

Steve Guy

From: Steve Guy
Sent: Monday, 24 April 2017 3:52 PM
To: Wes Maas; Bill Kelly
Subject: FW: Address Council Meeting 24/04/17 - PDC 17/10 & CC17/42

Thankyou for the opportunity to address Council on these matters:

1. Regarding PDC 17/10 we request that recommendation 1 be amended as follows:

That Council support the proposed amendments contained in the Operational Review of the Dubbo Local Environmental Plan 2011 with the exception of the following;

- The recommended changes to permissible land use activities for the RE2 Private Recreation Zone; and
- the recommended changes to the subdivision controls for Community Title and Torrens Title Development for R1 and R2 zoned land.

As these matters are not considered minor operational matters and are not simply a 'translation' of the planning uses or requirements as currently drafted in the Dubbo LEP 2011 and any further amendment from what exists would have significant impact on greater community. This would make community title development unfeasible and therefore would impact many.

Regarding the changes to the RE2 permissible land use zone this could have a significant impact on the current development application for a new quarry at 20L Sheraton Road which is to be presented to the JRPP for determination.

The consequence of adoption as drafted by the officer are that the consent authority would have to give due regard to these provisions when determining an application which would include these additional matters beyond that of the current LEP.

2. Regarding CC17/42 we request that Council change the recommendation to refuse the development and alternatively support Development Application D16-482 for an extractive industry without further delay due to the ongoing and significant cost in holding the development from the consideration and determination of the JRPP.

As the development:

- i. **Is permissible** as presented within our legal advice to Council, Council's own legal advice and the interpretation provided to Council from the Department of Planning NSW;
- ii. Is compliant with statutory policy and best practice guidelines as provided and committed to in the submitted EIS. In this regard the development is considered to meet and exceed all prescribed requirements of environmental management and impact as presented within our EIS, consultant reports, issued General Terms of Approval from government authorities and the presentation of draft conditions of approval as provided within the attached report;
- iii. Councils report is considered to be misleading and contradictory given the detailed assessment and discussions provided within the application and the concurrence and legal counsel, Council staff, other government agency staff and such concurrence given between both parties during the course of the assessment;
- iv. We are of the opinion that all Government Officers including Council's own Assessment Planner who have physically been on site are supportive of the development which has led to a favourable assessment and the drafting of recommended conditions of consent and General Terms of Approval;
- v. It would not be in the interest of any operator to manage a development of this importance outside the recommended conditions of approval and future licensing requirements. The

proposal is for the controlled and orderly development of the land in accordance with the submitted reports which have considered all surrounding sites their use both current and proposed;

- vi. It is good planning practice to consider a development in detail and for such development to demonstrate acceptable impact upon the surrounds. We have done this.

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