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Our ref: PP_2016_DREGI_001_00, (16/14281)
Your ref: AD16/37058

Mr Mark Riley
Interim General Manager
Dubbo City Council
PO Box 81
Dubbo NSW 2830

Attention: Steven Jennings – Manager City Strategy Services

Dear Mr Riley,

Planning proposal (PP_2016_DREGI_001_00) to amend Dubbo Local Environmental Plan 2011 – Rezone 16ha of land from RU1 Primary Production to R5 Large Lot Residential and reduce the Minimum Lot Size from 800ha to 8ha at part Lot 2 DP 22685, 32R Benolong Road, Dubbo.

I am writing in response to your Council's letter dated 1 November 2016 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 16ha of land from RU1 Primary Production to R5 Large Lot Residential and reduce the MLS from 800ha to 8ha at part Lot 2 DP 22685, 32R Benolong Road, Dubbo.

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

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistencies with section 117 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries and 2.1 Environment Protection Zones are of minor significance. No further approval is required in relation to these Directions.

Plan making powers were delegated to Councils by the Minister 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 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 (parliamentary.counsel@pco.nsw.gov.au) 10 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) for administration purposes.

All related files for the LEP Amendment, including Maps, Map Cover Sheet, Planning Proposal document, section 59 Reporting and GIS data, if available, must be submitted to the Department via the Planning Portal Website at <https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data>. 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 54(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, I have arranged for Mr Deniz Kilic of the Department's Western region office to assist you. Mr Kilic can be contacted on (02) 6841 2180.

Yours sincerely,

 29-11-2016
Ashley Albury
Director Regions, Western
Planning Services
Department of Planning and Environment

Encl:

Attachment 1 – Gateway Determination

Attachment 2 – Written Authorisation to Exercise Delegation

Attachment 3 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_DREGI_001_00): to rezone 16ha of land from zone RU1 Primary Production to R5 Large Lot Residential and reduce the Minimum Lot Size (MLS) from 800ha to 8ha at part Lot 2 DP 22685, 32R Benolong Road, Dubbo.

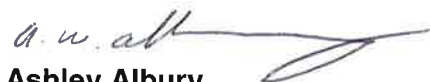
I, the Director Regions, Western, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the 'Environmental Planning and Assessment Act 1979' (EP&A Act) that an amendment to the Dubbo Local Environmental Plan 2011 (LEP) to rezone 16ha of land from zone RU1 Primary Production to zone R5 Large Lot Residential and reduce the Minimum Lot Size (MLS) from 800ha to 8ha at part Lot 2 DP 22685, 32R Benolong Road, Dubbo should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
 - (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.

No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

2. 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).
3. Prior to submission of the planning proposal under section 59 of the EP&A Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.
4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Dated 29th day of November 2016.



Ashley Albury
Director Regions, Western
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Dubbo Regional Council is authorised to exercise the functions of the Minister for Planning 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_2016_DREGI_001_00	Planning proposal to rezone 16ha of land from zone RU1 Primary Production to R5 Large Lot Residential and reduce the Minimum Lot Size (MLS) from 800ha to 8ha at part Lot 2 DP 22685, 32R Benolong Road, Dubbo.

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

Dated 29th day of November 2016


Ashley Albury
Director Regions, Western
Planning Services
Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA 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
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2016_DREGI_001_00
Date Sent to DP&E under s56	3 November 2016
Date considered at LEP Review Panel (if applicable)	Considered by Minister's delegate and not by Panel.
Gateway determination date	29 November 2016

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: