

Request for Initial Gateway Determination

Relevant Planning Authority Details

Dubbo City Council

Contact Person: Jessica Holland

Contact Details: 0268041000 jessica.holland@dubbo.nsw.gov.au

Planning Proposal Details

Dubbo Local Environmental Plan 2011: Amendment No. 7

Site: Lot 100 DP 1168671, No. 1 Torvean Avenue Dubbo

Current zoning: B1 Neighbourhood Centre

Proposal LEP Amendment: Additional Permitted Use – recreation facility (indoor)

A complete copy of the Planning Proposal is attached.

Signed for and on behalf of the Relevant Planning Authority:



Mark Riley
General Manager

Request for Initial Gateway Determination

Instructions to Users

When forwarding a planning proposal to the Minister under section 56(1), the relevant planning authority must provide the information specified on this form. This form and the required information should be sent to your local Regional Office. Please note one (1) electronic copy and two (2) hard copies of the completed Planning Proposal must be sent to your local Regional Office.

Relevant Planning Authority Details

Name of Relevant Planning Authority: Dubbo City Council

Contact Person: Jessica Holland

Contact Phone Number and Email Address: (02)6801 4000 jessica.holland@dubbo.nsw.gov.au

Planning Proposal Details - Attachments

- | | | |
|----|---|-----------------------------|
| 1. | LAND INVOLVED: Lot 100 DP 1168671, 1 Torvean Avenue Dubbo | Attached/Completed ✓ |
| 2. | MAPS <u>(If applicable – 1 electronic and 2 hard copy)</u> <ul style="list-style-type: none">○ Location map showing the land affected by the proposed draft plan in the context of the LGA (tagged 'location map').○ Existing zoning map showing the existing zoning of the site and surrounding land and proposed zoning change for the site/s (tagged 'comparative existing/proposed zoning') | ✓ |
| 3. | PHOTOS and other visual material (if applicable) <ul style="list-style-type: none">○ Aerial photos of land affected by the Planning Proposal○ Photos of land involved and surrounding land uses | ✓ |
| 4. | COMPLETE PLANNING PROPOSAL <u>(1 electronic and 2 hard copy)</u> <ul style="list-style-type: none">○ <u>All</u> matters to be addressed in a planning proposal – including Director-General's requirements for the justification of all planning proposals (other than those that solely reclassify public land) in accordance with a 'Guide to preparing a planning proposal ' are completed prior to forwarding to the Regional Office in the first instance. See <u>attached</u> pro-forma. | ✓ |

4. PLANNING PROPOSAL HAS BEEN SUPPORTED BY COUNCIL



- Council has considered the written planning proposal before it is sent to the Department of Planning.
- Attached is Council's resolution to send the written planning proposal to the Department of Planning.

Signed for and on behalf of the Relevant Planning Authority

DATE: 26/03/14

Planning Proposal – Recreation Facility (Indoor)

Part 1 - Objectives or Intended Outcomes

The Planning Proposal intends to include the provision for recreation facility (indoor) to be included as an additional permitted use on Lot 100 DP1168671, No. 1 Torvean Avenue Dubbo.

Part 2 - Explanation of Provisions

The Planning Proposal will amend the Dubbo Local Environmental Plan 2011 through the inclusion of an additional permitted use in Schedule 1. The amendment will read as follows:

- "2. *Use of certain land at 1 Torvean Avenue, Dubbo*
- (1) *This clause applies to Lot 100 DP 1168671 at 1 Torvean Avenue, Dubbo*
- (2) *Development for the purpose of a recreation facility (indoor)."*

The Planning Proposal does not require amendment to any maps included in the Dubbo Local Environmental Plan 2011.

Part 3 - Justification

Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic plan or report.

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

The proposed use is not a permissible form of development on the subject land. A Planning Proposal is required to undertake an amendment to the Dubbo LEP 2011 to allow for the proposed use to be undertaken on the land.

Section B - Relationship to strategic planning framework.

3. Is the planning proposal consistent with the objectives and actions contained within the applicable **regional or sub-regional strategy** (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

There is no regional or sub-regional strategy applicable to the Planning Proposal.

4. Is the planning proposal consistent with the local council's **Community Strategic Plan**, or other **local strategic plan**?

The Planning Proposal is consistent with the following key strategies:

- Residential Areas Development Strategy
- Commercial Areas Development Strategy
- Dubbo 2036 Community Strategic Plan

5. Is the planning proposal consistent with applicable state **environmental planning policies**?

There are no State Environmental Planning Policies relevant to the Planning Proposal.

Reference is made to State Environmental Planning Policy 22 – Shops and Commercial Premises. This Policy was repealed on 21 February 2014 by State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial Development and Other Matters) 2013 and is no longer applicable to the Planning Proposal.

6. Is the planning proposal consistent with applicable **Ministerial Directions** (s.117 directions)?

The Planning Proposal is consistent with the following Section 117 Directions:

- Direction 1.1 Business and Industrial Zones
- Direction 6.3 Site Specific Provisions

Section C - Environmental, social and economic impact.

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal does not impact on critical habitat or threatened species, populations or ecological communities, or their habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal will not have any significant environmental effects.

9. How has the planning proposal adequately addressed any social and economic effects?

There are no significant social and economic effects identified as a result of the Planning Proposal.

Section D - State and Commonwealth interests.

10. Is there adequate public infrastructure for the planning proposal?

There are no issues in relation to infrastructure servicing in respect of the Planning Proposal.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? Note (1): Do State or Commonwealth own or have an interest in any of the land involved? Note (2): The RPA must list the State and Commonwealth public authorities to be consulted.

No State or Commonwealth Agencies have been consulted. There are no known State or Commonwealth interests in the land subject to the Planning Proposal. Council will undertake consultation with any relevant State and Commonwealth Agencies in accordance with the conditions of a Gateway Determination.

Section E – Reclassification of Public Land.

12. Is the planning proposal a result of any strategic study or report?

Not applicable.

13. Is the planning proposal consistent with the local council's community plan, or other local strategic plan?

Not applicable.

14. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

Not applicable.

15. The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Not applicable.

Part 4 - Community Consultation

The Planning Proposal is considered to be a low impact proposal. The Planning Proposal is consistent with the pattern of surrounding land uses and consistent with the strategic planning framework. The Planning Proposal presents no issues in relation to infrastructure servicing and does not reclassify public land.

Given the characteristics of the Planning Proposal, Council proposes to place the Planning Proposal on public exhibition for a period of period of 14 days.

Part 5 – Risks to the Planning Proposal.

NOTE (1): RPA must identify strategic and operational risks that could adversely impact the progress of the planning proposal and the making of the plan within the required time frame. Examples of risks Council should consider include;

- State or Commonwealth public authority objection to the LEP
- Community objection to the LEP
- Time required to resolve public and or community objections
- Requirement to re-exhibit
- Requirement for a public hearing

- Missing Council meetings
- Delay in finalising the associated development control plan
- Department of Planning delay in resolving Standard Instrument policy and practice
- Department of Planning changing Standard Instrument policy and practice
- Council staff taking leave or resigning
- Council lack of resources (please specify e.g. Council does not have capacity to complete SI LEP mapping)

NOTE (2): If the RPA believes a risk will prevent the making of the plan within the required time frame the RPA should consider not lodging a planning proposal with the Department of Planning until the risk has been resolved.

The Planning Proposal is considered to be a low impact proposal. Council has considered the potential risks in respect of the proposal and are satisfied that there are no significant risks which will adversely impact on the completion of the proposal within the required time frame.

Part 6 – Benchmark Timeframes for making the Plan.

1. The plan will be made within 6 months of the Gateway Determination date.
2. The Planning Proposal will be exhibited within 4 weeks of the Gateway Determination date.
3. Community Consultation will be completed 28 days from the last day the Planning Proposal must be exhibited
4. Public Authority Consultation will be completed within 35 days of the Gateway Determination date.
5. The RPA will request the Department to draft and finalise the LEP no later than 6 weeks prior to the projected making of the plan date specified in point 1.