



REPORT: R18-1 - Planning Proposal - Comprehensive Dubbo Regional Local Environmental Plan (Stage 2)

AUTHOR: Senior Strategic Planner
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EXECUTIVE SUMMARY

Following amalgamation of the former Wellington Council and the Dubbo City Council on 12 May 2016, and in accordance with the requirements of the NSW Department of Premier and Cabinet, Council is required to prepare a new Comprehensive Local Environmental Plan for the new Dubbo Regional Local Government Area.

Since the amalgamation, Council has operated with two (2) separate Local Environmental Plans (LEPs). 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 intent of this Planning Proposal is to undertake the preparation of a new Comprehensive Local Environmental Plan through merging of the two (2) existing Local Environmental Plans. A copy of the draft Planning Proposal is provided here in **Appendix 1**. The merge will bring the planning controls of the newly formed Local Government Area into one main document to assist the development industry and the community in understanding the planning controls that apply to land in the new Local Government Area.

The Planning Proposal does not intend to make any significant amendments to the planning controls within the existing LEPs. In order to produce a consistent single Plan, minor administrative amendments will be undertaken. However, all existing provisions, planning controls and zonings currently in place are proposed to be carried over into the draft Comprehensive LEP. The indicative draft Comprehensive Dubbo Regional Local Environmental Plan is provided here in **Appendix 2**.

It should be noted that given the draft Comprehensive LEP is a merge of the two (2) Plans, several components overlap and are somewhat repetitive. To ensure the draft Comprehensive LEP is transparent and provides consistency, it is considered that further work is required to resolve those issues prior to being placed on public exhibition.

It is recommended that the Planning Proposal be adopted by Council for the purposes of seeking a Gateway Determination from the Department of Planning and Environment. Following Gateway Determination, a further report will be presented to Council for consideration and to enable the draft Comprehensive LEP to be placed on public exhibition.

Following conclusion of the public consultation period, a further report will be provided to Council for consideration.

It should also be noted that Council cannot use its delegation to process the Planning Proposal as the Department of Planning and Environment does not permit delegation of Comprehensive Local Environmental Plans to Councils.

ORGANISATIONAL VALUES

Customer Focused: Preparation of a new Comprehensive LEP is a core strategic planning project for Council. Given the importance of the Plan and its role in guiding the sustainable development of the new LGA, the community will have an important role in guiding the future direction of the new Comprehensive LEP.

Integrity: A new Comprehensive LEP will be required to be prepared in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and the NSW Department of Planning and Environment's document, A Guide to Preparing Planning Proposals.

One Team: Council staff from across the organisation have been involved in the preparation of the Planning Proposal in accordance with relevant legislation and Dubbo Regional Council policy.

FINANCIAL IMPLICATIONS

There are no significant financial implications arising from this report. Preparation of a new Comprehensive Local Environmental Plan is a core activity included in the Strategic Planning Services Branch work program.

POLICY IMPLICATIONS

This report recommends that Council adopt the new Comprehensive LEP for the new Dubbo Regional Local Government Area for the purposes of commencing the Planning Proposal process only.

RECOMMENDATION

1. That Council endorse the draft Comprehensive Dubbo Regional Local Environmental Plan for the purposes of seeking a Gateway Determination from the State Government Department of Planning and Environment.
2. That following the receipt of Gateway Determination, that a further report be provided to Council for reconsideration including the draft Comprehensive Local Environmental Plan and draft mapping suitable for public exhibition purposes.
3. That Council support a minimum 28 day public exhibition period for the Planning Proposal.
4. That it be noted that Council cannot use its delegation to process the Planning Proposal as the Department of Planning and Environment does not permit delegation of Comprehensive Local Environmental Plans to Councils.
5. That following completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.

Lee Griffith

Senior Strategic Planner

BACKGROUND

Council at its ordinary meeting on 18 December 2018 considered a report in respect of the new Comprehensive Local Environmental Plan, and resolved as follows:

"1. That Council adopt a three stage program for the preparation of a new Comprehensive Local Environmental Plan for the Dubbo Regional Local Government Area as included in this report which incorporate the following components:

Stage 1 - Operational review of the Dubbo Local Environmental Plan 2011 and the Wellington Local Environmental Plan 2012 (noting this work is currently underway);

Stage 2 - Preparation of 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; and

Stage 3 - Preparation of land use strategies for land within the former Wellington Local Government Area and review of existing Strategies for land situated in the former Dubbo Local Government Area.

2. That preparation of the new Comprehensive Local Environmental Plan not include any changes to land use zones and/or any other specific provisions unless the change is considered to be an administrative error or omission.

3. That any changes to planning provisions, which would ordinarily require a land use strategy to be in place or are outside of a Council adopted land use strategy, not be included in the Comprehensive Local Environmental Plan.

4. That a further report, including the draft Planning Proposal and draft Comprehensive Local Environmental Plan, be presented to Council for consideration in March 2018.

5. That a further report, including project planning for the preparation of land use strategies for the former Wellington Local Government Area and a review of land use strategies for the former Dubbo Local Government Area be provided to Council for consideration in April 2018."

This report has been prepared in accordance with Stage 2 of the new Comprehensive Local Environmental Plan process.

Preparation of a new Comprehensive Local Environmental Plan is required to be undertaken in accordance with the State Government Planning Proposal process.

The intent of the Planning Proposal is to conduct a direct merge of the two (2) existing Local Environmental Plans of the former Dubbo City and Wellington councils. The merge will bring the planning controls for the Local Government Area into one (1) main document to assist the development industry and the community in understanding the planning controls that apply to land in the new Local Government Area.

Concurrently, Council is also undertaking an Operational Review of the Dubbo and Wellington Local Environmental Plans to address administrative concerns and provide a greater level of

parity between the two (2) Plans. The current status of the Operational Review are further discussed in the report.

REPORT

1. Amendments to Local Environmental Plans

The NSW Department of Planning and Environment (NSW DPE) introduced a process for the consideration of amendments to Local Environmental Plans in 2009. The process for the consideration of an amendment to a Local Environmental Plan commences with Council's consideration of a Planning Proposal. The Planning Proposal process is shown in Figure 1 below.

The role of a Planning Proposal is to explain the intended effects of a proposed Local Environmental Plan amendment and the justification for undertaking the amendment. Council has the role of considering a Planning Proposal. If Council resolves to continue with the Planning Proposal, the amendment is provided to the NSW DPE to seek a Gateway Determination.

The Gateway Determination reviews and considers planning proposals in their initial stages prior to further consideration by Council. After consideration by the Department, Council is provided with a Gateway Determination for the LEP amendment.

The Gateway Determination specifies that the Department will allow the proposed amendment to proceed, any matters that require additional information, the level of public consultation required and state government agencies to be consulted. After all matters have been addressed and the required consultation has been carried out, a report is provided to Council for further consideration.

Following Council's consideration, the Planning Proposal will be provided to the NSW DPE for finalisation and gazettal of the finalisation of the Draft Comprehensive Local Environmental Plan.

PLANNING PROPOSAL PROCESS

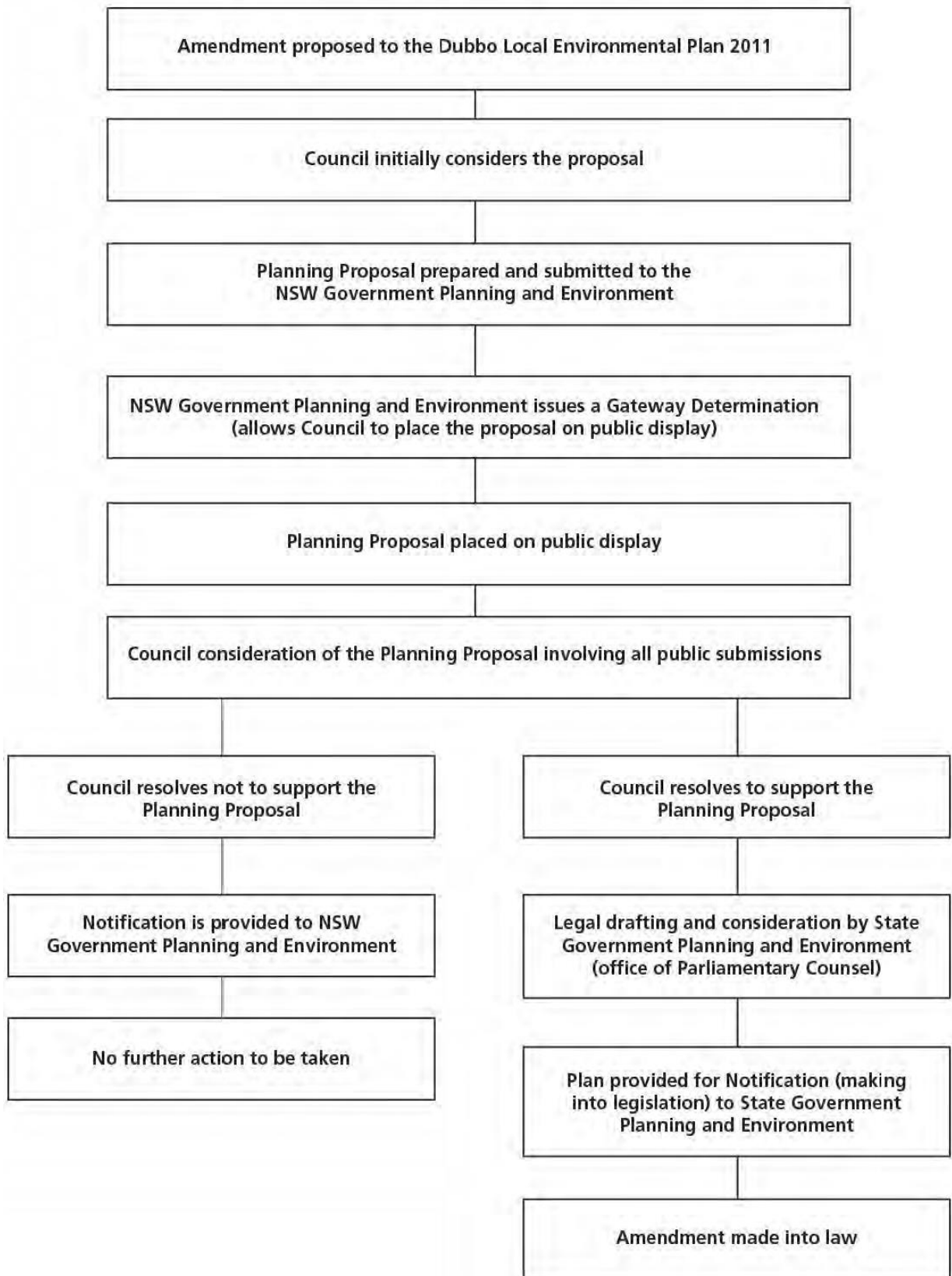


Figure 1. Planning Proposal process

2. Preparation of a new Comprehensive Local Environmental Plan

The intent of this Planning Proposal is to merge the Dubbo Local Environmental Plan 2011 and the Wellington Local Environmental Plan 2012 into a new Comprehensive Local Environmental Plan (LEP) for the Dubbo Regional Local Government Area. The merge will bring the planning controls of the newly formed Local Government Area into one (1) main document to assist the development industry and community in understanding the planning controls that apply to the land.

Preparation of the new draft Comprehensive LEP will not result in any material changes to land use zones or specific provisions unless the change is considered to be an administrative error or omission or a conflict. Any change proposed to be undertaken, which would ordinarily require a land use strategy to be in place or are outside of a Council adopted land use strategy, are not considered appropriate for inclusion in the draft Comprehensive LEP at this time.

However, it should be noted that during this preparation process for the new combined LEP, proponents seeking rezoning and/or alteration of specific provisions of either the Dubbo or Wellington LEPs, will have the opportunity to lodge a site-specific Planning Proposal with Council for consideration.

3. Planning Proposal

It is intended that the subject Planning Proposal will facilitate a direct merge of the following sections of the existing Dubbo LEP 2011 and Wellington LEP 2012 to create the new Comprehensive Dubbo Regional Local Environmental Plan 2018:

- Part 1 Preliminary;
- Part 2 Permitted or Prohibited Development;
- Part 3 Exempt and Complying Development;
- Part 4 Principle Development Standards;
- Part 5 Miscellaneous Provisions;
- Part 6 Urban Release Areas (Dubbo);
- Part 6 Additional Local Provisions (Wellington);
- Part 7 Additional Local Provisions (Dubbo);
- Schedule 1 Additional Permitted Uses;
- Schedule 2 Exempt Development Provisions;
- Schedule 3 Complying Development Provisions;
- Schedule 4 Classification and Reclassification of Public Land;
- Schedule 5 Environmental Heritage Tables; and
- Map Index.

The role of each component of the Comprehensive LEP is discussed as follows:

a) 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.

Based on the direct merge of the two (2) LEPs, the draft Comprehensive LEP would have the following aims.

- (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 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 (Dubbo);
- (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); and
- (n) To facilitate and encourage sustainable growth and development that:
 - (i) Contributes to continued economic productivity, agricultural production, business, tourism, industry and employment opportunities;
 - (ii) Protects, enhances and conserves agricultural land and the contributions that agriculture makes to the regional economy;

- (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;
- (iv) Encourages the sustainable management, development and conservation of natural and human made resources while avoiding or minimising any environmental and social impacts;
- (v) Allows for the orderly growth of land uses while minimising conflict between land uses in each zone and land uses in adjoining zones;
- (vi) Promotes integration of land uses and transport to improve access and reduce dependence on private vehicles and travel demand,
- (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,
- (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).

Following receipt of Gateway Determination, it is considered necessary to re-examine these with a view to developing a new set of aims which are consistent and clear across both the former Dubbo and Wellington Local Government Areas. Once developed, a further report will be presented to Council for consideration suitable for public exhibition.

b) Part 2 Permitted or Prohibited Development including 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.

c) 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.

d) 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.

e) 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.

f) 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.

g) 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.

h) Schedules

The draft LEP contains a number of schedules as follows:

- Schedule 1 Additional Permitted Uses
- Schedule 2 Exempt Development
- Schedule 3 Complying Development
- Schedule 4 Classification and Reclassification of Public Land
- Schedule 5 Environmental Heritage

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

i) Map Index

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 is underway and will take some time. However, it can be undertaken concurrently during the Gateway assessment processes by the Department of Planning and Environment. Following Gateway Determination, the new maps will accompany a further report to be presented to Council for consideration suitable for public exhibition.

4. Planning Considerations

This section of the report provides an analysis against the planning considerations Council is required to consider in the Planning Proposal process. The information below provides an analysis of all planning considerations associated with the Planning Proposal.

a) 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 included in the existing Dubbo LEP 2011 and Wellington LEP 2012. The Planning Proposal is considered to be consistent with the provisions of the Central West and Orana Regional Plan 2036.

b) 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 Urban Areas Development Strategy.

c) 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.

d) Section 9.1 Directions (former Section 117 Directions)

The following table provides consideration of the applicable Section 9.1 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 any existing business or industrial zone boundary).	The Planning Proposal will not provide any significant impacts to existing business or industrial zones. It is considered that the 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	The Planning Proposal will not provide any significant impacts to rural lands. The Planning

Direction	Requirement	Consistency
	proposed rural or environmental protection zone (including the alteration of any existing rural or environmental protection zone boundary).	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 boundary) and any other zone in which significant residential development is permitted or proposed to be permitted.	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.
3.2 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.

Direction	Requirement	Consistency
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.
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.

e) 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 amend any existing provisions in the Dubbo LEP 2011 or the Wellington LEP 2012 in the preparation of the new draft Comprehensive LEP. The Planning Proposal is considered to be consistent with the provisions of the State Environmental Planning Policies as provided above.

f) Dubbo Local Environmental Plan 2011

The Planning Proposal does not intend to alter any provisions contained within the existing Dubbo Local Environmental Plan 2011.

g) Wellington LEP 2012

The Planning Proposal intends to change the classification of zones R1 General Residential, R5 Large Lot Residential and SP3 Tourist from closed to open zones. The change will not remove or create any additional provision for different land use activities within these zones, however innominate uses may be considered. The Planning Proposal is considered to be consistent with the existing provisions of the Wellington LEP 2012.

5. Future Direction

Preparation of a new Comprehensive LEP for the LGA is a significant strategic planning project that is required to be undertaken in accordance with the requirements of the NSW DPE and the Department of Premier and Cabinet, following the creation of the new LGA.

As previously discussed in the report, it is proposed to undertake the preparation of new planning controls for the LGA in three (3) separate stages as follows:

- Stage 1 - Operational review of the Dubbo Local Environmental Plan 2011 and the Wellington Local Environmental Plan 2012 (*noting this work is currently underway*);
- Stage 2 - Preparation of 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 subject of this report); and

- Stage 3 - Preparation of land use strategies for land within the former Wellington Local Government Area and review of existing Strategies for land situated in the former Dubbo Local Government Area.

It should be noted that the current Stage 2 of the preparation process is not proposed to include any changes to land use zones and/or any other specific provisions unless the change is considered to be an administrative error or omission. Any changes which would ordinarily require a land use strategy to be in place or are outside a Council adopted land use strategy, have not been considered in the preparation of the new draft Comprehensive LEP (compilation Plan).

A further report, including project planning for the preparation of land use strategies for the former Wellington Local Government Area and a review of land use strategies for the former Dubbo Local Government Area is proposed to be provided to Council for consideration at its April 2018 meeting.

SUMMARY

Council has prepared a Planning Proposal for a new Comprehensive LEP. The Planning Proposal includes the direct merge of the provisions contained within the Dubbo LEP 2011 and the Wellington LEP 2012.

It is recommended that the Planning Proposal be submitted to the Department of Planning and Environment to seek a Gateway Determination.

Appendices:

- 1** Draft Planning Proposal
- 2** Indicative Draft Comprehensive Dubbo Regional Council LEP
- 3** Land Application Map