



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

15/04103

Dear Mr Riley

Planning Proposal (PP_2015_DUBBO_001_00) to amend Dubbo LEP 2011 – Rezone land from zone RE1 Public Recreation to zone R1 General Residential – Hampden Street / Daphne Park Dubbo.

I am writing in response to Council's letter dated 25 February 2015 requesting a Gateway determination under section 56(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) with respect to the planning proposal to amend the Dubbo LEP 2011 to rezone land from zone RE1 Public Recreation to zone R1 General Residential – Hampden Street / Daphne Park 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**).

I have decided not to authorise Council to exercise delegation in this case.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) 10 weeks prior to the projected publication date.

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 Nicole Dukinfield, Planning Officer to assist you. Ms Dukinfield can be contacted on (02) 6841 2180.

Yours sincerely

 16-03-2015

Ashley Albury
General Manager, Western Region

Attachments: Attachment 1 – Gateway Determination



Gateway Determination

Planning proposal (PP_2015_DUBBO_001_00): to amend the Dubbo Local Environmental Plan 2011 to rezone land from zone RE1 Public Recreation to zone R1 General Residential - Hampden Street / Daphne Park Dubbo.

I, the General Manager, Western Region at Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act, 1979 that an amendment to the Dubbo Local Environmental Plan (LEP) 2011 to rezone land from zone RE1 Public Recreation to zone R1 General Residential should proceed subject to the following conditions:

1. Prior to public exhibition of the planning proposal, Dubbo City Council is to submit to the Department of Planning and Environment further information to demonstrate that the resultant area of Daphne Park is sufficient to meet the public recreation needs of the neighbourhood. This information will then allow the Secretary of the Department of Planning and Environment to assess consistency with section 117 Direction 6.2 - Reserving Land for Public Purposes.
2. Community consultation is required under sections section 56(2)(c) and section 57 of the Environmental Planning and Assessment Act 1979 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 (Department of Planning and Environment 2013).
3. Consultation is required with the NSW Department of Trade and Investment (Crown Lands).

The public authority 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. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act 1979. 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 59 of the Environmental Planning and Assessment Act 1979, Local Environment Plan Maps are to be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps'.

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the gateway determination.

Dated 16 day of March 2015.


Ashley Albury
General Manager, Western Region
Planning & Environment

Delegate of the Minister for Planning