

Dubbo Local Environmental Plan 2011 - Various Amendments - Correct Anomalies, Refinement of Local Clauses and Amendments - Amendment No. 4

Proposal Title :	Dubbo Local Environmental Plan 2011 - Various Amendments - Correct Anomalies, Refinement of Local Clauses and Amendments - Amendment No. 4		
Proposal Summary :	The Planning Proposal intends to rectify anomalies in the Land Use Table, include provisions for additional permitted uses in Schedule 1, make amendments to Schedule 5, rectify mapping errors, rezone various parcels of land, reclassify public land and refine local clauses.		
PP Number :	PP_2013_DUBBO_003_00	Dop File No :	14/01536

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions :
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes

Additional Information : That Gateway determine and support the Planning Proposal, subject to the following conditions:

1. The Planning Proposal should proceed generally as submitted by Council with the exception of Items No. 3 and 8 as identified within the proposal, which are not supported.

These amendments are considered to be inconsistent with the endorsed strategy, Section 117 Direction 1.2 and 1.5 and insufficiently justified.

2. Proceed and finalise the planning proposal within 12 months of the Gateway Determination Date.

3. Public Consultation is to occur for a minimum of 28 days.

4. A public hearing is to be held for the reclassification of Lot 100 DP 261729 from 'community' land to 'operational' land. The public hearing is to be held after the close of the exhibition period, and public notice of the hearing must be sent or published at least 21 days before the start of the public hearing.

5. Due to the proposed reclassification of Lot 100 DP 261729, the documentation submitted to the Department to finalise the Planning Proposal should state whether or not any interests are to be extinguished as a result of the reclassification of land.

6. Council is to consult with the following authorities:

Essential Energy
Central West Catchment Management Authority
Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
NSW Rural Fire Service
NSW Office of Water
Catchment and Lands

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7. Council is to prepare amended maps which are at an appropriate scale and clearly identify the subject lands for the Section 59 Submission that are compliant with the Departments Standard technical requirements for LEP maps. The following maps are to be amended:

- a) Land Reservation Acquisition Map - Sheet LRA_008B;
- b) Urban Release Area Maps - Sheet URA_007;
- c) Land Zoning Map - LZN_002;
- d) Land Zoning Map - LZN_003;
- e) Land Zoning Map - LZN_007A;
- f) Land Zoning Map - LZN_007C;
- g) Land Zoning Map - LZN_008A;
- h) Lot Size Map - Sheet LSZ_002;
- i) Lot Size Map - Sheet LSZ_003;
- j) Lot Size Map - Sheet LSZ_007A;
- k) Lot Size Map - Sheet LSZ_007C;
- l) Lot Size Map - Sheet LSZ_008A;
- m) Lot Size Map - Sheet LSZ_008B;
- n) Heritage Map - Sheet HER_008; and
- o) Heritage Map - Sheet HER_008A.

8. Council is to request the drafting and finalisation of the amendment no later than 6 weeks prior to the projected making of the amendment date.

9. Authorise Dubbo City Council to utilise delegations to finalise the Planning Proposal, except for the reclassification of Lot 100 DP 261729. Council does not have delegations to reclassify land.

Supporting Reasons : The proposed amendments to the Dubbo LEP 2011 are considered to be minor in nature (with the exception of the reclassification of land).

Panel Recommendation

Recommendation Date : 23-Feb-2014

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The Planning Proposal should proceed subject to the following conditions and variations:

1. Council is to update the planning proposal to include Land Zoning, Lot Size, Land Reservation Acquisition, Heritage and Urban Release Area Maps, which are at an appropriate scale and clearly identify the subject lands prior to the finalisation of the LEP amendment.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to demonstrate the proposal's consistency or justify any inconsistency with Section 117 Directions 1.2 Rural Zones 1.5 Rural Lands.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Essential Energy
 - NSW Rural Fire Service
 - NSW Office of Water
 - Office of Environment and Heritage
 - Central West Catchment Management Authority

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- NSW Department of Primary Industries – Agriculture
- NSW Department of Primary Industries - Catchment and Lands

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the department's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. Council should not be issued with plan making delegation in this instance because Council has not confirmed that the Governor's approval is not required for the reclassification of land. Reclassification proposals where the Governor's approval is required cannot be delegated back to council.

Signature:



Printed Name:

JAMES MATTHEWS

Date:

17/2/14