

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 – Operational Review of the Wellington Local Environmental Plan 2012.

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 and Email Address: (02) 6801 4000
steven.jennings@dubbo.nsw.gov.au

Planning Proposal Details - Attachments

- | | | |
|----|---|----------------------|
| 1. | LAND INVOLVED (Wellington Local Government Area): | Attached/Completed ✓ |
| 2. | MAPS (<u>If applicable – 1 electronic and 2 hard copy</u>) | ✓ |
| | <ul style="list-style-type: none">Proposed zoning map showing the zoning changes to Land Zoning Map – Sheet LZN_004C (tagged 'Land Zoning Map – Sheet LZN_004C').Proposed zoning map showing zoning changes to Land Zoning Map – Sheet LZN_004D (tagged 'Land Zoning Map – Sheet LZN_004D').Proposed heritage map showing amendments to heritage items Nubrygyn Inn and Cemetery (tagged 'Heritage Map – Sheet HER_005').Proposed heritage map showing heritage changes to Heritage Map – Sheet HER_004D (tagged 'Heritage Map – Sheet HER_004D'). | |
| 3. | PHOTOS and other visual material (if applicable) | NA |
| 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 | ✓ |
| | <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. | |

Mark Aubrey

Signed for and on behalf of the Relevant Planning Authority

DATE: 27/07/17

PLANNING PROPOSAL – Operational Review of the Wellington Local Environmental Plan 2012.

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 rectify a number of administrative concerns by undertaking the following amendments to the Dubbo Local Environmental Plan 2011:

- Permissible land use activities;
- Subdivision controls;
- Clause 5.4 Controls relating to permissible uses;
- Part 7 Local provision;
- Schedule 5 Environmental heritage; and
- Minor amendments to land use zoning.

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

The Planning Proposal seeks to rectify a number of administrative concerns contained in the Dubbo Local Environmental Plan 2011 by generally undertaking the following:

- Amending the Wellington LEP 2012 Land Zoning Map Sheet LZN_004C in accordance with the proposed land zoning map shown at attachment 1;
- Amending the Wellington LEP 2012 Land Zoning Map Sheet LZN_004D in accordance with the proposed land zoning map shown at attachment 2;
- Amending the Wellington LEP 2012 Heritage Map Sheet HER_005 in accordance with the proposed heritage map shown at attachment 3; and
- Amending the Wellington LEP 2012 Heritage Map Sheet HER_004D in accordance with the proposed heritage map shown at attachment 4.

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 study or report. The Planning Proposal is the result of an operational review of the Wellington LEP 2012, which identified the need for a number of minor administrative amendments.

The Planning Proposal has been prepared in accordance with the Department of Planning and Environment's document 'Guidance for merged councils on planning functions', May 2016.

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]

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 13 of 'A guide to preparing a planning proposal]

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

- Wellington 2025 Community Strategic Plan

5. Is the planning proposal consistent with applicable state **environmental planning policies**? [see Page 13-14 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 14-15 of 'A guide to preparing a planning proposal']

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

- Direction 1.5 Rural Lands;
- Direction 3.1 Residential Zones;
- Direction 3.2 Caravan Parks and Manufactured Home Estates;
- Direction 3.4 Integrated Land Use and Transport; and
- Direction 6.1 Approval and Referral Requirements.

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

- Direction 1.1 Business and Industrial Zones;
- Direction 1.2 Rural Zones;
- Direction 2.1 Environment Protection Zones;
- Direction 2.3 Heritage Conservation;
- Direction 4.3 Flood Prone Land; and
- Direction 4.4 Planning for Bushfire Protection.

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 effects 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 intends to amend Land Zoning Map – Sheet LZN_004C and Land Zoning Map – Sheet LZN_004D. The Planning Proposal seeks to rezone part areas zoned E3 Environmental Management to R1 General Residential and R2 Low Density Residential where existing dwellings are present. The rezoning will reflect the existing residential land use within these areas and future development will remain subject to the flood planning controls under the Wellington LEP 2012.

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 intends to amend the provisions of Clause 5.4(7) Controls relating to permissible uses and increase the retail floor area for neighbourhood shops from 100 square metres to 150 square metres. It is considered that the Planning Proposal is unlikely to have any adverse social or economic effects.

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']

Access to Public Infrastructure has been considered in the Planning Proposal and it is considered that the Planning Proposal will not create additional demand for 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.

State and Commonwealth public authorities will be consulted in accordance with 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 will place the Planning Proposal on public exhibition for a period of not less than 28 days and undertake consultation with the community as directed. Council will also undertake consultation with State public agencies as required by any Gateway determination from the Department of Planning and Environment.

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 (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 lack of Council staff resources.

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.