



REPORT: Results of Public Exhibition - Planning Proposal to Amend Land Use Zone and Minimum Lot Size - 9R Belgravia Road, Dubbo

DIVISION: Development and Environment
REPORT DATE: 4 April 2022
TRIM REFERENCE: ID22/499

EXECUTIVE SUMMARY

Purpose	Seek endorsement	Fulfil legislated requirement
Issue	<ul style="list-style-type: none">Council, at its meeting on 12 July 2021, considered a Planning Proposal (Appendix 1) to rezone 9R Belgravia Road, Dubbo (Lot 5 DP817149) from RU1 Primary Production to R5 Large Lot Residential, and amend the Minimum Lot Size from 800 hectares to eight hectares under the provisions of the former Dubbo Local Environmental Plan 2011 (now superseded by the Dubbo Regional Local Environmental Plan 2022).The Planning Proposal was publicly exhibited from 8 December 2021 to 28 January 2022.This report provides the results of the public exhibition for further consideration of the Planning Proposal.If the Planning Proposal is adopted, it is recommended that the Minimum Lot Size be amended to 10 hectares instead of eight hectaresIf the Planning Proposal is adopted, the subject site is likely to result in future subdivision of the land into four lots. However, it should be noted that any subdivision proposal will be subject to Council's consideration and assessment of a development application in accordance with the provisions of the Environmental Planning and Assessment Act, 1979.	
Reasoning	<ul style="list-style-type: none">The Planning Proposal is considered to have strategic merit.The Planning Proposal process has been undertaken in accordance with the requirements of the Environmental Planning and Assessment Act 1979.	
Financial Implications	Budget Area	There are no financial implications arising from this report. This report relates to LEP amendments only, and no works are proposed.
Policy Implications	Impact on Policy	This report would amend the Dubbo Regional Local Environmental Plan 2022.

STRATEGIC DIRECTION

The 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes five principle themes and a number of strategies and outcomes. This report is aligned to:

Theme:	1 Housing
CSP Objective:	1.1 Residential housing opportunity meets the current and projected needs of our community
Delivery Program Strategy:	1.1.1 A variety of residential housing types is located close to appropriate services and facilities
Theme:	1 Housing
CSP Objective:	1.4 An adequate supply of land is maintained close to established community services and facilities
Delivery Program Strategy:	1.4.1 There is adequate land suitably zoned to meet a variety of residential development opportunity
Theme:	1 Housing
CSP Objective:	1.4 An adequate supply of land is maintained close to established community services and facilities
Delivery Program Strategy:	1.4.4 Residential development does not impact the agricultural production potential of rural land

RECOMMENDATION

1. That the Planning Proposal (attached as Appendix 1), to rezone 9R Belgravia Road, Dubbo (Lot 5 DP817149) from RU1 Primary Production to R5 Large Lot Residential, and amend the Minimum Lot Size from 800 hectares to 10 hectares under the provisions of Dubbo Regional Local Environmental Plan 2022, be adopted by Council.
2. That Council request the NSW Parliamentary Counsel's Office to prepare the draft amendment to the Dubbo Regional Local Environmental Plan 2022 and provide Council with an Opinion that the Plan be made.
3. That Council request gazettal of the Plan following receipt of the Opinion from Parliamentary Counsel's Office.
4. That those who made a submission are sent an acknowledgement and advised of Council's determination in this matter.

Stephen Wallace
Director Development and Environment

SI
Senior Growth Planner

BACKGROUND

Previous Resolutions of Council

12 July 2021 (in part)	<ol style="list-style-type: none">2. That Council endorse the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 by rezoning Lot 5 DP817149 from RU1 Primary Production to R5 Large Lot Residential and amendment to the applicable Minimum Lot Size from 800 hectares to 8 hectares.3. That Council forward the Planning Proposal to the NSW Department of Planning, Industry and Environment to request a Gateway Determination.4. That Council support a minimum 28 day public exhibition period for the Planning Proposal.5. That following the completion of the public exhibition period, a further report be provided to Council for consideration, detailing the results of the public exhibition period.
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A copy of the subject Planning Proposal is provided here in **Appendix 1**.

It should also be noted that the Dubbo Regional Local Environmental Plan 2022 was gazetted on Friday, 25 March 2022, which supersedes the Dubbo Local Environmental Plan 2011. If Council resolves to support the Planning Proposal, this item will form an amendment to the new Dubbo Regional Local Environmental Plan 2022.

REPORT

1. Consultation and results of public exhibition

The Planning Proposal and supporting documentation were placed on public exhibition from 8 December 2021 to 28 January 2022.

The Planning Proposal was notified on Council's website, in the Daily Liberal, and notification letters were sent to adjoining neighbours. The exhibition package was made available online and at Council's Customer Experience Centre (Dubbo) and the Macquarie Regional Library (Dubbo Branch).

Council received 10 submissions from the community, including one petition and one late submission (**Appendix 2**).

In addition, Council also received correspondence from the following State Government Agencies (**Appendix 3**):

- Department of Planning and Environment - Biodiversity, Conservation and Science Directorate (BCS)
- NSW Rural Fire Service
- Department of Planning and Environment - Groundwater Management and Science Review

- NSW Crown Lands (as an adjoining land owner)

2. Summary of submissions

A summary of the submissions and Council's responses are provided below.

(a) State Agency submissions

NSW Rural Fire Service	Council Response
<ul style="list-style-type: none"> • The NSW Rural Fire Service has no objection to the Planning Proposal. • Future development applications may need to address the requirements of <i>Planning for Bush Fire Protection 2019</i>. 	Noted.
Department of Planning and Environment - Biodiversity, Conservation and Science	Council Response
<ul style="list-style-type: none"> • Planning Proposals should be based on the most up-to-date and available data. • Conclusions regarding the absence of areas of high environmental value (HEV) on the subject site should be adequately justified. • Suggestions that threatened species are unlikely to occur should be adequately justified. • In the absence of adequate information demonstrating that areas of HEV are not present on the site, Council should consider a larger Minimum Lot Size for the portion of the subject land flagged as potential HEV. • The development of only three lots would lessen impacts on areas of HEV. • Council should take into account the Biodiversity Offset Scheme when considering the Minimum Lot Size to be applied to the subject site. 	<p>Noted.</p> <p>The most up to date and available data from the Office of Environment and Heritage was provided. Additional data and detailed environmental assessment would be required for any future development application for subdivision of the land.</p> <p>Any future development would need to adequately assess potential impacts to species and plant communities, and the Biodiversity Offset Scheme.</p> <p>The proponent provided an indicative Subdivision Concept Plan with aerial imagery with the Planning Proposal. This Concept Plan shows that the land could reasonably yield a total of four allotments (i.e. three additional dwellings). This includes two lots fronting Belgravia Road and two lots fronting Belmont Road.</p> <p>Access to future lots fronting Belmont Road would require further assessment at the development application stage to avoid and minimise any impacts on</p>

	<p>vegetation.</p> <p>It is considered that the size of any future lot would allow sufficient space to avoid any significant vegetation impacts on the land.</p> <p>It is also considered appropriate for the Planning Proposal to be suitably amended to ensure the land could only yield a total of four allotments. This issue will be further discussed in the report.</p>
Department of Planning and Environment - Groundwater Management and Science review	Council Response
<ul style="list-style-type: none"> The proposed rezoning of the site poses minimal harm to the Upper Macquarie Alluvial Groundwater Source. Water Management Act, 2000 approval information should be passed on to the applicant, and salinity assessments should form part of any future development applications. 	<p>Noted.</p> <p>Noted.</p>
Department of Planning Industry & Environment - Crown Lands	Council Response
<ul style="list-style-type: none"> Crown Lands is an adjoining landowner and has no objections to the proposal. Future development of will require transfer of Belgravia Road to Council. 	<p>Noted. Council's Property and Land Development section has been notified.</p>

(b) Public submissions

Precedent for future development and loss of local area character	Council Response
<ul style="list-style-type: none"> Residents live in Belgravia Estate because of the peaceful and quiet lifestyle. The surrounding rural zonings provided certainty that the rural character would remain. The rezoning would encourage other adjoining rural lots (currently prime agricultural land) to be rezoned and set a precedent for future residential development. 	<p>The subject site adjoins existing land zoned R5 Large Lot Residential, and this Planning Proposal is considered a logical extension.</p> <p>Council's Local Strategic Planning Statement and State Government Policy, including Biophysical Strategic Agricultural Land mapping, have mechanisms in place to manage the primacy of agricultural land and to ensure any impacts are minimised. The subject site is not identified as Biophysical Strategic Agricultural Land</p>

	<p>(BSAL). BSAL identifies as land with high quality soil and water resources capable of sustaining high levels of productivity.</p> <p>Given the characteristics of the subject land, it is considered that subdivision and development of the land is likely to be suitable for four lots (i.e. three additional dwelling houses on the land). It is considered that this density of development on the land is unlikely to provide any significant amenity or other impacts to surrounding development. As previously discussed in the report, this will be the subject of further assessment and consideration by Council at the development application stage.</p>
It is unclear how many lots will be created, which could create disparity amongst the established estate.	<p>The total number of proposed lots will be confirmed at the Development Application stage.</p> <p>However, it is considered that the land is not likely to be suitable to yield any further than four allotments. This issue is further discussed in the report.</p>
Groundcover exists as this land is currently under minimal usage and grazing. Future development will potentially contribute to topsoil loss and result in increased runoff.	The Dubbo Regional Local Environmental Plan 2022 identifies development that is permitted with consent and prohibited. The use of the land by current landowners is not reflective of all uses permissible under the current zoning of the site.
Water Supply and Capacity	Council Response
<ul style="list-style-type: none"> The proposed lots are not connected to town water and do not have access or capacity to join the existing Belgravia Heights Water Scheme. They will be dependent on alternate water sources. Dams have proved to be inadequate in drier years. Future owners will need to cart water or have water delivered - increasing road use, traffic noise and the expense of water purchases for potential owners. Construction of dams also impact the hydrological cycle and run offs. 	<p>Large lot dwellings often rely on rainwater tanks and alternative water storage sources for their potable water supply. Water storage requirements can be appropriately addressed at the Development Application stage when specific details of the proposed development will be known.</p> <p>Council's Development Control Plan stipulates that in the absence of an alternative water supply, large lot</p>

<ul style="list-style-type: none"> Denial to be added to the scheme could expose the Belgravia Heights Water Users Inc. members to threats, harassment and vandalism. How will Council compensate the scheme and its committee members if this happens? 	<p>dwellingings are required to provide a minimum rainwater storage of 45 kL for potable purposes.</p> <p>Any construction of dams would be regulated by Natural Resources Access Regulator (NRAR).</p> <p>The Belgravia Heights Water Scheme is not relevant to the Planning Proposal or Council's services as it is a private scheme. It is also considered that any water carting operations in the future are unlikely to result in any unreasonable level of traffic increase in the locality, which would impact amenity of surrounding residents.</p>
<p>Septic Run Off</p> <p>Additional future housing will require septic infrastructure. There is no compliance monitoring, meaning there is potential for septic runoff to the Macquarie River and small watercourses.</p>	<p>Council Response</p> <p>Onsite sewage management systems can be appropriately addressed at the Development Application stage when specific details of the proposed development will be known.</p> <p>The size of any future lot would still allow sufficient area for effluent disposal.</p>
<p>Salinity, Contamination and Water Quality</p> <ul style="list-style-type: none"> The proposal identifies that salinity can be addressed as part of any future application for a dwelling. This is a short sighted consideration of what constitutes a major environmental concern. The existing Council Urban Salinity Monitoring Network does not extend to here, and no data exists to base a sound-decision on. The proposed area is mapped as very high salinity hazard class, and further development poses a significant risk for salinity problems and saline run-off to the Macquarie River. 	<p>Council Response</p> <p>Salinity impacts can be appropriately addressed at the Development Application stage when specific details of the proposed development will be known.</p> <p>Salinity monitoring bores are currently focused on the Dubbo urban area and areas of planned future urban density growth.</p>
<p>Future development will likely result in the increased use of domestic pesticides and herbicides, which poses a risk for additional chemical run-off into the Macquarie River.</p>	<p>Domestic pesticides and herbicides can already be used on the land. The Planning Proposal is unlikely to cause increased chemical run-off.</p>

Threat to Flora and Fauna	Council Response
<ul style="list-style-type: none"> The risks to remnant flora and fauna have not been adequately considered. How does Council propose to mitigate damage or compensate landholders for any loss of biodiversity and amenity from the destruction of areas of high conservation value? Belmont Road may need to be widened and sealed, which would affect the bird life with the removal of vegetation and increased traffic noise. The table of flora and fauna listed in the Planning Proposal is from 1983 and 1997. The validity of this resource is questionable. Some birdlife in the area is listed as vulnerable under the Threatened Species Conservation Act. Submitters have asked for a more current assessment to be provided for this proposal. 	<p>A detailed biodiversity assessment will be required at the Development Application stage when the overall impacts of the proposed development can be assessed.</p> <p>Belgravia Road and Belmont Road are largely not identified on Council's LEP Biodiversity mapping as being of either moderate or high biodiversity value.</p> <p>It is considered that any potential impacts to Belmont Road could be avoided through appropriate subdivision design.</p> <p>The subject site is largely cleared of vegetation. Given the current disincentives for native vegetation clearing, it is anticipated that any further clearing would be minimal and would be managed at the Development Application stage through the Biodiversity Conservation Act (2016).</p>
<ul style="list-style-type: none"> The potential for the water course to be filled in, redirected or dams built on it will have detrimental effects on the flora and fauna. Any alteration to the natural creek flow would potentially expose landholders and Council to litigation under the Threatened Species Conservation Act. 	<p>Council would only be involved in stream impacts via road crossings which would be assessed at the Development Application stage.</p> <p>Any construction of dams would be regulated by Natural Resources Access Regulator (NRAR). It is considered that NRAR would be unlikely to approve any new dams or works. If NRAR approve works in the future, applicants would be required to minimise changes to stream and natural regime flows.</p> <p>The Biodiversity Conservation Act supersedes the Threatened Species Act. Alterations to the natural creek flow can be appropriately addressed at the Development Application stage.</p>
Noise and Loss of Amenity	Council Response
<ul style="list-style-type: none"> The rezoning will increase the traffic and associated noise, which will interfere with 	<p>It is considered that future development on the land is unlikely to provide any</p>

<p>and reduce our amenity. How does council plan to compensate us for the increased traffic noise pollution?</p> <ul style="list-style-type: none"> Increased traffic will cause more noise and dust pollution for residents, as well as negatively impact animal welfare. 	<p>significant traffic and amenity impacts for existing residents.</p>
Traffic concerns	Council Response
<ul style="list-style-type: none"> Belgravia Road is narrow and originally designed as the feeder road. Additional traffic would increase potholes and require more maintenance The Belmont and Belgravia Roads intersection has poor visibility due to heavy vegetation, road orientation and loose gravel. A wider turning lane will need to be installed when entering Belmont Road from Obley Road. This is a busy intersection with trucks, farm machinery and the existing school bus service using it. Additional traffic will pose risks to the school children and bus shelter at the Obley Road, Cumboogle Road and Belmont Road intersection. Belmont road is not wide enough to accommodate two vehicles passing. Belmont road is slippery/boggy in wet weather, and drivers pass through a deep causeway with a creek on either side. 	<p>It is considered that future development on the land is unlikely to provide any significant traffic and amenity impacts for existing residents.</p> <p>The Planning Proposal has been assessed by Council's Infrastructure Division. No significant concerns have been raised in this assessment, which would impact progression of the proposal.</p> <p>It should also be noted that Belmont Road will be required to be sealed if two new lots are proposed to have frontage to it.</p>
Potential Flooding	Council Response
<p>The unnamed water course on Belmont Road has potential for minor flash flooding in periods of rain. Additional infrastructure in the subject area will contribute to this, and it will happen more frequently.</p>	<p>Flooding impacts will be required to be addressed at the Development Application stage when specific details of the proposed development will be known.</p> <p>The subject site is not identified on Council's LEP Flood map.</p>
Other Matters	Council Response
<p>When the Planning Proposal was reported to Council in 2021, (previous) Councillor Parker declared a pecuniary, significant interest in the matter before the Committee. It does not indicate whether there is a belief that the pecuniary interest might positively or negatively affect them should it proceed.</p>	<p>This is not a matter for consideration in the Planning Proposal process.</p>

There may not be sufficient power to support new development.	At the future development application stage, Council will require evidence that electricity supply has been provided to each new lot prior to release of any Subdivision Certificate or Occupation Certificate.
Extra police patrols will be required due to the added amount of people.	<p>This is not a reasonable matter for consideration. The subject site adjoins existing land zoned R5 Large Lot Residential, and this Planning Proposal will not significantly increase population in the immediate area.</p> <p>Residents are able to notify the Police of any concerns relating to crime.</p>

Late Submission – received 23 February 2022	Council Response
No objection to the proposal. The subject land would have the same zoning and minimum lot size to other properties in Belgravia Road.	Noted.

It is considered that a number of matters raised in the submissions can be assessed at the future Development Application stage where the applicant will be required to provide further details of any development on the land.

3. Recommended change to the proposed LEP amendment following consultation

Following further consideration of the Planning Proposal and the submissions provided to Council, it is considered that the Planning Proposal should be amended to a Minimum Lot Size of 10 hectares instead of the initially proposed 8 hectares.

A Minimum Lot Size of 10 hectares would provide additional buffer areas for all future lots, and also better mitigate any future development impacts to neighbouring lands. It is also noted that the adjoining R5 zoned land to the east of the subject land has been predominately subdivided into allotments with an area of approximately 10 hectares, despite having a Minimum Lot Size of 8 hectares under the Dubbo Regional Local Environmental Plan 2022.

The Department of Planning and Environment's Biodiversity, Conservation and Science Directorate (BCS) has also indicated that the larger lots would likely reduce any potential impacts on vegetation on the land.

The proposed amendment to the zoning of the subject land from RU1 Primary Production to R5 Large Lot Residential will remain the same.

4. Legal Drafting of the Local Environmental Plan

Subject to endorsement of the Planning Proposal, Council will submit documentation and amended maps to the NSW Parliamentary Counsel's Office to draft the LEP and seek an Opinion that the draft Plan can be made. A copy of the request will also be forwarded to the NSW DPE Western Region.

Following receipt of the Opinion, the LEP amendment will be gazetted and notified on the legislation website.

5. Resourcing Implications

The Planning Proposal only relates to amendments to the Dubbo Regional Local Environmental Plan 2022. Accordingly, there are no further resourcing implications.

6. Next Steps

Subject to endorsement by Council, staff will liaise with the NSW Parliamentary Counsel's Office and the Department of Planning and Environment to finalise the Planning Proposal.

Those persons who have made a submission will also be advised of Council's determination in respect of the Planning Proposal.

APPENDICES:

- 1** [↓](#) Planning Proposal Submitted by Proponent
- 2** [↓](#) Public Submissions
- 3** [↓](#) Submissions from NSW State Agencies

Planning Proposal, Lot 5 DP817149 - 9R Belgravia Road, DUBBO NSW

Site: Lot 5 DP817149
 9R Belgravia Road (also Belmont Rd)
 (CUMBOOGLE) DUBBO NSW

iPLAN PROJECTS
 Planning & Development Solutions
 andrew@iplanprojects.com.au
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PLANNING PROPOSAL

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

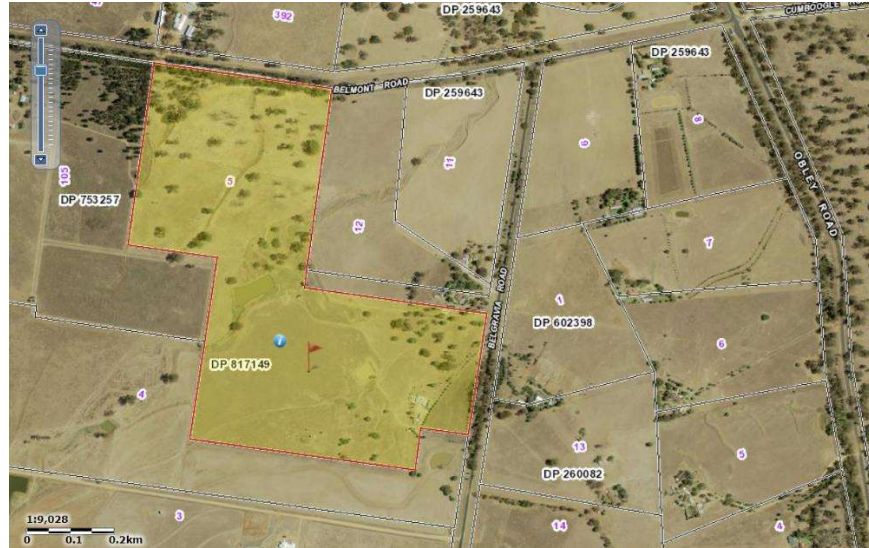


Figure 1: Aerial photo showing Site affected by the Proposal (Source: SIX Maps NSW Government).

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

iPLAN PROJECTS
 Planning & Development Solutions

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

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1 EXECUTIVE SUMMARY

1.1 Summary of Planning Proposal

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

Planning Proposal/ Site Description	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: a) Change the Land Zoning from Zone RU1 Primary Production to Zone R5 Large Lot Residential ; b) Reduce the Minimum Lot Size (MLS) from 800ha (AH) to 8ha (AA3) .
Applicant/ Owner	David & Carmen Isbester 9R Belgravia Rd
Local Gov.	Dubbo Regional Council ('Council')
Summary of Justification	The Site is suitable for the proposed Land Zoning / Lot Size because: 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 Cumboogle that is part of the Toongi District.

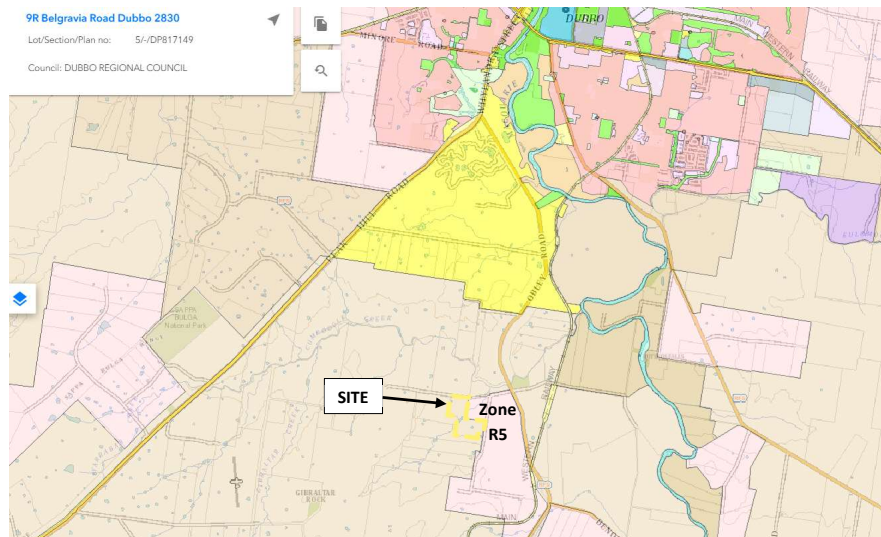


Figure 2: Location of Subject Lot (yellow line) in relation to Dubbo urban area (Zoning Map - NSW Planning Portal).

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.

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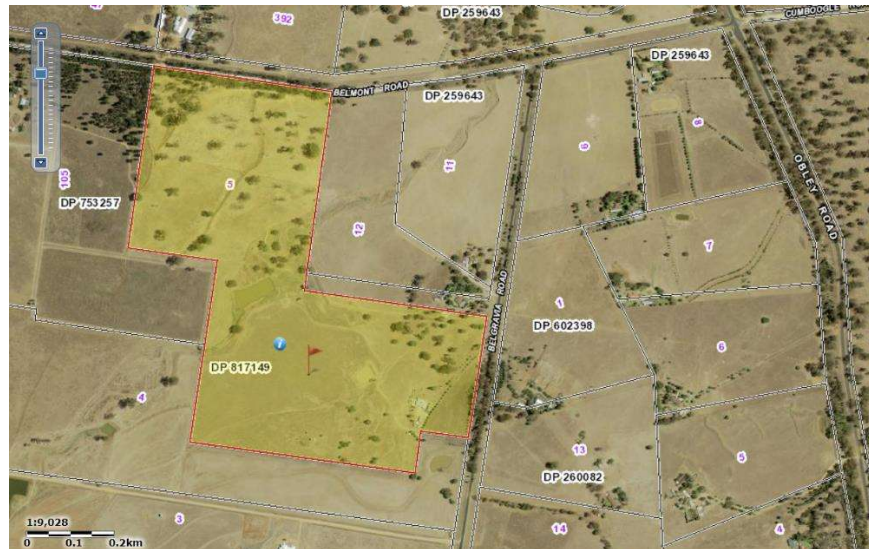


Figure 3: Location of the Site (red line/yellow fill) (NSW Government Six Maps 2012 Aerial Photo).

2.4 Site Photos

Figure 4: Site photos.



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

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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 Cumboogle 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.

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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 & Cumboogie 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.

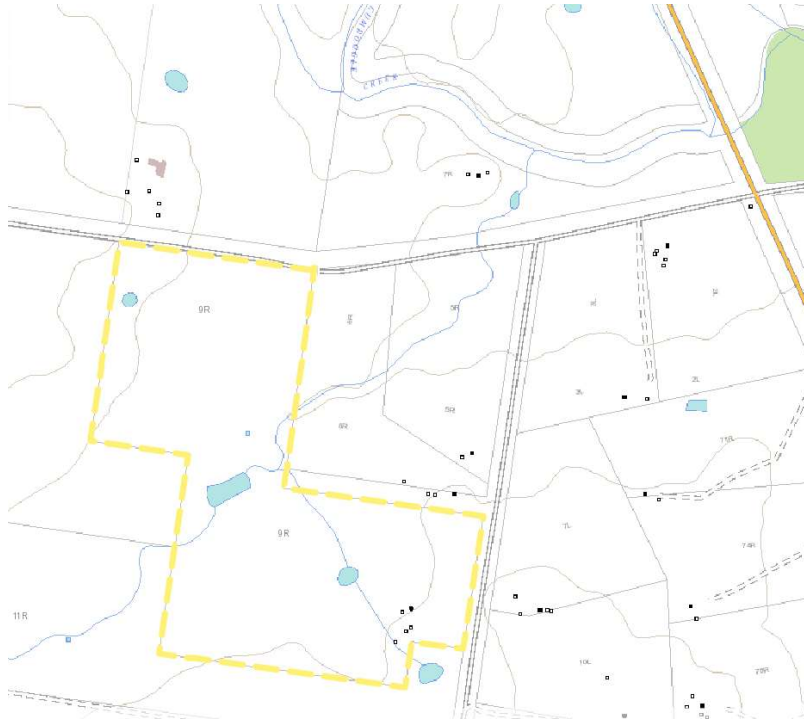
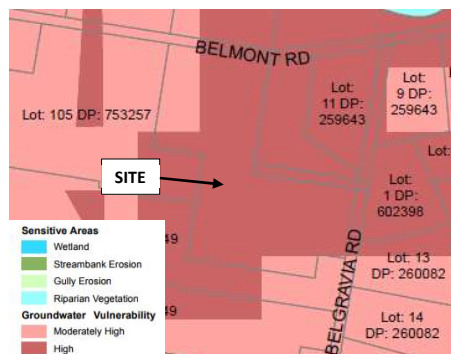


Figure 5: Topographic map with marked watercourses/dams on Site (yellow boundary) (Source: NSW Planning Portal).

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).



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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

Barnson (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 Barnson (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 &

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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>Phascogale 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.	Meynes and Sharman in Strahan 1983; Ayers et al 1997.

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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 plicatus</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 timorensis</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 bitronatus</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>Lophoictinia 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.

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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>Leipca 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 latihalmi</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.

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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>Gangetia 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
Peppercress	<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 darwinii</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>Ericostemon 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.

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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.

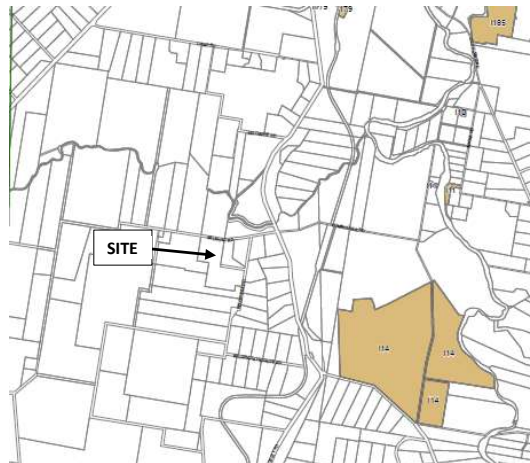


Figure 8: Heritage Map HER_008 Excerpt (DLEP2011).

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.

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Figure 9: AHIMS Basic Search for Site (www.environment.nsw.gov.au).Office of
Environment
& HeritageAHIMS Web Services (AWS)
Search Result

Purchase Order/Reference : 9R Belgravia Rd

Client Service ID : 574345

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Date: 08 March 2021

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.



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

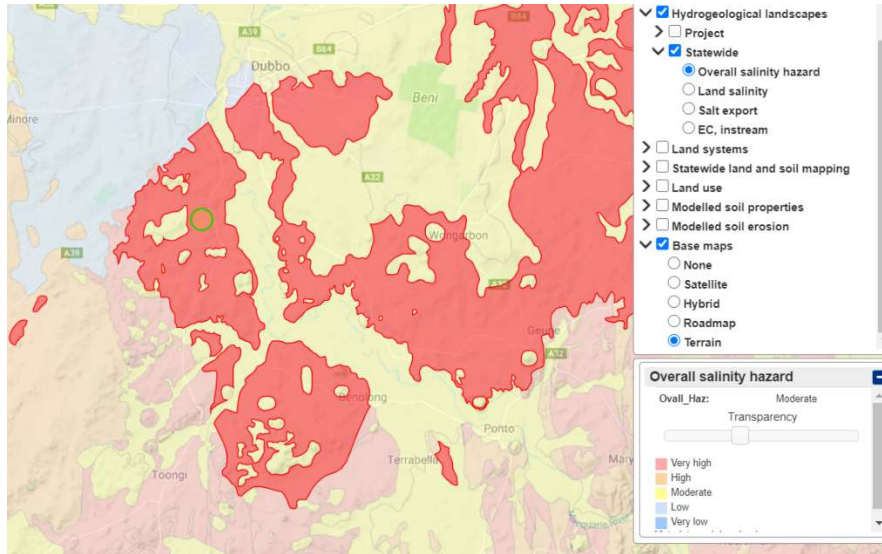
The Site is mapped as having a very high salinity hazard class. This risk is likely based on a complex range of variables but is at a regional scale and does not account for local variability. Salinity is unlikely to prevent the use and subdivision of this land for Large Lot Residential (LLR) purposes 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.

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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).

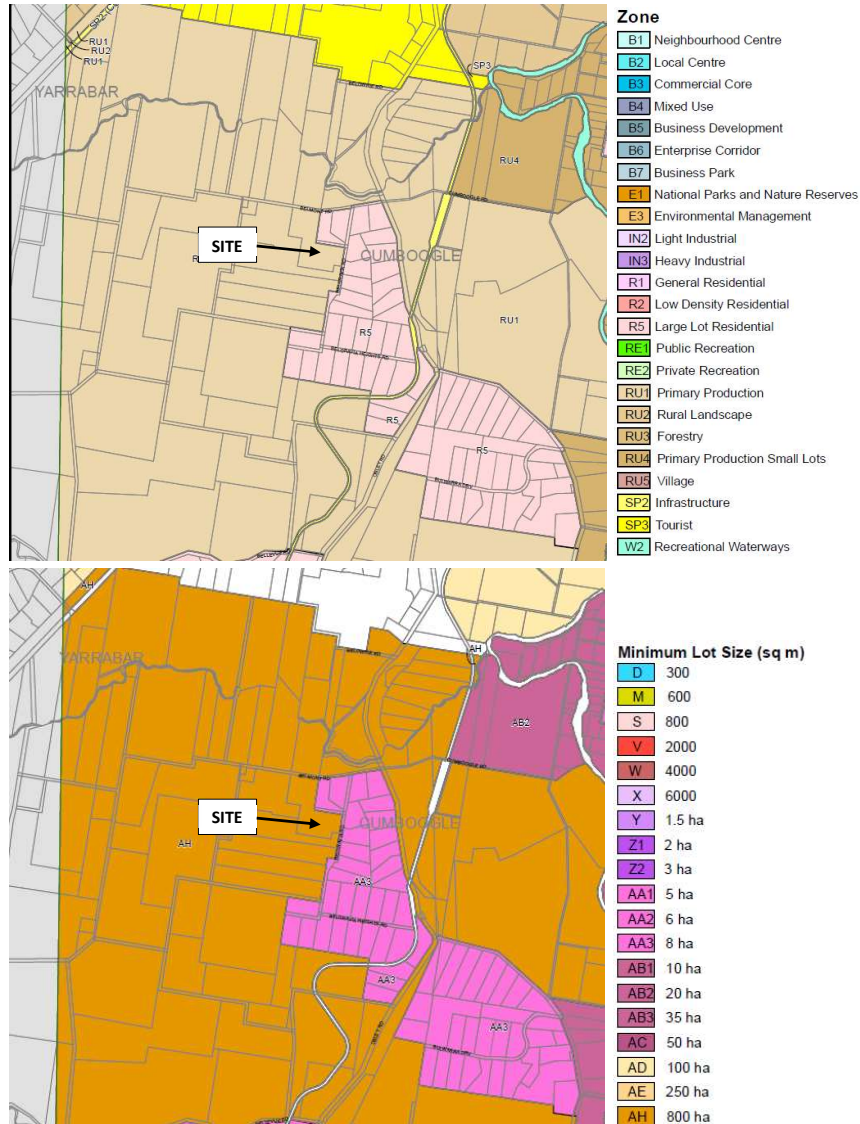


Figure 11: Excerpts from (top) Land Zoning Map LZN_008 & (bottom) Lot Size Map LSZ_008 for Site (DLEP2011).

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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.

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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:

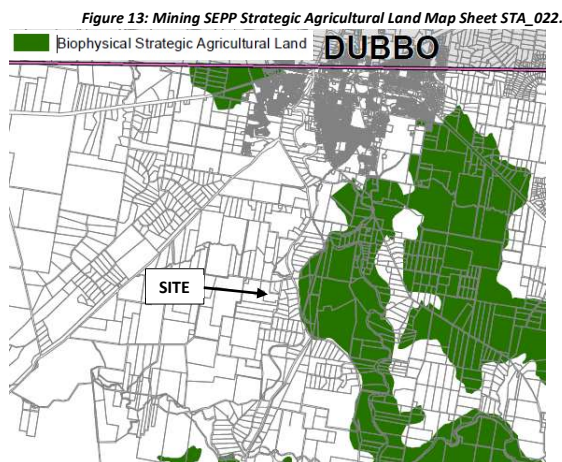
1. The Site has frontages to Belgravia Rd (sealed) and Belmont Rd (unsealed) with excellent access and existing safe access to Obley Road (not a classified road) and limited need to upgrade roads for access;
2. Existing electricity & telecommunication infrastructure along Belgravia Road;
3. At a proposed 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 Cumboogle 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



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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.

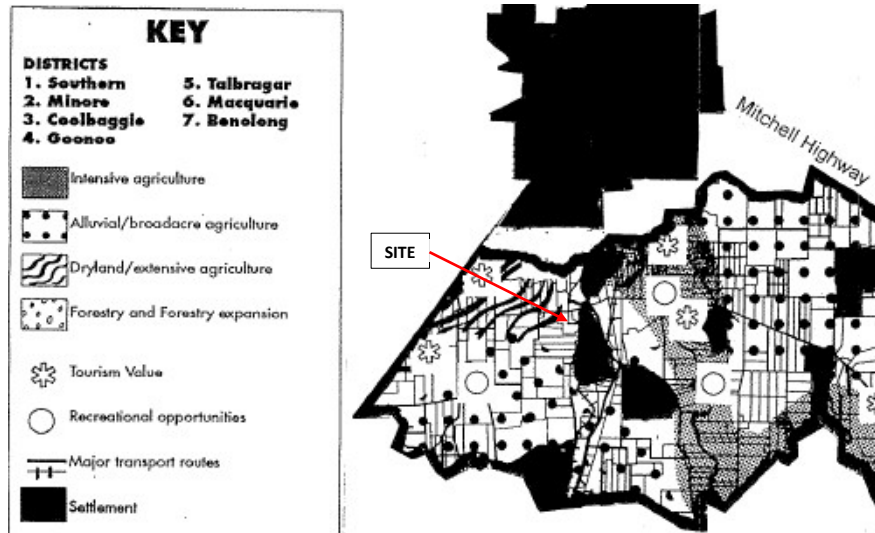


Figure 14: Macquarie District Strategy (1995) Land Use Map.

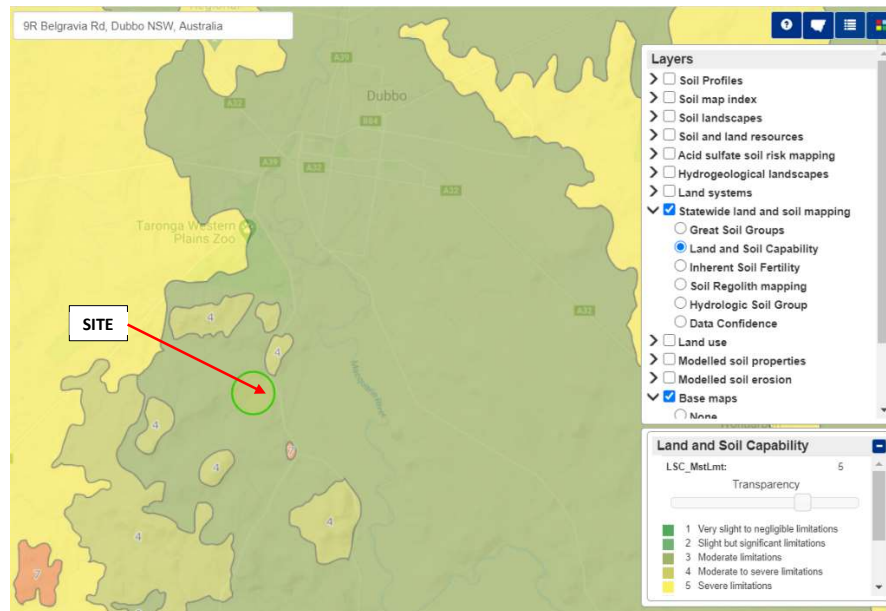


Figure 15: Land & Soil Capability – Site Class 3 within green circle (eSPADE mapping www.environment.nsw.gov.au).

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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:

- 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
- 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.

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DIRECTION	ACTIONS	RESPONSE
Direction 12: Plan for greater land use compatibility.	12.2 Identify and protect important agricultural land in local plans. 12.3 Create local strategies to limit urban & rural housing development in agricultural & extractive resource areas, industrial areas, & transport corridors. 12.4 Amend planning controls to deliver greater certainty of land use.	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	16.1 Protect, manage and respect Aboriginal objects and places in accordance with legislative requirements. 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.	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.	25.2 Increase housing choice in regional cities & strategic centres at locations near or accessible to services & jobs. 25.3 Align infrastructure planning with new land release areas to provide adequate & timely infrastructure.	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.

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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		
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.		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.
Continue to protect agricultural land from encroachment from residential development.		

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.

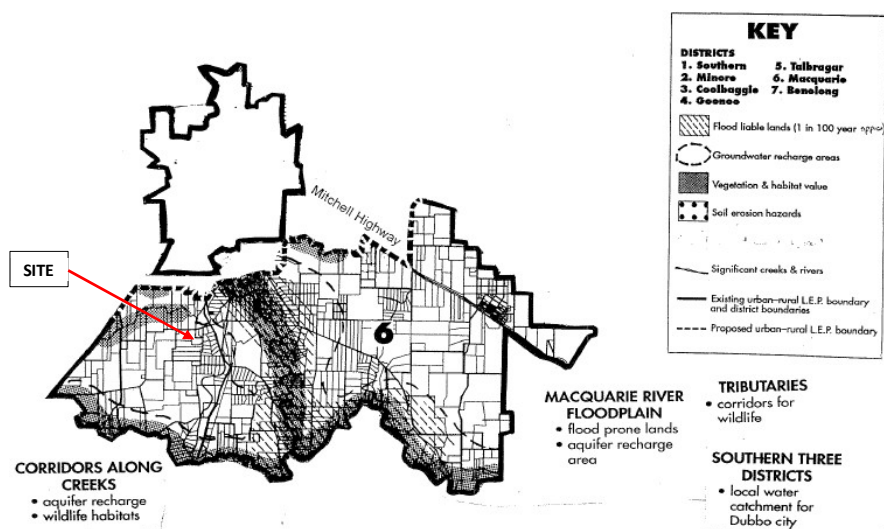


Figure 16: Macquarie District Strategy – Environmental Constraints Map.

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 SEPP</i> 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

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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)			

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.

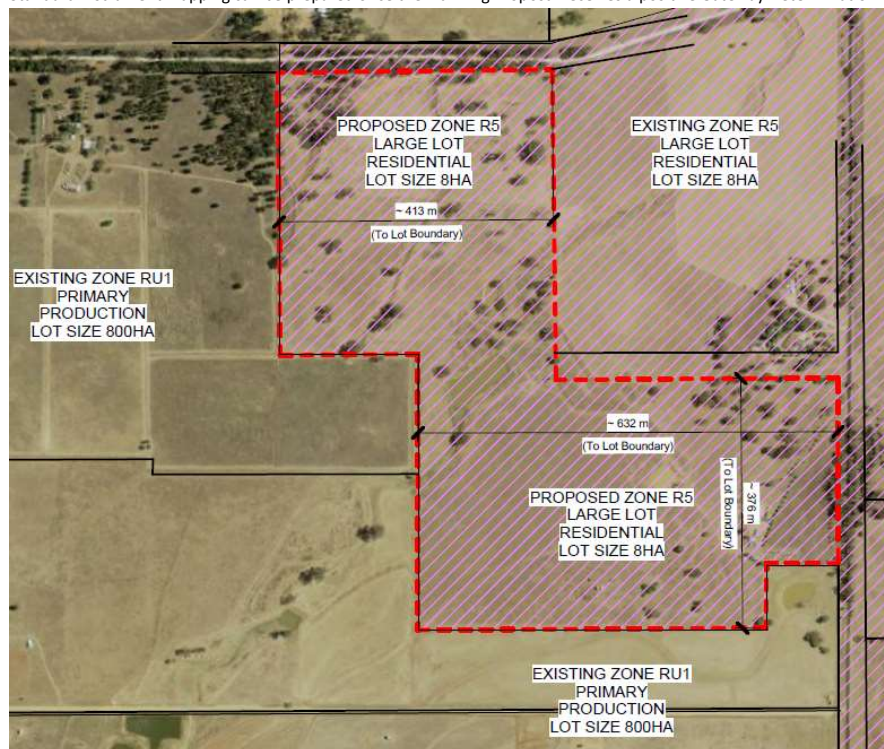


Figure 17: Existing & Proposed Land Zoning & Lot Size extended to Site (red boundary).

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)

The Chief Executive Officer

Dubbo Regional Council

PO Box 81

DUBBO NSW 2830

27 January 2022

Bernette (Dawn) and Stephen Hassall

Belgravia Heights Road

DUBBO NSW 2830

Dear Sir

RE: **Reference AU21/303 – PROPOSED AMENDEMENT TO THE DUBBO LOCAL
ENVIRONMENT PLAN 2011, 9R BELGRAVIA ROAD**

With reference to the above, we wish to make a submission against the proposal for the following reasons:

SALINITY

The proposed area falls into an area that is mapped as very high salinity hazard class and further development along the unnamed water course referred to in the Proposal poses a significant risk for salinity problems and future saline run-off to the Macquarie River. The Dubbo Regional Council Urban Salinity Monitoring Network does not extend to this side of town so there is no existing capacity for the monitoring of salinity in the area, and there appears to be no existing data that can be used to base a sound decision on.

In addition to environmental concerns associated with increased salinity in the area, there are the concerns that will need to be considered by future home owners, associated with home maintenance, garden viability etc.

The proposal identifies that *“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.”*

This appears to be a short sighted consideration of what constitutes a major environmental concern in our region – Dubbo’s salinity problems are well documented. Additional concerns with regards to salinity include:

- Having lived in the area for over 30 years, we have good knowledge of the runoff that results from major (and even not so major) rain events. The unnamed water course that extends through the subject land has an extensive catchment and fills extremely rapidly, flowing directly to the Macquarie River some 3-4km east. This creek does flow through agricultural land around Dundullimal and to the north of Cumboogle Road. It is well documented that

installation of infrastructure (new dwelling, driveways, sheds etc) affects the hydrological cycle, increasing recharge rates and affecting salt mobilisation and ultimately affecting the water quality of the Macquarie.

- Council currently lacks the resources to effectively monitor septic run-off in the area, thus there is no surety of effective management of domestic effluent which will constitute future housing developments.

WATER RUN OFF and EROSION

- As stated above, the unnamed water course fills rapidly and regularly flows over the causeway on the gravel portion of Belmont Road. Additional infrastructure in the subject area will increase this problem, contributing to worsening erosion on the Northern side of Belmont Road, increasing sediment flow to the Macquarie River.
- During rain events, the drains at the intersection of Belgravia and Belmont Roads regularly back up, resulting in water over the road. Additional infrastructure in the subject area will contribute to this, meaning that it will happen more frequently.
- Additional future housing development will mean additional septic infrastructure. Although Council requires approval for installation and mandates regular maintenance of onsite waste management systems, there is no compliance monitoring, meaning that there is the potential for septic runoff, which would reach the Macquarie River in addition to small watercourses on the way.

POTENTIAL LOSS OF TOPSOIL

As this land is currently under minimal usage and grazing – groundcover has been maintained. Future housing development, intensive grazing and livestock that can be part of large lot residential, will potentially contribute to topsoil loss, resulting again in increased runoff.

NOISE AND LOSS OF AMENITY

Concerns re the purchase of blocks by motorbike owners, increased traffic and threat of future further subdivisions on the western side of Belgravia Road. This is currently a very quiet and pleasant place to live and one of the aspects that was so attractive to us, and many of our neighbours, was the zoning opposite us, meaning that there would not be development.

LACK OF WATER

The subject blocks are not connected to town water and do not have access to the existing Belgravia Heights Water Scheme. They will be dependent on either bores, rainwater catchment or the construction of dams. In the event of extended dry period, domestic water will need to be trucked into the properties, placing additional pressure on existing roads.

Construction of dams again contributes to changes in the hydrological cycle, run off and potential erosion.

INCREASED USE OF DOMESTIC PESTICIDES/CHEMICALS

The construction of homes on the subject land will likely result in the increased use of domestic pesticides and herbicides for garden use, household pests etc. The orientation of the blocks means that there is a risk for additional chemical run-off into the water course through the land, and hence into the Macquarie River.

TRAFFIC AND RISKS OF ADDITIONAL VEHICLES

The intersection of Belmont and Belgravia Roads is poor, with limited visibility due to road orientation, vegetation and lots of loose gravel. Additional traffic is likely to pose an increased accident risk. Belgravia Road is very narrow between the development site and Belmont Road. Again, increased traffic flow on this road will have a negative impact on current residents.

The intersection of Obley Road and Belmont Road is also less than ideal due to poor visibility from vegetation and the location of school bus stop. Currently, traffic on Obley Road, travels at very high speeds and additional traffic on this intersection is also likely to pose an increased risk with the proximity of the bus stop a concern for children.

Conclusion

One of our main concerns is that if rezoning of 9R Belgravia Road occurs it is setting a precedent for the subdivision of the adjoining 4 X 100 acre blocks. These extra blocks, although not considered of agricultural significance and of no contamination risk at present, they all slope down to the waterway that flows into Cumboogle Creek that flows quickly and directly into the Macquarie River just approximately 4 km from these blocks.

9R Belgravia Road along with these extra blocks, all front narrow Belgravia Road. This road was originally designed as the feeder road for the Belgravia Heights subdivision. Extra traffic could be significant and hazardous and this fact was probably not considered in the original design.

From an environmental perspective, this rezoning poses significant risks, the effects of which have not been adequately considered.

Other concerns are associated with amenity and lifestyle and the rights of existing residents that their current quiet enjoyment not be put at risk. Home owners would have been attracted to and purchased out here under the impression and information that the existing number of dwellings, blocks and rural aspect would remain as is. If this proposed amendment to the Dubbo Local Environment Plan 2011 9R Belgravia Road goes ahead this will be far from what was indicated to them.

Sincerely,

Bernette Hassall

Stephen Hassall

The CEO, Dubbo Regional Council
PO Box 81

Ruby Davies
Belgravia Heights Rd
Dubbo, 2830
27.01.22

Dear Sir/ madam,

Reference AU21/303 Proposed amendment to the Dubbo Local Env Plan 2011 at 9R Belgravia Rd, Dubbo.

I would like to make a submission AGAINST the above proposed amendment to the Dubbo Local Environmental Plan 2011.

The majority of families who purchased 10.1 hectare / 25 acre land and houses in the Belgravia Estate have as a priority the peaceful enjoyment of land and environment here in this thoughtfully considered subdivision to the south of Dubbo. The placement of each block has been carried out such that houses make most of views and neighbours are within view but not overly close.

The proposed division of the 40.68ha land at 9R Belgravia Rd into smaller 8ha blocks will bring numerous disadvantages to the existing properties in the adjacent Belgravia Estate. These possible disruptions could include.

1. Extra vehicle traffic on an existing quite narrow road. This will increase the possibility of accidents on Belmont and Belgravia Roads; There will be increased disruptions from extra traffic noise. Birds and native animals will be subject to increased traffic fatalities.
2. The Belgravia estate has been thoughtfully designed with generous verges encouraging quiet walking, jogging and the riding of horses along Belgravia, and Belgravia Heights Roads. Increased traffic will be to the detriment of these amenities and negate the reasons why many of us purchased in this quiet area.
3. There is no watering system for the increased land divisions except the building of a dam on each block. Dams have proved to be inadequate in drier years in other subdivisions around Dubbo and it will be similar here. The potential owners will then need to cart water or have water delivered. This will obviously increase road use, traffic noise and the expense of water purchases for potential owners.
4. The applicants argue that the existing land at 9R is unsuitable for agriculture. While the 100 acre blocks to the west of Belgravia Rd are not big enough to be the sole income for a family they are big enough to run small number of both sheep and cattle on what is fertile land. Mr [REDACTED] has been successfully grazing sheep and cattle here for a number of years.

5. The effect of granting permission for this subdivision has the potential for the same to be enabled in the three other 100 acre properties with frontages on Belgravia Road. This would amount to a further thirty 8 x acre properties each with houses, roads and driveways and increased noise, traffic, and the loss of the peaceful enjoyment of existing residence to the east of the proposed land.
6. A further thirty families will also add to water runoff, soil erosion and general degradation of land and landscapes in this area. In addition to this sewage, electricity, rubbish removal and other amenities will have to be provided. It seems that the potential for environmental degradation has not been well addressed by the council.

Thanking you for the opportunity to submit a response to this proposal.

Sincerely,
Ruby Davies

The Chief Executive Officer

Dubbo Regional Council

PO Box 81

DUBBO NSW 2830

Members of the Belgravia Heights Water Users Inc

(Listed individually at the end of this submission)

c/- PO Box 6171

DUBBO NSW 2830

Dear Sir

**RE: Reference AU21/303 – PROPOSED AMENDEMENT TO THE DUBBO LOCAL
ENVIRONMENT PLAN 2011, 9R BELGRAVIA ROAD**

The Belgravia Heights Water Users Inc is an Association of residents of Belgravia/Belgravia Heights Estate. The executive of the Committee can be contacted on belgraviawater@outlook.com or PO Box 6171 Dubbo.

With reference to the above, a number (not all) of the members wish to make a submission against this proposal as outlined below. The names and full contact details of the members attached to this submission are listed at the end.

Environmental Concerns

1. SALINITY

The proposed area falls into an area that is mapped as very high salinity hazard class and further development along the unnamed water course referred to in the Proposal poses a significant risk for salinity problems and future saline run-off to the Macquarie River. The Dubbo Regional Council Urban Salinity Monitoring Network does not extend to this side of town so there is no existing capacity for the monitoring of salinity in the area, and there appears to be no existing data that can be used to base a sound decision on.

In addition to environmental concerns associated with increased salinity in the area, there are the concerns that will need to be considered by future homeowners, associated with home maintenance, garden viability etc.

The proposal identifies that *“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.”*

This appears to be a short sighted consideration of what constitutes a major environmental concern in our region – Dubbo’s salinity problems are well documented. Additional concerns with regards to salinity include:

- Many of us have lived in the area for a long time and have a very sound knowledge of water flow during rain events. The “unnamed water course” referred to in the Application (that extends through the subject land) has an extensive catchment and fills extremely rapidly, flowing directly to the Macquarie River some 3-4km East of this site. This creek does flow through agricultural (cropping and grazing) land around Dundullimal and to the north of Cumboogle Road. It is well documented that installation of infrastructure (new dwelling, driveways, sheds etc) affects the hydrological cycle, increasing recharge rates and affecting salt mobilisation and ultimately affecting the water quality of the Macquarie.
- Council currently lacks the resources to effectively monitor septic run-off in the area, thus there is no surety of effective management of domestic effluent which will constitute future housing developments and is known to contribute to salinity problems.

2. WATER RUN OFF and EROSION

As stated above, the unnamed water course fills rapidly and regularly flows over the causeway on the gravel portion of Belmont Road. Additional infrastructure in the subject area will increase this problem, contributing to worsening erosion on the Northern side of Belmont Road, increasing sediment flow to the Macquarie River.

During rain events, the drains at the intersection of Belgravia and Belmont Roads regularly back up, resulting in water over the road. Additional infrastructure in the subject area will contribute to this, meaning that it will happen more frequently.

Additional future housing development will mean additional septic infrastructure. Although Council requires approval for installation and mandates regular maintenance of onsite waste management systems, there is no compliance monitoring, meaning that there is the potential for septic runoff, which would reach the Macquarie River in addition to small watercourses on the way.

3. POTENTIAL LOSS OF TOPSOIL and DUST PROBLEMS

As this land is currently under minimal usage and grazing – groundcover has been maintained. Future housing development, intensive grazing and livestock that can be part of large lot residential, will potentially contribute to topsoil loss, resulting again in increased runoff and increased sediment flow, again directly to Cumboogle Creek and the Macquarie River.

The soil in this location breaks down rapidly under traffic, resulting in significant dust. The unsealed road, Belmont Road, is already a dust nuisance for some residents and this will be exacerbated by increased traffic and during any construction.

4. THREATENED SPECIES AND AREAS OF HIGH CONSERVATION VALUE

The Planning Proposal refers to a *Statement of Environment Effects* prepared in 2001 and lists a Flora and Fauna review including an assessment against the 'threatened species' test. The table of mammals, reptiles, birds and plants listed is referenced to publications from 1983 and 1997 – now

39 and 25 years old respectively. The validity of this resource is questionable, and we would request that a more recent Statement of Environmental Effects be prepared.

A number of residents in the community here are avid birdwatchers, and have identified a range of different birdlife, some of which are listed such as vulnerable under the Threatened Species Conservation Act on Schedule 2 of the Act., these being:

- Diamond firetail (*Stagonopleura guttata*) - visiting and nesting
- Grey-crowned babbler (*Pomatostomus temporalis temporalis*) regular visitor
- Red tailed Black Cockatoos (*Calyptorhynchus banksia*) visiting, pairs sighted
- Australian King parrots (*Alisterus scapularis*) – Not vulnerable but listed as decreasing in population – pairs, regular visitors

In Feb 2021, the Central West Local Land Services wrote to residents on the corner of Obley and Belmont Roads, advising that the roadside vegetation located adjacent to the property is determined to be of high conservation value. The “[Preserving Grey Box Grassy Woodlands in Central West New South Wales project](#)” offered private landholders assistance to improve condition of the Grassy Box Woodland on their properties. Their property was eligible to receive funding to enhance the existing remnant woodland area.

The subject land backs onto Belmont Road which has similar roadside vegetation and may also be considered Grey Box Grassy Woodlands and thus be of high conservation value. The concern of residents is if that this proposal is approved, it may include upgrades to Belmont Road, and to the intersection of Belmont, Cumboogle and Obley Roads, resulting in land clearing and the destruction of these remnant woodlands.

Thus, the proposed planning amendment to the subject land is at risk of damaging these areas of high conservation.

How does Council proposed to mitigate damage or compensate landholders any loss of biodiversity and amenity from the destruction of areas of high conservation value?

5. INCREASED USE OF DOMESTIC PESTICIDES/CHEMICALS

The construction of homes on the subject land will likely result in the increased use of domestic pesticides and herbicides for garden use, household pests etc. The orientation and elevation of the proposed blocks means that there is a risk for additional chemical run-off into the water course through the land, and hence into the Macquarie River.

Roads, Traffic and risks caused by additional vehicles

- The intersection of Belmont and Belgravia Roads is poor, with limited visibility due to road orientation, vegetation and a risk posed by loose gravel. Additional traffic is likely to pose an increased accident risk.
- Belgravia Road is very narrow between the development site and Belmont Road, with encroaching vegetation limiting visibility. Increased traffic flow on this road will have a negative impact on current residents with respect to noise and wear and tear on the existing road surface.
- The intersection of Obley Road and Belmont Road is also unsatisfactory for increased traffic volume, due to poor visibility from vegetation and the location of school bus stop.

Currently, traffic on Obley Road, travels at very high speeds and additional traffic on this intersection is also likely to pose an increased risk with the proximity of the bus stop a concern for children.

- Belmont Road is unsealed and already causes dust and accessibility issues for residents. It does not take a lot of rain for the causeway to fill, and it remains muddy and slippery for some time after rains. Increased traffic will exacerbate this problem.

Noise and loss of amenity

- There are significant concerns amongst our community that motorbike owners may purchase one of the rezoned blocks, a common problem in large lot residential areas. This is currently a very quiet and pleasant place to live and the increased number of large lot residential blocks does open us up to this happening. Intensive use of motorbikes causes significant noise pollution and can also result in dust, erosion and sediment run-off.
- Increased traffic – additional homes result in increased traffic flow on roads, resulting in increased noise for the existing residents, a decrease in safety of our children. Many residents also ride horses and are concerned about increased traffic.
- The reason that many residents bought into this estate, is that the zoning west of Belgravia Road, and west along Belmont Road, meant that there was no possibility of further small acreage developments. Should this re-zoning be approved, it increases the likelihood that it will be followed by similar applications, resulting in a potential large number of additional blocks in our peaceful and safe community which is very likely to diminish the 'quiet enjoyment' to which we purchased into.

Lack of Water

The subject blocks are not connected to town water and do not have access to the existing Belgravia Heights Water Scheme. They will be dependent on either bores, rainwater catchment or the construction of dams. In the event of extended dry period, domestic water will need to be trucked into the properties, placing additional pressure on existing roads.

Construction of dams again contributes to changes in the hydrological cycle, run off and potential erosion.

There are also valid concerns amongst the members of the Belgravia Heights Water Scheme re access to water. One of the attractive aspects of our properties, is the connection to the Water Scheme, meaning permanent water. Currently the scheme is at its capacity and has not added any new lots in last past 20 years because of this reason. The recent drought is etched into our minds here and we are keen to protect our water assets.

Conclusion

Although the proposal outlines the demand for this type of housing in Dubbo, 3 -5 blocks are not going to solve Dubbo's current housing crisis and these blocks pose a number of issues with respect to services, utilities and water availability.

Although the land is determined to not be of agricultural significance and there are believed to be no contamination risks, its proximity to a watercourse that flows quickly and directly to the Macquarie River does pose a concern. We believe that the risks to remnant flora and fauna in our area have not been adequately considered and that this proposal to rezone poses an unacceptable environmental risk, both now and potentially in the future.

Other concerns are more personal and are largely associated with amenity and lifestyle. Surely the rights of many existing residents to maintain their current quiet enjoyment of their properties, should not be put at risk, for the financial gain of one landholder?

Sincerely

The residents of Belgravia/Belgravia Heights estate and members of the Belgravia Heights Water Users Inc.

1. Scott and Melinda Barton – [REDACTED] Belgravia Road. [REDACTED]
2. Sue Rice – [REDACTED] Belgravia Road. [REDACTED]
3. Angela Sinclair – [REDACTED] Belmont Road [REDACTED]
4. Dale and Lloyd Johnston – [REDACTED] Belgravia Road [REDACTED]
5. William and Kareena Neville – [REDACTED] Obley Road [REDACTED]
[REDACTED] (Will)
6. Simone Pye and Craig Arms – [REDACTED] Belmont Road [REDACTED]
7. Stephen and Bernette Hassall – [REDACTED] Belgravia Heights Road. [REDACTED]
[REDACTED]
8. Richard and Jolan Hall – [REDACTED] Belgravia Heights Road [REDACTED]
[REDACTED]
9. Ruby Davies – [REDACTED] Belgravia Heights Road [REDACTED]
10. James Fife – [REDACTED] Obley Road [REDACTED]
11. Michelle and Stephen Morris [REDACTED] Obley Road [REDACTED]
[REDACTED]

There are a further 3 property owners who are members of the Association who are also against the Proposal. They are not however willing to have their details listed on the submission.

Andrew Martin 0_122803_28Jan2022160111_Submission-[9R BelgraviaRd-AU21303] 28/01/2022

Submission re. Planning Proposal for 9R Belgravia Rd. Dubbo
Reference: AU21/303

Andrew Martin
[REDACTED] Obley Rd. Dubbo
NSW 2830
[REDACTED]

Thank you for the opportunity to comment on the Planning Proposal for 9R Belgravia Road, Dubbo.

Having read and considered the proposal and subsequent outcomes of the process, I wish to draw attention to some issues of concern. These specifically relate to the following:

1. The rezoning of the land from RU1 Primary Production, to R5 Large Lot Residential, and amend the minimum lot size from 800 hectares to eight (8) hectares.
2. Future rezoning and subdivision proposals resulting from this approval and development.
3. Considerations of traffic volumes and road maintenance [Obley Rd. Belmont Rd. and Belgravia Rd.]

From the outset of this submission, I want it to be known that I am not hostile to this proposal, and that I do not consider having any gainful pecuniary interests in the success or otherwise of this rezoning and development proposal.

Having now resided for eight years with my family within the Belgravia Estate, we have enjoyed the peaceful nature of the rural environment, the freedom of moving about within our own ten-hectare [25 acre] allotment, and the friendly social connections with our neighbours. Furthermore, these social connections extend to the bonded relationships of the 35 properties within the estate, through the provision and maintenance of the water supply system, which is self-managed by volunteers elected to service roles as committee members of the Belgravia Heights Water Users Association Inc. [BHWUA].

Belgravia Estate was first developed in the late 70's and has remained relatively unchanged since then. Over the past 40+ years many families have come to enjoy these properties as they raised their families, engaged in hobbies, and conducted some varied business ventures. What

Andrew Martin 0_122803_28Jan2022160111_Submission-[9R BelgraviaRd-AU21303] 28/01/2022

Item 1.

As previously stated, I am not opposed to this development proposal, however I do have concerns about the potentials of this sub-division and subsequent divisions once precedence has been established.

The proposal is to rezone a described parcel of land that is a portion of land currently zoned as RU1 [Primary Production] to R5 [Large Lot Residential]. Furthermore, the intent is to amend the minimum lot size from 800 hectares to eight (8) hectares [or approximately 20 acres].

Except for a few larger lots, the majority of the 35 lots within the Belgravia Estate are at 10 hectares [or approximately 25 acres], or slightly exceed this. To maintain some consistency and equitable division of land, then **any amendment to the minimum lot size should be set to 10 hectares.**

Questions arise concerning the intentions of the developer where there appears to be some variation of figures and plans within some of the planning documents to what is being proposed. The following points and references detail this:

- Throughout the documents [including the iPLAN PROJECTS developed 'Planning Proposal'], there is reference and indications of sub-division of the ~40.68ha of land to between 3-4 Lots. The proposed amendment is to set the minimum lot size to 8ha. Therefore, there is no consistency or commitment in the proposal to a set number and set size of properties. Given this scope there could be allotments and sizes e.g., 4 x 10ha or 5 x 8ha or variances of these. This allows for the potential of significant disparity amongst this established estate.

Item 2.

The land in question for rezoning adjoins other parcels of agricultural land which to varying degrees is used for Primary Production. If this proposal is given approval, then it may be the stimulus for further development proposals and more land being rezoned. As before, once the precedence is established it is very difficult to deny others of the same opportunities.

I note that in consideration of the proposal [re. Council Meeting Minutes – Development and Environment Committee – 12 July 2021]:

Councillor K Parker declared a pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor K Parker's properties located on Belgravia Road and Belmont Road adjoin the applicant's property.

It is admirable that councillor Parker abstained from this vote, however it does not indicate whether there is a belief that the pecuniary interest might positively or negatively affect them should it proceed. To this, if any other owners of RU1 zoned land within this area can satisfactorily convince the council that it is unproductive land and/or superfluous to their needs, then they might stand to profit significantly by dividing it into LLR.

Andrew Martin 0_122803_28Jan2022160111_Submission-[9R BelgraviaRd-AU21303] 28/01/2022

Item 3.

In the eight years of residing along the Obley road, we have witnessed a significant increase in traffic volumes and diversity of vehicle types. The development of the Toongi mines area has significantly contributed to this, but there is also a greater frequency of Tipper, Livestock and General transport trucks using this roadway, as well as slow and obstructive farm machinery and implements. There are now a serious number of 'B-Doubles' regularly using this route as well.

The significance of this is the mixing of these vastly different vehicles and the intents and motivations of the operators. It is sometimes quite perilous to enter and exit our driveways along this stretch of road. The crossroad intersection of the Obley road, Cumboogle and Belmont has a school bus shelter. This is a very busy intersection in the mornings and afternoons.

Council should give greater consideration to this and future developments based on the increasing risks and hazards from roads with poor alignments and surfaces.

Thank you for the opportunity to comment on this proposal.

Drew Martin 28-01-22

The Chief Executive Officer
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830
Your Ref: ED21/2324848 – SJ-JAF

28 January 2022

Mr C Arms and S P Pye
Belmont Road
DUBBO NSW 2830

Dear Sir

**RE: Planning Proposal – Amendment to the Dubbo Local Environmental Plan 2011
regarding 9R Belgravia Road. Reference AU21/303**

I am writing in relation to the above proposal received 12 December 2021 to rezone 9R Belgravia Road Dubbo (Lot 5 DP817149) from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size from 800 hectares to eight (8) hectares under the provision of Dubbo Local Environmental Plan 2011 by proponents David and Carmen Isbester c/- iPLAN PROJECTS.

This submission is against the proposed amendment to the subject land as outlined below:

Threatened Species and Areas of High Conservation Value

As avid birdwatchers, our property has a lot of birdlife some of which are listed such as vulnerable under the Threatened Species Conservation Act on Schedule 2 of the Act., these being:

- Diamond Firetail (*Stagonopleura guttata*) - visiting and nesting in our garden.
- Grey-crowned Babbler (*Pomatostomus temporalis temporalis*) regular visitor

In Feb 2021, the Central West Local Land Services wrote to us advising that the roadside vegetation located next to our property is determined to be of high conservation value. The "Preserving Grey Box Grassy Woodlands in Central West New South Wales project" offered private landholders assistance to improve condition of the Grassy Box Woodland on their properties. Our property was eligible to receive funding to enhance the existing remnant woodland area.

The subject land backs onto Belmont Road which has similar roadside vegetation and may also be considered Grey Box Grassy Woodlands and thus be of high conservation value.

The proposed planning amendment to the subject land is at risk of damaging these areas of high conservation should the proposed planning amendment proceed. How does Council proposed to mitigate damage or compensate landholders any loss of biodiversity and amenity from the destruction of areas of high conservation value?

Salinity Risks

The proposed subject land falls into an area that is mapped as very high salinity hazard class and further development along the unnamed water course referred to in the proposal poses a significant risk for salinity problems and future saline run-off to the Macquarie River. The Dubbo Regional Council Urban Salinity Monitoring Network does not extend to this side of town so there is no existing capacity for the monitoring of salinity in the area, and there appears to be no existing data that can be used to base a sound decision on.

In addition to environmental concerns associated with increased salinity in the area, there are the concerns that will need to be considered by future home-owners, associated with home maintenance, garden viability etc.

The proposal identifies that *“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.”*

This appears to be a short sighted consideration of what constitutes a major environmental concern in our region. Dubbo's salinity problems are well documented. Additional concerns with regards to salinity include:

- As a resident here for 12 years, our knowledge of the runoff resulting from medium to major rain events is sound. The unnamed water course that extends through the subject land has an extensive catchment and fills extremely rapidly, flowing directly to the Macquarie River via Cumboogle Creek approximately 3-4km west. This creek flow through agricultural land around Dundullimal and to the north of Cumboogle Road. It is well documented that installation of infrastructure (new dwelling, driveways, sheds, etc) affects the hydrological cycle, increasing recharge rates and affecting salt mobilisation. Add to that house and garden pesticides, insecticides and lawn fertilisers. Both ultimately affecting the water quality of the Macquarie River.
- Council currently lacks the resources to effectively monitor septic run-off in the area, thus there is no surety of effective management of domestic effluent which will constitute future housing developments.

Water Runoff and Erosion

- The subject land has an unnamed water course that fills rapidly and regularly flows over the causeway on the gravel portion of Belmont Road into Cumboogle Creek. Additional infrastructure in the subject area will increase this problem, contributing to worsening erosion on the northern side of Belmont Road, increasing sediment flow to the Macquarie River.
- During rain events, the drains at the intersection of Belgravia and Belmont Roads regularly back up, resulting in water over the road. Additional infrastructure in the subject land will contribute an increased amount of water over the road causing more damage.
- Additional future housing development will mean additional septic infrastructure. Although Council requires approval for installation and mandates regular maintenance of onsite waste management systems, there is no compliance monitoring, thus increased risk for potential for septic failure and runoff into Cumboogle Creek and the Macquarie River.

Any alteration to the natural flow of the unnamed creek from potential development would threaten the flow into Cumboogle Creek and ultimately into the Macquarie River and would potentially expose landholders and DRG to litigation under Schedule 3 of the Threatened Species Conservation Act.

Potential Loss of Topsoil

This land is currently has had a small number of grazing stock and thus the groundcover has been maintained. Future housing development, intensive grazing, motorbike dirt tracks and large dirt mounds built up to be jumps for motorbikes will contribute to topsoil loss, resulting again in increased runoff and have negative impacts to the biodiversity and environment.

Noise and Loss of Amenity

The rezoning raises concerns that the proposed rezoning into 8ha blocks will be purchase by motorbike owners who build motorbike tracks with large dirt mounds used as jumps. The noise pollution impact emitted from motorcycles would negatively impact the amenity of our property is noticed but necessary – having one on a property all day would be offensive. They are the most noise polluting devices in a semi-rural residential setting.

The rezoning raises concerns that the proposed rezoning into 8ha blocks will increased the traffic past our property, with the potentially that it will be home to a someone who's job is a truck driver with heavy vehicles such as semi-trailer, B double or stock (cattle/sheep) trucks driving past our property. These heavy vehicles emit noise pollution just by their engine noise. Add to that noise

emitted from compression of brakes, stock onboard would again our property would be further affected by loss of amenity and does not fit in with the established Belgravia Estate community.

The subject land is not connected to town water. They will be dependent on rainwater catchment and/or the construction of dams. In the event of extended dry period, domestic water will need to be trucked into the properties which would add to the loss of amenity on our property.

We purchased our lot because Belgravia Estate was a quite are, picturesque and good country with many lots utilised for equestrian disciplines (dressage, show jumping, hacking) by both professionals and amateurs alike. The rezoning the subject land will increase traffic and associated noise in front of our property and negatively impact my performance horses sleep, welfare and safety in the paddock.

One of the aspects so attractive to us was the zoning west of Belgravia Road and further up Belmont road prevented any possibility of further small acreage developments and thus the threat of noise pollution from increase of traffic past our property or from motorcycles burning around homemade speedways was void.

Should this development proceed how does council plan to compensates us for the increased traffic noise pollution and possible noise from residents installing motorcycle tracks or having a trucking business given our proximity to Belmont Road and the fact that the amenity of our property would be severely impacted. Will DRG pay for the purchase and installation of double glazed windows throughout the house? Force tree planting to screen the new development? These are just some of the many other compensation considerations DRC needs to consider and articulate to existing landholders affected should the proposal proceed.

Risk of Affray and Vandalism

The subject land is not connected to town water nor is it connected to the Belgravia Heights river scheme. The rezoning in 8ha blocks could mean that the potential new landholders put pressure the Belgravia Heights Water Users Association (BHWUA) committee to be added to the scheme. Currently the scheme is at its capacity and has not added any new lots in last past 20 years because of this reason. Denial to be added to the scheme could expose the BHWUA committee members to threats, harassment and vandalism of their property and/or vandalism to the scheme infrastructure.

How does DRG propose to manage and mitigate these threats to BHWU committee and the scheme infrastructure and how will DRG compensate the scheme and its committee members in the event of vandalism and/or criminal activity?

Lack of Water

The subject land is not connected to town water. They will be dependent on rainwater catchment and/or the construction of dams. In the event of extended dry period, domestic water will need to be trucked into the properties, placing additional pressure on existing roads. Construction of dams again contributes to changes in the hydrological cycle, run off and potential erosion and contamination into Cumboogle Creek and Macquarie River.

Increased use of Domestic Pesticides and Chemicals

The construction of homes on the subject land will likely result in the increased use of domestic pesticides and herbicides for garden use, household pests etc. The orientation of the blocks means that there is a risk for additional chemical run-off into the water course through the land, down the unnamed creek into Cumboogle Creek and hence into the Macquarie River negatively affecting the biodiversity and environment.

Increased Traffic and Associated Risks

The intersection of Belmont and Belgravia Roads is poor, with limited visibility due to road orientation, vegetation and lots of loose gravel. Additional traffic is likely to pose an increased accident risk. Belmont Road and Belgravia Road are both narrow between the development site

and Obley Road. As mentioned previously, increased traffic flow and created noise pollution on this road will have a negative impact us and other current residents. It would also put a lot of pressure on the small narrow road in terms of increased potholes and breaking edges.

There is currently no speed limit signage along Belmont Road, Belgravia Road and Belgravia heights roads and as such vehicles have been witnessed travelling a high speed posing a risk to residents and children.

Conclusion

Although the proposal outlines the demand for this type of housing in Dubbo, 4-5 blocks are not going to solve Dubbo's current housing crisis. The subject land is not of agricultural significance, its proximity to a watercourse that flows quickly and directly to the Macquarie River does pose a concern.

I am unclear if a current/recent assessment been conducted on the biodiversity and conservation of the subject land and associated roadside vegetation in terms of threatened species? If so, please could you provide me with a copy.

From a biodiversity, conservation and environmental perspective, this rezoning poses significant risks, the effects of which have not been adequately considered. Other concerns are associated with areas of high conservation value, biodiversity and conservation, amenity and lifestyle, noise pollution animal welfare and the valid concerns raised by existing landholders next to and in the surrounding area of the residents.

Yours sincerely



Simone Pye and Craig Arms

The Chief Executive Officer,
Dubbo Regional Council,
PO Box 81,
DUBBO, NSW, 2830

17/01/2022

REFERENCE AU21/303:

RE; PUBLIC EXHIBITION OF PLANNING PROPOSAL – PROPOSED AMENDMENT TO THE DUBBO LOCAL ENVIRONMENTAL PLAN 2011

To The Chief Executive Officer,

We are writing this letter to object to Councils plan of rezoning land from RU1 Primary Production to R5 Large Lot Residential, and amend the Minimum Lot Size from 800 hectares to 8 hectares at 9R Belgravia Road (Lot 5 DP817149).

Please see below the reasons why we object to this rezoning plan:

- Vegetation is very thick from the Belmont road watercourse crossing to the entrance to Belmont Property.
- As it is used for extensive agriculture and cultivated land, it would spoil the aesthetic of the area. Which is why people have chosen to live in this area because it is not over developed.
- This is not about growth, it is about serenity and sustaining Dubbo's rural lifestyle.
- Belmont road from the intersection of Belgravia Road, is as suggested, unsealed, but in wet weather it is slippery/boggy and you must pass through a deep causeway, which has a creek on either side. This road does not have the width for 2 cars or 2 larger vehicles to pass each other safely. Heavy vehicles find it difficult to access Belmont Road due to the heavy amount of vegetation either side. If there was an increase in traffic, the road would need to be widened and sealed, to RMS specifications. It would also affect the bird life with the removal of the vegetation.
- The 4 entrances suggested on Belmont road, would create a minimum of 4 extra car movements per lot, per day, would create more dust, which is not ideal from where my home is situated and would disturb my livestock.
- There would need to be a wider turning lane installed entering Belmont Road from Obeley Road, as vision is impaired due to vegetation, and it is unsafe at the 100km speed limit to hold up traffic when exiting/entering Belmont Road.
- Your proposal states, that, 'The logical extension of an existing Zone R5 LLR area will minimise impacts on agricultural land', but it should not exist, there shouldn't be an option.
- The RADS objectives/statements included that:

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.

I strongly disagree with this.

Dubbo saleyards are one of Dubbo's biggest assets as it has weekly sales, which bring livestock from surrounding areas for sales.

If Dubbo didn't input into their own saleyards, it would cease surrounding areas coming here, as they don't have the option to buy fat sheep/cattle that are raised here, and they would more than likely start going to other places like Griffith.

People from surrounding western areas often look for small farms in the Dubbo area to retire, including myself, as it offers the rural lifestyle as well as small metro. We do not wish to see this opportunity taken from Dubbo LGA.

- We do not object to entries on Belgravia Road, but we strongly object to Belmont Road entries.

We also bring up the following questions, if this was to happen:

- Is the current power sufficient enough to support 80 new homes? Our power currently has fluctuating surges, and I do not believe it can handle the extra infrastructure.
- With the added amount of people, will the police begin to patrol this area? As there is the potential for more theft and crime, where currently it is a quiet, calm place to live. We don't want it to become known as a bad area of Dubbo, when it should be left as Dubbo's Rural Retreat lifestyle Area.

We look forward to a response from Dubbo Regional Council.

Regards,

Julie & Robert Urquhart

Belmont Road,
DUBBO, NSW, 2830



The Chief Executive Officer,
Dubbo Regional Council,
PO Box 81,
DUBBO, NSW, 2830

17/01/2022

REFERENCE AU21/303:

RE; PUBLIC EXHIBITION OF PLANNING PROPOSAL – PROPOSED AMENDMENT TO THE DUBBO LOCAL ENVIRONMENTAL PLAN 2011

To The Chief Executive Officer,

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Please see below the reasons why we object to this rezoning plan:

- Vegetation is very thick from the Belmont road watercourse crossing to the entrance to Belmont Property.
- As it is used for extensive agriculture and cultivated land, it would spoil the aesthetic of the area. Which is why people have chosen to live in this area because it is not over developed.
- This is not about growth, it is about serenity and sustaining Dubbo's rural lifestyle.
- Belmont road from the intersection of Belgravia Road, is as suggested, unsealed, but in wet weather it is slippery/boggy and you must pass through a deep causeway, which has a creek on either side. This road does not have the width for 2 cars or 2 larger vehicles to pass each other safely. Heavy vehicles find it difficult to access Belmont Road due to the heavy amount of vegetation either side. If there was an increase in traffic, the road would need to be widened and sealed, to RMS specifications. It would also affect the bird life with the removal of the vegetation.
- The 4 entrances suggested on Belmont road, would create a minimum of 4 extra car movements per lot, per day, would create more dust, which is not ideal from where my home is situated and would disturb my livestock.
- There would need to be a wider turning lane installed entering Belmont Road from Obeley Road, as vision is impaired due to vegetation, and it is unsafe at the 100km speed limit to hold up traffic when exiting/entering Belmont Road.
- Your proposal states, that, 'The logical extension of an existing Zone R5 LLR area will minimise impacts on agricultural land', but it should not exist, there shouldn't be an option.
- The RADS objectives/statements included that:

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.

I strongly disagree with this.

Dubbo saleyards are one of Dubbo's biggest assets as it has weekly sales, which bring livestock from surrounding areas for sales.

If Dubbo didn't input into their own saleyards, it would cease surrounding areas coming here, as they don't have the option to buy fat sheep/cattle that are raised here, and they would more than likely start going to other places like Griffith.

People from surrounding western areas often look for small farms in the Dubbo area to retire, including myself, as it offers the rural lifestyle as well as small metro. We do not wish to see this opportunity taken from Dubbo LGA.

- We do not object to entries on Belgravia Road, but we strongly object to Belmont Road entries.

We also bring up the following questions, if this was to happen:

- Is the current power sufficient enough to support 80 new homes? Our power currently has fluctuating surges, and I do not believe it can handle the extra infrastructure.
- With the added amount of people, will the police begin to patrol this area? As there is the potential for more theft and crime, where currently it is a quiet, calm place to live. We don't want it to become known as a bad area of Dubbo, when it should be left as Dubbo's Rural Retreat lifestyle Area.

We look forward to a response from Dubbo Regional Council.

Regards,

Whacko Water Trucks Pty Ltd
[REDACTED] Belmont Road,
CUMBOOGLE, NSW, 2830
[REDACTED]

The Chief Executive Officer
Dubbo Regional Council
PO BOX 81
DUBBO NSW 2830

Angela Sinclair
Belmont Road
DUBBO NSW 2830



Dear Sir,

RE: Reference AU/21/303 - Proposed Amendment to the Dubbo Local Environment Plan 2011, 9R Belgravia Road.

With reference to the above, I wish to make a submission against the proposal for the following reasons:

- A number of residents in and surrounding Belgravia Estate are birdwatchers and have identified a range of different birdlife, some of which are listed as vulnerable under the Threatened Species Conservation Act on Schedule 2 of the Act. Examples are Diamond firetail, grey-crowned babbler and red tailed black cockatoos.
- In early 2021 I received correspondence from Central West Local Land Services advising that the roadside vegetation in the area was determined to be of high conservation value and offered assistance to myself as well as other landholders in the area to improve conditions of the Grassy Box Woodland. The subject land, being in close proximity, has similar vegetation and may also be considered to be of high conservation value. Any approval in favour of the change of zoning may include upgrades to roads which could include land clearing and destruction of existing vegetation.
- Un-named water course runs through the subject land. Any development on this area could affect the naturally occurring water course which feeds into Cumboogle Creek which ends up running into the Macquarie river. The potential for the water course to be filled in, redirected or dams built on it will have detrimental effects on the flora and fauna that currently flourish in the aforementioned area.
- The un-named water course has the potential for flash minor flooding in periods of rain. As the water course runs across an unsealed causeway it has rendered the land holders West of the water crossing to be flooded in. After this flash flooding and even during smaller periods of rain fall this road gets very boggy and slippery – THIS with the small amount of users currently accessing this road. If the proposed amendment is passed this will increase the number of persons living in the estate, therefore increasing the number of cars accessing this road causing even more damage to the roads that will then need more maintenance to keep it in a useable condition for the current ratepayers.
- The intersection of Obley Road and Belmont Road is hard enough to access due to the amount of traffic, especially in the busy morning and afternoon travels, without the added increase of vehicles to the estate. The vegetation is quite high along these roads lowering visibility when turning onto Obley Road from Belmont Road and due to there being a straight stretch, traffic is usually travelling at quite some speed. Increased turning traffic in this area is also cause for concern as there is a school bus stop posing the potential for harm to the school children waiting at pick up and drop off times.

- Belgravia Road is quite narrow in some parts, including the area of the development site and the increased traffic will have a negative effect on the current residents.
- Belmont Road is an unsealed road and quite a bit of dust is caused by local traffic. The increased traffic on this unsealed road will cause more dust which could have a detrimental effect on the current land holders health – although it is my understanding that if there were to be two more lots using access from Belmont Road this road would then need to be sealed. If the road was to be sealed I would imagine that one section of the road (the causeway) would need to be raised so that it was not continually washed away during the times when the water course was flooding.
- As town water is not available in the estate and the subject blocks do not have access to the existing Belgravia Height Water Scheme there is a large question of where water will be sourced from. Bores have been sunk in the area but as far as I am aware they are not potable meaning the subject blocks would be dependent on rainwater. In times of dry periods water will need to be trucked in placing additional pressure on the existing roads. This could also lead to dams needing to be built changing the natural course of water run off.
- As there is a natural slope to the landscape where the proposed zoning change is any disruptions to the soil can cause and/or increase erosion. Any spills, chemical and/or septic run off in the areas from the new builds will naturally run the course of the slope, into the water way, contaminating this and any existing dams along the way. This all in turn runs into the Macquarie River therefore contaminating this body of water also.

On a personal note, I have lived out in the estate for over 15 years. My children and I have thoroughly enjoyed the rural lifestyle, quietness and serenity of living out here. Reducing the lot sizes will mean an increase in traffic, noise and dust not to mention the disruption and loss of habitat to the local wildlife. At present we are talking about a possible 4-5 extra lots in the estate however by approving the reduction in lot sizes in the proposed area it is setting a precedent. We could potentially be talking about a further sixteen or more lots from the existing larger lots on the western side of Belgravia Road and further along Belmont Road. This is the greater concern for not only myself and my family but including the existing land holders of Belgravia Estate who also live out here for the lifestyle that it currently provides.

Sincerely

Angela Sinclair

The Chief Executive Officer

Dubbo Regional Council

PO Box 81

DUBBO NSW 2830

Scott and Melinda Barton

Belgravia Road

DUBBO NSW 2830

Dear Sir

RE: **Reference AU21/303** – PROPOSED AMENDEMENT TO THE DUBBO LOCAL
ENVIRONMENT PLAN 2011, 9R BELGRAVIA ROAD

With reference to the above, we wish to make a submission against the proposal for the following reasons:

SALINITY

The proposed area falls into an area that is mapped as very high salinity hazard class and further development along the unnamed water course referred to in the Proposal poses a significant risk for salinity problems and future saline run-off to the Macquarie River. The Dubbo Regional Council Urban Salinity Monitoring Network does not extend to this side of town so there is no existing capacity for the monitoring of salinity in the area, and there appears to be no existing data that can be used to base a sound decision on.

In addition to environmental concerns associated with increased salinity in the area, there are the concerns that will need to be considered by future home owners, associated with home maintenance, garden viability etc.

The proposal identifies that *“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.”*

This appears to be a short sighted consideration of what constitutes a major environmental concern in our region – Dubbo’s salinity problems are well documented. Additional concerns with regards to salinity include:

- Having lived in the area for 8 years, we have good knowledge of the runoff that results from major (and even not so major) rain events. The unnamed water course that extends through the subject land has an extensive catchment and fills extremely rapidly, flowing directly to the Macquarie River some 3-4km west. This creek does flow through agricultural land around Dundullimal and to the north of Cumboogle Road. It is well documented that installation of infrastructure (new dwelling, driveways, sheds etc) affects the hydrological cycle, increasing recharge rates and affecting salt mobilisation and ultimately affecting the water quality of the Macquarie.

- Council currently lacks the resources to effectively monitor septic run-off in the area, thus there is no surety of effective management of domestic effluent which will constitute future housing developments.

WATER RUN OFF and EROSION

- As stated above, the unnamed water course fills rapidly and regularly flows over the causeway on the gravel portion of Belmont Road. Additional infrastructure in the subject area will increase this problem, contributing to worsening erosion on the Northern side of Belmont Road, increasing sediment flow to the Macquarie River.
- During rain events, the drains at the intersection of Belgravia and Belmont Roads regularly back up, resulting in water over the road. Additional infrastructure in the subject area will contribute to this, meaning that it will happen more frequently.
- Additional future housing development will mean additional septic infrastructure. Although Council requires approval for installation and mandates regular maintenance of onsite waste management systems, there is no compliance monitoring, meaning that there is the potential for septic runoff, which would reach the Macquarie River in addition to small watercourses on the way.

POTENTIAL LOSS OF TOPSOIL

As this land is currently under minimal usage and grazing – groundcover has been maintained. Future housing development, intensive grazing and livestock that can be part of large lot residential, will potentially contribute to topsoil loss, resulting again in increased runoff.

NOISE AND LOSS OF AMENITY

Concerns re the purchase of blocks by motorbike owners, increased traffic and threat of future further subdivisions on the western side of Belgravia Road. This is currently a very quiet and pleasant place to live and one of the aspects that was so attractive to us, and many of our neighbours, was the zoning opposite us, meaning that there would not be development.

LACK OF WATER

The subject blocks are not connected to town water and do not have access to the existing Belgravia Heights Water Scheme. They will be dependent on either bores, rainwater catchment or the construction of dams. In the event of extended dry period, domestic water will need to be trucked into the properties, placing additional pressure on existing roads.

Construction of dams again contributes to changes in the hydrological cycle, run off and potential erosion.

INCREASED USE OF DOMESTIC PESTICIDES/CHEMICALS

The construction of homes on the subject land will likely result in the increased use of domestic pesticides and herbicides for garden use, household pests etc. The orientation of the blocks means that there is a risk for additional chemical run-off into the water course through the land, and hence into the Macquarie River.

TRAFFIC AND RISKS OF ADDITIONAL VEHICLES

The intersection of Belmont and Belgravia Roads is poor, with limited visibility due to road orientation, vegetation and lots of loose gravel. Additional traffic is likely to pose an increased accident risk. Belgravia Road is very narrow between the development site and Belmont Road. Again, increased traffic flow on this road will have a negative impact on current residents.

The intersection of Obley Road and Belmont Road is also less than ideal due to poor visibility from vegetation and the location of school bus stop. Currently, traffic on Obley Road, travels at very high speeds and additional traffic on this intersection is also likely to pose an increased risk with the proximity of the bus stop a concern for children.

Conclusion

Although the proposal outlines the demand for this type of housing in Dubbo, 4 -5 blocks are not going to solve Dubbo's current housing crisis. Although the land is not of agricultural significance and there are currently no contamination risks, its proximity to a watercourse that flows quickly and directly to the Macquarie River does pose a concern. From an environmental perspective, this rezoning poses significant risks, the effects of which have not been adequately considered. Other concerns are associated with amenity and lifestyle, and the rights of existing residents that their current quiet enjoyment not be put at risk.

Sincerely,

Melinda Barton

Scott Barton

Archived: Monday, 4 April 2022 2:52:52 PM
From: [Kevin Parker](#)
Mail received time: Wed, 23 Feb 2022 04:25:23
Sent: Wed, 23 Feb 2022 04:25:05
To: [Dubbo Regional Council](#)
Subject: PUBLIC EXHIBITION REFERENCE AU 21/303
Importance: Normal
Sensitivity: None

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

The Chief Executive Officer
Dubbo Regional Council

Dear Sir
SUBJECT - 9R Belgravia Rd Dubbo - Rezone Proposal.

Thank you for your letters advising of the proposal, our two properties being 16L Belmont Road and 11R Belgravia Road adjoin the boundary of the proponents property. ie Western Boundary of both properties and Eastern side of Belgravia Road property.

The proposal will allow for 2 additional neighbours to our properties.

The subject land is one of 5 existing 100 acre properties, the remaining properties in the Belgravia Subdivision approx. 35 are of a smaller size approx. 25- 40 acres.

If the proposal is successful and allows for future development and 2 new parcels of land are sub divided with an area of say 30 acres then the resultant subdivision would not be out of place to the already established properties. We understand there will be 3 allotments . The current zoning RU Primary Production large lot Residential Zone is not really Primary Production as such earning a living from a property of this size is not feasible . As it now stands serves the purpose of a large hobby farm.

We do not have any objections to the proposal.

Regards
Kevin Parker and J Millgate

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**NSW RURAL FIRE SERVICE**

Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Your reference: (PP-2021-4617) REF-1079
Our reference: SPI20211212000218

ATTENTION: Shoilee Iqbal

Date: Tuesday 22 February 2022

Dear Sir/Madam,

**Strategic Planning Instrument
Rezoning - Planning Proposal
Planning Proposal to amend the Dubbo Local Environmental Plan 2011 - 9R Belgravia Road, Dubbo**

I refer to your correspondence dated 09/12/2021 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The NSW RFS has no objection to the Planning Proposal to rezone the subject property to R5 Large Lot Residential and reduce the Minimum Lot Size to 8 hectares.

Future development applications lodged on the subject property may need to address the requirements of *Planning for Bush Fire Protection 2019*.

For any queries regarding this correspondence, please contact Simon Derevnin on 1300 NSW RFS.

Yours sincerely,

Alastair Patton
**Supervisor Development Assessment & Plan
Built & Natural Environment**

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
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Planning,
Industry &
Environment

CM9 Ref: DOC21/261698
File: 21/08680
Your Ref: AU21/303

The Chief Executive Officer
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Email: council@dubbo.nsw.gov.au

Dear Sir/Madam

Proposed Development: Proposed Amendment to the Dubbo Local Environmental Plan 2011
– rezone land from RU1 Primary Production to R5 Large Lot Residential

Applicant: David & Carmen Isbester c/- iPLAN PROJECTS
Location: 9R Belgravia Road, Dubbo (Lot 5 DP 817149)

I refer to Council's letter dated 10 December 2021 requesting comments for the above planning proposal.

The Department of Planning Industry & Environment - Crown Lands (the department), as adjoining landowner has reviewed the development application in accordance with the principles of Crown land management (s.1.4 *Crown Lands Management Act 2016*), and offers no objections to the proposed rezoning.

I note that Belgravia Road is a Crown managed public road that appears to be maintained by Council and forms part of the public road network. Future development of this property, ie subdivision will require transfer of the road.

In line with our Administration of Crown Roads Policy this road is suitable to be transferred to Council management. Please provide Council agreement and the Crown road will be transferred to Council by order in the Government Gazette under the provisions of s152I of the *Roads Act 1993*.

Should you require any further information, please do not hesitate to contact Karen Hocking at the Dubbo Crown Lands Office by email karen.hocking@crownland.nsw.gov.au or phone on 02 6883 3332

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jacky Wiblin'.

Jacky Wiblin
Group Leader, Dubbo Land & Asset Management
Department of Planning Industry & Environment - Crown Lands

Date: 21 December 2021

NSW Department of Planning, Industry & Environment – Crown Lands
PO Box 2185 Dangar NSW 2309
1300 886 235 www.crownland.nsw.gov.au - ABN: 72 189 919 072



Department of Planning and Environment

Shoilee Iqbal
Senior Growth Planner
Dubbo Regional Council
shoilee.iqbal@dubbo.nsw.gov.au

Our ref: DOC22/49112
Your ref: PP-2021-4617
File: SF22/7151

27 January 2022

Dear Shoilee

Planning Proposal – 9R Belgravia Road (PP-2021-4617)

Thank you for your invitation dated 8 December 2021 to the Biodiversity, Conservation and Science Directorate (BCS) of the Department of Planning and Environment to comment on the proposed rezoning of land from RU1 Primary Production to R5 Large Lot Residential at 9R Belgravia Road.

BCS understands the proposal also seeks to reduce the existing minimum lot size (MLS) of the subject land from 800ha to 8 hectares, making it possible to subdivide Lot 5 DP817149 (approximately 40.68ha) into the proposed four lots (one with an existing dwelling).

BCS has the following primary areas of interest relating to strategic land use planning proposals:

1. The impacts of development and settlement intensification on biodiversity
2. Adequate investigation of the environmental constraints of affected land
3. Avoiding intensification of land use and settlement in environmentally sensitive areas (ESAs)
4. Ensuring that development within a floodplain is consistent with the NSW Government's Flood Prone Land Policy, the principles set out in the Floodplain Development Manual, and applicable urban and rural floodplain risk management plans.

We also understand that planning proposals must comply with current statutory matters such as the Local Planning Directions issued under s.9.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

We generally support strategic planning proposals which:

- Avoid rural settlement intensification in areas of biodiversity value and other environmentally sensitive areas;
- Include objectives, such as 'no net loss of native vegetation'; and
- Minimise flood risk to human life, property and the local environment while maintaining floodplain connectivity for environmental benefit.

Some specific comments on the proposed rezoning and MLS changes are provided in **Attachment A**. The BCS generic recommendations for planning proposals are provided in **Attachment B**.

If you require any further information regarding this matter, please contact Erica Baigent, Conservation Planning Officer, via erica.baigent@environment.nsw.gov.au or (02) 6883 5311.

Yours sincerely



Samantha Wynn
Senior Team Leader Planning North West
Biodiversity, Conservation and Science Directorate

27 January 2022

ATTACHMENT A

Planning Proposal – 9R Belgravia Road (PP-2021-4617)

BCS Advice

1. Conclusions that the subject land does not contain areas of high environmental value are not adequately justified.

The planning proposal does not identify the plant community type(s) within the subject site. However both the terrestrial biodiversity overlay in the Dubbo LEP and the regional scale Central West Orana HEV map flags potential HEV areas on the site, including potential presence of the Fuzzy Box Woodland Endangered Ecological Community (EEC) and White Box-Yellow Box-Blakely's Red Gum Woodland Critically Endangered Ecological Community (CEEC).

Contrary to the HEV mapping, the planning proposal states that there are no HEV assets on the property. However, no supporting evidence is provided to indicate on-ground assessment of the native vegetation on the site by a suitably qualified person to exclude the presence of these threatened ecological communities.

Similarly, the planning proposal has not adequately justified suggestions that threatened species are unlikely to occur on the site.

In section 2.8, the planning proposal considers a Statement of Environmental Effects (SoEE) prepared by Barnson in 2001 (not currently available to BCS) to provide 'a reasonable consideration of the likelihood of most threatened species in the area'.

The Barnson report applied to a specific 360m² area associated with the current dwelling, the nature of which at the time of the 2001 assessment is unknown to BCS. Barnson concluded that no species were found to be likely to occur within that portion of the subject site. The planning proposal provides minimal description of the habitat resources assessed by Barnson compared with those across the remainder of the site and does not adequately justify the extrapolation of the Barnson conclusions.

The table of potential fauna and flora species presented on page 10 of the planning proposal is also drawn from the 20-year old SoEE and does not consider whether the site currently contains potential habitat for additional threatened species listed and/or recorded locally since 2001. The Planning Proposal states that the nearest fauna sightings to the site are of two non-threatened bird species.

To illustrate the deficiency in the planning proposal conclusions regarding threatened species, a quick search of threatened flora and fauna species records indicates that the species listed below have been recorded within approximately 5km of the subject site in the last 12 years. Eleven of these species (*) were not previously considered in the 2001 Barnson SoEE. Additional threatened flora and fauna species may also be predicted to occur within the plant community type(s) on the site. BCS advocates targeted assessment of biodiversity values to support the planning proposal (See section 3, Attachment B).

Species	Note
Spotted harrier* (<i>Circus assimilis</i>)	Species records from 2020 are within 1km of the subject site.
Superb parrot (<i>Polytelis swainsonii</i>)	
Grey-crowned babbler* (<i>Pomatostomus temporalis</i>)	

Speckled warbler* (<i>Pyrrholaemus sagittatus</i>)	Species record from 2018 is within 1km of the subject site.
Glossy black cockatoo (<i>Calyptorhynchus lathamii</i>)	Species record from 2010 is within 1km of the subject site.
Black falcon* (<i>Falco subniger</i>)	Species record from 2013 is within 4km of the subject site.
Square-tailed kite (<i>Lophoictinia isura</i>)	Species record from 2014 is within 5km of the subject site.
Varied sitella* (<i>Daphoenositta chrysoptera</i>)	Species records from 2010 are within 2km of the subject site.
Hooded robin* (<i>Melanodryas cucullata</i>)	
Little eagle* (<i>Hieraaetus morphnoides</i>)	Species record from 2014 is within 5km of the subject site.
Brown tree creeper* (<i>Climacteris picumnus victoriae</i>)	Species records from 2010 is within 5km of the subject site.
Dusky woodswallow* (<i>Artamus cyanopterus</i>)	Species record from 2010 is within 5km of the subject site.
Squirrel glider (<i>Petaurus norfolcensis</i>)	Species records from 2018 within 3 km of the subject site.
Yellow-bellied sheath-tail bat (<i>Saccolaimus flaviventris</i>)	
Eastern false pipistrelle* (<i>Falsistrellus tasmaniensis</i>)	
Pine Donkey Orchid* (<i>Diuris tricolor</i>)	Species record from 2013 approximately 5km from the subject site.

Recommendations

- 1.1 Planning proposals should be based on the most up to date available data.
- 1.2 Conclusions regarding the absence of areas of high environmental value on the subject site should be adequately justified. Otherwise, Council should recognise the areas of potential EEC and CEEC flagged for the site and assume that future subdivision and development of the site may impact EEC and CEEC.
- 1.3 Suggestions that threatened species are unlikely to occur should be adequately justified. Otherwise Council should acknowledge that the likelihood of threatened species being present on the site has not been adequately assessed and assume that future subdivision and development of the site has the potential to impact on threatened species habitat.

2. The proposed MLS and final subdivision plan could be revised to improve consistency with regional and local strategies

Local planning direction 1.5 'Rural Lands' requires the planning proposal to:

- identify and protect environmental values, including but not limited to maintaining biodiversity and the protection of native vegetation
- be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement

unless the planning authority satisfies the Department that the inconsistencies with the Direction are justified by an appropriate strategy approved by the Department or are of minor significance.

The Central West and Orana Regional Plan 2036 includes the following:

- Action 13.1 - protect high environmental value (HEV) assets through local environmental plans.
- Action 13.2 - minimise potential impacts arising from development in areas of HEV and consider offsets or other mitigation mechanisms for unavoidable impacts.

The draft Central West and Orana Regional Plan 2041 advocates:

- the validation of regional scale HEV mapping via site specific investigations during strategic and local planning, and development proposals.
- Avoidance of areas with identified HEV and focusing development on areas with lower biodiversity values.

Protecting areas of HEV and significance is also identified as a planning priority in the current Dubbo Local Strategic Planning Strategy:

- Action 15.3 indicates Council will seek to consider biodiversity assets and protect sensitive environments in updates to the Local Environmental Plan (LEP) and Development Control Plan (DCP).
- Action 16.4 - Council will ensure that development is minimised in areas containing high biodiversity values.

As noted under Issue 1 above, the planning proposal has not adequately justified the conclusion that no assets of HEV are present on the subject land.

Whilst the rezoning, reduced MLS and future subdivision/development of the subject site would place additional pressures on the native vegetation and any habitat resources present, there does appear to be scope to accommodate dwelling envelopes such that direct impacts to woody habitat from dwelling construction and asset protection zones could be minimised.

BCS notes that the subdivision concept plan showing indicative lots and dwelling envelopes (provided by Dubbo Regional Council via email on 15 December 2021) is not being considered by Council as part of the planning proposal as it is potentially subject to change.

The Council report to the Development and Environment Committee (dated 25 June 2021) flags the requirement for the Belmont Road frontage to be sealed if the future subdivision includes two lots on Belmont Road. The report states that if only three lots are proposed (with only one lot fronting Belmont Road) then road sealing may not be required. BCS notes that development of only three lots would also lessen future impacts on the site associated with the establishment of dwellings, particularly in the case of the section of the site along Belmont Road where the vegetation is mapped as HEV.

Recommendation

- 2.1 In the absence of adequate information demonstrating that areas of HEV are not present on the site, Council should consider a larger MLS for the portion of the subject land flagged as potential HEV in the Central West Orana Regional Plan 2036 (i.e. to retain that portion of the subject site within a single lot).

3. **Biodiversity Offset Scheme is likely to apply to future subdivision of the site**

The *Biodiversity Conservation Act 2016* (BC Act) and *Biodiversity Conservation Regulation 2017* (BC Reg) section 7.1 apply to subdivisions. When assessing subdivisions, the consent authority must consider the clearing of native vegetation required, or likely to be required, for the purpose for which the land is to be subdivided.

Native vegetation includes trees, understorey plants, groundcover and plants occurring in a wetland that are native to New South Wales (including planted native vegetation), not just trees.

If the subdivision will impact native vegetation and the clearing exceeds the biodiversity offsets scheme (BOS) thresholds (Part 7, BC Reg), the biodiversity assessment method (BAM) must be applied and a biodiversity development assessment report (BDAR) prepared to assess and calculate the biodiversity offset credit requirement.

Biodiversity offsets are calculated and secured in accordance with the *Biodiversity Conservation Act 2016* for the subdivision. Once this is done, no further offsets are required for subsequent development of the land that is within the approved subdivision.

The BAM requires proponents to demonstrate that biodiversity impacts have been avoided and minimised as far as possible, with residual impacts offset. Both the complexity of assessments, and the costs to the proponent associated with complying with the BOS, are lower where impacts on biodiversity are avoided and/or concentrated in areas of lower vegetation integrity.

The proposed MLS for the subject land is 8ha, therefore the area clearing threshold for this site is 0.5ha. Based on the information provided it is likely that the impacts of the future subdivision of the subject site will trigger entry into the BOS.

As noted above, regional scale mapping indicates the potential presence of Fuzzy Box Woodland EEC and White Box-Yellow Box-Blakely's Red Gum Woodland CEEC on the subject site. Both of these communities are considered at risk of serious and irreversible impacts (SAIL) within the meaning of clause 6.7 of the *Biodiversity Conservation Regulation 2017*. Entities at risk of SAIL have additional assessment requirements under the BAM.

Recommendation

- 3.1 That Council take into account the above information when considering the MLS to be applied to the subject site.

ATTACHMENT B

Biodiversity, Conservation and Science Directorate (North West Branch) generic advice for planning proposals

Rural settlement intensification can have significant impacts on biodiversity. Development will have short and long-term negative impacts on biodiversity due to:

- the clearing of house and building sites;
- the disturbance caused by infrastructure (such as new roads, fence lines, dams, access to utilities and changed hydrology); and
- the construction of asset protection zones for statutory fire protection
- ancillary buildings, landscaping, property maintenance activities and domestic animals.

The cumulative effect of multiple subdivisions may magnify impacts on biodiversity.

Climate change also intensifies threats to biodiversity. Reducing threats including habitat loss, pest and weeds will help species adapt to climate change.

Council has the responsibility to control the location and, to a degree, development standards of settlement and other land use intensification. Local Environmental Plans (LEPs) can be used to avoid settlement and development in Environmentally Sensitive Areas (ESAs) including areas of remnant native vegetation.

The s.9.1 Directions in the *Environmental Planning and Assessment Act 1979* (EP&A Act) require that Councils in preparing or amending an LEP must include provisions that facilitate the protection and conservation of ESAs. As a minimum, these provisions must aim to maintain the existing level of protection for ESAs within the local government area (LGA), as afforded by the current LEP.

As a matter of priority BCS recommends six actions be taken by Councils when considering planning proposals. These will address the s.9.1 Directions, and protect biodiversity from the impacts of development:

1. Avoid development in remnant native vegetation;
2. Establish large minimum lot sizes;
3. Conduct comprehensive environmental studies if land use intensification in environmentally sensitive areas cannot be avoided; and
4. Define biodiversity protection and management measures in Development Control Plans (DCPs).

1. Avoid development in remnant native vegetation

Council, through land use strategies and LEP's, can protect biodiversity by avoiding land use intensification in areas of remnant native vegetation.

Development should be directed to areas that have already been cleared, unless such areas have been identified as having environmental importance.

Excluding remnant native vegetation from development pressure on private land could be largely achieved by retaining such areas on relatively large holdings, within RU1 and RU2 zones for example.

Similarly, higher density settlement in 'fire prone' locations should be avoided in the first instance. Where residential areas abut native vegetation there is pressure for the required Asset Protection Zones and other hazard management measures to encroach on that vegetation.

Avoiding settlement in remnant native vegetation is also likely to avoid bushfire prone lands.

Settlement should also be avoided in locations that are likely to be targeted for biodiversity investment. Landholders in such areas may receive incentive funding for protection and enhancement of native vegetation or revegetation of cleared areas.

BCS can direct Councils to the best available mapping of remnant native vegetation for their LGA to help Council identify areas where further settlement intensification should be avoided.

For the Dubbo LGA:

- The Dubbo LEP incorporates a terrestrial biodiversity layer based on regional scale mapping of ESA's supplied by the Department during preparation of the 2011 LEP.
- The Central West Orana Regional Plan 2036 incorporates mapping of potential areas of high environmental value (HEV). This dataset can be accessed via the NSW Government SEED Portal: <https://datasets.seed.nsw.gov.au/dataset/high-environmental-value-for-central-west-orana-regional-growth-planning-area-detailed7053e>

At the broad strategic level, these maps can be used to identify areas that are most likely to be free from significant biodiversity constraints, therefore more suited to development.

2. Establish large minimum lot size limits

Minimum lot size limits should be large in RU1 and RU2 zones as well as environmentally sensitive areas. This will reduce development pressure on biodiversity in rural lands.

Minimum lot size limits can be used to reduce the pressures of development and settlement on biodiversity. The LEP should define realistically large minimum lot size limits with associated dwelling provisions to control the intensity of development and settlement.

In particular, Council needs to ensure that minimum lot sizes in environmentally sensitive areas are of an appropriately large size to control the cumulative impact of any development and settlement intensification permitted in those areas by the LEP.

The selected lot sizes should be designed to meet expectations of rural living while minimising the adverse environmental impacts of any settlement that may occur with the subdivision.

If Council is strongly of the opinion that lot sizes need to be reduced then this should not be applied uniformly. Environmentally sensitive areas should be excluded from lot size reductions.

3. Conduct targeted environmental studies

Where development in areas of native vegetation or environmentally sensitive areas cannot be avoided, a targeted environmental study should be conducted. This should focus on how a "maintain or improve" outcome could be achieved for biodiversity.

Where Council is unable to avoid applying zonings or minimum lot sizes which permit essential development intensification in remnant native vegetation, a targeted study should be conducted to investigate the biodiversity values of the area. Any study should determine and demonstrate how potential biodiversity impacts can be avoided and mitigated on the subject land. Under the *Biodiversity Conservation Act 2016* biodiversity offsets may be required for future subdivisions.

This study and any resulting objectives, zonings and lot sizes should aim to ensure a 'maintain or improve' outcome. This is a vital step in the strategic planning process and in effectively addressing the s.9.1 Directions.

4. Define biodiversity protection and management measures in Development Control Plans

Biodiversity protection and management measures should be defined in DCPs for all areas zoned for rural small holdings, residential and other development intensifications.

BCS view DCPs as a secondary mechanism to provide biodiversity protection and management measures. It is vital that biodiversity values are first considered strategically in zoning decisions and development assessment provisions. We do not consider it acceptable to completely defer consideration of these matters to the DCP stage.

It is also important to consider the threats to remnant native vegetation posed by adjoining land uses.

For example, threats to biodiversity associated with nearby growth and intensification of residential land use include (but are not limited to):

- clearing;
- domestic animals;
- invasive plants;
- effluent and waste dispersion;
- changes in hydrology and hydraulics;
- increasing access due to fire trails and other tracks; and
- firewood collection.

Particular attention should be paid to relevant Key Threatening Processes identified and listed under the *Biodiversity Conservation Act 2016*. Mechanisms to abate threats to ESAs (such as implementing codes of practice, best management practice, alternative designs and operations, control technology and buffers between remnant vegetation and small holdings) should be considered.

Council should recognise that buffers may be necessary between environmentally sensitive areas and other land uses. The size of the buffer will vary depending on the nature or activity being undertaken and the level of management control required to prevent or minimise adverse impacts. Provisions should be made to rigorously assess any developments within environmentally sensitive areas and adjoining buffers to prohibit land uses and activities that threaten the ecological integrity, values and function of the area.

Some forms of development adjacent to national parks and reserves can impact on their values and should be avoided or restricted. Council should consider how these areas could be buffered from incompatible development and activities so that potential conflicts can be minimised.

The Departments Guidelines for Developments adjacent to NPWS Estateⁱ have been designed to assist Councils when they are assessing development on lands adjoining NPWS estate. However, the issues identified in these guidelines are also relevant when considering buffers for protection of environmentally sensitive areas.

ⁱ Guidelines for consent and planning authorities for Developments adjacent to National Parks and Wildlife Service Land (NPWS, 2020):
<http://www.environment.nsw.gov.au/protectedareas/developmntadjoiningdecc.htm>

WAMS Request Number: 12597



Planning &
Environment

Memorandum

Groundwater Management and Science review

Project	9R Belgravia Road, Dubbo (Lot 5 DP817149)
Category	Advice request
Due date	Overdue
Context	Report Review
Officer	Shoilee Iqbal

Overview

The Planning Proposal seeks to amend the Land Zoning & Lot Size for 9R Belgravia Rd/ Lot 5 DP817149 to enable it to be developed/ subdivided for large lot residential purposes under Dubbo Local Environmental Plan 2011 (DLEP2011). The preferred outcome is:

- a) Change the Land Zoning from Zone RU1 Primary Production to Zone R5 Large Lot Residential;
- b) Reduce the Minimum Lot Size (MLS) from 800ha (AH) to 8ha (AA3).

The proposed subdivision sits atop the Upper Macquarie Alluvial Groundwater Source within the Water Sharing Plan for the Macquarie-Castlereagh Alluvial Groundwater Sources 2020. The proposal will align the zoning to the area directly east of the proposal site.

Water Sharing Plan(s) & Groundwater Source(s)

- Water Sharing Plan for the *Water Sharing Plan for the Macquarie-Castlereagh Alluvial Groundwater Sources 2020*
 - *Upper Macquarie Alluvial Groundwater Source*

Conclusion

The Planning Proposal seeks to amend the Land Zoning & Lot Size for 9R Belgravia Rd/ Lot 5 DP817149 to Zone R5 Large Lot Residential. The proposed rezoning of the site poses minimal harm to the Upper Macquarie Alluvial Groundwater Source and the Department of Planning and Environment is in agreement with Council that no further studies are required.

The following should be noted to the applicant as relevant to any future application for the take and use of groundwater.

- 1 Any application for a basic landholder right bore will be assessed against the rules of the Water Sharing Plan for the Macquarie-Castlereagh Alluvial Groundwater Sources 2020 at the time of application. This may include specific grouting conditions and setbacks including but not limited to septic or effluent systems, including those of neighbours. The proposed lot sizing should be sufficient to allow basic landholder right access without interference by surrounding lots.

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WAMS Request Number: 12597

- 2 Should any other groundwater use than basic landholder right be required, an application for a water supply works and use approval will have to be made via WaterNSW and would be assessed at the time of application.
- 3 The proposed subdivision is within an area of mapped very high salinity hazard class. It is noted within the Planning Proposal (iPLAN Projects, 2021) that the impacts of salinity on the structure and the development can be addressed through future applications. Department of Planning and Environment would like to note the following;
- Development within areas of high salinity may require alternate construction to protect the integrity of a development. This should be considered at the time of any future applications for a development.
 - A visual inspection should be undertaken for the presence of saline soils prior to ground disturbance. Areas of known or suspected salinity will be subject to further testing as required prior to future applications for a development. For areas of confirmed salinity, excavated soils will be managed in accordance with Book 4 Dryland Salinity: Productive use of Saline Land and Water (NSW DECC 2008) and the Salinity Training Manual (DPI, 2004) to manage salinity impacts
 - Consideration for landscaping and appropriate plantings for high salinity areas should be made at the time of any future applications for a development.

DPE has no further comment but recommends the information on Water Management Act 2000 approvals are passed on to the applicant and that salinity assessments form part of any future applications for dwellings or land use.

Approvals

Position	Date
Reviewer: Luke McIver, Senior Hydrogeologist, 0434370048	8/03/2022
Peer reviewer: Madhwan Keshwan, Senior Hydrogeologist, 0412723635	8/03/2022

MOTION

That the report of the Director Development and Environment, dated 31 March 2022, be noted.

CARRIED

IPEC22/17 RESULTS OF PUBLIC EXHIBITION - PLANNING PROPOSAL TO AMEND LAND USE ZONE AND MINIMUM LOT SIZE - 9R BELGRAVIA ROAD, DUBBO (ID22/499)

The Committee had before it the report dated 4 April 2022 from the Senior Growth Planner regarding Results of Public Exhibition - Planning Proposal to Amend Land Use Zone and Minimum Lot Size - 9R Belgravia Road, Dubbo.

The Committee was addressed by Mr A Napier regarding this item via audio-visual link.

Moved by Councillor V Etheridge and seconded by Councillor S Chowdhury

MOTION

1. That the Planning Proposal (attached as Appendix 1), to rezone 9R Belgravia Road, Dubbo (Lot 5 DP817149) from RU1 Primary Production to R5 Large Lot Residential, and amend the Minimum Lot Size from 800 hectares to 10 hectares under the provisions of Dubbo Regional Local Environmental Plan 2022, be adopted by Council.
2. That Council request the NSW Parliamentary Counsel's Office to prepare the draft amendment to the Dubbo Regional Local Environmental Plan 2022 and provide Council with an Opinion that the Plan be made.
3. That Council request gazettal of the Plan following receipt of the Opinion from Parliamentary Counsel's Office.
4. That those who made a submission are sent an acknowledgement and advised of Council's determination in this matter.

CARRIED

The meeting closed at 5.42 pm.

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CHAIRPERSON