Planning Proposal

R2 Low Density Residential to R1 General Residential (Small Lots) at Lot 22, DP 1038924, 13L Narromine Road and Lot 7 DP 223428, Jannali Road, Dubbo

Prepared for

The Bathla Group

By

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Acknowledgement of Country

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Executive Summary

This Planning Proposal seeks to amend Dubbo Regional Local Environmental Plan 2022 (**LEP**) to rezone a small precinct from R2 Low Density Residential to R1 General Residential within proposed Lot 222 approved under D2022-11 at Lot 22, DP 1038924, 13L Narromine Road and Lot 7, DP 223428 Jannali Road, Dubbo.

The rezoning will facilitate more housing diversity within the future residential estate with lots down to 300m^2 proposed within the R1 zoned land. The area to be rezoned is well connected being close to playing fields and linear parks, shops, TAFE and a potential future school site. The total area of R2 Low Density Residential land to be rezoned is approximately 23.3ha This includes all internal roads but excludes the external roads (arterial and sub-arterial) bordering the site.

As a nominated 'urban release area', Clause 6.3 of *Dubbo Regional Local Environmental Plan 2022* requires a DCP that includes measures to encourage higher density living around transport, open space and service nodes. This would not occur under the current R2 Low Density Residential Zoning without this Planning Proposal. This Planning Proposal applies to a small well located precinct to implement the outcomes expressed in Clause 6.3 of the LEP which are reinforced through the Local Strategic Planning Statement and broader Strategic Planning documents.

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

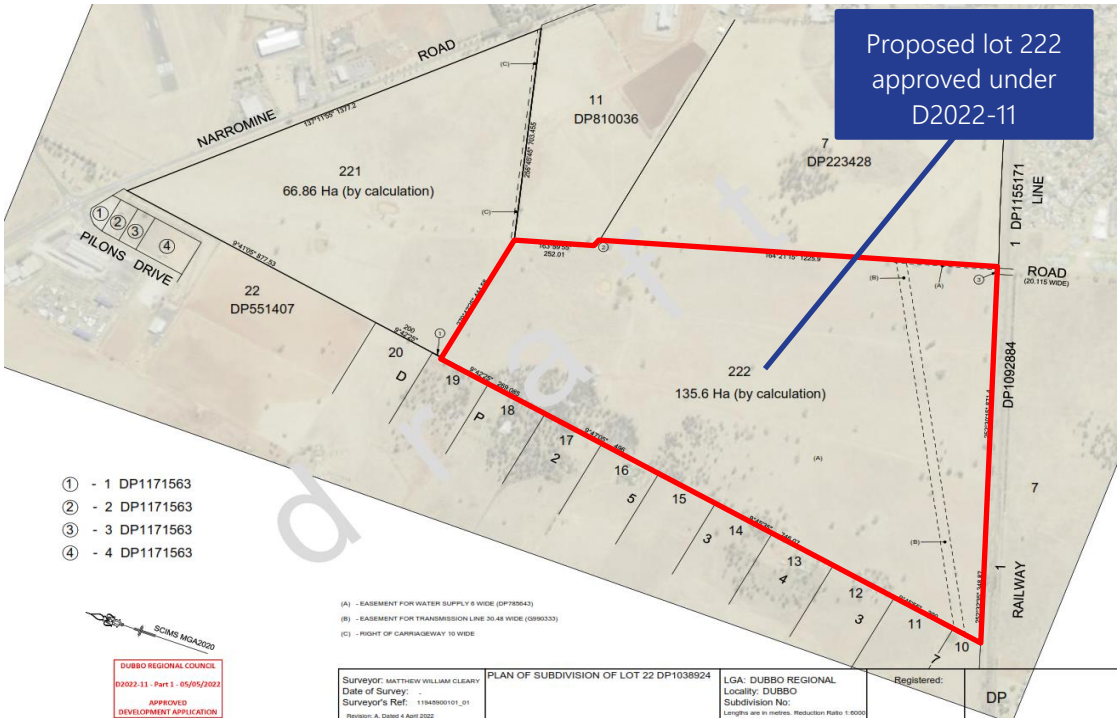
This Planning Proposal (**PP**) seeks to amend Dubbo Regional Local Environmental Plan 2022 (**LEP**) to rezone a small precinct from R2 Low Density Residential to R1 General Residential within proposed Lot 222 approved under D2022-11 at Lot 22, DP 1038924, 13L Narromine Road and Lot 7, DP 223428 Jannali Road, Dubbo. The rezoning will facilitate more housing diversity within the Estate with lots down to 300m^2. The area to be rezoned is well connected being close to playing fields and linear parks, shops, TAFE and a potential future school site. The total area of R2 Low Density Residential land to be rezoned is approximately 23.3ha This includes all internal roads but excludes the external roads (arterial and sub-arterial) bordering the site. Excluding the linear park which traverses centrally through the site, the area to be rezoned is approximately 22.4ha.

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**).

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 roads that will traverse through the site providing options for traffic to bypass the centre.

Lot 22 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 and existing Lot 7 in DP 223428.



Source – ePlanning Spatial Viewer

Figure 1 Approved Subdivision Plan showing future Lot 222

The entire 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 PP to rezone an area of R2 Low Density Residential to R1 General 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 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 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 held on 3 August 2022 with preliminary comments provided from certain sections via email at **Appendix A**.

In addition to the pre-lodgement meeting, a memorandum was prepared on 8 April 2022 which outlined the strategy and planning pathways to deliver housing diversity. This document was submitted to Council for consideration and is attached at **Appendix B**.

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
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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.

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

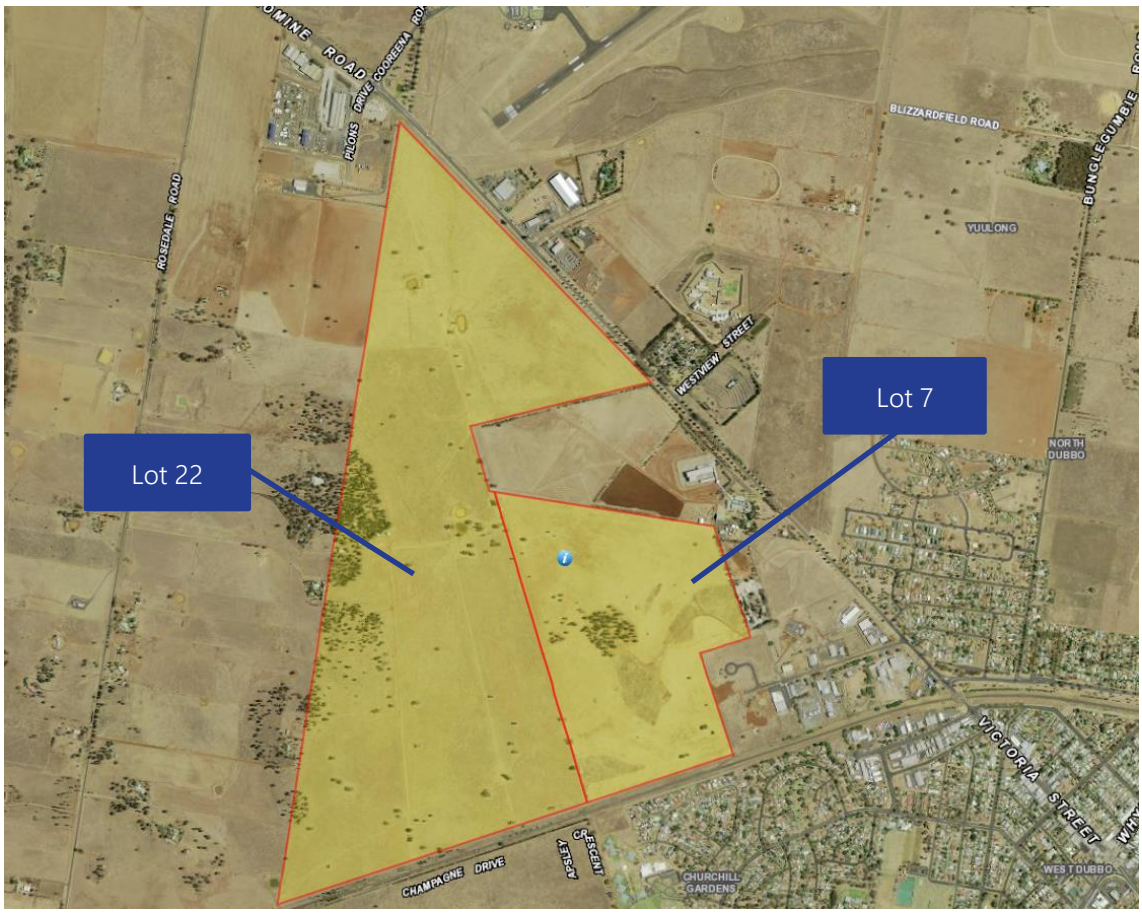
The following sections of this Report address this structure.

The Site and Locality

Site Location

This PP relates to a future precinct within proposed Lot 222 approved under D2022-11 at Lot 22, DP 1038924, 13L Narromine Road and Lot 7, DP 223428, Jannali 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 222 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

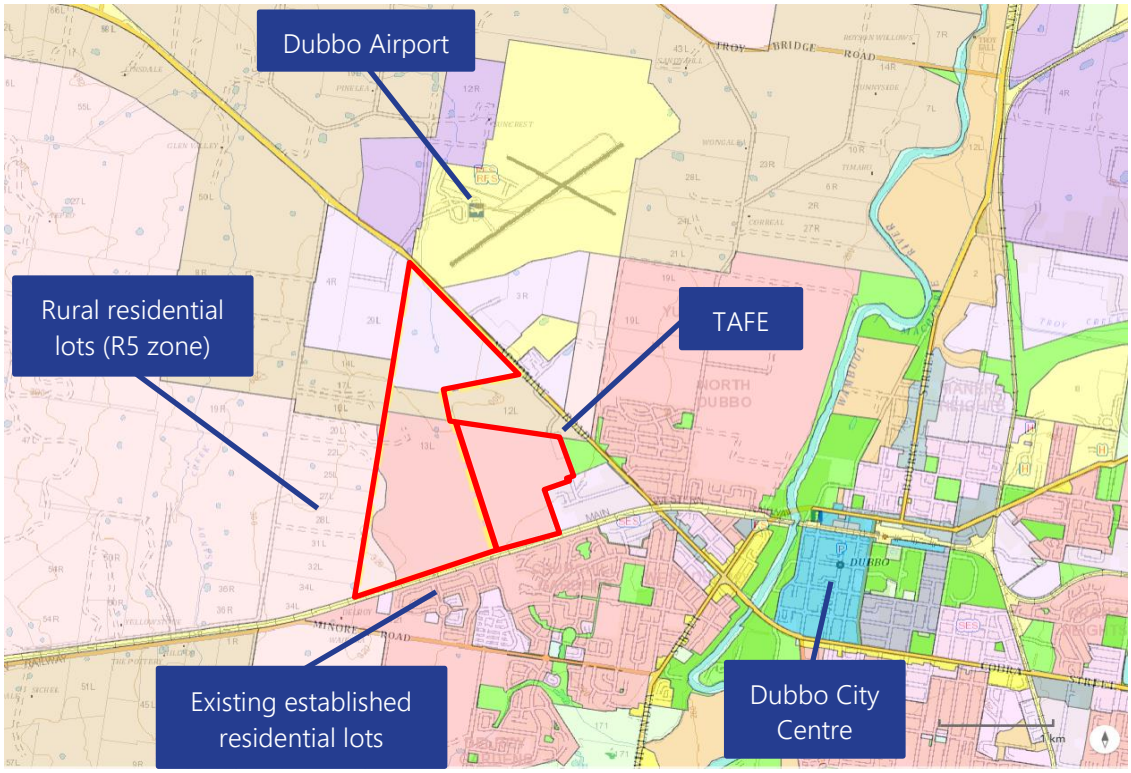
the drainage from the site being conveyed toward the north west corner at Narromine Road while the other half drains to the south.

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.



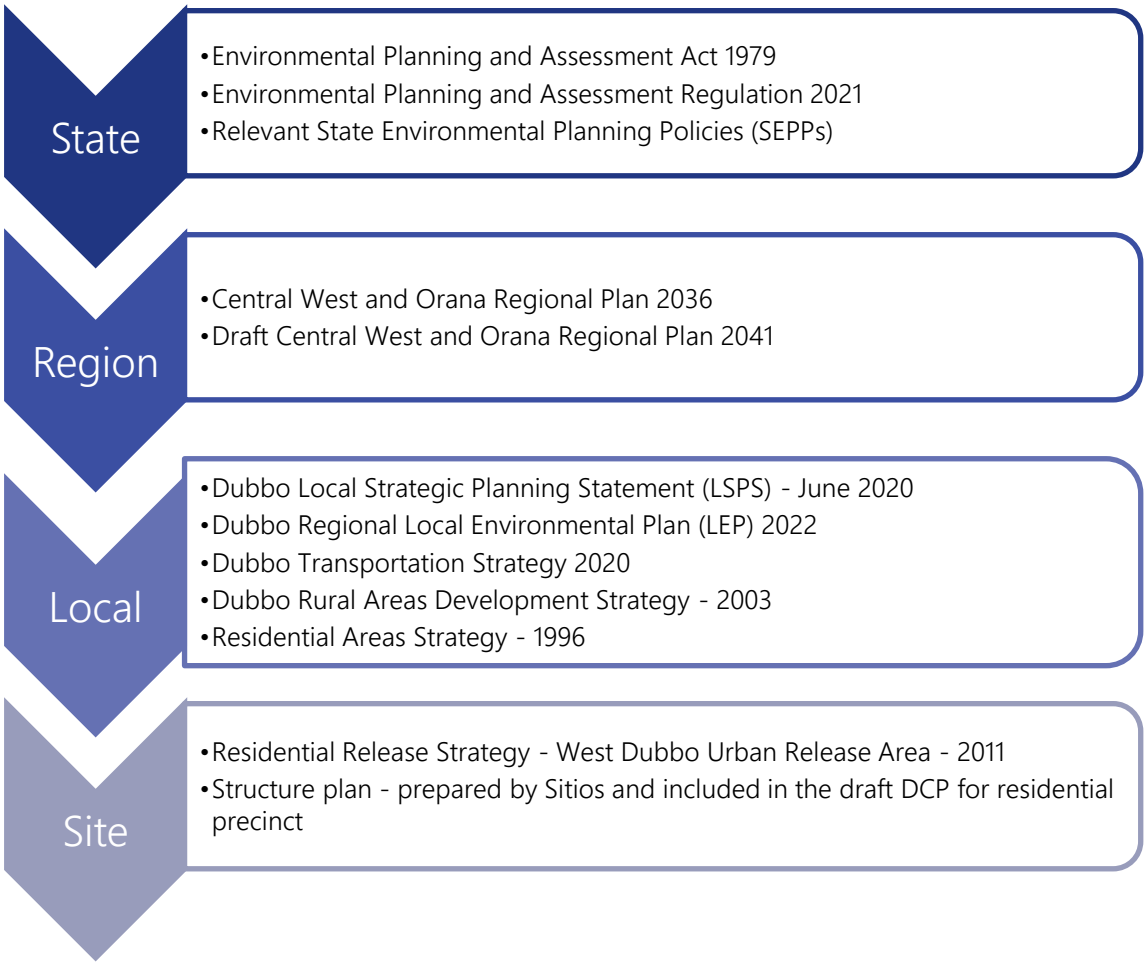
Source: ePlanning Viewer

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**.

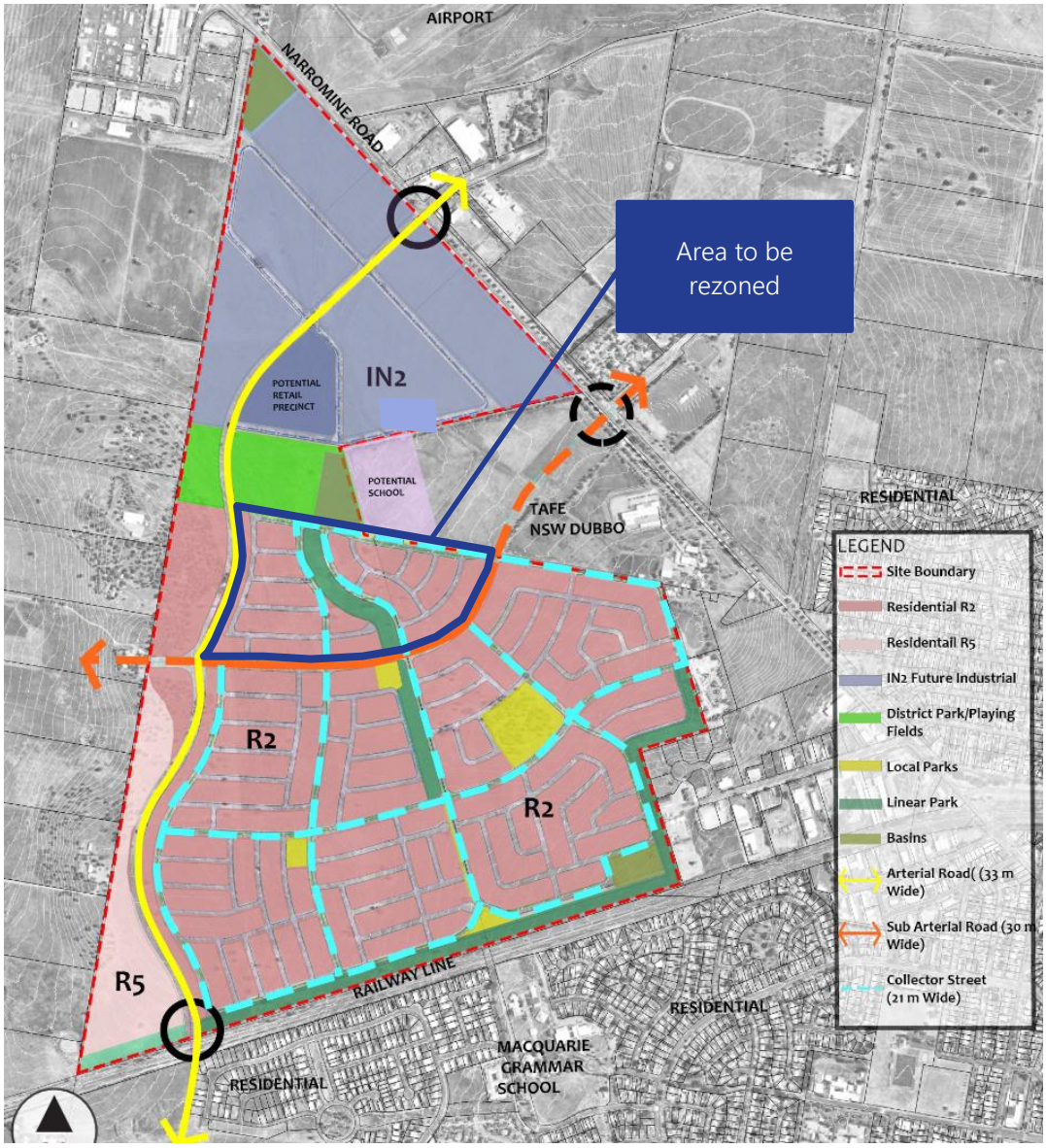


Source: GLN Planning

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

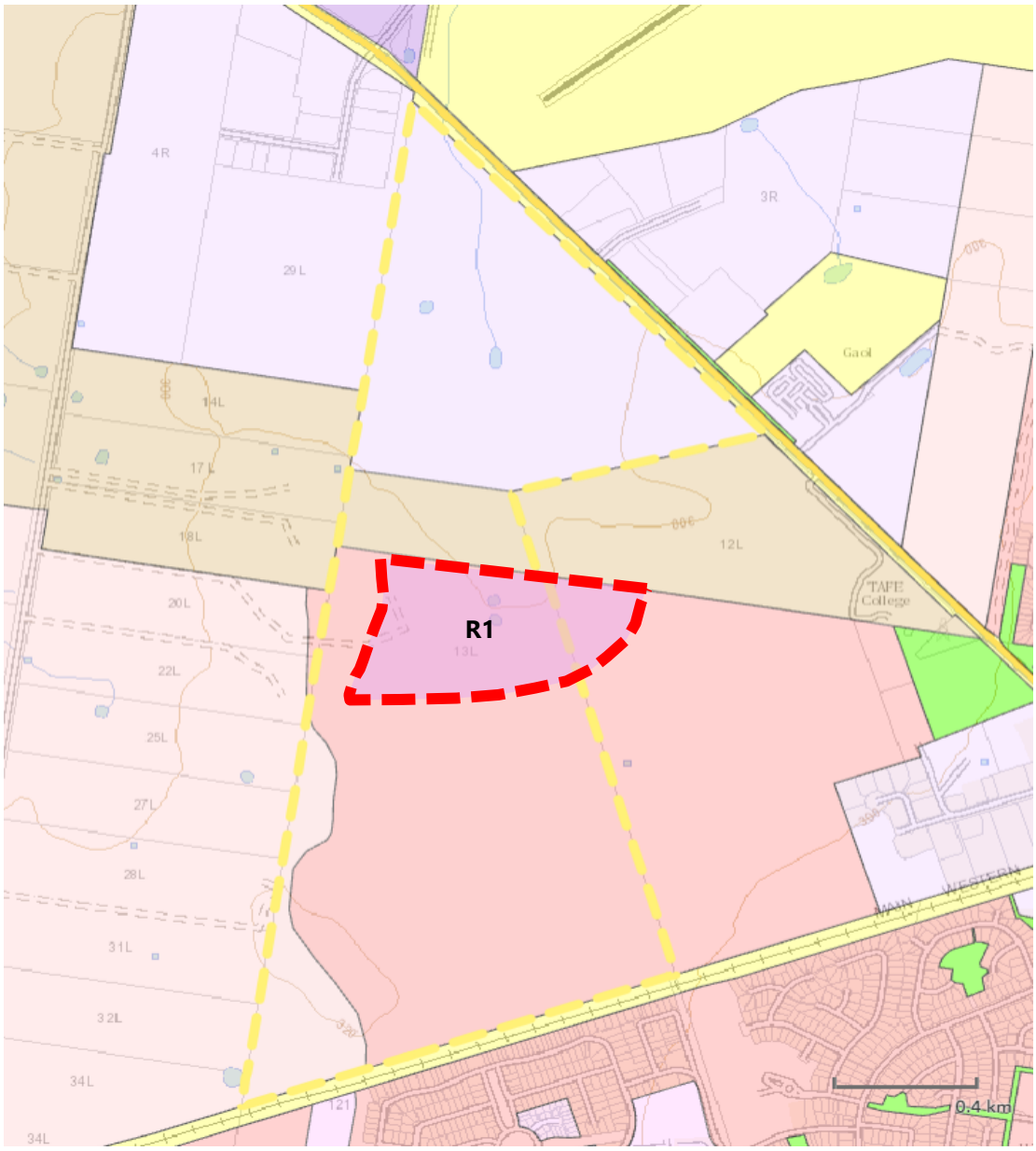
Figure 5 Structure Plan

As illustrated within the Structure Plan, the area subject to this Planning Proposal is located at the northern end of the residential zoned land adjacent to key infrastructure including open space and linear parks, a potential school, future employment uses and Dubbo TAFE. The site is contained and separated from the remaining residential land by the strategic road along the western boundary that diverts to traverse through the centre of the residential land and then northwards through the TAFE site towards Narromine Road.

An opportunity was identified within this urban release area to increase housing diversity and deliver a wider range of lots throughout the Precinct. This includes providing smaller lots, down to 300m^2, which allows people to downsize in areas that are well connected. It also better reflects the need for smaller housing with the 2021 census data identifying the average number of people per household

within the Dubbo LGA is 2.5 persons. Despite this, 41.7%[1] of people occupy a 4+ bedroom house within the LGA with 27.2% of households occupied by single (lone) persons.

The area subject to this rezoning is identified within **Figure 6**. It relates to a total area of 23.3ha of R2 Low Density Residential zone which is proposed to be rezoned to R1 General Residential with a minimum lot size of 300m^2. This includes all internal roads but excludes the external roads (arterial and sub-arterial) bordering the site.



Source: NSW Planning viewer

Figure 6 Proposed rezoning

[1] ABS Census 2021. https://abs.gov.au/census/find-census-data/quickstats/2021/SED10026

This PP is submitted following further investigations which have identified an opportunity for smaller lots to be created within a well-connected area in close proximity to the playing fields and linear spaces which provides active transport links to other areas and parks, shops, TAFE and potential future school. The intent is to provide housing diversity as part of this new residential estate to facilitate a range of lot sizes to accommodate different housing product to attract buyers at different price points.

As the land is in a nominated 'urban release area', Clause 6.3 of the LEP requires a DCP that includes measures 'to encourage higher density living around transport, open space and service nodes'. This would not occur under the current R2 Low Density Residential Zoning without this Planning Proposal. This Planning Proposal applies to a small well-located precinct to implement the outcomes expressed in Clause 6.3 of the LEP which are reinforced through the Local Strategic Planning Statement and broader Strategic Planning documents. This area has been deferred from the DCP relating to the remaining residential lands with a view that appropriate standards will be added to the DCP when this Planning Proposal is finalised.

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 to rezone a precinct of land from R2 Low Density Residential to R1 General Residential. The precinct is bound by the proposed strategic north-south road in the west, the east west connection through the residential areas in the south, and the playing fields park, TAFE and potential future school in the north. The precinct is located partly within proposed Lot 222 approved under D2022-11 at Lot 22, DP 1038924, 13L Narromine Road and part Lot 7, DP 223428, Jannali Road, Dubbo.

The rezoning relates to a total area of 23.3ha which is currently zoned R2 Low Density Residential and is proposed to be rezoned to R1 General Residential. This includes all internal roads but excludes the external roads (arterial and sub-arterial). The rezoning would provide more opportunities for housing diversity through either smaller built form and/or the introduction of a new minimum lot size within the R1 zone down to 300m^2 per lot.

Intended Outcomes

- To rezone the precinct from R2 Low Density Housing to R1 General Residential.
- To provide appropriate planning controls to guide future development including a minimum lot size of 300m^2.
- To provide site specific controls for developing future residential lots within the precinct subject to this rezoning

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 R2 Low Density as R1 General 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 land to be rezoned is shown with a minimum lot size of 300m^2.

The existing and proposed changes to Dubbo Regional LEP 2022 are shown within **Figure 7** to **Figure 10**

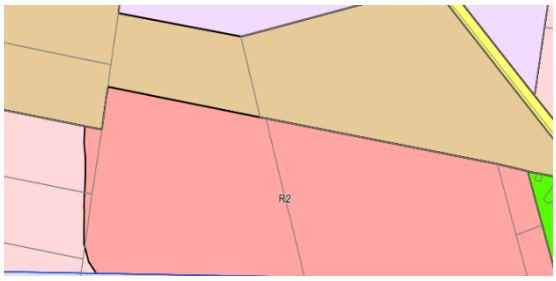


Figure 7 Existing land use zoning

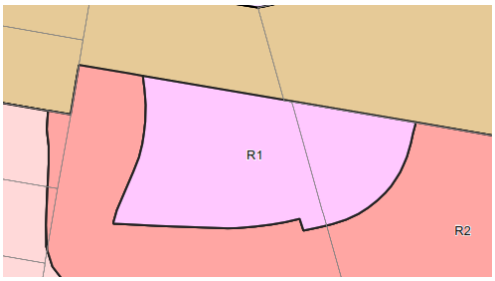


Figure 8 Proposed land use zoning

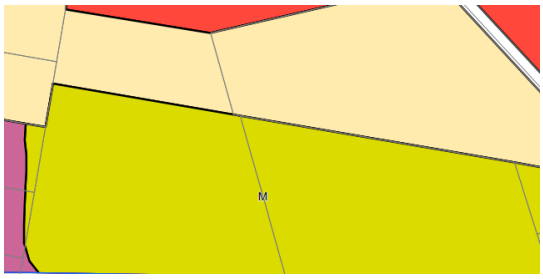


Figure 9 Existing lot size map

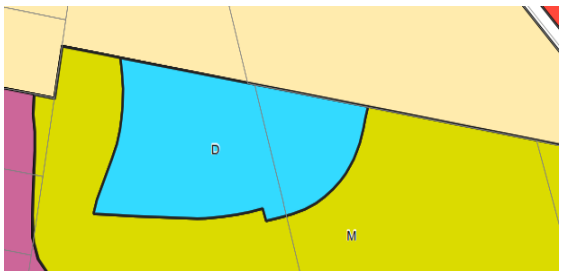


Figure 10 Proposed lot size map

The site is not subject to a FSR or maximum height of buildings. Therefore, no other provisions of Dubbo Regional LEP 2022 require amending. The LEP already includes the R1 General Residential land use zone within the Land Use Table. The land use objectives along with permitted and prohibited development are outlined within **Table 2** which would apply to the site to be rezoned.

Table 2 R1 Land Use Table

R1 Land Use Table	
1. Objectives of the R1 zone	○ To provide for the housing needs of the community. ○ To provide for a variety of housing types and densities. ○ To enable other land uses that provide facilities or services to meet the day to day needs of residents. ○ To ensure development is consistent with the character of the immediate locality.
2. Permitted without consent	Environmental protection works; Home-based child care; Home occupations; Roads
3. Permitted with consent	Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Restaurants or cafes; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Water reticulation systems; Any other development not specified in item 2 or 4
4. Prohibited	Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

It is intended that any new controls for this land will be incorporated into the draft Clearmont Rise DCP already submitted to Council for the remainder for the land to apply to this area once rezoned. The key planning controls to guide development on blocks down to 300m^2 is provided at **Appendix C**.

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.

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 identified to assist in contributing to the future housing supply and zoned residential areas.

Since the Residential Release Strategy was prepared, planning for the area has progressed with the area having now been rezoned. While this Strategy informed the initial base justification for the rezoning, more detailed and up to date Policies have been released including the Dubbo LSPS.

As illustrated within **Figure 11**, the rezoning is consistent with the LSPS with the rezoning located within the boundaries of the identified Urban Release Area (**URA**).

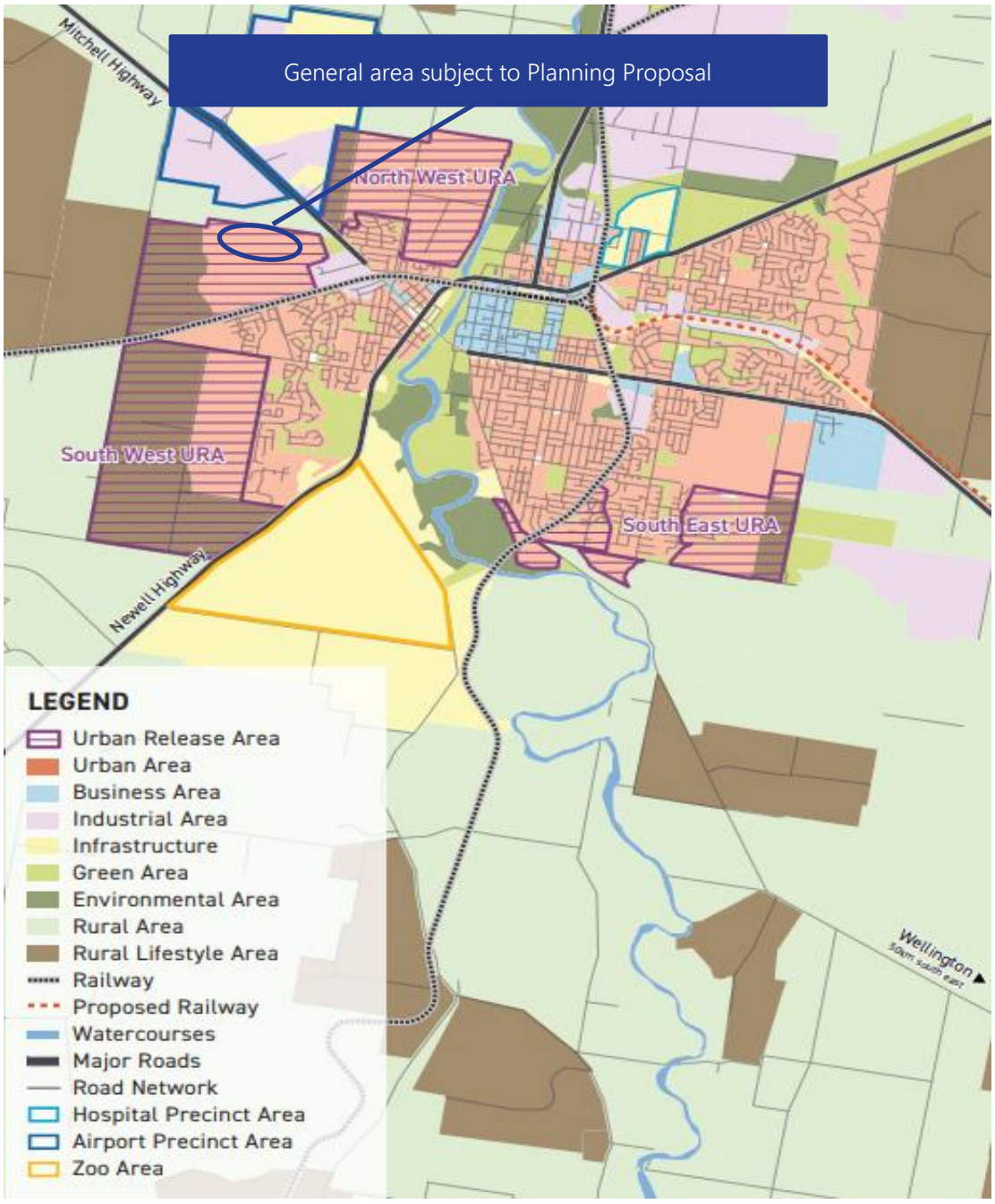
Dubbo LSPS identifies that '*there is a need to cater for shifting demographic trends, and respond to increased demand for smaller lots and dwelling sizes to ease rental and mortgage stress, particularly for families, lone person households, seniors, students, workers and those in need of housing.*'

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 provide for housing diversity within the URA which aims to create smaller lots (300m^2+) around key areas with good connections to the local shops, parks, Dubbo TAFE, employment uses and a potential future school. This better utilises this infrastructure and provides more variety in lot sizes throughout the URA which can target different price points in the housing market to suit more potential buyers.



Source: Dubbo LSPS

Figure 11 Dubbo LSPS – Urban Release Areas

In addition, the provision of smaller lots within the market better reflects the 2021 Census data which identifies:

- the average number of people per household is 2.5.
- the average number of bedrooms per dwelling is 3.3.
- up to 27.2%[2] of households are occupied by single (lone) persons
- 40.5% of coupled families have no children at home

This data demonstrates that larger dwellings are not necessary required with an oversupply of larger houses (determined by the number of bedrooms) in comparison with the average number of people per household. Further, a large portion of dwellings within Dubbo are either occupied by single (lone) persons or a couple with no children at home and therefore do not necessarily require large houses on big lots to accommodate their needs.

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 only 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 apply the relevant planning controls and guide future development.

It is intended that the DCP for the remainder of this release include a section providing key controls to guide development within this area and specifically on smaller lots sizes as outlined within **Appendix C**.

While dual occupancies are permissible and enable the only other form of housing diversity within the Precinct on lots potentially down to 300m^2, they are considered to have limited impact on housing diversity. This is due to this type of housing needing to construct housing products prior to subdivision occurring with built form typically designed to mirror the housing product which can be incompatible with other dwellings within the street. As such it can deter both developers and residents from this type of housing in contrast to single dwellings on smaller lots.

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.

[2] ABS Census 2021 - https://abs.gov.au/census/find-census-data/quickstats/2021/SED10026

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 to the north of the site and will be well connected to open space, linear parks and a potential future school site.

This PP will provide for additional housing opportunities in a well-connected area with good connectivity to future planned infrastructure. By reducing the minimum lot size down to 300m^2 in this area, it will increase the housing diversity within the Precinct and attract different purchasers at different price points in the market to accommodate a larger pool of purchasers. This is considered to provide a benefit to the availability of housing choice within Dubbo.

- **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 will introduce a new lot size within the area to provide for properties with a minimum lot size down to 300m^2. While this lot size is not uncommon in new greenfield subdivisions, the majority of Dubbo town centre has a minimum lot size of 600m^2. Although there are small isolated pockets within Dubbo that have a minimum lot size of 300m^2, these areas are limited.

  This PP provides an opportunity to introduce a new area with smaller lots sizes in an appropriate setting to provide residents with more choice in the housing market. The introduction of new lot sizes also brings new dwelling designs and housing options which can attract a larger range of purchasers for reasons including but not limited to downsizers, first home buyers trying to get on the property ladder and residents living in single (lone) households. As such, this PP is considered achieve the intent of Objective 8.

- **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.*'[3]

  As illustrated within **Figure 12** the rezoning is located within the identified URA and will provide for increased density through the introduction of a new minimum lot size down to 300m^2 around planned infrastructure including shops, open space and education uses. This is consistent with objective 19 for the planned expansion of new residential development within Dubbo.

[3] Draft Central West and Orana Regional Plan 2041, Page 81

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

Figure 12 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 14.

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 noting the site is bound by the

future arterial road and sub-arterial road. Additionally, future residents of this area will be within walking distance of future district and linear parks, employment uses and a potential future school site which will assist to reduce the reliance on private vehicles.

Is the planning proposal consistent with applicable SEPPs?

The PP has been reviewed against the provisions of relevant State Environmental Planning Policies (**SEPP**s) to confirm the outcomes would be consistent and not compromise future applications once rezoned – refer to **Table 3** .

Table 3 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	This chapter is applicable to the PP as involves a change from R2 Low Density Residential to R1 General Residential zone which is captured within the relevant non-rural zones identified under s2.3(1)(b) of the Biodiversity Conservation SEPP. The development and rezoning of the site aligns with the West Dubbo Urban Release Area and Structure plan prepared for the Precinct albeit with a reduced lot size down to 300m^2. No additional impacts are proposed from that previously considered when the site was rezoned to R2 Low Density Residential which would necessitate the clearing of some native vegetation in order to develop the site in the future. 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 and will confirm the off-sets required in association with the required impacts to this existing native vegetation.
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 of the area from R2 to R1.
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	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

SEPP Title	Comment
	safety, noise and vibration impacts from the railway line located along the southern boundary of the site. These provisions would apply to the future development of the land under the DA process and do not impact this rezoning application. An Acoustic Report has been prepared to investigate the potential noise impacts with appropriate recommendations provided to mitigate noise from the arterial and sub-arterial road on the subject area to be rezoned.
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 D** 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?

The area subject to this rezoning is already zoned R2 Low Density Residential and the Planning Proposal seeks to rezone a well located definable precinct within this area to R1 General Residential.

Preliminary ecological investigations for the Precinct identify the following species may be impacted as a result of future development works:

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

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. A BDAR is being finalised in accordance with the *Biodiversity Conservation Regulation 2017*. This will identify the impacted areas and anticipated ecosystem credits required for the precinct to offset the impacts as part of future development.

The removal of vegetation and finalisation of the BDAR to identify the offsets will be submitted as part of the initial development application lodged to develop the area.

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, the buildings are not located in the part of the site and it is not a matter for consideration under the PP.. (See **Appendix E**).

- **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 F**).

- **Traffic**

A Traffic and Transport Assessment was completed by Amber. This report assessed the potential development of the site as a result of this PP which increases the number of lots within Stage 3 (i.e. area subject to this PP).

The report concludes that the increase in lots associated with Stage 3 is expected to result in similar operating conditions to that of the current scenario with the land being zoned R2. The internal road is expected to continue to operate with a good level of service and acceptable delays and queue lengths. The intersections of the Mitchell Highway with the Bypass Road and Western Boulevard are expected to operate near capacity but with acceptable conditions.

Notwithstanding the above, the development of the site will result in some intersections reaching capacity which will require upgrades as part of the proposed future development works. These upgrade works have been outlined within the Traffic Report and will be staged in line with the delivery of the project to accommodate the growth. This can be conditioned appropriately as part of the subdivision of the site to deliver the precinct roads.

- **Water Cycle Management Strategy**

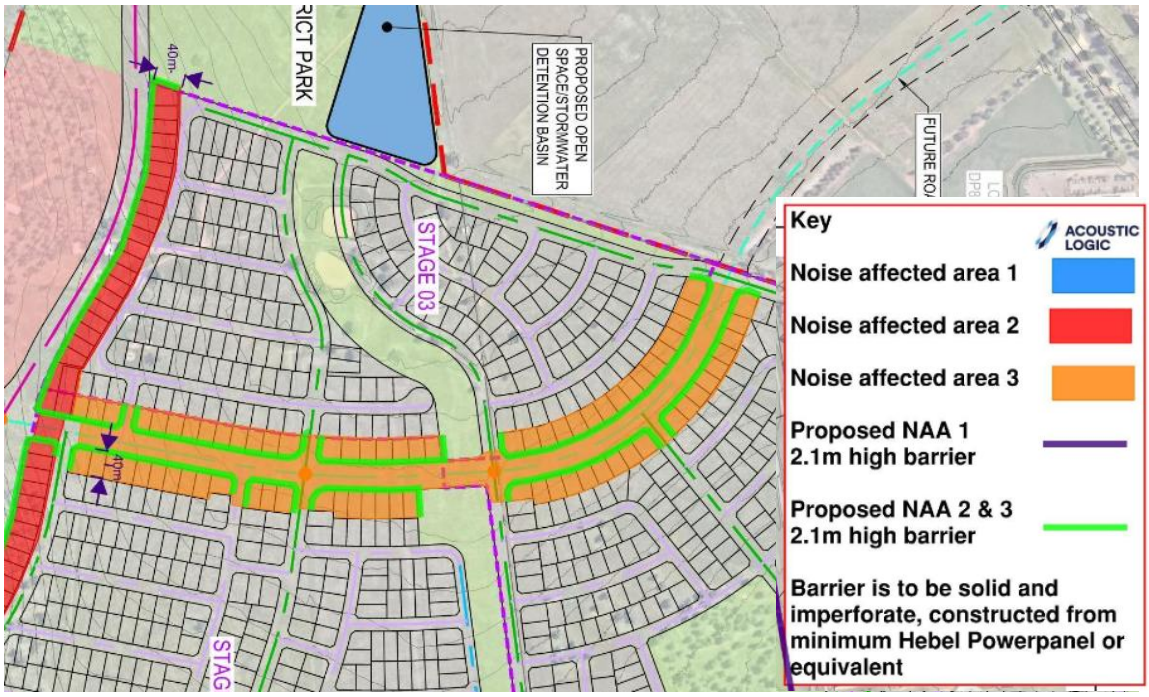
The site will convey water from the residential subdivision once constructed through the employment lands to the north under Narromine Road. This will be achieved through a combination of pits and pipes that will be integrated with the road network. Importantly the Water Cycle Management process designed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

- **Acoustic**

An Environmental Noise Impact Assessment was prepared by Acoutic Logic. This report investigated the potential impacts from traffic, rail, aircraft and industrial noise sources within the surrounding area to the site.

The site forming part of this rezoning is located away from the railway line but is bound by the future north south strategic road which is likely to convey heavy vehicles up to and through the Employment Land as well as the Western Boulevard that links the north south Strategic Road through the site and TAFE land to Narromine Road. This Precinct is also located outside of the flight path and ANEF contours required to be considered in relation to Dubbo City Regional Airport.

Traffic noise was considered on the subject site from both of the nominated strategic roads bordering the precinct on a worst case scenario. As a result, the report recommended a 2.1m high acoustic barrier to be constructed to the rear of lots on the north-south road and that façade upgrades or acoustic fencing could be used along the front of properties along the Western Boulevard to mitigate noise impacts.



Source: Acoustic Logic (Appendix 1)

Figure 13 Acoustic Recommendations relating to site

A copy of the Acoustic Report is provided at **Appendix G.**

- **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 which is intended to enable more diverse and affordable housing in locations where there is key infrastructure to benefit the community. The location of the lots proposed to be rezoned with a minimum lot size of 300m^2 are positioned within close proximity to open space, future employment and shops to the north as well as Dubbo TAFE and a potential new school. The change in housing density will provide more diversity in the housing stock and better maximise the infrastructure required to be installed for the Precinct ultimately providing an economic benefit.

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.

As a result of this PP, the number of lots is anticipated to increase from approximately 1,650 lots to around 1,750 within the area proposed to be rezoned. This results in an increase of around 100 lots as a result of this PP to reduce a minimum lot size down to 300m^2.

Open Space

Cred Consulting undertook a review of open space to consider the planned increase in the number of lots. In this regard it considered that based on an anticipated population of up to 5,400[4] or 1750 lots, it would generate the need for around 15.19ha of open space. This includes local, district and regional open space.

The CRED report references the draft Greener Places Design Guide standards, being more contemporary standards for the design and provision of open space in comparison to the standards adopted by Council in 2019. These standards sit alongside the Independent Pricing and Regulatory Tribunal (**IPART**) that has adopted the more traditional and widely accepted standard of 2.83ha/1,000 for the greenfield release areas in the Sydney Growth Centre Contribution Plan reviews. Council's adopted rate of 7.8ha/1,000 is therefore well above the standard commonly used within other new release areas.

The report concludes that the structure plan meets the established benchmark of 2.83ha of open space per 1000 people, as well as the proximity benchmarks set by the draft Green Places Design

[4] Based on an average household size of 3.1 persons per dwelling

Guide. It will ultimately deliver 15.022ha of open space with most residents living within 400m of an open space area having a minimum size of 0.5ha.

Servicing

Servicing considerations will be reviewed by Dubbo Council in relation to wastewater and potable water. Initial investigations identified that there was existing capacity available in the immediate vicinity to service the site for potable water with a new pumping station likely to be required for wastewater. The design of this infrastructure will consider the additional 100 lots anticipated to be delivered within the R1 zone.

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 H.**

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.

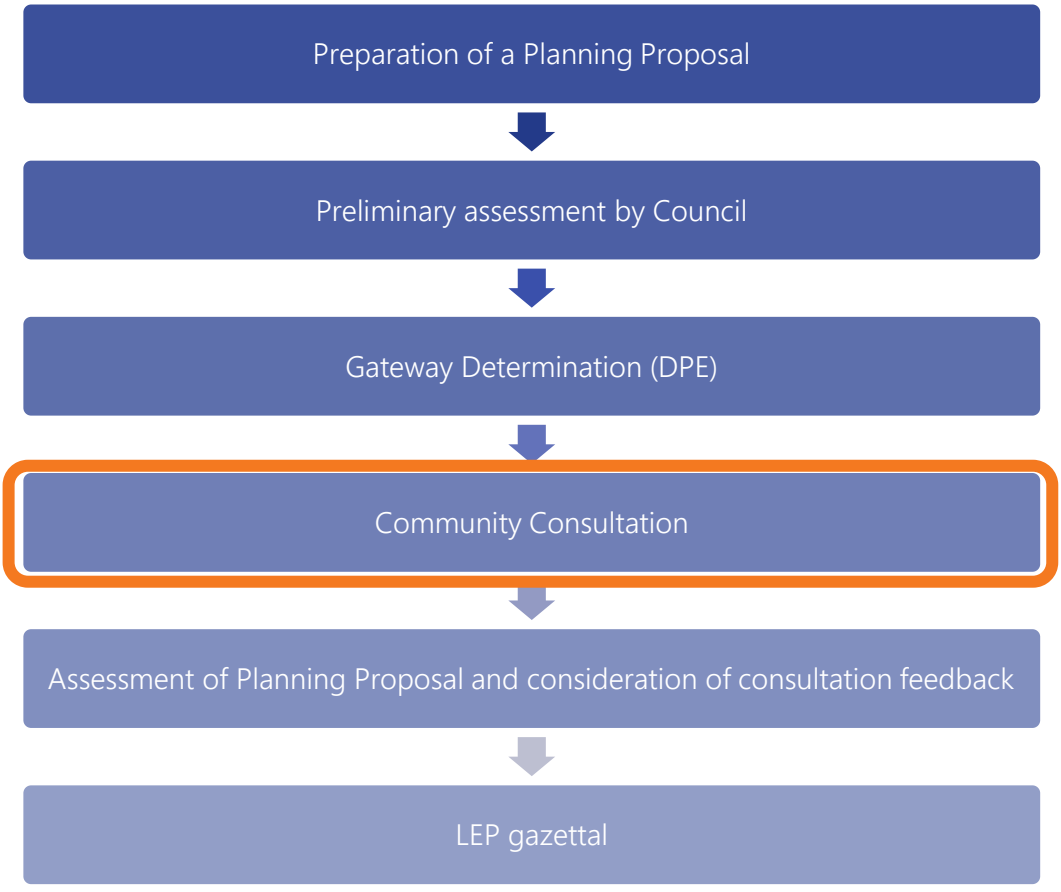


Figure 14 Key steps in Planning Proposal process

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 4** Project Timeline 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 4 Project Timeline

Step	Anticipated Date
Consideration by Council	4th October 2022
Council Decision	21st October 2022
Gateway Determination	8th November
Pre-Exhibition	15th November
Public exhibition period	22nd November – 20th December 2022
Consideration of submissions	21st January 2023
Post-exhibition review and additional studies	24th March 2023
Submission to the Department for finalisation (where applicable)	3rd April 2023
Gazettal of the LEP amendment	28th April 2023

Conclusion

This Planning Proposal seeks to amend Dubbo Regional LEP 2022 to rezone a small precinct within the West Dubbo urban release area from R2 Low Density Residential to R1 General Residential. The site is located within proposed Lot 222 approved under D2022-11 at Lot 22, DP 1038924, 13L Narromine Road and Lot 7, DP 223428 Jannali Road, Dubbo.

The rezoning will facilitate more housing diversity within the future residential estate with lots down to 300m^2 proposed within an R1 zone. The total area of R2 Low Density Residential land to be rezoned is approximately 23.3ha (including the linear park traversing centrally through the site). The delivery of these lots will provide greater choice for potential purchasers and target different price points in the market compared with other lots in the wider area. The area subject to this Planning Proposal is well connected being close to district and linear parks, future shops, TAFE and a potential school site which maximise the infrastructure to be constructed.

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: PRE-LODGEMENT MEETING MINUTES

Pip Hyde

From: Pip Hyde
Sent: Friday, 9 September 2022 1:17 PM
To: Pip Hyde
Subject: FW: 13L Narromine Road, Dubbo - Delay in Scoping Report

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From: Tim Howlett <Tim.Howlett@dubbo.nsw.gov.au>
Sent: Thursday, 25 August 2022 3:21 PM
To: Paul Solomon <paul.solomon@bathla.com.au>; Peter Lawrence <peter@glnplanning.com.au>
Cc: Steven Jennings <Steven.Jennings@dubbo.nsw.gov.au>; Shoilee Iqbal <Shoilee.Iqbal@dubbo.nsw.gov.au>
Subject: 13L Narromine Road, Dubbo - Delay in Scoping Report

Hi Paul and Peter,

Unfortunately I'll have to delay providing comments on the traffic study, utilities report and wastewater strategy as Council's Manager Infrastructure, Strategy and Design has recently changed positions. I can provide the following preliminary comments on the other strategies though:

General comments

Both planning proposals appear to have strategic merit, and nothing at a high-level would prevent them from progressing

The Australian Bureau of Statistics (ABS) released the 2021 census data on 28 June 2022, with additional employment and location-based variables being released on 12 October 2012. The background studies will need to be updated to reflect the latest census figures.

The 2022 census identifies the average number of people per household for the local government area to be 2.5 people, with 2.8 people per household for the Southlakes Estate. Council acknowledges the Southlakes Estate had 3.1 people per household in 2016, and it is requested that population projections in all background studies reference both 2.5 and 3.1 people per household.

The number of lots and population projections are inconsistent throughout the background studies. For example, the traffic study indicates 1845 lots, and the social infrastructure study indicates 1750 lots

Market potential report

Council adopted the Employment Lands Strategy on 11 March 2019. The Strategy aims to ensure the City of Dubbo has an appropriate level of commercial, industrial and tourist zoned land to meet the long-term requirements of Dubbo and the Region.

The Preliminary Market Potential Report prepared by Location IQ will need to be updated to ensure it appropriately considers Council's Employment Lands Strategy. The following sections of the Strategy are relevant:

- Section 4 of the Strategy provides commentary on the five levels within the employment land hierarchy.
    - The Dubbo CBD attracts a significant portion of the north-western region of NSW and should remain at the centre of the city.

- Orana Mall comprises of a B2 local centre, B6 enterprise corridor and SP3 tourist zone, and includes a self-contained shopping centre. It is the second largest commercial centre in Dubbo, and should complement rather than undermine the CBD's character and role

- Section 12.3.9 of the Strategy includes commentary about the North West Urban Release Area Neighbourhood Centre. Given the trend of smaller supermarkets being located in residential fringe areas to provide convenience shopping, the north west catchment will include a neighbourhood shopping centre and B1 zone within a suitable location.
- Section 12.8 of the Strategy provides commentary about the Airport Precinct. The rezoning of the industrial precinct would have minimal impact on the supply of industrial land, noting that the current Dubbo Regional LEP 2022 permits several light industrial uses within the B5 Business Development Zone. The anticipated phasing for a commercial zone in West Dubbo is medium to long term though.
- Section 2.10 of the Strategy provides commentary on Blueridge Business Park. This precinct has become a growth area for light industrial and larger format commercial uses, and a similar format is anticipated for west Dubbo.

The Report refers to the Narromine Urban Release Area, but this area is colloquially referred to as the Central West Urban Release Area.

Council would undertake an independent assessment of any Market Potential Report to ensure its impact on the employment land hierarchy (including the north west urban release area) is not significantly affected.

<u>Social infrastructure and open space report</u>

Council adopted the Open Space Master Plan on 13 May 2019. The Master Plan sets the framework, strategic directions and actions in the delivery of open spaces, and identifies cycle/pedestrian/recreation trail network gaps (the green web network) and the street tree network requirements.

The Social Infrastructure and Open Space Needs Assessment prepared by Cred Consulting will need to be updated to ensure it appropriately considers Council's Open Space Master Plan. The following sections of the Master Plan are relevant:

- Page 40 of the Master Plan identifies the desired level of service for local, district and regional parks, and the average hectare of open space required per 1,000 residents. The current standards are:

Park category	**Desired level of service (ha/1000 people)**
Local	1.5
District	3.0
Regional	0.5
Sporting	2.8
Total	7.8

Based on these standards and 2.5 and 3.1 people per household, the following open space may be required:

	1650 lots		**1750 lots**	
	4125 people	**5115 people**	**4375 people**	**5425 people**
Local	6.19	7.67	6.56	8.14

District	12.38	15.35	13.13	16.28
Regional	2.06	2.56	2.19	2.71
Sporting	11.55	14.32	12.25	15.19
Total	32.18	39.90	34.13	42.32

- Drainage corridors provide an opportunity to provide pedestrian and cycle links that are generally off-road. The Study will need to identify the areas of open space included in the calculations, noting drainage corridors should only be used for pedestrian and cycle links, and not open space.

Acoustic report

It is requested that clarification be provided on why a receiver wasn't located close to the Jannali Road industrial precinct

Traffic and transport assessment (preliminary comments)

Council adopted the Dubbo Transportation Strategy 2020 on 25 October 2021. The Traffic and Transport Assessment prepared by Amber Organisation will need to be updated to ensure it appropriately considers Council's Transportation Strategy.

The Traffic and Transport Assessment indicates that turning movement count surveys were conducted on Thursday 12 May from 7:30am to 9:30am and 4:30pm to 6:30pm. Traffic volumes vary between hours of the day, days of the week, and between weeks/months of the year, and this count may not adequately establish existing traffic flows in the area. Additional traffic counts may therefore be required to more accurately reflect traffic movements

The road widths in the traffic study appear different to those mentioned in the Dubbo Transportation Strategy.

It is requested that clarification be provided on how 7.4 trips per dwelling were determined

Please don't hesitate to contact Council if you have any further questions. I apologise for the delay and hope to get relevant comments on the other strategies to you soon.

Kind regards,

DUBBO REGIONAL COUNCIL

Tim Howlett
Team Leader Growth Planning Projects
Growth Planning | Dubbo Regional Council
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How was your experience today?
Click on one of the icons below to let us know!

We acknowledge the Wiradjuri people, the traditional custodians of the land. We pay respects to Elders past, present and emerging of the Wiradjuri Nation.

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APPENDIX B: PLANNING PATHWAYS TO DELIVER HOUSING DIVERSITY MEMORANDUM

gln. planning consulting strategy

Memorandum

8 April 2022

Strategy and Planning Pathways to deliver Housing Diversity and Stage1 - Dubbo

Background

Bathla has secured an interest in the North West Dubbo Release Area and is seeking to deliver a high quality urban environment supported by appropriate infrastructure and housing typologies that support a community with a range of housing options.

The release area is zoned part IN1 and part R2 Low Density Residential under Dubbo Local Environmental Plan 2011 (Dubbo LEP). This memo relates primarily to the make-up and delivery of housing in the R2 Low Density Zone.

Under Dubbo LEP, the existing R2 Low Density Residential Zone has a single minimum lot size of 600m^2. In preliminary discussions, Council has advised that it is willing to consider proposals that provide more diverse housing particularly adjacent to key infrastructure and more broadly to achieve interesting streetscape outcomes in the right circumstances. A Planning Proposal would be required to implement changes to the current minimum lot size requirement.

Clause 6.3 of Dubbo LEP requires that before consent is granted in this area that a development control plan needs to be in place. Any DCP would need to align with proposals for more diverse housing and hence will be tied to and only applied after the Planning Proposal process is complete.

An imperative of Bathla is to progress a first stage release while the broader Planning Proposal and DCP for the diverse housing package progress through the planning process. This memo sets outs a pathway that achieves both for Council's consideration.

Purpose of Memorandum

The purpose of this memo is to:

1. Outline planning amendments and outcomes to achieve more diverse housing to support infrastructure and deliver broader streetscape improvements

2. Identify opportunities to enable Bathla to commence a discrete first stage residential subdivision while the broader Planning Proposal and DCP progress through the planning process.

1. Planning Amendments for Housing Diversity

As noted above the entire North Dubbo Release is zoned R2 Low Density Residential with a minimum subdivision size of 600m^2.

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glnplanning.com.au

Dual occupancies are permissible and enable the only housing diversity, potentially on lots as small as 300m^2. This diverse housing option is limited value for a genuine affordable and diverse housing as Council would expect the dual occupancy built form to be complete before subdivision occurs. It is clear that the built form pursued by applicants for dual occupancy often adopt attached mirror reverse designs which can be incongruous with other dwellings in the street.

Diverse housing in a greenfield release is seen as important as:

- It provides different price points for purchasers including first time property purchasers
- It enables densities to be planned (and more people to live close) to important urban infrastructure such as shops, schools and open space
- It can produce more interesting and visually diverse streetscapes.

Enabling diverse housing by varying lot sizes (and more importantly lot frontages) permits different affordability price points and a varied streetscape that are desired features of greenfield release areas.

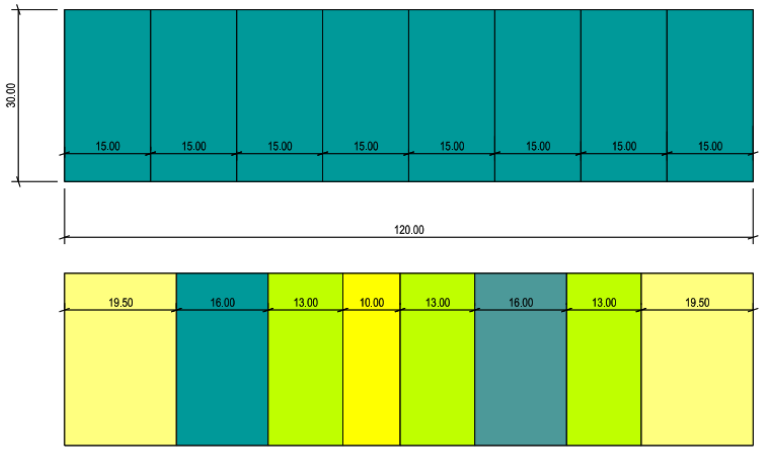
The opportunities for diverse housing in Dubbo North would be focussed around key infrastructure to support these land uses as well as more generally spread throughout the remaining areas to deliver improved streetscape outcomes.

The planning approaches to achieve these outcomes used in other areas have applied either a density target or a lot cap applicable to the nominated street block(s). Dwelling caps are derived from a "site density" calculation, based on the residential street blocks within an area i.e. excluding roads and open space, as opposed to Net Developable Area which includes roads and local open space in the density calculation. The site density is a more accurate calculation to determine the yield in each area.

The density or lot cap has the same effect in that it determines the number of dwellings that can be achieved in the street block(s) by adopting an average lot size based on its location to the different types of infrastructure, with a minimum lot size set to regulate the smallest lot size.

Every time a smaller lot that is under the average lot size is proposed, the remaining lots in the street block(s) must be larger than the average, so that the overall cap or density is not exceeded. This offsetting approach facilitates different lot frontages and more diverse product as shown in the figure below taken from work on another project where the example compares an average lot size of 450m^2 delivered compared to the outcome where the cap or net density is set on the same 450m^2 lot size, but where a minimum lot size of 300m^2 is adopted to enable diverse outcomes. To achieve a visually diverse streetscapes, the emphasis is shifted to enabling different frontages.

In greenfield release areas, lot caps based on an average lot sizes and a minimum lot sizes that is lower than the average have been proposed as the mechanism to achieve these outcomes in Local Environmental Plans or through Development Control Plans.



Total 8 lots comprising:
8 x 450

Total 8 lots comprising:
1 x 300
3 x 390
2 x 480
2 x 585

This density driven approach that can target nominated street block(s) is appropriate as it can be used to deliver the smaller lot and diverse outcomes depending on the scale of the infrastructure that the street blocks are located adjacent and in proximity to. Increases in density would be limited to the street block(s) immediately surrounding local open space areas, whereas district sporting spaces, schools and local shops present the opportunity to transition density to more street blocks up to a walking distance of 400m.

Within the remaining residential areas not proximate to key infrastructure items, there is also the opportunity to use the same approach to generate improved streetscape outcomes as a preference to dual occupancy development that would likely occur in these areas. The opportunities for diverse housing in this North Dubbo Release are described in more detail below:

Around local open space

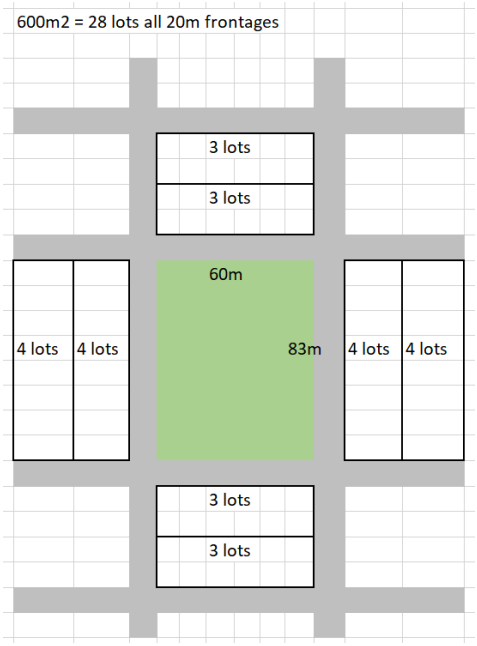
This opportunity exists around local parks (typically 0.5ha or more) to improve casual surveillance and increase the number of people living in close walking distance.

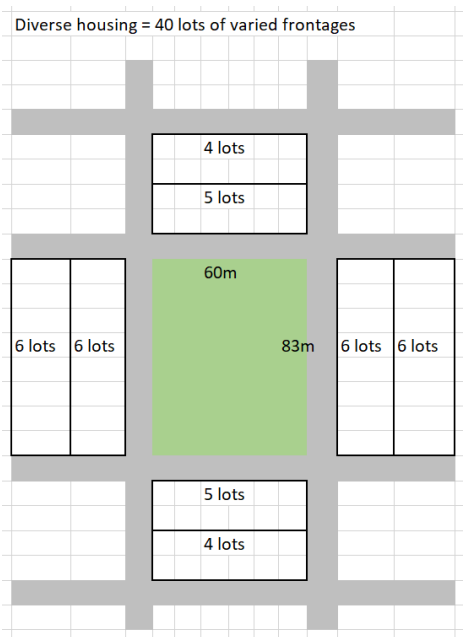
This opportunity would only be applied to the street blocks immediately adjacent to the nominated local open space area to produce smaller lots that can be sold to the public without first building the product.

Within the street block(s) opposite local open space, lots immediately opposite would be to an average of 375m^2 (12.5m x 30m) with a minimum of 300m^2 (down to 10m frontage). Lots with frontage less than 12.5m would require zero lot line provisions. The lots in the same street block(s) not immediately opposite the park would have an average of 450m^2 (15m x 30m) with a minimum of 400m^2. Beyond the perimeter street block would be the regular subdivision.

Compared to a standard subdivision of 600m^2, the yield around the park would increase by 12 lots from 28 to 40 lots assuming this were applied to each immediately adjoining street block opposite a local open space area of 0.5ha. If the open space is larger, then there would potentially be a correspondingly greater increases opposite the larger open space road frontages.

Comparing the density outcomes based on the local open space example above, the street blocks would go from 16.6 dwellings per net ha to 30 dwellings/net ha





Dual occupancies would be assessed under the lot cap/density controls.

Around District Open Spaces, Shops and Schools

The opportunity that exists around district open space (ie district sports fields and other recreation opportunities), local shops and schools is similar to that described for local open space, with the exception that the densities will transition to street blocks located in close walking distance from these infrastructure items to ensure they are well used and activated.

These infrastructure items have areas ranging from over 0.7ha for shops and around 5ha for district sports fields. Therefore, the increase in density will be different depending on the infrastructure items and adjoining road frontage.

Within the entire street block(s) immediately opposite these infrastructure items, lots opposite would be to an average of 375m^2 (12.5m x 30m) with a minimum of 300m^2 (down to a 10m frontage).

The next street block would be an average of 450m^2 (15m x 30m), with a minimum lot size of 400m^2 down to a 13.5m frontage.

The next street block after would be an average of 525m^2 (17.5 x 30m), with a minimum lot size of 480m^2 down to a 16m frontage.

The next street block would revert to 600m^2 lots, subject to the discussion in the next section.

Remaining Low Density Residential Areas

This opportunity applies to the remainder of the residential zones not in proximity to infrastructure that is currently subject to a 600m^2 minimum lot size. This area already permits dual occupancy so higher density product on lot sizes down to 300m^2 are possible.

A typical street block (60m x 250m) of 600m^2 lots would yield 24 lots (corner lots slightly wider) or 12 lots to each long street. Assuming that dual occupancy product represents up to 10% of dwelling stock over the next 10 or so years, there is the opportunity to incorporate 2 additional lots into each street block.

If this higher yield becomes the lot cap or nominated density with a lot average of 577m^2, with a minimum lot size of 500m^2 down to a 16.5m frontage.

2. Opportunity for first stage release while the Planning Proposal is being assessed

The planning amendments to enable more diverse and affordable housing will require a Planning Proposal supported by a Development Control Plan detailing additional urban design controls and the other requirements relating to the release. Such a Planning Proposal typically takes well over one year to process through the planning process

Bathla is keen to create a presence on site and a cash flow to fund essential lead in infrastructure. A pathway to achieve this end would be to lodge a concept development application (CDA) under Division 4.4 of the Environmental Planning and Assessment Act (the Act) for concept approval for the lead in and collector roads to lock in place the structure, provision of services and stormwater, and biodiversity outcomes, as well as a first stage comprising two lanes of the 4 lane north south road and subdivision of the first stage into minimum lot sizes of 600m^2 as per the current Dubbo LEP. The 2 eastern most lanes of the north south carriage way and intersection to Narromine Road will be constructed and operate in the interim for north south traffic to connect to the Stage 1 release. The remaining sections of the north south roads will be outlined in the concept application for subsequent stages.

The land is located in a urban release area. Clause 6.3 requires that a Development Control Plan be in place before Council can determine an application. As noted above, it is intended that a DCP be prepared and is necessary to address the release area and in particular the controls for housing diversity. However, the provisions for CDAs in the Act provides that CDAs can satisfy the requirement for a DCP. However, the application will nonetheless need to address the same matters that would have been in a DCP.

The framework provided by the Act and Dubbo LEP would enable the discrete Stage 1 Release to enable Bathla to get underway, whilst leaving the substantive remainder of the release to progress through the much slower rezoning process. Council can have comfort that Stage 1 will have to address the same DCP matters but applied to this individual stage. The Concept Development Application would of course include the indicative structure Plan for the remainder of the release recognising that the north south collector road to access the release is infrastructure that Council has advised is required for any development on the land. To give context to this Strategy, the

following concept shows our preliminary thoughts for the location of the Stage 1 release, with the collector roads in blue.

We believe this is a reasonable proposal that will best address both Bathla's and Council's objectives for the area.

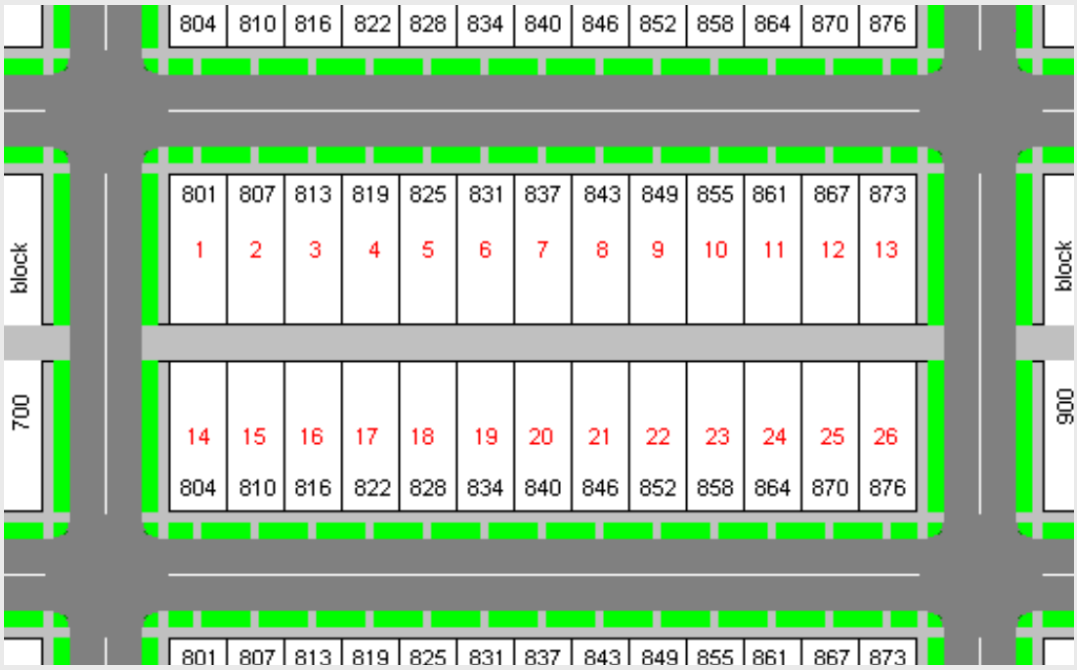
APPENDIX C: KEY PLANNING CONTROLS – SITE SPECIFIC DCP

Site Specific DCP controls – R1 zone

The following table provides an overview of key planning controls to help guide the future development of lots within the R1 General Residential zones land. This is anticipated to form a new chapter within Dubbo DCP for site specific planning controls related to this area and can be further expanded up as required.

Table 5 Summary of key planning controls

Element	Control	Comment
Objectives	○ To provide for smaller lot sizes in appropriate locations which are well connected to open space and shops. ○ To promote housing diversity and affordability through a range of housing sizes and products. ○ To establish and maintain the desired character of the R1 zoned residential area. ○ To support and provide for vegetation which can ultimately provide green canopies. ○ To ensure local infrastructure is sufficient to cope with population growth.	Guiding objectives to achieve through the planning controls for the R1 zoned land.
Lot frontage	Minimum 10m No more than 50% of the residential lots within a street block may have a frontage of less than 12m. Note: A street block is defined as being enclosed by (usually four) neighbouring and intersecting streets as illustrated below.	Cross overs should be considered and designed of an appropriate width to ensure sufficient space between driveways to accommodate on-street parking. The requirement limiting the number of lots under 12m within a street block is designed to promote housing diversity within the estate. This ensures that 10m wide lots will not be replicated on mass throughout the Precinct and promotes diversity in the housing typologies delivered within the area. This is based on typical housing designs being created for lots with a frontage of 10m, 12.5m, 14m and 15+. Therefore, up to 50% of the lots could be delivered based on a 10m wide lot with the remaining street block being comprised of lot sizes above 12m which introduces a variety of

Element	Control	Comment
		housing designs within the Precinct.
 Typical street block which is enclosed by (usually four) neighbouring and intersecting streets.		
Front setback	Minimum 3.5m to the building façade. Minimum 5.5m to a garage.	A reduced front setback of 3.5m provides better opportunity for private open space within the rear of the lot which is more likely to be used by residents while also allowing for soft landscaping at the front of the dwelling. The front of the dwelling will benefit from large street trees that are capable of being planted along the street
Side setback	Detached boundary = Minimum 0.9m Zero lot boundary (to one side only): • Ground floor = 0m • First floor = 0m Maximum length of zero lot line = 15m	The zero lot boundary is to be set on the high side of the lot with the burdened lot on the low side. A 0.9m easement will also be required adjacent to the zero lot line to provide opportunities for maintaining this façade. No structures will be permissible within this easement.
Rear setback	Minimum 5m	This ensures sufficient space to provide private open space, achieve solar access requirements and provide space to accommodate a reasonable size

Element	Control	Comment
		tree per lot to achieve a green canopy through the mid-block This rear setback includes pergolas and other structures attached to the house but excludes small garden sheds and other ancillary structures.
Corner lots	Minimum lot size of 500m The dwelling design shall address both street frontages. Substations and kiosks shall be considered in the design of corner lots and should be located on the secondary street frontage.	Corner lot dwellings should emphasise the corner and address both street frontages. A larger lot facilitates this and provides a better urban design outcome by providing sufficient space to achieve this and identify the street entrance with a more prominent building form.
Private open space	Minimum 20m^2	The amount of POS will largely be determined by setbacks. The POS should generally be provided as a flat useable area.
Site coverage	Upper level no more than 40% of lot area	Ground floor site coverage will be determined based on setbacks and landscaping / open space requirements.
Soft landscaped area	Minimum 15% of the lot. One mature tree (minimum 75L pot size) should be provided within the rear POS of each lot to assist in establishing a green canopy mid-block.	The requirement for one mature tree is designed to achieve a green canopy centrally through the subdivision and compliment the street tree canopy to be established along the streets at the front of the lots.
Solar access	At least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June) to at least 50% of the required POS to both: • All affected neighbouring properties • The proposed dwelling	
Parking	Minimum car parking rate of: • 1 space for 1-2 bedroom dwellings • 2 car parking spaces for 3+ bedroom dwellings	The location of driveways crossovers should consider on-street parking to provide sufficient on-street parking between neighbouring driveways.

APPENDIX D: 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 16.
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	The PP proposes to rezone certain land within the site from R2 Low Density Residential to R1 General Residential. Direction 3.1 aims to protect and conserve environmentally sensitive areas. Dubbo LEP 2022 maps biodiversity as illustrated within Figure 15**.** This shows that the site is not impacted by mapped terrestrial biodiversity. Notwithstanding, the site still contains native vegetation. As such, a BDAR will be 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.

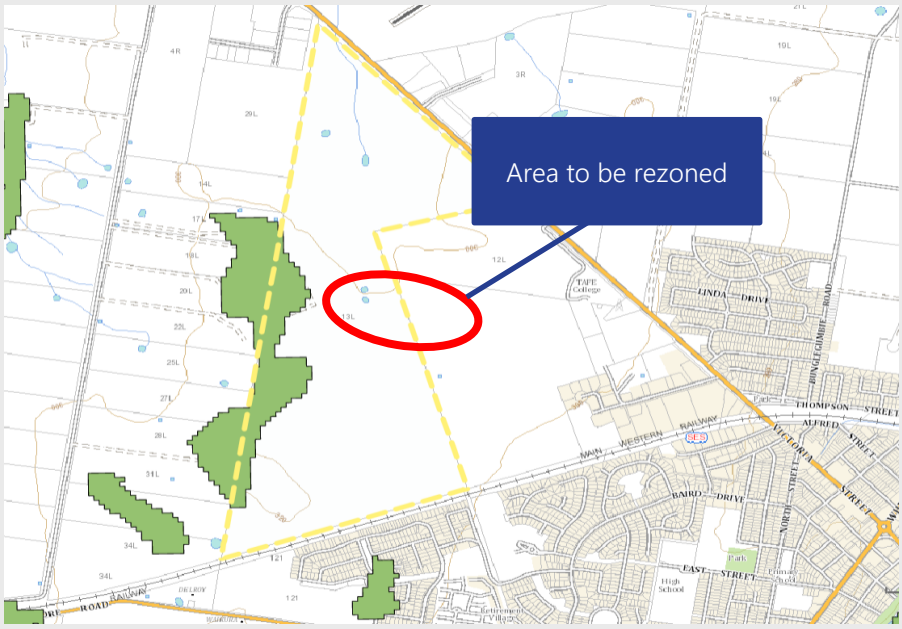
Direction	Consistent
	

Figure 15 Dubbo LEP 2022 - biodiversity

3.2 Heritage Conservation	The PP does not propose changes to the LEP clause or Maps relating to Heritage. All future DAs submitted will be required to comply with the relevant provisions within the LEP, *National Parks and Wildlife Act 1974* and *Heritage Act 1977*. The PP is consistent with this Direction.
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	Future residential lots will be provided with access to key transport nodes/networks via appropriate road, cycle and pedestrian linkages within the estate The PP is considered consistent with this Ministerial Direction.
5.2 Reserving Land for Public Purposes	Not applicable.

Direction	Consistent
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 rezone the site to R1 General Residential with a minimum lot size of 300m2 to increase opportunities for housing diversity within the Precinct. 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 down to 300m^2 which will provide for increased variety of housing typologies to suit the needs of people within the community. This provides opportunities for smaller lot sizes which will target different price points in the market and accommodate a greater variety of housing designs. It will also make efficient use of infrastructure to be provided within the URA therefore being able to easily connect into the 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 E: CONTAMINATION AND GEOTECHNICAL REPORT

APPENDIX F: ABORIGINAL HERTIAGE ASSESSMENT

APPENDIX G: ACOUSTIC REPORT

APPENDIX H: MAPS

Dubbo Regional Local Environmental Plan 2022

Land Zoning Map - Sheet LZN_001A

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

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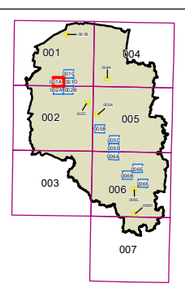

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Projection: GDA 1994
MGA Zone 55

Scale: 1:20,000 @ A3

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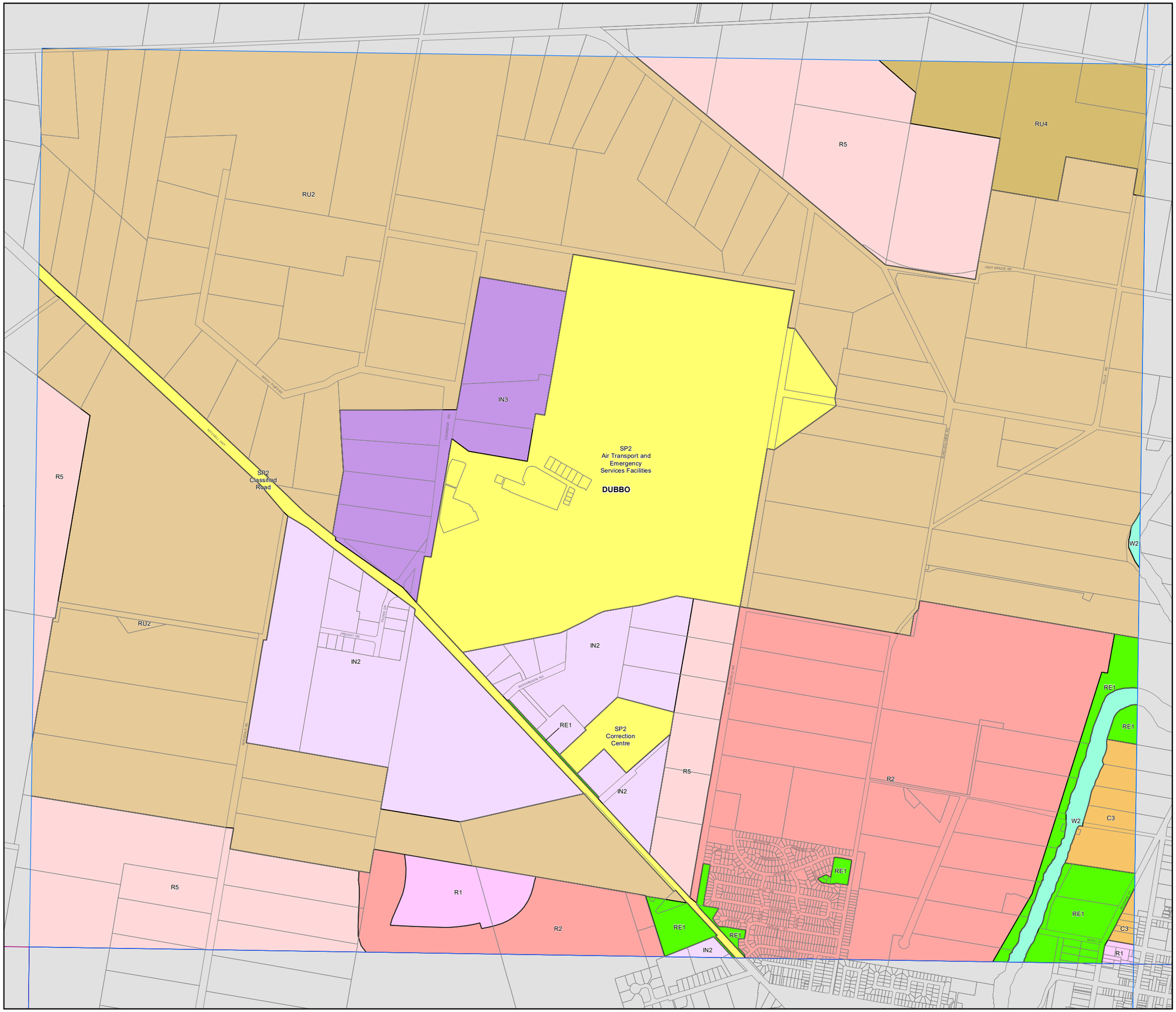

Dubbo Regional Local Environmental Plan 2022

DUBBO REGIONAL COUNCIL

Lot Size Map
- Sheet LSZ_001A

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

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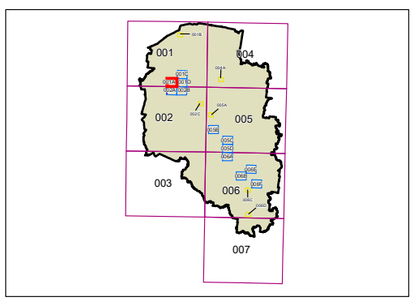

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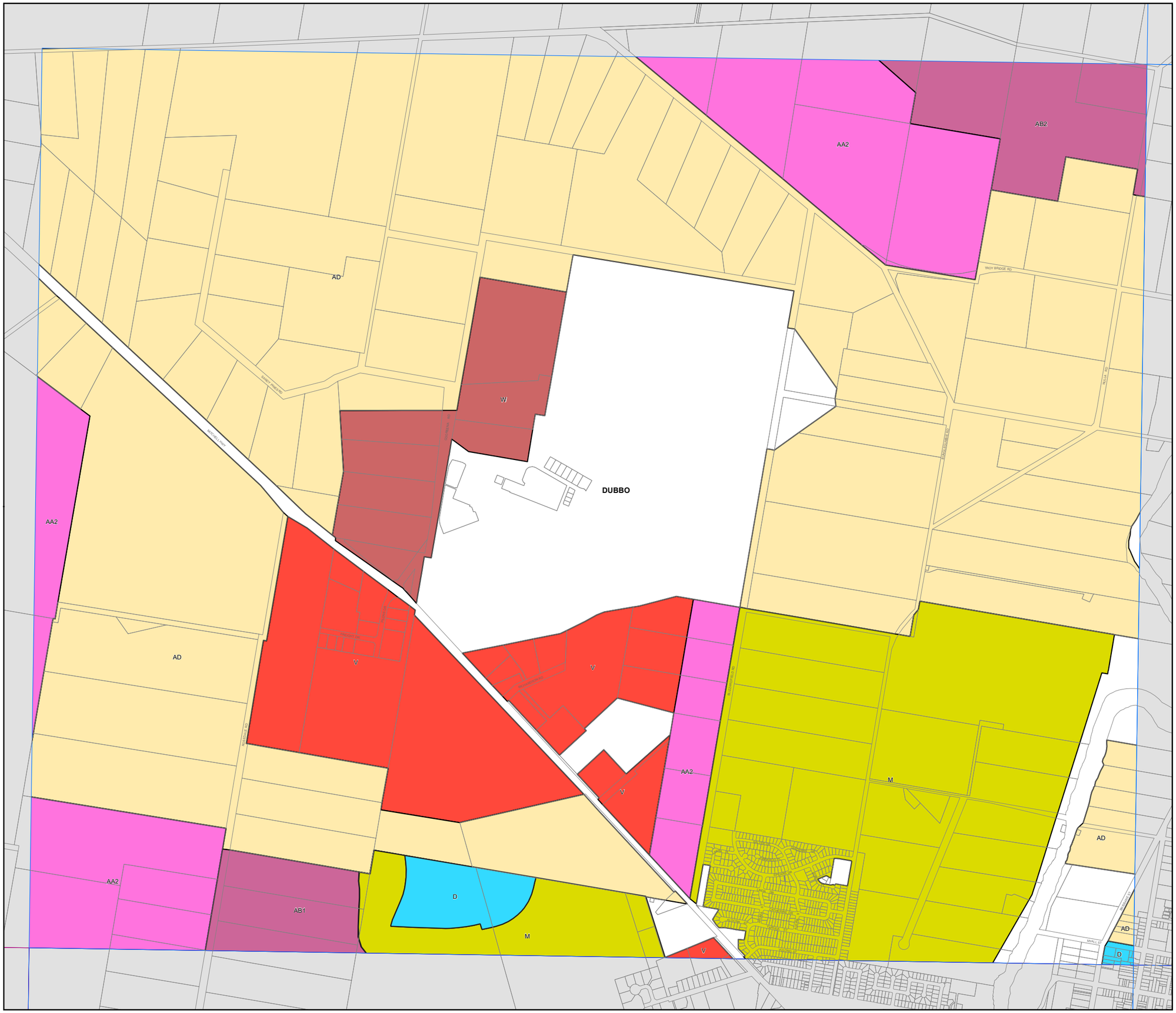

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