

Explanatory Note

Draft Planning Agreement for the former RAAF Stores Depot

The purpose of this explanatory note is to provide a plain English summary to support the notification of a draft Planning Agreement for development at the former RAAF Stores Depot, Palmer Street, Dubbo.

1 Introduction

Clause 25E of the *Environmental Planning and Assessment Regulation 2000* (the **Regulation**) requires a planning authority proposing to enter into a Planning Agreement under clause 7.4 of the *Environmental Planning and Assessment Act 1979* (the **Act**) to prepare an explanatory note about the Planning Agreement.

This explanatory note relates to the Planning Agreement proposed to be entered into between Dubbo Regional Council and Andorra Developments Pty Ltd in respect of development at the former RAAF Stores Depot, Palmer Street, Dubbo.

This explanatory notes has been prepared jointly by Dubbo Regional Council and Andorra Developments Pty Ltd as required by Clause 25E of the Regulation.

2 Parties

The Parties to the Planning Agreement are:

- Dubbo Regional Council (ABN 53 539 070 928) of Corner Church and Darling Street, Dubbo NSW 2830 (**Council**); and
- Andorra Developments Pty Ltd (ACN 150 862 570) of 10 Mountbatten Drive, Dubbo NSW 2830 (**the Developer**).

3 Background and description of the development

A development application was approved by the Land and Environment Court on 6 August 2018 (reference D2017-199) for a three stage subdivision and master plan at the former RAAF Stores Depot, Palmer Street, Dubbo. Condition 1B requires the Developer to enter into a Planning Agreement prior to the issue of the first subdivision certificate.

4 Summary of objectives, nature and effect of the Planning Agreement

The main objectives of the Planning Agreement are to:

- Provide credits to the Developer for the provision of stormwater infrastructure, land dedication and a signalised road intersection on Cobra Street; and
- Require monetary contributions to be paid to Council after the applicable credits have been exhausted.

The terms of the Planning Agreement are:

- Total credit of \$2,360,200 to the Developer for the provision of stormwater infrastructure, including \$1,660,200 for stormwater basins and \$700,000 in-kind contributions;
- Total credit of \$2,202,000 to the Developer for development in respect to proposed Lot 10, including \$18,000 for landscaping, \$300,000 for the future maintenance, \$800,000 for works in respect to supervised public visitation inside the former communications bunker, and \$1,084,000 for the dedication of the land to Council;
- Total credit of \$611,000 to the Developer for the construction of a signalised intersection on Cobra Street, which is approximately 30% of the overall value of the works; and
- Payment to Council in accordance with 7.11 of the Environmental Planning and Assessment Act 1979 after the credits have been exhausted.

The amounts will increase on 1 July each year in accordance with the Consumer Price Index.

5 Assessment of the merits of the Planning Agreement

The Planning Agreement is considered to provide for sound planning and public benefit outcomes, and represents a thoroughly considered, negotiated approach to planning and development. Council has resolved to place it on public exhibition to allow for the consideration of public comment.

The Planning Agreement has been extensively reviewed by Council's officers and is considered to provide adequate legal surety for the delivery of the proposed public benefits set out within.

5.1 The planning purpose served by the Planning Agreement, and whether it provides for a reasonable means of achieving the planning purpose

The Planning Agreement facilitates the provision of stormwater infrastructure, land dedication and a signalised road intersection on Cobra Street, and is a reasonable means for achieving the planning purpose. As such, it provides infrastructure and land for public purposes.

5.2 How the Planning Agreement promotes the public interest and objects of the Act

The Planning Agreement promotes the public interest and objects of the Act by improving public assets in locality of the subject site, with consequential positive impacts over the life span of the development.

The Planning Agreement promotes the objects of the Act by:

- Promoting the proper management, development and conservation of natural and artificial resources;
- Promoting the orderly and economic development of land;
- Promoting good design and amenity of the built environment; and
- Providing increased opportunity for community participation in the development of the Planning Agreement.

5.3 How the Planning Agreement promotes elements of the Council's charter under the Local Government Act 1993

The Planning Agreement promotes elements of Council's charter by:

- Providing effective and efficient services to meet the diverse needs of the local community in a way that provides the best possible value for residents and ratepayers;
- Provides a facility for community use;
- Investing in responsible and sustainable infrastructure for the benefit of the local community;
- Providing a means that allows the wider community to make submissions to the Council in relation to the Planning Agreement; and
- Managing lands and other assets so that current and future local community needs can be met in an affordable way.

5.4 How the Planning Agreement conforms to Council's capital works program

The works identified in the Planning Agreement directly address and respond to strategic priorities identified within relevant Council strategies, plans and delivery programs.

5.5 Whether the Planning Agreement specifies certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued.

Condition 1B of the Development Consent requires the Developer to enter into a Planning Agreement prior to the issue of the first subdivision certificate.

The Planning Agreement specifies that:

- Prior to the issue of the subdivision certificate for Stage 2, construction of stormwater detention basins and landscaping must be provided;
- Prior to the issue of the subdivision certificate for Stage 3, landscaping must be provided;
- Prior to the issue of the subdivision certificate for Stage 2, construction of the signalised intersection on Cobra Street must be provided;
- Prior to the dedication of Lot 10, works in respect to land to be dedicated for public visitation must be provided; and
- Within 10 business days of the registration of the subdivision plan creating the land to be dedicated to Council, the land is to be dedicated to Council.

6 Notes

This explanatory note is a summary only, and is not to be relied upon as a complete description or used as an aid in construing the Planning Agreement.

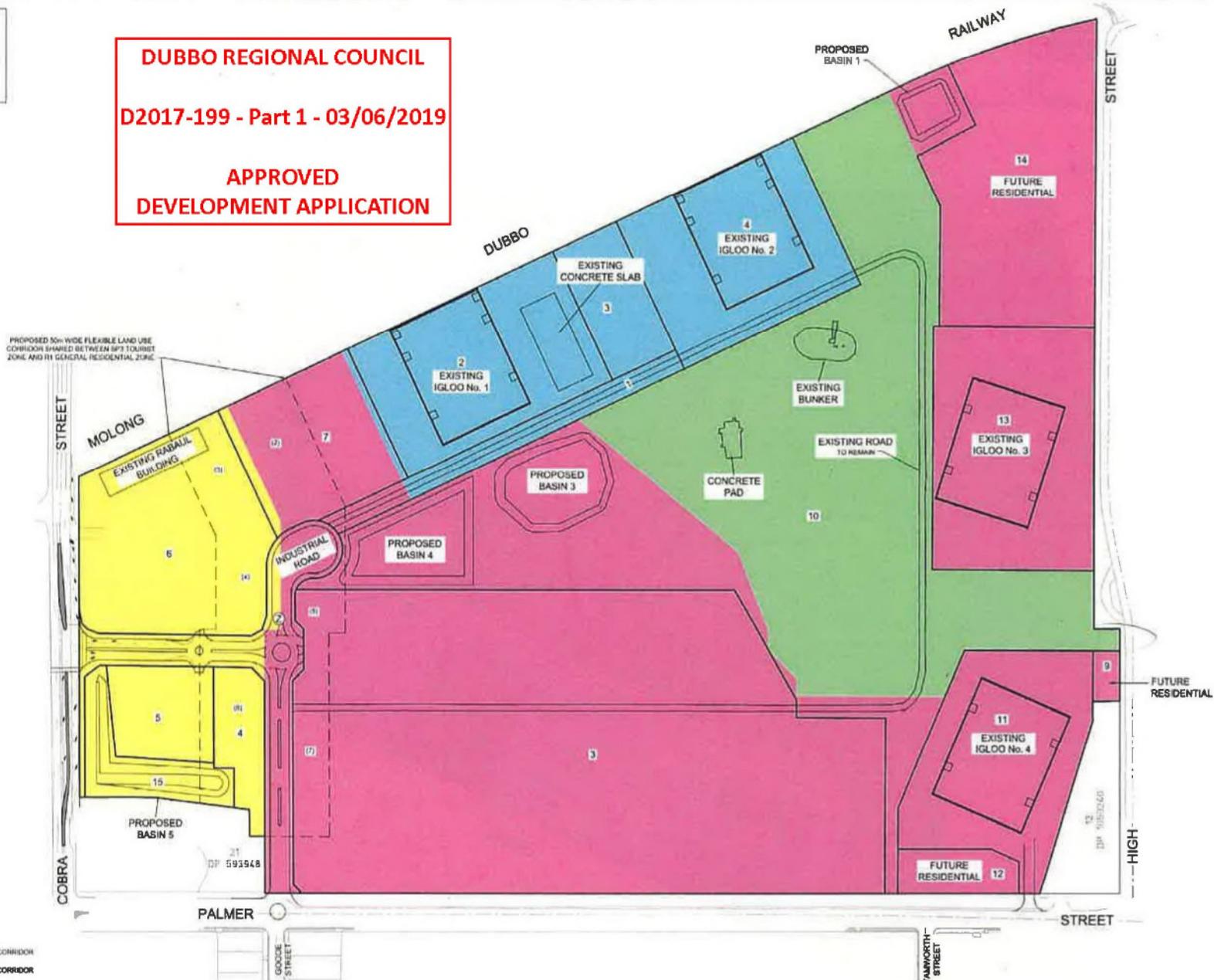
NOTE:
 1. THIS PLAN IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION.
 2. ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY.
 3. BASIN 3 HAS BEEN DELIBERATELY OMITTED FROM THE STORMWATER MANAGEMENT PLAN.

DUBBO REGIONAL COUNCIL
D2017-199 - Part 1 - 03/06/2019
APPROVED
DEVELOPMENT APPLICATION



DUAL ZONE USES TABLE

AREA	ZONE USES
(1)	IN2
(2)	IN2 + SP3
(3)	SP3 + R1
(4)	SP3 + R1
(5)	R1 + SP3
(6)	SP3 + R1
(7)	R1 + SP3



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LEGEND:

- E3 - ENVIRONMENTAL MANAGEMENT ZONE
- IN2 - LIGHT INDUSTRIAL ZONE
- R1 - GENERAL RESIDENTIAL ZONE
- SP3 - TOURIST ZONE
- PROPOSED 50m FLEXIBLE LAND USE CORRIDOR

GEOLYSE
 DUBBO
 50 WINDERMERE STREET
 P.O. BOX 1642
 DUBBO NSW 2880
 PH: 02 884 1025
 FAX: 02 884 1212
 www.geolyse.com

REV	DATE	BY	CHKD	DETAILS
1	20/11/16	AJD	MSJ	ISSUED FOR REVIEW
2	25/12/16	AJD	MSJ	ISSUED FOR APPROVAL
3	21/12/16	JK	MSJ	AMENDMENTS TO LAYOUT
4	26/01/17	JK	MSJ	AMENDMENTS TO LAYOUT
5	27/10/17	EQ	EM	AMENDMENTS & ISSUED FOR DA APPROVAL
6	20/11/17	JK	MSJ	CLASS 1 L&C APP. 2017/20524 (AMENDMENTS PLANS)
7	28/08/18	JK	MSJ	L&C SECTION 34 CONCRETE (CLASS 1 L&C APP. 2017/20524)

GRAPHIC SCALE

SCALE 1:1500 (A1)

0 20 40 60 80 100

SCALE 1:3000 (A3)

0 20 40 60 80 100

DO NOT SCALE FROM THESE DRAWINGS. ALL DIMENSIONS SHALL BE CHECKED ON SITE AND WITH REFERENCE TO THE ORIGINAL SURVEY DATA.

APPROVAL AUTHORITY

DUBBO REGIONAL COUNCIL

CLIENT

ANDORRA DEVELOPMENTS PTY. LTD.

PROJECT

D450 RAUF BASE
 LOT 11
 PALMER STREET, DUBBO

DRAWING

MASTER PLAN

PROJECT NUMBER 111111	DRAWING FILE TP011_A1_TP011.DWG	ORIGINAL
DATE ISSUED -		A1
PRICE SOURCE -		50
TITLE FOR APPROVAL	SHEET TP05 OF TP31	