

REPORT: Planning Proposal R22-005 - 13L Narromine Road, Dubbo - Proposed Amendments to Land Use Zone and Minimum Lot Size

DIVISION:	Development and Environment
REPORT DATE:	23 January 2023
TRIM REFERENCE:	ID22/2258

EXECUTIVE SUMMARY

Purpose	Seek endorsement	
Issue	 A planning proposal was lodged by GLN Planning Pty Ltd, on behalf of the Bathla Group, to amend the Dubbo Regional Local Environmental Plan by changing the existing land use zone and minimum lot size area at part of 13L Narromine Road, Dubbo (Lot 22 DP 1038924 and Lot 7 DP223428). The planning proposal seeks to rezone part of R2 Low Density Residential zone to R1 General Density Residential, and amend the minimum lot size from 600m² to 300m². The total area to be changed is approximately 23.3Ha. Council's assessment indicates the proposal has strategic merit and should be submitted to NSW Department of Planning and Environment for a Gateway Determination. If issued, the determination will require community and stakeholder consultation. 	
Reasoning	 Environmental Planning and Assessment Act 1979 Local Environmental Plan Making Guidelines 	
Financial	Budget Area	Growth Planning
Implications	Funding Source	Application Fees
	Proposed Cost Ongoing Costs	Council received \$26,000 upon lodgement, and will receive a further \$14,000 if a Gateway Determination is issued, as part of the application fees Nil
Policy Implications	Policy Title	Dubbo Regional Local Environmental Plan 2022
	Impact on Policy	The Planning Proposal will amend the land use zone and minimum lot size area at 13L Narromine Road, Dubbo

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principle themes and a number of objectives and strategies. This report is aligned to:

Theme:	1 Housing
CSP Objective:	1.1 Housing meets the current and future needs of our community
Delivery Program Strategy:	1.1.1 A variety of housing types and densities are located close to appropriate services and facilities
Theme:	1 Housing
CSP Objective:	1.2 An adequate supply of land is located close to community services and facilities
Delivery Program Strategy:	1.2.1 Land is suitably zoned, sized and located to facilitate a variety of housing types and densities

RECOMMENDATION

- 1. That Council note the process and key steps for amending the Dubbo Regional Local Environmental Plan 2022 (attached in Appendix 1).
- 2. That Council endorse the planning proposal (attached in Appendix 2) to amend the Dubbo Regional Local Environmental Plan 2022 by rezoning and changing the minimum lot size area at part of 13L Narromine Road, Dubbo (Lot 22 DP1038924 and Lot 7 DP223428).
- **3.** That Council submit the planning proposal to the NSW Department of Planning and Environment for a Gateway Determination.
- 4. That Council request the Chief Executive Officer (or delegate) be authorised as the Local Plan Making Authority under Section 3.36 of the Environmental Planning and Assessment Act 1979.
- 5. That Council support a minimum 28 days public exhibition period for the planning proposal, subject to the conditions of a Gateway Determination.
- 6. That following the completion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.

Stephen Wallace Director Development and Environment *CC* Growth Planner

BACKGROUND

1. What is a Planning Proposal

A planning proposal is a document that explains the intended effect of, and justification for, a proposed amendment to the Dubbo Regional Local Environmental Plan (LEP) 2022. It can be prepared by a proponent or Council, however it must be endorsed by Council and the NSW Government Department of Planning and Environment (DPE) in order to take effect. This process must be undertaken in accordance with Division 3.4 of the Environmental Planning and Assessment Act 1979.

The six key stages for amending a LEP are attached in **Appendix 1** and are as follows:

- Stage 1 Pre-lodgement;
- Stage 2 Lodgement and assessment (current stage);
- Stage 3 Gateway Determination;
- Stage 4 Post Gateway;
- Stage 5 Public exhibition and assessment; and
- Stage 6 Finalisation

REPORT

Applicant:		GLN Planning	
Site:		13L Narromine Road, Dubbo (Lot 22 DP1038924 and Lot 7 DP223428)	
Site area:		Land to be amended is approximately 23.3Ha	
Proposed	LEP	Amend the land use zone from R2 Low Density Residential to R1	
Amendment:		General Residential zone	
		Amend the minimum lot size area from 600m ² to 300m ²	
		Changes to Land Zoning Map (LZN_001A) and Lot Size Map (LSZ_001A)	

The objective of the planning proposal is to amend the Dubbo Regional LEP 2022 to rezone a precinct of land from R2 Low Density Residential to R1 General Residential, and amend the minimum lot size area from 600m² to 300m², to encourage housing diversity with a smaller built form. The proposed amendments are shown in **Figures 1-5**.

CCL23/15



Figure 1: Location of site and proposed amendment





Figure 2: Current Land Zoning (R2 Low Density Residential)

Figure 3: Proposed Land Zoning (R1 General Residential)





Figure 4: Current minimum lot size area (600m²) Figure 5: Proposed minimum lot size area (300m²)

The intent of the planning proposals is:

- To provide a variety of housing options and facilitate a range of lot sizes;
- To facilitate medium density housing;
- To accommodate different housing products;
- To provide appropriate planning controls to guide future residential lots within the precinct.

2. Site Characteristics

The site is approximately 3.2km northwest of the Dubbo Central Business District, and is located on the south-western side of Narromine Road, the western side of TAFE, the eastern side of large-lot residential development, and the northern side of the Western Railway. The site has the following characteristics:

- It contains a terrestrial biodiversity;
- It is subject to vulnerable groundwater controls;
- It is not mapped as flood prone or bushfire prone (but is mapped on Council's draft bushfire prone mapping); and
- It is mapped as sensitive land resource.

3. Planning assessment and considerations

i) Strategic and site-specific merit

To determine whether the planning proposal should be supported, it must have both strategic and site specific merits and align with the NSW strategic planning framework. It must also identify potential environmental, social, and economic impacts.

The proposal has been assessed against relevant regional and sub-regional strategies, Council strategies and policies, applicable State Environmental Planning Policies (SEPPs), and Section 9.1 Ministerial Directions.

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Strategy	Requirement	Consistency
Central West and Orana	Vision	The planning
Regional Plan 2036	The most diverse regional economy in	proposal is
	NSW with a vibrant network of centres	consistent with this
This Plan is the NSW	leveraging the opportunities of being at	Plan.
Government's strategy for	the heart of NSW.	
guiding land use planning	Goal 2	
priorities and decisions	A stronger healthier environment and	
for the Central West and	diverse heritage.	
Orana Region over the	<u>Goal 4</u>	
next 20 years.	Dynamic vibrant and healthy	
	communities.	
	Direction 22	
	Manage growth and change in regional	
	cities and strategic and local centres.	
	Direction 25	
	Increase housing diversity.	
Central West and Orana	Objective 7	The planning
Regional Plan 2041	Provide for well-located housing options	proposal is
	to meet demand.	consistent with this
This Plan is the NSW	Objective 8	Plan.
Government's strategy for	Plan for diverse, affordable, resilient and	
guiding land use planning	inclusive housing.	
priorities and decisions	Objective 19	
for the Central West and	Strengthen Bathurst, Dubbo and Orange	
Orana Region over the	as innovative and progressive regional	
next 20 years.	cities.	
This plan was adopted		
after lodgement of the		
planning proposal.		
Towards 2040 Community	Vision	The planning
Strategic Plan	In 2040 we will be an innovative, resilient	proposal is
	and sustainable region with	consistent with this
This Plan is the highest	opportunities to grow and a high quality	Plan.
level strategy that guides	of life.	
and influences the	Objective 1.1	
direction of Council, the	Housing meets the current and future	
communities and other	needs of our community.	
levels of Government	<u>Objective 1.2</u>	
over the coming years.	An adequate supply of land is located	
	close to community services and facilities	

CCL23/15

Strategy	Requirement	Consistency
Local Strategic Planning	Priority 9	The planning
Statement (LSPS)	Provide diversity and housing choice to	proposal is
	cater for the needs of the community.	consistent with this
This Plan sets Council's	Priority 12	Plan.
land use planning	Create sustainable and well-designed	
priorities, including	neighbourhoods.	
economic, social and		
environmental outcomes,		
for the next 20 years.		
Dubbo Residential	Central district - North-western Sub-	The planning
Release Strategy	District	proposal is
	Role of the district	consistent with this
This Strategy guides the	Provide industrial land options and	Strategy.
strategic direction and	westward residential expansion in the	
decisions on residential	long term and protect and improve its	
development and use of	transport infrastructure.	
residential land.		
West Dubbo Residential	South-Western Sub-District	The planning
Release Strategy	Principles for land release	proposal is
	Lands within this precinct maybe suitable	consistent with this
This Strategy provides a	for additional investigation for	Strategy.
greater level of detail and	residential development once the land is	
certainty for the	required in the residential land release	Additional
residential development	pipeline and that services are available at	commentary is
in West Dubbo.	no additional cost to the community.	provided below.
Dubbo Regional Local	Central West Urban Release Area	The planning
Environmental Plan 2022	Ensure development in an area identified	proposal is
	for growth occurs in a logical and cost	consistent with this
This Plan guides planning	effective manner, in accordance with a	Plan.
decisions in the region	staging plan and development control	
through development	plan.	
controls and provisions.	Zone R2 Low density residential	
	Provide for the housing needs of the	
	community within a low density	
	residential environment.	
	Zone R5 Large lot residential	
	Ensure that large residential lots do not	
	hinder the proper and orderly	
	development of urban areas in the	
	future.	

a) West Dubbo Residential Release Strategy

Residential development should be undertaken in accordance with the staging specified in **Figure 6**. The site is identified as Stage 4; however, it may be developed earlier than anticipated if it can address access to the land and also the proximity to the Western Rail Line, or it can demonstrate that other lands must be developed out of sequence.



Figure 6: South-Western Sub-District staging.

Council will consider an out-of-sequence request where:

- There are no additional costs to Council in infrastructure provision;
- All infrastructure is provided by the applicant or Council has agreed to provide the infrastructure;
- The land is situated within a reasonable proximity to an established residential community and an established residential community; and
- The land can be serviced by a public transport provider.

The planning proposal is consistent with the above requirements. A utility services report concludes that all the recommended potential utility services can be provided. Council raised concerns for the long term supply of water and sewer infrastructure, but will continue to work with the applicant to deliver revised water supply and sewer strategies for the entirety of the urban release area. A staged approach to the water and sewer upgrades will also be required as growth occurs. In the interim, a standpipe-style reservoir may be required to fully service the urban release area whilst existing sewer is to be connected to the Cooreena Road pump station via gravity sewer.

ii) State Environmental Planning Policies (SEPP)

The planning proposal is consistent with the following SEPPs, which are planning instruments that address planning issues at a state-wide level.

SEPP	Comment
SEPP (Biodiversity and Conservation) 2021	The environmental impact is negligible as
	the site is currently zoned R2 Low Density
The aim of this SEPP is to maintain a healthy,	Residential. The clearing of some native
productive and resilient environment for the	vegetation may be required despite the
greatest well-being of the community, now	rezoning. A Biodiversity Development
	Assessment Report has been submitted, and
and into the future, consistent with the	•
principles of ecologically sustainable	considered the principle of 'avoid and
development.	minimise'.
SEPP (Resilience and Hazards) 2021	In accordance with the Central NSW
	Regional Contaminated Land Policy, the site
Chapters 4 provides a state-wide planning	has the potential to be contaminated due to
framework for remediation of contaminated	the previous agricultural land uses and
land and to minimise the risk of harm to	activities.
human health or any other aspect of the	
environment.	The planning proposal has a minor
	inconsistency with this SEPP. The submitted
Stage 1 – Preliminary Site Investigation is the	Preliminary Site Investigation concluded that
first step in assessing the contamination	the site is suitable for development, subject
status of a site proposed for redevelopment.	to an additional Data Gap Contamination
It defines the potential contaminating	Assessment. Further investigations to be
activities carried out onsite, the areas where	undertaken prior to community consultation
contamination is most likely to exist and, if	include a gap analysis, a decommission plan,
necessary, sufficient soil or groundwater	determination of the identified
sampling to confirm whether the land has	hydrocarbons and updated illegible figures.
been contaminated or not.	, , , , , , , , , , , , , , , , , , , ,
SEPP (Housing) 2021	The planning proposal is not contrary to the
	principles of this SEPP as it enables diverse
	housing types and encourages the
	development of housing to the community.
SEPP (Transport and Infrastructure) 2021	The planning proposal does not include any
	provisions which impede the operation of
Chapter 2 is applicable for the proposal. The	this SEPP over the site.
aim of this SEPP is to facilitate the effective	THIS SEFT OVEL THE SILE.
delivery of infrastructure across NSW.	The planning proposal data not contraction
SEPP (Exempt and Complying Development	The planning proposal does not contravene
Codes) 2008	the provisions of the SEPP and is therefore
	consistent with it.
The aim of this SEPP is to provide streamlined	
assessment processes for development that	
complies with specified development	
standards.	

Numerous other SEPPs have been assessed as part of this planning proposal but were not considered to be relevant.

iii) Ministerial Directions under Section 9.1

Section 9.1 (2) of the Environmental Planning and Assessment Act 1979 requires a planning proposal to be consistent with the principles, aims, objectives or policies of directions made by the Minister for Planning. The planning proposal is generally consistent with the following Directions.

1.1 Implementation of Regional PlansPlanning proposals must be consistent with a Regional Plan released by the Minister for PlanningThe planning proposal Plan 2034 2041 and the Central West and Orana Regional Plan 2041 and the Central West and Orana Regional Plan 2036.3.1 Conservation ZonesPlanning proposals must include provisions that facilitate the protection and environmentally sensitive areas. This applies to land within a conservation or protection purposes in the LEP.The planning proposal is not located in the Environmental Conservation or loid otherwise identified for environment conservation or protection purposes in the LEP.3.2 Heritage ConservationPlanning proposals must contain provisions that facilitate the conservation or protection purposes in the LEP.The planning proposal is consistent with this Direction.3.2 Heritage ConservationPlanning proposals must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects of environmental heritage significance.The planning proposal is consistent with this Direction.4.3 Planning for Bushfire ProtectionPlanning proposals must have regard to Planning for Bushfire Protection 2019 and avoid placing inappropriate development in hazardous areas.The site is identified as being subject to Council's draft bushfire prone land map as it is covered by grasslands. Assessment of bushfire impacts will be assessed as part of any future development in hazardous areas.	Direction	Requirement	Consistency
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undertaken.			undertaken.

CCL23/15

Direction	Requirement	Consistency
4.4 Remediation	Planning proposals must	The site is potentially contaminated
of Contaminated	reduce the risk of harm to	due to the outstanding contamination
Land	human health and the	matters that have not been
	environment by ensuring that	appropriately addressed nor resolved
	contamination and	at this stage.
	remediation are considered.	
		As such, a decommission plan, a data
		gap analysis and the associated
		matters shall be provided prior to
		community consultation.
5.1 Integrating	The Direction applies when a	The proposed area will be in close
Land Use and	planning proposal will create,	proximity to the future western
Transport	alter or remove a zone or a	distributor road, which means higher
	provision relating to urban	densities of housing will be close to
	land, including land zoned for	transport nodes.
	residential, business,	
	industrial, village or tourist	In addition, other transport networks,
	purposes.	cycle path and pedestrian linkages
		within the estate will be designed in
		accordance with the relevant
C. A. Descide sticl		Development Control Plan.
6.1 Residential	The direction applies when a	The planning proposal is consistent
Zone	planning proposal will affect	with this direction as it will facilitate
	land within an existing or	higher density building types whilst
	proposed residential zone	having direct access to infrastructure
	(including the alteration of any	and services.
	existing residential zone	The recenting will increase the
	boundary), or any other zone	The rezoning will increase the
	in which significant residential	permissibility of residential density of land.
	development is permitted or	lanu.
	proposed to be permitted.	

The planning proposal is consistent with the abovementioned Ministerial Directions.

iv) Site-Specific Merit

For site-specific merit, the planning proposal must outline potential impacts on the natural environment and potential mitigation measures, and demonstrate its suitability having regard to the availability of services and infrastructure.

a) <u>Environmental Impacts</u>

The site consists of approximately 179.26ha of degraded native vegetation with the remainder of exotic vegetation and cleared lands. Of the 179.26ha of degraded native vegetation, approximately 70.70ha is severely degraded and below the threshold requiring

offsets. The native vegetation within the subject site contains two plant community types (PCTs) which may 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; and
- PCT 458 White Cypress Pine Buloke White Box shrubby open forest on hills in the Liverpool Plains Dubbo region, Brigalow Belt South Bioregion.

The site does not contain threatened fauna or flora species. Ecosystem credits will be provided to offset the impacts as part of any development application.

b) <u>Environmental Hazards</u>

The site is not mapped as flood prone or bushfire prone, but is within Council's draft bushfire hazard map. The proposal will not negatively impact aboriginal heritage, geotechnical and contamination, acoustic, and dark sky planning issues on the site.

c) <u>Social and Economic Effects</u>

The planning proposal will facilitate additional housing stock within the Dubbo residential housing market. The economic benefits generated by the development will create additional employment within the precinct and the business zones to the north of the site. Key infrastructure such as existing Dubbo TAFE and a potential new school and neighbourhood shops will also be benefited by the future residences.

d) <u>Infrastructure</u>

The planning proposal will increase the demand for public facilities and services. Proposed works are subject to a staged approach, and accordingly, specific water and sewer infrastructure upgrade requirements will be confirmed at a later stage. This will not prevent the planning proposal from progressing.

The following strategies were included with the planning proposal:

- Utilities services report
- Water cycle management strategy
- Traffic and transport assessment
- Open space conceptual layout

4. Consultation and Planned Communications

If Council supports this planning proposal and receives a Gateway Determination from the Department of Planning and Environment, it is likely the proposal would be publicly exhibited for 28 days in accordance with the Local Environmental Plan Making Guidelines.

Council will engage with state agencies, adjoining land owners and the public as per the Gateway Determination. This will include a notice on Council's website and in Customer Experience Centres, the NSW Planning Portal, and letters to the affected and adjoining landowners unless this is impractical and therefore not required as part of the Gateway determination.

The following state agencies would be consulted as part of the Gateway Determination:

- Transport for NSW
- NSW Rural Fire Service
- NSW Environmental Protection Authority
- School Infrastructure NSW

A further report will be presented to Council for consideration following the completion of public exhibition and consultation processes.

5. Timeframe

The below estimated timeline provides a mechanism to monitor and resource the various steps required to progress the planning proposal through the plan making process:

Key date	Explanation
9 February 2023	Council decision
Late February 2023	Submit the planning proposal to the Department of Planning and
	Environment for Gateway Determination
Early April 2023	Gateway determination issued
May 2023	Post-gateway review and requirements
July 2023	Public exhibition period
August 2023	Consideration of submissions
October 2023	Consideration by Council
November 2023	Submit the planning proposal to the Department of Planning and
	Environment for finalisation
January 2024	Gazettal of the LEP amendment

6. Resourcing Implications

Council received \$26,000 upon lodgement, and will receive a further \$14,000 if a Gateway Determination is received, as part of the application fees.

CCL23/15

Total Financial Implications	Current year (\$)	Current year + 1 (\$)	Current year + 2 (\$)	Current year + 3 (\$)	Current year + 4 (\$)	Ongoing (\$)
a. Operating revenue	\$40,000	0	0	0	0	0
b. Operating expenses	0	0	0	0	0	0
c. Operating budget impact (a – b)	\$40,000	0	0	0	0	0
d. Capital expenditure	0	0	0	0	0	0
e. Total net impact (c – d)	\$40,000	0	0	0	0	0
Does the proposal require opgoing funding? No						

Does the proposal require ongoing funding? No

Lodgement and assessment fees

What is the source of this funding? **Table 1.** Ongoing Financial Implications

7. Options Considered

Council has the following options:

1. Support the planning proposal

This would allow Council to submit the planning proposal to the Department of Planning and Environment for a Gateway Determination. The Gateway Determination allows for the review of the strategic and site-specific merits of a proposal, and determines whether it should proceed.

This is the preferred option.

2. Not support the planning proposal

The proponent would be able to submit a Rezoning Review to the Department of Planning and Environment, which allows an independent planning panel to evaluate and recommend to the Minister of Planning whether the proposal should progress to Gateway Determination.

APPENDICES:

- **1** Planning Proposal Flowchart
- 2 Planning Proposal





PRESENT: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright (via Teams).

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Director Organisational Performance, the Manage Corporate Governance, the Governance Team Leader, two Governance Officers, the Revenue Accountant Financial Operations, the Director Strategy, Partnerships and Engagement, the Communication Services Team Leader, the Director Development and Environment, the Manager Growth Planning, the Director Infrastructure and the Director Community, Culture and Places.

Councillor M Dickerson assumed the Chair of the meeting.

The proceedings of the meeting commenced at 5.30pm at the Wellington Administration Building, Council Chamber, with a prayer for Divine Guidance to the Council in its deliberations and activities read by Councillor J Gough. The welcome to country was given by Councillor L Burns.

CCL23/1 LEAVE OF ABSENCE (ID23/17)

There were no leave of absence received.

Councillor M Wright via Teams link.

CCL23/2 CONFLICT OF INTEREST (ID23/18)

There were no conflicts declared

CCL23/3 PUBLIC FORUM (ID23/19)

The Council reports having met with the following persons during Public Forum:

- Mr Graham Whitley on behalf of Rosalee Whiteley regarding Wellington Aquatic Leisure Centre
- Mr Mark Griggs Australia Day
- Mr Mike Augee Wellington Caves
- Ms Kevena Unwin Cameron Park

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

CCL23/15 PLANNING PROPOSAL R22-005 - 13L NARROMINE ROAD, DUBBO - PROPOSED AMENDMENTS TO LAND USE ZONE AND MINIMUM LOT SIZE (ID22/2258)

The Council had before it the report dated 23 January 2023 from the Growth Planner regarding Planning Proposal R22-005 - 13L Narromine Road, Dubbo - Proposed Amendments to Land Use Zone and Minimum Lot Size.

Moved by Councillor R Ivey and seconded by Councillor J Black

MOTION

- 1. That Council note the process and key steps for amending the Dubbo Regional Local Environmental Plan 2022 (attached in Appendix 1).
- 2. That Council endorse the planning proposal (attached in Appendix 2) to amend the Dubbo Regional Local Environmental Plan 2022 by rezoning and changing the minimum lot size area at part of 13L Narromine Road, Dubbo (Lot 22 DP1038924 and Lot 7 DP223428).
- **3.** That Council submit the planning proposal to the NSW Department of Planning and Environment for a Gateway Determination.
- 4. That Council request the Chief Executive Officer (or delegate) be authorised as the Local Plan Making Authority under Section 3.36 of the Environmental Planning and Assessment Act 1979.
- 5. That Council support a minimum 28 days public exhibition period for the planning proposal, subject to the conditions of a Gateway Determination.
- 6. That following the completion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

CCL23/16 2023 NSW TOUCH FOOTBALL JUNIOR STATE CUP DUBBO (ID22/2575)

The Council had before it the report dated 5 December 2022 from the Senior Traffic Engineer regarding 2023 NSW Touch Football Junior State Cup Dubbo.

Moved by Councillor P Wells and seconded by Councillor M Wright

MOTION

That Council approval be granted for the implementation of the following temporary road closures between 5 am to 7 pm to facilitate the 2023 NSW Touch Football Junior State Cup to be held along the Macquarie River Sporting Precinct from 24 to 26 February 2023, in