

PLANNING PROPOSAL

Proposed Rezoning of
1583 Burrendong Way, Mullion Creek
From RU1 Primary Production to R5 Large Lot Residential

Prepared for
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TABLE OF CONTENTS

1.0	INTRODUCTION.....	2
1.1	OVERVIEW	2
1.2	BASIS FOR THE PLANNING PROPOSAL.....	3
1.3	SUBJECT LAND	4
1.4	DEVELOPMENT CONCEPT.....	13
1.4.1	Overview	13
1.4.2	Staging.....	14
1.4.3	Proposed Torrens Subdivision.....	14
1.4.4	Proposed Community Title Subdivision.....	15
1.4.5	Community Title Subdivision.....	16
1.4.6	Dwelling Envelopes	17
1.4.7	Servicing	17
1.4.8	Roads.....	18
2.0	OBJECTIVES OR INTENDED OUTCOMES	19
2.1	PLANNING PROPOSAL OBJECTIVES	19
2.2	PLANNING PROPOSAL OUTCOMES	19
3.0	EXPLANATION OF PROVISIONS	21
4.0	JUSTIFICATION	22
4.1	NEED FOR THE PLANNING PROPOSAL.....	22
4.2	RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK	29
4.3.	ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT	73
4.4	STATE AND COMMONWEALTH INTERESTS	95
5.0	COMMUNITY CONSULTATION.....	96
6.0	CONCLUSION	98

Annexure A

Land Plans and Development Concept

Annexure B

Onsite Effluent Management Study

Annexure C

AHIMS Search

1.0 INTRODUCTION

1.1 OVERVIEW

This Planning Proposal describes a proposed amendment to the Cabonne Local Environmental Plan 2012 (the LEP). This Planning Proposal seeks to amend the land zoning map of the LEP to rezone Lots D and E DP 33623 being 1583 Burrendong Way, Mullion Creek from RU1 Primary Production to R5 Large Lot Residential.

The rezoning of the subject land to the R5 zone will enable large lot residential development of the land as desired by the proponent. The rezoning of the site will also amend the minimum lot size of the land.

As this Planning Proposal is consistent with the existing strategic planning framework, it is appropriate that this Proposal be categorised under the *Department of Planning and Environment's Local Environmental Plan Making Guideline (2021)* as a 'Standard' Planning Proposal.

The *Cabonne Settlement Strategy 2021-2041* (CSS) was prepared in 2021 to provide a strategic framework for future residential development within the Cabonne LGA for the next 20 years. The subject land is identified within SA5. The supply/demand analysis for the Mullion Creek locality acknowledges that the village does not have sufficient land supply to meet 20 years' demand for housing.

A preliminary concept plan has been prepared that demonstrates this proposal relates appropriately to the existing and future development pattern for the area. Overall, it is considered that the site is suitable for the proposed rezoning and subsequent subdivision and residential development.

The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning & Assessment Act 1979 (the Act) and the Department of Planning's advisory document *A Guide to Preparing Planning Proposals*.

It represents the first step in the process of amending the LEP and the intent is to provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan-making process.

A Gateway determination under Section 3.34 of the Act is requested. It is acknowledged that the Gateway determination will confirm the information (which may include studies) and consultation required before the LEP can be finalised.

1.2 BASIS FOR THE PLANNING PROPOSAL

This Planning Proposal has been prepared on the basis that the subject land is located within SA5A of the CSS. The CSS recognises that the existing rural residential zoning for the settlement can be supplemented through the provision of additional land within this area. The CSS recognises that the subject land is suitable for rezoning to Large Lot Residential development. In this regard:

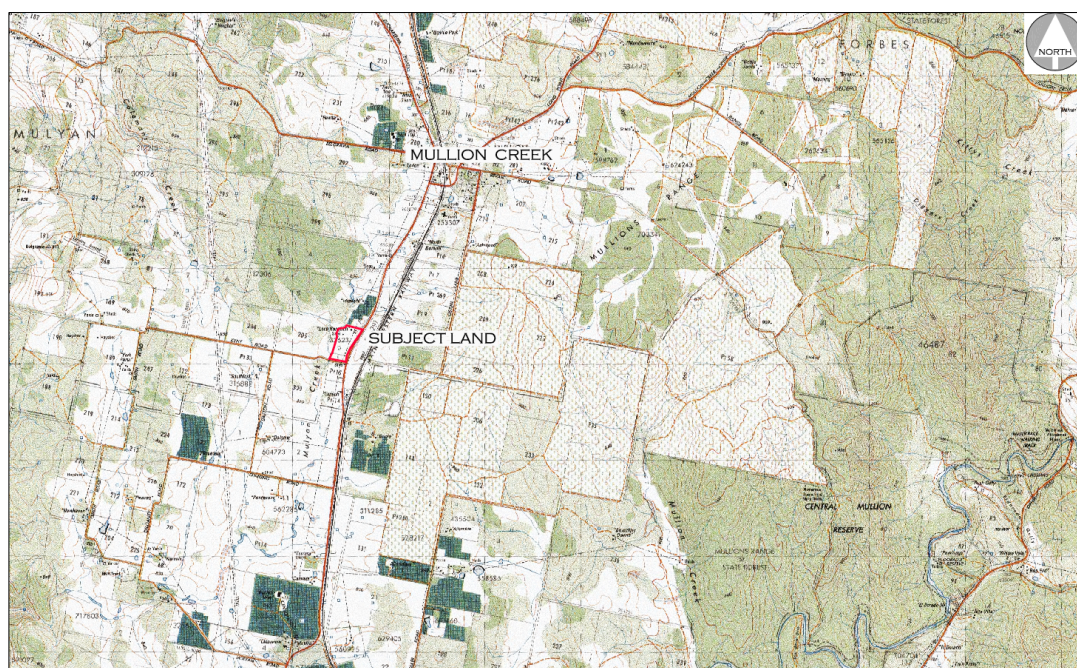
- The proposed rezoning would represent a logical expansion of the existing R5 zoning located on the opposite side of Burrendong Way and will provide a complimentary land use conducive to the surrounding development pattern which consists predominantly of lifestyle/hobby lots.
- The subject land does not possess any economic or agricultural viability under the current RU1 zoning provisions due to its size. This is largely attributed to the surrounding development pattern and the fragmentation of the subject land itself and the adjoining lands.
- The subject land possesses attributes and characteristics to the other R5 zoned land within Mullion Creek. In this regard, the future development of the lot for rural residential purposes is not uncharacteristic of the prevailing and existing development pattern in the neighbourhood.
- The agricultural value of the site is diminished due to the fragmented holding pattern and surrounding land uses.
- The future subdivision of the subject land would, as supported by the draft strategy, have limited impacts on agriculture and maintains an appropriate buffer to the rail corridor and to the Mulyan Creek.
- The CSS does not preclude the subject land from rural residential development, however, recognises that a lower yield may occur due to the constraints of the site but is nonetheless supported by the strategy.
- The rezoning of the subject land would relate more to the prevailing and existing settlement pattern along this section of Burrendong Way in contrast to the current zoning provisions.
- The subject land is not unreasonably constrained by any natural hazards or bushfire.

- The subject land is adequately separated from adjoining agricultural land so as to minimise the potential for land use conflict between the opposing interfaces.
- The strong consumption of rural residential lots within the Mullion Creek village is evidenced by the limited supply of lots available as well as the success and consumption of the existing R5 Large Lot Residential land in the locality.

1.3 SUBJECT LAND

a) Location

The subject land is located on the western side of Burrendong Way and is approximately 1.5 kilometres from the Mullion Creek village. The subject land is described as Lot rezone Lots D and E DP 33623, Parish of Gamboola Country of Wellington (Refer to Figure 2).



The subject land is currently zoned RU1 Primary Production under the provisions of the Cabonne Local Environmental Plan 2012. The surrounding development pattern consists of:

- Land zoned RU1 Primary Production to the north, south, east and west.
- Further to the east, on the opposite side of the railway line is land zoned R5 Large Lot Residential.

- Burrendong Way (zoned SP2 Classified Road) forms the western boundary of the subject land.

b) Site Description

Overview

The subject land is zoned for primary production and consists of approximately 8.994 hectares. Lot D is a concessional allotment and comprises an existing dwelling house, garage and other ancillary farm buildings. Despite the RU1 zoning of the land, this lot operates and appears as a lifestyle/hobby lot.

The adjoining Lot E to the south, has a historic land use of grazing. Other features of the subject land include the Mulyan Creek to the west; dams; and farm related infrastructure such as fencing.

Land plans are provided in *Annexure A*.

Topography & Drainage

The topography of the land can be described generally as flat with a gradual fall to the west towards Mulyan Creek.

Drainage of the site is via the natural surface and Mulyan Creek that flows in a northerly direction through the western part of the land.

Farm dams have been strategically positioned over the subject land for stock watering purposes.

Natural Hazards

The subject land is not identified as flood prone land.

The subject land is identified as bushfire prone land on Council's bushfire mapping due to the remnant woodland and grassland located within the subject land and on adjoining properties.

As discussed throughout this report, the bushfire hazard does not unreasonably constrain the proposal or future development of the subject land.

Land Use

The subject land has a history of livestock grazing. Paddocks, a dam, water tanks, yards and farm buildings have been established to support this land use, along with the owner's residence.

Biodiversity

The subject land has been predominantly cleared for grazing aside from the remnant native vegetation that lines the Burrendong Way road corridor along the eastern boundary of the subject land.

The vegetative cover of the site is typical of other rural properties that have been extensively cleared in the area.

Traffic and Access

The principal access to the property is provided from Burrendong Way via the gateway in the north eastern corner. The internal driveway extends west and forms a loop in the vicinity of the dwelling.

Burrendong Way is a Classified bitumen sealed road that provides one lane in each direction. The posted speed limit in this section is 100 km/h.

The southern boundary of the subject land has frontage to Kent Road. Kent Road is an unclassified bitumen sealed roadway that provides one lane in each direction.

Services

In terms of servicing:

- There is no town water reticulation that services the land. Domestic water supply is provided via rainwater collection tanks.
- Wastewater disposal for the dwelling is conducted via on-site means utilising a septic tank and absorption trenches.
- There is no formal stormwater drainage system that services the land. Stormwater from the site is either captured on site for water supply purposes, or returned to the rural catchment via natural channels, roadside drainage lines and culverts.

- Electricity and telecommunications are connected to the existing dwellings.

Constraints and Opportunities

The constraints and opportunities of the site are summarised as follows:

- The land is situated within a highly fragmented land use pattern where only small-scale primary industry activities occur. The prevailing land use consists mainly of lifestyle/hobby lots. It is therefore reasonable to suggest that the limited grazing activities that occur on the site and adjoining lands, the subject land's contribution to agriculture is limited and lessening.
- The subject land has been identified as a potential area for Large Lot Residential rezoning since 2008 under the *Sub Regional Rural and Industrial Land Use Strategy 2008* and the superseded *Cabonne Settlement Strategy 2012* and now the *Cabonne Settlement Strategy 2021-2041*. Considering the subject land's long association for potential rezoning under Council's strategic planning framework, it cannot be said that the rezoning of the subject land to R5 Large Lot Residential will conflict with the residents expectations of the area.
- The proposal would increase the variety of housing types in the LGA as encouraged by the Cabonne Local Environmental Plan 2012.
- The gently terrain does not pose a constraint to rural residential development. In fact, the gradual slope provides advantageous building opportunities across most of the site.
- In order to generate a modest yield from the site and to provide access via a road other than a Classified Road (as encouraged by Clause 2.118 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, the future subdivision of the site would occur under the *Community Land Development Act, 2021*. It should be noted that a *Community Title Subdivision* is permissible by virtue of Clause 4.1(4)(b) of the Cabonne Local Environmental Plan 2012.
- The provisions of Clause 4.1AA of the Cabonne Local Environmental Plan 2012 do not apply to the future subdivision of the subject land as this Clause applies only to land within the RU1 Primary Production and RU2 Rural Landscape zones.
- The location of the subject land does not pose a constraint to the proposal. It is spatially contiguous with the Mullion Creek village and is in close proximity to other rural small holdings development.

- The subject land has been mapped by NSW Agriculture as being of Class 5 Agricultural Suitability. In this regard, the land is classified as not being suitable for regular cultivation and has severe limitations in terms of agricultural output.
- The rezoning of the subject land as an area of future large lot residential growth would therefore positively contribute to the supply of large lot residential land within the LGA. A range of allotments needs to be maintained to suit the different markets at any one time to maintain choice for the range of homebuyers and to plan and fund infrastructure.
- The rezoning of the subject land will integrate with the planned residential land use pattern for the area and would thus allow for the orderly growth of land uses while minimising conflict between land uses within any beyond the zone.
- The majority of the land is cleared with the exception of an area of lightly scattered native timber which along the riparian corridor of Mulyan Creek.
- The conceptual layout demonstrates that Mulyan Creek can be accommodated in the eventual lot layout with appropriate buffer distances.
- The bushfire hazard does not constrain the future development of the site. The future subdivision of the site would require a Bushfire Safety Authority (BFSA) to be issued under Section 100B of the Rural Fires Act 1997.
- The principal access to the site can be obtained from Kent Road which is an unclassified roadway without the need to provide additional access on to Burrendong Way which forms part of the Classified road network.

Current LEP Provisions

The site is subject to certain provisions of the Cabonne Local Environmental Plan 2012 which are relevant to this Planning Proposal and are outlined below. The subject land is identified on Map 004C in the following manner:

LEP Matter	Comment
Land Zoning Map	Zoned RU1 Primary Production
Lot Size Map	MLS 100 hectares

LEP Matter	Comment
Heritage Map	Not within a Conservation Area. No heritage items in vicinity of development.
Natural Resource - Karst Map	No karst identified within subject land
Terrestrial Biodiversity Map	Biodiversity sensitivity identified within subject land
Drinking Water Catchment Map	Not located in a drinking water catchment
Riparian Lands and Watercourses Map Groundwater Vulnerability Map	Identified as containing riparian lands or watercourses Groundwater vulnerable land
Flood Planning Map	Not within a flood planning area

Zone objectives and land use table

The objectives and the land use table of the RU1 Primary Production zone is provided below.

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Terrestrial Biodiversity Map

Part of the subject land is identified on the LEP map extract below as having terrestrial biodiversity.



Riparian Land and Watercourses and Groundwater Vulnerability Map

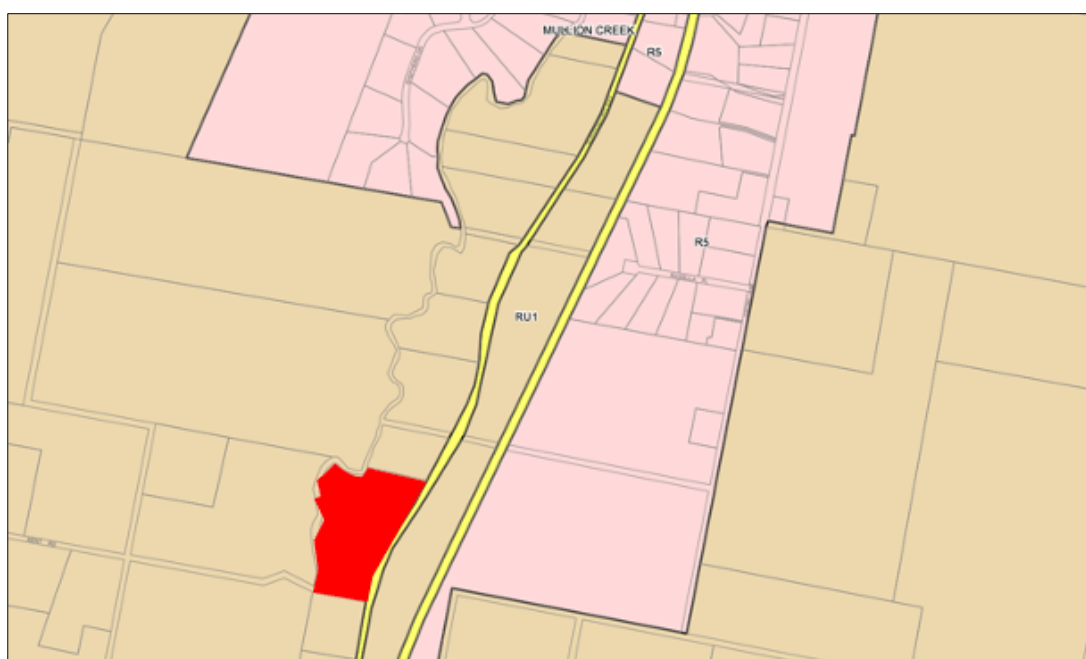
Part of the subject land, as identified on the LEP map extract below is defined as having groundwater vulnerability and a watercourse (Mulyan Creek).



c) Surrounding Development

Generally, the surrounding development pattern is characterised as a rural lifestyle area which includes:

- Rural land to the south, east, and north consisting of small-scale grazing pursuits.
- A series of concessional lots with frontage to Burrendong Way are located to the north of the subject land.
- Individual hobby lots with dwelling houses and associated farm infrastructure are located to the west along Kent Road.
- On the opposite side of the Main Western Railway to the east of the subject land comprises of zoned but undeveloped R5 Large Lot Residential Land.
- The village of Mullion Creek is located some 1.5 kilometres to the north of the subject land.



In a broader context, the surrounding development pattern comprises predominantly of cleared grazing land. This pattern, particularly further to the north and north west, is interspersed with dwellings sited on rural and rural residential allotments.

The surrounding development pattern comprises the following Minimum Lot Sizes:

- Land zoned RU1 Primary Production to the north, south and west with a Minimum Lot Size of 100 hectares.
- Zoned and developed R5 Large Lot Residential Land with a Minimum Lot Size of 2 hectares occupies the village centre and the surrounding land.

1.4 DEVELOPMENT CONCEPT

1.4.1 Overview

It is proposed to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential to enable the subject land to be developed to living opportunities within a rural setting.

The future large lot residential development of the site would involve the following:

- 2 Torrens lots as indicated in Figure 4.
- 5 Community Title lots and Community Property created under the *Community Land Development Act 2021*.
- The construction of a private roadway to service the Community Title lots.
- Identification of a dwelling envelope within the vacant lots based on the most appropriate dwelling sites; boundary setbacks; and suitability for on-site effluent disposal.
- Fencing of all lots.
- On-site effluent disposal.
- Water supply via rainwater collection tanks.

A concept subdivision plan has been prepared as a general indication of how the site could be developed in the future. It is important to note that:

- The concept plan is indicative only at this stage for the high-level purpose of a Planning Proposal.

- The concept plan in no way guarantees that the land will be limited to or used only for the purposes depicted.
- The final development option will be subject to analysis, design, assessment, and the approvals process under Part 4 of the Environmental Planning and Assessment Act, 1979.
- It is expected that the development would be released in stages in line with demand.

1.4.2 Staging

It is intended to undertake the subdivision in stages as follows:

- Stage 1 Torrens Title subdivision as indicated in Figure 4 to create proposed Lot 100 and Lot 101.
- Stage 2 Proposed Community Title subdivision of proposed Torrens Lot 101 to create Lots 1 to 5 as individual lots as indicated in Figure 5.

1.4.3 Proposed Torrens Subdivision

It is proposed to subdivide the subject land to create two Torrens Title lots as indicated in Figure 4 to create:



Lot	Area	Proposed Use
100	3.065 hectares	Existing dwelling house and support areas
101	5.879 hectares	Future development lot to be developed as part of Stage 2

1.4.4 Proposed Community Title Subdivision

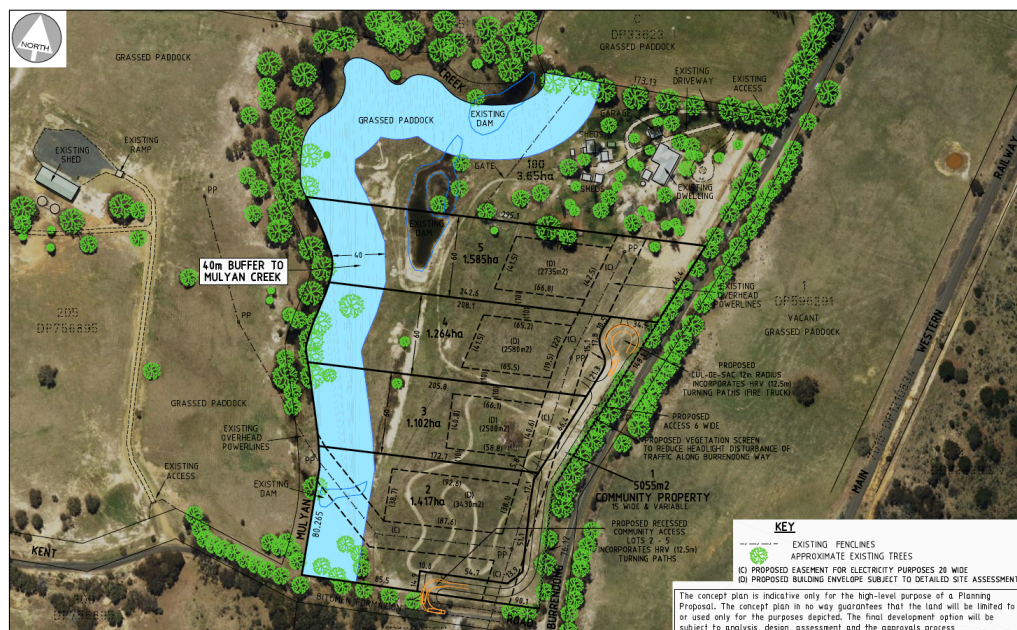
As indicated in Figure 5, it is proposed to undertake a rural residential subdivision under the *Community Land Development Act, 2021*. As depicted in the Figure below, the future subdivision of the subject land would involve the creation of 4 rural residential allotments ranging in area from 1.102 hectares to 1.585 hectares plus Community Property.

Lot	Area	Proposed Use
1	5055m ²	Community Property
2	1.417 hectares	Vacant and intended for a range of permissible uses within the R5 Large Lot Residential Zone
3	1.102 hectares	Vacant and intended for a range of permissible uses within the R5 Large Lot Residential Zone
4	1.264 hectares	Vacant and intended for a range of permissible uses within the R5 Large Lot Residential Zone
5	1.585 hectares	Vacant and intended for a range of permissible uses within the R5 Large Lot Residential Zone

Proposed Lot 1 (Community Property) will comprise of the private roadway and manoeuvring area which will provide legal and practical access to each of the proposed lots.

Proposed Lots 2-5 will be created as vacant rural residential parcels. The submitted plans show each of the proposed lots with an indicative building envelope to ensure an adequate buffer is provided between future residential development and the Mulyan Creek.

Each lot is of regular configuration and would provide future dwellings with reasonable opportunity for solar access.



1.4.5 Community Title Subdivision

The subdivision would be undertaken via the *Community Land Development Act 2021* to incorporate certain management provisions relating to the provision of the proposed roadway, building design and landscaping. It is proposed that the Community Title Management State include By-Laws to the following effect:

- The Community Association will be responsible for the control, operation, and maintenance of the internal road (proposed Lot 1) that would extend from Kent Road to each of the proposed lots.
- Landscaping will be required for each lot and will be the responsibility of the individual lot owners.
- Future development within the lots should incorporate appropriate rural architectural building materials, finishes and tones to ensure that the future development of the lots will integrate satisfactorily with the rural landscape. Noting that the final design of future development will be subject to Council's development consent; however, the intent of the By-Law aims to reinforce to each lot owner the need to use quality materials, appropriate textures, and complementary external design.

1.4.6 Dwelling Envelopes

Dwelling envelopes have been defined for each vacant lot having regard to the topography of the land, bushfire hazard, and other physical constraints. The envelopes provide dwelling sites that are reasonably setback from property boundaries; are elevated; and well drained.

The configuration of each building envelope is such that it enables a future dwelling to be orientated and designed without constraint to maximise solar penetration to internal and external living areas.

1.4.7 Servicing

The proposed development would be serviced as follows:

Sewer

Domestic wastewater for future dwellings would be disposed of via on-site means and in accordance with *On-site Sewage Management for Single Households* (which is an all of government approach to on site effluent disposal); and *AS/NZS 1547:2000 On-site Domestic Wastewater Management*. Annexure B provides a detailed assessment for the dwelling envelope within each proposed vacant lot.

Water

Water supply for future dwelling will be provided via rainwater collection tanks and where applicable, supplemented by dams or bores.

Stormwater

Stormwater drainage, other than that captured on site for water supply purposes (dams, tanks, etc.) will be returned to the rural catchment. Flows will be kept to a non-erosive velocity by the implementation of appropriate erosion and sediment control structures.

Electricity and Telecommunications

Electricity and telecommunications will be provided to the proposed vacant lots in accordance with the requirements of the relevant supply authority.

Domestic Waste Collection

It is proposed that all domestic waste be collected by the waste disposal service which currently operates for existing residents in the Mullion Creek village.

1.4.8 Roads

An internal private roadway would be constructed within the Community Property (proposed Lot 1) that extends from Kent Road to the frontage of each of the proposed lots.

The proposed roadway will have a reserve width of 15 metres and be constructed to a carriageway width of 6 metres. The road will terminate in a cul-de-sac formation with a minimum kerb line radius of 8.8 metres when measured from the centre of the cul-de-sac to accommodate medium rigid vehicles.

The location of new accesses will be determined at the time of future development within each lot. As such they will not be provided as part of the subdivision.

The on-going maintenance of the private roadway and its verges would be the responsibility of the Community Association.

None of the proposed lots will have direct access on to the Burrendong Way which is a Classified Road.

2.0 OBJECTIVES OR INTENDED OUTCOMES

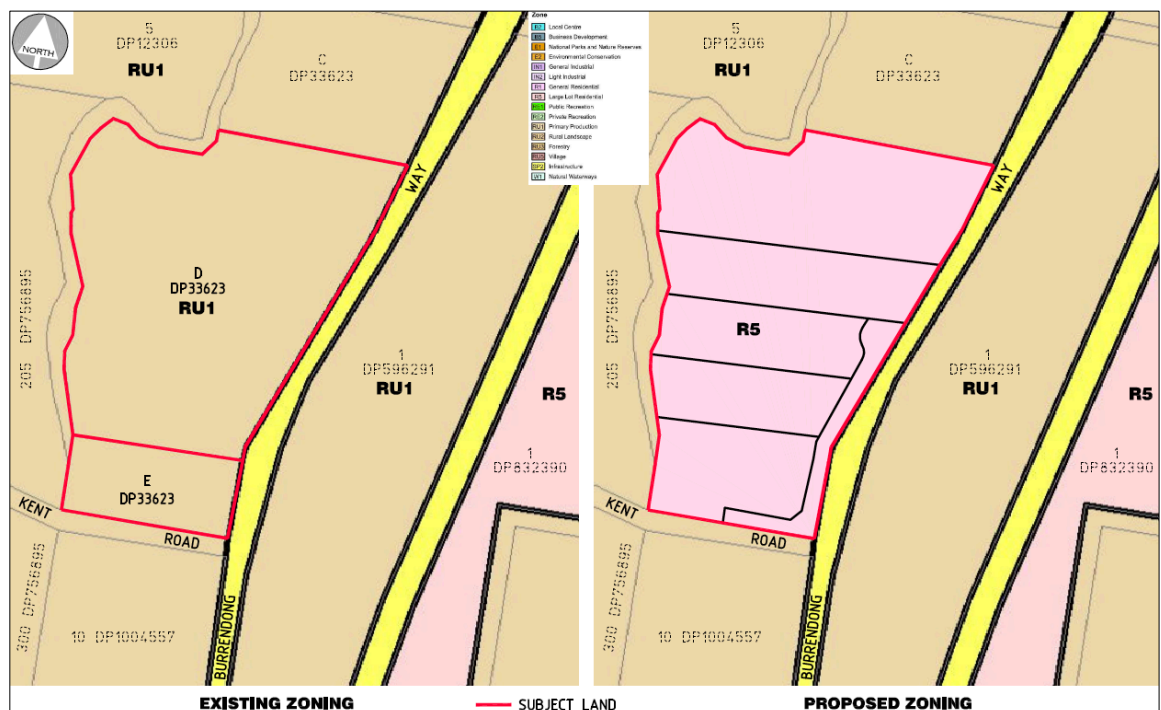
2.1 PLANNING PROPOSAL OBJECTIVES

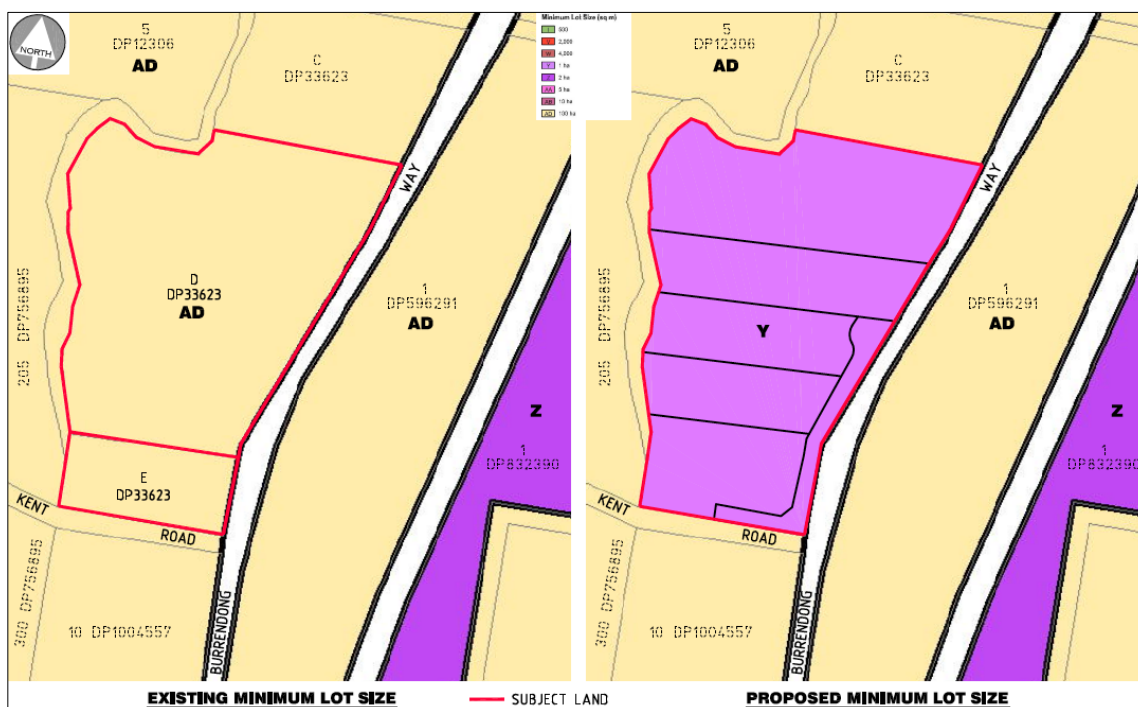
The objectives of this Planning Proposal are:

- To enable the rezoning of the subject land from RU1 Primary Production to R5 Large Lot Residential to enable further subdivision of the site.
- To amend the Minimum Lot Size Map from 100 hectares to 1 hectare.
- To satisfy the relevant aims and objectives of Cabonne Local Environmental Plan 2012.

2.2 PLANNING PROPOSAL OUTCOMES

The intended outcome of the Planning Proposal is to amend the Cabonne Local Environmental Plan 2012 to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential with a minimum lot size of 1 hectare. This will enable a future rural residential subdivision of the site.





3.0 EXPLANATION OF PROVISIONS

The objectives and intended outcomes of this Planning Proposal would be achieved as follows:

- Amend the land zoning map of the Cabonne Local Environmental Plan 2012 to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential.
- Amend the Cabonne Local Environmental Plan 2012 Minimum Lot Size Map so that the minimum subdivision lot size applying to the subject land is 1 hectare.
- There are no other changes to the text of the LEP on the basis that the objectives of the zone and land use table in relation to the R5 Large Lot Residential zone remains unchanged.

4.0 JUSTIFICATION

4.1 NEED FOR THE PLANNING PROPOSAL

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

The *Cabonne Settlement Strategy 2021-2041* was adopted by Council in May 2021. The purpose of the strategy is to provide clear direction for long-term growth and development within Council's local government area. The CSS focuses on providing sustainable growth within the existing towns and villages.

This Planning Proposal is supported by the *Cabonne Settlement Strategy 2021-2041*. The aim of the CSS is to identify up to 20 years' supply of urban and large lot residential land for each settlement within the Cabonne Local Government Area and to ensure that the planning decisions do not constrain future growth or increase land use conflict.

The subject land is located within SA5A of the CSS. It should also be acknowledged that the site was also identified in the now superseded 2012 Settlement Strategy for Large Lot Residential development.

In this regard, the 2021 CSS identifies that the development of the subject land for rural residential purposes would supplement the existing supply. The CSS made the following comments in respect of the subject land:

- *SA5A between the railway line and Mulyan Creek is a logical subdivision area that would have limited impact on agriculture, good access and flatter topography. However, buffers to rail, road and watercourses will be required. Therefore, yield is likely to be limited and a significant number of lots are already developed. The southern end has a higher bushfire potential and proximity to the quarry.*
- *Based on historic dwelling approval/construction rates over the last 20-40 years, there is up to ~15-20 years' supply in the existing Zone R5 Area. Whilst it can take >2-4 years to rezone new land and bring new land to market, this would appear to be sufficient for the short to medium term (next 5-10 years).*
- *In addition, the previously adopted Strategy Area SA5 would provide any additional growth required during the next 10-20 years should the rate of demand increase beyond existing supply.*

- *This Strategy recognises there has been a significant amount of smaller concessional and historic lot fragmentation around Mullion Creek and rural dwellings resulting in a significant number of dwellings outside of the Zone R5.*
- *This Strategy recommends the following changes to the SA5 areas:*
 - *Require that any rezoning of SA5A address both the buffer to Clergate Quarry and buffer to the rail line as well as safe access to Burrendong Way with sufficient yield to justify the rezoning.*
 - *This Strategy finds that the existing Mullion Creek Large Lot Residential has a 10–15 year supply of land...however, if demand from Orange increases then additional land may need to be considered for rezoning in accordance with this Strategy in the next 5-10 year review of this strategy.*

The rezoning and subsequent reduction in the MLS of the subject land is therefore to be as a result of a strategic study. As such, this Planning Proposal is not inconsistent with the guiding land use principles of the CSS as it would facilitate the sustainable and progressive release of the urban residential land whilst preserving the biodiversity values of the site.

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

Yes. In order to facilitate the future large lot residential development of the subject land, this Planning Proposal is considered to be an appropriate mechanism to achieve the objectives and intended outcomes. In this regard:

- The current zoning provisions and minimum lot size requirements of the subject land would preclude effective residential release.
- The Cabonne Settlement Strategy is a strategic land use planning policy which provides a clear strategic direction for sustainable residential growth and development within the Cabonne LGA. The subject land is identified in the Strategy as a Strategy Area for future Large Lot Residential Development.
- The provisions of the Cabonne LEP 2012 and Development Control Plan No.6 Rural Small Holdings would ultimately control and regulate the proper and orderly development of the subject land.

Therefore, an amendment to Zoning Map and Minimum Lot Size Map of the Cabonne Local Environmental Plan 2012 is considered to be the best means of achieving the desired outcome.

c) Is there a net community benefit?

The following information is provided to assist with the assessment of net community benefit. The information is based on the Evaluation Criteria (p.25) provided in the NSW Department of Planning *Draft Centres Policy, Planning for Retail and Commercial Development*.

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transport node)?

There are no State or regional strategies of this type applicable to the proposal.

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?

No.

Is the LEP likely to create a precedent or change expectations of the landowner or other landholders?

It is submitted that the rezoning of the subject land and subsequent development of the site would not create a precedent or change expectations of the landowner as the subject land has been identified as a potential area for Large Lot Residential rezoning since 2008 under the *Sub Regional Rural and Industrial Land Use Strategy 2008*; the superseded *Cabonne Settlement Strategy 2012* and now the *Cabonne Settlement Strategy 2021-2041*.

Considering the subject land's long association for potential rezoning under Council's strategic planning framework, it cannot be said that the rezoning of the subject land to R5 Large Lot Residential will conflict with the residents' expectations of the area.

Accordingly, the Planning Proposal is unlikely to create a precedent or change expectations due to the following:

- The proposal will result in an increase in the number of rural residential lots within an appropriately zoned area. As such it will enhance the supply and diversity of such land.
- The rezoning of the subject land will reinforce and complement the existing settlement pattern of lifestyle/hobby lots and does not introduce a new land use zone within the locality.
- The provision of services and infrastructure to serve the development will be borne by the developer and without additional costs or burden upon the community.
- The proposal is unlikely to impact upon travel distances given that it will integrate to an acceptable level with the existing transport routes that serve the area.
- There are no known significant government infrastructure investments in the immediate area that would be affected by this proposal.

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

We are not aware of other spot rezoning's in the locality.

Will the LEP facilitate permanent employment generating activity or result in a loss of employment lands?

Yes. The proposal has the potential to facilitate indirect economic benefit by providing for additional permanent population in close proximity to the village of Mullion Creek and to Orange as a major regional centre.

The Planning Proposal will not impact upon the supply of employment lands within the Cabonne LGA.

Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

This Planning Proposal would involve a slight increase in the range and supply of rural residential land that is available in the locality. The proposal will create 4 new lots plus Community Property under a *Community Title Scheme* which will positively contribute to housing supply and affordability in the LGA.

Is the existing public infrastructure (roads, rail, utilities) capable of serving the proposed site? Is there good pedestrian and cycling access? Is public transport available or is there infrastructure capacity to support future public transport?

The existing development in the Mullion Creek locality is not connected to a reticulated sewer or water supply. As identified in the draft strategy, it is unlikely that the village of Mullion Creek would be serviced by a reticulated water or sewer network due to the isolation of the village from such services. In this regard:

- Domestic wastewater for future dwellings would be disposed of via on-site means and in accordance with *On-site Sewage Management for Single Households* (which is an all of government approach to on site effluent disposal); and *AS/NZS 1547:2000 On-site Domestic Wastewater Management*. Annexure B provides a detailed assessment for the dwelling envelope within each proposed vacant lot.
- Water supply for future dwelling will be provided via rainwater collection tanks and where applicable, supplemented by dams or bores.

Electricity, communications and fixed wireless NBN is available in the area and can be provided to the subject land.

Proper utilisation of public infrastructure is considered to be for the public benefit. In this regard, the ability to create the full number of lots depicted in the development concept will result in a more efficient use of future roads and utility services that are required to serve the development. In this regard:

- The subject land is adjacent Burrendong Way which provides both vehicular and pedestrian access to the village of Mullion Creek as well as an effective route to the nearby regional centre of Orange.
- Pedestrian access is not ideal, but this is largely due to the fact that the purpose of the R5 Large Lot Residential zoning is to provide living opportunities within a rural setting. The provision of footpaths and cycleways within this zoning would be uncharacteristic. Notwithstanding, it is recognised within the CSS that the *Cabonne Pedestrian and Access Management Plan (PAMP)* requires review to improve connections within the settlement.

Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

Due to its established location and integration with the local road network, the proposal will not result in changes to the car distances travelled by customers, employees and suppliers.

Traffic related impacts of the Planning Proposal are discussed in further in *Section 4.3b* of this submission.

Are there significant Government investments in infrastructure or services in the area whose patronage would be affected by the proposal? If so what is the expected impact.

There are no significant Government investments in infrastructure or services whose patronage would be affected by the proposal.

Will the proposal impact on land that the Government has identified a need to protect (e.g., land with high biodiversity values) or have other environmental impacts? Is the land constrained by factors such as flooding?

The proposal will not impact on land that the Government has identified a need to protect.

In terms of biodiversity values, part of the subject land is identified as containing *Yellow Box - Blakelys Red Gum grassy woodland on the tablelands; South Eastern Highlands Bioregion (PCT1330)*.



The vegetation is identified as being a critically endangered ecological community under the Biodiversity Conservation Act 2019 and as being critically endangered under the Environment Protection and Biodiversity Conservation Act 1999.

The subject site is generally cleared of native vegetation aside from the native vegetation. Except for the light scattering of trees located along the riparian corridor.

Removal of native vegetation (approximately 3 trees) from the Kent Road road reserve as part of the development will arise during the construction of the new private roadway that will be required to service the development site.

The ecological impacts of the Planning Proposal are considered in *Section 4.3b*.

Although identified as bushfire prone land, the site is not significantly constrained by the natural hazard and can be demonstrated to comply with the provisions of Planning for Bushfire Protection 2019 as considered in *Section 4.3b*.

Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?

Yes. The proposal is compatible/complementary to surrounding land uses. The proximity of the subject land does not pose a constraint to the proposal; it is contiguous with the settlement pattern attributed to the Mullion Creek village and is reasonable proximity to other rural small holdings development.

Section 4.3 of this report considers the key relevant issues and demonstrates that the proposal will not adversely affect the amenity of the location; the public domain; and wider community.

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

No. The proposal does not increase retail or commercial function other than those uses permitted in the R5 Large Lot Residential zone.

If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

No.

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

In terms of the public interest, facilitation of the proposal would provide additional rural residential land that is not unduly constrained by natural or physical attributes. The provision of additional rural residential land would positively contribute to the rural residential land supply that would supply some of the projected demand of the market.

To this end, facilitation of the Planning Proposal would:

- Use the subject land as efficiently as possible.
- Responds to the demand of the market.
- Reduce travel times and fuel consumption.
- Increases the permanent population of the Mullion Creek village.

To not proceed would result in a lost opportunity and perhaps a loss of potential social and economic benefits.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

a) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The *Central West and Orana Regional Plan 2036* guides the NSW Government's land use planning priorities and decisions in the Central West and Orana Region up to 2036. The Regional Plan provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions and is supported by an implementation plan. The goals of the Regional Plan are:

- The most diverse regional economy in NSW
- A stronger, healthier environment and diverse heritage
- Quality freight, transport, and infrastructure networks
- Dynamic, vibrant, and healthy communities.

The CWORP identifies the following priorities for the Cabonne LGA.

- Maintain and enhance the economic diversity of Cabonne’s towns, villages and commercial centres.
- Support villages to attract appropriate development.
- Support the mining and agribusiness sectors and associated businesses through land use planning policies.
- Support the connectivity of the local, regional, and state transport network.
- Leverage opportunities from the Local Government Area’s rural character to diversify the economy in areas such as tourism.

As discussed in Section 5.10 of this report, the proposal is considered to be consistent with the directions and priorities of the Central West and Orana Regional Plan 2036.

b) Is the planning proposal consistent with the local Council’s Community Strategic Plan or other local strategic plan?

Cabonne Community Strategic Plan 2025

The Community Strategy Plan describes the community’s vision and aspirations for a period of ten or more years. The Future Directions outlined in the CSP relevant to this Planning Proposal are detailed below.

- Future Direction 1: Connect Cabonne to each other and the world
 - 1.1 A safe efficient and quality urban and rural transport system for vehicles and pedestrians on Council’s local, regional, and state road network.
 - 1.2 Everywhere in Cabonne has access to contemporary information and communication technology.

The Planning Proposal is consistent with above direction as follows:

- The traffic impacts of the proposed rezoning and subsequent subdivision of the site are discussed in *Section 4.3b*.
- Future subdivision of the subject land would involve the extension of telecommunication, electricity and NBN technology to each new lot.

- Future Direction 4: Grow Cabonne’s Culture and Community
 - 4.1 A successful balance of village and rural living.

The Planning Proposal is entirely consistent with this Direction as it provides living opportunities within a rural setting.

Cabonne Council Local Strategic Planning Statement

Council’s *Local Strategic Planning Statement* sets the framework for Cabonne’s economic, social, and environmental land use needs over the next 20 years. It outlines clear planning priorities describing what will be needed, where these are located, and when they will be delivered. The LSPS sets short, medium, and long-term actions to deliver priorities that align with Council’s broader Community Strategic Plan.

Those Planning Priorities relevant to the Planning Proposal are outlined below.

- Planning Priority 1: Support the diversification in agriculture and protect agricultural land from urban encroachment.
- Planning Priority 4: Support and promote sustainable development within our villages and celebrate our history.
- Planning Priority 5: Provide opportunities to ensure a variety of housing types are available across our shire.
- Planning Priority 6: Ensure that infrastructure and facilities cater for the changing needs of our community.
- Planning Priority 7: Protect and enhance our landscape, biodiversity and waterways.

- Planning Priority 8: Manage natural hazards to mitigate their impacts on our communities.
- Planning Priority 9: Mitigate and adapt to climate change

As demonstrated throughout this report, the proposal is considered to be entirely consistent with the above Planning Priorities. In this regard:

- With regard to Planning Priority 1, the subject land is identified within the CSS as a site that can be considered for future large lot residential development. To this end, the subject land has been mapped by NSW Agriculture as being of Class 5 Agricultural Suitability and is not suitable for regular cultivation and has severe limitations in terms of agricultural output. The surrounding area consists of a highly fragmented land use pattern with limited agricultural pursuits being undertaken as the area more or less operates as a quasi-rural residential zone.

As outlined throughout this submission, the management of land use conflicts with the rural interface can be appropriately managed.

- With regard to Planning Priority 4, the rezoning of the subject land is consistent with Council's strategic land use planning framework which aims to guide sustainable urban development.
- With regard to Planning Priority 5, the facilitation of this Planning Proposal will contribute to the variety of housing types and densities available in the LGA.
- With regard to Planning Priority 6, the provision of services and infrastructure to support the future development of the land will be borne by the developer without additional costs or burden upon the community.
- With regard to Planning Priority 7, the development concept for the site has been designed so as to minimise the impacts upon the biodiversity structure of the site and incorporates appropriate buffer distances to the Mulyan Creek.
- With regard to Planning Priority 8, as discussed in *Section 4.3*, the bushfire hazard does not preclude the rural residential development of the subject land. The bushfire safety measures required by PBP 2019 will provide an adequate level of bushfire protection.

- With regard to Planning Priority 9, future development within the subject land will be required to comply with the requirements of BASIX which aims to make dwellings more efficient in regard to thermal comfort and water saving measures.

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

The consistency of the proposal in relation to the applicable State Environmental Planning Policies is indicated in the schedule below.

State Environmental Planning Policies – Schedule of Consideration	
SEPP	Relevance/Comment
State Environmental Planning Policy (Planning Systems) 2021	Not applicable
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Consistent as outlined in Section 4.3
State Environmental Planning Policy (Resilience and Hazards) 2021	Consistent as outlined in Section 4.3
State Environmental Planning Policy (Transport and Infrastructure) 2021	Consistent as outlined in Section 4.3
State Environmental Planning Policy (Industry and Employment 2021)	Not applicable
State Environmental Planning Policy (Resources and Energy)	Not applicable
State Environmental Planning Policy (Primary Production) 2021	Consistent as outlined in Section 4.3
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Central River City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Regional) 2021	Not applicable

d) Is the planning proposal consistent with applicable Ministerial Directions?

Section 117 of the Environmental Planning and Assessment Act, 1979 allows the Minister to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft Local Environmental Plans.

A Planning Proposal needs to be consistent with the requirements of the Direction but can be inconsistent if justified using the criteria stipulated. The consistency or otherwise of the planning proposal with the Ministerial Directions is indicated below.

FOCUS AREA 1: PLANNING SYSTEMS

Implementation of Minister's Planning Principles

The objectives of this direction are to give legal effect to the Minister's Planning Principles and ensure the document, including the concept of sustainable development, is given regard in the assessment of planning proposals; and support improved outcomes through consideration of planning principles that are relevant to the particular planning proposal.

Consideration of the Minister's Planning Principles is provided below.

1. A STRATEGIC AND INCLUSIVE PLANNING SYSTEM FOR THE COMMUNITY AND THE ENVIRONMENT

Strategic plans will define the long-term visions, objectives and priorities for a place, and the strategies and actions to achieve these. Adopting a strategically led approach to planning will create economic and social opportunity, strengthen the environment and balance competing land use needs.

Consistent. The proposed rezoning of the subject land is consistent with the Cabonne Settlement Strategy 2021-2041.

Strategic planning provides clarity of purpose to the system. That purpose is to meet the current needs of communities and the environment and to plan for the needs of the future. This results in good growth that maximises public value while protecting and strengthening the unique social, environmental and economic qualities of a place.

Consistent. The proposed rezoning of the subject land is consistent with the Cabonne Settlement Strategy 2021-2041.

Strategic and land use planning should consider connection with Country and how Aboriginal knowledge, culture and tradition can be valued, protected and promoted through early and ongoing engagement with and participation of Aboriginal communities.

The proposal is not adverse to this principle. An AHIMS Search was undertaken and did not identify any Aboriginal relics or places within or in proximity to the site; however, the Local Aboriginal Lands Council should be notified in the event of an unexpected find.

The best available evidence, community views, sustainable development and the goal of net zero emissions by 2050 should be the foundation of strategic and land use planning.

Not applicable.

System wide frameworks that embed resilience-focused values and outcomes will support strategic planning for the advancement of more sustainable places and communities.

Consistent. The development concept for the site demonstrates compliance with Planning for Bushfire Protection which aims to improve the resiliency of communities in bushfire prone areas.

Collaboration, coordination and data sharing should be facilitated to manage issues, identify opportunities for innovation and build capability in relation to planning matters that cross administrative boundaries. This ensures a transparent, integrated and seamless approach to strategic planning.

Not relevant.

As communities grow and change so will their need for public services and infrastructure. To plan for this, it is imperative that all arms of government work together and engage with the process early to enable efficient decision-making and remove unnecessary administrative barriers.

Consistent. The rezoning of the site and future development of the land is unlikely to generate an additional demand for public services and infrastructure.

The planning system should enable councils to plan for their local areas, provided they promptly meet their responsibilities in achieving the strategic visions, priorities and targets set out in regional and district plans.

Not relevant.

Regional and district planning should be undertaken by the NSW Government, with inputs from councils and the community, so that stakeholders can be engaged to address long- term issues and optimise a region or district's opportunities. Local strategic plans should be prepared by councils, where local issues and context are well-understood.

As demonstrated throughout this report, the Planning Proposal is consistent with the Central West and Orana Regional Plan.

Building liveable communities and maximising community benefit requires coordination. The NSW Government should take on this role in the planning of precincts where it will help achieve state priorities and capitalise on opportunities.

Not relevant.

Continuous monitoring of data and outcomes should be undertaken to ensure that the objectives of strategic and land use plans are being met and are responding to changing needs of the state and community.

Not relevant.

The method of development and land use assessments should be proportionate to the intensity of potential impacts, creating a robust, simpler, faster and more efficient system.

Not relevant.

Reporting of decisions should provide clarity and transparency around how each decision was made, and how each point of view was considered.

Not relevant.

Planning controls help achieve outcomes that are in the public interest and should not stifle flexibility and innovation in reaching that outcome.

Not relevant.

Local planning controls and local strategic plans should be consistent with and deliver on the visions, objectives and priorities set by regional and district plans.

Not relevant.

Approaches to assessment and decision-making should build confidence by being provided reliably and within prompt timeframes, particularly where development is consistent with planning controls and their objectives.

As demonstrated throughout this report, this Planning Proposal is consistent with the planning controls and objectives for the area. It is therefore reasonable to expect this Planning Proposal to be assessed within the benchmark timeframes.

Planning authorities should work closely with stakeholders and actively manage proposals and applications to meet assessment timeframes in accordance with published benchmarks to support economic growth through strong investment conditions.

Not relevant; however, it is expected that given the standard nature of the Planning Proposal and its consistency with the strategic land use planning framework that this Proposal will be assessed within the benchmark timeframes.

Checks and balances, including the right of appeal or in some circumstances public hearings, are fundamental to the planning process and can be drawn on to ensure that fair and robust decisions are made.

Not relevant.

Community engagement must seek opinions from diverse groups of people, be open and inclusive, easy for people to access, relevant, timely and meaningful. It should be tailored and proportionate to the relevant context, encourage genuine participation and put people, particularly those most affected, at the centre of planning.

The Planning Proposal will be subject to public exhibition and agency consultation as part of the Gateway process. The Gateway determination will specify the community consultation that must be undertaken on the Planning Proposal.

Meaningful engagement with the planning system should be enhanced through the effective and innovative use of digital tools. Providing digital planning services and products that evolve with changing demands and can be easily accessed and understood will enable a system that is simpler to use so people can better participate in planning.

Not relevant.

2. DELIVERING WELL DESIGNED PLACES THAT ENHANCE QUALITY OF LIFE, THE ENVIRONMENT AND THE ECONOMY

Quality design should begin with strong processes and systems. This means evaluating design against explicit requirements and clear objectives informed by purpose, context of place and respect for Country. Independent structured review can be used to test design against these requirements and objectives to deliver achievable design solutions.

As depicted in the conceptual layout, the proposed lots will enable future dwellings to achieve excellent solar access. The configuration of each lot is such that a future dwelling can be orientated and designed without constraint to maximise solar penetration to internal and external living areas.

Strategic and land use planning should consider how people individually and collectively experience and move about their community, and reflect this in the arrangement of land uses across cities and regions; the integration of services, housing and opportunities; and sequencing of new development.

As mentioned previously, the rezoning of the subject land is consistent with Council's strategic land use planning documents and provides additional living opportunities in a rural setting.

Compact, efficient and mixed land use in urban and regional centres should respond to desired place outcomes and availability of infrastructure, and help to deliver local living through accessible neighbourhoods and well-connected cities.

Not relevant as the subject land is not located within an urban or regional centre.

Connection with Country should be a core consideration when designing sustainably and planning new projects and places. Consultation and participation in design with Aboriginal people can inform how cultural connections can be incorporated appropriately, respectfully and authentically.

Not relevant as the subject land is not located within an urban or regional centre.

Places should be designed to belong in their natural and built surroundings with the purpose of delivering beauty, delight and connection with Country.

The provisions of the Cabonne LEP 2012 and Development Control Plan No.6 Rural Small Holdings would ultimately control and regulate the proper and orderly development of the subject land.

Public spaces should be designed to invite community interactions and economic, social and cultural activity. They should enable a sense of social inclusion, well-being, comfort and belonging.

Not relevant.

Places should be designed to promote equal access and opportunity, and be responsive to diverse and changing needs and preferences. This can include encouraging adaptable designs to accommodate lifestyles over time, and universal and inclusive design that caters to differing needs and abilities.

Not relevant

Places should encourage healthy and creative lifestyles and vibrant communities, with opportunities to experience and engage in the arts, entertainment, sport and recreation, and educational and cultural activities.

Not relevant.

Places should maximise use and delivery of high-quality, well-distributed and inviting public space to support healthy, active and connected communities.

Not relevant.

Access to open space and parks should be fair and equitable and respond to the needs of all members of the community regardless of age, gender, ability or location.

Not relevant.

The design of places should enhance productivity by promoting access to jobs, technology, services and amenities, and minimising barriers to participation and innovation.

Not relevant.

Places should be accessible and connected and maximise mobility independence and active and public transport opportunities. Places should also minimise reliance on private car use and reduce the need for, number and length of trips.

Facilitation of the Planning Proposal will result in a more efficient use of future roads and utility services that are required to serve the development. In this regard:

- The subject land is adjacent Burrendong Way which provides both vehicular and pedestrian access to the village of Mullion Creek as well as an effective route to the nearby regional centre of Orange.
- Pedestrian access is not ideal, but this is largely due to the fact that the purpose of the R5 Large Lot Residential zoning is to provide living opportunities within a rural setting. The provision of footpaths and cycleways within this zoning would be uncharacteristic. Notwithstanding, it is recognised within the CSS that the *Cabonne Pedestrian and Access Management Plan (PAMP)* requires review to improve connections within the settlement.

Places should be designed to be greener to support the regeneration of and connection to the natural environment.

Consistent. Future large lot residential development within the subject land will be required to comply with the requirements of BASIX which aims to make dwellings more efficient in regard to thermal comfort and water saving measures.

As depicted in the concept subdivision layout, the majority of the trees that are present onsite are retained, and the clearing associated with the future development of the land would unlikely trigger the clearing threshold prescribed by the *Biodiversity Conservation Act 2016*.

Local strategic and land use planning should be responsible to the natural landscape and enhance and integrate the natural features and values that contribute to the identity of a place.

Consistent. As demonstrated in the development concept, the future development of the site can retain and enhance the natural features of the site. In this regard:

- The new private roadway and property accesses would be designed and set so as to avoid and minimise unnecessary earthworks and disturbance to the landform.
- As mentioned earlier, the majority of the trees that are present onsite are retained, and the clearing associated with the future development of the land would unlikely trigger the clearing threshold prescribed by the *Biodiversity Conservation Act 2016*.
- The concept layout demonstrates that a rural residential subdivision with a reasonable yield can occur with an appropriate buffer distance incorporated into the design so as to mitigate any potential impacts on Mulyan Creek. To this end:
 - The protection of the Mulyan Creek is reinforced by the low-density development pattern and the location of the indicative building envelopes outside of the riparian buffer.
 - Any works within 40 metres of Mulyan Creek will be subject to a Controlled Activity Approval under the Water Management Act 2000.

Planning and design of places should protect and deliver blue and green infrastructure. This will support healthy ecosystems which have multiple benefits for people and both the natural and built environment.

Consistent. The protection of Mulyan Creek is reinforced by the low-density development pattern and the location of indicative building envelopes outside of the riparian buffer.

Places should be designed to improve the wellbeing of people and the environment. This includes supporting the goal of net zero emissions by 2050 and opportunities for mitigation and adaption to a changing climate and environment.

Consistent.

The design of a place should aim to eliminate or mitigate against natural hazards and risks to support resilient and adaptive communities, active stewardship, cultural practices and care for Country.

Consistent. The bushfire hazard attributed to the subject land does not unreasonably constrain the future development of the site.

The indicative subdivision layout can comply with the provisions of Planning for Bushfire Protection 2019 and the bushfire protection measures outlined in *Section 4.3b* are considered appropriate to manage the degree of risk.

3. PRESERVING, CONSERVING AND MANAGING NSW'S NATURAL ENVIRONMENT AND HERITAGE

These principles seek to value, protect, conserve and manage the innate value and external benefits of NSW's natural environment and heritage.

Approaches to environmental protection and biodiversity conservation should acknowledge the unique contributions that Aboriginal people have made to Country over thousands of generations and can continue to make. This includes:

- **collaborating on environmental management and embracing Aboriginal knowledge of approaches to the management of Country including natural resources, hazards, climate adaptation and biodiversity**
- **supporting Aboriginal stewardship values, worldviews and other approaches to caring for Country that keep a sense of place, history and spirit in place across generations.**

Consistent. The biodiversity and cultural impacts of the proposal is considered later in *Section 4.3*.

Environmental protection and biodiversity conservation are shared responsibilities of each level of government, communities, businesses and individuals. Integrated, collaborative and innovative approaches to protecting, conserving and managing NSW's natural environment should be used to increase awareness and participation, and promote resilience to climate change.

Acknowledged.

Strategic planning must recognise the intrinsic and innate value of species and the natural environment and the need for its conservation and protection.

Acknowledged. The concept subdivision layout for the site aims to limit the disturbance and removal of both flora and fauna that is endemic to the locality. The intrinsic and innate values of the subject land is recognised and maintained as demonstrated in the development concept for the site.

The impacts of the proposal on native flora and fauna are discussed in detail in *Section 4.3b*.

The natural environment should be valued for its contribution to economic prosperity and improved quality of life and well-being outcomes.

Acknowledged. The proposed rezoning and development concept for the site retains as much of the vegetation as possible and minimises the impact to the natural landform.

Strategic planning should be used to identify and protect areas of high conservation and ecological value and plan for the sensitive use of the land around these areas.

The biodiversity sensitivity of the site is recognised on Council's LEP mapping.

The ecological value of the Mulyan Creek riparian corridor and the native vegetation in the north western corner of the site is recognised and protected through the provision of indicative building envelopes to limit disruption to the biodiversity and ecological values of the land.

Strategic conservation planning and consideration of potential environmental impacts, including cumulative impacts, should be undertaken upfront and over a broad scale to protect natural values; conserve native plants, animals and habitats; and improve ecological resilience.

Acknowledged. The cumulative impacts of the proposal are discussed in detail in *Section 4.3b*.

Local strategic and land use planning should reduce the risk of adverse development impacts, whether direct or cumulative, on environmentally sensitive land and provide buffers between these areas and areas for development.

Not relevant as the subject land does not comprise *environmentally sensitive land* within the meaning of Clause 1.5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Land use planning should be informed by the latest research and assessment of the natural environment across ecosystems and different locations.

This submission is supported by the Cabonne Settlement Strategy 2021-2041.

Existing environmental values, habitats, constraints and sensitivities should be well- understood in order to ensure future land use and development does not lead to environmental degradation.

The environmental value of the subject land is recognised and has been considered in the development concept.

Effective land management should be informed by sustainable development and first avoid, then minimise impacts on biodiversity and the natural environment by identifying the unique values, sensitivities and features that contribute to the identity of a place. Where impacts cannot be avoided or adequately minimised, reasonable options for offsetting may be considered.

Acknowledged. The development concept for the site has considered the environmental constraints of the site which comprise Mulyan Creek and the native remnant woodland interspersed along the riparian corridor and the north western section of the site.

The location of the private roadway that intersects with Kent Road will involve the removal of approximately 3 trees. This is considered to be a more preferred and desired outcome for the biodiversity structure of the subject land as this option reduces the number of trees to be removed as part of the development. This is in contrast to allowing each not lot having direct access on to Burrendong Way which consists of significant roadside vegetation.

Conservation and restoration programs, such as green networks, should protect and rehabilitate the integrity of ecosystems, maintain biodiversity and assist in adapting to climate change.

Not relevant.

Natural resources should be managed sustainably to avoid impacts on biodiversity conservation and ecosystem functioning while still providing other community benefits.

Acknowledged. There are no aspects of the proposal that would have an adverse impact upon biodiversity conservation or the functioning of the ecosystems in the area.

Heritage protection, conservation and management strategies should be included in strategic and land use planning to avoid or minimise any negative heritage impacts from development, as well as provide innovative opportunities to enhance and celebrate NSW's rich heritage.

Not relevant as the subject land does not contain or is in proximity to an item of environmental heritage pursuant to Schedule 5 of the Cabonne Local Environmental Plan 2012.

Aboriginal cultural heritage should be protected and enhanced to promote positive values and outcomes for Aboriginal people. It should be recognised and celebrated as living and dynamic and not dealt with statically through harm prevention and protection alone.

Acknowledged; however, a search of the Aboriginal Heritage Information Management System does not reveal any recorded Aboriginal sites or places within or adjoining the subject land (refer Annexure C).

Aboriginal communities and their representatives should play a primary role in the protection, conservation and management of Aboriginal cultural heritage.

Acknowledged.

Strategies to manage environmental impacts should maintain physical, cultural and spiritual connections with Country. This includes protecting and restoring significant sites including land, waterways and natural resources.

Not relevant to the proposal as the subject land does not contain any cultural or spiritual sites of significance.

4. MANAGING RISKS AND BUILDING RESILIENCE IN THE FACE OF HAZARDS

These principles seek to reduce risk and build resilience in the face of natural hazards – such as flood, bushfire, drought, severe storms, coastal erosion and landslide – and climate change, as well as development-related hazards including industrial hazards and pollutants.

Assessing existing and future natural hazard risks should be undertaken early in strategic planning and incorporate available data, mapping, scientific and scenario modelling, historical information, Aboriginal knowledge of the landscape and climate change impacts, trends and projections.

The subject land is identified as bushfire prone land.

The indicative subdivision layout can comply with the provisions of Planning for Bushfire Protection 2019. The bushfire protection measures outlined in *Section 4.3b* are considered appropriate to manage the degree of risk.

Hazards assessment should establish a risk management approach to strategic land use planning that supports sustainable growth and development and is responsive to changing information and circumstances over time. This approach should also consider the risks from climate change such as changes to the intensity and frequency of natural hazard events over time and the potential to increase existing vulnerabilities and risk exposure.

The indicative subdivision layout can comply with the provisions of Planning for Bushfire Protection 2019. The bushfire protection measures outlined in *Section 4.3* are considered appropriate to manage the degree of risk.

Natural hazard and climate change risk identification, assessment and adaptation strategies should establish parameters for planning and development that are supported by a strong, transparent evidence base. This should be based on the best available science, impacts, accurate and contemporary natural hazard data and detailed analysis of land uses or communities that are more exposed or vulnerable to risks from hazards.

The indicative subdivision layout can comply with the provisions of Planning for Bushfire Protection 2019. The bushfire protection measures outlined in *Section 4.3* are considered appropriate to manage the degree of risk.

The public should be provided with readily understandable information to increase awareness of the natural hazard risks and climate change impacts that could affect where they develop, live or work.

Acknowledged.

Strategic planning should seek to locate new development away from high-risk areas to avoid community exposure to natural hazards as far as is practical. Where avoidance is not possible, risk should be mitigated to acceptable levels.

Possible future dwelling sites have been defined for each lot having regard to topography, bushfire hazard, and other physical constraints which demonstrate the proposal's compliance with the provision of Planning for Bushfire

Other potential dwellings sites exist within the proposed lots. Any future dwelling within the proposed lots will be subject to separate application and bushfire assessment at the time that future development is proposed.

Land use should be compatible with the level of risk of an area, such as open space or playing fields in flood prone locations.

Not relevant to the proposal as the subject land is not identified as flood prone land.

In existing settlements in at-risk areas, strategies should be developed to mitigate or manage the impacts of natural hazards to ensure the protection of people, property and the natural environment. This should include integration of land use planning and operational planning for emergency service responders.

Acknowledged; however, considering the scale of the development, it is submitted that the degree of risk associated with the proposal will integrate with any existing land use or operational planning strategy that emergency services may have for Mullion Creek.

Where an existing natural hazard is likely to recur or intensify over time, strategic plans should adopt measures to reduce future hazard risks and provide for recovery to build resilience.

The development concept for the site is demonstrated to comply with the provisions of Planning for Bushfire 2019 which takes into consideration the potential recurrence or intensification of hazards.

In areas of known natural hazard risks, local strategic planning should put in place disaster management requirements and ensure any future development supports, or does not hinder, these requirements.

Acknowledged; however, given the modest scale of the development, it is submitted that the future development of the site will be able to integrate with disaster management requirements.

Mitigation strategies across different sectors and locations should be used to reduce exposure and vulnerability to hazards. Strategies include rigorous design and construction standards for hazard prone land, protection of environmental assets and natural buffers, or structural and engineering works.

The indicative subdivision layout can comply with the provisions of Planning for Bushfire Protection 2019. The bushfire protection measures outlined in *Section 4.3b* are considered appropriate to manage the degree of risk.

Natural hazard and climate adaptation strategies and responses should consider social, environmental and economic impacts. They should seek to minimise risk, enhance adaptive capacity, strengthen resilience and reduce vulnerability. The strategies should be designed to accommodate natural processes and be subject to ongoing monitoring and evaluation to improve their effectiveness, increase accountability and remain responsive to changing risks.

Not relevant to the proposal.

The planning system should facilitate climate-resilient communities and places. Enhancing community resilience and social cohesion helps communities withstand and adapt to climate change and respond to natural hazard events. This can be strengthened through designing resilient places and building resilient communities by transparently assessing risks and meaningful engagement with communities.

The indicative subdivision layout can comply with the provisions of Planning for Bushfire Protection 2019. The bushfire protection measures outlined in *Section 4.3* are considered appropriate to manage the degree of risk to improve the resiliency of the community.

Strategic planning should incorporate risk assessment of industrial hazards and associated pollution, sites or risk factors including acid sulfate soils, naturally occurring asbestos, mine subsidence areas, unstable land, proximity to hazardous land uses, or contaminated land.

The risk factors of the site are considered later in *Section 4.3b*.

Land use safety planning should ensure hazardous industries do not create an unacceptable risk, including public health risks, to surrounding areas. Where hazardous industries already exist, land use planning decisions should seek to limit or avoid risk exposure to surrounding land uses.

Not relevant as the subject land is not located in proximity to any known hazardous industries.

Strategic assessment and management of development-related hazards should incorporate strict safety requirements and assess potential for cumulative impacts and long-term effects, including interactions with other risk factors (such as natural hazards) and changes to hazard risk over time.

The indicative subdivision layout can be demonstrated to comply with the provisions of Planning for Bushfire Protection 2019.

The bushfire protection measures outlined in *Section 4.3b* are considered appropriate to manage the degree of risk to improve the resiliency of the community.

5. PROVIDING WELL-DESIGNED AND LOCATED TRANSPORT AND INFRASTRUCTURE INTEGRATED WITH LAND USE

These principles seek to guide the provision of well-designed and located infrastructure including transport, social infrastructure, blue-green infrastructure, telecommunications and smart-city systems.

Strategic planning should enable infrastructure to be delivered in the right place at the right time. It does this by identifying and prioritising the infrastructure communities need as they grow and change, and maximising opportunities presented by existing infrastructure to help people move easily to employment and services while making the best use of available land.

Acknowledged.

Development should be timed to align with infrastructure delivery. This requires the NSW Government, councils and infrastructure providers to work together to sequence infrastructure funding and delivery to enable the best use of existing infrastructure and enable new development at the right time.

Acknowledged. It is submitted that the provision of services and infrastructure to the subject land will be borne by the developer without additional costs or burden upon the community.

Ongoing monitoring and review of infrastructure planning and delivery should be undertaken to help identify new infrastructure requirements to match the needs of growing and changing communities.

Not relevant to the proposal.

Strategic planning should ensure infrastructure is compatible with the use of the land around it in the future. The community should be made aware of current and future infrastructure corridors and sites following strategic assessment.

Not relevant to the proposal.

Those undertaking development should contribute to funding infrastructure proportionate to the demand created by the new and growing communities they are building.

It is acknowledged that the future development of the site will be subject to developer contributions pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 to make equitable contribution towards the improvement of Bushfire Services and Amenities in accordance with Council's Bushfire Services Contributions Plan, February 1993.

Major infrastructure projects like new transport, airports, education precincts and hospitals can be catalysts for good urban and economic growth. Long-term planning, including securing the land needed to build them, should consider opportunities to maximise this potential.

Not relevant to the proposal.

Infrastructure should be resilient and designed to withstand, respond and adapt to natural hazards and climate change. Options for decentralised infrastructure systems, that are self-contained and do not rely on central systems, should be explored as opportunities to increase resilience.

Acknowledged. The servicing arrangements outlined in *Section 1.4.7* are consistent with this principle.

Well-designed infrastructure networks optimise public benefit while being cost effective through:

- **maximising access and coordination for current and future needs through strategic planning**
- **flexibility and innovation to meet growing and changing needs**
- **providing for multi-purpose corridors like cycleways along transport corridors**
- **planning for blue-green infrastructure to maximise benefits for water management and urban greening.**

It is submitted that the provision of services and infrastructure to the subject land will be borne by the developer without additional costs or burden upon the community.

Transport plays an essential role in connecting people, jobs, goods and services across the state. Planning and design of transport infrastructure should be integrated to achieve:

- **places that maximise sustainable transport opportunities, including active and public transport that supports the creation of compact and efficient cities and regions**
- **ease of use and connection across the network, including mobility, accessibility, parking and how people get to and from transport**
- **end-to-end connection of freight movement, such as integrated planning for ports, rail, airports, intermodal facilities, logistics centres and transport links**
- **inclusive and accessible systems for people of all ages and abilities.**

Acknowledged. The traffic and transport impacts are addressed in *Section 4.3*.

Whole-of-life infrastructure planning provides an opportunity to collectively address supply, demand, security, reliability and sustainable management of resources such as energy, waste, and climate-resilient water supplies. A circular economy approach should be incorporated into planning to optimise resource re-use, eliminate waste, and allow nature to regenerate.

Acknowledged. The servicing arrangements outlined in the foregoing report are considered appropriate and reliable to manage energy, waste and water.

Flexibility should be built into planning controls to support innovative infrastructure, including emerging technology and smart infrastructure, that positively contributes to the design and experience of the place in which it is built.

Acknowledged. The provisions of Clause 6.8 of the Cabonne Local Environmental Plan 2012 requires that development consent must not be granted to development unless the consent authority is satisfied that the supply of services (water; electricity; the disposal and management of waste; stormwater drainage; and vehicular access) is available or that adequate arrangements have been made to make them available when required.

To this end, it is submitted that the future development within the subject land should be afforded the opportunity to either connect to mains power; or alternatively, install an off-grid power system as designed by an electrical engineer suitable for residential supply.

Planning for future services should be integrated with current design thinking to support the expansion of telecommunications and other emerging technology. The public domain should be managed to make the best use of public land and maximise community benefits. This includes protecting people’s safety, property and assets through appropriate infrastructure works and land management, management of commercial activities, enhancing natural values, improving connectivity and using land for multiple purposes like combining cycleways and walkways.

The proposal is not adverse to this principle. The servicing arrangements outlined in *Section 1.4.7* are considered appropriate having regard to the scale and general nature of the proposal.

6. DELIVERING A SUFFICIENT SUPPLY OF SAFE, DIVERSE AND AFFORDABLE HOUSING

These principles seek to guide the delivery of the right number of homes in the right place and of the right type, to suit the changing needs of people living in NSW now and into the future.

Strategic planning should guide the ongoing delivery of homes, responding to population growth and change. A wide range of homes should be planned for, that responds to the diverse social, demographic, cultural and lifestyle needs of the community. Housing delivery can be expressed as targets which should be practically met or exceeded through local strategic planning.

This Planning Proposal is justified and supported by the *Cabonne Settlement Strategy 2021-2041*.

Local strategic planning should include actions to meet housing needs and targets, describing how councils will, in practice, facilitate the supply and types of homes their local community needs now and over the next 10 to 20 years. They should reflect the evidence- base and targets contained in relevant housing strategies and strategic plans.

- **These will plan for the diverse housing needs of the community, including housing for seniors and those with a disability, affordable housing and purpose-built rental housing**
- **In Greater Sydney, councils should ensure their plans provide for sufficient opportunities to meet the housing supply targets in district plans for zero to 5 years. Councils should also work with the NSW Government on developing targets that can be practically achieved for 6 to 10 years, and plan for capacity to contribute to 20-year strategic district targets**
- **In regional NSW, councils should proactively respond to changing community needs, such as localised affordability issues and any relevant housing targets.**

This Planning Proposal is justified and supported by the *Cabonne Settlement Strategy 2021-2041*. The facilitation of this Planning Proposal in accordance with the strategy will facilitate additional living opportunities within a rural setting.

Planning controls set by councils should give effect to the objectives, strategies, and actions of strategic plans to provide ongoing housing supply (in line with targets) and a range of housing types in the right location.

The provisions of the Cabonne LEP 2012 and Development Control Plan No.6 Rural Small Holdings will ultimately control and regulate the proper and orderly development of the subject land.

Strategic planning should be based on the best available evidence, including data on changing population and housing needs, to identify the gaps that need to be addressed, especially at the local level.

This Planning Proposal is justified and supported by the *Cabonne Settlement Strategy 2021-2041* which includes a supply and demand analysis which identifies a shortfall of supply in Mullion Creek.

Continuous monitoring of local housing data should inform strategic planning to help achieve local housing targets and ensure changing housing needs of Aboriginal and local communities are being catered for.

Acknowledged; however, not relevant to the proposal.

The NSW Government and councils should work together to plan for additional housing supply alongside infrastructure. Sequencing of new housing supply should maximise the efficient use of existing and planned infrastructure to ensure that residential communities are well-connected to services such as transport, health, educational, social, and recreational facilities.

Acknowledged.

When planning to increase residential land or densities, affordable housing requirements should be considered, having regard to targets and needs identified in local housing strategies and the specific socio-economic characteristics of the community.

This Planning Proposal is justified and supported by the *Cabonne Settlement Strategy 2021-2041* which includes a supply and demand analysis which identifies a shortfall of supply in Mullion Creek.

A diversity of housing provides for choice, independence and affordability which should be planned for and provided to match the specific needs of different communities. This includes housing for seniors and people with a disability, and homes able to accommodate both smaller and larger household sizes.

Acknowledged; however, the proposed rezoning to R5 Large Lot Residential does not permit a residential density greater than a dual occupancy. Notwithstanding, this inconsistency is justified on the basis that this Planning Proposal is supported by the *Cabonne Settlement Strategy 2021-2041*.

Alternative housing types, such as terraces and dual occupancies, can boost supply and choice as they can be built relatively quickly in established urban areas well-serviced by infrastructure. Councils should investigate locations where these additional housing types may be appropriate and can form part of the strategy for meeting housing supply.

Acknowledged. The proposed R5 Large Lot Residential zoning permits *dual occupancies* and *secondary dwellings* with development consent.

Higher density housing should be provided in areas well-serviced by public transport and community facilities, or in highly accessible locations, maximising the potential of infrastructure investment.

Not relevant to the proposal as high-density residential development such as *residential flat buildings*, *manor houses* and the like are not permitted in the R5 Large Lot Residential zone.

Places change over time to cater for the needs of growing communities. Local strategic planning should support this evolution by enabling a transition between different types of homes, while also being sympathetic to an area's existing character and heritage.

Acknowledged. The proposed R5 Large Lot Residential zoning permits *dual occupancies* and *secondary dwellings* with development consent.

Design controls should encourage housing that is built to last and can be adapted to peoples changing needs over time.

Acknowledged.

New residential homes and neighbourhoods should be resilient to projected changes in climatic and social conditions, having regard to location, design and construction.

Acknowledged.

To build thriving communities, good home and neighbourhood design should provide somewhere safe, secure and comfortable to live, catering for people of different ages and backgrounds and promoting confidence to get involved in communities and the economy.

Acknowledged. It is submitted that the development concept for the site provides a safe, secure and comfortable living environment.

**7. GROWING A COMPETITIVE AND RESILIENT ECONOMY THAT IS ADAPTIVE,
INNOVATIVE AND DELIVERS JOBS**

These principles seek to support diverse, inclusive and productive employment opportunities across the state, both on employment lands, and through opportunities to work flexibly.

Strategic planning should enable job generation in places that meet the needs of business, industry and the community. Making jobs more accessible to where people live increases productivity by cutting congestion and travel times.

Not relevant to the proposal.

The supply of employment lands should provide rich concentrations of mixed and diverse jobs. They should be planned to meet the changing demands of business and industry while promoting growth, new jobs and stronger communities, particularly in regional NSW.

Not relevant to the proposal.

Co-locating and clustering compatible industries should be encouraged to improve efficiencies and productivity, reduce land use conflict, maximise infrastructure investment and capitalise on supply networks.

Not relevant to the proposal.

Data and evidence, like economic and demographic changes, changing consumer and business needs and barriers and enablers to growth, should provide the basis for determining the amount of employment land needed for growth now and into the future.

Not relevant to the proposal.

Where employment land competes with alternative land uses, decisions should be made based on data and evidence, considering the current and future operational role of the land, impacts on future and changing demands and access to the services necessary for well- functioning cities and regions.

Not relevant to the proposal.

Councils in regional NSW should drive competitive advantage by identifying opportunities to leverage the strengths, assets and attributes of a location through evidence-based economic or employment strategies.

Not relevant to the proposal.

Local strategic planning should be used by councils in Greater Sydney to meet job targets by establishing the intent of strategic centres as well as current and future infrastructure needs.

Not relevant to the proposal.

Strategic planning should identify employment land with sufficient room for industry to operate unencumbered by natural hazards or environmental constraints.

Not relevant to the proposal.

Land for urban, regional and industrial services is essential for well-functioning places. Strategic planning should recognise its value and ensure it is accessible to business and communities and manage environmental or amenity impacts.

Not relevant to the proposal.

Vibrant local centres attract investment and people, creating thriving small businesses. Strategic planning should encourage employment, activities and investment in centres, giving business access to the labour market and improving access to jobs, goods and services.

Not relevant to the proposal.

Well-designed centres encourage people to stay, bringing life to streets and creating safer places. To achieve this, centres should provide high levels of amenity and diverse activities, including a night-time economy. Planning authorities should make sure that existing business and entertainment are not unreasonably stopped or limited.

Not relevant to the proposal.

Strategic planning should consider appropriate locations for mixed use precincts, while acknowledging the role and function of other employment and residential centres, to boost productivity and connectivity by providing jobs near where people live and integrating compatible land uses.

Not relevant to the proposal.

8. Promoting the sustainable use of NSW's resources and transitioning to renewable energy

These principles seek to guide planning for the responsible development of mineral, petroleum and extractive industry resources and a transition to renewable energy enabling jobs and economic productivity.

Strategic planning must balance the need for mineral, petroleum and extractive industry resources and energy supply with the sustainable management of water supplies and productive agricultural land; and the safeguarding of the environment and a sense of place for Aboriginal and local communities.

The subject land is located some 700 metres to the north west of the disused Clergate Quarry and falls outside of the 500 metre buffer shown on the 2012 Mineral Resource Audit.

It is therefore reasonable to assume that the future development of the subject land is likely to be adversely affected by any quarrying activities should they resume.

The progressive transition to renewable energy should seek to significantly reduce direct and indirect greenhouse gas emissions and contribute towards the state's net zero emissions target (set out in the NSW Net Zero Plan Stage 1: 2020-2030), while addressing community and industry needs around energy security and affordability.

Acknowledged. Future development within the subject land will be required to comply with the requirements of BASIX which aims to make dwellings more efficient in regard to thermal comfort and water savings measures. This in conjunction with other measures (such as solar panels), will contribute towards the state's net zero emissions target.

Strategic planning should provide a vision and a roadmap that supports communities transitioning from coal reliant economies into more economically, socially and environmentally resilient places, founded on sustainable development.

Not relevant to the Planning Proposal.

Strategic planning should protect regionally or state significant resources and plan for the land around it to be used for compatible purposes that do not limit or constrain development opportunities, including access to resources, rehabilitation and planned future uses of the land.

Not relevant to the Planning Proposal.

Initial suitability assessments and preliminary regional issues assessments should inform the release of land for coal and petroleum exploration identifying and considering the key economic, environmental and social issues, opportunities and constraints associated with a potential release area.

Not relevant to the Planning Proposal.

Planning controls and guidelines should promote renewable energy development and supporting infrastructure in preferred locations, like renewable energy zones, while ensuring robust assessment of key issues and mitigation measures.

Not relevant to the Planning Proposal.

New opportunities and demand for minerals to enable new technologies should be supported by planning controls that allow for the sustainable growth of the industry where it will strengthen Aboriginal and local communities and help diversify the state's economy.

Not relevant to the Planning Proposal.

Planning controls and programs should support a transition to a circular economy that encourages the use of clean technologies and innovative new industries, like re-using coal ash for building materials.

The Planning Proposal is not adverse to this principle.

Future development within the subject land will have the ability to install renewable energy sources (battery, solar, and wind). This, in addition to the requirements of BASIX will encourage sustainable development.

Appropriate environmental, health and amenity standards and criteria should be established and applied to resource and energy developments to minimise impacts on the environment, communities and neighbouring land uses.

Not relevant to the Planning Proposal as it does not propose any resource or energy developments.

Resource and energy projects should seek to first avoid then minimise and mitigate adverse impacts and land use conflicts. Where impacts cannot be avoided, minimised or mitigated, reasonable options for offsetting may be considered.

Not relevant to the Planning Proposal as it does not propose any resource or energy developments.

Planning controls and guidelines should be used to reduce greenhouse gas emissions directly associated with resource development by ensuring that any emissions are minimised as far as practicable.

Not relevant to the Planning Proposal as it does not propose any resource development.

Planning controls should be in place to ensure resources are extracted in an efficient way that maximises benefits and avoids unnecessary sterilisation of resources. Waste generated by extracting or processing the resource should be avoided and minimised as far as practicable.

Not relevant to the Planning Proposal as it does not propose any resource development.

Resource developments should be rehabilitated to allow the land to be used in a way that is compatible with the surrounding area and planned future uses of the site. Incentives and flexible planning processes should facilitate alternative uses of land that benefit from mine infrastructure or features of the rehabilitated landscape.

Not relevant to the Planning Proposal as it does not propose any resource development.

9. PROTECTING AND SUPPORTING AGRICULTURAL LANDS AND OPPORTUNITIES FOR PRIMARY PRODUCTION

These principles seek to protect and support the productivity of agricultural lands and grow the primary production sector that underpins diverse and prosperous regional and rural economies.

Strategic and land use planning should identify important agricultural land and prioritise agricultural uses on this land to support its ongoing high-value primary production use and productivity.

The subject land is not identified in any of Council’s strategic land use planning documents as being of high agricultural value. In fact, This Planning Proposal is justified and supported by the *Cabonne Settlement Strategy 2021-2041* which recognises the limited agricultural value of the site. This is further reinforced through the State’s Land and Soil Capability Mapping which classifies the subject land as Class 5.

The strategic value and importance of agricultural land should be determined by factors such as soil quality, access to water, sufficient land area, and proximity to processing, transport and supply chain infrastructure. Consideration should also be given to the social and economic value of agricultural land, due to the jobs and products it generates, the industries it supports or its scarcity within an area.

The subject land has been mapped by NSW Agriculture as being of Class 5 Agricultural Suitability. In this regard, the land is classified as not being suitable for regular cultivation and has severe limitations in terms of agricultural output.

Strategic and land use planning should establish the intent for current and future use of agricultural land, providing certainty for industries and communities that rely on primary production.

The subject land has been identified as a potential area for Large Lot Residential rezoning since 2008 under the *Sub Regional Rural and Industrial Land Use Strategy 2008* and the superseded *Cabonne Settlement Strategy 2012* and now the *Cabonne Settlement Strategy 2021-2041*.

Considering the subject land’s long association for potential rezoning under Council’s strategic planning framework, it cannot be said that the rezoning of the subject land to R5 Large Lot Residential will conflict with the residents’ expectations of the area.

Strategic planning of rural land should reduce the potential for conflicts between adjoining properties and minimise biosecurity and environmental risks such as pests and diseases, land contamination or pollutants.

The potential for land use conflicts to arise is discussed in *Section 4.3*.

Land use planning, including approaches to lot sizes, urban settlement and rural land subdivision, should allow for the continued productive use of agricultural lands and scenic amenity by maintaining rural character, agricultural landscapes and useable land areas.

As discussed in *Section 4.3*, the rezoning of the subject land is unlikely to lead to land use conflicts with the agricultural uses in the adjoining RU1 Primary Production zone largely due to the fact that the surrounding development pattern is highly fragmented.

Unplanned and uncoordinated expansion of residential, commercial or industrial uses in rural areas should be avoided to maintain and maximise the productive qualities and values of peri-urban agricultural land, including rural land in Greater Sydney.

The rezoning of the subject land is justified by its identification in the *Cabonne Settlement Strategy 2021-2041*. To this end, it is submitted that the agricultural value of the site is diminished due to the fragmented holding pattern and surrounding land uses.

The planning system should incorporate flexibility that supports the ability for the primary production sector to efficiently adapt, evolve and incorporate innovation, and enhances diversified rural and regional economies.

Not relevant to the Planning Proposal.

Strategic planning should encourage co-location of primary production with complementary development that supports diverse and economically resilient rural business models. This includes encouraging agribusiness and other value-add opportunities such as food manufacturing and processing, packaging, retail, agritourism and renewable energy.

Not relevant to the Planning Proposal.

Tailored location and industry-based approaches can establish the broad direction for the future of primary production in a local area. These approaches should identify, and guide emerging economic opportunities, promote best practice and help to maximise productivity of local economies through more efficient infrastructure and resource use.

Not relevant to the Planning Proposal.

Sustainable land management and practices should be encouraged. This includes:

- **mitigating impacts of the primary production sector on the quality of land, water and the broader environment**
- **promoting Indigenous agricultural and land management practices**
- **providing equitable access to key natural resources**
- **supporting primary producers to prepare, respond and adapt to climate change.**

Not relevant to the Planning Proposal.

IMPLEMENTATION OF REGIONAL PLANS

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

Central West and Orana Regional Plan 2036	
DIRECTION	COMMENT
1. Protect the region's diverse and productive agricultural land	Consistent as discussed throughout this submission.
2. Grow the agribusiness sector and supply chains	Not relevant
3. Develop advanced manufacturing and food processing sectors	Not relevant
4. Promote and diversify regional tourism markets	Not relevant
5. Improve access to health and aged care services	Not relevant
6. Expand education and training opportunities	Not relevant
7. Enhance the economic self-determination of Aboriginal communities	Not relevant
8. Sustainably manage mineral resources	Consistent as discussed throughout this submission.
9. Increase renewable energy generation	Not relevant
10. Promote business and industrial activities in employment lands	Not relevant

Central West and Orana Regional Plan 2036	
DIRECTION	COMMENT
11. Sustainably manage water resources for economic opportunities	Not relevant
12. Plan for greater land use compatibility	Consistent as discussed throughout this submission. There are no aspects of the proposal that would increase the potential for land use conflict in the area.
13. Protect and manage environmental assets	Consistent as discussed throughout this submission.
14. Manage and conserve water resources for the environment	Consistent as discussed throughout this submission.
15. Increase resilience to natural hazards and climate change	Consistent as discussed throughout this submission.
16. Respect and protect Aboriginal heritage assets	Not relevant
17. Conserve and adaptively re-use heritage assets	Not relevant
18. Improve freight connections to markets and global gateway	Not relevant
19. Enhance road and rail freight links	The Planning Proposal is consistent with this Direction. In particular, Direction 19.5 seeks to minimise the encroachment of incompatible land uses along existing and proposed freight and transport corridors.
20. Enhance access to air travel and public transport	Not relevant
21. Coordinate utility infrastructure investment	Not relevant
22. Manage growth and change in regional cities and strategic and local centres	Not relevant
23. Build the resilience of towns and villages	Consistent as discussed throughout this submission.
24. Collaborate and partner with Aboriginal communities	Consistent. It is understood that the Local Aboriginal Lands Council will be notified of this Planning Proposal.
25. Increase housing diversity and choice	Consistent as discussed throughout this submission.
26. Increase housing choice for seniors	Not relevant
27. Deliver a range of accommodation options for seasonal, itinerant and mining workforces	Not relevant

Central West and Orana Regional Plan 2036	
DIRECTION	COMMENT
28. Manage rural residential development	Consistent as discussed throughout this submission.
29. Deliver healthy built environments and better urban design	Consistent as discussed throughout this submission.

Development of Aboriginal Land Council land

This Direction is not relevant to this Planning Proposal.

Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The proposal is consistent with this Direction.

Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

- (1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:
 - (a) allow that land use to be carried out in the zone the land is situated on, or
 - (b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
 - (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
- (2) A planning proposal must not contain or refer to drawings that show details of the proposed development

In consideration of the above, the Planning Proposal is consistent with this Direction as it proposes to rezone the subject land to a zone that already exists in the Cabonne Local Environmental Plan 2012 without imposing any additional development standards or requirements that are not already contained within that zone.

In consideration of (2), although this proposal is supported by a development concept, it is important to note that this has only been prepared to demonstrate the suitability of the site for the proposed zoning and is only a concept.

Parramatta Road Corridor Urban Transformation Strategy

This Direction is not relevant to the Planning Proposal.

Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan

This Direction is not relevant to the Planning Proposal.

Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

This Direction is not relevant to the Planning Proposal.

Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

This Direction is not relevant to the Planning Proposal

Implementation of the Glenfield to Macarthur Urban Renewal Corridor

This Direction is not relevant to the Planning Proposal

Implementation of the Western Sydney Aerotropolis Plan

This Direction is not relevant to the Planning Proposal.

Implementation of the Bayside West Precincts 2036 Plan

This Direction is not relevant to the Planning Proposal.

Implementation of Planning Principles for the Cooks Cove Precinct

This Direction is not relevant to the Planning Proposal.

Implementation of the St Leonards and Crows Nest 2036 Plan

This Direction is not relevant to the Planning Proposal.

Implementation of Greater Macarthur 2040

This Direction is not relevant to the Planning Proposal.

Implementation of the Pyrmont Peninsular Place Strategy

This Direction is not relevant to the Planning Proposal.

North West Rail Link Corridor Strategy

This Direction is not relevant to the Planning Proposal.

FOCUS AREA 2: DESIGN AND PLACE

At the time of preparing this Planning Proposal, this section did not contain any Ministerial Directions.

FOCUS AREA 3: BIODIVERSITY AND CONSERVATION

Conservation Zones

Consistent. As the subject land does not contain an *environmentally sensitive area* and is not within an environment conservation/protection zone.

Heritage Conservation

The objective of this direction is conserve items, areas, objects and places of environmental significance and indigenous heritage significance.

Consistent. The subject land is not identified in Schedule 5 of the Cabonne Local Environmental Plan 2012 as containing and Item of Environmental Heritage and is not within a Heritage Conservation Area.

A search of the Aboriginal Heritage Information Management System does not reveal any recorded Aboriginal sites or places within or adjoining the subject land (refer *Annexure C*).

Sydney Drinking Water Catchments

This Direction is not relevant to the Planning Proposal.

Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs

This Direction is not relevant to the Planning Proposal.

Recreation Vehicle Areas

This Direction is not relevant to the Planning Proposal.

FOCUS AREA 4: RESILIENCE AND HAZARDS

Flooding

This Direction is not relevant to the Planning Proposal as the subject land is not located within a flood planning area.

Coastal Management

This Direction is not relevant to the Planning Proposal.

Planning for Bushfire Protection

The objectives of this direction are to protect life, property and the environment from bush fire hazard, by discouraging the establishment of incompatible land uses in bushfire prone area; and encourage sound management of bush fire prone areas.

As discussed in *Section 4.3b* of this submission, the indicative development concept for the site demonstrates that the future development of the site can comply with the relevant provisions of Planning for Bushfire Protection 2019.

Remediation of Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

Consistent. Inspection of the site does not indicate any areas or sources of potential contamination. Vegetative cover is consistent and there appears to be no bare ground or patches to indicate possible contamination by previous uses. There are no buildings or structures at the site that indicate any potentially contaminating activities associated with a previous land use.

Acid Sulfate Soils

This direction is not relevant to the Planning Proposal as the subject land is not identified within an area as containing Acid Sulfate Soils.

Mine Subsidence and Unstable Land

This direction is not relevant to the Planning Proposal as the subject land is not located within a declared mine subsidence district in the *Coal Mine Subsidence Compensation Regulation 2017*, or has been identified as unstable in a study, strategy, or other assessment undertaken on or behalf of Council.

FOCUS AREA 5: TRANSPORT AND INFRASTRUCTURE

Integrating Land Use Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) Improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) Increasing the choice of available transport and reducing dependence on cars, and
- (c) Reducing travel demand by including the number of trips generated by development and the distances travelled, especially by car, and

- (d) Supporting the efficient and viable operation of public transport services, and
- (e) Providing efficient movement of freight

The potential impacts associated with the Planning Proposal on the capacity and function of the road network and associated infrastructure are considered in *Section 4.3b*.

There are no aspects of the proposal that are inconsistent with the objectives of this Direction, particularly as:

- The existing and planned road system would be of an adequate standard to cater for the additional traffic that would be generated by this proposal.
- The proposal will not result in changes to the distance travelled by cars.
- The development concept interconnects with pedestrians and cyclists with the existing and planned public transport network; open space; and arterial and collector roads thereby creating greater transport choice for residents.

The potential traffic impacts associated with the proposal are discussed further in *Section 4.3b*.

Reserving Land for Public Purposes

This direction is not relevant to the Planning Proposal.

Development Near Regulated Airports and Defence Airfields

This direction is not relevant to the Planning Proposal.

Shooting Ranges

This direction is not relevant to the Planning Proposal.

FOCUS AREA 6: HOUSING

Residential Zones

The objectives of the direction are to:

- (a) Encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) Minimise the impact on residential development on the environment and resource lands

As discussed in the foregoing sections of this submission, the proposed rezoning of the subject land is not adverse to this direction. In this regard

- The change in zoning will broaden the choice of building types and locations within the local market.
- The rezoning of the subject land is supported by the Cabonne Settlement Strategy 2021-2041 which identifies the subject land as a candidate site for future large lot residential development.
- The rezoning of the subject land will reduce the consumption of land for housing and associated development on the urban fringe of the nearby regional centre of Orange.
- As supported by the CSS, the proposed rezoning represents a more efficient use of the subject land without adversely affecting the provision of services. It is submitted that an increased density results in a more efficient use of services and infrastructure.

Caravan Parks and Manufactured Home Estates

The objectives of this direction are to provide for a variety of housing types, and provide opportunities for caravan parks and manufactured home estates.

Although this Planning Proposal will remove the permissibility of caravan parks and manufactured home estates within the subject land, the inconsistency is justified on the basis that the subject land is identified as a candidate site for large lot residential development in the CSS.

FOCUS AREA 7: INDUSTRY AND EMPLOYMENT

Business and Industrial Zones

This direction is not relevant to this Planning Proposal as it will not affect land within an existing or proposed business or industrial zone.

Reduction in non-hosted short term rental accommodation period

This direction is not relevant to the Planning Proposal as it only applies to the Byron Shire Council.

Commercial and Retail Development along the Pacific Highway, North Coast

This direction is not relevant to the Planning Proposal.

FOCUS AREA 8: RESOURCES AND ENERGY

Mining, Petroleum Production and Extractive Industries

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development

Although the rezoning of the subject land to R5 Large Lot Residential would remove the permissibility of mining, petroleum production and extractive industries from the subject land, it is submitted that the inconsistency is justified on the basis that the subject land is not identified in the 2012 Mineral Resource Audit for the Cabonne LGA.

To this end, the exploration of minerals in and around the subject land is unlikely due to the presence of the existing residential development in Mullion Creek.

FOCUS AREA 9: PRIMARY PRODUCTION

The objective of this direction is to protect agricultural production value of rural land.

As allowed by subclause (a), of this direction, a planning proposal may be inconsistent with the terms of the direction only if the Council can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

(a) Justified by a strategy approved by the Planning Secretary which:

- i. Gives consideration to the objectives of this direction, and
 - ii. Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or
- (b) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- (c) In accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Industry and Environment which gives consideration to the objective of this direction, or
- (d) Is of minor significance.

In response to the requirements of this Direction, this proposal is demonstrated as satisfactory as Council has recently adopted the Cabonne Settlement Strategy 2021-2041 that guides the provision of rural residential land in the LGA. Of note, is the fact that the subject land is supported for rezoning by the CSS.

4.3. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

- a) 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?**

No.

The potential impacts of the proposal on critical habitat, threatened species, population, ecological communities and their habitats is discussed in *Section 4.3(b)* of this proposal.

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

The potential impacts of the Planning Proposal are considered below.

Biodiversity

Part of the subject land is identified on the LEP maps as having terrestrial biodiversity (refer figure below).



The subject land has been subject to historical clearing for agricultural uses. As depicted in the figure above, the terrestrial biodiversity identified in the subject land is confined to the western side of the riparian corridor. The presence of native vegetation in the road corridors of Burrendong Way and Kent Road is also recognised.

The broad scale mapping of the site identified *Yellow Box - Blakelys Red Gum grassy woodland on the tablelands; South Eastern Highlands Bioregion (PCT1330)* as the only native vegetation community within the site. In this regard:

- The native vegetation within the subject land is fragmented due to the past and current use of the site and surrounding residential land use pattern.
- The site demonstrates a high degree of disturbance from its natural state. Other than the ornamental plantings and shrubbery, there is minimal remaining native vegetation.
- The ecological attributes of the site do not overly constrain the site.
- There are no known recordings of threatened species within to the subject land or within a 500 metre radius of the site.

The inception of the Biodiversity Conservation Act 2016 means that any development that would involve the clearing of native vegetation must consider whether a Biodiversity Development Assessment Report (BDAR) is required.

There are four matters that may trigger the Biodiversity Offset Scheme to determine whether or not a BDAR is required.

- Whether the development occurs on land identified on the OEH Biodiversity Values Map
- Whether the amount of native vegetation being cleared exceeds the threshold area based on the minimum lot size associated with the property.
- Whether the development or activity is “likely to significantly affect threatened species”
- Whether the development or activity will be carried out in a declared area of outstanding biodiversity value.

If the future subdivision of the subject land triggers any of the above thresholds, a BDAR is required. An assessment of whether the future development of the site will trigger the BOS will be undertaken as part of the development application process.

Traffic and Access

It is submitted that the Planning Proposal can be supported in regard to access, traffic, and transport considerations.

Due to the proximity of the site to Burrendong Way, pre application advice was sought from Transport for New South Wales (TfNSW) in relation to the preparation of this Planning Proposal. TfNSW provided the following comments for consideration as part of the Planning Proposal:

- *Burrendong Way is a classified Regional road. It is noted that Council is the consent authority for the purpose of Das as well as the roads authority for this and other local roads in the area. Details of any works within the road reserve are to be to the satisfaction of Council, and concurrence will also need to be obtained from TfNSW under Section 138(2) of the Roads Act 1993 before works can occur.*
- *In accordance with Clause 101 of SEPP (Infrastructure) 2007 (ISEPP) the development application must demonstrate that all vehicular access to the created allotments cannot be practicably and safely obtained from Kent Road if access is proposed via Burrendong Way.*

- *The posted speed limit along this section of Burrendong Way is 100 km/h. In this high speed environment a key consideration is the provision of Safe Intersection Sight Distance (SISD) in accordance with the Austroads Guide to Road Design and relevant TfNSW Supplements to Austroads for any new property access. For an operating (85th percentile) speed of 100 km/h to 110 km/h, recommended SISD is between 248 and 300 m.*
- *The available sight distance north along Burrendong Way from the Kent Road intersection appears to be significantly less than this. Consideration should be given to locating any new vehicular accesses in order to meet or exceed the recommended SISD and/or propose other works to improve safety.*
- *In addition to the above constraints, intersection upgrades to the access point with Burrendong Way are likely to be necessary in accordance with an assessment under TfNSW adopted Austroads Guide to Traffic Management Part 6 Figure 3.25 warrants for turn treatments.*

The traffic pattern as a result of the future development of the site is likely to be based on commuter traffic between the subject land and Orange with Burrendong Way anticipated to provide the most likely route between the subject land and Orange.

It is considered that the existing and planned road system is of an adequate standard to cater for the additional traffic that would be generated by the proposal due to the following:

- According to the RTA Guide to Traffic Generating Development Updated *Traffic Surveys* a standard urban residential allotment in a regional city may generate 7.4 daily vehicle trips and 0.71 to 0.78 weekday peak hour vehicle trips.
- Based on 4 residential lots, the completed development has the potential to generate 208 daily vehicle trips and 2.84 to 3.12 weekday peak hour vehicle trips.
- The estimated total daily traffic generated by the development would not be concentrated. Outside the peak periods, other vehicle trips are estimated to be distributed over the remainder of the day.
- When daily traffic volumes are spread/distributed over the 24-hour period (excluding 1 hour morning peak and 1 hour evening peak) the impact on local traffic levels is considered reasonable.

- Due to the nature of the development and the surrounding land use pattern, typical traffic is expected to comprise predominantly cars or light commercial vehicles.

Access

The subject land has a dual frontage to both Burrendong Way and Kent Road. As mentioned earlier, Burrendong Way is a Classified road and Kent Road is an unclassified road. As encouraged by Clause 2.118(2)(a) of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, where practicable and safe, vehicular access to the land is provided by a road other than a classified road. In this regard, it is envisaged that the future development of the site would obtain legal and practical access via Kent Road.

The access to the subject land via Kent Road would be via proposed Lot 1 (Community Property). It will comprise of the private roadway and manoeuvring area which will provide legal and practical access to the future lots.

In this regard:

- It is submitted that the intersection of the new road with Kent Road is sufficient to cater for the future development of the land. Based on the concept layout, it would be superfluous to require the proponent to upgrade the intersection of Kent Road and Burrendong Way particularly considering that the total traffic generation as a result of the future development of the site would be 3.12 weekday peak-hour trips.
- The potential lot yield of the site does not represent traffic generating development pursuant to Clause 2.121 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.
- As demonstrated in the concept layout, the size and arrangement of the lots are suitable to allow for vehicles to enter and exit the site in a forward direction without the need for reverse exit onto the private roadway or to Kent Road.
- There is no traffic count data for Burrendong Way or Kent Road. There are 7 dwellings that appear to use Kent Road. The Guide to Traffic Generating Developments give a peak hourly generation rate of 0.85 vehicle trips per hour per dwelling. Based on 7 dwellings, this equates to 6 vehicles/hour. Combining this figure with the anticipated traffic generation as a result of this proposal, equates to 9 vehicle trips per hour (3 vehicles/hour entering and 3 vehicles/hour leaving).

- The western shoulder of Burrendong Way appears to have been upgraded to provide additional width for north bound traffic; however, the south bound traffic (from Mullion Creek) has no turning treatment. It is expected that the majority of the traffic will originate from/to Orange. Except for the lack of a widened shoulder on the eastern side of Burrendong Way, the intersection appears to be generally in accordance with a BAR/BAL type intersection.
- It should be noted that the existing development along Burrendong Way and Kent Road suggests that the existing turning treatments do not adversely affect vehicle movements. To this end, a review of the crash and casualty statistics for this section of Burrendong Way and Kent Road does not reveal any accidents or fatalities as occurring during the reporting period.
- The turning movements are predicted to be very low and combined with the low opposing traffic, the occurrence of a propped vehicle waiting to turn right is predicted to be infrequent.
- Carriageway widths, trafficable lanes, and intersection controls appear satisfactory to accommodate current traffic levels. The site access points and the nearby Burrendong Way and Kent Road intersections appear to perform satisfactorily. The modest increase in traffic levels generated as a result of the future development of the site would integrate reasonably with established traffic levels along Kent Road and Burrendong Way. The expected increase is not to the extent that it would place undue pressure upon the site access points or nearby intersections.

Based on the above, it is submitted that the existing and proposed road network can accommodate the predicated traffic volumes associated with the future development of the site.

Capacity of Road Network

The predicted development traffic is expected to be distributed between Kent Road and Burrendong Way.

Table 4.6 (below) of the RTA Guide sets out recommended Environmental Capacity performance standards for streets with direct access to residential properties.

Table 4.6 Environmental capacity performance standards on residential streets			
Road class	Road type	Maximum Speed (km/hr)	Maximum peak hour volume (veh/hr)
Local	Access way	25	100
	Street	40	200 environmental goal
			300 maximum
Collector	Street	50	300 environmental goal
			500 maximum

Kent Road is regarded as a Local road and Burrendong Way is regarded as a Collector road. Whilst formal traffic counts have not been undertaken, it is unlikely that the proposed subdivision, in conjunction with existing traffic, would generate peak hour volumes along either of these roads that would exceed the environmental goals for a Collector road (i.e. peak hour maximum of 500 vehicles per hour).

It is also submitted that predicted total traffic generation would integrate satisfactorily with the existing traffic levels and capacity of Kent Road and Burrendong Way.

On the basis of the above, it is submitted that the additional traffic generated by the proposed subdivision is expected to integrate with the existing road network without unreasonable impact.

Bushfire

The subject land is identified as being bushfire prone land according to the NSW Rural Fire Service bushfire prone land mapping. Possible future dwelling sites have been defined for each proposed lot having regard to topography, bushfire hazard, and other physical constraints. The possible sites have only been nominated for the purposes of a bushfire assessment to support the Planning Proposal. Other potential dwelling sites exist within the proposed lots.

Future development within the proposed lots will be subject to separate application and bushfire assessment at the time that future development within the lots is proposed.

An assessment has been undertaken for the indicative dwelling sites in accordance with *Planning for Bushfire Protection 2019* (PBP).

The specific objectives for rural residential subdivision under PBP are to:

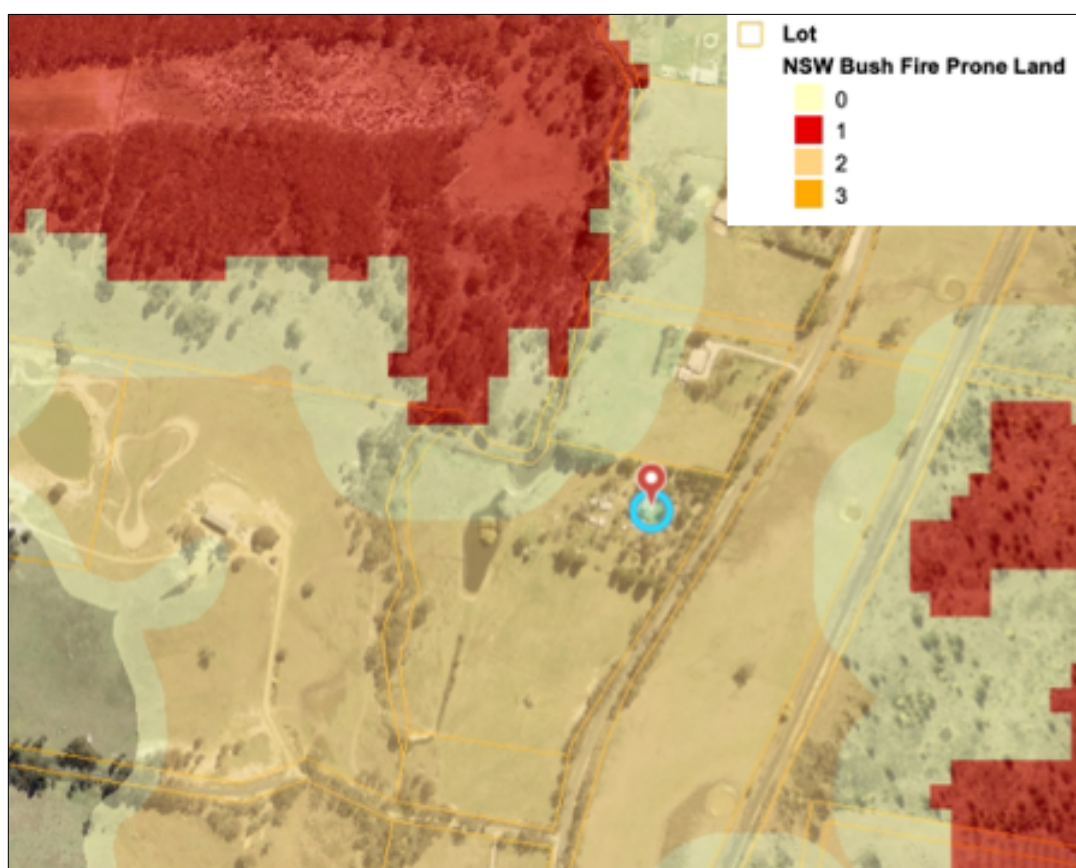
- Minimise perimeters of the subdivision exposed to the bushfire hazard (hourglass shapes, which maximise perimeters and create bottlenecks should be avoided);
- Minimise vegetated corridors that permit the passage of bushfire towards buildings;
- Provide for the siting of future dwellings away from ridge-tops and steep slopes, within saddles and narrow ridge crests;
- Ensure that APZ's between a bushfire hazard and future dwellings are effectively designed to address the relevant bushfire attack mechanisms.
- Ensure the ongoing maintenance of APZs;
- Provide adequate access from all properties to the wider road network for residents and emergency services;
- Provide access to hazard vegetation to facilitate bushfire mitigation works and fire suppression; and
- Ensure the provision of an adequate supply of water and other services to facilitate effective firefighting.

VEGETATION

All of the subject land is mapped as bushfire prone. The majority of the land is identified as Category 2. A very small portion of the north western corner is mapped as a vegetation buffer.

Category 2 vegetation is considered to be a lower bushfire risk than Category 1 or Category 3 vegetation. This vegetation is recognised as having lower combustibility and limited potential fire size due to the vegetation area shape and size; land geography; and management practices and as such, is surrounded by a 30 metre buffer.

Due to the historical use of the site for small-scale grazing, the majority of the subject land is cleared with the predominant vegetation consisting of grazed grassland.



SLOPE & APZ

The subject land is within the FFDI 80 Area. With reference to Table A1.12.3 of Planning for Bushfire Protection 2019 (PBP) and based on the below information relating to slope and vegetation, the APZ required for grassland vegetation for each lot is depicted in the tables below:

Proposed Lot 2

	North	South	East	West
Fire Danger Index	80	80	80	80
Vegetation	Grassland	Grassland	Grassland	Grassland
Effective Slope	0-5 ⁰ downslope	0-5 ⁰ upslope	0-5 ⁰ upslope	0-5 ⁰ downslope
Required APZ to achieve BAL-29	11 m	10 m	10 m	11 m

Proposed Lot 3

	North	South	East	West
Fire Danger Index	80	80	80	80
Vegetation	Grassland	Grassland	Grassland	Grassland
Effective Slope	0-5 ⁰ downslope	0-5 ⁰ upslope	0-5 ⁰ upslope	0-5 ⁰ downslope
Required APZ to achieve BAL-29	11 m	10 m	10 m	11 m

Proposed Lot 4

	North	South	East	West
Fire Danger Index	80	80	80	80
Vegetation	Grassland	Grassland	Grassland	Grassland
Effective Slope	0-5 ⁰ downslope	0-5 ⁰ upslope	0-5 ⁰ upslope	0-5 ⁰ downslope
Required APZ to achieve BAL-29	11 m	10 m	10 m	11 m

It is submitted that the future subdivision of the subject land would be able to comply with the requirements of Table 5.3a of PBP (as demonstrated below) as the required APZ for each lot can be maintained within each respective lot and within the nominated building envelope.

Performance Criteria	Acceptable Solutions	Complies
Potential building footprints must not be exposed to radiant heat levels exceeding 29 kW/m ² on each proposed lot.	APZs are provided in accordance with Tables A1.12.2 and A1.12.3 based on the FFDI	Yes, can comply.
APZs are managed and maintained to prevent the spread of a fire towards the building.	APZs are managed in accordance with the requirements of Appendix 4	Yes, can comply.
The APZs is provided in perpetuity.	APZs are wholly within the boundaries of the development site	Yes, can comply.

APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is minimised.	APZs are located on lands with a slope less than 18 degrees	Yes, can comply.
Landscaping is designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignition.	Landscaping is in accordance with Appendix 4; Fencing is constructed in accordance section 7.6	Yes, can comply.

In accordance with the above compliance with the provisions in Appendix 4 of PBP can be readily achieved by adopting the requirements for trees, shrubs and grass within the Inner Protection Area and the Outer Protection Area of the APZ.

ACCESS

Section 5.3.2 of PBP requires the provision of safe operation access to structures and water supply for emergency services, while residents are seeking to evacuate the area.

As demonstrated in the table below, the future subdivision of the land can comply with the acceptable solutions prescribed by Table 5.3b.

Performance Criteria	Acceptable Solutions
Firefighting vehicles are provided with safe, all weather access to structures	<p>Property access roads are two-wheel drive, all-weather roads;</p> <p>Perimeter roads are provided for residential subdivisions of three or more allotments;</p> <p>Subdivisions of three or more allotments have more than one access in and out of the development;</p> <p>Traffic management devices are constructed to not prohibit access by emergency service vehicles;</p> <p>Maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;</p>

Performance Criteria	Acceptable Solutions
	<p>All roads are through roads;</p> <p>Dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metre outer radius turning circle, and are clearly sign posted as a dead end;</p> <p>Where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;</p> <p>Where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system; and</p> <p>One way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.</p>
The capacity of access roads is adequate for firefighting vehicles	The capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.
There is appropriate access to water supply	<p>Hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;</p> <p>Hydrants are provided in accordance with the relevant clauses of AS 2419:1:2005 – Fire Hydrant Installations System design, installation and commissioning; and</p>

Performance Criteria	Acceptable Solutions
	There is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.
Access roads are designed to allow safe access and egress for firefighting vehicles while residents are evacuating as well as providing a safe operational environment for emergency service personnel during firefighting and emergency management on the interface	<p>Are two way sealed roads;</p> <p>Minimum 8m carriageway width kerb to kerb;</p> <p>Parking is provided outside of the carriageway width;</p> <p>Hydrants are located clear of parking areas;</p> <p>Are through roads, and these are linked to the internal road system at an interval of no greater than 500m;</p> <p>Curves of roads have a minimum inner radius of 6m;</p> <p>The maximum grade road is 15 degrees and average grade of not more than 10 degrees;</p> <p>The road crossfall does not exceed 3 degrees; and</p> <p>A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches is provided.</p>
(Non perimeter roads) Access roads are designed to allow safe access and egress for firefighting vehicles while residents are evacuating	<p>Minimum 5.5m carriageway width kerb to kerb;</p> <p>Parking is provided outside of the carriageway width;</p> <p>Hydrants are located clear of parking areas;</p>

Performance Criteria	Acceptable Solutions
	<p>Roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;</p> <p>Curves of roads have a minimum inner radius of 6m;</p> <p>The road crossfall does not exceed 3 degrees; and</p> <p>A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.</p>
<p>Firefighting vehicles can access the dwelling and exit the property safely</p>	<p>There are no specific access requirements in urban area where an unobstructed path (no greater than 70m) is provided between the most distant external part of the proposed dwelling and the nearest part of the public access road (where the road speed limit is not greater than 70kmph) that supports the operational use of emergency firefighting vehicles.</p> <p>In circumstances where this cannot occur, the following requirements apply:</p> <p>Minimum 4m carriageway width;</p> <p>In forest, woodland and heath situations, rural property access roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m at the passing bay;</p> <p>A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;</p>

Performance Criteria	Acceptable Solutions
	<p>Provide a suitable turning area in accordance with appendix 3;</p> <p>Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;</p> <p>The minimum distance between inner and outer curves is 6m;</p> <p>The crossfall is not more than 10 degrees;</p> <p>Maximum grades for sealed roads do not exceed 15 degrees for unsealed roads; and</p> <p>A development comprising more than three dwellings has access by dedication of a road and not by right of way.</p>

In accordance with the above, compliance with the provisions in Table 5.3b of PBPP can be achieved as follows:

- Firefighting vehicles are to be provided with safe all weather access standard.
- The fire hazard does not warrant a perimeter road.
- The fire hazard does not warrant an alternate egress route. Egress from the subject land and along the road network is in a direction that leads away from the hazard.
- The maximum grade for the Community Road is to be designed so as to not exceed 15°.
- The proposed Lot 1 (Community Property) exceeds 200 metres in length; however, a reduction in length is not warranted due to the nature of the fire hazard. Furthermore, the cul-de-sac head can be designed to incorporate a 12 metre outer radius turning circle and be clearly signposted as a *No Through Road*.

- The proposed width of the private roadway is to be designed to allow vehicles to pass in a two-way traffic situation.
- The capacity of the existing road network and the connecting road are considered to be of sufficient standard and capability to accommodate increased traffic movements in the event of a bushfire. In this regard:
 - The new access road is to have a minimum sealed width of 8 metres.
 - Parking can be excluded from the carriageway width.
 - Although not a through road, the new access road will allow two way passing of vehicles and provide a cul-de-sac turning circle with a 12 metre outer radius.
 - The new public road is to be designed so that the maximum grade does not exceed 15% and the average grade does not exceed 10%.
 - Subject to engineering design the road crossfall should not exceed 3%.
 - The new public road is not subject to any overhanging obstructions.

SERVICES – WATER, ELECTRICITY AND GAS

Section 5.3.3 of PBP requires the provision of adequate services of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as to not contribute to the risk of fire to a building.

As demonstrated in the table below, the future subdivision of the land can comply with the acceptable solutions prescribed by Table 5.3c.

Performance Criteria	Acceptable Solutions
Adequate water supplies are provided for firefighting purposes.	<p>Reticulated water is to be provided to the development where available;</p> <p>A static water and hydrant supply is provided for non-reticulated developments or where reticulated water supply cannot be guaranteed; and</p> <p>Static water supplies shall comply with Table 5.3d.</p>

<p>Water supplies are located at regular intervals; and</p> <p>The water supply is accessible and reliable for firefighting operations</p>	<p>Fire hydrant, spacing, design and sizing complies with the relevant clauses of AS 2419:1:2005</p> <p>Hydrants are not located within any road carriageway;</p> <p>Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter.</p>
<p>Flows and pressure are appropriate</p>	<p>Fire hydrant flows and pressures comply with the relevant clauses of AS 2419:1:2005</p>
<p>The integrity of the water supply is maintained</p>	<p>All above ground water service pipes are metal, including up to any taps;</p> <p>Above-ground water storage tanks shall be of concrete or metal</p>
<p>Location of electricity services limits the possibility of ignition of surrounding bushland or the fabric of buildings</p>	<p>Where practicable, electrical transmissions lines are underground;</p> <p>Where overhead, electrical transmission lines are proposed as follows:</p> <ol style="list-style-type: none"> Lines are installed with short pole space of 30 metres, unless crossing gullies, gorges or riparian areas; No part of a tree is closer to a power line than the distance set out in ISSC3 Guideline for Managing Vegetation Near Powerlines
<p>Location and design of gas services will not lead to ignition of surrounding bushland or the fabric of buildings</p>	<p>Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 – The Storage and Handling of LP Gas, the requirements of relevant authorities, and metal piping is used;</p> <p>All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;</p> <p>Connections to and from gas cylinders are metal;</p>

	<p>Polymers sheathed flexible gas supply lines are not used;</p> <p>Above ground gas service pipes are metal, including and up to any outlets.</p>
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The minimum dedicated supply is to be a minimum of 20,000 litres per dwelling/lot. The tanks are to be separate and in addition to the 90,000-litre minimum required by Cabonne Council for domestic use. Further, and to meet the requirements of Planning for Bushfire Protection:

- Suitable connection for firefighting purposes is to be provided and located within the IPA, away from the structure.
- Provide a 65mm Storz outlet with a gate or ball valve.
- Gate or ball valve and pipes to be metal and adequate for water flow.
- Underground tanks to have an access hole of 200mm to allow tankers to refill direct from tank. Hardened ground surface to be provided within 4 metres of tank to facilitate truck access.
- Above ground tanks to be of metal or concrete. Stands on raised tanks are to be protected. Tanks on the hazard side of building are to be shielded to protect fire fighters.
- All above ground pipes and taps external to the building are to be metal. Pumps are to be shielded.

If all the recommendations listed in the foregoing report are adopted in terms of bushfire safety, it is submitted that the future subdivision of the subject land is likely to meet the requirements for Planning for Bushfire Protection 2019.

Contamination

In terms of potential soil contamination, the site has a land use history of small-scale grazing. During this time, the subject land itself has become well established as a quasi-rural residential property with a dwelling, garage, driveway, lawns, gardens and trees.

Having regard to the Contamination Land Planning Guidelines, the subject land itself does not appear to have been used for such a purpose. This is evidenced by the existing state of the land which has long been used for the purposes of a dwelling and purposes ancillary to the residential use.

Inspection of the site does not indicate any areas or sources of potential contamination. Vegetative cover is consistent and there appears to be no bare ground or patches to indicate possible contamination by previous uses. There are no building or structures within the site that indicate potentially contaminating activities associated with a previous land use. There is no evidence of mines, sheep dips or mixing sheds.

In this regard, the subject land is not known to have been used for a purpose listed in Table 1 of *Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land*.

It should also be acknowledged that during the course of approval for the existing dwelling house, Council did not raise concerns regarding potential soil contamination.

On the basis of the above preliminary information, it is requested that Council not require soil testing or further investigation.

Resource Management

The proposal will not generate adverse impacts in regard to vegetation, timber production, land capability (soil resources and stability) or water resources, due to the following:

- The future development of the land would not require the removal of native timber to establish building sites.
- The subject land does not represent a source of timber production.
- There are no aspects of the proposal that would impact upon soil resources and stability.

Water Quality

The Cabonne LEP 2012 identifies the subject land as having groundwater vulnerability. Whilst the potential impacts on water quality would become more apparent at the DA stage, the following principles should apply:

- Erosion and sediment controls are to be implemented and maintained as required to ensure that water quality is not affected as a result of construction or operational activities.
- Immediately after construction works have been completed, the exposed areas should be stabilised and re-sown with appropriate species. The erosion and sediment control devices installed at the construction phase should remain in place until revegetation of the disturbed areas has occurred.

An increase in impervious surfaces as a result of buildings and roadways will increase the volume and velocity of run-off from the site and have the potential for erosion and sedimentation downstream. Concerns in this regard may be addressed as follows:

- The stormwater drainage system is to return stormwater to the rural catchment in a manner that limits the discharge at a non-erosive velocity.
- Roof water should be collected in rainwater tanks for water supply which will provide an on-site water supply to satisfy BASIX requirements as well as reduce the peak run-off from the site.
- Provide appropriate drains from roads, driveway and paved areas with adequate scour protection measures as required.

Groundwater

Potential impacts on the functioning of key groundwater systems will be addressed as part of any future development application that is lodged as a result of this Planning Proposal. Having regard to the objectives of the Planning Proposal, it is considered that the by its very nature, future residential development of the site is unlikely to detrimentally affect groundwater resources for the following reasons:

- Domestic wastewater for future dwellings would be disposed of via on-site means and in accordance with *On-site Sewage Management for Single Households* (which is an all of government approach to on site effluent disposal); and *AS/NZS 1547:2000 On-site Domestic Wastewater Management*. Annexure B provides a detailed assessment for the dwelling envelope within each proposed vacant lot.

- The residential use of land does not normally involve the storage or disposal of large quantities of liquid waste or chemicals.
- The proposal does not involve the extraction of groundwater and therefore does not contribute to groundwater depletion.

European Heritage

The European Heritage of Cabonne is recognised in Schedule 5 of the Cabonne Local Environmental Plan 2012 which lists items of environmental heritage that are to be protected and conserved in accordance with the relevant provisions of the LEP. With reference to Schedule 5 and the LEP mapping, there are no identified items within proximity to the site.

Aboriginal Heritage

A Preliminary Aboriginal archaeology site investigation has been undertaken and is provided in *Annexure C*. The report is summarised below:

The AHIMS database was searched for Aboriginal sites in or near the investigation area. The AHIMS search was undertaken on Lots D and E DP 33623, 1583 Burrendong Way, Mullion Creek NSW, with a buffer of 50 metres.

The search of the AHIMS database did not identify any recorded aboriginal sites or declared aboriginal places in or near the search location.

No aboriginal sites or places were identified on 1583 Burrendong Way, Mullion Creek NSW.

In the event that previously unrecorded Aboriginal relics are uncovered during development, work should immediately stop, and both the NSW National Parks and Wildlife Service and the Local Aboriginal Land Council be notified.

Agriculture

The subject land has been mapped by NSW Agriculture as being of Class 5 Agricultural Suitability. In this regard, the land is classified as not being suitable for regular cultivation and has severe limitations in terms of agricultural output.

The Planning Proposal is considered not to adversely impact the agricultural value of the site or nearby lands for the following reasons:

- The subject land has been recommended for rezoning in both the now superseded Cabonne Settlement Strategy 2012 and the current Cabonne Settlement Strategy 2021-2041 as being suitable for rural residential purposes. It is therefore acknowledged that the eventual use of the site would be for rural residential purposes.
- The agricultural viability of the land is constrained and limited by the small size of the land making it agriculturally and economically unviable to participate in any form of primary production activities.
- The agricultural value of the site is already diminished due to the fragmented holding pattern and its proximity to the Mullion Creek settlement.
- The subject land possesses similar attributes and characteristics to the other R5 zoned land. In this regard, the future development of the lot for rural residential purposes is not uncharacteristic of the prevailing and existing development pattern in the neighbourhood.

c) How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal is likely to have a positive impact on employment opportunities

The social and economic benefits of the Planning Proposal are considered to be positive.

The proposal has the potential to facilitate indirect economic benefit by providing for additional permanent population in the LGA that is also in close proximity to Orange as a major regional centre.

Facilitation of this Planning Proposal will provide a modest increase in the range and supply of rural residential land available in the locality. The proposed rezoning will positively contribute to housing supply and affordability.

The provision of residential land in a suitable location is considered to be in the public interest. The proposal would increase the number of lots and choice in an area whilst offering a high residential amenity.

Considering the significant cost in housing in Orange, there is likely to be flow-on effects for people seeking more affordable housing options which this Planning Proposal will facilitate.

4.4 STATE AND COMMONWEALTH INTERESTS

a) Is there adequate public infrastructure for the Planning Proposal?

Yes. As demonstrated in the foregoing submission, the subject land can be serviced and within the capacity of the existing network.

Electricity and telecommunications services are available and would be extended as required to service future development.

b) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The view of State and Commonwealth public authorities are not required on the Planning Proposal until after the Gateway determination.

5.0 COMMUNITY CONSULTATION

The Planning Proposal will be subject to public exhibition and agency consultation as part of the Gateway process. The Gateway determination will specify the community consultation that must be undertaken on the Planning Proposal.

This Planning Proposal is considered to be a minor proposal for the following reasons:

- This Planning Proposal provides information to demonstrate that it is not adverse to the relevant strategic planning framework and that the potential impacts are not unreasonable.
- Issues pertaining to infrastructure servicing are not significant and can be adequately addressed.
- The Planning Proposal is not for a principal LEP.
- The Planning Proposal does not seek to reclassify public land.

Community consultation would involve:

- An exhibition period of 28 days.
- The community is to be notified of the commencement of the exhibition period via a notice in the local newspaper and on Council's website. The notice will:
 - Give a brief description of the objectives or intended outcomes of the planning proposal;
 - Indicate the land affected by the planning proposal;
 - State where and when the planning proposal can be inspected;
 - Provide the name and address for the receipt of submissions; and
 - Indicate the closing date for submissions.
- Written notification to adjoining and surrounding landowners.

During the exhibition period, it is expected that Council would make the following material available for inspection:

- The Planning Proposal in the form approved for community consultation by the Director General of Planning;
- Any studies (if required) relied upon by the planning proposal.

Electronic copies of relevant exhibition documentation to be made available to the community free of charge.

At the conclusion of the notification and public exhibition period Council staff will consider submissions made in respect of the Planning Proposal and prepare a report to Council.

6.0 CONCLUSION

This Planning Proposal warrants support due to the following:

- This Planning Proposal is consistent with the Cabonne Settlement Strategy 2021-2041 and is identified within the Strategy as being suitable for urban residential development.
- The subject land provides an opportunity to meet the shortfall in large lot rural residential land.
- The subject land is not unduly constrained by bushfire or ecological value.
- The proposal is not unreasonably constrained by the physical characteristics of the subject land.
- The proposal has the potential to generate positive social and economic impacts for the benefit of the community.
- The potential impacts of the proposal have been foreshadowed and there are no significant issues identified that would prevent the LEP amendment proceeding to the next step of the plan-making process. In any event, there is opportunity under the Gateway determination for more detailed information to be provided, where relevant, before the LEP is finalised.

Yours faithfully

Peter Basha Planning & Development

A handwritten signature in blue ink that reads "SAM BASHA". The signature is stylized, with the first letters of each word being larger and more prominent.

Per:

SAM BASHA

Annexure A

Land Plans and Development Concept

Annexure B

Onsite Effluent Management Study

Annexure C

AHIMS Search