



Mr Michael McMahon  
Chief Executive Officer  
Dubbo Regional Council  
PO Box 81  
DUBBO NSW 2830

**Attention: Mr Steven Jennings, Manager Growth Planning**

Dear Mr McMahon,

**Planning proposal (PP\_2018\_DREGI\_004\_00) to amend Dubbo Local Environmental Plan 2011 - Lot 2 DP 880413, 24R Sheraton Road, Dubbo**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) dated 15 November 2018 and additional information received on 4 December 2019 in respect of the planning proposal to amend zoning and minimum lot size map at Lot 2 DP 880413, 24R Sheraton Road, Dubbo.

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

I have considered Council's request to not be the local plan-making authority. I have considered the nature of Council's planning proposal and have decided that Council is not to be the local plan-making authority at this time.

The Planning proposal is required to be revised prior to agency and public consultation. The revised planning proposal is to be submitted to the Department for endorsement prior to proceeding agency and community consultation.

Council is encouraged to undertake and finalise an amendment to the Stage 1 Structure Plan for the South-East Residential Urban Release Area in reference to the Southern Distributor Rd alignment. The Department look forward to continue to work with Council to undertake this strategic review. The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

All related files for LEP amendment, including PDF maps, Map Cover Sheet, planning proposal document and GIS data, if available, must be submitted to the Department via the Planning Portal Website at [data.planningportal.nsw.gov.au](http://data.planningportal.nsw.gov.au). To submit the data, Council is required to create an account and log in using these details.

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 section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Tim Collins from the Department of Planning, Industry and Environment, Western Region office, to assist you. Mr Collins can be contacted on 5852 6806.

Yours sincerely



23.1.20

**Damien Pfeiffer**  
**Director, Western Region**  
**Local and Regional Planning**



### **Gateway Determination**

***Planning proposal (Department Ref: PP\_2018\_DREGI\_004\_00): to amend zoning and minimum lot size maps and insert a new local clause at Lot 2 DP 880413, 24R Sheraton Road, Dubbo.***

I, the Director, Western Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Dubbo Local Environmental Plan (LEP) 2011 to permit amendment to zoning and minimum lot sizes on Lot 2 DP 880413, 24R Sheraton Road, Dubbo should proceed subject to the following conditions-

1. Prior to consultation with public authorities, a revised, consolidated planning proposal is to be produced and submitted to the Department of Planning, Industry and Environment Planning-Western Region (DPIE-WR) Office which addresses the following:
  - a. Prepare maps to clearly identify the subject site. In this regard, ensure all maps that form part of the planning proposal must clearly identify the subject land;
  - b. Include all appendices and reports relevant to the planning proposal and reflect in the table of contents. Furthermore, include the following as part of the planning proposal-
    - Updated 9.1 Direction Assessment;
    - Noise and Vibration Impact assessment and staging plan for Keswick Quarry Project;
    - Noise Monitoring Assessment;
    - Road Traffic Noise Assessment;
    - Any other Document or maps that is relevant to this planning proposal;
2. Prior to public exhibition, consultation is required with the following public authorities/organisations under section 3.34(2)(d) and Section 9.1 Ministerial Direction 1.3 - Mining, Petroleum Production and Extractive Industries of the Act to address any inconsistencies:
  - Department of Planning, Industry and Environment – Environmental Protection Authority;
  - Department of Planning, Industry and Environment – Regions, Industry, Agriculture and Resources,
  - Department of Planning Industry and Environment – Biodiversity Conservation Division (Floodplain Management),
  - Transport for NSW– Roads and Maritime Services, and
  - Department of Planning, Industry and Environment - Resources and Geoscience.A revised planning proposal incorporating amendments sought (if required) by public authorities/organisation mentioned above along with the responses provided by public authorities/organisation must be provided to the DPIE-WR Office prior to proceeding with public exhibition.

3. Public exhibition is required under Section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days** and
  - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment, 2018).
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
5. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps, must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
6. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.

Dated 23<sup>rd</sup> day of January 2020.



23.1.20

**Damien Pfeiffer**  
**Director, Western Region**  
**Local and Regional Planning**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**



## Attachment 5 – Authorised plan-making reporting template

### Reporting template for authorised LEP amendments

#### Notes:

- The planning proposal number will be provided by the Department of Planning, Industry and Environment following receipt of the planning proposal.
- The Department will fill in the details of Tables 1 and 3.
- The local plan-making authority is to fill in the details of Table 2.
- If the planning proposal is exhibited more than once, the local plan-making authority should add rows to **Table 2** to include this information.
- The local plan-making authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date.
- The plan should be signed using the following format:  
[Name]  
[Title]  
[Council name]  
Delegate of [Council name], the local plan-making authority [date]
- A copy of this completed report must be provided to the Department with the local plan-making authority's request to have the LEP notified.

**Table 1: To be completed by the Department**

Stage	Date/Details
Planning proposal number	PP_2018_DREGI_004_00
Date sent to DPIE under section 3.34(1)	16 December 2019
Gateway determination date	23 January 2020

**Table 2: To be completed by the local plan-making authority**

Stage	Date/Details	Notified regional office
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date draft LEP requested from PCO		
Date draft LEP received from PCO		
Date PCO Opinion requested		
Date PCO Opinion received		
Date GIS data or maps provided/requested		
Date ePlanning confirmed mapping is suitable and sent to PCO		
Date LEP finalised		
Date sent to DPIE requesting notification		

**Table 3: To be completed by the Department**

<b>Stage</b>	<b>Date/Details</b>
Notification date and details	

**Additional relevant information:**