

## Gateway Determination

**Planning proposal (Department Ref: PP\_2020\_DREGI\_001\_00):** to amend Schedule 1(5) of the Dubbo Local Environmental Plan 2011 to permit a pub with development consent, as an Additional permitted use, on part Lot 501 DP 1255115 Boundary Road, Dubbo.

I, the Director, Western Region at the Department of Planning, Industry and Environment, 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 Schedule 1(5) of the Dubbo Local Environmental Plan 2011 (LEP) to permit a pub with development consent, as an Additional permitted use, on part Lot 501 DP 1255115 Boundary Road, Dubbo should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the following is required:
  - (a) update the planning proposal to include reference to the correct property description (Part Lot 501 DP 1255115), and
  - (b) amend the planning proposal to include the intent to amend the existing property description in Schedule 1(5) to reflect the correct Lot and DP.
  - (c) Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (d) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (e) 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 planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
  - (f) No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act
  - (g) 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).
  - (h) 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:

- (i) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (j) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (k) there are no outstanding written objections from public authorities.
- (l) The time frame for completing the LEP is to be 6 months following the date of the Gateway determination.

Dated 12<sup>th</sup> day of November 2020.



**Garry Hopkins**  
**Director, Western Region**  
**Local and Regional Planning**  
**Department of Planning, Industry and**  
**Environment**

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