

Gateway Determination

Planning proposal (Department Ref: PP_2018_DREGI_003_00): to amend Schedule 1 Additional Permitted Use, minimum lot size map and insert a new local clause to permit dwelling houses at 4L Camp 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 the Dubbo Local Environmental Plan (LEP) 2011 to permit dwelling houses on Lot 8 DP 1063425, 4L Camp Road, Dubbo should proceed subject to the following conditions:

1. Before public exhibition the planning proposal is to be amended to include the intent:
 - (a) To allow the subdivision of land where a split minimum lot size applies;
 - (b) To include LEP acoustic mitigation controls for habitable dwelling houses between Morris Park Speedway and a 45dBA noise contour line; and
 - (c) To include the Additional Permitted Use to require a buffer management plan to be provided prior to consent authority issuing a development determination.

The revised planning proposal must be provided to the Department of Planning, Industry and Environment Planning Western Region Office prior to proceeding with public exhibition.

2. 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, Industry and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act to address any inconsistencies:
 - Department of Planning, Industry and Environment - Natural Resources Access Regulator
 - Department of Planning, Industry and Environment Biodiversity and Conservation Division

- Transport – Roads and Maritime Services
- Department of Planning, Industry and Environment – Taronga Dubbo Western Plains Zoo
- Department of Planning, Industry and Environment – Environmental Protection Authority
- Department of Planning, Industry and Environment – DPI Agriculture
- NSW Rural Fire Service

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. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps, must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017. An Additional Permitted Uses map in respect of the subject land is to be prepared.
6. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.

Dated 26th day of November 2019.



Damien Pfeiffer
Director, Western Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces