



Planning & Infrastructure

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Mr Mark Riley
General Manager
Dubbo City Council
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DUBBO NSW 2830

Our ref: PP_2013_DUBBO_001_00 (13/5315)
Your ref: JH:MC
AD13/5580

Dear Mr Riley,

Planning proposal to amend Dubbo Local Environmental Plan 2011

I am writing in response to your Council's letter dated 13 March 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone part Lot 12 DP 1100130 at Macquarie Street, Dubbo from E3 Environmental Management to R2 Low Density Residential.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.5 Rural Lands, 2.1 Environment Protection Zones and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Wayne Garnsey of the regional office of the department on 02 6841 2180.

Yours sincerely,


Neil McGaffin
Executive Director
Rural and Regional Planning

9.4.13

Gateway Determination

Planning proposal (Department Ref: PP_2013_DUBBO_001_00): to rezone land at Macquarie Street, Dubbo for residential purposes.

I, the Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Dubbo Local Environmental Plan (LEP) 2011 to rezone part Lot 12 DP 1100130 at Macquarie Street, Dubbo from E3 Environmental Management to R2 Low Density Residential should proceed subject to the following conditions:

1. Council is to amend the lot size of the subject land at Macquarie Street, Dubbo to 600sqm, consistent with adjoining land zoned R2 Low Density Residential. Council is to amend the planning proposal to reflect this approach prior to undertaking public exhibition and provide existing and proposed lot size maps for public exhibition purposes.
2. Prior to undertaking public exhibition, Council is to amend the project timeline within the planning proposal to reflect the 9 month timeframe allocated for completing the LEP. The project timeline is to include all relevant information consistent with Section 2.6 Part 6 of the *A Guide to Preparing Planning Proposals*.
3. Council should ensure that maps accompanying the planning proposal are at an appropriate scale and clearly identify the subject site.
4. Council is to place the Flood Impact Assessment prepared by Cardno Pty Ltd (2012) including a flood evacuation plan on public exhibition with the planning proposal.
5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012)* and must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - NSW State Emergency Services (regarding flood evacuation routes)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
8. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 9th day of April 2013.



Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure

**Delegate of the Minister for Planning and
Infrastructure**



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Dubbo City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_DUBBO_001_00	Planning proposal to rezone part Lot 12 DP 1100130 at Macquarie Street, Dubbo from E3 Environmental Management to R2 Low Density Residential.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 9th April 2013

Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure