



# AGENDA PLANNING AND DEVELOPMENT COMMITTEE 15 MAY 2017

MEMBERSHIP:  
Mr M Kneipp (Administrator).

The meeting is scheduled to commence at 5.30pm.

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<b>PDC17/15</b> <b>REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - MEETING 18 APRIL 2017 (ID17/749)</b>	3
The Committee had before it the report of the Planning and Development Committee meeting held 18 April 2017.	
<b>PDC17/16</b> <b>DUBBO CBD PRECINCTS PLAN - STATUS REPORT (ID17/760)</b>	9
The Committee had before it the report dated 9 May 2017 from the Manager City Strategy Services regarding Dubbo CBD Precincts Plan - Status Report.	
<b>PDC17/17</b> <b>DEVELOPMENT APPLICATION D2016-624 (2) - COTTON STORAGE FACILITY</b>	25
<b>PROPERTY: LOT 2670 DP 852445, 27R BOOTHENBA ROAD AND LOT 2452 DP 1049405, YARRANDALE ROAD, DUBBO</b>	
<b>APPLICANT: FLETCHER INTERNATIONAL EXPORTS PTY LTD</b>	
<b>OWNER: CRO-BAH PTY LTD (LOT 2670) AND FROME STREET INVESTMENTS NO. 41 PTY LTD (LOT 2452) (ID17/766)</b>	
The Committee had before it the report dated 9 May 2017 from the Senior Planner 1 regarding Development Application D2016-624 (2) - Cotton Storage Facility	
Property: Lot 2670 DP 852445, 27R Boothernba Road and Lot 2452 DP 1049405, Yarrandale Road, Dubbo	
Applicant: Fletcher International Exports Pty Ltd	
Owner: Cro-bah Pty Ltd (Lot 2670) and Frome Street Investments No. 41 Pty Ltd (Lot 2452).	

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- PDC17/18**      **DEVELOPMENT APPLICATION D17-162 - TELECOMMUNICATIONS FACILITY - LOT 1 DP 1213064 RES 1000457, COBRA STREET, DUBBO**  
**APPLICANT: SERVICE STREAM MOBILE COMMUNICATIONS**  
**OWNER: DUBBO REGIONAL COUNCIL (ID17/759)**      50
- The Committee had before it the report dated 5 May 2017 from the Planner regarding Development Application D17-162 - Telecommunications Facility - Lot 1 DP 1213064 Res 1000457, Cobra Street, Dubbo  
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Owner: Dubbo Regional Council .
- PDC17/19**      **RELEASE OF EASEMENT FOR WATER SUPPLY - LOTS 31 AND 32 DP 636021, 11R DUNEDOO ROAD AND 9 BUSHLAND DRIVE, DUBBO (ID17/747)**      74
- The Committee had before it the report dated 9 May 2017 from the Planner regarding Release of Easement for Water Supply - Lots 31 and 32 DP 636021, 11R Dunedoo Road and 9 Bushland Drive, Dubbo.
- PDC17/20**      **DEVELOPMENT APPLICATION D2016-403 - EDUCATIONAL ESTABLISHMENT (SCHOOL - ALTERATIONS AND ADDITIONS) FOR LOT 1 DP 348033 AND LOT 1 DP 433302, 70 NORTH STREET, DUBBO (WEST DUBBO PUBLIC SCHOOL) (ID17/767)**      79
- The Committee had before it the report dated 9 May 2017 from the Planner regarding Development Application D2016-403 - Educational Establishment (School - Alterations and Additions) for Lot 1 DP 348033 and Lot 1 DP 433302, 70 North Street, Dubbo (West Dubbo Public School).



**DUBBO REGIONAL  
COUNCIL**

## **Report of the Planning and Development Committee - Meeting 18 April 2017**

**AUTHOR: Administrative Officer - Governance**  
**REPORT DATE: 2 May 2017**

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The Committee has before it the report of the Planning and Development Committee meeting held 18 April 2017.

### **MOTION**

**That the report of the Planning and Development Committee meeting held on 18 April 2017, be adopted.**



**REPORT  
PLANNING AND DEVELOPMENT  
COMMITTEE  
18 APRIL 2017**

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**PRESENT:**

Mr M Kneipp (Administrator).

**ALSO IN ATTENDANCE:**

The Director Organisational Services, the Manager Governance and Risk, the Supervisor Governance, the Director Corporate Development, the Corporate Communications Supervisor, the Director Technical Services, the Manager Business Support Technical, the Director Environmental Services, the Manager Building and Development Services, the Manager City Strategy Services, the Director Community Services (J Watts), the Director Parks and Landcare Services and the Transition Project Leader.

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

The proceedings of the meeting commenced at 5.30pm.

**PDC17/9      REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - MEETING 20  
MARCH 2017 (ID17/522)**

The Committee had before it the report of the Planning and Development Committee meeting held 20 March 2017.

Moved by Mr M Kneipp (Administrator)

**MOTION**

**The Committee recommends that the report of the Planning and Development Committee meeting held on 20 March 2017, be adopted.**

**CARRIED**

**PDC17/10 PLANNING PROPOSAL - OPERATIONAL REVIEW OF THE DUBBO LOCAL ENVIRONMENTAL PLAN 2011 (ID17/374)**

The Committee had before it the report dated 11 April 2017 from the Manager City Strategy Services regarding Planning Proposal - Operational Review of the Dubbo Local Environmental Plan 2011.

Moved by Mr M Kneipp (Administrator)

**MOTION**

The Committee recommends:

1. That Council support the proposed amendments contained in the Operational Review of the Dubbo Local Environmental Plan 2011.
2. That Council support a minimum 28 day public exhibition period for the Planning Proposal.
3. That Council resolve to not use its delegation under Section 59 of the Environmental Planning and Assessment Act, 1979 to draft the amendments to the Dubbo Local Environmental Plan 2011.
4. That following the completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.
5. That a further report be provided to Council for consideration that includes a suite of proposed measures Council could consider to guide the provision of dual occupancy development across the Dubbo Regional Local Government Area.

**CARRIED**

**PDC17/11 PLANNING PROPOSAL - OPERATIONAL REVIEW OF THE WELLINGTON LOCAL ENVIRONMENTAL PLAN 2012 (ID17/381)**

The Committee had before it the report dated 11 April 2017 from the Manager City Strategy Services regarding Planning Proposal - Operational Review of the Wellington Local Environmental Plan 2012.

Moved by Mr M Kneipp (Administrator)

**MOTION**

The Committee recommends:

1. That Council support the proposed amendments contained in the Operational Review of the Wellington Local Environmental Plan 2012.
2. That Council support a minimum 28 day public exhibition period for the Planning Proposal.
3. That Council resolve to not use its delegation under Section 59 of the Environmental Planning and Assessment Act, 1979 to draft the amendments to the Wellington Local Environmental Plan 2012.
4. That following the completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.

**CARRIED**

**PDC17/12 COUNCIL POLICY - FLOODING IN GEURIE - RESULTS OF PUBLIC EXHIBITION (ID17/195)**

The Committee had before it the report dated 11 April 2017 from the Manager City Strategy Services regarding Council Policy - Flooding in Geurie - Results of Public Exhibition.

Moved by Mr M Kneipp (Administrator)

**MOTION**

The Committee recommends:

1. That the Council Policy – Flooding in Geurie, as amended and provided in Appendix 1, of the report of the Manager City Strategy Services, dated 11 April 2017 be adopted.
2. That a review of the Council Policy – Flooding in Geurie be undertaken by Council in July 2018.
3. That an advertisement be placed in local print media advising of Council’s adoption of the Council Policy – Flooding in Geurie.
4. That the Council Policy – Flooding in Geurie commence operation from the date it is advertised in local print media.
5. That the people who made submissions be thanked and advised of Council’s determination in this matter.

**CARRIED**

**PDC17/13      DEVELOPMENT APPLICATION D17-133 - DUAL OCCUPANCY (DETACHED) AND TWO (2) LOT SUBDIVISION  
PROPERTY: 276 BRISBANE STREET, DUBBO  
APPLICANT: A R CARPENTRY  
OWNER: MS M J WATKINS (ID17/538)**

The Committee had before it the report dated 11 April 2017 from the Planning Services Supervisor regarding Development Application D17-133 - Dual Occupancy (Detached) and Two (2) Lot Subdivision, 276 Brisbane Street, Dubbo.

Moved by Mr M Kneipp (Administrator)

**MOTION**

**The Committee recommends that Development Application D17-133 for a dual occupancy (detached) and two (2) lot subdivision at Lot 3 Sec B DP 9489, 276 Brisbane Street, Dubbo, be granted approval subject to the conditions of consent, included as Appendix 1, to the report of the Planning Services Supervisor dated 11 April 2017.**

**CARRIED**

*The Director Environmental Services declared a pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that the Director Environmental Services is the owner of the property at 276 Brisbane Street, Dubbo and the proposed development is an investment property. The Director Environmental Services' husband, Adam Ramsay of AR Carpentry, is also the applicant for the subject Development Application.*

**PDC17/14 DEVELOPMENT APPLICATION D16-556 - SERVICED APARTMENTS (52)  
LOCATION: LOT 13 DP 597771, 277-283 COBRA STREET, DUBBO  
APPLICANT/OWNER: P A AND R A MCARDLE (ID17/536)**

The Committee had before it the report dated 11 April 2017 from the Planner regarding Development Application D16-556 - Serviced Apartments (52), 277-283 Cobra Street, Dubbo.

Moved by Mr M Kneipp (Administrator)

**MOTION**

**The Committee recommends that Development Application D16-556 for Serviced Apartments (52) on Lot 13 DP 597771, 277-283 Cobra Street, Dubbo be approved subject to the conditions included in Appendix 1 to the report of the Planner dated 11 April 2017.**

**CARRIED**

The meeting closed at 5.40pm.

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CHAIRMAN





DUBBO REGIONAL  
COUNCIL

## REPORT: Dubbo CBD Precincts Plan - Status Report

**AUTHOR:** Manager City Strategy Services  
**REPORT DATE:** 9 May 2017  
**TRIM REFERENCE:** ID17/760

### EXECUTIVE SUMMARY

The Dubbo CBD Precincts Plan was adopted by the former Dubbo City Council at its meeting held on 29 March 2016 and includes four (4) separate and distinct implementation programs which are reflective of the core pillars of success for the Dubbo Central Business District (CBD). The implementation programs included in the Dubbo CBD Precincts Plan are as follows:

- 'Ignite' Placemaking Program;
- Fast Track Approvals Program;
- CBD Infrastructure Improvements Program; and
- Development Incentive Program.

The purpose of this report is to provide an update as to the progress towards achievement of the 50 Bright Ideas as included in the Dubbo CBD Precincts Plan. The report includes a brief statement as to the status of the 50 Bright Ideas that have either been achieved or are currently underway. A full list of the 50 Bright Ideas included in the Dubbo CBD Precincts Plan is provided here in **Appendix 1**. This report recommends that progress towards achievement of the 50 bright ideas be noted.

Council has committed to the development of a new draft Community Strategic Plan, a Delivery Program and Operational Plan for the new Dubbo Regional Council by September 2017 for the consideration of the new Council.

Many of the 50 Bright Ideas included in the Plan in the Fast Track Approvals Program, the CBD Infrastructure Improvements Program and the Development Incentive Program are considered transformational projects that require a significant level of pre-planning and financial and human resources for delivery. The 50 Bright Ideas as included in the subject programs are provided here in **Appendix 2**.

This report also recommends that the bright ideas included in the following Programs be included in the new Community Strategic Plan for the Dubbo Regional Council Local Government Area:

- Fast Track Approvals Program;
- CBD Infrastructure Improvements Program; and
- Development Incentive Program.

This will ensure integration of the subject 50 Bright Ideas into Council business activities and functions and will also ensure Council can adequately plan resource and financial requirements for consideration towards delivery of the 50 Bright Ideas during the term of the new Council.

In addition to integration of the subject 50 Bright Ideas into the new Community Strategic Plan, it is proposed that an update report be provided to Council in July annually detailing project progress towards achievement of the bright ideas.

### **ORGANISATIONAL VALUES**

Customer Focused: The 50 Bright Ideas as included in the Dubbo CBD Precincts Plan were provided by the community during the Ignite Our Centre community engagement program.

Integrity: Council is focused on the continued delivery of the 50 Bright Ideas as included in the Dubbo CBD Precincts Plan. Integration of the 50 bright ideas into the new Community Strategic Plan will ensure the bright ideas can continue to be adequately planned and resourced for delivery.

One Team: Preparation of the Dubbo CBD Precincts Plan and the continued planning and delivery of the 50 Bright Ideas is the subject of significant cross organisational collaboration.

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

### **POLICY IMPLICATIONS**

There are no policy implications arising from this report.

### **RECOMMENDATION**

- 1. That progress towards achievement of the 50 Bright Ideas be noted.**
- 2. That the 50 Bright Ideas as included in the following programs be included in the new Community Strategic Plan for the Dubbo Regional Council Local Government Area:**
  - **Fast Track Approvals Program;**
  - **CBD Infrastructure Improvements Program;**
  - **Development Incentive Program.**
- 3. That an update report be provided to Council in July annually detailing project progress towards achievement of the bright ideas.**

*Steven Jennings*  
Manager City Strategy Services

## BACKGROUND

The Dubbo CBD Precincts Plan includes the community's vision of a multi-functional, diverse and vibrant centre. The Plan identifies the unique characteristics of the Dubbo CBD to be maintained including such things as the 'high street' shopping experience. The Plan also encourages such things as new and revitalised uses, including encouraging residential development in the CBD, making it easier to do business in the CBD and facilitates the development of an incentive program. The CBD Precincts Plan is also a practical plan which identifies bright ideas the community can pursue to help maintain and grow the CBD now and into the future.

The overarching goal of the Plan is to provide a concise and easily understood strategic plan that includes appropriate systems and mechanisms to enable implementation and achievement of the 50 bright ideas identified by the community.

It is also important to note that the CBD Precincts Plan is a community-led Plan, with the action areas and associated bright ideas coming directly from the Ignite Our Centre Community Engagement Program. As the CBD Precincts Plan was developed by the Dubbo community, it is important to note that the actions are not solely the responsibility of Council. The actions and bright ideas identified in the Plan should continue to be achieved as a partnership with the community and businesses within the Precincts identified in the Plan and by Council.

The purpose of this report is to provide an update on progress towards the achievement of the 50 Bright Ideas as included in the CBD Precincts Plan and to seek Council endorsement for the 50 Bright Ideas to be included in the new Community Strategic Plan for the Dubbo Regional Local Government Area.

## REPORT

### 1. Implementation of the CBD Precincts Plan

The Dubbo CBD Precincts Plan includes four separate and distinct implementation programs reflective of the core pillars of success for the Dubbo CBD which include as follows:

- 'Ignite' Placemaking Program;
- Fast Track Approvals Program;
- CBD Infrastructure Improvements Program; and
- Development Incentive Program.

The following provides a brief explanation of each of the four (4) Programs that will deliver many of the Bright Ideas included in the CBD Precincts Plan. In addition, a brief comment has also been provided in respect of the Bright Ideas which are completed and/or are currently underway. A full list of the Bright Ideas included in the CBD Precincts Plan is provided here in **Appendix 1**.

**(i) 'Ignite' Placemaking Program**

The 'Ignite' Placemaking Program is a Council-funded initiative which seeks to quickly implement many of the 50 Bright Ideas for placemaking in the Dubbo CBD. The program commenced in March 2016 with the commencement of the Ignite Program Coordinator. The Program initially runs for two years after which a detailed review of the program will be undertaken.

The Dubbo 'Ignite' Placemaking Program has the following aims:

- To contribute to the distinctive branding and identification of the City Centre as a whole and to individual precincts within the CBD.
- To allow for quick implementation of small scale activation projects and to test concepts for larger scale implementation.
- To deliver many of the lighter and quicker projects identified by the community as part of the 50 Bright Ideas.
- To encourage and support stakeholders in the identification and development of further placemaking projects for delivery.
- To develop and implement metrics for assessing the impact of placemaking activities on retail trade, CBD foot traffic and new business attraction.

The Ignite Program also seeks to identify new projects and to achieve the identified Bright Ideas as included in the Plan.

It should be noted that plan reporting in respect of the 'Ignite' Placemaking Program has not been considered in this report and is subject to a separate reporting process as a component of the Economic Development Action Plan which is reported to Council on a biannual basis.

**(ii) Fast Track Approvals Program**

The Plan identifies a comprehensive program of policy changes, streamlined processes, improved documentation and information guides to assist achievement of the following Bright Ideas. The Bright Ideas in respect of the Fast Track Approvals Program that are currently underway or completed are included in Table 1.

Bright Idea No.	Bright Ideas	Progress Comment
23	Streamline the process to obtain a busking approval across the CBD.	Complete.
24	Allow coffee shops/cafes to have longer trading hours and utilise social media and on-street advertising for promotions.	Complete and ongoing.  Expressions of interest provided to coffee shops and cafes. A number have taken up the opportunity.

Bright Idea No.	Bright Ideas	Progress Comment
25	Enable pop-up eateries at key sites in the CBD, such as Bligh Street along the river corridor. Enable the use of mobile food trolleys, vans, shipping containers and other temporary structures for pop-up food and beverage.	<p>Underway and ongoing.</p> <p>A review of all Council policies is currently being undertaken following the amalgamation of the former Dubbo City and Wellington councils to improve clarity of provisions.</p> <p>A new Statement of Environmental Effects template and guidance document is now available on Council's website for use for development in the Dubbo and Wellington CBDs.</p> <p>A new Pop-up Shop Policy and associated guidance has been prepared and is in operation. The Pop-up Shop Policy will shortly be available on Council's website.</p>
26	Investigate options for a revised Street Trading Policy to allow retailers and traders to easily utilise the footpath for street trading and promotions.	<p>Underway.</p> <p>A new draft Local Approvals Policy is currently being prepared for the Dubbo Regional Local Government Area.</p>

Table 1. Bright Ideas in respect of the Fast Track Approvals Program that have been completed or are underway.

**(iii) CBD Infrastructure Improvements Program**

The Plan identifies a number of areas where the structure and operation of current infrastructure supporting the CBD may need to be examined and targeted improvements developed. Such areas include (but are not limited to) street lighting, traffic and parking arrangements. However, a significant issue for consideration is vehicular access arrangements to and from the CBD, including access from the L H Ford Bridge.

The Plan includes a number of ideas that require further detailed studies to be undertaken and to develop investment options for improvements to CBD infrastructure. This can enable

the Dubbo CBD to be adequately prepared for the future, make it more resilient to economic change and able to accommodate future growth and development requirements.

The 50 Bright Ideas in respect of the CBD Infrastructure Improvements Program that are currently underway or completed are included in Table 2.

Bright Idea No.	The Big Ideas	Progress Comment
28	Plan for infrastructure upgrades to the Rotunda eg paint roof, maintain power points, installation of a permanent light show, etc.	Underway and ongoing.  Painting of the Cyril Flood Rotunda was undertaken toward the end of 2016.
29	Bike parking - Investigate current allocation and utilisation of bike parks in the CBD.	Underway and ongoing.  Council is in receipt of the final report from consultants, Cardno who have completed the Dubbo Pedestrian Access and Mobility Plan and Dubbo Bike Plan.  The results of the consultancy are proposed to be provided to Council for consideration in the near future.
30	Investigate options to link the Tracker Riley Cycleway to the CBD (eg trail of LED-lit sculptures to the CBD, designed through a business-sponsored competition).	Underway and ongoing.  Council is in receipt of the final report from consultants, Cardno who have completed the Dubbo Pedestrian Access and Mobility Plan and Dubbo Bike Plan.  The results of the consultancy are proposed to be provided to Council for consideration in the near future.

Bright Idea No.	The Big Ideas	Progress Comment
31	Plan for footpath extensions or removal of some car parking spaces to provide for alternatives such as street dining or parklets	<p>Underway and ongoing.</p> <p>Options for the provision of street dining or parklets continue to be investigated. Work is currently centred on reviewing Council's systems and processes for street activities through the preparation of a new Local Approvals Policy for Dubbo and Wellington.</p>
33	Investigate the current vehicle parking requirements for various types of business activities and developments in the CBD.	<p>Underway and ongoing.</p> <p>A review of Council's vehicle parking requirements is currently underway as a component of a new comprehensive Development Control Plan for the Dubbo Regional Local Government Area.</p> <p>A new comprehensive Development Control Plan is required to be completed by September 2017 in accordance with the requirements of the NSW Department of Premier and Cabinet.</p>
35	Investigate options for the provision of shade over Council-owned carparks in the CBD.	Underway and ongoing.
37	Investigate options for permanent lighting installations in the CBD at night time to improve safety and security.	<p>Underway and ongoing</p> <p>A review of all heritage lighting in the CBD has been undertaken with all lighting now operational.</p>

Bright Idea No.	The Big Ideas	Progress Comment
39	Consider further extension of existing bike paths along Bligh Street and make bike paths safer for children to ride in the CBD.	<p>Underway and ongoing.</p> <p>Council is in receipt of the final report from Consultants Cardno who have completed the Dubbo Pedestrian Access and Mobility Plan and Dubbo Bike Plan.</p> <p>The results of the consultancy are proposed to be provided to Council for consideration in the near future.</p>
41	Consider access to/from the CBD for all road users, including active participation in lobbying for an upgrade of the L H Ford Bridge.	<p>Underway and ongoing.</p> <p>As part of the State Government announcement for the proposed duplication of the L H Ford Bridge, Roads and Maritime Services are currently undertaking planning work in respect of the proposed duplication. It is understood that the preliminary results of this analysis will be provided in mid 2017.</p> <p>This work will ultimately inform the future access network to the CBD.</p>

Table 2. Bright Ideas in respect of the CBD Infrastructure Improvements Program that have been completed or are currently underway.



**(iv) Development Incentive Program**

The Plan promotes the need for the further incentive of development in the City centre to ensure the Dubbo CBD remains as the focal point for the Orana Region. Submissions from stakeholders and the community during development of the Plan pointed to the need to consider options to encourage new businesses and entities to set up in the City centre, through the provision of targeted development incentives.

The Bright Ideas in respect of the Development Incentive Program that are currently underway or completed are included in Table 3.

Bright Idea No.	The Bright Ideas	Progress Comment
45	Encourage use and activation of the former Post Office building.	<p>Underway and ongoing.</p> <p>Examination of heritage grant funding and other mechanisms continue to be undertaken. 2018 Heritage Grants open in late 2017.</p> <p>Council staff and the Heritage Advisor continue to facilitate numerous enquiries for use and development of the former Post Office building.</p>
46	Develop a start-up kit and other mechanisms for new businesses to encourage new business in the CBD.	<p>Underway.</p> <p>Council is a participant in the Easy To Do business program which is a joint initiative between Service NSW, the Office of the NSW Small Business Commissioner, the NSW Customer Service Commissioner and Council. The program aims to remove regulatory and other barriers and streamline approval processes for small cafes and bars.</p>
47	Consider the provision of targeted development incentives through Section 94 and 94A contributions' regimes for the CBD to encourage development.	<p>Underway.</p> <p>Council has now adopted an amendment to the Section 94 Contributions Plan Roads,</p>

Bright Idea No.	The Bright Ideas	Progress Comment
		<p>Traffic Management and Car Parking which allows for no contribution to be levied for change of use development under \$100,000.</p> <p>Council continues to await the announcement from the State Government in relation to the proposed duplication of the L H Ford Bridge. It is understood that this announcement is imminent.</p>

Table 3. Bright Ideas in respect of the Development Incentive Program that are currently underway or completed.

It should be noted that plan reporting in respect of the 'Ignite' Placemaking Program has not been considered in this report and is subject to a separate reporting process as a component of the Economic Development Action Plan which is reported to Council on a biannual basis.

## 2. Integrated Planning and Reporting – New Community Strategic Plan

Council is committed to undertaking a review of the Dubbo and Wellington Community Strategic Plans, and develop a new draft Community Strategic Plan, Delivery Program and Operational Plan by September 2017 for the consideration of the new Council.

Many of the 50 Bright Ideas included in the Plan in the Fast Track Approvals Program, the CBD Infrastructure Improvements Program and the Development Incentive Program are considered transformational projects that require significant pre-planning, human and financial resources to deliver. The 50 Bright Ideas as included in the subject programs are provided here in **Appendix 2**.

It is considered that integration of the 50 Bright Ideas into the new Community Strategic Plan will ensure their future integration into Council business activities and functions and ensure they can also be financed and planned for delivery during the term of the new Council. In addition to integration of the subject 50 Bright Ideas into the new Community Strategic Plan, it is proposed that an update report be provided to Council annually detailing project progress towards achievement of the Bright Ideas.

**SUMMARY**

This report provides an update to Council on the progress towards achievement of the 50 Bright Ideas as included in the Dubbo CBD Precincts Plan. The report includes a brief statement as to the status of the 50 Bright Ideas that have either been achieved or are currently underway.

This report also recommends that the 50 Bright Ideas as included in the following programs be included in the new Community Strategic Plan for the Dubbo Regional Local Government Area:

- Fast Track Approvals Program;
- CBD Infrastructure Improvements Program; and
- Development Incentive Program.

Appendices:

- 1 [↓](#) Dubbo CBD Precincts Plan - 50 Bright Ideas
- 2 [↓](#) 50 Bright Ideas - Transformational Projects

## CBD Precincts Plan 50 Bright Ideas – Implementation Program

### PLACEMAKING

#### Ignite Placemaking Program

Bright Idea No.	Bright Idea
1	Trial the planting of a new tree species with less leaf and seed litter across the City including, but not limited to, the southern end of Macquarie Street.
2	Improve the ambiance of the CBD through undertaking activities such as: repainting seats, pressure cleaning pavers, attaching strings of lights across CBD areas, portable gardens, etc.
3	Investigate the development of a program to encourage and allow street art within the CBD.
4	Encourage more public art in the CBD.
5	Facilitate artists to undertake murals on vacant walls around the CBD, where required.
6	Encourage after-hours activation e.g.: themed evening precincts for dining, shopping and other activities.
7	Investigate the creation of additional food markets e.g.: bridge-to-bridge festival with food and wine activities.
8	Facilitate and encourage monthly markets in the CBD that are different from the current style of markets on offer in Dubbo.
9	Encourage live music at the Church Street Rotunda.
10	Facilitate a consultation and engagement program with CBD stakeholders and the community with respect to naming of the CBD.
11	Undertake marketing and promotion activities based on the results of stakeholder engagement in relation to naming and/or branding of the CBD.
12	Appoint an Ignite Program Coordinator for the City.
13	Work with key stakeholders with the intent to form a CBD traders/retailers group.
14	Make better use of the current Dubbo Events Network – Council to provide streamlined processes for festivals and events in the CBD.
15	Encourage laneway activation through better use of walkways for connectivity, facilities, shops and arcades, etc.
16	Investigate options for street closures or shared zones in the CBD.
17	Promote the location of free car parking spaces in the CBD through the installation of signage that allows for better way finding.
18	Encourage an increased police presence in the CBD through regular pop-up police patrols to discourage anti-social behaviour and increase safety and security for CBD users.
19	Provide free Wi-Fi locations in designated areas of the CBD.
20	Investigate the provision of portable toilet facilities in various locations in the CBD to consider whether an appropriate level of demand exists for Council to provide a new facility.
21	Investigate options for CBD shopping tours for tourists and locals that also highlights the heritage of our City Centre.
22	Undertake a shopfront promotion competition.

**CUTTING RED TAPE**

## Fast Track Approvals Program

Bright Idea No.	Bright Idea
23	Streamline the process to obtain a busking approval across the CBD.
24	Allow coffee shops/cafes to have longer trading hours, utilise social media and on-street advertising for promotions.
25	Enable pop-up eateries at key sites in the CBD, such as Bligh Street along the river corridor. Enable the use of mobile food trolleys, vans, shipping containers, and other temporary structures for pop-up food and beverage.
26	Investigate options for a revised Street Trading Policy to allow retailers and traders to easily utilise the footpath for street trading and promotions.

**INFRASTRUCTURE DEVELOPMENT**

## CBD Infrastructure Improvement Program

Bright Idea Number	Bright Idea
27	Investigate the provision of seating and shade between Macquarie Street and the river to connect the CBD to the river and make it more pleasant and easy to access
28	Plan for infrastructure upgrades to the Rotunda e.g.: paint roof, maintain power points, installation of a permanent light show, etc.
29	Bike parking - investigate current allocation and utilisation of bike parks in the CBD.
30	Investigate options to link the Tracker Riley Cycleway to the CBD e.g.: trail of LED-lit sculptures to the CBD, designed through a business-sponsored competition.
31	Plan for footpath extensions or removal of some car parking spaces to provide for alternatives such as street dining or parklets.
32	Enforcement of requirements for light/heavy vehicle loading at certain times.
33	Investigate the current vehicle parking requirements for various types of business activities and developments in the CBD.
34	Investigate and undertake an audit of parking restrictions in the CBD.
35	Investigate options for the provision of shade over Council-owned carparks in the CBD.
36	Investigate options for a convenient and efficient shuttle transport system within the CBD.
37	Investigate options for permanent lighting installations in the CBD at night time to improve safety and security.
38	Investigate locations and options for the provision of a children's playground and family-friendly area in the CBD.
39	Consider further extension of existing bike paths along Bligh Street and make bike paths safer for children to ride in the CBD.
40	Provision of dog friendly infrastructure e.g.: tie posts, poo collection bags etc.
41	Consider access to/from the CBD for all road users, including active participation in lobbying for an upgrade of the L.H. Ford Bridge.
42	Investigate options for the consolidation of car parking and the freeing of land for development via the provision of a multistorey carpark in the CBD.
43	Based on a trial of a new tree species, consider progressively replacing trees along Macquarie Street

**MAKING DEVELOPMENT EASIER**

## Development Incentivisation Program

Bright Idea No.	Bright Idea
44	Consider options to encourage the opening of the rear side of Macquarie Street for shops to face the Macquarie River.
45	Encourage use and activation of the former Post Office building.
46	Develop a start-up kit for new businesses and other mechanisms to encourage new business ventures in the CBD.
47	Consider the provision of targeted development incentives through Section 94 and 94A Contributions regimes for the CBD to encourage development.
48	Encourage establishment and expansion in the CBD of regional headquarters and service centres for both public and private sector organisations.
49	Seek a financial suitability and constraints assessment for undertaking residential development in the CBD.
50	Consider options to demolish the NPWS/Commonwealth Bank building to create a piazza space and open up the Old Dubbo Gaol onto Macquarie Street.



**CUTTING RED TAPE**

## Fast Track Approvals Program

Bright Idea No.	Bright Idea
23	Streamline the process to obtain a busking approval across the CBD.
24	Allow coffee shops/cafes to have longer trading hours, utilise social media and on-street advertising for promotions.
25	Enable pop-up eateries at key sites in the CBD, such as Bligh Street along the river corridor. Enable the use of mobile food trolleys, vans, shipping containers and other temporary structures for pop-up food and beverage.
26	Investigate options for a revised Street Trading Policy to allow retailers and traders to easily utilise the footpath for street trading and promotions.

**INFRASTRUCTURE DEVELOPMENT**

## CBD Infrastructure Improvement Program

Bright Idea No.	Bright Idea
27	Investigate the provision of seating and shade between Macquarie Street and the river to connect the CBD to the river and make it more pleasant and easy to access
28	Plan for infrastructure upgrades to the Rotunda eg paint roof, maintain power points, installation of a permanent light show, etc.
29	Bike parking - investigate current allocation and utilisation of bike parks in the CBD.
30	Investigate options to link the Tracker Riley Cycleway to the CBD eg trail of LED-lit sculptures to the CBD, designed through a business-sponsored competition.
31	Plan for footpath extensions or removal of some car parking spaces to provide for alternatives such as street dining or parklets.
32	Enforcement of requirements for light/heavy vehicle loading at certain times.
33	Investigate the current vehicle parking requirements for various types of business activities and developments in the CBD.
34	Investigate and undertake an audit of parking restrictions in the CBD.
35	Investigate options for the provision of shade over Council-owned carparks in the CBD.
36	Investigate options for a convenient and efficient shuttle transport system within the CBD.
37	Investigate options for permanent lighting installations in the CBD at night time to improve safety and security.
38	Investigate locations and options for the provision of a children's playground and family-friendly area in the CBD.
39	Consider extension of existing bike paths along Bligh Street and make bike paths safer for children to ride in the CBD.
40	Provision of dog friendly infrastructure eg tie posts, poo collection bags etc.
41	Consider access to/from the CBD for all road users, including active participation in lobbying for an upgrade of the L H Ford Bridge.
42	Investigate options for the consolidation of car parking and the freeing of land for development via the provision of a multistorey carpark in the CBD.
43	Based on a trial of a new tree species, consider progressively replacing trees along Macquarie Street

**MAKING DEVELOPMENT EASIER**

## Development Incentivisation Program

Bright Idea No.	Bright Idea
44	Consider options to encourage the opening of the rear side of Macquarie Street for shops to face the Macquarie River.
45	Encourage use and activation of the former Post Office building.
46	Develop a start-up kit for new businesses and other mechanisms to encourage new business ventures in the CBD.
47	Consider the provision of targeted development incentives through Section 94 and 94A Contributions regimes for the CBD to encourage development.
48	Encourage establishment and expansion in the CBD of regional headquarters and service centres for both public and private sector organisations.
49	Seek a financial suitability and constraints assessment for undertaking residential development in the CBD.
50	Consider options to demolish the NPWS/former Commonwealth Bank building to create a piazza space and open up the Old Dubbo Gaol onto Macquarie Street.





**REPORT: Development Application  
D2016-624 (2) - Cotton Storage Facility  
Property: Lot 2670 DP 852445, 27R  
Boothenba Road and Lot 2452 DP  
1049405, Yarrandale Road, Dubbo  
Applicant: Fletcher International Exports  
Pty Ltd  
Owner: Cro-bah Pty Ltd (Lot 2670) and  
Frome Street Investments No. 41 Pty Ltd  
(Lot 2452)**

**AUTHOR: Senior Planner 1  
REPORT DATE: 9 May 2017  
TRIM REFERENCE: ID17/766**

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**EXECUTIVE SUMMARY**

A Section 96(1A) modified Development Application for the proposed modification of Development Consent D2016-624 (2) was lodged with Council on 8 February 2017, seeking a reduction to the value of the Section 94 Urban Roads Contribution imposed in Condition 22 of the development consent.

In accordance with the adopted Section 94 Plan – Roads, Traffic Management and Car Parking, Council can consider a request for a review of the contribution in accordance with the Plan, as follows:

***“3.6 Flexibility in Imposition of Contributions***

*This Plan assumes particular land uses and traditional forms of development consistent with a wide range of urban forms. However, not all situations can be predicted and, from time to time, Council may receive applications which do not fit within these assumptions.*

*Council may consider adjustment or waiver of Section 94 Contributions (either in full or in part) as they apply to individual applications. The following are provided as example of such circumstances:*

- (c) Where the applicant can demonstrate that the development does not generate demand for public amenities or services, or generates demand at a lower quantum than the rates set out in part 4 of this plan.*

*Council has a strong preference for a negotiated outcome. However, in the event that an agreement cannot be reached, Council will commission a competent consultant funded by the applicant to resolve the matter."*

Following discussions with Council, the applicant has requested that the Urban Roads contributions be levied at a lesser rate to that approved. This is due to further information being provided about the nature of the business, demonstrating that it will generate a lesser rate of daily vehicle trips to that initially assessed.

Upon review of the information provided it is recommended the development consent, in particular, Condition 22, be modified thereby reducing the required urban roads contribution from \$416,581.20 to \$13,322.40 (2016/2017 financial year figures). Given the significant variation to the contributions, the Application is provided to Council for determination.

### **ORGANISATIONAL VALUES**

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

Integrity: The Application has been assessed against the requirements of Section 79C of the Environmental Planning and Assessment Act 1979, as well as other relevant legislation and Council Policy.

One Team: Council staff have been involved in the assessment of this Application which has been undertaken in accordance with relevant legislation and Dubbo Regional Council policy.

### **FINANCIAL IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

There are no policy implications arising from this report.

### **RECOMMENDATION**

- 1. That Council agree to reduce the Urban Roads contribution for D16-624 from \$416,581.20 to \$13,322.40 (based on the adopted 2016/2017 financial year notes).**
- 2. That modified Development Application D16-624 (Part 2) for a cotton storage facility at Lot 2670 DP 852445, 27R Boothenda Road and Lot 2452 DP 1049405, Yarrandale Road, Dubbo be granted approval subject to the conditions of consent provided attached in Appendix 1 to the report of the Senior Planner 1 dated 9 May 2017, noting the amendment to Condition 22.**

*Shaun Reynolds*  
Senior Planner 1

## BACKGROUND

Development consent was granted on 27 January 2017 for a cotton storage facility at the Fletcher Grain site in north Dubbo. The purpose of the development, comprising two (2) large buildings, will be to store cotton bales pending their transportation off site by train. Specifically the development proposes:

- The construction of two (2) sheds, each being 132 metres x 77 metres. The buildings will have a height of 7.1 metres to the gutters and 14.12 metres at the ridge. They will be constructed of Colorbond wall cladding and roof sheeting;
- A central (uncovered) loading area (40 metres x 77 metres) between the two (2) sheds;
- Construction of a concrete apron around the entire building structure and within the uncovered loading area to provide for a 6 metre-wide perimeter access road and ring road surrounding the building;
- Construction of a compacted gravel driveway linking the existing driveway onsite to the sheds to allow road train access to these buildings;
- Provision of stormwater infrastructure including construction of two (2) new detention basins and the enlargement of an existing basin in the north-west corner of Lot 2452; and
- A boundary adjustment between Lots 2670 and 2452 to ensure the development is wholly located on Lot 2452.

A total of six (6) staff would be required for the development comprising three (3) new staff and three (3) existing staff. No amenities are proposed within the building. A copy of the approved site plan is provided attached as **Appendix 2**.

The development consent imposed a condition in relation to the imposition of Urban Roads contributions to the value of \$416,581.20 (813 industrial trips). The nature of the development and size of the facility attracted a standard contribution rate which is perhaps not reflective of the daily traffic generation of the development.

## REPORT

### 1. APPLICATION DETAILS

Owner: Cro-bah Pty Ltd (Lot 2670) and Frome Street Investments No. 41 Pty Ltd (Lot 2452)  
Applicant: Fletcher International Exports Pty Ltd  
Consultant: Barnson Pty Ltd

A modified Development Application pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, 1979 was lodged with Council on 8 February 2017. The application seeks approval to modify Condition 22 by way of varying the required Section 94 Urban Roads contributions. Condition 22 reads as follows:

*“Prior to the issue of the Occupation Certificate, the payment of \$416,581.20 (813 industrial trips) for Urban Roads headworks contribution, calculated on a per trip basis, in accordance with Council’s adopted Amended Section 94 Contributions Plan - Roads, Traffic Management and Carparking, operational 3 March 2016.*

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

*Note 1: Council’s adopted 2016/2017 financial year rate is \$512.40 per industrial trip (including administration).*

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

*{Reason: Implementation of Council’s Section 94 Contributions Plan – Roads, Traffic Management and Carparking dated 2016}*”

The initial assessment, based on Council Policy for warehouse type developments, required a monetary contribution of \$416,581.20 (813 industrial trips).

The contribution is determined through the size of the building and the use of the development. Table 4.1 of the Urban Roads Contributions Policy lists daily traffic generation rates per 100 m<sup>2</sup> of Gross Floor Area (GFA) for different types of land uses. Based on this table the most appropriate land use would be a *warehouse* which generates four (4) daily trips per 100 m<sup>2</sup> of GFA.

Information was provided with the Part 1 application to reduce the contribution based on a more specific traffic generation rate to that outlined in the Policy. Given the significant variation in the traffic generation figures (and subsequently the total contribution) to that outlined in the Policy, it was determined that the application would have been required to be determined by Council. Given the restricted timeframe on behalf of the applicant to have the application determined, it was decided to withdraw the contribution reduction argument from the application and have it determined at a later stage through a modified Development Application.

The applicant has subsequently lodged a modified Development Application to vary condition 22 only. No physical or operational aspect of the development is proposed to be amended. Following a request for further information by Council on 24 March 2017, a response was provided on 24 April 2017 which is provided attached as **Appendix 3**. The information clarifies how the development will operate, particularly in terms of predicted traffic movements.

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

## **2. LEGISLATIVE REQUIREMENTS – S96(1A)**

Section 96(1A) of the Environmental Planning and Assessment 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 79C (1) as are of relevance to the development the subject of the application.”*

It is considered that the proposed modification will provide negligible environmental impacts and is substantially the same development as the consent which was originally granted. Given there are no physical or operational modifications proposed, neighbouring land owners were not notified of the modified Development Application. It is noted that neighbouring landowners were notified of the original application with no written submissions being received during that exhibition period.

The information detailed below provides an assessment of these areas of the development which will require assessment with Section 79C of the EP&A Act 1979, as is relevant.

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

### **3. LEGISLATIVE REQUIREMENTS – S79C(1)(a)**

#### Land Use Permissibility

The subject property is zoned IN3 Heavy Industry. The sheds are to be utilised in association with an existing *agricultural produce industry* located on the site. Agricultural produce industries are permissible with consent in the IN3 zone pursuant to the Dubbo LEP 2011. The use of the buildings is not being altered through this modified Development Application.

Section 94 Urban Roads Contributions Plan

The development proposal was lodged for a cotton storage facility with a Gross Floor Area (GFA) of 20,328m<sup>2</sup>. Under the Policy, the most appropriate land use is a *warehouse* which has a daily trip generation of 4 per 100 m<sup>2</sup> GFA. Therefore the daily trip generation was deemed to be 813.12 (say 813). No credits were applied as it is considered the current grain handling operations on the site exhaust the basic allotment credit of 11 daily trips.

Council's Section 94 Contributions Plan – Roads, Traffic Management and Car Parking (also known as Section 94 Urban Roads Contribution Plan) was adopted as amended on 25 February 2008 and replaced the Dubbo Urban Roads Contributions Plan dated February 1995.

In accordance with the adopted Section 94 Plan, Council can consider a request for a review of the contribution in accordance with the Plan, as follows:

*“3.6 Flexibility in Imposition of Contributions*

*This Plan assumes particular land uses and traditional forms of development consistent with a wide range of urban forms. However, not all situations can be predicted and, from time to time, Council may receive applications which do not fit within these assumptions.*

*Council may consider adjustment or waiver of Section 94 Contributions (either in full or in part) as they apply to individual applications. The following are provided as example of such circumstances:*

- (c) *Where the applicant can demonstrate that the development does not generate demand for public amenities or services, or generates demand at a lower quantum than the rates set out in part 4 of this plan.*

*Council has a strong preference for a negotiated outcome. However, in the event that an agreement cannot be reached, Council will commission a competent consultant funded by the applicant to resolve the matter.”*

It is acknowledged that the trip generation stipulated in the Policy is not a true reflection of the number of trips this type of development would generate. The applicant in their justification to have the daily trips reduced has identified:

- Delivery of products to the shed will be restricted to a certain period of the year (i.e. approximately 20 weeks following cotton harvest);
- Most vehicles delivering the product will be fully laden road trains which reduces the overall number of vehicles accessing the site;
- Products will only be delivered to the site, they will not be removed again by vehicle (this will be undertaken by train); and
- There will only be a low number of staff additional associated with the shed (approximately three (3)) thereby ensuring a minimal amount of staff vehicles accessing the site.

Following a request for further information, clarification on operational matters and justification for a reduced contribution has been provided as follows:

*“The quantity of cotton bales being transported through the storage facility will not increase above the nominated 85,000 bales. This is because rail transportation out of the site is limited as outlined below.*

*Fletchers International operates three (3) train services departing the site per week. Each service has 15 wagons. On each wagon, one (1) x 40 foot box is available for the freight of the cotton bales due to existing freight commitments, for meat, grain and cotton. Each box can hold 112 cotton bales. Therefore:*

- *112 cotton bales/box*
- *112 bales x 15 wagons = 1,680 bales/train*
- *3 trains per week x 1,680 bales = 5,040 bales/week*

*It would take over 17 weeks to rail out the 85,000 bales at 5,040 bales per week. As the cotton season is limited in duration there is no ability to increase capacity due to the limitations in transporting the cotton off site.*

*All cotton bales transported to site will be delivered by road train as smaller vehicles are not cost efficient. It should also be noted that whilst the current capacity of a road train is 220 bales, changing technologies as recent as this year will enable an additional row of bales to be transported in the near future, thus further increasing carrying capacity and thus decreasing vehicle trips.*

*Exact vehicle numbers will vary only slightly from season to season. However, the volume transported in each road train would be maximised as it is not efficient to operate less than fully laden vehicles. More than one collection point may be utilised to ensure full loads are provided prior to delivery at the site.*

*Whilst actual traffic counts have not been carried out, the operator (Fletcher International Exports Pty Ltd) has provided historical cotton production receival numbers. These numbers will be transferrable to the proposed development. The baled cotton will be delivered to the site by road train and transported from site by rail. Road trains have a capacity of 220 cotton bales. To provide Council with comfort that there is a buffer in heavy vehicle transport numbers the following revised assessment is provided, assuming each road train is only 85% of capacity (187 bales).*

*The development would accept and store a maximum of 85,000 bales. The bales would be transported to site on road trains, with each road train having a maximum capacity of 220 bales. Assuming on average each road train is 85% full, this would equate to 187 bales per road train. Therefore, the development would generate a total of 455 road trains and thus 910 annual road train vehicle trips. Based on a cotton lint period of 20 weeks, operating six (6) days per week, this would equate to eight (8) daily road train vehicle trips.”*

Discussions with the applicant also demonstrate that the purpose of the shed is to provide a centralised destination for cotton bales prior to their being loaded onto trains. Presently, Fletcher trucks transport the bales from their receipt point to various destinations around Dubbo for storage, pending their loading onto trains. The proposed buildings under this application will ensure all bales can be transported directly to the site where they will be stored and subsequently loaded onto trains as required. This will ensure a more efficient operation and ultimately reduce the total number of traffic movements through bales being transported directly from farm to destination, rather than having a holding location between the two sites.

The comments provided above clarify a concern by Council in that bale figures provided were only based on previous years. Council assumed the purpose of the shed was to increase the number of bales being able to be received. However, the applicant was able to clarify that the shed will ensure a centralised destination only and ultimately the total number of bales handled will not increase from what presently occurs. Further, based on rail capacity, the future total number of bales received will not increase. The applicant also clarifies that for efficiency reasons, vehicles transporting bales to the site will substantially be fully laden road trains. Despite this, a buffer figure of 85% capacity has been used in the calculations which is considered reasonable.

Clarification has also been provided regarding the use of these buildings outside of the cotton harvest season. The applicant advises that one (1) shed may be used for the storage of other materials that is otherwise normally stored onsite. Examples include grain that is normally stored in a bunker will be stored in sheds however, no additional material above the existing would be brought to the site. Consequently, no additional vehicle trips would be generated by this development other than for cotton storage purposes as is quantitated below.

As can be seen, the arguments put forward in the application are based on logistics and clarifying existing and proposed operations. Generally, where there is no suitable land use within the Policy, raw data in terms of actual traffic movements shall be provided which gives an accurate gauge as to the traffic generation of the development. Such data can be obtained from a similar development site in terms of land use and size, the development's previous development site, or data that is obtained following occupation and a reduction in contributions made retrospectively.

Such raw data has not been provided in this instance other than bale numbers. The simplest method of obtaining raw data would be to permit the development to operate, obtain data over a suitable period (say, two years), and submit an application to reduce the figure based on this actual data.

While no raw data for this development (or a similar development) has been provided, it is considered the analysis provided by the applicant suitable to determine an appropriate trip generation. The applicant outlines receipt would be a maximum of 85,000 bales. While the majority of road trains would be 100% laden, to offset the occasions where a vehicle was not fully laden, a figure of 187 bales per vehicle has been nominated by the applicant which represents 85% capacity (a fully laden road train has a 220 bale capacity). Dividing 85,000 by



187 results in the total number of road trains accessing the site as being 455. The total trip generation (in and out) is therefore 910.

The applicant has reiterated that the cotton lint period runs for 20 weeks. With receivals running six days per week over this period (120 days), the total number of daily trip movements (road trains) is 7.58.

In addition to road train movements, the applicant acknowledged three additional staff will be employed as a consequence of this development. Being conservative and assuming staff would arrive at work, leave and come back again twice during the day (eg lunch and some other reason), then leave at the conclusion of work, the total number of daily trips for three additional staff (noting that the three existing staff movements have already been factored into past consents) would be 18 (ie 6 x 3). The total daily trip generation therefore equates to 25.58 (say 26), and the contribution would equate to:

Contribution = \$ industrial rate x trips  
= \$512.40 x 26  
= \$13,322.40

Therefore, the total contribution required is \$13,322.40, based on 26 daily industrial trips (including administration).

Again, despite the lack of raw data, it is considered the above analysis and figures will be reflective of the proposed development. Condition 22 of the consent is subsequently recommended to be modified to reflect the amended contribution figure as follows:

*“Prior to the issue of the Occupation Certificate, the payment of \$13,322.40 (26 industrial trips) for Urban Roads headworks contribution, calculated on a per trip basis, in accordance with Council’s adopted Amended Section 94 Contributions Plan – Roads, Traffic Management and Carparking, operational 3 March 2016.*

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

*Note 1: Council’s adopted 2016/2017 financial year rate is \$512.40 per industrial trip (including administration).*

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

*Note 3: The required contribution relates to the use of the buildings as a cotton storage facility. Any alteration to this use may require recalculation of required contributions as applicable.*

*{Reason: Implementation of Council’s Section 94 Contributions Plan – Roads, Traffic Management and Carparking dated 2016}*”

Note 3 has been added to the modified condition to clarify that the contribution has been determined based on use of the buildings for a cotton storage facility. Should the use of the buildings change, including storage of another agricultural product, Council may be required to impose additional contributions as applicable.

**4. LIKELY IMPACTS OF THE DEVELOPMENT – S79C(1)(b)**

It is considered that the proposed modification will not contribute to any adverse social or economic impacts to the locality or impacts to the natural or built environment.

**5. SUITABILITY OF THE SITE – S79C(1)(c)**

The overall layout and appearance of the development is not proposed to be altered through this modification.

**6. SUBMISSIONS – S79C(1)(d)**

Due to there being no physical change to the development as approved, neighbouring land owners were not notified of this application.

**7. PUBLIC INTEREST – S79C(1)(e)**

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

**8. INTERNAL REFERRALS**

***Engineering Assessment***

Council's Manager Technical Support provided a referral dated 4 March 2017 which was prior to the receipt of additional information and clarification of matters by the applicant. The Manager suggested either the matter be deferred for two years following issue of the Occupation Certificate to allow the applicant to compile actual data or Council use an approved wool storage facility (D10-507) as a benchmark for traffic generation on a pro-rata basis based on the larger building size. The latter option is not considered suitable as that use, while also handling a seasonal agricultural product, is different in that goods are transported to and from the site by vehicle, rather than just to the site as in this instance.

**SUMMARY**

The applicant is seeking development consent to modify a previously approved Development Application for a cotton storage facility at Lot 2670 DP 852445, 27R Boothenba Road and Lot 2452 DP 1049405, Yarrandale Road, Dubbo.

The proposal seeks to reduce the urban roads contributions that have been levied against this development under Condition 22 pursuant to Council's Section 94 Contributions Plan –

Roads, Traffic Management and Car Parking. The applicant has provided justification that the proposed use of the site will have a reduced daily trip generation to that initially assessed.

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

The modified Development Application is consistent with the objectives of the applicable Environmental Planning Instruments, Development Control Plan and Council Policies. Therefore, it is recommended that the subject modified Development Application (D16-624 Part 2) for a cotton storage facility at Lot 2670 DP 852445, 27R Boothenba Road and Lot 2452 DP 1049405, Yarrandale Road, Dubbo, pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, 1979, be approved subject to the conditions of consent as set out in **Appendix 1** attached to this report.

Appendices:

- 1 [↓](#) Conditions of consent
- 2 [↓](#) Development plan
- 3 [↓](#) Submission from Barnson dated 24 April 2017

**CONDITIONS**

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

Drawing Title: Proposed Site Layout  
 Drawing Number: 26040-A01  
 Dated: 22.12.2016  
 Revision: D

Drawing Title: Part Site Plan  
 Drawing Number: 26040-A02  
 Dated: 22.12.2016  
 Revision: D

Drawing Title: Proposed Floor Plan  
 Drawing Number: 26040-A03  
 Dated: 22.12.2016  
 Revision: D

Drawing Title: Elevations 1  
 Drawing Number: 26040-A04  
 Dated: 22.12.2016  
 Revision: D

Drawing Title: Elevations 2  
 Drawing Number: 26040-A05  
 Dated: 22.12.2016  
 Revision: D

Drawing Title: Proposed Subdivision of Lot 2452 in DP 11049405 and Lot 2670 in DP 852445  
 Surveyor's Ref: 26040:DP:1  
 Dated: undated  
 {Reason: To ensure that the development is undertaken in accordance with that assessed}

- (2) The sanitary drainage and water plumbing installations shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the water and sewerage regulatory authority.  
 {Reason: Statutory and Council requirement}
- (3) The proposed development shall be designed and constructed in conformity with the design criteria applicable under the Building Code of Australia (BCA) and *Disability (Access to Premises — Buildings) Standards 2010* of the Disability Discrimination Act 1992.

In this regard, if Council is engaged as the Certifying Authority, the Developer shall submit with the Construction Certificate application a schedule listing the development's compliance, exemption or non-applicability to the following clauses of Schedule 1 *Access Code for Buildings* under the *Disability (Access to Premises – Buildings) Standards 2010*:

- (i) Clauses D3.1 – D3.12;
- (ii) Clause E3.6; and
- (iii) Clauses F2.2 and F2.4.

{Reason: Council requirement to ensure compliance with the Premises Standards under the DDA is demonstrated}

- (4) A hoarding barricade or fence shall be erected between the buildings and any adjoining public place and/or around any road openings or obstructions if pedestrian or vehicular traffic is likely to be endangered, obstructed or inconvenienced by the proposed works.  
{Reason: Council requirement for the protection of the public, visitors & workers}
- (5) The sanitary drainage associated with the re-location of the existing sewage management facility and new work, requires the separate approval of Council prior to being installed. In this regard a Sewage Management Facility Application form is available from Council, and must be completed and returned to Council with all associated design, installation details and fees. No sanitary drainage work must be installed until Council has approved the proposed treatment and disposal method for the site and issued an approval to install the intended sewage management facility.

Such application must be lodged with Council prior to works commencing on the existing sewage management facility and the proposed buildings.

{Reason: Council and statutory requirement of Section 68 Local Government Act 1993}

- (6) All sanitary plumbing and drainage associated with the sewage management facility shall be carried out by a licensed plumber and drainer.  
{Reason: Council requirement}
- (7) The overflow (relief) gully required to be provided to the sanitary drainage pipework associated with the new sewage management facility, must be-
  - (a) A minimum 150 mm below the lowest sanitary fixture in the building it serves; and
  - (b) A minimum 75 mm above the finished surrounding ground level to prevent ingress of surface stormwater.  
{Reason: Statutory requirement}
- (8) The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier, prior to them being covered. In this regard, at least 24 hours' notice shall be given to permit such inspections to be performed. When requesting an inspection please quote Council's reference number D16-624 Part 2.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (13) The person having the benefit of this Development Consent must unless that person is the principal contractor, ensure that the principal contractor has been notified of the critical stage inspections and any other inspections that are specified by the appointed Principal Certifying Authority (PCA) to be carried out.

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

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

- (14) If Council is engaged to act as the Principal Certifying Authority (PCA), the applicant shall ensure that the responsible builder and/or applicable contractors submit to Council documentary evidence identifying and confirming that their respective work was undertaken in conformity with the relevant Section J provisions of the BCA, as approved under the Construction Certificate. Such documentation must be provided prior to issue of the building's Occupation Certificate.  
{Reason: To satisfy Council as the PCA that the applicable work has been undertaken in conformity with the BCA}
- (15) Prior to the release of the Construction Certificate the applicant shall provide a detailed Construction Environment Management Plan (CEMP) to Council for approval. The CEMP shall address potential land, noise, air and water pollution and the proposed mitigation measures.  
{Reason: To ensure the protection of the environment and prevent potential pollution on the site}
- (16) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.  
{Reason: Council and statutory requirement to protect Aboriginal heritage}
- (17) Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (eg Office of Environment and Heritage (OEH), WorkCover Authority, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.  
  
Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.  
{Reason: Council requirement to prevent the contamination of the environment}
- (18) All solid waste from construction and operation of the proposed development shall be assessed, classified and disposed of in accordance with the *Department of Environment and Climate Change - Waste Classification Guidelines*. Whilst recycling and reuse are preferable to landfill disposal, all disposal options (including recycling and reuse) must be undertaken with lawful authority as required under the Protection of the Environment Operations Act.  
{Reason: Council requirement to require compliance with the POEO Act}
- (19) Waste construction materials including soil arising from the development, must be disposed of at an appropriately licensed waste facility.  
{Reason: To ensure environmentally safe disposal}
- (20) Noise from the development ( $L_{Aeq}$ ) shall not exceed the background ( $L_{A90}$ ) by more than 5dB(A) at any time including any allowance for impulsiveness and tonal characteristics, when measured at the most affected residence.  
{Reason: Council requirement to prevent the generation of a noise nuisance}

{21} Construction work shall only be carried out within the following time:

Monday to Friday: 7 am to 6 pm  
 Saturday: 8 am to 1 pm  
 Sunday and public holidays: No construction work permitted  
 {Reason: Council requirement to reduce likelihood of noise nuisance}

**CONDITION 22 AMENDED WITH CONSENT D2016-624 PART 2 TO READ AS FOLLOWS:**

{22} Prior to the issue of the Occupation Certificate, the payment of \$13,322.40 (26 industrial trips) for Urban Roads headworks contribution, calculated on a per trip basis, in accordance with Council's adopted Amended Section 94 Contributions Plan – Roads, Traffic Management and Carparking, operational 3 March 2016.

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

Note 1: Council's adopted 2016/2017 financial year rate is \$512.40 per industrial trip (including administration).

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

Note 3: The required contribution relates to the use of the buildings as a cotton storage facility. Any alteration to this use may require recalculation of required contributions as applicable.

{Reason: Implementation of Council's Section 94 Contributions Plan - Roads, Traffic Management and Carparking dated 2016}

{23} Any lighting on the site must be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity or surrounding area by light overspill. All lighting must comply with the *Australian Standard AS 48282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

{Reason: This condition is imposed to ensure compliance with the Protection of the Environment Operations Act 1997}

{24} Dust suppression measures including the use of water trucks are to be used during periods of dry weather to ensure dust and air impurities do not leave the site

{Reason: To ensure compliance with the Protection of the Environment Operations Act}

{25} Direct vehicular access to the subject development from Boothenba Road is not permitted. Access to the proposed development shall be via the existing ingress/egress from Yarrandale Road.

{Reason: To prevent vehicles from gaining direct access onto Boothenba Road}



- (26) The approved hours of operation for this development are 6:00 am to 10:00 pm seven (7) days per week. No activities associated with the cotton storage sheds are to occur outside these hours.

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

- (27) Prior to the occupation and/or use of the subject buildings, or issuing of an Occupation Certificate (including any Interim Occupation Certificate), all areas pertaining to this Development Application (proposed buildings/sheds, driveways, hard stand areas, loading areas and parking areas) shall be drained to Council's satisfaction. Such drainage system may be designed generally in accordance with the submitted stormwater civil engineering concept plans (Barnson plans Drawing Reference 26040 – C50, C52, C53 & C54) however, such plans require modification as detailed below:-

- The Developer will be required to provide a revised 'drainage strategy/system' which addresses the 'major' and 'minor' flows.
- Onsite stormwater detention basins shall be designed so that "pre-development" flows are maintained for all storm events up to an including the 100 year ARI.
- Discharge out of the proposed On-site detention Basins shall be limited to the 'carrying capacity' of the receiving table drains (this includes discharge from existing OSD3).

Prior to construction of the stormwater management system, the Developer must have approved by Council, full and detailed revised hydraulic design calculations and drawings of the development's stormwater drainage system. If utilising existing OSD3, the overall stormwater strategy must take into account any and all upstream contributing flows.

Prior to the discharge into Council's system (ie the surrounding road table drain system), the Developer will be required to install at their own expense a "pollution control device(s)" which will collect all oil, sediment and litter from the development site.

It is strongly recommended that the Developer and/or their consultant(s) have discussions with Council Technical Services stormwater staff prior to commencing redevelopment of the stormwater strategy for this development site so that the above conditioned design parameters are clear.

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

- (28) All vehicles associated with the development must enter and exit the subject land in a forward direction. No reversing of vehicles onto the public roadway system will be permitted.

Additionally, at no stage(s) shall vehicles associated with the development be permitted to park (either permanently and/or temporarily) on any surrounding public roadway system (ie Yarrandale Road and/or Boothenba Road).

{Reason: To provide safety for the travelling public utilising the public roadways}

- (29) At no stage shall any materials, goods, plant or vehicles associated with the proposed development be stored, displayed or placed for any purpose within the Yarrandale Road or Boothenba Road road reserves.

{Reason: To provide safety for the travelling public utilising the public roadways}

**NOTES:**

- (1) A separate application is required to be submitted to either Council or an accredited certifier to obtain a Construction Certificate to permit the erection of the proposed buildings.
- (2) Following compliance with the relevant conditions of this Development Consent that pertain to the boundary adjustment between Lots 2670 DP 852445 and Lot 2452 DP 1049405, the applicant should apply to Council, with lodgement of the Subdivision Certificate application and payment of the prescribed fee, for release of the Linen Plan(s) of subdivision, which will be duly released.
- (3) Fees and contributions in respect to this application will be those applicable at the date of release of the Subdivision Certificate.
- (4) A list of Fire Safety Measures must be submitted with the Construction Certificate application pursuant to clause 139 of the Environmental Planning and Assessment Regulation 2000. The Regulation prescribes that the information to be submitted must include:
- A list of any existing fire safety measures provided in relation to the land or any existing building on the land; and
  - A list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.
- (5) On completion of the erection of the subject buildings, the owner of the buildings is required to submit to the Principal Certifying Authority (PCA) a Fire Safety Certificate(s) with respect to each *essential fire safety measure* installed in association with the building - as listed on the Fire Safety Schedule attached to the Construction Certificate. Such certificate(s) must be submitted to the PCA prior to occupation or use of the subject building.

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

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

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

- (7) If Council is engaged to act as the Certifying Authority for the Construction Certificate application the following shall be included with such application:
- (a) Location of proposed exit signs, directional exit signs, emergency lighting and any portable fire extinguishers;
  - (b) Specifications detailing the proposed building's compliance with the relevant provisions of Section J *Energy Efficiency* of the BCA;
  - (c) Specification for the building's exit door hardware (ie door handle and latch);
  - (d) Details demonstrating that a continuous accessible path of travel for disabled persons is provided from the allotment boundary at a point of entry from Yarrandale Road, to the doorway at the entrance floor and through the principle pedestrian entrance of the new buildings. The design for such access must be in accordance with the BCA and the *Disability (Access to Premises — Buildings) Standards 2010* under the DDA. Otherwise any exemption relied upon under clause D3.4 (if deemed-to-satisfy solution utilised), or a performance solution prepared under Part A0 of the BCA to address the applicable Performance Requirements under the BCA and Access Code;
  - (e) Details demonstrating the provision of disabled access to and within the subject buildings as required by the BCA and Access Code; or any exemption relied upon under clause D3.4 (if deemed-to-satisfy solution utilised), or a performance solution prepared under Part A0 of the BCA to address the applicable Performance Requirements under the BCA and Access Code;
  - (f) Details demonstrating the provision of sanitary facilities to both buildings, including the provision of a unisex disabled accessible toilet (if deemed-to-satisfy solution utilised); or otherwise a performance solution prepared under Part A0 of the BCA to address the applicable Performance Requirements under the BCA and Access Code;
  - (g) Location of required fire hose reels together with design calculations, including demonstration that such reels achieve full floor coverage in conformity with E1.4(c)(i) and AS 2441;
  - (h) Documentation demonstrating each building's conformity with the applicable criteria for a 'large isolated building' under the BCA, particularly that their volume does not exceed 108,000m<sup>3</sup>. Otherwise, sprinklers and a smoke hazard management system under NSW Table E2.2a may be required;
  - (i) Documentation must be provided with the construction certificate application to adequately demonstrate to the Certifying Authority that the material to be stored in the subject warehouses ie baled cotton, does not constitute an '*occupancy of excessive hazard*' for the purposes of Table E1.5 of the BCA;
  - (j) Location of required onsite pillar hydrant(s) together with design calculations demonstrating compliance with AS 2419.1-2005 with respect to flow rate, pressure and distance limitations.

Required fire brigade hardstand areas adjoining the pillar hydrants and any booster assembly, must be designed in conformity with the following Fire and Rescue NSW publications:

- Guide Sheet No. 5 *Hardstand Areas for FRNSW Appliances*, and
- Policy No. 4 *Guidelines for Emergency Vehicle Access*.

Both documents are obtainable from the Fire and Rescue NSW website: [www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Note: such hardstand areas must not only be capable of sustaining the weight of the FRNSW appliances, but also not be eroded or otherwise affected by the flow of fire-fighting water from hose leakage and disconnection discharges from the hydrant/booster and pump couplings;

- (k) All relevant stormwater design and disposal details as indicated in the conditions of consent;
- (l) Existing and finished site contours and levels indicating the extent of any cut and fill; and methods (e.g. retaining walls) proposed to be implemented to retain the batters associated with any such cut and fill;
- (m) All structural details including specifications and design drawings and statement(s)/certificate(s) by the design engineer stipulating the Australian Standards that the design complies with, including its design wind load parameters;
- (n) Occupancy calculations for the whole development (existing building + proposed building) demonstrating that the existing onsite sanitary facilities are sufficient in terms of Part F2 of the BCA to cater for the additional occupancy arising from the new building floor areas;
- (o) Employees engaged to work within the proposed buildings must have access to sanitary facilities of the appropriate type, sex and quantity. In this regard, if such facilities are not being provided within the proposed buildings themselves, then it must be demonstrated in the submitted documentation for the construction certificate application that they are otherwise provided in a convenient location associated with the proposed buildings. If any existing onsite facilities are intended being utilised, then such documentation must not only demonstrate the appropriate type, sex and convenient location for the employees, but also they are appropriate to the total occupancy numbers utilising such facilities.

Performance requirement FP2.1 of the BCA requires that suitable sanitary facilities for personal hygiene must be provided in a convenient location within or associated with a building, to the degree necessary, appropriate to the function or use of the building; and the number and gender of the occupants.

A further consideration that Council will make in relation to any construction certificate application submitted to it for the subject buildings, is that if any existing facilities are to be utilised, then they must be available and accessible at all times the site is occupied. The number provided would require justification using the provisions of D1.13 or other suitable means of assessing occupancy and the Dts requirements of Part F2.3 and Table F2.3 of the BCA.

- {8} Offensive noise as defined under the Protection of the Environment Operations Act 1997 shall not be emitted from the proposed development.

Air impurities as defined under the Protection of the Environment Operations Act 1997 shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.

- {9} The Council Section 94/64 Contribution Plans referred to in the conditions of this consent, may be viewed by the public without charge, at Council's Administration Building, Church Street, Dubbo between the hours of 9 am and 5 pm, Monday to Friday. Copies are also available from: [www.dubbo.nsw.gov.au](http://www.dubbo.nsw.gov.au)
- {10} The Development shall be carried out in accordance with Essential Energy's correspondence dated 19 January 2017 (copy attached), noting Essential Energy's comments regarding the easement through both allotments.

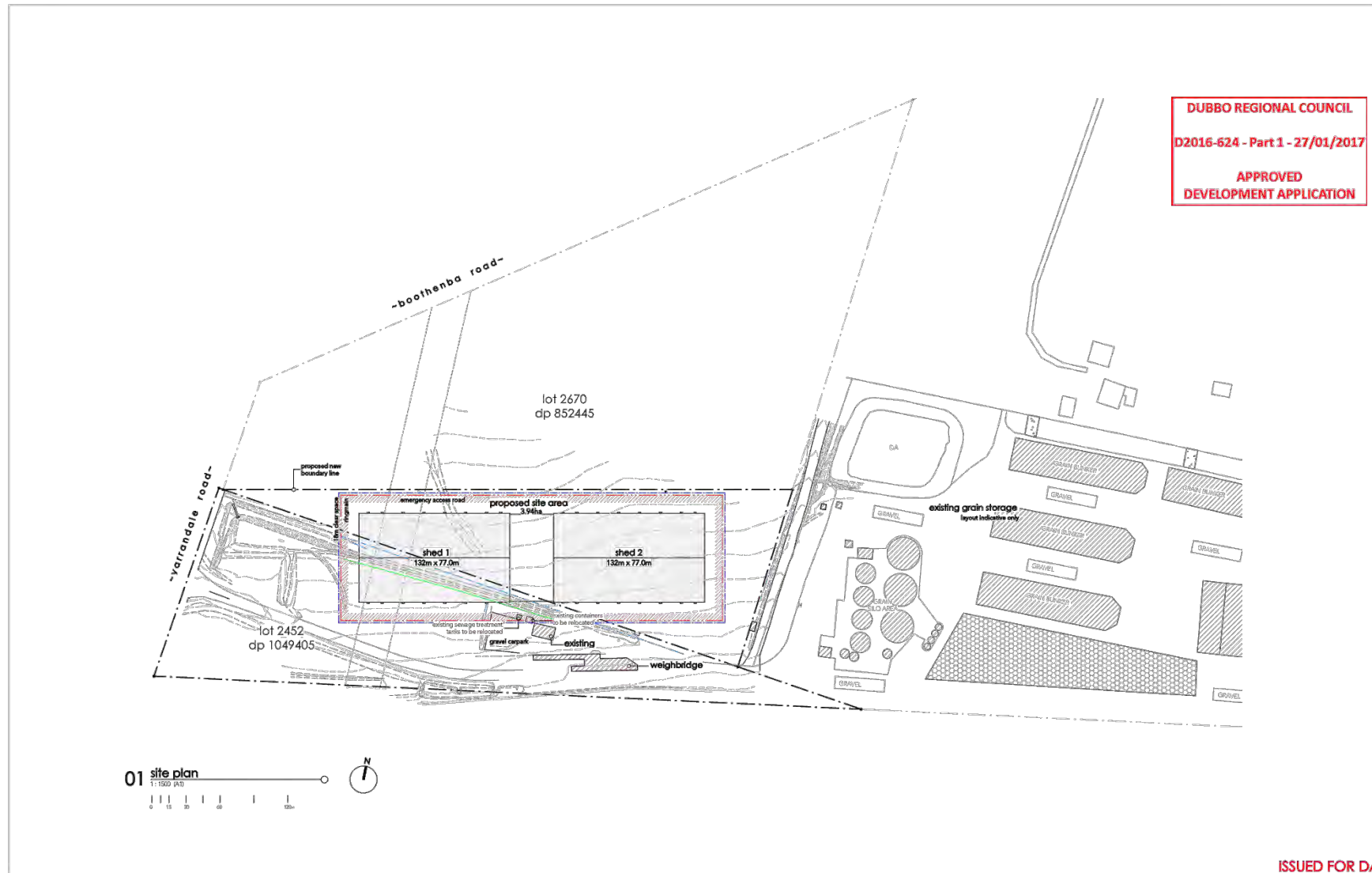
#### **RIGHT OF REVIEW**

Section 82A of the Environmental Planning and Assessment Act 1979 confers the right for an applicant to make a request to the Council for it to review its determination, within six months after the date on which the applicant received this notice. Any requests for a review are required to be accompanied by a fee as set in Council's revenue policy.

Note: Pursuant to s82A(4) a Council is not obligated to accede to a request for review.

#### **RIGHT OF APPEAL**

Section 97 of the Environmental Planning and Assessment Act 1979 confers the right for an applicant who is dissatisfied with Council's determination to appeal to the Land and Environment Court within six months after the date on which you receive this Notice.



DUBBO REGIONAL COUNCIL  
 D2016-624 - Part 1 - 27/01/2017  
 APPROVED  
 DEVELOPMENT APPLICATION



**BARNSON PTY**  
 Unit 1/36 Darling Street  
 Dubbo NSW 2830  
**Contact Us**  
 1300 BARNSON (1300 227)  
 generalenquiry@barnson.com.au  
 www.barnson.com.au

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH GENERAL BUILDING DRAWINGS, SPECIFICATIONS & OTHER CONTRACT DOCUMENTS APPLICABLE TO THIS PROJECT. ALL EXHIBITIONS IN ALLIANCE, DO NOT LEGALLY DISBURSE TO BE CHECKED ON SITE BEFORE COMMENCEMENT OF WORK. ERROR DISCREPANCIES TO BARNSON PTY LTD. NO PART OF THIS DRAWING MAY BE REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION.

Client: FLETCHER INTERNATIONAL  
 Project: PROPOSED COTTON STORAGE SHED  
 Drawing: PROPOSED SITE LAYOUT

Rev	Date	Amendment
A	18.10.2016	PRELIMINARY DRAWINGS
B	26.11.2016	ISSUED FOR REVIEW
C	07.12.2016	ISSUED FOR REVIEW
D	22.12.2016	ISSUED FOR DEVELOPMENT APPLICATION

ISSUED FOR DA  
 Design: KG  
 Draw: KG/CR  
 Check: KG  
 Sheet 02 of 07  
 Drawing: 26040-A01  
 Revision: D





2 Littlebourne Street  
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www.barnson.com.au

date  
24.04.2017  
reference  
25620-PL01\_A  
receiver

The General Manager  
Dubbo Regional  
Council  
Att: Shaun Reynolds  
PO Box 81  
Dubbo NSW 2830

Dear Sir,

**Modified DA 2016-624 Part 2 - Lot 2670 DP  
852445 & Lot 2452 DP 1049405, 26R  
Boothenba Road & Yarrandale Road, Dubbo |  
Additional Information**

I refer to your letter dated 24 March 2017 requesting further information in relation to the above application to modify DA 2016-624. We provide the following additional information to address your request.

The quantity of cotton bales being transported through the storage facility will not increase above the nominated 85,000 bales. This is because rail transportation out of the site is limited as outlined below.

Fletchers International operates three (3) train services departing the site per week. Each service has 15 wagons. On each wagon, one (1) x 40 foot box is available for the freight of the cotton bales due to existing freight commitments, for meat, grain and cotton. Each box can hold 112 cotton bales. Therefore:

- 112 cotton bales/box
- 112 bales x 15 wagons = 1,680 bales/train
- 3 trains per week x 1,680 bales = 5,040 bales/week

It would take over 17 weeks to rail out the 85,000 bales at 5,040 bales per week.

As the cotton season is limited in duration there is no ability to increase capacity due to the limitations in transporting the cotton off site.

All cotton bales transported to site will be delivered by road train as smaller vehicles are not cost efficient. It should also be noted that whilst the current capacity of a road train is 220 bales, changing technologies as recent as this year will enable an additional row of bales to be transported in the near future, thus further increasing carrying capacity and thus decreasing vehicle trips.

Exact vehicle numbers will vary only slightly from season to season. However, the volume transported in each road train would be maximised as it is not efficient to operate less than fully laden vehicles. More than one collection point may be utilised to ensure full loads are provided prior to delivery at the site.

dubbo | bathurst | mudgee



## Actual Trip Generation

Whilst actual traffic counts have not been carried out, the operator (Fletcher International Exports Pty Ltd) has provided historical cotton production receival numbers. These numbers will be transferrable to the proposed development. The baled cotton will be delivered to the site by road train and transported from site by rail. Road trains have a capacity of 220 cotton bales. To provide Council with comfort that there is a buffer in heavy vehicle transport numbers the following revised assessment is provided, assuming each road train is only 85% of capacity (187 bales).

**Table 1** outlines the historic cotton production receival numbers, with road train numbers and vehicle trips extrapolated from the cotton number based on road train capacity. The operator has advised that the receival numbers would not be likely to extend beyond 2016 number due to limitations on rail capacity.

Year	Cotton Bales	Road trains	Annual Vehicle Trips	Daily Vehicle Trips*
2013	45,340	243	486	4.05
2014	61,903	332	664	5.54
2015	51,289	275	550	4.59
2016	84,187	451	902	7.52
2017	85,000**	455	910	7.59

Notes:

\* Based on Cotton Lint period of 20 weeks and operating 6 days per week.

\*\* Maximum storage due to rail out limitations.

The development would accept and store a maximum of 85,000 bales. The bales would be transported to site on road trains, with each road train having a maximum capacity of 220 bales. Assuming on average each road train is 85% full, this would equate to 187 bales per road train. Therefore, the development would generate a total of 455 road trains and thus 910 annual road train vehicle trips. Based on a cotton lint period of 20 weeks, operating six (6) days per week, this would equate to eight (8) daily road train vehicle trips.

The development would also employ three (3) additional staff members. It is assumed each staff member would drive to site and leave for lunch. Conservatively it is also assumed that each staff member would leave at another time during the day, thus contributing 18 daily vehicle trips. No other people would ordinarily attend the site as a result of the proposed development.





Therefore, the total traffic generation of the proposed development would be 26 daily vehicle trips, comprising eight (8) heavy vehicle trips and 18 light vehicle trips.

### Revised Section 94 Contributions

Based on the proposed 2016/2017 figures in Council's Fees and Charges, the following contribution is calculated for Council's consideration. It is based on 26 trips per day.

Requirement	Trips	Rate	Total
Industrial	26	\$507.00	\$13,182.00
Plan Administration	26	\$5.40	\$140.40
<b>Total</b>			<b>\$13,332.40</b>

### Conclusion

The proposed development would generate far fewer daily vehicle trips than the warehouse land use included in the Section 94 Plan. It is therefore requested that Council apply the development specific rate of 26 vehicle trips per day for the calculation of Section 94 Contributions relating to urban roads.

We trust this provides Council with sufficient evidence as to the development's traffic generation as requested.

If you have any further enquiries regarding this matter, please contact the undersigned.

Yours faithfully  
BARNSON PTY LTD

A handwritten signature in black ink that reads "E Dawson".

Erika Dawson RPIA MFPAA  
B. Urb. Reg. Plan (hons), Grad. Dip Bushfire Protection, Grad. Dip, Natural Resources  
SENIOR TOWN PLANNER



**REPORT: Development Application D17-162 - Telecommunications Facility - Lot 1 DP 1213064 Res 1000457, Cobra Street, Dubbo**

**Applicant: Service Stream Mobile Communications**

**Owner: Dubbo Regional Council**

**AUTHOR: Planner**  
**REPORT DATE: 5 May 2017**  
**TRIM REFERENCE: ID17/759**

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**EXECUTIVE SUMMARY**

Council is in receipt of a development application for a Telecommunications Facility (mobile base station) at Lot 1 DP 1213064, Reserve 1000457, Cobra Street, Dubbo.

The proposed development will form part of Telstra's existing mobile phone network and includes a 31.3 m high telecommunication tower and equipment shelter (7.47 m<sup>2</sup>).

The location of the proposed development is within a public park (Elston Park). This site has been selected with consideration to service gaps within the existing Telstra network and at a location to avoid interference with existing telecommunication infrastructure and residential development within the locality.

During the exhibition period Council received two submissions. Given the level of community interest in the subject application and the fact that the development will be on Council land, the matter is provided to Council for determination.

This report considers the proposed development in accordance with Section 79C of the Environmental Planning and Assessment Act, 1979 and recommends approval of the application subject to the recommended conditions of consent included in **Appendix 1**.

Development plans are attached in **Appendix 2**.

### **ORGANISATIONAL VALUES**

Customer Focused: Council officers have worked with the applicant to minimise the developments impacts on adjoining properties and to improve the development's streetscape impact given its location along a major entry point to the City.

Integrity: The Development Application has been assessed in accordance with the Environmental Planning and Assessment Act, 1979, relevant Environmental Planning Instruments, the Development Control Plan and it has been notified to adjoining owners.

One Team: The Development Application has been assessed by staff across the organisation ensuring that all necessary matters have been considered and addressed.

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

### **POLICY IMPLICATIONS**

There are no policy implications arising from this report.

### **RECOMMENDATION**

- 1. That Development Application D17-162 for a Telecommunications Facility at Lot 1 DP 1213064 Reserve 1000457, Cobra Street, Dubbo, be granted approval subject to the conditions of consent, included as Appendix 1, to the report of the Planner dated 5 May 2017.**
- 2. That those who made submissions be advised of Council's determination in this matter.**

*Josh Smith*  
Planner

REPORT

1. DEVELOPMENT DETAIL

Council is in receipt of a development application for a Telecommunications Facility (mobile base station) at Lot 1 DP 1213064, Reserve 1000457, Cobra Street, Dubbo.

The proposed development will form part of Telstra's existing mobile phone network servicing the region. Specifically, the proposed development will include the following:

- Construction of a 30 m high monopole with attached panel antennas totalling 31.3 m in height;
- Construction of an equipment shelter (7.47 m<sup>2</sup>) at the base of the monopole accommodating electronic equipment; and
- The erection of 1.8 m high chain wire fencing around the perimeter of the subject monopole (6 m x 10 m).



Figure 1. Proposed telecommunication tower facing north-west from Fitzroy Street

The location of the proposed development within a public park (Elston Park) has been selected giving consideration to service gaps within the existing Telstra network and at a location to avoid interference with existing telecommunications infrastructure and residential development within the locality.

## 2. SITE CHARACTERISTICS

### *Locality*

The subject allotment, known as Elston Park, has an area of 4.047 ha with frontage to Cobra, Fitzroy, Gipps and Bultje streets. The proposed telecommunications facility is located on the north-eastern side of the allotment approximately 48 m west of Fitzroy Street and 37 m south of Bultje Street. A locality map is provided in Figure 2.



Location of the proposed telecommunication facility (mobile base station).

Figure 2. Locality map of Lot 1 DP 1213064 Res 1000457, Cobra Street Dubbo

### *Slope*

At the location of the proposed development there is no significant slope; it falls gradually to the west.

### *Vegetation*

The subject site consists largely of established gardens and native trees. No existing vegetation is required to be removed as part of this application.

*Access*

Vehicle access to the site and proposed development is available via an existing crossover off Bultje Street. This crossover is located on the western side of the existing tennis courts which will be utilised for construction and maintenance purposes only.

*Services*

The property is connected to all reticulated services.

*Adjoining uses*

North: Tennis courts, low density residential dwellings and the Fitzroy Street Western College TAFE Campus  
South: Elston Park, commercial development (motel accommodation) and low density residential dwellings  
East: Elston Park and low density residential dwellings  
West: Dubbo Bridge Club, Elston Park and low density residential dwellings

**3. SITE HISTORY**

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

**4. LEGISLATIVE REQUIREMENTS S79C(1)**

(a) Do any environmental planning instruments (SEPP or LEP) apply to the land to which the Development Application relates?

State Environmental Planning Policy (Infrastructure) 2007

Division 5 Electricity transmission or distribution

*Clause 45 – Development Adjacent to Electricity Infrastructure*

The application was referred to Essential Energy in accordance with Clause 45. They raised no objection to the proposed development.

The comments provided by Essential Energy are included as a notation in the proposed conditions which are provided in **Appendix 1**.

Division 21 – Telecommunication and other communication facilities

*Clause 114 – Development permitted without consent*

As the proposed telecommunications facility is being undertaken on behalf of a private company (Telstra), development consent is required hence the submission of this application.

*Clause 115 – Development permitted with consent*

Clause 115 of the (SEPP) outlines both permissibility and specific aspects that must be taken into consideration prior to the determination of a telecommunications facility.

*“115 Development permitted with consent*

- (1) Development for the purposes of telecommunications facilities, other than development in clause 114 or development that is exempt development under clause 20 or 116, may be carried out by any person with consent on any land.*
- (2) (Repealed)*
- (3) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Director-General for the purposes of this clause and published in the Gazette.”*

In accordance with subclause (3) an assessment is required to be undertaken against the NSW Telecommunication Facilities Guideline including Broadband dated July 2010. Section 2.2 of this document outlines four specific principles which are addressed below.

- 1) A telecommunications facility is to be designed and sited to minimise visual impact

The proposed telecommunications facility is located on the north-eastern corner of Elston Park approximately 48 m west of Fitzroy Street and 37 m south of Bultje Street. The subject park is surrounded by a mix of low density residential dwellings and commercial land uses. The visual setting at the location of the proposed development comprises established landscaping and native trees, with tennis courts located to the immediate north and a single storey clubhouse building to the west.

In consideration of the development’s location and neighbouring land uses, the applicant’s consultant provided the following comments and photomontage addressing any perceived visual impacts.

*“The subject location has the advantage of being within an area of open space containing a large number of screened trees and providing adequate visual separation from dwellings. The area to the east, south and west of the proposed facility is of good visual quality. It is therefore necessary to provide additional tree canopy screening and*



*require a suitable Pale Eucalypt colour for the pole, as proposed, together with shrub planting in the vicinity of the equipment shelter compound, to maintain the overall visual quality of Elston Park.*

*The visual quality of the north-east portion of Elston Park is moderate at best, due to the visual impact of the existing tennis court facility, including court fencing, light poles and the clubhouse building. In these circumstances it is considered that the proposal has a satisfactory visual impact within the northeast portion of the Park and as viewed from the north, looking south."*



Figure 3. The proposed development facing north-east from the western side of the allotment.



Figure 4. The proposed development facing south-east from Bultje Street.



*“Our assessment indicates that the communications facility proposed to be installed in Elston Park is an appropriate location for a communications facility of the type proposed. The development will have a limited and acceptable visual impact, having regard to the need for the facility as an item of essential communications infrastructure, height requirements to fulfill its function, the visual quality of the locality and the provision of recommended visual impact mitigation measures such as additional tree and shrub planting ... as proposed.”*

Following a review of the above comments and photomontages, it is considered that the proposed development has been sited in a location which would minimise any adverse visual impacts on surrounding land uses or those utilising the subject park.

In addition, to further alleviate any visual impacts, the following condition as recommended by Council’s Parks and Landcare Services Division has been included in the proposed conditions of consent attached as **Appendix 1**:

*“Prior to issue of the Construction Certificate a detailed landscaping plan shall be submitted to and approved by Council. This landscaping plan shall be developed in conjunction with Council’s Parks and Landcare Division and shall include details such as a planting schedule and irrigation design.*

*Following this approval all such landscaping shall be established prior to the release of the Occupation Certificate.”*

- 2) Telecommunications facilities should be co-located wherever practical

In relation to the location of the proposed telecommunications facility, the applicant’s consultant provided the following comments regarding its location and the selection process undertaken.

*“Due to the existing Telstra sites in the area, the search area for the new site at Dubbo was relatively limited. The main reason for this is the interferences that existing sites will cause to the proposed site. The search area for this site consisted of the commercial area along Mitchell Highway from Brisbane to Fitzroy Streets.*

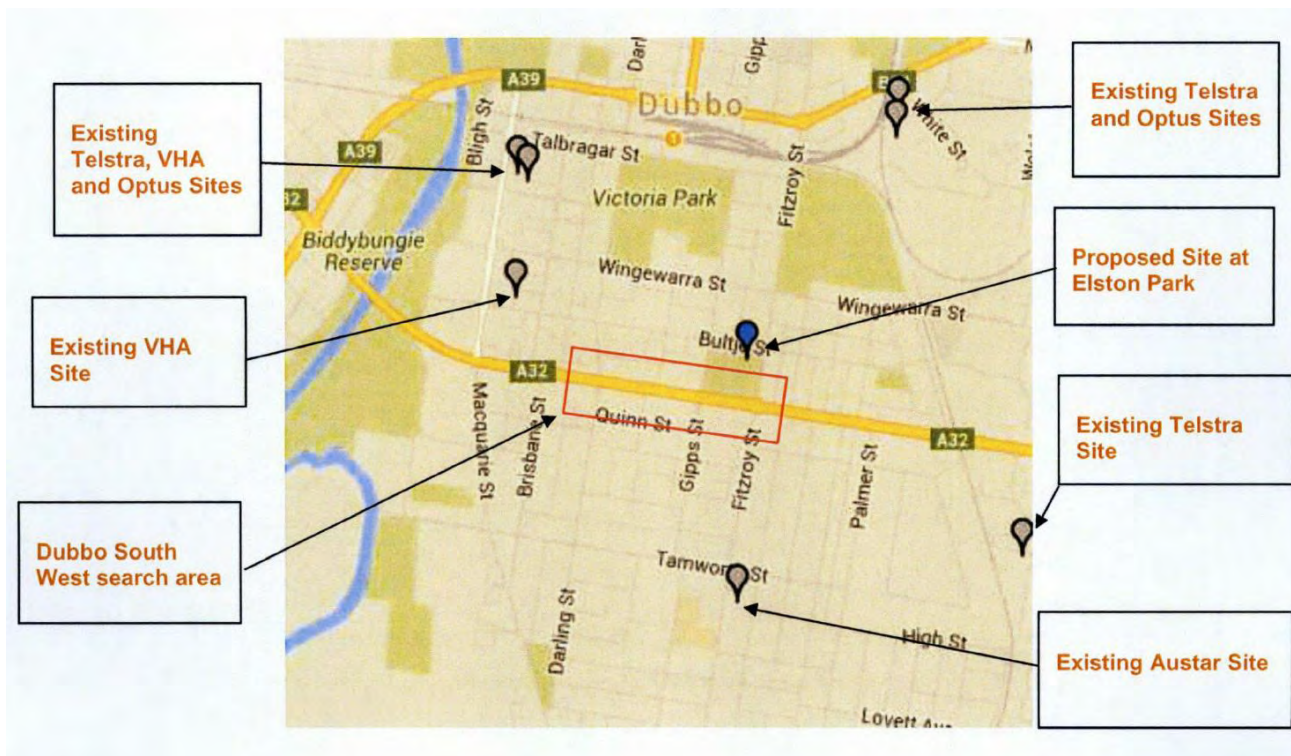


Figure 5. Existing telecommunications infrastructure located within the surrounding area. The subject search area is outlined in red.

The search area outlined above consists predominantly of low density residential dwellings and commercial development to the north and south of Cobra Street and Elston Park. This designated search area and the site's proposed location marginally north of this area was chosen for the following reasons:

- There is minimal interference with existing telecommunications infrastructure;
- A sufficient buffer between the development and nearby residential development is achieved; and
- The location meets the radio frequency objectives of Telstra's network, providing the required coverage whilst relieving the demand on Telstra's existing infrastructure.

As such, it is considered that co-locating the proposed development with other telecommunications facilities within the locality would be impractical and would compromise the mobile phone service objectives for the area. As such, it is considered that the location of the proposed development on the north-eastern corner of Elston Park is sufficient with no further action required.

3) Health standards for exposure to radio emissions will be met

In accordance with the above principle, an Electromagnetic Energy Report dated 29 September 2016 has been provided. The recommendations of this report have been summarised by the applicant as follows:

*"The report, provided at Appendix B of this SEE, concludes that the maximum cumulative EME level at 1.5m above ground level is estimated to be 1.53 percent of the*

*ACMA mandated exposure limit. Due to the significant difference in elevation position of the antennas and the surrounding area, the estimated maximum exposure levels at ground level at surrounding locations is expected to be less than 1.53% (please refer to Appendix B). The EME predictions in the Environmental EME Report provided are based on the facility operating at maximum power, these facilities are designed to be low powered and rarely operate at maximum power. This involves:*

- *Base station transmitters operating at maximum power (no automatic Power reduction);*
- *An unobstructed line of sight view to the antennas; and*
- *Simultaneous telephone calls on all channels.*

*Further to the above, emission levels produced by 3G and 4G transmitters such as that proposed by this proposal are considered to be lower than other common types of transmitters.”*

Based on the information provided it is considered that there will be no adverse health impacts on nearby residents or those utilising Elston Park. As such, no further action is required.

4) Minimise disturbance and risk, and maximise compliance

The location of the proposed development will have no direct impact on the operations of the Dubbo City Regional Airport. The proposed development will be located wholly within the subject allotment and is not anticipated to have any adverse impact on neighbouring properties or native flora or fauna.

In relation to ‘built form’, a Construction Certificate and therefore Occupation Certificate will be required. Noting such, the following notation has been included in **Appendix 1** to this report advising the applicant of the information required with the Construction Certificate:

*“If Council is engaged to act as the Certifying Authority, the following shall be submitted as a minimum in conjunction with any application for a Construction Certificate:*

- *All structural details including framework, footing steel reinforcing, soil test and relevant engineering specifications/certification.”*

In summary, it is considered that the proposed development has taken into consideration, where relevant, the above principles in accordance with the Telecommunication Facilities Guideline including Broadband, dated July 2010. Accordingly, no further action is required other than the implementation of conditions and notations as included in **Appendix 1**.

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

*Dubbo Local Environmental Plan 2011*

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

*Clause 1.2 Aims of Plan*

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

*Clause 1.4 Definitions*

The proposed development is defined as a telecommunications facility. Under the Dubbo LEP 2011, a telecommunications facility is defined as:

- (a) any part of the infrastructure of a telecommunications network, or*
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or*
- (c) any other thing used in or in connection with a telecommunications network."*

*Clause 2.2 Zoning of land to which Plan applies*

The subject allotment is dual zoned, located within the RE1 Public Recreation and RE2 Private Recreation zones. The northern portion of the allotment which corresponds to the existing tennis club is zoned RE2 Private Recreation with the remainder of the allotment zoned RE1 Public Recreation.

The proposed development is located within the RE1 zone, within which the proposed development is permissible with Council consent.

*Clause 2.3 Zone objectives and Land Use Table*

Although not contrary to, none of the zone objectives are specifically applicable to this application.

*Clause 5.10 Heritage conservation (schedule 5)*

The subject property itself is not a heritage item however it is located within the vicinity of a number of heritage items located along the western side of Gipps Street and the southern side of Cobra Street. Such heritage items are outlined as follows:

- Edwardian brick residence, 117 Cobra Street (Item No. I77) locally significant;
- Edwardian House, 121 Cobra Street (Item No. I78) locally significant;
- Town House, 131 Gipps Street (Item No. I128) locally significant;
- Three Residences, 125 Gipps Street (Item No. I127) locally significant;
- Brick Cottage, 123 Gipps Street (Item No. I126) locally significant;

- Dwelling House, 119 Gipps Street (Item No. I125) locally significant; and
- Federation House, 105 Bultje Street (Item I54) locally significant.

Although the proposed development will be visible from the above heritage items, it is considered that it will have no adverse impact on the heritage significance of any nearby heritage item. Due to the negligible level of impact, it is considered that a Heritage Management Document is not required.

*Clause 5.14 Siding Spring Observatory – maintaining dark sky*

The proposed development will not affect observing conditions at the Siding Spring Observatory, having regard to:

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

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

*Clause 7.1 Flood planning*

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

*Clause 7.3 Earthworks*

The proposed development will require earthworks to be undertaken upon the site. Erosion and sediment control measures are required before any earthworks commence and a **condition** to this effect has been included in the proposed conditions of consent attached in **Appendix 1**.

*Clause 7.5 Groundwater vulnerability*

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

*Clause 7.7 Airspace operations*

The site is located within the Obstacle Limitation Surface map for Dubbo City Airport. The relevant level on the OLS map is 350 m AHD to the site which has a general ground level of 269 m AHD. At a height of 31.3 m the proposed development does not infringe on the OLS.

(ii) Draft environmental planning instrument

No draft Environmental Planning Instruments apply to the land to which the development relates.

(iii) Dubbo Development Control Plan 2013

An assessment is not required to be made of the relevant chapters and sections of the DCP. The proposal is required instead to be assessed under the State Environmental Planning Policy (Infrastructure), 2007.

v) Regulations

No matters prescribed by the Regulations impact the determination of the Development Application.

**5. LIKELY IMPACTS OF THE DEVELOPMENT**

(a) Natural and Built Environment

It is considered that the proposed development will not have any significant adverse impacts on the natural and built environments. Established trees to the immediate east and south of the proposed development are not required to be removed as part of this application.

(b) Social/economic

It is considered that improved mobile phone coverage within the locality will benefit nearby residents and those utilising the public park, both socially and economically.

**6. SUITABILITY OF THE SITE**

(a) Context, Setting and Public Domain

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

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

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

As discussed previously it is considered that the external appearance of the proposed development is appropriate in the context of the locality.

- (iii) *Is the size and shape of the land to which the Development Application relates suitable for the siting of any proposed building or works?*

It is considered that the size and shape of the land is suitable for the proposed development, noting that a sufficient buffer is achieved to nearby residential development.

- (iv) *Will the development proposal have an adverse impact on the existing or likely future amenity of the locality?*

The proposed development will not have any detrimental impact on the existing or likely future amenity of the locality.

- (v) *Will the development have an adverse effect on the public domain?*

The proposed development will not have any detrimental impact on the public domain.

- (b) Landscaping

- (i) *Has adequate provision been made for landscaping of the subject land?*

As discussed above, a condition has been included in **Appendix 1** requiring the provision of additional landscaping to ensure adequate screening.

- (c) Environmental considerations

- (i) *Is the development likely to adversely impact/harm the environment in terms of air quality, water resources and water cycle, acidity, salinity soils management or microclimatic conditions?*

It is considered that the development will not have an adverse effect on the local environment.

- (ii) *Is the development likely to cause noise pollution?*

Some noise may be generated during the construction of the development. An appropriate condition in relation to construction hours has been included in **Appendix 1**.

Upon operation of the development, it is considered that the noise generated will be minimal. No condition in relation to operational noise is therefore recommended.

(d) Access, transport and traffic

(i) *Has adequate provision been made for vehicle entry/exit, loading/unloading, internal manoeuvring and parking of vehicles within the development?*

Vehicle access to the proposed telecommunications facility is available via an existing crossover off Bultje Street. This crossover is located on the western side of the existing tennis courts which will be utilised for construction and maintenance purposes only. The following condition has been included in **Appendix 1** to prevent any damage to Council's infrastructure during construction and maintenance work.

*"Prior to any construction or maintenance works being undertaken consultation shall be undertaken with Council's Parks and Landcare Division to determine the most appropriate access route.*

*Any damage incurred to Council's infrastructure during construction/maintenance shall be repaired/restored at the full cost of the developer in accordance with Council's requirements."*

## 7. SUBMISSIONS

The development proposal was placed on public exhibition for 14 days during which time Council received two (2) submissions.

The submissions were received from the neighbouring property owners in Bultje Street to the north-west and Fitzroy Street to the east of the proposed development.

The concerns raised in the submissions were as follows:

- The visual impact of the development at its proposed location

### Comment:

Although the proposed development will be visible to varying degrees from nearby residences it is considered that its location within Elston Park will help minimise any adverse visual impacts. Such impacts are alleviated through existing landscaping, resulting in a buffer from the development to nearby residences. As such it is considered that the proposed development has been situated in a location which minimises any adverse visual impacts, with no further action required.

- The safety of the proposed development

### Comment:

As per the Electromagnetic Energy Report dated 29 September 2016, the maximum cumulative electromagnetic energy emitted from the development will be 1.53% of the Australia Communications and Media Authority mandated exposure limit.



As such, it is considered that there will be no adverse health impacts on any resident or those utilising Elston Park.

- The proposed development should be situated at an alternative site such as the Dubbo Showground.

Comment:

Relocating the proposed development to an alternative location such as the Dubbo Showground was discussed with the applicant with the following comments provided in correspondence dated 27 April 2017:

*“Regarding your question yesterday about potential siting of the telecommunications in the showgrounds, the search area was identified by radio engineers based on a gap in the coverage between the existing Telstra sites at:*

- *3-5 White Street, Dubbo (40m concrete pole adjacent to rail yards)*
- *32 Church Street (rooftop facility)*
- *Dubbo Exchange (rooftop facility)*
- *21 Hawthorn Street (40m concrete pole adjacent to Hawthorn Street)*

*The location from which a facility could be sited to fill the coverage gap between these existing facility was centred on Cobra Street between Fitzroy Street and Darling Street.*

*Whilst we appreciate that a facility within the showgrounds may be visually less obtrusive, a site here would be too far north of the target area on Cobra Street, and too close to the existing site at White Street in particular, to provide the required level of coverage.”*

Noting the comments above it is considered that relocating the development to an alternative site such as the Dubbo Showground would compromise the mobile service objectives for the area. As such, it is considered that the location of the proposed development on the north-eastern corner of Elston Park is appropriate.

## **8. PUBLIC INTEREST**

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

## **9. SECTION 94/SECTION 64 CONTRIBUTIONS**

The proposed development will not generate any additional traffic nor place any further demand on Council’s water, sewer or stormwater infrastructure. It is therefore considered no Section 94/64 contributions are required to be levied against the proposed development.

## 10. INTERNAL REFERRALS

### *Building Assessment*

Council's Senior Building and Development Officer in his report dated 19 April 2017 has raised no major concerns which would prohibit development consent from being granted subject to the recommended conditions and notations which have been included in **Appendix 1**.

### *Parks and Landcare Services*

Council's Manager Horticultural Services in his correspondence dated 1 May 2017 has raised no major concerns which would prohibit development consent from being granted subject to the recommended conditions and notations which have been included in **Appendix 1**.

## SUMMARY

Council is in receipt of a development application for a Telecommunications Facility (mobile base station) at Lot 1 DP 1213064, Reserve 1000457, Cobra Street, Dubbo. The proposed development is not considered likely to have any significant negative impacts upon the environment or the amenity of the locality.

Two (2) submissions were received during the exhibition period which are addressed in the report. It is considered the assessment has adequately addressed the areas of concern raised in the submissions to ensure the impact on neighbouring property and the wider locality is minimised.

The development is consistent with the objectives of the applicable EPIs, DCPs and Council policies and is therefore recommended for approval subject to the conditions of consent provided in **Appendix 1**.

Appendices:

- 1 [↓](#) Conditions of consent
- 2 [↓](#) Development plans

**CONDITIONS**

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

Title/Plan: Mobile Network Site 301024 Dubbo Park - Site Layout and Access  
 Drawn by: MA  
 Sheet No: S1  
 Dated: 09.01.17  
 Issue: 1

Title/Plan: Mobile Network Site Dubbo South - Site Detail Plan  
 Drawn by: CW  
 Drawing No: SG16011  
 Dated: 14.12.16  
 Issue: 3

Title/Plan: Mobile Network Site 301024 Dubbo Park - Antenna Layout  
 Drawn by: MA  
 Sheet No: S1-1  
 Dated: 09.01.17  
 Issue: 1

Title/Plan: Mobile Network Site 301024 Dubbo Park - South Elevation  
 Drawn by: MA  
 Sheet No: S3  
 Dated: 09.01.17  
 Issue: 1

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

- (2) The telecommunications facility shall not be utilised until the Principal Certifying Authority (PCA) has first issued an Occupation Certificate.

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

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

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

- (4) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

{Reason: Council and statutory requirement to protect Aboriginal heritage}

- (5) Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during demolition works, the applicant and contractor shall ensure the appropriate regulatory authority (eg Office of Environment and Heritage (OEH), WorkCover Authority, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.

{Reason: Council requirement to prevent the contamination of the environment}

- (6) Waste construction materials, including soil arising from the development, must be disposed of at an appropriately licensed waste facility.

{Reason: To ensure environmentally safe disposal}

- (7) Construction work shall only be carried out within the following times:

Monday to Friday: 7 am to 6 pm

Saturday: 8 am to 1 pm

Sunday and public holidays: No construction work permitted

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

- (8) Prior to issue of the Construction Certificate, an Erosion and Sedimentation Control Plan is required to be submitted to and approved by Council. This approved Plan shall be implemented onsite prior to any site disturbance works being commenced and shall remain, in a maintained condition, until all site works have been completed.

{Reason: Implementation of Council policy to reduce sediment pollution}

- (9) The proposed telecommunications facility shall not be accessible to the general public.

{Reason: To provide adequate safety to the public}

- (10) Prior to issue of the Construction Certificate, a detailed Landscaping Plan shall be submitted to and approved by Council. This Landscaping Plan shall be developed in conjunction with Council's Parks and Landcare Services Division and shall include details such as a planting schedule and irrigation design.

Following this approval all such landscaping shall be established prior to the release of the Occupation Certificate.

{Reason: To provide additional screening and improve the aesthetic quality of the development}

- (11) Prior to any construction or maintenance works being undertaken consultation shall be undertaken with Council's Parks and Landcare Services Division to determine the most appropriate access route.

Any damage incurred to Council's infrastructure during construction/maintenance shall be repaired/restored at the full cost of the developer in accordance with Council's requirements.

{Reason: To ensure the protection of Council's infrastructure}

**NOTES**

(1) If Council is engaged to act as the Certifying Authority, the following shall be submitted as a minimum in conjunction with any application for a Construction Certificate:

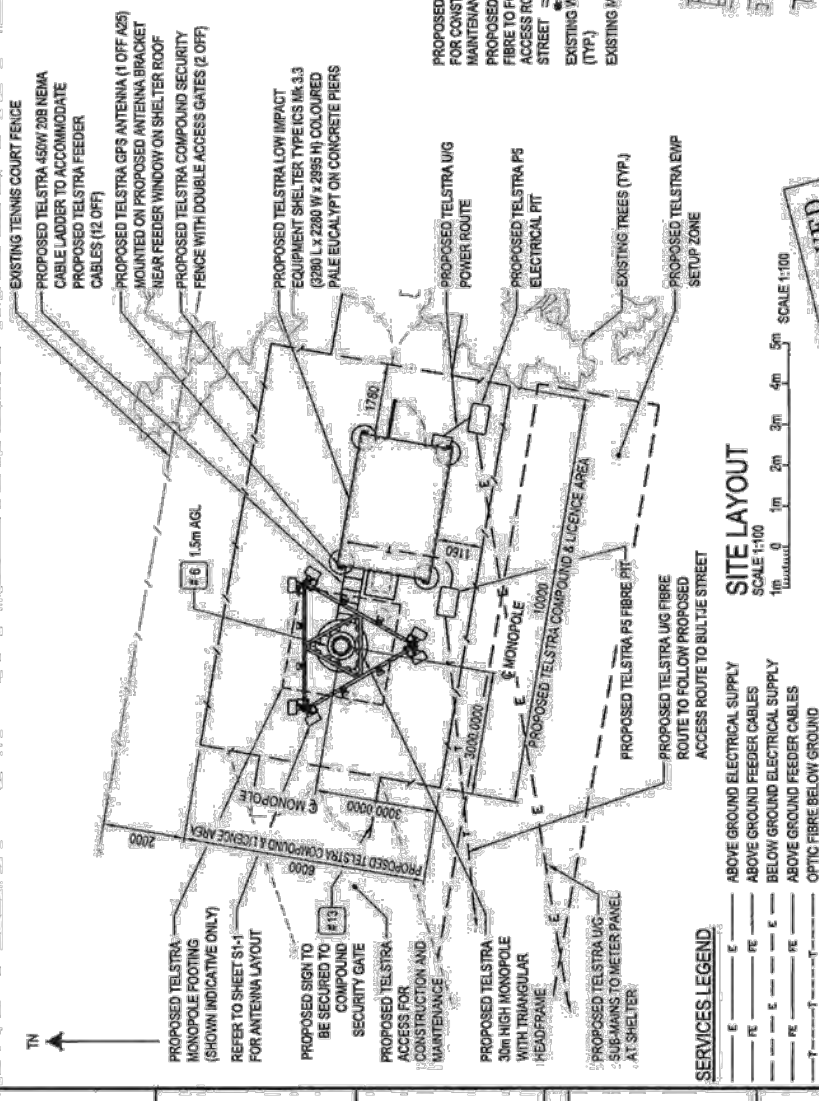
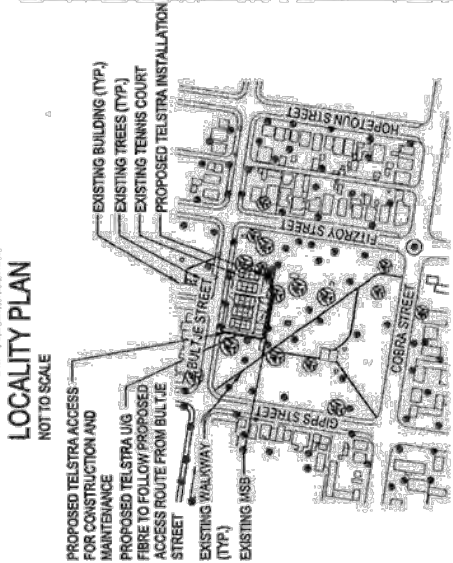
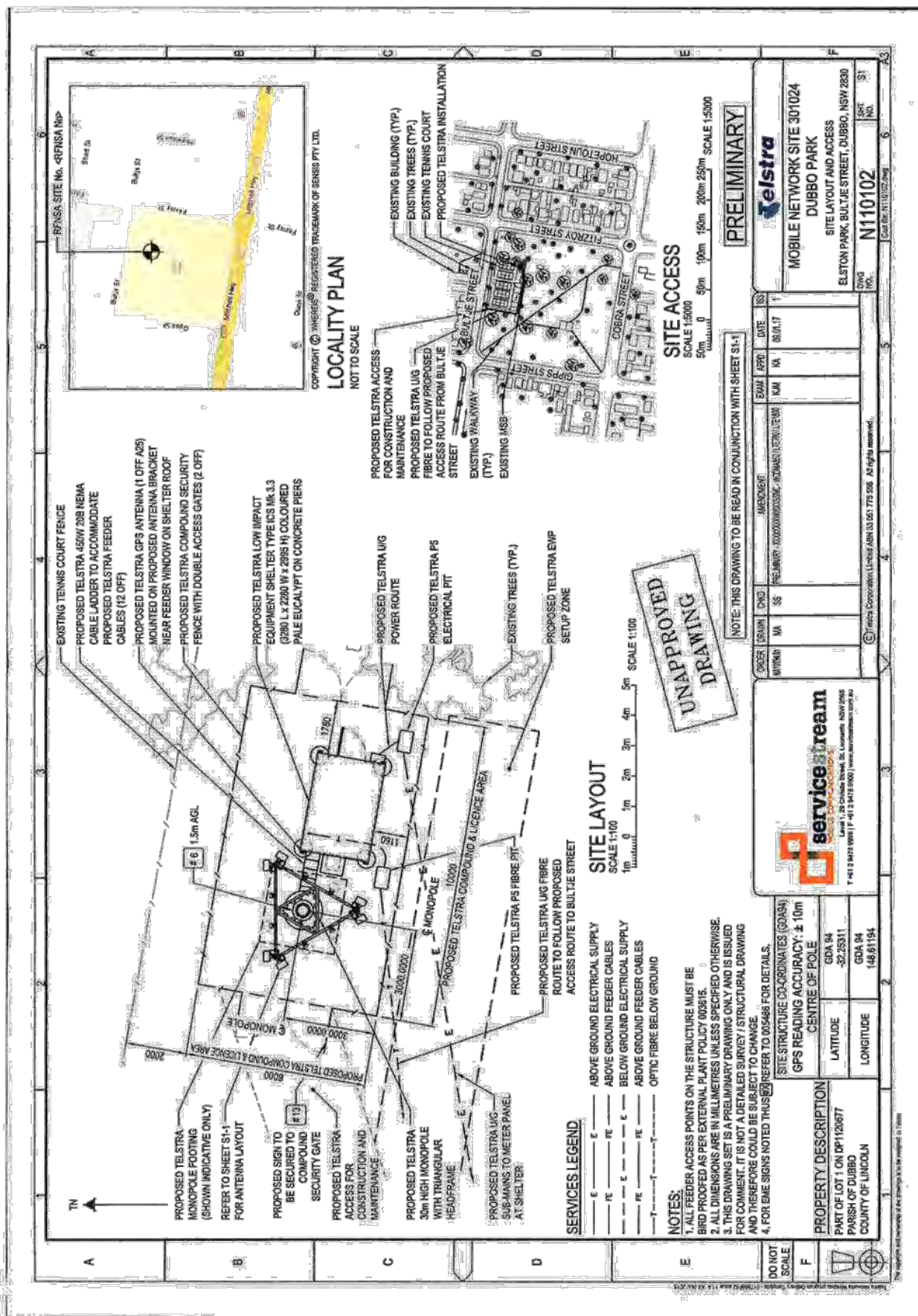
- All structural details including framework, footing steel reinforcing, soil test and relevant engineering specifications/certification.

(2) A separate application is required to be submitted to either Council or an accredited certifier to obtain a Construction Certificate to permit the erection of the proposed buildings.

(3) Offensive noise as defined under the Protection of the Environment Operations Act, 1997 shall not be emitted from the proposed development.

Air impurities as defined under the Protection of the Environment Operations Act, 1997 shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.

(4) The development shall be carried out in accordance with Essential Energy's correspondence dated 1 May 2017 (copy attached).



UNAPPROVED DRAWING

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEET S1-1

OWNER	TELSTRA
PROJECT	MOBILE NETWORK SITE 301024
DATE	03/10/17
SCALE	1:5000
PROJECT NO.	N110102
SHEET NO.	S1

PROJECT NO.	N110102
SHEET NO.	S1
DATE	03/10/17
SCALE	1:5000
OWNER	TELSTRA

**service stream**  
 Level 1, 20 Crutcher Street, Dubbo NSW 2830  
 P 413 9473 9988 | F 413 9473 9900 | www.servicestream.com.au

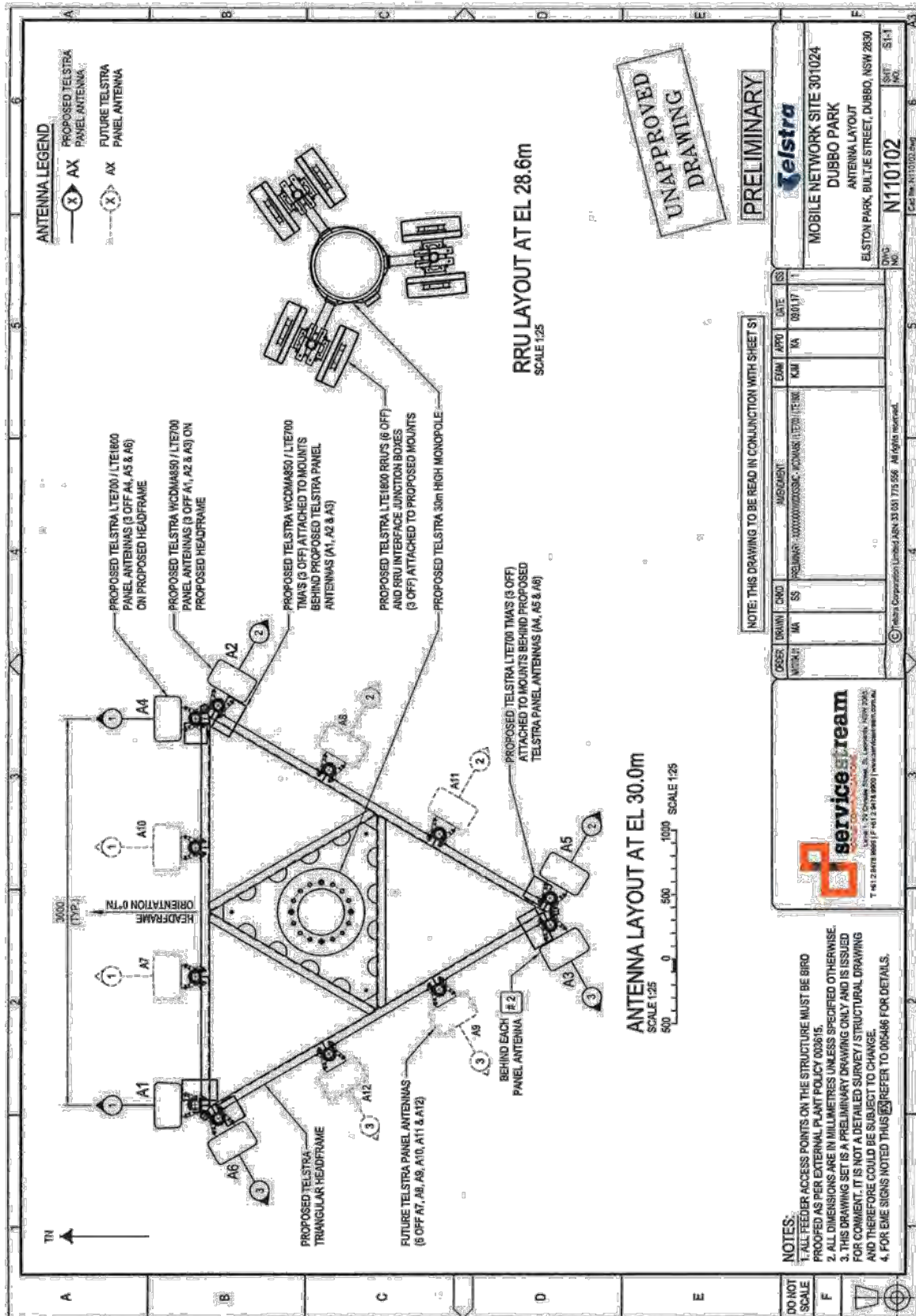
PROPERTY DESCRIPTION	PART OF LOT 1 ON DP1120677 PARISH OF DUBBO COUNTY OF LINCOLN
GPS READING ACCURACY	± 10m
CENTRE OF POLE	GDA 94 -22.25311 GDA 94 148.61194
LATITUDE	
LONGITUDE	

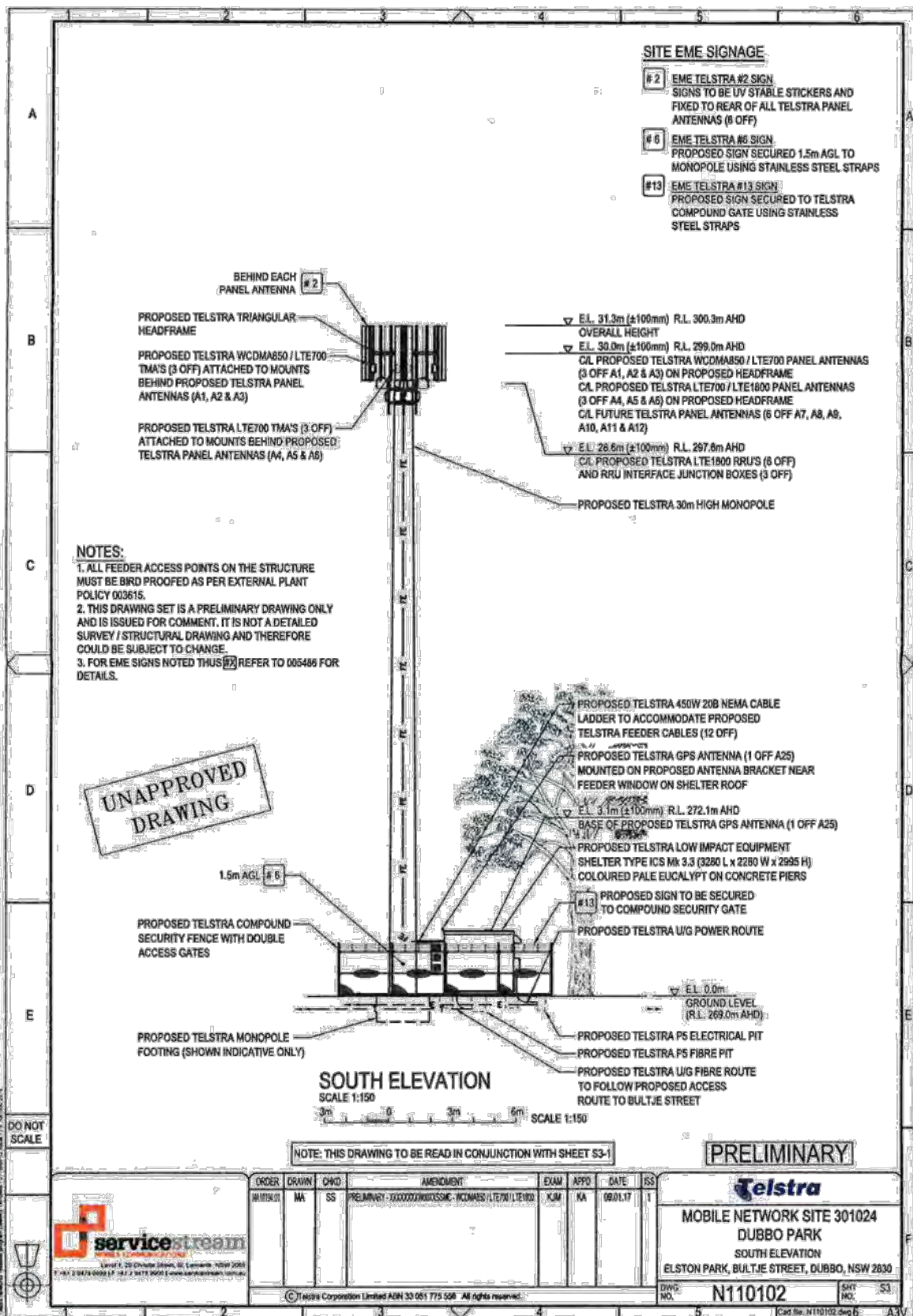
- NOTES:**
1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BRID PROOFED AS PER EXTERNAL PLANT POLICY 003615.
  2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
  3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
  4. FOR EME SIGNS NOTED THIS DRAWING REFER TO 005466 FOR DETAILS.

**SERVICES LEGEND**

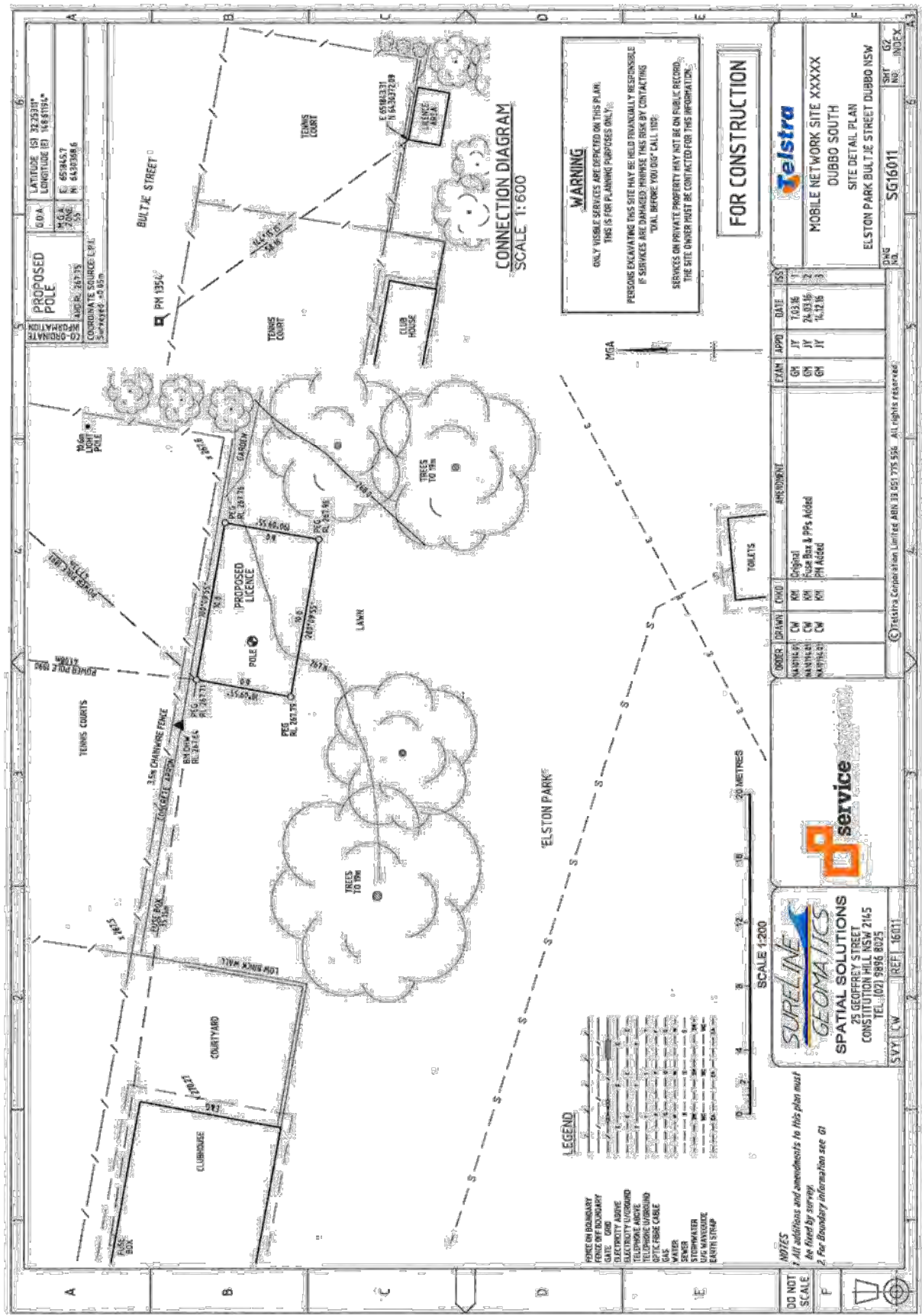
— E —	ABOVE GROUND ELECTRICAL SUPPLY
— FE —	ABOVE GROUND FEEDER CABLES
— E —	BELOW GROUND ELECTRICAL SUPPLY
— FE —	BELOW GROUND FEEDER CABLES
— — —	OPTIC FIBRE BELOW GROUND













## **REPORT: Release of Easement for Water Supply - Lots 31 and 32 DP 636021, 11R Dunedoo Road and 9 Bushland Drive, Dubbo**

**AUTHOR:** Planner  
**REPORT DATE:** 9 May 2017  
**TRIM REFERENCE:** ID17/747

### **EXECUTIVE SUMMARY**

Council has received Subdivision Certificate SC2012-365 relating to Development Application D2012-365 for the subdivision of Lot 22 DP 573562, 7 Bushland Drive Dubbo into two (2) lots.

The subdivision requires the release of an existing Easement for Water Supply created under DP 636021 burdening adjoining Lot 32 DP 545919 and benefitting adjoining Lot 31 DP 545919. This easement does not benefit Lot 22 DP 573562, however, the redundant easement will be replaced by another Easement for Water Supply on Lot 31 that follows a water main as constructed and extended to service approved Lot 222.

As the existing easement benefits Council, the Council seal is required to be affixed to the Section 88B Instrument submitted with Subdivision Certificate SC2012-365. In this regard it is noted that the Instrument has been signed by the owners of Lot 31 DP 54519 to facilitate the creation of the easement and the subdivision.

As the existing easement will be replaced and the adjoining owner's consent has been provided, it is recommended that Council resolve to release the easement and affix the Council seal to the Section 88B as required.

### **ORGANISATIONAL VALUES**

Customer Focused: The release of the easement is required to facilitate the release of the Subdivision Certificate for the approved lots.

Integrity: The easement for water supply benefits Council. As such, the release of the easement has been forwarded to Council to affix the Council seal in accordance with the Local Government Act, 1993.

One Team: Subdivision Certificate SC2012-365 has been assessed by staff across the organisation to ensure that all necessary matters have been considered and addressed.

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

**POLICY IMPLICATIONS**

There are no policy implications arising from this report.

**RECOMMENDATION**

- 1. That Council release the existing Easement for Water Supply on DP 636021 and create replacement Easement for Water Supply as detailed in the subdivision plan, administration documents and Section 88B Instrument submitted with Subdivision Certificate SC2012-365.**
- 2. That any necessary documents be executed under the common seal of the Council.**

*Alex Noad*  
Planner

**BACKGROUND**

Council has received Subdivision Certificate Application SC2012-365 relating to a two lot subdivision of Lot 22 DP 573562, 7 Bushland Drive Dubbo.

The application, submitted by Geolyse Pty Ltd, requires the release of an Easement for Water Supply created under DP 636021. The Easement for Water Supply burdens adjoining Lot 32 in DP 545919 and benefits Dubbo Regional Council.

A replacement Easement for Water Supply will be created under the proposed subdivision plans which follows Council's water main as constructed on Lot 31. The water main and replacement Easement for Water Supply services approved Lot 222 as shown on the subdivision plan.

**REPORT**

The two lot subdivision was approved by Council under D2012-365 and modified by Council under D2012-365 Part 2 as shown in the plans submitted with the Subdivision Certificate Application SC2012-365 (Figure 1).



Figure 1. Subdivision plan submitted with Subdivision Certificate application SC2012-365 relating to a two lot subdivision of Lot 22 DP 573562, 7 Bushland Drive, Dubbo

The subdivision was approved on the basis that proposed Lot 222 would be serviced by Council's reticulated water infrastructure. The subject easement for water supply (to be released) was included in DP 636021 (registered on 21 February 1984), inside adjoining Lot 31's western boundary, to facilitate such an outcome. However, Council constructed the reticulated water supply infrastructure along the eastern boundary of Lot 31. The existing easement to be released is shown in Figure 2.

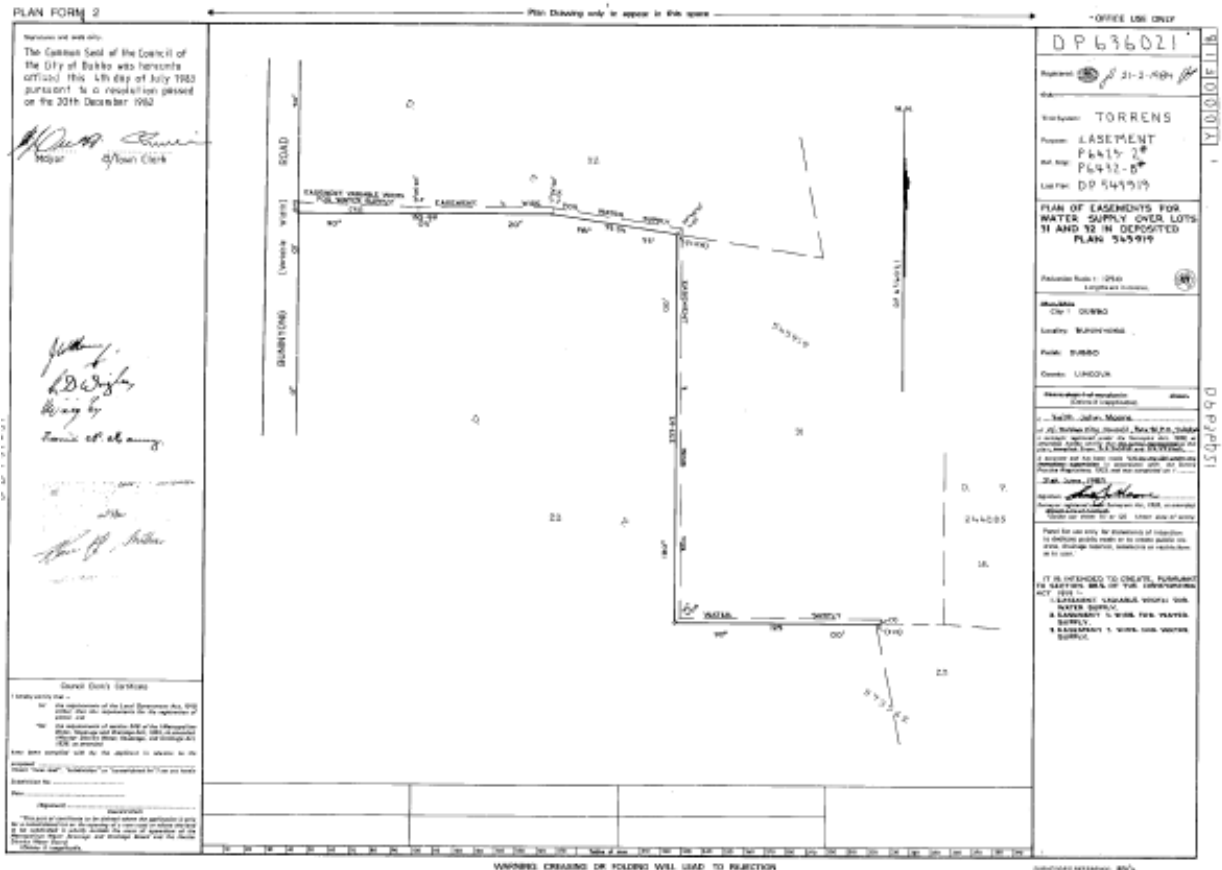


Figure 2. DP 636021 showing Easement for Water Supply (3) wide to be released by Council seal.

To complete the subdivision and service proposed Lot 222, the submitted subdivision plan shows that an alternative Easement for Water Supply burdening adjoining Lot 31 which will be created over Council's reticulated water infrastructure as constructed. The water supply has now been connected to the north eastern corner of Lot 22 DP 573562 to facilitate the creation of approved Lot 222.

The submitted subdivision plans are supported by Administration Sheets and Section 88B Instruments signed by the owners of the adjoining properties (Mr P and Mrs J McInnes) granting consent to the release and creation of these water supply easements which benefit Council.

Given that the existing Easement for Water Supply benefits Council, the Council seal is required to be executed on the associated documents for the release of the easement.

**SUMMARY**

Council has received Subdivision Certificate SC2012-365 relating to Development Application D2012-365 for the subdivision of Lot 22 DP 573562, 7 Bushland Drive Dubbo into two (2) lots.

The subdivision requires the release of an existing Easement for Water Supply created under DP 636021 benefitting adjoining Lot 31 DP 545919. The redundant easement will be replaced by another Easement for Water Supply on Lot 31 that follows a water main as constructed and extended to service approved Lot 222.

As the existing easement will be replaced and the adjoining owner's consent has been provided, it is recommended that Council resolve to release the easement and affix the Council seal to the conveyancing documents, as required.



**REPORT: Development Application  
D2016-403 - Educational Establishment  
(School - Alterations and Additions) for  
Lot 1 DP 348033 and Lot 1 DP 433302, 70  
North Street, Dubbo (West Dubbo Public  
School)**

**AUTHOR:** Planner  
**REPORT DATE:** 9 May 2017  
**TRIM REFERENCE:** ID17/767

**EXECUTIVE SUMMARY**

Council has received a Crown Development Application (D2016-403) for an Educational Establishment (School – Alterations and Additions) on Lot 1 DP 348033 and Lot 1 DP 433302, 70 North Street Dubbo, for the redevelopment of West Dubbo Public School.

The redevelopment includes the construction of a new preschool and grounds at the front of the school, and the expansion of Homebase ‘Building C’ with additional classrooms and facilities in the centre of the school. The development will increase the capacity of the school to 325 students (47.6% increase) and 40 staff (50% increase) and greatly increase the services that the school provides.

Overall, the redevelopment satisfies relevant considerations of the Environmental Planning and Assessment Act, 1979, State Environmental Planning policies and Council policies. However, the proposal does not include the provision of additional off-street car parking as is typically proposed for traffic-generating development and required by Council’s Dubbo Development Control Plan 2013 (DCP).

To address this matter, the applicant has provided a Traffic Impact Study in support of the redevelopment. The Study concludes that the development will have negligible impact on the operation of the adjacent intersections and surrounding road network generally. This conclusion is agreed with by the Roads and Maritime Services and Council’s Traffic Engineer, subject to a satisfactory on-street car parking plan being submitted to Council for final approval.

Due to the significance of the redevelopment and the technical non-compliance with the off-street parking requirement of the DCP and the ongoing community concerns with onsite car parking availability associated with a number of schools in the City, the Development Application has been forwarded to Council for determination with a recommendation for approval subject to the draft conditions included in **Appendix 1**.

As a Crown Development Application it should be noted that the applicant must agree to the draft conditions. In this regard a resolution is recommended that following receipt of the Crown's approval of the draft conditions, the General Manager be delegated to amend the conditions as required by the applicant and to release the Notice of Determination.

Further, Council cannot refuse a Development Application made by the Crown except with the approval of the Minister pursuant to section 89(1)(a) of the Environmental Planning and Assessment Act, 1979.

### **ORGANISATIONAL VALUES**

Customer Focused: The Development Application has been lodged by the Crown for the redevelopment of West Dubbo Public School. The redevelopment will accommodate substantially more school children on the site with enhanced facilities and direct benefits for the west Dubbo community.

Integrity: The Development Application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act, 1979, relevant Environmental Planning Instruments and Council policies.

One Team: The Development Application D2016-403 has been assessed by staff across the organisation to ensure that all necessary matters have been considered and addressed.

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

### **POLICY IMPLICATIONS**

There are no policy implications arising from this report.

### **RECOMMENDATION**

- 1. That Development Application D2016-403 for an Educational Establishment (School – Alterations and Additions) on Lot 1 DP 348033 and Lot 1 DP 433302, 70 North Street Dubbo, for the redevelopment of West Dubbo Public School be approved subject to the draft conditions included in Appendix 1 of the report of the Planner dated 9 May 2017.**
- 2. That following receipt of Crown Concurrence of the draft conditions, the General Manager be delegated authority to amend the conditions of consent if/as required and to issue the Notice of Determination.**

*Alex Noad*  
Planner



## BACKGROUND

Council has received a Crown Development Application (D2016-403) for an Educational Establishment (School – Alterations and Additions) on Lot 1 DP 348033 and Lot 1 DP 433302, 70 North Street Dubbo, for the redevelopment of West Dubbo Public School.

The Development Application was lodged with Council on 30 August 2016 by the NSW Department of Finance (Public Works) on behalf of the NSW Department of Education and will increase the capacity of the school to 325 students (47.6% increase) and 40 staff (50% increase). This will greatly increase the school's educational services, however no additional off-street car parking is proposed to be provided with the application noting that it is not the policy of the NSW Department of Education to provide off-street car parking.

Given that substantial traffic would be generated by the development, the application was referred to Roads and Maritime Services (RMS) for comment as 'Traffic Generating Development' in accordance with State Environmental Planning Policy SEPP Infrastructure 2007. In response to the referral, RMS requested a revised Traffic Impact Study (TIS) which included consideration of additional intersections surrounding the school and connecting to Whylandra Street (Newell Highway). The revised Traffic Impact Study was received by Council on 22 March 2017 and final comments were received from the RMS on 3 April 2017.

Council staff have reviewed the Development Application, revised TIS and final comments from the RMS and considered that the proposal now satisfies relevant planning considerations as outlined in the report below with the exception of the provision of onsite car parking.

## REPORT

### 1. DEVELOPMENT DETAIL

The Development Application seeks approval for the intensification of an Education Establishment (School – Alterations and Additions) at Lot 1 DP 348033 and Lot 1 DP 433302, 70 North Street Dubbo and known as Dubbo West Primary School. Plans of the proposed development are included in **Appendix 2**.

The intensification involves the following:

- New preschool building of 300 m<sup>2</sup>:
  - Located in northern area of school grounds where it will reduce the existing landscaped area;
  - Single storey, skillion roof construction, with contemporary design and external cladding;
  - Floor plan - playroom, toilets, storage, kitchen, office and meeting rooms;
  - Pre-school lawn, platform, and sandpit to west of preschool building; and
  - The building will cater for 20 students and two (2) staff members.

- Homebase 'Building C' Extension Building of 470 m<sup>2</sup>:
  - Double storey, skillion roof construction with contemporary design and external cladding,
  - Ground Floor Plan – addition of single storey classroom to the east of existing building, new lift, accessible ramp access, ground floor walkway, covered assembly area beneath first floor extension,
  - First Floor Plan – addition of three (3) classrooms and central learning common area.
  - The extended building will cater for an additional 135 Kindergarten to Year 2 students and 18 staff members.
  
- Landscape upgrade:
  - New preschool lawn and decked area (to the west of preschool) fronting East Street including replacement security fencing;
  - New entry landscaped area including signage brick wall; and,
  - Central passive outdoor learning space and library lawn.

The development will increase the number of students and staff on site by 155 students and 20 staff. This will increase the overall size of the school to 325 Students (47.6% increase) and 40 Staff (50% increase).

The development application does not propose the construction of any additional off-street parking. Instead, the application proposes alterations to the surrounding street network to incorporate additional on-street car parking and modified bus parking areas. The on-street car parking plan is supported by a Traffic Impact Statement (TIS) prepared by Complete Urban dated 22 March 2017.

## **2. SITE CHARACTERISTICS**

### *Slope*

The site slopes gently from south to north.

### *Vegetation*

The site is an existing school which contains a mixture of sport fields and landscaped areas with numerous trees and bushes for shade and landscaping.



Figure 1. Existing locality map of 70 North Street – West Dubbo Public School



Figure 2. Proposed development sites within 70 North Street – West Dubbo Public School

*Access*

The site is a corner lot which has long frontages to East Street and North Street.

*Drainage*

The site drains north and west into East Street and North Street.

*Services*

The site has access to reticulated services as follows:

- Reticulated water is available along East Street.
- Reticulated sewer is available along East Street and inside the southern boundary of the site.
- Reticulated stormwater is available along North Street.
- Reticulated electricity is available along East Street.

*Adjoining uses*

The following uses adjoin the site:

North: Residential development and educational establishment (St Pius Primary School)  
East: McDonalds, Akuna Motor Inn fronting Newell Highway and residential development in East Street  
South: Residential development  
West: Residential development

**3. SITE HISTORY**

An investigation of the site revealed the following files:

- CD2010/34 – New Libraries (x2) and New Special Programs Buildings (x 2)
- D1996/142 – Erection of Freestanding Awning/Covered Area

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

**4. LEGISLATIVE REQUIREMENTS S79C(1)**

**Environmental Planning and Assessment Act 1979**

- (a) (i) Environmental Planning Instruments

*State Environmental Planning Policies (SEPPs)*

**SEPP Infrastructure 2007**

**Part 3 Development Requirements**

**Division 3 Educational Establishments**

The Development Application is for an intensification of an educational establishment and is proposed by a public authority (NSW Department of Finance). Provisions exist under Division 3 for public authorities to undertake the proposal as Complying Development under Clause 31A. Notwithstanding, the applicant is seeking development consent from Council for the development.

**Division 5 Electricity Transmission or Distribution**

The development has the potential to impact overhead and underground powerlines that exist in the vicinity. The application was referred to Essential Energy as required under Clause 45. Essential Energy have issued a letter dated 13 September 2016 which raises no objections to the development subject to standard conditions being included on the consent. A notation requiring compliance with Essential Energy's letter is recommended on the consent and included in **Appendix 1**.

**Division 17 Roads and Traffic**

The development will increase the number of students and staff on site by 155 students and 20 staff. This will increase the overall size of the school to 325 Students (47.6% increase) and 40 Staff (50% increase). Under Clause 104 Traffic Generating Development, intensifications to educational establishments which facilitate greater than 50 students on a site with vehicle access to any road must be referred to the RMS for comment.

Following the receipt of the revised Traffic Impact Study (TIS) from the applicant dated 22 March 2017, the RMS has provided correspondence to Council dated 29 March 2017 (**included in Appendix 2**) commenting:

- The proposed North Street bus zone may not be adequate for the number of buses;
- The proposed North Street bus zone conflicts with a vehicle access point to the school;
- Additional nose-in parking spaces in East Street is supported;
- Three (3) additional nose-in parking spaces are required in accordance with RMS Specification;
- Additional disabled accessible car parking spaces required; and,
- RMS maintains that providing on-street car parking would provide a higher level of road safety in the vicinity.

The Traffic Impact Study was revised by the applicant at the request of RMS to consider the impacts of the development on Whylandra Street/Gloucesterc Avenue Intersection, Whylandra Street/East Street Intersection, and North Street/East Street Intersections. It establishes that the surrounding street network has the capacity to accommodate the additional vehicle traffic from the development and makes the conclusion:

*“It is considered that the proposed development will have a negligible impact on the operation of the adjacent intersections and surrounding road network generally. The intersections remain within the acceptable range of operation with good performance resulting, largely due to the comparatively low levels of traffic in the area.”*

The RMS correspondence does not dispute this conclusion about the surrounding road networks capacity to accommodate traffic generated from the development. Rather, it is concerned with the detailed design of the associated on-street car parking plan. As this is the case it is considered that final approval of the on-street car parking plan could be determined by Council’s Traffic Engineer in conjunction with Council’s Local Traffic Committee.

In this regard Council’s Traffic Engineer has reviewed the TIS, on-street car parking plan and correspondence from the RMS. Taking the RMS correspondence into account, the Traffic Engineer has recommended a condition be included on the consent requiring the submission of a revised Traffic and Parking Management Plan inclusive of a number of specific traffic facilities which will address traffic safety as intended by the RMS. The condition is included in **Appendix 1**.

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

*Dubbo Local Environmental Plan 2011*

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

*Clause 1.2 Aims of Plan*

The development is consistent with the aims of the plan.

*Clause 1.4 Definitions*

The development is defined as follows:

*“Educational establishment means a building or place used for education (including teaching), being: (a) a school”*

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

An investigation of the legal titles for the site revealed that no covenants or restrictions exist which would prevent the development in accordance with the provisions of the Dubbo LEP 2011.

*Clause 2.2 Zoning of land to which Plan applies*

The site is zoned R2 Low Density Residential Development.



*Clause 2.3 Zone objectives and Land Use Table*

The relevant objectives of the R2 Low Density Residential zone are as follows:

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure development is consistent with the character of the immediate locality.*

The development is consistent with the relevant objectives of the zone. Educational establishments are permitted with consent in the zone.

*Clause 2.7 Demolition requires development consent*

The development includes demolition of some existing structures associated with Homebase 'Building C' to facilitate its intensification. The subject application seeks approval for the necessary demolition work. Standard conditions regarding demolition and construction work are recommended for inclusion on the consent and included in **Appendix 1**.

*Clause 5.14 Siding Spring Observatory – maintaining dark sky*

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

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

Additionally, as per subclause (7) the development is not considered likely to result in the emission of light of 1,000,000 lumens or more. Notwithstanding, a condition requiring all outside light fittings to be shielded and directed downward such that no light spills off the site is recommended for inclusion on the consent and included in **Appendix 1**.

*Clause 7.5 Groundwater vulnerability*

The subject site is located in high vulnerability groundwater area. The development is not a contaminating activity and will have no impacts on the quality or quantity of groundwater in the vicinity.

*Clause 7.7 Airspace operations*

The site is located beneath the 325m Obstacle Limitation Surfaces (OLS) Contour. The ground level of the site is 283 m AHD, and the double storey extension to 'Building C' will be 8.75 m tall, having a finished height of 291.75m. Accordingly, the development will be 33.25 m clear of the OLS contour.

(a)(ii) Draft environmental planning instrument

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

(a)(iii) Dubbo Development Control Plan 2013

An assessment is made of the proposed development against Chapter 2.2 Commercial Development and Subdivision as it is the most relevant chapter in DCP 2013.

## **Chapter 2.2 Commercial Development**

### **Element 1: Setbacks**

The preschool will be located in the northern area of the site. It will have a 2.8 m front setback to East Street. Element 1 permits commercial developments to have nil setbacks in certain zones provided they respect and complement existing streetscape and the desired future character of the area. It is considered that the pre-school will have an acceptable impact on the streetscape due to its single storey design and because it will retain significant landscaping on site which will obscure the bulk of the building from the street.

The preschool will be setback 21m from the nearest eastern (side) boundary. The extended Building C will be setback 7.3 from the nearest northern (side) boundary. These boundaries are shared with 30 East Street which contains a single dwelling and residential sheds. The setbacks ensure there is ample circulation and services space around the proposed buildings and that there will be no impacts on the adjoining properties as required.

It is noted that 30 East Street will be utilised for construction access for Building C. The applicant has provided a lease agreement to Council signed by the owner of 30 East Street as evidence that they consent to the use of their land for such purposes.

### **Element 2: Building Design**

The preschool and the extended building C have contemporary designs with significant articulation and architectural features. The building designs will have an acceptable impact on the East Street streetscape.

The buildings will have no impact on solar access to adjoining properties.

The preschool is oriented internally to the site and presents a 'side' elevation to East Street. The orientation does not provide direct surveillance of the street. However the front gates to the preschool are immediately adjacent to its entrance. As such the footpath will have continual surveillance from a regular stream of staff and parents attending the preschool. It is also noted that the preschool lawn is located directly to the west where staff on duty will be able to provide surveillance of the footpath incidentally.



**Element 3: Landscaping**

The development will require the removal of some landscaping in the northern area of the school. However, sufficient landscaping and mature plantings will remain to soften the visual impact of the development.

**Element 4: Vehicle Access and Parking**

The development does not include off-street car parking as required by Element 4. The existing school does not have off-street car parking. This matter has been discussed in relation to SEPP (Infrastructure) 2007 above, and is further discussed in relation to Chapter 3.5 Car Parking below.

**Element 5: Fencing and Security**

The development proposes 2.1 m high powder coated fencing around the perimeter of the pre-school building including along the East Street frontage. While this exceeds the height limitation of 1.8 m it is considered that the fencing will be acceptable due to the sensitive nature of the pre-school use and because it will not extend for the full length of the schools frontage. The existing 1.8 m high school fencing will remain for the rest of the schools frontage.

**Element 6: Design for Access & Mobility**

The development will be designed to be disabled accessible. The buildings include accessible ramps, lifts and toilets as required. In this regard it is noted that the development is a Crown development application, lodged by the NSW Department of Finance. As such it retains responsibility for the certification of the development against relevant Building Code of Australia (BCA) and Premises Standards requirements in relation to access for people with a disability.

**Element 7: Waste Management**

Use of the development will generate additional solid waste which can be disposed of using Council's waste disposal services or a private waste contractor.

The buildings will be connected to Council's reticulated sewer system for disposal of sewage.

**Element 8: Soil, Water quality and Noise management**

The development will have no impact on soil or water quality in the vicinity. A standard condition regarding the implementation of a sediment control plan is recommended to be included on the consent and included in **Appendix 1**.

All roof water will be directed to tanks and to Council's reticulated stormwater system in East and North Streets.

The development will have no impact on noise pollution in the area as the site is an existing school which operates during normal business hours. A standard condition regarding construction hours is recommended on the consent and included in **Appendix 1**.

### **Element 9: Advertising and Signage**

The development includes a signage brick wall 3.7m wide adjacent to the front gates to the preschool. The wall will include the backlit name of the school. It will be modest in relation to the size of the site and proposed developments and will be acceptable on the site.

Conditions regarding maintenance of the sign are recommended and have been included in **Appendix 1**.

### **Element 10: Services**

The development will be connected to all reticulated services as required. Standard conditions regarding service connections and pre-development stormwater flows are recommended on the consent and included in **Appendix 1**.

### **Chapter 3.1 Access and Mobility**

The development application does not specify that it will be designed in accordance with Chapter 3.1 Group 2 Requirements specified for educational establishments. However, it is apparent that the development has been designed to be disabled accessible in accordance with relevant BCA requirements for people with a disability. The buildings include accessible doorways, internal circulation areas, ramps, lifts and toilets as required.

In this regard it is noted that the development is a Crown Development Application and that the applicant retains the responsibility for the certification of the development against relevant Building Code of Australia (BCA) and Premises Standards requirements in relation to access for people with a disability.

In relation to disabled accessible car parking, the on-street car parking plan will provide a total of four (4) disabled accessible car parking spaces, including the retention of the existing disabled accessible car parking space adjacent to the pre-school entrance. Given the line marking of 29 on-street car parking spaces, Chapter 3.1 Appendix 1 would require the provision of two (2) additional disabled accessible car parking spaces.

A condition requiring the provision of the four (4) disabled accessible car parking spaces and any necessary upgrades to the East and North Street footpaths to provide continuous accessible paths of access to the school entrances is recommended on the consent and included in **Appendix 1**.

### **Chapter 3.5 Car Parking**

Under Chapter 3.5 Car Parking, Infants and Primary Schools are required to be provided with car parking at one (1) space per 1.5 staff plus adequate student set down/pick up and bus turning areas.

The existing school has 175 students and 20 staff. The preschool will accommodate 20 students and two (2) staff. The extension to Building C will accommodate 135 students and 18 staff. Accordingly, the development will facilitate an additional 155 students and 20 staff on site requiring 14 spaces (13.33) to be provided onsite and associated drop off/pick up/bus manoeuvring areas.

The off-street car parking and manoeuvring areas required under Chapter 3.5 are not proposed to be provided. The application has clarified that it is not the policy of the Department of Education to provide off-street car parking. Instead, an additional 29 on-street car parking and relocated bus bays are proposed to be line-marked along East Street and North Street in accordance with a plan submitted with the Traffic Impact Study.

As previously discussed, the Traffic Impact Study was revised by the applicant at the request of RMS to consider the impacts of the surrounding intersections. It established that the surrounding street network has the capacity to accommodate the additional vehicle traffic from the development and makes the conclusion:

*“It is considered that the proposed development will have a negligible impact on the operation of the adjacent intersections and surrounding road network generally. The intersections remain within the acceptable range of operation with good performance resulting, largely due to the comparatively low levels of traffic in the area.”*

The RMS and Council’s Traffic Engineer do not dispute this conclusion.

As previously mentioned however RMS have raised concerns in relation to the proposed on-street parking plan. The plan and RMS concerns have been reviewed by Council’s Traffic Engineer and it is considered that improvements to the plan should be made to increase road safety associated with the development. A condition to this effect, detailing specific traffic facilities, is recommended on the consent and included in **Appendix 1**.

In regard to the non-provision of off-street car parking it must be noted that the Development Application has been lodged by the Crown which has the power to reject any conditions of consent. Further, Council cannot refuse a Development Application made by the Crown except with the approval of the Minister pursuant to Section 89(1)(a) of the Environmental Planning and Assessment Act, 1979.

Council has consistently been informed by the applicant that it is not the policy of the NSW Department of Education to provide off-street car parking with its developments. Accordingly it is anticipated that any such condition would be rejected by the applicant.

- (b) Likely impacts of the development (including environmental, natural and built, and social and economic impacts in the locality)

The development will have acceptable impacts on the natural and built environment and social and economic impacts in the locality. It is designed to a high standard, will retain sufficient landscaping, and will facilitate the expansion of education services in west Dubbo.

- (c) Suitability of the site

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

The development will not affect the scenic qualities of the area. The extension to Building C will be acceptable due to its central location in the site.

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

The external appearance of the proposed buildings will contribute positively to the streetscape. They have been designed with articulation and numerous architectural features in mind.

- *Is the size and shape of the land to which the Development Application relates suitable for the siting of any proposed building or works?*

The size and shape of the land is suitable for the development.

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

The development will have a positive impact on the amenity of the locality.

- *Will the development have an adverse effect on the public domain?*

The development will have no impacts on the public domain.

Landscaping

- *Has adequate provision been made for landscaping of the subject land?*

Adequate landscaping will be retained onsite to screen and soften the proposed development, particularly the preschool building at the front of the site.

- *Street trees (Street Tree Master Plan)*

No street trees are proposed or required for the development.

Environmental considerations

- *Is the development likely to adversely impact/harm the environment in terms of air quality, water resources and water cycle, acidity, salinity soils management or microclimatic conditions?*

The development will have no impacts on environmental processes.

Pedestrian access

The development will have no impact on the footpath and zebra crossing network in the area except for any upgrades required to facilitate disabled access from car parking to the school site.

A condition requiring the lodgement of a Section 138 Road Opening Application is recommended on the consent and included in **Appendix 1** to regulate any works within Council's footpath.

Utilities and waste considerations

- *Are utility services available and adequate for the development?*

Utility services are available and adequate for the development.

- *Does the development provide adequate sewer management facilities and controls?*

The development will be connected to Council's reticulated sewer facilities as required.

Other requirements

The development has the potential to cause overlooking from the extended Homebase 'Block C' into the backyards of residences fronting East Street, particularly 30 East Street. To address this issue, the applicant has committed to providing 'dotted' graphic screening on the north-eastern windows up to 1.5 m from the first floor level. This will sufficiently obscure any overlooking into the backyards from the classrooms. A condition to this effect is recommended on the consent and included in **Appendix 1**.

(d) Submissions

The application was notified to owners of adjoining properties for a period of 14 days ending. No submissions have been received in relation to the development.

(e) Public Interest

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

## 5. OTHER LEGISLATIVE REQUIREMENTS

### Environmental Planning and Assessment Act 1979

#### Part 4 Development Assessment, Division 4 Crown Developments

The Development Application is a Crown development. It is for an expansion to the existing West Dubbo Public School and has been lodged by the NSW Department of Finance (Public Works) on behalf of the NSW Department of Education. Accordingly, a determination must not be made without the applicant first accepting Council conditions of consent pursuant to Clause 89 Determination of Crown Development Applications.

Draft conditions of consent as included in **Appendix 1** were referred to the applicant for Crown approval on 27 April 2017. To date, the Crown has not yet approved draft conditions of consent however, a response is expected by May/June 2017. To address this matter, a Council resolution is recommended that following receipt of the Crown's approval of conditions of consent, the General Manager be delegated to amend the conditions of consent if/as required by the Crown and to release the Notice of Determination.

## 6. SECTION 64/SECTION 94 CONTRIBUTIONS

### Section 64 Water Headworks Contributions

The development will increase demand on Council's reticulated water services. Accordingly a condition requiring the following developer contribution for water headworks is recommended on the consent and included in **Appendix 1**.

1 ET: 5000L

As per Table 3.2: Schools (per pupil): 50L/day/pupil  
155 pupils (135 k-2, 20 preschool)

Calculation:

155 x 50L	= 7,750L/day
7750/5000	= 1.55 ET x \$5,487.00 (2016/2017)
	= \$8,504.85

### Section 64 Sewer Headworks Contributions

The development will increase demand on Council's reticulated sewer services. Accordingly a condition requiring the following developer contribution for sewer headworks is recommended on the consent and included in **Appendix 1**.

1 ET: 5000L

As per Appendix E

Day school - 1/25 ET per pupil  
155 students - (135 k-2, 20 preschool)

Calculation:

$$\begin{aligned} 155 \times 0.04 &= 6.2\text{ET} = 6.2\text{ET} \\ &= 6.2\text{ET} \times \$5,487.00 \text{ (2016/2017)} \\ &= \$28,532.40 \end{aligned}$$

### Section 94 Urban Roads Contributions

The development will increase demand on Council's urban roads services. Accordingly a condition requiring the following developer contribution for urban roads is recommended on the consent and included in **Appendix 1**.

Commercial rate - \$385.40 (\$380.00 + \$5.4) 2016/2017)

Schools - 0.7 daily trips per enrolment  
Additional enrolment - 155 (135 k-2, 20 preschool)

Calculation:

$$\begin{aligned} 0.7 \times 155 &= 108.5 \text{ daily trips} \\ &= 108.5 \text{ trips} \times 385.40 \\ &= \$41,815.90 \end{aligned}$$

### Section 94 Stormwater Headworks Contributions

The development will increase demand on Council's stormwater infrastructure services. Accordingly, a condition requiring the following developer contribution for stormwater headworks is recommended on the consent and included in **Appendix 1**.

The site is located in Catchment 2.7 West Dubbo Main Drain which is payable on a per hectare basis at a rate of \$9,994 (2016/2017) per hectare.

Preschool roof area = 423 m<sup>2</sup>  
Total = 423 m<sup>2</sup>

Calculation:

$$423/10,000 = 0.0423 \times \$9,994 = \$422.50$$

### Section 94 Open Space and Recreation Contributions

The Development Application is for the extension of an existing school. As the development is not for residential purposes, contributions for open space and recreation are not required for the development.

## 7. INTERNAL REFERRALS

### Building Assessment

Council's Building Services Supervisor (BSS) in his report dated 13 September 2016 has raised no objection to the development. The report identifies that the Development Application is a Crown development, that any conditions of consent require the applicant's approval, and that no Construction Certificate is required. The applicant as the Crown holds the responsibility for certifying the development in accordance with relevant building requirements. Accordingly, only conditions addressing general building compliance and specific Council concerns such as plumbing and drainage matters are recommended on the consent and have been included in **Appendix 1**.

### Engineering Assessment

Council's Development Engineer in the report dated 21 April 2017 has raised no objections to the development from an engineering perspective and recommended appropriate conditions on the consent which are included in **Appendix 1**.

The report incorporates comments from Council's Traffic Engineer in relation to the Traffic Impact Study (TIS), On-Street Car Parking Plan and RMS correspondence in relation to SEPP Infrastructure 2007 Traffic Generating Development. The Traffic Engineer has acknowledged the RMS' concerns in relation to traffic safety and recommended a condition on the consent requiring the approval of a revised on-street car parking plan with specific traffic facilities to address these matters.

The submitted TIS establishes that the surrounding road network and intersections have capacity to accommodate additional traffic from the development with negligible impacts on their performance. The RMS and Council's Traffic Engineer do not dispute this conclusion.

### SUMMARY

The Crown is seeking development consent from Council to undertake the intensification of an Educational Establishment (School - Alterations and Additions) at Lot 1 DP 348033 and Lot 1 DP 433302, 70 North Street, Dubbo, being West Dubbo Primary School.

On balance, the proposed development is consistent with the objectives of the applicable EPIs, DCPs and Council policies and is not considered likely to have any significant negative impact upon the environment or upon the amenity of the locality.

The deficiency of the development is that no off-street car parking will be provided to account for the additional traffic generated from the site. To address this matter the applicant has provided a Traffic Impact Statement (TIS), revised in accordance with RMS requests, which demonstrates that there is sufficient capacity in the surrounding road network to safely accommodate traffic from the development. The TIS is accompanied by an on-street car parking plan to line mark an additional 29 car parking spaces for the school and



relocate existing bus stops. Council's Traffic Engineer has reviewed the TIS, on-street car parking plan and RMS comments and conditioned the provision of a revised plan to include specific traffic facilities for road safety.

As stated previously in the report, Council cannot refuse a Development Application made by the Crown except with the approval of the Minister pursuant to section 89(1)(a) of the Environmental Planning and Assessment Act, 1979. Neither can Council impose conditions of consent to a Crown Development Application except with the approval of the applicant or the Minister pursuant to Section 89(1)(b) of the Environmental Planning and Assessment Act, 1979.

As such, having considered the matters raised and discussed in the assessment of the application, it is recommended that the application be approved subject to the conditions included in **Appendix 1** provided the applicant's consent to those conditions is forthcoming.

Appendices:

- 1 [↓](#) Conditions of consent
- 2 [↓](#) Development plans

**CONDITIONS**

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

Title: Proposed Site Plan  
Drawing No: AR-1003  
Revision: 4  
Drawn by: DesignInc  
Dated: 15/03/2017

Title: Ground Floor – Block C  
Drawing No: AR-2200  
Revision: 5  
Drawn by: DesignInc  
Dated: 15/03/2017

Title: First Floor – Block C  
Drawing No: AR-2201  
Revision: 6  
Drawn by: DesignInc  
Dated: 15/08/2016

Title: Elevations – Block C (North & South)  
Drawing No: AR-3000  
Revision: 6  
Drawn by: DesignInc  
Dated: 15/03/2017

Title: Elevations – Block C (East & West)  
Drawing No: AR-3001  
Revision: 5  
Drawn by: DesignInc  
Dated: 15/03/2017

Title: Ground Floor - Preschool  
Drawing No: AR-2210  
Revision: 5  
Drawn by: DesignInc  
Dated: 15/03/2017

Title: Elevation – Preschool (North & South)  
Drawing No: AR-3010  
Revision: 4  
Drawn by: DesignInc  
Dated: 15/03/2017

Title: Elevation – Preschool (East & West)  
 Drawing No: AR-3011  
 Revision: 3  
 Drawn by: DesignInc  
 Dated: 15/03/2017

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

- (2) The drainage and plumbing installation shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the water and sewerage authority.  
 {Reason: Statutory and Council requirement}
- (3) The sanitary, water plumbing and drainage associated with the proposed building requires the issue of a separate approval from Council prior to being installed. In this regard a Drainage and Plumbing Approval Application form is available from Council, and must be completed by the licensed plumbing and drainage contractor and returned to Council with the appropriate fee. Drainage or plumbing works must not be commenced until Council has issued a permit authorising such works.  
 {Reason: Statutory requirement of Local Government Act 1993}
- (4) All sanitary plumbing and drainage and water plumbing work shall be carried out by a licensed plumber and drainer.  
 {Reason: Statutory requirement of Section 634 Local Government Act 1993}
- (5) The top of each building's overflow (relief) gully shall be a minimum 150 mm below the lowest sanitary fixture or the building's finished floor level, whichever is the lowest.

The overflow (relief) gully shall also:

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

{Reason: Statutory and sewerage authority requirement}

- (6) Hot water delivered to the outlet of any hand basin fixtures shall not exceed a temperature of 45<sup>o</sup> C (refer clause 1.9.2(a) of AS/NZS 3500.4:2015).

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

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

- (7) A site rubbish container shall be provided on the site for the period of the construction works prior to commencement of any such work.  
 {Reason: Council requirement to prevent pollution of the environment by wind-blown litter}

- (8) All building work must be carried out in accordance with the provisions of the Building Code of Australia; or as varied/modified/deleted by a Minister pursuant to section 109R(3) of the EP&A Act.

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

- (9) The following applicable works shall be inspected and passed by an officer of Council prior to them being covered. In this regard, at least 24 hours' notice shall be given to Council for inspection of such works. When requesting an inspection please quote Council's reference number D16-403.

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

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

{Reason: Statutory provision and Council requirement being the water and sewerage utility operator and delegated regulator}

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

{Reason: Council requirement for protection of the public, staff & children}

- (11) To facilitate Council's inspection of the sanitary plumbing and drainage work associated with the proposed new building work, a copy of each building's final hydraulic drawing(s) and/or floor plan shall be submitted to Council's Environmental Service Division prior to such works commencing.

{Reason: Council requirement to permit the accurate plotting and subsequent drafting of the installed and inspected sanitary drainage work}

- (12) The Developer shall prepare a traffic and parking management plan inclusive of the following traffic facilities and fully implement the plan at full cost to the Developer:

- Five (5) 60° angle parking spaces on the southern side of East St at the western end of the existing school bus zone and sign posted as a time restricted "No Parking Zone" 8.00am – 9.30am and 2.30pm – 4.00pm Monday – Friday School Days with a kerb side island provided on the western side of the car spaces for pedestrian protection extended to the back of the parking lane to facilitate the adjacent pedestrian access/ refuge across East St.
- Three (3) x 60° angle parking spaces on the southern side of East St immediately east of the existing pedestrian crossing and west of the existing disabled car parking space is to be sign posted as a 10min time restricted "No Parking Zone" 8.00am – 9.30am and 2.30pm – 4.00pm Monday – Friday School Days.

- The existing eight (8) angled car parking spaces on the southern side of East St and east of the disabled car parking space are to be designated as two (2) time restricted zones with the first four (4) car parking spaces signposted as a 10min restricted "No Parking Zone" with the next four (4) car parking spaces signposted as a restricted "No Parking Zone" both during the periods 8.00am – 9.30am and 2.30pm – 4.00pm Monday – Friday School Days .
- The existing five (5) angled car parking spaces on the southern side of East St in front of 30 East Street is to be signposted as a time restricted "No Parking Zone" 8.00am – 9.30am and 2.30pm – 4.00pm Monday – Friday School Days.
- In North Street the provision of an acceptable southbound lane lateral shift transition across East St including the reinstatement of a centre median refuge island to the adjacent pedestrian crossing on the south side of East Street and adjustments to the proposed parking management as required.
- The provision of an auxiliary right turn lane into Wattle Street and transitions for south and northbound travel lanes to and from the existing travel lane alignment to complement Councils proposed Two Way Turn Lane traffic management.

Prior to the commencement of construction works on site the applicant must have the detailed design of Traffic and Parking Management Plan approved by Council.

{Reason: To provide a safe means of access to/from the proposed development site and to protect the amenity of the travelling public utilising the surrounding road network}

- (13) The Traffic and Parking Management Plan shall include four (4) disabled accessible car parking spaces designed in accordance with Australian Standard AS2890.6 and include any necessary footpath upgrading works required to provide unobscured and continuous accessible paths of travel to the primary and preschool entrances.

{Reason: To ensure adequate disabled accessible car parking spaces are provided for the development}

- (14) Should the existing town water supply service connection(s) not be suitably located and/or of a suitable size to accommodate the proposed development, then a separate application is required to be made to Council prior to the commencement of construction on site, with the appropriate fee(s) being paid, for the provision of a suitably sized metered water service to the development site.

Note: As Council is the local water supply authority, separate metered connections will be required in respect to the provision of a suitably size domestic water meter and separate fire service meter to the development site.

{Reason: Council policy in respect of commercial developments}

- (15) All driveways, hard stand areas and parking areas shall be drained to Council's satisfaction, noting that all stormwater shall discharge into the East Street kerb and gutter system provided the it shall be limited to an amount that can be safely conveyed within the gutter, and that overall gutter flows within the East Street are within Auspec guidelines for gutter flow width and depth.

It should be noted that the development will be required to discharge flows from the land in its undisturbed/natural state for the minor storm event (1 in 20 year ARI) to the kerb and gutter in East Street and also make provision for the major event (1 in 100 year ARI) to be safely conveyed to East Street without impact on adjacent private property.

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

In this respect the Developer must have approved by Council, prior to the commencement of construction works on site, full and detailed hydraulic design calculations and drawings of the proposed development's stormwater drainage system.  
{Reason: To achieve a satisfactory standard of stormwater disposal from the proposed development}

- (16) No vehicles larger than a passenger vehicle (5.2m in length), (utilising the Austroads design templates), are permitted to access the subject land and development proposal.  
{Reason: The internal manoeuvrability and access to the subject land and proposed development will only facilitate passenger vehicle 5.2 metres in length or vehicles of lesser dimensions at this location}
- (17) All vehicles must enter and exit the subject land and proposed development in a forward direction. No reversing of vehicles onto the public roadway system will be permitted.  
{Reason: To provide safety for the travelling public utilising the public roadways}
- (18) All loading and unloading of goods related to the development proposal shall be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system be permitted.  
{Reason: Requirement of Council so as not to create adverse traffic conditions}
- (19) No signage or structure(s) of any standard will be permitted to be displayed within (or overhang onto) the road reserve area(s).  
Note: This area also includes the footpath reserve area.  
{Reason: To protect the amenity of the travelling public utilising the surrounding roadways}
- (20) The conveyance of the effluent from the proposed development to Council's sewer constitutes a trade waste discharge, therefore a Trade Waste Application must be completed. The completed application, along with the appropriate application fee, all required details covering drainage, discharge and capacity, pre-treatment devices, and installation must be submitted to Council's Water Supply and Sewerage Client Services Coordinator and approved by Council, prior to the commencement of construction works on site. No effluent will be permitted to be discharged to Council's sewer until the required Trade Waste Approval has been obtained and all required pre-treatment devices have been installed and passed by Council.  
{Reason: Statutory requirement of the Local Government (General) Regulation 2005}
- (21) Should any of the proposed works encroach onto the road reserve area (which includes the footpath area) and prior to any works commencing on the site, the Applicant/Developer is required to make a separate 'Road Opening Application' (Section

138 Application under the Roads Act, 1993) with Council's Technical Services Division, plus payment of any appropriate fee(s).

In conjunction with the Section 138 Application, a Traffic Management Plan showing all activities for controlling pedestrian and vehicular traffic shall be prepared by a suitably accredited person, submitted to, and approved by Council's Traffic Engineer prior to the commencement of construction works on site, demonstrating that the proposed demolition works can be undertaken in a safe manner minimising disruption to pedestrian and vehicular traffic movement(s).

The Traffic Management Plan shall include layout plans showing temporary detours, details of arrangements for demolition work under traffic and the location, size and legend of all temporary signs and other traffic control devices and be in accordance with the WorkCover Authority requirements.

{Reason: To ensure adequate safety measures are in-place for the public utilising the adjacent footpaths and roadways}

- (22) Any damage incurred to the footpath, kerbing and guttering, road or road shoulder, or any other utility services, shall be repaired/restored at full cost to the Developer and in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction standards. Should the Developer not complete repairs as necessary, and/or as directed by Council, Council will undertake such repair work(s) and recover the cost(s) from the Developer.

Note: It is recommended that the Applicant record the existing conditions of all footpaths, road and other Council property adjoining the subject site prior to the Contractor taking possession of the site).

{Reason: Implementation of Council policy}

- (23) Should any of the proposed works encroach onto the road reserve area (which includes the footpath area) and prior to any works commencing on the site, the Applicant is to ensure that any sub-contractor(s) working on the site have current public liability insurance policy(ies) to cover Council to an amount of not less than \$20 M in respect of any and all actions, costs and claims for damages that may be brought or made or claimed against Council in relation to the granting of this approval. Such policy shall note the interest of Council, which ensures that Council is indemnified against any possible action.

{Reason: Implementation of Council's policy}

- (24) All external lights associated with the development must be shielded and directed downward such that no light spills beyond the boundaries of the site, except for that external lighting required to protect the entrance to the preschool.

{Reason: DLEP 2012 Clause 5.14 Siding Spring Observatory – Maintaining Dark Sky}

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

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

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

- (26) Prior to the commencement of the development all solid wastes likely to be generated shall be assessed in accordance with the *Environmental Protection Authority Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes*. Details of the volumes of each type of waste and the proposed methods of disposal shall be provided to Council for approval prior to the commencement of the development.

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

- (27) Waste construction materials including soil arising from the development, must be disposed of at an appropriately licensed waste facility.

{Reason: To ensure environmentally safe disposal}

- (28) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

{Reason: Council and statutory requirement to protect Aboriginal heritage}

- (29) Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during demolition works, the applicant and contractor shall ensure the appropriate regulatory authority (eg Office of Environment and Heritage (OEH), WorkCover Authority, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.

{Reason: Council requirement to prevent the contamination of the environment}

- (30) An Erosion Control Plan shall be implemented onsite prior to any site disturbance works being commenced and shall remain, in a maintained condition, until all site works are completed.

{Reason: Council's requirement imposed in the public's interest under S79C of the EP&A Act 1979}

- (31) The signage wall and school fencing shall be maintained in good and substantial repair.

{Reason: Council requirement to maintain structural adequacy and visual amenity}

- (32) The sign shall not flash, be animated, be excessively luminous or glow.

{Reason: Council requirement to prevent distraction of passing motorists}

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

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

- (34) The north-eastern first floor windows of the Homebase 'Block C' extension shall be provided with 'dotted' graphic screening to a height 1500mm on the first floor level. The dotted screening shall provide no more than 50% transparency.

{Reason: To obscure overlooking into the private open space of adjoining residential dwellings}



- (35) The Water Supply headworks contribution of \$8,504.85 (1.55ET), calculated on a land use basis, pursuant to Section 64 of the Local Government Act, 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002, shall be paid by the developer prior to the commencement of the use on site.

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

Note 1: Council's adopted 2016/2017 financial year rate is \$5,487.00 per ET.

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

Note 3: The developer contribution has been assessed in relation to the proposed development. It has not been assessed in relation to the existing educational establishment.

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

- (36) The Sewerage Services headworks contribution of \$28,532.40 (6.2 ET), calculated on a land use basis, pursuant to Section 64 of the Local Government Act, 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002, shall be paid by the developer prior to the commencement of the use on site.

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

Note 1: Council's adopted 2016/17 financial year rate is \$5,487.00 per ET lot.

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

Note 3: The developer contribution has been assessed in relation to the proposed development. It has not been assessed in relation to the existing educational establishment.

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

- (37) The Urban Stormwater Drainage headworks contribution of \$422.50, calculated on the additional development area (0.0423 ha) draining into Catchment 2.7 West Dubbo Main Drain Drainage Scheme, in accordance with Council's adopted Section 94 Urban Stormwater Drainage Headworks Contributions Plan, as amended October 1995, shall be paid by the developer prior to the commencement of the use on site.

Such contribution rate is adjusted annually in accordance with Section 7.0 of the Section 94 Contributions Plan becoming effective from the 1 July each year and as adopted in Council's Annual Revenue Policy.

Note 1: Council's adopted 2016/2017 financial year rate is \$9,994 per hectare.

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

Note 3: The developer contribution has been assessed in relation to the proposed development. It has not been assessed in relation to the existing educational establishment.

{Reason: Implementation of Council's Section 94 Urban Stormwater Drainage Headworks Contributions Plan, as amended October 1995}

- (38) The Urban Roads headworks contribution of \$41,815.90 (108.5 trips), calculated on a land use basis, in accordance with Council's adopted Amended Section 94 Contributions Plan - Roads, Traffic Management and Carparking, operational 3 March 2016, shall be paid by the developer prior to the commencement of the use on site.

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

Note 1: Council's adopted 2016/2017 financial year rate is \$385.40 per commercial trip.

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

Note 3: The developer contribution has been assessed in relation to the proposed development. It has not been assessed in relation to the existing educational establishment.

{Reason: Implementation of Council's Section 94 Contributions Plan - Roads, Traffic Management and Carparking dated 2016}

## NOTES

- (1) It is a statutory requirement for the plumbing and drainage licensee to provide to Council as the delegated Plumbing Regulator, the Notice of Work (NoW), Certificate of Compliance (CoC) and Sewerage Service Diagram (SSD) as prescribed under the Plumbing and Drainage Act 2011, for the proposed sanitary drainage/plumbing and domestic water plumbing works.

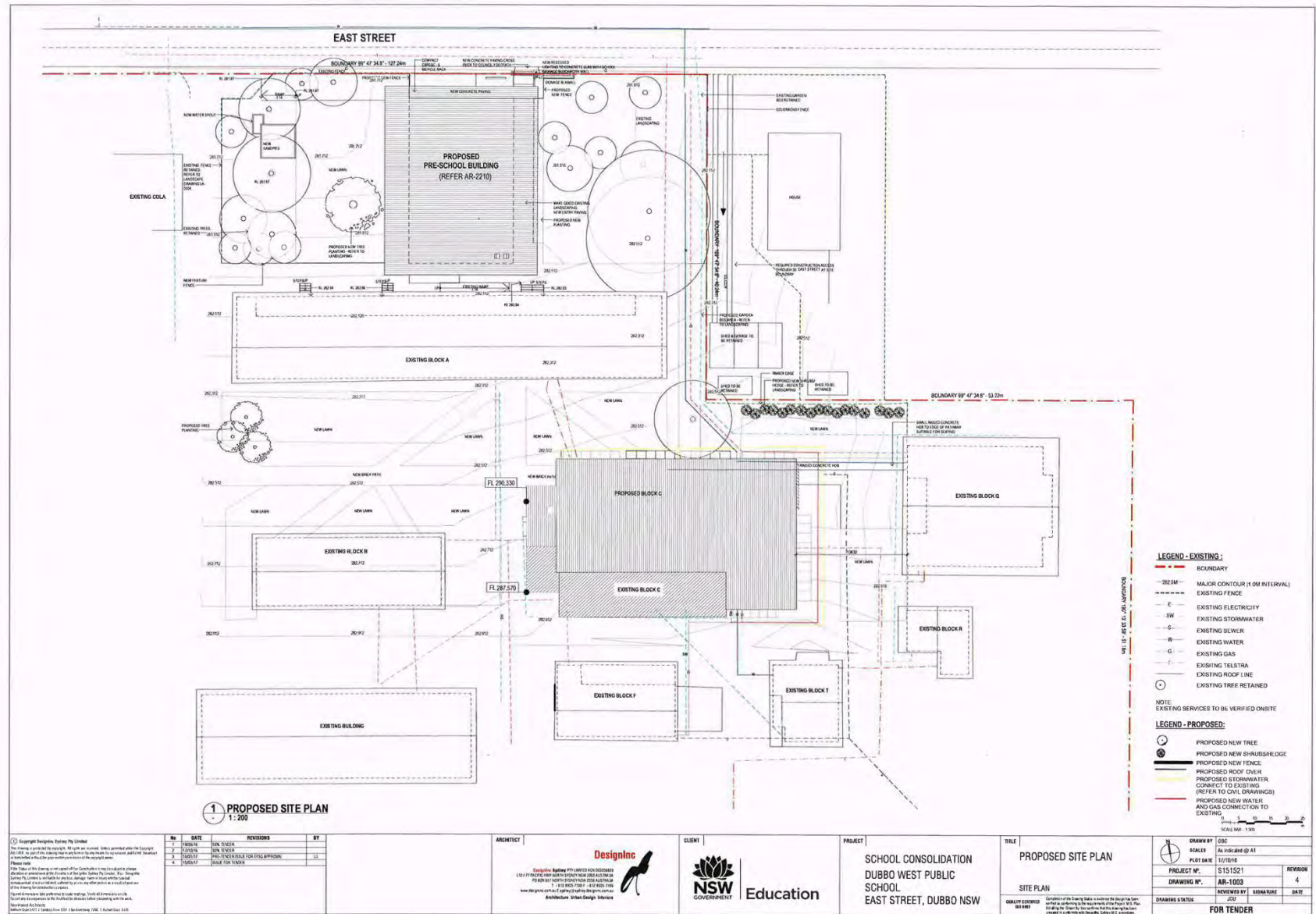
- (2) It is requested that the Applicant include in the tender documentation for the construction of the proposed development that the successful Principal Contractor (the Builder) will be responsible for the payment of all Council sanitary and water plumbing and drainage inspection fees associated with the development. Alternatively, the Principal Contractor is to ensure that plumbing contractors when quoting on such work are informed to include such Council fees in their quotations.
- (3) The development will be undertaken in accordance with Essential Energy's correspondence dated 13 September 2016 (copy attached).
- (4) Offensive noise as defined under the Protection of the Environment Operations Act, 1997 shall not be emitted from the proposed development.

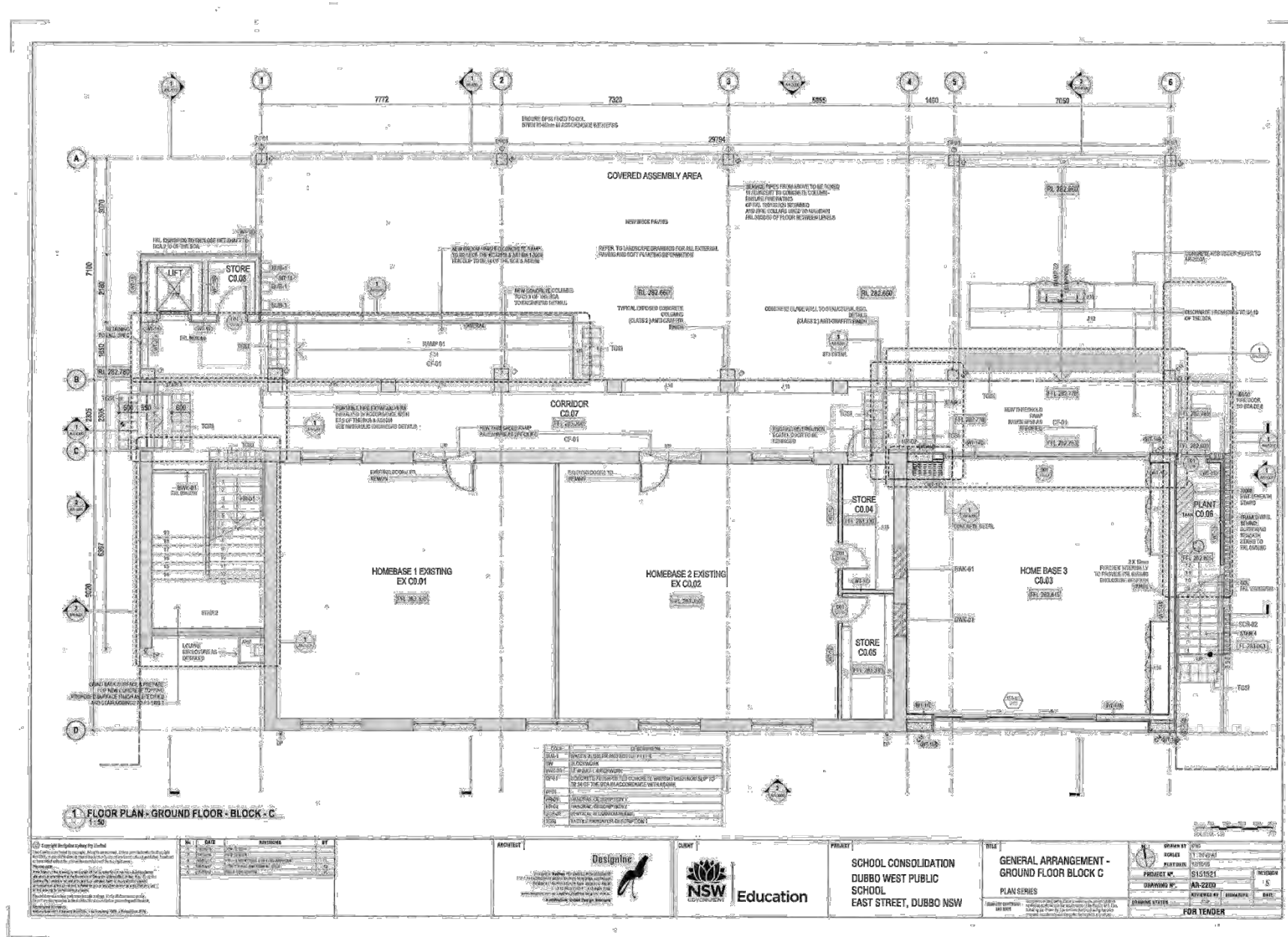
Air impurities as defined under the Protection of the Environment Operations Act, 1997 shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.

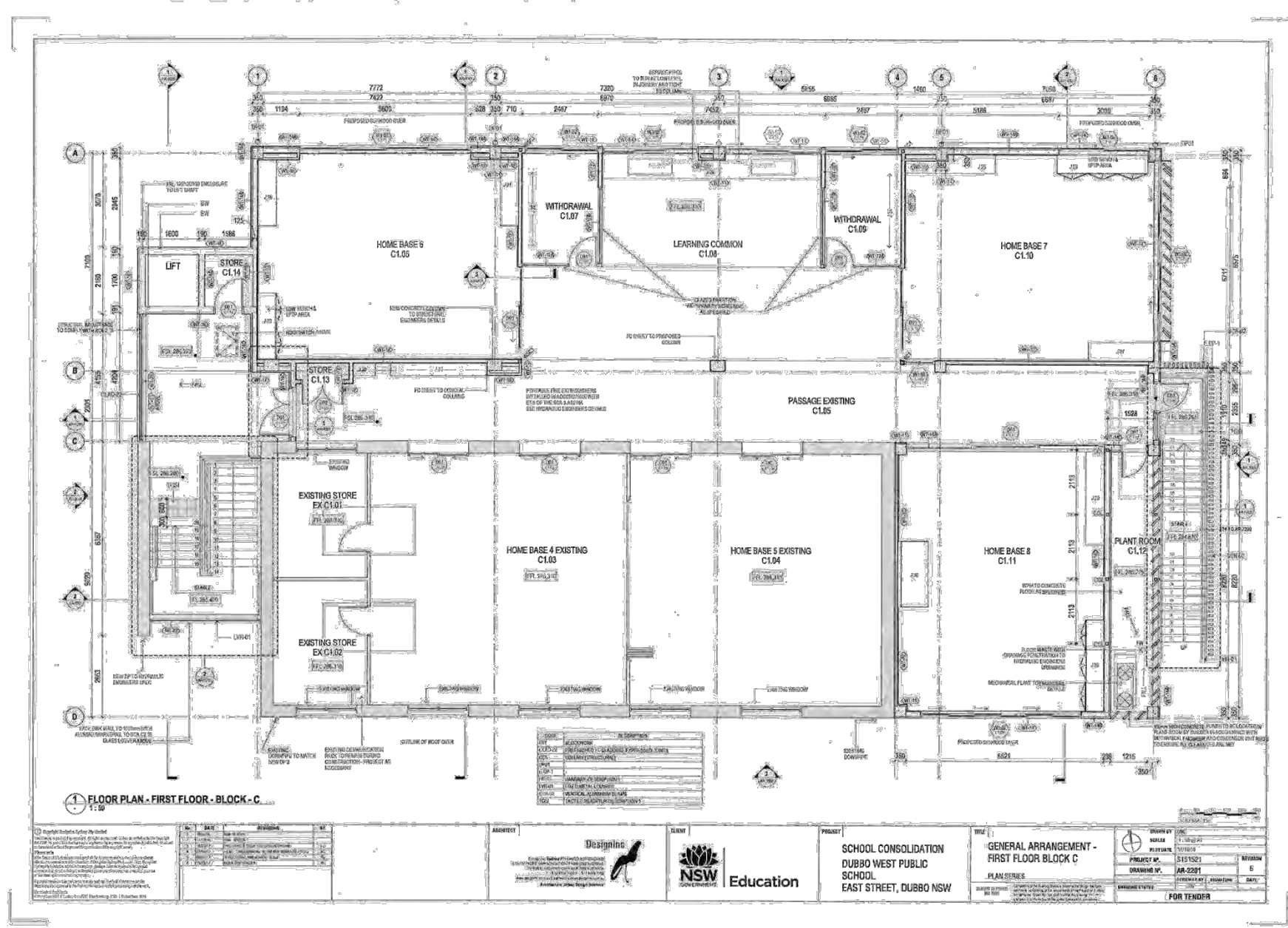
- (5) The Council Section 94/64 Contribution Plans referred to in the conditions of this consent, may be viewed by the public without charge, at Council's Administration Building, Church Street, Dubbo between the hours of 9 am and 5 pm, Monday to Friday. Copies are also available from [www.dubbo.nsw.gov.au](http://www.dubbo.nsw.gov.au)

#### **RIGHT OF APPEAL**

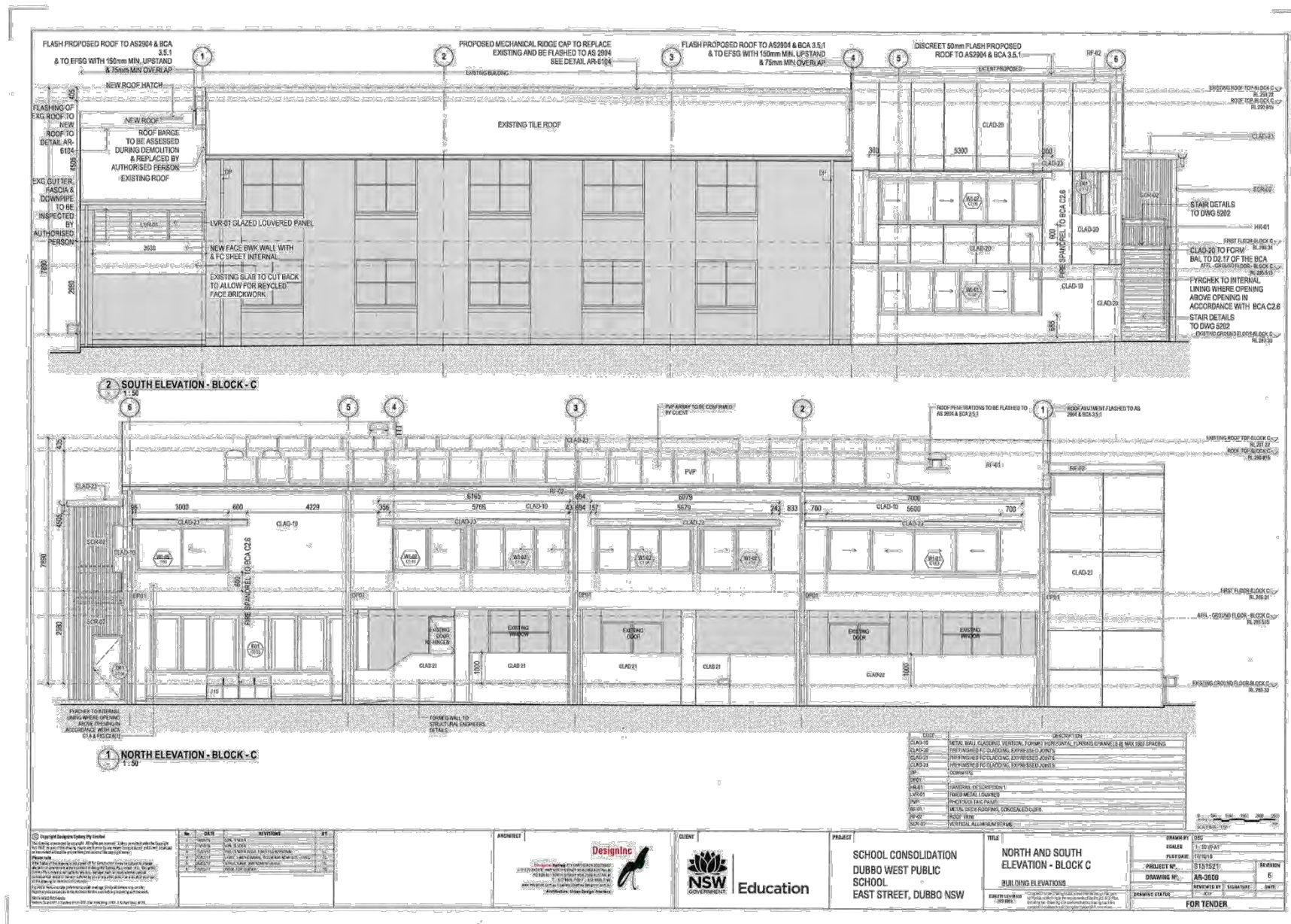
Section 97 of the Environmental Planning and Assessment Act 1979 confers the right for an applicant who is dissatisfied with Council's determination to appeal to the Land and Environment Court within six months after the date on which you receive this Notice.

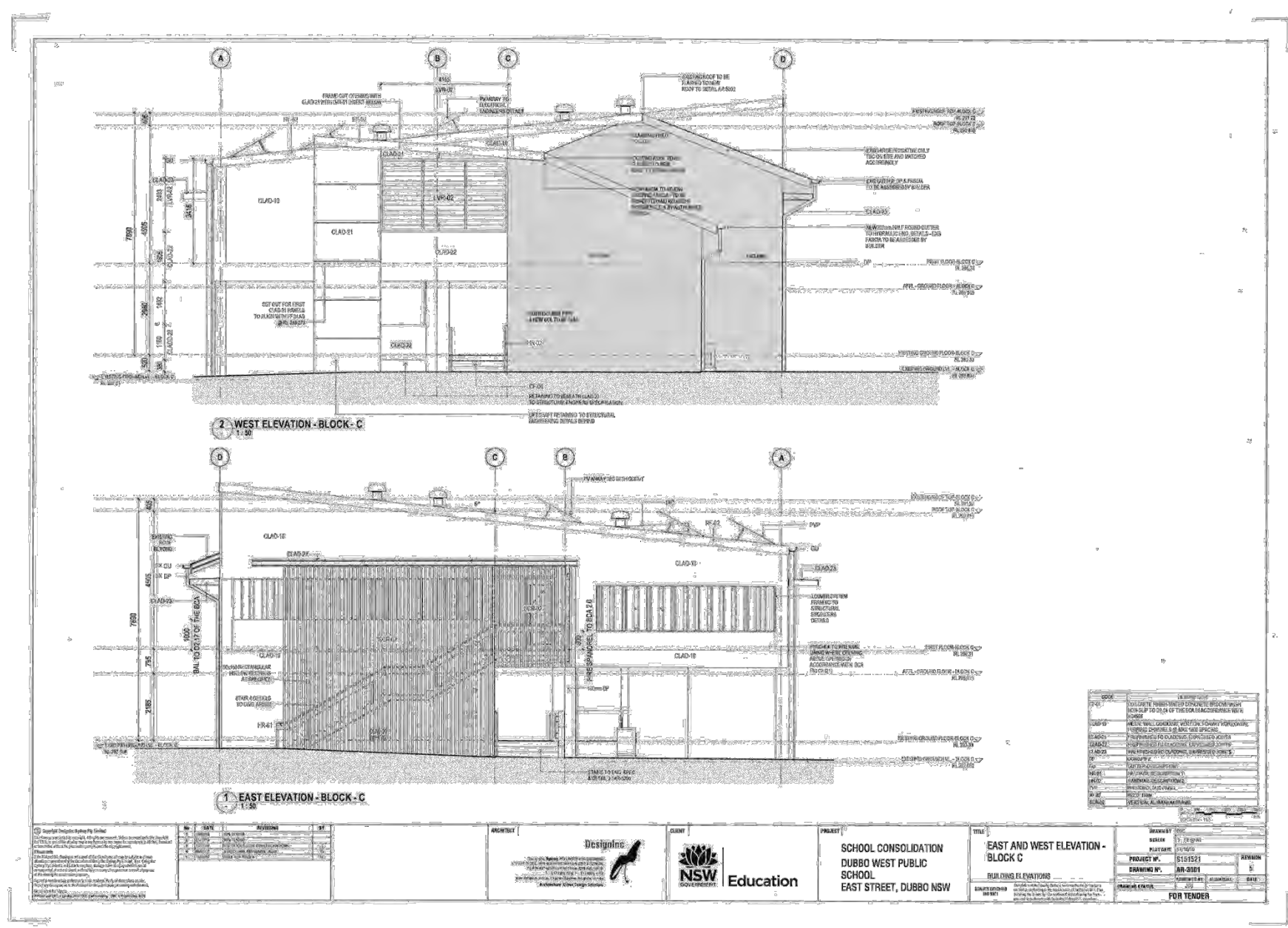












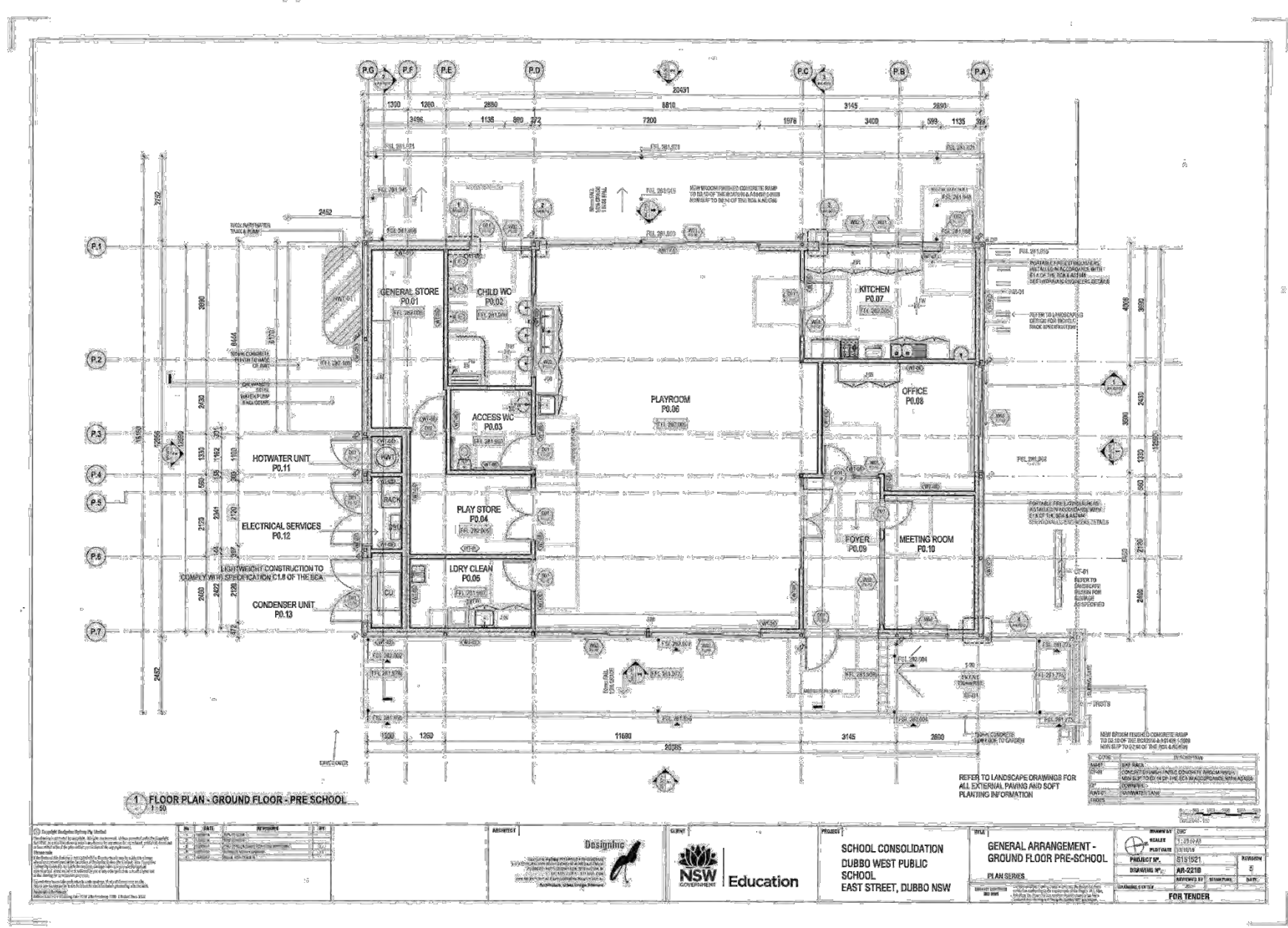
NO.	DESCRIPTION	DATE
1	ISSUED FOR TENDER	15/08/2017
2	FOR APPROVAL	15/08/2017
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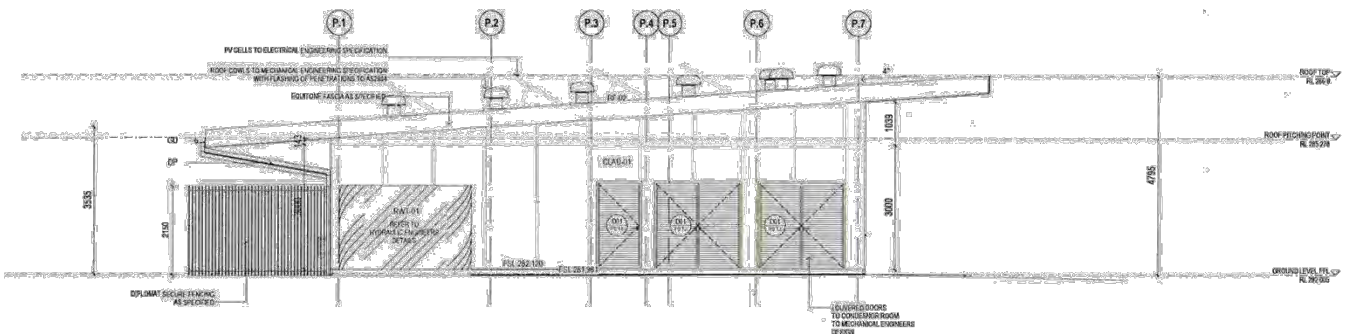
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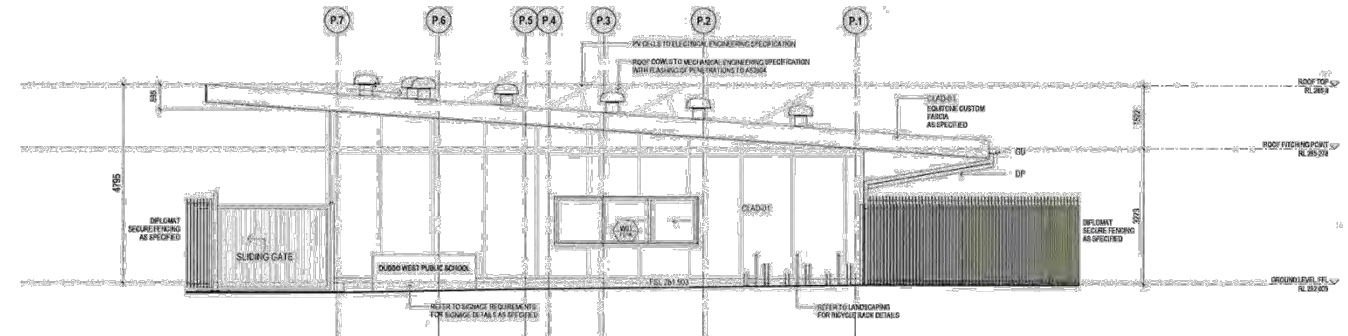
		<b>SCHOOL CONSOLIDATION                  DUBBO WEST PUBLIC                  SCHOOL                  EAST STREET, DUBBO NSW</b>	<b>EAST AND WEST ELEVATION -                  BLOCK C</b>  BUILDING ELEVATIONS	DRAWN BY: ... CHECKED BY: ... DATE: 15/08/2017
				PROJECT NO: S151521 DRAWING NO: AR-001 FOR TENDER







2 SOUTH ELEVATION - PRE - SCHOOL  
1:50



1 NORTH ELEVATION - PRE - SCHOOL  
1:50

CODE	DESCRIPTION
CLAD-01	FRASERFACADE CLADDING, EXPRESSED JOINTS
DP	DOWNPIPE
EQ	EQUITABLE SPECIFICATION
FL-01	FLOR SLAB
HWY-01	HANDBRAKE

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NO.	DATE	REVISION	BY
1	15/01/2018	ISSUED FOR TENDER	AR
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ARCHITECT	CLIENT	PROJECT	TITLE
Designline	NSW Education	SCHOOL CONSOLIDATION DUBBO WEST PUBLIC SCHOOL EAST STREET, DUBBO NSW	NORTH AND SOUTH ELEVATION - PRE-SCHOOL BUILDING ELEVATIONS

DESIGNER	CHECKED	DATE
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PROJECT	TITLE	DATE
SCHOOL CONSOLIDATION DUBBO WEST PUBLIC SCHOOL EAST STREET, DUBBO NSW	NORTH AND SOUTH ELEVATION - PRE-SCHOOL BUILDING ELEVATIONS	15/01/2018

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