



Planning Proposal

Minor rezoning from R5 Large Lot Residential to R2 Low Density Residential at Lot 22, DP 1038924, 13L Narromine Road, Dubbo

Prepared for

The Bathla Group

By



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Acknowledgement of Country

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Executive Summary	v
Introduction	1
Background	1
Technical input and consultation	2
Structure of the Planning Proposal report	3
The Site and Locality	5
Site Location	5
Site Description	5
Surrounding Locality	6
Planning context	7
Strategic planning background	7
Part 1 – Objectives of the Planning Proposal	11
Part 2 – Explanation of provisions	12
Part 3 – Justification	15
Section A – Need for the Planning Proposal	15
Section B – Relationship to the strategic planning process	19
Section C – Environmental, social and economic impact	22
Section D – Infrastructure (Local, State and Commonwealth)	23
Section E – State and Commonwealth Interests	24
Part 4 – Maps	25
Part 5 – Community consultation approach	26
Part 6 – Project timeframe	27
Conclusion	28
Glossary	29



Tables

Table 1	Local Environmental Plan Making Guideline 2021 - Steps	3
Table 2	Assessment against relevant SEPPs	21
Table 3	Project Timeline	27

Figures

Figure 1	Approved Subdivision Plan showing future Lot 222	1
Figure 2	Subject site	5
Figure 3	Surrounding locality	6
Figure 4	Overview of strategic Planning Policies applying to this rezoning	7
Figure 5	Structure Plan (site boundary shown blue)	8
Figure 6	Existing zoning under Dubbo LEP 2022	9
Figure 7	R5 zoned land to be rezoned	9
Figure 8	Existing land use zoning (future lots 22 to 26)	12
Figure 9	Proposed land use zoning (future lots 22 to 26)	12
Figure 10	Existing land use zoning (southern end)	13
Figure 11	Proposed land use zoning (southern end)	13
Figure 12	Existing lot size map (future lots 22 to 26)	13
Figure 13	Proposed lot size map (future lots 22 to 26)	13
Figure 14	Existing lot size map (southern end)	14
Figure 15	Proposed lot size map (southern end)	14
Figure 16	Dubbo LSPS – Urban Release Areas	16
Figure 17	Subdivision overlay of aerial photograph	18
Figure 18	Dubbo City Centre Plan	20
Figure 19	Key steps in Planning Proposal process	26

Appendices

Appendix A: Statement of Consistency – Section 9.1 Directions
Appendix B: Contamination and Geotechnical Report
Appendix C: Aboriginal Heritage Assessment
Appendix D: Water Cycle Management Strategy
Appendix E: Maps



Executive Summary

This Planning Proposal seeks to amend Dubbo Regional Local Environmental Plan 2022 (**LEP**) to execute a minor adjustment to two sections of boundary between the R2 Low Density Residential Zone and R5 Large Lot Residential Zone to align with the future arterial road through the site on part of proposed Lot 221 approved under D2022-11 at Lot 22, DP 1038924, 13L Narromine Road, Dubbo. This Planning Proposal seeks to stretch the R2 Low Density Residential zone and 600m² minimum lots size mapping over the full extent of these future lots so they can be created for future housing that meets the minimum subdivision standard.

In addition to addressing the strategic framework to support the Planning Proposal, this report has also been informed by several technical studies that address the physical and urban capability of the land as a whole. They include:

- Aboriginal Heritage Assessment prepared by Apex Archaeology
- Environmental Noise Impact Assessment prepared by Acoustic Logic
- Biodiversity Development Assessment Report prepared by AEP
- Bushfire Constraints and Opportunities Assessment prepared by Building Code and Bushfire Hazard Solutions Pty Ltd
- Geotechnical Site Investigation Report prepared by Geotesta
- Preliminary Site Investigation Report prepared by Geotesta
- Water Cycle Management Strategy prepared by Maker Eng
- Traffic Assessment prepared by Amber
- Structure Plan prepared by Sitios
- Acoustic Report prepared by Acoustic Logic

Introduction

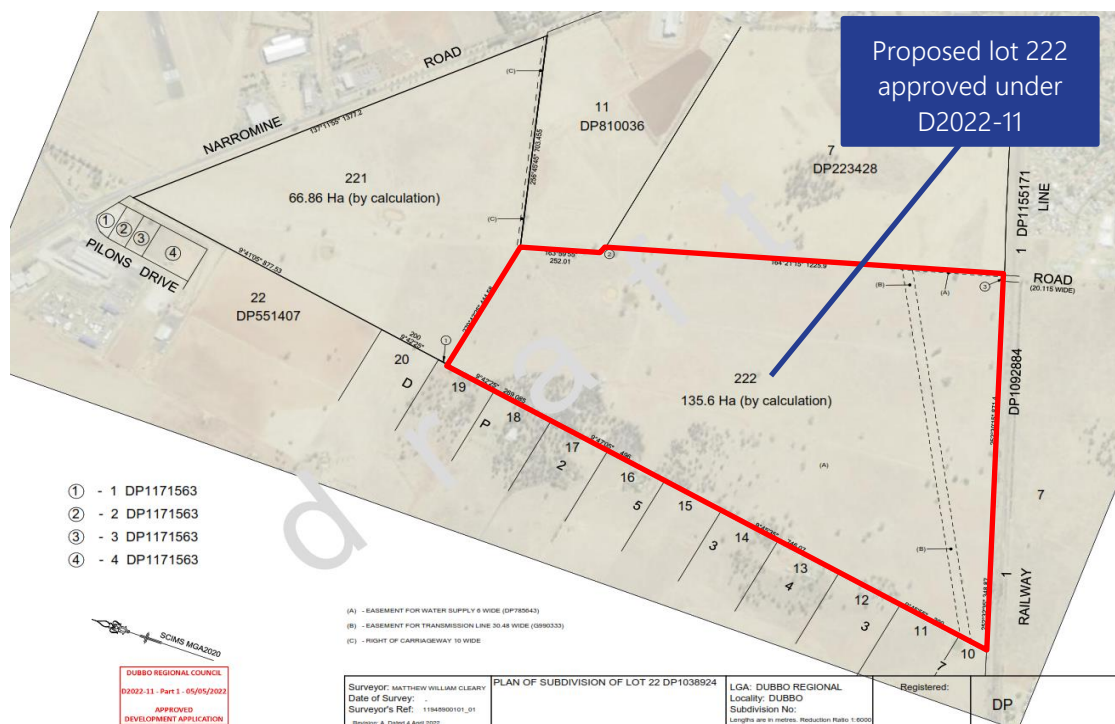
This Planning Proposal (**PP**) seeks to amend Dubbo Regional Local Environmental Plan 2022 (**LEP**) to extend the R2 Low Density Residential zone over land zoned R5 Large Lot Residential to align with the arterial road within proposed Lot 221 approved under D2022-11 at Lot 22, DP 1038924, 13L Narromine Road, Dubbo. These lots would otherwise have a split zoning comprised of part R5 Large Lot Residential and part R2 Low Density Residential which could not be approved given the non-compliance with the minimum lot size standard. The total area of R5 Large Lot Residential to be rezoned is approximately 2,225m².

This PP has been prepared by GLN Planning for the Bathla Group (**Bathla**) as a proponent initiated PP for submission to Dubbo Regional Council (**Council**). It is considered a minor 'housekeeping' PP which will regularise the zoning boundary following the final alignment of the north-south arterial road being set based on the Dubbo Transportation Strategy 2020, the site Structure Plan and detailed site investigations.

Background

Bathla has secured a significant parcel of land which will create a new urban area including both residential development and employment land uses. Council's Dubbo Transportation Strategy 2020 identifies future arterial and sub arterial roads that will traverse through the site providing a broader freight bypass and ring road routes within Dubbo.

The site will be split into two properties under Development Consent D2022-11 granted by Council on 5 May 2022. This includes proposed lot 221 and proposed lot 222. A copy of the approved subdivision plan is illustrated within **Figure 1**. This rezoning relates to land within proposed Lot 222.



Source – ePlanning Spatial Viewer

Figure 1 Approved Subdivision Plan showing future Lot 222

The site will be progressively developed by the applicant under a range of applications to facilitate the delivery of works generally in accordance with the Structure Plan. The PP and other applications to be lodged with Council over the site include:

- This housekeeping PP over proposed lot 222 for a minor zone boundary adjustment between the R2 Low Density Residential Zone and R5 Large Lot Residential Zone.
- A PP to rezone proposed Lot 221 from IN2 Light Industrial to B2 Local Centre and B5 Business Development Zones.
- A PP to rezone an area of R2 Low Density Residential to permit smaller and more diverse housing in a small precinct well located to the district park, shops, TAFE and potential future school site.
- A Development Application for subdivision of the land zoned IN2 Light Industrial (i.e., Proposed Lot 221) into superlots that could also serve a future Business Development and Local Centre Zoning including provision of roads and drainage.
- A Development Application for the Stage 1 residential subdivision of the R2 Low Density Residential Zone including parts of the arterial and sub arterial works and local park.
- Development Applications for subsequent stages including sports fields, local parks and extensions of roads as required.

Technical input and consultation

A formal pre-lodgement meeting was not undertaken. However, Bathla has had numerous discussions and meetings with Council to confirm its requirements. The suite of consultants engaged to address these matters was forwarded to Council to assist in providing any relevant information and feedback to Bathla to be considered as part of the PP.

This report has also been informed by several technical studies that address the physical and urban capability of the land. They include:

- Aboriginal Heritage Assessment prepared by Apex Archaeology
- Environmental Noise Impact Assessment prepared by Acoustic Logic
- Biodiversity Development Assessment Report prepared by AEP
- Bushfire Constraints and Opportunities Assessment prepared by Building Code and Bushfire Hazard Solutions Pty Ltd
- Geotechnical Site Investigation Report prepared by Geotesta
- Preliminary Site Investigation Report prepared by Geotesta
- Water Cycle Management Strategy prepared by Maker Eng
- Traffic Assessment prepared by Amber

- Structure Plan prepared by Sitios
- Acoustic Report prepared by Acoustic Logic

Structure of the Planning Proposal report

The DPE's *Local Environmental Plan Making Guideline* (2021) outlines the steps in progressing a PP through to finalisation as summarised in **Table 1**.

Table 1 Local Environmental Plan Making Guideline 2021 - Steps

No	Step	Explanation
1	Pre-lodgement	Early analysis of the development potential of the relevant land including key environmental or site constraints, review of the strategic planning framework, obtaining advice and consultation with authorities and government agencies and identification of study requirements to underpin a planning proposal.
2	Planning Proposal	Where the planning proposal has been initiated by a proponent, council is to review and assess the planning proposal and decide whether to support and submit it to the Department for a Gateway determination.
3	Gateway Determination	Department assesses the strategic and site-specific merit of a planning proposal and issues a Gateway determination specifying if the planning proposal should proceed and whether consultation with authorities and government agencies is required
4	Post Gateway	Actioning Gateway determination conditions PPA reviews the Gateway determination and actions any required conditions prior to public exhibition.
5	Public Exhibition and Assessment	Consultation with the community, key authorities and government agencies (as required). Review of the planning proposal to address conditions of Gateway determination and submissions.
6	Finalisation	Final assessment of the planning proposal and if supported, preparation of the draft LEP, review and finalisation. Once finalised, the LEP may be made, notified and come into effect.

Consultations with Council confirm that a Pre-lodgement step is not required given the minor nature of the PP.

A PP must also include the following components as set out within Section 3.33(2) of the *Environmental Planning and Assessment Act 1979*:

- Part 1 – Objectives and intended outcomes which should include a statement of the objectives of the proposed LEP
- Part 2 – Explanation of provisions which should provide an explanation of the provisions that are to be included in the proposed LEP
- Part 3 – Justification of strategic and site-specific merit which must provide justification of strategic and potential site-specific merit, outcomes, and the process for implementation
- Part 4 – Maps which are to identify the effect of the PP and the area to which it applies



- Part 5 – Community consultation which details the community consultation that is to be undertaken on the PP
- Part 6 – Project timeline which details the anticipated timeframe for the LEP making process in accordance with the benchmarks in this guideline

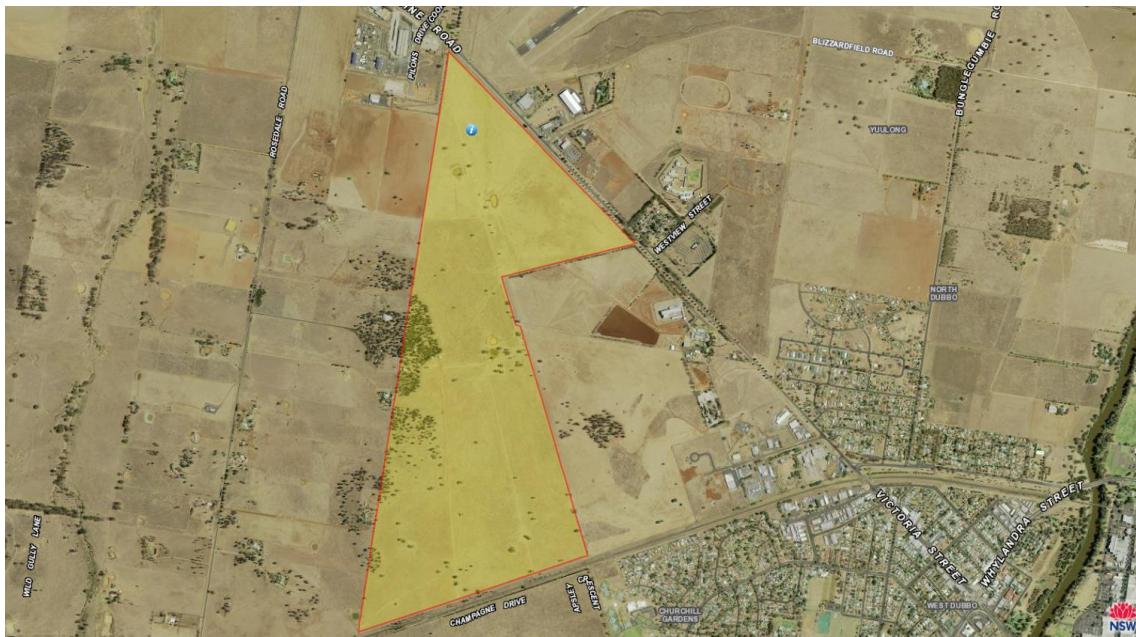
The following sections of this Report address this structure.

The Site and Locality

Site Location

This PP relates to future residential lots which would otherwise have a split zoning adjacent to the proposed arterial road located within proposed Lot 222 approved under D2022-11 at Lot 22, DP 1038924, 13L Narromine Road, Dubbo (**Figure 2**).

The site is located approximately 3.5km from Dubbo City Centre and is accessed by Narromine Road which runs along the north-eastern boundary of the site.



Source: Six Maps

Figure 2 **Subject site**

Site Description

The site has an overall area of 202.46ha with future lot 22 under D2022-11 having an area of 135.6ha. The frontage to Narromine Road measures 1.37km with the site also sharing a boundary to the south with the railway line measuring 1.24km.

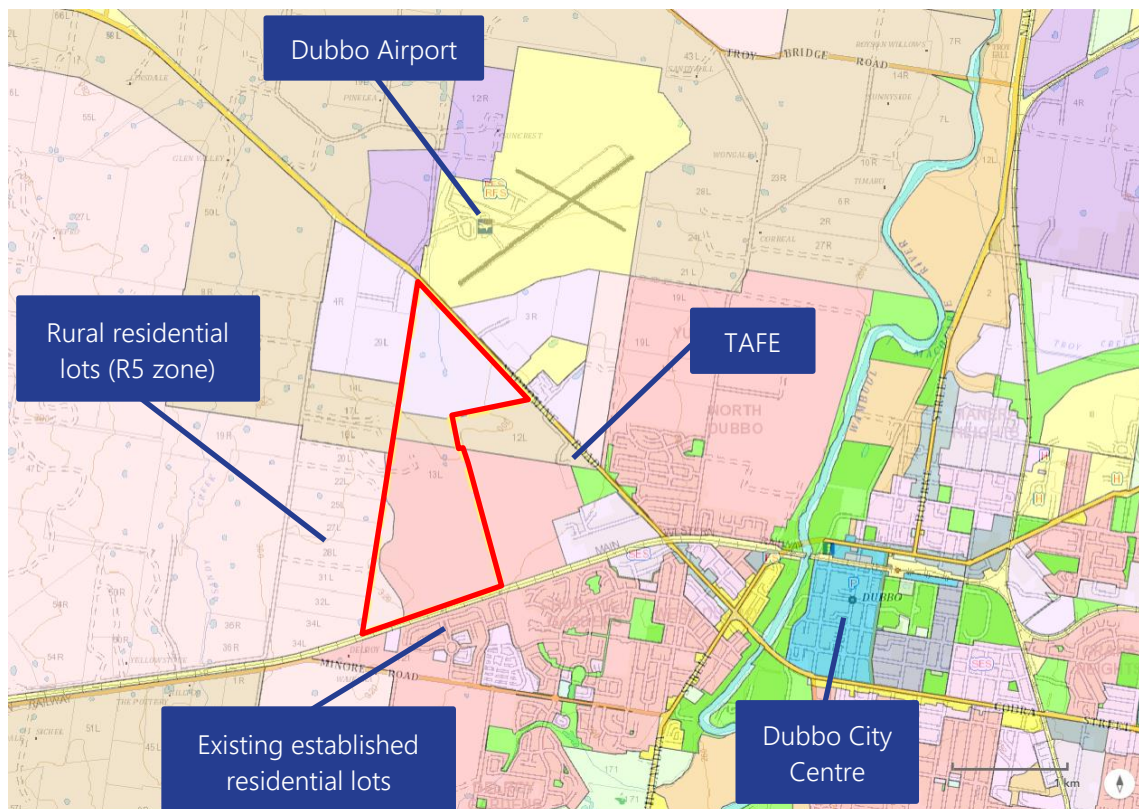
The site currently contains a dwelling and several outbuildings which are located midway along the western boundary within a group of trees. Topographically the land is relatively flat with about half the drainage from the site being conveyed toward the north west corner at Narromine Road while the other half drains to the south..

The site is predominantly comprised of open grassland. There is an existing group of trees along the western boundary with other isolated trees located within the site. The biodiversity values of the grassland are discussed later in Part 3 of this report.

Surrounding Locality

Surrounding the site are a number of different land uses (**Figure 3**). These include:

- Dubbo TAFE (Narromine Road) to the east
- Future sports field site to the north of the area to be rezoned
- Dubbo Airport which is located further north on the opposite side of Narromine Road
- Light industrial zoning at the northern end of the site which is to be subject to a separate PP to amend this zoning from IN2 Light Industrial to part B2 Local Centre Zone and part B5 Business Development
- Existing residential lots to the south of the site on the southern side of the railway line
- Rural residential properties to the west currently zoned R5 Large Lot Residential.



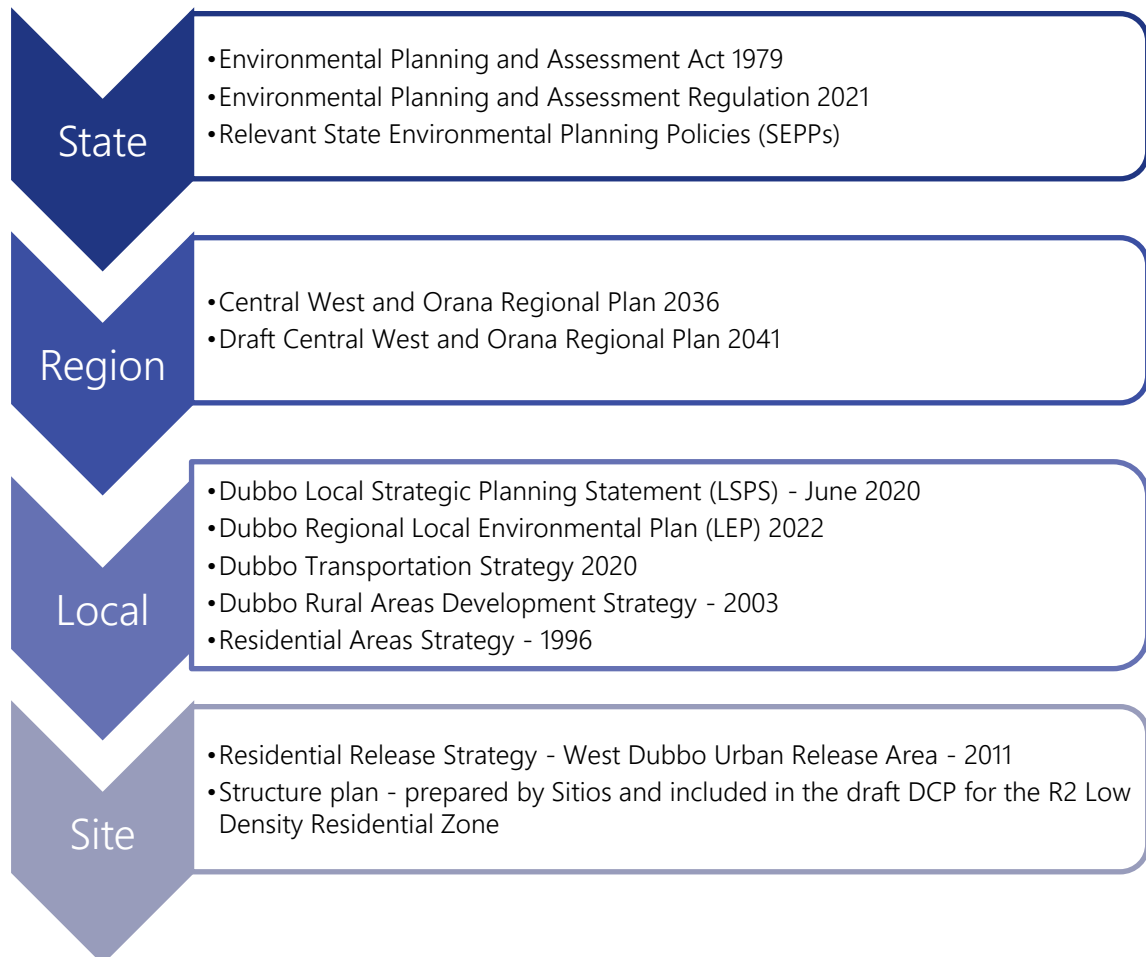
Source: ePlanning Viewer

Figure 3 Surrounding locality

Planning context

Strategic planning background

An overview of the relevant strategic planning documents applying to the site and this rezoning is outlined within **Figure 4**.

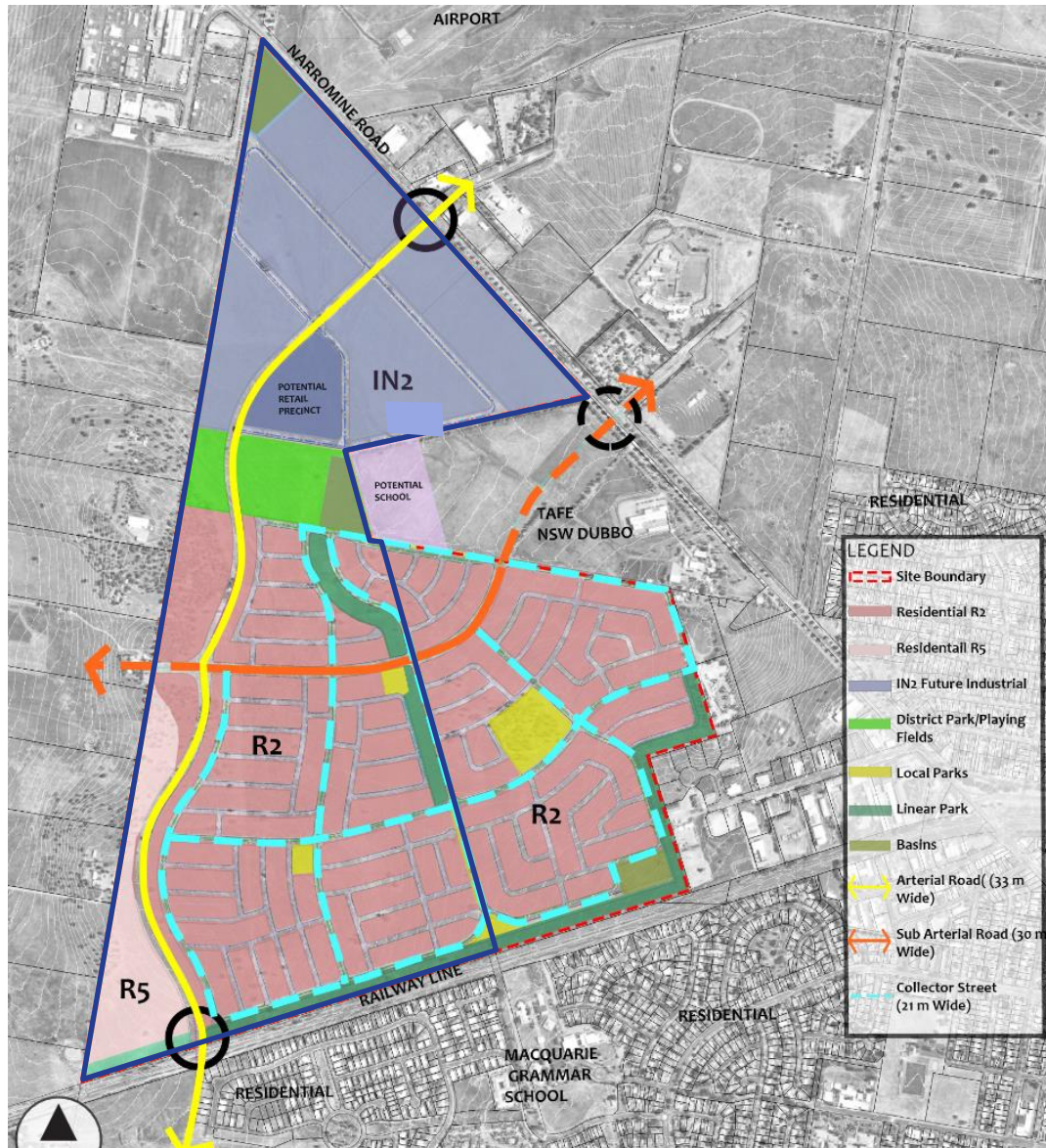


Source: GLN Planning

Figure 4 Overview of strategic Planning Policies applying to this rezoning

The site is located within the West Dubbo Urban Release Area (**WDURA**). The West Dubbo Residential Release Strategy was adopted by Council in March 2011. This Strategy informed the basis of the land use zoning and planning controls adopted under Dubbo Regional LEP 2022.

The Structure Plan, prepared by Sitios, for the Bathla site in relation to the R2 Low Density Residential Zone is illustrated at **Figure 5**. It shows the urban release of land including low density residential at the southern end of the site, employment type uses to the north and a new district sports field adjacent to Dubbo TAFE (Narromine Road site) which also has potential for a future school site.

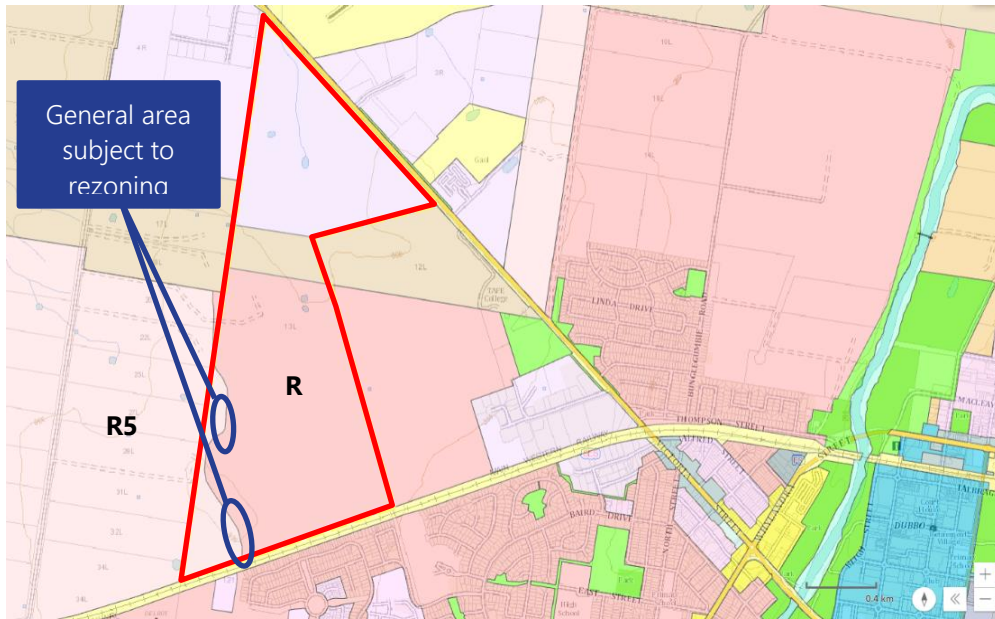


Source – Sitios

Figure 5 **Structure Plan (site boundary shown blue)**

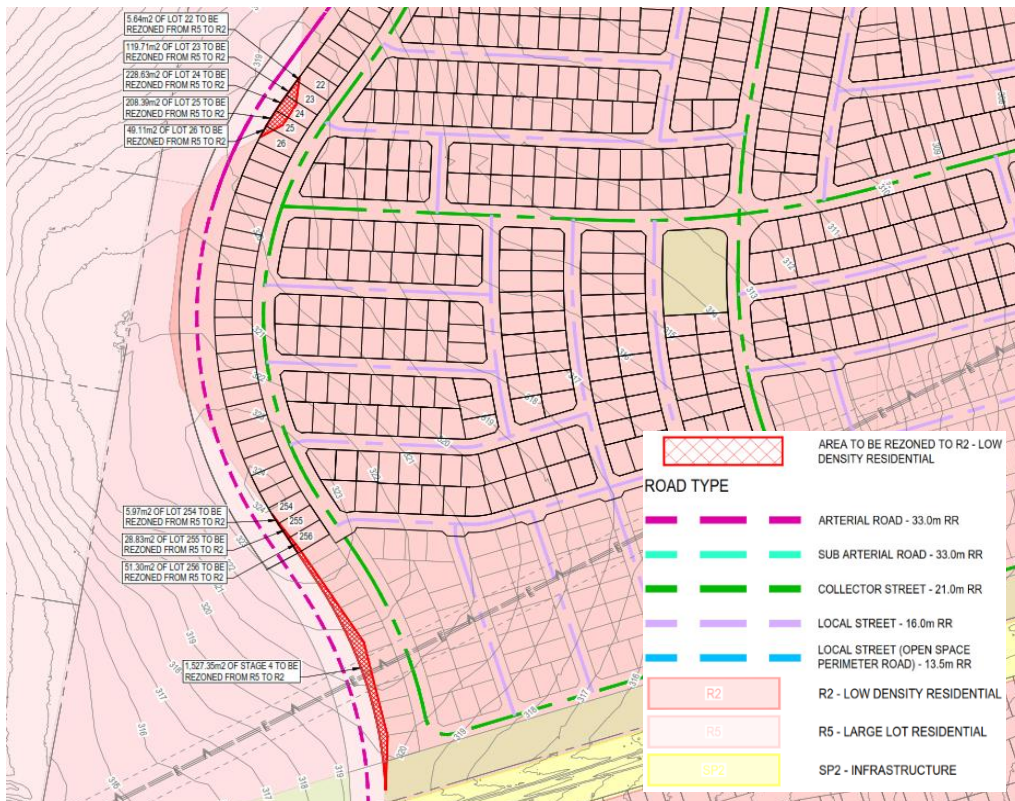
As illustrated within the Structure Plan, the Precinct has an arterial road (shown coloured yellow) which traverses adjacent to the western boundary in a north-south direction linking Narromine Road opposite Richardson Road with the existing residential land to the south of the railway line opposite Chapman Street where the rail line goes into a cutting. The final alignment of the arterial road seeks to connect to the fixed entry points into the release while pushing as far east as practicable to preserve existing trees to the west and along the ridge. This alignment resulted in some minor zoning anomalies where future residential lots will contain split zoning comprised of part R5 Large Lot Residential and part R2 Low Density Residential which needs to be addressed to regularise the land use zoning under a PP. The zone boundary is understood from Council to be based on a contour identifying the crest of a small ridge formation which does not align or correspond with safe road design standards.

The area subject to this rezoning is generally identified within **Figure 5**. It relates to a total area of 2,225m² of R5 Large Lot Residential zone which is proposed to be rezoned to R2 Low Density Residential as illustrated within **Figure 7**.



Source: ePlanning Spatial Viewer

Figure 6 Existing zoning under Dubbo LEP 2022



Source: Maker Eng

Figure 7 R5 zoned land to be rezoned



This PP therefore is required to correct the zoning anomaly following the final alignment of the arterial road being set. This results in a minor rezoning relating to select future residential lots adjoining this arterial road to stretch the R2 Low Density Residential zone over those parts of the site currently zoned R5 Large Lot Residential.



Part 1 – Objectives of the Planning Proposal

The objective and intended outcomes of this Planning Proposal are as follows:

Objective

The objective of this PP is to amend Dubbo Regional LEP 2022 as it will apply to certain future residential lots to regularise the zone boundary by aligning the R2 Low Density Residential Zone with the boundary of the arterial road. The future lots are located within proposed Lot 221 approved under D2022-11 at Lot 22, DP 1038924, 13L Narromine Road, Dubbo.

Without the Planning Proposal, these future residential lots would have a split zoning comprised of part R5 Large Lot Residential and part R2 Low Density Residential requiring minimum lot sizes of 10,000m² and 600m², respectively. The rezoning relates to a total area of 2,225m² which is currently zoned R5 Large Lot Residential and is proposed to be rezoned to R2 low Density Residential to align with the location of the arterial road.

Intended Outcomes

- To regularise the zoning boundary including ensuring the minimum lot size provisions of 600m² for all other R2 Low Density Residential Zoned lots apply to these specific lots.
- To simplify the future planning controls applying to these future residential lots by adopting one land use zoning across the site.

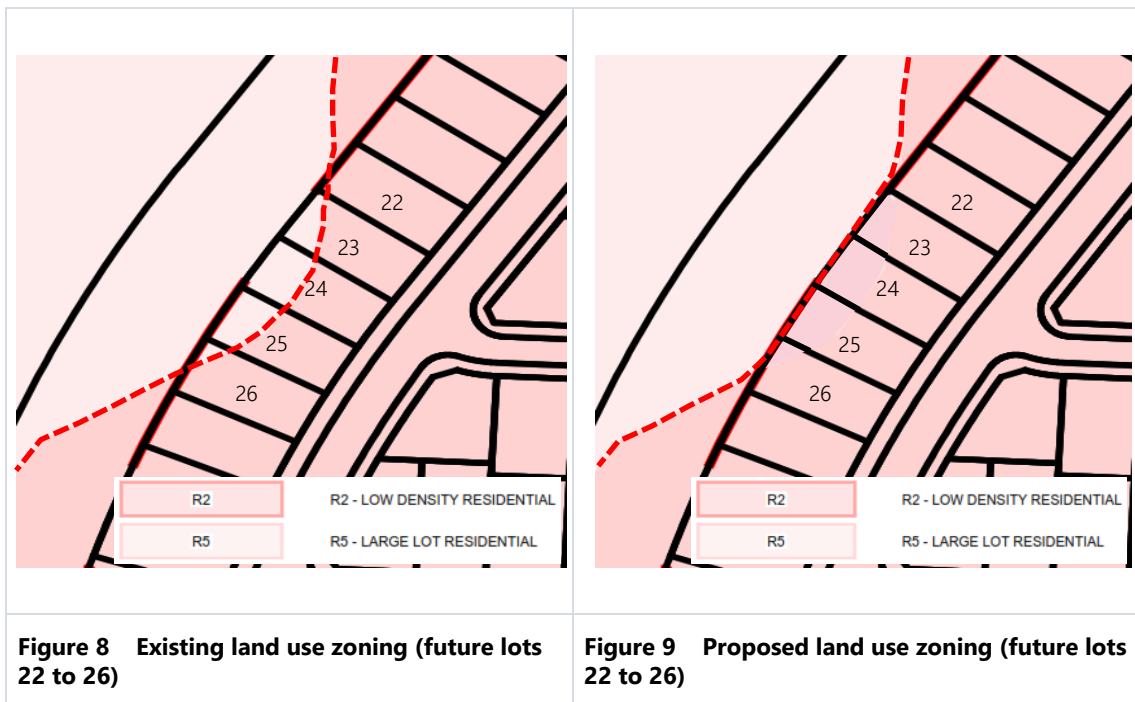
Part 2 – Explanation of provisions

This section provides a detailed statement of how the objectives or intended outcomes will be achieved by amending an existing LEP.

Intended Provisions

The objectives can be achieved by amending the Land Zoning Map (Tile LZN_001A and LZN_002A) for Dubbo Regional LEP 2022 to show the land currently zoned R5 Large Lot Residential within the affected future residential lots as R2 Low Density Residential. It also requires an amendment to the Lot Size Map (Tile LZN_001A and LZN_002A) so that the minimum lot size relating to the lots are consistent with the future R2 Low Density Residential zoning.

The existing and proposed changes to Dubbo Regional LEP 2022 are shown within **Figure 12 to 15**. Due to the scale of the LEP mapping, these changes are blown up and split into two sets of maps to highlight the changes to residential nominated within Lots 22 to 26 and the other residential lots (with no lot numbering) at the southern end of the site for each map change required.



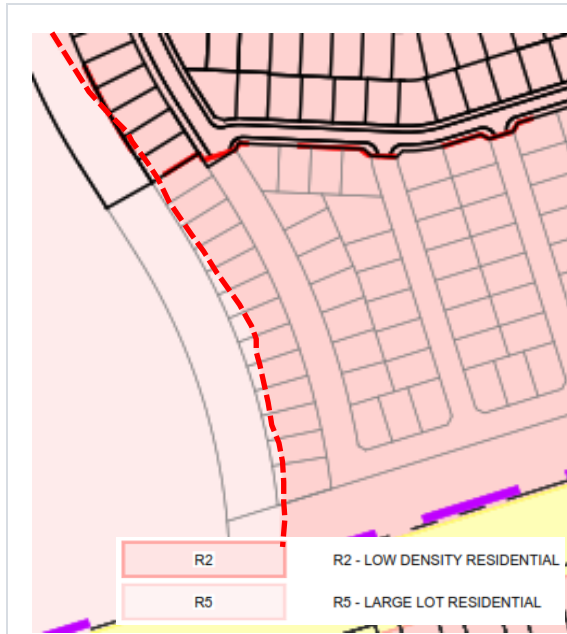


Figure 10 Existing land use zoning (southern end)

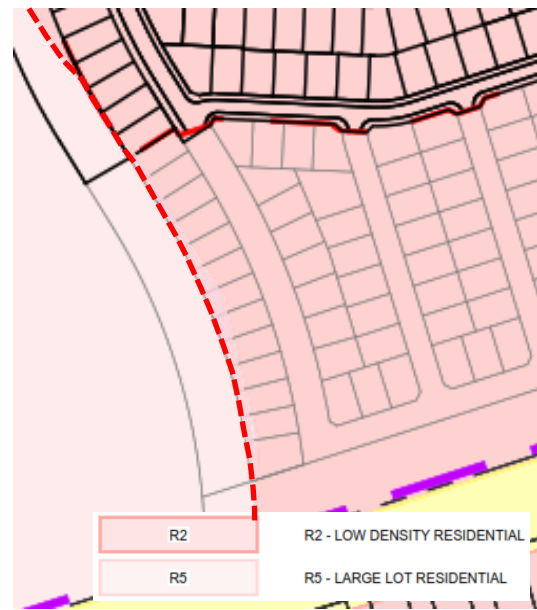


Figure 11 Proposed land use zoning (southern end)



Figure 12 Existing lot size map (future lots 22 to 26)

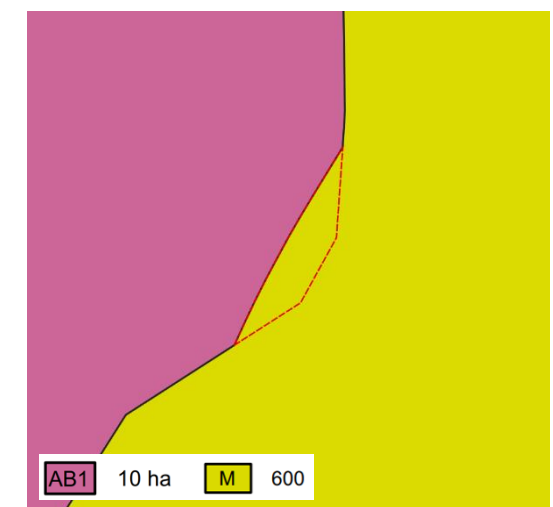


Figure 13 Proposed lot size map (future lots 22 to 26)



Part 3 – Justification

This section provides a detailed assessment of the proposal's strategic and site-specific merit to determine whether the PP should be supported.

The following sections discuss the considerations within the Department's *Local Environmental Plan Making Guidelines* for determining the strategic merit.

Section A – Need for the Planning Proposal

Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

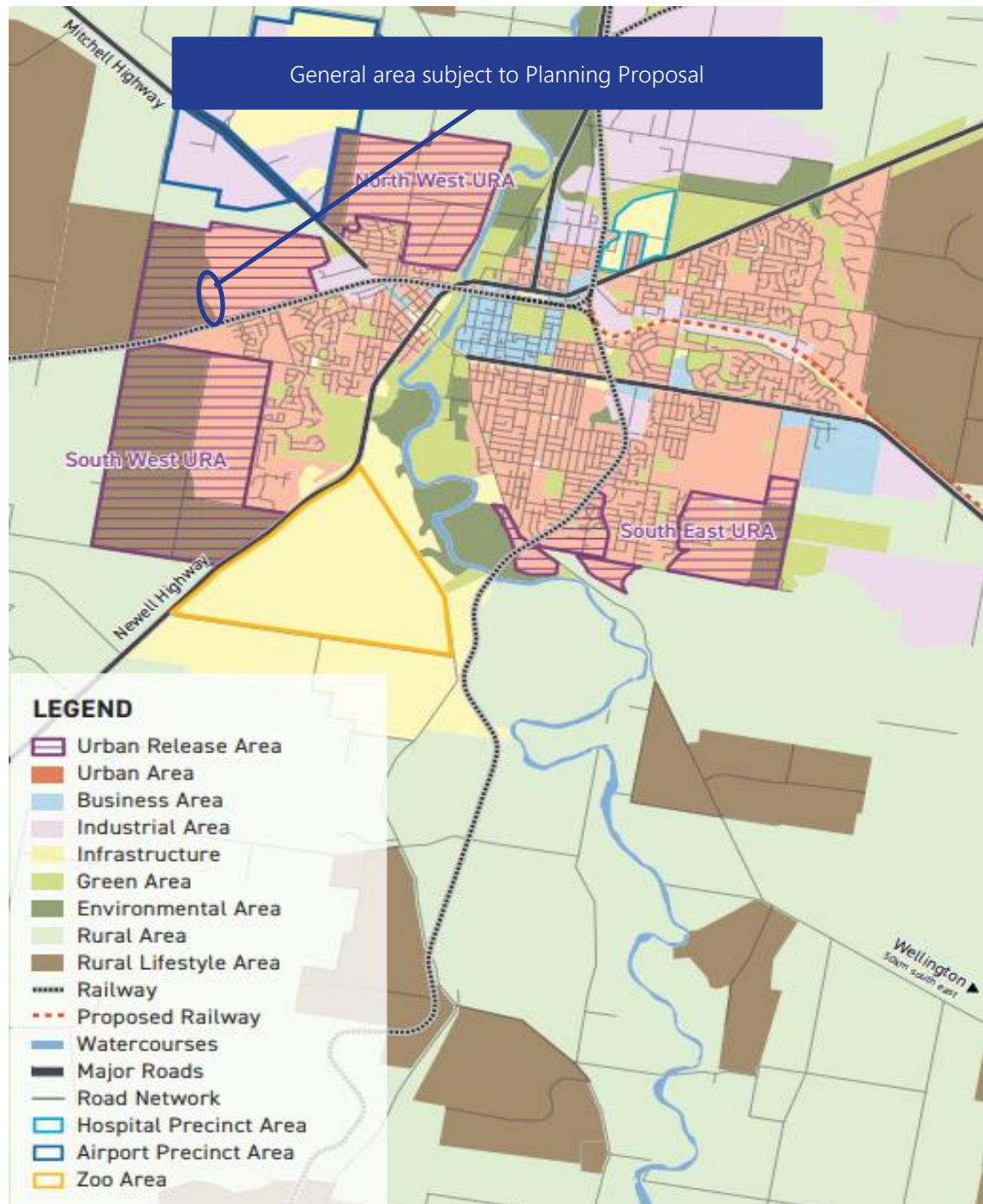
Yes, the PP is consistent with the Dubbo Local Strategic Planning Strategy (**LSPS**) which was adopted by Council in 2020, the Residential Release Strategy – West Dubbo Urban Release Area adopted by Council on 28 March 2011 and the Dubbo Transportation Strategy 2020 adopted 25 October 2021.

As illustrated within **Figure 16**, the rezoning is generally consistent with the LSPS with the rezoning located along the western boundary of the identified Urban Release Area (**URA**).

Dubbo LSPS identifies that '*there is a need to cater for shifting demographic trends, and respond to increased demand for smaller lots and dwelling sizes to ease rental and mortgage stress, particularly for families, lone person households, seniors, students, workers and those in need of housing.*' Planning Priority 12 'Create sustainable and well-designed neighbourhoods', Action 12.3 requires the preparation of a Structure Plan for the North West Urban Release Area. This Structure Plan is to consider the key planning objectives as outlined within the LSPS as detailed below:

- Providing a range of lot sizes to cater for the different demographics and changing needs of the community and to encourage diversity
- Planning for new housing with high accessibility to pedestrian, cycling and transport links.
- Provide active transport options in new residential areas.
- Prepare local design guidelines for housing that mitigates and adapts to climate change impacts.
- Limit urban sprawl by directing new residential development to established residential zones and urban expansion areas.
- Ensure functional open space is provided for increased housing and population growth.

This PP is consistent with the Structure Plan prepared by Sitios and the LSPS objectives detailed above. It will regularise the zoning over the affected lots, ultimately providing opportunities for residential accommodation that can facilitate a range of dwellings to suit the market within an urban release area that will be highly connected through new link roads and active transport opportunities throughout the Precinct and wider area.



Source: Dubbo LSPS

Figure 16 Dubbo LSPS – Urban Release Areas

The *Residential Release Strategy – West Dubbo Urban Release Area* was adopted by Council in 2011. It identifies the southern end of the site, generally consisting of future Lot 222, as forming part of the 'south west district' which is considered within the Residential Release Strategy. This Strategy informed the preparation of the LEP and identifies that the zone boundary between the R2 and R5 zone was located to generally follow the Minore Hill ridgeline. It was set in this location due to the characteristics of land, its ability to be serviced for urban infrastructure and the suitability of the land for residential development.

It is noted that the rezoning is triggered following investigations into the final alignment of the north-south arterial road identified in the Dubbo Transportation Strategy 2020. The alignment of the arterial road extends Chapman Street from the south, over the rail line to head in a northern direction before an intersection with an east west road ultimately progressing through the TAFE and connecting into Narromine Road. Previous versions of the Transport Strategy included extending the arterial road further north to a location opposite Richardson Road to create a freight bypass. This road will be delivered in any event as it traverses through the industrial zone to the north and will be the first entry road into the release area. The route is therefore consistent with the earlier and current Strategies.

The final alignment of the arterial road seeks to connect to the fixed entry points into the release area while pushing as far east as practicable to preserve existing trees to the west and along the ridge to create a logical boundary to the release area (see **Figure 17**). There are no trees in the lots where a change of zoning is proposed. A BDAR will address vegetation loss as part of the DAs for road construction and subdivision in the future.

The reason for the PP is that the road alignment does not exactly follow the R5 Large Lot Residential and R2 Low Density Residential zone boundaries which was used to define a meandering ridgeline. This means that some future residential lots will have a split zoning and be substantially inconsistent and non-compliant with the underlying minimum lot sizes applying to each of the respective zones for subdivision.

A review of the proposed rezoning plans identifies that the R2 zoning is proposed to be stretched up to around 13 metres. This is considered to still meet the original intent of this zoning alignment under the Strategy which was to be located along the ridgeline and which was further determined on the back of detailed site investigations for the key arterial road through the site.

This PP will correct those parts of lots which would otherwise have a split zoning to facilitate subdivision and the intended built form outcome.



Source: Nearmap as amended by GLN Planning

Figure 17 Subdivision overlay of aerial photograph

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

Yes, the PP is the best way of achieving the objectives and intended outcome. The proposed amendments are required to update the Land Zoning Map and Minimum Lot Size Map to ensure landowners can satisfy the relevant planning controls as part of any future development.

While Dubbo Regional LEP 2022 provides flexibility to stretch the zone boundary up to 10m, this does not apply to minimum lot sizes and is not considered an appropriate long-term solution noting that these lots are intended to be used for low density residential land uses in perpetuity. The split zoning can cause confusion and uncertainty around the relevant planning controls. The 'stretch' of R2 zoning extends to around 13 metres which means that this LEP provision would not be suitable.

Section B – Relationship to the strategic planning process

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

Yes. The PP supports the intended outcomes within both the existing Central West and Orana Regional Plan 2036 and draft Central West and Orana Regional Plan 2041 (**draft CWORP**).

- **Objective 7** of the draft CWORP aims to provide well located housing options to meet demand. This includes an adequate supply of affordable, well-designed housing in places where people want to live.

The site is located around 3.5km from Dubbo town centre and is a planned expansion of the city forming part of the West Dubbo URA. The site, once developed, will be well connected, and be supported by employment opportunities at the northern end of the site. This PP will regularise the zoning boundary of future residential lots which once subdivided, will assist in the supply of housing in a well located area close to Dubbo town centre and other local amenities.

- **Objective 8** of the draft CWORP aims to plan for diverse, affordable, resilient and inclusive housing. This relates to aspects such as lot sizes, the type of dwelling, number of bedrooms and suitability of accommodation for different people within the community.

This PP facilitates the delivery of residential lots consistent with Structure Plan developed as part of the West Dubbo URA. Once subdivided, these lots will provide opportunities for the delivery of various housing products to suit the varying needs of people within the community.

- **Objective 19** of the draft CWORP aims to strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities. This includes focusing on the provision of new residential development in and around CBDs which will support population growth. Relevant to this PP is the strategic focus for Dubbo to '*facilitate new residential development in the existing urban release area and new development areas in Dubbo's north west, south west and south east*'.¹ As illustrated within **Figure 18** the rezoning is located within the identified URA and will correct zoning anomalies that will facilitate the supply of housing in line with the objectives of the draft CWORP.

¹ Draft Central West and Orana Regional Plan 2041, Page 81



Source: DPE - draft Central West and Orana Regional Plan 2041

Figure 18 Dubbo City Centre Plan

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes, this PP is consistent with the Dubbo LSPS and will assist in the delivery of housing as part of the West Dubbo URA – refer to Section A 'Is the Planning Proposal a result of an endorsed LSPS, strategic study or report' on Page 15.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The PP is broadly consistent with Future Transport Strategy 2056 which seeks greater consideration of providing social and physical infrastructure required by future residents in release areas without relying on cars. The co-location of this infrastructure, as proposed in the Structure Plan, will provide for good active transport links and opportunities for public transport.

Is the planning proposal consistent with applicable SEPPs?

The PP has been reviewed against the provisions of relevant State Environmental Planning Policies (**SEPPs**) to confirm the outcomes would be consistent and not compromise future applications once rezoned – refer to **Table 2**.

Table 2 Assessment against relevant SEPPs

SEPP Title	Comment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	The Planning Proposal does not include any provisions which impede the operation of this SEPP over the subject land.
Ch 2 Vegetation in non-rural areas	<p>This chapter is applicable to the PP as it includes both R2 Low Density Residential and R5 Large Lot Residential zoned land.</p> <p>The development of the site in accordance with the Structure Plan will necessitate the clearing of native vegetation. This includes the areas subject to this PP.</p> <p>The proposed clearing required over the site for roads or subdivision may exceed the biodiversity offset scheme threshold. Therefore, as part of any future development application over the site, Bathla will engage an accredited assessor to prepare a Biodiversity Development Assessment Report (BDAR) who will apply the biodiversity assessment method (BAM) to assess the impacts of the proposal on the biodiversity. This will be further addressed as part of the DA process as it relates to a wider site context.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021	The Planning Proposal does not include any provisions which impede the operation of this SEPP over the subject land.
Ch 4 Remediation of land	Preliminary Investigations identify minor potential for contaminants associated with the former agricultural use of the land. However, this is not identified to prevent the proposed rezoning to R2 Low Density Residential.
State Environmental Planning Policy (Transport and Infrastructure) 2021	The Planning Proposal does not include any provisions which impede the operation of this SEPP over the subject land.
Ch 2 Infrastructure	<p>The Mitchell Highway (Narromine Road) is a classified road. Any development with frontage to a classified road must consider safe access to and operation of the classified road. Development listed in Schedule 2 of the SEPP is required to be assessed as 'Traffic Generating Development'. Further, future development would also need to consider safety, noise and vibration impacts from the railway line located along the southern boundary of the site.</p> <p>These provisions would apply to the future development of the land under the DA process and do not impact this rezoning application.</p>
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Exempt and complying development under this SEPP will continue to apply as relevant to the individual site.

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)

The Minister for Planning and Environment issues Local Planning Directions that Councils must follow when preparing a PP. This PP is generally consistent with the Section 9.1 directions. **Appendix A** provides a statement of consistency against each of the directions.

Section C – Environmental, social and economic impact

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

Preliminary ecological investigations over the site identify that the future development has the potential for the following species to be impacted:

- PCT 511 – Queensland Bluegrass - Redleg Grass - Rats Tail Grass - spear grass - panic grass derived grassland of the Nandewar Bioregion and Brigalow Belt South Bioregion (approximately 9ha)
- PCT 458 – White Cypress Pine - Buloke - White Box shrubby open forest on hills in the Liverpool Plains – Dubbo region, Brigalow Belt South Bioregion (approximately 1,400m²)

The affected areas are generally located within the southern half of the site covering parts of future Lot 222 including areas already zoned R2 Low Density Residential under Dubbo Regional LEP and forming part of the West Dubbo URA. The removal of this vegetation will be considered as part of any future DA to develop this site and will be supported by a BDAR.

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

No.

Geotechnical and Contamination

Preliminary site investigations concluded that there is low risk of soil contamination.

Following the demolition of existing structures/dwellings on site, a data gap contamination assessment is required to be undertaken. This is to confirm whether there are any 'areas of environmental concern' within the footprint of these existing buildings. However, this is not a matter for consideration under the PP and will be further investigated as part of future demolition works. (See **Appendix B**).

Aboriginal Heritage

An Aboriginal Heritage Assessment was prepared by Apex Archaeology. This report found that there was no registered Aboriginal sites and no sub surface archaeological potential within the subject site. It also identified that no further Aboriginal archaeological assessment is required prior to the commencement of development works as described within the Report. (see **Appendix C**).

Traffic

Following the location of the north-south arterial road through the site being set, a number of future residential lots were identified as having split zonings comprised of part R5 Large Lot Residential and part R2 Low Density Residential. This PP is required to fix these zoning anomalies. It will not impact upon the delivery of key transport links including the north-south arterial road which will provide entry to the site and connect Narromine Road in the north with the residential lands to the south side of the railway.

Water Cycle Management Strategy

The site will convey water from the residential subdivision once constructed through the employment lands to the north and ultimately to Narromine Road. This will be achieved through a combination of pits and pipes that will be integrated with the road network. Importantly the Water Cycle Management process designed by Maker Engineering will utilise dry basins to deter birds from creating habitats or gathering in close proximity to the airport (See **Appendix D**)

Dark Sky Planning

Under the EP&A Regulations, any development application located within 200km of the Siding Spring Observatory where the application is state significant, designated development or development specified within *State Environmental Planning Policy (Planning Systems) 2021*, Schedule 6 (i.e. regionally significant), is required to consider the Dark Sky Planning Guideline prepared by DPE.

Additional planning considerations are provided under clause 5.14 'Siding Spring Observatory – maintaining dark sky' within Dubbo Regional LEP that must be considered as part of any development consent issued.

While not necessary as part of this rezoning, any future DA will consider these requirements for dark sky planning, as necessary.

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

There are not considered to be any negative social or economic effects as a result of the rezoning. This PP will regularise the land use zoning over the future residential lots providing a clear planning pathway for future development. It may assist in reducing unnecessary costs incurred by future land owners by unpacking the relevant planning legislation and controls to find pathways forward to facilitate future built form works.

Section D – Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

The Precinct provides for adequate public infrastructure including public utilities and servicing which will cater for these lots. The lots are already zoned part R2 Low Density Residential and were catered for as part of the initial public infrastructure arrangements.



Section E – State and Commonwealth Interests

What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination

Preliminary consultation has been undertaken with Transport for NSW and DPE relating to the delivery of the residential urban release area in addition to the PP located to the north seeking to rezone the land from IN2 to part B2 Local Centre and part B5 Business Development zone.

No specific feedback has been provided that would impact the determination of this PP.



Part 4 – Maps

The following map tiles are proposed to be amended as part of the PP.

Map	Tile Number
Land Zoning	Sheet LZN_001A and Sheet LZN_002A
Lot Size	Sheet LSZ_001A and Sheet LSZ_002A

The existing and proposed land zoning and lot size maps relevant to this PP under Dubbo Regional LEP 2022 are attached at **Appendix E**.

Part 5 – Community consultation approach

Schedule 1, clause 4 of the EP&A Act requires the relevant planning authority to consult with the community for PPs to amend an LEP in accordance with the Gateway determination.

The Dubbo Regional Council Community Participation Plan identifies that PPs are required to be notified for a minimum period of 28 days (unless this timeframe is modified as part of the Gateway Determination process). Community consultation is required to be undertaken by written notice and on the website. However, this will be a process for Council and DPE to undertake.

The key steps in relation to the PP are outlined below showing when community consultation occurs in the process.

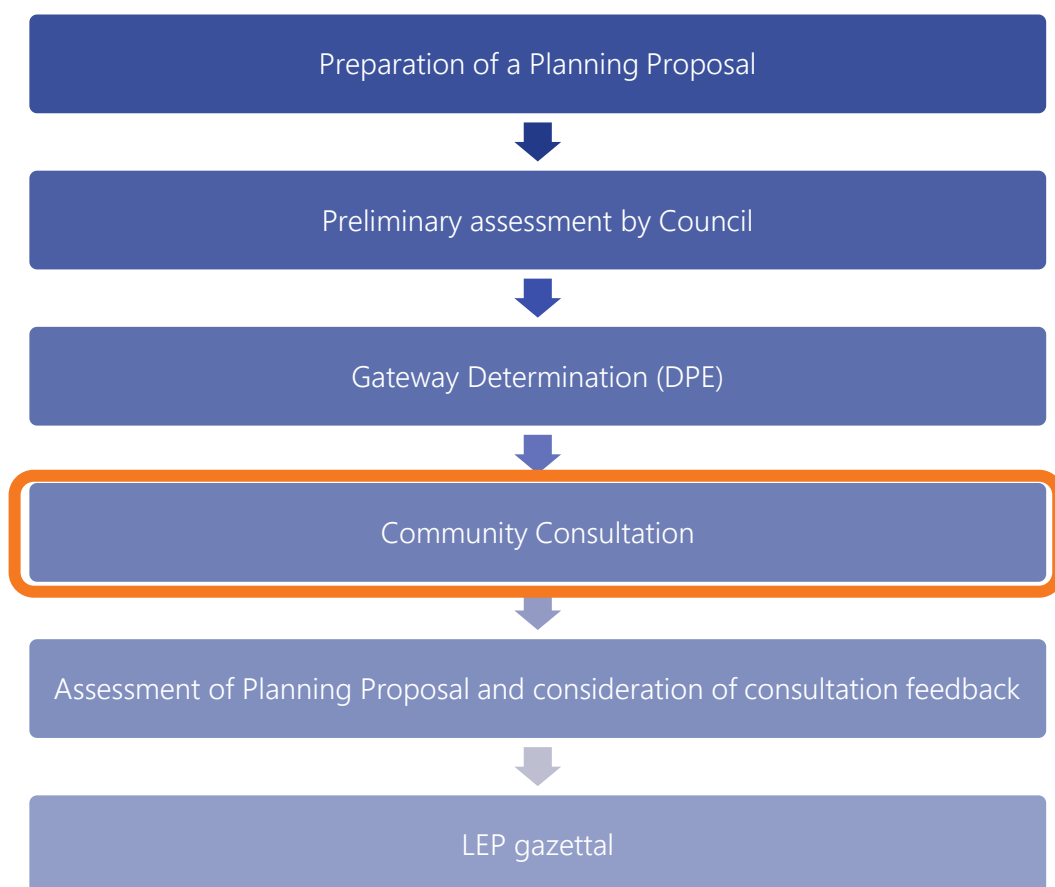


Figure 19 Key steps in Planning Proposal process



Part 6 – Project timeframe

The project timeline provides a mechanism to monitor and resource the various steps required to progress the PP through the plan making process. **Table 3** provides estimated timeframes for the various steps of the process. Council will need to review these to ensure they align with resourcing and meeting agendas.

Table 3 Project Timeline

Step	Anticipated Date
Consideration by Council	15 September 2022
Council Decision	30 September 2022
Gateway Determination	15 October 2022
Pre-Exhibition	30 November 2022
Commencement and completion of the public exhibition period.	15 December 2022
Consideration of submissions	15 December 2022
Post-exhibition review and additional studies	15 February 2022
Submission to the Department for finalisation (where applicable)	28 February 2022
Gazettal of the LEP amendment	30 March 2022



Conclusion

This Planning Proposal seeks to amend Dubbo Regional LEP 2022 to extend the R2 Low Density Residential zone and minimum lot size controls over future residential lots within proposed Lot 221 approved under D2022-11 at Lot 22, DP 1038924, 13L Narromine Road, Dubbo.

This PP seeks to rezone approximately 2,225m² of R5 Large Lot Residential to R2 Low Density Residential to regularise the land use zoning over these future residential lots. Currently these lots will have a split zoning comprised of part R5 Large Lot Residential and part R2 Low Density Residential resulting from the final alignment of the north-south arterial road being set within the Precinct.

The rezoning is consistent with the Structure Plan for the West Dubbo Urban Release Area and will facilitate the development of this land for residential uses. It is also consistent with relevant Local and State Strategic Plans including the LSPS which will facilitate the intended built form outcome for this urban release area.



Glossary

Abbreviation	
Bathla	Bathla Group
BAM	Biodiversity Assessment Method
BDAR	Biodiversity Development Assessment Report
Council	Dubbo Regional Council
DA	Development Application
DP	Deposited Plan
DPE	Department of Planning and Environment
Draft CWORP	draft Central West and Orana Regional Plan 2041
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Strategy
PP	Planning Proposal
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
URA	Urban Release Area
WDURA	West Dubbo Urban Release Area



APPENDIX A: STATEMENT OF CONSISTENCY – SECTION 9.1 DIRECTIONS

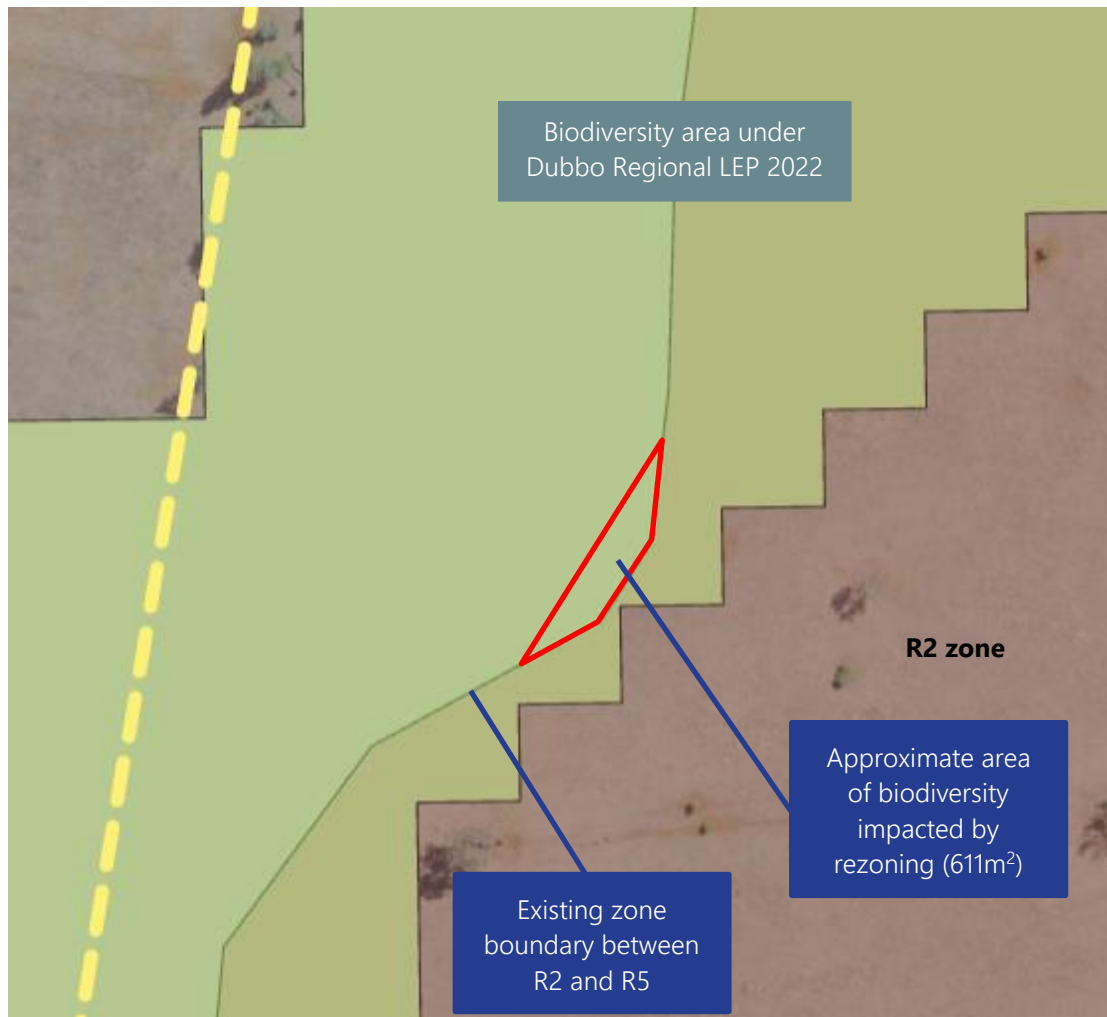


Statement of Consistency – Section 9.1 Directions

Direction	Consistent
Focus Area 1: Planning Systems	
1.1 Implementation of Region Plans	The Planning Proposal is consistent with the draft Central West and Orana Regional Plan 2041 as discussed within Section B – Relationship to the strategic planning process on page 19.
1.3 Approval and Referral Requirements	No new unnecessary referral or concurrence conditions are proposed as part of the PP.
1.4 Site Specific Provisions	The PP utilises appropriate zones to achieve the intended land use outcomes which do not require or impose any additional provisions or development standards and hence is consistent with this direction.
Focus Area 1: Planning Systems – Place-based	Not applicable
Focus Area 3: Biodiversity and Conservation	
3.1 Conservation Zones	<p>The PP proposes to amend certain land within the site from R5 Large Lot Residential to R2 Low Density Residential.</p> <p>Dubbo LEP 2022 maps a small area of land relating to future residential lots 22 to 26 as biodiversity which is subject to this rezoning (refer to image below table). This equates to an area of around 611m².</p> <p>Direction 3.1 aims to protect and conserve environmentally sensitive areas. However, where a PP is inconsistent with the terms of the Direction, it may be considered where it can be appropriately justified as outlined within this Direction. In this regard, the PP is considered justified for the following reasons:</p> <ul style="list-style-type: none"> It is considered to be of minor significance noting the size and scale of the West Dubbo URA and the size of the impacted area (611m²). It is generally in accordance with the draft CWORP and adopted LSPS which identifies the site as part of the West Dubbo URA (South-West District). The affected area is located on the western boundary of the residential land which adjoins the future north-south arterial road. It results in the R2 zone being stretched up to 13m into this biodiversity area at its widest point which is required following the key arterial road through the site being set. This PP therefore is required to regularise the zoning anomaly caused by this final road pattern. Further, the biodiversity within this area would be degraded following the development of R2 zoned land and the construction of the arterial road essentially isolating this thin patch of vegetation within various low density residential lots. <p>A BDAR has been prepared to investigate biodiversity offsets holistically across the site which will be further assessed as part of any future DAs relating to the development of this site.</p>



Direction	Consistent
3.2 Heritage Conservation	<p>The PP does not propose changes to the LEP clause or Maps relating to Heritage.</p> <p>All future DAs submitted will be required to comply with the relevant provisions within the LEP, <i>National Parks and Wildlife Act 1974</i> and <i>Heritage Act 1977</i>.</p> <p>The PP is consistent with this Direction.</p>
Focus Area 4: Resilience and Hazards	
4.1 Flooding	Not applicable. The site is not identified as flood prone land.
4.3 Planning for Bushfire Protection	The land is not mapped as bushfire prone land.
4.4 Remediation of Contaminated Land	Preliminary site Investigations found low risk of contamination with further analysis required following the demolition of existing structures. This will occur following these demolition works but are located outside the boundaries of this PP.
Focus Area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	<p>Future residential lots will be provided with access to key transport nodes/networks via appropriate road, cycle and pedestrian linkages within the estate</p> <p>The PP is considered consistent with this Ministerial Direction.</p>
5.2 Reserving Land for Public Purposes	Not applicable.
5.3 Development Near Regulated Airports and Defence Airfields	The site is not located within Dubbo Regional Airport's ANEF contours. The site is currently zoned for residential uses with this PP seeking to regularise a zoning anomaly over the site following the location of the north-south arterial road being set. There are no changes to development standards. Consultation with the airport will occur as part of the PP consultation.
Focus Area 6: Housing	
6.1 Residential zones	This PP is consistent with this Direction as it will facilitate the delivery of residential lots that will encourage a variety of housing typologies to suit the requirement of people within the community. It will also make efficient use of infrastructure being set within the URA therefore being able to easily connect into this wider network.
Focus Area 7: Industry and Employment	Not applicable
Focus Area 8: Resources and Energy	Not applicable
Focus Area 9: Primary Production	Not Applicable





APPENDIX B: CONTAMINATION AND GEOTECHNICAL REPORT



APPENDIX C: ABORIGINAL HERITAGE ASSESSMENT



APPENDIX D: WATER CYCLE MANAGEMENT STRATEGY



APPENDIX E: MAPS



Dubbo Regional Local Environmental Plan 2022

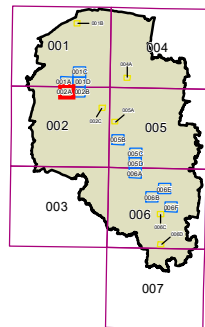
Land Zoning Map - Sheet LZN_002A

Zone

- B1** Neighbourhood Centre
- B2** Local Centre
- B3** Commercial Core
- B4** Mixed Use
- B5** Business Development
- B6** Enterprise Corridor
- B7** Business Park
- C1** National Parks and Nature Reserves
- C2** Environmental Conservation
- C3** Environmental Management
- IN1** General Industrial
- IN2** Light Industrial
- IN3** Heavy Industrial
- R1** General Residential
- R2** Low Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU2** Rural Landscape
- RU3** Forestry
- RU4** Primary Production Small Lots
- RU5** Village
- SP2** Infrastructure
- SP3** Tourist
- W1** Natural Waterways
- W2** Recreational Waterways

Cadastre

Cadastre 17/03/2022 © Spatial Services

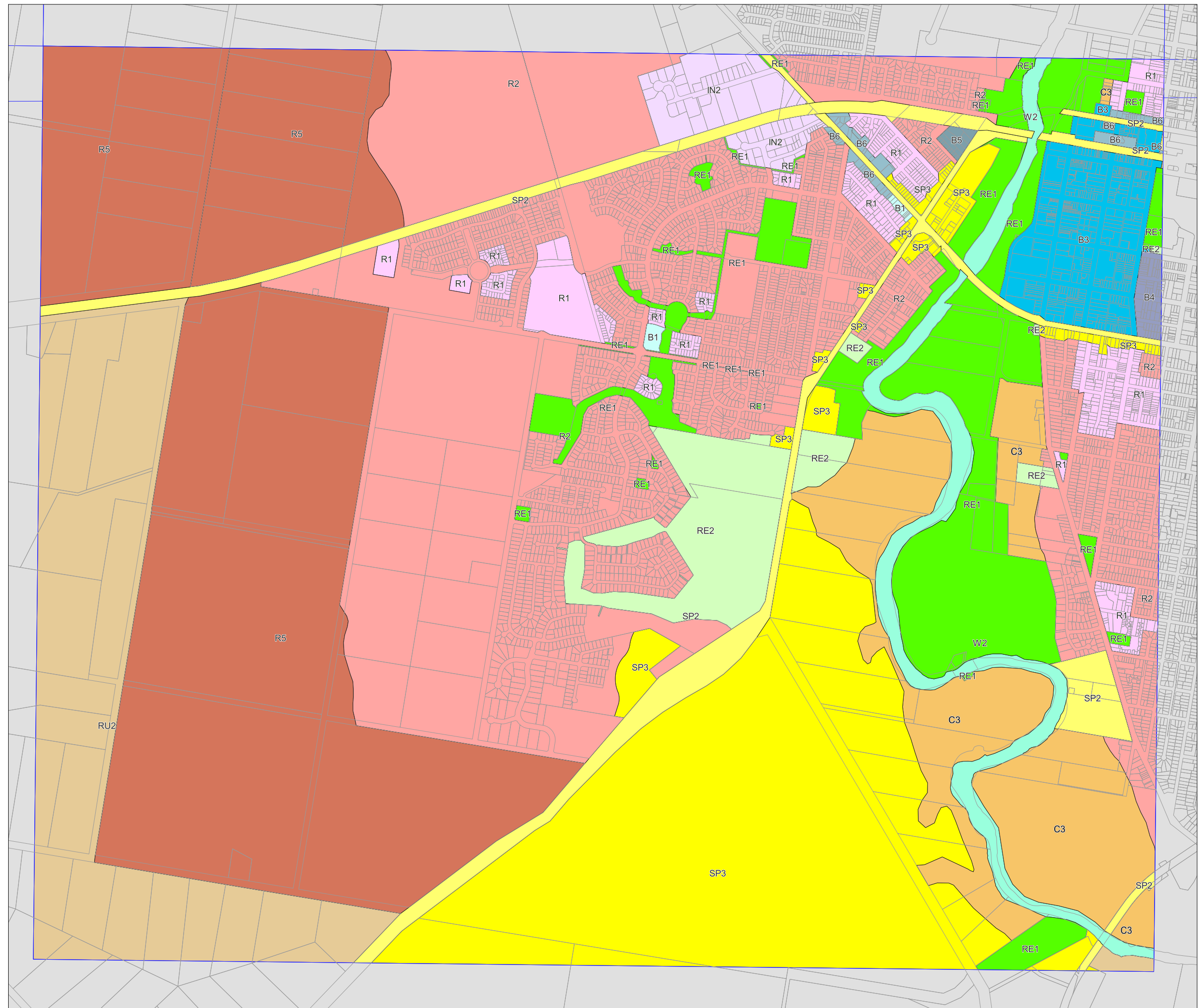


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Projection: GDA 1994
MGA Zone 55

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Dubbo Regional Local Environmental Plan 2022

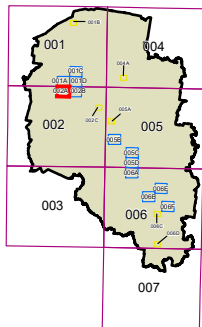
Lot Size Map - Sheet LSZ_002A

Minimum Lot Size (sq m)

D	300
G	450
M	600
S	800
U	1,000
V	2,000
W	4,000
X1	6,000
X2	7,000
Y1	1 ha
Y2	1.5 ha
Z1	2 ha
Z2	3 ha
Z3	4 ha
AA1	5 ha
AA2	8 ha
AB1	10 ha
AB2	20 ha
AB3	25 ha
AB4	35 ha
AC	50 ha
AD	100 ha
AE	250 ha
AF	400 ha
AH	800 ha
AI	2,000 ha
	Refer to Clause 4.1 (3A) & 7.18

Cadastral

Cadastral 01/04/2022 © Spatial Services

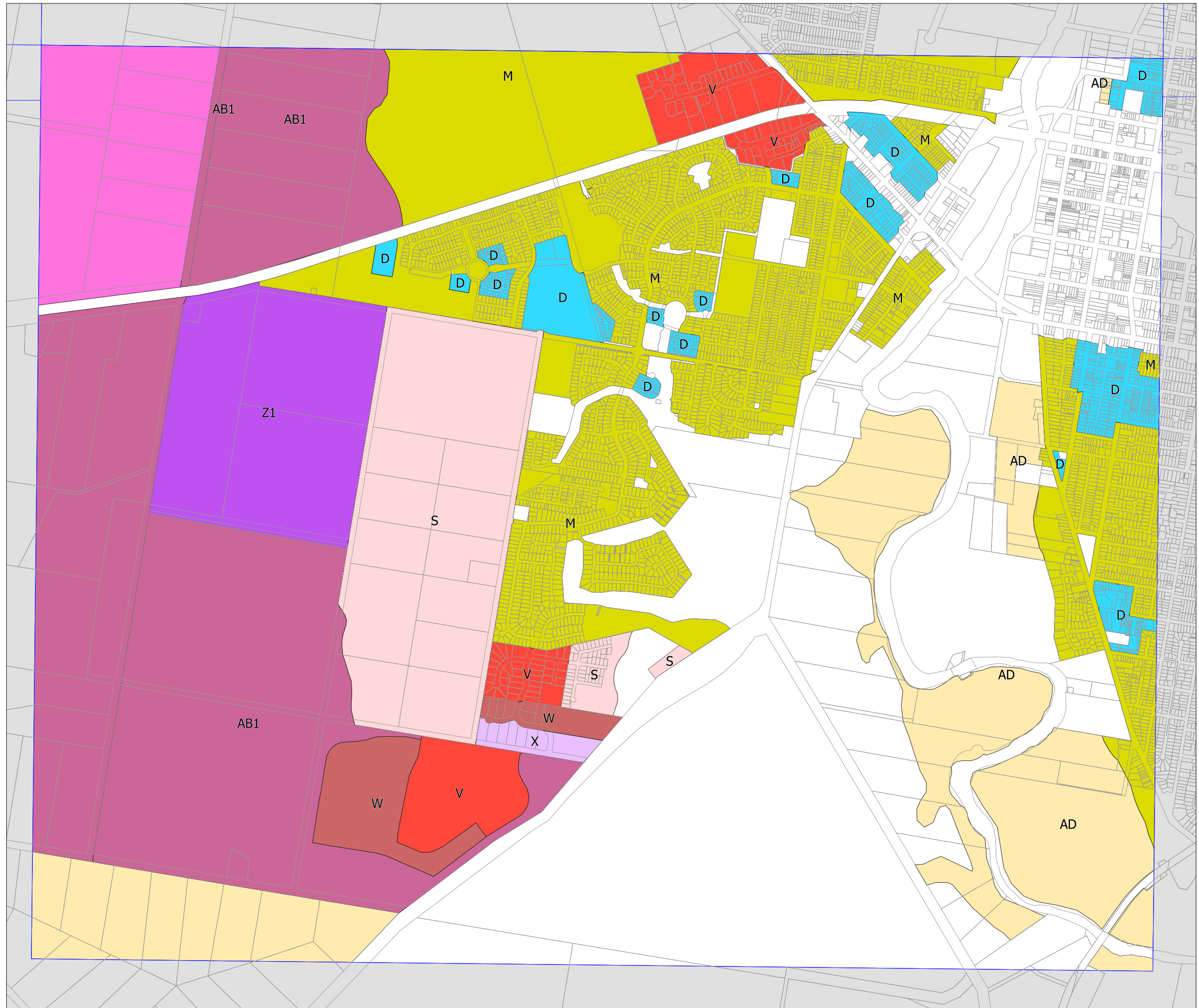


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