

WELLINGTON ROADS TO HOME

PLANNING AMENDMENT PROPOSAL

(MIN LOT SIZES)



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1. INTRODUCTION

This document provides a basic introduction and background of the NSW Department of Planning, Industry and Environment (DPIE) and the Wellington Local Aboriginal Land Council's Road to Home Project.

The Roads to Home Program is the successor to the New South Wales Aboriginal Land Council Subdivision Project undertaken at Walgett from 2010 to around 2013 that resulted in: agreed Planning Reports with Council; draft subdivision plans; and the building of roads, stormwater & sewage systems; and other general improvements to Namina.

Lyons Advantage Pty Ltd has been engaged as Project Manager and is tasked with preparing a scope of works for the subdivision and infrastructure upgrade of the Nanima village. The delivery deadline associated with the stimulus funding for the project is 30 June 2022.

2. BACKGROUND

2.1. THE CLIENT

The client and project Principal is Wellington Local Aboriginal Land Council (LALC) and is supported by the Roads to Home team, DPIE.

The LALC is responsible for administering the project in partnership with the Roads to Home team, DPIE. The LALC will be assisted by the Project Manager with additional financial and human resources specific to the project delivery of this program.

2.2. PROGRAM OVERVIEW

Roads to Home Program is a planning and infrastructure upgrade program designed to sustainably address the legacy infrastructure and servicing inequality experienced in Reserves & Missions (discrete Aboriginal communities) across NSW.

This program is an NSW Government election commitment which involved a first rollout of the program to ten Aboriginal Communities across NSW. The program is staged so outcomes can be achieved, and information gathered to inform future tranches, preceding the roll out to the remaining 41 discrete Aboriginal Communities.

The program has recently been successful in securing another \$20M in stimulus funds to deliver a tranche of another eleven (11) discrete communities, including the Nanima village. These stimulus funds have a non-negotiable spend timeframe of 30 June 2022.

Reserves and Missions are considered by Aboriginal people as cultural and socially significant sites. While Aboriginal community members may move away from Reserves or Missions for education or work, they retain a deep spiritual attachment to these lands. They are special places and are called home by most Aboriginal people who are from NSW.

2.3. THE SITE

Nanima Village is located on Wiradjuri land near the regional town of Wellington, NSW. It was the first inland Aboriginal mission and is Australia's longest continually operating reserve. The reserve is located lot 244 of DP 756920 and managed by Wellington LALC. The Reserve is zoned as RU5- Village under Wellington LEP 2012, with a minimum lot size of 4000m². The Reserve consists of 19 single dwellings and three attached two bedroom units.

3. PART 1 – OBJECTIVES AND INTENDED OUTCOMES

3.1. PROPOSAL OBJECTIVE

The land on which Nanima village is situated is zoned as RU5 - Village and E3 - Environmental Management under Wellington LEP 2012, with a minimum lot size requirement of 4000m².

The objective of this Planning Proposal is to amend the Wellington LEP 2012 (and subsequent DRC LEP to be released), to reclassify part of Lot 244 DP 756920 to require a minimum lot size of 600m². Such an amendment will enable the existing buildings at Nanima to occupy individual lots (thereby enabling services and infrastructure to be connected at single addresses) and permit further development as community needs dictate.

3.2. PROGRAM OBJECTIVES

The Roads to Home Program has been established to:

- Provide infrastructure upgrades to enable municipal services in discrete Aboriginal communities to be delivered to the appropriate quality & standards
- Ensure the long-term sustainability of infrastructure through continued maintenance & provision of those services
- Create better social & economic connections to improve the way people travel to school & work
- Improve access for medical & emergency services as well as postal & delivery services
- Reduce health hazards from dust, waste issues, stormwater & road safety
- Reduce the risk, costs & disruption from flooding & evacuation
- Allow for the approval of proposed subdivision works to:
 - Enable dedication, or care, control & management regimes, of roads to local authorities
 - Enable a variety tenancy choices & land management options for LALCs
 - Allow connection to municipal services (such as telecommunications and internet) via individual street addresses.
 - Provide economic options, such as new businesses
 - Enable the creation of diverse funding streams for LALCs

4. PART 2 – EXPLANATION OF PROVISIONS

The objectives and intended outcomes of the planning proposal will be achieved by amending the *Wellington Local Environmental Plan 2012*.

It is acknowledged that only the area in the vicinity of the existing urban development necessitates the revision. A nominal minimum region offsetting each side of the existing Lowrie Drive Road reserve is therefore presented in Figure 6.5 of the mapping. The proposed minimum area for lot size amendment is comprised of a ~200m wide strip to the west and a ~100m offset to the east of the existing Lowrie Dr kerbs a total of ~300m.

The current zoning of RU5 – Village is able to be retained, with only the minimum subdivision lot size requiring amendment from 4000m² to 600m². On page 39 of the *Wellington Development Control Plan 2013*, a minimum sewered lot size of 15m x 25m is specified for within RU5 zones, which this proposal satisfies.

According to the Wellington LEP 2012, the objectives of the RU5 zone are:

- To provide for a range of land uses, services and facilities that are associated with a rural village
- To encourage and provide opportunities for population and local employment growth commensurate with available services
- To minimise the impact of non-residential uses and ensure these areas are in character and compatible with the surrounding residential development

The proposed amendment is consistent with each of the objectives for the current zoning and will permit formalisation of the existing infrastructure at the site. The proposal not only meets the objectives and intentions of the existing RU5 – Village zoning framework of the Wellington LEP 2012 but amending the lot sizes enhances the character and intention of the original village zoning classification.

Although located within a rural area, there is no rural industry or land use within the subject site, including agriculture, extractive, or forestry activity. There is also no non-residential development anticipated, but any subsequent proposal would be managed through and bound by the existing statutory planning processes.

Beyond the existing village, the amendment will allow for further future residential subdivision in accordance with any expansion needs of the Nanima community, possibly permitting the local school to re-open, and facilitating additional dwellings and employment opportunities commensurate with the size of the community and associated services.

5. PART 3 – JUSTIFICATION

5.1. NEED FOR PROPOSAL

An amendment to the LEP is the most effective and only reasonable way of achieving the objectives of the Roads to Home Program at Wellington.

It is not possible to complete the subdivision of the existing housing infrastructure at Nanima village, or enable further development, without amending the minimum lot sizes from 4000m² to 600m².

5.2. RELATIONSHIP TO PLANNING FRAMEWORK

The proposed amendment is not only consistent with the planning policies and framework of both the Orana region and Dubbo Regional Council (Council), but it also advances DRC's own planning priorities and strategic aims for the region, particularly in relation to housing, villages, development, and the Aboriginal community.

The proposal not only meets the objectives and intentions for the existing LEP's RU5 zone, which this proposal does not seek to amend, but amending the lot sizes will further enhance the character and intention of the village zoning within the planning framework.

5.2.1. SECTION 9.1 MINISTERIAL DIRECTIONS

The proposal is consistent with the Ministerial Directions issued under Section 9.1 of EPA Act 1979. Specifically:

- **Direction 1.2 - Rural Zones**

The proposal does not seek to rezone or alter any zone boundaries of any rural land.

- **Direction 1.5 - Rural Lands**

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that:

- (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- (b) changes the existing minimum lot size on land within a rural or environment protection zone.

Note: Reference to a rural or environment protection zone means any of the following zones or their equivalent in a non-Standard LEP: RU1, RU2, RU3, RU4, RU6, E1, E2, E3, E4.

The proposal land is entirely zoned RU5 – Village, and is therefore not included in the terms of the 1.5 Rural Lands Ministerial Direction

- **Direction 2.3 - Heritage Conservation**

What a relevant planning authority must do if this direction applies

- (4) A planning proposal must contain provisions that facilitate the conservation of:
 - (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
 - (b) Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and
 - (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

The proposal is being submitted by the Wellington Local Aboriginal Lands Council, in full understanding and acknowledgement of the heritage significance of the location to Aboriginal culture and people. A full cultural and heritage survey is currently being procured and will determine the conditions of any future development application.

The purpose of this planning proposal and DPIE's Roads to Home Program is to consolidate and improve existing infrastructure, rather than undertake new development on the relevant land parcel. After successful amendment of the LEP, any subsequent Development Application (DA) would be submitted for the purpose of formalising the existing usage on the parcel. Any future impact of proposed subdivision or development will be subject to the existing statutory planning processes, including environmental and heritage preservation conditions.

- **Direction 3.4 – Integrated Land Use and Transport**

The proposal is consistent with the intended outcomes and objectives of *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), namely that the amendment will enable improvement of existing road, drainage, footpath, parking, and public transport infrastructure within the Nanima village.

- **Direction 4.4 – Planning for Bushfire Protection**

As discussed in Environment Impacts below, while the extremities of the subject land are within the exclusion zones of Bushfire Prone mapping (see Figures 6.6 (a) & (b)), no alterations or development is proposed within these areas of the land parcel. The proposal is centred around formalising the existing urban development of Nanima, which is 100m+ from any Bushfire Prone Areas, and no new development is suggested or intended in this planning proposal.

- **Direction 5.10 – Implementation of Regional Plans**

The proposal is submitted in accordance with the goals and objectives outlined in the *Central West and Orana Regional Plan 2036*, as treated in the following section.

- **Direction 6.3 – Site Specific Provisions**

The existing zoning of the land permits the land use proposed by the planning amendment, subject to revision of minimum lot sizes. No development proposal on the existing site has been created, developed or finalised, so no drawings are included or referenced.

5.2.2. CENTRAL WEST AND ORANA REGIONAL PLAN 2036

The proposal is consistent with several goals and directions contained within NSW Planning's *Central West and Orana Regional Plan 2036*. These include:

Direction 7: Enhance the economic self-determination of Aboriginal communities

Direction 23: Build the resilience of towns and villages

Direction 24: Collaborate and partner with Aboriginal communities

Direction 25: Increase housing diversity and choice

(Action 25.5: Promote incentives to encourage greater housing affordability)

Direction 28: Manage rural residential development

Direction 7 expresses a focus towards “creating opportunities; increasing the Aboriginal community’s capacity; providing choice; and empowering Aboriginal people to exercise that choice, as well as giving them the tools to take responsibility for their own future.”

Integral to the foundation of the Roads to Home program and the proposed planning amendment, the regional plan also recommends:

- collaborative and inclusive planning that builds trust, integrity and empowers Aboriginal communities to identify their own issues, strategic directions and solutions.
- working with the LALC to see how best to plan, manage and develop the land for Aboriginal communities.
- that future land use planning should acknowledge, respect and consider the views and interests of Aboriginal people.
- developing practical solutions for the potential commercial use of the land – for example, for Aboriginal housing and employment opportunities.

5.2.3. DRC COMMUNITY STRATEGIC PLAN

The Dubbo Regional Council *Community Strategic Plan* (2018) highlights affordable housing as the first priority for the Dubbo Region over the next twenty years.

Of specific and relevant note, the report promotes village development (in 1.3), and the necessity for suitable and strategic zoning in existing communities, like Nanima, for future development and existing cohesiveness (in 1.4 & 1.5):

1.3

Residential development opportunities are provided in the villages to facilitate rural lifestyle housing options

STRATEGY:

1.3.1 Adequate land is available in the villages for development

1.3.2 Opportunities for residential development in a village environment are promoted

1.4

An adequate supply of land is maintained close to established community services and facilities

STRATEGY:

1.4.1 There is adequate land suitably zoned to meet a variety of residential development opportunity

1.4.2 Planning instruments and policies reflect the intent and direction of adopted land use strategies and facilitate sustainable development

1.5

Neighbourhoods are designed and enhanced to ensure social cohesion and connectivity

STRATEGY:

1.5.1 The design of neighbourhoods reflects the form and function and promotes connectivity and social cohesion

As outlined previously, members of the Nanima community are unable to access services like telecommunications without subdivided addresses. The DRC CSP2018 also highlights this as a strategic priority for the region:

2.6 Community and business have access to the highest standard of telecommunications networks and facilities

2.6.1 Enhanced telecommunications coverage is available throughout the LGA

The proposed amendment will enable improved coverage and enhanced access to telecommunications networks within the Nanima community. The community does not currently have the ability to have individual internet access as an address is required by telecommunication companies to create the connection. The proposed subdivision will provide an address to each residential lot allowing the opportunity to be connected to telecommunication facilities and improving coverage for the village residents.

Finally, outcomes for the Aboriginal community within DRC are also prioritised in the CSP:

5.3 The lifestyle and social needs of the community are supported

5.3.3 The health, education and socio economic status of the Aboriginal community is improved

5.2.4. DRC LOCAL STRATEGIC PLANNING STATEMENT

Further, Dubbo Regional Council's Local Strategic Planning Statement (June 2020) sets out several relevant planning priorities that this proposal aligns & is consistent with:

Priority 9: Provide diversity & housing choice to cater for the needs of the community

Priority 11: Provide for growth in villages

Priority 12: Create sustainable and well-designed neighbourhoods

Priority 17: Acknowledge and embrace Aboriginal culture

5.2.5. WELLINGTON DEVELOPMENT CONTROL PLAN

Coming into effect on 1 July 2013, and applying to the former LGA of Wellington Council, this planning proposal is consistent with the considerations of the Wellington Development Control Plan (WDCP).

Subject to Council approval, we are also confident that any subsequent Development Application will be able to abide by and be consistent with the provisions and aims of the plan.

Specifically relevant, the WDCP specifies in D2.3.2 that lot dimensions within a sewerage RU5 zone are to be a minimum of 15m wide with 25m depth (375m²), which this planning amendment is consistent with.

5.3. ENVIRONMENTAL, SOCIAL, & ECONOMIC IMPACT

5.3.1. ENVIRONMENTAL IMPACT

The planning proposal seeks only to reclassify the minimum lot sizes for subdivision of the subject site and will not generate any environmental effects. Any future impact of further subdivision will be managed through existing statutory planning processes.

The subject land parcel is classified as Bush Fire prone (as per Rural Fire Service website), however the associated mapping indicates limited impact only at the extremities of the LALC landholdings (see Figures 6.6 (a) & (b)). The proposed reclassifications are intended only to affect the existing urban development, which has 100m+ land clearance from any Bush Fire impact zone; i.e. any relevant land within a subsequent DA would not be classified as Bush Fire prone. The rest of the existing land parcel is not expected to be developed or have any other effect on the existing landscape, including within or adjacent to Bush Fire prone areas.

5.3.2. SOCIAL & ECONOMIC IMPACT

The planning proposal and the Roads 2 Home Program generally seeks to greatly improve the social and economic outcomes for the Nanima village community. Indeed, the core aim of the entire Roads to Home Program is to sustainably address the legacy infrastructure and servicing inequality experienced in Reserves & Missions (discrete Aboriginal communities) across NSW.

The proposal will formalise and consolidate the existing infrastructure at Nanima, permitting increased levels of service and amenity for existing residents, enabling increased social and economic outcomes.

The subsequent civil construction program will add to the amenity and viability of the Nanima village. This will enable increased serviceability, telecommunications and transport connectivity, and a stronger connection to the land. Upgrades to the roads and footpaths will increase transport amenity throughout the community.

The proposal also provides opportunity to improve and further develop the Nanima community to further enhance social and economic impacts for the area, such as the potential reopening of the existing primary school and/or local store.

Maximising the employment & training outcomes of Aboriginal people throughout the Roads 2 Home Program is an important focus of the program & a priority for the Principal. This will provide further social and economic impacts, through activities including, but not limited to:

- Procurement of Aboriginal companies to undertake professional services
- Nominating individual Aboriginal community members to be employed to companies undertaking professional services
- Procurement of Aboriginal companies to undertake civil construction
- Nominating Aboriginal subcontractors and / or individual Aboriginal community members during the civil construction activities with the Principal Contractor

In addition, training can be supplemented by TAFE NSW or a Registered Training Organisation to undertake courses related to the project delivery such as:

- Civil construction certificates
- Construction Management
- Operations & supervision
- Heavy vehicle licences & operation
- Design
- Traffic management
- Surveying
- First aid

5.4. GOVERNMENT INTERESTS

The Roads to Home Program is an election commitment from the NSW Government, and this planning proposal sits within the second group of ten communities to receive State Government funding.

The DPIE is the nominated government agency responsible for the administration and outcomes of the Roads to Home Program and has entered into a Funding Deed with Wellington LALC.

The NSW Aboriginal Land Council will be consulted and be required to approve the subdivision works and issue the registration approval certificate.

The existing public infrastructure will be upgraded and formalised to the standards of Dubbo Regional Council as a part of the subdivision process, before being handed over to Council.

Existing public transport infrastructure and links will be retained and improved, including turning bays for buses, thereby increasing utility and connections for the community.

The proposal is consistent with Federal Government Indigenous policy. The *Indigenous Advancement Strategy* (2014) is described as “a new approach to engaging with Aboriginal

and Torres Strait Islander people to achieve real results.”¹ It consolidates the many different Indigenous policies and programs that were delivered by the Federal Government into five overarching programs:

- 1) **Jobs, Land and Economy:** Getting adults into work, fostering Indigenous business and assisting Indigenous people to generate economic and social benefits from the effective use of their land.
- 2) **Children and Schooling:** Getting children to school, improving education outcomes and supporting families to give children a good start in life.
- 3) **Safety and Wellbeing:** Ensuring that Indigenous people are healthy and enjoy the emotional and social wellbeing experienced by other Australians.
- 4) **Culture and Capability:** Supporting Indigenous Australians to maintain their culture, participate in the economic and social life of the nation and ensure that organisations are capable of delivering quality services to their clients.
- 5) **Remote Australia Strategies:** Addressing the social and economic disadvantage in remote Australia and supporting solutions based on community and government priorities.

This proposal is consistent with and advances the program outcomes associated with all of the five program priorities, particularly ‘Jobs, Land and Economy’ and ‘Safety and Wellbeing’.

¹ <https://www.indigenous.gov.au/indigenous-advancement-strategy>

6. PART 4 – MAPPING

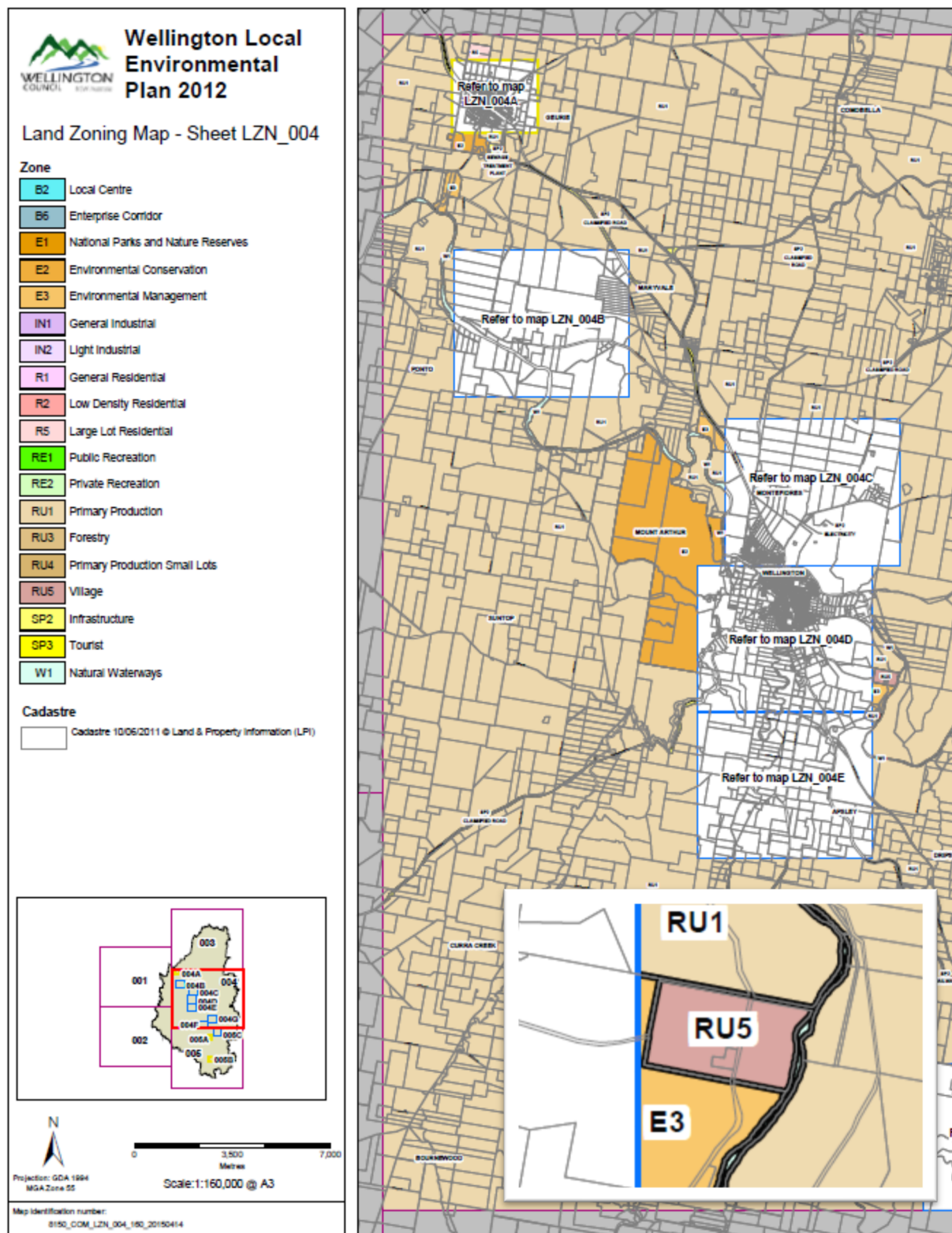
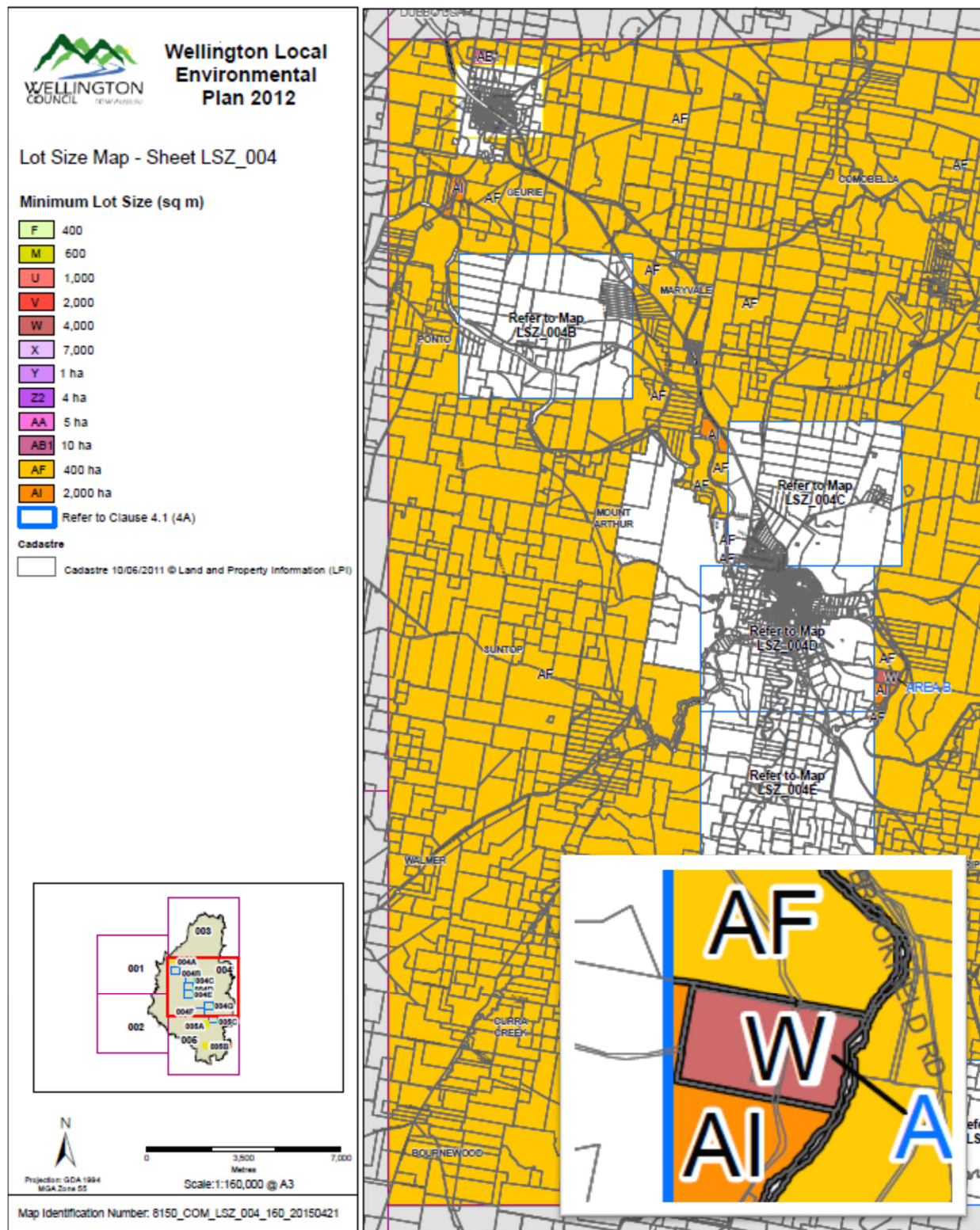


Figure 6.1 – Wellington LEP 2012 – Land Zone Map 004 (including Nanima zoom-out)



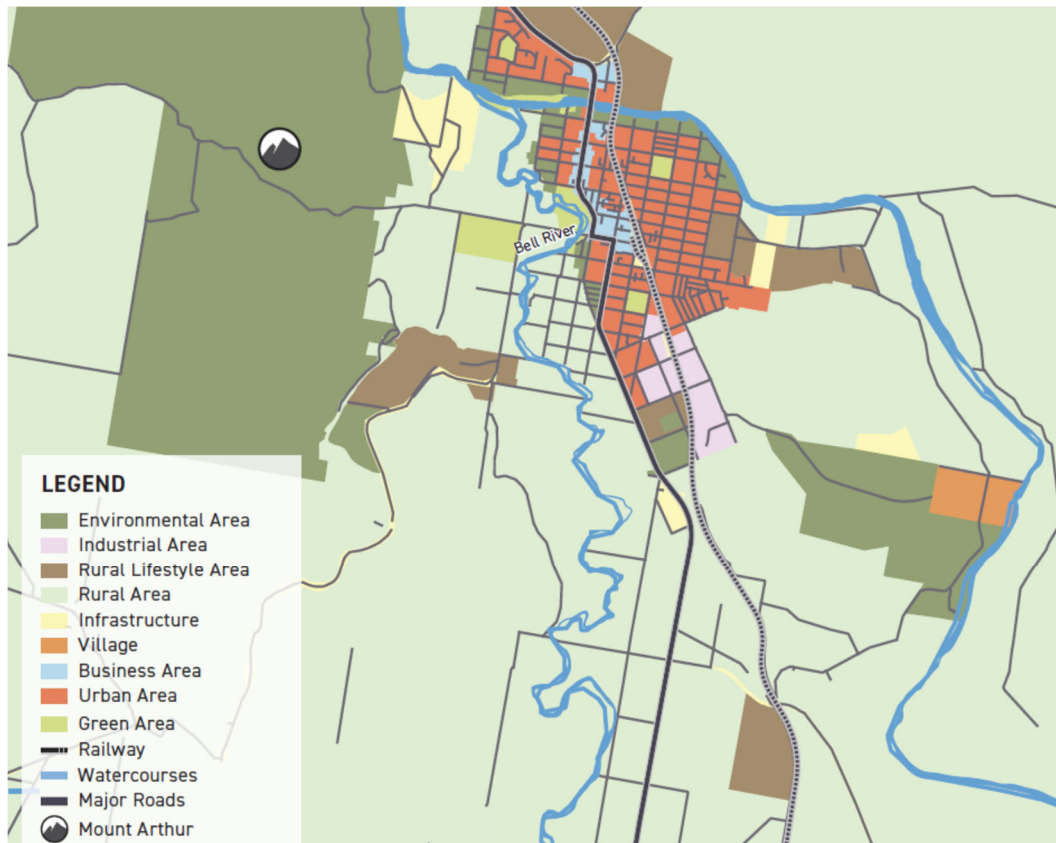


Figure 6.3 - Wellington (incl Nanima village) – DRC Local Strategic Planning Statement, 26.



Figure 6.4 - Nanima Village Land Parcels



Figure 6.5 (a) & (b) –
Minimum required area
of proposed minimum
lot size amendment
(~300m wide)



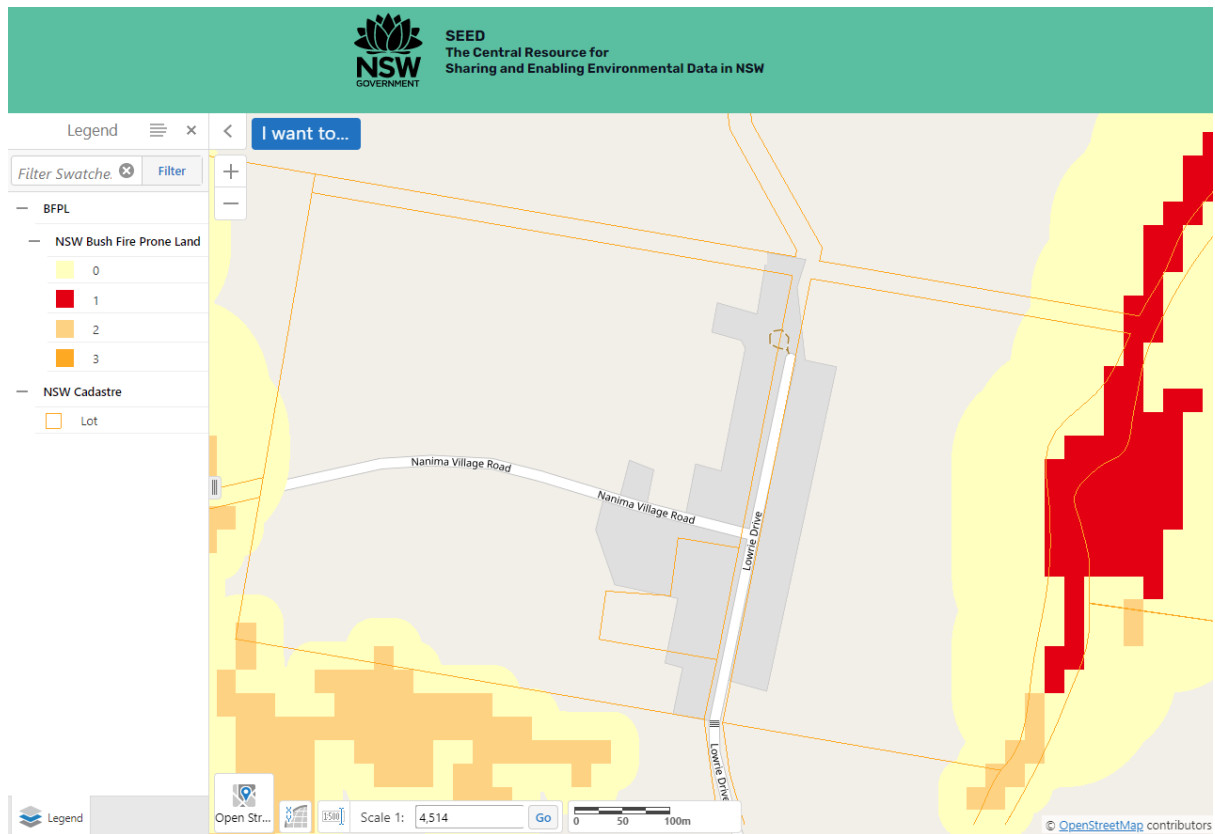


Figure 6.6 (a) & (b) – Bush Fire Prone Land Mapping Overlays

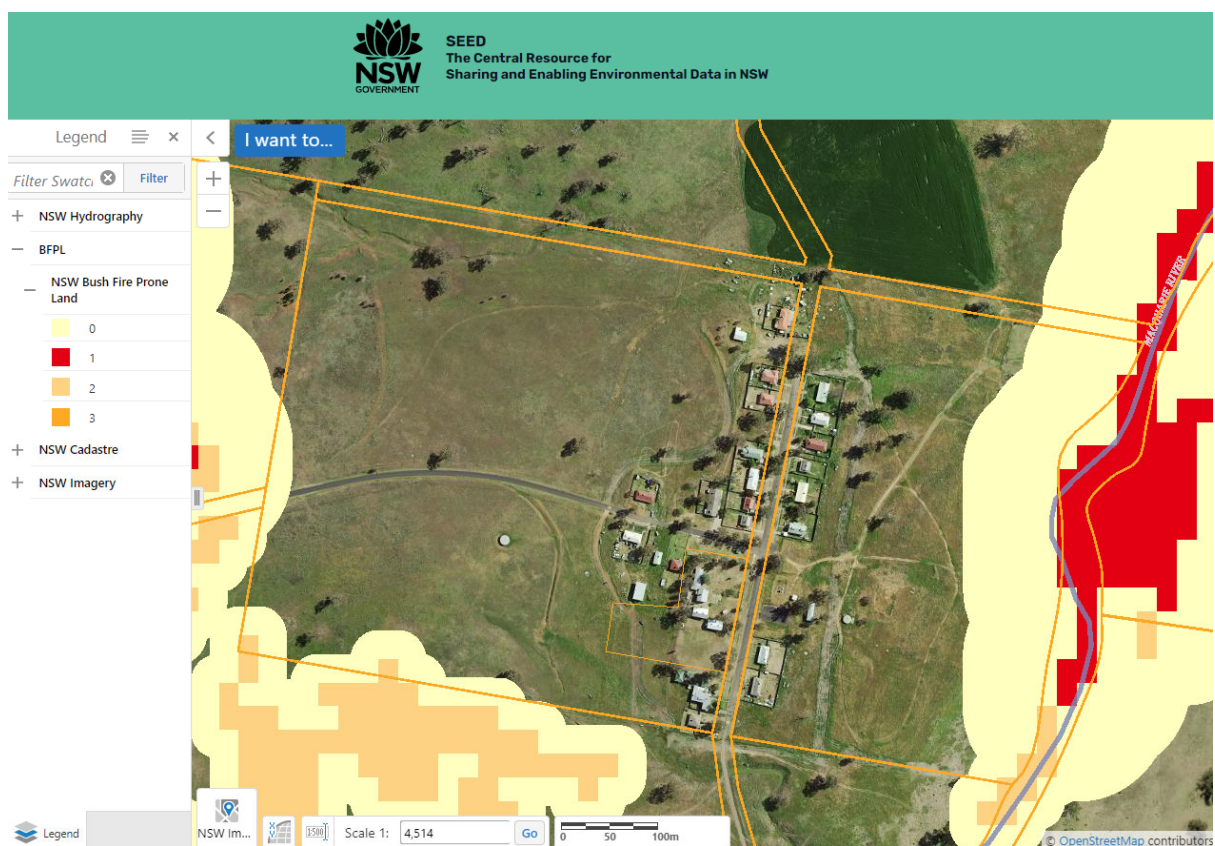




Figure 6.6 – Extents of Existing and Proposed Development at Nanima

7. PART 5 – COMMUNITY CONSULTATION

7.1. ABORIGINAL COMMUNITY

As the client, the Wellington LALC is fully aware and supportive of the proposed planning amendment. A cultural assessment of the Reserve will be undertaken as part of initial site investigations over the coming months.

Options for subdivision will be presented to the Nanima community and Wellington LALC in a public consultation meeting, after drafting of existing field surveys and design carried out.

A meeting with the LALC members will be scheduled for late 2021 to seek approval for the Land Dealing application. The approved application and associated documents will then be submitted for approval with NSWALC, prior to the lodgement of the DA.

Consultation with the local Nanima community on the proposed Civil Design options will take place before the final Development Application is submitted to Dubbo Regional Council.

7.2. DUBBO REGIONAL COMMUNITY

Pre-submission and consultation meetings will be arranged with representatives of Dubbo Regional Council as required or requested.

DRC will publicly exhibit the Planning Proposal in accordance with the requirements of Schedule 1, Clause 4 of the Environmental Planning & Assessment Act 1979. The exhibition will also comply with any other requirements determined by the Gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979.

8. PART 6 – SCHEDULE / TIMELINES

8.1. PROJECT PROGRAM

It is anticipated that Stage 1 – Development will take 6 months and be complete by the end of 2021. The Project Manager has engaged consultants to commence site investigations & will commence preparing the subdivision DA submission. A land dealing meeting will be required to obtain Community approval to proceed with the subdivision & to lodge the DA with Local Council for Assessment. Subject to Community approval, NSWALC approval will be required prior to lodgement.

DPIE will undertake an estimated cost by an independent Quantity Surveyor on the DA Approved stamped plans and conditions of consent. This will form an estimated construction cost. A subdivision construction certificate will then be required from the Dubbo Regional Council or a Principal Certifier Authority.

It is expected that civil construction work will be undertaken in the first half of 2022 and be completed by 30 June 2022.