



# AGENDA

## PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE

### 11 FEBRUARY 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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<b>PDEC19/1</b> <b>REPORT OF THE PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING 12 NOVEMBER 2018 (ID19/41)</b> The Committee had before it the report of the Planning, Development and Environment Committee meeting held 12 November 2018.	2
<b>PDEC19/2</b> <b>BUILDING SUMMARY - DECEMBER 2018 AND JANUARY 2019 (ID19/19)</b> The Committee had before it the report dated 30 January 2019 from the Director Planning and Environment regarding Building Summary - December 2018 and January 2019.	5
<b>PDEC19/3</b> <b>ADDITIONAL PERMITTED USE - ANIMAL BOARDING OR TRAINING ESTABLISHMENT LOT 12 DP 1154493, 31 MERRILEA ROAD, DUBBO. (ID19/24)</b> The Committee had before it the report dated 25 January 2019 from the Manager Strategic Planning Services regarding Additional Permitted Use - Animal Boarding or Training Establishment Lot 12 DP 1154493, 31 Merrilea Road, Dubbo..	23
<b>PDEC19/4</b> <b>D2018-594 - CENTRE BASED CHILD CARE FACILITY PROPERTY: 58 HENNESSY DRIVE, DUBBO APPLICANT: PROJECT PLANNING AND DESIGN DATE LODGED: 5 NOVEMBER 2018 (ID19/18)</b> The Committee had before it the report dated 31 January 2019 from the Senior Planner regarding D2018-594 - Centre Based Child Care Facility.	51



**DUBBO REGIONAL  
COUNCIL**

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## **Report of the Planning, Development and Environment Committee - meeting 12 November 2018**

**AUTHOR: Administration Officer - Governance**  
**REPORT DATE: 30 January 2019**

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The Committee had before it the report of the Planning, Development and Environment Committee meeting held 12 November 2018.

### **RECOMMENDATION**

**That the report of the Planning, Development and Environment Committee meeting held on 12 November 2018, be noted.**



**REPORT  
PLANNING, DEVELOPMENT AND  
ENVIRONMENT COMMITTEE  
12 NOVEMBER 2018**

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**PRESENT:** Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, S Lawrence, K Parker, and J Ryan.

**ALSO IN ATTENDANCE:**

The Executive Manager Governance and Internal Control, the Team Leader Governance, the Community Support Officer, the Director Corporate Services (J Bassingthwaighte), the Director Economic Development and Business, the Communications Coordinator, the Director Infrastructure and Operations (R Mills), the Director Planning and Environment and the Director Community and Recreation (J Watts).

Councillor S Lawrence assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.31pm.

**PDEC18/44 REPORT OF THE PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE  
- MEETING 8 OCTOBER 2018 (ID18/1662)**

The Committee had before it the report of the Planning, Development and Environment Committee meeting held 8 October 2018.

Moved by Councillor J Diffey and seconded by Councillor J Ryan

**MOTION**

**That the report of the Planning, Development and Environment Committee meeting held on 8 October 2018, be noted.**

**CARRIED**

**PDEC18/45 BUILDING SUMMARY - OCTOBER 2018 (ID18/1609)**

The Committee had before it the report dated 29 October 2018 from the Director Planning and Environment regarding Building Summary - October 2018.

Moved by Councillor A Jones and seconded by Councillor D Gumley

**MOTION**

**That the information contained in this report of the Director Planning and Environment dated 31 October 2018 be noted.**

**CARRIED**

**PDEC18/46 LEAVE OF ABSENCE (ID18/1663)**

Requests for leave of absence were received from Councillor G Mohr who is unable to attend as he is absent on Council Business and Councillor B Shields who is absent from the meeting due to personal reasons.

Moved by Councillor J Diffey and seconded by Councillor A Jones

**MOTION**

**That such requests for leave of absence be accepted and Councillors G Mohr and B Shields granted leave of absence from this meeting.**

**CARRIED**

The meeting closed at 5.32pm.

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CHAIRMAN



DUBBO REGIONAL  
COUNCIL

## REPORT: Building Summary - December 2018 and January 2019

**AUTHOR:** Director Planning and Environment  
**REPORT DATE:** 30 January 2019  
**TRIM REFERENCE:** ID19/19

### 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 9** 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>

### ORGANISATIONAL VALUES

Customer Focused: Council aims to provide high quality and timely building and development services. This reporting provides ongoing monitoring of building activity in the Local Government Area (LGA).

Integrity: This report provides transparent statistics regarding development activity in the LGA.

One Team: This report demonstrates Council's commitment to work as one to ensure the growth of the LGA.

### 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 Planning and Environment dated 30 January 2019 be noted.**

*Stephen Wallace*  
Director Planning 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 December 2018 and January 2019 were as follows:

December 2018

Dwellings	8
Other residential development (No. of units)	2 29

January 2019

Dwellings	19
Other residential development (No. of units)	2 4

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 December 2018 and January 2019 and a comparison with figures 12 months prior and the total for the respective financial years, are as follows:

	<u>1 December 2018 – 31 December 2018</u>	<u>1 July 2018 – 31 December 2018</u>
No. of applications	47	402
Value	\$42,000,179	\$142,208,980
	<u>1 December 2017 – 31 December 2017</u>	<u>1 July 2017 – 31 December 2017</u>
No. of applications	63	407
Value	\$12,123,875	\$95,513,382

	<u>1 January 2019 – 31 January 2019</u>	<u>1 July 2018 – 31 January 2019</u>
No. of applications	56	458
Value	\$29,642,098	\$171,851,078

	<u>1 January 2018 – 31 January 2018</u>	<u>1 July 2017 – 31 January 2018</u>
No. of applications	44	451
Value	\$8,693,408	\$101,206,790

A summary breakdown of the figures is included in **Appendices 2-9**.

### 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 December 2018 and January 2019
- 2 [↓](#) Approved Applications - December 2018
- 3 [↓](#) Approved Applications - December 2017
- 4 [↓](#) Approved Applications - 1 July 2018 to 31 December 2018
- 5 [↓](#) Approved Applications - 1 July 2017 to 31 December 2017
- 6 [↓](#) Approved Applications - January 2019
- 7 [↓](#) Approved Applications - January 2018
- 8 [↓](#) Approved Applications - 1 July 2018 to 31 January 2019
- 9 [↓](#) Approved Applications - 1 July 2017 to 31 January 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						105
Multi unit housing	3	4	3	-	6	2	2						20
(No of units)	(4)	(7)	(5)	(-)	(11)	(29)	(4)						(60)

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



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T (02) 6801 4000  
F (02) 6801 4259  
ABN 53 539 070 928

Print Date: 21/01/2019

Print Time: 9:16:29AM

**Approved Development & Complying Development Applications  
by Dubbo Regional Council and Private Certifiers-Period 1/12/2018 - 31/12/2018**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	8	2,156,434	6	1,930,084	2	226,350	6	
Dwelling- Transportable/Relocatable	2	513,000	2	513,000			2	
Dwelling - Secondary/Dual Occ Dwelling	1	600,000	1	600,000			2	
Garage/Carport/Roofed Outbuildings	15	289,110	12	178,620	3	110,490		
Fences/Unroofed Structures	1	44,000	1	44,000				
Swimming Pool	9	225,635	9	225,635				
Retail Building	2	2,000,000	1	1,600,000	1	400,000		
Retail & Residential Building	1	34,987,150	1	34,987,150			27	
Infrastructure - Transport, Utilities	1	185,350	1	185,350				
Health Care Facility - Other	1	450,000	1	450,000				
Demolition	2	44,000	2	44,000				
Home Business	1	5,000	1	5,000				
Change of Use - Commercial	2	350,500			2	350,500		
Parks/Reserves	1	90,000	1	90,000				
Subdivision - Residential	1	0						27
Miscellaneous	1	60,000	1	60,000				
<b>Totals for Development Types</b>	<b>49</b>	<b>42,000,179</b>						

**Total Number of Applications for this period: 47**

\*\*\* 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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**Approved Development & Complying Development Applications  
 by Dubbo Regional Council and Private Certifiers-Period 1/12/2017 - 31/12/2017**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	22	6,471,200	20	6,216,200	2	255,000	20	
Dwelling- Transportable/Relocatable	1	85,343	1	85,343			1	
Dwelling - Secondary/Dual Occ Dwelling	1	765,000	1	765,000			2	
Garage/Carport/Roofed Outbuildings	26	592,392	25	584,392	1	8,000		
Fences/Unroofed Structures	1	150,000	1	150,000				
Swimming Pool	5	79,940	5	79,940				
Office & Retail Building	1	1,950,000			1	1,950,000		
Factory/Production Building	2	800,000	1	450,000	1	350,000		
Demolition	3	150,000	3	150,000				
Change of Use - Commercial	1	0			1			
Subdivision - Residential	1	30,000						2
Subdivision - Rural	1	0						
Miscellaneous	3	1,050,000	3	1,050,000				
<b>Totals for Development Types</b>	<b>68</b>	<b>12,123,875</b>						

**Total Number of Applications for this period: 63**

\*\*\* 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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**Approved Development & Complying Development Applications  
 by Dubbo Regional Council and Private Certifiers-Period 1/07/2018 - 31/12/2018**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	121	37,273,990	98	34,646,371	23	2,627,619	98	
Dwelling- Transportable/Relocatable	3	649,333	3	649,333			3	
Dwelling - Secondary/Dual Occ Dwelling	10	3,898,523	10	3,898,523			17	
Dwelling - Dual Occupancy, one storey	9	3,394,000	9	3,394,000			16	
Garage/Carport/Roofed Outbuildings	103	1,727,808	97	1,582,718	6	145,090	1	
Fences/Unroofed Structures	9	312,620	9	312,620				
Swimming Pool	61	1,644,635	60	1,614,730	1	29,905		
Office Building	3	1,181,385			3	1,181,385		
Retail Building	11	7,383,500	4	6,326,000	7	1,057,500		
Hotels	2	960,000			2	960,000		
Retail & Residential Building	1	34,987,150	1	34,987,150			27	
Factory/Production Building	2	1,114,037	2	1,114,037				
Warehouse/storage	7	4,300,500	5	3,970,500	2	330,000		
Infrastructure - Transport, Utilities	9	1,168,896	5	1,005,350	4	163,546		
Health Care Facility - Hospital	1	74,700			1	74,700		
Health Care Facility - Other	2	450,000	2	450,000				
Educational Building	4	2,014,592			4	2,014,592		
Entertainment/Recreational Building	2	193,000			2	193,000		
Community/Public Building	2	1,840,000	2	1,840,000				
Signs/Advertising Structure	5	84,050	4	79,050	1	5,000		
Demolition	6	154,000	4	114,000	2	40,000		
Home Business	1	5,000	1	5,000				

**Approved Development & Complying Development Applications  
by Dubbo Regional Council and Private Certifiers-Period 1/07/2018 - 31/12/2018**

<b>Development Type</b>	<b>Number of Applications</b>	<b>Est. \$</b>	<b>New Developments</b>	<b>Est. \$</b>	<b>Additions and Alterations</b>	<b>Est. \$</b>	<b>New Dwellings</b>	<b>New Lots</b>
Change of Use - Commercial	4	382,500	1	7,000	3	375,500		
Change of Use - Industrial	2	15,000	2	15,000				
Agricultural Development	2	200,000	2	200,000				
Tourism Development	4	11,732,261	3	11,732,261	1			
Parks/Reserves	1	90,000	1	90,000				
Subdivision - Residential	13	3,694,500	3	3,044,500				150
Subdivision - Commercial	2	250,000						6
Subdivision - Rural	5	6,000	1		1			2
Miscellaneous	9	21,027,000	9	21,027,000				
<b>Totals for Development Types</b>	<b>416</b>	<b>142,208,980</b>						

**Total Number of Applications for this period: 402**

\*\*\* 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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Print Date: 21/01/2019

Print Time: 9:19:32AM

**Approved Development & Complying Development Applications  
 by Dubbo Regional Council and Private Certifiers-Period 1/07/2017 - 31/12/2017**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	131	37,928,689	105	35,979,124	26	1,949,565	105	
Dwelling- Transportable/Relocatable	4	406,157	4	406,157			4	
Dwelling - Secondary/Dual Occ Dwelling	10	3,690,610	10	3,690,610			16	
Dwelling - Dual Occupancy, one storey	16	6,072,520	16	6,072,520			32	
Medium Density Res - Seniors Living SEPP	1	55,000			1	55,000		
Garage/Carport/Roofed Outbuildings	123	2,670,025	112	2,524,298	11	145,727	1	1
Fences/Unroofed Structures	7	205,984	7	205,984				
Swimming Pool	40	1,043,207	40	1,043,207				
Office Building	1	916,269	1	916,269				
Retail Building	22	7,060,302	2	2,850,000	20	4,210,302		
Motels	1	900,000	1	900,000				
Office & Retail Building	2	2,200,000			2	2,200,000		
Retail & Residential Building	1	8,600,000	1	8,600,000				
Factory/Production Building	4	835,640	2	463,500	2	372,140		
Warehouse/storage	6	4,426,320	5	4,301,320	1	125,000		
Infrastructure - Transport, Utilities	3	520,300	3	520,300				
Educational Building	3	5,290,600	2	4,190,600	1	1,100,000		
Signs/Advertising Structure	3	131,000	3	131,000				
Demolition	8	203,000	8	203,000				
Change of Use - Commercial	6	19,000	2	17,000	4	2,000		
Tourism Development	2	3,015,000	2	3,015,000				
Subdivision - Residential	23	565,750	3					4

**Approved Development & Complying Development Applications  
by Dubbo Regional Council and Private Certifiers-Period 1/07/2017 - 31/12/2017**

<b>Development Type</b>	<b>Number of Applications</b>	<b>Est. \$</b>	<b>New Developments</b>	<b>Est. \$</b>	<b>Additions and Alterations</b>	<b>Est. \$</b>	<b>New Dwellings</b>	<b>New Lots</b>
Subdivision - Commercial	1	20,000						
Subdivision - Industrial	1	0						
Subdivision - Rural	4	0	1					2
Miscellaneous	15	5,738,009	14	5,738,009	1			
<b>Totals for Development Types</b>	<b>438</b>	<b>92,513,382</b>						

**Total Number of Applications for this period: 407**

\*\*\* 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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T (02) 6801 4000  
F (02) 6801 4259  
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Print Date: 30/01/2019

Print Time: 12:57:05PM

**Approved Development & Complying Development Applications  
by Dubbo Regional Council and Private Certifiers-Period 1/01/2019 - 31/01/2019**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	21	5,123,100	19	4,907,100	2	216,000	19	
Dwelling - Secondary/Dual Occ Dwelling	1	317,000	1	317,000			2	
Dwelling - Dual Occupancy, one storey	1	490,000	1	490,000			2	
Garage/Carport/Roofed Outbuildings	16	357,948	14	303,047	2	54,901		
Fences/Unroofed Structures	3	25,000	3	25,000				
Swimming Pool	5	124,650	5	124,650				
Office Building	1	350,000			1	350,000		
Retail Building	2	20,057,400	1	20,057,400	1			
Warehouse/storage	1	200,000			1	200,000		
Signs/Advertising Structure	1	86,000			1	86,000		
Subdivision - Residential	3	310,000	1					15
Miscellaneous	3	2,201,000	3	2,201,000				
<b>Totals for Development Types</b>	<b>58</b>	<b>29,642,098</b>						

**Total Number of Applications for this period: 56**

\*\*\* 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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 T (02) 6801 4000  
 F (02) 6801 4259  
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Print Date: 30/01/2019

Print Time: 12:55:59PM

**Approved Development & Complying Development Applications  
 by Dubbo Regional Council and Private Certifiers-Period 1/01/2018 - 31/01/2018**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	9	2,018,700	5	1,802,700	4	216,000	5	
Dwelling - Secondary/Dual Occ Dwelling	7	1,830,870	7	1,830,870			12	
Garage/Carport/Roofed Outbuildings	17	347,463	13	300,515	4	46,948		
Swimming Pool	6	110,375	6	110,375				
Retail Building	3	3,629,000	1	580,000	2	3,049,000		
Office & Retail Building	1	50,000			1	50,000		
Signs/Advertising Structure	1	0	1					
Demolition	1	0	1					
Subdivision - Residential	2	520,000						19
Miscellaneous	1	187,000	1	187,000				
<b>Totals for Development Types</b>	<b>48</b>	<b>8,693,408</b>						

**Total Number of Applications for this period: 44**

\*\*\* 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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Print Date: 30/01/2019

Print Time: 12:57:43PM

**Approved Development & Complying Development Applications  
 by Dubbo Regional Council and Private Certifiers-Period 1/07/2018 - 31/01/2019**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	142	42,397,090	117	39,553,471	25	2,843,619	117	
Dwelling- Transportable/Relocatable	3	649,333	3	649,333			3	
Dwelling - Secondary/Dual Occ Dwelling	11	4,215,523	11	4,215,523			19	
Dwelling - Dual Occupancy, one storey	10	3,884,000	10	3,884,000			18	
Garage/Carport/Roofed Outbuildings	119	2,085,756	111	1,885,765	8	199,991	1	
Fences/Unroofed Structures	12	337,620	12	337,620				
Swimming Pool	66	1,769,285	65	1,739,380	1	29,905		
Office Building	4	1,531,385			4	1,531,385		
Retail Building	13	27,440,900	5	26,383,400	8	1,057,500		
Hotels	2	960,000			2	960,000		
Retail & Residential Building	1	34,987,150	1	34,987,150			27	
Factory/Production Building	2	1,114,037	2	1,114,037				
Warehouse/storage	8	4,500,500	5	3,970,500	3	530,000		
Infrastructure - Transport, Utilities	9	1,168,896	5	1,005,350	4	163,546		
Health Care Facility - Hospital	1	74,700			1	74,700		
Health Care Facility - Other	2	450,000	2	450,000				
Educational Building	4	2,014,592			4	2,014,592		
Entertainment/Recreational Building	2	193,000			2	193,000		
Community/Public Building	2	1,840,000	2	1,840,000				
Signs/Advertising Structure	6	170,050	4	79,050	2	91,000		
Demolition	6	154,000	4	114,000	2	40,000		
Home Business	1	5,000	1	5,000				

**Approved Development & Complying Development Applications  
by Dubbo Regional Council and Private Certifiers-Period 1/07/2018 - 31/01/2019**

<b>Development Type</b>	<b>Number of Applications</b>	<b>Est. \$</b>	<b>New Developments</b>	<b>Est. \$</b>	<b>Additions and Alterations</b>	<b>Est. \$</b>	<b>New Dwellings</b>	<b>New Lots</b>
Change of Use - Commercial	4	382,500	1	7,000	3	375,500		
Change of Use - Industrial	2	15,000	2	15,000				
Agricultural Development	2	200,000	2	200,000				
Tourism Development	4	11,732,261	3	11,732,261	1			
Parks/Reserves	1	90,000	1	90,000				
Subdivision - Residential	16	4,004,500	4	3,044,500				150
Subdivision - Commercial	2	250,000						6
Subdivision - Rural	5	6,000	1		1			2
Miscellaneous	12	23,228,000	12	23,228,000				
<b>Totals for Development Types</b>	<b>474</b>	<b>171,851,078</b>						

**Total Number of Applications for this period: 458**

\*\*\* 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: 30/01/2019

Print Time: 12:58:44PM

**Approved Development & Complying Development Applications  
 by Dubbo Regional Council and Private Certifiers-Period 1/07/2017 - 31/01/2018**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	140	39,947,389	110	37,781,824	30	2,165,565	110	
Dwelling- Transportable/Relocatable	4	406,157	4	406,157			4	
Dwelling - Secondary/Dual Occ Dwelling	17	5,521,480	17	5,521,480			28	
Dwelling - Dual Occupancy, one storey	16	6,072,520	16	6,072,520			32	
Medium Density Res - Seniors Living SEPP	1	55,000			1	55,000		
Garage/Carport/Roofed Outbuildings	140	3,017,488	125	2,824,813	15	192,675	1	1
Fences/Unroofed Structures	7	205,984	7	205,984				
Swimming Pool	46	1,153,582	46	1,153,582				
Office Building	1	916,269	1	916,269				
Retail Building	25	10,689,302	3	3,430,000	22	7,259,302		
Motels	1	900,000	1	900,000				
Office & Retail Building	3	2,250,000			3	2,250,000		
Retail & Residential Building	1	8,600,000	1	8,600,000				
Factory/Production Building	4	835,640	2	463,500	2	372,140		
Warehouse/storage	6	4,426,320	5	4,301,320	1	125,000		
Infrastructure - Transport, Utilities	3	520,300	3	520,300				
Educational Building	3	5,290,600	2	4,190,600	1	1,100,000		
Signs/Advertising Structure	4	131,000	4	131,000				
Demolition	9	203,000	9	203,000				
Change of Use - Commercial	6	19,000	2	17,000	4	2,000		
Tourism Development	2	3,015,000	2	3,015,000				
Subdivision - Residential	25	1,085,750	3					4

**Approved Development & Complying Development Applications  
by Dubbo Regional Council and Private Certifiers-Period 1/07/2017 - 31/01/2018**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Subdivision - Commercial	1	20,000						
Subdivision - Industrial	1	0						
Subdivision - Rural	4	0	1					2
Miscellaneous	16	5,925,009	15	5,925,009	1			
<b>Totals for Development Types</b>	<b>486</b>	<b>101,206,790</b>						

**Total Number of Applications for this period: 451**

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

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



**REPORT: Additional Permitted Use -  
Animal Boarding or Training  
Establishment Lot 12 DP 1154493, 31  
Merrilea Road, Dubbo.**

**AUTHOR:** Manager Strategic Planning Services  
**REPORT DATE:** 25 January 2019  
**TRIM REFERENCE:** ID19/24

**EXECUTIVE SUMMARY**

A Planning Proposal has been lodged by the prospective owners of Lot 12 DP 1154493, 31 Merrilea Road, Dubbo. A copy of the Planning Proposal is included here in **Appendix 1**.

The Planning Proposal seeks to allow the additional permitted use of animal boarding or training establishment on the subject land, as an amendment to Schedule 1 of the Dubbo Local Environmental Plan 2011.

The land is zoned E3 Environmental Management under the provisions of the Dubbo LEP 2011. Use of the subject land for the purposes of an animal boarding or training establishment is a prohibited form of development in the zone.

The land is situated adjacent to the Dubbo Racecourse. The Proponent has provided information that they intend on working their horses at the Dubbo Racecourse and utilise the land and existing infrastructure at 31 Merrilea Road for the purposes of stabling and operating the commercial business.

It is recommended that Council supports the Planning Proposal and it be submitted to the Department of Planning and Environment to seek a Gateway Determination. Following receipt of a Gateway Determination, Council will place the Planning Proposal on public exhibition for a period of no less than 28 days.

**ORGANISATIONAL VALUES**

Customer Focused: Council officers have met with the Proponent on a number of occasions to assist their understanding of the Planning Proposal process.

Integrity: The Planning Proposal has been assessed against the requirements of the Environmental Planning and Assessment Act, 1979 and the Department of Planning and Environment's document, A Guide to Preparing Planning Proposals.

One Team: Council staff have assisted in the preparation and consideration of this Planning Proposal.

### **FINANCIAL IMPLICATIONS**

The Proponent provided payment to Council for processing the Planning Proposal in accordance with Council's adopted fees and charges. These fees are payment for preparation of the Planning Proposal, ad hoc processing and assessment fees in accordance with Council's adopted Revenue Policy.

### **POLICY IMPLICATIONS**

The Planning Proposal is provided for consideration and endorsement to seek a Gateway Determination from the Department of Planning and Environment. Receipt of a Gateway Determination from the Department of Planning will allow Council to, conditionally, undertake an amendment to the Dubbo LEP. The Proposal is consistent with the Dubbo Urban Areas Development Strategy which underpins the land use decisions in the LEP.

### **RECOMMENDATION**

- 1. That Council supports the Planning Proposal to include an animal boarding or training establishment as an additional permitted use on Lot 12 DP 1154493, 31 Merrilea 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 2.4 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 period.**

*Steven Jennings*

Manager Strategic Planning Services



## **BACKGROUND**

A Planning Proposal has been lodged by the prospective owners of Lot 12 DP 1154493, 31 Merrilea Road, Dubbo. The Planning Proposal has sought to use the land for the purposes of an animal boarding or training establishment, which includes the training of race horses as a commercial business.

The subject land was previously zoned 6(c) Commercial Recreation under the provisions of the former Dubbo Local Environmental Plan 1998 – Urban Areas. Use of the land for the purposes of an animal boarding or training establishment was previously allowable on the land subject to development consent.

## **REPORT**

### **1. Particulars of the Planning Proposal Application**

Owners:	Jonathon Cox and Concetta Mercuri
Applicant:	Kody and Anna Nestor
Subject site:	Lot 12 DP 1154493, 31 Merrilea Road, Dubbo.
Land area:	9,033 square metres
Current zoning:	E3 Environmental Management
Proposed LEP amendment:	Amendment to Schedule 1 and the Additional Permitted Uses Map APU_007C of the Dubbo Local Environmental Plan 2011 to allow an animal boarding or training establishment
Lodgement date:	16 January 2019

### **2. Amendment to Local Environmental Plans**

The Department of Planning and Environment (DPE) introduced a process for the consideration of amendments to Local Environmental Plans in 2009. The process commences with Council's consideration of the Planning Proposal. The Planning Proposal process is shown in **Figure 1**.

# PLANNING PROPOSAL PROCESS

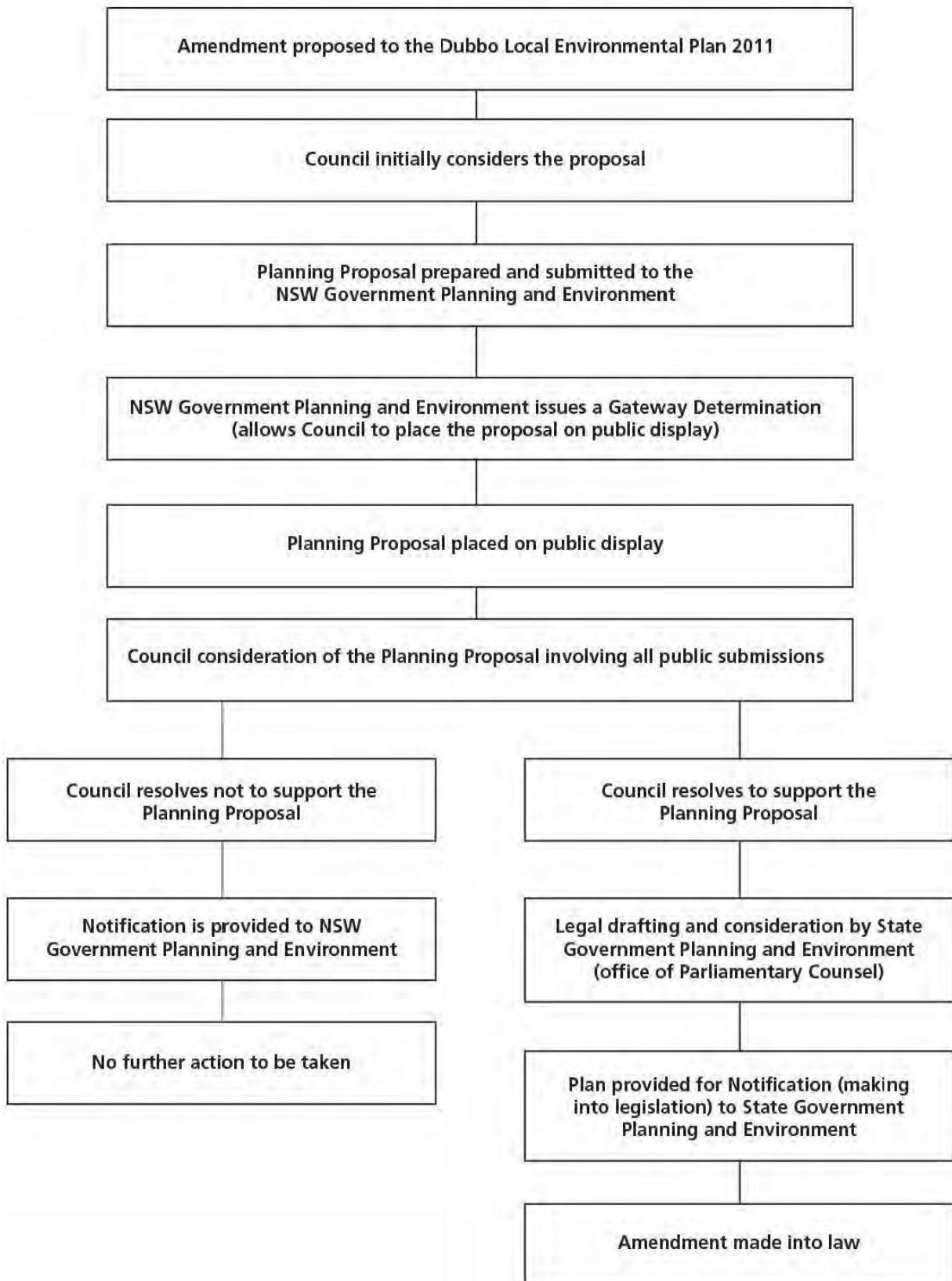


Figure 1. Planning Proposal Process

The role of a Planning Proposal is to explain the intended effects of a proposed Local Environmental Plan amendment and the justification for undertaking the amendment. Council has the role of considering the Planning Proposal. The amendment is then provided to the DPE seeking a Gateway Determination.

The Gateway Determination reviews and considers Planning Proposals in their initial stages prior to further consideration by Council. After consideration by the Department, Council is provided with a Gateway Determination for the LEP amendment.

The Gateway Determination specifies that the DPE would allow the proposed amendment to proceed, any matters that require additional information, the level of public consultation required and State Government agencies to be consulted. After all the additional matters have been addressed and the required consultation has been carried out, a report is provided to Council for further consideration.

It is noted that a Planning Proposal would be considered by the DPE for delegation of powers to 'make' the amendment back to Council following receipt of the Gateway Determination. This could allow the Planning Proposal to be finalised by Councils without further consideration by the Department following public exhibition. In this circumstance, Council would be required to liaise with Parliamentary Counsel for legal drafting and finalisation of the Plan. Given the nature of the Planning Proposal, it is considered appropriate for Council to accept delegated authority.

### **3. Planning Proposal**

A Planning Proposal has been lodged by the prospective owners of Lot 12 DP 1154493, 31 Merrilea Road, Dubbo. The Planning Proposal seeks to use the land for the purposes of an animal boarding or training establishment, which includes the training of race horses as a commercial business.

The land is zoned E3 Environmental Management under the provisions of the Dubbo Local Environmental Plan 2011. Use of the subject land for the purposes of an animal boarding or training establishment is a prohibited form of development in the zone.

The land is situated adjacent to the Dubbo Racecourse. The Proponent has provided information that they intend on working their horses at the Dubbo Racecourse and utilise the land and existing infrastructure at 31 Merrilea Road for the purposes of stabling and operating the commercial business.

The location of the subject land is shown in **Figure 2**.



Figure 2: Subject Land

#### 4. Site Characteristics

The land the subject of the Planning Proposal includes Lot 12 DP 1154493, 31 Merrilea Road, Dubbo as shown in **Figure 3**. The total area of the land is 9,033m<sup>2</sup> and is situated adjacent to the Dubbo Turf Club. The land currently contains an existing dwelling house and two (2) sheds.

The subject site is zoned E3 Environmental Management under the provisions of the Dubbo LEP. The adjoining land to the north, west and east is zoned E3 and land directly south of Merrilea Road is zoned RE2 Private Recreation. The land zoning regime in the immediate locality is shown in **Figure 3**.

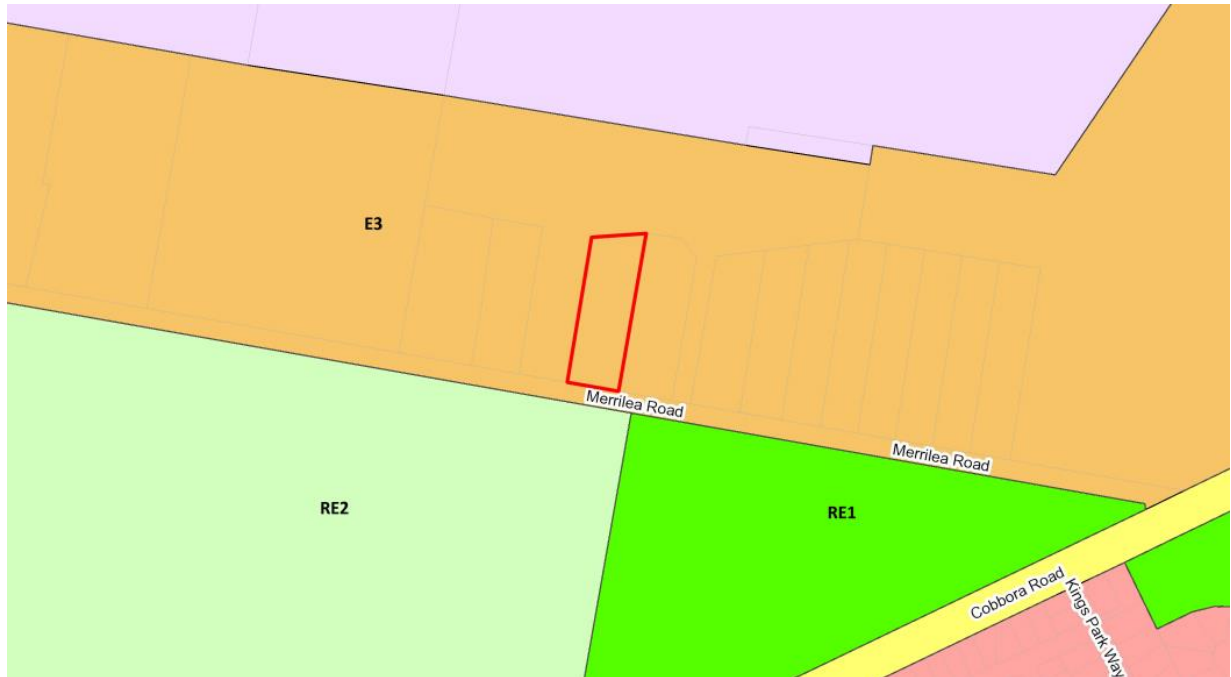


Figure 3. Existing land zoning map with subject land highlighted

## 5. Planning Considerations

This section of the report provides an analysis against the planning considerations Council is required to consider in the Planning Proposal process. The information below does not provide an analysis of all planning considerations associated with the Planning Proposal.

The purpose of this section of the report is to explain any significant matters for consideration in the Planning Proposal process.

### (a) Central West and Orana Regional Plan 2036

The Central West and Orana Regional Plan 2036 was released by the Minister for Planning on 14 June 2017.

The Plan has the following goals:

- Goal 1: The most diverse regional economy in NSW;
- Goal 2: A stronger, healthier environment and diverse heritage;
- Goal 3: Quality freight, transport and infrastructure networks; and
- Goal 4: Dynamic, vibrant and healthy communities.

In particular, the Planning Proposal is consistent with the following Directions:

*Direction 4: Promote and diversify regional tourism*

The Planning Proposal would facilitate the development of an animal boarding or training establishment which would support the operations of the Dubbo Racecourse. The Dubbo Racecourse provides diversity to the regional tourism market.

*Direction 6: Expand education and training opportunities*

The animal boarding or training establishment would create additional opportunities within the region for education and training.

The Planning Proposal is considered to be consistent with the provisions of the Central West and Orana Regional Plan 2036.

**(b) Dubbo Industrial Areas Development Strategy**

The Dubbo Industrial Areas Development Strategy 1996 - 2015 forms the basis of the industrial land use zonings and planning controls provided in the Dubbo Local Environmental Plan 2011.

The area subject of the Planning Proposal is located in the Central District Sub-district North Structure Plan. The proposed strategic direction for this area is to cater for recreational, horse racing or light industry related uses. The Planning Proposal seeks to facilitate development for the purposes of an animal boarding or training establishment.

The Planning Proposal is considered to be consistent with the Dubbo Industrial Areas Development Strategy.

**(c) Section 9.1 Directions**

A number of Section 9.1 Directions are applicable to the Planning Proposal, as described in Table 1.

Direction	Requirement	Consistency
1.4 Rural Lands	The Direction applies to the Planning Proposal as it will affect land within an existing or proposed rural or environmental protection zone (including the alteration of any existing rural or environmental protection zone boundary). The Direction is applicable to the Planning Proposal as the subject land is located within an existing environmental zone.	The Planning Proposal is considered to be consistent with the Direction.

Direction	Requirement	Consistency
2.1 Environmental Protection Zones	The Direction applies when a Planning Proposal is prepared. The Direction is applicable to the Planning Proposal as the subject land is zoned E3 Environmental Management.	The Planning Proposal will undertake an additional land use activity on the land. However, given the physical characteristics of the land and the fact that the proposed use is consistent with the flood hazard on the land, it is considered that the Planning Proposal is consistent with the Direction.
3.3 Home Occupations	The Direction applies when a Planning Proposal is prepared.	The Planning Proposal is considered to be consistent with the Direction as the proposal does not prohibit home occupations from occurring without the need for development consent.
4.3 Flood Prone Land	The Direction applies to the Planning Proposal as the subject land is flood affected.	<p>The Planning Proposal is considered to be inconsistent with the Direction as it will permit the undertaking of development on flood prone land.</p> <p>The inconsistency is considered to be of minor significance. Issues in respect of flooding are included in Part (v) of the report.</p>
5.10 Implementation of Regional Plans	The Direction applies when a Planning Proposal is prepared.	The Planning Proposal is considered to be broadly consistent with the Goals and Directions of the Central West and Orana Regional Plan 2036.
6.1 Approval and Referral Requirements	The Direction applies when a Planning Proposal is prepared.	The Planning Proposal is consistent with the Direction as it will not create additional provision for concurrence, consultation or referral of a development application to a Minister or public authority.

Direction	Requirement	Consistency
6.3 Site Specific Provisions	<p>The Direction applies when a Planning Proposal is prepared that will allow a particular development to be carried out.</p> <p>The Direction is applicable as the Planning Proposal intends to create provision for an additional permitted use for the purposes of an animal boarding or training establishment on the subject land.</p>	The Planning Proposal is consistent with the Direction.

**(d) State Environmental Planning Policies**

State Environmental Planning Policy (Rural Lands) 2008 is applicable to the Planning Proposal as the subject land is located adjacent to Troy Creek and is constrained by flooding impacts.

The Planning Proposal is considered to be broadly consistent with the Rural Planning Principles of the SEPP (Rural Lands) 2008.

**(e) Dubbo Local Environmental Plan 2011**

**(i) Land Use Zoning**

The subject land is currently zoned E3 Environmental Management with a subsequent minimum lot size of 1.5 hectares.

The objectives of the E3 Environmental Management zone are as follows:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To ensure development is compatible with the flood hazard of the Macquarie and Talbragar Rivers.
- To ensure development does not create outbreaks of saline lands or exacerbate the existence of existing saline lands.

The Planning Proposal has sought to allow the development of an animal boarding or training establishment on the land with development consent from Council.

The Dubbo Local Environmental Plan 2011 defines an animal boarding or training establishment as follows:



*“animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.”*

One of the objectives of the E3 zone is to ensure development is compatible with the flood hazard of the Macquarie and Talbragar rivers. Troy Creek is located adjacent to the subject site and partially impacts the property during the 1% average recurrent interval (ARI) flood event. Flooding impacts are discussed further in the following section of the report.

The Planning Proposal is considered to be consistent with the objectives of the E3 Environmental Management zone.

(ii) Clause 7.1 Flood Planning

The subject site is identified within the flood planning area on the Dubbo Local Environmental Plan (LEP) 2011 Flood Planning Map Sheet FLD\_007C.

The area of the subject site which is identified as flood prone land contains two (2) existing sheds. The Proponent as a component of the proposed use of animal boarding or training establishment has identified that they will seek future development approval from Council to utilise both sheds as stables in association with the proposed use. As all walls to convert the sheds to stables will be internal, it is considered that the proposed development is unlikely to impact flood behaviour and is unlikely to result in any further flooding impacts to properties within the immediate location. However, as a component of the Planning Proposal process, Council will seek the views of State Emergency Services, particularly in respect of the need for flood evacuation during a flood event.

The Planning Proposal is not considered likely to significantly affect flood behaviour that would result in detrimental impacts to other properties.

**(f) Infrastructure**

It is considered that the Planning Proposal is unlikely to result in any significant requirements for upgrading of public infrastructure. Public infrastructure impacts will be further considered as a component of the development application process for establishment of the animal boarding or training establishment use on the land.

**SUMMARY**

A Planning Proposal has been lodged by the prospective owners of Lot 12 DP 1154493, 31 Merrilea Road, Dubbo. The Planning Proposal has sought to use the land for the purposes of an animal boarding or training establishment, which includes the training of race horses as a commercial business.

It is proposed to undertake an amendment to Schedule 1 and the Additional Permitted Uses Map – Sheet APU\_007C of the Dubbo Local Environmental Plan 2011. The amendment would allow the development of an animal boarding or training establishment on the land with development consent from Council.

It is considered that the Planning Proposal is broadly consistent with the objectives of the E3 Environmental Management zone and the Dubbo Urban Areas Development Strategy.

Appendices:

[1](#) Planning Proposal - 31 Merrilea Road Dubbo



# **PLANNING PROPOSAL**

**ADDITIONAL PERMITTED USE OF ANIMAL  
BOARDING OR TRAINING ESTABLISHMENT  
AT LOT 12 DP 1154493, NO. 31 MERRILEA  
ROAD, DUBBO.**

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## EXECUTIVE SUMMARY

A Planning Proposal has been lodged by the prospective owners of Lot 12 DP 1154493, No. 31 Merrilea Road, Dubbo. The Planning Proposal has sought to use the land for the purposes of an animal boarding or training establishment, which includes the training of race horses as a commercial business.

The land is zoned E3 Environmental Management under the provisions of the Dubbo Local Environmental Plan 2011. Use of the subject land for the purposes of an animal boarding or training establishment is a prohibited form of development in the zone.

The land is situated adjacent to the Dubbo Racecourse. The proponent has provided information that they intend on working their horses at the Dubbo Racecourse and utilise the land and existing infrastructure at No. 31 Merrilea Road for the purposes of stabling and operating the commercial business.

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 and the NSW Government Department of Planning and Environment, *A guide to preparing planning proposals*.

**PART 1 OBJECTIVES OR INTENDED OUTCOMES**

The objective of this Planning Proposal is to allow the additional permitted use of animal boarding or training establishment on the subject land in Schedule 1 of the Dubbo Local Environmental Plan 2011.



## PART 2 EXPLANATION OF PROVISIONS

The proposed objectives and intended outcomes will be achieved through undertaking an amendment to the Dubbo Local Environmental Plan 2011.

The subject land is situated adjacent to the Dubbo Racecourse and has synergies with the activities of the racecourse as shown in **Figure 1**. The land currently contains an existing dwelling house and two (2) sheds. The Proponent has provided information that they will modify the existing sheds to include stabling infrastructure for up to 20 horses.



Figure 1: Subject Land

### (a) Proposed Amendment to the Dubbo Local Environmental Plan 2011

It is proposed to undertake an amendment to Schedule 1 and the Additional Permitted Uses Map – Sheet APU\_007C of the Dubbo Local Environmental Plan 2011. The amendment would allow the development of an animal boarding or training establishment on the land with development consent from Council.

The Dubbo Local Environmental Plan 2011 defines an animal boarding or training establishment as follows:

*“animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.”*

The subject land was previously zoned 6(c) Commercial Recreation under the provisions of the former Dubbo Local Environmental Plan 1998 – Urban Areas. Use of the land for the purposes of an animal boarding or training establishment was previously allowable on the land subject to development consent.

### PART 3 JUSTIFICATION

#### A Need for the Planning Proposal

##### 1. Is the Planning Proposal the result any strategic study or report?

The Planning Proposal is not the result of any strategic study or report.

##### 2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

It is considered that an amendment to Schedule 1 of the Dubbo Local Environmental Plan 2011 is the best means to achieving the objectives or intended outcomes of the Planning Proposal. Council will undertake a further analysis of land within the precinct as a component of preparing a new comprehensive Local Environmental Plan for the Dubbo Regional Local Government Area, to determine if the proposed use should be provided over any other lands.

#### B Relationship to Strategic Planning Framework

##### 3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

###### a) Does the proposal have strategic merit?

The Planning Proposal is considered to be consistent with the Central West and Orana Regional Plan 2036 as follows:

###### Central West and Orana Regional Plan 2036

The Central West and Orana Regional Plan was released by the Minister for Planning on 14 June 2017.

The Plan has the following goals:

- Goal 1: The most diverse regional economy in NSW;
- Goal 2: A stronger, healthier environment and diverse heritage;
- Goal 3: Quality freight, transport and infrastructure networks; and
- Goal 4: Dynamic, vibrant and healthy communities.

In particular, the Planning Proposal is consistent with the following Directions:

###### *Direction 4: Promote and diversify regional tourism*

The Planning Proposal would facilitate the development of an animal boarding or training establishment which would support the operations of the Dubbo Racecourse. The Dubbo Racecourse provides diversity to the regional tourism market.

*Direction 6: Expand education and training opportunities*

The animal boarding or training establishment would create additional opportunities within the region for education and training.

The Planning Proposal is considered to be consistent with the provisions of the Central West and Orana Regional Plan 2036.

b) Does the proposal have site-specific merit?

The Dubbo Turf Club is located to the south, adjacent to the subject site and would benefit directly from the development of an animal boarding or training establishment on the proposed scale. It is considered that the Planning Proposal would provide support to the Turf Club and reduce the need for vehicle and trailer transportation to and from the subject land.

**4. Is the Planning Proposal consistent with a local strategy or other local strategic plan?**

Dubbo 2040 Community Strategic Plan

The Dubbo 2040 Community Strategic Plan was adopted by Council on 25 June 2018. The visions from the community are as follows:

- *Provide for housing choice and housing affordability to meet the needs of our community;*
- *Achieve ongoing economic prosperity through a diverse employment base and visitor economy that makes use of our tourism assets;*
- *Key infrastructure and services are provided are provided to further enhance the quality of life of our community and to maintain economic growth;*
- *A united and cohesive Council that provides leadership to our community;*
- *We have access to a range of community, cultural and open space facilities and areas; and*
- *We value our unique environment and ensure it's protected for future generations.*

The Planning Proposal is considered to be broadly consistent with the community visions under the Dubbo 2040 Community Strategic Plan.

Dubbo Urban Areas Development Strategy

The Dubbo Urban Areas Development Strategy forms the basis of the land use zonings and planning controls provided in the Dubbo Local Environmental Plan 2011.

The Dubbo Urban Areas Development Strategy consists of a number of components as provided below:

- A) Residential Areas Development Strategy;
- B) Commercial Areas Development Strategy;
- C) Industrial Areas Development Strategy;

- D) Institutional Areas Development Strategy;
- E) Recreational Areas Development Strategy; and
- D) Future Directions and Structure Plan.

The Strategy was reviewed by Council in 2007 as part of the review of the Dubbo Urban Areas Development Strategy with the preparation of the Dubbo Urban Areas Development Strategy Discussion Paper. The Strategy was also reviewed by Council with preparation of the Dubbo Local Environmental Plan in 2011.

#### Dubbo Industrial Areas Development Strategy

The Dubbo Industrial Areas Development Strategy 1996 - 2015 forms the basis of the industrial land use zonings and planning controls provided in the Dubbo Local Environmental Plan 2011.

The area subject of the Planning Proposal is located in the Central District Sub-district North Structure Plan. The proposed strategic direction for this area is to cater for recreational, horse racing or light industry related uses. The Planning Proposal seeks to facilitate development for the purposes of an animal boarding or training establishment.

The Planning Proposal is considered to be consistent with the Dubbo Industrial Areas Development Strategy.

#### **5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

State Environmental Planning Policy (Rural Lands) 2008 is applicable to the Planning Proposal as the subject land is located adjacent to Troy Creek and is constrained by flooding impacts.

The Planning Proposal will not result in any significant negative impacts on Troy Creek.

The Planning Proposal is considered to be broadly consistent with the Rural Planning Principles of the SEPP (Rural Lands) 2008.

#### 6. Is the Planning Proposal consistent with any applicable Section 9.1 Directions?

The following table provides consideration of the applicable Section 9.1 Directions for consideration in the Planning Proposal:

Direction	Requirement	Consistency
1.4 Rural Lands	The Direction applies to the Planning Proposal as it will affect land within an existing or proposed rural or environmental protection zone (including the alteration of any existing rural or environmental protection zone boundary). The Direction is applicable to the Planning Proposal as the subject land is located within an existing environmental zone.	The Planning Proposal is considered to be consistent with the Direction.
2.1 Environmental Protection Zones	The Direction applies when a Planning Proposal is prepared. The Direction is applicable to the Planning Proposal as the subject land is located on in the E3 Environmental Management zone.	The Planning Proposal will undertake an additional land use activity on the land. However, given the physical characteristics of the land and the fact that the proposed use is consistent with the flood hazard on the land, it is considered that the Planning Proposal is consistent with the Direction.
3.3 Home Occupations	The Direction applies when a Planning Proposal is prepared.	The Planning Proposal is considered to be consistent with the Direction as the proposal does not prohibit home occupations from occurring without the need for development consent.
4.3 Flood Prone Land	The Direction applies to the Planning Proposal as the subject land is flood affected.	The Planning Proposal is considered to be inconsistent with the Direction as it will permit the undertaking of development on flood prone land.

Direction	Requirement	Consistency
		The inconsistency is considered to be of minor significance. Issues in respect of flooding are included in Section 8 of the Planning Proposal.
5.10 Implementation of Regional Plans	The Direction applies when a Planning Proposal is prepared.	The Planning Proposal is considered to be broadly consistent with the Goals and Directions of the Central West and Orana Regional Plan 2036.
6.1 Approval and Referral Requirements	The Direction applies when a Planning Proposal is prepared.	The Planning Proposal is consistent with the proposal as it will not create additional provision for concurrence, consultation or referral of a development application to a Minister or public authority.
6.3 Site Specific Provisions	<p>The Direction applies when a Planning Proposal is prepared that will allow a particular development to be carried out.</p> <p>The Direction is applicable as the Planning Proposal intends to create provision for an additional permitted use for the purposes of an animal boarding or training establishment on the subject land.</p>	The Planning Proposal is consistent with the Direction.

**C Environmental, social and economic impact**

**7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected?**

It is considered that the Planning Proposal will not adversely affect critical habitat, threatened species, populations or ecological communities or their habitats.

**8. Are there any environmental impacts and how will they be mitigated?**

The subject site is partially impacted by the 1% average recurrent interval (ARI) flood event shown in **Figure 2**.



Figure 2: 1% ARI flood event

The subject land is zoned E3 Environmental Management under the provisions of the Dubbo LEP 2011. One of the objectives of the E3 zone is to ensure development is compatible with the flood hazard of the Macquarie and Talbragar rivers. Troy Creek is located adjacent to the subject site. The subject site is identified within the flood planning area on the Dubbo Local Environmental Plan (LEP) 2011 Flood Planning Map Sheet FLD\_007C.

The area of the subject site which is identified as flood prone land contains two (2) existing sheds. The Proponent as a component of the proposed use as an animal boarding or training establishment has identified that they will seek future development approval from Council to utilise both sheds as stables in association with the proposed use. As all walls to convert the sheds to stables will be internal, it is considered that the proposed development is unlikely to impact flood behaviour and is unlikely to result in any further flooding impacts to properties within the immediate locality. However, as a component of the Planning Proposal process, Council will seek the views of State Emergency Services, particularly in respect of the need for flood evacuation during a flood event.

The Planning Proposal is not considered likely to significantly affect flood behaviour that would result in detrimental impacts to other properties. However, it should be noted that flooding will be further assessed by Council as a component of any development application lodged on the land, which may impact flood prone land.



**9. Has the Planning Proposal adequately addressed any social and economic impact?**

The Planning Proposal is not expected to result in any significant negative economic or social impacts.

**D State and Commonwealth interests**

**10. Is there adequate public infrastructure for the Planning Proposal?**

It is considered that the Planning Proposal is unlikely to result in any significant requirements for upgrading of public infrastructure. Public infrastructure impacts will be further considered as a component of the development application process for establishment of the use on the land.

**11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?**

State and Commonwealth public authorities will be consulted in accordance with the Gateway Determination and will be given at least 21 days to comment on the proposal.

**PART 4 MAPPING**

Council as a component of the Planning Proposal will be required to prepare a new Additional Permitted Uses Map - Sheet APU\_007C to permit an animal boarding and training establishment on Lot 12 DP 1154493, No. 31 Merrilea Road, Dubbo.

**PART 5 COMMUNITY CONSULTATION**

Council will place the Planning Proposal on public exhibition for a period of not less than 28 days and undertake consultation with the community as directed. Council will also undertake consultation with State public agencies as required by any Gateway Determination from the Department of Planning and Environment.

**PART 6 PROJECT TIMELINE**

The following project timeline is intended to be a guide only and may be subject to changes in response to the public consultation process and/or community submissions.

Step	Task Name	Completion Date
1	Preparation of the draft Planning Proposal	25 January 2019
2	Draft Planning Proposal report prepared and presented to Planning, Development and Environment Committee meeting.	11 February 2019
3	Preparation of correspondence to the Department of Planning and Environment requesting review of the Planning Proposal and issuance of a Gateway Determination	27 February 2019
4	Undertake all activities associated with placing the Planning Proposal on public exhibition including undertaking consultation with State Agencies	6 March 2019 – 3 April 2019
5	Assessment of submissions made during the public exhibition period	8 April 2019
6	Report of public exhibition results prepared and presented to Ordinary Council meeting.	22 April 2019
7	Preparation of correspondence to the Department of Planning and Environment and/or the Office of Parliamentary Counsel in relation to legal drafting of the Planning Proposal	24 April 2019
8	Gazettal	20 May 2019



**REPORT: D2018-594 - Centre Based Child Care Facility**

**Property: 58 Hennessy Drive, Dubbo**

**Applicant: Project Planning and Design**

**Date Lodged: 5 November 2018**

**AUTHOR: Senior Planner**  
**REPORT DATE: 31 January 2019**  
**TRIM REFERENCE: ID19/18**

**EXECUTIVE SUMMARY**

Development consent is sought for a Centre Based Child Care Facility at 58 Hennessy Drive, Dubbo. The facility is proposed to accommodate up to 100 children, with thirteen (13) staff and recommended operating hours of 7 am to 6 pm Monday to Friday, with associated infrastructure, including landscaping and car parking for 25 vehicles.

The subject land is zoned R2 Low Density Residential under Dubbo Local Environmental Plan, 2011 and is a permissible form of development in the zone. The proposal is not inconsistent with the relevant objectives of the zone.

The assessment of this application has been carried out under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, as amended, and approval subject to conditions is recommended.

**ORGANISATIONAL VALUES**

Customer Focused: The application as submitted has been assessed in a timely manner against the relevant legislation and Council policy while taking into consideration the public submissions received.

Integrity: The Development Application has been assessed against the requirements of Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended, as well as other relevant legislation and Council Policy.

One Team: The relevant Council officers from across the organisation have been involved in the assessment of the subject Development Application.

**FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

**POLICY IMPLICATIONS**

There are no policy implications arising from this report.

**RECOMMENDATION**

- 1. That Development Application D2018-594 for Centre Based Child Care Facility at 58 Hennessy Drive, Dubbo, be approved subject to the conditions of consent set out in Appendix 1 of the report of the Senior Planner dated 5 November 2018.**
- 2. That those people making submissions be advised of Council's determination in this matter.**

*Bo Moshage*  
Senior Planner

## **BACKGROUND**

On 5 November 2018 Council received an application for a Centre Based Child Care Facility and associated facilities at 58 Hennessy Drive, Dubbo. The facility is proposed to accommodate up to 100 children, thirteen (13) staff and with 'proposed' operating hours from 6 am to 6 pm Monday to Friday, with associated infrastructure, including landscaping and car parking for 25 vehicles.

The subject land is zoned R2 Low Density Residential under Dubbo Local Environmental Plan (DLEP) 2011 and is a permissible form of development in the zone. The proposal is consistent with the relevant objectives of the zone.

The assessment of this application has been carried out under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, as amended, and approval subject to conditions is recommended.

## **REPORT**

### **1. PROPOSED DEVELOPMENT**

Council is in receipt of a Development Application for a Centre-based child care facility at Lot 120 DP 1204528, 58 Hennessy Drive, Dubbo. Specifically the proposed development includes the following:

- 1) Construction of a single storey building comprising a floor area of 802m<sup>2</sup>, consisting of play rooms, cot rooms, amenities, staff and office space; and
- 2) Associated works such as landscaping, fencing, and internal driveways and parking facilities.

The facility will accommodate up to 100 children, with thirteen (13) staff and with 'proposed' operating hours from 6 am to 6 pm Monday to Friday.

Development site plans are provided in **Appendix 2**.

### **2. SITE CHARACTERISTICS**

#### **2.1 Locality**

The subject allotment is 4,033m<sup>2</sup> in area and is located on the north-eastern corner of Holmwood Drive and Hennessy Drive. A locality plan is provided as Figure 1.

#### **2.2 Slope**

The subject site is relatively flat, with a gradual fall to the south-west.



**Figure 1:** Lot 120 DP 1204528, 58 Hennessy Drive, Dubbo.

### 2.3 Vegetation

The subject area is largely cleared of native vegetation, featuring open grasslands and is made ready for residential development. The two (2) existing trees on site are to be removed and supplemented by a comprehensive landscaping schedule to complement the visual appearance of the development.

### 2.4 Access

Vehicular access to the property is available via Holmwood Drive and an unnamed service road accessible off Hennessy Drive.

### 2.5 Drainage

Stormwater will be piped to Council's stormwater infrastructure in Hennessy Drive.

### 2.6 Services

The property is connected to all utility services.

### 2.7 Adjoining uses

The subject site is surrounded by low density residential housing and vacant residential zone land.

### **3. SITE HISTORY**

SC12-019 Pt 1 – Forty (40) lot subdivision, registered 4 February 2015.

D17-145 - Erection of freestanding shed with attached carport, approved 4 May 2017. An inspection of the site revealed no evidence that this consent has been enacted upon.

There are no issues from previous development approvals which require further consideration.

### **4. LEGISLATIVE REQUIREMENTS S4.15**

The development application is assessed in accordance with the requirements of section 4.15 of the Environmental Planning and Assessment Act 1979, as amended (the Act).

#### **4.1 State Environmental Planning Policy**

##### **4.1.1 State Environmental Planning Policy (Infrastructure) 2007**

The application was referred to Essential Energy in accordance with subclause 45 for which they responded in the correspondence dated 20 November 2018, raising no objection to the proposed development.

The requirements specified by Essential Energy above will be included as a notation on the consent.

##### **4.1.2 State Environmental Planning Policy No 55 – Remediation of Land**

The proposed site is not listed on Council's register of potentially contaminated land. Preliminary Contamination Assessment undertaken by Envirowest Consulting P/L (Ref: R10109c) in June 2010 for the Dubbo Residential Estate found that the site was suitable for residential land uses.

##### **4.1.3 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

Prior to determining a development application for a centre-based child care facility the consent authority (in this instance Council) must take into consideration any applicable provisions of the *Child Care Planning Guideline*, dated August 2017. The assessment of the applicable provisions follows:

###### **4.1.3.1 - Site selection and location**

###### **Physical Attributes**

- Adequacy of public utility services

- The single storey, 'domestic' scale and appearance of the proposed building will ensure it is visually compatible with the residential housing styles in the area.
- Building location, orientation and design capitalises on site attributes and constraints.
- Proposed development will not impede existing sewer line, easement or manhole located in the area.

#### Location Attributes

The land is zoned R2 Low Density Residential and is well located geographically to service the growing south east urban release areas of Dubbo.

The characteristics of the site are suitable for the scale and type of development proposed, having regard to lot configuration, the size of street frontage, dimensions and overall size and the number of shared boundaries with residential properties.

#### 4.1.3.2 - Local character, streetscape and the public domain interface

The development will have an impact on the locality. However, it is not expected that the siting, bulk, scale and external appearance of the development will detract from the overall visual importance of the locality.

The building is of a scale suitable to the area and being on a single level, maintains a low profile. The bulk of the building is set back more than the required 6 (six) metres with noise-generating outdoor play areas (being available between the hours of 9 am to 10 am and 3 pm to 4 pm) to be fenced and screened. The roof has been designed to reduce the overall apparent bulk of the building. The colours and building materials have been designed to complement rather than conflict with the surrounding locality.

#### 4.1.3.3 - Building orientation, envelope and design

The site layout and building design provide natural surveillance from Holmwood and Hennessy Drives.

Building design responds to the site, optimising solar access and opportunities for shade, with the scale of the child care facility being compatible with adjoining (existing and proposed) development.

The proposed development features the following setbacks (wall to boundary):

- 4.5m setback from the southern (front) property boundary, fronting Hennessy Drive;
- 15.6m setback from the northern (rear) property boundary adjoining vacant residential zoned land;
- 21m setback from the western (side) property boundary, fronting Holmwood Drive; and
- 23.6m setback from the eastern (side) property boundary, adjoining residential zoned land (dwelling currently under construction).



It is considered that the setbacks above are sufficient and will help to mitigate any adverse privacy or amenity impacts on neighbouring properties. In addition, the 15.6 m setback from northern property boundary will help maintain solar access.

#### 4.1.3.4 - Landscaping

A Landscaping Plan has been provided which shows landscaping fronting Hennessy Drive, Holmwood Drive and within the outdoor play areas.

The proposed landscaping, consisting of a mixture of native and introduced species, will enhance and complement the visual appearance of the development in addition to softening the development within the streetscape of the locality.

#### 4.1.3.5 - Visual and acoustic privacy

The surrounding area is residential in character. The amenity of the locality is expected to change with the proposed development in the short term. However, given the design and nature of the proposal, these changes are expected to complement rather than detract from the amenity of the area.

In addition to soft landscaping treatments proposed to minimise the visual impacts of the structures, the development maintains an acceptable level of visual privacy between adjoining properties. The main window areas have been designed to maximise the northerly aspect of the site. The wall closest to the adjoining (future) residence to the east have been appropriately screened. Those to the north maintain a 15.6 metre separation to the allotment boundary.

To protect the privacy and security of children attending the facility, outdoor areas near residences have been designed to encourage more passive activities. Acoustic attenuation measures have also been proposed to reduce reflected noise as discussed below.

#### 4.1.3.6 - Noise and air pollution

The impact of noise on surrounding development will be evident during construction of the development. An appropriate condition will be included on the consent restricting work hours to minimise impacts to neighbouring property.

To manage the potential for noise from the proposed play areas located on the residential (northern and eastern) side of the development, an appropriate acoustic barrier is to be erected along the common boundary to comply with the NSW EPA / Child Care Planning Guidelines 2017 requirements.

A standard condition shall be included on the consent that noise emitted by the childcare centre shall not exceed 5dB(A) above background noise at any time including any allowance for impulsiveness and tonal characteristics when measured at the most affected residence. In addition, an acoustic validation report is to be completed within twelve (12) months of the

Occupation Certificate, to assess compliance of mitigation measures, noting that this report shall include the dwellings located at 71 Holmwood Drive (Lot 119 DP 1204528) and 60 Hennessy Drive (Lot 137 DP 1204528).

Air pollution impacts are possible during construction however, can be controlled by routine mitigation measures. No air impacts are anticipated after completion of the building works.

#### 4.1.3.7 - Hours of Operation

The proposed development seeks approval for hours of operation 6 am to 6 pm weekdays. However, the Child Care Planning Guideline: *Delivering Quality Child Care for NSW (August 2017)* proposes that hours of operation within areas where the predominant landuse is residential should be confined to the core hours of 7 am to 7 pm weekdays.

To strike a balance between the needs of families for child care in this area of Dubbo and compatibility with the surrounding residential uses in an area, it is recommended that the development be approved with the core hours of 7 am to 6 pm weekdays.

In the event that the operator wishes to seek consent for alternative operating hours, a Modification Application under Section 4.55 of the Act, can be lodged accompanied by supporting documentation, including noise validation report, access and operational considerations, to be considered by Council.

#### 4.1.3.8 - Traffic, parking and pedestrian circulation

Car parking spaces are required to be provided on-site at the rate of one (1) spaces per four (4) children. The design provides 25 parking spaces (including 2 disabled spaces). Entry/egress is proposed via Holmwood Drive adjacent to the northern site boundary which is bitumen sealed road with roll form kerb and gutter.

Some concern has been raised with potential traffic conflict, queuing and congestion on Holmwood Drive at the entry and exit driveway due to the restricted road widths and the adjacent median separation island. It is considered that there would be minimal conflict at peak times given the low number of centre vehicles expected over an extended peak period with flows generally contrary to the estates peak directional flows. However, with the existing centre paved area (3.8m) between the separation islands there is the capacity to provide a turning facility outside of the through lane.

Access is to be designed and constructed of sufficient width at the roadway (kerb and gutter alignment) and the property boundary alignment such that two (2) vehicles can pass each other at the property boundary and able to enter/exit the subject site in a forward direction without the need to cross over onto the wrong side of Holmwood Drive at any time. This work may require restoration of the road shoulder following construction in accordance with Council's adopted Construction Standards.

It is not considered that this will pose any traffic concern with the surrounding road systems ability to cope with the expected traffic generated by the development, which is considered to have sufficient capacity for the proposed development.

As per the Traffic Impact Assessment for the original subdivision of the Macquarie View Estate prepared by Civil and Forensic Pty Ltd, (December 2011), traffic generation at the intersection of Holmwood Drive and Hennessy Drive is the equivalent of 730 vehicle trips per day (69 vph peak) and will operate at Level of Service A (LoS A).

The child care centre is expected to generate an additional 282 vehicle trips per day (28vph peak). However, not all of the child care centres traffic will be using the Hennessy Road intersection with access available to the north via Holmwood Drive and Wheelers Lane. Therefore a potential 38% increase in overall traffic flow can be expected in Holmwood Drive as a result of the child care centre development which is considered acceptable given the capacity of the roadway as a 'collector road'.

Noting Dubbo's traffic growth of about 1%, it is considered that the increase of additional child care centre traffic may still operate at LoS A or to LoS B still being well above any significant impact on the road networks capacity to operate efficiently.

It should also be understood that the peak AM and PM movements of traffic to the child care centre would more likely be split over a two (2) hour period (7 am to 9 am and 4 pm to 6 pm) given the variable working hours available in the workforce. Subsequently, the centres peak hourly figure of 28 vehicles would occur over a longer time frame than expected and also have a directional ratio split from the north and south.

Holmwood Drive is a 'collector road' and functions as a low-to-moderate capacity road which serves to move traffic from local streets to 'arterial roads'. However, unlike 'arterial roads', 'collector roads' are designed to provide access to properties.

Both the road and footpath widths are sufficient to allow safe access for vehicles and pedestrians. The road widths for Holmwood Drive and Hennessy Drive are as follows:

- Holmwood Drive - 13 metres kerb to kerb with two (2) x separated 4.5 metre wide roads (pavement) and two (2) x 1.5 metre footpaths. The two (2) roads being separated by a median island (centre pavement area) 3.8 metres wide; and
- Hennessy Drive - 13 metres kerb to kerb with 3.5 metre wide road (pavement) and the road reserve a further 17 metres wide (north) and 10 metres wide (south).

Council's current minimum road width specification is 8 metres, as per adopted Policy Code - Engineering Standards, to accommodate a carrying capacity of approximately 3,000 vehicles per day. The Traffic Impact Assessment for the original subdivision of the Macquarie View Estate prepared by Civil and Forensic Pty Ltd (December 2011), calculated the vehicle catchment for this neighbourhood at approximately 1,828 vehicles per day.

Having regard to the above, the intersection of Holmwood Drive and Hennessy Drive has sufficient capacity to accommodate the additional traffic flow generated by the proposed child care centre.

External lighting of the development, including the carparking area, is required. Conditions of consent will ensure that the potential to cause light overspill nuisance to adjoining properties is minimised.

Council has taken into consideration the applicable provisions of the *Child Care Planning Guideline* and found the proposed development to be generally compliant.

Note: While a number of other SEPPs apply to the land, none are specifically applicable to this development.

#### **4.2 - Dubbo Local Environmental Plan 2011**

The following clauses of Dubbo Local Environmental Plan (DLEP) 2011 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

##### *Clause 1.2 Aims of Plan*

The proposed development is not contrary to the relevant aims of the Plan.

##### *Clause 1.4 Definitions*

The proposed development is defined as a *centre-based child care facility*, which means:

*“(a) a building or place used for the education and care of children that provides ... the following:  
(i) long day care, ...”.*

##### *Clause 1.9A Suspension of covenants, agreements and instruments*

A restriction as to user on the title of all allotments approved under D12-91 requires that ...

*(e) No building erected on any Lot shall be used for any commercial, manufacturing, industrial or retail purpose and no offensive or noisy trade or activity ...*

This covenant is a private agreement between two parties, in this case the land owner and developer of the Macquarie View Estate. It should be noted that Council is not responsible for enforcing a private developer covenant.

The approval of the development does not amount to the release, variation or modification by Council of any covenant applicable to the subject property. This clause provides the legislative authority for Council to render the covenant null and void if the covenant is inconsistent with an Environmental Planning Instrument (ie. development permitted with consent) and Council has lawfully considered and approves the development.

*Clause 2.2 Zoning of land to which Plan applies*

The subject site is zoned R2 Low Density Residential.

*Clause 2.3 Zone objectives and Land Use Table*

The proposed development is permissible with consent and is considered consistent with the relevant zone objective:

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

While not contrary to, the remaining zone objectives are not applicable in this instance.

*Clause 5.10 Heritage conservation (schedule 5)*

The subject property is not a heritage item, however it is located approximately 200 metres east of the following heritage item:

- 1L Hennessy Drive (Item No. I34) 'Holmwood' - Local Significance.

It is considered that the proposed development will have no adverse impact on the heritage significance of the above item. As such, due to the negligible level of impact, a Heritage Management Document is not required with no further action to be undertaken.

*Clause 5.14 Siding Spring Observatory – maintaining dark sky*

The proposed development has been assessed as unlikely to adversely affect observing conditions at the Siding Spring Observatory, having regard to:

- 2(a) the amount of light to be emitted;
- 2(b) the cumulative impact of the light emissions with regard to the critical level;
- 2(c) outside light fittings;
- 2(d) measures taken to minimise dust associated with the development; and
- 2(e) the Dark Sky Planning Guidelines.

Additionally, as per subclause (7) the proposed development is not considered likely to result in the emission of light of 1,000,000 lumens or more.

*Clause 7.1 Flood planning*

The provisions of Clause 7.1 and Council's Flood-Prone Land Policy are not applicable as the subject land is not identified within the Flood Planning Area on the Dubbo LEP 2011 Flood Planning Map.

*Clause 7.3 Earthworks*

The proposed development will require earthworks to be undertaken upon the site. Erosion and sediment control measures are required before any earthworks commence in which a condition to this effect will be placed on the consent.

*Clause 7.5 Groundwater vulnerability*

The land is included on the Natural Resource – Groundwater Vulnerability Map as containing high groundwater vulnerability. The proposed development however is not likely to cause groundwater contamination nor will it likely have an effect on any groundwater dependent ecosystems. It is also considered not likely to have a cumulative impact on groundwater.

*Clause 7.7 Airspace operations*

The site is located within the Obstacle Limitation Surface (OLS) map for Dubbo Regional Airport. The relevant level on the OLS map is 423.5m AHD, to the site which has a general ground level of 270m AHD. At a maximum building height of 6.2m the proposed development does not infringe on the OLS.

**4.3 – Draft environmental planning instrument**

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

**4.4 – Area Plan 1 Dubbo Residential Estate**

An assessment is made of the relevant sections of Area Plan 1 Dubbo Residential Estate Lot 301 DP 1123136 Hennessy Drive, Dubbo, Residential Development and Subdivision.

Area Plan 1 relates predominantly to residential development and while many aspects of the proposed development are residential in scale, design and material, the proposal is commercial by definition. As such, the Development Control Plan is not specifically applicable to this application, noting that the proposal is generally compliant with State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, as stated earlier in the Report.

**4.5 – Dubbo Development Control Plan 2013**

An assessment is made of the relevant chapters and sections of this Development Control Plan (DCP). Those chapters or sections not discussed here were considered not specifically applicable to this application or are addressed elsewhere.

Chapter 3.1 Access and Mobility

The proposed development generally complies with the requirements and in accordance with AS1428.1 'Design for Access and Mobility', with specific details to be provided with the Construction Certificate application.

#### Chapter 3.5 Parking

The development is a child care centre requiring parking at a rate of one (1) parking space per four (4) children. The Application states that the centre will be licensed to accommodate up to 100 children and therefore, 25 off-street car parking spaces are required.

Plans show the provision of 25 parking spaces thereby ensuring compliance with the Plan.

### 4.6 – Regulations

#### 4.6.1 Education and Care Services National Regulations

The Regulations detailed all aspects associated with centre based childcare facilities, from staffing and operational matters, to more physical aspects relevant to the assessment of the proposed land use. The relevant requirements are listed below:

##### 4.6.1.1 - Indoor Space requirements

Regulation 107 of the Education and Care Services National Regulations, states the following:

- (2) *The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space...*
- (3) *In calculating the area of unencumbered indoor space—*
  - (a) *the following areas are to be excluded—*
    - (i) *any passageway or thoroughfare (including door swings);*
    - (ii) *any toilet and hygiene facilities;*
    - (iii) *any nappy changing area or area for preparing bottles;*
    - (iv) *any area permanently set aside for the use or storage of cots;*
    - (v) *any area permanently set aside for storage;*
    - (vi) *any area or room for staff or administration;*
    - (vii) *any other space that is not suitable for children;*
  - (b) *the area of a kitchen is to be excluded, unless the kitchen is primarily to be used by children as part of an educational program provided by the service.*

In accordance with the above, 376.6m<sup>2</sup> of indoor space suitable for children (not counting the covered outdoor play area) has been provided. With the proposed development to accommodate up to 100 children there will be 3.76m<sup>2</sup> of indoor space per child. As such, the proposed development complies.

4.6.1.2 - Laundry and hygiene facilities

Submitted plans show the provision of laundry facilities.

4.6.1.3 - Toilet and hygiene facilities

Submitted plans show the provision of amenities designated for both staff and children.

4.6.1.4 - Ventilation and natural light

Submitted plans show the provision for ventilation through a mixture of natural cross ventilation and air conditioning in addition to solar and natural daylight.

4.6.1.5 - Administrative space

Submitted plans show the provision of office/reception space.

4.6.1.6 - Nappy change facilities

Submitted plans show the provision of designated nappy change rooms.

4.6.1.7 - Premises designated to facilitate supervision

The development facilitates the supervision of children at all times, with no apparent hidden corners and windows strategically located to provide surveillance of cot/nappy change rooms.

4.6.1.8 - Emergency and evacuation procedures

The implementation of emergency/evacuation procedures is an operational requirement the operator will undertake prior to licensing of the centre by the Department of Family and Community Services.

4.6.2 - Outdoor Space requirements

Regulation 108 of the Education and Care Services National Regulations, states the following:

- (2) *The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7m<sup>2</sup> of unencumbered outdoor space.*
- (3) *In calculating the area of unencumbered outdoor space required, the following areas are to be excluded—*
  - (a) *any pathway or thoroughfare, except where used by children as part of the education and care program;*
  - (b) *any car parking area;*



- (c) *any storage shed or other storage area;*
- (d) *any other space that is not suitable for children.*

In accordance with the requirements above, 731m<sup>2</sup> of outdoor space suitable for children (excluding covered outdoor play areas) has been provided. With the proposed development to accommodate up to 100 children there will be 7.31m<sup>2</sup> of unencumbered outdoor space per child. As such, the proposed development complies.

#### 4.6.2.1 - Natural Environment

This element encourages outdoor space which allows children to explore and experience the natural environment. In accordance with this element a sand pit and raised vegetable gardens are proposed.

#### 4.6.2.2 - Shade

A review of the submitted landscaping plan shows numerous shade locations within the outdoor play area in the form of introduced landscaping, undercover verandas and the provision of a shade sail. It is considered that, sufficient shaded area is available.

#### 4.6.2.3 - Fencing

Fencing along the northern and eastern property boundaries consist of 1.8m high colorbond fencing with 2m high diplomat fencing separating the entry and outdoor play area from the adjoining car park. It is considered that such fencing provides sufficient safety.

#### 4.6.2.4 - Soil assessment

The site soil testing for contamination was undertaken by Barnson Design Plan Management ref 26929 - GRO1a dated 6 April 2017 and found that the site was suitable for residential land uses.

## 5. SUITABILITY OF THE SITE

### 5.1 Context, setting and public domain

#### *5.1.1 Will the development have an adverse effect on the landscape/scenic quality, views/vistas, access to sunlight in the locality or on adjacent properties?*

The proposed development will not have any adverse effect on the landscape/scenic quality, views/vistas and access to sunlight on adjacent properties.

The block is oriented east-west. Sunlight will be unaffected and accessible to north and east facing windows of adjoining properties for greater than the minimum three hours between 9:00 am and 3:00 pm on June 21 (winter solstice).

*5.1.2 Is the external appearance of the development appropriate having regard to character, location, siting, bulk, scale, shape, size, height, density, design and/or external appearance of development in the locality?*

The subject site is located within the Urban Release Area of the Macquarie View Estate and lends itself to this type of development as the development maintains required setbacks and has adequate outdoor open space suitable for designated play areas.

This particular area of the Macquarie View Estate subdivision has allotments ranging in size from 2,000m<sup>2</sup> to 4,000m<sup>2</sup> to create a semi-urban character. The proposed carpark and fencing of the outdoor playground area are elements, which are not considered inconsistent with the established character of the area and unlikely to erode the character of the broader residential precinct.

The development site is fully serviced and there are no physical constraints on the site that would make the land unsuitable for this development.

*5.1.3 Will the development proposal have an adverse impact on the existing or likely future amenity of the locality?*

The proposal will have a degree of impact on the surrounding residential area. The fencing type and car park may compromise visual amenity, as these are new elements, which are being introduced to the streetscape. The impact of fencing and car park can be appropriately managed by landscaping.

The proposed development will be conditioned to operate weekdays between the hours of 7:00am and 6:00pm. It is considered that these proposed operating times will reduce the potential for impact on the existing and future residents as they occur predominantly during work hours.

## 5.2 Access, transport and traffic

As discussed previously in the report, the surrounding road network is considered to have sufficient capacity for the proposed development.

The development proposes to include 25 car parking spaces onsite in accordance with Council's car parking requirements. This is considered to be sufficient for staff and parent/child vehicle movements and the need for the child care centre patrons to utilise on street parking should not be required.

The collection of rubbish is not anticipated to have a significant impact on the road network or the operation of the car park.

Finally, the consent shall be conditioned requiring all children attending the child care centre to be collected and dropped off on-site and for the applicant to provide Council with a Traffic Operations Plan prior to the release of the Occupation Certificate.

### 5.3 Utilities and waste considerations

All services are readily available to the subject site.

## 6. SUBMISSIONS

The development proposal was placed on public exhibition for fourteen (14) days ending the 26 November 2018. During this period, a total of twelve (12) individual submissions and a petition containing eighty-nine (89) signatures were received. A copy of all submissions is provided in **Appendix 3**.

The main issues raised by the objectors are summarised below, with comment provided:

- *That the proposed development will have detrimental impacts upon the local road network and the intersection of Holmwood and Hennessy Drive.*

#### Comment

As stated earlier in the Report, the surrounding road network is considered to have sufficient capacity for the proposed development. Current traffic in Holmwood Drive and Hennessy Drive is the equivalent of 730 vehicle trips per day, with the child care centre expected to generate an additional 282 vehicle trips per day. While the proposal represents a 38.6% increase in traffic flow, this is considered acceptable given the capacity of the roadway as a 'collector road' has a carrying capacity of approximately 3,000 vehicles per day.

Holmwood Drive is a 'collector road' and functions as a low-to-moderate capacity road which serves to move traffic from local streets to 'arterial roads'. However, unlike 'arterial roads', 'collector roads' are designed to provide access to properties.

Both the road and footpath widths are of sufficient width to allow safe access for vehicles and pedestrians. The road widths for Holmwood Drive and Hennessy Drive are as follows:

- Holmwood Drive - 13 metres kerb to kerb with two (2) x separated 4.5 metre wide roads (pavement) and two (2) x 1.5 metre footpaths. The two (2) roads being separated by a median island (centre pavement area) 3.8 metres wide; and
- Hennessy Drive - 13 metres kerb to kerb with 3.5 metre wide road (pavement) and the road reserve a further 17 metres wide (north) and 10 metres wide (south).

Having regard to the above considerations, the intersections of Holmwood Drive and Hennessy Drive have sufficient capacity to accommodate the additional traffic flow generated by the child care centre.

- *That insufficient carparking has been provided for the child care centre.*

Comment

The onsite car parking comprising 25 spaces is adequate to cater for the proposed child care centre, and it is therefore not anticipated that on-street parking would be required by staff and/or parents to any significant extent. The car park is to operate with traffic entering and exiting from Holmwood Drive. The consent is to be conditioned for all children to be dropped off and collected on-site.

Children attending childcare centres usually start and finish at different times during the day therefore staggering the drop-off and pick-up times.

The proposed conditions of consent require a Traffic Operations Plan to be submitted to Council, outlining to staff and patrons how the car park and traffic shall function, and the procedures for the collection and drop-off of children to the centre.

- *That the proposed access arrangements will lead to traffic congestion and conflict.*

Comment

Entry/egress is proposed via Holmwood Drive adjacent to the northern site boundary which is a bitumen sealed road with roll form kerb and gutter.

Sufficient turning area is available within the proposed car parking area to permit vehicles to enter and leave in a forward direction. It is not considered that this will pose any traffic concern, with the surrounding road system able to adequately cope with the expected traffic generated by the development.

- *That the proposed development has no pedestrian access.*

Comment

A 1.5 metre wide footpath is located on both sides of the road, providing pedestrian access along Holmwood Drive. The existing footpath significantly reduces any conflict between pedestrians and motorists. No significant dangers are posed by the proposed child care centres car park as adequate sight distances are available for vehicles entering and exiting the site.

- *That the proposed development results in an adverse impact on streetscape and residential amenity.*

Comment

It is considered that the external appearance of the development is appropriate having regard to the character of the locality. The proposed development is innovative in design and the use of materials and will make a positive contribution to the streetscape, being compatible in terms of bulk, design and scale.

It is considered that the development will not have any adverse effects on adjoining properties and is considered to be acceptable and within guidelines provided by Dubbo LEP 2011 and the Child Care Planning Guideline: *Delivering Quality Child Care for NSW (August 2017)*.

- *The development is inconsistent with the covenant that no building to be erected on any allotment for commercial purposes.*

This covenant is a private agreement between two parties, in this case the land owner and developer of the Macquarie View Estate. It should be noted that Council is not responsible for enforcing a private developer covenant.

The approval of the development does not amount to the release, variation or modification by Council of any covenant applicable to the subject property. This clause provides the legislative authority for Council to render the covenant null and void if the covenant is inconsistent with an Environmental Planning Instrument (ie. development permitted with consent) and Council has lawfully considered and approves the development.

- *That the proposed development will detrimentally impact on residential values.*

Comment

There is no conclusive evidence that child care centres devalue adjoining properties, in fact it could be argued that areas with child care centres are more attractive to potential purchasers.

- *That the proposed development will detrimentally impact on utility services.*

Comment

The development site is fully serviced and there are no physical constraints on the site that would make the land unsuitable for this development.

A child care centre is considered a suitable support facility within the residential area. The building reflects the residential character and scale as the existing residential dwelling and will not place any unreasonable demands upon infrastructure or services within its locality.

- *That the development application was not adequately notified.*

Comment

The proposed development was notified through a notification letter in the general locality for fourteen (14) days ending the 26 November 2018 in accordance with Dubbo DCP 2013, Chapter 1.2 Notification of Development. The development was also placed on Council's website, enabling anyone else to view and comment on the proposal.

- *The development does not comply with the Principles and Considerations from the NSW Government's Child Care Planning Guideline (August 2017).*

As stated earlier in the Report, the proposed development is innovative in design and the use of materials and will make a positive contribution to the streetscape, being compatible in terms of bulk, design and scale. It is considered that the development as proposed is not unreasonable, nor will it result in detrimental effects on adjoining properties and is considered to be acceptable and within guidelines provided by the Child Care Planning Guideline: *Delivering Quality Child Care for NSW (August 2017)*.

- *That the proposed hours of operation will result in detrimental impacts in the locality.*

Comment

The proposed development originally sought approval for hours of operation: 6:00am to 6:00pm weekdays. However, the Child Care Planning Guideline: *Delivering Quality Child Care for NSW (August 2017)* states that hours of operation within areas where the predominant land use is residential, should be confined to the core hours of 7 am to 7 pm weekdays.

To strike a balance between the needs of families and compatibility with the surrounding residential uses in an area, it is recommended that the development be approved with the core hours of 7 am to 6 pm weekdays.

- *That the proposed development will result in detrimental noise for adjoining neighbours.*

Comment

As stated earlier in the Report, a condition of consent will include that noise emitted by the child care centre shall not exceed 5dB(A) above background noise at any time including any allowance for impulsiveness and tonal characteristics when measured at the most affected residence.

Child care centres are well managed, with outdoor play activities limited to a minimal to two (2) supervised hours each day. In addition, the proponent has indicated that an 'acoustic barrier' is to be erected along the common boundaries, with an acoustic validation report to be completed within twelve (12) months of the Occupation Certificate, to assess compliance of this mitigation measure, noting that this report shall include the dwellings located at 71 Holmwood Drive (Lot 119 DP 1204528) and 60 Hennessy Drive (Lot 137 DP 1204528).

- *That the number of vehicles utilising the site will hamper garbage collection.*

Comment

Council garbage collection services shall remove waste generated by the child care centre. These operating hours and waste management methods are considered acceptable for a development of this size. The development provides garbage storage on-site with collection in Holmwood Drive.

- *That the development has not made provision for service vehicles.*

Comment

To manage the internal manoeuvrability and access to and from the proposed development site, it is proposed to condition that vehicles generally no larger than 5.6 metres in length be permitted to access the development proposal.

- *That the child care centre is subject to bushfire threat.*

Comment

The subject land is not identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979.

- *That the scale of the development is inappropriate in relation to the intended character for the area.*

The subject site is located within the Urban Release Area of the Macquarie View Estate and lends itself to this type of development as the site maintains required setbacks and has adequate outdoor open space suitable for designated play areas.

This particular area of the Macquarie View Estate subdivision has lot sizes ranging from 2,000m<sup>2</sup> to 4,000m<sup>2</sup> to create a more open, semi-urban character. The proposed carpark and perimeter fencing of the outdoor playground area are elements, which are not considered inconsistent with the established character of the area and unlikely to erode the character of the broader residential precinct.

The proposed development is innovative in design and the use of materials and will make a positive contribution to the streetscape, being compatible in terms of bulk, design and scale. It is considered that the development as proposed will not have any adverse effects on adjoining properties and is considered to be acceptable and within guidelines provided by the Dubbo LEP and the Child Care Planning Guideline: *Delivering Quality Child Care for NSW (August 2017)*.

## 7. PUBLIC INTEREST

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. The proposal is expected to fill a need for child care facilities in the existing Macquarie View Estate and Southlakes Residential Estate areas of Dubbo.

The provision of child care services is in the public's interest. The provision of the centre in a residential location is considered appropriate given the service available to the immediate and surrounding residents.

## 8. SECTION 64/SECTION 7.11 CONTRIBUTIONS

### 8.1 Water Supply Contribution

Council's Water and Sewerage Contribution Policy does not have any specific rates for child care centres. As such, section 3.5.1 Development not Categorised by PWD Guidelines, states: *"Council will determine a demand/loading for the development using the best available data."*

Consequently, in determining the contribution for water contributions for the proposed development, the Water Directorate publication *Section 64 Determinations of Equivalent Tenements Guidelines*, dated April 2017 has been utilised as the most current source of information, with this publication having specific data for childcare centres.

The rate, as specified in Table 2 of the publication, states that the water ET for child care centres is 0.06 ET per person. Although not specified, it is assumed the term 'person' encompasses both staff and children.

The Equivalent Tenement would therefore be equal to:

$$\begin{aligned} &= (\text{staff} + \text{children}) \times 0.06 \\ &= (13 + 100) \times 0.06 \\ &= 113 \times 0.06 \\ &= 6.78 \text{ ET's} \end{aligned}$$

$$\begin{aligned} \text{Therefore contribution} &= \$ \text{ rate} \times (\text{ET} - \text{credit}) \\ &= \$5,714.30 \times (6.78 - 1) \\ &= \$5,714.30 \times 5.78 \\ &= \$33,028.65 \end{aligned}$$

An appropriate condition will be included in the conditions of development consent which will require the payment of **\$33,028.65** prior to the issue of the Occupation Certificate.

### 8.2 Sewerage Supply Contribution

Council's Water and Sewerage Contribution Policy does not have any specific rates for child care centres. As such, section 3.5.1 Development not Categorised by PWD Guidelines, states: *"Council will determine a demand/loading for the development using the best available data."*



Consequently, in determining the contribution for sewer contributions for the proposed development, the Water Directorate publication *Section 64 Determinations of Equivalent Tenements Guidelines*, dated April 2017 has been utilised as the most current source of information, with this publication having specific data for childcare centres.

The rate, as specified in Table 2 of the publication, states that the sewer ET for child care centres is 0.1 ET per person. Although not specified, it is assumed the term 'person' encompasses both staff and children.

The Equivalent Tenement would therefore be equal to:

$$\begin{aligned} &= (\text{staff} + \text{children}) \times 0.1 \\ &= (13 + 100) \times 0.1 \\ &= 113 \times 0.1 \\ &= 11.3 \text{ ET's} \end{aligned}$$

$$\begin{aligned} \text{Therefore contribution} &= \$ \text{ rate} \times (\text{ET} - \text{credit}) \\ &= \$5,714.24 \times (11.3 - 1) \\ &= \$5,714.24 \times 10.3 \\ &= \$58,856.67 \end{aligned}$$

An appropriate condition will be included in the conditions of development consent which will require the payment of **\$58,856.67** prior to the issue of the Occupation Certificate.

### 8.3 Open Space

Being a commercial development, open space and recreation contributions are not applicable.

### 8.4 Urban Stormwater

The property is located within Stormwater Catchment Miriam/Holmwood Future Scheme. Such catchment does not incur contributions.

### 8.5 Urban Roads

Under the Policy the proposed development is defined as a *child minding facility* which generates 3.7 daily vehicle trips per enrolment. With there being the capacity for 100 enrolments the development would generate 370 daily vehicle trips. With there being a credit of 11 trips for the existing lot, the net trip generation would be 359 trips.

$$\begin{aligned} \text{Contribution:} &= \$ \text{commercial rate} \times \text{trip generation} \\ &= \$401.40 \times 359 \text{ daily trips} \\ &= \$144,102.60 \end{aligned}$$

An appropriate condition will be included in the conditions of development consent which will require the payment of **\$144,102.60** prior to the issue of the Occupation Certificate.

## 9. SUMMARY

The Applicant has sought development consent for centre based child care facility at Lot 120 DP 1204528, 58 Hennessy Drive, Dubbo.

The proposed development is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality.

The proposed development is consistent with the objectives of the applicable EPIs, DCPs and Council policies and is considered satisfactory in terms of the relevant matters for consideration and the development application is recommended for approval subject to the conditions of consent in **Appendix 1**.

### Appendices:

- 1 [↓](#) Proposed Development Conditions - 58 Hennessy Drive Dubbo
- 2 [↓](#) Proposed Plans - 58 Hennessy Drive Dubbo
- 3 [↓](#) Submissions - 58 Hennessy Drive Dubbo

**CONDITIONS**

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

Title/Plan: Site Layout Plan & Landscaping Plan  
Drawing No/Sheet No: 5494 / 1  
Dated: 13<sup>th</sup> September 2018

Title/Plan: Ground Floor Layout Plan  
Drawing No/Sheet No: 5494 / 3  
Dated: 13<sup>th</sup> September 2018

Title/Plan: Elevations and Section Details  
Drawing No/Sheet No: 5494 / 4  
Dated: 13<sup>th</sup> September 2018

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

- (2) The proposed landscaping shown on the approved development plan (Titled: Site Layout Plan & Landscaping Plan, dated 13<sup>th</sup> September 2018) shall be established prior to issue of the Occupation Certificate.

{Reason: To maintain the aesthetic quality of the development}

- (3) Prior to the issue of the Occupation Certificate, the contribution by the developer of **\$33,028.65** (5.78 ET's) for Water Supply headworks contributions, calculated on a per ET basis, 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}

- (4) Prior to the issue of the Occupation Certificate, the contribution by the developer of **\$58,856.67** (10.3 ET's) for Sewerage Supply headworks contributions, calculated on a per ET basis, 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 \$5,714.24 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}

- (5) Prior to the issue of the Occupation Certificate, the contribution by the developer of **\$144,102.60** (359 daily trips) for Urban Roads headworks contribution, calculated on a trip basis, in accordance with Council's adopted Amended Section 94 Contributions Plan – Roads, Traffic Management and Carparking, operational 3 March 2016.

Such contribution rate is adjusted annually in accordance with Section 6.0 of the Section 94 Contributions Plan becoming effective from the 1 July each year and as adopted in Council's annual Revenue Policy.

Note 1: Council's adopted 2018/2019 financial year rate is \$401.40 per commercial trip (including administration).

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 Section 94 Contributions Plan - Roads, Traffic Management and Carparking dated 2016}

- (6) The approved hours of operation for this development are Monday to Friday, 7:00am to 6:00pm.

{Reason: To protect and preserve the amenity of the surrounding locality}

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

{Reason: Prescribed statutory condition under EP&A Act}

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

Monday to Friday: 7 am to 6 pm

Saturday: 8 am to 1 pm

Sunday and public holidays: No construction work permitted

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

- (9) An Erosion and Sedimentation Control Plan is required to 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}

- (10) Those portions of the building proposed to be used for the manufacturing, preparing, storing or handling of food shall be constructed and operated in accordance with the requirements of the Food Act, 2003, Food Regulations, 2010 and the Food Safety Standards. Prior to the business commencing, the operator shall notify Council and a satisfactory inspection completed.  
{Reason: Statutory requirement of the Food Act, 2003}
- (11) 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}
- (12) A Traffic Operations Plan (TOP) shall be submitted to Council for approval prior to the release of the Occupation Certificate. The TOP shall be in a form suitable for distribution to staff and parents of enrolled children, and shall address:
- Methods and procedures of collection and drop off of children on-site;
  - Provide information regarding child safety and driver awareness; and
  - Discourage on-street car parking.
- {Reason: To ensure that the development operates in a safe manner}
- (13) 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}
- (14) A fence of solid construction either of timber, masonry or a combination of both materials shall be placed along the common boundary (No.71 Holmwood Drive (Lot 119 DP 1204528) and No.60 Hennessy Drive (Lot 137 DP 1204528) to comply with the NSW EPA / Child Care Planning Guidelines 2017 requirements. An acoustic validation report shall be completed within twelve (12) months of the Occupation Certificate, to assess compliance. This report shall include the properties at No.71 Holmwood Drive (Lot 119 DP 1204528) and No.60 Hennessy Drive (Lot 137 DP 1204528).  
{Reason: To mitigate potential adverse social and amenity impacts of the development}
- (15) A separate application for any proposed onsite advertising/signage not approved with this 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}
- (16) All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and road reserve, and must comply with, where relevant, AS 1158.3:2005 *Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance* and design requirements and AS 4282:1997 *Control of the obtrusive effects of outdoor lighting*.  
{Reason: To maintain environmental amenity}
- (17) Temporary closet accommodation shall be provided onsite before work on the proposed building is commenced.

{Reason: Council requirement to preserve public hygiene}

- (18) A hoarding barricade or fence shall be erected between the building and any adjoining public place and/or around any road openings or obstructions if pedestrian or vehicular traffic is likely to be endangered, obstructed or inconvenienced by the proposed works. If necessary, an awning sufficient to prevent any material from, or in connection with the work falling onto the public place is also to be erected.

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}

- (19) 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}

- (20) The full width of Council's footpath shall be kept free of all refuse, building materials 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}

- (21) The truss and frame manufacturer's Certificate of Design, Bracing and Erection/Fixing Plan for the subject dwelling shall be submitted to the Principal Certifying Authority (PCA) for appraisal prior to the building's frame being inspected.

{Reason: To permit assessment of the compatibility of the design with statutory requirements}

- (22) All sanitary plumbing and drainage and water plumbing work shall be carried out by a licensed plumber and drainer.

{Reason: Statutory requirement of Section 634 Local Government Act 1993}

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

The building's overflow (relief) gully shall also:

- (a) Be a minimum 75 mm above the finished surrounding ground level; or  
(b) Where the overflow (relief) gully is located in a path or paved area which is finished such that surface water cannot enter it and is graded away from the building, it may be finished level with such path or paved area.

{Reason: Statutory and sewerage authority requirement}

- (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 inspection of such works. When requesting an inspection please quote Council's reference number **D2018-594 Part 1**.

Advanced notification for an inspection should be made by emailing [enviroadmin@dubbo.nsw.gov.au](mailto:enviroadmin@dubbo.nsw.gov.au) or by telephoning Council's Planning & Environment Division on 6801 4612.

- Internal and external sanitary plumbing and drainage under hydraulic test.
- Water plumbing, including any proposed irrigation and lawn watering systems, under hydraulic test.
- Any fire services water plumbing under hydraulic test.
- Final inspection of the installed sanitary and water plumbing fixtures upon the building's completion prior to its occupation/use.

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

- (25) Roof and surface water from the child care centre buildings and site shall be conducted to Council's stormwater system in Hennessy Drive, without redirection or diversion into any adjoining properties.

All roof and stormwater work shall be carried out in accordance with the requirements of the Local Government (General) Regulation and the Plumbing Code of Australia. In this regard, prior to the issue of the Occupation Certificate, the licensee is required to submit to Council a Certificate of Compliance for the subject stormwater work within two (2) days of completion.

{Reason: To ensure satisfactory disposal of roof and surface water}

- (26) Hot water delivered to the outlets of the early childhood centre's hand-basins and shower must not exceed 45°C.

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

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

- (27) The applicant shall ensure that the responsible builder or contractor submits to Council, if Council is engaged to act as the Principal Certifying Authority (PCA), a Certificate of Installation certifying that the wet areas of the building have been protected by the installation of a water-proofing system conforming to AS 3740 'Waterproofing of domestic wet area'. Such Certificate must be provided prior to occupation or use of the building.

{Reason: To demonstrate the provision of an adequate moisture proofing system}

- (28) The drainage and plumbing installation shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the water and sewerage authority.

{Reason: Statutory and Council requirement}

- (29) All excavations associated with the erection of the building 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}

- (30) If an excavation associated with the proposed building work extends below the surface level of an adjoining allotment of land and/or the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense:
- (a) Protect and support the adjoining premises from possible damage from the excavation; and
  - (b) Where necessary underpin the adjoining premises to prevent any such damage.

For the purposes of this condition, *allotment of land* includes a public road and any other public place. This condition does not apply if the person having the benefit of the development consent owns the adjoining land, or the owner of the adjoining land has given consent in writing to this condition not applying.

{Reason: Prescribed condition pursuant to clause 98E of the EP&A Regulation 2000 and Council requirement to preserve the stability of adjoining roads/public places}

- (31) 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) Stating 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.

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

- (32) 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.



- (33) 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}
- (34) 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}
- (35) The applicant must forward to the Certifying Authority with the Construction Certificate application, a detailed design of the development's and building's proposed stormwater drainage system, which shall include hydraulic design calculations, surface and invert levels, pipe sizes and grades. Such details shall form part of the building's Construction Certificate.  
{Reason: Council requirement to ensure compliance with the BCA is demonstrated for the satisfactory disposal of the development's stormwater}
- (36) 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 would be 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.
- Note: As Council is the local water 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}
- (37) 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.  
{Reason: Implementation of Dubbo DCP 2013}
- (38) 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}
- (39) Commercial standard concrete vehicular cross-overs, and kerb and gutter vehicle entrance, constructed in accordance with Council's standards STD 5211 and STD 5235 being provided by and at full cost to the Developer at the location shown on the approved development plan.

In conjunction with construction of the above driveway access, the existing concrete footpath (required to be removed to facilitate construction of this driveway) is required to be reinstated to standards acceptable to Council (ie. longitudinal grade not to exceed 1:14).

The driveway is to be designed and constructed of sufficient width at the roadway (kerb and gutter alignment) and the property boundary alignment such that two car can cross each other at the property boundary (utilising the Austroads design templates, and a turning speed of 5-15 km/hr) and is able to access/exit the subject land in a forward motion from the through travel lane(s) of Holmwood Drive without the need to cross over onto the wrong side of Holmwood Drive at any time.

This work may require restoration of the road shoulder following construction in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction Standards at full cost to the developer.

Should Council's Compliance Engineer (or his representative) not undertake the required inspections as detailed in the abovementioned Council standards, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with the abovementioned Council standards will be required to be lodged with Council prior to the issue of the Occupation Certificate for the proposed development.

{Reason: Council policy in respect of commercial developments}

- (40) The Developer shall at their full cost and to the satisfaction of Council, provide an access driveway crossover from the side street verge to the allotment's front boundary. Concrete driveway crossovers must be constructed in accordance with Council's standard drawing STD 5211. Paved driveway crossovers are to be constructed generally in accordance with Section A-A of STD 5211 to ensure that there is a positive cross-fall from the property boundary alignment towards the kerb and gutter.

This work may require restoration of the road shoulder following construction in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction Standards at full cost to the developer.

Should Council's Compliance Engineer (or his representative) not undertake the required inspections as detailed in the abovementioned Council standards, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with the abovementioned Council standards will be required to be lodged with Council prior to the issue of the Occupation Certificate for the proposed development.

{Reason: Implementation of Council's policy providing a satisfactory means of access to the subject land and proposed dwelling and prevention of footpath erosion}

- (41) No vehicles larger than a 'Passenger Vehicle' 5.6 m in length (utilising the Austroads design templates) are permitted to access the subject land and the development proposal.

{Reason: The internal manoeuvrability and access to the proposed development will only facilitate passenger vehicle(s) or vehicles of lesser dimensions at this location}

- (42) All driveways, hard stand areas and parking areas shall be drained to Council's satisfaction, noting that development will be required to discharge stormwater from the land in its undisturbed/natural state for the minor storm event (1 in 20 year ARI) to a single 225mm dia pipe discharge into the existing stormwater drainage pit located at the south-western side of the property and also make provision for the major event (1 in 100 year ARI) to be safely conveyed to the existing stormwater drainage pit.

Additionally, prior to the discharge into Council's system, the Developer will be required to install at their own expense 'pollution control device(s)' which will collect all oil, sediment and litter from the development proposal.

In this respect the Developer must have approved by Council, prior to the issue of the building's Construction Certificate, full and detailed hydraulic design calculations and revised 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 at full cost to the Developer.  
Reason: To achieve a satisfactory means and method of stormwater drainage disposal from the proposed subdivision area – Implementation of Council Policy}

- (43) Under no circumstances are any construction works or activities to commence on or within the road reserve area (which includes the footpath area) until such time as a 'Road Opening Application' has been lodged with and approved by Council. As part of the proposed works encroaches onto Holmwood Drive/Service Road (and/or road) areas, a separate 'Road Opening Application' (Section 138 Application under the Roads Act, 1993) will be required to be made to Council's Infrastructure and Operations Division, plus payment of any appropriate fee(s).

Prior to the issue of the Occupation Certificate for the proposed development, the developer/applicant is to provide the Principal Certifying Authority (PCA) with written evidence/confirmation that the required S138 Application was lodged with Council and that any relevant condition(s) have been complied with.  
{Reason: Implementation of Council's Policy and Section 138 of the Roads Act, 1993}

- (44) Any alteration/damage to the footpath, kerbing and guttering, vehicular entrance(s), road or road shoulder including utility services, shall be repaired/restored at full cost to the developer and in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction Standards.  
{Reason: Implementation of Council Policy}

- (45) No buildings or structures (including advertising structures) shall be erected over, or within, the existing 'easement(s) to drain sewage' created over the subject parcel of land.  
{Reason: Implementation of Council policy}

- (46) 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}

- (47) 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}
- (48) No materials, goods, plant or vehicles associated with the proposed development shall be stored, displayed or placed for advertising purposes outside the allotment's boundary.  
{Reason: Implementation of Council's Policy Codes}
- (49) 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}
- (50) Should any of the proposed works encroach onto the road reserve area (which includes the footpath area) and prior to any works commencing on the site, the applicant is to ensure that any sub-contractor(s) working on the site have current public liability insurance policy(ies) to cover Council to an amount of not less than \$20 M in respect of any and all actions, costs and claims for damages that may be brought or made or claimed against Council in relation to the granting of this approval. Such policy shall note the interest of Council which ensures that Council is indemnified against any possible action.  
{Reason: Implementation of Council's policy}

#### **NOTES**

- (1) The development shall be carried out in accordance with Essential Energy's correspondence dated 20 November 2018 (copy attached).
- (2) 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](http://www.dubbo.nsw.gov.au)
- (3) Air impurities as defined under the Protection of the Environment Operations Act, 1997 shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.
- (4) Offensive noise as defined under the Protection of the Environment Operations Act, 1997 shall not be emitted from the proposed development.

- (5) 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 building.
- (6) 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.
- (7) Details of the disabled facilities (including access paths, toilets, signage and location of any tactile ground surface indicators) need to be adequately detailed on the Construction Certificate application plans to permit assessment and compliance evaluation with the provisions of the Council's Development Control Plan (where applicable), the Premises Standards and the BCA. In particular, the submitted details for the proposed disabled toilet(s) should include elevations and floor plans of the facilities drawn to a scale of 1:20. Reference should be made to AS 1428.1, the Access Code under the Premises Standards and AS/NZS 2890.6 regarding specific design parameters.
- (8) Prior to occupation or use of the subject building, an Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) appointed for the subject development.
- (9) On completion of the erection of the subject building, the owner of the building 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.

- (10) The owner of the building is required to submit to Council at least once in each period of 12 months following the completion of the building an Annual Fire Safety Statement(s) with respect to each essential fire safety measure associated with the building.

Copies of the subject Annual Fire Safety Statements must also be forwarded by the owner to the Commissioner of the Fire and Rescue NSW and displayed within the subject building in a prominent position. In this regard Fire and Rescue NSW has requested that only electronic copies of the statement be forwarded, with their dedicated email address for such Statements being: [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au)

- (11) The sanitary, water plumbing and 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.

- (12) If Council is engaged to act as the Certifying Authority for the Construction Certificate application the following shall be included with such application:
- (a) Occupancy calculations for the building i.e. number of staff and children, and range of the children's ages being accommodated;
  - (b) A detailed stormwater design for the developments roof and surface stormwater drainage system;
  - (c) Location of proposed exit signs, directional exit signs, emergency lighting and any portable fire extinguishers;
  - (d) Specifications detailing the proposed building's compliance with the relevant provisions of Section J *Energy Efficiency* of the BCA;
  - (e) Details of any termite treatment to be provided to the building. Note: any *primary building element* of the structure that would be subject to attack by subterranean termites, necessitates the provision of an integrated termite barrier system;
  - (f) Specifications demonstrating the building's floor, wall and ceiling lining materials conform with C1.10 of the BCA with respect to their fire hazard properties;
  - (g) Details indicating the slip-resistance classification of any proposed ramps and/or stairs (i.e.  $\geq 2$  steps) pursuant to D2.13 and D2.14 of the BCA;
  - (h) Details of the sanitary facilities specified under clause F2.3(h) of the BCA;
  - (i) Location of any required fire hose reels together with design calculations;
  - (j) Design calculations and drawing demonstrating the subject building can be serviced by the existing street hydrants with respect to the flow rate, pressure and distance requirements of AS 2419.1. If the existing street hydrants are unable to provide required hydrant protection, then details of the location of required onsite pillar hydrant(s) together with design calculations demonstrating compliance with AS 2419.1-2005 with respect to flow rate, pressure and distance limitations;
  - (k) Existing and finished site contours and levels indicating the extent of any cut and fill; and methods (eg retaining walls) proposed to be implemented to retain the batters associated with any such cut and fill;
  - (l) 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;

- (m) Appropriate geotechnical investigation report(s) indicating the site's reactivity classification in terms of AS 2870;
- (n) Details of any proposed smoke hazard management measures under Part E2 of the BCA intended to shut-down any air-handling system in the early childhood building;
- (o) Specification for the building's exit door hardware (ie door handle and latch);
- (p) Specifications/details of the proposed glass panels, glazed doors and side panels, particularly with respect to human impact considerations;
- (q) Details demonstrating that a continuous accessible path of travel for disabled persons is provided from the allotment boundary and from the required disabled car park space, to the doorway at the entrance floor and through the principle pedestrian entrance of the building (if deemed-to-satisfy solution utilised); or otherwise a Performance Solution prepared under Part 1.0 of the BCA to address the applicable Performance Requirements under the BCA and Access Code;
- (r) Plans indicating compliance with AS 1428.1-2009 as adopted by the BCA with respect to the design of the proposed disabled accessible 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
- (s) Submission of a list of all required and proposed essential fire safety measures applicable to the building;
- (t) The provision of details clearly indicating that the rear exit doors of the proposed building have a clear unobstructed path of travel provided not less than 1000 mm wide from such doors to the public road;

- (u) The provision of details demonstrating compliance with F2.3(h), F2.5, F4.2(d) and G1.3 of the BCA.
- (13) Should the Geotechnical Site Investigation show a highly or extremely reactive site then, where the sanitary drainage pipework passes through the underside of the building flexible pipework, fittings must be fitted to permit articulation of the pipework equivalent with the expected soil movement. Reference should be made to AS 2870-2011 in this regard.
- (14) As the sewer junction connection serving the subject allotment is relatively shallow (approx. 1.47 m at Manhole D92M88867), the builder is advised to engage a licensed plumber/drainier prior to the building works commencing to ensure the following:
- (a) The building can adequately gravitate to Council's sewer and comply with the statutory sewer main soffit clearances (ie. 1000 mm between obvert of sewer main and 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 lowest sanitary fixture in the building (including Unit 1's laundry); 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, contact should be made with Council's Water Supply and Sewerage Services Branch regarding the feasibility of cutting-in a new sewer junction.



Tue 20/11/2018

Conveyancing Team <conveyancingteam@essentialenergy.com.au>  
FW: Referral for 102 Macquarie Street, DubboDear Sir/Madam,

We refer to the above matter and to your correspondence dated 7 November 2018 seeking comment from Essential Energy in relation to the proposed development.

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. The driveway access to the proposed carpark of the child care centre must have a minimum clearance of 500 millimetres from its closest point to the service pillar located on the corner of this property and the adjoining Lot 119 DP1204528 – refer Essential Energy's policy *CEOM7098 Distribution Underground Design and Construction Manual*. Note that approval is not possible where the driveway is proposed to be located with an impact on existing cable joints, pits, pillars and the like – refer the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.
4. Essential Energy has existing underground powerlines/cables located across both street frontages of the property. Any driveway access and/or exit into the property from Hennessey Drive and/or Holmwood Drive must be constructed in accordance with *ISSC 20*. Also, when installing the driveways, the Applicant will need to conduit the existing underground powerlines/cables that will be under the driveways. Refer to Essential Energy for requirements.
5. Prior to any landscaping, excavation, security fencing construction or planting of shrubs/trees on both street frontages of the property, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)* to ensure that such activities comply with *ISSC 20*. Essential Energy requests that prior to any of these activities being undertaken, that detailed plans and specifications are provided for review and comment. Such plans will need to locate the underground powerlines and the distance/s of such activities to that infrastructure.
6. Minimum clearance requirements must be maintained at all times for the driveway access to the proposed residence off Hennessey Drive, as such access will pass under Essential Energy's existing overhead powerlines. Refer Essential Energy's policy *CEOM7106 Minimum Clearance Requirements for NSW and ISSC 20*.
7. Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to the proposed development. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees and contributions.
8. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity to the property. All activities within these locations must

be undertaken in accordance with /SSC 20. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

9. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.
10. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

Should you require any clarification, please do not hesitate to contact us.

Regards

Fiona Duncan  
Conveyancing Officer  
Legal & Conveyancing  
Governance & Corporate Services

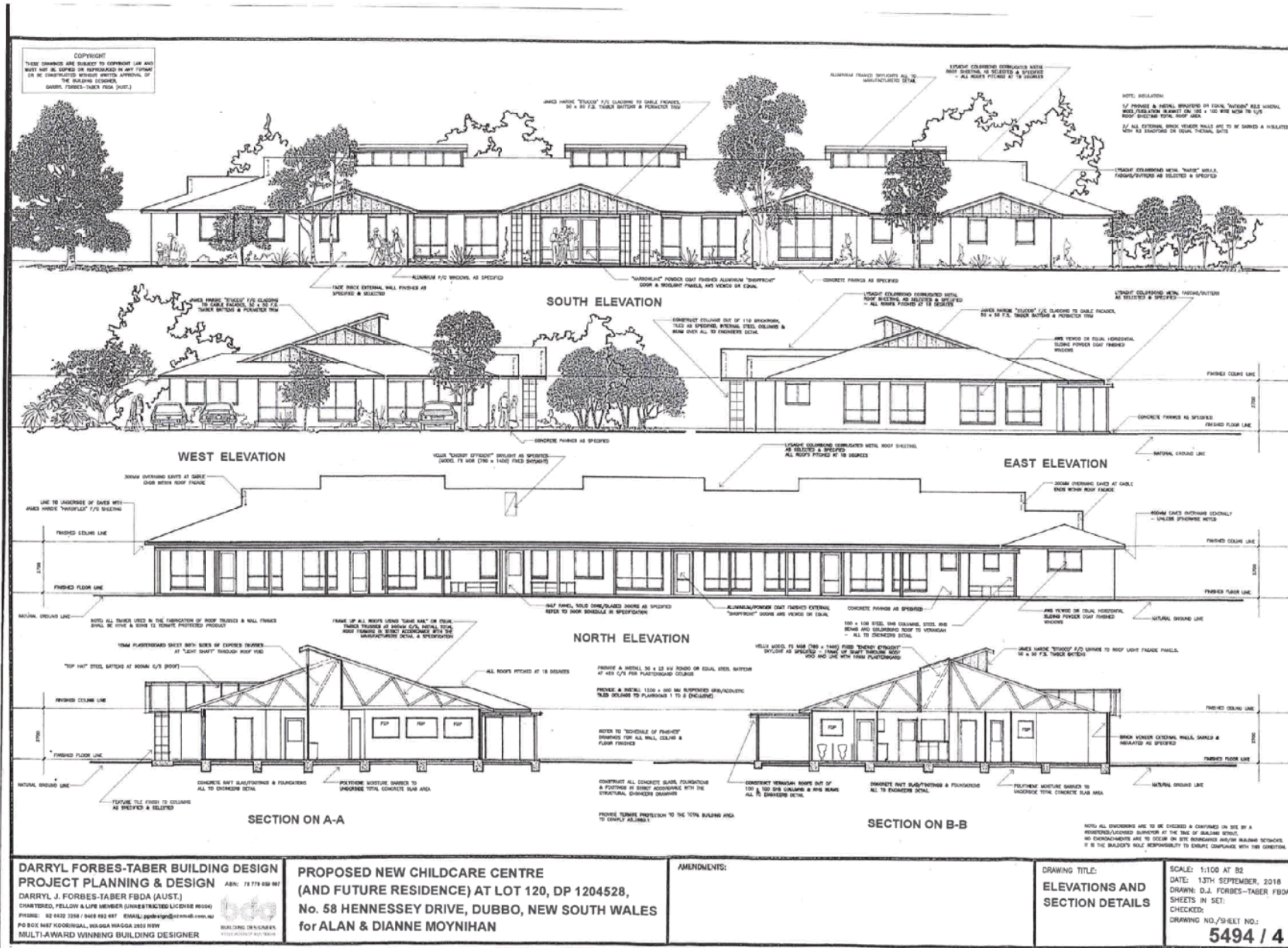


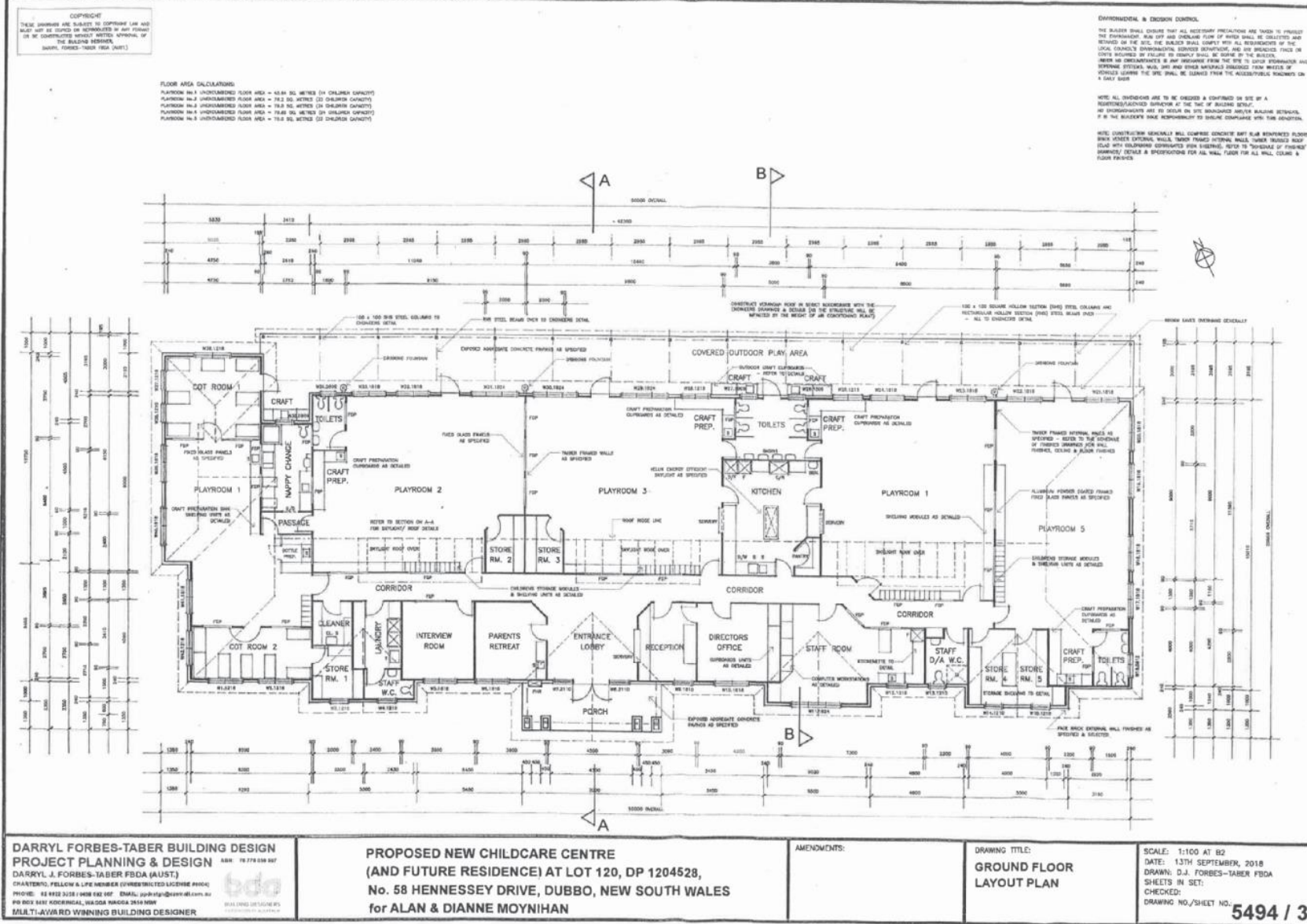
T: 02 6589 8773 (Ext 88773) | [conveyancingteam@essentialenergy.com.au](mailto:conveyancingteam@essentialenergy.com.au)  
PO Box 5730 Port Macquarie NSW 2444 | [essentialenergy.com.au](http://essentialenergy.com.au)  
General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

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November 17, 2018

To the General Manager and Others,

**Re: Development Application D2018-594**

As residents and owners of 70 Holmwood Drive, Dubbo, we are in extreme opposition to, and OBJECT TO, the proposed child care facility (plus residential premises) as submitted in the Development Application D2018-594 (Property: Lot 120 DP 1204528, 58 Hennessy Drive, Dubbo).

This proposal will pose significant detrimental impacts to residential amenity and public safety. It does not fit with the amenity, ideals, prestige and value associated with Macquarie View Estate, a low density residential subdivision. We are extremely unhappy that those who have submitted the application would even consider this to be valid, fit for the area or considerate for the surrounding residents and land owners.

State planning guidelines and laws can be referenced in a DA to override a local council's own development control plans when it suits, or the DA can reference the local controls when that suits. Good planning is not looking at individual variations in isolation, at an individual development proposal and how they might be acceptable when in isolation. Good planning looks at the bigger picture, the neighbourhood, the community, the local controls and the State's guidelines.

So now would it also be able to be considered to put two extremely large separate buildings (that are not outbuildings) with all the extra pressure on water, stormwater, sewer on the one low density lot with complete disregard for the subdivision planning controls and neighbours who already live there? Will this mean people can build a separate detached premises just as big, if not bigger, than their current/intended home on the same lot?

This development application is too intensive in its intended use in regard to acoustic and visual amenity, the intended lifestyle promoted and expected by those who have purchased or are already living in such areas. This development will not only negatively impact the amenity of the neighbourhood or the setting and streetscape of Macquarie View Estate, but pose a safety hazard.

A new child centre as large as this surely requires more forward thought, more planning and notice to be given to the "general area" that is more far reaching than a few residents either side. One of our adjoining neighbours who are directly opposite to the lot did not even get a notification. They did not know until they received a text message from us. It is bad planning ethic that only a few of us received a letter and with exactly the minimum period of time to muster a response and think about this type of DA. Surely, this fact alone warrants an extension of time or renewal on the notice period and surely, the "general area" should be greater than what was deemed by Council. Surely the people who currently live in this estate, who have purchased land in this estate, live along Hennessy Road and further along Holmwood Drive, should at least have been formally notified. We are very disappointed and upset how this Development Application has been handled so far in the process.

- 1 -

We ask you, Dubbo Regional Council, in relation to the development of Dubbo City to please consider not only your own planning controls and ideas, but also the Considerations in the Child Care Planning Guideline (August 2017) published by the NSW Department of Planning and Environment in relation to the proposed child care centre development. We are not the experts - we now place our faith in Dubbo Regional Council to take a good look at the bigger picture for the residents, the neighbourhood, who have put everything they have into buying one of these lots in this estate.

What will we now tell the interstate people who have stopped in their cars to speak to us in our garden on their way past our home, asking about this subdivision, the quiet lifestyle, deciding on which regional area to move to? We have promoted Dubbo to complete strangers, looking to build their next place to call home and we have promoted the prestige of areas such as Southlakes, Holmwood and Macquarie View. We have positively commented on the forward thought and planning of our local council and land developers and ideals of such estates, the planning controls and the neighbourhoods. We are aware of the overall demand for child care places in Dubbo, but ask Dubbo Regional Council to address thoroughly the consequences of allowing a childcare centre to operate at this particular location of low density residential development, where residents and landowners have already made their homes or are in the process. Developments for such use need to be forward planned into areas with land developers PRIOR to land sales so people are well aware of what they are buying into and can assess what they are willing to pay.

The following mentions a few of our own interpretations and thoughts on the quoted Principles and Considerations (C) from the NSW Government's Child Care Planning Guideline (August 2017).

"Principle 1 - Context"

"Well designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood"

Clearly this development is not enhancing the qualities and identity of the area located at Macquarie View Estate. It WILL detract from the visual and acoustic amenity, affect the privacy of the residents, is too intensive a use for the intended location and will pose a significant traffic and pedestrian hazard.

"Principle 2 - Built Form"

"Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook"

This development does not contribute to the character of the streetscape of Holmwood Drive nor Hennessy Drive. The streetscape provides a prestigious vision and open street feel at its entry and further in from Hennessy Drive the openness and serenity remains evident. Along Hennessy Drive, the majority of existing homes are set back and it has a rural feel to the neighbourhood. There are wide spaces apparent and the residences are

well spaced. If a child care centre and its long built form PLUS a large residence were deemed fit to be built here, it would be obtrusive and take up a huge proportion of the lot.

A childcare facility of this magnitude with a 25 vehicle carpark adjoining Holmwood Drive together with at least 280 extra traffic movements in and out of the very first lot inside Macquarie View estate will detract drastically from the character and amenity that the developers and buyers in this estate have put their hearts and money into. What about the proposed 2.0 metre high security fence? This is not what we signed up for.

"Principle 4 - Sustainability"

"Sustainable design combines positive environmental, social and economic outcomes."

This development does not have rainwater tanks specified on the plan. For such a large roof space and intensive use, why not? What is sustainable about the social and economic detriment to those who have purchased some of the most expensive residential land in Dubbo under the guise that prestige areas with open space views down towards the Macquarie River would bring serenity and a feel of being in with the natural aspects of edge of town living. What will happen to the sounds of the wildlife we wake up to early every morning and the outdoor enjoyment of being in our larger garden spaces where we can interact with neighbours? What about our personal affinity with the environment that we feel, the open space which was a large part of why we chose to build here?

What is sustainable about the size of the building areas and hard surface areas - the childcare centre (approximately 1000m<sup>2</sup>), plus a large home (proposed Rawson Home Somersby 39 which on the Rawson Homes website is approximately 360m<sup>2</sup>) plus a carpark constructed of reinforced concrete paving (say 350m<sup>2</sup>) and concrete driveways. If the lot is 4000m<sup>2</sup>, and the carpark is hard surfaced, then the hard surface area of these areas alone amount to around 1700m<sup>2</sup> or approximately 42.75% of the land area (well above controls of 35%). What about the air-conditioning and heating of the building? Then night lights on all night? How does this proposed development contribute positively to sustainability principles?

Is this really the most sustainable building design that could be proposed for a lot that is of this size?

"Principle 5 - Landscape"

"A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood"

The centre's sheer building size taken into account with its building setback, together with the carpark and vehicle movements will definitely not contribute but detract from the landscape character of the streetscape and neighbourhood of the southern end of Holmwood Drive as well as Hennessy Drive. The proposed development is of considerable size and in relation to a low density residential area context, is a far more intensive and visually obtrusive land use that is also at unsuitable and unsafe location.



"Principle 6 - Amenity"

"Good design positively influences internal and external amenity for children, staff and neighbours"

The use of this lot for a child care facility of this magnitude with this design and site layout does not positively influence the amenity for neighbours at all. It will be DETRIMENTAL. It is right in the views of us and our neighbours, it is right where we live, where we garden outside, it will affect our serenity, acoustic amenity, visual privacy and visual amenity. The noise and congestion of traffic and intensive childcare sounds, the car doors from pickups and drop-offs, the extra people movement, the on street parking, the bank up of traffic, the night lighting, the security patrols and increased vehicle pollution. Not a great combination for the neighbours - we all will be impacted greatly.

When we wake in the mornings or sit on our front verandah looking out at the garden views we CAN listen to the birds at the river or sometimes even the lions and the siamangs at the zoo. During peak morning times at a 100 child place care facility, this will be taken away - just ONE development. Together with a proposed 6am start, this is totally unacceptable and inconsiderate. Residential use hours are considered to be 7am start, and there are noise controls in place to protect the acoustic amenity of residents. We are low density residential here. We moved here and built here to secure our amenity. This will affect us, and our neighbours individually as well as the neighbourhood that we are creating together.

These unique and serene aspects of living here will be taken away from us just by this ONE development. This one development will have a great impact on our acoustic amenity and privacy. We did not move to this estate to have to stay locked up inside to keep the noise out and get away from a high traffic load that is associated with higher density or more intensive use areas. It was meant to be low density residential.

The level of noise will be significantly greater than the expected level associated with the regular activities of this residential area which features a significant portion as 4000m2 and 2000m2 lots in the estate. On the southern side of Hennessy Drive not so far away is only one residence. Look up the noise levels for child facilities for 100 children, and compare that to the noise levels for low density residential on 4000m2 lots. The noise levels will be blown up extremely. One only has to compare studies from acoustic sound experts.

The general and specific location of the proposed facility and where the car park, its entry and exit are positioned is bad planning and design for a venture of this magnitude. The amenity of the neighbours will be impacted significantly.

"Principle 7 - Safety"

"Good child care facility design balances safety and security with the need to create a welcoming and accessible environment."

The design and location of the proposed childcare centre does not promote a high enough standard of safety. The centre's access is not safely accessible by pedestrians especially from the northern side of the lot along Holmwood Drive. There is a driveway to cross where more than 280 vehicle movements on each given day for 5 days a week are to

move inwards or outwards, perhaps even at the same time. There is no designated pedestrian access to get to the other side of the car park to the main entry of the facility from the northern side from the street. There is no safe designated access from Holmwood Drive, nor Hennessy Drive indicated on the plan. Is there access for two prams to be able to pass each other safely when navigating from the street, across the carpark and around to the childcare centre's main access?

There is a strip along the building adjoining the car park on the western side, but two prams could not pass each other along here to access the main entrance to the building in a safe manner. Looking at the plan, the carpark itself joins straight on to the southern side's pedestrian access point. The access along the western wall needs to be wider for pedestrians and prams to access the main building in the safest way possible from the car park and be able to pass each other in the process.

It seems like the design of the carpark itself relative to the front door access of the building might encourage pedestrians (prams, parents, children, visitors) to simply navigate through the length of the carpark where the vehicles need to turn and manoeuvre from two sides. For a brand new building on such a large lot, the carpark access and pedestrian movements to the main entrance of the centre itself are not the safest and most accessible they should be for the intensity of a 100 child centre. Put loading and unloading of delivery vehicles into this mix (with no designated loading zones) and it adds to the safety issue.

On the street, there are no public pedestrian crossings existing except a small refuge right at the intersection of Hennessy and Holmwood Drives to access the centre from the opposite side of the street in Holmwood Drive. Is there any provision by Council for a future pedestrian crossing that is safe to cater for such a facility at this location? Again, a crossing will also create its own issues along this stretch of road to traffic and residents. This area was essentially designed for low density residential living.

Another issue is the traffic hazard of the childcare centre being located on the lot right at the intersection of Hennessy Drive and Holmwood Drive where its associated traffic will congest movements in and out of the estate. Drivers will also have to navigate a garden island and a right hand turn into the centre's driveway not far into the estate if approaching from Hennessy Drive. Drivers waiting to turn right on Hennessy Drive into Holmwood drive also have to deal with western sun glare in the later part of the day. An extra accumulation of traffic at this point could be potentially dangerous on Hennessy Drive.

The garden islands at the entrance to the estate also restrict vehicles in their movement and limit manoeuvrability. Doors opening from cars parked on the street during peak periods would directly open into passing vehicles. At 5 metres wide, on each side of these garden islands back to the kerb, the roads simply are not wide enough. What about larger heavy vehicles (trucks or buses) trying to pass? Imagine a child excitedly getting out of a car at the wrong time? Likely, these roads were designed/engineered for the original intended subdivision use - that being, low density residential.

Another point to consider is the accessible collection of garbage by trucks along this section of Holmwood Drive. Garbage trucks are essential, but hazardous, and congested movements of traffic, parked cars on the street, prams, pedestrians, bikes and children is a recipe for disaster, when this close to an intersection and on narrow roads. Where will the bins be located during pickup?

We believe from our observations over the period of more than 18 months of living here that this type of development will be a major cause for congestion, driver frustration, a contributor to accidents and it will be a hazard to passenger, pedestrian and child safety. Young children are very unpredictable and this location on two busy roads is also cause for alarm, not just for those at the centre, but the residents who use the roads, the pedestrian pathways and ride their bicycles. People walk, run and cycle here through this intersection regularly as it is a main access point in to the subdivision from Hennessy Drive and also out from the subdivision towards the Tracker Riley Cycleway circuit. Choosing this site for a childcare centre doesn't seem wise or safe at all. This part of the estate should remain low intensity and low density residential in its use.

"3.1 Site selection and location"

"The most important question for each applicant is: Is the neighbourhood a good "fit" for the proposal?"

The answer is no. Besides the points mentioned previously, the child care facility is not compatible with the surrounding land uses, it does not fit with the character of the street, and the development would be detrimental to privacy and acoustic amenity, as well as create a traffic hazard. The large open area between the Macquarie River and the site also means that there is exposure to winds which would carry the noise produced at the facility to greater distances. How is it that this lot of land zoned as R2 can have its main residential access off Hennessy Drive plus it can then also have a busy access point for a business off Holmwood Drive for more than 280 traffic movements a day? It is not someone accessing their back shed a couple of times a day.

"Considerations"

C1

"Acoustic and privacy impacts" (previously mentioned)

Just to add to this, to achieve appropriate noise levels when located in residential areas, such facilities require an operational management plan that limits outdoor play time, where smaller numbers of children should be permitted to be outside at any one time. The approach of restricted play time limits the ability of children to play and would also be an ongoing compliance and enforcement matter for council. A large childcare centre such as this needs to take this play time and outside time into its planning consideration - to locate their facilities to avoid such restrictions which in turn will affect the children's activities and well-being.

"Traffic and parking impacts of the proposal on residential amenity" (previously mentioned)

"The setbacks and siting of buildings within the residential context" - A valid point to consider in allowing the facility to be developed on one of the 4000m2 blocks at the estate is the setbacks and siting. We do not believe the proposed building with separate residence on Hennessy Drive are adequate in terms of its immediate residential context. There are already many established homes on the 4000m2 lots along Hennessy Drive and at the entrance to Holmwood Drive, and these have large setbacks from the kerb/roadside and are well spaced between lots. Surely a new, non-residential development imposed on

a low density residential use area would have to consider the setback and siting in regards to the neighbouring residential amenity. Would these setbacks not have to blend to the average setbacks of residences already existing on the larger 4000m2 lots?

### C3

The child care facility is not attempting to be located near any of the compatible use suggestions under this state planning consideration (eg near schools, parks, community facilities, places of worship, near employment areas, town centres, business centres, shops etc). Other new child care facilities in Dubbo have, for example, located at the newer designed business parks. With forward planning, there are more suitable lots than the one chosen in this DA. So is this reasonable in Dubbo with the different sites available to choose this particular site for a centre for 100 children? This intensity does not fit with low density residential at all.

C5 The childcare facility does not contribute to the existing streetscape (already discussed). The carpark located at the frontage onto Holmwood Drive especially does not integrate into the design or contribute positively to the neighbouring amenity.

### "3.3 Building Orientation, Envelope and Design"

The building orientation and design on the site does not fit with the Street locations, the subdivision and neighbouring buildings. The orientation and size of the building has a detrimental effect on residential amenity including visual and acoustic privacy. The child care centre build plus a proposed residential home side by side are simply overbearing. The setbacks are not in alignment with the average of existing 4000m2 residential properties in the area - it is the "street setbacks which define the proportion and scale of the street and contribute to the character of the public domain".

### C11

"Orient a development on a site and design the building layout to:  
-locating play areas away from residential dwellings and other sensitive uses"

Play areas are located on the residential side (northern side) of the lot, affecting the existing residential area. The adjoining lot on Holmwood Drive would be especially affected by this design principle, as would the neighbours across the road in Holmwood Drive and adjoining the eastern boundary in Hennessy Drive. Sound travels here, there is a lot of openness and there is a gradual rise from this corner lot up towards the east on Hennessy Drive and also a gradual rise towards the north along Holmwood Drive. The acoustic amenity will definitely be impacted and the usual background levels of noise will be increased significantly. This centre is catering for 100 children 6 years and under – it will impose a very significant change to the existing noise levels in a low density residential setting. Winds prevail along this intersection - the openness of Hennessy Drive across towards the Macquarie River - the sound will travel even further up the rises.

"Ensure buildings along the street frontage define the street by facing it"

There are two frontages which this large building will affect. It does not face Holmwood Drive - a carpark is located on this frontage and the residential properties in this street will be detrimentally affected by this.

C15

"The built form of the development should contribute to the character of the local area" - including "neighbourhood character, streetscape quality" and "identity of the place".

This consideration has not been adequately satisfied. The scale and character of the childcare centre building is not compatible with the residential nature of the locality. The childcare centre itself will cover 1000m<sup>2</sup>. Even though a character of the 2000m<sup>2</sup> lots contain large outbuildings, the magnitude of the proposed development as well as a proposed associated large residence on the same lot is far greater. This building is not justified and not considerate at all to the identity of the area which the owners of the larger 4000m<sup>2</sup> lots are striving for. This development is located at the entrance to the Macquarie View Estate - it has a bearing on the entire subdivision.

C19

"Incorporate car parking into the landscape design of the site by:

- "taking into account streetscape, local character and context when siting car parking areas within the front setback"

The proposed carpark positioning does not consider the streetscape, character and context of the residential development in Holmwood Drive. This is not a considerate design element. It has not been incorporated into the whole site design without impacting the residential development and the neighbours in the most significant way possible. So, siting a hard surfaced 25 vehicle car park for 280 or more traffic movements a day at the front of the building setback on Holmwood Drive at the entrance to a prestige new residential estate is best for the streetscape, character and context?

C25

"Locating cot rooms, sleeping areas and play areas away from external noise sources"

The cot rooms are located against the facility's carpark. What about the cars starting their engines, the car doors slamming, the movement of people and their children in and out of the carpark? What about delivery vehicles and unloading areas? What about the western sun? Not good design.

C29

"Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7am to 7pm weekdays."

The hours of operation proposed for this child care facility to start at 6am fails dismally to consider and fit in with the lower density residential land use surrounding it. This shows total disregard for residents and what they expect in living in this type of area on large lots.

"3.8 Traffic, parking and pedestrian circulation"

"Site access from the public road to the site is important to ensure safety. At the same time, a safe pedestrian environment is essential on the site".

"Car parking areas need to ensure the safety of all visitors to the site"

C33 A traffic study should demonstrate that "the amenity of the surrounding area will not be affected" and "there will be no impact on the safe operation of the surrounding road network."

The proposed location of the childcare centre on the intersection of Hennessy Drive and Holmwood Drive, in conjunction with the proposed car park access we believe will pose a major traffic hazard with the increased vehicular movement and congestion created near and at the intersection, on a road that was designed and engineered for far fewer traffic movements associated with the Macquarie View Estate land release plan. Safety aspects of this site have been discussed previously.

#### The Carpark

25 car spaces - 1 for every 4 children - where are the 13 staff parking? Where is the viable onstreet parking that is in close proximity to the centre that will not affect the privacy, safety, noise and visual amenity of the residents that own the other lots? Note: the roads are only 5m wide from the kerb to the garden island. Should vehicles be parked onstreet, there is narrow passing opportunity for other vehicles. What about the existing no stopping sign at the front of the lot of the proposed child care facility?

Where are the designated and safe unloading zones for delivery vehicles that will frequent the facility? Which access will they be using - the Holmwood Drive access, or the Hennessy Drive access point? Why is the carpark positioned against cot rooms and children's indoor play area?

#### Pedestrian Access (also refer C36)

"Separate pedestrian and vehicle entries from the street for parents, children and visitors" (previously mentioned)

"Pedestrian paths that enable two prams to pass each other" (previously mentioned)

"Delivery and loading areas located away from the main pedestrian access to the building and in clearly designated separate facilities" (previously mentioned)

The vehicular access in and out of the Childcare centre does not allow for safe pedestrian access to the site. Pedestrians will have to cross the driveway or worse will enter on foot and then walk through the carpark where vehicles are turning or reversing. Where are the designated delivery and loading areas? This is a brand new facility - all aspects need to be considered in terms of safety for all members of the community whether internal or external.

#### Traffic

This has been previously discussed, but these concerns cannot be emphasised enough. The volume of traffic with the estimated increase in daily traffic movements by 282 will be much greater than the original expected level by residents associated with R2 low density lots on the southern end of Holmwood Drive (linking to Hennessy Drive). Hennessy Drive is also a main access route for trucks, tradespeople and delivery vehicles moving in and out of the estate in relation to building activities. There are still a number of years of building left for this subdivision and any extra traffic congestion caused by the child care operation on top of the existing engineered residential traffic flow will pose a hazard at the intersection. This is the only southern exit from the estate.

How ridiculous that this development has even reached the point of DA submission at this particular site. We oppose this Development Application and are extremely disappointed and angry for any residents in the Dubbo area, or moving to the area, who are led to believe they can buy into a prestigious residential area for a sound investment and a better life, where a future use and development such as this can be considered AFTERWARD. Not once anywhere have we seen anything marked for future development on this particular corner site except for residential use, and rightly so - it's right at the entry to the estate. Neighbours are only expecting a low level use being residential in nature. This was a defining factor in buying one of these lots. It is the only southern exit from Macquarie View Estate onto the much busier Hennessy Drive. The location is definitely not fit or safe for a child care facility.

We are unable to reverse the money spent and the hard slog of time and effort we have put in physically ourselves thinking one day we would reap the benefits of our decision and personal sacrifices. We believed in Dubbo Regional Council for promoting the large lot sizes for residential use and blending them to the rural outer reaches like across the way on Hennessy Drive. If it had been earmarked beforehand for such an intensive facility, there is no way we would have purchased the land here where we are now, at the premium end of the market, and neither would have our neighbours.

We set our home back on the lot and wanted to create a large front garden that in time would not only appeal to us, but add to the estate's amenity and sense of tranquility. We wanted to keep the space open, to landscape it and we wanted to enjoy it with a level of serenity expected with low density residential use. It is part of the neighbourhood and amenity we are trying to create, making our own contribution back to this estate.

There are so many things wrong and inadequate in its entirety about this Development Application. Why weren't we approached before this? Did the owners and planners of the development really think we wouldn't be affected and that everything would just be accepted by us and our neighbours? Isn't a community forum the decent and ethical thing to do? Why can't there be forward planning for such centres in new residential subdivisions, BEFORE people buy into it? It might be thought that only a small number of people are affected, but something doesn't seem right at all.

This cannot be brushed off with the minimum notice given, and such inadequate spread of notification for something of this magnitude. A 100 place child care facility is not insignificant. It really seems off that not many landholders or residents were notified and that there were residents listed to be notified, but didn't receive it. Such matters aside, the proposed development is not safe or a good planning fit.

"What about the neighbours?" is a question that needs to be carefully taken into account in considering this DA which will bring a much higher intensity of use, and bring discord within in the neighbourhood. Also, think about the context: low density residential living, 4000m<sup>2</sup> and 2000m<sup>2</sup> lots, the entrance to a new estate in Dubbo, the Macquarie View Estate - "Dubbo's Newest Prestige Land Subdivision". How can a childcare centre be considered to fit at this site? Throw safety in the mix and that is another ball game. While there may be a need for more childcare centres in Dubbo, that doesn't entitle developers who propose them to automatically assume their DA is acceptable. Regardless of the type of proposal, developers should follow the rules and guidelines - they have to pay closer attention to the character of the area itself, in its present and future.

We fully object to this Development Application and entrust Dubbo Regional Council, its Councillors and Planning Division to be responsible by rejecting it. We ask you to consider the guidelines and the impacts in their entirety and in the context, not just the development as proposed in the DA within itself.

Yours faithfully,

Wendy Findlay and Adam Cropper

Address:  
70 Holmwood Drive  
DUBBO NSW 2830

Phone: 0428-243 245 (Adam)  
0427-894 114 (Wendy)

Email: [wfindlay71@gmail.com](mailto:wfindlay71@gmail.com)





## CIVIL & FORENSIC PTY LTD

CIVIL, STRUCTURAL & ACCIDENT RECONSTRUCTION ENGINEERS

■ 32 Casey Circuit (PO Box 632) Bathurst NSW 2795 ■  
 ■ Phone: (02) 6332 5400 ■ Email: info@cnf.com.au ■ ABN 14 004 830 706 ■

19016-01  
 19 November 2018

General Manager  
 Dubbo Regional Council  
 PO Box 81  
 Dubbo NSW 2830

Dear Sir

***Submission on DA 10.2018.594.1  
 Proposed Childcare Centre - 58 Hennessy Drive***

This submission is made on behalf of Dubbo Residential Estate Pty Ltd, developers of Macquarie View Estate and owners of residual lands including Lot 1002 DP1244560.

Dubbo Residential Estate Pty Ltd has examined the proposed Childcare Centre development and objects to approval on the grounds of Traffic, streetscape, residential amenity and adverse economic impact of existing built houses and sale of future lots.

**Traffic Issues**

The SOEE claims 282 daily movements associated with the development. Given the nature of Child Care facilities these movements to largely coincide with peak traffic movements along Holmwood Drive. This creates issues because of:

- Increased peak hour traffic flow. The estate traffic study estimated peak hour traffic (under ultimate development) in Holmwood Drive at Hennessy Drive as only 89 vehicles. The proposed development is located at an exit from the estate and will double peak traffic flows over ultimate estate traffic.
- Congestion/conflict with estate traffic. All development traffic involves a Left turn or right turn off Holmwood Drive into the site, or the opposite movement out of the site. Right turn movements will pass through a gap in median islands in Holmwood Drive. Due to the large proportion of development traffic over that of estate traffic there is potential conflict associated with movements.
- High traffic movements through the median island. The landscaped median island extends from Hennessy Drive up to near the proposed driveway. It is part of an estate entrance treatment and limits the through traffic to a single lane (about 4m) in each direction. This treatment is an essential buffer between the estate and the future arterial status of Hennessy Drive. The treatment helps establish calm local traffic for traffic entering the estate. The median island was designed to allow normal volumes of residential traffic to enter/exit adjacent lots. However, because of the low turning traffic expected there is no provision for queuing.

Due to significantly higher development traffic there is a likelihood of queuing associated with the right turn into the development. Where this occurs the queue would be within the traffic lane, impeding passage of north bound through traffic.

**Streetscape and Residential Amenity**

This development is the entrance to the estate and it proposes a car park at the street frontage of the development. Without suitable screening vegetation this will adversely affect the amenity of the estate entrance and detract from the residential streetscape.

This type of development is not consistent with the residential amenity envisioned for the estate. The vision is supported by design and construction standards, marketing and usage restrictions on land titles. Usage restrictions relate to construction type, quality and activity. In particular for this development, item 6(e) of the Section 88B instrument restricts use of Lot 120 in the following terms:

*"No building erected on any Lot shall be used for any commercial, manufacturing, industrial or retail purpose ..."* (full 88B instrument is attached)

The childcare centre is a commercial activity and should not be approved without release of this restriction by Dubbo Residential Estate Pty Ltd. My client has advised that such a release would not be forthcoming for this allotment.

**Economic Impact**

Residents and landowners of Macquarie View Estate have bought into the amenity of the estate as envisaged by my client. This is in part established by design and construction standards, but also by usage restrictions such as those in item 6(e) of the s88B instrument mentioned above. Buy-in by current landowners is evident by their investment to establish substantial homes.

The proposed development, by way of traffic and reduction in residential amenity will have an adverse effect on the value of existing homes. It will also affect the viability of future estate development to to reduction in land sales.

Yours faithfully



Andrew Brown BE CPEng MIEAust  
Civil & Forensic Pty Ltd.

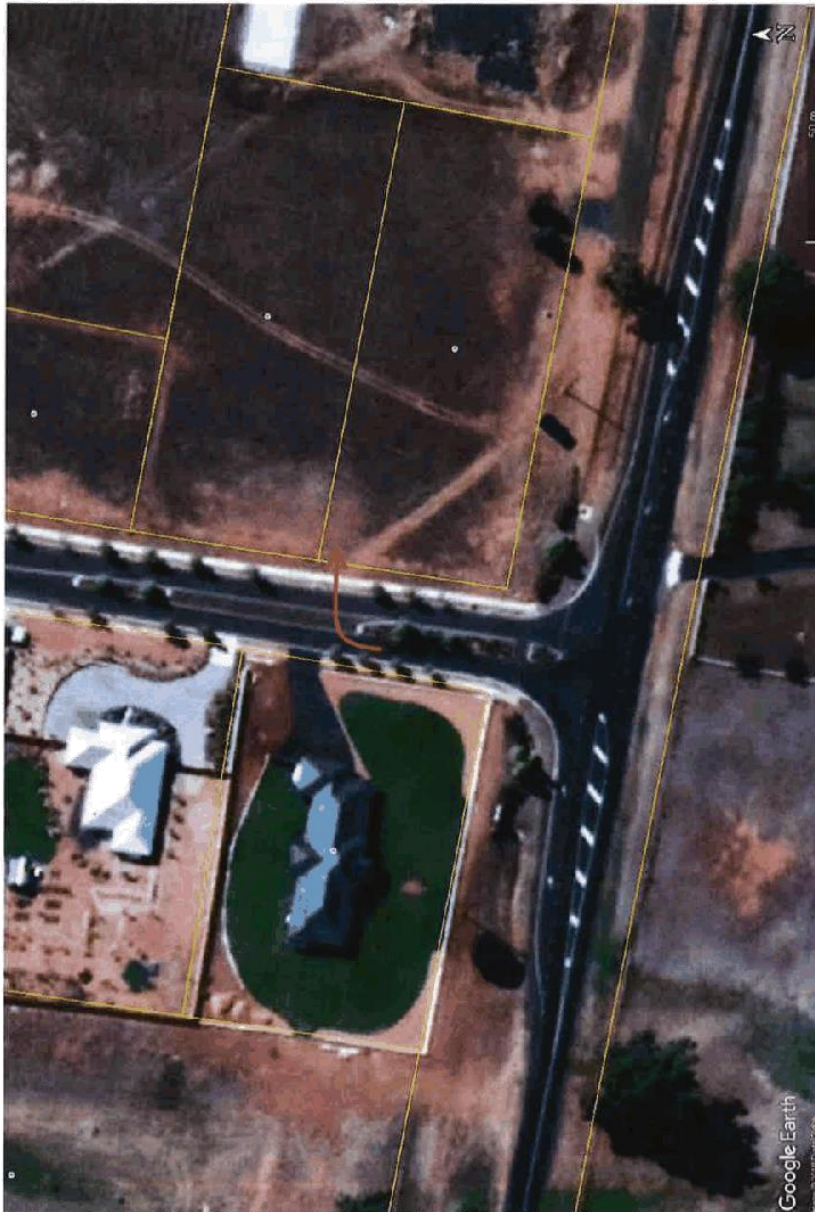


Figure 1 – Aerial View of Estate showing right turn into proposed Childcare Centre.

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**Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919**

(Sheet 1 of 8 Sheets)

Plan:  
**DP1204528**

Plan of Subdivision of Lot 301  
 in DP1123136 covered by  
 Subdivision Certificate No.  
 SC 12-19

Full name and address  
 of owner of the land

Dubbo Residential Estate Pty Limited ACN 118 617 904  
 C/- Henry Melville & Co 138 William Street, BATHURST NSW 2795

**PART 1 (Creation)**

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1	Easement for multi purpose electrical installation 4.2 wide	102, 142	Essential Energy
2	Easement to Drain Water 2 Wide	105	Dubbo City Council
		106	105 and Dubbo City Council
		107	108, 109 and Dubbo City Council
		108	109 and Dubbo City Council
		109	Dubbo City Council
		113	142 and Dubbo City Council
		118	142 and Dubbo City Council
		121	142 and Dubbo City Council
		126	127, 128 and Dubbo City Council
		127	128 and Dubbo City Council
		128	Dubbo City Council
		129	Dubbo City Council
3	Easement to Drain Sewage 3.5 Wide	101, 102, 103, 104, 106, 107, 108, 109, 113, 118	Dubbo City Council

*Rolyn*

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 Ref:130841:DRE:PAC /Sta:T

ePlan  
 (Sheet 2 of 8 Sheets)

Plan:  
**DP1204528**

Plan of Subdivision of Lot 301  
 in DP1123136 covered by  
 Subdivision Certificate No. SC 12-19

4	Easement to Drain Sewage 2 Wide and variable width	101, 104, 105, 106, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140	Dubbo City Council
5	Easement to drain water 12 and 10.5 width and variable width	142	Dubbo City Council
6	Restrictions on the use of land	101 to 140 inclusive	Every other Lot excepting 141 and 142
7	Restrictions on the use of land	101, 102, 119, 120, 137, 138, 139, 140	Every other Lot excepting 141 and 142
8	Restrictions on the use of land	103 to 118 Inclusive	Every other Lot excepting 141 and 142
9	Restrictions on the use of land	121 to 136 inclusive	Every other Lot excepting 141 and 142
10	Restrictions on the use of land	101 to 140 Inclusive	Dubbo City Council
11	Restrictions on the use of land	101, 120, 137, 138, 139 and 140	Dubbo City Council
12	Restrictions on the use of land	121 to 124, 126 to 127 and 131 to 136 Inclusive	Every other Lot excepting 141 and 142
13	Restrictions on the use of land	101 to 124, 126 to 128 and 131 to 140 inclusive	Every other Lot excepting 141 and 142

**PART 1 B (Release)**

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1	Easement to drain water 14 * 8 wide (Vide DP 1188281)	Current Lot 301 DP 1123136	Dubbo City Council

**PART 2 (Terms)**

**Terms of Easement numbered 1 in the plan**

In accordance with the terms contained in Part C of Memorandum Number AG189384 registered at Land and Property Information.

**Terms of Restrictions on the use of land numbered 6 in the plan**

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ePlan

(Sheet 3 of 8 Sheets)

Plan: DP1204528

Plan of Subdivision of Lot 301  
 in DP1123136 covered by  
 Subdivision Certificate No. SC 12-19

- (a) No main building shall be erected or be permitted to remain on any Lot burdened having external walls of materials other than of brick and/or brick veneer and/or stone and/or concrete and/or glass and/or timber or any combination of the same, unless a submission is made in writing by the Purchaser at its own cost to the Vendor of the material intended to be used to construct the building and is approved by the Vendor and Dubbo City Council prior to construction.
- (b) No building shall be erected or permitted to remain on any Lot burdened unless the building is set back from the boundaries of the property in accordance with Dubbo City Council Development Control Plan and any other requirements of Dubbo City Council.
- (c) No building shall be erected or permitted to remain on any Lot burdened with a roof of materials other than tiles or slate or colourbond type metal roofing.
- (d) No building constructed on the land shall have a flat roof.
- (e) No building erected on any Lot shall be used for any commercial, manufacturing, industrial or retail purpose and no offensive or noisy trade or activity, including:
- (i) The breeding and kennelling of dogs;
  - (ii) The housing of any animals other than pet dogs and cats;
  - (iii) The storing or housing on the property of any plant and machinery that together or on its own exceeds 5 tonnes;
  - (iv) The use of the property for parking of trucks or other earth moving equipment.
- (f) No garage or shed shall:-
- (i) Be constructed on the Lot burdened between the front building line of the main building and the street alignment.
  - (ii) Be constructed on the Lot burdened between the front building line and the rear building line of the main building unless it is constructed of the same materials as the main building.
  - (iii) Be constructed to the rear of the main building unless the same is of similar design and of similar materials and colour to the main building or is of colourbond construction.
  - (iv) Be used for the purposes of a residence.
- (g) No privy or other toilet facilities shall be erected or permitted to remain on any Lot burdened unless the same forms part of the main building or part of a cabana serving a swimming pool area providing that nothing herein contained shall prevent any temporary privy or toilet facility being erected or placed on any Lot burdened during the construction thereof of the main building provided further that if any such temporary privy or toilet facility is visible from any road or any other Lot in the said Plan, the same shall be suitably screened from such vision and provided further that any such

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ePlan  
 (Sheet 4 of 8 Sheets)

Plan: **DP1204528**

Plan of Subdivision of Lot 301  
 in DP1123136 covered by  
 Subdivision Certificate No. SC 12-19

temporary privy or toilet facility is removed immediately upon occupation being taken of the main building aforesaid.

- (h) Except for the purposes of a sale or during the course of construction of buildings, no advertising, hoarding or signs shall be displayed or erected on each Lot burdened.
- (i) Except during the course of construction of buildings on each Lot burdened, no portable shed or machinery, metal, tiles, timber, bricks or any other building materials shall be placed on the land.
- (j) No unregistered caravans or trailers or other vehicles shall be parked or placed on each Lot burdened unless garaged.
- (k) No sand, gravel, soil, loam, stone or other earthen material shall be removed or excavated from any Lot burdened except where such removal or excavation is necessary for the construction of a building, swimming pool or other structure.
- (l) No fencing shall be erected on each Lot burdened that is greater than 1800mm in height.
- (m) For the benefit of adjoining land but only during the ownership thereof by Dubbo Residential Estate Pty Limited ACN 118 617 904, their successors and assigns other than Purchasers on sale, no fence shall be erected on any Lot burdened to divide the same from such adjoining land without prior written consent of Dubbo Residential Estate Pty Limited ACN 118 617 904 but such consent shall not be withheld if such fence is erected without the expense to Dubbo Residential Estate Pty Limited ACN 118 617 904 and in favour of any person dealing with the Purchasers. Such consent shall be deemed to have been given in respect of every such Lot for the time being given.

Name of person empowered to release, vary or modify restrictions numbered 8 in the plan  
 - Dubbo Residential Estate Pty Limited ACN 118 617 904.

**Terms of Restrictions on the use of land numbered 7 in the plan**

- (a) No building shall be erected or permitted to remain on any Lot burdened having a floor area of less than 225 square metres inclusive of car accommodation and verandahs.
- (b) Other than on the boundary lines of Lots 101 and 102 adjoining the reserve, no fence shall be erected on the boundaries of the Lots burdened other than colourbond in "SUMMERSHADE" colour fencing and no lattice inserts shall be installed excepting for a 300 millimetre lattice insert in the same colour at the top of any fence.
- (c) No fencing shall be permitted on any Lot burdened unless the same is approved by Dubbo City Council.

Name of person empowered to release, vary or modify restrictions numbered 7 in the plan  
 - Dubbo Residential Estate Pty Limited ACN 118 617 904.

Reg:R954523 /Doc:DP 1204528 5 /Rev:04-Feb-2015 /Sta:6C.OK /Prt:05-Feb-2015 10:21 /Pgs:ALL /Seq:5 of 8  
 Ref:130541:DBE:PAC /Src:T

ePlan  
 (Sheet 5 of 8 Sheets)

Plan: DP1204528

Plan of Subdivision of Lot 301  
 in DP1123136 covered by  
 Subdivision Certificate No. SC 12-19

**Terms of Restrictions on the use of land numbered 8 of in the plan**

- (a) No building shall be erected or permitted to remain on any Lot burdened having a floor area of less than 200 square metres inclusive of car accommodation and verandahs.
- (b) Other than on the boundary lines of Lots 103, 104 and 106 adjoining the reserve, no fence shall be erected on the boundaries of the Lots burdened other than colourbond "SUMMERSHADE" colour fencing and no lattice inserts shall be installed excepting for a 300 millimetre lattice insert in the same colour at the top of any fence.
- (c) No fencing shall be permitted on any Lot burdened unless the same is approved by Dubbo City Council.

Name of person empowered to release, vary or modify restrictions numbered 8 in the plan  
 - Dubbo Residential Estate Pty Limited ACN 118 617 904.

**Terms of Restrictions on the use of land numbered 9 in the plan**

- (a) No building shall be erected or permitted to remain on any Lot burdened and having a floor area of less than 170 square metres inclusive of car accommodation and verandahs.
- (b) No fencing shall be erected on the Lots burdened other than a colourbond "SUMMERSHADE" colour fencing and no lattice inserts shall be installed excepting for a 300 millimetre lattice insert in the same colour at the top of any fence.
- (c) No fencing shall be permitted on any Lot burdened unless the same is approved by Dubbo City Council.

Name of person empowered to release, vary or modify restrictions numbered 9 in the plan  
 - Dubbo Residential Estate Pty Limited ACN 118 617 904.

**Terms of Restrictions on the use of land numbered 10 in the plan**

- (a) That no residential building shall be erected on the lot so burdened unless the footings of such building have been assessed and designed by a properly qualified geotechnical or structural engineer.
- (b) That no domestic water supply bore may be constructed onsite, without the prior approval of Dubbo City Council.
- (c) That no domestic grey water effluent disposal system may be installed and discharge effluent onto the allotment, without the prior approval of Dubbo City Council.

Name of person empowered to release, vary or modify restrictions numbered 10 in the plan - Dubbo City Council.



Req:8954523 /Doc:DP 1204528 B /Rev:04-Feb-2015 /Stc:SC,OK /Prt:05-Feb-2015 10:21 /Dgn:ALL /Seq:6 of 8  
Ref:130541:DRE:PAQ /Src:T

aPlan  
(Sheet 6 of 8 Sheets)

Plan: DP1204528

Plan of Subdivision of Lot 301  
in DP1123136 covered by  
Subdivision Certificate No. SC 12-19

**Terms of Restrictions on the use of land numbered 11 in the plan**

- (a) No vehicular access shall be exercised from or to the lot burdened directly onto or from Hennessy Road other than by the service road.

Name of person empowered to release, vary or modify restrictions numbered 11 in the plan - Dubbo City Council.

**Terms of Restrictions on the use of land numbered 12 in the plan**

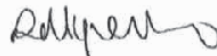
- (a) No more than one building shall be erected on any Lot burdened and such main building shall not be used or permitted to be used other than a single private dwelling and no other building, structure, van, caravan, mobile home, transportable home and/or building or other form of home accommodation shall either permanently or temporarily before or after construction of such main building be used as a dwelling. No such main building shall be other than a single storey construction.

Name of person empowered to release, vary or modify restrictions numbered 12 in the plan - Dubbo Residential Estate Pty Limited ACN 118 617 904.

**Terms of Restrictions on the use of land numbered 13 in the plan**

- (a) Each Lot burdened shall not be further subdivided.

Name of person empowered to release, vary or modify restrictions numbered 13 in the plan - Dubbo Residential Estate Pty Limited ACN 118 617 904.



Req:R954523 /Doc:DP 1204528 B /Rev:04-Feb-2015 /Sts:SC,OK /Prt:05-Feb-2015 10:21 /Pgs:ALL /Seq:7 of 8  
Ref:130541:DRR:PAC /str:T

ePlan  
(Sheet 7 of 8 Sheets)

Plan:  
**DP1204528**

Plan of Subdivision of Lot 301  
in DP1123136 covered by  
Subdivision Certificate No. SC 12-19

Certified correct for the purposes of the Real Property Act 1900 by the corporation named below the common seal of which was affixed pursuant to the authority specified and in the presence of the authorised person(s) whose signatures(s) appear(s) below.

Corporation: Dubbo Residential Estate Pty Limited ACN 118 617 904  
Authority: Section 127 of the Corporations Act 2001



*John H Ireland*  
Signature of authorised person:

**JOHN HOWARD IRELAND**  
Name of authorised person:  
(BLOCK LETTERS)  
Office held: DIRECTOR

*Peter Rogers*  
Signature of authorised person:

**PETER ROGERS**  
Name of authorised person:  
(BLOCK LETTERS)  
Office held: DIRECTOR

SIGNED for and on behalf of Dubbo City Council by *Melissa Watkins*

being the <sup>Authorised Person</sup> ~~General Manager~~ of Dubbo City Council:

*Melissa Watkins*

*Darrell Gussiey*  
Signature of Witness

**DARRELL GUSSIEY**  
Name of Witness (BLOCK LETTERS)

*of Dubbo City Council*  
*Town Planner*  
Address and Occupation of Witness

Reg:8954523 /Doc:DP 1204528 B /Rev:04-Feb-2015 /Sta:80.OK /Pri:05-Feb-2015 10:21 /Pgs:ALL /Seq:8 of 8  
Ref:130541:DBE:PAC /Sta:T

ePlan  
(Sheet 8 of 8 Sheets)

Plan:  
**DP1204528**

Plan of Subdivision of lot 301  
in DP1123136 covered by  
Subdivision Certificate No. SC 12-19

EXECUTED BY ESSENTIAL ENERGY  
by its duly appointed attorney under power of  
attorney Book 4677 No. 684  
in the presence of:

*Rolynem*  
Signature of witness

*Rosehene Myers*  
Name of witness

*[Signature]*  
Signature of attorney  
*Martyn Webb*  
Name and title of attorney  
*Manager Property & Fleet*

SIGNED for and on behalf of National  
Australia Bank by

Mortgages Under Mortgage No. AC 673948  
Signed at *DB* this *22nd* day of  
*DECEMBER* 20*14* for National  
Australia Bank Limited ABN 12 004 044 937  
by *MICHAEL WATTS*  
its duly appointed Attorney under Power of  
Attorney No. *30* Book 4512

*[Signature]*  
Level *3* Attorney  
*Chao Corcoran*  
Witness/Bank Officer  
*Fiona Corcoran*

REGISTERED  4.2.2015

Mark & Diane McHugh  
 68 Holmwood Drive  
 Dubbo NSW 2830  
 PH: Mark 0448 851 857  
 PH: Diane 0419 613 101  
 Email: [markmch1@ptusnet.com.au](mailto:markmch1@ptusnet.com.au)  
 19th November 2018

Chief Executive Officer & Dubbo Councillors  
 DUBBO REGIONAL COUNCIL  
 Church Street  
 Dubbo NSW 2830  
 RE: DEVELOPMENT APPLICATION D2018-594

- Diane and I bought into Macquarie View Estate to enjoy the peace and quiet that it offered, also the larger block offering a point of difference with not being on top of your neighbor. We were expecting that it would become even quieter at our end of Holmwood Drive when the Northern end was opened up and continued through to Wheelers Lane.

Receiving notification of a proposed childcare centre only 100m from our front door has totally ruined the guarantee, that environment and peacefulness that we have been enjoying will continue for us and our neighbours .

- It is hard to believe that you would even contemplate approving this development in a low density residential area that was advertised as **“Macquarie View is not just a new estate but a new way of living...!”** I don't imagine that the developers imagined that **on the very first block inside the entrance** to our new estate everyone would be greeted by a **concrete carpark, a 50m x 20m building and then possibly a house further along the same block.** *I believe this is totally out of context with what was planned and what the residents of this area who bought and built in this were expecting to happen alongside their properties. I was led to believe that there was only supposed to be one building per block that could be inhabited, so would this mean we could put a 'Granny flat out the back if this went ahead?*

With the limited time given by council to reply I've listed concerns that I've been able to substantiate, it also seems that depending on which regulation suits the development best is the one they refer to. (I haven't had time to research all of them but would trust that council shows due diligence and does so).

- We are not the closest neighbors to this development but are still concerned about the noise, even from inside we can hear birds chirping in the reserve

behind us, and on a quiet day we are able to regularly hear the animals at the zoo. I believe that if this development were to go ahead that quiet ambience would disappear.

- The other residences on the larger blocks are set back considerably from their boundaries, this development is not in keeping with the other buildings in the immediate vicinity as there will be some sort of structure close to all boundaries.
- Vehicle access is totally inappropriate with traffic entering from Hennessey Drive having to turn right immediately after they pass the end of the median strip, if there are more than one vehicle they will be queued up just inside Holmwood Drive creating a pinch point at peak times.

- **In Area Plan 1 Dubbo Residential Estate, Lot 301 DP 1123136 Hennessy Drive, Dubbo, Adopted 25 February 2013 Page 36 P7 On-street parking A7.1 reads 'One on-street parking space is to be provided per dwelling. These are to be located against the kerb or in pairs in parking bays constructed within the verge, located within 60 m of each allotment'.**
- As there is no parking along the right or left hand side of the street between Hennessy Drive and Wollondilly Circuit due to not being able to get past a parked car, the area defined by the white lines between the median strip immediately on the entry from Hennessy Drive and the second median strip are the ***on street parking bays*** for the first few houses along Holmwood Drive. There are often cars parked there. Just past Wollondilly Circuit there are white lines defining parking areas on the right and left hand sides of the street, the street widens there and cars are able to move past the parked cars safely.
- ***DOES THIS MEAN THAT PEOPLE TRYING TO TURN RIGHT INTO THE CHILD CARE CENTRE WILL TAKE PRIORITY OVER THESE PARKING SPACES, WHICH ARE LISTED IN THE ORIGINAL APPROVED PLAN FOR THE ESTATE, OR.... WILL ALL TRAFFIC HAVE TO CONTINUE UP TO THE ROUNDABOUT AND RETURN BACK IN A SOUTHERLY DIRECTION TO ENTER FROM THE EASTERN SIDE OF HOLMWOOD DRIVE? THEN ONLY BE ABLE TO TURN LEFT TOWARDS HENNESSY DRIVE AS THEY EXIT THE CHILDCARE CENTRE.***



- Still on access, the measurements on the plan seem to be a little creative, the details indicate that the driveway would start approx. 2-3M past the median strip when it would actually appear to be start right at the end of it – see below



- This is a picture I took on the weekend of a current model Toyota Hilux that is parked in the centre parking bay, it is actually backed over the cement median by approx. 300-400mm. When I measured from the end of the median strip to a point level with the electrical pillar box on the

boundary (give or take a little) it measured 9 metres which would mean cars would need to turn immediately they passed the median strip. The picture was taken from the driveway of the house directly opposite the proposed centre so how difficult is it going to be for them to enter and exit during a busy period?

- There are regularly families, children and other people walking along the footpath in that area at all times of the day. How are the cars entering the proposed development going to interact with these people, as well as the traffic they will hold up behind them trying to enter Holmwood drive from Hennessy Drive behind them. **We could end up with traffic backed up out onto the Hennessy Drive T piece at the busiest times of the morning and afternoon.** There are times now where several cars enter end leave the street one after another.'



- View from proposed carpark area looking at where entry/exit is proposed.
- **How can this be a safe area for 282 traffic movements each day. (Does that number include delivery vehicles and vehicles for waste removal?)**
- If you allow for 10 traffic movements per day each for the first 5 premises you have 50 movements for this end of the street, **how does adding 282 movements per day (1410 per week) for the first premises alone not**

*affect the amenity of the area (refer C33 Child Care Planning Guideline NSW August 2017)*

- Where would waste be collected from and delivery vehicles park – Both sides of Holmwood Drive in front of the proposed development are 'NO STOPPING' zones?
- There are to be 13 staff employed at the centre so are they parking on site, which would use up approximately half of their car parks? Other childcare centres have their staff park on the street. **We do not have spare car parking space available in close proximity for this to happen.**

**Note:**

**Educator-to-child ratios and adequate supervision requirements according to Education NSW information** shows that the above number of staff could vary at any time depending on the age of the children, is there a firm number on the number of each age group that they are planning to cater for? If the majority are below 36 months old they could need 20+ staff so all the figures could be very fluid and changeable.

**Table 1 - National ratios for centre-based services (r123)**

Age of children	Educator to child ratio
Birth to 24 months	1:4
Over 24 months and less than 36 months	1:5
Over 36 months up to and including preschool age	1:11 Note: for NSW the educator to child ratio for children aged 36 months or more but less than 6 years of age is 1:10 (r271)
Over preschool age	1:15*

- In the Area Plan 1 Part 4 it indicates that a service road has been included for allotments facing Hennessy Drive with an entry into this block included on that road. One would assume that the developers would not have constructed a properly formed bitumen road and an entry to this block if the intended entry was from Holmwood drive (What is the cost per meter for hotmix bitumen they could have used that extra 50m or so elsewhere in the estate and saved the money?) This development proposes to use both Hennessy and Holmwood



Drives as entry points to 2 different buildings. (again I doubt this was part of the intension of the developers).

- The Hennessy Drive service road could never handle the traffic that would be involved with this proposal either, so just on safe vehicle access alone this proposal should be rejected.
- **Public Transport** is also mentioned in part 4 with the comment that *'there is potential for the establishment of a bus route through the subdivision, the most appropriate route between Hennessy Drive and Road 3 to connect with the Magnolia Grove Estate and Boundary Road to the north'*.  
This would also create more potential for regular conflict between larger vehicles and cars trying to turn right again and slowing down immediately after entering Holmwood Drive.
- **Section 3.5.12 in the proposal has not been commented on or addressed in any way??** It covers traffic
- 6.3 Development control plan (b) in the proposal refers to AREA PLAN 1 again for *'an overall transport movement hierarchy showing major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists'* – I would refer you to my previous comment above regarding Area Plan 1 Part 4
- **In the proposal they say no easements apply to LOT 120** but when we were purchasing our block I asked for information on where any easements were on the block that we were looking at and did buy, I was given a plan showing where all the easements were on the blocks from LOT 114 back to Hennessey Drive. **This plan shows that LOT 120 has an 'Easement to Drain Sewage 2 Wide and variable width' applying along the Western and Southern boundaries. (Plan of subdivision of lot 301 DP 1123135)**  
At a previous residence that we owned I had a shed erected beside (but not on) a sewage easement and was required to have deep piers below the posts – just in case council had to dig behind the shed. Does this mean that their carpark would need a large edge beam around it in case council need to dig beside it?
- The illumination of the carpark would be a magnet for undesirables to congregate after work hours and on weekends, Regular security patrols are unlikely to

discourage this activity as they would only move on then come back after security have gone.

- Where is rubbish to be stored and how frequently would it be collected, remember the uproar last year regarding the RED bin.
- The proposal refers to '**Child Care Planning Guideline NSW August 2017**' on numerous occasions.

***Below are extracts from that guideline that appears to indicate that the existing neighbourhood has to be taken into account and that their development would need to blend in.***

- An extract from the first section 1.1 About this Guideline says ***'This Guideline informs state and local government, industry and the community about how good design can maximise the safety, health and overall care of young children. At the same time, it aims to deliver attractive buildings that are sympathetic to the streetscape and appropriate for the setting while minimising any adverse impacts on surrounding areas. It will help achieve a high level of design that is practical and aligned with the National Quality Framework. The Guideline will provide a consistent statewide planning and design framework for preparing and considering DAs for child care facilities.'***
- On the same page an extract from Section 1.3 *What are the planning objectives?* Says ***'ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment'***
- Further on in section 3.1 Site selection and location, extracts say ***C1***  
***'For proposed developments in or adjacent to a residential zone, consider:***
  - ***the acoustic and privacy impacts of the proposed development on the residential properties***
  - ***the setbacks and siting of buildings within the residential context***
  - ***traffic and parking impacts of the proposal on residential***

*amenity.*

**C2**

*\* the characteristics of the site are suitable for the scale and type of development proposed having regard to:*

*- size of street frontage, lot configuration, dimensions and overall size*

*- number of shared boundaries with residential properties*

*- the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas*

*\* there are suitable drop off and pick up areas, and off and on street parking*

*\* the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use*

**C3**

*A child care facility should be located:*

*\* near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship*

*\* near or within employment areas, town centres, business centres, shops*

*\* with access to public transport including rail, buses, ferries*

*\* in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.*

**C11**

*\* ensure buildings along the street frontage define the street by facing it*

**C12**

*\* setbacks to the street should be consistent with the existing character.*

*Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.*

**C13**

*Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.*

**C14**

*On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.*

*Objective: To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.*

**C15**

*The built form of the development should contribute to the character of the local area, including how it:*

- *respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage*
- *contributes to the identity of the place*
- *retains and reinforces existing built form and vegetation where significant*
- *considers heritage within the local neighbourhood including identified heritage items and conservation areas*
- *responds to its natural environment including local landscape setting and climate*
- *contributes to the identity of place.*

*Objective: To ensure that buildings are designed to create safe environments for all users.*

**C16**

*Entry to the facility should be limited to one secure point which is:*

- *located to allow ease of access, particularly for pedestrians*
- *directly accessible from the street where possible*
- *directly visible from the street frontage*
- *easily monitored through natural or camera surveillance*
- *not accessed through an outdoor play area.*
- *in a mixed-use development, clearly defined and separate*

*from entrances to other uses in the building.*

**C29**

*Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.*

**C33**

*A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:*

- *the amenity of the surrounding area will not be affected*
- *there will be no impacts on the safe operation of the surrounding road network.*

*Objective: To provide a safe and connected environment for pedestrians both on and around the site.*

**C36**

*The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:*

- *separate pedestrian access from the car park to the facility*
- *defined pedestrian crossings included within large car parking areas*
- *separate pedestrian and vehicle entries from the street for parents, children and visitors*
- *pedestrian paths that enable two prams to pass each other*
- *delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities*
- *in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas*
- *vehicles can enter and leave the site in a forward direction.*

- On the second page of the DA titled '**PROJECT DESCRIPTION**' the proponents say that the development will be 'in accordance with the requirements of the:
  - NSW Children (Education and Care Services) Supplementary Provisions Regulation 2012 and
  - Child Care Planning Guideline Delivering Quality Childcare for NSW (August 2017) *Which I've taken the above extracts from.*

I'm sure that by the time you read all the concerns raised by ourselves and the other residents that have already invested in this area and close proximity to this development, you'll be able to form your own opinion of how we feel about:

- ❖ the proponents NOT being sympathetic to the streetscape and appropriate for the setting
- ❖ the proponents development NOT minimizing adverse impacts on the surrounding area
- ❖ the proponents development NOT being compatible with the existing streetscape
- ❖ the proponents lack of consideration for effect on traffic safety, congestion and flow trying to enter and leave their premises (over our neighbourhood parking spaces)
- ❖ the total removal of the peaceful environment that we currently enjoy

*We would ask that you consider the development and **reject** it in its entirety, noting the above points where they either don't appear to comply, are not compatible or have not submitted the relevant information.*

*Regarding ourselves and the existing residents, it seems the proponents don't care about turning our lifestyles that we worked hard to get to at this stage in our lives, **UPSIDE DOWN.***

Sincerely,

Mark & Diane McHugh

27

PROCESSED

**Colleen Fletcher**

**From:** Jose Monteiro <jlndmmonteiro@gmail.com>  
**Sent:** Thursday, 15 November 2018 10:48 PM  
**To:** DRC Mailbox  
**Subject:** To the GENERAL MANAGER

Dear sir,

I'd appreciate if you could read and become familiar with the letter below, sent earlier today to Mr SMITH re DP 1204528, calling for the rejection of this application.

Please note that I HAVE NOT BEEN NOTIFIED OF THIS SUBMISSION as well as other residents, only finding out through concerned neighbours.

More correspondence will be sent to you by myself and my neighbours, as well as the Developer in order to fight this DP.

Regards,

José Monteiro  
 56 Hennessy Drive owner

Sent from my iPhone

Begin forwarded message:

**From:** Jose Monteiro <[Jose.Monteiro@dubbocs.edu.au](mailto:Jose.Monteiro@dubbocs.edu.au)>  
**Date:** 15 November 2018 at 9:53:31 am AEDT  
**To:** "[jlndmmonteiro@gmail.com](mailto:jlndmmonteiro@gmail.com)" <[jlndmmonteiro@gmail.com](mailto:jlndmmonteiro@gmail.com)>  
**Subject:** FW: Attention to Council Planner Mr Josh Smith

*Jose Monteiro*

PDHPE/Sport Coordinator | 02 6882 0044  
 DUBBO CHRISTIAN SCHOOL

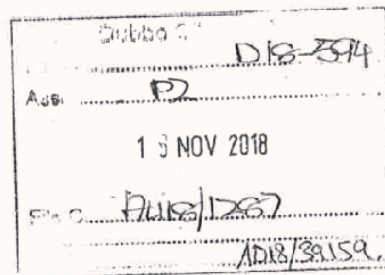
**From:** Jose Monteiro  
**Sent:** Thursday, 15 November 2018 9:53 AM  
**To:** '[council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au)' <[council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au)>  
**Cc:** 'Rebecca Monteiro' <[REBECCA.MONTEIRO@det.nsw.edu.au](mailto:REBECCA.MONTEIRO@det.nsw.edu.au)>  
**Subject:** Attention to Council Planner Mr Josh Smith

Dear Josh,

Greetings to you. My name is Jose Monteiro and, together with my wife Rebecca Monteiro, we live in 56 Hennessy Drive, Dubbo.

I write to you to express my upmost disappointment, concern, anger and frustration over the recent development application for 58 Hennessy Drive (Lot 120, DP 1204528), which will be right next to our place of residence.

1





When we purchased our land to build our home the Developer assured us that our neighbourhood was going to be only a residential zone, with prestige homes. Both the developer and one of the Real Estate agent (R. and Hanson) approached me earlier this year to ask me if I'd consider opening my home to attract more residents to our neighbourhood, even offering trade-offs. The incredible hypocrisy, divisive approach to our neighbourhood. A total lack of respect and consideration to all of the surrounding residents.

Building a Child care centre not only will detract from what sold to us, devaluing our properties, as this will attract extra traffic, street parking problems, night lighting issues, etc, to name a few. All of the residents have decided to invest our hard earned life savings into a neighbourhood sold as prestige residential and now we see that we have simply been manipulated and taken advantage of as consumers.

There are other, better suited blocks of land where such a facility can be built, without destroying the dreams of people, sow social discord and division. I can assure I am not the only one experiencing this discontent. All my neighbours also feel this way.

I urge you and all of the decision makers in our Regional Council to consider the loss of all of the residents in the vicinity of this land and reject this proposal, without compromise. **Chasing financial gain and profit from business proposals such as this one ought to be ethical at not divisive**, at the expense of those who were there first, helped in the development of the neighbourhood and helped turning it into the great neighbourhood that it is.

I urge you, to please reject out rightly this proposal. The surrounding neighbours will join forces to lobby against this senseless initiative. Please feel free to share this message with all those who should be seeing, including the Developer.

I thank you for your attention and look forward to hearing from you.

Kind regards,

*José Monteiro*

PDHPE/Sport Coordinator

**DUBBO CHRISTIAN SCHOOL**

Bible-based, Christ centred schooling from pre-Kindergarten to Year 12

141 Sheraton Road | PO Box 1216 | Dubbo NSW 2830

P 02 6882 0044

[jose.monteiro@dubbocs.edu.au](mailto:jose.monteiro@dubbocs.edu.au) | [www.dubbocs.edu.au](http://www.dubbocs.edu.au)

**Bo Moshage**

**From:** Rebecca Monteiro <REBECCA.MONTEIRO@det.nsw.edu.au>  
**Sent:** Thursday, 15 November 2018 11:19 AM  
**To:** DRC Mailbox  
**Cc:** Jose Monteiro  
**Subject:** DA 10.2018.594.1

To the General Manager, Michael McMahon,

I am writing to you in regards to the **development Application (10.2018.594.1)**, a proposal for a child care centre to be built on Lot 120 Hennessy Drive. This has only come to my attention today, not having received any notification from DRC at all, and, it seems, very few neighbours and residents are aware of this development, along Holmwood Drive and Hennessy Drive. In short, the grounds for my objection are as follows:

1. it is in defiance of the residential zoning
2. a small residential property alongside the business is an improper way to satisfy the residential zoning requirements
3. access to the business is limited and will cause traffic hazards
4. it is in opposition to the promoted and underlying ambience of Macquarie View.
5. it is in direct opposition to what I was told when we purchased the block
6. it will immediately devalue all of the surrounding properties, most significantly the ones at the front on the larger blocks which are in close proximity to Lot 120.

As an owner and resident of the property on Lot 121, I am strongly opposed to this application being successful.

Macquarie View Estate has been, from its inception, promoted as a prestigious development with unique qualities and services. The land location and the block sizes have a particular attraction and speak of a particular lifestyle which is very attractive and certainly a great part of its '**astounding success**', as the promotional words on the Macquarie View website state. The construction of a preschool, right at the front of this estate seems to contradict all of the tenets upon which Macquarie View Estate has been developed, promoted and sold:

## Dubbo's Newest Prestige Land Subdivision

### Not just a new estate but a better place to live.

A lot of time and planning has gone into the layout and design after consultation with you the purchasers on what you were looking for.

The only estate to offer lots ranging from 600 TO 4000m<sup>2</sup> all fully serviced.

Great location being located close to the CBD as well as Orana Mall. From the time you enter the featured entrance and take in the magnificent landscaping and road design you can tell that this estate is something special. This estate has just that little bit of height to enhance its views over the Macquarie river and the hills in the distance.

Stage 1 and Stage 2 have been an astounding success all lots sold and many completed or occupied.

Stage 3 is now on the market with a further 24 residential lots in the popular 600 to 1000m<sup>2</sup> size range as well as Seven prestigious 2000m<sup>2</sup> lots.

Contact us so we can work with you to make moving to Macquarie View Estate a reality not just a dream

A child care centre is not in line with the philosophy and look of this residential area. In addition to the social aspects of my objection to this proposal, is the traffic and safety issue and the all night safety lighting which will all interfere with the calm and quietness of the area. Holmwood Drive is very narrow and the access is limited. The increase in traffic will be one hundred fold and the road has not been designed for it. While Hennessy is a reasonable thoroughfare, Holmwood Drive is not, it is an access road to residents' homes and should only carry traffic associated with residential activity. I am highly concerned about how this will affect the area. I am also fairly angry that the access to the child care centre is directly opposite our driveway.

The fact that a small residence is also being built on the side is outrageous. Is this the loophole being used to allow a for-profit educational centre being built on land zoned residential? I find this ethically poor and contradictory to the stated overarching developmental theme of Macquarie View.

I am sure that there are alternate sites that could be negotiated with the owners of this proposal that would better suit the purpose of their business, allow safer traffic flow in and out of the facility and not offend so many residents.

Dubbo Regional Council has reaped the financial benefits of such a beautiful development and residents have been convinced they have made a sound investment in their purchases but now many blocks will experience immediate and significant loss of value, with resale value dropping and future growth of capital compromised by such a venture being realised. I can tell you, from brief discussions I have had with just three neighbours, feelings of anger and betrayal are real.

Fundamentally and unequivocally, i am stating my **objection to Development Application (10.2018.594.1)** and my tremendous disappointment with Dubbo Regional Council for considering such a significant construction to be approved with out any kind of consultation with affected residents, despite the notification that this would happen, as per your website:

'This application is currently undergoing notification or advertising. Properties considered by Council to possibly be impacted will be contacted directly and advised of their opportunity to make a submission.'

I strongly urge you to consider this, and all other such objections before approving this application.

Sincerely,

Rebecca Monteiro

**REBECCA MONTEIRO**  
Dubbo School of Distance Education  
02 5804 7068

[rebecca.monteiro@det.nsw.edu.au](mailto:rebecca.monteiro@det.nsw.edu.au)

\*\*\*\*\*  
This message is intended for the addressee named and may contain  
privileged information or confidential information or both. If you  
are not the intended recipient please delete it and notify the sender.  
\*\*\*\*\*

Josh Smith

PROCESSED

**From:** Shaun Reynolds  
**Sent:** Tuesday, 20 November 2018 3:52 PM  
**To:** Josh Smith  
**Subject:** FW: Objection to Development Application (10.2018.594.1), a proposal for a long day child care centre to be built on Lot 120 Hennessy Drive,

**FYI and TRIM if necessary**

**Shaun Reynolds**

Statutory Planning Services Team Leader  
 Dubbo Regional Council  
 P 02 6801 4665 F 02 6801 4259  
 E [Shaun.Reynolds@dubbo.nsw.gov.au](mailto:Shaun.Reynolds@dubbo.nsw.gov.au)

**From:** Jose Monteiro [mailto:Jose.Monteiro@dubbocs.edu.au]  
**Sent:** Tuesday, 20 November 2018 1:17 PM  
**To:** Shaun Reynolds <Shaun.Reynolds@dubbo.nsw.gov.au>  
**Cc:** Mr & Mrs Monteiro (MON002) <rebecca.monteiro@det.nsw.edu.au>  
**Subject:** Objection to Development Application (10.2018.594.1), a proposal for a long day child care centre to be built on Lot 120 Hennessy Drive,

Dear Shaun,

My name is Jose Monteiro and, together with my wife Rebecca Monteiro, we live in 56 Hennessy Drive, Dubbo.

I write to you to express my upmost disappointment, concern and frustration over the **recent development application for 58 Hennessy Drive (Lot 120, DP 1204528)**, which will be right next to our place of residence.

When we purchased our land to build our home the Developer assured us that our neighbourhood was going to be only a residential zone, with prestige homes. The incredible hypocrisy, divisive approach to our neighbourhood. A total lack of respect and consideration to all of the surrounding residents.

Specific points of my objection are:

- 1- This application **clearly breaks Macquarie View Estate Covenant rules**, which all residents have had to respect to this date. Why make exceptions now? On what grounds of privilege that no one else has?
- 2- It will attract **extra traffic well beyond initial Developers impact study** - Macquarie View Estate Developer engineering studies project an increase of traffic from over 80 cars a day on Hennessy Drive to well over 200 cars a day. This will affect traffic flow and the existing speed limits of 60km on Hennessy Drive and 50km on Holmwood Drive.
- 3- With extra traffic **extra noise** to a quiet residential neighbourhood. This has a clear impact on the quiet environment current residents chose to be in. Extra traffic from employees (at least 14, parents and service providers/suppliers).
- 4- Long standard operating hours for Child Care Centres will also mean **extra lights from cars and the building itself**, impacting once again on the environment quality of the neighbourhood and nearby residents who chose to live in a quiet suburb (not busy!)
- 5- In the early stages of Estate development Dubbo Council rejected to the Developer **a driveway access to this block where the Child Care Centre is proposed from**

Holmwood Drive due to traffic concerns. Likely obstruction to My residence exiting/Access (56 Hennessy Drive).

- 6- **Access from Holmwood Drive** (as one approaches from Hennessy Drive) is narrow when considering traffic turning to the Childcare Centre, other cars parked and those wanting to continue further afield into the Estate. Some double garages are wider than each side of Holmwood Drive sections with the medium nature strip.
- 7- **It damages the neighbourhood street scape character** as this type of building has no resemblance to other surrounding residences, but rather is opportunistic and takes advantage of what existing residents have already developed, potentially destroying the value of properties.

Finally, there is also an important economical factor that needs mature and thoughtful consideration, because if we accept the right of a business to make money and protect their financial interests, then we also ought to consider the financial interests of current residents, otherwise we are perpetuating another social injustice.

All of the residents have decided to invest our hard earned life savings into a neighbourhood sold as prestige residential and now we see that we have simply been manipulated and taken advantage of as consumers. If the financial interests of residents (who have been here longer) is not relevant, then WHY WOULD THE FINANCIAL INTEREST OF THE CHOLD CARE CENTRE OWNER ALSO BE TREATED WITH PRIVILEGE? COUNCIL MUST BE ETHICAL IN ITS DECISIONS and be the CUSTODIAN OF THOSE WHO PAY TAXES (ie. RATES) as we are vulnerable as we don't always know or are aware of what goes on behind the scenes.

**THERE ARE MORE SUITED BLOCK OF LAND FOR THIS PURPOSE ACCORDING TO OUR ESTATE DEVELOPER** (Mr. Peter Rogers and Mr John Ireland of Bathurst) - Macquarie View Estate Developer has potentially other blocks of land more suited to this type of development **towards the railway line near Margaret Crescent**, where there is already a large nature strip landscaped and a power line corridor, as a **buffer zone to residents and providing extra safety to children**). **Dubbo Regional Council should be well aware of this as, according to the Developers this was already proposed to Council in the early stages of the Macquarie View Estate planning.** Future land buyers can then be well aware of the existence of a Childcare Centre and make informed decisions, without deception. This way such a facility can be built, without destroying the dreams of people, sow social discord and division. I can assure I am not the only one experiencing this discontent. All my neighbours also feel this way.

I urge you and all of the decision makers in our Regional Council **to consider the loss of all of the residents in the vicinity of this land** and reject this proposal, without compromise. **Chasing financial gain and profit from business proposals such as this one ought to be ethical at not divisive**, at the expense of those who were there first, helped in the development of the neighbourhood and helped turning it into the great neighbourhood that it is.

Council has an ethical and moral obligation towards its rate paying residents. Its decisions carry social responsibility, impact of society's morale and potentially attract Mass Media attention, which may or may not be desirable. Its decisions can either bring a good reputation to the council and its members or a poor reputation.

I urge you, to please **reject out rightly this proposal** or to **convene a community meeting** so that we, all the stake holders affected by it, or benefiting from it, can reason in a civilised manner and come up with a solution that has a **WIN WIN OUTCOME**, rather than a **LOOSE WIN OUTCOME**.

I thank you for your attention and look forward to hearing from you.

Kind regards,

*José Monteiro*

56 Hennessy Drive owners

**Bo Moshage**

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**From:** Karen Cole <kazcole80@gmail.com>  
**Sent:** Thursday, 22 November 2018 12:12 AM  
**To:** DRC Mailbox  
**Subject:** Objection to D/A 2018-594

To Chief Executive Officer,

I have recently been notified by one of my neighbours of a pending building application to erect a child care centre in Macquarie View Estate, at 58 Hennessy Drive. D/A 2018-594.

I do not believe that this is an appropriate site for a business such as this.

My husband and I have recently purchased a block of land at 19 Snowy Crescent. We decided on Macquarie View Estate because it is quiet and relaxing. Being so close to the edge town, we were drawn to the peaceful location so our children would be safe playing in the yard and riding their bikes on the street, as there is only local traffic and local people. I never expected a business with such long operating hours and one that brings large volumes of traffic with it would be considered in such a prestigious estate.

One can tell by the narrow streets that this estate was not planned to have businesses built within it. The roads simply could not withstand the amount of traffic which would be using them. The estates entrances and exits would be congested at peak times causing frustration amongst drivers, which in turn leads to risky driving behaviours by rushed drivers. All at a time when children would be on the kerbs to catch buses to school or walking home from the bus stop.

I have three children, one of which is at the daycare age. I personally would not use such a facility. I would prefer my child to stay close to my husbands or my place of work by choosing a centre close to the office, not right on the edge of town. As there are no offices, shops or schools in this area of Dubbo I would think many parents would not want to drive around the outskirts of town when there are other options better positioned.

As a mother my concerns of safety would also keep me from this centre. On the edge of town there is more risk of grass fires, severe dust storms and snakes. In the case of a wild fire, I believe the evacuation of such a large volume of young children and babies be extremely difficult if not impossible with only one road, being the narrow Holmwood Dr, to flee down. And as for snakes, where there is trash and food scraps the mice will come, followed by snakes, my 15 month old would think one is a toy.

Surely there are more appropriate, convenient and safer locations still available within the City of Dubbo for a new child care centre to be built.

When the decision is to be made whether to approve this application or not, please consider the safety of the children being placed there. As well as the residents lifestyles being affected.

If you would like to contact me my phone number is - 0418 661 219.  
My current address is - 22 Alder Place. Dubbo.

Kind regards,  
Karen Cole.

R

8L Gilgandra Road  
DUBBO NSW 2830  
(PO Box 760 Dubbo)

Dubbo Regional Council  
Chief Executive Officer  
PO Box 81  
DUBBO NSW 2830



**Re: Development Application D2018-594**

**Property: Lot 20 DP 1204528 58 Hennessy Drive, Dubbo**

**I am the owner of No 71 Holmwood Drive, Macquarie View Estate, Dubbo.**

**I am very strongly opposed to the development of a Child Care Facility right next to my property.**

**I purchased a large block of land, and paid the money to obtain a lifestyle in a prestigious development to have SPACE, QUIET AND PRIVACY in my retirement.**

**The drive thru traffic that this development would make is of concern and from experience I would be concerned, from experience with people having no respect and parking on others space and property.**



2.

I am afraid a child care facility will impact a great deal on my ultimate living goals

Yours faithfully



Rhonda A Millar

Les and Gai-Maree Matthews  
98 Boundary Road  
Dubbo NSW 2830  
Les: 0427 290 318  
[lesm@aquawest.com.au](mailto:lesm@aquawest.com.au)  
Gai-Maree: 0412 912 050  
[gaimareematthews@gmail.com](mailto:gaimareematthews@gmail.com)  
23<sup>rd</sup> November 2018

General Manager  
Dubbo Regional Council  
PO Box 81  
Dubbo NSW 2830

To Dubbo Regional Council General Manager

**RE: DEVELOPMENT APPLICATION D2018-594**

We are writing to express our grave concerns regarding the new proposed Centre Based Child Care Facility for Lot 120, 58 Hennessy Drive Dubbo.

Being long-standing residents of South Dubbo for over 20 years, we recently purchased Lot 118 in Macquarie View Estate with the plan to build our dream home. This is one block away from the proposed facility.

We specifically chose Macquarie View over other local building estates due to its quite location, promoted as a low-density residential subdivision, its prestige and impressive views of the Macquarie River.

Our plans are currently ready to be submitted to council for approval but at this stage, we have such concerns about the proposal of this facility that we are very unsure as to whether we should proceed with the build. Consequently, our plans are on hold until further notice about this proposal.

We strongly object to the DEVELOPMENT APPLICATION D2018-594 based on the following points:

- **Traffic flow and congestion**  
Our block is on the same side of the street as the proposed facility and has only one 4000 sq metre block between us. The intensity of traffic to and from the service during peak times is going to cause major disruption to the main entry of Macquarie View and clearly affect the traffic flow of the local residents leaving the estate to travel to school and work. We are a two parent working family with two children at school. This facility will make the departure from our future home very hectic in the mornings and very unsafe for the young children who are using the facility, i.e. Children under 5 years old.
- **Parking**  
I, Gai-Maree am a very frequent visitor of early childhood education and care facilities due to my occupation. I often have to park on the kerb due to the limited car spaces left in the car parks. This raises strong concerns for the use of the kerb in front of our future home at Lot 118 and the adjacent block Lot 119. Can the service guarantee that their clients and visitors will not intrude on our very limited and narrow kerb space?

- **Time of operating hours and noise pollution**  
The proposed starting time of 6.00am is such an intrusion of our privacy and the tranquil appeal that we have been lead to believe Macquarie View will offer. Having spoken to the residents who have already built there, the beautiful wildlife they can hear from the neighbouring bushland could soon be overtaken by the sound of excessive traffic and 100 children at play. This is certainly not a tranquil environment and not the kind of acoustic aesthetics we believed we would be able to hear from our dream home.
- **Profile of the estate due to the location being at the facade of the entry**  
We feel that this building is totally out of context with what ourselves and other residents who have purchased similar blocks in this area are building. The idea for Macquarie View estate was to be a low-density residential area with the view of having space and distance between neighbours. As you can see with the homes that have already been built in this area, people have taken a lot of pride in building a home that is unique and one that fits in with the ideas and views of their neighbours and the developers of this estate. The proposed development does not fit in with any of these ideals and would give the feeling of a high-density development right at the entry of the estate, certainly not the prestige and exclusive nature that Macquarie View Developers were hoping for this area.

We strongly urge Council to consider our objection along with all the opposing Macquarie View residents' submissions. An opportunity to attend a council meeting would be an ethical outcome and enable residents of Macquarie View to have a voice and participate in a public forum around this proposal.

Yours sincerely

Les and Gai-Maree Matthews

CBZ

Danielle and Blair Bell  
15 Lachlan Way  
Dubbo NSW 2830

Monday 19 November 2018

**RE: OBJECTION TO DA – D2018-594**

Attention: Josh Smith

We are writing this letter to express our objection to the above DA in the Macquarie View estate. As owners of the block at 66 Hennessey Drive we feel that this type of development will have a negative impact on the estate regarding traffic and parking at this site.

Currently access to Macquarie View estate is through the only entrance from Hennessey Drive and this proposed development is right on the corner. As this estate area continues to grow the movement in and out of the estate will continue to increase. Holmwood Drive has centre islands and the single way access between the gutter and the centre island is narrow. At peak times of traffic the proposed development would hinder the traffic flow as residents of the estate with staff and people using this child care centre access this T-section of Holmwood Drive and Hennessey Drive.

Looking at this proposed DA it states that number of staff would be 13. I question this number as we use the child care facilities of Dubbo Early Learning Centre who are have 100 child capacity, the same capacity as this development, and they have advised to meet the requirements of staff to 100 children ratio covering ages from 6 weeks to 5 years they need 18 staff plus there is the Director, Admin Officer and Chef. To meet the parking needs of 21 staff this site cannot do that, as Holmwood Drive is be a tight squeeze driving a vehicle between a car parked in the street and the centre island. Staff would have to park in Hennessey Drive which could encumber the view of vehicles turning out of Holmwood Drive or have staff park in Hennessey Drive then cross the road to the reach the centre could be dangerous to the staff.

Regards,



Danielle Bell  
0428 855 926



Blair Bell  
0419 982 631

Dubbo City	D18-594
Ass: CBZ	
26 NOV 2018	
PLW/287	

25/11/2018

Chief Executive Officer  
Dubbo Regional Council

RE: DA 2018/594 Centre Based Child Care Facility, 58 Hennessy Drive, LOT 120 DP 1204528.

Dear Sir,

First of all, as a rate payer for 4 Dubbo properties and a born and bred local citizen, I would like to express my disappointment in not receiving any official notification. This is a significant development proposal which is so close to our home which is both financially and emotionally valuable to us.

Secondly, we wish to submit our written objection to this application on the grounds of:

1)Traffic: I understand that this development will increase the number of car movements by 282, which is over 3x the intended traffic flow of the intended car movements (of approximately 90). These would obviously be concentrated during the early drop off and later pickup time slots. Our concern would be that traffic from the South (turning right into the carpark) would need to give way from oncoming traffic, banking up the single lane out to Hennessy Drive, leading to congestion for all the local residents. Traffic from the North will need to navigate the narrow streets and roundabouts, which are not designed large amount of commercial traffic.

The carpark appears to be small and difficult to park in quickly. Staff will no doubt be encouraged not to use the allotted parks and will find other areas to do so (at least 13 more cars). There is no off street parking anywhere near adjacent to this block. If staff were to park regularly on the Hennessy Drive slip road, this will increase noise pollution and safety issues for local residents.

Being parents ourselves, my wife and I deal with day care traffic every day. Drivers are often in a rush and often make bad driving decisions when they are running late. The above foreseeable bottle neck would no doubt lead to customers parking illegally on the curbs or cutting across the slip road on Hennessy Drive.

2)Noise: 6am opening time simply does not fit with a low density residential backdrop. As does an increase of 282 cars a day when the sub-divisions rating was for a maximum of approximately 90 a day.

3)Waste storage: There is no detail for waste storage. Having unsightly bins sitting out in plain view will detract from the streetscape. It is also concerning if they will be stored next to an adjacent residential building.

4)Supply drop off and waste removal: There appears to be no detail on where larger supply vehicles/trucks will park for to drop off supplies or remove waste. Again, they will find the easiest route to park which will be the slip road on Hennessy Drive.

Please do not hesitate to contact us regarding the above objection.

Kind regards,

Joshua Williams,  
Optometrist, 64 Hennessy Drive, ph 0438 429 884

Mr ML Donald

PO Box 7141

DUBBO GROVE NSW 2830

26 November 2018

The Chief Executive Officer

Dubbo Regional Council

PO Box 18

DUBBO NSW 2830

**RE: DEVELOPMENT APPLICATION D2018-594**

**PROPERTY: LOT 120 DP 1204528, 58 HENNESSY DRIVE DUBBO**

**PROPOSED DEVELOPMENT: CENTRE BASED CHILD CARE FACILITY**

Please find attached our letter of objection regarding the above DA.

I can be contacted on 0429 321 339.

Yours faithfully



Malcolm Donald



2 Littlebourne Street  
Bathurst NSW 2795  
1300 BARNSON (1300 227 676)  
generalenquiry@barnson.com.au  
www.barnson.com.au

date  
19.11.2018

reference  
30507-FL01\_B

receiver  
CEO  
Dubbo Regional  
Council  
Attn: Josh Smith  
PO Box 81  
Dubbo NSW 2830

Dear Sir,

### Submission on DA 2018/594 - Centre Based Child Care Facility - 58 Hennessy Drive, Dubbo

Barnson has been commissioned by Malcolm Donald to review the documentation submitted with the above-mentioned Development Application (DA) and prepare a submission to Council. Mr Donald is the owner of 60 Hennessy Drive, Dubbo, which is located directly east of the DA site and wishes to object the DA proposed.

From a review of the DA documentation, the following matters are raised as requiring consideration and form the reasons for objecting to the proposal:

1. The Statement of Environmental Effects (SEE) outlines that the proposed development would accommodate a total of 100 children, however, the plans provided with the development indicate that the development would have a capacity of 108 children. Clarification needs to be provided on the capacity of the centre and all associated requirements need to be reconsidered if the capacity in fact is to cater for 108 children.
2. It is intended to operate the development from 6am to 6pm Monday to Fridays. These operating hours extend beyond the hours required by the *Child Care Planning Guideline (2017)* (the Guidelines) for residential areas, which are 7am to 7pm. No consideration has been given to the impacts of operating outside of required hours. As a minimum, the amenity impacts to the surrounding residential development of operating outside to the required hours needs to be considered.
3. The plans available for review on Council's website are not to scale and therefore dimensions, building heights, open space areas, etc cannot be verified as to whether they comply with the legislated and policy requirements. In particular, it cannot be determined:
  - a. Whether the external storage volumes of clause 4.1 of Part 4 of the Guidelines have been provided.
  - b. Whether the internal storage volumes of clause 4.1 of Part 4 of the Guidelines have been provided.
  - c. The overall height of the building.



- d. Whether external open space requirements comply pursuant to clause 4.9 of part 4 of the Guidelines.
4. Access, Traffic & Parking
- a. No means of pedestrian access has been provided to the entry of the development from either of the streets. This is inconsistent with C16 and C36 of the Guidelines.
- b. A Traffic and Parking Study is required by C33 of the Guideline to be submitted with the DA. No real consideration of traffic impacts has been provided as part of the DA. Child care centres by virtue of their nature result in very peaky traffic generation. This can have significant impact on the local road network and the amenity of the surrounding neighbourhood. In this regard, a realistic traffic and parking assessment must be submitted with this application in order to determine impact on the local road network, its safety and also the amenity of the surrounding area.
- c. Consideration is required to be given of the functioning of the intersection of the property access driveway and Holmwood Drive, and the intersection of Holmwood and Hennessy Drives, particularly during the peak hour. In particular, concern is raised that vehicles perched to turn right into the carpark will cause vehicles to queue back into the intersection of Holmwood and Hennessy Drives due to insufficient carriageway width to either provide a dedicated right hand turning lane for vehicles entering the site or a slip lane to allow vehicles to pass the outside of the perched vehicle.
- d. Concern is raised with the practical functioning of the car park with a single combined entry and exit driveway. Given the high turn over nature of traffic (short stay, high proportion in the peak hour) it is considered that there is a high likelihood of the car park and driveway becoming congested with adverse flow on effects to the adjacent road network. It is considered that the car park should be redesigned to provide for separate ingress and egress driveways, or at least two access points.
- e. No consideration has been given to larger servicing vehicles required for the development, including delivery vehicles, solid waste collection, liquid waste collection (grease arrestor/trade waste for the kitchen). Areas for loading/unloading/service vehicles should be identified as well as demonstration (though swept path diagrams) that the largest vehicle needing to access the site can be accommodated.
- f. The nature of the development would lend itself to be a User Class 3A car park in accordance with Australian Standard AS2890.1 (AS2890.1) given the high turnover during drop off and pick up time and the need to open both front and back doors of the vehicle. In this regard, parking spaces are required to have a minimum width of 2.6m as opposed to the provided 2.5m wide spaces. It is recognised that a larger than required aisle width is provided, however, the additional parking space width is required to facilitate the door openings in addition to the manoeuvring actions.
- g. Whilst the provided car park complies with the minimum parking provision required based on 100 children capacity. If the capacity is increased as per point 1, the car park will become deficient by two (2) spaces. Furthermore, increasing the width of the car parking spaces in accordance with (f) above





will also have the effect of reducing the parking provision. In this regard, the development will not comply with the minimum parking requirement.

- h. C2 of the Guideline outlines a number of matters that need to be considered in selecting a suitable site for child care centres. These matters include whether there are suitable drop off and pick up areas, and whether there is both on and off-street parking. As outlined above, the functionality of the car park is questioned. There is also no on-street parking available adjacent to the site on Holmwood or Hennessy Drives. Furthermore, a real concern is that drivers will use the service road on Hennessy Drive (which provides access to the eastern end of the site) to access the site. The service road is not designed for such use and would result in adverse impact on the adjacent development relying on the service road for access from traffic generation, manoeuvring and parking.
5. Amenity
- a. C24 of the Guidelines requires an acoustic report to be prepared. The application has not been submitted with the required acoustic report.
  - b. With the car park being set back 1m from the northern boundary of the site, concern is raised as to the amenity impacts of the development on future residential development on lot to the north of the site. These impacts would include both noise and headlights, particularly during the early morning hours of operation. The setback is not considered sufficient to provide for any meaningful or sustainable landscaping given the restricted size and adjacent surfaces (Colorbond fence and hot reflective car park surface). Further information is required in this regard to demonstrate how these impacts would be mitigated.
6. Clause 4.8 of Part 4 of the Guidelines requires that an Emergency and Evacuation Plan should be provided with the DA. This plan has not been submitted.
7. Clause 4.13 of Part 4 of the Guidelines requires that a soil assessment be undertaken as part of the DA process. The SEE refers to two separate soil assessments. The first is one completed by Barnson. This was a site classification assessment not a contamination assessment. It was also not made available with the DA documentation. The second referred to (page 27) was by Aitkin Rowe. It was not attached to the DA documentation. It is therefore not clear that the site is suitable for the use given the void of contamination assessment.
8. Context & Setting
- a. C3 of the Guidelines requires that childcare centres should be located near compatible social uses (schools etc), near or within employment areas, with access to public transport and in areas with high pedestrian connectivity. The subject site is located within a low-density residential area, which does not represent any of the required location characteristics.
  - b. The site is located in a low-density residential zone, which is characterised by large (minimum lot size 4,000m<sup>2</sup>) residential allotments. The R2 zone objectives include encouraging low-density housing within a landscaped setting. It is acknowledged that the zone objectives allow other facilities or



services required to meet the day to day needs to the residents, however, the intent of the scale of the development in the zone is quite clear. It is also acknowledged that the land use of a Centre-based child care facility is not antipathetic to the zone objectives per se as it is identified as a permissible land use. However, the key issue is the scale of the development in relation to the intended character for the area. Whilst a primary setback of 4.5m is permissible in some instances in the R2 zone, where there is an established street setback, that established street setback is to be used to determine the required setback. The existing setbacks of dwellings surrounding the site are in the vicinity of 15m – 20m.

Furthermore, element 10 of Dubbo DCP addresses non-residential uses in the residential zones. It provides clear guidelines on such developments including:

- The scale and character of non-residential buildings is compatible with the residential nature of the locality.
- The level of noise and volume of traffic is not greater than the expected level associated with the regular activities of a residential area.
- Car parking is provided and designed appropriate for the site.
- Traffic can manoeuvre in and out of the site in a forward direction.
- Noise from the development does not exceed the background noise level (LA90) by more than 5dB(A) during approved business hours and does not exceed the background noise level at any frequency outside approved business hours.
- Hours of operation are to be restricted to normal business hours.

It would appear that the development does not comply with many of these requirements. It is acknowledged that the SEPP and associated guidelines generally override provisions of a DCP in relation to Child Care Centres, however, these provisions of the DCP provide commentary on the vision for the locality. This is vital to understanding the character of the area in order to determine whether the site and location, and local character and streetscape are suitable for the development as required by Clauses 3.1 and 3.2 of the Guideline.

It is therefore considered that the development is inconsistent with the intended character of the area.

#### 9. Design

- a. The design of child care centres is to provide for cross ventilation. It is not clear that the proposed development achieves this, and as such the centre would rely on mechanical ventilation. This outcome would be contrary to Principle 4 of the Guidelines and Clause 4.4 of Part 4 of the Guideline.
- b. Clause A3.2 of Dubbo DCP requires that walls longer than 10m in length are articulated by at least 600mm. The development includes a number of walls exceeding 10m in length that do not provide for the requisite articulation. As such this lack of articulation results in excessive building bulk.



- c. No details have been provided on the location of the bin store. It is important to understand its location in order to determine if any adverse impacts may be resultant to surrounding neighbours from the proposed location.

Based on the matters raised in this letter our client believes the development proposal is inappropriate for the site and locality and should not be supported by Council.

If you have any further enquiries regarding this matter, please contact the undersigned.

Yours faithfully

BARNSON PTY LTD

A handwritten signature in black ink, appearing to read "E. Dawson".

Erika Dawson  
B. Urb. Reg. Plan. (Hons), BPAD Level 3 Accredited Practitioner, RPIA, MFPA  
Senior Town Planner

25 November 2018

Chief Executive Officer  
Dubbo Regional Council  
PO Box 81  
DUBBO NSW 2830

RE: DEVELOPMENT APPLICATION D2018-594

PROPERTY: LOT 120 DP 1204528, 58 HENNESSY DRIVE DUBBO

PROPOSED DEVELOPMENT: CENTRE BASED CHILD CARE FACILITY

We the undersigned residents of Macquarie View, Holmwood, Southlakes and Hennessy Drive object to the above development application (DA). We object on the basis of the following:

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3. The functioning of the intersection of the property access driveway and Holmwood Drive, and the intersection of Holmwood and Hennessy Drives particularly during the peak hours.
4. The scale of the development in relation to the intended character for the area.

Name	Address
Andrew Robertson	7 Snowy Crescent.
Sarah Robertson	7 Snowy Crescent.
Bessie Madden	19 Tingallen Av
Leonard Bartley	22 Snowy Av.
Chloe Allen	7 Durum Circuit
Kodi Reidy	452 Wheelers Lane
Abin Abbas	37 Durum Circuit
Jessica O'Brien	442 Wheelers Lane
Richard Carr	2 Cullgai Cr
Kerelle Carr	2 Cullgai Cr.
Natasha Gardner	538 Wheelers Lane
Aaron Wood	538 Wheelers Lane

25 November 2018

Chief Executive Officer  
 Dubbo Regional Council  
 PO Box 81  
 DUBBO NSW 2830

RE: DEVELOPMENT APPLICATION D2018-594

PROPERTY: LOT 120 DP 1204528, 58 HENNESSY DRIVE DUBBO

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Name	Address
Danielle Bell	66 Hennessey Drive Dubbo
Blair Bell	66 Hennessey Drive Dubbo

25 November 2018

Chief Executive Officer  
 Dubbo Regional Council  
 PO Box 81  
 DUBBO NSW 2830

RE: DEVELOPMENT APPLICATION D2018-594

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Name	Address
GAIL MAREE MATTHEWS	CURRENT 98 BOUNDARY RD DUBBO
CMA	FUTURE LOT 118, MACQUARIE VIEW
Les Matthews	
[Signature]	

25 November 2018

Chief Executive Officer  
 Dubbo Regional Council  
 PO Box 81  
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Name	Address
Joshua Williams <i>ghill</i>	64 Hennessy Drive
MICHELLE WILLIAMS <i>Murrian</i>	64 HENNESSY DRIVE

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Dubbo Regional Council  
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- Myles JOHNSON, 34 HOLMWOOD DRIVE  
- Reece Carroll, 24 Holmwood Drive  
- Matt Rauchle, 41 Stonehaven Ave  
- Karen Rauchle, 41 Stonehaven Ave  
- Jess Palmer, 318 Myall Street.  
Robyn White, 23 Holmwood Dr.  
Phil White " " "



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Name	Address
Sam Grey	24 Severn circle
Alana McCabe	24 severn circle

P.T.O.

25 November 2018

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Name	Address
Dan Morgan	50 Holmwood Drive, Dubbo
Paula Knudsen	65 Holmwood Drive Dubbo
Amy Green	25 Holmwood Drive
Lee Green	25 Holmwood Drive
Brendan Carolan	319 Fitzroy Street
Leith Clark	29 Holmwood Dr.
James Chacko	31 Holmwood Drive -
JISHA Mathew	31 Holmwood Drive -
STUART PRING	33 Holmwood Drive
Genevieve Pring	33 Holmwood Drive.
Maddison Thomas	30 Holmwood Drive.
Jeanne Futh	26 Holmwood Drive
Russell Futh	26 Holmwood Drive
Paula McGeough	32 Holmwood Drive

P.T.O.

25 November 2018

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Name	Address
Brian Kerr	60 Holmwood Dr.
Joe Warman	63 Holmwood Dr
Lisa Webeck	5 Paterson Cct Dubbo
Mark Hosking	33 Paterson Cct Dubbo
Erin Young	33 Paterson Cct Dubbo
Miranda-Lea Letfallah	57 Holmwood Drive Dubbo
Nicholas Letfallah	57 Holmwood Dr "
Brody Chapman	3 Tweed Place
Erin Chapman	3 Tweed Place "
Sarita Paton	9 Tweed Place

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Name	Address
Troy Paton	9 Tweed Place
Rhonda Miller	Lot 119 Holmwood Drive, Dubbo
Laura Kinscher	46 Holmwood Drive
Zech Sargent	44 Holmwood Drive
Hannah Sargent	44 Holmwood Drive
Tracey Finch	50 Holmwood Drive
Jana Jay	47 Holmwood Drive
Breanna Christie	48B Holmwood Dr.
Ally Hicks	49 Holmwood Dr
Rele Hicks	49 Holmwood Dr

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Name	Address
Kellie Benson	62 Hennessy Drive
Ben Hunt	2611 Wheelers Lane Dubbo
Brendan Bourke	9 Hukka St. Dubbo
Jacinta Edwards	9 Hockett St Dubbo
Stuart Eckford	609 Wheelers Ln. Dubbo
Brooke O'Connor	51 Holmwood Drive.
Clinton O'Connor	51 Holmwood Drive.
Phil Malone.	9 Noccundra Place.

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**RE: DEVELOPMENT APPLICATION D2018-594**

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Amy Amos	32 Severn Circle, Dubbo
Isaac Kinscher	46 Holmwood Drive, Dubbo
Shane Duke	1 Paterson Drive, Dubbo
Beverley Duke	1 Paterson Dr, Dubbo
Larissa Giddings	11 Severn Circle Dubbo
Laura Warner	27 Severn Circle Dubbo
TRACEY ROBINSON	2 HEWITT PLACE DUBBO
Jenna Thompson	30 Severn Circle Dubbo

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Name	Address
Rosy Benson Jmw	62 Hennessy Dr, Dubbo
JOSE LUIS JOE LUIS MONTEIRO MONTEIRO	56 HENNESSY DRIVE, DUBBO (0458724787)
REBECCA MONTTEIRO R. Monteiro	56 HENNESSY DRIVE, DUBBO (0401635055)
Peter Conway P. Conway	11 Paterson crt Dubbo
ANDREW TROY	8 Paterson crt Dubbo.
Richard Duce R. Duce	13 Paterson crt Dubbo.
Vanessa Duce	13 Paterson crt Dubbo.
Cherie Mowen	64 Holmwood Drive, Dubbo.
MARK MURPHY	68 Holmwood Drive, Dubbo

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Jeffery + Katrina Richards	67 Holmwood Drive.
Toni Agnew	2 Turon Crescent
Steve & Fran Martin	4 Paterson Circuit