



IRF 23/3395

Gateway determination report – PP-2023-2820

Dubbo North West Precinct

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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Commercial Needs Assessment
Stage 1 Aboriginal Cultural Heritage Due Diligence Report
Preliminary Site Impact Statement

Adopted North West Urban Release Area Development Control Plan

Precinct Plan – North West Dubbo Residential Urban Release Area

North-West Development Control Plan (DCP) Master Plan

Dubbo Regional Council Open Space Master Plan 2018

Dubbo Regional Airport Master Plan

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details.

LGA	Dubbo Regional Council
PPA	Dubbo Regional Council
NAME	Dubbo North West Precinct
NUMBER	PP-2023-2820
LEP TO BE AMENDED	Dubbo Regional Local Environmental Plan 2022

DESCRIPTION AND ADDRESS	1. 10/250606 - 20R Bunglegumbie Road Dubbo 2. 7/250606 - 9R Bunglegumbie Road Dubbo 3. 53/753233 - 8R Narromine Road Dubbo 4. 16/242992 - 14R Blizzardfield Road Dubbo 5. 15/242992 - 12R Blizzardfield Road Dubbo 6. 1/1206861 - 20R Bunglegumbie Road Dubbo 7. 2/1206861 - 19L Bunglegumbie Road Dubbo 8. 32/1219695 - 6R Bunglegumbie Road Dubbo 9. 582/595112 - 9L Bunglegumbie Road Dubbo 10. 59/753233 - 14L Bunglegumbie Road Dubbo 11. 60/753233 - 19L Bunglegumbie Road Dubbo 12. 2/958250 - 20R Bunglegumbie Road Dubbo 13. 1/217195 - 20R Bunglegumbie Road Dubbo 14. 2/802180 - 20R Bunglegumbie Road Dubbo 15. 23/1285243 - Undefined 16. 16/1285243 - Undefined 17. 25/1285243 - Undefined	18. 18/1285243 - 20R Bunglegumbie Road Dubbo 19. 26/1285243 - Undefined 20. 133/753233 - 5R Westview Street Dubbo 21. 8/753233 - Undefined 22. Part Lot 87/753233 - 21L Bunglegumbie Road Dubbo 23. 3/217195 - 20R Bunglegumbie Road Dubbo 24. 1/958250 - 20R Bunglegumbie Road Dubbo 25. 1/653795 - Undefined 26. 581/595112 - 17L Blizzardfield Road Dubbo 27. 52/1282381 - 6R Bunglegumbie Road Dubbo 28. 1/802180 - 20R Bunglegumbie Road Dubbo 29. 62/753233 - 19L Bunglegumbie Road Dubbo 30. 14/242992 - 10R Blizzardfield Road Dubbo 31. 15/1285243 - 6R Bunglegumbie Road Dubbo 32. 24/1285243 - Undefined 33. 17/1285243 - 20R Bunglegumbie Road Dubbo 34. 51/1282381 - 6R Bunglegumbie Road Dubbo
RECEIVED	15/12/2023	
FILE NO.	IRF23/3395	
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required	
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal	

1.2 Objectives of planning proposal

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

The objectives of the planning proposal are to:

- Rezone and reduce the minimum lot size for the subject land to allow for the development of approximately 5,500 dwellings.
- Encourage housing diversity and choice.
- Make provision for a future local centre with co-located retail, commercial and community uses.
- Retain land along the Macquarie River for public open space and recreation.
- Safeguard culturally significant landscapes along the Macquarie River.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the *Dubbo Regional Local Environmental Plan (DLEP) 2022* per the changes below:

1.3.1 Zoning and Minimum Lot Size

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	R2 Low Density Residential R5 Large Lot Residential	R1 General Residential (129.4 ha) R2 Low Density Residential (76.8 ha) RE1 Public Recreation (96.0 ha) E1 Local Centre (4.76 ha) SP2 Infrastructure (6.1 ha)
Minimum lot size	600sqm for R2 Low Density Residential 5ha for R5 Large Lot Residential	175sqm (32.1ha) and 300sqm (97.3ha) to proposed R1 General Residential zoned land. 450 sqm (24.8 ha) and 600sqm (52ha) to proposed R2 Low Density Residential zoned land. Remove the minimum lot size from land zoned E1 Local Centre, RE1 Public Recreation and SP2 Infrastructure (all land that is not zoned R1 or R2).

Number of dwellings	2,500 (Dubbo Transportation Strategy 2020)	Approximately 5,500
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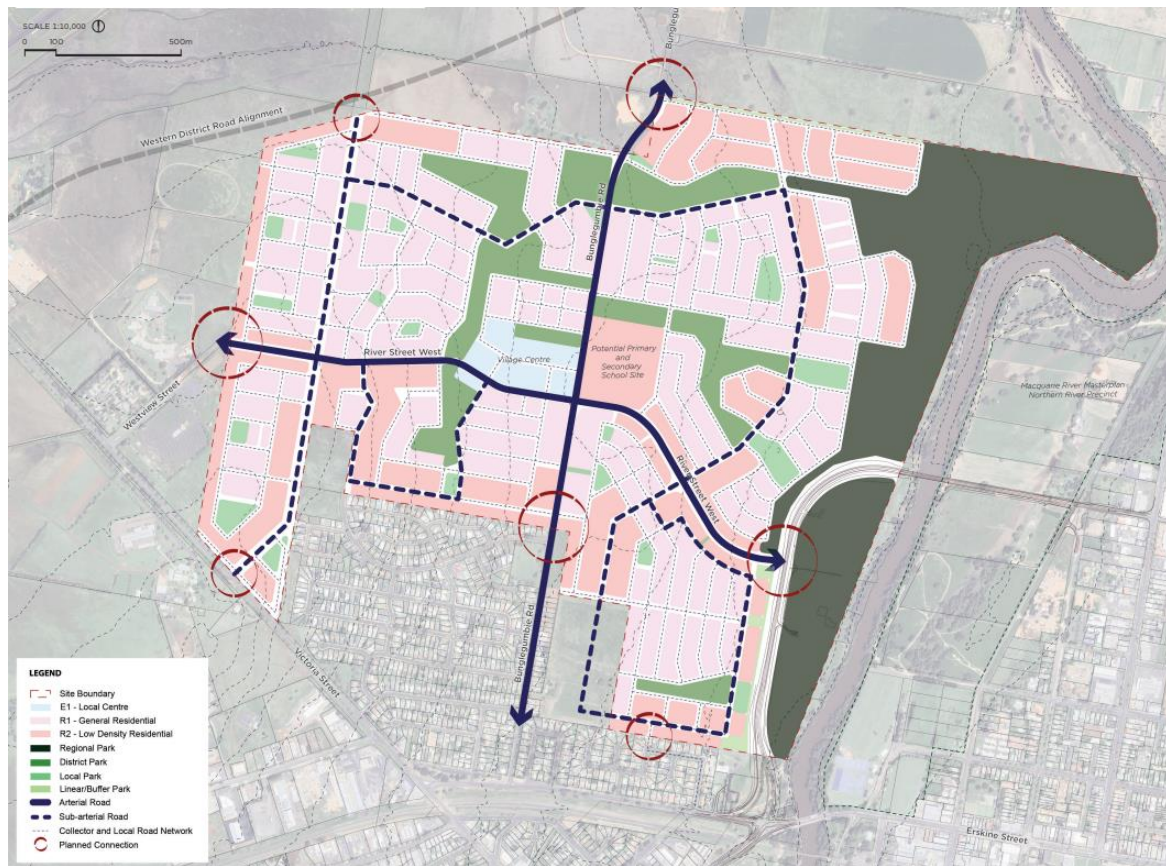


Figure 1 Indicative Layout Plan (source: *North-West Urban Release Area Development Control Plan – Masterplan*)

1.3.2 Dwelling Density Controls

The proposal intends to introduce a dwelling density control for the subject land through the inclusion of a new clause and map in the *DRLEP 2022*. The objectives of the proposed clause are to:

- ensure that housing diversity and the built form outcomes in the North-West Urban Release Area Master Plan are achieved.
- ensure the efficient use of public infrastructure and land resources.
- contribute to meeting the demand for regional housing.

The proposed clause is to require the minimum dwelling density indicated on the proposed Dwelling Density Map. The minimum dwelling yields based on the dwelling density controls are provided in Table 4.

Table 4 Minimum dwelling yields

Land Zone	Minimum Lot Size	Area Ha	Minimum Density (Dw/Ha)	Dwelling Yield
R1	175	32.1	45	1,443
R1	300	97.3	30	2,919
R2	450	24.8	17.5	434
R2	600	52	12.5	650
Total Minimum Dwellings				5,446

While the objective of minimum dwelling yields is supported, the proposed means of achieving this is not, at this stage, agreed to. DPHI will work with Council post-Gateway to determine an appropriate method of achieving Council's objective for the precinct.

1.3.3 Gross Floor Area Control

The introduction of a gross floor area control for the local centre is proposed to manage the level of commercial floor space provided in the precinct and potential impacts on the Dubbo Central Business District (CBD). A provision similar to existing *Clause 7.12 Shops on certain land in Zone E1* under the *DRLEP 2022* is proposed. The objective of the proposed clause will be 'to maintain the commercial centres hierarchy of Dubbo by encouraging retail development of an appropriate scale in neighbourhood centres'. The intent of the clause is to:

- Limit the total gross floor area of development in the local centre to 8,000 sqm, and
- Require the consent authority, in deciding whether to grant development consent to shops with a gross floor area of 500 sqm or greater to consider the economic impact of the development and be satisfied that the development is consistent with the commercial centres' hierarchy of Dubbo.

Refer to page 39 of the planning proposal, and the Commercial Needs Assessment prepared to inform the planning proposal.

1.3.4 Heritage

The planning proposal intends to amend the Heritage Map and the content of Schedule 5 in relation to Item I78 "Mount Olive" at 6R Bunglegumbie Road, Dubbo. The property description for the item is currently identified in Schedule 5 as Lot 31 DP1219695 and Lot 32 DP1219695. Lot 31 has been subdivided into three lots as part of the Newell Highway Upgrade project. This proposed amendment is to remove the reference to Lot 31 and any lots resulting from its subdivision.

A Statement of Heritage Impact was prepared as part of the Newell Highway Upgrade - New Dubbo Bridge project by Transport for NSW in 2019 to address the heritage significance of land in the curtilage of the item. This statement addressed the subdivision of the lot on which the heritage item is located, noting that "the proposal (the new bridge and road corridor) will impact the curtilage of Mount Olive but will not impact on the items which are identified in the Dubbo LEP (2010) as making a primary or secondary contribution to its heritage significance."

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. The Gateway determination will require consultation with the relevant state Agency on this matter.

1.3.5 Urban Release Area Map

It is recommended that the Urban Release Area Map be amended to include two adjoining lots outside of the URA; Lot 1 DP653795 and Part Lot 87 DP753233. The planning proposal should be updated to reflect this amendment prior to public exhibition.

1.4 Site description and surrounding area



Figure 2 Subject site (source: *North-West Urban Release Area Development Control Plan – Masterplan*)

The subject land is known as the North-West Urban Release Area (URA), located in North West Dubbo covering approximately 375-hectares. The land is currently zoned R2 Low Density Residential (600sqm MLS) and R5 Large Lot Residential (5ha MLS). The subject land comprises 34 lots, owned by Council and multiple private landowners.

While the intent of the proposal is to implement the Masterplan for the North West URA by amending the *DLEP 2022*, the proposal also seeks to amend the zoning of two adjoining lots outside of the URA; Lot 1 DP653795 and Part Lot 87 DP753233. It is recommended that the Urban Release Area Map be amended to include these adjoining lots.

The land is largely vacant and comprises areas of residual agriculture and grass land. The land has previously been used for primary production, the Bunglegumbie Sewerage Treatment Plant and the Dubbo City Animal Shelter. The site generally slopes from the west down to the Macquarie River. The land is bounded by the Macquarie River and CBD to the east, the Dubbo Regional Airport and industrial land to the west, existing low density residential development to the south and agricultural land to the north.

The North West URA is in close proximity to the Central West URA; the two precincts adjoin the north and south of the Newell Highway respectively.

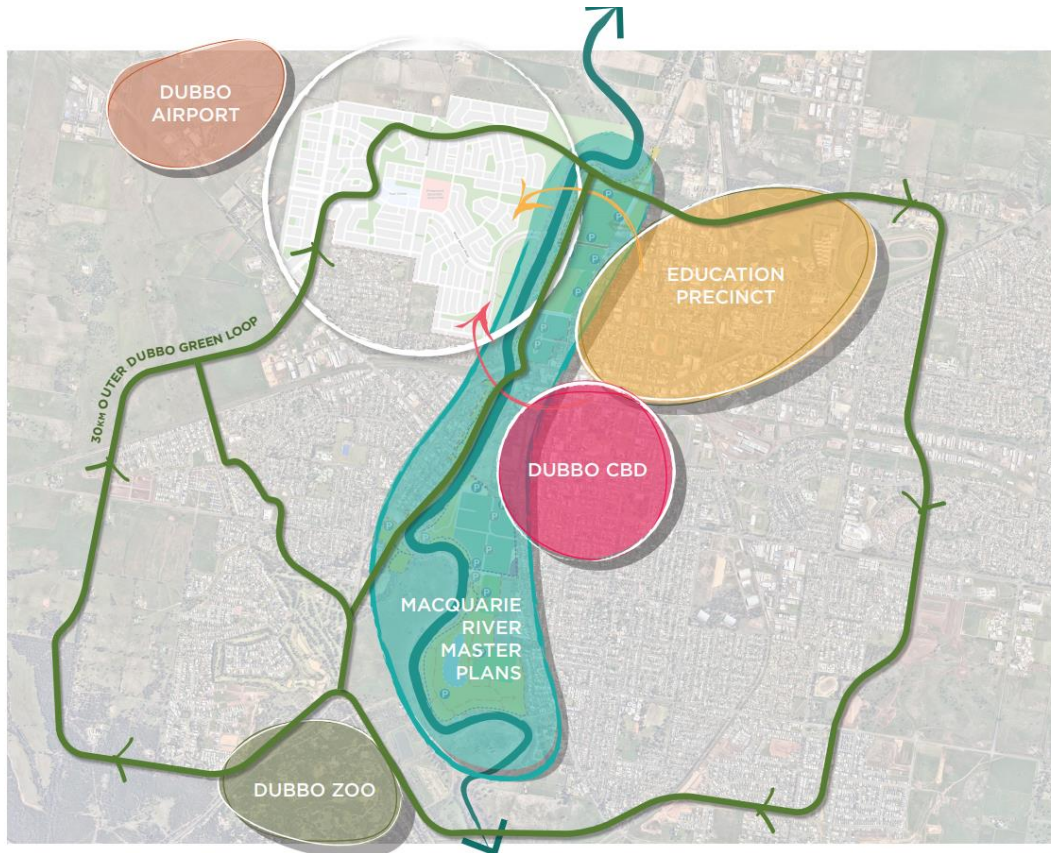


Figure 3 Site context (source: *North-West Urban Release Area Development Control Plan – Masterplan*)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Dubbo LEP 2022 maps, the maps are suitable for community consultation.

The planning proposal mapping includes a site zoned SP2 Infrastructure. Council is engaging with School Infrastructure NSW (SI NSW) to identify the appropriateness of this site for future acquisition. The outcome of this consultation may be identification of an alternative site and subsequent amendment to the proposed Land Zoning Map. Given the timeframe required to consult and reach an agreement with SINSW, it is anticipated the outcome will not be known prior to public exhibition. Accordingly, a post exhibition amendment to mapping to formalise the outcome of consultation with SINSW is likely. The intent to consult with SINSW on this matter should be communicated appropriately during public exhibition; an additional public exhibition period to display an amended Land Zoning Map should not then be required.

It is noted that Council intends to insert a Dwelling Density Map into the LEP as part of this proposal, as shown below. The Department supports the intent of this, however the final mechanism to achieve this will be confirmed prior to finalisation of the planning proposal.

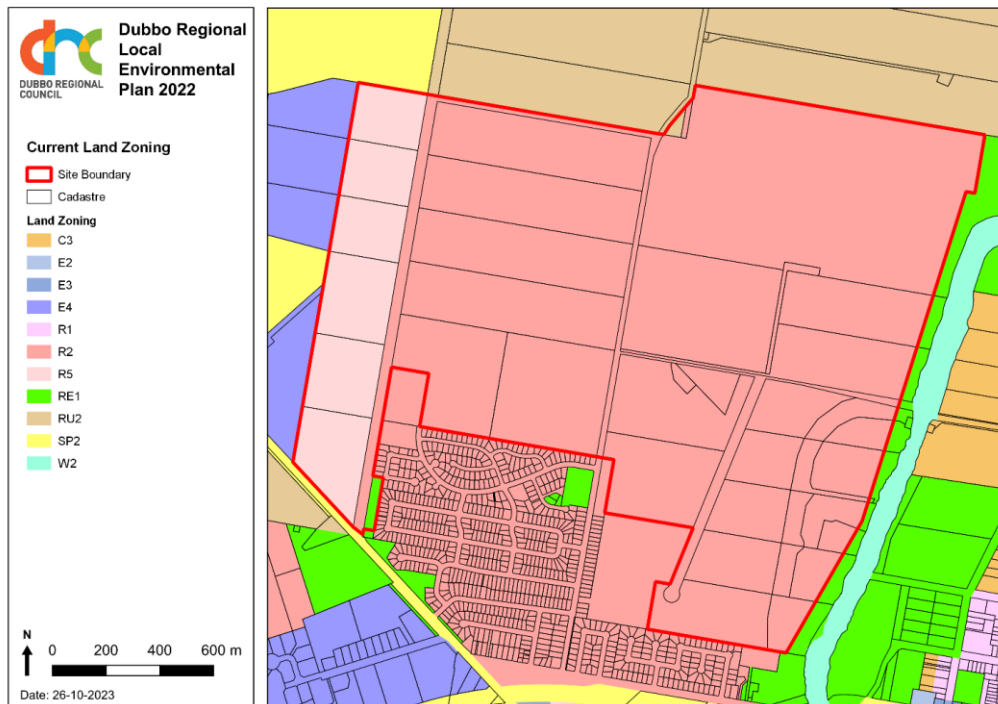


Figure 4 Current zoning map

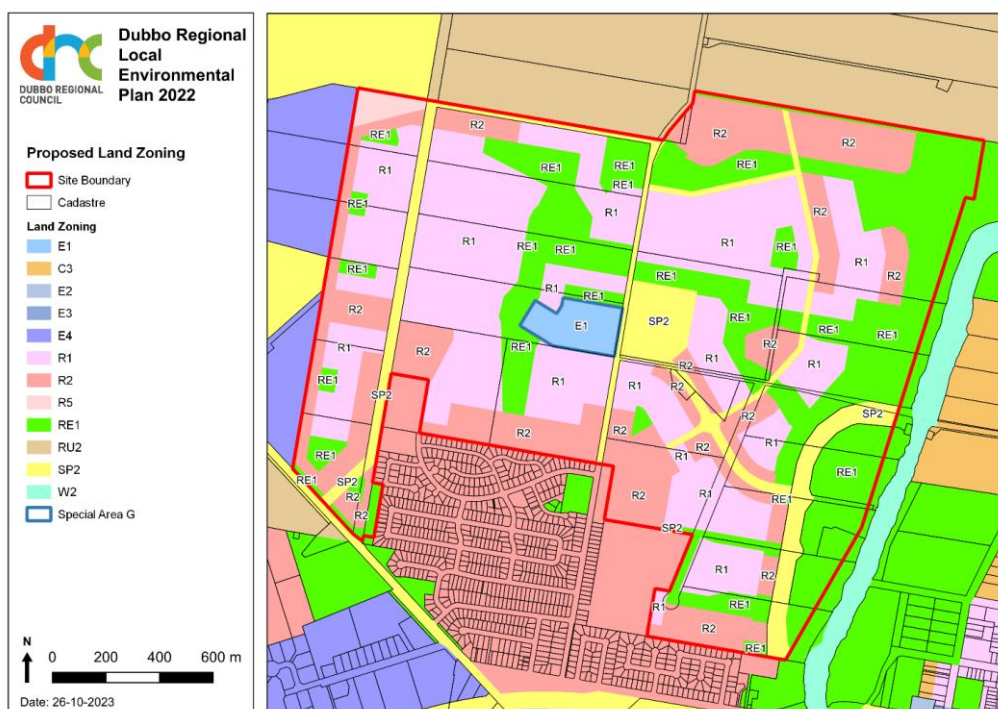


Figure 5 Proposed zoning map

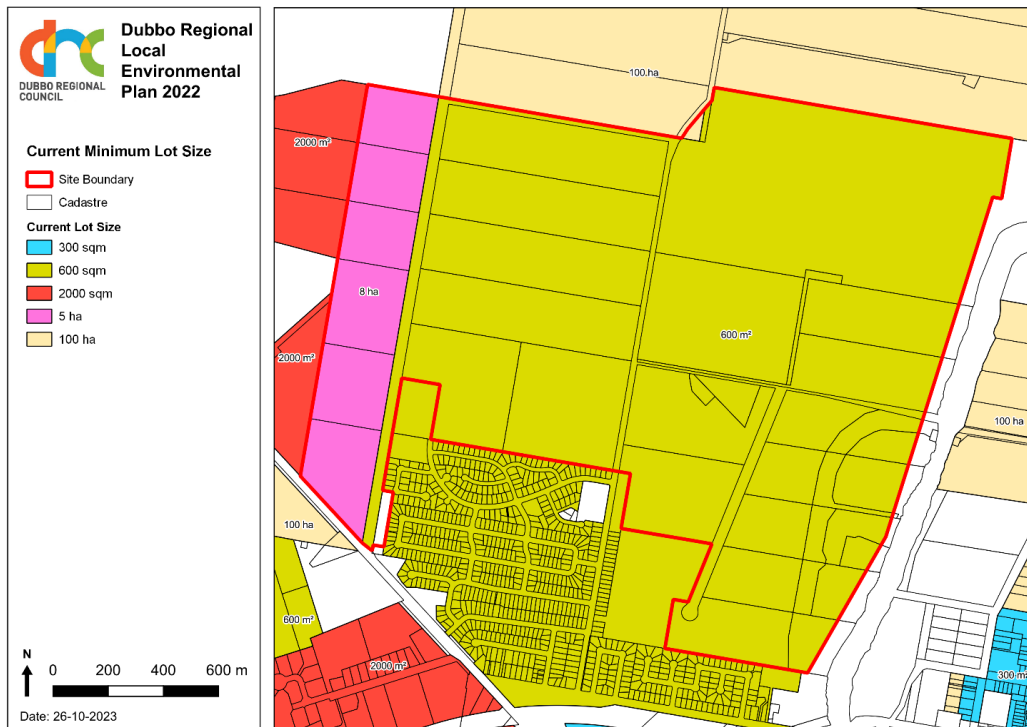


Figure 6 Current Minimum Lot Size Map

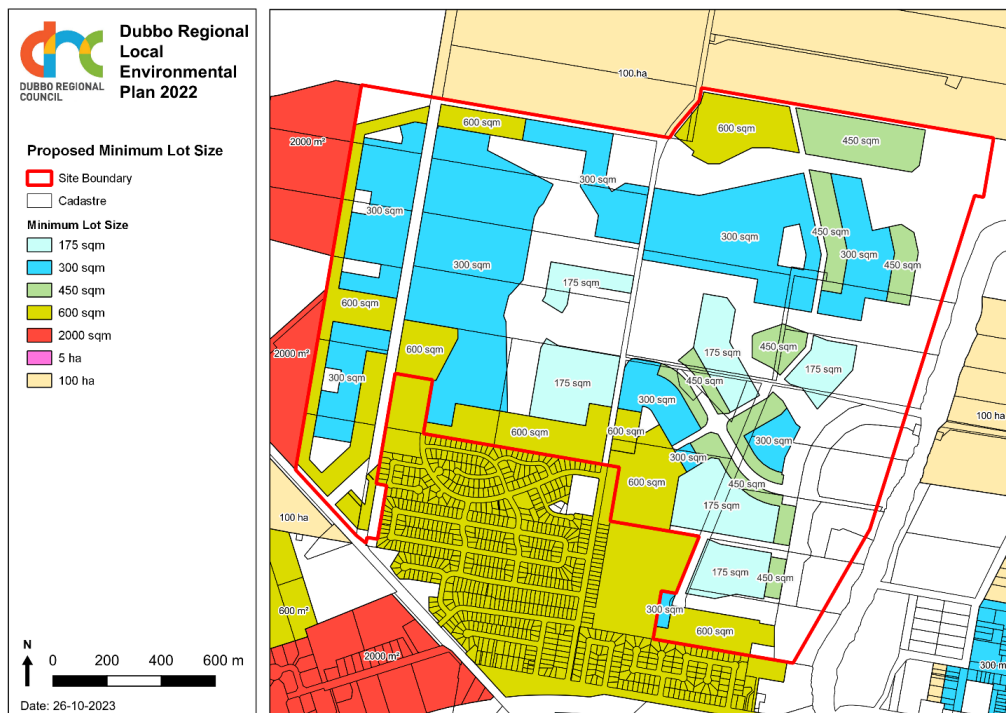


Figure 7 Proposed Lot Size Map

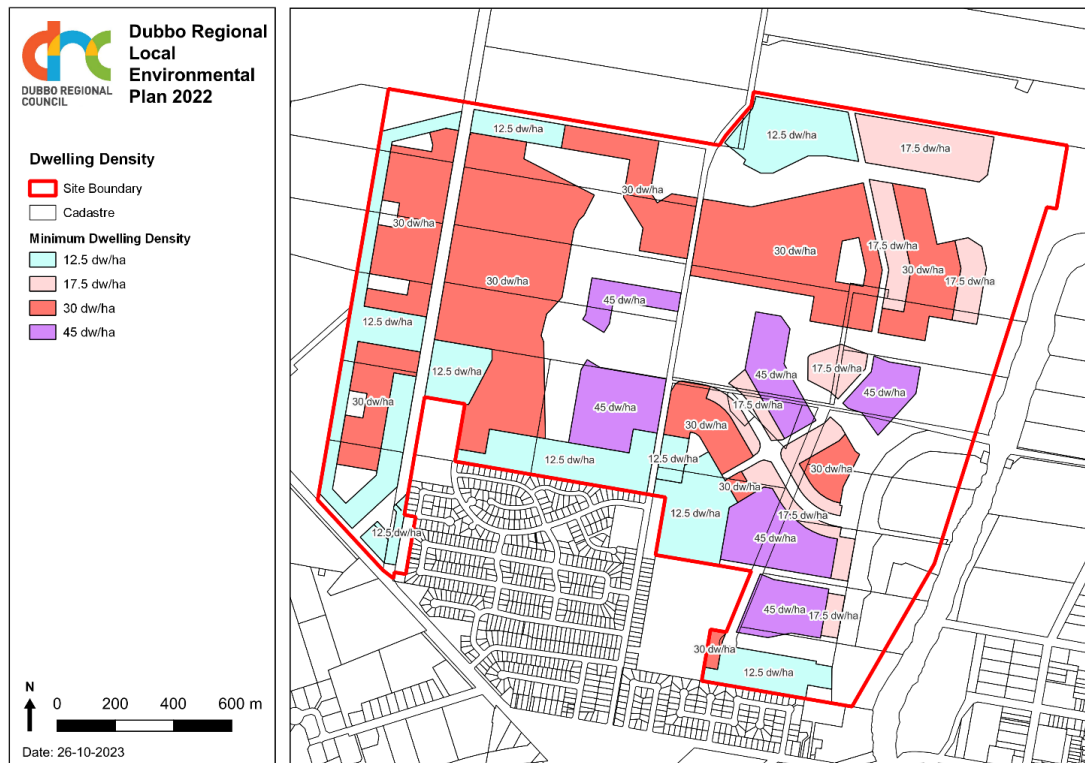


Figure 8 Proposed Dwelling Density Map

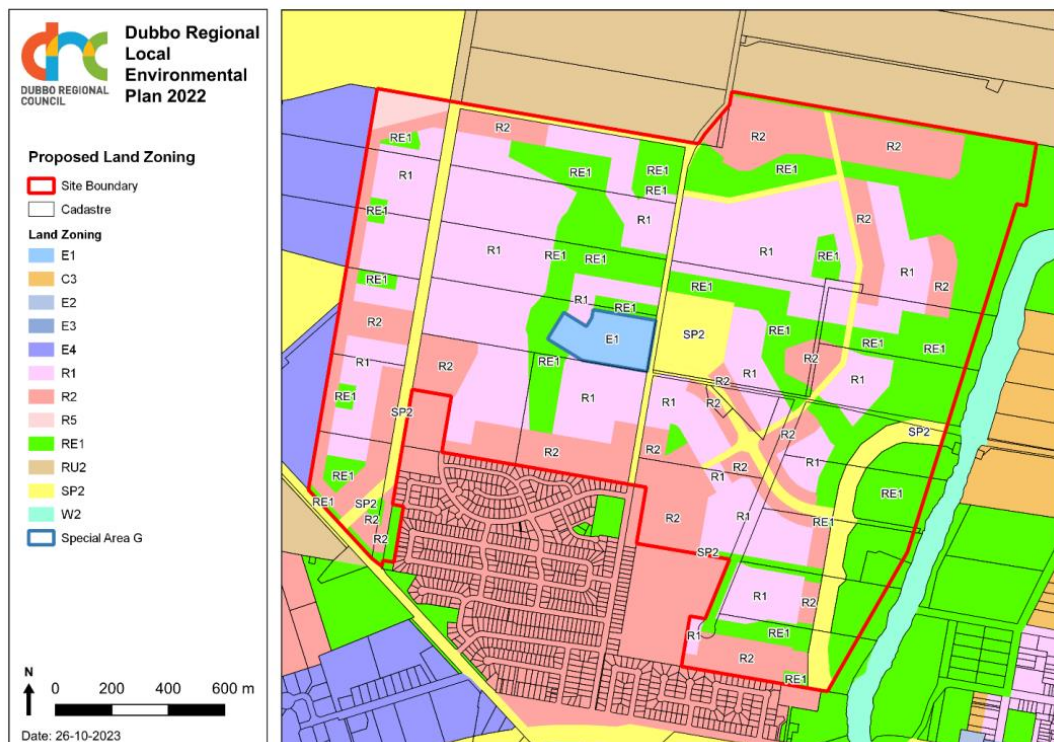


Figure 9 Proposed Gross Floor Area Map

1.6 Background

1.6.1 Strategic Context and Urban Design

Three strategic documents have been prepared to inform development of the precinct; these documents include:

1. Precinct Plan - North West Dubbo Urban Release Area (adopted by Council March 2023) – initial concept plan which informs further strategic plans
2. North West Urban Release Area Development Control Plan – Masterplan (adopted by Council October 2023) – this is a detailed version of the Precinct Plan - North West Dubbo Urban Release Area which informed the preparation of this Proposal and the DCP.
3. North-West Urban Release Area - Development Control Plan (adopted by Council 2023)

The current zoning and development standards allow for low density residential development within the North West URA, subject to the Secretary's concurrence being granted under cl 6.1 of the *DLEP 2022*. The North West Urban Release Area Development Control Plan (NWURADCP) – Masterplan identifies that the area has the capacity to supply a significantly higher density of dwellings to meet the long-term demand for housing in Dubbo.

Dubbo Regional Council *Local Strategic Planning Statement* (LSPS) identifies housing as a key focus area. The *LSPS* identifies that there is capacity for the development of 7,000 dwellings across Dubbo. Action 12.3 of the *LSPS* is to prepare a Structure Plan (resulting in the NWURADCP Masterplan) for the North West URA.

Council adopted the Precinct Plan - North West Dubbo Urban Release Area (at its meeting 23 March 2023). The NWURADCP – Masterplan was adopted by Dubbo Regional Council on 26 October 2023 to address action 12.3 of the *LSPS*. It is intended that this proposal reflect the intentions of the NWURADCP – Masterplan to achieve optimum urban design outcomes.

The planning proposal will realise the objectives and outcomes identified in the NWURADCP *Masterplan* and implement the intent of the *LSPS* to provide greater housing choice. The Department's Urban Design Team has reviewed the NWURADCP Masterplan and provided comments on how to achieve optimum design outcomes for the precinct. The recommendations made should be considered during the Development Application Stage.

1.6.2 Urban Release Area provision

The site is an identified Urban Release Area in the *DLEP 2022*; development within the precinct is subject to *cl. 6. Urban release areas* of the *DLEP 2022*. Development Control Plans for the Precinct – for stage 1 and for the overall precinct - have been adopted.

Two Development Applications are proceeding (currently under assessment) at the same time as this planning proposal. Council has formally requested Secretary's concurrence to enable the subdivision proposed by these DAs to be approved as Stage 1 of the Precinct. Council subsequently intends to pursue concurrence for the whole precinct, to enable effective staged development. Work to support a precinct wide concurrence request is subject to ongoing consultation with State Agencies and completion of additional studies including finalisation of a Traffic Impact Assessment.

The planning proposal does not propose to amend the Urban Release Area map of the *DLEP 2022*. It is, however, noted that the maps provided in the proposal have been updated to include the two adjoining lots (Lot 1 DP653795 and Part Lot 87 DP753233). It is recommended that the proposal be updated to outline the intent to include these lots in the URA Map.

The following reports are being undertaken by Council, to support the proposal. It is anticipated these studies will be completed in early 2024. It is recommended that a Gateway determination is issued to allow the proposal to proceed with a condition that Council will complete the reports and update the PP accordingly and refer the proposal back to DPHI, prior to public exhibition and agency consultation.

Studies currently underway:

- Transport Impact Assessment
- Flood Impact Risk Assessment
- Salinity and Contamination Assessment Report
- Water Cycle and Stormwater Management Strategy
- Aboriginal Heritage Archaeological Assessment
- Biodiversity Assessment

2 Need for the planning proposal

A planning proposal is the best way to achieve the objectives and implement the North West Urban Release Area Development Control Plan - Masterplan.

2.1 Regional Plan

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

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
OBJECTIVE 5: Identify, protect and connect important environmental assets	<p>The subject land has been largely cleared; however, areas of remnant native vegetation are present. The planning proposal indicates that these areas have the potential to include components of listed Endangered Ecological Communities or threatened plant species. A Biodiversity Study is being undertaken to better understand the implications of the proposal on biodiversity. The Study is expected to be finalised in February 2024.</p> <p>The eastern boundary of the site is the Macquarie River which is mapped in the <i>DLEP 2022</i> as being of significant ecological value. The proposal indicates the intent to zone the Macquarie riverfront RE1 Public Recreation to protect this area and minimise development impacts on the riverfront.</p> <p>Prior to public exhibition, the proposal should be updated to outline the findings of the Biodiversity Study.</p>

OBJECTIVE 6:
Support connected
and healthy
communities

The planning proposal identifies that 22.6% of the subject site will be dedicated to open space to support, link and create new pedestrian and cycle networks across the proposed residential area. Further consideration is required post Gateway to ensure suitable design and management of these spaces to realise the full potential of publicly available land.

It is intended that the land zoned for public recreation as part of this proposal will contribute to the connection of the 30km outer Green Loop. As identified in the NWURADCP Masterplan the green loop will connect residents of the Urban Release Area to Dubbo's airport, education precinct, CBD, Macquarie River open spaces, zoo, and residential areas in between. Refer to Figure 3, above, which identifies the green loop.



Figure 10 Open Space Concept (source: North-West Urban Release Area Development Control Plan – Masterplan)

OBJECTIVE 7:
Plan for resilient
places and
communities

The land is partially affected by the Flood Planning Area (FPA) defined in the *DLEP 2022*. This area is proposed to be used for open space; zone RE1 Public Recreation.

The FPA mapped in the *DLEP 2022* is based on a flood study completed in 2012 and outlined in the *Dubbo Flood Prone Land Policy 2013*. The Probable Maximum Flood (PMF) event in this study is defined as the flood calculated to be the maximum which is likely to occur for the Macquarie and Talbragar River System (calculated as three times the 1% AEP flood event).

Council completed a further study which has not been formally adopted by Council and accordingly is not reflected in the *DLEP 2022* mapping. This study identified a larger extent of land within the PMF, as the work modelled the Burrendong Dam Wall break scenario (see Figure 11 below).

The planning proposal should avoid residential development in the FPA. The FPA is defined as the 1% AEP as identified in the Flood Study (2012). The intent of the proposal is for this area to be used for open space. Clarification as to whether the land proposed for open space has been designed with consideration given to the Flood Study (2019) data should be made clear in a Flood Risk Impact Assessment (FIRA). A condition will be included in the Gateway determination in respect of this.

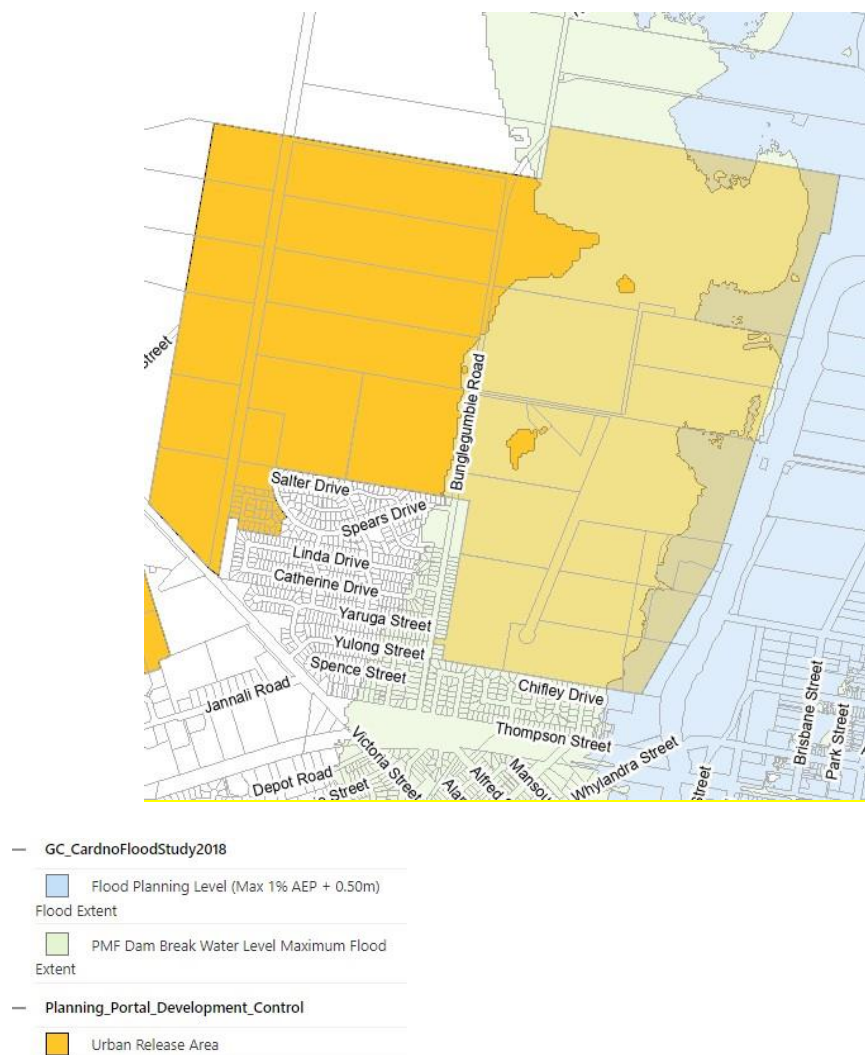


Figure 11. North West URA Flood Data (source: Cardno Flood Study 2018)

The Dubbo draft Bushfire Prone Land Map identifies the entirety of the precinct as Bushfire Prone Land. This predominately includes Vegetation Category 3 as grasslands. Consultation with NSW RFS will be required as a condition of the Gateway Determination.

OBJECTIVE 8:
Secure resilient regional water resources

The stormwater and sewer servicing strategy are being undertaken to support the proposal. It is expected that this strategy will be completed prior to exhibition of the planning proposal. The proposal identifies that there is capacity to expand water and sewer services to meet the demand of the precinct. Outcomes of the servicing strategies are required to determine if suitable plans for infrastructure are in place, noting staging of the development will allow time to complete any works required to increase capacity.

Consultation with Department of Climate Change, Energy, the Environment and Water – Water Division will be required as a condition on the Gateway determination.

OBJECTIVE 9:
Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage

An Aboriginal Cultural and Heritage Impact Assessment is currently being prepared and is expected to be completed prior to exhibition of the proposal. The outcomes of this assessment are required to determine the extent and location of any artifacts and culturally significant sites.

Local Heritage Item I78, "Mount Olive" (*DLEP 2022*) is situated within the precinct. Part of this proposal intends to amend the Heritage Map and Schedule 5 to acknowledge recent subdivision which has occurred on the site to facilitate the Newell Highway upgrades. As identified in previous section 1.1.3 Heritage, a Statement of Heritage Impact was completed as part of the upgrade and found that the subdivision of land surrounds the site would not have an adverse impact on the integrity of the dwelling (heritage item). The item will not be adversely impacted by this proposal.

The NWURADCP Masterplan has been prepared for the precinct. The DPE Urban Design Team has reviewed the masterplan and provided feedback and recommendations to Council to support optimum design outcomes.

OBJECTIVE 10:
Protect Australia's first Dark Sky Park

The proposal does not include reference to this objective; however, Dubbo Regional Local Government Area is within the Dark Sky Region. Council will be required to minimise light pollution and the impact of artificial light to protect the observing conditions at the Siding Spring Observatory, through implementation of the *NSW Department of Planning and Environment Dark Sky Planning Guideline* (at Development Application Stage) as per *DLEP 2022* Cl. 5.14 Siding Spring Observatory—maintaining dark sky.

OBJECTIVE 11:
Strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities

This proposal will support the implementation of this objective. The North West URA is specifically mentioned in this Objective as a key opportunity for the region. The proposal will facilitate residential development in the city, which is required to ensure significant economic development opportunities are realised.

<p>OBJECTIVE 12: Sustain a network of healthy and prosperous centres</p>	<p>Dubbo is a key centre in the <i>Central West and Orana Regional Plan 2041 (CWORP)</i>. The subject land is within proximity to Dubbo's CBD, Education and Health Precinct and the Dubbo Regional Airport, presenting an efficient link between the precinct and wider urban footprint.</p> <p>The proposal includes rezoning 4.76ha of land to E1 Local Centre. A commercial needs assessment has been completed to support the planning proposal. An outcome of this proposal will include a Gross Floor Area control to manage the potential risk of oversupply of retail/commercial space.</p>
<p>OBJECTIVE 13: Provide well located housing options to meet demand</p>	<p>The precinct is well located and an appropriate extension of the Dubbo urban area. The proposal is identified in the <i>CWORP</i> as a housing opportunity for the region. The precinct will supply housing and associated services for the Dubbo region in a staged process over the next 30 years. The proposal has been considered alongside the known development potential of the Central West URA and South East Dubbo URA. Relevant studies to understand the interaction of these precincts in terms of traffic movement in the city is ongoing.</p> <p>The amendments identified in this proposal will provide land zoned R1 General Residential and R2 Low Density Residential with varying minimum lot sizes to facilitate a variety of housing options to meet the needs of the community.</p>
<p>OBJECTIVE 14: Plan for diverse, affordable, resilient and inclusive housing</p>	<p>The proposal will enable a variety of housing options through zoning and development standards including minimum lot size and minimum dwelling density controls. The <i>North West Development Control Plan (DCP)</i> will provide further guidance on the intended design outcomes for the precinct.</p> <p>As the precinct is identified as an URA in the <i>DLEP 2022</i>, Secretary's Concurrence is required before future subdivision development applications can be determined. Secretary's Concurrence will provide certainty that suitable arrangements have been made for the provision of state public infrastructure, to service development within the precinct.</p>
<p>OBJECTIVE 17: Coordinate smart and resilient utility infrastructure</p>	<p>The precinct is intended to be serviced by the Bourke Hill reservoir. Further work is being undertaken to determine the capacity of the current infrastructure and plan upgrade to meet staging demands of the proposal.</p> <p>The proposal identifies a draft infrastructure contributions plan is being prepared by Council which identifies new local infrastructure required to service development within the precinct.</p>

OBJECTIVE 20:

Protect and leverage the existing and future road, rail and air transport networks and infrastructure

Bumblegum Road provides the primary vehicular north-south connection through the site, River Street provides the east-west connection towards the Mitchell Highway and Dubbo CBD.

The River Street Bridge (under construction) will provide a connection across the Macquarie River to the CBD and health precinct.

This precinct will have considerable impact on transport and traffic management for Dubbo. The Planning Proposal does not include sufficient information to determine if suitable plans are in place to manage increased movement in Dubbo. A completed Traffic Impact Assessment is required to inform local and state infrastructure requirements resulting from the proposal. The cumulative impact of development in the North West URA as well as the Central West URA and South East Dubbo URA should be considered as part of the Traffic Impact Assessment, prior to public exhibition. It is recommended that a condition be included in the Gateway determination requiring detailed modelling and a traffic study to be completed to support the proposal.

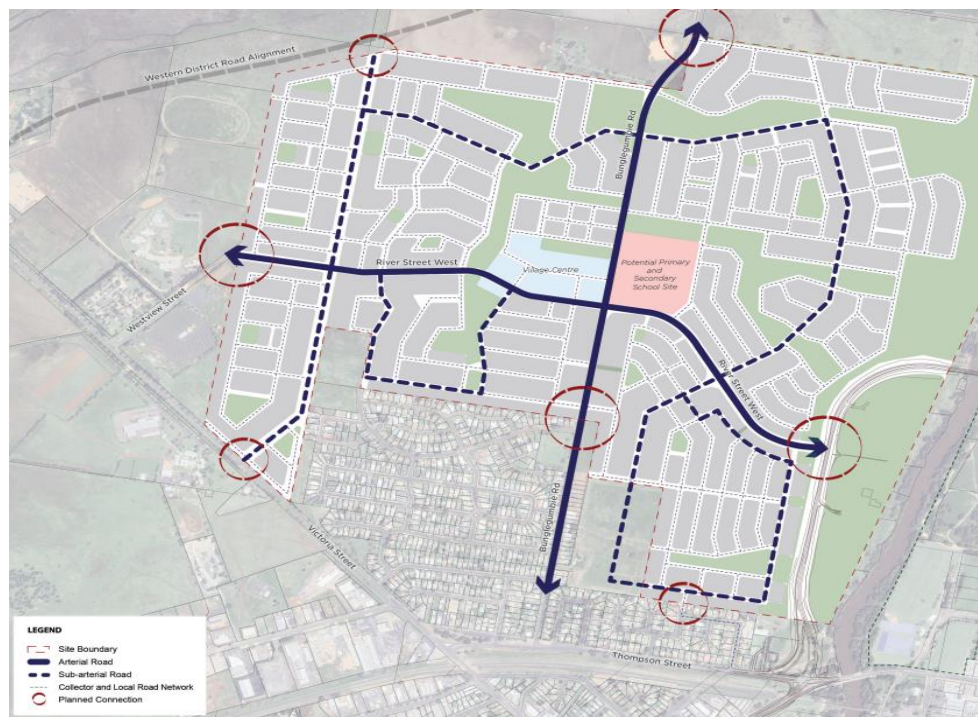


Figure 12 Road Hierarchy and Connectivity (source: *North-West Urban Release Area Development Control Plan – Masterplan*)

OBJECTIVE 23:

Supporting
Aboriginal
aspirations through
land use planning

Dubbo Local Aboriginal Land Council (DLALC) is a landowner in the precinct. The proposal notes that Council has been in contact with the DLALC (October 2022 and January 2023) to discuss the precinct as a whole and the potential planning outcomes and opportunities for DLALC owned land as a result of this proposal. The proposal notes that the outcome of this engagement included design specific outcomes including art, Wi-Fi access, management of land and waterways and the need for future development to be culturally appropriate. Council is encouraged to continue to work with the DLALC to realise the development potential of the precinct in a culturally appropriate manner.

2.2 Local

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

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>Housing is a key theme in the <i>LSPS</i>. Planning Priority 12, Create sustainable and well-designed neighbourhoods, specifically relates to the precinct. This proposal will implement the Structure Plan which has been completed in line with Action 12.3 of the <i>LSPS</i>.</p> <p>The proposal will contribute to the overall development of Dubbo as a major regional city in the Central West and Orana region, as identified in the <i>LSPS</i>. Dubbo is strategically placed to deliver key services and housing for Dubbo and the surrounding area over the next 20 years. This proposal will support the delivery of key housing to meet the forecast demand.</p>
Towards 2040 Community Strategic Plan	<p>This precinct is consistent with the overall strategic vision for Dubbo. The intent of the proposal will realise the opportunity for the URAs identified in the <i>DLEP 2022</i> to deliver key housing to meet forecast demand. It is intended that rezoning land to R1 General Residential and R2 Low Density Residential and reducing the MLS will allow for a range of housing developments to encourage housing choice for Dubbo residents.</p> <p>The precinct plays a significant role in connecting the RE1 Public Recreation zoned land across the Dubbo Local Government Area (LGA). This supports movement across the city and implements the vision of the <i>Open Space Master Plan 2018</i>, discussed further below.</p> <p>The proposed zone E1 Local Centre will further support provision of services for the City. The proposed Gross Floor Area controls are intended to ensure the new centre will not limit the current and future role of existing centre in the city. This proposal is consistent with the <i>Dubbo Towards 2040 Community Strategic Plan</i>. The amendment will realise the holistic vision for Dubbo, the potential for further growth and recognise Dubbo's continuing role as a prominent centre in the region.</p>

Dubbo Employment Lands Strategy 2019	<p>Section 12.3.9 North West Urban Release Area Neighbourhood Centre, of the <i>Dubbo Employment Lands Strategy (DELS) 2019</i> specifically identifies the growth opportunity of the precinct as a neighbourhood centre. The <i>DELS 2019</i> identifies this opportunity with the current development capacity of the precinct (2,600). The proposal will allow for the development of approximately 5,500 dwellings, increasing the need for a neighbourhood centre in the precinct.</p> <p>Whilst this proposal does not include proposed industrial zoned land, the precinct is linked to an industrial area to the west. Any future development needs to consider the current and future intended use of adjoining industrial zoned land and ensure land use is not limited due to proximity to residential areas.</p>
Dubbo Transportation Strategy 2020	<p>The Strategy identifies future connections to the precinct to improve movement within and to the precinct. Dubbo is traversed by the Castlereagh, Newell, and Mitchell Highways. These roads play a significant role in the movement of people, freight, and key services. More work needs to be undertaken to understand the impact this proposal will have on the local, regional and state road networks' current and future capacity.</p>
Open Space Master Plan 2018	<p>The <i>Open Space Masterplan (OSM) 2018</i>, prepared by the Dubbo Regional Council in 2018, proposed a plan for key destinations and the linkage of parks (recreation network).</p> <p>The precinct holds significant importance for future development and requires strategic consideration in terms of how this precinct connects to the broader context. It is crucial to ensure that the planning and design of the precinct aligns with the objectives and vision outlined in the <i>OSM 2018</i>, particularly regarding the establishment of the urban streets, cycle network, and linkages to key destinations.</p> <p>By incorporating these considerations, the precinct can effectively contribute to the overall connectivity and accessibility of the wider Dubbo area, promoting active transportation, and enhancing the quality of open spaces and recreational opportunities for residents and visitors. The planning proposal should be updated to address consistency with the <i>OSM 2018</i>, prior to public exhibition.</p>

2.3 Section 9.1 Ministerial Directions

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

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	As identified in Table 4 Regional Plan Assessment, the proposal is consistent with the Central West and Orana Regional Plan.

1.2 Development of Aboriginal Land Council land	Yes	The subject land is not identified in the Land Application Map of chapter 3 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> . It is noted that one of the landowners in the precinct is the DLALC. Dubbo Regional Council have been working with the DLALC to prepare this planning proposal. Council is encouraged to continue to work with the DLALC throughout the development process. The proposal is consistent with this Direction.
3.2 Heritage Conservation	Yes	The proposal includes an amendment to 'Mount Olive', a Local Heritage Item identified in the <i>DLEP 2022</i> . The proposal will not change the conservation provisions for the site. The proposal is consistent with this Direction.
4.1 Flooding	No	<p>The land is partially affected by the Flood Planning Area (FPA) defined in the <i>DLEP 2022</i>. This area is proposed to be used for open space and zoned RE1 Public Recreation.</p> <p>The planning proposal is inconsistent with the Minister's 9.1 Local Planning Direction 4.1 Flooding as the proposal intends to increase the potential density of residential development within the PMF by rezoning from R2 Low Density Residential to R1 General Residential and reducing the Minimum Lot Size.</p> <p>To satisfy the inconsistency the proposal needs to be supported by a Flood Risk Management Impact Assessment (FIRA). It is recommended that a condition of the Gateway Determination will be to complete a FIRA prior to public exhibition. Upon completion relevant consultation with Department of Climate Change, Energy, the Environment and Water - Biodiversity and Conservation Division is to be undertaken to determine if inconsistency with this Direction is justified.</p>
4.3 Planning for Bushfire Protection	Further information required	<p>The proposal does not adequately address Planning for Bushfire Protection. The Dubbo draft Bushfire Prone Land Map identifies the entirety of the precinct as Bushfire Prone Land. The site is identified as Vegetation Category 3 as grasslands.</p> <p>The proposal identifies that bushfire threat will be considered at Development Application Stage. It is recommended that further information be included in the planning proposal and consultation with NSW RFS by undertaken to satisfy consistency with this Direction.</p>

4.4 Remediation of Contaminated Land	Further information required	<p>Bunglegumbie Sewerage Treatment Plant and Council's Animal Shelter are identified as previous land uses within the precinct. The proposal notes the infrastructure of the treatment plant has been demolished, however, complete remediation work is yet to be undertaken.</p> <p>A contamination report is being prepared to support the proposal. Further information is required to determine if the proposal is consistent with this Direction.</p>
5.1 Integrating Land Use and Transport	No	<p>This precinct will have considerable impact on transport and traffic management for Dubbo. The planning proposal does not include sufficient information to determine if appropriate plans and infrastructure are in place to manage increased movement in Dubbo.</p> <p>The cumulative impact on traffic of development in the North West Precinct as well as the Central West Dubbo and South East Dubbo URAs should be understood prior to public exhibition.</p> <p>It is recommended that a condition be included in the Gateway determination to complete detailed modelling and a traffic study, and update the planning proposal, prior to public exhibition. .</p>
5.2 Reserving Land for Public Purposes	Yes	<p>The proposal includes a significant portion of the land that will be zoned RE1 Public Recreation. The precinct will make a positive contribution to the delivery of open space and recreation connections within the precinct but also linkages to the broader recreation network in Dubbo. The proposal is consistent with this Direction.</p>
5.3 Development Near Regulated Airports	Yes	<p>The Master Plan for the precinct includes an assessment of the future noise profile of the Airport. This assessment is based on an ultimate runway length of 2,350 metres and use by larger aircraft types. The precinct falls outside the 20 ANEF contour and accordingly any residential development does not require any future amelioration measures. The proposal is consistent with this Direction.</p> <p>It is recommended consultation with the Civil Aviation and Safety Authority (CASA) be undertaken in consideration of the proximity of the precinct to the Dubbo Airport.</p>

6.1 Residential Zones	Yes	The proposal intends to increase the capacity of residential zoned land by upzoning residential zoned land and decreasing the minimum lot size. It is intended that this amendment will support the delivery of a range of housing types to meet community needs. The proposal notes that upgrades to infrastructure services will be required to adequately service the proposed dwellings, however the precinct is within proximity to existing services which will be upgraded, as required, in the staged release of land. Land between the Macquarie River and proposed residential zoned land will be zoned RE1 Public Recreation to minimise environmental impacts. The proposal is consistent with this Direction.
7.1 Employment Zones	Yes	This proposal includes rezoning land to E1 Neighbourhood Centre. It is also noted the precincts proximity to existing industrial zoned land. Council has prepared a Commercial Needs Assessment to support the need for a Neighbourhood Centre. Site specific controls are proposed to ensure the intent of the Neighbourhood Centre does not detract from the main centre of Dubbo. The proposal is consistent with this Direction.

2.4 State environmental planning policies (SEPPs)

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

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Housing) 2021	Yes	See Table 4 Regional Plan Assessment, Objective 13 Plan for diverse, affordable, resilient, and inclusive housing and Objective 14 Plan for diverse, affordable, resilient, and inclusive housing. The proposal will deliver a range of housing types identified in the <i>State Environmental Planning Policy (Housing) 2021</i> .
State Environmental Planning Policy (Transport and Infrastructure) 2021	Further information required	See Table 7 of the <i>9.1 Ministerial Direction Assessment, 5.1 Integrating Land Use and Transport, Subdivision 2 Development adjacent to pipeline corridors, cl. 2.77 Determination of development applications</i> . This applies to future development on the site. Referral to Jemena is recommended to determine the particulars of a pipeline which has been identified within the site and the potential impacts on the future intended use of land.

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (2002 EPI 530)	Yes	The proposal includes the provision of residential flat buildings. As identified in the proposal residential flat buildings will require compliance with the Apartment Design Guide during the development application stage.
State Environmental Planning Policy (Resilience and Hazards) 2021	Further information required.	See Table 7 9.1 <i>Ministerial Direction Assessment, Direction 4.4 Remediation of Contaminated Land.</i>

3 Site-specific assessment

3.1 Environmental

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

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Flooding	The precinct is mapped as flood and bushfire prone. As identified in the proposal, part of the precinct is within the 1% AEP, the area of land within this flood level is proposed to be rezoned RE1 Public Recreation to minimise flood risk. The proposal also includes modelling of a Probable Maximum Flood (PMF) and the PMF modelled to include the Burrendong Dam Wall break scenario. A Flood Impact Risk Assessment is required to understand how the development will impact flood behaviour and the provisions that can be put in place to manage flood risk for residents.

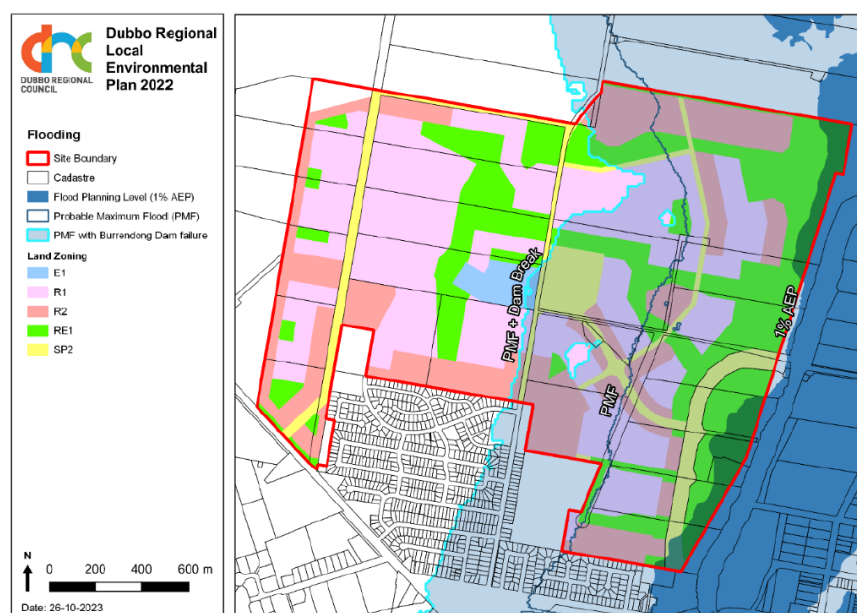


Figure 13 Flood Planning Map (source: DLEP 2022)

Bushfire	The proposal does not adequately address the risk of bushfire for the precinct. The Dubbo draft Bushfire Prone Land Map identifies the entirety of the Precinct as Bushfire Prone Land. The site is identified as Vegetation Category 3 as grasslands. The proposal identifies that bushfire threat will be considered at development application Stage however it consultation with NSW RFS is required as part of the planning proposal.
Biodiversity	See Table 4 Regional Plan Assessment, Objective 5: Identify, protect and connect important environmental assets.
Contamination	See Table 7 9.1 Ministerial Direction Assessment, Direction 4.4 Remediation of Contaminated Land.
Salinity	The proposal identifies the precinct is mapped as having high vulnerability to groundwater contamination, due to the relatively high hydraulic conductivity of the alluvial sediments and the shallow riparian linked aquifer underlying the site. A Salinity and Contamination Assessment Report is being completed to support the proposal which will inform the potential impacts and measures to mitigate groundwater contamination.
Heritage	See Table 4 Regional Plan Assessment, Objective 9: Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage.

3.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Housing	See Table 4 Regional Plan Assessment, Objective 13 Plan for diverse, affordable, resilient, and inclusive housing and Objective 14 Plan for diverse, affordable, resilient, and inclusive housing.
Economic	See Table 6 Local Strategic Planning Assessment, Dubbo Employment Lands Strategy 2019.

3.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Roads	See Table 7 9.1 Ministerial Direction Assessment, 5.1 Integrating Land Use and Transport
Sewer and Water	See Table 4 Regional Plan Assessment, Objective 17: Coordinate smart and resilient utility infrastructure
Schools	<p>The proposal includes the rezoning of 27.3ha of land to SP2 Infrastructure for the provision of a school. Further consultation with School Infrastructure NSW, to determine the suitability of the site for a school.</p> <p>The outcome of this consultation may be identification of an alternative site and subsequent amendment to the proposed Land Zoning Map. Given the timeframe required to consult and reach an agreement with SINSW, it is anticipated the outcome will not be known prior to public exhibition. Accordingly, a post exhibition amendment to mapping to formalise the outcome of consultation with SINSW is likely. The intent to consult with SINSW on this matter should be communicated appropriately during public exhibition; an additional public exhibition period to display an amended Land Zoning Map should not then be required.</p>

4 Consultation

4.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms a condition of the Gateway determination.

4.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal.

It is recommended the following agencies be consulted on the planning proposal and given 40 working days to comment:

- Department of Climate Change, Energy, the Environment and Water – Environment and Heritage Group
- Department of Climate Change, Energy, the Environment and Water – Water Group
- NSW Rural Fire Service
- Transport for NSW
- Civil Aviation and Safety Authority (CASA)
- School Infrastructure NSW
- NSW Environment Protection Authority
- NSW State Emergency Service
- Health NSW
- Jemena
- Essential Energy
- Dubbo Local Aboriginal Land Council (LALC)

5 Timeframe

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

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a complex

The Department recommends an LEP completion date of 11 October 2024 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

6 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the Precinct is partially Council owned land the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

7 Assessment summary

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

- The precinct is currently zoned for residential purposes, this amendment will allow for higher density development within an identified Urban Release Area.

- The precinct is strategically identified as a residential growth area in the Central West and Orana Regional Plan 2040 and the Dubbo Local Strategic Planning Statement.
- The proposal will contribute to the delivery of housing in Dubbo to meet expected demand.
- Key utility infrastructure can be upgraded to accommodate resulting growth.

As discussed in the previous sections 4 and 5, the proposal should be updated to include:

- Intent to include Lot 1 DP653795 and Part Lot 87 DP753233 in the Urban Release Area Map
- A clear map identifying the land to which the Gross Floor Area controls apply
- Consideration on how bushfire risk will be managed at Development Application stage
- Consideration on how the proposal supports the Dubbo Regional Council Open Space Master Plan 2018

Based on the assessment outlined in this report, the proposal must be updated prior to public exhibition to include the following reports:

- Transport Impact Assessment
- Flood Impact Risk Assessment
- Salinity and Contamination Assessment Report
- Water Cycle and Stormwater Management Strategy
- Aboriginal Heritage Archaeological Assessment
- Biodiversity Assessment

8 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 4.1 Flooding, 4.3 Planning for Bushfire Protection, 4.4 Remediation of Contaminated Land and 5.1 Integrating Land Use and Transport are unresolved and will require justification.

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

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to include:
 - Intent to include Lot 1 DP653795 and Part Lot 87 DP753233 in the Urban Release Area Map
 - A clear map identifying the land to which the Gross Floor Area controls apply
 - Consideration on how bushfire risk will be managed at Development Application stage
 - Consideration on how the proposal supports the Dubbo Regional Council Open Space Master Plan 2018
 - Transport Impact Assessment
 - Flood Impact Risk Assessment
 - Salinity and Contamination Assessment Report
 - Water Cycle and Stormwater Management Strategy

- Aboriginal Heritage Archaeological Assessment
 - Biodiversity Assessment
2. Prior to community consultation, the planning proposal is to be revised to address condition 1 and forwarded to the Department for review and approval.
 3. Consultation is required with the following public authorities:
 - Department of Climate Change, Energy, the Environment and Water – Environment and Heritage Group
 - Department of Climate Change, Energy, the Environment and Water – Water Group
 - NSW Rural Fire Service
 - Transport for NSW
 - Civil Aviation and Safety Authority (CASA)
 - School Infrastructure NSW
 - NSW Environment Protection Authority
 - NSW State Emergency Service
 - Health NSW
 - Jemena
 - Essential Energy
 - Dubbo Local Aboriginal Land Council (LALC)
 4. The planning proposal should be made available for community consultation for a minimum of 28 working days.
 5. The timeframe for the LEP to be completed is on or before 11 October 2024



 (Signature)

23 January 2024

Jenna McNabb

Acting Manager, Western



 (Signature)

24 January 2024

Garry Hopkins

Director, Western

Assessment officer

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