



REPORT: Planning Proposal R22-002 - Cavelle Drive, Dubbo - Proposed Amendment to the Dubbo Regional Local Environmental Plan 2022

DIVISION: Development and Environment
REPORT DATE: 29 September 2022
TRIM REFERENCE: ID22/1416

EXECUTIVE SUMMARY

Purpose	Seek endorsement	Fulfil legislated requirement
Issue	<ul style="list-style-type: none"> A Planning Proposal was lodged by Premise, on behalf of the owners Mr Michael and Mrs Jennifer Robertson, for Cavelle Drive, Dubbo (Lot 700 DP1274329) (attached in Appendix 1). The Planning Proposal seeks to rezone part of the site from SP3 Tourist to R2 Low Density Residential and to introduce an 800m² Minimum Lot Size under the provisions of the Dubbo Regional Local Environmental Plan (LEP) 2022. Council's assessment indicates the proposal has strategic merit and should be submitted to the NSW Department of Planning and Environment for a Gateway Determination. If issued, the determination will require community and stakeholder consultation. 	
Reasoning	<ul style="list-style-type: none"> Environmental Planning and Assessment Act, 1979 Local Environmental Plan Making Guidelines – September 2022 	
Financial Implications	Budget Area	Growth Planning Branch
	Funding Source	Application fees
	Proposed Cost	Council received \$13,000 upon lodgement, and will receive a further \$2,500 if a Gateway Determination is received, as part of the application fees.
	Ongoing Costs	Nil
Policy Implications	Policy Title	Dubbo Regional Local Environmental Plan 2022
	Impact on Policy	The Planning Proposal will amend the location of land use zones and minimum lot size areas for land at Cavelle Drive, Dubbo.

STRATEGIC DIRECTION

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

Theme: 1 Housing

CSP Objective: 1.2 An adequate supply of land is located close to community

services and facilities

Delivery Program Strategy: 1.2.1 Land is suitably zoned, sized and located to facilitate a variety of housing types and densities

RECOMMENDATION

1. That Council endorse the Planning Proposal (attached in Appendix 1) to amend the Dubbo Regional Local Environmental Plan 2022 by rezoning part of Lot 700 DP1274329 from SP3 Tourist to R2 Low Density Residential and amending part of the Minimum Lot Size area from No Minimum Lot Size to 800m².
2. That Council note the process and key steps for amending the Dubbo Regional Local Environmental Plan 2022 (attached in Appendix 2).
3. That Council submit the Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination.
4. That Council request the Chief Executive Officer (or delegate) be authorised as the Local Plan Making Authority under Section 3.36 of the Environmental Planning and Assessment Act, 1979.
5. Subject to the conditions of a Gateway Determination, Council support a minimum 14 day public exhibition period for the Planning Proposal.
6. Following the completion of the public exhibition period, a further report be provided to Council for consideration, including the results of public exhibition.

Stephen Wallace
Director Development and Environment

CW
Graduate Growth Planner

BACKGROUND

1. What is a Planning Proposal?

A Planning Proposal is a document that explains the intended effect of, and justification for, a proposed amendment to the Dubbo Regional Local Environmental Plan (LEP) 2022. A Planning Proposal can be prepared by a proponent, however, it must be endorsed by Council and the NSW Government Department of Planning and Environment (DPE) in order to take effect. This process must be undertaken in accordance with Division 3.4 of the Environmental Planning and Assessment Act, 1979.

The six key stages for amending an LEP are attached in **Appendix 2** and are as follows:

- Stage 1 – Pre-lodgement;
- Stage 2 – Lodgement and assessment (current stage);
- Stage 3 – Gateway Determination;
- Stage 4 – Post Gateway;
- Stage 5 – Public exhibition and assessment; and
- Stage 6 – Finalisation.

2. Previous Development Applications

The site has been subject to the following Development Applications:

22 September 2014 5 June 2015	D2014-113 (Part 1 and 2) 28 Lot Subdivision (Stage 1) Development Consent for Stage 1 of Huntingdale Estate
23 December 2015	D2015-202 86 Lot Subdivision (Stage 2) Development Consent for Stage 2 of Huntingdale Estate

D2015-202 requires the proponent to offset the loss of vegetation from a proposed drainage corridor. The Planning Proposal does not encompass the area to be offset, and D2015-202 will not prevent the Planning Proposal from progressing. The approved plan associated with D2015-202 is indicated in **Figure 1**.



Figure 1. Approved plan for D2015-202

REPORT

1. Details of the Planning Proposal

Applicant:	Premise Australia Pty Ltd
Site:	Cavelle Drive, Dubbo (Lot 700 DP1274329)
Site Area:	15.34 Ha
Current zone and minimum lot size:	R2 Low Density Residential and SP3 Tourist 800m ² , 2000m ² and No Minimum Lot Size
Proposed LEP Amendment:	Rezone part of the site from SP3 Tourist to R2 Low Density Residential Amend part of the site's minimum lot size from no minimum lot size to 800m ² Changes to Land Zone Map LZN_002A and Lot Size Map LSZ_002A

The objective of the Planning Proposal is to rezone part of the site from SP3 Tourist to R2 Low Density Residential, and amend the minimum lot size area for that same part from no minimum lot size to 800m². The current and proposed zoning and minimum lot size are indicated in **Figures 2-3**, and the Planning Proposal is attached in **Appendix 1**.

The intent of the Planning Proposal is to facilitate an extension to the existing Huntingdale Estate. If endorsed, it would allow approximately 14 additional residential lots in West Dubbo. It is important to note that the location and layout of future residential lots would require a Development Application.

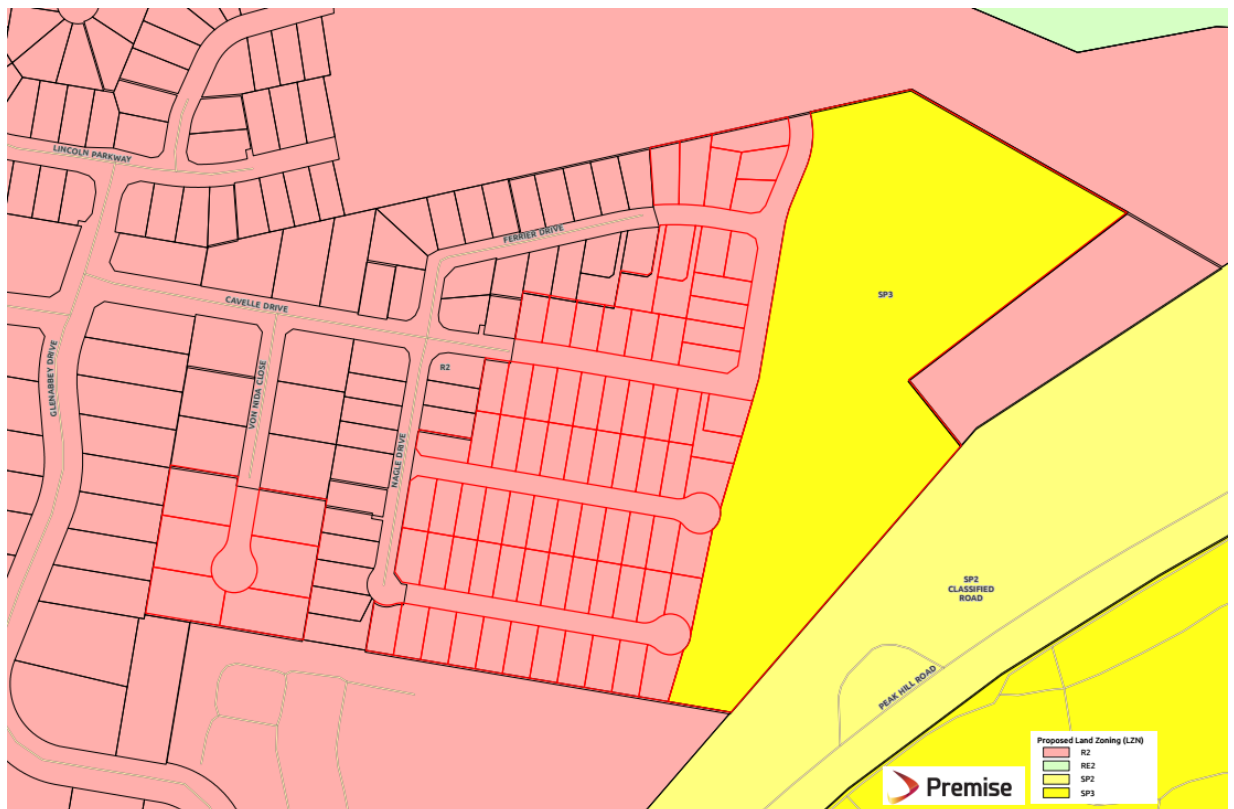
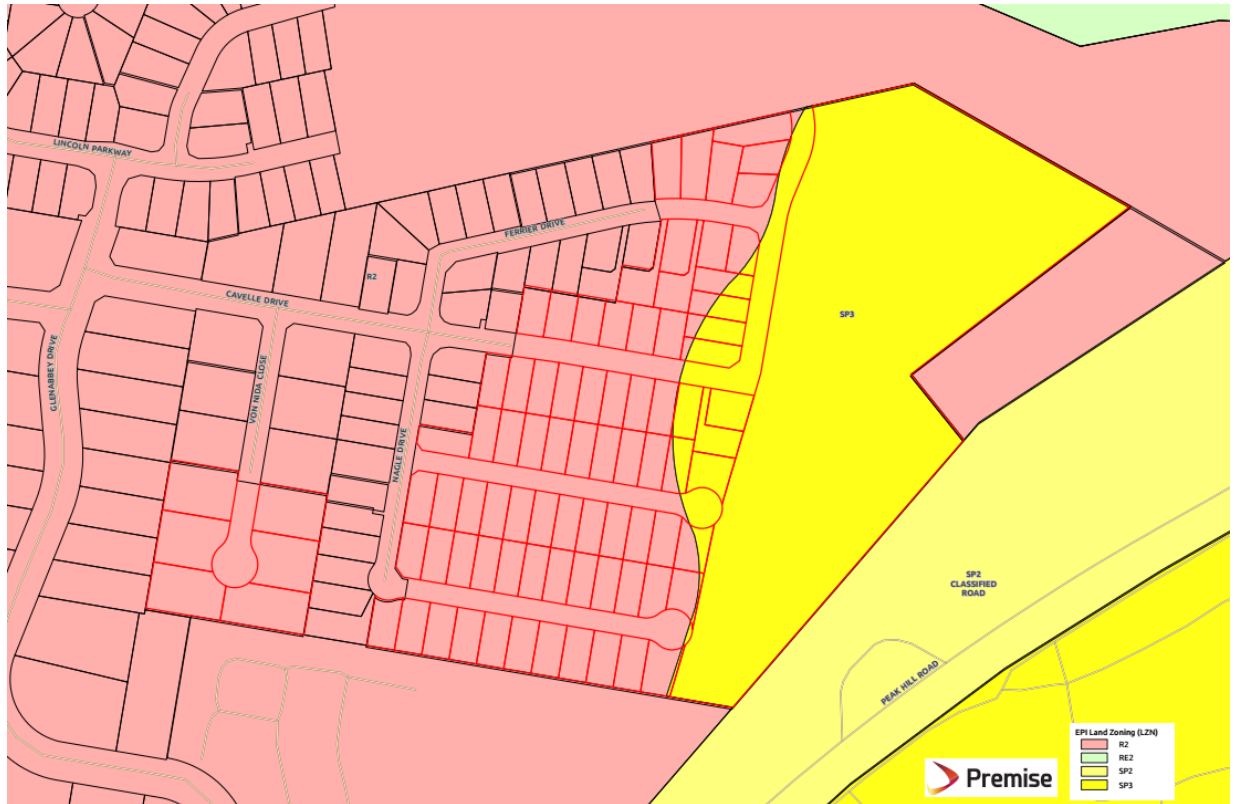


Figure 2. Existing and proposed land zoning

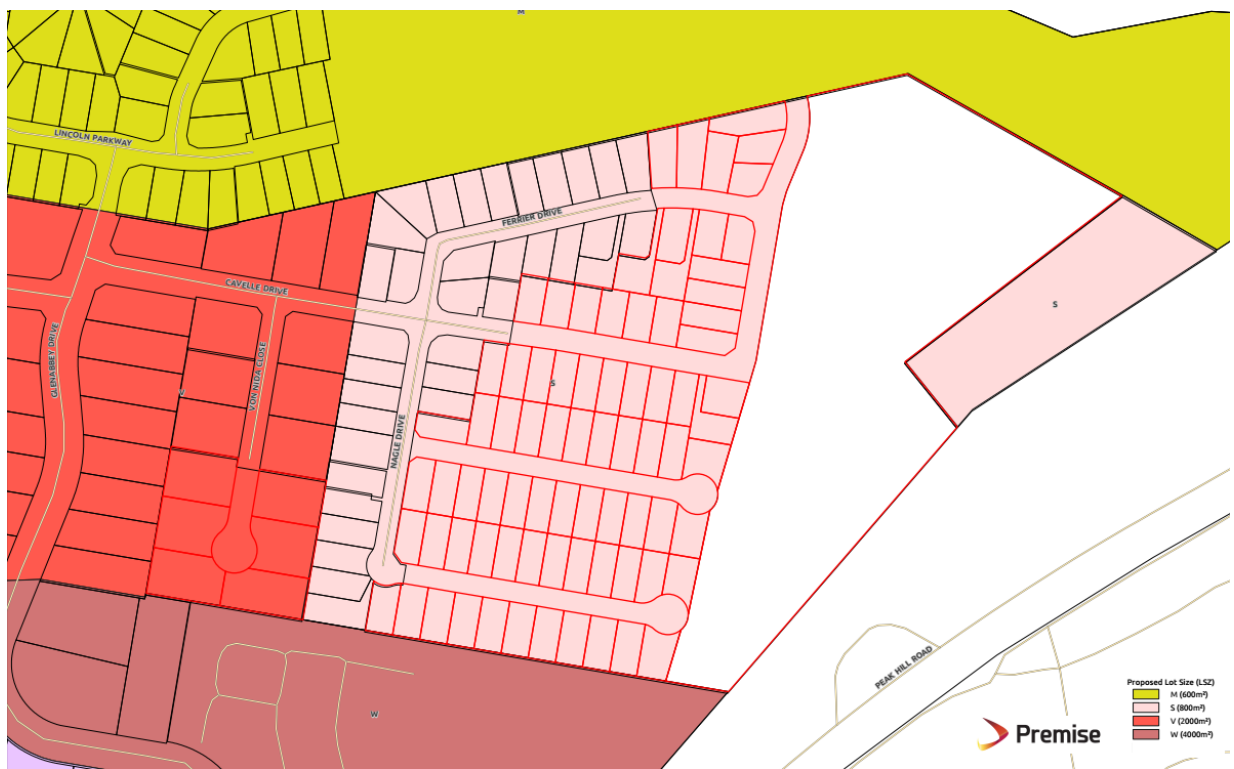
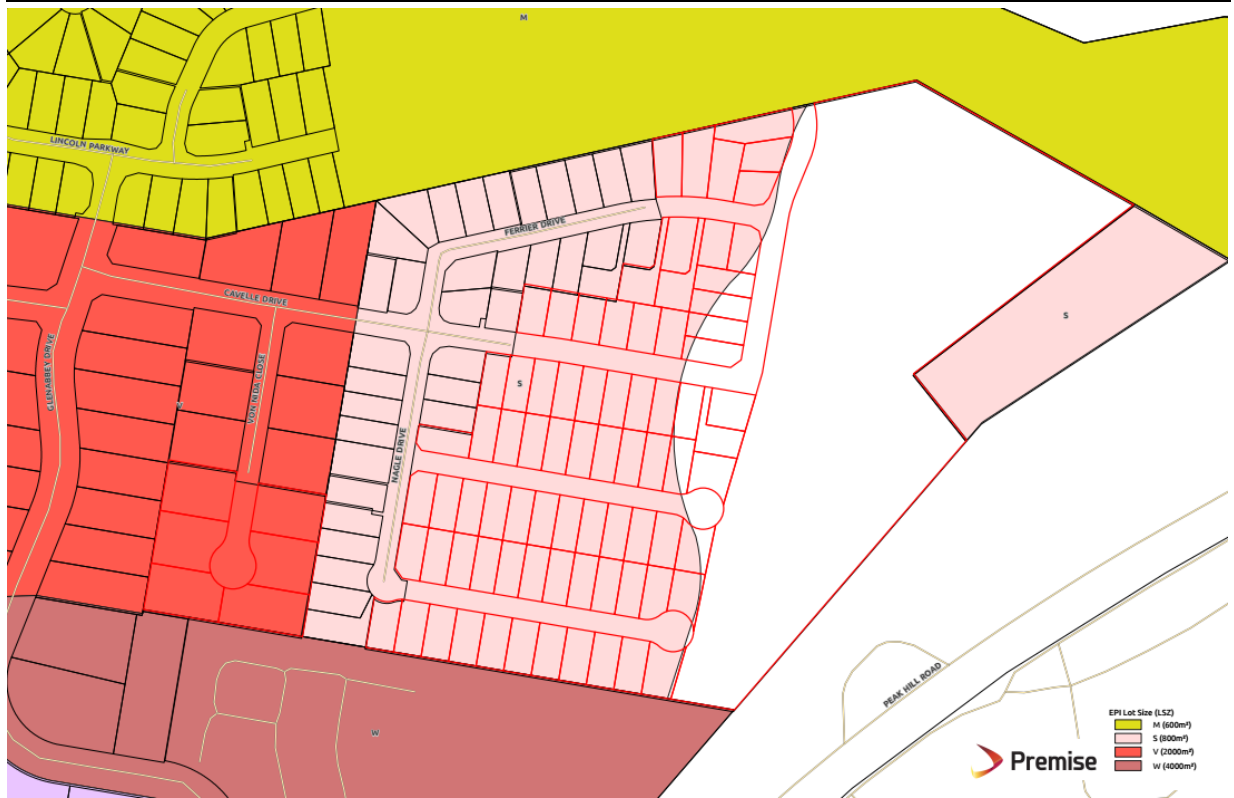


Figure 3. Existing and proposed minimum lot size

2. Site Characteristics

The site is approximately 3.3km south-west of the Dubbo Central Business District and approximately 1.3km west of the Macquarie River. It is approximately 15.34 hectares and is currently vacant. Residential development surrounds the site to the north, west and south, and a single dwelling is located on the adjacent lot to the east. A creek line traverses the site in a north-south direction. The site is indicated in **Figure 4**.

The site has the following characteristics:

- It is zoned R2 Low Density Residential and SP3 Tourist;
- It has a minimum lot size area of 800m², 2000m² and no minimum lot size;
- It contains a biodiversity offset area and terrestrial biodiversity;
- It is subject to vulnerable groundwater controls; and
- It is not mapped as flood prone or bushfire prone.

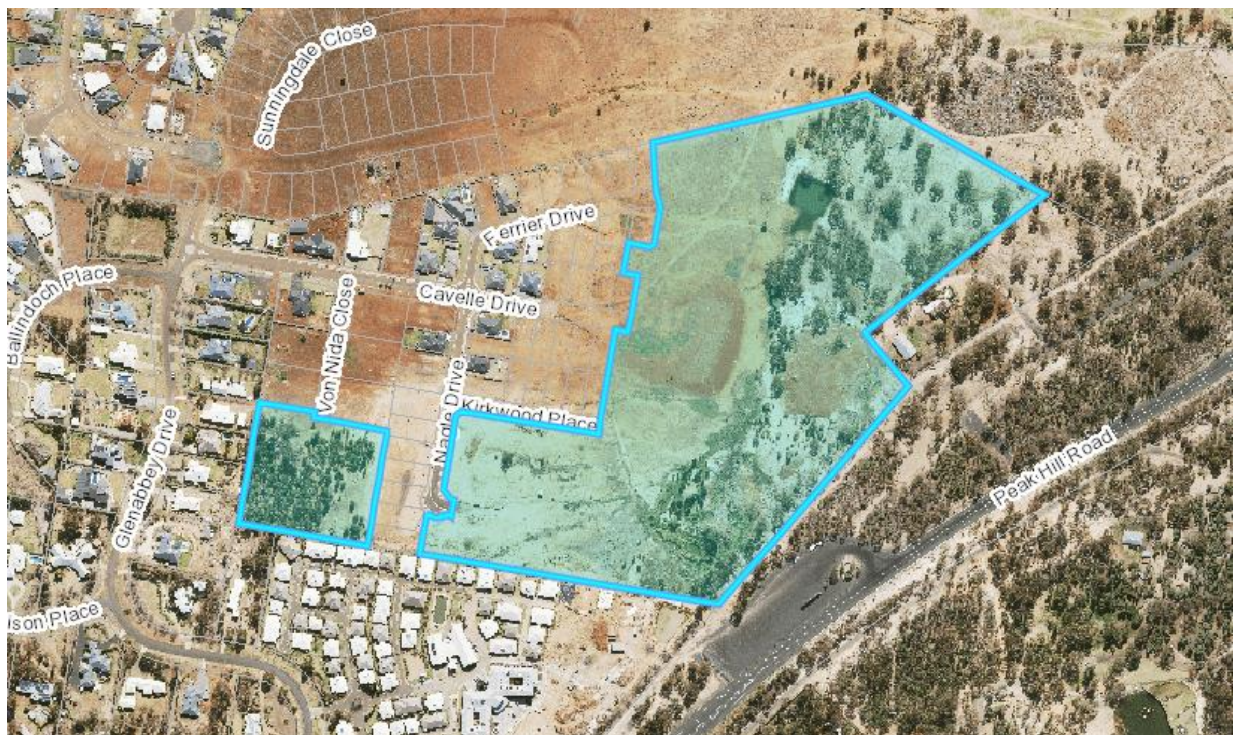


Figure 4. Aerial imagery of the subject land

3. Planning Assessment and Considerations

The Planning Proposal has been assessed against relevant Council strategies, policies and guidelines, the NSW Department of Planning and Environment's Local Environmental Plan Making Guidelines, State Environmental Planning Policies (SEPPs) and Ministerial Directions.

The assessment indicates the proposal has strategic merit and should be submitted to the NSW Department of Planning and Environment for a Gateway Determination.

(a) Strategic Merit Assessment

The Planning Proposal is consistent with the following strategic framework:

Strategy Title	Requirement	Consistency
<p>Central West and Orana Regional Plan 2036</p> <p>This Plan is the NSW Government's strategy for guiding land use planning decisions for the Central West and Orana Region.</p>	<p><u>Vision</u> The most diverse regional economy in NSW with a vibrant network of centres leveraging the opportunities of being at the heart of NSW.</p> <p><u>Direction 13</u> Protect and manage environmental assets.</p> <p><u>Direction 16</u> Respect and protect Aboriginal heritage assets.</p> <p><u>Direction 22</u> Manage growth and change in regional cities and strategic and local centres.</p> <p><u>Direction 25</u> Increase housing diversity and choice.</p>	<p>The Planning Proposal is consistent with the Plan.</p>
<p>Draft Central West and Orana Regional Plan 2041</p> <p>This Plan is the NSW Government's strategy for guiding land use planning decisions for the Central West and Orana Region. It was on public exhibition until 18 February 2022, and is anticipated to be released in late 2022.</p>	<p><u>Vision</u> A healthy, connected and resilient region, with a prosperous economy.</p> <p><u>Objective 1</u> Identify, protect and connect important environmental assets.</p> <p><u>Objective 7</u> Provide for well-located housing options to meet demand.</p> <p><u>Objective 8</u> Plan for diverse, affordable, resilient and inclusive housing.</p> <p><u>Objective 19</u> Strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities.</p>	<p>The Planning Proposal is consistent with the draft Plan.</p>
<p>Towards 2040 Community Strategic Plan</p> <p>This Plan guides the actions and initiatives of Council and the community for the next 20 years.</p>	<p><u>Vision</u> In 2040 we will be an innovative, resilient and sustainable region with opportunities to grow and a high quality of life.</p> <p><u>Objective 1.1</u> Housing meets the current and future needs of our community.</p> <p><u>Objective 1.2</u> An adequate supply of land is located close</p>	<p>The Planning Proposal is consistent with the Plan.</p>

Strategy Title	Requirement	Consistency
	<p>to community services and facilities.</p> <p><u>Strategy 5.2.3</u> Items, areas and places of First Nations cultural heritage significance are protected and conserved.</p> <p><u>Objective 6.3</u> Land use management sustains and improves the built and natural environment.</p>	
<p>Local Strategic Planning Statement (LSPS)</p> <p>This Plan sets Council’s land use planning priorities for the next 20 years to ensure development is appropriate for the local context.</p>	<p><u>Priority 9</u> Provide diversity and housing choice to cater for the needs of the community.</p> <p><u>Priority 12</u> Create sustainable and well-designed neighbourhoods.</p> <p><u>Priority 15</u> Protect areas of high environmental value and significance.</p> <p><u>Priority 17</u> Acknowledge and embrace Aboriginal culture.</p>	<p>The Planning Proposal is consistent with the LSPS.</p>
<p>Dubbo Residential Areas Development Strategy</p> <p>This Strategy guides the strategic direction and decisions on residential development and use of residential land.</p>	<p><u>West Precinct Direction</u> The future role of the Precinct will be dominated by its suburban residential function and secondary by its transport and light industry functions north/west of the Main Western Line, and its tourism servicing function along the Whylandra Street corridor.</p>	<p>The Planning Proposal is consistent with the Strategy.</p>
<p>Dubbo Regional Local Environmental Plan 2022</p> <p>This Plan guides planning decisions in the region through development controls and provisions.</p>	<p><u>Zone R2 Low Density Residential</u> Provide for the housing needs of the community within a low density residential environment.</p> <p><u>Zone SP3 Tourist</u> To facilitate tourist-orientated development along major transport corridors. Noting that the SP3 Zone is proposed to be removed.</p> <p><u>Minimum Subdivision Lot Size</u> To ensure lots are large enough to accommodate dwellings, setbacks, private open space and ancillary development.</p>	<p>The Planning Proposal is consistent with the Plan.</p>

(b) State Environmental Planning Policies (SEPP)

The Planning Proposal is consistent with the following SEPPs, which are planning instruments that address planning issues at a state-wide level.

SEPP Title	Requirement	Consistency
SEPP (Housing) 2021	Planning Proposals must enable and encourage the development of diverse housing.	The Planning Proposal is consistent with the SEPP as it would not contravene the relevant provisions. The Planning Proposal would allow additional housing opportunities for the region and allow development of R2 permissible land uses on the subject site. Where relevant, future residential development would be designed in accordance with the SEPP.
SEPP (Biodiversity and Conservation) 2021	Planning Proposals must protect biodiversity values of trees and other vegetation in non-rural areas.	The Planning Proposal is consistent with the SEPP as it would not contravene the relevant provisions. The Planning Proposal will not harm the biodiversity values of trees and other vegetation on the subject land. The area covered by the adjustment to zoning is currently clear of vegetation, and there will be no clearing as part of the proposal. Future development will need to address biodiversity in accordance with the Biodiversity Conservation Act 2016.
SEPP (Resilience and Hazards) 2021	Planning Proposals must not increase the risk of harm to human health and the environment through contamination.	The Planning Proposal is consistent with the SEPP as it would not contravene the relevant provisions. The site is not listed on Council's potentially contaminated land register. A Preliminary Contamination Report identifies minor potential for contaminants associated with the former agricultural use of the site. However, no further investigations are required, and this would not prevent the Planning Proposal from progressing.
SEPP (Exempt and Complying Development Codes) 2008	Planning Proposals must not contradict development standards that have a State-wide application.	The Planning Proposal is consistent with the SEPP as exempt and complying development would continue to apply to the site.

Numerous other SEPPs have been assessed as part of this Planning Proposal but were considered to not be relevant.

(c) NSW EP&A Act – Section 9.1 Ministerial Directions

The Planning Proposal is consistent with the following Ministerial Directions. Ministerial Directions address planning issues at a state-wide level and apply to planning proposals.

Direction	Requirement	Consistency
Direction 1.1 Implementation of Regional Plans	Planning Proposals must be consistent with a Regional Plan.	The Planning Proposal is consistent with the Central West and Orana Regional Plan 2036 and draft Central West and Orana Regional Plan 2041.
Direction 1.4 Site Specific Provisions	Planning Proposals must allow that land use to be carried out in the zone the land is situated.	The Planning Proposal would not change permissible and prohibited development within each land use zone, and there are no site-specific provisions.
Direction 3.1 Conservation Zones	Planning Proposals must include provisions that facilitate the protection and conservation of environmentally sensitive areas, and must not reduce the conservation standards that apply to the land.	The Planning Proposal is not located within a conservation zone. The Planning Proposal is not considered to result in any significant impact to biodiversity on the subject site, as no vegetation will be cleared.
Direction 3.2 Heritage Conservation	Planning Proposals must facilitate the protection and conservation of heritage items.	An Aboriginal Archaeology Assessment identified an open campsite with additional artefacts located within the site. An Aboriginal Heritage Impact Permit (AHIP) was issued by NSW Office of Environment and Heritage on 5 May 2022. Community consultation was undertaken prior to the salvage of artefacts. The artefacts are currently being managed in accordance with the conditions of the AHIP.
Direction 4.1 Flooding	Planning Proposals must be consistent with NSW Government and Council Flood Planning Policies and Guidelines.	The site is not identified as being within the flood planning area.

Direction	Requirement	Consistency
Direction 4.4 Remediation of Contaminated Land	A Planning Proposal must not increase the risk of harm to human health and the environment through contamination.	A Preliminary Contamination Report identifies minor potential for contaminants associated with the former agricultural use of the site. However, no further investigations are required, that would prevent the Planning Proposal from progressing.
Direction 5.1 Integrated Land Use and Transport	Planning Proposals must be consistent with NSW Government Transport Planning Policies and Guidelines.	The Planning Proposal is consistent with Improving Transport Choice as the additional lots will result in minimal increase of private car trips, whilst allowing for alternate travel options. The Right Place of Business and Services – Planning Policy does not apply to the development as it is minor in nature and will not generate many trips from employees, customers or visitors.
Direction 6.1 Residential Zones	Planning Proposals must encourage the provision of housing and make efficient use of existing infrastructure and services.	The Planning Proposal will facilitate the development of low-density housing options which have access to existing infrastructure and services.
Direction 6.2 Caravan Parks and Manufactured Home Estates	Planning Proposals must retain provisions that permit development for the purposes of a caravan park to be carried out on land.	The decrease in area of land zoned SP3 Tourist is minor, and is unlikely to have any impact on the ability for caravan parks and manufactured home estates to be developed.

Numerous other Directions have been assessed as part of this Planning Proposal but were not considered to be relevant.

(d) Environmental Impacts

The following comments have been provided on potential environmental impacts not previously addressed in this report:

(i) Groundwater Vulnerability and Sustainability

A groundwater and salinity study identified there would be:

- No impact on groundwater, including contamination and changed groundwater levels;

- Minimal cut and fill, which is not expected to interfere with existing subsurface water movement; and
- No significant impacts on groundwater quality, and no impacts on quality or quantity of the aquifer.

The Planning Proposal is not considered to result in any significant impact on groundwater systems or exacerbate salinity levels.

4. Consultation and Planned Communications

If Council supports this Planning Proposal and receives a Gateway Determination from the NSW Department of Planning and Environment, it is likely the proposal would be publicly exhibited for 14 days in accordance with the Local Environmental Plan Making Guidelines.

Council will engage with adjoining land owners and the public as per the Gateway Determination. This will include a notice on Council's website and in Customer Experience Centres, the NSW Planning Portal, and letters to relevant community members.

A further report will be presented to Council to consider the results of public exhibition.

5. Timeframes

The below estimated project timeline provides a mechanism to monitor and resource the various steps required to progress the Planning Proposal.

Key Date	Explanation
13 October 2022	Consideration by the Infrastructure, Planning and Environment Committee
27 October 2022	Consideration by Council
Early November 2022	Submit the Planning Proposal to the NSW Department of Planning and Environment for Gateway determination
Middle December 2022	Gateway Determination issued
January 2023	Post-gateway review
February 2023	Public exhibition period
March 2023	Consideration of submissions
April 2023	Consideration by Council
May 2023	Submit the Planning Proposal to the NSW Department of Planning and Environment for finalisation
June 2023	Gazettal of the Planning Proposal

6. Resourcing Implications

Council received \$13,000 upon lodgement, and will receive a further \$2,500 if a Gateway Determination is received, as part of the application fees.

Total Financial Implications	Current year (\$)	Current year + 1 (\$)	Current year + 2 (\$)	Current year + 3 (\$)	Current year + 4 (\$)	Ongoing (\$)
a. Operating revenue	\$15,500	0	0	0	0	0
b. Operating expenses	0	0	0	0	0	0
c. Operating budget impact (a – b)	\$15,500	0	0	0	0	0
d. Capital expenditure	0	0	0	0	0	0
e. Total net impact (c – d)	\$15,500	0	0	0	0	0
Does the proposal require ongoing funding?	No					
What is the source of this funding?	Lodgement and assessment fees					

Table 1. Ongoing Financial Implications

7. Options Considered

Council has the following options:

1. Support the Planning Proposal

This would allow Council to submit the Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination. The Gateway Determination allows for the review of the strategic and site-specific merits of a proposal, and determines whether it should proceed.

This is the preferred option.

2. Not support the Planning Proposal

The proponent would be able to submit a Rezoning Review to the NSW Department of Planning and Environment, which allows an independent planning panel to evaluate and recommend to the Minister of Planning whether the proposal should progress to Gateway Determination.

APPENDICES:

[1](#) Planning Proposal

[2](#) Six key stages of amending an LEP



Premise

MR MICHAEL AND MRS JENNIFER ROBERTSON

**Amendment to the Dubbo Regional LEP
2022 – Cavelle Drive, Dubbo**

PLANNING PROPOSAL

Report No: 122334_PP

Rev: 001

30 June 2022

MR MICHAEL AND MRS JENNIFER ROBERTSON
 AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
 PLANNING PROPOSAL



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Page i

MR MICHAEL AND MRS JENNIFER ROBERTSON
 AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
 PLANNING PROPOSAL



CONTENTS

1. BACKGROUND	4
1.1 INTRODUCTION	4
1.2 SCOPE OF THE REPORT	4
1.3 STRUCTURE OF THE REPORT	4
2. OBJECTIVES OR INTENDED OUTCOMES	5
3. EXPLANATION OR PROVISIONS	5
3.1 PROPOSED AMENDMENT TO THE DUBBO LOCAL ENVIRONMENTAL PLAN 2022	6
4. JUSTIFICATION	9
4.1 INTRODUCTION	9
4.2 NEED FOR THE PLANNING PROPOSAL	9
4.3 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK	9
4.4 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS	15
4.5 STATE AND COMMONWEALTH INTERESTS	20
5. MAPPING	20
6. COMMUNITY CONSULTATION	20
6.1 TYPE OF COMMUNITY CONSULTATION REQUIRED	20
7. PROJECT TIMELINE	21

FIGURES

Figure 1. Location of Subject Site (source: Nearmap)	5
Figure 2. Existing Land Use Zoning	7
Figure 3. Proposed Land Use Zoning	7
Figure 4. Existing Minimum Lot Size	8
Figure 5. Proposed Minimum Lot Size	8
Figure 5. Aerial Imagery and Proposed Rezoning Boundary	16
Figure 6. Location of Drainage Line	18
Figure 7. Benchmark Processing Timeframes (Source – NSW Department of Planning, Industry and Environment)	21

TABLES

No table of figures entries found.

APPENDICES

APPENDIX A PROPOSED LAND USE ZONING MAP
 APPENDIX B PROPOSED LOT SIZE MAP
 APPENDIX C AERIAL IMAGERY OF SUBJECT SITE
 APPENDIX D BIODIVERSITY REPORT

Page ii

MR MICHAEL AND MRS JENNIFER ROBERTSON
AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
PLANNING PROPOSAL



APPENDIX E ABORIGINAL ARCHAEOLOGY ASSESSMENT AND AHIP
APPENDIX F GROUNDWATER AND SALINITY REPORT
APPENDIX G PRELIMINARY CONTAMINATION INVESTIGATION
APPENDIX H DEVELOPMENT CONSENTS

MR MICHAEL AND MRS JENNIFER ROBERTSON
 AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
 PLANNING PROPOSAL



1. BACKGROUND

1.1 Introduction

Premise Australia Pty has been commissioned by Mr Michael and Mrs Jennifer Robertson to prepare a planning proposal to amend the *Dubbo Regional Local Environmental Plan 2022* (LEP) in respect of land at Lot 700 DP 1274329, Cavelle Drive, Dubbo.

The Planning Proposal seeks to undertake a rezoning of land from SP3 Tourist to R2 Low Density Residential on the subject site. In addition, the Planning Proposal also seeks to provide a minimum lot size of 800m². The intent of the rezoning is to facilitate the expansion of the existing residential subdivision, known as Huntingdale Estate.

Rezoning of the site will enable the orderly growth of the rapidly expanding residential area which will provide for a mix of low-density housing options in West Dubbo.

It is requested that Dubbo Regional Council endorse the subject Planning Proposal and facilitate the Amendment to the Dubbo Regional Local Environmental Plan 2022 (LEP).

1.2 Scope of the report

This Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act, 1979 and the NSW Department of Planning's advisory documents '*A Guide to Preparing Local Environmental Plans*' and '*A Guide to Preparing Planning Proposals*'. The latter document requires the Planning Proposal to be provided in five (5) parts, those being:

- 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 – Mapping; and
- Part 5 – Details of the community consultation that is to be undertaken on the Planning Proposal.

The subject site has been considered in the overall development plan for Huntingdale Estate and the extension of the existing R2 zoning boundary is considered to be of relative minor significance. The subject Planning Proposal is considered to meet the definition of a basic proposal as follows:

"Basic – Minor LEP amendment for administrative, housekeeping, and minor matters of significance."

1.3 Structure of the report

This planning proposal is provided in the following structure;

- **Section 2** provides a statement of the objectives or intended outcomes of the proposed LEP;
- **Section 3** provides an explanation of the provisions that are included in the proposed LEP;
- **Section 4** provides justification regarding the need for the Planning Proposal; outlines its relationship to State Environmental Planning Policies; Ministerial Directions; local and regional strategic planning strategies; and overviews the environmental, economic, and social impacts of the proposal;
- **Section 5** details the required LEP mapping amendments;

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 AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
 PLANNING PROPOSAL



- **Section 6** details how community consultation is to be undertaken with respect to the Planning Proposal.

2. OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to facilitate the expansion of the adjoining low density residential development currently located to the west of the subject site, also known as Huntingdale Estate, by seeking an Amendment to the Dubbo Regional Local Environmental Plan 2022.

3. EXPLANATION OR PROVISIONS

The subject site is identified as Lot 700 DP 1274329, Cavelle Drive, Dubbo. The site is located west of an existing creek line running south to north during rain events. Residential development surrounds the site to the north (Grangewood Estate), west (Huntingdale Estate), south (Kintyre Retirement Village) and east with a private residency situated on Lot 2 DP 1054104.

The site is located in proximity to the Dubbo Golf Course to the north and the Newell Highway to the east. The site is approximately 3km southwest of the Dubbo Central Business District.

The locality of the subject site is depicted in Figure 1.

The subject site is zoned as R2 Local Density Residential and SP3 Tourist as shown in Figure 2.

The Dubbo Regional Local Environmental Plan 2022 prohibits development for the purposes of residential accommodation within the SP3 zone.

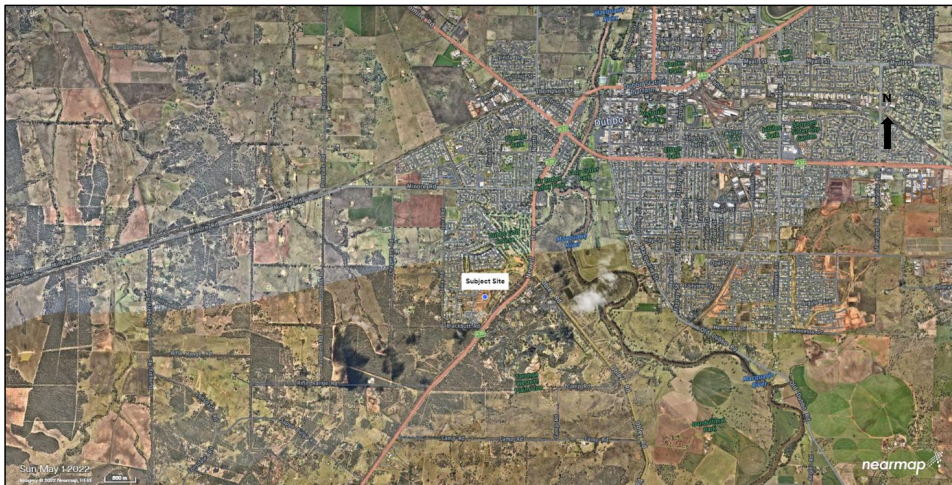


Figure 1. Location of Subject Site (source: Nearmap)

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AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
PLANNING PROPOSAL



3.1 Proposed Amendment to the Dubbo Local Environmental Plan 2022.

The Planning Proposal seeks to rezone the portion of the SP3 zone west of the creek line to R2 and introduce an 800m² minimum lot size provision. The impacted LEP maps include Land Zoning Map – Sheet LZN_002A and Lot Size Map – Sheet LSZ_002A.

The proposed Amendment will allow for low density residential housing options on the site and facilitate the expansion of the adjoining residential estate to the west.

The existing and proposed land zoning is depicted in **Figure 2** and **Figure 3**.

The existing and proposed minimum lot sizing is depicted in **Figure 4** and **Figure 5**.



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AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
PLANNING PROPOSAL

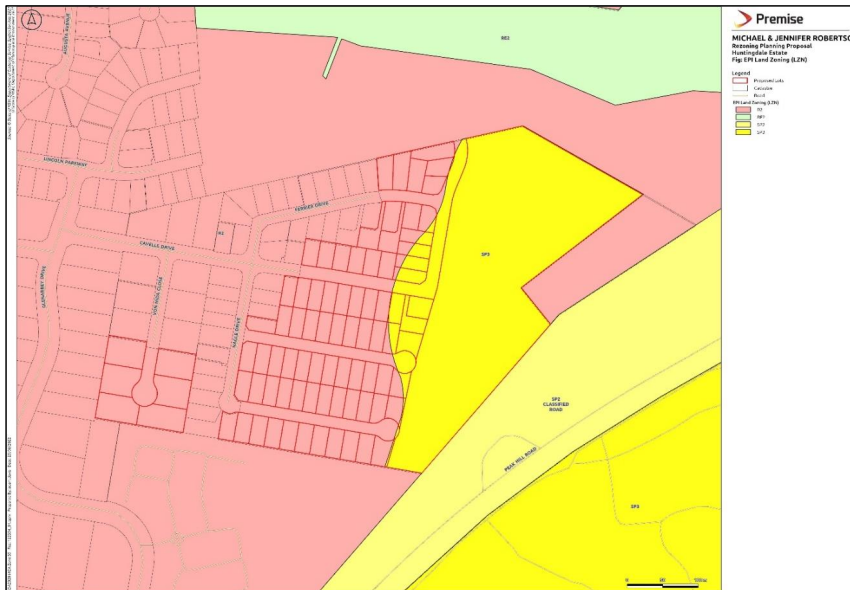


Figure 2. Existing Land Use Zoning

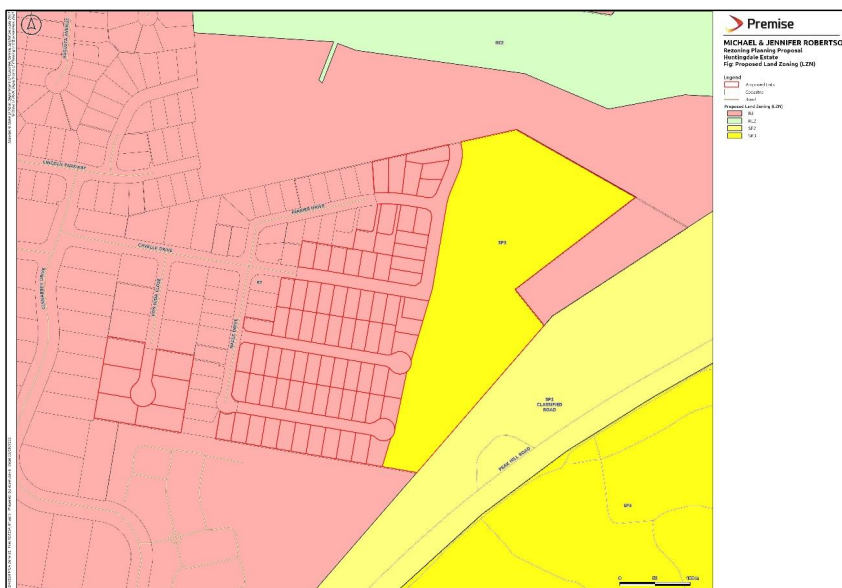


Figure 3. Proposed Land Use Zoning

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 AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
 PLANNING PROPOSAL

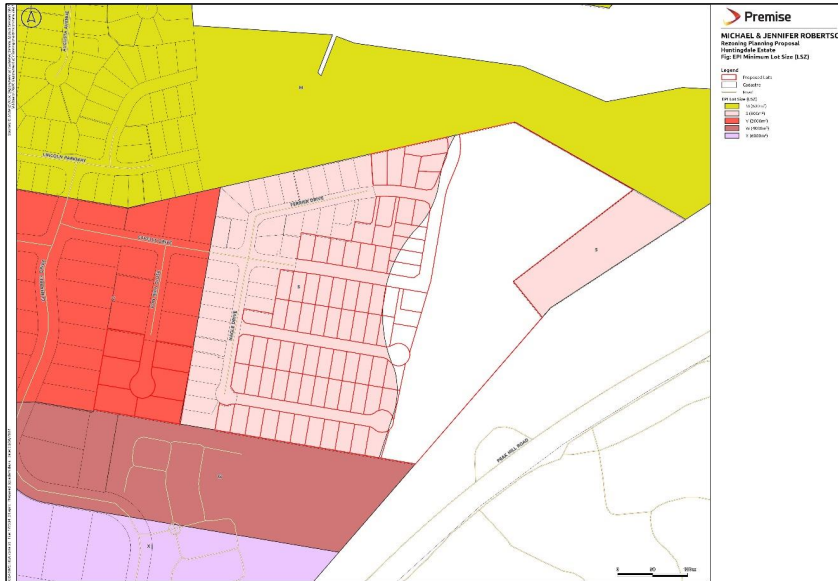


Figure 4. Existing Minimum Lot Size

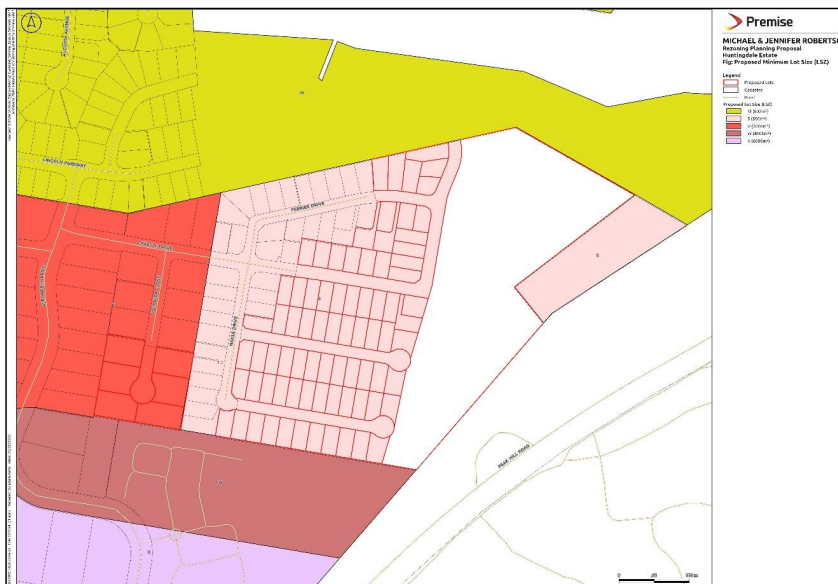


Figure 5. Proposed Minimum Lot Size

MR MICHAEL AND MRS JENNIFER ROBERTSON
 AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
 PLANNING PROPOSAL



4. JUSTIFICATION

4.1 Introduction

The overarching principles that guide the preparation of planning proposals are:

- The level of justification should be proportionate to the impact the Planning Proposal would have;
- It is not necessary to address a question if it is not considered relevant to the planning proposal; and
- The level of justification should be sufficient to allow a Gateway determination to be made with confidence that the LEP can be finalised within the timeframe proposed.

The following justification addresses each relevant question applicable to the Planning Proposal to ensure confidence can be given to the Gateway determination.

4.2 Need for the planning proposal

Is the planning proposal a result of any strategic study or report?

The Planning Proposal has been prepared to facilitate the expansion of the residential development located to the west of the subject site. Although the Planning Proposal is not a direct result of any strategic study or report, the intended effect is consistent with the Dubbo Residential Areas Development Strategy.

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

It is considered that rezoning the land and establishing a minimum lot size under the LEP is the best means of achieving the objectives or intended outcomes of the Proposal. The proposed Amendment will facilitate expansion of the residential development opportunities on the subject site.

4.3 Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The *Central West and Orana Region Plan 2036* is the NSW Government's strategy for guiding land use planning decisions for the Central West and Orana Region. At its heart is a core vision for the region supported by the following foundational goals:

- Goal 1 - The most diverse regional economy in NSW;
- Goal 2 – A stronger healthier environment and diverse heritage;
- Goal 3 – Quality freight transport and infrastructure networks; and
- Goal 4 – Dynamic vibrant and healthy communities.

In particular, the Planning Proposal is consistent with Direction 25 as follows:

Direction 25 Increase housing diversity and choice

The intent of the Planning Proposal is to facilitate new residential development in West Dubbo and the continued expansion of the adjoining residential housing development, Huntingdale Estate.

The proposed rezoning will accommodate an additional 14 new allotments completing the subdivision west of the creek line.

MR MICHAEL AND MRS JENNIFER ROBERTSON
 AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
 PLANNING PROPOSAL



The Central West and Orana Regional Plan 2036 is currently under review with the *Draft Central West and Orana Regional Plan 2041* completing exhibition on 18 February 2022.

The draft Plan provides a total of 22 objectives divided across the following parts:

- Part 1: A sustainable and resilient place
- Part 2: People, housing and communities
- Part 3: Prosperity, productivity and innovation
- Part 4: Location specific responses

In particular, the Planning Proposal is consistent with objective 7 as follows:

Objective 7: Provide for well-located housing options to meet demand.

The Planning Proposal accommodate the regions population growth and provide key housing opportunities in West Dubbo, further centralising the City's Central Business District.

The Planning Proposal is considered to be consistent with the provisions of both the Central West and Orana Regional Plan 2036 and the draft Central West and Orana Regional Plan 2041.

Is the planning proposal consistent with Council's local strategy or other local strategic plan?

a) Towards 2040 Community Strategic Plan

This Plan is the highest level strategy that will guide and influence the direction of Council, the community and other levels of Government over the coming years.

The vision of the Plan is as follows:

- *"Our thinking, practices and solutions will make things better for all generations and be innovative*
- *Our community will respond to challenges and become stronger and resilient*
- *Our natural and built environment will be sustainable*
- *Our housing, economic educational, social, equity, cultural, entertainment and recreational facilities will have opportunities to grow*
- *Our community will have a high quality of life"*

The Planning Proposal is considered to support the following objectives;

"1.1 Housing meets the current and future needs of our community; and

1.2 An adequate supply of land is located close to community services and facilities.

The Planning Proposal seeks to facilitate additional low density housing options within Dubbo's urban footprint and is considered to be generally consistent with the vision and objectives of the Plan.

b) Dubbo Regional Local Environmental Planning Statement

The Local Strategic Planning Statement (LSPS) for the Dubbo Regional Local Government Area was adopted by Council on 22 June 2022. The LSPS plans for economic, social and environmental land use needs of the community over the next 20 years.

The LSPS is underpinned by 20 Planning Priorities for the Dubbo Region. The Planning Proposal is considered to give effect to and maintain consistency with the following:

MR MICHAEL AND MRS JENNIFER ROBERTSON
AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
PLANNING PROPOSAL



“Planning Priority 9: Provide diversity and housing choice to cater for the needs of the community”

The Planning Proposal seeks to facilitate the orderly development of low-density housing within the existing serviced extent of the city. The Planning Proposal is considered to be consistent with the LSPS.

c) Dubbo Urban Areas Development Strategy

The Dubbo Urban Areas Development Strategy forms the basis of the land use zonings and planning controls provided in the Dubbo Local Environmental Plan 2011.

The Dubbo Urban Areas Development Strategy consists of a number of components as provided below:

- A) Residential Areas Development Strategy;
- B) Commercial Areas Development Strategy;
- C) Industrial Areas Development Strategy;
- D) Institutional Areas Development Strategy;
- E) Recreational Areas Development Strategy; and
- F) Future Directions and Structure Plans.

The Strategy was reviewed by Council in 2007, as part of the review of the Dubbo Urban Areas Development Strategy was the preparation of the Discussion Paper. The Strategy was also reviewed by Council with the Dubbo Local Environmental Plan in 2011.

Residential Areas Development Strategy

The Dubbo Residential Areas Development Strategy informs future rezoning of land across Dubbo for residential land uses. The subject land is located within Dubbo’s CD Central Subdistrict (West Precinct).

The Direction of the Precinct is as follows:

“The future role of the Precinct will be dominated by its suburban residential function and secondary by its transport and light industry functions North/West of the Main Western Line, and its tourism servicing function along the Whylandra Street corridor:

The Planning Proposal will provide additional residential development opportunities in Dubbo’s west, further centralising the Dubbo’s CBD. The proposed R2 rezoning will further support the residential function of the CD Central Subdistrict and is considered to be consistent with the Residential Areas Development Strategy.

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

The Planning Proposal is considered to be broadly consistent with all relevant State Environmental Planning Policies (SEPPs).

The Planning Proposal gives consideration to the following State Environmental Planning Policies as follows:

State Environmental Planning Policy (SEPP)	Comment
SEPP (Biodiversity and Conservation) 2021	
	N/A
SEPP (Building Sustainability Index: BASIX) 2004	
The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State by adhering to the list of	The BASIX requirements will be addressed further as part of the development approvals process.

MR MICHAEL AND MRS JENNIFER ROBERTSON
 AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
 PLANNING PROPOSAL



BASIX commitments required to facilitate sustainable development.	
SEPP (Exempt and Complying Development Codes) 2008	
The aim of this Policy is to provide streamlined assessment processes for development that complies with specified development standards.	The Planning Proposal seeks to rezone land for the purposes of low-density residential housing. The Planning Proposal does not intend on contravening the provisions of the SEPP and is therefore considered to be consistent with the State Policy.
SEPP (Housing) 2021	
The aim of this Policy is to provide a State-wide approach to manage and support, affordable and well-designed residential development across NSW.	The Planning Proposal will provide additional housing opportunities to the Region and allow development of R2 permissible land uses on the subject site. The Planning Proposal is considered to be consistent with the SEPP.
SEPP (Industry and Employment) 2021	
	N/A
SEPP No 65 – Design Quality of Residential Apartment Development	
	N/A
SEPP (Planning Systems) 2021	
	N/A
SEPP (Precincts-Regional) 2021	
	N/A
SEPP (Resilience and Hazards) 2021	
The object of Chapter 4 is to provide for a Statewide planning approach to the remediation of contaminated land.	A preliminary report was prepared in support of the development application for Huntingdale Estate which considered the subject land in its investigations. The report concluded that no contamination was found. The Planning Proposal is considered to be consistent with the SEPP. A copy of the report is provided as Appendix G .
SEPP (Resources and Energy) 2021	
	N/A
SEPP (Transport and Infrastructure) 2021	
	N/A

MR MICHAEL AND MRS JENNIFER ROBERTSON
 AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
 PLANNING PROPOSAL



Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The following table provides consistency of the applicable Section 9.1 Ministerial Directions for consideration in the Planning Proposal:

Direction	Requirement	Consistency
3.1 Conservation Zones	This Direction applies when a planning proposal is prepared	<p>The Planning Proposal is not located within a conservation zone.</p> <p>Although the subject site is generally clear of vegetation, further consideration of the biodiversity value of the site will be determined as part of the development approvals process through the preparation of a BDAR where required.</p> <p>Preliminary information relating to the flora and fauna species on the site are provided in the attached Biodiversity Report (Appendix D).</p> <p>The Planning Proposal is not considered to result in any significant impact to biodiversity on the subject site.</p>
3.2 Heritage Conservation	This Direction applies when a planning proposal is prepared.	<p>It is noted that an Aboriginal site PS-OS-01 comprising of an open campsite is located in the northern portion of the subject site. An Aboriginal Heritage Impact Permit to relocate the associated artefacts has been obtained and is provided as (Appendix E).</p>
4.4 Remediation of Contaminated Land	This Direction applies when a planning proposal is prepared.	<p>A preliminary contamination investigation has been undertaken for the subject site which concluded that no contamination was found. A copy of the investigation report is provided as Appendix G.</p>

MR MICHAEL AND MRS JENNIFER ROBERTSON
 AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
 PLANNING PROPOSAL



<p>5.1 Integrated Land Use and Transport</p>	<p>This Direction applies when a planning proposal will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential or tourist purposes.</p>	<p>The Planning Proposal seeks to facilitate an additional 14 new allotments which will extend east from the existing Huntingdale Estate. The additional allotments are not considered to result in significant additional traffic generation from the development is therefore considered to be of minor significance.</p>
<p>6.1 Residential Zones</p>	<p>This Direction applies when preparing a planning proposal that will affect land within an existing or proposed residential zone.</p>	<p>The Planning Proposal seeks to rezone land from SP3 to R2 with a minimum lot size of 800m². The Proposal will facilitate the development of low-density housing options which have direct existing access to infrastructure and services.</p> <p>The site is generally clear of woody vegetation and will enable the expansion of the existing Huntingdale Estate.</p> <p>The Planning Proposal is considered to be consistent with the Direction.</p>
<p>6.2 Caravan Parks and Manufactured Home Estates</p>	<p>This Direction applies when a planning proposal is prepared.</p>	<p>The subject site and the general character of the surrounding area of the subject site is consistent with a suburban residential estate.</p> <p>Consideration of expansion of the existing residential offer in the area is not considered to be at a detriment to opportunities for caravan parks or manufactured home estates.</p> <p>The Planning Proposal is therefore considered to result in the orderly/ appropriate development type for the subject land.</p>

MR MICHAEL AND MRS JENNIFER ROBERTSON
 AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
 PLANNING PROPOSAL



4.4 Environmental, social and economic impacts

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

4.4.1 BIODIVERSITY

A Biodiversity Report was completed by OzArk in January 2015 which included an investigation of the subject site. The findings from the assessment are as follows:

“The field survey did not identify any threatened fauna species as being present at the time of the survey.

The field survey resulted in the identification of two vegetation communities within the project site.

These vegetation communities were identified as:

- *5.5 hectares of inland Grey Box tall grassy woodland on alluvial loam and clay soils in the NSW South Western Slopes and Riverina Bioregions;*
- *0.56 hectares of White Box – Black Cypress Pine – Tumbledown Gum – Mugga Ironbark shrubby woodland in hills of the NSW central western slopes.*
 - *0.408 hectares of this local viable population meets the NSW Scientific Committee description as White Box, Yellow Ox Blakely’s Red Gum Endangered Ecological Community.*
 - *0.2 hectares of unspecified White Cypress Pine dominated area. Council indicated they would consider this area as part of the NSW EEC mentioned above.*

The remainder of the Project Site was heavily disturbed for residential or agricultural purposes.”

At the time of this assessment, it was concluded that due to the type and scale of habitat to be removed, no threatened species or EECs would be significantly affected by the Proposal. In addition, a Species Impact Statement would be required to manage affects to White Box Yellow Box Blakely’s Red Gum Woodland Endangered Ecological Community for the project.

A copy of OzArk’s report is provided as **Appendix D**.

As depicted in recent imagery (**Figure 5**), the proposed rezoning area bounded by the yellow line, is not seen to contain substantial woody vegetation.

In accordance with the Section 1.7 of the Environmental Planning and Assessment Act 1979, Part 7 of the Biodiversity Conservation Act 2016 must be considered as part of the development approvals process.

Further consideration of these potential impacts to biodiversity can be addressed by submission of a Biodiversity Development Assessment Report (BDAR) where required.



MR MICHAEL AND MRS JENNIFER ROBERTSON
 AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
 PLANNING PROPOSAL



Figure 5. Aerial Imagery and Proposed Rezoning Boundary

Existing Development Consents

1. D2014-113-2 – 28 Lot Subdivision (Stage 1):

There is an existing development consent for Stage 1 for the 28 lot residential subdivision in respect of Huntingdale Estate which contains a condition which relates to the retention and stabilisation of vegetation in the drainage reserve on the subject site as follows:

“(12) All existing trees and understory vegetation within the residue land including the watercourse located to the east of the proposed residential area shall be retained unless removal is necessary to construct services. It is noted that the developer proposes to undertake significant bank stabilisation and tree planting activities in the drainage corridor as a component of the development of the balance of the site. Such works and plantings shall be carried out in accordance with any future development consents and the recommendations of the updated Groundwater and Salinity Study carried out by Envirowest Consulting”

2. D2015-202 – 86 Lot Subdivision (Stage 2):

There is an existing development consent for Stage 2 for the 86 lot residential subdivision in respect of Huntingdale Estate which contains conditions which relate to the protection and embellishment of the vegetated areas on the subject site.

MR MICHAEL AND MRS JENNIFER ROBERTSON
 AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
 PLANNING PROPOSAL



The conditions are:

“(11) All existing trees and understory vegetation within the residue land including the watercourse located to the east of the proposed residential area shall be retained unless removal is necessary to construct services. It is noted that the developer proposes to undertake significant bank stabilisation and tree planting activities in the drainage corridor as a component of the development of the balance of the site. Such works and plantings shall be carried out in accordance with any future development consents and the recommendations of the updated Groundwater and Salinity Study carried out by Envirowest Consulting”

“(26) Proposed Lot 118 (open space corridor) shall be revegetated and embellished to offset the loss of vegetation in the south-western corner as per Table 6-1 Expected impacts as a result of the proposal, and 8.4 The Proposed Offset (p 69-71, copy attached) contained within the Biodiversity Report dated January 2015 prepared by OzArk EHM.

All landscaping shall be provided in accordance with the requirements of Council’s Parks and Landcare Division and Council’s Strategic Open Space Master Plan. The landscape/embellishment plan also provide a detailed maintenance regime for all the landscaping to be embellished and maintained to the standard of a ‘Local Medium’ classified park in accordance with the Dubbo City Council’s Plan of Management for Community Land as adopted by Council in 2011/12. Landscaping including street trees shall be provided on the land prior to the issue of the Subdivision Certificate.

All drainage reserves and road reserves shall be dedicated to and at no cost to Council, at the appropriate Subdivision stage.

All public reserves shall be dedicated to and at no cost to Council, at the appropriate Subdivision stage and be maintained by the developer for a period of not less than 10 years from the dedication of the land to Council.”

A copy of each Development Consent is provided for Council’s reference as **Appendix H**. It is noted that the abovementioned conditions relate specifically to the proposed drainage line to the east of the proposed rezoning line as depicted in **Figure 5** and **Figure 6**.

It is noted that a separate application has recently been lodged with DPIE and Council for the construction of the trunk drainage works within the creek line.

The Planning Proposal in not anticipated to conflict with Council’s requirements in relation to D2014-113-2 and D2015-202.

MR MICHAEL AND MRS JENNIFER ROBERTSON
 AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
 PLANNING PROPOSAL

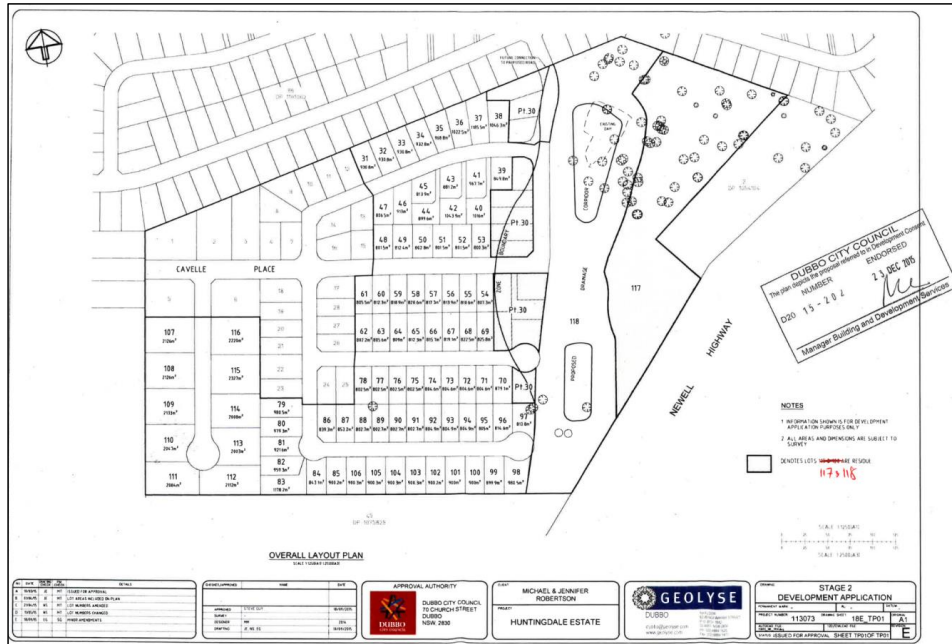


Figure 6. Location of Drainage Line

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

4.4.2 ABORIGINAL ARCHAEOLOGY

The original Aboriginal Archaeology Assessment was prepared in December 2013 which included the boundaries of the subject site. A copy of the report is provided as **Appendix E**.

In relation to the subject area, the assessment recorded an open campsite PS-OS-01 with additional artefacts located within proximity to the site.

In relation to artefact PS-OS-01, an Aboriginal Heritage Impact Permit (AHIP) was issued by NSW Office of Environment & Heritage for Huntingdale Estate on the 5th of May 2022 and a copy is attached for Council’s records (**Appendix E**).

OzArk Environment & Heritage Pty Ltd have been engaged by the proponent to assist in meeting the conditions of the AHIP. Community consultation was undertaken and the salvage of artefacts was subsequently undertaken by OzArk on 30 May 2022. The artefacts recovered during the collection phase are currently being managed in temporary storage at the OzArk Environment and Heritage Office in accordance with the conditions of the AHIP.

OzArk submitted the Aboriginal Site Impact Record Forms (ASIRF’s) to AHIMS on the 31st of May 2022 and a copy of the approved ASIRF’s will be provided to Council once received.

MR MICHAEL AND MRS JENNIFER ROBERTSON
AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
PLANNING PROPOSAL



4.4.3 GROUNDWATER VULNERABILITY AND SALINITY

The original groundwater and salinity study was prepared by Envirowest on 29 November 2013 which included the boundaries of the subject site. A copy of the report is provided as **Appendix F**.

A brief summary of the report's conclusion is as follows:

"...No impact on groundwater including contamination and changed groundwater levels is expected from the development...

...The proposed development will required minimal cut and fill which is not expected to interfere with existing subsurface water movement.

No significant impacts on groundwater quality were identified in the development. The development will not impact on quality or quantity."

The Planning Proposal is not considered to result in any significant impact on groundwater systems or exacerbate salinity levels.

4.4.4 CONTAMINATION

The original preliminary contamination investigation was prepared by Envirowest on 13 November 2013 which included the boundaries of the subject site. A copy of the report is provided as **Appendix G**.

A brief summary of the report's conclusion is as follows:

"The site west of the drainage line is suitable for residential land-use. The area to the east of the drainage line and including the drainage line is suitable for recreational land-use following decommissioning of the effluent application area."

The Planning Proposal is not anticipated to be subject to significant contamination impacts.

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

The Planning Proposal will facilitate the construction of additional housing stock within the Dubbo residential housing market. The economic benefits generated by the development will create additional employment within the development and construction industries.

The Planning Proposal is not anticipated to result in any detrimental social impacts to the surrounding areas and will facilitate quality residential development consistent with the adjoining Huntingdale Estate.

AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
PLANNING PROPOSAL



4.5 State and commonwealth interests

It is not considered that the amendments proposed via this Planning Proposal would conflict with any State or Commonwealth interests. The formal views of State and commonwealth public authorities would be ascertained following the Gateway Determination.

5. MAPPING

The Planning Proposal is anticipated to result an Amendment to the following LEP maps:

- Land Zoning Map – Sheet LZN_002A
- Lot Size Map – Sheet LSZ_002A

It is anticipated that the Department of Planning, Industry and Environment will finalise any mapping Amendments as part of the legislative drafting process.

The proposed mapping is attached as **Appendix A** and **Appendix B**.

6. COMMUNITY CONSULTATION

6.1 Type of community consultation required

Community Consultation will be undertaken in accordance with and subject to the Department of Planning, Industry and Environment's Gateway Determination.

Due to the minor nature of the Planning Proposal, it is anticipated that the Planning Proposal will be placed on public exhibition for a period of not less than 14 days as facilitated by Dubbo Regional Council.

Council will also undertake consultation with State Public Agencies as required by the Gateway Determination.

AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
PLANNING PROPOSAL



7. PROJECT TIMELINE

The Planning Proposal is considered to be classified as 'Basic' under the Department of Planning's Guidelines.

The benchmark timeframes for a Basic Proposal from the date of lodgement are as follows:

Stage	Maximum Benchmark Timeframes (working days)			
	Basic	Standard	Complex	Principal
Stage 1 - Pre-lodgement	30 days	50 days	60 days	20-30 days
Stage 2 - Planning Proposal	80 days	95 days	120 days	40 days
Stage 3 - Gateway determination	25 days	25 days	45 days	45 days
Stage 4 - Post-Gateway	20 days	50 days	70 days	160 days
Stage 5 - Public Exhibition & Assessment	70 days	95 days	115 days	95 days
Stage 6 - Finalisation	25 days	55 days	70 days	80 days
Sub-total (Department target)	140 working days	225 working days	300 working days	380 working days
Total (end to end)	220 days	320 days	420 days	420 days

Note: Department target of 380 working days is measured from Stage 3 – Stage 6 (inclusive).

Figure 7. Benchmark Processing Timeframes (Source – NSW Department of Planning, Industry and Environment)



APPENDIX A

PROPOSED LAND USE ZONING MAP

AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
PLANNING PROPOSAL



APPENDIX B

PROPOSED LOT SIZE MAP

PAGE 23





APPENDIX C

AERIAL IMAGERY OF SUBJECT SITE



APPENDIX D

BIODIVERSITY REPORT

AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
PLANNING PROPOSAL



APPENDIX E

ABORIGINAL ARCHAEOLOGY ASSESSMENT AND AHIP

PAGE 26



AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
PLANNING PROPOSAL



APPENDIX F

GROUNDWATER AND SALINITY REPORT

PAGE 27



AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
PLANNING PROPOSAL



APPENDIX G

PRELIMINARY CONTAMINATION INVESTIGATION

PAGE 28



AMENDMENT TO THE DUBBO REGIONAL LEP 2022 – CAVELLE DRIVE, DUBBO
PLANNING PROPOSAL



APPENDIX H

DEVELOPMENT CONSENTS

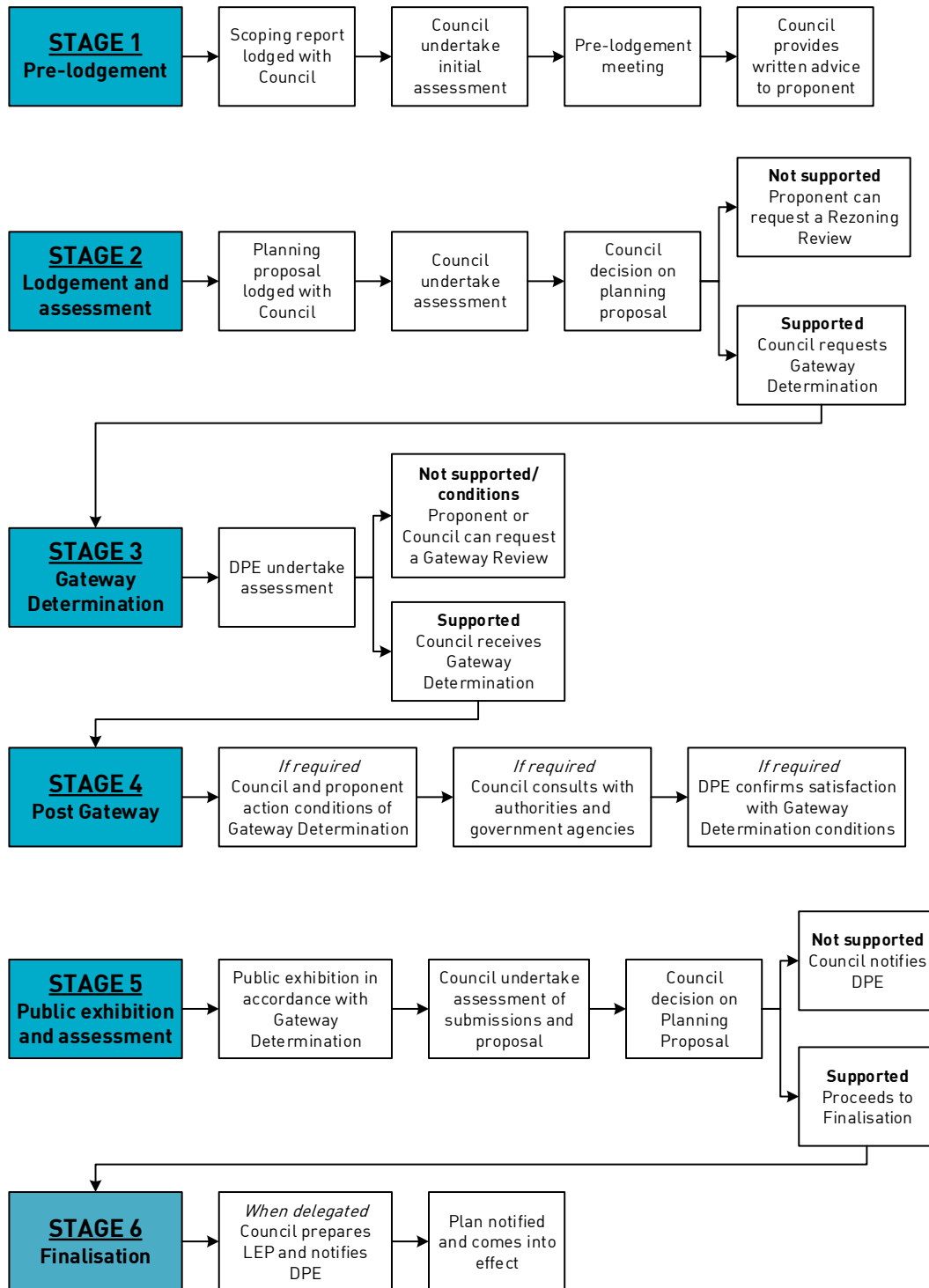




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REPORT INFRASTRUCTURE, PLANNING AND ENVIRONMENT COMMITTEE 13 OCTOBER 2022

PRESENT: Councillors J Black, L Burns, S Chowdhury, M Dickerson, J Gough, D Mahon, P Wells and M Wright.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Manager Corporate Governance, the Governance Team Leader, the Director Strategy, Partnerships and Engagement, the Executive Officer Strategy, Partnerships and Engagement, the Director Development and Environment, the Manager Growth Planning, the Director Infrastructure, and the Director Community, Culture and Places.

Councillor J Black assumed the chair of the meeting.

The proceedings of the meeting commenced at 5.30 pm.

Councillor M Dickerson is attending via Teams

IPEC22/46 LEAVE OF ABSENCE (ID22/2081)

Requests for leave of absence were received from Councillors V Etheridge and R Ivey who were absent from the meeting due to personal reasons.

Moved by Councillor P Wells and seconded by Councillor S Chowdhury

MOTION

That such requests for leave of absence be accepted and Councillors V Etheridge and R Ivey be granted leave of absence from this meeting.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, J Gough, D Mahon, P Wells and M Wright.

Against: Nil

IPEC22/47 CONFLICTS OF INTEREST (ID22/2084)

There were no conflicts of interest declared.

IPEC22/48 PROVISION OF CREDIT TO USERS FOR POTABLE WATER IN GEURIE AND DUBBO DURING BOIL WATER ALERT PERIOD (ID22/1339)

The Committee had before it the report dated 15 September 2022 from the Director Infrastructure regarding Provision of Credit to Users for Potable Water in Geurie and Dubbo During Boil Water Alert Period.

Moved by Councillor J Gough and seconded by Councillor S Chowdhury

MOTION

1. That it be noted that no credits or rebates have been provided previously for boil water alerts by Dubbo Regional Council which is generally consistent with Regional NSW.
2. That it be noted that the value determined for water to be boiled during the Geurie and Dubbo boil water alerts has been calculated at \$56,151 ranging from \$2.40 to \$5.43 per household.
3. That it be noted that the cost to implement a credit is in the order of \$203,000 of staff time and is equivalent to 166 weeks for one full time equivalent position.
4. That Council does not provide a credit for boil water alerts.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, J Gough, D Mahon, P Wells and M Wright.

Against: Nil

IPEC22/49 DISABLED CAR SPACES - WARNE STREET AND ARTHUR STREET WELLINGTON (ID22/2064)

The Committee had before it the report dated 29 September 2022 from the Senior Traffic Engineer regarding Disabled Car Spaces - Warne Street and Arthur Street Wellington.

Moved by Councillor D Mahon and seconded by Councillor S Chowdhury

MOTION

That Council approve the removal of the disabled parking spaces in Warne Street adjacent the Wellington Aquatic Centre and in Arthur Street adjacent 78 Arthur Street Wellington.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, J Gough, D Mahon, P Wells and M Wright.

Against: Nil

IPEC22/50 2022 ALPINE CLASSIC EVENT (ID22/2063)

The Committee had before it the report dated 29 September 2022 from the Senior Traffic Engineer regarding 2022 Alpine Classic Event.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright

MOTION

1. That approval be granted to the Classic Rally Club of NSW to conduct the 2022 Alpine Classic Touring Road Event on Saturday 19 and Sunday 20 November 2022 in accordance with the Event and Traffic Management Plans (Appendix 1) and Council's following conditions of consent:
 - a. The roads to be used in the Dubbo Regional Council Local Government Area (LGA) are as detailed in the Submission Pack - Detailed list of proposed roads on event route.
 - b. The organiser is to ensure that prior to the event start that enquires are made with Council as to the suitability, or otherwise, of the condition of the nominated roads given the current impact on the road network due to the ongoing inclement wet weather conditions.
 - c. Event entrants are required to comply with the NSW Road Rules and the Alpine Classic Road Event regulations, Transport and Traffic Management Plans and the Transport Control Plan.
 - d. Marshals are to be provided at the nominated locations as identified in the Event and Traffic Management Plans.
 - e. The applicant is responsible for the provision of all traffic controls required for the event (ie Marshals, traffic barriers, traffic cones and signs).
 - f. Council's Governance Team Leader must sight a copy of the Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council and NSW Police are specifically noted to be indemnified against any action resulting from the event.
 - g. The applicant is to forward a letter to Council with all the required documentation accepting the above conditions before final approval will be granted.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, J Gough, D Mahon, P Wells and M Wright.

Against: Nil

IPEC22/51 BUILDING SUMMARY - SEPTEMBER 2022 (ID22/1981)

The Committee had before it the report dated 30 September 2022 from the Director Development and Environment regarding Building Summary - September 2022.

Moved by Councillor D Mahon and seconded by Councillor S Chowdhury

MOTION

That the report of the Director Development and Environment, dated 30 September 2022, be noted.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, J Gough, D Mahon, P Wells and M Wright.

Against: Nil

IPEC22/52 PLANNING PROPOSAL R22-002 - CAVELLE DRIVE, DUBBO - PROPOSED AMENDMENT TO THE DUBBO REGIONAL LOCAL ENVIRONMENTAL PLAN 2022 (ID22/1416)

The Committee had before it the report dated 29 September 2022 from the Graduate Growth Planner regarding Planning Proposal R22-002 - Cavelle Drive, Dubbo - Proposed Amendment to the Dubbo Regional Local Environmental Plan 2022.

Moved by Councillor M Wright and seconded by Councillor J Gough

MOTION

- 1. That Council endorse the Planning Proposal (attached in Appendix 1) to amend the Dubbo Regional Local Environmental Plan 2022 by rezoning part of Lot 700 DP1274329 from SP3 Tourist to R2 Low Density Residential and amending part of the Minimum Lot Size area from No Minimum Lot Size to 800m².**
- 2. That Council note the process and key steps for amending the Dubbo Regional Local Environmental Plan 2022 (attached in Appendix 2).**
- 3. That Council submit the Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination.**
- 4. That Council request the Chief Executive Officer (or delegate) be authorised as the Local Plan Making Authority under Section 3.36 of the Environmental Planning and Assessment Act, 1979.**
- 5. Subject to the conditions of a Gateway Determination, Council support a minimum 14 day public exhibition period for the Planning Proposal.**
- 6. Following the completion of the public exhibition period, a further report be provided to Council for consideration, including the results of public exhibition.**

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, J Gough, D Mahon, P Wells and M Wright.

Against: Nil

The meeting closed at 5.44pm.

.....
CHAIRPERSON



REPORT ORDINARY COUNCIL MEETING 27 OCTOBER 2022

PRESENT: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Director Organisational Performance, the Chief Financial Officer, the Manager Corporate Governance, the Governance Team Leader, the Director Strategy, Partnerships and Engagement, the Executive Officer Strategy, Partnerships and Engagement, the Director Development and Environment, the Manager Growth Planning, the Director Infrastructure and the Director Community, Culture and Places.

Councillor M Dickerson assumed the Chair of the meeting.

The proceedings of the meeting commenced at 5.31 pm at the Dubbo Civic Administration Building, Council Chamber, with a prayer for Divine Guidance to the Council in its deliberations and activities read by Councillor J Gough. The acknowledgement of country was given by Councillor P Wells.

CCL22/249 LEAVE OF ABSENCE (ID22/2180)

A request for leave of absence was received from Councillor L Burns who was absent from the meeting due to personal reasons.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

MOTION

That such request for Leave of Absence be accepted and Councillor L Burns be granted leave of absence from this meeting.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

CCL22/250 CONFLICTS OF INTEREST (ID22/2181)

The following conflicts of interest were declared:

- Clr S Chowdhury declared a pecuniary significant interest in CCC22/54
- Clr M Wright declared a pecuniary significant interest in CCL22/273

CCL22/251 PUBLIC FORUM (ID22/2182)

The Council reports having heard from the following persons during Public Forum:

- Mr Alex Ferguson, regarding Lifeline.
- Mrs Barbara Sutherland regarding the North and South Macquarie River Precinct masterplan.
- Mark Conn, regarding CCL22/259 Saxa Road Temporary Road Closure and Access Restrictions.
- Mr Peter Duggan, regarding future city planning and development.
- Ms Margaret McDonald Dubbo Environment group president, regarding Regand Park, Wiradjuri Park, Walk for Hope.

CCL22/252 CONFIRMATION OF MINUTES (ID22/2183)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 21 September 2022.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

MOTION

That the minutes of the proceedings of Dubbo Regional Council at the Ordinary meeting held on 21 September 2022 comprising pages 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

CCL22/253 CENTRAL WEST AND ORANA RENEWABLE ENERGY ZONE UPDATE (ID22/2205)

The Committee was provided with a presentation by Cleo Andrews, Christopher Swain and Mike Young on this project.

INFORMATION ONLY MATTERS:

CCL22/254 MAYORAL APPOINTMENTS AND MEETINGS (ID22/2143)

The Council had before it the report dated 13 October 2022 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

MOTION

That the information contained in the report be noted.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

MATTERS CONSIDERED BY COMMITTEES:

**CCL22/255 REPORT OF THE INFRASTRUCTURE, PLANNING AND ENVIRONMENT
COMMITTEE - MEETING 13 OCTOBER 2022 (ID22/2184)**

The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 13 October 2022.

Moved by Councillor J Black and seconded by Councillor P Wells

MOTION

That the report of the Infrastructure, Planning and Environment Committee meeting held on 13 October 2022, be adopted.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

**CCL22/256 REPORT OF THE CULTURE AND COMMUNITY COMMITTEE - MEETING 13
OCTOBER 2022 (ID22/2185)**

The Council had before it the report of the Culture and Community Committee meeting held 13 October 2022.

Moved by Councillor J Gough and seconded by Councillor S Chowdhury

MOTION

That the report of the Culture and Community Committee meeting held on 13 October 2022 be adopted, save and except CCC22/54 which will be dealt with separately.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

CCC22/54 SOUTHLAKES MAINTENANCE AGREEMENT WITH MAAS GROUP PROPERTIES SOUTHLAKES PTY LTD (ID22/1906)

The Council had before it the report dated 8 September 2022 from the Manager Recreation and Open Space regarding Southlakes Maintenance Agreement with Maas Group Properties Southlakes Pty Ltd.

Moved by Councillor J Gough and seconded by Councillor P Wells

MOTION

That the Open Space Maintenance Deed, Southlakes Development, Boundary Road Dubbo be executed under the Common Seal of the Council.

CARRIED

For: Councillors J Black, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

Councillor S Chowdhury declared a pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor S Chowdhury owns property in Southlakes.

CCL22/257 REPORT OF THE CORPORATE SERVICES COMMITTEE - MEETING 13 OCTOBER 2022 (ID22/2186)

The Council had before it the report of the Corporate Services Committee meeting held 13 October 2022.

Moved by Councillor D Mahon and seconded by Councillor S Chowdhury

MOTION

That the report of the Corporate Services Committee meeting held on 13 October 2022, be adopted.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

CCL22/258 REPORT OF THE AUDIT AND RISK MANAGEMENT COMMITTEE - MEETING 27 SEPTEMBER 2022 (ID22/2187)

The Council had before it the report of the Audit and Risk Management Committee meeting held 27 September 2022.

Moved by Councillor R Ivey and seconded by Councillor J Gough

MOTION

That the report of the Audit and Risk Management Committee meeting held on 27 September 2022, be adopted.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

REPORTS FROM STAFF:

CCL22/259 SAXA ROAD - TEMPORARY ROAD CLOSURE AND ACCESS RESTRICTIONS (ID22/2191)

The Council had before it the report dated 20 October 2022 from the Senior Traffic Engineer regarding Saxa Road - Temporary Road Closure and Access Restrictions.

Moved by Councillor V Etheridge and seconded by Councillor S Chowdhury

MOTION

- 1. That Council approve the implementation of a temporary road closure with the exception of local access to rural properties accessed from Saxa Road between the Golden Highway and Gollan Road and Muronbung Road to the Mitchell Highway.**
- 2. That Council install adequate signage being; ‘Road Closed’, ‘Local Traffic Only’, ‘No Truck Entry’ and ‘4.5 tonne GVM’ signs.**
- 3. That if approved a widespread communications program be implemented, specifically including but not limited to:**
 - a. the National Heavy Vehicle Regulator be advised to update their route planner advising of the closure of Saxa Road**
 - b. that VMS Boards be placed in strategic locations to allow adequate warning to all motorists.**
 - c. That council notify residents in that area.**

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

CCL22/260 PREPARATION OF RENEWABLE ENERGY BENEFIT FRAMEWORK (ID22/1986)

The Council had before it the report dated 14 October 2022 from the Manager Growth Planning regarding Preparation of Renewable Energy Benefit Framework.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

MOTION

1. That Council endorse the preparation of a Renewable Energy Benefit Framework to ensure community benefits are realised from renewable energy projects in the Region.
2. That a report in respect of the draft Renewable Energy Framework be provided to Council for consideration at the December 2022 Council meeting.
3. That the Planning Agreement Policy for Solar and Wind Farms be substituted with a renewable energy benefit framework.
4. It should be noted that all Planning Agreements are required to be considered by Council and placed on public display in accordance with the requirements of the Environmental Planning and Assessment Act, 1979.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

CCL22/261 DRAFT PLANNING PROPOSAL POLICY - RESULTS OF PUBLIC EXHIBITION (ID22/1880)

The Council had before it the report dated 13 October 2022 from the Team Leader Growth Planning Projects regarding Draft Planning Proposal Policy - Results of Public Exhibition.

Moved by Councillor J Black and seconded by Councillor J Gough

MOTION

1. That Council note the submission received during the public exhibition period (attached in Appendix 2).
2. That the draft Planning Proposal Policy (attached in Appendix 1) be adopted and replace the existing Planning Proposal Policy.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

CCL22/262 EVENT ASSISTANCE PROGRAM - 2022/2023 - ROUND 1 COMMUNITY EVENTS FUND AND DESTINATION EVENTS FUND. (ID22/2070)

The Council had before it the report dated 4 October 2022 from the Manager Regional Events regarding Event Assistance Program - 2022/2023 - Round 1 Community Events Fund and Destination Events Fund.

Moved by Councillor J Gough and seconded by Councillor V Etheridge

MOTION

That each applicant be advised of the outcome of their application in accordance with the Financial Assistance Policy.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

CCL22/263 RESULTS OF PUBLIC EXHIBITION - DRAFT SOCIAL MEDIA POLICY (ID22/2073)

The Council had before it the report dated 4 October 2022 from the Director Strategy, Partnerships and Engagement regarding Results of Public Exhibition - Draft Social Media Policy.

Moved by Councillor J Gough and seconded by Councillor P Wells

MOTION

- 1. That the amendments to the Draft Social Media Policy be noted, including the clarification and definitions of; 'Council official', 'Council-corporate social media account'.**
- 2. That the submitters be thanked for their submissions and advised of the outcome of the Public Exhibition.**

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

CCL22/264 DISCLOSURE OF INTEREST RETURNS (ID22/1916)

The Council had before it the report dated 11 October 2022 from the Manager Corporate Governance regarding Disclosure of Interest Returns.

Moved by Councillor S Chowdhury and seconded by Councillor P Wells

MOTION

1. That the information in the report of the Manager Corporate Governance dated 11 October 2022, be noted.
2. That the tabling of the Disclosure of Interest Returns, as detailed in the report, be noted.
3. That it be noted that as there were no failures to lodge Disclosure of Interest Returns for the return period, no advice is required to be provided to the Office of Local Government in this matter.
4. That the lodged Disclosure of Interest Returns for Councillors and Designated Persons be placed on Council's website no later than 30 November 2022, noting that some private information will be redacted prior to publishing online.
5. That it be noted that Disclosure of Interest Returns may be subject to review as part of the proposed Office of Local Government Audit.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

CCL22/265 ANNUAL REPORT ON COMPLAINT STATISTICS UNDER COUNCIL'S CODE OF CONDUCT (ID22/1389)

The Council had before it the report dated 19 October 2022 from the Manager Corporate Governance regarding Annual Report on Complaint Statistics Under Council's Code of Conduct.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

MOTION

That the report of the Manager Corporate Governance, dated 19 October 2022, be noted.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

CCL22/266 CHANGE OF JANUARY 2023 COUNCIL MEETING DATE (ID22/2170)

The Council had before it the report dated 19 October 2022 from the Governance Team Leader regarding Change of January 2023 Council Meeting Date.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

MOTION

That Council resolves to move the Ordinary Council meeting scheduled for January 2023 to be held on Thursday 9 February 2023 in the Wellington Chamber as previously resolved.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

**CCL22/267 PRESENTATION OF COUNCIL'S 2021/2022 FINANCIAL STATEMENTS
(ID22/2091)**

The Council had before it the report dated 7 October 2022 from the Statutory Accountant regarding Presentation of Council's 2021/2022 Financial Statements.

The Council received a presentation by Director Audit M Lee and Auditor F Ali on this item.

Moved by Councillor S Chowdhury and seconded by Councillor R Ivey

MOTION

That the General Purpose Financial Statements and the Special Purpose Financial Statements for the year ended 30 June 2022 be accepted by Council.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

**CCL22/268 RE-EXECUTION OF LEASE - AIRPORT HANGAR SITE 16 TO DUBBO AEROCLUB -
PROCEDURAL MATTER (ID22/2015)**

The Council had before it the report dated 27 September 2022 from the Manager Property and Land Development regarding Re-execution of Lease - Airport Hangar Site 16 to Dubbo Aeroclub - procedural matter.

Moved by Councillor V Etheridge and seconded by Councillor M Wright

MOTION

1. That a new lease over Hangar Site 16 at Dubbo Regional Airport:
 - (a) based on the same terms and conditions as the lease executed by Dubbo Regional Council and Dubbo Aero Club in 2019; and
 - (b) commencing on 1 July 2019,
is entered into.
2. That the three (3) other leases for Hangar Site 16 at Dubbo Regional Airport:
 - (a) one lease commencing on 1 July 2024;
 - (b) one lease commencing on 1 July 2029; and
 - (c) one lease commencing on 1 July 2034,
and based on the same terms and conditions as the initial lease is entered into.
3. That all the leases be executed under the Common Seal of the Council.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

CCL22/269 ACCEPTANCE OF EASEMENT AT 252 MYALL STREET, DUBBO AS PART OF DEVELOPMENT BY NSW LAND AND HOUSING CORPORATION (ID22/1897)

The Council had before it the report dated 6 September 2022 from the Manager Property and Land Development regarding Acceptance of Easement at 252 Myall Street, Dubbo as Part of Development by NSW Land and Housing Corporation.

Moved by Councillor J Black and seconded by Councillor M Wright

MOTION

1. That Council accept the storm water easement over 252 Myall Street, Dubbo, properly described as Lot 191 on DP 251858.
2. That all documents relating to resolution 1 (above) be executed under the Common Seal of Council.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

CCL22/270 COMMENTS AND MATTERS OF URGENCY (ID22/2188)

There were no matters recorded under this clause.

CONFIDENTIAL COUNCIL:

In accordance with Section 9(2A) Local Government Act 1993, in the opinion of the Chief Executive Officer, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

The items listed come within the following provisions of the Act:

- CCL22/271 – Corporate Partnership Program – Event Attraction
Section 10A(2)(c) - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- CCL22/272 – Amendment of Council Resolution Regarding the Execution of Lease to the Crown as Part of Dubbo Airport Precinct for a Regional Police Training Facility -
Section 10A(2)(c) - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- CCL22/273 – Exercise of the Mayor’s Powers under S226 of the Local Government Act Relating to the Reserve Prices for Keswick Estate Stage 5, Release 2
Section 10A(2)(d)(ii) – information that would, if disclosed, confer a commercial advantage on a competitor of the Council.

There were no submissions as to whether the meeting should be closed for a particular item.

At this juncture it was moved by Councillor V Etheridge and seconded by Councillor S Chowdhury that the Council resolves into Closed Session, the time being 7.19pm.

The Open Session resumed at 8.28pm.

The Manager Corporate Governance read out the following resolutions made in the closed session of Council.

CCL22/271 CORPORATE PARTNERSHIP PROGRAM - EVENT ATTRACTION (ID22/2007)

The Council had before it the report dated 26 September 2022 from the Manager Regional Events regarding Corporate Partnership Program - Event Attraction.

Moved by Councillor V Etheridge and seconded by Councillor S Chowdhury

MOTION

The Council recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).

CARRIED

Moved by Councillor J Gough and seconded by Councillor M Wright

MOTION

1. That the proposed Corporate Partnership Program – Event Attraction Packages be adopted.
2. That the Corporate Partnership Program – Event Attraction fund will be to attract Major Event activity.
3. That a progress report be provided to Council in June 2023 with the outcomes of the Program.
4. That the documents and considerations in regard to this matter remain confidential to council.

Moved by Councillor P Wells and seconded by Councillor J Black

AMENDMENT

1. That the proposed Corporate Partnership Program Option 2 be adopted.
2. That the Corporate Partnership Program – Event Attraction fund will be to attract Major Event activity.
3. That a progress report be provided to Council in June 2023 with the outcomes of the Program.
4. That the documents and considerations in regard to this matter remain confidential to council.

The Amendment on being put to the meeting was lost.

LOST

For: Councillors J Black, J Gough and P Wells

Against: Councillors S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, and M Wright.

Moved by Councillor P Wells and seconded by Councillor J Black

FURTHER AMENDMENT

1. **That the proposed Corporate Partnership Program – Event Attraction Packages be adopted.**
2. **That the Corporate Partnership Program – Event Attraction fund will be to attract Major Event activity.**
3. **That a progress report be provided to Council in June 2023 with the outcomes of the Program.**
4. **That the documents and considerations in regard to this matter remain confidential to council.**
5. **That Council only accept sponsorship from products suitable for people under the age of 18 and from organisations that do not promote unhealthy lifestyles.**

The further amendment on being put to the meeting was carried.

CARRIED

The further amendment then became the motion and on being put to the meeting was carried.

CARRIED

For: Councillors S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, and M Wright.

Against: J Black, D Mahon, P Wells

CCL22/272 AMENDMENT OF COUNCIL RESOLUTION REGARDING EXECUTION OF LEASE TO THE CROWN AS PART OF DUBBO AIRPORT PRECINCT FOR A REGIONAL POLICE TRAINING FACILITY (ID22/2136)

The Council had before it the report dated 12 October 2022 from the Manager Property and Land Development regarding Amendment of Council Resolution regarding execution of lease to the Crown as part of Dubbo Airport Precinct for a Regional Police Training Facility.

Moved by Councillor V Etheridge and seconded by Councillor S Chowdhury

MOTION

The Council recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).

CARRIED

Moved by Councillor J Black and seconded by Councillor V Etheridge

MOTION

1. That Council approve the amendment to the lease to the Crown (in right of the State of NSW represented by the NSW Police Force) over Lot 2 on DP1267927, provided that it contains substantially the same terms as outlined in Appendix 2 to this report.
2. That all documentation in relation to this matter is executed under the Common seal of Council.
3. That the documents and considerations in regard to this matter remain confidential to council.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

CCL22/273 EXERCISE OF THE MAYOR'S POWERS UNDER S226 OF THE LOCAL GOVERNMENT ACT RELATING TO THE RESERVE PRICES FOR KESWICK ESTATE STAGE 5, RELEASE 2 (ID22/2190)

The Council had before it the report dated 20 October 2022 from the Manager Property and Land Development regarding Exercise of the Mayor's powers under s226 of the Local Government Act relating to the reserve prices for Keswick Estate Stage 5, Release 2.

Moved by Councillor V Etheridge and seconded by Councillor S Chowdhury

MOTION

The Council recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).

CARRIED

Moved by Councillor V Etheridge and seconded by Councillor S Chowdhury

MOTION

1. That Council endorse the exercise of the Mayor's powers under s226(d) of the *Local Government Act 1993* to amend the reserve pricing of the 52 unregistered lots at Keswick Estate, Stage 5 Release 2, in accordance with the detail as outlined in this report.
2. That the documents and considerations in regard to this matter remain confidential to council.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

AMENDMENT

1. That Council endorse the exercise of the Mayor's powers under s226(d) of the *Local Government Act 1993* to amend the reserve pricing of the 52 unregistered lots at the Keswick Estate, Stage 5 Release 2, in accordance with the detail as outlined in this report.
2. That the documents and considerations in regard to this matter remain confidential to council.
3. That the properties not sold by auction, by close of business Friday 28 October 2022, be sold by private treaty at a minimum of the square metre rate as resolved by section 226(d) of the *Local Government Act 1993*.

The amendment on being put to the meeting was carried.

CARRIED

The amendment then became the motion and on being put to the meeting was carried.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon and P Wells.

Against: Nil

Councillor M Wright declared a pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor M Wright is the owner of a finance broking business Money Quest which is likely to finance the purchase of one or more of these blocks and will subsequently benefit financially.

The meeting closed at 8.32 pm.

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CHAIRPERSON