



IRF22/3410

Gateway determination report – PP-2022-2901

Amendment to Dubbo Regional Local Environmental Plan 2022 by rezoning land from R5 Large Lot Residential to R2 Low Density Residential and reduce minimum lot size to 600m² at 13L Narromine Road to realign zone boundaries

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal Final_PP-2022-2901_V1_PP-2022-2901
Minutes - Ordinary Council Meeting - 21 September 2022_PP-2022-2901
Contamination Report_PP-2022-2901 (1)

Business Paper - Ordinary Council Meeting - 21 September 2022_PP-2022-2901

Aboriginal Heritage Assessments_PP-2022-2901 (1)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Dubbo Regional Council
PPA	Dubbo Regional Council
NAME	Amendment to Dubbo Regional Local Environmental Plan 2022 by rezoning land from R5 Large Lot Residential to R2 Low Density Residential and reduce minimum lot size to 600m² at 13L Narromine Road, Lot 22, DP 1038924 to correct boundary anomaly.
NUMBER	PP-2022-2901
LEP TO BE AMENDED	Dubbo Regional Local Environmental Plan 2022
ADDRESS	13L Narromine Road
DESCRIPTION	Lot 22, DP 1038924
RECEIVED	26/09/2022
FILE NO.	IRF22/3410
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal
DWELLINGS/JOBS	0/0
PCO&/or Map Only	Map only

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to amend the Dubbo Regional Local Environmental Plan 2022 by extending the boundary of the R2 Low Density Residential zone over land that is zoned R5 Large Lot Residential at 13L Narromine Road, part of Lot 22, DP 1038924 (Refer to Figure 1). It is also proposed to amend the minimum lot size of the land to 600m² to be consistent with the R2 zoning.

The boundary realignment will ensure future lots on the eastern boundary of the approved subdivision plan (refer to Figures 3 – 9 below and Figures 6 and 7 on page 14 of the planning proposal) will not have mixed zoning or mixed minimum lot size. This will affect future 13 lots approved as part of a subdivision on the land. The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Dubbo Regional LEP 2022 per the changes below:

The proposed amendments will be achieved by a map only amendment to the land zoning map (LZN_002A) and lot size map (LSZ_002A) in the Dubbo Regional LEP 2022 (refer to Figure 3 below).

The planning proposal contains an explanation of provisions on page 17 of the planning proposal that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject site is located approximately 3.5km northwest of Dubbo City Centre. The site has a frontage to Narromine Road, which is how the site is accessed, that measures 1.37km with the site also sharing a boundary to the south with the railway line measuring 1.24km. There are currently several outbuildings and a dwelling located on the western boundary of the site within a group of trees. The site is generally flat and is predominately comprised of grassland and trees towards the west. (refer to Figures 1 and 2 below).

The subject site is surrounded by rural residential lots further west, Dubbo Regional Airport to the north, established residential lots to the south on the other side of the railway and west of Dubbo City Centre and a TAFE Campus.



Figure 1 Subject site (source: Planning proposal prepared by GLN)

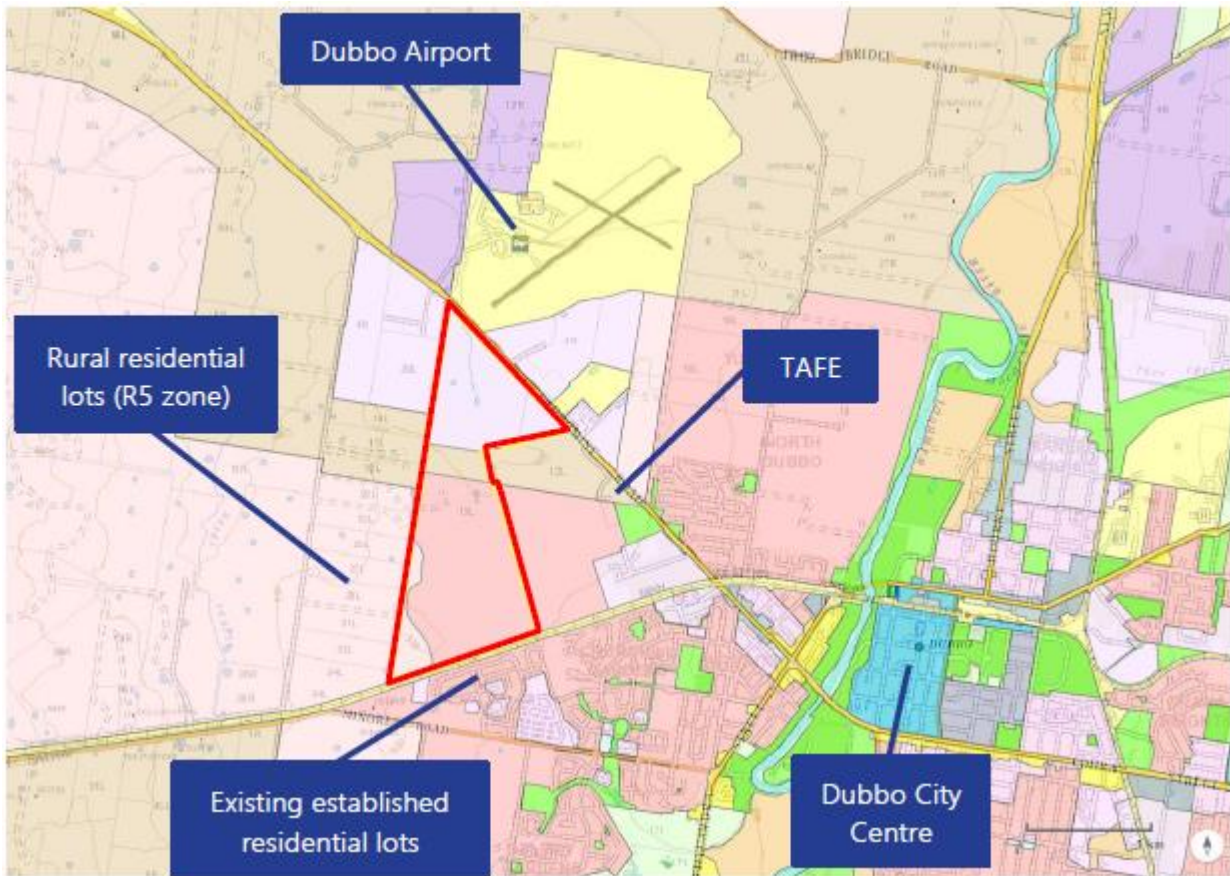


Figure 2 Site context (source: Planning proposal prepared by GLN)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the land zoning map (LZN_002A) and lot size map (LSZ_002A), which are suitable for community consultation.

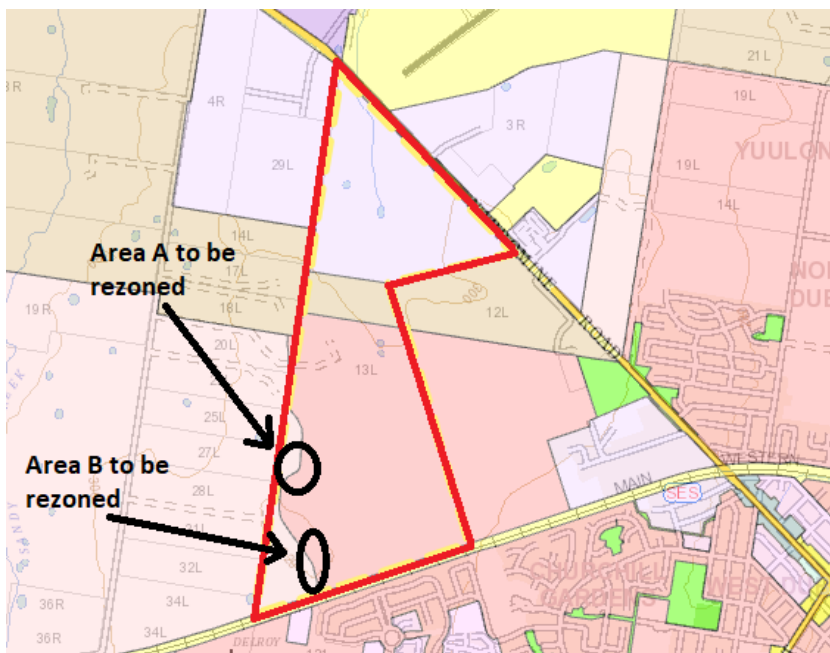


Figure 3 General area subject to rezoning (source: ePlanning Spatial Viewer)



Figure 4 Current zoning area A (source: Planning proposal prepared by GLN)



Figure 5 Proposed zoning area A (source: Planning proposal prepared by GLN)

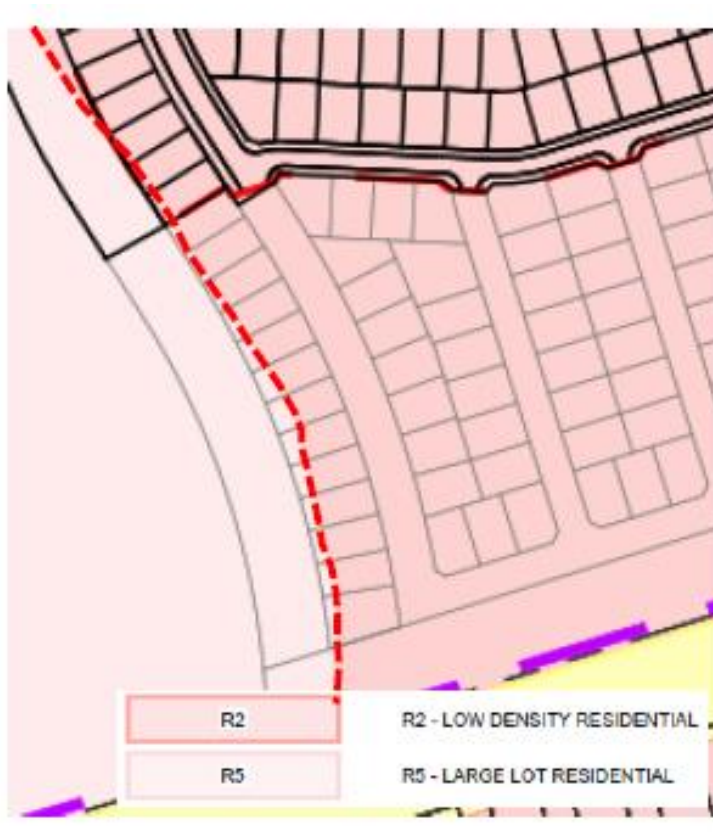


Figure 6 Current zoning area B (source: Planning proposal prepared by GLN)



Figure 7 Proposed zoning area B (source: Planning proposal prepared by GLN)

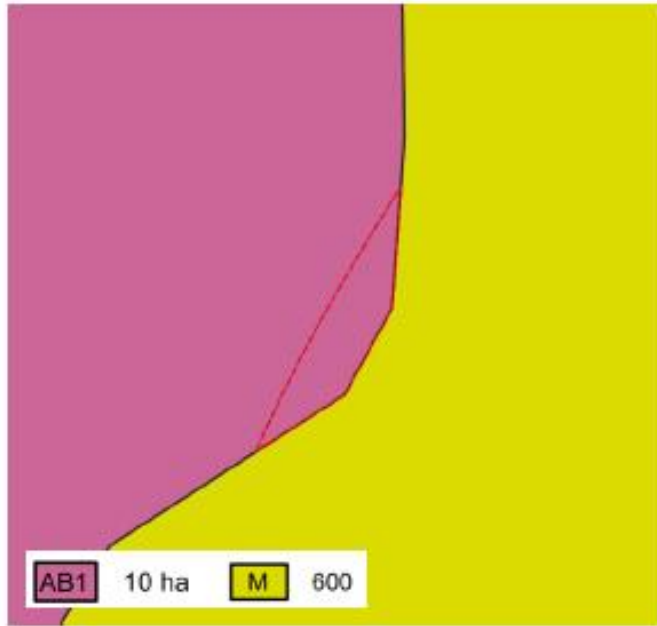


Figure 8 Current MLS area A (source: Planning proposal prepared by GLN)

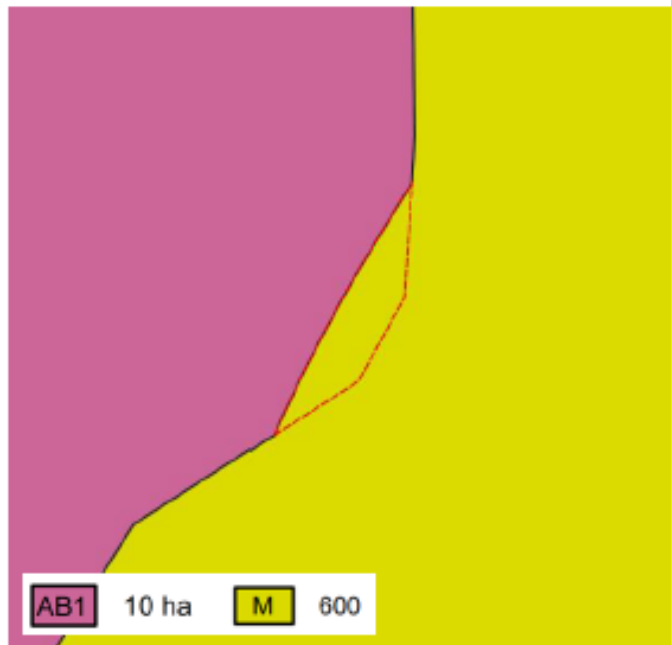


Figure 9 Proposed MLS area A (source: Planning proposal prepared by GLN)

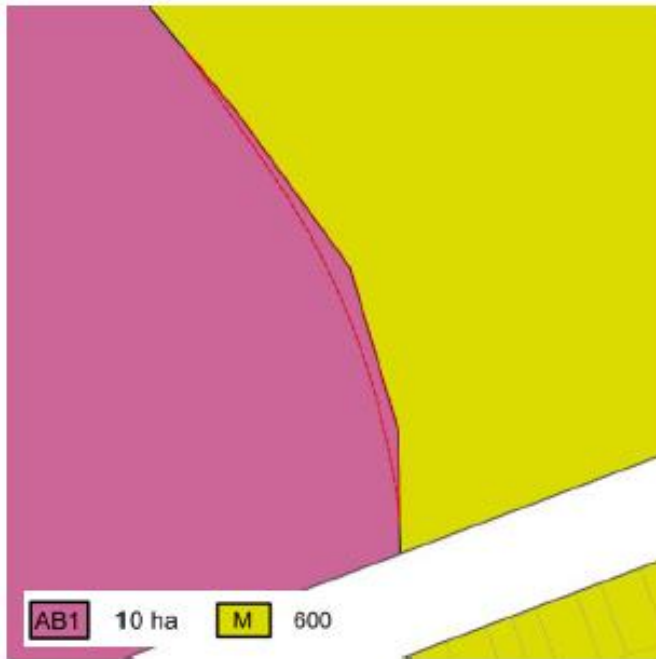


Figure 10 Current MLS area B (source: Planning proposal prepared by GLN)

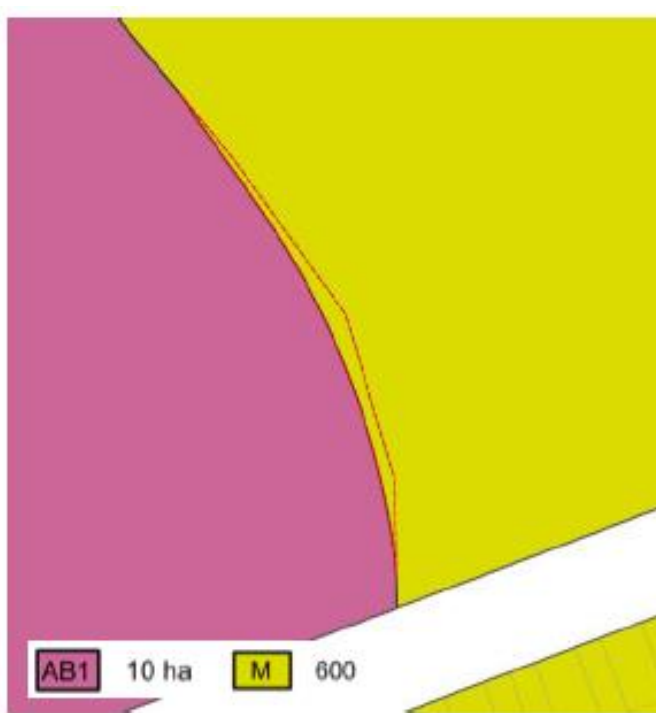


Figure 11 Proposed MLS area B (source: Planning proposal prepared by GLN)

Need for the planning proposal

Q1. Is the planning proposal a result of a local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The subject site is within an Urban Release area that is identified in the Dubbo Local Strategic Planning Statement, and within the West Dubbo Urban Release Area. The planning proposal is also consistent with Planning Priority 12 ‘Create sustainable and well-designed neighbourhoods’ of the LSPS. Section 3.2 below contains an assessment of the planning proposal against relevant local strategic documents.

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

The planning proposal is the best means of achieving the objective and intended outcomes. Clause 5.3 (2) (b) of the Dubbo Regional LEP 2022 provides flexibility to extend the zone boundary up to 10m the use of this clause would not be appropriate as the minimum lot size would remain the same. The rezoning will ensure any future landowners can satisfy the relevant planning controls without confusion.

2 Strategic assessment

2.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Central West Orana Regional Plan 2036

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Direction 25: Increase housing diversity and choice	The subject site is located close to Dubbo town centre and will provide various residential types living at Dubbo. This will contribute to the increased availability and variety of residential land in the area.
Direction 28: Manage Rural Residential Development	The planning proposal will be rezoning R5 Large Lot Residential land to R2 Low Density Residential. However, this rezoning is a minor zone boundary realignment and is not considered to have negative impact on large lot residential development.

The following table provides an assessment of the planning proposal against relevant aspects of the draft Central West Orana Regional Plan 2041.

Table 5 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 7: Provide well located housing options to meet demand.	This planning proposal 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: Plan for diverse, affordable, resilient, and inclusive housing.	The future residential lots will provide opportunities of various housing products to suit the varying needs of people within the community. The planning proposal will ensure the future lots have consistent planning controls.
Objective 19: Strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities.	The subject area of the planning proposal is shown to be an Urban Release Area in the draft regional plan. This planning proposal will ensure future residential development in this Urban Release Area will have consistent planning controls.

2.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	The planning proposal will provide a range of housing options to meet the demand for residential lots. The minor realigning of zone boundaries will ensure these lots have consistent planning controls to avoid any confusion for landowners. This is consistent with Planning Priority 12 'Create sustainable and well-designed neighbourhoods' of the Dubbo LSPS. Action 12.3 requires the preparation of a Structure Plan for the North West Urban Release Area which is where the subject area is located. The planning proposal is consistent with the Structure Plan prepared by Sitios and will ultimately provide opportunities for a range of residential accommodation to suit the market. The Urban Release Area will be connected through new link roads and active transport opportunities throughout the Precinct and wider area.

2.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Region Plans	Consistent	As discussed above in section 3.1 of this report.
1.4 Site Specific Provisions	Consistent	The planning proposal does not impose any site specific planning controls.
3.1 Conservation Zones	Consistent	The planning proposal is not located in an environmentally sensitive area. Biodiversity is identified on the site as well as it being groundwater vulnerable that will need to be addressed at the DA stage. The planning proposal also does not reduce the conservation standards and provisions that apply to the land.
3.2 Heritage Conservation	Consistent	The PP does not propose changes to the LEP provisions relating to Heritage.
4.1 Flooding	Consistent	This site is not mapped as being flood prone and is an elevated site away from flooding impacts.
4.3 Planning for Bushfire Protection	Consistent with consultation required	Council advised the site is subject to the draft bushfire prone land map and in terms of the Direction consultation is required with NSW RFS.
4.4 Remediation of Contaminated Land	Consistent	Preliminary site investigations found low risk of contamination with further analysis required. The contamination site is located outside of the planning proposal site. This is not considered relevant as this planning proposal is only to realign zone boundaries. The land is already zoned for residential purposes and no further work is required as part of this amendment.
5.1 Integrating Land Use and Transport	Consistent	Future residential lots will be adequately serviced by infrastructure and provided with access to key transport nodes/networks via appropriate road, cycle and pedestrian linkages within the estate
5.3 Development Near Regulated Airports and Defence Airfields	Consistent	The site is not located within Dubbo Regional Airport's ANEF contours.

6.1 Residential zones	Consistent	The planning proposal will amend zone boundaries helping facilitate the delivery of residential lots under consistent planning controls. The proposal will encourage a variety of housing typologies to suit the requirement of people within the community.
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2.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021	To protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	Consistent	The development of the site in accordance with the Structure Plan that identifies some clearing of native vegetation, The subject site is identified as containing some biodiversity as indicated on the Dubbo Regional LEP 2022 maps. This amendment is to realign zone boundaries and will not in itself result in any negative impacts on biodiversity. Impacts on biodiversity can be addressed at the Development Application stage.

3 Site-specific assessment

3.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Bushfire Prone Land	As discussed in section 3.3 (Direction 4.3).
Flood Prone land	The subject site is not indicated as being flood prone land.
Contamination	As discussed in section 3.3 (Direction 4.4).
Heritage	As discussed in section 3.3 (Direction 3.2).

Biodiversity	As discussed in section 3.4 (State Environmental Planning Policy (Biodiversity and Conservation) 2021).
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. This can be thoroughly addressed at the Development Application stage.

3.2 Social and economic

The planning proposal is not expected to result in social or economic impacts. The amendment to land zoning and minimum lot size boundaries will allow consistent planning controls for future residential lots that may be developed on the subject site.

3.3 Infrastructure

The subject site is located close to Dubbo City Centre and within an Urban Release Area. The precinct will provide for adequate urban public infrastructure including public utilities and servicing which will cater for these lots.

4 Consultation

4.1 Community

Council proposes a community consultation period of 14 days.

The exhibition period proposed is considered appropriate, and forms one of the conditions of the Gateway determination.

4.2 Agencies

Council identifies Transport for NSW and NSW RFS as agencies to be consulted. Given the nature of the planning proposal, being a minor zone boundary realignment, it is recommended that consultation with NSW RFS is required due to the terms of the section 9.1 Ministerial Direction 4.3 Planning for Bushfire Protection.

5 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The Department recommends a time frame of 6 months to ensure it is completed in line with its commitment to reduce processing times.

6 Local plan-making authority.

Council has advised that it would like to exercise its functions as a Local Plan-Making authority. Given the local nature of the proposal Council should be authorised to be the local plan-making authority.

7 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal will ensure future planning controls are consistent across any future residential development in the Urban Release Area. The current zoning of the land would result in residential lots with mixed zoning and mixed minimum lot sizes which may cause confusion for future landowners and is not considered appropriate.

8 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the EP&A Act as follows:
 - (a) the planning proposal is categorised as basic as described in the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 14 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2022).
2. Consultation is required with NSWRFs under section 3.34(2)(d) of the EP&A Act.
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
5. The LEP should be completed on or before 6 months following the date of the Gateway determination.



(Signature)

20 October 2022

(Date)

Wayne Garnsey

Manager, Western Region



(Signature)

21 October 2022 (Date)

Garry Hopkins

Director, Western Region

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