PLANNING PROPOSAL APPLICATION



AMENDMENTS TO LOCAL ENVIRONMENTAL PLANS

The Dubbo Regional Local Environmental Plan 2022 is the legal document which guides planning decisions in the Dubbo Regional Council Local Government Area. It includes speci¦c controls and provisions that regulate land use and development such as zoning, minimum lot sizes, development standards, land use permissibility and environmental heritage.

An LEP may be amended to introduce new planning provisions or permit new development and land uses. Most commonly, LEP amendments are sought by landowners to rezone land or change the minimum lot size in order to enable certain development.

An LEP amendment may be requested by a landowner, developer or other person through the lodgement and assessment of a Planning Proposal. The six (6) key stages related to amending an LEP are:

- Stage 1: Pre-lodgement
- Stage 2: Lodgement and assessment
- Stage 3: Gateway determination
- Stage 4: Post gateway
- Stage 5: Public exhibition and assessment
- Stage 6: Finalisation

The fees for a pre-lodgement meeting and assessing a Planning Proposal can be found in Councils Fees and Charges (4.1MB).

WHAT IS A PLANNING PROPOSAL?

A Planning Proposal is a document that explains the intended effect of, and justi¦cation for, a proposed amendment to the Dubbo Regional Local Environmental Plan 2022.

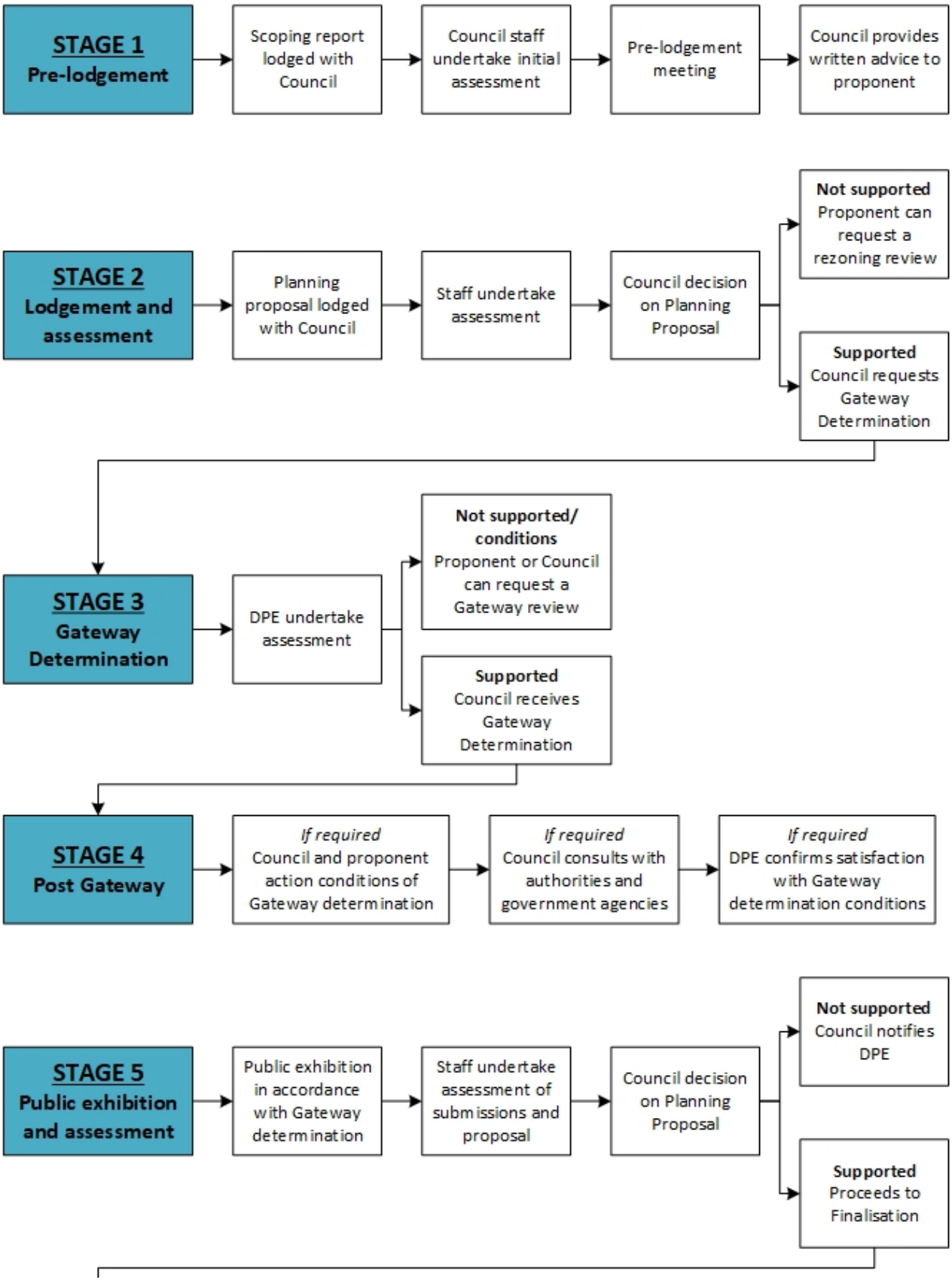
A Planning Proposal must be endorsed by Council and the NSW Government Department of Planning and Environment in order to take effect. This process must be undertaken in accordance with Division 3.4 of the Environmental Planning and Assessment Act 1979.

OVERVIEW OF PROCESS RELATING TO AMENDMENT

The six (6) key stages related to amending an LEP are:

- Stage 1: Pre-lodgement
- Stage 2: Lodgement and assessment
- Stage 3: Gateway determination
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- Stage 5: Public exhibition and assessment
- Stage 6: Finalisation

Download a copy of the graphic below; Planning Proposal Flowchart (31.2KB).


STAGE 1
Pre-lodgement
Scoping report lodged with Council
Council staff undertake initial assessment
Pre-lodgement meeting
Council provides written advice to proponent
STAGE 2
Lodgement and assessment
Planning proposal lodged with Council
Staff undertake assessment
Council decision on Planning Proposal
Not supported
Proponent can request a rezoning review
Supported
Council requests Gateway Determination
STAGE 3
Gateway Determination
DPE undertake assessment
Not supported/ conditions
Proponent or Council can request a Gateway review
Supported
Council receives Gateway Determination
STAGE 4
Post Gateway
If required
Council and proponent action conditions of Gateway determination
If required
Council consults with authorities and government agencies
If required
DPE confirms satisfaction with Gateway determination conditions
STAGE 5
Public exhibition and assessment
Public exhibition in accordance with Gateway determination
Staff undertake assessment of submissions and proposal
Council decision on Planning Proposal
Not supported
Council notifies DPE
Supported
Proceeds to Finalisation

COUNCIL'S PLANNING PROPOSAL POLICY

Council's Planning Proposal Policy provides guidance to landowners, developers and the community on Planning Proposal categories, and the application of Council's three-tiered fee structure. The Policy aims to ensure that the application of the categories and fee structure is delivered in a clear and transparent manner which can be easily interpreted and understood.

To view the policy, visit Council's dedicated webpage; A-Z Council Policies.

STAGE 1: PRE-LODGEMENT

A pre-lodgement meeting is required with Dubbo Regional Council. Requests for a pre-lodgement meeting can be arranged by completing the online form Pre-Lodgement Meeting, emailing planning@dubbo.nsw.gov.au, or contacting Council's Growth Planning division on (02) 6801 4000. It is anticipated a meeting will occur within three weeks of the request, and Council will provide feedback within two weeks of the meeting.

The purpose of the pre-lodgement meeting is to:

- provide early feedback about the strategic and site-speci¦c merits of a proposal;
- identify the information and key supporting studies that need to be submitted;
- facilitate early consultation with key authorities and government (if required);

- identify infrastructure needs and determine what form of infrastructure funding may be needed to support the proposal;
- resolve planning issues upfront to enable a streamlined LEP making process; and
- con¦rm Council fees and the Planning Proposal category

A scoping report must be included with any meeting request, and it must include:

- a summarised description and intended objectives of the proposal;
- identi¦cation of key issues/matters that warrant further investigation and will need to be addressed;
- a brief justi¦cation as to why the proposal has strategic merit;
- identi¦cation of NSW Government and Council strategic documents that apply to the site;identi¦cation of site-speci¦c considerations;
- identi¦cation and requirement of supporting studies; and
- identi¦cation of agencies and authorities that may need to be consulted.

STAGE 2: LODGEMENT AND ASSESSMENT OF A PLANNING PROPOSAL

LODGEMENT

After receiving pre-lodgement advice from Council, a Planning Proposal must be lodged with Council through the Planning Portal.

Planning Proposals must be prepared in accordance with the Department of Planning and Environments Local Environmental Plan Making Guideline.

A Planning Proposal must include the following components:

- Part 1 – A statement of the objectives and intended outcomes of the proposed LEP;
- Part 2 – An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 – Justi¦cation for those objectives, strategic merit, outcomes and the process for implementation;
- Part 4 – Maps, where relevant, to identify the effect of the Planning Proposal and the area to which it applies;
- Part 5 – Details of the community consultation that is to be undertaken on the Planning Proposal;
- and Part 6 – The project timeline for completion of the proposal.

ASSESSMENT

Following lodgement of the Planning Proposal, Council staff will assess it to ensure all necessary matters are adequately addressed or further information is required.

Council staff will prepare a report for consideration at a Council meeting; Council will resolve to either:

- support the Planning Proposal and submit it to the Department of

Planning and Environment for a Gateway Determination; or

- not support the Planning Proposal and advise both the proponent and the Department of Planning and Environment.

STAGE 3: GATEWAY DETERMINATION

If a Planning Proposal is supported by Dubbo Regional Council, it will be submitted to the Department of Planning and Environment for Gateway Determination.

The Gateway Determination will identify if the Planning Proposal is supported in principle by the Minister of Planning and Environment and any conditions with respect to the following:

- any further studies to be prepared prior to public exhibition;
- which government agencies to consult;
- the length of the public exhibition period;
- whether a public hearing is required;
- if Council has delegations to prepare the draft amendment; and
- the timeframe for completing the process.

STAGE 4: POST-GATEWAY

Prior to public exhibition occurring, the Gateway Determination may identify the need to:

- undertake additional studies;
- require consultation with authorities and government agencies; or
- require amendments to the Planning Proposal.

STAGE 5: PUBLIC EXHIBITION AND ASSESSMENT

Following completion of the public exhibition period, Council staff will undertake a further review the Planning Proposal and consider all matters raised in any public and State Government Agency submission.

Council staff will prepare a report for consideration at a Council meeting; Council will resolve to:

- support the Planning Proposal and amend the LEP as required;
- vary the Planning Proposal as a consequence of a submission or report considered during the public exhibition period; or
- no support the Planning Proposal.

STAGE 6: FINALISATION

If Dubbo Regional Council resolves to support the Planning Proposal, Council will liaise with the Department of Planning and Environment to amend the LEP and publish it on the NSW Legislation website.

The amendment will come into effect on the day it is published on the NSW Legislation website.

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