



AGENDA DEVELOPMENT AND ENVIRONMENT COMMITTEE 12 JULY 2021

MEMBERSHIP: Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, S Lawrence, G Mohr, K Parker and J Ryan.

The meeting is scheduled to commence at 5.30 pm.

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DEC21/18 LEAVE OF ABSENCE (ID21/1091)	
DEC21/19 BUILDING SUMMARY - JUNE 2021 (ID21/976) The Committee had before it the report dated 15 June 2021 from the Director Development and Environment regarding Building Summary - June 2021.	2
DEC21/20 PLANNING PROPOSAL TO AMEND DUBBO LOCAL ENVIRONMENTAL PLAN 2011 LAND USE ZONE AND MINIMUM LOT SIZE, 9R BELGRAVIA ROAD DUBBO (ID21/704) The Committee had before it the report dated 25 June 2021 from the Senior Growth Planner regarding Planning Proposal to Amend Dubbo Local Environmental Plan 2011 Land Use Zone and Minimum Lot Size, 9R Belgravia Road Dubbo.	14
DEC21/21 RESULTS OF PUBLIC EXHIBITION - PLANNING PROPOSAL - ADDITIONAL PERMITTED USE OF A 'PUB' AT 10 COMMERCIAL AVENUE DUBBO (LOT 701 DP 1254944) (ID21/1029) The Committee had before it the report dated 24 June 2021 from the Senior Growth Planner regarding Results of Public Exhibition - Planning Proposal - Additional Permitted Use of a 'Pub' at 10 Commercial Avenue Dubbo (Lot 701 DP 1254944).	60



DUBBO REGIONAL
COUNCIL

REPORT: Building Summary - June 2021

AUTHOR: Director Development and
Environment
REPORT DATE: 15 June 2021
TRIM REFERENCE: ID21/976

EXECUTIVE SUMMARY

Information has been prepared on the statistics of the number of dwellings and other residential development approved in the Dubbo Regional Local Government Area (LGA) together with statistics for total approved Development Applications for the information of Council.

Appendix 1 relates specifically to residential approval figures, and includes both historical and current financial year data relating to the Dubbo Regional LGA. **Appendices 2 to 5** include both the current and retrospective figures for all development types approved within the Dubbo Regional LGA for the financial years stated.

All development applications, construction certificates and complying development certificates can be tracked online at <https://planning.dubbo.nsw.gov.au/Home/Disclaimer>.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the information contained within the report of the Director Development and Environment, dated 30 June 2021, be noted.

Darryll Quigley
Director Development and Environment

REPORT

Provided, for information, are the latest statistics (as at the time of production of this report) for Development Applications for Dubbo Regional Council.

1. Residential Building Summary

Dwellings and other residential developments approved during June 2021 were as follows:

June

Single dwellings	20
Other residential development	9
(No. of units)	14

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 summary of residential approvals for the former Dubbo City Council area since 2011-2012 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.

2. Approved Development Applications

The total number of approved Development Applications (including Complying Development Certificates) for June 2021, a comparison with figures 12 months prior and the total for the respective financial years, are as follows:

	<u>1 June 2021 – 30 June 2021</u>	<u>1 June 2020 to 30 June 2020</u>
No. of applications	78	43
Value	\$28,072,985	\$6,873,290
	<u>1 July 2020 – 30 June 2021</u>	<u>1 July 2019 – 30 June 2020</u>
No. of applications	959	672
Value	\$224,876,974	\$151,223,884

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

3. 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.
- Floor plans for residential dwellings.
- Documentation associated with privately certified applications.
- Internal reports.

Councillors are welcome to contact me should they require further information in respect of outstanding Development Applications emanating from the online tracking system.

The information included in this report is provided for notation.

Appendices:

- 1 [↓](#) Building Summary - June 2021
- 2 [↓](#) Approved Applications - 1 June 2021 to 30 June 2021
- 3 [↓](#) Approved Applications - 1 June 2020 to 30 June 2020
- 4 [↓](#) Approved Applications - 1 July 2020 to 30 June 2021
- 5 [↓](#) Approved Applications - 1 July 2019 to 30 June 2020

STATISTICAL INFORMATION ON *SINGLE DWELLINGS AND **OTHER RESIDENTIAL DEVELOPMENTS

		JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
DCC	2011/2012													
	Single Dwellings	6	12	10	6	7	16	4	16	12	8	12	9	118
	Other Residential Developments (No of units)	1 (14)	1 (2)	- (-)	1 (1)	2 (4)	2 (3)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	1 (16)
DCC	2012/2013													
	Single Dwellings	3	7	14	13	9	3	9	9	13	13	15	13	121
	Other Residential Developments (No of units)	4 (8)	6 (6)	- (-)	- (-)	1 (2)	9 (11)	- (-)	- (-)	1 (2)	- (-)	2 (39)	- (-)	- (68)
DCC	2013/2014***													
	Single Dwellings	23	17	25	20	14	15	19	10	18	14	19	14	208
	Other Residential Developments (No of units)	- (-)	1 (2)	1 (2)	- (-)	- (-)	1 (2)	4 (46)	2 (1)	1 (2)	2 (4)	- (-)	3 (6)	15 (65)
DCC	2014/2015***													
	Single Dwellings	19	34	19	21	13	16	14	12	20	19	15	20	222
	Other Residential Developments (No of units)	3 (6)	1 (2)	6 (31)	5 (50)	6 (6)	12 (21)	- (-)	4 (87)	2 (4)	1 (1)	9 (25)	5 (10)	54 (243)
DCC	2015/2016***													
	Single Dwellings	27	20	26	19	21	26	19	14	16	17	17	22	244
	Other Residential Developments (No of units)	6 (50)	8 (98)	8 (12)	4 (7)	1 (2)	3 (5)	3 (18)	3 (4)	3 (5)	5 (14)	3 (6)	8 (23)	55 (244)
DCC	2016/2017***													
	Single Dwellings	24	13	17	18	12	21	16	18	18	14	18	36	225
	Other Residential Developments (No of units)	8 (10)	5 (10)	7 (13)	4 (7)	6 (10)	5 (16)	3 (6)	2 (75)	1 (2)	5 (8)	4 (13)	7 (14)	57 (184)
DRC	2017/2018***													
	Single Dwellings	26	21	13	12	16	19	4	22	16	21	22	16	208
	Other Residential Developments (No of units)	6 (11)	9 (16)	2 (3)	1 (2)	9 (16)	1 (2)	5 (8)	5 (5)	11 (23)	1 (2)	3 (3)	5 (9)	58 (100)
DRC	2018/2019***													
	Single Dwellings	15	26	13	7	17	8	19	5	8	11	19	6	154
	Other Residential Developments (No of units)	3 (4)	4 (7)	3 (5)	- (-)	6 (11)	2 (29)	2 (4)	1 (1)	5 (12)	7 (25)	9 (15)	5 (10)	47 (123)

		JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
	2019/2020***													
DRC	Single Dwellings	16	11	8	18	27	14	4	5	10	8	8	8	137
	Other Residential Developments	4	4	3	4	11	6	1	4	2	1	1	1	42
	(No of units)	(8)	(7)	(6)	(7)	(19)	(10)	(2)	(7)	(2)	(2)	(2)	(1)	(73)
	2020/2021***													
DRC	Single Dwellings	7	17	21	12	20	46	18	25	30	27	17	20	260
	Other Residential Developments	5	2	5	6	3	15	2	6	5	5	7	9	70
	(No of units)	(7)	(4)	(11)	(10)	(4)	(35)	(5)	(10)	(8)	(9)	(47)	(14)	(164)

* Single Dwellings = Single 'Dwelling House'

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

*** Includes private certifiers



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Print Date: 30/06/2021

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**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/06/2021 - 30/06/2021**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	26	7,978,481	20	7,081,158	6	897,323	20	
Dwelling- Transportable/Relocatable	3	498,238	3	498,238			3	
Dwelling - Secondary/Dual Occ Dwelling	5	1,560,000	5	1,560,000			9	
Dwelling - Dual Occupancy, one storey	1	435,000	1	435,000			2	
Garage/Carport/Roofed Outbuildings	20	393,710	20	393,710				
Fences/Unroofed Structures	1	7,000	1	7,000				
Swimming Pool	10	360,408	10	360,408				
Office Building	1	5,000			1	5,000		
Retail Building	2	4,100,000	2	4,100,000				
Office & Retail Building	2	329,009			2	329,009		
Infrastructure - Transport, Utilities	2	7,366,639	2	7,366,639				
Demolition	1	40,000			1	40,000		
Child Care - Centre Based	2	4,279,500	2	4,279,500				
Change of Use - Commercial	1	5,000	1	5,000				
Change of Use - Industrial	1	0			1			
Subdivision - Residential	2	0						5
Subdivision - Commercial	1	0						3
Miscellaneous	2	715,000	2	715,000				

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/06/2021 - 30/06/2021**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Totals for Development Types	83	28,072,985						

Total Number of Applications for this period: 78

*** Note: There may be more than one Development Type per Development Application
Statistics include applications by Private Certifiers

----- End of Report -----



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**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/06/2020 - 30/06/2020**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	11	2,946,778	8	2,710,656	3	236,122	8	
Dwelling - Secondary/Dual Occ Dwelling	1	127,000	1	127,000			1	
Dwelling - Dual Occupancy, one storey	1	460,000	1	460,000			2	
Garage/Carport/Roofed Outbuildings	16	353,512	16	353,512				
Swimming Pool	6	167,800	6	167,800				
Office Building	1	120,000			1	120,000		
Retail Building	1	40,000			1	40,000		
Motels	1	1,900,000			1	1,900,000		
Factory/Production Building	1	70,000			1	70,000		
Educational Building	1	352,200			1	352,200		
Entertainment/Recreational Building	1	274,000			1	274,000		
Signs/Advertising Structure	1	22,000	1	22,000				
Change of Use - Commercial	1	40,000			1	40,000		
Totals for Development Types	43	6,873,290						

Total Number of Applications for this period: 43

*** Note: There may be more than one Development Type per Development Application
Statistics include applications by Private Certifiers

----- End of Report -----



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**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2020 - 30/06/2021**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	383	116,080,519	300	103,359,861	83	12,720,658	299	1
Dwelling- Transportable/Relocatable	7	1,313,038	7	1,313,038			7	
Dwelling - Secondary/Dual Occ Dwelling	47	14,470,405	47	14,470,405			76	
Dwelling - Dual Occupancy, one storey	21	9,204,700	21	9,204,700			40	4
Dwelling - Dual Occupancy, >one storey	1	570,000	1	570,000			3	
Medium Density Res - one/two storeys	3	11,880,000	3	11,880,000			44	
Medium Density Res - Seniors Living SEPP	1	2,400,000	1	2,400,000			10	
Garage/Carport/Roofed Outbuildings	258	6,422,278	250	6,252,071	8	170,207	1	
Fences/Unroofed Structures	7	69,750	6	50,500	1	19,250		
Swimming Pool	112	3,241,325	112	3,241,325				
Office Building	11	2,496,773	2	875,000	9	1,621,773		
Retail Building	26	12,921,808	5	10,260,402	21	2,661,406		
Hotels	1	460,000			1	460,000		
Office & Retail Building	7	1,978,509	2	1,360,000	5	618,509		
Factory/Production Building	8	4,672,247	4	2,220,000	4	2,452,247		
Warehouse/storage	10	3,983,100	9	3,926,100	1	57,000		
Carpark	1	308,000	1	308,000				
Infrastructure - Transport, Utilities	6	10,796,639	6	10,796,639				
Educational Building	2	1,924,500	1	1,900,000	1	24,500		
Place of Worship	1	1,000,000			1	1,000,000		
Community/Public Building	1	80,000			1	80,000		
Signs/Advertising Structure	13	403,015	10	342,815	3	60,200		

Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2020 - 30/06/2021

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Demolition	8	98,000	1	2,000	7	96,000		
Home Business	1	1,000			1	1,000		
Home Industry	1	0			1			
Child Care - Centre Based	2	4,279,500	2	4,279,500				
Change of Use - Commercial	11	350,000	4	75,000	7	275,000		
Change of Use - Industrial	3	0			3			
Agricultural Development	3	1,176,000	3	1,176,000				
Parks/Reserves	1	72,000	1	72,000				
Subdivision - Residential	41	5,793,575	1					2
Subdivision - Commercial	3	75,000						7
Subdivision - Industrial	4	828,000						10
Subdivision - Rural	7	45,000						14
Miscellaneous	11	5,465,000	9	5,421,000	2	44,000		
Alterations and additions to commercial	1	17,293			1	17,293		
Totals for Development Types	1024	224,876,974						

Total Number of Applications for this period: 959

*** Note: There may be more than one Development Type per Development Application
Statistics include applications by Private Certifiers

----- End of Report -----



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**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2019 - 30/06/2020**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	201	58,816,407	163	54,901,991	38	3,914,416	163	
Dwelling- Transportable/Relocatable	1	269,100	1	269,100			1	
Dwelling - Secondary/Dual Occ Dwelling	42	10,411,079	42	10,411,079			68	
Dwelling - Dual Occupancy, one storey	20	8,375,000	20	8,375,000			38	
Dwelling - Dual Occupancy, >one storey	1	795,625	1	795,625			2	
Garage/Carport/Roofed Outbuildings	197	3,786,488	180	3,441,684	17	344,804		
Fences/Unroofed Structures	8	164,500	8	164,500				
Swimming Pool	72	2,096,585	72	2,096,585				
Office Building	12	2,184,948	3	1,110,000	9	1,074,948		
Retail Building	17	7,174,010	4	5,000,000	13	2,174,010		
Hotels	2	95,000			2	95,000		
Hostels, Boarding House	1	10,000			1	10,000		
Motels	1	1,900,000			1	1,900,000		
Office & Retail Building	1	80,000			1	80,000		
Retail & Residential Building	1	7,800,000	1	7,800,000				
Factory/Production Building	5	2,120,000	3	1,570,000	2	550,000		
Warehouse/storage	8	3,002,000	5	2,062,000	3	940,000		
Infrastructure - Transport, Utilities	9	666,983	5	478,970	4	188,013		
Health Care Facility - Other	1	15,000	1	15,000				
Educational Building	5	7,726,200	1	4,500,000	4	3,226,200		
Place of Worship	2	580,000			2	580,000		
Entertainment/Recreational Building	3	393,632	1		2	393,632		

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2019 - 30/06/2020**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Community/Public Building	5	1,050,000	2	700,000	3	350,000		
Signs/Advertising Structure	9	241,300	8	218,500	1	22,800		
Demolition	10	106,109	3		7	106,109		
Home Business	2	0			2			
Change of Use - Commercial	16	380,120	7	23,800	9	356,320		
Agricultural Development	1	200,000	1	200,000				
Tourism Development	2	3,455,000	1	2,800,000	1	655,000		
Subdivision - Residential	29	23,963,000	4	12,684,000				18
Subdivision - Commercial	4	2,055,898						2
Subdivision - Industrial	4	13,600						4
Subdivision - Rural	5	0						11
Subdivision - Other	2	9,000						
Miscellaneous	8	1,287,300	6	1,270,300	2	17,000		
Totals for Development Types	707	151,223,884						

Total Number of Applications for this period: 672

*** Note: There may be more than one Development Type per Development Application
Statistics include applications by Private Certifiers

----- End of Report -----



REPORT: Planning Proposal to Amend Dubbo Local Environmental Plan 2011 Land Use Zone and Minimum Lot Size, 9R Belgravia Road Dubbo

AUTHOR: Senior Growth Planner
REPORT DATE: 25 June 2021
TRIM REFERENCE: ID21/704

EXECUTIVE SUMMARY

A Planning Proposal was lodged with Council on 23 March 2021 by iPLAN PROJECTS on behalf of the owners David and Carmen Isbester, for a site known as Lot 5 DP 817149, 9R Belgravia Road Dubbo (**Appendix 1**). The subject land is approximately 40.68 hectares.

The Planning Proposal seeks to rezone the land from RU1 Primary Production to R5 Large Lot Residential zone under the provisions of the Dubbo Local Environmental Plan (DLEP) 2011. The Planning Proposal also seeks to amend the existing Minimum Lot Size applicable to the subject land from 800 hectares to 8 hectares under the provisions of the DLEP 2011.

The Planning Proposal has been assessed in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Planning Proposal be endorsed by Council and that a Gateway Determination be sought from the NSW Department of Planning, Industry and Environment (DPIE). Following receipt of a Gateway Determination, Council will place the proposal on public exhibition for a minimum of 28 days. A further report will be provided to Council for consideration of the Planning Proposal, detailing the results of the public exhibition.

FINANCIAL IMPLICATIONS

In accordance with Council's adopted Revenue Policy, the Proponent has made a payment of \$12,500 at the time of lodgement of the Planning Proposal. The Proponent will be required to pay a further \$2,500 to Council once a Gateway Determination is received for the Planning Proposal.

POLICY IMPLICATIONS

The Planning Proposal is provided for consideration and endorsement to seek Gateway Determination from NSW DPIE. Receipt of a Gateway Determination from the Department will allow Council to, conditionally, undertake an amendment to the Dubbo LEP.

RECOMMENDATION

1. That the report of the Senior Growth Planner, dated 25 June 2021, be noted.
2. That Council endorse the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 by rezoning Lot 5 DP817149 from RU1 Primary Production to R5 Large Lot Residential and amendment to the applicable Minimum Lot Size from 800 hectares to 8 hectares.
3. That Council forward the Planning Proposal to the NSW Department of Planning, Industry and Environment to request a Gateway Determination.
4. That Council support a minimum 28 day public exhibition period for the Planning Proposal.
5. That following the completion of the public exhibition period, a further report be provided to Council for consideration, detailing the results of the public exhibition period.

Shoilee Iqbal

Senior Growth Planner

BACKGROUND

A Planning Proposal was lodged with Council on 23 March 2021 by iPLAN PROJECTS on behalf of the owners David and Carmen Isbester, for a site known as Lot 5 DP 817149, 9R Belgravia Road Dubbo (**Appendix 1**). The Planning Proposal seeks to rezone the land from RU1 Primary Production to R5 Large Lot Residential under the provisions of the Dubbo Local Environmental Plan 2011 (DLEP 2011). The Planning Proposal also seeks to amend the existing Minimum Lot Size applicable to the subject site from 800 hectares to eight hectares under the provisions of the DLEP 2011.

It is to be noted that the Proponent initially submitted their proposal to Council as a submission to Council's draft Local Strategic Planning Statement (LSPS) that was exhibited in 2020. Subsequently, in June 2020, Council considered a report on the exhibited LSPS and reviewed a number of rezoning related submissions to the LSPS, including the Proponent's submission. Council identified initial merit for the Proponent's request at the time, and resolved to consider it as part of Council's review of the R5 Residential Large Lot zoned land and/or Stage 2 of Council's comprehensive Local Environmental Plan works. It was also identified in the LSPS that the landowner could submit a Planning Proposal if a shorter timeframe was sought.

This report recommends that the Planning Proposal be endorsed by Council and that a Gateway Determination be sought from the NSW Department of Planning, Industry and Environment (DPIE). Following receipt of a Gateway Determination, Council will place the proposal on public exhibition for a minimum of 28 days. A further report will be provided to Council for consideration of the Planning Proposal, detailing the results of the public exhibition period.

REPORT

1. Particulars of the Planning Proposal Application

Owner:	David and Carmen Isbester
Applicant:	iPLAN PROJECTS
Subject land:	Lot 5 DP 817149 (9R Belgravia Road Dubbo)
Calculated site area:	Approximately 40.54 hectares
Current zoning:	RU1 Primary Production
Proposed LEP amendment:	Rezoning Lot 5 DP817149 RU1 Primary Production to Zone R5 Large Lot Residential, and amending the Minimum Lot Size from 800 hectares to 8 hectares
Lodgement date:	23 March 2021.

2. Amendments to Local Environmental Plans

The NSW Department of Planning, Infrastructure and Environment (DPIE) introduced a process for the consideration of amendments to local environmental plans in 2009. The process for the consideration of an amendment to a Local Environmental Plan (LEP)

commences with Council’s consideration of a Planning Proposal. The Planning Proposal process is shown in Figure 1.

PLANNING PROPOSAL PROCESS

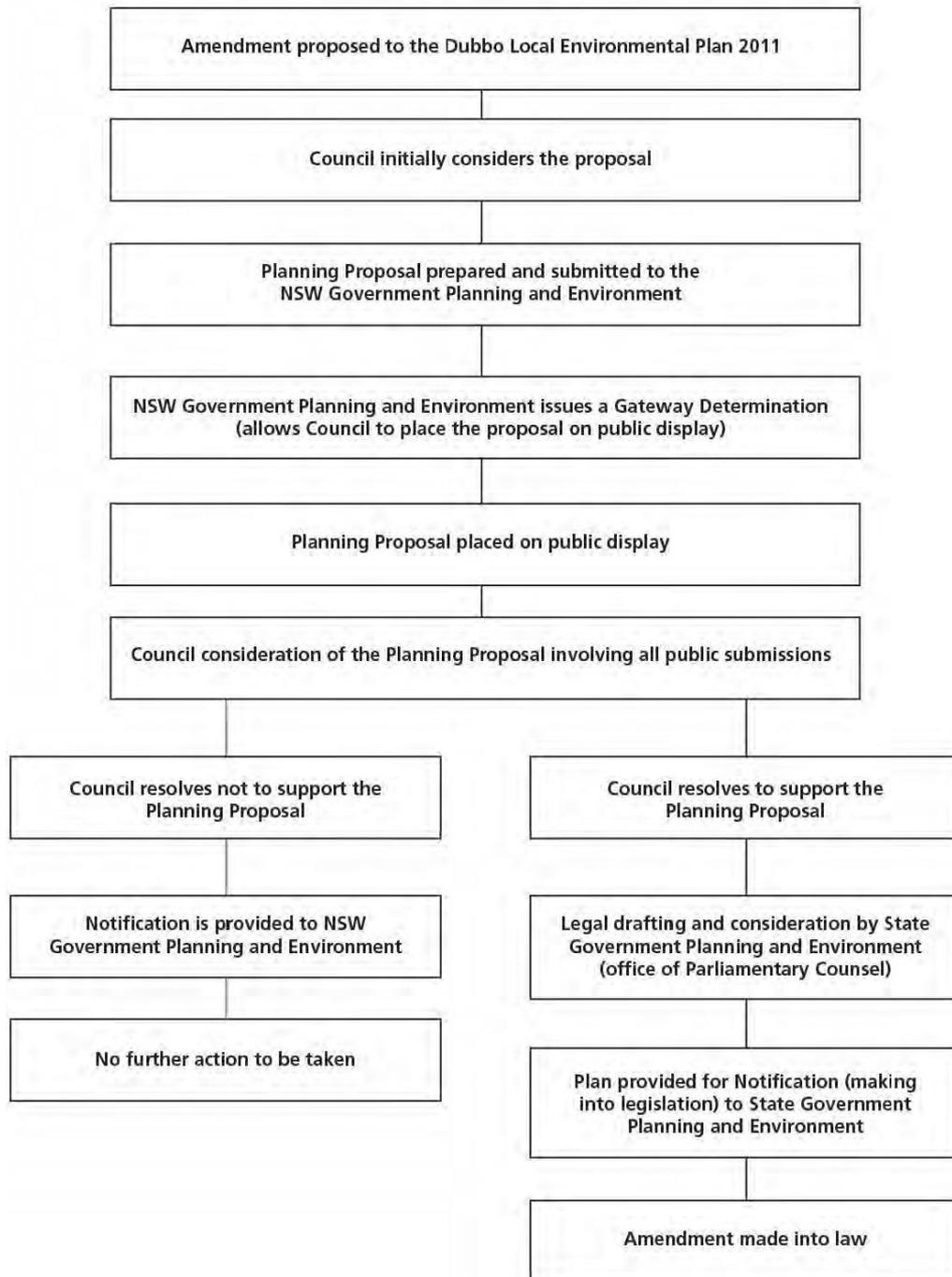


Figure 1. Planning Proposal process

The role of a Planning Proposal is to explain the intended effects of a proposed Local Environmental Plan amendment and the justification for undertaking the amendment. Council has a role of considering the Planning Proposal. If Council resolves to endorse the

Planning Proposal, it will be provided to NSW DPIE to seek a Gateway Determination. After consideration by DPIE, Council will receive a Gateway Determination for the LEP Amendment.

The Gateway Determination will specify that the Department will allow the proposed amendment to proceed, as well as the level of public and State Government consultation required, and any matters that require additional information. After any additional matters have been addressed and the required consultation carried out, a further report will be provided to Council for consideration. Following Council's consideration, the Planning Proposal will be submitted to NSW DPIE for finalisation of the LEP amendment.

3. Planning Proposal

The objective of this Planning Proposal is to rezone the land from RU1 Primary Production to R5 Large Lot Residential under the provisions of the Dubbo Local Environmental Plan 2011 (DLEP 2011). The Planning Proposal also seeks to amend the existing Minimum Lot Size applicable to the subject site from 800 hectares to eight hectares under the provisions of the DLEP 2011.

The intent of the Planning Proposal is to:

1. enable future development on the subject land via rezoning to permit a dwelling house on each allotment (through future development application/s); and
2. to facilitate the future subdivision of the subject land by amending the existing Minimum Lot Size controls.

4. Site Characteristics

The subject land is approximately 40.54 hectares and currently contains one dwelling house. The site has frontage to Belmont Road (currently sealed) and Belgravia Road (not fully sealed at this stage), as shown below in Figure 2. Two lower order streams traverse the property.



Figure 2. Aerial imagery of the site fronting Belmont and Belgravia Road and surroundings.

The site is within 10km of Dubbo CBD, approximately 3-4km west of the Macquarie River and 2-3km south of the Dubbo Western Plains Zoo. The site is also in the 'Macquarie District' as identified in the Dubbo Rural Areas Development Strategy 1995-2015.

The site is currently zoned RU1 Primary Production under the provisions of the DLEP 2011 and is adjacent to an existing R5 Large Lot Residential zoned area to the east. Zoning of the site and surrounds are shown in Figure 3:

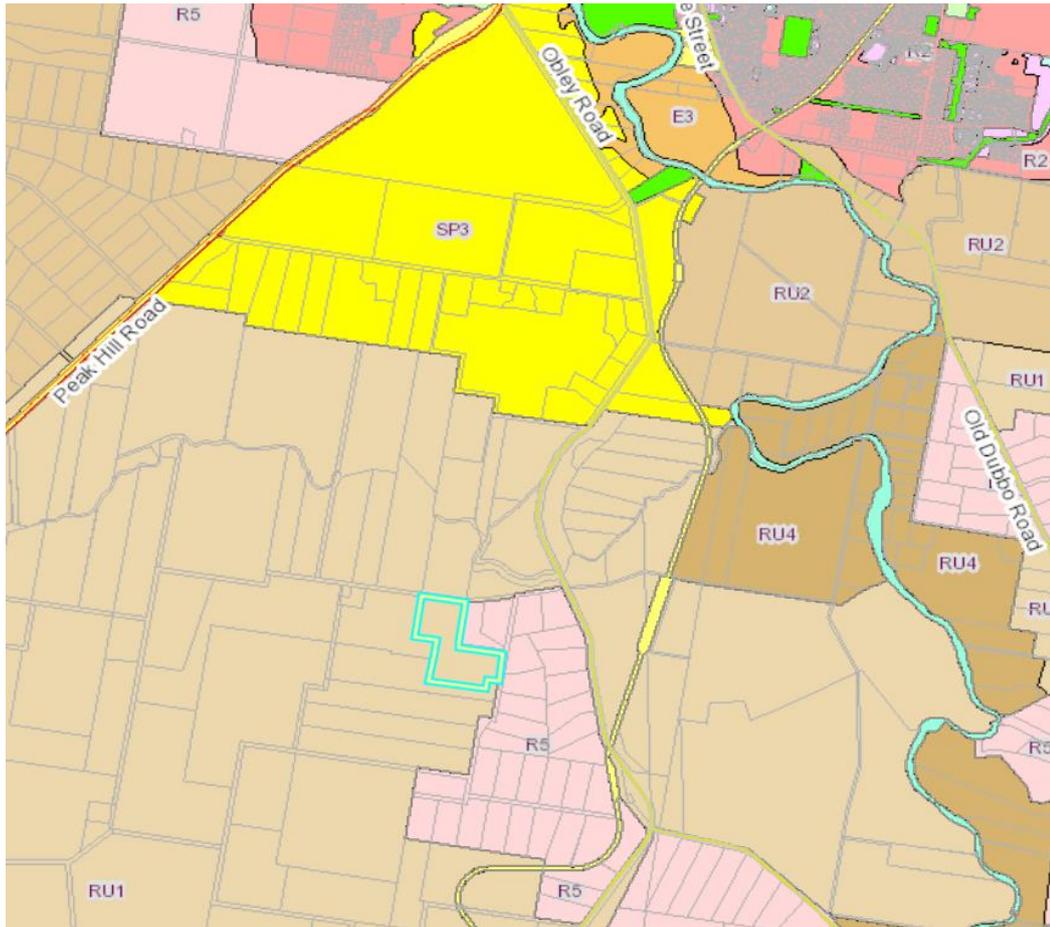


Figure 3. Current zoning context of the site.

5. Planning Considerations

The purpose of this section is to outline significant matters for consideration under Section 3.33 of the Environmental Planning and Assessment Act 1979, including consideration of the proposal within the overarching strategic planning framework, as discussed below:

(i) Central West and Orana Regional Plan

The following goals and directions of the Central West and Orana Regional Plan are applicable to the Planning Proposal:

Direction 1: Protect the region's diverse and productive agricultural land

Direction 1 (Action 1.2) of the CWORP intends to “*protect important agricultural land from land use conflict and fragmentation, and manage the interface between important agricultural lands and other land uses.*” In this regard, the Plan refers to the NSW Government Biophysical Strategic Agricultural Land (BSAL) mapping which identifies quality agricultural land in NSW that need to be protected and retained as prime agricultural land.

The subject site is not identified as BSAL land.

Direction 25: Increase housing diversity and choice

Direction 25 (particularly Action 25.2) of the Plan aims to increase housing choice in regional cities near or accessible to services and jobs. The planning proposal will result in more R5 zoned large lot housing in a rural setting being available to the market, providing additional housing in the community.

Direction 28: Manage rural residential development

Direction 28 of the CWORP identifies that rural residential development can create land use conflict and cause further fragmentation of valuable agricultural land. Action 28.1 of this direction specifies that new rural residential development should be “*close to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewer and waste services, and social and community infrastructure;*” and away from “*productive, zoned agricultural land and natural resources.*”

It is considered that the Planning Proposal is unlikely to result in any additional rural land use conflict.

(ii) 2040 Community Strategic Plan

Council’s 2040 Community Strategic Plan (CSP) guides the actions and initiatives of Council. One of the visions of the 2040 CSP for the next 20 years is to “*provide for housing choice and housing affordability to meet the needs of our community.*” The Planning Proposal is consistent with this vision, as well as the following objectives of the Plan as follows:

CSP strategic objective	Comment
<i>1.1.1A variety of residential housing types are located close to appropriate services and facilities</i>	The subject site is within 10km of Dubbo CBD services and facilities.
<i>1.4.1 There is adequate land suitably zoned to meet a variety of residential development opportunity</i>	The intended outcomes of the proposal will result in additional R5 zoned land being available for residential development.
<i>1.4.4 Residential development does not adversely impact on the agricultural production potential of rural land</i>	The site is already fragmented and will not adversely impact on Dubbo’s prime agricultural potential of rural land.

The Planning Proposal is consistent with the 2040 Community Strategic Plan.

(iii) Dubbo Regional Council Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) aims to protect Dubbo’s primary production lands from land use conflicts. The Planning Proposal is consistent with the following direction:

“13.1 Review the LEPs zone boundaries, land use tables and subdivision minima to ensure rural lifestyle development is contained within existing zoned areas or highlighted areas

contained in Rural Issue Paper 2019 and does not have the potential to adversely impact on the primary production potential of rural land."

(iv) Dubbo Rural Areas Development Strategy

The Dubbo Rural Areas Development Strategy (RADS) 1995-2015 was adopted by Council as a rural policy package for the former Dubbo City Council in 1995 and subsequently reviewed in 2003, 2007 and again with the adoption of the Dubbo Local Environmental Plan in 2011. The Strategy has the following priority statement for rural land:

"settlement of the rural area is the lowest priority as it has the least long-term economic consequence for Dubbo... (Settlement) is to be directed to specific appropriately zoned areas where conflicts with other uses can be avoided or minimised."

The subject site is located within the 'Macquarie District' as identified in the RADS. At the time the Strategy was prepared, this district was recognised to contain high quality agricultural land, but also characterised by considerable fragmentation from the 1970s. The subject site itself within the district is mapped as an area between dryland/extensive agriculture and settlement.

The Planning Proposal submitted by the Proponent (**attached as Appendix 1**) adds that the subject site *"has an area of ~40.68ha (compared to a Minimum Lot Size of 800ha) so it has limited agricultural potential... (and) minimum buffers of 50 - 100m between proposed dwelling envelopes and adjacent agriculture, most houses >250m from the rural interface... should substantially reduce the potential for land use conflict."*

(v) Dubbo Local Environmental Plan 2011

The subject site is zoned RU1 Primary Production under Dubbo Local Environmental Plan 2011, with a minimum lot size for subdivision being 800Ha. The proposed zoning, R5 Large Lot Residential has the objective to *"provide residential housing in a rural setting..."* and also *"minimise conflict between land uses within this zone and land uses within adjoining zones."*

The proposed rezoning will enable large lot housing to take place, but any future development will still be subject to the 8Ha minimum lot size. This will allow for sufficient buffers to and from future dwellings on the land. Under the DLEP 2011, the R5 zone will contribute to retaining a rural character in the locality.

Part 4 of the DLEP 2011 [Section 4.1, Minimum subdivision lot size - Clause 1a] applies to subdivision of any land shown on the Lot Size Map, with a key objective *"to protect and enhance the production capacity of rural lands, by maintaining farm sizes and the status of productive lands."* Whilst the subject lot has an 800Ha minimum lot size, the site is considered to already be fragmented, on account of the size, shape and adjoining existing R5 zoned land.

(vii) State Environmental Planning Policies

The following State Environmental Planning Policies are relevant to the Planning Proposal:

Policy	Comment
State Environmental Planning Policy No 55— Remediation of Land	The site is not listed on Council’s register of potentially contaminated land. As previously farmed land however, there is potential for agricultural contamination. This can be determined at the Development Application stage and will not act as a constraint to the proposal.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	<p>The aims of this SEPP are (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Whilst the SEPP does not apply to the current RU1 Primary Production zone, it would apply to the proposed R5 Large Lot Residential zone.</p> <p>Under the Dubbo Local Environmental Plan 2011, part of the subject site is currently identified as containing high value biodiversity. The section of the site facing Belmont Road is identified as high value biodiversity in the DLEP 2011 and is mapped through the Central West/Lachlan vegetation map. Additionally, part of the land facing Belgravia Road is also mapped but is not identified as high or moderate value biodiversity under the DLEP 2011. It is concluded that the presence of remnant native vegetation is not an impediment to the proposed rezoning.</p> <p>Development on the land will need to address biodiversity in compliance with the Biodiversity Conservation Act (2016).</p>

(vii) Section 9.1 Directions

The Planning Proposal’s consistency with relevant Section 9.1 Directions are outlined below:

Direction	Consideration	Consistency/ Comment
1.2 Rural zones	The objective of this direction is to protect the agricultural production value of rural land. A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.	A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy that the provisions of the planning proposal that are inconsistent are of minor significance.
1.5 Rural lands	This direction applies when a planning proposal:	The site is also adjoined by existing R5 zoned land to its

Direction	Consideration	Consistency/ Comment
	(a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) changes the existing minimum lot size on land within a rural or environment protection zone.	east, limiting the likelihood of land use conflicts with adjoining rural land.
2.3 Heritage conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The site is not identified to contain Heritage Conservation areas under DLEP 2011.
2.6 Remediation of Contaminated Land	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	The site is not listed on Council's register of potentially contaminated land. Any potential contamination from previous agricultural uses on site may need to be addressed at the Development Application stage for any future development on the subject site.
3.1 Residential Zones	The objectives of this direction include the following: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services...	The Planning Proposal is consistent with this Direction as the intended outcomes of this proposal will provide additional housing to the market, particularly Large Lot Residential housing types.
3.3 Home occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses. The Direction is applicable when any Planning Proposal is prepared.	The Planning Proposal is considered to be consistent with the Direction.
4.4 Planning for bushfire	This direction applies when a relevant planning authority prepares a planning proposal	The site is identified to contain bushfire land. It is acknowledged that consultation

Direction	Consideration	Consistency/ Comment
protection	that will affect, or is in proximity to land mapped as bushfire prone land.	will be required with the NSW Rural Fire Service for the Planning Proposal.
5.10 Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	The Planning Proposal is considered to be consistent with the Central West and Orana Regional Plan.

(viii) Site Access and Infrastructure

The land currently fronts both Belgravia Road (currently sealed) and Belmont Road (not fully sealed). Future development on the land will be required to ensure appropriate vehicular access is in place in accordance with Council’s requirements.

If the proposed changes to the LEP are endorsed, and a development application for subdivision is subsequently lodged in the future, the following preliminary comments are provided from Council’s Infrastructure Division:

If the proposed subdivision is for four lots, where two lots front Belgravia Road and two lots front Belmont Road, sealing of Belmont Road will be required for the full frontage of the development at the developer’s cost, and to Council’s satisfaction.

If the proposed subdivision is for three lots, where two lots front Belgravia Road and one lot fronts Belmont Road, then sealing of Belmont Road may not be required.

For any future development, if the proponent/developer wants to service the proposed lots with reticulated water and sewage, the developer will also need to extend reticulated water and sewage from the existing location to the proposed lots (resulting from any future subdivision) at their own cost to Council’s satisfaction.

(ix) Environmental Impacts

The following comments are from Council’s Environmental Systems Planner and cover a range of environmental considerations, as discussed below:

“(a) Noise Pollution and Vibration

The proposed rezoning will not add to noise pollution or vibration issues locally. If subdivided, the lot will act as an extension of the existing R5 zoning that currently adjoins the site, and the proposed size of the large lots will also make noise and vibration issues nominal. Each proposed use of the site will also be assessed separately through the Development Application (DA) process and there is a possibility that some proposed uses will produce excessive volumes of noise or vibration. Those issues can be addressed at DA stage.

(a) *Waterways/Stormwater Quality/Erosion and Sediment Control*

Two lower order streams flow across the property, neither of which are mapped as “riparian” under the DLEP 2011. Neither stream retains woody vegetation cover, both are well grassed however and non-erosive at this stage. The proposed change in zoning will not impact these waterways, nor is it likely to impact stormwater quality or lead to additional erosion. Should the proposal be endorsed and a DA submitted for subdivision, the appropriateness of potential housing sites/location and fencing design will be considered.

(b) *Groundwater Vulnerability*

In accordance with the DLEP 2011, the land is currently mapped as including moderate to high vulnerability groundwater. The Planning Proposal would not impact groundwater if endorsed and any future subdivision can minimise impact to the groundwater aquifer by limiting the number of additional lots. Ensuring adequate lot sizes at the subdivision stage would also serve to dissipate any potential groundwater contamination. Lot sizes and dwelling envelopes provided by the proponent are conceptual at this rezoning stage, but, if adopted, would appear to minimise any potential impact. Final subdivision layout and dwelling envelope proposals would be considered at the DA stage for any future subdivision. Similarly, specific site uses would be proposed through DA at a future point and would be assessed appropriately at that time.

(c) *Salinity*

There is no known salinity issue within the vicinity of this site and no visible signs of surface salinity. While there is no site specific salinity data available, the subject site is located within the Cumboogle Hydro-Geological Landscape which was determined by DPIE in 2010 to be of low salinity hazard. Detailed assessment will be required at the time of lodgement of any subsequent DA. For the purposes of the Planning Proposal, salinity is not an impediment.

(d) *Native Vegetation Removal/Wildlife Habitats/Threatened Species/Biodiversity*

Under the DLEP 2011, part of the land is currently identified as containing high value biodiversity. The section of the subject site facing Belmont Road is identified as high value biodiversity in the DLEP 2011 and is mapped through the Central West/Lachlan vegetation map prepared by NSW DPIE as containing mixed box woodland (Plant Community Type (PCT) 248), Queensland Bluegrass, Redleg Grass, Panic grass, Rats Tail grass, Spear grass derived grasslands (PCT 511) and derived grasslands (PCT 796). Additionally, part of the land facing Belgravia Road is also mapped to contain PCT 248 but is not identified as high or moderate value biodiversity under the DLEP 2011.

The presence of remnant native vegetation is however not an impediment to the proposed rezoning. Subsequent subdivision and building DAs will need to address biodiversity issues on site in compliance with the Biodiversity Conservation Act (2016).

(e) *Environmentally Sensitive Areas*

The site is identified on the DLEP 2011 to include environmentally sensitive areas, specifically the better vegetated northern quadrant of the site facing Belmont Road. The environmental sensitivity related to remnant vegetation is not an impediment to rezoning.

(f) *Aboriginal Archaeology and European Heritage*

The proponents have undertaken an AHIMS search which found no known sites, objects or artefacts located on or near the site. The proponents have also applied the "Due Diligence Code of Practise for the Protection of Aboriginal Objects in NSW" to the site and have reasonably determined that there are no impediments to the proposed rezoning.

Future DAs will need to address this issue through a formal Due Diligence Code investigation. Based on the site's position in the broader landscape, and other historical information, it is expected there will be no Aboriginal Heritage issues associated with future DAs but that assessment must be based on the information supplied with each DA. There are also no European Heritage issues associated with the site and therefore is not an impediment to the proposal."

SUMMARY

Council is in receipt of a Planning Proposal that seeks to rezone 9R Belgravia Road Dubbo (Lot 5 DP817149) from the RU1 Primary Production zone to R5 Large Lot Residential zone under the provisions of Dubbo Local Environmental Plan 2011 (DLEP 2011). The Planning Proposal also seeks to amend the existing Minimum Lot Size applicable to the subject site from 800 hectares to eight hectares under the provisions of DLEP 2011.

The intended outcome of the Planning Proposal will facilitate future subdivision and development of the land, including the potential for the development of a dwelling house on each future lot.

It is recommended that the Planning Proposal be endorsed and submitted to the NSW Department of Planning and Environment for a Gateway Determination.

Appendices:

[1](#) Planning Proposal - 9R Belgravia Road Dubbo

Planning Proposal, Lot 5 DP817149 - 9R Belgravia Road, DUBBO NSW

Site: Lot 5 DP817149
9R Belgravia Road (also Belmont Rd)
(CUMBOOGLE) DUBBO NSW

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PLANNING PROPOSAL

Land Use Zone & Minimum Lot Size for Large Lot Residential Subdivision



Figure 1: Aerial photo showing Site affected by the Proposal (Source: SIX Maps NSW Government).

Applicant: David & Carmen Isbester

c/- **iPLAN PROJECTS**

91 Heifer Station Ln, BORENORE NSW 2800

To be lodged with: Dubbo Regional Council

10 March 2021

Version B: FINAL for Lodgement with Council

iPLAN PROJECTS
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Document Control

Date / Version	Document	Provided To
8 March 2021 – Version A	Draft for Internal Review ONLY	David & Carmen Isbester
10 March 2021 – Version B	Final for Lodgement with Council	Client/ Dubbo Regional Council

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1 EXECUTIVE SUMMARY

1.1 Summary of Planning Proposal

The following table summarises the key aspects of this Planning Proposal:

Planning Proposal/ Site Description	This Planning Proposal seeks to amend the Land Zoning (LZN) & Lot Size (LSZ) for 9R Belgravia Rd/ Lot 5 DP817149 ('Subject Site' or 'Site') to enable it to be developed/ subdivided for large lot residential purposes under <i>Dubbo Local Environmental Plan 2011</i> (DLEP2011) as shown on attached plans and in Section 3.1 Relevant Site Maps & Part 4: Mapping of this Report. The preferred outcome is: a) Change the Land Zoning from Zone RU1 Primary Production to Zone R5 Large Lot Residential ; b) Reduce the Minimum Lot Size (MLS) from 800ha (AH) to 8ha (AA3) .
Applicant/ Owner	David & Carmen Isbester 9R Belgravia Rd
Local Gov.	Dubbo Regional Council ('Council')
Summary of Justification	The Site is suitable for the proposed Land Zoning / Lot Size because: 1. It has been approved for consideration by Dubbo Regional Council on the adoption of the Draft Local Strategic Planning Statement (LSPS) in June 2020 (see details in this report below); 2. It is in close proximity to the City of Dubbo (~6-7km to urban edge & ~10-11km to the CBD) and as such is likely to be highly desirable as rural 'lifestyle' housing in close proximity to services, employment etc.; 3. It is immediately adjacent to an existing Zone R5 Large Lot Residential (LLR) Area with a Lot Size of 8ha (Belgravia Rd/Belgravia Heights Rd). This LLR area is getting close to full take-up of existing lots for LLR purposes suggesting strong demand for the 8ha lot size this close to the City of Dubbo; 4. The Site has frontages to Belgravia Rd (sealed) and Belmont Rd (unsealed) with excellent access and existing safe access to Obley Road (not a classified road); 5. There is existing LLR land to the west of Belgravia Rd (Lots 11 & 12 DP259643) so Belgravia Rd is NOT an existing buffer to agricultural land; 6. The Site has an area of ~40.68ha so it has limited agricultural potential and is currently used as a semi-lifestyle lot with limited grazing and cultivation. Its rezoning will not increase fragmentation of high-quality agricultural land; 7. It does not significantly increase the perimeter of LLR land that would interface with agricultural land so it does not significantly increase potential land use conflict; 8. The land is relatively free of environmental sensitivity & constraints and/or a Minimum Lot Size (MLS) of 4-8ha is likely to ensure minimal impacts in terms of tree removal, suitable dwelling & on-site effluent management envelopes setback from watercourses, etc.

1.2 Supporting Information

The Planning Proposal is supported by the following plans/reports:

Field	Report / Plans	Reference	Name
Site Analysis	Deposited Plan 817149 showing Site	A101 March 2021	iPLAN PROJECTS
	Site (Google Aerial)	A103 March 2021	
	Site Analysis – Key Constraints (Planning Portal)	A201 March 2021	
Subdivision Concept	Subdivision Concept (Indicative 3-4 lots)	A301 March 2021	iPLAN PROJECTS
Planning Proposal	Planning Control – Proposed Change(s)	A401 March 2021	iPLAN PROJECTS

This Proposal has been extensively discussed with Council and it has been agreed that no further studies are required at the time of lodging this Planning Proposal for consideration.

1.3 Process Overview

The Planning Proposal has been prepared in accordance with *Divisions 3.4 – Environmental Planning Instruments (LEPs)* of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') and the NSW Government Guideline (Dec 2018) '*A guide to preparing planning proposals*'.

Section 1.3 of the Guideline states that a Planning Proposal should provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan making process including identifying relevant environmental, social, economic and other site-specific considerations.

However, this Proposal is not a development application, so it is NOT required to consider specific detailed matters that would likely form part of any future application. The proposed indicative subdivision layout is provided only to inform an understanding of possible outcomes.

A gateway determination under the EP&A Act is requested from the NSW Department of Planning, Industry & Environment ('DPIE') to allow this planning proposal to be placed on public exhibition. The regional office of DPIE has delegations to make Gateway Determinations unless the proposal is not supported or is contentious because it is not consistent with strategic planning for the area (in which case the Executive may consider the application). Planning Circular PS 18-013 (14 December 2018) updates delegation of plan making decisions under the EP&A Act (and replaces PS16-005 & PS12-006).

Section 3.34(2)(g) of the EP&A Act provides that if the planning proposal authority is a council, the Gateway Determination may authorise the council to make the proposed instrument and set out any conditions the council is required to comply with before the instrument is made and, as a result, the council becomes the local plan-making authority. The Applicant requests, on behalf of Council, that this matter is delegated to Council to become the plan making authority.

The Gateway Determination may provide details of further studies/consultation required by Council to enable the public exhibition and finalisation of the LEP amendments but we believe that the attached studies should be sufficient to support this Planning Proposal.

Please see **Section 4.6: Part 6: Project Timeline** of this Report for an indicative timetable of steps to achieve the outcomes in this Proposal.

2 EXISTING SITE ANALYSIS & KEY CONTROLS

2.1 Site Location

The Subject Site is located adjacent to an existing Large Lot Residential (LLR) zoned area known as 'Belgravia' or 'Belgravia Heights' with frontage to Belgravia Rd and Belmont Rd ~6-7km to the south of the urban area of the City of Dubbo (see zoning map in Figure.2 below). The Site is located ~3-4km west of the Macquarie River and 2-3km south of the Dubbo (Western Plains) Zoo. Belmont Rd connects to Obley Rd that connects to the Newell Highway just north of the Zoo. It is in the parish area of Cumboogle that is part of the Toongi District.

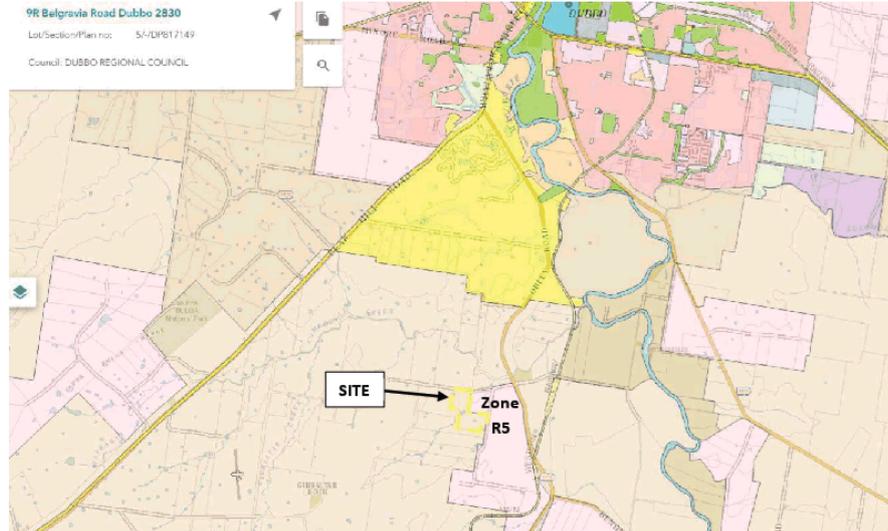


Figure 2: Location of Subject Lot (yellow line) in relation to Dubbo urban area (Zoning Map - NSW Planning Portal).

2.2 Large Lot Residential Context

The Site sits at the north-western end of an existing Belgravia or Belgravia Heights Large Lot Residential (LLR) area. Under the *Dubbo Rural Areas Development Strategy 1995-2015* (Nov 2003) the Site is in the Macquarie District (Land Use) Strategy but this is significantly out-of-date. Whilst Council is endeavouring to prepare an updated Large Lot Residential Strategy in 2021 – no timeframe has been given.

As noted in **Section 3.2** below, in the June 2020 LSPS Council Report the Site was noted as having initial planning merit for rezoning. Therefore, the Applicant has elected to proceed with an independent Planning Proposal (in accordance with Council's support & options for the way forward).

2.3 Site Description

The Site is a single lot (Lot 5 DP817149) that is a rough 'L' shape and fronts both Belgravia Rd to the east and Belmont Rd to the north, wrapping around existing Zone R5 Large Lot Residential lands at the intersection of these two roads.

The Lot is ~40.68ha in area (by Deposited Plan). It contains a single dwelling house located in the south-eastern corner with access from Belgravia Rd. Belgravia Rd connects to Belmont Rd then Obley Rd north to Dubbo or south to Yeoval.

The Site is currently used as grazing land but has limited agricultural potential due to its area. In reality it is already more of a 'lifestyle' lot and has historically required off-farm income to be sustained.

Planning Proposal, Lot 5 DP817149 - 9R Belgravia Road, DUBBO NSW

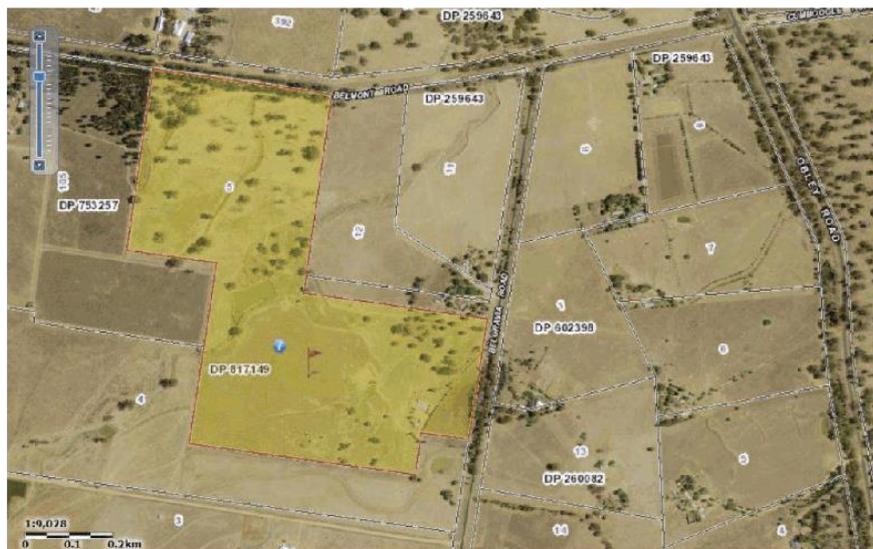


Figure 3: Location of the Site (red line/yellow fill) (NSW Government Six Maps 2012 Aerial Photo).

2.4 Site Photos

Figure 4: Site photos.



Photos of (left) intersection Belmont & Belgravia Roads; (right) Belmont Road watercourse crossing.

Planning Proposal, Lot 5 DP817149 - 9R Belgravia Road, DUBBO NSW

Photos of (left) entrance to Site; (right) view to dwelling/sheds on Site from Belgravia Road.



Photo looking west from house yard on Site across flat land.



Photo of the existing dwelling & shed(s) in the house yard (looking east).



Photo of the Site from Belmont Rd (near north-west corner).

2.5 Topography, Watercourse(s) & Flood Potential

As the Figure below shows, the land has a gentle slope falling from the west (along Belmont Rd) and south (along Belgravia Rd) towards the north-east.

There is an unnamed watercourse that extends up towards Gibraltar Rock (3km south-west of the Site) and drains north-east to Cumboogle Creek (just north of Belmont Road). It cuts across the Site through its mid-point, effectively separating the land fronting Belmont Rd from the land fronting Belgravia Rd. It is likely a 2nd or 3rd order watercourse but it is only intermittent and flows during heavy rains. The watercourse is not mapped as a Riparian Watercourse in DLEP2011 and there is limited vegetation on or near this watercourse.

There is a small watercourse (first order) extending from the dam on the land immediately south of the lot (adjacent to Belgravia Road) down to the unnamed watercourse above. This also has no visible riparian functions and is only a drainage overflow for the dams.

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Planning Proposal, Lot 5 DP817149 - 9R Belgravia Road, DUBBO NSW

There is no Flood Map in DLEP2011 that applies to the land as there is unlikely to be a flood study of the area. The Macquarie River is >3km to the north-east/east of the Site and the land sits at a higher elevation. The Macquarie District Strategy has a map showing flood liable lands (1 in 100 year approx.) and only identified lands along the Macquarie River & Cumboogle Creek (north of Belmont Rd) but not including/affecting the Site. Intermittent overland flows may occur close to the unnamed watercourse but would not be expected to affect a significant area of the Site or preclude it from Large Lot Residential (LLR) use.

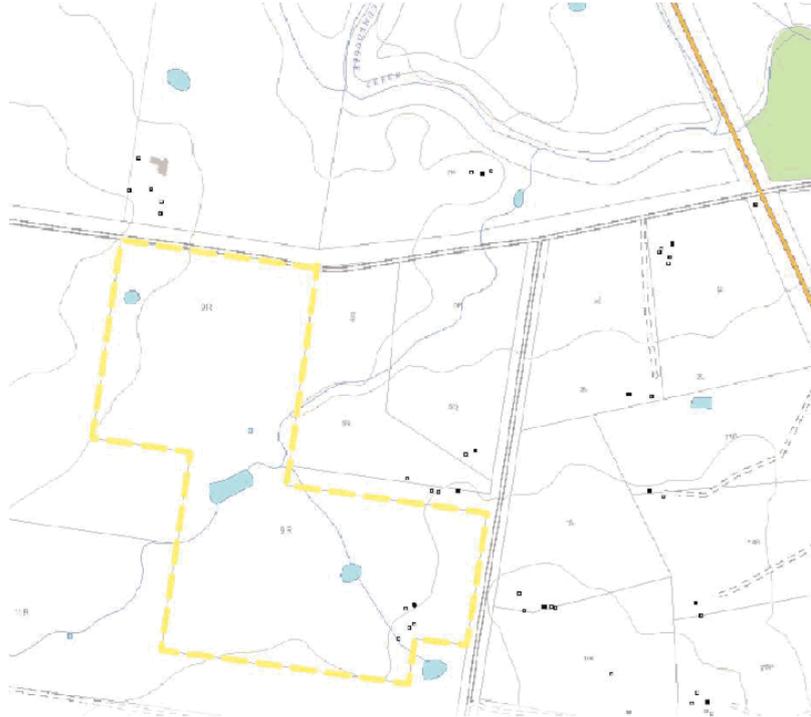
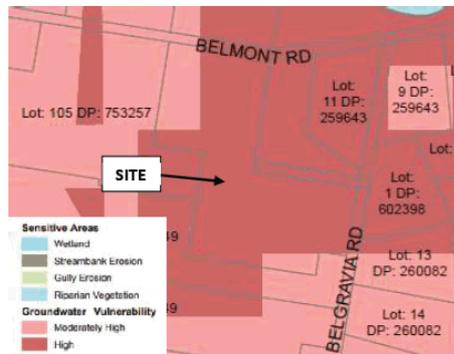


Figure 5: Topographic map with marked watercourses/dams on Site (yellow boundary) (Source: NSW Planning Portal).

2.6 Groundwater

The Site is in an area of moderately high to high groundwater sensitivity (that roughly follows the drainage corridor and lower lying lands). This also affects a range of other existing large lot residential land in the area. A larger lot size of 8ha would minimise the number of additional bores on this aquifer and large lot residential does not pose a substantial risk of contaminating this aquifer if there is appropriate on-site effluent management (to be determined at the subdivision stage).

Figure 6: Groundwater / Water Map overlay (DLEP2011) showing Site is part in high or moderately high groundwater sensitivity area).



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2.7 Vegetation & Bushfire

The aerial photo below shows that there is limited vegetation scattered across the Site with most of the Site cleared historically for extensive agriculture. The densest pocket of existing vegetation is in the north-western corner and along the Belmont Rd reserve adjacent.

Whilst the vegetation in the north-western half of the Site is scattered, it is mapped in DLEP2011 as *Terrestrial Biodiversity* (see green overlay below) but doesn't extend to vegetation in the southern half of the Site. Vegetation is not strongly connected through ecological corridors to other vegetation, except perhaps along Belmont Road and to the north of the Site.

Denser vegetation further up Belmont Rd on the hill-top is mapped as bushfire prone land (red overlay below) with the buffer (yellow overlay) extending slightly across the north-western corner of the Site.

Any future subdivision is likely to be 'integrated development' under the EP&A Act as it would require a bush fire safety authority under Section 100B of the *Rural Fires Act 1997* and would be referred to the Rural Fire Service (RFS). The indicative Subdivision Concept Plan (attached) suggests that dwelling envelopes can occur outside of the bushfire prone land and may be able to achieve the requirements of *Planning for Bush Fire Protection 2019* (PBP2019).



Figure 7: Aerial photo with overlay of Terrestrial Biodiversity (DLEP2011) & Bushfire Prone Land on Site (yellow boundary) (Source: NSW Planning Portal).

2.8 Flora & Fauna

Barnson (March 2001) *Statement of Environmental Effects* was prepared to support the approval of the existing dwelling on the Site. At Section 3.6 of that Report, it included a Flora and Fauna review including an assessment against the 'threatened species' test. It provided the following table of threatened flora and fauna and the likelihood of its impact. It is recognised that this document is now dated and only applied to the proposed dwelling site and immediate surround. However, it does provide a reasonable consideration of the likelihood of most threatened species in the area. As a result, the Barnson (2001) Report concluded '*[b]ased on the consideration of all biodynamically predicted and previously recorded species for the Dubbo area, no species were found to be likely to occur within the area of concern, being the 360m², proposed residential development site.*' Whilst it is an extrapolation, most of the comments above could be extended to the remainder of the Site as it has a similar extent of significant tree coverage and has been equally disturbed by historic agriculture.

A review of the Bionet Atlas (www.environment.nsw.gov.au) suggests that there have been no threatened species sightings on the Site. The nearest sightings are a *Eolophus roseicapilla* (Galah) near the intersection of Belmont &

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Belgravia Roads and a Striped Wattle further down Belgravia Road – neither of which are classified as sensitive or threatened.

MAMMALS

Common Name	Species Name	Distribution	TSC Act Status	Notes:	Reference
Spotted-tailed Quoll	<i>Dasyurus maculatus</i>	Bioclimatic Prediction	Vulnerable	Site habitat is not suitable for nesting. The species is not expected as foraging sites are usually near nesting sites.	Edgar in Strahan 1983; Ayers et al 1997.
Eastern Quoll	<i>Dasyurus viverrinus</i>	Bioclimatic Prediction	Endangered	Utilisation of site habitat is not expected by this species.	Godsell in Strahan 1983; Ayers et al 1997.
Brush-tailed Phascogale	<i>Phascogale tapoatafa</i>	Bioclimatic Prediction	Vulnerable	Site habitat does not include forest areas on ridges, and therefore their presence is not likely.	Cuttle in Strahan 1983; Ayers et al 1997.
Stripe-faced Dunnart	<i>Sminthopsis macroura</i>	Bioclimatic Prediction	Vulnerable	No suitable habitat for shelter etc. This species seeks shelter during the day and is active at night.	Ayers et al 1997.
Bilby	<i>Macrotis lagotis</i>	Recorded Sighting	Presumed Extinct	Associated habitat is not found at the site.	Johnson in Strahan 1983; Ayers et al 1997.
Koala	<i>Phascolarctos cinereus</i>	Recorded Sighting	Vulnerable	Not expected due to lack of habitat tree species. Site is not treed.	Martin in Strahan 1983; Ayers et al 1997.
Squirrel Glider	<i>Petaurus norfolcensis</i>	Bioclimatic Prediction	Vulnerable	Lack of suitable habitat at site- not expected.	Suckling in Strahan 1983; Ayers et al 1997.
Rufous Bettong	<i>Aepyprymnus rufescens</i>	Bioclimatic Prediction	Vulnerable	Lives in well grassed open forest. This species is not expected due to the lack of habitat suitable for nest construction, food etc.	Johnson in Strahan 1983; Ayers et al 1997.
Burrowing Bettong	<i>Bettongia lesueur</i>	Bioclimatic Prediction	Presumed Extinct	Not expected to occur due to lack of suitable habitat. The species burrows in limestone or similar type rock, loamy soils, which is not available at the site.	Burbidge in Strahan 1983; Ayers et al 1997.
Brush-tailed Rock-wallaby	<i>Petrogale penicillata</i>	Bioclimatic Prediction	Vulnerable	No suitable habitat occurs for this species. They inhabit rocky areas in forests, using windblown caves etc for shelter.	Maynes and Shaman in Strahan 1983; Ayers et al 1997.

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Yellow-bellied Shearwater	<i>Saccolaimus flaviventris</i>	Bioclimatic Prediction	Vulnerable	The bat roosts in tree hollows within eucalypt forests – not expected.	Richards in Strahan 1983. Ayers et al 1997.
Little Pied Bat	<i>Chalinolobus picatus</i>	Bioclimatic Prediction	Vulnerable	These species roosts in dry caves or mine shafts. Therefore this species is not expected to occur.	Richards in Strahan 1983. Ayers et al 1997.
Greater Long-eared Bat	<i>Nyctophilus timoriensis</i>	Bioclimatic Prediction	Vulnerable	No suitable habitat exists to support the presence of this species. They are associated with river red gums that line watercourses.	Richards in Strahan 1983. Ayers et al 1997.

REPTILES

Common Name	Species Name	Distribution	TSC Act Status	Notes	Reference
Western-blue tongued Lizard	<i>Tiliqua occipitalis</i>	Bioclimatic prediction	Vulnerable	This lizard is often in close association with mallee communities, and therefore is not expected at the site.	Cogger 1983. Ayers et al 1997.
Pale-headed Snake	<i>Hoplacrophalus bitorquatus</i>	Bioclimatic prediction	Vulnerable	These snakes are not known to occur in disturbed environments such as at the site.	Cogger 1983. Ayers et al 1997.

BIRDS

Common Name	Species Name	Distribution	TSC Act Status	Notes	Reference
Red-tailed Tropicbird	<i>Paethon rubricauda</i>	Bioclimatic prediction	Vulnerable	No suitable habitat for nesting.	Cayley 1980. Ayers et al 1997.
Australasian Bittern	<i>Botaurus plicifolius</i>	Bioclimatic prediction	Vulnerable	No suitable habitat i.e. wetlands.	Cayley 1980. Ayers et al 1997.
Black-necked Stork	<i>Xenorhynchus asiaticus</i>	Bioclimatic prediction	Vulnerable	No suitable habitat i.e. wetlands.	Cayley 1980. Ayers et al 1997.
Magpie Goose	<i>Anseranas semipalmata</i>	Bioclimatic prediction	Vulnerable	No suitable habitat i.e. wetlands.	Cayley 1980. Ayers et al 1997.
Freckled Duck	<i>Stictonetta naevosa</i>	Bioclimatic prediction	Vulnerable	No suitable habitat i.e. wetlands.	Cayley 1980. Ayers et al 1997.
Blue-billed Duck	<i>Oxyura australis</i>	Bioclimatic prediction	Vulnerable	No suitable habitat i.e. water body.	Cayley 1980. Ayers et al 1997.
Osprey	<i>Pandion haliaetus</i>	Bioclimatic prediction	Vulnerable	No suitable habitat i.e. water body.	Cayley 1980. Ayers et al 1997.
Square-tailed Kite	<i>Lophoictinia isura</i>	Recorded Sighting	Vulnerable	Found in patches of eucalypt forest.	Cayley 1980. Ayers et al 1997.
Black-breasted Buzzard	<i>Hamirostra melanosternon</i>	Bioclimatic prediction	Vulnerable	This species is not expected, as it does not tolerate disturbance by human activity.	Cayley 1980. Ayers et al 1997.

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Gray Falcon	<i>Falco hypoleucos</i>	Bioclimatic prediction	Vulnerable	Site does not include disturbances of habitat potentially utilised by this species.	Cayley 1980, Ayers et al 1997.
Malleefowl	<i>Leipca ocellata</i>	Recorded Sighting	Endangered	No suitable habitat, and lack of litter etc.	Cayley 1980, Ayers et al 1997.
Brolga	<i>Grus rubicundus</i>	Bioclimatic prediction	Vulnerable	No suitable habitat for roosting, nesting or feeding.	Cayley 1980, Ayers et al 1997.
Australian Bustard	<i>Ardeotis australis</i>	Bioclimatic prediction	Endangered	Available habitat is not suitable for this species.	Cayley 1980, Ayers et al 1997.
Plains-wanderer	<i>Pedionomus torquatus</i>	Bioclimatic prediction	Endangered	No suitable habitat, due to agricultural use.	Cayley 1980, Ayers et al 1997.
Bush Thick-knee (Curlaw)	<i>Burhinus magnirostris</i>	Recorded Sighting	Endangered	Habitat associated with this species is not found within the proposed development area	Cayley 1980, Ayers et al 1997.
Painted Snipe	<i>Rostratula benghalensis</i>	Bioclimatic prediction	Vulnerable	No suitable habitat i.e. marshes, swamp area	Cayley 1980, Ayers et al 1997.
Black-tailed Godwit	<i>Limosa limosa</i>	Bioclimatic prediction	Vulnerable	No suitable habitat i.e. mud flats, marshes etc.	Cayley 1980, Ayers et al 1997.
Red-tailed Black-cockatoo	<i>Calyptorhynchus magnificus</i>	Bioclimatic prediction	Vulnerable	Suitable habitat not present.	Cayley 1980, Ayers et al 1997.
Glossy Black-cockatoo	<i>Calyptorhynchus lathami</i>	Recorded Sighting	Vulnerable	No suitable feeding sites nearby, therefore this species is not expected to occur since this species forage only on one tree species.	Cayley 1980, Ayers et al 1997.
Superb Parrot	<i>Polytelis swainsonii</i>	Bioclimatic prediction	Vulnerable	Woodland is not associated with the proposal.	Cayley 1980, Ayers et al 1997.
Swift Parrot	<i>Lathamus discolor</i>	Bioclimatic prediction	Vulnerable	Not expected to occur due to the lack of suitable trees.	Cayley 1980, Ayers et al 1997.
Turquoise Parrot	<i>Neophema pulchella</i>	Recorded Sighting	Vulnerable	Lives on edge of woodland. Land surrounding proposed site is sparsely treed.	Cayley 1980, Ayers et al 1997.
Powerful Owl	<i>Ninox strenua</i>	Bioclimatic prediction	Vulnerable	Not expected, as it inhabits mountainous forests and scrubs.	Cayley 1980, Ayers et al 1997.
Masked Owl	<i>Tyto novaehollandiae</i>	Bioclimatic prediction	Vulnerable	Requires a variety of habitats including eucalypt forest. Not associated with site.	Cayley 1980, Ayers et al 1997.
Pink Robin	<i>Petroica rodinogaster</i>	Bioclimatic prediction	Vulnerable	No suitable breeding or nesting habitat exists within the proposed development area.	Cayley 1980, Ayers et al 1997.

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Gilbert's whistler	<i>Pachycephala inornata</i>	Recorded Sighting	Vulnerable	No suitable shrubby understorey occurs for this species presence to be likely.	Cayley 1980. Ayers et al 1997.
Calamanthus	<i>Sericornis fuliginosus</i>	Bioclimatic prediction	Vulnerable	Vegetation and landscape do not support the likelihood of the presence of this species.	Cayley 1980. Ayers et al 1997.
Regent Honeyeater	<i>Xanthomyza phrygia</i>	Recorded Sighting	Endangered	Found in box-ironbark woodlands. Lack of trees on subject area, not expected.	Cayley 1980. Ayers et al 1997.
Painted Honeyeater	<i>Garniella picta</i>	Bioclimatic prediction	Vulnerable	No suitable habitat (i.e. no mistletoe found in site) since this species forages only on one species.	Cayley 1980. Ayers et al 1997.
Pied Honeyeater	<i>Certhionyx variegatus</i>	Bioclimatic prediction	Vulnerable	Not expected as no flowering shrubs occur in the site.	Cayley 1980. Ayers et al 1997.

PLANTS

Common Name	Species Name	Distribution	TSC Act Status	Notes	Reference
Peppercress	<i>Lepidium lyssopifolium</i>	Bioclimatic prediction	Endangered	Not expected due to grazing intolerance.	Ayers et al 1997. Cropper 1993.
	<i>Indigofera efoliata</i>	Sole recorded Habitat	Endangered	Not expected due to the disturbed nature of the area, and it has previously been found on stony ground (known sites occur between Dubbo and Geurie).	Ayers et al 1997.
	<i>Swainsona recta</i>	Bioclimatic prediction	Endangered	Is found in open woodland. Not associated with the site.	Cropper 1993. Ayers et al 1997.
	<i>Homoranthus darwiniooides</i>	Recorded Habitat	Vulnerable	Found in woodlands usually on sandstone outcrops.	Ayers et al 1997.
	<i>Dichoanthium setosum</i>	Bioclimatic prediction	Vulnerable	Suitable soil does not occur within the area, also associated species are not found in area, therefore this species is not expected to be present or be affected by the proposal.	Ayers et al 1997.
	<i>Eriostemon ericifolius</i>	Recorded Habitat	Vulnerable	This species is moisture loving, therefore it is not expected at this site (as it is not a drainage area or near a watercourse).	Ayers et al 1997.
	<i>Zieria ingramii</i>	Sole Recorded Habitat	Endangered	Not expected due to lack of associated soil types.	Ayers et al 1997.
	<i>Fulingia procumbens</i>	Recorded Habitat	Vulnerable	Found in sandy sites. Associated habitat is not found within the study area.	Ayers et al 1997.

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2.9 Non-Indigenous Heritage, Character & Scenic Protection

The Site is not a listed heritage item or in a heritage conservation area (HCA).

As the Figure opposite show, the nearest heritage item is Item No.14 – Woolshed & Shearer’s Hut – Benolong Rd (Lot 90 DP253576) more than 1.5km to the east of the Site (east of Obley Rd & the railway line). Consistent with large lot residential subdivision in the area, this is unlikely to have any significant impact on this heritage item.

The Site is not visible from Obley Road as it is nearly 1km to the west along Belmont & Belgravia Roads. There are no known scenic or landscape protection requirements in this area. Development of this area is consistent with other large lot subdivision along Belgravia Road and immediately adjacent to the Site.



Figure 8: Heritage Map HER_008 Excerpt (DLEP2011).

2.10 Aboriginal Heritage & Archaeology

The lack of any permanent watercourses or major ridgelines on the Site (and its distance from the Macquarie River) suggests a lower probability of Aboriginal artefacts and cultural items. More detailed heritage assessments may be required where there are, amongst others:

- Aboriginal Sites identified in or near the development area;
- Significant impact is likely to areas of bushland or undisturbed ground;
- Significant sandstone outcrops, rock shelters, old growth trees, sand bodies, or ground adjacent to permanent creeks/rivers/lakes/swamps; or
- Areas of importance to the Aboriginal community.

As the Site has been used for extensive agriculture and cultivated for some time, this is likely to have reduced the chance of finding significant artefacts. Most of the land is cleared or only included sparse vegetation. There is no need for extensive clearing of significant vegetation to support the development. There are no rock shelters, overhangs, old growth trees, or sand bodies. The unnamed creek through the Site is intermittent and more of a drainage channel.

An AHIMS Basic Search conducted on 8/03/2021 (see below) shows that for Lot 5 DP817149 (+200m buffer) there are NO Aboriginal sites recorded or places that have been declared in or near the above location.

In the Barson (2001) Report noted above, it was stated (*Section 3.12 – Archaeological Artefacts*) that Mr Lloyd Nolan, representative of Dubbo Aboriginal Land Council, was consulted regarding the occurrence of areas important to the Aboriginal community. No sites of known importance (e.g., story places, buildings, missions, etc) are within or adjacent to the proposed site of redevelopment. The nearest known location of artefacts/sites are near land surveyed off Camp Road, at least 3.5km from the Site. Future development applications can be conditioned to have 'stop work' orders in case of finding any artefacts.

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Figure 9: AHIMS Basic Search for Site (www.environment.nsw.gov.au).



Office of
Environment
& Heritage

AHIMS Web Services (AWS)
Search Result

Purchase Order/Reference : 9R Belgravia Rd
Client Service ID : 574345

iPLAN PROJECTS
91 Heifer Station Ln
Borenore New South Wales 2800
Attention: Andrew Napier
Email: andrew@iplanprojects.com.au
Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 5, DP:DP817149 with a Buffer of 200 meters, conducted by Andrew Napier on 08 March 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.

Date: 08 March 2021



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

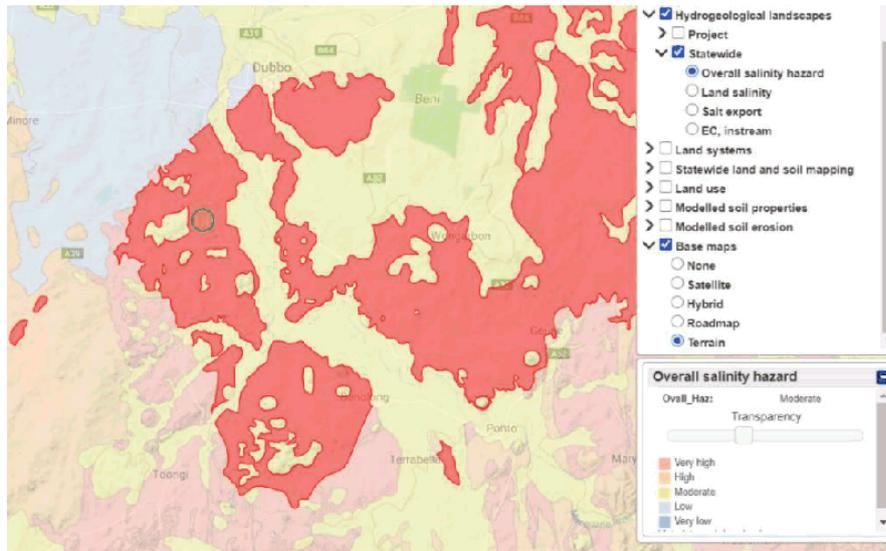
0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

2.11 Salinity

The Site is mapped as having a very high salinity hazard class. This risk is likely based on a complex range of variables but is at a regional scale and does not account for local variability. Salinity is unlikely to prevent the use and subdivision of this land for Large Lot Residential (LLR) purposes that will have limited impact on hydro-geological conditions. Salinity can be addressed as part of any future application for a dwelling (to condition dwelling construction), any future bore water applications, and future landscape.

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Figure 10: Salinity/hydro-geological mapping of the area showing the Site (green circle) (eSPADE: www.environment.nsw.gov.au).



2.12 Site History & Contamination

To the best of our awareness, the land has historically only been used for extensive agriculture. It is not part of the intensive agriculture along the Macquarie River flood-plains. There is no evidence of any significant rural industrial buildings or infrastructure such as shearing sheds, yards, sheep dips etc. It appears to have only been used for grazing and occasional cropping and as a lifestyle lot with a dwelling. There are no other visible uses that would be considered potentially contaminating uses. We suggest this is sufficient as a *Preliminary Contamination Investigation* and that the Gateway Determination should not require any more detailed contamination investigations at this time. Please see the review of *State Environmental Planning Policies* below.

2.13 Access/Utilities

Belgravia Road is sealed along the entire frontage so lots with frontage to Belgravia Road would not have substantial cost for access. Belgravia Road is not a classified road but would provide safe access to Obley Road (via Belmont Road). The road primarily services large lot residential lots (it is not a through road) and provides good sight-lines for access and safety. Belmont Road is not sealed beyond the Belgravia Road intersection after which it is a gravel rural road across the frontage of the lot. However, for a low-density subdivision pattern an extension of the seal may not be required and it is in close proximity to the existing seal.

The Site is serviced with electricity and Telstra telecommunication copper cables and it would be possible to extend these at limited cost from road frontages. The Site is not in close proximity to reticulated sewer or potable water so it is likely to be reliant on on-site sewage management, rainwater capture, and bore water for non-potable use which is consistent with rural/rural-residential qualities.

A minimum lot size above 2-4 hectares is likely to provide more than sufficient area to allow for on-site effluent management without compromising the drainage corridor, significant trees, or the ability to source bore water for non-potable uses.

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3 PLANNING PROPOSAL – JUSTIFICATION OVERVIEW

3.1 Proposal

The Proposal seeks for the Site to be rezoned from Zone RU1 Primary Production to Zone R5 Large Lot Residential with a suggested MLS of 8ha (the same as the adjacent land to the east of the Site as shown on the Figures below).

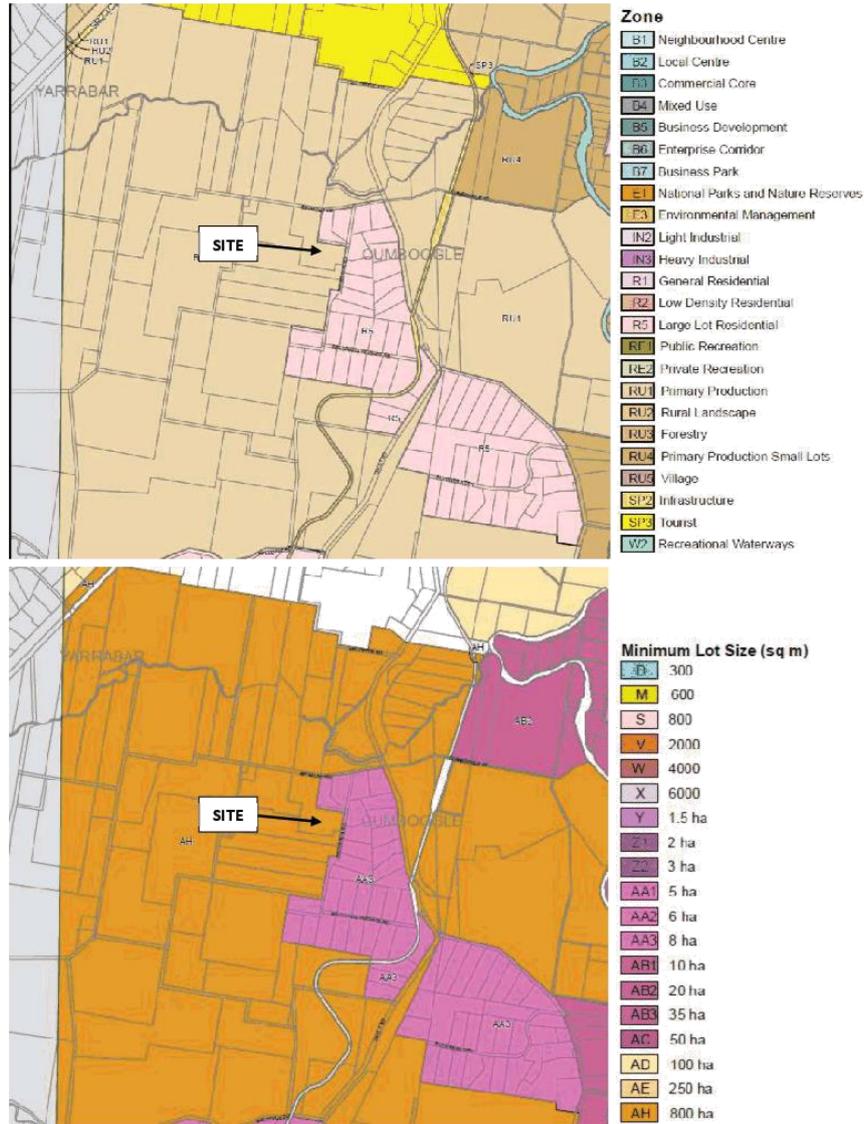


Figure 11: Excerpts from (top) Land Zoning Map LZN_008 & (bottom) Lot Size Map LSZ_008 for Site (DLEP2011).

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The 40.68ha property would be capable of producing between 4-5 lots. However, with the shape of the lot and constraints we suggest that either a three (3) or four (4) lot subdivision is more likely. See the **Subdivision Concept (Indicative)** attached.

This would most likely result in two (2) lots fronting Belgravia Road (sealed) and 1-2 lots fronting Belmont Rd (unsealed) depending on whether road upgrades are required. These would be four roughly regular shaped lots each with a significant road frontage.

This would allow the existing primary unnamed watercourse to run at the rear of two (2) proposed lots where it poses the least constraint and is less likely to be affected by development closer to the road frontages.

Each lot would have sufficient area for a dwelling envelope and on-site effluent disposal area of several hectares. Dwellings are likely to be located closer to the road frontages to minimise driveway & electricity costs and provide an increased buffer to agriculture to the west and south. The existing dwelling will remain on one (1) of the lots.

The Site is suitable for the proposed Land Zoning / Lot Size based on the following justification(s):

3.2 Council Support for Rezoning

Council has already conducted a preliminary review of the Site and determined that it has 'initial planning merit' to support its rezoning. This occurred during Council's review and adoption of the Draft *Local Strategic Planning Statement* (LSPS) in June 2020 (see details in this report below).

The Applicants first made a submission to the Review of the *Dubbo Local Environmental Plan 2011* (DLEP2011) in November 2017 seeking consideration for rezoning of the Site. It was not actioned at that time. Subsequently, Council sought submissions on the *Local Strategic Planning Statement* (LSPS) in early 2020 when it was on public exhibition and the Applicant made their submission again to that process (noted as **Submission 16** attached to Council Report).

Whilst the LSPS was at too high a level to specifically map or address the merits of the Applicant's rezoning submission. However, Council's staff response (table) stated:

'Initial planning merit identified given the site's access and location adjoining existing R5 zoned land. Subject site is zoned RU1 Primary Production. To be considered in a review of R5 Residential Large Lot Zoned land. The landowner may lodge a planning proposal if they would seek a shorter timeframe.'

As a result, Council made several recommendations at the June 2020 Council meeting that related to the Site (**Submission 16**) as set out below:

ORDINARY COUNCIL MEETING
22 JUNE 2020

CCL20/97

RECOMMENDATION

1. That the Local Strategic Planning Statement (attached as Appendix 1 to the report of the Senior Growth Planner dated 5 June 2020), in accordance with the provisions of the Environmental Planning and Assessment Act, 1979, be adopted.
2. That the submissions and responses attached to the report of the Senior Growth Planner dated 5 June 2020, be noted.
3. That the proposed amendments and their role in the Local Strategic Planning Statement, be noted.
4. That, in respect of submission Numbers 13, 15 and 16, initial planning merit be identified and these submissions be considered in the review of the R5 Residential Large Lot zoned land and/or Stage 2 of the preparation of the comprehensive Local Environmental Plan.
5. That those persons who provided a submission be advised of Council's deliberations in respect of the item.
6. That a Workshop be held with Councillors in the new Financial Year to discuss the methodology, key steps, resources and other issues associated with completion of the review of R5 Large Lot Residential land as a component of the review of the Dubbo Rural Strategy and preparation of a Rural Strategy for land in the former Wellington Local Government Area.

Figure 12: Recommendations from Council Report (June 2020) for LSPS & Site.

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Since June 2020, the Applicant has been in regular contact with Council's Strategic Staff to confirm the deadline for the Large Lot Residential Study and/or Comprehensive LEP Review. However, they have been advised of delays in this process and recommended that the Applicant lodge a Planning Proposal to accelerate the process.

3.3 Proximity to Dubbo/Demand for Lifestyle Lots

As stated above, the Site is in reasonable proximity to the City of Dubbo (~6-7km to urban edge & ~10-11km to the CBD) and as such is likely to be highly desirable as rural 'lifestyle' housing in close proximity to services, employment etc. The Site is only 10-12 minutes' drive from the city centre (via Obley Rd & Newell Highway).

This is supported by the take up of Large Lot Residential (Zone R5) land immediately adjacent to the Site along Belgravia Rd & Belgravia Heights Rd. These lots are also 8ha in size. Most of these lots have now been developed and there is little vacant land supply or additional subdivision potential.

The Site forms a natural extension of this existing LLR area and suggests the adoption of the same zoning and lot size requirements in DLEP2011.

The Elton (2019) *Draft (Rural) Issues Paper* stated in Section 3.1 Large Lot Residential Development - that 'there appears to be a strong demand for the development of additional lifestyle lots in the LGA, particularly in close proximity to the city of Dubbo.'

3.4 Site Opportunities & Constraints

The Site has a number of physical and environmental opportunities that make it suitable for Large Lot Residential growth including, but not limited to:

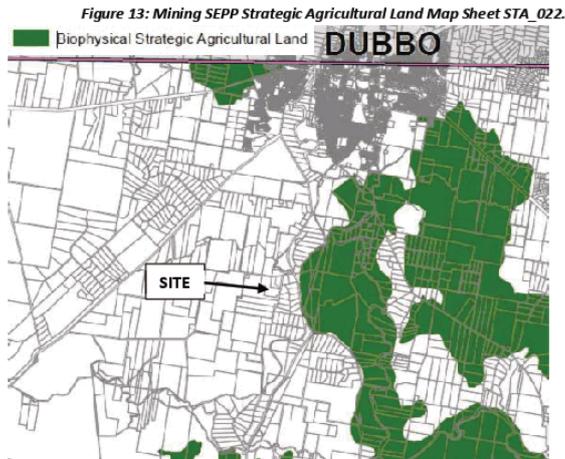
1. The Site has frontages to Belgravia Rd (sealed) and Belmont Rd (unsealed) with excellent access and existing safe access to Obley Road (not a classified road) and limited need to upgrade roads for access;
2. Existing electricity & telecommunication infrastructure along Belgravia Road;
3. At a proposed Minimum Lot Size (MLS) of ~8ha, there will be sufficient creation of new lots to justify the Planning Proposal/LEP amendment;
4. Limited environmental constraints that would affect LLR lots at >4ha in size. This lot size is likely to avoid or minimise the need for any significant tree removal to achieve a suitable dwelling (& on-site effluent management) envelope well-setback from watercourses and any bushfire risk;
5. Likely to be outside any significant mainstream flooding areas along Macquarie River or Cumboogle Creek;
6. No significant heritage or scenic/landscape impacts on the southern gateway to Dubbo;

3.5 Interface with Agriculture

It is recognised that this Proposal involves the rezoning of existing rural/agricultural land for large lot residential purposes and that this requires an analysis of the impacts on agriculture and the 'Right to Farm' on adjacent land.

The Macquarie District Strategy (Rural Land Use Strategy) agricultural mapping (next page) & the Biophysical Strategic Agricultural Land (BSAL) mapping (see opposite) suggest that the higher- quality agricultural lands for intensive agriculture are located along the Macquarie River flood-plains to the east of the Site and do not generally extend west of Obley Rd. The Site is noted in the Macquarie District Strategy as 'dryland/ extensive

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agriculture'. This doesn't mean it does NOT have agricultural value – but that its productivity is not as high as other land. On the Land & Soil Capability Mapping the Site is within Class 3 soils (Moderate limitations) on red brown earths (RBE) soil groups (see below). The soil fertility is moderate.

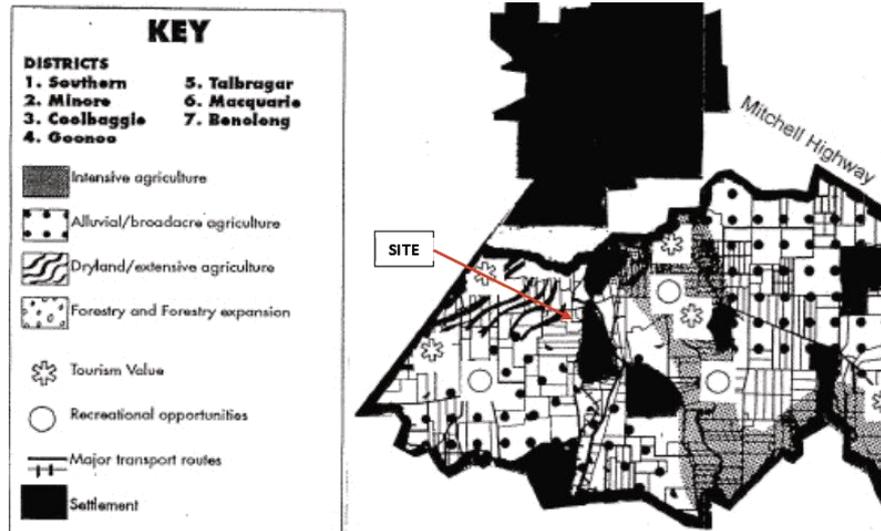


Figure 14: Macquarie District Strategy (1995) Land Use Map.

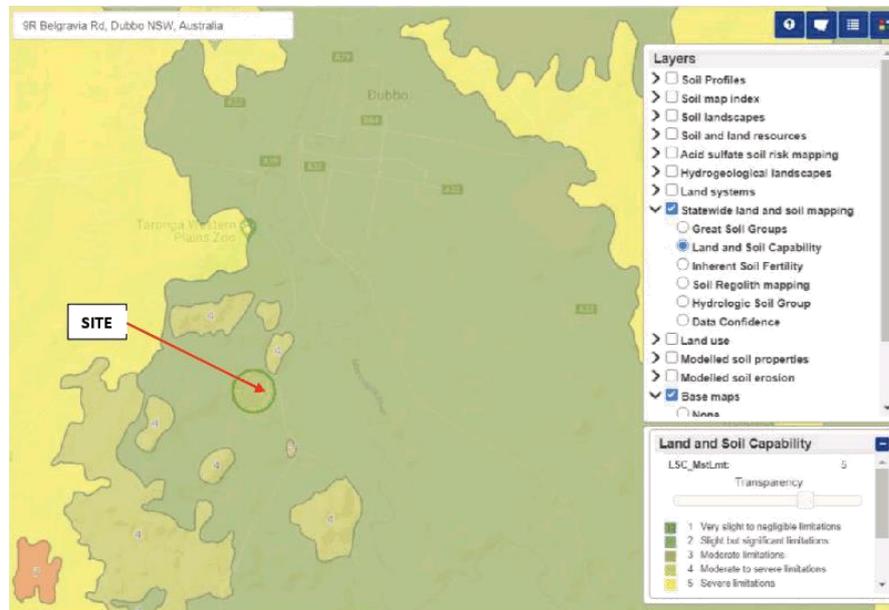


Figure 15: Land & Soil Capability - Site Class 3 within green circle (eSPADE mapping www.environment.nsw.gov.au).

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A general principle would be to use roads or natural features as a buffer between LLR uses and agriculture. However, there is existing LLR land to the west of Belgravia Rd (Lots 11 & 12 DP259643) so Belgravia Rd is NOT an existing buffer to agricultural land. The Site forms a natural and logical extension of an existing LLR area.

The Site has an area of ~40.68ha (compared to a Minimum Lot Size (MLS) of 800ha) so it has limited agricultural potential and is currently used as a semi-lifestyle lot with limited grazing and cultivation. Its rezoning will not significantly increase fragmentation of high-quality agricultural land (addressed above).

It does not significantly increase the perimeter of LLR land that would interface with agricultural land so it does not significantly increase potential land use conflict. There are quasi-lifestyle lots on the rural land to the south of the Site so it is consistent with the character and expectations of land on the western side of Belgravia Rd.

A lot size of ~8ha will create lots of sufficient area & depth to enable dwelling (to most likely) be sited close to the existing roads and away from the agricultural interface to the west. It is expected there will be minimum buffers of 50-100m between proposed dwelling envelopes and adjacent agriculture with most houses >250m from the rural interface. This should substantially reduce the potential for land use conflict (see **Subdivision Concept** attached).

3.6 Mineral Potential

The Site is not currently (March 2021) covered by any existing exploration licence or title for minerals or existing mine or resource. There are licences / titles / existing pits closer to the Newell Highway. The Hyandra Creek Sand Pit and the Toongi rare earth deposit are further south along Obley Rd. Therefore, it is assumed the chance of mineral potential is low on or near the Site. See the *Dubbo Mining Areas Development Land Use Strategy (2015)* for details. There is no coal seam gas mining likely in this area.

4 PLANNING PROPOSAL

The guidelines require the Planning Proposal to address six (6) parts, including:

- Part 1 - A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 - An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 - The justification for those objectives, outcomes and provisions and the process for their implementation;
- Part 4 - Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;
- Part 5 - Details of the community consultation that is to be undertaken on the planning proposal. Part 5 would be confirmed following a gateway determination by the Department of Planning; and,
- Part 6 - Project Timeline to detail the anticipated timeline for the plan making process.

4.1 Part 1: Objectives or Intended Outcomes

Part 1 of the planning proposal should be a short, concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be easily understood by the general community.

The objective(s) of this Proposal are to permit Large Lot Residential (LLR) subdivision (lot sizes) and dwelling permissibility on the Site consistent with the adjacent Zone R5 Large Lot Residential land to the east.

4.2 Part 2: Explanation of Provisions

Part 2 of the planning proposal provides a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing local environmental plan.

The objective or intended outcome is to be achieved by amending the mapping associated with *Dubbo Local Environmental Plan 2011* ('DLEP2011') as follows:

- a) To modify Land Zoning Map LZN_008 to change the Site from Zone RU1 Primary Production to **Zone R5 Large Lot Residential** (or similar) to permit dwellings on each resulting lot; and
- b) To modify Lot Size Map LSZ_008 to change the Site from a Minimum Lot Size (MLS) of 800ha (AH) to **8ha (AA3)** (or similar) to allow subdivision of the Site for suitably sized Large Lot Residential lots consistent with the adjacent land to the east.

See **Section 3.1 – Proposal** (existing DLEP2011 Maps) and compare to proposed mapping in **Part 4: Mapping** of this Proposal.

4.3 Part 3: Justification of Proposed LEP Amendments

Part 3 of the planning proposal provides a justification that sets out the case for the making of the proposed LEP. The overarching principles that guide the preparation of planning proposals are:

- The level of justification should be proportionate to the impact the planning proposal will have;
- It is not necessary to address the question if it is not considered relevant to the planning proposal (as long as a reason is provided why it is not relevant);
- The level of justification should be sufficient to allow a Gateway determination to be made with the confidence that the instrument can be finalised within the time-frame proposed.

As a minimum a planning proposal must identify any environmental, social and economic impacts associated with the proposal. Generally, detailed technical studies are not required prior to the Gateway determination. It must also demonstrate how the proposed amendment will give effect to the local strategic planning statement of the area.

In accordance with DPIE Guideline, the questions to consider when demonstrating the justification are:

- Section A: Need for the planning proposal
- Section B: Relationship to strategic planning framework
- Section C: Environmental, social and economic impact
- Section D: State and Commonwealth interests.

4.3.1 Section A – Need for the Planning Proposal

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

Yes. Please see **Section 3.2 – Council Support for Rezoning** (above) for details. In summary, during the review of the LSPS Council has considered the Applicant’s submission for rezoning of this Site and provided a recommendation to Council as follows:

‘Initial planning merit identified given the site’s access and location adjoining existing R5 zoned land. Subject site is zoned RU1 Primary Production. To be considered in a review of R5 Residential Large Lot Zoned land. The landowner may lodge a planning proposal if they would seek a shorter timeframe.’

Council at its meeting of June 2020 recommended that the Site has initial planning merit and could be considered for rezoning. Since June 2020, the Applicant has been in regular contact with Council’s Strategic Staff to confirm the deadline for the Large Lot Residential Study and/or Comprehensive LEP Review. However, they have been advised of delays in this process and recommended that the Applicant lodge a Planning Proposal to accelerate the process

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

The Planning Proposal (and the associated amendment to the Land Zoning & Lot Size Map(s) in DLEP2011 is the best way to permit a site-specific change in permissible land use(s) and reduction in Minimum Lot Size (MLS) to 8ha consistent with the Zone R5 Large Lot Residential land to the east. This creates a transparent connection between the land use controls and the intended development outcomes and aligns with the controls on adjacent lands so there are no inconsistencies.

Land Zoning Map & Lot Size Map amendments allow for a site-specific approach to lot size for subdivision rather than applying a blanket-control for a specific zone or land use. This ensures a more targeted approach to amendments with clearer outcomes and assessment of impacts. Lot size amendments are not generally achieved by any changes to the schedules (additional permitted uses).

The proposed amendment is not of a scale to be considered ‘State or Regionally Significant’ such that amendments to a State Environmental Planning Policy (‘SEPP’) would be appropriate to sit above and amend DLEP2011.

4.3.2 Section B – Relationship to Strategic Planning Framework

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

Regional plans have been prepared for all parts of NSW including the *Central West and Orana Regional Plan 2036* (July 2017 – *CWORP*) noting there is no District Plan in the Central West & Orana Region. The *CWORP* includes directions, planning priorities and specific actions for a range of different matters relevant to Dubbo Regional LGA, as follows. Many of these are addressed in more detail above.

DIRECTION	Actions	RESPONSE
Goal 1: The most diverse regional economy in NSW		
Direction 1: Protect the region’s diverse & productive agricultural land.	1.2 Protect important agricultural land from land use conflict and fragmentation, and manage the interface between important agricultural lands and other land uses.	The Site is not identified as BSAL land and is not likely to be used for intensive (irrigated) horticulture but it still has importance for dryland agriculture. The logical extension of an existing Zone R5 LLR area will minimise impacts on agricultural land.
Direction 8: Sustainably manage mineral resources.	8.1 Consult with the Division of Resources and Geosciences when assessing applications for land use changes (strategic land use planning, rezoning and planning proposals) and new development or expansions.	As stated above, there are no known existing or likely future conflicts with minerals or energy resources in this location. Consultation can occur during public exhibition.

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DIRECTION	Actions	RESPONSE
Direction 12: Plan for greater land use compatibility.	12.2 Identify and protect important agricultural land in local plans. 12.3 Create local strategies to limit urban & rural housing development in agricultural & extractive resource areas, industrial areas, & transport corridors. 12.4 Amend planning controls to deliver greater certainty of land use.	This is a logical extension of an existing Zone R5 LLR area into lower quality agricultural land. It is not strategic ag. land & has no impact on resources, employment lands, or transport corridors. Land use conflict can be managed with appropriate buffers to adjacent agricultural land.
Goal 2: A stronger, healthier environment & diverse heritage		
Direction 13: Protect & manage env. assets	13.1 Protect high environmental value assets through local environmental plans.	There are no high environmental value assets on the property. It is modified agricultural/lifestyle land.
Direction 14: Manage & conserve water resources for the env.	14.2 Locate, design, construct & manage new developments to minimise impacts on water catchments, including downstream areas & groundwater resources.	The land has only an intermittent drainage corridor & dwellings can provide a suitable buffer. Up to four (4) additional lots is unlikely to place significant pressure on groundwater.
Direction 15: Increase resilience to natural hazards & climate change	15.1 Locate developments, including new urban release areas, away from areas of known high biodiversity value; areas with high risk of bushfire or flooding; contaminated land; & designated waterways.	Area has some mapped biodiversity value but this doesn't correspond to significant vegetation. Dwelling setbacks can avoid significant vegetation & bushfire potential. There is no significant flood potential.
Direction 16: Respect & protect Aboriginal heritage assets	16.1 Protect, manage and respect Aboriginal objects and places in accordance with legislative requirements. 16.3 Consult with Aboriginal people and the broader community during strategic planning to identify and protect heritage values; minimise the impact of urban growth and development; and recognise their contribution to the character and landscape of the region.	See the Section on Aboriginal Heritage above. There are no known Aboriginal sites or places on or near the Site (see AHIMS search). There has been previous consultation with the Local Aboriginal Land Council to confirm this. There is a low likelihood of Aboriginal archaeology or places of significance on the Site.
Direction 17: Conserve & adaptively re-use heritage assets	17.2 Prepare, review & update heritage studies in consultation with the wider community to recognise & conserve heritage assets & items, & include appropriate local planning controls.	There are no known non-Aboriginal heritage items on or near the Site that would be affected by the Proposal.
Goal 3: Quality freight, transport & infrastructure networks		
Direction 18: Improve freight connections to markets and global gateways.	18.3 Enhance the efficiency of national transport corridors and protect them from inappropriate surrounding land uses.	The development would access local roads and whilst Obley Rd is a significant connector it is unlikely to be affected by the Proposal.
Direction 21: Coordinate utility infrastructure investment.	21.3 Monitor development and ensure that infrastructure is responsive to investment opportunities.	Only minor extensions of electricity & telecommunication infrastructure are required for this development with little additional capacity required. Road upgrades can be agreed with Council.
Goal 4: Dynamic, vibrant and healthy communities.		
Direction 25: Increase housing diversity & choice.	25.2 Increase housing choice in regional cities & strategic centres at locations near or accessible to services & jobs. 25.3 Align infrastructure planning with new land release areas to provide adequate & timely infrastructure.	The Site is within 10-12 minutes' drive of Dubbo's CBD with good access to services & employment. LLR housing is one part of the housing diversity & choice. Infrastructure is addressed above.

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DIRECTION	Actions	RESPONSE
Direction 28: Manage rural residential development	<p>28.1 Locate new rural residential areas:</p> <ul style="list-style-type: none"> close to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewer and waste services, and social and community infrastructure; to avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and to avoid areas of high environmental, cultural or heritage significance, regionally important agricultural land or areas affected by natural hazards. <p>28.2 Enable new rural residential development only where it has been identified in a local housing strategy prepared by Council and approved by the Department of Planning and Environment.</p> <p>28.3 Manage land use conflict that can result from cumulative impacts of successive development decisions.</p>	<p>Location & utilities are addressed above & the Site forms a logical extension to an existing Zone R5 Large Lot Residential (LLR) area.</p> <p>Whilst the land has not been identified in a land use strategy, it has been reviewed indirectly as part of Council <i>Local Strategic Planning Statement</i> (LSPS) (see below) and there is a Council resolution to consider it for rezoning as a result of previous submission(s) & assessment. Council has delayed its updated of the Rural & LLR (land use) Strategy & has suggested the Applicant submit a Planning Proposal in the meantime.</p> <p>Potential for conflict with agriculture is addressed in more detail above but with appropriate lot sizes and buffers to dwelling envelopes, conflict can be minimised or mitigated. The additional perimeter to agricultural land is minimal.</p>
Local Government Narratives - Dubbo		
Meet housing needs by ensuring the availability of affordable housing and a variety of housing types and formats, including housing for seniors and people with a disability. Continue to protect agricultural land from encroachment from residential development.		This Proposal will support the delivery of Large Lot Residential (LLR) homes in reasonable proximity to the City of Dubbo as one part of the housing market of the LGA. Impacts on agricultural land are addressed above.

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement or another endorsed local strategy or strategic plan?

Local Strategic Planning Statement (LSPS)

Council have prepared the Dubbo Regional Council (June 2020) *Local Strategic Planning Statement* (LSPS) to guide future land use decisions in the area. The LSPS does not specifically refer to the Subject Site OR suggest the outcomes in this Planning Proposal but the Site was considered during the LSPS process and there is a Council resolution to consider it for rezoning. In addition, the Proposal is consistent with the Planning Priorities identified in that Statement, particularly the following that are relevant to the Site/Proposal:

Priority Areas
<ul style="list-style-type: none"> Priority 1 – Plan for the delivery of infrastructure to support growth <ul style="list-style-type: none"> 1.6. Review the LEPs to ensure key road, rail and air transport facilities are protected from encroachment of incompatible development. Priority 5 – Protect and enhance our agricultural industries and agribusiness. <ul style="list-style-type: none"> 5.1. Support the growth and development of the agricultural sector through the LEP, by implementing Actions 1.2, 1.3 and 1.4 of the CWORP 2036 – especially protecting from impact from unrelated and incompatible development. Priority 9 – Provide diversity and housing choice to cater for the needs of the community. Priority 10 – Improve the affordability of housing. Priority 13 – Manage R5 zoned land. <ul style="list-style-type: none"> 13.1. Review the LEPs zone boundaries, land use tables and subdivision minima to ensure rural lifestyle development is contained within existing zoned areas or highlights areas contained in the Rural Issues Paper 2019 and does not have the potential to adversely impact on the primary production potential of rural land.

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- 13.2. In the preparation of a review of the Dubbo Residential Areas Strategy, assess the supply of land zoned large lot development and status in terms of servicing and potential for rural land use conflict.
- 13.3 The review of the Dubbo Rural Areas Development Strategy is undertaken every five years and is aligned to the rural issues paper and the investigation areas for large lot living contained within.
- **Priority 15** – Protect areas of high environmental value and significance.
- **Priority 16** – Recognise, protect and celebrate our heritage.
- **Priority 17** – Acknowledge and embrace Aboriginal culture.

Whilst Council is yet to prepare a new Large Lot Residential/Rural Strategy or complete the Comprehensive LEP Review – Council has already reviewed the potential of the Site for Large Lot Residential and the full Council has accepted it can be considered on its merits for rezoning. Council has also considered it in light of the Elton Consulting (2019) *Rural Lands Draft Issues Review*.

It is a natural/logical small extension of the existing Zone R5 Large Lot Residential area. This Planning Proposal demonstrates that it will minimise impacts on infrastructure, the natural environment and adjacent agriculture. See Sections above for more details.

Relevant Land Use Strategies

We note that there the Dubbo Rural Areas Development Strategy (RADS) 1995-2015 (2003) is the most relevant land use strategy for the area. It is supported by the Macquarie District Strategy (1995) for specific suggestions for the Site and surrounds. Council acknowledges these strategies are considerably out-of-date and have commenced work on a review (see the Elton (2019) Issues Review) and LSPS Action 13.3 above. These Strategies DO NOT provide any recommendations for the Site and surrounds for any Large Lot Residential (LLR) growth as they are more high-level. However, the broad principles of protection of agricultural lands from fragmentation and land use conflict still apply.

The RADS objectives/statements include:

- The top priority of the Strategy is that all land development must be within the bounds of what is environmentally sustainable.
- The second priority is to provide long term security for the local agricultural industry.
- The third priority is to ensure safe and efficient transport routes.
- The fourth priority is to facilitate forestry, tourism and mining. Any such proposal must not compromise environmental management, agriculture or transport.
- The fifth priority is for rural recreation. It is essentially an adjunct to tourism as it can add other interesting activities. Again, it must be subject to careful environmental management and compatibility with the objectives already listed.
- Settlement of the rural area is the lowest priority as it has the least long-term economic input for Dubbo. As it generally conflicts with most of the above uses, it is to be directed to specific areas where conflicts with other uses can be avoided or minimised.

Again, this Proposal addresses the potential impacts that the rezoning may have on adjacent agriculture and natural environment. It acknowledges the 'Right to Farm' on adjacent land and shows that dwelling envelopes can accommodate significant buffers to agricultural land to minimise the potential for future land use conflict. This can be further managed through education of future owners.

The Macquarie District Strategy has **Section – Settlement** with an objective of *'Direct rural settlement pressures into the rural villages and selected areas of existing fragmentation.'* It recognises that there will be some infill in the lifestyle/hobby farm areas where agricultural conflicts would not be increased.

It also has **Section – Clusters** (clusters of five or more 10-40ha hobby farmlets) including Belgravia. As yet structure plans and policies for these clusters have not been prepared. However, the Proposed Rezoning is consistent with the following principles:

1. Ensure surrounding agricultural enterprises and transport networks are not made inefficient by unrealistic amenity expectations from hobby farms;
2. Clearly define the boundary of each cluster and administer it strictly and consistently;
3. Contain and manage the environmental impacts of the clusters of small hobby farms;
4. Services to be of a standard appropriate and that is typical of surrounding farming area.

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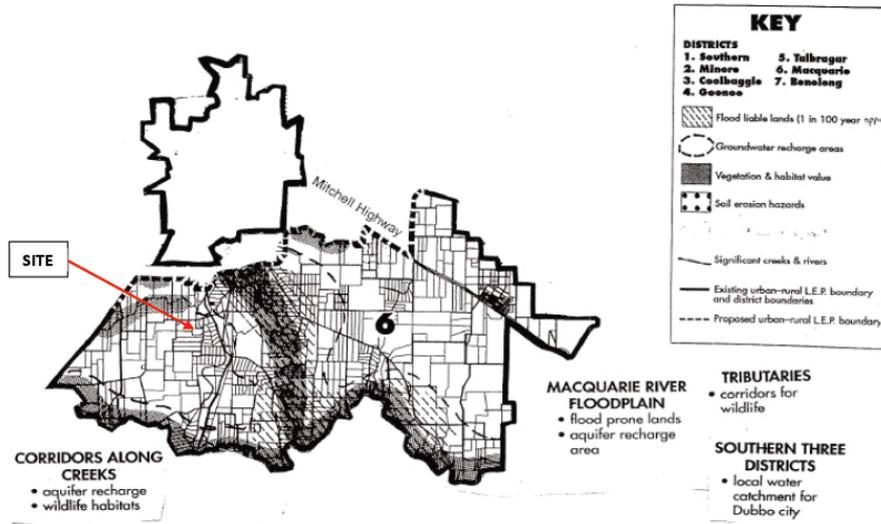


Figure 16: Macquarie District Strategy – Environmental Constraints Map.

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

The Proposal is consistent with the relevant *State Environmental Planning Policies* (SEPPs) as shown in the table below.

SEPP (Infrastructure) 2007: This SEPP is concerned with appropriate opportunities for infrastructure development throughout the State and protecting that infrastructure from incompatible development. There is no state-level infrastructure on or near the Site that would be significantly impacted by the proposal. The traffic generation from a 3-4 lot subdivision is unlikely to affect the local roads adjacent or the connection to Obley Rd.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007: According to the Common Ground website there are no known mineral or extractive resources or exploration licences in or near the Subject Site that would be affected by the proposal. See more detailed review above.
SEPP No 55 – Remediation of Land: SEPP55 seeks to promote remediation of contaminated land and reduce the risk of harm to human health – to be considered when rezoning land or consenting to development on land. In particular, Clause 7 states that a planning authority must not consent to any development on land unless it has considered whether the land is contaminated and, if so, it has been suitably remediated or will be suitable for the proposed use. See Section 2.12 Site History & Contamination that provides a Preliminary Contamination Investigations and suggests that the Site is suitable for residential use.
SEPP (Vegetation in Non-Rural Areas) 2017: This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of those areas. It replaces the previous controls relating to vegetation protection in the LEP and includes additional biodiversity reforms. Whilst it does not apply to the current Zone RU1 Primary Production, it would apply to the proposed Zone R5 Large Lot Residential. Clearing of vegetation requires a permit or approval by Council and will form part a future DA. The Site is NOT identified on the Biodiversity Values Map or Native Vegetation Map produced by the NSW Government. The proposed Minimum Lot Size is between 1ha to 40ha so the threshold for clearing is 0.5ha or more. There is a low probability that the clearing threshold would be exceeded if the dwelling envelopes are located outside of most significant trees and/or significant trees are retained around the proposed dwelling/outbuildings. It is not likely that the threshold will be exceeded to require a Biodiversity Development Assessment Report (BDAR) for the future subdivision.
SEPP (Building Sustainability Index: BASIX) 2004: This is a Planning Proposal only so any future dwellings will form part of later application(s), at which time a BASIX is likely to be required. Indicative lots are largely oriented (or have sufficient dimension) to maximise passive solar design & minimise energy consumption.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

In response to all of the relevant S.9.1 Directions – this Proposal seeks a site-specific amendment to the Land Zoning (LZN) and Lot Size (LSZ) for the Site that is broadly consistent with the Ministerial Directions (latest September 2020) except as addressed below, as follows:

Section 9.1 Directions		Applicable to Planning Proposal	Date
1. Employment and Resources			
1.1	Business and Industrial Zones	No.	01/05/17
1.2	Rural Zones	Yes. This Proposal seeks to rezone land in a rural zone to a residential zone. A Proposal may only be inconsistent with this Direction if it is justified by a strategy or is of minor significance. We suggest that whilst Council has not prepared an updated Rural Lands Strategy, they have considered the Site and found it suitable to be considered on its merits as part of a Planning Proposal OR the minor extension of the existing Zone R5 area is of minor significance. The impacts on agriculture are unlikely to be significant and are addressed above.	14/04/16
1.5	Rural Lands	Yes, but Site is not near any known mineral or energy resource or existing mine so unlikely to impact or restrict mining. See <i>Question 5 SEPP</i> review above.	28/02/19
1.3	Mining, Petroleum Production and Extractive Industries	Yes, but Site is not near any known mineral or energy resource or existing mine so unlikely to impact or restrict mining. See <i>Question 5 SEPP</i> review above.	01/07/09
1.4	Oyster Aquaculture	No.	01/07/09
2. Environment and Heritage			
2.1	Environment Protection Zones	Yes. There are no LEP mapped environmentally sensitive areas on the Site except for groundwater and terrestrial biodiversity. The protections are not weakened by this Proposal if there is a suitable lot size with low residential density & suitable on-site effluent management.	14/04/16
2.2	Coastal Management	No.	03/04/18
2.3	Heritage Conservation	Yes. No significant impact on nearby Aboriginal or non-Aboriginal heritage items, places or archaeology. See detailed review above.	01/07/09
2.4	Recreation Vehicle Areas	No.	14/04/16
2.5	E2 / E3 Zones & Environmental Overlays Far North Coast	No.	02/03/16
2.6	Remediation of Contaminated Land	Yes. Please see response to <i>SEPP 55 (Remediation of Land) & Section 2.12 Site History & Contamination</i> above suggesting the land is suitable for the proposed future use.	17/04/20
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Yes (once land is rezoned). The increased lot yield will increase the variety and choice of housing types and is a logical extension of the existing Zone R5 LLR area.	14/04/16
3.2	Caravan Parks and Manufactured Home Estates	No.	14/04/16
3.3	Home Occupations	Yes. Supported in (future) Zone R5 LLR.	01/07/09
3.4	Integrating Land Use and Transport	Yes. Whilst Zone R5 is technically a 'residential' zone, it is not generally located in an urban area. Regardless, the Site is in reasonable proximity to the City of Dubbo.	14/04/16
3.5	Development Near Licensed Aerodromes	No.	01/07/09
3.6	Shooting Ranges	No.	16/02/11
3.7	Reduction in non-hosted short term rental accommodation period	No. Byron Shire Council only.	15/02/19

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Section 9.1 Directions		Applicable to Planning Proposal	Date
4. Hazard & Risk			
4.1	Acid Sulfate Soils	No. Land not mapped as acid sulfate prone land.	01/07/09
4.2	Mine Subsidence and Unstable Soil	No. Land not within a mine subsidence district or unstable land.	14/04/16
4.3	Flood Prone Land	No. Land is NOT mapped as flood prone land.	01/07/09
4.4	Planning for Bushfire Protection	Yes. Land is partly mapped as bushfire prone land on Planning Portal/RFS website. Indicative dwelling envelopes can achieve Asset Protection Zones. Consultation with the RFS can occur at the Gateway stage. With appropriate subdivision design a bushfire report can be provided at the subdivision stage.	19/02/20
5. Regional Planning			
5.10	Implementation of Regional Plans	Yes. The <i>Central West & Orana Regional Plan</i> is addressed in more detail in <i>Question 3</i> of this section above. The Proposal is broadly consistent with the Regional Plan.	14/04/16
5.11	Development of Aboriginal Land Council Land	No. Applies to Central Coast only.	06/02/19
6. Local Plan Making			
6.1	Approval & Referral Requirements	No change in referrals proposed.	01/07/09
6.2	Reserving Land for Public Purposes	No land reserved for public purpose affected.	01/07/09
6.3	Site Specific Provisions	No restrictive site-specific planning controls proposed. The attached Subdivision Concept is indicative only and should not form part of any Gateway Determination.	01/07/09
7. Metropolitan Planning – NOT APPLICABLE (Sydney only)9			

4.3.3 Section C – Environmental, Social and Economic Impact

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

The land has been heavily modified by historic agriculture and clearing. The land is immediately adjacent to existing Zone R5 Large Lot Residential (LLR) land to the north-east and east with arguable life-style lots also to the south. The proposed Minimum Lot Sizes of ~8ha per lot would avoid or minimise the need for significant vegetation removal to support a dwelling, access and on-site effluent management for a 3-4 lot subdivision. Dwelling envelopes can be setback from existing watercourses or larger pockets of vegetation. There has been some review of threatened species & biodiversity in **Sections 2.7 & 2.8** of this Report above and this suggests that the likelihood of impact on threatened or endangered species or ecological communities is low for this Proposal.

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

There are unlikely to be any other significant environmental effects from the proposed rezoning of ~40ha of land and the proposed reduction of lot size to support 3-4 residential lots on the Site. The proposed dwelling envelopes will address natural hazards such as bushfire prone land and overland flow paths. There is a low likelihood of impacting any heritage items or archaeology. The slope of the Site is low so earthworks can be minimised.

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

This is a logical extension of an existing Large Lot Residential (LLR) area onto existing fragmented agricultural land. The impacts on agriculture have been addressed above and are likely to be limited. These lots are within 10-12 minutes' drive of the Dubbo CBD so they have good access to services and employment. Therefore, any other social and economic effects are likely to be limited.

4.3.4 Section D – State and Commonwealth Interests

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

Yes. The Site has access to all required utilities in adjacent existing/proposed roads or through on-site management. It also has good access to sealed public roads (except for Belmont Rd frontage) and the additional traffic has safe access to Obley Road (not a Classified Road) and should not impact on its safety/functioning. 3-4 lots are unlikely to produce significant traffic generation or demand on existing infrastructure.

11. What are the views of state and commonwealth public authorities consulted in accordance with the gateway determination?

There are unlikely to be any significant state or commonwealth issues with a small extension to an existing Large Lot Residential area with the Site's existing attributes and low chance of impact on any environmentally sensitive areas. The Gateway Determination can set out any further agencies that require consultation (see also Consultation opportunities in **Part 5: Community Consultation** below).

4.4 Part 4: Mapping

Maps of the Site showing the existing/proposed amended planning controls are set out below and in the attached **Supporting Plan(s)**. See **Section 3.1** of this Report for additional supporting mapping (existing DLEP2011 Maps). Standard instrument mapping can be prepared once the Planning Proposal receives a positive Gateway Determination.

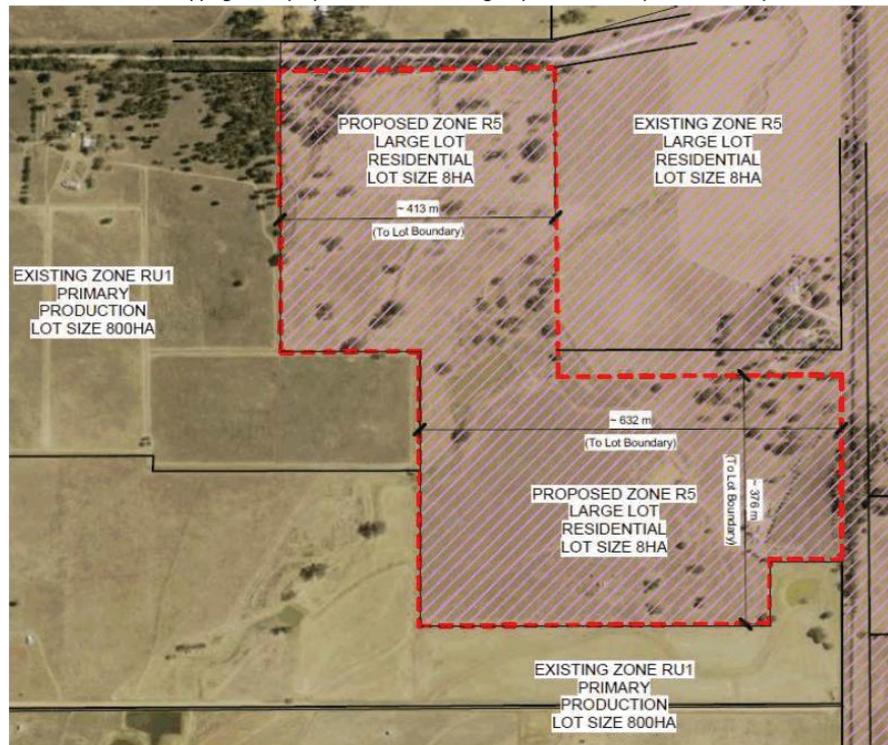


Figure 17: Existing & Proposed Land Zoning & Lot Size extended to Site (red boundary).

4.5 Part 5: Community Consultation

The planning proposal community consultation is to be undertaken in accordance with the requirements set out in 'A guide to preparing planning proposals' (2016) and any requirements set out in the Gateway Determination.

Neighbouring land owners can be notified. As there are minimal impacts, we suggest that Community Consultation can be set at the minimum requirements.

The planning proposal would be notified for a period of 28 days. The notification period is expected to be outside the Christmas / New Year period (see timeline below). The notification would be placed on Council's website and advertised in the local newspaper and possibly also on Council's website and/or social media.

The notification would provide:

- A description of the objectives or intended outcomes of the planning proposal;
- The land affected by the planning proposal;
- Advise when and where the planning proposal can be inspected;
- Give the name and address of the Council for the receipt of submissions; and
- Indicate the last date for public submissions.

During the exhibition period, the following material will be made available for inspection at Council's offices in Dubbo:

- The planning proposal, in the form approved for community consultation by the NSW Government;
- The gateway determination.

Additional consultation is also expected with key government agencies and stakeholders during the public exhibition period – possibly through a letter or notification.

4.6 Part 6: Project Timeline

The following provides an anticipated / *estimated* project timeline for completion (subject to Gateway / Council requirements and extent of submissions/amendments). It demonstrates that from the date of the Gateway Determination it is expected the amendments can be made / commence in less than 12 months:

Table 1 - Project Timeline Task	Anticipated timeframe
Planning Proposal to Council Staff for assessment/consideration	March 2021
Planning Proposal to Council for approval to send to DPIE	May 2021
Forward Proposal to DPIE / consideration	May 2021
Commencement date (Gateway determination)	June 2021
Timeframe for the completion of required technical information	(none expected)
Government agency consultation (pre- and post-exhibition as required by Gateway determination)	July 2021
Commencement and completion for public exhibition period	Commence: July 2021 Completed: August 2021
Dates for public hearing (if required)	August 2021 (if required)
Consideration of submissions	September 2021
Consideration of a proposal post exhibition	September 2021 (if required)
Date of submission to the Department to finalise LEP	September/October 2021
Anticipated date RPA will make the plan (if delegated)	October/November 2021
Anticipated date RPA will forward to the Department for notification	November/December 2021
Potential for amendments to commence	Early 2022 (i.e., within 12 months of Gateway Determination)



REPORT: Results of Public Exhibition - Planning Proposal - Additional Permitted Use of a 'Pub' at 10 Commercial Avenue Dubbo (Lot 701 DP 1254944)

AUTHOR: Senior Growth Planner
REPORT DATE: 24 June 2021
TRIM REFERENCE: ID21/1029

EXECUTIVE SUMMARY

A Planning Proposal was lodged with Council on 26 August 2020 by DEPT Holdings Pty Ltd for a site known as Lot 701 DP 1254944 (10 Commercial Avenue, Dubbo). The site is zoned B5 Business Development under the provisions of the Dubbo Local Environmental Plan (DLEP) 2011. The Planning Proposal sought to amend Schedule 1 Additional Permitted Uses of the DLEP 2011 to allow the additional use of a 'pub' on the subject site.

The subject site contains an approved restaurant and café as well as a 'light industry' (micro-brewery) use.

Council at its meeting on 8 March 2021 considered a report in respect of the Planning Proposal and resolved:

- “1. That the report from the Manager Growth Planning, dated 19 February 2021, be noted.*
- 2. That Council forward the Planning Proposal to NSW Department of Planning, Industry and Environment seeking a Gateway Determination.*
- 3. That Council support a minimum 28 day public exhibition period for the Planning Proposal, following receipt of a Gateway Determination.*
- 4. That following the completion of the public exhibition period, a further report be provided to Council for consideration of the Planning Proposal, detailing the results of the public exhibition.”*

Council, on 27 April 2021, received a conditional Gateway Determination for the Planning Proposal from the NSW Department of Planning, Industry and Environment (DPIE), and the Planning Proposal and Council's resolution were exhibited from 12 May to 24 June 2021.

No submissions were received during the exhibition period.

This report recommends that Council endorse the Planning Proposal to amend the DLEP 2011 and a request be made to NSW Parliamentary Counsel's Office to draft the subject amendment, followed by gazettal and publication of the amendment to the DLEP 2011.

FINANCIAL IMPLICATIONS

The Proponent has made a total payment of \$15,000 to Council for the assessment and processing of the Planning Proposal in accordance with Council's adopted Fees and Charges, which will result in the DLEP 2011 amendment.

POLICY IMPLICATIONS

Gazettal of the amended Dubbo Local Environmental Plan 2011 will allow the development of a pub being permissible on the above site, subject to development consent.

RECOMMENDATION

- 1. That the report of the Senior Growth Planner, dated 24 June 2021, be noted.**
- 2. That Council endorse the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 to allow the additional permitted use of a 'pub' on Lot 701 DP 1254944, 10 Commercial Avenue, Dubbo.**
- 3. That Council request Parliamentary Counsel's Office to prepare the draft amendment to the Dubbo Local Environmental Plan 2011 and provide Council with an Opinion that the Plan be made.**
- 4. That Council request gazettal of the Plan following receipt of the Opinion from Parliamentary Counsel's Office that the Plan can be made.**

Shoilee Iqbal
Senior Growth Planner

BACKGROUND

A Planning Proposal was lodged with Council on 26 August 2020 by DEPT Holdings Pty Ltd for a site known as Lot 701 DP 1254944 (10 Commercial Avenue, Dubbo) (**Appendix 1**). The Planning Proposal has sought to amend Schedule 1 Additional Permitted Uses of the DLEP 2011 to allow the additional use of a 'pub' on the subject site. Location of the subject site is shown in Figure 1.



Figure 1. Location of Subject Land

The land is zoned B5 Business Development under the provisions of DLEP 2011. It is considered that use of the site as a 'pub' will be a complementary activity to the existing uses in the Blueridge Business Park and serve the broader locality.

Council at its meeting on 8 March 2021 considered a report in respect of the above Planning Proposal and resolved:

1. That the report from the Manager Growth Planning, dated 19 February 2021, be noted.
2. That Council forward the Planning Proposal to NSW Department of Planning, Industry and Environment seeking a Gateway Determination.
3. That Council support a minimum 28 day public exhibition period for the Planning Proposal, following receipt of a Gateway Determination.

4. *That following the completion of the public exhibition period, a further report be provided to Council for consideration of the Planning Proposal, detailing the results of the public exhibition."*

This report recommends that Council endorse the Planning Proposal to amend the DLEP 2011, and a request be made to Parliamentary Counsel's Office to draft the subject amendment, followed by gazettal and publication of the amended LEP on the NSW Government Legislation website.

REPORT

1. Gateway Determination

Council, on 27 April 2021, received a Gateway Determination for the Planning Proposal from the NSW Department of Planning, Industry and Environment (DPIE) (**Appendix 2**). The Gateway Determination included the following conditions:

- "1. The planning proposal is to be publicly exhibited within two (2) months from the date of the Gateway determination. Public exhibition is required under Section 3.34(2)(c) and Schedule 1 Clause 4 of the Act as follows:*
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and*
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 6.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment, 2018).*
2. *No consultation is required with public authorities/organisations under Section 3.34(2)(d) of the Act.*
3. *A public hearing is not required to be held into the matter by any person or body under Section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
4. *The planning proposal authority is authorised as the local plan-making authority to exercise the functions under Section 3.36(2) of the Act subject to the following:*
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;*
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and*
 - (c) there are no outstanding written objections from public authorities.PP_2021_2799 (IRD21/17126)*
5. *Prior to submission of the planning proposal under Section 3.36 of the Act, the final Additional Permitted Use LEP map must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.*

6. *The time frame for completing the LEP is to be 6 months following the date of the Gateway determination.”*

2. Public Exhibition

In accordance with the conditions of the Gateway Determination, the Planning Proposal and supporting documentation were publicly exhibited from 12 May 2021 to 24 June 2021.

The Planning Proposal and supporting documentation were displayed at Dubbo Regional Council's Civic Administration Building, Dubbo, Macquarie Regional Library (Dubbo branch), as well as Council's website. An advertisement was placed in local print media on 12 May 2021, 19 May 2021 and 26 May 2021, 2 June 2021 and 9 June 2021. Notification letters were also sent to adjoining owners of the subject land, inviting comments.

It is to be noted that due to a technical error, the online advertisement of the proposal on Council's website was not entirely visible from 25 May 2021 to 9 June 2021. To rectify any potential impacts of this issue, the public exhibition period for the Planning Proposal was extended for a further two weeks until 24 June 2021, with a note on Council's website confirming that the exhibition period was extended. Two more newspaper advertisements were also placed in local print media on 16 June 2021 and 23 June 2021 to invite comments, noting that the exhibition period had been extended.

No submissions were received from the general public during the exhibition period.

It should be noted that in accordance with condition 2 of the Gateway Determination, consultation with public authorities/organisations were not required. As per condition 3 of the Gateway Determination, a public hearing was not required either.

3. Legal Drafting of Local Environmental Plan

In accordance with condition 4 of the Gateway Determination, Council has been authorised as the local plan-making authority to exercise the functions under Section 3.36(2) of the Environmental Planning and Assessment Act, 1979. The planning proposal is consistent with Section 9.1 Ministerial Directions (or the Secretary has agreed that any inconsistencies are justified); and there are no outstanding written objections from public authorities.

Subject to endorsement of the Planning Proposal, Council will liaise with the NSW Parliamentary Counsel's Office about the content of the draft amendment. In addition to the draft amendment, Council will also prepare an amended Additional Permitted Use map in accordance with NSW DPIE requirements.

Following preparation of the formal amendment, an 'Opinion' stating that the Plan can be made will be sought from the NSW Parliamentary Counsel. Following receipt of the Opinion, Council will request Parliamentary Counsel to gazette and publish the amended Dubbo Local Environmental Plan 2011 on the NSW Government legislation website.

SUMMARY

A Planning Proposal was lodged with Council on 26 August 2020 by DEPT Holdings Pty Ltd for a site known as Lot 701 DP 1254944 (10 Commercial Avenue, Dubbo). The site is zoned B5 Business Development under the provisions of Dubbo Local Environmental Plan (DLEP) 2011. The Planning Proposal has sought to amend Schedule 1 Additional Permitted Uses of the Dubbo Local Environmental Plan 2011 to allow the additional use of a 'pub' on the subject site.

The Planning Proposal and supporting documentation were placed on public exhibition from 12 May 2021 to 24 June 2021. No submissions were received during the exhibition period.

It is recommended that Council endorse the Planning Proposal to amend the Dubbo Local Environmental Plan 2011.

Appendices:

- 1 [↓](#) As submitted - Planning Proposal - 10 Commercial Avenue Dubbo
- 2 [↓](#) Gateway Determination from NSW DPIE Western Region Director

PREPARED FOR DEPT HOLDINGS ATF DEVIL'S HOLLOW PROPERTY TRUST | AUGUST 2020



PLANNING PROPOSAL

Additional Permitted Use (Pub) for
Devil's Hollow Brewery

10A Commercial Avenue, Dubbo NSW 2830





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20253_Planning Proposal_Dubbo_August2020



Planning Proposal

FINAL

Report Reference No.: 20253
Dated: 19 August 2020

Environmental Assessment

Prepared by: KDC Pty Ltd | ABN 61 148 085 492 | www.kdc.com.au

Courtney Sargent
Town Planner
KDC Pty Ltd

Reviewed by:

Kate Young
Principal Planner
KDC Pty Ltd

Address: Suite 2B, 125 Bull Street, Newcastle West NSW 2302
In respect of: DEPT Holdings ATF Devil's Hollow Property Trust

Application and Land Details

Applicant: DEPT Holdings ATF Devil's Hollow Property Trust
C/ - KDC Pty Ltd
Land to be developed: 10A Commercial Avenue, Dubbo (Lot 4 in DP 1144575)
Project: Additional Permitted Use (Pub) for Devil's Hollow Brewery

This Report has been prepared in accordance with the brief provided by our client and has relied upon the information collected at or under the times and conditions specified in the Report. All findings, conclusions or recommendations contained within the Report are based only on the aforementioned circumstances. Furthermore, the Report is for the use of the client only and no responsibility will be taken for its use by other parties.



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1 INTRODUCTION

KDC Pty Ltd (KDC) acts on behalf of its client DEPT Holdings ATF Devil's Hollow Property Trust (DEPT) in preparing this Planning Proposal for submission to Dubbo Regional Council (Council) in relation to the parcel of land 10A Commercial Avenue, Dubbo (herein referred to as the site).

This Planning Proposal Report explains the intention, the intended effect of, and the justification for the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 to allow for an 'Additional Permitted Use' on the site, being a 'pub'.

The Planning Proposal Report has been prepared having regard to Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning, Industry and Environment guides, including the updated '*A Guide to Preparing Planning Proposals*' and '*A Guide to Preparing Local Environmental Plans*'.

The Report comprises the following sections:

- + Introduction;
- + Background and summary details of the proposal;
- + Part 1 - A Statement of Objectives or Intended Outcomes of the proposal;
- + Part 2 - Explanation of the Provisions that are to be included in the proposal;
- + Part 3 - Justification of the Objectives, Outcomes and Provisions, and the process for their implementation;
- + Part 4 - Mapping;
- + Part 5 - Details of the Community Consultation that is to be undertaken in relation to the Planning Proposal;
- + Part 6 - Project Timeline; and
- + Conclusion.



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2 BACKGROUND

The proposed 'Additional Permitted Use' being a 'pub' will enable the expansion of offerings at the Devil's Hollow Brewery which is located at the site.

Devil's Hollow Brewery was established in 2017. The site consists of a 596m² building containing a micro-brewery and restaurant/ café with outdoor area, twenty-five (25) car parking spaces, signage and driveway. A Development Application (DA) DA2018/56 was approved on 05 March 2018 for a restaurant and café with a micro-brewery; a subsequent modification was approved on 21 January 2020 to extend operating hours to operation from 7.00am to 12 midnight Monday to Saturday and 7.00am to 10.00pm Sundays for an initial period of twelve (12) months.

Prior to the preparation of this Planning Proposal, three meetings were held with representatives from the Dubbo Strategic Planning Team. The first meeting was held on 11 March 2020, where it was established with Council that seeking an additional permitted use for a 'pub' would be the best pathway forward. A second meeting was held on 27 May 2020, where a high-level discussion on the intended outcomes of the Planning Proposal was undertaken, with general support provided by Council, subject to all relevant information and justifications being formally submitted.

A third meeting was held on 21 July 2020, the memo that had previously been provided to Council was discussed. This memo included details of the planning proposal and gave a high-level assessment of the proposal against relevant strategic plans. Council were generally supportive and did not raise any significant concerns over the proposal. Council were advised of the intent to submit the planning proposal.

The Dubbo Licensing unit of the Dubbo Local Area Command was consulted on 18 June 2020. The intention of the planning proposal to allow for a 'pub' use on site was discussed. The Police did not raise any major concerns regarding the Proposal and noted that most items could be addressed in a future DA for the site.



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3 SITE DESCRIPTION AND SURROUNDING USES

The existing Devil's Hollow Brewery is located within the Blueridge Business Park at 10A Commercial Avenue, Dubbo. The site comprises a total area of 2,305m², with a legal description of Lot 701 in DP 1254944. The property has vehicular access from Commercial Avenue (south) and is visible from Mitchell Highway (north) which is a State Classified Road.

Under the Dubbo Local Environmental Plan 2011 (DLEP 2011) the site is zoned B5 Business Development. As stated above, the site is located within the Blueridge Business Park which is located on the eastern side of the city and surrounded by commercial, industry and bulky good uses. Access to the business park is via the Mitchell Highway.

Figure 1 shows the locality of the site, noting that further development has occurred, including the construction of the brewery, since the aerial image was taken. Photograph 1 is a recent photograph of the front of the site.

Figure 1 – Site Aerial (Source: Six Maps)



Photograph 1 – View of the site from Commercial Avenue (Source: Blueridge Business Park Website)





In terms of other licences premises within the vicinity of the site, the closest existing traditional pub is located approximately 4km south west, namely the South Dubbo Tavern. The Macquarie Inn (part of the Orana Mall) is approximately 2km north west, which provides a different offering of gaming machines, accommodation, a sports bar and bistro/bistro bar, attracting a different market than what Devil's Elbow would expect. The Macquarie Inn is considered more of a corporate type of pub, which will have a different demographic. Given there is an evident lack of a diverse range of food and drink premises in Dubbo's eastern suburbs, it is considered the expansion of the Devil's Elbow will provide a greater range of options and better access for those in this locality.

Figure 2 - Pub Offerings in the vicinity of the site



Figure 3 – Licensed Premises and a 3km Catchment Radius for the site





4 PART 1 – OBJECTIVES OR INTENDED OUTCOMES

This Planning Proposal (the Proposal) seeks to amend the amend DLEP 2011 to permit a "pub" on the subject site.

Under the DLEP 2011, 'pub' is defined as follows:

***pub** means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.*

Note.

Pubs are a type of food and drink premises—see the definition of that term in this Dictionary.

A 'pub' is currently a prohibited land use on the site under the B5 Business Development zoning. An amendment to the DLEP 2011 to allow for a Schedule 1 "Additional Permitted Use" is the logical amendment in order to permit the proposed land use at the site as it will not affect development potential of other B5 zoned land governed by DLEP 2011.

The existing Devil's Hollow Brewery is consistent with the land use objectives of the B5 zone providing a light industrial and business use supporting both tourism and local residents in Dubbo and the activity of the business park. The brewery is the first of its kind in Dubbo which is an asset from a tourism and visitor perspective, contributing to the diverse mixture of businesses within a premier location.

The processing and development of craft beer is at the foundation of the business and will continue to be should a 'pub' use be introduced. The introduction of the 'pub' use will allow for greater diversity in offerings for Devil's Hollow and enhance the business model by providing a more viable and competitive edge.

The existing 'Artisan Food and Drink Industry' use is closely aligned with the 'pub' use and given the separation from sensitive receivers it is unlikely to create any amenity issues. It is anticipated that the introduction of a 'pub' use will not result in the fragmentation of land as it is essentially a minor expansion to the current service offerings.



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5 PART 2 – EXPLANATION OF THE PROVISIONS

The objective of this Planning Proposal will be achieved by an amendment to Schedule 1 Additional permitted uses of DLEP 2011 to list “pub” as a land use permitted with consent on the site.

This method permits the proposed additional land use whilst retaining the existing B5 Business Development zoning of the site.

The Additional Permitted Uses Map (APU_008B) of DLEP 2011 shall also be amended to identify the site and the proposed additional permitted land use. This is illustrated in the mapping provided in Part 4 of this Report.



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6 PART 3 – JUSTIFICATION

6.1 SECTION A – NEED FOR THE PLANNING PROPOSAL

Q1. Is the planning proposal a result of any strategic study or report?

No, the Planning Proposal is required to achieve the aforementioned objective. Notwithstanding, the proposal is generally consistent with strategic studies for the area (as detailed In Section 6.2 below).

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, an amendment to Schedule 1 Additional permitted uses of DLEP 2011 to list “pub” as a land use permitted with consent on the subject land is considered the most appropriate means of enabling the site to incorporate the desired use, for the following reasons:

- + A spot rezoning of the site to an alternative zone that permits a ‘pub’ is not seen as the most logical way to enable the desired land use and use of *Schedule 1 Additional Permitted Uses* is considered to be the most appropriate pathway to achieve the intended outcome in this instance; and
- + This Planning Proposal provides an opportunity for the existing successful operation to expand its services and therefore enable operation into the long term, enhancing sustainability.

6.2 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes, the Planning Proposal is considered to be consistent with the Central West and Orana Regional Plan 2036 as detailed below.

Central West and Orana Regional Plan 2036

The Planning Proposal is considered to be consistent with the following directions from the Regional Plan 2036:

- + *Direction 4: Promote and diversify regional tourism markets*

Direction 4 of the Regional Plan 2036 seeks to develop the region’s capacity to grow food and wine tourism. The Devil’s Hollow Brewery is the first of its kind in Dubbo and a valuable asset from a tourism perspective. Following a successful Planning Proposal, the brewery expects to increase its services through providing an enhanced offering. It is considered that the both the existing operation and the Planning Proposal align with this direction through assisting in boosting food and drink tourism at a regional level.

- + *Direction 10: Promote business and industrial activities in employment lands*

Direction 10 of the Regional Plan 2036 looks to encourage business growth in existing CBDs and business hubs. Noting the Blueridge Business Park is an existing business hub and the proposal seeks to grow an existing business within this hub, the Planning Proposal is considered to align with this direction. The Blueridge Business Park is also identified as important employment land. Expanding the offerings of the existing brewery and attracting visitors to the area would lead to additional jobs and therefore contribute to Direction 10 objectives.



+ *Direction 22: Manage growth and change in regional cities and strategic and local centres*

Direction 22 recognises that regional centres like Dubbo are going to experience continued growth. Direction 22 recognises the importance in providing affordable housing, attractive lifestyles and jobs in agribusiness, mining and tourism in these areas. The proposal will not only attract new jobs to the area, but would also assist in providing an attractive lifestyle for existing and future residents of Dubbo through providing a unique dining and drinking experience. It is therefore considered that the proposal is consistent with Direction 22 of the Regional Plan 2036.

Q4. Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

Yes, the Planning Proposal is considered to be consistent with the Dubbo Local Strategic Planning Statement and Employment Lands Strategy 2019.

Dubbo Local Strategic Planning Statement (LSPS)

The Planning Proposal is considered to be consistent with the following Planning Priorities from the Dubbo LSPS:

+ *Planning Priority 4: Reinforce the town centres of Wellington and Dubbo*

Planning Priority 4 looks to strengthen existing centres within Dubbo and Wellington. Whilst the subject site isn't located strictly within the Dubbo's town centre, the site is located within the recently established Blueridge Business Park. The Business Park is located east of Dubbo town centre and is home to an abundance of commercial uses. The objective of Planning Priority 4 is to strengthen existing centres through providing more activity and higher quality experiences. It is considered that the proposal is sufficiently distanced from the town centre that it will not attract local patrons who would have otherwise visited a pub within Dubbo town centre.

+ *Planning Priority 7: Continue to support and grow our tourism industry*

Planning Priority 7 recognises the importance of tourism within the region and looks to support its growth in the future. As previously noted, the Devil's Hollow Brewery is the first of its kind in Dubbo which is considered both valuable and important from a tourism perspective. The proposal will allow for the brewery to increase its range of services which will contribute to growing the tourism industry within Dubbo. It will also complement other tourist activities within the area without taking away from existing licenced premises.

In addition, the positioning of the brewery with access via the Mitchell Highway is also beneficial from a tourism perspective, capturing passing trade travelling into Dubbo. By enabling use for a 'pub' at the site, a variety of different servicing jobs will be created also supporting and strengthening the tourism industry.

It is therefore considered that the proposal aligns with Planning Priority 7 of the Dubbo LSPS.

+ *Planning Priority 8: Ensure supply of employment generating land*

Planning Priority 8 looks to complement the Employment Lands Strategy 2019 through recognising the potential for long term growth and investment throughout different industries within the Dubbo region. The Blueridge Business Park is identified as a commercial employment cluster within the the Employment Lands Strategy 2019. The strategy looks to grow the business park and it is considered that the proposal will assist in this growth through attracting further patrons to the area and encouraging further development into the future. Given the proposal aligns with the Employment Lands Strategy 2019, it is considered to be consistent with Planning Priority 8 of the Dubbo LSPS.



Employment Lands Strategy 2019

In the Employment Lands Strategy 2019, prepared by Dubbo Regional Council, the Blueridge Precinct was nominated for the development of a business park and prestige light industrial park consisting of light manufacturing, warehouse and distribution and high-tech industries. Although the proposed Planning Proposal slightly differs from the traditional light industry which is permissible under the current B5 zoning, the 'pub' use will promote a different offering within the outskirts of Dubbo, presenting no saturation or density issues with liquor offerings within the area. Given the position of Devil's Hollow and the existing 'Artisan Food and Drink Industry' approved on site, the proposed Planning Proposal is not inconsistent with the zone or strategic objectives of the B5 zone. The Planning Proposal does not seek to change the Employment Generating zone, rather it seeks an additional permitted use on the subject site to help the business capture the existing market within the locality and further enhance the employment and tourism of the business park.

The growth of regional cities and strategic centres will encourage future investment, increase housing choices, diversify industry and create new job opportunities – all of which will benefit the immediate and broader regional community. This Planning Proposal will provide for a unique offering within the Blueridge Precinct and will capture a different market to the traditional pubs within the CBD providing a contribution to a diverse employment base.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal is generally consistent with applicable SEPPs, as outlined in the Table 1. There are no deemed SEPPs relevant to the proposal.

Table 1 – Consistency with State Environmental Planning Policies

No.	Title	Consistency with the Planning Proposal
19	Bushland in Urban Areas	Not applicable.
21	Caravan Parks	Not applicable.
33	Hazardous and Offensive Development	Not applicable.
36	Manufactured Home Estates	Not applicable.
47	Moore Park Showground	Not applicable.
50	Canal Estate Development	Not applicable.
55	Remediation of Land	Not applicable.
64	Advertising and Signage	Any future signage on the site will require an assessment against the assessment criteria outlined in Schedule 1 of this SEPP.
65	Design Quality of Residential Flat Development	Not applicable.
70	Affordable Housing (Revised Schemes)	Not applicable.
	Aboriginal Land 2019	Not applicable.
	Activation Precincts	Not applicable
	Affordable Rental Housing 2009	The land is not owned by a Land and Housing Corporation; and no affordable rental housing will be lost as a result of the proposal. The proposal is therefore consistent with the aims of this SEPP.
	Building Sustainability Index (BASIX) 2004	Not applicable.
	Coastal Management 2018	Not applicable.
	Concurrences and Consents 2018	Not applicable.
	Educational Establishments and Child Care Facilities 2017	Not applicable.
	Exempt and Complying Development Codes 2008	In accordance with this SEPP certain minor development may be undertaken as exempt or complying development. However, the intended outcome for the site will require lodgement of a Development Application with Council in future.



No.	Title	Consistency with the Planning Proposal
	Gosford City Centre 2018	Not applicable
	Housing for Seniors or People with a Disability 2004	Not applicable.
	Infrastructure 2007	Whilst the site's rear boundary adjoins a State Classified Road, access is via the secondary road and traffic generating development would not be triggered by a DA for a 'pub' at the site.
	Koala Habitat Protection 2019	Not applicable.
	Kosciuszko National Park - Alpine Resorts 2007	Not applicable.
	Kurnell Peninsula 1989	Not applicable.
	Mining Petroleum Production and Extractive Industries 2007	Not applicable.
	Penrith Lakes Scheme 1989	Not applicable.
	Primary Production and Rural Development 2019	Not applicable.
	State and Regional Development 2011	Not applicable.
	State Significant Precincts 2005	Not applicable.
	Sydney Drinking Water Catchment 2011	Not applicable.
	Sydney Region Growth Centres 2006	Not applicable.
	Three Ports 2013	Not applicable.
	Urban Renewal 2010	Not applicable.
	Vegetation in Non-Rural Areas 2017	Not applicable.
	Western Sydney Employment Area 2009	Not applicable.
	Western Sydney Parklands 2009	Not applicable.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

Table 6 reviews the consistency with the applicable Ministerial Directions for LEPs under section 9.1(2) (previously section 117(2)) of the *Environmental Planning and Assessment Act 1979*.

Table 2 – Consistency with Section 9.1 Directions

Section 9.1 Directions	Assessment
<p>1. Employment and Resources</p> <p>1.1 Business and Industrial Zones This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alterations of any existing business or industrial zone boundary).</p> <p>The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres.</p>	<p>This site is zoned B5 Business Development zone, therefore this direction applies to the proposal.</p> <p>This Planning Proposal is considered to be consistent with the objectives of this direction in that the proposal will continue to encourage employment within the Blueridge Business Park which is already identified as employment land. The Planning Proposal will not impact upon the availability of employment land and will support activity within the business park.</p> <p>In addition to the above, the Planning Proposal will not reduce the total potential floor space area for employment or industrial uses but rather retain the existing business in its current location within the business park.</p>
<p>1.2 Rural Zones This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone.</p>	<p>N/A – this Planning Proposal will not affect land within an existing or proposed rural zone.</p>



Section 9.1 Directions	Assessment
<p>1.3 Mining, Petroleum Production and Extractive Industries This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance.</p>	N/A – this Planning Proposal does not involve any changes to mining, petroleum production and extractive industries.
<p>1.4 Oyster Aquaculture This direction applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in: (a) adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate"; or (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate" and other land uses.</p>	N/A – this Planning Proposal will not have any effect on oyster aquaculture.
<p>1.5 Rural Lands This direction applies when: (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p>	N/A – this Planning Proposal will not affect land within an existing or proposed rural or environmental protection zone.
2. Environment and Heritage	
<p>2.1 Environmental Protection Zones A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land.</p>	N/A – this Planning Proposal will not affect land that is environmentally sensitive.
<p>2.2 Coastal Protection The objective of this direction is to implement the principles in the NSW Coastal Policy.</p>	N/A – the site is not located within the coastal zone, as defined under the Coastal Management Act 2016.
<p>2.3 Heritage Conservation A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance; (b) Aboriginal objects or Aboriginal places; and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes.</p>	N/A – no known Aboriginal objects or places of significance are located within the site.
<p>2.4 Recreation Vehicle Area A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>).</p>	N/A – this Planning Proposal will not enable sensitive land to be developed for the purpose of a recreation vehicle area.



Section 9.1 Directions	Assessment
<p>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs A planning proposal that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone or an overlay and associated clause must:</p> <p>(a) apply the proposed E2 Environmental Conservation or E3 Environmental Management zones, or the overlay and associated clause, consistent with the Northern Councils E Zone Review Final Recommendations.</p>	N/A – this Planning Proposal does not introduce or alter an E2 or E3 zone.
<p>2.6 Remediation of Contaminated Land The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. This direction applies when a planning proposal authority prepares a planning proposal applying to land specified in paragraph (2).</p>	N/A – this Planning Proposal does not include land described in paragraph (2).
<p>3. Housing, Infrastructure and Urban Development</p>	
<p>3.1 Residential Zones This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted.</p>	N/A – this Planning Proposal does not affect land within a residential zone.
<p>3.2 Caravan Parks and Manufactured Home Estates This direction applies when a relevant planning authority prepares a planning proposal.</p>	N/A – this Planning Proposal does not pertain to development for the purposes of a caravan park or manufactured home estate.
<p>3.3 Home Occupations This direction applies when a relevant planning authority prepares a planning proposal.</p>	N/A – this Planning Proposal will not restrict home occupations to be carried out in dwelling houses without the need for development consent.
<p>3.4 Integrating Land Use and Transport This direction applies to Planning Proposals that create, alter or remove a zone relating to land zoned for residential, business, industrial, village or tourist.</p>	This Planning Proposal looks to alter land zoned for business. The Planning Proposal will not impact upon existing transport services or freight movements.
<p>3.5 Development Near Licensed Aerodromes This direction applies to Planning Proposals that will create, alter or remove a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>	N/A – the site is not within close proximity to any licensed aerodromes. The closest major aerodrome is located approximately 30 km from the site.
<p>3.6 Shooting Ranges This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>	N/A – the Planning Proposal will not affect, create, alter or remove a zone or provision relating to an existing shooting range.
<p>3.7 Reduction in non-hosted short term rental accommodation period This direction applies when the council prepares a planning proposal to identify or reduce the number</p>	N/A – Relates to Byron Shire Council area only and the Planning Proposal does not include rental accommodation.



Section 9.1 Directions	Assessment
of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area.	
4. Hazard and Risk	
4.1 Acid Sulfate Soils This direction applies when a Planning Proposal relates to land that is mapped as having a probability of containing ASS.	N/A – The site has not been identified under the DLEP 2011 as containing ASS.
4.2 Mine Subsidence and Unstable Land This direction applies to Planning Proposals on land that is within a mine subsidence district or identified in a study as being unstable land.	N/A – This site has not been identified as being within a mine subsidence district or identified in a study as being unstable land.
4.3 Flood Prone Land This direction applies to Planning Proposals on land affected by flooding.	N/A – The site has not been identified as being on land affected by flooding.
4.4 Planning for Bushfire Protection This direction applies when a Planning Proposal that will affect or is in proximity to land mapped as bushfire prone land.	N/A – the site is not identified as bushfire prone land.
5. Regional Planning	
5.1 Implementation of Regional Strategies Revoked 17 October 2017	N/A – revoked
5.2 Sydney Drinking Water Catchment This Direction applies when a relevant planning authority prepares a planning proposal that applies to land within the Sydney drinking water catchment.	N/A – Dubbo LGA is not listed as a relevant LGA.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast This Direction will apply when a relevant planning authority prepares a planning proposal for land mapped as: (a) State significant farmland, or (b) regionally significant farmland, or (c) significant non-contiguous farmland, on the set of four maps held in the Department of Planning and Environment marked "Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)".	N/A – Dubbo Regional Council is not listed as a relevant Council area and the land is not mapped as significant farmland.
5.4 Commercial and Retail Development along the Pacific Highway This Direction applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.	N/A – the site is not located along the Pacific Highway.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) Revoked 18 June 2010	N/A – Revoked 18 June 2010
5.6 Sydney to Canberra Corridor Revoked 10 July 2008	N/A – Revoked 10 July 2008
5.7 Central Coast Revoked 10 July 2008	N/A – Revoked 10 July 2008
5.8 Second Sydney Airport: Badgerys Creek Revoked 20 August 2018	N/A – Revoked 20 August 2018
5.9 North West Rail Link Corridor Strategy This Direction applies when a relevant planning authority prepares a planning proposal for land	N/A – Dubbo Regional Council is not listed as a relevant Council area.



Section 9.1 Directions	Assessment
within the North West Rail Link Corridor, as identified in the NWRL Corridor Strategy and Structure Plans.	
5.10 Implementation of Regional Plans This direction applies when a relevant planning authority prepares a planning proposal.	This Planning Proposal is consistent with the Central West and Orana Regional Plan 2036 as detailed in Section 6.2 of this report.
5.11 Development of Aboriginal Land Council land This direction applies when a planning proposal authority prepares a planning proposal for land shown on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019.	N/A – SEPP (Aboriginal Land) 2019 does not apply to the site.
6. Local Plan Making	
6.1 Approval and Referral Requirements This direction applies when a relevant planning authority prepares a planning proposal.	This Planning Proposal is consistent with the relevant objectives of the direction.
6.2 Reserving Land for Public Purpose This direction applies when a relevant planning authority prepares a planning proposal.	N/A – this Planning Proposal will not create, alter or reduce existing zoning or reservation of land for a public purposes.
6.3 Site Specific Provisions This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.	This Planning Proposal does not seek to implement unnecessarily restrictive site specific planning controls, instead the proposal seeks to include an additional permitted use on the site.
7. Metropolitan Planning	N/A – does not apply to the Dubbo LGA.

6.3 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No, the site is located within the already developed Blueridge Business Park and is currently utilised for the Devil’s Hollow Brewery, therefore critical habitat or threatened species, populations or ecological communities, or their habitats, will not be adversely affected as a result of the proposal.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Traffic and Parking

Devil’s Hollow Brewery will continue to provide adequate access and car parking on site. It is not expected that significant traffic generation would result from the Planning Proposal and the newly created road network within the business park can therefore cater for expected demand.

A Traffic Impact Assessment (TIA) undertaken by a suitably qualified traffic engineer will be prepared at the development application stage. The assessment will evaluate access arrangements, parking and the existing and proposed operation and efficiency of the local road network.

Amenity

The term 'amenity' relates to the qualities, characteristics and attributes people value about a place which contributes to their experience of a high quality of life. Urban or residential amenity encompasses a wide range of attributes and values which change over time. The spatial scale at which amenity can be defined also varies from across a city, a suburb, a



neighbourhood, a street or even a specific site, with each level contributing to the identity of an area and providing a 'sense of place'.

The amenity attributes which people seek and appreciate often vary according to an individuals' own values. Nevertheless, there are a number of general elements that contribute to the amenity of urban or residential areas. These include the physical landscape or streetscape; areas of vegetation and public and private open space for recreation, such as parks, reserves and gardens; urban design, including the scale and dominance of buildings; historic and cultural heritage; public views and outlooks; privacy; physical safety; and the accessibility of places. Another component of amenity is the ability of people to lead their lives free of nuisances including those arising from noise, odour, vibration, dust, wastewater or waste products.

The Planning Proposal is not considered to adversely impact upon the amenity of the site or surrounding area, noting that it is located within a business park, sufficiently distanced from any sensitive receivers. Furthermore, substantial building works are not required to accommodate the proposal as the Brewery building already exists. The Planning Proposal will allow the Devil's Hollow Brewery to expand its services and provide the community a unique experience within the existing tenancy.

Q9. Has the planning proposal adequately addressed any social and economic effects?

It is not considered that the proposal will result in any adverse social or economic impacts. Notwithstanding, a Social and Economic Impact Assessment will be undertaken as a part of a future DA for the 'pub' use. A Plan of Management will also be prepared for the premise which take into consideration crime prevention principles and will effectively manage the pubs operation to ensure that there are no adverse impacts on the wider community.

Overall, the Planning Proposal is considered to be in the public interest and will contribute towards the region achieving the objectives of the Central West and Orana Regional Plan 2036 and the Dubbo Local Strategic Planning Statement. The Proposal will provide a unique experience for the community and will also assist in enhancing tourism in the area. The expanded use of the site by Devils Hollow will complement the business park and encourage further employment opportunities. The proposal will have widespread economic benefits for Dubbo.

6.4 SECTION D – STATE AND COMMONWEALTH INTERESTS

Q10. Is there adequate public infrastructure for the planning proposal?

The site is adequately serviced by all essential infrastructure including electricity, telecommunications, water, stormwater and sewer. The proposal is not expected to warrant an upgrade to existing public infrastructure.

Q11. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

No State and Commonwealth public authorities have been consulted at this stage. Consultation will be carried out in accordance with the requirements of any gateway determination.



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7 PART 4 – MAPPING

Figure 2 – Existing Additional Permitted Use Map (APU_008B)

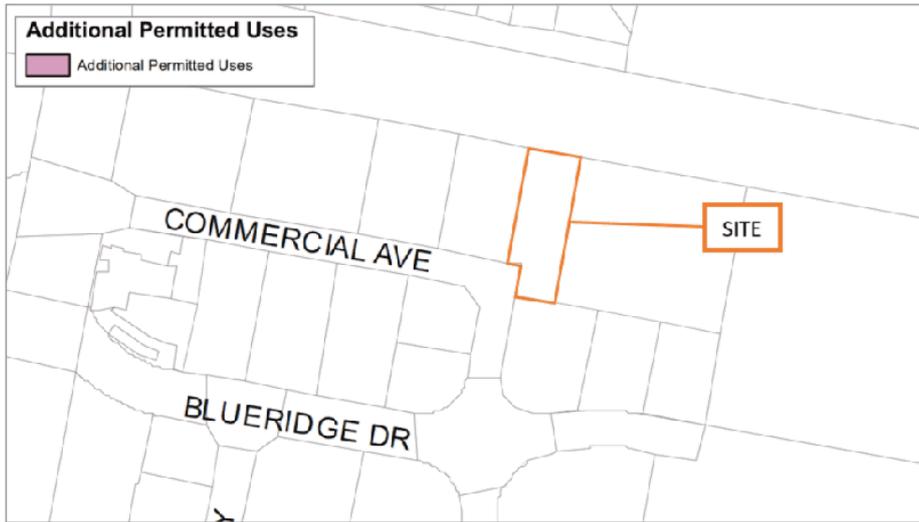
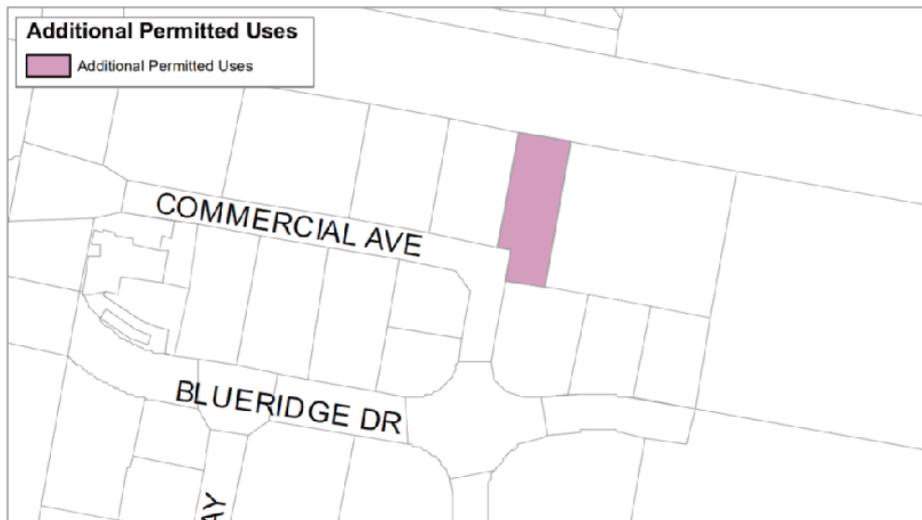


Figure 3 – Proposed Additional Permitted Use Map (APU_008B)





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8 PART 5 – COMMUNITY CONSULTATION

It is considered that this Planning Proposal is of low impact (in accordance with 'A Guide to Preparing Local Environmental Plans', therefore the amendment to DLEP 2011 will be publicly exhibited for a 14 day period. The public exhibition includes notification through a local newspaper advertisement at the beginning of the 14-day period, be placed on Council's website as well as letters being written to any potentially affected and adjoining landowners.

Any future development would also be subject to assessment of a Development Application which would be notified in accordance with Council's Notification Policy.

In accordance with the Liquor Act 2007, an application to Liquor and Gaming NSW for a liquor license would concurrently be lodged with a future DA for a 'pub'. This stringent application process requires that a Community Impact Statement (CIS) be undertaken which describes the potential impact that a liquor licence may have on a neighbourhood and the measures put in place to manage these risks. As part of the CIS requirements, consultation with the following members of the local community may occur:

- + the NSW Department of Health;
- + the NSW Department of Family and Community Services;
- + Transport for NSW;
- + Recognised leaders of the local Aboriginal community;
- + Occupiers of any neighbouring premises; and
- + Special interest groups or individuals.

The proponent must also notify the community within two days of lodging the application with Liquor and Gaming NSW. This includes local Police, Council, and all neighbours within a 50 or 100 metre radius from the site. A site notice will also be attached to the premises in a highly visible location for the duration of the assessment. Finally, the application will be advertised on the Liquor and Gaming Application Noticeboard.

The above requirements ensure that the community have ample opportunity to comment on the proposal.



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9 PART 6 – PROJECT TIMELINE

Table 3 outlines the projected timeframes for the Planning Proposal.

Table 3 – Project Timeline

Part 6 - Project Timeline	
August 2020	Lodge Planning Proposal with Dubbo Regional Council
November 2020	Council resolution to prepare the Planning Proposal
January 2020	Gateway determination
January - February 2021	Anticipated timeframe for completion of any further technical information
February - March 2021	Timeframe for government agency consultation
March 2021	Public exhibition period
April – May 2021	Timeframe for consideration of submissions
June – July 2021	Consideration of the Planning Proposal by Council
July 2021	Date of submission to the Department to finalise the LEP
August 2021	Anticipated date the relevant planning authority will make the plan (if delegated)
August 2021	Anticipated gazettal date



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10 CONCLUSION

The proposal to amend DLEP 2011 to permit a 'Pub' land use at the site currently occupied by an 'Artisan Food and Drink Industry' will enable an employment and tourist generating, commercial activity to occur on a site that is highly accessible and well suited to non-residential land use. The existing high-quality food and drink offering by Devils Hollow Brewery is sought to be expanded to provide a unique service to the area, benefitting locals and tourists alike.

The proposal aligns with adopted local and regional planning strategies and will not compromise any future local planning. The intended outcome is compatible with surrounding land uses, the built environment and infrastructure.

Amending the DLEP 2011 as proposed will enable appropriate use of the site for the benefit of the local community and will generate long-term employment and tourism opportunities, without any significant or ongoing adverse effects. More detailed social and economic impact assessment can be undertaken following a Gateway Determination.



PP_2021_2799
IRD21/17127

Dean Frost
Chief Executive Officer
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Attention: Steve Jennings, Manager Growth Planning

Dear Mr Frost

Planning proposal PP_2021_2799 to amend Dubbo Local Environmental Plan 2011 – Additional Permitted Use – ‘pub’ – 10A Commercial Avenue, Dubbo.

I am writing in response to Council's request for a Gateway determination under Section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend Schedule 1 of the Dubbo Local Environmental Plan 2011 to permit the use of 'pub' with development consent, as an Additional Permitted Use on Lot 701 DP1254944 10A Commercial Avenue, Dubbo.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

It is noted that Council is identified as the authorised local plan-making authority for this proposal. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority at this time.

Council is reminded to update the Planning Portal and notify the Western Region office of the Department of Planning, Industry and Environment when the plan making milestones are achieved.

The amending local environmental plan (LEP) is to be finalised within six (6) months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal within two (2) months of the Gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six (6) weeks prior to the projected publication date. Council is to request Parliamentary Counsel's Office commence drafting the instrument as soon as practicable. A copy of the request should be forwarded to the Department (westernregion@planning.nsw.gov.au) for administrative purposes.

All related files for the LEP amendment must be submitted to the Department via the Planning Portal Website at www.planningportal.nsw.gov.au/reporting/online-submission-planning-data.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Amanda Carnegie, Planning Officer, from the Department of Planning, Industry and Environment, Western Region Office, to assist you. Ms Carnegie can be contacted on 5852 6808.

Yours sincerely



27.4.21

Garry Hopkins
Director, Western Region
Local and Regional Planning

Encl: Gateway determination