



AGENDA

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE

12 AUGUST 2019

MEMBERSHIP: Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields.

The meeting is scheduled to commence at 5.30pm.

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PDEC19/20 REPORT OF THE PLANNING DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING 11 JUNE 2019 (ID19/882)	3
The Committee had before it the report of the Planning, Development and Environment Committee meeting held 11 June 2019.	
PDEC19/21 BUILDING SUMMARY - JUNE 2019 (ID19/824)	6
The Committee had before it the report dated 26 June 2019 from the Director Development and Environment regarding Building Summary - June 2019.	
PDEC19/22 BUILDING SUMMARY - JULY 2019 (ID19/1015)	17
The Committee had before it the report dated 31 July 2019 from the Director Development and Environment regarding Building Summary - July 2019.	
PDEC19/23 WELLINGTON RENEWABLE ENERGY DEVELOPMENTS - PROPOSED PLANNING POLICY FOR SOLAR ENERGY FARMS (ID19/963)	24
The Committee had before it the report dated 30 July 2019 from the Manager Growth Planning regarding Wellington Renewable Energy Developments - Proposed Planning Policy for Solar Energy Farms.	

- PDEC19/24 PLANNING PROPOSAL R17-4 ADDITIONAL PERMITTED USE (MANUFACTURED HOME), WARRIE ROAD, DUBBO - RESULTS OF PUBLIC EXHIBITION**
APPLICANT: PREMISE NSW PTY LTD (FORMERLY GEOLYSE PTY LTD)
OWNER: A J JOYCE-BRANDON AND R M BRANDON (ID18/1876) 36
The Committee had before it the report dated 26 July 2019 from the Senior Growth Planner regarding Planning Proposal R17-4 Additional Permitted Use (Manufactured Home), Warrie Road, Dubbo - Results of Public Exhibition.
- PDEC19/25 DEVELOPMENT APPLICATION D2019-71 (2) - CAR WASH (LIGHT INDUSTRY)**
PROPERTY: LOT 4 DP 519008, 94 VICTORIA STREET, DUBBO
APPLICANT: J & M COOK ENGINEERING SERVICES
OWNER: COLE FOR CRANES PTY LTD (ID19/1064) 56
The Committee had before it the report dated 26 July 2019 from the Senior Planner regarding Development Application D2019-71 (2) - Car Wash (Light Industry)
Property: Lot 4 DP 519008, 94 Victoria Street, Dubbo.



**DUBBO REGIONAL
COUNCIL**

Report of the Planning Development and Environment Committee - meeting 11 June 2019

AUTHOR: Administration Officer - Governance
REPORT DATE: 24 June 2019

The Committee had before it the report of the Planning, Development and Environment Committee meeting held 11 June 2019.

RECOMMENDATION

That the report of the Planning, Development and Environment Committee meeting held on 11 June 2019, be noted.



**REPORT
PLANNING, DEVELOPMENT AND
ENVIRONMENT COMMITTEE
11 JUNE 2019**

PRESENT: Councillors D Grant, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager Governance and Internal Control, the Manager Governance Operations, the Community Support Officer, the Director Corporate Services, the Director Economic Development and Business, the Communications Coordinator, the Director Infrastructure and Operations, the Director Planning and Environment (S Jennings), and the Director Community and Recreation.

Councillor S Lawrence assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.32pm.

**PDEC19/16 REPORT OF THE PLANNING DEVELOPMENT AND ENVIRONMENT COMMITTEE
- MEETING 13 MAY 2019 (ID19/638)**

The Committee had before it the report of the Planning, Development and Environment Committee meeting held 13 May 2019.

Moved by Councillor K Parker and seconded by Councillor D Grant

MOTION

That the report of the Planning, Development and Environment Committee meeting held on 13 May 2019, be noted.

CARRIED

PDEC19/17 BUILDING SUMMARY - MAY 2019 (ID19/599)

The Committee had before it the report dated 29 May 2019 from the Director Development and Environment regarding Building Summary - May 2019.

Moved by Councillor A Jones and seconded by Councillor K Parker

MOTION

That the report from the Director Development and Environment dated 29 May 2019 be noted.

MOTION

PDEC19/18 DRAFT DEVELOPER CONTRIBUTIONS PLAN - SOUTH-EAST STORMWATER DRAINAGE HEADWORKS CONTRIBUTIONS (ID19/592)

The Committee had before it the report dated 28 May 2019 from the Manager Strategic Planning Services regarding Draft Developer Contributions Plan - South-East Stormwater Drainage Headworks Contributions.

Moved by Councillor J Ryan and seconded by Councillor A Jones

MOTION

1. That the new draft Developer Contributions Plan – South-East Stormwater Drainage Headworks Contributions (Appendix 2) be adopted for the purpose of public exhibition for a period of no less than 28 days, in accordance with the provisions of the Environmental Planning and Assessment Regulation, 2000.
2. That the draft amended Stormwater Contributions Plan (noting the proposed removal of Catchment 3.1 Keswick Catchment) also be placed on public display.
3. That following completion of the public exhibition period, a further report be provided to Council for consideration including any submissions received.

CARRIED

PDEC19/19 LEAVE OF ABSENCE

Requests for leave of absence were received from Councillors J Diffey, V Etheridge and D Gumley who were absent from the meeting due to the personal reasons.

Moved by Councillor A Jones and seconded by Councillor G Mohr

MOTION

That such request for leave of absence be accepted and Councillors J Diffey, V Etheridge and D Gumley be granted leave of absence from this meeting.

CARRIED

The meeting closed at 5.35pm.

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CHAIRMAN



DUBBO REGIONAL
COUNCIL

REPORT: Building Summary - June 2019

AUTHOR: Director Development and
Environment
REPORT DATE: 26 June 2019
TRIM REFERENCE: ID19/824

EXECUTIVE SUMMARY

Information has been prepared on the statistics of the number of dwellings and residential flat buildings approved in the Dubbo Regional Council Local Government Area and statistics for approved Development Applications for the information of Council.

Appendix 1 includes data relating to the former Dubbo LGA prior to the current financial year and the combined housing figures for Dubbo Regional Council for the current financial year. **Appendices 2 to 5** also include the retrospective figures for the combined LGA.

All development applications, construction certificates and complying development certificates can be tracked online at <https://planning.dubbo.nsw.gov.au/Home/Disclaimer>

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the report from the Director Development and Environment dated 30 June 2019 be noted.

Stephen Wallace
Director Development and Environment

REPORT

Provided for information are the latest statistics (as at the time of production of this report) for Development Applications for Dubbo Regional Council.

1. Residential Building Summary

Dwellings and other residential developments approved during June 2019 were as follows:

June 2019

Dwellings	6
Other residential development	5
(No. of units)	10

For consistency with land use definitions included in the Local Environmental Plan, residential development has been separated into 'Dwellings' and 'Other residential development'. 'Other residential development' includes dual occupancies, secondary dwellings, multi-unit and seniors living housing.

These figures include Development Applications approved by private certifying authorities (Complying Development Certificates).

A summary of residential approvals for the former Dubbo City Council area since 2011-2012 is included in **Appendix 1** however, it should be noted that the figures from July 2017 onwards include the approvals within the former Wellington Local Government Area as well as a consequence of the commencement of the merged application system.

2. Approved Development Applications

The total number of approved Development Applications (including Complying Development Certificates) for June 2019 and a comparison with figures 12 months prior and the total for the respective financial years, are as follows:

	<u>1 June 2019 – 30 June 2019</u>	<u>1 July 2018 – 30 June 2019</u>
No. of applications	37	732
Value	\$9,731,650	\$332,479,005
	<u>1 June 2018 – 30 June 2018</u>	<u>1 July 2017 – 30 June 2018</u>
No. of applications	64	794
Value	\$12,945,120	\$193,460,850

A summary breakdown of the figures is included in **Appendices 2-5**.

3. Online Application Tracking

All development applications, construction certificates and complying development certificates are tracked online and can be accessed at any time. A link is available on Councillor iPads for assistance (<https://planning.dubbo.nsw.gov.au/Home/Disclaimer>)

What information is available?

- All development applications, construction certificates and complying development certificates submitted from 1 November 2015 will provide access to submitted plans and supporting documents as well as tracking details of the progress of the application;
- More limited information is provided for applications submitted from 1 January 2001 to 31 October 2015; and
- Occupation certificates (where issued) are provided from 2010.

What information is not available?

- Application forms;
- Floor plans for residential dwellings;
- Documentation associated with privately certified applications; and
- Internal reports.

Councillors are welcome to contact me should they require further information in respect of outstanding Development Applications emanating from the online tracking system.

The information included in this report is provided for notation.

Appendices:

- 1 [↓](#) Building Summary - June 2019
- 2 [↓](#) Approved Application - 1 June 2019 to 30 June 2019
- 3 [↓](#) Approved Application - 1 June 2018 to 30 June 2018
- 4 [↓](#) Approved Application - 1 July 2018 to 30 June 2019
- 5 [↓](#) Approved Application - 1 July 2017 to 30 June 2018

STATISTICAL INFORMATION ON DWELLINGS AND MULTI UNIT HOUSING

	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
2011/2012													
Dwellings	6	12	10	6	7	16	4	16	12	8	12	9	118
Flat Buildings	1	1	-	1	2	2	-	-	-	-	-	1	8
(No of units)	(14)	(2)	(-)	(1)	(4)	(3)	(-)	(-)	(-)	(-)	(-)	(16)	(40)
2012/2013													
Dwellings	3	7	14	13	9	3	9	9	13	13	15	13	121
Flat Buildings	4	6	-	-	1	9	-	-	1	-	2	-	23
(No of units)	(8)	(6)	(-)	(-)	(2)	(11)	(-)	(-)	(2)	(-)	(39)	(-)	(68)
2013/2014 (incl. private certifiers)													
Dwellings	23	17	25	20	14	15	19	10	18	14	19	14	208
Flat Buildings	-	1	1	-	-	1	4	2	1	2	-	3	15
(No of units)	(-)	(2)	(2)	(-)	(-)	(2)	(46)	(1)	(2)	(4)	(-)	(6)	(65)
2014/2015*													
Single dwellings	19	34	19	21	13	16	14	12	20	19	15	20	222
Multi unit housing	3	1	6	5	6	12	-	4	2	1	9	5	54
(No of units)	(6)	(2)	(31)	(50)	(6)	(21)	(-)	(87)	(4)	(1)	(25)	(10)	(243)
2015/2016*													
Single dwellings	27	20	26	19	21	26	19	14	16	17	17	22	244
Multi unit housing	6	8	8	4	1	3	3	3	3	5	3	8	55
(No of units)	(50)	(98)	(12)	(7)	(2)	(5)	(18)	(4)	(5)	(14)	(6)	(23)	(244)
2016/2017*													
Single dwellings	24	13	17	18	12	21	16	18	18	14	18	36	225
Multi unit housing	8	5	7	4	6	5	3	2	1	5	4	7	57
(No of units)	(10)	(10)	(13)	(7)	(10)	(16)	(6)	(75)	(2)	(8)	(13)	(14)	(184)
2017/2018* (Combined figures for Dubbo and Wellington former LGAs)													
Single dwellings	26	21	13	12	16	19	4	22	16	21	22	16	208
Multi unit housing	6	9	2	1	9	1	5	5	11	1	3	5	58
(No of units)	(11)	(16)	(3)	(2)	(16)	(2)	(8)	(5)	(23)	(2)	(3)	(9)	(100)
2018/2019* (Combined figures for Dubbo and Wellington former LGAs)													
Single dwellings	15	26	13	7	17	8	19	5	8	11	19	6	154
Multi unit housing	3	4	3	-	6	2	2	1	5	7	9	5	47
(No of units)	(4)	(7)	(5)	(-)	(11)	(29)	(4)	(1)	(12)	(25)	(15)	(10)	(123)

* (Includes private certifiers and redefined land use categories based on LEP definitions)



Civic Administration Building
P.O. Box 81 Dubbo NSW 2830
T (02) 6801 4000
F (02) 6801 4259
ABN 53 539 070 928

Print Date: 26/06/2019

Print Time: 8:56:30AM

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/06/2019 - 30/06/2019**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	8	2,238,894	6	2,165,294	2	73,600	6	
Dwelling - Secondary/Dual Occ Dwelling	2	560,000	2	560,000			4	
Dwelling - Dual Occupancy, one storey	3	1,380,000	3	1,380,000			6	
Garage/Carport/Roofed Outbuildings	10	129,956	9	102,956	1	27,000		
Swimming Pool	3	75,800	3	75,800				
Motels	1	80,000			1	80,000		
Infrastructure - Transport, Utilities	1	5,000,000	1	5,000,000				
Health Care Facility - Other	1	80,000	1	80,000				
Signs/Advertising Structure	2	22,000	2	22,000				
Demolition	2	20,000	1		1	20,000		
Change of Use - Commercial	1	25,000			1	25,000		
Change of Use - Industrial	1	120,000	1	120,000				
Subdivision - Residential	5	0	1					8
Subdivision - Commercial	1	0						
Subdivision - Rural	1	0						
Totals for Development Types	42	9,731,650						

Total Number of Applications for this period: 37

*** Note: There may be more than one Development Type per Development Application
Statistics include applications by Private Certifiers

----- End of Report -----



Civic Administration Building
P.O. Box 81 Dubbo NSW 2830
T (02) 6801 4000
F (02) 6801 4259
ABN 53 539 070 928

Print Date: 26/06/2019

Print Time: 9:00:39AM

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/06/2018 - 30/06/2018**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	21	6,549,357	17	6,141,357	4	408,000	17	
Dwelling- Transportable/Relocatable	2	277,000	2	277,000			2	
Dwelling - Secondary/Dual Occ Dwelling	2	845,000	2	845,000			3	
Dwelling - Dual Occupancy, one storey	3	1,400,000	3	1,400,000			6	2
Garage/Carport/Roofed Outbuildings	12	178,874	12	178,874				
Swimming Pool	7	212,141	7	212,141				
Office Building	2	127,000			2	127,000		
Retail Building	1	56,779			1	56,779		
Hostels, Boarding House	1	1,200,000	1	1,200,000				
Factory/Production Building	1	900,000	1	900,000				
Infrastructure - Transport, Utilities	4	911,400	4	911,400				
Health Care Facility - Other	1	10,000	1	10,000				
Signs/Advertising Structure	2	23,009	1	14,000	1	9,009		
Demolition	1	0	1					
Agricultural Development	1	100,000	1	100,000				
Subdivision - Residential	4	22,560	1					9
Subdivision - Commercial	1	130,000						
Subdivision - Other	1	0						
Miscellaneous	1	2,000	1	2,000				

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/06/2018 - 30/06/2018**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Totals for Development Types	68	12,945,120						

Total Number of Applications for this period: 64

*** Note: There may be more than one Development Type per Development Application
Statistics include applications by Private Certifiers

----- End of Report -----



Civic Administration Building
P.O. Box 81 Dubbo NSW 2830
T (02) 6801 4000
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ABN 53 539 070 928

Print Date: 26/06/2019

Print Time: 9:01:42AM

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2018 - 30/06/2019**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	222	67,213,649	180	62,025,930	42	5,187,719	180	
Dwelling- Transportable/Relocatable	4	664,333	4	664,333			4	
Dwelling - Secondary/Dual Occ Dwelling	26	9,107,409	26	9,107,409			44	
Dwelling - Dual Occupancy, one storey	22	9,305,707	22	9,305,707			41	
Medium Density Res - one/two storeys	4	4,552,065	4	4,552,065			23	
Garage/Carport/Roofed Outbuildings	195	3,209,589	177	2,879,515	18	330,074	1	
Fences/Unroofed Structures	15	1,079,020	15	1,079,020				
Swimming Pool	89	2,358,386	88	2,328,481	1	29,905		
Office Building	6	1,845,385	1	14,000	5	1,831,385		
Retail Building	22	34,083,900	8	32,318,400	14	1,765,500		
Hotels	2	960,000			2	960,000		
Motels	2	93,007			2	93,007		
Office & Retail Building	2	130,000			2	130,000		
Retail & Residential Building	2	119,348,332	2	119,348,332			27	
Factory/Production Building	3	2,644,037	3	2,644,037				
Warehouse/storage	15	7,744,671	10	6,929,500	5	815,171	1	
Infrastructure - Transport, Utilities	17	7,064,896	13	6,901,350	4	163,546		
Health Care Facility - Hospital	1	74,700			1	74,700		
Health Care Facility - Other	4	4,778,016	4	4,778,016				
Educational Building	5	4,814,592	1	2,800,000	4	2,014,592		
Entertainment/Recreational Building	3	196,000	1	3,000	2	193,000		
Community/Public Building	2	1,840,000	2	1,840,000				

Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2018 - 30/06/2019

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Signs/Advertising Structure	9	203,050	6	101,050	3	102,000		
Demolition	9	184,000	5	114,000	4	70,000		
Home Business	4	9,000	2	5,000	2	4,000		
Child Care - Centre Based	1	1,000,000	1	1,000,000			1	
Change of Use - Commercial	8	442,500	3	42,000	5	400,500		
Change of Use - Industrial	5	215,000	3	135,000	2	80,000		
Agricultural Development	2	200,000	2	200,000				
Tourism Development	5	14,732,261	4	14,732,261	1			
Parks/Reserves	1	90,000	1	90,000				
Subdivision - Residential	34	7,284,500	8	3,844,500				158
Subdivision - Commercial	4	330,000						6
Subdivision - Rural	10	20,000	3		1			23
Subdivision - Other	1	140,000	1	140,000				
Miscellaneous	17	24,521,000	17	24,521,000				
Totals for Development Types	773	332,479,005						

Total Number of Applications for this period: 732

*** Note: There may be more than one Development Type per Development Application
Statistics include applications by Private Certifiers

----- End of Report -----



Civic Administration Building
P.O. Box 81 Dubbo NSW 2830
T (02) 6801 4000
F (02) 6801 4259
ABN 53 539 070 928

Print Date: 26/06/2019

Print Time: 9:03:41AM

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2017 - 30/06/2018**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	261	75,913,623	207	71,464,728	53	4,143,995	207	
Dwelling- Transportable/Relocatable	9	1,065,102	9	1,065,102			9	
Dwelling - Secondary/Dual Occ Dwelling	27	7,786,805	27	7,786,805			40	
Dwelling - Dual Occupancy, one storey	30	12,741,020	30	12,741,020			60	2
Medium Density Res - Seniors Living SEPP	1	55,000			1	55,000		
Garage/Carport/Roofed Outbuildings	241	4,831,045	221	4,454,070	20	376,975	1	1
Fences/Unroofed Structures	11	249,984	11	249,984				
Swimming Pool	78	1,993,732	78	1,993,732				
Office Building	3	1,043,269	1	916,269	2	127,000		
Retail Building	30	13,046,081	5	5,180,000	25	7,866,081		
Hotels	2	7,750,000			2	7,750,000		
Hostels, Boarding House	2	1,200,000	1	1,200,000	1			
Motels	1	900,000	1	900,000				
Office & Retail Building	5	3,140,000			5	3,140,000		
Retail & Residential Building	1	8,600,000	1	8,600,000				
Factory/Production Building	5	1,735,640	3	1,363,500	2	372,140		
Warehouse/storage	9	5,499,320	8	5,374,320	1	125,000		
Infrastructure - Transport, Utilities	12	2,202,696	12	2,202,696				
Health Care Facility - Other	2	300,000	1	10,000	1	290,000		
Educational Building	4	12,248,205	2	4,190,600	2	8,057,605		
Community/Public Building	2	7,500,000	1	7,500,000	1			
Signs/Advertising Structure	6	154,009	5	145,000	1	9,009		

Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2017 - 30/06/2018

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Demolition	12	537,000	12	537,000				
Child Care - Centre Based	2	2,800,000	2	2,800,000				
Change of Use - Commercial	9	40,000	5	38,000	4	2,000		
Agricultural Development	3	100,000	3	100,000				
Tourism Development	4	10,815,000	3	10,815,000	1			
Subdivision - Residential	48	2,514,310	10	780,000				36
Subdivision - Commercial	2	150,000						
Subdivision - Industrial	1	0						
Subdivision - Rural	7	10,000	1					2
Subdivision - Other	3	440,000						13
Miscellaneous	21	6,099,009	19	6,077,009	2	22,000		
Totals for Development Types	854	193,460,850						

Total Number of Applications for this period: 794

*** Note: There may be more than one Development Type per Development Application
Statistics include applications by Private Certifiers

----- End of Report -----



DUBBO REGIONAL
COUNCIL

REPORT: Building Summary - July 2019

AUTHOR: Director Development and
Environment
REPORT DATE: 31 July 2019
TRIM REFERENCE: ID19/1015

EXECUTIVE SUMMARY

Information has been prepared on the statistics of the number of dwellings and residential flat buildings approved in the Dubbo Regional Council Local Government Area and statistics for approved Development Applications for the information of Council.

Appendix 1 includes data relating to the former Dubbo LGA prior to the current financial year and the combined housing figures for Dubbo Regional Council for the current financial year. **Appendices 2 to 5** also include the retrospective figures for the combined LGA.

All development applications, construction certificates and complying development certificates can be tracked online at <https://planning.dubbo.nsw.gov.au/Home/Disclaimer>.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the report from the Director Development and Environment dated 31 July 2019 be noted.

Stephen Wallace
Director Development and Environment

REPORT

Provided for information are the latest statistics (as at the time of production of this report) for Development Applications for Dubbo Regional Council.

1. Residential Building Summary

Dwellings and other residential developments approved during July 2019 were as follows:

July 2019

Dwellings	16
Other residential development	4
(No. of units)	8

For consistency with land use definitions included in the Local Environmental Plan, residential development has been separated into 'Dwellings' and 'Other residential development'. 'Other residential development' includes dual occupancies, secondary dwellings, multi-unit and seniors living housing.

These figures include Development Applications approved by private certifying authorities (Complying Development Certificates).

A summary of residential approvals for the former Dubbo City Council area since 2011-2012 is included in **Appendix 1** however, it should be noted that the figures from July 2017 onwards include the approvals within the former Wellington Local Government Area as well as a consequence of the commencement of the merged application system.

2. Approved Development Applications

The total number of approved Development Applications (including Complying Development Certificates) for July 2019 and a comparison with figures 12 months prior and the total for the respective financial years, are as follows:

	<u>1 July 2019 – 31 July 2019</u>
No. of applications	52
Value	\$19,315,252
	<u>1 July 2018 – 31 July 2018</u>
No. of applications	52
Value	\$12,047,513

A summary breakdown of the figures is included in **Appendices 2-3**.

3. Online Application Tracking

All development applications, construction certificates and complying development certificates are tracked online and can be accessed at any time. A link is available on Councillor iPads for assistance (<https://planning.dubbo.nsw.gov.au/Home/Disclaimer>).

What information is available?

- All development applications, construction certificates and complying development certificates submitted from 1 November 2015 will provide access to submitted plans and supporting documents as well as tracking details of the progress of the application;
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What information is not available?

- Application forms;
- Floor plans for residential dwellings;
- Documentation associated with privately certified applications; and
- Internal reports.

Councillors are welcome to contact me should they require further information in respect of outstanding Development Applications emanating from the online tracking system.

The information included in this report is provided for notation.

Appendices:

- [1](#) Building Summary - July 2019
- [2](#) Approved Applications - 1 July 2019 to 31 July 2019
- [3](#) Approved Applications - 1 July 2018 to 31 July 2018

STATISTICAL INFORMATION ON DWELLINGS AND MULTI UNIT HOUSING

	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
2011/2012													
Dwellings	6	12	10	6	7	16	4	16	12	8	12	9	118
Flat Buildings	1	1	-	1	2	2	-	-	-	-	-	1	8
(No of units)	(14)	(2)	(-)	(1)	(4)	(3)	(-)	(-)	(-)	(-)	(-)	(16)	(40)
2012/2013													
Dwellings	3	7	14	13	9	3	9	9	13	13	15	13	121
Flat Buildings	4	6	-	-	1	9	-	-	1	-	2	-	23
(No of units)	(8)	(6)	(-)	(-)	(2)	(11)	(-)	(-)	(2)	(-)	(39)	(-)	(68)
2013/2014 (incl. private certifiers)													
Dwellings	23	17	25	20	14	15	19	10	18	14	19	14	208
Flat Buildings	-	1	1	-	-	1	4	2	1	2	-	3	15
(No of units)	(-)	(2)	(2)	(-)	(-)	(2)	(46)	(1)	(2)	(4)	(-)	(6)	(65)
2014/2015*													
Single dwellings	19	34	19	21	13	16	14	12	20	19	15	20	222
Multi unit housing	3	1	6	5	6	12	-	4	2	1	9	5	54
(No of units)	(6)	(2)	(31)	(50)	(6)	(21)	(-)	(87)	(4)	(1)	(25)	(10)	(243)
2015/2016*													
Single dwellings	27	20	26	19	21	26	19	14	16	17	17	22	244
Multi unit housing	6	8	8	4	1	3	3	3	3	5	3	8	55
(No of units)	(50)	(98)	(12)	(7)	(2)	(5)	(18)	(4)	(5)	(14)	(6)	(23)	(244)
2016/2017*													
Single dwellings	24	13	17	18	12	21	16	18	18	14	18	36	225
Multi unit housing	8	5	7	4	6	5	3	2	1	5	4	7	57
(No of units)	(10)	(10)	(13)	(7)	(10)	(16)	(6)	(75)	(2)	(8)	(13)	(14)	(184)
2017/2018* (Combined figures for Dubbo and Wellington former LGAs)													
Single dwellings	26	21	13	12	16	19	4	22	16	21	22	16	208
Multi unit housing	6	9	2	1	9	1	5	5	11	1	3	5	58
(No of units)	(11)	(16)	(3)	(2)	(16)	(2)	(8)	(5)	(23)	(2)	(3)	(9)	(100)
2018/2019* (Combined figures for Dubbo and Wellington former LGAs)													
Single dwellings	15	26	13	7	17	8	19	5	8	11	19	6	154
Multi unit housing	3	4	3	-	6	2	2	1	5	7	9	5	47
(No of units)	(4)	(7)	(5)	(-)	(11)	(29)	(4)	(1)	(12)	(25)	(15)	(10)	(123)

STATISTICAL INFORMATION ON DWELLINGS AND MULTI UNIT HOUSING

	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
2019/2020* (Combined figures for Dubbo and Wellington former LGAs)													
Single dwellings	16												16
Multi unit housing	4												4
(No of units)	(8)												(8)

* (Includes private certifiers and redefined land use categories based on LEP definitions)



Civic Administration Building
P.O. Box 81 Dubbo NSW 2830
T (02) 6801 4000
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ABN 53 539 070 928

Print Date: 31/07/2019

Print Time: 10:06:41AM

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2019 - 31/07/2019**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	19	6,214,644	16	5,724,644	3	490,000	16	
Dwelling - Dual Occupancy, one storey	3	1,275,000	3	1,275,000			6	
Dwelling - Dual Occupancy, >one storey	1	795,625	1	795,625			2	
Garage/Carport/Roofed Outbuildings	11	161,071	10	154,971	1	6,100		
Fences/Unroofed Structures	1	15,000	1	15,000				
Swimming Pool	5	138,650	5	138,650				
Office Building	2	25,000			2	25,000		
Hostels, Boarding House	1	10,000			1	10,000		
Factory/Production Building	1	480,000			1	480,000		
Warehouse/storage	1	800,000	1	800,000				
Infrastructure - Transport, Utilities	1	47,462	1	47,462				
Signs/Advertising Structure	1	22,800			1	22,800		
Demolition	2	0	1		1			
Change of Use - Commercial	1	20,000	1	20,000				
Subdivision - Residential	4	9,310,000	1	270,000				8
Subdivision - Commercial	1	0						2
Totals for Development Types	55	19,315,252						

Total Number of Applications for this period: 52

*** Note: There may be more than one Development Type per Development Application
Statistics include applications by Private Certifiers

----- End of Report -----



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ABN 53 539 070 928

Print Date: 31/07/2019

Print Time: 10:15:53AM

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2018 - 31/07/2018**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	22	7,085,272	17	6,465,272	5	620,000	17	
Dwelling- Transportable/Relocatable	1	136,333	1	136,333			1	
Dwelling - Secondary/Dual Occ Dwelling	3	1,026,550	3	1,026,550			5	
Dwelling - Dual Occupancy, one storey	1	110,000	1	110,000			1	
Garage/Carport/Roofed Outbuildings	12	190,260	12	190,260				
Fences/Unroofed Structures	2	20,000	2	20,000				
Swimming Pool	6	143,098	6	143,098				
Office Building	1	80,000			1	80,000		
Warehouse/storage	1	700,000	1	700,000				
Educational Building	1	750,000			1	750,000		
Community/Public Building	1	1,800,000	1	1,800,000				
Signs/Advertising Structure	1	6,000	1	6,000				
Subdivision - Commercial	1	0						
Subdivision - Rural	1	0						2
Totals for Development Types	54	12,047,513						

Total Number of Applications for this period: 52

*** Note: There may be more than one Development Type per Development Application
Statistics include applications by Private Certifiers

----- End of Report -----



REPORT: Wellington Renewable Energy Developments - Proposed Planning Policy for Solar Energy Farms

AUTHOR: Manager Growth Planning
REPORT DATE: 30 July 2019
TRIM REFERENCE: ID19/963

EXECUTIVE SUMMARY

Council at its meeting on 25 March 2019 considered a report in respect of Wellington Renewable Energy Developments and a proposed Planning Agreement Policy for Solar Farms. The report was prepared by Council as a result of the number and size of Solar Energy Farm developments that are currently proposed in and around the Wellington area.

Solar Energy Farm developments (electricity generating works) are classified as State Significant Development under the provisions of State Environmental Planning Policy (State and Regional Development), if they are:

- In excess of a specific size;
- Is located in an environmentally sensitive area; or
- Will exceed a Capital Investment value of \$30 million.

If a development proposal is classified as State Significant Development, this means that Dubbo Regional Council is not the consent authority for the development, State Government Department of Planning, Industry and Environment is the consent authority. However, Council can have a number of inputs into the assessment process of the Department of Planning, Industry and Environment. This issue is further discussed in the report.

The draft Policy was placed on public display from 3 April 2019 to 3 May 2019. Three (3) submissions were received. Issues raised in the public submissions are further discussed in the report. Following the conclusion of the public exhibition period, Council staff have also made a number of changes to the draft Policy. It is considered that none of the changes made are inconsistent with the overall Policy direction of Council in respect of solar farms at Wellington.

It is recommended that the proposed Planning Policy for Solar Energy Farms at Wellington be adopted by Council, as amended, and included here in **Appendix 1**.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

POLICY IMPLICATIONS

It is considered that there are no direct policy implications resulting from the subject report. However, this report may ultimately lead to the adoption of a detailed Policy for the management of Solar Energy Farm developments in Wellington.

RECOMMENDATION

- 1. That the report from the Manager Growth Planning dated 29 July 2019 be noted.**
- 2. That Council adopt the draft Policy as attached as Appendix 1 of this report.**
- 3. That an advertisement be placed in local print media advising of Council's adoption of the Planning Agreement Policy for Solar Energy Farms.**
- 4. That the Planning Agreement Policy for Solar Energy Farms commence operation from the date it is advertised in the local print media.**
- 5. That those who made submissions be acknowledge and advised of Council's determination in this matter.**

Steven Jennings
Manager Growth Planning

BACKGROUND

Council, at its meeting on 25 March 2019 considered a report in respect of the proposed Planning Agreement Policy for Solar Energy Farms. Council in support of the proposal resolved as follows:

- “1. That the report from the Manager Strategic Planning Services dated 10 March 2018 be noted.*
- 2. That Council adopt the draft Policy as attached as Appendix 1 of this report for the purposes of undertaking detailed community and stakeholder consultation.*
- 3. That the draft Policy be placed on public display for a period of no less than 28 days and for consultation to be undertaken with the following bodies or groups (as a minimum):*
 - Wellington Chamber of Commerce;*
 - National Farmers Federation – Wellington;*
 - State Government Department of Planning and Environment;*
 - Suntop Environmental Group; and*
 - Proponents of Solar Energy Farms in and around Wellington.*
- 4. That following completion of the public exhibition period that a further report be provided to Council, includes any submissions received during the public exhibition period.”*

The purpose of this report is to provide the results of the public exhibition period and to seek the approval of Council for the new Policy to commence operation.

REPORT

1. What is a Planning Agreement?

Planning Agreements were introduced into the Environmental Planning and Assessment Act, 1979 (EP&A Act) on 8 July 2005 with the gazettal of the Environmental Planning and Assessment Amendment (Development Contributions) Act, 2005.

A Planning Agreement is an agreement entered into by Council and a developer where the developer agrees to fund public amenities or infrastructure, dedicate land at no cost to Council, provide monetary contributions or any other material public benefit, for a public purpose.

A public purpose may include any of the following:

- A community facility;
- Affordable housing;
- Transport or other infrastructure relating to the development;
- The funding of recurrent expenditure relating to the provision of community facilities, affordable housing or transport or other infrastructure;
- The monitoring of the planning impacts of development, and
- The conservation or enhancement of the natural environment.

Council currently has a number of Planning Agreements in place in respect of the following developments:

- Bodangora Wind Farm;
- Sheraton Road Quarry;
- Toongi Rare Earths Mine; and
- Rawsonville Sand Quarry.

The Planning Agreement process relies on a development proponent first making an initial offer to a Planning Authority (Council). However, in respect of State Significant Development, which is assessed and determined by the State Government Department of Planning, Industry and Environment, a condition of development consent can require a proponent to enter into a Planning Agreement.

2. What is State Significant Development?

State Significant Development is a specific range of development types that are identified in State Environmental Planning Policy (State and Regional Development) 2011 (SEPP). For example, the following development types are classified as State Significant Development under the provisions of the SEPP:

- New educational establishments, hospitals and correctional centres;
- Chemical and other manufacturing;
- Mining and extraction operations;
- Tourist and recreational facilities;
- Port facilities;
- Waste management facilities; and
- Energy generating works.

A proposal for any of the identified development types is State Significant Development if it:

- Is over a certain size;
- Is located in a sensitive environmental area; or
- Will exceed a specific capital investment.

In respect of solar energy and wind farms, the specific capital investment value for State Significant Development is \$30 million.

If a development proposal is classified as State Significant Development, this means that Dubbo Regional Council is not the consent authority for the development, State Government Department of Planning, Industry and Environment is the consent authority. However, Council does have input into the Departmental assessment processes.

3. Public Exhibition

The draft Planning Agreement Policy and supporting documentation were placed on public exhibition from 3 April 2019 until 3 May 2019.

The draft Policy was displayed at the Wellington Branch of the Dubbo Regional Council and on Council's website. An advertisement was also placed in local print media on 3 April 2019.

Correspondence, including a copy of the draft Policy and Council report, was sent to the following stakeholders:

- Wellington Chamber of Commerce;
- National Farmers Federation – Wellington;
- State Government Department of Planning, Industry and Environment;
- Suntop Environmental Group; and
- Proponents of Solar Energy Farms in and around Wellington.

A total of three (3) submissions were received during the public exhibition period and are provided here as **Appendix 2**.

A summary of each submission and Council comments relevant are provided:

Submission 1 – Mr N & Mrs J Frogley

Council received a submission from Mr & Mrs Frogley on 30 April 2019, which provided the following in respect of the draft Policy:

- *All three components of the Planning Agreement should include a consultative committee not just the Community Benefit Fund.*
- *Yearly accounts and expenditure concerning the Planning Agreements needs to be made available to the community.*
- *The potential impacts on the road infrastructure including safety concerns will affect Wellington residents most and is not mentioned in the draft Policy.*
- *Council should investigate areas where the money should be allocated to mitigate impacts caused by development.*
- *Money from solar development should not be used to cover Council funding shortfalls for example, supporting the local eisteddfod to hire Wellington Civic Centre following the recent increase in Council fees.*
- *Where is the money allocation for investigating environmental, socio-economic and infrastructure impacts cause by development?*
- *Decommissioning bonds should be mandatory.*
- *Where is the money for land devaluation, road safety and ecological issues for adjoining property owners?*
- *An adjoining solar farm will result in a \$12,000 per annum public liability premium.*

- *Wellington housing is affordable, sourcing affordable housing should not be the responsibility of the Council.*
- *Draft Policy was not advertised in the Wellington Times newspaper.*

Comment:

Council's process for the consideration of any Planning Agreement includes a public exhibition period where the community and key stakeholders are invited to provide comment. Following consideration of any submissions received during this period, Council will decide on whether or not any Planning Agreement should be adopted. Specific allocation of the Community Benefit Funds is proposed to be undertaken by a Council administered community consultative group based on application.

It should be noted that the purpose of this Policy is not to be a 'one stop shop' for all impacts associated with Solar Energy farm developments. The Policy is primarily concerned with off-site and other impacts, including social and economic impacts on Wellington.

Direct impacts from the proposed development on road infrastructure are not included within the scope of this Policy. Any specific impacts of a development shall be subject to a separate negotiation and for consideration in the assessment process by the consent authority. Component (b)(i) of the Policy provides opportunity for strategic management of the impacts relating to large scale solar farm development. These impacts may include, but are not limited to environmental or social considerations. This Policy also attempts to quantify the impacts of development and seek compensation from a Proponent for a State Significant Development Application.

An applicant is responsible for the rehabilitation of the subject site following the decommissioning of its operations. In respect of decommissioning bonds, these arrangements are not the subject of this policy and are generally the responsibility of the applicant and or land owner and for consideration in the assessment process by the consent authority. The scope of this Policy does not cover issues relating to devaluing of land or increased costs of insurance premiums.

The draft Policy was advertised in the Council Column during the public exhibition process.

Submission 2 – Mr R Sadlier

Council received a submission from Mr Sadlier on 3 May 2019, which provided the following in respect of the draft Policy:

- *The draft Policy offers very little to residents at the coal face of these developments.*
- *These developments are not warranted by the majority of people in the area.*
- *There is little on offer in the way of assurances at any government level that negative aspects from these developments will be addressed, or the companies responsible will be held accountable.*

- *Local residents are concerned that the cost of their public liability will increase due to the construction of an adjoining solar farm.*
- *The benefits to be derived from the Policy are a distraction from the real negative issues that these developments bring to the region.*
- *Some of the funds from the Policy should go towards legal assistance for residents to rectify damages to private property, including fences and local road infrastructure.*

Comment:

The purpose of the Policy is to facilitate additional funding opportunities to offset impacts from development on and for the benefit of the local community as a whole. The prevention and mitigation of potential localised impacts as a result of future solar farm development, are typically dealt with as part of the development assessment process.

Submission 3 – Mr S Melotte, Energy Forms

Council received a submission from Mr Melotte on 6 May 2019 on behalf of his client, Suntop 1 Solar Energy Farm. In summation the submission included the following information:

- *We are very supportive of Council taking a strategic approach to these projects and applying a transparent and consistent method for funding contributions.*
- *We believe it is appropriate to continue operating the Suntop 1 community benefit funding arrangement outside of the proposed Policy.*
- *We would be happy to contribute \$10,000 towards the development of the strategy activities as outlined in Part B (i) of the draft Policy.*
- *The proposed \$3,500 per Mega Watt of Energy should be amended to reflect a flexible value structure that is determined on a project basis at the time of construction.*
- *We suggest Council reword the value amount to reflect \$ per MW of AC installed capacity, which is energy exported to the grid.*
- *We suggest an alternative structure to the proposed community consultation group model to reduce the demand on resources allocated by solar farm proponents.*
- *The community consultation group should include two (2) positions for solar proponents with a total group size of 10 people selected based on the governance model.*
- *We agree that funds and obligations regarding roads will be handled separately under conditions of Development Consent.*

Comment:

Issues in respect of the offer from Mr Melotte will not be further discussed in this report. Mr Melotte's offer together with further information and discussion in respect of strategic need and government of Community Benefit Funding will form a further report to be considered by Council.

Mr Melotte's points raised in respect of the overall appropriateness of the Policy are noted.

4. Changes to the draft Policy

Following the conclusion of the public exhibition period, Council Staff have made a number of changes to the draft Policy. It is considered that none of the changes made are inconsistent with the overall Policy direction of Council in respect of solar farms at Wellington. The amended Policy is provided attached as **Appendix 1**.

SUMMARY

The draft Planning Agreement Policy was placed on public exhibition from Wednesday 3 April 2019 until Friday 3 May 2019. A total of three (3) submissions were received.

Following a review of submissions received, this report recommends that the amended Planning Agreement Policy for Solar Energy Farms as included in **Appendix 1** be adopted.

Appendices:

[1](#) Planning Agreement Policy - Submissions



COUNCIL POLICY

Planning Agreement Policy for Solar Energy Farms

Date 29 July 2019

Council Resolution Date

Clause Number

Responsible Position Director Development and Environment

Branch Growth Planning

Division Development and Environment

Version 2

TRIM Reference Number ED19/106221

Review Period Two (2) years

Review Date

Consultation

Document Revision History	
Description	Date
Notes	

POLICY

PURPOSE

This Policy establishes a framework to guide the preparation of Planning Agreements with respect to Solar Energy Farm developments particularly situated around Wellington in the Dubbo Regional Local Government Area.

BACKGROUND AND RELATED LEGISLATION

This Policy sets out Dubbo Regional Council's policy and procedures relating to Planning Agreements for Solar Energy Farm developments, particularly around Wellington, under the provisions of the Environmental Planning and Assessment Act, 1979.

Planning Agreements were introduced into the Environmental Planning and Assessment Act, 1979 (EP&A Act) on 8 July 2005 with the gazettal of the Environmental Planning and Assessment Amendment (Development Contributions) Act, 2005.

A Planning Agreement is an agreement entered into by Council and a developer where the developer agrees to fund public amenities or infrastructure, dedicate land at no cost to Council, provide monetary contributions or any other material public benefit, for a public purpose.

A public purpose may include any of the following:

- A community facility;
- Affordable housing;
- Transport or other infrastructure relating to the development;
- The funding of recurrent expenditure relating to the provision of community facilities, affordable housing or transport or other infrastructure;
- The monitoring of the planning impacts of development, and
- The conservation or enhancement of the natural environment.

The Planning Agreement process relies on a development proponent first making an initial offer to a Planning Authority (Council). However, in respect of State Significant Development, which is assessed and determined by the State Government Department of Planning, Industry and Environment, a condition of development consent can require a proponent to enter into a Planning Agreement.

SCOPE

This Policy applies to any Solar Energy Farms developments undertaken around Wellington in the Dubbo Regional Local Government Area.

POLICY

- (a) Solar Farm Proponents are encouraged to enter into a Planning Agreement or another legally binding agreement with Council.

- (b) A Planning Agreement or other legally binding agreement shall have the following structure:
- (i) Strategy (this would include funds towards Council's planned strategic framework for Wellington to manage the impacts of large scale solar development).
 - (ii) Community Benefit Program (this could for example be for the provision of a dedicated program in the Wellington Central Business District to assist the town centre).
 - (iii) Community Benefit Fund (this would account for the remainder of the Planning Agreement funds and be open to community groups through an application process).

The funds associated with components (i) and (ii) would consist of upfront payments over a defined period. The funds associated with the Community Benefit Fund would potentially be offered on an annual basis.

However, it should be noted that the framework as provided above would not take into account road related impacts and any construction or augmentation of the road network to facilitate the subject developments.

- (c) The total value of the funds to be provided by the Proponent as part of a Planning Agreement or other legally binding agreement shall be no less than \$3,500 per Mega Watt of Alternating Current (AC) installed capacity (energy exported to the grid) from an applicable Solar Energy Farm.
- (d) Council can consider an alternative proposal from a Solar Energy Proponent. However, the alternative proposal must be equal to or greater than \$3,500 per Mega Watt of AC installed capacity.
- (e) Council can consider another form of legally binding agreement, which is not a Planning Agreement.
- (f) In respect of the Community Benefit Fund component, that Council agree to the development of one (1) Council administered community consultation group for all Solar Energy Farms in Wellington. This group shall have the role of providing community input into the management and selection of community projects for the Community Benefit Funds.

In this regard, a representative of each Solar Energy Proponent and/or Owner shall comprise the Group, in addition to representatives of Council, the community and any other relevant representatives. All community representatives shall serve on the consultation group for one (1) four (4) year Council term only.

- (g) That the funds apportioned between the three (3) separate components of the Planning Agreement be determined by Council in consultation with the Proponent.
- (h) That this Planning Agreement structure and purpose shall only be in respect of accounting for the wider community impacts to Wellington and the surrounding localities. Any other specific impacts of a development shall be subject to a separate negotiation and consideration process, with the \$3,500 per Mega Watt in respect of community impacts only.

- (i) That this Policy is in respect of Solar Energy Farms only.

RESPONSIBILITIES

The Director Development and Environment is responsible for the enforcement of this Policy.

DRAFT



**REPORT: Planning Proposal R17-4
Additional Permitted Use (Manufactured
Home), Warrie Road, Dubbo - Results of
Public Exhibition
Applicant: Premise NSW Pty Ltd (formerly
Geolyse Pty Ltd)
Owner: A J Joyce-Brandon and R M
Brandon**

**AUTHOR: Senior Growth Planner
REPORT DATE: 26 July 2019
TRIM REFERENCE: ID18/1876**

EXECUTIVE SUMMARY

The Planning Proposal was lodged with Council on 2 August 2017, by consultants, Premise NSW Pty Ltd (formerly Geolyse Pty Ltd) on behalf of the landowners, A J Joyce-Brandon and R M Brandon. The Planning Proposal seeks to permit the development of a dwelling house on the combined area of Lot 147 and 148 DP 7543341, Warrie Road, Dubbo, ancillary to an approved intensive livestock agriculture use. The dwelling house is proposed to be permitted as an additional use in Schedule 1 of the Dubbo Local Environmental Plan (LEP) 2011.

Council at its meeting on 27 November 2017 considered a report in respect of the Planning Proposal and resolved as follows:

- “1. That Council supports the Planning Proposal to include a dwelling house as a permissible development activity ancillary to intensive livestock agriculture on the combined area of Lot 147 and Lot 148 DP 754331, Warrie Road, Dubbo.*
- 2. That Council supports a minimum 28 day public exhibition period for the Planning Proposal.*
- 3. That Council resolves to use its delegation under Section 59 of the Environmental Planning and Assessment Act, 1979 to draft the amendments to the Dubbo Local Environmental Plan 2011.*
- 4. That following completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition for further consideration of the Planning Proposal.”*

The Planning Proposal was placed on public exhibition from 28 November 2018 until 16 January 2019. Council received two (2) submissions from the public in respect to the Planning Proposal (**Appendix 1**). Council also received one (1) submission from a State Public Agency (**Appendix 2**). Issues raised in the submissions are discussed in the body of the report.

It is recommended that Council support the Planning Proposal as an amendment to the Dubbo Local Environmental Plan 2011 and that a request be made to the Department of Planning, Industry and Environment to prepare the draft amendment and for the Plan to be made.

FINANCIAL IMPLICATIONS

The applicant provided on lodgement of the Planning Proposal, payment of fees to Council in the amount of \$25,000. These fees are payment of ad hoc processing and assessment fees for the Planning Proposal application in accordance with Council's adopted Revenue Policy.

POLICY IMPLICATIONS

Adoption of the Planning Proposal by Council, as recommended in this report, would result in an amendment to the Dubbo Local Environmental Plan 2011.

RECOMMENDATION

- 1. That the subject Planning Proposal to undertake amendments to the Dubbo Local Environmental Plan 2011, be endorsed in respect of Lots 147 and 148 DP 754331, Warrie Road Dubbo.**
- 2. That Council request the Department of Planning, Industry and Environment to prepare the draft amendment to the Dubbo Local Environmental Plan 2011 and provide Council with an Opinion that the Plan can be made.**
- 3. That Council request Parliamentary Counsel to prepare the draft amendment to the Dubbo Local Environmental Plan 2011 under Section 3.36(1) of the Environmental Planning and Assessment Act, 1979.**
- 4. That the people who made a submission be advised of Council's determination in this matter.**

Lee Griffith
Senior Growth Planner

BACKGROUND

The Planning Proposal was lodged on 2 August 2017, by consultants, Premise NSW Pty Ltd (formerly Geolyse Pty Ltd) on behalf of the land owners, A J Joyce-Brandon and R M Joyce-Brandon. The Planning Proposal seeks to allow the development of a dwelling house on the combined area of Lot 147 and 148 DP 7543341, Warrie Road, Dubbo, ancillary to an approved intensive livestock agriculture use on the land. The dwelling house is proposed to be permitted as an additional use in Schedule 1 of the Dubbo LEP 2011.

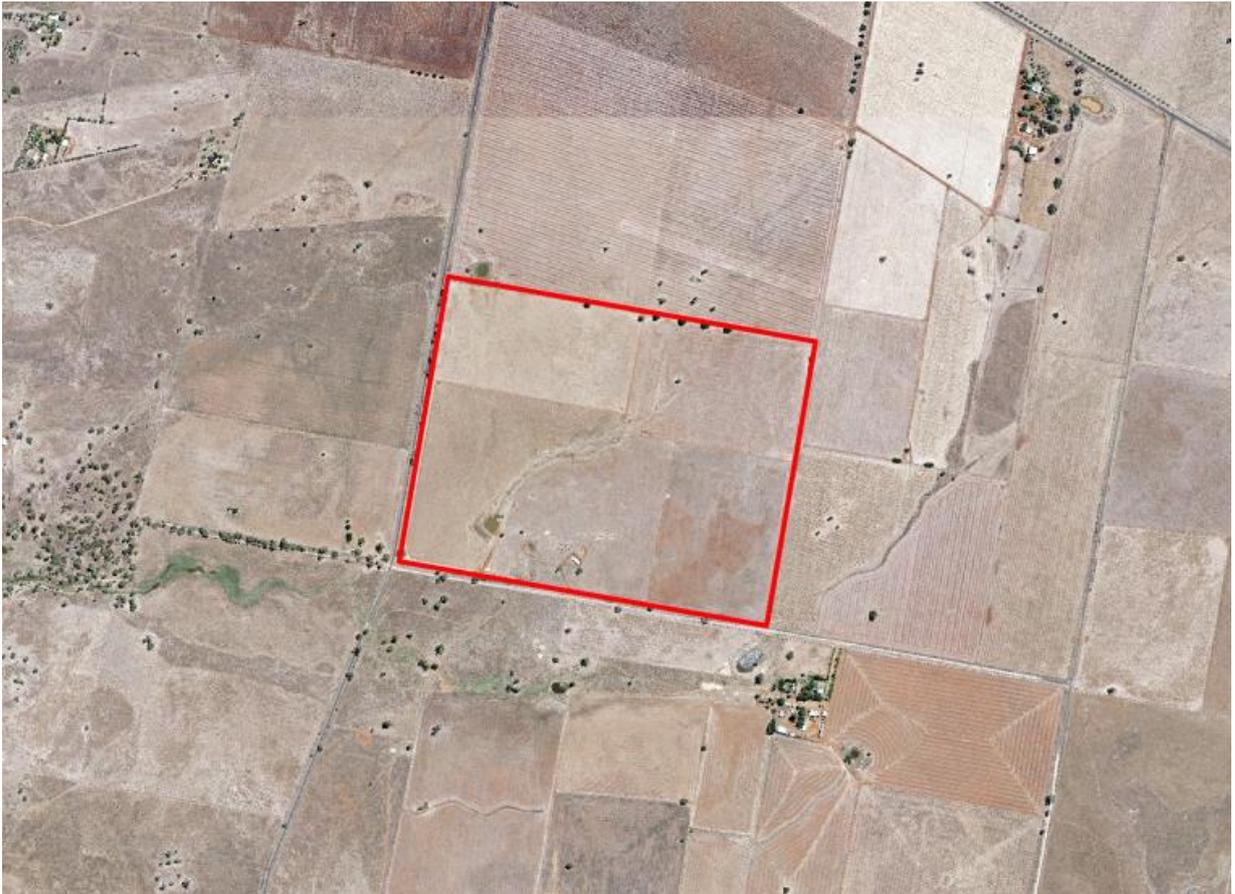


Figure 1: Subject Site – Lots 147 and 148 DP 754331 Warrie Road, Dubbo

REPORT

1. Gateway Determination

The Department of Planning and Environment issued a Gateway Determination for the Planning Proposal on 25 October 2018. The Gateway Determination included the following conditions:

- “1. Prior to undertaking community consultation, the planning proposal is to be revised as follows:
 - a. Amend the planning proposal to state the clear intent of the proposed dwelling house being a manufactured home style dwelling that is linked directly to the lamb finishing enterprise and that Lots 147 and 148 DP 754331 be consolidated into a single allotment prior to occupation of the dwelling house.
 - b. Amend the planning proposal to address the relevant directions in the Central West and Orana Regional Plan 2036.
 - c. Amend the planning proposal to address section 9.1 Direction 5.10 Implementation of Regional Plans.*
- 2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 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 specification for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning and Environment August 2016).*
- 3. Consultation is required with Department of Primary Industries – Agriculture under section 3.34(2)(d) of the Environmental Planning and Assessment Act, 1979. Department of Primary Industries – Agriculture 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.*
- 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 Environmental Planning and Assessment Act, 1979. 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).*
- 5. Prior to submission of the planning proposal under section 3.36 of the Environmental Planning and Assessment Act, 1979, the final LEP maps must be prepared and be compliant with the Department’s Standard Technical Requirements for Spatial Datasets and Maps’ 2017.*
- 6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway Determination.”*

2. Public Exhibition

In accordance with the conditions of the Gateway Determination, the amended Planning Proposal, including the required amendments from the Department of Planning and Environment and supporting documentation, was placed on public exhibition from 28 November 2018 until 16 January 2019, inclusive.

The Planning Proposal was displayed at the Dubbo Branch of the Dubbo Regional Council, the Dubbo Branch of the Macquarie Regional Library and on Council's website. An advertisement was also placed in local print media on 28 November 2018.

Two (2) submissions (**Appendix 1**) were received from the public in respect of the Planning Proposal. The following information details the issues raised in the submissions, including a relevant comment:

Submission 1 – Mr J Black

A summary of the submission is provided as follows:

- *Is broadly supportive of the proposed amendment to Schedule 1 of the Dubbo LEP 2011.*
- *This will result in a boost to the economy of Dubbo and an increase in agricultural production. The proposed house will not result in fragmentation of farmland, nor will it cause a conflict with existing agricultural land uses on neighbouring blocks.*
- *Has reservations that the house must be a 'manufactured home' as it:*
 - *Unnecessarily limits the sustainable design options, leading to a less energy efficient, less desirable, second-rate house;*
 - *Enforcement measures that will be used regarding removal of the manufactured house should the lamb feedlot cease operation, are the same that would be used to ensure an ancillary dwelling on a slab was not occupied i.e. revoke occupancy certificate, remove kitchen sink, disconnect power, fines, court order and costs, sheriff or jail.*

Comment:

The original Planning Proposal has been amended to include an additional permitted use to allow for the development of a manufactured home ancillary to an intensive livestock agriculture use. A manufacture home (as defined by the Local Government Act, 1993) is proposed as a result of concerns raised by the NSW Department of Primary Industries – Agriculture that the dwelling become established and the intensive use cease operations, thereby creating a de-facto dwelling entitlement. The construction of a manufactured home would allow such dwelling to be relocated from the site in the event that the intensive livestock agricultural use ceases.

Submission 2 - Mr R Menzies

A summary of the submission is provided as follows:

- *Supports a dwelling but not an intensive livestock agriculture use.*
- *An intensive livestock agriculture use is inconsistent with surrounding land uses.*
- *The proposal would result in rural land fragmentation and land use conflict.*
- *The Planning Proposal does not address animal welfare requirements and environmental treatments (vegetation buffers, dust management, odour control, manure management, dead animal pit and secure storage of grain and feed).*
- *The existing Mirambée Cattle Feedlot is generating dust which has forced upgrades to their existing water tank, including a large filtering system for drinking water at their nursery (Dun Lah Nursery and Café).*
- *The surrounding road infrastructure is unable to accommodate any future heavy vehicle traffic generated.*
- *The Planning Proposal would jeopardise existing rural based commercial uses in the area.*
- *Was not specifically notified of the Planning Proposal.*

Comment:

The intent of the Planning Proposal is to permit the development of a manufactured home ancillary to a future intensive livestock agriculture land use. The subject land is currently used as a lamb finishing enterprise being a form of extensive agriculture undertaking grazing of native and improved pastures with additional supplementary feeding from offsite sources. The Proponent's intent is to increase the number of lamb cycles from three (3) to four (4) per year, being an increase in lamb turnover of approximately 1,500 to 2,000 head per year.

The subject land is zoned RU1 Primary Production which permits intensive livestock agriculture with Council consent. Therefore, any future proposal for an intensive livestock agricultural use on the land will require a Development Application to be lodged with Council. Such Application would need to consider and address potential environmental impacts on the locality such as dust, noise, odour, animal waste and the like in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and Council's planning controls including the Dubbo Local Environmental Plan 2011 and Dubbo Development Control Plan 2013.

However, it is noted that the future proposed intensive livestock agriculture use is not in the form of a feedlot.

If the proposed land use ceases to operate, the dwelling will be required to be removed from the subject land.

With respect to public consultation, Council exhibited the Planning Proposal in accordance with the provision of Section 3.34(2)(c) of the Environmental Planning and Assessment Act, 1979 and the DPE's Guide to Preparing Local Environmental Plans. Given the nature of the Planning Proposal, Council considered it appropriate to notify those properties immediately adjoining the subject property in writing. Additionally, the Planning Proposal was advertised in the Daily Liberal, the Macquarie Regional Library, Dubbo Council's Civic Administration Building and Council's website.

3. State Agency Consultation

The Gateway Determination required Council to undertake consultation with the Department of Primary Industries – Agriculture (DPI – Agriculture). The submission provided by DPI – Agriculture is included here in **Appendix 2**. The following is a summary of the submission:

- *The use does not appear to be intensive given it is high input land based grazing activity;*
- *May require an upgrade of the existing groundwater bore onsite;*
- *Stocking density is maintained at a sustainable level from a groundcover aspect;*
- *The operations need to de-stock over the summer period indicates the operations are dependent on weather conditions and will be further impacted by longer dry periods; and*
- *This Application presents an argument for allowing an ancillary dwelling, however does not want this to form a precedent.*

Comment:

Council notes that no objections in respect of the Planning Proposal are made pertaining to the permissibility of a dwelling ancillary to an intensive livestock agricultural use. The comments made with respect to the defined use and de-stocking over summer periods, the proposed use will include an additional rotation of lambs over the summer period that will include supplementary feeding from off-site sources in order to maintain an appropriate level of groundcover. It is noted that the proposed intensive livestock agriculture use is not the subject to this Planning Proposal and will require the lodgement of a Development Application with Council.

4. Legal drafting of the LEP

Subject to endorsement of the amended Planning Proposal by Council, a request will be provided to the Department of Planning, Industry and Environment to prepare the draft Dubbo Local Environmental Plan 2011 under Section 3.36 of the Environmental Planning and Assessment Act, 1979.

The Department will liaise with Parliamentary Counsel about the content of the draft amendment. Once the content has been finalised, an Opinion stating that the Plan can be made will be provided to Council.

Following consideration of the Opinion, Council will be required to make a request to the Department to arrange for the Plan to be made. Once the Plan is made, the Department will request Parliamentary Counsel to notify the Plan on the NSW legislation website.

SUMMARY

A Planning Proposal was lodged by Premise NSW Pty Ltd (formerly Geolyse Pty Ltd) on behalf of the owners of Lots 147 and 148 DP 754331 Warrie Road, Dubbo on 2 August 2017.

The amended Planning Proposal seeks to amend Schedule 1 and the Additional Permitted Uses Map APU_008 of the Dubbo Local Environmental Plan 2011 to allow a manufactured home ancillary to an intensive livestock agriculture land use on the subject land.

The owners of the land are currently undertaking extensive agriculture on the site in the form of sheep grazing and are proposing to extend their current activity to a more intensive lamb finishing operation, which is defined as an intensive livestock agriculture use pursuant to the provisions of the Dubbo LEP 2011. The intent of the Planning Proposal is to for the construction of a dwelling ancillary to an intensive livestock agricultural use, noting that the proposed intensive livestock agriculture use is not the subject to this Planning Proposal and will require the lodgement of a Development Application with Council.

The Planning Proposal is considered to be broadly consistent with all relevant State Environmental Planning Policies and those Section 9.1 Directions which are applicable. It is also considered to be broadly consistent with the Dubbo Rural Areas Development Strategy. It is recommended that Council supports the Planning Proposal to amend the Dubbo Local Environmental Plan 2011.

Appendices:

- [1](#) Submissions
- [2](#) Department of Primary Industries - Agriculture Submission

From: Joshua Black <JoshuaBlack37L@hotmail.com>
Sent: Saturday, 15 December 2018 5:57 PM
To: DRC Mailbox
Subject: Submission to Public Exhibition of Planning Proposal - Lots 147 & 148 DP 754331, Warrie Road, Dubbo

Hello,

I'm broadly extremely supportive of the proposed amendment to Schedule 1 of the Dubbo LEP 2011 for Lots 147 & 148 DP 754331, Warrie Road, Dubbo.

This will result in a boost to the economy of Dubbo and an increase in agricultural production. The proposed house will not result in fragmentation of farmland, nor will it cause a conflict with existing agricultural land uses on neighbouring blocks.

My only reservation is the stipulation that the house must be a "manufactured home". Having read the Planning Proposal and associated documents I understand that Planning NSW wish to see the house removed if the lamb feedlot ceases to be used. I'm assuming this is to prevent the subject land being used as Rural Residential.

My concern is that the stipulation for a "manufactured home" unnecessarily limits the sustainable house design options, leading to a less energy efficient, less desirable, second-rate house. Many innovative sustainable design features such as an insulated slab with hydronic heating, structural insulated panel walls, using morning sun to heat up high thermal mass slab and walls, Earth Ship house design etc will be totally excluded due to a fear of the house being used as a Rural Residential dwelling.

There are already enforcement measures in place to ensure compliance with the Dubbo LEP 2011 regarding occupancy of the proposed ancillary dwelling. The enforcement measures that will be used regarding removal of the manufactured house should the lamb feedlot cease operation are the same that would be used to ensure an ancillary dwelling on a slab was not occupied ie revoke occupancy certificate, remove kitchen sink, disconnect power, fines, court order and costs, sheriff, jail etc.

So given the regulations and enforcement measure that already exist in law, I feel that the stipulation for a "manufactured home" is a extremely unfortunate as this will unnecessarily lead to an inferior, second-rate house design that compromises massively and greatly limits best practice, modern sustainable design principles.

A "manufactured house" will comply with the BASIX, but will simply never be able to achieve 10 star thermal rating of not requiring any artificial heating or cooling.

Yours sincerely,

Joshua Black
PO Box 2434
Dubbo, NSW, 2830
mob: 0421646299

16th January 2019

Dun Lah Nursery
109R Old Dubbo Road
Dubbo NSW 2830
Phone: 02684 0166

Dubbo Regional Council
Civic Administration Building
PO Box 81
Dubbo NSW 2830

Attention: Senior Planner

**Re: Planning Proposal R14/4 – Additional Permitted Use
(Dwelling House), Warrie Road, Dubbo
Submission to public exhibition of planning proposal- lots 147 & 148 DP 754331,
Menzies and Davis – 109R Old Dubbo Road**

Dear Sir/Madam,

We don't not support the proposal to amend Schedule 1 and the Additional Permitted uses Map APU_088 of the Dubbo Local Environmental Plan 2011 to allow a manufactured home ancillary to an intensive livestock land use on the above property and do not support the future development of the intensive livestock agricultural venture to be carried out on this property.

As local residences, living and working in this area, we are raising concerns in regards to another feedlot and not being consistent with the current land uses and businesses in the area. We also are concerned about the effect of the close proximity of lamb finishing enterprise has on our investment, which is over double to what the planning proposal owners, have in invested. Dun Lah Nursery, development application was approved in 2014 and the construction certificate was approved by Council in the 2016, which is due to open in July 2019.

We understand a planning proposal lodge with council seek to allow the provision of a dwelling house on the land ancillary to use of the land for the purposes of intensive livestock agriculture, intensive livestock agriculture is defined, in this case a sheep feedlot.

We are also aware that the dwelling does not meet the provisions of the Dubbo Local Environmental Plan 2011, with a minimum lot size for subdivision of 800 hectares.

The dwelling house would be required to be ancillary to the proposed intensive livestock agriculture activity, meaning that if the intensive agriculture activity were to cease, the dwelling house would be required to be rendered uninhabitable which would not permit the house to be lived in.

What we don't understand why the planning proposal for the dwelling and the development application for the feedlot, are not in one development application, as the proposed dwelling cannot go ahead without the intensive lamb finishing operations.

On a visit to Council's planning office, I was advised that our property is only located, approximately only 1700 metres from the proposed site. Our concern is, that has put to Council in August 2017 and as residences, when would we have been notified, in relation to the planned proposal.

We are asking the following questions, is this a viable business planning proposal or is it a way, to be able to build a dwelling on these blocks? Is this planning proposal going to meet the animal welfare and all environmental requirements that is required to run an intensive livestock facility? As this is not stated in the proposal.

It is definitely a no, to the support for the planning proposal, additional permitted use (Dwelling House) to allow a manufactured home ancillary to an intensive livestock agriculture. We would look at any proposal for a dwelling, without the intensive livestock agriculture.

Attached is our report and how we see the effects of this type of development will have on our quality of life and our business.

If you require any further information regarding this matter, please do not hesitate to contact us, we are happy to discuss our concerns.

Regards

Ross Menzies
Robyn Davis

Attachment: 1: RESPONSE REPORT - PLANNING PROPOSAL - WARRIE ROAD DUBBO

RESPONSE REPORT – PLANNING PROPOSAL - WARRIE ROAD DUBBO

PUBLIC EXHIBITION OF PLANNING PROPOSAL – 16 January 2019

SUBJECT LAND: LOT 147 AND LOT 148 DP 754331, Warrie Road, Dubbo

PROPOSAL: To undertake amendments to the Dubbo Local Environmental Plan 2011 in respect of the subject land to allow a manufactured home as ancillary to an approved intensive livestock agriculture development use

APPLICANT: Geolyse Pty Ltd

OWNER: A J Joyce-Brandon and R M Brandon

AUTHOR: Robyn Davis for
Ross Menzies and Robyn Davis
Resident and Business Owner
109R Old Dubbo Road
Dubbo NSW 2830

Notice is hereby given of the public exhibition of a Planning Proposal that seeks to amend the Dubbo Local Environmental Plan 2011 (Dubbo LEP 2011).

The Planning Proposal intends to amend Schedule 1 and the Additional Permitted Uses Map APU_008 of the Dubbo Local Environmental Plan 2011 to allow a manufactured home ancillary to an intensive livestock agriculture land use on the subject land. Lot 147 and Lot 148 DP 754331 will be consolidated into one (1) allotment as part of a future development application.

Our Summary

Area Overview

The Old Dubbo Road, which includes the Eschol area is prime river country and a well sort after property location of Dubbo. The area has many large prestige homes and country style businesses, large monetary amounts have been invested, in these homes, business and in the area.

Over the years, Dubbo Regional Council, has approved a number of subdivision, Changing RU1 Zoning to R5 Zoning. For example Woodstock Estate in the 1980's, Angle Park Road, Angle Road, Rocky Road, Warrie Road and Bencubbin Estate. With owners buying, with the idea of a prestige rural home site and country lifestyle.

By originally placing a large number of R5 blocks in this area, Dubbo Regional Council has already defined the purpose for this area. The already approved development applications for business in this area, has define, the view, to expand, Dubbo's rural based tourism industry. This meets the Dubbo Rural Areas Development Strategy and the Dubbo Local Environmental Plan 2011, by enable function centres, restaurants and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.

The site of the planning proposal, can be view, from Old Dubbo Road, down through the valley and is in a prime location. It would make a perfect residential site or standard livestock and cropping activity, but not a site to be view as an intensive livestock venture. We feel that the visibility of an intensive livestock feedlot, would be detrimental to the area.

The land immediately surrounding the site is considered to be rural in character, however in the wider area, a variety of land zonings and subsequent land uses are portrayed, in accordance with the Dubbo Local Environmental Plan 2011.

There are many RU4 – Primary Production Small Lots land zoning and over thirty R5 – Large Lot Residential land zonings are in relatively close proximity to the site, some being less than 700 metres, which does not meet the guidelines set on by Department of Primary Industries. The guideline states, that intensive livestock activity to be not to be in an area within a 1000 metres of dwellings, residential and motel/hotel, which are nuisance sensitive places.

The area is made up of RU1, RU4 and R5 zoned blocks. The RU1 and RU4 mostly cropping, small sheep and cattle small livestock ventures, wedding and accommodation centre. Many of the R5 Blocks being lifestyle only blocks, small businesses, included a plant nursery/cafe and very small farm activities being carried out.

In the Dubbo Local Environmental Plan for all zones, is to minimise conflict between land uses within each zone and land uses with adjoining zones.

To allow this type of development, of this type, to sit in between R5 and R4 blocks would cause rural land fragmentation, and conflicting activities that has defined as appropriate to the particular district.

Traffic Movements

The current road uses, in the area are, residences travelling to and from Dubbo, numerous trucks, servicing the Mirambee Feedlot, cropping and local farmers. The road is also used daily by local cyclists, professional for training purposes and amateur cyclists for recreation and relaxation. It is a regular drive for learner drivers, boat owners and vintage car owners.

The Old Dubbo Road is a narrow two line bituminous road. On passing trucks on this road, vehicles are forced the road shoulders, to allow, the trucks to pass. Warrie and Buckhobble Roads are both single lane bituminous road, Lambar Road is gravel surfaced. It is impossible for two large vehicles to pass, let alone heavy trucks.

The location of the proposed site is off Warrie Road with a vehicular access to the site is gained via Lambar Road to the south, through a gated rural crossover.

At present, there is a large amount of large and oversized and trailed trucks travelling daily, due to the extra trucks, from Mirambee Feedlot and seasonal from the corn growing and stock movements.

On a regular basis, especially after rain, Council Road Services are regularly re-surfacing shoulders and filling of road pot holes, caused by the regular heavy truck movements.

The land the subject of the Planning Proposal is situated in the Macquarie District. In the Dubbo Rural Areas Development Strategy, one of the development objectives is for safe and efficient transport links between Dubbo and other major centres, with a capacity for future expansion.

On reviewing the planning proposal, by Geolyse Pty Ltd, for the landowners, in regards to the intensive livestock activity, they are stating that the planning proposal would not increase the traffic in this area.

On being a resident, living in the area, for the past fourteen years, we believe the planning proposal is likely to present to increase in traffic in the immediate locality and surrounding areas of the Old Dubbo Road, for the following activities.

With the transportation of five hundred sheep, four times a year, to sales. The feed and grain required to be brought into feed five hundred sheep, as the land size does not allow for intensive crop growing to support the venture.

The trucks will be required for the removal of manure, from the site, as site is not does not allow for onsite disposal of manure.

In times of drought the site would require supplementary water deliveries to the site, if on site water is in adequate water five hundred sheep.

Location to Other Businesses

This Planning Proposal is not in the same character as surrounding businesses, which is tourism based, B&B, Wedding and Accommodation and Nursery and Coffee Shop which are less than, 1700 metres.

On Dubbo Regional Council, approving these businesses and activities, is or was there an overall plan for the Old Dubbo Road and Eschol Areas, to be tourist based.

The planning proposal is stating that, it is broadly consistent with the objectives of the RU1 Primary Production zone and the Rural Areas, we beg to differ.

Businesses in the Area*Outback Cellar – 889 metres from the Planning Proposal*

Wedding and Accommodation Venue

21R Warrie Road Dubbo

Owners - Mark & Tracey McKenna

Experience the charming county lifestyle at its finest at the Outback Cellar Dubbo

125 acres of prestige farming land off the Macquarie River. Ten minutes from the Zoo

Offering old winery Cellar converted to a beautiful studio apartment

Country cottage, Loft apartment

Weddings, intimate functions and corporate retreats

Corcoran Bed & Breakfast – 1500 metres from the Planning Proposal

4L Rocky Road Dubbo

Owners - Leanne and Colin Corcoran

Country Style Accommodation

Accommodation for couples, families and small groups

Dun Lah Nursery & Café – 1700 metres from the Planning Proposal

109R Old Dubbo Road

Owners - Ross Menzies and Robyn Davis

At present, building erected and operation will start in July 2019

Dun Lah Nursery

Picturesque, country designed, old style country plant nursery & coffee shop

Lazy River Estate – 6000 metres from the Planning Proposal

29R Old Dubbo Road Dubbo

Premium Catering, Wedding, Events and Function Centre that capture the essence of the central west lifestyle, also offering villa accommodation.

All these local businesses complement each other and represent tourism and the country hospitality, which Dubbo is known for. These businesses under the Central West and Orana Regional Plan meets the all the four goals in the vision of the plan.

The above business, have all invested large amount of money into this area, the profit and the jobs that they have now and what they will create in the future, will give back to Dubbo's economy. These local businesses will keep visitors in Dubbo longer, to show them the Dubbo Country Hospitality and many return visits to the city. The contribution and commitment from these businesses is high and would be a domino effect to the city of Dubbo's economy.

In the Planning, Development and Environment Committee Report, it is considered that the planning proposal is consistent with the Central West and Orana Regional plan, in which it may well be, but it is not consistent with the businesses and community in close proximity, to the planning proposal, we don't think so.

The Planning Proposal, attached an economic analysis was submitted, to assess the viability of the existing and proposed agricultural operations with the introduction of supplementary feeding. Operations currently produce a profit of \$24760, representing an 8.3% return on assets, with a chance to increase to \$39,449.00.

Why would Council approve these types of developments, with profits well over and above, with then to place an intensive agricultural business, which is only making a profit of under \$40,000.00 per annum?

Placing livestock facility, would detrimental to these businesses, with the environmental problems that are associated with these feedlot type business.

Problems for Sheep Feedlot

This intensive livestock development, the activity, to be carried out on this site, many environmental problems can occur and in the planning proposal were not mentioned in the environmental treatment of the property.

No real vegetative buffer zones, that will cause the release of dust or particulates that cause environmental nuisance beyond the boundary of the site.

The majority of the subject land is clear of vegetation, so there is no buffer zone to separate one land use from another, with which it is incompatible. There is no vegetation to provide adequate shade and protection from the prevailing winds, to the animals.

The area is predominantly heavy clay soil, this type of soil, may 'pug' in wet weather and dry slowly, increasing odour and welfare problem.

The following was not mention in the future planning proposal for this development, manure utilisation area, sedimentation systems, effluent holding ponds and waste stockpiling, dead animal pit and composting areas.

The regular removal of manure, will be required, as piles manure will smoke or catch on fire, if not treated correctly. Dust, from the manure, will also need, to be controlled. Flies will be also encouraged to the area.

No dam or catchment area to hold excess urine and manure in wet periods. No containment area made of a vegetation description.

Adequate grain and feed storages, to reduce encouraging pests, to the property. Including birds, wild cats, rats and mice.

Mirambee Cattle Feedlot

123L Old Dubbo Road Dubbo
1600 metres from 109R Old Dubbo Road
3000 metres approx. from Warrie Road Planning Proposal

In the last few years, the Mirambee Cattle Feedlot has changed hands. Changes to operation practice, has led to us experiencing problems from this feedlot.

Due to the amount of dust from the feedlot, we have had to place first flashes on our tank system and place a large filtering system on our house and one to be installed on the nursery building, to be able to get the manure dust, out of our drinking water.

In the nursery area have and are installing buffer zones, of trees and hedges, to reduce the dust coming from the feedlot. We have undertaken these measures at our expense, to enable us to live and be comfortable in with this environment nuisance.

We have been in consultation with the EPA, in regards to the stock piling of manure, manure fires, constant smells and odours, over stocking and water running into the creek areas, then to the Macquarie River, in heavy falls of rain.

One Feedlot in the area already and will put R5 blocks in the path of wind from every direction. We have undertaken our own methods to combat the environmental problems on the eastern side of our boundary, to reduce the effect of this feedlot on our health, residence and our dining customers to our Plant Nursery/ Café.

Strategy and Plans for Area

Dubbo Rural Areas Development Strategy

The Dubbo Rural Areas Development Strategy forms the basis for the rural land use zonings and planning controls provided in the Dubbo LEP. It is considered that the planning proposal would not significantly impact surrounding land uses or result in rural land fragmentation.

The land the subject to the planning proposal is situated in the Macquarie District. The strategy provides for the following development objectives that include agriculture – A more secure future for agriculture in Dubbo and expansion of its economic value. Also, to expand

Dubbo's tourism industry and use the recreational potential of the rural area. The business in this area met with strategy.

Dubbo Local Environmental Plan 2011

The objectives of the RU1 Primary Production is to minimise conflict between land uses within the zone and land uses with adjoining zones. To enable function centres, restaurants and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses. To place an intensive livestock agricultural facility will create conflict between the current business and land owners in the area.

Dubbo LEP - Minimum Lot Size

The subject land has minimum lot size of 800 hectares pursuant to the provisions of the Dubbo LEP. This means that neither allotment currently possesses a dwelling entitlement under the provision of the LEP. The planning proposal does not intend to amend the minimum lot size but rather make a dwelling permissible as an additional permitted use as ancillary to intensive livestock agriculture. Any such amendment to the minimum allotment size would permit a dwelling house on the land which would not be associated with any agricultural land use activity.

There are a lot of RU1 zoned blocks in this area, with many larger land mass, than the planning proposal. Many of these property owners are also trying to get a dwelling entitlement for their blocks, what makes this planning proposal more significantly different to the other properties and proposals.



OUT19/9789

19 July 2019

Chief Executive Officer
Dubbo Regional Council
P O Box 81
DUBBO NSW 2830

Attention: Lee Griffith
Senior Strategic Planner

Email: lee.griffith@dubbo.nsw.gov.au

Dear Mr Griffith

**Planning Proposal – Proposed Amendment to Dubbo LEP 2011
R17- 4 –proposed manufactured home ancillary to grazing use**

Thank you for opportunity to provide additional comments on the above proposal as per your correspondence dated 25 June 2019.

As previously stated the ability to increase stocking density as part of a high input activity to increase the production of a land based grazing activity is not considered to be an intensive livestock operation. If so, virtually all grazing operations in NSW would currently be regarded as intensive livestock operations, and significant restrictions would be required to enable them to operate. An intensive livestock activity would also require the bore to be converted to an industrial use, while the groundwater bore for this operation is remaining for stock and domestic use.

So in respect of this, the information supplied indicates that the stocking density in a pasture based system is being maintained at a sustainable level – at least from a groundcover aspect. The operation's need to completely destock during the summer also indicates that the enterprise is dependent on the prevailing weather conditions and the impact of this on pastures like any other land dependent grazing operation. Hence this operation will continue to be impacted by the overall drying trends and the ongoing need to monitor pastures, and the need to destock during the longer dry periods that will increasingly occur. This is inherent to the function and management of a higher input grazing enterprise that is recognised in this application.

In light of the evidence provided and previous discussions, the proposal to establish a manufactured home ancillary to the use of this grazing operation (not being intensive livestock agriculture) should only be considered as a one off opportunity based on the evidence supplied. Whilst the ancillary use of the dwelling will cease upon the operation of this activity, the applicant must advise of any change in status that will see the operation of the enterprise cease or change significantly.

Should you require further clarification on any of the information contained in this response, please contact myself 68811250 or mobile 0427949987.

Yours sincerely

E signed

Mary Kovac
Agricultural Landuse Planning Officer
Central & Far West



**REPORT: Development Application
D2019-71 (2) - Car Wash (Light Industry)
Property: Lot 4 DP 519008, 94 Victoria
Street, Dubbo
Applicant: J & M Cook Engineering
Services
Owner: Cole for Cranes Pty Ltd**

AUTHOR: Statutory Planning Services Team
Leader
REPORT DATE: 26 July 2019
TRIM REFERENCE: ID19/1064

EXECUTIVE SUMMARY

A Section 4.55(1A) modified Development Application for Development Consent D2019-71 (2) was lodged with Council on 30 May 2019, seeking a reduction to the value of the Section 64 Water Headworks Contribution imposed in Condition 38 of the development consent, and the Section 64 Sewer Headworks Contribution imposed in Condition 39 of the development consent.

In accordance with the adopted Section 64 Plan – Water and Sewerage Contribution Policy (November 2002), Council can consider a request for a review of the contribution in accordance with the Plan, as follows:

“3.5.1 Development not Categorised by PWD Guidelines

Council recognises that these PWD documents were not prepared for this purpose and cannot practically be applied to all development applications. Some developments will not ‘fit’ a category in the Guidelines. Additionally, data required to assess the demands/loadings will not always be available at the time of application, such as the expected annual water consumption.

For this reason Council accepts that a small proportion of applications will be assessed on individual merit. Council will determine a demand/loading for the development using the best available data.

Alternative sources to assist the determination include:

- *Plumbing fixtures code; and*
- *Listings of water consumptions of typical developments prepared by other water authorities.”*

If a developer disagrees with the assessment the onus would be on the developer to demonstrate that there is an improved assessment."

Noting Council's Contributions Policy does not accurately quantitate waste consumption and sewer discharge for this type of development, Council's original assessment and consent was based on the Water Directorate 2017 which identifies appropriate Equivalent (ET) rates for a car wash.

Following discussions with Council, the applicant has requested (via this application) that water and sewer contributions be reconsidered on the basis of actual usage rates for a similar development being the Crystal Kleen Carwash at 1 Douglas Mawson Road, Dubbo. While Council does not concur with the methodology used by the Applicant, the contributions were ultimately recalculated on the basis of the peak day demand of local consumption rates, based on the actual usage statistics supplied for the comparative car wash.

Upon review it is recommended that Conditions 38 and 39, be modified thereby reducing the combined water and sewer contributions from \$325,255.85 to \$90,336.60 (2018/2019 financial year figures). Given the significant variation to the contributions, and the methodology used being outside the scope of the Policy, the Application is provided to Council for determination.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report, as it has been accepted that the development does not generate an impact beyond the modified contribution imposed.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That Council agree to reduce the combined Water and Sewerage Supply Headworks contribution for D19-71 from \$325,255.85 to \$90,336.60 (based on the adopted 2018/2019 financial year figures).**
- 2. That modified Development Application D19-71 (Part 2) for a car wash (light industry) at Lot 4 DP 519008, 94 Victoria Street, Dubbo be granted approval subject to the conditions of consent provided attached in Appendix 1, noting the amendments to Conditions 38 and 39.**

Shaun Reynolds
Statutory Planning Services Team Leader

BACKGROUND

Development Consent was granted on 21 May 2019 for a car wash (light industry) and associated infrastructure. Specifically the approved development comprises:

- One (1) automatic drive-thru wash bay;
- Three (3) self-serve wash bays;
- Four (4) vacuum bays;
- Two (2) off-street parking spaces;
- Plant room and small office area;
- Disabled sanitary facilities;
- Provision for two (2) new driveway crossovers off Victoria Street (each single direction driveways);
- Business identification signage on the car wash fascia; and
- Landscaping throughout.

The Application identified that the car wash will operate 24 hours, seven (7) days per week. A copy of the approved site plan is provided below in **Figure 1**.

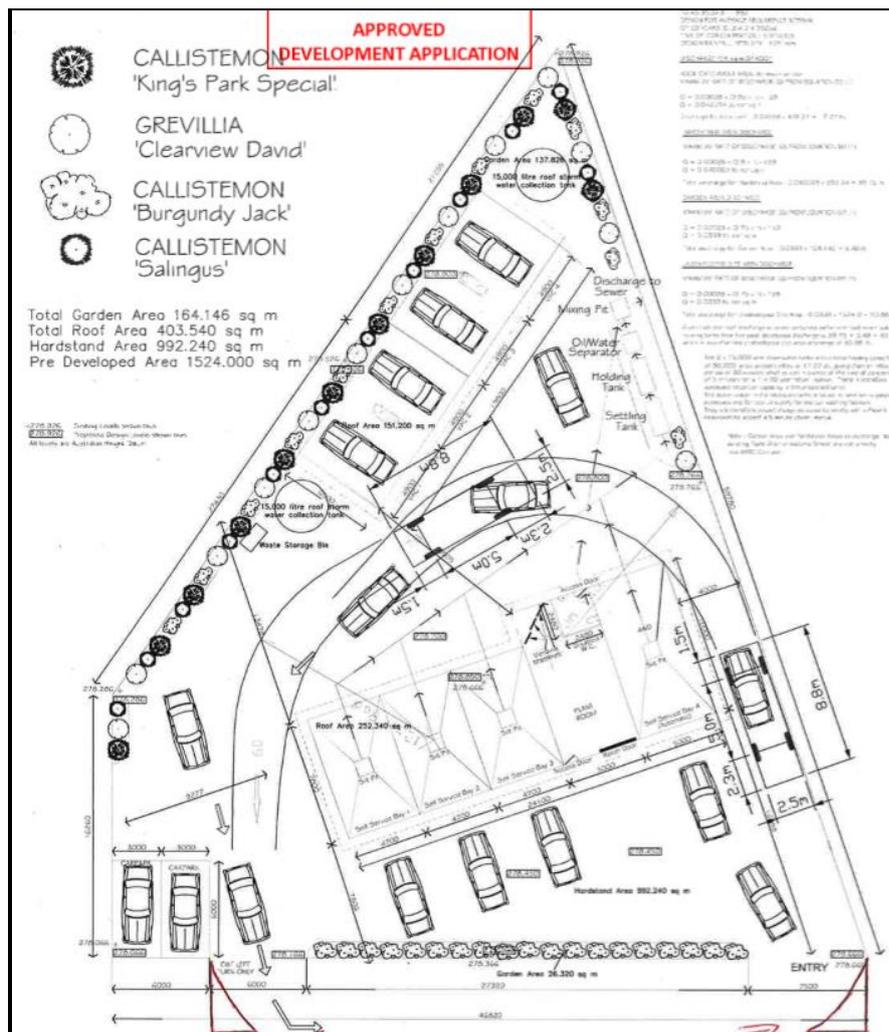


Figure 1: Approved site plan D19-071 Part 1

The development consent imposed a condition in relation to the imposition of Water Supply Headworks contributions to the value of \$124,571.74 (21.8ET). Likewise, the consent also imposed a condition in relation to the imposition of Sewerage Supply Headworks contributions of \$200,684.11 (35.12ET). Please note these figures are 2018/2019 financial year rates, reflecting the financial year that the Part 1 consent was approved under.

REPORT

1. APPLICATION DETAILS

Owner: Cole for Cranes Pty Ltd
Applicant: J & M Cook Engineering Services (on behalf of Messrs Tim Beatty and David Gleeson)

A modified Development Application pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 was lodged with Council on 30 May 2019. The application seeks approval to modify Condition 38 by way of varying the required Section 64 Water Supply Headworks contributions. Condition 38 reads as follows:

*“Prior to the issue of the Occupation Certificate, the payment of **\$124,571.74** (21.8ET) for Water Supply headworks contributions, pursuant to Section 64 of the Local Government Act, 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act, 2000 and in accordance with Council’s adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002.*

Such contribution rate per ET is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council’s annual Revenue Policy.

Note 1: Council’s adopted 2018/2019 financial year rate is \$5,714.30 per ET.

Note 2: As the above contribution rate is reviewed annually the ‘current contribution rate’ is to be confirmed prior to payment.

{Reason: Implementation of Council’s adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}”

The application also seeks approval to modify Condition 39 by way of varying the required Section 64 Sewerage Supply Headworks contributions. Condition 39 reads as follows:

*“Prior to the issue of the Occupation Certificate, the payment of **\$200,684.11** (35.12ET) for Sewerage Services headworks contributions, pursuant to Section 64 of the Local Government Act, 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act, 2000 and in accordance with Council’s adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002.*

Such contribution rate per ET lot is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council’s annual Revenue Policy.

Note 1: Council's adopted 2018/2019 financial year rate is \$5,714.24 per ET lot.

Note 2: As the above contribution rate is reviewed annually, the 'current contribution rate' is to be confirmed prior to payment.

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}"

During the Part 1 consent it was determined the development would impact upon Council's infrastructure in regards to water and sewerage services. Consequently, conditions were imposed for a monetary contribution for Water and Sewerage Supply headworks contributions (conditions 38 and 39) in accordance with Council's Section 64 Contributions Plan. While the Applicant acknowledges the development should incur contributions, it has been requested the value of imposed contributions be reconsidered. The Application and methodology provided by the Applicant is provided attached as **Appendices 2 and 3**.

The Applicant has supplied water usage figures of a car wash in Dubbo that is operated by the Applicant as a means of demonstrating a lower contribution should be applied. Such matters will be considered in further detail within this report.

No physical or operational aspect of the development is proposed to be amended.

A detailed assessment of the modification proposed will be undertaken within this report.

2. LEGISLATIVE REQUIREMENTS – S4.55(1A)

Section 4.55(1A) of the EP&A Act 1979 pertains to modifications to a consented to Development Application involving minimal environmental impact. It states:

"A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application."*

It is considered that the proposed modification will result in negligible environmental impacts and is substantially the same development as the consent which was originally granted.

Given the modification pertains to an administrative component only (being the imposition of developer contributions), and does not pertain to any built or operational aspects of the development proposal, neighbouring landowners were not notified of this Application. It should be noted during the Part 1 assessment Council notified neighbouring property owners of the proposed development with no submissions received.

The information detailed below provides an assessment of these areas of the development, which will require assessment with Section 4.15 of the EP&A Act 1979, as is relevant.

Those areas of the development not discussed below are not considered relevant to the proposed modification.

3. LEGISLATIVE REQUIREMENTS S4.15(1)(a)

Environmental Planning Instruments S4.15(1)(a)(i)

State Environmental Planning Policies

The Part 1 Application was assessed against the following SEPP's

- SEPP 55 – Remediation of Land;
- SEPP (Infrastructure) 2007; and
- SEPP 64 – Advertising and Signage.

It is considered there is no component of the modification which contradicts the assessment undertaken against any of the above SEPPs during the Part 1 assessment.

Dubbo Local Environmental Plan 2011

The land is zoned IN2 Light Industrial pursuant to the Dubbo Local Environmental Plan 2011. A car wash (light industry) is permissible in the IN2 zone. The land use is not proposed to be amended as a consequence of this modification.

Other clauses considered during the Part 1 Assessment were:

- Clause 5.14 – Siding Spring Observatory;
- Clause 7.5 – Groundwater Vulnerability; and
- Clause 7.7 – Airspace Operations.

It is considered there is no component of the modification which contradicts the assessment undertaken against any of the above clauses during the Part 1 assessment.

Proposed Instruments S4.15(1)(a)(ii)

No draft environmental planning instruments apply to the land to which the Development Application relates.

Development Control Plan S4.15(1)(a)(iii)

Dubbo Development Control Plan 2013

The Part 1 Application was assessed against the following Chapters of the DCP.

- Section 2.3.3 – Industrial Development and Subdivision – Development Controls;
- Chapter 3.1 – Access and Mobility; and
- Chapter 3.5 – Parking.

Given the modification pertains to developer contributions only, and no physical aspect of the development proposal is proposed to be amended, it is considered there is no component of the modification which contradicts the assessment undertaken against any of the above during the Part 1 assessment.

4. LIKELY IMPACTS OF THE DEVELOPMENT S4.15(1)(b)

It is considered the modifications proposed will not cause an adverse impact to the natural or built environment. Likewise, the modifications will not generate any adverse social or economic impacts to the locality.

5. SUITABILITY OF THE SITE S4.15(1)(c)

It is considered that the modifications will not present any additional impacts to that assessed during the Part 1 assessment.

6. SUBMISSIONS S4.15(1)(d)

Given the modification pertains to an administrative component only (being the imposition of developer contributions), and does not pertain to any built or operational aspects of the development proposal, neighbouring landowners were not notified of this Application.

7. PUBLIC INTEREST S4.15(1)(e)

There are no matters other than those discussed in the assessment of the Development Application above that would be considered to be contrary to the public interest.

8. LOCAL GOVERNMENT ACT 1993, SECTION 64 DEVELOPER CONTRIBUTIONS

The modification pertains to the conditions 38 and 39 which concern respectively the imposition of water and sewerage contributions.

Council's Water and Sewerage Contribution Policy (November 2002) does not accurately reflect water and sewerage usage for commercial car washes. In lieu of this Council consulted the Water Directorate 2017 noting Council's contributions plan states "*Council will determine a demand/loading for the development using the best available data*". The Directorate identifies Equivalent Tenement (ET) rates for this type of development on a per bay/lane basis. For water this is 5.70 ETs per bay/lane and for sewer this is 9.03 ETs per bay/lane. The proposed development provides for four (4) bay/lanes, being one (1) automatic bay and three (3) manual bays.

The Applicant also operates the Crystal Kleen Car Wash at 1 Douglas Mawson Road. This facility comprises eight (8) car wash bays, being two (2) automatic bays and six (6) manual bays. The Applicant has provided water usage bills for that development to demonstrate water usage and therefore requests this be applied at a pro-rata rate for this development, noting the proposed development is exactly half this size (three (3) manual bays and one (1) automatic bay). Council has also undertaken its own research in terms of water usage for the Douglas Mawson Road property and applied methodology around this as detailed further below.

Both the Applicant and Council acknowledge the Douglas Mawson Road carwash utilises an average of 10,892KL per year. It is however not appropriate to simply halve this volume and apply an appropriate rate. Dubbo's average water usage and sewer discharge must be considered.

Council has referred to water usage as calculated in the draft Integrated Water Cycle Management Plan (IWCM). The IWCM is a 30-year strategy, which amongst many things, ensures that any necessary capital works projects are appropriately sized.

Water Headworks Contributions

As stated in Council's draft IWCM, Dubbo's average water consumption is 392KL per ET per annum. The IWCM also identifies that peak day demand is 3.55 times greater than the average day. Council's Water and Sewer Contribution Policy utilises Peak Day Demand when calculating ETs, as water infrastructure is designed to cope with the highest demand.

The peak day demand (PDD) is therefore:

$$(392 \text{ kL per annum}/365 \text{ days}) \times 3.55 = 3.81\text{KL}/\text{day}/\text{ET}$$

Water consumption for the existing car wash is:

$$10,892\text{KL}/365 \text{ days} = 29.84\text{KL}/\text{day}$$

Apportioning this to the proposed development, noting it has half the number of wash bays as the existing development, would therefore be 14.92KL/day. The calculated ET's for the proposed car wash is therefore:

$$14.92\text{KL/day} / 3.81\text{KL/day} = 3.916 \text{ ETs}$$

It is standard practice that any necessary credits for the site based on the sites previous use are taken into account. In this instance a credit of 1ET is provided. Therefore the net ET for water contributions is deemed to be 2.916 ETs.

Under Councils 2018/2019 Revenue Policy the rate per ET is \$5,714.30. The contribution is therefore:

Contribution: \$ rate x ET
 \$5,714.30 x 2.916
 \$16,662.90

It is therefore recommended Condition 38 be amended to read as follows:

*Prior to the issue of the Occupation Certificate, the payment of **\$16,662.90** (2.916 ETs) for Water Supply headworks contributions, pursuant to Section 64 of the Local Government Act, 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act, 2000 and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002.*

Such contribution rate per ET is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council's annual Revenue Policy.

Note 1: Council's adopted 2018/2019 financial year rate is \$5,714.30 per ET.

Note 2: As the above contribution rate is reviewed annually the 'current contribution rate' is to be confirmed prior to payment.

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

Sewer Headworks Contributions

As stated in Council's Integrated Water Cycle Management Plan (IWCM), Dubbo's average sewer loading 235.2KL per ET per annum. Unlike water, sewerage is calculated on average usage rather than peak day demand.

The Water Directorate identifies car washes as having a standard sewer discharge factor of 95% (discharge factor is the proportion of water consumption that is discharged to the sewer system). However in this instance, a discharge factor of 60% will be used, in line with the discharge factor for the existing facility at Douglas Mawson Road.

The ET sewer loading is therefore:

Usage = 5,446KL/year (being 50% of the water usage of the existing car wash)

Usage = 5,446KL/year x 0.6
= 3,267.6KL/year

It should be noted that while the discharge factor is 60% (i.e. 60% of the water used is ultimately discharged to sewer), the water usage is multiplied by 60% rather than divided by this number to reflect the higher costs of constructing and maintaining sewerage infrastructure. This methodology is standard practice utilised within Council's Contribution Policy and within the Water Directorate.

ET sewer loading therefore = 3,267.6 KL/year / 235.2 KL/ET/year
= 13.893 ETs

It is standard practice that any necessary credits for the site based on the sites previous use are taken into account. In this instance a credit of 1ET is provided. Therefore the net ET for water contributions is deemed to be 12.893 ETs.

Under Councils 2018/2019 Revenue Policy the rate per ET is \$5,714.24. The contribution is therefore:

Contribution: \$ rate x ET
\$5,714.24 x 12.893
\$73,673.70

It is therefore recommended Condition 39 be amended to read as follows:

*Prior to the issue of the Occupation Certificate, the payment of **\$73,673.70** (12.893 ETs) for Sewerage Services headworks contributions, pursuant to Section 64 of the Local Government Act, 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act, 2000 and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002.*

Such contribution rate per ET lot is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council's annual Revenue Policy.

Note 1: Council's adopted 2018/2019 financial year rate is \$5,714.24 per ET lot.

Note 2: As the above contribution rate is reviewed annually, the 'current contribution rate' is to be confirmed prior to payment.

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

9. INTERNAL REFERRALS

Engineering Assessment

Council's Water Supply and Sewerage Branch provided the calculations and methodology used as the basis for this report.

SUMMARY

The Applicant is seeking development consent to modify an approved Development Application for a car wash (light industry) at Lot 4 DP 519008, 94 Victoria Street, Dubbo.

The proposal seeks to reduce the water and sewerage supply headworks contributions that have been levied against this development under Conditions 38 and 39 pursuant to Council's Section 64 Contributions Plan – Water and Sewerage Contribution Policy.

The physical appearance of the development is not being altered, nor the operational aspects of the development or use of the land. Therefore it is considered the modified development is not likely to have any negative impact upon the environment or upon the amenity of the locality.

The modified Development Application is consistent with the objectives of the applicable Environmental Planning Instruments, Development Control Plan and Council Policies.

The applicant has provided documentation that the proposed use of the site will have a reduced water consumption and sewer discharge to that initially assessed. While the methodology applied by the Applicant to reduce contributions is not concurred with, this Application has enabled Council to reconsider the levied contributions based on the actual usage statistics supplied for the comparative car wash.

Therefore, it is recommended that the subject modified Development Application (D19-71 Part 2) for a car wash (light industry) at Lot 4 DP 519008, 94 Victoria Street, pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, be approved subject to the conditions of consent as set out in **Appendix 1** attached to this report.

Appendices:

- 1 [↓](#) Conditions and Notations
- 2 [↓](#) Request for Modification to Conditions
- 3 [↓](#) Modification Information

CONDITIONS

- (1) The development shall be undertaken generally in accordance with the Statement of Environmental Effects and stamped approved plans detailed as follows except where modified by any of the following conditions:

Drawing Title: Proposed Site Layout (amended in red)
 Sheet Number: 7
 Dated: April 2019
 Revision: 0

Drawing Title: Proposed Carwash Sections
 Sheet Number: 04
 Dated: 09/02/19
 Revision: 0

Drawing Title: Proposed Vacuum Sections
 Sheet Number: 05
 Dated: 09/02/19
 Revision: 0

{Reason: To ensure that the development is undertaken in accordance with that assessed}

- (2) The development shall comply with the General Terms of Approval issued by Roads and Maritime Services in their correspondence dated 28 March 2019 (copy attached).
 {Reason: To ensure compliance with RMS requirements for works within a classified road}
- (3) This approval includes a trial for a period of twelve (12) months for the hours of operation being 24 hours per day seven (7) days per week.

At the cessation of the twelve (12) months trial period, the hours of operation are to be as follows:

Monday to Friday	6:00 am to 10:00 pm
Saturdays, Sundays and Public Holidays:	8:00 am to 10:00 pm

In the event that the operator wishes to seek consent for permanent 24 hour trading hours or a further trial period, a Section 4.55(1A) Application can be lodged accompanied by supporting documentation and operational considerations, which can then be considered by Council within the 12 month period.

{Reason: To ensure that there are no detrimental impacts as a result of the approved use}

- (4) Construction work shall only be carried out within the following time:

Monday to Friday:	7:00 am to 6:00 pm
Saturday:	8:00 am to 1:00 pm
Sunday and public holidays:	No construction work permitted

{Reason: Council requirement to reduce the likelihood of noise nuisance}

- (5) Noise from the development (L_{Aeq}) shall not exceed the background (L_{A90}) by more than 5dB(A) at any time including any allowance for impulsiveness and tonal characteristics when measured at the most affected residence.
{Reason: Council requirement to prevent the generation of a noise nuisance}
- (6) An Erosion and Sedimentation Control Plan is required to be submitted to and approved by Council. This approved Plan shall be implemented onsite prior to any site disturbance works being commenced and shall remain, in a maintained condition, until all site works are completed.
{Reason: Implementation of Council policy to reduce sediment pollution}
- (7) Waste construction materials including soil arising from the development must be disposed of at an appropriately licensed waste facility.
{Reason: To ensure environmentally safe disposal}
- (8) All buildings, driveways, hard stand areas and parking areas shall be drained to Council's satisfaction, noting that proposed development will be required to discharge to the existing table drain in Victoria Street and stormwater discharge from the site must be limited to predevelopment flows for all events up to the 100 year ARI including followings:
- As this lot has been previously developed, it may be assumed that the predevelopment impervious area was 40%, this area may now be treated as pervious or 0% impervious for these calculations;
 - Detention will be required to limit discharge flows to predevelopment flows. It must be shown how these discharge flows are limited and if this cannot be shown then all discharge flows are to be limited to 110 litres/second/hectare;
 - The percentage of rainwater tank detention volume that can be counted on as onsite detention is 65% when airspace in the tank is 50%;
 - Water quality must be addressed including gross pollutants, oils and suspended solids; and
 - Maintenance management plan required to ensure stormwater quality and quantity systems remain effective.

In this respect the Developer must have approved by Council, prior to the issue of the Construction Certificate, full and detailed hydraulic design calculations and drawings of the proposed development's stormwater drainage system.

All works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Design and Construction.

{Reason: To achieve a satisfactory standard of stormwater disposal from the proposed development}

- (9) All vehicles must enter and exit the subject land and proposed development in a forward direction. No reversing of vehicles onto the public roadway system will be permitted.
{Reason: To provide safety for the travelling public utilising the public roadways}

- (10) All loading and unloading of goods related to the development proposal shall be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system be permitted.
{Reason: Requirement of Council so as not to create adverse traffic conditions}
- (11) No vehicles larger than a service vehicle 8.8 metres in length, (utilising the Austroads design templates), are permitted to access the subject land and development proposal.
{Reason: The internal manoeuvrability and access to the subject land and proposed development will only facilitate service vehicles 8.8 metres in length or vehicles of lesser dimensions at this location}
- (12) The conveyance of effluent from the proposed development to Council's sewer constitutes a trade waste discharge therefore a Trade Waste Application must be completed. The completed application, along with the appropriate application fee, all required details covering drainage, discharge and capacity, pre-treatment devices and installation must be submitted to Council's Water Supply and Sewerage Client Services Coordinator and approved by Council prior to issuing the building's Construction Certificate. No effluent will be permitted to be discharged to Council's sewer until the required Trade Waste Approval has been obtained and all required pre-treatment devices have been installed and passed by Council.
{Reason: Statutory requirement of the Local Government (General) Regulation, 2005}
- (13) Should the existing town water supply service connection(s) not be suitably located and/or of a suitable size to accommodate the proposed development, then a separate application is required to be made to Council, with the appropriate fee(s) being paid, for the provision of a suitably sized metered water service to the development site.
- Note: As Council is the local water supply authority, separate metered connections will be required in respect to the provision of a suitably size domestic water meter and separate fire service meter to the development site.
{Reason: Council policy in respect of commercial developments}
- (14) The drainage and plumbing installation shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the delegated plumbing regulatory authority.
{Reason: Statutory and Council requirement}
- (15) The sanitary, water plumbing and drainage associated with the proposed building requires the issue of a separate approval from Council prior to being installed. In this regard a Drainage and Plumbing Approval Application form is available from Council and must be completed by the licensed plumbing and drainage contractor and returned to Council with the appropriate fee. Drainage or plumbing works must not be commenced until Council has issued a permit authorising such works.
{Reason: Statutory requirement of Local Government Act, 1993}
- (16) All sanitary plumbing, drainage and water plumbing work shall be carried out by a licensed plumber and drainer.
{Reason: Statutory requirement of Section 634 of the Local Government Act, 1993}

- (17) The top of the building's overflow (relief) gully shall be a minimum 150 mm below the lowest sanitary fixture serving the building.

{Reason: Statutory and sewerage authority requirement}

- (18) Hot water delivered to the outlet of the disabled hand-basin fixture shall not exceed a temperature of 45^o C.

Note: Thermostatic mixing valve(s) are required to be installed to achieve the maximum temperature setting of 45^o C.

{Reason: Statutory requirement of the Plumbing Code of Australia}

- (19) The buildings shall not be occupied or used until the Principal Certifying Authority (PCA) has first issued an Occupation Certificate.

{Reason: Statutory requirement to ensure the building is fit for occupation}

- (20) A site rubbish container shall be provided on the site for the period of the construction works prior to commencement of any such work.

{Reason: Council requirement to prevent pollution of the environment by wind-blown litter}

- (21) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

{Reason: Prescribed statutory condition under the Environmental Planning and Assessment Act}

- (22) The person having the benefit of this development consent, if not carrying out the work as an owner-builder, must, unless that person is the principal contractor, ensure that the principal contractor has been notified of the critical stage inspections and any other inspections that are specified by the appointed Principal Certifying Authority (PCA) to be carried out.

Note: The 'principal contractor' is the person responsible for the overall coordination and control of the carrying out of the building work.

{Reason: Statutory requirement imposed by the EP&A Act, 1979}

- (23) Prior to works commencing, the applicant shall ensure that a sign is erected on the work site in a prominent position at the front of the property showing:

- (a) The name, address and telephone number of the Principal Certifying Authority (PCA) for the work;
- (b) The name of the principal contractor for the building work and a telephone number on which that person may be contacted outside of working hours; and
- (c) That unauthorised entry to the work site is prohibited.

Such sign must be maintained on the site during the course of the building work and not be removed until the work has been completed.

Note: In respect of (a) above, where Council is engaged as the Certifying Authority and appointed PCA, the applicant can either prepare their own sign or alternatively affix onsite the sticker that will be enclosed with the Council issued Construction Certificate. A larger sign in lieu of utilising the sticker is available upon request from Council's Civic Administration Building.

{Reason: Statutory condition imposed by clause 98A of the EP&A Regulation, 2000}

- (24) The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier, prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for the inspection of such works. When requesting an inspection, please telephone Council's Planning and Environment Division on 6801 4612 and quote Council's reference number **D2019-71**.

Advanced notification for an inspection can be made by emailing enviroadmin@dubbo.nsw.gov.au or by telephoning Council's Planning and Environment Division on 6801 4612.

- Internal and external sanitary plumbing and drainage under hydraulic test;
- Water plumbing under hydraulic test;
- Final inspection of the installed sanitary and water plumbing fixtures upon the building's completion prior to its occupation or use.

{Reason: Statutory provision and Council requirement being the water and sewerage authority}

- (25) Prior to the Occupation Certificate being issued, Council is to be given at least 24 hours notice for Council to carry out an inspection of the completed stormwater drainage, sanitary drainage and water plumbing installations.

{Reason: To enable an inspection of the building's plumbing and drainage to determine they have been satisfactorily completed}

- (26) The full width of Council's footpath shall be kept free of all refuse, building material and unnecessary traffic and disturbance. Any unauthorised material found upon Council's footpath may be impounded or removed without notice.

{Reason: Council requirement as the relevant road authority}

- (27) All excavations associated with the erection of the buildings and installation of associated services must be properly guarded and protected to prevent them from being dangerous to life or property. Excavations undertaken across or in a public place must be kept adequately guarded and/or enclosed and lit between sunset and sunrise, if left open or otherwise in a condition likely to be hazardous to persons in the public place.

{Reason: Council requirement for protection of public}

- (28) A hoarding, barricade or fence shall be erected between the construction site and any adjoining public place and/or around any road opening or obstruction if pedestrian or vehicular traffic is likely to be endangered, obstructed or inconvenienced by the proposed works.

The work is to be kept lit during the time between sunset and sunrise if the work may be a source of danger to persons using the adjoining public place.

{Reason: Council requirement for the protection of the public}

- (29) If Council is engaged to act as the Principal Certifying Authority (PCA), the applicant shall ensure that the responsible builder and/or applicable contractors submit to Council documentary evidence identifying and confirming that their respective work was undertaken in conformity with the relevant Section J provisions of the BCA, as approved under the Construction Certificate. Such documentation must be provided prior to issue of the building's Occupation Certificate.

{Reason: To satisfy Council as the PCA that the applicable work has been undertaken in conformity with the BCA}

- (30) The buildings shall be erected wholly within the boundaries of the allotment.

{Reason: Council requirement to prevent encroachments}

- (31) Prior to the issue of the Occupation Certificate, entry and exit points to and from the proposed development and off-street car parking shall be delineated and sign-posted to at least the standard outlined in Chapter 3.5 of the Dubbo Development Control Plan 2013.

In this regard, as per the approved development plans, the north-western driveway shall be 'entry only', and the south-eastern driveway shall be 'exit only'.

{Reason: Implementation of Dubbo DCP 2013}

- (32) Entry and exit to/from the proposed development shall be left turn only. In this regard, appropriate 'left turn only' signage shall be erected at the egress driveway.

Further, as shown on approved plans, both the entry and exit driveways shall include provision of a concrete island to reinforce the left turn only movements. Such works shall be designed to ensure traffic flow on Victoria Street is not compromised, vehicles can still safely access adjoining Lot 3 DP 519008, and be designed to accommodate the largest vehicle which will access the site (8.8 metre service vehicle).

Final design plans including vehicle swept paths shall be submitted to Roads and Maritime Services for approval prior to works commencing.

{Reason: To ensure safe access/egress to/from the subject development which does not compromise the safety of road users}

- (33) All hard stand areas, driveways, car parking and loading areas shall be fully paved in accordance with Chapter 3.5 Parking (3.5.7 – Construction Requirements) of the Dubbo Development Control Plan 2013 of a standard suitable to withstand the proposed traffic loadings. The proposed surface design details are to be submitted in conjunction with the application for the Construction Certificate and approved prior to any work commencing.

{Reason: Implementation of Dubbo DCP 2013}

- (34) The approved business identification signage (refer Sheet 04 dated 09/02/19 – Revision 0) shall be maintained in good and substantial repair.

The signage shall not flash, be animated, be excessively luminous or glow.

{Reason: Council requirement to maintain structural adequacy and visual amenity, and to prevent distraction of passing motorists}

- (35) The proposed landscaping shown on the approved development plan shall be established and maintained to at least the standard specified on the approved development plans. Such landscaping shall be established prior to the issue of the Occupation Certificate.
{Reason: To maintain the aesthetic quality of the development}

- (36) A separate application for any additional onsite advertising/signage not approved with this development consent shall be submitted to Council if such signage does not comply with Part 2, Division 2 of State Environmental Planning Policy (Exempt and Complying Development Codes), 2008.

{Reason: To ensure onsite advertising/signage is appropriate for the site and the locality}

- (37) All external light fittings must be installed to ensure light does not spill above the horizontal plane.



horizontal plane, in relation to a light fitting, means the horizontal plane passing through the centre of the light source (for example, the bulb) of the light fitting.

outside light fitting means a light fitting that is attached or fixed outside, including on the exterior, of a building.

{Reason: To limit light pollution to neighbouring property and for the preservation of the 'Dark Skies' region surrounding the Siding Spring Observatory}

CONDITION (38) AMENDED WITH CONSENT D2019-71 PART 2 TO READ AS FOLLOWS:

- (38) Prior to the issue of the Occupation Certificate, the payment of **\$16,662.90** (2.916 ETs) for Water Supply headworks contributions, pursuant to Section 64 of the Local Government Act, 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act, 2000 and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002.

Such contribution rate per ET is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council's annual Revenue Policy.

Note 1: Council's adopted 2018/2019 financial year rate is \$5,714.30 per ET.

Note 2: As the above contribution rate is reviewed annually the 'current contribution rate' is to be confirmed prior to payment.

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

CONDITION (39) AMENDED WITH CONSENT D2019-71 PART 2 TO READ AS FOLLOWS:

- (39) Prior to the issue of the Occupation Certificate, the payment of **\$73,673.70** (12.893 ETs) for Sewerage Services headworks contributions, pursuant to Section 64 of the Local Government Act, 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act, 2000 and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002.

Such contribution rate per ET lot is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council's annual Revenue Policy.

Note 1: Council's adopted 2018/2019 financial year rate is \$5,714.24 per ET lot.

Note 2: As the above contribution rate is reviewed annually, the 'current contribution rate' is to be confirmed prior to payment.

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

- (40) Prior to the issue of the Construction Certificate, full details showing the construction of the proposed car wash shall be submitted to and approved by Council. Such details shall include the construction and sealing of the perimeter bunding and the management and treatment of wastewater from drainage pits, including details of the silt settling tank and above ground separator.

{Reason: Council requirement to require compliance with the POEO Act}

NOTES

- (1) A separate application is required to be submitted to either Council or an Accredited Certifier to obtain a Construction Certificate to permit the erection of the proposed buildings and associated works.
- (2) A list of fire safety measures must be submitted with the Construction Certificate application pursuant to clause 139 of the Environmental Planning and Assessment Regulation, 2000. The Regulation prescribes that the information to be submitted must include:
- A list of any existing fire safety measures provided in relation to the land or any existing building on the land; and
 - A list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.

- (3) On completion of the erection of the subject buildings, the owner of the buildings is required to submit to the Principal Certifying Authority (PCA) a Fire Safety Certificate(s) with respect to each essential fire safety measure installed in association with the building - as listed on the Fire Safety Schedule attached to the Construction Certificate. Such certificate(s) must be submitted to the PCA prior to occupation or use of the subject building.

Copies of the subject Fire Safety Certificate(s) must also be forwarded by the owner to Council (if not the appointed PCA) and the Commissioner of Fire and Rescue NSW and displayed within the subject building in a prominent position.

- (4) If Council is engaged to act as the Certifying Authority for the Construction Certificate application the following shall be included with such application:

- (a) All relevant stormwater design and disposal details;
- (b) Details demonstrating compliance with D1.10 of the BCA;
- (c) Specifications detailing the proposed building's compliance with the relevant provisions of Section J *Energy Efficiency* of the BCA;
- (d) Type and location of required portable fire extinguishers;
- (e) Specifications demonstrating the car wash building's floor, wall and ceiling lining materials conform with C1.10 of the BCA with respect to their fire hazard properties;
- (f) Details indicating the slip-resistance classification of any proposed ramps pursuant to D2.13 and D2.14 of the BCA;
- (g) Details of the method of ventilation to be provided to the plant room/office area;
- (h) Specification for the plant room/office building's exit door hardware (ie door handle and latch);
- (i) Indicate on the site plan the measurement between the proposed vacuum bay building to the allotment boundary;
- (j) Plans indicating the provision of a disabled carparking space or alternatively provide justification for an exemption under clause D3.4 of the BCA and Access Code;
- (k) Plans indicating compliance with AS 1428.1-2009 as adopted by the BCA with respect to the design of the proposed disabled sanitary compartment. Submitted plans should detail the specific set-out dimensions of all proposed fixtures, not only for the benefit of the Certifying Authority, but also the subsequent installation tradesmen. Attention should also be given to the following aspects under the BCA and AS 1428.1-2009, and be appropriately detailed in any submitted plans/specifications:-
 - Doors having a clear unobstructed width of at least 850 mm (clause 13.2, AS 1428.1). Note: designers should take particular care with respect to the nominal door width that is specified, as council has observed some 920 mm doors fail to achieve compliance;
 - Door controls (clause 13.5, AS 1428.1);
 - Solid opaque 75 mm wide contrast line across all fully glazed doors and side panels (clause 6.6, AS 1428.1);
 - Luminance contrast at doorways (clause 13.1, AS 1428.1);

- Luminance contrast to vision strips on glazed doors and side panels (clause 6.6, AS 1428.1);
 - Luminance contrast to toilet seats (clause 15.2.3, AS 1428.1);
 - Floor and ground surfaces having tolerances as specified under section 7, AS 1428.1;
 - Carpets having maximum pile height/thickness under BCA clause D3.3(g) and (h);
 - Tactile ground surface indicators (TGSIs) under BCA clause 3.8 and provided with a luminance contrast as specified under clause 2.2 of AS/NZS 1428.4.1;
 - Signage as specified under section 8 AS 1428.1 and BCA clause D3.6;
 - Braille and tactile exit signage to any doors provided with emergency exit luminaries under clause E4.5, as specified pursuant to clause D3.6(a) of the BCA;
 - Electrical switches (clause 14.2, AS 1428.1); and
- (l) A drawing of the required disabled car parking space and shared area should be clearly detailed to indicate the design criteria specified under AS/NZS 2890.6:2009. In particular, it should be noted that the outline of both the car space and shared area (and any walkway within the shared area) must be delineated by yellow non-raised pavement markings having unbroken lines 80 to 100 mm wide. Further the shared area (excluding any walkway within) must be marked with diagonal (45 ± 10 degrees) stripes 150 to 200 mm wide with spaces 200 mm to 300 mm between the stripes;
- (m) All structural details including specifications and design drawings and statement(s)/certificate(s) by the design engineer stipulating the Australian Standards that the design complies with, including its design wind load parameters and resistance to earthquake loads;
- (n) Submission of a list of all required and proposed essential fire safety measures applicable to the building;

- (5) The sanitary, water plumbing and stormwater drainage associated with the proposed building work requires the issue of a separate approval from Council prior to being installed. In this regard a Drainage and Plumbing Approval Application form is available from Council, and must be completed by the licensed plumbing and drainage contractor and returned to Council with the appropriate fee. Drainage or plumbing works must not be commenced until Council has issued a permit authorising such works.

This approval does not negate the statutory requirement for the plumbing and drainage licensee to provide to Council as the delegated Plumbing Regulator, the Notice of Work (NoW), Certificate of Compliance (CoC) and Sewerage Service Diagram (SSD) as prescribed under the Plumbing and Drainage Act 2011, for the proposed sanitary drainage/plumbing and domestic water plumbing works. It should be noted that the NoW does not include plumbing work associated with fire services and work of stormwater.

- (6) As the sewer connection serving the proposed allotment is relatively shallow, the builder is advised to engage a plumber and drainer prior to the building works commencing to ensure the following:

- (a) The sanitary fixtures provided in the building(s) can adequately gravitate to Council's sewer and comply with the Council's sewer main invert clearances (ie 1000mm between the invert of the sewer main and the top of the overflow relief gully);
- (b) A minimum cover of 300 mm is maintained to drainage lines in non-trafficable areas;
- (c) The top of the overflow relief gully is a minimum 75 mm above the finished surrounding ground level and minimum 150 mm below the finished floor level of the building; and
- (d) A minimum grade of 1:60 is achieved to all drainage lines.

Note: Should compliance with any of the above requirements not be achieved, Council must be notified immediately so that alternate methods of effluent system design and disposal can be discussed.

- (7) Prior to any construction works commencing on the proposed vacuum bay building, the applicant is advised to engage the services of a registered surveyor to ensure the vacuum bay building will be constructed wholly within the property.
- (8) The Council Section 7.11/64 Contribution Plans referred to in the conditions of this consent may be viewed without charge at Council's Civic Administration Building, Church Street, Dubbo between the hours of 9 am and 5 pm, Monday to Friday. Copies are also available from www.dubbo.nsw.gov.au
- (9) The development shall be carried out in accordance with Essential Energy's correspondence dated 14 March 2019 (copy attached).

The Director
Environmental Services Division
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Your Ref:- D2019-71 Part 1
Parcel 6235
SPR:JF

J. & M. COOK
ENGINEERING SERVICES

- STRUCTURAL AND CIVIL ENGINEERING
- DRAWING OFFICE

SUITE 1, FIRST FLOOR FINANCE HOUSE
20 TALBRAGAR STREET, DUBBO
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J. & M. COOK ENGINEERING PTY LTD
A.B.N: 19 138 071 646 A.C.N: 138 071 646

EMAIL: cookeng@hwy.com.au

ATTENTION: MR SHAUN REYNOLDS

**Re:- Development Approval D2019-71
for Proposed Car Wash (light Industry)
at Lot 4, D.P. 519008
94 Victoria Street, Dubbo
Clients:- Tim Beatty & David Gleeson**

Dear Shaun,

Further to the Development Approval received by my Clients, we wish to object to the Headworks Charges levied by Council in relation to Water Supply and Sewage Headworks Charges. They are Condition No (38) of the Approval being for 21.8 ET's for Water Supply Headworks for a sum of \$124,571.74 and Condition No (39) of the Approval being for Sewage Services Headworks for 35.12 ET's for a sum of \$200,684.11.

It is understood that Council has based their figures on a publication prepared by the Water Directorate being 'Section 64 Determinations of Equivalent Tenements Guidelines' dated April, 2017. In Table 2: Standard ET Figures –

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Development Approval D2019-71
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at Lot 4, D.P. 519008
94 Victoria Street, Dubbo
Client:- Tim Beatty & David Gleeson

Commercial User Categories on page 18 of that publication, it lists Car Washes as having 5.70 ET's for Water Supply and 9.03 ET's for Sewage for each and every Bay of the Car Wash Facility.

It should be clear to even the simplest of persons that it is not possible for there to be more ET output to the sewer from a development than what the ET input is from the water supply to that development. The figures arrived at by the Water Directorate are simply incorrect, erroneous and unjustifiable.

I would urge Council to cease using them because if Council continues to base their Headworks Contributions demands on these erroneous figures then there will be a challenge to every Development Application determined by Council.

One of the Applicants, Mr David Gleeson currently owns and operates the Crystal Kleen Car Wash located on the corner of Wheelers Lane and Douglas Mawson Road, Dubbo. He has established and operated that facility since its opening many years ago.

He has been receiving and paying water & sewer rates for that period of time. A summary of the water usage as rated for the following periods is as follows:-

Period	Water Meter Usage	Assessment Number	Valuation Number
06/12/2016 to 07/03/2017	2690 KI	1036749	1226564
07/03/2017 to 07/06/2017	2580 KI	1036749	1226564
07/06/2017 to 06/09/2017	2848 KI	1036749	1226564
06/09/2017 to 05/12/2017	2774 KI	1036749	1226564

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Total rated meter usage 10,892 KI
for 12 month period to 12/2017

05/12/2017 to 06/03/2018	2263 KI	1036749	1226564
06/03/2018 to 06/06/2018	3102 KI	1036749	1226564
06/06/2018 to 06/09/2018	2414 KI	1036749	1226564
06/09/2018 to 10/12/2018	2577 KI	1036749	1226564

Total rated meter usage for
12 month period to 10/12/2018 10,356 KI

A copy of most of those rates notices is attached.

The Crystal Kleen Car Wash has a total of 8 x Car Wash Bays, with 6 x manual and 2 x Automatic Bays. The proposed Victoria Street car wash is for four bays with 3 x manual bays and 1 x automatic bay. Its size is therefore one half of the existing Crystal Kleen Car Wash Facility.

Dubbo Regional Council have determined that an Equivalent Tenement has an defined usage of 5,000 litres per Et per day. The annual ET defined usage is therefore 5,000 litres x 365 days or 1.825 megalitres per annum per ET.

Using the higher of those figures established at the Crystal Kleen Car Wash of 10.892 Megalitres per annum for 8 x bays, then the ET water usage for each bay is $10.892/1.825/8 = 0.74$ ET's per bay as opposed to the 5.70 ET's per bay as established by the Water Directorate publication. This is an established figure resulting from actual meter readings taken by Council Water Meter Reading staff.

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The Crystal Kleen Car Wash also has a Coffee Shop which is also metered through that same meter system as reflected above. There is no roof storm water collection system at Wheelers Lane to further assist the water supply.

If those actual usage figures established at the Crystal Kleen Car Wash (Council figures) are related to the proposed Victoria Street Car Wash, then the Headworks Charges for Water Supply at the proposed Victoria Street Car Wash should be as follows:-

4 (bays) x 0.74 ET's x \$5,714.30 = **\$16,914.32 total** as opposed to the figure of **\$124,571.74** as determined by Council in Condition No (38) as a result of Council's adoption of the Water Directorate publication figures.

In relation to sewer ET's, clearly in relation to the Crystal Kleen Car Wash, the figures adopted by Council are charged at a rate of 60% of the water usage. This is not disputed and is considered to be a fair and reasonable adopted practice by Council.

When this is applied to the proposed Victoria Street Car Wash, then the figures should be as follows:-

4 (bays) x 0.74 ET's x 0.6 (sewer reduction rate) x \$5,714.30 = **\$10,148.59 total** as opposed to the figure of **\$200,684.11** as determined by Council in Condition No (39) as a result of Council's adoption of the Water Directorate publication figures.

It should be noted in the case of the proposed Victoria Street Car Wash that there is no Coffee Shop proposed and the water supply is augmented by roof storm water harvesting.

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Client:- Tim Beatty & David Gleeson

A summary is as follows:-

Council's Determination	Amount demanded
Item No (38) Water Supply Headworks Charges	\$124,571.74
Item No (39) Sewage Headworks Charges	\$200,684.11
TOTAL AMOUNT ASSESSED	\$325,255.85

Our Determination (based on actual figures as Determined from Council Meter Readings)	Amount recommended
Item No (38) Water Supply Headworks Charges	\$ 16,914.32
Item No (39) Sewage Headworks Charges	\$ 10,148.59
TOTAL AMOUNT TO BE PAID	\$ 27,062.91

Reluctantly, our Clients have been required to lodge a Section 96 Application to vary the Headworks Charges in line with an amount that should have been adopted in the first instance. Please find a cheque for the sum of \$645.00

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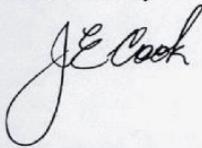
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attached with this application, for which an application may be made in the future for a refund on the basis outlined above.

I trust that the above clearly outlines our position in the matters. Should you have any questions in regard to any of the above, please do not hesitate to contact our office for clarification.

Yours faithfully



J. E. COOK
B. Sc. (Eng)
M. I. E. (Aust)
C. P. (Eng)

Thursday, May 30, 2019

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Skidrow Pty Ltd

David Gleeson & Tim Beatty.
DA Approval 2019-71.2

Shaun Reynolds
Dubbo Regional Council
Corner of Church & Darling St.
Dubbo NSW, 2830

Monday July 22, 2019

Att: Ben Sheilds & Shaun Reynolds

Dear Ben & Shaun,

After our meeting on Monday, I have had time to digest all the info given at that meeting. As you will recall, we asked you about our contributions etc. you explained that you had double checked your figures and assured that council was correct. I wasn't sure what to make of that considering Geolise / John Cook figures were different. I now realise your figures are correct, and to arrive at your estimation the only thing for you to work off was the Water Directorate 2017. I would like to question the Water Directorate figures, not Council's. (Eg. Water directorate figures are based on water usage.)

$5.70 \text{ ETS per bay} = 5.70 \times \text{ET} \times \text{BAYS} = 5.7 \times 5000 \times 4 = 114,000$

1. Using water directorate figures: 1 bay at the or any car wash would use 5.7×5000 litres = 28,500 litres. That equates to say for example the existing car wash at Dubbo with 8 bays using $28,500 \times 8 = 228,000$. That equates to a yearly usage of 83,220,000 litres = 83.22 megalitres.

2. Using rate notices for the last 2 years, and including both car washes in Dubbo, annual usage of water equates to aprox. 16,000,000 litres over 1 year for both car washes. With 8 + 5 bays = 13 ; $16,000,000$ divided by 13 bays divided by 365 days = 3,372 litres per bay ; (NOT 28,5000) as quoted by directorate.

3. 8 bay car wash also has a coffee shop and 2500 meters of landscaping included in these rate figures. Note: It only has a 1x25mm main.

To reassess the figures.

Say 3372 litres less aprox 20% outside water usage as stated in previous paragraph = 2,697 litres per bay.

Using figures that are factual, working out contributions would be $2697 \times 4 \text{ bays} = \$10,788$ water usage.

Sewage Discharge equates to 60% of supply (as per Council rates) $2697 \times 60\% \times 4 = \$6,472$

Total Water & Sewage = **\$17,260.80**

Points to consider as well:

- The new machinery will have equipment guarantees
To use 30% less water (have a letter to verify this from the manufacturer)
- Water harvest & retention tanks to be implemented in new sites
- As brought up in our meeting, Recycling is to be considered. Looking at it at the moment there is some new technology that is showing good possibilities. As I mentioned in the meeting with Council, old recycling does not work good enough and is uneconomical. This needs Government funding, which we are looking into.
- The biggest and busiest car wash in Australia is at Port Melbourne in Victoria, which uses approximately 15 megalitres a year.
- The directorate calculations have not been used in any car wash in NSW that the Car Wash Association knows of. Also not too many car washes have been built in recent years. The last one was in Bathurst in 2010.
- Council states that they don't have defined use in their S 64 plan and have adopted the Water Directorate as the best possible data available. We would like to dispute that. The data we have used is based on facts and Council records.
- Last car wash built in Dubbo, the contributions were approximately \$20,000 based on the average use of the other 2 car washes in town. The Car Wash Council Of Australia has also told us that the average contributions for a car wash is \$20,000.
- Council will not have to consider any more D.A's for car wash. If this can be rescued it would leave Dubbo with 6 x washes and not a lot of land with D.A approval etc.

Sincerely,

David Gleeson & Tim Beatty.

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