



AGENDA DEVELOPMENT AND ENVIRONMENT COMMITTEE 8 MARCH 2021

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

The meeting is scheduled to commence at 5:30pm.

		Page
DEC21/6	LEAVE OF ABSENCE (ID21/272)	
DEC21/7	BUILDING SUMMARY - FEBRUARY 2021 (ID21/233) The Committee had before it the report dated 24 February 2021 from the Director Development and Environment regarding Building Summary - February 2021.	3
DEC21/8	PLANNING PROPOSAL FOR AN ADDITIONAL PERMITTED USE OF A 'PUB' - 10 COMMERCIAL AVENUE, DUBBO (ID21/163) The Committee had before it the report dated 19 February 2021 from the Manager Growth Planning regarding Planning Proposal for an Additional Permitted Use of a 'Pub' - 10 Commercial Avenue, Dubbo.	14
DEC21/9	NAMING OF THOROUGHFARES ASSOCIATED WITH BLUERIDGE BUSINESS PARK, LOT 4009 DP 1231126 (ID21/210) The Committee had before it the report dated 17 February 2021 from the LIS and E-Services Coordinator regarding Naming of Thoroughfares Associated with Blueridge Business Park, Lot 4009 DP 1231126.	91

DEC21/10 D17-654 PT 3 - MODIFIED DEVELOPMENT APPLICATION - REQUEST EXEMPTION FROM SECTION 7.12 (FORMERLY S.94A) CONTRIBUTIONS - CENTRE-BASED CHILDCARE FACILITY - 131 WHITELEY STREET WELLINGTON (ID21/293)

94

The Committee had before it the report dated 25 February 2021 from the Planner regarding D17-654 Pt 3 - Modified Development Application - Request Exemption from Section 7.12 (formerly s.94A) Contributions - Centre-Based Childcare Facility - 131 Whiteley Street Wellington.



DUBBO REGIONAL
COUNCIL

REPORT: Building Summary - February 2021

AUTHOR: Director Development and
Environment
REPORT DATE: 24 February 2021
TRIM REFERENCE: ID21/233

EXECUTIVE SUMMARY

Information has been prepared on the statistics of the number of dwellings and other residential development approved in the Dubbo Regional Local Government Area (LGA) together with statistics for total approved Development Applications for the information of Council.

Appendix 1 relates specifically to residential approval figures, and includes both historical and current financial year data relating to the Dubbo Regional LGA. **Appendices 2 to 5** include both the current and retrospective figures for all development types approved within the Dubbo Regional LGA for the financial years stated.

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

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the information contained within the report of the Director Development and Environment, dated 24 February 2021, be noted.

Stephen Wallace
Director Development and Environment

REPORT

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

1. Residential Building Summary

Dwellings and other residential developments approved during February 2021 were as follows:

February

Single dwellings	25
Other residential development	6
(No. of units)	10

For consistency with land use definitions included in the Local Environmental Plan (LEP), residential development has been separated into 'Single Dwellings' (defined in the LEP as 'dwelling house') and 'Other residential development' (comprising 'dual occupancies', 'secondary dwellings', 'multi dwelling housing', 'seniors housing', 'shop top housing' and 'residential flat buildings').

These figures include development applications approved by private certifying authorities (in the form of Complying Development Certificates).

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

2. Approved Development Applications

The total number of approved Development Applications (including Complying Development Certificates) for February 2021, a comparison with figures 12 months prior and the total for the respective financial years, are as follows:

	<u>1 February 2021 – 28 February 2021</u>	<u>1 February 2020 to 29 February 2020</u>
No. of applications	71	52
Value	\$19,314,283	\$6,649,546
	<u>1 July 2020 – 28 February 2021</u>	<u>1 July 2019 – 29 February 2020</u>
No. of applications	614	492
Value	\$131,506,186	\$110,498,863

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

3. Online Application Tracking

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

What information is available?

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

What information is not available?

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

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

The information included in this report is provided for notation.

Appendices:

- 1 [Building Summary - February 2021](#)
- 2 [Approved Applications - February 2021](#)
- 3 [Approved Applications - February 2020](#)
- 4 [Approved Applications - 1 July 2020 to 28 February 2021](#)
- 5 [Approved Applications - 1 July 2019 to 29 February 2020](#)

STATISTICAL INFORMATION ON *SINGLE DWELLINGS AND **OTHER RESIDENTIAL DEVELOPMENTS

		JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
DCC	2011/2012													
	Single Dwellings	6	12	10	6	7	16	4	16	12	8	12	9	118
	Other Residential Developments (No of units)	1 (14)	1 (2)	- (-)	1 (1)	2 (4)	2 (3)	- (-)	- (-)	- (-)	- (-)	- (-)	1 (16)	8 (40)
DCC	2012/2013													
	Single Dwellings	3	7	14	13	9	3	9	9	13	13	15	13	121
	Other Residential Developments (No of units)	4 (8)	6 (6)	- (-)	- (-)	1 (2)	9 (11)	- (-)	- (-)	1 (2)	- (-)	2 (39)	- (-)	23 (68)
DCC	2013/2014***													
	Single Dwellings	23	17	25	20	14	15	19	10	18	14	19	14	208
	Other Residential Developments (No of units)	- (-)	1 (2)	1 (2)	- (-)	- (-)	1 (2)	4 (46)	2 (1)	1 (2)	2 (4)	- (-)	3 (6)	15 (65)
DCC	2014/2015***													
	Single Dwellings	19	34	19	21	13	16	14	12	20	19	15	20	222
	Other Residential Developments (No of units)	3 (6)	1 (2)	6 (31)	5 (50)	6 (6)	12 (21)	- (-)	4 (87)	2 (4)	1 (1)	9 (25)	5 (10)	54 (243)
DCC	2015/2016***													
	Single Dwellings	27	20	26	19	21	26	19	14	16	17	17	22	244
	Other Residential Developments (No of units)	6 (50)	8 (98)	8 (12)	4 (7)	1 (2)	3 (5)	3 (18)	3 (4)	3 (5)	5 (14)	3 (6)	8 (23)	55 (244)
DCC	2016/2017***													
	Single Dwellings	24	13	17	18	12	21	16	18	18	14	18	36	225
	Other Residential Developments (No of units)	8 (10)	5 (10)	7 (13)	4 (7)	6 (10)	5 (16)	3 (6)	2 (75)	1 (2)	5 (8)	4 (13)	7 (14)	57 (184)
DRC	2017/2018***													
	Single Dwellings	26	21	13	12	16	19	4	22	16	21	22	16	208
	Other Residential Developments (No of units)	6 (11)	9 (16)	2 (3)	1 (2)	9 (16)	1 (2)	5 (8)	5 (5)	11 (23)	1 (2)	3 (3)	5 (9)	58 (100)
DRC	2018/2019***													
	Single Dwellings	15	26	13	7	17	8	19	5	8	11	19	6	154
	Other Residential Developments (No of units)	3 (4)	4 (7)	3 (5)	- (-)	6 (11)	2 (29)	2 (4)	1 (1)	5 (12)	7 (25)	9 (15)	5 (10)	47 (123)

		JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
	2019/2020***													
DRC	Single Dwellings	16	11	8	18	27	14	4	5	10	8	8	8	137
	Other Residential Developments	4	4	3	4	11	6	1	4	2	1	1	1	42
	(No of units)	(8)	(7)	(6)	(7)	(19)	(10)	(2)	(7)	(2)	(2)	(2)	(1)	(73)
	2020/2021***													
DRC	Single Dwellings	7	17	21	12	20	46	18	25					166
	Other Residential Developments	5	2	5	6	3	15	2	6					44
	(No of units)	(7)	(4)	(11)	(10)	(4)	(35)	(5)	(10)					(86)

* Single Dwellings = Single 'Dwelling House'

** Other Residential Developments = Dual occupancies, secondary dwellings, multi dwelling housing, seniors housing, shop top housing and residential flat buildings

*** Includes private certifiers



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Print Date: 24/02/2021

Print Time: 10:01:21AM

**Approved Development & Complying Development Applications
 by Dubbo Regional Council and Private Certifiers-Period 1/02/2021 - 28/02/2021**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	30	8,518,361	25	7,590,666	5	927,695	23	
Dwelling - Secondary/Dual Occ Dwelling	3	1,253,431	3	1,253,431			4	
Dwelling - Dual Occupancy, one storey	3	1,370,000	3	1,370,000			6	
Garage/Carport/Roofed Outbuildings	12	749,845	12	749,845				
Swimming Pool	15	385,915	15	385,915				
Office Building	1	540,000			1	540,000		
Retail Building	1	158,731			1	158,731		
Warehouse/storage	2	1,357,000	1	1,300,000	1	57,000		
Infrastructure - Transport, Utilities	1	3,000,000	1	3,000,000				
Demolition	1	0			1			
Change of Use - Commercial	2	120,000			2	120,000		
Agricultural Development	1	0	1					
Subdivision - Residential	5	20,000						11
Miscellaneous	2	1,841,000	2	1,841,000				
Totals for Development Types	79	19,314,283						

Total Number of Applications for this period: 71

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

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**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/02/2020 - 29/02/2020**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	12	3,566,000	10	3,416,000	2	150,000	10	
Dwelling - Secondary/Dual Occ Dwelling	4	1,080,000	4	1,080,000			6	
Dwelling - Dual Occupancy, one storey	2	857,000	2	857,000			4	
Garage/Carport/Roofed Outbuildings	16	242,656	16	242,656				
Fences/Unroofed Structures	2	106,000	2	106,000				
Swimming Pool	6	150,400	6	150,400				
Retail Building	2	280,000	1	100,000	1	180,000		
Warehouse/storage	1	15,000	1	15,000				
Infrastructure - Transport, Utilities	1	105,490	1	105,490				
Community/Public Building	1	150,000			1	150,000		
Change of Use - Commercial	2	57,000	1	2,000	1	55,000		
Subdivision - Industrial	2	8,000						
Subdivision - Rural	1	0						3
Miscellaneous	2	32,000	1	30,000	1	2,000		
Totals for Development Types	54	6,649,546						

Total Number of Applications for this period: 52

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

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



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**Approved Development & Complying Development Applications
 by Dubbo Regional Council and Private Certifiers-Period 1/07/2020 - 28/02/2021**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	251	74,916,891	195	66,075,957	56	8,840,934	194	1
Dwelling- Transportable/Relocatable	3	601,777	3	601,777			3	
Dwelling - Secondary/Dual Occ Dwelling	33	9,951,795	33	9,951,795			54	
Dwelling - Dual Occupancy, one storey	12	4,881,200	12	4,881,200			22	
Dwelling - Dual Occupancy, >one storey	1	570,000	1	570,000			3	
Medium Density Res - one/two storeys	2	2,000,000	2	2,000,000			7	
Medium Density Res - Seniors Living SEPP	1	2,400,000	1	2,400,000			10	
Garage/Carport/Roofed Outbuildings	159	4,136,352	155	4,063,271	4	73,081		
Fences/Unroofed Structures	4	58,750	3	39,500	1	19,250		
Swimming Pool	76	2,028,037	76	2,028,037				
Office Building	8	1,616,773			8	1,616,773		
Retail Building	9	5,034,056	1	4,000,000	8	1,034,056		
Hotels	1	460,000			1	460,000		
Office & Retail Building	4	1,419,500	2	1,360,000	2	59,500		
Factory/Production Building	6	2,946,247	2	494,000	4	2,452,247		
Warehouse/storage	7	3,227,000	6	3,170,000	1	57,000		
Infrastructure - Transport, Utilities	3	3,280,000	3	3,280,000				
Educational Building	2	1,924,500	1	1,900,000	1	24,500		
Place of Worship	1	1,000,000			1	1,000,000		
Community/Public Building	1	80,000			1	80,000		
Signs/Advertising Structure	11	370,015	8	309,815	3	60,200		
Demolition	6	58,000	1	2,000	5	56,000		

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2020 - 28/02/2021**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Change of Use - Commercial	9	330,000	3	70,000	6	260,000		
Change of Use - Industrial	2	0			2			
Agricultural Development	2	300,000	2	300,000				
Parks/Reserves	1	72,000	1	72,000				
Subdivision - Residential	24	3,201,000	1					2
Subdivision - Commercial	1	27,000						2
Subdivision - Industrial	3	828,000						8
Subdivision - Rural	3	10,000						4
Miscellaneous	7	3,760,000	5	3,716,000	2	44,000		
Alterations and additions to commercial	1	17,293			1	17,293		
Totals for Development Types	654	131,506,186						

Total Number of Applications for this period: 614

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

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



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**Approved Development & Complying Development Applications
 by Dubbo Regional Council and Private Certifiers-Period 1/07/2019 - 29/02/2020**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	149	44,006,159	123	41,474,827	26	2,531,332	123	
Dwelling- Transportable/Relocatable	1	269,100	1	269,100			1	
Dwelling - Secondary/Dual Occ Dwelling	32	8,112,169	32	8,112,169			54	
Dwelling - Dual Occupancy, one storey	16	6,665,000	16	6,665,000			30	
Dwelling - Dual Occupancy, >one storey	1	795,625	1	795,625			2	
Garage/Carport/Roofed Outbuildings	136	2,175,963	120	1,838,949	16	337,014		
Fences/Unroofed Structures	7	157,500	7	157,500				
Swimming Pool	53	1,563,395	53	1,563,395				
Office Building	9	1,502,000	3	1,110,000	6	392,000		
Retail Building	13	4,024,010	3	2,000,000	10	2,024,010		
Hotels	2	95,000			2	95,000		
Hostels, Boarding House	1	10,000			1	10,000		
Factory/Production Building	4	2,050,000	3	1,570,000	1	480,000		
Warehouse/storage	5	2,062,000	5	2,062,000				
Infrastructure - Transport, Utilities	7	521,983	4	338,970	3	183,013		
Health Care Facility - Other	1	15,000	1	15,000				
Educational Building	3	4,574,000	1	4,500,000	2	74,000		
Entertainment/Recreational Building	2	119,632	1		1	119,632		
Community/Public Building	5	1,050,000	2	700,000	3	350,000		
Signs/Advertising Structure	6	209,300	5	186,500	1	22,800		
Demolition	6	106,109	2		4	106,109		
Home Business	2	0			2			

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2019 - 29/02/2020**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Change of Use - Commercial	15	340,120	7	23,800	8	316,320		
Tourism Development	2	3,455,000	1	2,800,000	1	655,000		
Subdivision - Residential	18	23,254,000	4	12,684,000				18
Subdivision - Commercial	3	2,055,898						2
Subdivision - Industrial	4	13,600						4
Subdivision - Rural	3	0						9
Subdivision - Other	2	9,000						
Miscellaneous	8	1,287,300	6	1,270,300	2	17,000		
Totals for Development Types	516	110,498,863						

Total Number of Applications for this period: 492

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

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



REPORT: Planning Proposal for an Additional Permitted Use of a 'Pub' - 10 Commercial Avenue, Dubbo

AUTHOR: Manager Growth Planning
REPORT DATE: 19 February 2021
TRIM REFERENCE: ID21/163

EXECUTIVE SUMMARY

A Planning Proposal was lodged with Council on 26 August 2020 by DEPT Holdings Pty Ltd for a site known as 10 Commercial Avenue, Dubbo (Lot 701 DP 1254944), which is located in the Blueridge Business Park, approximately 5 km east of the Dubbo CBD.

The Planning Proposal has sought to amend Schedule 1 (Additional Permitted Uses) of the Dubbo Local Environmental Plan 2011 to allow the additional use of a 'pub' on the subject site. The site is zoned B5 Business Development under the provisions of the Dubbo Local Environmental Plan 2011.

The Planning Proposal has been assessed in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979. It is considered that the proposal is generally consistent with relevant local and regional strategies and the use of the site as a 'pub' will be a complementary activity to the existing uses in the Blueridge Business Park. It is to be noted that the subject site already contains an approved restaurant and café as well as a 'light industry' (micro-brewery) use. The proposed use of the site as a pub will allow patrons to consume alcoholic beverage on site without the need to purchase food. Operation of the site as a pub will also enable the use of Electronic Gaming Machines at the premises. This issue is further discussed in the report.

This report recommends that the Planning Proposal be forwarded to the NSW Department of Planning, Industry and Environment (DPIE) to seek a Gateway Determination. Following receipt of a Gateway Determination, Council will place the proposal on public exhibition for a minimum 28 days.

Following completion of the public exhibition period, a further report will be provided to Council for further consideration of the Planning Proposal, detailing the results of the public exhibition.

FINANCIAL IMPLICATIONS

In accordance with Council's adopted Revenue Policy, the Proponent has provided a payment of \$12,500 at the time of lodgement of the Planning Proposal. The Proponent will be required to pay a further \$2,500 to Council once a Gateway Determination is received from the State Government Department of Planning, Infrastructure and Environment.

POLICY IMPLICATIONS

The Planning Proposal is provided for consideration and endorsement to seek a Gateway Determination. Receipt of a Gateway Determination from the DPIE will allow Council to, conditionally, undertake an amendment to the Dubbo LEP 2011. The proposal is generally consistent with Council's *Community Strategic Plan*, as well as the *Dubbo Local Strategic Planning Statement* and *Dubbo Employment Lands Strategy*, all of which underpin land use decisions in the LEP.

RECOMMENDATION

- 1. That the report from the Manager Growth Planning, dated 19 February 2021, be noted.**
- 2. That Council forward the Planning Proposal to NSW Department of Planning, Industry and Environment seeking a Gateway Determination.**
- 3. That Council support a minimum 28 day public exhibition period for the Planning Proposal, following receipt of a Gateway Determination.**
- 4. That following the completion of the public exhibition period, a further report be provided to Council for consideration of the Planning Proposal, detailing the results of the public exhibition.**

Steven Jennings
Manager Growth Planning

BACKGROUND

A Planning Proposal was lodged with Council on 26 August 2020 by DEPT Holdings Pty Ltd for a site known as 10 Commercial Avenue Dubbo, Lot 701 DP 1254944. The subject site is zoned *B5 Business Development* under the provisions of the Dubbo Local Environmental Plan 2011. A copy of the Planning Proposal is attached in **Appendix 1**.

The subject site contains an approved light industry, being a micro-brewery use, as well as a restaurant and café, which was originally approved by Council on 2 March 2018 pursuant to Development Application D2018-56 Part 1.

The proposed use of the site as a 'pub' seeks to provide further flexibility for the future direction of the approved development on the land, subject to the appropriate license approvals being in place (which are not matters that require a specific development consent under the Environmental Planning and Assessment Act, 1979). It is anticipated that the existing restaurant/café area as well as the bar and dining areas will broadly remain as existing, with a small portion of the venue made available for Electronic Gaming Machines as part of the proposal.

REPORT

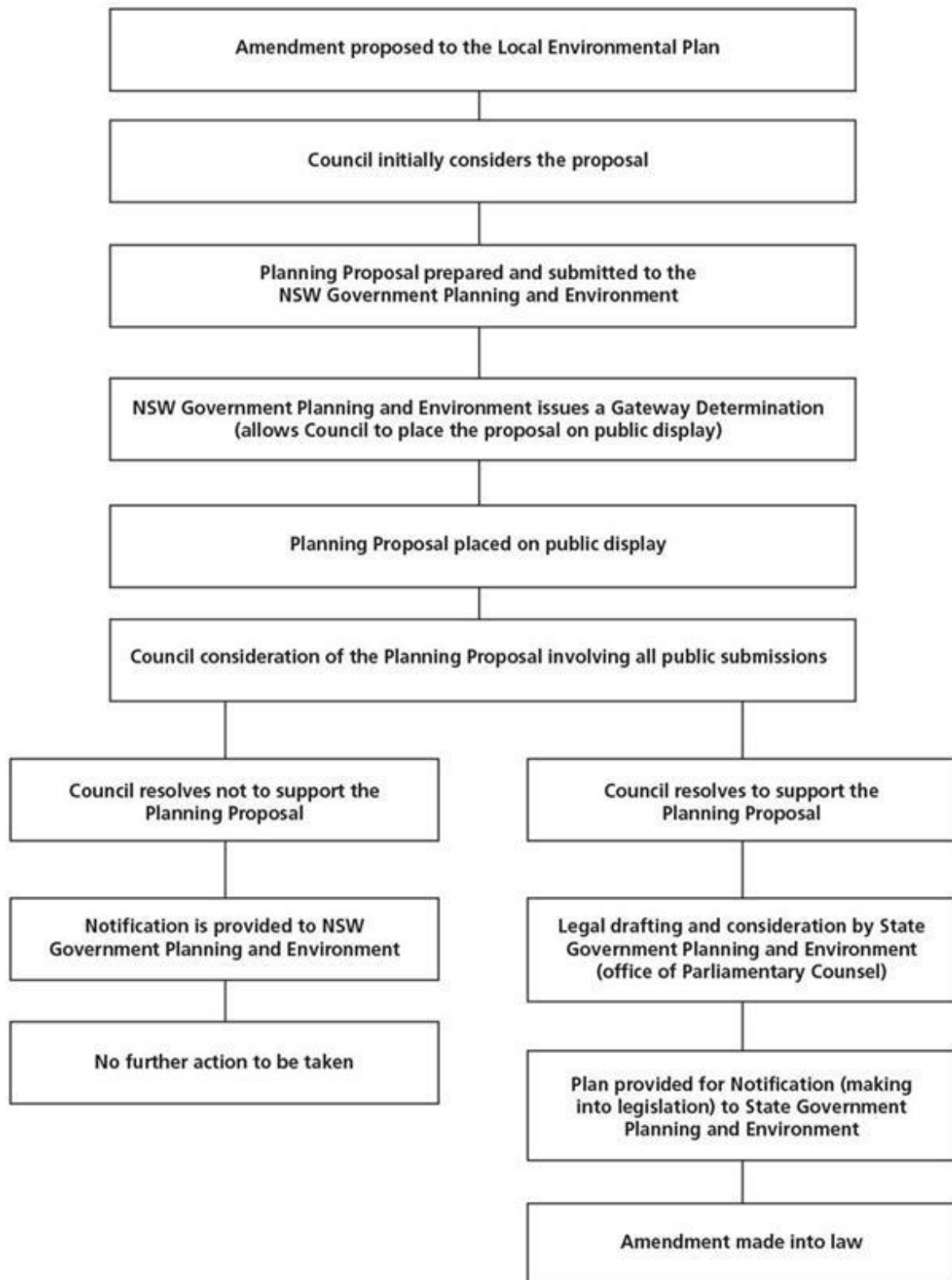
1. Particulars of the Planning Proposal Application

Owner/Applicant:	DEPT Holdings Pty Ltd
Subject site:	10 Commercial Avenue Dubbo (Lot 701 DP 1254944)
Land area:	2260 square metres
Current Zoning:	B5 Business Development
Proposed LEP Amendment:	Amend Schedule 1 (Additional Permitted Uses) of the Dubbo Local Environmental Plan 2011 to allow the use of a 'pub'
Lodgement date:	26 August 2020.

2. Amendments to Local Environmental Plans

The NSW Department of Planning, Industry and Environment introduced a process for the consideration of amendments to Local Environmental Plans in 2009. The process for the consideration of an amendment to a Local Environmental Plan commences with Council's consideration of a Planning Proposal. The Planning Proposal process is shown below.

PLANNING PROPOSAL PROCESS



The role of a Planning Proposal is to explain the intended effects of a proposed Local Environmental Plan amendment and the justification for undertaking the amendment. Council has a role of considering the Planning Proposal. If Council resolves to continue with the Planning Proposal, the amendment is provided to the Department of Planning and Environment to seek a Gateway Determination.

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

3. Planning Proposal

The objective of this Planning Proposal is to allow the additional use of a 'pub' at the subject site, being Lot 701 DP 1254944, 10 'Commercial Avenue Dubbo - under Schedule 1 (Additional Permitted Uses) of the Dubbo Local Environmental Plan 2011.

The current zoning context of the site is shown in Figure 1. The location of the subject site and its surroundings is shown in Figure 2.

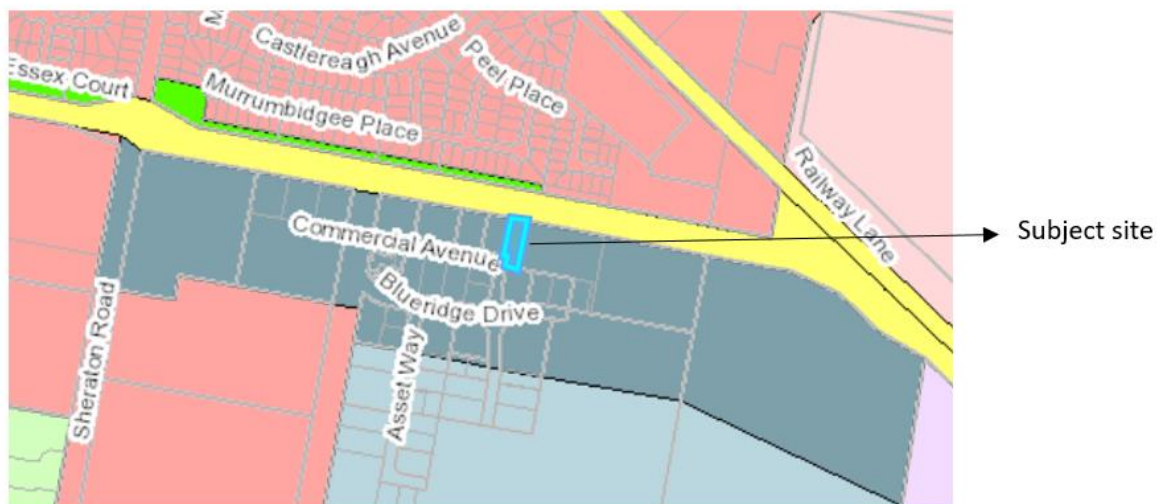


Figure 1 Zoning Context



Figure 2 Location of the subject site and surroundings

4. Site Characteristics

Located approximately 5 km from the Dubbo CBD, the proposed 'pub' will be part of the existing Blueridge Business Park. The Business Park has been operating for a number of years, with some of the existing premises operating for extended hours, including a 24 hour McDonald's restaurant.

The site has an area of 2,260 square metres, and contains an existing premises already operating as a 'micro-brewery' as well as a restaurant, and a café. The site also has designated car parking areas.

5. Planning Considerations and Strategic Merit Assessment

This section contains a number of planning considerations to demonstrate justification of the Planning Proposal as well as any significant matters for consideration in the Planning Proposal process.

The Planning Proposal gives effect to a number of local and regional strategic plans, and is considered to be broadly compliant with Section 3.33 of the Environmental Planning and Assessment Act 1979, as discussed below:

(i) Central West and Orana Regional Plan

The *Central West and Orana Regional Plan* (CWORP) has been prepared by the NSW Government to broadly guide land use planning in the Central West and Orana region. The

Plan does this by setting a number of medium to long term actions and directions for the region. A number of these directions and actions relate to the Planning Proposal, including:

Goal 1: The most diverse regional economy in NSW

Direction 10: Promote business and industrial activities in employment lands

Direction 4: Promote and diversify regional tourism markets

It is considered that the intended outcomes of this proposal will help strengthen the role and function of Dubbo's employment lands (Blueridge Business Park in this case) by promoting growth within the Blueridge Estate.

Currently the Blueridge Business Park contains a significant amount of land that is yet to be developed, including approximately 27 hectares of B5 Business Development zoned land and 82 hectares of B7 Business Park zoned land. Given the amount of land still available for development, it is important to ensure that existing businesses premises within the business park continue to successfully operate on an ongoing basis. The proposed use of a 'pub' will contribute to this by offering additional food and drink services as an attractive amenity to current and future workers in the Business Park.

The proposed use will also serve additional dining options to tourists and visitors coming to the area.

(ii) 2040 Community Strategic Plan

Council's *2040 Community Strategic Plan (CSP)* directs and guides the actions and initiatives of the Dubbo Regional Council, all levels of government and all community stakeholders.

The 2040 CSP sets out the following visions for the next 20 years:

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

In particular, the Planning Proposal is considered to be consistent with the strategic objectives of the Plan as outlined below.

3.1.4 Visitor experiences in the Local Government Area are of high quality, relevance and value for visitors

The Planning Proposal will support tourism in the Dubbo city area by providing additional food and dining options to tourists and visitors, enhancing their experiences while staying in Dubbo.

*3.5.4 New business and industry are established in the Local Government Area
Business and industry are encouraged to grow, diversify and upskill workers*

The Planning Proposal presents an opportunity to satisfy the above strategy of the CSP. The proposed 'pub' is going to sustain and potentially produce additional employment within the Blueridge Business Park. Offerings of the pub, as discussed throughout this report, also has the potential to attract further businesses to move into the precinct.

5.3 The lifestyle and social needs of the community are supported

The proposed use of the site as a pub will provide additional recreation options for local residents. The Proponent has stipulated that the pub will also provide communal interaction through potential sponsorships and memberships, as well as the potential to attract local sporting clubs and local residents to the pub for social interaction and spending quality time.

(iii) Dubbo Regional Council Local Strategic Planning Statement (LSPS)

The Planning Proposal supports the following LSPS priorities:

- *Planning Priority 7: Continue to support and grow our tourism industry*

This priority recognises the significant role tourism plays in Dubbo's Economy and aims to promote further tourism. Whilst the Planning Proposal for an additional use of the site as a 'pub' does not directly relate to growing tourism in the local area, the proposed use will still support tourism by providing additional food and dining options to tourists and visitors passing through Dubbo. It is also noted that continuation of the existing 'micro-brewery' operation on site has the potential to continually attract visitors to the area, thereby supporting ongoing tourism in Dubbo.

- *Planning Priority 8: Ensure supply of employment generating land*

The Planning Proposal relates to the above LSPS priority as the proposed additional permitted use will contribute to the ongoing sustenance and growth of employment lands in Dubbo. Located within the existing Blueridge Business Park, the proposed pub may bring new patrons to the area, resulting in additional exposure, and potentially attracting new businesses to move into the park. Furthermore, with approximately 123ha of commercial and industrial land still to be developed, the proposed use will also serve as an amenity for existing and future businesses and visitors in the area, contributing to further success of the area's role as an employment generating land.

(iv) Dubbo Regional Council Employment Lands Strategy (ELS) 2019

The Planning Proposal gives effect to Council’s Employment Lands Strategy as it helps implement the following planning principles of the Strategy:

- *Maintain Dubbo as the major employment and services centre of the Orana region*
- *Ensure an adequate supply of appropriately located and serviced employment lands are maintained to facilitate Dubbo’s short-term, medium-term and long-term growth.*

The proposed use of a ‘pub’ will be located within the Blueridge Business Park precinct in Dubbo, which is identified in Council’s Employment Lands Strategy as an existing employment generating precinct and a “*growth area for light industrial and larger format commercial uses.*”

The Blueridge Business Park precinct already contains various types of uses, including bulky goods retailers, light industrial development, office premises, business premises, child care centre services, depot and warehouses and gymnasiums. Given the variety of uses in the park, the proposed use of a ‘pub’ will be a complementary amenity to users of the business park. Any exposure from the additional permitted use may also attract a range of new business and industrial uses to re-locate to this park, helping establish further growth of the Blueridge Business Park as a key employment hub in Dubbo. Employers may also consider the pub’s offerings as an added amenity to bring in new employees to the Business Park.

(v) Section 9.1 Directions

Outlined below is the Planning Proposal’s consistency with the relevant Section 9.1 Directions as issued by the Minister for Planning:

Section 9.1 Direction	Application/Objective	Planning Proposal Application/Consistency
1.1 Business and Industrial Zones	<p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>A planning proposal must:</p> <p>(a) give effect to the objectives of this direction,</p> <p>(b) retain the areas and locations of existing business and industrial zones,</p> <p>(c) not reduce the total potential floor space area for employment uses and</p>	<p>Applicable.</p> <p>The Planning Proposal proposes an additional use of the subject site as a pub, which will continue to provide ongoing employment. Use of the site as a pub will also serve the existing business park users with an additional amenity, thereby contributing to the business park’s viability. Furthermore, the planning proposal itself will not reduce the total potential floor space area in the adjoining business</p>

	<p>related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.</p>	<p>zones. Although the proposed use is currently a prohibited use within the B5 zone under the provisions of Dubbo LEP 2011, the site is already operating as a restaurant/café and microbrewery, and thus any inconsistency by way of allowing a pub in the B5 zone is therefore considered to be of minor significance. It is also noted that many thriving business parks in NSW contain pubs that cater to users and visitors of those parks.</p>
<p>3.4 Integrating Land Use and Transport</p>	<p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>Applicable. The Planning Proposal is for a site located within an existing business park site east of Dubbo CBD, known as Blueridge Business Park. The proposal does not seek to rezone the site to a non-business zone, but rather add an additional use of a 'pub'. The use of the subject site will also serve as an amenity for existing business park users as well as local residents in the area.</p>
<p>5.10 Implementation of Regional Plans</p>	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p>	<p>Applicable. Refer to the 'Planning Considerations and Strategic Merit Assessment' section of this report.</p>
<p>6.3 Site Specific Provisions</p>	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	<p>Applicable. The planning proposal seeks to add a 'pub' as a permissible use for the subject site. The Planning Proposal is consistent with this direction as it does not seek to impose any development standards or requirements in addition to those already contained in the Dubbo LEP 2011.</p>

(vi) State Environmental Planning Policies

The following State Environmental Planning Policies are relevant to the Planning Proposal:

State Environmental Planning Policy	Comment
SEPP No. 55 – Remediation of Land	The subject site is not listed on Council’s register of potentially contaminated land and will not be a contaminating activity. The site has previously been identified suitable for commercial or industrial use.
SEPP No. 64 – Advertising and Signage	Any proposed signage in the future must be assessed separately through a Development Application.
SEPP (Building Sustainability Index: BASIX) 2004	The Planning Proposal is for an additional permitted use only. However, this SEPP will be relevant if a DA is lodged in the future.
SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal is for an additional permitted use only. However, this SEPP will need to be complied with if a DA/CDC is lodged for any related works proposed for the pub.
SEPP (Infrastructure) 2007	The site shares its rear boundary with a Zone SP2 Infrastructure road, being Mitchell Highway, and any future advertisement potentially being visible from this road. Any future development will need to satisfy the requirements of this SEPP.

(vii) Dubbo Local Environmental Plan 2011

The subject site is zoned B5 Business Development under Dubbo Local Environmental Plan 2011. Currently the B5 zone in the Dubbo LEP 2011 only permits two types of food and drink premises with consent, being ‘Restaurants or cafes’ and ‘Take away food and drink premises’. This means a ‘pub’ is currently a prohibited use under current provisions.

Under the Dubbo Local Environmental Plan 2011, a ‘**pub**’ means:

licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note—Pubs are a type of **food and drink premises**.

The objective of the Planning Proposal is proposed to be achieved by amending Schedule 1 (Additional Permitted Uses) and the Additional Permitted Uses Map – Sheet APU_008B of the Dubbo Local Environmental Plan 2011, as shown in Figure 3 below:

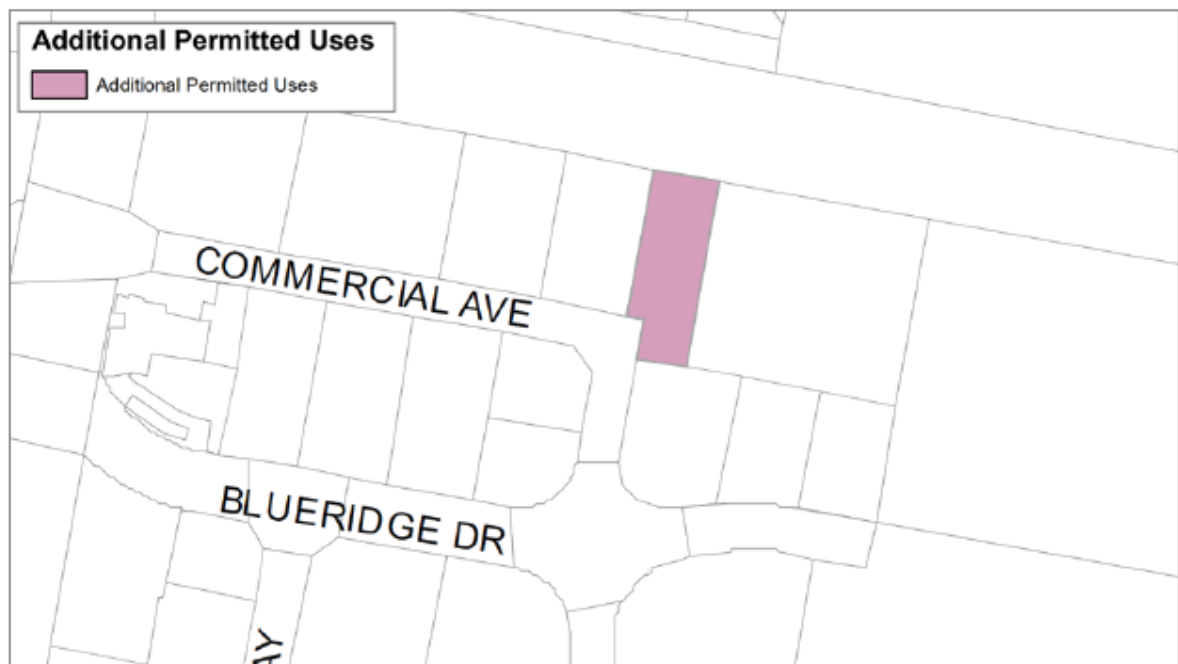


Figure 3 **Proposed** Additional Permitted Use Map (APU_008B), as provided by the Proponent

It is considered that an amendment to Schedule 1 of the Dubbo Local Environmental Plan 2011 is the best means to achieving the objectives of the Planning Proposal. An alternative option would be to rezone the site to another zone where a 'pub' is a permissible use. However, this option would result in spot-rezoning of the subject site and may allow other non-complementary uses to be permissible in the business park where the subject site is located.

(viii) Infrastructure

The planning proposal is for an additional permitted use of an existing B5 Business Development zoned site. Nonetheless, Council and NSW Police initially raised concern through pre-gateway consultation about the available transport options for patrons if and when a pub is operational at the subject site. The Proponent have provided the following details relating to transport options:

“with any future Development Application for a ‘pub’ an updated Plan of Management will be submitted to support the use. The Plan of Management will impose management practices as an example to the effect of corralling people internally until their associated taxi/ride share transport is available. Furthermore, on days of known functions/events the Plan of Management can impose a dedicated area for vans/coaches to park within the internal car park, limiting anti-social behaviour of patrons... the proposed ‘pub’ seeks to provide a courtesy bus and there is sufficient space on site to accommodate this transport option. Adjacent to the subject site, there is potential for overflow parking as the business park and neighbouring uses generally shut earlier than the expected peak period of a pub, therefore in addition to the existing parking on site it

is considered that adequate parking will be available for patrons in excess of what may be required.”

Any future development applications lodged for a pub on the subject site must therefore provide details of available transport options, including details of any courtesy vehicles.

The Proponent has confirmed that management practices will encourage patrons to exit the site toward Commercial Avenue, mitigating the concerns with pedestrians crossing unsafely through Mitchell Highway. It is also to be noted that the site already has a 1.2 metre high fence.

(ix) Environmental Impacts

The planning proposal is for an existing B5 Business Development zoned site located within an existing business park containing various types of business and industrial premises. The subject site already contains an approved premises operating as a micro-brewery, restaurant and café. However, the following Environmental Health matters are discussed below:

Potential noise and amenity concerns

Council initially raised concerns with noise impacts that may result from the proposed use, given that there is a residential area to the north of the site.

The Proponent has since confirmed that there is *“substantial landscape buffering between the site and the residential receivers. Future management practices will be imposed to reduce noise impacts and with any future Development Application (DA) an Acoustic Report will be undertaken and recommendations will be taken on board, thus reducing any acoustic impact there may be, whether it is a physical barrier or specific management practice... Moreover, the site currently comprises a 1.2m high fence”*.

Council’s Environmental Compliance Branch is therefore satisfied that the use of the site as a pub does not require a Noise Study (at this stage), given the nature of the proposed use. However, a Noise Study is likely to be required at the development application stage, outlining how any noise impacts of the proposed additional use can be mitigated.

A Social Impact Assessment report submitted for the proposed use, also states that:

“the potential for noise effects must be placed in the context of the noise generated within the residential centre itself, and that relating to other uses in the immediate surrounds, including traffic on the Mitchell Highway, and other uses in the Blueridge Business Park. Such uses include, as observed by NSWPF (NSW Police force), 24-hour fast food/drive through restaurants, which may generate some noise during evening hours, as may the premises under the proposed additional use...(if required) an acoustic report may provide additional insight into the prospect of discernible and/or cumulative effects.”

Should there be any complaints in the future, Council's Environmental Compliance Branch can review any compliance issues relating to noise and environmental amenity.

A copy of the Social Impact Assessment is attached in **Appendix 2**.

Site contamination and suitability of use

The proposal is for B5 Business Development zoned site that contains existing premises. Nonetheless, during the assessment of the existing approved uses, it was confirmed that the subject site is not a potentially contaminated land, and that the site is suitable for commercial and industrial use.

(x) Social Impacts

The Proponent has provided a Social Impact Assessment report [SIA], prepared by Aigis Group – Mark Sargent Enterprises (**Appendix 2**) which identifies a number of potential impacts on the broader community, including impacts of adding Electronic Gaming Machines (EGMs) as well as potential for effects on Aboriginal and/or Torres Strait Islander residents. However, the SIA confirms that these impacts are not significant in nature, and summarises the following:

“the current planning proposal relates to proposed change to Devil’s Hollow Brewery’s on premises licence, #LIQ066035034. The licence currently permits use as a licensed restaurant/café. The proposed use is as a licensed pub. The proposal will not increase the number of liquor licences in Dubbo. It will also not result in an extension of trading hours for the current premises. The most potential consequential change to the premises’ operations that may result from the planning proposal is the installation of up to 20 EGMs.

...Based on the evidence presented, the proposed additional use represents a proportionally modest change in the existing licensing environment of Dubbo, considered both locally (SUA), and for the LGA as a whole. With the implementation of appropriate management policies and compliance with all regulatory obligations, it is submitted that on balance, the planning proposal will not materially affect the local, regional and transient (visitor) communities beyond the outcomes associated with Devil’s Hollow Brewery under its current liquor licence.”

In addition to the above, the Proponent has stipulated that a ‘pub’ on the subject site will:

“provide additional offerings which are more directed at the socio-economic profile and demographic of Dubbo, by providing what the community enjoy such as the provision of Electronic Gaming Machine's (EGM), the permissibility of patrons to consume an alcoholic beverage on site without the need to purchase food in accordance with the future liquor license, the enhancement of communal interaction through potential sponsorships and memberships, the potential increase in the provision of part-time and full-time employment and the potential to attract local sporting clubs and local residents to a ‘pub’ which may alter the narrative of the

existing use within the area that it is not a specialist craft beer 'microbrewery', but rather a pub which accommodates all the community. The EGM's will occupy a small portion of the venue."

The SIA concludes with a number of recommendations which must be implemented by the Proponent, including the adaptation of a Plan of Management with provision for an accessible engagement mechanism to allow stakeholders, including nearby residential and business land users, to address any issues associated with the venue's operations.

The SIA also recommends continuing compliance with the venue's *Responsible Service of Alcohol* regulatory obligations and full adoption and implementation of *Responsible Conduct of Gambling* practices and initiatives, as well as compliance with all relevant regulatory obligations, at the appropriate time.

(xi) Operational Characteristics

The proposed use of the site as a 'pub' seeks to provide some offerings in addition to what is currently provided through the existing approved uses. The Proponent has stated that these offerings include the ability for patrons to consume alcoholic beverage on site without the need to purchase food, the enhancement of communal interaction through potential sponsorships and memberships, and the potential to attract local sporting clubs and residents to a pub which accommodates the broader community.

It is anticipated that the existing restaurant/café area as well as the bar and dining areas will remain as existing, with a small portion of the venue to be used for up to 20 Electronic Gaming Machines as part of the proposal. There is also existing designated car parking spaces for staff and visitors to the site.

Further details of a proposed 'pub' will need to be provided as part of the development application stage, including a plan of management, and details such as hours of operation, number of staff, car parking, expected number of patrons at different occasions, and so on.

SUMMARY

A Planning Proposal was lodged with Council for 10 Commercial Avenue Dubbo (Lot 701 DP 1254944) to amend Schedule 1 (Additional Permitted Uses) of the Dubbo Local Environmental Plan 2011 and allow the use of a 'pub' on the subject site. Council has assessed the proposal in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 and considers the proposal to be generally consistent with the relevant planning framework.

This report recommends that the Planning Proposal be forwarded to the NSW Department of Planning, Industry and Environment (DPIE) for a Gateway Determination, following endorsement by Council. Following receipt of a Gateway Determination, Council will place

the proposal on public exhibition for minimum 28 days. Following the completion of the public exhibition period, a further report will be provided to Council detailing the results of the public exhibition.

Appendices:

- 1 [↓](#) Planning Proposal
- 2 [↓](#) Social Impact Assessment report (SIA)

PREPARED FOR DEPT HOLDINGS ATF DEVIL'S HOLLOW PROPERTY TRUST | AUGUST 2020



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PLANNING PROPOSAL

Additional Permitted Use (Pub) for
Devil's Hollow Brewery

10A Commercial Avenue, Dubbo NSW 2830





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20253_Planning Proposal_Dubbo_August2020



Planning Proposal

FINAL

Report Reference No.: 20253
Dated: 19 August 2020

Environmental Assessment

Prepared by: KDC Pty Ltd | ABN 61 148 085 492 | www.kdc.com.au

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Reviewed by:

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KDC Pty Ltd

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In respect of: DEPT Holdings ATF Devil's Hollow Property Trust

Application and Land Details

Applicant: DEPT Holdings ATF Devil's Hollow Property Trust
C/ - KDC Pty Ltd

Land to be developed: 10A Commercial Avenue, Dubbo (Lot 4 in DP 1144575)

Project: Additional Permitted Use (Pub) for Devil's Hollow Brewery

This Report has been prepared in accordance with the brief provided by our client and has relied upon the information collected at or under the times and conditions specified in the Report. All findings, conclusions or recommendations contained within the Report are based only on the aforementioned circumstances. Furthermore, the Report is for the use of the client only and no responsibility will be taken for its use by other parties.



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Contents

1	Introduction	7
2	Background	9
3	Site Description and Surrounding Uses	11
4	Part 1 – Objectives or Intended Outcomes	13
5	Part 2 – Explanation of the Provisions	15
6	Part 3 – Justification	17
6.1	Section A – Need for The Planning Proposal	17
6.2	Section B – Relationship to Strategic Planning Framework	17
6.3	Section C – Environmental, Social and Economic Impact	24
6.4	Section D – State and Commonwealth Interests	25
7	Part 4 – Mapping	27
8	Part 5 – Community Consultation	29
9	Part 6 – Project Timeline	31
10	Conclusion	33

Figures

Figure 1 – Site Aerial (Source: Six Maps)	11
Figure 2 – Existing Additional Permitted Use Map (APU_008B)	27
Figure 3 – Proposed Additional Permitted Use Map (APU_008B)	27

Tables

Table 1 – Consistency with State Environmental Planning Policies	19
Table 3 – Consistency with Section 9.1 Directions	20
Table 3 – Project Timeline	31

Photographs

Photograph 1 – View of the Site from Commercial Avenue (Source: Blueridge Business Park Website)	11
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1 INTRODUCTION

KDC Pty Ltd (KDC) acts on behalf of its client DEPT Holdings ATF Devil's Hollow Property Trust (DEPT) in preparing this Planning Proposal for submission to Dubbo Regional Council (Council) in relation to the parcel of land 10A Commercial Avenue, Dubbo (herein referred to as the site).

This Planning Proposal Report explains the intention, the intended effect of, and the justification for the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 to allow for an 'Additional Permitted Use' on the site, being a 'pub'.

The Planning Proposal Report has been prepared having regard to Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning, Industry and Environment guides, including the updated '*A Guide to Preparing Planning Proposals*' and '*A Guide to Preparing Local Environmental Plans*'.

The Report comprises the following sections:

- + Introduction;
- + Background and summary details of the proposal;
- + Part 1 - A Statement of Objectives or Intended Outcomes of the proposal;
- + Part 2 - Explanation of the Provisions that are to be included in the proposal;
- + Part 3 - Justification of the Objectives, Outcomes and Provisions, and the process for their implementation;
- + Part 4 - Mapping;
- + Part 5 - Details of the Community Consultation that is to be undertaken in relation to the Planning Proposal;
- + Part 6 - Project Timeline; and
- + Conclusion.



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2 BACKGROUND

The proposed 'Additional Permitted Use' being a 'pub' will enable the expansion of offerings at the Devil's Hollow Brewery which is located at the site.

Devil's Hollow Brewery was established in 2017. The site consists of a 596m² building containing a micro-brewery and restaurant/ café with outdoor area, twenty-five (25) car parking spaces, signage and driveway. A Development Application (DA) DA2018/56 was approved on 05 March 2018 for a restaurant and café with a micro-brewery; a subsequent modification was approved on 21 January 2020 to extend operating hours to operation from 7.00am to 12 midnight Monday to Saturday and 7.00am to 10.00pm Sundays for an initial period of twelve (12) months.

Prior to the preparation of this Planning Proposal, three meetings were held with representatives from the Dubbo Strategic Planning Team. The first meeting was held on 11 March 2020, where it was established with Council that seeking an additional permitted use for a 'pub' would be the best pathway forward. A second meeting was held on 27 May 2020, where a high-level discussion on the intended outcomes of the Planning Proposal was undertaken, with general support provided by Council, subject to all relevant information and justifications being formally submitted.

A third meeting was held on 21 July 2020, the memo that had previously been provided to Council was discussed. This memo included details of the planning proposal and gave a high-level assessment of the proposal against relevant strategic plans. Council were generally supportive and did not raise any significant concerns over the proposal. Council were advised of the intent to submit the planning proposal.

The Dubbo Licensing unit of the Dubbo Local Area Command was consulted on 18 June 2020. The intention of the planning proposal to allow for a 'pub' use on site was discussed. The Police did not raise any major concerns regarding the Proposal and noted that most items could be addressed in a future DA for the site.



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3 SITE DESCRIPTION AND SURROUNDING USES

The existing Devil’s Hollow Brewery is located within the Blueridge Business Park at 10A Commercial Avenue, Dubbo. The site comprises a total area of 2,305m², with a legal description of Lot 701 in DP 1254944. The property has vehicular access from Commercial Avenue (south) and is visible from Mitchell Highway (north) which is a State Classified Road.

Under the Dubbo Local Environmental Plan 2011 (DLEP 2011) the site is zoned B5 Business Development. As stated above, the site is located within the Blueridge Business Park which is located on the eastern side of the city and surrounded by commercial, industry and bulky good uses. Access to the business park is via the Mitchell Highway.

Figure 1 shows the locality of the site, noting that further development has occurred, including the construction of the brewery, since the aerial image was taken. Photograph 1 is a recent photograph of the front of the site.

Figure 1 – Site Aerial (Source: Six Maps)



Photograph 1 – View of the site from Commercial Avenue (Source: Blueridge Business Park Website)





In terms of other licences premises within the vicinity of the site, the closest existing traditional pub is located approximately 4km south west, namely the South Dubbo Tavern. The Macquarie Inn (part of the Orana Mall) is approximately 2km north west, which provides a different offering of gaming machines, accommodation, a sports bar and bistro/bistro bar, attracting a different market than what Devil's Elbow would expect. The Macquarie Inn is considered more of a corporate type of pub, which will have a different demographic. Given there is an evident lack of a diverse range of food and drink premises in Dubbo's eastern suburbs, it is considered the expansion of the Devil's Elbow will provide a greater range of options and better access for those in this locality.

Figure 2 - Pub Offerings in the vicinity of the site



Figure 3 – Licensed Premises and a 3km Catchment Radius for the site





4 PART 1 – OBJECTIVES OR INTENDED OUTCOMES

This Planning Proposal (the Proposal) seeks to amend the amend DLEP 2011 to permit a "pub" on the subject site.

Under the DLEP 2011, 'pub' is defined as follows:

***pub** means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.*

Note.

Pubs are a type of food and drink premises—see the definition of that term in this Dictionary.

A 'pub' is currently a prohibited land use on the site under the B5 Business Development zoning. An amendment to the DLEP 2011 to allow for a Schedule 1 "Additional Permitted Use" is the logical amendment in order to permit the proposed land use at the site as it will not affect development potential of other B5 zoned land governed by DLEP 2011.

The existing Devil's Hollow Brewery is consistent with the land use objectives of the B5 zone providing a light industrial and business use supporting both tourism and local residents in Dubbo and the activity of the business park. The brewery is the first of its kind in Dubbo which is an asset from a tourism and visitor perspective, contributing to the diverse mixture of businesses within a premier location.

The processing and development of craft beer is at the foundation of the business and will continue to be should a 'pub' use be introduced. The introduction of the 'pub' use will allow for greater diversity in offerings for Devil's Hollow and enhance the business model by providing a more viable and competitive edge.

The existing 'Artisan Food and Drink Industry' use is closely aligned with the 'pub' use and given the separation from sensitive receivers it is unlikely to create any amenity issues. It is anticipated that the introduction of a 'pub' use will not result in the fragmentation of land as it is essentially a minor expansion to the current service offerings.



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5 PART 2 – EXPLANATION OF THE PROVISIONS

The objective of this Planning Proposal will be achieved by an amendment to Schedule 1 Additional permitted uses of DLEP 2011 to list “pub” as a land use permitted with consent on the site.

This method permits the proposed additional land use whilst retaining the existing B5 Business Development zoning of the site.

The Additional Permitted Uses Map (APU_008B) of DLEP 2011 shall also be amended to identify the site and the proposed additional permitted land use. This is illustrated in the mapping provided in Part 4 of this Report.



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6 PART 3 – JUSTIFICATION

6.1 SECTION A – NEED FOR THE PLANNING PROPOSAL

Q1. Is the planning proposal a result of any strategic study or report?

No, the Planning Proposal is required to achieve the aforementioned objective. Notwithstanding, the proposal is generally consistent with strategic studies for the area (as detailed In Section 6.2 below).

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, an amendment to Schedule 1 Additional permitted uses of DLEP 2011 to list “pub” as a land use permitted with consent on the subject land is considered the most appropriate means of enabling the site to incorporate the desired use, for the following reasons:

- + A spot rezoning of the site to an alternative zone that permits a ‘pub’ is not seen as the most logical way to enable the desired land use and use of *Schedule 1 Additional Permitted Uses* is considered to be the most appropriate pathway to achieve the intended outcome in this instance; and
- + This Planning Proposal provides an opportunity for the existing successful operation to expand its services and therefore enable operation into the long term, enhancing sustainability.

6.2 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes, the Planning Proposal is considered to be consistent with the Central West and Orana Regional Plan 2036 as detailed below.

Central West and Orana Regional Plan 2036

The Planning Proposal is considered to be consistent with the following directions from the Regional Plan 2036:

- + *Direction 4: Promote and diversify regional tourism markets*

Direction 4 of the Regional Plan 2036 seeks to develop the region’s capacity to grow food and wine tourism. The Devil’s Hollow Brewery is the first of its kind in Dubbo and a valuable asset from a tourism perspective. Following a successful Planning Proposal, the brewery expects to increase its services through providing an enhanced offering. It is considered that the both the existing operation and the Planning Proposal align with this direction through assisting in boosting food and drink tourism at a regional level.

- + *Direction 10: Promote business and industrial activities in employment lands*

Direction 10 of the Regional Plan 2036 looks to encourage business growth in existing CBDs and business hubs. Noting the Blueridge Business Park is an existing business hub and the proposal seeks to grow an existing business within this hub, the Planning Proposal is considered to align with this direction. The Blueridge Business Park is also identified as important employment land. Expanding the offerings of the existing brewery and attracting visitors to the area would lead to additional jobs and therefore contribute to Direction 10 objectives.



+ *Direction 22: Manage growth and change in regional cities and strategic and local centres*

Direction 22 recognises that regional centres like Dubbo are going to experience continued growth. Direction 22 recognises the importance in providing affordable housing, attractive lifestyles and jobs in agribusiness, mining and tourism in these areas. The proposal will not only attract new jobs to the area, but would also assist in providing an attractive lifestyle for existing and future residents of Dubbo through providing a unique dining and drinking experience. It is therefore considered that the proposal is consistent with Direction 22 of the Regional Plan 2036.

Q4. Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

Yes, the Planning Proposal is considered to be consistent with the Dubbo Local Strategic Planning Statement and Employment Lands Strategy 2019.

Dubbo Local Strategic Planning Statement (LSPS)

The Planning Proposal is considered to be consistent with the following Planning Priorities from the Dubbo LSPS:

+ *Planning Priority 4: Reinforce the town centres of Wellington and Dubbo*

Planning Priority 4 looks to strengthen existing centres within Dubbo and Wellington. Whilst the subject site isn't located strictly within the Dubbo's town centre, the site is located within the recently established Blueridge Business Park. The Business Park is located east of Dubbo town centre and is home to an abundance of commercial uses. The objective of Planning Priority 4 is to strengthen existing centres through providing more activity and higher quality experiences. It is considered that the proposal is sufficiently distanced from the town centre that it will not attract local patrons who would have otherwise visited a pub within Dubbo town centre.

+ *Planning Priority 7: Continue to support and grow our tourism industry*

Planning Priority 7 recognises the importance of tourism within the region and looks to support its growth in the future. As previously noted, the Devil's Hollow Brewery is the first of its kind in Dubbo which is considered both valuable and important from a tourism perspective. The proposal will allow for the brewery to increase its range of services which will contribute to growing the tourism industry within Dubbo. It will also complement other tourist activities within the area without taking away from existing licenced premises.

In addition, the positioning of the brewery with access via the Mitchell Highway is also beneficial from a tourism perspective, capturing passing trade travelling into Dubbo. By enabling use for a 'pub' at the site, a variety of different servicing jobs will be created also supporting and strengthening the tourism industry.

It is therefore considered that the proposal aligns with Planning Priority 7 of the Dubbo LSPS.

+ *Planning Priority 8: Ensure supply of employment generating land*

Planning Priority 8 looks to complement the Employment Lands Strategy 2019 through recognising the potential for long term growth and investment throughout different industries within the Dubbo region. The Blueridge Business Park is identified as a commercial employment cluster within the the Employment Lands Strategy 2019. The strategy looks to grow the business park and it is considered that the proposal will assist in this growth through attracting further patrons to the area and encouraging further development into the future. Given the proposal aligns with the Employment Lands Strategy 2019, it is considered to be consistent with Planning Priority 8 of the Dubbo LSPS.



Employment Lands Strategy 2019

In the Employment Lands Strategy 2019, prepared by Dubbo Regional Council, the Blueridge Precinct was nominated for the development of a business park and prestige light industrial park consisting of light manufacturing, warehouse and distribution and high-tech industries. Although the proposed Planning Proposal slightly differs from the traditional light industry which is permissible under the current B5 zoning, the 'pub' use will promote a different offering within the outskirts of Dubbo, presenting no saturation or density issues with liquor offerings within the area. Given the position of Devil's Hollow and the existing 'Artisan Food and Drink Industry' approved on site, the proposed Planning Proposal is not inconsistent with the zone or strategic objectives of the B5 zone. The Planning Proposal does not seek to change the Employment Generating zone, rather it seeks an additional permitted use on the subject site to help the business capture the existing market within the locality and further enhance the employment and tourism of the business park.

The growth of regional cities and strategic centres will encourage future investment, increase housing choices, diversify industry and create new job opportunities – all of which will benefit the immediate and broader regional community. This Planning Proposal will provide for a unique offering within the Blueridge Precinct and will capture a different market to the traditional pubs within the CBD providing a contribution to a diverse employment base.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal is generally consistent with applicable SEPPs, as outlined in the Table 1. There are no deemed SEPPs relevant to the proposal.

Table 1 – Consistency with State Environmental Planning Policies

No.	Title	Consistency with the Planning Proposal
19	Bushland in Urban Areas	Not applicable.
21	Caravan Parks	Not applicable.
33	Hazardous and Offensive Development	Not applicable.
36	Manufactured Home Estates	Not applicable.
47	Moore Park Showground	Not applicable.
50	Canal Estate Development	Not applicable.
55	Remediation of Land	Not applicable.
64	Advertising and Signage	Any future signage on the site will require an assessment against the assessment criteria outlined in Schedule 1 of this SEPP.
65	Design Quality of Residential Flat Development	Not applicable.
70	Affordable Housing (Revised Schemes)	Not applicable.
	Aboriginal Land 2019	Not applicable.
	Activation Precincts	Not applicable.
	Affordable Rental Housing 2009	The land is not owned by a Land and Housing Corporation; and no affordable rental housing will be lost as a result of the proposal. The proposal is therefore consistent with the aims of this SEPP.
	Building Sustainability Index (BASIX) 2004	Not applicable.
	Coastal Management 2018	Not applicable.
	Concurrences and Consents 2018	Not applicable.
	Educational Establishments and Child Care Facilities 2017	Not applicable.
	Exempt and Complying Development Codes 2008	In accordance with this SEPP certain minor development may be undertaken as exempt or complying development. However, the intended outcome for the site will require lodgement of a Development Application with Council in future.



No.	Title	Consistency with the Planning Proposal
	Gosford City Centre 2018	Not applicable
	Housing for Seniors or People with a Disability 2004	Not applicable.
	Infrastructure 2007	Whilst the site's rear boundary adjoins a State Classified Road, access is via the secondary road and traffic generating development would not be triggered by a DA for a 'pub' at the site.
	Koala Habitat Protection 2019	Not applicable.
	Kosciuszko National Park - Alpine Resorts 2007	Not applicable.
	Kurnell Peninsula 1989	Not applicable.
	Mining Petroleum Production and Extractive Industries 2007	Not applicable.
	Penrith Lakes Scheme 1989	Not applicable.
	Primary Production and Rural Development 2019	Not applicable.
	State and Regional Development 2011	Not applicable.
	State Significant Precincts 2005	Not applicable.
	Sydney Drinking Water Catchment 2011	Not applicable.
	Sydney Region Growth Centres 2006	Not applicable.
	Three Ports 2013	Not applicable.
	Urban Renewal 2010	Not applicable.
	Vegetation in Non-Rural Areas 2017	Not applicable.
	Western Sydney Employment Area 2009	Not applicable.
	Western Sydney Parklands 2009	Not applicable.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

Table 6 reviews the consistency with the applicable Ministerial Directions for LEPs under section 9.1(2) (previously section 117(2)) of the *Environmental Planning and Assessment Act 1979*.

Table 2 – Consistency with Section 9.1 Directions

Section 9.1 Directions	Assessment
<p>1. Employment and Resources</p> <p>1.1 Business and Industrial Zones This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alterations of any existing business or industrial zone boundary).</p> <p>The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres.</p>	<p>This site is zoned B5 Business Development zone, therefore this direction applies to the proposal.</p> <p>This Planning Proposal is considered to be consistent with the objectives of this direction in that the proposal will continue to encourage employment within the Blueridge Business Park which is already identified as employment land. The Planning Proposal will not impact upon the availability of employment land and will support activity within the business park.</p> <p>In addition to the above, the Planning Proposal will not reduce the total potential floor space area for employment or industrial uses but rather retain the existing business in its current location within the business park.</p>
<p>1.2 Rural Zones This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone.</p>	<p>N/A – this Planning Proposal will not affect land within an existing or proposed rural zone.</p>



Section 9.1 Directions	Assessment
<p>1.3 Mining, Petroleum Production and Extractive Industries This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance.</p>	N/A – this Planning Proposal does not involve any changes to mining, petroleum production and extractive industries.
<p>1.4 Oyster Aquaculture This direction applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in: (a) adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate"; or (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate" and other land uses.</p>	N/A – this Planning Proposal will not have any effect on oyster aquaculture.
<p>1.5 Rural Lands This direction applies when: (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p>	N/A – this Planning Proposal will not affect land within an existing or proposed rural or environmental protection zone.
2. Environment and Heritage	
<p>2.1 Environmental Protection Zones A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land.</p>	N/A – this Planning Proposal will not affect land that is environmentally sensitive.
<p>2.2 Coastal Protection The objective of this direction is to implement the principles in the NSW Coastal Policy.</p>	N/A – the site is not located within the coastal zone, as defined under the Coastal Management Act 2016.
<p>2.3 Heritage Conservation A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance; (b) Aboriginal objects or Aboriginal places; and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes.</p>	N/A – no known Aboriginal objects or places of significance are located within the site.
<p>2.4 Recreation Vehicle Area A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>).</p>	N/A – this Planning Proposal will not enable sensitive land to be developed for the purpose of a recreation vehicle area.



Section 9.1 Directions	Assessment
<p>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs A planning proposal that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone or an overlay and associated clause must:</p> <p>(a) apply the proposed E2 Environmental Conservation or E3 Environmental Management zones, or the overlay and associated clause, consistent with the Northern Councils E Zone Review Final Recommendations.</p>	N/A – this Planning Proposal does not introduce or alter an E2 or E3 zone.
<p>2.6 Remediation of Contaminated Land The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. This direction applies when a planning proposal authority prepares a planning proposal applying to land specified in paragraph (2).</p>	N/A – this Planning Proposal does not include land described in paragraph (2).
<p>3. Housing, Infrastructure and Urban Development</p>	
<p>3.1 Residential Zones This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted.</p>	N/A – this Planning Proposal does not affect land within a residential zone.
<p>3.2 Caravan Parks and Manufactured Home Estates This direction applies when a relevant planning authority prepares a planning proposal.</p>	N/A – this Planning Proposal does not pertain to development for the purposes of a caravan park or manufactured home estate.
<p>3.3 Home Occupations This direction applies when a relevant planning authority prepares a planning proposal.</p>	N/A – this Planning Proposal will not restrict home occupations to be carried out in dwelling houses without the need for development consent.
<p>3.4 Integrating Land Use and Transport This direction applies to Planning Proposals that create, alter or remove a zone relating to land zoned for residential, business, industrial, village or tourist.</p>	This Planning Proposal looks to alter land zoned for business. The Planning Proposal will not impact upon existing transport services or freight movements.
<p>3.5 Development Near Licensed Aerodromes This direction applies to Planning Proposals that will create, alter or remove a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>	N/A – the site is not within close proximity to any licensed aerodromes. The closest major aerodrome is located approximately 30 km from the site.
<p>3.6 Shooting Ranges This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>	N/A – the Planning Proposal will not affect, create, alter or remove a zone or provision relating to an existing shooting range.
<p>3.7 Reduction in non-hosted short term rental accommodation period This direction applies when the council prepares a planning proposal to identify or reduce the number</p>	N/A – Relates to Byron Shire Council area only and the Planning Proposal does not include rental accommodation.



Section 9.1 Directions	Assessment
of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area.	
4. Hazard and Risk	
4.1 Acid Sulfate Soils This direction applies when a Planning Proposal relates to land that is mapped as having a probability of containing ASS.	N/A – The site has not been identified under the DLEP 2011 as containing ASS.
4.2 Mine Subsidence and Unstable Land This direction applies to Planning Proposals on land that is within a mine subsidence district or identified in a study as being unstable land.	N/A – This site has not been identified as being within a mine subsidence district or identified in a study as being unstable land.
4.3 Flood Prone Land This direction applies to Planning Proposals on land affected by flooding.	N/A – The site has not been identified as being on land affected by flooding.
4.4 Planning for Bushfire Protection This direction applies when a Planning Proposal that will affect or is in proximity to land mapped as bushfire prone land.	N/A – the site is not identified as bushfire prone land.
5. Regional Planning	
5.1 Implementation of Regional Strategies Revoked 17 October 2017	N/A – revoked
5.2 Sydney Drinking Water Catchment This Direction applies when a relevant planning authority prepares a planning proposal that applies to land within the Sydney drinking water catchment.	N/A – Dubbo LGA is not listed as a relevant LGA.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast This Direction will apply when a relevant planning authority prepares a planning proposal for land mapped as: (a) State significant farmland, or (b) regionally significant farmland, or (c) significant non-contiguous farmland, on the set of four maps held in the Department of Planning and Environment marked "Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)".	N/A – Dubbo Regional Council is not listed as a relevant Council area and the land is not mapped as significant farmland.
5.4 Commercial and Retail Development along the Pacific Highway This Direction applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.	N/A – the site is not located along the Pacific Highway.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) Revoked 18 June 2010	N/A – Revoked 18 June 2010
5.6 Sydney to Canberra Corridor Revoked 10 July 2008	N/A – Revoked 10 July 2008
5.7 Central Coast Revoked 10 July 2008	N/A – Revoked 10 July 2008
5.8 Second Sydney Airport: Badgerys Creek Revoked 20 August 2018	N/A – Revoked 20 August 2018
5.9 North West Rail Link Corridor Strategy This Direction applies when a relevant planning authority prepares a planning proposal for land	N/A – Dubbo Regional Council is not listed as a relevant Council area.



Section 9.1 Directions	Assessment
within the North West Rail Link Corridor, as identified in the NWRL Corridor Strategy and Structure Plans.	
5.10 Implementation of Regional Plans This direction applies when a relevant planning authority prepares a planning proposal.	This Planning Proposal is consistent with the Central West and Orana Regional Plan 2036 as detailed in Section 6.2 of this report.
5.11 Development of Aboriginal Land Council land This direction applies when a planning proposal authority prepares a planning proposal for land shown on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019.	N/A – SEPP (Aboriginal Land) 2019 does not apply to the site.
6. Local Plan Making	
6.1 Approval and Referral Requirements This direction applies when a relevant planning authority prepares a planning proposal.	This Planning Proposal is consistent with the relevant objectives of the direction.
6.2 Reserving Land for Public Purpose This direction applies when a relevant planning authority prepares a planning proposal.	N/A – this Planning Proposal will not create, alter or reduce existing zoning or reservation of land for a public purposes.
6.3 Site Specific Provisions This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.	This Planning Proposal does not seek to implement unnecessarily restrictive site specific planning controls, instead the proposal seeks to include an additional permitted use on the site.
7. Metropolitan Planning	N/A – does not apply to the Dubbo LGA.

6.3 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No, the site is located within the already developed Blueridge Business Park and is currently utilised for the Devil's Hollow Brewery, therefore critical habitat or threatened species, populations or ecological communities, or their habitats, will not be adversely affected as a result of the proposal.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Traffic and Parking

Devil's Hollow Brewery will continue to provide adequate access and car parking on site. It is not expected that significant traffic generation would result from the Planning Proposal and the newly created road network within the business park can therefore cater for expected demand.

A Traffic Impact Assessment (TIA) undertaken by a suitably qualified traffic engineer will be prepared at the development application stage. The assessment will evaluate access arrangements, parking and the existing and proposed operation and efficiency of the local road network.

Amenity

The term 'amenity' relates to the qualities, characteristics and attributes people value about a place which contributes to their experience of a high quality of life. Urban or residential amenity encompasses a wide range of attributes and values which change over time. The spatial scale at which amenity can be defined also varies from across a city, a suburb, a



neighbourhood, a street or even a specific site, with each level contributing to the identity of an area and providing a 'sense of place'.

The amenity attributes which people seek and appreciate often vary according to an individuals' own values. Nevertheless, there are a number of general elements that contribute to the amenity of urban or residential areas. These include the physical landscape or streetscape; areas of vegetation and public and private open space for recreation, such as parks, reserves and gardens; urban design, including the scale and dominance of buildings; historic and cultural heritage; public views and outlooks; privacy; physical safety; and the accessibility of places. Another component of amenity is the ability of people to lead their lives free of nuisances including those arising from noise, odour, vibration, dust, wastewater or waste products.

The Planning Proposal is not considered to adversely impact upon the amenity of the site or surrounding area, noting that it is located within a business park, sufficiently distanced from any sensitive receivers. Furthermore, substantial building works are not required to accommodate the proposal as the Brewery building already exists. The Planning Proposal will allow the Devil's Hollow Brewery to expand its services and provide the community a unique experience within the existing tenancy.

Q9. Has the planning proposal adequately addressed any social and economic effects?

It is not considered that the proposal will result in any adverse social or economic impacts. Notwithstanding, a Social and Economic Impact Assessment will be undertaken as a part of a future DA for the 'pub' use. A Plan of Management will also be prepared for the premise which take into consideration crime prevention principles and will effectively manage the pubs operation to ensure that there are no adverse impacts on the wider community.

Overall, the Planning Proposal is considered to be in the public interest and will contribute towards the region achieving the objectives of the Central West and Orana Regional Plan 2036 and the Dubbo Local Strategic Planning Statement. The Proposal will provide a unique experience for the community and will also assist in enhancing tourism in the area. The expanded use of the site by Devils Hollow will complement the business park and encourage further employment opportunities. The proposal will have widespread economic benefits for Dubbo.

6.4 SECTION D – STATE AND COMMONWEALTH INTERESTS

Q10. Is there adequate public infrastructure for the planning proposal?

The site is adequately serviced by all essential infrastructure including electricity, telecommunications, water, stormwater and sewer. The proposal is not expected to warrant an upgrade to existing public infrastructure.

Q11. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

No State and Commonwealth public authorities have been consulted at this stage. Consultation will be carried out in accordance with the requirements of any gateway determination.



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7 PART 4 – MAPPING

Figure 2 – Existing Additional Permitted Use Map (APU_008B)

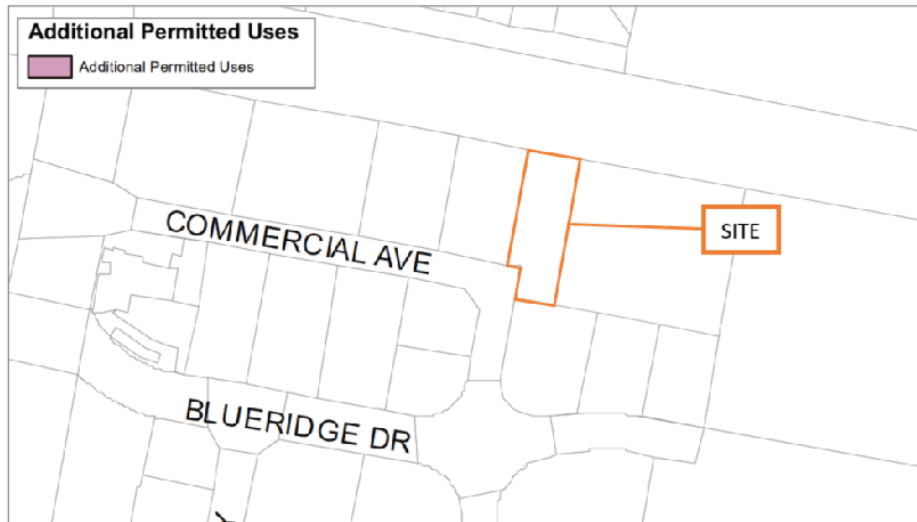
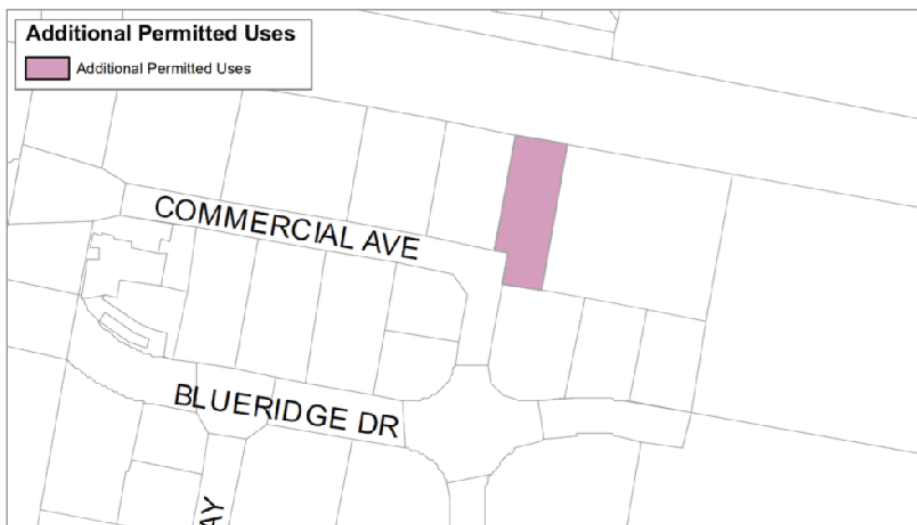


Figure 3 – Proposed Additional Permitted Use Map (APU_008B)





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8 PART 5 – COMMUNITY CONSULTATION

It is considered that this Planning Proposal is of low impact (in accordance with 'A Guide to Preparing Local Environmental Plans', therefore the amendment to DLEP 2011 will be publicly exhibited for a 14 day period. The public exhibition includes notification through a local newspaper advertisement at the beginning of the 14-day period, be placed on Council's website as well as letters being written to any potentially affected and adjoining landowners.

Any future development would also be subject to assessment of a Development Application which would be notified in accordance with Council's Notification Policy.

In accordance with the Liquor Act 2007, an application to Liquor and Gaming NSW for a liquor license would concurrently be lodged with a future DA for a 'pub'. This stringent application process requires that a Community Impact Statement (CIS) be undertaken which describes the potential impact that a liquor licence may have on a neighbourhood and the measures put in place to manage these risks. As part of the CIS requirements, consultation with the following members of the local community may occur:

- + the NSW Department of Health;
- + the NSW Department of Family and Community Services;
- + Transport for NSW;
- + Recognised leaders of the local Aboriginal community;
- + Occupiers of any neighbouring premises; and
- + Special interest groups or individuals.

The proponent must also notify the community within two days of lodging the application with Liquor and Gaming NSW. This includes local Police, Council, and all neighbours within a 50 or 100 metre radius from the site. A site notice will also be attached to the premises in a highly visible location for the duration of the assessment. Finally, the application will be advertised on the Liquor and Gaming Application Noticeboard.

The above requirements ensure that the community have ample opportunity to comment on the proposal.



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9 PART 6 – PROJECT TIMELINE

Table 3 outlines the projected timeframes for the Planning Proposal.

Table 3 – Project Timeline

Part 6 - Project Timeline	
August 2020	Lodge Planning Proposal with Dubbo Regional Council
November 2020	Council resolution to prepare the Planning Proposal
January 2020	Gateway determination
January - February 2021	Anticipated timeframe for completion of any further technical information
February - March 2021	Timeframe for government agency consultation
March 2021	Public exhibition period
April – May 2021	Timeframe for consideration of submissions
June – July 2021	Consideration of the Planning Proposal by Council
July 2021	Date of submission to the Department to finalise the LEP
August 2021	Anticipated date the relevant planning authority will make the plan (if delegated)
August 2021	Anticipated gazettal date



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10 CONCLUSION

The proposal to amend DLEP 2011 to permit a 'Pub' land use at the site currently occupied by an 'Artisan Food and Drink Industry' will enable an employment and tourist generating, commercial activity to occur on a site that is highly accessible and well suited to non-residential land use. The existing high-quality food and drink offering by Devils Hollow Brewery is sought to be expanded to provide a unique service to the area, benefitting locals and tourists alike.

The proposal aligns with adopted local and regional planning strategies and will not compromise any future local planning. The intended outcome is compatible with surrounding land uses, the built environment and infrastructure.

Amending the DLEP 2011 as proposed will enable appropriate use of the site for the benefit of the local community and will generate long-term employment and tourism opportunities, without any significant or ongoing adverse effects. More detailed social and economic impact assessment can be undertaken following a Gateway Determination.

Aigis Group – Mark Sargent Enterprises
November 2020


SIA – Planning Proposal
Devil's Hollow Brewery, Dubbo NSW

Social Impact Assessment

**Planning Proposal – Additional
Permitted Use (Pub)**

Devil's Hollow Brewery, Dubbo NSW

KDC Pty Ltd
**on behalf of DEPT Holdings ATF Devil's Hollow
Property Trust**

November 2020

Aigis Group – Mark Sargent Enterprises
November 2020


SIA – Planning Proposal
Devil's Hollow Brewery, Dubbo NSW

This report was prepared by Dr Mark Sargent, Principal Consultant, Aigis Group.



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Aigis Group – Mark Sargent Enterprises
November 2020


SIA – Planning Proposal
Devil's Hollow Brewery, Dubbo NSW

Abbreviations

ABS	Australian Bureau of Statistics
BOCSAR	Bureau of Crime Statistics and Research
DPIE	Department of Planning, Industry and Environment (NSW)
DRC	Dubbo Regional Council
EGM	Electronic Gaming Machine
ERP	Estimated Resident Population
GME	Gaming Machine Entitlement
GMT	Gaming Machine Threshold
ILGA	Independent Liquor and Gaming Authority
IRSAD	Index of Relative Socioeconomic Advantage and Disadvantage (ABS)
IRSD	Index of Relative Socioeconomic Disadvantage (ABS)
LGA	Local Government Area
LMIP	Labour Market Information Portal (Australian Government)
NSWPF	NSW Police Force
OLGR	Office of Liquor Gaming and Racing (NSW)
PC	Productivity Commission
PoM	Plan of Management
RAI	Request for Additional Information
RCG	Responsible Conduct of Gambling
RSA	Responsible Service of Alcohol
SA2	Statistical Area Level 2 (ABS)
SA4	Statistical Area Level 4 (ABS)
SEIFA	Socioeconomic Indexes for Areas (ABS)
SIA	Social Impact Assessment
SUA	Significant Urban Area (ABS)

Contents

Abbreviations	3
1 Introduction	6
1.1 Background.....	6
1.2 Purpose.....	6
2 Regional context – demographic profile	7
2.1 Populations of interest	7
2.2 Population and personal characteristics	8
2.2.1 Observations on population and personal characteristics	8
2.2.2 Population age distributions	10
2.3 Population and household projections	10
2.3.1 Project total population change	11
2.3.2 Projected population change by age group	11
2.3.3 Observations on population change projections	12
2.3.4 Projected change in household composition	12
2.3.5 Observations on household composition projections	13
2.4 Regional labour force overview.....	14
2.5 Potential additional demand – tourism data	14
3 Liquor licence environment	15
3.1 Licensed premises in Dubbo and DRC LGA.....	15
3.2 Comments on liquor licensing environment	16
4 Licensed premises – gambling environment	17
4.1 Preliminary observations.....	17
4.2 EGM accessibility in Dubbo	17
4.2.1 Current situation	17
4.2.2 Changes under additional use	17
5 Assessment of potential social impacts.....	18
5.1 Immediate community	18
5.1.1 Residential community.....	18
5.1.2 Other land uses in Blueridge Business Park	19
5.2 Potential impacts identified by NSW Police Force	19
5.3 Potential impacts relating to additional EGM access.....	20
5.4 Broader community amenity.....	21
5.5 Potential for effects on Aboriginal and/or Torres Strait Islander residents.....	22
6 Conclusions and recommendations	23
6.1 Conclusions.....	23

Aigis Group – Mark Sargent Enterprises
November 2020


SIA – Planning Proposal
Devil’s Hollow Brewery, Dubbo NSW

6.2 Recommendations..... 23

7 References 25

Annexure 1: Greater Sydney & Rest of NSW Statistical Areas 26

Annexure 2 BOCSAR crime mapping data (offences identified by NSWPF)..... 27

Aigis Group – Mark Sargent Enterprises
November 2020


SIA – Planning Proposal
Devil's Hollow Brewery, Dubbo NSW

1 Introduction

1.1 Background

This Social Impact Assessment (SIA) has been commissioned in response to a Request for Additional Information (RAI) issued by Dubbo Regional Council (DRC). The RAI relates to a Planning Proposal lodged by Devil's Hollow Brewery for an additional permitted use (pub) at 10 Commercial Avenue, Dubbo, NSW. The RAI stipulates, *inter alia*, submission of a SIA to support the planning proposal.

1.2 Purpose

The RAI requires that *'the [SIA] must consider any relevant social and community impacts, including (but not limited to) the proximity to residential areas to the north of the subject site as well as future residential development to the west of the site. Note that although the residential area to the north of the site is separated by the Mitchell Highway, it is within 100m of the subject site. In addition to this, the SIA will need to include the impacts of any gaming proposed to be added in the future (including poker machines)'* [correspondence of 14 October 2020 DRC to KDC Pty Ltd].

Accordingly, the SIA aims to address the specific matters raised in the RAI. It also presents a range of data that identifies and describes those communities or parts thereof most likely to have an interest in, or to be affected by, activities resulting from the planning proposal. The additional use is so referred to throughout this report.

2 Regional context – demographic profile

2.1 Populations of interest

The primary population of interest that is most likely to interact with the additional use for the existing premises has been assessed as the population of Dubbo. This assessment is based on the assumptions of proximity to the premises and the influence of that proximity on regularity of access to the premises under the proposed additional use. This is particularly relevant in respect of the potential impacts identified by DRC (Section 1.2). In order to ensure that a sufficiently inclusive population is considered, the Australian Bureau of Statistics (ABS) Dubbo Significant Urban Area (SUA) was adopted as the primary population. The broader population was defined as the Western Plains (now Dubbo) Regional Council Local Government Area (LGA)¹. These areas are identified in Figures 1 and 2 respectively.

Figure 1: Dubbo SUA

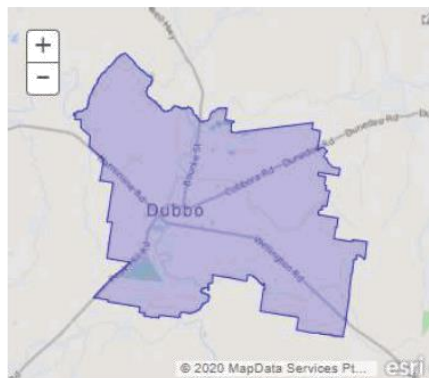
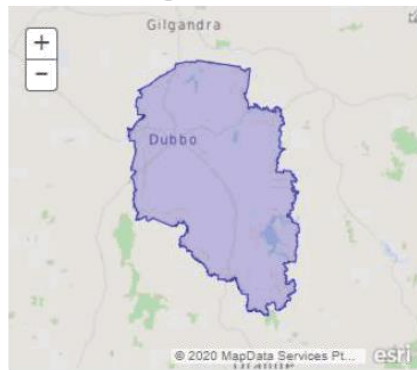


Figure 2: Western Plains [Dubbo] Regional Council



¹ ABS Census data continues to publish DRC data under the former name of the LGA.

2.2 Population and personal characteristics

Table 1: Demographics: People, families and households

	SUA		DRC LGA		NSW
	Count	%	Count	%	%
Demographic indicators					
Population	36,092	-	50,077 ²	-	-
Persons of Aboriginal or Torres Strait Islander descent	5,543	15.4	7,739	15.5	2.9
Male	17,283	47.9	24,566	49.1	49.3
Female	18,810	52.1	25,505	50.9	50.7
Median age (years)	36	-	37	-	38
Median age persons of Aboriginal or Torres Strait Islander descent (years)	21	-	22	-	22
Household, dwelling & income					
Occupied private dwellings	10,597	82.3	17,471	89.2	90.1
Home owned (outright or mortgaged).	7,923	61.4	11,392	65.2	64.5
Rented	4,421	34.3	5,370	30.7	31.8
Average persons/ household	2.5	-	2.5	-	2.6
Median weekly household income (\$/week)	\$1,319	-	\$1,272	-	\$1,486
Household composition					
Family households	9,000	69.9	12,333	70.6	72.0
Single/lone person households	3,440	26.7	4,607	26.4	23.8
Group households	442	3.4	540	4.0	4.2
Families					
Couple, no children	3,437	37.4	4,848	38.4	36.6
Couple, children	3,692	40.1	5,075	40.2	45.7
One parent, children	1,903	20.7	2,477	19.6	16.0

2.2.1 Observations on population and personal characteristics

- The two regional populations (SUA and LGA) are broadly similar to NSW in proportional terms, across the majority of characteristics, with a small number of characteristic differences.
- There is a significantly larger proportion of Aboriginal or Torres Strait Islander people resident in the SUA and the LGA.
- Gender balance and age profiles (particularly indicated by median age) are consistent across the three groups.
- Household size (assessed as people per household) is also relatively consistent.
- Housing occupancy rates and rates of ownership are slightly lower for the SUA than for the LGA and NSW. The SUA has a marginally lower rate of home ownership (combined outright and mortgaged), with a correspondingly larger proportion of rented residences in the SUA.

² Most recent ABS Estimated Resident Population (ERP) estimates are for 2018. The 2018 ERP for the LGA was 53,240. Corresponding data have not been published for the SUA.

Aigis Group – Mark Sargent Enterprises
November 2020


SIA – Planning Proposal
Devil's Hollow Brewery, Dubbo NSW

- Median incomes are lower for the two regional populations when compared with NSW, however not markedly so in the context of such a regional centre, the median for which is not inflated by higher incomes that are characteristic of large metropolitan populations, as is the case for NSW³. Median incomes for the SUA and LGA are higher than for the Rest of NSW (\$1,168 per week).
- As a further indicator of socioeconomic status (SES), ABS SEIFA⁴ indexes are presented in Table 2. The two indexes broadly assessing SES are the Index of Relative Socioeconomic Disadvantage (IRSD), and the Index of Relative Socioeconomic Advantage and Disadvantage (IRSAD). IRSD assesses an area's population on a continuum from most disadvantaged to least disadvantaged. IRSAD reports most disadvantaged/least advantaged to most advantaged/least disadvantaged⁵. As a result, IRSD is interpreted inversely (higher score and decile indicates lower levels of disadvantage). IRSAD is interpreted positively (higher score and decile indicates higher levels of advantage/lower levels of disadvantage). DRC is situated in the fifth of ten deciles for both indexes, indicating that the LGA is positioned in the mid-range of all LGAs in respect of relative disadvantage and/or advantage. While noting that the indexes cannot account for the circumstances of individual or households, there is some indication of relative socioeconomic resilience across the LGA population.
- There are marginally higher proportions of single or lone person households in the two regional populations than for NSW generally. The comparative differential with NSW is distributed across family and group households, which are both slightly lower than NSW in each instance.
- One parent households are more predominant in the SUA and LGA than in NSW, with the correspondingly lower proportion of 'couple with children' households.

Generally, the Dubbo region (SUA and LGA) is relatively consistent with NSW in terms of key personal, family and household characteristics. Several of the main differences can be explained by the regional location of Dubbo. The most significant differences of interest in the context of the planning proposal are larger proportions of people of Aboriginal or Torres Strait Islander descent, and larger proportions of one parent families. The extent to which these comparatively large representations may result in increased vulnerability to impacts associated with the proposed additional use are discussed in Section 5.5.

³ For example, ABS 2016 Census reports median weekly incomes as \$1,750 for Greater Sydney, and \$1,168 for the 'Rest of NSW'. Images of the two areas are presented in Annexure 1 for reference.

⁴ Socioeconomic Indexes for Areas.

⁵ ABS SEIFA 2016 Technical Paper

<[https://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/756EE3DBEFA869EFC258259000BA746/\\$File/SEIFA%202016%20Technical%20Paper.pdf](https://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/756EE3DBEFA869EFC258259000BA746/$File/SEIFA%202016%20Technical%20Paper.pdf)>

Table 2: SEIFA (ABS Census 2016)

	IRSD		IRSAD	
	Score	Decile	Score	Decile
Dubbo ⁶ (C)	967	5	953	5

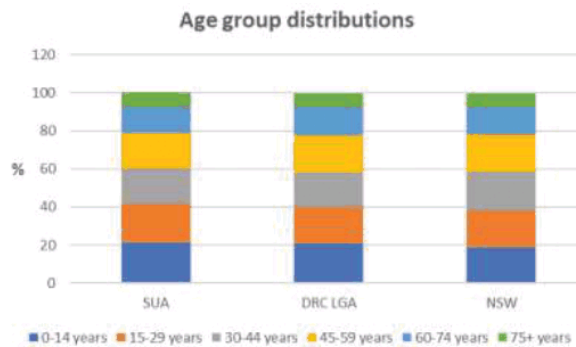
2.2.2 Population age distributions

Population age distributions are presented in Table 3. As is identified in Table 1, median ages for both the general and Aboriginal or Torres Strait Islander populations are similar across the SUA, LGA and NSW. However, the data in Table 3 indicate that a relatively high proportion of very young residents is to some extent ‘masking’ the ageing of the SUA population that is consistent with the state and national populations. The out-migration of the 30-44 years age group is also inferred by the lower representation in this group for the SUA and LGA. The remaining age group distributions are relatively similar across the three populations, which is particularly evident in Figure 3.

Table 3: Population age distributions ABS Census 2016

	SUA	DRC LGA	NSW
0-14 years	21.2	20.7	18.5
15-29 years	20.4	19.3	19.5
30-44 years	18.9	18.3	20.6
45-59 years	18.6	19.3	19.4
60-74 years	13.5	14.8	14.6
75+ years	7.5	7.5	7.2

Figure 3



2.3 Population and household projections

The ABS population data presented in Section 2.2 provide a baseline for analysis. Despite the time elapsed since the last Census, proportional representations remain a valid starting point. However, in the context of the proposed additional use, population projections data are necessary to establish the extent to which population growth will impact on demand for

⁶ As previously noted, nominally Western Plains Regional LGA in 2016 Census data.

a wide range of services, including those offered by the existing premises, either under its current approvals, or in the context of the proposed additional use.

2.3.1 Project total population change

Figure 4 presents population projections published by the NSW Department of Planning, Industry and Environment (DPIE) [2019] for the DRC LGA. The data indicate a 14.4% increase in total population over the 25-year period to 2041. This is significantly lower than projected growth for NSW over this period, which is 36.7%. However, it is marginally higher than the projected increase of 14% for regional NSW as a whole (refer to Table 4). The population change data in the figure indicate continuing population growth over the period, however at a relatively consistent, gradually declining rate.

Figure 4

Key Indicators: Projected Population, Households and Dwellings - all data at 30th June						
	2016	2021	2026	2031	2036	2041
Total Population	51,400	53,700	55,550	56,950	58,000	58,800
2016 Population Projection	51,050	52,750	54,300	55,550	56,600	56,600
Total Households	19,950	21,050	22,000	22,900	23,700	24,300
Household Size*	2.49	2.46	2.43	2.39	2.35	2.32
Implied Dwelling Projection**	22,200	23,400	24,450	25,450	26,350	27,000
*Average persons resident per occupied private dwelling						
**Dwellings required if the population forms households in the same ways as in 2016						
Population change						
	2016-21	2021-26	2026-31	2031-36	2036-41	2016-41 (25-year change)
Population change	2,300	1,850	1,400	1,050	800	7,400
Average annual growth rate	0.9%	0.7%	0.5%	0.4%	0.3%	0.5%
Births	3,700	3,750	3,650	3,550	3,550	18,200
Deaths	2,100	2,150	2,250	2,400	2,500	11,400
Natural change	1,600	1,600	1,400	1,150	1,050	6,800
Net Migration (all)	700	200	0	-150	-250	500

2.3.2 Projected population change by age group

Projected population increase by age groups corresponding to those from the 2016 Census data (Table 3) are presented in Figure 5. Proportional changes for each group are presented in Table 4.

Figure 5: DPIE projected population by age – DRC LGA

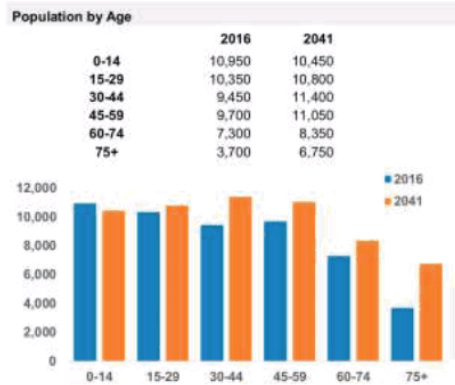


Table 4: Population change x age group 2016-2041

	% change (increase/decrease)		
	DRC	Regional NSW	NSW
0-14 years	-4.6	-2.4	26.2
15-29 years	4.3	-3.0	19.3
30-44 years	20.6	6.8	27.4
45-59 years	13.9	6.5	37.9
60-74 years	14.4	17.9	41.7
75+ years	82.4	106.6	130.6
Total population	14.4	14.0	36.7

Data source: DPIE 2019.

2.3.3 Observations on population change projections

- The population projections indicate a comparatively modest rate of population growth for the LGA, compared with NSW as a whole. However, the DRC population will increase at a marginally higher cumulative rate than regional NSW in total.
- Given the markedly higher baseline proportion of residents age 0-14 years (Table 3), the DRC population will age at a slower rate than both regional NSW and the state as a whole, particularly in terms of the population aged 60 years and older.
- Projected increases in the adult population in the DRC LGA may result in increased demand for services of the nature of those that may be provided under the proposed additional use.

2.3.4 Projected change in household composition

Figure 6 displays projected changes in household composition for the LGA. Table 5 presents the proportional changes for each household type.

Figure 6: DPIE Household projections by type – DRC LGA

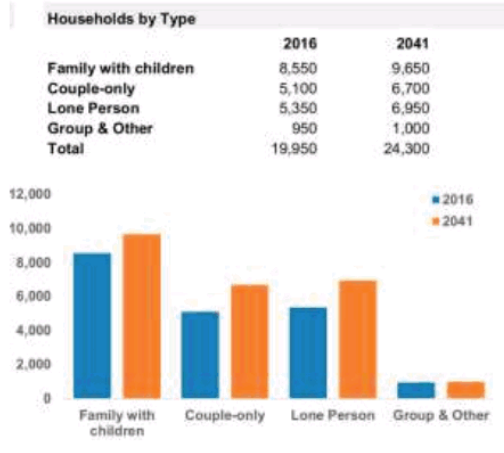


Table 5: Household types change 2016-2041 – DRC LGA

	% change (increase/decrease)
Family with children	12.9
Couple-only	31.4
Lone person	29.9
Group & other	5.3
Total households	21.8

Data source: DPIE 2019.

2.3.5 Observations on household composition projections

- The data are consistent with the age data, from the perspective of indicating the ageing of the population. This is most apparent in the relatively large increase in the proportions of couple-only and lone person households. These households are likely to comprise older residents, whose children no longer live with their parents.
- The data are also consistent with the decline in household size identified in Figure 4, with this forecast to decline from 2.49 to 2.32 people per household.
- Overall the data correspond with those indicating a larger proportional adult population, although one that is effectively ageing over the forecast period.

2.4 Regional labour force overview

Figure 7

Working Age Population (15-64):	63,600
Employment Rate (15-64):	77.3%
Participation Rate (15+):	58.0%
Unemployment Rate (15+):	1.7%
Youth Unemployment Rate (15-24):	1.8%

The ABS Far West and Orana Statistical Area Level 4 (SA4) profiled in Figure 7 indicates relatively high employment and low unemployment rates. For NSW, the unemployment recorded unemployment rate at the same point was 7.2%.

The DRC economic profile, compiled by REMPLAN⁷, identified an unemployment rate of 2% for the LGA for the March 2020 quarter, which is relatively consistent with the SA4 data⁸. The LGA's rate is assessed as being relatively robust, given that Dubbo is one of the larger centres in the SA4.

The labour force data can be considered as being relatively consistent with the economic measures assessed previously in Section 2. Collectively, the data indicate a relatively robust regional economy, with comparatively low levels of unemployment and comparable, and in some respects favourable, indicators of income and wealth.

2.5 Potential additional demand – tourism data

Figure 8 presents summary tourism data for the DRC LGA, compiled by Tourism Research Australia (TRA), for 2019. TRA reports a total of more than 1.328 million visitors to the LGA, approximately 683,000 of whom were identified as domestic overnight visitors. DRC's economic profile (DRC March 2019), reported total visitation as 1.170 million in 2018⁹, thus indicating an annual increase in visitation of 13.5% between 2018 and 2019.

⁷ <

<https://app.remplan.com.au/dubboregionalcouncil/economy/trends/unemployment?state=7x25Ib!aXMmFygl2T0OkBotad2rgTRibHNzKUBHeH5HXhrH6Ve> >

⁸ Note that the SA4 data [LMIP] are nominally for September 2020. REMPLAN reports the LGA yearly unemployment rate for 2019 as 2.30%.

⁹ <<https://www.dubbo.nsw.gov.au/ArticleDocuments/373/2019%20Dubbo%20Region%20Economic%20Profile.pdf.aspx?Embed=Y> >

Aigis Group – Mark Sargent Enterprises
November 2020


SIA – Planning Proposal
Devil's Hollow Brewery, Dubbo NSW

Such visitors are of interest in the assessment of the existing site and its proposed additional use, in terms of providing a venue and services that may be attractive to some proportion of visitors. Should increases in visitation be sustained, additional tourism-relevant infrastructure and services will be necessary over time to ensure that such demand is adequately addressed, and opportunities for repeat visitation are encouraged.

Figure 8: TRA 2019 tourism data – DRC LGA

	KEY TOURISM STATISTICS FOR DUBBO REGIONAL (A)			
	INTERNATIONAL	DOMESTIC OVERNIGHT	DOMESTIC DAY	TOTAL
Visitors ('000)	12	683	634	1,328
Nights ('000)	207	1,472		1,679
Average nights	18	2		2
Expenditure (M)	\$10	\$274	\$120	\$404
Spend per trip	\$853	\$401	\$189	\$304
Spend per night	\$48	\$186		\$189
Spend per night comm accom	\$58	\$224		\$202

3 Liquor licence environment

3.1 Licensed premises in Dubbo and DRC LGA

Devil's Hollow Brewery currently operates under two liquor licences. These are liquor producer/wholesaler licence #LIQW880015160 and on-premises liquor licence #LIQ066035034. The on-premises licence is the relevant approval in relation to the proposed additional use. In this context, the number or density of other licences permitting consumption of alcohol on the premises, in various forms, in Dubbo are relevant in assessing the level of accessibility and the potential impact that the additional use may be associated with should it be granted. The current number of licences (by type) for Dubbo and the LGA are presented in Table 6, based on Office of Liquor, Gaming and Racing (OLGR) data current as of August 2020. It is noted that the two current licences held by Devil's Hollow Brewery (identified above) are included in the counts for Dubbo.

Table 6: Liquor licences current, DRC LGA

Licence type	Dubbo	DRC other	DRC total
Club	5	4	9
Hotel	13	13	26
Limited	6	3	9
On-premises	45	6	51
Packaged	7	2	9
Small bar	2	0	2
Producer/wholesaler	6	3	9
Total	84	31	115

Data source: OLGR 2020

Aigis Group – Mark Sargent Enterprises
November 2020


SIA – Planning Proposal
Devil's Hollow Brewery, Dubbo NSW

It is noted that 65 of the licences in Dubbo may be considered as licenses that permit daily access to on-premises consumption of alcohol, such as is available at Devil's Hollow Brewery¹⁰. A key point in respect of the proposed additional use planning proposal is that although it represents a change in licence type in relation to licence #LIQ066035034, it would not increase licence density, as defined by the number of licences in Dubbo and other parts of the LGA.

A response to the planning proposal has been provided to DRC by the NSW Police Force (NSWPF) Orana Mid West Police District Licensing¹¹. This response is also addressed in Section 5.2, as it raises issues requiring assessment in relation to the potential for social impacts. With respect to the effects of the proposed additional use, NSWPF indicated that concerns around the proposed additional use relate to the potential for impacts associated with increased patronage generated by the potential introduction of electronic gaming machines (EGM) and wagering (i.e. TAB) facilities. NSWPF also notes the recent grant of approval for extended trading hours, from 10.00am to 12.00am.

The Applicant has tentative plans for the installation of up to 20 EGMs, and as such, NSWPF concerns in relation to the potential for this to increase patronage levels warrant assessment. Crucially, however, the planning proposal does not propose an extension to trading hours. This of itself places a constraint on the extent to which the presence of gambling opportunities might increase intensity of patronage. It is also noted that NSWPF concerns regarding this aspect of the additional use are stated in the context that this may increase the potential for impacts of increased alcohol consumption on the premises. It is noted that standard obligations in relation to responsible service of alcohol (RSA), appropriately enforced, will act to reduce the risk of such outcomes. The potential for impacts directly resulting from misuse of EGMs or other forms of gambling also warrant consideration. These are discussed in Section 5.3.

3.2 Comments on liquor licensing environment

The fundamental issues in respect of the planning proposal are that it will not increase liquor licence 'density', as defined by the number of licences operating in the area, and that the planning proposal also does not propose any increase in trading hours. In these respects, the planning proposal does not involve an increase in accessibility to licensed premises. As such, the prospect of additional impacts is contained to the potential for increased patronage. NSWPF has expressed concerns that potential access to EGMs and/or wagering capability may increase patronage, or intensity of patronage of the premises. The regional context in terms of gambling access is discussed in Section 4. However, as is the case with liquor accessibility, access to gambling activities associated with the additional use are limited by the current trading hours being maintained.

¹⁰ Includes, club, hotel, on-premises and small bar licences.

¹¹ Letter dated 7 October 2020. Copy provided to applicant and its agents.

4 Licensed premises – gambling environment

4.1 Preliminary observations

The discussion undertaken in this section in relation to gambling accessibility in the context of licensed premises is predicated on two assumptions. Firstly, the form of gambling that is of most relevance, in terms of potential for increased accessibility, and the prospect of related impacts, is the installation of EGMs as part of the additional use. Secondly, wagering, such as that traditionally offered by the installation of a TAB facility in a licensed premises, is not considered in detail. This is due to the broad accessibility to wagering capability through personal devices, and the predominance of such access in the current environment, including use within licensed premises.

4.2 EGM accessibility in Dubbo

4.2.1 Current situation

The discussion of EGM accessibility is placed in the context of licensed premises in the urban area of Dubbo, as the regional centre. Other localities, such as Wellington, are not discussed, but should be acknowledged as forming part of a larger, regional distribution of EGMs.

There are currently 568 operating EGMs in venues in Dubbo. The maximum permitted gaming machine threshold (GMT) for relevant venues in Dubbo is 591 EGMs. It is also noted that OLGR places venues in 'bands', based on ABS Statistical Area Level 2 (SA2). The premises is located in the Dubbo South SA2, which is designated as a 'Band 2' (medium risk) area. There are currently 442 EGMs in the SA2, representing approximately 78% of those installed in venues in Dubbo. It is noted that 241 of these EGMs ($\approx 55\%$ and $\approx 42\%$ of all EGMs installed in the SA2 and Dubbo respectively) are installed in the one venue (Dubbo RSL Memorial Club).

4.2.2 Changes under additional use

It is the intention of the Applicant to apply for up to 20 gaming machine entitlements (GMEs). The addition of these GMEs and resulting installation of EGMs would result in an increase of approximately 3.5% on the existing number of EGMs operating in Dubbo. The addition of up to 20 EGMs would remain within the GMT of 591 EGMs.

The approval for, and acquisition of, EGMs are matters for regulatory determination through OLGR/ILGA¹². The concerns of NSWPF in relation to EGMs being a possible contributor to increased patronage were noted in Section 4.1. The potential for impacts relating to additional EGMs are discussed in Section 5.

¹² Independent Liquor and Gaming Authority

Aigis Group – Mark Sargent Enterprises
November 2020


SIA – Planning Proposal
Devil's Hollow Brewery, Dubbo NSW

5 Assessment of potential social impacts

5.1 Immediate community

The nature of the current premises and the proposed additional use are such that it may draw patrons from a wider area than the community in immediate proximity to the Devil's Hollow site. These communities were assessed in Section 2.

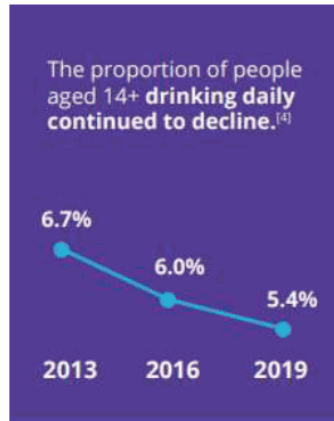
The RAI and the NSWPF response both identified the residential area near to the site and the industrial area in which the premises is located, as being areas requiring consideration with regard to a range of potential impacts relating to the proposed additional use. These are discussed separately in the following sections.

5.1.1 Residential community

The RAI identifies the existing residential area to the north of the site and future residential development to the west of the site, the former being described as being within 100 metres of the site. It is also noted that RAI identifies the potential for noise to affect the amenity of properties in the identified area.

Generally, there may be some potential for such effects and the RAI includes a statement that an acoustic report may be required at some stage. However, the potential for noise effects must be placed in the context of the noise generated within the residential centre itself, and that relating to other uses in the immediate surrounds, including traffic on the Mitchell Highway, and other uses in the Blueridge Business Park. Such uses include, as observed by NSWPF, 24-hour fast food/drive through restaurants, which may generate some noise during evening hours, as may the premises under the proposed additional use. As identified in the RAI, if stipulated, an acoustic report may provide additional insight into the prospect of discernible and/or cumulative effects.

Other potential effects on residents in the residential area are difficult to quantify, as they largely relate to the behaviour of individuals in respect of their patronage of the premises under the additional use. However, data on prevalence published by the Australian Institute of Health and Welfare (AIHW, 2020) is presented in Figure 9. Assuming that frequent alcohol consumption is the principle contributor to potential related problems, if the 2016 Census population aged over 14 years (28,436) for the SUA is assumed, this would indicatively result in between approximately 1,535 (5.4%) and 1,706 (6.0%) people in the Dubbo SUA who drink daily (noting, however that AIHW also cites evidence that regional consumption may be greater than that in capital cities). Taking into account that there are 84 current liquor licences operational in Dubbo, and that the proposed additional use involves a change in licence type, but neither the addition of a further licence, nor an increase in the trading hours of the premises, the potential for material effects that may be attributable to the additional use is assessed as being relatively low.

Figure 9: AIHW alcohol consumption prevalence

Potential impacts identified by NSWPF are addressed separately in Section 5.2. However, in the longer term, the relative proximity of the premises to residential areas may serve to reduce the prospect of, for example, prescribed concentration of alcohol (PCA) offences, by providing a hotel venue within reasonably close proximity of existing and future residences, thus reducing the need to access premises located in other parts of Dubbo and its surrounds and increasing the risk of such offences.

5.1.2 Other land uses in Blueridge Business Park

The premises is already operational as part of the Blueridge Business Park. As the planning proposal does not extend operating hours, it is unlikely that effects experienced by other occupants within the business park, including Imagine Childcare and Preschool (identified by NSWPF) will materially increase. As identified by NSWPF, there may be some increase in levels of activity at the premises associated with the availability of EGMs, however the extent of this must be placed in the context of existing accessibility discussed in Section 4 and the extent to which potential additional activity may be limited by existing accessibility, with EGM uses potentially preferring other, established EGM venues with which they are familiar. This is addressed further in Section 5.3. NSWPF correctly observed that potential impacts such as, for example, malicious damage to business premises would not be appreciated by business owners. However, there is no material to indicate any heightened occurrence in the area (refer to Section 5.2 and Annexure 2) and the limited practical changes in operational parameters for the premises do not indicate a proportionally significant risk of increased impacts (Section 5.3).

5.2 Potential impacts identified by NSW Police Force

The NSWPF identifies a number of potential effects that may be associated with the planning proposal, and which may be considered as legitimate matters of public interest. The matters in relation to road safety and the potential for increases in other behaviour or

Aigis Group – Mark Sargent Enterprises
November 2020


SIA – Planning Proposal
Devil's Hollow Brewery, Dubbo NSW

offences commonly associated with alcohol, are matters that the Applicant should address via a Plan of Management (PoM) in relation to the additional use. Compliance with regulatory obligations governing Responsible Service of Alcohol (RSA) and Responsible Conduct of Gambling (RCG) is mandatory, and designed to reduce negative impacts to the greatest practicable extent. It is noted that a PoM and RSA compliance are likely to be already established in relation to operation of the premises under its current licensing arrangements. Furthermore, the Applicant is currently a member of the Dubbo Liquor Accord and will remain so. Participation in the Accord generally ensures collaborative involvement between licensees and key local community representatives, including Council and NSWPF.

Annexure 2 presents available Bureau of Crime Statistics and Research (BOCSAR) incidence 'hotspot' mapping for the malicious damage (to property) and non-domestic assault¹³. The data indicate that despite the established presence of Devil's Hollow Brewery, incidence rates are not elevated in relative terms. As has been identified in relation to other aspects of the planning proposal, as it does not involve increased trading hours, the potential for greater levels of impact to occur is constrained by this limitation.

The potential for incidents to occur cannot be entirely eliminated. In the event of such incidents that may be attributable to the premises and the proposed additional use, consequent impacts that may be imposed on third parties, such as the cost of medical treatment, repairs, or of legal proceedings, similarly cannot be eliminated. The available information indicates that the propensity for the impacts attributable to the venue to increase materially, in the absence of an extension of trading hours, and assumed compliance with regulatory and management requirements, is relatively low.

5.3 Potential impacts relating to additional EGM access

The addition of up to 20 EGMs into the existing gaming environment (Section 4) may result in a notional increase in the propensity for individuals to experience problem gambling behaviours. Such behaviours can contribute to increased risk of a range of negative outcomes. The Productivity Commission [PC] 2010, described these as; 'the harms from problem gambling include suicide, depression, relationship breakdown, lowered work productivity, job loss, bankruptcy and crime' (2010:16). The PC also found that 'for each problem gambler, several others are affected' (2010:16).

The PC (2010) noted that among common forms of gambling, EGMs are mostly strongly associated with problem gambling. The PC also found that in terms of prevalence, approximately 4% of Australia's adult population play EGMs¹⁴ at least weekly, and that around 15% of these regular players are 'problem gamblers' (PC 2010:2). Some indicative assessments can be made based on these estimates. The estimates should be considered as

¹³ Corresponding hotspot maps for offensive conduct (assumed as 'street offences') are not available. However, data indicate incidence rates at higher levels than NSW across the entire Dubbo area.

¹⁴ Also referred to in the report as poker machines or 'pokies'.

Aigis Group – Mark Sargent Enterprises
November 2020


SIA – Planning Proposal
Devil's Hollow Brewery, Dubbo NSW

indicative only, as they may not account for all people who gamble in Dubbo, as the estimates exclude people from other parts of the LGA, and possibly also visitors (as detailed in Section 2). Furthermore, the measures adopted are on a national basis, and there are likely to be differences between smaller population subsets.

The adult population (18 years and older) of Dubbo (SUA) was 27,078 at the 2016 Census. Applying the PC's prevalence estimates, indicatively there may be approximately 1,083 weekly players in Dubbo, around 163 of whom may have been experiencing gambling problems. This equates to approximately 0.6% of the adult population

The specific issue raised by NSWPF in relation to the possible installation of EGMs was the potential for this to contribute to increased alcohol consumption and related instances of, for example, PCA offences. In terms of 'comorbidities' associated with problem gambling, the PC reported that among affected individuals, 'the rate of 'likely hazardous alcohol use' was 50 per cent' (2010:7.15). Based on the indicative estimate of 163 problem gamblers in Dubbo, around 82 of these may experience related alcohol and EGM use problems, which is approximately 0.3% of the adult population.

Assessing the potential for EGMs to be installed under the proposed additional use, the indicative prevalence assessments above must be placed in the context of the gambling environment described in Section 4. In essence, the addition of up to 20 EGMs would result in an increase in EGMs in Dubbo of approximately 3.5%. Statistically this potential maximum increase is modest. In practical terms, there are and are likely to remain, a comparatively large number of alternative venues in which such activities can be accessed. This being the case, any potential effects are likely to be commensurate with this relatively modest increase in accessibility. Similarly, effects relating to alcohol related gaming behaviour and its potential for induced impacts, is likely to be modest. Consequently, the potential for materially increased demand for services and or public resources required to address such issues is also relatively low.

5.4 Broader community amenity

The amenity of the immediate residential and business land users was addressed in Sections 5.1.1 and 5.1.2 respectively. With respect to the broader communities, defined as the SUA and the LGA, there are unlikely to be material amenity effects, and in most instances, effects are unlikely to be discernible. Potential incidents cited by NSWPF may result in some level of broader community affectation, however, the likelihood of such occurrences that would be attributable to the additional use is assessed as being low, on the available evidence. Consequently, impacts on broader community amenity in such an instance are also of relatively low risk.

Certain elements of the broader community may also benefit from the additional use. Individuals who patronise licensed premises may choose to do so at Devil's Hollow Brewery, as may visitors to Dubbo, as discussed in Section 2.5. As a differentiated licensed premises,

Aigis Group – Mark Sargent Enterprises
November 2020


SIA – Planning Proposal
Devil's Hollow Brewery, Dubbo NSW

the premises may attract visitation and thus tourism spending in Dubbo. However, given that the additional use does not entail any increase in trading hours, it is unlikely that any effect is likely to be material in the regional context.

5.5 Potential for effects on Aboriginal and/or Torres Strait Islander residents

As is noted in Section 2, Dubbo has a significantly larger proportional representation of Aboriginal and/or Torres Strait Islander people than NSW more generally. AIHW (2020) reports this community as being at a level of elevated risk in relation to negative effects of alcohol misuse. However, the extent of this is described by AIHW as; 'the proportion of Aboriginal and Torres Strait Islander people exceeding lifetime and single occasion risk guidelines is slightly higher than that of non-Indigenous Australians' (AIHW 2020)¹⁵. Counterbalancing this finding, information compiled by AIHW in relation to abstinence is presented in Figure 10. This indicates that abstinence is more common among Aboriginal and Torres Strait Islander people than the general population.

Figure 10



Given that the abstinence is more common among Aboriginal and Torres Strait Islander people, and that incidence of higher risk drinking is only slightly higher for these community members, there is assumed to be a comparatively small differential between this group and the regional population as a whole, in terms of risk. Therefore, as is the case with the general community, the proposed additional use, in the context of the broader liquor licensing environment in Dubbo, is assessed as being relatively unlikely to materially increase risk levels.

With respect to gambling, the PC (2010), noted that although 'there is little published data about gambling in Indigenous communities' (2010:7.12), gambling is an activity undertaken in such communities, and also that Aboriginal and/or Torres Strait Islander people also participate in regulated gambling, such as EGM use. The range of potential impacts of

¹⁵ < <https://www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia/contents/drug-types/alcohol> >

Aigis Group – Mark Sargent Enterprises
November 2020


SIA – Planning Proposal
Devil's Hollow Brewery, Dubbo NSW

problematic behaviours are the same for this community as for the general population. However, the PC noted that cultural factors may result in these effects being more serious for affected people in these communities.

As is the case with observations in relation to the general community, the potential increase in EGM numbers may affect some Aboriginal and/or Torres Strait Islander people, however the existing EGM gambling environment suggests that the cumulative effect may be relatively modest. Compliance with regulatory requirements and management policies will contribute to mitigation of the risk of negative impacts to the extent practicable.

6 Conclusions and recommendations

6.1 Conclusions

The current planning proposal relates to proposed change to Devil's Hollow Brewery's on-premises licence, #LIQ066035034. The licence currently permits use as a licensed restaurant/café. The proposed use is as a licensed pub. The proposal will not increase the number of liquor licences in Dubbo. It will also not result in an extension of trading hours for the current premises. The most potential consequential change to the premises' operations that may result from the planning proposal is the installation of up to 20 EGMs. The evidence presented in this SIA indicates that in respect of each of these changes, there is a relatively low risk of material impacts being imposed on third parties.

NSWPF in particular has identified a range of potential impacts that may result from the additional use. These are considered as being legitimate concerns, and have been addressed in detail in the SIA. As is the case with effects generally, the evidence presented suggests that the potential for these impacts to occur at material levels is relatively low. However, it is incumbent on the Applicant to work collaboratively with NSWPF and Council to ensure that the effects are avoided to the extent practicable in the first instance, and appropriately addressed should risk increase.

Based on the evidence presented, the proposed additional use represents a proportionally modest change in the existing licensing environment of Dubbo, considered both locally (SUA), and for the LGA as a whole. With the implementation of appropriate management policies and compliance with all regulatory obligations, it is submitted that on balance, the planning proposal will not materially affect the local, regional and transient (visitor) communities beyond the outcomes associated with Devil's Hollow Brewery under its current liquor licence.

6.2 Recommendations

A number of recommendations were prefaced in Section 5.2. These are summarised as:

- Continuing application of the venue's Plan of Management, and adaptation of the PoM to include gambling operations at the appropriate time.

Aigis Group – Mark Sargent Enterprises
November 2020


SIA – Planning Proposal
Devil's Hollow Brewery, Dubbo NSW

- The PoM should include provision for an accessible engagement mechanism, to allow stakeholders, and particularly nearby residential and business land users, to address any issues associated with the venue's operations.
- Continuing compliance with the venue's RSA regulatory obligations;
- Full adoption and implementation of RCG practices and initiatives, and compliance with all relevant regulatory obligations, at the appropriate time.
- Continuing membership of, and active participation in, the Dubbo Liquor Accord.

Aigis Group – Mark Sargent Enterprises
November 2020


SIA – Planning Proposal
Devil's Hollow Brewery, Dubbo NSW

7 References

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< <https://www.abs.gov.au/> >

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DRC. 2020. Various webpages

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OLGR. 2020. Various webpages.

< <https://www.liquorandgaming.nsw.gov.au/> >

Productivity Commission. 2010. Gambling. Inquiry Report

< <https://www.pc.gov.au/inquiries/completed/gambling-2010/report> >

Aigis Group – Mark Sargent Enterprises
November 2020

SIA – Planning Proposal
Devil's Hollow Brewery, Dubbo NSW

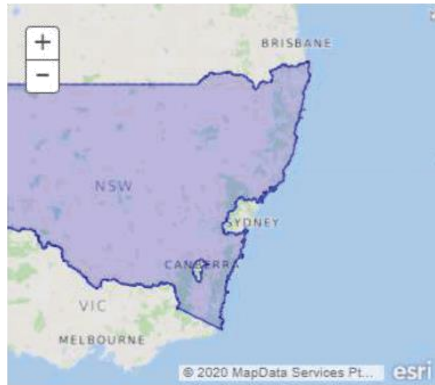


Annexure 1: Greater Sydney & Rest of NSW Statistical Areas¹⁶

Greater Sydney GCCSA



Rest of NSW GCCSA



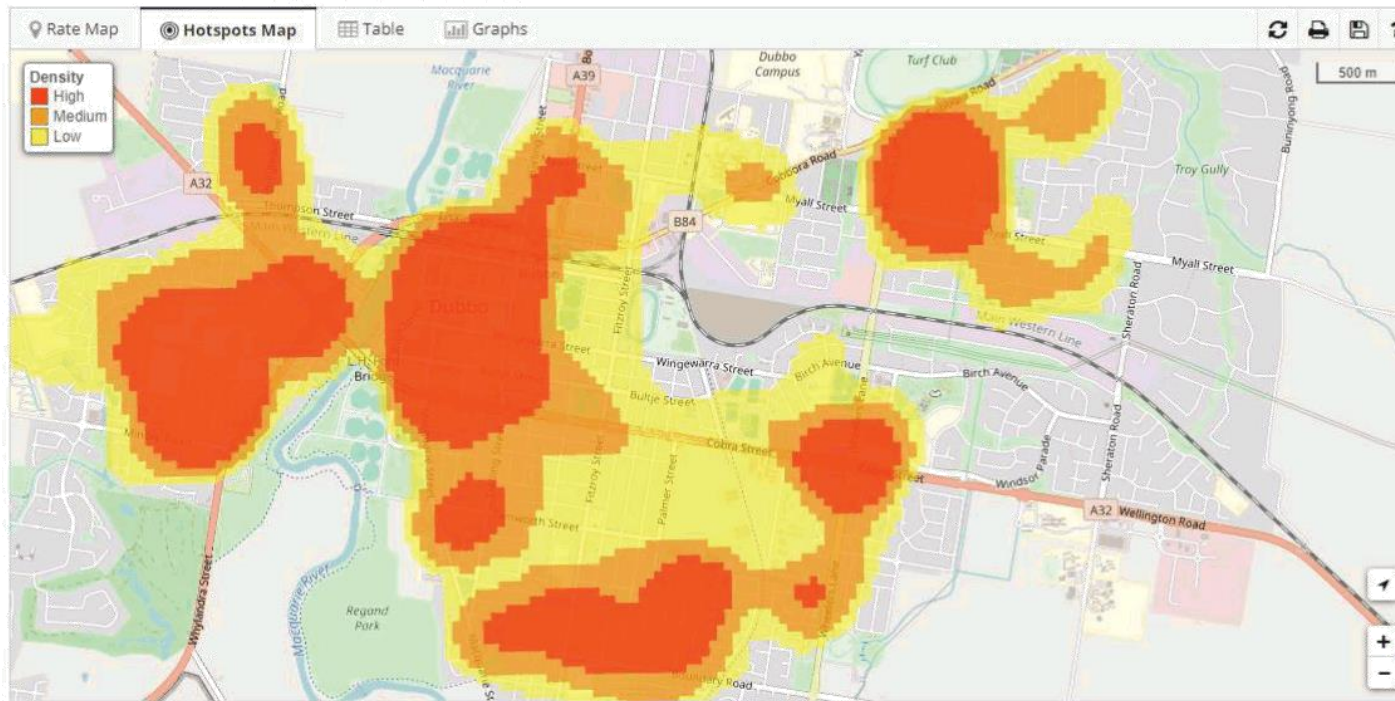
¹⁶ Defined by ABS under the categorisation 'Greater Capital City Statistical Areas (GCCSA)'. Images source: ABS 2020.

Aigis Group – Mark Sargent Enterprises
November 2020


SIA – Planning Proposal
Devil's Hollow Brewery, Dubbo NSW

Annexure 2 BOCSAR crime mapping data (offences identified by NSWPF)

Incidents of Malicious damage to property from July 2019 to June 2020

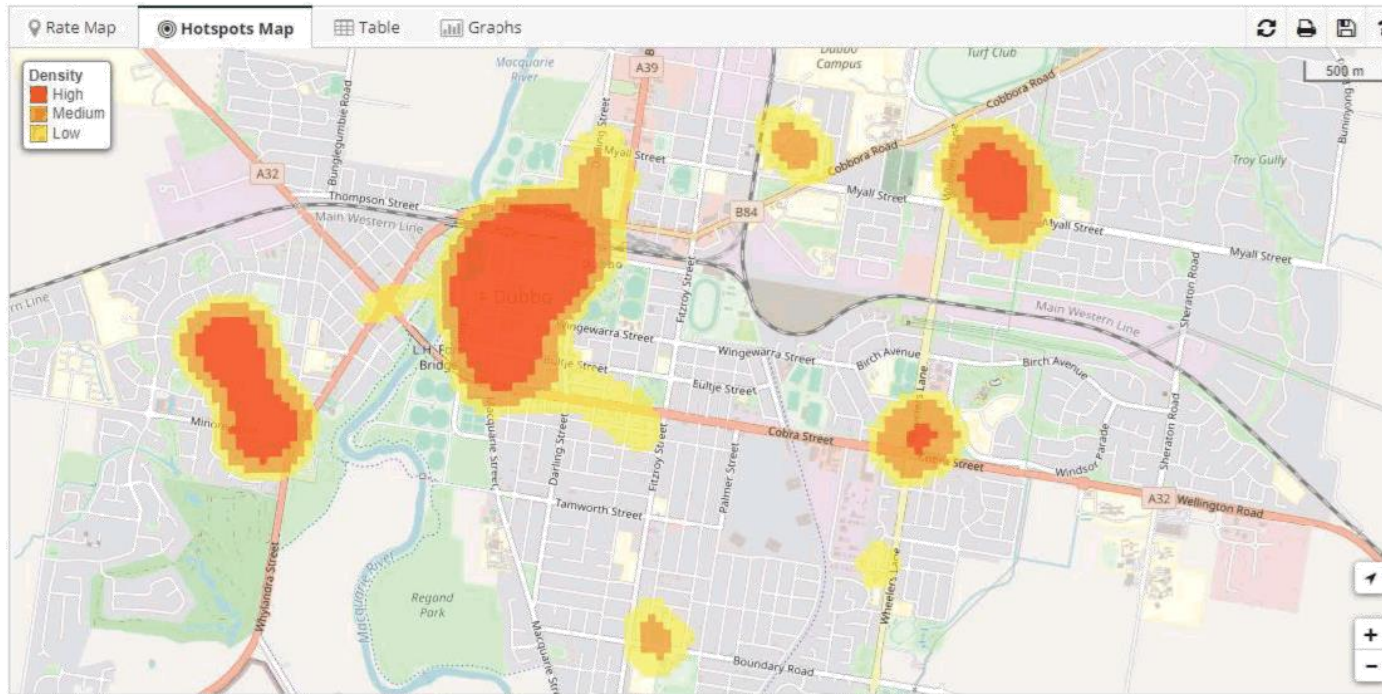


IMAGES SOURCE: BOCSAR 2020

Aigis Group – Mark Sargent Enterprises
November 2020


SIA – Planning Proposal
Devil's Hollow Brewery, Dubbo NSW

Incidents of Assault (Non-domestic assault) from July 2019 to June 2020





REPORT: Naming of Thoroughfares Associated with Blueridge Business Park, Lot 4009 DP 1231126

AUTHOR: LIS and E-Services Coordinator
REPORT DATE: 17 February 2021
TRIM REFERENCE: ID21/210

EXECUTIVE SUMMARY

Dubbo Regional Council has received a request from a consultant, Doherty Smith & Associates Consulting Surveyors, to name public roads in Stage 8 of Blueridge Business Park to be constructed as part of Development Consent D2019-338 for 27 lot commercial subdivision and a residue lot, located on Lot 4009 DP 1231126.

FINANCIAL IMPLICATIONS

The cost of the provision of the blade sign and installation would be met by the developer.

POLICY IMPLICATIONS

The proposed road names have been considered in accordance with Council's Policy 'Naming of Thoroughfares and Other Geographical Features within the City of Dubbo' and the Geographical Names Board 'NSW Addressing Policy.'

RECOMMENDATION

- 1. That the report of the LIS and E-Services Coordinator, date 17 February 2021, be noted.**
- 2. That the proposed names listed below by the consultant be approved by Council:**
 - Acquisition Close, Fiscal Way and Equity Avenue.**
- 3. That the proposed names be notified in the local newspaper and Government Authorities notified in accordance with Section 162 of the Roads Act 1993 and Section 7 of the Roads Regulation 2018.**
- 4. That the consultant be advised accordingly once approval under the Roads Regulation 2018 has been given and the names gazetted.**

Kim Edwards
LIS and E-Services Coordinator

REPORT

A request was received from a consultant, Doherty Smith & Associates Consulting Surveyors, on behalf of their client Nodelly Holdings Pty Ltd and Nurburn Holdings Pty Ltd to name three public roads to be constructed as part of Development Consent D2019-338 (Stage 8) for a 27 lot commercial subdivision and a residue lot, located on Lot 4009 DP 1231126.

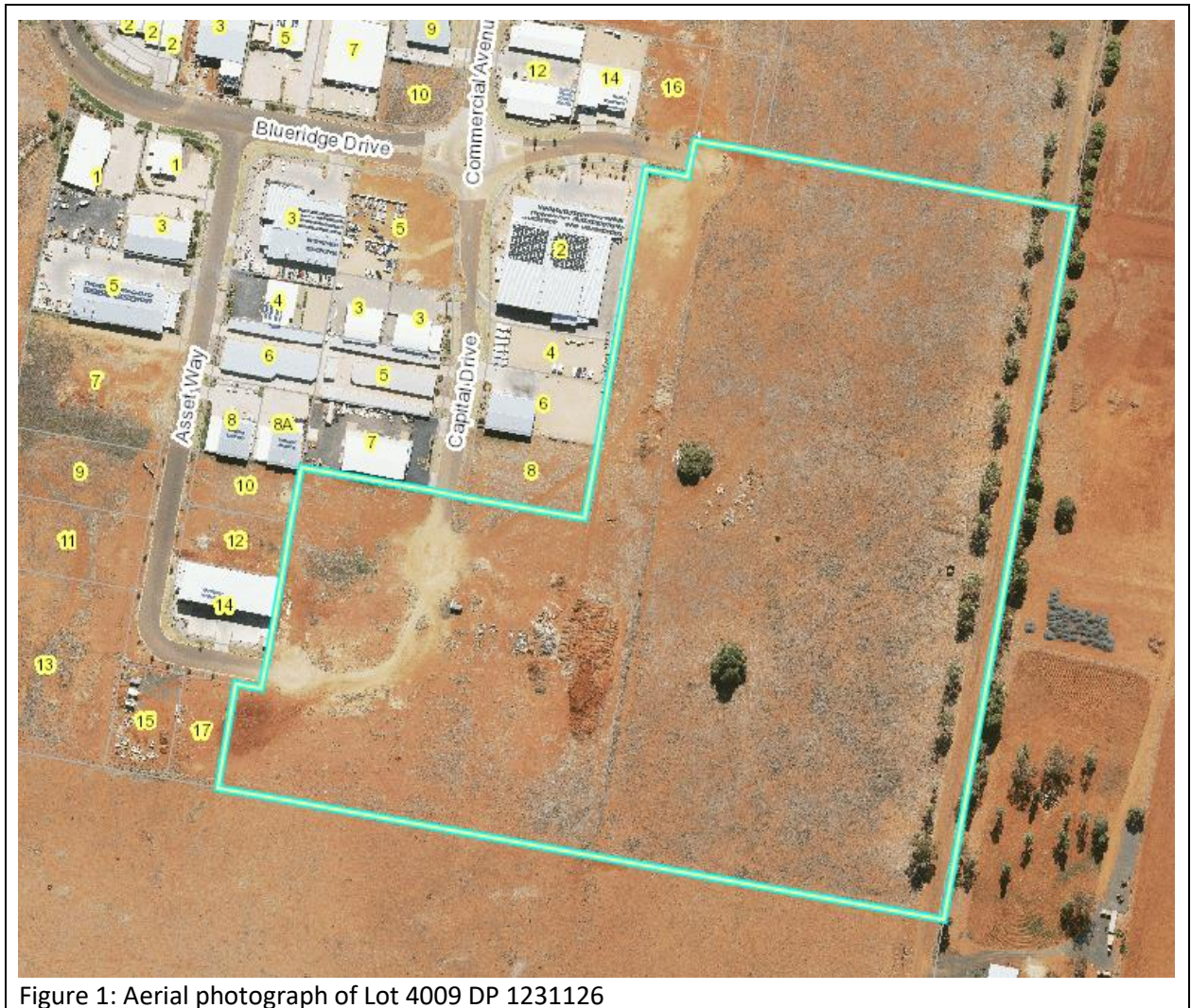


Figure 1: Aerial photograph of Lot 4009 DP 1231126

The continuation of the road naming theme for Blueridge Business Park Estate is to reflect the business theme of the development, 'creating an image of a place where enterprise and commercial activities are undertaken.'

The owners have requested the following names for approval: Acquisition Close, Fiscal Way and Equity Avenue.

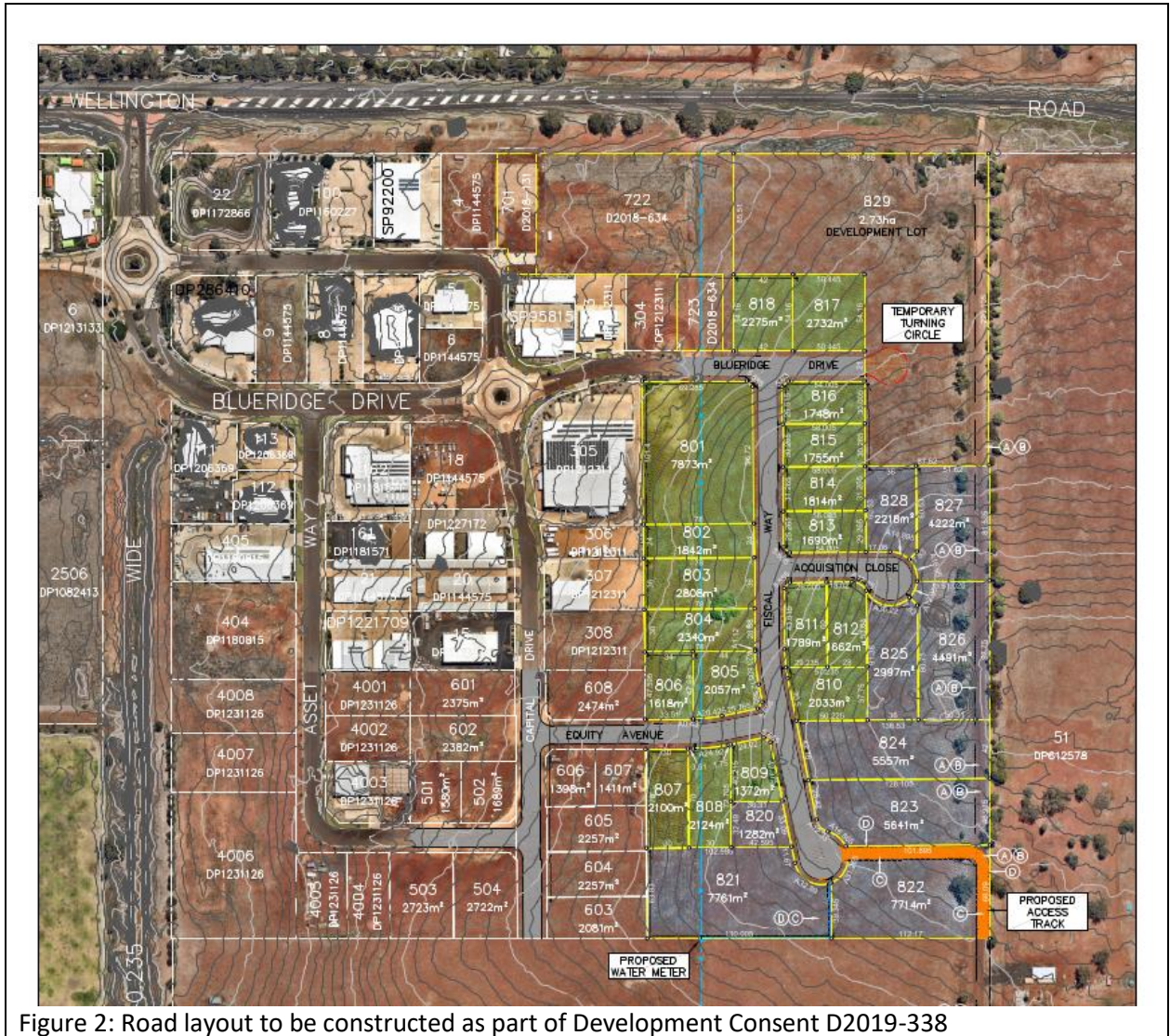


Figure 2: Road layout to be constructed as part of Development Consent D2019-338

SUMMARY

The proposed road names are in keeping with Council’s Policy ‘Naming of Thoroughfares and Other Geographical Features within the City of Dubbo’ and the Geographical Names Board ‘NSW Addressing Policy.’ Accordingly, approval of the road names as proposed is recommended.



**REPORT: D17-654 Pt 3 - Modified
Development Application - Request
Exemption from Section 7.12 (formerly
s.94A) Contributions
Centre-Based Childcare Facility
131 Whiteley Street Wellington**

AUTHOR: Planner
REPORT DATE: 25 February 2021
TRIM REFERENCE: ID21/293

EXECUTIVE SUMMARY

A Modified Development Application seeking an exemption from Section 7.12 contributions (formerly known as Section 94A Contributions) has been lodged with Council. The Modified Development Application relates to D17-654 (Part 2) in which consent was granted for a centre-based childcare facility associated with Maranatha House in Wellington.

Condition 54 required Section 94A contributions to the value of \$19,800 be paid prior to the issue of an Occupation Certificate. Such value was paid on the 1 September 2020 and a subsequent Occupation Certificate was issued on the 9 September 2020.

The Modified Development Application requests that Condition 54 be deleted from the development consent and that the value paid be refunded to the payee.

The Modified Application has been lodged in accordance with the *Section 94A Development Contributions Plan 2012* and as such it is recommended the request for exemption be approved.

FINANCIAL IMPLICATIONS

If the recommendation to delete condition 54, requiring the payment of S94A Contributions, is endorsed the relevant contributions fund will be required to refund \$19,800 to the applicant.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That the report of the Planner, dated 25 February 2021, be noted.**
- 2. That Council accede to the applicant's request to delete Condition 54 and organise the refund of the payment.**

Tracie Smart
Planner

BACKGROUND

The Modified Development Application relates to D17-654 (Part 2) in which consent was granted for a centre-based childcare facility associated with Maranatha House in Wellington.

Condition 54 required Section 94A contributions (now known as Section 7.12 contributions) to the value of \$19,800 be paid prior to the issue of an Occupation Certificate. Such value was paid on the 1 September 2020 and a subsequent Occupation Certificate was issued on the 9 September 2020.

The Modified Development Application requests that Condition 54 be deleted from the development consent and that the value paid be refunded to the payee.

REPORT

As part of the Part 1 assessment Section 7.12 (Section 94A) contributions were levied as follows:

*Under this Plan, contributions are calculated based on the cost of works of the development. In this instance, the cost of works is \$1.98 million. Under the 2017/2018 Revenue Policy where the cost of works is over \$200,000 the contribution is 1%. Therefore, the contribution is **\$19,800**.*

Appropriate conditions will be included on the consent for the payment of the above contributions prior to the release of the relevant Occupation Certificate.

The applicant has sought an exemption from Section 7.12 contributions based on the following justification:

Section 1.9 of the Plan 2012 deals with 'any exemptions to the levy'. This Section describes a number of instances where a levy will not be imposed, and also states that Council may consider exempting certain other development from the levy which includes:

- *Developments that incorporate the maintenance of an item of heritage significance*
- *Developments that contribute to the public benefit of the community, and*
- *Developments where there is no increase in future demand on public amenities and services.*

Such developments includes, but is not limited to:

- *Community infrastructure such as libraries, child care facilities, recreational areas, recreational facilities or car parks;*
- *Public infrastructure including hospitals, police stations, educational facilities, and public transport infrastructure;*

- *Privately funded community infrastructure such as education facilities, universities and private hospitals;*
- *Industrial, retail or commercial development where there is no increase in floor space within an existing building; and*
- *An application for demolition where there is no replacement building or development.*

The proposed exemption is considered justified in that:

- a) The development involves a childcare facility run by Maranatha House being a community non for profit facility. Federal funds were sought and received through the Building Better Regions Fund – Community investment as well as through Maranatha themselves to complete the project.*
- b) Maranatha had identified a gap in child-care places in the Wellington region especially for before and after school care with many parents working outside normal (work and school) hours, for example at the Wellington Correctional Centre or due to commutes to other centres. Maranatha also considered the development a good opportunity to resource share (with current activities at Maranatha House) and help bridge the gap between generations and foster understanding and respect and generally providing seniors and families with young children the opportunity to interact through play at playgroup, events and workshops.*
- c) The intergenerational nature of the development is already having a positive impact within the community, and the model has been well received by government and shared at other locations.*

Council's Senior Development Engineer in his memo dated 19 February 2021 provided the following comment:

After reviewing the Barnson letter dated 3.12.2020 in relation DA Condition No. 54 for exemption and reimburse Section 94A Contributions, Infrastructure Division concur with Barnson's proposal considering the development involves a childcare facility run by Maranatha House being a community non profit facility. In addition, Maranatha House had identified a gap in child-care places in the Wellington region especially for before and after school care with many parents working outside normal (work and school) hours, for example at the Wellington Correctional Centre or due to commutes to other centres. Moreover Maranatha House also considered the development a good opportunity to resource share (with current activities at Maranatha House) and help bridge the gap between generations and foster understanding and respect and generally providing seniors and families with young children the opportunity to interact through play at playgroup, events and workshops. The intergenerational nature of the development is already having a positive impact within the community, and the model has been well received by government and shared at other locations.

After discussion with Manager Infrastructure Delivery and considering the above justifications in relation to Wellington Section 94A Development Control Plan 2012, Section 1.9, Infrastructure Division considered the exemption of Section 94A is acceptable and refund the money to the applicant.

As such, it is considered the proposed modified application has been submitted in accordance with the Plan and the approved development is consistent with a land use that contributes to the public benefit.

SUMMARY

The Applicant has sought to delete Condition 54. The Modified Application is not considered likely to have any significant negative impact upon the environment or upon the amenity of the locality.

The Modified Application is consistent with the objectives of the applicable EPIs, DCPs and Council policies and is therefore recommended for approval.

Having considered the matters raised and discussed in the assessment of the Modified Application, it is recommended that the Application be approved subject to the deletion of Condition 54.

Appendices:

[1](#) Planning Report



APPLICATION ASSESSMENT REPORT

REPORT: Lot 500 DP 1267413, No.131 Whiteley Street WELLINGTON
Development: Modified application - Centre Based Child Care Facility
Applicant: Maranatha House
Owner: Maranatha House
Assessing Officer: Planner 1
Date: 22 February 2021
File: D2017-654 Part 3

1. BACKGROUND

D17-654 Part 1 granted consent for a centre-based child care facility at Lot 500 DP 126413, No.131 Whiteley Street Wellington subject to 54 conditions of consent. D17-654 (Part 2) sought to modify the development consent in relation to signage (Condition 10) and landscaping (condition 48).

Condition 54 of the consent required Section 94A (Section 7.12) contributions to be paid prior to the issue of an Occupation Certificate. Such contributions were paid on the 1 September 2020 and an Occupation Certificate was issued 09 September 2020.

2. PROPOSED MODIFICATION

A modified application was lodged with Council on the 14 January 2021. The proposed modification seeks an exemption for the Section 94A (Section 7.12) contributions based on a submitted justification in accordance with the Section 1.9 of the Plan and requests the paid contributions be refunded.

3. LEGISLATIVE REQUIREMENTS S4.55(1A) MODIFICATION

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

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

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or*

advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be."

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

It is considered that the development will have a minimal impact and is substantially the same development as the consent which was originally granted. The proposed modification was not notified to adjoining owners as the modification does not impact on neighbouring property owners.

The information detailed below provides an assessment of the areas of the development that are subject to the modification which require an assessment under Section 4.15 of the *EP & A Act 1979*.

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

4. LEGISLATIVE REQUIREMENTS 4.15(1)(a)

(a) (i) Environmental Planning Instruments

Wellington Local Environmental Plan 2012

Clauses 1.2, 2.2, 2.3, 4.1, 6.2, 6.4 and 6.7 of the Wellington LEP 2012 were considered under Part 1 however, are not relevant to the Part 3 assessment.

(a)(ii) Draft Environmental Planning instruments

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

(a)(iii) Development control plans

Wellington Development Control Plan 2013

Please note: All relevant controls of the Wellington DCP 2013 were considered under Part 1 & Part 2 however, due to the nature of the modification, no further assessment of the Wellington DCP 2013 is required under Part 3.

(a)(iii) planning agreements

No such planning agreement applies to the subject land.

(a)(iv) the regulations

No such regulations to which this clause refers is applicable to the proposed development.

(b) environmental (natural and built), social and economic impacts

As stated above, there will be no removal of any vegetation and as such negligible impact on the natural or built environment. There are only beneficial social and economic impacts resulting from the proposed development.

(c) suitability of the site

The site was considered suitable under the assessment of Part 1. Due to the nature of the modification, no further assessment of site suitability is required under Part 3.

(d) submissions

Due to the nature of the proposed modified application, the application was not public notified or exhibited.

(e) public interest

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

5. CONTRIBUTIONS Section 64 & Section 7.12

As part of the Part 1 assessment Section 7.12 (Section 94A) contributions were levied as follows:

Under this Plan, contributions are calculated based on the cost of works of the development. In this instance, the cost of works is \$1.98 million. Under the 2017/2018 Revenue Policy where the cost of works is over \$200,000.00 the contribution is 1%. Therefore, the contribution is \$19,800.00.

Appropriate conditions will be included on the consent for the payment of the above contributions prior to the release of the relevant Occupation Certificate.

The applicant has sought an exemption from Section 7.12 contributions based on the following justification:

Section 1.9 of the Plan 2012 deals with 'any exemptions to the levy'. This Section describes a number of instances where a levy will not be imposed, and also states that Council may consider exempting certain other development from the levy which includes:

- Developments that incorporate the maintenance of an item of heritage significance;*
- Developments that contribute to the public benefit of the community; and*
- Developments where there is no increase in future demand on public amenities and services.*

Such developments includes but is not limited to:

- *Community infrastructure such as libraries, child care facilities, recreational areas, recreational facilities or car parks;*
- *Public infrastructure including hospitals, police stations, educational facilities, and public transport infrastructure;*
- *Privately funded community infrastructure such as education facilities, universities and private hospitals;*
- *Industrial, retail or commercial development where there is no increase in floor space within an existing building; and*
- *An application for demolition where there is no replacement building or development.*

The proposed exemption is considered justified in that:

- a) *The development involves a childcare facility run by Maranatha House being a community non for profit facility. Federal funds were sought and received through the Building Better Regions Fund – Community investment as well as through Maranatha themselves to complete the project.*
- b) *Maranatha had identified a gap in child-care places in the Wellington region especially for before and after school care with many parents working outside normal (work and school) hours, for example at the Wellington Correctional Centre or due to commutes to other centres. Maranatha also considered the development a good opportunity to resource share (with current activities at Maranatha House) and help bridge the gap between generations and foster understanding and respect and generally providing seniors and families with young children the opportunity to interact through play at playgroup, events and workshops.*
- c) *The intergenerational nature of the development is already having a positive impact within the community, and the model has been well received by government and shared at other locations.*

Council's Senior Development Engineer in his memo dated 19 February 2021 provided the following comment:

After reviewing the Barnson letter dated 3.12.2020 in relation DA Condition No. 54 for exemption and reimburse Section 94A Contributions, Infrastructure Division concur with Barnson's proposal considering the development involves a childcare facility run by Maranatha House being a community nonprofit facility. In addition, Maranatha House had identified a gap in child-care places in the Wellington region especially for before and after school care with many parents working outside normal (work and school) hours, for example at the Wellington Correctional Centre or due to commutes to other centres. Moreover Maranatha House also considered the development a good opportunity to resource share (with current activities at Maranatha House) and help bridge the gap between generations and foster understanding and respect and generally providing seniors and families with young children the opportunity to interact through play at playgroup, events and workshops. The intergenerational nature of the development is already having a positive impact within the community, and the model has been well received by government and shared at other locations.

After discussion with Manager Infrastructure Delivery and considering the above justifications in relation to Wellington Section 94A Development Control Plan 2012, Section 1.9, Infrastructure Division considered the exemption of Section 94A is acceptable and refund the money to the applicant.

Page 4 of 5

As such, it is considered the proposed modified application has been submitted in accordance with the Plan and the approved development is consistent with a land use that contributes to the public benefit.

6. SUMMARY & RECOMMENDATION

The Applicant has sought to delete Condition No.54. The Modified Application is not considered likely to have any significant negative impact upon the environment or upon the amenity of the locality.

The Modified Application is consistent with the objectives of the applicable EPIs, DCPs and Council policies and is therefore recommended for approval, being the deletion of Condition No.54.

Having considered the matters raised and discussed in the assessment of the Modified Application, it is recommended that the Application be approved subject to the deletion of Condition No.54 as noted below.

7. NATURE OF MODIFICATION

- Delete Condition No.54 – Section 7.12 (S.94A) contribution



Tracie Smart
Planner

Date: 22 / 02 / 2021



Shaun Reynolds
Statutory Planning Services Team Leader

Date: 23/2/21