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Our ref: PP_2014_DUBBO_002_00
Your ref: File 11/63, ED14/29666,JH/MC

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

Dear Mr Riley

Planning Proposal (PP_2014_DUBBO_002_00) to amend Dubbo Local Environmental Plan 2011 – to allow recreation facilities (indoor) on Lot 100 DP 1168671 No 1 Torvean Avenue, Dubbo.

I am writing in response to Council's letter received on 1 April 2014 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 allow recreation facilities (indoor) on Lot 100 DP 1168671 No 1 Torvean Avenue, Dubbo as an additional permitted use in Schedule 1 of the Dubbo LEP 2011.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to conditions in the attached Gateway determination. Council should also consider whether recreation facilities (indoor) should be permitted with consent on other land that is zoned B1 Neighbour centre under the Dubbo LEP 2011.

The Minister delegated his plan making powers to Councils in October 2012. It is noted that Council has accepted this delegation. 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 (**Attachment 1**).

The amending Local Environmental Plan (LEP) is to be finalised within 6 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 (parliamentary.counsel@pco.nsw.gov.au) 6 weeks prior to the projected publication date. A copy of the request should be forwarded to Planning and Infrastructure (planmaking.monitoring@planning.nsw.gov.au) 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 section 57(2)(d) of the EP& A Act if the time frames outlined in this determination are not met.

In accordance with "A Guide for the preparation of local environmental plans" attachment 5 – Delegated plan making reporting template (**Attachment 2**) is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 59 submission.

Should you have any enquiries about this matter, I have arranged for Wayne Garnsey of the Western Region office to assist you. Mr Wayne Garnsey can be contacted on (02) 68412180.

Yours sincerely

A. W. Albury 4-4-2014

Ashley Albury
General Manager, Western Region
Growth Planning and Delivery
Planning and Infrastructure

Encl.

Attachment 1 – *Written Authorisation to Exercise Delegation*

Attachment 2 – *Delegated plan making reporting template*



Gateway Determination

Planning proposal (Agency Ref: PP_2014_DUBBO_002_00) to permit recreation facilities (indoor) on Lot 100 DP 1168671 No 1 Torvean Avenue, Dubbo.

I, the General Manager, Western Region Team at 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 permit recreation facilities (indoor) on Lot 100 DP 1168671 No 1 Torvean Avenue, Dubbo should proceed subject to the following conditions:

1. 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 (Planning & Infrastructure 2013)* 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 (Planning & Infrastructure 2013)*.
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
3. 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).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 4th day of April 2014.

A handwritten signature in black ink, appearing to read 'a. w. all' followed by a stylized flourish.

Ashley Albury
General Manager, Western Region
Growth Planning and Delivery
Planning and Infrastructure

**Delegate of the Minister for Planning &
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_2014_DUBBO_002_00	Planning proposal to permit recreation facilities (indoor) on Lot 100 DP 1168671 No 1 Torvean Avenue Dubbo as an additional permitted use in Schedule 1 of the Dubbo LEP 2011

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 *4 April* 2014

A. W. Albury
Ashley Albury
General Manager, Western Region
Growth Planning and Delivery
Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department 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 department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2014_DUBBO_002_00
Date Sent to Department under s56	27 March 2014 (received 1 April 2014)
Date considered at LEP Review Panel	
Gateway determination date	4 April 2014

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		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: