



Mr Michael McMahon
Chief Executive Officer
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Attention: Steven Jennings, Manager Growth Planning

Dear Mr McMahon

Planning proposal (PP_2020_DREGI_002_00) to amend to amend Wellington Local Environmental Plan 2012 to amend the zoning of the Nanima Village Sewage Treatment Plant.

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone part of Lot 244 DP 756920 from RU5 Village to SP2 infrastructure – sewerage system to permit the use of an existing sewage treatment plant and to allow for future augmentation of the sewage treatment plant for the Nanima Village.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 2.6 Remediation of Contaminated Land are justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection. Council should ensure this occurs during the public exhibition process and is addressed in the section 3.36 submission to finalise the proposal.

I would also like to draw your attention to ensuring that the area of part of Lot 244 DP 756920 that is being rezoned is of an adequate size. The planning proposal does not clearly articulate that the size of the rezoned area is adequate to cater for future augmentation of the sewage treatment plant, including the construction of a new oxidation pond and other ancillary infrastructure. Council is to update the planning proposal as required in condition 1 of the Gateway determination.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority subject to conditions.

The amending local environmental plan (LEP) is to be finalised within nine (9) 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six (6) weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment's Western Region office at westernregion@planning.nsw.gov.au.

Council is to notify the Western Region contact officer and send to westernregion@planning.nsw.gov.au the key milestone dates, such as when the planning proposal is exhibited, as they occur throughout the LEP amendment process. This will allow the publicly accessible LEP Tracking System to be kept up to 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 www.planningportal.nsw.gov.au. To submit the data, Council is requested to create an account and log in.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Amanda Carnegie from the Department of Planning, Industry and Environment, Western Region office, to assist you. Ms Carnegie can be contacted on 5852 6808.

Yours sincerely



2.12.20

Garry Hopkins
Director, Western Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template