



PLANNING PROPOSAL

OPERATIONAL REVIEW OF THE DUBBO LOCAL ENVIRONMENTAL PLAN 2011

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EXECUTIVE SUMMARY

The Dubbo Local Environmental Plan 2011 was gazetted by the Minister for Planning and Environment on 11 November 2011. The Wellington Local Environmental Plan 2012 was gazetted on 23 November 2012. Both LEPs were prepared in accordance with the Standard Instrument (Local Environmental Plans) Order, 2006.

The former Wellington and Dubbo City councils were amalgamated by proclamation on 12 May 2016. Following the amalgamation and in accordance with the requirements of the NSW Department of Premier and Cabinet, Council is required to undertake an operational review of the Dubbo Local Environmental Plan 2011 as an initial step towards the preparation of a new comprehensive Local Environmental Plan for the Dubbo Regional Local Government Area.

Concurrently, Council is also undertaking an operational review of the Wellington Local Environmental Plan 2012. The operational review in respect of the Wellington Local Environmental Plan 2012 forms a separate report for the consideration of the Planning and Development Committee.

The objectives of the operational review are to amend any administrative concerns with the operation of the Dubbo Local Environmental Plan 2011 and to provide a level of parity between the provisions of the Dubbo LEP 2011 and the Wellington Local Environmental Plan 2012. It should be noted that this review process and the resultant Planning Proposal are purely of an administrative nature only.

The Planning Proposal includes a number of administrative and other minor amendments to the Dubbo Local Environmental Plan 2011 incorporating the following:

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

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 and the NSW Government Department of Planning and Environment, *A guide to preparing planning proposals*.

PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to harmonise and facilitate the following amendments to the existing Dubbo LEP 2011.

(a) Proposed Amendments to Land Use Zones

- (i) To amend the R5 Large Lot Residential zone to prohibit farm stay accommodation.
- (ii) To amend the W2 Recreational Waterways zone to include water storage facilities as a permissible form of development.
- (iii) To amend the RE2 Private Recreation zone to prohibit aquaculture as a permissible form of development.

(b) Proposed Amendments to Subdivision Controls

- (i) To modify Clause 4.1AA (2) Minimum Subdivision Lot Size for Community Title Schemes.
- (ii) To modify Clause 4.1A Minimum Subdivision Lot Size for zones RU5 and R2.

(c) Proposed Amendment to Clause 5.4 Controls Relating to Miscellaneous Permissible Uses

- (i) To modify Clause 5.4 (1) to increase the maximum number of bedrooms for bed and breakfast accommodation to 5 bedrooms.

(d) Proposed Changes to Part 7 Additional Local Provisions

- (i) To include new Clause for Rural and Nature-Based Tourist Facilities

(e) Proposed Amendment to Schedule 5 Environmental Heritage

- (i) To amend heritage item I65 Terramungamine Homestead and heritage item I66 Terramungamine Woolshed property details.
- (ii) To amend heritage item I135 Communications Bunker property details.

(f) Proposed Amendments to Land Use zoning

- (i) To amend land use zone mapping anomalies at Transport Drive, Brocklehurst.

- (ii) To amend land use mapping anomalies at Lady Barron Circuit, Dubbo.

(g) Proposed Amendment to Biodiversity Mapping

- (i) To amend Biodiversity mapping in the Keswick Estate.

PART 2 EXPLANATION OF PROVISIONS

The proposed objectives and intended outcomes will be achieved through the following:

(a) Proposed Amendments to Land Use Zones

- (i) To amend the R5 Large Lot Residential zone to prohibit farm stay accommodation

The Dubbo LEP 2011 allows farm stay accommodation in the R5 Large Lot Residential zone. Farm stay accommodation was originally permitted in the zone to encourage tourist and visitor accommodation and diversified income streams. Over time, Council has had a number of proposals for farm stay accommodation that have been unable to adequately justify the extent of farming activities being undertaken on the land.

It is proposed that farm stay accommodation be removed from the LEP as a permissible land use in the R5 Large Lot Residential zone. It is proposed that farm stay accommodation be replaced by the provision of a new clause for Rural and Nature Based Tourist Facilities. The intent and operation of such a provision is further discussed in the Planning Proposal.

- (ii) To amend the W2 Recreational Waterways zone to include water storage facilities as a permissible form of development

The Dubbo LEP 2011 currently prohibits water storage facilities in the W2 Recreational Waterways zone. Further consideration of the W2 Recreational Waterways zone has shown that a weir would be defined as a water storage facility. Given the existence of weirs in the Macquarie River, it is considered that water storage facilities should be permissible activities in the W2 zone.

- (iii) Aquaculture in the RE2 Private Recreation zone.

The Dubbo LEP 2011 currently allows for the provision of aquaculture on land zoned RE2 Private Recreation under the provisions of the Standard Instrument (Principal Local Environmental Plans) Order 2006, aquaculture is a component of the agriculture group term, which is as follows:

“Agriculture means any of the following:

- (a) aquaculture,*
- (b) extensive agriculture,*
- (c) intensive livestock agriculture,*
- (d) intensive plant agriculture.”*

Under the provisions of a number of State Environmental Planning Policies, the permissibility of aquaculture on the land could allow for the possible development of other land use activities that are incompatible with the intent of the RE2 Private Recreation zone, including mining and extractive industry activities. It is proposed that aquaculture be removed as a permissible land use activity in the RE2 Private Recreation zone.

(b) Proposed Amendments to Subdivision Controls

(i) To modify Clause 4.1AA (2) Minimum Subdivision Lot Size for Community Title Schemes

Clause 4.1AA regulates the minimum lot size provisions for community title subdivisions. The clause currently applies to land zoned RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and E3 Environmental Management. The clause does not include residential zones as contained in the LEP.

To ensure greenfield land zoned primarily for residential development is not subject to Community Title Subdivision prior to consideration of the development on the land, it is proposed that the clause be extended to also include the following zones:

- R1 General Residential;
- R2 Low Density Residential;
- R5 Large Lot Residential; and
- RU5 Village.

Council in recent times has also had situations where developers have sought to undertake subdivision of a dual occupancy or multi-dwelling housing development that has not been completed in accordance with the requirements of an applicable development consent. It is proposed to amend the clause to require the dual occupancy or multi-dwelling housing development to be constructed on the land prior to any community title subdivision being undertaken.

(ii) To modify Clause 4.1A Minimum Subdivision Lot Size for zones RU5 and R2

The Dubbo LEP 2011 allows subdivision of a lot below the minimum lot size on the Lot Size Map for dual occupancy development situated on land zoned RU5 Village and R2 Low Density Residential. Following the gazettal of the LEP, Council has received a number of representations that similar provisions are not available for development undertaken on land zoned R1 General Residential.

It is proposed to amend Clause 4.1A to include land zoned R1 General Residential and to include multi-dwelling housing as an applicable development type as provided below:

“Despite clause 4.1, the size of any lot resulting from a subdivision of land in zone RU5 Village, R1 General Residential or R2 Low Density Residential, may be less than the minimum lot size shown on the Lot Size Map in relation to that land, if:

- (a) *The land is connected to a sewerage reticulation system, and*
- (b) *Development consent has been granted in respect of the subdivision for the purpose of a:*
 - (i) *Dual occupancy,*
 - (ii) *Multi-dwelling housing.*

Council in recent times has also had situations where developers have sought to undertake subdivision of a dual occupancy or multi-dwelling housing development that has not been completed in accordance with the requirements of an applicable development consent. It is proposed to amend the clause to require the dual occupancy or multi-dwelling housing development to be constructed on the land prior to any Torrens title subdivision being undertaken.

(c) Proposed Amendment to Clause 5.4 Controls Relating to Miscellaneous Permissible Uses

- (i) To modify Clause 5.4 (1) to increase the maximum number of bedrooms for bed and breakfast accommodation to five bedrooms

The current provisions of the Dubbo LEP 2011 permit bed and breakfast accommodation to contain a maximum of four bedrooms. The Planning Proposal intends to modify Clause 5.4 (1) to increase the maximum number of bedrooms for bed and breakfast accommodation to five bedrooms. It is considered that the proposed increase from four to five bedrooms is unlikely to present any negative effects that cannot be regulated by Council's normal development assessment procedures.

(d) Proposed Changes to Part 7 Additional Local Provisions

- (i) To include new Clause for Rural and Nature-Based Tourist Facilities

To ensure tourist and visitor accommodation can be undertaken on land that is of an appropriate scale, it is proposed to include a new clause in Part 7 of the Dubbo LEP 2011 as follows:

"Clause 7.14 Rural and nature-based tourist facilities

"(1) The objective of this clause is to ensure that tourism development in rural and natural areas is low scale and does not adversely impact on the agricultural production, scenic or environmental values of the land.

(2) This clause applies to land in the following zones:

- (a) Zone RU1 Primary Production,*
- (b) Zone RU2 Rural Landscape,*
- (c) Zone R5 Large Lot Residential.*

- (3) *Development consent must not be granted for development for the purpose of tourist facilities on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *adequate access exists or will be provided to service the development from a road other than a classified road, taking into account the scale of the development, and*
 - (b) *the development will not create a land use conflict, and*
 - (c) *the development is a small tourist facility that is complimentary to the rural or environmental attributes of the land and its surrounds, and*
 - (d) *the development will not have a significant adverse impact on agricultural production, the scenic amenity of the locality or significant features of the natural environment, and*
 - (e) *if the development is located in an unsewered area, adequate on-site wastewater systems will service the land without having an adverse impact on the water quality of the area.*
- (4) *In this clause:*
- small tourist facility** *means a tourist facility that is managed and operated solely by the owner or a site manager who resides on the land.*
- tourist facility** *means any development where services or facilities are provided for visitors to the area and includes, but is not limited to, camping grounds, eco-tourist facilities, hotel or motel accommodation, information and education facilities and restaurants or cafes.”*

Further consultation will be undertaken with the Department of Planning and Environment to ensure the LEP can be appropriately amended to allow for tourist facilities pursuant to the proposed clause.

(e) Proposed Amendment to Schedule 5 Environmental Heritage

- (i) Lot 8 DP 1205114, 63L Burraway Road, Dubbo

The subject land contains two heritage items which includes the Terramungamine Homestead and the Terramungamine Woolshed. The land has recently been subdivided and as such, the new property details do not reflect the current heritage listings.

It is proposed that Schedule 5 of the LEP be updated as follows:

Suburb	Item Name	Address	Property Description	Significance	Item No
Dubbo	Terramungamine Homestead	63L Burraway Road, Dubbo	Lot 8 DP 1205114	Local	I65
Dubbo	Terramungamine Woolshed	63L Burraway Road, Dubbo	Lot 8 DP 1205114	Local	I66

(ii) Lot 303 DP 1216045, 24 Keswick Parkway , Dubbo

The subject land contains a communications bunker which is a listed heritage item in Schedule 5 of the Dubbo LEP 2011. The land has undergone development in the form of residential subdivision and housing development. As a result of this development, the property details for the land containing the heritage item have changed.

It is proposed that Schedule 5 of the LEP be updated as follows:

Suburb	Item Name	Address	Property Description	Significance	Item No
Dubbo	Communications Bunker	24 Keswick Parkway, Dubbo	Lot 303 DP 1216045	Local	I135

(g) Minor Amendments to Proposed Amendments to Land Use zoning

(i) Transport Drive, Brocklehurst

The southern edge of Lots 2, 3, 4 and 5 DP 285340 Transport Drive, Dubbo and Lot 1 DP 1001551, Burraway Road, Dubbo are zoned E3 Environmental Management under the provisions of the Dubbo LEP 2011. It is proposed to zone these areas of land IN2 Light Industrial which is consistent with the zoning and use of land as contained to the north.

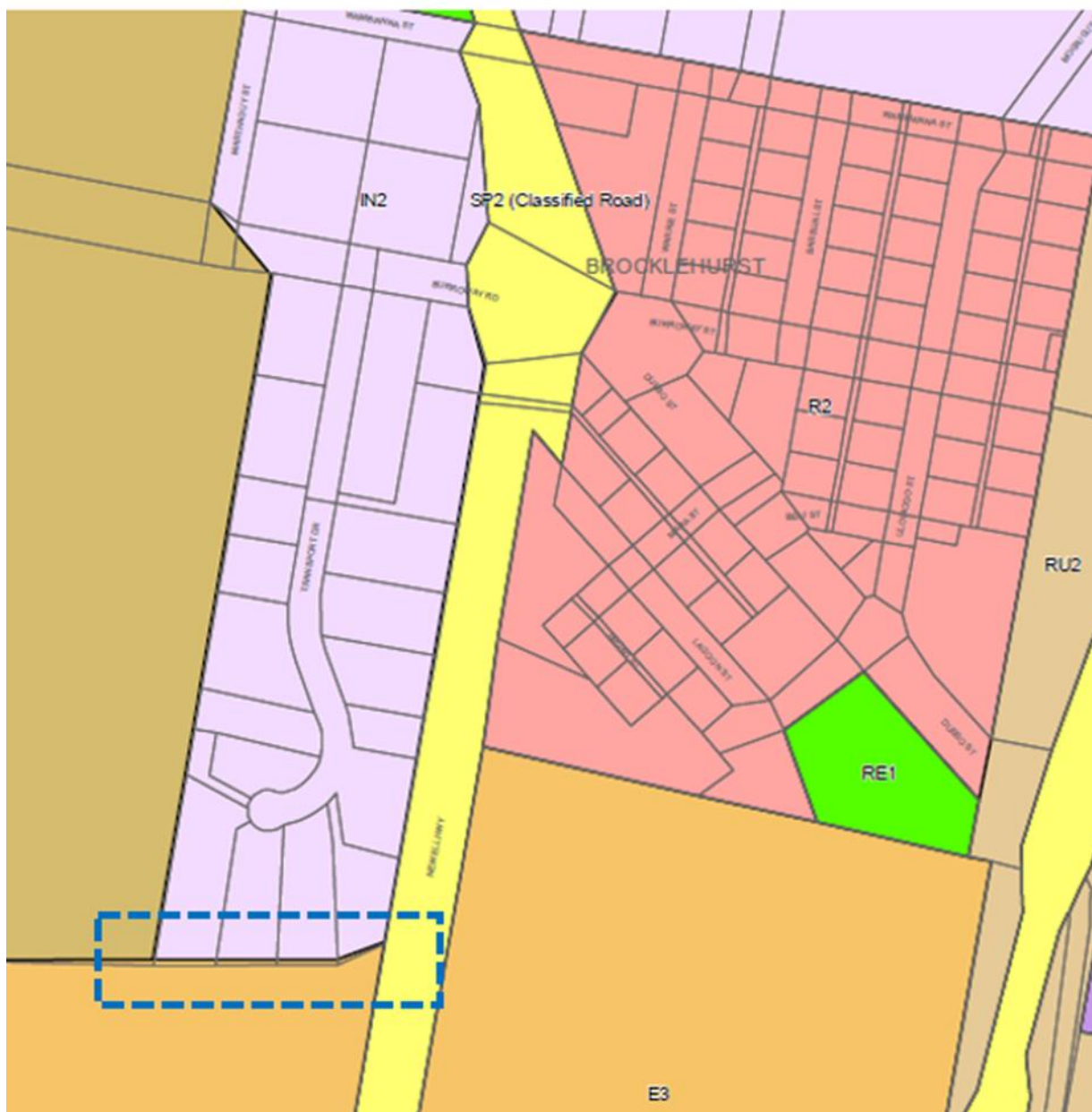


Figure 1. Current Land Use Zoning Transport Drive, Dubbo and Burraway Road, Dubbo

- (ii) To amend Land use mapping errors at Lady Barron Circuit, Dubbo

The western edge of Lot 2018, Lot 2030 and Lot 2031 DP 1197970, Lady Barron Circuit, Dubbo is currently zoned R2 Low Density Residential under the provisions of the Dubbo LEP 2011.

The majority of the subject land is zoned R1 General Residential. It is proposed to amend the zone boundary to reflect the lot boundaries for the subject lands.

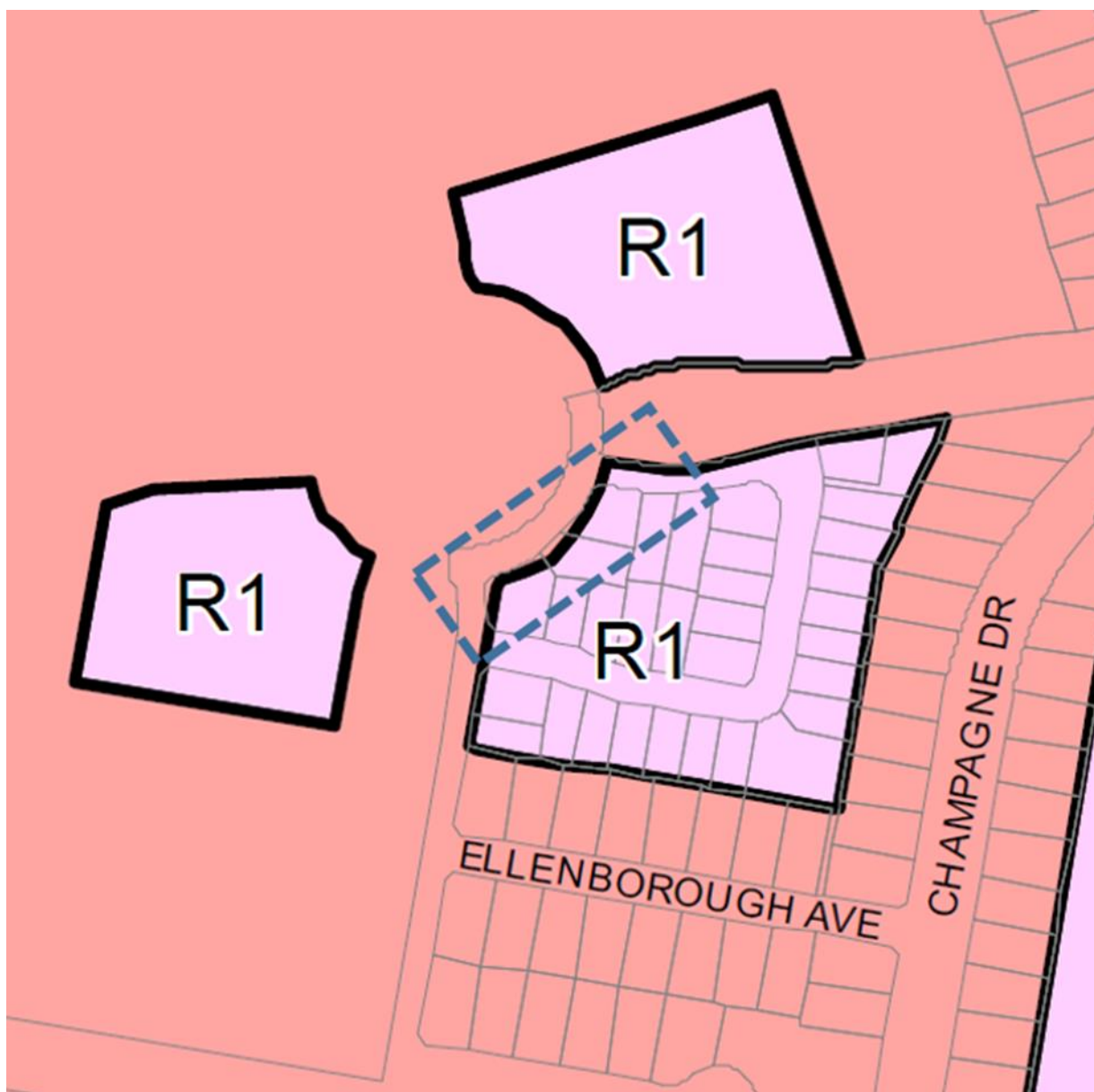


Figure 2. Current Land Use Zoning Lady Barron Circuit, Dubbo

(f) Proposed Amendment to Biodiversity Mapping

(i) To amend Biodiversity mapping in Keswick Estate

An area of the subject land has been approved for residential subdivision and development and as such has been cleared of vegetation. It is proposed to amend the biodiversity map to remove the area shown in blue, below.

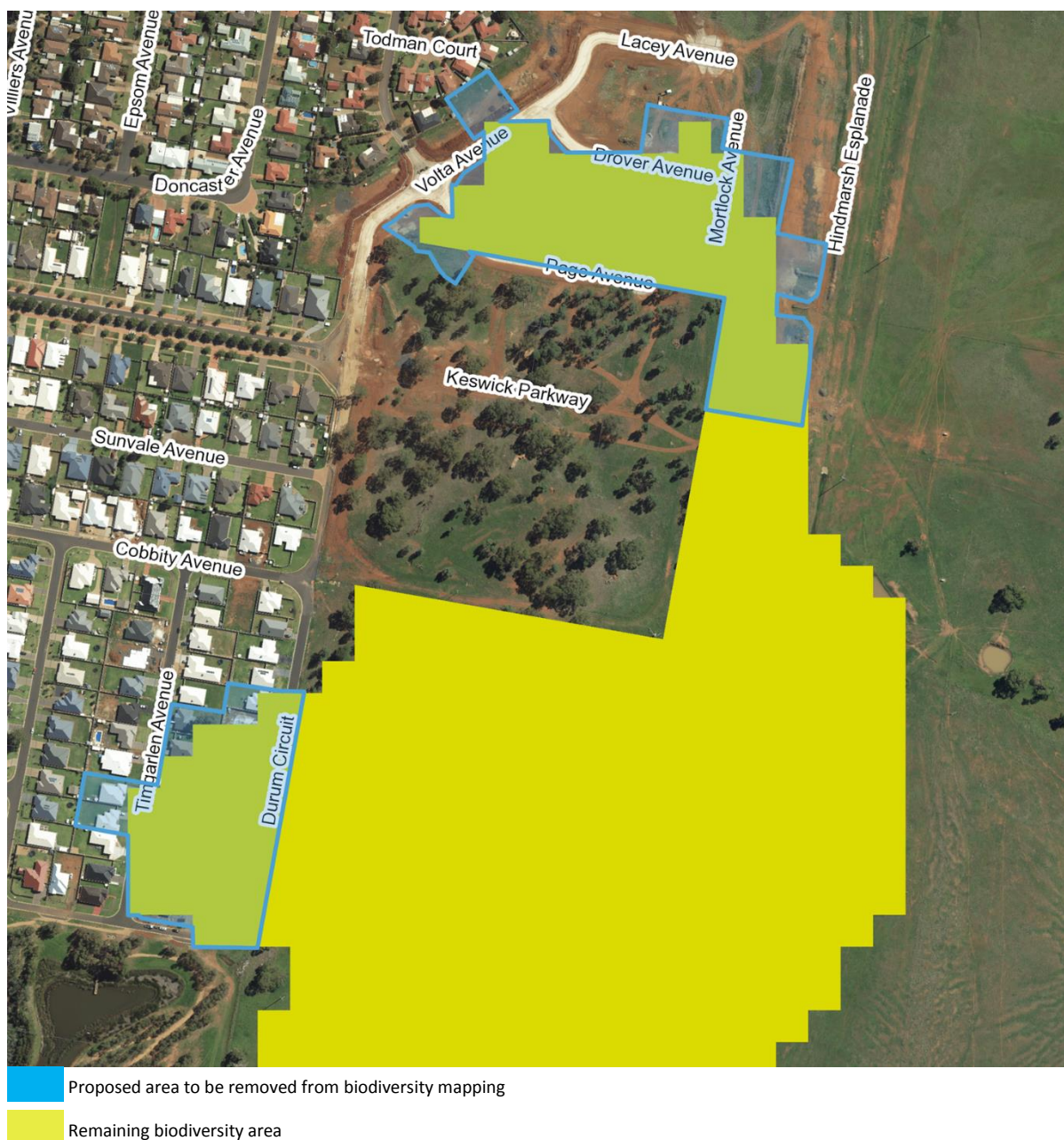


Figure 3. Dubbo Local Environmental Plan 2011 - Biodiversity Mapping, Keswick Estate

PART 3 JUSTIFICATION

A Need for the Planning Proposal

1. Is the Planning Proposal the result any strategic study or report?

The Planning Proposal has been prepared in accordance with the Department of Planning and Environment's document 'Guidance for merged councils on planning functions' on 12 May 2016. This Planning Proposal contains the first set of amendments proposed for the Dubbo Local Environmental Plan 2011 to rectify known operational issues and minor anomalies in the LEP.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

It is considered that the subject Planning Proposal is the only means of achieving the amendments to the Dubbo LEP 2011, including rectifying any operational anomalies in the Plan.

B Relationship to Strategic Planning Framework

3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

Draft Central West and Orana Regional Plan

The draft Central West and Orana Regional Plan has been prepared by the Department of Planning and Environment.

The draft Plan has the following goals:

- Goal 1: A growing and diverse regional economy;
- Goal 2: A region with strong freight transport and utility infrastructure networks that support economic growth;
- Goal 3: A region that protects and enhances its productive agricultural land, natural resources and environmental assets; and
- Goal 4: Strong communities and liveable places that cater for the region's changing population.

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

4. Is the Planning Proposal consistent with a local strategy or other local strategic plan?

Dubbo 2036 Community Strategic Plan

The Dubbo 2036 Community Strategic Plan was initially adopted by the former Dubbo City Council on 25 June 2012. The purpose of the Plan is to accomplish the community's 25 year vision of Dubbo. The following five Actions were implemented to achieve the vision:

- *Our People*
- *Our Place*
- *Our Leadership*
- *Our Infrastructure*
- *Our Sustainability*

The Planning Proposal is consistent with the Action *Our Place* and the following strategies:

- 2.2.1 Public land management throughout the City ensures that land degradation is minimised and the natural assets of the City are maintained or enhanced and that the land is available for use by the community.*
- 2.2.2 The management of private lands throughout the City ensures that land degradation is minimised.*
- 2.2.3 New development and land uses in the city are of a quality that compliments the existing built environment of the city.*
- 2.2.6 Urban and rural open space areas support increasing biodiversity.*
- 2.2.7 Sustainable land use practices are implemented to reduce water and energy and the removal of vegetation.*
- 2.3.1 There is adequate land appropriately zoned and managed to promote the ongoing agricultural land use activities.*
- 2.3.2 The Dubbo Local Environmental Plan ensures that there are opportunities available to rural landholders to pursue alternative land uses to support the ongoing productivity of agricultural land.*
- 2.4.3 Planning Instruments reflect the intent and direction of the adopted land use strategies and facilitate sustainable development and growth of the City.*

The Planning Proposal is considered to be consistent with the Dubbo 2036 Community Strategic Plan.

Dubbo Urban Areas Development Strategy

The Dubbo Urban Areas Development Strategy forms the basis of the land use zonings and planning controls provided in the Dubbo Local Environmental Plan 2011.

The Dubbo Urban Areas Development Strategy consists of a number of components as provided below:

- A) Residential Areas Development Strategy;
- B) Commercial Areas Development Strategy;

- C) Industrial Areas Development Strategy;
- D) Institutional Areas Development Strategy;
- E) Recreational Areas Development Strategy; and
- D) Future Directions and Structure Plan.

At the core of the Residential Areas Development Strategy is the significant emphasis of further residential development being undertaken in West Dubbo, which will ensure the Dubbo Central Business District is situated at the centre of the Dubbo urban area. The Strategy also provides for further infill development to be undertaken in the south-east area of the City.

The Strategy was reviewed by Council in 2007 as part of the review of the Dubbo Urban Areas Development Strategy with the preparation of the Dubbo Urban Areas Development Strategy Discussion Paper. The Strategy was also reviewed by Council with preparation of the Dubbo Local Environmental Plan in 2011.

It is considered that the Planning Proposal is consistent with the overall objectives and intent of the Dubbo Residential Areas Development Strategy. It is also considered that the Planning Proposal is consistent with the other applicable components of the Dubbo Urban Areas Development Strategy.

Dubbo Rural Areas Development Strategy

The Dubbo Rural Areas Development Strategy 1995 - 2015 forms the basis of the rural land use zonings and planning controls provided in the Dubbo Local Environmental Plan 2011.

The Planning Proposal seeks to include a new local provision in respect of Rural and Nature Based Tourist Facilities. The proposed local provision will apply to land zoned RU1 Primary Production, RU2 Rural Landscape and R5 Large Lot Residential. The local provision will permit appropriate small scale tourist development, subject to development consent. It is considered that the proposed amendment will facilitate additional business opportunities on the subject lands and is unlikely to impact agricultural activities.

The Planning Proposal is considered to be broadly consistent with the Dubbo Rural Areas Development Strategy.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Two State Environmental Planning Policies apply to the Planning Proposal. It is considered that the Planning Proposal is consistent with the following State Environmental Planning Policies:

- SEPP (Rural Lands) 2008, and
- SEPP (Infrastructure) 2007.

The following provides information in respect of the Proposal's compliance with SEPP (Rural Lands) 2008.

State Environmental Planning Policy (Rural Lands) 2008

The SEPP aims to guide the sustainable use of rural lands through the provision of specific rural planning principles. The SEPP requires a Planning Proposal to be consistent with the following rural planning principles:

- The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas;
- Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State;
- Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development;
- In planning for rural lands, to balance the social, economic and environmental interests of the community;
- The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land;
- The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities;
- The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing; and
- Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

In respect of rural lands, the Planning Proposal includes a new local provision for the development of Rural and Nature-Based Tourism Facilities. It is considered that the Planning Proposal is unlikely to impact agricultural land use activities and is consistent with the rural planning principles as contained in the SEPP. The Proposal will not significantly impact agricultural activities and is considered to be consistent with the objectives of the SEPP (Rural Lands) 2008.

State Environmental Planning Policy (Infrastructure) 2007

The aims of the Policy are as follows:

- “(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*

- (d) *identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) *identifying matters to be considered in the assessment of a development adjacent to particular types of infrastructure development, and*
- (f) *providing for consulting with relevant public authorities about certain development during the assessment process or prior to development commencing.”*

The Planning Proposal intends to permit water storage facilities in the W2 Recreational Waterways zone. The proposal is considered to be consistent with the aims of the Policy and the associated provisions as contained in the SEPP.

6. Is the Planning Proposal consistent with any applicable Section 117 Direction?

The following table provides consideration of the applicable Section 117 Directions for consideration in the Planning Proposal:

Direction	Requirement	Consistency
1.2 Rural Zones	The Direction applies to this Planning Proposal as the proposal affects land within the existing rural zones.	The Planning Proposal is considered to be consistent with the Direction as it does not propose to rezone rural land. The Planning Proposal includes an additional local provision that will guide the undertaking of rural and nature-based tourist facilities on rural and other lands.
1.5 Rural Lands	The Direction applies to the Planning Proposal as it will affect land within an existing or proposed rural or environmental protection zone (including the alteration of any existing rural or environmental protection zone boundary). The Direction is applicable to the Planning Proposal as it intends to introduce a new Clause Rural and Nature-Based Tourist Facilities.	It is considered that the proposed provisions of the new clause are consistent with the Rural Planning Principles contained within State Environmental Planning Policy (Rural Lands) 2008.

Direction	Requirement	Consistency
2.1 Environmental Protection Zones	The Direction applies when a Planning Proposal is prepared. The Direction is applicable to the Planning Proposal as it intends to remove the biodiversity designation from a number of areas located in the Keswick Estate. The Planning Proposal also includes a proposal to adjust a zone boundary on Transport Drive, Brocklehurst, changing the zone from E3 Environmental Management to IN2 Light Industrial. This will allow a minor anomaly to be rectified.	The Planning Proposal is inconsistent with the Direction. The inconsistency is considered to be of minor significance as the area has previously been cleared of vegetation to accommodate residential development, pursuant to the recommendation of flora and fauna assessments and in accordance with previous development consents issued by Council. It is also considered that the proposed zone boundary adjustment on Transport Drive, Brocklehurst is inconsistent with the Direction. The inconsistency is considered to be of minor significance as the zone boundary adjustment is proposed to reflect the existing lot boundaries.
2.3 Heritage Conservation	The Direction applies to the Planning Proposal as the Proposal intends to alter the heritage listing for the land surrounding the Terramungamine Homestead and Woolshed on Burraway Rd. Additionally, the Proposal intends to alter the heritage listing for the communications bunker within the Keswick on the Park Estate.	The Planning Proposal is considered to be consistent with the Direction.

Direction	Requirement	Consistency
3.1 Residential Zones	The Direction applies to the Planning Proposal as it will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary) any other zone in which significant residential development is permitted or proposed to be permitted.	The Planning Proposal will assist in facilitating a broader choice of building types and increase residential densities to utilise existing infrastructure and services. The Planning Proposal is considered to be inconsistent with the Direction as the proposal does not broaden the choices of housing types, does not reduce the consumption of land for housing and does not promote good design. It is considered that the inconsistency with the Direction is of minor significance as the Planning Proposal includes the provision of greater flexibility for land zoned R5 Large Lot Residential and the proposal does not impact any other provisions for development on residential land.
3.2 Caravan Parks and Manufactured Home Estates	The Direction applies when a Planning Proposal is prepared.	The Planning Proposal is consistent with the Direction as the proposal does not alter or remove any provisions in respect of caravan parks and manufactured home estates.
3.4 Integrated Land Use and Transport	The Direction applies to the Planning Proposal as it will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	The Planning Proposal is consistent with the Direction and the aims, objectives and principles of: (a) Improving Transport Choice – Guideline for Planning and Development; and

Direction	Requirement	Consistency
		(b) The Right Place for Business and Services – Planning Policy.
4.3 Flood Prone Land	The Direction applies to the Planning Proposal as it intends to create, remove or alter a zone or a provision that affects flood prone land. The Direction is applicable to this Planning Proposal as it intends to introduce water storage facilities in the W2 Recreational Waterways zone as a permissible form of development.	The Proposal is inconsistent with the Direction as it permits development in a floodway area. The inconsistency is considered to be of minor significance as the amendment proposed is to permit further development of weirs within the Macquarie River.
4.4 Planning for Bushfire Protection	The Direction applies to this Planning Proposal as it will affect, or is in proximity to land mapped as bushfire prone land. The Direction applies to the Planning Proposal as it intends to introduce a new Clause for Rural and Nature-Based Tourist Facilities.	The Planning Proposal is considered to be inconsistent with the Direction. The inconsistency is considered to be of minor significance as each development will be subject to development consent and assessment against any potential bush fire hazard imposed on the development.
6.1 Approval and Referral Requirements	The Direction applies when a Planning Proposal is prepared.	The Planning Proposal is consistent with the proposal as it will not create additional provision for concurrence, consultation or referral of a development application to a Minister or public authority.

Direction	Requirement	Consistency
6.3 Site Specific Provisions	The Direction applies when a Planning Proposal is prepared that will allow a particular development to be carried out. The Direction is applicable as the Planning Proposal intends to permit with consent, water storage facilities in the W2 Recreational Waterways zone.	The Planning Proposal is consistent with the Direction.

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?

It is considered that the Planning will not adversely affect critical habitat, threatened species, populations or ecological communities or their habitats.

8. Are there any environmental impacts and how will they be mitigated?

The Planning Proposal will not result in any negative environmental effects.

9. Has the Planning Proposal adequately addressed any social and economic impact?

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

D State and Commonwealth interests

10. Is there adequate public infrastructure for the 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?

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 MAPPING

Council as a component of the Planning Proposal will be undertaking amendments to the following maps:

a. Heritage Map – Sheet HER_007

- (i) Amend Heritage mapping to reflect heritage items I65 Terramungamine Homestead and I66 Terramungamine Woolshed, 63L Burraway Road, Dubbo.

b. Heritage Map – Sheet HER_008B

- (i) Amend Heritage mapping to reflect heritage item I135 Communications Bunker, 24 Keswick on the Park Estate.

c. Natural Resource – Biodiversity – Sheet NRB_008

- (i) Remove Biodiversity mapping from allotments in Keswick Estate.

d. Land Zoning Map - Sheet LZN_007B

- (i) Realign the zone boundary line to reflect the allotment boundary lines at Transport Drive, Brocklehurst.

e. Land Zoning Map – Sheet LZN_008A

- (i) Realign the zone boundary line to reflect the boundary line on the residential allotments at Lady Barron Circuit, Dubbo.

PART 5 COMMUNITY CONSULTATION

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 6 PROJECT TIMELINE

The following project timeline is intended to be a guide only and may be subject to change in response to public consultation and/or community submissions.

Step	Task Name	Completion Date
1	Preparation of the draft Planning Proposal	End of April 2017
2	Draft Planning Proposal report prepared and presented to Planning and development committee and Council meetings	18 April 2017 24 April 2017
3	Preparation of correspondence to the Department of Planning and Environment requesting review of the Planning Proposal and issuance of a Gateway Determination	15 May 2017
4	Undertake all activities associated with placing the Planning Proposal on public exhibition including undertaking consultation with state agencies	1 June – 30 June 2017
5	Assessment of submissions made during the public exhibition period	July 2017
6	Report of public exhibition results prepared and presented to Planning and Development Committee and Council meetings	August 2017
7	Preparation of correspondence to the Department of Planning and Environment and/or the Office of Parliamentary Counsel in relation to legal drafting of the Planning Proposal	September 2017
8	Gazettal	September 2017