



IRF24/2167

Gateway determination report – PP-2024-1236

Boundary Road, DUBBO

November 24



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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Draft Planning Proposal,
Appendix A: Deposited Plan
Appendix B: Aboriginal Heritage Due Diligence Assessment
Appendix C: Biodiversity Assessment Report
Appendix D: Preliminary Site Investigation
Appendix E: Traffic Impact Statement
Appendix F: Planning Proposal Plan

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Dubbo Regional Council
PPA	Dubbo Regional Council
NAME	Boundary Road, DUBBO
NUMBER	PP-2024-1236
LEP TO BE AMENDED	Dubbo Regional Local Environmental Plan 2022
ADDRESS	Boundary Road, DUBBO
DESCRIPTION	Part Lot 101 DP 1301426
RECEIVED	20/08/2024
FILE NO.	IRF24/2167
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Provide greater flexibility and choice in residential land and housing product. In particular, increasing the medium density and housing choice options.
- Revise the existing land zoning of the property by rezoning the land from R2 – Low Density Residential to R1 – General Residential to enable increased flexibility and options in residential land and housing products.
- Remove the existing Minimum Lot Size development standard of 600m², associated with the existing R1 – Low Density Residential to allow for the creation of a range of residential allotments tailored to accommodate diverse housing products.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Dubbo Regional LEP 2022 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	R2: Low Density Residential	R1: General Residential
Maximum height of the building	NA	NA
Floor space ratio	NA	NA
Minimum lot size	600m ²	nil
Dwelling number	Approx. 117	Approx. 250-300

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject site (Figure 1) comprises of approximately 10ha and is accessed off Boundary Road and Sheraton Road. The subject site is located on the south-eastern corner of the larger Keswick Estate. The site is located near schools, shopping centres, hospitals, parklands, and neighbourhood hubs. Keswick Estate, encompassing approximately 354 hectares of land, is positioned at the southeastern periphery of Dubbo's established urban area, forming part of the South-East Dubbo Residential Urban Release Area. Additionally, a quarry via Sheraton Road is over 2kms away from the site and the Dubbo Regional Central Business District is 6km northwest of the site.



Figure 1: Subject site (source: Planning Proposal Pg. 10)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Zoning map, which is suitable for community consultation.



Figure 2: Current and Proposed Land Zoning Maps (Source: Planning Proposal, pg. 260)



Figure 3: Current Minimum Lot Size Map

2 Need for the planning proposal

The planning proposal is not the result of any strategic study or report but rather the current demand of housing choice and residential land product. The aim of the planning proposal is to provide greater flexibility and choice in residential land and housing product and increase the medium density development options.

The proponent “Spicers Creek Wind Farm” seeks to rezone approximately 10ha of R2 – Low Density Residential land to R1 – General Residential land, to facilitate various alternative housing types, including, but not limited to; medium density residential accommodation including multi-dwelling housing; and small lot housing, including attached and semi-attached dwellings.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Central West and Orana Regional Plan 2041.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 5: Identify, protect and connect important environmental assets	The planning proposal is consistent with this objective. The site is largely cleared, with areas of remnant native vegetation present within the larger Keswick Estate area. The PP has been supported by a Biodiversity Assessment Report (Appendix C), which states the PP will have little to no impact on the remnant vegetation within the larger Keswick Estate area. Assessment during the DA stage will ensure any potential impacts on remnant vegetation is mitigated.
Objective 6: Support connected and healthy communities	The planning proposal is consistent with this objective. The site is part of the larger Keswick Estate which has identified green space to be included. The subject land will support greater densities and enable future transportation links to existing surrounding established centres.
Objective 7: Plan for resilient places and communities	<p>The planning proposal is generally consistent with this objective. The site is not identified as flood prone land, however, is identified as bushfire prone land. The submitted PP states that the site is not impacted by bush fire and as such has not addressed bushfire requirements. As the site is already zoned for residential use it is not considered to be a determining factor in rezoning the site, however increased densities, evacuation routes and the like need to be addressed.</p> <p>Prior to exhibition Council will be required to consult with RFS and update the planning proposal to address bushfire hazard and any issues raised by RFS in relation to the site.</p>
Objective 9: Ensure site selection and design embraces and respects the regions landscapes, character and cultural heritage	The planning proposal is consistent with this objective. The planning proposal has been supported by an Aboriginal Heritage Due Diligence Assessment (Appendix B) which states that no significant items have been found onsite or are considered to be located within the site. The report does state that due to the sites already significantly disturbed nature, it is unlikely items will be discovered onsite, however if during further works items are found, protection measures can be put in place.
Objective 10: Protect Australia first Dark Sky Park	The planning proposal is consistent with this objective. The site is located approximately 120km from Siding Spring Observatory. Dubbo Regional Local Government Area is within the Dark Sky Region. Council will be required to minimise light pollution and the impact of artificial light to protect the observing conditions at the Siding Spring Observatory, through implementation of the <i>NSW Department of</i>

	<p><i>Planning and Environment Dark Sky Planning Guideline</i> (at Development Application Stage) as per DRLEP 2022 Cl. 5.14 Siding Spring Observatory—maintaining dark sky.</p> <p>The planning proposal addresses the former Narromine LEP in addressing this objective. Prior to exhibition the PP is to be amended to reflect the provisions of Dubbo Regional LEP.</p>
Objective 11: Strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities	The planning proposal is consistent with this objective. The planning proposal will provide for greater diversity of residential options within the region and enhance economic development opportunities within the region through the increased population.
Objective 12: Sustain a network of healthy and prosperous centres	The planning proposal is consistent with this objective. Dubbo is a key centre in the Central West and Orana Regional Plan 2041. The site is currently serviced by existing infrastructure services and transport hubs, and is within proximity to Dubbo's existing CBD, Education, Health Precinct and Dubbo Regional Airport, presenting an efficient link between the precinct and wider urban footprint.
Objective 13: Provide well located housing options to meet demand	The planning proposal is consistent with this objective. The planning proposal proposes to amend the zoning and density within the site to further enable greater diversity in housing options for the community in a well-suited location, close to existing services and facilities.
Objective 14: Plan for diverse, affordable, resilient and inclusive housing	The planning proposal is consistent with this objective. The planning proposal will facilitate a diversity of housing options through upzoning and the removal of minimum lot size requirements. The increased housing options will facilitate housing affordability.
Objective 16: Provide accommodation options for seasonal, temporary, and key workers	The planning proposal is consistent with this objective. The proposed planning proposal amendment to rezone the site from R2: Low Density Residential, to R1: General Residential, will permit higher density residential development within the subject site. The site is located in close proximity to existing commercial hubs, transport routes and community services.
Objective 23: Supporting Aboriginal aspirations through land use planning	The planning proposal is consistent with this objective. The subject site is owned by Council, and the local Aboriginal Land Council does not have any known ownership dealings over the site. An Aboriginal Cultural Heritage Due Diligence Assessment (Appendix B) has been undertaken across the subject site, and no items of significance have been identified. No formal consultation is required with LALC.
Part 5: Local Government Priorities - Dubbo	The planning proposal is consistent with this objective. The planning proposal aligns with the vision and objectives of the Local Strategic Planning Statement. See discussion in section 3.2.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

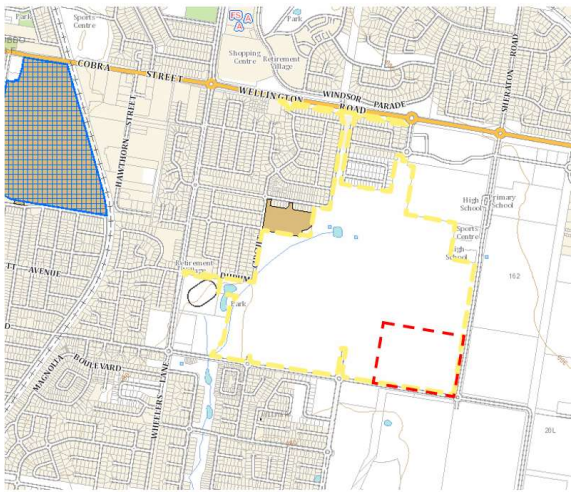
Table 6 Local strategic planning assessment

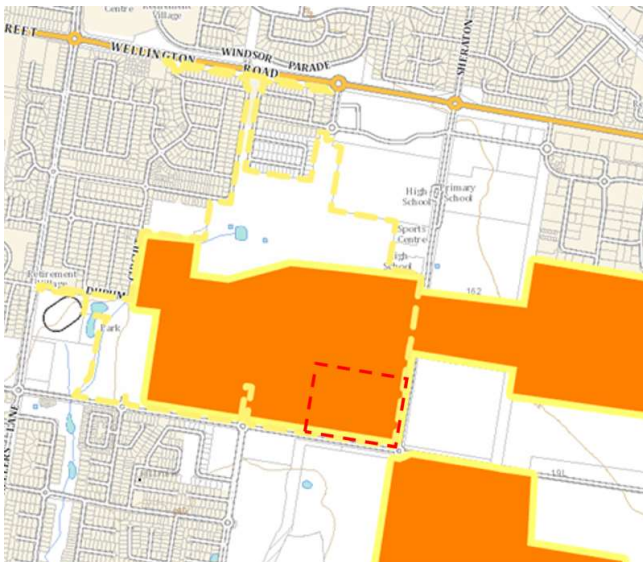
Local Strategies	Justification
Local Strategic Planning Statement	<p>Housing is a key theme in the LSPS. Planning Priority 12, Create sustainable and well-designed neighbourhoods, specifically relates to the precinct. This proposal will implement the Structure Plan which has been completed in line with Action 12.3 of the LSPS.</p> <p>The proposal will contribute to the overall development of Dubbo as a major regional city in the Central West and Orana region, as identified in the LSPS. Dubbo is strategically placed to deliver key services and housing for Dubbo and the surrounding area over the next 20 years. This proposal will support the delivery of key housing to meet the forecast demand.</p>
Towards 2040 Community Strategic Plan	<p>This precinct is consistent with the overall strategic vision for Dubbo. The intent of the proposal will realise the opportunity for the URAs identified in the DRLEP 2022 to deliver key housing to meet forecast demand. It is intended that rezoning land to R1 General Residential and reducing the MLS will allow for a range of housing developments to encourage housing choice for Dubbo residents.</p> <p>The Planning Proposal is consistent with the Dubbo Towards 2040 Community Strategic Plan. The amendment will realise the holistic vision for Dubbo, the potential for further growth and recognise Dubbo's continuing role as a prominent centre in the region.</p>
Dubbo Transportation Strategy 2020 Dubbo City Planning and Transportation Strategy 2036	<p>The 2020 Strategy identifies future connections to the precinct to improve movement within and to the precinct. Dubbo is traversed by the Castlereagh, Newell, and Mitchell Highways. These roads play a significant role in the movement of people, freight, and key services within the Dubbo greater region. The 2036 Strategy is yet to be adopted, however identifies future guidance on the construction of roads and pedestrian pathways in Dubbo City.</p> <p>The planning proposal is not directly impacted by the strategies, however implementation strategies will benefit the site through future works which proposes greater options through pedestrian pathways, public transport, and cycleways. The strategies also propose an alternate heavy vehicle route away from existing residential areas, specifically the Sheraton Road route which form the Eastern bounds of the site.</p> <p>The planning proposal will not impede the delivery of the Transport Strategies.</p>
Dubbo Residential Areas Development Strategy	<p>The Dubbo Residential Areas Development Strategy (1996) was produced to guide future decisions regarding residential land in Dubbo.</p> <p>Council is currently preparing a revised Keswick Estate Master Plan which will take into consideration overall planning requirements for the broader Keswick Estate area, including any impacts from this planning proposal where appropriate.</p> <p>The planning proposal supports the outcomes identified in the strategy.</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed overleaf:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans:	Consistent	See discussion in section 3.1.
1.2 Development of Aboriginal Land Council	N/A	The site is not identified as Aboriginal Land
3.1 Conservation Zones	Consistent	<p>The subject site is not identified as being impacted by any conservation or biodiversity concerns, however the larger Keswick Estate has been identified. See full discussion in section 4.1.</p> <p>The planning proposal is supported by a Biodiversity Assessment Report, prepared by AREA Environmental & Heritage Consultants (Appendix C).</p> <p>The site is currently cleared and highly disturbed with little remnant vegetation within the identified area. It is considered in this instance that further assessment can be undertaken at DA stage. As the site is already zoned for residential use, the proposed residential zone change is not considered to have any greater impact than the existing zoning.</p>
3.2 Heritage Protection	Consistent	<p>The subject site is not identified as containing any known heritage items, however it is of note that there are identified sites within close proximity (figure 4). Due to the site being heavily disturbed, it is not considered that there are any items which would impact upon the current proposal.</p>  <p>Figure 4: Heritage Mapping</p>
4.1 Flooding	N/A	The site is not subject to flooding.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.3 Planning for Bushfire Protection	Further justification required	<p>The subject site is identified as Bush fire prone land on the NSW Spatial Viewer (Figure 5) and RFS Bushfire Mapping.</p>  <p>Figure 5: Bushfire mapping (Source: NSW Spatial Viewer)</p> <p>The Planning Proposal states that the site is not impacted by bush fire and as such has not addressed the requirements set out in the Direction 9.1. The planning proposal will be required to be updated prior to exhibition to address this direction.</p> <p>A Bushfire Assessment Report will be required to be submitted as part of any future Development Application and subject to a full assessment. As the site is already zoned for residential development it is considered, in this instance, that the proposal can be supported subject to consultation with RFS and the amendment of the Planning Proposal prior to community consultation.</p>
4.4 Remediation of Contaminated Land	Consistent	<p>The site is not identified on any mapping that it could be impacted by potentially contaminated land or acid sulphate soils.</p> <p>A Preliminary Site Investigation and Assessment Report, prepared by Barnson (Appendix D), stated there is the potential for minor surface contaminants associated with former agricultural uses and current material storage. The report concluded that “there are no contaminants present at the Investigation Area which are likely to present a risk of impact to the health of humans’ (pg22).</p>
4.5 Acid Sulphate Soils	Consistent	<p>The subject site is considered suitable for the proposed future residential land use.</p>
5.1 Integrated Transport Planning	Consistent	<p>The planning proposal seeks to amend the existing R2 Low-Density Residential to an increased density, R1 General Residential zone. The allowance of higher densities is likely to increase local traffic</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>within the area and created a higher demand for public transport infrastructure. The site is located within a 400m proximity of existing bus stops, which service the greater Dubbo and Orana area. The site is located approximately 5km from Dubbo Train Station. As the subject site is located within the existing Keswick Estate, which is currently under development, increased availability in transport options has been addressed in the Dubbo City Planning and Transport Strategy 2036. See full assessment in section 3.1.</p> <p>The planning proposal is supported by a Traffic Impact Assessment (TIA), prepared by McLaren Traffic Engineering (Appendix D). As the proposed rezoning maintains the existing residential use, the TIA states that “higher density residential uses are likely to increase the residential population within the site... population density may slightly increase the demand for local public transport” (pg.7). Furthermore, any future developments on site will be subject to a full DA assessment to ensure proper servicing and parking availabilities for the overall subdivision pattern and individual sites.</p> <p>The site is also located on the existing transportation route for trucks servicing the quarries south-east of the site. Heavy vehicles use Sheraton Road as their haulage route which has the potential to cause noise, dust and vibration impacts on the site. Council is currently undertaking studies in the creation of a southern distributor road to move heavy vehicles away from, proposed residential areas and the existing schools along Sheraton Road. The planning proposal is not considered to impact upon existing freight routes. See full discussion in section 4.15.</p>
6.1 Residential Zones	Consistent	<p>The planning proposal seeks to amend the existing R2 Low-Density Residential to an increased density, R1 General Residential zone. The proposal will not remove any existing residential land as it is changing the residential zoning of the site. The increased density will enable a wider variety and typologies of dwellings within close proximity to existing services and infrastructure.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Biodiversity and Conservation 2021	Consistent	<p>The subject site is not identified as containing biodiversity, is not a strategic conservation area, or land identified to be avoided, however the greater Keswick Estate has some remnant biodiversity identified. A Biodiversity Assessment Report (Appendix C) has been prepared to</p>

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		support the application, nonetheless. See full discussion in section 4.1.
Housing 2021	Consistent	The planning proposal is considered consistent with the principles of this SEPP as it enables diverse housing typologies and encourages the development of housing for the community.
Resilience and Hazards 2021	Consistent	As stated previously in section 3.3, there is no known contamination of the site, however if further investigation reveals potential contamination, remediation will need to be undertaken. It is considered suitable, in this instance, that further investigation can be undertaken at DA stage.
Transport and Infrastructure 2021	Consistent	The planning proposal is considered consistent with the principles of this SEPP. It is acknowledged that the site bounds an existing heavy vehicle haulage route, however the proposal is not anticipated to impact on the Planning Proposal. Any future application would be subject to Schedule 3 Traffic-generating development to be referred to TfNSW, if applicable.

4 Site-specific assessment

4.1 Environmental

The planning proposal seeks to rezone the subject land from R2 Low-Density Residential to R1 General Residential to facilitate a higher density residential development. The site is impacted by the following environmental constraints:

4.1.1 Groundwater Vulnerability

The subject site, within the greater Keswick Estate, is not identified as impacting groundwater, however, is within close proximity to groundwater vulnerabilities (figure 6). The Planning Proposal is supported by a Biodiversity Assessment Report (BAR) (Appendix C), which identified that no “Groundwater Dependent Ecosystems (GDEs)...(are) mapped within the subject land...There is no potential aquatic GDE mapped within 1500 metres of the subject land” (pg.26).

It is considered in this instance that further assessment can be undertaken at DA stage and any future development would be subject to full assessment, including stormwater collection and disposal, which could potentially impact any surrounding groundwater.

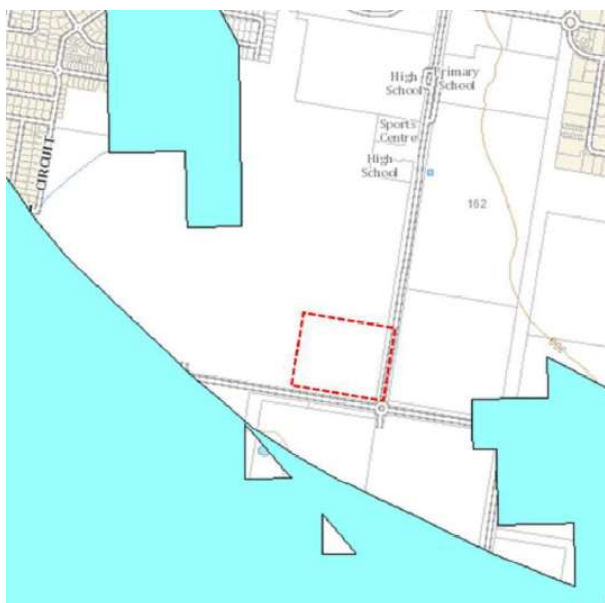


Figure 6: Groundwater Vulnerability Map

4.1.2 Terrestrial Biodiversity

The subject site, within the greater Keswick Estate, is not identified as containing Terrestrial Biodiversity, however the larger site is identified. There is another identified area approximately 720m to the south-east of the site (figure 7). The planning proposal is supported by a Biodiversity Assessment Report (BAR) (Appendix C), which identified that due to poor environmental conditions, threatened flora and fauna are unlikely on the subject site, however where suitable habitat still exists there is potential for threatened fauna species to be on-site.

The site is currently cleared and highly disturbed with little remnant vegetation within the identified area. It is considered in this instance that further assessment can be undertaken at DA stage and any future development would be subject to full assessment against the Environment Protection and Biodiversity Conservation Act 1999 and Biodiversity Conservation Act 2016.

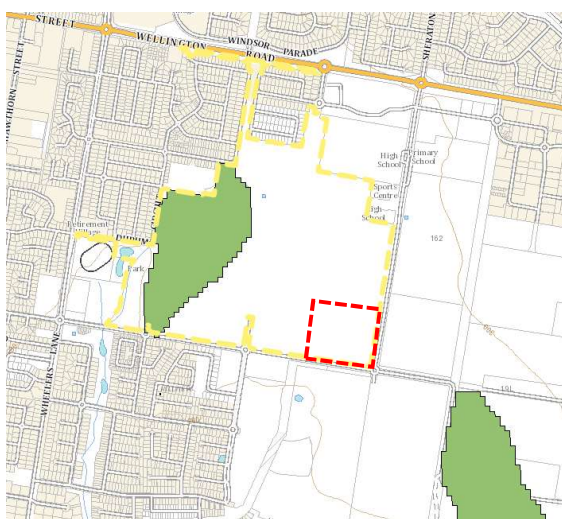


Figure 7: Terrestrial Biodiversity Map

4.1.3 Aboriginal Cultural Heritage

The Planning Proposal is supported by an Aboriginal Due Diligence Assessment Report (Appendix B) which concludes that “(N)o Aboriginal sites or potential archaeological deposits were identified

during this survey... (A)pplying the due diligence process has demonstrated that further investigation is required” (pg.5). It is of note that during the inspection of the site no Aboriginal community members were present, or involved in the preparation of the report. The site is highly disturbed and any discovery of Aboriginal objects on site is unlikely to occur.

As the site is already zoned for residential use, it is considered that the site is suitable for rezoning as identified in the planning proposal. It is considered in this instance that further assessment can be undertaken at DA stage, whereby further consultation and assessment can be undertaken. In the event that Aboriginal objects are found on the subject site, and Aboriginal Cultural Heritage Report will be required to be undertaken.

4.1.4 Sliding Spring Observatory

The Planning Proposal will permit denser development, potentially increasing light emission in the area. According to Clause 5.14 of the DRLEP 2022, any future development must adequately consider the provisions related to development within the Sliding Spring Observatory area to ensure that light pollution is minimized.

As the site is already zoned for residential use, it is considered that the site is suitable for rezoning as identified in the Planning Proposal. It is considered in this instance that further assessment can be undertaken at DA stage and any future development is assessed against the provisions of this Clause.

4.1.5 Noise and Dust Impacts from Quarry

The subject site is located approximately 2km away from the South Keswick and Holcim Quarries to the south-east of the site (Figure 8). Currently, trucks servicing this quarry use Sheraton Road as their haulage route, potentially causing vibration, dust and noise pollution at the site. Rezoning from R2 to R1 will also result in a significant increase in quantity of noise and vibration receptors for that area. Any such impacts can be mitigated at the Development Application stage, including by construction processes and/or design as well as use of appropriate materials.

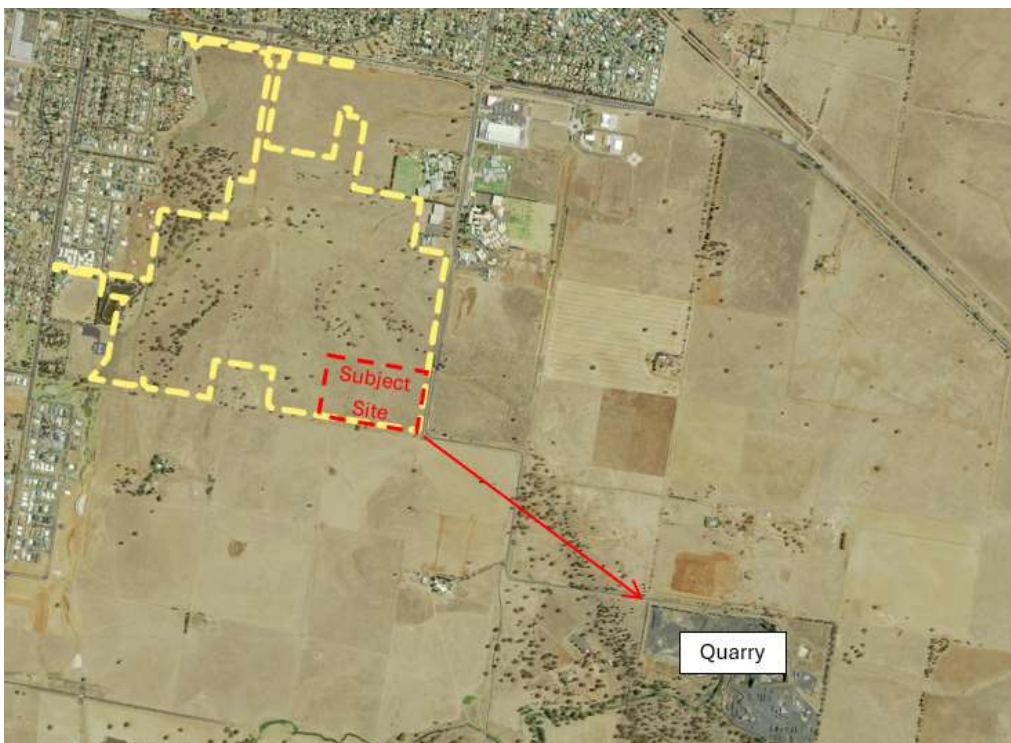


Figure 8: Quarry Locations

Council's Blueridge Road Haulage Strategy considered the results of a greater number of heavy vehicle movements across the southern boundary of the site. This would result in any future development on the subject site to be exposed to increased levels of noise pollution and vibration. The Strategy is looking at implementing an alternate southern distributor road to relocate heavy vehicle haulage routes away from the existing schools along Sheraton Road and future residential development within Keswick Estate. The precinct-wide strategy will mitigate or eliminate potential noise and dust impacts from existing haulage routes near Keswick Estate.

The development application (Development consent D2016-482 issued by the JRPP) for the existing extractive industry, provided landscaped setbacks within the front setbacks of the quarries and Sheraton Road. The approval also had regard to the cumulative environmental impact assessment upon surrounding land uses. It included conditions of consent requiring the extraction regime to be undertaken in a co-ordinated manner to maintain residential amenity. Under the consent the extraction of material is to be staged such that the operations closest to the subject land will be undertaken sooner, to ensure future extractive operations move away from any incompatible residential land uses.

It is noted that the subject land is currently zoned for residential use and provides a similar land use buffer, being the road corridor of Sheraton Road. To ensure the upzoning is consistent with existing management strategies for noise and dust impacts, consultation with Resources NSW and NSW Environment Protection Authority (EPA) are to be undertaken during the formal exhibition process.

4.2 Social and Economic

The subject site is part of the larger residential Keswick Estate. The rezoning from R2 low-Density Residential to R1 General Residential and removal of minimum lot size requirements, will enable greater flexibility in housing options. The Dubbo Regional LEP allows for a wider range of housing typologies within the R1 zone, which can more greatly cater to the needs of different demographic groups.

The proposal intends to increase greater social inclusion and diversity within the community by offering a broader range of housing options, contributing to affordable housing and suitable housing sizes. There is no identified affordable housing as part of the overall proposal, however the greater housing diversity, within close proximity to existing and proposed community services, will help create more opportunities within the community.

4.3 Infrastructure

The subject site forms part of the large Keswick Estate, which is currently serviced by, or made available to, existing access roadways, electricity, water sewer, and other essential services. The proposal does not require any additional infrastructure services to be provided to the site. It is noted however due to increased density that services may not be adequate for the increased density and consultation with service providers is recommended to ensue serviceability. To ensure the existing service provisions can meet a higher density consultation with Essential Energy and Jemena is required during consultation stage.

4.3.1 Stormwater

Council have identified as part of their assessment of the planning proposal that the existing proposed stormwater management system proposed for the site, would not be able to meet the increased demand. Initial studies show that the site can accommodate an increased density, but a revised program of management is required to be prepared to support the proposal.

A Stormwater Management Strategy needs to be prepared as part of the proposal to ensure future site demands can be accommodated. It is recommended that a site-specific strategy be

implemented prior to the lodgement of any development application over the subject site to ensure the site can be adequately managed. As such it is recommended that a Stormwater Management Strategy be prepared prior to the finalisation of the planning proposal.

4.3.2 Traffic

The proposal is supported by a Traffic Impact Assessment prepared by McLaren Traffic Engineering (Appendix E).

The subject site fronts the following roads:

- Boundary Road to the south (Unclassified COLLECTOR Road)
- Sheraton Road to the east (Unclassified COLLECTOR Road)
- Stream Avenue to the west (Unclassified LOCAL Road)

Council have identified that “no direct access should be proposed to Sheraton Road or Boundary Road for any future proposed development” (pg.4), as such it is anticipated that all future access to the site will be via unclassified local roads.

The increase in density from the upzoning is considered to be marginal. All parking requirements will be addressed within individual DA applications whereby parking will need to be located within the individual future lot boundaries. Traffic generation is anticipated to increase however it is considered that “road network surrounding the site remains capable of handling the marginal increase in traffic generation” (pg.5).

As the site is already zoned for residential use, the proposed residential zone change is not considered to have significant impact on existing roadways and access provisions. It is considered in this instance that further assessment can and will be undertaken at DA stage.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- NSW Rural Fire Service
- NSW Environment Protection Authority
- Transport for NSW
- Resources NSW
- Jemena
- Essential Energy

6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 21/7/2025 with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the site is owned by Council, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The PP is considered to have strategic and site merit.
- The PP is consistent with current local and regional strategic plans.
- The PP will deliver housing, potentially including affordable/key worker housing.

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, the planning proposal is to be amended as follows:
 - a. Rural Fire Service is to be consulted on the planning proposal in relation to Direction 4.3 Planning for Bushfire Protection and take into account any comments made.
 - b. The planning proposal is to be amended to reflect the correct site address of lot 101 DP 1301426
 - c. The proposed Minimum Lot Size Map is to be included in the planning proposal
 - d. Assessment against Objective 10 – Protect Australia first Dark Sky Park (Section 5.3.2) to reflect the correct distance of 120km from the Observatory, the requirements of Dubbo Regional LEP and remove reference to Narromine LEP.
2. Consultation is required with the public authorities identified in section 5.2 of this report.
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. As requested by Council, and supported by the Department, a Stormwater Strategy needs to be developed to address the increased density over the subject site. The Stormwater Strategy needs to be prepared prior to finalisation of the planning proposal.
5. Given the nature of the planning proposal, it is recommended that the Gateway determination NOT authorise council to be the local plan-making authority.
6. The timeframe for the LEP completion date of 21/7/2025 be included on the Gateway.



8/11/24

Tim Collins

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18/11/2024

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