



AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

20 FEBRUARY 2017

MEMBERSHIP:
Mr M Kneipp (Administrator).

The meeting is scheduled to commence at 5.30pm.

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| <p>The Committee had before it the report dated 13 February 2017 from the Manager City Strategy Services regarding Planning Proposal (R16-2) - Proposed Rezoning and Alteration to Minimum Lot Size Property: Part Lot 2 DP 22685, 32R Benolong Road, Dubbo.</p> | |
| PDC17/3 DRAFT DEVELOPMENT CONTROL PLAN - SHERATON ROAD ESTATE - RESULTS OF PUBLIC EXHIBITION (ID17/138) | 14 |
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**DUBBO REGIONAL
COUNCIL**

Report of the Planning and Development Committee - Meeting 12 December 2016

AUTHOR: Administrative Officer - Governance
REPORT DATE: 3 February 2017

The Committee had before it the report of the Planning and Development Committee meeting held 12 December 2016.

MOTION

That the report of the Planning and Development Committee meeting held on 12 December 2016, be adopted.



REPORT PLANNING AND DEVELOPMENT COMMITTEE 12 DECEMBER 2016

PRESENT:

Mr M Kneipp (Administrator).

ALSO IN ATTENDANCE:

The Interim General Manager, the Director Organisational Services (M Ferguson), the Supervisor Governance, the Director Corporate Development, the Corporate Communications Supervisor, the Economic Development Officer, the City Promotions and Events Supervisor, the Director Technical Services, the Manager Technical Support, the Manager Civil Infrastructure and Solid Waste, the Manager Works Services, the Manager Fleet Management Services, the Director Environmental Services, the Manager Building and Development Services, the Planner, the Manager City Strategy Services, the Manager Environmental Control, the Director Community Services, the Director Parks and Landcare Services and the Transition Project Leader.

Mr M Kneipp (Administrator) assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.35pm.

**PDC16/7 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - MEETING 17
OCTOBER 2016 (ID16/2269)**

The Committee had before it the report of the Planning and Development Committee meeting held 17 October 2016.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends that the report of the Planning and Development Committee meeting held on 17 October 2016, be adopted.

CARRIED

PDC16/8 COUNCIL POLICY - FLOODING IN GEURIE (ID16/2153)

The Committee had before it the report dated 7 December 2016 from the Manager City Strategy Services regarding Council Policy - Flooding in Geurie.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends:

1. That the draft Policy for Flooding in Geurie, included as Appendix 1 to this report, be endorsed for the purposes of public exhibition.
2. That the draft Policy for Flooding in Geurie be placed on public exhibition for a period of not less than 28 days.
3. That following completion of the public exhibition process, a further report be provided to Council for consideration, including any submissions received.

CARRIED

**PDC16/9 DEVELOPMENT APPLICATION D16-5: DETACHED DUAL OCCUPANCY - LOT 18 SECTION 54A DP 1600 AND LOT A DP 393090, 85 PIERCE STREET, WELLINGTON
APPLICANT: MR E SMITH
OWNER: MR G & MRS E FRENCH
LODGED: 25 FEBRUARY 2016 (ID16/2187)**

The Committee had before it the report dated 7 December 2016 from the Senior Planner 2 regarding Development Application D16-5: Detached Dual Occupancy - Lot 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends that Development Application D16-5 for a Detached Dual Occupancy development on Lot 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington be refused for the following reasons:

- a. The site is possibly contaminated (asbestos) and therefore on the basis of information provide, unsuitable for residential use in accordance with Clause 7(1) of State Environmental Planning Policy No 55 – Remediation of Land (S79C(1)(a)(i) Environmental Planning and Assessment Act, 1979).
- b. The proposed development has insufficient off-street car parking which does not comply with the minimum parking requirements in Wellington Development Control Plan 2013 (S79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).

- c. The proposed front setback is not consistent with the established setbacks in Pierce Street in accordance with the Wellington DCP 2013 (S79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).
- d. The site has not provided sufficient and adequate private open space areas in accordance with the Wellington DCP 2013 (S79C(1)(iii) Environmental Planning and Assessment Act, 1979).
- e. The proposed front fence is contrary to the requirements of the Wellington DCP 2013 (S79C(1)(iii) Environmental Planning and Assessment Act, 1979).
- f. The subject site is deemed unsuitable for the proposed development, and is considered therefore to be overdevelopment of the site (S79C(1)(c) Environmental Planning and Assessment Act, 1979).
- g. The proposed development is not considered to be in the public interest (S79C(1)(e) Environmental Planning and Assessment Act, 1979).

CARRIED

**PDC16/10 DEVELOPMENT APPLICATION D16-4: TWO (2) LOT COMMUNITY TITLE SUBDIVISION - LOT 18 SECTION 54A DP 1600 AND LOT A DP 393090, 85 PIERCE STREET, WELLINGTON
APPLICANT: MR E SMITH
OWNER: MR & MRS G AND E FRENCH
LODGED: 25 FEBRUARY 2016 (ID16/2233)**

The Committee had before it the report dated 7 December 2016 from the Senior Planner 2 regarding Development Application D16-4: Two (2) Lot Community Title Subdivision - Lot 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends that Development Application D16-4 for two (2) lot community title subdivision of Lot 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington be refused for the following reasons:

- a. The proposed lot layout is predicated on the approval of the dual occupancy development proposed separately under D16-5 which is recommended for refusal and accordingly the details of the layout of the subject subdivision are unresolved (S79C(1)(c) Environmental Planning and Assessment Act, 1979).
- b. The proposed lot layout is not considered to constitute orderly development of land (S5(a)(ii) Environmental Planning and Assessment Act, 1979).
- c. The site is potentially contaminated (asbestos) and therefore it may (in the absence of a site audit statement) be unsuitable for residential use in accordance with Clause 7(1) of State Environmental Planning Policy No 55 – Remediation of Land (S79C(1)(a)(i) Environmental Planning and Assessment Act, 1979).

CARRIED

**PDC16/11 DEVELOPMENT APPLICATION D16-366: TWO (2) LOT SUBDIVISION LOT 62 DP 596342, 24 TAMWORTH STREET, DUBBO
APPLICANT: MR N O'CONNOR
OWNER: MR N AND MS J O'CONNOR
LODGED: 11 AUGUST 2016 (ID16/2251)**

The Committee had before it the report dated 6 December 2016 from the Planner regarding Development Application D16-366: Two (2) Lot Subdivision Lot 62 DP 596342, 24 Tamworth Street, Dubbo. The Committee reports having met with Mr James Morrow, Ms Mirandah Shields, Mr Wayne Rowe, and Mr Graeme Astley.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends:

- 1. That the information contained within the report of the Planner be noted.**
- 2. That determination of the subject development application be deferred pending receipt of an amended application providing development details of the proposed development on proposed Lot 621.**
- 3. That the additional details and supporting information be notified to affected property owners and people who made submissions to the original development for a period of not less than 21 days.**
- 4. That following assessment of the amended development application including consideration of any submissions, a further report be provided to council for determination.**

CARRIED

The meeting closed at 6.02 pm.

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CHAIRMAN



REPORT: Planning Proposal (R16-2) - Proposed Rezoning and Alteration to Minimum Lot Size

**Property: Part Lot 2 DP 22685, 32R
Benolong Road, Dubbo**

**AUTHOR: Manager City Strategy Services
REPORT DATE: 13 February 2017
TRIM REFERENCE: ID17/56**

EXECUTIVE SUMMARY

On 24 August 2016 a Planning Proposal (R16-2) was lodged with Council by consultants, Geolyse Pty Ltd, on behalf of land owner, Inmac Pty Ltd that seeks to amend the Dubbo Local Environmental Plan 2011 (Dubbo LEP).

The Planning Proposal seeks to amend the Dubbo LEP to rezone an area of approximately 16 hectares of Lot 2 DP 22685, 32R Benolong Road, Dubbo from RU1 Primary Production to R5 Large Lot Residential. The Planning Proposal is also seeking to change the minimum allotment size for subdivision of the subject land area from 800 hectares to eight (8) hectares.

Council at its meeting on 24 October 2016 considered a report in relation to the Planning Proposal and resolved as follows:

- “1. That Council supports the Planning Proposal to amend Land Zoning Map – Sheet LZN_008 in the Dubbo Local Environmental Plan 2011.*
- 2. That Council supports the Planning Proposal to amend Lot Size Map – Sheet LSZ_008 in the Dubbo Local Environmental Plan 2011.*
- 3. That Council supports a minimum 28 day public exhibition period for the Planning Proposal.*
- 4. That Council resolves to use its delegation under Section 59 of the Environmental Planning and Assessment Act 1979 to draft the amendments to the Dubbo Local Environmental Plan 2011.*
- 5. That following completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition period and for further consideration of the Planning Proposal.”*

The Planning Proposal was placed on public exhibition from 8 December 2016 to 3 February 2017. Two (2) submissions were received which are addressed in this report.

It is recommended that Council support the proposed amendments to the Dubbo LEP, without any variation, and that a request be made to Parliamentary Counsel to draft and finalise the amendment to the LEP.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

The adoption of the Planning Proposal by Council, as recommended in this report, would result in an amendment to the Dubbo LEP.

RECOMMENDATIONS

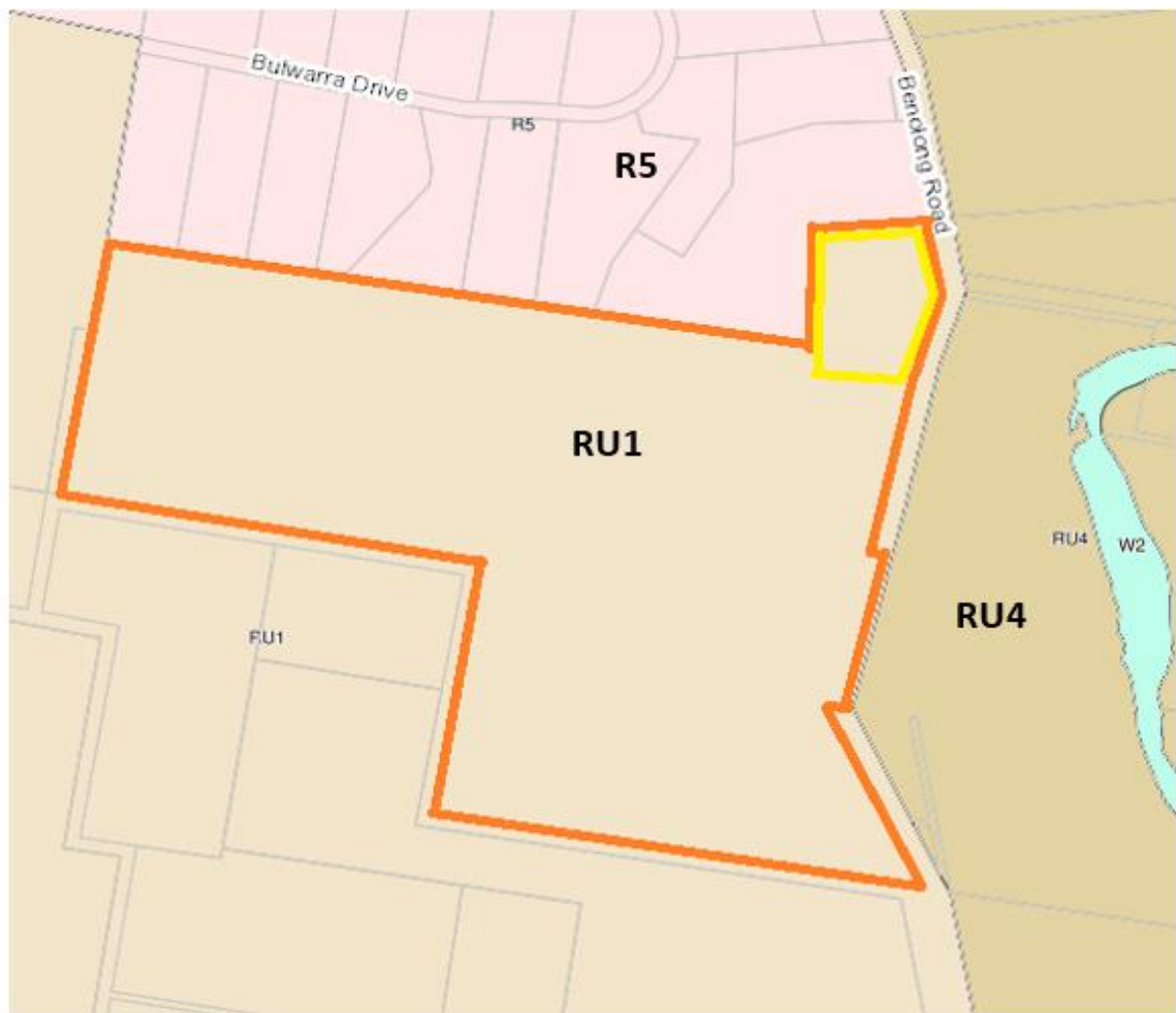
- 1. That the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 to rezone an area of approximately 16 hectares of Lot 2 DP 22685, 32R Benolong Road, Dubbo from RU1 Primary Production to R5 Large Lot Residential, be endorsed.**
- 2. That the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 to change the minimum allotment size for subdivision of approximately 16 hectares of Lot 2 DP 22685, 32R Benolong Road, Dubbo from 800 hectares to eight (8) hectares, be endorsed.**
- 3. That Council request Parliamentary Counsel to prepare the draft amendment to the Dubbo Local Environmental 2011 under Section 59(1) of the Environmental Planning and Assessment Act, 1979.**
- 4. That the people who made a submission be thanked and advised of Council's determination in this matter.**

Steven Jennings
Manager City Strategy Services

BACKGROUND

The Planning Proposal was lodged on 24 August 2016 by consultants, Geolyse Pty Ltd on behalf of land owner, Inmac Pty Ltd. The Planning Proposal is seeking to rezone part of Lot 2 DP 22685, 32R Benlong Road, Dubbo from RU1 Primary Production to R5 Large Lot Residential under the provisions of the Dubbo Local Environmental Plan (LEP) 2011 (Dubbo LEP). The Planning Proposal is also seeking to provide a minimum allotment size of eight (8) hectares for subdivision of the subject land area.

The location and land use zoning of the subject site is shown in Figure 1



Key: Land proposed to be rezoned Overall subject land

Figure 1. Current Zoning Map

Council at its meeting on 24 October 2016 considered a report in respect of the Planning Proposal and resolved as follows:

- “1. That Council supports the Planning Proposal to amend Land Zoning Map – Sheet LZN_008 in the Dubbo Local Environmental Plan 2011.*
- 2. That Council supports the Planning Proposal to amend Lot Size Map – Sheet LSZ_008 in the Dubbo Local Environmental Plan 2011.*
- 3. That Council supports a minimum 28 day public exhibition period for the Planning Proposal.*
- 4. That Council resolves to use its delegation under Section 59 of the Environmental Planning and Assessment Act 1979 to draft the amendments to the Dubbo Local Environmental Plan 2011.*
- 5. That following completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition period and for further consideration of the Planning Proposal.”*

The Planning Proposal and supporting documentation were provided to the Department of Planning and Environment with a request for Gateway Determination on 1 November 2016 and subsequently placed on public exhibition in December 2016 upon receipt of the Gateway Determination.

REPORT

1. Gateway Determination

A Gateway Determination from the Department of Planning and Environment (DPE) was received on 29 November 2016.

The Gateway Determination provided Council with delegations to perform the plan-making functions of Sections 59(2) and 59(3) of the Environmental Planning and Assessment Act, 1979 in respect of the Planning Proposal.

The Planning Proposal was permitted to proceed subject to the following conditions:

- “1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:*
 - (a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Prepared LEPs (Department of Planning and Infrastructure 2013).*
 - (b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specification for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.*

No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

2. *A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
3. *Prior to submission of the planning proposal under section 59 of the EP&A Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.*
4. *The timeframe for completing the LEP is to be 9 months from the week following the date of the gateway determination."*

2. Public Exhibition

In accordance with the conditions of the Gateway Determination, the Planning Proposal was placed on public exhibition from 8 December 2016 until 3 February 2017, inclusive.

The Proposal was displayed at the Dubbo Branch of the Dubbo Regional Council, the Dubbo Branch of the Macquarie Regional Library and on Council's website. An advertisement was also placed in local print media on 8 December 2016.

Two (2) submissions were received in respect of the Planning Proposal. It should be noted that one of the submissions was provided anonymously with no return address. The following information details the issues raised in the submissions and a comment is provided, where necessary.

Submission 1 - Anonymous

A summary of the submission is provided as follows:

"I am a resident situated within 1 km of the subject site and I wish to address the following concerns:

- *Benolong Road will need to be improved (mainly widened and potholes fixed) before creating provisions for additional residents.*
- *It is difficult to ensure that residents take responsibility for controlling weeds within their property boundaries and is resulting in the further spread of weeds across to neighbouring land. The concern is that in creating an additional 100 allotments it will be more difficult to ensure that the residents work together as a collective in order to control the issue of weed inundation.*
- *Rubbish facilities need to be addressed by means of a roadside bin near the Benolong and Obley roads intersection to control litter.*

- *Vegetation along nearby road shoulders requires maintenance with concerns of these areas becoming potential fire hazards.”*

Comment:

The specific area of the land which is subject of the Planning Proposal contains two (2) existing dwelling houses. The Planning Proposal will facilitate future subdivision of this area into two (2) eight hectare allotments, each containing an existing dwelling.

The proposed rezoning is unlikely to facilitate any further intensification of development on the land. Contrary to the information contained in the submission, the Planning Proposal has not sought to facilitate subdivision and/or development of the land into 100 allotments. Given the characteristics of the subject site, which as stated above contains two (2) existing dwelling houses, and the fact that the Planning Proposal is unlikely to result in any further significant intensification of development on the land, it is considered that the proposal is unlikely to present any significant impact in the locality.

Submission 2 – Bruce and Julie Comerford

“In relation to the Rezoning of the above mentioned property, we fully support the proposal in our capacity of being potentially affected land holders of 127L Obley Road Dubbo, Lot 130 DP 753257.”

Comment:

This submission is noted.

3. Legal Drafting of the LEP

Subject to endorsement of the Planning Proposal by Council, a request will be provided to Parliamentary Counsel seeking preparation of the draft Dubbo Local Environmental Plan under Section 59(1) of the Environmental Planning and Assessment Act, 1979.

Parliamentary Counsel would liaise directly with Council about the content of the draft amendment. Once the content of the draft Plan was finalised, Council would receive an Opinion from Parliamentary Counsel stating that the Plan could be made.

4. Making of the LEP

As delegate for the Planning Proposal, Council must further consider the adoption of the draft amendment to the LEP under Section 59(2) and (3) of the Environmental Planning and Assessment Act, 1979. If Council decides to make the Plan with or without any variation, a copy of the Planning Proposal and all relevant documentation would be sent to the Department of Planning and Environment with a request for the Plan to be notified. The Department would then arrange for Parliamentary Counsel to notify the Plan on the NSW Legislation website.

The amendment to the Dubbo LEP would come into force on the day it is published on the NSW Legislation website and it would be Amendment No. 11 to the Dubbo LEP 2011.

SUMMARY

A Planning Proposal (R16-2) was lodged by consultant, Geolyse Pty Ltd, on behalf of land owner, Inmac Pty Ltd, seeking to amend the Dubbo LEP on 24 August 2016.

The Proposal is seeking to amend the Dubbo LEP 2011 to rezone an area of approximately 16 hectares of Lot 2 DP 22685, 32R Benolong Road, Dubbo from RU1 Primary Production to R5 Large Lot Residential. The Planning Proposal is also seeking to change the minimum allotment size for subdivision of the subject land area from 800 hectares to eight (8) hectares.

The Planning Proposal is considered to be consistent with all relevant State Environmental Planning Policies and the majority of applicable Section 117 Directions. The Planning Proposal is also considered broadly consistent with the Dubbo Rural Areas Development Strategy.

It is recommended that Council support the Planning Proposal to amend the Dubbo LEP.



REPORT: Draft Development Control Plan - Sheraton Road Estate - Results of Public Exhibition

AUTHOR: Manager City Strategy Services
REPORT DATE: 14 February 2017
TRIM REFERENCE: ID17/138

EXECUTIVE SUMMARY

On 9 August 2016, Starjest Pty Ltd, the owner of Lot 1 DP 880413 Sheraton Road, Dubbo submitted a draft, site-specific Development Control Plan (draft DCP) to Council in accordance with Clause 6.3 of the Dubbo Local Environmental Plan 2011 (Dubbo LEP) to facilitate development of the subject land.

Council at its meeting on 24 October 2016 considered a report in respect of the draft DCP and resolved as follows:

- “1. That the draft Sheraton Road Estate Development Control Plan as provided here in Appendix 1 be adopted for the purposes of public exhibition.*
- 2. That the draft Sheraton Road Estate Development Control Plan be placed on public exhibition for a period of no less than 28 days in accordance with Clause 18 of the Environmental Planning and Assessment Regulation, 2000.*
- 3. That a further report be presented to Council for consideration following completion of the public exhibition period.”*

Council received one (1) submission during the exhibition period. The submission was provided to Council on behalf of the owners of the land and the proponent of the draft DCP. Detailed discussion of the issues raised in the submission is provided in this report.

The submission predominately raises issues in respect of the provision of stormwater infrastructure on the land in accordance with Council’s adopted Keswick Drainage Review which was prepared by consultants, Cardno in August 2010. The Strategy facilitates the provision of a stormwater drainage network in south-east Dubbo.

A component of this Strategy includes the provision of a stormwater detention basin on the subject land which will manage stormwater from the subject site and from the upper catchment prior to further release into the stormwater system and ultimately Eulomogo Creek.

The submission also provided objections to the requirement for the provision of stormwater infrastructure on the subject land which services development situated in the upper catchment. However, the draft Development Control Plan specifically includes provisions for a development proponent to seek to vary this requirement through the preparation and

submission of an independent stormwater drainage strategy with any future development application that details how projected stormwater volumes can be managed on the subject land and through to receiving waters.

Subsequent discussions were undertaken with the proponent on 8 February 2017 in respect of stormwater issues. These discussions included a detailed explanation of strategic stormwater infrastructure planning in the locality and further explanation of the controls which are proposed to be included in the draft DCP. From these discussions, the proponent accepted that the provisions of the draft DCP provide flexibility for alternative stormwater drainage regimes subject to compliance with Council's requirements and ensuring the stormwater system can manage projected stormwater volumes as contained in the Keswick Drainage Review.

Accordingly, it is considered that the draft DCP does not require any amendment as a result of the issues raised in the submission however, following completion of the exhibition period, the draft DCP was reviewed by Council officers and a number of minor corrections were undertaken. These amendments do not alter the intent or provisions of the DCP, as exhibited.

This report recommends that the Development Control Plan – Sheraton Road Estate, as provided here in **Appendix 1**, be adopted by Council.

FINANCIAL IMPLICATIONS

The proponent has paid a fee of \$10,000 to Council in accordance with Council's Revenue Policy for the preparation and assessment of a Development Control Plan.

POLICY IMPLICATIONS

If adopted by Council, the Development Control Plan - Sheraton Road Estate will form a Council Policy that will guide the undertaking of development on the subject land and will be required to be considered by Council in the assessment and determination of any future development applications on the subject land.

RECOMMENDATION

- 1. That the Development Control Plan - Sheraton Road Estate, as provided here in Appendix 1, be adopted.**
- 2. That an advertisement be placed in local print media specifying adoption of the Development Control Plan – Sheraton Road Estate.**

Steven Jennings
Manager City Strategy Services

BACKGROUND

On 9 August 2016, Starjest Pty Ltd, the owner of Lot 1 DP 880413 Sheraton Road, Dubbo submitted a draft site-specific Development Control Plan (DCP) in accordance with Clause 6.3 of the Dubbo Local Environmental Plan 2011 (Dubbo LEP). Council at its meeting on 24 October 2016 considered a report in relation to the draft Development Control Plan – Sheraton Road Estate which was provided to Council by the owners of Lot 1 DP 880413. The land is situated in the South-East Residential Urban Release Area under the provisions of the Dubbo Local Environmental Plan 2011 (Dubbo LEP).

Council resolved to place the draft DCP on public exhibition for a period of not less than 28 days. The draft DCP was exhibited from 3 November 2016 until 2 December 2016.

REPORT

1. Subject land

The area proposed to be included in the draft DCP and the context of the South-East Residential Urban Release Area is shown in Figure 1.



Figure 1. Subject site in the context of the South-East Residential Urban Release Area

2. Draft DCP and Sheraton Road Estate

The draft Development Control Plan (draft DCP) was provided to Council in accordance with the requirements of Part 6 of the Dubbo LEP. Part 6 requires specific planning to be undertaken for lands situated in the designated Residential Urban Release Areas. Specifically, Clause 6.3 of the Dubbo LEP requires a site-specific DCP to be prepared prior to any subdivision of land situated in a Residential Urban Release Area.

The draft DCP has been prepared utilising a similar structure, form and content as the Dubbo Development Control Plan 2012 (Dubbo DCP 2012). It is considered that this will aid in the understanding of the Plan by the Dubbo Building and Development Industry and ensure a level of parity is provided between the expectations of the Dubbo DCP 2012 and the proposed new draft DCP.

The draft DCP consists of the following components:

- Part 1 Introduction;
- Part 2 Residential Development and Subdivision;
 - 2.1 Residential Subdivision Controls (Dwellings and Dual Occupancy);
 - 2.2 Residential Design (Dwellings and Dual Occupancy).

The proponent has provided an associated Development Application to Council which seeks to subdivide the land into 51 lots. It should be noted that the Development Application cannot be determined by Council without a valid site-specific Development Control Plan being in place.

3. Public Exhibition

The draft Development Control Plan - Sheraton Road Estate (draft DCP) was placed on public exhibition from Thursday 3 November 2016 to Friday 2 December 2016, inclusive. The draft DCP was displayed at the Dubbo Branch of the Dubbo Regional Council and on Council's website. A notice was also placed in the local newspaper and correspondence sent to land owners immediately adjoining the subject land.

Council received one (1) submission during the exhibition period. This was from a consultant on behalf of the owners of the subject land. The issues raised are addressed below.

A number of the issues raised in the submission specifically relate to stormwater and other infrastructure on the land. Council's Technical Services officers have specifically reviewed those components of the submission and their comments are also included below.

Submission 1 – Bernie Wilder and Associates (on behalf of Starjest Pty Ltd)

1. *“Starjest Constructions Pty Ltd object to the various elements of the proposed DCP in its present form on the following grounds:*

The proposed DCP fails to create a sufficient level of certainty for the development of the subject land and surrounding land.”

Comment:

Council's Technical Services officers provide the following information:

"From a civil engineering infrastructure strategic planning perspective, it is believed that various sections (Elements) contained within the draft Development Control Plan do give any proponent a level of certainty regarding servicing requirement for the subject land."

No change is recommended to be undertaken to the draft DCP.

2. *"The proposed DCP fails to allow appropriate alternative drainage solutions."*

Comment:

Council's Technical Services officers provided the following information:

"Council has an adopted Trunk Drainage Strategy for this area, report titled 'Keswick Drainage Review, Assessment of Trunk Drainage Requirements, Report No W4823-1, dated August 2010'.

The Developer was supplied with a copy of this report on 11 March 2015 (as a consequence of a pre development application meeting on 16 February 2015). The Developers land only forms one small section of the overall Keswick Strategy Study Area. The Developers previous consultant (Geolyse Pty Ltd) were also supplied with a copy of this adopted Council report/strategy on 17 April 2013. Stormwater strategic planning for this catchment area goes back as far as January 1982.

It is believed the draft Development Control Plan, Part 2. Element 4. Infrastructure and Element 6. Stormwater Management (refer to extract below) adequately address appropriate (and Council adopted) stormwater strategies for this area."

"Performance Criteria

Stormwater infrastructure is provided on the land in accordance with the requirements of Council.

Acceptable Solutions

A4.1 The Cardno Keswick Drainage Review, August 2010 (Report No W4823) is the Council adopted strategy for the provision of stormwater infrastructure on the land. Any variation sought to the Strategy will require the development proponent to prepare an independent stormwater drainage study.

A4.2 Any independent stormwater drainage Strategy shall detail how the projected stormwater volumes can be managed on the subject land and through to receiving waters."

“However, should the Developer so wish, under “Acceptable solutions” they have the ability to seek a variation to this adopted Council Strategy by preparing an independent stormwater drainage study. No changes to the draft DCP are recommended.”

3. *“The proposed DCP includes irrelevant clauses having regard to the owner’s proposals for the subdivision and development of the land for housing.”*

Comment:

The subject land is situated in the South-East area of the City which is a defined Residential Urban Release Area under the provisions of Part 6 of the Dubbo LEP. Land contained within a defined Residential Urban Release Area forms the major basis and focus for future residential development in the City and aims to ensure development of such lands is undertaken having regard to site constraints, infrastructure provision and overall development design.

For land situated in a Residential Urban Release Area, preparation of a site-specific DCP is a requirement of Clause 6.3 of the Dubbo LEP. The role of the draft DCP is to facilitate and guide development of the land. In accordance with Clause 6.3 of the Dubbo LEP, Council’s existing DCP cannot apply to development undertaken on the subject land or within any other Residential Urban Release Areas in Dubbo.

The draft DCP is required to provide controls for all forms of permissible residential development on the land including subdivision on the land. This is irrespective of the current development intentions of the land owner.

No change is recommended to be undertaken to the draft Development Control Plan as a consequence of the submission.

4. *“The viability of the subdivision is a matter for the owner to address and not the Council to speculate.”*

Comment:

Part 2, Element 4 of the draft DCP provides the following in respect of the availability of services:

“Performance Criteria

Water supply and sewerage networks are available, accessible, easy to maintain and are cost-effective based on life cycle costs.

Acceptable Solutions

A3.1 Council will not consent to the subdivision of land until adequate water supply and facilities for sewage and drainage are available or until arrangements satisfactory to Council have been made for the provision of such supply and facilities.

A3.2 As identified in the adopted Council South-East Dubbo Residential Urban Release Area Structure Plan, "further investigation will be required to be undertaken to ascertain how the lands situated on Sheraton Road can be economically connected to Council's existing gravity sewerage infrastructure.

As such, should the subject land(s) not be able to directly connect into an existing Council gravity sewerage infrastructure system (i.e. should a temporary sewage pump station (SPS) be required) in conjunction with the lodgement of any Development Application, the applicant will need to provide economic feasibility figures/calculations regarding the anticipated running cost(s) and maintenance cost(s) associated with a temporary SPS for a period of not less than 10 years.

In addition, the applicant will also be require to calculate the cost(s) anticipated to disconnect the temporary SPS and cross connect such system to a Council controlled gravity system when such a system would be made available."

Given that any development of the subject land is likely to be undertaken prior to the development of land situated in Keswick Estate to the west or Southlakes Estate to the south-west, this provision was included in the draft Development Control Plan to require any development proponent to carefully consider the economic feasibility of infrastructure servicing associated with any subdivision proposal.

In addition, as any subdivision of the land is likely to necessitate the provision of a temporary sewerage pump station, it is important for Council to understand the ongoing financial implications for the provision of such infrastructure in respect of overall maintenance and life cycle costs.

No change is recommended to be undertaken to the draft Development Control Plan as a consequence of the submission.

5. *"The land would be better rezoned to enable a variety of lot sizes to provide for diversity."*

Comment:

The subject land was zoned R2 Low Density Residential with gazettal of the Dubbo Local Environmental Plan on 11 November 2011. The land also has a minimum allotment size for subdivision of 2,000 square metres. The minimum allotment size for subdivision of the land is reflective of the location of the site on the eastern edge of the Dubbo urban area.

The Dubbo Residential Areas Development Strategy, 1996 provides for the concentric zoning of land in the City. This effectively means that lot sizes are progressively larger towards the edge of the urban area. The minimum allotment size of 2,000 metres was provided on the land reflective of its location and to ensure adequate separation could be provided between residential development and rural and other land use activities further to the east.

Any change to the minimum allotment size and density would require an amendment to the Dubbo LEP 2011. The subject matter for consideration here is the DCP.

No change is recommended to be undertaken to the draft DCP as a consequence of the submission.

6. *"It is unreasonable to require the owner to take care of concentrated discharges from land to the north and east without some form of compensation."*

Comment:

Council's Technical Services officers provided the following information:

"As part of the principles adopted in Council's Section 94 Urban Stormwater Contributions Plan, compensation should be payable (in accordance with Council's normal protocols, i.e. Land Acquisition (Just Terms Compensation)) and in accordance with the requirements of the Keswick Drainage Review, Assessment of Trunk Drainage Requirements, Report No W4823-1, dated August 2010."

However, it should be noted that any further consideration in respect of stormwater as provided above is not a matter for consideration in respect of the draft DCP and can be further considered by Council as a component of any development application for subdivision of the land.

No change is recommended to be undertaken to the draft DCP as a consequence of the submission.

7. *"It is unreasonable to expect the owner to provide increased drainage capacity to accommodate discharges from the north and east."*

Comment:

It is considered that the issues raised in the above statement have been adequately addressed in the information provided under point 2 and point 6, above.

No change is recommended to be undertaken to the draft DCP as a consequence of the submission.

8. *"It is unreasonable to expect the various owners to provide increasingly larger pipes and drainage facilities to accommodate upstream catchments. The major infrastructure provision should be the subject of an equitable sharing of costs based on area adjusted for potential yield."*

Comment:

It is considered that the issues raised in the above statement have been addressed in the information provided under point 2 and point 6, above.

No change is recommended to be undertaken to the draft DCP as a consequence of the submission.

9. *“It is unreasonable to expect that the development of the area will advance from the south west to the north east as there is no certainty that the owners to the south west are contemplating residential development in the near future.”*

Comment:

It is considered that this issue has been adequately addressed in the information provided under point 4 above.

No change is recommended to be undertaken to the draft DCP as a consequence of the submission.

SUMMARY

On 9 August 2016 the owner of Lot 1 DP 880413, Sheraton Road, Dubbo provided a draft, site-specific Development Control Plan (draft DCP) to Council for consideration in accordance with Clause 6.3 of the Dubbo Local Environmental Plan 2011 (Dubbo LEP). The draft DCP has been prepared to facilitate development of the subject land.

The draft DCP was placed on exhibition from Thursday 3 November 2016 to Friday 2 December 2016 inclusive. Council received one (1) submission during the exhibition period on behalf of the owner. This report includes details of the submission, comments and responses. It is considered that no changes are required to be made to the draft DCP as a result of the issues raised in the submission.

Therefore, it is recommended that Development Control Plan - Sheraton Road Estate, provided attached as **Appendix 1**, be adopted by Council.

Appendices:

- 1 Draft Development Control Plan - Sheraton Road Estate



Development Control Plan - Sheraton Road Estate

Lot 1 DP 880413 Sheraton Road, Dubbo

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Part 1 Introduction

1.1 Name and Application of this Plan

This Development Control Plan is known as Development Control Plan for the Sheraton Road Estate Lot 1 DP 880413, Sheraton Road, Dubbo.

1.2 Purpose of this Plan

The purpose of this Plan is to:

- Provide guidance to developers/applicants in the design of development proposals for land situated within Lot 1 880413;
- Promote the achievement of residential amenity and an attractive neighbourhood;
- Reinforce the aims and objectives of the R2 Low Density Residential Zone under the provisions of the Dubbo Local Environmental Plan 2011; and
- Promote quality urban design outcomes within the context of environmental, social and economic sustainability.

1.3 Land to which the Plan applies

This Plan applies specifically to Lot 1 DP 880413, Sheraton Road, Dubbo and any allotment resulting from subdivision of the land. The land is shown in Figure 1 below.



Figure 1. Subject land

The land is located approximately 5 kilometres south-east of the Dubbo Central Business District (CBD). The land comprises 14 hectares and is vacant of development. The land was previously used for agricultural purposes (grazing and cropping) and is cleared of any major vegetation. The land has gentle inclines to the south west.

1.4 Land Zoning

The land is zoned R2 Low Density Residential under the Dubbo Local Environmental Plan 2011. The land has a minimum lot size of 2000 m² under the Dubbo Local Environmental Plan 2011.

1.5 Statutory Context

This Plan has been prepared by Council in accordance with Section 74C of the Environmental Planning and Assessment Act, 1979 (the Act) and Part 3 of the Environmental Planning and Assessment Regulation, 2000.

The Plan was adopted by Council at its meeting on _____.
The Plan commenced on _____.

The Plan should be read in conjunction with the Dubbo Local Environmental Plan 2011.

1.6 Background

This Plan has been written to guide residential development of the subject land. The development controls provided here rely on proponents demonstrating how development of the land meets the objectives of each relevant element and the associated performance criteria.

1.7 Relationship to other plans and documents

Under the Environmental Planning and Assessment Act, 1979 (the EP&A Act), Council is required to take into consideration the relevant provisions of this Plan in determining an application for development on land to which this Plan applies.

In the event of any inconsistency between an Environmental Planning Instrument (EPI) and this Plan, the provisions of the EPI will prevail.

Council in the assessment of a development application will consider all matters specified in Section 79C of the Environmental Planning and Assessment Act, 1979. Compliance with any EPI or this Plan does not infer development consent will be granted.

1.8 How to use this Plan

When preparing a development application, all relevant sections of the Plan are required to be considered.

The majority of sections in the Plan incorporate design elements that are required to be considered and addressed by a proponent in the design process.

Each section of the Plan has a consistent format to allow for ease of use and understanding. The objectives of each section are stated at the top of the page and the proposed development is required to focus on satisfying these objectives.

Below the objectives is a table with two columns. The column on the left outlines the aim of the design element, while the column on the right offers default design guidelines that an applicant can choose to use in their development in lieu of designing to satisfy the intent of the column on the left.

In summary, the column on the left provides more flexibility in design, while the column on the right provides standard solutions that are acceptable to Council.

If a proponent chooses not to use the 'Acceptable Solutions' in the right hand column, written detail must be provided with any development application of how the design satisfies the 'Performance Criteria' in the left hand column.

An example of how an element of the Plan is structured is provided as follows.

| Performance criteria The streetscape character objectives may be achieved where: | Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria: |
|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Built form P1 The frontage of buildings and their entries are readily apparent from the street. | A1.1 Buildings adjacent to the public street, address the street by having a front door or living room window facing the street. A1.2 Where dual occupancies are situated on corner blocks (where one is not a lane), the development is designed to face each street frontage. |

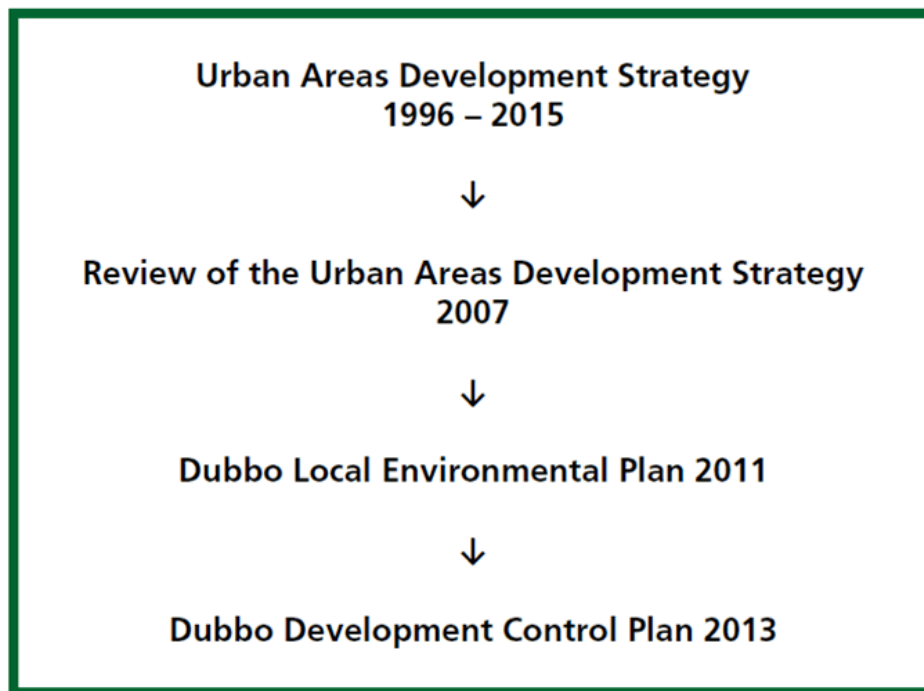
1.9 Strategic Context

Dubbo Urban Areas Development Strategy 1996

The Dubbo Urban Areas Development Strategy 1996 has facilitated the creation of a range of lifestyle options for the urban area of the city. Through the restriction of urban development to a defined area, Council is seeking to protect the long-term future of agricultural land located beyond the urban area.

These lifestyle options have been developed through the Dubbo Urban Areas Development Strategy (UADS) adopted by Council in 1996 and the Review of the UADS adopted by Council in 2007. The Dubbo Local Environmental Plan (LEP) 2011 facilitates achievement of the Strategy components in zoning land for the sustainable development of the city.

The following figure details the context of the planning documents applicable to residential lands.



The Dubbo Urban Areas Development Strategy consists of the following components:

- Residential Areas Development Strategy;
- Commercial Areas Development Strategy;
- Industrial Areas Development Strategy;
- Institutional Areas Development Strategy;
- Recreational Areas Development Strategy; and
- Future Directions and Structure Plan

The Urban Areas Development Strategy was created to manage the development and conservation of land within the urban area of the city through ensuring the Central Business District is at the centre of the City.

Re-centralisation of the Dubbo Central Business District will be facilitated by further residential development being undertaken in west Dubbo. The Strategy includes extensive areas in north-west and south-west Dubbo as being suitable for further residential development to incorporate the following:

- North-west sector – 2,600 lots (approximately)
- South-west sector – 3,281 lots (approximately)

The Dubbo Local Environmental Plan 2011 offers a range of lot sizes in the West Dubbo Urban Release Areas, ranging from 600 square metres to 20 ha. This ensures a variety of lifestyle opportunities can be provided within a close proximity to the city centre.

The Strategy also allows for infill subdivision opportunities in the south-east sector with the Dubbo LEP 2011 allowing for the potential development of 1,059 lots within this sector. The subdivision considered by this Plan is in the south-east sector.

The Strategy does not provide for any further reduction in the minimum lot size for subdivision in the eastern sector of the city based on centralisation of the Central Business District to the west, environmental constraints, infrastructure provision and transport requirements.

South-East Dubbo Residential Urban Release Area Stage 1 Structure Plan

Council has adopted a Stage 1 Structure Plan for the South-East Dubbo Residential Urban Release Area. The role of the Stage 1 Structure Plan is to set the overall direction for development in the South-East Dubbo Residential Urban Release Area and in particular the Southlakes Estate. The Stage 1 Structure Plan also informs land use decisions in the Dubbo LEP 2011 and will allow developers in the area to pursue partial development having regard to overall infrastructure and servicing constraints.

The objectives of the Stage 1 Structure Plan are to:

- Identify the opportunities and constraints of the land and the anticipated needs of the community;
- Broadly indicate the likely future development potential of the area;
- Enable the characteristics of the area to determine the most appropriate location and form for future development;
- Provide a broad context of the consideration, by Council, of individual rezoning submissions within the area; and
- Establish a vision and set of development objectives which future development proposals will be required to meet.

The Stage 1 Structure Plan raised a number of key considerations for development of the subject land, including the following:

- Traffic and transport infrastructure
- Stormwater Drainage

1.10 Urban Release Areas

Development of the subdivision considered in this Plan has been undertaken in accordance with Part 6 of the Dubbo Local Environmental Plan 2011. The relevant Clauses contained in Part 6 of the Dubbo LEP 2011 are provided below:

“Clause 6.1 Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.*
- (2) Development consent must not be granted for the subdivision of land in an urban release area unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land.”*

The Department of Planning and Environment has undertaken consultation with State Public Agencies to consider the provision of State infrastructure in the South- East Residential Urban Release Area.

The former Dubbo City Council was provided with certification from the Director General of the Department of Planning on 17 December 2012 for the provision of State public infrastructure. This certification means that no contributions are required from developers in the South-East Dubbo Residential Urban Release Area towards the provision of State public infrastructure.

Clause 6.2 Public Utility Infrastructure

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.*

Subdivision of the land is required to provide all urban infrastructure to facilitate residential development. This includes road infrastructure, power, sewerage, water, stormwater drainage and telecommunications prior to residential development being undertaken.

“Clause 6.3 Development Control Plan

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.*
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.*
- (3) The development control plan must provide for all of the following:*
 - a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,*
 - b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
 - c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*
 - d) a network of passive and active recreational areas,*
 - e) stormwater and water quality management controls,*
 - f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*
 - g) detailed urban design controls for significant development sites,*
 - h) measures to encourage higher density living around transport, open space and service nodes,*
 - i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,*
 - j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.”*

This Plan has been prepared in accordance with Clause 6.3 and contains all applicable information.

1.11 Notification of Development

Council will generally not publicly notify any development applications for residential accommodation within the area to which the Plan applies. However, if in the opinion of the Council a proposed development could impact the amenity of surrounding development, Council may publicly notify and/or advertise the development application in the local newspaper.

Any development application received by Council for non-residential development will be publicly notified to adjoining and adjacent property owners in the immediate locality who in the opinion of Council may be impacted by the proposed development.

Part 2 Residential Development and Subdivision

2.1 Residential Subdivision Controls (Dwellings and Dual Occupancy)

This section is designed to encourage current 'best practice' solutions for the design of residential subdivision on the land. The achievement of a pleasant, safe and functional subdivision is the main objective for design of any subdivision on the land.

This section lists subdivision design elements under the following headings:

- Element 1 Neighbourhood design
- Element 2 Lot layout
- Element 3 Public open space and landscaping
- Element 4 Infrastructure
- Element 5 Street design and road hierarchy
- Element 6 Pedestrian and cycle links
- Element 7 Stormwater management
- Element 8 Water quality management
- Element 9 Water sensitive urban design
- Element 10 Environmental management

Each design element has been structured so that it contains:

- 'Objectives' for each design element that describe the required outcomes;
- 'Performance criteria' which outlines the range of matters which shall be addressed to satisfy the objectives (i.e. the performance criteria explains how an objective is to be achieved);

Note: Not all performance criteria will be applicable to every development.

- 'Acceptable Solutions' which are specific measures which illustrate one way of meeting both the performance criteria and objectives of an element. They are examples only and are not mandatory; and
- 'References' to relevant clauses of the Dubbo LEP 2011, other relevant legislation, Council policies and literature relevant to the design element.

Element 1. Neighbourhood Design

Introduction

A successful neighbourhood has a sense of community, is designed to promote social interaction, pleasant and has a high level of safety for residents and visitors. Good neighbourhood design assesses how residents will interact within the neighbourhood and considers the street and pedestrian networks in addition to future housing provision.

Objectives

- To provide a neighbourhood that offers opportunities for social interaction;
- To encourage aesthetically pleasing neighbourhood design that caters for a broad diversity of housing needs;
- Ensures motor vehicles do not dominate the neighbourhood; and
- To encourage walking and cycling.

| Performance criteria | | Acceptable solutions | |
|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The streetscape character and building design objectives may be achieved where: | | The acceptable solutions illustrate one way of meeting the associated performance criteria: | |
| P1 | Natural and cultural features in the area are emphasised and enhanced in the design of the subdivision. | A1.1 | Where practicable, watercourses and natural vegetation are retained and emphasised in the design of the subdivision. |
| P2 | The subdivision layout provides for community focal points and public open space that promotes social interaction. | A2.1 | Pedestrian connectivity is maximised within the development with a particular focus on pedestrian routes connecting to public open space, bus stops, nearby educational establishments and recreation facilities in the extended locality. |
| P3 | Neighbourhood design provides for passive surveillance of residences and public areas to enhance personal safety and minimise the potential for crime. | A3.1 | Layout of the subdivision minimises narrow pedestrian pathways between or behind development. |
| | | A3.2 | The subdivision layout enhances legibility and way-finding through an easily-understood street layout. |
| | | A3.3 | The subdivision is designed with high levels of physical connectivity for pedestrians, cyclists and vehicles. |

| Performance criteria | Acceptable solutions |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The streetscape character and building design objectives may be achieved where: | The acceptable solutions illustrate one way of meeting the associated performance criteria: |
| <p>P4 Street networks provide good external connections for local vehicle, pedestrian and cycle movements.</p> <p>Street design promotes functional movement while limiting speed and detours through traffic.</p> | <p>A4.1 The overall subdivision development shall achieve a minimum Internal Connectivity Index (ICI) score of 1.30.</p> <p>Note: The importance of a well-connected subdivision which can be achieved through a good ICI is further explained in the following section.</p> |

Internal Connectivity Index

The Internal Connectivity Index (ICI) is calculated by the number of street links divided by the number of street nodes (Ewing, 1996). A link is defined as a segment of road between two intersections or from an intersection to a cul-de-sac, including road segments leading from the adjoining highway network or adjacent development.

A node is defined as an intersection and the end of a cul-de sac. They do not include the end of a stub-out at the property line. The higher the connectivity index, the more connected the roadway network. Residential subdivisions that are dominated by cul-de-sacs provide discontinuous street networks, reduce the number of footpaths, provide few alternate travel routes and tend to force all trips onto a limited number of arterial roads.

Figure 2 shows two examples of a subdivision. Example 1 shows a well-connected subdivision layout that minimises the distances to travel from a dwelling house to a focal point. Example 2 shows the same trip through a poorly connected subdivision.

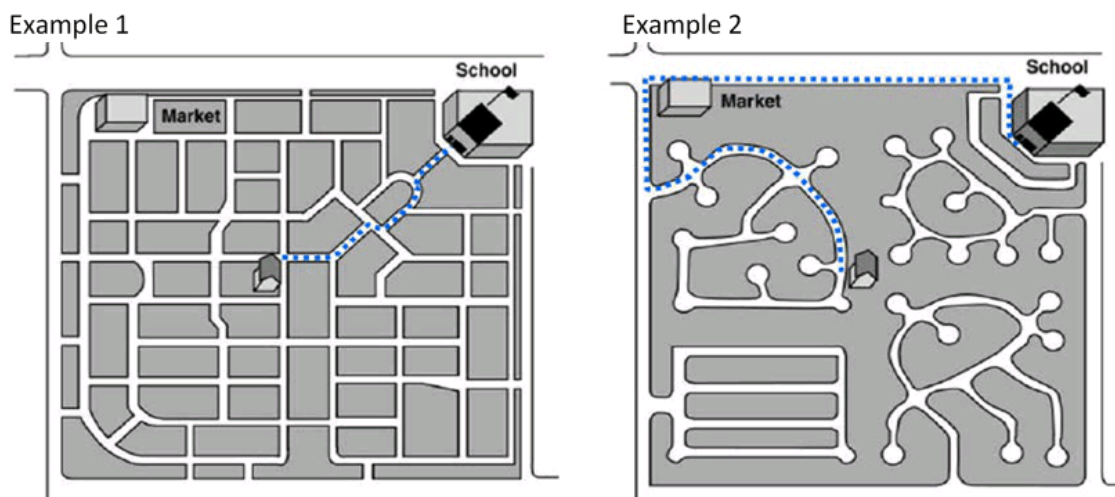
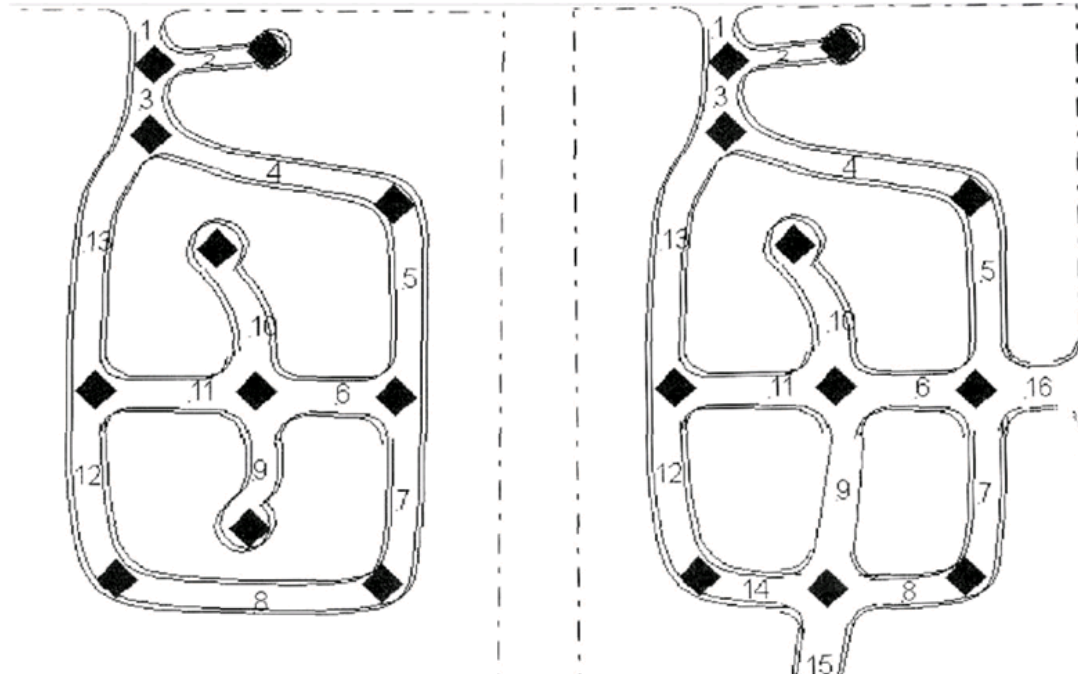


Figure 2. Subdivision connectivity example

Figure three (3) shows how the Internal Connectivity Index is calculated on two specific example subdivisions.

Example calculation of ICI:



Example 1
 13 links/11 nodes = 1.18 ratio

Example 2
 16 links/11 nodes = 1.45 ratio

Figure 3. Calculation of the Internal Connectivity Index

Element 2. Lot Layout

Introduction

The provision of an efficient and effective lot layout can allow for the creation of a neighbourhood that encourages connectivity and achieves quality urban design outcomes.

The arrangement of future dwellings will have an important influence on the quality of the neighbourhood that develops on the land.

Objectives

- To provide a range of lot sizes to suit a variety of household types and requirements whilst considering the characteristics of the surrounding locality.
- To create attractive residential streets that promote variation in housing types and styles.

| Performance criteria | Acceptable solutions |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The lot layout objectives may be achieved where: | The acceptable solutions illustrate one way of meeting the associated performance criteria: |
| Lot frontage P1 Where practicable, the subdivision is designed to optimise outlook and proximity to public open space and to utilise the rural outlook of the land. | There is no applicable Acceptable Solution to this Performance Criteria. |
| Lot Types P2 Lots shall be provided with varying dimensions and street frontages to encourage a variety of housing types and styles. | A2.1 Lot frontages shall be provided with a width of no smaller than 20 metres. |
| P3 A variety in dwelling size, type and design is provided to promote housing choice and create attractive streetscapes with distinctive character. | A3.1 Lots should generally be rectangular in shape. Where lots are an irregular shape, they are to be of a sufficient size and orientation to enable siting of a dwelling house in compliance with the controls contained in this Plan. A3.2 Where residential development adjoins land zoned RE1 Public Recreation and/or the land is used for open space or drainage reserve functions, the subdivision is to create lots to enable a living area within a |

| Performance criteria The lot layout objectives may be achieved where: | Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria: |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>dwelling to overlook the open space or drainage reserve.</p> <p>A3.3 Optimal lot orientation is east-west, or north-south where the road pattern requires. Exceptions to the preferred lot orientation may be considered where factors such as topography or drainage lines prevent achievement of the preferred orientation.</p> |
| <p>Battle-axe Lots</p> <p>P4 Battle-axe lots shall only be provided in limited circumstances where the topography and development orientation results in regular subdivision not being able to be achieved.</p> | <p>A4 Battle axe lots are provided in accordance with the principles for the location of battle-axe lots as shown in Figure 4.</p> |
| <p>Corner Lots</p> <p>P5 To ensure corner lots are of sufficient dimensions and size to enable residential controls to be met.</p> | <p>P5.1 Corner lots are to be designed to allow residential accommodation to positively address both street frontages as indicated in Figure 5.</p> <p>P5.2 Garages on corner lots are encouraged to be accessed from the secondary street frontage.</p> |

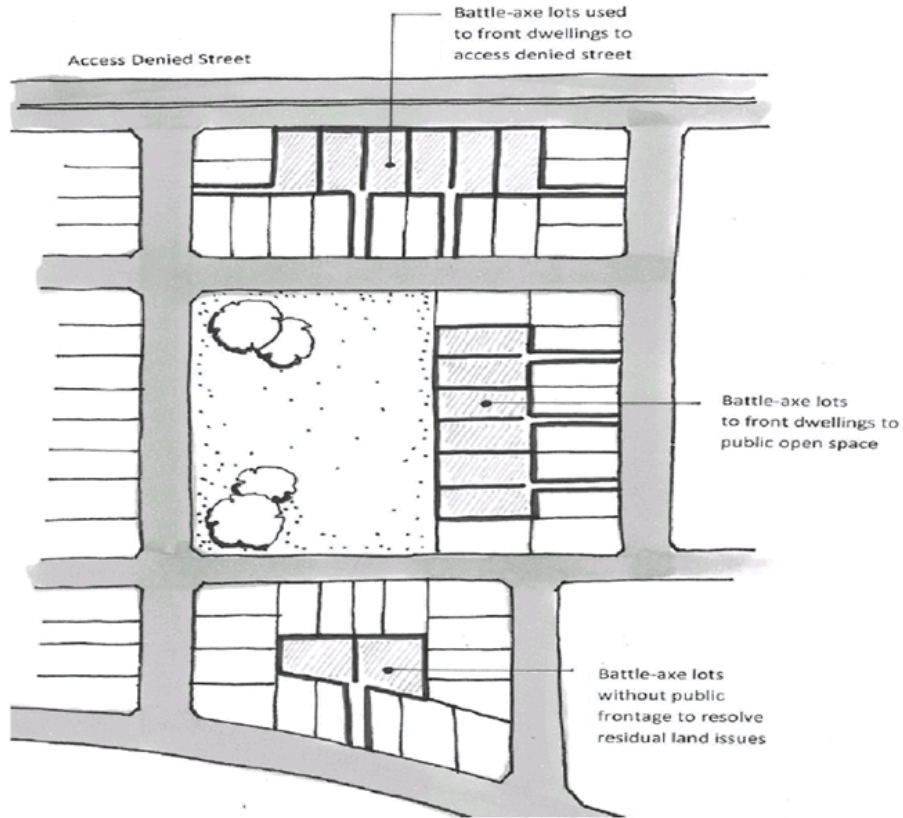


Figure 4. Examples of locations of battle-axe lots

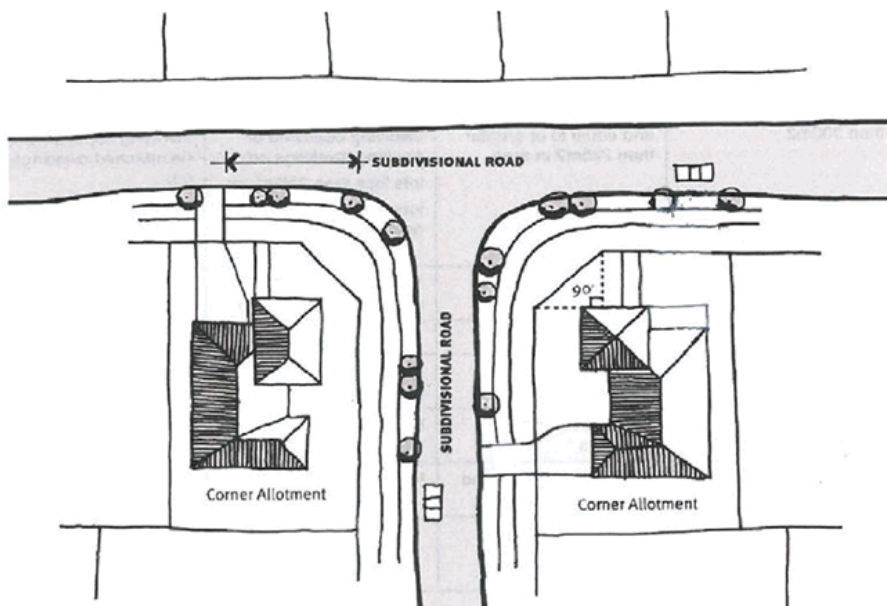


Figure 5. Corner lots

Element 3. Landscaping

Objectives

- To provide landscaping that contributes to the identity and environmental health of the community; and
- To ensure streetscape components do not detrimentally affect solar access to individual dwellings.

| Performance criteria | Acceptable solutions |
|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The public open space and landscaping objectives may be achieved where: | The acceptable solutions illustrate one way of meeting the associated performance criteria: |
| Landscaping – General | |
| P1 Landscaping is designed and located to not impact built infrastructure. | A1.1 Landscaping is provided in accordance with the requirements of a landscaping schedule that has been approved by Council's Parks and Landcare Services Division. |
| P2 Landscaping is undertaken in an environmentally sustainable manner which limits the time and costs associated with maintenance. | A2.1 Species selected are suitable for the local climate. A2.2 Species selected require a minimal amount of watering. A2.3 Landscaping does not impact groundwater levels by encouraging over-watering resulting in groundwater level increases or the pollution of waters. |
| Street Trees | |
| P3 Street trees are selected to provide summer shading while not impeding solar access to dwellings in winter. | A3.1 Street trees are provided in accordance with the requirements of Council's Parks and Landcare Services Division generally and any applicable Tree Planting Standards. A3.2 Deciduous trees are selected where shadows adversely impact solar access. A3.3 Taller tree species are planted on the northern side of east-west aligned streets, shorter species are planted on the southern side. |

| Performance criteria | Acceptable solutions |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The public open space and landscaping objectives may be achieved where: | The acceptable solutions illustrate one way of meeting the associated performance criteria: |
| | <p>A3.4 Indigenous species or species with a proven tolerance to the local climate and conditions that preserve solar access of adjoining properties are provided.</p> <p>A3.5 Plantings with low maintenance and low water consumption are provided.</p> <p>A3.6 Evergreen species for windbreaks and planting along the south or west side of the area are protected against wind.</p> |
| <p>Security and surveillance</p> <p>P4 A clear relationship between public open space and adjoining land is established by appropriate treatment including alignment, fencing, landscaping and lighting.</p> | <p>A4.1 Parks include provision for lighting where appropriate in accordance with Australian and New Zealand Standard AS/NZ 1158.1.</p> <p>A4.2 Parks and drainage reserves are located so that at least 50% of their perimeter length has frontage to a public road.</p> |
| <p>Fencing</p> <p>P5 Continual lengths of solid fencing along open space areas is avoided.</p> | <p>A5.1 For any private allotment having a boundary with an area of public open space, open style fencing, low hedges or permeable vegetation shall be provided along the boundary.</p> |

A landscape plan is required to be submitted with development application for subdivision of the land, where land may be sought to be dedicated to Council. Table 1 specifies the level of information required to be included on the landscape plan:

Minimum information standard

A separate landscape plan and planting schedule including the following:

1. Any land proposed to be dedicated to Council and the location of the landscaping on that site.
2. Scientific name of all plant material.
3. Height and characteristics of plant material at maturity.
4. Status of landscaping at planting.
5. Specification of a maintenance regime.
6. Specification of irrigation systems for maintenance of landscaping referencing Council's current standards.
7. Planting specifications showing staking, hole preparation, depth and root control devices.
8. Provision for mulching.
9. Specification that a horticultural professional will supervise implementation of the works in the landscape plan.
10. The plan shall be drawn to a recognised scale.

The landscape plan and supporting information shall be prepared by a suitably qualified and experienced horticultural professional or landscape architect.

Element 4. Infrastructure

Objectives

- To ensure residential is serviced with essential services in a cost-effective and timely manner;
- To ensure residential areas are adequately serviced with water and sewerage infrastructure; and
- To ensure any subdivision and development on the land adequately plans for the provision of required stormwater infrastructure in accordance with the requirements of Council.

| Performance criteria | Acceptable solutions |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The infrastructure objectives may be achieved where: | The acceptable solutions illustrate one way of meeting the associated performance criteria: |
| <p>Utilities</p> <p>P1 Design and provision of utility services including sewerage, water, electricity, gas, street lighting and communication services are cost-effective over their lifecycle and incorporate provisions to minimise adverse environmental impact in the short and long term.</p> | <p>A1.1 The design and provision of utility services conforms to the requirements of Dubbo Regional Council and all relevant service authorities.</p> <p>A1.2 Water and sewerage services are to be provided to each allotment at the full cost of the developer.</p> <p>A1.3 Water and sewerage services are to be designed and constructed in accordance with the requirements of NAT-SPEC (DCC version) Development Specification Series – Design and Development Specification Services – Construction.</p> <p>A1.4 Electricity supply is provided via underground trenching in accordance with the requirements of the energy supply authority.</p> |
| <p>Common Trenching</p> <p>P2 Compatible public utility services are located in common trenching in order to minimise the land required and the costs for underground services.</p> | <p>A2.1 Services are located next to each other in accordance with Council’s policy for trenching allocation in footways (Standard Drawing 5268).</p> |

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Availability of Services</p> <p>P3 Water supply and sewerage networks are available, accessible, easy to maintain and are cost-effective based on life cycle costs.</p> | <p>A3.1 Council will not consent to the subdivision of land until adequate water supply and facilities for sewage and drainage are available or until arrangements satisfactory to Council have been made for the provision of such supply and facilities.</p> <p>A3.2 As identified in the adopted Council South-East Dubbo Residential Urban Release Area Structure Plan, “further investigation will be required to be undertaken to ascertain how the lands situated on Sheraton Road can be economically connected to Council’s existing gravity sewerage infrastructure.”</p> <p>As such, should the subject land(s) not be able to directly connect into an existing Council gravity sewerage infrastructure system (i.e. should a temporary sewage pump station (SPS) be required) in conjunction with the lodgement of any Development Application, the applicant will need to provide economic feasibility figures/calculations regarding the anticipated running cost(s) and maintenance cost(s) associated with a temporary SPS for a period of not less than 10 years.</p> <p>In addition, the applicant will also be required to calculate the cost(s) anticipated to disconnect the temporary SPS and cross connect such system to a Council controlled gravity system when such system would be made available.</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| <p>Performance criteria The infrastructure objectives may be achieved where:</p> | <p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p> |
|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>P4 Stormwater infrastructure is provided on the land in accordance with the requirements of Council.</p> | <p>A4.1 The Cardno Keswick Drainage Review, August 2010 (Report No W4823.-) is the Council adopted strategy for the provision of stormwater infrastructure on the land. Any variation sought to the Strategy will require the development proponent to prepare an independent stormwater drainage study.</p> <p>A4.2 Any independent stormwater drainage Strategy shall detail how the projected stormwater volumes can be managed on the subject land and through to receiving waters.</p> |

Element 5. Street Design and Road Hierarchy

Objectives

- To ensure streets fulfil their designated function within the street network;
- To facilitate public service utilities;
- Encourage street designs that accommodate drainage systems, and;
- Create safe and attractive street environments.

| Performance criteria | Acceptable solutions |
|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The street design and road hierarchy objectives may be achieved where: | The acceptable solutions illustrate one way of meeting the associated performance criteria: |
| <p>Function and Width</p> <p>P1 The street reserve width is sufficient to cater for all street functions.</p> | <p>A1.1 The road hierarchy and access locations are in accordance with the South-East Dubbo Residential Urban Release Area Structure Plan.</p> <p>A1.2 The road hierarchy is designed and constructed in accordance with Aus-Spec (DCC version).</p> <p>A1.3 Roads within any subdivision on the land shall be constructed in accordance with the Road Typical Section as shown in Figure 6.</p> <p>A1.4 The road layout provides appropriate connectivity in accordance with the South-East Dubbo Residential Urban Release Area Structure Plan and as approved by Council, between adjoining residential estates for both vehicular and pedestrian movement.</p> <p>A1.5 No direct vehicle access from any of the proposed lots will be permitted onto Sheraton Road and/or the proposed Boundary Road extension.</p> |
| <p>P2 The verge width is sufficient to provide for special site conditions and future requirements.</p> | <p>A2.1 The verge width is increased where necessary to allow space for:</p> <ul style="list-style-type: none"> - Larger scale landscaping; - Indented parking; - Future carriageway widening; - Retaining walls; |

| Performance criteria The street design and road hierarchy objectives may be achieved where: | Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria: |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> - Cycle paths; and - Overland flow paths. |
| Design for Safety P3 Street design caters for all pedestrian users including the elderly, disabled and children by designing streets to limit the speed motorists can travel. | There is no Acceptable Solution for this Performance Criteria. |
| Driveway Access P4 Driveway egress movements do not create a safety hazard. | A4.1 Motorists can enter or reverse from a residential lot in a single movement. A4.2 Motorists enter and leave medium density and non-residential developments in a forward direction. A4.3 Lot design enables driveways on major collector streets and streets which carry more than 3,000 vpd to be designed to promote forward movement of vehicles across the verge. |
| Geometric Design P5 Bus routes have a carriageway width that: <ul style="list-style-type: none"> - Allows for the movement of buses unimpeded by parked cars; - Safely accommodates cyclists; and - Avoids cars overtaking parked buses. | A5.1 The geometry of streets identified as bus routes provides suitable turning, stopping sight distance, grade and parking for buses. |
| P6 Geometric design for intersections, roundabouts and slow points is consistent with the vehicle speed intended for each street. | A6.1 Sufficient area is provided at the head of cul-de-sacs for waste disposal vehicles to make a three point turn. |

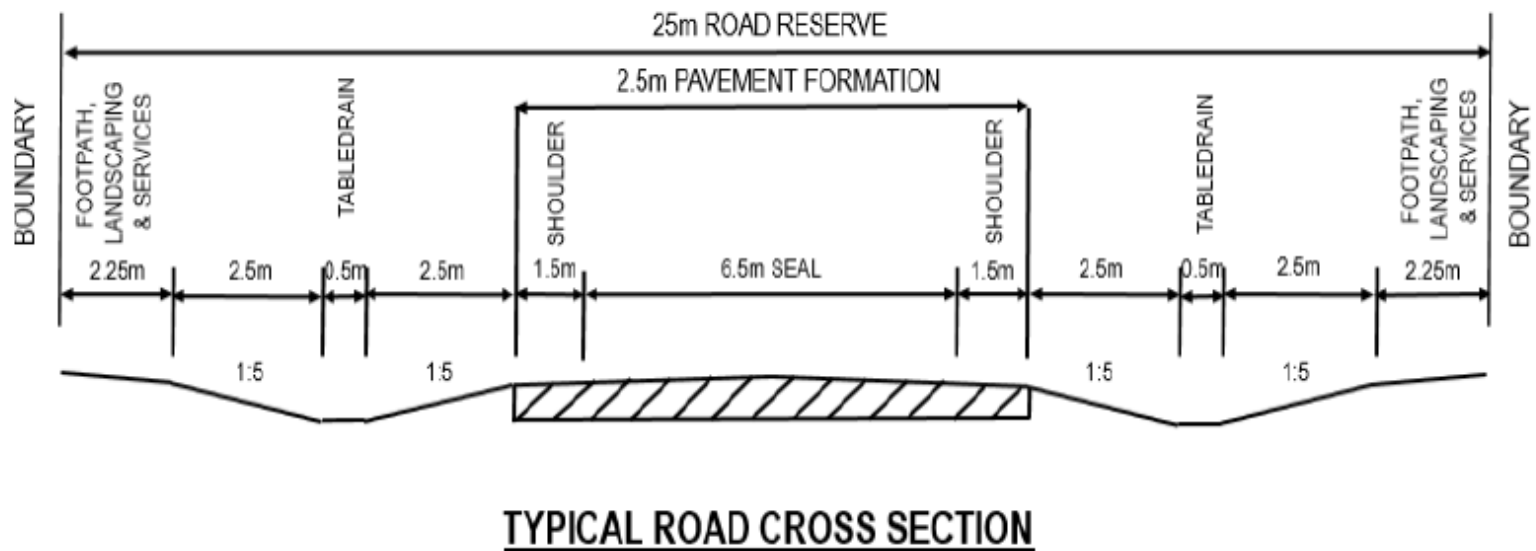


Figure 6. Typical Road Cross Section

Element 6. Stormwater Management

Objectives

- To provide major and minor drainage systems which:
 - Adequately protect people and the natural and built environments to an acceptable level of risk and in a cost effective manner in terms of initial costs and maintenance, and;
 - Contribute positively to environmental enhancement of catchment areas.
- To manage any water leaving the site (during construction and operation) with stormwater treatment measures.

| Performance criteria | Acceptable solutions |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The stormwater management objectives may be achieved where: | The acceptable solutions illustrate one way of meeting the associated performance criteria: |
| P1 Stormwater infrastructure is provided on the land in accordance with the requirements of Council. | <p>A1.1 The Cardno Keswick Drainage Review, August 2010 (Report No W4823.-) is the Council adopted strategy for the provision of stormwater infrastructure on the land. Any variation sought to the Strategy will require the development proponent to prepare an independent stormwater drainage study.</p> <p>A1.2 Any independent stormwater drainage Strategy shall detail how the projected stormwater volumes can be managed on the subject land and through to receiving waters.</p> |
| P2 Post development peak flows (up to 100 year ARI storm events) are limited to 'pre-development' levels. | A2.1 Water sensitive urban design or onsite bio-retention in the form of rain gardens, swales and absorption trenches are amalgamated into the design of the road network. |
| P3 The stormwater drainage system has the capacity to safely convey stormwater flows resulting from the relevant design storm under normal operating conditions, taking partial minor system blockage into account. | A3.1 The design and construction of the stormwater drainage system is in accordance with the requirements of Australian Rainfall and Runoff 1987 and Aus-Spec (Former Dubbo City Council version) Development |

| <p>Performance criteria The stormwater management objectives may be achieved where:</p> | <p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>Specification Series – Design and Development Specification Series – Construction.</p> <p>A3.2 Construction Certificate plans for the subdivision of the land shall show all minor and major stormwater systems clearly defined and identified.</p> <p>Minor systems for residential areas are designed to cater for the 10 year ARI, whilst ‘major’ systems are to be designed to cater for the 100 year ARI. 1 in 100 year storm event. These systems are to be evident as ‘self-draining’ without impacting or flooding of residential houses etc.</p> |
| <p>P4 The stormwater system/drainage network is designed to ensure that there are no flow paths which would increase risk to public safety and property.</p> | <p>A4.1 While addressing the statutory requirements stated above, the incorporation of sports grounds and other less flood-sensitive land uses into the drainage corridor and the appropriate placement of detention basins.</p> |
| <p>Site Drainage P5 The design and layout of the subdivision provides for adequate site drainage.</p> | <p>A5.1 Where site topography prevents the discharge of stormwater directly to the street gutter or a Council controlled piped system, inter-allotment drainage is provided to accept run-off from all existing or future impervious areas that are likely to be directly connected.</p> <p>A5.2 The design and construction of the inter-allotment drainage system are in accordance with the requirements of Australian Rainfall and Runoff (1987) and Aus-Spec (Former Dubbo City Council version) Development Specification Series – Design and</p> |

| Performance criteria | Acceptable solutions |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| The stormwater management objectives may be achieved where: | The acceptable solutions illustrate one way of meeting the associated performance criteria: |
| | Development Specification Series – Construction. |

Element 7. Water Quality Management

Objective

- To provide water quality management systems which:
 - Ensure that disturbance to natural stream systems is minimised, and;
 - Stormwater discharge to surface and underground receiving waters, during construction and in developing catchments, does not degrade the quality of water in the receiving areas.

| Performance criteria | Acceptable solutions |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The water quality management objectives may be achieved where: | The acceptable solutions illustrate one way of meeting the associated performance criteria: |
| P1 Adequate provision is made for measures during construction to ensure that the land form is stabilised and erosion is controlled. | A1.1 An Erosion and Sediment Control Plan is prepared by suitably qualified professionals using the 'Blue Book – Managing Urban Stormwater: Soils and Construction' and provided to Council with the subdivision Construction Certificate. |
| P2 The system design optimises the interception, retention and removal of water-borne pollutants through the use of appropriate criteria prior to their discharge to receiving waters. | A2.1 The Erosion and Sediment Control Plan is to comply with the document 'Managing Urban Stormwater: Soils and Construction', produced by NSW Department of Housing. |

2.2 Residential Design (Dwellings and Dual Occupancy)

This section is designed to encourage 'best practice' solutions and clearly explain requirements for the development of dwelling houses and dual occupancy development (attached or detached).

The objectives of this section are:

- To facilitate a mix of dwelling sizes complementing the character of the area and that provide accommodation for all sectors of the community; and
- To facilitate low density residential accommodation with an economic use of infrastructure.

This section lists design elements under the following headings:

| | |
|------------|------------------------------------|
| Element 1 | Streetscape character |
| Element 2 | Building setbacks |
| Element 3 | Solar access |
| Element 4 | Private open space and landscaping |
| Element 5 | Infrastructure |
| Element 6 | Visual and acoustic privacy |
| Element 7 | Vehicular access and car parking |
| Element 8 | Waste management |
| Element 9 | Site facilities |
| Element 10 | Environmental Management |
| Element 11 | Non-residential uses |
| Element 12 | Signage |

Each design element has been structured so that it contains:

- 'Objectives' describing the required outcomes;
- 'Performance criteria' outlining the range of matters that need to be addressed to satisfy the objectives (i.e. the performance criteria explains how an objective is to be achieved);

Note: Not all performance criteria will be applicable to every development.

- 'Acceptable solutions' are specific measures which illustrate one way of meeting both the performance criteria and objectives of an element. They are examples only and are not mandatory; and
- 'References' to relevant clauses of the Dubbo LEP 2011, other relevant legislation, Council policies and literature relevant to the design element.

Element 1. Streetscape Character

Objectives

To design residential housing in keeping with the desired future streetscape and neighbourhood character.

| Performance criteria | Acceptable solutions |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The streetscape character objectives may be achieved where: | The acceptable solutions illustrate one way of meeting the associated performance criteria: |
| Built form | |
| P1 The frontage of buildings and their entries are apparent from the street. | A1.1 Where dual occupancies are situated on corner blocks, the development is designed to face each street frontage. |
| P2 The development is to be designed to respect and reinforce the positive characteristics of the neighbourhood, including: <ul style="list-style-type: none"> - Built form; - Bulk and scale; - Vegetation; and - Topography. | A2 Design elements to consider include: <ul style="list-style-type: none"> - Massing and proportions; - Roof form and pitch; - Façade articulation and detailing; - Window and door proportions; - Features such as verandahs, eaves and parapets; - Building materials, patterns, textures and colours; - Decorative elements; - Vehicular footpath crossing (location and width); - Fence styles; and - Building setbacks. |
| P3 Walls visible from the street are adequately detailed for visual interest. | A3.1 This may be achieved by recesses, windows, projections or variations of colour, texture or materials. A3.2 Walls longer than 15 m are articulated with a variation of not less than 600 mm for a minimum length of 4 m. |
| P4 Garages and parking structures (carports) are sited and detailed to ensure they do not dominate the street frontage, integrate with features of the dwelling and do not | A4.1 Garages or parking structures are located in line with or behind the alignment of the front façade/ entrance of the dwelling, with a minimum setback of 5.5 m (see |

| Performance criteria The streetscape character objectives may be achieved where: | Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria: |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| dominate views of the dwelling from the street. | Element 2 – Building Setbacks), where the street frontage is in excess of 12 m. |
| Fencing P6 Fencing is consistent with the existing character of the area. | A6 Fences shall take elements from neighbouring properties where elements are representative of the character of the street. |
| P7 Front fences enable outlook from the development to the street or open space to facilitate surveillance and safety. | A7.1 Front fences have a maximum height of 1.2 m if solid or less than 20% transparent and 1.5 m if greater than 50% transparent. A7.2 A front fence on the secondary frontage may have a maximum height of 1.8 m for 50% of the length of the boundary to the secondary road, which is measured from the corner splay of the primary road boundary. In addition, <ul style="list-style-type: none"> – The fence is constructed of materials which are consistent with those used in development on the site and adjoining developments; and – The fence is softened with the use of landscaping. – than solid metal panels or chain wire fencing); and – The fence is softened with the use of landscaping. |
| P8 Fencing style and materials reflect the local streetscape and do not cause undue overshadowing of adjoining development. | A8.1 Side fences on corner allotments are setback and/or articulated to provide for vegetation screening to soften the visual impact of the fence. A8.2 Side fences forward of the building line are not constructed of solid metal panels or chain wire fencing |

| Performance criteria The streetscape character objectives may be achieved where: | Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria: |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| | (including factory pre-coloured materials). |
| P9 Fencing on corner allotments does not impede motorists' visibility at the intersection. | A9.1 Fencing is either splayed, setback, reduced in height or transparent to maintain visibility for motorists. |
| P10 Gates are designed to ensure pedestrian and motorist safety. Note: Gates are not permitted to open across the footpath (Clause 21, Roads Regulation 2008). | A10.1 Where a driveway is provided through a solid fence, adequate visibility for the driver is maintained. |

Element 2. Building Setbacks

Objectives

To ensure that the setback of a building from the property boundaries, the height and length of walls, site coverage and visual bulk are appropriate for a low density residential neighbourhood.

| Performance criteria | Acceptable solutions |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The building setback objectives may be achieved where: | The acceptable solutions illustrate one way of meeting the associated performance criteria: |
| <p>P1 Front Boundary Setback – Dwellings and ancillary structures</p> <p>The setback of development from the front boundary of the allotment is consistent with the desired low density character of the subdivision.</p> <p>Note: The setback is measured from the property boundary to the first vertical structural element of the development. No portico, posts, etc shall be any closer than the stated setback.</p> | <p>Primary Frontage</p> <p>A1.1 Minimum setback of 4.5 m from the front property boundary where no streetscape setback has been established.</p> <p>Secondary Frontage</p> <p>A1.2 The secondary (side) setback is 3 m. Where the corner is splayed, residential development is designed accordingly.</p> |
| <p>P2 Side and rear boundary setbacks – dwellings</p> <p>The setback of development from the side and rear boundaries of the allotment is consistent with the desired low density character of the subdivision.</p> <p>Note: The setback is measured from the property boundary to the first vertical structural element of the development. No portico, posts etc. shall be any closer than the stated setback.</p> | <p>A2.1 Residential development is setback such that it complies with the requirements of the Building Code of Australia (BCA).</p> |
| <p>P3 Front boundary setback – garages and carports</p> <p>The location of garages and carports does not diminish the attractiveness of the streetscape, does not dominate views of the dwelling from</p> | <p>Primary frontage</p> <p>A3.1 Garages and carports are setback a minimum of 5.5 m from the front property boundary and in line with or behind the alignment of the front façade of the dwelling. This does not</p> |

| Performance criteria The building setback objectives may be achieved where: | Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria: |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>the street and integrates with features of associated dwellings.</p> | <p>apply to allotments where the frontage is less than 12 m in width.</p> <p>Secondary frontage A3.2 Garages and carports on secondary frontages of corner allotments may extend beyond the alignment of the secondary façade of the dwelling and shall achieve a minimum 5.5 m setback from the secondary property boundary (see Figure 7).</p> |
| <p>P4 Side and rear boundary setbacks – garages and carports The location of garages and carports does not diminish the attractiveness of the locality and integrates with features of associated dwellings.</p> | <p>A4.1 Garages and carports are setback such that they comply with the requirements of the Building Code of Australia.</p> <p>Where a garage or carport is provided on a secondary street frontage, regular building setback requirements of this Plan are applicable.</p> |

PRIMARY FRONTAGE

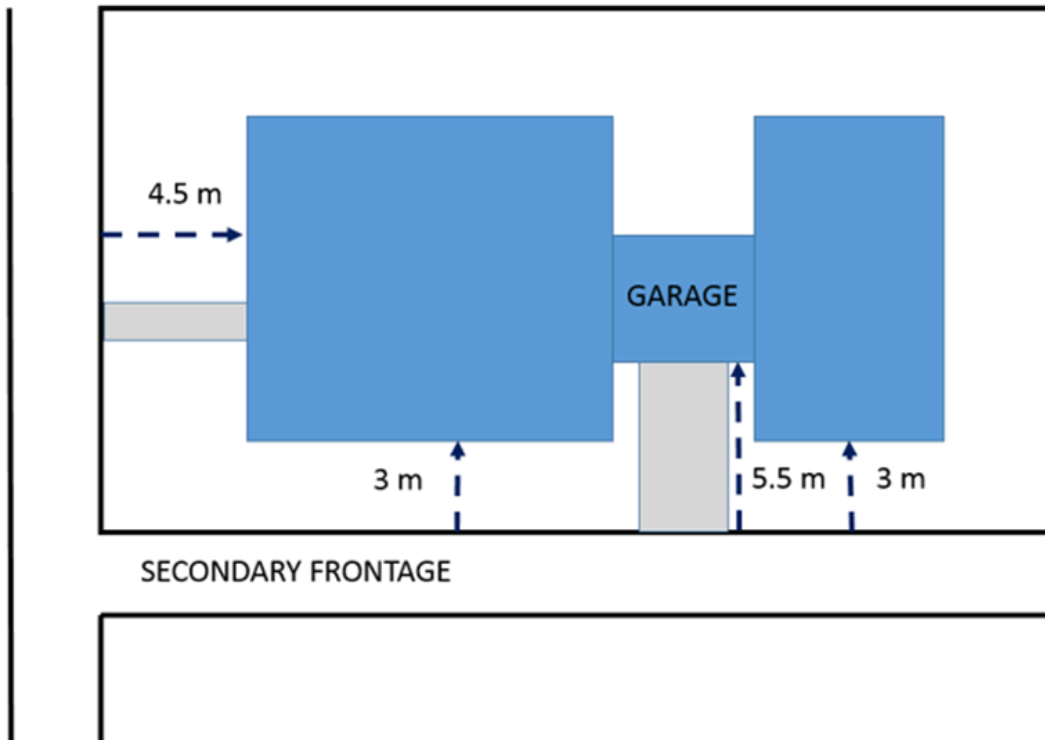


Figure 7. Corner allotment with the main entry to the primary road and the garage to the secondary road, with a setback minimum of 5.5 metres

Element 3. Solar Access

Objectives

- To ensure all development provides an acceptable level of solar access for occupants, and;
- To ensure development does not significantly impact on the solar access and amenity of adjoining and adjacent allotments.

| Performance criteria | Acceptable solutions |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The solar access objectives may be achieved where: | The acceptable solutions illustrate one way of meeting the associated performance criteria: |
| <p>Solar Access</p> <p>P1 Development is designed to ensure solar access is available to habitable rooms, solar collectors (photovoltaic panels, solar hot water systems etc.) private open space and clothes drying facilities.</p> <p>Note 1: Council requires the submission of a shadow diagram to demonstrate the impact of overshadowing on adjoining and adjacent allotments for any residential development above single storey.</p> <p>Shadow diagrams are to be prepared for 9 am, 12 noon and 3 pm on 22 June. The shadow diagrams are to demonstrate the extent of overshadowing of the proposed and existing development on the subject land and adjacent sites.</p> | <p>A1.1 Dwellings are sited in accordance with Figure 8.</p> <p>A1.2 On east/west orientated lots, the setback on the north-side of the lot is increased to allow for maximum solar access to habitable rooms located on the north-side of the dwelling.</p> <p>A1.3 A roof area sufficient to meet the space requirements for a solar hot water service is provided where it faces within 20° of north and receives direct sunlight between the hours of 9 am and 3 pm on 22 June.</p> |
| <p>P2 Development does not reduce the level of solar access currently enjoyed by adjoining or adjacent allotments.</p> | <p>A2.1 Habitable rooms of adjoining development receive a minimum of four hours solar access between the hours of 9 am and 3 pm on 22 June.</p> <p>A2.2 The solar impact of development shall be shown with the submission of shadow diagrams taken on 22 June (winter solstice).</p> |

House orientation not encouraged

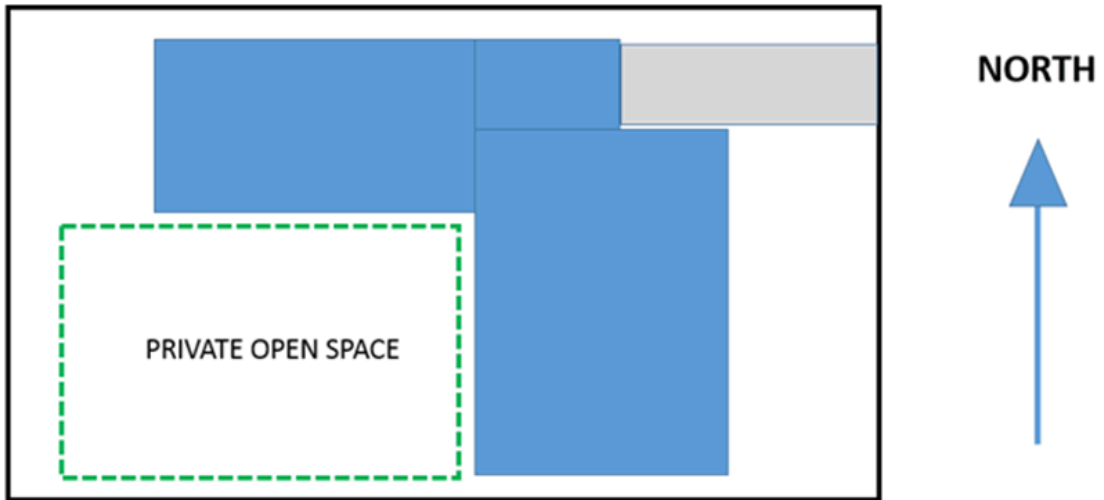


Figure 8. Siting of dwellings on east/west lots

Rationale

A dwelling built close to the northern boundary results in little to no winter sunlight being able to enter habitable rooms in the dwelling. The location of the house increases the shading of the private open space area.

House orientation encouraged

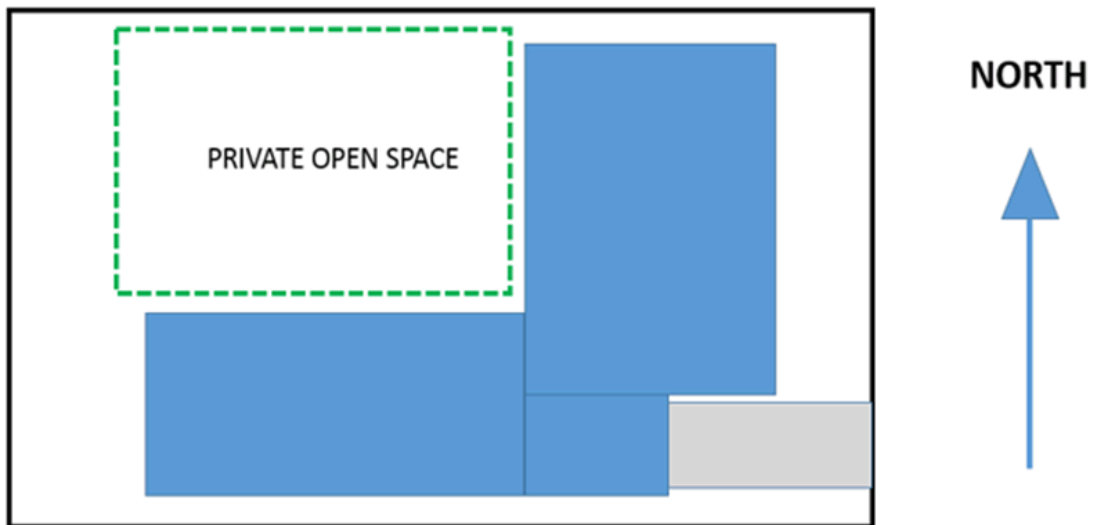


Figure 8. Siting of dwellings on east/west lots

Rationale

A dwelling built close to the southern boundary enables winter sunlight to enter habitable rooms in the dwelling. Good solar access is available to private open space during winter.

Element 4. Private Open Space and Landscaping

Objectives

- To provide private outdoor open space that is well-integrated with the development and is of sufficient area to meet the needs of occupants;
- To provide a pleasant, safe and attractive level of residential amenity, and;
- To ensure landscaping is appropriate in nature and scale for the site and the local environment.

| Performance criteria | Acceptable solutions |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The private open space and landscaping objectives may be achieved where: | The acceptable solutions illustrate one way of meeting the associated performance criteria: |
| <p>Private Open Space</p> <p>P1 Private open space is of an area and dimension facilitating its intended use.</p> <p>Note: See Element 3 – Solar Access requirements for private open space development in residential areas.</p> | <p>A1.1 Dwelling houses and dual occupancy developments shall have a Principal Private Open Space (PPOS) area, in addition to the general Private Open Space (POS).</p> <p>A1.2 The PPOS area has a minimum area per dwelling of 25 m² and a minimum dimension of 5 m. This area can include covered (not enclosed) outdoor entertainment areas.</p> |
| <p>P2 Private open space is easily accessible by the occupants of the development and provides an acceptable level of privacy.</p> | <p>A2.1 All Principal Private Open Space (PPOS) is directly accessible from the main living area.</p> <p>A2.2 All private open space is located behind the front building line and is screened to provide for the privacy of occupants and the occupants of adjoining properties.</p> |

| <p>Performance criteria The private open space and landscaping objectives may be achieved where:</p> | <p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Landscaping P3 Landscaping is provided at a scale and density which is appropriate for the development.</p> | <p>A3.1 The height and density of vegetation at maturity should be suitable to screen and soften the development.</p> <p>A3.2 A landscape plan is required to be provided for assessment with the lodgement of development applications for dual occupancy developments.</p> |
| <p>P4 Landscaping is located to not impact infrastructure, development on the site or development adjoining the site.</p> | <p>A4.1 Species are selected and located taking into consideration the size of the root zone of the tree at maturity and the likelihood of potential for the tree to shed/drop material.</p> <p>A4.2 Landscape species are selected and located to ensure the amenity of adjoining and adjacent properties is not impacted.</p> |
| <p>P5 Landscaping activities are undertaken in an environmentally sustainable manner which limits the time and costs associated with maintenance.</p> | <p>A5.1 Species selected are suitable for the local climate.</p> <p>A5.2 Species selected require a minimal amount of watering.</p> <p>A5.3 Landscaping does not impact ground-water levels by over watering resulting in ground-water level increases or the pollution of waters.</p> |

Element 5. Infrastructure

Objectives

- To encourage residential development in areas where it can take advantage of existing physical and social infrastructure;
- To ensure infrastructure has the capacity or can be economically extended to accommodate new residential development;
- To efficiently provide development with appropriate physical services, and;
- To minimise the impact of increased stormwater run-off to drainage systems.

| Performance criteria The infrastructure objectives may be achieved where: | Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria: |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| P1 Residential development shall not overload the capacity of public infrastructure including reticulated services, streets, open space and human services. | A1.1 Physical infrastructure is provided by the proponent in accordance with the former Dubbo City Council's adopted version of NAT Spec and relevant policies. |
| P2 Design and layout of residential development provides space (including easements) and facilities to enable efficient and cost-effective provision of telecommunication services. | A2.1 Development is connected to a telecommunication system provided in accordance with the requirements of the appropriate authority. |
| P3 The development is connected to reticulated sewerage, water supply and electricity systems and to natural gas where available. | A3.1 Development is connected to Council's reticulated water supply, stormwater drainage and sewerage system to the former Dubbo City Council's adopted version of AUSPEC and relevant policies (including separate water meters where the development is to be subdivided). A3.2 Development is located where ready access to an electricity supply is available or where electricity supply can be easily extended. |

Element 6. Visual and Acoustic Privacy

Objectives

- To limit overlooking of private open space and views into neighbouring development;
- To substantially contain noise within each dwelling and to limit noise from communal areas or shared facilities affecting nearby dwellings, and;
- To protect internal living and sleeping areas from inappropriate levels of external noise.

| Performance criteria | Acceptable solutions |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The visual acoustic and privacy objectives may be achieved where: | The acceptable solutions illustrate one way of meeting the associated performance criteria: |
| <p>Visual Privacy</p> <p>P1 Private open spaces and living rooms of adjacent residential accommodation are protected from direct overlooking by an appropriate layout, screening device and distance.</p> <p>Note: No screening is required if:</p> <ul style="list-style-type: none"> - Bathrooms, toilets, laundries, storage rooms or other non-habitable rooms have translucent glazing or sill heights of at least 1.5 m. - Habitable rooms having sill heights of 1.5 m or greater above floor level or translucent glazing to any window less than 1.5 m above floor level. - Habitable rooms facing a property boundary have a visual barrier of at least 1.5 m high (fences and barriers other than landscaping are not to be any higher than 1.8 m) and the floor level of the room is less than 0.6 m above the level of the ground at the boundary. | <p>A1.1 Windows of habitable rooms with an outlook to habitable room windows in adjacent development within 10 m:</p> <ul style="list-style-type: none"> - Are offset a minimum distance of 1 m from the edge of the opposite window in the proposed development; - Have a sill height of 1.5 m above floor level; - Have a fixed obscure glazing in any window pane below 1.5 m above floor level; or <p>A1.2 Screens are solid, translucent or perforated panels or trellis which:</p> <ul style="list-style-type: none"> - Have a minimum of 25% openings; - Are permanent and fixed; - Are of durable materials such as galvanised steel, iodised aluminium or treated timber; and <p>A1.3 Windows and balconies of residential accommodation shall be designed to prevent overlooking of more than 50% of the private open space of any adjoining residential accommodation.</p> |

| Performance criteria The visual acoustic and privacy objectives may be achieved where: | Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria: |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Acoustic Privacy P2 The transmission of noise to and the impact upon habitable rooms within the proposed development and adjoining and adjacent development is minimised. | A2.1 Residential development is constructed to ensure habitable rooms are not exposed to noise levels in excess of the standards contained in the relevant Australian Standard(s) including AS 3671 – Road Traffic. |

Element 7. Vehicular access and car parking

Objectives

- To provide adequate and convenient parking for residents, visitors and service vehicles;
- To ensure street and access ways provide safe and convenient vehicle access to dwellings and can be efficiently managed; and
- To avoid parking and traffic difficulties in the development and the neighbourhood.

| Performance criteria | Acceptable solutions |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The vehicular access and car parking objectives may be achieved where: | The acceptable solutions illustrate one way of meeting the associated performance criteria: |
| <p>Parking Provision</p> <p>P1 Car parking is provided according to projected needs, the location of the land and the characteristics of the immediate locality.</p> | <p>A1.1 Dwelling houses and dual occupancy development provides the following vehicle parking:</p> <ul style="list-style-type: none"> - One bedroom dwelling – one car parking space per dwelling, situated behind the front building setback; and - Dwelling with two or more bedrooms – two car parking spaces per dwelling. |
| <p>Design</p> <p>P2 Car parking facilities are designed and located to conveniently and safely serve users including pedestrians, cyclists and vehicles.</p> | <p>A2.1 The dimensions of car spaces and access comply with AS2890.1.</p> <p>A2.2 The design and appearance of garages and carports shall:</p> <ul style="list-style-type: none"> - Be in line with or behind the alignment of the front façade of the dwelling (noting that they cannot be less than 5.5 m from the front property boundary in the R2 zone); - Garages and carports on secondary frontages of corner allotments may extend beyond the alignment of the secondary façade of the dwelling but shall achieve a minimum 5.5 m setback from the secondary property boundary; |

| Performance criteria The vehicular access and car parking objectives may be achieved where: | Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria: |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> - Lots with a narrow frontage of 15 m or less have a single width garage/carport; - Large parking areas are broken up with trees, buildings or different surface treatments; - Parking is located so that the front windows of a dwelling are not obscured; - The dwelling design highlights the entry and front rooms rather than the garage; and - Garages are located under the roof of two-storey dwellings. |
| Emergency Vehicle Access P3 Standing and turning areas for service, emergency or delivery vehicles are provided where access to any dwelling from a public street is remote or difficult. | A3.1 Access ways are designed to cater for an 'AUSTROADS 8.8 m length Design Service Vehicle'. |
| Surface Treatment P4 Driveways, car parks and access points are designed in accordance with Section 3.5 Parking. | A4.1 Car spaces, accessways and driveways are formed, defined and drained to a Council drainage system and surfaced with: <ul style="list-style-type: none"> - An all-weather seal such as concrete, coloured concrete, asphalt or mortared pavers. - Stable, smooth, semi-porous paving material (such as brick, stone or concrete pavers) laid to the paving standard of light vehicle use. |

Element 8. Waste Management

Objective

- To ensure waste disposal is carried out in a manner which is environmentally responsible and sustainable.

| Performance criteria The waste management objectives may be achieved where: | Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria: |
|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Domestic Solid Waste P1 Domestic solid waste is disposed of in an environmentally responsible and legal manner. | A1.1 Residential development shall participate in Council's garbage and recycling materials collection service. A1.2 Recycling of wastes such as paper (mulch in garden), plastics, glass and aluminium. A1.3 Reuse of waste such as timber. A1.4 Dispose of waste to a Council-approved waste facility or transfer station. |
| P3 Adequate space is provided to store waste collection bins in a position which will not adversely impact upon the amenity of the area. | A3.1 Waste collection bins are stored behind the building line. |

Element 9. Non-Residential Uses

Objective

- To ensure non-residential development is of a type, scale and character which will maintain an acceptable level of amenity.

| Performance criteria | Acceptable solutions |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The non-residential uses objective may be achieved where: | The acceptable solutions illustrate one way of meeting the associated performance criteria: |
| <p>Amenity</p> <p>P1 Non-residential use does not result in detrimental impacts to residential amenity having regard to traffic, parking, noise, odour, signage and safety.</p> | <p>A1.1 The level of noise and volume of traffic is not greater than the expected level associated with the regular activities of a residential area.</p> <p>A1.2 Car parking is provided and designed appropriate for the site, such that adequate off-street car parking will be provided so that it can be demonstrated that there will be no requirement for on-street car parking.</p> <p>A1.3 Traffic can manoeuvre in and out of the site in a forward direction.</p> <p>A1.4 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.</p> <p>A1.5 Hours of operation are to be restricted to normal business hours.</p> |

Element 10. Signage

Objectives

- The residential character of the locality is maintained; and
- Any signage is appropriate for the locality and does not detract from the development or the street character.

| Performance criteria | Acceptable solutions |
|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The signage objectives may be achieved where: | The acceptable solutions illustrate one way of meeting the associated performance criteria: |
| <p>Signage</p> <p>P1 Signs are appropriate for the nature of the business and the locality.</p> | <p>A1.1 Signage shall:</p> <ul style="list-style-type: none"> - Be non-moving; - Relate to the lawful use of the building (except for temporary signs) on which the sign is located; - Not be detrimental to the character and functioning of the building; - Not cover mechanical ventilation inlet or outlet vents; - Not obstruct the sight line of vehicular traffic; - Not obstruct pedestrian traffic; and - Not be illuminated or flashing. |
| <p>Business Identification Signage</p> <p>P2 Signs are appropriate for the nature of the business and the locality.</p> | <p>A2.1 Home-based child care, home business, home industry and home occupation development signage shall:</p> <ul style="list-style-type: none"> - Meet the general requirements for signage (P1); - Have one sign per premises. - Have a maximum area — 0.75 m²; and - Not advertise specific products or brands. <p>Note: Signs meeting the above requirements will not require development approval.</p> |

| <p>Performance criteria The signage objectives may be achieved where:</p> | <p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>A2.2 Permissible non-residential development signage shall:</p> <ul style="list-style-type: none"> - Meet the general requirements for signage (P1); - Have one sign per premises; and - Have a maximum area 1.5 m². <p>Note: Signs meeting the above requirements will not require development approval.</p> |
| <p>Real Estate Signs (Advertising Premises or Land Sale or Rent) P3 Signs are appropriate for the residential locality and are of a temporary nature.</p> | <p>A3.1 Real estate signage shall:</p> <ul style="list-style-type: none"> - Meet the general requirements for signage (P1); - Have a maximum area—3 m²; and - Be removed within seven days after the premises or land is sold or let. <p>Note: Signs meeting the above requirements will not require development approval.</p> |
| <p>Temporary Signs (Special Events) P4 Signs are appropriate for the residential locality and are of a temporary nature.</p> | <p>A4.1 Temporary (special events) signage shall:</p> <ul style="list-style-type: none"> - Meet the general requirements for signage (P1); - Have a maximum of two signs onsite; - Have a maximum one sign off site, which if located in a road reserve shall be acceptable to the relevant road authority in terms of location, traffic and pedestrian safety; - Have a maximum area 1.5 m² and maximum height of 1.5 m; |

| Performance criteria The signage objectives may be achieved where: | Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria: |
|------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> - Not include commercial advertising apart from the name of any event sponsors; and - Not be displayed earlier than one month before or later than two days after the event. <p>Note: Signs meeting the above requirements will not require development approval.</p> |