



# **INDICATIVE DRAFT PLANNING PROPOSAL**

**COMPREHENSIVE DUBBO REGIONAL LOCAL  
ENVIRONMENTAL PLAN 2018**

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## Table of Contents

PART 1 OBJECTIVES OR INTENDED OUTCOMES .....	6
PART 2 EXPLANATION OF PROVISIONS .....	7
PART 3 JUSTIFICATION .....	10
PART 4 MAPPING .....	17
PART 5 COMMUNITY CONSULTATION .....	17
PART 6 PROJECT TIMELINE .....	18

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## EXECUTIVE SUMMARY

The Dubbo Local Environmental Plan 2011 was gazetted 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 Council has operated with two (2) separate Local Environmental Plans (LEPs).

Following the amalgamation and in accordance with the requirements of the NSW Department of Premier and Cabinet, Council is required to create a Comprehensive Local Environmental Plan FOR the newly formed Dubbo Regional Local Government Area.

The intent of the Planning Proposal is to merge the two (2) existing Local Environmental Plans of the former Dubbo City and Wellington councils. The merge will bring the planning controls of the newly formed Local Government Area into one main document to assist the development industry and community in understanding the planning requirements for the area.

It should be noted that this Planning Proposal does not intend to make any amendments to any planning controls within the Dubbo or Wellington Local Environmental Plans and is purely a merge of the two (2) documents.

The Planning Proposal has been prepared in accordance with Section 3.33 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 prepare a new Comprehensive Local Environmental Plan as a compilation of the current provisions in the Dubbo Local Environmental Plan 2011 and the Wellington Local Environmental Plan 2012. The Planning Proposal will consist of the following:

- (a) Merge the provisions contained in Part 1 Preliminary;
- (b) Merge the provisions contained in Part 2 Permitted or prohibited development;
- (c) Merge the provisions contained in the Land Use Table;
- (d) Merge the provisions contained in Part 3 Exempt and complying development;
- (e) Merge the provisions contained in Part 4 Principle development standards;
- (f) Merge the provisions contained in Part 5 Miscellaneous provisions;
- (g) Adopt the provisions contained in Part 6 Urban Release Areas;
- (h) Merge the provisions contained in Part 6 (Wellington) and Part 7 (Dubbo) Additional local provisions;
- (i) Adopt Schedule 1 Additional permitted uses provisions from existing Dubbo LEP 2011;
- (j) Adopt Schedule 2 Exempt development provisions from existing Dubbo and Wellington LEPs;
- (k) Adopt Schedule 3 Complying development provisions from existing Dubbo and Wellington LEPs;
- (l) Adopt Schedule 4 Classification and reclassification of public land; and
- (m) Merge Schedule 5 Environmental Heritage tables

## **PART 2 EXPLANATION OF PROVISIONS**

The proposed objectives and intended outcomes will be achieved through the merge of the provisions contained under the Dubbo Local Environmental Plan 2011 and the Wellington Local Environmental Plan 2012. In the instance where a planning provision applies to a specific Local Government Area (LGA), the proposed Local Environmental Plan (LEP) will specify the LGA in which the provision relates to. The Planning Proposal intends to undertake the following:

### **(a) Merge the provisions contained in Part 1 Preliminary**

Part 1 Preliminary contains various provisions, including the aims of each respective LEP. Each provision and aim has been directly merged and related to development and land within the former LGA area where appropriate.

The proposed aims of the new draft Comprehensive LEP are as follows:

- (a) to achieve a city structure For Dubbo that centralises the central business district by shifting the residential development emphasis to West Dubbo (Dubbo),
- (b) to ensure the Dubbo central business district remains the primary commercial centre for the greater region (Dubbo),
- (c) to ensure tourism opportunities are provided in appropriate locations in close proximity to the Taronga Western Plains Zoo, established accommodation nodes and service and support facilities (Dubbo),
- (d) to provide high quality open space to meet a wide range of active and passive recreational needs (Dubbo),
- (e) to ensure environmental and cultural heritage is adequately protected to ensure its conservation (Dubbo),
- (f) to ensure adequate provision is made for the development, establishment and enhancement of cultural, research and medical institutions (Dubbo),
- (g) to ensure land zoned for industrial purposes is protected from inappropriate development (Dubbo),
- (h) to ensure rural lands are kept in large holdings to ensure sustainable agriculture can be undertaken without detrimental impact (Dubbo),
- (i) to ensure development and land management practices do not further exacerbate the impact of salinity or result in new salinity outbreaks (Dubbo),
- (j) to ensure urban stormwater is managed to maintain quality and not detrimentally impact downstream development (Dubbo),
- (k) to ensure the floodplains of the Bell, Macquarie and Talbragar Rivers are adequately protected from inappropriate development and to ensure the impact of flooding on people and the built and natural environment is minimised.
- (l) to encourage development that complements and enhances the unique character and amenity of Wellington, including its settlements, localities and rural areas (Wellington),
- (m) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of the area in a way that allows present and

future generations to meet their needs by implementing the principles of ecologically sustainable development (Wellington),

(n) to facilitate and encourage sustainable growth and development that:

- (i) contributes to continued economic productivity, agricultural production, business, tourism, industry and employment opportunities, and
- (ii) protects, enhances and conserves agricultural land and the contributions that agriculture makes to the regional economy, and
- (iii) protects and enhances environmentally sensitive areas, ecological systems, areas of a high scenic, recreational or conservation value, and areas that have potential to contribute to improved environmental and scenic outcomes, and
- (iv) encourages the sustainable management, development and conservation of natural and human made resources while avoiding or minimising any environmental and social impacts, and
- (v) allows for the orderly growth of land uses while minimising conflict between land uses in each zone and land uses in adjoining zones, and
- (vi) promotes integration of land uses and transport to improve access and reduce dependence on private vehicles and travel demand, and
- (vii) responds to environmental opportunities and constraints of both a site and its surrounds and avoids areas prone to natural hazards and significant environmental constraints, and
- (viii) protects and enhances places and buildings of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places, and
- (ix) encourages a range of housing choices and densities in planned urban and rural locations that is compatible with the residential and rural environment, addresses population growth, and meets the diverse needs of the community (Wellington).

**(b) Merge the provisions contained in Part 2 Permitted or prohibited development**

The intent is to conduct a merge of the Part 2 planning provisions under the existing Dubbo and Wellington LEPs to form Part 2 under the proposed Comprehensive LEP. The merge of Part 2 will result in no significant impacts as a result of the Planning Proposal.

**(c) Merge the provisions contained in the Land Use Table**

The Planning Proposal intends to merge Land Use Table provisions to form a combined suite of land use zones in the proposed draft Comprehensive LEP. In undertaking this assessment of merging the two (2) Plans, it is recognised that there are discrepancies between the following land use zones:

- The R1 General Residential zone in the Dubbo LEP is an open zone. However, the R1 zone included in the Wellington LEP is a closed zone. This means that Council can consider land use activities not specifically defined in the Land Use Table (innominate uses) in the former Dubbo LGA but not in the former Wellington LGA.
- The R5 Large Lot Residential zone in the Dubbo LEP is an open zone. The R5 Large Lot Residential zone in the Wellington LEP is a closed zone. This means that Council can



consider land use activities not specifically defined in the Land Use Table (innominate uses) in the former Dubbo LGA but not in the former Wellington LGA.

- The SP3 Tourist zone in the Dubbo LEP 2011 is an open zone. The SP3 zone included in the Wellington LEP is a closed zone. This means that Council can consider land use activities not specifically defined in the Land Use Table (innominate uses) in the former Dubbo LGA but not in the former Wellington LGA.

In order to provide consistency in the draft Comprehensive LEP, the above zones are required to be amended. The three (3) zones are considered appropriate to be open zones given their functions in providing a mix of commercial, residential, tourist and visitor and recreational activities.

**(d) Merge the provisions contained in Part 3 Exempt and complying development**

Part 3 of the LEP allows Council to specify any further development types, which may be undertaken as either Exempt (which does not require an approval from Council) or Complying Development (certain development that can be undertaken subject to a limited approval). Both the Dubbo LEP 2011 and the Wellington LEP 2012 do not list any development types as either Exempt or Complying Development. However, Part 3 of the new draft Comprehensive LEP is required to be included as it forms a component of the Standard Instrument (Local Environmental Plans Order) 2006.

It should be noted that Exempt and Complying Development is primarily regulated by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**(e) Merge the provisions contained in Part 4 Principle development standards**

Part 4 Principle Development Standards contains various provisions specifically relevant to each Plan. Each provision has been directly merged and related to the former LGA. There has not been any amendments to existing provisions as a result of this merge.

**(f) Merge the provisions contained in Part 5 Miscellaneous provisions**

Part 5 Miscellaneous Provisions contains various provisions specifically relevant to each Plan. Each provision has been directly merged and related to the former LGA. There has not been any amendments to existing provisions as a result of this merge.

**(g) Merge the provisions contained in Part 6 Urban Release Areas**

The Dubbo LEP contains Part 6 relating to Urban Release Areas where the Wellington LEP does not include any Urban Release Areas. Part 6 Urban Release Areas therefore only relates to the former Dubbo LGA. This results in a minor amendment to the numbering of headings for the Wellington LEP.

**(h) Merge the provisions contained in Part 6 (Wellington) and Part 7 (Dubbo) Additional local provisions**

As noted above, as a result of the Wellington LEP not including Urban Release Areas, this numbering has been amended. The Wellington LEP Part 6 Additional Local Provisions becomes Part 7 with this Planning Proposal.

Each provision has been merged and related to the former Local Government Area. There has not been any amendments to existing provisions as a result of this merge.

**(i) Adopt Schedule 1 Additional permitted uses provisions from existing Dubbo LEP 2011**

The intent is to conduct a merge of the Schedule 1 planning provisions under the existing Dubbo and Wellington LEPs to form Schedule 1 under the proposed Comprehensive LEP. The merge of Schedule 1 will result in no significant impacts as a result of the Planning Proposal.

**(j) Adopt Schedule 2 Exempt development provisions from existing Dubbo and Wellington LEPs**

The intent is to conduct a merge of the Schedule 2 planning provisions under the existing Dubbo and Wellington LEPs to form Schedule 2 under the proposed Comprehensive LEP. The merge of Schedule 2 will result in no significant impacts as a result of the Planning Proposal.

**(k) Adopt Schedule 3 Complying development provisions from existing Dubbo and Wellington LEPs**

The intent is to conduct a merge of the Schedule 3 planning provisions under the existing Dubbo and Wellington LEPs to form Schedule 3 under the proposed Comprehensive LEP. The merge of Schedule 3 will result in no significant impacts as a result of the Planning Proposal.

**(l) Adopt Schedule 4 Classification and reclassification of public land**

The intent is to conduct a merge of the Schedule 4 planning provisions under the existing Dubbo and Wellington LEPs to form Schedule 4 under the proposed Comprehensive LEP. The merge of Schedule 4 will result in no significant impacts as a result of the Planning Proposal.

**(m) Merge Schedule 5 Environmental Heritage tables**

The intent is to conduct a merge of the Schedule 5 planning provisions under the existing Dubbo and Wellington LEPs to form Schedule 5 under the proposed Comprehensive LEP. The merge of Schedule 5 will result in no significant impacts as a result of the Planning Proposal.

**(n) Maps**

The Land Application Map will be amended to incorporate both the former Dubbo and Wellington LGAs onto the one (1) map. As a result of the direct merge of the two (2) Plans, existing provisions including land use permissibility may potentially only be relevant to either

Dubbo or Wellington. The Land Application Map will therefore demarcate as to where each provision applies. A copy of the proposed draft Land Application Map is provided here in Appendix 3. Council, as part of the Planning Proposal process will be required to combine all mapping from the Dubbo LEP 2011 and the Wellington LEP 2012 into a consolidated set of maps. This work will take some time. However, it can be undertaken concurrently during the Gateway assessment processes by the Department of Planning and Environment.

## **PART 3 JUSTIFICATION**

### **A Need for the Planning Proposal**

#### **1. Is the Planning Proposal the result of 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 will provide a continuity of planning controls across the LGA and will ensure residents and the development industry have access to an integrated document that will guide the sustainable development of the LGA.

#### **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 delivering a new Comprehensive LEP for the Dubbo Regional LGA, this will include the merge of existing planning provisions contained within the current Dubbo LEP 2011 and Wellington LEP 2012.

### **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?**

#### **Central West and Orana Regional Plan 2036**

The Central West and Orana Regional Plan 2036 has been prepared by the Department of Planning and Environment.

The Plan contains the following goals:

- 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 communities.

The Planning Proposal does not intend to alter any existing provisions provided within the existing Dubbo LEP 2011 and Wellington LEP 2012. The Planning Proposal is considered to be consistent with the Goals of the Central West and Orana Regional Plan 2036.

#### 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 considered to be consistent with the Dubbo 2036 Community Strategic Plan.

##### Wellington 2025 Community Strategic Plan

The Wellington 2025 Community Strategic Plan was initially adopted by the former Wellington Council on 14 March 2012. The purpose of the Plan is to accomplish the community's 13 year vision of Wellington. The following 5 Future Directions were implemented to achieve their vision:

- *Grow prosperity and employment*
- *Build and improve community infrastructure*
- *Show leadership in governance and community engagement*
- *Promote community participation in the arts and culture*
- *Grow agriculture, energy and the environment*

The Planning Proposal is considered to be broadly consistent with the Wellington 2025 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.

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. The Planning Proposal does not intend to alter any existing provisions in the Dubbo LEP 2011 or Wellington LEP 2012 in preparing the new Comprehensive LEP.

### 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.

It is considered that the Planning Proposal is consistent with the overall objectives and intent of the Dubbo Rural Areas Development Strategy. The Planning Proposal does not intend to alter any existing provisions in the Dubbo LEP 2011 or Wellington LEP 2012 in preparing the new Comprehensive LEP.

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

The following State Environmental Planning Policies (SEPP) apply to the Planning Proposal:

- SEPP (Affordable Rental Housing) 2009;
- SEPP (Housing for Seniors or People with a Disability) 2004;
- SEPP (Infrastructure) 2007;
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007;
- SEPP (Rural Lands) 2008;
- SEPP No 33 – Hazardous and Offensive Development;
- SEPP No 62 – Sustainable Aquaculture; and
- SEPP No 64 – Advertising and Signage.

The Planning Proposal does not intend to alter any existing provisions in the Dubbo LEP 2011 or the Wellington LEP 2012 in the preparation of the new Comprehensive LEP. The Planning Proposal will not impact on any State Environmental Planning Policies and is considered to be consistent with the provisions of the State Environmental Planning Policies.

### **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
1.1 Business and Industrial Zones	This Direction applies as the Planning Proposal will affect land within an existing or proposed business or industrial zone (including the alteration of the	The Planning Proposal will not provide any significant impacts to existing business or industrial zones. It is considered that the

Direction	Requirement	Consistency
	any existing business or industrial zone boundary).	Planning Proposal is consistent with this Direction.
1.2 Rural Zones	This Direction applies as the Planning Proposal will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).	The Planning Proposal will not provide any significant impacts to land in rural zones. It is considered that the Planning Proposal is consistent with this Direction.
1.5 Rural Lands	This Direction applies as the Planning Proposal 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 Planning Proposal will not provide any significant impacts to rural lands. The Planning Proposal is considered to be consistent with the rural planning principles as contained in State Environmental Planning Policy (Rural Lands) 2008.
2.1 Environmental Protection Zones	This Direction applies when a Planning Proposal is prepared.	The Planning Proposal will not provide any significant impacts to land within environmental protection zones. The Planning Proposal is considered to be consistent with the Direction.
2.3 Heritage Conservation	This Direction applies when a Planning Proposal is prepared.	The Planning Proposal will not impact any items or places of heritage significance. It is considered that the Planning Proposal is consistent with the Direction.
2.4 Recreation Vehicle Access	This Direction applies when a Planning Proposal is prepared.	The Planning Proposal will not alter or result in any changes to recreational vehicle access. It is considered that the Planning Proposal is consistent with the Direction
3.1 Residential Zones	This Direction applies as the Planning Proposal will affect land within an existing boundary or proposed residential zone (including the alteration of an existing residential zone	The Planning Proposal will only result in minor alterations to the status of three (3) land use zones as open zones. It is considered that these proposed changes are not significant and

Direction	Requirement	Consistency
	boundary) and any other zone in which significant residential development is permitted or proposed to be permitted.	that the Planning Proposal is consistent with the Direction.
3.2 Caravan Parks and Manufactured Home Estates	This Direction applies when a Planning Proposal is prepared.	The Planning Proposal will not impact the permissibility of caravan parks or manufactured home estates. It is considered that the Planning Proposal is consistent with the Direction.
3.3 Home Occupations	This Direction applies when a Planning Proposal is prepared.	The Planning Proposal will not change the permissibility of home occupations. It is considered that the Planning Proposal is consistent with the Direction.
3.4 Integrated Land Use and Transport	This Direction applies as the Planning Proposal will alter a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	The Planning Proposal will only result in minor alterations to the status of three (3) land use zones as open zones. It is considered that these proposed changes are not significant and that the Planning Proposal is consistent with the Direction.
3.5 Development Near Licensed Aerodromes	This Direction applies as the Planning Proposal will alter a zone or a provision relating to land in the vicinity of a licensed aerodrome.	It is considered that the proposed changes are of a minor nature and that the Planning Proposal is consistent with the Direction.
3.6 Shooting Ranges	This Direction applies as the Planning Proposal will alter a zone or provision relating to land adjacent to and/ or adjoining an existing shooting range.	It is considered that the proposed changes are of a minor nature and that the Planning Proposal is consistent with the Direction.
4.3 Flood Prone Land	This Direction applies as the Planning Proposal will alter a zone or a provision that affects flood prone land.	It is considered that the proposed changes are of a minor nature and that the Planning Proposal is consistent with the Direction.

Direction	Requirement	Consistency
4.4 Planning for Bushfire Protection	This Direction applies as the Planning Proposal will affect, and is in the proximity to land mapped as bushfire prone land.	It is considered that the proposed changes are of a minor nature and that the Planning Proposal is consistent with the Direction.
5.10 Implementation of Regional Plans	This Direction applies when a Planning Proposal is prepared.	It is considered that the Planning Proposal is consistent with the Central West and Orana Regional Plan.
6.1 Approval and Referral Requirements	This Direction applies when a Planning Proposal is prepared.	The Planning Proposal does not include any provisions that require additional approval and referral requirements. It is considered that the Planning Proposal is consistent with the Direction.
6.2 Reserving Land for Public Purposes	This Direction applies when a Planning Proposal is prepared.	It is considered that the Planning Proposal will not provide any impacts to public land.

## **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 will not be undertaking any amendments to the contents of the existing maps for either of the Dubbo LEP 2011 or Wellington LEP 2012. However, Council will be required to create a new mapping structure to cover the new LGA area comprising the former Dubbo and Wellington LGAs. New maps will therefore need to be created to suit the new mapping structure.

## **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 changes in response to the public consultation process and/or community submissions.

Step	Task Name	Completion Date
1	Preparation of the draft Planning Proposal	9 March 2018
2	Draft Planning Proposal report prepared and presented to Planning and development committee and Council meetings	19 March 2018 26 March 2018
3	Preparation of correspondence to the Department of Planning and Environment requesting review of the Planning Proposal and issuance of a Gateway Determination	May 2018
4	Undertake all activities associated with placing the Planning Proposal on public exhibition including undertaking consultation with state agencies	June 2018 – July 2018
5	Assessment of submissions made during the public exhibition period	August 2018
6	Report of public exhibition results prepared and presented to Planning and Development Committee and Council meetings	October 2018
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	October 2018
8	Gazettal	November 2018