



REPORT PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE 20 NOVEMBER 2017

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

ALSO IN ATTENDANCE:

The General Manager, the Director Corporate Services, the Manager Governance and Risk, the Team Leader Governance, the Communications Coordinator, the Director Infrastructure and Operations, the Manager Infrastructure Strategy, the Manager Transport and Emergency, Manager Infrastructure Delivery, Manager Water Supply and Sewerage, Infrastructure Strategy Contractor, the Director Planning and Environment, the Manager Building and Development Services, the Statutory Planning Services Team Leader, the Manager Strategic Planning Services, Senior Strategic Planner, the Director Community and Recreation and the Manager Social Services.

Councillor S Lawrence assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.54pm.

**PDEC17/3 REPORT OF THE PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
- MEETING 16 OCTOBER 2017 (ID17/1971)**

The Committee had before it the report of the Planning, Development and Environment Committee meeting held 16 October 2017.

Moved by Councillor J Diffey and seconded by Councillor D Grant

MOTION

The Committee recommends that the report of the Planning, Development and Environment Committee meeting held on 16 October 2017 be adopted.

CARRIED

PDEC17/4 BUILDING SUMMARY - OCTOBER 2017 (ID17/1989)

The Committee had before it the report dated 14 November 2017 from the Director Planning and Environment regarding Building Summary - October 2017.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

The Committee recommends that the information contained in the report of the Director Planning and Environment dated 14 November 2017 be noted.

CARRIED

**PDEC17/5 PLANNING PROPOSAL R17-4 - ADDITIONAL PERMITTED USE (DWELLING HOUSE), WARRIE ROAD, DUBBO
APPLICANT: GEOLYSE PTY LTD
OWNER: A J JOYCE-BRANDON AND R M BRANDON (ID17/1803)**

The Committee had before it the report dated 14 November 2017 from the Manager Strategic Planning Services regarding Planning Proposal R17-4 - Additional Permitted Use (Dwelling House), Warrie Road, Dubbo.

Moved by Councillor A Jones and seconded by Councillor V Etheridge

MOTION

The Committee recommends:

- 1. That Council supports the Planning Proposal to include a dwelling house as a permissible development activity ancillary to intensive livestock agriculture on the combined area of Lot 147 and Lot 148 DP 754331, Warrie Road, Dubbo.**
- 2. That Council supports a minimum 28 day public exhibition period for the Planning Proposal.**
- 3. That Council resolves to use its delegation under Section 59 of the Environmental Planning and Assessment Act, 1979 to draft the amendments to the Dubbo Local Environmental Plan 2011.**
- 4. That following completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition for further consideration of the Planning Proposal.**

CARRIED

PDEC17/6 PLANNING PROPOSAL (R16-5) - SOUTHLAKES ESTATE, DUBBO (ID17/1913)

The Committee had before it the report dated 14 November 2017 from the Manager Strategic Planning Services regarding Planning Proposal (R16-5) - Southlakes Estate, Dubbo. The Committee reports having met with Mr Steve Guy, MAAS Group Family Properties, regarding this matter.

Moved by Councillor B Shields and seconded by Councillor J Diffey

MOTION

The Committee recommends:

1. That the Planning Proposal, as exhibited, to undertake the following amendments to the Dubbo Local Environmental Plan 2011 be adopted by Council:
 - That part of the subject land be rezoned from R2 Low Density Residential to R1 General Residential, B1 Neighbour Centre and the existing RE1 Public Recreation zone be reconfigured;
 - That minimum lot sizes be changed from existing 600 m² and 4000 m² to a range of no minimum lot sizes, 450 m², 600 m², 800 m² and 2000 m²;
 - That land situated to the south of the indicative location of the Southern Distributor be zoned RU2 Rural Landscape;
 - That the area of land proposed to be zoned B1 Neighbourhood Centre be subject to a suitable provision in the Dubbo Local Environmental Plan 2011 that limits the total retail floor space of any centre to 5,000 m²; and
 - That the additional use of Recreational Facility (Indoor) be permitted on the subject area of the land proposed to be zoned B1 Neighbourhood Centre under the provisions of the Dubbo Local Environmental Plan 2011.
2. That Council request the Department of Planning and Environment to prepare the draft amendment to the Dubbo Local Environmental Plan 2011 and provide Council with an Opinion that the Plan be made.
3. That following receipt of an Opinion from the Department that the Plan be made, that the General Manager request gazettal of the Plan.
4. That those who made a submission be thanked and advised of Council's determination in this matter.

CARRIED

PDEC17/7 DEVELOPER CONTRIBUTIONS AND ASSOCIATED ISSUES - SOUTHLAKES ESTATE, SOUTH-EAST DUBBO (ID17/1970)

The Committee had before it the report dated 16 November 2017 from the Manager Strategic Planning Services regarding Developer Contributions and Associated Issues - Southlakes Estate, South-East Dubbo. The Committee reports having met with Mr Steve Guy, MAAS Group Family Properties, regarding this matter.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

The Committee recommends:

1. That it be noted that in respect of the Southlakes Estate, the Keswick on the Park Estate and the Magnolia Grove Estate, Council has not overcharged Section 94 Developer Contributions for any development application pursuant to the following Section 94 Developer Contributions Plans:
 - Section 94 Contributions Plan for Open Space and Recreation Facilities, 1998 (former Section 94 Plan);
 - Section 94 Contributions Plan for Open Space and Recreation Facilities, 2016; and
 - Section 94 Contributions Plan Urban Stormwater Drainage Headworks, 1995.
2. That Council proceed to enter into a Works-In-Kind Agreement for the first 950 lots included in Stage 2 of the Southlakes Estate (Hillview Land) with Maas Group Family Properties for the provision of Open Space and Recreation Facilities in accordance with the following:
 - Embellishment of the Council-owned land situated within the Stage 2 Southlakes Estate area to the value of \$2 million;
 - Embellishment of the Council-owned land to be undertaken in compliance with the Furniture and Equipment Standard of the Community and Recreation Division;
 - Payment of a City-wide contribution of \$1,436.78 per lot; and
3. That Council enter into a Maintenance Agreement with the proponent for the ongoing maintenance of open space within Stage 2 (including Lot 2 DP 880413) of the Southlakes Estate by the developer for a period of 10 years in conjunction with any future development application(s) for subdivision in Stage 2 in accordance with the Dubbo Development Control Plan 2013.
4. That following receipt of the consultancy assessment from Cardno Pty Ltd in respect of trunk stormwater drainage requirements in Catchment 3.1 under the provisions of the Section 94 Contributions Plan Urban Stormwater Drainage Headworks, a further report be provided to Council in February 2018 including the following:
 - Details of trunk stormwater infrastructure delivered;
 - Infrastructure required to be delivered and infrastructure costs; and
 - Further consideration as to whether amendment of the Section 94 Contributions Plan is required or any other mechanism, both in respect of development in the catchment and Stage 2 including Lot 2 DP 880413 of the Southlakes Estate.

5. That Council not enter into a Voluntary Planning Agreement in accordance with the request to enter into a Voluntary Planning Agreement as provided by GLN Planning Pty Ltd, dated 3 November 2016 and provided here in Appendix 4.
6. That Council commence the acquisition of 52,116.77m² of Lot 36 DP 1233637 for the purpose of the future development of the Southern Distributor Road under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991, with a further report forwarded to Council in due course.
7. That Council undertake a land swap with Maas Group Family Properties to exchange 3.152 hectares of Council owned land for approximately 5.817 hectares of land owned by Maas Group Family Properties as shown here in Appendix 8.
8. That the land swap included in item 7 be at no cost to Council (ie a direct swap of land with no monetary compensation).
9. That the land swap included in item 7 not be formalised until the Minister for Planning has gazetted the Planning Proposal for the Southlakes Estate (R16/5).
10. That consideration of a Works-In-Kind Agreement for the provision of sewer and water infrastructure be deferred pending completion and adoption of the complete Structure Plan for Southlakes Estate including Lot 2 DP 880413.
11. That Council not accede to the request to enter into a Voluntary Planning Agreement (VPA) in respect of road infrastructure for Stage 2 including Lot 2 DP 880413 of the Southlakes Estate.
12. That any necessary documentation to facilitate the land swap be executed under the Common Seal of Council.

CARRIED

**PDEC17/8 DEVELOPMENT APPLICATION D17-415 - REGISTERED CLUB (ALTERATIONS AND ADDITIONS)
PROPERTY: 82 WHYLANDRA STREET, DUBBO
APPLICANT: CLUB DUBBO
OWNER: WEST DUBBO BOWLING CLUB LTD (ID17/1911)**

The Committee had before it the report dated 14 November 2017 from the Senior Strategic Planner regarding Development Application D17-415 - Registered Club (Alterations and Additions). The Committee reports having met with Ms Alicia Rich regarding this matter.

Moved by Councillor D Grant and seconded by Councillor A Jones

MOTION

The Committee recommends:

1. That Development Application D17-415 for alterations and additions to a registered club at Lot 229 DP 753233, 82 Whylandra Street, Dubbo, be granted approval subject to the conditions of consent included as Appendix 1 to the report of the Senior Strategic Planner dated 14 November 2017.
2. That Council accede to the request for the reduction in the Section 94 contribution for Urban Roads from \$138,769.64 to \$65,303.36 based on the traffic analysis prepared by Stanbury Traffic Planning and dated August 2017 as submitted with Development Application D17-415.

3. That those who made submissions in this matter be advised of Council's determination.

CARRIED

Councillor B Shields declared a non-pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during Committee's consideration. The reason for such interest is that Councillor B Shields is a former employee of Club Dubbo and was employed by Club Dubbo in the past 12 months.

**PDEC17/9 DEVELOPMENT APPLICATION D2017-462 - TWO (2) LOT SUBDIVISION, MULTI DWELLING HOUSING AND FOUR (4) LOT STRATA SUBDIVISION
PROPERTY: 197 WINGEWARRA STREET, DUBBO
APPLICANT: MR R STEVENSON
OWNER: RACEBAIL PTY LTD (ID17/1982)**

The Committee had before it the report dated 15 November 2017 from the Statutory Planning Services Team Leader regarding Development Application D2017-462 - Two (2) Lot Subdivision, Multi Dwelling Housing and Four (4) Lot Strata Subdivision.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

The Committee recommends that Development Application D2017-462 for a two (2) lot subdivision, multi dwelling housing (four (4) terrace dwellings) and four (4) lot strata subdivision at Lot 1 Sec 40 DP 758361, 197 Wingewarra Street, Dubbo, be refused for the following reasons:

1. The proposed development does not represent the orderly development of land. (Section 5(a) Environmental Planning and Assessment Act, 1979).
2. The proposed strata subdivision fails to meet the minimum lot size requirements as stated in Dubbo Local Environmental Plan 2011, Clause 4.1. The request to vary the development standard in Clause 4.6 cannot be supported due to the proposal's failure against subclauses (3) and (4) and a number of requirements in Dubbo Development Control Plan 2013, Chapter 2.1 Residential Development and Subdivision. (Section 79C(1)(a)(i) Environmental Planning and Assessment Act, 1979).
3. The subject development requires an exemption to the minimum lot size standard in accordance with Clause 4.6 (4) of the Dubbo Local Environmental Plan. The subject application is contrary to Clause 4.6 on the basis that Council is not satisfied the proposal meets the requirements of Clause 4.6. (Section 79C(1)(a)(i) Environmental Planning and Assessment Act, 1979).
4. The proposed driveways of terraces 1 and 2 are located within three (3) metres of the existing power pole, contrary to the requirements of Essential Energy. (Section 79C(1)(a)(i) Environmental Planning and Assessment Act, 1979).
5. Proposed Lot 12 (being 528 m² in area) is below the minimum lot size of 700 m² as required for multi dwelling housing development, in accordance with Dubbo Development Control Plan 2013. (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).

6. The private open space areas proposed for the four (4) terrace dwellings fail to achieve the minimum required hours of direct sunlight in accordance with Dubbo Development Control Plan 2013. (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).
7. The private open space areas of the existing dwelling, together with terraces 2 and 3 fail to meet the minimum area requirements specified in the Dubbo Development Control Plan 2013. (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).
8. The vehicle access arrangements for the four (4) terrace dwellings does not permit vehicles to enter and leave in a forward direction, nor is there any provision for the required visitor car parking space onsite, as required in Dubbo Development Control Plan 2013. (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).
9. The proposed four (4) terrace dwellings' driveways to Fitzroy Street are located such that they are deemed dangerous to the road network, the travelling public and the future occupants of the terraces, and in contravention of Dubbo Development Control Plan 2013 (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).
10. The existing dwelling's proposed driveway to Wingewarra Street is located such that it is deemed dangerous to the road network, the travelling public and the adjoining occupant at 199 Wingewarra Street, as required in Dubbo Development Control Plan 2013 (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).
11. The proposed development (Stages 2 and 3) is deemed unsuitable for the subject site based on the areas of non-compliance with the Development Control Plan identified as it constitutes an over-development of the site. (Section 79C(1)(c) Environmental Planning and Assessment Act, 1979).
11. The proposed development is not deemed to be in the public interest, given the numerous non-compliances of the proposal together with the potential detrimental impacts on the road network and the property to the south (184 Fitzroy Street). (Section 79C(1)(e) Environmental Planning and Assessment Act, 1979).

CARRIED

Councillor D Grant declared a pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during Committee's consideration. The reason for such interest is that Councillor D Grant is an employee of Elders Insurance who have business dealings with the proponent of the application.

PDEC17/10 LEAVE OF ABSENCE

A request for leave of absence was received from Councillor D Gumley who was absent from the meeting due to the personal reasons.

Moved by Councillor A Jones and seconded by Councillor V Etheridge

MOTION

That such request for leave of absence be accepted and Councillor D Gumley be granted leave of absence from this meeting.

CARRIED

The meeting closed at 6.21pm.

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CHAIRMAN