



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

Attention: Mr Steven Wallace, Acting Director Planning and Environment

Dear Mr McMahon

Planning proposal (PP_2018_DREGI_001_00) – proposed consolidated local environmental plan.

I am writing in response to Council's request for a Gateway determination under section 3.34 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to consolidate the existing Dubbo LEP 2011 and the Wellington LEP 2012 into a single Local Environmental Plan.

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.

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has requested not to exercise plan making delegations. I have considered the nature of Council's planning proposal and agree that Council should not exercise plan making functions in this instance.

The Act amendment commenced on 1 March 2018 which requires greater emphasis be placed on strategic planning. I encourage Council to continue to embrace the strategic direction now embedded in the Act that will assist Council progress this planning proposal. The Department is available to assist Council where possible.

The Department commends Council in seeking to progress the review of its land use strategies and local environmental plans following the amalgamation of the former Wellington Shire and Dubbo City Councils. The Department supports this review and acknowledges the substantial work that Council have invested and continue to invest in this important project. The Department supports the intent of the proposal.

The Department has undertaken a preliminary assessment of the Indicative draft Consolidated Dubbo Regional Local Environmental Plan (draft LEP) lodged with the planning proposal. At this stage, the draft LEP will not result in a Local Environmental Plan that is in accordance with the Standard Instrument (Local Environmental Plan) Order 2006 and Standard Instrument - Principal Local Environmental Plan, and therefore the Department is unable to support the draft LEP in the proposed format.

Council should seek to further rationalise the draft LEP to align with the Standard Instrument (Local Environmental Plan) Order 2006 and the Standard Instrument - Principal Local Environmental Plan to ensure compliance with section 3.20 of the Act.

To assist Council, the following criteria are principles to be followed when combining the two Local Environmental Plans. This may assist Council in rationalising the land use tables, provide direction for any clause anomalies and provides clear methods for Council to record the decision-making process.

Example of LEP Rationalisation Criteria

- Consistent approach to zone objectives, principles and application across the local government area.
- Consistency in permissible land uses across similarly zoned lands within the former Dubbo and Wellington local government areas.
- Retention of appropriate development standards as mapped within the Dubbo LEP 2011 and the Wellington LEP 2012.
- Retention of additional permitted uses that exist within the Dubbo LEP 2011 and the Wellington LEP 2012
- The retention of land use permissibility through additional permitted uses where the use will become prohibited under the consolidated draft Dubbo Regional LEP.
- The review and update of clauses to address current planning issues.

The Department is available to work with Council when developing and working through the Rationalisation Criteria.

It is recommended that Council ensure that community consultation material is adequate to allow all stakeholders to clearly identify the proposed changes being made to their land and surrounding lands.

The amending 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 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, 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>.

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 further enquiries about this matter, I have arranged for Mr Tim Collins to assist you. Mr Collins can be contacted on 6841 2180.

Yours sincerely



26.7.18

Damien Pfeiffer
**Director Regions, Western
Planning Services**

Encl: Gateway determination