



AGENDA DEVELOPMENT AND ENVIRONMENT COMMITTEE 9 MARCH 2020

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

The meeting is scheduled to commence at 5.30pm.

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The Committee had before it the report of the Development and Environment Committee meeting held 10 February 2020.	
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The Committee had before it the report dated 21 February 2020 from the Manager Growth Planning regarding Planning Proposal - R16-3 - Amendment to Dubbo LEP 2011 at Lot 8 DP 1063425, 4L Camp Road, Dubbo - Results of Public Exhibition.	



**DUBBO REGIONAL
COUNCIL**

Report of the Development and Environment Committee - meeting 10 February 2020

AUTHOR: Manager Governance Operations
REPORT DATE: 3 March 2020

The Committee had before it the report of the Development and Environment Committee meeting held 10 February 2020.

RECOMMENDATION

That the report of the Development and Environment Committee meeting held on 10 February 2020, be noted.



**REPORT
DEVELOPMENT AND ENVIRONMENT
COMMITTEE
10 FEBRUARY 2020**

PRESENT: Councillors J Diffey, D Grant, D Gumley, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager Governance and Internal Control, the Manager Governance Operations, the Community Support Officer, the Communications Partner, the Director Organisational Performance, the Director Culture and Economy, the Director Infrastructure, the Director Development and Environment, the Manager Growth Planning and the Director Liveability.

Councillor G Mohr assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm.

DEC20/1 BUILDING SUMMARY - JANUARY 2020 (ID20/25)

The Committee had before it the report dated 28 January 2020 from the Director Development and Environment regarding Building Summary - January 2020.

Moved by Councillor D Gumley and seconded by Councillor D Grant

MOTION

That the report from the Director Development and Environment dated 31 January 2020 be noted.

CARRIED

DEC20/2 WELLINGTON TOWN CENTRE PLAN AND MASTER PLAN UPDATE (ID20/57)

The Committee had before it the report dated 31 January 2020 from the Manager Growth Planning regarding Wellington Town Centre Plan and Master Plan Update.

Moved by Councillor D Gumley and seconded by Councillor B Shields

MOTION

1. That the report of the Manager Growth Planning dated 31 January 2020 be noted.
2. That a Councillor Workshop be held in March 2020 to consider the findings of the stakeholder consultation and consultancy studies to inform the Wellington Town Centre Plan and Master Plan.

CARRIED

DEC20/3 LEAVE OF ABSENCE

A request for leave of absence was received from Councillor V Etheridge who is absent on Council Business.

Moved by Councillor B Shields and seconded by Councillor A Jones

MOTION

That such request for leave of absence be accepted and Councillor V Etheridge be granted leave of absence from this meeting.

CARRIED

The meeting closed at 5.39pm.

.....
CHAIRMAN



DUBBO REGIONAL
COUNCIL

REPORT: Building Summary - February 2020

AUTHOR: Director Development and
Environment
REPORT DATE: 2 March 2020
TRIM REFERENCE: ID20/114

EXECUTIVE SUMMARY

Information has been prepared on the statistics of the number of dwellings and residential flat buildings approved in the Dubbo Regional Council Local Government Area and statistics for approved Development Applications for the information of Council.

Appendix 1 includes data relating to the former Dubbo LGA prior to the current financial year and the combined housing figures for Dubbo Regional Council for the current financial year. **Appendices 2 to 5** also include the retrospective figures for the combined LGA.

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 report from the Director Development and Environment dated 2 March 2020 be noted.

Stephen Wallace
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 February 2020 were as follows:

February 2020

Dwellings	5
Other residential development	4
(No. of units)	7

For consistency with land use definitions included in the Local Environmental Plan, residential development has been separated into 'Dwellings' and 'Other residential development'. 'Other residential development' includes dual occupancies, secondary dwellings, multi-unit and seniors living housing.

These figures include Development Applications approved by private certifying authorities (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 February 2020 and a comparison with figures 12 months prior and the total for the respective financial years, are as follows:

	<u>1 February 2020 – 29 February 2020</u>	<u>1 July 2019 – 29 February 2020</u>
No. of applications	30	471
Value	\$4,293,810	\$108,169,627
	<u>1 February 2019 – 28 February 2019</u>	<u>1 July 2018 – 28 February 2019</u>
No. of applications	44	517
Value	\$29,223,759	\$187,701,605

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; and
- 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; and
- 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 - February 2020
- 2 [↓](#) Approved Applications - 1 February 2020 to 29 February 2020
- 3 [↓](#) Approved Applications - 1 February 2019 to 28 February 2019
- 4 [↓](#) Approved Applications - 1 July 2019 to 29 February 2020
- 5 [↓](#) Approved Applications - 1 July 2018 to 28 February 2019

STATISTICAL INFORMATION ON DWELLINGS AND MULTI UNIT HOUSING

	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
2011/2012													
Dwellings	6	12	10	6	7	16	4	16	12	8	12	9	118
Flat Buildings	1	1	-	1	2	2	-	-	-	-	-	1	8
(No of units)	(14)	(2)	(-)	(1)	(4)	(3)	(-)	(-)	(-)	(-)	(-)	(16)	(40)
2012/2013													
Dwellings	3	7	14	13	9	3	9	9	13	13	15	13	121
Flat Buildings	4	6	-	-	1	9	-	-	1	-	2	-	23
(No of units)	(8)	(6)	(-)	(-)	(2)	(11)	(-)	(-)	(2)	(-)	(39)	(-)	(68)
2013/2014 (incl. private certifiers)													
Dwellings	23	17	25	20	14	15	19	10	18	14	19	14	208
Flat Buildings	-	1	1	-	-	1	4	2	1	2	-	3	15
(No of units)	(-)	(2)	(2)	(-)	(-)	(2)	(46)	(1)	(2)	(4)	(-)	(6)	(65)
2014/2015*													
Single dwellings	19	34	19	21	13	16	14	12	20	19	15	20	222
Multi unit housing	3	1	6	5	6	12	-	4	2	1	9	5	54
(No of units)	(6)	(2)	(31)	(50)	(6)	(21)	(-)	(87)	(4)	(1)	(25)	(10)	(243)
2015/2016*													
Single dwellings	27	20	26	19	21	26	19	14	16	17	17	22	244
Multi unit housing	6	8	8	4	1	3	3	3	3	5	3	8	55
(No of units)	(50)	(98)	(12)	(7)	(2)	(5)	(18)	(4)	(5)	(14)	(6)	(23)	(244)
2016/2017*													
Single dwellings	24	13	17	18	12	21	16	18	18	14	18	36	225
Multi unit housing	8	5	7	4	6	5	3	2	1	5	4	7	57
(No of units)	(10)	(10)	(13)	(7)	(10)	(16)	(6)	(75)	(2)	(8)	(13)	(14)	(184)
2017/2018* (Combined figures for Dubbo and Wellington former LGAs)													
Single dwellings	26	21	13	12	16	19	4	22	16	21	22	16	208
Multi unit housing	6	9	2	1	9	1	5	5	11	1	3	5	58
(No of units)	(11)	(16)	(3)	(2)	(16)	(2)	(8)	(5)	(23)	(2)	(3)	(9)	(100)
2018/2019* (Combined figures for Dubbo and Wellington former LGAs)													
Single dwellings	15	26	13	7	17	8	19	5	8	11	19	6	154
Multi unit housing	3	4	3	-	6	2	2	1	5	7	9	5	47
(No of units)	(4)	(7)	(5)	(-)	(11)	(29)	(4)	(1)	(12)	(25)	(15)	(10)	(123)

	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
2019/2020* (Combined figures for Dubbo and Wellington former LGAs)													
Single dwellings	16	11	8	18	27	14	4	5					103
Multi unit housing	4	4	3	4	11	6	1	4					37
(No of units)	(8)	(7)	(6)	(7)	(19)	(10)	(2)	(7)					(66)

* (Includes private certifiers and redefined land use categories based on LEP definitions)



Civic Administration Building
P.O. Box 81 Dubbo NSW 2830
T (02) 6801 4000
F (02) 6801 4259
ABN 53 539 070 928

Print Date: 26/02/2020

Print Time: 9:09:52AM

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/02/2020 - 29/02/2020**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	5	2,021,000	5	2,021,000			5	
Dwelling - Secondary/Dual Occ Dwelling	3	960,000	3	960,000			5	
Dwelling - Dual Occupancy, one storey	1	477,000	1	477,000			2	
Garage/Carport/Roofed Outbuildings	9	150,910	9	150,910				1
Fences/Unroofed Structures	2	106,000	2	106,000				
Swimming Pool	4	101,900	4	101,900				
Retail Building	1	180,000			1	180,000		
Warehouse/storage	1	15,000	1	15,000				
Community/Public Building	1	150,000			1	150,000		
Demolition	1	0	1					
Change of Use - Commercial	1	2,000	1	2,000				
Subdivision - Rural	1	0	1					3
Miscellaneous	2	130,000	2	130,000				
Totals for Development Types	32	4,293,810						

Total Number of Applications for this period: 30

*** 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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Print Date: 26/02/2020

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**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/02/2019 - 28/02/2019**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	9	2,067,773	7	1,847,773	2	220,000	7	
Dwelling - Secondary/Dual Occ Dwelling	1	491,886	1	491,886			1	
Garage/Carport/Roofed Outbuildings	14	172,779	13	165,796	1	6,983		
Swimming Pool	7	172,750	7	172,750				
Retail Building	4	20,295,400	1	20,057,400	3	238,000		
Warehouse/storage	5	2,239,171	3	1,954,000	2	285,171	1	
Infrastructure - Transport, Utilities	2	220,000	2	220,000				
Signs/Advertising Structure	1	11,000			1	11,000		
Child Care - Centre Based	1	1,000,000	1	1,000,000			1	
Subdivision - Residential	2	2,480,000						26
Miscellaneous	1	73,000	1	73,000				
Totals for Development Types	47	29,223,759						

Total Number of Applications for this period: 44

*** 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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Print Date: 26/02/2020

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**Approved Development & Complying Development Applications
 by Dubbo Regional Council and Private Certifiers-Period 1/07/2019 - 29/02/2020**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	142	42,457,659	118	40,079,827	24	2,377,832	118	
Dwelling- Transportable/Relocatable	1	269,100	1	269,100			1	
Dwelling - Secondary/Dual Occ Dwelling	31	7,992,169	31	7,992,169			53	
Dwelling - Dual Occupancy, one storey	15	6,285,000	15	6,285,000			28	
Dwelling - Dual Occupancy, >one storey	1	795,625	1	795,625			2	
Garage/Carport/Roofed Outbuildings	129	2,084,217	113	1,747,203	16	337,014		1
Fences/Unroofed Structures	7	157,500	7	157,500				
Swimming Pool	52	1,544,895	52	1,544,895				
Office Building	9	1,502,000	3	1,110,000	6	392,000		
Retail Building	12	3,924,010	2	1,900,000	10	2,024,010		
Hotels	2	95,000			2	95,000		
Hostels, Boarding House	1	10,000			1	10,000		
Factory/Production Building	4	2,050,000	3	1,570,000	1	480,000		
Warehouse/storage	5	2,062,000	5	2,062,000				
Infrastructure - Transport, Utilities	6	416,493	3	233,480	3	183,013		
Health Care Facility - Other	1	15,000	1	15,000				
Educational Building	3	4,574,000	1	4,500,000	2	74,000		
Entertainment/Recreational Building	2	119,632	1		1	119,632		
Community/Public Building	5	1,050,000	2	700,000	3	350,000		
Signs/Advertising Structure	6	209,300	5	186,500	1	22,800		
Demolition	7	106,109	3		4	106,109		
Home Business	2	0			2			

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2019 - 29/02/2020**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Change of Use - Commercial	14	285,120	7	23,800	7	261,320		1
Tourism Development	2	3,455,000	1	2,800,000	1	655,000		
Subdivision - Residential	18	23,254,000	4	12,684,000				18
Subdivision - Commercial	3	2,055,898						2
Subdivision - Industrial	2	5,600						4
Subdivision - Rural	3	0	1					3
Subdivision - Other	2	9,000						
Miscellaneous	8	1,385,300	7	1,370,300	1	15,000		
Totals for Development Types	495	108,169,627						

Total Number of Applications for this period: 471

*** 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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Print Time: 9:15:19AM

**Approved Development & Complying Development Applications
 by Dubbo Regional Council and Private Certifiers-Period 1/07/2018 - 28/02/2019**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	160	50,113,194	130	46,382,775	30	3,730,419	130	
Dwelling- Transportable/Relocatable	3	649,333	3	649,333			3	
Dwelling - Secondary/Dual Occ Dwelling	12	4,198,409	12	4,198,409			18	
Dwelling - Dual Occupancy, one storey	11	4,703,000	11	4,703,000			21	
Medium Density Res - one/two storeys	1	475,000	1	475,000			4	
Garage/Carport/Roofed Outbuildings	138	2,360,739	128	2,140,165	10	220,574	1	
Fences/Unroofed Structures	12	337,620	12	337,620				
Swimming Pool	74	1,970,668	73	1,940,763	1	29,905		
Office Building	4	1,531,385			4	1,531,385		
Retail Building	17	27,948,900	5	26,383,400	12	1,565,500		
Hotels	2	960,000			2	960,000		
Retail & Residential Building	1	34,987,150	1	34,987,150			27	
Factory/Production Building	2	1,114,037	2	1,114,037				
Warehouse/storage	13	6,589,671	8	5,924,500	5	665,171	1	
Infrastructure - Transport, Utilities	11	1,388,896	7	1,225,350	4	163,546		
Health Care Facility - Hospital	1	74,700			1	74,700		
Health Care Facility - Other	2	450,000	2	450,000				
Educational Building	4	2,014,592			4	2,014,592		
Entertainment/Recreational Building	2	193,000			2	193,000		
Community/Public Building	2	1,840,000	2	1,840,000				
Signs/Advertising Structure	8	201,050	5	99,050	3	102,000		
Demolition	6	154,000	4	114,000	2	40,000		

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2018 - 28/02/2019**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Home Business	1	5,000	1	5,000				
Child Care - Centre Based	1	1,000,000	1	1,000,000			1	
Change of Use - Commercial	4	382,500	1	7,000	3	375,500		
Change of Use - Industrial	2	15,000	2	15,000				
Agricultural Development	2	200,000	2	200,000				
Tourism Development	4	11,732,261	3	11,732,261	1			
Parks/Reserves	1	90,000	1	90,000				
Subdivision - Residential	19	6,484,500	4	3,044,500				150
Subdivision - Commercial	2	250,000						6
Subdivision - Rural	5	6,000	1		1			2
Miscellaneous	12	23,281,000	12	23,281,000				
Totals for Development Types	539	187,701,605						

Total Number of Applications for this period: 517

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

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



REPORT: Planning Proposal - R16-3 - Amendment to Dubbo LEP 2011 at Lot 8 DP 1063425, 4L Camp Road, Dubbo - Results of Public Exhibition

AUTHOR: Manager Growth Planning
REPORT DATE: 21 February 2020
TRIM REFERENCE: ID20/12

EXECUTIVE SUMMARY

A Planning Proposal was lodged on 23 September 2016 by consultants, Doherty Smith and Associates on behalf of the land owner, Mrs L K Bender in respect of land at Lot 8 DP 1063425, 4L Camp Road, Dubbo.

The Planning, Development and Environment Committee at its meeting on 11 December 2017 considered a report in respect of the Planning Proposal. In consideration of the report, Committee resolved to seek Gateway Determination from the State Government Department of Planning, Industry and Environment. Council also resolved for the Planning Proposal to be placed on public display for a period of no less than 28 days.

In accordance with the preliminary assessment undertaken by DPIE and condition 1 of the Gateway Determination an Addendum was provided to the DPIE on 10 December 2019. The Addendum included the following amendments:

- (a) Include an additional permitted use to allow the erection of dwelling houses in the SP3 Tourist zone, exclusive to the subject land only.
- (b) Include an additional local provision to mitigate impacts on adjoining and nearby tourist uses, exclusive to the subject land and identified by a new clause application map.
- (c) Amend Lot Size Map – Sheet LSZ_008 to provide a range of minimum lot sizes including no MLS, two (2) hectares and five (5) hectares, in respect of the subject land only.
- (d) Include an additional local provision to prohibit residential development in areas of the subject site impacted by noise levels greater than 55dBA from the existing Morris Park Speedway.
- (e) Include a subdivision clause to permit subdivision of land where a split minimum lot size may apply.
- (f) Include a local provision clause to require acoustic mitigation controls on future dwelling houses that are situated between the Morris Park Speedway and the 45dBA noise contour line.
- (g) Incorporate a requirement for a buffer management plan to be included in Schedule 1, Additional Permitted Use, as a component of enabling residential subdivision of the subject land.

Council received correspondence from the DPIE in respect of the Planning Proposal on 18 December 2019. The correspondence included approval for Council to place the Planning Proposal on public exhibition.

This report includes the results of public exhibition and a recommendation that the Modified Planning Proposal, provided as **Appendix 1**, be adopted.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

Adoption of the Planning Proposal by Council, as recommended in this report, would result in an amendment to the Dubbo Local Environmental Plan 2011.

RECOMMENDATION

1. **That the Planning Proposal be modified to include the following additional light mitigation controls:**
 - (a) **No more than 940 lumens to be emitted from each light fitting (equivalent to 75 watts maximum for an incandescent light bulb or 10 watts for an LED light bulb); and**
 - (b) **Outdoor lights are to be shielded and directed downwards to prevent any upward or horizontal light.**
2. **That given the minor nature of the amendment to the Planning Proposal, that a further round of public consultation not be required as the proposed amendment is of a minor nature.**
3. **That the Modified Planning Proposal provided as Appendix 1, be adopted.**
4. **That Council request the Department of Planning, Industry and Environment to prepare the draft amendment to the Dubbo Local Environmental Plan 2011 and provide Council with an Opinion that the Plan can be made.**
5. **That those who made a submission be advised of Council's determination in this matter.**
6. **That Council request Parliamentary Counsel to prepare the draft Amendment to the Dubbo Local Environmental Plan 2011 under Section 3.36(1) of the Environmental Planning and Assessment Act, 1979.**

Steven Jennings
Manager Growth Planning

BACKGROUND

A Planning Proposal was lodged on 23 September 2016 by consultants, Doherty Smith and Associates on behalf of the land owner, Mrs L K Bender in respect of land at lot 8 DP 1063425 4L Camp Road, Dubbo. The Planning Proposal originally sought to rezone the subject land from SP3 Tourist to part RU2 Rural Landscape and part E3 Environmental Management. The Planning Proposal also sought to provide a minimum lot size for the subdivision of the land zoned RU2 Rural Landscape of two (2) hectares and 100 hectares for land zoned E3 Environmental Management.

The Planning, Development and Environment Committee at its meeting on 11 December 2017 considered a report in respect of the Planning Proposal. In consideration of the report, Committee resolved to place the Planning Proposal on public exhibition for a period of 28 days.

The Planning Proposal and supporting documentation was sent to the Department of Planning, Industry and Environment (DPIE) on 12 January 2018 with a request for Gateway Determination.

Council received correspondence from DPIE on 13 February 2018. The correspondence included the results of the Department's preliminary assessment of the Planning Proposal and raised objections to the proposal.

In response to the comments provided by the DPIE, Council has undertaken extensive strategic planning and stakeholder consultation in the preparation of an Addendum to the Planning Proposal.

Following the initial consideration of DPIE, a number of concerns were raised with the overall strategic merit of the Planning Proposal. Following this initial stage, Council under the instruction of the State Government's DPIE, undertook further strategic planning activities in support of the Precinct, including consultation with property owners.

A component of this strategic planning would include completion of the Dubbo Employment Land's Strategy, which recommends that the land be zoned SP3 Tourist. However, the Strategy recommends that the land also allows for a dwelling use as a permissible activity.

A further component of the strategic planning included the preparation of the Camp Road Structure Plan. The purpose of the Plan was to identify the existing environmental constraints to development of the Camp Road Precinct including remnant vegetation, watercourses and the topography of the land. The Plan also considers the different land uses in the precinct and the potential for land use conflict to occur with respect to Morris Park Speedway, Taronga Western Plains Zoo, Red Earth Estate Winery and Dubbo Observatory.

The Planning Proposal has been amended to ensure an appropriate minimum lot size has been prescribed for the subject land together with adequate use of existing infrastructure and the mitigation of potential impacts on adjoining land uses have been considered.

REPORT

1. Gateway Determination

Council was provided with a Gateway Determination in respect of the Planning Proposal on 2 December 2019. The Gateway Determination included the following conditions:

"1. Before public exhibition the planning proposal is to be amended to include intent:

- (a) To allow the subdivision of land where a split minimum lot size applies;*
- (b) To include LEP acoustic mitigation controls for habitable dwellings houses between Morris Park Speedway and a 45dBA noise contour line; and*
- (c) To include the Additional Permitted Use to require a buffer management plan to be provided prior to consent authority issuing a development application.*

The revised planning proposal must be provided to the Department of Planning, Industry and Environment Western Region Office prior to proceeding with public exhibition."

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:

- (d) the planning proposal must be made publicly available for a minimum of 28 days; and*
- (e) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposal as identified in section 6.5.2 of A guide to preparing local environmental plans (Department of Planning, Industry and Environment, 2018).*

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act to address any inconsistencies:

- Department of Planning, Industry and Environment – Natural Resources Access Regulator*
- Department of Planning, Industry and Environment Biodiversity and Conservation Division*
- Transport – Roads and Maritime Services*
- Department of Planning, Industry and Environment – Taronga Western Plains Zoo*
- Department of Planning, Industry and Environment – Environmental Protection Authority*
- Department of Planning, Industry and Environment – DPI Agriculture*
- NSW Rural Fire Service*

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. *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).*
5. *Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps, must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017. An Additional Permitted Uses map in respect of the subject is to be prepared.*
6. *The timeframe for completing the LEP is to be 12 months following the date of the Gateway determination."*

In accordance with the preliminary assessment undertaken by DPIE and condition 1 of the Gateway Determination an Addendum was provided to the DPIE on 10 December 2019. The Addendum included the following amendments:

- (a) Include an additional permitted use to allow the erection of dwelling houses in the SP3 Tourist zone, exclusive to the subject land only.
- (b) Include an additional local provision to mitigate impacts on adjoining and nearby tourist uses, exclusive to the subject land and identified by a new clause application map.
- (c) Amend Lot Size Map – Sheet LSZ_008 to provide a range of minimum lot sizes including no MLS, two (2) hectares and five (5) hectares, in respect of the subject land only.
- (d) Include an additional local provision to prohibit residential development in areas of the subject site impacted by noise levels greater than 55dBA from the existing Morris Park Speedway.
- (e) Include a subdivision clause to permit subdivision of land where a split minimum lot size may apply.
- (f) Include a local provision clause to require acoustic mitigation controls on future dwelling houses that are situated between the Morris Park Speedway and the 45BA noise contour line.
- (g) Incorporate a requirement for a buffer management plan to be included in Schedule 1, Additional Permitted Use, as a component of enabling residential subdivision of the subject land.

Council received correspondence from the DPIE in respect of the Planning Proposal on 18 December 2019. The correspondence included approval for Council to place the Planning Proposal on public exhibition.

2. Public Exhibition

In accordance with the conditions of the Gateway Determination, the Addendum and supporting documentation, was placed on public exhibition from 18 December 2019 until 7 February 2020.

The Planning Proposal was displayed at Dubbo Regional Council's Civic Administration Building, Dubbo, the Dubbo branch of the Macquarie Regional Library and on Council's website. An advertisement was also placed in local print media on 20 December 2019 and 15 January 2020 and letters were sent to the adjoining owners of the subject land including the owner of the Dubbo Observatory.

A total of five (5) submissions were received from the public in respect of the Planning Proposal. The following details the issues raised in the submissions, including a relevant comment. A copy of the public submissions are provided as **Appendix 2**.

Submission 1 – Ms Elizabeth Burke – Crown Lands

A summary of the submission provided by Ms Burke is as follows:

“There is a Crown road adjoining Lot 8 DP1063425. This road is held under an Enclosure Permit by Ms L K Bender, who I note has requested the amendment to the LEP.

The proposed amendment to the LEP will have no direct impact on the Crown road, therefore this Office has no comment on the proposal.

If Lot 8 is subdivided into smaller lots and access to those lots is required along the Crown road, this department would require Council to accept transfer of this road for inclusion in Council's road program.”

Comment:

Council notes the comments made by Ms Burke and acknowledges that any future impacts on the adjoining Crown Road would be addressed as part of the Development Approvals process.

Submission 2 – Mr Peter Starr – Dubbo Observatory

A summary of the submission provided by Mr Starr is as follows:

“...We conduct astronomical research from customers who access our equipment through the internet to track newly discovered asteroids, variable stars, and searches for planets around distant stars. They are doing measurements on objects that are 1 million times fainter than the faintest star that can be viewed with the naked eye. An increase in our background sky brightness will mean this research will end.

With the help of an American company we track all geostationary satellite over Dubbo every single clear night checking if they have wandered out of orbit which occurs over time due to the gravitational influence of the Sun, Moon and Earth. If the night sky becomes too bright due to light pollution we lose that contract...

...we are opposed to a change in the zoning and any subdivision at 4L Camp Road, Dubbo...

...If development is to proceed which seems Council is determined to do, strict light pollution mitigation is required...

...The plan has listed 'outdoor lights shall not protrude past 30 degrees horizontal'. Reasons why this can be ineffectual is that we are lower lying than other properties around and that we will see the bulbs or elements of these lights..."

To further mitigate the potential lighting impacts on the Dubbo Observatory, Mr Starr has proposed the following additional considerations:

- *"A barrier or screen is to be erected. (vegetative planting screen is listed in the plan)
We are concerned on how this may eventuate as it would take years to grow trees of sufficient height, and during this period we will be affected by direct light pollution;*
- *Any roads that are built orientated in a way that car headlights do not shine at us;*
- *A limit to how many watts each light fitting can have (940 lumens equivalent to 75 watts maximum for an incandescent light bulb or 10 watt for an LED light bulb);*
- *Outdoor lights are pointed downwards and have a shield to prevent any upward or horizontal light; and*
- *Increase the lot size from 2 hectares up to 5 hectares to reduce the amount of light pollution."*

Comment:

Council acknowledges the comments made by Mr Starr and it is proposed to modify the Planning Proposal. The modified Planning Proposal will include the following light mitigation controls:

- No more than 940 lumens to be emitted from each fitting (equivalent to 75 watts maximum for an incandescent light bulb or 10 watts for an LED light bulb); and
- Outdoor lights are to be shielded and directed downwards to prevent any upward or horizontal light.

It is considered that on balance, the provision of a barrier screen is not required at this stage. This is due to the fact that the Proponent will be required to provide a landscape buffer for certain allotments in the future subdivision of land. Access and egress into any future residential subdivision, including road positioning and direction, will be considered by Council as part of the Development Approvals process.

Council notes Mr Starr's comments in respect of increasing the minimum lot (MLS) size from 2ha to 5ha and considers the proposed MLS regime adequate for the subject site.

Submission 3 – Ms Nicole Allen

A summary of the submission as provided by Ms Allen is as follows:

"...I object to this planning proposal on the grounds of land use conflict and inconsistency with local and State planning legislation..."

...The Planning Proposal has failed to consider Ministerial Direction 6.3 Site Specific Provisions... Use of an APU and creation of a local site specific provision around noise from Morris Park Speedway is inconsistent with this Direction...

...The Planning Proposal has failed to consider Ministerial Direction 3.3 Home Occupations. The use of an APU to permit further residential dwellings does not resolve the issue that home occupations are prohibited in the SP3 zone...

...Permitting an additional 20 dwellings to be inconsistent with this Direction is not of minor significance and can't be resolved...

...Further inconsistencies with the Ministerial Directions appear to have been resolved with the Department of Planning, Industry and Environment through the development of the Employment Lands Strategy, which includes the Camp Road Structure Plan, specifically made for this proposal...

...The fact that these purported local strategic documents had to be created as a method to resolve inconsistencies raised by the Department of Planning further shows the appropriateness of further residential development along our main tourist areas, especially Camp Road...

...If this land use is prohibited in all of our other tourist areas, permitting it at Camp Road is creating a precedent which can be used by other developers to further undermine our tourist capabilities at other sites in the future...

...Hampering Camp Road can mean Dubbo misses out on new events, existing tourist business may close, and more appropriate tourist related development cannot start up, simply permitting a land use (houses) which conflicts with the main purpose of tourism.

- *What if a new events or technology used at the speedway cause increased noise outputs and complaints as the 55dB line changes over time and a legacy of poor planning has place residential dwelling at the footsteps of this tourist use?*
- *What if new threatened species, which are sensitive to residential uses are introduced to the Zoo's sanctuary which borders Camp Road?
... Lights from passing vehicles and barking from dogs can already be heard on this land which desensitises bilbies from these threats... This can jeopardise their ability to recognise threats and survive when eventually released into the wild...*

...how will the impact to biodiversity meet the objectives of avoid, minimise and mitigate? Furthermore, indirect impacts (e.g. weed invasion, vehicle strikes and predation from domestic animals) to threatened species are exacerbated by residential development...

...Dubbo has a thriving tourism market that sustains the area, especially in times of drought. Maintaining Camp Road as a tourist hub will be a better long term outcome for Dubbo than a few extra houses, especially when we have the space available elsewhere...

Comment:

The points raised in the subdivision are noted. However, it is unclear as to the exact nature of the submitter's interest in the Camp Road precinct and this Planning Proposal as this information is not included in the submission. However, council has considered the submission as a formal submission to the Planning Proposal.

The Section 7.1 Ministerial Directions have been considered by the Department of Planning, Industry and Environment as part of their Gateway assessment and were considered to be of minor significance.

Council has recently undertaken extensive strategic planning work applying to both the wider Dubbo Local Government Area and more specifically the Camp Road Precinct. These planning documents include the Dubbo Employment Lands Strategy and the Camp Road Structure Plan. This body of work has been informed by community engagement, in-house analysis of development trends and a third party assessment undertaken by economic consultants, Hill PDA. Both strategic planning documents have been considered and endorsed by the DPIE.

The Taronga Western Plains Zoo has been involved as part of the preparation of the Camp Road structure planning process and was further consulted during the public exhibition period for the subject Planning Proposal. No objections were received.

No further amendments to the Planning Proposal are considered necessary as a result of this submission.

Submission 4 – Mr Matthew Bender and Mrs Leetina Bender

A summary of the submission as provided by Mr and Mrs Bender is as follows:

"...On balance we support it...

...We note that the proposed amendments to the LEP set out in the proposal are consistent with the Dubbo Employment Lands Strategy and the Camp Road Structure Plan, both developed with long-term prospects in mind...

...There has not been great demand for the SP3 tourist-zoned land along Camp Road. The new permitted use means that people who have the desire to use the land for tourism purposes can now live on it...

...Our land is not currently zoned rural. The additional permitted use proposed to be permitted will not impact on any surrounding rural uses...

...Council is imposing a demarcation line beyond which houses cannot be built (55dB) and a line beyond which houses must meet acoustic thresholds (45dB), in order to avoid the effects of noise. We do not agree that the demarcation is required... We do not see why a demarcation zone should be imposed on our land, when it does not apply to the land next door...

...We do not support the restrictions on the proposed development of our land. We think they are unnecessarily restrictive, and not justified by the current surrounding uses...

...There is a demand for rural-residential land. We can provide it without reducing the amount of rural land in the area, and without reducing the capacity of the land to be used for tourist uses..."

Comment:

The noise demarcation line has been proposed to restrict residential development encroaching on the existing Morris Park Speedway and reduce the potential for land use conflicts to occur.

The information provided in respect of the restrictions on the future subdivision of part of the land are provided to ensure the subdivision has minimal impact on adjoining and adjacent developments and to ensure that the Planning Proposal is not unreasonably impacted through any recognised constraints on adjoining and adjacent land.

No further amendments to the Planning Proposal are considered necessary as a result of this submission.

Submission 5 – Mr Joshua Black

A summary of the submission as provided by Mr Black is as follows:

- *“One of the best parts of this Planning Proposal is to make Dwelling Houses permissible within the zone. This is long overdue and vital to any hope to reinvigorate the Camp Road precinct;*
- *At some stage serious consideration needs to be given to removing the SP3 Tourist zoning. Camp Road has a lengthening list of failed tourist ventures;*
- *The only other part of this Planning Proposal that I will comment on is the excessive size of the 5ha Minimum Lot Size portion. A uniform 2ha MLS would be large enough for any tourist experience that may be viable in the tourist death-zone that is Camp Road.”*

Comment:

Council notes the comments made by Mr Black and acknowledges that they are generally supportive of the Planning Proposal. The 5ha minimum lot size prescribed for the land adjoining Camp Road is consistent with the adopted Camp Road Structure Plan. The 5ha lot size would allow the potential for tourist related activities to occur adjacent to Camp Road throughout the overall Camp Road Precinct given the likely type and size of tourist related activities, which could occur in the future.

No further amendments to the Planning Proposal are considered necessary as a result of this submission.

3. State Agency Consultancy

The Gateway Determination as provided by the DPIE required Council to undertake consultation with the following State Government Agencies:

- Department of Planning, Industry and Environment – Natural Resources Access Regulator;
- Department of Planning, Industry and Environment Biodiversity and Conservation Division;
- Transport – Roads and Maritime Services;
- Department of Planning, Industry and Environment – Taronga Western Plains Zoo;
- Department of Planning, Industry and Environment – Environmental Protection Authority;
- Department of Planning, Industry and Environment – DPI Agriculture; and
- NSW Rural Fire Service.

The following information details the issues raised in the submissions, including a relevant comment. A copy of the State Agency submissions are provided as **Appendix 3**.

Submission 1 – Department of Planning, Industry and Environment – Natural Resources Access Regulator.

A summary of the submission from the Department of Planning, Industry and Environment, Natural Resources Access Regulator is as follows:

- *“...NRAR advises that a future proposed land use needs to consider the requirement for buffers to these watercourses as specified in the “Guidelines for Controlled Activities on Waterfront Land (NRAR 2018)”.*
- *It is unclear in the information provided how the subject land is to be serviced for water and sewer. NRAR is supportive of reticulated sewer and water to ensure demands can be met and to mitigate local impacts from water supply access and sewage disposal.*
- *If on-site servicing is proposed it is recommended this be considered at the rezoning stage due to the proposal including varying lot sizes to address sewage disposal and water access. In regards to water supply it is recommended the*

potable and non-potable demands be confirmed and a sustainable source of suitable quality be confirmed...

- *NRAR advises that should groundwater be proposed as a water source, the 250m distance condition between bore and a contamination source (ie. A sewage management system) be complied with. Addressing this distance condition can determine the MLS, which would be in the vicinity of 5ha.*
- *It is unclear how the proposed land use and lot sizes will increase the intensification of stormwater management within the subject site and downstream. It is recommended a study be completed to assess the potential increase in stormwater discharge, the associated impact on watercourses and downstream landholders and the requirement for mitigation measures."*

Comment:

Council acknowledges comments provided by NRAR in respect of buffers to existing watercourse which traverse the subject land. It is noted that these matters will be addressed as part of the Development Application process and may result in an integrated development assessment in accordance with S4.46 under the Environmental Planning and Assessment Act 1979.

The Camp Road Structure Plan identifies that existing infrastructure is available via a sewerage pump station located adjacent to the subject site and has direct access to reticulated water supply via Rifle Range Road. The limited capacity of the sewerage pump station may mean that additional development would require onsite sewerage management. The suitability of this infrastructure would be considered as part of the Development Application and Construction Certificate stages.

Council notes comments made in respect of groundwater use and reaffirms the Proposal's intent to utilise existing reticulated water connections. It is also acknowledged that the proposal may potentially intensify stormwater runoff both onsite and downstream. It is noted that these potential impacts will be addressed as part of the Development Assessment Process.

Submission 2 – Department of Planning, Industry and Environment - Biodiversity and Conservation Division.

A summary of the submission from the Department of Planning Industry and Environment, Biodiversity and Conservation Division is as follows:

"...the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017 (section 7.1) will apply to the subdivision development application.

When assessing subdivisions, the consent authority must consider the clearing of native vegetation required, or likely to be required, for the purpose for which the land is to be subdivided.

If the subdivision impacts native vegetation and exceeds the biodiversity offsets scheme threshold, a biodiversity development assessment report will be required to assess and calculate the biodiversity offset credit requirement.

Biodiversity offsets would be calculated and secured in accordance with the Biodiversity Conservation Act 2016 for the subdivision. Once this is done, no further offsets are required for subsequent development of the land that is within the approved subdivision."

Comment:

Council notes the comments made by the Department of Planning, Industry and Environment, Biodiversity and Conservation Division. The majority of vegetated land is located east of the proposed noise line where residential development will be prohibited. Further consideration of the potential impacts on biodiversity will be addressed further as part of the Development Assessment process.

Submission 3 – Transport for NSW

A summary of the submission from Transport for NSW is as follows:

"...Access for the future subdivision is to be provided via a road other than the Newell Highway...

...No new accesses are to be provided via the Newell Highway in particular for lots 38L, 39L and 43L shown in the structure plan...

...The safety, efficiency and ongoing operation of the Newell Highway at this location need not to be adversely affected at all by future developments of this type having regard to the factors outlined in Clause 101 (2)(b)(i) to (iii) of the ISEPP.

Forecasting project related traffic volumes and subsequent traffic impacts for the intersections at Camp Road and Obley Road and Newell Highway and Camp Road including consideration of appropriate intersection upgrade(s) should accompany any future development application for this proposal..."

Comment:

The subject land is located at 4L Camp Road, Dubbo with direct road access provided from Camp Road. The subject site does not adjoin the Newell Highway and would not be connected directly with the Newell Highway as part of any future residential subdivision.

The indicative proposal estimates an additional 30 dwellings on the subject site. The potential traffic volumes and traffic impacts for the Newell Highway and Obley Road will be addressed as part of the Development Approvals process.

Submission 4 – Department of Planning, Industry and Environment – Environmental Protection Authority.

A summary of the submission from the Department of Planning, Industry and Environment, Environmental Protection Authority is as follows:

“...The EPA responded to the draft Camp Road Structure Plan on 11 September 2019, and recommended that a suitable buffer be determined based on noise impacts from Morris Park Speedway operating being below $L_{Aeq,T}$ 45dB(A) outside any future residence.

The EPA has reviewed the addendum and notes that the recommendations of the EPA have been adopted through the implementation of the LEP Acoustic Mitigation Control Clause and has no further specific comments to make...”

Comment:

Council notes that no further comments were made by the Environmental Protection Authority.

Council has also contacted the following State Government Agencies as a component of the public exhibition process:

- Department of Planning, Industry and Environment – DPI Agriculture;
- NSW Rural Fire Service; and
- Department of Planning, Industry and Environment – Taronga Western Plains Zoo.

As per condition 3 of the Gateway Determination, the State Agencies were to be given at least 21 days to comment on the Planning Proposal. The Planning Proposal was placed on public exhibition on 18 December 2019 and concluded on 7 February 2020.

A comment has not been received from any of the abovementioned State Agencies. It is recommended that the Planning Proposal be adopted by Council and that a request for drafting be sent to the Department of Planning, Industry and Environment.

4. Legal Drafting of Local Environmental Plan

Subject to endorsement of the Modified Planning Proposal by Council, a request will be provided to the Department of Planning, Industry and Environment to prepare the draft Dubbo Local Environmental Plan 2011 under Section 3.36 of the Environmental Planning and Assessment Act, 1979.

The Department will liaise with Parliamentary Counsel about the content of the draft amendment. Once the content has been finalised, an Opinion stating that the Plan can be made will be provided to Council.

Following consideration of the Opinion, Council will be required to make a request to the Department to arrange for the Plan to be made. Once the Plan is made, the Department will request Parliamentary Counsel to notify the Plan on the NSW legislation website.

SUMMARY

A Planning Proposal was lodged on 23 September 2016 by consultants, Doherty Smith and Associates on behalf of the land owner, Mrs L K Bender in respect of land at Lot 8 DP 1063425, 4L Camp Road, Dubbo.

The Planning Proposal seeks to undertake an amendment to the Dubbo Local Environmental Plan 2011 to facilitate the development of a subdivision on the subject land and mitigate potential land use conflicts through additional planning controls.

This report includes the results of public exhibition and a recommendation that the Modified Planning Proposal, provided as **Appendix 1**, be adopted.

Appendices:

- [1](#) Modified Planning Proposal - 4L Camp Road Dubbo
- [2](#) Submissions - 4L Camp Road Dubbo
- [3](#) State Agencies Submissions - 4L Camp Road Dubbo

Addendum – Planning Proposal

Lot 8 DP 1063425, 4L Camp Road, Dubbo.

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1. BACKGROUND

The Planning Proposal was lodged on 23 September 2016 by consultants, Doherty Smith and Associates on behalf of the land owner, Mrs L K Bender. The Planning Proposal originally sought to rezone the subject land from SP3 Tourist to part RU2 Rural Landscape and part E3 Environmental Management. The Planning Proposal also sought to provide a minimum lot size for subdivision of land zoned RU2 Rural Landscape of two (2) hectares and 100 hectares for land zoned E3 Environmental Management.

The Planning, Development and Environment Committee at its meeting on 11 December 2017 considered a report in respect of the Planning Proposal. In consideration of the report, Committee resolved as follows:

1. *“That Council endorse the amended Planning Proposal included as Appendix 2 and the further information included as Appendix 3 to the report of the Manager Strategic Planning Services dated 5 December 2017 for the following amendments to the Dubbo Local Environmental Plan 2011:*
 - *That the RU6 Transition zone be inserted into the Dubbo Local Environmental Plan 2011, including the Land Use Table as included in this report;*
 - *That part of Lot 8 DP 1063425, 4L Camp Road, Dubbo be rezoned from SP3 Tourist to RU6 Transition;*
 - *That part of Lot 8 DP 1063425, 4L Camp Road, Dubbo be rezoned from SP3 Tourist to E3 Environmental Management;*
 - *That part of Lot 8 DP 1063425, 4L Camp Road, Dubbo proposed to be zoned RU6 Transition be provided with a minimum allotment size for subdivision of two (2) hectares; and*
 - *That part of Lot 8 DP 1063425, 4L Camp Road, Dubbo proposed to be zoned E3 Environmental Management be provided with a minimum allotment size for subdivision of 100 hectares.*
2. *That Council support a minimum 28 day public exhibition period for the Planning Proposal.*
3. *That Council not use its delegation under Section 59 of the Environmental Planning and Assessment Act, 1979 to draft the amendment to the Dubbo Local Environmental Plan 2011 as the State Government may issue a conditional Gateway Determination in respect of the Planning Proposal.*
4. *That following the completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.”*

(a) Request for Gateway Determination 12 January 2018

A request for a Gateway Determination was sent to the Department of Planning, Industry and Environment on 12 January 2018.

Council received correspondence from the DPIE on 13 February 2018. The correspondence included the results of the Department’s preliminary assessment of the Planning Proposal and the further information required to support the Proposal.

The issues raised by the DPIE are as follows:

- *“The proposal represents a significant departure from the endorsed Dubbo Urban Areas Development Strategy and Dubbo Rural Areas Strategy and the established position of excluding residential development in the zone SP3 Tourist Camp Road Precinct. The introduction of a new Rural zone, a minimum lot size of 2 hectares and permissibility for dwelling houses on this land in isolation has not been justified inconsistent with both the strategic and policy framework for the Camp Road precinct;*
- *There are inconsistencies with section 117 Directions 1.2 Rural Zones and 1.5 Rural Lands, 2.1 Environmental Protection Zones, 3.1 Residential Zones, 3.4 Integrating Land Use Transport, 4.4 Planning for Bushfire Protection and 5.10 Implementation of Regional Plans. Council is required to assess and provide justification for these policy inconsistencies which cannot be considered as being of minor significance;*
- *Pertain to the unjustified departure from a Department –endorsed local strategy and inadequate assessment of natural hazards and constraints.*
- *The information provided indicates the RU6 Transition zone will provide for both tourism and large lot residential development. This is an inappropriate zone in this setting and the reasons provided for its use are not unique or compelling. The proposal is inconsistent with the SEPP Rural Lands 2008 through the fragmentation of the land and increased potential for rural land use conflict with adjoining land uses. The form of development being proposed is akin to R5 Large Lot Residential and it is further noted the Dubbo Residential Areas Strategy does not identify the site as a future release area;*
- *Council is to provide further justification as to why the established Camp Road Tourist precinct should be changed through permitting residential development and further assess the expected impacts on:*
 - *Established tourist and visitor development particularly the Western Plains Zoo;*
 - *Morris Park Speedway, noting that it is poor planning practice to impose additional building standards to ameliorate noise impacts of existing noise sources;*
 - *Existing and approved tourist and visitor accommodation and ‘Dundullimal’, State Heritage item;*
 - *Surrounding low density rural amenity ;*
 - *Groundwater vulnerability and terrestrial biodiversity,*
 - *Newell Highway in terms of traffic impacts, and*
 - *Precedent, in terms of permitting residential development against the recommendations of the endorsed strategy.”*

In response to the comments provided by the Department of Planning, Industry and Environment (DPIE), Council has undertaken extensive strategic planning and stakeholder consultation in the preparation of an Addendum to the Planning Proposal. The following information and justification has been prepared as an Addendum for consideration by the DPIE. Subject to approval from the DPIE, the Addendum will be attached to the original Planning Proposal and provided to the State Government Department of Planning, Industry and Environment, for a Gateway assessment.

(b) Request for Gateway Determination

Council was provided with a Gateway Determination in respect of the Planning Proposal on 2 December 2019. In particular, condition 1 of the Gateway Determination requires the following:

"1. Before public exhibition the planning proposal is to be amended to include intent:

- (a) To allow the subdivision of land where a split minimum lot size applies;*
- (b) To include LEP acoustic mitigation controls for habitable dwelling houses between Morris Park Speedway and a 45dBA noise contour line; and*
- (c) To include the Additional Permitted Use to require a buffer management plan to be provided prior to consent authority issuing a development application.*

The revised planning proposal must be provided to the Department of Planning, Industry and Environment Planning Western Region Office prior to proceeding with public exhibition."

Information in respect of compliance with condition 1 of the Gateway Determination 2 December 2019 is further discussed in Section 2 of this Planning Proposal addendum.

2. OBJECTIVES OR INTENDED OUTCOMES

The intent of the Planning Proposal is to facilitate the development of dwelling houses on the subject site whilst maintaining provision for small-scale rural-based tourist activity on land adjoining Camp Road. Additional amendments are proposed to create a revised minimum lot size regime, mitigate the impacts of localised light on the surrounding dark skies and restrict residential development in areas of the site impacted by noise from the Morris Park Speedway.

The proposed amendments to the Dubbo LEP 2011 are as follows:

- (a) Include an additional permitted use to allow the erection of dwelling houses in the SP3 Tourist zone, exclusive to the subject land only.
- (b) Include an additional local provision to mitigate impacts on adjoining and nearby tourist uses, exclusive to the subject land and identified by a new clause application map.
- (c) Amend Lot Size Map – Sheet LSZ_008 to provide a range of minimum lot sizes including no MLS, two (2) hectares and five (5) hectares, in respect of the subject land only.
- (d) Include an additional local provision to prohibit residential development in areas of the subject site impacted by noise levels greater than 55dBA from the existing Morris Park Speedway.

(a) Gateway Determination provided 2 December 2019

As previously included in this addendum, Condition 1 of the Gateway Determination issued by the Department of Planning, Infrastructure and Environment requires the intent to undertake a number of actions and amendments to be included in this addendum to the Planning Proposal:

"1. Before public exhibition the planning proposal is to be amended to include intent:

- (a) To allow the subdivision of land where a split minimum lot size applies;*
- (b) To include LEP acoustic mitigation controls for habitable dwelling houses between Morris Park Speedway and a 45dBA noise contour line; and*
- (c) To include the Additional Permitted Use to require a buffer management plan to be provided prior to consent authority issuing a development application.*

The revised planning proposal must be provided to the Department of Planning, Industry and Environment Planning Western Region Office prior to proceeding with public exhibition."

(a) Subdivision of land where a split minimum lot size applies

The Planning Proposal provides a split minimum allotment size of 5 hectares for land adjacent to Camp Road, 2 hectares for land, which will form a possible future subdivision of the land and no minimum allotment size for land, which contains the majority of the existing remnant vegetation on the land.

Inclusion of an appropriate clause that will allow for the subdivision of land to be undertaken that results in a split minimum lot size will result in a more suitable future development outcome that will allow development of the land to be realised, whilst ensuring the majority of the existing vegetation is maintained.

It is Council's intent that the final planning proposal will incorporate an appropriate clause that permits subdivision of land where a split minimum lot size may apply.

(b) LEP Acoustic Mitigation Control Clause

It is Council's intent with the Planning Proposal that future subdivision of the land will create allotments that have building envelopes situated between the 45 dBA and the 55 dBA noise contour lines. Future dwelling houses situated in this area will be required to be provided with sound attenuation measures to ensure that a sound level of 35 dBA can be achieved in bedrooms and 40dBA can be achieved elsewhere within future dwelling houses in this area. These noise levels will be required to be achieved during operation of the Morris Park Speedway.

It is Council's intent that the final planning proposal will incorporate a clause that will require acoustic mitigation controls on future dwelling houses that are situated between the Morris Park Speedway and the 45 dBA noise contour line.

(c) Requirement for a Buffer Management Plan

The subject land is bound to the north by the Rhino Lodge function and accommodation centre, the Dubbo Observatory and the Red Earth Estate Vineyard. Particularly in respect of the Dubbo

Observatory and the Red Earth Estate Vineyard, the Camp Road Structure Plan includes provision of a buffer area and an associated vegetation buffer.

It is Council's intent that the final Planning Proposal will incorporate a requirement for a Buffer Management Plan to be included in Schedule 1, Additional Permitted Use, as a component of providing subdivision on the land as a permissible development activity. The Buffer Management Plan will be required to be provided to Council prior to the approval of any subdivision development.

3. EXPLANATION OF PROVISIONS

The proposed objectives and intended outcomes will be achieved through the following:

- (a) Include an additional permitted use to allow the erection of dwelling houses in the SP3 Tourist zone, exclusive to the subject land and identified by a new clause application map.

The Planning Proposal seeks to include an additional permitted use under the provisions of the Dubbo LEP 2011 for the purposes of making dwelling houses permissible with consent on the subject land only. The land subject of the Planning Proposal will be identified on a new Additional Permitted Uses Map – Sheet APU_008.

- (b) Include an additional local provision to mitigate the impacts on adjoining and nearby tourist uses, exclusive to the subject land and identified by a new clause application map.

The objectives of the proposed clause are as follows:

- To protect the observing conditions of the Dubbo Observatory by promoting lighting practices that minimise local light pollution.
 - To protect the operations of the adjoining vineyard
 - To ensure that the following planning controls are imposed on any dwelling house development located on the subject land:
 - No more than 2 shielded outdoor light fittings per dwelling;
 - No skylights permitted in any dwellings; and
 - All outdoor lights to be controlled via a motion sensor.
 - Outdoor lights shall not protrude past 30 degrees horizontal.
 - To undertake measures to minimise dust associated with development.
 - To provide a vegetation planting screen between future dwellings on the subject land and the vineyard and observatory.
 - To ensure that new residential subdivision of the subject land does not include provision for street lighting.
- (c) Amend Lot Size Map – Sheet LSZ_008 to provide a range of lot sizes including no MLS, two (2) hectares and five (5) hectares.

The subject land currently has no minimum lot size pursuant to the Dubbo LEP 2011. The Planning Proposal seeks to amend Lot Size Map – Sheet LSZ_008 to provide a range of lot sizes including no MLS, two (2) hectares and five (5) hectares. The proposed lot size regime is shown in figure 1.

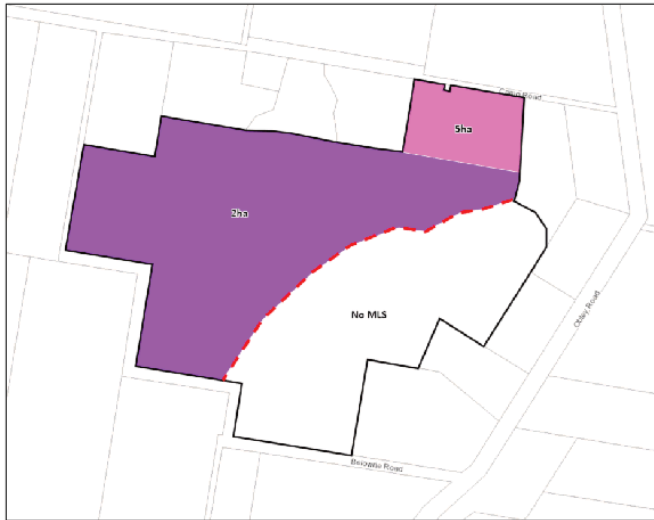


Figure 1. Proposed Lot Size Regime

(i) No Minimum Lot Size (MLS)

The proposed area to remain with no minimum lot size is a result of the noise related impacts caused by the Morris Park Speedway. The red line as indicated in figure 1, shows the 55dBA noise extent resonating from Morris Park Speedway race meetings. No MLS will ensure that the area is not identified for the development of land parcels suitable for dwellings. Tourist related development will remain permissible with consent, however will be considered on its individual merits with respect to potential noise impacts.

(ii) Two (2) hectares

The majority of the subject land will offer a two (2) hectare MLS to facilitate the development of semi-rural lifestyle blocks alongside small-scale rural based tourist activities. A two (2) hectare MLS is considered appropriate based on the soil topography, natural constraints and the availability of services to the subject site and surrounding precinct. In addition, the MLS is considered large enough to reduce the potential for land use conflicts and will provide additional housing options for the region's real estate market.

(iii) Five (5) hectares

It is proposed to include a MLS of five (5) hectares along the frontage of Camp Road to preserve lot sizes large enough to undertake tourist activities and/or co-existence of dwellings on the land. This portion of the subject site benefits from immediate access and high visibility from Camp Road.

- (d) *Include an additional local provision to prohibit residential development in areas of the subject site impacted by noise levels greater than 55dBA from the existing Morris Park Speedway.*

The Planning Proposal seeks to include an additional local provision to prohibit residential development in areas of the subject site impacted by noise levels greater than 55dBA from the existing Morris Park Speedway. The area subject to the proposed local provision is shown in figure 2.

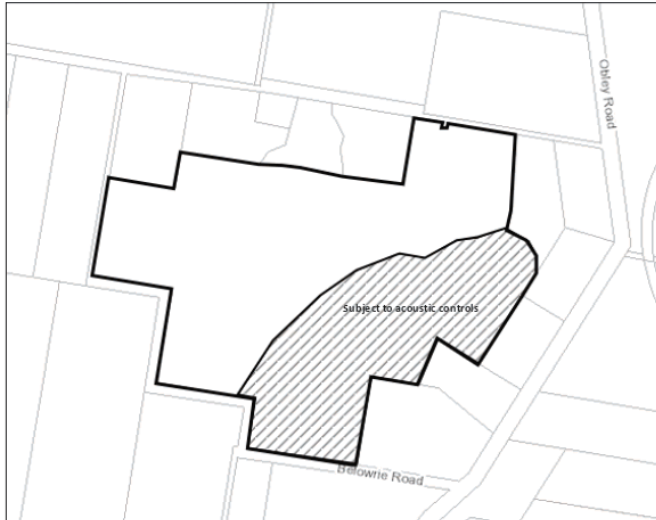


Figure 2. Area subject to new local provision.

The Planning Proposal also has sought to facilitate a number of the proposed changes through an Additional Permitted Use clause as contained in Schedule 1 of the Dubbo Local Environmental 2011.

The objective of the proposed clause is to ensure that development for the purposes of dwelling houses and other noise sensitive receivers is prohibited in the area east of the 55dBA line. Tourist related development will remain permitted with consent as per the provisions of the Dubbo LEP 2011, which will be considered on its individual merits.

The additional local provision that requires adequate area for the provision of a buffer, through an associated management plan is proposed to be included in an additional local provision.

Requirement for a Buffer Management Plan and Minimum Lot Sizes

The subject land is bound to the north by the Rhino Lodge function and accommodation centre, the Dubbo Observatory and the Red Earth Estate Vineyard. Particularly in respect of the Dubbo Observatory and the Red Earth Estate Vineyard, the Camp Road Structure Plan includes provision of a buffer area and an associated vegetation buffer.

It is Council's intent that the final Planning Proposal will incorporate a requirement for a Buffer Management Plan to be included in Schedule 1, Additional Permitted Use, as a component of providing subdivision on the land as a permissible development activity.

4. JUSTIFICATION

4.1 NEED FOR THE PLANNING PROPOSAL

The land subject of the Planning Proposal is located within the Camp Road Precinct. This land is zoned SP3 Tourist pursuant to the provisions of the Dubbo LEP 2011. The Dubbo Employment Lands Strategy, adopted by Council on 11 March 2019 and endorsed by the DPIE on 18 September 2019, considered the issues with the Camp Road Precinct.

A summary of these issues include:

- Expansion of the Zoo's accommodation options
- Ability of property owners to gain finance
- Lack of embellishment in the area

The Planning Proposal seeks to provide additional development opportunities to support the activation of the area and provide semi-rural style lifestyle housing which can co-exist with small-scale rural based tourist development.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4.2.1 CONSISTENT WITH THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY

Central West and Orana Regional Plan 2036

The Central West and Orana Regional Plan is considered applicable to the Planning Proposal as the subject land is located within the Orana Regional Area. The Planning Proposal is considered to be broadly consistent with a number of Directions as provided by the Plan.

In particular, it is considered that the Planning Proposal is consistent with the following:

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

The land subject to the Planning Proposal adjoins RU1 Primary Production to the south which currently hosts existing agricultural uses. The Planning Proposal seeks to minimise potential land use conflict by providing a 50m buffer to the south of the subject site as well as the proposed 2 hectare minimum lot size regime.

Direction 4: Promote and diversify regional tourism markets

The Planning Proposal seeks to continue to facilitate tourist-related activities on the subject land with larger lot sizes proposed to areas of the subject site immediately adjoining Camp Road.

Direction 25: Increase housing diversity and choice

A preliminary undertaking of a supply and demand analysis in the Dubbo Regional LGA would indicate there is limited availability of vacant two (2) hectare lots. The Planning Proposal seeks to provide additional two (2) hectare allotments aimed at facilitating semi-rural style lifestyle housing options for the Dubbo LGA.

2040 Community Strategic Plan

Council's adopted Community Strategic Plan houses the local community's vision out to 2040 and is guided by the Plan's strategic outcomes.

The Planning Proposal is considered to be consistent with the following strategic outcomes as identified by the Community Strategic Plan:

- 1.1 Residential housing opportunity meets the current and projected needs of our community and facilitates an ultimate population of 100,000 people;
- 1.4 An adequate supply of land is maintained close to established community services and facilities;
- 3.1 Visitor economy growth is supported through product development, enhancement and strategic management;
- 3.7 A strategic framework is in place to maximise the realisation of economic development opportunities for the region; and
- 3.9 The importance of the local development industry to the continued growth and development of the Local Government Area is recognised.

4.2.2 CONSISTENT WITH LOCAL STRATEGIC PLANNING STATEMENT, OR ANOTHER ENDORSED LOCAL STRATEGY OR STRATEGIC PLAN

i) Dubbo Employment Lands Strategy

The Dubbo Employment Lands Strategy was adopted by Council on 11 March 2019 and endorsed by the Department of Planning, Industry and Environment on 18 September 2019. The Strategy guides the development of employment land and ensures adequate supply is maintained to facilitate a diverse range of job opportunities for the Dubbo community.

The subject land is located within the Zoo and Camp Road Precinct. The Strategy identifies the future role of Camp Road as follows:

"The role of Camp Road is to provide a suitable strip of land which allows small-scale rural based tourist development not suitable for central urban areas which are compatible with semi-rural style residential living. The precinct should enable semi-rural residential development to facilitate the activation and embellishment of the area in order to support small-scale rural based tourist development."

The Planning Proposal seeks to provide additional rural lifestyle housing opportunities guided by an amended lot size regime for the subject land. The proposed lot size regime will enable a large portion of the subject land to be subdivided down to two (2) hectare and five (5) hectare allotments.

The Strategy acknowledges that the subject land and surrounding area lacks opportunity for large scale full-time tourist activities and would be more likely to accommodate smaller scale of a part-time or seasonal nature. Existing planning provisions restrict the ability for property owners to access the equity in their dwellings as they are a prohibited land use. The precinct surrounding the subject land requires embellishment and activation to boost the appeal and generate tourist interest.

The Planning Proposal intends to deliver the appropriate planning mechanisms needed to activate and generate investment into the precinct. The Planning Proposal is considered to be consistent with the Dubbo Employment Lands Strategy.

Strategic Merit Justification

The Department of Planning, Industry and Environment's Guide to Preparing Planning Proposals provides assessment criteria in determining whether strategic merit has been established. The Guide states that a planning proposal must:

"give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department"

The Dubbo Employment Lands Strategy provides the following precinct guidance relevant to this Planning Proposal, with respect to establishing strategic merit:

"a) Land Use Zone

It is recommended that the SP3 Tourist zoned land south of Camp Road be investigated further with respect to analysing whether this is the most appropriate zone based on the future role of the precinct and Council's objectives for the land."

Comment:

The Planning Proposal does not intend to amend the current zoning of the subject land, being SP3 Tourist. Further detailed analysis of the SP3 Tourist zone over the Camp Road precinct has been undertaken. Noting the role of the Camp Road precinct as outlined in the Dubbo Employment Land Strategy, to ensure that small-scale rural based tourist development remains the primary focus, the zone should remain SP3 Tourist.

"b) Dwellings

It is recommended that dwellings become a permissible form of development on the land south of Camp Road. It is considered that dwellings will be restricted to a Minimum Lot Size (MLS) for the SP3 zoned land. The MLS will be established in further Strategic Work upon adoption of a Structure Plan."

Comment:

The Planning Proposal seeks to introduce provisions which make dwellings permissible upon the subject land within the SP3 Tourist zone.

“c) Review of lot sizes

As the land is currently zoned SP3 Tourist and dwellings are prohibited, the land does not have any minimum lot size provisions. As the Strategy recommends that the role of the Camp Road precinct change with dwellings being considered as a permissible form of development, a review of the minimum lot size provisions should be undertaken. In this regard, it is recommended that Council facilitate the subdivision of large lots to both allow more manageable land parcels and excise unused land for additional capital.

Noting that many property owners in this precinct continue to highlight issues with the ability to generate capital to undertake tourist related development ventures. This was predominantly as a result of dwellings being made a prohibited form of development in the SP3 Tourist zone complicating matters from a finance perspective with lending institutions. Given the area also lacks embellishment, somewhat as a result of stagnated development, new dwellings and property owners into the area could assist with embellishment of the precinct. Existing development which could potentially suffer through inappropriate buffers should be considered with determination of a minimum lot size.”

Comment:

The Planning Proposal seeks to implement the minimum lot size regime adopted as part of the Camp Road Structure Plan. The Structure Plan is discussed in detail below.

“d) Morris Park Speedway

Morris Park Speedway has operated on the south eastern side of Camp Road since the early 1960’s. Being a motorsport activity it is a significant noise generator. However, noise is somewhat mitigated with the natural topography assisting with noise reduction. Noise studies have shown that the 55 dB(A) noise contour is not a major constraint for the precinct. It is recommended that areas subject to noise impacts generated by Morris Park be formalised through planning provisions in the Dubbo Local Environmental Plan 2011.”

Comment:

The Planning Proposal has considered Morris Park Speedway and its potential noise impacts on the subject land as result of motorsport activities. The Applicant has provided a Noise Impact Assessment (Proposed New Residential Development, Noise Assessment of Motor Sports - May 2016, Report No. nss 22429 - Final) which outlines potential noise impacts on the subject land. Morris Park has been addressed in detail under the Camp Road Structure Plan, below.

Noting the above, it is considered that strategic merit has been established having appropriately assessed the Planning Proposal against the Dubbo Employment Land Strategy.

ii) Camp Road Structure Plan

The Camp Road Structure Plan was adopted by Council at its meeting on 8 October 2019. The Plan was prepared by Council following a recommendation of the Dubbo Employment Lands Strategy. The Plan aims to provide overarching guidance for future development by identifying constraints and opportunities within the Camp Road Precinct.

The subject land is located within the Camp Road Precinct as identified by the Structure Plan. The Plan addresses a number of key planning matters for consideration in the future development of the area.

Site-Specific Strategic Merit Justification

The Department of Planning, Industry and Environment's Guide to Preparing Planning Proposals provides assessment criteria in determining whether site-specific strategic merit has been established. The Guide states that a planning proposal must have regard for the following:

- *“the natural environment (including known significant environmental values, resources or hazards) and*
- *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
- *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.”*

The Camp Road Structure Plan builds on the Dubbo Employment Land Strategy to provide further consideration towards the precinct guidance. The relevant components of the Camp Road Structure Plan which relate to the Planning Proposal are addressed below:

These considerations are as follows:

- Topography
- Buffer Areas
- Morris Park Speedway
- Taronga Western Plains Zoo
- Infrastructure
- Transport and access
- Minimum Lot Sizes

The Camp Road Structure Plan is as follows in Figure 3.

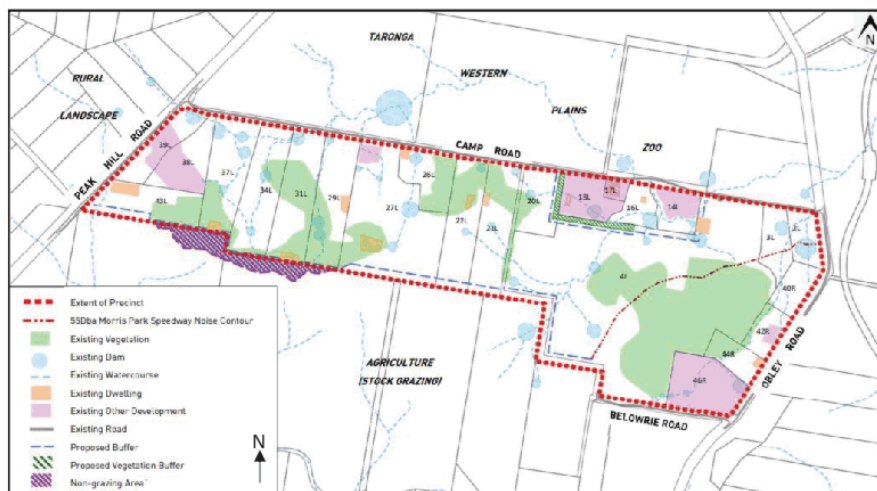


Figure 3. Camp Road Structure Plan

The intent of the Planning Proposal is to allow the development of dwelling houses on certain areas of the land at 4L Camp Road, Dubbo. The Planning Proposal intends to provide a lot size regime that is guided by the existing vegetation on the subject site and the 55dBA noise contour derived from Morris Park Speedway. The Planning Proposal seeks to provide a range of lot sizes including no MLS, two (2) hectares and five (5) hectares to remain sensitive to existing constraints and opportunities as identified by the Structure Plan. In addition, development for the purposes of dwelling houses will be prohibited in the area east of the 55dBA line.

The Planning Proposal includes a Noise Impact Assessment that considers and addresses noise impacts on the subject land as a result of Morris Park Speedway's motorsport activities. It is noted that after discussions with the Department of Planning, Industry and Environment's Noise Specialist, there is no specific criteria for assessing existing speedways against noise sensitive receivers such as dwellings. The Camp Road Structure Plan adopted the 55dBA noise contour as a base line whereby dwellings noise mitigation measures could be applied to ensure dwellings can meet the minimum noise criteria established with Clause 102 of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP), being no greater than 35dBA in any bedroom or 40dBA anywhere else in the dwelling.

Whilst the Noise Specialist advised that Clause ISEPP did not specifically apply to speedways, the most applicable guideline was Chapter 152 of the Noise Control Guideline. This guideline outlines that no dwellings should be constructed where the motorsport noise level exceeds 45dBA. It is noted that this guideline has since been repealed. Discussions with the Noise Specialist therefore focused around applying a practical approach based on achieving sustainable outcomes utilising current legislation and practices. In this regard, it is considered appropriate to allow dwellings to be constructed outside of the 55dBA noise contour, however must undertake building attenuation measures to achieve the internal maximum noise levels pursuant with the ISEPP. This will result in internal noise levels being lower than the Noise Control Guideline.

Additionally, to ensure the Speedway can continue to operate unencumbered, the Planning Proposal includes provision for a noise restriction area between the Speedway and the identified 55dBA noise contour.

The proposed new provision would include a new clause which addresses the following:

- The objective of this clause is to ensure that development for residential purposes, or for any other purpose involving regular human occupation, on land subject to significant exposure to noise (including noise emitted from the Morris Park Speedway) is prohibited.
- This clause applies to the land identified as "Subject to Clause 7.15" on the Clause Application Map.
- Development consent must not be granted to residential development, or development for any other purpose involving regular human occupation, on land to which this clause applies.
- Land identified as "Subject to Clause 7.15" on the Clause Application Map is identified as being within a buffer area for the purposes of clause 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

The 5 hectare MLS will preserve opportunities for tourist-related development with direct access to Camp Road and greater visibility to passing motorists.

Buffer zones have been proposed to the north and south of the subject site. The northern buffer shows an indicative separation between the operations of the Red Earth Estate Winery, Dubbo Observatory and Rhino Lodge accommodation. The buffer to the south considers the existing agricultural operations and mitigation of potential future land use conflicts to occur. These buffers would be considered further as part of the development approvals process.

The Structure Plan identifies that existing infrastructure is available via a sewerage pump station located adjacent to the subject site and direct access to reticulated water supply via Rifle Range Road. The limited capacity of the sewerage pump station may mean that additional development would require onsite sewerage management. The suitability of this infrastructure would be assessed as part of the Development Application and Construction Certificate stages.

The Dubbo City Transportation Strategy includes a proposal for a Distributor Road to connect the Newell Highway through to Camp Road. This project is considered long-term, not likely required until at least 2060, but more likely towards 2070.

Noting the above, the Planning Proposal demonstrates site-specific strategic merit and is considered to be consistent with the Camp Road Structure Plan.

4.3 CONSISTENCY WITH STATE ENVIRONMENTAL PLANNING POLICIES

The original Planning Proposal was deemed inconsistent with SEPP (Rural Lands) 2008 by the Department of Planning, Industry and Environment. The intent of the Planning Proposal has since been revised with further consideration of the sensitivity of adjoining agricultural land. SEPP (Rural Lands) 2008 has since been revoked and replaced by SEPP (Primary Production and Rural Development) 2019 which took place on 28 February 2019.

The aims of SEPP (Primary Production and Rural Development) 2019 are as follows:

- (a) to facilitate the orderly economic use and development of lands for primary production,*
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of vegetation, biodiversity and water resources,*
- (c) to identify State significant agricultural land for the purposes of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts and for routine and emergency work in irrigation areas and districts,*
- (e) to encourage sustainable agriculture, including sustainable aquaculture,*
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,*
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors."*

The Addendum seeks to provide a two (2) hectare MLS in areas adjoining the southern boundary of the subject site with the intent to facilitate semi-rural style lifestyle residential housing options whilst protecting the rural character of the adjoining rural zoned land. The land immediately south of the precinct is zoned RU1 Primary Production which has historically been utilised for the purposes of extensive livestock grazing. The topography of the land to the south of the subject site contains rock and steeper hilly terrain which limits higher levels of agricultural output of the land.

A 50m buffer is proposed along the southern boundary of the subject land to reduce potential land use conflicts including noise, odour and visual impacts. The Planning Proposal is not considered to result in any negative impacts to the adjoining agricultural activities to the south of the subject land. The Planning Proposal is considered to be consistent with the aims of the SEPP (Primary Production and Rural Development) 2019.

4.4 CONSISTENCY WITH SECTION 9.1 MINISTERIAL DIRECTIONS

The original Planning Proposal was considered to be inconsistent with the following Section 9.1 Ministerial Directions as identified in Table 1. The inconsistency with these Directions was not considered to be of minor significance and required further justification. The original Planning Proposal has since been revised and an additional assessment has been provided as shown in Table 1.

Direction	Requirement	Consistency
1.2 Rural Zones	<p>The land subject of the Planning Proposal is not currently zoned as rural.</p> <p>It is considered that this Direction does not apply to the Planning Proposal.</p>	<p>Whilst the Direction does not directly apply to the Planning Proposal, it is considered that the proposed amendments are consistent with the objective of this Direction.</p> <p>The Planning Proposal seeks to provide appropriate lot sizing that is sensitive to the rural character of the agricultural land adjoining the subject site to the south.</p>
1.5 Rural Lands	<p>The land subject of the Planning Proposal is not currently zoned as rural.</p> <p>It is considered that this Direction does not apply to the Planning Proposal.</p>	<p>Whilst the Direction does not directly apply to the Planning Proposal, it is considered that the proposed amendments are consistent with the objective of this Direction.</p> <p>The Planning Proposal seeks to provide appropriate lot sizing that is sensitive to the rural character of the agricultural land adjoining the subject site to the south.</p>

<p>2.1 Environmental Protection Zones</p>	<p>This Direction applies when a Planning Proposal is prepared.</p>	<p>The land subject of the Planning Proposal is not currently zoned as environmental nor does it intend to reduce the environmental protection standards that apply to the land.</p> <p>The Planning Proposal seeks to include a new additional local provision to prohibit residential development east of the 55dBA noise contour. A large portion of this land is mapped as containing moderate and high levels of biodiversity.</p> <p>The remaining land that is subject to biodiversity constraints is minimal.</p> <p>Any potential impacts on biodiversity would be considered under the provisions of the Biodiversity and Conservation Act 2016 at the Development Assessment stage.</p> <p>The Planning Proposal is considered to be inconsistent with this Direction, however this inconsistency is considered to be of minor significance.</p>
<p>3.1 Residential Zones</p>	<p>This Direction applies to the Planning Proposal as the subject site is zoned SP3 Tourist and is proposed to facilitate semi-rural style lifestyle living on the land.</p> <p>To facilitate this form of development, a lot size regime comprising of no MLS, two (2) hectares and five (5) hectares is proposed for the subject land.</p> <p>In addition, the Planning Proposal seeks to include an</p>	<p>The Planning Proposal seeks to provide a variety of housing options with consideration of environmental factors achieved by the use of lot size controls, restrictions on localised light emissions and noise identification mapping.</p> <p>The subject site is considered to be adequately serviced by infrastructure through an existing reticulated water connection and will consider onsite waste water</p>

	<p>additional permitted use for the purposes of a dwelling house on the subject land.</p>	<p>management as part of the Development Application and Construction Certificate processes.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
<p>3.4 Integrating Land Use and Transport</p>	<p>This Direction applies to the Planning Proposal as it seeks to permit the development of dwelling houses and reduce the minimum lot size of the land to facilitate future subdivision.</p>	<p>The Planning Proposal seeks to provide semi-rural style lifestyle blocks aimed at supporting two (2) hectare allotments with potential for dwelling house development.</p> <p>The proposed density of the subject site is considered to be appropriate in respect of access to transport options. The semi-rural character of the area is typically serviced by road and privatised transport networks with the potential for future bus options becoming available longer-term.</p> <p>The existing road connections allow convenient access to the Newell Highway from Camp Road. An additional access option is available onto the Highway from Obley Road with lower entry speeds of 80km/h.</p> <p>Cycle and pedestrian tracks are also located immediately north of the Zoo with links from the Tracker Riley bike path to the CBD.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
<p>4.4 Planning for Bushfire Protection</p>	<p>This Direction is applicable to the Planning Proposal as a large portion of the subject land is classified as Category 1 bushfire prone land.</p>	<p>The Planning Proposal is considered to be inconsistent with this Direction. The inconsistency is considered to be of minor significance.</p>

	The land classified as bushfire prone land is predominantly located in the area of the subject site with restricted development potential and no prescribed MLS.	The majority of the area classified as bushfire prone land is also impacted by noise levels higher than 55dBA. Dwelling houses will be prohibited in this area and the land will not be prescribed a MLS.
5.10 Implementation of Regional Plans	<p>The Direction is applicable as the land subject of the Planning Proposal is located within the Orana region.</p> <p>The development of the Orana region is guided by the Goals and Directions of the Central West and Orana Regional Plan 2036.</p>	<p>The Planning Proposal is considered to be consistent with the Central West and Orana Regional Plan. In particular, the Planning Proposal is considered to be consistent with the Plan's following Directions:</p> <ul style="list-style-type: none"> • Direction 1: Protect the region's diverse and productive agricultural land; • Direction 4: Promote and diversify regional tourism markets; and • Direction 25: Increase housing diversity and choice.

Table 1. Section 9.1 Ministerial Directions

4.5 ADDITIONAL CONSIDERATIONS

(a) Existing tourist and visitor accommodation and Dundullimal Homestead

The Planning Proposal will continue to facilitate tourist development on the subject site with a dedicated five (5) hectare MLS on land adjoining Camp Road, preserving the benefits of accessibility and visibility to the site. Additional development opportunities as proposed by the Planning Proposal, will activate and deliver embellishment to the Precinct.

The proposed smaller two (2) hectare allotments are not considered to result in any significant impact on surrounding tourist uses. An additional local provision and buffers are proposed to limit localised light emissions on the Dubbo Observatory which is adjoins the subject site to the north.

The Dundullimal Homestead is a State heritage item located approximately 1km north east of the subject site. The Planning Proposal is not anticipated to result in any significant impact on the Dundullimal Homestead.

(b) Groundwater vulnerability

The subject land is mapped as containing moderate and high levels of groundwater vulnerability. The Planning Proposal will provide opportunity for low density residential subdivision to occur with a minimum lot size restriction of two (2) hectares. The Planning Proposal is not considered to result in any significant adverse impact to groundwater.

Subject to the conditions of a future Gateway Determination, Council will be required to undertake consultation with the Natural Resources Access Regulator Division of the Department of Planning, Industry and Environment.

(c) Terrestrial Biodiversity

A portion of the subject site is mapped as containing moderate and high levels of biodiversity. This area is predominantly located within the restricted development zone created as a result of the noise impacts from Morris Park Speedway. The Planning Proposal seeks to develop land outside of areas with moderate and high levels of biodiversity where possible. Any future development including clearing of land on the subject site, may be required to undertake an assessment of significance in accordance with Part 7 of the Biodiversity Conservation Act 2016. This assessment would be undertaken as part of the development approvals process.

Subject to the conditions of a future Gateway Determination, Council will be required to undertake consultation with the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment.

(d) Traffic Impacts on Newell Highway

The Planning Proposal seeks to facilitate subdivision of the land for the purposes of semi-rural style lifestyle allotments. The development proposed is not considered to result in any significant increase in vehicle traffic movements onto the Newell Highway.

Subject to the conditions of a future Gateway Determination, Council will be required to undertake consultation with the State Government Department of Roads and Maritime Services.

Archived: Friday, 21 February 2020 11:20:36 AM
From: Elizabeth Burke
Sent: Mon, 6 Jan 2020 02:14:50
To: Dubbo Regional Council
Subject: ATTN: Nicholas Allatt - Planning Proposal - 4L Camp Road Dubbo
Sensitivity: Normal
Attachments:
[4L Camp Road, Dubbo.pdf](#)

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

Good Afternoon Nicholas

Thank you for the advice of the proposed amendment to the Dubbo Local Environmental Plan 2011 and opportunity to provide comment.

A check of my records has determined that there is a Crown road adjoining Lot 8 DP1063425 (please see the attached diagram). This road is held under an Enclosure Permit by Ms L K Bender, who I note has requested the amendment to the LEP.

The proposed amendment to the LEP will have no direct impact on the Crown road, therefore this Office has no comment on the proposal.

If Lot 8 is subdivided into smaller lots and access to those lots is required along the Crown road, this department would require Council to accept transfer of this road for inclusion in Council's road program.

If you have any queries in regard to this matter please do not hesitate to contact me direct on 6883 5410.

Regards

Elizabeth Burke | Group Leader, Property Management Services
Crown Lands | Department of Planning, Industry and Environment
T: 02 6883 5410 or 1300 886 235 | E: elizabeth.burke@crownland.nsw.gov.au
45 Wingewarra Street DUBBO NSW 2830 | PO Box 2185 DANGAR NSW 2309
W: www.dpie.nsw.gov.au



The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.



MG & LK Bender
PO Box 2931
DUBBO NSW 2830
4L Camp Road, Dubbo NSW 2830

The General Manager
Dubbo City Council
PO Box 81
DUBBO NSW 2830

**Planning Proposal – Camp Road, Dubbo
Amendment to Dubbo Local Environment Plan 2011 to permit development for the purposes of
dwelling houses and amend the lot size map to provide a range of lot sizes**

Thank you for your letter of 24 December, drawing our attention to the public exhibition of this planning proposal. We have reviewed the proposal as it now stands. On balance, we support it. That is to say, that we are not happy with every part of it, but we can see that the compromises are the price of getting the progress that we need to move forward.

As you know, we were the landowners who originally asked for Council to review the LEP as it applied to our land and the surrounding land along Camp Road. We lodged our Planning Proposal with Council in September 2016, and paid a significant fee to Council.

By the end of 2017, the Department of Planning, Industry and Environment had responded to our initial proposal. DPIE raised issues with what we had originally proposed. Council has spent the intervening time considering and addressing these issues. This has involved planning, consultation with all of the stakeholders and preparation of the revised proposal.

The revised proposal is the one that is on public display. For us, this is the end of a very long progress that began in September 2016.

We note that the proposed amendments to the LEP set out in the proposal are consistent with the Dubbo Employment Lands Strategy and the Camp Road Structure Plan, both developed with the long-term prospects of the area in mind.

At the time we lodged the Planning Proposal, our land was zoned SP3 Tourist. The proposal as it now stands adds residential development as a permitted use, but does not change the land's zoning. Further, the minimum lot size proposed for the land has 5 Ha lots along the Camp Road Boundary, and 2 Ha lots further back. There has not been great demand for the SP3 Tourist-zoned land along Camp Road. The new permitted use means that people who have the desire to use the land for tourism purposes can now also live on it. This is a significant and beneficial change, which will improve the precinct.

Our land is not currently zoned Rural. The additional use proposed to be permitted will not impact on any surrounding rural uses.

There are proposed to be restrictions placed on our land to accommodate existing uses. Behind our land is Morris Park, at which there are still race meetings held from time to time. Council is imposing a demarcation line beyond which houses cannot be built (55dB) and a line beyond which houses must meet acoustic thresholds (45dB), in order to avoid the effects of noise. We do not agree that

the demarcation is required. The use of Morris Park is infrequent, and of short duration each time. There are dwellings closer to Morris Park than the demarcation zone on our property, including ones of very recent construction. We do not see why a demarcation zone should be imposed on our land, when it does not apply to the land next door.

Finally, there are requirements that the development on our land accommodate both the rural uses to the South and the tourism uses to the North. We do not agree that the measures to be imposed in relation to the tourism uses are appropriate. It appears that the vineyard has recently ceased to operate. Its gate has been padlocked, and there are signs on the fence saying that it is closed. The claims made in relation to the operation of the Observatory appear to be overstated. The Observatory currently operates two to three evenings per week, and could not generate anything like ten thousand annual visitors. The buffer zone and other measures are, in our view, unnecessarily restrictive. However, we can see that they have arisen out of consultation with all the parties, and they are the price that we have to pay to move forward.

It has been a very long process from our initial application in September 2016 until now. We have spent a lot of money. We can see that Council has put a lot of work and time into the proposal. There has been a lot of community and stakeholder consultation, not only with the neighbours, but also in developing the broader plans (Dubbo Employment Lands Strategy and Camp Road Structure Plan) to establish that the proposed changes to the LEP are consistent with broader sensible land use strategy.

At present, our land is sterilised. It is zoned SP3 Tourism, but there is no demand for that use. It cannot be used for residential living. There does not appear to be any demand for tourism uses. There is a great deal of land in Camp Road which has the same zoning, and which has not been taken up. The proposed changes to the LEP will allow the land to be used for living on, while still permitting tourist uses. Nothing is being taken away from the precinct, and something valuable is being added.

We do not support the restrictions on the proposed development of our land. We think they are unnecessarily restrictive, and not justified by the current surrounding uses. We would vigorously oppose them being increased in any way. If they are required to permit the proposal to proceed, then they are the price of progress.

When Council accepts and passes the proposal, it will permit us to move forward with the development of the land for rural-residential living. There is a demand for this type of residential land. We can provide it without reducing the amount of rural land in the area, and without reducing the capacity of the land to be used for tourist uses.

We ask the Council to recognise the enormous amount of work done by Council staff, consultants, the surrounding landowners and the contributors to the various plans and studies. All of that work has resulted in the proposed changes to the LEP, which are in accordance with the Council's strategic plans, and acceptable to the DPIE. We would like to see this matter passed to enable not only 4L Camp Road but the greater area of the Camp Road precinct to move forward in a positive manner.

MG & LK Bender

To Dubbo Regional Council Strategic Planning Services Branch,

Please consider my objection to the planning proposal (PP_2018_DREGI_003_00) to permit dwelling houses at 4L Camp Road, Dubbo. I object to this planning proposal on the grounds of land use conflict and inconsistency with local and state planning legislation as explained under the headings below.

Section 9.1 Ministerial Directions Inconsistency

The planning proposal has failed to consider Ministerial Direction 6.3 Site Specific Provisions. The intent of this Direction is to amend development controls to permit development to occur on the land via rezoning or amendments to land use tables. Use of an APU and creation of a local site specific provision around noise from Morris Park Speedway is inconsistent with this Direction. As the land use ('dwelling houses') is still prohibited in the Dubbo LEP and will create a site specific provision to control noise impacts, this inconsistency is not of minor significance and can't be resolved.

The planning proposal has failed to consider Ministerial Direction 3.3 Home Occupations. The use of an APU to permit further residential dwellings does not resolve the issue that home occupations are prohibited in the SP3 zone. This Direction requires that *"planning proposal must permit home occupations to be carried out in dwelling houses without the need for development consent"*. Permitting an additional 20 dwellings to be inconsistent with this Direction is not of minor significance and can't be resolved.

Further inconsistencies with the Ministerial Directions appear to have been resolved with the Department of Planning, Industry and Environment through the development of the Employment Lands Strategy, which includes the Camp Road Structure Plan, specifically made to enable this proposal. Creation of these documents to justify a single development is not the intent of strategic planning, which should take a wholistic view of what is best for most of the LGA, not individual developers. The fact that these purported local strategic documents had to be created as a method to resolve inconsistencies raised by the Department of Planning further shows the inappropriateness of further residential development along our main tourist areas, especially Camp Road.

Dubbo Local Environmental Plan 2011 Inconsistency

The land is zoned SP3 Tourist, which currently prohibits 'Residential accommodation' the parent term for 'dwelling houses' which this proposal is attempting to permit through Schedule 1 amendment. Given Council and the community has previously agreed to prohibit further residential development in tourist zoned, when the LEP was originally exhibited in 2010, the use of a Additional Permitted Use (APU) goes against public opinion and intended use of our vital tourist areas. If this land use is prohibited in all of our other tourist areas, permitting it at Camp Road is creating a precedent which can be used by other developers to further undermine our tourist capabilities at other sites in the future.

A specific objective of the SP3 zone is to ensure development at Camp Road does not interfere with the Taronga Western Plains Zoo. As a prohibited use, insufficient information has been provided as to why further 'Residential accommodation' is consistent with this zone objective and would not interfere with the continued operation of the Zoo. This links to my concerns regarding land use conflict, which I will explain further.

Land Use Conflict

Council have proposed a number of noise, spray drift and light controls to reduce potential impact to and from existing tourist uses such as the zoo, vineyards, speedway and observatory. Given the additional controls that will have to be applied to make this land barely suitable for residential uses, makes me question if this land should support any further residential dwellings at all. There is already a patchwork of rural-residential land south of Dubbo, why are additional dwellings required on one of our main tourist areas? Camp Road is simply not the right place for residential uses and can be located in more appropriate locations.

Strategic planning considers existing and future uses of the land and surrounding area to ensure it is best used for all. While these prescriptive land use conflict controls might work today, consideration into how this could restrict future tourist uses is just as important. Hampering Camp Road can mean Dubbo misses out on new events, existing tourist business may close, and more appropriate tourist related development cannot start up, simply by permitting a land use (houses) which conflicts with the main purpose of tourism.

- What if new events or technology used at the speedway cause increased noise outputs and complaints as the 55dB line changes over time and a legacy of poor planning has placed residential dwellings at the footsteps of this tourist use?
- What if new threatened species, which are sensitive to residential uses are introduced to the Zoo's sanctuary which borders camp road? There are already threatened species occupying this land, including the Bilby which will be used as breeding stock to reintroduce into the wild. Lights from passing vehicles and barking from dogs can already be heard on this land which desensitises Bilbies from these threats. This can jeopardise their ability to recognise threats and survive when eventually released into the wild.

Biodiversity Impacts

There is mention of Biodiversity Development Assessment Report (BDAR) associated with this proposal, however, it was not included in the exhibited materials. Given the amount of remnant native vegetation on the land, which is mapped as moderate to high biodiversity value on the Dubbo LEP 2011, how will the impact to biodiversity meet the objectives of avoid, minimise and mitigate? Furthermore, indirect impacts (e.g. weed invasion, vehicle strikes and predation from domestic animals) to threatened species are exacerbated by residential development. Many of our local threatened species (e.g. Grey Crowned Babblers) are particularly susceptible to impacts from residential development and loss of habitat (especially the Grey Box Woodland Endangered Ecological Community), which can have a significant impact on biodiversity.

Please reconsider this proposal and withdraw it for the benefit of most of the residents. Dubbo has a thriving tourism market that sustains the area, especially in times of drought. Maintaining Camp Road as a tourist hub will be a better long term outcome for Dubbo than a few extra houses, especially when we have the space available elsewhere.

Please contact me if you would like to discuss my objection further.

Regards,

Nicole Allen

The Chief Executive Officer
Dubbo Regional Council
Corner of Church and Darling Streets, Dubbo.

Submission by Dubbo Observatory on the Planning Proposal for amendment to the Dubbo LEP 2011 in respect of 4L Camp Rd Dubbo.

We own and operate Dubbo Observatory situated at 17L Camp Rd Dubbo.

Our business is a combination of astronomy tourism, astronomical research, and geostationary satellite tracking.

We attract 10,000 tourists each year to view our dark night skies, observe the stars, planets, and galaxies through our telescopes, and use their cameras to take stunning photographs through the telescopes. We often get comments that this is the best observatory in Australia to come and view the stars and learn about science and astronomy.

These 10,000 tourists stay an extra night in Dubbo so they can visit us, spending money on accommodation, meals, etc. We contribute to the economy of Dubbo.

We add to diversity of tourism experiences for Dubbo.

We conduct astronomical research from customers who access our equipment through the internet to track newly discovered asteroids, variable stars, and searches for planets around distant stars. They are doing measurements on objects that are 1 million times fainter than the faintest star that can be viewed with the naked eye. An increase in our background sky brightness will mean this research will end.

With the help of an American company we track all the geostationary satellites over Dubbo every single clear night checking if they have wandered out of orbit which occurs over time due to the gravitational influence of The Sun, Moon, and Earth. If the night sky becomes too bright due to light pollution we lose that contract.

A dark sky is essential for the success of our business. The brighter the sky is the less stars you can see, photograph and measure.

This is why our business is located out of Dubbo away from the city light pollution. Our business cannot function if there is light pollution, simple as that.

We purchased this property because it was away from city lights and in an area zoned for tourism where any subdivision and building of a higher density is not permitted.

We asked Council at the time of purchase if there were any plans for subdivision to occur, change in zoning, or any housing development that would occur to assure us that we would have a dark sky into the future. We were told by Council there were no plans for changing the zoning and that subdivision and residential development was not permitted. Based on this advice by Council we purchased the property and made significant personal investment in upgrading the property with astronomical equipment and wish to make substantial more improvements in the future.

We were shocked when we found out that there was actually a plan to change the zoning. If this goes ahead with no strict lighting mitigation this is the end of our business.

So we are opposed to a change in the zoning and any subdivision at 4L Camp Rd.

We have opposed this all the way through the different stages of this process but can only feel that our business is not important to the City of Dubbo as Council soldiers on through the process of changing the zoning to enable subdivision to occur. A city of similar size called Tamworth is more supportive of its astronomical tourism with a recently announced 1.8 million dollar grant to build astronomical facilities for tourism.

If development is to proceed which it seems Council is determined to do, strict light pollution mitigation is required. We listed these in a previous submission in this process and some but not all were added to the structure plan.

Outdoor lighting can have the affect of shining directly at us, shining directly up at the sky or reflecting off the ground up into the sky. This light is then scattered off dust, aerosols and moisture in the atmosphere above and creates skyglow like you see over towns and cities.

The amount of sky brightness depends on;

The power of the lights (watts of the light bulb or element),

The number of lights,

How close the lights are. If they are twice as close they are 4 times brighter.

Direct light at us affects our customers view. If you look at a bright light and then you look into the dark, it takes your eyes a minimum of 10 minutes to adjust to get your night vision. You have probably experienced this when at night you walk out of your illuminated room of your house out into the dark backyard and you trip over half a dozen things because you cant see. You also don't see many stars. But stay in the dark for at least 10 minutes and you do see objects around you and you start to see the Milky Way across the sky. Soon as you look at a light like a neighbours light you lose that night vision instantly then have to wait another 10 minutes. This is what our customers will have to put up with and affectively not see many stars in the sky or be able to observe faint galaxies. Customers will not get the experience they paid for.

For this reason we need to

minimise the number of outside lights to 2 per property. (listed in the plan already)

the light element is fully shielded. (not in the current plan)

Outdoor lights are controlled by a motion sensor. (listed in the current plan)

A barrier or screen is to be erected. (vegetative planting screen is listed in the plan)

We are concerned on how this may eventuate as it would take years to grow trees of sufficient height, and during this period we will be affected by direct light pollution.

Any roads that are built are orientated in a way that car headlights do not shine at us. (not mentioned in the plan)

The plan has listed "outdoor lights shall not protrude past 30 degrees horizontal". Reasons why this can be ineffectual is that we are lower lying than other properties around and that we will see the bulbs or elements of these lights. We had a problem with new LED lights erected at the Rhino lodge recently. They appear to be pointing downward at the child play area but we see the light directly from the element. They are incredibly bright even though they are a good distance away from us. We have had to close on the nights they have been left on. If they were shielded we would not have the problem of lights shining directly at us. We had to stop the research and satellite tracking when these lights were on all night. They have since turned off these lights for now. The lights are way too strong for their intended purpose of lighting an area a few metres away where they light up the landscape for half a kilometre.

As mentioned above lighting causes sky glow and therefore the sky is not as dark as it would normally be. This can be mitigated by;

Minimising the number of outside lights to 2 per property,

No sky lights,

A limit to how many watts each light fitting can have (940 lumens equivalent to 75 watts maximum for an incandescent light bulb or 10 watts for an LED light bulb) (this is currently not in the plan and we strongly want it to be in the plan),

Outdoor lights are controlled by a motion sensor (in the plan),

Outdoor lights are pointed downwards and have a shield to prevent any upward or horizontal light.

Increase the lot size from 2 hectares up to 5 Hectares to reduce the amount of light pollution

No street lights.

Light pollution has a detrimental effect on our observatory, nocturnal animals, and everyone's enjoyment of the night sky.

Effective lighting should just illuminate sufficiently the intended purpose. Therefore have it on only in the time frame when it is needed, at a power that is sufficient for the purpose and directed only where it is intended (shielded). Anything outside of that is a waste on energy, waste of money, does not needlessly create greenhouse gases, and is a nuisance to neighbours. Good lighting benefits everyone and therefore the mitigations proposed does not disrupt people's normal life.

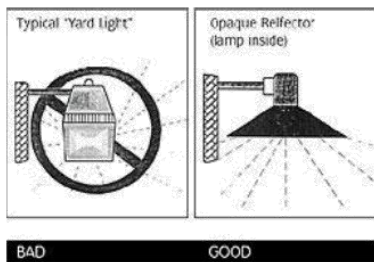
This picture was taken with an fisheye lens camera at Dubbo Observatory on January 26th 2020. Here you can see the spiral arm of our Milky Way Galaxy across the sky. It should go all the way across the sky from south to north but as you can see it is lost in the sky glow from the light pollution of the City of Dubbo 8km away to our North. The proposed development of 4L Camp Road will add light pollution to our South and east (left and bottom of the picture). We will lose our view of the galaxy as well as the 2 small galaxies 200 thousand light years distant you can see in the lower left of the

picture. The proposed development will reduce the customer experience of our observatory.



In conclusion, we prefer that the development of 4L Camp road does not go ahead.

But if Council proceeds with this development, we ask that the current light mitigation controls in the plan are to stay in place and strengthened to include a limit on the maximum power a light fitting can have (we suggest 940 lumens equivalent to 75 watts for an incandescent light bulb or 10 watts for a LED bulb) and that outside lights are fully shielded with an opaque shield.



Peter and Jane Starr

17L Camp Rd Dubbo 2830

Ph 0488 425 940

Email peter@dubboobservatory.com

Archived: Friday, 28 February 2020 11:57:13 AM
From: Joshua Black
Sent: Wed, 5 Feb 2020 08:57:23 +0000ARC
To: Dubbo Regional Council
Subject: Submission to Camp Road Planning Proposal
Sensitivity: Normal

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

- One of the best parts of this Planning Proposal is to make Dwelling Houses permissible within the zone. This is long overdue and vital to any hope to reinvigorate the Camp Road precinct.
- At some stage serious consideration needs to be given to removing the SP3 Tourist zoning. Camp Road has a lengthening list of failed tourist ventures.
- The only other part of this Planning Proposal that I will comment on is the excessive size of the 5ha Minimum Lot Size portion. A uniform 2ha MLS would be large enough for any tourist experience that may be viable in the tourist death-zone that is Camp Road.

Yours sincerely,

Joshua Black
37L Camp Road, Dubbo



Natural Resources
Access Regulator

Natural Resources Access Regulator
Locked Bag 5123,
Parramatta NSW 2124
T 1800 633 362
www.industry.nsw.gov.au/nrar

Contact: Shavaun Tasker
Phone: 03 5881 9944
Email: shavaun.tasker@nrar.nsw.gov.au

The General Manager
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Our ref: V15/2812-2#89

22 January 2020

Attn: Steven Jennings

Dear Steven,

**Re: Public Exhibition of Planning Proposal (PP_2018_DREGI_003_00) –
4L Camp Road, Dubbo**

I refer to your letter dated 24 December 2019 requesting comment by the Natural Resources Access Regulator (NRAR) on the amendment to the Dubbo Local Environmental Plan 2011. It is understood that the key elements of the amendment include the following;

- To permit development for the purposes of dwelling houses, and
- To amend the lot size map to provide a range of lot sizes including no minimum lot size (MLS), 2ha and 5ha allotments.

NRAR has reviewed the preliminary information and provides the following comments:

- Watercourses traverse the subject site, including a number of first order watercourses in the western part and a third and fourth order with smaller watercourses in the eastern part. NRAR advises that the future proposed land use needs to consider the requirement for buffers to these watercourses as specified in the *“Guidelines for Controlled Activities on Waterfront Land (NRAR 2018)”*.
- It is unclear in the information provided how the subject land is to be serviced for water and sewer. NRAR is supportive of reticulated sewer and water to ensure demands can be met and to mitigate local impacts from water supply access and sewage disposal.
- If on-site servicing is proposed it is recommended this be considered at the rezoning stage due to the proposal including varying lot sizes to address sewage disposal and water access. In regards to water supply it is recommended the potable and non-potable demands be confirmed and a sustainable source of suitable quality be confirmed. A factsheet titled *“How much water do I need for my rural property”* provides information on determining water requirements and can be accessed at the following link: <https://www.waternse.com.au/data/assets/pdf/0008/136619/How-much-water-do-I-need.pdf>



Natural Resources Access Regulator

Natural Resources Access Regulator
Locked Bag 5123,
Parramatta NSW 2124
T 1800 633 362
www.industry.nsw.gov.au/nrar

- NRAR advises that should groundwater be proposed as a water source, the 250m distance condition between bore and a contamination source (ie. A sewage management system) be complied with. Addressing this distance condition can determine the MLS, which would be in the vicinity of 5ha.
- It is unclear how the proposed land use and lot sizes will increase the intensification of stormwater management within the subject site and downstream. It is recommended a study be completed to assess the potential increase in stormwater discharge, the associated impact on the watercourses and downstream landholders and the requirement for mitigating measures.

Should you have any further queries in relation to this submission please do not hesitate to contact Shavaun Tasker on (03) 5881 9944.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Daly'.

Rachel Daly
A/ Manager Licensing and Approvals – West
Water Regulatory Operations – West
Natural Resource Access Regulator



Planning,
Industry &
Environment

Our ref: DOC20/66853-11
Senders ref: R2016-3 ED19/193454

Mr Nicholas Allatt
Growth Planner
Dubbo Regional Council
PO Box 81
Dubbo NSW 2830
council@dubbo.nsw.gov.au

Dear Nicholas,

Dubbo Regional Council - Public Exhibition of Planning Proposal - Lot 8 DP 1063425 - 4L Camp Road Dubbo

I refer to your letter of 24 December 2019 seeking comments from the Biodiversity Conservation Division of the Department of Planning, Industry and Environment on the proposed amendments to the Dubbo Local Environment Plan (LEP) 2011 in relation to the Planning Proposal Lot 8 DP 1063425 – 4L Camp Road Dubbo.

BCD understands that the Planning Proposal includes the following amendments:

1. Include an additional permitted use to allow the erection of dwelling houses in the SP3 Tourist zone, exclusive to the subject land only.
2. Include an additional local provision to mitigate impacts on adjoining and nearby tourist uses, exclusive to the subject land and identified by a new clause application map.
3. Amend the Lot Size Map – Sheet LSZ_008 to provide a range of minimum lot sizes including no MLS, 2 ha and 5 ha in respect of the subject land only.
4. Include an additional local provision to prohibit residential development in areas of the subject site impacted by noise levels greater than 55 dBA from the existing Morris Park Speedway.

Based on the information provided, BCD has no specific comments to make on the proposal at this stage. We assume that the proposal has adequately considered the requirements under the *Environmental Planning and Assessment Act 1979* relating to biodiversity and cultural heritage conservation issues. Please note that if subsequent information indicates that these areas require further investigation, BCD may provide future input.

Please note that the *Biodiversity Conservation Act 2016* and *Biodiversity Conservation Regulation 2017* (section 7.1) will apply to the subdivision development application.

When assessing subdivisions, the consent authority must consider the clearing of native vegetation required, or likely to be required, for the purpose for which the land is to be subdivided.

If the subdivision impacts native vegetation and exceeds the biodiversity offsets scheme threshold, a biodiversity development assessment report will be required to assess and calculate the biodiversity offset credit requirement.

Biodiversity offsets would be calculated and secured in accordance with the *Biodiversity Conservation Act 2016* for the subdivision. Once this is done, no further offsets are required for subsequent development of the land that is within the approved subdivision.

If you have any questions regarding this matter, please do not hesitate to contact Conservation Planning Officer Helen Knight, via helen.knight@environment.nsw.gov.au or (02) 6883 5327.

Yours sincerely



6 February 2020

Renee Shepherd
Acting Senior Team Leader Planning, North West
Biodiversity and Conservation Division



3 February 2020

SF2020/009580; WST20/00004/01

General Manager
Dubbo Regional Council
PO Box 334
DUBBO NSW 2830

Dear Sir

**Planning Proposal to amend Dubbo Local Environmental Plan (LEP) 2011
Permit dwelling houses and change the minimum lot size to 2ha and 5ha for Lot 8 DP 1063425
4L Camp Road Dubbo**

Please note as at 01 December 2019, the legislation, including functions and responsibilities of Roads and Maritime Services (RMS) and Transport for NSW (TfNSW) are now being performed by the integrated TfNSW organisation. All future references to Roads and Maritime will now be referred to as TfNSW.

Thank you for the email dated 24 December 2019 referring the above application to Transport for NSW (TfNSW) for comment as per the consultation requirements specified within section 3.34(2)(d) of the *Environmental Planning and Assessment Act 1979*.

From review of the documentation submitted in support of the proposal, TfNSW understands it includes:

- A change to the minimum lot size to two hectares and five hectares and to provide for an additional permitted use for dwelling houses for Lot 8 DP 1063425.
- The planning proposal will amend the Dubbo Local Environmental Plan (LEP) 2011 and allow for the future subdivision of the site into 32 lots.
- Access to the site will be via Camp Road which connects to the Newell Highway (HW17) to the west and Obley Road (local road) to the east.

TfNSW provides the following comments in relation to the proposed amendments:

- Access for the future subdivision is to be provided via a road other than the Newell Highway, a State Classified Road in accordance with Clause 101 of the *State Environmental Planning Policy (Infrastructure, ISEPP) 2007*.
- No new accesses are to be provided via the Newell Highway in particular for lots 38L, 39L and 43L shown in the structure plan (Figure 3. Camp Road Structure Plan).

Transport for NSW

51-55 Currajong Street PARKES NSW 2870 | PO Box 334 PARKES NSW 2870 DX20256
P 6861 1449 | W development.western@transport.nsw.gov.au | ABN 18 804 239 602



- The safety, efficiency and ongoing operation of the Newell Highway at this location need not to be adversely affected at all by future developments of this type having regard to the factors outlined in Clause 101 (2)(b)(i) to (iii) of the ISEPP.
- Forecasting project related traffic volumes and subsequent traffic impacts for the intersections at Camp Road and Obley Road and Newell Highway and Camp Road including consideration of appropriate intersection upgrade(s) should accompany any future development application for this proposal.

If you wish to discuss further please contact Alexandra Power, Development Assessment Officer on (02) 6861 1428.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Ainsley Bruem'.

Ainsley Bruem
A/Manager Land Use Assessment
Western Region

Transport for NSW

51-55 Currajong Street PARKES NSW 2870 | PO Box 334 PARKES NSW 2870 DX20256
P 6861 1449 | W development.western@transport.nsw.gov.au | ABN 18 804 239 602



Your reference :
 Our reference : SF19/45643; DOC19/1117457-11
 Contact : Steve Redden, 02 6883 5357

The General Manager
 Dubbo Regional Council
 PO Box 81
 DUBBO NSW 2830

7 February 2020

Attention: Steven Jennings

Dear Mr Jennings

RE: Public Exhibition of Camp Road Planning Proposal

I refer to the exhibited Planning Proposal to amend the *Dubbo Local Environmental Plan 2011* by the Camp Road Structure Plan affecting Lot 8 DP1063425, 4L Camp Road, Dubbo and the associated *Addendum – Planning Proposal* (the addendum).

The EPA responded to the draft Camp Road Structure Plan on 11 September 2019, and recommended that a suitable buffer be determined based on noise impacts from Morris Park Speedway operation being below $L_{Aeq,T} 45dB(A)$ outside any future residence.

The EPA has reviewed the addendum and notes that the recommendations of the EPA have been adopted through the implementation of the *LEP Acoustic Mitigation Control Clause* and has no further specific comments to make.

If you have any questions, or wish to discuss this matter further please contact Mr Steve Redden at the EPA's Dubbo office on 02 6883 5357 or by email to central.west@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Duncan McGreggor'.

DUNCAN MCGREGOR
 Acting Unit Head Central West Region
 Environment Protection Authority

Phone 131 555	Fax +61 2 9995 5999	PO Box 1388	L102,346 Panorama
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