

## Gateway Determination

**Planning proposal (Department Ref: PP-2021-4617):** to amend the Dubbo Local Environmental Plan 2011 to rezone land from RU1 Primary Production to R5 Large Lot Residential, and amend the Minimum Lot Size from 800 hectares to eight (8) hectares, at Lot 5 DP817149 9R Belgravia Road, Dubbo.

I, the Acting Director at the Department of Planning, Industry and Environment Western Region, as delegate of the Minister for Planning and Public Spaces, have determined under Section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Dubbo Local Environmental Plan (LEP) 2011 to rezone land from RU1 Primary Production to R5 Large Lot Residential, and amend the Minimum Lot Size from 800 hectares to eight hectares, at Lot 5 DP817149 9R Belgravia Road, Dubbo, should proceed subject to the following conditions:

1. Prior to community consultation a revised planning proposal is to be resubmitted that addresses:-

Potential contamination - a preliminary contamination investigation to demonstrate to Council that the subject land is suitable or can be made suitable for the proposed large lot residential use.

Council is to seek approval from the Department of Planning, Industry and Environment – Western Region prior to undertaking community consultation.

2. The planning proposal exhibition must commence within **three (3) months** from the date of the Gateway determination. Public exhibition is required under Section 3.34(2)(c) and Schedule 1 Clause 4 of the Act, as follows:
  - a. The planning proposal must be publicly made available for a minimum of **28 days**; and
  - b. The planning proposal 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 the planning proposals as identified in Section 6.5.2 of *A Guide to Preparing Local Environmental Plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under Section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant Section 9.1 Directions:
  - NSW Rural Fire Service
  - DPIE Environment, Energy & Science
  - DPIE Water

Each public authority/organisation 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.

4. A public hearing is not required to be held into the matter by any person or body under Section 3.34(2)(e) of the Act. 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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under Section 3.36(2) of the Act subject to the following:
  - (a) The planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) The planning proposal is consistent with Section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) There are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated                      16<sup>th</sup> day of September                      2021.



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

**Delegate of the Minister for Planning**  
**and Public Spaces**