



# AGENDA PLANNING AND DEVELOPMENT COMMITTEE 18 APRIL 2017

MEMBERSHIP:

Mr Michael Kneipp (Administrator).

The meeting is scheduled to commence at 5.30pm.

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	Page
<b>PDC17/9</b>	
<b>REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - MEETING 20 MARCH 2017 (ID17/522)</b>	<b>3</b>
The Committee had before it the report of the Planning and Development Committee meeting held 20 March 2017.	
<b>PDC17/10</b>	
<b>PLANNING PROPOSAL - OPERATIONAL REVIEW OF THE DUBBO LOCAL ENVIRONMENTAL PLAN 2011 (ID17/374)</b>	<b>7</b>
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.	
<b>PDC17/11</b>	
<b>PLANNING PROPOSAL - OPERATIONAL REVIEW OF THE WELLINGTON LOCAL ENVIRONMENTAL PLAN 2012 (ID17/381)</b>	<b>56</b>
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.	
<b>PDC17/12</b>	
<b>COUNCIL POLICY - FLOODING IN GEURIE - RESULTS OF PUBLIC EXHIBITION (ID17/195)</b>	<b>104</b>
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.	

- 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)**      117
- 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
- Property: 276 Brisbane Street, Dubbo  
Applicant: A R Carpentry  
Owner: Ms M J Watkins.
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- 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)**      158
- The Committee had before it the report dated 11 April 2017 from the Planner regarding 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.



**DUBBO REGIONAL  
COUNCIL**

## **Report of the Planning and Development Committee - Meeting 20 March 2017**

**AUTHOR: Administrative Officer - Governance**  
**REPORT DATE: 5 April 2017**

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

### **MOTION**

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



**REPORT  
PLANNING AND DEVELOPMENT  
COMMITTEE  
20 MARCH 2017**

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**PRESENT:**

Mr M Kneipp (Administrator).

**ALSO IN ATTENDANCE:**

The Interim General Manager, the Director Organisational Services, the Manager Governance and Risk, the Supervisor Governance, the Revenue Accountant, the Director Corporate Development, the Corporate Communications Supervisor (K Matts), the Director Technical Services, the Manager Civil Infrastructure and Solid Waste, the Senior Design Engineer, the Director Environmental Services, the Manager Building and Development Services, the Manager City Strategy Services, the Senior Planner, the Director Community Services, the Director Parks and Landcare Services and the Transition Project Leader.

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

The proceedings of the meeting commenced at 5.37pm.

**PDC17/4      REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - MEETING 20  
FEBRUARY 2017 (ID17/321)**

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

Moved by Mr M Kneipp (Administrator)

**MOTION**

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

**CARRIED**

**PDC17/5 PROPOSED AMENDMENTS TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 - COUNCIL SUBMISSION (ID17/140)**

The Committee had before it the report dated 14 February 2017 from the Manager City Strategy Services regarding Proposed Amendments to the Environmental Planning and Assessment Act, 1979 - Council Submission.

Moved by Mr M Kneipp (Administrator)

**MOTION**

**The Committee recommends:**

- 1. That the report prepared by the Manager City Strategy Services, dated 14 March 2017 in respect of the proposed amendments to the Environmental Planning and Assessment Act, 1979 be endorsed.**
- 2. That a submission be prepared by Council for the consideration of the Department of Planning and Environment in accordance with the information as provided in the report of the Manager City Strategy Services.**

**CARRIED**

**PDC17/6 DRAFT DEVELOPMENT CONTROL PLAN - SHERATON ROAD ESTATE - RESULTS OF PUBLIC EXHIBITION (ID17/341)**

The Committee had before it the report dated 14 March 2017 from the Manager City Strategy Services regarding Draft Development Control Plan - Sheraton Road Estate - Results of Public Exhibition.

Moved by Mr M Kneipp (Administrator)

**MOTION**

**The Committee recommends:**

- 1. That the Development Control Plan - Sheraton Road Estate, as provided here in Appendix 1, to the report of the Manager City Strategy Services, dated 14 March 2017 be adopted.**
- 2. That an advertisement be placed in local print media specifying adoption of the Development Control Plan – Sheraton Road Estate.**

**CARRIED**

**PDC17/7 DEVELOPMENT APPLICATION (D16-494) FOR RESIDENTIAL SUBDIVISION (30 LOTS)  
PROPERTY: LOT 1 DP 510790, 5L WELLINGTON ROAD, DUBBO  
APPLICANT: MRS J J RICE  
OWNER: THE CHURCHES OF CHRIST PROPERTY TRUST (ID17/159)**

The Committee had before it the report dated 14 March 2017 from the Senior Planner 1 regarding Development Application (D16-494) for Residential Subdivision (30 Lots) - Lot 1 DP 510790, 5L Wellington Road, Dubbo.

Moved by Mr M Kneipp (Administrator)

**MOTION**

**The Committee recommends:**

- 1. That Development Application D16-494 for residential subdivision (30 lots) plus public reserve, drainage reserve, church allotment and residue allotment at Lot 1 DP 510790, 5L Wellington Road, Dubbo, be granted approval subject to the conditions of consent provided as attached to this report as Appendix 1.**
- 2. That those who made submissions be advised of Council's determination in this matter.**

**CARRIED**

**PDC17/8 DEVELOPMENT APPLICATION D16-366 - DUAL OCCUPANCY (DETACHED) AND TWO (2) LOT SUBDIVISION  
PROPERTY: LOT 62 DP 596342, 24 TAMWORTH STREET, DUBBO  
OWNER: MR N J & MRS J L O'CONNOR  
APPLICANT: MR N J O'CONNOR (ID17/325)**

The Committee had before it the report dated 14 March 2017 from the Planner regarding Development Application D16-366 - Dual Occupancy (Detached) and Two (2) Lot Subdivision - Lot 62 DP 596342, 24 Tamworth Street, Dubbo.

Moved by Mr M Kneipp (Administrator)

**MOTION**

**The Committee recommends:**

- 1. That amended Development Application D16-366 for a dual occupancy (detached) and two (2) lot subdivision of Lot 62 DP 596342, 24 Tamworth Street, Dubbo be approved subject to the conditions included in Appendix 1; as attached to this report.**
- 2. That those who made submissions in respect of the subject application be advised of Council's determination in this matter.**

**CARRIED**

The meeting closed at 5.41pm.

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CHAIRMAN



## **REPORT: Planning Proposal - Operational Review of the Dubbo Local Environmental Plan 2011**

**AUTHOR:** Manager City Strategy Services  
**REPORT DATE:** 11 April 2017  
**TRIM REFERENCE:** ID17/374

### **EXECUTIVE SUMMARY**

The Dubbo Local Environmental Plan 2011 was gazetted by the Minister for Planning on 11 November 2011. The Wellington Local Environmental Plan 2012 was gazetted on 23 November 2012. Both LEPs were prepared in accordance with the Standard Instrument (Local Environmental Plans) Order 2006.

The former Wellington and Dubbo City councils were amalgamated by proclamation on 12 May 2016. Following the amalgamation and in accordance with the requirements of the NSW Department of Premier and Cabinet, Council is required to prepare a new comprehensive Local Environmental Plan for the Dubbo Regional Local Government Area by September 2017. However, given the work involved, including the preparation of land use strategies for land subject to the provisions of the Wellington Local Environmental Plan 2012, Council has undertaken an operational review of the Dubbo Local Environmental Plan 2011 as an initial first step in the harmonisation of planning controls across the Dubbo Regional Local Government Area.

Concurrently, Council is also undertaking an operational review of the Wellington Local Environmental Plan 2012. The operational review in respect of the Wellington Local Environmental Plan 2012 forms a separate report for the consideration of the Planning and Development Committee.

The objectives of the operational review are to amend/address any administrative concerns with the operation of the Dubbo Local Environmental Plan 2011 and to provide a level of parity between the provisions of the Dubbo LEP 2011 and the Wellington Local Environmental Plan 2012. It should be noted that this review process and the resultant Planning Proposal are purely of an administrative nature only.

The Planning Proposal includes a number of administrative and other minor amendments to the Dubbo Local Environmental Plan 2011 incorporating the following:

- Permissible land use activities;
- Subdivision controls;
- Clause 5.4 Controls relating to permissible uses;
- Part 7 Local provisions;
- Schedule 5 Environmental heritage;

- Minor amendments to land use zoning; and
- Minor amendments to biodiversity mapping.

A copy of the Planning Proposal is provided here in **Appendix 1**.

As a component of the Operational Review process, staff have also considered the significant uptake of dual occupancy development in the R2 Low Density Residential zone. Dual occupancy development is now recognised by the community and the Dubbo Development Industry as a form of development that encourages housing choice and density.

With the significant take-up of dual occupancy development across the City comes the requirement to ensure the overall development of housing in the City is managed in a holistic manner so as to continue to encourage housing choice and diversity whilst maintaining the intent of the R2 Low Density Residential zone. No changes have been proposed to the Dubbo Local Environmental Plan 2011 in respect of dual occupancy development. Accordingly, this report recommends that Council undertake further consideration of a suite of proposed measures to guide the provision of dual occupancy development across the Dubbo Regional Local Government Area, including appropriate guidance in Council's Development Control Plans.

This report is provided to the Planning and Development Committee for consideration and it is recommended that the Planning Proposal be submitted to the Department of Environment and Planning seeking a Gateway Determination if endorsed.

Progress of this Planning Proposal will ensure a smooth transition period for both Local Environmental Plans until the new comprehensive LEP for the Dubbo Regional Local Government Area is developed.

### **ORGANISATIONAL VALUES**

Customer Focused: The Operational Review will provide cohesion between the use of the Dubbo Local Environmental Plan 2011 and the Wellington Local Environmental Plan 2012 for professionals and the community alike.

Integrity: The Operational Review will provide professionals with a local planning instrument that meets the requirements of the new Dubbo Regional Council.

One Team: Input and comments from across Council have been included in the report.

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

### **POLICY IMPLICATIONS**

The Planning Proposal is provided for consideration and endorsement to seek a Gateway Determination from the Department of Planning and Environment. Receipt of the Determination will allow Council to further the proposed amendments to the LEP including consultation with the community and state agencies.



**RECOMMENDATION**

- 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.**

*Steven Jennings*  
Manager City Strategy Services

## BACKGROUND

The Dubbo Local Environmental Plan 2011 was gazetted by the Minister for Planning on 11 November 2011. The Wellington Local Environmental Plan 2012 was gazetted on 23 November 2012. Both LEPs were prepared in accordance with the Standard Instrument (Local Environmental Plans) Order, 2006.

The former Wellington and Dubbo City councils were amalgamated by proclamation on 12 May 2016. Following the amalgamation and in accordance with the requirements of the NSW Department of Premier and Cabinet, Council is required to prepare a new comprehensive Local Environmental Plan for the Dubbo Regional Local Government Area by September 2017. However, given the work involved, including the preparation of land use strategies for land subject to the provisions of the Wellington Local Environmental Plan 2012, Council is undertaking this Operational Review of the LEP as an initial first step in the harmonisation of planning controls across the Dubbo Regional Local Government Area.

Concurrently, Council is also undertaking an Operational Review of the Wellington Local Environmental Plan 2012. The Operational Review in respect of the Wellington Local Environmental Plan 2012 forms a separate report for the consideration of the Planning and Development Committee.

The objectives of the Operational Review are to amend/address any administrative concerns with the operation of the Dubbo Local Environmental Plan 2011 and to provide a level of parity between the provisions of the Dubbo LEP 2011 and the Wellington Local Environmental Plan 2012. It should be noted that this review process and the resultant Planning Proposal are purely of an administrative nature only.

This report contains the results of the Operational Review of the Dubbo LEP 2011 and the proposed amendments to be undertaken. This report is provided to the Planning and Development Committee for consideration and it is recommended that the Planning Proposal be submitted to the Department of Environment and Planning to seek a Gateway Determination.

Following the issue of a Gateway Determination from the DPE, Council will undertake consultation with the community. Following the conclusion of the public exhibition period, a further report, including any issues raised in submissions, will be provided to Council for consideration.

## REPORT

### 1. Amendments to Local Environmental Plans

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

# PLANNING PROPOSAL PROCESS

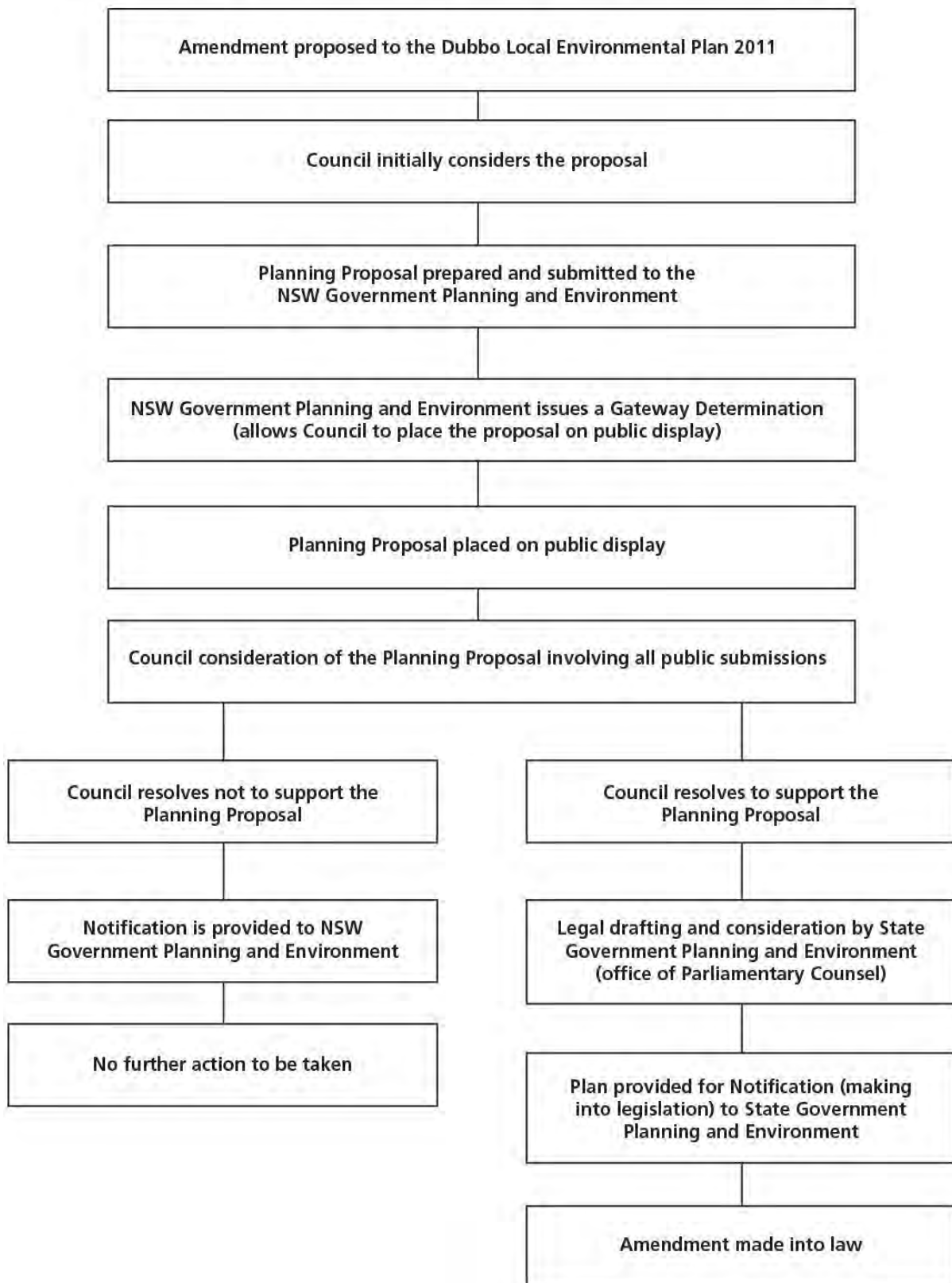


Figure 1. Planning Proposal Process

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

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

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

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

## **2. Planning Proposal**

The subject Planning Proposal includes a number of administrative and other minor amendments to the Dubbo Local Environmental Plan 2011, incorporating the following:

- Changes to permissible land use activities;
- Subdivision controls;
- Clause 5.4 Controls relating to permissible uses;
- Part 7 Local provisions;
- Schedule 5 Environmental heritage;
- Minor amendments to land use zoning; and
- Minor amendments to biodiversity mapping.

### **(a) Changes to Permissible Land Use Activities**

- (i) Farm Stay Accommodation in zone R5 Large Lot Residential

The Dubbo LEP 2011 allows farm stay accommodation in the R5 Large Lot Residential zone. Farm stay accommodation was originally permitted in the zone to encourage tourist and visitor accommodation and diversified income streams. Over time, Council has had a number of proposals for farm stay accommodation that have been unable to adequately justify the extent of farming activities being undertaken on the land.

It is proposed that farm stay accommodation be removed from the LEP as a permissible land use in the R5 Large Lot Residential zone. It is proposed that farm stay accommodation be replaced by the provision of a new clause for Rural and Nature-Based Tourist Facilities. The intent and operation of such a provision is further discussed later in this report.

(ii) Water Storage Facilities in the W2 Recreational Waterways zone

The Dubbo LEP 2011 currently prohibits water storage facilities in the W2 Recreational Waterways zone. Further consideration of the W2 Recreational Waterways zone has shown that a weir would be defined as a water storage facility. Given the existence of weirs in the Macquarie River, it is considered that water storage facilities should be permissible activities in the W2 zone.

(iii) Aquaculture in the RE2 Private Recreation zone

The Dubbo LEP 2011 currently allows for the provision of aquaculture on land zoned RE2 Private Recreation. Under the provisions of the Standard Instrument (Principal Local Environmental Plans) Order 2006, aquaculture is a component of the agriculture group term, which is as follows:

*“Agriculture means any of the following:*

- (a) aquaculture,*
- (b) extensive agriculture,*
- (c) intensive livestock agriculture,*
- (d) intensive plant agriculture.”*

Under the provisions of a number of State Environmental Planning Policies, the permissibility of aquaculture on the land could potentially allow for the possible development of other land use activities that are incompatible with the intent of the RE2 Private Recreation zone, including mining and extractive industry activities. It is proposed that aquaculture be removed as a permissible land use activity in the RE2 Private Recreation zone.

**(b) Subdivision Controls**

(i) Clause 4.1AA (2) Minimum Subdivision Lot Size for Community Title Schemes

Clause 4.1AA regulates the minimum lot size provisions for community title subdivisions. The clause currently applies to land zoned RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and E3 Environmental Management. The clause does not include residential zones as contained in the LEP.

To ensure greenfield land zoned primarily for residential development is not subject to Community Title Subdivision prior to the consideration of development on the land, it is proposed that the clause be extended to also include the following zones:

- R1 General Residential;
- R2 Low Density Residential;
- R5 Large Lot Residential; and
- RU5 Village.

It is proposed to amend the clause to require the approved dual occupancy or multi-dwelling housing development to be constructed on the land prior to any community title subdivision being undertaken. The intent and justification for the proposed change to the LEP is further discussed in the report.

(ii) Clause 4.1A Minimum Subdivision Lot Size for zones RU5 and R2

The Dubbo LEP 2011 allows subdivision of a lot below the minimum lot size on the Lot Size Map for dual occupancy development situated on land zoned RU5 Village and R2 Low Density Residential. Following gazettal of the LEP, Council has received a number of representations that similar provisions are not available for development undertaken on land zoned R1 General Residential.

It is proposed to generally amend Clause 4.1A to include land zoned R1 General Residential and to include multi-dwelling housing as an applicable development type as provided below:

*“Despite clause 4.1, the size of any lot resulting from a subdivision of land in zone RU5 Village, R1 General Residential or R2 Low Density Residential, may be less than the minimum lot size shown on the Lot Size Map in relation to that land, if:*

- (a) *The land is connected to a sewerage reticulation system, and*
- (b) *Development consent has been granted in respect of the subdivision for the purpose of a:*
  - (i) *Dual occupancy,*
  - (ii) *Multi-dwelling housing.”*

It is proposed to amend the clause to require the dual occupancy or multi-dwelling housing development to be constructed on the land prior to any Torrens title subdivision being undertaken. The intent and justification for the proposed change to the LEP is further discussed in the report.

**(c) Clause 5.4 Controls Relating to Miscellaneous Permissible Uses**

(i) Bed and Breakfast Accommodation

Clause 5.4 (1) permits bed and breakfast accommodation up to a maximum of four bedrooms. It is proposed to increase the maximum allowable number of bedrooms under the Dubbo LEP to five. It is considered that the proposed increase from four to five bedrooms is unlikely to present any negative effects that cannot be regulated by Council’s normal development assessment procedures.

(d) Proposed Changes to Part 7 Additional Local Provisions

(i) Proposed New Clause for Rural and Nature-Based Tourist Facilities

To ensure small scale rural and nature based tourist facilities can be undertaken on land zoned RU1 Primary Production, RU2 Rural Landscape and R5 Large Lot Residential, it is proposed to include a new clause in Part 7 of the Dubbo LEP 2011 as follows:

*“Clause 7.14 Rural and nature-based tourist facilities*

(1) *The objective of this clause is to ensure that tourism development in rural and natural areas is low scale and does not adversely impact on the agricultural production, scenic or environmental values of the land.*

(2) *This clause applies to land in the following zones:*

- (a) *Zone RU1 Primary Production,*
- (b) *Zone RU2 Rural Landscape,*
- (c) *Zone R5 Large Lot Residential.*

(3) *Development consent must not be granted for development for the purpose of tourist facilities on land to which this clause applies unless the consent authority is satisfied that:*

- (a) *adequate access exists or will be provided to service the development from a road other than a classified road, taking into account the scale of the development, and*
- (b) *the development will not create a land use conflict, and*
- (c) *the development is a small tourist facility that is complimentary to the rural or environmental attributes of the land and its surrounds, and*
- (d) *the development will not have a significant adverse impact on agricultural production, the scenic amenity of the locality or significant features of the natural environment, and*
- (e) *if the development is located in an unsewered area, adequate on-site wastewater systems will service the land without having an adverse impact on the water quality of the area.*

(4) *In this clause:*

***small tourist facility*** means a tourist facility that is managed and operated solely by the owner or a site manager who resides on the land.

***tourist facility*** means any development where services or facilities are provided for visitors to the area and includes, but is not limited to, camping grounds, eco-tourist facilities, hotel or motel accommodation, information and education facilities and restaurants or cafes.”

Further consultation will be required to be undertaken with the DPE to ensure the LEP can be appropriately amended to allow for tourist facilities in accordance with the intent of the proposed clause. The intent and justification for the proposed change to the LEP is further discussed in the report.

**(e) Schedule 5 Environmental Heritage**

- (i) Lot 8 DP 1205114, 63L Burraway Road, Dubbo

The subject land contains the Terramungamine Homestead and the Terramungamine Woolshed which are listed heritage items in Schedule 5 of the Dubbo LEP 2011. The land has been recently subdivided and as such, the new property details do not reflect the current heritage listings.

It is proposed that Schedule 5 of the LEP be amended as follows:

Suburb	Item Name	Address	Property Description	Significance	Item No
Dubbo	Terramungamine Homestead	63L Burraway Road, Dubbo	Lot 8 DP 1205114	Local	165
Dubbo	Terramungamine Woolshed	63L Burraway Road, Dubbo	Lot 8 DP 1205114	Local	166

- (ii) Lot 303 DP 1216045, 24 Keswick Parkway, Dubbo

The subject land contains a communications bunker which is a listed heritage item in Schedule 5 of the Dubbo LEP 2011. The surrounding land has undergone development in the form of a residential subdivision and associated housing development. As a result of this development, the property details for the land containing the heritage item have changed.

It is proposed that Schedule 5 of the LEP be updated as follows:

Suburb	Item Name	Address	Property Description	Significance	Item No
Dubbo	Communications Bunker	24 Keswick Parkway, Dubbo	Lot 303 DP 1216045	Local	1135

**(f) Minor Amendments to Land Use zoning**

- (i) Transport Drive, Brocklehurst

The southern edge of lots 2, 3, 4 and 5 in DP 285340 Transport Drive, Brocklehurst and Lot 1 DP 1001551, Burraway Road, Brocklehurst are zoned E3 Environmental Management under



the provisions of the Dubbo LEP 2011. It is proposed to zone these areas of land IN2 Light Industrial which is consistent with the zoning and use of land to the north of this land.

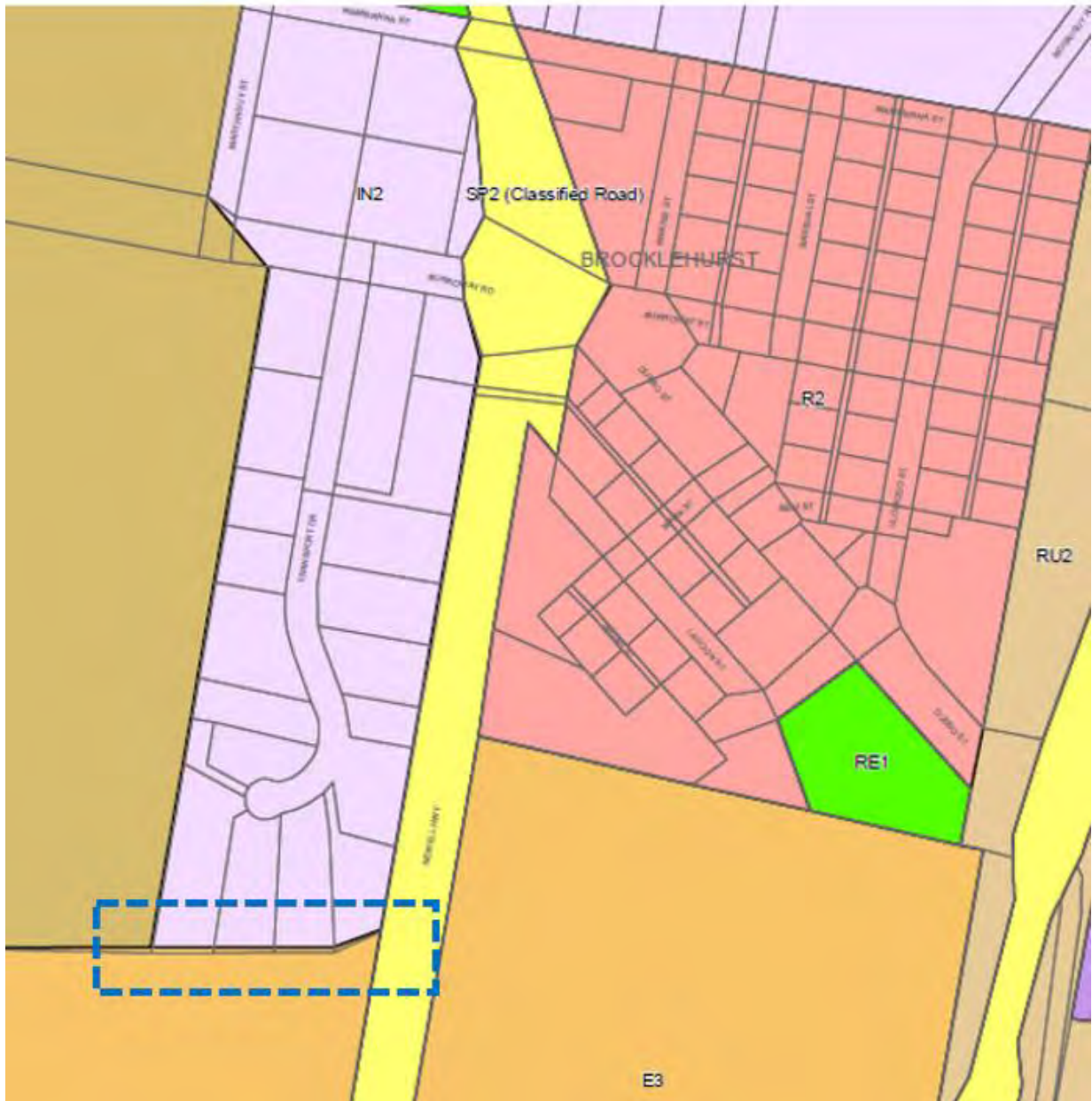


Figure 2. Current Land Use Zoning Transport Drive, Dubbo and Burraway Road, Dubbo

(ii) Lady Barron Circuit, Dubbo

As shown in Figure 3, the majority of Lot 2018, Lot 2030 and Lot 2031 DP 1197970, Lady Barron Circuit, Dubbo is currently zoned R2 Low Density Residential under the provisions of the Dubbo LEP 2011. The western edge of the subject land is currently zoned R2 Low Density Residential. It is proposed to amend the zone boundary to reflect the lot boundaries for the subject lands.

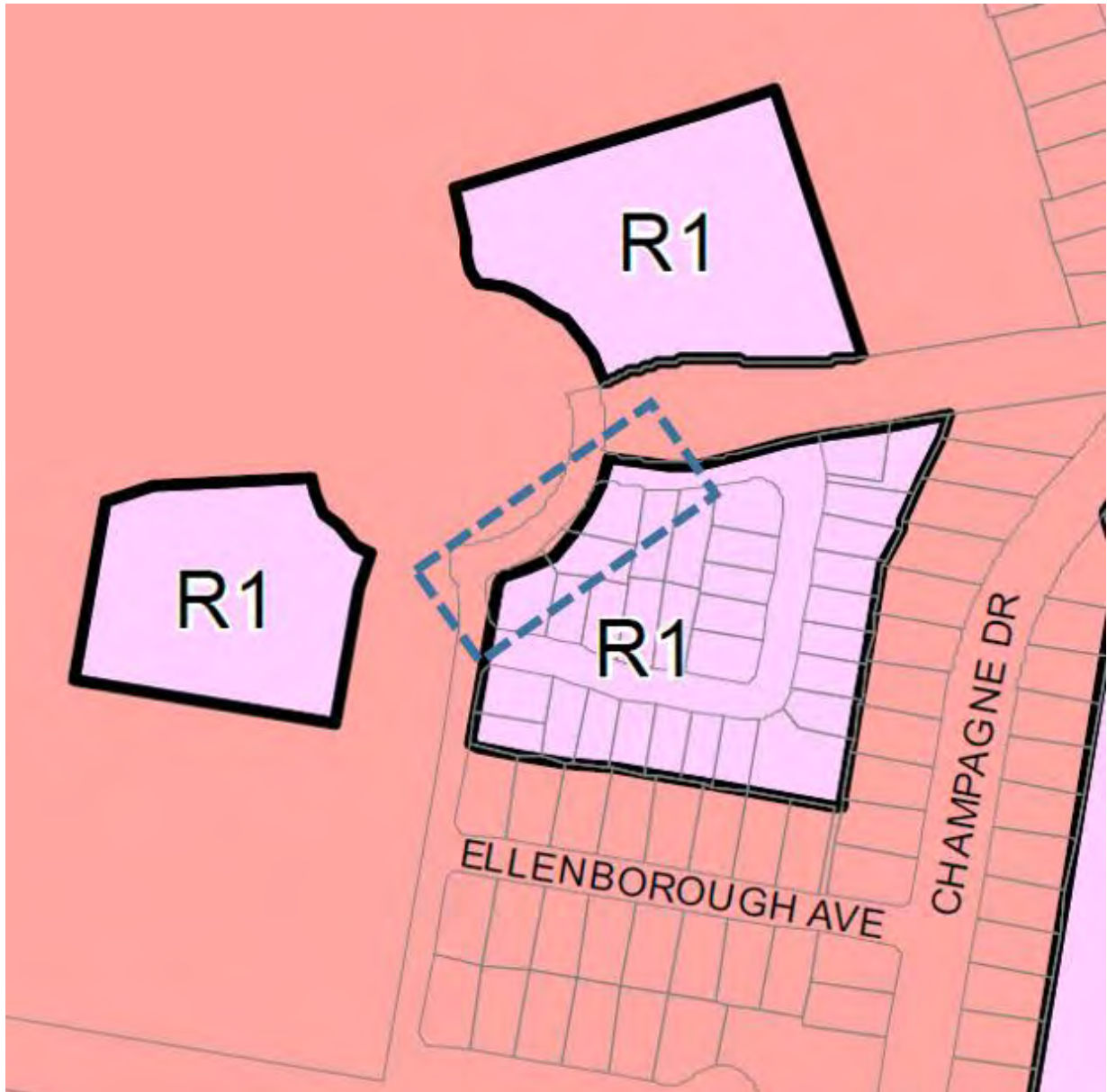


Figure 3. Current Land Use Zoning Lady Barron Circuit, Dubbo

**(g) Minor Amendment to Biodiversity Mapping**

**(i) Biodiversity Mapping Keswick Estate**

An area of the subject land has been approved for residential subdivision and development and as such has been cleared of vegetation. It is proposed to amend the biodiversity map to remove the area shown in blue, below.

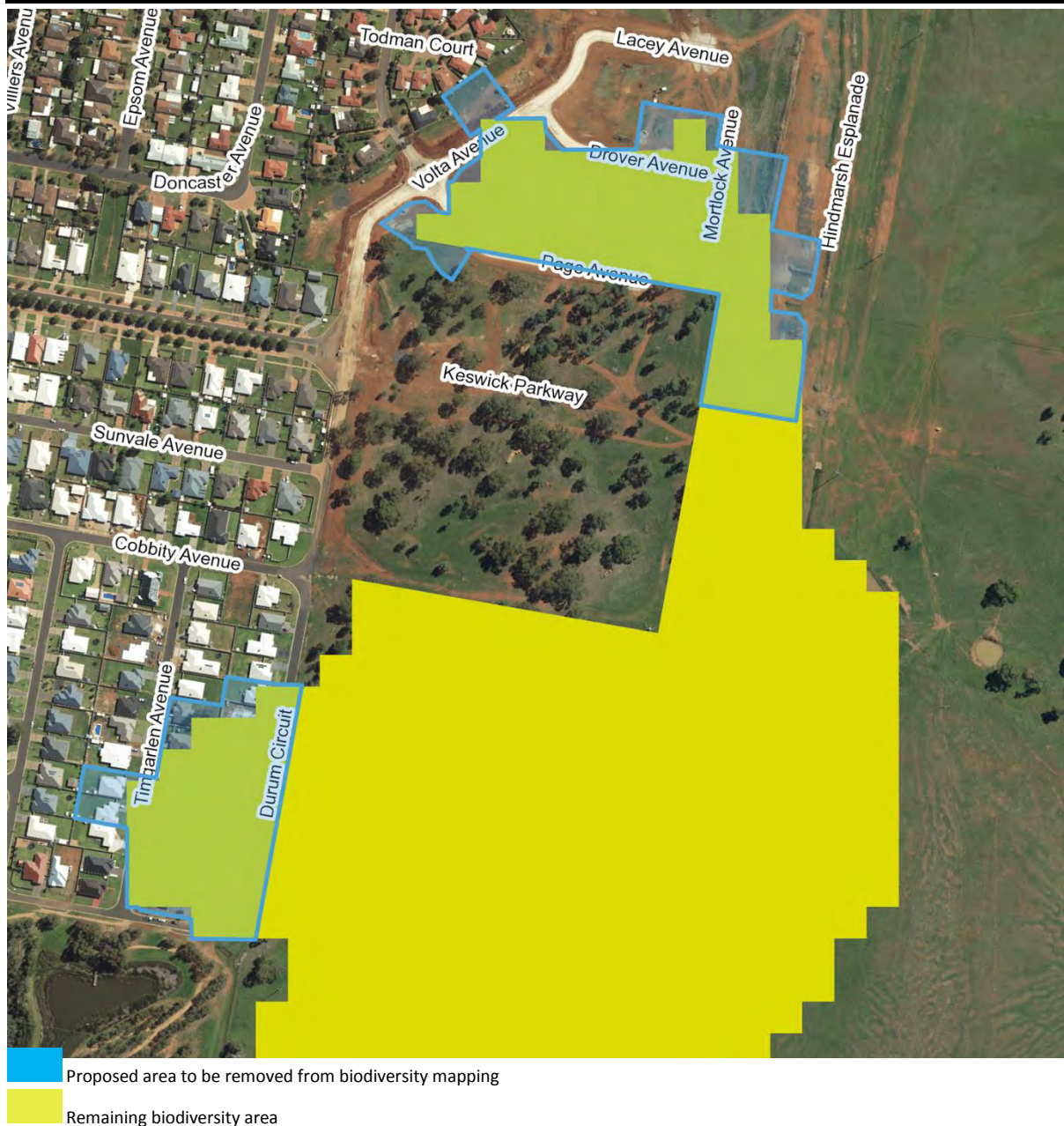


Figure 4. Dubbo Local Environmental Plan 2011 - Biodiversity Mapping, Keswick Estate

### 3. Planning Considerations

This section of the report provides an analysis against the planning considerations Council is required to consider in the Planning Proposal process. The information below provides an analysis of all planning considerations associated with the Planning Proposal.

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

#### (i) Draft Central West and Orana Regional Plan

The draft Central West and Orana Regional Plan has been prepared by the DPE.

The draft Plan has the following Goals:

- Goal 1: A growing and diverse regional economy;
- Goal 2: A region with strong freight transport and utility infrastructure networks that support economic growth;
- Goal 3: A region that protects and enhances its productive agricultural land, natural resources and environmental assets; and
- Goal 4: Strong communities and liveable places that cater for the region's changing population.

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

**(ii) Dubbo Urban Areas Development Strategy**

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

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

- A) Residential Areas Development Strategy;
- B) Commercial Areas Development Strategy;
- C) Industrial Areas Development Strategy;
- D) Institutional Areas Development Strategy;
- E) Recreational Areas Development Strategy; and
- D) Future Directions and Structure Plan.

At the core of the Residential Areas Development Strategy is the significant emphasis of further residential development being undertaken in west Dubbo which will ensure the Central Business District is situated at the centre of the Dubbo urban area. The Strategy also provides for further infill development to be undertaken in the south-east area of the City.

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

It is considered that the Planning Proposal is consistent with the overall objectives and intent of the Dubbo Residential Areas Development Strategy. It is also considered that the Planning Proposal is consistent with the other applicable components of the Dubbo Urban Areas Development Strategy.

**(iii) Dubbo Rural Areas Development Strategy**

The Dubbo Rural Areas Development Strategy 1995 - 2015 forms the basis of the rural land use zonings and planning controls provided in the Dubbo Local Environmental Plan 2011.

The Planning Proposal seeks to include a new local provision in respect of Rural and Nature-Based Tourist Facilities. The proposed local provision will apply to land zoned RU1 Primary Production, RU2 Rural Landscape and R5 Large Lot Residential. The local provision will permit appropriate small scale tourist development, subject to development consent. It is considered that the proposed amendment will facilitate additional business opportunities on the subject lands and is unlikely to impact agricultural activities.

It is considered that the Planning Proposal is consistent with the Dubbo Rural Areas Development Strategy.

**(iv) Section 117 Directions**

The following Section 117 Directions are matters for consideration as a component of the Planning Proposal process.

Direction	Requirement	Consistency
1.2 Rural Zones	The Direction applies to this Planning Proposal as the proposal affects land within the existing rural zones.	The Planning Proposal is considered to be consistent with the Direction as it does not propose to rezone rural land. The Planning Proposal includes an additional local provision that will guide the undertaking of rural and nature-based tourist facilities on rural and other lands.
1.5 Rural Lands	The Direction applies to the Planning Proposal as it will affect land within an existing or proposed rural or environmental protection zone (including the alteration of any existing rural or environmental protection zone boundary). The Direction is applicable to the Planning Proposal as it intends to introduce a new Clause Rural and Nature-Based Tourist Facilities.	It is considered that the proposed provisions of the new clause are consistent with the Rural Planning Principles contained within State Environmental Planning Policy (Rural Lands) 2008.

Direction	Requirement	Consistency
<p>2.1 Environmental Protection Zones</p>	<p>The Direction is applicable to the Planning Proposal as it intends to remove the biodiversity designation from a number of areas located in the Keswick Estate.</p> <p>The Planning Proposal also includes a proposal to adjust a zone boundary on Transport Drive, Brocklehurst, changing the zone from E3 Environmental Management to IN2 Light Industrial. This will allow a minor anomaly to be rectified.</p>	<p>The Planning Proposal is inconsistent with the Direction.</p> <p>The inconsistency is considered to be of minor significance as the area has previously been cleared of vegetation to accommodate residential development, pursuant to the recommendation of flora and fauna assessments and in accordance with previous development consents.</p> <p>It is also considered that the proposed zone boundary adjustment on Transport Drive, Brocklehurst is inconsistent with the Direction.</p> <p>The inconsistency is considered to be of minor significance as the zone boundary is proposed to reflect the existing lot boundaries.</p>
<p>2.3 Heritage Conservation</p>	<p>The Direction applies to the Planning Proposal as the Proposal intends to alter the heritage listing for the land surrounding the Terramungamine Homestead and Woolshed on Burraway Road.</p> <p>Additionally, the Proposal intends to alter the heritage listing for the communications bunker within the Keswick on the Park Estate.</p>	<p>The Planning Proposal is considered to be consistent with the Direction.</p>

Direction	Requirement	Consistency
3.1 Residential Zones	The Direction applies to the Planning Proposal as it will affect land within an existing or proposed residential zone or (including the alteration of any existing residential zone boundary) any other zone in which significant residential development is permitted or proposed to be permitted.	<p>The Planning Proposal will assist in facilitating a broader choice of building types and increase residential densities to utilise existing infrastructure and services.</p> <p>The Planning Proposal is considered to be inconsistent with the Direction as the proposal does not broaden the choices of housing types, does not reduce the consumption of land for housing and does not promote good design.</p> <p>It is considered that the inconsistency with the Direction is of minor significance as the Planning Proposal includes the provision of greater flexibility for land zoned R5 Large Lot Residential and the proposal does not impact any other provisions for development on residential land.</p>
3.2 Caravan Parks and Manufactured Home Estates	The Direction applies when a Planning Proposal is prepared.	The Planning Proposal is consistent with the Direction as the proposal does not alter or remove any provisions in respect of caravan parks and manufactured home estates.

Direction	Requirement	Consistency
3.4 Integrated Land Use and Transport	<p>The Direction applies to the Planning Proposal as it will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>The Planning Proposal is consistent with the Direction and the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guideline for Planning and Development; and</p> <p>(b) The Right Place for Business and Services – Planning Policy.</p>
4.3 Flood Prone Land	<p>The Direction applies to the Planning Proposal as it intends to create, remove or alter a zone or a provision that affects flood prone land.</p> <p>The Direction is applicable to this Planning Proposal as it intends to introduce water storage facilities in the W2 Recreational Waterways zone as a permissible form of development.</p>	<p>The Proposal is inconsistent with the Direction as it permits development in a floodway area.</p> <p>The inconsistency is considered to be of minor significance as the amendment proposed is to permit further development of weirs within the Macquarie River.</p>
4.4 Planning for Bushfire Protection	<p>The Direction applies to this Planning Proposal as it will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>The Direction applies to the Planning Proposal as it intends to introduce a new Clause for Rural and Nature-Based Tourist Facilities.</p>	<p>The Planning Proposal is considered to be inconsistent with the Direction.</p> <p>The inconsistency is considered to be of minor significance as each development will be subject to development consent and assessment against any potential bush fire hazard imposed on the development.</p>



Direction	Requirement	Consistency
6.1 Approval and Referral Requirements	The Direction applies when a Planning Proposal is prepared.	The Planning Proposal is consistent with the Direction as it will not create additional provision for concurrence, consultation or referral of a development application to a Minister or public authority.
6.3 Site Specific Provisions	<p>The Direction applies when a Planning Proposal is prepared that will allow a particular development to be carried out.</p> <p>The Direction is applicable as the Planning Proposal intends to permit with consent, water storage facilities in the W2 Recreational Waterways zone.</p>	The Planning Proposal is consistent with the Direction.

**(v) State Environmental Planning Policies**

Two (2) State Environmental Planning Policies apply to the Planning Proposal. It is considered that the Planning Proposal is consistent with the following State Environmental Planning Policies:

- SEPP (Rural Lands) 2008, and
- SEPP (Infrastructure) 2007.

The following provides information in respect of the Proposal's compliance with SEPP (Rural Lands) 2008.

State Environmental Planning Policy (Rural Lands) 2008

The SEPP aims to guide the sustainable use of rural lands through the provision of specific rural planning principles. The SEPP requires a Planning Proposal to be consistent with the following rural planning principles:

- The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas;
- Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State;
- Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development;
- In planning for rural lands, to balance the social, economic and environmental interests of the community;

- The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land;
- The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities;
- The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing; and
- Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

In respect of rural lands, the Planning Proposal includes a new local provision for the development of Rural and Nature-Based Tourism Facilities. It is considered that the Planning Proposal is unlikely to impact agricultural land use activities and is consistent with the rural planning principles as contained in the SEPP. The Proposal will not significantly impact agricultural activities and is considered to be consistent with the objectives of the SEPP (Rural Lands) 2008.

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

The aims of the Policy are as follows:

- “(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of a development adjacent to particular types of infrastructure development, and*
- (f) providing for consulting with relevant public authorities about certain development during the assessment process or prior to development commencing.”*

The Planning Proposal intends to permit water storage facilities in the W2 Recreational Waterways zone. The proposal is considered to be consistent with the aims of the Policy and the associated provisions as contained in the SEPP.

#### **(vi) Dubbo Local Environmental Plan**

##### Dual Occupancy Development

The Dubbo Local Environmental Plan 2011 allows for the development of an attached or detached dual occupancy on land zoned R2 Low Density Residential. Dual occupancy development across the City has had a significant take-up following gazettal of the LEP in

2011 and is now recognised by the community and the Dubbo Development Industry as a form of development that encourages housing choice and density.

With the significant take-up of dual occupancy development across the City comes the requirement to ensure the overall development of housing in the City is managed in a holistic manner so as to continue to encourage housing choice and diversity whilst maintaining the intent of the R2 Low Density Residential zone. The most effective neighbourhoods are those that can function with a variety of lot sizes, housing types and styles which encourage the development of housing across a number of price points in the market. This can only be achieved through ensuring there is not a significant proliferation of one housing type in a neighbourhood.

It is not proposed to include any direct change in respect of dual occupancy development to the provisions of the Dubbo Local Environmental Plan 2011 as a component of this Planning Proposal as Council supports the provision of dual occupancy in a planned and sustainable manner however, it is considered appropriate for Council to undertake further research and consideration of how dual occupancy development is being managed in other local government areas. The results of these investigations will form a separate report to Council where further consideration can be given to the provision of appropriate guidance in Council's development control plan.

#### Residential Subdivision

The LEP includes specific minimum lot size mapping, which provides a minimum allotment size for subdivision for the majority of land subject to the provisions of the Dubbo LEP 2011. The LEP provides specific requirements associated with the subdivision of land under Community Title and Torrens Title.

Clause 4.1AA regulates the minimum lot size provisions for Community Title subdivisions. The Clause aims to ensure speculative subdivision is not undertaken below the minimum lot size. Clause 4.1A allows for the Torrens Title subdivision of an approved and constructed dual occupancy development on land zoned R2 Low Density Residential and land zoned RU5 Village.

Council in recent times has had numerous representations from developers that have been seeking to undertake subdivision of a dual occupancy or multi-dwelling housing development that has not been completed in accordance with the requirements of an applicable development consent, but which is reliant on the proposed development to ensure compliance with the subdivision objectives. In addition, Council has also had numerous representations from developers have been seeking to undertake speculative Greenfield subdivision of land under Community Title.

It is proposed to suitably amend the LEP, as a component of the Planning Proposal, to ensure the subdivision of Greenfield land under Community Title meets the minimum allotment size for the land. It is also proposed that the LEP be amended to ensure subdivision of an

approved dual occupancy or multi dwelling housing development is only allowable following the completion of the subject development.

#### Rural and Nature-Based Tourist Facilities

Council has received a number of development enquiries during the operation of the LEP to undertake the provision of farm stay accommodation on land zoned R5 Large Lot Residential. Farm stay accommodation is currently a permissible form of development in the zone. Whilst Council is supportive of alternative forms of income for rural lands, proponents have found it difficult to adequately justify compliance of a farm stay accommodation development with the permissibility requirements of the LEP.

To address this situation, the Planning Proposal includes two (2) key amendments. This includes removing farm stay accommodation as a permissible form of development in the R5 Large Lot Residential zone and to include a local provision in Part 7 of the LEP in respect of small scale rural and nature based tourist facilities. Inclusion of the new local provision in Part 7 of the LEP will allow for the development of small scale tourist facilities on land zoned RU1 Primary Production, RU2 Rural Landscape and R5 Large Lot Residential.

However, it should be noted that further consultation will be required to be undertaken with the DPE to ensure the LEP can be appropriately amended to allow for tourist facilities in accordance with the intent of the proposed clause.

#### **SUMMARY**

Council has undertaken an Operational Review of the Dubbo Local Environmental Plan 2011. This Review has resulted in a number of administrative and other minor amendments as included in the subject Planning Proposal.

The Planning Proposal is considered to be consistent with the provisions of the Dubbo Urban Areas Development Strategy and the provisions of the Dubbo Rural Areas Development Strategy.

It is recommended that the Planning Proposal be submitted to the Department of Planning and Environment to seek a Gateway Determination.

Appendices:

- [1](#) Draft Planning Proposal - Operational Review of the Dubbo LEP 2011



**PLANNING PROPOSAL**

**OPERATIONAL REVIEW OF THE**

**DUBBO LOCAL ENVIRONMENTAL PLAN 2011**

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## Table of Contents

PART 1 OBJECTIVES OR INTENDED OUTCOMES .....	6
PART 2 EXPLANATION OF PROVISIONS .....	8
PART 3 JUSTIFICATION .....	16
PART 4 MAPPING .....	25
PART 5 COMMUNITY CONSULTATION .....	26
PART 6 PROJECT TIMELINE .....	27

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## EXECUTIVE SUMMARY

The Dubbo Local Environmental Plan 2011 was gazetted by the Minister for Planning and Environment on 11 November 2011. The Wellington Local Environmental Plan 2012 was gazetted on 23 November 2012. Both LEPs were prepared in accordance with the Standard Instrument (Local Environmental Plans) Order, 2006.

The former Wellington and Dubbo City councils were amalgamated by proclamation on 12 May 2016. Following the amalgamation and in accordance with the requirements of the NSW Department of Premier and Cabinet, Council is required to undertake an operational review of the Dubbo Local Environmental Plan 2011 as an initial step towards the preparation of a new comprehensive Local Environmental Plan for the Dubbo Regional Local Government Area.

Concurrently, Council is also undertaking an operational review of the Wellington Local Environmental Plan 2012. The operational review in respect of the Wellington Local Environmental Plan 2012 forms a separate report for the consideration of the Planning and Development Committee.

The objectives of the operational review are to amend any administrative concerns with the operation of the Dubbo Local Environmental Plan 2011 and to provide a level of parity between the provisions of the Dubbo LEP 2011 and the Wellington Local Environmental Plan 2012. It should be noted that this review process and the resultant Planning Proposal are purely of an administrative nature only.

The Planning Proposal includes a number of administrative and other minor amendments to the Dubbo Local Environmental Plan 2011 incorporating the following:

- Permissible land use activities;
- Subdivision controls;
- Clause 5.4 Controls relating to permissible uses;
- Part 7 Local provisions;
- Schedule 5 Environmental heritage;
- Minor amendments to land use zoning; and
- Minor amendments to biodiversity mapping.

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

## **PART 1 OBJECTIVES OR INTENDED OUTCOMES**

The objective of this Planning Proposal is to harmonise and facilitate the following amendments to the existing Dubbo LEP 2011.

### **(a) Proposed Amendments to Land Use Zones**

- (i) To amend the R5 Large Lot Residential zone to prohibit farm stay accommodation.
- (ii) To amend the W2 Recreational Waterways zone to include water storage facilities as a permissible form of development.
- (iii) To amend the RE2 Private Recreation zone to prohibit aquaculture as a permissible form of development.

### **(b) Proposed Amendments to Subdivision Controls**

- (i) To modify Clause 4.1AA (2) Minimum Subdivision Lot Size for Community Title Schemes.
- (ii) To modify Clause 4.1A Minimum Subdivision Lot Size for zones RU5 and R2.

### **(c) Proposed Amendment to Clause 5.4 Controls Relating to Miscellaneous Permissible Uses**

- (i) To modify Clause 5.4 (1) to increase the maximum number of bedrooms for bed and breakfast accommodation to 5 bedrooms.

### **(d) Proposed Changes to Part 7 Additional Local Provisions**

- (i) To include new Clause for Rural and Nature-Based Tourist Facilities

### **(e) Proposed Amendment to Schedule 5 Environmental Heritage**

- (i) To amend heritage item I65 Terramungamine Homestead and heritage item I66 Terramungamine Woolshed property details.
- (ii) To amend heritage item I135 Communications Bunker property details.

### **(f) Proposed Amendments to Land Use zoning**

- (i) To amend land use zone mapping anomalies at Transport Drive, Brocklehurst.

(ii) To amend land use mapping anomalies at Lady Barron Circuit, Dubbo.

**(g) Proposed Amendment to Biodiversity Mapping**

(i) To amend Biodiversity mapping in the Keswick Estate.

## PART 2 EXPLANATION OF PROVISIONS

The proposed objectives and intended outcomes will be achieved through the following:

### (a) Proposed Amendments to Land Use Zones

- (i) To amend the R5 Large Lot Residential zone to prohibit farm stay accommodation

The Dubbo LEP 2011 allows farm stay accommodation in the R5 Large Lot Residential zone. Farm stay accommodation was originally permitted in the zone to encourage tourist and visitor accommodation and diversified income streams. Over time, Council has had a number of proposals for farm stay accommodation that have been unable to adequately justify the extent of farming activities being undertaken on the land.

It is proposed that farm stay accommodation be removed from the LEP as a permissible land use in the R5 Large Lot Residential zone. It is proposed that farm stay accommodation be replaced by the provision of a new clause for Rural and Nature Based Tourist Facilities. The intent and operation of such a provision is further discussed in the Planning Proposal.

- (ii) To amend the W2 Recreational Waterways zone to include water storage facilities as a permissible form of development

The Dubbo LEP 2011 currently prohibits water storage facilities in the W2 Recreational Waterways zone. Further consideration of the W2 Recreational Waterways zone has shown that a weir would be defined as a water storage facility. Given the existence of weirs in the Macquarie River, it is considered that water storage facilities should be permissible activities in the W2 zone.

- (iii) Aquaculture in the RE2 Private Recreation zone.

The Dubbo LEP 2011 currently allows for the provision of aquaculture on land zoned RE2 Private Recreation under the provisions of the Standard Instrument (Principal Local Environmental Plans) Order 2006, aquaculture is a component of the agriculture group term, which is as follows:

*"Agriculture means any of the following:*

- (a) aquaculture,*
- (b) extensive agriculture,*
- (c) intensive livestock agriculture,*
- (d) intensive plant agriculture."*

Under the provisions of a number of State Environmental Planning Policies, the permissibility of aquaculture on the land could allow for the possible development of other land use activities that are incompatible with the intent of the RE2 Private Recreation zone, including mining and extractive industry activities. It is proposed that aquaculture be removed as a permissible land use activity in the RE2 Private Recreation zone.

**(b) Proposed Amendments to Subdivision Controls**

(i) To modify Clause 4.1AA (2) Minimum Subdivision Lot Size for Community Title Schemes

Clause 4.1AA regulates the minimum lot size provisions for community title subdivisions. The clause currently applies to land zoned RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and E3 Environmental Management. The clause does not include residential zones as contained in the LEP.

To ensure greenfield land zoned primarily for residential development is not subject to Community Title Subdivision prior to consideration of the development on the land, it is proposed that the clause be extended to also include the following zones:

- R1 General Residential;
- R2 Low Density Residential;
- R5 Large Lot Residential; and
- RU5 Village.

Council in recent times has also had situations where developers have sought to undertake subdivision of a dual occupancy or multi-dwelling housing development that has not been completed in accordance with the requirements of an applicable development consent. It is proposed to amend the clause to require the dual occupancy or multi-dwelling housing development to be constructed on the land prior to any community title subdivision being undertaken.

(ii) To modify Clause 4.1A Minimum Subdivision Lot Size for zones RU5 and R2

The Dubbo LEP 2011 allows subdivision of a lot below the minimum lot size on the Lot Size Map for dual occupancy development situated on land zoned RU5 Village and R2 Low Density Residential. Following the gazettal of the LEP, Council has received a number of representations that similar provisions are not available for development undertaken on land zoned R1 General Residential.

It is proposed to amend Clause 4.1A to include land zoned R1 General Residential and to include multi-dwelling housing as an applicable development type as provided below:

*“Despite clause 4.1, the size of any lot resulting from a subdivision of land in zone RU5 Village, R1 General Residential or R2 Low Density Residential, may be less than the minimum lot size shown on the Lot Size Map in relation to that land, if:*

- (a) *The land is connected to a sewerage reticulation system, and*
- (b) *Development consent has been granted in respect of the subdivision for the purpose of a:*
  - (i) *Dual occupancy,*
  - (ii) *Multi-dwelling housing.”*

Council in recent times has also had situations where developers have sought to undertake subdivision of a dual occupancy or multi-dwelling housing development that has not been completed in accordance with the requirements of an applicable development consent. It is proposed to amend the clause to require the dual occupancy or multi-dwelling housing development to be constructed on the land prior to any Torrens title subdivision being undertaken.

**(c) Proposed Amendment to Clause 5.4 Controls Relating to Miscellaneous Permissible Uses**

- (i) To modify Clause 5.4 (1) to increase the maximum number of bedrooms for bed and breakfast accommodation to five bedrooms

The current provisions of the Dubbo LEP 2011 permit bed and breakfast accommodation to contain a maximum of four bedrooms. The Planning Proposal intends to modify Clause 5.4 (1) to increase the maximum number of bedrooms for bed and breakfast accommodation to five bedrooms. It is considered that the proposed increase from four to five bedrooms is unlikely to present any negative effects that cannot be regulated by Council's normal development assessment procedures.

**(d) Proposed Changes to Part 7 Additional Local Provisions**

- (i) To include new Clause for Rural and Nature-Based Tourist Facilities

To ensure tourist and visitor accommodation can be undertaken on land that is of an appropriate scale, it is proposed to include a new clause in Part 7 of the Dubbo LEP 2011 as follows:

*“Clause 7.14 Rural and nature-based tourist facilities*

*“(1) The objective of this clause is to ensure that tourism development in rural and natural areas is low scale and does not adversely impact on the agricultural production, scenic or environmental values of the land.*

*(2) This clause applies to land in the following zones:*

- (a) Zone RU1 Primary Production,*
- (b) Zone RU2 Rural Landscape,*
- (c) Zone R5 Large Lot Residential.*

- (3) *Development consent must not be granted for development for the purpose of tourist facilities on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *adequate access exists or will be provided to service the development from a road other than a classified road, taking into account the scale of the development, and*
  - (b) *the development will not create a land use conflict, and*
  - (c) *the development is a small tourist facility that is complimentary to the rural or environmental attributes of the land and its surrounds, and*
  - (d) *the development will not have a significant adverse impact on agricultural production, the scenic amenity of the locality or significant features of the natural environment, and*
  - (e) *if the development is located in an unsewered area, adequate on-site wastewater systems will service the land without having an adverse impact on the water quality of the area.*
- (4) *In this clause:*
- small tourist facility** *means a tourist facility that is managed and operated solely by the owner or a site manager who resides on the land.*
- tourist facility** *means any development where services or facilities are provided for visitors to the area and includes, but is not limited to, camping grounds, eco-tourist facilities, hotel or motel accommodation, information and education facilities and restaurants or cafes."*

Further consultation will be undertaken with the Department of Planning and Environment to ensure the LEP can be appropriately amended to allow for tourist facilities pursuant to the proposed clause.

**(e) Proposed Amendment to Schedule 5 Environmental Heritage**

- (i) Lot 8 DP 1205114, 63L Burraway Road, Dubbo

The subject land contains two heritage items which includes the Terramungamine Homestead and the Terramungamine Woolshed. The land has recently been subdivided and as such, the new property details do not reflect the current heritage listings.

It is proposed that Schedule 5 of the LEP be updated as follows:

Suburb	Item Name	Address	Property Description	Significance	Item No
Dubbo	Terramungamine Homestead	63L Burraway Road, Dubbo	Lot 8 DP 1205114	Local	I65
Dubbo	Terramungamine Woolshed	63L Burraway Road, Dubbo	Lot 8 DP 1205114	Local	I66

(ii) Lot 303 DP 1216045, 24 Keswick Parkway , Dubbo

The subject land contains a communications bunker which is a listed heritage item in Schedule 5 of the Dubbo LEP 2011. The land has undergone development in the form of residential subdivision and housing development. As a result of this development, the property details for the land containing the heritage item have changed.

It is proposed that Schedule 5 of the LEP be updated as follows:

Suburb	Item Name	Address	Property Description	Significance	Item No
Dubbo	Communications Bunker	24 Keswick Parkway, Dubbo	Lot 303 DP 1216045	Local	I135

**(g) Minor Amendments to Proposed Amendments to Land Use zoning**

(i) Transport Drive, Brocklehurst

The southern edge of Lots 2, 3, 4 and 5 DP 285340 Transport Drive, Dubbo and Lot 1 DP 1001551, Burraway Road, Dubbo are zoned E3 Environmental Management under the provisions of the Dubbo LEP 2011. It is proposed to zone these areas of land IN2 Light Industrial which is consistent with the zoning and use of land as contained to the north.



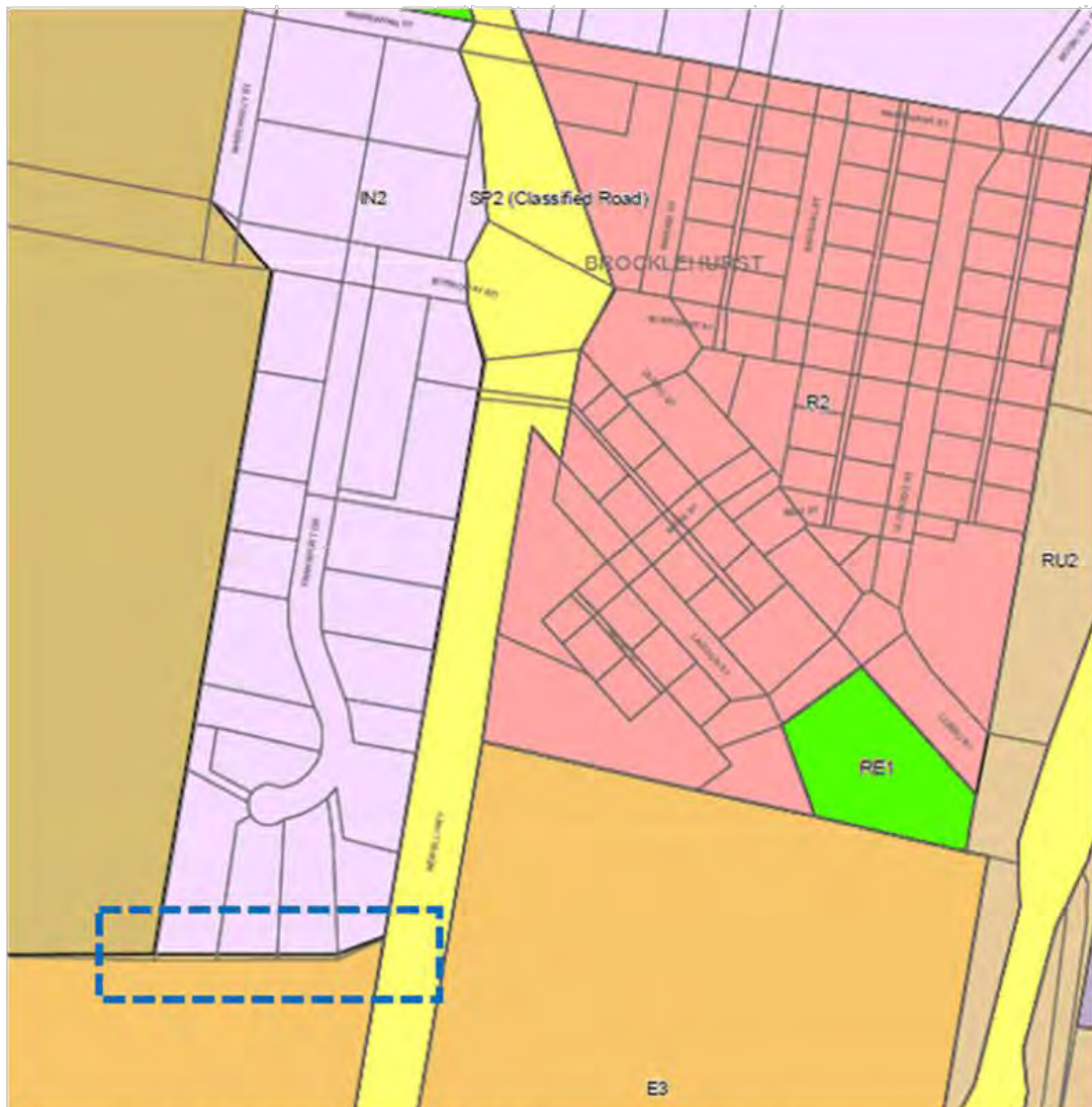


Figure 1. Current Land Use Zoning Transport Drive, Dubbo and Burraway Road, Dubbo

(ii) To amend Land use mapping errors at Lady Barron Circuit, Dubbo

The western edge of Lot 2018, Lot 2030 and Lot 2031 DP 1197970, Lady Barron Circuit, Dubbo is currently zoned R2 Low Density Residential under the provisions of the Dubbo LEP 2011.

The majority of the subject land is zoned R1 General Residential. It is proposed to amend the zone boundary to reflect the lot boundaries for the subject lands.

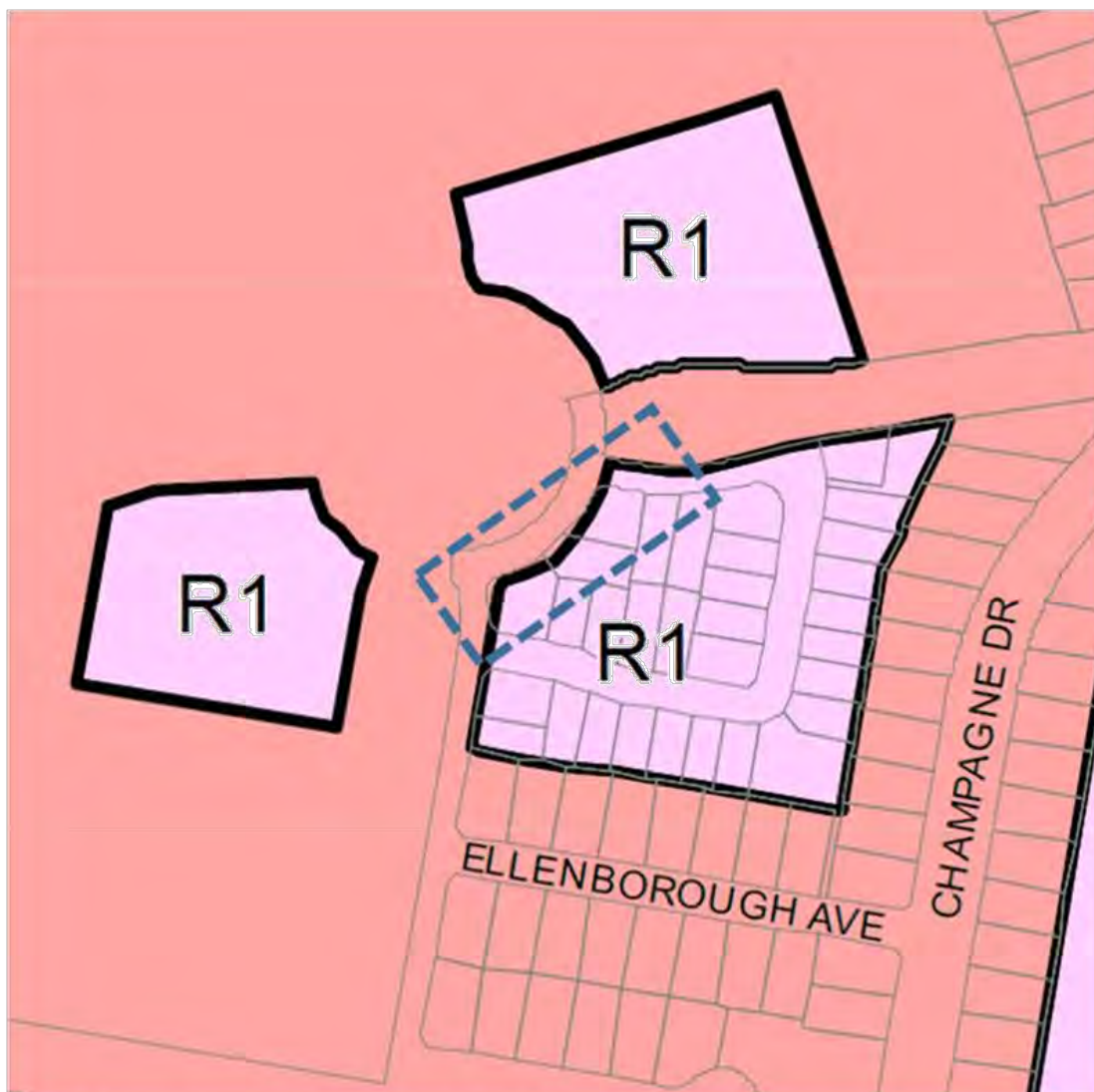


Figure 2. Current Land Use Zoning Lady Barron Circuit, Dubbo

**(f) Proposed Amendment to Biodiversity Mapping**

**(i) To amend Biodiversity mapping in Keswick Estate**

An area of the subject land has been approved for residential subdivision and development and as such has been cleared of vegetation. It is proposed to amend the biodiversity map to remove the area shown in blue, below.

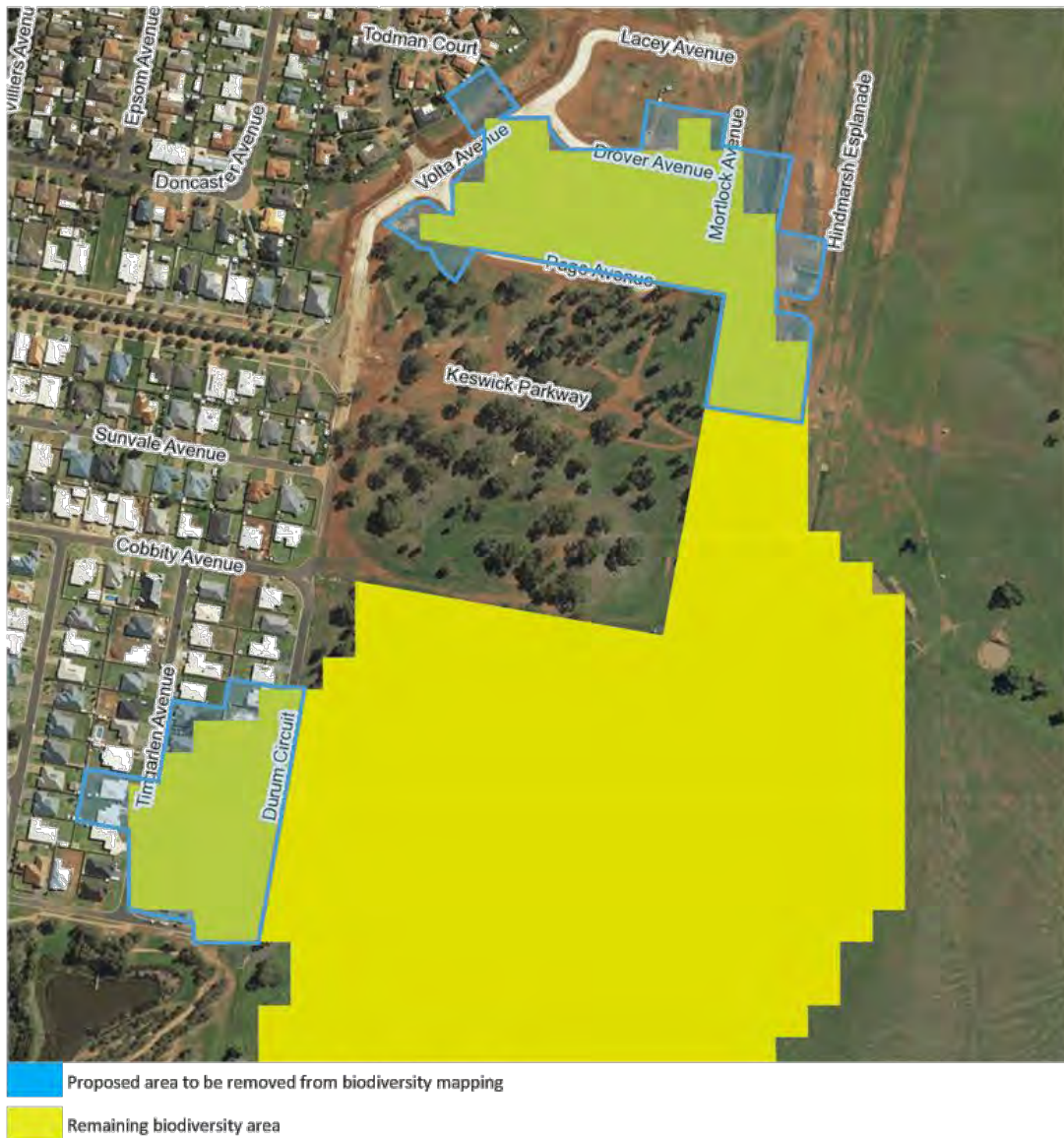


Figure 3. Dubbo Local Environmental Plan 2011 - Biodiversity Mapping, Keswick Estate

## **PART 3 JUSTIFICATION**

### **A Need for the Planning Proposal**

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

The Planning Proposal has been prepared in accordance with the Department of Planning and Environment's document 'Guidance for merged councils on planning functions' on 12 May 2016. This Planning Proposal contains the first set of amendments proposed for the Dubbo Local Environmental Plan 2011 to rectify known operational issues and minor anomalies in the LEP.

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

It is considered that the subject Planning Proposal is the only means of achieving the amendments to the Wellington LEP 2012, including rectifying any operational anomalies in the Plan.

### **B Relationship to Strategic Planning Framework**

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

##### Draft Central West and Orana Regional Plan

The draft Central West and Orana Regional Plan has been prepared by the Department of Planning and Environment.

The draft Plan has the following goals:

- Goal 1: A growing and diverse regional economy;
- Goal 2: A region with strong freight transport and utility infrastructure networks that support economic growth;
- Goal 3: A region that protects and enhances its productive agricultural land, natural resources and environmental assets; and
- Goal 4: Strong communities and liveable places that cater for the region's changing population.

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

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

##### Dubbo 2036 Community Strategic Plan

The Dubbo 2036 Community Strategic Plan was initially adopted by the former Dubbo City Council on 25 June 2012. The purpose of the Plan is to accomplish the community's 25 year vision of Dubbo. The following five Actions were implemented to achieve the vision:

- *Our People*
- *Our Place*
- *Our Leadership*
- *Our Infrastructure*
- *Our Sustainability*

The Planning Proposal is consistent with the Action *Our Place* and the following strategies:

- 2.2.1 *Public land management throughout the City ensures that land degradation is minimised and the natural assets of the City are maintained or enhanced and that the land is available for use by the community.*
- 2.2.2 *The management of private lands throughout the City ensures that land degradation is minimised.*
- 2.2.3 *New development and land uses in the city are of a quality that compliments the existing built environment of the city.*
- 2.2.6 *Urban and rural open space areas support increasing biodiversity.*
- 2.2.7 *Sustainable land use practices are implemented to reduce water and energy and the removal of vegetation.*
- 2.3.1 *There is adequate land appropriately zoned and managed to promote the ongoing agricultural land use activities.*
- 2.3.2 *The Dubbo Local Environmental Plan ensures that there are opportunities available to rural landholders to pursue alternative land uses to support the ongoing productivity of agricultural land.*
- 2.4.3 *Planning Instruments reflect the intent and direction of the adopted land use strategies and facilitate sustainable development and growth of the City.*

The Planning Proposal is considered to be consistent with the Dubbo 2036 Community Strategic Plan.

##### Dubbo Urban Areas Development Strategy

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

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

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

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

At the core of the Residential Areas Development Strategy is the significant emphasis of further residential development being undertaken in West Dubbo, which will ensure the Dubbo Central Business District is situated at the centre of the Dubbo urban area. The Strategy also provides for further infill development to be undertaken in the south-east area of the City.

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

It is considered that the Planning Proposal is consistent with the overall objectives and intent of the Dubbo Residential Areas Development Strategy. It is also considered that the Planning Proposal is consistent with the other applicable components of the Dubbo Urban Areas Development Strategy.

#### Dubbo Rural Areas Development Strategy

The Dubbo Rural Areas Development Strategy 1995 - 2015 forms the basis of the rural land use zonings and planning controls provided in the Dubbo Local Environmental Plan 2011.

The Planning Proposal seeks to include a new local provision in respect of Rural and Nature Based Tourist Facilities. The proposed local provision will apply to land zoned RU1 Primary Production, RU2 Rural Landscape and R5 Large Lot Residential. The local provision will permit appropriate small scale tourist development, subject to development consent. It is considered that the proposed amendment will facilitate additional business opportunities on the subject lands and is unlikely to impact agricultural activities.

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

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

Two State Environmental Planning Policies apply to the Planning Proposal. It is considered that the Planning Proposal is consistent with the following State Environmental Planning Policies:

- SEPP (Rural Lands) 2008, and
- SEPP (Infrastructure) 2007.

The following provides information in respect of the Proposal's compliance with SEPP (Rural Lands) 2008.

State Environmental Planning Policy (Rural Lands) 2008

The SEPP aims to guide the sustainable use of rural lands through the provision of specific rural planning principles. The SEPP requires a Planning Proposal to be consistent with the following rural planning principles:

- The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas;
- Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State;
- Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development;
- In planning for rural lands, to balance the social, economic and environmental interests of the community;
- The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land;
- The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities;
- The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing; and
- Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

In respect of rural lands, the Planning Proposal includes a new local provision for the development of Rural and Nature-Based Tourism Facilities. It is considered that the Planning Proposal is unlikely to impact agricultural land use activities and is consistent with the rural planning principles as contained in the SEPP. The Proposal will not significantly impact agricultural activities and is considered to be consistent with the objectives of the SEPP (Rural Lands) 2008.

State Environmental Planning Policy (Infrastructure) 2007

The aims of the Policy are as follows:

- “(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*

- (d) *identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) *identifying matters to be considered in the assessment of a development adjacent to particular types of infrastructure development, and*
- (f) *providing for consulting with relevant public authorities about certain development during the assessment process or prior to development commencing.”*

The Planning Proposal intends to permit water storage facilities in the W2 Recreational Waterways zone. The proposal is considered to be consistent with the aims of the Policy and the associated provisions as contained in the SEPP.

**6. Is the Planning Proposal consistent with any applicable Section 117 Direction?**

The following table provides consideration of the applicable Section 117 Directions for consideration in the Planning Proposal:

Direction	Requirement	Consistency
1.2 Rural Zones	The Direction applies to this Planning Proposal as the proposal affects land within the existing rural zones.	The Planning Proposal is considered to be consistent with the Direction as it does not propose to rezone rural land. The Planning Proposal includes an additional local provision that will guide the undertaking of rural and nature-based tourist facilities on rural and other lands.
1.5 Rural Lands	The Direction applies to the Planning Proposal as it will affect land within an existing or proposed rural or environmental protection zone (including the alteration of any existing rural or environmental protection zone boundary). The Direction is applicable to the Planning Proposal as it intends to introduce a new Clause Rural and Nature-Based Tourist Facilities.	It is considered that the proposed provisions of the new clause are consistent with the Rural Planning Principles contained within State Environmental Planning Policy (Rural Lands) 2008.



Direction	Requirement	Consistency
2.1 Environmental Protection Zones	<p>The Direction applies when a Planning Proposal is prepared. The Direction is applicable to the Planning Proposal as it intends to remove the biodiversity designation from a number of areas located in the Keswick Estate.</p> <p>The Planning Proposal also includes a proposal to adjust a zone boundary on Transport Drive, Brocklehurst, changing the zone from E3 Environmental Management to IN2 Light Industrial. This will allow a minor anomaly to be rectified.</p>	<p>The Planning Proposal is inconsistent with the Direction. The inconsistency is considered to be of minor significance as the area has previously been cleared of vegetation to accommodate residential development, pursuant to the recommendation of flora and fauna assessments and in accordance with previous development consents issued by Council.</p> <p>It is also considered that the proposed zone boundary adjustment on Transport Drive, Brocklehurst is inconsistent with the Direction. The inconsistency is considered to be of minor significance as the zone boundary adjustment is proposed to reflect the existing lot boundaries.</p>
2.3 Heritage Conservation	<p>The Direction applies to the Planning Proposal as the Proposal intends to alter the heritage listing for the land surrounding the Terramungamine Homestead and Woolshed on Burraway Rd.</p> <p>Additionally, the Proposal intends to alter the heritage listing for the communications bunker within the Keswick on the Park Estate.</p>	<p>The Planning Proposal is considered to be consistent with the Direction.</p>

Direction	Requirement	Consistency
3.1 Residential Zones	The Direction applies to the Planning Proposal as it will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary) any other zone in which significant residential development is permitted or proposed to be permitted.	<p>The Planning Proposal will assist in facilitating a broader choice of building types and increase residential densities to utilise existing infrastructure and services.</p> <p>The Planning Proposal is considered to be inconsistent with the Direction as the proposal does not broaden the choices of housing types, does not reduce the consumption of land for housing and does not promote good design.</p> <p>It is considered that the inconsistency with the Direction is of minor significance as the Planning Proposal includes the provision of greater flexibility for land zoned R5 Large Lot Residential and the proposal does not impact any other provisions for development on residential land.</p>
3.2 Caravan Parks and Manufactured Home Estates	The Direction applies when a Planning Proposal is prepared.	The Planning Proposal is consistent with the Direction as the proposal does not alter or remove any provisions in respect of caravan parks and manufactured home estates.
3.4 Integrated Land Use and Transport	The Direction applies to the Planning Proposal as it will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	<p>The Planning Proposal is consistent with the Direction and the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guideline for Planning and Development; and</p>

Direction	Requirement	Consistency
		(b) The Right Place for Business and Services – Planning Policy.
4.3 Flood Prone Land	<p>The Direction applies to the Planning Proposal as it intends to create, remove or alter a zone or a provision that affects flood prone land.</p> <p>The Direction is applicable to this Planning Proposal as it intends to introduce water storage facilities in the W2 Recreational Waterways zone as a permissible form of development.</p>	<p>The Proposal is inconsistent with the Direction as it permits development in a floodway area.</p> <p>The inconsistency is considered to be of minor significance as the amendment proposed is to permit further development of weirs within the Macquarie River.</p>
4.4 Planning for Bushfire Protection	<p>The Direction applies to this Planning Proposal as it will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>The Direction applies to the Planning Proposal as it intends to introduce a new Clause for Rural and Nature-Based Tourist Facilities.</p>	<p>The Planning Proposal is considered to be inconsistent with the Direction.</p> <p>The inconsistency is considered to be of minor significance as each development will be subject to development consent and assessment against any potential bush fire hazard imposed on the development.</p>
6.1 Approval and Referral Requirements	<p>The Direction applies when a Planning Proposal is prepared.</p>	<p>The Planning Proposal is consistent with the proposal as it will not create additional provision for concurrence, consultation or referral of a development application to a Minister or public authority.</p>

Direction	Requirement	Consistency
6.3 Site Specific Provisions	<p>The Direction applies when a Planning Proposal is prepared that will allow a particular development to be carried out.</p> <p>The Direction is applicable as the Planning Proposal intends to permit with consent, water storage facilities in the W2 Recreational Waterways zone.</p>	The Planning Proposal is consistent with the Direction.

**C Environmental, social and economic impact**

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

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

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

The Planning Proposal will not result in any negative environmental effects.

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

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

**D State and Commonwealth interests**

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

Access to Public Infrastructure has been considered in the Planning Proposal and it is considered that the Planning Proposal will not create additional demand for public infrastructure.

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

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

## **PART 4 MAPPING**

Council as a component of the Planning Proposal will be undertaking amendments to the following maps:

**a. Heritage Map – Sheet HER\_007**

- (i) Amend Heritage mapping to reflect heritage items I65 Terramungamine Homestead and I66 Terramungamine Woolshed, 63L Burraway Road, Dubbo.

**b. Heritage Map – Sheet HER\_008**

- (i) Amend Heritage mapping to reflect heritage item I135 Communications Bunker, 24 Keswick on the Park Estate.

**c. Biodiversity Map – Sheet NRB\_008**

- (i) Remove Biodiversity mapping from allotments in Keswick Estate.

**d. Land Zoning Map - Sheet LZN\_007B**

- (i) Realign the zone boundary line to reflect the allotment boundary lines at Transport Drive, Brocklehurst.

**e. Land Zoning Map – Sheet LZN\_008A**

- (i) Realign the zone boundary line to reflect the boundary line on the residential allotments at Lady Barron Circuit, Dubbo.

## **PART 5 COMMUNITY CONSULTATION**

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

## PART 6 PROJECT TIMELINE

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

Step	Task Name	Completion Date
1	Preparation of the draft Planning Proposal	End of April 2017
2	Draft Planning Proposal report prepared and presented to Planning and development committee and Council meetings	18 April 2017 24 April 2017
3	Preparation of correspondence to the Department of Planning and Environment requesting review of the Planning Proposal and issuance of a Gateway Determination	15 May 2017
4	Undertake all activities associated with placing the Planning Proposal on public exhibition including undertaking consultation with state agencies	1 June – 30 June 2017
5	Assessment of submissions made during the public exhibition period	July 2017
6	Report of public exhibition results prepared and presented to Planning and Development Committee and Council meetings	August 2017
7	Preparation of correspondence to the Department of Planning and Environment and/or the Office of Parliamentary Counsel in relation to legal drafting of the Planning Proposal	September 2017
8	Gazettal	September 2017



## **REPORT: Planning Proposal - Operational Review of the Wellington Local Environmental Plan 2012**

**AUTHOR:** Manager City Strategy Services  
**REPORT DATE:** 11 April 2017  
**TRIM REFERENCE:** ID17/381

### **EXECUTIVE SUMMARY**

The Wellington Local Environmental Plan 2012 was gazetted by the Minister for Planning and on 23 November 2012. The Dubbo Local Environmental Plan 2011 was gazetted on 11 November 2011. Both LEPs were prepared in accordance with the Standard Instrument (Local Environmental Plans) Order 2006.

The former Wellington and Dubbo City councils were amalgamated by proclamation on 12 May 2016. Following the amalgamation and in accordance with the requirements of the NSW Department of Premier and Cabinet, Council is required to prepare a new comprehensive Local Environmental Plan for the Dubbo Regional Local Government Area by September 2017. However, given the work involved, including the preparation of land use strategies for land subject to the provisions of the Wellington Local Environmental Plan 2012, Council has undertaken an Operational Review of the LEP as an initial first step in the harmonisation of planning controls across the Dubbo Regional Local Government Area.

Concurrently, Council is also undertaking an Operational Review of the Dubbo Local Environmental Plan 2011. The Operational Review in respect of the Dubbo Local Environmental Plan 2011 forms a separate report for the consideration of the Planning and Development Committee.

The objectives of the Operational Review are to amend/address any administrative concerns with the operation of the Wellington Local Environmental Plan 2012 and to provide a level of parity between the provisions of the Wellington LEP 2012 and the Dubbo Local Environmental Plan 2011. It should be noted that this review process and the resultant Planning Proposal are purely of an administrative nature only.

The Planning Proposal includes a number of administrative and other minor amendments to the Wellington Local Environmental Plan 2012 incorporating the following:

- Permissible land use activities;
- Subdivision controls;
- Clause 5.4 Controls relating to permissible uses;
- Part 6 Local provisions;
- Schedule 5 Environmental heritage; and
- Minor amendments to land use zoning.



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A copy of the Planning Proposal is provided here in **Appendix 1**.

This report is provided to the Planning and Development Committee for consideration and it is recommended that the Planning Proposal be submitted to the Department of Environment and Planning seeking a Gateway Determination if endorsed.

As a component of this Operational Review, Council staff have also considered the emerging need for developable residential land in Wellington in an attempt to meet the potential growing demand for housing associated with the new Wellington Gaol.

Progress of this Planning Proposal will ensure a smooth transition period for both Local Environmental Plans until the new comprehensive LEP for the Dubbo Regional Local Government Area is developed.

### **ORGANISATIONAL VALUES**

Customer Focused: The Operational Review will provide cohesion between the use of the Wellington Local Environmental Plan 2012 and the Dubbo Local Environmental Plan 2011 for professionals and the community alike.

Integrity: The Operational Review will provide professionals with a local planning instrument that meets the requirements of the new Dubbo Regional Council.

One Team: Input and comments from across Council have been included in the report.

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

### **POLICY IMPLICATIONS**

The Planning Proposal is provided for consideration and endorsement to seek a Gateway Determination. Receipt of the Gateway Determination from the Department of Planning and Environment will allow Council to further the proposed amendments to the LEP including consultation with the community and state agencies.

**RECOMMENDATION**

- 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.**

*Steven Jennings*  
Manager City Strategy Services

## BACKGROUND

The Wellington Local Environmental Plan 2012 was gazetted by the Minister for Planning on 23 November 2012. The Dubbo Local Environmental Plan 2011 was gazetted on 11 November 2011. Both LEPs were prepared in accordance with the Standard Instrument (Local Environmental Plans) Order 2006.

The former Wellington and Dubbo City councils were amalgamated by proclamation on 12 May 2016. Following the amalgamation and in accordance with the requirements of the NSW Department of Premier and Cabinet, Council is required to prepare a new comprehensive Local Environmental Plan for the Dubbo Regional Local Government Area by September 2017. However, given the work involved, including the preparation of land use strategies for land subject to the provisions of the Wellington Local Environmental Plan 2012, Council is undertaking this Operational Review of the LEP as an initial first step in the harmonisation of planning controls across the Dubbo Regional Local Government Area.

Concurrently, Council is also undertaking an operational review of the Dubbo Local Environmental Plan 2011. The Operational Review in respect of the Dubbo Local Environmental Plan 2011 forms a separate report for the consideration of the Planning and Development Committee.

The objectives of the Operational Review are to amend/address any administrative concerns with the operation of the Wellington Local Environmental Plan 2012 and to provide a level of parity between the provisions of the Wellington LEP 2012 and the Dubbo Local Environmental Plan 2011. It should be noted that this review process and the resultant Planning Proposal are of an administrative nature only.

This report contains the results of the Operational Review of the Wellington LEP 2012 and the proposed amendments to be undertaken. This report has been provided to the Planning and Development Committee for consideration and is recommended that the Planning Proposal be submitted to the Department of Environment and Planning (DPE) to seek a Gateway Determination.

Following the issue of a Gateway Determination from the DPE, Council will undertake consultation with the community. Following the conclusion of the public exhibition period, a further report including any issues raised in submissions will be provided to Council for consideration.

## REPORT

### 1. Amendments to Local Environmental Plans

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

# PLANNING PROPOSAL PROCESS

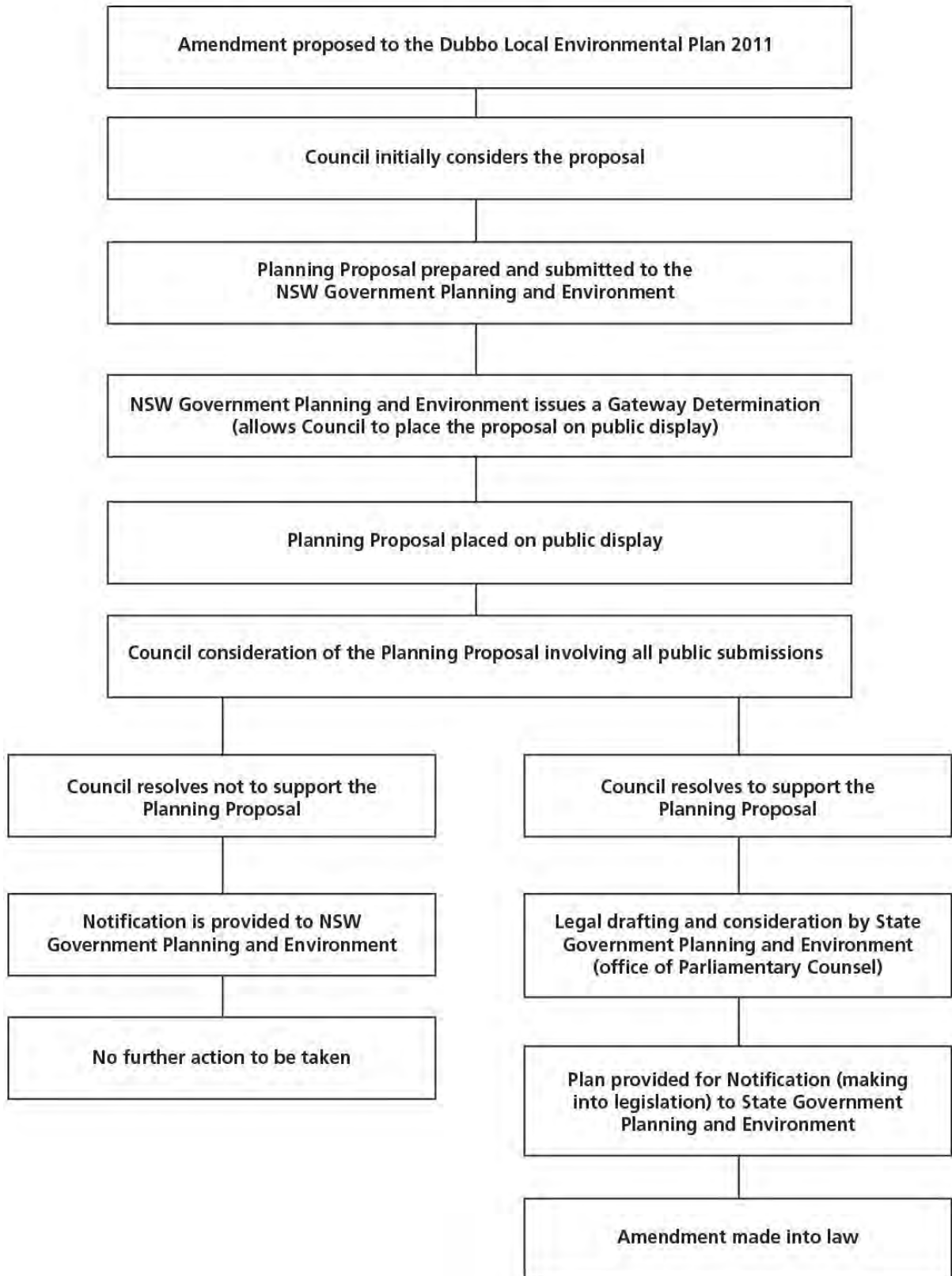


Figure 1. Planning Proposal Process

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

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

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

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

## **2. Planning Proposal**

The subject Planning Proposal includes a number of administrative and other minor amendments to the Wellington Local Environmental Plan 2012, incorporating the following:

- Permissible land use activities;
- Subdivision controls;
- Clause 5.4 Controls relating to permissible uses;
- Part 6 Local provisions;
- Schedule 5 Environmental heritage; and
- Minor amendments to land use zoning.

### **(a) Changes to Permissible Land Use Activities**

- (i) Secondary Dwellings in zone RU1 Primary Production

The Wellington Local Environmental Plan 2012 does not currently allow the development of secondary dwellings on land zoned RU1 Primary Production. It is proposed to amend the Wellington LEP 2012 to allow for the development of secondary dwellings in the RU1 Primary Production zone.

It is considered that secondary dwellings will provide the opportunity for assisted accommodation in situations where there is a relationship between the occupants of the

main dwelling and the secondary dwelling, without any impact to agricultural land use activities.

(ii) Detached Dual Occupancies in zone R5 Large Lot Residential

The Wellington Local Environmental Plan 2012 currently allows both attached and detached dual occupancy development on land zoned R5 Large Lot Residential. To ensure land in the R5 zone is developed at an appropriate density having regard to the intentions of the zone and the associated zone objectives, it is proposed to prohibit detached dual occupancy development in the R5 zone. The intent and justification for the proposed change to the LEP is further discussed in this report.

**(b) Subdivision Controls**

(i) Clause 4.1AA (2) Minimum Subdivision Lot Size for Community Title Schemes

Clause 4.1AA regulates the minimum lot size provisions for community title subdivisions. The Clause currently applies to land zone RU1 Primary Production, RU4 Primary Production Small Lots and E3 Environmental Management. The Clause does not include residential zones as contained in the LEP.

To ensure greenfield land zoned primarily for residential development is not subject to Community Title subdivision prior to the consideration of development on the land, it is proposed that the clause be extended to also include the following zones:

- R1 General Residential;
- R2 Low Density Residential;
- R5 Large Lot Residential; and
- RU5 Village.

It is proposed to amend the clause to require the approved dual occupancy or multi-dwelling housing development to be constructed on the land prior to any community title subdivision being undertaken. This amendment is also proposed to be undertaken to the Dubbo Local Environmental Plan 2011 which will provide parity between both LEPs.

The intent and justification for the proposed change to the LEP is further discussed in this report.

(ii) Clause 4.1A Minimum Subdivision Lot Size for zones RU5 and R2

The Wellington LEP 2012 does not currently allow for the subdivision of an approved residential development, including dual occupancies or multi-dwelling housing below the minimum allotment size for subdivision in the relevant zone. Often in these situations a proponent will not have the ability to undertake a Torrens Title subdivision of an approved development.

It is proposed to include a new clause 4.1 as provided below:

*“Despite clause 4.1, the size of any lot resulting from a subdivision of land in Zone RU5 Village, R1 General Residential or Zone R2 Low Density Residential, may be less than the minimum lot size shown on the Lot Size Map in relation to that land, if:*

- (a) The land is connected to a sewerage reticulation system, and*
- (b) Development consent has been granted in respect of the subdivision for the purpose of a:
  - (i) Dual occupancy, or*
  - (ii) Multi-dwelling housing.”**

In addition, it is also proposed to include a separate provision in the clause that will require the dual occupancy or multi-dwelling housing development to be constructed on the land prior to any Torrens Title subdivision being undertaken. This amendment is also proposed to be undertaken to the Dubbo Local Environmental Plan 2011 which will provide parity between both LEPs.

The intent and justification for the propose change to the LEP is further discussed in the report.

(iii) Clause 4.2A Lot Size Exceptions for Certain Rural zones

It is proposed to include a new clause in the Wellington LEP 2012 which will enable rural land to be subdivided for a purpose other than to allow for residential development or tourist and visitor accommodation. This clause would allow the subdivision of rural land to be undertaken for another approved activity such as a highway service centre or the like.

The proposed wording of the clause is provided below:

*“4.2A Land in a Zone to which clause 4.2 applies may, with development consent, be subdivided to create a lot size that is less than the minimum size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that the use of the land after the subdivision will be the same as permitted under an existing development for the land (other than for the purpose of a dwelling house, rural worker’s dwelling, secondary dwelling or tourist and visitor accommodation.”*

This clause is currently included in the Dubbo Local Environmental Plan 2011. The intent and justification for the proposed change to the LEP is further discussed in this report.

**(c) Clause 5.4 Controls Relating to Miscellaneous Permissible Uses**

(i) Farm Stay Accommodation

The Wellington LEP 2012 currently permits a maximum of 12 bedrooms for the purpose of farm stay accommodation. The Planning Proposal proposes to increase the maximum number of permitted bedrooms within farm stay accommodation to 15 bedrooms. This would

increase the capacity for additional guests and allow for a secondary income stream for rural land owners. This provision is also currently included in the Dubbo Local Environmental Plan 2011.

(ii) Neighbourhood Shops

The Wellington LEP 2012 currently allows the development of neighbourhood shops with a maximum retail floor area of 100 square metres. The Planning Proposal seeks to increase the maximum allowable retail floor space area for neighbourhood shops to 150 square metres. The amendment will provide flexibility to business owners to expand current retail operations and improve the economic viability of neighbourhood shops.

It is proposed to amend the clause as follows:

*“(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 150 square metres.”*

This provision is included in the Dubbo Local Environmental Plan 2011.

**(d) Proposed Changes to Part 6 Additional Local Provisions**

(i) Clause 6.1 Flood Planning

It is considered that the flood planning clause does not currently provide suitable controls and clarification for other land that is not mapped as flood prone land in the LEP and that is known to be subject to flooding.

It is proposed to amend the clause as follows:

*“(1) The objectives of this clause are as follows:*

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impact on flood behaviour and the environment.*

*(2) This clause applies to:*

- (a) land that is shown as “Flood planning area” on the Flood Planning Map, and*
- (b) other land at or below the flood planning level.*

*(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*



- (a) *is compatible with the flood hazard of the land, and*
- (b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *incorporates appropriate measures to manage risk to life from flood, and*
- (d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

(4) *A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published in 2005 by the NSW Government, unless it is otherwise defined in this clause.*

(5) *In this clause:*

***flood planning level*** *means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.*

***Flood Planning Map*** *means the Wellington Local Environmental Plan 2011 Flood Planning Map.”*

This clause is also included in the Dubbo LEP 2011 which will provide parity across both LEPs.

**(e) Schedule 5 Environmental Heritage.**

(i) Lot 1, DP 770849, 2531 Euchareena Road, Euchareena

The subject land contains the Nubrygyn Inn and Cemetery which was listed on the NSW State Heritage Register as an item of State Significance on 20 May 2016.

It is proposed that Schedule 5 of the LEP be amended to include the subject site, as follows:

<b>Suburb</b>	<b>Item Name</b>	<b>Address</b>	<b>Property Description</b>	<b>Significance</b>	<b>Item No</b>
Euchareena	Nubrygyn Inn & Cemetery	2531 Euchareena Road, Euchareena	Lot 1, DP 770849	State	1159

(ii) Lot 92 DP 1226962, 68 Maughan Street, Wellington

The subject land contains the Reinhard building which is a listed heritage item in Schedule 5 of the Wellington LEP 2012. The property has recently undergone a boundary realignment. As a result the property details for the heritage item have changed.

It is proposed that Schedule 5 of the LEP be amended as follows:

Suburb	Item Name	Address	Property Description	Significance	Item No
Wellington	Reinhard Building	68 Maughan Street	Lot 92, DP 1226962	Local	I110

(iii) Wellington Clock, 1A Nanima Crescent Heritage Listing

The Wellington Clock is a listed heritage item in Schedule 5 of the Wellington LEP 2012. The clock is currently housed in the Dubbo Regional Council, Wellington Office, situated at 1A Nanima Street, Wellington. Ordinarily, a moveable clock, whilst having historical significance, moveable heritage is not ordinarily listed in a Local Environmental Plan as it is not actually a type/form of land use or development.

It is proposed that the Wellington Clock be removed as a heritage item from Schedule 5 of the LEP as provided below:

Suburb	Item Name	Address	Property Description	Significance	Item No
Wellington	Wellington Clock	1A Nanima Crescent	Lot 5, Section 76, DP 759073	Local	I114

**(f) Other Changes**

(i) Proposed amendment to Clause 2.8 (2) Temporary use of land

The Wellington LEP 2012 currently allows for the temporary use of land for a total of 28 days in any period of 12 months.

It is proposed to increase this provision to 182 days (whether or not consecutive days) in any period of 12 months. This would include all weekends, public holidays and school holidays.

It is proposed that Clause 2.8 (2) Temporary use of land be amended to read as follows:

- (2) *Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 182 days (whether or not consecutive days) in any period of 12 months.*

This provision is also included in the Dubbo LEP 2011 which will provide parity across both LEPs.

**(g) Amendments to Land Use zoning**

(i) E3 Environmental Management zoning

The Wellington LEP 2012 Land Zoning Maps – Sheet LZN\_004C and Sheet LZN\_004D currently zone the area adjacent to the Bell and Macquarie Rivers as E3 Environmental Management.

The Planning Proposal seeks to amend these maps to reflect the existing residential land use on the subject lands shown in accordance with Figure 2.

The intent of the E3 Environmental Management zone is to provide appropriate protection of flood prone land from incompatible development. However, it is considered that the provision of the E3 zoning in the Wellington urban area extends beyond flood prone land in some instances and in other circumstances has zoned existing residential streets. The Planning Proposal intends to rezone a number of E3 zoned areas to either R1 General Residential or R2 Low Density Residential.

Figure 2 shows the subject lands that are proposed to be rezoned from E3 Environmental Management. The lands proposed to be rezoned have been selected based on the extent of the 1 in 200 year flood event and also provide a reasonable curtilage around existing dwellings.

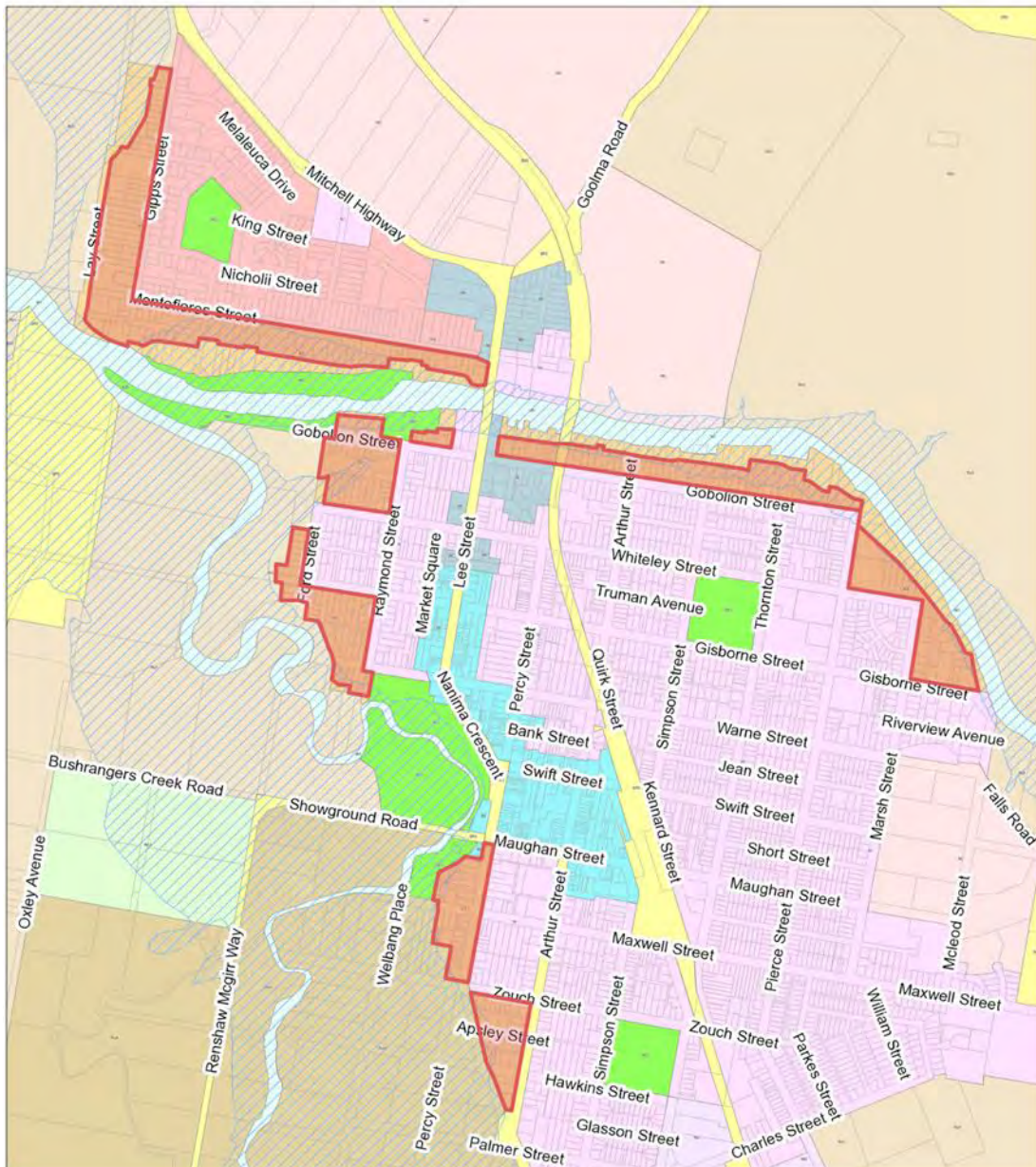


Figure 2. Areas proposed for removal from the E3 Environmental Management zone

(ii) B6 Enterprise Corridor zoning, Montefiores

Land situated at Montefiores as shown in Figure 3 is currently zoned B6 Enterprise Corridor under the provisions of the Wellington LEP 2012.

Lot 11 DP 844379 and Lot 1 DP 130724 are held in the same ownership as the adjoining Lot 2 DP 1115930 and Lot 1 DP 1115930, 24 Jasmine Place, Montefiores. Lot 22 DP 658633 is owned by Council.

The current owners of Lot 11 DP 844379 and Lot 1 DP 130724 have discussed with Council the rezoning of Lot 11 DP 844379 and Lot 1 DP 130724 from B6 Enterprise Corridor to R2 Low Density Residential, with a minimum lot size for subdivision of 600 square metres. The

current zoning of the land is not considered suitable as vehicular access from the Mitchell Highway would be difficult to achieve given its location. In addition, it is also considered that the development of the land in accordance with the provisions of the current zone is unlikely to be achieved given the location of the land. Rezoning of the land to R2 Low Density Residential could allow for a residential development which will have the ability to be accessed through Jasmine Place and Montefiores Street. This would provide further land in Montefiores that could be developed for residential purposes as there is a potential growing demand for residential housing associated with the new Wellington Gaol.

It is also proposed to rezone Lot 22 DP 658633 which is owned by Council. Again, access and development of this land for commercial uses is unlikely to be achieved given the location of the Mitchell Highway and the characteristics of adjoining lands. In addition, given the characteristics of the land and the restricted access from the Mitchell Highway, it is considered that this land could further add to the residential land supply as a component of the adjoining residential zoned land to the west.



Figure 3. Subject land at Montefiores

### 3. Planning Considerations

This section of the report provides an analysis against the planning considerations Council is required to consider in the Planning Proposal process. The information below provides an analysis of all planning considerations associated with the Planning Proposal.

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

#### (i) Draft Central West and Orana Regional Plan

The draft Central West and Orana Regional Plan has been prepared by the Department of Planning and Environment.

The draft Plan has the following Goals:

- Goal 1: A growing and diverse regional economy;
- Goal 2: A region with strong freight transport and utility infrastructure networks that support economic growth;
- Goal 3: A region that protects and enhances its productive agricultural land, natural resources and environmental assets; and
- Goal 4: Strong communities and liveable places that cater for the region's changing population.

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

#### (ii) Section 117 Directions

The following table provides consideration of the applicable Section 117 Directions for consideration in the planning proposal:

Direction	Requirement	Consistency
<b>1.1 Business and Industrial Zones</b>	The Direction applies to this Planning Proposal as the proposal will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	It is considered that the Planning Proposal is not consistent with the Direction. However it is considered that this inconsistency is of minor significance. The Planning Proposal includes the proposed rezoning of land at Montefiores from B6 Enterprise Corridor to R2 Low Density Residential.  It is considered that provision of the B6 zone on the land is not appropriate as access is likely to

Direction	Requirement	Consistency
		<p>be difficult to achieve from the Mitchell Highway. In addition and given the location of the land, it is considered that use of the land for commercial purposes would be difficult to achieve.</p>
<p><b>1.2 Rural Zones</b></p>	<p>The Direction applies to this Planning Proposal as the proposal affects land within the existing rural zones.</p> <p>The Direction applies to the Planning Proposal as it intends to include secondary dwellings as permissible development in the RU1 Primary Production zone.</p>	<p>The Planning Proposal is inconsistent with the Direction. The inconsistency is considered to be of minor significance as the proposal to include secondary dwellings as permissible development in the RU1 Primary Production zone would have no significant impact on rural land.</p>
<p><b>1.5 Rural Lands</b></p>	<p>This Direction applies to the Planning Proposal as it will affect land within an existing or proposed rural or environmental protection zone (including the alteration of any existing rural or environmental protection zone boundary).</p> <p>The Direction is applicable to the Planning Proposal as it intends to rezone areas along the Macquarie and Bell Rivers zoned E3 Environmental Management to R1 General Residential and R2 Low Density Residential.</p>	<p>It is considered that the proposed rezoning is consistent with the Rural Planning Principles contained within State Environmental Planning Policy (Rural Lands) 2008.</p>
<p><b>2.1 Environment Protection Zones</b></p>	<p>The Direction is applicable to the Planning Proposal as it intends to rezone areas zoned E3 Environmental Management along the Macquarie and Bell Rivers to R1 General Residential and R2 Low Density Residential.</p>	<p>The Planning Proposal is inconsistent with the Direction.</p> <p>The inconsistency is considered to be of minor significance as the land affected by the Planning Proposal already contains existing residential dwellings.</p> <p>In addition, it should be noted that part of the subject lands are not classified as flood prone land under the provisions of the</p>

Direction	Requirement	Consistency
		Wellington LEP 2012.
<b>2.3 Heritage Conservation</b>	<p>The Direction applies to the Planning Proposal as the Proposal intends to include Nubrygyn Inn and Cemetery as a heritage item in Schedule 5 of the Wellington Local Environmental Plan 2012.</p> <p>Additionally, the Planning Proposal intends to amend the property details of the Reinhard Building in Schedule 5.</p> <p>The Planning Proposal intends to remove the Wellington Clock from Schedule 5.</p>	<p>It is considered that the Planning Proposal is inconsistent with the Direction as it is proposed to remove heritage item I114 from the Wellington LEP 2012. The item is proposed to be removed from the LEP as the clock is best classified as an item of moveable heritage, which is not ordinarily listed in Schedule 5 of the LEP.</p> <p>The remaining components of the Planning Proposal are considered to be consistent with the Direction.</p>
<b>3.1 Residential Zones</b>	<p>The Direction applies to the Planning Proposal as it will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary) or any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>The Planning Proposal will assist in facilitating a broader choice of building types and increase residential densities to utilise existing infrastructure and services. This is especially in respect of the proposed rezoning of land at Montefiores for the purposes of residential development.</p>
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	<p>The Direction applies when a Planning Proposal is prepared.</p>	<p>The Planning Proposal is consistent with the Direction as the proposal does not alter or remove any provisions in respect of caravan parks and manufactured home estates.</p>



Direction	Requirement	Consistency
<p><b>3.4 Integrated Land Use and Transport</b></p>	<p>The Direction applies to the Planning Proposal as it will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>The Planning Proposal is consistent with the Direction and the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guideline for Planning and Development; and</p> <p>(b) The Right Place for Business and Services – Planning Policy.</p>
<p><b>4.3 Flood Prone Land</b></p>	<p>The Direction applies to this Planning Proposal as it intends to create, remove or alter a zone or a provision that affects flood prone land.</p> <p>Additionally, the Planning Proposal intends to rezone areas that are partially affected by flooding and zoned E3 Environmental Management to R1 General Residential and R2 Low Density Residential.</p>	<p>The Proposal is inconsistent with the Direction as it permits development in a flood planning area.</p> <p>The inconsistency is considered to be of minor significance as the areas subject to the proposed rezoning will reflect the existing residential land use.</p> <p>In addition, these areas are situated in low hazard areas.</p>
<p><b>4.4 Planning for Bushfire Protection</b></p>	<p>The Direction applies to this Planning Proposal as it will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>The Direction applies to the Planning Proposal as it intends to introduce a new Clause 4.2A Lot size exceptions for certain rural zones.</p> <p>Additionally, secondary dwellings are proposed to be included as a permissible form of development in the RU1 Primary Production zone.</p>	<p>The Planning Proposal is considered to be inconsistent with the Direction.</p> <p>The inconsistency is considered to be of minor significance as each development will be subject to development consent and assessment against any potential bush fire hazards on the subject land.</p>

Direction	Requirement	Consistency
6.1 Approval and Referral Requirements	The Direction applies when a Planning Proposal is prepared.	The Planning Proposal is consistent with the Direction as it will not create additional provision for concurrence, consultation or referral of a development application to a Minister or public authority.

**(iii) State Environmental Planning Policies**

Two (2) State Environmental Planning Policies apply to the Planning Proposal. It is considered that the Planning Proposal is consistent with the following State Environmental Planning Policies:

- SEPP (Rural Lands) 2008; and
- SEPP (Affordable Housing) 2009.

State Environmental Planning Policy (Rural Lands) 2008

The SEPP aims to guide the sustainable use of rural lands through the provision of specific rural planning principles. The SEPP requires a Planning Proposal to be consistent with the following rural planning principles:

- The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas;
- Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State;
- Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development;
- In planning for rural lands, to balance the social, economic and environmental interests of the community;
- The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land;
- The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities;
- The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing; and
- Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

In respect of rural lands, secondary dwellings are proposed to be a permissible form of development in the RU1 Primary production zone. In addition, it is also proposed to increase the size limitation for farm stay accommodation to 15 bedrooms.

It is considered that the Planning Proposal is unlikely to impact agricultural land use activities and is consistent with the rural planning principles as contained in the SEPP. The Proposal will not significantly impact agricultural activities and is considered to be consistent with the Rural Planning Principles as included in the SEPP.

State Environmental Planning Policy (Affordable Housing) 2009

The aims of the Policy are as follows:

- “(a) To provide a consistent planning regime for the provision of affordable rental housing,*
- (b) To facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanding zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- (c) To facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) To employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- (e) To facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- (f) To support local business centres by providing affordable rental housing for workers close to places of work,*
- (g) To facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.”*

The Planning Proposal is seeking to permit secondary dwellings in the RU1 Primary Production zone. The provision will create opportunity for property owners to provide affordable housing to family members.

The Planning Proposal also intends to rezone land at Montefiores from B6 Enterprise Corridor to R2 Low Density Residential. The proposed rezoning will permit residential development on the land. The land is located in close proximity to Wellington CBD and appropriate infrastructure. The proposed R2 zoning is considered appropriate in relation to the surrounding land use activity.

It is considered that the Planning Proposal is consistent with the aims of the Policy and the associated provisions as contained in the SEPP.

**(vi) Wellington Local Environmental Plan 2012**

Detached Dual Occupancies in zone R5 Large Lot Residential

The LEP currently allows both attached and detached dual occupancy development on land zoned R5 Large Lot Residential. Land zoned R5 as included in the LEP is generally land situated on the outer edge of the Wellington and Geurie urban areas and also land situated adjacent to other villages including Elong Elong, Mumbil, Stuart Town and Yeoval. In addition, other lands situated in the rural areas are also zoned R5 Large Lot Residential.

To ensure the land in the R5 zone is developed at an appropriate density and does not contribute to fragmentation of rural/residential land having regard to the intentions of the zone and the associated zone objectives, it is proposed to remove detached dual occupancies as a permissible development activity in the R5 zone. However, it should be noted that attached dual occupancies are proposed to remain a permissible form of development on the land.

#### Residential Subdivision

The LEP includes specific minimum lot size mapping, which provides a minimum allotment size for subdivision for the majority of the land subject to the provisions of the Wellington Local Environmental Plan 2012. The LEP provides specific requirements associated with the subdivision of land under Community Title.

Clause 4.1AA regulates the minimum lot size provisions for Community Title subdivisions. The Clause aims to ensure speculative subdivision is not undertaken below the minimum lot size.

Council in recent time has had numerous representations from developers that have been seeking to undertake subdivision of a dual occupancy or multi-dwelling housing development that has not been completed in accordance with the requirements of an applicable development consent but which is reliant on the proposed development to ensure compliance with the subdivision objectives. In addition, Council has also had numerous representations from developers that have been seeking to undertake speculative Greenfield subdivision of land under Community Title.

It is proposed to suitably amend the LEP, as a component of the Planning Proposal, to ensure the subdivision of Greenfield land under Community Title meets the minimum allotment size for the land. It is also proposed that the LEP be amended to ensure subdivision of an approved dual occupancy or multi dwelling housing development is only allowable following the completion of the subject development.

In addition, the Wellington LEP 2012 does not currently allow for a Torrens Title subdivision of an approved and constructed dual occupancy or multi dwelling housing development as

provided for in the Dubbo LEP. It is also proposed to amend the LEP to include a new Clause 4.1A, that would allow such a subdivision to be undertaken. However, similar to the proposed subdivision controls as contained in Clause 4.1AA, it is proposed that Clause 4.1A would only allow for the subdivision of an approved and completed dual occupancy or multi dwelling housing development in the R1 General Residential zone, R2 Low Density Residential Zone or the RU5 Village zone.

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Rural Subdivision

The controls for subdivisions undertaken on rural lands as contained in the LEP do not currently allow a subdivision below the minimum allotment other than for the purposes of agriculture.

It is considered that the addition of a new clause into the Wellington LEP 2012 will enable subdivision of rural land to be undertaken for another approved activity, such as for the purposes of a highway service centre, an electricity generating works, an extractive industry or the like. However, it should be noted that residential development and tourist and visitor accommodation will not be subject to this provision. Any subdivision of rural land, for the purposes of a dwelling or other accommodation is required to meet the respective minimum allotment size as contained in the LEP.

**SUMMARY**

Council has undertaken an Operational Review of the Wellington Local Environmental Plan 2012. This Review has resulted in a number of administrative and other minor amendments as included in the subject Planning Proposal.

It is recommended that the Planning Proposal be submitted to the Department of Planning and Environment to seek a Gateway Determination.

Appendices:

- 1 [Draft Planning Proposal - Wellington Local Environmental Plan 2012](#)



**PLANNING PROPOSAL**

**OPERATIONAL REVIEW OF THE**

**WELLINGTON LOCAL ENVIRONMENTAL PLAN**

**2012**

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## Table of Contents

PART 1 OBJECTIVES OR INTENDED OUTCOMES .....	6
PART 2 EXPLANATION OF PROVISIONS .....	8
PART 3 JUSTIFICATION .....	16
PART 4 MAPPING .....	24
PART 5 COMMUNITY CONSULTATION .....	25
PART 6 PROJECT TIMELINE .....	26

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## EXECUTIVE SUMMARY

The Wellington Local Environmental Plan 2011 was gazetted by the Minister for Planning and Environment on 23 November 2012. The Dubbo Local Environmental Plan 2012 was gazetted on 11 November 2011. Both LEPs were prepared in accordance with the Standard Instrument (Local Environmental Plans) Order 2006.

The former Wellington and Dubbo City councils were amalgamated by proclamation on 12 May 2016. Following the amalgamation and in accordance with the requirements of the NSW Department of Premier and Cabinet, Council is required to undertake an operational review of the Wellington Local Environmental Plan 2012 as an initial step towards the preparation of a new comprehensive local environmental plan for the Dubbo Regional Local Government Area.

Concurrently, Council is also undertaking an operational review of the Dubbo Local Environmental Plan 2011. The operational review in respect of the Dubbo Local Environmental Plan 2011 forms a separate report for the consideration of the Planning and Development Committee.

The objectives of the operational review are to amend any administrative concerns with the operation of the Wellington Local Environmental Plan 2012 and to provide a level of parity between the provisions of the Wellington LEP 2012 and the Dubbo Local Environmental Plan 2011. It should be noted that this review process and the resultant Planning Proposal are purely of an administrative nature only.

The Planning Proposal includes a number of administrative and other minor amendments to the Wellington Local Environmental Plan 2012 incorporating the following:

- Permissible land use activities;
- Subdivision controls;
- Clause 5.4 Controls relating to permissible uses;
- Part 6 Local provisions;
- Schedule 5 Environmental heritage; and
- Amendments to land use zoning.

A copy of the Planning Proposal is provided here in **Appendix 1**.

This report has been provided to the Planning and Development Committee for consideration and is recommended that the Planning Proposal be submitted to the Department of Environment and Planning to seek a Gateway Determination.

## **PART 1 OBJECTIVES OR INTENDED OUTCOMES**

The objective of this Planning Proposal is to harmonise and facilitate the following amendments to the existing Wellington LEP 2012.

### **(a) Proposed Amendments to Land Use zones**

- (i) To amend the RU1 Primary Production zone to include secondary dwellings as a permissible form of development.
- (ii) To amend the R5 Large Lot Residential zone to remove detached dual occupancy as a permissible development activity.

### **(b) Proposed Amendments to Subdivision Controls**

- (i) To modify Clause 4.1AA (2) to include zones R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential and RU5 Village.
- (ii) To include a new Clause 4.1A Minimum subdivision lot size for Zone RU5 Village, Zone R2 Low Density Residential and Zone R1 General Residential, with reference to dual occupancy and multi-dwelling housing development.
- (iii) To include new Clause 4.2A Lot Size Exceptions for Certain Rural zones.

### **(c) Proposed Amendment to Clause 5.4 Controls Relating to Miscellaneous Permissible Uses**

- (i) To modify Clause 5.4 (5) to increase the maximum number of bedrooms for farm stay accommodation to 15 bedrooms.
- (ii) To modify Clause 5.4 (7) to increase the maximum retail floor area provisions for neighbourhood shops to 150 square metres.

### **(d) Proposed Changes to Part 6 Additional Local Provisions**

- (i) To update wording and definitions of Clause 6.1 Flood Planning with reference to the Wellington Local Environmental Plan 2012.

### **(e) Proposed Amendments to Schedule 5 Environmental Heritage.**

- (i) To include Nubrygyn Inn and Cemetery, 2531 Euchareena Road, Euchareena, as an item of environmental heritage.
- (ii) To amend property details for heritage item I110 Reinhard Building, 68 Maughan Street, Wellington.

- (iii) To remove heritage Item I114 Wellington Clock, 1A Nanima Crescent, Wellington from Schedule 5.

**(f) Other Proposed Changes**

- (i) To modify Clause 2.8 (2) Temporary use of land, to increase the provisions for the temporary use of land to '182 days (whether or not consecutive days)' in any period of 12 months.

**(g) Proposed Amendments to Land Use zoning**

- (i) Amend Land Zoning Map – Sheet LZN\_004C and Land Zoning Map – Sheet LZN\_004D, E3 Environmental Management zone.

The Planning Proposal intends to rezone a number of areas from E3 Environmental Management to R1 General Residential and R2 Low Density Residential, reflective of the predominant residential use of land.

- (ii) Amend Land Zoning Map – Sheet LZN\_004C, B6 Enterprise Corridor zone, Montefiores.

The Planning Proposal intends to rezone land at Jasmine Place, Montefiores from B6 Enterprise Corridor to R2 Low Density Residential and provide a minimum allotment size for subdivision of 600 square metres.

## PART 2 EXPLANATION OF PROVISIONS

The proposed objectives and intended outcomes will be achieved through the following:

### (a) Permissible Land Use Activities

#### (i) Secondary Dwellings in zone RU1 Primary Production

The Wellington Local Environmental Plan 2012 does not currently allow the development of secondary dwellings on land zoned RU1 Primary Production. It is proposed to amend the Wellington LEP 2012 to allow for the development of secondary dwellings in the RU1 Primary Production zone.

It is considered that secondary dwellings will provide the opportunity for assisted accommodation in situations where there is a relationship between the occupants of the main dwelling and the secondary dwelling, without any impact to agricultural land use activities.

#### (ii) Detached Dual Occupancies in zone R5 Large Lot Residential

The Wellington Local Environmental Plan 2012 currently allows both attached and detached dual occupancy development on land zoned R5 Large Lot Residential. To ensure land in the R5 zone is developed at an appropriate density having regard to the intentions of the zone and the associated zone objectives, it is proposed to prohibit detached dual occupancy development in the R5 zone.

### (b) Subdivision Controls

#### (i) Clause 4.1AA (2) Minimum Subdivision Lot Size for Community Title Schemes

Clause 4.1AA regulates the minimum lot size provisions for community title subdivisions. The Clause currently applies to land zone RU1 Primary Production, RU4 Primary Production Small Lots and E3 Environmental Management. The Clause does not include residential zones as contained in the LEP.

To ensure greenfield land zoned primarily for residential development is not subject to Community Title Subdivision prior to the consideration of development on the land, it is proposed that the clause be extended to also include the following zones:

- R1 General Residential;
- R2 Low Density Residential;
- R5 Large Lot Residential; and
- RU5 Village.

Council in recent times has also had situations where developers have sought to undertake subdivision of a dual occupancy or multi-dwelling housing development that has not been completed in accordance with the requirements of an applicable development consent. It is proposed to amend the clause to require the dual occupancy or multi-dwelling housing

development to be constructed on the land prior to any community title subdivision being undertaken.

(ii) Clause 4.1A Minimum Subdivision Lot Size for zones RU5 and R2

The Wellington LEP 2012 does not currently allow for the subdivision of an approved residential development, including dual occupancies or multi-dwelling housing below the minimum allotment size for subdivision in the relevant zone. Often in these situations a proponent will not have the ability to undertake a Torrens Title subdivision of an approved development.

It is proposed to include a new clause 4.1 as provided below:

*“Despite clause 4.1, the size of any lot resulting from a subdivision of land in Zone RU5 Village, R1 General Residential or Zone R2 Low Density Residential, may be less than the minimum lot size shown on the Lot Size Map in relation to that land, if:*

- (a) The land is connected to a sewerage reticulation system, and*
- (b) Development consent has been granted in respect of the subdivision for the purpose of a:*
  - (i) Dual occupancy, or*
  - (ii) Multi-dwelling housing.”*

In addition, it is also proposed to include a separate provision in the clause that will require the dual occupancy or multi-dwelling housing development to be constructed on the land prior to any Torrens Title subdivision being undertaken.

(iii) Clause 4.2A Lot Size Exceptions for Certain Rural zones

It is proposed to include a new clause in the Wellington LEP 2012 which will enable rural land to be subdivided for a purpose other than to allow for residential development or tourist and visitor accommodation. This clause would allow the subdivision of rural land to be undertaken for another approved activity such as a highway service centre or the like.

The proposed wording of the clause is provided below:

*“4.2A Land in a Zone to which clause 4.2 applies may, with development consent, be subdivided to create a lot size that is less than the minimum size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that the use of the land after the subdivision will be the same as permitted under an existing development for the land (other than for the purpose of a dwelling house, rural worker’s dwelling, secondary dwelling or tourist and visitor accommodation.”*

**(c) Clause 5.4 Controls Relating to Miscellaneous Permissible Uses**

(i) Farm Stay Accommodation

The Wellington LEP 2012 currently permits a maximum of 12 bedrooms for the purpose of farm stay accommodation. The Planning Proposal proposes to increase the maximum number of permitted bedrooms within farm stay accommodation to 15 bedrooms. This would increase the capacity for additional guests and allow for a secondary income stream for rural land owners.

It is proposed to amend the clause as follows:

*“(5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 15 bedrooms.”*

(ii) Neighbourhood Shops

The Wellington LEP 2012 currently allows the development of neighbourhood shops with a maximum retail floor area of 100 square metres. The Planning Proposal seeks to increase the maximum allowable retail floor space area for neighbourhood shops to 150 square metres. The amendment will provide flexibility to business owners to expand current retail operations and improve the economic viability of neighbourhood shops.

It is proposed to amend the clause as follows:

*“(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 150 square metres.”*

**(d) Proposed Changes to Part 6 Additional Local Provisions**

(i) Clause 6.1 Flood Planning

It is considered that the flood planning clause does not currently provide suitable controls and clarification for other land that is not mapped as flood prone land in the LEP and that is known to be subject to flooding.

It is proposed to amend the clause as follows:

*“(1) **The objectives of this clause are as follows:***  
*(a) to minimise the flood risk to life and property associated with the use of land,*

- (b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
  - (c) *to avoid significant adverse impact on flood behaviour and the environment.*
- (2) *This clause applies to:*
- (a) *land that is shown as "Flood planning area" on the Flood Planning Map, and*
  - (b) *other land at or below the flood planning level.*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
- (a) *is compatible with the flood hazard of the land, and*
  - (b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
  - (c) *incorporates appropriate measures to manage risk to life from flood, and*
  - (d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
  - (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*
- (4) *A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published in 2005 by the NSW Government, unless it is otherwise defined in this clause.*
- (5) *In this clause:*
- flood planning level*** *means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.*
  - Flood Planning Map*** *means the Wellington Local Environmental Plan 2011 Flood Planning Map."*

**(e) Schedule 5 Environmental Heritage.**

- (i) Lot 1, DP 770849, 2531 Euchareena Road, Euchareena

The subject land contains the Nubrygyn Inn and Cemetery, which were listed on the NSW State Heritage Register as an item of State Significance on 20 May 2016.

It is proposed that Schedule 5 of the LEP be amended as follows:



Suburb	Item Name	Address	Property Description	Significance	Item No
Euchareena	Nubrygyn Inn & Cemetery	2531 Euchareena Road, Euchareena	Lot 1, DP 770849	State	I159

(ii) Lot 92 DP 1226962, 68 Maughan Street, Wellington

The subject land contains the Reinhard building, which is a listed heritage item in Schedule 5 of the Wellington LEP 2012. The property has recently undergone a boundary realignment. As a result the property details for the heritage item have changed.

It is proposed that Schedule 5 of the LEP be amended as follows:

Suburb	Item Name	Address	Property Description	Significance	Item No
Wellington	Reinhard Building	68 Maughan Street	Lot 92, DP 1226962	Local	I110

(iii) Wellington Clock, 1A Nanima Crescent Heritage Listing

The Wellington Clock is a listed heritage item in Schedule 5 of the Wellington LEP 2012. The clock is currently housed in the Dubbo Regional Council, Wellington Office, situated at 1A Nanima Street, Wellington. Ordinarily, a moveable clock, whilst having historical significance, moveable heritage is not ordinarily listed in a local environmental plan.

It is proposed that the Wellington Clock be removed as a heritage item from Schedule 5 of the LEP as provided below:

Suburb	Item Name	Address	Property Description	Significance	Item No
Wellington	Wellington Clock	1A Nanima Crescent	Lot 5, Section 76, DP 759073	Local	I114

**(f) Other Changes**

(i) Proposed amendment to Clause 2.8 (2) Temporary use of land:

The Wellington LEP 2012 currently allows for the temporary use of land, for a total of 28 days in any period of 12 months.

It is proposed to increase this provision to 182 days (whether or not consecutive days) in any period of 12 months. This would include all weekends, public holidays and school holidays.

It is proposed that Clause 2.8 (2) Temporary use of land be amended to read as follows:

- (2) *Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 182 days (whether or not consecutive days) in any period of 12 months.*

**(g) Amendments to Land Use zoning**

**(i) E3 Environmental Management zoning**

The Wellington LEP 2012 Land Zoning Maps – Sheet LZN\_004C and Sheet LZN\_004D currently zone the area adjacent to the Bell and Macquarie Rivers as E3 Environmental Management. The Planning Proposal seeks to amend these maps to reflect the existing residential land use on the subject lands shown in accordance with Figure 1.

The intent of the E3 Environmental Management zone is to provide appropriate protection of flood prone land from incompatible development. However, it is considered that the provision of the E3 zoning in the Wellington urban area extends beyond flood prone land in some instances and in other circumstances has zoned existing residential streets. The Planning Proposal intends to rezone a number of E3 zoned areas to either R1 General Residential or R2 Low Density Residential.

Figure 1 shows the subject lands that are proposed to be rezoned from E3 Environmental Management. The lands proposed to be rezoned have been selected based on the extent of the 1 in 200 year flood event and also provide a reasonable curtilage around existing dwellings.

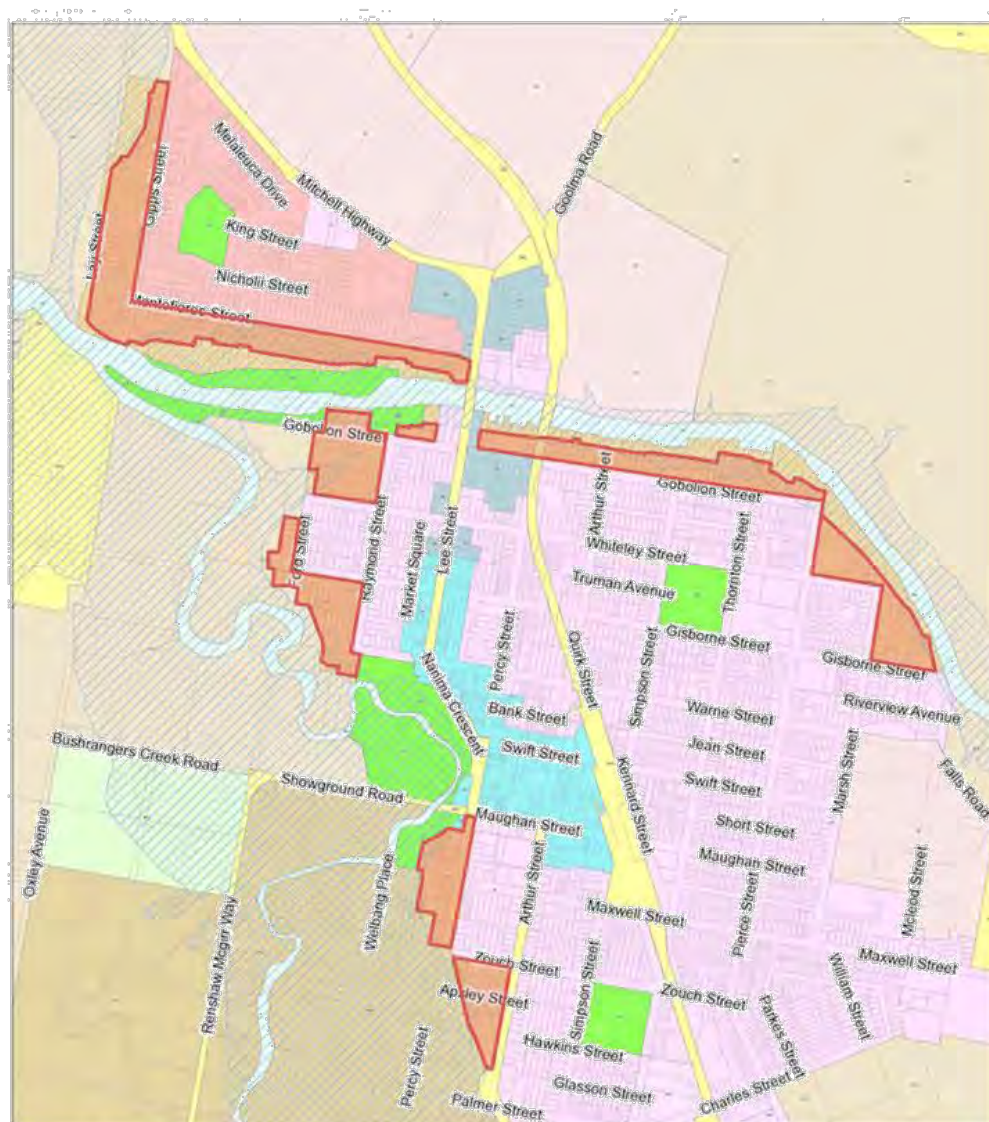


Figure 1. Areas proposed for removal from the E3 Environmental Management zone

(ii) B6 Enterprise Corridor Zoning, Montefiores

Land situated at Montefiores as shown in Figure 2 is currently zoned B6 Enterprise Corridor under the provisions of the Wellington LEP 2012.

Lot 11 DP 844379 and lot 1 DP 130724 are held in the same ownership as the adjoining lot 2 DP 1115930 and lot 1 DP 1115930, 24 Jasmine Place, Montefiores. Lot 22 DP 658633 is owned by Council.

The current owners of Lot 11 DP 844379 and Lot 1 DP 130724 have requested rezoning of Lot 11 DP 844379 and Lot 1 DP 130724 from B6 Enterprise Corridor to R2 Low Density Residential, with a minimum lot size for subdivision of 600 square metres. The current zoning of the land

is not considered suitable as vehicular access from the Mitchell Highway would be difficult to achieve given its location. In addition, it is also considered that the development of the land in accordance with the provisions of the current zone is unlikely to be achieved given the location of the land. Rezoning of the land to R2 Low Density Residential could allow for a residential development, which will have the ability to be accessed through Jasmine Place and Montefiores Street.

It is also proposed to rezone Lot 22 DP 658633, which is owned by Council. Again, access and development of this land for commercial uses is unlikely to be achieved given the location of the Mitchell Highway and the characteristics of adjoining lands.



Figure 2. Subject land at Montefiores

## PART 3 JUSTIFICATION

### A Need for the Planning Proposal

#### 1. Is the Planning Proposal the result of any Strategic Study or report?

The Planning Proposal has been prepared in accordance with the Department of Planning and Environment document *'Guidance for merged councils on planning functions'* on 12 May 2016. This Planning Proposal contains the first set of amendments proposed for the Wellington LEP 2012 to rectify known operational issues and minor anomalies in the LEP.

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

It is considered that the subject Planning Proposal is the only means of achieving the amendments to the Wellington LEP 2012, including rectifying any operational anomalies in the Plan.

### B Relationship to Strategic Planning Framework

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

##### Draft Central West and Orana Regional Plan

The draft Central West and Orana Regional Plan has been prepared by the Department of Planning and Environment.

The draft Plan has the following Goals:

- Goal 1: A growing and diverse regional economy;
- Goal 2: A region with strong freight transport and utility infrastructure networks that support economic growth;
- Goal 3: A region that protects and enhances its productive agricultural land, natural resources and environmental assets; and
- Goal 4: Strong communities and liveable places that cater for the region's changing population.

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

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

##### Wellington 2025 Community Strategic Plan

The Wellington 2025 Community Strategic Plan was initially adopted by the former Wellington Council on 14 March 2012. The purpose of the Plan is to accomplish the community's 13 year vision of Wellington. The following 5 Future Directions were implemented to achieve their vision:

- Grow prosperity and employment
- Build and improve community infrastructure
- Show leadership in governance and community engagement
- Promote community participation in the arts and culture
- Grow agriculture, energy and the environment

The Planning Proposal is consistent with Future Direction 1 *Grow prosperity and employment* and the following strategies:

1. *A thriving tourism industry, including building on our aboriginal culture and heritage.*
2. *Improved employment opportunities for all ages and sectors of the community.*
3. *A diverse and sustainable business sector, with the skills and business acumen to develop, grow and prosper.*

The Planning Proposal is consistent with Future Direction 2 *Build and improve community infrastructure* and the following strategy:

3. *Clean, tidy, well maintained, attractive towns and villages that showcase their heritage.*

The Planning Proposal is considered to be broadly consistent with the Wellington 2025 Community Strategic Plan.

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

Two (2) State Environmental Planning Policies apply to the Planning Proposal. It is considered that the Planning Proposal is consistent with the following State Environmental Planning Policies:

- SEPP (Rural Lands) 2008, and
- SEPP (Affordable Housing) 2009.

#### State Environmental Planning Policy (Rural Lands) 2008

The SEPP aims to guide the sustainable use of rural lands through the provision of specific rural planning principles. The SEPP requires a Planning Proposal to be consistent with the following rural planning principles:

- The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
- Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,
- Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,
- In planning for rural lands, to balance the social, economic and environmental interests of the community,
- The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,
- The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
- The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
- Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

In respect of rural lands, secondary dwellings are proposed to be a permissible form of development in the RU1 Primary production zone. In addition, it is also proposed to increase the size limitation for farm stay accommodation to 15 bedrooms.

It is considered that the Planning Proposal is unlikely to impact agricultural land use activities and is consistent with the rural planning principles as contained in the SEPP. The Proposal will not significantly impact agricultural activities and is considered to be consistent with the Rural Planning Principles as included in the SEPP.

#### State Environmental Planning Policy (Affordable Housing) 2009

The aims of the Policy are as follows:

- “(a) To provide a consistent planning regime for the provision of affordable rental housing,*
- (b) To facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanding zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- (c) To facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) To employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*

- (e) *To facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- (f) *To support local business centres by providing affordable rental housing for workers close to places of work,*
- (g) *To facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.”*

The Planning Proposal is seeking to permit secondary dwellings in the RU1 Primary Production zone. The provision will create opportunity for property owners to provide affordable housing to family members.

The Planning Proposal also intends to rezone land at Montefiores from B6 Enterprise Corridor to R2 Low Density Residential. The proposed rezoning will permit residential development on the land. The land is located in close proximity to Wellington CBD and appropriate infrastructure. The proposed R2 zoning is considered appropriate in relation to the surrounding land use activity.

It is considered that the Planning Proposal is consistent with the aims of the Policy and the associated provisions as contained in the SEPP.

**6. Is the Planning Proposal consistent with any applicable Section 117 Directions?**

The following table provides consideration of the applicable Section 117 Directions for consideration in the planning proposal:

Direction	Requirement	Consistency
<b>1.1 Business and Industrial Zones</b>	The Direction applies to this Planning Proposal as the proposal will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	<p>It is considered that the Planning Proposal is not consistent with the Direction. However it is considered that this inconsistency is of minor significance. The Planning Proposal includes the proposed rezoning of land at Montefiores from B6 Enterprise Corridor to R2 Low Density Residential.</p> <p>It is considered that provision of the B6 zone on the land is not appropriate as access is likely to be difficult to achieve from the Mitchell Highway. In addition and given the location of the land, it is considered that use of the land for</p>



		commercial purposes would be difficult to achieve.
<b>1.2 Rural Zones</b>	<p>The Direction applies to this Planning Proposal as the proposal affects land within the existing rural zones.</p> <p>The Direction applies to the Planning Proposal as it intends to include secondary dwellings as permissible development in the RU1 Primary Production zone.</p>	<p>The Planning Proposal is inconsistent with the Direction. The inconsistency is considered to be of minor significance as the proposal to include secondary dwellings as permissible development in the RU1 Primary Production zone would have no significant impact on rural land.</p>
<b>1.5 Rural Lands</b>	<p>This Direction applies to the Planning Proposal as it will affect land within an existing or proposed rural or environmental protection zone (including the alteration of any existing rural or environmental protection zone boundary). The Direction is applicable to the Planning Proposal as it intends to rezone areas along the Macquarie and Bell Rivers zoned E3 Environmental Management to R1 General Residential and R2 Low Density Residential.</p>	<p>It is considered that the proposed rezoning is consistent with the Rural Planning Principles contained within State Environmental Planning Policy (Rural Lands) 2008.</p>
<b>2.1 Environment Protection Zones</b>	<p>The Direction is applicable to the Planning Proposal as it intends to rezone areas zoned E3 Environmental Management along the Macquarie and Bell Rivers to R1 General Residential and R2 Low Density Residential.</p>	<p>The Planning Proposal is inconsistent with the Direction.</p> <p>The inconsistency is considered to be of minor significance as the land affected by the Planning Proposal already contains existing residential dwellings.</p> <p>In addition, it should be noted that part of the subject lands are not classified as flood prone land under the provisions of the Wellington LEP 2012.</p>

<p><b>2.3 Heritage Conservation</b></p>	<p>The Direction applies to the Planning Proposal as the Proposal intends to include Nubrygyn Inn and Cemetery as a heritage item in Schedule 5 of the Wellington Local Environmental Plan 2012.</p> <p>Additionally, the Planning Proposal intends to amend the property details of the Reinhard Building in Schedule 5.</p> <p>The Planning Proposal intends to remove the Wellington Clock from Schedule 5.</p>	<p>It is considered that the Planning Proposal is inconsistent with the Direction as it is proposed to remove heritage item I114 from the Wellington LEP 2012. The item is proposed to be removed from the LEP as the clock is best classified as an item of moveable heritage, which is not ordinarily listed in Schedule 5 of the LEP.</p> <p>The remaining components of the Planning Proposal are considered to be consistent with the Direction.</p>
<p><b>3.1 Residential Zones</b></p>	<p>The Direction applies to the Planning Proposal as it will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary) or any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>The Planning Proposal will assist in facilitating a broader choice of building types and increase residential densities to utilise existing infrastructure and services. This is especially in respect of the proposed rezoning of land at Montefiores for the purposes of residential development.</p>
<p><b>3.2 Caravan Parks and Manufactured Home Estates</b></p>	<p>The Direction applies when a Planning Proposal is prepared.</p>	<p>The Planning Proposal is consistent with the Direction as the proposal does not alter or remove any provisions in respect of caravan parks and manufactured home estates.</p>
<p><b>3.4 Integrated Land Use and Transport</b></p>	<p>The Direction applies to the Planning Proposal as it will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>The Planning Proposal is consistent with the Direction and the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guideline for Planning and Development; and</p>

		(b) The Right Place for Business and Services – Planning Policy.
<b>4.3 Flood Prone Land</b>	<p>The Direction applies to this Planning Proposal as it intends to create, remove or alter a zone or a provision that affects flood prone land.</p> <p>Additionally, the Planning Proposal intends to rezone areas that are partially affected by flooding and zoned E3 Environmental Management to R1 General Residential and R2 Low Density Residential.</p>	<p>The Proposal is inconsistent with the Direction as it permits development in a flood planning area.</p> <p>The inconsistency is considered to be of minor significance as the areas subject to the proposed rezoning will reflect the existing residential land use.</p> <p>In addition, these areas are situated in low hazard areas.</p>
<b>4.4 Planning for Bushfire Protection</b>	<p>The Direction applies to this Planning Proposal as it will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>The Direction applies to the Planning Proposal as it intends to introduce new Clause 4.2A Lot size exceptions for certain rural zones.</p> <p>Additionally, secondary dwellings are proposed to be included as a permissible form of development in the RU1 Primary Production zone.</p>	<p>The Planning Proposal is considered to be inconsistent with the Direction.</p> <p>The inconsistency is considered to be of minor significance as each development will be subject to development consent and assessment against any potential bush fire hazards on the subject land.</p>
<b>6.1 Approval and Referral Requirements</b>	<p>The Direction applies when a Planning Proposal is prepared.</p>	<p>The Planning Proposal is consistent with the Direction as it will not create additional provision for concurrence, consultation or referral of a development application to a Minister or public authority.</p>

**C Environmental, social and economic impact**

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

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

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

The Planning Proposal intends to amend Land Zoning Map – Sheet LZN\_004C and Land Zoning Map – Sheet LZN\_004D. The Planning Proposal seeks to rezone part areas zoned E3 Environmental Management to R1 General Residential and R2 Low Density Residential where existing dwellings are present. The rezoning will reflect the existing residential land use within these areas and future development will remain subject to the flood planning controls under the Wellington LEP 2012.

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

The Planning Proposal intends to amend the provisions of Clause 5.4(7) Controls relating to miscellaneous permissible uses and increase the retail floor area for neighbourhood shops from 100 square metres to 150 square metres. It is considered that the Planning Proposal is unlikely to have any adverse social or economic effects.

**D State and Commonwealth interests**

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

It is considered that the Planning Proposal will not create significant additional demand for public infrastructure.

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

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

## **PART 4 MAPPING**

Council as a component of the Planning Proposal will be undertaking amendments to the following maps:

**a. Land Zoning Map – Sheet LZN\_004C**

- (i) Amend E3 Environmental Management zoning to R1 General Residential and R2 Low Density Residential.
- (ii) Rezone land at Montefiores from B6 Enterprise Corridor to R2 Low Density Residential.

**b. Land Zoning Map – Sheet LZN\_004D**

- (i) Amend E3 Environmental Management zoning to R1 General Residential and R2 Low Density Residential.

**c. Heritage Map – Sheet HER\_005**

- (i) Include Nubrygyn Inn and Cemetery, 2531 Euchareena Road, Euchareena.

**d. Heritage Map – Sheet HER\_004D**

- (i) Amend to reflect lot boundaries, 64 Maughan Street, Wellington.
- (ii) Remove Wellington Clock, 1A Nanima Street, Wellington.

## **PART 5 COMMUNITY CONSULTATION**

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

**PART 6 PROJECT TIMELINE**

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

Step	Task Name	Completion Date
1	Preparation of the draft Planning Proposal.	End of April 2017
2	Draft Planning Proposal report prepared and presented to Planning and development committee and Council meetings.	18 April 2017 24 April 2017
3	Preparation of correspondence to the Department of Planning and Environment requesting review of the Planning Proposal and issuance of a Gateway Determination.	15 May 2017
4	Undertake all activities associated with placing the Planning Proposal on public exhibition including undertaking consultation with state agencies.	1 June – 30 June 2017
5	Assessment of submissions made during the public exhibition period.	July 2017
6	Report of public exhibition results prepared and presented to Planning and Development Committee and Council meetings.	August 2017
7	Preparation of correspondence to the Department of Planning and Environment and/or the Office of Parliamentary Counsel in relation to legal drafting of the Planning Proposal.	September 2017
8	Gazettal.	September 2017



DUBBO REGIONAL  
COUNCIL

## REPORT: Council Policy - Flooding in Geurie - Results of Public Exhibition

**AUTHOR:** Manager City Strategy Services  
**REPORT DATE:** 11 April 2017  
**TRIM REFERENCE:** ID17/195

### EXECUTIVE SUMMARY

Council at its meeting on 19 December 2016 considered a report in relation to the draft Council Policy for Flooding in Geurie.

The report recommended that Council endorse the draft Council Policy for Flooding in Geurie for the purposes of public exhibition and that it be placed on public exhibition for a period of no less than 28 days.

The draft Council Policy was placed on public exhibition from 18 January 2017 to 17 February 2017. Two (2) public submission were received during the public exhibition period.

Following completion of the public exhibition period, Council officers have undertaken a further review of the draft Council Policy – Flooding in Geurie, in respect of the submissions provided to Council and to ensure consistency with the NSW Floodplain Development Manual. As a result of this review, a number of minor amendments have been made to the draft Policy, which is provided here in **Appendix 1**. It is considered that the amendments are consistent with the overall intent of the Policy and floodplain development planning practice. The minor post-exhibition amendments to the draft Policy are further discussed in the report.

It is recommended that Council adopt the draft amended Policy, as an interim policy with a further review to be undertaken by July 2018.

### ORGANISATIONAL VALUES

Customer Focused: It is considered that the Council Policy – Flooding in Geurie is customer-focused by providing consistent and clear information to residents and prospective developers where properties are likely to be impacted by flood waters in Geurie, steps that can be undertaken to mitigate the risk of flooding and key issues for consideration in the development assessment process.

Integrity: This Council Policy has been prepared in accordance with the requirements of the Local Government Act 1993 and the NSW Floodplain Development Manual and has undergone a thorough post-exhibition review process to ensure the Policy meets legislative and Council requirements.

One Team: Input and comments from across Council have been considered in the preparation of the draft Interim Policy for Flooding in Geurie.



### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

### **POLICY IMPLICATIONS**

The draft Council Policy, if adopted, will provide information to residents and prospective developers where properties are likely to be impacted by flood waters at Geurie, the steps that can be undertaken to mitigate the risk of flooding and key issues and considerations of the development control process undertaken by Council.

### **RECOMMENDATION**

- 1. That the Council Policy – Flooding in Geurie, as amended and provided in Appendix 1, 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.**

*Steven Jennings*  
Manager City Strategy Services

## BACKGROUND

### 1. Geurie Flood Study

Flooding in Geurie is influenced by the catchment areas of Boori Creek, Geurie Creek, Heatherbrae Creek and Limestone Creek. These combined catchments have an overall area of 47 square kilometres. Each of the creeks form in the adjacent farmland areas situated on the higher slopes to the north, east and west of Geurie.

Within the Village area, these creeks are conveyed through natural vegetated channels, formal concrete lined channels and associated culverts. The location of roads and the railway line in the Village have the ability to impact flood patterns and behaviours.

Flooding within the Geurie Village area is a combination and consequence of surface water associated with the various creek catchments, and water flows generated from within the Village.

The Geurie Flood Study was prepared in 2006. The purpose of the Flood Study was to determine and understand the impacts of flooding on land and development undertaken in the Geurie Village area and on adjoining lands. The overall findings of the Geurie Flood Study resulted in the mapping of flood prone lands for the Geurie village area with the preparation of the Wellington Local Environmental Plan 2012.

However, it is acknowledged that the preparation of a Flood Study is one component of the Flood Plain Risk Management Process under the provisions of the NSW Floodplain Development Manual. In respect of the Geurie Floodplain Risk Management Process, the associated and integral components including the provision of a Floodplain Risk Management Committee, preparation of a Floodplain Risk Management Study and a Floodplain Risk Management Plan have not been undertaken. Accordingly, there is uncertainty around the interpretation of the Study and this has resulted in conflict with prospective developers in Geurie in the preparation of development applications. It is also acknowledged that the Geurie Flood Study requires review prior to the preparation of a new comprehensive Local Environmental Plan for the Dubbo Regional Local Government Area.

This draft Interim Policy has been prepared by Council to provide information to residents and prospective developers where properties are likely to be impacted by flood waters and steps that can be undertaken to mitigate the risk of flooding. Currently, if a proponent is seeking to build in the Geurie urban area on land, which is classified as Low Hazard Flood Fringe in the Geurie Flood Study, the proponent and Council reach agreement on a suitable minimum floor height for a development. If a development is proposed on land classified as High Hazard Floodway in the Geurie Flood Study, a proponent is required to seek preparation of a stand-alone flood study that aims to justify the development and its impact on flood behaviour, in accordance with the provisions of the NSW Floodplain Development Manual.

## 2. Draft Policy for Flooding in Geurie

Council at its meeting on 19 December 2016 considered a report in respect of the draft Council Policy for Flooding in Geurie. Council in consideration of the report resolved as follows:

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

This report provides the results of the public exhibition period of the draft amended Policy. It is recommended that Council adopt the amended draft Policy, as included in **Appendix 1**, as an interim Policy subject to a further review to be undertaken by July 2018.

## REPORT

### 1. Public Exhibition

The draft Council Policy for Flooding in Geurie was placed on public exhibition from 18 January 2017 to 17 February 2017.

As a component of the Communications Strategy for the draft Council Policy, an advertisement was placed in the Daily Liberal and Wellington Times and on Council’s website. The draft Council Policy was made publicly available at the Dubbo and Wellington Branches of Dubbo Regional Council and also on Council’s website.

Council received two (2) public submissions during the public exhibition period, which are discussed as follows:

#### Submission 1 – Muhammad Mir

*“As a Civil/ Water Resource Engineer. Please find below some suggestions for your consideration please.*

1. *Introduce better flood warning systems*
2. *Modify homes and businesses to help them withstand floods. The focus should be on ‘flood resilience’ rather than defence schemes. I advise concreting floors and replacing materials such as plasterboard with more robust alternatives like waterproofing homes and businesses and moving electric sockets higher up the walls to increase resilience.*
3. *Construct buildings above flood levels*
4. *Tackle climate change*
5. *Protect wetlands and introduce plant trees strategically*
6. *Introduce water storage areas*

7. *Improve soil conditions*
8. *Designing a self-activating flood barrier"*

Comment:

The submission raises a number of points in respect to overall flood planning issues. The issues raised in the submission are key considerations of the floodplain management process under the provisions of the State Government Floodplain Development Manual.

The subject Policy simply replaces an existing Policy position to provide clarity in regard to flooding impact assessment in Geurie. The issues raised would be appropriately addressed as part of any future detailed flood analysis/modelling and planning for the Village. Accordingly, it is considered that the draft Policy is not required to be amended as a result of the issues raised in the submission.

Submission 2 – J & M Cook Engineering

The submission raises a number of technical concerns in respect of the Geurie Flood Study, and in particular compliance of the Flood Study with the requirements of the NSW Floodplain Development Manual.

In addition, the submission also provided further correspondence in respect of flooding issues for a number of individual allotments of land in the Geurie urban area.

Comment:

The submission highlights a number of concerns with the current operation of the Geurie Flood Study and overall compliance with the NSW Floodplain Development Manual.

As previously discussed in the report, the Geurie Flood Study was originally prepared on behalf of the former Wellington Council in 2006. The Flood Study informs the mapping of flood prone land in the Wellington Local Environmental Plan 2012.

Overall review of the Geurie Flood Study is required to be undertaken by Council. However, in the absence of development guidance and detailed flood modelling and analysis, the draft Policy has been prepared to provide more certain information to residents and prospective developers where properties are likely to be impacted by flood waters and the steps that can be undertaken to mitigate the risk of flooding.

The submission included a number of letters previously provided to Council by Mr Cook in respect of flooding impacts associated with individual properties in Geurie. It is considered that the individual circumstances of flooding on the subject lands is not a matter for Council's consideration as a component of the draft Policy.

It is considered that the draft Policy does not require any amendments to be made as a direct result of the submission, however the matters raised in the submission will be further considered with any future flood modelling and analysis.

## 2. Post-Exhibition Review – Proposed Policy Amendments

Following completion of the public exhibition period, Council officers have undertaken further review of the draft Policy. The review has given further consideration to the NSW Floodplain Development Manual which provides guidance for the management of flood liable land. It is also recommended that the draft Policy be adopted by Council as an Interim Policy with the next review to be undertaken in July 2018.

As a result of the review, a number of minor changes and additions have been made to the Policy, are shown in red in **Appendix 1**. It is considered that the changes undertaken to the draft amended Policy do not change the overall intent or provisions of the Policy and as such, it does not require further public exhibition or consultation.

### SUMMARY

The Geurie Flood Study was prepared on behalf of the former Wellington Council in 2006.

Overall, review of the Geurie Flood Study is identified as being required to be undertaken by Council however, in the absence of development guidance, the draft Policy has been prepared as an interim measure to provide information to residents and prospective developers where properties are likely to be impacted by flood waters and steps that can be undertaken to mitigate the risk of flooding.

This report is presented for the consideration of Council and recommends that the Interim Policy for Flooding in Geurie be adopted. It is also recommended that the draft Interim Policy be subject to a review to be undertaken by July 2018.

Appendices:

- [1](#) Council Policy - Flooding in Geurie



# COUNCIL POLICY

## Flooding in Geurie

<b>Date</b>	20 September 2016
<b>Council Resolution Date</b>	
<b>Clause Number</b>	
<b>Responsible Officer</b>	Melissa Watkins
<b>Position</b>	Director Environmental Services
<b>Branch</b>	City Strategy Services
<b>Division</b>	Environmental Services
<b>Version</b>	
<b>TRIM Reference Number</b>	
<b>Review Period</b>	One (1) Year
<b>Review Date</b>	By July 2018
<b>Consultation</b>	Public exhibition from 18 January 2017 to 17 February 2017

Document Revision History	
Description	Date
Version 1 Draft Public Exhibition Version	18 January 2017 – 17 February 2017
Version 2 Amended Post-Exhibition (this version)	27 March 2017
<b>Notes</b>	

## POLICY

### PURPOSE

Flooding of land is a natural event. Historical records across Australia have been used to develop predictive modelling that allows Council and the community to better understand the impacts and location of flooding. **Whilst the Geurie urban area and surrounding area has some recorded information and historical data related to flooding and flood events for this area, such information is limited.**

This Policy contains important considerations for properties identified as being zoned RU5 Village and R5 Large Lot Residential **within the Geurie urban area and surrounding lands** that are potentially subject to the impacts of flooding.

This Policy provides specific requirements for development on land classified by Council as flood prone land. Flood prone land in Geurie includes land that is classified as High Hazard Floodway, Low Hazard Flood Fringe or land that may be subject to the potential impacts of stormwater. In the case of land situated in the High Hazard Floodway, the risk of flooding is significant. **Any development situated in the High Hazard Floodway is unlikely to be approved by Council.**

This Policy provides information to residents and prospective developers where properties are likely to be impacted by flood waters and steps that can be undertaken to mitigate the risk of flooding.

### BACKGROUND AND RELATED LEGISLATION

**This Policy shall be read in conjunction with the Geurie Flood Study, October 2006 (undertaken by Webb McKeown & Associates Pty Ltd, for the former Wellington Council).**

The purpose of the Flood Study was to determine and understand the impacts of flooding on land and development undertaken in the Geurie urban area **and surrounding lands**. The overall findings of the Geurie Flood Study resulted in the mapping of flood prone lands for the **Geurie urban area and surrounding land** with the preparation of the Wellington Local Environmental Plan 2012. The Wellington LEP 2012 guides the development of land in Geurie.

### SCOPE

This Policy applies to development undertaken on flood prone land at Geurie, **as defined in Figure 14 of the Geurie Flood Study**. **This land is zoned RU5 Village or R5 Large Lot Residential under the provisions of the Wellington LEP 2012. Flood Prone Land is defined as any lands inundated as presented in Figure 14 by the 1% Annual Exceedance Probability (AEP) event, inclusive of the areas defined in Figure 14A as included in the Geurie Flood Study.**

### DEFINITIONS

To assist in interpretation, the following definitions apply:

Term	Definition
<b>Australian Height Datum (AHD)</b>	Australian Height Datum is a national datum level to which all vertical control for mapping is referred. The datum surface is that which passes through mean sea level at thirty tide gauges around the coast of the Australian continent.
<b>Annual Exceedance Probability (AEP)</b>	<b>Annual Exceedance Probability (AEP) refers to the probability of a flood (or storm) event occurring in any year. The probability is expressed as a percentage. For example, a large flood (or storm event) which may be</b>

	<p>calculated to have a 1% chance to occur in any one year, is described as 1% AEP.</p> <p>The 1% AEP is also known as the 1 in 100 year Average Recurrence Interval (ARI), or Q100 event.</p> <p>The Floodplain Development Manual defines AEP as “the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage. For example, if a peak flood discharge of 500 m<sup>3</sup>/s has an AEP of 5%, it means that there is a 5% chance (that is one-in-20 chance) of a 500 m<sup>3</sup>/s or larger events occurring in any one year”.</p>
<b>Flood Planning Level (FPL)</b>	Flood Planning Level (FPL) means the level of a 1% Annual Exceedance Probability (AEP) flood event plus 0.5 metre freeboard.
<b>Flood Planning Area</b>	Flood Planning Area is the area of land below the FPL and thus subject to flood related development controls.

## POLICY

### 1. Flooding at Geurie

Flooding in Geurie is influenced by the catchments areas of the Boori Creek, Geurie Creek, Heatherbrae Creek and Limestone Creek. These combined catchments have an overall area of 47 square kilometres. Each of the creeks form in the adjacent farmland areas situated on the higher slopes to the north, east and west of Geurie.

Within the Geurie urban area, the creeks are conveyed through natural vegetated channels, concrete lined channels and culverts. Given this confluence, the location of road and the railway lines in the Village can impact flood patterns and behaviours.

Flooding within the Geurie Village area is a combination and consequence of surface water from the various creek catchments in addition to water flows generated from within the Village.

In accordance with the NSW Floodplain Development Manual 2005, the Geurie Flood Study, October 2006 has generally classified flooding in the Village area as follows:

#### (a) High Hazard Floodway

High Hazard Floodway is defined as an area of the Village where during a 1% AEP flood event a significant discharge of flood waters is likely to occur. Flood waters within a High Hazard Floodway are also characterised by the movement of water at a depth and velocity that presents significant impacts to property and life, as defined by the NSW Floodplain Development Manual 2005.

A High Hazard Floodway is an area where development is not appropriate having regard to the following:

- The potential for development to re-direct the flow of floodwaters to other lands, which may not have been previously classified as High Hazard Floodway;
- The level of danger to the personal safety of residents and emergency services personnel during a flood event;



- Due to the velocity and depth of floodwaters, able-bodied adults would have significant difficulty in wading to safety; and
- Significant financial loss due to the level of damage sustained during a flood event and the overall cost to the community.

Figure 14 as included in the Geurie Flood Study, October 2006, identifies the High Hazard Floodway.

**(b) Low Hazard Flood Fringe**

Low Hazard Flood Fringe is defined as the remaining flood prone land in the Village area that is not classified as High Hazard Floodway.

Development undertaken in the area classified as Low Hazard Flood Fringe must meet minimum floor height requirements. This means that any development must have a floor level at least 500 millimetres (mm) above the level of the 1% AEP Flood Event (1 in 100 Year Flood Event) as defined by the Geurie Flood Study, October 2006 or as defined by a flood study prepared by a development proponent and approved by Council.

**(c) Overland Flow of Floodwater and Stormwater**

Surface water runoff from south-west of Geurie can concentrate and flow into the Geurie Village area in a number of locations. In addition, overland flow of stormwater can also occur from the north. It is important that all existing overland stormwater flow paths within Geurie are maintained in accordance with the Geurie Flood Study, October 2006, to prevent any unnecessary impacts to life or property associated with flooding events.

**2. Development on Flood Prone Land**

Council as a requirement of development assessment processes under the provisions of the Environmental Planning and Assessment Act, 1979 must consider whether land is classified as flood prone land and the potential flooding hazard to life and property.

However, there is also an onus on development proponents to ensure appropriate background checks and information is gathered from Council and other suitable sources to understand the likely constraints associated with development and whether certain lands may not be suitable for specific proposals having regard to overall constraints. Flooding is a key constraint and matter for consideration in the development assessment process.

This Policy provides information for development proponents as to how Council will assess development proposals **within the Geurie urban area and surrounding lands that may be classified as flood prone land, as identified in the Geurie Flood Study, October 2006.**

**(a) High Hazard Floodway**

Any development of land situated on land classified as High Hazard Floodway **is unlikely to be approved by Council.**

This is due to the classification of High Hazard Floodway as being land where the movement of floodwaters is at a depth and velocity that presents significant impacts to property and life.

However, having regard to the characteristics of the High Hazard Floodway, any development application lodged with Council for consideration must include the provision of a detailed Flood Study and hydraulic

analysis prepared by a suitably qualified hydrological engineer. The Flood Study shall be prepared at the cost of development proponent and lodged with Council at the time of lodgement of a development application.

It should be noted that Council is under no obligation to accept the recommendations as contained in any Flood Study provided to Council by a development proponent.

**(b) Low Hazard Flood Fringe**

For any development undertaken in a Low Hazard Flood Fringe area, the development must have a minimum floor height of 500 mm above the level of the 1% AEP Flood Event. Any development application lodged with Council for development on land classified as Low Hazard Flood Fringe, is required to provide the following information:

- Site survey including Reduced Levels to Australian Height Datum (AHD). This Plan must be prepared by a Registered Surveyor and be prepared to a recognised scale such as a 1:100, with and including a contour plan at intervals of 100 mm.
- Development plans showing the floor height of the development as being at least 500 mm above the level of the 1% AEP Flood Event including details of overland flooding detailed in Figure 14A of the Geurie Flood Study, if applicable.
- Details of any boundary fencing, or internal fencing on the land, having regard to the requirement that any fencing must not obstruct the overland flow of water during a flood event.

**(c) Overland Flow of Floodwater and Stormwater**

It is important that the flow of floodwater and stormwater be maintained during any flooding event. If the flow of floodwater and/or stormwater is impeded for any reason, this may have the effect of impacting other properties or life that are not ordinarily impacted during a particular event.

To maintain the flow of water this Policy recommends a number of measures are adopted for development in the Geurie urban area and surrounding lands as provided below:

- Fencing, including boundary fencing shall be provided in a manner so as to not obstruct the flow of water.
- Fencing, including boundary fencing shall be provided with an open area at the bottom of the fence (adjacent to the ground level) of no less than 500 mm, to allow for the flow of water.
- The 500 mm open area can be provided with netting or another alternative movable component that can be easily opened or moved to allow for the flow of water and debris. Any netting or other suitable component shall be tied or fastened on the downstream side to allow for easy removal prior to, or during a flooding event.
- New driveway levels at the road frontage (allotment boundary) should be raised to minimise the level of water entering the property from the roadway to a minimum of 300 mm to enable the level of the adjacent road water table level, presented in Figure 1 and Figure 2.

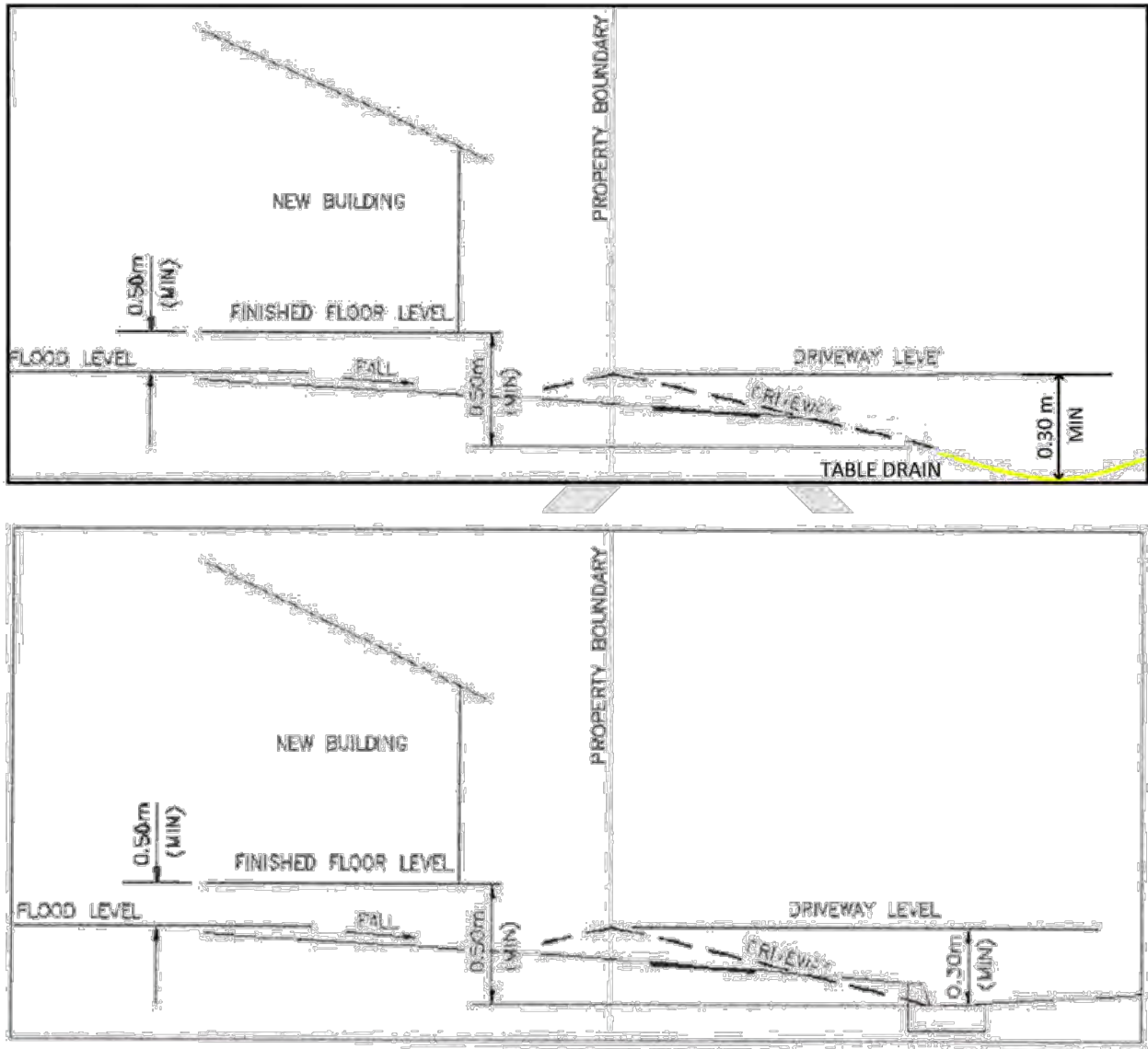


Figure 1. Format for driveways with fall away from development. (Top: Table Drain, Bottom: Kerb and Gutter)

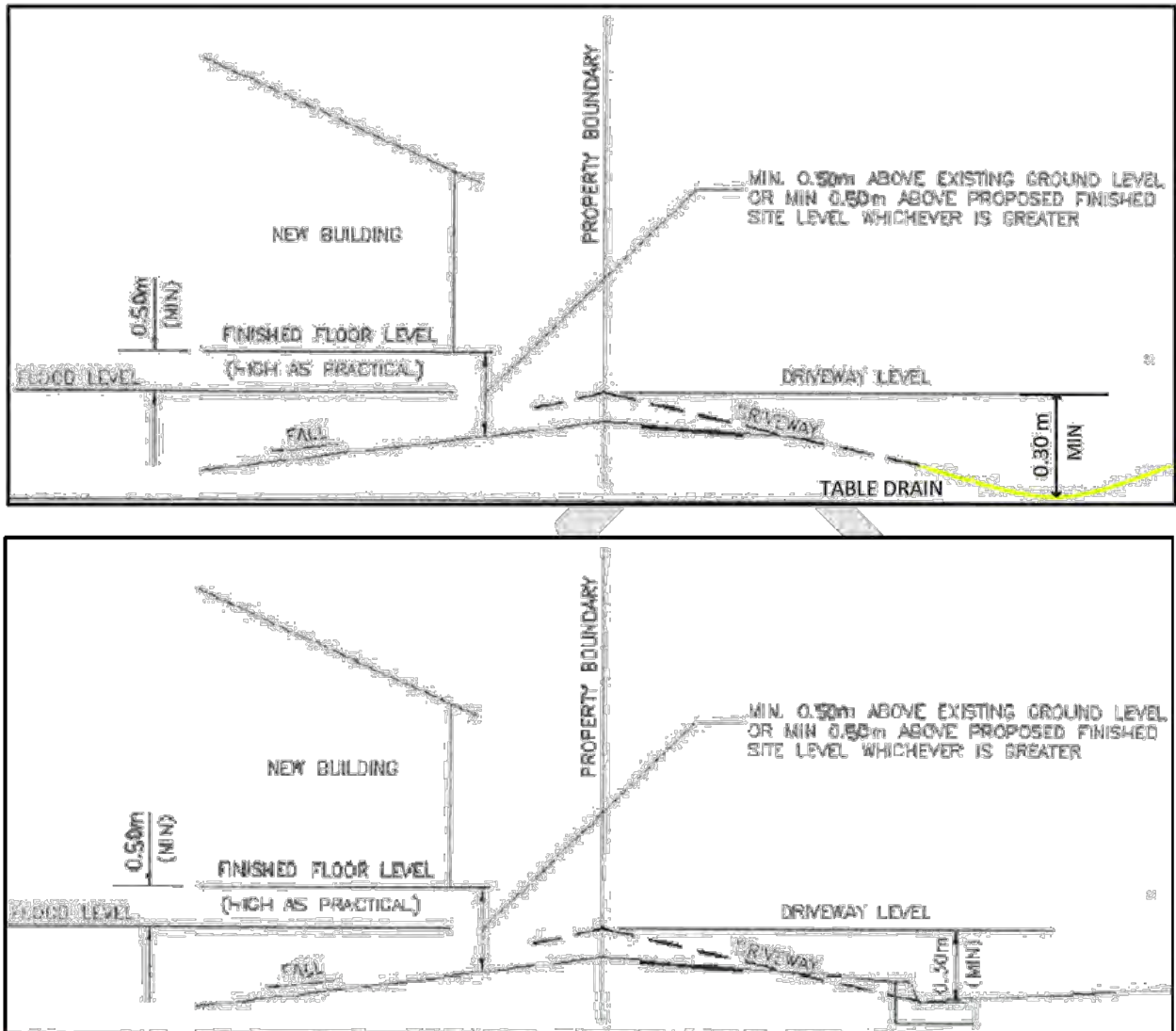


Figure 2. Format for driveways with fall towards from development. (Top: Table Drain, Bottom: Kerb and Gutter)

**RESPONSIBILITIES**

The Director Environmental Services is responsible for the enforcement of this Policy.



**REPORT: 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**

**AUTHOR:** Planning Services Supervisor  
**REPORT DATE:** 11 April 2017  
**TRIM REFERENCE:** ID17/538

**EXECUTIVE SUMMARY**

Council is in receipt of a Development Application for a dual occupancy (detached) and two (2) lot subdivision at Lot 3 Sec B DP 9489, 276 Brisbane Street, Dubbo. The proposal includes the demolition of the existing dwelling and shed.

The proposed development comprises two (2) single storey detached dwellings, each comprising two (2) bedrooms, verandah, bathroom, open living room, kitchen, laundry, single garage, undercover courtyard area and rear yard.

The proposed development is not considered likely to have any significant negative impacts upon the environment or the amenity of the locality. No submissions were received following the 14 day notification period.

The proposed development is consistent with the objectives of the applicable Environmental Planning Instruments, Development Control Plan 2013 and Council policies and is therefore recommended for approval subject to the conditions of consent attached in **Appendix 1**.

**ORGANISATIONAL VALUES**

Customer Focused: The Development Application represents a standard development with the appropriate documentation provided resulting in a prompt determination.

Integrity: The Development 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.

The Interim General Manager has advised that as the owner of the site is also a Director at Dubbo Regional Council, the Development Application would normally be determined under delegated authority by the Interim General Manager. However, as the owner of the land is also the Director responsible for planning and development, I have determined that the matter be submitted to Council. It is further advised that the Director has not been involved in the assessment or preparation of this report.

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One Team: Council Officers have been involved in the assessment of the subject Development Application.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

#### **POLICY IMPLICATIONS**

There are no policy implications arising from this report.

#### **RECOMMENDATION**

**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 this report.**

*Darryll Quigley*  
Planning Services Supervisor

## 1. PROPOSED DEVELOPMENT

Council is in receipt of a Development Application for a dual occupancy (detached) and two (2) lot subdivision at Lot 3 Sec B DP 9489, 276 Brisbane Street, Dubbo. The proposal includes the demolition of the existing dwelling and shed.

The proposed development comprises two (2) single storey detached dwellings, each comprising two (2) bedrooms, verandah, bathroom, open living room, kitchen, laundry, single garage, undercover courtyard area and rear yard.

## 2. SITE CHARACTERISTICS

### *Locality*

The allotment is located on the eastern side of Brisbane Street. The allotment has an area of 922.9 m<sup>2</sup> with a frontage of 20.115 m to Brisbane Street (Figure 1).



Figure 1. Site location Lot 3 Sec B DP 9489, 276 Brisbane Street, Dubbo

*Slope*

The site slopes from the rear (approximately 265 m AHD) down to Brisbane Street (approximately 264.5 m AHD).

*Vegetation*

The site is devoid of any native vegetation but does contain some trees and lawn.

*Access*

Access to the site is obtained via Brisbane Street, a bitumen sealed public road with kerb and guttering.

*Drainage*

Drainage would occur into Council's reticulated stormwater system on Brisbane Street.

*Services*

The site would be connected to all utility services (water, sewer, stormwater and electricity).

*Adjoining uses*

North: Residential flat building (six units)  
South: Residential property  
East: Residential property  
West: Residential property

*Site Inspection*

An inspection of the site was conducted on 10 April 2017. The site inspection confirmed the plans and documentation supplied to Council.

### **3. SITE HISTORY**

Council's records do not provide any data regarding an approval for the existing dwelling or shed. The 1959 aerial photograph indicates a dwelling on the subject site. There are however, no issues which require further consideration.

### **4. PLANNING ASSESSMENT Section 79C(1)**

As required by the Environmental Planning and Assessment Act, 1979, Section 79C(1), the following relevant matters are addressed below:

- Environmental planning instruments (State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs));
- Draft environmental planning instruments;
- Development control plans;
- Environmental (natural and built), social and economic impacts;
- Suitability of the site;
- Submissions; and
- Public interest.



*(a)(i) Environmental Planning Instruments*

SEPP 55 – Remediation of Land

The proposed development involves a demolition of an existing dwelling. Council's Environment and Health Services Supervisor in his report dated 7 April 2017, noted the existing dwelling and has requested that a 'Work Plan' be provided to Council prior to any work commencing, addressing issues such as asbestos, lead paint and organochlorine contaminated soil. An appropriate **condition** has been included in the conditions of consent attached as **Appendix 1**.

SEPP (Infrastructure) 2007

The application was referred to Essential Energy in accordance with Clause 45. In their response dated 23 March 2017, no objection was raised to the proposed development. The requirements specified by Essential Energy have been included in the development consent as notations, as there is no legal mechanism for Council to enforce such requirements.

SEPP (Building Sustainability Index: BASIX) 2004

The Application requires BASIX documentation as the proposed dwellings are classed as 1a buildings under the Building Code of Australia (BCA). Legislation requires all buildings or parts of buildings of this classification to contain such documentation.

BASIX certificates have been submitted with this Application (Certificate Nos 795690S\_03 and 795739\_02 dated 6 April, 2017). These certificates have been noted as being valid and accurate. The BASIX requirements and associated plans have been assessed and approved as meeting the objectives of the SEPP.

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 (LEP) 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 for the dual occupancy (detached) and two (2) subdivision is not contrary to the relevant aims of the Plan.

*Clause 1.4 Definitions*

The proposed development is defined under the Dubbo Local Environmental Plan 2011 as a *dual occupancy (detached)*, which is defined as:

*dual occupancy (detached) means 2 detached dwellings on one lot of land, ...*

*Subdivision* is not a separately defined term in DLEP 2011. However, it is defined in the Environmental Planning and Assessment Act, 1979, section 4B as follows:

*“subdivision of land means the division of land into two ... parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected:*

- (a) by conveyance, transfer or partition, or*
- (b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.”*

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

The subject site has no restrictions imposed on the deposited plan.

*Clause 2.2 Zoning of land to which Plan applies*

The subject site is zoned R2 Low Density Residential.

*Clause 2.3 Zone objectives and Land Use Table*

The proposed development complies with the relevant objectives of the zone with regard to providing for housing needs of the community, with a development which is consistent with the character of the immediate area.

The proposed *dual occupancy (detached)* is permitted with development consent.

*Clause 2.6 Subdivision – consent requirements*

It is proposed to subdivide the site, being the two (2) lot (Torrens title) subdivision which requires development consent.

*Clause 2.7 Demolition requires development consent*

The proposed development involves the demolition of the dwelling. Council’s Environment and Health Services Supervisor in his report dated 7 April 2017, has requested that a ‘Work Plan’ be provided to Council prior to any works commencing, addressing issues such as: asbestos; lead paint; and organochlorine contaminated soil. The appropriate condition will be placed upon the development consent.

*Clause 4.1 Minimum subdivision lot size*

According to the Lot Size Map, the minimum lot size for the subject allotment is 600m<sup>2</sup>. The two (2) proposed lots will have an area of 463.47m<sup>2</sup> and 459.42m<sup>2</sup> respectively. As such, both

proposed lots are below the minimum lot size and therefore do not comply with this clause. However, reference should be made to Clause 4.1A below for compliance.

*Clause 4.1A Minimum subdivision lot size for ... Zone R2*

Although the proposed subdivision will result in allotments that are below the minimum lot size according to the Lot Size Map, the subdivision is permissible under the provisions of this clause in that:

- The land is zoned R2 Low Density Residential;
- The land is connected to a reticulated sewerage system; and
- The subdivision is for the purpose of a dual occupancy development.

*Clause 5.14 Siding Spring Observatory – maintaining dark sky*

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

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

Additionally, as per subclause (7) the proposed dual occupancy is not considered likely to result in the emission of light of 1,000,000 lumens or more and in accordance with subclause 8, the following **condition** will be included in the conditions of consent attached as **Appendix 1**:

*“The subject dwellings (individually) must not be provided with more than seven (7) outside light fittings, all of which must be shielded. If more than five (5) shielded outside light fittings are provided, those additional fittings must also be automatic light fittings.”*

*Clause 7.1 Flood planning*

The site is not affected by the flood planning level on relevant LEP mapping, nor is it affected under the draft Cardno-Willing Flood Study.

*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 conditions of consent attached in **Appendix 1**.

*Clause 7.5 Groundwater vulnerability*

Clause 7.5 of Dubbo Local Environmental Plan 2011 applies as 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. It is also considered not likely to have a cumulative impact on groundwater.

*Clause 7.7 Airspace operations*

The site is located within the Obstacle Limitation Surface map for Dubbo City Airport. The relevant level on the OLS map is 360 m AHD. The site is relatively flat with a high point at the rear which is approximately 265.0 m AHD. At a building height of approximately 5.5 m it is considered that the proposed development will have no adverse impact on the operations of the airport.

*(a)(ii) Draft Environmental Planning instruments*

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

*(a)(iii) Development control plans*

Dubbo Development Control Plan 2013

An assessment is made of the relevant chapters and sections of this DCP. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

Chapter 2.1 – Residential Development and Subdivision

*Section 2.1.1 Residential Design – Dwellings, Dual Occupancy and Multi-Dwelling Housing*

Element 1 – Streetscape character

The proposed dwellings address the street frontage and the entries are readily apparent from the street. The proposed dwellings are not a ‘mirror reverse’ design and have been designed to respect and reinforce the positive characteristics of the neighbourhood with regard to built form, bulk and scale.

Element 2 – Building Setbacks

It is considered the proposed development conforms to set-back requirements. House 1 (northern lot) has a front setback of 6 m to the verandah with the garage setback at 8.2 m. House 2 (southern lot) has a front setback of 10 m to the verandah with the garage setback at 12.8 metres.

The proposed dwellings are at 900 mm or more from the adjoining boundaries, as required by the Building Code of Australia.

#### Element 3: Solar Access

The Application meets the requirements of this element in that it will not restrict solar access to adjoining properties and contains sufficient outdoor areas having access to sunlight all year round, including clothes drying areas.

The living areas are located at the rear of proposed House 1, with three (3) windows along the northern wall and a 3 m-wide covered area at the rear. As such, House 1 is considered to receive adequate solar access.

The living areas are located at the rear of the proposed House 2, with a highlight window along the northern wall and a 2.7 m-wide covered area at the rear. As such, House 2 is considered to receive adequate solar access.

#### Element 4 – Private open space and landscaping

The application complies with this element as both dwellings have sufficient Principle Private Open Space (PPOS) and Private Open Space (POS) areas.

House 1 (northern lot) – POS total area is approximately 197 m<sup>2</sup> which exceeds the 92.6 m<sup>2</sup> or (20% of the site area) which is required for the development. PPOS complies as one area measuring a minimum dimension of 5 m x 5 m has been provided.

House 2 (southern lot) – POS total area is approximately 168.3 m<sup>2</sup> which exceeds the 91.9 m<sup>2</sup> or (20% of the site area) which is required for the development. PPOS complies as one area measuring a minimum dimension of 5 m x 5 m has been provided.

A landscaping plan has been submitted in accordance with the requirements of the DCP in which the scale and density of landscaping provided is deemed appropriate given the scale of the development.

#### Element 5: Infrastructure

It is considered the development would be connected to all infrastructure needs as required. Appropriate **conditions** requiring the provision of additional services have been included in the conditions of consent attached as **Appendix 1**.

#### Element 6: Visual and acoustic privacy

It is considered that appropriate visual and acoustic privacy has been provided to each dwelling. Visual privacy will be achieved through a 1.8 m high fence separating each dwelling's private open space.

Element 7 – Vehicular access and car parking

Both proposed dwellings contain two (2) bedrooms therefore requiring two (2) offstreet car parking spaces. Both dwellings comprise a single garage with sufficient space for an additional parking space in front of the garage. As such, no further action is required in respect of car parking.

Element 8 – Waste management

Both proposed dwellings have appropriate areas to store waste disposal bins behind the building line.

Element 9 – Site Facilities

The proposed development will provide mail boxes to each dwelling and adequate storage areas.

Chapter 2.1.3 – Subdivision Controls

Element 1: Neighbourhood Design

The proposed two (2) lot Torrens title subdivision does not detract from current zone objectives, enabling a variety of lot sizes and housing styles.

Element 2 – Lot Layout

It is considered that the proposed lots are of an appropriate size and shape for the proposed dual occupancy (detached) and two (2) lot subdivision in terms of complying with private open space, solar access, parking and orientation requirements as outlined above.

Element 3 – Public open space and landscaping

Landscaping details have been provided with the application and are deemed sufficient for the proposed development. While the proposal of itself does not require the provision of any public open space, contributions will be levied in accordance with Council's s94 Plan.

Element 4 – Infrastructure

The subject site is located in an established area, having access to water, sewer, electricity and stormwater. The proposal will be able to connect to these services. The proposal will also be levied with regard to contributions in accordance with Council's s64 Plan for water and sewer.

Element 5 – Street design and road hierarchy, and Element 6 – Pedestrian and cycle links, are not directly related to the proposal however contributions will be levied in accordance with Council's s94 Plan to assist in further development/maintenance of these aspects of the urban locality.

#### Element 7 – Stormwater Management

In relation to stormwater management, Council's Building Services Supervisor provided the following comments:

*"Although no indicative stormwater design and site levels have been submitted, Council's GIS site contours indicate up to approximately 500mm of fall from the rear of the block to the street. Whilst this grade is insufficient to install an inlet pit drainage system, provided no fill and obstructions are placed between the dwellings and side boundaries, surface water would be able to drain from the rear to the front of the allotment and to the street."*

Noting the comments above, no further action is required other than the inclusion of conditions recommended by Council's Building Services Supervisor.

#### Element 8: Water Quality Management

A standard **condition** of consent requiring erosion and sediment control measures to be in place while construction works are undertaken has been included in the conditions of consent attached as **Appendix 1**.

#### Chapter 3.4 - Heritage Conservation

The subject site is located in the Residential South – Heritage Precinct. The proposed two (2) single storey dwellings are considered to be sympathetic to the character of the precinct, in particular noting the poorly designed multi dwelling housing development adjoining the site to the north.

#### Flood-Prone Land Policy

The subject site is located in the extreme flooding area or probable maximum flood (PMF) which is a flood with a peak discharge of three times that of the 1% AEP flood event. The only restrictions in these areas relate to emergency services' facilities and therefore not applicable to the proposed development.

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

As stated above, there will be minimal removal of any vegetation and as such negligible impact on the natural or built environment. There are only beneficial social and economic impacts resulting from the proposed development.

(c) *suitability of the site*

Context, setting and public domain

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

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

- *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?*

It is considered the external appearance of the proposed development is deemed appropriate in the context of the locality.

- *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 the size and shape of the land is suitable for the proposed development.

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

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

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

It is considered the proposed development will not have any detrimental impact on the residential public domain.

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?*

It is considered that the development will not have an adverse impact on the local environment. There are no activities proposed which may cause adverse air, soil or water pollution. Appropriate conditions on the consent will ensure possible environmental impacts are minimised.

- *Is the development likely to cause noise pollution?*



Noise will be generated through construction by the use of power tools and the like. An appropriate **condition** has been included in the conditions of consent restricting work hours to minimise impacts to neighbouring property.

Upon occupation, the residential development is not likely to generate noise above that of neighbouring residential properties. Accordingly, there is no requirement to include a condition/s in relation to noise generation.

Access, transport and traffic

- *Has the surrounding road system in the locality the capacity to accommodate the traffic generated by the proposed development?*

The surrounding road network is considered to have sufficient capacity to cater for additional traffic movements generated by this development.

*(d) submissions*

The Development Application was placed on notification for a period of 14 days ending 3 April 2017, during which time adjoining property owners were notified in writing of the proposed development.

Council received no submissions during the notification period.

*(e) public interest*

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

**1. CONTRIBUTIONS Section 64 & Section 94**

*Section 64 Water Headworks Contribution*

The proposed dual occupancy will increase demands on Council's water services. The applicable rate as per Table 3.1 ETs for Various Development Types, is 0.67 ETs per dwelling (dual occupancy), with the subject site having the benefit of one (1) ET credit. Therefore:

Two (2) dwellings (0.67 ETs) – 1 dwelling (credit 1 ET) = (0.34 ETs)

The current contribution rate (2016/2017) is \$5,487.00 per ET, therefore the applicable contribution is \$1,865.58 (0.34ET).

*Section 64 Sewer Headworks Contribution*

The proposed dual occupancy will increase demands on Council's sewer services. The applicable rate as per Table 3.1 ETs for Various Development Types, is 0.67 ETs per dwelling (dual occupancy), with the subject site having the benefit of one (1) ET credit. Therefore:

Two (2) dwellings (0.67 ETs) – 1 dwelling (credit 1 ET) = (0.34 ETs)

The current contribution rate (2016/2017) is \$5,487.00 per ET, therefore the applicable contribution is \$1,865.58 (0.34ET).

*Section 94 Urban Roads Contribution*

The proposed dual occupancy will increase demands on Council's urban roads. The applicable rate as per Table 4.1 Trip Generation Rates by Land Use, is 11 trips per household, with the subject site having the benefit of one (1) credit (11 trips). Therefore:

Two (2) dwellings (22 trips) – 1 dwelling (credit 11 trips) = 11 trips

The current contribution rate (2016/2017) is \$576.40 per trip, therefore the applicable contribution is \$6,340.40 (11 trips).

*Section 94 Stormwater Headworks Contribution*

The subdivision will increase demand on Council's stormwater system. The site is located in Catchment 1.8 Tamworth Street Outfall which is payable on a \$21,406.00 per hectare basis. As the existing lot is 922.9 m<sup>2</sup>, a contribution of \$1,975.56 would be required. However, given the age of the site and the existing dwelling which predates any Council Contribution Plans, a credit for the existing impervious area (dwelling, driveway, shed, paving) is deemed reasonable and has been calculated at 428 m<sup>2</sup>.

The proposed development (including dwellings, driveways, paving) has an impervious area of 410.6 m<sup>2</sup> which is less than the existing situation and therefore no contribution is applicable.

*Section 94 Open Space and Recreation Facilities Contribution*

The proposed dual occupancy will increase demands on Council's open space and recreation facilities. The applicable rate as per Table 6 Dwelling Occupancy Rates, is 1.6 persons per two (2) bedroom dwelling, with the subject site having the benefit of one (1) credit (2.6 persons per lot). Therefore:

Two (2) dwellings (3.2 persons) – 1 dwelling (credit 2.6 persons) = 0.6 persons

The subject site is located in the Central (South) planning unit and the current contribution rate (2016/2017) is \$1,360.58 per person, therefore the applicable contribution is \$816.35 (0.6 persons).

## 2. INTERNAL REFERRALS

### Building Assessment

The Building Services Supervisor in his report dated 24 March 2017 (copy on file) raised no concerns with the proposed development. Following the receipt of amended BASIX Certificates which reflected the proposal, the report recommended standard **conditions** and notations which have been included in the conditions of consent attached to this report as **Appendix 1**.

### Engineering Assessment

The Development Engineer in his report dated 4 April 2017 raised no concerns with the proposed development, subject to standard **conditions** of consent which have been included in the conditions of consent attached to this report as **Appendix 1**.

### Environment and Health Assessment

The Health and Environment Services Supervisor in his report dated 7 April 2017 raised no concerns with the proposed development.

## 3. SUMMARY

The applicant is seeking development consent for a *dual occupancy (detached) and two (2) lot subdivision* at Lot 3 Sec B DP 9489, 276 Brisbane Street, Dubbo.

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

*Darryll Quigley*  
Planning Services Supervisor

Appendices:

- 1 [↓](#) Conditions
- 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:

BASIX Certificate No's 795739S\_02 and 795690S\_03 dated 6 April 2017.

Title/Sheet No.: SUBDIVISION PLAN / 2  
Plan/Revision: A.101/B  
Dated: 7 Feb 2017

Title/Sheet No.: LANDSCAPING PLAN / 3  
Plan/Revision: A.102/B  
Dated: 7 Feb 2017

Title/Sheet No.: DUAL OCC FLOOR PLANS / 4  
Plan/Revision: A.105/B  
Dated: 7 Feb 2017

Title/Sheet No.: DUAL OCC ELEVATIONS / 5  
Plan/Revision: A.201/B  
Dated: 7 Feb 2017

Title/Sheet No.: SITE PLAN HOUSE 1 / 7  
Plan/Revision: A.103/B  
Dated: 7 Feb 2017

Title/Sheet No.: FLOOR PLAN HOUSE 1 / 8  
Plan/Revision: A.105.1/B  
Dated: 7 Feb 2017

Title/Sheet No.: ELEVATIONS HOUSE 1 / 9  
Plan/Revision: A.201.1/B  
Dated: 7 Feb 2017

Title/Sheet No.: SITE PLAN HOUSE 2 / 13  
Plan/Revision: A.104/B  
Dated: 7 Feb 2017

Title/Sheet No.: FLOOR PLAN HOUSE 2 / 14  
Plan/Revision: 105.2/B  
Dated: 7 Feb 2017

Title/Sheet No.: ELEVATIONS HOUSE 2 / 15  
Plan/Revision: 201.2/B  
Dated: 7 Feb 2017

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

- (2) The finished floor level of the habitable areas of each dwelling shall in respect of its height above the external finished ground level:
- (a) At the location of such building's overflow (relief) gully achieve:
    - (i) A minimum of 225 mm above the finished surrounding ground level; or
    - (ii) 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, a minimum of 150 mm above the finished surrounding path or paved area; and
  - (b) In all others areas achieve:
    - (i) A minimum of 150 mm above the finished surrounding ground level.

Any excavated areas around the perimeter of the dwelling shall be graded away from the building to ensure adequate surface drainage and prevent pondage.

{Reason: Council requirement to provide adequate stormwater free board and drainage and ensure free board provisions of sanitary drainage regulations can be achieved}

- (3) 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}
- (4) Temporary closet accommodation shall be provided onsite before work on the proposed building is commenced.  
{Reason: Council requirement to preserve public hygiene}
- (5) 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}
- (6) Construction and demolition 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 or public holidays: | No construction or demolition work permitted |
- {Reason: Council requirement to reduce likelihood of noise nuisance}
- (7) 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}
- (8) The top of each dwelling'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 dwelling's overflow (relief) gully shall also:

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

{Reason: Statutory and sewerage authority requirement}

- (9) Roof water not conveyed to the rainwater tanks pursuant to the approved BASIX Certificates and the overflow from the required rainwater tanks, shall be conducted to the street gutter by means of appropriate drainage pipework, without crossing the common boundary between the proposed new allotments.

{Reason: To ensure satisfactory disposal of roof water}

- (10) The hot water delivered to the outlets of the hand-basins, showers and baths shall not exceed 50°C.

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

- (11) The following measures shall be implemented as part of each respective dwelling's construction for the purposes of ensuring that natural surface gradients are maintained and/or enhanced to facilitate surface water draining to the street:

- (a) A deepened edge beam design shall be utilised for the northern and southern sides of each dwelling's proposed slab-on-ground floor slab, to negate the retention of any slab fill batter above natural ground level between the dwelling and side boundaries; and
- (b) Surface water draining from the rear of each allotment must be directed to Brisbane Street without obstruction and redirection into adjoining premises. In this regard particular attention must be given to the following-
  - (i) the proposed rainwater tank locations and footpaths around the dwelling curtilages, do not obstruct drainage around the sides of the dwellings. Note: it may be necessary for such tanks to be placed on stands;
  - (ii) any side fencing and gates to be erected across the proposed drainage paths must ensure unobstructed free drainage by means of one or more of the following options:
    - provide drainage sumps;
    - provide sufficient gaps under the fencing and/or gates for surface drainage; or
    - an alternative method approved by the PCA; and
  - (iii) Dividing fences constructed from metal sheeting and/or timber must not be utilised to retain and redirect stormwater. Surface water arising from each allotment shall be contained and directed to the street by the use of appropriate land forming/grading, sumps and drainage pipework and/or containment structures (eg masonry/concrete retaining walls, concrete kerbing).

The aforementioned requirements must have been implemented and installed to the satisfaction of the Principal Certifying Authority before the issue of the Final Occupation certificate for each respective dwelling.

{Reason: Council requirement to assist in limiting obstruction of surface drainage and diversion of flows to the detriment of adjoining premises}

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

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

- (13) Each dwelling 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}

- (14) 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}

- (15) Prior to the issue of an Occupation Certificate, where the proposed building works necessitate the cutting-in of new stormwater outlets into the existing street kerb, the applicant and plumbing/drainage contractor shall ensure that the following procedures are adopted.

- (a) A kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicular loadings is to be utilised;
- (b) Create the opening in the kerb by use of either a saw cut or bored hole only – breaking out the kerb by impact methods is not permitted;
- (c) The kerb adaptor is to be kept flush with the top and outside face of the kerb; and
- (d) The fixing of the kerb adaptor and filling in of side gaps is to be undertaken by the use of an epoxy resin – mortar or concrete is not to be used.

{Reason: Requirement of Council as the road authority}

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

{Reason: Council requirement for protection of public}

- (17) 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}

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

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

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

- (19) 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 both the building and demolition works and a telephone number on which those persons 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/demolition work and not be removed until the work has been completed.

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

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

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

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

- (21) Noise from the rainwater tank pump shall be controlled such that offensive noise is not emitted. In this regard, the pump shall be located in a position where it least affects neighbouring properties, and not exceed the background noise level ( $L_{A90}$ ) by 5dB(A) measured at the worst effected residence.

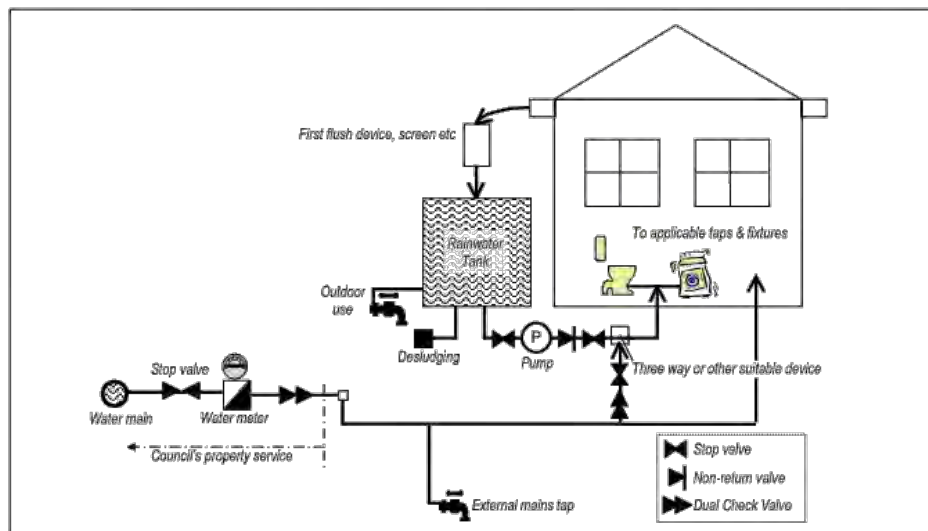


Note: To minimise noise nuisance the pump should not be located adjacent to neighbouring bedrooms or between adjoining dwellings. If a complaint arises after installation consideration may need to be given to relocating the pump or providing an acoustic cover.

{Reason: To minimise the creation of offensive noise}

- (22) Where the owner's BASIX commitments requires the pipework from the proposed rainwater tank to be inter-connected with pipework connected to Council's town reticulated water supply the following installation criteria shall apply:
- A stop valve shall be provided on the rainwater delivery side of the pump. A second stop valve and a non-return valve shall be provided on the outlet side of the pump;
  - A stop valve and a dual check valve shall be provided on the delivery side of the town water supply pipework immediately upstream of the point of inter-connection with the rainwater pipework supply; and
  - The inter-connection point of the pipework from the two different water sources is to be provided with a three-way flow switching device.

*(Refer to the following diagram for an indicative installation arrangement)*



Any proposed plumbing configuration different from the above arrangements shall be discussed with Councils' officers for conformity with the Plumbing Code of Australia and approved prior to installation.

{Reason: Water supply authority and statutory requirement to prevent water cross-contamination}

- (23) The water supply pipework from the rainwater tank shall be clearly marked at intervals not exceeding 500 mm where concealed in walls, or 1 m where exposed or buried, with the word 'RAINWATER'. Water outlets shall be identified as 'RAINWATER' with a label or a rainwater tap identified by a green coloured indicator with the letters 'RW'.

Note:

- ① All 'RAINWATER' labels or signs are to have black lettering and pictogram on either a yellow or green background.



- ① Marking shall be in accordance with AS 1345.  
{Reason: Statutory requirements of Plumbing Code of Australia}

- (24) Where a pump is required to distribute and pressurise water from the proposed rainwater tank it shall be electrically powered.  
{Reason: Council requirement to minimise the creation of offensive noise}

- (25) The proposed rainwater tanks shall be provided with:

- A top or lid to shield the interior from light penetration; and
- A screen to all inlets and openings into the tank to prevent debris and mosquito entry.

{Reason: Council requirement to reduce contamination of the supply and breeding of mosquitoes}

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

- (27) An Erosion and Sedimentation Control Plan shall be submitted with the construction certificate application for each dwelling, and implemented onsite prior to any site disturbance works being commenced and shall remain, in a maintained condition, until all site works are completed.  
{Reason: Implementation of Council policy to reduce sediment pollution}

- (28) A sediment and erosion control warning sign, as supplied by Council, shall be attached to the most prominent sediment fence on the subject site at all times whilst the building is under construction.

Note: Copies of such sign are available for collection free of charge from Council's Environmental Services Division.

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

- (29) If Council is appointed as the Principal Certifying Authority (PCA) documentary evidence is to be supplied to Council identifying that the commitments set out in the approved BASIX Certificate have been satisfied. Such evidence shall be supplied prior to the issue of an Occupation Certificate.

{Reason: To fulfil the statutory requirement of Environmental Planning and Assessment Regulation 2000}

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

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

- (31) The smoke alarms constituting each dwelling's automatic smoke detection and alarm system, if comprised of smoke alarms conforming to AS 3786, and where more than one alarm is required within the dwelling, shall be interconnected with each other.

If Council is appointed the PCA a Certificate of Installation, completed by a licensed electrician, shall be submitted prior to the Occupation Certificate being issued.

{Reason: Council requirement to ensure an appropriate level of fire safety as a consequence of audibility limitations associated with smoke alarms alerting young children}

- (32) The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier, prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for inspection of such works. When requesting an inspection please quote Council's reference number (located in the top left hand corner of this page).

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 the building's completion prior to its occupation or use.

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

- (33) Each dwelling must not be provided with more than seven (7) outside light fittings, all of which must be shielded. If more than five (5) shielded outside light fittings are provided those additional fittings must also be automatic light fittings.



**automatic light fitting** means a light fitting that is activated by a sensor and switches off automatically after a period of time.

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

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

**shielded light fitting** means a light fitting that does not permit light to shine above the horizontal plane.

{Reason: Requirement of cl 5.14 Dubbo LEP 2011 to limit light pollution and sky glow; and to protect observation conditions at the Siding Spring Observatory}

- (34) A separate application is to be made to Council, with the appropriate fee being paid, for the provision of an additional metered water connection to service proposed House 1 (proposed Lot 1).

{Reason: Council policy in respect of residential developments}

- (35) A separate application is to be made to Council, with the appropriate fee being paid, for the provision of an additional sewer junction to service proposed House 1 (proposed Lot 1).

{Reason: Council policy in respect of residential developments}

- (36) The Open Space and Recreation Facilities contribution of **\$816.35** (0.6 persons), calculated on a dwelling basis, in accordance with Council's adopted Section 94 Development Contributions Plan for Dubbo Space and Recreation Facilities – 2016/2016 (Planning Unit Central (South)) shall be paid by the developer on the submission of the relevant Subdivision Certificate.

Such contribution rate per person is adjusted annually in accordance with Section 3 of the Section 94 Development Contributions Plan for Dubbo Space and Recreation Facilities – 2016/2026 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 \$1,360.58 per person.

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

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Parks and Landcare Services Division, such shall be provided with the lodgement of the Subdivision Certificate application.

{Reason: Implementation of Council's Section 94 Development Contributions Plan for Dubbo Space and Recreation Facilities – 2016/2026}

- (37) Two residential standard concrete vehicular cross-over, and kerb and gutter vehicle entrance, constructed in accordance with Council's standards STD 5211 and STD 5235 being provided by and at full cost to the Developer at the locations shown on the approved development plan to service proposed House 1 (proposed Lot 1) and proposed House 2 (proposed Lot 2).

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

{Reason: Council policy in respect of residential developments}

- (38) Should any of the proposed development/demolition activity 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, 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.

Prior to the issue of the Subdivision Certificate or Occupation Certificate whichever occurs first, for the proposed development, the Developer/Applicant is to provide the Principal Certifying Authority (PCA) with written evidence/confirmation that the required Section 138 Application was lodged with Council, and that any relevant condition(s) have been complied with.

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

- (39) 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}

- (40) Prior to release of the Subdivision Certificate or Occupation Certificate whichever occurs first, the submission to Council of evidence that an electricity supply has been provided to each lot within the proposed subdivision by way of a Certificate of Acceptance/Notice of Arrangement as issued by the electricity supply authority (Essential Energy).  
{Reason: To ensure the orderly provision of infrastructure}
- (41) No buildings or structures of any standard shall be erected over Council's existing sewerage main located along the eastern boundary of the subject land.  
{Reason: Implementation of Council Policy}
- (42) The creation by the developer, under Section 88B of the Conveyancing Act, of a minimum 2 m wide easement in favour of Council, to be centrally located over all Council sewerage mains.  
{Reason: Implementation of Council Policy No 2}
- (43) Prior to any demolition works commencing on the site, the following are required to be completed and carried out to Council's satisfaction:
- (a) The existing metered town water supply service connection(s) is required to be disconnected by Council. Council's Water Supply and Sewerage Client Services Coordinator must be contacted on 6801 4000 requesting removal of the disused water service and meter; and
  - (b) Disconnection of the sewer drainage and capping of Council's sewerage main junction. An inspection by Council's Development Engineer in regard to this condition is required prior to the "capped" sewerage junctions being backfilled.  
{Reason: Requirements of Council to protect its Civil Infrastructure Assets}
- (44) Prior to any works commencing on the site, site fencing shall be erected as necessary to fully enclose the work site on all sides to prevent access by members of the public. The work site shall remain secure at all times during both the demolition phase, and prior to, and in conjunction with, any proposed 'future' re-development on the site.  
{Reason: To provide safety for the public during the demolition and re-construction phases}
- (45) Should any of the proposed demolition activity 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}

- (46) Prior to release of the relevant Subdivision Certificate, the contribution by the Developer of Water Supply headworks contribution of \$1,865.58 (0.34 ETs), calculated on a per dwelling 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.

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

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

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

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Technical Services Division, such shall be provided with the lodgement of the Subdivision Certificate application

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

- (47) Prior to release of the Subdivision Certificate, the contribution by the Developer of Sewerage Services headworks contribution of \$1,865.58 (0.34 ETs), calculated on a per dwelling basis, pursuant to Section 64 of the Local Government Act 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002.

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

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

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

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Technical Services Division, such shall be provided with the lodgement of the Subdivision Certificate application

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

- (48) Prior to the issue of the Subdivision Certificate, the contribution by the Developer of Urban Roads headworks contribution of \$6,340.40 (11 trips), calculated on a per dwelling/lot 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 lot, 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 \$6,340.40 per dwelling/lot.

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

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Technical Services Division, such shall be provided with the lodgement of the Subdivision Certificate application

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

- (49) The demolition of the existing building is required to be undertaken in conformity with AS 2601-1991. A requirement of clause 1.7.1 of such standard is that the applicant and/or its contractor shall prepare a 'Work Plan' and submit such plan to Council prior to any demolition work commencing.

In particular, such 'Work Plan' shall include proposed measures to address: dust generation; protection of the public; assessment, removal and disposal of hazardous materials and conditions (especially asbestos sheeting, lead-based paint and any organochlorine contaminated soil).

{Reason: Council requirement to prevent environmental contamination and creation of public nuisances arising from demolition works}

- (50) All solid waste from demolition, 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}

- (51) Waste construction materials including soil arising from the development, must be disposed of at an appropriately licensed waste facility. Prior to occupation of the proposed development, copies of all weighbridge or receipt dockets from the licensed Waste Disposal Depot shall be provided to Council.

{Reason: To ensure environmentally safe disposal}



**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 building(s).
- (2) If Council is engaged to act as the Certifying Authority for the Construction Certificate application the following shall be included with such application:
  - All relevant stormwater design and disposal details as indicated in the conditions of consent;
  - Existing and finished site contours and levels indicating the extent of any cut and fill; and methods (eg retaining walls) proposed to be implemented to retain any such cut and fill;
  - Location of all required smoke alarms in each dwelling;
  - All BASIX Commitments required to be shown on the CC plans;
  - All structural details including specifications, tie-down and bracing plans and calculations, soil test reports and slab design details;
  - Details indicating the slip-resistance classification under the BCA proposed for the stair landings, treads and if specified, nosing strips, in the dwelling;
  - Details of the proposed method of termite treatment showing that compliance will be achieved with AS 3660.
- (3) The consent authority must also take into consideration the document 'Dark Sky Planning Guideline' in relation to any form of development that is the subject of a development application. Some explanatory extracts from the Guideline are provided below:



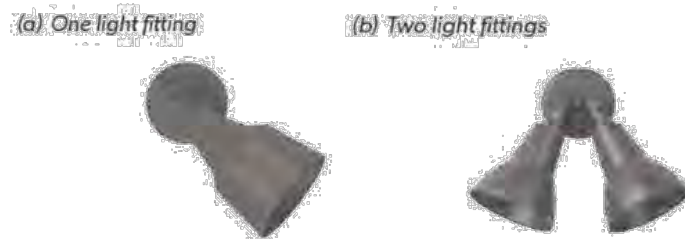


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**shielded light fitting** means a light fitting that does not permit light to shine above the horizontal plane.



The Dark Sky Planning Guideline can be viewed and downloaded from the NSW Department of Planning and Environment’s website at:

<http://www.planning.nsw.gov.au/~media/Files/DPE/Guidelines/dark-sky-planning-guideline-2016-06.ashx>

- (4) Before occupation of each dwelling the street number of the premises should be displayed in a prominent position at the front of the allotment.

The house number for the dual occupancy will be as follows:

House number on plan:	Allocated house number:
1	276A Brisbane Street, Dubbo
2	276B Brisbane Street, Dubbo

For further information please contact Council's Land Information Services Supervisor, Kim Edwards, on 6801 4617.

- (5) Fees and contributions in respect to this application will be those applicable at the date of release of the Subdivision Certificate.
- (6) Following compliance with all conditions of this Development Consent 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.
- (7) With the proposed subdivision of the proposed dual occupancy development, the developer is to ensure that:
  - (a) Separate water, sewer, and stormwater drainage connection(s) (plus any corresponding easements) to each parcel of land have been provided; and
  - (b) Each dwelling's water plumbing, sanitary drainage and stormwater pipework is to be wholly contained within each respective allotment, or provided with appropriate easements.
- (8) Offensive noise as defined under the Protection of the Environment Operations Act 1997 shall not be emitted from the proposed development.

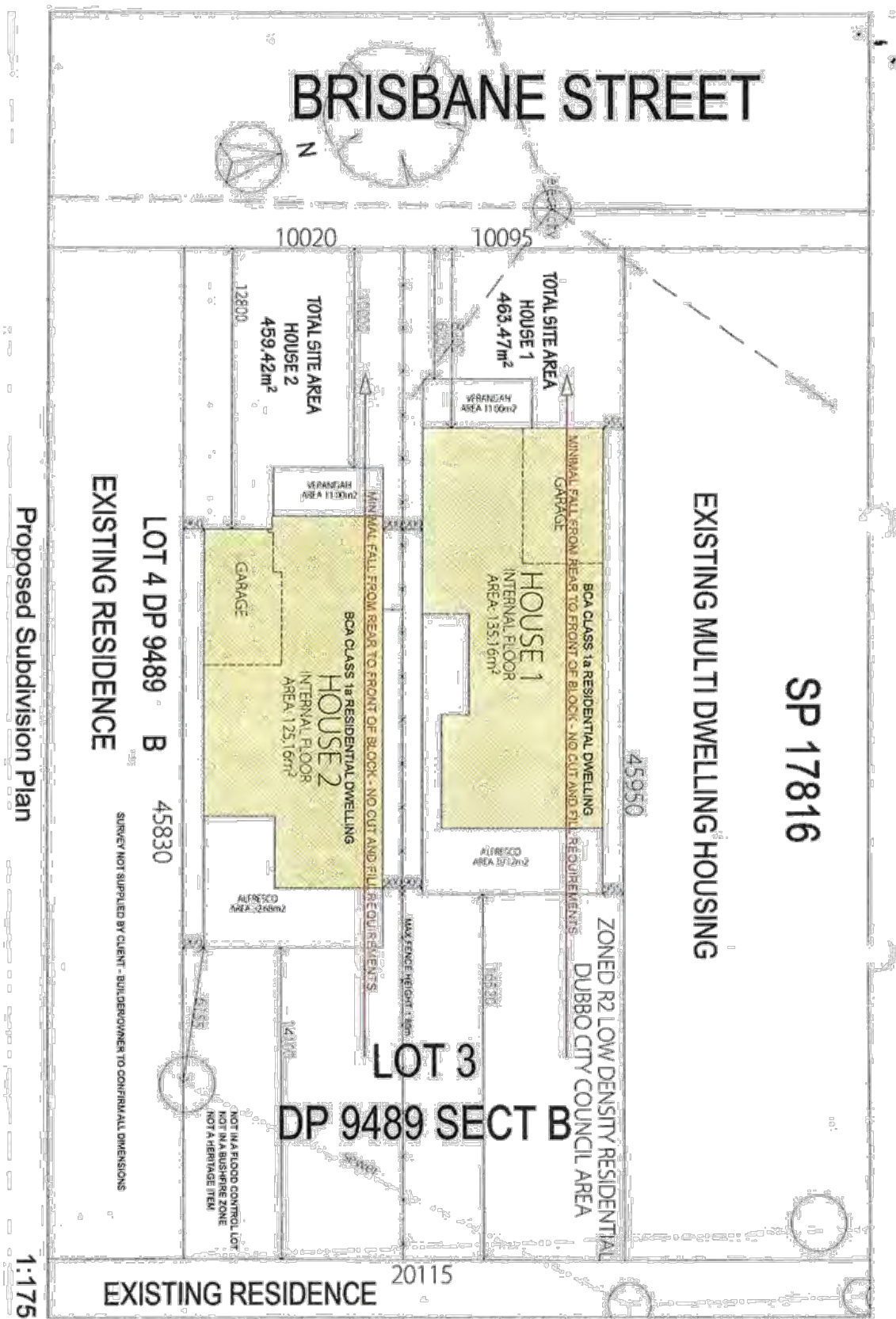
Air impurities as defined under the Protection of the Environment Operations Act 1997 shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.

- (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 9:00am and 5:00pm, Monday to Friday. The Plans can also be viewed on Council's website at [www.dubbo.nsw.gov.au](http://www.dubbo.nsw.gov.au)
- (10) The proponent/developer shall note the correspondence received from Essential Energy dated 23 March 2017 (copy attached).

**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.



Do not scale drawing. Plans are to scale at A3.  
All care has been taken to ensure that this drawing is correct.  
The builder or supervisor are responsible for checking all aspects and dimensions and ensuring their use when accepting this drawing for general use.  
All engineering items on this plan are subject to verification by an engineer.  
Information is based on details obtained from the owners and are subject to verification by a registered surveyor or other professional consultant.  
The responsibility of engineering and surveying rests with the owner.  
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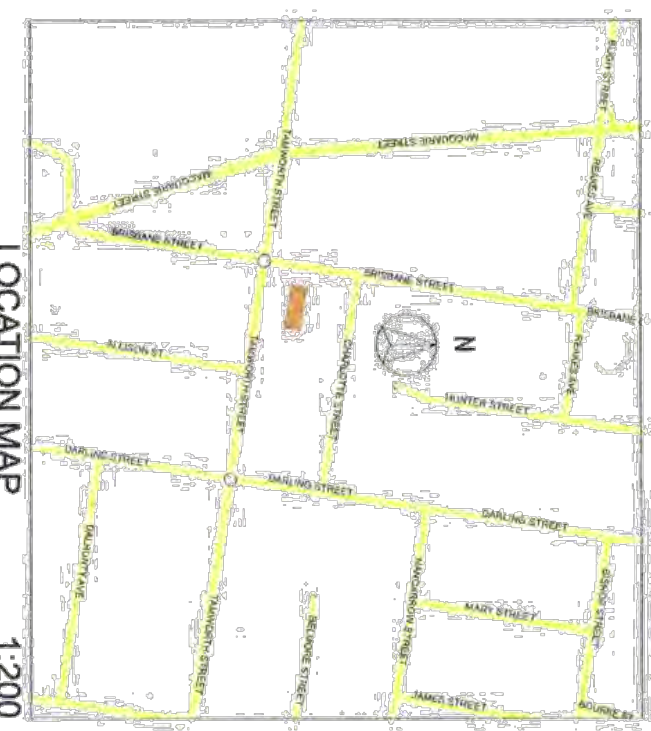
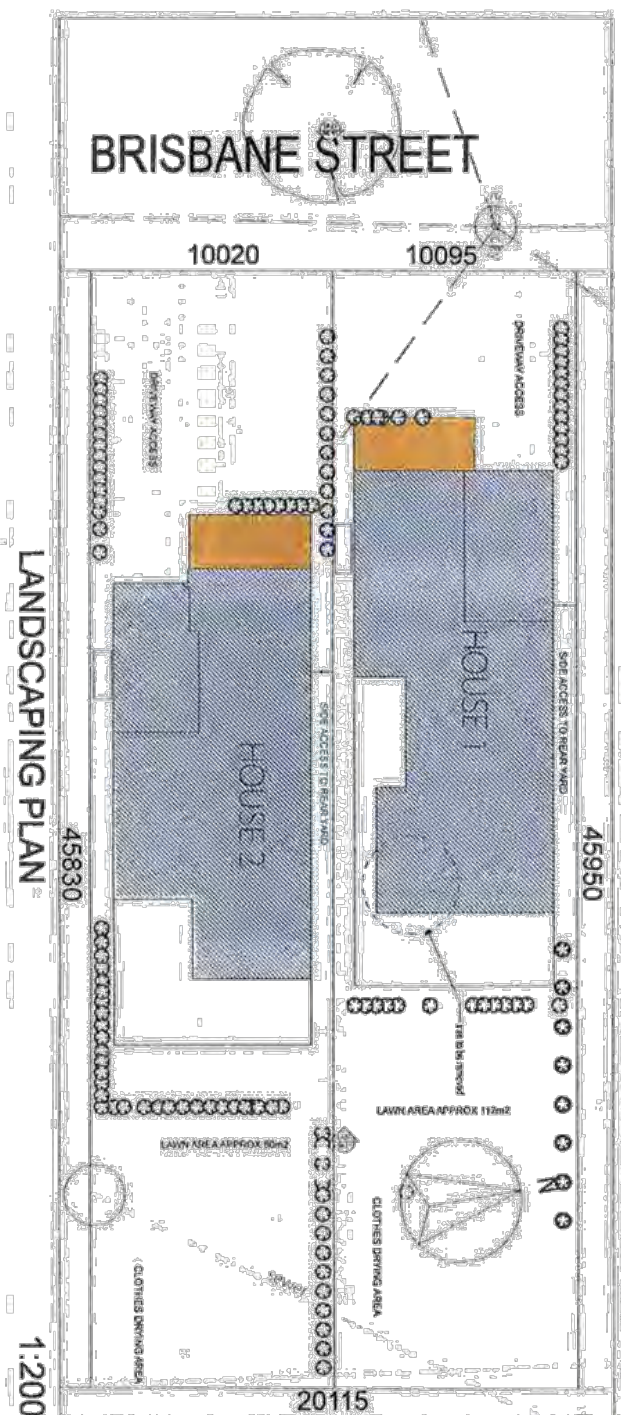


14 Market St P O Box 826 Mudgee NSW 2850  
Ph 0428 254 057 ARN 61 989 344 458  
gicn@habitatdesigns.com.au



<b>Client</b>	
<b>Site Address</b> 276 BRISBANE STREET DUBBO NSW LOT 3 DP 9489 SECTION B	
<b>Date</b> 7 Feb 2017	<b>Sheet No.</b> 2
<b>Scale</b> 1:200	<b>Plan/Revision</b> A.101/B

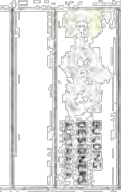
- PAVING OR CONCRETE
- BUILDING ENVELOPE
- VERANDAH
- CONCRETE
- SCREENING PLANT 2-4m  
in light pine, pittosporum silver screen
- ORNAMENTAL TREE 4m  
in loch, snow pear or magnolia little palm
- HERBIE OR FLOWERING PLANT 1-4m  
support bushes or standard roses
- NARROW SCREENING PLANT 2-4m  
in parcel fence
- BORDER PLANT



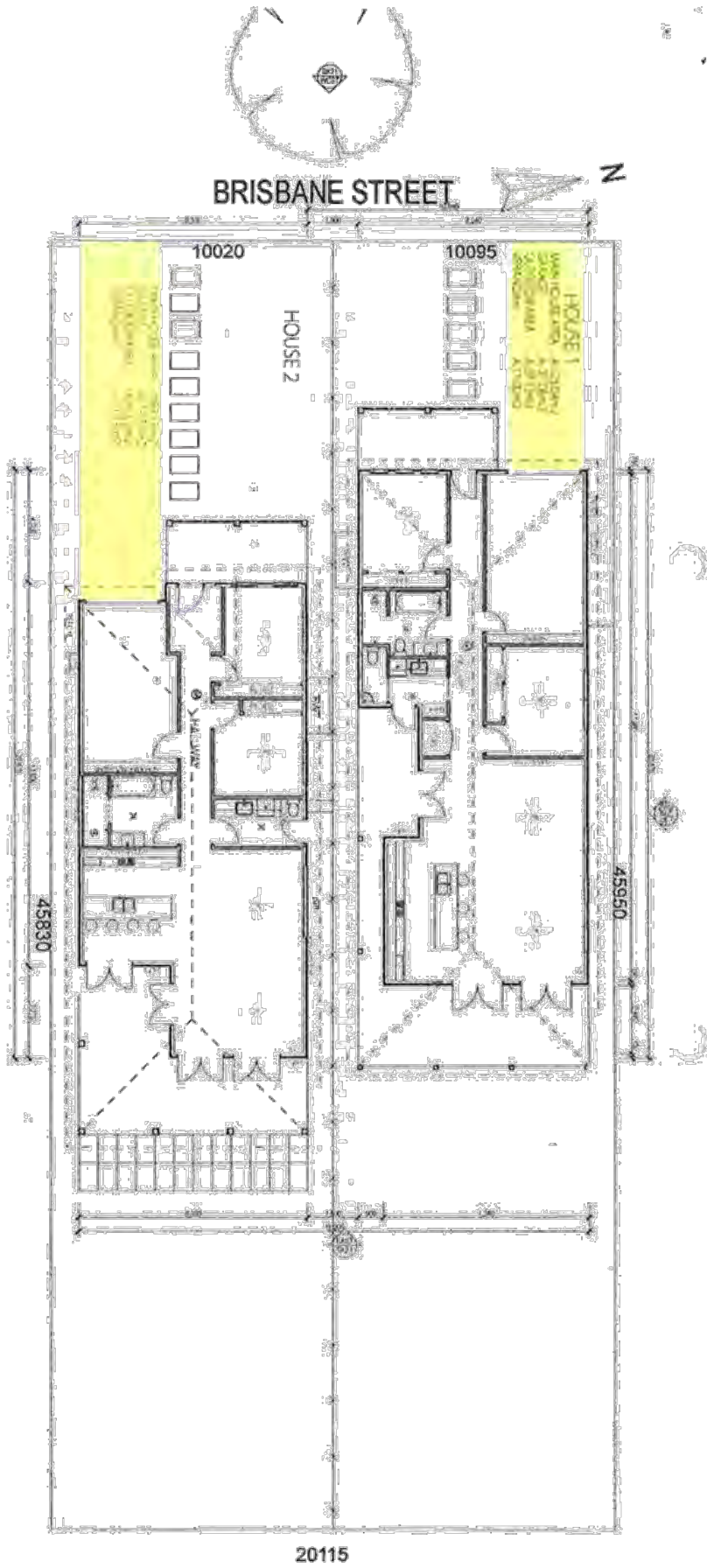
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 \* Ph 0428 254 057 ABN 61 909 364 458  
 clients@habitatdesign.com.au



<b>Client</b>		<b>Site Address</b>	
276 BRISBANE STREET DUBBO NSW		LOT 3 DP9489 SECTION B	
<b>EXISTING SITE PLAN</b>	<b>Date</b> 7 Feb 2017	<b>Sheet No.</b> 3	
<b>LANDSCAPING PLAN</b>	<b>Scale</b> 1:200 1:500	<b>Plan/Revision</b> A 102/B	



DUAL OCCUPANCY - OVERALL DWELLING LAYOUTS ON SITE

1:150

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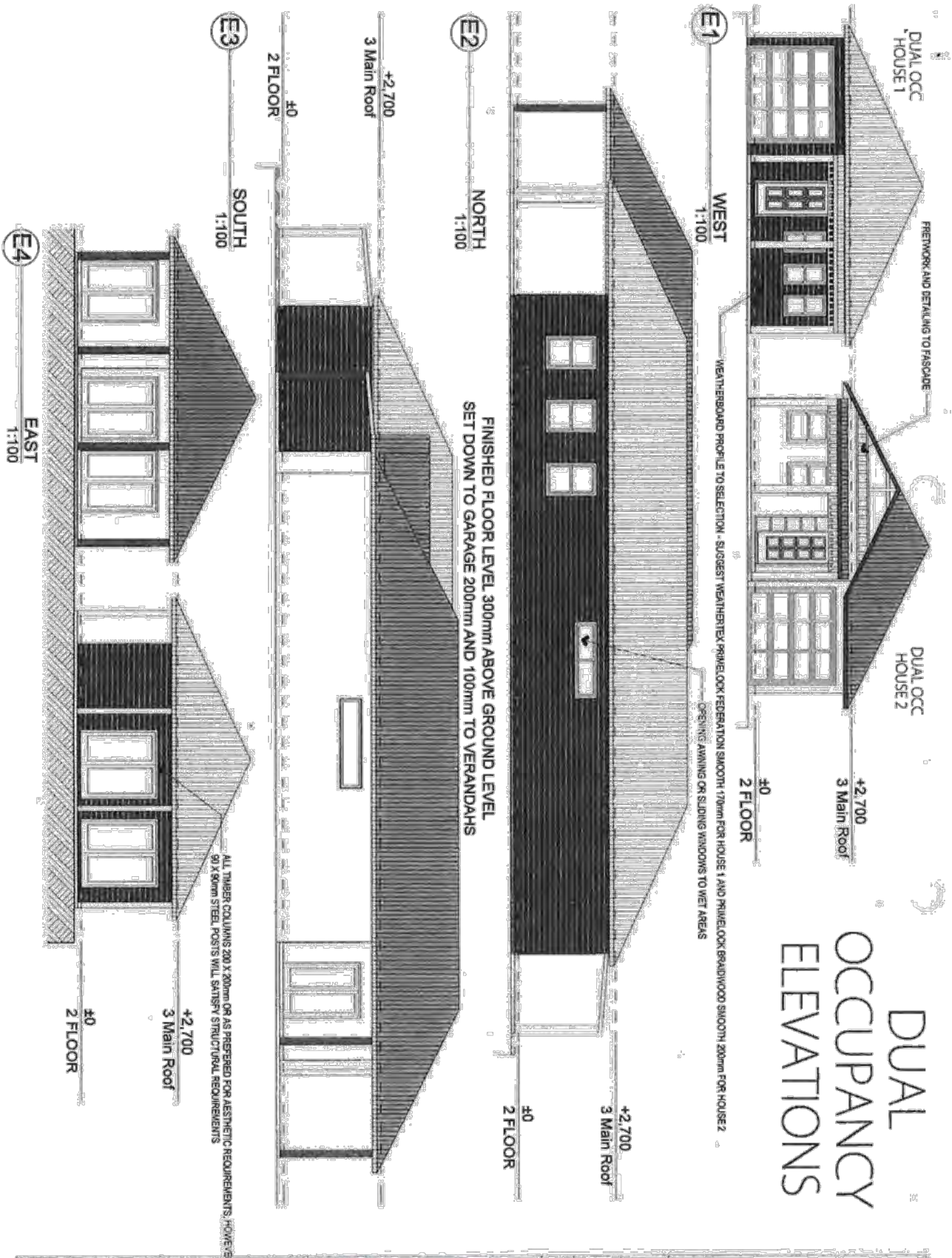
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DESIGNERS  
 AUSTRALIA

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Client		Site Address	
DUAL OCC FLOOR PLANS		276 BRISBANE STREET DUBBO NSW LOT 3 (DP966) SECTION 8	
Date	Scale	Sheet No.	Revision
7 FEB 2017	1:150	4	A (10/15)



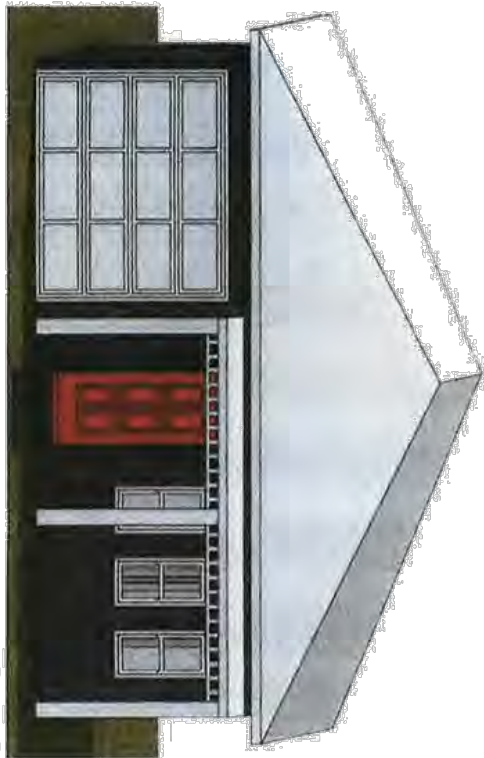
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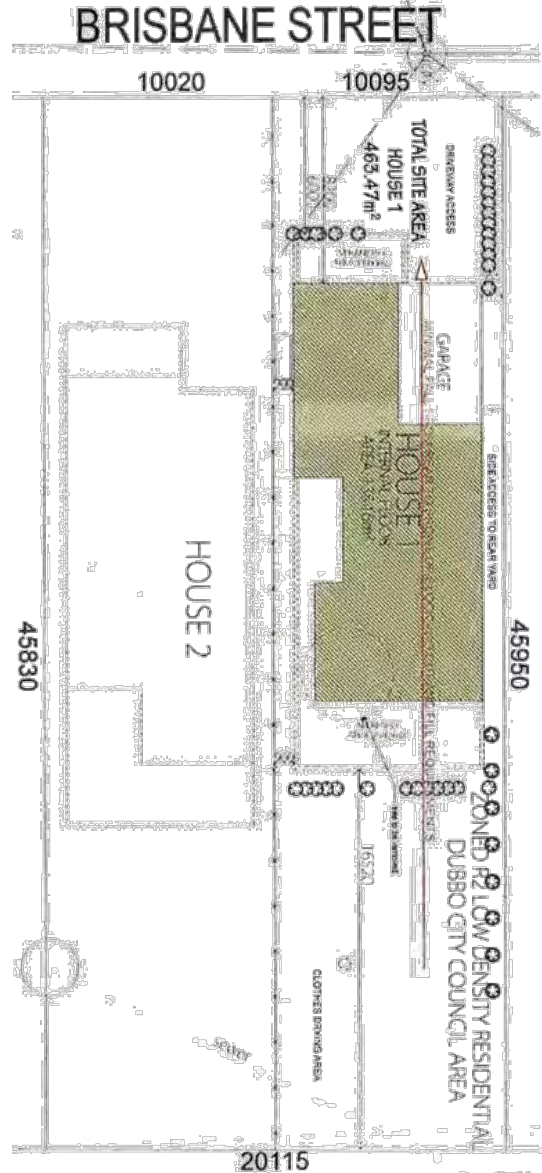
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BUILDING  
 APPROVAL

Client		Sheet No. <b>5</b>	
Site Address 276 BRISBANE STREET DUBBO NSW LOT 3 DP9489 SECTION B		Date 7 Feb 2017	Plan/Revision A.201/B
DUAL OCC ELEVATIONS		Scale 1:100	



SITE PLAN - HOUSE 1



1:200

Room Number	Room Name	Measured Area
01	BED 1 + ROBE	12.29
02	BED 2 + ROBE	13.17
03	BATH	5.68
04	LAUNDRY	3.74
05	W/O	1.83
06	STORE	1.16
07	HALL	2.21
08	OPEN LIVING + KITCHEN	31.82
09	COURTYARD + ALFRESCO	38.32
10	GARAGE	21.96
11	VERANDAH	11.00
		173.70 m <sup>2</sup>

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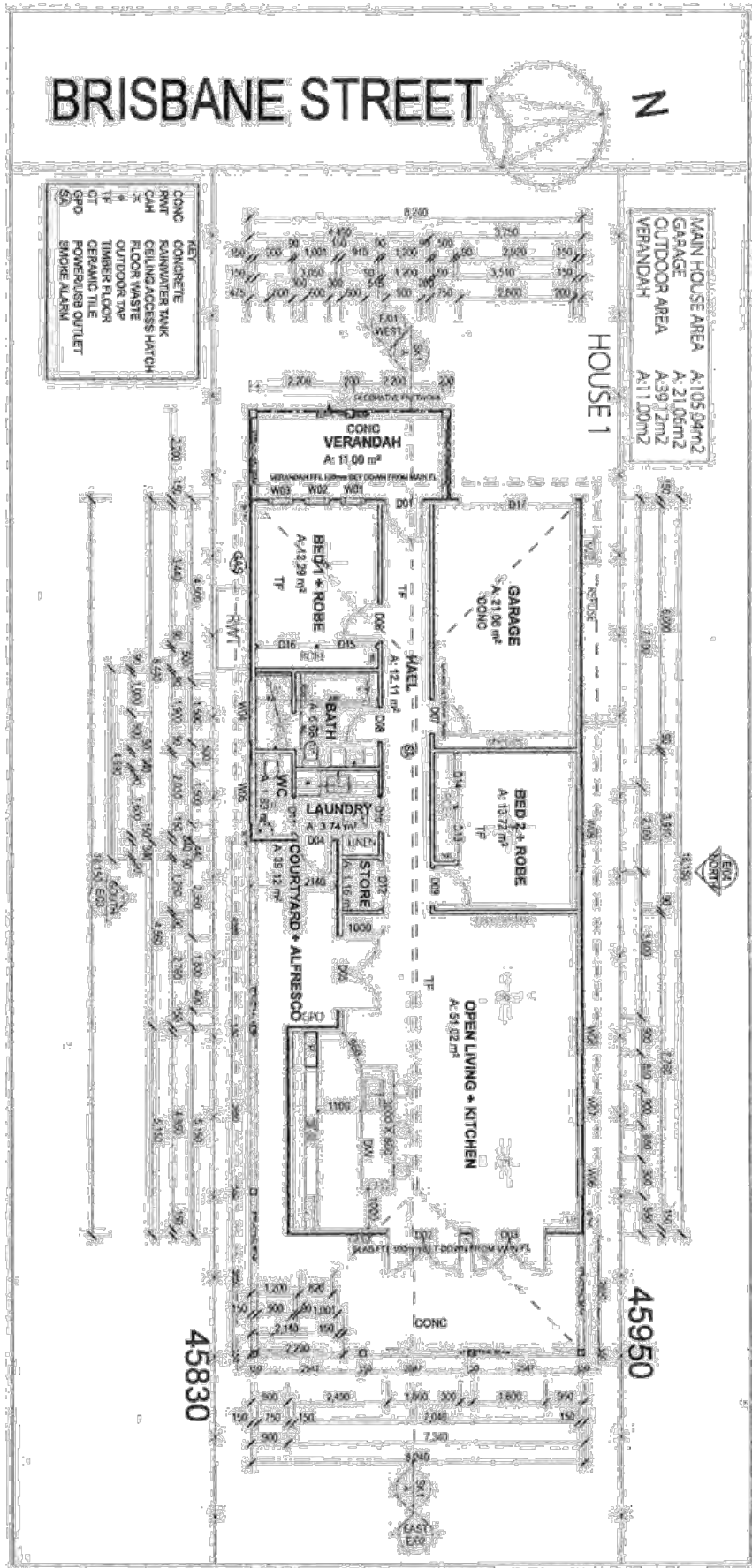
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AUSTRALIA

Client		
Site Address 276 BRISBANE STREET DUBBO NSW LOT 3 DP9483 Section B		
Drawing SITE PLAN HOUSE 1	Date 7 Feb 2017 Scale 1:200	Sheet No. 7 Plan/Revision A.103/B





FLOOR PLAN - HOUSE 1

1:100

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Building Designers Association of Australia Accredited Membership Number 1187-10

Client: 218 BRISBANE STREET DUBBO NSW

Site Address: LOT 3 DUBBO SHIRE

Project: FLOOR PLAN HOUSE 1

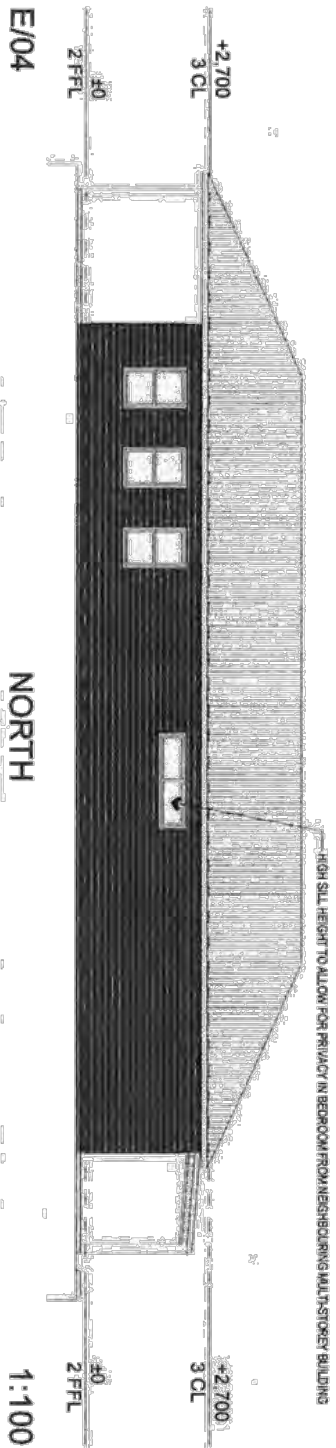
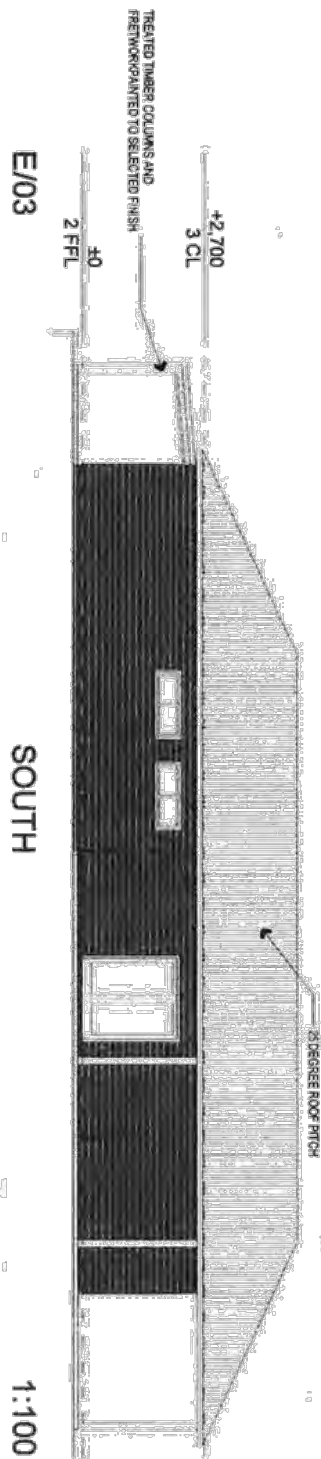
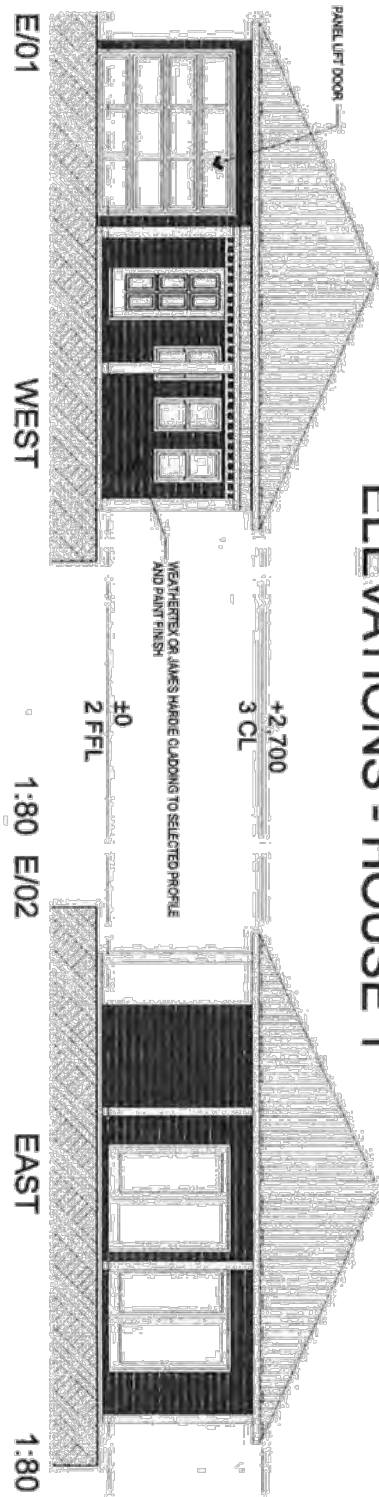
Date: 7 Feb 2017

Scale: 1:100

Sheet No: 9

Project No: A.105.118

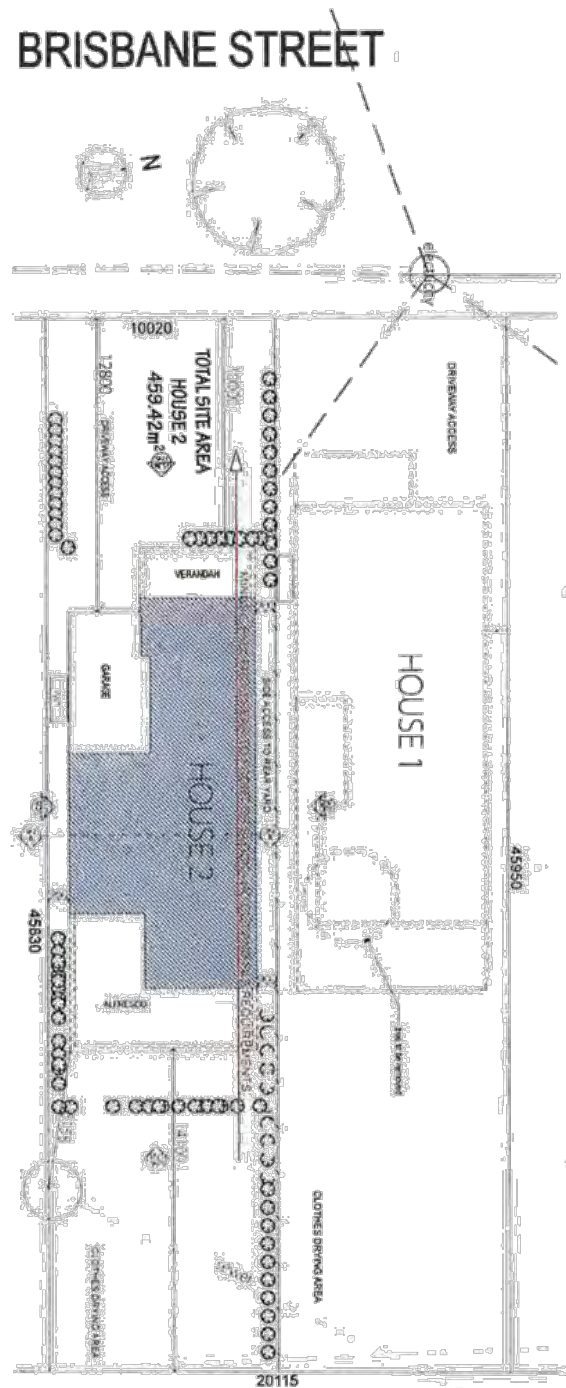
# ELEVATIONS - HOUSE 1



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			<p>Drawing</p> <p>ELEVATIONS HOUSE 1</p>	<p>Date</p> <p>7 Feb 2017</p>	<p>Scale</p> <p>1:100</p>



HOUSE 2 - SITE PLAN



1:200

Room Number	Room Name	Measured Area
01	BED 1 & ROBE	11.47
02	BED 2 & ROBE	10.94
03	LAUNDRY	5.37
04	BATH	9.57
05	KITCHEN	13.14
06	OPEN LIVING	33.96
07	ENTRY & HALLWAY	12.03
08	GARAGE	19.70
09	VERANDAH	11.13
10	ALFRESCO	43.02
		193.83 m <sup>2</sup>

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Client  
 Site Address  
 278 BRISBANE STREET DUBBO NSW  
 LOT 3 DP9489 Section 6

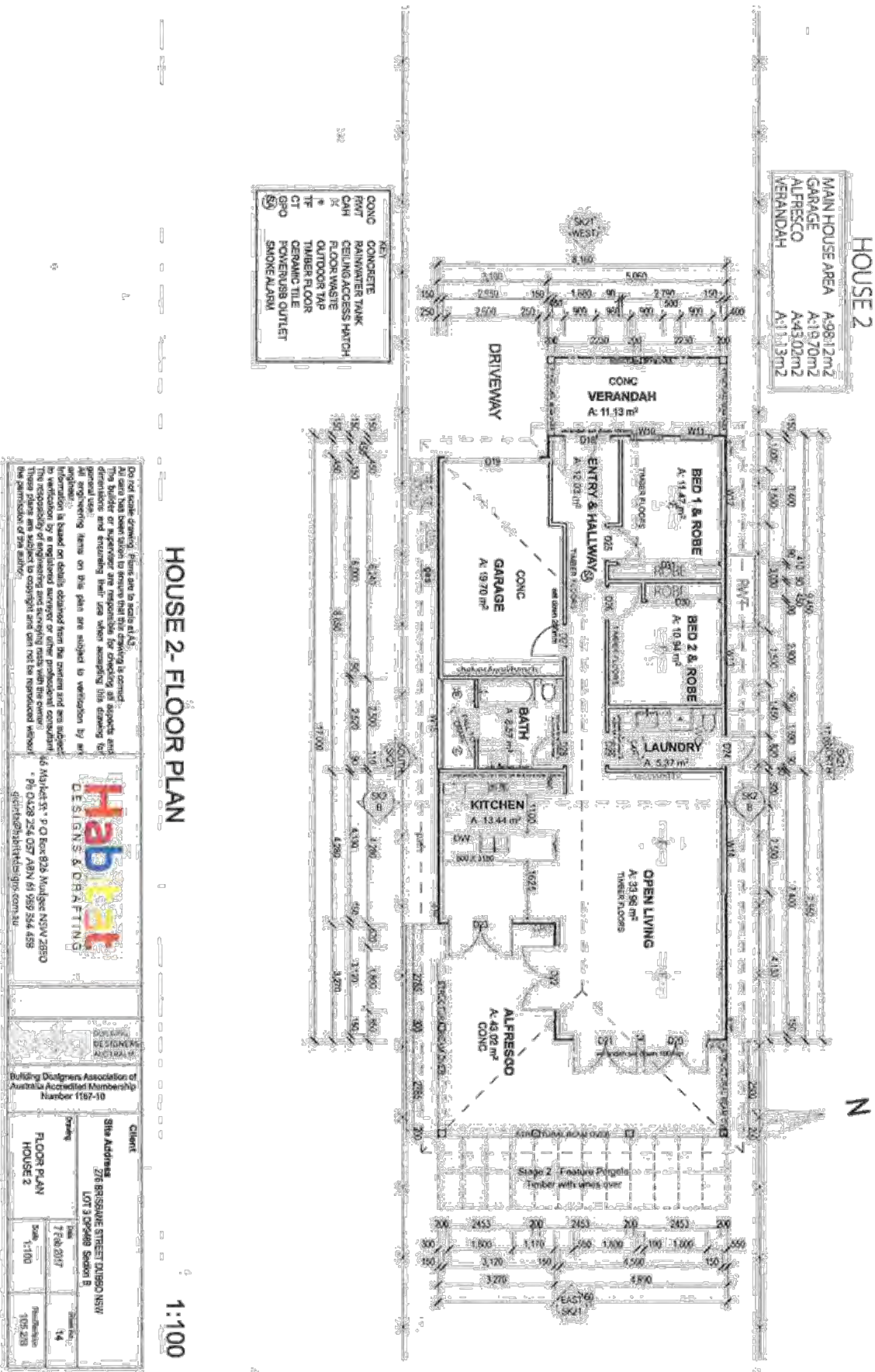
Drawing  
 SITE PLAN  
 HOUSE 2

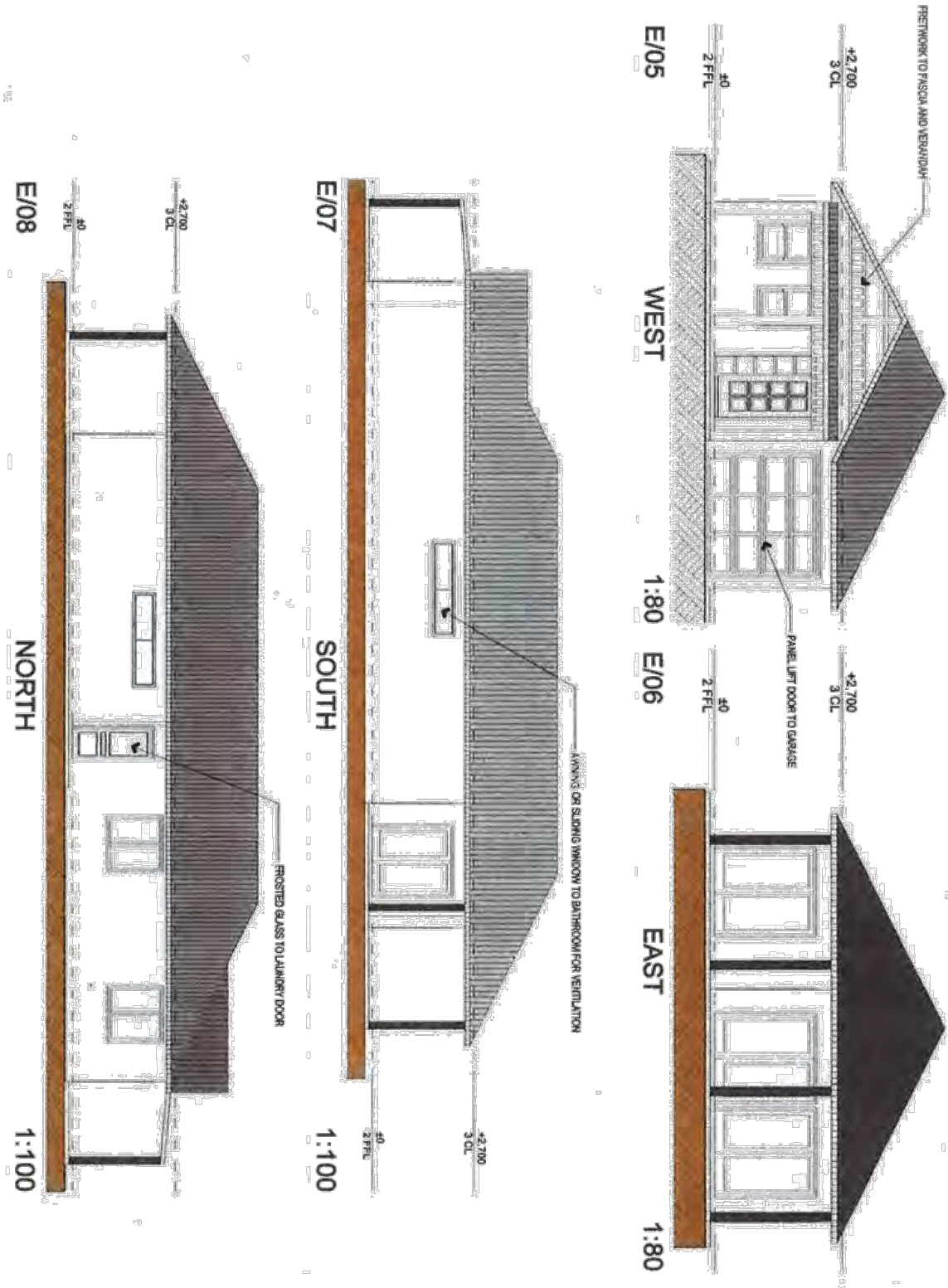
Date  
 7 Feb 2017

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Sheet No.  
 13

Plan/Revision  
 A.104/B





HOUSE 2 ELEVATIONS

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			<p>Site Address 276 BRISBANE STREET DUBBO NSW LOT 3 DP9489 Section 6</p>	<p>7 Feb 2017</p>	<p>15</p>
<p>Drawing</p>			<p>ELEVATIONS HOUSE 2</p>	<p>Scale VARIOUS</p>	<p>Plan/Revision 201.2/B</p>



**REPORT: 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**

**AUTHOR: Planner**  
**REPORT DATE: 11 April 2017**  
**TRIM REFERENCE: ID17/536**

---

**EXECUTIVE SUMMARY**

The subject Development Application for the redevelopment of Lot 13 DP 597771, 277-283 Cobra Street Dubbo as Serviced Apartments containing 52 serviced apartments, including one (1) site manager's residence was lodged with Council on 21 November 2016.

The existing site is known as 'Mitchell House.' Over the years Council has received complaints about the operation of Mitchell House together with significant objections regarding a past proposal for its use by the NSW Department of Justice as a transitional group home. It is also noted that the site occupies a prominent location on the entrance to the Dubbo CBD and is adjoined by Council's Keswick Residential Estate which is currently under construction.

Acknowledging the past level of public interest in the site, the development application is submitted to Council for determination.

The Development Application has been assessed as complying with the provisions of relevant Environmental Planning Instruments, Dubbo Local Environmental Plan 2011, and the Dubbo Development Control Plan 2012.

The Development Application was notified to adjoining property owners for a period of 14 days ending 7 February 2017. No submissions were received in relation to the proposed development.

Having regard to the above the development application is recommended that the development is approved subject to the conditions of consent included in **Appendix 1**.

### ORGANISATIONAL VALUES

Customer focused: Council officers have worked with the applicant to minimise the developments impacts on adjoining properties and to improve the developments 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, and 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

**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 attached in this report.**

*Alex Noad*  
Planner

## BACKGROUND

The Development Application is for the redevelopment of Lot 13 DP 597771, 277-283 Cobra Street Dubbo as Serviced Apartments containing fifty two (52) serviced apartments, including one (1) site manager's residence.

The site was originally developed as a motel. Under BR1981/254 the sites use as Motel was changed to a boarding house or group home for socially disadvantaged (23 rooms and managers residence) and became known as 'Mitchell House'.

Over the years Council has received complaints about the operation of Mitchell House and subsequently received significant objections to a past proposal for its use by the NSW Department of Justice as a transitional group home which was anticipated to potentially impact on the amenity of surrounding residential areas. Ultimately, the Department did not proceed to lodge a development application and subsequently sold the site to the subject owner.

Further, the site has frontage to Cobra Street which is part of the gateway to the city and is adjoined to the east by Council's Keswick Residential Estate which is currently under construction.

Acknowledging past public interest in the site, its prominent location and proximity to a new residential estate, the development application has been forwarded to Council for the purposes of transparency in its determination.

## REPORT

### 1. DEVELOPMENT DETAIL

The Development Application seeks approval for the redevelopment of Lot 13 DP 597771, 277-283 Cobra Street Dubbo with fifty two (52) serviced apartments. Plans of the proposed development are included in **Appendix 2**.

The development includes the following features:

- Alterations to two (2) existing buildings to contain 24 serviced apartments (Units 1-23, Unit 49);
- Eight additional buildings to contain 28 serviced apartments (Units 24-48, Units 52-50);
- Three (3) disabled accessible units (Units 35 & 36, Unit 50);
- One (1) common room along the western boundary;
- Two (2) pergola structures;
- One (1) freestanding sign in the north eastern corner of the site standing 3.6 m tall with a 3.24 m<sup>2</sup> (1.8 m x 1.8 m) non-illuminated advertising board;
- Site works and landscaping, including:
  - Hardstand sealed (bitumen or concrete) vehicle manoeuvring and car parking areas;
  - 56 car parking spaces, including three (3) disabled accessible car parking spaces;



- Single combined vehicle access to Cobra Street (no entrance gate);
- 1.8m high articulated front fence (grey and blue colour scheme) with decorative 'Reed Shaped' designs on forward panels;
- Internal reticulated stormwater system, including an onsite detention basin, to drain the site to Council's stormwater main at the rear (south western corner) of the site; and,
- Landscape plantings throughout the site between buildings and between articulations of frontage fence.

## 2. SITE CHARACTERISTICS



Figure 1. Locality map of 277-283 Cobra Street, Dubbo



Figure 2. Subject site - 277-283 Cobra Street, Dubbo. NB: The pool at the front of the site has been removed and filled in.

#### *Slope*

The site slopes from 294.5 m AHD at the frontage (north) boundary to 292.75 m AHD at its rear (south) boundary over a distance of 91.4 m giving a fall of 1.75 m (1.91% gradient).

#### *Vegetation*

The site is a highly modified site which contains grassed areas and perimeter landscape plantings. A landscaping strip with large plantings exists at the front of the site as a visual buffer to Cobra Street.

#### *Access*

The site has two (2) vehicle accesses to Cobra Street.

*Drainage*

The site drains to its rear (south) boundary.

*Services*

The site has access to the following infrastructure:

- Reticulated water is available along Cobra Street adjacent to the site north western corner.
- Reticulated sewer is available from a junction in the south eastern corner of the site.
- Reticulated stormwater is available inside the sites south western corner.
- Reticulated electricity is available along Cobra Street via overhead powerlines.



Figure 3. Shows location of existing infrastructure services in the locality

*Adjoining uses*

The site is adjoined by the following uses:

- North: Cobra Street (Mitchell Highway – Three (3) lanes in immediate location) Orana Mall, public open space and established R1 and R2 residential areas;
- East: Currently vacant R2 residential area that will form part of future Keswick Estate residential subdivision;
- South: Established R1 and R2 residential zoned areas; and,

- West: Established R1 Residential zoned areas; lot adjoining to the west incorporating 24 unit multi-dwelling development.

### 3. SITE HISTORY

An investigation of the site history revealed the following:

- BR1981/254 Conversion of Motel to a Boarding House for the socially disadvantaged (23 rooms and managers residence)
- B1986/392 Additions to Dwelling (Manager's residence)
- BR1987/26 Additions to Hostel (New roof and laundry for manager's residence)
- D2014/23 Change of Use to Boarding House (application rejected).

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

### 4. LEGISLATIVE REQUIREMENTS S79C(1)

- (a) (i) Environmental Planning Instruments

#### SEPP 55 Remediation of Land

The subject site is not listed on council's register of potentially contaminated land and has a history of residential uses. The site was originally developed as a motel and then a boarding house for socially disadvantaged persons. The proposed serviced apartment use will be of a similar residential nature. No contamination investigations are required in relation to the site.

Council's Environment and Health Services Supervisor made the following comment in relation to contamination and remediation:

*"The proposed site is currently not listed on Council's register of potentially contaminated land. The SEE states that:*

*'SEPP 55 applies to the subject site. Given the development's previous use as a Motel, it is presumed no contamination is present and that the land is suitable for its ongoing accommodation use.'*

*The above statement is reasonable and an inspection of the site did not reveal any indications of any contaminating activities of note and no disposal of asbestos appears to have occurred on the site.*

*The site inspection did reveal that bonded asbestos sheeting in the existing building had been damaged and would be classed as being the much more hazardous friable asbestos. Prior to any construction works commencing the site will need to be assessed by an Industrial Hygienist and certified as being safe to enter. A condition is recommended in this regard."*

The required **condition** has been included in **Appendix 1**.

### SEPP Infrastructure 2007

#### *Clause 45 Determination of development applications—other development*

The development has the potential to impact overhead power lines along the frontage of the site. Pursuant to Clause 45 the application has been referred to Essential Energy for comment. Essential Energy have provided a letter dated 10 January 2017 (included in **Appendix 3**) raising no objections to the development subject to standard conditions being satisfied. A notation requiring compliance with Essential Energy's letter is recommended on the consent and has been included in **Appendix 1**.

#### *Clause 101 Development with frontage to classified road*

The subject site has frontage to a classified road being Cobra Street (Mitchell Highway). Pursuant to Clause 101 (2) Council must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
  - (i) *the design of the vehicular access to the land, or*
  - (ii) *the emission of smoke or dust from the development, or*
  - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

In relation to these matters the following comments are made:

- The site is surrounded by established and developing residential areas. It is not practical for vehicular access to be provided by any road other than Cobra Street;
- The development proposes to reduce the number of vehicle accesses servicing the site from two (2) entrances to one (1) single combined entrance;
- The development includes a 1.8 m solid fence along its full frontage which will mitigate traffic noise from Cobra Street;
- The site has previously been used for motel accommodation and as a boarding house. The proposed serviced apartment use is similar to these past uses.
- The development will not place additional units closer to the sites' frontage than existing buildings on site. Moreover, the majority of units will be located behind the existing buildings; and,

- The application has been referred to the RMS for comment. The RMS has raised no objections to the development provided that the Cobra Street median is extended for the full frontage of the site to install a left in/left out vehicle movement system and prohibit right hand turns into the site.

In summary, the development will be acceptable adjacent to Cobra Street given the sites previous uses, the unit blocks location behind the existing building line and the solid 1.8m fence. It will also improve vehicle access arrangements to and from the site provided the requirements of the RMS are implemented. A **condition** requiring compliance with RMS requirements is recommended on the consent and has been included in **Appendix 1**.

*Clause 104 Traffic Generating Development*

The development is a traffic generating development. It can be classified as a tourist development which accommodates 50 or more motor vehicles and has access to a classified road. Pursuant to Clause 104 the application has been referred to the Roads and Maritime Service (RMS) for comment. RMS has provided a letter dated 6 April 2017 (**Appendix 4**) which grants concurrence to the development subject to left in/left out vehicle access only, and requires upgrades to Cobra Street to ensure these access arrangements are implemented. The upgrades include the extension of the Cobra Street median strip for the full frontage of the site.

A **condition** is recommended on the consent requiring compliance with the RMS conditions and has been included in **Appendix 1**.

Note: While a number of other SEPPs apply to the land, none are specifically applicable to this development and hence are not addressed in this assessment.

***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 proposed use is defined as Serviced Apartments meeting the following definition:

***“Serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents.”***

The Statement of Environmental Effects (SEE) submitted with the application states that the applicant hopes to target tourists and visitors looking for simple and affordable

accommodation for short to medium term occupation, anywhere from (1) week to three (3) months. The owner intends to utilise an agent to undertake the bookings and external staff to undertake cleaning. Notwithstanding, a single caretaker will reside on site to undertake any required maintenance and ensure guests behaviour is managed.

The development includes communal laundry facilities. However, all units will have kitchenettes and bathroom facilities to make them otherwise self-contained as required.

To ensure that the units are 'serviced', a condition is recommended on the consent requiring that as a minimum all occupied apartments are cleaned on a weekly basis. The **condition** is included in **Appendix 1**.

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

The Deposited Plan for the site includes a 'restriction as to user' of variable width from 6.81 m to 7.55 m, along the frontage of the site. The restriction is required for widening of Cobra Street which is an extension of the Mitchell Highway. The development has been designed and amended to ensure that it does not encroach upon the restriction and the land can be acquired by the Roads and Maritime Services (RMS) if required.

No other covenants or agreements exist on the legal title of the site which would prevent the development in accordance with the provisions of the Dubbo Local Environmental Plan 2011.

*Clause 2.2 Zoning of land to which Plan applies*

The site is zoned R1 General Residential.

*Clause 2.3 Zone objectives and Land Use Table*

The objectives of the R1 General Residential zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *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 objectives of the zone. Serviced Apartments are permitted with consent in the zone.

*Clause 2.7 Demolition requires development consent*

The development inherently requires demolition of internal walls and structures on site. **Conditions** regarding the removal of waste are recommended on the consent and have been included in **Appendix 1**.

*Clause 5.1 Relevant acquisition authority*

A strip of land forming the frontage of the site, identified as a 'restriction as to user' on the Deposited Plan for the site, is also identified on the DLEP 2011 Land Reservation Acquisition Map as being a 'classified road (SP2)'. The 'Authority of the State' identified to acquire the land for the specified public purpose of a 'classified road' is the Roads and Maritime Services (RMS).

The RMS has been notified of the development application and has acknowledged that it is the relevant acquisition authority. Consequently, the RMS requires that fencing and access facilities be located outside the identified strip to enable its acquisition. The applicant has provided amended plans which show that the fencing is located outside the strip and deleted entrance gates to comply with these requirements.

*Clause 5.14 Siding Spring Observatory – maintaining dark sky*

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

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

Additionally, as per subclause (7), the proposed development is not considered likely to result in the emission of light of 1,000,000 lumens or more. A standard **condition** regarding the direction and shielding of lights is recommended on the consent and has been included in **Appendix 1**.

*Clause 7.3 Earthworks*

The development inherently requires earthworks to prepare the site for the unit's construction and to construct the internal site and stormwater works. **Conditions** are recommended on the consent and included in **Appendix 1**.

*Clause 7.5 Groundwater vulnerability*

The site is located in a moderate groundwater vulnerability area. The development is unlikely to have any significant impact on groundwater quality or quantity.

*Clause 7.7 Airspace operations*

The site is located below the 430m Australian Height Datum obstacle limitation safety contour. The site has a ground level of 294.5m AHD. The proposed buildings stand 4m tall. Accordingly the development will have a finished height of 298.5m AHD being 131.5m below the OLS contour and have no impact on the airports operations.



- (ii) Draft environmental planning instrument

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

- (iii) Dubbo Development Control Plan 2013

The development application has been assessed against the relevant sections of Dubbo Development Control Plan (DCP) 2013 Chapter 2.1 Residential Development and Subdivision due to the sites location in the R1 General Residential zone.

Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

### *Chapter 2.1 Residential Development*

#### *Element 1 Streetscape Character*

The development will renovate two (2) existing single storey buildings on site. The buildings are currently in a state of disrepair. Primarily, their renovation includes repainting the buildings in a grey and blue colour scheme with red doors and articulating Building 1's roof fascia to break its length and offset visual massing.

The new buildings onsite will also be single storey buildings. They will be provided in blocks of two (2) and four (4) units along the eastern and southern boundaries of the site and behind the existing buildings. The 'blocks' will also have a grey and blue colour scheme with red doors and a combination of modern claddings, and pitched and skillion roof lines. The pitched roofs have been utilised for the blocks inside the sites eastern boundary such that the development will integrate into the surrounding residential area which is characterised by pitched roofs.

The entrances of the units will not be visible behind a 1.8 m high solid frontage fence. However, the fence will be articulated, incorporate decorative 'reed' images on its forward panels, and incorporate landscaping forward of its receding panels. The fence includes a pedestrian gateway which will be transparent but does not include a vehicle entrance gate.

Overall, it is considered that the development includes sufficient design features and upgrades to the existing and proposed buildings and sufficient details in the front fence, that it will make a positive contribution to the Cobra Street streetscape as required.

#### *Element 2 Building Setbacks*

Accounting for the removal of the road widening strip along the frontage of the site, the existing and proposed buildings will be setback 8.2 m from the sites front boundary. This distance will maintain the sites existing setback and lies behind the front building lines of the multi-dwelling units on the adjoining site to the east.

The side and rear setbacks proposed for the new units on site are 1.5 m. The setbacks are consistent with the desired residential amenity of the locality as required.

Existing Building 1's western side setback will remain at 400 mm, which is less than the 900 mm Building Code of Australia (BCA) setback required. The applicant has provided amended plans and information which detail that the western elevation of the building will be upgraded to the fire safety standards required for the decreased setback. Council's Senior Building Development Officer has recommended appropriate conditions on the consent and these are included in **Appendix 1**.

*Element 3 Solar Access*

The development includes only single storey buildings. It will have no impacts on solar access to adjoining properties. Skillion roofs will be provided for three (3) blocks along the southern boundary to ensure that their impacts are minimised as much as possible.

*Element 4 Private Open Space and landscaping*

The development is for serviced apartments which will be available on a short to medium term basis for visitors and tourists. Private open space is not considered to be required. Notwithstanding the development includes areas of lawn behind Building 1 including two (2) pergola areas where occupants may enjoy open space as required.

The Development Application includes a landscape plan that shows areas of lawn and a number of plantings, including shrubs and trees that will provide vertical features (such as Pencil Pine trees/shrubs) and some canopy for the development. An investigation of the plantings clarifies that the planting will have heights ranging up to six (6) metres however these heights are not detailed on the plans and the majority will be shrubs.

To properly integrate the development into the surrounding residential area and to enhance its contribution to the Cobra Street streetscape as a gateway to the City a **condition** requiring an enhanced landscape plan with additional canopy plantings is recommended on the consent and included in **Appendix 1**.

Standard **conditions** regarding the maintenance of the sites landscaping are also recommended on the consent and included in **Appendix 1**.

*Element 5 Infrastructure*

The development will be connected to all reticulated infrastructure and includes the provision of an onsite detention basin as required. Council's Development Engineer has recommended appropriate **conditions** on the consent in relation to infrastructure and service connections and these are included in **Appendix 1**.

*Element 6 Visual and Acoustic Privacy*

The development will have no impacts in relation to overlooking. The existing site is surrounded by a 1.8 m high colorbond fence. This will be maintained for the proposed development as required. Further, the proposed buildings will be single storey construction with floor levels less than 500 m from ground level. Predominantly opaque bathroom

windows will be presented to adjoining properties. Such windows will obscure 'standing' views between adjoining properties.

The transmission of noise to and from the site and adjoining site will be minimised as required. The block of units and open space areas are oriented internally to the site such noise will largely be contained within the site. Gardens between the units will assist in preventing occupants accessing the boundaries of the site.

The point where noise has the greatest potential to be transferred is in the south western corner of the development where the common room and a pergola are located. To minimise this the applicant has provided amended plans which show that an acoustic wall will be provided along the pergolas western elevation to prevent transference to the closest multi-dwelling unit on the adjoining site. In this regard it is noted that the adjoining multi dwelling development does not contain a dwelling in its south eastern corner. This area is utilised as a landscaped and vehicle manoeuvring area and will provide a buffer to residences located to the south east. Noise in this area will be obscured from travelling directly south and reaching dwelling to the south by the block containing units 45-48.

The hours of operation for the development are not specified. Being tourist accommodation extended hours of operation are expected. Noise generated from these hours can be managed by the site manager however a **condition** limiting outside noise is recommended on the consent and included in **Appendix 1**.

#### *Element 7 Vehicular Access and Car Parking*

The development includes extensive vehicle manoeuvring and car parking areas. The car parking areas are designed, hardstand sealed and drained in accordance with the requirements of Chapter 3.5 Car Parking. Principally, the internal driveways provide sufficient width and turning areas for cars to enter and exit car parking spaces and pass each other slowly.

The applicant has provided amended plans which show that an emergency vehicle 8.8m long could access the site, manoeuvre and leave the site in a forward direction as required. The amended plans included the deletion of entrance gates for the site which would complicate emergency access.

#### *Element 8 Waste Management*

The development will generate construction waste and operational waste. There is adequate space on the site to store waste receptacles behind the building line. Standard **conditions** regarding the disposal of these wastes by private contractor and connections to council's sewer are recommended on the consent and included in **Appendix 1**.

#### *Element 9 Site Facilities*

The development includes site facilities such as common rooms, pergolas, and a laundry. Open air clothes lines will also be provided. These site facilities will be suitable for the development.

#### *Element 10 Non Residential Uses*

The proposed 'serviced apartments' use is a non-residential 'tourist accommodation' use which will provide units for short to medium term accommodation. It is considered that it will not result in detrimental impacts to residential amenity having regard to aesthetics, traffic, parking noise, odour, signage or safety. In this regard the following comments are made:

- The development is composed of single storey pitched and skillion roof buildings which will integrate with the built form of surrounding residential development. The development includes sufficient design features to make a contribution to the Cobra Street streetscape;
- The site has direct frontage to Cobra Street (Mitchell Highway). The development will not generate noise that exceeds that generated by the highway. The potential exists for noise to be transferred between the site and adjoining sites however this has been minimised through internalised designs and acoustic screening;
- The hours of operation for the development are not specified. Being tourist accommodation extended hours of operation are expected. Noise generated from these hours can be managed by the site manager however a **condition** limiting outside noise is recommended on the consent and included in **Appendix 1**; and
- Car Parking and vehicle manoeuvring areas have been assessed as suitable for the proposed development.

#### *Element 11 Signage*

The proposed freestanding sign is located in the north eastern corner of the site. It stands 3.6 m tall and includes a 3.24 m<sup>2</sup> (1.8 m x 1.8 m) non-illuminated advertising board. The sign complies with the limit of one (1) freestanding sign, but exceeds the signage limit of 1.5 m<sup>2</sup>.

The signage is considered modest in relation to the size of the site development and to the signage associated with Orana Mall on the opposite side of Cobra Street which has numerous signs. As the sign will not be illuminated, it will not be a distraction to traffic passing the site along Cobra Street.

Standard **conditions** regarding the maintenance of the signage is recommended on the consent and included in **Appendix 1**.

#### *Chapter 3.1 Access and Mobility*

The development is proposed to be disabled accessible. It includes three (3) disabled accessible units, (Units 35, 36 and 50), three disabled accessible car parking spaces and appropriate access paths and manoeuvring areas. This complies with Building Code of Australia (BCA) requirements for buildings containing 41-60 sole occupancy units. Appropriate conditions have been recommended on the consent in relation to compliance with disabled accessible requirements and included in **Appendix 1**.

The development does not propose any Adaptable Housing and it seeks a variation to Design Element 5 which requires one (1) adaptable housing unit for every five (5) dwellings in addition to any BCA requirement for accessible units. Compliance for the development would require the 10 adaptable housing units to be provided for the development in addition to the three (3) accessible units meaning a total of 13 units would be designed for people with a disability.

The provision of 13 units for people with a disability would represent 25% of the units proposed on the site. It is considered that this requirement would be excessive to satisfy potential demand for accessible residential accommodation as required by Performance Criteria P1. In this regard it is noted that the BCA which calls up a higher standard of accessibility than adaptable housing requires significantly less units to be provided for developments and that Australian Standard requirements for accessibility diminish with the number of units proposed within developments.

Having regard to this issue it is considered that the requirement for adaptable for housing should be reduced to account for the three (3) disabled accessible units, such that only 10 units for people with a disability need be provided. This would equate to seven (7) adaptable housing units needing to be provided and 19% of the units being designed for people with a disability which would remain sufficient to satisfy potential demand. A **condition** to this effect is recommended on the consent and included in **Appendix 1**.

#### *Chapter 3.5 Car Parking*

Serviced apartments are required to be provided with one (1) space for one bedroom premises, and two (2) spaces per two or more bedrooms. The development will incorporate 48 x one (1) bedroom premises and four (4) x 2+ bedroom premises requiring a total of 56 car parking spaces. The development includes 56 car parking spaces as required.

The development includes extensive vehicle manoeuvring and car parking areas. The car parking areas are designed, hardstand sealed and drained in accordance with the requirements of Chapter 3.5 Car Parking. Principally, the internal driveways provide sufficient width and turning areas for cars to enter and exit car parking spaces and pass each other slowly.

#### (b) Likely impacts of the development

The development will have no impacts natural or built environment or social and economic impacts in the locality.

#### (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 have a positive impact on the scenic qualities of the area by redeveloping an existing site that is in poor repair on an entrance to Dubbo and by integrating appropriate architectural features and throughout 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 development is appropriate having regard to the nature of surrounding development. The development incorporates pitched roofs where appropriate to integrate it into the established residential areas that surround it.

- *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 site is a large regular shaped lot which is suitable for the proposed 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 existing and likely future amenity of the site.

- *Will the development design be sensitive to environmental conditions and site attributes?*

The development is sensitive to environmental conditions.

- *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?*

The development application includes landscaping plantings which are primarily shrubs. Additional landscape plantings are required to create a screening canopy throughout the site and to properly integrate it with surrounding residential development. A **condition** to this effect is recommended on the consent and included in **Appendix 1**.

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.

- *Is the development likely to cause soil erosion?*

The development has the potential to cause soil erosion. A standard **condition** regarding the implementation of a sediment control plan is recommended on the consent and included in **Appendix 1**.

Access, transport and traffic

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

Adequate provision has been made for vehicle entry/exit to the site. RMS has reviewed the Development Application and required appropriate **conditions** on the consent including the extension of the Cobra Street median across the full frontage of the site.

- *Has the surrounding road system in the locality the capacity to accommodate the traffic generated by the proposed development?*

Cobra Street has the capacity to accommodate traffic generated by the development.

Pedestrian access

A footpath exists forward of the adjoining multi-dwelling development to the east which provides a pedestrian linkage to Orana Mall. Occupants of the site and future residents of Keswick Estate residential subdivision to the east will require pedestrian access to Orana Mall. Accordingly the extension of the footpath for the full frontage of the site is required. A **condition** to this effect is recommended on the consent and included in **Appendix 1**.

(d) Submissions

The Development Application was notified to the owners of adjoining properties for a period of fourteen (14) days ending 7 February 2017. No submissions were 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 would be considered to be contrary to the public interest.

## 5. SECTION 64/SECTION 94 CONTRIBUTIONS

### *Section 64 Water Headworks Contributions*

The development will increase demand on Council's reticulated water services. The required contribution is calculated as follows:

Hotels/Motels	300L per room/unit (As per Table 3.2)
1 ET	5000L / \$5487.00

The site was developed as a motel and converted to a boarding house for the socially disadvantaged under BR1981/254. The credit for the site is calculated as follows:

$$23 \text{ rooms} \times 300\text{L} = 6900\text{L}$$

1 Manager's Residence x 5000L = 5000L  
Credit Calculation: 6900L + 5000L = 11900L / 5000 = 2.38 ET

The subject Development Application will increase the size of the development to incorporate 52 Units including a manager's residence. The additional contribution for the development is calculated as follows:

51 Units x 300L = 15,300L  
1 Manager's Residence x 5000L = 5000L

Proposed Development:  $15,300 + 5,000 = 20,300/5,000 = 4.06\text{ET}$   
 $4.06\text{ET} - 2.38\text{ET (credit)} = 1.68 \text{ ET} \times \$5,487.00 = \underline{\$9,218.16}$

A **condition** requiring the above contribution is recommended on the consent and included in **Appendix 1**.

#### *Section 64 Sewer Headworks Contributions*

The development will increase demand on Council's reticulated sewer services. The required contribution is calculated as follows:

Motel                                      0.250 ET per unit

The site was developed as a motel and converted to a boarding house for the socially disadvantaged under BR1981/254. The credit for the site is calculated as follows:

23 Rooms x 0.25 ET = 5.75ET  
1 Manager's residence = 1ET  
Credit Calculation: 5.75 ET + 1ET = 6.75ET

The subject Development Application will increase the size of the development to incorporate 52 Units including a manager's residence. The additional contribution for the development is calculated as follows:

51 Units x 0.250 ET = 12.75 ET  
1 Managers residence = 1ET

Proposed Development:  $12.75 \text{ ET} + 1 \text{ ET} = 13.75\text{ET}$   
 $13.75 \text{ ET} - 6.75 \text{ ET (credit)} = 7\text{ET} \times \$5,487.00 = \underline{\$38,409.00}$

A **condition** requiring the above contribution is recommended on the consent and included in **Appendix 1**.

#### *Section 94 Urban Roads Headworks*

The development will increase demand on Council's urban roads. The required contribution is calculated as follows:



Motel	3 trips per unit
Dwelling	11 Trips

The site was developed as a motel and converted to a boarding house for the socially disadvantaged under BR1981/254. The credit for the site is calculated as follows:

23 Units x 3 Trips = 69 Trips  
1 x Manager's residence = 11 Trips  
Commercial Trip = \$385.40 (\$380 + 5.40)  
Credit Calculation: 80 Trips

The subject Development Application will increase the size of the development to incorporate 52 Units including a manager's residence. The additional contribution for the development is calculated as follows:

51 Units x 3 trips = 153 trips  
1 x Managers Residence = 11 Trips

Proposed Development: 153 trips + 11 trips = 164 trips  
164 trips – 80 trips credit = 84 trips x \$385.40 = \$32,373.60

A **condition** requiring the above contribution is recommended on the consent and included in **Appendix 1**.

#### *Section 94 Open Space and Recreation Facilities*

The Development Application is not for residential uses. Accordingly, no contributions for open space and recreation facilities are required.

#### *Section 94 Stormwater Headworks*

The site is located in the 3.1 Keswick Truck Drainage Scheme which is payable on a per lot basis. The proposed development does not include subdivision and will not create any additional allotments. Accordingly no stormwater headworks contributions are required.

## **6. INTERNAL REFERRALS**

### *Building Assessment*

Council's Building Services Supervisor (BSS) in the report dated 20 December 2016 and Senior Building Development Officer in his Memo dated 15 February 2017 raised minor issues regarding the building classification of Unit 10, BASIX Certificates for Units 10 and 49, and BASIX Commitments being incorporated into the plans.

The application has provided amended plans and information addressing these requirements. In an email dated 6 April 2017 the SBDO has confirmed that all outstanding matters have

been addressed and recommended appropriate **conditions** on the consent which are included in **Appendix 1**.

*Engineering Assessment*

Council's Development Engineer in the report dated 23 March 2017 has raised no objections to the development and recommended a number of **conditions** on the consent which are included in **Appendix 1**.

*Environment and Health Assessment*

Council's Environment and Health Services Supervisor (EHSS) in the report dated 3 January 2017 has raised no objections to the development and recommended a number of **conditions** on the consent which are included in **Appendix 1**.

**SUMMARY**

The Applicant is seeking development consent from Council to redevelop Lot 13 DP 597771, 277-283 Cobra Street, Dubbo as 'Serviced Apartments' containing 52 serviced apartments, and one (1) site manager's residence.

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

No submissions objecting to the development have been received by Council.

The proposed 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 included in **Appendix 1**.

Appendices:

- 1 [↓](#) Conditions
- 2 [↓](#) Development plans
- 3 [↓](#) Correspondence from Essential Energy dated 10 January 2017
- 4 [↓](#) Correspondence from Roads and Maritime Services dated 6 April 2017

**CONDITIONS**

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

- Basix Certificate No. A272302, @2055 Unit 10, Date of Issue: 8 February 2017
- Basix Certificate No. A272307, @2055 Unit 49, Date of Issue: 8 February 2017

Title: Overall Site Plan  
Drawing no: A01  
Sheet: 1 of 15  
Revision: F  
Drawn by: Bloomfield Architects  
Dated: 24/03/2017

Title: Landscaping: Garden Plans  
Drawing no: A02  
Sheet: 2 of 14  
Revision: F  
Drawn by: Bloomfield Architects  
Dated: 24/03/2017

Title: Landscaping: Front Fence Details  
Drawing no: A03  
Sheet: 3 of 15  
Revision: F  
Drawn by: Bloomfield Architects  
Dated: 24/03/2017

Title: Floor Plans: Apartments 1-9, 11-13  
Drawing no: A04  
Sheet: 4 of 14  
Revision: D  
Drawn by: Bloomfield Architects  
Dated: 03/11/2016

Title: Floor Plans: Apartments 14-23 & LDY  
Drawing no: A05  
Sheet: 5 of 14  
Revision: D  
Drawn by: Bloomfield Architects  
Dated: 03/11/2016

Title: Floor Plans: Apartments 24-34  
Drawing no: A06  
Sheet: 6 of 14

Revision: D  
Drawn by: Bloomfield Architects  
Dated: 03/11/2016

Title: Floor Plans: Apartments 35-48  
Drawing no: A07  
Sheet: 7 of 14  
Revision: D  
Drawn by: Bloomfield Architects  
Dated: 03/11/2016

Title: Floor Plans: Apartments 10  
Drawing no: A09  
Sheet: 9 of 15  
Revision: E  
Drawn by: Bloomfield Architects  
Dated: 01/02/2017

Title: Floor Plans: Apartments 49  
Drawing no: A10  
Sheet: 10 of 15  
Revision: E  
Drawn by: Bloomfield Architects  
Dated: 01/02/2017

Title: Sections A, B & C Overall Site Elevations  
Drawing no: A11  
Sheet: 11 of 14  
Revision: G  
Drawn by: Bloomfield Architects  
Dated: 06/04/2017

Title: Detail Elevations  
Drawing no: A12  
Sheet: 12 of 14  
Revision: F  
Drawn by: Bloomfield Architects  
Dated: 24/03/2017

Title: Detail Elevations C/Room & Pergola 1  
Drawing no: A13  
Sheet: 13 of 14  
Revision: E  
Drawn by: Bloomfield Architects  
Dated: 01/02/2017

Title: Pergola 2 Details  
 Drawing no: A14  
 Sheet: 14 of 14  
 Revision: E  
 Drawn by: Bloomfield Architects  
 Dated: 03/11/16

Title: Existing Site Plan (Simplified)  
 Drawing no: A25520-C01  
 Revision: B  
 Drawn by: Barnson  
 Dated: 15.08.2016

Title: Proposed Stormwater Concept Plan  
 Drawing no: A25520-C02  
 Revision: B  
 Drawn by: Barnson  
 Dated: 15.08.2016

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

- (2) Detailed design drawings of the development's internal stormwater drainage system shall be submitted with the applicable construction certificate application, demonstrating conformity with AS/NZS 3500.3-2015.  
 {Reason: To ensure satisfactory disposal of stormwater water and Council requirement to ensure conformity with the Plumbing Code of Australia}
- (3) 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/demolition 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/demolition work and not be removed until the work has been completed.

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

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

- (4) 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}

- (5) The finished floor level of the habitable areas of the proposed buildings shall in respect of its height above the external finished ground level:
- (a) At the location of such building's overflow (relief) gully achieve:
- (i) A minimum of 225 mm above the finished surrounding ground level; or
- (ii) 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, a minimum of 150 mm above the finished surrounding path or paved area; and
- (b) In all others areas achieve:
- (i) A minimum of 150 mm above the finished surrounding ground level.

Any excavated areas around the perimeter of the buildings shall be graded away from the building to ensure adequate surface drainage and prevent pondage.

{Reason: Council requirement to provide adequate stormwater free board and drainage and ensure free board provisions of sanitary drainage regulations can be achieved}

- (6) 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}
- (7) The required automatic smoke detection and alarm system (consisting of alarms connected to the mains electrical power supply and having a battery standby power supply), shall be installed at least in the locations required by the BCA Part E2.2. In this respect, the applicant is required to submit to Council a Certificate of Installation, completed by a licensed electrician prior to an Occupation Certificate being issued.
- {Reason: Council requirement to ensure a minimum level of protection}
- (8) The proposed building works must be designed and constructed in conformity with the applicable criteria under the BCA and the *Disability (Access to Premises – Buildings) Standards 2010* of the DDA.

In particular the Developer must address the 'affected parts' of the existing buildings and submit with the Construction Certificate application details of any upgrading to the existing buildings' 'affected parts' as required under the *Disability (Access to Premises – Buildings) Standards 2010*.

{Reason: Council requirement in consideration of the Premises Standards under the DDA & s79C}

- 2.1** (9) At least three disabled car parking spaces, having a minimum width of 4.8 m and provided with the signage and marking requirements of AS/NZS 2890.6, shall be provided within the proposed car park. The marking and signage to such car park space shall be maintained in a trafficable and legible condition. Such parking space shall have a continuous accessible path of travel provided between it and the principal pedestrian entrance to each sole-occupancy unit of the subject building.

{Reason: Council requirement in consideration of section 79C of the EP&A Act and the DDA 1992}

- 2.2** (10) The applicant must submit to and have approved by Council, a detailed design of the development's and building's proposed stormwater drainage system, which shall include hydraulic design, surface and invert levels, pipe sizes and grades, and relative level of the sanitary drainage overflow (relief) gullies. Such details shall be approved by Council prior to issue of the building's Construction Certificate.

Note: If the design plans for such services have not been approved by Council as part of the Construction Certificate application, such design plans must be submitted to Council with the required Plumbing and Drainage Approval application.

{Reason: Statutory requirement of s68, Local Government Act 1993}

- (11) Due to the depth and close proximity of Council's sewer main to the proposed serviced apartments, the buildings' footings must be constructed to incorporate the following requirements in order that the building's loads are taken below the influence of Council's sewer:

- (a) i. Piers shall be provided under each unit's footing along the eastern elevation of the new unit's footings that are to extend at least 200 mm below the zone of influence of Council's sewer main and its trench. In this regard the depth of such piers must be taken at least 1.85m below existing natural ground level;
- ii. The subject piers shall be a minimum 300 mm in diameter @ 3m C/C;
- iii. At least one N12 bar (cogged both ends) provided to each pier;
- iv. A minimum 1000 mm clearance achieved between the building's footing and support pier from centre line of the sewer main;
- or
- (b) Alternatively, a structural engineered design may be provided in lieu of the above, such design addressing the building's footing encroachment into the sewer main's zone of influence.

{Reason: Sewerage regulatory authority requirement to prevent undermining of structure}

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

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

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

- 2.3 (13) Any proposed alterations to be carried out to the existing buildings' sanitary plumbing and drainage pipe work requires the issue of a separate approval from Council prior to being installed. In this regard a Plumbing and Drainage Approval Application form is available from Council, and must be completed by the licensed plumbing and drainage contractor undertaking the work and returned to Council with the appropriate fee. Plumbing and drainage works must not be commenced until Council has issued an approval authorizing such works. (Reason: Statutory requirement of Local Government (General) Regulation 2005)
- (14) The full width of Council's footpath shall be kept free of all refuse, building materials and unnecessary traffic and disturbance. Any unauthorised material found upon Council's footpath may be impounded or removed without notice.  
{Reason: Council requirement as the relevant road authority}
- (15) 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}
- (16) The top of the building's overflow (relief) gully shall be a minimum 150 mm below the lowest sanitary fixture serving the building.  
{Reason: Statutory and sewerage authority requirement}
- (17) The top of the building's overflow (relief) gully shall be a minimum 75 mm above the finished surrounding ground level to prevent ingress of surface stormwater.  
{Reason: Statutory and sewerage supply authority requirement}
- (18) The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier, prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for inspection of such works. When requesting an inspection, please quote Council's reference number located in the top left hand corner of this page.
- 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}
- (19) If Council is appointed the Principal Certifying Authority the following critical stage inspections associated with the all **building work**, must be inspected and passed by a Building/Development Officer of Council. In this regard, at least 24 HOURS NOTICE shall be given to Council for inspection of such works. When requesting an inspection, please telephone Council's Environmental Services Division on 6801 4612 and quote Council's reference number.



Critical Stage Inspections:

- Foundation piers, footings and slabs with reinforcement in position, prior to pouring concrete.
- The waterproofing systems installed in a minimum of 10% of the building's rooms with wet areas, prior to covering. The rooms to be inspected are to include a Unit in existing Buildings 1 and 2 and one unit in each of the new buildings.
- Stormwater connections prior to covering (ie. where it connects to the inter-allotment drainage pit).
- Final inspection of the buildings upon completion, prior to occupation or use.

Other Inspections required to be undertaken by Council as the PCA:

- Framework for any roof, wall or other building element prior to covering.
- If installed, any fire-resistant ceiling after installation but prior to the labelling/markings on the fire-resistant grade plasterboard being painted or otherwise covered.
- If installed, existing wall construction to the underside of the roof covering for all existing separating walls prior to covering.
- Separating construction for all new units' external and internal walls requiring an FRL prior to covering & including any packing material in the eaves between the units and above walls.

Note: Failure to ensure that all of the above stated inspections are performed by Council as the PCA, will result in the non-issue of the structure's occupation certificate.

**2.4**{Reason: To ascertain the building is/has been erected generally in accordance with its Construction Certificate}

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

{Reason: Statutory and Council requirement}

- (21) The applicant shall ensure that the responsible builder or contractor submits to Council, if Council is engaged to act as the Principal Certifying Authority (PCA), a Certificate of Installation certifying that the wet areas of the buildings have been protected by the installation of a water-proofing system conforming to AS 3740 'Waterproofing of domestic wet area'. Such Certificate/s must be provided prior to occupation or use of the buildings.{Reason: To demonstrate the provision of an adequate moisture proofing system}

- 2.5** (22) The buildings shall not be occupied or used until the Principal Certifying Authority (PCA) has first issued an Occupation Certificate (O/C). Note that no interim O/C can be issued until ALL the fire safety measures applicable to the site and that particular building has been installed and certified.

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

- 2.7** (23) 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}

**2.8** (24) 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}

**2.9** (25) Prior to the issuing of an Occupation Certificate for any BASIX affected building, documentary evidence is to be supplied to the Principal Certifying Authority (PCA) identifying that the commitments set out in the approved BASIX Certificate have been satisfied.

{Reason: To fulfil the statutory requirement of Environmental Planning and Assessment Regulation 2000}

(26) Noise from any required rainwater tank pump/s shall be controlled such that offensive noise is not emitted. In this regard, the pump shall be located in a position where it least affects neighbouring properties, and not exceed the background noise level (LA90) by 5dB(A) measured at the worst effected residence.

Note: To minimise noise nuisance the pump should not be located adjacent to neighbouring bedrooms or between adjoining dwellings. If a complaint arises after installation consideration may need to be given to relocating the pump or providing an acoustic cover.

{Reason: To minimise the creation of offensive noise}

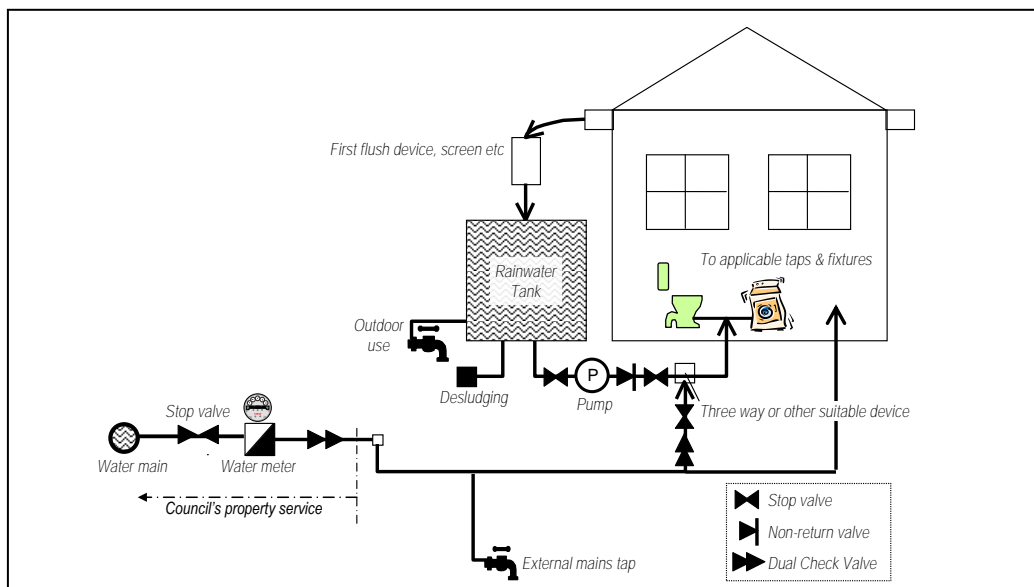
**2.10** (27) If there are BASIX commitments that requires the pipework from any proposed rainwater tank that is to be inter-connected with pipework connected to Council's town reticulated water supply the following installation criteria shall apply:

**2.11**

- (a) A stop valve shall be provided on the rainwater delivery side of the pump. A second stop valve and a non-return valve shall be provided on the outlet side of the pump;
- (b) A stop valve and a dual check valve shall be provided on the delivery side of the town water supply pipework immediately upstream of the point of inter-connection with the rainwater pipework supply; and
- (c) The inter-connection point of the pipework from the two different water sources is to be provided with a three-way flow switching device.

**2.12**

**2.13** (Refer to the following diagram for an indicative installation arrangement)



**2.14**

**2.15** Any proposed plumbing configuration different from the above arrangements shall be discussed with Councils' officers for conformity with the Plumbing Code of Australia and approved prior to installation.

{Reason: Water supply authority and statutory requirement to prevent water cross-contamination}

- (28) The water supply pipework from any required rainwater tank shall be clearly marked at intervals not exceeding 500 mm where concealed in walls, or 1 m where exposed or buried, with the word '**RAINWATER**'. Water outlets shall be identified as '**RAINWATER**' with a label or a rainwater tap identified by a green coloured indicator with the letters '**RW**'.

Note:

- ① All '**RAINWATER**' labels or signs are to have black lettering and pictogram on either a yellow or green background.



- ① Marking shall be in accordance with AS 1345.

{Reason: Statutory requirements of Plumbing Code of Australia}

- (29) Where a pump is required to distribute and pressurise water from any proposed rainwater tank it shall be electrically powered.

{Reason: Council requirement to minimise the creation of offensive noise}

- (30) Any proposed rainwater tank(s) shall be provided with:

- A top or lid to shield the interior from light penetration; and
- A screen to all inlets and openings into the tank to prevent debris and mosquito entry.

**2.16** {Reason: Council requirement to reduce contamination of the supply and breeding of mosquitoes}

- (31) A durable notice associated with the termite barrier system provided to the building is required to be permanently fixed to the building, preferably in the inside lid of the building's meter box and must indicate:

- (a) The method(s) of termite protection provided to the building;
- (b) The date of installation of the termite protection system;
- (c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label in the following applicable applications:
  - (i) Underfloor barriers;
  - (ii) External barrier; and

- (d) The need for the owner/occupier to maintain and inspect the building and installed barrier system(s) on a regular basis, being not less than once every 12 months.

{Reason: Requirement of the Building Code of Australia}

- 2.17 (32)** 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 on the new buildings 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 buildings' Occupation Certificate.

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

- (33) For the purposes of upgrading the existing buildings' fire safety, the following shall be undertaken, the details of which are to be submitted with the Construction Certificate application as part of the proposed building works:

Option 1

Provide and install the following measures to the subject buildings:

- (a) Provision of portable fire extinguishers to the existing building's to the requirements of AS 2444-2001 and BCA 2016, E1.6; and
- (b) Provision of an on-site pillar fire hydrant/s which shall conform to AS 2849.1-2005 and BCA 2016, E1.3; and
- (c) Provision of smoke alarms in accordance with the E P & A Regulation 2000, clause 186A and clause 186B; and
- (d) Provision of smoke alarms in accordance with the BCA 2016, E2.2 and AS 3786; for the common room; or
- (e) Provision of smoke alarms in accordance with the BCA 2016, E2.2 and AS 3786; for all the existing buildings; and
- (f) Provide for the dividing walls between each of the units and the laundry which are *required* by Table 5 of Specification C1.1 of BCA 2016 for bounding construction to have an FRL must extend—
  - (i) to the underside of the floor next above if that floor has an FRL of at least 30/30/30 or a *fire-protective covering* on the underside of the floor; or
  - (ii) to the underside of a ceiling having a *resistance to the incipient spread of fire* to the space above itself of not less than 60 minutes; or
  - (iii) to the underside of the roof covering if it is *non-combustible*, and except for roof battens with dimensions of 75 mm x 50 mm or less or *sarking-type material*, must not be crossed by timber or other *combustible* building elements; or
  - (iv) 450 mm above the roof covering if it is *combustible*; and
- (g) Provide for the external wall of Unit 46 to be provided with an FRL of 90/90/90 unless this unit is provided with facilities that determine its classification as a class

1a dwelling; and

- (h) Provide for protection of any openings in Unit 46 within 3m of the western boundary in accordance with C3.4 of BCA 2016, unless this unit is provided with facilities that determine its classification as a class 1a dwelling; and
- (i) Provide for protection of any openings in the Common Room within 3m of the western boundary in accordance with C3.4 of BCA 2016;

OR

Option 2

- (a) In lieu of the above requirements Council is prepared to consider, and if acceptable to Council, approve a Performance Solution Report prepared by an appropriate building/fire safety consultant addressing the relevant Performance requirements of the BCA in terms of upgrading the existing building's fire safety and prepared in accordance with PART A0 of BCA 2016:

Any proposal under Option 2 above must be submitted, agreed to and approved by Council prior to the issue of the Construction Certificate for the building's upgrading works.

{Reason: Council requirement for provision of adequate fire safety upgrading of the building in consideration of clause 94 of the EP&A Regulation 2000}

- (34) Provide for all external walls of the existing buildings that are at present single skin 110mm brickwork to be provided with an internal veneer wall or are replaced by a weather proof stud wall complying with the provisions of Vol 2 of the BCA 2016.  
{Reason: To ensure the premises are provided with appropriate weatherproofing to maintain the health and amenity of the buildings}
- (35) Provide for all new divisional walls, provided within the existing buildings, to achieve an FRL of 60/60/60 and complying with F5.5 Sound insulation rating of walls of the BCA 2016, having an  $R_w + C_{tr}$  (airborne) of not less than 50.  
{Reason: To provide and maintain the acoustic amenity of the premises}
- (36) Provide, on one side of all existing bounding walls between units that require an FRL, except for where only wet room wall's adjoin each other, 50mm batons, packed between with insulating blanket with a minimum R1.5 rating and lined with 13mm gyprock lining material.  
{Reason: To provide an element of acoustic privacy for residents}
- (37) Provide for the ceilings of all the existing units to be provided with insulation material having a minimum R3.0 rating complying with AS/NZS 4859.1:2002.  
{Reason: To enhance the acoustic separation between the units and provide thermal comfort for occupants}
- (38) The hot water delivered to the outlets used for personal hygienic purposes of the hand-basins, showers and the like shall not exceed 50°C, whilst accessible disabled fixtures for similar outlets shall not exceed 45°C.

{Reason: Council policy and statutory requirement of the Plumbing Code of Australia}

- (39) The proposed buildings must be provided with a subterranean termite management system utilising an integrated termite barrier system conforming to AS 3660.1. In this regard the applicant is required to submit to Council a Certificate of Installation from an appropriately qualified person, prior to an Occupation Certificate being issued.  
{Reason: Council requirement imposed in the public's interest under S79C of the EP&A Act 1979}
- (40) The truss and frame manufacturer's Certificate of Design, Bracing and Erection/Fixing Plan for the subject serviced apartments shall be submitted to the Principal Certifying Authority (PCA) for appraisal prior to the building's frame being inspected. {Reason: To permit assessment of the compatibility of the design with statutory requirements}
- (41) The applicant must submit with the construction certificate application the hydraulic design calculations and drawings prepared by a practicing hydraulics engineer, of the development's proposed internal fire hydrant system to be in conformity with AS 2419.1.  
{Reason: Council requirement to ensure the internal hydrant system is assessed as part of the CC}
- (42) 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}
- (43) 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}
- (44) Demolition and Construction work shall only be carried out within the following time:
- |                             |                                                                             |
|-----------------------------|-----------------------------------------------------------------------------|
| Monday to Friday:           | 7 am to 6 pm                                                                |
| Saturday:                   | 7 am to 1 pm if inaudible on residential premises otherwise<br>8 am to 1 pm |
| Sunday and public holidays: | No demolition or construction work permitted.                               |
- {Reason: Council requirement to reduce likelihood of noise nuisance}
- (45) Prior to any construction works commencing on the proposed development the site shall be assessed by an Industrial Hygienist and certified as being safe. A copy of the certification and any required management plans shall be submitted to and approved by Council prior to any works commencing.  
{Reason: Council requirement to ensure safe work site}
- (46) All asbestos requiring removal shall be removed by an appropriately licenced person in accordance with SafeWork NSW requirements.  
{Reason: Council requirement to ensure safe removal of asbestos}

(47) Prior to occupation of the proposed development, copies of all weighbridge or receipt dockets from the licensed waste disposal depot for the asbestos and solid wastes shall be provided to Council. Waste tracking documentation shall be maintained in accordance with POEO (Waste) Regulation 2014.

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

(48) No bedroom with a floor area less than 11.0 square metres shall be used to provide sleeping accommodation for more than one person at any time unless a procedure approved by Council's Environmental Services Division has been implemented to ensure compliance with Clause 46 of the Public Health Regulation 2012.

{Reason: Statutory requirement of the Public Health Regulation 2012}

(49) The upgraded buildings shall not be used for the manufacturing, preparing, storing or handling of food for sale as defined by the Food Regulations, unless approval has been obtained from Council's Environmental Services Division.

{Reason: Statutory requirement of the Food Act 2003 and Food Regulation 2010}

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

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

{Reason: Council policy in respect of commercial developments}

**2.19** (51) All driveways, hard stand areas and parking areas shall be drained to Council's satisfaction, noting that all stormwater shall discharge into the existing stormwater interallotment drainage pit located at south-western boundary of the subject land. Flows shall be limited to the downstream capacity of the existing stormwater system without surcharging for both minor and major events so as not to flood private property.

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

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

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

(52) The construction of a 2.5 metre wide concrete footpath for the full frontage of the development to Wellington Road (Mitchell Highway) connecting the existing footpath at the western side of the subject lot.

The proposed footpath area for the full frontage of the development lot is to be fully turfed, irrigated and maintained to Council's satisfaction and incorporated as part of the "frontage landscaping buffer area". All construction works associated with this condition are to be carried out in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction standards and Council's Standard Drawing STD 5251 with detailed plans including cross sections submitted to Council for their approval prior to works commencing.

Should Council's Development Engineer (or his representative) not undertake the required routine inspections during the course of construction of this footpath, then a Compliance Certificate issued by an accredited private certifier will be required to be lodged with Council prior to occupation of the proposed development.

{Reason: Implementation of Council Policy}

- (53) 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}

- (54) 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}

- (55) No advertising, advertising sign(s) 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}

- (56) No materials, goods, plant or vehicles associated with the proposed development shall be stored, displayed or placed for advertising purposes outside the allotment's boundary.

{Reason: Implementation of Council's policy codes}

- 2.20** (57) Any alteration/damage to the footpath, kerbing and guttering, vehicular entrance(s), road or road shoulder including utility services, shall be repaired/restored at full cost to the Developer and in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction standards.

{Reason: Implementation of Council policy}

- 2.21** (58) No vehicles larger than a 'Passenger Vehicle' generally 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' generally 5.2m in length or vehicles of lesser dimensions at this location}

- (59) No gates, or like structures, shall be constructed across the entrance to the development.

{Reason: To ensure safe traffic movements into and out of the site and to prevent queuing on Cobra Street}



- 2.22** (60) The proposed security access gate(s) are to be constructed and erected to open inwards only onto the subject land, not “outwards” onto the footpath reserve area. Additionally, the proposed gate(s) shall be fitted with appropriate locking mechanisms such that the gate(s) cannot at any stage inadvertently swing or open onto the footpath reserve area.

{Reason: To protect the amenity of the pedestrian public utilising the public footpath area}

- (61) 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, 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.

- 2.23** Prior to the issue of the Occupation Certificate for the proposed development, the Developer/Applicant is to provide the Principal Certifying Authority (PCA) with written evidence/confirmation that the required Section 138 Application was lodged with Council, and that any relevant condition(s) have been complied with.

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

- (62) Should any of the proposed demolition activity 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}

- (63) As a minimum all occupied apartments shall be cleaned by cleaning staff on a weekly basis.

{Reason: To ensure that the development operates as serviced apartments and is maintained to a high standard}

- (64) All external lights associated with the development must be shielded and directed downward such that no light spills off the site.

{Reason: DLEP 2012 Clause 5.14 Siding Springs – Maintaining Dark Skies}

- (65) Prior to the submission of a Construction Certificate for the development enhanced landscaping plans for the site and development will be submitted to Council for approval.

The enhanced landscaping plan shall detail the mature heights and canopy widths of all proposed plantings and demonstrate that a significant vegetation canopy will be provided throughout the site and along its boundaries.

In particular the landscaping plan will show enhanced canopy planting inside the northern frontage and eastern side boundaries.

{Reason: To ensure the development integrates into the landscape, surrounding residential area and has a positive streetscape impact on the entrance to Dubbo}

- (66) No noise shall be generated from the open space areas of the development between the hours of 10pm to 6am.

{Reason: To protect the amenity of adjoining residential dwellings}

- (67) The proposed landscaping shown on the approved development plan (as amended) shall be established and maintained to at least the standard specified on the approved development plans.

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

- (68) The sign and frontage fence, including associated landscaping, shall be maintained in good and substantial repair and repaired immediately in the event of damage or vandalism.

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

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

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

- (70) 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}

- (71) 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}

- (72) The Water Supply headworks contribution of \$9,218.16 (1.68ET), 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 release of the Occupation Certificate for the development.

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 2016/2017 financial year rate is \$5487.00 per ET.

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

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

- (73) The Sewerage Services headworks contribution of \$38,409.00 (7ET), 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 release of the occupation certificate for the development.

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.

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

- (74) The Urban Roads headworks contribution of \$32,373.60 (84 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 release of the Occupation Certificate for the development.

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

Note 1: Council's adopted 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.

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

- (75) The development shall incorporate seven (7) Adaptable Housing Units in accordance with the requirements of Dubbo DCP Chapter 3.1 Access and Mobility for serviced apartments set out in Design Element 5 Adaptable Housing.

In this regard the developer shall submit with the Construction Certificate application a schedule addressing the requirements of Design Element 5 for the units and indicating how compliance with the requirements has been achieved.

The adaptable housing units shall be provided in addition to the three (3) disabled accessible units proposed to be provided.

{Reason: To ensure suitable provision of units for people with a disability in accordance with the requirements of Dubbo DCP 2013}

(76) The development shall be undertaken in accordance with the conditions outlined in Roads and Maritime Service (RMS) concurrence dated 6 April 2017 (copy attached).

{Reason: To ensure compliance with RMS requirements and to protect safe operation of Mitchell Highway}

## 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 building(s).

(2) The proposed buildings are likely to be required to have a subterranean termite barrier system conforming to a method or methods contained in AS 3660.1. Details of the selected system will be required to be submitted with the Construction Certificate application.

Note: The system selected must take into account any different forms of construction in the building as well as the protection of attached structures and posts (eg steps, verandahs, porches, carports, claddings etc).

(3) 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.

(4) Details of the disabled facilities (including access paths, toilets, signage and location of any tactile ground surface indicators) need to be adequately detailed on the Construction Certificate application plans to permit assessment and compliance evaluation with the provisions of the Council's Development Control Plan (where applicable), the Premises Standards and the BCA. Reference should be made to AS 1428.1, the Access Code under the Premises Standards and AS/NZS 2890.6 regarding specific design parameters.

- (5) Party or common walls are required to be carried through to the under side of the roof covering with no combustible material crossing such walls (other than roof purlins less than 75 mm x 50 mm).
- (6) On completion of the erection of the subject buildings, the owner of the building is required to submit to the Principal Certifying Authority (PCA) a Fire Safety Certificate(s) with respect to each *essential fire safety measure* installed in association with the buildings - 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 buildings.

**2.24** 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.

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

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

- (8) If Council is engaged to act as the Certifying Authority for the Construction Certificate application the following shall be included with such application:
  - (a) The intended means of providing fire separation between units
  - (b) Type and location of required portable fire extinguishers.
  - (c) Details of the manner in which compliance with E1.9 (Fire precautions during construction) of the BCA will be achieved;
  - (d) Specifications detailing the all the proposed new buildings' compliance with Section J *Energy Efficiency* of the BCA;
  - (e) Specifications demonstrating the building's floor, wall and ceiling lining materials conform with C1.10 of the BCA with respect to fire hazard properties;
  - (f) Details of termite treatment if intended to be provided;
  - (g) Certification of the applicable FRL rating to the light weight construction panels comprising the external walls requiring an FRL and separating and bounding walls;
  - (h) Levels indicating that the statutory requirement for the top of the all the buildings' overflow (relief) gullies to be a minimum 150 mm below the lowest sanitary fixture/fitting, within the building served, will be achieved;
  - (i) All structural details including specifications and design drawings;
  - (j) Plans indicating compliance with AS 1428.1-2009 as adopted by the BCA with respect to the design of the proposed paths of travel from the street, disabled car parking spaces and to common areas. Submitted plans should detail the specific

set-out dimensions of all proposed fixtures, not only for the benefit of the Certifying Authority, but also the subsequent installation tradesmen. Attention should also be given to the following aspects under the BCA and AS 1428.1-2009, and be appropriately detailed in any submitted plans/specifications-

Plans indicating compliance with AS 1428.1-2009 as adopted by the BCA and Access Code with respect to the design of the proposed building work.

Note: Attention should also be given to the following aspects under the BCA and AS 1428.1-2009, and where applicable, be appropriately detailed in any submitted plans/specifications:

- Doors having a clear unobstructed width of at least 850 mm (clause 13.2, AS 1428.1);
  - Luminance contrast at doorways (clause 13.1, AS 1428.1);
  - Floor and ground surfaces having tolerances as specified under section 7, AS 1428.1;
  - Carpets having maximum pile height/thickness under BCA clause D3.3(g) and (h);
  - Tactile ground surface indicators (TGSIs) under BCA clause 3.8 and provided with a luminance contrast as specified under clause 13.1 of AS 1428.1;
  - Signage as specified under section 8 AS1428.1 and BCA clause D3.6;
  - Door controls (clause 13.5, AS 1428.1);
  - Electrical switches (clause 14.2, AS 1428.1);
  - Accessible car parking spaces under BCA clause D3.5 and AS/NZS 2890.6:2009;
  - Bollard to the disabled car parking space's 'shared area' under AS/NZS 2890.6:2009; and
  - Solid opaque 75 mm wide contrast line across all fully glazed doors (clause 6.6, AS 1428.1);
- (k) Details demonstrating the provision of disabled access to and within buildings required by the BCA, including the car park spaces (if deemed-to-satisfy solution utilised); or otherwise an alternative solutions prepared under Part A0 of the BCA to address the applicable Performance Requirements under the BCA and Access Code;
- (l) A drawing of the required disabled car parking spaces and its shared area/s should be clearly detailed to indicate the design criteria specified under AS/NZS 2890.6:2009. In particular, it should be noted that the outline of both the car space and shared area (and any walkway within the shared area) must be delineated by yellow non-raised pavement markings having unbroken lines 80 to 100 mm wide. Further the shared area (excluding any walkway within) must be marked with diagonal (45 ± 10 degrees) stripes 150 to 200 mm wide with spaces 200 mm to 300 mm between the stripes;
- (m) 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;
- (n)

Location of the required fire brigade hardstand areas adjoining the required pillar hydrants and booster assembly, designed in conformity with the following Fire and Rescue NSW publications together with design calculations demonstrating compliance with AS 2419.1-2005 with respect to flow rate, pressure and distance limitations;

- Guide Sheet No. 5 *Hardstand Areas for NSWFB 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 NSWFB 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;

- (o) All relevant stormwater design and disposal details;
  - (p) Existing and finished site contours and levels indicating the extent of any cut and fill; and methods (eg retaining walls) proposed to be implemented to retain the batters associated with any such cut and fill;
  - (q) Existing and finished site contours and levels associated with the development's site works;
  - (r) 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;
  - (s) Details indicating the smoke hazard management measures under Part E2 of the BCA intended for the applicable buildings;
  - (t) Manufacturer's details of any proposed lightweight separating and fire walls compliance with the required FRL's and weighted sound reduction index.
- (9) Details of the disabled facilities (including accessways, signage, doorway and corridor widths, doorway luminance contrast, ramps and location of any tactile ground surface indicators) need to be adequately detailed on the Construction Certificate application plans to permit assessment and compliance evaluation with the provisions of the BCA and the Access Code to the *Disability (Access to Premises — Buildings) Standards 2010* (the Premises Standards) as adopted under the Disability Discrimination Act.

In particular, the submitted details must address the applicable upgrading of the existing building which constitute the "affected parts" as defined under the Premises Standards. Reference should be made to the Premises Standards (particularly sections 2.1 and 3.2), the Access Code and AS 1428.1:2009 regarding specific legislative requirements and design parameters.

Note: The Premises Standards and Access Code and the Australian Human Rights Commission's *'Guideline on the Application of the Premises Standards'* can be viewed and download from the following website links:

- <http://www.comlaw.gov.au/Details/F2011C00214>

- 

[http://www.humanrights.gov.au/disability\\_rights/standards/Access\\_to\\_premises/Premises%20Standards%20Guideline\\_Final\\_2.pdf](http://www.humanrights.gov.au/disability_rights/standards/Access_to_premises/Premises%20Standards%20Guideline_Final_2.pdf)

- (10) The deemed-to-satisfy provisions of the Building Code of Australia (BCA) require that a continuous accessible path of travel for disabled persons must be provided from the point of pedestrian entry at the development's allotment boundary at Cobra Street, to the principle pedestrian entrance of the proposed buildings.

If a design for such access cannot be achieved in accordance with the deemed-to-satisfy provisions of the BCA, then compliance with the relevant Performance Requirements of the BCA must be addressed in the Construction certificate application utilising an Alternative Building Solution.

- (11) Should the site be cut and filled, the controlled fill should continue horizontally past the edge of the slab by at least 1 m and be retained or battered beyond this point by a slope not steeper than two horizontal to one vertical. The uphill cut should be stabilised by a retaining wall or landscaped batter with the provision of surface water diversion away from and around the building.

- 2.26** (12) 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.

- (13) Please note that the demolition of any of the existing building is required to be undertaken in conformity with AS 2601-1991 "Demolition of Structures".
- (14) The applicant is advised that Part 1 of Schedule 2 to the Local Government (General) Regulation 2005 (standards for places of shared accommodation) applies to the extensions and can be enforced by Council if necessary.
- (15) The development will be undertaken in accordance with Essential Energy's correspondence dated 10 January 2017.

### **RIGHT OF REVIEW**

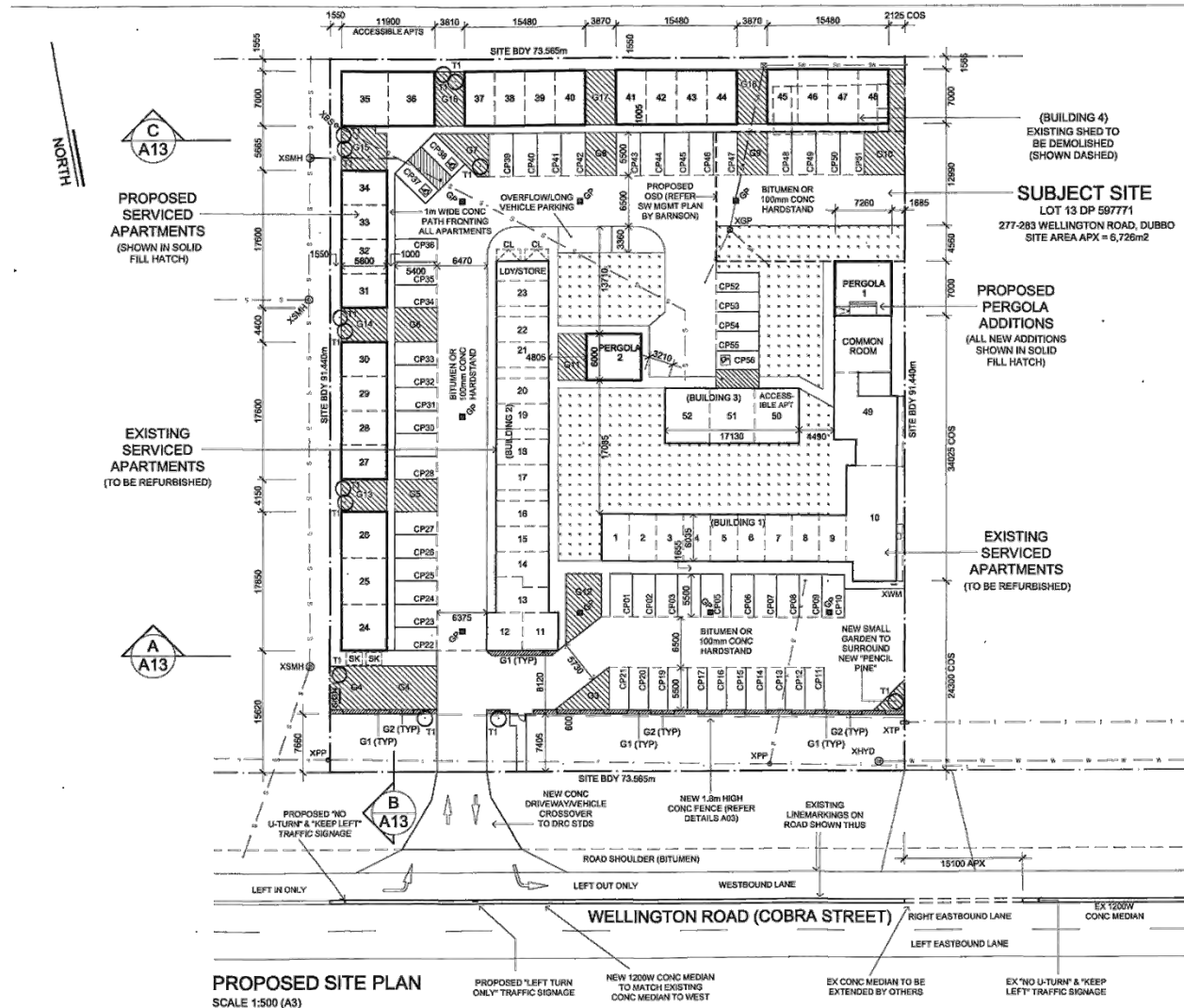
Section 82A of the Environmental Planning and Assessment Act 1979 confers the right for an applicant to make a request to the Council for it to review its determination, within six months after the date on which the applicant received this notice. Any requests for a review are required to be accompanied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



**GENERAL NOTES**

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THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS COMPRISING THE SET INCLUDING THE SPECIFICATION AND OTHER CONSULTANT'S DRAWINGS.

THIS DRAWING HAS BEEN PREPARED FROM PUBLICLY AVAILABLE INFORMATION OBTAINED FROM VARIOUS AUTHORITIES AND IS A DESKTOP PRELIMINARY INVESTIGATION ONLY. ALL EXISTING SERVICES MUST BE ACCURATELY LOCATED & CONFIRMED PRIOR TO COMMENCEMENT.

**LANDSCAPE LEGEND**

- \*\*\* LAWN
- T1 CUPRESSUS SEMPERVIRENS "PENCIL PINE"
- [Hatched Box] GARDENS - REFER TO DETAIL LANDSCAPE PLAN ON A02.

INSTALL IRRIGATION SYSTEM FOR THE WATERING OF THE NEW LAWNED AREAS TO OWNER'S REQUIREMENTS. INSTALL 'DRIP' SYSTEM FOR THE WATERING OF THE PLANTS & GARDEN BEDS TO OWNER'S REQUIREMENTS. CONNECT BOTH TO A CENTRAL AUTOMATIC IRRIGATION CONTROL SYSTEM.

**LEGEND**

- 1-52 APARTMENT NUMBERS (FOR TYPES REFER BELOW)
- COS CONFIRM ON SITE
- CP CAR PARKING SPACE
- EX EXISTING
- G1-11 GARDEN NUMBERS (REFER A02)
- GP GRATED STORMWATER PIT (REFER BARNSON DETAILS)
- HYD HYDRANT
- OSD ON-SITE DETENTION
- PP POWER POLE
- SMH SEWER MANHOLE
- TP TELSTRA PIT
- TYP TYPICAL
- WM WATER METER
- X EXISTING (WHEN USED AS PREFIX)

**APARTMENT TYPES**

- |                 |                 |                            |
|-----------------|-----------------|----------------------------|
| APT 01 = TYPE A | APT 21 = TYPE C | APT 35 = TYPE F (DISABLED) |
| APT 02 = TYPE A | APT 22 = TYPE B | APT 36 = TYPE F (DISABLED) |
| APT 03 = TYPE A | APT 23 = TYPE C |                            |
| APT 04 = TYPE A |                 | APT 37 = TYPE G            |
| APT 05 = TYPE A | APT 24 = TYPE D | APT 38 = TYPE G            |
| APT 06 = TYPE A | APT 25 = TYPE D | APT 39 = TYPE D            |
| APT 07 = TYPE A | APT 26 = TYPE D | APT 40 = TYPE G            |
| APT 08 = TYPE A |                 | APT 41 = TYPE G            |
| APT 09 = TYPE A | APT 27 = TYPE E | APT 42 = TYPE G            |
|                 | APT 28 = TYPE E | APT 43 = TYPE G            |
| APT 10 = TYPE A | APT 29 = TYPE E | APT 44 = TYPE G            |
|                 | APT 30 = TYPE E | APT 45 = TYPE G            |
| APT 11 = NONE   | APT 31 = TYPE E | APT 46 = TYPE G            |
| APT 12 = NONE   | APT 32 = TYPE E | APT 47 = TYPE G            |
| APT 13 = NONE   | APT 33 = TYPE E | APT 48 = TYPE G            |
| APT 14 = NONE   | APT 34 = TYPE E |                            |
| APT 15 = NONE   |                 | APT 49 = NONE              |
| APT 16 = TYPE B |                 |                            |
| APT 17 = TYPE C |                 | APT 50 = TYPE H (DISABLED) |
| APT 18 = TYPE B |                 | APT 51 = TYPE J            |
| APT 19 = TYPE C |                 | APT 52 = TYPE J            |
| APT 20 = TYPE B |                 |                            |



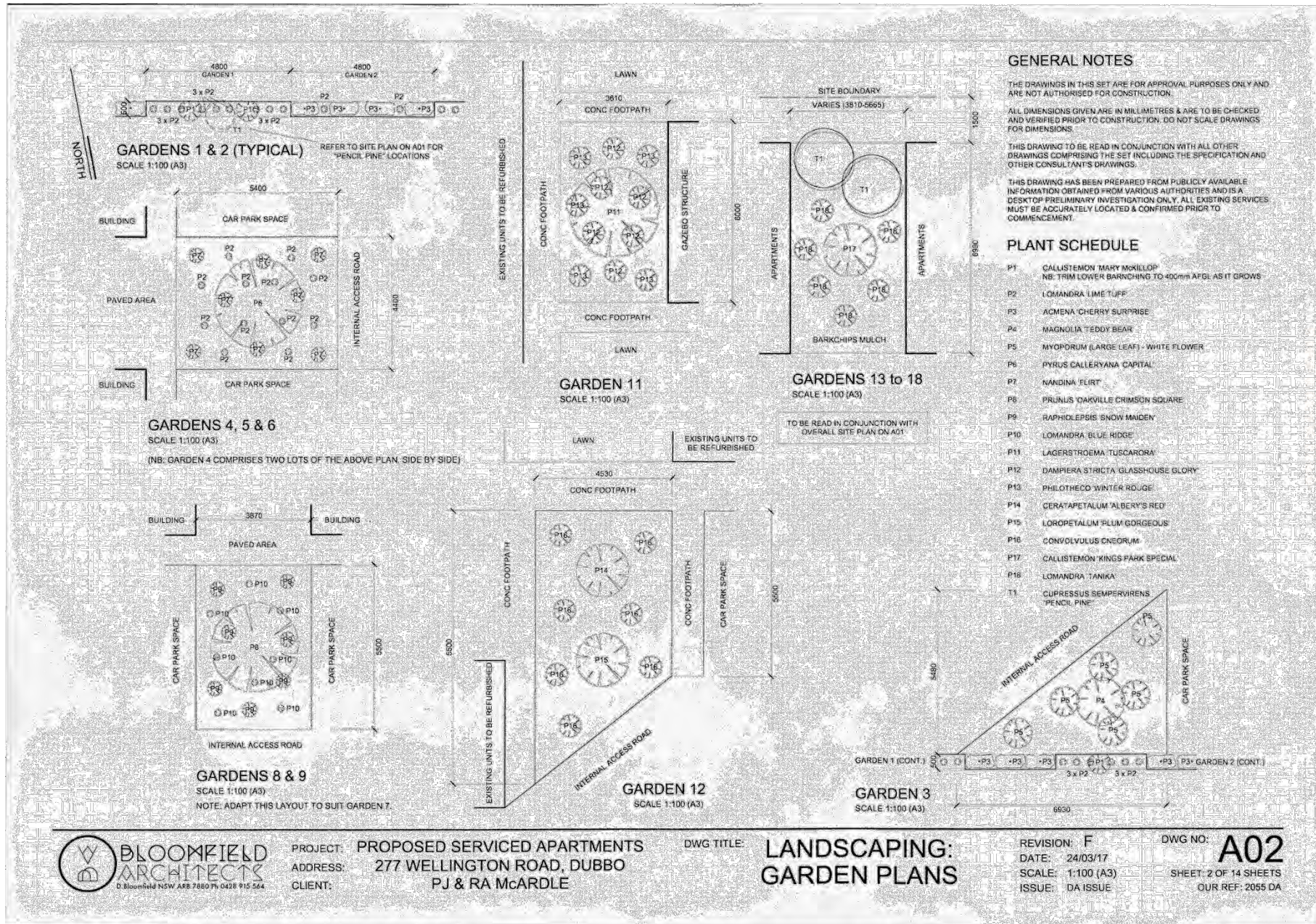
PROJECT: **PROPOSED SERVICED APARTMENTS**  
 ADDRESS: **277 WELLINGTON ROAD, DUBBO**  
 CLIENT: **PJ & RA MARDLE**

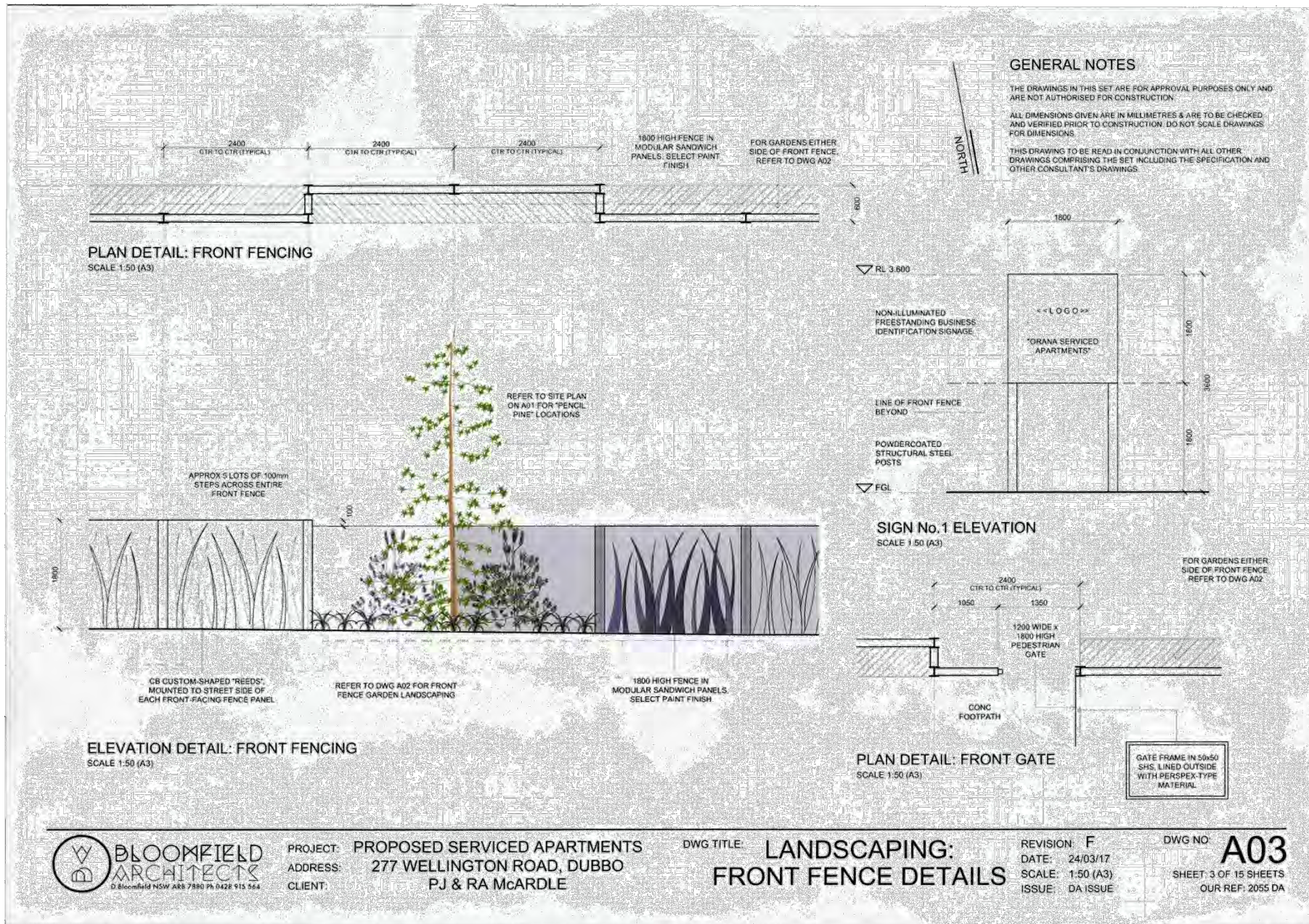
DWG TITLE:

**OVERALL SITE PLAN**

REVISION: **F**  
 DATE: 24/03/17  
 SCALE: 1:500 (A3)  
 ISSUE: DA ISSUE

DWG NO: **A01**  
 SHEET: 1 OF 15 SHEETS  
 OUR REF: 2055 DA





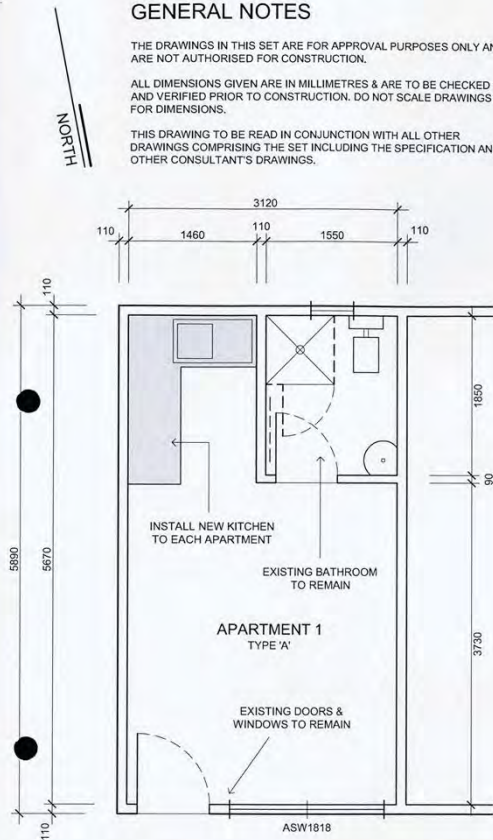
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**GENERAL NOTES**

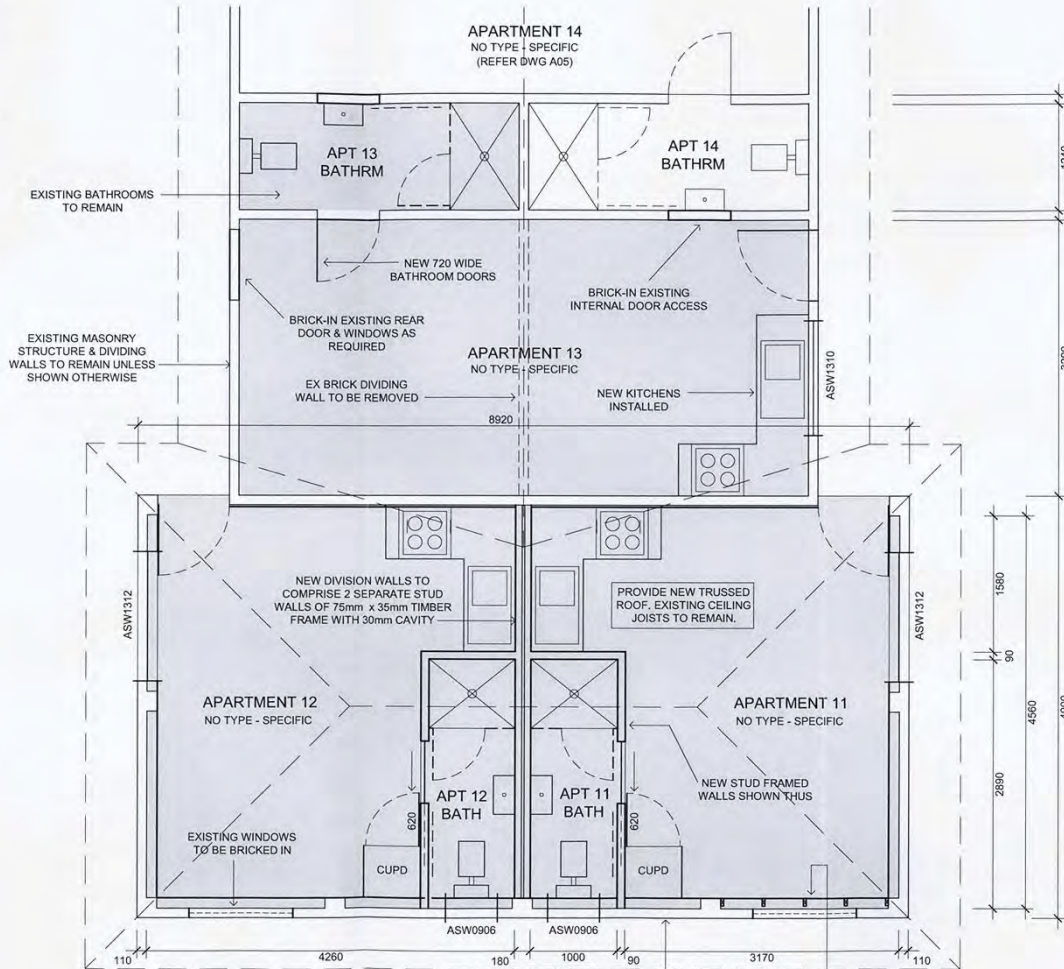
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THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS COMPRISING THE SET INCLUDING THE SPECIFICATION AND OTHER CONSULTANT'S DRAWINGS.



FLOOR PLAN: APARTMENTS 1-9  
SCALE 1:50 (A3)



FLOOR PLAN: APARTMENTS 11, 12 & 13  
SCALE 1:50 (A3)



PROJECT: PROPOSED SERVICED APARTMENTS  
ADDRESS: 277 WELLINGTON ROAD, DUBBO  
CLIENT: PJ & RA McARDLE

DWG TITLE: FLOOR PLANS:  
APARTMENTS 1-9, 11-13

REVISION: D  
DATE: 03/11/16  
SCALE: 1:50 (A3)  
ISSUE: DA ISSUE

DWG NO: **A04**  
SHEET: 4 OF 14 SHEETS  
OUR REF: 2055 DA

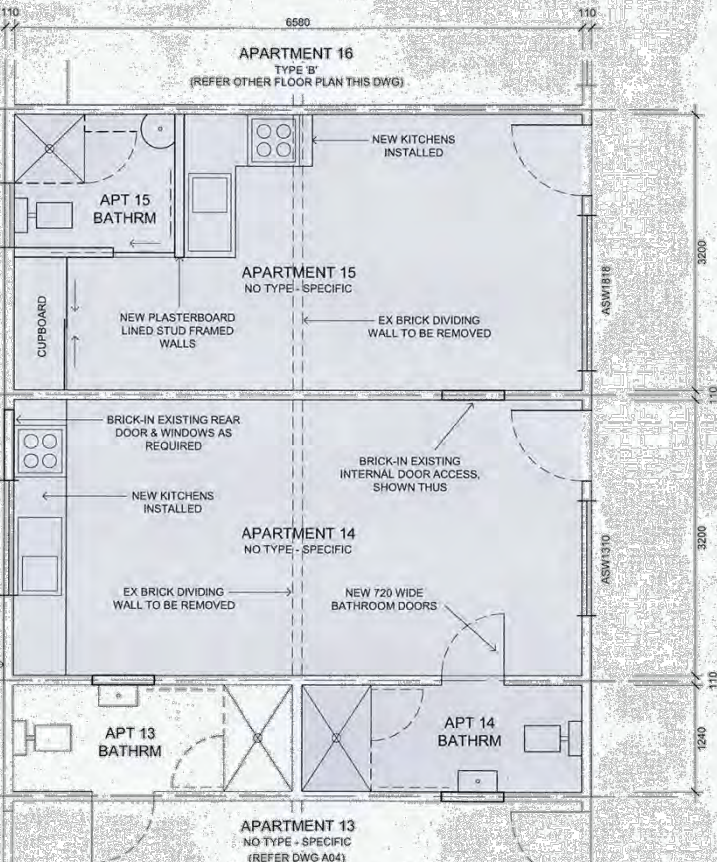
**GENERAL NOTES**

THE DRAWINGS IN THIS SET ARE FOR APPROVAL PURPOSES ONLY AND ARE NOT AUTHORISED FOR CONSTRUCTION.

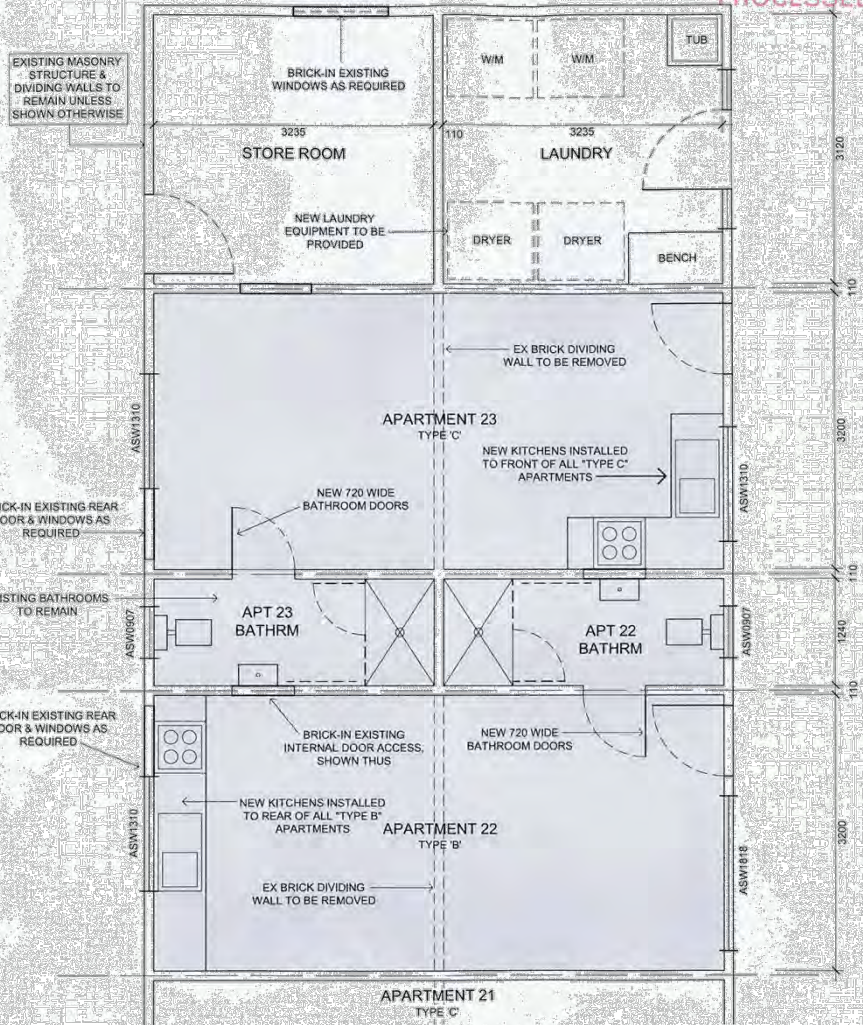
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NORTH



**FLOOR PLAN: APARTMENTS 14 & 15**  
SCALE 1:50 (A3)



**FLOOR PLAN: APARTMENTS 16 - 23 & LAUNDRY/STORE**  
SCALE 1:50 (A3)

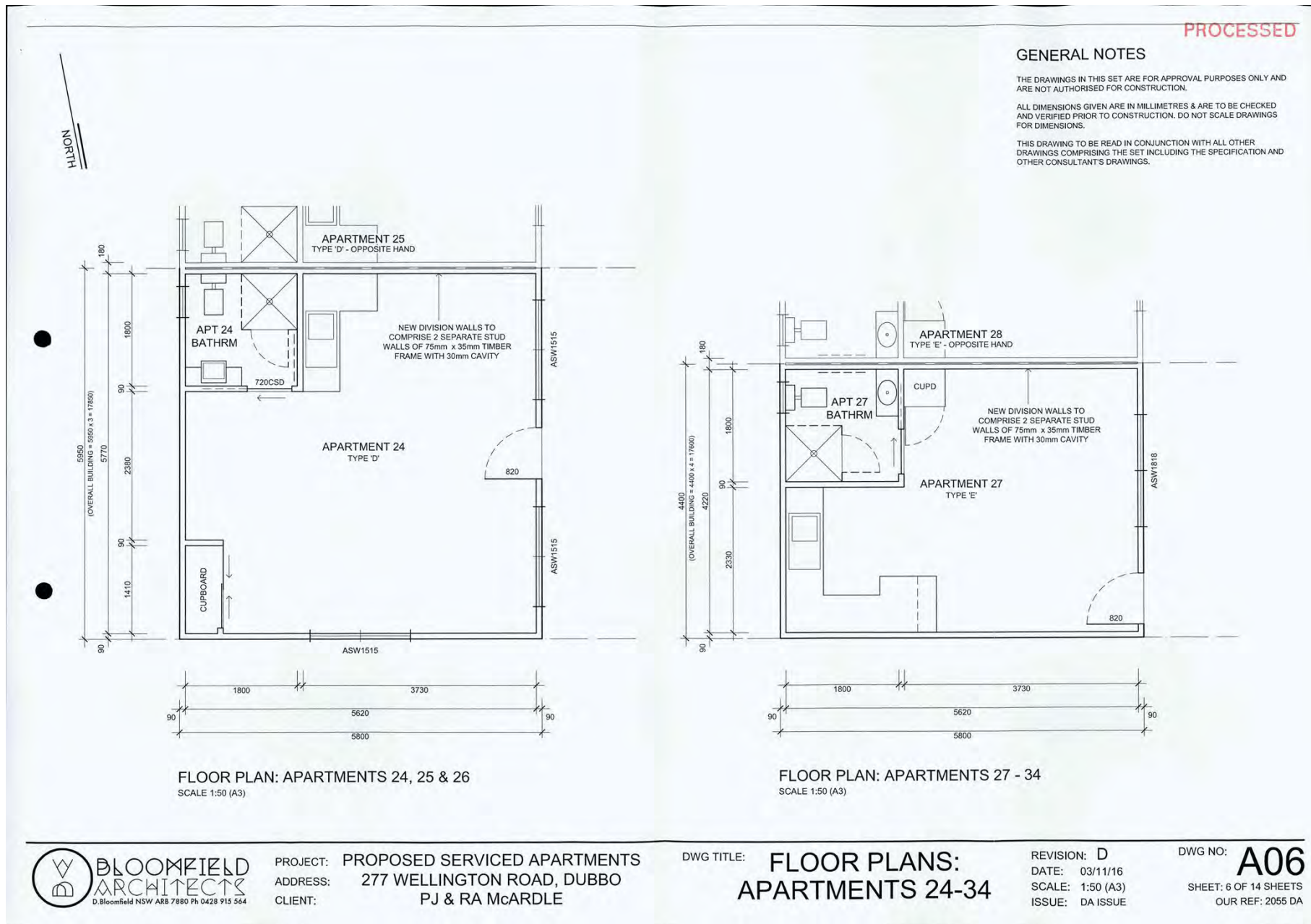


PROJECT: PROPOSED SERVICED APARTMENTS  
ADDRESS: 277 WELLINGTON ROAD, DUBBO  
CLIENT: PJ & RA McARDLE

DWG TITLE: FLOOR PLANS:  
APARTMENTS 14-23 & LDY

REVISION: D  
DATE: 03/11/16  
SCALE: 1:50 (A3)  
ISSUE: DA ISSUE

DWG NO: **A05**  
SHEET: 5 OF 14 SHEETS  
OUR REF: 2055 DA



PROJECT: PROPOSED SERVICED APARTMENTS  
 ADDRESS: 277 WELLINGTON ROAD, DUBBO  
 CLIENT: PJ & RA McARDLE

DWG TITLE: **FLOOR PLANS:  
 APARTMENTS 24-34**

REVISION: D  
 DATE: 03/11/16  
 SCALE: 1:50 (A3)  
 ISSUE: DA ISSUE

DWG NO: **A06**  
 SHEET: 6 OF 14 SHEETS  
 OUR REF: 2055 DA

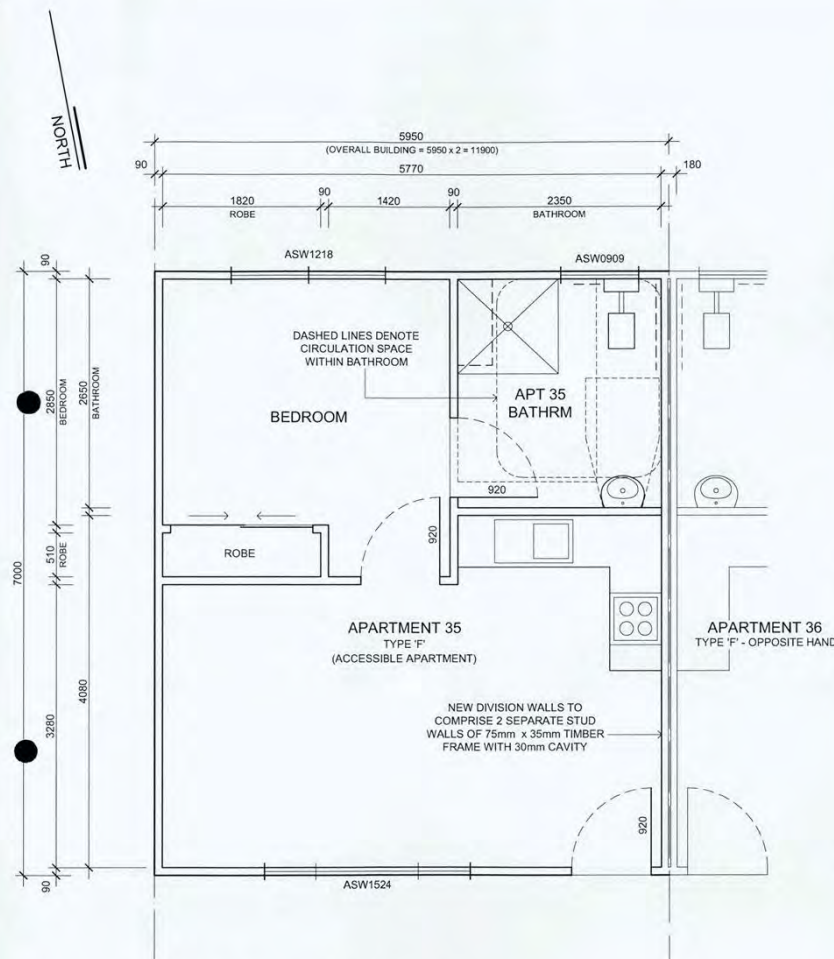
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GENERAL NOTES

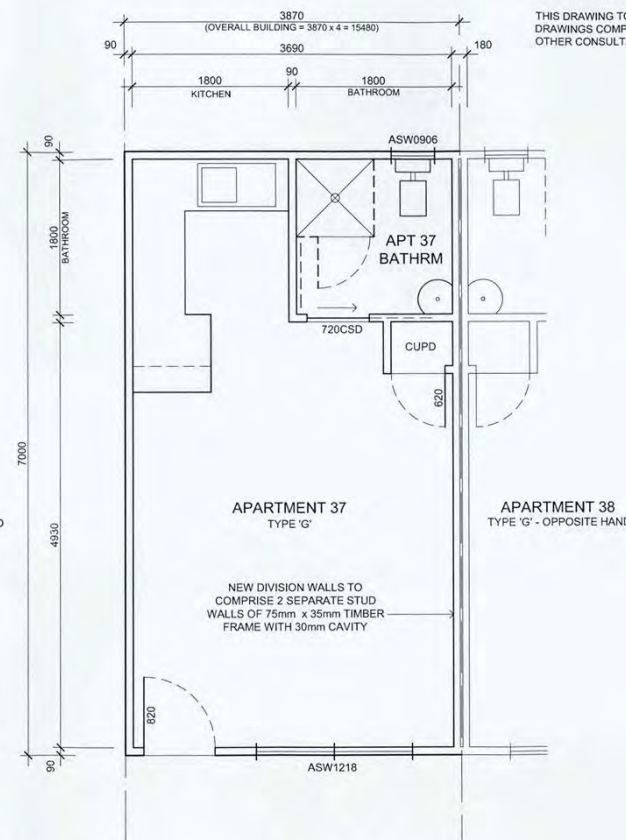
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FLOOR PLAN: APARTMENTS 35 & 36  
SCALE 1:50 (A3)



FLOOR PLAN: APARTMENTS 37 - 48  
SCALE 1:50 (A3)



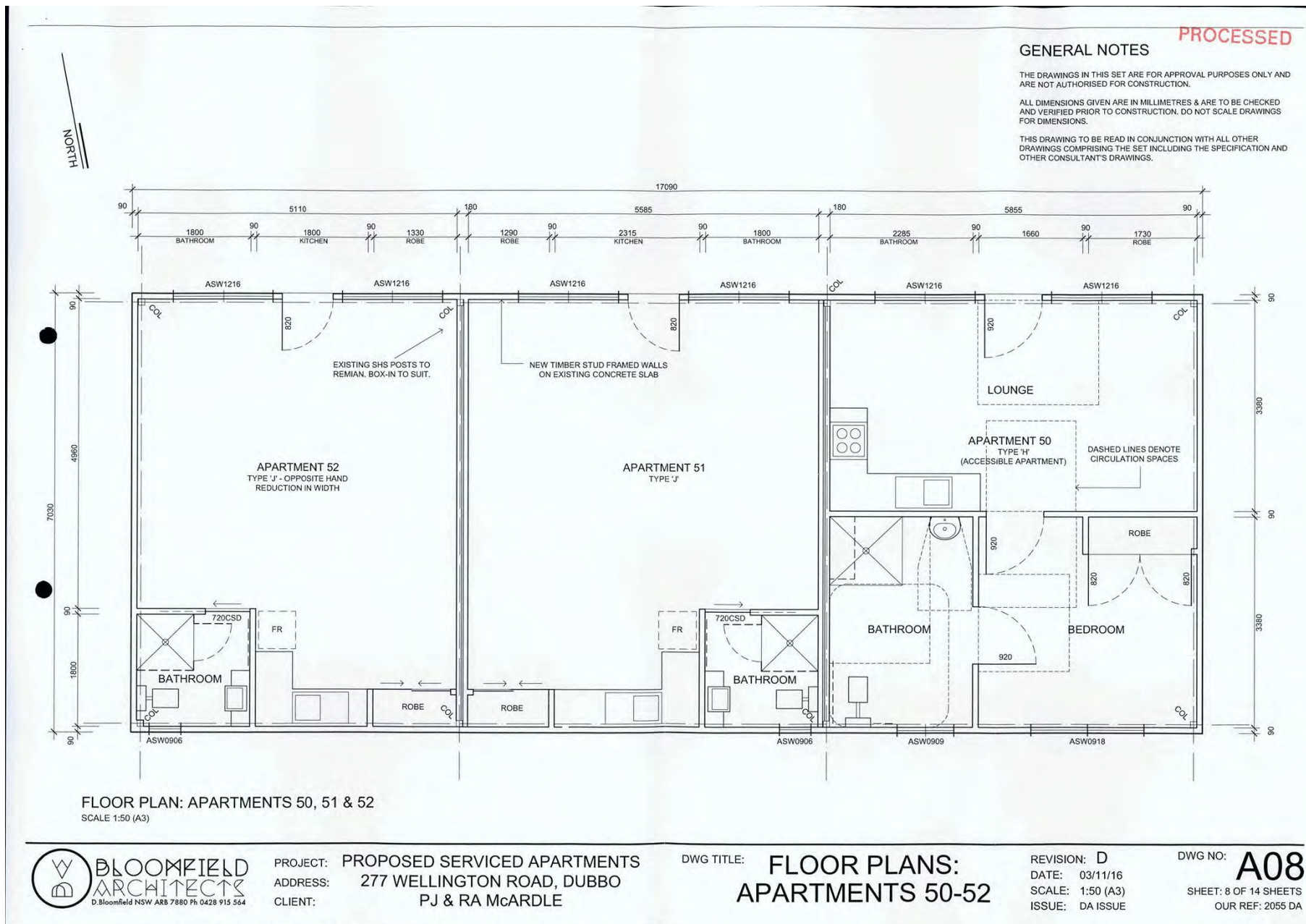
PROJECT: PROPOSED SERVICED APARTMENTS  
ADDRESS: 277 WELLINGTON ROAD, DUBBO  
CLIENT: PJ & RA McARDLE

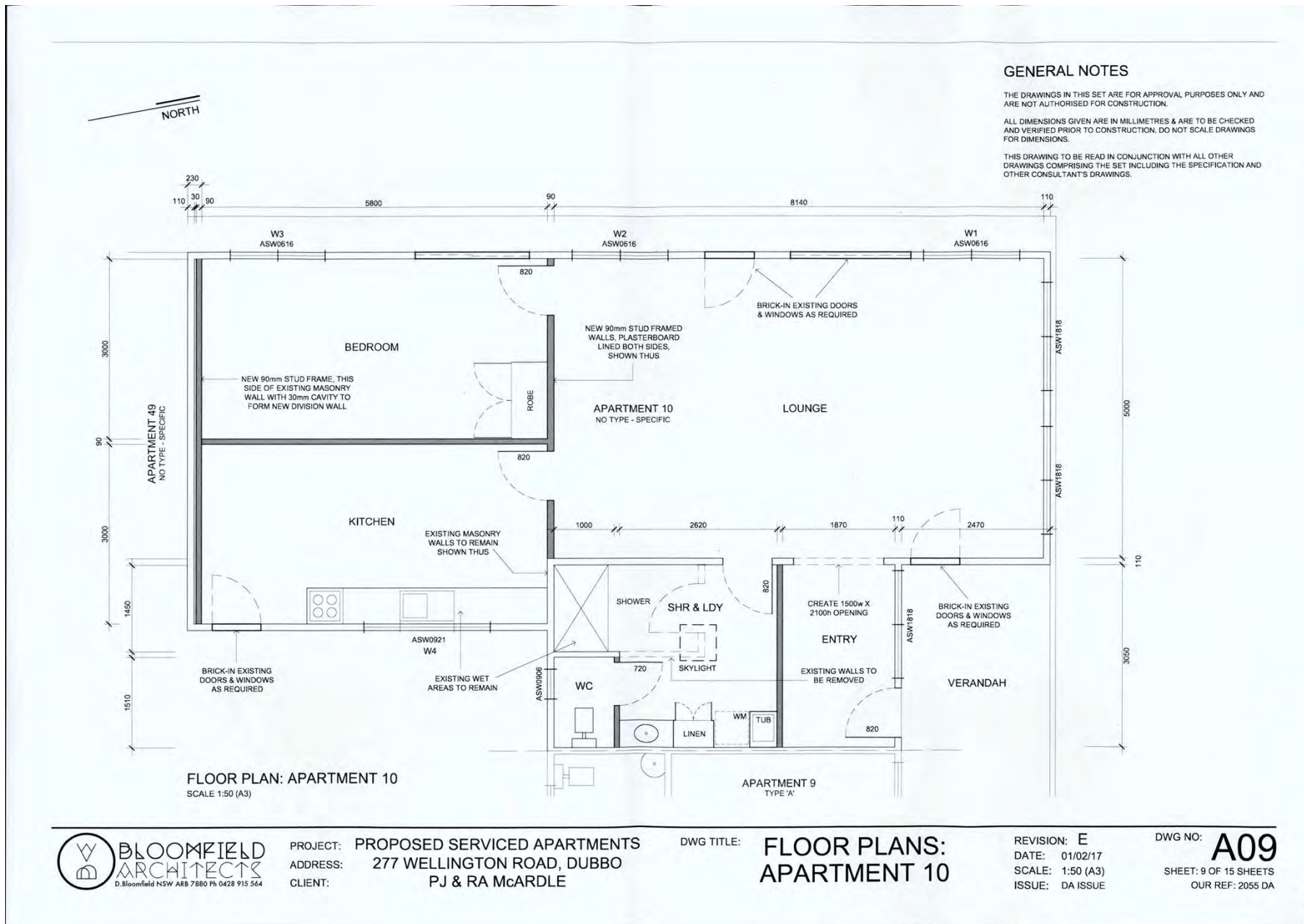
DWG TITLE: FLOOR PLANS:  
APARTMENTS 35-48

REVISION: D  
DATE: 03/11/16  
SCALE: 1:50 (A3)  
ISSUE: DA ISSUE

DWG NO: **A07**  
SHEET: 7 OF 14 SHEETS  
OUR REF: 2055 DA





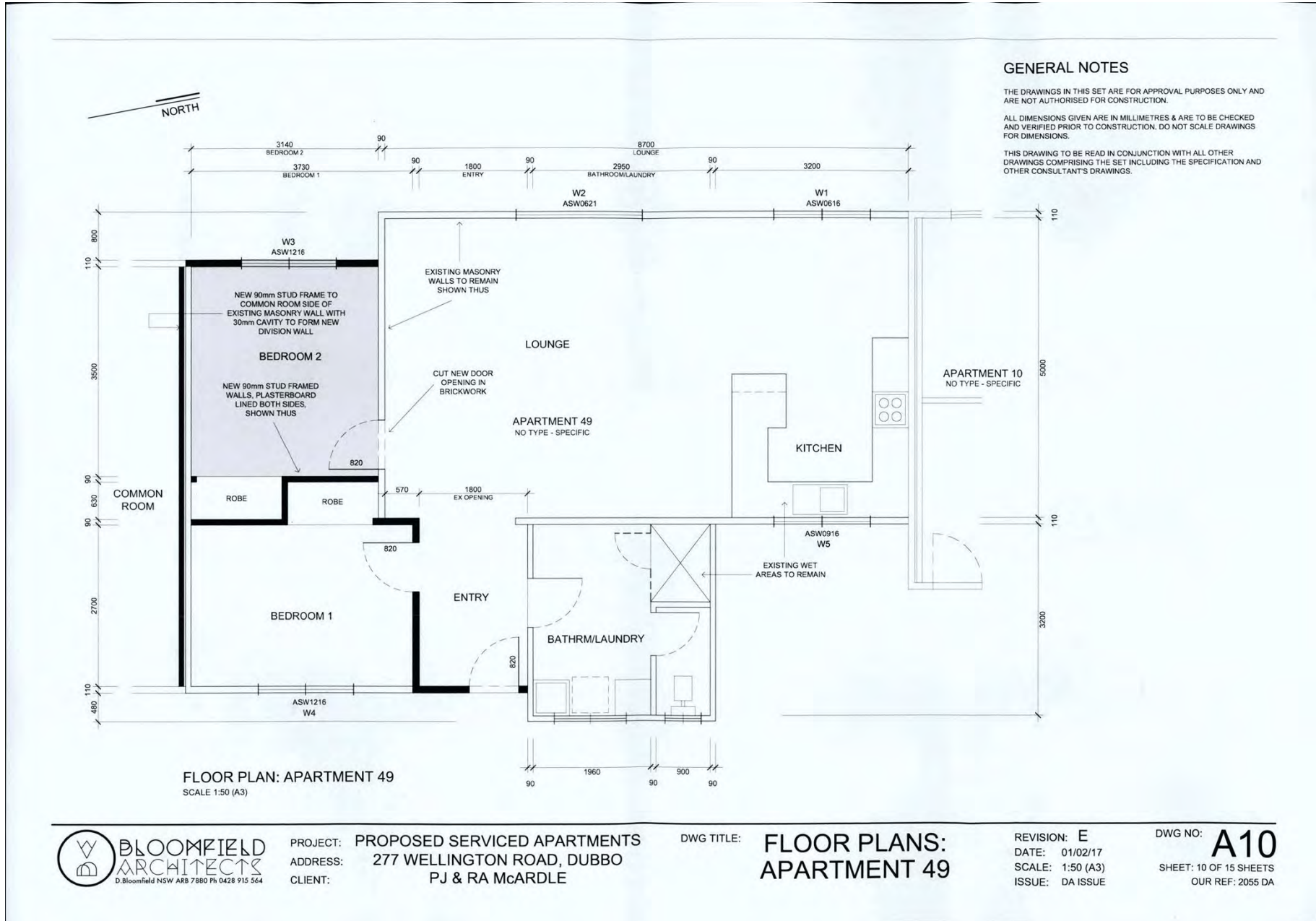


PROJECT: PROPOSED SERVICED APARTMENTS  
 ADDRESS: 277 WELLINGTON ROAD, DUBBO  
 CLIENT: PJ & RA McARDLE

DWG TITLE: FLOOR PLANS:  
 APARTMENT 10

REVISION: E  
 DATE: 01/02/17  
 SCALE: 1:50 (A3)  
 ISSUE: DA ISSUE

DWG NO: **A09**  
 SHEET: 9 OF 15 SHEETS  
 OUR REF: 2055 DA

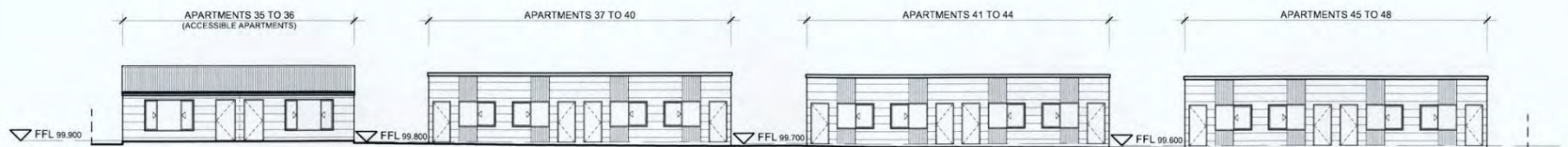
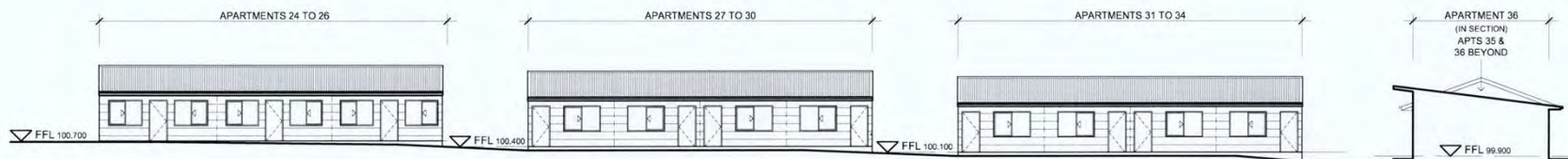


**GENERAL NOTES**

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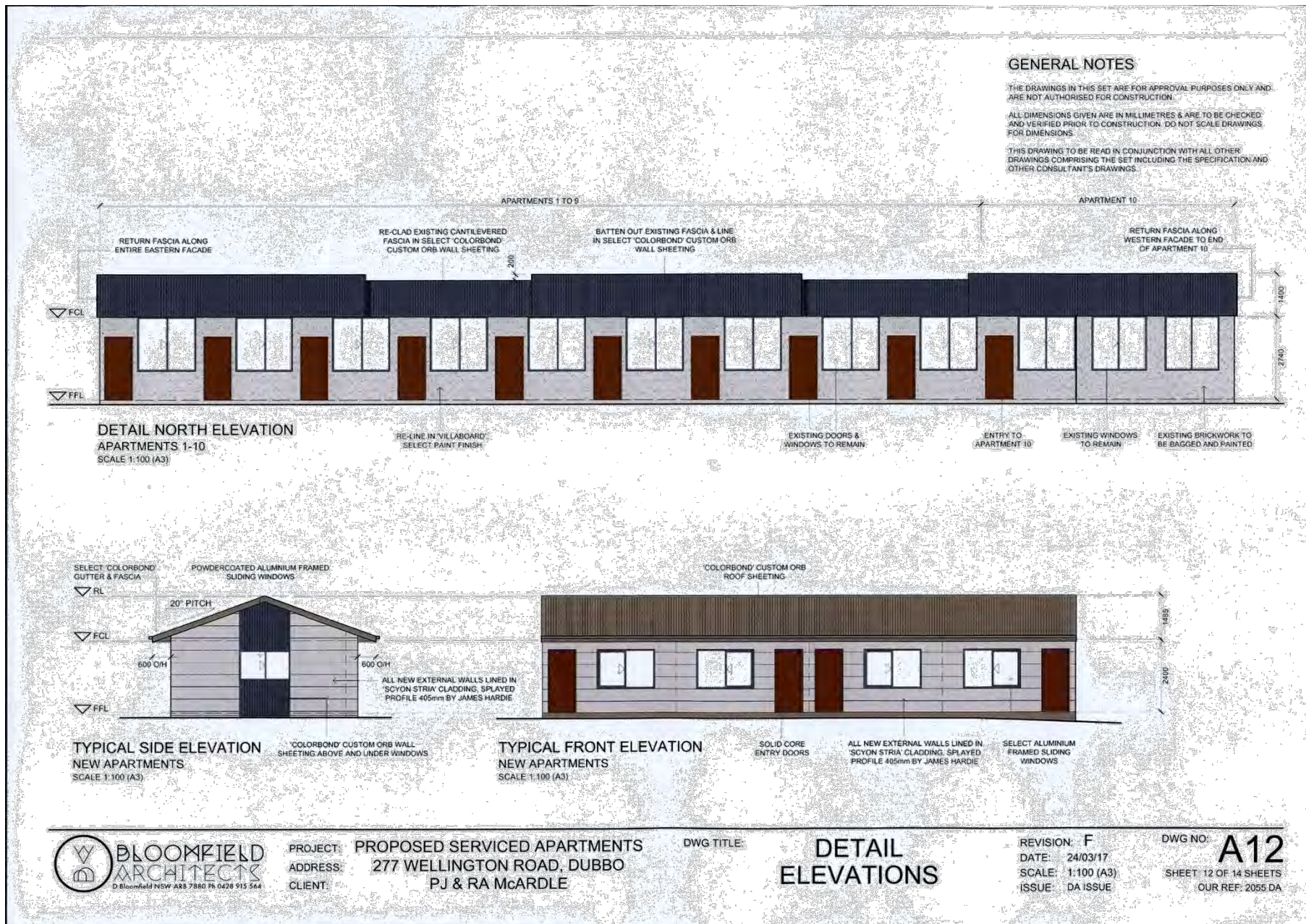


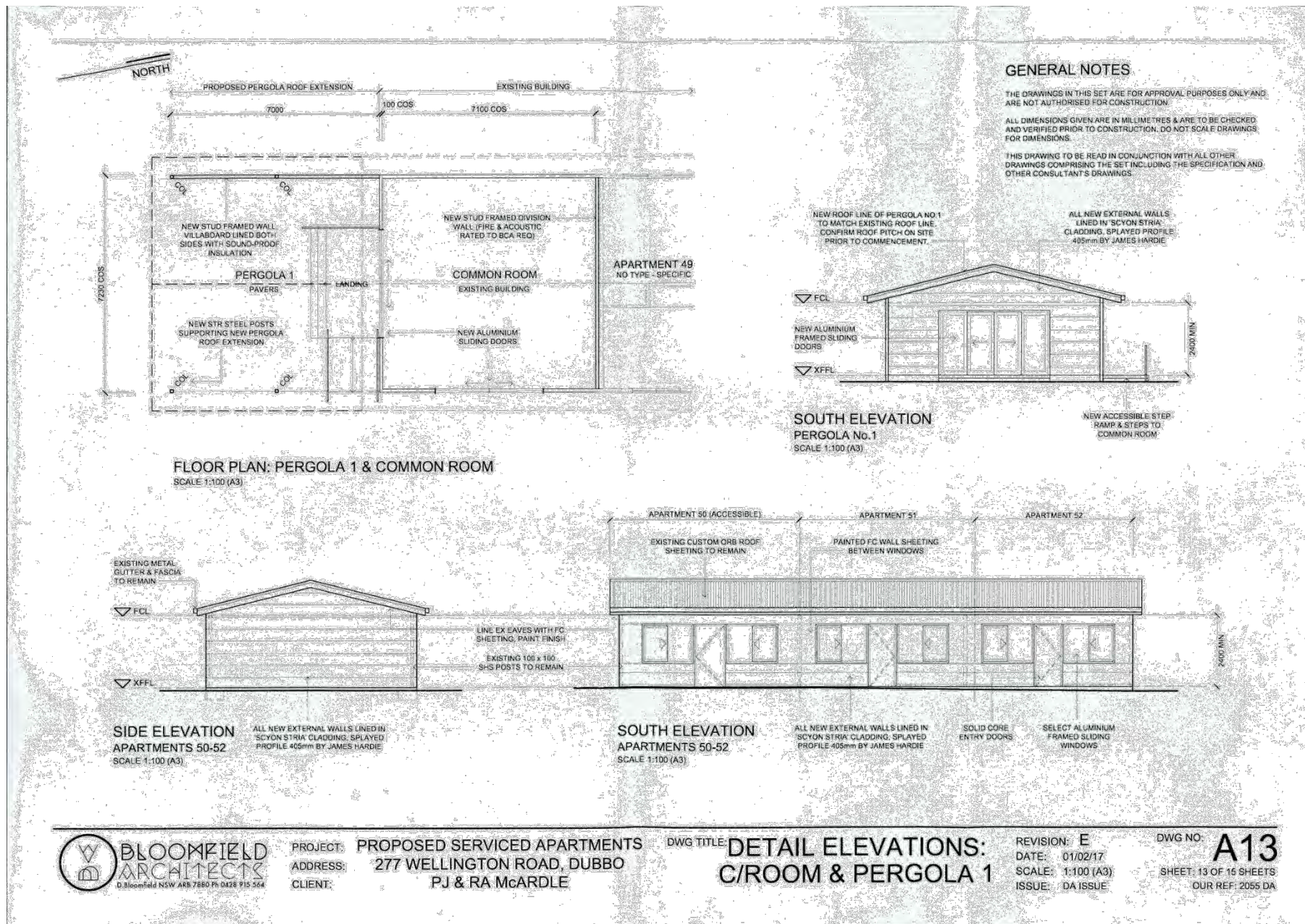
PROJECT: PROPOSED SERVICED APARTMENTS  
ADDRESS: 277 WELLINGTON ROAD, DUBBO  
CLIENT: PJ & RA McARDLE

DWG TITLE: SECTIONS A, B & C  
OVERALL SITE ELEVATIONS

REVISION: G  
DATE: 06/04/17  
SCALE: 1:200 (A3)  
ISSUE: DA ISSUE

DWG NO: **A11**  
SHEET: 11 OF 14 SHEETS  
OUR REF: 2055 DA





PROJECT: PROPOSED SERVICED APARTMENTS  
ADDRESS: 277 WELLINGTON ROAD, DUBBO  
CLIENT: PJ & RA MARDLE

DWG TITLE: **DETAIL ELEVATIONS: C/ROOM & PERGOLA 1**

REVISION: E  
DATE: 01/02/17  
SCALE: 1:100 (A3)  
ISSUE: DA ISSUE

DWG NO: **A13**  
SHEET: 13 OF 16 SHEETS  
OUR REF: 2055 DA

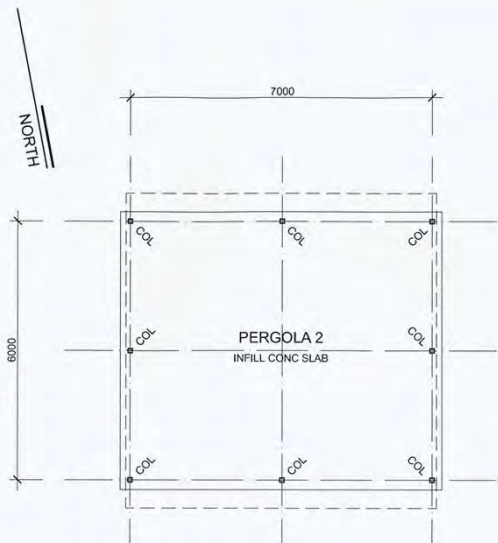
PROCESSED

GENERAL NOTES

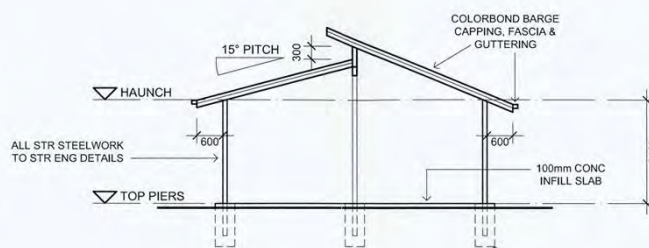
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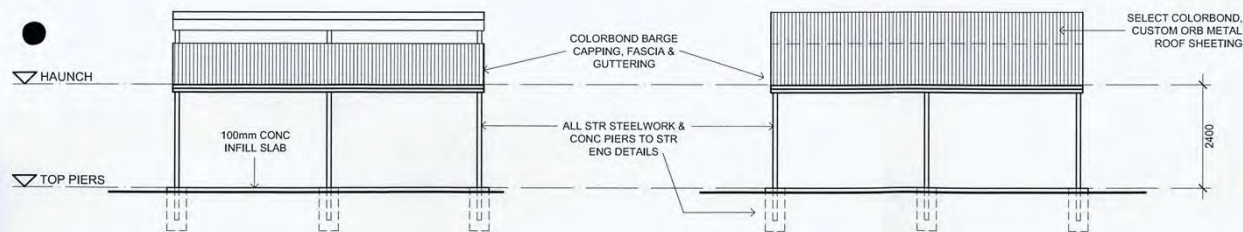
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FLOOR PLAN: PERGOLA No.2  
SCALE 1:100 (A3)



WESTERN ELEVATION  
SCALE 1:100 (A3)  
(NOTE: EAST ELEVATION OPPOSITE HAND)



NORTHERN ELEVATION  
SCALE 1:100 (A3)

SOUTHERN ELEVATION  
SCALE 1:100 (A3)



PROJECT: PROPOSED SERVICED APARTMENTS  
ADDRESS: 277 WELLINGTON ROAD, DUBBO  
CLIENT: PJ & RA McARDLE

DWG TITLE:

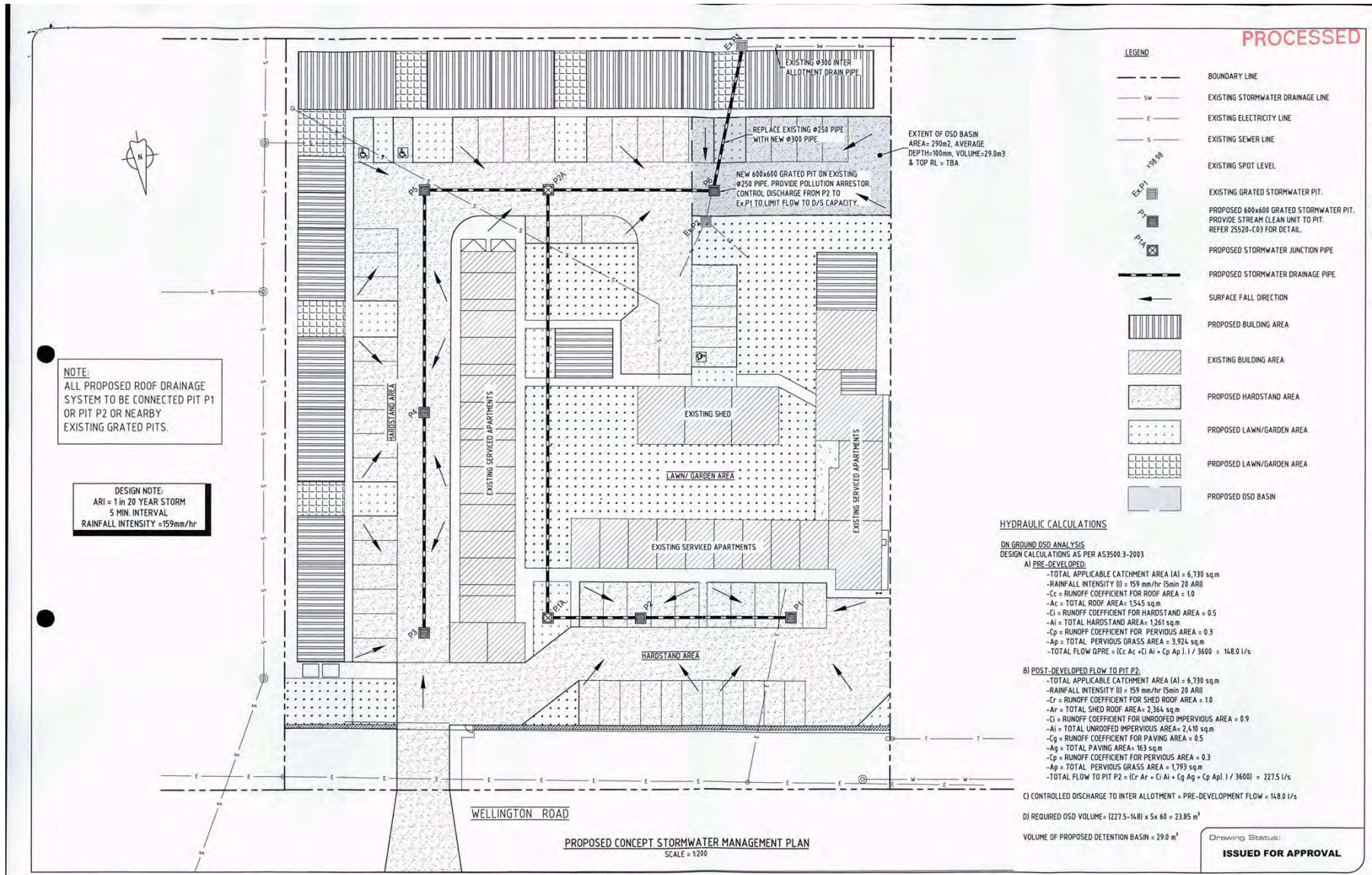
PERGOLA 2  
DETAILS

REVISION: D  
DATE: 03/11/16  
SCALE: 1:100 (A3)  
ISSUE: DA ISSUE

DWG NO: **A14**  
SHEET: 14 OF 14 SHEETS  
OUR REF: 2055 DA







Offices Located  
Dubbo, Mudgee & Bathurst

Contact Us  
t 1300 BARNSON (1300 027 6796)  
e generalenquiry@barnson.com.au  
w www.barnson.com.au

NATA  
NATA Laboratories  
Dubbo & Bathurst

Client: PAT MCARDLE

Project: SERVICED APARTMENTS DEVELOPMENT  
AT 277 WELLINGTON ROAD  
DUBBO NSW 2830

Drawing Title:  
PROPOSED CONCEPT STORMWATER  
MANAGEMENT PLAN & HYDRAULIC ANALYSIS

Design: ST  
Drawn: LT  
Check: QA  
By: RN

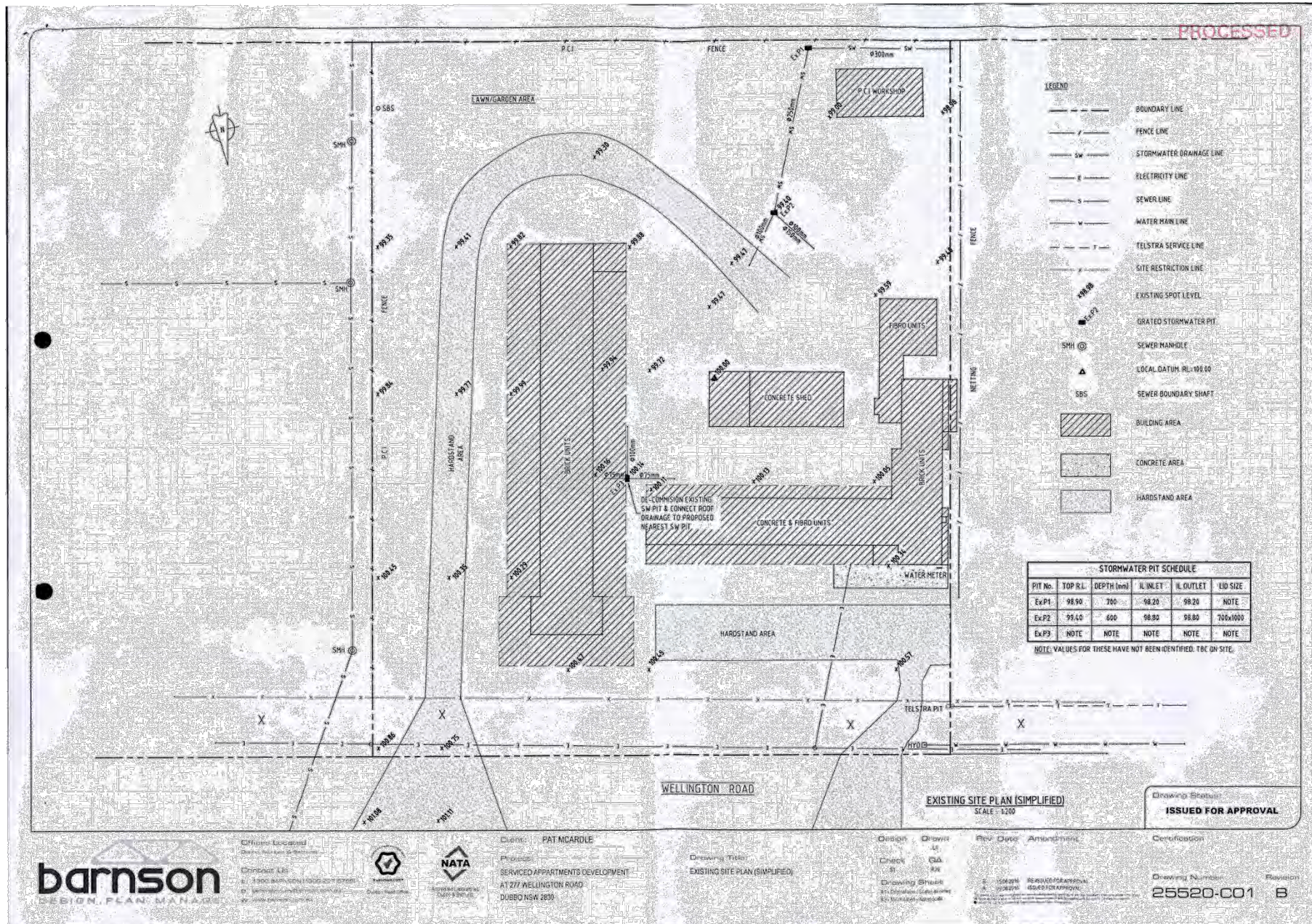
Drawing Sheet:  
A1 - Original size - Scales as noted  
A3 - Minimization - Not to scale

Rev	Date	Amendment
B	15/08/2016	RE-ISSUED FOR APPROVAL
A	09/08/2016	ISSUED FOR APPROVAL

Certification

Drawing Number: 25520-C02  
Revision: B

Issued Status: **ISSUED FOR APPROVAL**





Our Ref: RM: MM:DA244404  
Your Ref: D2016-556

10 January 2017

By email: [council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au)

Alex Noad  
Dubbo Regional Council  
PO Box 81  
Dubbo NSW 2830

Dear Alex,

**Dubbo Regional Council Development Application number D2016/556 – Serviced Apartments  
Property: 277-283 Cobra Street Dubbo more particularly described as Lot 13 in DP597771**

We refer to the above matter and to your correspondence seeking comment from Essential Energy in relation to the proposed development at the above property.

Strictly based on the documents submitted, Essential Energy has no objection to this development at this time, provided:

1. If the proposal changes, Essential Energy would need to be informed for further comment;
2. Council ensures that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed units which will form part of development. It is the applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity which may include the payment of fees and contributions.
3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property are complied with.

In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.

Prior to carrying out any works, a "Dial Before You Dig" enquiry must be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines*.

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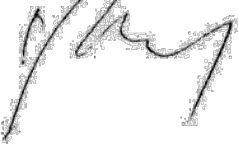
PO Box 5730 Port Macquarie NSW 2444 | ABN 37 428 185 226  
Telephone: (02) 6589 8207 | Interpreter Services 13 14 50 | [essentialenergy.com.au](http://essentialenergy.com.au)

10 January 2017  
Dubbo Regional Council D2016/556

Page 2 of 2

If you have any queries, please contact Michelle Murray on telephone (02) 6589 8207 or via email [conveyancingteam@essentialenergy.com.au](mailto:conveyancingteam@essentialenergy.com.au).

Yours sincerely



Raelene Myers  
Conveyancing Team Leader

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Transport  
Roads & Maritime  
Services

6 April 2017

SF2016/259788; WST16/00189/04

Interim General Manager  
Dubbo Regional Council  
PO Box 81  
DUBBO NSW 2830

Dear Sir

**D2016-556: Lot 13 DP 597771; 277-283 Cobra Street (HW7), Dubbo; Serviced apartments**

I refer to an email from Mr Alex Noad, Planner at Dubbo Regional Council on 27 March 2017 referring amended drawings in support of D2016-556. Reference is made to Roads and Maritime's previous submissions in relation to this matter dated 15 March 2017 and 19 December 2016.

The amended documentation has been reviewed, and, pursuant to section 138(2) of the *Roads Act 1993*, Roads and Maritime is willing to grant its concurrence to D2016-5576, subject to the following conditions being met:

- All vehicular access to the land from Cobra Street is to be left in/left out only. All vehicle movements to and from the land are to be in a forward direction.
- Prior to occupation of the site, a concrete median is to be constructed in Cobra Street from the end of the existing concrete median in Cobra Street to 20 metres past the eastern side of the proposed driveway entrance. The concrete median is to be a minimum width of 1.2 metres and be constructed in accordance with Part 3 Table 4.14 *Austroads Guide to Road Design* and relevant Roads and Maritime supplements. Minimum 3.5 metre wide travel lanes are to be provided in Cobra Street near the median.
- A size "A" "Left Only" (r2-14) sign is to be erected in the concrete median in Cobra Street, opposite to, and facing, the driveway to advise motorists that all egress from the site onto Cobra Street is left turn only.
- Any gate located in the driveway is to be setback a minimum of six (6) metres back into the site from the front fence.
- A formal agreement in the form of a Works Authorisation Deed (WAD) is required between the developer and Roads and Maritime for the developer to undertake "private financing and construction" of any works on Cobra Street. This agreement is necessary for works in which Roads and Maritime has a statutory interest. The WAD is to be executed prior to issuance of a Construction Certificate.
- The concrete driveway is to be constructed and maintained in accordance with the submitted plans. The driveway is to be designed to provide good sight lines between pedestrians and motorists, match road levels and not interfere with road drainage.

Roads and Maritime Services

51-55 Currajong Street Parkes NSW 2870 |  
PO Box 334 Parkes NSW 2870 DX 20256 |

[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au) | 13 22 13

- The driveway, concrete median and associated line marking and signage in Cobra Street, internal vehicular manoeuvring, parking and loading areas are to be constructed prior to the issuance of an Occupation Certificate for the development.
- All activities including loading and unloading of goods associated with the development are to be carried out on site.
- Landscaping, signage and fencing are not to impede sight lines of traffic within or when passing, entering or departing from the site.

Please forward a copy of Council's determination of the development application to Roads and Maritime at the same time it is sent to the applicant. Should you require further information please contact Andrew McIntyre, Manager Land Use Assessment, on 02 6861 1453.

Yours faithfully



Jacqueline Anderson  
Acting Network & Safety Manager  
Western