



**Premise**

MR AND MRS SAM AND JACQUI MARTEL

**Amendment to the Dubbo Regional LEP  
2022 – 20L Rocky Road, Dubbo**

PLANNING PROPOSAL

Report No: 123050\_PP



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# 1. BACKGROUND

## 1.1 Introduction

Premise Australia Pty has been commissioned by Mr and Mrs Sam and Jacqui Martel to prepare a planning proposal to amend the *Dubbo Regional Local Environmental Plan 2022* (LEP) in respect of land at Lot 13 in DP 258406, 20L Rocky Road, Dubbo.

The subject site comprises of approximately 81.19 ha of R5 Large Lot Residential zoned land and 29.93 ha of RU4 Primary Production Small Lots.

The subject site is located in one of Dubbo's premium lifestyle living areas with desirable vistas and views of the Macquarie River. The site is only a short drive south of the Dubbo central-business district via Old Dubbo Road.

The Planning Proposal seeks to undertake a reduction to the minimum lot size from 20ha to 8 ha on the subject site. The area to which the proposed lot size reduction applies is currently zoned as R5 Large Lot Residential pursuant to the provisions of the LEP. The R5 land directly to the north of the site has a minimum lot size of 8ha which would imply an error was made at the time of drafting the LEP.

The Planning Proposal has been prepared as a housekeeping amendment to provide consistency in LEP provisions with the adjoining R5 land to the north.

A reduction in minimum lot size will facilitate the further development of existing R5 land and generate additional supply to the Dubbo housing market.

The subject site is identified in the Macquarie District Strategy within the existing Rocky Road settlement cluster. The strategy identifies that infill of these areas is supported so long as they do not encroach onto or conflict with surrounding agricultural areas.

The subject site is consistent with Planning Priority 13 and Action 13.1 of the Dubbo Local Strategic Planning Statement aimed at the management of R5 land within existing zoned areas.

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

## 1.2 Scope of the report

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

- Part 1 – A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 – An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 – The justification for those objectives, outcomes, and provisions and the process for their implementation;
- Part 4 – Mapping; and
- Part 5 – Details of the community consultation that is to be undertaken on the Planning Proposal.

The Planning Proposal would provide a consistent lot size regime with the adjoining R5 land north of the subject site. Due to a shift in Council's resourcing capacity, the proposed housekeeping amendment can no

longer be finalised within a reasonable timeframe. To assist Council's change in priorities, the Applicant provides the subject planning proposal for consideration.

The subject Planning Proposal is considered to meet the definition of a basic proposal as follows:

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

## 1.3 Structure of the report

This planning proposal is provided in the following structure;

- **Section 2** provides a statement of the objectives or intended outcomes of the proposed LEP;
- **Section 3** provides an explanation of the provisions that are included in the proposed LEP;
- **Section 4** provides justification regarding the need for the Planning Proposal; outlines its relationship to State Environmental Planning Policies; Ministerial Directions; local and regional strategic planning strategies; and overviews the environmental, economic, and social impacts of the proposal;
- **Section 5** details the required LEP mapping amendments;
- **Section 6** details how community consultation is to be undertaken with respect to the Planning Proposal.

## 2. OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to facilitate the development of large lot residential blocks with a minimum lot size of 8ha on land at Lot 13 in DP 258406, 20L Rocky Road, Dubbo, by seeking an Amendment to the Dubbo Regional Local Environmental Plan 2022.

## 3. EXPLANATION OR PROVISIONS

The subject site is identified as Lot 13 in DP 258406, 20L Rocky Road, Dubbo. The site is located approximately 10km south of the Dubbo CBD via Old Dubbo Road. The Macquarie River adjoins the subject land to the west of the site. The land use on the site is primarily intensive plant base agriculture and supports an existing dwelling house and associated sheds.

The subject site is zoned as RU4 Primary Production Small Lots and R5 Large Lot Residential. The existing minimum lot size provision for the site is 20ha which is consistent with the intent of the RU4 zoned land.

The planning proposal seeks to reduce the lot size provision on the portion of the site zoned as R5 land from 20ha to 8ha to provide consistency with the R5 area of the site and the lot sizing to the north.

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



**Figure 1. Locality of Subject Site (source: Nearmap)**

### 3.1 Proposed Amendment to the Dubbo Local Environmental Plan 2022.

The Planning Proposal seeks to reduce the minimum lot size relating to the R5 zoned portion of land at Lot 13 in DP 258406, 20L Rocky Road, Dubbo from 20ha to 8ha. The impacted LEP map includes Lot Size Map – Sheet LSZ\_002.

The proposed Amendment is estimated to create up to 10 additional rural lifestyle blocks in proximity to the Macquarie River. The proposed lot size reduction will give effect to the intent of the existing R5 zoning whilst ensuring that land use conflict does not occur with the adjoining RU4 zoned land.

The existing and proposed minimum lot sizing is depicted in **Figure 2** and **Figure 3**.



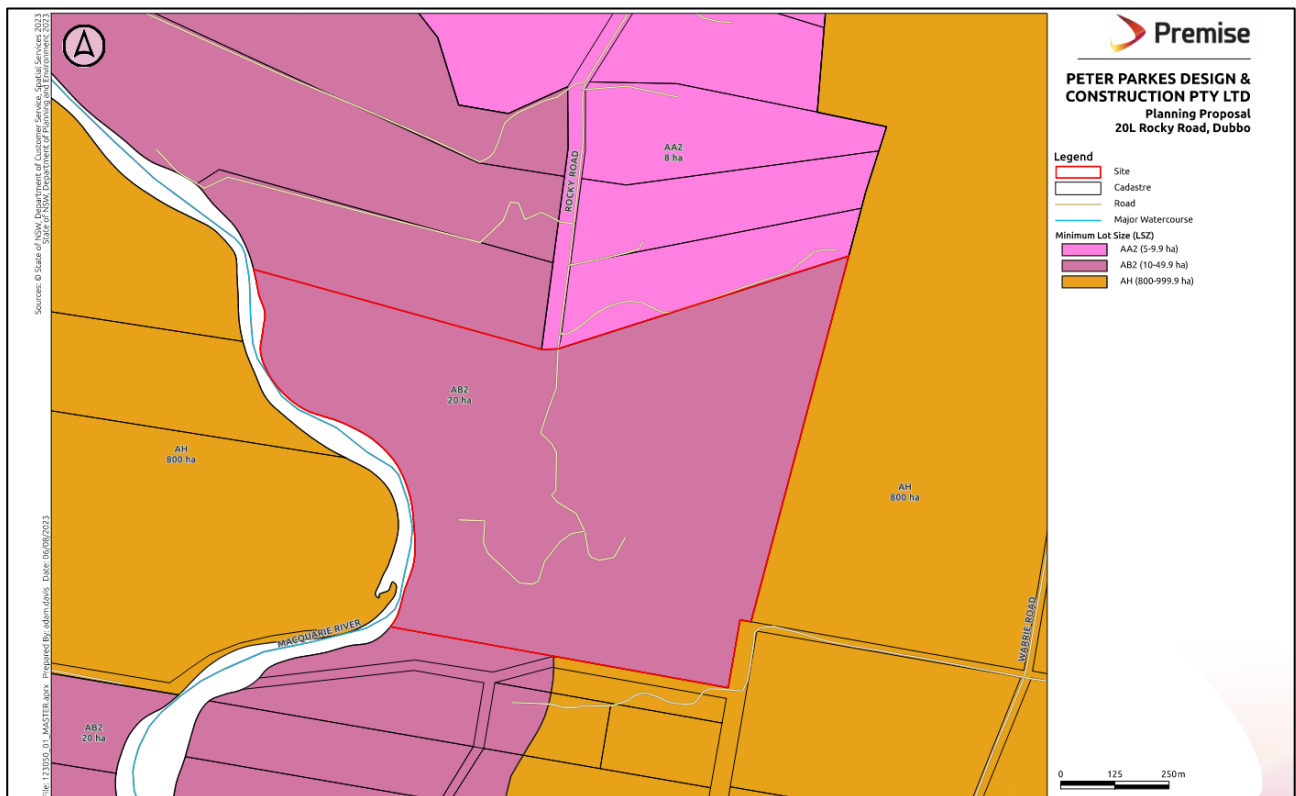


Figure 2. Existing Minimum Lot Size

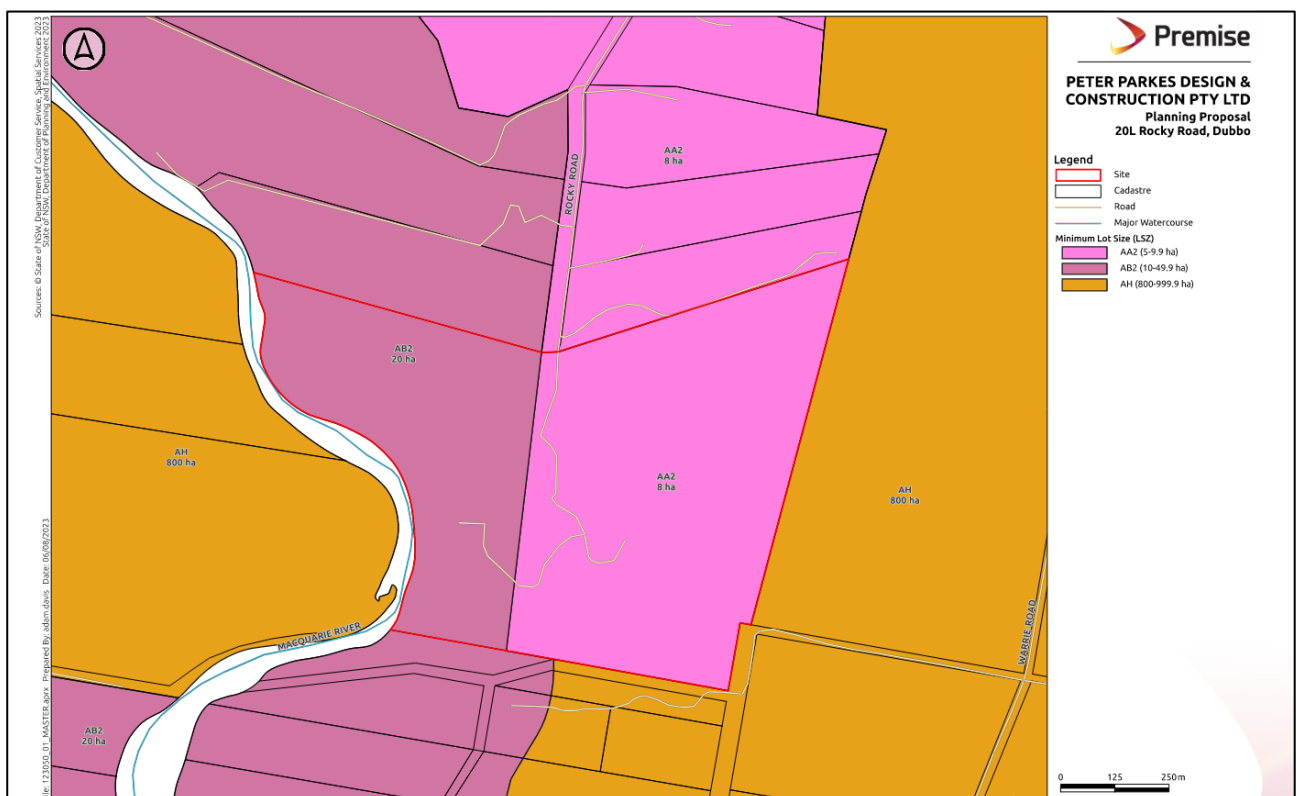


Figure 3. Proposed Minimum Lot Size



## 4. JUSTIFICATION

### 4.1 Introduction

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

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

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

### 4.2 Need for the planning proposal

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

The Planning Proposal seeks to give effect to the intent of R5 zoned land by reducing the minimum lot size from 20ha to 8ha to facilitate appropriate lifestyle living opportunities.

The Planning Proposal is not a direct result of any strategic study or report; however, it is consistent with the Dubbo Rural Areas Development Strategy, in particular, the Macquarie District Strategy.

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

It is considered that reducing the minimum lot size under the LEP is the best means of achieving the objectives and outcomes of the Proposal. The proposed Amendment will facilitate the development of large lot residential blocks on the subject site.

### 4.3 Relationship to strategic planning framework

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

The *Central West and Orana Region Plan 2041* sets the strategic framework for the region, to ensure the region's ongoing prosperity. The regional plan comprises of the following components:

- Part 1 – Region-shaping investment
- Part 2 – A sustainable and resilient place
- Part 3 – People, centres, housing and communities
- Part 4 – Prosperity, productivity and innovation
- Part 5 – Local government priorities

In particular, the Planning Proposal is consistent with Objective 15, Strategy 15.2 under Part 3 as follows:

**Objective 15: Manage rural residential development**

Strategy 15.2 reads as follows:

*“Strategy 15.2 Enable new rural residential development only where it has been identified in a local strategy prepared by the relevant council and endorsed by the department. Avoid unplanned or unsupported rezoning of rural land.”*

The subject site is currently zoned as R5 and is identified as a settlement area in accordance with the Dubbo Rural Areas Development Strategy, in particular, the Macquarie District Strategy.

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

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

a) Towards 2040 Community Strategic Plan

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

The vision of the Plan is as follows:

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

The subject site is already zoned as R5 in accordance with the LEP. The intent of the Planning Proposal is to facilitate the appropriate development of the subject site by creating provision for the subdivision of this land to meet the objectives of the R5 zone.

The Planning Proposal is considered to be broadly consistent with the Towards 2040 Community Strategic Plan.

b) Dubbo Regional Local Environmental Planning Statement

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

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

- Planning Priority 9: Provide diversity and housing choice to cater for the needs of the community; and
- Planning Priority 13: Manage R5 zoned land

The Planning Proposal gives effect to the following Action,

*“Action 13.1 Review the LEPs zone boundaries, land use table and subdivision minima to ensure rural lifestyle development is contained within existing zoned areas or highlight areas contained in the Rural Issues Paper 2019 and does not have the potential to adversely impact on the primary production potential of rural land.”*

The Planning Proposal seeks to facilitate the subdivision of existing R5 zoned land consistent with the adjoining land to minimum lot size regime adjoining the site to the north.

The Planning Proposal is consistent with the LSPS.

c) Dubbo Rural Areas Development Strategy

The Dubbo Urban Areas Development Strategy informs the land use zoning across Dubbo's rural areas.

The Dubbo Rural Areas Development Strategy comprises of the following strategies:

- Benelong District Strategy
- Coolbaggie District Strategy
- Goonoo District Strategy
- Macquarie District Strategy
- Minore District Strategy
- Southern District Strategy
- Talbragar District Strategy

The subject site is identified in the Macquarie District Strategy as a settlement area.

The objective of the settlement areas is as follows:

*"Direct rural settlement pressures into the rural villages and selected areas of existing fragmentation"*

The Planning Proposal seeks to facilitate the further development of a selected area of existing fragmentation and considered to be consistent with the objective of the Macquarie District Strategy.

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

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

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

State Environmental Planning Policy (SEPP)	Comment
<b>SEPP (Biodiversity and Conservation) 2021</b>	
	N/A
<b>SEPP (Building Sustainability Index: BASIX) 2004</b>	
The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State by adhering to the list of BASIX commitments required to facilitate sustainable development.	N/A
<b>SEPP (Exempt and Complying Development Codes) 2008</b>	
The aim of this Policy is to provide streamlined assessment processes for development that complies with specified development standards.	N/A
<b>SEPP (Housing) 2021</b>	

The aim of this Policy is to provide a State-wide approach to manage and support, affordable and well-designed residential development across NSW.	<p>The Planning Proposal will facilitate future residential development on the subject site.</p> <p>The Planning Proposal is considered to be consistent with the SEPP.</p>
<b>SEPP (Industry and Employment) 2021</b>	
	N/A
<b>SEPP No 65 – Design Quality of Residential Apartment Development</b>	
	N/A
<b>SEPP (Planning Systems) 2021</b>	
	N/A
<b>SEPP (Precincts-Regional) 2021</b>	
	N/A
<b>SEPP (Resilience and Hazards) 2021</b>	
The object of Chapter 4 is to provide for a Statewide planning approach to the remediation of contaminated land.	<p>In accordance with Clause 4.6 of the SEPP, a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.</p> <p>The subject site is currently used for agricultural cropping activities. A Preliminary Contamination Investigation (PCI) has been undertaken to investigate the subject area of the Planning Proposal.</p> <p>The PCI identified buried waste material at two locations which presents potential risk for asbestos-containing material (ACM) to be present and may present a risk to future site occupants encountering this material.</p> <p>Buried waste material has potential to generate leachate which can migrate to other receptors. This may include future site occupants (constructing and operating groundwater bores) or ecological receptors exhibiting hydrogeological connectivity to the site.</p> <p>With the exceptions of potential soil impacts from the buried waste, there is little evidence of historic land uses to have caused impacts within the investigation area that may present a risk to human health.</p> <p>Based on the nature and extent of the Chemical of Potential Concern (COPC) being identified within the investigation area, Premise considers that the site can be made suitable for future residential land use with appropriate management of</p>

	<p>impacted soil material prior to future additional residential occupation of the site.</p> <p>It is proposed that further detailed investigation and remediation of contamination would be undertaken as part of the development application stage.</p> <p>Furthermore, rainwater harvesting would be the proposed method of servicing future dwellings with potable water supply.</p> <p>The Planning Proposal would likely be able to achieve the requirements of Clause 4.6 of the SEPP.</p>
<b>SEPP (Resources and Energy) 2021</b>	
	N/A
<b>SEPP (Transport and Infrastructure) 2021</b>	
	N/A – The proposed development is of a minor nature and is not considered to result in substantial traffic generation nor is it located within proximity to a classified road.
<b>SEPP (Primary Production) 2021</b>	
The objective of this section is to minimise potential land use conflict between existing and proposed development on land in the zones under a relevant EPI that are equivalent to the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses).	N/A – Dubbo Regional Local Environmental Plan is not considered to be a relevant EPI under the Table referenced in Part 6 of the SEPP.

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

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

Direction	Requirement	Consistency
<b>Focus Area 1 Planning Systems</b>		
1.1 Implementation of Regional Plans	Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning.	The Planning Proposal is considered to give effect to the <i>Central West and Orana Regional Plan 2041</i> , in particular, Strategy 15.2 – “Enable new rural residential development only where it has been identified in a local strategy prepared by the relevant council and endorsed by the Department. Avoid unplanned or unsupported

		<i>rezoning of rural land.</i> This is discussed in <b>Section 4.3</b> of this report.
1.3 Approval and Referral Requirements	Planning Proposals must minimise the need to provide future development applications to a Minister or public authority.	The subject site is not mapped as bushfire prone land. With this considered, future development on the site would need to achieve the requirements set out in the NSW Rural Fire Service (RFS) document, <i>Planning for Bushfire Protection 2019</i> .
1.4 Site Specific Provisions	A Planning Proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must 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 development.	<p>The Planning Proposal seeks to reduce the current minimum lot size provision to 8ha to facilitate the subdivision of the site for large lot residential purposes.</p> <p>The subject land is currently zoned as R5 Large Lot Residential and would not require the implementation of any site-specific provisions to facilitate development of the land for the intended purposes of the zone.</p>
<b>Focus Area 2 Design and Place (N/A)</b>		
<b>Focus Area 3 Biodiversity and Conservation</b>		
3.1 Conservation Zones	The Planning Proposal must include provisions which protect and conserve environmentally sensitive areas.	<p>The subject land is not impacted by an environmental conservation zone including any of the following:</p> <ul style="list-style-type: none"> <li>• Zone C1 National Parks and Nature Reserves</li> <li>• Zone C2 Environmental Conservation</li> <li>• Zone C3 Environmental Management</li> </ul> <p>The Planning Proposal is not considered to be inconsistent with the Direction.</p> <p>With this considered, it is noted that should future development result in the clearing of more than 0.5 ha of native vegetation, the biodiversity offset scheme would apply.</p> <p>It is likely that a Biodiversity Development Assessment Report (BDAR) would be prepared in support of any future development application for subdivision of the site.</p>
3.2 Heritage Conservation	The Planning Proposal must facilitate provision for conservation of Aboriginal	A basic AHIMS search of the site was undertaken on 26 July 2023 which did not identify any items of Aboriginal significance.

	cultural heritage including places, items or other significant artefacts.	<p>In addition, the site is not mapped as containing any local or State heritage items in accordance with Schedule 5 of the LEP.</p> <p>The Planning Proposal is considered to be consistent with the Direction.</p>
<b>Focus Area 4 Resilience and Hazards</b>		
4.1 Flooding	The Planning Proposal must be consistent with local and State Flood Policy and ensure that land identified in the flood planning area is not rezoned for residential, business, industrial or special zoning.	<p>The Planning Proposal is located in proximity to the Macquarie River which runs along the western boundary of the property.</p> <p>In accordance with the Dubbo Flood Prone Land Policy 2013 and Council's records, the Flood Standard Reference Level (FSRL) (1% flood event) for the site is consistent with the 1955 flood event reference level (RL) of approximately 267 m. The impacted area of the site is depicted in <b>Figure 7</b>. Based on the location of the development area on the subject Lot, adequate area remains available above the FSRL to facilitate further development of the site.</p> <p>Should development be sought below the FSRL, a flood study would be provided in support of the development application for subdivision of the site.</p> <p>The Planning Proposal is consistent with the Direction.</p>
4.3 Planning for Bushfire Protection	The Planning Proposal must have regard to the RFS document <i>Planning for Bushfire Protection 2019</i> .	<p>The subject site is not mapped as bushfire prone land and referral to NSW Rural Fire Service is not anticipated as part of the planning proposal process. With this considered, further assessment of native vegetation on the site would identify the extent of protected grasslands and the implications this may have for the establishment of adequate asset protection zones around each dwelling.</p> <p>The location of existing native vegetation would influence the location of future building envelopes and would be further supported by a bushfire assessment report prior to subdivision of the site.</p> <p>In addition, opportunity for two separate vehicle accessways would be provided from the north (Rocky Road) and east (Lambar Road). A right of</p>



		<p>way easement to a future Lot would achieve emergency access through to Lambar Road.</p> <p>With this considered, it is anticipated that future development on the site would likely be able to achieve the requirements set out in the NSW Rural Fire Service (RFS) document, <i>Planning for Bushfire Protection 2019</i>.</p>
4.4 Remediation of Contaminated Land	<p>The Planning Proposal must consider whether the subject land has been used for a purpose referred to in Table 1 of the contaminated land planning guidelines.</p>	<p>Areas of the subject site are currently used for the purposes of plant-based cropping. In accordance with the DPE's <i>Draft Contaminating Land Planning Guidelines</i>, certain agricultural activities are considered to be a potential contaminating land use. This is due to the potential use of various fertilisers, insecticides, fungicides and herbicides.</p> <p>A Preliminary Contamination Investigation (PCI) was prepared in support of the Planning Proposal and is provided as <b>Appendix B</b>.</p> <p>The results of the PCI identified areas where the burial of waste material has occurred. Potential exists for asbestos-containing material (ACM) to be present, which may present a risk to future site occupants who encounter such material.</p> <p>With the exception of potential soil impacts from buried waste, there is little evidence of historical land uses to have cause impacts within the investigation area that may present a risk to human health.</p> <p>Based on the finding of the PCI, it is considered that the site can be made suitable for future residential land use appropriate management of impacted soil material prior to future additional residential occupation of the site.</p> <p>It is proposed that this investigation be undertaken as part of the development application for future residential subdivision.</p> <p>Subject to management of impacted soil material, it is anticipated that planning proposal would achieve it's intended purpose and is considered to be consistent with the Direction.</p>
<b>Focus Area 5 Transport and Infrastructure</b>		

5.1 Integrated Land Use and Transport	<p>The Planning Proposal must be consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i></p> <p>(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001).</i></p>	<p>The Planning Proposal seeks to facilitate the development of existing land zoned R5 Large Lot Residential. The proposed lot size reduction is anticipated to yield up to 10 new Lots. The subject site is located within 10km of the Dubbo CBD via Rocky Road and Old Dubbo Road, providing a short driving distance to key services and facilities.</p> <p>The increase in vehicle movements along Rocky Road are not anticipated to result in significant traffic impacts and are considered to be of minor significance.</p> <p>The Planning Proposal is considered to be broadly consistent with this Direction.</p>
5.3 Development Near Regulated Airports and Defence Airfields	<p>The Planning Proposal must not compromise by development that constitutes an obstruction, hazard or potential aircraft flying in the vicinity.</p>	<p>The subject site is not located in proximity to a regulated airport or defence airfield and any future dwellings are not anticipated to result in an obstruction or hazard to local aircraft.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
<b>Focus Area 6: Housing</b>		
6.1 Residential Zones	<p>The Planning Proposal must broaden the choice of building types and locations available in the housing market, make more efficient use of existing infrastructure and services and reduce the consumption of land for housing on the urban fringe.</p>	<p>The Planning Proposal would facilitate the further development of existing R5 zoned land.</p> <p>Water and sewer infrastructure would be facilitated by rainwater tanks and onsite septic systems.</p> <p>Electricity is connected to the existing dwelling on the site and adjoining residential development.</p> <p>Although located beyond the urban fringe, future development on the site would be consistent with the existing land use composition of the immediate area.</p> <p>The Planning Proposal is considered to be consistent with the Direction.</p>
<b>Focus Area 7: Industry and Employment</b>		
<b>Focus Area 8 Resources and Energy</b>		
8.1 Mining, Petroleum	<p>The Planning Proposal must not restrict the potential development of resources of</p>	<p>There is an existing Mining Exploration Licence (EL9468) in place which includes the subject land.</p>

Production and Extractive Industries	coal, other minerals, 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.	With this considered, extractive industries are prohibited in the R5 zone.  The Planning Proposal is not anticipated to result in conflict with the objective of the Direction.
<b>Focus Area 9 Primary Production</b>		
9.1 Rural Zones	The Planning Proposal must protect the agricultural production value of rural land.	The subject Lot includes both RU4 and R5 zoned land. The Planning Proposal seeks to reduce the minimum lot size provision which applies only to the existing R5 zoned area of land.  The proposed lot size of 8 ha would achieve the DCP buffer distance of 200 m to the adjoining intensive plant-based agricultural activity to the west. With this considered, the existing intensive agricultural activity could continue operations with minimal impact.  The Planning Proposal is consistent with the Direction.
9.2 Rural Lands	The Planning Proposal must protect the agricultural production value of rural land.	The subject Lot includes both RU4 and R5 zoned land. The Planning Proposal seeks to reduce the minimum lot size provision which applies only to the existing R5 zoned area of land.  The proposed lot size of 8 ha would achieve the DCP buffer distance of 200 m to the adjoining intensive plant-based agricultural activity to the west. With this considered, the existing intensive agricultural activity could continue operations with minimal impact.  The Planning Proposal is consistent with the Direction.

## 4.4 Environmental, social and economic impacts

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

### 4.4.1 TERRESTRIAL BIODIVERSITY

The subject land has previously been used for intensive agricultural activity and although this activity has been undertaken to the RU4 portion of the site, areas of the R5 area have also been subject to this activity. It is

anticipated that the areas previously subject to cropping would qualify as category 1 exempt land in accordance with Section 60H of the Local Land Services Act 2013 and would not incur biodiversity offset implications.

Notwithstanding, it is anticipated that either a Biodiversity Assessment Report (BAR) or Biodiversity Development Assessment Report (BDAR) would likely be required to accompany a future development application to determine the potential impact on biodiversity in accordance with the Section 1.7 of the Environmental Planning and Assessment Act 1979 and Part 7 of the Biodiversity Conservation Act 2016. As the proposed minimum lot size for the property is 8 ha, it noted that the biodiversity offset clearing threshold for this site would be 0.5 ha.

For preliminary consideration the following vegetation map is provided in **Figure 4**.



**Figure 4. Terrestrial Biodiversity**

#### 4.4.2 NATURAL WATERCOURSES

There is a natural watercourse which flows across the south eastern corner of the site as depicted in **Figure 5**. Following desktop review it appears that this watercourse is a 1<sup>st</sup> order stream which would require maintaining a 10m vegetated riparian zone (VRZ) to each side of the watercourse. Should development be required within the VRZ, a controlled activity approval would be required in accordance with the requirements of the Water Management Act 2000 which would be addressed as part of a future development application.





Figure 5. Natural Watercourses

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

#### 4.4.3 ABORIGINAL ARCHAEOLOGY

A basic AHIMS search of the site was undertaken on 26 July 2023 which did not identify any items of Aboriginal significance (**Appendix C**).

In addition, the site is not mapped as containing any local or State heritage items in accordance with Schedule 5 of the LEP.

Although areas of the site have been subject to cropping activities, other areas of the site, including areas in proximity to the natural watercourse, are areas typically known for containing Aboriginal items and artefacts.

It is anticipated that an Aboriginal Archaeology Due Diligence Report would be prepared and accompany a future development application to subdivide the subject land.

#### 4.4.4 GROUNDWATER VULNERABILITY AND SALINITY

The subject site is mapped as groundwater vulnerable in accordance with the LEP. It is acknowledged that the site is not connected to town water and would primarily rely on rainwater tanks. Further to this, onsite sewage management would be required. In accordance with the DCP, the buffer distances for sewage disposal systems is as follows:

- 100 m to permanent surface waters (eg river, streams, lakes etc);
- 250 m to domestic groundwater well; and

- 40 m to other wastes (eg farm dams, intermittent waterways and drainage channel etc).

Further consideration to the location of any septic systems on the site would be required as part of the development approvals process and would need to consider system type, relative distance to natural watercourse and drinking water infrastructure for example domestic bores, where required.

With this considered, the maximum 250 m buffer distance as described above would be achievable on a lot with a minimum lot size of 8 ha.

The Planning Proposal is unlikely to result in any significant impact on groundwater systems.

#### **4.4.5 CONTAMINATION**

In accordance with Clause 4.6 of the SEPP, a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

The subject site is currently used for agricultural cropping activities. A Preliminary Contamination Investigation (PCI) has been undertaken to investigate the subject area of the Planning Proposal (**Appendix B**).

The PCI identified buried waste material at two locations which presents potential risk for asbestos-containing material (ACM) to be present and may present a risk to future site occupants encountering this material.

Buried waste material has potential to generate leachate which can migrate to other receptors. This may include future site occupants (constructing and operating groundwater bores) or ecological receptors exhibiting hydrogeological connectivity to the site.

With the exceptions of potential soil impacts from the buried waste, there is little evidence of historic land uses to have caused impacts within the investigation area that may present a risk to human health.

Based on the nature and extent of the Chemical of Potential Concern (COPC) being identified within the investigation area, Premise considers that the site can be made suitable for future residential land use with appropriate management of impacted soil material prior to future additional residential occupation of the site.

It is proposed that further detailed investigation and remediation of contamination would be undertaken as part of the development application stage.

Furthermore, rainwater harvesting would be the proposed method of servicing future dwellings with potable water supply.

The Planning Proposal would likely be able to achieve the requirements of Clause 4.6 of the SEPP. The Planning Proposal is not anticipated to be subject to significant contamination impacts.

#### **4.4.6 FLOODING IMPACTS**

The Planning Proposal is located in proximity to the Macquarie River which runs along the western boundary of the property.

In accordance with the Dubbo Flood Prone Land Policy 2013 and Council's records, the Flood Standard Reference Level (FSRL) (1% flood event) for the site is consistent with the 1955 flood event reference level (RL) of approximately 267 m. The impacted area of the site is depicted in **Figure 6**. Based on the indicative subdivision layout, adequate area remains available above the FSRL to facilitate further development of the site.

Should development be sought below the FSRL, a flood study would be provided in support of the development application for subdivision of the site.

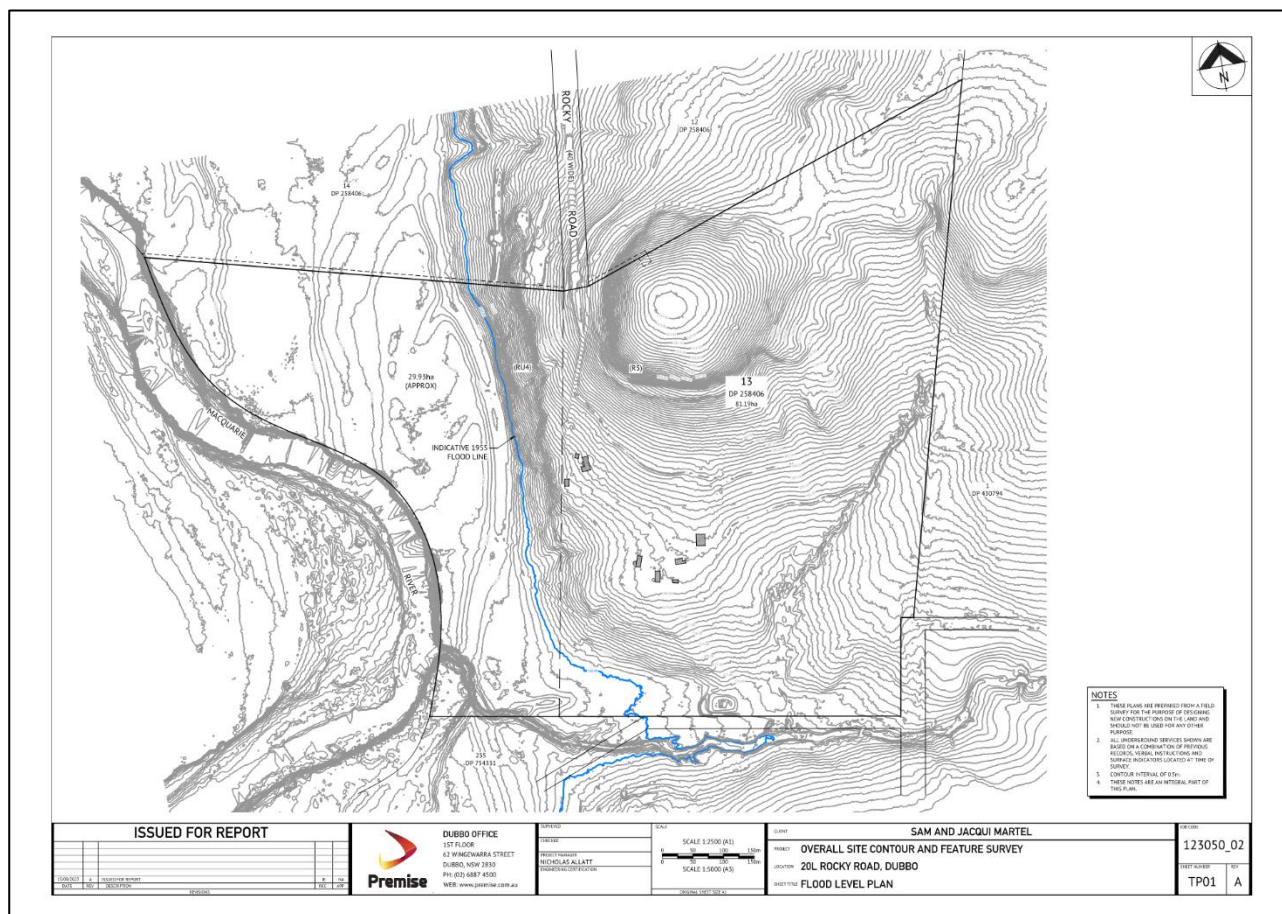


Figure 6. Indicative 1955 Flood Line

#### 4.4.7 BUSHFIRE IMPACTS

The subject site is not mapped as bushfire prone land and referral to NSW Rural Fire Service is not anticipated as part of the planning proposal process. With this considered, further assessment of native vegetation on the site would identify the extent of protected grasslands and the implications this may have for the establishment of adequate asset protection zones around each dwelling.

The location of existing native vegetation would influence the location of future building envelopes and would be further supported by bushfire assessment report prior to subdivision of the site.

In addition, opportunity for two separate vehicle accessways would be provided from the north (Rocky Road) and east (Lambar Road). A right of way easement would be created through a future Lot for the purposes of emergency access through to Lambar Road.

With this considered, it is anticipated that future development on the site could achieve the requirements set out in the NSW Rural Fire Service (RFS) document, *Planning for Bushfire Protection 2019*.

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

#### 4.4.8 SURROUNDING LAND USE COMPOSITION

The subject site comprises of primarily cropping with some grazing of native pastures. Land to the north of the site is residential with the land to the south and west comprising of modified grazing land. Land to the east is consistent with the land use composition of the subject site with cropped and grazing of native pastures. It is



noted that the required setback distances for future dwellings would be 150 m to RU1 Primary Production zoned land (to the east and south) and 150 m RU4 Small Lot Primary Production (to the west and south) and 35 m to R5 land (to the north). Future development would achieve the required DCP set back distances. In addition, should a buffer distance be required to existing cultivated cropping in the RU4 zone, the required 200 m distance could be achieved. It is understood that there are no rural industry, intensive livestock agriculture, abattoir, hazardous or offensive industry or mining operations in the immediate vicinity of the subject site.

The surrounding land use composition is mapped in **Figure 7**.

Future development of the subject site for large lot residential is considered to be consistent with the surrounding land uses and is not anticipated to result in significant land use conflict.



**Figure 7. Surrounding Land Use Composition**

#### 4.4.9 INFRASTRUCTURE SERVICING

The subject site is currently provided with vehicle access from the north via a sealed bitumen road known as Rocky Road. Secondary vehicle access is also available via Lambar Road to the south east should it be required for future development.

Existing electrical and telecommunications infrastructure traverses the site and connects with the existing dwelling house. It is proposed that future development would be provided water via onsite rainwater tanks noting the requirement for a minimum 45,000 litre potable water storage pursuant to the DCP. Onsite septic sewerage systems would service future dwellings.

Existing infrastructure services are depicted in **Figure 8**.



**Figure 8 Existing Services**

#### **4.4.10 ECONOMIC BENEFITS**

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

The Planning Proposal is not anticipated to result in any detrimental social impacts to the surrounding areas and would facilitate quality residential development consistent with the adjoining land to the north of the subject site.

## 4.5 State and commonwealth interests

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

## 5. MAPPING

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

- Lot Size Map – Sheet LSZ\_002

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

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

## 6. COMMUNITY CONSULTATION

### 6.1 Type of community consultation required

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

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

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

## 7. PROJECT TIMELINE

The Planning Proposal is considered to be classified as 'Basic' under the Department of Planning's Guidelines. The benchmark timeframes for a Basic Proposal from the date of lodgement are as follows:

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

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

Figure 9. Benchmark Processing Timeframes (Source – NSW Department of Planning, Industry and Environment)



# **APPENDIX A**

## **PROPOSED LOT SIZE MAP**



# **APPENDIX B**

## **PRELIMINARY CONTAMINATION INVESTIGATION**



# **APPENDIX C**

## **AHIMS SEARCH (BASIC)**





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