



# AGENDA

## INFRASTRUCTURE, PLANNING AND ENVIRONMENT COMMITTEE

### 13 JUNE 2024

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

The meeting is scheduled to commence at 5.30 pm.

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	Page
<b>IPEC24/33    ACKNOWLEDGEMENT OF COUNTRY (ID24/1141)</b>	
<b>IPEC24/34    LEAVE OF ABSENCE (ID24/1198)</b>	
<b>IPEC24/35    CONFLICTS OF INTEREST (ID24/1143)</b> In accordance with their Oath/Affirmation under the Act, and Council's Code of Conduct, Councillors must disclose the nature of any pecuniary or non-pecuniary interest which may arise during the meeting, and manage such interests accordingly.	
<b>IPEC24/36    REPORT OF THE CLIMATE CHANGE AND RESILIENCE COMMITTEE - MEETING 28 MAY 2024 (ID24/1169)</b> The Committee had before it the report of the Climate Change and Resilience Committee meeting held 28 May 2024.	3
<b>IPEC24/37    BUILDING SUMMARY - MAY 2024 (ID24/1077)</b> The Committee had before it the report dated 30 May 2024 from the Director Development and Environment regarding Building Summary - May 2024.	6

- IPEC24/38**      **MODIFIED DEVELOPMENT APPLICATION D22-122 PART 3 - 33 LOT SUBDIVISION (TORRENS TITLE) - LOT 8 DP 1063425, 4L CAMP ROAD DUBBO**  
**APPLICANT: SLR CONSULTING AUSTRALIA PTY LTD**  
**OWNER: MRS L BENDER (ID24/1087)**      19
- The Committee had before it the report dated 27 May 2024 from the Senior Planner regarding Modified Development Application D22-122 Part 3 - 33 Lot Subdivision (Torrens Title) - Lot 8 DP 1063425, 4L Camp Road Dubbo  
Applicant: SLR Consulting Australia Pty Ltd  
Owner: Mrs L Bender.
- IPEC24/39**      **DEVELOPMENT APPLICATION D24-150 - ROAD CLOSURE CAMPANIA ROAD ADJACENT TO LOT 1 DP 943178, TERRAMUNGAMINE**  
**APPLICANT: MR T. J. HARVEY**  
**OWNER: DUBBO REGIONAL COUNCIL/MR T. J AND MRS C. M HARVEY (ID24/1121)**      73
- The Committee had before it the report dated 29 May 2024 from the Statutory Planning Services Team Leader regarding Development Application D24-150 - Road Closure Campania Road adjacent to Lot 1 DP 943178, Terramungamine  
Applicant: Mr T. J. Harvey  
Owner: Dubbo Regional Council/Mr T. J and Mrs C. M Harvey.
- IPEC24/40**      **PLANNING PROPOSAL R24-003 - COUNCIL-OWNED ROAD CLOSURE AS EXEMPT DEVELOPMENT (ID24/1004)**      92
- The Committee had before it the report dated 17 May 2024 from the Manager Growth Planning regarding Planning Proposal R24-003 - Council-Owned Road Closure as Exempt Development.
- IPEC24/41**      **DRAFT PLANNING AGREEMENT - BURRENDONG WIND FARM (ID24/1055)**
- The Committee had before it the report dated 20 May 2024 from the Manager Growth Planning regarding Draft Planning Agreement - Burrendong Wind Farm.
- In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the Chief Executive Officer is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: information that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).*



**DUBBO REGIONAL  
COUNCIL**

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## **Report of the Climate Change and Resilience Committee - meeting 28 May 2024**

**AUTHOR: Governance Officer**  
**REPORT DATE: 31 May 2024**

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The Committee had before it the report of the Climate Change and Resilience Committee meeting held 28 May 2024.

### **RECOMMENDATION**

**That the report of the Climate Change and Resilience Committee meeting held on 28 May 2024, be noted.**



**REPORT  
CLIMATE CHANGE AND RESILIENCE  
COMMITTEE  
28 MAY 2024**

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**PRESENT:** Councillors M Dickerson, R Ivey, the Director Development and Environment, the Manager Resource Recovery and Efficiency, P Duggan (Community Representative), S Ellis (Community Representative), M McDonald (Community Representative) and J Parker (Community Representative).

**ALSO IN ATTENDANCE:**

The Organisational Sustainability Coordinator, the Resource Recovery Education Officer, the Manager Recreation and Open Space, the Manager Growth Planning, Associate Professor L Din (Faculty of Build Environment UNSW), Dr W Craft (UNSW Team), P Runcie (Project Manager – Smart Cool Place) and the Development and Environment Executive Officer.

Councillor M Dickerson assumed the Chair of the meeting.

The proceedings of the meeting commenced at 4:00 pm.

**CCAR24/6 ACKNOWLEDGMENT OF COUNTRY (ID24/824)**

Councillor M Dickerson delivered an Acknowledgement of Country.

**CCAR24/7 LEAVE OF ABSENCE (ID24/823)**

There were requests for leave of absence received from Councillor M Wright, Chief Executive Officer, J Rice-Ward (Community Representative) and G Avery (Community Representative).

Councillor R Ivey and S Ellis (Community Representative) joined the meeting via Audio-Visual Link.

**CCAR24/8 CONFLICTS OF INTEREST (ID24/825)**

There were no Conflicts of Interest received.

**CCAR24/9 REPORT OF THE CLIMATE CHANGE AND RESILIENCE COMMITTEE - MEETING  
27 FEBRUARY 2024 (ID24/826)**

The Committee had before it the report of the Climate Change and Resilience Committee meeting held 27 February 2024.

**RECOMMENDATION**

**That the report of the Climate Change and Resilience Committee meeting held on 27 February 2024, be noted.**

**CCAR24/10 UNIVERSITY OF NEW SOUTH WALES (UNSW) HEAT OBSERVATORY PROJECT  
BASED IN DUBBO - PRESENTATION (ID24/1063)**

The Committee received a presentation from Associate Professor L Din (Faculty of Build Environment UNSW), Dr W Craft (UNSW Team), P Runcie (Project Manager – Smart Cool Place) entered via Audio-Visual Link.

**OUTCOME**

**That the presentation provided by University of New South Wales be noted.**

At this juncture S Ellis (Community Representative) left the meeting at 4:48 pm.

**CCAR24/11 URBAN HEAT MAP FINDINGS - PRESENTATION (ID24/1064)**

The Committee received a presentation from the Manager Recreation and Open Spaces.

**OUTCOME**

**That the presentation provided by the Manager Recreation and Open Spaces be noted.**

At this juncture, the Manager Resource Recovery and Efficiency and the Manager Growth Planning left the meeting at 5:02 pm.

**CCAR24/12 DOMESTIC KERBSIDE BIN AUDIT FINDINGS - PRESENTATION (ID24/1065)**

This item was deferred until the next meeting of the Climate Change and Resilience Committee.

The meeting closed at 5:20 pm.

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CHAIRPERSON



## REPORT: Building Summary - May 2024

**DIVISION:** Development and Environment  
**REPORT DATE:** 30 May 2024  
**TRIM REFERENCE:** ID24/1077

### EXECUTIVE SUMMARY

<b>Purpose</b>	<ul style="list-style-type: none"> <li>Provide review and update</li> </ul>	
<b>Issue</b>	<ul style="list-style-type: none"> <li>Statistical overview of the number and type of development approvals for the Dubbo Regional Local Government Area (LGA) for the Financial Year 2023/2024.</li> <li>The 'total number of dwellings' approved in May was 12, including 10 single dwellings and 2 'other' dwellings.</li> <li>The projected number of residential approvals for the full Financial Year is 378 dwellings.</li> <li>The value of development applications approved for the financial year to date is over \$278M.</li> </ul>	
<b>Reasoning</b>	<ul style="list-style-type: none"> <li>Provide data relating to approved Development Applications.</li> <li>Provide specific statistics of the number of dwellings and other residential development approved.</li> <li>Provide comparative data for corresponding period.</li> </ul>	
<b>Financial Implications</b>	Budget Area	There are no financial implications arising from this report.
<b>Policy Implications</b>	Policy Title	There are no policy implications arising from this report.

### STRATEGIC DIRECTION

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

- Theme: 1 Housing
- CSP Objective: 1.1 Housing meets the current and future needs of our community
- Delivery Program Strategy: 1.1.1 A variety of housing types and densities are located close to appropriate services and facilities
- Theme: 3 Economy
- CSP Objective: 3.3 A strategic framework is in place to maximise the realisation of economic development opportunities for the region

Delivery Program Strategy: 3.3.1 Land is suitably zoned, sized and located to facilitate a variety of development and employment generating activities

**RECOMMENDATION**

**That the report of the Director Development and Environment dated 30 May 2024, be noted.**

*Stephen Wallace*  
Director Development and Environment

SW  
Director Development and Environment

**REPORT**

**Consultation**

Council’s Statutory Planning and Building and Development Certification staff assess Development Applications in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* and consult in accordance with Council’s adopted Community Participation Plan.

**Resourcing Implications**

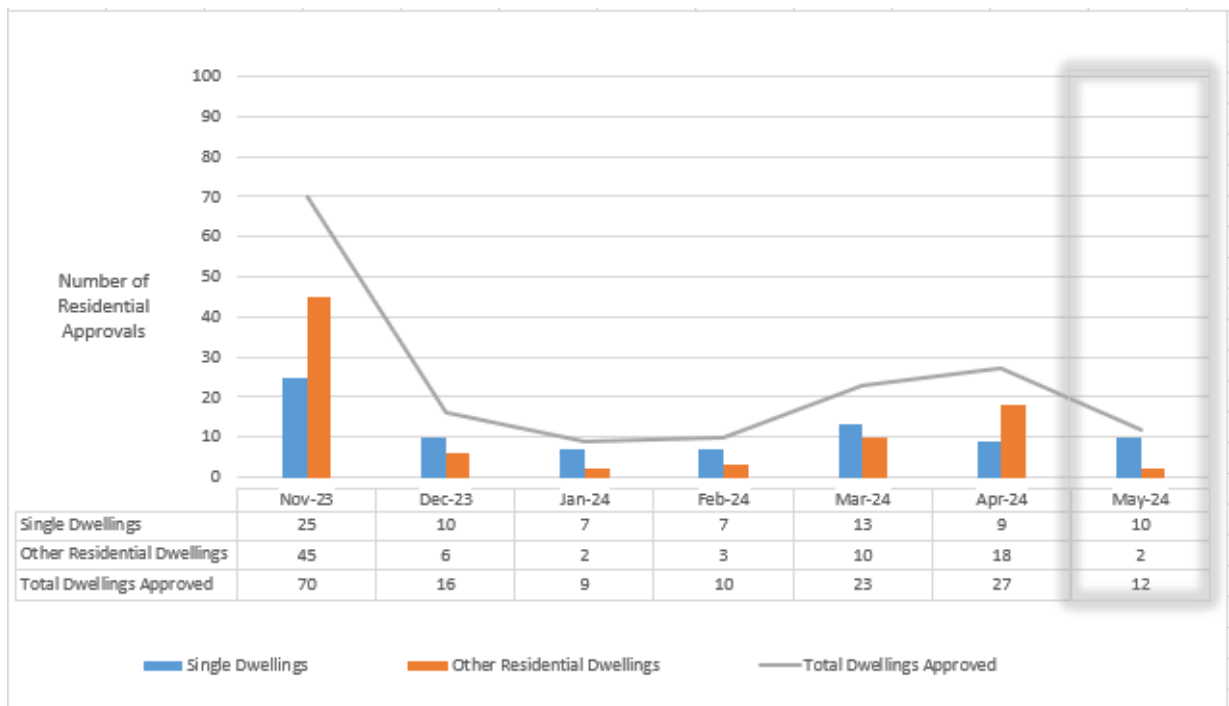
Council employ staff to receipt, lodge, assess, determine and monitor compliance of the determinations referred to in this report.

**Building Summary**

Provided, for information, are the latest statistics (as at the time of production of this report) for development and complying development approvals for Dubbo Regional Council.

**Residential Building Summary**

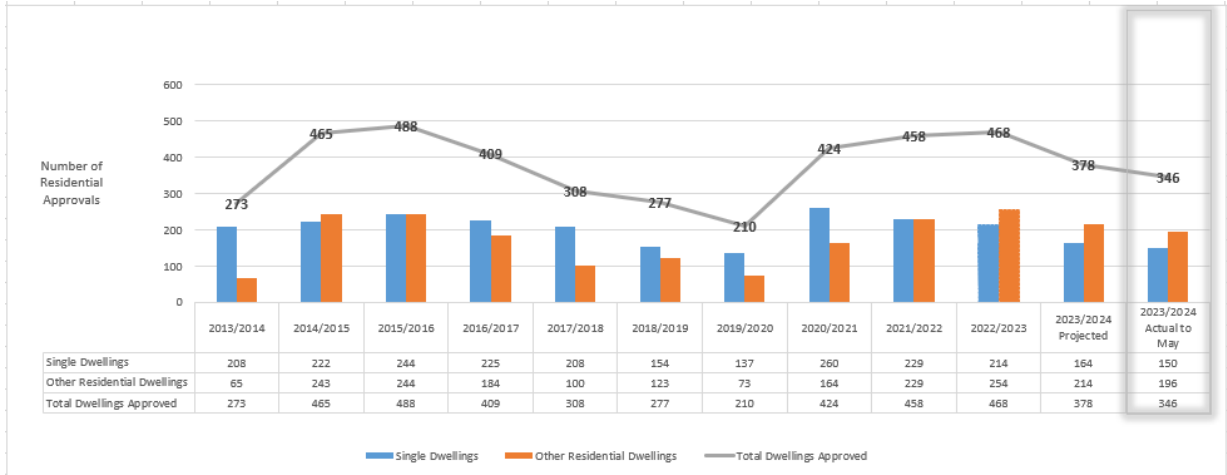
Dwellings and other residential developments approved during May 2024, and for comparison purposes, the six month prior are shown in graph 1.



**Graph 1:** Residential Approvals Summary – November 2023 to May 2024

A summary of residential approvals for financial years from 2013-2014 are shown in graph 2. The graph also includes both an actual and a projected figure for the financial year to date.





**Graph 2:** Residential Approvals Summary – Comparative Financial Years

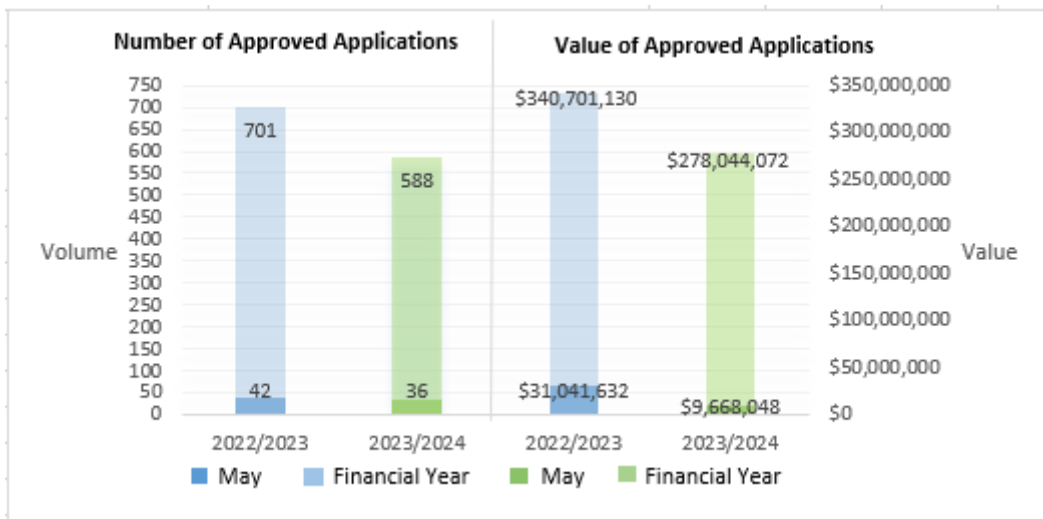
For consistency with land use definitions included in the Local Environmental Plan (LEP), residential development has been separated into ‘Single Dwellings’ (defined in the LEP as ‘dwelling house’) and ‘Other residential development’ (comprising ‘dual occupancies’, ‘secondary dwellings’, ‘multi dwelling housing’, ‘seniors housing’, ‘shop top housing’ and ‘residential flat buildings’).

These figures include development applications approved by private certifying authorities (in the form of Complying Development Certificates).

A numerical summary of residential approvals for the former Dubbo City Council area since 2013/2014 is included in **Appendix 1**. However, it should be noted that the figures from July 2017 onwards include the approvals within the former Wellington Local Government Area as a consequence of the commencement of the merged application system.

**Approved Development Applications**

The total number of approved Development Applications (including Complying Development Certificates) for May 2024, a comparison with figures 12 months prior, together with the total for the respective financial years to date, are as follows:



A summary breakdown of the figures is included in **Appendices 2-5**.

### **Online Application Tracking**

All development applications, construction certificates and complying development certificates are tracked online and can be accessed at any time. A link is available on Councillor iPads for assistance (<https://planning.dubbo.nsw.gov.au/Home/Disclaimer>).

What information is available:

- All development applications, construction certificates and complying development certificates submitted from 1 November 2015 will provide access to submitted plans and supporting documents as well as tracking details of the progress of the application.
- More limited information is provided for applications submitted from 1 January 2001 to 31 October 2015.
- Occupation certificates (where issued) are provided from 2010.

What information is not available:

- Application forms.
- Documentation associated with privately certified applications.
- Internal assessment reports.

The information included in this report is provided for notation.

### **APPENDICES:**

- [1](#) Building Summary - May 2024
- [2](#) Approved Applications - 1 May 2024 to 31 May 2024
- [3](#) Approved Applications - 1 May 2023 to 31 May 2023
- [4](#) Approved Applications - 1 July 2023 to 31 May 2024
- [5](#) Approved Applications - 1 July 2022 to 31 May 2023

## STATISTICAL INFORMATION ON SINGLE DWELLINGS AND OTHER RESIDENTIAL DEVELOPMENTS

	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
<b>2013/2014</b>													
Single Dwellings	23	17	25	20	14	15	19	10	18	14	19	14	<b>208</b>
Other Residential Developments	0	1	1	0	0	1	4	2	1	2	0	3	<b>15</b>
(No of units)	0	2	2	0	0	2	46	1	2	4	0	6	<b>65</b>
<b>2014/2015</b>													
Single Dwellings	19	34	19	21	13	16	14	12	20	19	15	20	<b>222</b>
Other Residential Developments	3	1	6	5	6	12	0	4	2	1	9	5	<b>54</b>
(No of units)	6	2	31	50	6	21	0	87	4	1	25	10	<b>243</b>
<b>2015/2016</b>													
Single Dwellings	27	20	26	19	21	26	19	14	16	17	17	22	<b>244</b>
Other Residential Developments	6	8	8	4	1	3	3	3	3	5	3	8	<b>55</b>
(No of units)	50	98	12	7	2	5	18	4	5	14	6	23	<b>244</b>
<b>2016/2017</b>													
Single Dwellings	24	13	17	18	12	21	16	18	18	14	18	36	<b>225</b>
Other Residential Developments	8	5	7	4	6	5	3	2	1	5	4	7	<b>57</b>
(No of units)	10	10	13	7	10	16	6	75	2	8	13	14	<b>184</b>
<b>2017/2018</b>													
Single Dwellings	26	21	13	12	16	19	4	22	16	21	22	16	<b>208</b>
Other Residential Developments	6	9	2	1	9	1	5	5	11	1	3	5	<b>58</b>
(No of units)	11	16	3	2	16	2	8	5	23	2	3	9	<b>100</b>
<b>2018/2019</b>													
Single Dwellings	15	26	13	7	17	8	19	5	8	11	19	6	<b>154</b>
Other Residential Developments	3	4	3	0	6	2	2	1	5	7	9	5	<b>47</b>
(No of units)	4	7	5	0	11	29	4	1	12	25	15	10	<b>123</b>
<b>2019/2020</b>													
Single Dwellings	16	11	8	18	27	14	4	5	10	8	8	8	<b>137</b>
Other Residential Developments	4	4	3	4	11	6	1	4	2	1	1	1	<b>42</b>
(No of units)	8	7	6	7	19	10	2	7	2	2	2	1	<b>73</b>

	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
<b>2020/2021</b>													
Single Dwellings	7	17	21	12	20	46	18	25	30	27	17	20	<b>260</b>
Other Residential Developments	5	2	5	6	3	15	2	6	5	5	7	9	<b>70</b>
(No of units)	7	4	11	10	4	35	5	10	8	9	47	14	<b>164</b>
<b>2021/2022</b>													
Single Dwellings	31	17	17	13	16	40	9	17	23	14	19	13	<b>229</b>
Other Residential Developments	9	7	3	4	5	8	9	9	7		3	4	<b>68</b>
(No of units)	84	63	5	6	13	12	12	16	9		4	5	<b>229</b>
<b>2022/2023</b>													
Single Dwellings	15	32	46	8	28	13	19	15	15	11	6	6	<b>214</b>
Other Residential Developments	4	3	3	4	9	4	7	13	2	6	5	4	<b>64</b>
(No of units)	7	3	5	6	84	8	14	19	3	8	62	35	<b>254</b>
<b>2023/2024</b>													
Single Dwellings	17	25	12	15	25	10	7	7	13	9	10		<b>150</b>
Other Residential Developments	5	7	5	5	19	4	2	2	5	3	1		<b>58</b>
(No of units)	45	12	9	44	45	6	2	3	10	18	2		<b>196</b>

Note 1. Single Dwellings = Single 'Dwelling House'

Note 2. Other Residential Developments = Dual occupancies, secondary dwellings, multi dwelling housing, seniors housing, shop top housing and residential flat buildings



Approved Development and Complying Development Applications by Dubbo Regional Council and Private Certifiers - Period 1/5/2024 - 31/5/2024

Development Type	Number Of Applications	Estimate \$	Developments	Estimate \$	New Dwellings
Ancillary Structures	1	45,000	1	45,000	0
Balconies, decks patios terraces or verandah	1	9,000	1	9,000	0
Demolition	1	0	1	0	0
Dual Occupancy	1	600,000	1	600,000	2
Dwelling House	14	7,803,207	14	7,803,207	10
Educational establishment	1	20,000	1	20,000	0
Health services facilities	1	132,000	1	132,000	0
Pools / decks / fencing	5	261,507	5	261,507	0
Retail Premises	1	20,205	1	20,205	0
Shed	11	527,129	11	527,129	0
Telecommunications and communication facility	1	250,000	1	250,000	0
<b>Total Value</b>		<b>9,668,048</b>			

Total Number of Applications for this period: 36



Approved Development and Complying Development Applications by Dubbo Regional Council and Private Certifiers - Period 1/5/2023 - 31/5/2023

Development Type	Number Of Applications	Estimate \$	Developments	Estimate \$	New Dwellings
Alterations and additions to commercial	2	980,125	0	0	0
Balconies, decks patios terraces or verandah	1	47,929	1	47,929	0
Boarding house	2	134,000	2	134,000	13
Change of Use	2	10,000	2	10,000	0
Dwelling House	9	3,673,407	6	3,310,010	6
Educational establishment	1	4,922,489	1	4,922,489	0
Farm buildings	1	7,700,000	1	7,700,000	0
Garages carports and car parking spaces	3	172,285	3	172,285	0
Industrial Development	1	270,000	1	270,000	0
Multi-dwelling housing	1	11,044,166	1	11,044,166	47
Pools / decks / fencing	9	457,367	9	457,367	0
Secondary Dwelling	2	19,500	2	19,500	2
Shed	7	228,364	7	228,364	0
Signage	3	60,000	3	60,000	0
Subdivision - Torrens	1	0	1	0	0
Subdivision of land	2	1,209,000	2	1,209,000	0
Take-away food and drink premises	1	113,000	1	113,000	0
<b>Total Value</b>		<b>31,041,632</b>			

Total Number of Applications for this period: 42



Approved Development and Complying Development Applications by Dubbo Regional Council and Private Certifiers - Period 1/7/2023 - 31/5/2024

Development Type	Number Of Applications	Estimate \$	Developments	Estimate \$	New Dwellings
Agriculture	1	176,100	1	176,100	0
Alterations and additions to commercial	7	5,817,878	0	0	0
Alterations and additions to industrial	1	145,000	0	0	0
Ancillary Structures	9	768,087	9	768,087	0
Balconies, decks patios terraces or verandah	38	1,109,700	38	1,109,700	0
Business Premises	5	1,825,694	5	1,825,694	0
Car park	1	0	1	0	0
Centre based childcare	1	3,175,000	1	3,175,000	0
Change of Use	5	52,000	5	52,000	0
Civic Infrastructure	1	35,200	1	35,200	0
Commerical Facility	1	170,000	1	170,000	0
Demolition	10	53,000	10	53,000	0
Dual Occupancy	27	17,050,556	27	17,050,556	52
Dwelling House	185	90,435,938	170	88,511,209	146
Earthworks / change in levels	1	440,000	1	440,000	0
Educational establishment	5	10,931,272	5	10,931,272	0
Emergency services facility and bush fir	2	524,159	2	524,159	0
Food and drink premises	3	4,417,928	3	4,417,928	0
Garages carports and car parking spaces	19	401,586	19	401,586	0
Group homes	1	1,760,000	1	1,760,000	3
Health services facilities	6	2,865,000	6	2,865,000	0
Industrial Development	17	17,262,384	17	17,262,384	0
Mixed use development	2	73,665,000	2	73,665,000	41
Multi-dwelling housing	5	13,808,126	5	13,808,126	71
Office Premises	5	3,376,801	5	3,376,801	0
Other	3	1,685,000	3	1,685,000	0
Place of public worship	1	45,000	1	45,000	0
Pools / decks / fencing	96	4,741,662	96	4,741,662	0
Recreational uses	1	20,000	1	20,000	0
Restaurant or cafe	3	460,000	3	460,000	0
Retail Premises	13	3,006,186	13	3,006,186	0
Retaining walls, protection of trees	1	0	1	0	0
Secondary Dwelling	23	4,123,173	23	4,123,173	23
Seniors housing	1	1,584,066	1	1,584,066	6
Shed	109	3,322,433	109	3,322,433	0

**APPENDIX NO: 4 - APPROVED APPLICATIONS - 1 JULY 2023 TO 31 MAY 2024****ITEM NO: IPEC24/37**

Signage	9	678,857	9	678,857	0
Stratum / community title subdivision	3	1,355,463	3	1,355,463	0
Subdivision - Strata	3	5,000	3	5,000	0
Subdivision - Torrens	19	190,000	19	190,000	0
Subdivision of land	27	5,107,824	27	5,107,824	1
Take-away food and drink premises	1	9,999	1	9,999	0
Telecommunications and communication facility	6	1,443,000	6	1,443,000	0
<b>Total Value</b>		<b>278,044,072</b>			

Total Number of Applications for this period: 588





Approved Development and Complying Development Applications by Dubbo Regional Council and Private Certifiers - Period 1/7/2022 - 31/5/2023

Development Type	Number Of Applications	Estimate \$	Developments	Estimate \$	New Dwellings
Alterations and additions to commercial	21	21,052,353	0	0	0
Alterations and additions to industrial	3	908,000	0	0	0
Balconies, decks patios terraces or verandah	35	871,225	35	871,225	0
Boarding house	2	134,000	2	134,000	13
Business Premises	2	650,000	2	650,000	0
Centre based childcare	3	6,727,991	3	6,727,991	0
Change of Use	6	16,001	6	16,001	0
Demolition	11	1,073,702	11	1,073,702	0
Dual Occupancy	27	14,093,148	27	14,093,148	50
Dwelling House	262	106,300,031	209	96,417,708	210
Earthworks / change in levels	8	274,560	8	274,560	0
Educational establishment	8	15,772,392	8	15,772,392	0
Emergency services facility and bush fir	1	165,000	1	165,000	0
Farm buildings	3	7,916,500	3	7,916,500	0
Food and drink premises	2	40,500	2	40,500	0
Garages carports and car parking spaces	29	821,038	29	821,038	0
Group homes	1	868,500	1	868,500	2
Health services facilities	3	855,461	3	855,461	0
Industrial Development	12	11,175,050	12	11,175,050	0
Mixed use development	2	991,440	2	991,440	0
Multi-dwelling housing	4	31,671,166	4	31,671,166	127
Office Premises	2	42,937,134	2	42,937,134	0
Other	6	11,279,024	6	11,279,024	0
Pools / decks / fencing	105	4,836,134	105	4,836,134	0
Pub	1	60,000	1	60,000	0
Recreational uses	3	27,882,657	3	27,882,657	0
Retail Premises	7	2,608,311	7	2,608,311	0
Retaining walls, protection of trees	3	12,320	3	12,320	0
Secondary Dwelling	23	4,832,643	23	4,832,643	23
Shed	103	4,175,448	103	4,175,448	0
Shop top housing	3	2,590,400	3	2,590,400	4
Signage	13	819,802	13	819,802	0
Stratum / community title subdivision	4	5,000	4	5,000	0
Subdivision - Torrens	1	0	1	0	0
Subdivision Of Land	53	9,364,000	53	9,364,000	0

**APPENDIX NO: 5 - APPROVED APPLICATIONS - 1 JULY 2022 TO 31 MAY 2023****ITEM NO: IPEC24/37**

Take-away food and drink premises	6	3,896,645	6	3,896,645	0
Telecommunications and communication facility	3	3,023,554	3	3,023,554	0
<b>Total Value</b>		<b>340,701,130</b>			

Total Number of Applications for this period: 701



**REPORT: Modified Development  
Application D22-122 Part 3 - 33 Lot  
Subdivision (Torrens Title) - Lot 8 DP  
1063425, 4L Camp Road Dubbo  
Applicant: SLR Consulting Australia Pty  
Ltd  
Owner: Mrs L Bender**

**DIVISION:** Development and Environment  
**REPORT DATE:** 27 May 2024  
**TRIM REFERENCE:** ID24/1087

**EXECUTIVE SUMMARY**

<b>Purpose</b>	<ul style="list-style-type: none"> <li>Determine Modified Development Application</li> </ul>
<b>Issue</b>	<ul style="list-style-type: none"> <li>A Biodiversity Development Assessment Report (BDAR) undertaken by Flora Search, dated March 2022 was submitted with D22-122 Part 1. The BDAR confirmed the sighting of the Squirrel Glider.</li> <li>The BDAR was written in compliance with the prescriptions defined in the Biodiversity Assessment Method (BAM) which flows directly from the Biodiversity Conservation Act 2016.</li> <li>In accordance with the BDAR, Condition 5 requiring species credits to be retired prior to the issue of a Subdivision Works Certificate (SWC) was imposed on the D22-122 Part 1 consent accordingly.</li> <li>The subject Modified Development Application seeks to delete Condition 5 for species credits relating to Squirrel Glider.</li> <li>The applicant has submitted a 'Revision of Ecological Assessment, dated February 2024' document to justify the deletion of Condition 5. This document is provided in <b>Appendix 1</b>.</li> <li>The information submitted does not justify the removal of Condition 5.</li> </ul>
<b>Reasoning</b>	<ul style="list-style-type: none"> <li>Section 1.7 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&amp;A Act).</li> <li>Section 7.13 (2) &amp; (4) of the <i>Biodiversity Conservation Act 2016</i> (BC Act).</li> <li>The 2022 BDAR confirmed the Squirrel Glider was sighted (not assumed) within the proposed development area (the now Approved Development Area).</li> </ul>

	<ul style="list-style-type: none"> <li>The Department of Climate Change, Energy, the Environment and Water (DCCEEW) has provided advice to Council (which has been provided to the ecological consultant as part of this application process), that if there are existing records of the species on the subject land, and the current surveys have not detected the species, evidence should be provided in the BDAR (or alternative biodiversity report) to explain this change.</li> <li>The advice provides details of circumstances where it would be suitable to accept the development would no longer be required to retire species credits (and Condition 5 could be deleted).</li> <li>The submitted documentation as part of the Modified Development Application did not adequately satisfy the above requirements and as such, in correspondence dated 10 May 2024, Council requested the applicant provide further information or withdraw the application.</li> <li>The applicant provided a response dated 20 May 2024 however, the response did not provide any additional information of material importance (map transects only), nor did it address the comments provided by DCCEEW.</li> <li>The applicant’s business consultant has confirmed that the application will not be withdrawn. The correspondence goes on to read that should the application be refused, an appeal will be lodged to the NSW Land and Environment Court. An excerpt of this correspondence is provided in <b>Appendix 2</b>.</li> </ul>	
<b>Financial Implications</b>	Budget Area	There are no financial implications arising from this report. However, should the matter proceed to the NSW Land and Environment Court expenses are likely to arise.
	Funding Source	Building and Development Services budget
	Proposed Cost	\$40,000 (estimate only)
<b>Policy Implications</b>	Policy Title	There are no policy implications arising from this report.

**STRATEGIC DIRECTION**

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

- Theme: 6 Environmental Sustainability
- CSP Objective: 6.3 Land use management sustains and improves the built and natural environment
- Delivery Program Strategy: 6.3.3 Endangered ecological communities, threatened species, habitats and environmental assets are protected

**RECOMMENDATION**

- 1. That Development Application D2022-122 Part 3 – 33 Lot Subdivision (Torrens Title), Lot 8 DP 1063425 4L Camp Road Dubbo be refused.**
- 2. That Council grant delegation to the Chief Executive Officer to sign the determination (refusal).**

*Stephen Wallace*  
Director Development and Environment

*TS*  
Senior Planner

1. BACKGROUND

Development consent for a 32 lot Torrens Title subdivision on the subject land was granted on the 14 July 2023, the approved plan is shown below in **Figure 1**.

The Part 1 application granted consent for 32 allotments ranging in size from 2ha to 6.81ha, and associated infrastructure such as roads, reticulated water and sewer services, and stormwater systems. The southeastern portion of the subject land features biodiversity value and a number of the approved allotments are located within this area. A condition of consent requires ecosystem and species credits to be retired prior to the issue of a Subdivision Works Certificate (SWC) as per the Biodiversity Conservation (BC) Act.

A modified application (D22 -122 Part 2) was granted consent on the 18 January 2024 with the following amendments to the Part 1 conditions:

- Condition 1 - Amend approved plan to include one additional allotment (Lot 17 being split into two lots,) including an additional driveway and building envelope to service the new lot, the amended approved plan is shown in **Figure 2**.
- Condition 1 - Stage the subdivision works (Stage 1 – 14 lots; Stage 2 – 9 lots; Stage 3 – 10 lots),
- Condition 4 - Amend Table 1 (ecosystem credit obligation – reduction in clearing)
- Condition 5 - Amend Table 2 (species credit obligation – Pine Donkey Orchid (*Diuris tricolour*)). Details of the approval process in relation to the Pine Donkey Orchid is provided in Section 7 (*Biodiversity Conservation Act 2016*) of this report.

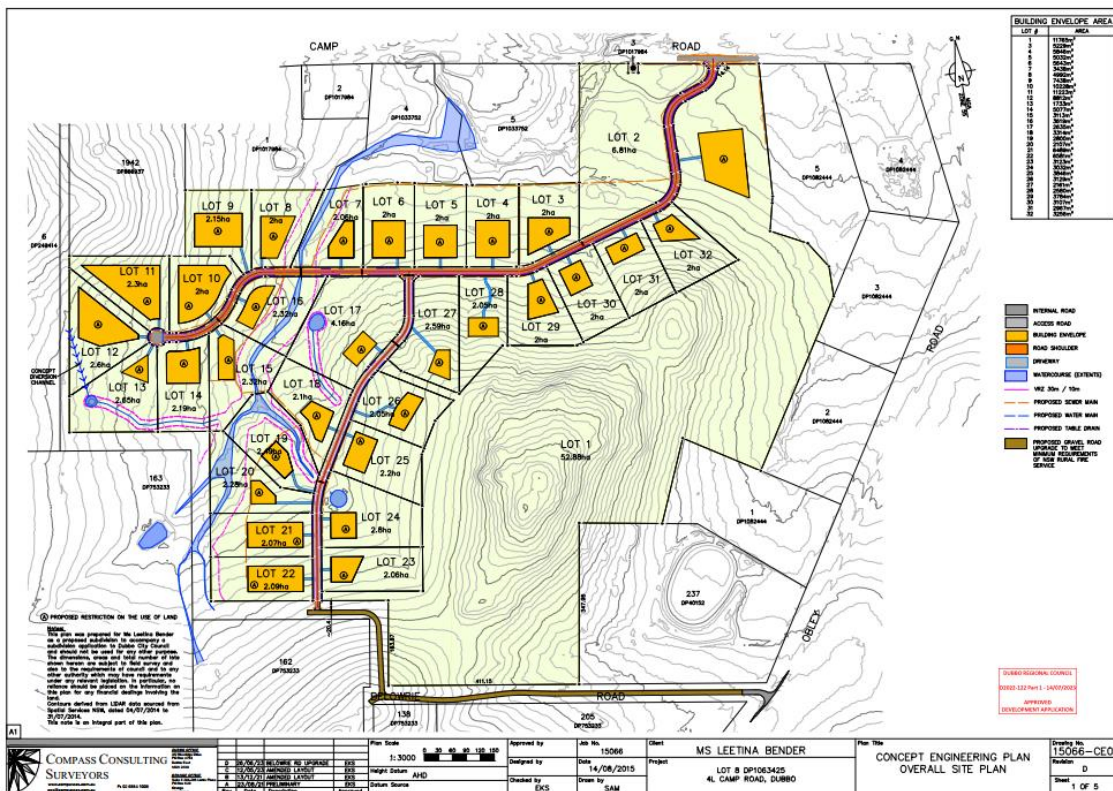


Figure 1: Approved subdivision plan under Part 1

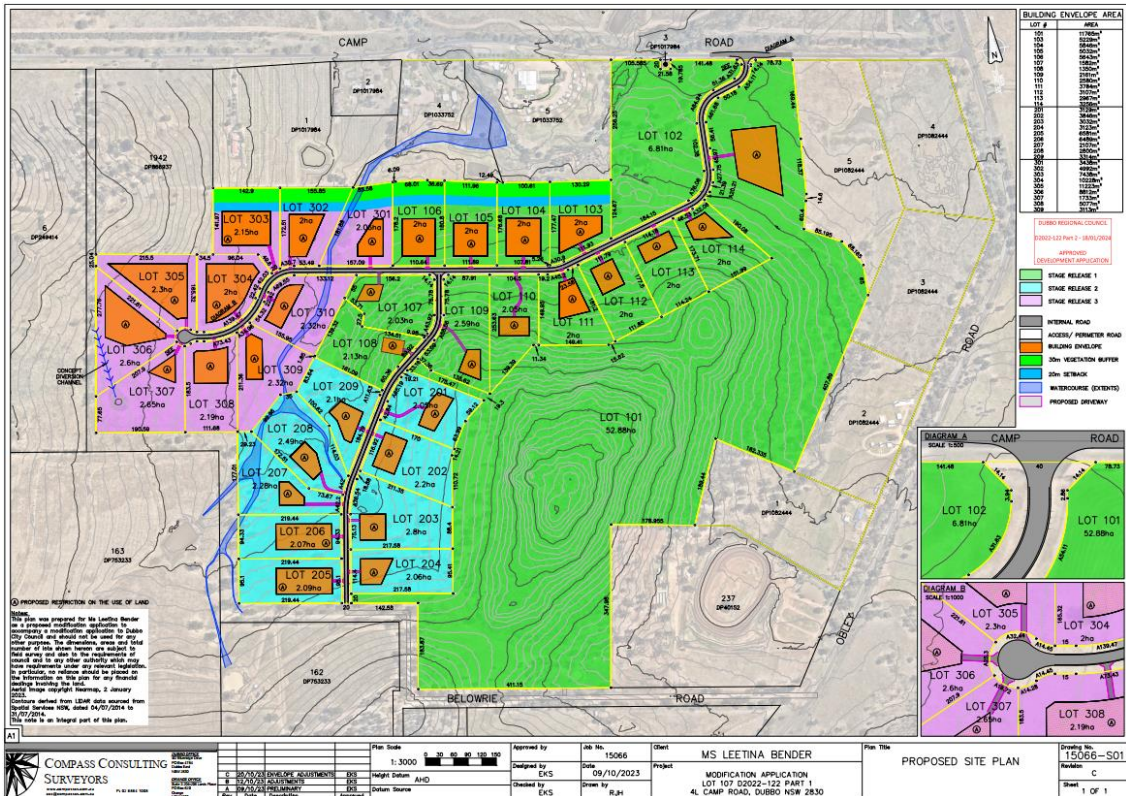


Figure 2: Amended subdivision/staged plan under Part 2

2. REPORT

Consultation

- Consultation with applicant/landowner/representative

- 20 March 2024

Prelodgement meeting held at Council between the landowners, their business consultant, and Council staff. The matter of the Squirrel Glider was raised and discussed. The landowners and business consultant raised concerns with the accuracy of the sighting within the 2022 BDAR. The landowners/business consultant was informed that as the BDAR (which confirmed the sighting of the species) has been accepted and submitted with the Part 1 approval that it would be difficult to disprove its presence; absence of evidence is not evidence of absence. The landowners and consultant confirmed that a modified application would be lodged for the deletion of Condition 5 which requires credits for the Squirrel Glider to be retired regardless of Council advice.

- 2 May 2024

Prior to lodgement of the subject application, the applicant’s business consultant requested further clarification in relation to biodiversity clearing thresholds. This advice was confirmed via an email.

- 10 May 2024

During the assessment of the application, a 'request for further information' was uploaded to the NSW Planning Portal as required. Additionally, Council's Senior Planner contacted the landowner's business consultant to advise of such.

- External consultation
  - Department of Climate Change, Energy, the Environment and Water (DCCEEW)

Following Council's meeting with the landowners and their business consultant on the 20 March 2024, Council staff requested clarification from DCCEEW on the matter. On the 27 March 2024 Council received a response as follows:

*... If there are existing records of the species on the subject land, and the current surveys have not detected the species, evidence should be provided in the BDAR to explain this change. For example, the BDAR (or alternative biodiversity report - see further below) may include:*

- *Description of how the approved footprint is proposed to be modified to reduce/eliminate impacts on Squirrel Glider habitat. This may include comparing the proposed modified area of impact to the original species polygon on which the credit requirement was generated.*
- *Appropriate published or peer-reviewed references and/or data demonstrating significant changes in habitat suitability. It's important to consider whether the vegetation condition on the site has changed significantly since the previous survey in which the species was detected. If the vegetation remains in similar condition, it may be reasonable to assume that the site is still suitable for the Squirrel Glider. Temporary changes in condition, such as from the result of fire, should not alone justify exclusion of the species.*
- *The recent survey techniques and effort employed for the Squirrel Glider. This is to enable assessment of whether the survey was adequate to detect Squirrel Glider, if present. The report should describe whether the most appropriate survey techniques for Squirrel Glider were employed, given the difficulty in distinguishing the threatened Squirrel Glider from the more common Sugar Glider. The report should identify whether Sugar Glider was recorded on site and if so, how it was confidently identified as such over the Squirrel Glider.*
- *Discussion regarding whether the surveys aligned with the timing outlined in the Threatened Biodiversity Database Collection (TBDC) for Squirrel Glider - which identifies that sites with bipinnate acacia, autumn/winter flowering trees and shrubs such as Eucalyptus robusta and Banksia sp. (integrifolia etc) should be subject to a more retracted survey period of between March-August, rather than all year round. The report should identify whether the subject site supports such plant species to help determine whether survey timing was appropriate.*



This information was provided to the applicant's Ecologist on the 27 March 2024 to allow the matters raised above to be addressed in the modified application.

- Internal consultation
  - Environmental Systems Planner

The application was referred to Council's Environmental Systems Planner for review. Due to the nature of the application, no further internal referrals were required.

### Resourcing Implications

There are no financial implications arising from this report. However, should the matter proceed to the NSW Land and Environment Court expenses are likely to arise.

### 3. PROPOSED MODIFICATION

The subject modification application was submitted on the 24 April 2024. The modified application seeks to delete Condition 5 requiring the proponent to retire 85 species credits for the *Petaurus norfolcensis* (Squirrel Glider). The report entitled, 'Revision of Ecological Assessment, dated February 2024' was submitted in support of the application.

Please note, the most recent available information confirms the current value of a Squirrel Glider species credit is \$695 per credit or \$59,075.00 for 85 credits (as of 29 May 2024). It is worth noting that if the proponent had chosen to pay the credit obligation immediately or soon after the Part 1 consent was issued, the value would have equalled \$598/credit or \$50,830.00 for 85 credits (based on a sale of the species credit on the 14 August 2023), which would have been a saving of \$8,245.00. Continuous market fluctuations have seen prices in this period as low as \$497/credit or \$42,245 on 9 May 2024.

### 4. LEGISLATIVE REQUIREMENTS S4.55(1A) MODIFICATION

Section 4.55(1A) of the Environmental Planning and Assessment Act (EP&A Act) 1979 pertains to modifications to a consented Development Application involving minimal environmental impact. It states:

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*

- (i) *the regulations, if the regulations so require, or*
- (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*
- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

It is considered that the Modified Development Application meets the above stated criteria of Section 4.55(1A) being substantially the same development as the consent which was originally granted and of minimal environmental impact. However, the deletion of the species credit as stated in Condition 5 would fail to mitigate the environmental impact. The proposed modification was not publicly notified due to the low perceived impact of the proposed modification.

The information detailed below provides an assessment of the areas of the development that are subject to the modification which require an assessment under Section 4.15 of the EP&A Act 1979.

The areas of the development not discussed below are not considered relevant to the proposed modification.

## **5. LEGISLATIVE ASSESSMENT SECTION 4.46 INTEGRATED DEVELOPMENT**

### *Section 100B Rural Fires Act 1997*

The proposed modified application has no impact on bushfire safety or the submitted General Terms of Agreement. No further action required.

## **6. PLANNING ASSESSMENT SECTION 4.15(1)**

As required by the Environmental Planning & Assessment Act, 1979, Section 4.15(1), the following relevant matters are addressed below:

- environmental planning instruments (State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs));
- draft environmental planning instruments;

- development control plans;
- planning agreements;
  
- regulations;
- environmental (natural and built), social and economic impacts;
- suitability of the site;
- submissions; and
- public interest.

*(a)(i) Environmental Planning instruments*

As part of the Part 1 application the following SEPPs were addressed:

- SEPP (Resilience and Hazards) 2021
- SEPP (Transport and Infrastructure) 2021

It is considered the modifications proposed do not alter the substance of those previous assessments.

Dubbo Regional Local Environmental Plan 2022

The following clauses of Dubbo Local Environmental Plan 2011 were assessed under the Part 1 application. However, given the modification proposed such clauses were not considered relevant to the Part 3 assessment:

- Clauses 1.2, 1.4, 2.2, 2.6, 2.3, 4.1, 5.10, 5.14, 7.3, 7.5, 7.7, 7.12C, Schedule 1

Clause 7.2 Natural Resources – biodiversity is relevant to the Part 3 application and is assessed in detail under the Biodiversity Conservation Act 2016, later in the Report.

*(a)(ii) Draft Environmental Planning instruments*

There are no draft Environmental planning instruments applicable to the modified application.

*(a)(iii) Dubbo Development Control Plan 2013*

The following elements of Chapter 2.4 Rural Development and Subdivision were assessed under the Part 1 application. However, given the modification proposed such elements were not considered relevant to the Part 3 assessment:

- Element 1 (Site integration), Element 2 (Services), Element 3 (Access), Element 4 (Design for Access and Mobility), Element 5 (flooding), Element 6 (Waste Management), Element 7 (Rural Workers Dwellings), Element 8 (Restaurants, Function Centres and Cellar Door Premises), Element 9 (Backpackers Accommodation, Farm-Stay Accommodation and Eco-Tourist Facilities), Element 10 (Signage), Element 11 Physical Infrastructure and Lot Layout.

Due to the nature of the application, the modification does require an assessment of the DCP.

*(a)(iii) planning agreements*

No such planning agreements are applicable to the subject land.

*(a)(iv) the regulations*

No matters prescribed by the Regulations impact determination of the subject development.

*(b) environmental (natural and built), social and economic impacts*

No additional impacts are considered to occur as a result of the modification.

*(c) suitability of the site*

Context, setting and public domain

No additional impacts are likely to occur as a result of the modification apart from the proposal not to mitigate the environmental impact to the Squirrel Glider.

Environmental considerations

As detailed in the Biodiversity Conservation Act 2016 section below, Council raises significant concerns with the proposed modified application and as such refusal of the application is recommended.

Access, transport and traffic

No additional impacts are likely to occur as a result of the modification.

*(d) submissions*

The application was not publicly exhibited due to the nature of the modification.

*(e) public interest*

There are no matters other than those discussed in the assessment of the Modified Development Application above that would be considered contrary to the public interest.

## **7. BIODIVERSITY CONSERVATION ACT 2016**

In accordance with Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act), a development application shall consider the impact of the development under Part 7 of the Biodiversity Conservation Act 2016 (BC Act). A specific purpose of the BC Act 2016 relevant to this modified development application is provided under Section 1.3 and reads as follows:

*The purpose of this Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6(2) of the Protection of the Environment Administration Act 1991), and in particular—*

...

*(l) to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity values, and ...*

Under the original Part 1 Development Application, it was deemed that the development exceeded the allowable threshold for clearing of native vegetation of 0.5ha and as such a BDAR in accordance with Part 7 the BC Act was required and submitted accordingly.

Council's Environmental Systems Planner has reviewed the Modified Development Application and a referral response dated 9 May 2024 states:

*The proponents have requested the removal of Condition 5 from the approval granted on 18 January 2024 which requires the retirement of 85 Squirrel Glider (*Petaurus norfolcensis*) credits as prescribed under the Biodiversity Offset Scheme (BOS).*

*Squirrel Glider credits nominated in the approval had been based on the proponents submitted Biodiversity Development Assessment Report (BDAR) authored by their ecological consultant at the time FloraSearch. This BDAR was written in compliance with the prescriptions defined in the Biodiversity Assessment Method (BAM) which flows directly from the Biodiversity Conservation Act (2016).*

*The proponents have previously challenged Pine Donkey Orchid (*Diuris tricolour*) credits which were calculated by FloraSearch based on the "assumed" presence of Pine Donkey Orchid.*

*FloraSearch carried out their onsite assessments in January and February of 2018, the wrong season in which to observe Pine Donkey Orchid. However, based on expert knowledge and existing local records this site was deemed suitable to host Pine Donkey Orchid, as a result its presence was assumed (as appropriate under the circumstances as per the BAM) and impact to Pine Donkey Orchid subsequently calculated.*

*The proponents commissioned a seasonal survey for Pine Donkey Orchid (*Diuris tricolour*) which disproved its presence by identifying the closely related and more common Western Donkey Orchid (*Diuris goonooensis*) as occurring on site. Undertaking supplementary surveys in an attempt to disprove the presence of an "assumed" species is an appropriate approach as per the BAM. This report led to the acceptance by Dubbo Regional Council that the original Condition 5 (identifying credit liabilities for both Pine Donkey Orchid and Squirrel Glider) should be modified to remove the credit liability for Pine Donkey Orchid.*

*This amendment to the Development Consent was approved by Council under Part 2.*

*Subsequently the proponents have sought to remove the Squirrel Glider credit liability as well through this current application (Part 3).*

*Crucially a Squirrel Glider was identified by FloraSearch in their 2018 site surveys (2022 report). Squirrel Gliders were therefore not “assumed” to be present, they were sighted within the proposed development area (the now Approved Development Area (ADA)).*

As detailed above, once sighted in an area of bushland the Department of Climate Change, Energy, the Environment and Water (DCCEEW) have stated that removal of an identified species from a site should only occur if evidence is provided to explain its current absence from the site. Details of circumstances in which the removal should be reported is detailed above under ‘Consultation’.

A review of the application revealed the following in relation to the matters raised by DCCEEW:

- The approved development footprint has not been modified.
- There is no evidence of changes to habitat suitability. Assertions of habitat degradation as a response to drought are regarded as temporary changes, such as the example offered by DCCEEW of fire impacted habitat.
- The described survey effort has not adequately considered the entirety of the available habitat. Cryptic species, such as the Squirrel Glider, may well elude observation and an absence of evidence is not evidence of absence.
- The survey timing appears to have been appropriate for observation of Squirrel Gliders.

Council’s request for further information dated 10 May 2024 (**Appendix 3**) directed the applicant to address the matters raised by DCCEEW to adequately justify the deletion of Condition 5. The correspondence also raised a number of concerns with the content of the submitted, ‘Revision of Ecological Assessment’ (**Appendix 3**).

The proponents have not met the requirements to remove a species sighting as described by DCCEEW. The proposal has not physically changed, nor the habitat which had allowed for the presence of the species in 2018.

The applicant responded to Council’s request for further information in correspondence dated 20 May 2024. The response does not address Council’s request. Rather, the applicant’s response questions Council’s reasoning behind querying the ‘Revision of Ecological Assessment.’

The response suggests that it had been agreed the Squirrel Glider is not currently present on the site. However, Council’s Environmental Systems Planner in the memo dated 27 May 2024 provided the following comments in relation to the applicant’s response:

... Council has received two (2) letters, one a covering letter from SLR Consulting, dated 20 May 2024, which purports to summarise the second letter, from Access Environmental, dated 18 May 2024. As a result, comment will be restricted to the Access Environmental letter.

*I will restrict this response to any additional information provided and will refrain from commenting on the extraneous issues raised by the consultant.*

*Two issues raised by the consultant must be corrected;*

- 1. Accredited Assessors do not make determinations in the BCA system. Accredited Assessors compile reports which are reviewed by appropriate determining authorities. In this case the determining authority is Dubbo Regional Council. Council employs professionals who review such reports.*
- 2. The consultant comment that "In this case it has been agreed that the Squirrel Glider (the glider) is not currently present on site", has not been agreed to by Council. The consultant has attempted to disprove presence but has failed to meet the Departments standards for such proof, as a result Council does not concur and has sought Further Information.*

*In this instance two accredited assessors are in conflict. The original BDAR was accepted by the proponents and lodged with Council. Council reached a determination of the ecological elements of the application as a result and on the basis of that BDAR.*

*Relying upon reports submitted to Council by proponents is crucial to the workings of the Planning process. This is true in relation to Archaeology, Contamination or Biodiversity, to name a few of the many issues Council must consider in relation to each DA.*

*This reliance must run both ways. Council and Developers are both responsible in this regard. In this specific case a BDAR was prepared for and submitted by the proponents in 2022. It was reviewed by Council staff and ultimately formed part of the Conditions of Consent which were granted to this development in 2022.*

*Ultimately, in 2024, the proponents have determined that they are dissatisfied with their earlier report and its credit liability consequence so have sought conflicting advice. This advice has failed to meet the criteria identified to Council by the Department, and subsequently forwarded to the consultant, as necessary for the removal of a species liability.*

*Disproving a sighting is difficult. The elements which must be met to do so have been communicated to the proponent. The initial report failed to meet these standards. Insufficient new information has been supplied in the 18 May letter to change that view.*

*Additional information has been provided regarding the night survey transects which was originally missing. In itself this is insufficient additional information to justify refuting the original BDAR.*

*Significant emphasis is once again placed on playback and SongMeters. This does not appear to be new information, nevertheless the following comment is made.*

*The comment that a SongMeter was not installed into the “middle” of the site as the habitat was not suitable is in conflict with Table 7 of the Access report dated February 2024 (originally drawn from the FloraSearch report). It is also noted that no SongMeter was located at the site, or within range, of the original sighting.*

*It is noted that Squirrel Gliders are notably quieter and less vocal than Sugar Gliders and therefore less prone to detection on SongMeters.*

*Sharpe and Goldingay (2009) have described very infrequent responses from Squirrel Gliders to playback (7% response). They further demonstrated that the rate of vocalisation reflected population density. Absence of recorded calls does not demonstrate absence of animals.*

*Given the scattered locations of the SongMeters it could demonstrate incomplete coverage of the site, or a small population base. Or indeed absence. In itself the absence of recorded vocalisations is not evidence that the species is absent.*

*As previously discussed with the consultant the anecdotal opinion of unnamed Accredited Assessors is not evidentiary. Advice contradicting Departmental advice, from the Department, would certainly be considered.*

*In summary it would appear that two Accredited Assessors are in conflict. FloraSearch recorded a species in the original BDAR based on a sighting, Access have developed an opinion based on surveys which failed to observe a cryptic species.*

*The criteria outlined by the Department which need to be met for removal of a species from an approved BDAR have not been met to Councils satisfaction.*

In summary the sighting of a Squirrel Glider in 2018 must still be regarded as legitimate, this sighting was appropriately treated in the FloraSearch BDAR, leading to the credit liability identified in Condition 5.

## **8. CONTRIBUTIONS SECTION 64 AND SECTION 7.12**

The modified application does not result in any changes to contributions charges.

## **9. INTERNAL REFERRALS**



*Environmental Assessment*

Council's Environmental Systems Planner in the report dated 10 May 2024 has raised a significant concern with the proposed Development Application modification and does not support the application.

**10. SUMMARY AND RECOMMENDATION**

The applicant has sought to undertake the following amendments to the approved residential subdivision:

- Condition 5 – Delete

As detailed above, the Modified Development Application is inconsistent with legislation (BC Act 2016) and has the potential to result in a significant negative impact upon the environment.

As such, the development application modification is not supported, and the application is recommended for refusal.

**11. REASONS FOR REFUSAL**

- The proposed modified development application is inconsistent with the purpose of the Biodiversity Conservation Act 2016, specifically:
  - (a) to conserve biodiversity at bioregional and State scales, and...*
  - (d) to support biodiversity conservation in the context of a changing climate, and...*
  - (h) to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature, and...*
  - (k) to establish a framework to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity, and....*

*(Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979)*
- The proposed modified development application is inconsistent with Section 7.13 (2) and (4) of the Biodiversity Conservation Act 2016, in that the proponent hasn't justified the deletion of the species credits (Condition 5).

*(Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979)*
- The proposed modified development application is inconsistent with the provisions of the Biodiversity Conservation Act 2016 and therefore Section 1.7 of the Environmental Planning and Assessment Act 1979.

*(Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979)*

- The proposed modified development application has not provided adequate evidence as detailed by Department of Climate Change, Energy, the Environment and Water to justify the removal of Condition 5 and as such, has the potential to result in adverse natural environmental impacts.  
*(Section 4.15(1)(b) Environmental Planning and Assessment Act 1979)*

**APPENDICES:**

- 1 [↓](#) Revision of Ecological Assessment
- 2 [↓](#) Email - Application will not be withdrawn
- 3 [↓](#) Council's further information request



**Revision of Ecological Assessment:**

**Project Name: 4L Camp Road, Dubbo**

**Prepared for: Matt and Leetina Bender**

**February 2024**





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*Access EP acknowledges the Traditional Owners and Custodians of the country on which we live, work and travel.*

*Advocating for protection of Aboriginal Cultural Heritage, which is central to all we do, shows our respect for places, traditions, beliefs, customs, values and objects that represent the oldest living culture.*



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## ACCESS ENVIRONMENT PLANNING: DOCUMENT DETAILS

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Client:	Mr Chis Condon		
Purchase Order No:			
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## 1. Introduction

This Revision of Ecological Assessment has been prepared by Access Environmental Planning for Matt and Leetina Bender with respect to a Section 4.55 (1A) Modification Application to Dubbo Regional Council. The subject of the Development Application is the proposed residential subdivision at 4L Camp Road, Dubbo (at Lot 8 / DP 1063425), approximately 6 km south of Dubbo (**Figure 1**).

A previous modification to the Development Application (DA) D2022-122 (Part 2) was approved on the 18<sup>th</sup> January 2024, modifying the number of ecosystem credits required in relation to a perimeter road and removing the pine donkey orchid (*Diuris tricolor*) species credit obligation, following additional site floral survey.

The proposed S.4.55(1A) modification application pertains to the amendment of the condition relating to:

- Squirrel glider (*Petaurus norfolcensis*) species credits after additional fauna survey.

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) states that a consent authority may, on application, modify a development consent involving substantially the same development and minimal environmental impact. Further details on approval pathway are detailed in **Section 4**.

Only information pertaining to the squirrel glider (*Petaurus norfolcensis*) and its habitat is considered in this document.

Table 1: Proponent details

<b>Project Name</b>	<b>4L Camp Road – Modification Application for approved DA D2022-122 (Part 2) - Residential Subdivision</b>
<b>Proponent Name</b>	Matt and Leetina Bender
<b>Project Manager</b>	Mr Chris Condon
<b>Contact Details</b>	P: 0448 600 600

## 2. Site Details

### 2.1. Project Location and Context

- **4L Camp Road, Dubbo NSW 2830** and is formally identified as **Lot 8 of DP 1063425**
- Dubbo Regional Council Local Government Area (LGA)
- Distance from main centres or localities: 6 km south of Dubbo

See **Figure 1**.







Figure 1: Site aerial (Source SiX Maps/Google).

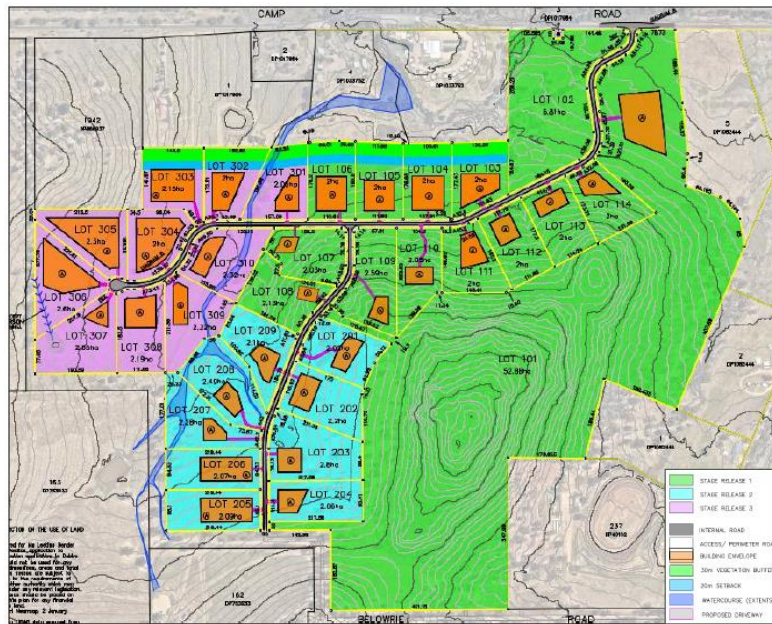


Figure 2: Approved amendment plan (Source: SLR SEE D2022-122 (Part 2))





The subject Lot is approximately 131.2 ha and is irregular in shape. The subject land is elevated with an overall slope from south to north.

Mid-point of site, Latitude: -32.2998, Longitude: 148.5880

The site is in the Bigalow Belt South bioregion and the Talbragar Valley sub-region of the Interim Biogeographic Regionalisation for Australia (IBRA) classification.

The site is zoned SP3 Tourist with adjacent RU1 Primary Production land to the south.

The eastern zones of the development site contain native vegetation with eucalypt regrowth and invasive black pine scrub.

2.2. Project Background

D2022-122 was lodged in response to Dubbo Regional Council’s Statement of Facts and Contentions (SOFC) and was formally approved by Council on 14 July 2023.

The approved site plan (D2022-122) resulted in the subdivision of Lot 8 of DP 1063425 into 32 lots. Prior to the issuance of a Subdivision Works Certificate, the applicant was required to satisfy several conditions listed within the Notice of Determination (D2022-122).

D2022-122 Part 2 was lodged for amendment to conditions and was approved 18<sup>th</sup> January 2024. The amendment created an additional lot (33 in total), allowed for staging the subdivision construction, reduced the ecosystem credits obligation relating to a perimeter road and removed the pine donkey orchid species credits (Figure 2).

3. Proposed Modification

This Section 4.55(1A) modification application aims to amend Table 2 of condition 5.

The application seeks to update the consent to permit issuance of the Subdivision Works Certificate(s) and Subdivision Certificate(s) in accordance with the proposed varied condition.

Accordingly, this proposed modification is supported by a ‘test of significance’ for the squirrel glider (*Petaurus norfolcensis*) and new fauna survey report (Appendix A)

3.1. Condition 5

A revision to the recently approved Condition 5 of the amended consent is proposed:

**Currently - CONDITION 5 AMENDED UNDER D22-122 PART 2 READS AS FOLLOWS:**

- (1) Prior to issue of the relevant Subdivision Works Certificate the class and number of species credits in Table 2 must be retired as applicable to the extent of the development / stages.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the BAM Credit Calculator (BAM-C).

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 2 requirements must be provided to the consent authority prior to the issue of the Subdivision Works Certificate.

**Table 2 Species credits required to be retired – like for like**

Impacted species credit species	Number of species credits	IBRA sub-region
<i>Petaurus norfolcensis</i> (Squirrel glider ( <i>Petaurus norfolcensis</i> )	85	Anywhere in NSW

{Reason: To offset the residual biodiversity impacts of the development}





**Remark:**

The attached fauna survey report (**Appendix A**) provides evidence that no resident population of squirrel gliders (*Petaurus norfolcensis*) exists at the site. Ecological data associated with the accepted Biodiversity Development Assessment Report (BDAR) (submitted with the original DA) and ‘test of significance’ described in this report, support the removal of the squirrel glider (*Petaurus norfolcensis*) credit obligation.

**Proposal:**

Remove Condition 5 as it is no longer applicable and no of squirrel gliders (*Petaurus norfolcensis*) species credits are required.

## 4. Statutory and Planning Framework

### 4.1. Environmental Planning and Assessment Act 1979

The appropriate approval pathway for the proposed modification is a S.4.55(1A) under the Environmental Planning & Assessment Act 1979 (EP&A Act).

(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and (c) it has notified the application in accordance with—
  - (i) the regulations, if the regulations so require, or
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1), (2) and (5) do not apply to such a modification.

The proposed amendment does not change the overall approved development, design, general appearance, nor land uses of the development (as approved). It is a change to the obligation to retire species credits and will not alter on ground works.

### 4.2. Other Environmental Legislation

Table 2: Other environmental legislation

Legislation	Relevance to the Proposed Activity
<b>COMMONWEALTH LEGISLATION</b>	
<b>Environmental Protection and Biodiversity</b>	The EPBC Act protects matters of <a href="#">National Environmental Significance</a> (NES), such as threatened species and ecological communities, migratory species (protected under international agreements), and National Heritage places





<b>Conservation Act 1999 (EPBC Act)</b>	(among others). - Squirrel glider ( <i>Petaurus norfolcensis</i> ) species credit removal will not affect any matter listed under the EPBC Act.
<b>STATE LEGISLATION</b>	
<b>Biodiversity Conservation Act 2016 (BC Act)</b>	Part 7 of the BC Act provides the environmental assessment requirements for activities being assessed under Part 4 of the EP&A Act 1979, where the Biodiversity Offset Scheme (BOS) is not applicable. A test of significance for the squirrel glider ( <i>Petaurus norfolcensis</i> ) is presented (Section 6).
<b>Fisheries Management Act 1995 (FM Act)</b>	FM Act provides for the protection, conservation, and recovery of threatened species, populations and ecological communities of fish and marine vegetation and fish habitats in NSW. - Not relevant for proposed DA modification.
<b>National Parks and Wildlife Act 1974 (NPW Act)</b>	The NPW Act regulates the control and management of all national parks, historic sites, nature reserves, and Aboriginal areas. No effect on NPWS estates or Aboriginal heritage.
<b>Heritage Act 1977</b>	The proposed change does not involve an item or place listed on the NSW <a href="#">State Heritage Register</a> or the subject of an interim heritage order or listing and is therefore not a controlled activity.
<b>Protection of the Environment Operations Act 1997 (POEO Act)</b>	The POEO Act is the key environmental protection and pollution statute, administered by the EPA with a licensing regime for waste, air, water and pollution. Not relevant for proposed DA modification.
<b>Water Management Act 2000 (WM Act)</b>	The WM Act's main objective is to manage NSW water in a sustainable and integrated manner that will benefit today's generations without compromising future generations' ability to meet their needs. Section 91E of the Act establishes an approval regime for controlled activities within waterfront land. - No effect on waterfront land.
<b>Biosecurity Act 2015</b>	The <i>Biosecurity Act 2015</i> and regulations provide requirements for state level priority weeds. - Not affecting priority weeds.
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>	Aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas. Not relevant to consideration of squirrel glider ( <i>Petaurus norfolcensis</i> ) species credits.

## 5. Ecological Assessment

The squirrel glider (*Petaurus norfolcensis*) remains the only outstanding species credit obligation for the development.

Background Notes:

- During an initial Biodiversity Assessment Method (BAM) site survey, the squirrel glider (*Petaurus norfolcensis*) siting was recorded in 2018.
- Life expectancy for a squirrel glider (*Petaurus norfolcensis*) is noted as being 5 – 7 years, meaning this specimen (if still alive and it was 1 year old in 2018) is at best nearing the end of life.



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- The sighting is singular and in isolation given that there are no previous or subsequent records.
- Whilst the sighting is respected and taken as valid, there is potential that there may have been a misidentification. Experts have confirmed the difficulty in identifying all glider species due their similarity and often overlapping territories and habitats.
- There is a lack of previous and subsequent sightings, and it is known that squirrel glider (*Petaurus norfolcensis*) can be transient. This lends weight to the sighted individual being observed as a travelling individual rather than a resident of the area.
- Dubbo is on the extreme western fringe of squirrel glider (*Petaurus norfolcensis*) likely occurrence. Database mapping is likely to have been updated based on this siting.
- Flora characteristics recorded during the BAM survey are not representative of a habitat required to sustain a squirrel glider (*Petaurus norfolcensis*) or a population into the future. There is a notable lack of old growth trees, sizable hollows, only two species of understorey and a total lack of food source species.
- The Targeted Survey found no evidence of squirrel glider (*Petaurus norfolcensis*) presence or capacity for the habitat to support an individual or population.
- All technical surveys and analysis have been undertaken and or supervised by Accredited Biodiversity Assessors and have been compliant with the BC Act and the associated regulations and guidelines.
- The area of concern is strictly limited to lots identified within the proposed subdivision. It is critical to note that the large area of vegetation outside of the proposed developable lots is designated as a biodiversity offset area and has no relevance to the consideration of biodiversity impacts in the development area.

### 5.1. Habitat and Ecology

The squirrel glider (*Petaurus norfolcensis*):

- Inhabits mature or old growth box, box-ironbark woodlands and river red gum forest west of the Great Dividing Range and blackbutt-bloodwood forest with heath understorey in coastal areas.
- Prefers mixed species stands with a shrub or *Acacia* midstorey.
- Lives in family groups of a single adult male one or more adult females and offspring.
- Require abundant tree hollows for refuge and nest sites.
- Diet varies seasonally and consists of *Acacia* gum, eucalypt sap, nectar, honeydew and manna, with invertebrates and pollen providing protein.

### 5.2. Fauna Survey

The BC Act provides for the conduct of a Targeted Species Survey, to be undertaken to a specified standard by an Accredited Biodiversity Assessor/Specialist, where there is doubt about the presence of a noted threatened species. A fauna survey was conducted November to December 2023 (**Appendix A**).

No evidence of squirrel glider (*Petaurus norfolcensis*) individuals or a population was collected.

### 5.3. Vegetation on Site

Information regarding the vegetation on site has been derived from the BDAR and Biodiversity Stewardship Site Assessment Report (BSSAR) done by FloraSearch in March 2022 (previously submitted).





Table 3: Inputs to BAM-C (Table 9, from FloraSeach BDAR)

Vegetation Type	PCT81 <sup>1</sup>				PCT186 <sup>2</sup>				DNG <sup>3</sup>	
	Q2		Q4		Q5		Q9		Q10	
Quadrat No.	No.	%	No.	%	No.	%	No.	%	No.	%
<b>BAM attribute (400m<sup>2</sup>)</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>
<i>Trees</i>	2	40	3	18.5	2	31	3	90	0	0
<i>Shrubs</i>	0	0	2	0.6	1	0.1	2	0.2	3	0.7
<i>Grasses / grass-like</i>	12	10.7	14	36.2	10	12.6	11	7	13	34.4
<i>Forbs</i>	5	0.6	8	1	9	2.2	10	1.4	7	1.3
<i>Ferns</i>	0	0	1	0.1	2	0.3	0	0	0	0
<i>Other</i>	0	0	1	0.1	1	0.1	1	0.1	1	0.1
<i>High Threat Weeds</i>	-	0.2	-	1.4	-	0.1	-	0.3	-	2.5

<sup>1</sup> PCT81 = Western Grey Box – cypress pine shrub grass tall woodland in the Brigalow Belt South Bioregion.

<sup>2</sup> PCT186 = Dwyer's Red Gum – Black Cypress Pine – Currawang shrubby low woodland on rocky hills mainly in the NSW South West Slopes Bioregion.

<sup>3</sup> DNG = Derived Native Grassland.

<sup>4</sup> No. = Number of native flora species in each growth form class.

<sup>5</sup> % = Percentage of the ground surface covered by the foliage summed for all species in each growth form class.

DBH (cm) (no. of stems)	Vegetation Type				
	PCT81 <sup>1</sup>		PCT186 <sup>2</sup>		DNG <sup>3</sup>
	Q2	Q4	Q5	Q9	Q10
50-79	0	0	0	2	0
30-49	0	0	2	3	0
20-29	3	5	13	2	0
10-19	51	10	44	28	0
5-9	78	3	37	106	0
<5	50	4	63	139	0
No. trees with hollows	0	0	1	2	0
Log length (m)	0	1.54	10.2	1.4	0
Litter (% cover)	92.8	89.0	58.0	62.6	21.0

<sup>1</sup> PCT81 = Western Grey Box – cypress pine shrub grass tall woodland in the Brigalow Belt South Bioregion.

<sup>2</sup> PCT186 = Dwyer's Red Gum – Black Cypress Pine – Currawang shrubby low woodland on rocky hills mainly in the NSW South West Slopes Bioregion.

<sup>3</sup> DNG = Derived Native Grassland.



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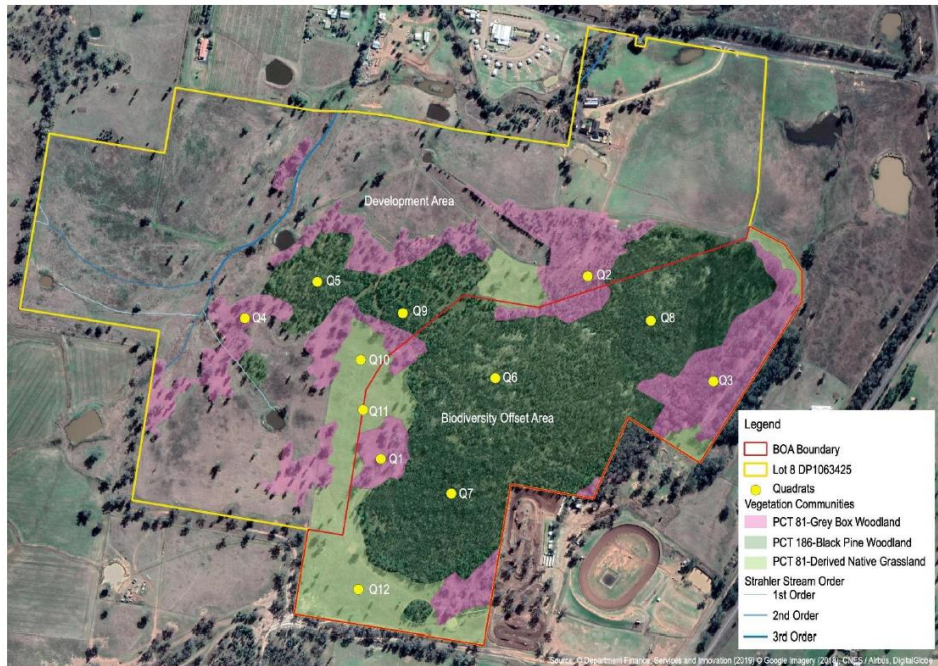


Figure 3: Vegetation mapping (PCTs) for development and offset site (FloraSearch BDAR-fig 20).

Information in the Bionet Vegetation Classification database, (<https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/nsw-bionet/about-bionet-vegetation-classification>) shows that for Plant Community Type (PCT) 186 (Dwyers Red Gum – Black Cypress Pine – Currawang shrubby low woodland on rocky hills mainly in the NSW South Western Slopes Bioregion) the squirrel glider (*Petaurus norfolcensis*) is not among the threatened species associated with that vegetation type.

The squirrel glider (*Petaurus norfolcensis*) is associated with PCT 81 (Western Grey Box – cypress pine shrub grass tall woodland in the Brigalow Belt South Bioregion).

Previous BAM data (Table 3) shows for PCT 81 (sample plots Q2 and Q4, Figure 3) in the development area that there are no larger trees, no trees with hollows and minimal shrub diversity and cover. Vegetation is regrowth with tree stem classes, as a proportion of average tree numbers, showing the majority of stems having under 9 cm diameter at breast height (dbh):

- DBH 20-29 cm – 4 %
- DBH 10 – 19 cm – 30 %
- DBH 5 – 9 cm – 40 %
- DBH < 5 cm – 26 %



Photo 1: PCT 81 (from FloraSeach BDAR).



Photo 2: PCT 81 (from Flora Seach BSSAR).



Photo 3: PCT 186 – Dwyer’s red gum – black cypress pine woodland (from FloraSeach BDAR).







Table 4: Additional vegetation information from offset area (from Flora Search BSSAR)

Vegetation Type	PCT81 <sup>1</sup>						PCT186 <sup>2</sup>						PCT81_DNG <sup>3</sup>							
	Q1		Q2		Q3		Q6		Q7		Q8		Q9		Q10		Q11		Q12	
BAM attribute (400m <sup>2</sup> )	No. <sup>4</sup>	% <sup>5</sup>	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Trees	1	30	2	40	2	29	1	35	2	35	3	50	3	90	0	0	0	0	0	0
Shrubs	1	0.1	0	0	1	0.1	1	0.2	1	0.2	3	4.1	2	0.2	3	0.7	1	2	1	3
Grasses / grass-like	13	17.1	12	10.7	12	30.3	12	14.7	11	10.5	7	3	11	7	13	34.4	8	45.5	10	27.1
Forbs	7	0.7	5	0.6	10	1	6	1.6	7	4.7	4	10.4	10	1.4	7	1.3	7	1.8	7	2
Ferns	0	0	0	0	1	0.1	1	0.1	2	4.1	2	0.3	0	0	0	0	0	0	0	0
Other	0	0	0	0	1	0.1	0	0	0	0.2	0	0	1	0.1	1	0.1	1	0.1	1	0.1
High Threat Weeds	-	0.2	-	0.2	-	0.2	-	0.1	-	0.1	-	0.1	-	0.3	-	2.0	-	0.2	-	2.0

<sup>1</sup> PCT81 = Western Grey Box – cypress pine shrub grass tall woodland in the Brigalow Belt South Bioregion.  
<sup>2</sup> PCT186 = Dwyer’s Red Gum – Black Cypress Pine – Currawang shrubby low woodland on rocky hills mainly in the NSW South West Slopes Bioregion.  
<sup>3</sup> PCT81\_DNG = Derived Native Grassland.  
<sup>4</sup> No. = Number of native flora species in each growth form class.  
<sup>5</sup> % = Percentage of the ground surface covered by the foliage summed for all species in each growth form class.

DBH (cm) (no. of stems)	Vegetation Type										
	PCT81 <sup>1</sup>			PCT186 <sup>2</sup>				PCT81_DNG <sup>3</sup>			
	Q1	Q2	Q3	Q6	Q7	Q8	Q9	Q10	Q11	Q12	
50-79	2	0	0	0	0	0	2	0	0	0	
30-49	3	0	4	10	0	0	3	0	0	0	
20-29	1	3	9	13	8	9	2	0	0	0	
10-19	0	51	18	14	114	62	28	0	0	0	
5-9	0	78	5	0	170	195	106	0	0	0	
<5	0	50	2	0	227	281	139	0	0	0	
No. trees with hollows	1	0	0	0	2	0	2	0	0	0	
Log length (m)	0	0	0.1	0	18.4	24.5	1.4	0	0	0	
Litter (% cover)	36.0	92.8	90.0	39.0	60.0	69.8	62.6	21.0	23.0	24.0	

<sup>1</sup> PCT81 = Western Grey Box – cypress pine shrub grass tall woodland in the Brigalow Belt South Bioregion.  
<sup>2</sup> PCT186 = Dwyer’s Red Gum – Black Cypress Pine – Currawang shrubby low woodland on rocky hills mainly in the NSW South West Slopes Bioregion.  
<sup>3</sup> PCT81\_DNG = Derived Native Grassland.

Table 5: Change to ecosystem credits (From OZ Ark letter report, Tabel 4-1)

Vegetation Zone	Former Area	Former VI Score	Former Offset Obligation	Current Area	Current VI Score	Current Offset Obligation
81_Woodland	2.22 ha	58.4	65	1.64 ha	61.0	50
81_DNG	1.06 ha	24.5	13	0.55 ha	25.6	7
186_Woodland	2.90 ha	68.3	74	1.24 ha	72.7	34





The removal of vegetation disturbance that was originally proposed as part of a perimeter road reduced the credit liability (Table 5).

## 6. Test of Significance (BC Act)

The assessment of significance must be completed when a threatened species may be impacted in accordance with the requirements of section 1.7 of the *Environmental Planning and Assessment Act 1979* and the Assessment of Significance under Section 7.3 the *Biodiversity Conservation Act 2016*. As no species credits are required for the squirrel glider (*Petaurus norfolcensis*) a 'test of significance' was used to assess any potential impacts to this threatened species. Previous field data for the area was assessed according to the possible impact of the proposed works on habitat and potential habitat for the squirrel glider (*Petaurus norfolcensis*).

### Assessment of Significance (NSW BC Act 2016)

As per section 7.3 the *Biodiversity Conservation Act 2016*, the following factors must be taken into account when making a determination of an activity or development:

- (a) **in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,**
- Recent fauna survey showed there was no squirrel glider (*Petaurus norfolcensis*) individuals or population in the development area. The squirrel glider relies on large old trees with hollows for breeding and nesting. The modification of the PCT that the squirrel glider (*Petaurus norfolcensis*) may use, PCT 81, will not affect significant mature trees or trees with hollows as they are not present in the development area. Some better quality vegetation that has larger trees will be retained in the woodland remnant in the eastern portion of the subject Lot (proposed conserved, stewardship zone).
- (b) **in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:**
- (i) **is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or**
  - (ii) **is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,**
- Not applicable to consideration of squirrel glider (*Petaurus norfolcensis*) impacts.
- (c) **in relation to the habitat of a threatened species, population or ecological community:**
- (i) **the extent to which habitat is likely to be removed or modified as a result of the action propose, and**
  - (ii) **whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and**
  - (iii) **the importance of the habitat to be removed, modified, fragmented or isolated to the long term survival of the species, population or ecological community in the locality,**



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- Disturbance is small in the context of the surrounding landscape. Approximately 1.64 ha in area for PCT 81 (which is what the squirrel glider (*Petaurus norfolcensis*) may use) will be affected, whereas 9.08 ha of the same PCT in better condition will be reserved.
  - The development is at the edge of the higher biodiversity value vegetation, meaning fragmentation or isolation effects are reduced. There are large areas of existing habitat for native animals at the property which will remain unaffected by the construction of dwellings and site activities.
  - The habitat that will be removed does not contain hollow bearing trees and consists of young trees with small stem diameter. Tree stem size classes most represented in the area to be developed have a diameter at breast height (dbh) less than 10 cm (66 % of the trees assessed, on average) and trees with stems under 19 cm dbh represent 96 % of development site trees. These trees are too young to provide breeding habitat for the squirrel glider (*Petaurus norfolcensis*). Some larger and more significant trees will be reserved in the biodiversity offset area (BOA) which will not be impacted by the proposed development.
- (d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),**
- There are no nearby declared areas of outstanding biodiversity value within or surrounding the subject site.
- (e) whether the proposed development or activity constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process (KTP).**

Key threatening processes (KTPs) have been identified as major hazards to the life cycle of threatened species and their ongoing persistence. KTPs relevant to the proposed development are:

- Habitat loss and degradation – assessed site conditions show there is insufficient resources to be adequate habitat for the squirrel glider (*Petaurus norfolcensis*). There are only young, small stem diameter trees, no hollow bearing trees and minimal shrubs in the development area. Therefore effects of habitat loss are negligible.
- Fragmentation of habitat – habitat features are degraded and modification of vegetation is at the edges of the patch of woodland, so further fragmentation effects are minimal.
- Loss of hollow-bearing trees – vegetation at the site is young, with no hollow bearing trees encountered in development area vegetation assessment plots and therefore none to be removed for the development.
- Loss of understorey food resources – shrubs are minimal in number of species and the amount of coverage (only small leaf blue bush and fern-leaf hop bush was recorded) at the development site. These are not shrubs that the squirrel glider (*Petaurus norfolcensis*) utilises so there would be no additional impact to understorey food resources.
- Inappropriate fire regimes – fire risk and potential impact to vegetation is likely to reduce due to proximity to future housing and human activity in the locality.
- Reduction in food resources due to drought – the existing food resources are limited at the site and the development will not influence the frequency or severity of drought or intercept overland



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flow as it is generally downslope from the vegetation. There will be no effect on this threatening process.

- Mortality due to entanglement on barbed wire – the development will take place in a rural landscape and there is unlikely to be any increased risk of injury from rural fencing.
- Occupation of hollows by exotic species – No hollows exist at the development site.
- Mortality due to collision with vehicles – Vehicles will enter the house lots (to be developed on the site) from the opposite direction to where remnant vegetation is located. Only local occupants will traffic the area, generally at low speed because of the residential use. The risk of collision with vehicles in the future will not substantially increase.
- Predation by exotic predators – the prospect of predation may increase slightly from domestic animals but due to limited habitat resources, use of the site by squirrel gliders (*Petaurus norfolcensis*) is unlikely. Community education to improve responsible pet ownership and increase confinement of domestic animals, particularly at night, will help limit possible impacts.
- Changes in spatial and temporal distribution of habitat due to climate change – Dubbo is at the western extent of the known range for squirrel gliders (*Petaurus norfolcensis*) due to more arid conditions and insufficient ecosystem understorey development. Habitat in the Dubbo region is marginal for the squirrel glider (*Petaurus norfolcensis*). Climate change effects will not significantly alter the prevailing conditions.

**Conclusion regarding significance for the NSW BC Act listed species, ecological communities or populations**

As the works being undertaken are on land that contains native regrowth, with no hollow bearing trees and negligible other shrubby food resources, clearing of 1.64 ha of PCT 81 in the present condition will not significantly affect the squirrel glider (*Petaurus norfolcensis*). There is much similar adjacent vegetation and better habitat resources available in the Biodiversity Offset Area (BOA) that is to be retained to the east of the proposed development. Consideration of relevant key threatening processes has shown that there will be minimal contribution to any of these threats.

The impact to the squirrel glider (*Petaurus norfolcensis*) of the proposed development is therefore not considered to be significant.



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## 7. Conclusion

Targeted species survey for the squirrel glider confirmed that there is no individual or population at the site. Assessment of the habitat features in the development area showed that there are no large hollow bearing trees, shrub cover is scarce and does not contain the species required as a food source. Dubbo is at the western extent of the squirrel gliders (*Petaurus norfolcensis*) known range and the recorded sighting was likely a transient individual.

The proposed amendment will correct the outstanding obligation for species credits when the habitat at the development site is degraded and does not support squirrel gliders (*Petaurus norfolcensis*).

The proposed DA modifications have minimal environmental impact and will not change the land use(s) at the site. It is therefore considered a minimal environmental impact application pursuant S.4.55(1A) application under the EP&A Act 1979.

Given the absence of any significant adverse impacts resulting from the modification and consistency with all relevant planning legislation and Council policy, the proposed modification is considered to be worthy of Council's support.

## 8. Certification and Review

This Revision of Ecological Assessment provides a true and fair review of the ecological attributes of the proposed development site and the proposal in relation to its potential effects on squirrel gliders (*Petaurus norfolcensis*). In light of the above assessment, it is considered species credits for squirrel gliders (*Petaurus norfolcensis*) should not be applicable.

### SES Author

Name: Renae Hill

Title: Project Manager – Access Environmental Planning

Date: 10<sup>th</sup> April 2024

### Reviewed by:

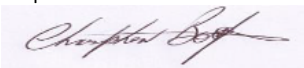
Name: Liz Mansfield and Christopher Botfield

Title: Administration and Principal – Access Environmental Planning

Date: 10<sup>th</sup> April 2024

### Certified by:

Name: Christopher Botfield

Signature: 

Date: 11<sup>th</sup> April 2024



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## Appendix A – Squirrel Glider Targeted Survey



### Targeted Squirrel glider (*Petaurus norfolcensis*) survey – 4L Camp Road, Dubbo, NSW.

#### 1. Introduction and project understanding

Lesryk Environmental Pty Ltd (Lesryk) is aware that, in March of 2018, a Squirrel glider (*Petaurus norfolcensis*) was reported to have been observed within a portion of 4L Camp Road, Dubbo.

The Squirrel glider (*Petaurus norfolcensis*) is listed as Vulnerable under the NSW *Biodiversity Conservation Act 2016*.

At the request of the proponent, a targeted investigation to determine the presence/absence of the Squirrel glider (*Petaurus norfolcensis*) has been conducted within the woodland portions of the above property. The investigation was conducted over a two week period during November/December 2023, with the specific survey dates being provided in Appendix 1.

The investigation was undertaken by Lesryk's Senior Ecologist Harry Engel (B.Marine.Sc) and Ecologist Michael Fawcett (Cert III Conservation land management).

The survey methods employed and level of effort required were generally based on the descriptions provided in the following documents/guidelines:

- The DEC 2004 publication
- The DPIE 2020 publication
- The DSEWPC survey guidelines for Australia's threatened mammals (DSEWPC 2011).

Information provided in the BioNet Atlas, and the applicable BAM survey methods to target the Squirrel glider (*Petaurus norfolcensis*), were also drawn upon.

#### Detailed Methodology

Broadly the methods employed to target the Squirrel glider (*Petaurus norfolcensis*) were:

Use of infrared cameras

- Use of passive acoustic recorders
- Call playbacks and nocturnal surveys including spotlighting.

Further details on each of the methods employed are provided below.

For reference, the total survey effort obtained during the course of the field survey is provided in Table 1, while the locations where each method was employed is identified in Figure 1.

Table 1: cumulative survey effort

Activity	Total effort accumulated
Infrared Cameras	28 nights
Songmeters	441 hours
Spotlighting	360 person minutes
Call Playbacks	45 minutes

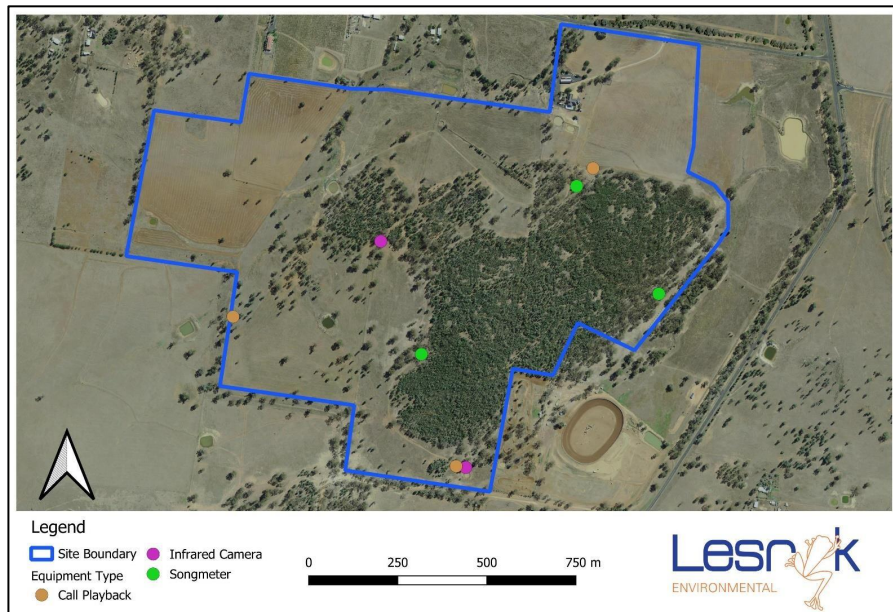


Figure 4: Location of survey methods employed

**Infrared Cameras**

To target arboreal species, two Reconyx™ infrared cameras were. For reference, the locations of the cameras are identified on Figure 1, whilst their GPS coordinates are provided in Appendix 2.

Each of the infrared cameras were directed at a lure (Plate 1).

The cameras were established on 23 November and collected 7 December, 2023.

The cameras were placed on a wooden platform that was affixed to a hollow-bearing tree that could be utilised by squirrel gliders (*Petaurus norfolcensis*) at a height of about 1.5 m off the ground. To entice animals into the field of view of the cameras, a lure scented with honey was used. This was placed at a distance of about 0.5 - 1 m in front of the camera. This distance was selected as it is within the unit's motion detector coverage range. The lure was constructed from 50 mm long PVC piping, into which has been drilled a number of holes. Into this pipe honey was poured.

The cameras used a passive infrared system, this requiring an animal to 'break' an invisible 'beam'. The cameras were set to operate diurnally and nocturnally, each being set to a sensitivity level of high and a photo interval of 3/ten seconds.

Based on a review of the unit's date stamp, it was possible to determine that each camera was operating at the time of its collection.

#### Passive acoustic recording

To identify the calls of any nocturnal species present, three Wildlife Acoustic SM2 SongMeters™ were employed. These were established at various locations throughout the project area, primarily in habitats that could be occupied by (if present) the squirrel glider (*Petaurus norfolcensis*).

For reference, the locations where each Songmeter was employed are provided on Figure 1, whilst their GPS coordinates are provided in Appendix 2.

Details on the units employed during each session are provided in Table 2.

Table 2: Songmeter details

Number Units deployed	Date set	Date collected	Scheduled start (24 hr time)	Finish time (24 hr time)
3	23 November	14 December	19.40	06.00

Being programable, and as this is a targeted survey for a nocturnal species, each device was scheduled to record calls between dusk and dawn. Upon collection at the end of the survey period, each device was noted to be still operating.

Calls were analysed in-house using Wildlife Acoustic's program Kaleidoscope Pro™, or by Wingbeat Ecology, Craven, NSW.

In analysing those calls obtained, attention was primarily paid to the identification of the target species, as opposed to the diverse range of common to abundant fauna recorded.

#### Call playbacks and nocturnal surveys

The following methods were employed during the nocturnal investigations, a:

- dusk survey
- call playback
- spotlighting and call identifications.



Further details on these methods are provided below.

Dusk surveys involved a researcher being present on site at least half an hour before sunset. The researcher generally selected a position that silhouetted a hollow-bearing tree that could be occupied by nocturnal animals. The researcher stayed in position for a period of about 30 minutes, recording any species heard calling or observed.

At the completion of the dusk survey, call playbacks targeting the squirrel glider (*Petaurus norfolcensis*) were undertaken. The playback session involved broadcasting the characteristic calls of the target species through a loud hailer that was connected to an iPod™. Prior to conducting the call playback, a ten-minute listening period (concurrently undertaken at the time of the dusk survey) was carried out to determine if this species was present. The calls of the squirrel glider (*Petaurus norfolcensis*) were then broadcast for five minutes. To detect any responses to the call playbacks, a ten-minute listening period was carried out at the completion of the playback session.

Locations where the call playbacks were undertaken are provided on Figure 1, whilst their GPS coordinates are provided in Appendix 2.

Given the size of the subject site, and in line with standard survey guidelines (DEC 2004), up to two call playbacks per evening were carried out, these generally alternative east and west or north and south of the project area.

Spotlighting (using 200 lumen hand-held spotlights) of the project area was undertaken at the completion of each call playback session. During the spotlighting sessions, efforts were made to target those habitats considered suitable for the squirrel glider (*Petaurus norfolcensis*). Where possible, to minimise disturbing this species (by generating excessive noise), existing tracks and clearings were traversed by foot during the spotlighting sessions.

Details on each spotlighting session are provided in Table 3.

Table 3: Spotlighting details

Date	Researcher	Start time (24 hours)	Total effort accumulated
22 November 2023	MF and HE	20.15	180 person minutes
23 November 2023	MF and HE	20.15	180 person minutes
Key: HE – Harry Engel; MF – Michael Fawcett			

During the spotlighting session, any animal calls heard were identified, with all calls identified at the time of the field inspection.

Each spotlighting session lasted for around 90 minutes.

### Results

By the completion of the field investigations, no evidence to suggest the local presence of a squirrel glider (*Petaurus norfolcensis*) population was obtained.

Use of the methods employed identified the presence of a number of native and introduced species (Appendix 2), the details of which are summarised below:

- The Songmeters identified a range of common to abundant, native and exotic species.
- There was no responses to the call playbacks.
- The Common Brushtail Possum (*Trichosurus vulpecula*) and the Common Ringtail Possum (*Pseudocheirus peregrinus*) were the only arboreal mammals detected during the spotlighting sessions. During these sessions, a number of other common to abundant species were heard calling or observed.
- The Infrared cameras recorded the presence of some bird species and the native Bush Rat (*Rattus fuscipes*)

### **Conclusion**

Based on the outcomes of the field survey conducted between 23 November and 14 December 2023, in compliance with the survey guidelines, it is not considered that, within 4L Camp Road, Dubbo, NSW, there is a resident population of squirrel gliders.

### References

- Department of Sustainability, Environment, Water, Population and Communities 2011, *Survey guidelines for Australia's threatened mammals: Guidelines for detecting mammals listed as threatened under the Environment Protection and Biodiversity Conservation Act 1999*. Australian Government, Barton, ACT.
- Department of Planning and Environment 2023, *Threatened species profiles*, viewed online December 2023,  
<<https://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=10856>>.
- Department of Environment and Conservation 2004, *Threatened Species Survey and Assessment: Guidelines for developments and activities* (working draft), New South Wales Department of Environment and Conservation, Hurstville, NSW

## Appendix :

## 1 Survey details

Key

HE – Harry Engel

MF – Michael

Fawcett

Date (2023)	Time (24hr)	Researchers	Temp (°C)	Rain	Cloud cover %	Wind (Beaufort Scale)	Survey method(s) employed
22 November	18.00	HE and MF	20	Light showers	80	4	Site induction Incidental fauna identifications
	20.00	HE and MF	18	Light showers	100	3	Call playback Spotlighting Call identification
23 November	09.30	HE and MF	23	Clear	100	5	Establishing survey equipment Incidental fauna identifications
	19.45	HE and MF	19	Moderate showers	100	0	Call playback Spotlighting Call identification
14 December	10.00	HE	29	Clear	0	4	Equipment collection

## Appendix :

## 2 Survey method coordinates

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Survey Method	Zone	Easting	Northing
Songmeter	55	649398	6424956
Songmeter	55	649841	6425425
Songmeter	55	650067	6425117
Infrared Camera	55	649518	6424634
Infrared Camera	55	649289	6425277
Call Playback	55	649888	6425475
Call Playback	55	648871	6425070
Call Playback	55	649491	6424638

**Appendix :****3 Fauna species recorded during the course of the targeted survey****Key**

\* – indicates introduced species

<b>Common Name</b>	<b>Family and Scientific Name</b>	<b>Method of detection</b>
<b>MAMMALS</b>		
	<b>Petauridae</b>	
Sugar Glider	<i>Petaurus breviceps</i>	Songmeter
	<b>Pseudocheiridae</b>	
Common Ringtail Possum	<i>Pseudocheirus peregrinus</i>	Spotlighting
	<b>Macropodidae</b>	
Eastern Grey Kangaroo	<i>Macropus giganteus</i>	Spotlighting
	<b>Phalangeridae</b>	
Common Brushtail Possum	<i>Trichosurus vulpecula</i>	Spotlighting, Songmeter
	<b>Molossidae</b>	
White-striped Freetail Bat	<i>Austronomus australis</i>	Songmeter
	<b>Muridae</b>	
Bush Rat	<i>Rattus fuscipes</i>	Infrared Camera
	<b>Leporidae</b>	
* Rabbit	<i>Oryctolagus cuniculus</i>	Spotlighting
* Brown Hare	<i>Lepus capensis</i>	Spotlighting
<b>BIRDS</b>		
	<b>Anatidae</b>	
Australian Wood Duck	<i>Chenonetta jubata</i>	Songmeter
	<b>Columbidae</b>	
Crested Pigeon	<i>Ocyphaps lophotes</i>	Spotlighting
	<b>Podargidae</b>	
Tawny Frogmouth	<i>Podargus strigoides</i>	Spotlighting, Songmeter

## Appendix :

	<b>Aegothelidae</b>	
Australian Owlet-nightjar	<i>Aegotheles cristatus</i>	Songmeter
	<b>Charadriidae</b>	
Masked Lapwing	<i>Vanellus miles</i>	Songmeter

## Appendix :

Common Name	Family and Scientific Name	Method of detection
	<b>Cacatuidae</b>	
Galah	<i>Eolophus roseicapillus</i>	Songmeter
Little Corella	<i>Cacatua sanguinea</i>	Songmeter
Sulphur-crested Cockatoo	<i>Cacatua galerita</i>	Songmeter
	<b>Psittacidae</b>	
Rainbow Lorikeet	<i>Trichoglossus haematodus</i>	Songmeter
	<b>Cuculidae</b>	
Fan-tailed Cuckoo	<i>Cacomantis flabelliformis</i>	Songmeter
Eastern Koel	<i>Eudynamys orientalis</i>	Songmeter
	<b>Strigidae</b>	
Southern Boobook	<i>Ninox novaeseelandiae</i>	Songmeter
	<b>Halcyonidae</b>	
Laughing Kookaburra	<i>Dacelo novaeguineae</i>	Infrared Camera, Songmeter
Sacred Kingfisher	<i>Todiramphus sanctus</i>	Songmeter
	<b>Climacteridae</b>	
White-throated Treecreeper	<i>Cormobates leucophaea</i>	Songmeter
	<b>Maluridae</b>	
Superb Fairy-wren	<i>Malurus cyaneus</i>	Songmeter
	<b>Acanthizidae</b>	
White-throated Gerygone	<i>Gerygone albogularis</i>	Songmeter
	<b>Meliphagidae</b>	
Noisy Friarbird	<i>Philemon corniculatus</i>	Songmeter
Noisy Miner	<i>Manorina melanocephala</i>	Songmeter
	<b>Pachycephalidae</b>	
Rufous Whistler	<i>Pachycephala rufiventris</i>	Songmeter
	<b>Oriolidae</b>	
Olive-backed Oriole	<i>Oriolus sagittatus</i>	Songmeter
	<b>Artamidae</b>	
Grey Butcherbird	<i>Cracticus torquatus</i>	Songmeter



## Appendix :

Australian Magpie	<i>Cracticus tibicen</i>	Infrared Camera, Songmeter
Pied Currawong	<i>Strepera graculina</i>	Songmeter
	<b>Rhipiduridae</b>	
<b>Common Name</b>	<b>Family and Scientific Name</b>	<b>Method of detection</b>
Grey Fantail	<i>Rhipidura albiscapa</i>	Songmeter
Willie Wagtail	<i>Rhipidura leucophrys</i>	Songmeter
	<b>Corvidae</b>	
Australian Raven	<i>Corvus coronoides</i>	Infrared Camera, Songmeter
Torresian Crow	<i>Corvus orru</i>	Songmeter
	<b>Corcoracidae</b>	
White-winged Chough	<i>Corcorax melanorhamphos</i>	Songmeter
Apostlebird	<i>Struthidea cinerea</i>	Spotlighting
	<b>Petroicidae</b>	
Eastern Yellow Robin	<i>Eopsaltria australis</i>	Songmeter
<b>AMPHIBIANS</b>		
	<b>Limnodynastidae</b>	
Eastern Banjo Frog	<i>Limnodynastes dumerilii</i>	Songmeter
Brown-striped Frog	<i>Limnodynastes peronii</i>	Songmeter
Spotted Grass Frog	<i>Limnodynastes tasmaniensis</i>	Songmeter
Sudell's Frog	<i>Neobatrachus sudelli</i>	Songmeter
	<b>Myobatrachidae</b>	
Eastern Sign-bearing Froglet	<i>Crinia parinsignifera</i>	Songmeter
	<b>Hylidae</b>	
Green Tree Frog	<i>Litoria caerulea</i>	Spotlighting, Songmeter
Broad-palmed Frog	<i>Litoria latopalmata</i>	Songmeter
Peron's Tree Frog	<i>Litoria peronii</i>	Songmeter
Desert Tree Frog	<i>Litoria rubella</i>	Songmeter

Appendix :

Appendix 4: Photographic record

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**Plate 1:** Character of the infrared cameras set-up with a lure present (honey present inside white PVC pipe)

RE: PAN-428407 | Additional Information Requested | Ecology | S4.55 MOD 2 | 4L Camp Road | Dubbo | 2830:

Thank you for your phone call on Friday afternoon notifying me that Council has requested further additional information {attached} in relation to the abovementioned s4.55 MOD 2 application...

...In closing, despite [the landowners] outlaying further considerable costs for the Squirrel Glider Targeted Survey - and now being over 3,200 days since they started this journey, they have asked me to convey to Council, that under NO circumstances will they be withdrawing this s4.55 MOD Application and in fact, will seek relief in the NSW Land and Environment Court if Council continues to unfairly withhold approval of the subject application...

D2022-122 Part 3  
Parcel 21639  
TRSM:TS

10 May 2024

SLR Consulting Australia Pty Ltd  
10/8-14 Kings Road  
NEW LAMBTON NSW 2305



Dear Sir/Madam,

**DEVELOPMENT APPLICATION D2022-122 Part 3**

Property: Lot 8 DP 1063425, 4L Camp Road DUBBO  
Proposed development: Modified application - 33 lot subdivision (Torrens title)

Thank you for the Development Application that you have lodged with Council. It is understood the modified application pertains to Condition 5 for species credits relating to Squirrel Glider (*Petaurus norfolcensis*). It is further understood that you have requested the condition be deleted as part of the abovementioned modified application and have submitted a 'Revision of Ecological Assessment' to support the application.

Council has reviewed the submitted documentation and provides the following comments:

The Squirrel Glider credits nominated in the approval had been based on the applicant's submitted Biodiversity Development Assessment Report (BDAR) authored by the ecological consultant at the time, FloraSearch. This BDAR was written in compliance with the prescriptions defined in the Biodiversity Assessment Method (BAM) which flows directly from the Biodiversity Conservation Act (2016).

All consultants reports referred to in the conditions of consent have been submitted by the applicant.

Under D22-122 Part 2, a modification to Condition 5 was sought in relation to Pine Donkey Orchid (*Diuris tricolour*) credits which were calculated by FloraSearch based on the "assumed" presence of Pine Donkey Orchid. FloraSearch carried out onsite assessments in January and February of 2018, the wrong season in which to observe Pine Donkey Orchid. However, based on expert knowledge and existing local records this site was deemed suitable to host Pine Donkey Orchid, as a result its presence was assumed (as appropriate under the circumstances as per the BAM) and impact to Pine Donkey Orchid subsequently calculated.

All communications to: CHIEF EXECUTIVE OFFICER  
ABN 53 539 070 928  
PO Box 81 Dubbo NSW 2830  
T (02) 6801 4000 F (02) 6801 4259 E [council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au)  
Civic Administration Building Church St Dubbo NSW 2830  
W [dubbo.nsw.gov.au](http://dubbo.nsw.gov.au)

A seasonal survey for Pine Donkey Orchid (*Diuris tricolour*) which disproved its presence by identifying the closely related and more common Western Donkey Orchid (*Diuris goonooensis*) as occurring on site was submitted as supporting documentation under D22-122 Part 2 to amend Condition 5 to reflect the seasonal survey findings. This documentation was supported by Council and Condition 5 was amended accordingly. It is noted that undertaking supplementary surveys in an attempt to disprove the presence of an "assumed" species is an appropriate approach as per the BAM.

The subject application seeks to remove the Squirrel Glider credit liability. Crucially a Squirrel Glider was identified by FloraSearch in their 2018 site surveys. Squirrel Gliders were therefore not "assumed" to be present (in contrast to the Pine Donkey Orchid), they were sighted within the proposed development area (the now Approved Development Area (ADA)).

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) in advice to Council dated 27 March 2024 (which has been conveyed to the landowners previously) stated:

*"If there are existing records of the species on the subject land, and the current surveys have not detected the species, evidence should be provided in the BDAR to explain this change. For example, the BDAR (or alternative biodiversity report) may include:*

- *Description of how the approved footprint is proposed to be modified to reduce/eliminate impacts on Squirrel Glider habitat. This may include comparing the proposed modified area of impact to the original species polygon on which the credit requirement was generated.*
- *Appropriate published or peer-reviewed references and/or data demonstrating significant changes in habitat suitability. It's important to consider whether the vegetation condition on the site has changed significantly since the previous survey in which the species was detected. If the vegetation remains in similar condition, it may be reasonable to assume that the site is still suitable for the Squirrel Glider. Temporary changes in condition, such as from the result of fire, should not alone justify exclusion of the species.*
- *The recent survey techniques and effort employed for the Squirrel Glider. This is to enable assessment of whether the survey was adequate to detect Squirrel Glider, if present. The report should describe whether the most appropriate survey techniques for Squirrel Glider were employed, given the difficulty in distinguishing the threatened Squirrel Glider from the more common Sugar Glider. The report should identify whether Sugar Glider was recorded on site and if so, how it was confidently identified as such over the Squirrel Glider.*
- *Discussion regarding whether the surveys aligned with the timing outlined in the Threatened Biodiversity Database Collection (TBDC) for Squirrel Glider - which identifies that sites with bipinnate acacia, autumn/winter flowering trees and shrubs such as *Eucalyptus robusta* and *Banksia sp. (integrifolia etc)* should be subject to a more retracted survey period of between March-August, rather than all year round. The report should identify whether the subject site supports such plant species to help determine whether survey timing was appropriate."*

In the case of the proposed development at 4L Camp Road no evidence of change to the proposed development has been provided in support of the current application. Specifically addressing the DCCEEW points above:

- The approved development footprint has not been modified.
- There is no evidence of changes to habitat suitability (as described below in the discussion of the Access Environmental report). Assertions of habitat degradation as a response to drought are regarded as temporary changes, such as the example offered by DCCEEW of fire impacted habitat.
- The described survey occurred at the periphery of the available habitat. Nonetheless cryptic species may well elude observation and an absence of evidence is not evidence of absence.
- The survey timing appears to have been appropriate for observation of Squirrel Gliders.

Council raises the following concerns with the submitted 'Revision of Ecological Assessment' report:

- Page 5, section 5. dot point 2 – the assertion that Squirrel Gliders have a relatively short lifespan and that, therefore, the single Glider observed in 2018 would now be either dead or nearing the end of its life assumes that every Glider present on the site in 2018 was observed;
- Page 6, point 2 – questioning an identification made in the field and accepted by the proponents in their BDAR does not justify the proposed modification;
- Page 6, point 3 – the lack of sightings beyond the FloraSearch survey is not evidence of absence;
- Page 6, point 5 – data presented on page 7 from the BDAR conflicts with this statement. Data on page 7 shows large mature trees containing hollows close to the squirrel Glider sighting location;
- Page 6, section 5.1 – all of these elements are present as per the BDAR, as reflected in the Table on page 7;
- Page 7 tables – the table show that PCT186 in particular contains large mature Eucalypts containing nest hollows and a diversity of sub-canopy flora. Specifically in sites Q5 and Q9, adjacent to the location of the sighted Squirrel Glider;
- Page 8 – the statement that Squirrel Gliders are not associated in the literature with Plant Community Type 186 is not evidence that they cannot be associated with this PCT, simply that it has not been previously recorded. Animal species are mobile and adventitious, and may utilise floristic resources in previously unreported PCT's as required. This lack of known association should not be seen as a concrete and finite definition. The lack of previously known association does not justify excluding PCT186 from further discussion of Squirrel Glider habitat suitability;
- Page 8 and ongoing – discussion of PCT81 only, excluding any discussion of PCT186 (which has been shown to contain suitable habitat features) is not considered adequate;
- Page 11 – the Test of Significance is one of three principle entry triggers to the BOS. The others being:

- a) exceeding an allowable threshold for clearing of native vegetation or
- b) development impacting a site mapped on the Biodiversity Values Map.

If neither a) or b) apply the Test of Significance is applied. If any of those 3 triggers are met the project enters the BOS thereby prompting preparation of a BDAR. In this instance the area of clearing of native vegetation required to accomplish the proposed subdivision exceeded the allowable clearing threshold, hence prompting entry to the BOS. A species failing the Test of Significance does not remove it from consideration under the BOS; and

- Appendix A, Targeted Survey:
  - Page 16 – all surveying equipment has been placed on the periphery of the bushland. It would appear the core of this large area of bushland was not surveyed;
  - Page 17 – the opening paragraph contradicts previous statements in the report that “there is a notable lack of old growth trees, sizable hollows...” (page 6); and
  - Page 18 - the information provided in Appendix A does not include survey transects or mapped survey paths supporting the “nocturnal surveys”, such evidence is crucial in assessing the efficacy of such surveys. Without such evidence the lack of sightings is queried.

As such, the submitted documentation does not meet the requirements to remove a species sighting as described by DCCEEW. Additionally, it has not been demonstrated that the proposal has significantly changed, or that the habitat which had allowed for the presence of the species in 2018 had been significantly modified.

The sighting of a Squirrel Glider in 2018 must still be regarded as legitimate, this sighting was appropriately treated in the FloraSearch BDAR, leading to the credit liability identified in Condition 5.

Subsequently, Council does not support the application as lodged and requests adequate documentation be submitted that addresses the concerns raised above. Alternatively, you may wish to withdraw the application.

It is requested that the information be provided or a request to withdraw the application be submitted to Council by **31 May 2024** being a period of 21 days. If this is not possible, you are requested to contact Council's Planner, Tracie Smart, to arrange for an extension of time within which to submit the required information.

Pursuant to clause 94 of the Environmental Planning and Assessment Regulation 2021, you are advised that the time which lapses between the date of this correspondence and the date upon which Council receives the requested information or written advice from you that such information will not be forthcoming, is not taken into consideration when determining the application's assessment period for the purposes of clause 106 of the Environmental Planning and Assessment Regulation. Please note since lodgement, the current assessment period is 17 days.

If you have any enquiries in this matter, please do not hesitate to contact Mrs Smart during normal office hours, on 6801 4000.

Yours faithfully



*Shaun Reynolds*  
Statutory Planning Services Team Leader





**REPORT: Development Application D24-150 - Road Closure Campania Road adjacent to Lot 1 DP 943178,**

**Terramungamine**

**Applicant: Mr T. J. Harvey**

**Owner: Dubbo Regional Council/Mr T. J and Mrs C. M Harvey**

**DIVISION: Development and Environment**  
**REPORT DATE: 29 May 2024**  
**TRIM REFERENCE: ID24/1121**

**EXECUTIVE SUMMARY**

<b>Purpose</b>	<ul style="list-style-type: none"> <li>• Provide planning approval</li> </ul>
<b>Issue</b>	<ul style="list-style-type: none"> <li>• A Development Application has been received for the closure of part of Campania Road, being the part of the road between Lot 1 DP 943178 and Lot 30 DP 8671, Terramungamine.</li> <li>• The closure of part of Campania Road and disposal of land was previously considered by Council in July 2023 under CCL23/197.</li> <li>• NSW planning provisions do not permit the closure of a public road to be undertaken as ‘exempt development’. Consequently, Development Consent through a Development Application must first be obtained to create an allotment that can ultimately be disposed/sold to an adjoining land owner.</li> <li>• The subject land is within the RU1 Primary Production Zone and has a minimum lot size of 800ha pursuant to Dubbo Regional Local Environmental Plan 2022.</li> <li>• The proposed allotment to be created through the road closure has an area of 6.872 hectares and as such does not meet the minimum lot size for subdivision.</li> <li>• The applicant has requested a Clause 4.6 variation under Dubbo Regional Local Environmental Plan 2022 to the minimum lot size to permit the subdivision.</li> <li>• As the variation to the minimum lot size contravenes a numerical development standard by greater than 10%, determination of the Application must be made by Council as the Chief Executive Officer does not have such delegation.</li> </ul>
<b>Reasoning</b>	<ul style="list-style-type: none"> <li>• A comprehensive planning assessment under Section 4.15(1) <i>Environmental Planning and Assessment Act 1979</i> has been undertaken including an assessment of Clause 4.6 Dubbo</li> </ul>

	<p>Regional Local Environmental Plan 2022.</p> <ul style="list-style-type: none"> <li>This report will focus on the relevant matters relating to the Clause 4.6 request to vary a development standard.</li> <li>The application has demonstrated consistency with Clause 4.6 Dubbo Regional Local Environmental Plan 2022.</li> <li>Noting the allotment to be created will ultimately be consolidated with adjoining property and be utilised for agricultural purposes, the proposed development is not inconsistent with the objectives of the RU1 Primary Production zone.</li> </ul>	
<b>Financial Implications</b>	Budget Area	<p>There are no budget implications arising from this report.</p> <p>As per CCL23/197, there will be a net income derived through the sale and disposal of this future allotment.</p>
<b>Policy Implications</b>	Policy Title	<ul style="list-style-type: none"> <li>Dubbo Regional Local Environmental Plan 2022</li> <li>Dubbo Development Control Plan 2013</li> </ul>
	Impact on Policy	<p>With the exception of the minimum lot size provisions under the Dubbo Regional LEP 2022 (discussed within this report), the proposal is consistent with these policies.</p>
<b>Consultation</b>	Neighbour notification	<p>In accordance with Council’s Community Participation Plan, the Development Application was placed on public exhibition for a period ending 28 May 2024, during which time adjoining property owners were notified in writing of the proposed development. Council received no submissions during the notification period.</p> <p>Consultation with proposed land purchasers and Essential Energy has also been previously undertaken (refer CCL23/197).</p>

**STRATEGIC DIRECTION**

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

- Theme: 2 Infrastructure
- CSP Objective: 2.1 The road transportation network is safe, convenient and efficient
- Delivery Program Strategy: 2.1.1 Traffic management facilities enhance the safety and efficiency of the road network

Theme: 2 Infrastructure  
CSP Objective: 2.1 The road transportation network is safe, convenient and efficient  
Delivery Program Strategy: 2.1.2 The road network meets the needs of the community in terms of traffic capacity, functionality and economic and social connectivity

Theme: 3 Economy  
CSP Objective: 3.2 Employment opportunities are available in all sectors of our economy  
Delivery Program Strategy: 3.2.3 The growth, development and diversification of the agricultural industry is supported

#### RECOMMENDATION

1. That the report associated with Development Application D24-150 be noted and be recommended to the June 2024 Ordinary meeting of Council for approval, subject to the recommended conditions (attached in Appendix 2).
2. That any documents relating to the Subdivision Certificate which cannot be executed by the Chief Executive Officer or his delegate, are executed under the Common Seal of Council.

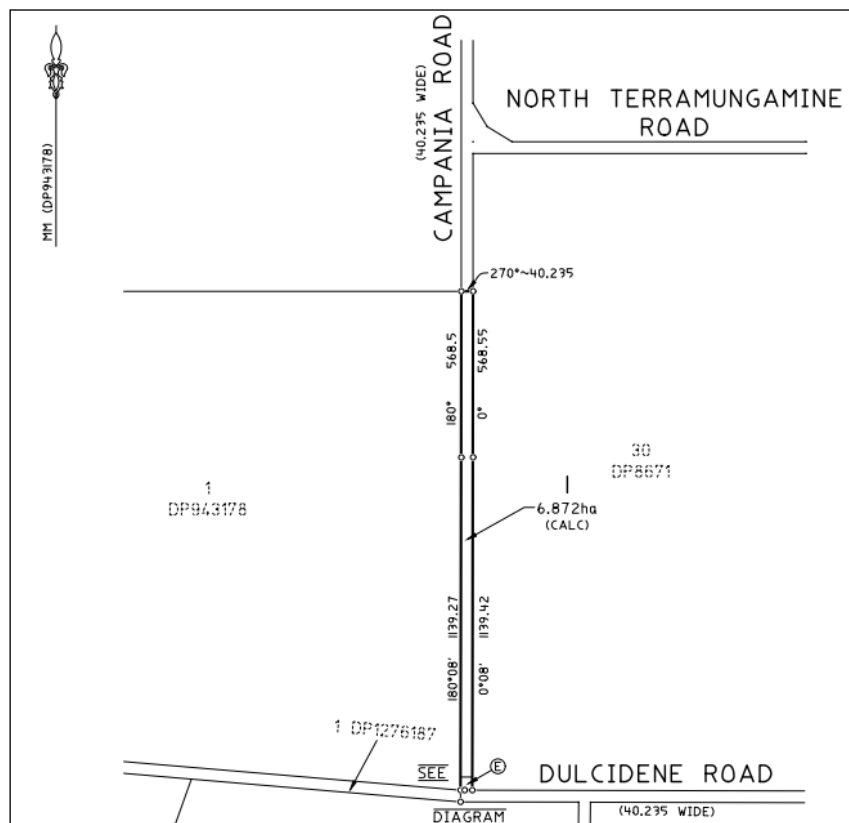
*Stephen Wallace*  
Director Development and Environment

*SR*  
Statutory Planning  
Services Team Leader

**BACKGROUND**

Council is in receipt of a Development Application for the road closure of part of Campania Road, Terramungamine. The proposal is to close the part of Campania Road between Lot 1 DP 943178, and Lot 30 DP 8671, being a surplus portion of Campania Road.

The road closure will result in the creation of an allotment having an area of 6.872 hectares. The allotment will be approximately 40.2 metres wide, being the width of the current public road reserve. For a plan of the proposed road closure and allotment creation see **Figure 1** and **Appendix 1**.



**Figure 1:** Plan of road closure and lot creation

As detailed in the Application, the purpose of the road closure is to create an allotment that will ultimately be sold to the owners of Lot 1 DP 943178 to the west and consolidated with that allotment.

**Previous Resolutions of Council**

Report CCL23/197 to Ordinary Council Meeting held 27 July 2023 – Road Closure and Disposal Agreement – Classification as Operational Land – Campania Road, Rawsonville.

27 July 2023	1. That Council execute the closure of the subject part of Campania Road, Rawsonville, being Lot 1 of 6.8 hectares in the unregistered deposited plan as attached to this report.
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	<ol style="list-style-type: none"> <li>2. <i>That Council execute the road closure and disposal agreement for the subject land with Mr Thomas John Harvey and Mrs Catherine Michelle Harvey, under the Common Seal of Council.</i></li> <li>3. <i>That Council execute the Plan of First Title Creation and Road Closing under the Roads Act 1993, and Easement for Overhead Power Lines, under the Common Seal of Council.</i></li> <li>4. <i>That upon closure of the road noted in resolution no. 1, that such land be classified as operational land under the Local Government Act 1993.</i></li> <li>5. <i>That Council delegate to the Chief Executive Officer the power to finalise and execute any documents necessary to complete the matter.</i></li> <li>6. <i>That any documents relating to the matter and which cannot be executed by the Chief Executive Officer under delegation, are executed under the Common Seal of Council.</i></li> </ol>
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Report CCL23/338 to Ordinary Council Meeting held 14 December 2023 regarding D2023-498 – Road Closure Campania Road adjacent to Lot 1 DP 943178, Terramungamine.

14 December 2023	<ol style="list-style-type: none"> <li>1. <i>That Development Application D23-498 be approved, subject to the recommended conditions (attached in Appendix 2).</i></li> <li>2. <i>That Council seek concurrence from the Secretary of the Department of Planning and Environment.</i></li> <li>3. <i>That Council grant the Chief Executive Officer delegation to issue development consent upon receipt of the Secretary of the Department of Planning and Environment’s concurrence.</i></li> <li>4. <i>That any documents relating to the Subdivision Certificate which cannot be executed by the Chief Executive Officer or his delegate, are executed under the Common Seal of Council.</i></li> </ol>
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In order for the disposal of the road to be realised, development consent for the road closure and lot creation must first be undertaken.

Development Application D23-498 also considered the proposed subdivision (refer CCL23/338). As per the legislation under which that Development Application was lodged, that Application required concurrence from the Secretary of the NSW Department of Planning Housing and Infrastructure prior to determination. Development Application D23-498 was approved by Council, subject to that concurrence being obtained.

Development Application D23-498 was lodged 30 October 2023. Clause 4.6 of the Standard Instrument Local Environmental Plan was amended 1 November 2023, that removed the Secretary’s concurrence role from the approval process, with the local consent authority (Council), instead having assumed concurrence.

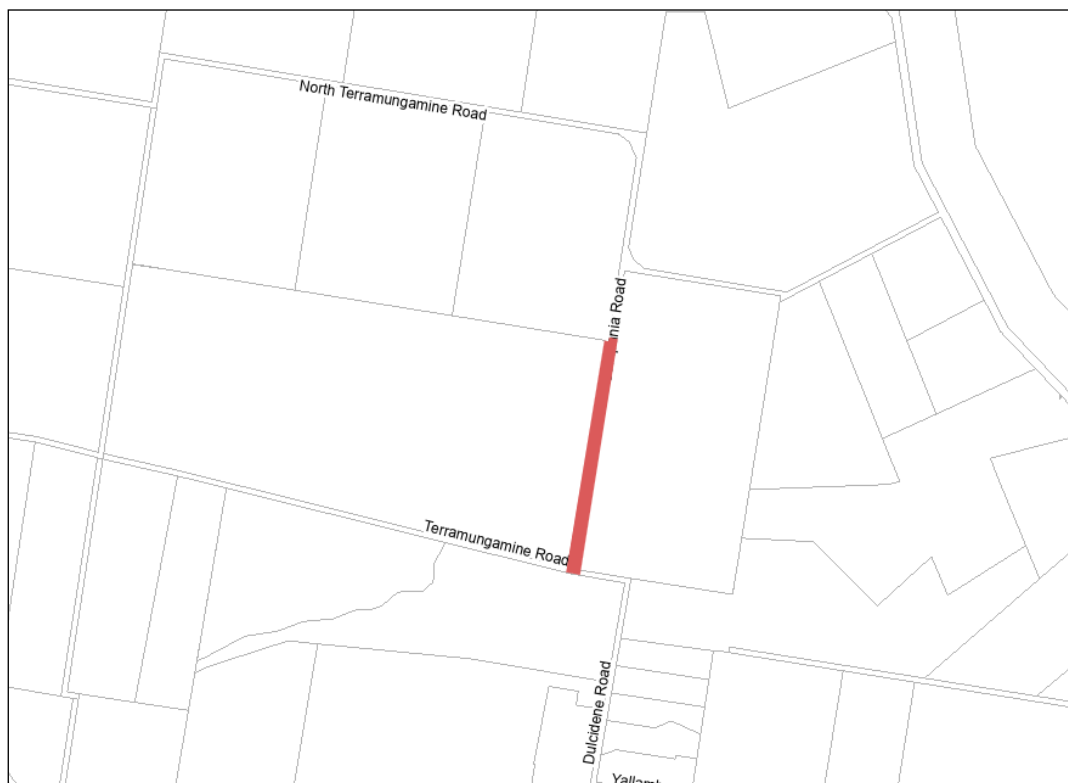
Advice provided by the Department of Planning, Housing and Infrastructure was that they could not provide concurrence to D23-498, however noted the legislative changes that now permits Council to grant concurrence without seeking Secretary’s concurrence. The

Department recommended D23-498 be withdrawn and a new Development Application lodged and be considered by Council under the amended legislation. In this regard, the Applicant elected to withdraw Development Application D23-498 and lodge a new Development Application.

## SITE CHARACTERISTICS

### *Locality*

Campania Road is an unmaintained Council road located between North Terramungamine Road and Terramungamine Road, in the Terramungamine District, north-west of the Dubbo urban area. For a locality map of the site see **Figure 2**.



**Figure 2:** Campana Road and locality

### *Slope*

The general slope of the area is slight north-west.

### *Vegetation*

The site is predominantly clear of vegetation, with some scattered native vegetation remaining on the land, including in the vicinity of Medway Creek.

### *Access*

Access to the site is obtained via Dulcidene Road (a gravel road), or North Terramungamine Road (a bitumen sealed road).

### *Drainage*

Drainage conforms to the natural contours of the land.

*Services*

There are no reticulated Council utility services in the locality.

*Adjoining uses*

North: Primary production (extensive agriculture)  
South: Primary production (extensive agriculture)  
East: Primary production (extensive agriculture)  
West: Primary production (extensive agriculture)

**REPORT**

**Consultation**

- In accordance with Council's Community Participation Plan, the Development Application was placed on public exhibition for a period of not less than 28 days, ending 28 May 2024, during which time adjoining property owners were notified in writing of the proposed development. Council received no submissions during the notification period.
- Consultation with proposed land purchasers and Essential Energy have also been previously undertaken (refer CCL23/197).
- Internally, Council's Infrastructure Division were consulted in relation to the relevant aspects of the development. No concerns were raised during the referral period.

**Resourcing Implications**

Nil

**SITE HISTORY**

As discussed, the subject land is currently an unmaintained Council Road reserve that adjoins land used for agricultural purposes. Lot 1 DP 943178 to the west, which this closed road will be ultimately consolidated with, contains a dwelling and a number of outbuildings.

**PLANNING ASSESSMENT Section 4.15(1)**

As required by the Environmental Planning & Assessment Act, 1979, Section 4.15(1), the following relevant matters are addressed below:

- environmental planning instruments (State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs);
- draft environmental planning instruments;
- development control plans;
- planning agreements;
- regulations;

- environmental (natural and built), social and economic impacts;
- suitability of the site;
- submissions; and
- public interest.

*(a)(i) Environmental Planning instruments*

SEPP (Exempt and Complying Development Codes) 2008

Clause 2.75 of the SEPP outlines development for the purposes of subdivision that can be undertaken as 'exempt development'. This includes the widening of a public road (subclause (a)). However, in this instance, a public road is not being widened. It is the closure of a public road to be used for a private purpose. Consequently, this subdivision is not permitted to be undertaken as 'exempt development' and therefore development consent must first be obtained.

SEPP (Resilience and Hazards) 2021

*Chapter 4 – Remediation of Land*

The land has a history of public road use. Based on this history, and an inspection of the land, there was no evidence of a history of potentially contaminating activities being undertaken on this 'land'. Therefore, Council is satisfied it is not creating an allotment that may be contaminated. No further investigations required.

SEPP (Transport and Infrastructure) 2021

Despite being a 'subdivision', it is noted the land will not contain a dwelling entitlement. Consequently, there is no requirement to have an independent electricity connection to this allotment, as typically would be a requirement with subdivision. Further, the ultimate purpose of this road closure/lot creation is to absorb the allotment with adjoining Lot 1 DP 943178 to the west, which already has an electricity connection. Therefore, a Notice of Arrangement letter or equivalent from the electricity authority (Essential energy), as is a usual requirement with subdivisions, will not be required in this instance.

Note: While a number of other SEPPs apply to the land, none are specifically applicable to this development.

Dubbo Regional Local Environmental Plan 2022

The following clauses of Dubbo Regional Local Environmental Plan (LEP) 2022 have been assessed as being relevant and matters for consideration in assessment of the Development Application.



*Clause 1.2 Aims of Plan*

The proposed development is not contrary to the relevant aims of the Plan.

*Clause 1.4 Definitions*

Subdivision of land is not a defined land use term within the Dubbo Regional LEP 2022. However, for the purposes of the Environmental Planning and Assessment Act, subdivision means:

*“... the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition.”*

*Clause 1.9A Suspension of covenants, agreements and instruments*

As the subject land is not currently an allotment of land, there are no easements burdening the ‘land’.

Subdivision plans show an easement for overhead powerlines 45 metres wide on the southern side of the land. This correlates with existing 132kV overhead powerlines at this location. Plans and documentation to be submitted with the Subdivision Certificate will need to outline the parameters of this easement, benefitted/burdened parties etc.

*Clause 2.2 Zoning of land to which Plan applies*

The subject site is zoned RU1 Primary Production.

*Clause 2.3 Zone objectives and Land Use Table*

Post subdivision, the use of the land will be for primary production purposes. Therefore, the proposed development complies with the relevant objectives of the RU1 zone, namely:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To minimise the fragmentation and alienation of resource lands.

While not contrary to, the remaining zone objectives are not relevant in this instance.

The permissibility of the subdivision is governed by Clauses 2.6, 4.1 and 4.6 of the LEP (see below).

*Clause 2.6 Subdivision – consent requirements*

It is proposed to subdivide the site which requires development consent (refer clauses 4.1 and 4.6 below).

*Clause 4.1 Minimum subdivision lot size*

According to the Minimum Lot Size Map, the minimum lot size for the area is 800ha. The subdivision proposes to create an allotment of 6.872ha, which is below the development standard. Therefore, consideration must be made under Clause 4.6 of the LEP (see below).

*Clause 4.6 Exceptions to Development Standards*

This clause allows consent to be granted for a development that contravenes a development standard within an Environmental Planning Instrument. In this instance the development standard is the 800ha minimum lot size (proposed Lot 1 being 6.872ha).

In accordance with clause 4.6(4) the Applicant has submitted a written request justifying the proposed variation. In this instance the variation is 99.141%.

The Applicant must provide a written request to seek variation to the development standards, in consideration of the matters identified in Subclause 4.6(3). These matters are identified below:

*(a) compliance with the development standard is unreasonable or unnecessary in the circumstances*

Comment:

Proposed Lot 1 forms a partial road closure of Campania Road. The development proposes the creation of a new title through this road closure. Noting the circumstance, it is not possible to close the road and still meet the minimum lot size provisions. Although the subdivision will initially create an allotment below the minimum lot size, it will ultimately be consolidated with adjoining Lot 1 DP 943178 (542.4ha) that will form a significant agricultural holding and be used for agricultural purposes.

*(b) there are sufficient environmental planning grounds to justify contravening the development standard*

Comment:

The relevant RU1 zone objectives are:

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

The applicant has outlined that the development remains consistent with the objectives of the land use zone (RU1 Primary Production). As noted, following the future consolidation of proposed Lot 1 with Lot 1 DP 943178 the land will be used for agricultural purposes, in accordance with the RU1 zone objectives.

The closure of this road and consolidation with adjoining property will also minimise land fragmentation and isolation of land. Vehicular access is also still maintained. No additional dwelling entitlements will be created, ensuring no additional opportunity for land use conflict.

Overall, it is considered that the written request has adequately addressed all matters outlined in Clause 4.6(3). The proposed development is considered to be in the public interest as the proposal remains consistent with the objectives of the RU1 Primary Production zone.

In accordance with subclause (4) an online register is to be kept of any approvals using subclause 4.6. and in accordance with Council Policy, the Notice of Determination must be signed by the Chief Executive Officer.

*Clause 5.10 Heritage Conservation*

There are no listed heritage items on the land or in the vicinity of the land.

In terms of Aboriginal archaeology, there are no known sites in the immediate locality. Therefore, it is considered unlikely there would be any adverse effects on Aboriginal archaeology, noting the development proposes a road closure only with no works proposed.

No further investigations required. An appropriate condition will be included on the consent that should any artefacts be discovered, the appropriate authorities be notified.

*Clause 5.21 Flood planning*

The land is not identified as being flood affected on any flood policy. It is noted however that Medway Creek traverses the land. Land adjacent to a waterway may be impacted upon by local flooding. Noting the land will not contain a dwelling entitlement or other land use that may be adversely impacted by flooding, there are no special flood considerations for this subdivision.

*Clause 7.1 Terrestrial Biodiversity*

Part of the subject site is included on the Terrestrial Biodiversity Map as having biodiversity value, namely those parts of the land adjacent to Medway Creek. Noting no works are proposed, it is considered the development will have no adverse impact on the biodiversity value of the land.

*Clause 7.2 Earthworks*

No works are proposed. Therefore, no special requirements with regards to erosion and sediment control.

*Clause 7.3 Natural resources – riparian land and waterways*

Part of the land, namely the area around Medway Creek, is mapped as having riparian vegetation according to the Natural Resource – Water Map. Noting no works are proposed, it is considered the development will have no adverse impact on the riparian value of the land/waterway.

*Clause 7.5 Groundwater vulnerability*

The land is included on the Natural Resource – Groundwater Vulnerability Map. The proposed development is not likely to cause groundwater contamination, nor will it likely have an effect on any groundwater dependent ecosystems. It is also considered not likely to have a cumulative impact on groundwater.

*(a)(ii) Draft Environmental Planning instruments*

No draft environmental planning instruments apply to the land to which the Development Application relates.

*(a)(iii) Development control plans*

Dubbo Development Control Plan 2013

An assessment is made of the relevant chapters and sections of this DCP. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

Chapter 2.4 Rural Development and Subdivision

*Section 2.4.8 Design elements and matters for consideration*

*Element 1 Site Integration*

Not applicable as the property is being created without dwelling entitlement. Therefore, there are no considerations with respect to building setbacks, siting of buildings, amenity etc.

*Element 2 – Services*

Noting the purpose of the subdivision is for 'road closure', the property will not be provided with any utility services.

*Element 3 – Access*

Access to the allotment will continue to be obtained via Dulcidene Road (southern side), and an unclosed portion of Campania Road (northern side), via North Terramungamine Road. Noting the purpose of the road closure is to create an allotment that will ultimately be consolidated with Lot 1 DP 943178, which itself has suitable vehicular access arrangements, no upgrades to access provisions are necessary.

*Element 4 – Design for Access and Mobility*

Not applicable.

*Element 5 – Flooding*

As identified previously, the land is not identified as being flood affected on any flood policy. It is noted that Medway Creek traverses the land. Land adjacent to a waterway may be impacted upon by local flooding. Noting the land will not contain a dwelling entitlement or other land use that may be adversely impacted by flooding, there are no special flood considerations for this subdivision.

*Element 6 – Waste Management*

Not applicable. As no works are required with this subdivision, no construction waste will be generated.

Upon registration, the land will ultimately be consolidated with adjoining Lot 1 DP 943178 and continue to be used for agricultural purposes. Therefore, no additional waste considerations.

*(a)(iia) planning agreements*

There are no planning agreements applicable to the subject land.

*(a)(iv) the regulations*

Environmental Planning and Assessment Regulation 2021

66A – Council-related development applications:

Council adopted a 'Conflict of Interest Policy' on the 27 April 2023 titled, *Council Related Development Application Conflict of Interest Policy*. In accordance with this Policy the applicant has submitted a document detailing how it would manage any possible conflicts that may arise during the assessment process. This document has been reviewed to which there are no objections. It is considered that clause 66A has therefore been satisfied.

No other matters prescribed by the Regulations impact determination of the subject development.

*(b) environmental (natural and built), social and economic impacts*

As stated above, there will be minimal removal of any vegetation and as such negligible impact on the natural or built environment. There are only beneficial social and economic impacts resulting from the proposed development.

*(c) suitability of the site*

Context, setting and public domain

- *Will the development have an adverse effect on the landscape/scenic quality, views/vistas, access to sunlight in the locality or on adjacent properties?*

The proposed development will not have any adverse effect on the landscape/scenic quality, views/vista, and access to sunlight on adjacent properties or in the locality.

- *Is the external appearance of the development appropriate having regard to character, location, siting, bulk, scale, shape, size, height, density, design and/or external appearance of development in the locality?*

Being a subdivision, the external appearance of the land will not be altered.

- *Is the size and shape of the land to which the Development Application relates suitable for the siting of any proposed building or works?*

It is considered the size and shape of the land is suitable for future primary production use, noting the allotment will ultimately be consolidated with Lot 1 DP 943178 to the west.

- *Will the development proposal have an adverse impact on the existing or likely future amenity of the locality?*

It is considered the proposed development will not have any detrimental impact on the existing or likely future amenity of the locality.

- *Will the development have an adverse effect on the public domain?*

It is considered the proposed development will not have any detrimental impact on the rural public domain.

Environmental considerations

- *Is the development likely to adversely impact/harm the environment in terms of air quality, water resources and water cycle, acidity, salinity soils management or microclimatic conditions?*

It is considered that the development will not have an adverse impact on the local environment. There are no activities proposed which may cause adverse air, soil or water pollution. Appropriate conditions on the consent will ensure possible environmental impacts are minimised.

- *Is the development likely to cause noise pollution?*

No works will be required to be undertaken to facilitate this road closure/subdivision. Therefore, no special conditions will be imposed.

Access, transport and traffic

- *Has the surrounding road system in the locality the capacity to accommodate the traffic generated by the proposed development?*

The road closure/subdivision will not generate any additional traffic movements. The surrounding road network is considered to have sufficient capacity to cater for traffic movements from the land.

*(d) submissions*

The Development Application was placed on notification for a period of not less than 28 days, ending 28 May 2024, during which time adjoining property owners were notified in writing of the proposed development.

Council received no submissions during the notification period.

*(e) public interest*

There are no matters other than those discussed in the assessment of the Development Application above, that would be considered contrary to the public interest.

#### **CONTRIBUTIONS Section 64 & Section 7.11**

Contributions will be considered as below:

##### *Sewer Headworks Contribution*

The land is not included on the *Dubbo Sewerage System Development Servicing Plan Area* on the Plan, as the land is not serviced by Council sewerage infrastructure. Therefore, sewer headworks contributions are not applicable.

*Water Headworks Contribution*

The land is not included on the *Dubbo Water Supply System Development Servicing Plan Area* on the Plan, as the land is not serviced by Council water infrastructure. Therefore, water headworks contributions are not applicable.

*Open Space Recreation Contribution*

The land is located outside the urban area and adjacent large lot residential zoned land. Consequently, contributions are not applicable. In addition, the lot to be created will have no dwelling entitlement, with no subsequent increased use of Council open space as a consequence of this subdivision.

*Stormwater Contribution*

The land is located outside any catchment areas that are serviced by Council stormwater infrastructure. Therefore, stormwater contributions are not applicable.

*Urban Roads Headworks Contribution*

The land is located outside the urban area as defined in Figure 4.1 of the Plan. Consequently, contributions are not applicable. In addition, the lot to be created will not have dwelling entitlement, with no subsequent increased traffic generation as a consequence of this subdivision.

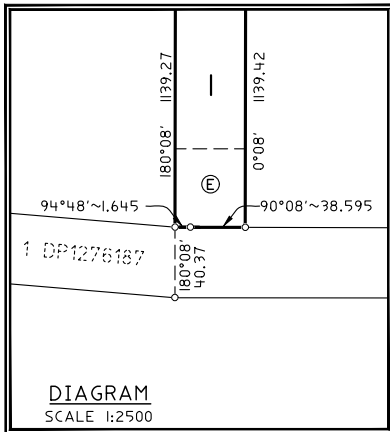
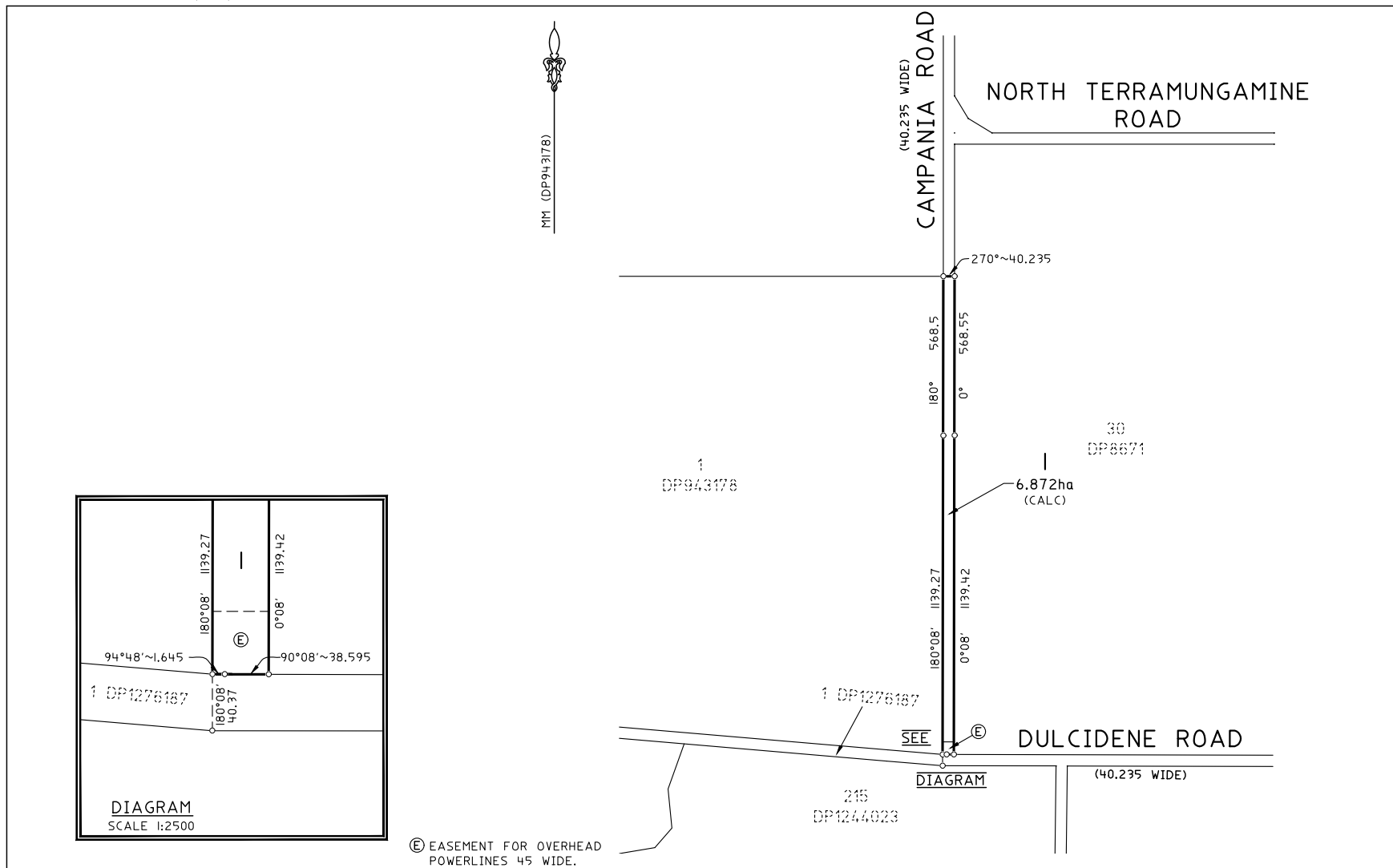
**RECOMMENDATION**

That D24-150 Road Closure (Campania Road, Terramungamine) being the part of the road between Lot 1 DP 943178 and Lot 30 DP 8671, be approved subject to the conditional consent and approved plans **(Appendices 1 and 2)**.

**APPENDICES:**

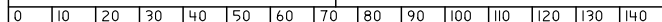
- 1 [↓](#) Approved Plans
- 2 [↓](#) Conditions and Notations





ⓔ EASEMENT FOR OVERHEAD POWERLINES 45 WIDE.

Surveyor: MATTHEW G. THORNE Date of Survey: 11/04/2022 Surveyor's Ref: I21252.2.DP 2022M7100(415)COMP	PLAN OF FIRST TITLE CREATION AND ROAD CLOSING UNDER THE ROADS ACT, 1993 AND EASEMENT FOR OVERHEAD POWERLINES.	LGA: DUBBO REGIONAL Locality: TERRAMUNGAMINE Subdivision No: Lengths are in metres. Reduction Ratio 1:2500	Registered	DP
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**GENERAL CONDITIONS**

Condition	
(1)	<p>The development shall be undertaken generally in accordance with the Statement of Environmental Effects and stamped approved plans detailed as follows except where modified by any of the following conditions:</p> <p>Drawing Title: Plan of First Title Creation and Road Closing            Surveyors Reference: 121252.2.DP            Dated: 11/04/2022            {Reason: To ensure that the development is undertaken in accordance with that assessed}</p>
(2)	<p>In the event of any Aboriginal archaeological material being discovered during earthmoving / construction works, all work in that area shall cease immediately and the Heritage NSW notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the Heritage NSW.            {Reason: To protect Aboriginal heritage}</p>
(3)	<p>Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure that the appropriate regulatory authority (eg Office of Environment and Heritage (OEH), SafeWork NSW, Council, Fire and Rescue NSW) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.</p> <p>Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.            {Reason: To ensure all hazardous waste is disposed of in an environmentally safe manner}</p>

**LAND SUBDIVISION  
BEFORE ISSUE OF A SUBDIVISION CERTIFICATE**

Condition	
(1)	<p>Proposed Lot 1 is created without dwelling entitlement. Upon lodgement of the Subdivision Certificate with Council, the developer is required to create under Section 88B of the Conveyancing Act 1919 a covenant burdening Lot 1 prohibiting the erection of a dwelling in accordance with the provisions of the Dubbo Regional Local Environmental Plan 2022.            {Reason: Compliance with the Dubbo Regional Local Environmental Plan 2022}</p>
(2)	<p>Appropriate easements for electricity supply purposes shall be provided in association with any electricity infrastructure within proposed Lot 1. Relevant documentation provided with the Subdivision Certificate shall identify the electricity supply authority (Essential Energy) as the benefitted party of such easements.            {Reason: To ensure protection of public electricity infrastructure}</p>

**NOTES**

- (1) Following compliance with all the relevant conditions of this Development Consent, the applicant should apply to Council, with lodgement of the Subdivision Certificate application and payment of the prescribed fee.
- (2) It is understood the purpose of this road closure and subdivision is to create an allotment that will be sold to the owner of adjoining Lot 1 DP 943178, and ultimately be consolidated with that allotment to be used for primary production purposes.



## REPORT: Planning Proposal R24-003 - Council-Owned Road Closure as Exempt Development

**DIVISION:** Development and Environment  
**REPORT DATE:** 17 May 2024  
**TRIM REFERENCE:** ID24/1004

### EXECUTIVE SUMMARY

<b>Purpose</b>	<ul style="list-style-type: none"> <li>Seek endorsement</li> <li>Fulfil legislated requirement</li> </ul>	
<b>Issue</b>	<ul style="list-style-type: none"> <li>The Dubbo Regional Local Environmental Plan (LEP) 2022 regulates planning decisions in the Local Government Area through land and development controls such as zoning, minimum lot sizes, development standards and land use permissibility.</li> <li>This Planning Proposal seeks to amend the Dubbo Regional LEP 2022 and make the subdivision of a Council-owned road for the purpose of a road closure exempt development. This will ensure the process is efficient and straightforward, and removes the requirement for a Development Application.</li> <li>Council-owned roads to be closed must be subdivided to create a title lot for the specific area of road. The NSW Land Registry Services requires a Subdivision Certificate, which can only be issued after development consent has been granted or the subdivision can be undertaken as exempt development. In many instances, the prospective lot area is less than the Minimum Lot Size Area identified in the Dubbo Regional LEP 2022 by more than 10%, which requires endorsement from the elected Council for a Clause 4.6 variation; this delays the process.</li> </ul>	
<b>Reasoning</b>	<ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act 1979</li> <li>NSW Government – Local Environmental Plan Making Guidelines</li> </ul>	
<b>Financial Implications</b>	Budget Area	Growth Planning
	Funding Source	Growth Planning Branch Budget
	Proposed Cost	The proposed cost will be accounted for in the Growth Planning budget as the amendment is operational in nature.
	Ongoing Costs	Nil
<b>Policy Implications</b>	Policy Title	Dubbo Regional Local Environmental Plan 2022
	Impact on Policy	Schedule 2 Exempt Development would be amended

## STRATEGIC DIRECTION

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

Theme:	2 Infrastructure
CSP Objective:	2.1 The road transportation network is safe, convenient and efficient
Delivery Program Strategy:	2.1.5 Council works collaboratively with the government and stakeholders on transport-related issues

## RECOMMENDATION

1. That Council endorse the Planning Proposal (attached in Appendix 1) to amend the Dubbo Regional Local Environmental Plan 2022 and make the subdivision of a Council-owned road for the purposes of road closure under the Roads Act 1993, Part 4, Division 3, as exempt development.
2. That Council submit the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure for a Gateway Determination.
3. That Council request the Chief Executive Officer (or delegate) be authorised as the Local Plan Making Authority under Section 3.36 of the Environmental Planning and Assessment Act 1979.
4. That Council support a minimum 10 business days public exhibition period for the Planning Proposal, subject to the conditions of a Gateway Determination.
5. That following the completion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.

*Stephen Wallace*  
Director Development and Environment

*TH*  
Manager Growth Planning

## BACKGROUND

### 1. Closing a Council-Owned Road

Since December 2019, Council has been responsible for closing Council-owned roads under the Roads Act 1993, Part 4, Division 3. Council may propose the closure of a Council-owned road if:

- the road is not reasonably required as a road for public use (whether for present or future needs);
- the road is not required to provide continuity for an existing road network; and
- if the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.

Council-owned roads to be closed must be subdivided to create a title lot for the specific area of road. The NSW Land Registry Services requires a Subdivision Certificate, which can only be issued after development consent has been granted or the subdivision is undertaken as exempt development. In many instances, the prospective lot area is less than the Minimum Lot Size Area identified in the Dubbo Regional LEP 2022 by more than 10%, which requires endorsement from the elected Council for a Clause 4.6 variation; this delays the overall process.

## REPORT

### 1. Details of the Planning Proposal

The Planning Proposal (attached in **Appendix 1**) aims to ensure the process of a Council-owned road closure is efficient and straightforward, and removes the requirement for development consent. It seeks to amend the Dubbo Regional LEP 2022 and introduce a provision to permit the subdivision of a Council-owned road for the purposes of road closure under the Roads Act 1993, Part 4, Division 3, as exempt development. A Subdivision Certificate would still be required to satisfy the requirements of the NSW Land Registry Services, but this is a relatively straightforward process.

The Planning Proposal is required as road closures do not currently constitute exempt development under State Environmental Planning Policy (Exempt and Complying Development) 2008, State Environmental Planning Policy (Transport and Infrastructure) 2021, or the Dubbo Regional LEP 2022.

If the amendment to Schedule 2 Exempt Development is not accepted by the Department of Planning, Housing and Infrastructure, Clause 4.1 Minimum Subdivision Lot Size would be amended so that it does not apply to the subdivision of land occurring in connection with the closure of a Council-owned road under the Roads Act 1993. Development consent would still be required in this instance, but it would remove the requirement for the elected Council to endorse a Clause 4.6 variation if the prospective lot area is less than the Minimum Lot Size Area identified in the Dubbo Regional LEP 2022 by more than 10%.

## 2. Planning Assessment and Consideration

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

Given the minor nature, the assessment indicates it has strategic merit and should be submitted to the NSW Department of Planning, Housing and Infrastructure for a Gateway Determination.

## 3. Consultation and Planned Communications

If Council supports the Planning Proposal and receives a Gateway determination, it will be placed on public exhibition for a minimum of 10 business days in accordance with the Local Environmental Plan Making Guidelines. This will include a notice on Council's website and Customer Experience Centres, and the NSW Planning Portal.

Given the minor nature of the Planning Proposal, Council won't engage with State agencies.

A further report will be presented to Council for consideration following the completion of public exhibition and consultation processes.

## 4. Resourcing Implications

There are no resourcing implications arising from this report as it forms part of the work program of the Growth Planning branch.

## 5. Timeframe

Key Date	Explanation
13 June 2024	Consideration by Infrastructure, Planning and Environment Committee
27 June 2024	Consideration by Council
July 2024	Gateway Determination
August 2024	Public exhibition period
September 2024	Consideration of submissions
October or November 2024	Consideration by Council
December 2024	Submission to Department for finalisation
January 2025	Making of the LEP amendment

### APPENDICES:

1 [↓](#) Planning proposal



# Planning Proposal

## Amendment to the Dubbo Regional Local Environmental Plan 2022

### Subdivision for Road Closure as Exempt Development

Council Reference R24-003

#### Acknowledgement:

Dubbo Regional Council wish to acknowledge the Wiradjuri People who are the Traditional Custodians of the Land. Council pay respect to the Elders past, present and emerging of the Wiradjuri Nation and extend that respect to other First Nations peoples who are present.





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## EXECUTIVE SUMMARY

This Planning Proposal seeks to amend the Dubbo Regional Local Environmental Plan (LEP) 2022 and introduce a provision to permit the subdivision of a Council-owned road for the purposes of road closure under the Roads Act 1993, Part 4, Division 3, as **exempt development**. Road closures do not currently constitute exempt development under State Environmental Planning Policy (Exempt and Complying Development) 2008, State Environmental Planning Policy (Transport and Infrastructure) 2021, or the Dubbo Regional LEP 2022.

Should this provision not be accepted, Clause 4.1 Minimum Subdivision Lot Size will be amended so that it does not apply to the subdivision of a Council-owned road for the purposes of road closure under the Roads Act 1993, Part 4, Division 3.

Since December 2019, Council has been responsible for closing Council-owned roads. The general process of closing a Council-owned road is attached in **Appendix 1**. Council-owned roads to be closed must be subdivided to create a title lot for the specific area of road. The NSW Land Registry Services requires a subdivision certificate, which can only be issued after development consent has been granted or the subdivision can be undertaken as exempt development. In many instances, the prospective lot area is less than the Minimum Lot Size Area identified in the Dubbo Regional LEP 2022 by more than 10%, which requires endorsement from the elected Council for a Clause 4.6 variation; this delays the process.

This Planning Proposal aims to ensure the process of a Council-owned road closure is efficient and straightforward, and removes the requirement for development consent.

This Planning Proposal is categorised as Basic in accordance with the Local Environmental Plan Making Guideline – August 2023.



## PART 1 OBJECTIVES AND INTENDED OUTCOMES

The objective of this Planning Proposal is to introduce a provision in the Dubbo Regional Local Environmental Plan (LEP) 2022 to permit the of subdivision land occurring in connection with the closure of a Council-owned road, or part of a Council-owned road, under the Roads Act 1993, as **exempt development**. This Planning Proposal aims to ensure the process of road closures is efficient and straightforward, and removes the requirement for development consent. A subdivision certificate would still be required to satisfy the requirements of the NSW Land Registry Services.

This Planning Proposal is required as road closures do not currently constitute exempt development under State Environmental Planning Policy (Exempt and Complying Development) 2008, State Environmental Planning Policy (Transport and Infrastructure) 2021, or the Dubbo Regional LEP 2022.

Since December 2019, Council has been responsible for closing Council-owned roads. Council-owned roads to be closed must be subdivided to create a title lot for the specific area of road. The NSW Land Registry Services requires a subdivision certificate, which can only be issued after development consent has been granted or the subdivision can be undertaken as exempt development. In many instances, the prospective lot area is less than the Minimum Lot Size Area identified in the Dubbo Regional LEP 2022 by more than 10%, which requires endorsement from the elected Council for a Clause 4.6 variation; this delays the process.

The process of closing a Council-owned road is attached in **Appendix 1**. In accordance with the Roads Act 1993, Part 4, Division 3, Council may propose the closure of a Council-owned road if:

- the road is not reasonably required as a road for public use (whether for present or future needs), and
- the road is not required to provide continuity for an existing road network, and
- if the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.

## PART 2 EXPLANATION OF PROVISIONS

This Planning Proposal will amend Schedule 2 Exempt Development of the Dubbo Regional LEP 2022 so that the subdivision of land occurring in connection with the closure of a Council-owned road, or part of a Council-owned road, under the Roads Act 1993, is **exempt development**. A subdivision certificate would still be required to satisfy the requirements of the NSW Land Registry Services, but this is a relatively straightforward process.

Should this provision not be accepted, Clause 4.1 Minimum Subdivision Lot Size will be amended so that it does not apply to the subdivision of land occurring in connection with the closure of a Council-owned road, or part of a Council-owned road, by Council under the Roads Act 1993. Development consent would still be required in this instance, but it would remove the requirement for the elected Council to endorse a Clause 4.6 variation if the prospective lot area is less than the Minimum Lot Size Area identified in the Dubbo Regional LEP 2022 by more than 10%.

These provisions are currently included in the Camden Local Environmental Plan 2010 and Sutherland Shire Local Environmental Plan 2015.



## PART 3 JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

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

- Central West and Orana Regional Plan 2041
- Dubbo Regional Council – Towards 2040 Community Strategic Plan
- Dubbo Regional Council – Local Strategic Planning Statement
- Dubbo Urban Areas Development Strategy
- Dubbo Rural Areas Development Strategy
- Ministerial Directions
- State Environmental Planning Policies

Given the minor nature, the assessment indicates it has strategic merit and should be submitted to the NSW Department of Planning, Housing and Infrastructure for a Gateway Determination.

### Section A – Need for the Planning Proposal

Question	Considerations
Is the planning proposal a result of an endorsed LSPS, strategic study or report?	This Planning Proposal is not a result of any strategic study or report. The proposed amendments to the Dubbo Regional LEP 2022 have been identified by Council officers and are minor in nature.
Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	<p>Road closures do not currently constitute exempt development under State Environmental Planning Policy (Exempt and Complying Development) 2008, State Environmental Planning Policy (Transport and Infrastructure) 2021, or the Dubbo Regional LEP 2022.</p> <p>The Planning Proposal is the best means of achieving the objectives and intended outcomes. In a lot of instances, the prospective closure area is less than the Minimum Lot Size Area identified in the Dubbo Regional LEP 2022 by more than 10%, which requires endorsement from the elected Council for the Clause 4.6 variation.</p> <p>This Planning Proposal aims to ensure the process of road closures is efficient and straightforward, and does not require a development application.</p>



## Section B – Relationship to the Strategic Planning Framework

Question	Considerations
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)?	<p><b><u>Central West and Orana Regional Plan 2041</u></b></p> <p>This Planning Proposal is consistent with the Central-West and Orana Regional Plan 2041's (CWORP 2041) objectives. The relevant objectives are:</p> <ul style="list-style-type: none"> <li>• Objective 5: Identify, protect and connect important environmental assets</li> <li>• Objective 19: Protect agricultural production values and promote agricultural innovation, sustainability and value-add opportunities</li> <li>• Objective 20: Protect and leverage the existing and future road, rail and air transport networks and infrastructure</li> </ul>
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?	<p><b><u>Dubbo Local Strategic Planning Statement</u></b></p> <p>This Planning Proposal is consistent with the Planning Priorities of the Dubbo Local Strategic Planning Statement. The relevant Planning Priorities are:</p> <ul style="list-style-type: none"> <li>• Planning priority 1: Plan for the delivery of infrastructure to support growth</li> <li>• Planning priority 5: Protect and enhance our agricultural industries and agribusiness</li> <li>• Planning priority 15: Protect areas of high environmental value and significance</li> <li>• Planning priority</li> </ul>
Is the planning proposal consistent with other local government strategies?	The Dubbo Urban Areas Strategy and Rural Areas Strategy are not considered relevant to this Planning Proposal.
Is the planning proposal consistent with any other applicable State and regional studies or strategies?	<p><b><u>Other State or Regional Strategies</u></b></p> <p>There are no other applicable State and regional studies or strategies relevant to this Planning Proposal.</p>
Is the planning proposal consistent with applicable SEPPs?	<p><b><u>State Environmental Planning Policies</u></b></p> <p>While this Planning Proposal does not propose any development, it is consistent with the following SEPPs and would require any future development application to consider the requirements:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> </ul>

Question	Considerations
Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?	<p><b>Ministerial Directions</b></p> <p>This Planning Proposal is generally consistent with the following Ministerial Directions:</p> <ul style="list-style-type: none"> <li>• Direction 1.1 Implementation of Regional Plans</li> <li>• Direction 1.3 Approval and Referrals Requirements</li> <li>• Direction 1.4 Site Specific Provisions</li> <li>• Direction 1.4A Exclusion of Development Standards from Variation</li> <li>• Direction 3.1 Conservation Zones</li> <li>• Directions 3.2 Heritage Conservation</li> <li>• Focus Area 4: Resilience and Hazards</li> <li>• Direction 6.1 Residential Zones</li> <li>• Direction 7.1 Employment Zones</li> <li>• Direction 9.1 Rural Zones</li> </ul>

### Section C – Environmental, Social and Economic Impacts

Question	Considerations
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?	<p>There is no likelihood that this Planning Proposal will have adverse effects on critical habitat, threatened species, populations, ecological communities, or their habitats.</p> <p>Although the Planning Proposal is proposed to apply to all land within the Dubbo Local Government Area, it will only impact Council-owned roads and doesn't involve new development. As such, it will have no impact on ecologically sensitive habitats.</p>
Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	<p>This Planning Proposal will only affect Council-owned roads and doesn't involve new development. As such, it will have no environmental effects.</p>
Has the planning proposal adequately addressed any social and economic effects?	<p>This Planning Proposal will only affect Council-owned roads and doesn't involve new development. As such, there will be no social or economic effects.</p>

### Section D – Infrastructure

Question	Considerations
Is there adequate public infrastructure for the planning proposal?	<p>This is not considered relevant as this Planning Proposal is minor in nature.</p>



## Section E – State and Commonwealth Interests

Question	Considerations
What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	Due to the minor nature of this Planning Proposal, consultation with State and Commonwealth public authorities was not undertaken. Public consultation will be undertaken for 10 business days following receipt of a Gateway determination.

## PART 4 MAPS

This Planning Proposal does not require map amendments.

## PART 5 COMMUNITY CONSULTATION

This Planning Proposal is categorised as Basic in accordance with the Local Environmental Plan Making Guideline – August 2023.

Community consultation will occur in accordance with the requirements of the Gateway Determination. This Planning Proposal will be on public exhibition for a minimum of 10 working days, and it will be notified in the following ways:

- NSW Planning Portal
- Council's Customer Experience Centres – Dubbo and Wellington
- Macquarie Regional Library - Dubbo and Wellington branches
- Council's website
- Local newspapers

Council will not undertake consultation with State agencies.



## PART 6 PROJECT TIMELINE

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

Key Date	Explanation
13 June 2024	Consideration by Infrastructure, Planning and Environment Committee
27 June 2024	Consideration by Council
July 2024	Gateway Determination
August 2024	Public exhibition period
September 2024	Consideration of submissions
October or November 2024	Consideration by Council
December 2024	Submission to Department for finalisation
January 2025	Making of the LEP amendment





APPENDIX 1 – ROAD CLOSURE PROCESS

