



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

Our Ref: 17/10850-1

Dear Mr Riley,

**Planning Proposal (PP_2017_DREGI_002_00) to amend the lot size map
LSZ_008A concerning land at Lot 172 DP 753233, 20R Peak Hill Road, Dubbo**

I am writing in response to Council's information received 25 August 2017 requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act, 1979* in respect of the Planning Proposal to amend the Dubbo LEP 2011 Lot Size Map LSZ_008A for the site to introduce a range of lot sizes between 2000m² – 8,700m² and 10ha to facilitate a 137-lot residential subdivision.

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

I am satisfied that the Planning Proposal is broadly consistent with Council's Dubbo Residential Strategy and Section 117 Direction 3.1 Residential Zones. However, Council is required to satisfy inconsistencies with Section 117 Directions 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 4.4 Bushfire Prone Land and 5.10 Implementation of Regional Plans. It will be necessary to consult with the Office of Environment and Heritage concerning potential impacts on local heritage and biodiversity values, the Department of Primary Industries – Water concerning groundwater vulnerability and the Rural Fire Service on the bushfire prone status of the land. Given the proposed intensification of development in proximity to the Taronga Western Plains Zoo it is expected that Council will notify the zoo of the proposal's exhibition.

The Minister delegated plan making powers to Councils in October 2012. I have considered the nature of Council's Planning Proposal and Council's request and have decided not to issue an authorisation for Council to exercise delegation to make this plan. This decision is due to the inherent environmental values of the land that require further work in consultation with agencies.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 10 weeks prior to the projected publication date.

All related files for LEP Amendment, including PDF Maps, Map Cover Sheet, Planning Proposal document and GIS Data, if available, must be submitted to the Department via the Planning Portal Website at <https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data>. To submit the data, Council is required to create an account and log in using these details.

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 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 Nita Scott of the Departments Western Region office to assist you. Ms Scott can be contacted on (02) 6841 2180.

Yours sincerely,



26.10.17

Katrine O'Flaherty
Director Regions, Western
Planning Services

Encl:
Attachment 1 – Gateway determination



Gateway Determination

Planning Proposal (Department Ref: PP_2017_DREGI_002_00): *Planning Proposal to amend the minimum lot size map LSZ_008A concerning land at Lot 172 DP 753233, 20R Peak Hill 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 to adjust the Lot Size Map LSZ_008A concerning Lot 172 DP 753233 should proceed subject to the following conditions:

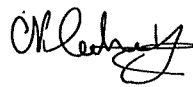
1. Prior to proceeding to agency and community consultation, the Planning Proposal is required to be amended to clarify that, despite reference to community title subdivision throughout the document and supporting studies, development for the purpose of torrens title subdivision of the site would also be permissible under the proposed mechanism.
2. Agency consultations, as specified in Condition 3, is required to occur based on the revised planning proposal, prior to community consultation. This consultation should seek advice regarding inconsistencies with Section 117 Directions with the outcome of this consultation incorporated into a revised proposal and submitted to the Department, prior to proceeding to community consultation.
3. 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**;
 - (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 & Environment 2016)*.
4. Consultation is required with the following public authority/ organisations under Section 56(2)(d) of the *Environmental Planning and Assessment Act, 1979*:
 - Office of Environment and Heritage (Direction 2.1 Environment Protection Zones, 2.3 Heritage Conservation)
 - NSW Rural Fire Service (Direction 4.4 Bushfire Prone Land)
 - Department of Primary Industries – Water
 - Roads and Maritime Services

The public authorities/organisations 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.

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 *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).

6. Prior to submission of the Planning Proposal under Section 59 of the *Environmental Planning and Assessment Act 1979*, the final LEP maps must be prepared and be compliant with the Department's '*Standard Technical Requirements for Spatial Datasets and Maps*' 2015.
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 26th day of October 2017.



Katrine O'Flaherty
Director Regions, Western
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning