



Murray Wood
Chief Executive Officer
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Attention: Steven Jennings, Manager Growth Planning

Dear Mr Murray

Planning proposal PP-2021-4617 to amend Dubbo Regional Council Local Environmental Plan 2011 – Land Use Zone and Minimum Lot Size – 9R Belgravia Road, Dubbo.

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 land from RU1 Primary Production to R5 Large Lot Residential zone and amend the Minimum Lot Size from 800 hectares to eight (8) hectares at Lot 5 DP817149, 9R Belgravia Road, Dubbo, under the Dubbo Local Environmental Plan 2011.

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.

It is noted that Council advised that it is to undertake a comprehensive strategic planning review that will include zone R5 Large Lot Residential land. The Department is available to discuss this future strategic review with Council.

At this time the planning proposal is inconsistent with Section 9.1 Directions 2.6 Remediation of contaminated land and 4.4 Planning for Bushfire Protection. These inconsistencies will be required to be addressed through consultation with Department of Planning, Industry and Environment – Environment, Energy & Science and NSW Rural Fire Service, respectively.

I have considered the nature of Council's planning proposal and have conditioned the Gateway determination for Council to be authorised as the local plan-making authority at this time.

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 within three (3) months of the Gateway determination. 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.

Council is to request Parliamentary Counsel's Office commence drafting the instrument as soon as practicable. A copy of the request should be forwarded to the Department of Planning, Industry and Environment Western Region Office (westernregion@planning.nsw.gov.au) for administrative purposes.

All related files for the LEP amendment must be submitted to the Department via Planning Portal Website at www.planningportal.nsw.gov.au/reporting/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 enquiries about this matter, I have arranged for Ms Philippa Sokol to assist you. Ms Sokol can be contacted on 58526800.

Yours sincerely



16 September 2021

Wayne Garnsey
Acting Director, Western Region
Local and Regional Planning Department of Planning, Industry and Environment

Encl: Gateway determination