



IRF1/3222

Gateway determination report – PP-2021-4617

Amendment to the Dubbo Regional Local Environmental Plan 2011 to rezone land from RU1 Primary Production to R5 Large Lot Residential and amend the Minimum Lot Size from 800 hectares to eight hectares, at 9R Belgravia Road, Dubbo, Lot 5 DP817149.

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Table 1: Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal prepared by iPlan Projects – Planning and Development Solutions – March 2021
Council Report – Development and Environment Committee – 12 July 2021_PP-2021-4617
Minutes of Development and Environment Committee – 12 July 2021_PP-2021-4617

1 Planning proposal

1.1 Overview

Table 2: Planning proposal details

LGA	Dubbo Regional
PPA	Dubbo Regional Council
NAME	Amendment to the Dubbo Regional Local Environmental Plan 2011 to rezone land from RU1 Primary Production to R5 Large Lot Residential and amend the Minimum Lot Size from 800 hectares to eight hectares, at 9R Belgravia Road, Dubbo, Lot 5 DP817149.
NUMBER	PP-2021-4617
LEP TO BE AMENDED	Dubbo Regional Local Environmental Plan 2011
ADDRESS	9R Belgravia Road, Dubbo, NSW 2830
DESCRIPTION	Lot 5 DP817149
RECEIVED	6/08/2021
FILE NO.	IRF21/3222
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The objectives of the planning proposal are to:

- Amend the Dubbo Local Environmental Plan (DLEP) 2011 to permit a Large Lot Residential (LLR) subdivision, with 8ha mls, with each lot having dwelling permissibility at 9R Belgravia Road, Dubbo – herein referred to as the ‘subject site’. The potential lot yield is 5 lots; and
- The subject site to be consistent with adjacent zoned R5 Large Lot Residential land to the east, west of Obley Road and south of Belmont Road.

The objectives of this planning proposal are considered clear and adequate in relation to purposed and intended outcomes.

1.3 Explanation of provisions

The explanation of provisions is contained in the iPlan Projects Planning Proposal, dated March 2021, page 22. The objectives of the planning proposal will be achieved by amending the Dubbo Regional Council LEP 2011, in light of the following:

- Amend Land Zoning Map LZN_008 to alter the subject site from zone RU1 Primary Production to zone R5 Large Lot Residential to permit dwellings on each newly formed lot; and
- Amend the Lot Size Map LSZ_008 to alter the subject site from a Minimum Lot Size (MLS) of 800 hectares (ha) to 8ha to allow for future subdivision to Large Lot Residential lots that will be consistent with the adjacent land to the east

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

It should be noted that the Dubbo LEP 2011 and Wellington LEP 2012 is being consolidated into one LEP to form the Dubbo Regional LEP 2021. This draft LEP is in the final stages of the plan making process and may be notified prior to this amendment being finalised. This amendment may be to the Dubbo Regional LEP 2021 and will be subject to Parliamentary Counsel drafting.

Council advised it intends to undertake a comprehensive land use strategy that will consider R5 land. Council considered this land has merit and could be supported before the R5 strategy work is completed.

1.4 Site description and surrounding area

The subject site is located on land zoned RU1 Primary Production under the DLEP 2011 and is located approximately 9 kilometres (km) south of the Dubbo Central Business District (CBD) and approximately 4.8km south of the Taronga Western Plains Zoo. The subject site is located to the southwest of the intersection of Belgravia and Belmont Road (**Figure 1**). The subject site is over one land parcel (Lot 5 DP817149) comprising a total area of approximately 40.68ha which is predominantly used as grazing land, identified in the Planning Proposal as having limited agricultural potential and is used as mostly as a 'lifestyle lot' (**Figure 2**). An existing dwelling house is located on the land. The land surrounding the subject site is also zoned RU1 and includes adjoining rural properties to the west, south and east with varying lot size and dwelling houses. A proposed concept layout of the planning proposal for the subject site is illustrated in **Figure 3**.

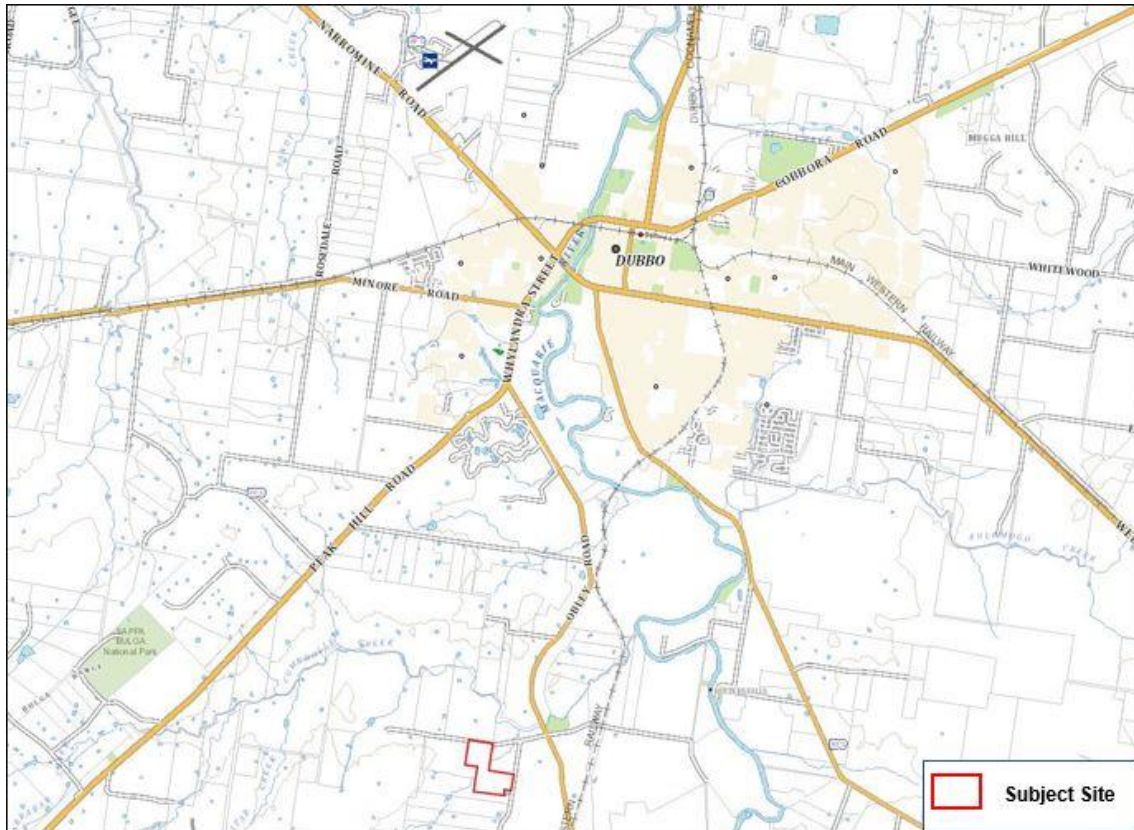


Figure 1: Subject site locality in relation to Dubbo (source: NSW Government, Spatial map Viewer, NSW Base Map, 2021).



Figure 2: Subject site location and identified land parcels and nearby roads (source: NSW Government, Spatial map Viewer, NSW Imagery, 2021).

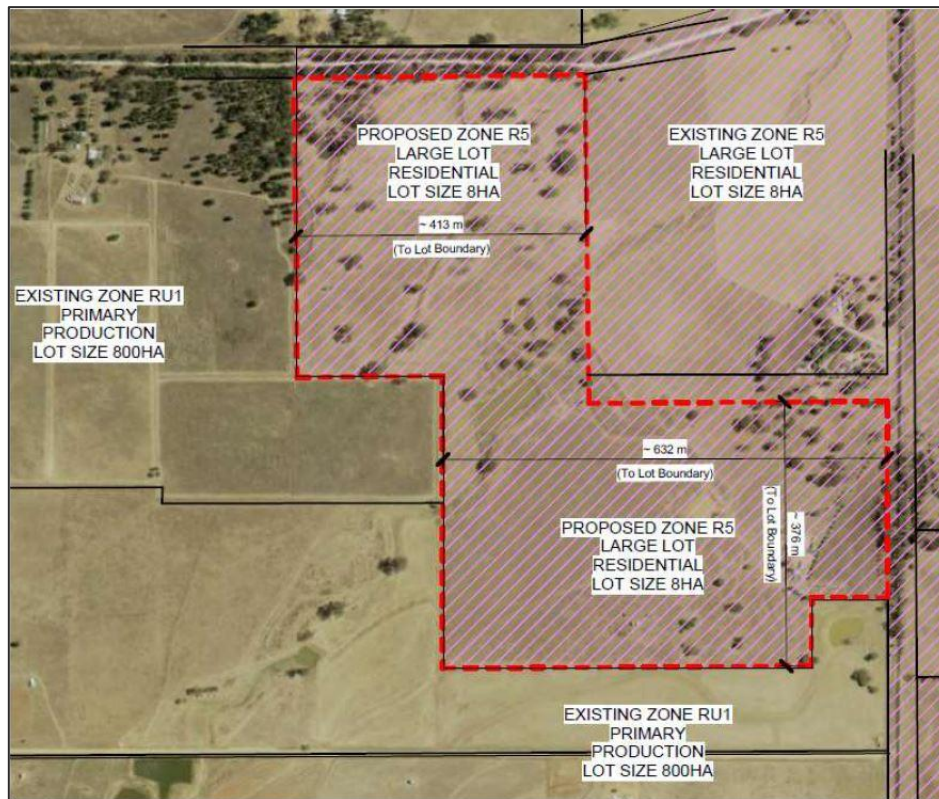


Figure 3: Subject site showing the proposed land zoning & lot size amendments (red boundary) (source: iPlan Projects Planning Proposal, March 2021).

1.5 Mapping

The planning proposal includes mapping showing the existing land zone and lot size of the proposed subject site and adjacent land. The land zone to the west of the subject site is predominantly RU1 Primary Production and R5 Large Lot Residential, adjacent and to the east. The land zone map (Sheet LZN_008) (**Figure 4**) is publicly available in the DLEP 2011. The current MLS map (Sheet LSZ_008) (**Figure 5**) is also publicly available in the DLEP 2011 and it identifies the current lot size of RU1 land and the proposed lot size, of adjacent of R5 land, that the planning proposal is seeking to achieve.

The planning proposal includes amendments to LEP map sheets – LZN_008 and LSZ_008. These maps will require drafting and updating to the technical standards prior to finalisation of the planning proposal. The submitted maps are adequate for community consultation purposes.

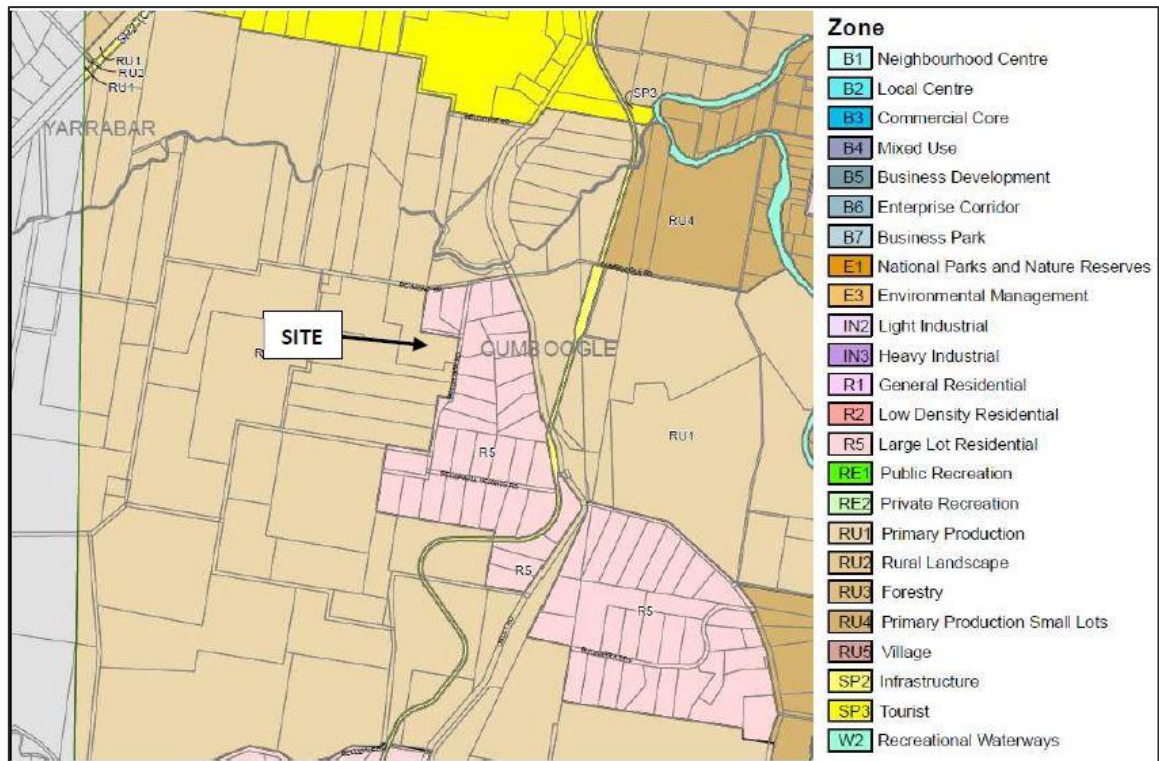


Figure 4: Current land zoning map (Sheet LZN_008) showing the proposed location of the subject site (identified as 'Site' on figure) (source: iPlan Projects Planning Proposal, March 2021).

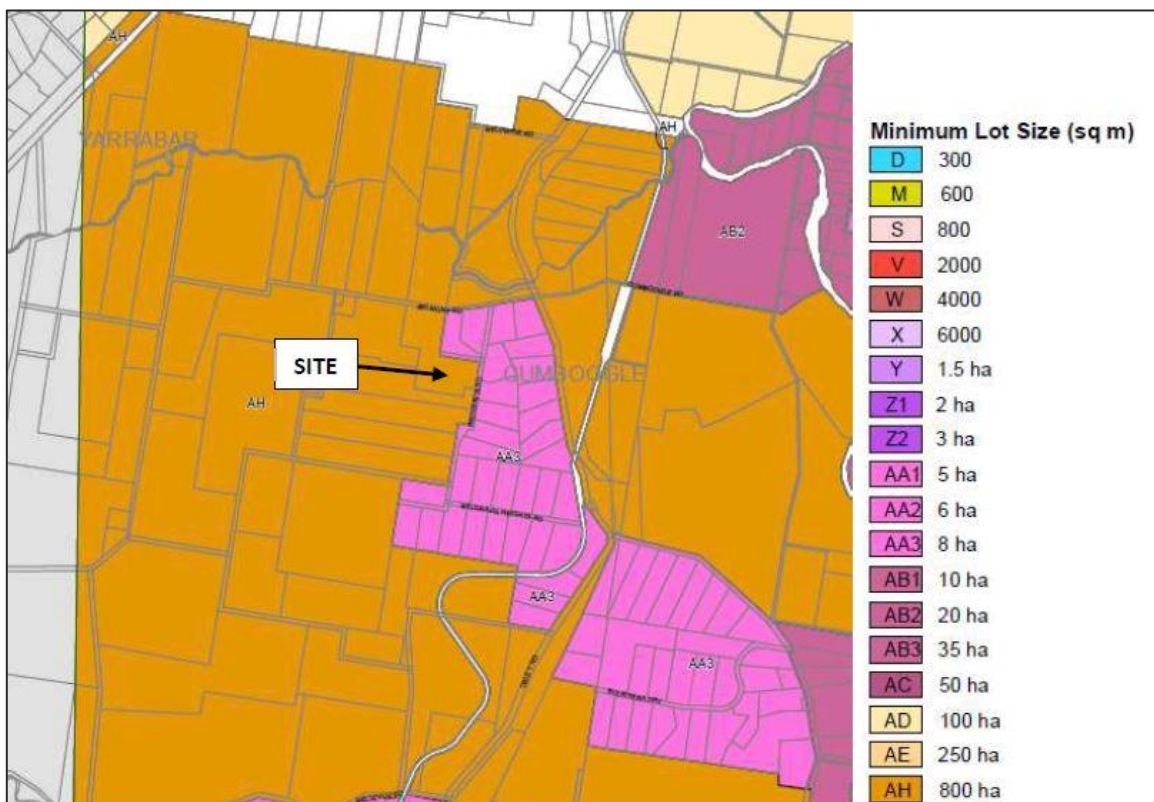


Figure 5: Current lot size map (Sheet LSZ_008) showing the proposed location of the subject site (identified as 'Site' on figure) (source: iPlan Projects Planning Proposal, March 2021).

1.6 Background

The subject site was originally forecasted for future planning considerations in 2020, when the proponent submitted their proposal to Council as part of the submissions to Council's draft Local Strategic Planning Statement (LSPS). Council's meeting in June 2020 reviewed a number of rezoning related submissions to the exhibited LSPS, including the proponent's submission. Initial strategic merit relating to the proponent's submission was noted by Council. Additionally, the drafted LSPS identified that the landholder/proponent could submit a planning proposal to support future development of the subject site, if a shorter assessment time for the proposal is preferred.

2 Need for the planning proposal

The justification for the planning proposal is detailed in the iPlan Projects Planning Proposal, dated March 2021. The planning proposal seeks to rezone the subject site from RU1 Primary Production to R5 Large Lot Residential. The DLEP 2011 will be amended with the rezoning of the property and will assist in supporting the future development of the subject site. Rezoning of the subject site, will be consistent with the R5 zoned land to the east, is considered the best means for achieving the future outcomes and use of the land.

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

Yes. During Council's review of the LSPS, it considered the Applicants 2020 submission for the rezoning of the subject site. Council recommended that the subject site for rezoning as it was identified to have planning merit given the site's location and access adjoining existing R5 zoned land (east of the subject site) even though the land is currently zoned RU1 Primary Production – it was considered appropriate for it to be reviewed for R5 Residential Large Lot land use as the land is being used for lifestyle purposes.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Rezoning of the subject site is considered the best means for achieving the proposed outcome. Proposed Land Zoning Maps and Lot Size Map amendments allow for the spot rezoning. The Department considers that a more targeted approach for the proposed R5 rezoning will provide clearer outcomes and an appropriate assessment of impacts for the future land use. The subject site will aim to align its planning controls with the adjacent R5 land to the east and will have a minor impact on the adjoining agricultural land use.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Central West and Orana Regional Plan (CWORP) 2036. The planning proposal is considered to be consistent with relevant Goals and Directions of the Regional Plan, as further described below (iPlan Projects Planning Proposal, March 2021 & Council Report - Development and Environment Committee, July 2021).

Table 3: Regional Plan assessment

Regional Plan Objectives	Justification
Direction 1: Protect the region's diverse and productive agricultural land	<p>Action 1.2 – intends to <i>Protect agricultural land from land use conflict and fragmentation, and manage the interface between important agricultural lands and other land uses</i>. Land identified as 'important agricultural land' can be identified under the NSW Government Biophysical Strategic Agricultural Land (BSAL) (referred to in the Regional Plan). In relation to the subject site, the BSAL areas are primarily concentrated on land to the east of Obley Road and closer to the Macquarie River. As the designated BSAL area does not extend west of Obley Road, it does not include the subject site. This land is not productive due the site area thus the 'diverse and productive agricultural land' is protected. The planning proposal aligns with Direction 1 objectives.</p>
Direction 12: Plan for greater land use compatibility	<p>Action 12.1 – <i>importantly notes to protect important agricultural land</i>. The subject site is not identified to have BSAL value, therefore surrounding high value agricultural land will not be impacted by the planning proposal.</p> <p>Action 12.1 – <i>Amend planning controls to deliver greater certainty of land use</i>. The planning proposal is for a rezoning of the subject site from RU1 to R5 LLR. This will create a certainty of land use for the subject site in accordance with local planning instruments and the current land use.</p> <p>The planning proposal aligns with relevant Direction 12 objectives.</p>
Direction 25: Increase housing diversity and choice	<p>Action 25.2 – <i>creating housing choice in regional cities & strategic centres that are accessible to services and jobs</i>. The subject site will result in an increase to housing diversity and number through the proposed land rezoning. The development will also align with adjacent R5 LRR to the east.</p> <p>Action 25.3 – <i>align infrastructure planning with new land release areas to provide adequate and timely infrastructure</i>. The planning proposal aligns with this action as it is anticipated that the rural infrastructure planning that has occurred and been implemented in adjacent R5 LLR land can be extended and utility connections made that will align with construction of the subject site.</p> <p>The planning proposal contributes to the Direction 25 objectives.</p>

Regional Plan Objectives	Justification
Direction 28: Manage rural residential development	<p>Action 28.1 – states that rural residential development should aim to be <i>close to existing urban settlements to maximise use of existing infrastructure and services, including roads, water, sewer and waste services, and social and community infrastructure</i>. The subject site is within 10km of the Dubbo CBD and located immediately west of an existing R5 LLR area. It is anticipated that rural infrastructure/utility services that need to be connected into the subject site development may be accessible as an extension associated with the adjacent R5 LLR.</p> <p>- reduce <i>land use conflicts with productive, zoned agricultural land and natural resources</i>. As identified under Direction 1 (above), the subject site does not fall under BSAL; the proposed lots will be of sufficient area to enable separation between the proposed dwellings and the neighbouring RU1 land to minimise land use conflicts.</p> <p>- should aim to avoid <i>areas of high environmental, cultural or heritage significance</i>, also aim to avoid <i>important agricultural land and areas of natural hazard</i>. Environmental investigations have been undertaken of the subject site (flora & fauna, Aboriginal and non-indigenous heritage). The flora and fauna assessment (Barnson, March 2001) was originally prepared for the existing dwelling on the site; although the assessment was undertaken a considerable time ago. The proponent notes that a search of the Bionet Atlas (www.environment.nsw.gov.au) identified additional recordings of the Galah (fauna) and Striped Wattle (flora), neither of these species are identified as sensitive or threatened. The local non-indigenous heritage items are identified north of Benolong Road – Woolshed & Shearer's Hut – and are greater than 1.5km east of the subject site; therefore, are not at risk of impact from the proposed rezoning and future development. Aboriginal heritage review of the subject site included an AHIMS search (08/03/2021) and consultation with the Dubbo Local Aboriginal Land Council through the Barnson, 2001 property assessment. The assessment identified no Aboriginal sites or areas of high significance in or within the area surrounding the existing dwelling footprint.</p> <p>Further assessments in relation to environmental values (salinity and groundwater) on the property and predicted and potential land use conflicts may be required at the DA stage. However, for the purpose of reviewing the goals of the Regional Plan, the planning proposal is considered to align with the Direction 28 objectives.</p>

3.2 Local

The Council Report - Development and Environment Committee, July 2021, lists a number of local strategic planning instruments that were reviewed against the proposal for the subject site. The proponent's assessment (iPlan Projects Planning Proposal, March 2021) also conducted a review of relevant land use strategies applicable to the subject site. The local strategic planning assessments reviewed include: Dubbo Regional Council Local Strategic Planning Statement (LSPS); Dubbo Local Environmental Plan 2011 (DLEP); 2040 Community Strategic Plan (CSP); and Dubbo Rural Areas Development Strategy (DRADS). Statements and explanations to the abovementioned Council strategies are discussed in the table below:

Table 4: Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p><i>Planning Priority 9: Provide diversity and housing choice to cater for the needs of the community.</i></p> <p>The planning proposal focuses on the subject site as a location that provides diversity in housing choice, as well as, being close to jobs, transport, education and services. Also providing diversity in density of housing areas and allowing access to future development on land with open spaces. This includes review of the LEP to allow these provisions.</p> <p><i>Planning Priority 13: Manage R5 zoned land</i></p> <p>The planning proposal has reviewed the existing LEP zone boundaries and is proposing to rezone the subject site from RU1 to R5 LLR land. Rezoning the land and the proposed mls of 8ha will assist in reducing adverse impact on any primary production rural land, through formalising the land a residential. Rural land use conflict from rezoning of the subject site is considered minimal as the land does not fall under the category of BSAL and the land is being used for lifestyle purposes.</p>
Dubbo Local Environmental Plan 2011	<p>The proposed rezoning of the subject site from RU1 to R5 LLR has the objective to ‘<i>..provide residential housing in a rural setting..</i>’ and to ‘<i>minimise conflict between land uses within this zone and land uses within adjoining zones</i>’. The rezoning and subdivision of the subject site will retain and control the land size available for residential and small farm use. Maintaining a minimum lot size to 8ha will provide for sufficient land buffers and prevent overdevelopment of the area once subdivided. Thus, the planning proposal objectives to rezone the subject site aligns with provisions of the DLEP 2011. The land is being used for lifestyle purposes and the proposed R5 LLR confirms this use.</p>
2040 Community Strategic Plan	<p>The Community Strategic Plan (CSP) has been designed as a guide to support the actions and initiatives of Council. The vision over the next 20 years that directly applies to the subject site is to “<i>provide for housing choice and housing affordability to meet the needs of your community</i>”. CSP strategic objectives include:</p> <ul style="list-style-type: none"> - residential housing variety close to appropriate services and facilities. - suitability zoned land to meet variety of residential land opportunities. - The development will not adversely impact on the agricultural production of land. <p>The planning proposal is consistent with the CSP. The subject site has already been considered under the LSPS as an appropriate development location as it is within 10km of Dubbo CBD and associated services and facilities. The planning proposal is proposing to rezone the land from RU1 to R5 LLR therefore permitting the LLR future development. The land is not BSAL and therefore not considered to be sought after for prime agricultural purposes .</p>

Local Strategies	Justification
Dubbo Rural Areas Development Strategy	<p>The Dubbo Rural Areas Development Strategy (DRADS) was last reviewed in 2011, in line with the adoption of the DLEP 2011. The DRADS for rural lands:</p> <p><i>“settlement of the rural area is the lowest priority as it as the least long-term economic consequences for Dubbo...settlement is to be directed to specific appropriately zoned area where conflicts with other uses can be avoided or minimised.”</i></p> <p>The Council Report - Development and Environment Committee, July 2021 (page 22), provides in more depth tin regard to the consistency of the planning proposal with the DRADS. The main points being the subject site is identified as ‘fragmented land’ dating from the 1970s, even though the district was initially identified as high quality agricultural land. The minimum lot size for the zone currently is 800ha and the subject site is approximately 40.68ha and considered to have limited agricultural potential. Council advised that the subject site is proposed to be rezoned to legitimately permit R5 zoned LLR, it will be appropriately rezoned for future subdivision and land use conflicts can be mitigated; as such, the subject site is considered to be consistent with this strategy.</p>

3.3 Section 9.1 Ministerial Directions

The Council Report - Development and Environment Committee, July 2021, and iPlan Projects Planning Proposal, March 2021, detail the Section 9.1 Directions that apply to the subject site and are considered to be consistent with the planning proposal are discussed in the table below:

Table 5: 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.2 Rural Zones	Yes	<p>This Direction applies and the proposal is inconsistent. The objectives of this Direction are to protect the agricultural value of rural land. The subject site has not been identified as BSAL and is considered to be a fragmented 40.68ha lot within an RU1 Primary Production zone (with a minimum lot size for the zone currently as 800ha), thus has not recently been used for agricultural purposes. The planning proposal will seek to rezone the land to R5 Large Lot Residential comprising 8ha lots as an extension to existing R5 and land to the east. Land use conflicts will be reduced through having the current neighbouring R5 land and the single dwelling 8ha lots providing an adequate buffer to neighbouring RU1 land to the west. In addition Council under its LSPS considers the change in zone has merit. It is considered that the inconsistency is of minor significance in this case No further work is required in relation to this Direction.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.5 Rural Lands	Yes	This Direction applies and the proposal is inconsistent. The rezoning of the subject site will assist in removing the current lot as fragmented RU1 land, where it is currently only used for limited livestock grazing, and change its purpose to be rural lifestyle 8ha lots. Extending the R5 development into less productive agricultural land, like the subject site, aims to protect land from future development that would otherwise be more suited as productive agricultural land. In addition Council under its LSPS considers the change in zone has merit. It is considered that the inconsistency is of minor significance in this case No further work is required in relation to this Direction
1.3 Mining, Petroleum production and extractive Industries	Yes	This Direction applies as the proposed use will restrict resource production. Agricultural uses are permissible that allows mining and extractive industries to be undertaken with consent. In addition review of the Mineral Resources Audit plan of Dubbo Regional Council (June 2014) did not identify any potential or identified resource area within 10km of the subject site. No further work is required in relation to this Direction.
2.1 Environment Protection Zones	Yes – consultation required with DPIE Environment, Energy & Science	The iPlan Projects Planning Proposal, March 2021, identified the northern half of the subject site as a location containing 'Terrestrial Biodiversity' under the DLEP 2011. Although it was noted that this pocket of vegetation does not hold a strong connection through local ecological corridors and has been fragmented through clearing and farming practices. The R5 LLR development can be designed so as is not to impact these pockets of remnant vegetation. Vegetation impact risks and bushfire potential will need to be considered at the DA stage. There is no change to environmental provisions.
2.6 Remediation of Contaminated Land	No – further assessment prior to community consultation.	The location of the subject site is not listed on Council's register of potentially contaminated land. The impact and potential contamination from previous agricultural and land use practices on the property may need to be addressed. A preliminary contamination assessment is recommended prior to community consultation. Inconsistent at this time.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.1 Residential Zones	Yes	The objectives of this Direction are to encourage a variety of housing types to suit future housing needs, whilst making efficient use of existing infrastructure and services without placing pressure on the environment and high resource lands. The subject site is not highly resourced land and is proposed to be utilised as additional local housing choice and being an extension to existing R5 LLR zoned land to the east. No further work is required in relation to this Direction.
4.4 Planning for Bushfire Protection	Inconsistent – consultation required with NSW Rural Fire Service	The northern portion of the subject site is identified as having potential bushfire prone land. Proposed subdivision and dwelling envelopes could be achieved with the required buffer between vegetation and assets. Council's identified that consultation with the NSW Rural Fire Service (RFS) will be required to supplement the proposed subdivision of the property.
5.10 Implementation of Regional Plans	Yes	The planning proposal is considered to be consistent with relevant Directions and Actions of the Central West and Orana Regional Plan.

3.4 State environmental planning policies (SEPPs)

The Council Report - Development and Environment Committee, July 2021, and iPlan Projects Planning Proposal, March 2021, addresses the SEPPs that are considered relevant and are applicable to and consistent with the planning proposal, as discussed in the table below:

Table 6: Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
55 – Remediation of Land	Consideration needs to be given to past land use and agricultural activities on the property, and whether this has caused contamination of the land and a potential risk of harm to human and environmental health.	Yes	Council notes that the subject site is not listed on Council's register of potentially contaminated land. The land is potentially contaminated and a preliminary assessment is required prior to community consultation.

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Vegetation in Non-Rural Areas 2017	Consideration needs to be given to the existing vegetation values on the property and the potential impacts of the planning proposal.	Yes	Under the DLEP 2011, the north portion of the subject site (adjacent to Belmont Road) is identified as an area of high value biodiversity. A section of native vegetation is also noted in the subject site adjacent to Belgravia Road, except is not considered to have biodiversity value. Council's preliminary review has considered the vegetation not to be an impediment to the proposed rezoning. However, consultation with EES will be required.
Koala Habitat Protection 2020 and 2021	Consideration needs to be given to any native vegetation that may be considered for removal under development consent and what options may be available to conserve natural vegetation.	Not Applicable	Not applicable.
Primary Production and Rural Development 2019	Consideration needs to be given to the current land zone and proposed land zone in the subject site, and what impact the planning proposal may have.	Yes	The planning proposal is seeking to rezone the subject site area from RU1 to R5 LLR. The proposal is for a subdivision of the property into 8ha lots. The planning proposal identified the land as 'fragmented land' and it has not been identified as sensitive agricultural land. There is no perceived land use conflict in relation to future development of the subject site.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the planning proposal for the subject site.

Table 7: Environmental impact assessment

Environmental Impact	Assessment
Noise Pollution and Vibration	The rezoning activity of the subject site will not create any noise pollution or vibration. The proposed subdivision will create a number of lots and as each lot gets developed, the subsequent noise pollution and vibration would need to be assessed at the DA process. Ongoing lifestyle noise and general property upkeep is expected to create noise, however, this is considered negligible.

Environmental Impact	Assessment
Hydrology, Erosion & Sediment Control	Two lower order streams traverse the subject site, neither are mapped as recognised riparian corridors under the DLEP 2011. Council mention that no dominant/woody vegetation cover these streams, only grasses. The streams and bank landforms have not been identified as erosive. Once a DA is submitted for future subdivision and site development, the suitability of the site will be further assessed and considered.
Groundwater Vulnerability	The land is mapped as vulnerable under the DLEP 2011. Rezoning of the subject site will not have a direct impact on groundwater. Once subdivided, future development of the lots and the construction of dwelling houses, and the potential interaction with groundwater, would be considered at the DA assessment stage. The Department notes that future uses of property allotments that may potential interact with groundwater (i.e. installation of bores) will require appropriate assessment.
Salinity	Council identified that the subject site has a low salinity hazard, as it is identified to be within the Cumboogle Hydro-Geological Landscape. Assessment of salinity may need to be undertaken at the DA stage future development of allotments.
Flora & Fauna, and Biodiversity	As identified in the Council Planning Proposal, there is an area of high biodiversity value in the north of the subject site (adjacent to Belmont Road), mapped by NSW DPIE and identified to contain Plant Community Type (PCT) 248 (mixed box woodland), PCT 511 (Spear grass derived grasslands) and PCT 796 (derived grasslands). Additionally, a smaller portion of PCT 248 is located in the area of the subject site adjacent to Belgravia Road; Council identify in the DLEP 2011 this plant community is not of high or moderate biodiversity value. Biodiversity will not impact on rezoning the subject site; however, future development will need to address biodiversity in accordance with the <i>Biodiversity Conservation Act (2016)</i> . Consultation with EES is recommended.
Environmentally Sensitive Areas	As identified above, environmentally sensitive areas exist in the subject site, in the north adjoining Belmont Road. Subject site rezoning will not create an immediate impact, future subdivision and subsequent development will need to be supplemented by appropriate assessments at the DA stage.
Aboriginal & non-Indigenous Heritage	The proponent has undertaken a desktop review and assessment of actual and potential Aboriginal and non-Aboriginal heritage within and in close vicinity to the subject site. No items were identified. Individual assessments will likely be required at the DA stage.

4.2 Social and economic

The subject site has been identified as not being agriculturally sensitive (not BSAL) and it is noted as being a smaller lot on RU1 zoned land (with a minimum lot size of 800ha); the subject site is approximately 40.68ha. It has also been noted that the subject site is classed as 'fragmented' land and identified as inconsistent for future farming; the property of recent years has mostly been used for lifestyle and to graze livestock. Therefore, the land is not considered to offer high economic or social value as solely agricultural land. The proposed subdivision of the subject site may provide 5 lots within 10-15mins of Dubbo CBD where local services and employment can be accessed, whilst providing a semi-rural open space for future dwellings.

4.3 Infrastructure

The subject site is located to the south of Dubbo, within 10kms, and adjoins both Belgravia and Belmont Road. The area of the land being approximately 40.68ha and has the potential to be subdivided into five x 8ha rural lifestyle lots. This would not generate significant traffic movement. Services and utilities to service a future subdivision do not exist for the subject site, however, the adjacent R5 development to the east could provide an existing extension of those required electricity and telecommunication services in the area. Public road access is available. The Council Report – Development and Environment Committee, July 2021 page 25) states requirements that would need to be satisfied, to Council's satisfaction, for future development:

- Sealing and upgrades to existing Belgravia and Belmont Roads
- Onsite water and sewerage infrastructure will be required for 8ha lots
- Council's satisfaction and developer's cost required.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is appropriate, and forms one of the conditions of the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted with on the planning proposal and given 21 days to comment:

- NSW Rural Fire Service: in relation to bushfire hazards and Asset protection Zone (APZ) for future subdivided allotments.
- DPIE Environment, Energy & Science: Moderate and high value biodiversity areas on the property.
- DPIE Water: Groundwater impact risks potentially associated with future development.

6 Timeframe

The Department recommends a time frame of nine (9) months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes requirements for Council to exhibit and report on the proposal by specified milestone dates.

7 Local plan-making authority

Dubbo Regional Council should be authorised to be the local plan-making authority as it has no identified interest in the land.

8 Assessment summary

The planning proposal is supported to proceed with conditions. The proposal will enable the rezoning of land at Lot 5 DP817149, 9R Belgravia Road Dubbo – the subject site, to R5 LLR to allow for future subdivision and residential development of 8 ha lots. This will assist in increasing housing availability

and variety in the Dubbo area that will remain to have access to essential services, facilities, employment and transport routes.

The strategic assessments of the subject site (**Section 3**) identified that the aims of the proposal are consistent with the relevant objectives and priorities of regional and local directions and strategies. The land has been identified in Council's LSPS. Rezoning the subject site to R5 LLR will maintain consistency with the neighbouring R5 development, to the east. The neighbouring development is likely to provide an extension of its existing rural utilities/service infrastructure to the subject site that can be replicated to support the future subdivision and development of the subject site.

The proposed 8ha lots are large enough to provide separation between the proposed dwelling houses and neighbouring primary production land to reduce land use conflict.

A number of specialist assessment reports were undertaken for the subject site, particularly for the location of the existing dwelling, dating to 2001. Future subdivision and DA assessments of the subject site will likely require updated specialist assessments that are produced in line with current legislative standards. Consultation is to be completed to address the terrestrial biodiversity and AZP for bushfire prone land. Any other studies that are identified to be applicable will be determined at the DA stage to supplement future subdivision/development of the subject site.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that inconsistencies with Section 9.1 Directions 1.2 Rural land and 1.5 Rural Zone are minor or justified and no further work is required.
- At this time there are inconsistencies with Section 2.6 Remediation of Contaminated Land and 4.4 Planning for Bushfire Protection and further work and consultation is required to address these

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation a revised planning proposal is to be resubmitted that addresses the following:
 - a. Potential contamination – a preliminary contamination investigation to demonstrate to Council that the subject land is suitable or can be made suitable for the proposed large lot residential use;
 - b. Update maps to clearly identify the supported amendment for the subject site. In this regard, ensure all maps that form part of the planning proposal must clearly identify the parts subject land supported by Council under this planning proposal;
 - c. Update the planning proposal to clearly identify supported amendments and delete all references to original proposal.

Council is to seek approval from the Department of Planning, Industry and Environment – Western Region prior to undertaking community consultation.

2. The planning proposal exhibition must commence within **three (3) months** from the date of the Gateway determination. Public exhibition is required under Section 3.34(2)(c) and Schedule 1 Clause 4 of the Act, as follows:
 - a. The planning proposal must be publicly made available for a minimum of **28 days**; and
 - b. The planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with the planning proposals as identified in Section 6.5.2 of A

Guide to Preparing Local Environmental Plans (Department of Planning and Environment, 2018).

3. Consultation is required with the following public authorities/organisations under Section 3.34(2)(d) of the Act and to comply with relevant SEPPs, related environmental, infrastructure and social impacts of the development:
 - a. NSW Rural Fire Service
 - b. DPIE Environment, Energy & Science
 - c. DPIE Water
4. A public hearing is not required to be held into the matter by any person or body under Section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission of or reclassifying land).
5. The planning proposal authority is authorised as the local plan making authority to exercise the functions under Section 3.36(2) of the Act, subject to the following:
 - a. The planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. The planning proposal is consistent with Section 9.1 Directions and the Secretary has agreed that any inconsistencies are justified; and
 - c. There are no outstanding written objections from public authorities.
6. Prior to submission of the planning proposal under Section 3.36 of the Act, the final Land Zone and Lot Size maps must be prepared and be compliant with the Department's '*Standard Technical Requirements for Spatial Datasets and Maps*' 2017.
7. The timeframe for completing the LEP is to be nine (9) months following the date of the Gateway determination.



17 September 2021



(Signature)

(Signature)

Wayne Garnsey
A/Director, Western Region

Assessment Officer
Philippa Sokol
Planning Officer, Western Region