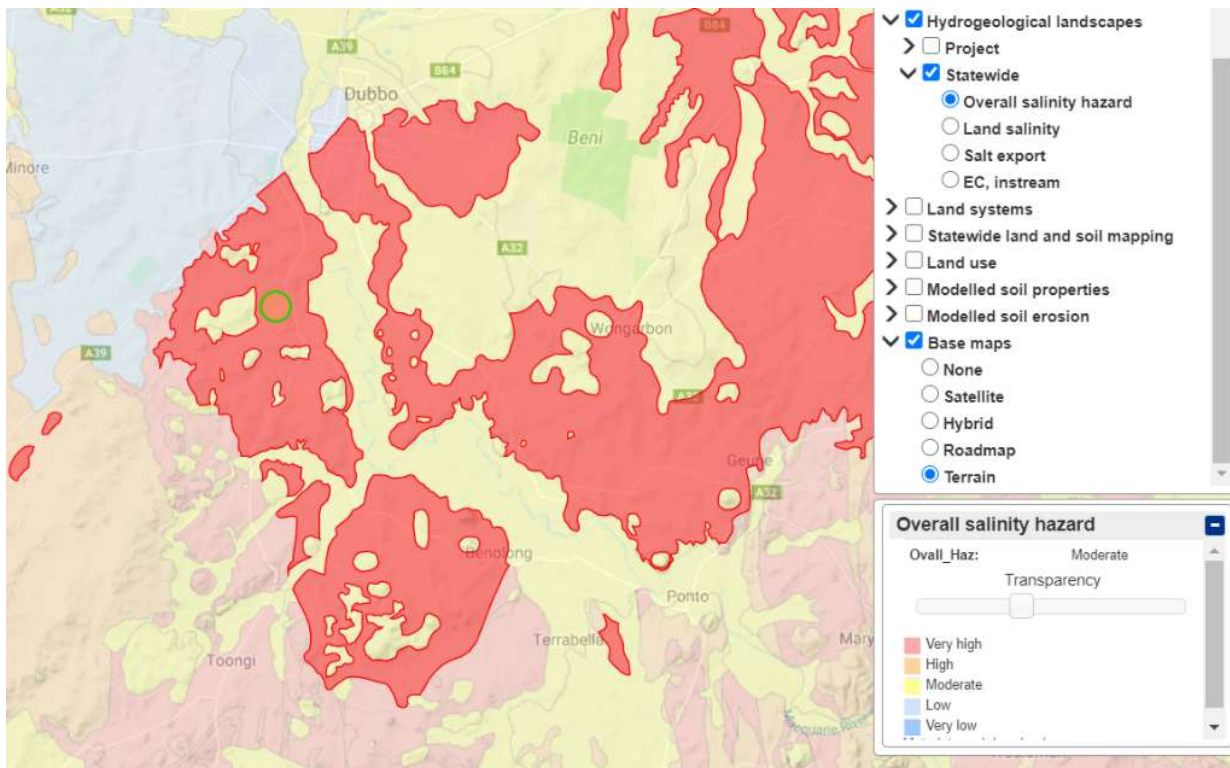


A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

2.11 Salinity

The Site is mapped as having a very high salinity hazard class. This risk is likely based on a complex range of variables but is at a regional scale and does not account for local variability. Salinity is unlikely to prevent the use and subdivision of this land for Large Lot Residential (LLR) purposes that will have limited impact on hydro-geological conditions. Salinity can be addressed as part of any future application for a dwelling (to condition dwelling construction), any future bore water applications, and future landscape.

Figure 10: Salinity/hydro-geological mapping of the area showing the Site (green circle) (eSPADE: www.environment.nsw.gov.au).

2.12 Site History & Contamination

To the best of our awareness, the land has historically only been used for extensive agriculture. It is not part of the intensive agriculture along the Macquarie River flood-plains. There is no evidence of any significant rural industrial buildings or infrastructure such as shearing sheds, yards, sheep dips etc. It appears to have only been used for grazing and occasional cropping and as a lifestyle lot with a dwelling. There are no other visible uses that would be considered potentially contaminating uses. We suggest this is sufficient as a *Preliminary Contamination Investigation* and that the Gateway Determination should not require any more detailed contamination investigations at this time. Please see the review of *State Environmental Planning Policies* below.

2.13 Access/Utilities

Belgravia Road is sealed along the entire frontage so lots with frontage to Belgravia Road would not have substantial cost for access. Belgravia Road is not a classified road but would provide safe access to Obley Road (via Belmont Road). The road primarily services large lot residential lots (it is not a through road) and provides good sight-lines for access and safety. Belmont Road is not sealed beyond the Belgravia Road intersection after which it is a gravel rural road across the frontage of the lot. However, for a low-density subdivision pattern an extension of the seal may not be required and it is in close proximity to the existing seal.

The Site is serviced with electricity and Telstra telecommunication copper cables and it would be possible to extend these at limited cost from road frontages. The Site is not in close proximity to reticulated sewer or potable water so it is likely to be reliant on on-site sewage management, rainwater capture, and bore water for non-potable use which is consistent with rural/rural-residential qualities.

A minimum lot size above 2-4 hectares is likely to provide more than sufficient area to allow for on-site effluent management without compromising the drainage corridor, significant trees, or the ability to source bore water for non-potable uses.

3 PLANNING PROPOSAL – JUSTIFICATION OVERVIEW

3.1 Proposal

The Proposal seeks for the Site to be rezoned from Zone RU1 Primary Production to Zone R5 Large Lot Residential with a suggested MLS of 8ha (the same as the adjacent land to the east of the Site as shown on the Figures below).

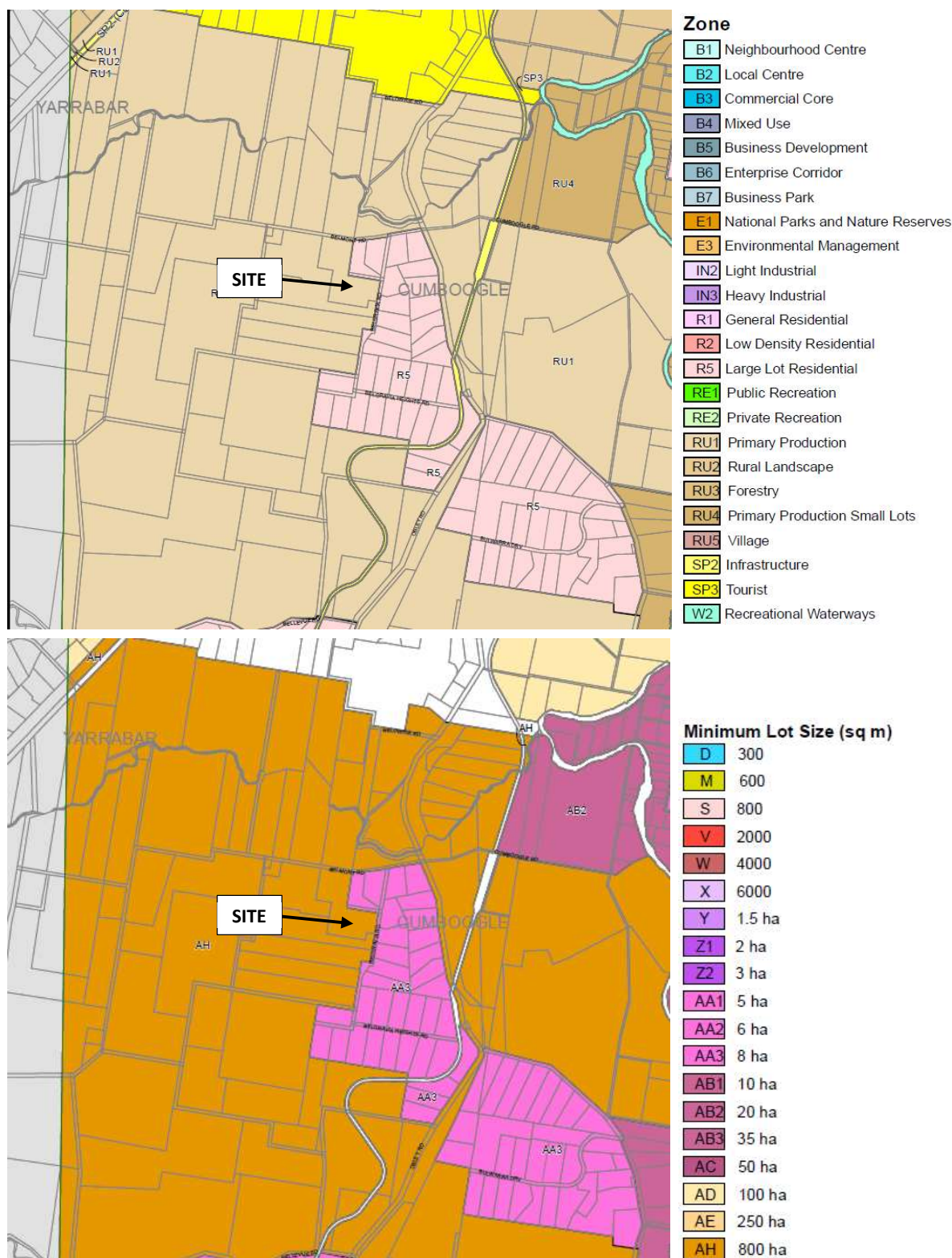


Figure 11: Excerpts from (top) Land Zoning Map LZN_008 & (bottom) Lot Size Map LSZ_008 for Site (DLEP2011).

The 40.68ha property would be capable of producing between 4-5 lots. However, with the shape of the lot and constraints we suggest that either a three (3) or four (4) lot subdivision is more likely. See the **Subdivision Concept (Indicative)** attached.

This would most likely result in two (2) lots fronting Belgravia Road (sealed) and 1-2 lots fronting Belmont Rd (unsealed) depending on whether road upgrades are required. These would be four roughly regular shaped lots each with a significant road frontage.

This would allow the existing primary unnamed watercourse to run at the rear of two (2) proposed lots where it poses the least constraint and is less likely to be affected by development closer to the road frontages.

Each lot would have sufficient area for a dwelling envelope and on-site effluent disposal area of several hectares. Dwellings are likely to be located closer to the road frontages to minimise driveway & electricity costs and provide an increased buffer to agriculture to the west and south. The existing dwelling will remain on one (1) of the lots.

The Site is suitable for the proposed Land Zoning / Lot Size based on the following justification(s):

3.2 Council Support for Rezoning

Council has already conducted a preliminary review of the Site and determined that it has 'initial planning merit' to support its rezoning. This occurred during Council's review and adoption of the Draft *Local Strategic Planning Statement* (LSPS) in June 2020 (see details in this report below).

The Applicants first made a submission to the Review of the *Dubbo Local Environmental Plan 2011* (DLEP2011) in November 2017 seeking consideration for rezoning of the Site. It was not actioned at that time. Subsequently, Council sought submissions on the *Local Strategic Planning Statement* (LSPS) in early 2020 when it was on public exhibition and the Applicant made their submission again to that process (noted as **Submission 16** attached to Council Report).

Whilst the LSPS was at too high a level to specifically map or address the merits of the Applicant's rezoning submission. However, Council's staff response (table) stated:

'Initial planning merit identified given the site's access and location adjoining existing R5 zoned land. Subject site is zoned RU1 Primary Production. To be considered in a review of R5 Residential Large Lot Zoned land. The landowner may lodge a planning proposal if they would seek a shorter timeframe.'

As a result, Council made several recommendations at the June 2020 Council meeting that related to the Site (**Submission 16**) as set out below:

ORDINARY COUNCIL MEETING
22 JUNE 2020

CCL20/97

RECOMMENDATION

1. That the Local Strategic Planning Statement (attached as Appendix 1 to the report of the Senior Growth Planner dated 5 June 2020), in accordance with the provisions of the Environmental Planning and Assessment Act, 1979, be adopted.
2. That the submissions and responses attached to the report of the Senior Growth Planner dated 5 June 2020, be noted.
3. That the proposed amendments and their role in the Local Strategic Planning Statement, be noted.
4. That, in respect of submission Numbers 13, 15 and 16, initial planning merit be identified and these submissions be considered in the review of the R5 Residential Large Lot zoned land and/or Stage 2 of the preparation of the comprehensive Local Environmental Plan.
5. That those persons who provided a submission be advised of Council's deliberations in respect of the item.
6. That a Workshop be held with Councillors in the new Financial Year to discuss the methodology, key steps, resources and other issues associated with completion of the review of R5 Large Lot Residential land as a component of the review of the Dubbo Rural Strategy and preparation of a Rural Strategy for land in the former Wellington Local Government Area.

Figure 12: Recommendations from Council Report (June 2020) for LSPS & Site.

Since June 2020, the Applicant has been in regular contact with Council's Strategic Staff to confirm the deadline for the Large Lot Residential Study and/or Comprehensive LEP Review. However, they have been advised of delays in this process and recommended that the Applicant lodge a Planning Proposal to accelerate the process.

3.3 Proximity to Dubbo/Demand for Lifestyle Lots

As stated above, the Site is in reasonable proximity to the City of Dubbo (~6-7km to urban edge & ~10-11km to the CBD) and as such is likely to be highly desirable as rural 'lifestyle' housing in close proximity to services, employment etc. The Site is only 10-12 minutes' drive from the city centre (via Obley Rd & Newell Highway).

This is supported by the take up of Large Lot Residential (Zone R5) land immediately adjacent to the Site along Belgravia Rd & Belgravia Heights Rd. These lots are also 8ha in size. Most of these lots have now been developed and there is little vacant land supply or additional subdivision potential.

The Site forms a natural extension of this existing LLR area and suggests the adoption of the same zoning and lot size requirements in DLEP2011.

The Elton (2019) *Draft (Rural) Issues Paper* stated in Section 3.1 Large Lot Residential Development - that 'there appears to be a strong demand for the development of additional lifestyle lots in the LGA, particularly in close proximity to the city of Dubbo.'

3.4 Site Opportunities & Constraints

The Site has a number of physical and environmental opportunities that make it suitable for Large Lot Residential growth including, but not limited to:

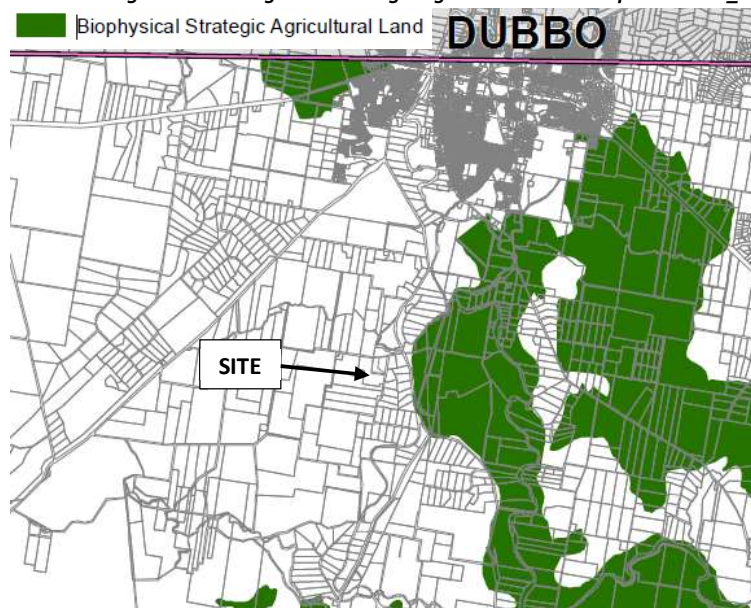
1. The Site has frontages to Belgravia Rd (sealed) and Belmont Rd (unsealed) with excellent access and existing safe access to Obley Road (not a classified road) and limited need to upgrade roads for access;
2. Existing electricity & telecommunication infrastructure along Belgravia Road;
3. At a proposed Minimum Lot Size (MLS) of ~8ha, there will be sufficient creation of new lots to justify the Planning Proposal/LEP amendment;
4. Limited environmental constraints that would affect LLR lots at >4ha in size. This lot size is likely to avoid or minimise the need for any significant tree removal to achieve a suitable dwelling (& on-site effluent management) envelope well-setback from watercourses and any bushfire risk;
5. Likely to be outside any significant mainstream flooding areas along Macquarie River or Cumboogie Creek;
6. No significant heritage or scenic/landscape impacts on the southern gateway to Dubbo;

3.5 Interface with Agriculture

It is recognised that this Proposal involves the rezoning of existing rural/agricultural land for large lot residential purposes and that this requires an analysis of the impacts on agriculture and the 'Right to Farm' on adjacent land.

The Macquarie District Strategy (Rural Land Use Strategy) agricultural mapping (next page) & the Biophysical Strategic Agricultural Land (BSAL) mapping (see opposite) suggest that the higher- quality agricultural lands for intensive agriculture are located along the Macquarie River flood-plains to the east of the Site and do not generally extend west of Obley Rd. The Site is noted in the Macquarie District Strategy as 'dryland/ extensive

Figure 13: Mining SEPP Strategic Agricultural Land Map Sheet STA_022.



agriculture'. This doesn't mean it does NOT have agricultural value – but that its productivity is not as high as other land. On the Land & Soil Capability Mapping the Site is within Class 3 soils (Moderate limitations) on red brown earths (RBE) soil groups (see below). The soil fertility is moderate.

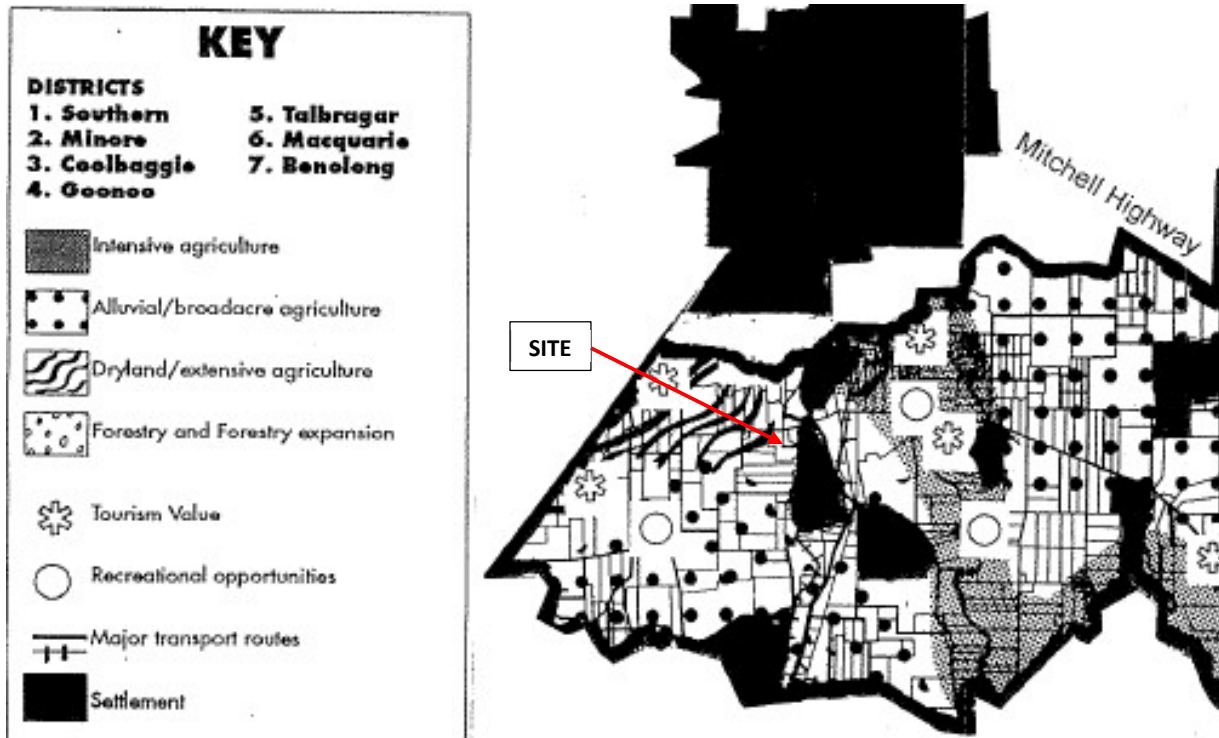


Figure 14: Macquarie District Strategy (1995) Land Use Map.

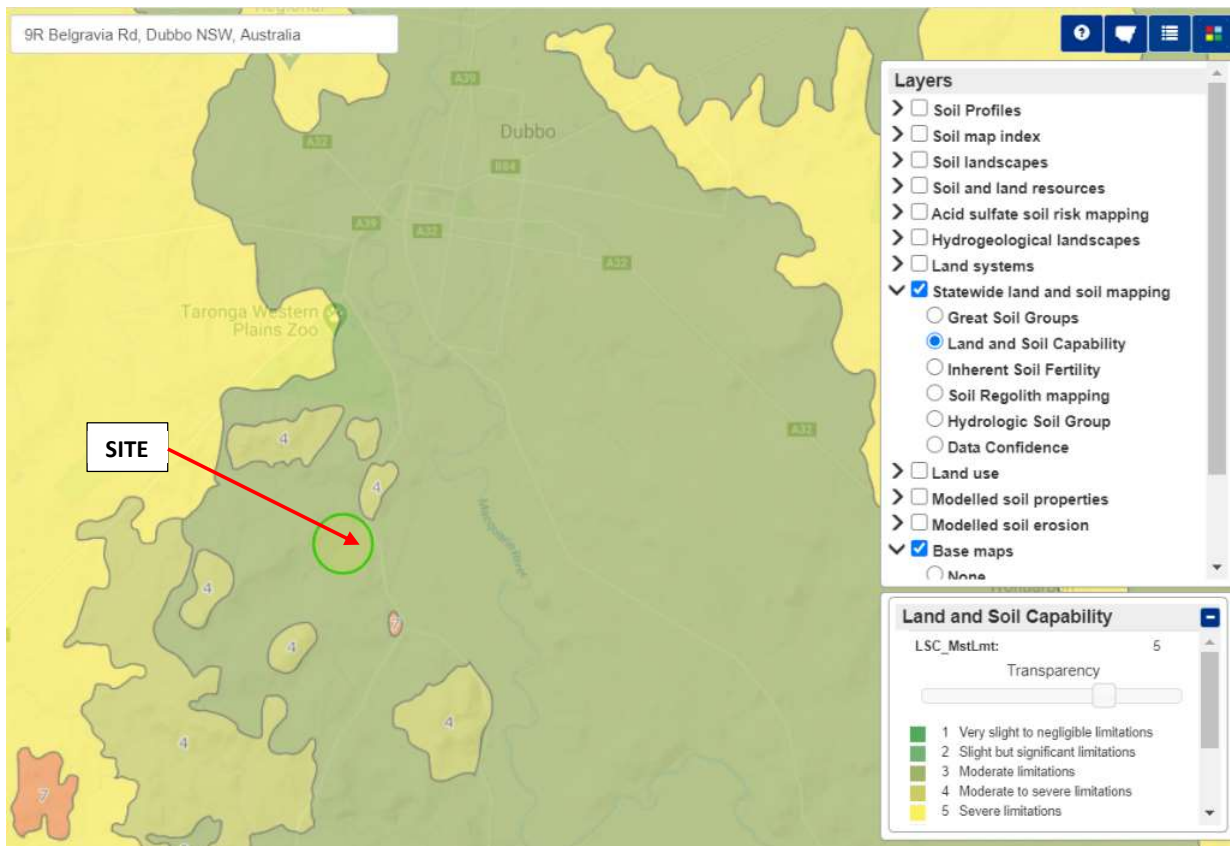


Figure 15: Land & Soil Capability – Site Class 3 within green circle (eSPADE mapping www.environment.nsw.gov.au).

A general principle would be to use roads or natural features as a buffer between LLR uses and agriculture. However, there is existing LLR land to the west of Belgravia Rd (Lots 11 & 12 DP259643) so Belgravia Rd is NOT an existing buffer to agricultural land. The Site forms a natural and logical extension of an existing LLR area.

The Site has an area of ~40.68ha (compared to a Minimum Lot Size (MLS) of 800ha) so it has limited agricultural potential and is currently used as a semi-lifestyle lot with limited grazing and cultivation. Its rezoning will not significantly increase fragmentation of high-quality agricultural land (addressed above).

It does not significantly increase the perimeter of LLR land that would interface with agricultural land so it does not significantly increase potential land use conflict. There are quasi-lifestyle lots on the rural land to the south of the Site so it is consistent with the character and expectations of land on the western side of Belgravia Rd.

A lot size of ~8ha will create lots of sufficient area & depth to enable dwelling (to most likely) be sited close to the existing roads and away from the agricultural interface to the west. It is expected there will be minimum buffers of 50-100m between proposed dwelling envelopes and adjacent agriculture with most houses >250m from the rural interface. This should substantially reduce the potential for land use conflict (see **Subdivision Concept** attached).

3.6 Mineral Potential

The Site is not currently (March 2021) covered by any existing exploration licence or title for minerals or existing mine or resource. There are licences / titles / existing pits closer to the Newell Highway. The Hyandra Creek Sand Pit and the Toongi rare earth deposit are further south along Obley Rd. Therefore, it is assumed the chance of mineral potential is low on or near the Site. See the *Dubbo Mining Areas Development Land Use Strategy* (2015) for details. There is no coal seam gas mining likely in this area.

4 PLANNING PROPOSAL

The guidelines require the Planning Proposal to address six (6) parts, including:

- *Part 1 - A statement of the objectives or intended outcomes of the proposed LEP;*
- *Part 2 - An explanation of the provisions that are to be included in the proposed LEP;*
- *Part 3 - The justification for those objectives, outcomes and provisions and the process for their implementation;*
- *Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;*
- *Part 5 - Details of the community consultation that is to be undertaken on the planning proposal. Part 5 would be confirmed following a gateway determination by the Department of Planning; and,*
- *Part 6 – Project Timeline to detail the anticipated timeline for the plan making process.*

4.1 Part 1: Objectives or Intended Outcomes

Part 1 of the planning proposal should be a short, concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be easily understood by the general community.

The objective(s) of this Proposal are to permit Large Lot Residential (LLR) subdivision (lot sizes) and dwelling permissibility on the Site consistent with the adjacent Zone R5 Large Lot Residential land to the east.

4.2 Part 2: Explanation of Provisions

Part 2 of the planning proposal provides a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing local environmental plan.

The objective or intended outcome is to be achieved by amending the mapping associated with *Dubbo Local Environmental Plan 2011* ('DLEP2011') as follows:

- a) To modify Land Zoning Map LZN_008 to change the Site from Zone RU1 Primary Production to **Zone R5 Large Lot Residential** (or similar) to permit dwellings on each resulting lot; and
- b) To modify Lot Size Map LSZ_008 to change the Site from a Minimum Lot Size (MLS) of 800ha (AH) to **8ha (AA3)** (or similar) to allow subdivision of the Site for suitably sized Large Lot Residential lots consistent with the adjacent land to the east.

See **Section 3.1 – Proposal** (existing DLEP2011 Maps) and compare to proposed mapping in **Part 4: Mapping** of this Proposal.

4.3 Part 3: Justification of Proposed LEP Amendments

Part 3 of the planning proposal provides a justification that sets out the case for the making of the proposed LEP. The overarching principles that guide the preparation of planning proposals are:

- The level of justification should be proportionate to the impact the planning proposal will have;
- It is not necessary to address the question if it is not considered relevant to the planning proposal (as long as a reason is provided why it is not relevant);
- The level of justification should be sufficient to allow a Gateway determination to be made with the confidence that the instrument can be finalised within the time-frame proposed.

As a minimum a planning proposal must identify any environmental, social and economic impacts associated with the proposal. Generally, detailed technical studies are not required prior to the Gateway determination. It must also demonstrate how the proposed amendment will give effect to the local strategic planning statement of the area.

In accordance with DPIE Guideline, the questions to consider when demonstrating the justification are:

- Section A: Need for the planning proposal
- Section B: Relationship to strategic planning framework
- Section C: Environmental, social and economic impact
- Section D: State and Commonwealth interests.

4.3.1 Section A – Need for the Planning Proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. Please see **Section 3.2 – Council Support for Rezoning** (above) for details. In summary, during the review of the LSPS Council has considered the Applicant's submission for rezoning of this Site and provided a recommendation to Council as follows:

'Initial planning merit identified given the site's access and location adjoining existing R5 zoned land. Subject site is zoned RU1 Primary Production. To be considered in a review of R5 Residential Large Lot Zoned land. The landowner may lodge a planning proposal if they would seek a shorter timeframe.'

Council at its meeting of June 2020 recommended that the Site has initial planning merit and could be considered for rezoning. Since June 2020, the Applicant has been in regular contact with Council's Strategic Staff to confirm the deadline for the Large Lot Residential Study and/or Comprehensive LEP Review. However, they have been advised of delays in this process and recommended that the Applicant lodge a Planning Proposal to accelerate the process

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal (and the associated amendment to the Land Zoning & Lot Size Map(s) in DLEP2011 is the best way to permit a site-specific change in permissible land use(s) and reduction in Minimum Lot Size (MLS) to 8ha consistent with the Zone R5 Large Lot Residential land to the east. This creates a transparent connection between the land use controls and the intended development outcomes and aligns with the controls on adjacent lands so there are no inconsistencies.

Land Zoning Map & Lot Size Map amendments allow for a site-specific approach to lot size for subdivision rather than applying a blanket-control for a specific zone or land use. This ensures a more targeted approach to amendments with clearer outcomes and assessment of impacts. Lot size amendments are not generally achieved by any changes to the schedules (additional permitted uses).

The proposed amendment is not of a scale to be considered 'State or Regionally Significant' such that amendments to a State Environmental Planning Policy ('SEPP') would be appropriate to sit above and amend DLEP2011.

4.3.2 Section B – Relationship to Strategic Planning Framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Regional plans have been prepared for all parts of NSW including the *Central West and Orana Regional Plan 2036* (July 2017 – *CWORP*) noting there is no District Plan in the Central West & Orana Region. The CWORP includes directions, planning priorities and specific actions for a range of different matters relevant to Dubbo Regional LGA, as follows. Many of these are addressed in more detail above.

DIRECTION	Actions	RESPONSE
Goal 1: The most diverse regional economy in NSW		
Direction 1: Protect the region's diverse & productive agricultural land.	1.2 Protect important agricultural land from land use conflict and fragmentation, and manage the interface between important agricultural lands and other land uses.	The Site is not identified as BSAL land and is not likely to be used for intensive (irrigated) horticulture but it still has importance for dryland agriculture. The logical extension of an existing Zone R5 LLR area will minimise impacts on agricultural land.
Direction 8: Sustainably manage mineral resources.	8.1 Consult with the Division of Resources and Geosciences when assessing applications for land use changes (strategic land use planning, rezoning and planning proposals) and new development or expansions.	As stated above, there are no known existing or likely future conflicts with minerals or energy resources in this location. Consultation can occur during public exhibition.

DIRECTION	ACTIONS	RESPONSE
Direction 12: Plan for greater land use compatibility.	<p>12.2 Identify and protect important agricultural land in local plans.</p> <p>12.3 Create local strategies to limit urban & rural housing development in agricultural & extractive resource areas, industrial areas, & transport corridors.</p> <p>12.4 Amend planning controls to deliver greater certainty of land use.</p>	This is a logical extension of an existing Zone R5 LLR area into lower quality agricultural land. It is not strategic ag. land & has no impact on resources, employment lands, or transport corridors. Land use conflict can be managed with appropriate buffers to adjacent agricultural land.
Goal 2: A stronger, healthier environment & diverse heritage		
Direction 13: Protect & manage env. assets	13.1 Protect high environmental value assets through local environmental plans.	There are no high environmental value assets on the property. It is modified agricultural/lifestyle land.
Direction 14: Manage & conserve water resources for the env.	14.2 Locate, design, construct & manage new developments to minimise impacts on water catchments, including downstream areas & groundwater resources.	The land has only an intermittent drainage corridor & dwellings can provide a suitable buffer. Up to four (4) additional lots is unlikely to place significant pressure on groundwater.
Direction 15: Increase resilience to natural hazards & climate change	15.1 Locate developments, including new urban release areas, away from areas of known high biodiversity value; areas with high risk of bushfire or flooding; contaminated land; & designated waterways.	Area has some mapped biodiversity value but this doesn't correspond to significant vegetation. Dwelling setbacks can avoid significant vegetation & bushfire potential. There is no significant flood potential.
Direction 16: Respect & protect Aboriginal heritage assets	<p>16.1 Protect, manage and respect Aboriginal objects and places in accordance with legislative requirements.</p> <p>16.3 Consult with Aboriginal people and the broader community during strategic planning to identify and protect heritage values; minimise the impact of urban growth and development; and recognise their contribution to the character and landscape of the region.</p>	See the Section on Aboriginal Heritage above. There are no known Aboriginal sites or places on or near the Site (see AHIMS search). There has been previous consultation with the Local Aboriginal Land Council to confirm this. There is a low likelihood of Aboriginal archaeology or places of significance on the Site.
Direction 17: Conserve & adaptively re-use heritage assets	17.2 Prepare, review & update heritage studies in consultation with the wider community to recognise & conserve heritage assets & items, & include appropriate local planning controls.	There are no known non-Aboriginal heritage items on or near the Site that would be affected by the Proposal.
Goal 3: Quality freight, transport & infrastructure networks		
Direction 18: Improve freight connections to markets and global gateways.	18.3 Enhance the efficiency of national transport corridors and protect them from inappropriate surrounding land uses.	The development would access local roads and whilst Obley Rd is a significant connector it is unlikely to be affected by the Proposal.
Direction 21: Coordinate utility infrastructure investment.	21.3 Monitor development and ensure that infrastructure is responsive to investment opportunities.	Only minor extensions of electricity & telecommunication infrastructure are required for this development with little additional capacity required. Road upgrades can be agreed with Council.
Goal 4: Dynamic, vibrant and healthy communities.		
Direction 25: Increase housing diversity & choice.	<p>25.2 Increase housing choice in regional cities & strategic centres at locations near or accessible to services & jobs.</p> <p>25.3 Align infrastructure planning with new land release areas to provide adequate & timely infrastructure.</p>	The Site is within 10-12 minutes' drive of Dubbo's CBD with good access to services & employment. LLR housing is one part of the housing diversity & choice. Infrastructure is addressed above.

DIRECTION	ACTIONS	RESPONSE
Direction 28: Manage rural residential development	<p>28.1 Locate new rural residential areas:</p> <ul style="list-style-type: none"> close to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewer and waste services, and social and community infrastructure; to avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and to avoid areas of high environmental, cultural or heritage significance, regionally important agricultural land or areas affected by natural hazards. <p>28.2 Enable new rural residential development only where it has been identified in a local housing strategy prepared by Council and approved by the Department of Planning and Environment.</p> <p>28.3 Manage land use conflict that can result from cumulative impacts of successive development decisions.</p>	<p>Location & utilities are addressed above & the Site forms a logical extension to an existing Zone R5 Large Lot Residential (LLR) area.</p> <p>Whilst the land has not been identified in a land use strategy, it has been reviewed indirectly as part of Council <i>Local Strategic Planning Statement</i> (LSPS) (see below) and there is a Council resolution to consider it for rezoning as a result of previous submission(s) & assessment. Council has delayed its updated of the Rural & LLR (land use) Strategy & has suggested the Applicant submit a Planning Proposal in the meantime.</p> <p>Potential for conflict with agriculture is addressed in more detail above but with appropriate lot sizes and buffers to dwelling envelopes, conflict can be minimised or mitigated. The additional perimeter to agricultural land is minimal.</p>
Local Government Narratives - Dubbo		
<p>Meet housing needs by ensuring the availability of affordable housing and a variety of housing types and formats, including housing for seniors and people with a disability.</p> <p>Continue to protect agricultural land from encroachment from residential development.</p>		<p>This Proposal will support the delivery of Large Lot Residential (LLR) homes in reasonable proximity to the City of Dubbo as one part of the housing market of the LGA. Impacts on agricultural land are addressed above.</p>

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement or another endorsed local strategy or strategic plan?

Local Strategic Planning Statement (LSPS)

Council have prepared the Dubbo Regional Council (June 2020) *Local Strategic Planning Statement* (LSPS) to guide future land use decisions in the area. The LSPS does not specifically refer to the Subject Site OR suggest the outcomes in this Planning Proposal but the Site was considered during the LSPS process and there is a Council resolution to consider it for rezoning. In addition, the Proposal is consistent with the Planning Priorities identified in that Statement, particularly the following that are relevant to the Site/Proposal:

Priority Areas

- Priority 1** – Plan for the delivery of infrastructure to support growth
 - 1.6. Review the LEPs to ensure key road, rail and air transport facilities are protected from encroachment of incompatible development.
- Priority 5** – Protect and enhance our agricultural industries and agribusiness.
 - 5.1. Support the growth and development of the agricultural sector through the LEP, by implementing Actions 1.2, 1.3 and 1.4 of the CWORP 2036 – especially protecting from impact from unrelated and incompatible development.
- Priority 9** – Provide diversity and housing choice to cater for the needs of the community.
- Priority 10** – Improve the affordability of housing.
- Priority 13** – Manage R5 zoned land.
 - 13.1. Review the LEPs zone boundaries, land use tables and subdivision minima to ensure rural lifestyle development is contained within existing zoned areas or highlights areas contained in the Rural Issues Paper 2019 and does not have the potential to adversely impact on the primary production potential of rural land.

- 13.2. In the preparation of a review of the Dubbo Residential Areas Strategy, assess the supply of land zoned large lot development and status in terms of servicing and potential for rural land use conflict.
- 13.3 The review of the Dubbo Rural Areas Development Strategy is undertaken every five years and is aligned to the rural issues paper and the investigation areas for large lot living contained within.
- **Priority 15** – Protect areas of high environmental value and significance.
- **Priority 16** – Recognise, protect and celebrate our heritage.
- **Priority 17** – Acknowledge and embrace Aboriginal culture.

Whilst Council is yet to prepare a new Large Lot Residential/Rural Strategy or complete the Comprehensive LEP Review – Council has already reviewed the potential of the Site for Large Lot Residential and the full Council has accepted it can be considered on its merits for rezoning. Council has also considered it in light of the Elton Consulting (2019) *Rural Lands Draft Issues Review*.

It is a natural/logical small extension of the existing Zone R5 Large Lot Residential area. This Planning Proposal demonstrates that it will minimise impacts on infrastructure, the natural environment and adjacent agriculture. See Sections above for more details.

Relevant Land Use Strategies

We note that there the Dubbo Rural Areas Development Strategy (RADS) 1995-2015 (2003) is the most relevant land use strategy for the area. It is supported by the Macquarie District Strategy (1995) for specific suggestions for the Site and surrounds. Council acknowledges these strategies are considerably out-of-date and have commenced work on a review (see the Elton (2019) Issues Review) and LSPS Action 13.3 above. These Strategies DO NOT provide any recommendations for the Site and surrounds for any Large Lot Residential (LLR) growth as they are more high-level. However, the broad principles of protection of agricultural lands from fragmentation and land use conflict still apply.

The RADS objectives/statements include:

- The top priority of the Strategy is that all land development must be within the bounds of what is environmentally sustainable.
- The second priority is to provide long term security for the local agricultural industry.
- The third priority is to ensure safe and efficient transport routes.
- The fourth priority is to facilitate forestry, tourism and mining. Any such proposal must not compromise environmental management, agriculture or transport.
- The fifth priority is for rural recreation. It is essentially an adjunct to tourism as it can add other interesting activities. Again, it must be subject to careful environmental management and compatibility with the objectives already listed.
- Settlement of the rural area is the lowest priority as it has the least long-term economic input for Dubbo. As it generally conflicts with most of the above uses, it is to be directed to specific areas where conflicts with other uses can be avoided or minimised.

Again, this Proposal addresses the potential impacts that the rezoning may have on adjacent agriculture and natural environment. It acknowledges the 'Right to Farm' on adjacent land and shows that dwelling envelopes can accommodate significant buffers to agricultural land to minimise the potential for future land use conflict. This can be further managed through education of future owners.

The Macquarie District Strategy has **Section – Settlement** with an objective of '*Direct rural settlement pressures into the rural villages and selected areas of existing fragmentation.*' It recognises that there will be some infill in the lifestyle/hobby farm areas where agricultural conflicts would not be increased.

It also has **Section – Clusters** (clusters of five or more 10-40ha hobby farmlets) including Belgravia. As yet structure plans and policies for these clusters have not been prepared. However, the Proposed Rezoning is consistent with the following principles:

1. Ensure surrounding agricultural enterprises and transport networks are not made inefficient by unrealistic amenity expectations from hobby farms;
2. Clearly define the boundary of each cluster and administer it strictly and consistently;
3. Contain and manage the environmental impacts of the clusters of small hobby farms;
4. Services to be of a standard appropriate and that is typical of surrounding farming area.

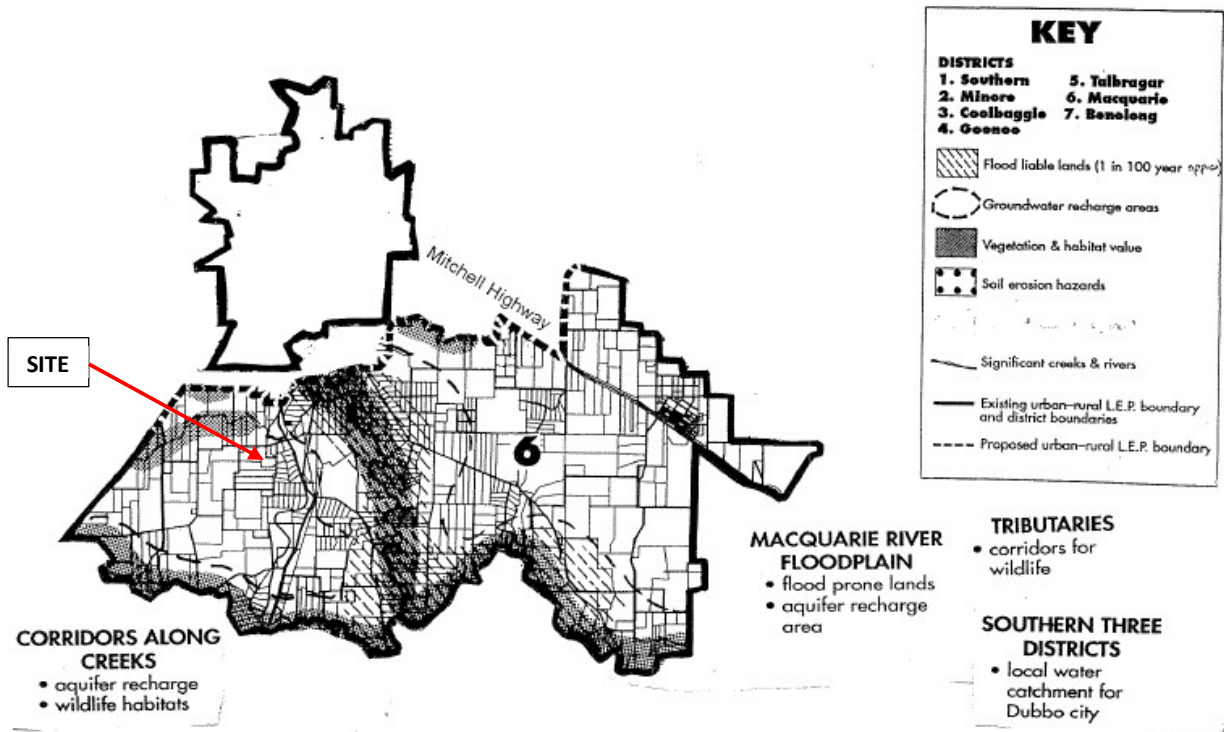


Figure 16: Macquarie District Strategy – Environmental Constraints Map.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Proposal is consistent with the relevant *State Environmental Planning Policies* (SEPPs) as shown in the table below.

SEPP (Infrastructure) 2007: This SEPP is concerned with appropriate opportunities for infrastructure development throughout the State and protecting that infrastructure from incompatible development. There is no state-level infrastructure on or near the Site that would be significantly impacted by the proposal. The traffic generation from a 3-4 lot subdivision is unlikely to affect the local roads adjacent or the connection to Obley Rd.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007: According to the Common Ground website there are no known mineral or extractive resources or exploration licences in or near the Subject Site that would be affected by the proposal. See more detailed review above.

SEPP No 55 – Remediation of Land: SEPP55 seeks to promote remediation of contaminated land and reduce the risk of harm to human health – to be considered when rezoning land or consenting to development on land. In particular, Clause 7 states that a planning authority must not consent to any development on land unless it has considered whether the land is contaminated and, if so, it has been suitably remediated or will be suitable for the proposed use. See **Section 2.12 Site History & Contamination** that provides a *Preliminary Contamination Investigations* and suggests that the Site is suitable for residential use.

SEPP (Vegetation in Non-Rural Areas) 2017: This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of those areas. It replaces the previous controls relating to vegetation protection in the LEP and includes additional biodiversity reforms. Whilst it does not apply to the current Zone RU1 Primary Production, it would apply to the proposed Zone R5 Large Lot Residential. Clearing of vegetation requires a permit or approval by Council and will form part of a future DA. The Site is NOT identified on the **Biodiversity Values Map** or **Native Vegetation Map** produced by the NSW Government. The proposed Minimum Lot Size is between 1ha to 40ha so the threshold for clearing is 0.5ha or more. There is a low probability that the clearing threshold would be exceeded if the dwelling envelopes are located outside of most significant trees and/or significant trees are retained around the proposed dwelling/outbuildings. It is not likely that the threshold will be exceeded to require a *Biodiversity Development Assessment Report* (BDAR) for the future subdivision.

SEPP (Building Sustainability Index: BASIX) 2004: This is a Planning Proposal only so any future dwellings will form part of later application(s), at which time a BASIX is likely to be required. Indicative lots are largely oriented (or have sufficient dimension) to maximise passive solar design & minimise energy consumption.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

In response to all of the relevant S.9.1 Directions – this Proposal seeks a site-specific amendment to the Land Zoning (LZN) and Lot Size (LSZ) for the Site that is broadly consistent with the Ministerial Directions (latest September 2020) except as addressed below, as follows:

Section 9.1 Directions		Applicable to Planning Proposal	Date
1. Employment and Resources			
1.1	Business and Industrial Zones	No.	01/05/17
1.2	Rural Zones	Yes. This Proposal seeks to rezone land in a rural zone to a residential zone. A Proposal may only be inconsistent with this Direction if it is justified by a strategy or is of minor significance. We suggest that whilst Council has not prepared an updated Rural Lands Strategy, they have considered the Site and found it suitable to be considered on its merits as part of a Planning Proposal OR the minor extension of the existing Zone R5 area is of minor significance. The impacts on agriculture are unlikely to be significant and are addressed above.	14/04/16
1.5	Rural Lands		28/02/19
1.3	Mining, Petroleum Production and Extractive Industries	Yes, but Site is not near any known mineral or energy resource or existing mine so unlikely to impact or restrict mining. See <i>Question 5</i> SEPP review above.	01/07/09
1.4	Oyster Aquaculture	No.	01/07/09
2. Environment and Heritage			
2.1	Environment Protection Zones	Yes. There are no LEP mapped environmentally sensitive areas on the Site except for groundwater and terrestrial biodiversity. The protections are not weakened by this Proposal if there is a suitable lot size with low residential density & suitable on-site effluent management.	14/04/16
2.2	Coastal Management	No.	03/04/18
2.3	Heritage Conservation	Yes. No significant impact on nearby Aboriginal or non-Aboriginal heritage items, places or archaeology. See detailed review above.	01/07/09
2.4	Recreation Vehicle Areas	No.	14/04/16
2.5	E2 / E3 Zones & Environmental Overlays Far North Coast	No.	02/03/16
2.6	Remediation of Contaminated Land	Yes. Please see response to <i>SEPP 55 (Remediation of Land) & Section 2.12 Site History & Contamination</i> above suggesting the land is suitable for the proposed future use.	17/04/20
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Yes (once land is rezoned). The increased lot yield will increase the variety and choice of housing types and is a logical extension of the existing Zone R5 LLR area.	14/04/16
3.2	Caravan Parks and Manufactured Home Estates	No.	14/04/16
3.3	Home Occupations	Yes. Supported in (future) Zone R5 LLR.	01/07/09
3.4	Integrating Land Use and Transport	Yes. Whilst Zone R5 is technically a 'residential' zone, it is not generally located in an urban area. Regardless, the Site is in reasonable proximity to the City of Dubbo.	14/04/16
3.5	Development Near Licensed Aerodromes	No.	01/07/09
3.6	Shooting Ranges	No.	16/02/11
3.7	Reduction in non-hosted short term rental accommodation period	No. Byron Shire Council only.	15/02/19

Section 9.1 Directions		Applicable to Planning Proposal	Date
4. Hazard & Risk			
4.1	Acid Sulfate Soils	No. Land not mapped as acid sulfate prone land.	01/07/09
4.2	Mine Subsidence and Unstable Soil	No. Land not within a mine subsidence district or unstable land.	14/04/16
4.3	Flood Prone Land	No. Land is NOT mapped as flood prone land.	01/07/09
4.4	Planning for Bushfire Protection	Yes. Land is partly mapped as bushfire prone land on Planning Portal/RFS website. Indicative dwelling envelopes can achieve Asset Protection Zones. Consultation with the RFS can occur at the Gateway stage. With appropriate subdivision design a bushfire report can be provided at the subdivision stage.	19/02/20
5. Regional Planning			
5.10	Implementation of Regional Plans	Yes. The <i>Central West & Orana Regional Plan</i> is addressed in more detail in <i>Question 3</i> of this section above. The Proposal is broadly consistent with the Regional Plan.	14/04/16
5.11	Development of Aboriginal Land Council Land	No. Applies to Central Coast only.	06/02/19
6. Local Plan Making			
6.1	Approval & Referral Requirements	No change in referrals proposed.	01/07/09
6.2	Reserving Land for Public Purposes	No land reserved for public purpose affected.	01/07/09
6.3	Site Specific Provisions	No restrictive site-specific planning controls proposed. The attached Subdivision Concept is indicative only and should not form part of any Gateway Determination.	01/07/09
7. Metropolitan Planning – NOT APPLICABLE (Sydney only)9			

4.3.3 Section C – Environmental, Social and Economic Impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The land has been heavily modified by historic agriculture and clearing. The land is immediately adjacent to existing Zone R5 Large Lot Residential (LLR) land to the north-east and east with arguable life-style lots also to the south. The proposed Minimum Lot Sizes of ~8ha per lot would avoid or minimise the need for significant vegetation removal to support a dwelling, access and on-site effluent management for a 3-4 lot subdivision. Dwelling envelopes can be setback from existing watercourses or larger pockets of vegetation. There has been some review of threatened species & biodiversity in **Sections 2.7 & 2.8** of this Report above and this suggests that the likelihood of impact on threatened or endangered species or ecological communities is low for this Proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are unlikely to be any other significant environmental effects from the proposed rezoning of ~40ha of land and the proposed reduction of lot size to support 3-4 residential lots on the Site. The proposed dwelling envelopes will address natural hazards such as bushfire prone land and overland flow paths. There is a low likelihood of impacting any heritage items or archaeology. The slope of the Site is low so earthworks can be minimised.

9. Has the planning proposal adequately addressed any social and economic effects?

This is a logical extension of an existing Large Lot Residential (LLR) area onto existing fragmented agricultural land. The impacts on agriculture have been addressed above and are likely to be limited. These lots are within 10-12 minutes' drive of the Dubbo CBD so they have good access to services and employment. Therefore, any other social and economic effects are likely to be limited.

4.3.4 Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

Yes. The Site has access to all required utilities in adjacent existing/proposed roads or through on-site management. It also has good access to sealed public roads (except for Belmont Rd frontage) and the additional traffic has safe access to Obley Road (not a Classified Road) and should not impact on its safety/functioning. 3-4 lots are unlikely to produce significant traffic generation or demand on existing infrastructure.

11. What are the views of state and commonwealth public authorities consulted in accordance with the gateway determination?

There are unlikely to be any significant state or commonwealth issues with a small extension to an existing Large Lot Residential area with the Site's existing attributes and low chance of impact on any environmentally sensitive areas. The Gateway Determination can set out any further agencies that require consultation (see also Consultation opportunities in **Part 5: Community Consultation** below).

4.4 Part 4: Mapping

Maps of the Site showing the existing/proposed amended planning controls are set out below and in the attached **Supporting Plan(s)**. See **Section 3.1** of this Report for additional supporting mapping (existing DLEP2011 Maps). Standard instrument mapping can be prepared once the Planning Proposal receives a positive Gateway Determination.

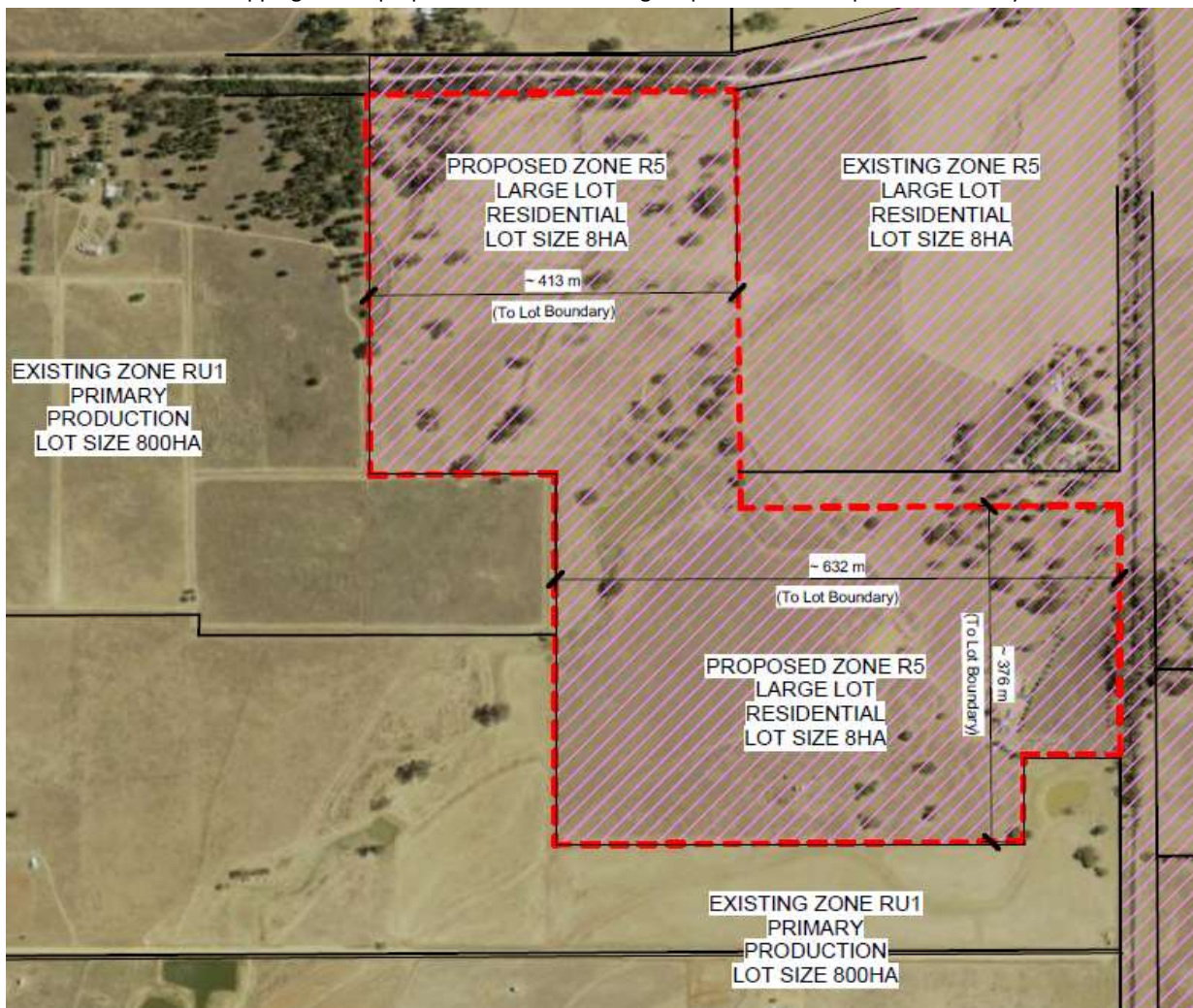


Figure 17: Existing & Proposed Land Zoning & Lot Size extended to Site (red boundary).

4.5 Part 5: Community Consultation

The planning proposal community consultation is to be undertaken in accordance with the requirements set out in 'A guide to preparing planning proposals' (2016) and any requirements set out in the Gateway Determination.

Neighbouring land owners can be notified. As there are minimal impacts, we suggest that Community Consultation can be set at the minimum requirements.

The planning proposal would be notified for a period of 28 days. The notification period is expected to be outside the Christmas / New Year period (see timeline below). The notification would be placed on Council's website and advertised in the local newspaper and possibly also on Council's website and/or social media.

The notification would provide:

- A description of the objectives or intended outcomes of the planning proposal;
- The land affected by the planning proposal;
- Advise when and where the planning proposal can be inspected;
- Give the name and address of the Council for the receipt of submissions; and
- Indicate the last date for public submissions.

During the exhibition period, the following material will be made available for inspection at Council's offices in Dubbo:

- The planning proposal, in the form approved for community consultation by the NSW Government;
- The gateway determination.

Additional consultation is also expected with key government agencies and stakeholders during the public exhibition period – possibly through a letter or notification.

4.6 Part 6: Project Timeline

The following provides an anticipated / estimated project timeline for completion (subject to Gateway / Council requirements and extent of submissions/amendments). It demonstrates that from the date of the Gateway Determination it is expected the amendments can be made / commence in less than 12 months:

Table 1 - Project Timeline Task	Anticipated timeframe
Planning Proposal to Council Staff for assessment/consideration	March 2021
Planning Proposal to Council for approval to send to DPIE	May 2021
Forward Proposal to DPIE / consideration	May 2021
Commencement date (Gateway determination)	June 2021
Timeframe for the completion of required technical information	(none expected)
Government agency consultation (pre- and post-exhibition as required by Gateway determination)	July 2021
Commencement and completion for public exhibition period	Commence: July 2021 Completed: August 2021
Dates for public hearing (if required)	August 2021 (if required)
Consideration of submissions	September 2021
Consideration of a proposal post exhibition	September 2021 (if required)
Date of submission to the Department to finalise LEP	September/October 2021
Anticipated date RPA will make the plan (if delegated)	October/November 2021
Anticipated date RPA will forward to the Department for notification	November/December 2021
Potential for amendments to commence	Early 2022 (i.e., within 12 months of Gateway Determination)