



02 September 2015

Mr A. Albury
General Manager
Western Region
Department of Planning and Environment
PO Box 58
Dubbo NSW 2830

Subject: Gateway Determination Conditions

Dear Sir,

Council received the Gateway Determination from Planning and Environment on the 16th April 2015. The Gateway Determination stated that Council must undertake the following activities prior to commencing public exhibition of the proposal.

1. Prior to undertaking Public Exhibition, Council is to prepare a Flood Study and Floodplain Management Plan that seeks to determine the extent and risks of potential flooding on the site and measures necessary to mitigate these risks.
2. Prior to undertaking public exhibition, Council is to seek advice from the NSW Office of Water, and NSW Office of Environment and Heritage following the preparation of the Flood Study and Flood Plain Management Plan and address any concerns and comments provided by the public agencies.
3. Council is to address inconsistencies with s117 Direction 4.3 Flood Prone Land prior to the commencement of public exhibition and satisfy the Department of these inconsistencies prior to the finalisation of the plan.

Attached to this letter is documentation that addresses the above points.

1. Flood Assessment for Reducing Minimum Lot Size

Jacobs were commissioned to undertake a Flood Impact Assessment of the study area. The assessment indicated the following:

"Hydraulic impacts due to the proposed reduction of the minimum lot size for the construction of a dwelling for the area are considered negligible and are within the confidence limit (ie. +/-0.01m) of the computer model (SKM 2001)".

Full report is attached.

2. Correspondence to the NSW Office of Water and NSW Office of Environment and Heritage.

The NSW Office of Water has raised an issue regarding the impacts of fencing, sheds, and other infrastructure on the flow and misplacement of flood waters. Council's flooding consultant has provided advice on these scenarios, maintaining that there will be negligible impact on flood waters from fences and sheds within the study area. Advice stating same is included in the correspondence attached.

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The NSW Office of Water suggested that a rezoning of the study area to R2 would be appropriate given the proposed lot size. Council does not currently have R2 zoned land within the shire and does not seek to change the zone of the land. Additionally, the proposed change to the minimum lot size will create a consistent lot size for R5 zoned land in the Reymond Street area, as currently a portion of the street has a minimum lot size of 1500m². Please refer to the attached correspondence for more detailed response on the change to zone.

The NSW Office of Environment and Heritage acknowledged that the flood assessment undertaken illustrated that a negligible impact was likely for the proposed study area. Please refer to the attached correspondence for further information on the response to the NSW Office of Environment and Heritage.

3. Address the inconsistencies with the s117 Direction.

Please refer to the attached updated Planning Proposal that addresses the s117 Direction for Flood Affected lands, taking into account the outcome of the Flood Impact Assessment for the Study Area.

4. Public Exhibition

Council considers that the above coupled with the attached documentation satisfy points 1, 2, and 3 of the Gateway Determination. As such, public exhibition has been undertaken in accordance with the point 4 of the gateway determination. Public Exhibition commenced on the 3rd of September and will conclude on the 5th of October.

Should you have any enquiries regarding this matter, please contact **Melissa Ross**, Council's Town Planner on **02 6850 2344**

Yours faithfully



Paul Bennett

Director

ENVIRONMENTAL SERVICES & PLANNING

Attached:

1. Flood Assessment for change to minimum lot size. Prepared by Jacobs, dated July 2015.
2. Letter to NSW Office of Water, dated 31 July 2015.
3. NSW Office of Water Response, dated 12 August 2015.
4. Council response to NSW Office of Water, dated 1 September 2015.
5. Letter to NSW Office of Environment and Heritage, dated 31 July 2015.
6. Email from Jacobs, dated 18 August 2015.
7. NSW Office of Environment and Heritage response, dated 25 August 2015.
8. Letter to NSW Office of Environment and Heritage, dated 1 September 2015.
9. Planning Proposal v.2 incorporating s117 Direction Flood Prone Land