

DATE OF DECISION	Tuesday, 19 March 2019
PANEL MEMBERS	Gordon Kirkby (Chair), Mark Grayson, Ruth Fagan, Lindsay Mathieson and Josie Howard
APOLOGIES	None
DECLARATIONS OF INTEREST	None

PLANNING PROPOSAL

2016WES006 – Dubbo – PP_2016_DUBBO_005_01 - AT Daisy Hill, Dubbo

The proposal seeks to amend *Dubbo Local Environmental Plan 2011* by reducing the minimum lot size of the land known as Daisy Hill, Dubbo from 8ha to a range of minimum lot sizes, being 6000m², 1.5ha and 3ha. The proposal aims to facilitate the creation of 284 residential allotments with the land remaining zone R5 La

Briefing - KEY ISSUES DISCUSSED

A briefing was provided by the Department of Planning and Environment on the project including:

- the key issues and process to date.
- the Gateway determination and conditions
- the Salinity Management Strategy process undertaken in accordance with Condition 2 of the Gateway Determination. In particular the Panel discussed the requirement for the Salinity Management Strategy to be required to be endorsed by Dubbo Regional Council and the Department of Primary Industries, given the involvement both agencies had in the review of the strategy.
- status of the Draft DCP amendment required in accordance with Condition 3 of the Gateway Determination.
- revised lot yield proposed for the site and layout
- exhibition and determination process and the opportunity for the community, Council and Government Agencies to provide further comments on the proposal and Salinity Management Strategy.

The Panel undertook a site visit of the Planning Proposal locality

PANEL DECISION

The Panel request that the Deputy Secretary, Planning Services at the Department of Planning and Environment, as delegate of the Minister for Planning, revise the Gateway Determination dated 9 June 2016 in the following manner:

- Amend the description of the proposal from 284 lots to a maximum 222 lots
- Delete Condition 2 and replace with:

Prior to community consultation, a Salinity Management Strategy is to be prepared for the site in consultation with Dubbo Regional Council and the Department of Primary Industries. The 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. The strategy is to be submitted to the Panel to form part of the community consultation package.






- Delete Condition 8 and replace with:

The timeframe for completing the LEP is to by 16 March 2020.

REASON FOR DECISION

- In making the above decision, the Panel noted that the Chair had written to Dubbo Regional Council on 3 December 2018 and sought its views on the proposed amendment to Condition 2 of the Gateway Determination. The Chair received a written response from Council (dated 20 December 2018) objecting to the proposed amendment.
- The Panel also noted that the Salinity Management Strategy had been subject to technical workshops involving the participation of representatives of Council and the Department of Primary Industries. The Salinity Management Strategy had been subject to two separate peer reviews, one engaged by the Applicant and the other by the Department. The peer reviews (both desktop) endorsed the methodology and findings of the Strategy.
- The Panel was of the view that Salinity Management Strategy would not, of itself, demonstrate that the proposed increase in residential density was appropriate. The Strategy required accompanying development controls by way of an amendment to the Dubbo Development Control Plan 2013 to demonstrate that the land could be developed in a manner that would manage salinity impacts. It was therefore reasonable for the DCP amendment be drafted to accompany the Strategy and both be publicly exhibited at the same time.
- Dubbo Regional Council would have the opportunity to make further comment on the proposal at that time. These comments would be considered by the Panel prior to a final determination on the proposal.

The decision was unanimous.

PANEL MEMBERS	
 Gordon Kirby (Chair)	 Mark Grayson
 Ruth Fagan	 Lindsay Mathieson
 Josie Howard	