

Request for Initial Gateway Determination

Relevant Planning Authority Details

Dubbo Regional Council

Contact person: Steven Jennings

(02) 6801 4000 steven.jennings@dubbo.nsw.gov.au

Planning Proposal Details

Complete Planning Proposal attached.

Planning Proposal for the proposed alteration to the minimum lot size map – Lot 172 DP 753233, 20R Peak Hill Road, Dubbo from 10 hectares to a range of 2,000 m², 4,000 m² and 10 hectares to allow further residential subdivision of the subject land, subject to development consent.

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 Regional Council**
Contact Person: **Steven Jennings**
Contact Phone Number: **(02) 6801 4000**
Contact Email Address: **steven.jennings@dubbo.nsw.gov.au**

Planning Proposal Details - Attachments

1. **LAND INVOLVED** (If relevant - eg Street Address and Lot and Deposited Plan):
Attached/Completed ✓
2. **MAPS** (If applicable – 1 electronic and 2 hard copy) ✓
 - Proposed Lot Size Map Sheet LSZ_008A
3. **PHOTOS and other visual material** (if applicable) NA
 - Aerial photos of land affected by the Planning Proposal
 - Photos of land involved and surrounding land uses
4. **COMPLETE PLANNING PROPOSAL** (1 electronic and 2 hard copy) ✓
 - All 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 attached 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: 02/08/2017

PLANNING PROPOSAL R15-3 – PROPOSED ALTERATION TO MINIMUM LOT SIZE MAP – LOT 172 DP 753233, 20R PEAK HILL ROAD, DUBBO

Part 1 - Objectives or Intended Outcomes [see Page 2 of 'A guide to preparing a planning proposal]

The intention of the Planning Proposal is to amend the Dubbo Local Environmental Plan 2011 to allow further residential subdivision of the subject land, Lot 172 DP 753233, 20R Peak Hill Road, Dubbo. The Planning Proposal has sought to achieve this by reducing the minimum lot size from 10 hectares to a range of 2,000 m², 4,000 m² and 10 hectares.

Part 2 - Explanation of Provisions [see Page 3-4 of 'A guide to preparing a planning proposal]

The Planning Proposal seeks to amend the Dubbo Local Environmental Plan (LEP) 2011 Map Sheet LSZ_008A to reduce the minimum lot size for Lot 172 DP 753233, 20R Peak Hill Road, Dubbo from 10 hectares to a range of 2,000 m², 4,000 m² and 10 hectares.

Part 3 - Justification

Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report? [see Page 5 of 'A guide to preparing a planning proposal]

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

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way? [see Page 5 of 'A guide to preparing a planning proposal]

It is considered that the Planning Proposal is the best means of achieving the proposed outcome on the land. The current minimum allotment size of the land at 10 hectares permits limited residential subdivision of the subject land. Amending the Dubbo Local Environmental Plan 2011 is the only way to achieve the objectives or intended outcomes of the Planning Proposal.

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)? [see Page 6 of 'A guide to preparing a planning proposal]

The Planning Proposal is considered to be consistent with the provisions of the Central West and Orana Regional Plan.

4. Is the planning proposal consistent with the local council's **Community Strategic Plan**, or other **local strategic plan**? [see Page 7 of 'A guide to preparing a planning proposal]

It is considered that the Planning Proposal is consistent with the following key strategies:

- Dubbo 2036 Community Strategic Plan; and
- Dubbo Residential Areas Development Strategy.

5. Is the planning proposal consistent with applicable state **environmental planning policies**?
[see Page 7 of 'A guide to preparing a planning proposal']

A number of State Environmental Planning Policies are applicable to the Planning Proposal. It is considered that nothing in the Planning Proposal will impact upon the aims and objectives of any SEPP.

6. Is the planning proposal consistent with applicable **Ministerial Directions** (s.117 directions)?
[see Page 7 of 'A guide to preparing a planning proposal']

It is considered that the Planning Proposal is consistent with the following Section 117 Directions:

- Direction 2.1 Environment Protection;
- Direction 2.3 Heritage Conservation;
- Direction 3.1 Residential Zones;
- Direction 3.3 Home Occupations;
- Direction 3.4 Integrating Land Use and Transport;
- Direction 4.4 Planning for Bushfire Protection;
- Direction 5.10 Implementation of Regional Plans;
- Direction 6.1 Approval and Referral Requirements; and
- Direction 6.3 Site Specific Provisions.

It is considered that the Planning Proposal is inconsistent with the following Section 117 Directions, however, the inconsistency is of minor significance:

- Direction 1.3 Mining, Petroleum Production and Extractive Industries.

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? [see Page 7-8 of 'A guide to preparing a planning proposal']

The site subject is mapped as containing moderately high biodiversity sensitivity pursuant to the Dubbo Local Environmental Plan 2011. As a component of the Planning Proposal, the Proponent provided an Ecological Constraints and Opportunities Report which was prepared in April 2013 by Geolyse Pty Ltd.

The report determined that approximately 36 hectares of vegetation be set aside in the middle of the site and around the perimeter of the site as a woodland corridor. The indicative proposed subdivision plan provided with the Planning Proposal has been designed to include these recommendations and addresses concerns raised previously by Council in respect of habitat connectivity and particularly habitat for Grey Crowned Babblers (*Pomatostomus temporalis*) and Glossy Black Cockatoos (*Calyptorhynchus lathami*).

The Planning Proposal is unlikely to adversely affect critical habitat, threatened species, populations or ecological communities, or their habitats as it is considered the vegetation could be appropriately managed at the development assessment stage.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? [see Page 8 of 'A guide to preparing a planning proposal']

It is considered that the Planning Proposal is unlikely to have any significant environmental effects. Issues in relation to environmental impacts are further discussed in the Planning Proposal.

9. How has the planning proposal adequately addressed any social and economic effects? [see Page 8 of 'A guide to preparing a planning proposal']

The Planning Proposal has not identified any significant adverse social or economic effects.

Section D - State and Commonwealth interests.

10. Is there adequate public infrastructure for the planning proposal? [see Page 8 of 'A guide to preparing a planning proposal']

Access to Public Infrastructure has been considered in the Planning Proposal and it is considered that there will be a shortfall in infrastructure service provision that can be provided by Council. The developer will be solely responsible for the future provision of a number of infrastructure components as discussed in the Planning Proposal and Council report.

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? [see Page 9 of 'A guide to preparing a 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.

State and Commonwealth public authorities will be consulted in accordance with the Gateway determination and will be given at least 21 days to comment on the proposal.

Section E – Reclassification of Public Land

Not applicable.

Part 4 - Community Consultation [see Page 9 of 'A guide to preparing a planning proposal']

Council will place the Planning Proposal on public exhibition for a minimum of 28 days and undertake consultation with the community as directed. Council will also undertake consultation with State public agencies as required by the Gateway Determination.

Part 5 – Risks to the Planning Proposal [RPA must identify possible risks]

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 (e.g. Council not having 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.

Council has considered the potential risks to the Planning Proposal and is 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

Note: You cannot delete or alter any of the following statements except were directed to select an option.

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.