

Gateway Determination

Planning proposal (Department Ref: PP-2023-2320): to amend the minimum lot size at 20L Rocky Road, Dubbo (Lot 13, DP 258406) from 20ha to 8ha on the R5 portion of the site.

I, the Director, Western Region at the Department of Planning, Housing and Infrastructure, 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 Regional Local Environmental Plan 2022 to amend lot size provisions on part Lot 13, DP 258406, 20L Rocky Road, Dubbo should proceed subject to the following:

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.

The LEP should be completed on or before 3 February 2025.

Gateway Conditions

1. Prior to public exhibition, the planning proposal is to be amended to recognise the application of the 20ha lot size was not an error and the proposal is therefore a policy change and is classified as a “standard” planning proposal. The project timeline is also to be updated in accordance with the classification as “standard”.
2. 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 standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning Housing and Infrastructure, August 2023) and must be made publicly available for a minimum of 20 working 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 Housing and Infrastructure, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - NSW Rural Fire Service

- Department of Climate Change, Energy, the Environment and Water.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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).

Dated 11 April 2024



Garry Hopkins
Regional Director Western
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces