



Contact: Nita Lennon
Phone: (02) 6841 2180
Fax: (02) 6884 8483
Email: Nita.Lennon@planning.nsw.gov.au
Postal: PO Box 58, Dubbo NSW 2830

Our ref: PP_2014_DUBBO_001_00 (14/01413)
Your ref: ED13/583347 SJ/MC

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

Dear Mr Riley,

Planning proposal to amend Dubbo Local Environmental Plan 2011

I am writing in response to your Council's letter dated 20 December 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 (Amendment No. 5) to:

- amend the minimum lot size for land at Boundary Road, Dubbo;
- remove land at Wheeler Lane, Dubbo from the Urban Release Area Map;
- rezone and amend the minimum lot size for land at the former RAAF Stores Depot, Palmer Street, Dubbo; and
- include 'car park' as an additional permitted use for land at Darling Street, Dubbo.

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 inconsistency with S117 Direction 2.3 Heritage Conservation is of minor significance. No further approval is required in relation to this Direction.

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 Planning and Infrastructure for administrative purposes. Council is reminded that it must not use its delegation under section 59 of the Act where there is an unresolved agency objection to the draft LEP.

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 Ms Nita Lennon of the Planning and Infrastructure regional office to assist you. Ms Lennon can be contacted on (02) 6841 2180.

Yours sincerely,



Richard Pearson
Deputy Director General
Growth Planning & Delivery

24/2/14

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Agency Ref: PP_2014_DUBBO_001_00): to make various housekeeping amendments to the Dubbo LEP 2011.

I, the Deputy Director General, Growth Planning and Delivery 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:

- amend the minimum lot size for land at Boundary Road, Dubbo;
- remove land at Wheeler Lane, Dubbo from the Urban Release Area Map;
- rezone and amend the minimum lot size for land at the former RAAF Stores Depot, Palmer Street, Dubbo; and
- include car park as an additional permitted use for land at Darling Street, Dubbo,

should proceed subject to the following conditions:

1. Council is to ensure all existing and proposed Land Zoning, Minimum Lot Size, Urban Release Area and Site Identification Maps are included as part of the public exhibition material.
2. 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 must be made publicly available for a minimum of **28 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)*.
3. Consultation is required with the Roads and Maritime Services (RMS), specifically in relation to traffic and pedestrian safety on Darling Street. RMS 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.
4. Consultation is required with the NSW Office of Environment and Heritage under section 56(2)(d) of the EP&A Act. NSW Office of Environment and Heritage 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.
5. 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).



6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 24 day of February 2014.

**Richard Pearson
Deputy Director General
Growth Planning & Delivery
Planning & 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_001_00	Planning proposal to: • amend the minimum lot size for land at Boundary Road, Dubbo; • remove land at Wheeler Lane, Dubbo from the Urban Release Area Map; • rezone and amend the minimum lot size for land at the former RAAF Stores Depot, Palmer Street, Dubbo; and • include 'car park' as an additional permitted use for land at Darling Street, Dubbo.

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

Dated 24 February 2014


Richard Pearson
Deputy Director General
Growth Planning & Delivery
Planning & 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_001_00
Date Sent to Department under s56	20/12/2013
Date considered at LEP Review Panel	24/01/2014
Gateway determination date	24/02/2014

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: