

AU21/303
R21-1
TH: SI



9 May 2022

Mr G Hopkins
Director Western Regions
Department of Planning and Environment
PO BOX 58
DUBBO NSW 2830

Dear Mr Hopkins

**PLANNING PROPOSAL TO AMEND LAND USE ZONE AND MINIMUM LOT SIZE AT 9R
BELGRAVIA ROAD, DUBBO (LOT 5 DP817149)
DEPARTMENT REF: PP-2021-4617**

I refer to the above Planning Proposal to amend the Dubbo Local Environmental Plan 2011 (now superseded by the Dubbo Regional Local Environmental Plan 2022) and the associated Gateway Determination issued on 16 September 2021.

The purpose of this correspondence is to request the Department to prepare a draft Local Environmental Plan in respect of the subject Planning Proposal and provide Council with an Opinion that the Plan be made.

a) Exhibition of the Planning Proposal

In accordance with the Gateway Determination (**Attachment 1**), the Planning Proposal and supporting documentation were placed on public exhibition from 8 December 2021 to 28 January 2022. Council received 10 submissions from the community.

In addition, Council received correspondence from the following State Government Agencies:

- Department of Planning and Environment - Biodiversity, Conservation and Science Directorate (BCS)
- NSW Rural Fire Service
- Department of Planning and Environment - Groundwater Management and Science
- NSW Crown Lands (as an adjoining land owner).



All communications to: **CHIEF EXECUTIVE OFFICER**

ABN 53 539 070 928

PO Box 81 Dubbo NSW 2830

T (02) 6801 4000 **F** (02) 6801 4259 **E** council@dubbo.nsw.gov.au

Civic Administration Building Church St Dubbo NSW 2830

W dubbo.nsw.gov.au

b) Minor variation to the Planning Proposal and Council resolution

Following consideration of the Planning Proposal and the submissions received by Council, the Planning Proposal has been amended to a Minimum Lot Size of 10 hectares instead of the initially proposed 8 hectares. Although this has resulted in an inconsistency with the Gateway Determination, Council considers that this variation is minor in nature. Moreover, the planning proposal's consistency with relevant Section 9.1 Directions provides a better planning outcome.

Council considered a report in respect of the Planning Proposal and the results of public exhibition at its Infrastructure, Planning and Environment Committee Meeting on 14 April 2022 and also at the Ordinary Meeting on 28 April 2022 (**Attachment 2**). In consideration of the report Council resolved, in part:

1. *That the Planning Proposal (attached as Appendix 1), to rezone 9R Belgravia Road, Dubbo (Lot 5 DP817149) from RU1 Primary Production to R5 Large Lot Residential, and amend the Minimum Lot Size from 800 hectares to 10 hectares under the provisions of Dubbo Regional Local Environmental Plan 2022, be adopted by Council.*
2. *That Council request the NSW Parliamentary Counsel's Office to prepare the draft amendment to the Dubbo Regional Local Environmental Plan 2022 and provide Council with an Opinion that the Plan be made.*
3. *That Council request gazettal of the Plan following receipt of the Opinion from Parliamentary Counsel's Office.*

A detailed justification of the variation has been provided in the Council report (**Attachment 2**), along with details of the public exhibition and how issues raised in the submissions have been addressed.

c) Preparation of the draft Local Environmental Plan

As the Department processes all map-only amendments, Council requests that the Department prepare a draft Local Environmental Plan at its earliest convenience and provide Council with an Opinion that the Plan be made.

The draft amendment to the Dubbo Regional Local Environmental Plan 2022 will entail the rezoning of 9R Belgravia Road, Dubbo from RU1 Primary Production to R5 Large Lot Residential, and amending the Minimum Lot Size from 800 hectares to 10 hectares.

It is also requested that the Department assist Council by amending the Lot Size Map - Sheet LSZ_002 and Land Zoning Map - Sheet LZN_002 as per above in absence of current mapping data being available to Council. Please also advise if the mapping data will be made available in the near future.

Should you require any further information, please do not hesitate to contact Council's Senior Growth Planner Shoilee Iqbal, on 6801 4000 during normal working hours.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Tim Howlett', with a stylized, looped initial 'T' and a horizontal line extending to the right.

Tim Howlett

Team Leader Growth Planning Projects

- Attachments:
1. DPE Gateway Determination
 2. Report + Minutes of Infrastructure, Planning and Environment Committee Meeting and Ordinary Council Meeting