

Gateway Determination

Planning proposal (Department Ref: PP_2016_DUBBO_005_00): to reduce the minimum lot size of land in zone R5 Large Lot Residential to facilitate the creation of 284 lots with a range of minimum lot sizes, of 6000m², 1.5ha and 3ha at land known as Daisy Hill, Dubbo.

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* that an amendment to the *Dubbo Local Environmental Plan 2011* to reduce the minimum lot size of land in zone R5 Large Lot Residential to facilitate the creation of 284 lots with a range of minimum lot sizes, of 6000m², 1.5ha and 3ha at land known as Daisy Hill, Dubbo, should proceed subject to the following conditions:

1. Prior to community consultation the Western Regional Planning Panel (Panel) is to consult with NSW Rural Fire Service to address section 117 Direction 4.4 Planning for Bushfire Protection. The Panel is to submit the NSW Rural Fire Service comments to the Department of Planning and Environment for approval prior to community consultation being undertaken.
2. Prior to community consultation, a Salinity Management Strategy is to be prepared for the site in consultation with, and endorsed by, Western Plains Regional Council and the Department of Primary Industries. The Salinity Management Strategy shall include agreed:
 - success criteria;
 - range of scenarios to be modelled;
 - modelling methodology; and
 - format for the presentation of results.

The Strategy shall address salinity management on the site as well as potential downstream impacts on the Troy Gully catchment and demonstrate that the proposed type, layout and density of development will not have a significant impact on downstream salinity. Once endorsed by Western Plains Regional Council and the Department of Primary Industries, the Strategy is to be submitted to the Panel to form part of the community consultation package.

3. Prior to community consultation, a draft Development Control Plan (DCP) for the site is to be prepared. The draft DCP shall include a revised subdivision pattern and road network layout that demonstrates that the agreed outcomes of the Salinity Management Strategy have been addressed with regard to salinity management of the site, including:
 - size and location of lots to achieve a transition in lot size;
 - appropriate lot layout to protect the identified heritage items on the subject land;
 - vegetation planting, including appropriate size and species; prevention of potential sources of groundwater recharge;
 - on-site effluent management; and
 - building and infrastructure design and materials.

The draft DCP shall be submitted to the Panel to form part of the community consultation package.

4. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

5. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*:

- i. Office of Environment and Heritage;
- ii. Department of Primary Industries – Water;
- iii. Transport NSW – Roads and Maritime Services; and
- iv. Dubbo City Council

Each public authority 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.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979*. This does not discharge the Panel from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" (2015).
8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 9th day of June 2016.



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



Mr Gordon Kirkby
Chair
Western Joint Regional Planning Panel
PO Box 39
Sydney NSW 2001

16/05770

Dear Mr Kirkby

Planning Proposal (PP_2016_DUBBO_005_00) to amend Dubbo Local Environmental Plan 2011 to reduce the minimum lot size to create 284 lots at land known as Daisy Hill, Dubbo

I am writing further to the Minister for Planning's appointment of the Western Joint Regional Planning Panel (Panel) as Relevant Planning Authority on 18 March 2016 and the subsequent request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to reduce the minimum lot size to create 284 lots at Daisy Hill, Dubbo.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

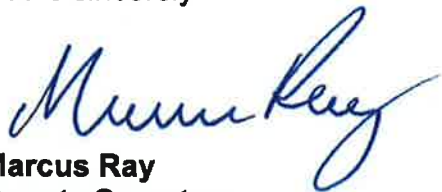
At this time the proposal is inconsistent with section 117 Direction 4.4 Planning for Bushfire Protection and requires consultation with the NSW Rural Fire Service prior to community consultation being undertaken. Please refer to condition number one of the Gateway determination, and arrange for consultation with NSW Rural Fire Service as soon as possible.

In accordance with the Panel's pre-Gateway review recommendation dated 28 October 2016, a Salinity Management Strategy and draft Development Control Plan for the site is also required to be prepared prior to community consultation being undertaken. Please refer to condition numbers 2 and 3 of the Gateway determination, and arrange for this information to be prepared as soon as possible.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. The Panel should aim to commence the exhibition of the planning proposal as soon as possible. The request to draft and finalise the LEP should be made 10 weeks prior to the projected publication date.

Should you have any queries in regard to this matter, I have arranged for Jenna McNabb of the Departments Western Region office to assist you. Ms McNabb can be contacted on (02) 6841 2180.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Marcus Ray', is written above the printed name.

Marcus Ray
Deputy Secretary
Planning Services

Encl: Attachment 1 – Gateway determination

09/06/2016



Planning & Environment

Mr Mark Riley
Interim General Manager
Western Plains Regional Council
PO Box 81
Dubbo NSW 2830

16/05770

Dear Mr Riley

Planning Proposal (PP_2016_DUBBO_005_00) to amend Dubbo Local Environmental Plan 2011 to reduce the minimum lot size of zone R5 – Large Lot Residential land to create 284 lots at land known as Daisy Hill, Dubbo.

I am writing in regard to the above planning proposal. A Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* has been requested in respect of the planning proposal to amend Dubbo Local Environmental Plan 2011 to reduce the minimum lot size of zone R5 – Large Lot Residential land to create 284 lots at land known as Daisy Hill, Dubbo.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I further advise, on 18 March 2016 the Minister for Planning appointed the Western Joint Regional Planning Panel as the Relevant Planning Authority to progress this matter.

Should you have any queries in regard to this matter, I have arranged for Jenna McNabb of the Departments Western Region office to assist you. Ms McNabb can be contacted on (02) 6841 2180.

Yours sincerely

Marcus Ray
Deputy Secretary
Planning Services

Encl: Attachment 1 – Gateway determination

09/06/2016



Mr Robert Duffy
Duffy Elliot Lawyers
PO Box 64
Dubbo NSW 2830

16/05770

Dear Mr Duffy

Planning Proposal (PP_2016_DUBBO_005_00) to amend Dubbo Local Environmental Plan 2011 to reduce the minimum lot size of zone R5 – Large Lot Residential land to create 284 lots at land known as Daisy Hill, Dubbo.

I am writing in response to your letters dated 15 April 2016 and 4 May 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to amend Dubbo Local Environmental Plan 2011 to reduce the minimum lot size of zone R5 – Large Lot Residential land to create 284 lots at land known as Daisy Hill, Dubbo.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I further advise on 18 March 2016 the Minister for Planning appointed the Western Joint Regional Planning Panel as the Relevant Planning Authority to progress this matter.

Should you have any queries or require assistance in regard to this matter, I have arranged for Jenna McNabb of the Departments' Western Region office to assist you. Ms McNabb can be contacted on (02) 6841 2180.

Yours sincerely

Marcus Ray
Deputy Secretary
Planning Services

Encl: Attachment 1 – Gateway determination

09/06/2016