

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

14/18725

Attention: Steven Jennings, Strategic Planning Supervisor

Dear Mr Riley

Planning Proposal (PP_2014_DUBBO_003_00) – Dubbo LEP 2011 - Proposed rezoning and lot size changes -South-East, Dubbo

I am writing in response to your Council's letter dated 4 November 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 change zone R1 – General Residential and zone R2 – Low Density Residential and minimum lot size for land known as South Lakes Estate, Magnolia Estate and Keswick on the Park Estate in south east, Dubbo.

As a delegate of the Minister for Planning, I have determined the Planning Proposal should proceed subject to the conditions in the attached Gateway determination (**Attachment 1**).

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has requested not to exercise plan making delegations and have requested that the Department of Planning and Environment perform these functions. I have considered the nature of Council's Planning Proposal and decided that the Department will exercise plan making functions in this instance.

The amended Local Environmental Plan is to be finalised within six 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 Local Environmental Plan should be made directly to the Department of Planning and Environment, Western Region office email address (westernregion@planning.nsw.gov.au) six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 *Environmental Planning & Assessment Act 1979* if the time frames outlined in the determination are not met.

Should you have any further enquiries about this matter, I have arranged for Nita Scott from the Western Region office to assist you. Ms Scott can be contacted on (02) 6841 2180.

Yours sincerely

 25-11-2014
Ashley Albury
General Manager
Western Region

Gateway Determination

Planning proposal (Department Ref: PP_2014_DUBBO_003_00): to change zone R1 – General Residential and zone R2 – Low Density Residential and minimum lot size for land known as South Lakes Estate, Magnolia Estate and Keswick on the Park Estate in south east, Dubbo

I, the General Manager, Western Region at the Department of Planning & 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 (LEP) 2011 to change zone R1 – General Residential and zone R2 – Low Density Residential and minimum lot size for land known as South Lakes Estate, Magnolia Estate and Keswick on the Park Estate in south east, Dubbo should proceed with 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 to be made publicly available for 28 days;
 - 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 and Infrastructure 2013).
2. Consultation is required with the Office of Environment and Heritage and NSW Office Of Water under section 56(2)(d) of the EP&A Act. The Office of Environment and Heritage and NSW Office of Water are 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.
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. At the Section 59 submission Council is to prepare amended LEP maps which are compliant with the Departments Standard technical requirements for LEP maps. The following maps are to be amended:
 - a) Land Zoning Map (LZN_008B); and
 - b) Lot Size Map (LSZ_008B)
5. Council is to request the drafting and finalisation of the amendment no later than six (6) weeks prior to the projected publication date.
6. The time frame for completing the LEP is to be 6 months from the week following the date of the gateway determination.



Planning & Environment

Dated 25 day of November 2014.

Ashley Albury
General Manager, Western Region
Planning Services

Delegate of the Minister for Planning