

PLANNING PROPOSAL

Proposed Rezoning from
R5 Large Lot Residential to R1 General Residential

92 and 168 Euchareena Road, Molong
Golf Course Heights Estate



Prepared for
Wakefield Ashurst Developments
July 2023

Ref: PP2 -SFB21106

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Annexure B

Development Concept by Heath Consulting Engineers

Annexure C

Traffic Impact Assessment by Arc Traffic & Transport

Annexure D

Biodiversity Assessment Report by Cumberland Ecology

Annexure E

Preliminary Aboriginal Archaeological Site Investigation by Envirowest Consulting

Annexure F

Preliminary Contamination Investigation by Envirowest Consulting

Annexure G

Strategic Bush Fire Study by Building Code and Bushfire Hazard Solutions

Annexure H

Preliminary Servicing Strategy by Heath Consulting Engineers

THE PLANNING PROPOSAL

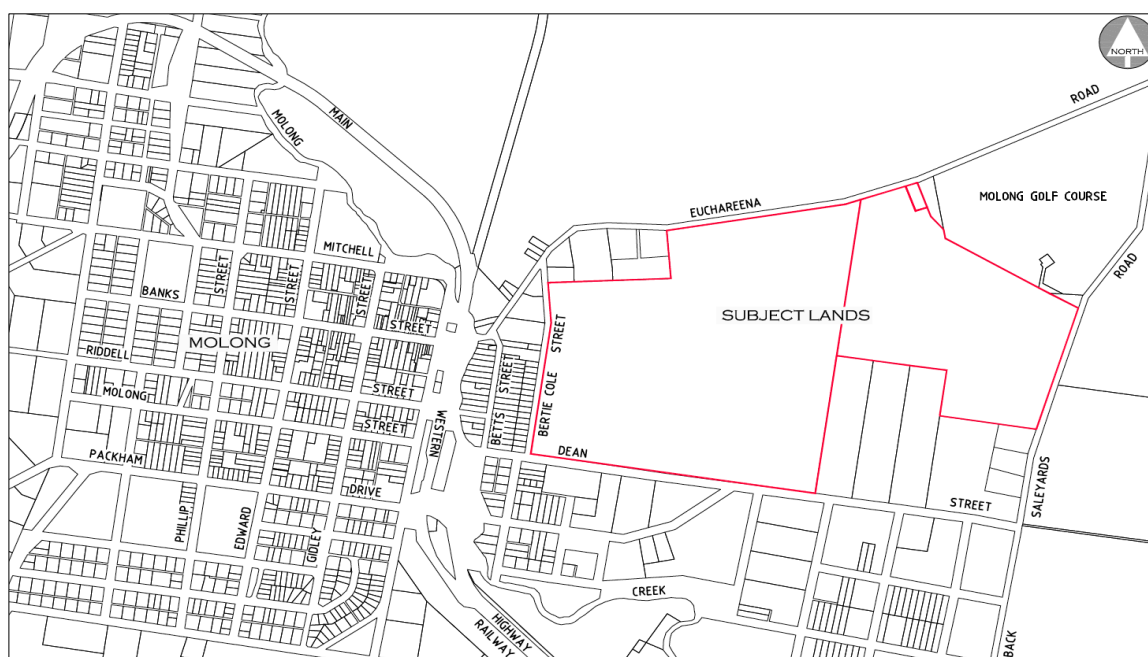
1.1 SUMMARY TABLE

Planning Proposal Rezoning of North Corridor Candidate Area	
Site Address	168 Euchareena Road, Molong being Lots 11 and 12 DP 546140 92 Euchareena Road, Molong being Lot A DP 961931
Land Owner	Wakefield Ashurst Developments Pty Ltd Margo Anne Miller Narelle Anne McKenzie
Existing Planning Controls	Local Environmental Plan: Cabonne LEP 2012 Land Zoning: R5 Large Lot Residential Minimum Lot Size: 4,000m ² Groundwater Vulnerable Biodiversity Sensitivity
Proposed LEP amendment	It is proposed to rezone the subject land from R5 Large Lot Residential to R1 General Residential to enable future subdivision and residential development. The rezoning of the site will also amend the minimum lot size of the land to 500m ² which is consistent with the existing minimum lot size for the R1 areas in Molong.
Supporting Documentation	Annexure A: Land Plans Annexure B: Development Concept

Planning Proposal Rezoning of North Corridor Candidate Area	
	Annexure C: Traffic Assessment
	Annexure D: Biodiversity Assessment Report
	Annexure E: AHIMS
	Annexure F: Preliminary Contamination Investigation
	Annexure G: Strategic Bushfire Study
	Annexure H: Preliminary Servicing Strategy

1.2 INTRODUCTION

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 168 Euchareena Road, Molong (Lots 11 and 12 DP 546140) and 92 Euchareena Road, Molong (Lot A DP 961931) from R5 Large Lot Residential to R1 General Residential to enable future subdivision and residential development.



The rezoning of the subject land to the R1 General Residential zone will enable further urban residential subdivision of the land as desired by the proponent. The rezoning of the site will also amend the minimum lot size of the land to 500m² which is consistent with the existing minimum lot size for the R1 areas in Molong.

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 supply/demand analysis within the CSS recognises that there is insufficient supply of urban residential land within Molong over the next 20 years and that more urban residential land is needed to increase supply. The CSS identified the subject land as being suitable for urban residential zoning (identified as MOL2, MOL3 and MOL-VIS).

A preliminary concept plan has been prepared with the intent that it will form part of the overall masterplan for future development of the subject land. Based on the preliminary investigations undertaken to support this Planning Proposal and subject to detailed design, the proposed rezoning would facilitate the creation of approximately 620 urban residential allotments that will range in size from 673m² to greater than 7,700m².

Overall, it is considered that the site is suitable for the proposed rezoning that would enable subdivision and future 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. The Planning Proposal is structured as follows:

The Planning Proposal	This part of the report provides an overview of the proposed rezoning; describes the subject land; outlines the existing LEP provisions; and explains the concept.
Part 1	A statement of the objectives and intended outcomes of the proposed rezoning.
Part 2	An explanation of the provisions to be amended in the Cabonne LEP 2012

- | | |
|---------------|--|
| Part 3 | Provides justification for the proposed rezoning, having regard to strategic and site-specific merit; and the potential environmental, economic, and social impacts. |
| Part 4 | Depicts the existing and proposed LEP mapping. |
| Part 5 | Details how consultation is to be undertaken. |
| Part 6 | Details the projected timeline for the PP |

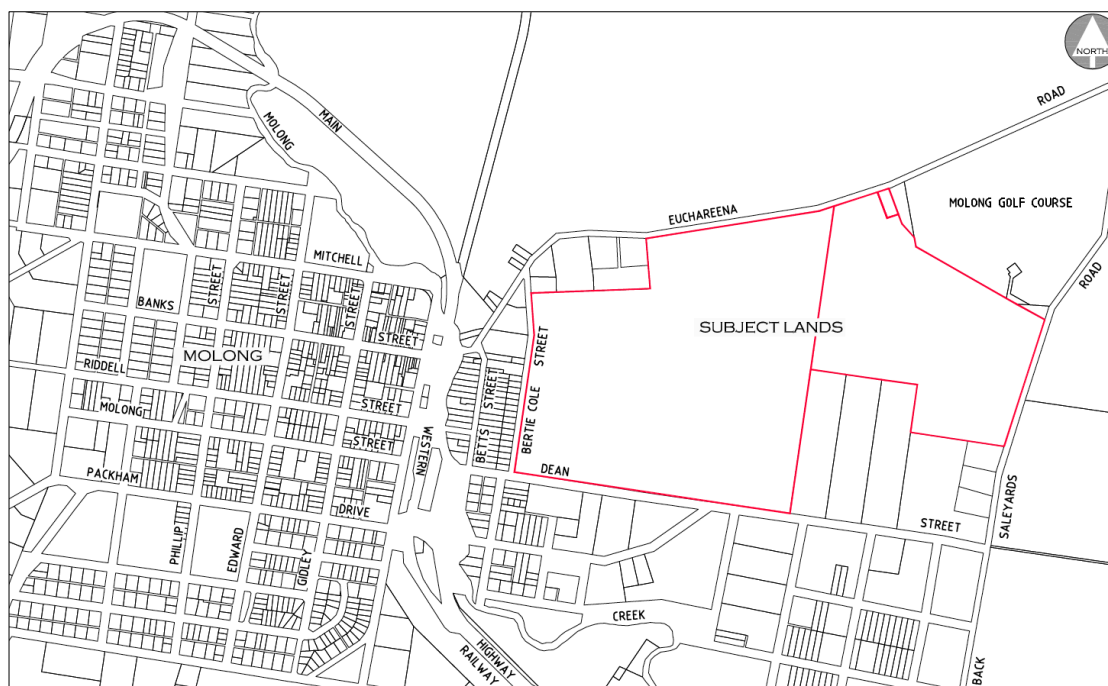
As this Planning Proposal is consistent with the existing strategic planning framework, it is appropriate that this Proposal be categorised under the *Department of Planning and Environment's Local Environmental Plan Making Guideline (2021)* as a 'Standard' Planning Proposal.

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.

1.3 THE SUBJECT LAND

1.3.1 Location

The subject land is located approximately 400 metres from the from the Molong town centre. The northern boundary of the subject land is shared with the Molong Golf Course (refer Figure 1 and the image below).



The subject land is described as Lot 11 and 12 DP 546140 and Lot A DP 961931, Parish of Gamboola Country of Wellington. The street addresses are 168 Euchareena Road and 92 Euchareena Road, Molong.

1.3.2 Site Description

The subject site comprises a total area of approximately 118.47 hectares and is currently zoned R5 Large Lot Residential. Historically, the land has been used for grazing with remnant woodlands interspersed throughout the site. Other features within the subject land include an existing dwelling house; watercourses; dams; and farm related infrastructure such as fencing and sheds.

The western most boundary of the subject land is approximately 400 metres west of the urban area of Molong and is bounded by Euchareena Road to the north; the Molong Golf Course to the north east; Back Saleyards Road to the east; Marsden Street to the south; and Bertie Cole Street to the west.

1.3.3 Vegetation, Topography and Drainage

The fall of the land is generally from north to south. The general slope in the northern and central extent of the subject land are generally flat and level. The general slopes in the southern and eastern extent are gently undulating to undulating with slopes ranging across the site between 5 to 10%. The western boundary (adjacent to Bertie Cole Street) comprises the steepest terrain of the site with the land falling at a 21% grade to the west.

Drainage of the site is via the natural surface and a non-perennial watercourse that flows into Molong Creek approximately 1 kilometre to the south of the subject land. Concentrations of water are likely to occur within the drainage depression however, the land and the proposed lots are not known to be affected by flooding.

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

1.3.4 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 proposed development.

1.3.5 Land Use

The subject land has a long history of livestock grazing. Paddocks, small dams, water tanks, yards and sheds have been established to support this land use, along with the owner's residence within Lot 11.

1.3.6 Biodiversity

The subject land property has been predominantly cleared for grazing with remnant trees being widely scattered or limited to the south western section of the land where they form small woodland communities. The tree cover on the subject land is characteristic of other rural properties that have been extensively cleared in the area.

As identified by the Biodiversity Assessment Report (refer *Annexure D*), the vegetation formation within the subject land consists of *PCT 266 – White Box grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion*.

1.3.7 Roads and Access

Access to the subject land is provided via Euchareena Road which forms the northern boundary. Euchareena Road is an unclassified bitumen sealed road that provides one lane in each direction. Along this section of Euchareena Road, the posted speed limit is 100 km/h.

The eastern boundary of the subject land also has frontage to Back Saleyards Road which is an unsealed roadway that intersects with Marsden Street further to the south. Back Saleyards Road has a variable carriageway width of approximately 6 metres and provides one lane in each direction.

1.3.8 Services

In terms of servicing:

- There is no town water reticulation that services the land. Domestic water supply is provided via rainwater collection tanks.
- 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.
- Wastewater disposal for the dwelling is conducted via on-site means utilising a septic tank and absorption trenches.

- Electricity and telecommunications are connected to the existing dwelling.

1.3.9 Surrounding Development

With reference to the figure below, the surrounding development pattern comprises:

- The Molong Golf Course to the north east.
- Land to the north on the opposite side of Euchareena Road comprises cleared grazing land. A poultry farm is located some 700 metres further north.
- The land to the south comprises developed R5 Large Lot Residential land and includes dwelling houses; their support areas, and ancillary improvements.
- The Molong township to the west and south west.



1.3.10 Development History

DA 2006/251

Part of the land to which this Planning Proposal relates (Lot 11 and Lot 12 DP 546140) is subject to a previous development consent which has physically commenced for the purpose of Section 4.53(7) of the Environmental Planning and Assessment Act 1979 and Section 96 of the Environmental Planning and Assessment Regulations 2021.

Council granted development consent in 2008 for a 73 Large Lot Residential subdivision upon the subject land. The approved development permitted 73 lots which ranged in size typically between 4,000m² and 9,000m².

1.3.11 Constraints and Opportunities

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

- The subject land is identified as a growth area for future urban residential development in the Cabonne Settlement Strategy 2021-2041.
- The proposal would increase the variety of housing types in the LGA as encouraged by the Cabonne Local Environmental Plan 2012. More specifically, it will increase the urban residential land supply at Molong, noting that the existing supply is relatively constrained as outlined in Section 1.6.1 of the Cabonne Settlement Strategy – Molong Settlement Options Paper.
- The terrain does not pose a constraint to residential development. The gradual slope provides advantageous building opportunities across most of the site with larger lot sizes proposed across the steeper terrain.
- 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 and beyond the zone.
- The Bushfire Safety Assessment (*Annexure G*) demonstrates that the bushfire hazard does not unreasonably 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 preliminary servicing strategy prepared by Heath Consulting Engineers (refer *Annexure H*), demonstrates that the land can be adequately serviced in terms of water, sewer, stormwater, telecommunications and electricity.

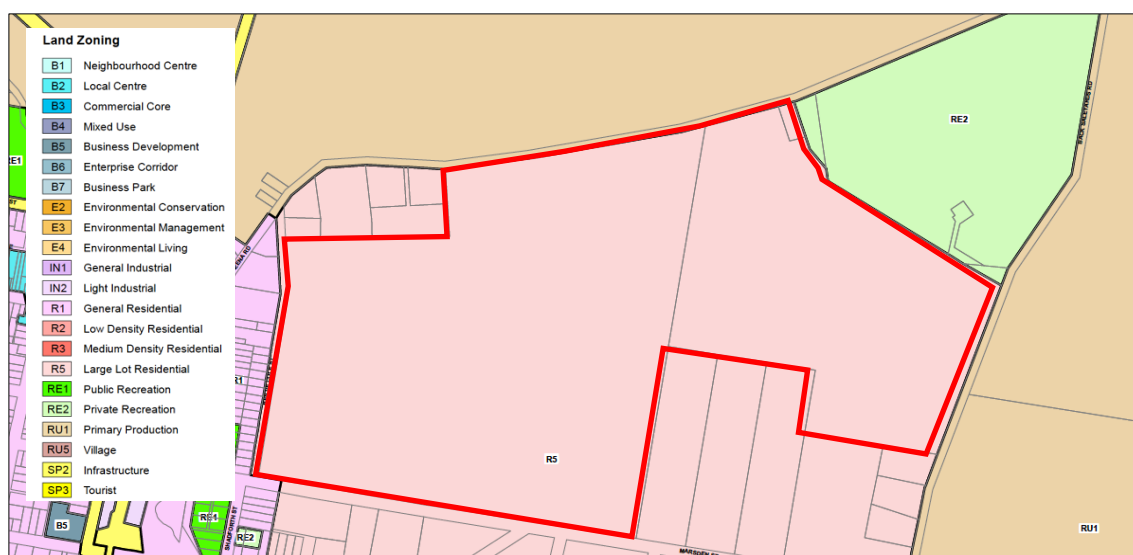
1.4 CURRENT LEP PROVISIONS

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 004A in the following manner:

LEP Matter	Comment
Land Zoning Map	Zoned R5 Large Lot Residential
Lot Size Map	MLS 4000m ²
Heritage Map	Not within a Conservation Area. Two local heritage items in vicinity of development.
Natural Resource - Karst Map	No karst identified within subject land
Terrestrial Biodiversity Map	No biodiversity identified within subject land
Drinking Water Catchment Map	Not located in a drinking water catchment
Riparian Lands and Watercourses Map	Not identified as containing riparian lands or watercourses
Groundwater Vulnerability Map	Groundwater vulnerable land
Flood Planning Map	Not within a flood planning area

1.4.1 Zoning

The land (outlined in red in the LEP map extract below) is zoned R5 Large Lot Residential.



1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Extractive industries; Farm buildings;

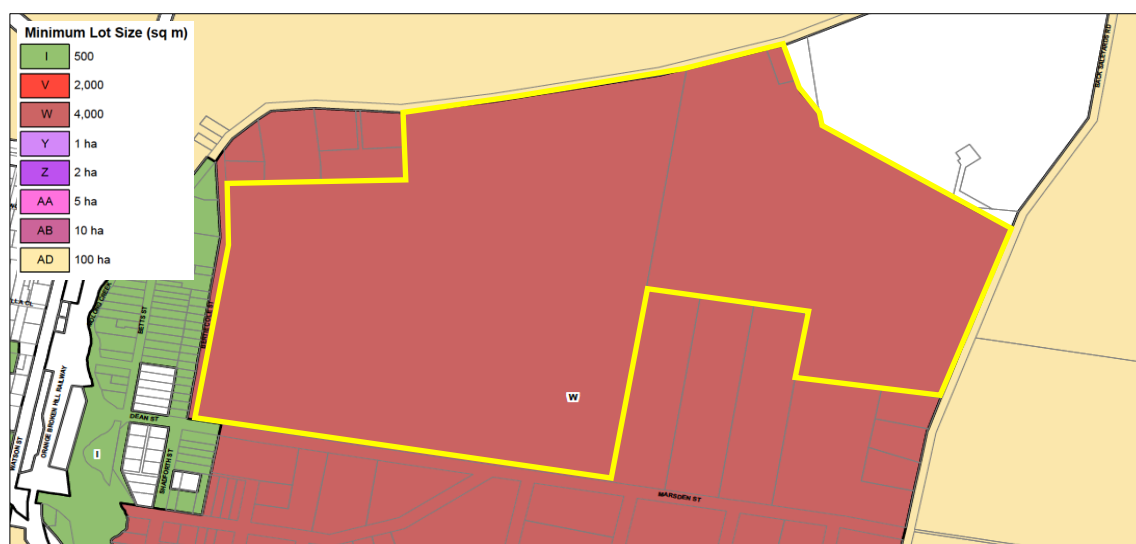
Flood mitigation works; Home businesses; Home industries; Information and education facilities; Open cut mining; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Roads; Tank-based aquaculture; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

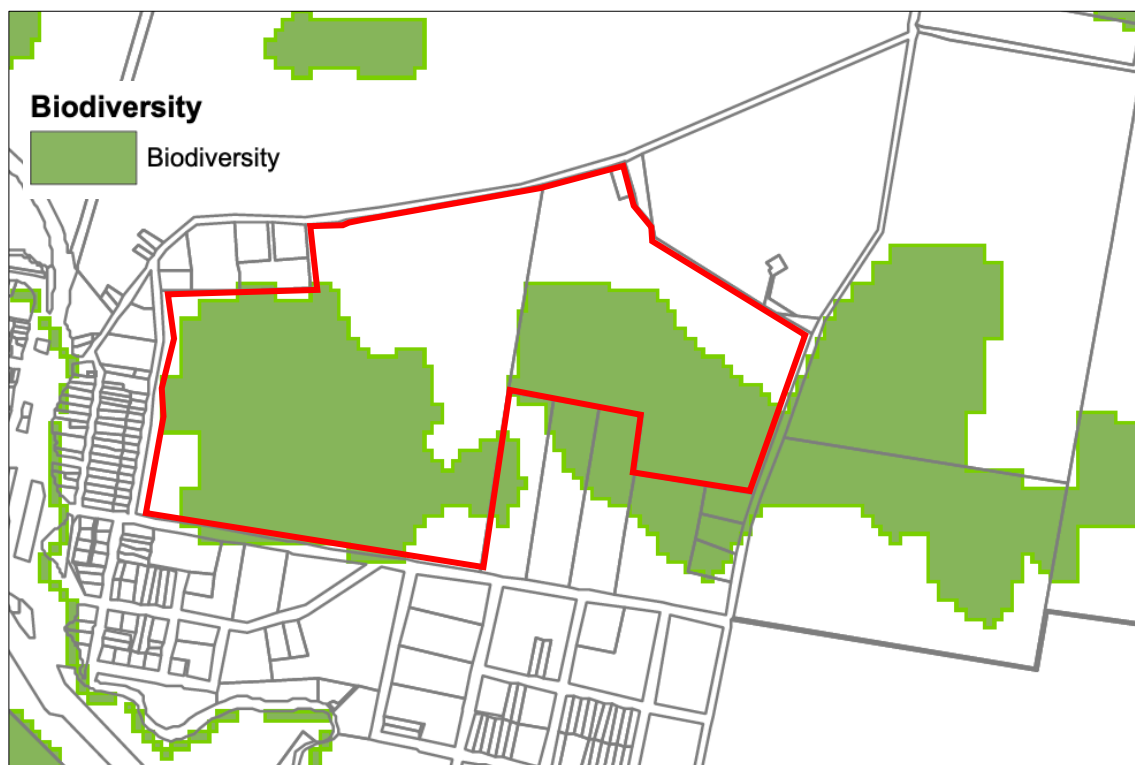
1.4.2 Minimum Lot Size

According to the *Lot Size Map*, a minimum lot size of 4,000m² applies to land (see extract below).



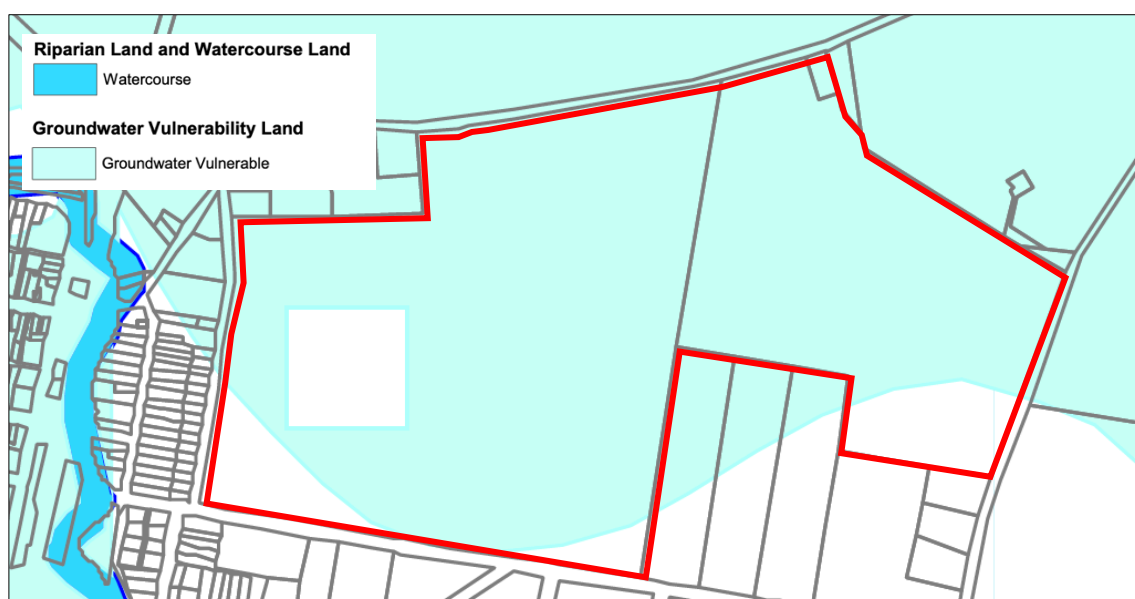
1.4.3 Terrestrial Biodiversity

According to *Terrestrial Biodiversity Map*, there are areas of biodiversity identified within the subject land (see extract below).



1.4.4 Groundwater Vulnerability

According to the *Watercourse and Groundwater Vulnerability Map*, the subject land is defined as having groundwater vulnerability.



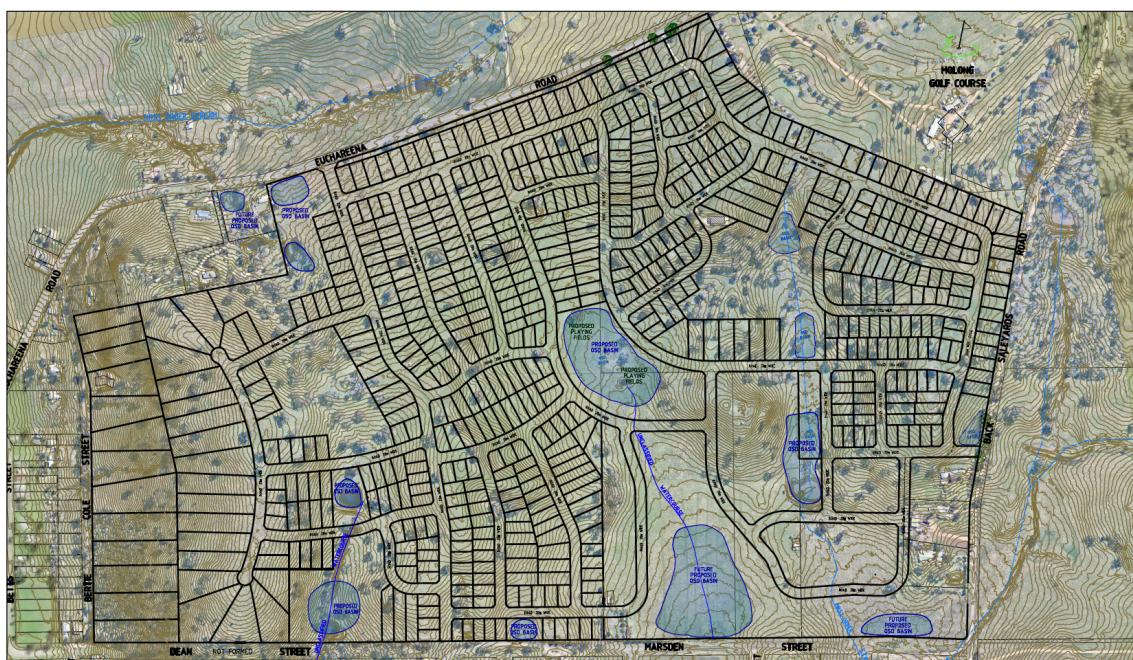
1.5 CONCEPT

1.5.1 Overview

It is proposed to undertake an urban residential subdivision of the subject land. The development concept development would consist of the following:

- The creation of approximately 620 urban residential lots that will range from 700m² to greater than 7,700m² which will enable a variety of housing types and densities.
- New roads, pedestrian infrastructure and playing fields.
- The provision of urban services comprising the augmentation of reticulated water and sewer.
- Provision of electricity and telecommunications services in accordance with the requirements of the relevant supply authority.
- Provision of asset protection zones and access driveways/roads in accordance with the provisions of the NSW Rural Fire Service Planning for Bushfire Protection 2019.

A conceptual plan of the proposal is depicted below.



The development would be released in stages in response to market demand with the lots closest to Euchareena Road released initially in balance with demand. It is expected that the potential lot yield of the site would be sufficient to address the shortfall in urban residential land as identified in the CSS.

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 strictly as depicted in the concept.
- 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.

1.5.2 Roads

Access to the local road network is proposed from all adjacent roads consisting of 1 access to Euchareena Road, 1 access to Back Saleyards Road, and 1 access to Marsden Street.

The internal road network would provide a number of collector roads (providing access to the key intersections mentioned above) and then the local roads. The new roads will be constructed in accordance with Council's normal requirements for urban residential development.

1.5.3 Servicing

The proposed lots will be connected to all urban utility services. Easements to facilitate servicing will be created as required.

1.5.4 Sewer

The subject land is not currently serviced by sewerage reticulation. Notwithstanding, the proposal can be adequately serviced in terms of sewer.

The servicing strategy prepared by Heath Consulting Engineers made the following comments in regard to sewerage servicing:

- *The subject land is not currently serviced by sewerage reticulation.*

- *It is understood that the sewer treatment plant on the northern boundary of the Molong Township has a capacity of approximately 2000 Equivalent Persons (EP). No information has been made available as to the existing capacity of the existing reticulation network or sewage pump station.*
- *The CSS 2021 suggests that the existing “STP can be progressively upgraded to accommodate growth”.*
- *In the absence of modelling and sewer strategy of the Molong Town Sewerage System, the preliminary design criteria is based upon Water Services Association of Australia (WSAA) Sewage Code of Australia flow estimations. A total of 632 ETs were used in the calculations for the future development.*
- *The undulating topography of the site creates up to eight (8) likely catchments for sewerage servicing. These catchments are shown in Figure 3.2. Subject to details being provided of Cabonne Council’s existing reticulation network, it is envisaged that Catchment S1 and S2 can be serviced by an extension of Council’s gravity sewer network. Catchments S3 to S8 will either require individual sewage pump stations or require sewage pump stations to be provided further downstream where site catchment combine.*
- *It is understood that Premise have been engaged by Council to investigate the overall sewerage servicing for Molong and the subject land.*

1.5.5 Water

With reference to the servicing strategy prepared by Heath Consulting Engineers, the provision of a reticulated water supply for the proposal does not appear to be unreasonably constrained. The report did not indicate any major limitations in regard to water supply. The water servicing situation is summarised below:

- *The subject land is not currently serviced by a reticulated potable water supply. A non-potable (raw water) supply was constructed to serve Lot 11 DP 546140 to service the approved 1 acre development (DA 2006/251).*
- *The future development of the site would ultimately create approximately 254 lots. For this report the demands on the water supply system were calculated using Equivalent Tenements (ETs). The number of ETs for the subject land was calculated based upon 1 ET per lot. This number was applied against the key design criteria to determine the potable water demands.*

- *These water demands do not make allowance for the use of rainwater tanks to satisfy BASIX and as such may be reduced by up to 40%, as the water saving target under BASIX.*
- *The final connection point for the potable supply for the proposed development will be subject to reticulation modelling and more information being provided by Council once they have completed their additional studies. However, it is envisaged that an extension and augmentation of the water main in Euchareena Road will be required.*
- *A conceptual water main layout is shown in Figure 2.2 and would consist of 100mm and 150mm diameter water mains. This reticulation would be subject to detailed design and modelling once details of Council's systems are known.*
- *At this stage no allowance to utilise a non-potable water supply has been allowed even though the service currently exists. It is envisaged that the raw water may be required in order to provide the potable supply. Part of the existing non-potable reticulation main may be used to provide a secondary connection to the development via Dean Street.*

1.5.6 Stormwater

The subject land is wholly contained within the Macquarie-Bogan River Catchment which drains to the Molong Creek. There is a prescribed stream (Class 1) that runs through the eastern part of the site in a north to south direction. A series of small dams are scattered throughout the site.

The servicing strategy prepared by Heath Consulting Engineers concludes that stormwater runoff from the site would be managed as follows:

- *A pit and pipe stormwater reticulation system would be designed to safely convey the 10% AEP event. This is to limit the runoff into adjacent block in the development. Major overland flow paths are to be directed along roadways and drainage reserves (natural channels) and into stormwater detention basins.*
- *The conceptual stormwater management plan includes a series of constructed stormwater detention basins to limit discharge and control runoff to predevelopment rates.*
- *Stormwater detention basins were provided in six (6) locations to suit the site topography and stormwater outlet locations.*

1.5.7 Electricity and Telecommunications

Due to the existing level of development and proximity to the established urban area, electricity and communications can be provided to the subject land, pursuant to the requirements of the relevant supply authorities. In this regard, the Preliminary Servicing Strategy by Heath Consulting Engineers provides as follows:

- *The NBN were contacted with regard to the provision of telecommunications service for the development. They advised that the future development could be serviced by a fibre connection.*
- *The extent of any requirements would not be determined until such time as the development progresses through the various planning stages.*
- *Essential Energy were contacted with regard to the provision of an electrical service for the development.*
- *They have advised that the future development is located close to the Molong Zone Substation and “the distribution network in the vicinity is quite strong and there are potential 11kv supply options from both Euchareena Road and Back Saleyards.*
- *As the development is likely to occur over many years, the network capacity will likely change and would need to be reassessed as each stage is developed.*

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

Objective

The objectives of this Planning Proposal are:

- To enable the rezoning of the subject land from R5 Large Lot Residential to R1 General Residential to enable further subdivision of the site.
- To amend the Minimum Lot Size Map from 4,000m² to 500m².
- To satisfy the relevant aims and objectives of Cabonne Local Environmental Plan 2012.
- To demonstrate the suitability of the site for urban residential subdivision.
- To demonstrate that the proposal would not generate unacceptable impacts in the locality.

Intended Outcomes

The objectives or intended outcomes of this Planning Proposal are:

- To enable the future residential urban subdivision of the subject land which contributes towards the improvement of housing affordability.
- To provide land use zones that encourage housing diversity and choice.
- To demonstrate that the subject land is suitable for urban residential development.
- To demonstrate the rezoning would not generate unacceptable environmental, social or economic impacts.

PART 2 – EXPLANATION OF PROVISIONS

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

- Amending the land zoning map of the Cabonne Local Environmental Plan 2012 to rezone the subject land from R5 Large Lot Residential to R1 General Residential.
- Amending the Cabonne Local Environmental Plan 2012 Minimum Lot Size Map so that the minimum subdivision lot size applying to the subject land is 500 square metres.

There are no other changes to the text of the LEP on the basis that the objectives of the zone and the land use table in relation to the R1 General Residential remains unchanged.

PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

SECTION A – NEED FOR THE PLANNING PROPOSAL

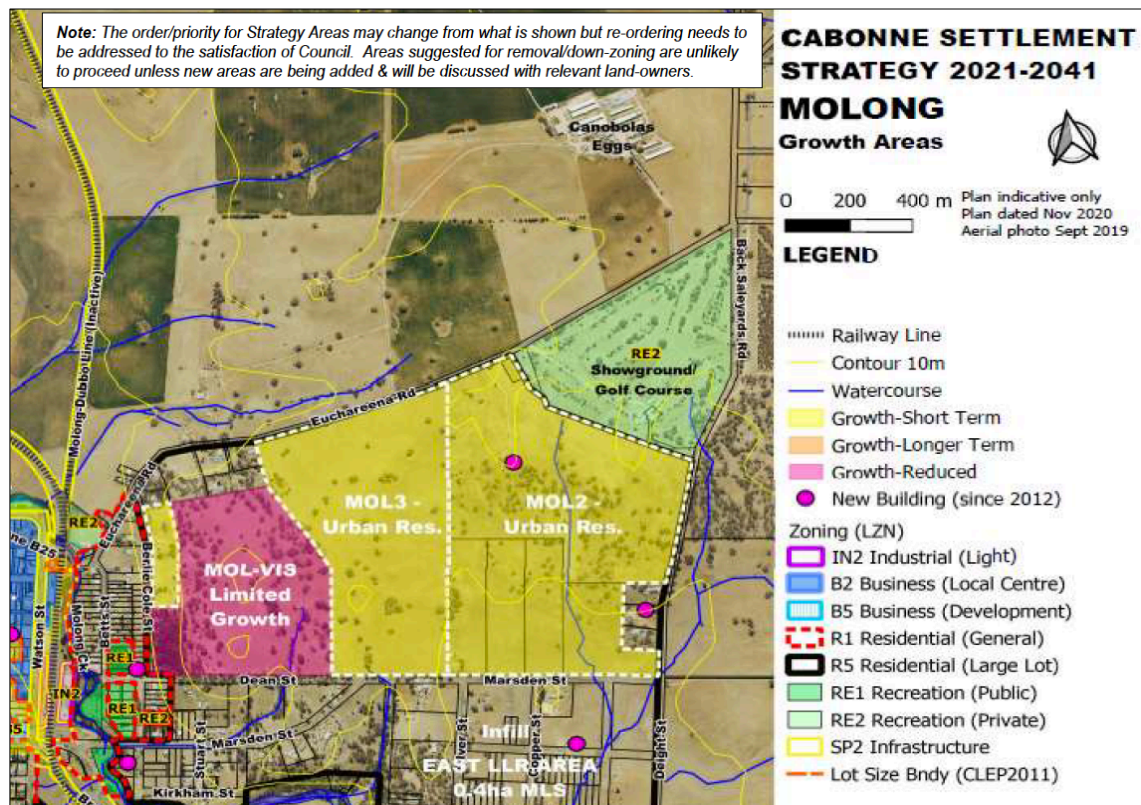
1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Yes. This Planning Proposal relates to land that has been identified in the Cabonne Settlement Strategy 2021-2041 as a candidate site for urban residential development.

Cabonne Settlement Strategy 2021-2041

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 the MOL2, MOL3 and MOL-VIS area 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.



The CSS made the following comments in respect of the subject land which are considered below.

The land marked as Strategy Area MOL-VIS in the East LLR Area adjacent to Bertie Cole St is an important visual backdrop to the town of Molong, particularly when looking east across the town centre.

Noted and agreed.

The land rises from Bertie Cole St up to the ridge running across to Dean St making this land highly visible. In addition, this land has significant coverage of native trees (as well as a pocket of pine trees in the south west corner) that gives it a landscape quality that is important to the character of Molong.

The topographical and ecological constraints of the site are recognised. The development concept for the site provides for larger lots along the western edge (along Bertie Cole Street) which reflects a thoughtful and strategic approach to addressing the topographical and ecological constraints in this section of the site.

It is a reasonable submission that the provision of larger lots in these constrained areas will allow for future development to sensitively respond to the topographical and ecological features of the site, ultimately allowing for better integration of the building and natural environment.

Further, it is envisaged the nomination of building envelopes and positive covenants as part of any future development application on lots constrained by ecological or topographical features is recognised as an effective way to further minimise potential impacts.

The native vegetation is likely to be a significant constrain to development of this land (in part due to the cost of offsetting biodiversity). The importance of this visual catchment also suggests that development should be minimised in this area.

An ecological survey has been undertaken as part of the Planning Proposal submission (refer *Annexure D*). The ecological features of the site are not considered to unreasonably constrain the subject land and is considered in greater detail in *Section C*.

If Bertie Cole St was constructed, it may release some vacant land in the existing urban residential area and support some new housing along the lower contours of that street frontage. However, the aim would be to limit development on higher contours and near the ridge and retain as many significant trees as possible.

The Planning Proposal does not propose access to Bertie Coles Street. It is not anticipated to carry any additional traffic further to the Proposal.

As mentioned previously, the provision of larger lots with building envelopes to be nominated as part of any future development of the subject land will allow for future development to sensitively respond to the topographical and ecological features of the site.

This Strategy recommends that a DCP is prepared with a Structure Plan indicating how this land could be developed, investigation areas of visual and vegetation significance, and desired local road and pedestrian and cycle connections. This Strategy is likely to support additional housing at the lower contours along Bertie Cole St whilst minimising development between RL560 and the ridge at around RL580. Additional controls will be needed in either the LEP or DCP to guide development.

The above matters have been addressed in the development concept for the site and can be managed appropriately at the time future development is proposed within the subject land. In this regard:

- It is recognised that the south-western corner of the subject land forms a visual backdrop to Molong with this land having the ability to subtly influence the visual amenity of the area.
- Development is not envisaged along Bertie Cole Street. As mentioned previously, it is envisaged that building envelopes would be applied to the areas of ecological or topographical constraint to minimise impacts.
- To ensure future development in this section of the land complements the natural and modified landscape character, Council should prepare a DCP that includes a control to the effect that future development blends into the landscape through the use of appropriate siting, design, external materials and colours, retention of retention of trees including remnant vegetation, establishing of new trees, and enhancing the skyline when viewed either from the urban area of Molong or from public places in the vicinity of the land.

As Strategy Areas MOL2 & MOL3 are relatively undeveloped, it makes sense to use this land as efficiently as possible (smaller lot sizes) to minimise future need to expand the urban area into surrounding agricultural land. Below 0.4ha/lot, this land would need to be connected to reticulated water and sewer.

Noted and agreed. The development concept for the site would involve the creation of 620 urban residential lots that will range from 700m² to greater than 7,700m² which will enable a variety of housing types and densities.

Preliminary engineering advice indicates that the subject land can be adequately serviced in terms of water and sewer (refer Annexure H).

Recent analysis of servicing potential suggests that East Molong LLR may be easier/cheaper to connect sewer with drainage falling towards existing sewer mains. The cost of extending services up Euchareena Road & Marsden Rd suggests yields should be maximised where it is consistent with the desired future character and site constraints. Therefore, this strategy suggests MOL2 & MOL3 should be considered for urban residential zoning if connection to reticulated sewer/water is viable.

Noted. 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. In particular:

- The area is already serviced by electricity and telecommunications.
- The provision of reticulated water and sewer and stormwater infrastructure to the site is reasonable.
- Based on the information provided later in this Planning Proposal (Section 4.3(b)) the existing road network is capable of accommodating the development without unreasonable upgrades.
- One of the key objectives of the CSS is to promote the orderly and economic use and development of land. For the reasons outlined throughout this submission, acceptance of this Planning Proposal would represent the effective orderly and economic use of land that is identified in the CSS as being suitable for urban zoning.

CLEP 2012 currently only has the following residential zones: R1 General Residential (broad range of permissibility of residential uses including medium and high density) and Zone R5 Large Lot Residential. Strategy Area MOL2 & 3 may be more suited to a low-density residential zone (not currently in the LEP) but requires further investigation. If Seniors Living is proposed, then Zone R1 may be more suitable.

The proposal will utilise the existing R1 General Residential zoning provisions that are contained in the Cabonne Local Environmental Plan 2012 and does not seek to introduce a new land use zone.

Further investigation into the R2 Low Density Residential Zone is not considered necessary in this circumstance as it can be demonstrated that the R1 General Residential Zone is suitable for the subject land. In this regard:

- As recognised in the CSS, the subject land is identified as a candidate area for urban residential zoning. The rezoning of the subject land would increase the urban residential land supply for Molong whilst providing a mixed density of housing opportunities that has been designed having regard to the demographics of Molong.
- Where appropriate, the proposed rezoning would allow the site to be developed to support multi-dwelling housing and seniors housing.
- The introduction of the R2 Low Density Residential Zone is unnecessary. The development concept that has been prepared for the site demonstrates many attributes of a low density environment. This includes the creation of numerous large lots throughout the site as well as generous areas of open space.
- The provisions of the R1 General Residential Zone permit a range of compatible non-residential uses such as neighbourhood shops, centre based child care facilities, health facilities, schools and the like. There are numerous sites within the subject land to accommodate such uses should they be required as the residential area evolves.
- Consistent with the objectives of the CSS, the rezoning of the subject land to R1 General Residential would promote the orderly, efficient, and economic use of the land.

There should be a diversity of lot sizes taking into account site constraints ranging from pockets of smaller 500-600m² lots (possibly some seniors living areas subject to connection to Bank St services) ranging up to 4,000m² lots (with an average around 1,200-1,600m²). Dwelling lot yield is roughly estimated to produce MOL2 > 300-400 lots and in MOL3 > 200-300 lots.

With reference to the development concept, the future subdivision of the subject land would generate a yield of approximately 620 lots ranging in size from 700m² to greater than 7,7000m².

It is acknowledged that the development concept for the site will provide a yield greater than that estimated in Section 1.8.3 of the CSS. However, it should be acknowledged that:

- In preparing this submission, a detailed site analysis has been undertaken having regard to the constraints and opportunities of the site. It is submitted that the development concept for the site responds to the constraints and opportunities and provides a sustainable yield of 620 lots of various sizes and densities.
- The CSS is a high-level strategic land use planning document, therefore, the estimated yield within MOL2 and MOL3, is a “rough estimate” as identified in Section 1.8.3 of the CSS.
- One of the key objectives of the CSS is to promote the orderly and economic use and development of land. For the reasons outlined throughout this submission, acceptance of this Planning Proposal would represent the effective orderly and economic use of land that is identified in the CSS as being suitable for urban zoning.
- It should also be recognised that the development concept provided in *Annexure B* is indicative only and is subject to the development application process. 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 potential lots would be released in stages in line with demand.
- Section 1.8.3 further recognises that the rapid growth in Molong requires a broader review of sites and that if the subject land is taken-up by Large Lot Residential uses, then the opportunity is lost for a significant urban growth area.

The higher density should be able to fund improved urban design outcomes including, but not limited to: local road connections between adjacent sites; on-site stormwater detention and water quality management; and pedestrian & cycle connection back to Bank Street.

The development concept demonstrates good urban design outcomes and will provide generous areas of public open space to enhance the streetscape and residential amenity of the area.

The development concept provides opportunities for future road connection on adjacent sites; on-site stormwater detention; public open space; and pedestrian and cycle connections.

This strategy suggests that MOL2 & MOL3 should be considered for an urban residential zoning if connection to reticulated sewer/water is viable.

Section 2.1.4 of the Local Profile & Issues Paper of the CSS recognises that there is an inefficient use of existing zoned urban land within Molong. To this end, this Planning Proposal is supported by a preliminary engineering advice indicates that 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 will result in a more efficient use of services and infrastructure.

Overall, acceptance of this Planning Proposal would increase the opportunities for additional dwellings that would accelerate housing supply and improve housing choice to accommodate the evolving demographics of Molong. The rezoning of the subject land would result in a more efficient use of the site which has the ability to accommodate a sustainable level of urban residential development.

In this regard, 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.

2. 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 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. As mentioned in the foregoing report, the Planning Proposal is not inconsistent with the CSS.

- The provisions of the Cabonne LEP 2012 and a Development Control Plan 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.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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

The *Central West and Orana Regional Plan 2041* guides the NSW Government's land use planning priorities and decisions in the Central West and Orana Region up to 2041. 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 themes of the Regional Plan are:

- Re-shaping investment within the region.
- A sustainable and resilient place.
- People, centres, housing and communities.
- Prosperity, productivity and innovation.

The following are priorities for the Cabonne LGA:

- The economic diversity of towns, villages, and commercial centres.
- Appropriate development in villages.
- Ensuring long terms benefits for the LGA from the mining and agribusiness sectors, and associated businesses.
- Protecting agricultural land from residential development.
- The local, regional and state transport network.
- Using rural character to diversity the economy in areas such as tourism.
- Implementing the Blayney, Cabonne and Orange Subregional Rural and Industrial Lands Strategy.
- Managing growth pressures associated with the growth of Orange.
- Identifying opportunities for the LGA as the wider region's economy diversifies, and leveraging its accessibility to Dubbo, Orange, and the Parkes SAP.

The table below provides a consideration of the Planning Proposal against the objectives and actions of the Central West and Orana Regional Plan 2041.

CENTRAL WEST AND ORANA REGIONAL PLAN 2041	
OBJECTIVE	COMMENT
1. Deliver the Parkes Special Activation Precinct and share its benefits across the region.	This objective is not relevant to the PP.
2. Support the State’s transition to Net Zero by 2050 and deliver the Central-West Orana Renewable Energy Zone.	Consistent as the development concept: • Would provide the opportunity for future buildings to be renewable ready. • Provides a subdivision layout that maximises energy-efficiency principles. Where practicable, lots are rectangular rather than splay shaped and oriented to facilitate effective solar access.
3. Sustainably manage extractive resource land and grow the critical minerals sector	The PP is not adverse to this objective.
4. Leverage inter-regional transport connections	The PP is not adverse to this objective.
5. Identify, protect and connect important environmental assets	Consistent as discussed in the relevant sections of this PP.
6. Supported connected and healthy communities	The PP is not adverse to this objective.
7. Plan for resilient places and communities	Consistent as discussed throughout this submission.

CENTRAL WEST AND ORANA REGIONAL PLAN 2041	
OBJECTIVE	COMMENT
8. Secure resilient regional water resources	The PP is not adverse to this objective. It is understood that Council has engaged consultants to assist Council with preparing a strategy for the Molong Water Supply.
9. Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage	Consistent. A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken and confirms that there are no listed Aboriginal heritage items or places in the vicinity of the site. According to Cabonne LEP 2012 mapping, the subject land is not within a conservation area and does not contain a heritage item.
10. Protect Australia's first Dark Sky Park	This objective is not relevant to the PP.
11. Strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities	This objective is not relevant to the PP.
12. Sustain a network of healthy and prosperous centres	This objective is not relevant to the PP.
13. Provide well located housing and options to meet demand	Consistent as discussed throughout this submission.
14. Plan for diverse, affordable, resilient and inclusive housing	Consistent as discussed throughout this submission.

CENTRAL WEST AND ORANA REGIONAL PLAN 2041	
OBJECTIVE	COMMENT
15. Manage rural residential development	This objective is not relevant to the PP.
16. Provide accommodation options for seasonal, temporary and key workers	This objective is not relevant to the PP.
17. Coordinate smart and resilient utility infrastructure	The PP is not adverse to this objective. The Servicing Strategy demonstrates that the subject land can be adequately serviced.
18. Leverage existing industries and employment areas and support new and innovative economic enterprises	This objective is not relevant to the PP.
19. Protect agricultural production values and promote agricultural innovation, sustainability and value-add opportunities	This objective is not relevant to the PP.
20. Protect and leverage the existing and future road, rail and air transport networks and infrastructure	This objective is not relevant to the PP.
21. Implement a precinct-based approach to planning for higher education and health facilities	This objective is not relevant to the PP.
22. Support a diverse visitor economy	The PP is not adverse to this objective.
23. Supporting Aboriginal aspirations through land use planning	The PP is not adverse to this objective.

4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

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 growth area that is suitable for a denser urban residential settlement pattern. The agricultural value of the site is more or less non-existent which is recognised through the current R5 Large Lot Residential zoning as well as the lands inclusion in the CSS as a candidate area for urban residential zoning. As outlined throughout this submission, the management of land use conflicts with the rural interface can be appropriately managed.

- In consideration of 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. To this end, the proposed R1 General Residential zoning will provide opportunities for affordable housing and seniors living development.
- With regard to Planning Priority 6, the provision of services and infrastructure to support the future development of the land is outlined in Servicing Strategy.
- With regard to Planning Priority 7, the ecological constraint of the site is recognised. As demonstrated in the subdivision concept for the site and as recommended in the Ecological Constraints Assessment, the future subdivision of the site can be designed so as to maximise the amount of Box Gum Woodland that can be retained (refer *Annexure D*).
- With regard to Planning Priority 8, as discussed in *Section C*, the bushfire hazard does not preclude the rural 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.

Cabonne Community Strategic Plan 2022-2032

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

Leadership

1.2 There is a clear, agreed strategic direction for Cabonne, where we know about major projects, delivery timeframes and local impacts ahead of time so we can plan and benefit from these.

The Planning Proposal is consistent with this strategic direction.

The Proposal is consistent with the Cabonne Settlement Strategy which is a land use planning framework prepared in 2021 to provide a strategic framework for future residential development within the Cabonne LGA for the next 20 years.

The information submitted in support of this Planning Proposal outline the potential impacts associated with the proposed rezoning and recommend a suite of measures to attenuate any impacts that may arise.

Infrastructure

2.1 *Cabonne's towns and villages have access to a safe and modern active transport network that encourages walking and cycling.*

2.2 *The Cabonne LGA is a digitally connected LGA, with appropriate and reliable mobile and internet connectivity.*

2.3 *The Cabonne LGA is connected by a road network that is safe and maintained – including both sealed and un-sealed roads.*

2.4 *Planning is undertaken to ensure that the Cabonne road network can support the safe movement of freight and other heavy vehicles.*

The Planning Proposal is consistent with above direction as follows:

- A traffic assessment has been prepared in support of the Planning Proposal. The traffic impacts associated with the Planning Proposal are discussed in *Section C*.
- Future subdivision of the subject land would involve the extension of telecommunication and NBN technology to each lot.

Community

3.1 *Elderly residents can age well in Cabonne.*

3.6 *The history and heritage of Cabonne – including our indigenous culture – is valued and protected.*

The Planning Proposal is entirely consistent with this Direction as it:

- Provides additional living opportunities within a village and rural setting.
- Does not impact on any aboriginal sites or places.

Community

4.2 *Cabonne has a wide range of affordable and quality housing options that cater to the diverse needs of our community.*

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

To this end, this Planning Proposal will contribute to the variety of housing types and densities available in the LGA. To this end, the proposed R1 General Residential zoning will provide opportunities for affordable housing and seniors living development.

Environment

5.1 *Cabonne's natural beauty and landscapes – lookouts, rivers, creeks, lakes, parks – are healthy and preserved for the enjoyment of our community and visitors to Cabonne.*

5.3 *The Cabonne community are working responsibly to mitigate and, where necessary, adapt to the impacts of climate change.*

5.4 *Cabonne residents have access to secure, quality and reliable water supply.*

The Planning proposal is consistent with the strategic directions as follows:

- The development concept recognises the ecological values of the site. As demonstrated in the development concept for the site, the future subdivision of the subject land should prioritise the retention of as much as the Box Gum Woodland as possible.
- 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.

- It is understood that Cabonne Council was successful in receiving \$90 million in grant funding from the NSW Government’s Safe and Secure Water Program to develop a program of works to tender ready stage, that will secure the Molong water supply into the future. It is understood that the potential development of the subject land was considered as part of the grant funding process.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies.

Councils of Blayney, Cabonne and Orange City Sub-Regional Rural and Industrial Land Use Strategy

The Councils of Blayney, Cabonne and Orange City have jointly prepared the *Subregional Rural and Industrial Land Use Strategy* in relation to the rural and major industrial areas of the three local government areas. It considers key issues and strategies for growth management, agriculture, industry, rural subdivision, natural and scenic environment, and heritage and culture.

Key recommendations relate to:

- Rural Residential: Future investigation areas to allow for growth of rural residential uses that are not attached to villages/towns.
- Industry: Future investigation areas to allow for growth of core industrial uses (other than light industry in existing villages/towns).
- Rural Subdivision: Recommended minimum lot size for subdivision of rural lands for agriculture and an ancillary dwelling.

There are no aspects of the *Subregional Rural and Industrial Land Use Strategy* that are of relevance to the subject land or this PP.

6. Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

The consistency of the proposal in relation to the applicable State Environmental Planning Policies is indicated in the table 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 C
State Environmental Planning Policy (Resilience and Hazards) 2021	Consistent as outlined in Section C
State Environmental Planning Policy (Transport and Infrastructure) 2021	Consistent as outlined in Section C
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 C
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

7. Is the planning proposal consistent applicable Ministerial Directions (section 9.1 Directions)?

Section 9.1(2) 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.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
1.1 Implementation of Regional Plans Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	The PP is consistent with this Direction. The Table on pages 29 to 32 of this PP provides a consideration of the objectives and actions of the <i>Central West and Orana Regional Plan 2041</i>.
1.2 Development of Aboriginal Council Land When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account: (a) any applicable development delivery plan made under the chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021; or (b) if no applicable development delivery plan has been published, the interim development delivery plan published on the Department’s website on the making of this direction.	This Direction is not relevant to the Planning Proposal.
1.3 Approval and Referral Requirements A planning proposal to which this direction applies must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and	The Planning Proposal is not adverse to this Direction as it not Designated Development. The future subdivision of the land will be Integrated Development and will require the concurrence of the NSW Rural Fire Service as the land is bushfire prone.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: i. the appropriate Minister or public authority, and ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and (c) not identify development as designated development unless the relevant planning authority: i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.	

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
1.4 Site Specific Provisions (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.	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. 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.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
1.5 Parramatta Road Corridor Urban Transformation Strategy	This Direction is not relevant to the Planning Proposal.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	This Direction is not relevant to the Planning Proposal.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	This Direction is not relevant to the Planning Proposal.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	This Direction is not relevant to the Planning Proposal.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	This Direction is not relevant to the Planning Proposal.
1.10 Implementation of the Western Sydney Aerotropolis Plan	This Direction is not relevant to the Planning Proposal.
1.11 Implementation of Bayside West Precincts 2036 Plan	This Direction is not relevant to the Planning Proposal.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	This Direction is not relevant to the Planning Proposal.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	This Direction is not relevant to the Planning Proposal.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
1.14 Implementation of Greater Macarthur 2040	This Direction is not relevant to the Planning Proposal.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	This Direction is not relevant to the Planning Proposal.
1.16 North West Rail Link Corridor Strategy	This Direction is not relevant to the Planning Proposal.
Focus Area 2 – Design and Place	
Direction	Comment/Response
This Focus Area was blank when the Directions were made	Noted.
SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 3 – Biodiversity and Conservation	
Direction	Comment/Response
Direction 3.1 Conservation Zones	
(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.	The PP is consistent with this Direction. The subject is not within an environment conservation/protection zone.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 3 – Biodiversity and Conservation	
Direction	Comment/Response
(2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of “Rural Lands”.	The Planning Proposal is consistent with this Direction. The subject land does not contain an <i>environmentally sensitive area</i> (as defined by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and is not within an environment conservation/protection zone.
Direction 3.2 Heritage Conservation (1) A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, (contd.) architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,	The PP is consistent with this Direction. 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 (AHIMS) does not reveal any recorded Aboriginal sites or places within or adjoining the subject land.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 3 – Biodiversity and Conservation	
Direction	Comment/Response
(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	
Direction 3.3 Sydney Drinking Water Catchments	Not relevant. Land is not within a Sydney Drinking Water Catchment.
Direction 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not relevant.
Direction 3.5 Recreation Vehicle Areas	Not relevant.
Direction 3.6 Strategic Conservation Planning	Not relevant. Land is not identified as “avoided land” or a “strategic conservation area”.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 3 – Biodiversity and Conservation	
Direction	Comment/Response
Direction 3.7 Public Bushland	Not relevant. Land does not contain “public bushland”.
Direction 3.8 Willandra Lakes Region	Not relevant.
Direction 3.9 Sydney Harbour Foreshores and Waterways Area	Not relevant.
Direction 3.10 Water Catchment Protection	Not relevant. Subject land is not within a regulated drinking water catchment.
SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 4 – Resilience and Hazards	
Direction	Comment/Response
Direction 4.1 Flooding	Not relevant.
Direction 4.2 Coastal Management	Not relevant.
Direction 4.3 Planning for Bushfire Protection	The PP is consistent with this Direction. A Strategic Bushfire Study has been undertaken (Annexure G to the PP) and is summarised in <i>Section C</i> of this report.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 4 – Resilience and Hazards	
Direction	Comment/Response
(1) In preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.	
Direction 4.4 Remediation of Contaminated Land (1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless: (a) the planning proposal authority has considered whether the land is contaminated, and (b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and	The Planning Proposal is consistent with this Direction. The potential contamination status of the subject land has been investigated as part of this Planning Proposal. A preliminary contamination investigation is attached in <i>Annexure F</i> and has regard to the provisions of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> and the <i>Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land</i>. The findings and recommendations of the preliminary contamination investigations is summarised in <i>Section C</i> of this report.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 4 – Resilience and Hazards	
Direction	Comment/Response
(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan. (2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.	
Direction 4.5 Acid Sulfate Soils	Not relevant. Subject land not identified on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.
Direction 4.6 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 <i>Coal Mine Subsidence Compensation Regulation 2017</i> , or has been identified as unstable in a study, strategy, or other assessment undertaken on or behalf of Council.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 5 – Transport and Infrastructure	
Direction	Comment/Response
Direction 5.1 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 A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i>, and	There are no aspects of the proposal that are inconsistent with the objectives of this Direction The potential impacts associated with the Planning Proposal on the capacity and function of the road network and associated infrastructure has been considered in the Traffic Impact Assessment prepared by Arc Traffic + Transport (refer <i>Annexure C</i>).

(b) <i>The Right Place for Business and Services</i> – <i>Planning Policy (DUAP 2001).</i>	
Direction 5.2 Reserving Land for Public Purposes	This Direction is not relevant to the PP.
Direction 5.3 Development Near Regulated Airports and Defence Airfields	This Direction is not relevant to the PP.
Direction 5.4 Shooting Ranges	This Direction is not relevant to the PP.
SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 6 – Housing	
Direction	Comment/Response
Direction 6.1 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. (1) A planning proposal must include provisions that encourage the provision of housing that will:	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 Planning Proposal will rezone land from R5 Large Lot Residential to R1 General Residential. One of the main objectives of this Proposal is to increase the urban residential density of the site. It is submitted that a denser urban settlement pattern will enable a more efficient allocation of infrastructure and services.

(a) Broaden the choice of building types and locations available in the housing market, and (b) Make more efficient use of existing infrastructure and services, and (c) Reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) Be of good design. (2) A planning proposal must, in relation to land to which this direction applies: (a) Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) Not contain provisions which will reduce the permissible residential density of the land.	- 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. - The proposed rezoning will utilise land that is already permits residential development. Accordingly, increasing the density of the site will reduce the need to expand the future urban area of Molong into surrounding agricultural land. - The servicing strategy demonstrates that the land and future development of the site can be adequately serviced (refer <i>Annexure H</i>).
Direction 6.2 Caravan Parks and Manufactured Home Estates	This direction is not relevant to the Planning Proposal as it will not affect the permissibility of a caravan park or manufactured home estates within the subject land.
SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 7 – Industry and Employment	
Direction	Comment/Response
Direction 7.1 Business and Industrial Zones	This direction is not relevant to the Planning Proposal.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 7 – Industry and Employment	
Direction	Comment/Response
Direction 7.2 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.
Direction 7.3 Commercial and Retail Development along the Pacific Highway, North Coast	This direction is not relevant to the Planning Proposal.
SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 8 – Resources and Energy	
Direction	Comment/Response
Direction 8.1 Mining, Petroleum 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. This direction applies to all relevant planning authorities when preparing a planning proposal that would have the effect of: (a) Prohibiting the mining of coal or other materials, production of petroleum, or winning or obtaining of extractive materials, or	The proposal is inconsistent with this direction; however, this direction is justified on the basis that the subject land is: • Already zoned for large lot residential development which does not permit mining or extractive industries. • Identified in the Cabonne Settlement Strategy 2021-2041 as a suitable area for future urban residential development. • Not identified in the 2012 Mineral Resource Audit for the Cabonne LGA.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 8 – Resources and Energy	
Direction	Comment/Response
(b) Restricting the potential development of resources of coal, other materials, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. (1) In the preparation of a planning proposal affected by this direction, the relevant planning authority must: (a) Consult the Secretary of the Department of Primary Industries (DPI) to identify any: i. Any resources of coal, other minerals, petroleum or extractive material that are of other State or regional significance. ii. Existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal. (b) Seek advice from the Secretary of DPI on the development potential of the resources identified under (1)(a)(i), and (c) Identify and take into consideration issues likely to lead to land use conflict between other land uses and:	Located in an area that is highly fragmented by lifestyle lots. As such, due to the existing settlement pattern in and around the subject land, the exploration of minerals in and around the subject land is unlikely.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 8 – Resources and Energy	
Direction	Comment/Response
i. Development of resources identified under (1)(a)(i), or ii. Existing development identified under 1(a)(ii)	
SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 9 – Primary Production	
Direction	Comment/Response
Direction 9.1 Rural Lands	This direction is not relevant as it does not affect land within an existing or proposed rural zone.
Direction 9.2 Oyster Aquaculture	This direction is not relevant to the Planning Proposal as the subject land is not located in a 'Priority Oyster Aquaculture Area'.
Direction 9.3 Farmland of State and Regional Significance on the NSW Far North Coast	This direction is not relevant to the Planning Proposal.

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

Part of the subject land is identified on the LEP maps as having terrestrial biodiversity. The landscape and vegetation over the majority of the site has been highly modified and disturbed due to the past and current agricultural use of the land. This has involved clearing of native trees and understories and human activity associated with agriculture including livestock grazing, weed spraying, and machinery operation.

The subject land has been subject to detailed surveys by Cumberland Ecology for the purpose of a Biodiversity Assessment Report. The native vegetation extent within the subject land was determined through field surveys. The native vegetation extent within the subject land is shown in the figure below. Native vegetation extent has been calculated as occupying approximately 39.04 ha, which represents 33% of the subject land.



One vegetation community recorded from the subject land (PCT 266) conforms to Box Gum Woodland which is listed as a CEEC under the EPBC Act. However, the occurrence of this community in the subject land does not conform to the EPBC listing for this community.

Future development may impact threatened fauna and flora which are listed under the EPBC Act, in which case a referral to the Commonwealth would also be required. As such, any future DAs will need to consider impacts to threatened species and populations listed under the EPBC Act if recorded as present within the subject land.

The vegetation communities recorded within the subject land are depicted in the table below:

PCT	Vegetation Community	Associated Vegetation Zone/Condition Name	Area within the Subject Land (ha)	Area within the Disturbance Footprint (ha)
266	White Box grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion ¹	1 (Remnant)	25.06	17.67
		2 (DNG)	13.91	12.12
-	Planted Native Vegetation	-	0.07	0.07
-	Exotic Woody Vegetation	-	2.23	2.23
-	Exotic Dominated Grassland	-	77.40	74.59
-	Cleared Land	-	0.29	0.29
Total			118.94	106.95



To facilitate this project, approximately 22.57 hectares of Box Gum Woodland will be removed, and 16.4 hectares will be retained (including areas under a positive covenant) within the subject land.

The biodiversity assessment report provided the following comments:

- The subject land comprises of 38.97 ha of remnant native vegetation in the form of PCT 266, which represents 38.97% of the site. The remainder of the subject land comprises land that has previously been modified for agricultural purposes, and now constitutes a mix of planted native vegetation (0.07 ha), exotic woody vegetation (2.23 ha), exotic dominated grassland (77.40 ha), and cleared land (0.29 ha).
- A review of the flowchart published the within the EPBC Policy Statement for White Box – Yellow Box – Blakely’s Red Gum grassy woodlands and derived native grassland (DEH 2006) indicates that neither of the condition states of PCT 266 within the subject land conform to the EPBC Act listing for the community as the patch of the community within the subject land does not have a predominantly native understory where at least 50% of the perennial vegetation cover in the ground layer is made up of native species.
- A positive covenant will be applied to areas of remnant woodland in the western portion of the disturbance footprint to ensure the long-term survival of the vegetation community within the proposed future lots. Areas of remnant vegetation subject to the positive covenant have been mapped under the ‘Retained’ management zone, as shown in the Figure 3 of the report.
- Of the assessed predicted species, six flora species and 13 fauna species are considered to have potential to occur and cannot be removed due to habitat constraints. As such these species will need to be targeted during surveys at the DA stage.
- Furthermore, the Superb Parrot (*Polytelis swainsonii*), was incidentally recorded within the subject land. The TBDC identifies breeding habitat for the Superb Parrot as the ‘*presence of habitat features and observed nest OR two or more birds seen on site*’. As six individual birds were recorded, the subject land is considered to contain breeding habitat for the Superb Parrot.

Measures to avoid and minimise impacts to the biodiversity values of the subject land have been incorporated, where possible, and include consideration of the project location and design.

In order to manage the potential impacts of the project on the environment a range of avoidance, mitigation and compensation measures have been recommended. These include the preparation of a series of detailed management plans including a Sediment and Erosion Plan, a Biodiversity Management Plan, and a Stormwater Management Plan. Furthermore, a positive covenant is proposed to be placed over the patch of remnant woodland within the western portion of the subject land to ensure the long-term protection of the community.

The proposed clearing of native vegetation will be subject to further assessment at the DA stage, but it is expected to result in the requirement of offsets in the form of ecosystem credits and species credits.

Although targeted threatened fauna species surveys have not been conducted at this stage, the results of the database analysis and habitat assessments indicate that several species credit species are likely to occur on the subject land, in addition to the Superb Parrot which is known to occur. Credit calculations will need to be conducted for these species credits species to determine the offset liability at the DA stage of the project.

With the implementation of the proposed mitigation and compensation measures, it is considered likely that the impacts of the planning proposal on flora and fauna species or threatened ecological communities can be appropriately managed.

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

Traffic Impacts

A traffic impact assessment has been undertaken by Arc Traffic and Transport in respect of the development concept for the site and in support of this Planning Proposal (refer *Annexure C*). The assessment concludes that the Planning Proposal can be supported in regard to access, traffic, and transport considerations and is summarised below.

Access

Access to the local road networks is proposed from all adjacent roads including once access from Euchareena Road, Back Saleyards Road and Marsden Street.

The internal road network would provide a number of collector roads (providing access to the key interface intersections mentioned above) and then local roads. It is anticipated that the speed limits in key roads adjacent to the site will, further to a submission to the Local Traffic Committee, be reduced to reflect the urbanised environment, likely to 50 km/h.

Trip Generation

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.

Importantly, all of the residential suburbs surveyed for the RMS Guide are located in close proximity to a major regional centre, including Wollongong, Dubbo, Wagga and Orange. However, as supported by the traffic impact assessment and the recent work and experiences of *Arc Traffic and Transport*, residential trip rates are generally lower than the RMS Guide being 0.5-0.6 trips per dwelling in the peak hour, and 5-6 trips per dwelling daily.

These trips rates have also been endorsed by Council within their contributions plan and were also agreed to by Council as part of the consultation in the preparation of the traffic assessment.

Future Intersection Operations

With reference to the table below, it is clear that total trip generation of the site can be accommodated by the existing intersections, all of which continue to operate at an 'A' Level of Service with very minimal delay and significant spare capacity.

Base 2032 + Site Intersection Operations	Level of Service		Average Delay (s)		Worst Delay (s)		Degree of Saturation	
	AM	PM	AM	PM	AM	PM	AM	PM
Mitchell Hwy & Euchareena Rd	A	A	2.9	3.0	7.5	9.0	0.194	0.157
Mitchell Hwy & Bank St	A	A	2.0	2.1	8.4	8.6	0.126	0.111
Mitchell Hwy & Marsden St	A	A	1.9	1.9	12.0	10.8	0.167	0.147
Euchareena Rd & Back Salesyard Rd	A	A	1.0	1.1	7.8	7.8	0.011	0.016
Euchareena Rd & Road 1	A	A	5.0	5.7	7.8	7.8	0.113	0.110
Marsden Rd & Road 2	A	A	1.7	1.6	5.0	5.1	0.043	0.067
Back Salesyard Rd & Road 3	A	A	4.4	4.4	4.6	4.7	0.035	0.023

The intersection of Euchareena Road and Road 1 warrants a BAR and BAL treatment given the minimal volumes in Euchareena Road, as supported by the traffic impact assessment, a formal Channelised Right (CHR) turn treatment would be appropriate as it reflects the future adjacent urban environment and will provide a more identifiable and formal entrance to the site.

The intersections of Marsden Street and Road 2 and Back Saleyards Road and Road 3 would be provided with BAR and BAL treatments. A CHR turning treatment is not considered necessary given the very minimal right turn traffic volumes.

The final detailed design of all interface intersection will be determined as part of any future development application.

Level Crossing

A level crossing of the Broken Hill rail line is located in Euchareena Road approximately 40 metres east of the Mitchell Highway. The level crossing effectively provided with the highest level of safety infrastructure including approach signage, warning signage, warnings lights and barriers.

During some peak periods, the potential exists that vehicles could be delayed at the Euchareena Road level crossing. While the level of disruption would be infrequent, the SIDRA analysis within the traffic impact assessment indicates that the intersection would continue to operate satisfactorily with minor delays, reporting a service level of 'B' (15.4 second delay).

Under these conditions, the intersection still retains significant spare capacity, and the 95-percentile queue length in the Mitchell Highway right turn lane to Marsden Street does not exceed 2 vehicles.

As such, even if the distribution of trips was to be impacted by delays at the level crossing, the alternative southern route via the Mitchell Highway and Marsden Street intersection could easily accommodate the additional trip generation.

External Road Upgrades

As mentioned previously, the SIDRA analysis indicates that the existing intersections along Euchareena Road and Mitchell Highway do not require upgrades to accommodate the additional traffic generated by the proposal.

Road upgrades will be required in the key roads providing access for the site that are currently designed to a lower standard than required under the Engineering Guidelines.

Any upgrade of Marsden Street and Back Saleyards Road would need to consider the additional traffic generated by the site and the proposed provisions of active transport infrastructure.

Road profiles

All internal roads will be constructed in accordance with Council's Engineering Guidelines. In this regard:

- Urban collector roads will include a shared path on one side of the road, and a footpath on the other.
- Urban local access roads will provide footpaths on both sides of the road.

Active transport

As mentioned above and dependent on the class of road, all roads within the site will provide footpaths on one or both sides of the road, and the collector roads will also provide a shared path on one side of the road.

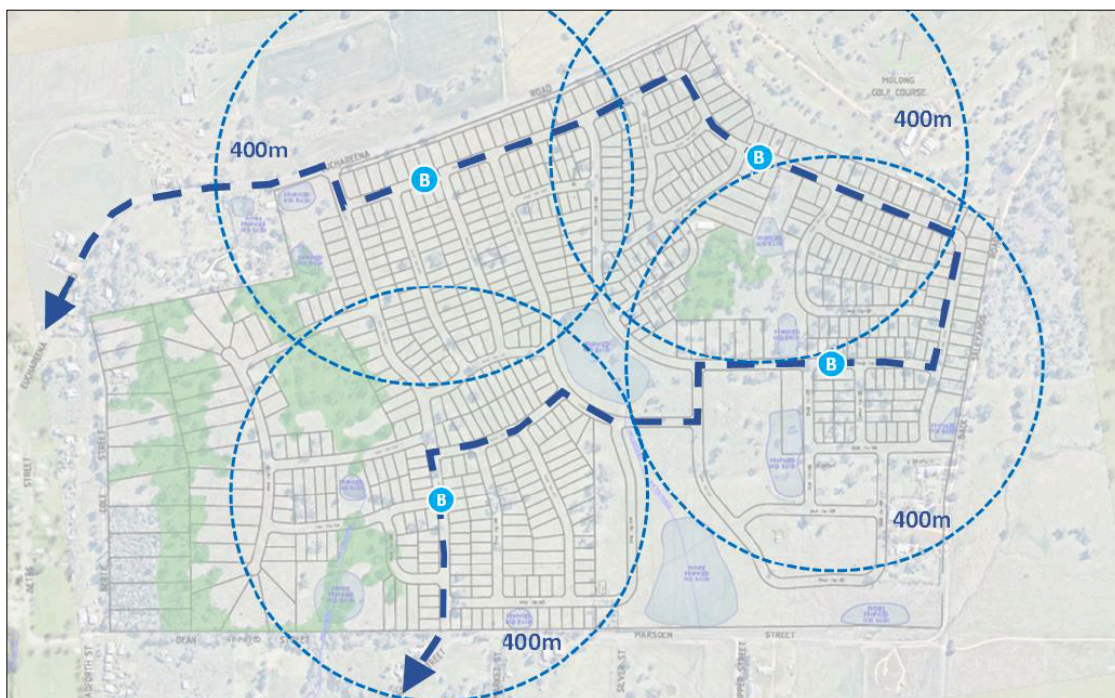
Council's Pedestrian Access Management Plan and Bike Plan identify the extension of active transport facilities along Euchareena Road to Back Saleyards Road, along Back Saleyards Road and Marsden Street south-west to the Mitchell Highway, and then along Mitchell Highway to Orange.

Whilst it is acknowledged that the extension of the pathways is ranked relatively low of the projects in the PAMP, it is submitted that the increased density and population that would be provided as a result of the future development of the site would increase the demand and priority for active transport facilities in this location.

These matters would be addressed in greater detail at the DA stage.

Public Transport

With the increase in population arising from the proposal, there is the potential for the introduction of a new bus services. Ultimately, the introduction of new bus routes will be determined further to discussions with local bus companies, Council and future residents. A potential bus route is depicted below.



The traffic assessment made the following findings in respect of the Planning Proposal and development concept for the site:

- While bus services are currently not provided in Euchareena Road, the potential exists for future services to be introduced as the population increases.
- An active travel path is identified in the PAMP and Bike Plan, which would provide a dedicated active transport route between the site and town centre, significantly increasing the potential for active transport trips.
- Active transport infrastructure, including shared paths and foot paths, will be provided in all roads within the site in line with Council's Engineering Guidelines for urban collector and urban local access road profiles.
- The trip generation of the site is relatively moderate; based on a trip rate of 0.6 trips per dwelling in the peak hours, results in a total trip generation of approximately 370 vph in both peak periods assuming full development of the site.
- SIDA analysis indicates that the key intersections of the site will continue to operate at a good level of service further to full development of the site regardless of the distribution of trips.
- The intersection of Euchareena Road and Road 1 will be upgraded to provided and CHR and a BAL, a design which exceeds the Austroads warrant requirements.

- The intersections of Marsden Street and Road 2, and Back Saleyards Road and Road 3, will be upgraded to provide BAR and BAL treatments which meet the Austroads warrant requirements.
- Marsden Street and Back Saleyards Road will be upgraded in line with the Engineering Guidelines to ensure that they provide an appropriate design to meet the future traffic demands of the site.
- The final design of these roads – and specifically the incorporation of widened reserves to provide for on-street parking and/or active transport infrastructure will be determined further to consultation with Council.

Contamination

In terms of potential soil contamination, Envirowest Consulting have undertaken a preliminary contamination assessment in accordance with the contaminated land management planning guidelines, from the Contamination Land Management Act 1997 and State Environmental Planning Policy (Resilience and Hazards) 2021 in relation to the subject land.

The preliminary contamination investigation made the following comments in respect of the potential contamination status of the subject land:

- The site had a grazing land use history. The use of agricultural pesticides over the area in the past is expected to be low. Vegetation cover within the investigation area was 100% with groundcover vegetation dominated by Phalaris.
- A small slaughterhouse historically operated from the south eastern section of the site. Slaughterhouse infrastructure has been removed. Levels of potential contaminants in samples collected from the slaughterhouse location were less than adopted thresholds.
- Two areas of stockpiles are present. Stockpile 1 is located in the south eastern section of the site and comprises material generated from site clean-up works including around the former slaughterhouse. Asbestos containing materials were identified in the stockpiles. Level of the potential contaminants were below general solid waste thresholds. The material is classified as asbestos waste with a subclassification of general solid waste and requires removal and disposal of landfill.

- Source of material in Stockpile 2 is not known. Characterisation of the material is required to determine suitability for remaining on-site or off-site re-use or disposal.
- Trace inert debris were identified in the location of the former slaughterhouse, in the north western section and western section of the site. The debris is an amenity issue.
- No evidence of mines, sheep dips or mixing sheds were identified on the site from the review of the site history or site inspection.
- The stockpiles south east of the former slaughterhouse require removal and disposal to landfill as asbestos waste with a sub-classification of general solid waste. A clearance certificate should be issued following removal works to confirm satisfactory removal of asbestos containing materials.
- The stockpile in the eastern section of the site should be assessed based on end use. Material remaining on-site should be assessed for suitability for residential land use. Material to be removed from site for re-use should be assessed in accordance with the NSW EPA ENM Exemption.
- Stock grazed is expected to be historically sheep and more recently cattle. Infrastructure comprising two shearing sheds, two animal shelters and yards are located in the western section of the site. A water tank, truck with storage tank and transportable yards are present in the central section.
- The concrete floor section of the western shearing shed was being used to store various items including iron, timber, equipment, car battery, 44-gallon drum and bulker bag.
- A dry white powder was identified on the floor and is expected to be lime or fertiliser. A stained area was present on the concrete. The concrete is expected to have restricted movement of the staining source into the soil.
- No evidence of fill, sheep dips, mines or contaminating industrial activities were identified at the site.
- Levels of heavy metals collected from across the general site were below the adopted thresholds for human health and environment.

- Levels of zinc in three sampled collected from adjacent structures in the western section exceeded the environmental investigation levels. Vegetations in the areas was not showing signs of impact from the elevated zinc levels. Other heavy metals were below adopted thresholds in all samples from areas of environmental concern.
- Levels of TRH (C16-C34) exceeded adopted environmental screening levels in the sample collected from the dry drainage depression located along the southern boundary. The TRH is expected to be natural from degrading vegetation within the dam. Levels of other hydrocarbons in samples collected from areas of environmental concern were below adopted thresholds.
- The on-site septic tank requires decommissioning in accordance with NSW Health Advisory Note 3. The absorption trench should be decommissioned by cultivation and incorporation of lime.
- An unexpected finds procedure should be adopted for site development works.

The report concludes that the site is suitable for the proposed residential land-use following the removal of the asbestos impacted stockpiles. Additional assessment should be undertaken following removal of the structures in the western section to confirm suitability for residential land-use.

Bushfire

The subject land is identified as being bushfire prone land according to the NSW Rural Fire Service bushfire prone land mapping. To this end, a Strategic Bushfire Study has been prepared in support of the Planning Proposal (refer *Annexure G*) and is summarised below.

Vegetation

The vegetation structure, connectivity and attributes are fundamental contributors to bushfire behaviour and its movement through the landscape. In this regard:

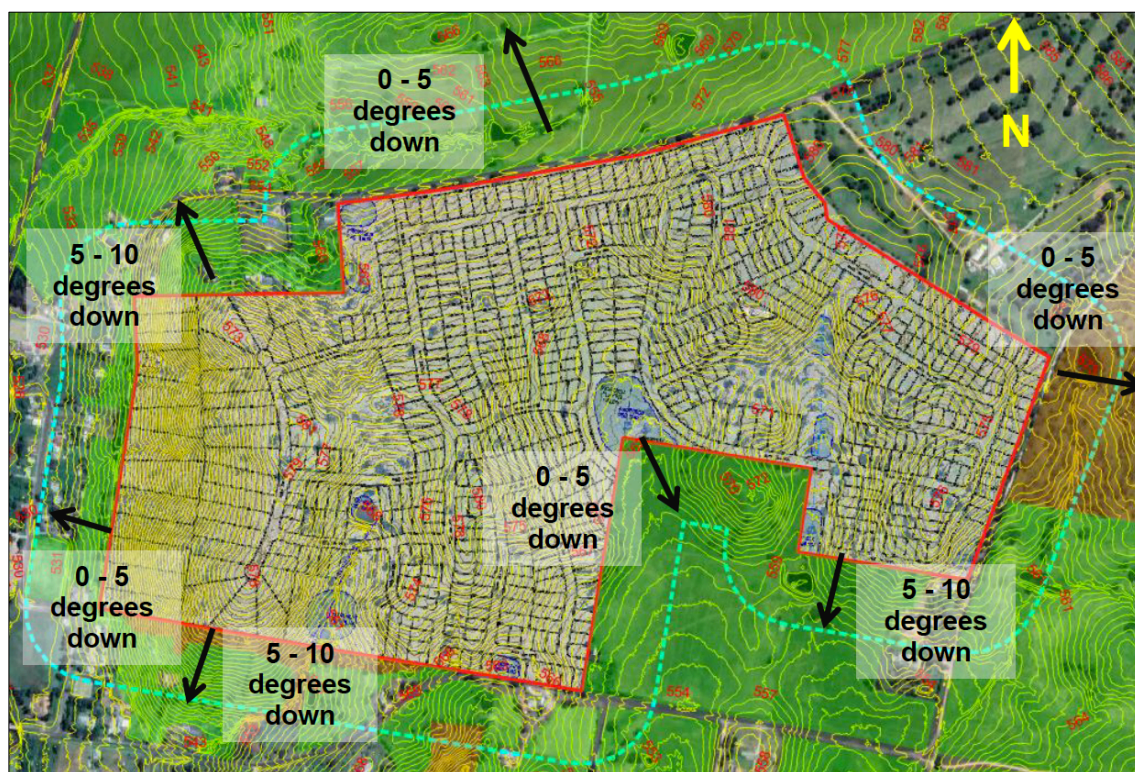
- The subject site is depicted on Cabonne Shire Council's Bushfire Prone Land Map as containing Category 1 and Category 3 Vegetation.
- The vegetation identified as posing a bushfire/grassfire hazard to the development site is located to the north, east, south and west within neighbouring allotments (refer below).



- In addition, it is acknowledged that there will be retained vegetation within the site. The retained trees onsite will have a managed understory (grass kept below 100mm).
- All land within the subject site including pocket parks and other open space areas will be developed and maintained to the standard of an Asset Protection Zone or considered low threat vegetation under A1.10 of PBP.
- The vegetation posing a hazard to the south and east was found to comprise of trees 10-20 metres in height having a 30% canopy foliage cover and an understory of grasses.

Slope and Topography

The effective slope is considered to be the slope under the classified vegetation which will most significantly influence bushfire behaviour toward the development site. The slope that would most significantly influence bushfire impact was determined using 1 metre LiDar contour mapping of the subject area (refer image below).



Potential fire behaviour

In applying the accepted methodology described in PBP, bushfire design modelling was undertaken to determine the intensity of two potential fires:

1. A bushfire burning from the east through vegetation associated with neighbouring allotments. While the vegetation to this aspect is fragmented this is the largest catchment. While a burning fire in this direction is expected to have a reduced Fire Danger Index as a margin of safety, and FDI 100 was adopted;
2. A bushfire burning from the south through vegetation associated with neighbouring allotments toward the subject site. While a fire burning in this direction is expected to reduce the Fire Danger Index due to the southerly influences, as a margin of safety, an FDI 100 was adopted.

Access

Planning for Bush Fire Protection addresses design considerations for internal roads (public roads) for properties determined to be bushfire prone. In this regard:

- The short dead-end road servicing future lots in the east and west corner of the site is less than 200 metres in length and will provide a compliant turning head.

- The proposed internal road system has the capacity to comply with the requirements for Access under section 5.3.2 of PBP.

Asset Protection Zones

On completion, the proposed subdivision will ensure that all habitable development is located in an area that has an acceptable bushfire hazard level (i.e., BAL-29). With the implementation of the requirements of PBP as part of the future subdivision development, the planning proposal is considered to be appropriately protected from bushfire and will comply with the requirements of PBP.

Water Quality

The Cabonne LEP 2012 identifies the subject land as having groundwater vulnerability. 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 or water quality for the following reasons:

- 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.
- On-site effluent disposal will not occur. Residential development of the land requires effluent disposal to occur via Council's sewer reticulation.
- Water quality measures will be required to ensure that post-development water quality is at least equivalent to pre-development water quality. The management of stormwater from buildings and vehicle areas will be subject to Council's normal requirements for development in urban areas.
- 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.

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 be provided in a manner that limits the peak rates of discharge to a non-erosive velocity. The system will be designed to convey stormwater runoff from a 1 in 10 year average recurrence interval design storm as per Council’s standard design criteria.
- A series of onsite stormwater detention basins are interspersed throughout the site and will likely incorporate the principles of Water Sensitive Urban Design.

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 subject land that are likely to be affected by the planning proposal.

Aboriginal Heritage

A Preliminary Aboriginal archaeology site investigation has been undertaken and is provided in *Annexure E*. The overall archaeological value of the site is considered minimal and note that this was not raised as an issue in the course of the assessment of the original Golf Course Heights Estate subdivision.

In this regard, the AHIMS database was searched for Aboriginal sites in or near the investigation 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.

In the event that previously unrecorded Aboriginal relics are uncovered during development, work should immediately stop, and both the Office of Environment and Heritage and the Local Aboriginal Land Council be notified.

Agriculture

The land is defined as having moderate agricultural value due to the land and soil capability of the subject land as being mapped as Class 3.

Class 3 land is defined as being suitable for grazing and pasture improvement and can be cultivated for an occasional cash crop or forage crop in conjunction with pasture management. Such land is defined as having moderate agricultural value. 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 is zoned R5 Large Lot Residential development. Therefore, the limited agricultural value of the subject land is recognised under the current zoning provisions.
- The CSS recognises the subject land as being suitable for urban residential zoning in order to limit the expansion of urban area into agricultural lands to meet dwelling demand.
- 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 residential purposes. It is therefore acknowledged that the eventual use of the site would be for residential purposes.
- Despite the presence of the poultry farm to the north, the potential for land use to conflicts to arise is considered minimal for the following reasons:
 - In nominating the site for urban residential development, Council would have considered the potential for land use conflicts to arise between the subject land and poultry farm with specific reference to Council's 'Right to Farm Policy'. It is respectfully submitted that Council would not have nominated the site for urban residential development if they did not believe that the potential for land use conflict would be manageable.
 - Under the Protection of the Environment Operations Act, 1997 the operators of the poultry farm are obligated to ensure that their operation does not cause or permit the emission of any offensive odour (as defined under the POEO Act) beyond the boundary of the site, regardless of whether it is adjacent to an urban residential zone.

- There is a generous separation distance in the order of approximately 1000 metres between the poultry sheds and the northern boundary of the subject land. This, in conjunction with the topography and vegetation reasonably attenuates the potential for conflicts to arise.
- The concept plan also depicts a 10 metre wide landscaping buffer along the Euchareena Road to minimise the interface between the subject land and poultry farm.
- The rezoning of the subject land does not represent a biosecurity risk to the poultry farm as the future development of the subject land will not involve any form of agriculture.
- In any event, it is the responsibility of the landowner/operator to prevent, eliminate, and minimise the biosecurity risks biosecurity measures within their farm under the Biosecurity Act 2015.

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

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:

- Enabling the establishment of a permanent population within the LGA that is conveniently located near Molong and Orange, a major regional centre.
- Increasing the availability and variety of urban residential land in the locality. The proposed rezoning will have a positive effect on housing supply and affordability, addressing the needs of the community.
- Facilitating the construction of new housing, which in turn creates employment opportunities. With a larger population, there is potential for the growth and expansion of local services, resulting in increased economic activity and greater job prospects for the community.
- Promoting the development and improvement of infrastructure such as roads, utilities, and public services. This infrastructure investment not only supports the future subdivision but also benefits the surrounding areas. The improved infrastructure can enhance the overall quality of life for the community.

- Fostering a sense of community through the rezoning and subsequent subdivision of the land. Shared spaces and amenities like parks, playgrounds, and community centres can encourage social interaction, physical activity, and a stronger sense of belonging. These amenities contribute to the overall liveability of the area, promoting neighbourly connections.
- The provisions of the R1 General Residential Zone permit a range of compatible non-residential uses such as neighbourhood shops, centre based child care facilities, health facilities, schools and the like. There are numerous sites within the subject land to accommodate such uses should they be required as the residential area evolves.
- 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.

SECTION D – INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH)

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

Yes.

A servicing strategy has been prepared in support of the Planning Proposal which demonstrates that the subject land can be serviced and within the capacity of the existing network (refer Annexure H).

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

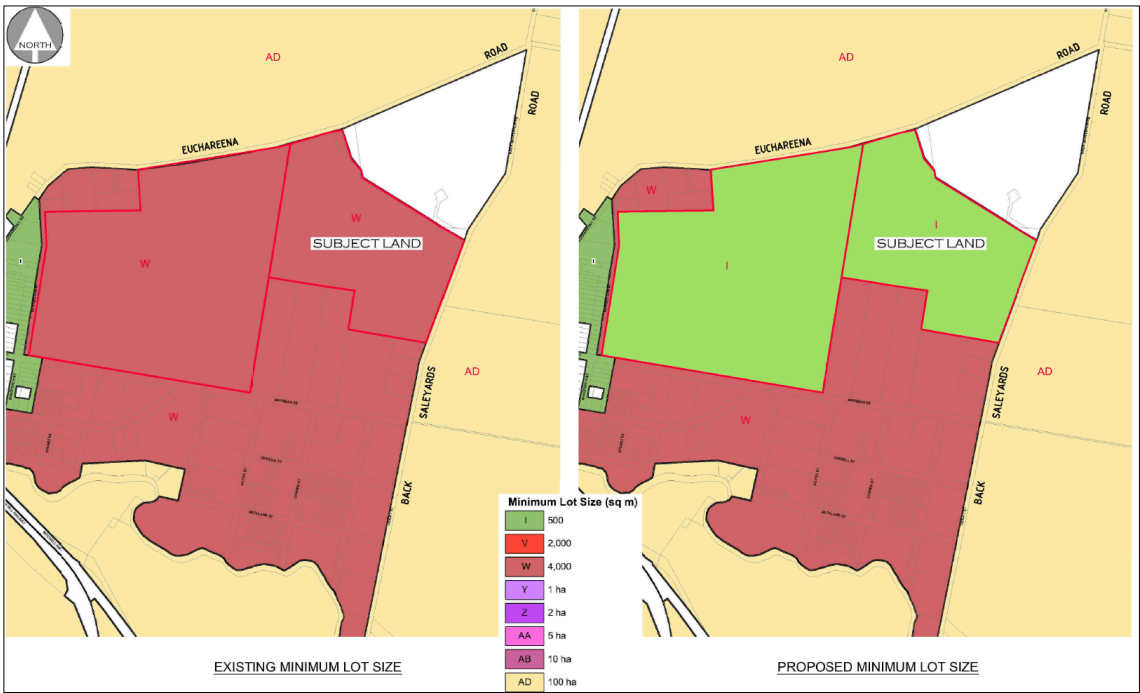
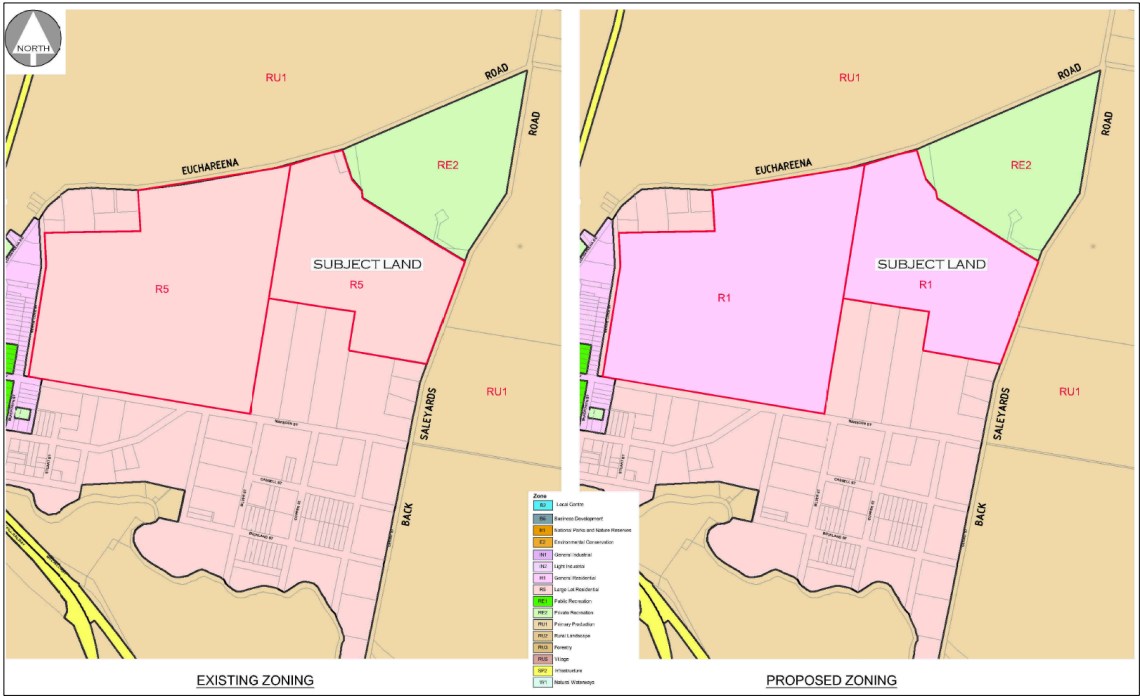
As such, all urban utilities and relevant infrastructure can be made available.

SECTION E – STATE AND COMMONWEALTH INTERESTS

12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

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

PART 4 – MAPS



PART 5 – 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

PART 6 – PROJECT TIMELINE

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 and will be completed within the benchmark timeframe of 9 months.

Once the planning proposal has been referred to the Minister for review of the Gateway Determination and received a Gateway determination, the anticipated project timeline will be further refined, including at each major milestone throughout the planning proposal's process.

Stage	Timeframe and/or date
Consideration by Council	September 2023
Council decision	October 2023
Gateway determination	November 2023
Pre-exhibition	November 2023
Commencement and completion of public exhibition period	Complete by February 2024
Consideration of submissions	February-March 2024
Post-exhibition review and additional studies	April 2024
Submission to the Department for finalisation (where applicable)	May – June 2024
Gazettal of LEP amendment	May – June 2024

PART 7 – 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 residential development.
- The subject land provides an opportunity to meet the shortfall in urban residential land that is still within reasonable proximity to Molong.
- 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 by Peter Basha Planning & Development

Annexure B

Development Concept by Heath Consulting Engineers

Annexure C

Traffic Impact Assessment by Arc Traffic & Transport

Annexure D

Biodiversity Assessment Report by Cumberland Ecology

Annexure E

*Preliminary Aboriginal Archaeological Site Investigation by
Envirowest Consulting*

Annexure F

Preliminary Contamination Investigation by Envirowest Consulting

Annexure G

*Strategic Bush Fire Study
by Building Code and Bushfire Hazard Solutions*

Annexure H

Preliminary Servicing Strategy by Heath Consulting Engineers