

Gateway Determination

Planning proposal (Department Ref: PP-2022-2376): Amendment to Dubbo Regional Local Environmental Plan 2022 by rezoning part of the land from SP3 Tourist to R2 Low Density Residential and apply a minimum lot size of 800m² at part Lot 700 DP 1274329, Cavelle Drive, Dubbo.

I, the Director, Western Region at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Dubbo Regional Local Environmental Plan 2022 to rezone part of the land from SP3 Tourist to R2 Low Density Residential and apply a minimum lot size of 800m² at part Lot 700 DP 1274329, Cavelle Drive, Dubbo should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as basic as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of **14 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 planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022).
2. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act to comply with the requirements of section 9.1 Ministerial Direction 4.3 Planning for Bushfire Protection.

NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting information via the NSW Planning Portal and given at least 30 days to comment on the proposal.
3. 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).
4. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

5. The LEP should be completed on or before **6 months** following the date of the Gateway determination.

Dated

29th day of November

2022.

A handwritten signature in black ink, appearing to read 'G. Hopkins', written in a cursive style.

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

Delegate of the Minister for Planning