

Gateway Determination

Planning proposal (Department Ref: PP_2016_DUBBO_004_00): to amend the Dubbo Local Environmental Plan 2011 to allow development for hotel or motel accommodation as an 'Additional Permitted Use' in Schedule 1 at Lot 3 DP 554158, 20L Chapmans 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 that an amendment to the Dubbo Local Environmental Plan (LEP) 2011 Schedule 1 'Additional Permitted Uses' to allow development for hotel or motel accommodation at Lot 3 DP 554158, 20L Chapmans Road, Dubbo should proceed subject to the following conditions:

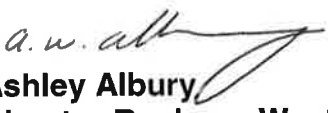
1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements 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 & Infrastructure 2013)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act, 1979 and/or to comply with the requirements of relevant section 117 Directions:
 - (a) Office of Environment and Heritage
 - (b) NSW Roads and Maritime Services
 - (c) NSW Rural Fire Service

Each 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.

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 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).

4. Prior to the submission of the planning proposal under section 59 of the EP&A Act the Additional Permitted Use Map is to be compliant with the Department's "Standard technical requirements for LEP Maps".
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 11 day of March 2016


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

Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Dubbo City 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_DUBBO_004_00	Planning proposal to amend the Dubbo Local Environmental Plan 2011 to allow development for hotel or motel accommodation as an 'Additional Permitted Use' in Schedule 1 at Lot 3 DP 554158, 20L Chapmans Road, Dubbo.

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 *11 March* 2016


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

Delegate of the Minister for Planning



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

Attention: Mr Steven Jennings – Strategic Planning Supervisor

Dear Mr Riley

Planning proposal (2016_DUBBO_004_00) to amend Dubbo Local Environmental Plan 2011 (Amendment 11) Schedule 1 Additional Permitted Use – Hotel or Motel Accommodation, 20L Chapmans Road, Dubbo

I am writing in response to your Council's letter received on 29 February 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to amend Schedule 1 'Additional Permitted Uses' of the Dubbo Local Environmental Plan 2011 (LEP) to allow development for hotel or motel accommodation at Lot 3 DP 554158, 20L Chapmans Road, Dubbo.

As delegate of the Minister for Planning, I have now determined that 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 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. (**Attachment 2**)

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 (parliamentary.counsel@pco.nsw.gov.au) 10 weeks prior to the projected publication date.

The additional permitted use map and GIS data is to be uploaded to the Departments FTP site at ftp://lepup:lep_upload@203.3.194.247/ and the map information emailed to pcgis@planning.nsw.gov.au and a copy to westernregion@planning.nsw.gov.au

A copy of the request should be forwarded to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) for administrative purposes.

In accordance with 'A guide for the preparation of local environmental plans' attachment 5 – Delegated plan making reporting template (**Attachment 3**) is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 59 submission and forwarded to the westernregion@planning.nsw.gov.au when requesting the planning proposal be finalised.

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 Environmental Planning & Assessment Act, 1979 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 Jenna McNabb of the Departments Western Region office to assist you. Ms McNabb can be contacted on (02) 6841 2180.

Yours sincerely,

Ashley Albury
Director Regions, Western
Planning Services

Encl:

Attachment 1 – Gateway determination

Attachment 2 – Written Authorisation to Execute Delegation

Attachment 3 – Delegated Plan Making Reporting template