

R2018-1 Part 1  
AD18/12253  
NA:EM

23 April 2018

Mr D Pfeiffer  
Director of Regions, Western  
Department of Planning and Environment  
PO Box 58  
DUBBO NSW 2830



Dear Mr Pfeiffer

**PLANNING PROPOSAL - R2018-1 – COMPREHENSIVE DUBBO REGIONAL LOCAL ENVIRONMENTAL PLAN 2018**

A Planning Proposal has been prepared by Dubbo Regional Council 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 subject Planning Proposal will facilitate a direct merge of the existing Dubbo LEP 2011 and Wellington LEP 2012. This Planning Proposal is not facilitating any specific zoning or other alterations to land under the provisions in either Local Environmental Plan.

This Planning Proposal is part of a staged process to be undertaken by Council for the preparation of comprehensive planning controls for the new Local Government Area. Council at its Planning Development and Environment Committee meeting on 11 December 2017 considered a report in respect of project planning for the preparation of comprehensive planning controls 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.*

All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

PO Box 81 Dubbo NSW 2830

T [02] 6801 4000 F [02] 6801 4259 E [council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au)

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W [dubbo.nsw.gov.au](http://dubbo.nsw.gov.au)

  
REGIONAL CITY LIVING

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 Planning Proposal and the preparation of a new Comprehensive Local Environmental Plan is a component of Stage 2 of Council's resolution.

In respect of the subject Planning Proposal, Council at its Planning Development and Environment Committee meeting on 19 March 2018 considered a report in relation to the Comprehensive Local Environmental Plan and resolved as follows:

- "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."*

Council also resolved that the Planning Proposal be publicly exhibited for a period of not less than 28 days and not use its delegation under Section 59 of the Act, in this instance.

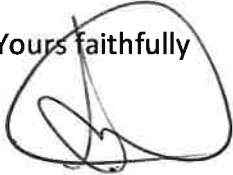
In respect of mapping associated with the Planning Proposal, Council officers on 28 March 2018 met with Gino Cavallaro and Peter Bowen, from the Department of Planning and Environment, to specifically discuss how mapping for the new Comprehensive Local Environmental Plan is to be prepared. Following this meeting, it is understood that the Department will undertake preparation of all mapping associated with the new LEP. Your agreement and acknowledgement of the offer made would be appreciated.

A copy of the Planning Proposal and supporting information is provided attached for your information.

Council requests that the Department provides a Gateway Determination for the Planning Proposal at its earliest convenience.

If you require any further information in this matter, please do not hesitate to contact Council's Strategic Planner, Nicholas Allatt, on 6801 4000, during normal office hours.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stephen Wallace', written over the text 'Yours faithfully'.

*Stephen Wallace*  
Director Planning and Environment

- Attachments:
1. Planning Proposal
  2. Council report dated 19 March 2018 and minutes
  3. Land Application Map
  4. Initial Request for Gateway Determination



## Request for Initial Gateway Determination

### Instructions to Users

When forwarding a planning proposal to the Minister under section 56(1), the relevant planning authority must provide the information specified on this form. This form and the required information should be sent to your local Regional Office. Please note one (1) electronic copy and two (2) hard copies of the completed Planning Proposal must be sent to your local Regional Office.

### Relevant Planning Authority Details

**Name of Relevant Planning Authority:** Dubbo Regional Council

**Contact Person:** Steven Jennings

**Contact Phone Number and Email Address:** (02) 6801 4000,  
steven.jennings@dubbo.nsw.gov.au

### Planning Proposal Details - Attachments

- |    |  |                             |
|----|--|-----------------------------|
| 1. | <b>LAND INVOLVED</b> (Dubbo Regional Local Government Area):   | <b>Attached/Completed</b> ✓ |
| 2. | <b>MAPS</b> <u>(If applicable – 1 electronic and 2 hard copy)</u>  | ✓                           |
|    | <ul style="list-style-type: none"> <li>○ Location map showing the land affected by the proposed draft plan in the context of the LGA (tagged 'location map').</li> <li>○ Existing zoning map showing the existing zoning of the site and surrounding land and proposed zoning change for the site/s (tagged 'comparative existing/proposed zoning')</li> </ul>   |                             |
| 3. | <b>PHOTOS and other visual material (if applicable)</b>  | NA                          |
|    | <ul style="list-style-type: none"> <li>○ Aerial photos of land affected by the Planning Proposal</li> <li>○ Photos of land involved and surrounding land uses</li> </ul>   |                             |
| 4. | <b>COMPLETE PLANNING PROPOSAL</b> <u>(1 electronic and 2 hard copy)</u>  | ✓                           |
|    | <ul style="list-style-type: none"> <li>○ <u>All</u> matters to be addressed in a planning proposal – including Director-General's requirements for the justification of all planning proposals (other than those that solely reclassify public land) in accordance with a 'Guide to preparing a planning proposal' are completed prior to forwarding to the Regional Office in the first instance. See <u>attached</u> pro-forma.</li> </ul> |                             |
| 4. | <b>PLANNING PROPOSAL HAS BEEN SUPPORTED BY COUNCIL</b>   | ✓                           |
|    | <ul style="list-style-type: none"> <li>○ Council has considered the written planning proposal before it is sent to the Department of Planning.</li> <li>○ <u>Attached</u> is Council's resolution to send the written planning proposal to the Department of Planning.</li> </ul>  |                             |



Signed for and on behalf of the Relevant Planning Authority

DATE: 23/04/18

# PLANNING PROPOSAL – COMPREHENSIVE DUBBO REGIONAL LOCAL ENVIRONMENTAL PLAN 2018

**Part 1 - Objectives or Intended Outcomes** [see Page 7 of 'A guide to preparing a planning proposal]

The intent of this Planning Proposal is to facilitate the preparation of a new Comprehensive Local Environmental Plan for the Dubbo Regional Local Government Area through merging the Dubbo Local Environmental Plan 2011 and the Wellington Local Environmental Plan 2012.

**Part 2 - Explanation of Provisions** [see Page 7-8 of 'A guide to preparing a 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.

## Part 3 - Justification

### Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report? [see Page 9-11 of 'A guide to preparing a planning proposal]

The Planning Proposal is not the result of any strategic plan or report.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way? [see Page 9-11 of 'A guide to preparing a planning proposal]

It is considered that the Planning Proposal is the best means of achieving the proposed outcome.

### Section B - Relationship to strategic planning framework.

3. Is the planning proposal consistent with the objectives and actions contained within the applicable **regional or sub-regional strategy** (including the Sydney Metropolitan Strategy and exhibited draft strategies)? [see Page 11 of 'A guide to preparing a planning proposal]

There is no regional or sub-regional strategy applicable to the Planning Proposal.

4. Is the planning proposal consistent with the local council's **Community Strategic Plan**, or other **local strategic plan**? [see Page 13 of 'A guide to preparing a planning proposal]

It is considered that the Planning Proposal is broadly consistent with the Dubbo 2036 Community Strategic Plan, the Dubbo Urban Areas Development Strategy and the Dubbo Rural Areas Development Strategy. The Planning Proposal is also considered to be broadly consistent with the Wellington 2025 Community Strategic Plan and the Wellington Settlement Strategy.

It should also be noted that the intent of preparing this Comprehensive Local Environmental Plan is to combine the provisions of both Plans into one (1) Local Environmental Plan. This Planning Proposal does not include any other changes to planning provisions.

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

A number of State Environmental Planning Policies are applicable to the Planning Proposal. It is considered that nothing in the Planning Proposal will impact upon the aims and objectives of any SEPP.

6. Is the planning proposal consistent with applicable **Ministerial Directions** (s.117 directions)? [see Page 14-15 of 'A guide to preparing a planning proposal]

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

- Direction 1.1 Business and industrial zones
- Direction 1.2 Rural zones
- Direction 1.5 Rural lands
- Direction 2.1 Environmental protection zones
- Direction 2.3 Heritage conservation
- Direction 2.4 Recreation vehicle access
- Direction 3.1 Residential zones
- Direction 3.2 Caravan parks and manufactured home estates
- Direction 3.3 Home occupations
- Direction 3.4 Integrated land use and transport
- Direction 3.5 Development near licensed aerodromes
- Direction 3.6 Shooting ranges
- Direction 4.3 Flood prone land
- Direction 4.4 Planning for bushfire protection
- Direction 5.10 Implementation of regional plans
- Direction 6.1 Approval and referral requirements
- Direction 6.2 Reserving land for public purposes

### **Section C - Environmental, social and economic impact.**

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal? [see Page 15 of 'A guide to preparing a planning proposal]

The Planning Proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? [see Page 16 of 'A guide to preparing a planning proposal]

It is considered that the Planning Proposal is unlikely to have any significant environmental effects.

9. How has the planning proposal adequately addressed any social and economic effects? [see Page 16-17 of 'A guide to preparing a planning proposal]

The Planning Proposal has not identified any adverse social or economic effects.

#### **Section D - State and Commonwealth interests.**

10. Is there adequate public infrastructure for the planning proposal? [see Page 17 of 'A guide to preparing a planning proposal]

It is considered that the Planning Proposal is unlikely to provide any additional infrastructure requirements in the LGA.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? [see Page 18 of 'A guide to preparing a planning proposal]

Note (1): Do State or Commonwealth own or have an interest in any of the land involved?

Note (2): The RPA must list the State and Commonwealth public authorities to be consulted.

At the present time no State or Commonwealth Agencies have been consulted or are required to be consulted. 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 - Community Consultation** [see Page 19 of 'A guide to preparing a planning proposal]

Council in consideration of the Planning Proposal resolved for the proposal to be placed on public exhibition for a period of no less than 28 days.

#### **Part 5 – Risks to the Planning Proposal.** [RPA must identify possible risks]

NOTE (1): RPA must identify strategic and operational risks that could adversely impact the progress of the planning proposal and the making of the plan within the required time frame. Examples of risks Council should consider include;

- o State or Commonwealth public authority objection to the LEP
- o Community objection to the LEP
- o Time required to resolve public and or community objections
- o Requirement to re-exhibit
- o Requirement for a public hearing
- o Missing Council meetings
- o Delay in finalising the associated development control plan
- o Department of Planning delay in resolving Standard Instrument policy and practice
- o Department of Planning changing Standard Instrument policy and practice
- o Council staff taking leave or resigning



- o Council lack of resources (please specify e.g. Council does not have capacity to complete SI LEP mapping )

NOTE (2): If the RPA believes a risk will prevent the making of the plan within the required time frame the RPA should consider not lodging a planning proposal with the Department of Planning until the risk has been resolved.

Council has considered the potential risks to the Planning Proposal and considers that the Planning Proposal may have risks which could have a potentially adverse impact on the completion of the proposal within the required time frame, including:

- Community objection to the Planning Proposal;
- Missing Council meetings;
- Time required to address public and or community objections; and
- Potential delay in the preparation of the SI LEP mapping caused by the Department of Planning's GIS team if there are a lack of resources available.

## **Part 6 – Benchmark Timeframes for making the Plan.**

Note: You cannot delete or alter any of the following statements except were directed to select an option.

1. The plan will be made within 6 months of the Gateway Determination date.
2. The Planning Proposal will be exhibited within 4 weeks of the Gateway Determination date.
3. Community Consultation will be completed 14 days from the last day the Planning Proposal must be exhibited
4. Public Authority Consultation will be completed within 35 days of the Gateway Determination date.
5. The RPA will request the Department to draft and finalise the LEP no later than 6 weeks prior to the projected making of the plan date specified in point 1.

