



IRF23/757

Gateway determination report – PP-2022-3222

Employment lands precinct – 13L Narromine Road,
Dubbo

April 23

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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 – GLN Planning for Bathla Group – September 2022
Economic Impact Assessment – Location iQ
Review of Economic Impact Assessment – Hill PDA – 14 October 2022

Dubbo Regional Council – Ordinary Agenda and Minutes – 23 March 2023

Dubbo Regional Council Employment Lands Strategy 2018

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Dubbo Regional
PPA	Dubbo Regional Council
NAME	Employment lands precinct at 13L Narromine Road, Dubbo
NUMBER	PP-2022-3222
LEP TO BE AMENDED	Dubbo Regional LEP 2022
ADDRESS	13L Narromine Road, Dubbo
DESCRIPTION	Part Lot 22 DP 1038924
RECEIVED	27/03/2023
FILE NO.	IRF23/757
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	0/150
PCO/MAP/MAP ONLY	PCO & Map

1.2 Objectives of planning proposal

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

The objectives of the planning proposal are to:

- rezone the subject land from IN2 Light Industry to part B5 Business Support *(approximately 64ha) and part B2 Local Centre *(approximately 2ha) (Refer Figures 1 & 3).
- To zone the subject land to B5 to meet the long-term demand for a mix of business, warehouse and specialised retail premises that require a large floor area to meet the projected undersupply of this floorspace to service Dubbo's future residential development in the west.
- To zone the subject land to B2 to enable convenience local shops located close to the adjacent sports field and potential new school site that will service the future residential release areas and surrounding industrial areas.

The objectives of this planning proposal are clear and adequate.

The resolution of Council's Ordinary Meeting of 23 March 2023 includes a proposed site-specific clause to limit the total floor area of a future supermarket to 1500m² and the overall retail floor space to 3000m² within the proposed B2 Local Centre zone. The planning proposal will be required to update the objectives to reflect this amendment.

** It is also noted that the Gateway determination for this proposal will be issued after the commencement of the employment lands zone changes (commences 26 April 2023). The proposed B5 Business Support is now zone E3 Productivity Support transition and B2 Local Centre is now zone E1 Local Centre Zone transition). The planning proposal acknowledges the changes to the proposed land use zones and permissibility, however, will need to be amended with the description and name of the proposed new zones.

1.3 Explanation of provisions

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

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	IN2 Light Industrial	B5 Business Support (E3 Productivity Support Zone transition) and B2 Local Centre (E1 Local Centre Zone transition).
Number of jobs	N/A	150

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

1.4 Site description and surrounding area

The subject land is identified as part Lot 22 DP 1038924, 13L Narromine Road, Dubbo. The site is triangular in shape and located approximately 3km from the town centre of Dubbo, with frontage to Narromine Road. The subject site is identified as part of a larger area zoned IN2 Light Industry along Narromine Road. It adjoins the TAFE site to the east and future sports field site to the south, both of which are zoned RU2 Rural Landscapes. Dubbo Airport is located to the northwest.

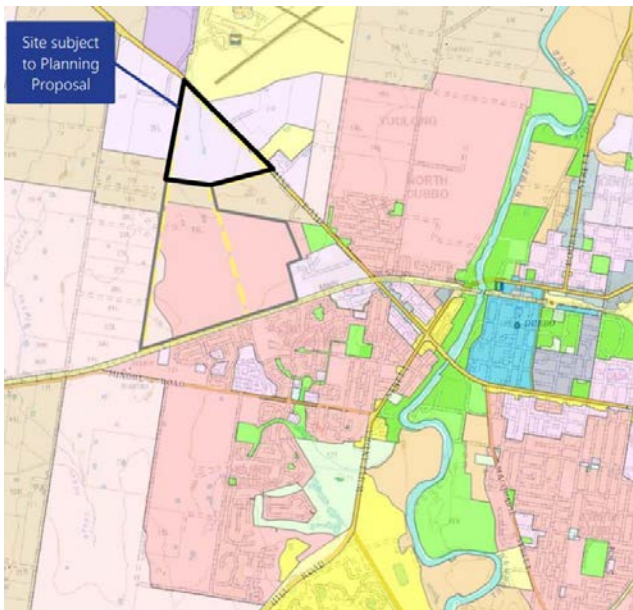


Figure 1 Subject site (source: Planning Proposal, GLN Planning)



Figure 2 Site context (source: ePlanning Spatial Viewer)

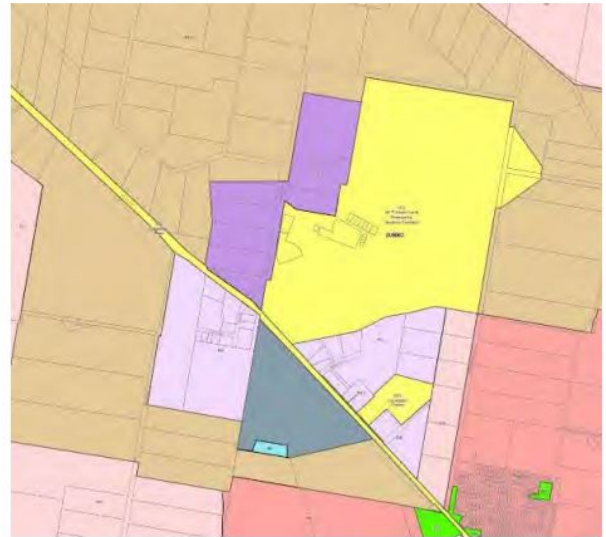
1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning Map (tile LZN_001A) maps of the Dubbo Regional LEP 2022, which are suitable for community consultation.

The new Employment Zones transition commenced on 26 April 2023 across the state. The proposed B5 Business Development zone (approx. 63ha) will be converted to the new transition E3 Productivity Support Zone. The proposed B2 Local Centre zone (approx. 2ha) will be converted to the new transition E1 Local Centre Zone. The planning proposal will be required to be updated to indicate the new transition zones prior to community consultation.



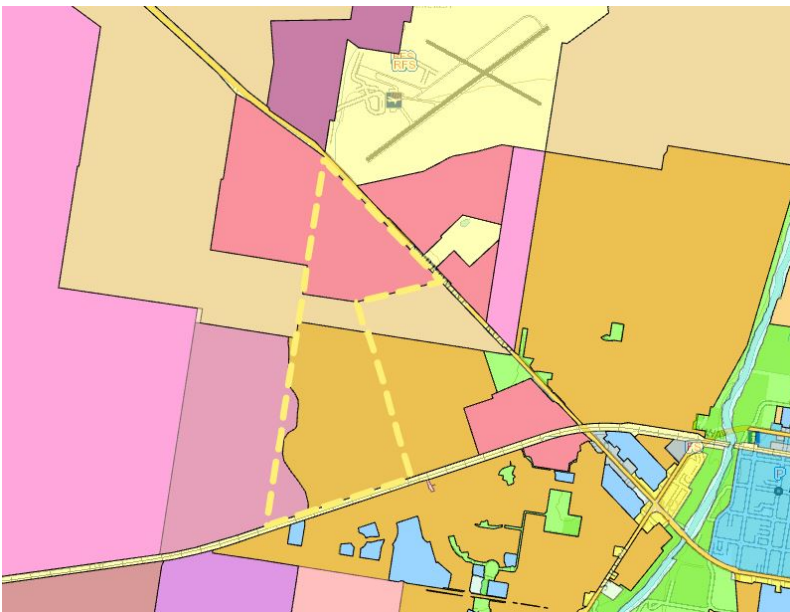
Existing IN2 Light Industrial Zoning



Proposed B5 and B2 Zones

Figure 3 Current and proposed zoning map (source: Planning Proposal)

The land is identified on the Lot Size Map as having a minimum lot size of 2000m². The planning proposal has not indicated that the minimum lot size will apply on the subject site.

**Figure 4 Current minimum lot size map**

1.6 Background

The land adjoins the Central West Urban Release Area (URA). The Dubbo Regional Council Employment Lands Strategy 2018 identifies the site of the planning proposal within the “Airport Precinct”. The planning proposal has been prepared on this basis, in line with pre-lodgement discussions with Dubbo Regional Council.

The Dubbo Regional Council Ordinary Council Meeting Agenda of 23 March 2023 outlines that the proponents have initiated several planning proposals including PP-2022-3263 and PP-2022-2901

within the Central West Urban Release Area for variation to zone boundaries to facilitate housing and development opportunities in accordance with a master plan.

The economic development assessment estimates there will be up to 6500 residents (1750 dwellings) in this area and 15,000 residents (6,000 dwellings) in the North West Urban release area with the associated retail demand.

2 Need for the planning proposal

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

The subject land is strategically identified in the Dubbo Regional Council Employment Lands Strategy 2018, and also identified in the Dubbo Local Strategic Planning Statement (LSPS) as future employment lands. The land is also identified as an Urban Release Area (URA) in the Dubbo Regional LEP 2022.

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

A planning proposal is the only way to rezone the land. While the land is currently zoned as IN2 Light Industrial and while it can be utilised for employment lands, the landowner/developer seeks to intensify the land use, which can only be undertaken through a planning proposal process.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Central West and Orana Regional Plan 2041. The proposal is consistent with the Regional Plan as discussed below:-

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 7 – Plan for resilient places and communities	The site is not subject to flooding and partly affected by bushfire. The proposal is consistent with this objective.
Objective 9 – Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage	The subject land is being master planned having regard to urban design, landscape and aboriginal heritage.
Objective 11 – Strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities	The planning proposal is consistent with the Objective as the proposal has been informed by a masterplan of the site and will support Council's capacity to meeting the ongoing employment needs.
Objective 17 – Coordinate smart and resilient infrastructure	The proposal is consistent with strategic local planning to maximise cost effective and efficient use of new or existing infrastructure.

Objective 18 – Leverage existing industries and employment areas and support new and innovative economic enterprises

The planning proposal is specifically consistent with Strategy 18.1 which supports the strategic identification and protection of employment lands. The subject land is currently zoned IN2 Light Industry, and the planning proposal intends to facilitate a variety of employment types and opportunities through the proposed E1 and E3 zonings. The proposal is consistent with the regional plan.

3.2 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 5 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	The proposal is consistent with Priority 8 of the LSPS – Ensure supply of employment generating land. The proposal is consistent with Council's Employment Lands Strategy which identifies the subject land as suitable for employment and business uses. This is supported by the accompanying preliminary Market Potential Report by IQ (dated November 2022) and the review by Hill PDA, identifying that the proposed employment lands would be supported by the future residential areas of the adjoining urban release areas.
Dubbo Regional Council Employment Lands Strategy	<p>The subject land is identified as forming part of the Airport Precinct in part 14.8 of the Employment Lands Strategy. The strategy recommends that the existing IN2 Light Industrial zone be rezoned to B5 Business Development to provide a mix of large format commercial uses (bulky goods, warehouse and distribution centres) as well as a range of light industrial (industrial training facilities, freight transport, passenger, transport and truck depots). The strategy also recommends that an Economic Impact Assessment be undertaken to determine the site's impact on the employment land hierarchy is not significant prior to rezoning the land.</p> <div data-bbox="442 1352 1375 1682"> <p>Key:</p> <ul style="list-style-type: none"> Outline of Investigation Area RU1 Primary Production R2 Low Residential R5 Large Lot Residential IN2 Light Industrial IN3 Heavy Industry B5 Business Development <p>Existing IN2 Light Industrial Recommended B5 Business Development</p> <p>Precinct Guidance Map 7: West Dubbo Commercial Zone</p> </div> <p>The Employment Lands Strategy also recommends structure planning be undertaken to further coordinate development in the precinct.</p> <p>The planning proposal is consistent with the strategy in that it proposes to rezone the site from IN2 Light Industrial to B5 Business Development (zone E3 Productivity Support - employment zones transition). The strategy does not include the proposed rezoning of a part of the site to B2 Local Centre (proposed zone E1 Local Centre - employment zones transition). Council requested that the applicant undertake an economic impact assessment for the inclusion of the proposed B2 Local Centre zone (E1 Local Centre) (Location iQ report). The report found that the</p>

proposed B2 Local Centre area could be supported. Council engaged a consultant Hill PDA to undertake a peer review the Location iQ report and to consider how the planning proposal aligns with the Employment Lands Strategy, consistency with the established retail hierarchy and potential impact on the proposed B1 and B4 zones in the North West Urban Release Area. The Hill PDA Report found that:-

- The size of the proposed B2 zone could impact on the proposed commercial and local centre of the future North-West Urban Release Area, which is located to the north-east of the subject land.
- The residential yields in the trade area was under estimated.
- Recommend limiting the floor area of any future supermarket and speciality retail within the proposed B2 centre; and
- That the B5 / E3 Business Development zone aligns with the Strategy.

Council resolved to support the proposal at the 23 March 2023 Ordinary Meeting with the following recommendations:

It is recommended that in respect of the proposed rezoning of part of the land to B2 Local Centre (proposed E1 Local Centre as part of the Employment Zone Reform) that the following provisions be included in the Dubbo Local Environment Plan 2022:

- *Limits the total floor area of any supermarket to 1500 square metres;*
- *Limits the overall floor space of any future retail shops to 3000 square metres;*
- *Requires any future development application within the B2 Local Centre Zone (E1 Local Centre) to consider the economic impact of the development, and ensure it is consistent with the Dubbo Employment Lands Strategy.*

Council has previously implemented a similar approach for other local centres in the Dubbo area to ensure the CBD is the main retail and commercial centre of the city and maintains the retail hierarchy – see clauses 7.11, 7.12 and 7.13 of the Dubbo Regional LEP 2022.

In addition, the draft North-West Precinct Plan (exhibited 17 October 2022 to 16 December 2022) is located to the north east of the subject land and also includes a local centre zone within the precinct to support the proposed residential area housing approximately 12,500-15,000 residents. Hill PDA in their report recommended restricting the area of the proposed B2/E1 zone to ensure both centres are not over or under supported.

The Department is supportive of this approach.

Dubbo
Transportation
Strategy 2020

Council's Meeting Agenda (23 March 2023) notes:

"The Dubbo Transportation Strategy 2020 identifies the strategic road requirements to accommodate future growth, and is supported by a design and maintenance program for roads, footpath and cycle ways.

The Strategy recommends one central spine road through the site to provide a continuous connection from Blackbutt Road, Minore Road and the Newell highway. As part of Council's planning for the North-West Urban Release Area, additional

connections were recommended to provide long-term access to the north and to connect to Richardson Road.”

Council and the proponent will be required to continue to liaise with Transport for NSW (TfNSW) in regard to the road location, upgrades and requirements.

3.3 Section 9.1 Ministerial Directions

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

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	The planning proposal has demonstrated consistency with the Central West and Orana Regional Plan 2041. (refer to section 3.1 above)
1.4 Site Specific Provisions	Inconsistent, but justified	The planning proposal intends to adopt a site-specific provision to restrict the proposed supermarket and retail floor area in the zone B2/E1 area. This approach is consistent with other local centres in Dubbo. (See Section 3.2 discussion above). While the inclusion of a site-specific provision is inconsistent with the 9.1 Direction, it is justified to allow the Dubbo CBD to be maintained as the main commercial area of the city and maintain the established retail hierarchy. This responds to the growth of the city and supports the local needs of the precinct.
4.3 Planning for Bushfire Protection	Yes with consultation required.	Council advise that the site is subject to the draft bushfire prone land map. Consultation with the NSW Rural Fire Service (RFS) is required to satisfy the requirements of this Direction. Previous planning proposal for this land has resulted in no objection from NSW RFS.
4.4 Remediation of Contaminated Land	Consistent	A Stage 1 Preliminary Site Investigation has been included as part of the planning proposal. This report identifies no further investigation is required and Council is satisfied the proposal can proceed.
5.1 Integrating Land Use and Transport	Consistent	The planning proposal is consistent with this Direction. The precinct is identified in Council's Employment Lands Strategy and Dubbo Transportation Strategy and is consistent with this Direction.

5.3 Development near Regulated Airports and defence Airfields	Consistent	<p>The subject land is identified as being part of the Dubbo Airport Precinct. The Employment Lands Strategy identifies the use of the land for industrial purposes, and it is not expected that the proposal will intrude on operational airspace or be affected adversely by aircraft noise.</p> <p>Dubbo DCP 2013 indicates the subject land is:</p> <ul style="list-style-type: none"> not within the Airport ANEF contours (noting that the proponent has submitted acoustic assessment that reveals no impact from Airport). within the Obstacle Limitation Surface and there is no height of building limitations in place or proposed. Consultation with Civil Aviation Safety Authority (CASA) is recommended. <p>The proposal is considered to be consistent with this Direction.</p>
7.1 Industry and Employment	Consistent	<p>The planning proposal is consistent with this Direction. The precinct is identified within the Dubbo Employment Lands Strategy and is consistent with the strategy. The proposed local LEP clause to restrict the potential floor space of supermarket and retail uses within the precinct is justified and supported.</p>

3.4 State environmental planning policies (SEPPs)

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

Table 7 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (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	A Biodiversity Development Assessment Report was submitted with the planning proposal. Removal of some native vegetation may be required on the site at the construction phase. As the site is currently zoned IN2 Light Industrial, the planning proposal does not reduce the conservation standards that apply to the land. The proposal is considered to be consistent with the SEPP. Consultation with BCD is recommended.

SEPP (Resilience and Hazards) 2021	Chapter 4 Remediation of land	Consistent but further work required	See discussion above in relation to Ministerial Direction 4.1 Remediation of Land.
SEPP (Transport and Infrastructure) 2021	Chapter 2	Consistent	The planning proposal includes the delivery of infrastructure in consultation with TfNSW appropriate for the precinct. The planning proposal is consistent with the SEPP.

4 Site-specific assessment

4.1 Environmental

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

Table 8 Environmental impact assessment

Environmental Impact	Assessment
Bushfire Prone Land	The site is mapped as bushfire prone land on Council's draft mapping, however not in the Planning Portal. Consultation is required with the NSW RFS to satisfy the Section 9.1 Ministerial Direction 4.3 The land is not identified as flood prone land.
Groundwater Vulnerability	The site is mapped as Groundwater Vulnerability. The rezoning is not expected to generate impacts on the groundwater as the future development will be provided with all urban services.
Terrestrial Biodiversity	A small part of the subject site is identified as terrestrial biodiversity. Consultation with BCD will be recommended.

4.2 Social and economic

As discussed in Part 3.2, an Economic Impact Assessment has been provided as well as a Peer Review on the proposed economic impacts of the inclusion of the B2/E1 zone in the precinct.

The planning proposal is not expected to result in adverse social or economic impacts. The amendment to land zoning is positive and will allow a variety of industrial and employment development options. The proposed site will be connected to the other services in Dubbo.

4.3 Infrastructure

The subject site is located close to Dubbo CBD and within an Urban Release Area. The precinct and the subject land will provide for adequate urban public infrastructure including public utilities and servicing.

4.4 Employment Zones Reform

As part of the NSW Government Employment Zones Reform that commence on 26 April 2023, the new zones will be E1 Local Centre and E3 Productivity Support.

Council has provided the following comments in relation to the employment zones reform:

The E3 Productivity Support zone will introduce a broader range of permissible land uses such as shop top housing, business premises, office premises and service stations. The E3 Productivity Support zone will not significantly change the nature of the area, and this zone will allow a range of large format commercial uses and light industrial uses. This includes the bulky goods, warehouse and distribution centres, industrial training facilities, freight transport and passenger, and transport and truck depots.

Council is also proposing a clause within the Dubbo Regional LEP 2022 to limit the floor area of retail shops and supermarkets within the precinct.

The Department is supportive of this approach.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

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

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- NSW Rural Fire Service
- Transport for NSW
- Biodiversity Conservation Division
- Civil Aviation Safety Authority (CASA)

6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The Department recommends a time frame of nine (9) months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

Given the nature of the planning proposal, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

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

- The land is already zoned for employment land use. The proposal will provide for a variety of light industrial and local centre uses in an identified urban release area.
- The proposal has strategic and site merit and is part of the broader land release in West Dubbo.

9 Recommendation

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

1. Prior to community consultation, update the planning proposal to reflect the new employment zones which commenced on 26 April 2023 and include explanation of the proposed local clause to limit floor area for supermarkets and retail development and require an economic impact assessment to ensure consistency with Dubbo Employment Lands Strategy.
2. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act:
 - Transport for NSW
 - NSW Rural Fire Service
 - Biodiversity Conservation Division
 - CASA
3. The planning proposal should be made available for community consultation for a minimum of 28 days (20 working days)
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be nine (9) months from the date of the Gateway determination.
6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



(Signature)

27/4/2023_____
(Date)

Wayne Garnsey

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02/05/2023_____
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