

Request for Initial Gateway Determination

Instructions to Users

When forwarding a planning proposal to the Minister under section 3.34, 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 and Email Address: (02) 6801 4000,
steven.jennings@dubbo.nsw.gov.au

Planning Proposal Details - Attachments

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|----|--|-----------------------------|
| 1. | LAND INVOLVED (Lot 12 DP 1154493, 31 Merrilea Road, Dubbo): | Attached/Completed ✓ |
| 2. | MAPS (If applicable – 1 electronic and 2 hard copy) | ✓ |
| | <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) | NA |
| | <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 (1 electronic and 2 hard copy) | ✓ |
| | <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 | ✓ |
| | <ul style="list-style-type: none"> ○ Council has considered the written planning proposal before it is sent to the Department of Planning. ○ <u>Attached</u> 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: 15/02/19

PLANNING PROPOSAL – ADDITIONAL PERMITTED USE – LOT 12 DP 1154493, 31 MERRILEA ROAD, DUBBO

Part 1 - Objectives or Intended Outcomes [see Page 7 of 'A guide to preparing a planning proposal]

The objective of this Planning Proposal is to allow the additional permitted use of animal boarding or training establishment on the subject land in Schedule 1 of the Dubbo Local Environmental Plan 2011.

Part 2 - Explanation of Provisions [see Page 7-8 of 'A guide to preparing a planning proposal]

The Planning Proposal seeks to amend the Dubbo Local Environmental Plan 2011 to permit the additional permitted use of animal boarding or training establishment at Lot 12 DP 1154493, 31 Merrilea Road, Dubbo. The proposed outcome will be achieved by:

- Amending the Dubbo LEP 2011 Additional Permitted Uses Map on Lot 12 DP 1154493, 31 Merrilea Road, Dubbo; and
- Amending Schedule 1 in the Dubbo LEP 2011 to include an additional permitted use of animal boarding or training establishment at Lot 12 DP 1154493, 31 Merrilea Road, Dubbo.

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 9-11 of 'A guide to preparing a planning proposal]

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? [see Page 9-11 of 'A guide to preparing a planning proposal]

It is considered that the Planning Proposal is the best means of achieving the proposed outcome.

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 11 of 'A guide to preparing a planning proposal]

It is considered that the Planning Proposal is broadly consistent with the following goals of the Central West and Orana Regional Plan 2036:

- Goal 1: The most diverse regional economy in NSW;
- Goal 2: A stronger, healthier environment and diverse heritage;
- Goal 3: Quality freight transport and infrastructure networks; and
- Goal 4: Dynamic, vibrant and healthy community.

4. Is the planning proposal consistent with the local council's **Community Strategic Plan**, or other **local strategic plan**? [see Page 13 of 'A guide to preparing a planning proposal']

It is considered that the Planning Proposal is broadly consistent with the 2040 Community Strategic Plan.

In addition, it is considered that the Planning Proposal is broadly consistent with the following key strategies:

- Dubbo Urban Areas Development Strategy; and
- Dubbo Industrial Areas Development Strategy.

5. Is the planning proposal consistent with applicable state **environmental planning policies**? [see Page 13-14 of 'A guide to preparing a planning proposal']

State Environmental Planning Policy (Rural Lands) 2008 is applicable to the Planning Proposal. The Planning Proposal is considered to be broadly consistent with the Rural Planning Principles of the SEPP (Rural Lands) 2008.

6. Is the planning proposal consistent with applicable **Ministerial Directions** (s.9.1 directions)? [see Page 14-15 of 'A guide to preparing a planning proposal']

It is considered that the Planning Proposal is consistent with the following Section 9.1 Directions:

- Direction 1.4 Rural Lands
- Direction 2.1 Environmental Protection Zones
- Direction 3.3 Home Occupations
- Direction 5.10 Implementation of Regional Plans
- Direction 6.1 Approval and Referral Requirements
- Direction 6.3 Site Specific Provisions

It is considered that the Planning Proposal is inconsistent with the following Section 9.1 Direction/s, however, the inconsistency is of minor significance:

- Direction 4.3 Flood Prone Land

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 15 of 'A guide to preparing a planning proposal']

The Planning Proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

8. Are there any other likely environmental impacts as a result of the planning proposal and how are they proposed to be managed? [see Page 16 of 'A guide to preparing a planning proposal']

The Planning Proposal is not considered likely to significantly affect flood behaviour that would result in detrimental impacts to other properties. However, it should be noted that flooding will be further assessed by Council as a component of any development application lodged on the land, which may impact flood prone land.

9. How has the planning proposal adequately addressed any social and economic effects? [see Page 16-17 of 'A guide to preparing a planning proposal']

The Planning Proposal is not expected to result in any significant negative economic or social impacts.

Section D - State and Commonwealth interests.

10. Is there adequate public infrastructure for the planning proposal? [see Page 17 of 'A guide to preparing a planning proposal']

It is considered that the Planning Proposal is unlikely to result in any significant requirements for upgrading of public infrastructure.

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 18 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.

At the present time no State or Commonwealth Agencies have been consulted or are required 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.

Part 4 - Community Consultation [see Page 19 of 'A guide to preparing a planning proposal']

Council in consideration of the Planning Proposal resolved for the proposal to be placed on public exhibition for a period of no less than 28 days.

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;

- o State or Commonwealth public authority objection to the LEP
- o Community objection to the LEP
- o Time required to resolve public and or community objections
- o Requirement to re-exhibit
- o Requirement for a public hearing
- o Missing Council meetings
- o Delay in finalising the associated development control plan
- o Department of Planning delay in resolving Standard Instrument policy and practice
- o Department of Planning changing Standard Instrument policy and practice
- o Council staff taking leave or resigning
- o 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.

Council has considered the potential risks to the Planning Proposal and considers that the Planning Proposal may have risks which could have a potentially adverse impact on the completion of the proposal within the required time frame, including:

- Community objection to the Planning Proposal;
- Missing Council meetings;
- Time required to address public and or community objections; and
- Council delay in SI LEP mapping due to Council staff taking leave and Council not having the previous experience of preparing APU maps.

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 14 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.

