AGENDA

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE

20 NOVEMBER 2017

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

The meeting is scheduled to commence at 5.30pm.

<table>
<thead>
<tr>
<th>Document Code</th>
<th>Description</th>
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<tr>
<td>PDEC17/3</td>
<td>REPORT OF THE PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING 16 OCTOBER 2017 (ID17/1971)</td>
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<td>The Committee had before it the report of the Planning, Development and Environment Committee meeting held 16 October 2017.</td>
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<td>PDEC17/4</td>
<td>BUILDING SUMMARY - OCTOBER 2017 (ID17/1989)</td>
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<td>PDEC17/5</td>
<td>PLANNING PROPOSAL R17-4 - ADDITIONAL PERMITTED USE (DWELLING HOUSE), WARRIE ROAD, DUBBO</td>
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<td>OWNER: A J JOYCE-BRANDON AND R M BRANDON (ID17/1803)</td>
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<td>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</td>
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<td>Applicant: Geolyse Pty Ltd</td>
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<td>PDEC17/6</td>
<td>PLANNING PROPOSAL (R16-5) - SOUTHLAKES ESTATE, DUBBO</td>
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<td>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.</td>
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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.

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) Property: 82 Whylandra Street, Dubbo Applicant: Club Dubbo Owner: West Dubbo Bowling Club Ltd.

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 Property: 197 Wingewarra Street, Dubbo Applicant: Mr R Stevenson Owner: Racebail Pty Ltd.
The Committee had before it the report of the Planning, Development and Environment Committee meeting held 16 October 2017.

RECOMMENDATION

That the report of the Planning, Development and Environment Committee meeting held on 16 October 2017, be adopted.
PRESENT: Councillors B Shields, J Diffey, V Etheridge, D Grant, D Gumley, A Jones, S Lawrence, G Mohr, K Parker and J Ryan.

ALSO IN ATTENDANCE:
The General Manager, the Director Corporate Services, the Manager Governance and Risk, the Team Leader Governance, the Manager Financial Operations, the Director Economic Development and Business, the Manager Communications and Stakeholder Engagement, the Manager Business Services Economic Development and Business, the Manager Economic Development and Marketing, the Director Infrastructure and Operations, the Manager Infrastructure Strategy, the Manager Infrastructure Delivery, the Manager Fleet Services, the Manager Business Services Infrastructure and Operations, the Director Planning and Environment, the Manager Business Services Planning and Environment, the Director Community and Recreation and the Manager Business Services Community and Recreation.

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.31pm.

PDAEC17/1 ELECTION OF CHAIRMAN (ID17/1786)
At this juncture, the Mayor invited nominations for the election of Chairman Planning, Development and Environment Committee for the Mayoral term with the following nomination received:

Councillor S Lawrence nominated by Councillor D Grant and Councillor J Ryan

Councillor S Lawrence accepted his nomination.

The Mayor advised that as only one nomination was received for the position of the Chairman of Planning, Development and Environment Committee that Councillor S Lawrence be duly elected for the Mayoral term.

Councillor S Lawrence assumed Chairmanship of the meeting.
The Committee had before it the report dated 10 October 2017 from the Director Planning and Environment regarding Building Summary - August and September 2017.

Moved by Councillor A Jones and seconded by Councillor B Shields

**MOTION**

The Committee recommends:

1. That the information contained within the report of the Director Planning and Environment dated 10 October 2017 be noted.
2. That it be noted that details of outstanding development applications are available online as part of Council's application tracking system.

CARRIED

The meeting closed at 5.34pm.

..............................................................................................................

CHAIRMAN
EXECUTIVE SUMMARY

Information has been prepared on the statistics of the number of dwellings and residential flat buildings approved in the Dubbo Regional Council Local Government Area and statistics for approved Development Applications for the information of Council.

Appendix 1 includes data relating to the former Dubbo LGA prior to the current financial year and the combined housing figures for Dubbo Regional Council for the current financial year. Appendices 2 and 3 also include the retrospective figures for the combined LGA.

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

ORGANISATIONAL VALUES

Customer Focused: Council aims to provide high quality and timely building and development services. This reporting provides ongoing monitoring of building activity in the Local Government Area (LGA).

Integrity: This report provides transparent statistics regarding development activity in the LGA.

One Team: This report demonstrates Council’s commitment to work as one to ensure the growth of the LGA.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.
RECOMMENDATION

That the information contained in this report of the Director Planning and Environment dated 14 November 2017 be noted.

Melissa Watkins
Director Planning and Environment
REPORT

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

1. Residential Building Summary

Dwellings and other residential developments approved during October 2017 were as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>No. of units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings</td>
<td>12</td>
</tr>
<tr>
<td>Other residential development</td>
<td>1</td>
</tr>
<tr>
<td>(No. of units)</td>
<td>(2)</td>
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</table>

For consistency with land use definitions included in the Dubbo Local Environmental Plan 2011, residential development has been separated into ‘Dwellings’ and ‘Other residential development’. ‘Other residential development’ includes dual occupancies, secondary dwellings, multi-unit and seniors living housing.

These figures include Development Applications approved by private certifying authorities (Complying Development Certificates).

A summary of residential approvals for the former Dubbo City Council area since 2010-2011 is included in Appendix 1 however, it should be noted that the figures from July 2017 onwards include the approvals within the former Wellington Local Government Area as well as a consequence of the commencement of the merged application system.

2. Approved Development Applications

The total number of approved Development Applications (including Complying Development Certificates) for October 2017 and a comparison with figures 12 months prior and the total for the respective financial years, are as follows:

<table>
<thead>
<tr>
<th></th>
<th>1 October 2017 – 31 October 2017</th>
<th>1 July 2017 – 31 October 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of applications</td>
<td>57</td>
<td>276</td>
</tr>
<tr>
<td>Value</td>
<td>$6,678,601</td>
<td>$67,989,594</td>
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<tbody>
<tr>
<td>No. of applications</td>
<td>79</td>
<td>296</td>
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<tr>
<td>Value</td>
<td>$19,187,976</td>
<td>$61,175,793</td>
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</table>

A summary breakdown of the figures is included in Appendices 2-3.
3. Online Application Tracking

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

What information is available?

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

What information is not available?

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

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

The information included in this report is provided for notation.

Appendices:
1. Building Summary
2. Approved Development Applications - October 2017
3. Approved Development Applications - October 2016
4. Approved Development Applications - 1 July 2017 to 31 October 2017
5. Approved Development Applications - 1 July 2016 to 31 October 2016
# Statistical Information on Dwellings and Multi Unit Housing

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<td>(Combined figures for Dubbo and Wellington former LGAs)</td>
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* (Includes private certifiers and redefined land use categories based on LEP definitions)
## Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/10/2017 - 31/10/2017

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<th>Development Type</th>
<th>Number of Applications</th>
<th>Ext. S</th>
<th>New Development</th>
<th>Ext. S</th>
<th>Additional and Allocation</th>
<th>Ext. S</th>
<th>Num. Dwelling</th>
<th>Num. Lots</th>
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<tr>
<td>Dwelling - single</td>
<td>13</td>
<td>3,524,770</td>
<td>11</td>
<td>3,482,770</td>
<td>2</td>
<td>42,000</td>
<td>11</td>
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<td>Dwelling - Transportable/Relocatable</td>
<td>1</td>
<td>50,000</td>
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**Total Number of Applications for this period: 57**

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

--------- End of Report ---------
### Approved Development & Complying Development Applications by Dubbo Regional Council and Private Certifiers - Period 1/10/2016 - 31/10/2016

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**Total Number of Applications for this period: 79**

***Note: There may be more than one Development Type per Development Application Statistics include applications by Private Certifiers***
### Approved Development & Complying Development Applications by Dubbo Regional Council and Private Certifiers - 1/10/2016 - 31/10/2016

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<th>New Lots</th>
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--- End of Report ---
### Approved Development & Complying Development Applications

by Dubbo Regional Council and Private Certifiers

Period 1/07/2017 - 31/10/2017

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<th>Additional Allocation</th>
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**Approved Development & Complying Development Applications by Dubbo Regional Council and Private Certifiers Period 1/07/2017 - 31/10/2017**

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<th>Additions and Alterations</th>
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**Total Number of Applications for this period: 276**

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

----- End of Report -----
## Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2016 - 31/10/2016

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<td>1,530,000</td>
<td>1</td>
<td>1,530,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change of Use - Commercial</td>
<td>6</td>
<td>190,000</td>
<td>3</td>
<td>35,000</td>
<td>3</td>
<td>155,000</td>
<td></td>
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</tr>
</tbody>
</table>
### Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers - Period 1/07/2016 - 31/10/2016

<table>
<thead>
<tr>
<th>Development Type</th>
<th>Number of Applications</th>
<th>Est. $</th>
<th>New Developments</th>
<th>Est. $</th>
<th>Additions and Alteration</th>
<th>Est. $</th>
<th>Total Lots</th>
<th>Total Lots</th>
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<tbody>
<tr>
<td>Agricultural Development</td>
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<td>50,000</td>
<td>1</td>
<td>50,000</td>
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<td>Tourism Development</td>
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<td>4,250,000</td>
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<td>4,250,000</td>
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<tr>
<td>Subdivision - Residential</td>
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<td>919,000</td>
<td>1</td>
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<tr>
<td>Subdivision - Commercial</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td></td>
<td></td>
<td>6</td>
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</tr>
<tr>
<td>Subdivision - Industrial</td>
<td>3</td>
<td>12,000</td>
<td>1</td>
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<td></td>
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<td>Subdivision - Rural</td>
<td>2</td>
<td>15,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8</td>
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<tr>
<td>Subdivision - Other</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td></td>
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<td>Miscellaneous</td>
<td>4</td>
<td>7,040,378</td>
<td>4</td>
<td>7,040,378</td>
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<td></td>
</tr>
<tr>
<td><strong>Total Development Types</strong></td>
<td><strong>319</strong></td>
<td><strong>61,175,793</strong></td>
<td><strong>4</strong></td>
<td><strong>7,040,378</strong></td>
<td></td>
<td></td>
<td><strong>296</strong></td>
<td></td>
</tr>
</tbody>
</table>

Total Number of Applications for this period: 296

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

---------- End of Report ----------
EXECUTIVE SUMMARY

A Planning Proposal (R17-4), or a Local Environmental Plan amendment application, was lodged with Council on 2 August 2017 by consultants, Geolyse Pty Ltd, on behalf of the landowners, A J Joyce-Brandon and R M Brandon. A copy of the Planning Proposal is included here in Appendix 1.

The Planning Proposal seeks to allow the additional permitted use of an ancillary dwelling house on the combined area of Lot 147 and Lot 148 DP 753233, Warrie Road, Dubbo.

Under the provisions of the Dubbo Local Environmental Plan 2011 (Dubbo LEP), the land is zoned RU1 Primary Production and has a minimum lot size for subdivision of 800 hectares. Under the current provisions of the Dubbo LEP, a dwelling house cannot be developed on the combined area of Lot 147 and Lot 148 as the land does not meet the 800 hectare minimum area standard.

The owners of the land are currently undertaking extensive agriculture on the land in the form of sheep grazing and are proposing to extend the agriculture activity to a more intensive lamb finishing operation, which is defined as ‘intensive livestock agriculture’ under the provisions of the Dubbo LEP. Use of the land for the purposes of extensive livestock agriculture would require development consent from Council. This issue is further discussed in the body of this report.

The applicant lodged the subject Planning Proposal seeking the provision of a dwelling house on the land, which would be ancillary to the intensive livestock agriculture activity. The Planning Proposal has provided information that a dwelling house is required on the land to maintain security, to maintain the operational integrity of infrastructure associated with the intensive livestock agriculture activity, and to maintain the overall economic viability of pursuing a three (3) cycle operation in a calendar year.
It is recommended that Council supports the Planning Proposal and it be submitted to the Department of Planning and Environment to seek a Gateway Determination. Following receipt of a Gateway Determination, Council would place the draft amendment on public exhibition. The Planning Proposal would be placed on exhibition for a period of no less than 28 days.

**ORGANISATIONAL VALUES**

**Customer Focused**: Council officers have worked with the applicant to address issues with the Planning Proposal in its early stages prior to consideration by Council and submission to the Department of Planning and Environment for a Gateway Determination. **Integrity**: The Planning Proposal has been assessed against the requirements of the Environmental Planning and Assessment Act, 1979 and the NSW Department of Planning and Environment’s document, A Guide to Preparing Planning Proposals. **One Team**: Staff across the organisation have been involved in the assessment of the Planning Proposal in accordance with relevant legislation and Dubbo Regional Council policy.

**FINANCIAL IMPLICATIONS**

The applicant provided on lodgement of the Planning Proposal, payment of fees to Council in the amount of $25,000. These fees are payment of ad hoc processing and assessment fees for the Planning Proposal application in accordance with Council’s adopted Revenue Policy.

**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 a Gateway Determination from the Department will allow Council to, conditionally, undertake an amendment to the Dubbo LEP. The Proposal is consistent with the Rural Areas Development Strategy which underpins the land decisions in the LEP.
RECOMMENDATION

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.

Steven Jennings
Manager Strategic Planning Services
BACKGROUND

A Planning Proposal (R17-4) was lodged on 2 August 2017 by consultants, Geolyse Pty Ltd on behalf of land owners, A J Joyce-Brandon and R M Brandon. The Planning Proposal seeks to allow the development of a dwelling house on the combined area of Lot 147 and Lot 148 DP 7543341, Warrie Road, Dubbo, ancillary to use of the land for the purposes of intensive livestock agriculture. The dwelling house is proposed to be permitted as an additional use in Schedule 1 of the Dubbo Local Environmental Plan 2011 (Dubbo LEP).

REPORT

1. Particulars of the Planning Proposal Application

Owner: A J Joyce-Brandon and R M Brandon
Applicant: Geolyse Pty Ltd
Subject site: Lot 147 and Lot 148 DP 754331, Warrie Road, Dubbo
Land area: 64.78 hectares
Current zoning: RU1 Primary Production
Proposed LEP amendment: Amendment to Schedule 1 and the Additional Permitted Uses Map APU_008 of the Dubbo Local Environmental Plan 2011 to allow a dwelling house ancillary to an intensive livestock agriculture land use on the subject land. The additional permitted use would also require Lot 147 and Lot 148 DP 754331 to be consolidated into one (1) allotment.
Lodgement date: 2 August 2017

2. Amendment 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 commences with Council’s consideration of the Planning Proposal. The Proposal process is shown in Figure 1.
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. The amendment is then provided to the DPE seeking 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 DPE would 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 DPE 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 would be required to liaise with Parliamentary Counsel for legal drafting and finalisation of the Plan. Given the nature of the Planning Proposal, it is considered appropriate for Council to accept the delegated authority.

3. Planning Proposal

As already discussed, Council is in receipt of a Planning Proposal that seeks to amend the Dubbo Local Environmental Plan 2011 (Dubbo LEP) to allow an additional permitted use of dwelling house ancillary to an intensive livestock agriculture activity on the combined area of Lot 147 and Lot 148 DP 754331, Warrie Road, Dubbo under the provisions of the Dubbo LEP.

The owners of the land are currently undertaking extensive agriculture on the site in the form of sheep grazing and are proposing to extend the activity to a more intensive lamb finishing operation, which is defined as ‘intensive livestock agriculture’ under the provisions of the Dubbo LEP. It should be noted that both uses of the land for the purposes of intensive livestock agriculture and development of an ancillary dwelling house would require development consent to be obtained from Council prior to commencement of the intensive livestock agriculture activity.

The Planning Proposal has provided information that a dwelling house is required on the land to maintain security, the operational integrity of infrastructure associated with the intensive livestock agriculture activity and the overall economic viability of pursuing a three (3) cycle operation in a calendar year.

Under the existing LEP provisions, a minimum allotment size of 800 hectares is required to permit a dwelling. As the combined area of the two allotments is only 64.78 hectares, a dwelling is not permitted on the land.
The location of the subject land is shown in Figure 2.

Figure 2. Lot 147 and Lot 148 DP 754331 Warrie Road, Dubbo highlighted in red

4. Site Characteristics

The land the subject of the Planning Proposal includes Lot 147 and Lot 148 DP 754331, Warrie Road, Dubbo, as shown in Figure 3. The area of each allotment equals 32.39 hectares with a total combined area of 64.78 hectares.

The subject land has direct access to Warrie and Lambar roads and is located approximately 12 kilometres south-east from Dubbo. The land is predominantly cleared of vegetation given its existing and current use as agricultural land.

The subject site is zoned RU1 Primary Production under the provisions of the Dubbo LEP and is adjoined by land zoned RU1 Primary Production. The land use zoning regime in the immediate locality is shown in Figure 3.
5. 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 does not provide an analysis of all planning considerations associated with the Planning Proposal.

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

(i) Central West and Orana Regional Plan

The Central West and Orana Regional Plan was released by the Minister for Planning on 14 June 2017. The Plan has the following vision for the Central West and Orana Region:

“The most diverse regional economy in NSW with a vibrant network of centres leveraging the opportunities of being at the heart of NSW.”

The Plan has the following goals:

- **Goal 1 - The most diverse regional economy in NSW**
- **Goal 2 - A stronger, healthier environment and diverse heritage**
- **Goal 3 - Quality freight, transport and infrastructure networks**
- **Goal 4 - Dynamic, vibrant and healthy communities**

It is considered that the Planning Proposal is consistent with the Central West and Orana Regional Plan.
(ii) Dubbo Rural Areas Development Strategy

The Dubbo Rural Areas Development Strategy forms the basis for the rural land use zonings and planning controls provided in the Dubbo LEP.

The land the subject of the Planning Proposal is situated in the Macquarie District. The Strategy provides for the following development objectives:

- Agriculture – A more secure future for agriculture in Dubbo and expansion of its economic value;
- Transport – Safe and efficient transport links between Dubbo and other major centres, with a capacity for future expansion;
- Tourism – Expand Dubbo’s rural-based tourism industry;
- Recreation – Use the recreational potential of the rural area;
- Settlement – Direct rural settlement pressures into the rural villages and selected areas of existing fragmentation; and
- Villages – Protect village communities as effective alternatives to urban living.

The Planning Proposal is specifically consistent with Control Policy (7) under the Action Plan for intensive agriculture as follows:

“(7) Permit dwellings only where they are ancillary to productive and sustainable agriculture and necessary for its continuation or for other non-conflicting activities that are defined as appropriate to the particular district.”

An economic analysis was submitted with the Planning Proposal to assess the viability of the existing and proposed agricultural operations with the introduction of supplementary feeding. Operations currently produce a profit of $24,760, representing an 8.3% return on assets.

A proposed intensive livestock operation including sourcing off-site supplementary feed is expected to increase to $39,449, representing a 13.1% return on assets, an increase in profit of 55%. In addition to the ability of the land owners to seek off-farm income to meet the average weekly household income of $1,096.68 in Dubbo, it is considered that the introduction of intensive livestock agriculture on the subject land is economically sustainable to support the provision of an ancillary dwelling house on the land.

Based on the characteristics of the subject site and the agricultural land use activities undertaken on adjoining lands, it is considered that the Planning Proposal is consistent with the provisions of the Macquarie District Development Strategy and the surrounding land uses.

In addition, the Planning Proposal is consistent with the Action Plan for Intensive Agriculture as follows:
“(6) Encourage acquisition of highly productive areas for re-subdivision/consolidation into more productive and sustainable layouts where necessary.”

It is considered that fragmentation of the land will be prevented by ensuring the dwelling entitlement is ancillary to an intensive agricultural land use and to require consolidation of both allotments.

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

(iii) Section 117 Directions

A number of Section 117 Directions are applicable to the Planning Proposal, as described in Table 1.

<table>
<thead>
<tr>
<th>Direction</th>
<th>Requirement</th>
<th>Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.2 Rural zones</td>
<td>This Direction is applicable as the Planning Proposal will impact land in an existing rural zone.</td>
<td>This Direction requires a Planning Proposal to protect the agricultural production value of rural land. The owners of the land are currently undertaking extensive agriculture in the form of sheep grazing and are intending to further intensify the activity into a lamb finishing operation which will be undertaken as a three (3) cycle operation of up to 1,500 lambs in any calendar year. By further intensifying the agricultural use, the Planning Proposal seeks to amend the Dubbo LEP to allow the development of an ancillary dwelling house on the land to aid the overall management of the land use activity and maintain security. Whilst the Planning Proposal will permit an ancillary dwelling house on the land, the land will be used for productive agricultural activity in the form of intensive livestock agriculture. It is considered that the Planning Proposal is consistent with the Direction.</td>
</tr>
<tr>
<td>1.3 Mining, petroleum production and extractive industries</td>
<td>This Direction is applicable when a Planning Proposal is prepared that would restrict or be incompatible with mining.</td>
<td>The Planning Proposal is inconsistent with the Direction. The inconsistency is considered to be of minor significance as the land would continue to be used for agricultural purposes. The Planning</td>
</tr>
<tr>
<td>Direction</td>
<td>Requirement</td>
<td>Consistency</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1.5 Rural lands</td>
<td>This Direction applies to a Planning Proposal that would affect land within</td>
<td>This Direction requires the protection of agricultural land for rural or rural-related purposes. The Planning Proposal is considered to be consistent with the Rural Planning Principles outlined within the State Environmental Planning Policy (Rural Lands), 2008. The Planning Proposal is consistent with the Direction.</td>
</tr>
<tr>
<td></td>
<td>an existing or proposed rural zone or changes the existing minimum lot size</td>
<td></td>
</tr>
<tr>
<td></td>
<td>on the land within a rural zone</td>
<td></td>
</tr>
<tr>
<td>3.3 Home occupations</td>
<td>The Direction is applicable when a Planning Proposal is prepared that includes</td>
<td>The Planning Proposal would not alter the current controls contained in State Environmental Planning Policy (Exempt and Complying Development Codes), 2008 and the Dubbo LEP which permit the undertaking of home occupations without development consent. The Planning Proposal is consistent with the Direction.</td>
</tr>
<tr>
<td></td>
<td>residential accommodation</td>
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</tr>
<tr>
<td>5.10 Implementation of Regional</td>
<td>The Direction is applicable when Council prepares a Planning Proposal</td>
<td>The Direction requires a Planning Proposal to be consistent with the vision and guiding principles of the Central West and Orana Regional Plan.</td>
</tr>
<tr>
<td>Plans</td>
<td></td>
<td>The Planning Proposal is consistent with the following relevant Central West and Orana Regional Plan Directions:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Direction 1: Protect the region’s diverse and productive agricultural land;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Direction 2: Grow the agribusiness sector and supply chains; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Direction 28: Manage rural residential development.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The Planning Proposal would secure and allow intensification of the existing livestock agricultural operations. The Planning Proposal is consistent with the Direction.</td>
</tr>
</tbody>
</table>
6.1 Approval and referral requirements

This Direction is applicable when any Planning Proposal is prepared.

The Direction requires a Planning Proposal to not have any requirement for concurrence from any other applicable public authority.

The Planning Proposal does not include any provisions that require concurrence.

The Planning Proposal is consistent with the Direction.

6.3 Site-specific provisions

The Direction is applicable when a Planning Proposal is prepared that will allow a particular development to be carried out.

The Direction requires a Planning Proposal to not provide any additional specific development standards or requirements to those already provided on the land.

A Planning Proposal must also not include any drawings showing details of the development.

The Planning Proposal is consistent with the Direction.

(iv) State Environmental Planning Policies

A number of 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 No 64 – Advertising and Signage;
- SEPP (Building Sustainability Index: BASIX), 2004;
- SEPP (Exempt and Complying Development Codes), 2008;
- SEPP (Infrastructure), 2007;
- SEPP (Mining, Petroleum Production and Extractive Industries), 2007; and
- SEPP (Rural Lands), 2008.

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 if 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 or 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 opportunity 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 DPE or any applicable local strategy endorsed by the Director General.

The Planning Proposal is considered to be consistent with the rural planning principles that a dwelling house would secure, support and facilitate the intensification of the existing extensive agricultural activity on the land. In addition, the dwelling house would be required to be ancillary to the proposed intensive livestock agriculture activity, meaning that if the intensive livestock agriculture activity were to cease, the dwelling house would be required to be rendered uninhabitable which would not permit the house to be lived in. This requirement would be included in any development consent issued for a dwelling on the land.

(v) Dubbo Local Environmental Plan 2011

Land Use Zoning

The subject land is currently zoned RU1 Primary Production with a minimum allotment size of 800 hectares.

The objectives of the RU1 Primary Production zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base;
- To encourage diversity in primary industry enterprises and systems appropriate for the area;
- To minimise the fragmentation and alienation of resource lands;
- To minimise conflict between land uses within the zone and land uses within adjoining zones;
- To enable uses of an appropriate scale to facilitate the economic sustainability of primary production; and
- To enable function centres, restaurants and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.
The Planning Proposal lodged with Council seeks to allow the provision of a dwelling house on the land ancillary to use of the land for the purposes of intensive livestock agriculture. Intensive livestock agriculture is defined as follows:

“intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

(a) dairies (restricted),
(b) feedlots,
(c) piggeries,
(d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief”.

It is proposed that Schedule 1 Additional Permitted Uses of the Dubbo LEP be amended to include an ancillary dwelling house as a permissible form of development on the combined area of Lot 147 and Lot 148, DP 754331, Warrie Road, Dubbo. It is also proposed that the dwelling house be ancillary to the undertaking of intensive livestock agriculture on the subject land. It should be noted that following any amendment to the Dubbo LEP, the proponent would be required to lodge a development application with Council to undertake the use of intensive livestock agriculture on the land. Following consideration and determination of such a development application, the proponent would then be permitted to lodge a development application for an ancillary dwelling house on the land.

Minimum Lot Size

The subject land has a minimum lot size of 800 hectares pursuant to the provisions of the Dubbo LEP. This means that neither allotment currently possesses a dwelling entitlement under the provisions of the LEP. The Planning Proposal does not intend to amend the minimum lot size but rather make a dwelling permissible as an additional permitted use as ancillary to intensive livestock agriculture. Any such amendment to the minimum allotment size would permit a dwelling house on the land which would not be associated with any agricultural land use activity.

(vi) Aboriginal Archaeology

The subject site is highly disturbed as a result of past and present agricultural activities, including cropping. Future development will require consideration of these provisions in the Dubbo LEP. Further, a search of the Aboriginal Heritage Information System (AHIMS) has revealed that no Aboriginal sites have been recorded in or near the subject site nor have any Aboriginal places been declared in or near the subject site.
(vii) Traffic

The Planning Proposal is unlikely to present any significant increase in traffic in the immediate locality or surrounding areas.

(viii) Flora and Fauna

The majority of the subject land is clear of vegetation and is not known to contain any threatened species or ecological communities within the vicinity.

(ix) Groundwater Vulnerability/Salinity

The subject site is mapped as having moderately high and high groundwater vulnerability pursuant to the provisions of Clause 7.5 of the Dubbo LEP. The objective of the clause is to maintain the hydrological functions of groundwater systems and protect vulnerable groundwater from depletion and contamination as a result of inappropriate development.

No sewer infrastructure is located within the immediate vicinity and therefore any future development of a dwelling would require the installation of an onsite wastewater management system.

Whilst the provision of one additional dwelling is unlikely to have any significant impacts on groundwater, a detailed design of any wastewater management system would be required with the development application for any future ancillary dwelling to ensure appropriate mitigation measures are achieved.

(x) Infrastructure

The subject land has access to electrical and telecommunications infrastructure. The land owners, as part of the property improvement works, constructed an onsite bore, 20,000 L storage tank and a three (3) megalitre dam.

SUMMARY

Council is in receipt of a Planning Proposal that seeks to allow an additional permitted use of an ancillary dwelling house on the combined area of Lot 147 and Lot 148 DP 753233, Warrie Road, Dubbo.

Under the provisions of the Dubbo Local Environmental Plan 2011, the land is zoned RU1 Primary Production and has a minimum lot size for subdivision of 800 hectares. Under the current provisions of the LEP, a dwelling house cannot be developed on the combined area of Lot 147 and Lot 148, as the land does not meet the 800 hectare minimum area standard.
The owners of the land are currently undertaking extensive agriculture on the site in the form of sheep grazing and are proposing to extend their current extensive agriculture activity to a more intensive lamb finishing operation which is classified as intensive livestock agriculture under the provisions of the LEP.

It is considered that a future dwelling house on the land would secure, support and facilitate the intensification of the existing livestock agricultural operations. The Planning Proposal is broadly consistent with the objectives of the RU1 Primary Production zone and the Rural Areas Development Strategy. It is considered that the Planning Proposal would not significantly impact surrounding land uses or result in rural land fragmentation.

Appendices:
1. Planning Proposal - Additional Permitted Use (Dwelling Entitlement), Warrie Road, Dubbo
PLANNING PROPOSAL

ADDITIONAL PERMITTED USE DWELLING ENTITLEMENT AT LOT 147 & 148 DP 754331 WARRIE ROAD, DUBBO

PREPARED FOR
TONY & ROWENA BRANDON

JULY 2017

• Civil, Environmental & Structural Engineering • Surveying • Environmental • Planning • Architecture
PLANNING PROPOSAL
ADDITIONAL PERMITTED USE
DWELLING ENTITLEMENT

LOT 147 & LOT 148 IN DP 754331
AT WARRIE ROAD, DUBBO

PREPARED FOR
TONY & ROWENA BRANDON

JULY 2017

GEOLYSE
APPENDIX NO: 1 - PLANNING PROPOSAL - ADDITIONAL PERMITTED USE (DWELLING ENTITLEMENT), WARRIE ROAD, DUBBO

Geolyse Pty Ltd and the authors responsible for the preparation and compilation of this report declare that we do not have, nor expect to have a beneficial interest in the study area of this project and will not benefit from any of the recommendations outlined in this report.

The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

All maps, plans and cadastral information contained within this report are prepared for the exclusive use of Tony & Rowena Brandon to accompany this report for the land described herein and are not to be used for any other purpose or by any other person or entity. No reliance should be placed on the information contained in this report for any purposes apart from those stated therein.

Geolyse Pty Ltd accepts no responsibility for any loss, damage suffered or inconveniences arising from, any person or entity using the plans or information in this study for purposes other than those stated above.
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4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

4.3.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR...
HABITATS WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?

4.3.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

4.3.3 HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

4.4 STATE AND COMMONWEALTH INTERESTS

4.4.1 ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PROPOSAL?

4.4.2 VIEWS OF STATE/COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?

COMMUNITY CONSULTATION

5.1 TYPE OF COMMUNITY CONSULTATION REQUIRED

REFERENCES

DRAWINGS

• Drawing No. 117034_01A_TP01 – Existing Additional Permitted Uses Map, prepared by Geolyse Pty Ltd
• Drawing No. 117034_01A_TP02 – Proposed Additional Permitted Uses Map, prepared by Geolyse Pty Ltd

APPENDICES

APPENDIX A
Economic Analysis – Brandley

APPENDIX B
AHIMS Searches

APPENDIX C
Purchase & Sale Invoices

APPENDIX D
Labour Tasks
Executive Summary

The intention of this Planning Proposal (PP) is to provide an additional permitted use to be undertaken on the subject site, in particular, the additional permitted use of dwelling entitlement over the subject site.

This PP affects the Additional Permitted Uses Map APU_008 of the Dubbo Local Environmental Plan 2011 (DLEP). In particular, this PP affects two (2) allotments of land, located in a rural setting to the south of Dubbo, bounded by Lambar Road to the south, and Warrie Road to the west.

This PP seeks to allow dwelling entitlement as an additional permitted use over the subject site, as shown upon supporting plan 117034_01A_TP02 – Proposed Additional Permitted Uses Map, prepared by Geolyse Pty Ltd.

The additional permitted use would be ancillary to the on-site intensive agricultural land use, being a lamb finishing enterprise. It is essential for an ancillary dwelling to be situated on the site to allow this rural industry use to viably continue its operation, allow intensification and to be appropriately managed, and for security purposes. Operation of the current land use, given the subject labour hours, from living within the Dubbo urban area is not a feasible and viable way to operate the industry. Additionally, the ancillary dwelling to this intensive agricultural use would not be dissimilar to the characteristics of surrounding properties in the immediate locality.

It is noted this PP is a result of infrastructure development and land improvements that have been undertaken over the subject site since Tony and Rowena Brandon purchased the land back in 2012. This includes in excess of $150,000.00 has been further invested in to the property, not including the purchase of the land, in the form of fencing, storage shed, stock yards, permanent water, pasture improvement and fertiliser program. As a result, the property is now significantly improved, and in a position of productive capacity. The property has increased from 150 Dry Stock Equivalent (DSE), to approximately 800 DSE, an increase in excess of 500%.

Due to the minor nature of the proposal, approval of the planning amendments is sought from the Director-General of the Department of Planning as part of the Gateway Determination.

Details of the proposal’s compliance with all applicable strategic, regional, and local planning instruments, state environmental planning policies, and ministerial directions are contained in the body of this report.

This PP has been prepared in accordance with the NSW Department of Planning’s (DoP) advisory documents ‘A Guide to Preparing Local Environmental Plans’ and ‘A Guide to Preparing Planning Proposals’.
# ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Name</th>
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<tbody>
<tr>
<td>PP</td>
<td>Planning Proposal</td>
</tr>
<tr>
<td>DoP</td>
<td>NSW Department of Planning</td>
</tr>
<tr>
<td>EP&amp;A Act</td>
<td>Environmental Planning and Assessment Act 1979</td>
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<td>SEPP</td>
<td>State Environmental Planning Policy</td>
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<td>LEP</td>
<td>Local Environmental Plan</td>
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<td>RMS</td>
<td>Roads and Maritime Services</td>
</tr>
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<td>UPA</td>
<td>United Protestants Association</td>
</tr>
<tr>
<td>AHD</td>
<td>Australian Height Datum</td>
</tr>
<tr>
<td>LGA</td>
<td>Local Government Authority</td>
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1.1 INTRODUCTION

Geolyse Pty Ltd has been commissioned by the applicant (Tony & Rowena Brandon) to prepare a Planning Proposal (PP) to support a proposed amendment to the Dubbo Local Environmental Plan 2011. The PP is lodged in relation to a parcel of land, located within a rural setting to the south of Dubbo, bounded by Lambar Road to the south and Warrie Road to the west. The site is formally known as Lot 147 and Lot 148 in DP 754431 at Warrie Road, Dubbo, and is named "Brandley".

This PP affects the Additional Permitted Use Map AFU_006 of the Dubbo Local Environmental Plan 2011, (DELP). The additional permitted use is required to enable a dwelling entitlement over the subject site, to allow the ongoing management and further intensification of on-site operations, being a lamb finishing enterprise. The dwelling would be ancillary to the aforementioned intensive livestock agriculture land use, and would be used predominantly as a place of residence to effectively manage and monitor this on-site rural operation.

The proposal is considered to be of a minor nature and in this respect approval is sought from the Director-General of the Department of Planning as part of the Gateway Determination. Details of the proposal’s compliance with relevant strategic, regional, and local planning instruments, state environmental planning policies, and ministerial directions are contained in the following sections.

1.2 SCOPE OF REPORT

This PP has been prepared in accordance with the NSW Department of Planning’s (DoP) advisory documents 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'. The latter document requires the PP to be provided in five (5) parts, those being:

- Part 1 – A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 – An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 – The justification for those objectives, outcomes, and provisions and the process for their implementation;
- Part 4 – Mapping; and
- Part 5 – Details of the community consultation that is to be undertaken on the Planning Proposal.

It is noted that Part 4 would be confirmed following a Gateway Determination of this Planning Proposal by the DoP.

1.3 STRUCTURE

This PP is provided in the following structure:

- Section 2 provides an overview of the subject site, the development intent, and development constraints;
- Section 3 provides a statement of the objective and explanation of provisions of the PP;
- Section 4 provides justification regarding the need for the PP; outlines its relationship to strategic planning strategies; and overviews the environmental, economic, and social impacts of the proposal;
- Section 5 provides the proposed mapping amendments relating to the Planning Proposal area; and
- Section 6 details how community consultation is to be undertaken with respect to the PP.
2.1 THE SUBJECT SITE

2.1.1 SITE DESCRIPTION AND LOCATION

The Planning Proposal (PP) affects two (2) allotments of land, forming the subject property known as "Brandley", located south of Dubbo, approximately 13 kilometres from the Central Business District (CBD). The site is bounded by Lambar Road to the south and Warrie Road to the west. The subject site is formally known as Lot 147 and Lot 148 in DP 754331 at Warrie Road, Dubbo, and features a total area of approximately 65 hectares. Lot 147 is approximately 31 hectares in size, and Lot 148 is approximately 34 hectares in size.

The site is located within a rural setting, surrounded by various rural and agricultural land uses. The site is characterised by relatively cleared land, primarily used for broad acre farming and sheep grazing purposes.

Vehicular access to the site is gained via Lambar Road to the south, through a gated rural crossover.

Figure 1 below provides an aerial view of the subject site and locality.

![Aerial view of the subject site and locality](Image)

**Figure 1:** Aerial view of the subject site and locality (Source: Google Earth 2016)
2.2 BACKGROUND

The property was acquired by Anthony and Rowena Brandon in 2012 at a cost of $182,207, with the intent to operate an intensive agriculture land use on the site (livestock grazing operation). Attention is on the financial viability of the business venture, and improving the overall ecology and sustainable management of the property. Various property improvements have been completed on the subject site since acquiring the land, and summarised below in Table 2.1.

Table 2.1 – Property Improvements

<table>
<thead>
<tr>
<th>Infrastructure</th>
<th>Details</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fencing</td>
<td>7,000m of new fencing, including the establishment of five (5) main paddocks and laneway system.</td>
<td>$47,376.00</td>
</tr>
<tr>
<td>Machinery Shed</td>
<td>16m x 8.5m shed, on concrete slab. Includes lock up bay to hold farm machinery and consumables, including 60hp tractor, motorbikes, drenches, fencing materials, etc.</td>
<td>$32,769.00</td>
</tr>
<tr>
<td>Stock Yards</td>
<td>Dual purposes sheep and cattle Arrow stock yards</td>
<td>$20,975.00</td>
</tr>
<tr>
<td>Stock Water System</td>
<td>Development of a 3 mega litre stock dam, and fencing off the natural water course (drainage line)</td>
<td>$20,975.00</td>
</tr>
<tr>
<td></td>
<td>Construction of a 130m deep bore, water tank (20,000 litres), and concrete trough systems.</td>
<td></td>
</tr>
<tr>
<td>Pasture Improvement</td>
<td>Pasture improvement activities over the past three (3) years, including replacing all 160 acres with: 70 acres of Lucerne / sub-clover pastures / 35 acres to Rye grass / sub-clover pastures / 55 acres to tall fescue / Couch / Phalaris / sub-clover / Bahamia pastures.</td>
<td>$30,000.00</td>
</tr>
<tr>
<td></td>
<td>Total improvement expenditure</td>
<td>$152,092.00</td>
</tr>
</tbody>
</table>

Source: Details obtained from ‘Economic Analysis Report, “Brandley”, Dubbo’

It is considered that as a result of the expenditure of over $150,000.00 (as outlined above), the property is now significantly improved, and in a position of productive capacity. It is stipulated within the ‘Economic Analysis Report’ (attached as Appendix A), that the property has increased from 150 Dry Stock Equivalent (DSE), to approximately 800 DSE, an increase in excess of 500%.

2.3 DEVELOPMENT INTENT

The intent of this PP is to provide an additional permitted use on the subject site, in particular, the additional permitted use of a dwelling entitlement and subsequent lot consolidation of both allotments. The additional permitted use (dwelling entitlement) is required to enable an ancillary dwelling to the ongoing management and further intensification of the on-site intensive livestock agriculture operation, being the lamb finishing enterprise.

It is intended to amend Schedule 1 – Additional Permitted Uses of the Dubbo Local Environmental Plan 2011, to permit a dwelling entitlement and the consolidation of both lots forming the subject site, despite its size. A Development Application would therefore utilise Clause 2.5 – Additional Permitted Uses for Particular land, of the Dubbo Local Environmental Plan 2011 to carry out the development specified.
2.3.1 EXISTING LAND ZONING AND LOCALITY

The land immediately surrounding the site is considered to be rural in character, however in the wider area, a variety of land zonings and subsequent land uses are portrayed, in accordance with the Dubbo Local Environmental Plan 2011. The Land Zoning Map – Sheet LZN_008 describes a predominant land zoning of R1 – Primary production, in the area. The subject site falls within this land zone, as represented in Figure 2 below. However, it is also witnessed that RU4 – Primary Production Small Lots land zoning and R5 – Large Lot Residential land zonings are in relatively close proximity to the site.

Figure 2: Land Zoning Map extract (Dubbo LEP 2011, Map LZN_008).

The RU1 zoning does not fully reflect the subject site, nor the adjoining allotments in context of their actual zoning and on-site operations. It is considered there are a lot of small lot agricultural production, and intensive agricultural uses alongside many residential dwellings and on-site uses in the locality.

2.3.2 PROPOSED ADDITIONAL PERMITTED USE

The intention of the additional permitted use is to provide a more practical and functional land use on the subject site, allowing for appropriate management and intensification of the established intensive livestock agriculture land use, alongside keeping in character with the surrounding locality. The amendment to Schedule 1 in the Dubbo Local Environmental Plan 2011, additional permitted uses on certain land, must be amended to allow dwelling entitlement on the subject site.

The current RU1 – Primary Production land zone permits the development of a dwelling house within the land zone, however, in accordance with Clause 4.2C (3) (a) of the DLEP 2011, a dwelling house cannot be erected as the subject site does not meet the Minimum Lot Size requirement of 800 hectares, as mapped in the DLEP 2011 Minimum Lot Size Map LSZ_008.

The intention of the additional permitted use is to allow dwelling entitlement over the subject site, and subsequent lot consolidation of both allotments. The additional permitted use (dwelling entitlement) is would be ancillary to the land use, but is also required to enable the ongoing management and security, as well as further intensification of on-site operations.
2.3.3 PROPOSED DEVELOPMENT OBJECTIVES

The subject site that forms part of the PP, and the proposed additional permitted use on the site, are to be development and maintained generally in accordance with the following objectives:

- To enable the legal development of a dwelling house on the subject site
- To facilitate the economic sustainability of primary industry on the site
- To enable the current land use of the site to continue and intensify its operation
- Improve overall property ecology and sustainable primary industry land use on the site

2.3.4 SERVICES

No Council services (reticulated water, reticulate sewer and stormwater infrastructure) are located along Warrie Road or within the immediate locality to the site forming the subject of this PP. The site is serviced by rainwater collected from runoff to the stock dam and roof water from the shed. The construction of a bore, connecting to the 20,000L water and tank and various concrete troughs around the property has been undertaken.

The on-site bore is powered and operated via solar power, however electricity is located in close proximity to the south-east of the site, via overhead powerlines running parallel to Lambar Road.

Additionally, it is noted the Council garbage collection service operates along Lambar Road, which runs along the southern boundary of the site.

2.4 ENVIRONMENTAL CONSIDERATION

2.4.1 TOPOGRAPHY AND SOILS

The subject site is relatively flat, with a gradual slope down from northeast to southwest, and an existing natural drainage line running through the site, also on the same orientation. Reference is made to Figure 3 below, for a topographic representation of the site.

The land subject to this PP is located within the Tatalgar Valley Subregion of the Brigalow Belt South Bioregion. Soils within this region, according to Morgan and Terry (1992) are:

'This stony loams and texture contrast soils over most of the landscape with deeper sands and brown earths on valley floors.'

This soil type is consistent with being able to sustain both residential development and agricultural land uses.
2.4.2 FLORA AND FAUNA

In accordance with the Natural Resource – Biodiversity Map NRB_008 of the Dubbo Local Environmental Plan 2011, the subject site does not feature and areas of moderate to high biodiversity characteristics.

2.4.3 FLOODING

It is considered the subject site is not located on the Dubbo Local Environmental Plan 2011 (DLEP) Flood Planning Maps, and as such the subject allotment is not identified as being located on flood prone land.

2.4.4 CONTAMINATION

The subject allotment has historically been utilised for agricultural purposes, primarily the grazing of cattle. Table 1 of the Managing Contaminated Land Planning Guidelines (Guideline) states that agricultural activities may cause contamination. However, Appendix A of the Guideline “Industries and Chemicals Used” states that the associated chemicals with this use are fertilisers, insecticides, fungicides and herbicides. Given the primary agricultural use for the site has been the grazing of cattle, it is highly unlikely that any of the above mentioned forms of chemicals have been utilised on the site.
2.4.5 BUSHFIRE

Reference is made to Dubbo Regional Council’s Bushfire Prone Land Map which indicates the level of fire risk for properties. In accordance with this Map, the subject allotment is not identified as being located on bush fire prone land.

2.5 SOCIAL AND CULTURAL CONSIDERATION

2.5.1 EUROPEAN HERITAGE

The site is not identified in Schedule 5 – Environmental Heritage of the Dubbo Local Environmental Plan 2011 as containing any items of local heritage significance.

The State Register does not identify any items of state heritage significance on the site.

2.5.2 ABORIGINAL HERITAGE

A search of the Aboriginal Heritage Information Management System (AHIMS) has revealed that no Aboriginal sites have been recorded in or near the subject site, nor have any Aboriginal places been declared in or near the subject site. The result of the AHIMS search is attached at Appendix B.
### Intent and Provisions

#### 3.1 OBJECTIVE

The objective of this Planning Proposal (PP) is to enable the ongoing management and further intensification of the on-site intensive livestock agriculture operations, being a lamb finishing enterprise.

The PP seeks the additional permitted use on the subject site of a dwelling entitlement, to be ancillary to the on-site agricultural operation, to allow this objective to be achieved.

#### 3.2 EXPLANATION OF PROVISIONS

The PP affects the Additional Permitted Uses Map APU_008 of the Dubbo Local Environmental Plan 2011.

This PP seeks to allow the additional permitted use of dwelling entitlement on the subject site, as shown upon supporting plan 117034_01A_TP02 in Figure 4 below.

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**Figure 4:** 117034_01A_TP02 - Prepared by Geolyse Pty Ltd
The overarching principles that guide the preparation of PP’s are:

- The level of justification should be proportionate to the impact the PP would have;
- It is not necessary to address a question if it is not considered relevant to the PP; and
- The level of justification should be sufficient to allow a Gateway determination to be made with confidence that the LEP can be finalised within the timeframe proposed.

The following justification addresses each relevant question applicable to the PP to ensure confidence can be given to the Gateway determination.

4.1 NEED FOR THE PLANNING PROPOSAL

4.1.1 RESULT OF ANY STRATEGIC STUDY OR REPORT

This PP is not the result of a strategic study or report but to provide an additional permitted use, (dwelling entitlement), over the subject site, that would be ancillary to the lamb finishing enterprise. This would enable appropriate ongoing management and security, as well as further intensification of operation.

The dwelling would be used predominantly as a place of residence ancillary to, and to effectively manage the on-site intensive livestock agricultural land use. It would also allow for on-site security of the operation, including asset management and safety.

Additionally, the use would be in keeping with the characteristics of the locality, with various rural residential and lifestyle blocks surrounding the subject site, and within the immediate area.

4.1.2 BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

There is both a need and demand for a dwelling to be established on the site, being ancillary to the use, resulting in appropriate management, security and further intensification of the lamb finishing enterprise. Reference is made to ‘Economic Analysis – Brandley’ undertaken by Principle Focus, (attached as Appendix A), which indicates the business venture. Previously established on-site improvements have been undertaken, allowing for substantial benefits and improvements in the on-farm business performance to occur from supplementary feeding, including increased profitability of 58%, being an increased Return on Assets (ROA) from 8.3% to 13.1%. The current business model following the property improvements is to achieve three (3) trades and rotations of 500 lambs (annual production being 1,500 lambs). Supplementary feeding will allow the lambs to each gain a projected 27 kg over a 4 month period.

Additionally, an insight into the turnover of the current on-site intensive livestock agricultural operation is presented as a series of lamb purchase and sale invoices, attached as Appendix C. Summary of the invoice detail listed below:

- September sale, 321 sheep equating to a Gross Profit of $54.72/head;
- October sale, 35 sheep equating to a Gross Profit of $43.13/head, and;
- November sale, 105 sheep equating to a Gross Profit of $71.25/head

It can then be assumed, for the above mentioned sales, an overall average Gross Profit of $56.35/head was achieved. The proposed business model in the ‘Economic Analysis – Brandley’ stipulates that a gross margin of $42/head would be achieved. It is clearly seen that the lamb fattening business venture is exceeding the predicted and proposed business model.
Given the above and the extent of the enterprise and associated requirements, a large amount of time is needed to be spent on farm. A specific breakdown of weekly tasks and seasonal jobs relating to the lamb finishing enterprise is attached as Appendix D, and equates to approximately 17 hours per week, or 44% of an average 38 hour working week. A dwelling is required to be ancillary to this on-site intensive livestock agricultural operation for business viability, appropriate management and security, as well as to extract maximum efficiency from the business.

In addition to the above; security of the operations and the on-site assets (being the lambs), is essential. It is considered the asset is a living animal, with four legs that can not only be victim of stock theft, but also leave the property at any time if infrastructure (fencing) failures occur, become injured or speak in unexpected weather events or succumb to illness and/or death.

Stock theft is part of and a concern for all rural enterprise ventures and operations. Lamb prices have seen unprecedented growth in price and popularity in the past decade. Figure 6 below is a graph retrieved from the Market Reports & Prices sector of the Meat and Livestock Australia website. It shows the average price per sheep ($/head), for 22.1 – 24kg lamb over a two year period from sales within the Dubbo area, from 2015 to now. It is seen that lambs were worth between $145 and $177 per head in June to October of 2015; and are now fluctuating between $159.8 to $171.2, as of April and May 2017.

![Graph](image_url)

Figure 6: Graph of Lamb $/Head (22.1kg – 24kg), June 2015 to May 2017 (source: MLA, 2017)

The subject site is zoned RU1 – Primary Production, which permits the development of a dwelling house, however, in accordance with Clause 4.2C (3) (a) of the DLEP 2011, a dwelling house cannot be erected as the subject site does not meet the Minimum Lot Size requirement of 800 hectares, as mapped in the DLEP 2011 Minimum Lot Size Map LSZ_008. Therefore a Planning Proposal is required to achieve the intended outcome.

The submission of a PP for the additional permitted use of dwelling entitlement on the subject site, as provided under Clause 2.5 of the Dubbo Local Environmental Plan 2011, represents the best method of achieving this desired outcome.
4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4.2.1 CONSISTENT WITH THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY

There are no overriding Regional or Sub-regional strategies that directly relate to the site and its residential development within the Dubbo LGA or Central West Region.

4.2.2 CONSISTENT WITH COUNCIL’S LOCAL STRATEGY OR OTHER LOCAL STRATEGIC PLAN

Macquarie District Development Strategy 1995:

The land forming the subject of this PP is situated within the Macquarie District, and as such the Macquarie District Development Strategy 1995 applies. The Strategy forms the basis of the Dubbo Rural Areas Development Strategy. The following sections of the strategy are key for the justification of the PP and reflect its consistency with the provisions of settlement, whilst not impacting upon the issues and controls relating to extensive and intensive agriculture.

1. Extensive Agriculture
2. Intensive Agriculture
3. Settlement

The subject land parcel has a total area of approximately 65 hectares, Lot 147 being 31 hectares in size, and Lot 148 being 34 hectares in size. The PP is for dwelling entitlement over the subject site to enable an ancillary dwelling to the intensive livestock agricultural land use, allowing ongoing management, security and further intensification of on-site operations. The dwelling would be used predominantly as a place of residence to effectively manage the on-site rural industry operation. This would not cause any land conflicting land uses, as the site is surrounded by a variety of land zonings and subsequent land uses are portrayed.

Intensive agriculture is described as comprising highly productive agricultural activities, which need high quality land and a secure water secure. As previously established on-site improvements have been undertaken with the development of a 130m deep bore, 20,000 litre water tank and 3 megalitres dam for water security purposes, and three (3) years' worth of pasture improvement.

Control (7) of the ‘Action Plan for Intensive Agriculture’, states:

‘Permit dwellings only where they are ancillary to productive and sustainable agriculture and necessary for its continuation or for other non-conflicting activities that are defined as appropriate to the particular district.’

This conforms to the Strategy, and adds to the requirement of a dwelling ancillary to the intensive land use.

The subject site falls within the RU1 land zone, however, it is also witnessed that RU4 – Primary Production Small Lots land zoning and R5 – Large Lot Residential land zonings are in relatively close proximity to the site. The RU1 zoning does not fully reflect the subject site, nor the adjoining allotments in context of their actual zoning and on-site operations. It is considered there are a lot of small lot agricultural production, and intensive agricultural uses alongside many residential dwellings and onsite uses in the locality. The provision of dwelling entitlement over the subject site, and subsequent settlement is in a suitable location with no damage to other rural strategy objectives.

Dubbo Rural Areas Development Strategy 1995-2015 (First five-year review)

The subject PP is consistent with the aims and objectives of Dubbo RADS review document. The proposed dwelling entitlement for settlement purposes to appropriately manage the on-site rural industry, livestock finishing enterprise, is located in an appropriate location, meeting the relevant
Development Opportunity objectives. There are similar style on-site operations and RU4 and R5 zoned land within the subject locality.

In regards to the Environmental Management objectives, based on sustainable resource management principles, the PP is not located near nor impacting on waterways, aquifers or is flood affected. No wildlife habitats would be affected no contaminative activities occur. The PP is considered to be environmentally sustainable and is occurring in relation to an on-site rural industry and similar existing rural residential settlements in the area, with no impact to the existing agricultural land.

Dubbo Development Control Plan 2013

Section 2.4.10 – RU4 Rural Small Holdings, Agricultural Productivity Assessment of the Dubbo Development Control Plan 2013, relates specifically to land that falls within the RU4 – Primary Production Small Lots land zone within the Dubbo Local Government Area, however can be generally related to smaller holdings of intensive agricultural variety. Section 2.4.10.3 – ‘Assessment of Land Productivity’ discusses development and productivity of intensive agricultural uses, and the relationship between financial requirements and off-farm income, for minimum lot sizes and provision of a dwelling.

Figure 6, located below, is a table extracted from the Dubbo DCP 2013 which represent the RU4 land and the required percentage of off-farm income as compared to the size of the property. The subject site is comparable to the RU4 land, as the subject site has been subject to extensive pasture improvement, and infrastructure improvement (permanent water), also including a comprehensive fertiliser program for the pasture improvement. This has allowed the intensive livestock agriculture land use to take place, and has increased the viability and profitability of the subject site.

<table>
<thead>
<tr>
<th>Percentage of off-farm income (%)</th>
<th>Minimum allotment size</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%</td>
<td>53 Ha</td>
</tr>
<tr>
<td>10%</td>
<td>50 Ha</td>
</tr>
<tr>
<td>20%</td>
<td>45 Ha</td>
</tr>
<tr>
<td>30%</td>
<td>43 Ha</td>
</tr>
<tr>
<td>40%</td>
<td>40 Ha</td>
</tr>
<tr>
<td>50%</td>
<td>37 Ha</td>
</tr>
<tr>
<td>60%</td>
<td>33 Ha</td>
</tr>
</tbody>
</table>

Figure 6: Extract from Section 2.4.10.3 of the Dubbo DCP 2013

In consideration of this, is the subject site is approximately 65 hectares in size. This is well above the largest allotment size example below, being 53 hectares, which requires 0% off-farm income for a sustainable agricultural land use and dwelling association on the same allotment.

However, off-farm income would be earned in this instance as both Tony and Rowena Brandon, the client and owner/operators of the subject lot and intensive livestock agricultural land use, are both employed full time. A dwelling on the subject site ancillary to the rural operation land use is required, and is justifiably financially viable and sustainable, in accordance with the Dubbo DCP 2013.

4.2.3 CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy No. 21 – Caravan Parks

The additional permitted use would not affect the sites ability to be used as a caravan park as they are a permitted use within the RU1 land use table, subject to development consent being granted. If the land were to be developed in this manner such development would be required to ensure it achieves the relevant provisions of this plan. The PP does not include provisions that contradict or hinder the application of this policy. It is not the development intention of these sites to the developed as a caravan park.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 6 of the State Environmental Planning Policy No. 55 – Remediation of Land requires the issue of contamination and remediation to be considered in zoning or rezoning proposals, and Clause 7 requires the same issue to be considered in determining Development Applications. The subject parcels of land for the dwelling entitlement feature existing agricultural land uses. However, the PP does not change the development intentions of the site and in this respect the suitability of the site for the
development of a dwelling. Contamination would be investigated as required during the Development Application process.

**State Environmental Planning Policy No. 64 – Advertising and Signage**

The current zoning of the site would enable businesses to operate, subject to development consent from Council. If signage were to form part of a future development application the provisions of State Environmental Planning Policy No. 64 – Advertising and Signage would apply and the development would need to ensure the relevant provisions of the policy are achieved. The PP does not include provisions that contradict or hinder the application of this policy.

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

The Planning Principles of State Environmental Planning Policy (Rural Lands) 2008 would be achieved via this PP.

The promotion and continuation of the on-site intensive livestock agriculture land use is both a productive and sustainable economic opportunity. The proposed business model focuses on financial viability, improving the ecology of the overall property and sustainability. This addresses and balances the social, economic and environmental interests of all stakeholders and the community. In addition, the existing natural drainage paths on the site has been fenced off, allowing natural vegetation regrowth, protecting the natural resource and biodiversity.

The provision of opportunities for rural lifestyle and housing would result from the proposed additional permitted use, with no adverse impact on services and infrastructure.

**State Environmental Planning Policy (Building Sustainability Index; BASIX) 2004**

The provisions of State Environmental Planning Policy (Building Sustainability Index; BASIX) 2004 would continue to apply to residential affected development in accordance with the provisions of this policy. The PP does not include provisions that contradict or hinder the application of this policy.

**State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

The provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 would continue to apply to the land generally consistent with that achievable under the current land zoning. The PP does not include provisions that contradict or hinder the application of this policy.

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

The provisions of State Environmental Planning Policy (Infrastructure) 2007 would continue to apply consistent with that achievable under the current zoning. The PP does not include provisions that contradict or hinder the application of this policy.

**State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007**

The site is not located within any identified resource areas, potential resource areas or transitional areas. There are no known existing mines, petroleum production operations or extractive industries in the area of the PP or within its vicinity. Given existing development on the site and within the immediate locality the PP would be of minor significance and would not further restrict development potential or create land use conflict beyond existing arrangements.
4.2.4 CONSISTENT WITH APPLICABLE S117 (2) MINISTERIAL DIRECTIONS

The Minister for Planning and Infrastructure, under Section 117(2) of the EP&A Act 1979 issues directions that local Councils must follow when preparing PP’s for new Local Environmental Plans. The directions cover the following broad categories:

1. Employment and Resources
2. Environment and Heritage
3. Housing, Infrastructure and Urban Development
4. Hazard and Risk
5. Regional Planning
6. Local Plan Making

The following discussion demonstrates the PP’s consistency with the relevant Section 117 directions.

Direction 1.3 – Mining, Petroleum Production and Extractive Industries:

Ministerial Direction 1.3 – Mining, Petroleum Production and Extractive Industries is not applicable as the PP affected land does not prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials or restricting the potential development of such by permitting a land use that is likely to be incompatible with such development.

Direction 1.5 – Rural Lands:

Ministerial Direction 1.5 – Rural Lands is applicable as the subject PP is lodged over existing RU1 – Primary Production, rural land. The objective of this direction is to protect the agricultural production value of rural land, and to facilitate the orderly and economic development of rural lands for rural and related purposes. It is considered that as a result of the PP, the SEPP (Rural Lands) 2008 Planning Principles would be met, as well as permitting a dwelling to be situated on the site. This dwelling would be used as a place of residence to effectively manage the on-site rural industry operation, therefore achieving the objectives of this direction.

Direction 3.1 – Residential Zones:

Ministerial Direction 3.1 – Residential Zones is not applicable as the PP is not in relation to any residentially zoned land, or land of which significant residential development is permitted.

Direction 3.3 – Home Occupations:

Ministerial Direction 3.3 – Home Occupations is applicable as both the RU1 land zone permits dwelling houses, and the subject PP is regarding the additional permitted use of dwelling entitlement for the subject site. The objective of this direction is to encourage the carrying out of low-impact small business in dwelling houses. The PP maintains existing provisions that enable home occupations to be carried out without the need of development consent.

Direction 6.1 – Approval and Referral Requirements:

Ministerial Direction 6.1 – Approval and Referral Requirements applies to all Planning Proposals forwarded for Gateway Determination by a local authority.

The proposed additional permitted use does not include provisions that would trigger a need for concurrence, consultation, or referral to the State Government.

Direction 6.3 – Site Specific Provisions:

Ministerial Direction 6.3 – Site Specific Provisions applies to all Planning Proposals forwarded for Gateway Determination by a local authority.

The PP does not propose to create any site specific development standards in addition to those currently within the principal environmental planning instrument.
4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

4.3.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OR
THREATENED SPECIES, POPULATIONS OR ECOLOGICAL
COMMUNITIES, OR THEIR HABITATS, WILL BE ADVERSELY AFFECTED
AS A RESULT OF THE PROPOSAL?

There are no proposed material changes as a result of the proposed dwelling entitlement. The land
forming the subject site consists of relatively cleared land, with minimal scattered trees and an existing
rural shed, water tank and stock yards. No known threatened species or ecological communities are
present on the subject site. Any future development of these sites would require due consideration of
relevant environmental impacts.

4.3.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A
RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY
PROPOSED TO BE MANAGED?

The PP simply proposes the additional permitted use of dwelling entitlement on the site, with no
proposed work or alterations to be performed as a direct result. A separate Development Application for
a dwelling would be subsequently lodged, and assessed on its merit and environmental effect. The
subject site already features existing structures including the agricultural shed, water tank and stock
yards. It is therefore highly unlikely that any adverse environmental effects would occur as a result of
this PP.

4.3.3 HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY
SOCIAL AND ECONOMIC EFFECTS?

The proposed additional permitted use on the site would have minimal social and/or economic impacts
on the surrounding locality. The proposal would facilitate the appropriate on-site management and
expansion of the lamb finishing, rural industry operation.

The subject site already features existing structures and facilities, constructed and installed by the land
owner, that are associated with this use. It is therefore highly unlikely that any adverse environmental
effects would occur as a result of this PP.

4.4 STATE AND COMMONWEALTH INTERESTS

4.4.1 ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PROPOSAL?

The existing subject site and subject area for the proposed additional permitted use features existing
connections to public infrastructure. The built and installed facilities on-site, feature existing connections
to these services. Water is ascertained via an on-site stock dam, collecting overland rainwater runoff
and a 130m deep bore, and associated 20,000L storage tank. Electricity is connected to the large rural
shed on-site, and bore pump.

However, due to the site’s location within a country area, the site has limited access to public transport.

4.4.2 VIEWS OF STATE/COMMONWEALTH PUBLIC AUTHORITIES
CONSULTED IN ACCORDANCE WITH THE GATEWAY
DETERMINATION?

The views of State and Commonwealth public authorities would be ascertained in accordance with the
guidelines provided in the Gateway Determination.
Community Consultation

5.1 TYPE OF COMMUNITY CONSULTATION REQUIRED

Section 5.5.2 of ‘A Guide to Preparing Local Environmental Plans’ identifies two different exhibition periods for community consultation:

- Low Impact Proposals – 14 days, and
- All other Planning Proposals (including any proposal to reclassify land) – 28 days.

The Guide describes Low Impact Proposals as having the following attributes:

- A ‘low’ impact planning proposal is a planning proposal that, in the opinion of the person making the gateway determination, is:
  - Consistent with the pattern of surrounding land use zones and/or land uses;

The proposed additional permitted use on the subject site accords with Council’s local strategies and policies as detailed above and would be consistent with the existing use on the site and with the surrounding land uses.

- Consistent with the strategic planning framework;

Responses have been provided within section 4.2 of this report detailing the proposal’s compliance with relevant local, regional and state planning strategies, policies, and ministerial directions.

- There are no issues with regard to infrastructure servicing;

The existing use and any potential future development of the site would have access to the existing sewer, water, electricity and telecommunication facilities.

- Not a principle LEP; and

Not relevant:

- Does not reclassify public land.

The PP does not seek to reclassify existing public land.

In accordance with the responses to the above ‘Low Impact Proposals’ guide, the PP is considered to be of low impact. Respectfully, it is therefore requested that a community consultation period of 14 days be applied to the exhibition of this PP.
References


Economic Analysis

"Brandley", Dubbo

We have prepared this economic analysis at the request of Anthony and Rowena Brandon, to consider the economic performance of their current farm business model and the benefits of supplementary feeding in their lamb production process.

We understand that this document will also be used by Anthony and Rowena in their application to Dubbo Regional Council to rezone their land, recognising the nature and intensity of their farm production activities.

"Brandley"

This property was acquired by Anthony and Rowena Brandon in August 2012 at a cost of $182,207 (including legal costs and stamp duty). The purpose of acquiring the property was to operate an intensive livestock grazing operation with a focus on financial viability, improving the ecology of the overall property, and sustainability. Lamb and cattle trading were the anticipated operations. However, it was recognised that substantial property improvements and pasture development were required to achieve this outcome.

Key features of the property at the time of acquisition included:

<table>
<thead>
<tr>
<th>Location</th>
<th>Located in well regarded area in close proximity to Dubbo markets. Annual rainfall average 609mm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land area</td>
<td>64.7 ha (150 acres) of generally level to gently undulating land. Total carrying capacity of land was assessed to be poor at approximately 150 DSE. The property had been previously used for cereal crop production over 5 years. Although at the time of acquisition, the property had not been cropped for 12 months, with some native grasses and substantial weed growth.</td>
</tr>
<tr>
<td>Water</td>
<td>No water entitlements were included with the property at the time of acquisition.</td>
</tr>
<tr>
<td>Soils</td>
<td>The soils, which range from loams, sandy structures to heavy red sand and clay, were in solid to heavy red, were not in good condition.</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>The property had no infrastructure at the time of acquisition, other than a boundary fence which was in poor condition and not regarded as stock proof.</td>
</tr>
</tbody>
</table>
Economic Analysis

"Brandley", Dubbo

Property Improvements

Property improvements completed by Tony and Rowena Brandon since acquiring the property include:

- Fencing – approximately 7,000 meters of new fencing was undertaken, including establishment of five main paddocks and laneway systems, to promote low stress stock handling processes (improved animal husbandry and improved stock management) and allow stock movement on and off the property without moving through paddocks (increasing productivity). Total new fencing costs were $47,376.

- Machinery Shed & Yards:
  - A 16m x 8.5 m new shed was constructed in September 2012 at a cost of $32,766. The shed sits on a concrete slab and includes a lock up bay to house farm machinery and consumables including a 60 hp tractor with front end loader, motor bike, drenches, fencing materials etc.
  - Dual purposes sheep and cattle Arrow stock yards were constructed in November 2012 at a cost of $20,975.

- Stock water system - The property had no access to water at the time acquisition. The partnership has undertaken the following development activities:
  - Development of dam (3 megalitres) in November 2012;
  - Fencing off the natural water course to the dam to preserve it from livestock caused degradation; and to promote ecological improvements, including tree-lining the area and returning it to its original vegetation status.
  - Construction of bore to 130m, water tank (20,000 litres) and concrete trough systems in each paddock and both laneways, at a cost of $20,975. The bore pumps 1.5 to 2.0 litres of water per second for water security and drought proofing the property.
Economic Analysis

"Brandley", Dubbo

- Pasture improvement - Over the past 3 years the following pasture improvement activities have been undertaken, replacing 160 acres of undeveloped natural grasses with a heavy weed burden including wild radish, cape weed and spiny burr grass to:
  - 70 acres to lucerne / sub-clover pasture
  - 35 acres of rye grass / sub-clover pasture
  - 55 acres to tall fescue / clover / phalaris / sub-clover / balansa pastures

The average cost of the pasture improvement was $200/acre – approximately $30,000 in total over the past three years.

Capacity

As a result of the expenditure of approximately $150,000 outlined above, the property is now in a significantly improved position in terms of production capacity. In our view the production capacity of the property has increased from 150 DSE to approximately 300 DSE – an increase in excess of a 500%.

Improvements to the property have also provided:

- A sustainable production model with sheep traded profitable to match the feed available in paddocks;
- Drought proofing in terms of water availability and supply;
- Improved ecological outcomes including soils, reduced weeds, tree lines and fenced water courses.

Current Business Model

Following the property improvements and pasture development, the current business model is:

- Subject to feed availability, 3 trades per annum of 500 lambs (annual production of 1,500 lambs).
- The lambs will each gain 20 kg over a 4 month period.
- The price for the purposes of both acquisition and sale is assumed to be equal at $2.43/kg. This value is consistent with current pricing.
- Gross profit of $48/head – a total of $70,013 per annum is earned on a turnover of $182,574.
- Direct costs are estimated to be $17/head – a total of $24,263 per annum.
- Resulting in a gross margin of $31/head - $45,760 per annum.
- Overhead costs associated with the farm are approximately $21,000 including depreciation and before allowing for wages on approximately 170 hours of farm labour per annum (i.e. farmer's employment costs @ $30/hour).

*The gross margin result is consistent with the actual results currently being achieved and benchmark information. Refer to: https://planer.says.ubl/pubs/dubbo/2017/trees/energy/Farm-Production-Budget-Budget-2017-2018.*
Economic Analysis

"Brandley", Dubbo

- The business model produces a profit of $24,760 after allowing for depreciation and before an owner's wage, representing a 8.3% return on assets.

The detailed business model is set out at Appendix A.

The current business model is producing a financial return consistent with an above average farm businesses, supporting a view that financially, the business model is sound. However superior results can be attained with intensity.

Proposed Business Model

We recommend the proposed business model, requiring supplementary feeding of the trade lambs, achieving greater weight gain, a higher sales price and an improved gross margin as follows:

- Subject to feed availability, 3 trades per annum of 500 lambs (annual production of 1,500 lambs). Our modelling considered the alternative of 4 trades per annum and sale at lower weight. However this model is less profitable than the 3 trades/high weight model proposed.
- The lambs will gain each 27 kg over a 4 month period, assuming that each lamb will consume an additional 40kg of supplementary feed during that period, with a conversion rate of 6:1. The supplementary feed has been costed at $200/tonne (based on current grain prices), or $8/head.
- The price for the purposes of both acquisition and sale is assumed to be equal - $2.61/kg. That is, a premium has been added reflected a better presented product as a result of the grain feeding.
- Gross profit of $68/head - a total of $100,286 per annum will be achieved on a turnover of $221,676.
- Direct costs are estimated to be $25/head - a total of $37,817 per annum, increased on the current model by the $8/head cost of feed.
- Resulting in a gross margin of $42/head - $62,469 per annum.
- Overhead costs associated with the farm are assumed to be approximately $21,000 (an increase of $2,000 on current costs) including depreciation. We have separately disclosed owners' wages on approximately 831 hours of farm labour per annum (i.e. farmer's employment costs @ $30/hour). Note that labour is increased by 561 hours reflecting the additional on farm activities associated with supplementary feeding. Increased overhead costs also allow for additional depreciation on equipment acquired (e.g. 1.1%)

The production model produces a profit after depreciation and before an owners' wage of $38,449 (previously $24,760 - a 55% improvement), representing a 13.1% return on assets (previously 8.3%).

The detailed business model is set out at Appendix B.

---

2 Assets under management are valued at $100,000 comprising the value of the farm property. The value of the farm property is determined as the acquisition cost and the cost of improvements.
3 ABARE Farm Data indicates that average farm business achieved a return on assets managed of 2% to 8%. The top 10% of farm business achieve a return exceeding 8%.
5 Assets under management are valued at $100,000 comprising the value of the farm property. The value of the farm property is determined as the acquisition cost and the cost of improvements.
Economic Analysis

“Brandley”, Dubbo

Conclusion

Based on the above analysis we consider that the introduction of supplementary feeding to your current trade lamb production process will increase the estimated returns before owners wages for your farm business by approximately 58% from 8.3% to a 13.1% return on assets. Note there is also an increased wage to the owner from $8,100 to $24,910.
## APPENDIX A

### CURRENT BUSINESS MODEL, LAMB TRADING

<table>
<thead>
<tr>
<th>Item</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>Model</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross sales</td>
<td>$122</td>
<td>$60,858</td>
<td>$222</td>
<td>$182,574</td>
</tr>
<tr>
<td>Less - Cost of sales</td>
<td>$74</td>
<td>$37,044</td>
<td>$274</td>
<td>$111,132</td>
</tr>
<tr>
<td>Gross profit (turnover)</td>
<td>$48</td>
<td>$23,814</td>
<td>$48</td>
<td>$70,013</td>
</tr>
</tbody>
</table>

### LESS - DIRECT COSTS

<table>
<thead>
<tr>
<th>Item</th>
<th>Per head</th>
<th>Per trade</th>
<th>Per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freight</td>
<td>$3.50</td>
<td>$1,750</td>
<td>$5,250</td>
</tr>
<tr>
<td>Commission</td>
<td>4%</td>
<td>$2,434</td>
<td>$7,303</td>
</tr>
<tr>
<td>Drench</td>
<td>$1.00</td>
<td>$500</td>
<td>$1,500</td>
</tr>
<tr>
<td>Vaccination</td>
<td>$0.50</td>
<td>$250</td>
<td>$750</td>
</tr>
<tr>
<td>Market crustch</td>
<td>$0.80</td>
<td>$400</td>
<td>$1,200</td>
</tr>
<tr>
<td>Other selling costs</td>
<td>$2.50</td>
<td>$1,250</td>
<td>$3,750</td>
</tr>
<tr>
<td>Other livestock cost</td>
<td>$1.00</td>
<td>$500</td>
<td>$1,500</td>
</tr>
<tr>
<td>Oaten Hay</td>
<td>$2.00</td>
<td>$1,000</td>
<td>$3,000</td>
</tr>
<tr>
<td>Feeding costs</td>
<td>$0.00</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Total direct costs</td>
<td>$8,084</td>
<td>$24,253</td>
<td>$70,013</td>
</tr>
</tbody>
</table>

**GROSS MARGIN**

- Per head: $15,790
- Per annum: $45,760

### FARM OVERHEADS

<table>
<thead>
<tr>
<th>Item</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>Model</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farm overheads</td>
<td>$2,164</td>
<td>$2,834</td>
<td>$3,289</td>
<td>$4,900</td>
</tr>
<tr>
<td>Bank charges</td>
<td>$29</td>
<td>$28</td>
<td>$28</td>
<td>$30</td>
</tr>
<tr>
<td>Contracting</td>
<td>$24,882</td>
<td>$5,314</td>
<td>$7,299</td>
<td>$1,000</td>
</tr>
<tr>
<td>Depreciation</td>
<td>$634</td>
<td>$6,688</td>
<td>$5,926</td>
<td>$5,300</td>
</tr>
<tr>
<td>Fertilizer</td>
<td>$8,144</td>
<td>$2,690</td>
<td>$3,200</td>
<td>$6,200</td>
</tr>
<tr>
<td>Insurance</td>
<td>$1,257</td>
<td>$2,804</td>
<td>$2,596</td>
<td>$2,800</td>
</tr>
<tr>
<td>Motor vehicle</td>
<td>$3,085</td>
<td>$2,194</td>
<td>$1,619</td>
<td>$1,500</td>
</tr>
<tr>
<td>Rates</td>
<td>$1,241</td>
<td>$1,841</td>
<td>$1,683</td>
<td>$1,100</td>
</tr>
<tr>
<td>Repairs &amp; maintenance</td>
<td>$6,421</td>
<td>$7,314</td>
<td>$2,211</td>
<td>$3,870</td>
</tr>
<tr>
<td>Total overheads</td>
<td>$37,637</td>
<td>$28,814</td>
<td>$24,562</td>
<td>$31,000</td>
</tr>
</tbody>
</table>

**FARM PROFIT before owners wage**

- $24,700

**Owners wages (approx 270 hours)**

- $0
- $6,990
- $7,000
- $8,100

**Return on assets (before owners wage)**

- $300,000
- 8.3%
## APPENDIX NO: 1 - PLANNING PROPOSAL - ADDITIONAL PERMITTED USE (DWELLING ENTITLEMENT), WARRIE ROAD, DUBBO

### PROPOSED BUSINESS MODEL - LAMB TRADING WITH SUPPLEMENTARY FEEDING

**Lamb trade**
- Annual cycle (times per year) 3
- Annual production (turn off) 1,500
- Losses 2%
- Acquisition 31 kg
- Sale weight 6.67 kg
- Kg gain 27 kg
- Sale/acquisition price per kg $2.61 per kg

<table>
<thead>
<tr>
<th></th>
<th>Per head</th>
<th>Per trade</th>
<th>Per head</th>
<th>Per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross sales</td>
<td>$148</td>
<td>$73,892</td>
<td>$148</td>
<td>$221,676</td>
</tr>
<tr>
<td>Less - Cost of sales</td>
<td>$80</td>
<td>$39,788</td>
<td>$80</td>
<td>$119,364</td>
</tr>
<tr>
<td>Gross profit (turnover)</td>
<td>$68</td>
<td>$34,104</td>
<td>$68</td>
<td>$102,312</td>
</tr>
</tbody>
</table>

- Direct costs
  - Freight $3.50
  - Commission 4% $2,956
  - Drench $1.00
  - Vaccination $0.50
  - Market crush $0.80
  - Other selling costs $2.50
  - Other livestock cost $1.00
  - Osten Hay $2.00
  - Feeding costs (40 kg/head) $8.00

  **Total direct costs** $12,606

<table>
<thead>
<tr>
<th></th>
<th>Per head</th>
<th>%</th>
<th>%</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Margin</td>
<td>$21,485</td>
<td>62%</td>
<td>62%</td>
<td>$62,489</td>
</tr>
</tbody>
</table>

**Per head**
- $43

<table>
<thead>
<tr>
<th>Items</th>
<th>Model</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farm overheads</td>
<td>$300</td>
</tr>
<tr>
<td>Bank charges</td>
<td>$50</td>
</tr>
<tr>
<td>Contracting</td>
<td>$2,500</td>
</tr>
<tr>
<td>Depreciation</td>
<td>$7,000</td>
</tr>
<tr>
<td>Fertiliser</td>
<td>$9,200</td>
</tr>
<tr>
<td>Insurance</td>
<td>$2,800</td>
</tr>
<tr>
<td>Motor vehicle</td>
<td>$2,500</td>
</tr>
<tr>
<td>Rates</td>
<td>$1,100</td>
</tr>
<tr>
<td>Repairs &amp; maintenance</td>
<td>$3,870</td>
</tr>
</tbody>
</table>

**Total overheads** $23,000

**FARM PROFIT before owners wage** $19,489

**Owners wages (831 hours @ $50)** $24,930

**Return on assets (before owners wages)** 13.1%
Appendix B
AHIMS SEARCHES
Dear Sir or Madam,

AHIMS Web Service search for the following area at Lot 147, DP 01754331 with a Buffer of 0 meters, conducted by Jock Rodgers on 02 February 2017.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.

A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

- No Aboriginal sites are recorded in or near the above location.
- No Aboriginal places have been declared in or near the above location.

Jock Rodgers
Level 62 Wingewarra Street
Dubbo New South Wales 2830
Attention: Jock Rodgers
Email: jrogers@geology.com

Date: 02 February 2017
If your search shows Aboriginal sites or places what should you do?
- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazetted notice that declared it. Aboriginal places gazetted after 2001 are available on the NSW Government Gazette (http://www.nsw.gov.au/gazette) website. Gazetted notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request.

Important information about your AHIMS search
- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister.
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings.
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.
AHIMS Web Service search for the following area at Lot: 148, DP-254331 with a buffer of 0 meters, conducted by Jock Rodgers on 02 February 2017.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.

A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

- 0 Aboriginal sites are recorded in or near the above location.
- 0 Aboriginal places have been declared in or near the above location.
If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazetted notice that declared it. Aboriginal places gazetted after 2001 are available on the NSW Government Gazette (http://www.nsw.gov.au/gazette) website. Gazetted notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request.

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister.
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded using grid references and it is important to note that there may be errors or omissions in these recordings.
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in these areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.
APPENDIX NO: 1 - PLANNING PROPOSAL - ADDITIONAL PERMITTED USE (DWELLING ENTITLEMENT), WARRIE ROAD, DUBBO

ITEM NO: PDEC17/5
<table>
<thead>
<tr>
<th>Labour Tasks for Proposed Livestock Enterprise, Stradella, Warrie Road Dubbo</th>
<th>Frequency</th>
<th>Time Per Task(Hrs)</th>
<th>Total Time(Hrs)</th>
<th>Comments</th>
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<td>Stock moved into paddocks</td>
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<td>Choke-out, Troughs</td>
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<td>1</td>
<td>2</td>
<td>Feeders moved into paddocks</td>
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<tr>
<td>Refill Hay and Feeders</td>
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<td>0.5</td>
<td>Lambs Drenched and Vaccinated Class V2</td>
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<td>1</td>
<td>Lambs Marketed, Cashed</td>
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</tr>
<tr>
<td>Number of Trades</td>
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</table>

Stock are checked to ensure no foetuses are present. Teeth are checked to ensure no piglets are present.

Water tank feeds the water trough system.

500 Lambs split into 2 x 250 mobs

650 Lambs drenched and vaccinated V2

15% Lambs drafted out from finisher paddocks.
Drawings
EXECUTIVE SUMMARY

A Planning Proposal was lodged with Council on 10 October 2016 by Maas Group Properties seeking to amend the Dubbo Local Environmental Plan 2011 (Dubbo LEP). The Planning Proposal affects land located east of the existing Southlake Estate, known as Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321, Boundary Road, Dubbo.

The Planning Proposal seeks a number of amendments to the Dubbo LEP across the subject land. The proposed amendments include rezoning parts of the land from R2 Low Density Residential to R1 General Residential to facilitate further residential development types, alteration to the overall density of development in the southern section of the land and to amend the location of the public open space/stormwater system by amending the location of land zoned RE1 Public Recreation.

The Planning Proposal also seeks to rezone an area of approximately 19,500 m² along the future Boundary Road extension to B1 Neighbourhood Centre to facilitate a future supermarket and speciality stores to serve the needs of future residents.

Council at its meeting on 26 June 2017 considered a report in respect of the Planning Proposal and resolved as follows:

“1. That Council endorse the amended Planning Proposal as provided by the Proponent and included as Appendix 2 to the report of the Manager City Strategy Services dated 13 June 2017 and including the following amendments:
   • That land situated to the south of the indicative location of the Southern Distributor be zoned RE2 Private Recreation.
   • 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 square metres.
   • That the additional use of recreation 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 support a minimum 28 day public exhibition period for the Planning Proposal.

3. That Council 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 Council undertake a concurrent amendment to the Stage 1 Structure Plan for the South-East Residential Urban Release Area to ensure the Structure Plan is consistent with the development densities and typologies as included in the Planning Proposal and to show the amended indicative location of the Southern Distributor Road, noting that the State Government Department of Primary Industries (Water) will undertake assessment of this proposal as a component of the Planning Proposal process.

6. That the amendment to the Stage 1 Structure Plan for the South-East Residential Urban Release Area be placed on public exhibition with the subject Planning Proposal.”

A copy of the report is available within the business paper for the Planning and Development Committee meeting held 19 June 2017 or on Council’s website of https://www.dubbo.nsw.gov.au/About-Council/Meetings-and-Documents/archived-business-papers.

A Gateway Determination, which allowed the Planning Proposal to be placed on public exhibition, was received from the Department of Planning and Environment (DPE) on 15 August 2017. The Planning Proposal was placed on public exhibition from 31 August 2017 until 29 September 2017. One (1) public submission was received during the exhibition period. A copy of the submission is provided here in Appendix 1. Council also received four (4) submissions from state public agencies. Those submissions are provided here in Appendix 2. Issues raised in the submissions are discussed in the body of this report.

It is recommended that Council support the proposed amendment to the Dubbo LEP, without any variation, and that a request be made to the Department to prepare the draft amendment and for the Plan to be made.

ORGANISATIONAL VALUES

Customer Focused: Council officers have worked with the applicant to address issues with the Planning Proposal in its early stages prior to consideration by Council and submission to the Department of Planning and Environment. Following Gateway Determination by the Department, the Planning Proposal was placed on public exhibition to provide the Dubbo community an opportunity to make a submission.

Integrity: The Planning Proposal has been assessed against the requirements of the Environmental Planning and Assessment Act, 1979 and the NSW Department of Planning and Environment’s document, A Guide to Preparing Planning Proposals.

One Team: Numerous Council staff have been involved in the assessment of the Planning Proposal in accordance with relevant legislation and Dubbo Regional Council policy.
FINANCIAL IMPLICATIONS

The applicant provided on lodgement of the Planning Proposal, payment of fees to Council in the amount of $25,000. These fees were payment for the ad hoc processing and assessment of the Planning Proposal application in accordance with Council’s adopted Revenue Policy.

POLICY IMPLICATIONS

The adoption of the Planning Proposal by Council, as recommended in this report, would result in an amendment to the Dubbo Local Environmental Plan 2011.

RECOMMENDATION

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.

Steven Jennings
Manager Strategic Planning Services
BACKGROUND

A Planning Proposal was lodged with Council on 10 October 2016 by Maas Group Properties, which has sought to amend the Dubbo Local Environmental Plan 2011 (LEP). The Planning Proposal affects land known as Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321, Boundary Road, Dubbo and is located east of the existing Southlakes Estate, as shown in Figure 1.

The subject site is currently zoned R2 Low Density Residential with a component of the land zoned RE1 Public Recreation along the existing drainage corridor which traverses the site from north-east to the south-west under the provisions of the Dubbo Local Environmental Plan 2011. The subject land currently has a minimum lot size of 600 m² and 4,000 m² along the Hennessy Road boundary.

Figure 1. Subject site - Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321, Boundary Road, Dubbo
The Dubbo Regional Council at its meeting on 26 June 2017 considered a report in respect of the provisions of the Dubbo Local Environmental Plan 2011 relating to the rezoning of the Southlakes Estate. In consideration of the report, the Council resolved as follows:

“1. That Council endorse the amended Planning Proposal as provided by the Proponent and included as Appendix 2 to the report of the Manager City Strategy Services dated 13 June 2017 and including the following amendments:
   • That land situated to the south of the indicative location of the Southern Distributor be zoned RE2 Private Recreation.
   • 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 square metres.
   • That the additional use of recreation 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 support a minimum 28 day public exhibition period for the Planning Proposal.

3. That Council 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 Council undertake a concurrent amendment to the Stage 1 Structure Plan for the South-East Residential Urban Release Area to ensure the Structure Plan is consistent with the development densities and typologies as included in the Planning Proposal and to show the amended indicative location of the Southern Distributor Road, noting that the State Government Department of Primary Industries (Water) will undertake assessment of this proposal as a component of the Planning Proposal process.

6. That the amendment to the Stage 1 Structure Plan for the South-East Residential Urban Release Area be placed on public exhibition with the subject Planning Proposal.”

The Planning Proposal and supporting documents were provided to the Department of Planning and Environment with a request for Gateway Determination on 27 June 2017.

REPORT

1. Gateway Determination

A Gateway Determination from the Department of Planning and Environment (DPE) was received on 18 August 2017 which allowed the Planning Proposal to proceed subject to the following conditions:
“1. Prior to community and agency consultation, the Planning Proposal is required to be revised as follows:

a) There should be a single version of the Planning Proposal and supporting studies to avoid any confusion and ensure the planning proposal is clear for public exhibition purposes.
b) Remove any reference to “original planning proposal dated October 2016” in the Planning Proposal document supporting studies and appendices.
c) Remove any reference to “Lot 2 DP 880413, Sheraton Road, Dubbo” in the Planning Proposal document, supporting studies and appendices, as this land has not been considered in Council’s resolution dated 26 June 2017.
d) Revise mapping so that the proposed intended effect of zones and minimum lot sizes are clear and accurate.
e) Amend the Planning Proposal and all mapping so that land situated to the south of the indicative location of the future Southern Distributor Road be zoned RU2 Rural Landscape with a minimum lot size (MLS) 100ha. The proposed RE2 Private Recreation zone for that section of land is not supported.
f) Demonstrate consistency with the final Central West and Orana Regional Plan 2036.

The revised Planning Proposal is required to be submitted to the Department for endorsement, prior to proceeding to community and agency consultation.

2. The proposed amendments to Clause 7.12 Shops in Zone B1 Neighbourhood Centre of the Dubbo LEP 2011 should achieve the intended outcome so that the total gross floor area of a retail premises on any land zoned B1 Neighbourhood Centre does not exceed 5000m2, as resolved by Council on 26 June 2017.

3. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016).

4. Consultation is required with the following public authorities and/ organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:

- Office of Environment and Heritage (OEH) (Direction 2.3 – Heritage Conservation; Direction 4.3 Flood Prone Land)
Each public authority/ organisation is to be provided with a copy of the Planning Proposal and any other relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. Prior to the submission of the planning proposal under Section 59 of the Act, the final LEP maps must be prepared and be compliant with the Department’s “Standard Technical Requirements for Spatial Datasets and Maps’ 2015.

7. The timeframe for completing the LEP is to be 12 months from the date of the Gateway Determination.”

The Department of Planning and Environment considered Council’s resolution not to exercise delegation in this instance and agreed not to issue an authorisation to exercise delegation.

To satisfy the requirements of condition 1 of the Gateway Determination, Council prepared a precis of the Planning Proposal, which provided a summary of the intent of the proposal and the supporting documentation. This precis was placed on public exhibition with the Planning Proposal.

2. Public Exhibition

In accordance with the conditions of the Gateway Determination, the Planning Proposal and supporting documentation, accompanied by the Precis, was placed on public exhibition from 31 August 2017 until 29 September 2017 inclusive.

The Planning Proposal was displayed at the Dubbo Branch of the Dubbo Regional Council, the Dubbo Branch of the Macquarie Regional Library and on Council’s website. An advertisement was also placed in local print media on 31 August 2017.

One (1) submission was received in respect of the Planning Proposal. The public submission is provided here in Appendix 1. The following information details the issues raised in the submission and a comment has been provided below.
Submission – Bachrach Naumburger Group and Comet (Aust) (owners of Orana Mall)

Council received a submission on 27 September 2017 from the owners of the Orana Mall, Bachrach Naumburger Group and Comet (Aust) Pty Ltd. The issues generally raised in the submission are summarised as follows:

“1. We strongly object to the proposal to zone 19,500 square metres from residential (i.e. R2 Low Density) to business (i.e. B1 Neighbourhood Centre).

2. The Dubbo Local Environmental Plan 2011 does not adopt any floor space ratio or height restrictions that could limit large scale retail and commercial development opportunity (potentially over 15,000m2) on the land that will undermine Council’s own policies as expressed in the Dubbo Urban Areas Development Strategy (including the Dubbo Commercial Areas Development Strategy).

3. The proposal not only has the potential to adversely directly impact upon the business centres within Dubbo, but will undermine the overall business hierarchy Council has been trying to develop over the last decade.

4. We do not accept the view put forward by “Hill PDA Consulting” in its review of the Economic Impact Statement by “Macro Plan Dimasi” on behalf of the proponents, that a minimum 2,800-3,000 square metres is required for a viable supermarket. There are many examples of successful neighbourhood supermarkets operating at a scale of less than 1,500 square metres.

5. It is understood that Council has calculated a need for 5,000 square metres of retail area to be allowed on the subject land based on a large supermarket of 3,000 square metres, plus 1,500 square metres of complimentary retail space and a further 500 square metres for non-retail uses such as medical and real estate services etc. The calculation of these areas is based on a false premise and a limited view of the permitted retail uses under the existing residential R1 zone and proposed R2 zoning provisions.

Both the R2 and R1 zones allow an unlimited number of neighbourhood shops with a floor area of 150 square metres.

On this basis there is no need to zone additional land for retail uses (neighbourhood shops) are allowed in the R1 zone and R2 zone that will apply to the land. Moreover, medical centres are also permitted in the R1 on the land by the provisions of State Environmental Planning Policy (Infrastructure) 2007 (Clause 57) without the necessity to zone additional land for this purpose.
6. The Hill PDA Consultants review acknowledges that the year 2025-26 is a more appropriate time frame for such a supermarket based on population demand and on this basis it is premature to rezone the land some 8 years in advance of its perceived need; a lag time of 2-3 years would be more appropriate for consideration of any zoning for neighbourhood business purposes in this circumstance when a sufficient population may be located within the catchment.”

Comment:

The following information is provided in respect of the issues raised in the submission:

(a) Dubbo Commercial Areas Development Strategy

The Dubbo Urban Areas Development Strategy (including the Dubbo Commercial Areas Development Strategy) forms the basis for the business zonings and planning controls provided in the Dubbo Local Environmental Plan 2011.

Under the Commercial Areas Development Strategy, Neighbourhood Centres should:

- Provide limited convenience retailing and services to the surrounding residential area
- Not have scope for expansion beyond role
- Have a secure market ie needs to be separate from other neighbourhood shopping centres (ie catchments)
- Provide adequate short term parking, public transport
- Have safe traffic movement
- Have safe pedestrian access
- Minimise disturbance to surrounding residential uses
- Be contained within the block, not divided by streets
- Be located close to other neighbourhood facilities (schools, child care, recreational leisure)
- Have symbiosis with other community facilities
- Not include pubs
- Not include public facilities as part of the total retail floor area; and
- Have a floor area normally limited to 1500 square metres (larger areas are exceptional eg small supermarket)

The proposed rezoning of the area of the subject land to B1 Neighbourhood Centre and the likely development of a future neighbourhood centre is not currently included in the Commercial Areas Development Strategy, which was originally adopted by the former Dubbo City Council in 2007. However, it should be noted that the Delroy Park Shopping Centre that has been developed as a Neighbourhood Centre in west Dubbo was also not included in the Commercial Areas Development Strategy however, the two proposals are not inconsistent with the Strategy.
(b) Delroy Park Shopping Centre

Following a request from the developer of the Delroy Park Estate, the former Dubbo City Council approved an amendment to the Dubbo Local Environmental Plan 1998 – Urban Areas, which applied to the land prior to the gazettal of the Dubbo Local Environmental Plan 2011. This amendment resulted in the former Urban LEP including the following provision:

“that part of Lot 11 DP 830646, bounded by Baird Drive, Minore Road and Carnegie Avenue, Dubbo, that is within zone 3(c) – development for the purpose of a neighbourhood shopping complex where the maximum floor area does not exceed:

5,500 square metres for the whole complex comprising:

• 2,500 square metres for any supermarket situated within the complex, and
• 3,000 square metres for development for purposes that are permitted within development consent within zone 3(c).”

The former Dubbo City Council at its meeting on 15 December 2008 approved Development Application D2009/217 for a Shopping Centre on the land. The overall shopping centre was approved with a total retail floor space of 4,386 m². This included 2,500 m² of retail floor space for a supermarket tenancy. The remaining speciality tenancies included a total retail floor space of 1,426 m².

Contrary to the submission’s point 3 regarding impact on the commercial hierarchy, it should be noted that both the Delroy Park Shopping Centre and the proposed neighbourhood centre, which is included as a component of the subject Planning Proposal, can perform important functions in the Dubbo retail hierarchy in offering convenience shopping (including a full-line supermarket in each Centre) which can service significant Residential Urban Release Areas in west and south-east Dubbo. In the case of the proposed rezoning in the Southlakes Estate from R2 Low Density Residential to B1 Neighbourhood Centre, the South-East Residential Urban Release Area has the potential to realise the development of a further 2,500 lots for residential housing. When considered in the context of existing estates in the South-East, this presents a sizeable catchment for a Neighbourhood Shopping Centre.

(c) Hill PDA Third Party Assessment

In response to points 4, 5 and 6 of the submission, in order to consider the overall impact of the proposed B1 Neighbourhood Centre zoning, including the impact of the zoning on existing neighbourhood centres, the Dubbo Central Business District and the adopted commercial hierarchy of the City, which aims to protect the primacy of the CBD, Council sought a third party review of the Economic Impact Assessment provided with the Planning Proposal.
Independent property and economic consultants, Hill PDA were engaged by Council to undertake a review of the proponent’s Economic Impact Assessment, to consider the impact of the proposal on the overall Dubbo retail hierarchy and consider whether the site and commencement date of development were too large/too early to facilitate orderly development on the land.

In summary, the assessment undertaken by Hill PDA provided the following conclusions:

1. Any proposed new neighbourhood centre to be developed on the land is likely to be of a similar size and composition to the Delroy Centre in west Dubbo. Also, that the Centre would perform the function of a ‘third level’ centre for residents in South-East Dubbo in a similar fashion to the Delroy Centre in west Dubbo.

2. In respect of the proposal to extend the Dubbo Commercial Business District to the west over time, it was considered that any proposed neighbourhood centre on the land is unlikely to affect this proposal as the trade area for the centre would be more localised in the South-East precinct.

3. In respect of the impact and use of the neighbourhood centre situated on Myall Street and the land zoned B1 Neighbourhood Centre (but undeveloped) on Websdale Drive, the Hill PDA assessment concluded that any proposed centre is unlikely to provide any significant impacts based on the trade areas of the centres. However, Hill PDA recommends that Council, in preparing a new Employment Lands Strategy for Dubbo, should carefully consider the close proximity of the two (2) neighbourhood centre zones.

4. In respect of the composition and timing of any proposed neighbourhood centre, Hill PDA provided information that 2,800 to 3,000 m² is considered to be a minimum size for a full-line supermarket in the current market. However, Hill PDA also recognised that most retailers would ideally seek 3,500 m² of floor space.

The review suggested that a more appropriate year of commencement for any neighbourhood centre would be 2025-2026, when a further nucleus of population would be located within the catchment. However, based on the anticipated lead time for the development of any neighbourhood centre and the fact that an anchor supermarket tenant is not likely to occupy the 3,500 m² tenancy until a suitable population was available, it is considered that no such limitations should be placed on the future development of a neighbourhood centre.

Hill PDA also provided information that a further 1,000 m² of complementary retail floor space and a further 500 m² of complementary services floor space, such as for real estate services and medical services, would likely be suitable.
(d) Floor Space Limitations

The submission at point 2 provides information that the Dubbo Local Environmental Plan 2011 does not adopt any floor space limitations, building heights or floor space ratios in respect of the proposed rezoning of 19,500 m² of land to B1 Neighbourhood Centre. The submission also infers that a centre with a floor space of 15,000 m² could be developed on the land in the future.

There is considered to be no basis for this proposition as included in the submission. The Economic Impact Assessment provided with the Planning Proposal included information that a neighbourhood shopping centre of 5,000 and 6,000 m² could be justified on the land. Given the uncertainty associated with the actual floor space of any neighbourhood shopping centre on the land, Council at its meeting on 19 June 2017 (in part) resolved as follows:

“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 square metres.”

This would allow (subject to development consent) the development of a neighbourhood shopping centre on the land with a total retail floor space of 5,000 m², which includes 3,500 m² for a full-line supermarket and a further 1,500 m² for associated speciality stores.

(e) Neighbourhood Shops

Point 5 of the submission raises concern in respect of the need to rezone land for the purpose of a neighbourhood shopping centre. It appears that there is confusion regarding the definition and distinction between ‘neighbourhood shopping centre’ and ‘neighbourhood shop’. The Dubbo Local Environmental Plan 2011 allows for the development of a neighbourhood shop, which is defined as follows:

“Neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.”

The LEP also provides a floor space limitation of 150 m² for a neighbourhood shop.

The submission infers that there is no need to rezone land for the purposes of commercial development as the Dubbo LEP 2011 allows the development of an unlimited number of neighbourhood shops.
The provision was included in the Dubbo LEP 2011 to allow for the development of a small scale neighbourhood shop that retails a variety of convenience goods or services. The definition of a neighbourhood shop does not allow for the development of a number of convenience business activities joined together as separate neighbourhood shops. The definition requires these convenience activities to be situated in one (1) premise.

If the Dubbo LEP 2011 did allow for the development of an unlimited number of neighbourhood shops adjoining or adjacent to each other, without controls, this is likely to result in impacts on the adopted Dubbo retail hierarchy and provide unacceptable impacts to adjoining and adjacent residents.

3. State Public Agency Consultation

The Gateway Determination required Council to undertake consultation with a number of state public agencies as provided below:

- Office of Environment and Heritage (OEH) (Direction 2.3 – Heritage Conservation; Direction 4.3 Flood Prone Land);
- Department of Primary Industries – Water (Direction 4.3 Flood Prone Land);
- Roads and Maritime Services;
- OEH – National Parks and Wildlife Service; and
- Dubbo Local Aboriginal Land Council.

The submissions provided by state public agencies are included here in Appendix 3.

Submission – Office of Environment and Heritage (OEH)

Council received a submission on 29 September 2017 from the Office of Environment and Heritage (OEH).

In summary, the OEH had the following interests in the Planning Proposal:

1. The impacts of development and settlement intensification on biodiversity and Aboriginal cultural heritage;
2. Adequate investigation of the environmental constraints of affected land;
3. Avoiding intensification of land use and settlement in environmentally sensitive areas (ESAs); and
4. Ensuring that development within a floodplain is consistent with the NSW Government’s Flood Prone Land Policy, the principles set out in the Floodplain Development Manual, and applicable urban and rural floodplain risk management plans.”

The potential impacts from future ground works were noted and will be assessed at the development application stage. In addition, OEH also noted the recorded cultural heritage site K-OS-4 and the recommended 15 m buffer around the location to be addressed at the development application stage.
Comment:

Comments made by the Office of Environment and Heritage have been noted and will be required to be addressed as a component of any future development application for residential subdivision on the land.

Submission – Department of Primary Industries (DPI) – Water

Council received a submission on 5 October 2017 from the Department of Primary Industries Water (DPI Water).

In summary, DPI Water had the following interests in the Planning Proposal:

- Zoning of riparian land;
- Stormwater management;
- Floodplain and watercourse management;
- Water supply;
- Basic landholder rights;
- Harvestable right dams; and
- Groundwater.

The information provided in the submission is as follows:

“Zoning of Riparian Land:

DPI Water supports the rezoning of land to from R2 Low Density Residential to RU2 Rural Landscape south of the indicative southern distributor road. The Department is however concerned that future development may encroach on the 40m riparian zone which buffers the Eulomogo Creek.

Stormwater:

DPI Water has requested the pre-development stormwater discharge levels from the subject site and would like further confirmation on the proposed method for managing peak levels.

Floodplain and Watercourse Management:

Proposed plans included in the Planning Proposal indicate a likely diversion of flood waters to Eulomogo Creek on the property adjacent to the subject land. DPI Water have requested that the 40m riparian buffer to Eulomogo Creek will be maintained and permission will be granted from the neighbour prior to finalising the rezoning proposal. Following these considerations, future works will be subject to development assessment.
Water Supply:

*DPI Water supports the supply of reticulated town water for this proposal.*

Basic Landholder Rights:

*It is recommended that Council consider the potential for an increase in Basic Landholders Rights under the Water Management Act 2000 which applies to landholders with land overlying an aquifer, or with river or lake frontage.*

Harvestable Right Dams:

*DPI Water notes that existing and proposed onsite dams should be assessed against the Maximum Harvestable Right Dam Capacity (MHRDC).*

Groundwater:

*DPI Water supports the recommendations of the Groundwater and Salinity Study Lot 2 DP 880413, 24R Sheraton Road, Dubbo NSW (dated 9 March 2017 and prepared by Envirowest Consulting Pty Ltd).”*

Comment:

The Planning Proposal seeks to rezone all land south of the indicative Southern Distributor road to RU2 Rural Landscape in relation to the subject site. The overall site plan indicates that the development of the indicative Southern Distributor will not encroach on the Eulomogo Creek riparian zone and ensure that a 40 m riparian buffer is maintained. In respect of the issues raised by DPI Water regarding stormwater flows, the overall stormwater strategy for the South-East Residential Urban Release Area has been provided to DPI Water. The remaining components included in the submission will be required to be considered by the proponent and Council with any development application for the future development of the subject land.

Submission – Roads and Maritime Services (RMS)

The RMS raised no objection to the Planning Proposal.

Comment:

The comment made by the RMS has been noted.

Submission – Dubbo Local Aboriginal Land Council

Council received a submission on 23 October 2017 from the Dubbo Local Aboriginal Land Council (DLALC).
Comments made by the DLALC were as follows:

“As a legislative authority under the Aboriginal Land Rights Act 1983, Dubbo Local Aboriginal Land Council is highly supportive of expansion within the township to continue to grow and foster the needs of our community whilst continuing to ensure minimal harm to the rich Aboriginal heritage within our boundary.

We look forward to further consultation in relation to the four mentioned Aboriginal Heritage sites, objects and or artefacts found within the site and hope to work with the developer in the future stages to assist in minimising harm to any site that obtains cultural significance or sensitivity.”

Comment:

The Dubbo Local Aboriginal Land Council made comment regarding four (4) Aboriginal heritage sites contained within the subject site. It should be noted that the subject land contains one (1) known Aboriginal heritage site.

The recorded Aboriginal heritage site is located along the southern boundary of the subject land and comprises of 12,000 m² open artefact scatter ranging from between 50 and 100 stones artefacts. At the time of the site survey, the land had extensive ground cover restricting ground surface visibility (GSV) over the land. As the site could not be located due to the low GSV, Aboriginal Heritage site K-OS-4 and associated artefacts could not be relocated during the assessment.

Comments made by the DLALC have been noted and will be considered further at the development application stage for future subdivision of the land.

3. Legal Drafting of the LEP

Subject to endorsement of the Planning Proposal by Council, a request will be provided to the Department of Planning and Environment to prepare the draft Dubbo Local Environmental Plan 2011 under Section 59(1) of the Environmental Planning and Assessment Act, 1979.

The Department will liaise with Parliamentary Counsel about the content of the draft amendment. Once the content has been finalised, an Opinion stating that the Plan can be made will be provided to Council.

Following consideration of the Opinion by Council, a request will be made to the Department to arrange for the Plan to be made. Once the Plan is made, the Department will request Parliamentary Counsel to notify the Plan on the NSW Legislation website.

The draft amendment to the Dubbo Local Environmental Plan 2011 will come into force on the day it is published on the NSW Legislation website.
SUMMARY

A Planning Proposal (R16-5) was lodged by Maas Group Properties Pty Ltd seeking to amend the Dubbo LEP 2011 on 10 October 2016.

The Planning Proposal seeks to rezone R2 Low Density Residential land to a mixture of R1 General Residential, B1 Neighbourhood Centre, RU2 Rural Landscape and realign the existing RE1 Public Recreation zone. Subsequently, the Planning Proposal seeks to change the minimum lot sizes on the site from the existing 600 m² and 4,000 m² to a range of no minimum lot size, 450 m², 600 m², 800 m² and 2,000 m².

Land proposed to be zoned B1 Neighbourhood Centre will 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. An amendment to the land use table will also be undertaken to allow recreational facilities (indoor) in the B1 Neighbourhood Centre zone.

The Planning Proposal is considered to be consistent with all relevant State Environmental Planning Policies and the majority of applicable Section 117 Directions. It is also considered to be broadly consistent with the Dubbo Residential Areas Development Strategy and the Stage 1 Structure Plan for the South-East Residential Urban Release Area.

It is recommended that Council supports the Planning Proposal to amend the Dubbo Local Environmental Plan 2011.

Appendices:

1. Submission from Bachrach Naumburger Group
2. Submissions from State agencies (4)
26 September 2017

General Manager
Dubbo Regional Council
Attention: Mr. Steven Jennings
PO Box 81
DUBBO NSW 2830

Dear Sir,

Submission to Planning Proposal (R16-5) South Lakes Estate, Dubbo
I am writing to you on behalf of the Bachrach Naumburger Group and Comet (Aust) Pty Ltd, the owners of Orana Mall, in relation to the above proposal.

The proposal is for the rezoning of parts of the land from R2 Low Density Residential to R1 General Residential; rezoning part of the land from R2 Low-density to R1 Public Recreation; and rezoning part of the land from R2 Low Density to B1 Neighbourhood Centre as described on the map below.

It is also understood that the proponents are seeking an amendment to Clause 7.12 ‘Shops in B1 Zone Neighbourhood Centre’ by allowing Council to grant consent to retail development that would exceed 1000m² and to allow for a recreation facility (indoor) within the B1 zone. We note that at the time of preparing this submission that Council proposes that the land be subject to a suitable provision under the LEP (Dubbo Local Environmental Plan 2011) to allow 5000m² of retail development on the land.

We have no objection to the proposals to change in the zoning for part of the land from R2 to B1 to allow for a greater variety of allotment sizes and additional residential uses, such as, attached dwellings, semi-detached dwellings and multi dwelling housing; and we have no objection to the rezoning of part of the land to R1 and proposals to allow for gymnasium (recreation facility–indoor) on the land. However, we strongly object to the proposal to zone 19,500m² from residential (i.e. R2 Low density) to business (i.e. B1 Neighbourhood Centre).
Dubbo LEP 2011 does not adopt any floor space ratio or height restrictions that could limit the development of the land and as such the proposal is allowing for a large-scale retail and commercial development opportunity (potentially over 15,000m²) on the land that will undermine Council’s own policies as expressed in the Dubbo Urban Areas Development Strategy (including the Dubbo Commercial Areas Development Strategy). Council has invested considerable resources in developing the Commercial Areas strategy including extensive consultation with the general community and business community and many investment decisions have been made on the basis of this Strategy.

The Commercial Areas Development Strategy put forward the following policies in relation to Neighbourhood Business Centres:
- Provide limited convenience retailing and services to the surrounding residential area
- Not have scope for expansion beyond role
- Have a secure market i.e., needs separate from other Neighbourhood shopping centres (i.e. catchments)
- Have a floor area normally limited to 1500m²

This proposal which has the potential to allow well over 15,000m² of retail development is completely outside the policy framework established by Council under the Strategy. The proposal not only has the potential to adversely directly impact upon the Business Centres within Dubbo, but will undermine the overall business hierarchy that Council has been trying to develop over the last decade.

We do not accept the view put forward by “Hill PDA Consulting” in its review of the Economic Impact Statement by “Macro Plan Dimasi” on behalf of the proponents, that a minimum of 2,800-3,000m² is required for a viable supermarket. There are many examples of successful neighbourhood supermarkets operating at a scale of less than 1,500m². It is understood that Council has calculated a need for 5,000m² of retail area to be allowed on the subject land based on a large supermarket of 3000m², plus 1500m² of complimentary retail space and a further 500m² for non-retail uses such as medical and real estate services etc. The calculation of these areas is based on a false premise and a limited view of the permitted retail uses under the existing residential R1 zone and proposed R2 zoning provisions.

Both the R2 and R1 zones allow an unlimited number of neighbourhood shops with a floor area of 150m². Neighbourhood shops are defined as follows under the LEP:

*Neighbourhood shop means premises used for the purposes of selling general merchandise such as foods, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.*

On this basis there is no need to zone additional land for retail purposes as retail uses (neighbourhood shops) are allowed in the R1 zone and R2 zone that will apply to the land. Moreover, medical centres are also permitted in the R1 on the land by the provisions of State Environmental Planning Policy (Infrastructure) 2007 (Clause 57) without the necessity to zone additional land for this purpose.

The proposal to seek to limit retail development on the site to 5000m² by amending the provisions of Clause 7.12 of the LEP are ineffectual and inappropriately transfer strategic planning decisions to the development application process. They also place Council in the difficult position of potentially having to defend its Commercial Areas Strategy. Clause 7.12 states:
The objective of this clause is to maintain the commercial hierarchy of Dubbo by encouraging retail development of an appropriate scale within neighbourhood centres.
APPENDIX NO: 1 - SUBMISSION FROM BACHRACH NAUMBURGER GROUP

ITEM NO: PDEC17/6

[Image]

Bachrach Naumburger Group

(2) Despite any other provision of this Plan, the consent authority must not grant development consent to development for retail premises on land within Zone B1 Neighbourhood Centre if the gross floor area of the development will exceed 1,000 square metres.

(3) Before granting consent to development for the purpose of shops having a gross floor area of 500 square metres or greater, in either one separate tenancy or any number of tenancies, the consent authority must consider the economic impact of the proposed development and be satisfied that the proposed development will not have an adverse impact on the commercial hierarchy of Dubbo.

This proposal to rezone 19,500m² for business purposes on the subject land will have an adverse impact upon the established commercial hierarchy of Dubbo and this will not be protected by the provisions of Clause 7.12 or an amended version of this Clause, the Clause has a number of loopholes through potential tenancy rearrangements to circumvent its intention.

The best means of maintaining the commercial hierarchy of Dubbo by encouraging retail development of an appropriate scale within neighbourhood centres is by a strategic approach to business development by firstly establishing strategic policies and then a consideration of the rezoning of lands; this proposal is contrary to good planning practice and is utilising the wrong planning tools to control retail development.

We note that the Traffic Reports do not take into account the traffic generation from a large-scale business centre as proposed and that the Economic Impact Assessment relies on the closure of the IGA Supermarket in the Orana Mall in determining the supermarket retail needs. There is currently an oversupply of supermarkets in Dubbo.

The Hill PDA Consultants review acknowledges that the year 2025-26 is a more appropriate time frame for such a supermarket based on population demand and on this basis it is premature to rezone the land some 8 years in advance of its perceived need; a lag time of 2-3 years would be more appropriate for consideration of any zoning for neighbourhood business purposes in this circumstance where a sufficient population may be located within the catchment.

In summary, the proposed rezoning of 19,500m² of land to B1 Neighbourhood Centre is unnecessary because:
- neighbourhood shops are already permitted in the R1 and R2 zones;
- the area of land being considered is excessively large and unjustified;
- the rezoning is too early in terms of population needs and;
- the rezoning will seriously undermine the established Commercial Centres Hierarchy developed in consultation with the community for Dubbo.

We request that Council not proceed with the rezoning of the subject land to B1 Neighbourhood Centre nor any amendments to Clause 7.12 of the LEP to facilitate the development of the land for retail purposes beyond what is permitted in the R1 and R2 zone under Clause 5.4.

Yours faithfully,

[Signature]
Steve Goddey
General Manager

PO Box 6000 Park Beach Plaza Coffs Harbour NSW 2450
p 02 6651 6782 f 02 6651 6792
M.A. Bachrach Naumburger Pty Ltd - ACN 005 026 526 ABN 59 660 905 695,

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
Page 102
29 September 2017

SF2017/212154; WST17/00139

General Manager
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Dear Sir

PP_2017_DREGI_001_00: Lot 399 DP 1199358, Lot 12 DP 1207280 and Lot 503 DP 1152321; Boundary Road, Hillview Estate, Dubbo

Proposed Amendments to Dubbo Local Environmental Plan 2011

Thank you for your letter dated 8 September 2017 referring PP_2017_DREGI_001_00 to Roads and Maritime Services for comment. I note the proposal seeks to amend some zoning tables, change some zoning of lands, change minimum allotment sizes and make a minor alignment change to the proposed Dubbo Southern Distributor Road.

Roads and Maritime has reviewed the proposed amendments. The amendments will not significantly increase potential traffic generated by future developments and their impact on the classified road network. Roads and Maritime will not object to the proposal and makes no submission.

Please keep Roads and Maritime informed on the progress of the proposed amendments. Should you require further information please contact me on 02 6861 1453.

Yours faithfully

Andrew McIntyre
Acting Network & Safety Manager
Western

Roads and Maritime Services
51-55 Currajong Street Parries NSW 2870 | PO Box 334 Parkes NSW 2870 | DX20256
T 02 6861 1444 | F 02 6861 1414 www.rms.nsw.gov.au | 131 782
Dear Mr Jennings

Planning Proposal - Stage 1 Structure Plan for the South-East Residential Urban Release Area, Boundary Road Dubbo

Thank you for your letter, dated 8 September 2017, seeking comment from the Office of Environment and Heritage (OEH) on the proposed rezone.

OEH has the following primary areas of interest relating to strategic land use planning proposals:

1. The impacts of development and settlement intensification on biodiversity and Aboriginal cultural heritage;
2. Adequate investigation of the environmental constraints of affected land;
3. Avoiding intensification of land use and settlement in environmentally sensitive areas (ESAs); and
4. Ensuring that development within a floodplain is consistent with the NSW Government’s Flood Prone Land Policy, the principles set out in the Floodplain Development Manual, and applicable urban and rural floodplain risk management plans.

We also understand that planning proposals must comply with current statutory matters such as the Local Planning Directions under S117 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

We generally support strategic planning proposals which:

- Avoid rural settlement intensification in areas of biodiversity value, Aboriginal cultural heritage value and other environmentally sensitive areas;
- Include objectives, such as ‘no net loss of native vegetation’; and
- Minimise flood risk to human life, property and the local environment while maintaining floodplain connectivity for environmental benefit.

Biodiversity

OEH note that impacts to native vegetation will occur when on ground works commence. Please note that at Development Application stage these impacts will need to be assessed and quantified. For any development application (accompanied by an EIS or SoEE) that is submitted by 25 November 2017.

Mr Steven Jennings
Manager Strategic Planning Services
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830
2017, assessment of impacts on biodiversity using the Biodiversity Assessment Methodology (BAM) is optional. Any application received after 25 November 2017 must use the BAM to assess impacts to biodiversity in accordance with the Biodiversity Conservation Act 2016 (BC Act). The requirements below are in accordance with the BC Act.

Aboriginal cultural heritage

OEH note there is a previously recorded site (K-OS-4) within the subject area however it was unable to be relocated during field surveys. The Aboriginal Archaeological Assessment recommends that the previously recorded site be avoided with a 15 metre buffer in place. The buffer distance must also take into account an acceptable range of GPS error if the site cannot be relocated.

For all other matters please refer to Attachment A which includes our generic recommendations for local government strategic planning. Council should ensure that those matters within Attachment A which are relevant to the rezoning proposal have been appropriately addressed.

If additional information relating to the proposal indicates that areas within OEH responsibilities require further investigation, we may provide future input. Should you require further information, please contact Michelle Howarth, Conservation Planning Officer on (02) 6883 5339.

Yours sincerely

DAVID GEERING
A/Senior Team Leader Planning North West Regional Operations Division

29 September 2017

Contact officer: MICHELLE HOWARTH
02 6883 5339
Office of Environment and Heritage (North West Branch) general advice for local government strategic planning

Biodiversity Values

Rural settlement intensification can have significant impacts on biodiversity. Development will have short and long-term negative impacts on biodiversity. These negative impacts are caused by activities such as:

- the clearing of house and building sites;
- the disturbance caused by infrastructure (such as new roads, fence lines, dams and access to utilities); and
- the construction of asset protection zones for statutory fire protection.

The cumulative effect of multiple subdivisions will magnify these substantial impacts on biodiversity. These impacts are not regulated by the Biodiversity Conservation Act 2016 or Local Land Services Act 2013.

There is also a need to recognise climate change as a severe and wide ranging threat to biodiversity in NSW. Rising temperatures and sea-levels, changed rainfall and fire regimes will affect biodiversity in complex and often unpredictable ways. As a result of climate change, current threats to biodiversity, including habitat loss, weeds, pests and animals and drought, are expected to intensify.

In many cases, existing approaches to biodiversity conservation (protection of intact vegetation, species recovery, mitigation of current threats and revegetation and restoration activities) will form the basis of adaptation programs to address the impacts of climate change. Reducing existing threats to biodiversity, such as habitat loss, pests and weeds is the most effective option for enabling species to adapt to climate change (at least in the short term) as this will increase the capacity of species to persist in their current locations and form the base from which migration can occur.

Council has the responsibility to control the location and, to a degree, development standards of settlement and other land use intensification. Local Environmental Plans (LEPs) can be used to avoid settlement and development in Environmentally Sensitive Areas (ESAs) including areas of remnant native vegetation.

The S117 Directions in the Environmental Planning and Assessment Act 1979 (EP&A Act) require that Councils in preparing a new LEP must include provisions that facilitate the protection and conservation of ESAs. As a minimum, these provisions must aim to maintain the existing level of protection for ESAs within the LGA, as afforded by the current LEP.

As a matter of priority the OEH recommends six actions be taken by Councils when developing new LEPs. These will address the S117 Directions, and protect biodiversity from growth, development and associated pressures and changes:

1. Implement appropriate Environmental Zonings;
2. Avoid development in remnant native vegetation;
3. Establish large minimum lot sizes;
4. Conduct comprehensive environmental studies if areas of high environmental sensitivity occur in sites where there is a strong imperative to intensify land use;
5. Include a biodiversity overlay and clauses within the LEP; and
6. Define biodiversity protection and management measures in Development Control Plans (DCPs).

**1. Implement appropriate Environmental Zonings**

The zone, E1 'National Parks and Nature Reserves', should be applied to all of the OEH estate within the LGA. We also encourage Councils to apply other environmental and water ways zones in appropriate areas.
The E1 zoning is intended to apply to all lands acquired under the National Parks and Wildlife Act 1974 (NP&W Act), and therefore is not limited to only the 'National Park' and 'Nature Reserve' classifications.

OEH is also strongly supportive of the implementation of appropriate environmental zonings to other areas identified to have high biodiversity or Aboriginal cultural sensitivity. Private and public lands with high conservation values, including those providing linkages or corridors, can be protected in LEPs through appropriate zoning and/or via overlays with associated development controls. Councils should implement land use zonings such as E2-E4 and W1-W2 to provide as much protection as possible to biodiversity and ecological communities. Specific advice regarding the use of these zones is included in Practice Note previously forwarded to Council.

In particular, we advocate the application of the E2 zone to areas of private or Crown lands that are presently managed primarily for conservation (such as crown reserves or areas under conservation covenants).

We also recommend that Travelling Stock Reserves (TSRs) with known conservation values are included in E3 zones at a minimum, although E2 zoning would be preferred. Mapping of TSRs, including identified conservation values, is available via the Grassy Box Woodlands Conservation Management Network. This mapping can be accessed via http://qbwcnn.net.au/hold6/.

2. Avoid development in remnant native vegetation

- Council, through the Land Use Strategy and LEP, can protect biodiversity by avoiding development such as settlement and other land use intensification, in areas of remnant native vegetation.

- Development should be directed to areas that have already been cleared, unless such areas have been identified as having environmental importance.

Avoiding development in areas of native vegetation will contribute to the achievement of State biodiversity targets.

Settlement should also be avoided in locations that are likely to be targeted for investment. Landholders in such areas may receive incentive funding for protection and enhancement of native vegetation or revegetation of cleared areas.

OEH will not support strategic land use recommendations or LEP provisions that allow further settlement opportunities in these areas, particularly if Council assumes that ongoing management could be effectively controlled by complex DCP rules.

To assist, the best available mapping of remnant native vegetation has been supplied to Council as part of an Interagency package of ESA mapping and associated Technical and Practice Notes to help Council identify areas where further settlement intensification should not be allowed. At the broad strategic level, these maps can be used to identify areas that are most likely to be free from significant land, water or biodiversity constraints, therefore more suited to development.

Excluding remnant native vegetation from development pressure on private land could be largely achieved by retaining such areas on relatively large holdings, within RU1 and RU2 zones for example.

Similarly, higher density settlement in 'fire prone' locations should be avoided in the first instance. Where residential areas abut native vegetation there is pressure for the required Asset Protection Zones and other hazard management measures to encroach on that vegetation, particularly where adequate existing cleared land has not been retained to fulfill that role.

Avoiding settlement in remnant native vegetation is also likely to avoid bushfire prone lands and protect any Aboriginal cultural heritage that may remain in such areas.

3. Establish large minimum lot size limits

Minimum lot size limits should be large in RU1 and RU2 zones as well as environmentally sensitive areas. This will reduce the pressures of development and settlement on biodiversity in rural lands.
Minimum lot size limits can be used to reduce the pressures of development and settlement on biodiversity. The LEP should define realistically large minimum lot size limits with associated dwelling provisions to control the intensity of development and settlement.

In particular, Council needs to ensure that minimum lot sizes in environmentally sensitive areas are of an appropriately large size to control the cumulative impact of any development and settlement intensification permitted in those areas by the LEP.

Council needs to adopt a risk-based approach to this matter. The selected sizes should be designed to meet expectations of rural living while minimising the adverse environmental impacts of any settlement that may occur with the sub division.

If Council is strongly of the opinion that lot sizes need to be reduced then this should not be applied uniformly across the shire with environmentally sensitive areas excluded from such revisions.

4. Conduct targeted environmental studies

Where development in areas of native vegetation or environmentally sensitive areas cannot be avoided, a targeted environmental study should be conducted. This should focus on ensuring a ‘maintain or improve’ outcome for biodiversity.

Where Council is unable to avoid applying zonings or minimum lot sizes which permit essential development intensification in remnant native vegetation, a targeted study should be conducted to investigate the biodiversity values of the area. Any study should determine how potential impacts can be mitigated or, where this is not possible, offset through conservation management of other areas.

This study and any resulting objectives and zonings should aim to ensure a ‘maintain or improve’ outcome. This is a vital step in the strategic planning process and in effectively addressing the S117 Directions.

5. Include a biodiversity overlay and suitable clauses within the LEP

OEH strongly recommends the use of overlays and associated provisions with the LEP to provide additional protection for biodiversity.

It is particularly important to define assessment and development control provisions for those instances where development or settlement intensification cannot be avoided in remnant native vegetation.

LEPs should include objectives and provisions that require a ‘maintain or improve’ outcome for native vegetation and threatened species whenever clearing of native vegetation or environmentally sensitive areas cannot be avoided.

Overlays can also be used to update any existing ‘environmentally sensitive lands’ provisions in current LEP and therefore meet the requirements of the S117 Directions to at least maintain existing environmental protection standards.

Importantly, the use of such overlays is consistent with the Department of Planning and Environment (DP&E) Practice Note PN 09-002v (30 April 2009) on environmental zones which states:

‘Local environmental provisions may be applied where zone provisions need to be augmented in order to ensure that special environmental features are considered. For example, rural land that is still principally for agriculture but which contains environmentally sensitive areas may be zoned RU1 or RU2 and the environmental sensitivities managed through a local provision and associated (‘overlay’) map.

The benefits of this approach include:

- The intended conservation or management outcomes for land can be clearly articulated in the LEP.
- Areas are clearly defined and controls streamlined.
- Sub-zones are not created. (These are not permitted under the standard instrument).
Provisions for environmentally sensitive areas may include multiple natural resource or other features such as acid sulfate soils and riparian land. A local provisions clause may include objectives and, where the sensitivity is a mappable attribute, a map would accompany the provision.

OEH advocates the inclusion of the environmentally sensitive land overlays developed by the former Departments of Water and Energy, Environment and Climate Change, and Primary Industries (Fisheries). These overlays and clauses have been prepared to provide Council with information on resource assets and environmental constraints and how these assets and constraints should be managed during the assessment of development applications. The use of the environmentally sensitive areas overlays supplied by agencies is now common-place in both exhibited and gazetted LEPs.

The use of these overlays and clauses and how these may affect land uses are outlined in the previously mentioned Practice Note and Technical Note. When implemented in this way the layers and clauses do not exclude development. Rather, they act as a flag for values that may be present at a site. Sites should be checked for these potential values prior to any development approval. If the values are present at the site, the impact should be avoided or, if this is not possible, at the very least minimised and mitigated.

6. Define biodiversity protection and management measures in Development Control Plans

| Biodiversity protection and management measures should be defined in DCPs for all areas zoned for rural small holdings, residential and other development intensifications. |

We view DCPs as a secondary mechanism to provide biodiversity protection and management measures. It is vital that biodiversity values are first considered strategically in zoning decisions and development assessment provisions. We do not consider it acceptable to completely defer consideration of these matters to the DCP stage.

It is also important to consider the threats to remnant native vegetation posed by adjoining land uses.

For example, threats to biodiversity associated with nearby growth and intensification of residential land use include (but are not limited to):

- Clearing;
- Domestic animals;
- Invasive plants;
- Effluent and waste dispersion;
- Changes in hydrology and hydraulics;
- Increasing access due to fire trails and other tracks; and
- Firewood collection.

Particular attention should be paid to relevant Key Threatening Processes identified and listed under the Biodiversity Conservation Act 2016. Mechanisms to abate threats to ESAs (such as implementing codes of practice, best management practice, alternative designs and operations, control technology and buffers between remnant vegetation and small holdings) should be considered.

Council should recognise that buffers may be necessary between environmentally sensitive areas and other land uses. The size of the buffer will vary depending on the nature or activity being undertaken and the level of management control required to prevent or minimise adverse impacts. Provisions should be made to rigorously assess any developments within environmentally sensitive areas and adjoining buffers to prohibit land uses and activities that threaten the ecological integrity, values and function of the area.

Some forms of development adjacent to national parks and reserves can impact on their values and should be avoided or restricted. Council should consider how these areas could be buffered from incompatible development and activities so that potential conflicts can be minimised.

The OEH Guidelines for Developments Adjoining OEH Estate have been designed to assist Councils when they are assessing development on lands adjoining OEH estate. However, the issues
identified in these guidelines are also relevant when considering buffers for protection of environmentally sensitive areas.

Aboriginal Cultural Heritage

| Land Use Strategies, LEPs and DCPs should aim to identify and protect culturally sensitive areas, rather than relying on site by site development assessment. |

Aboriginal objects, places and areas are protected across all land tenure under the NPWS Act. However, Council should not rely on the site by site development assessment process as the only mechanism for considering the impact of development and settlement intensification on Aboriginal cultural heritage.

It is clear from the S117 directions and mandatory clauses in the Standard Instrument that DP&E supports a strategic approach to the protection of Aboriginal cultural heritage. Provisions to facilitate the strategic conservation of Aboriginal cultural and heritage within a local government area should include a landscape framework for assessing potential impacts and partnership development with local Aboriginal people.

We strongly recommend that Councils develop planning strategies that result in the avoidance of impacts to Aboriginal cultural heritage and minimise impacts in instances where avoidance is not possible.

Specifically, it is important to:

- Develop a framework for effective Aboriginal engagement; and
- Identify sensitive and least sensitive areas through:
  - accessing existing Aboriginal site information;
  - cross reference to landscape information;
  - assessment of areas of potential development/settlement intensification;
  - use of the Department's search tools;
  - reports from previous studies;
  - Aboriginal knowledge; and by
  - Undertaking site surveys to ground the assumptions.

We offer the following advice to aide Council efforts in adequately addressing Aboriginal cultural heritage assessment and protection within strategic planning documents and environmental planning instruments:

1. The Aboriginal Heritage Information Management System

Councils should contact the OEH to seek access to the Aboriginal Heritage Information Management System (AHIMS) prior to the drafting of any new Land Use-Strategy or LEP. AHIMS is the State register of known Aboriginal site locations. A data licence agreement between the OEH and Council can be prepared on application. Information about obtaining a data licence is available on the OEH website. Alternatively, the AHIMS Registrar can be contacted by phone on (02) 9585 6513 or (02) 9585 6345 or by email at ahims@environment.nsw.gov.au.

2. Aboriginal Heritage Study

We recommend using the AHIMS data, along with any previous landscape assessments of the occurrence of Aboriginal objects and sensitive areas, to assist in developing effective strategies to assess impacts to Aboriginal sites in areas being considered for future development. The selection of landscape mapping to overlay with AHIMS site data will highlight distribution patterns between landscape features and Aboriginal sites. This information can assist in identifying potential areas of sensitivity in locations where no information for Aboriginal sites exists.

OEH can be contacted to advise on data searches for previous cultural and heritage studies undertaken in each Council LGA, and discuss the potential for appropriate desktop tools for use in cultural heritage management.
We recommend that the strategic planning process be used to initiate the development of a strategic framework for engaging local Aboriginal community interests to ensure that active engagement with Aboriginal people evolves over time.

3. Implement a range of tools to ensure strategic management of Aboriginal cultural heritage

We strongly recommend that Councils aim to protect identified areas of Aboriginal cultural sensitivity through:

- The designation of appropriate zoning provisions and boundaries where possible,
- Inclusion on the Heritage Map of any specific important areas identified (which will enable the mandatory clauses in the Standard Instrument to be effectively applied),
- The generation of a cultural heritage constraints map which could be used in a similar way to the ESA layers provided by the natural resource management agencies,
- Appropriate provisions within DCPs to ensure adequate assessment and protection of Aboriginal cultural heritage values,
- Formation of an Aboriginal community Advisory Group to ensure on-going input and dialogue on identification and management of Aboriginal cultural heritage for the LGA

4. Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales

This code of practice is to assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an Aboriginal Heritage Impact Permit (AHIP).

The NPW Act provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP.

The NPW Act allows for a generic code of practice to explain what due diligence means. Carefully following this code of practice, which is adopted by the National Parks and Wildlife Regulation 2009 (NPW Regulation) made under the NPW Act, would be regarded as 'due diligence'. This code of practice can be used for all activities across all environments.

This code sets out the reasonable and practicable steps which individuals and organisations need to take in order to:

- Identify whether or not Aboriginal objects are, or are likely to be, present in an area
- Determine whether or not their activities are likely to harm Aboriginal objects (if present)
- Determine whether an AHIP application is required.

When formulating DCPs and other planning controls, Council should require proponents to undertake due diligence in accordance with the Code of Practice. Proponents should provide Council with evidence that the due diligence process has been followed.

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2. Key Threatening Processes:
3. Guidelines for Development Adjoining DECCW Estate:
5. Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW
Dear Sir/Madam

5th October 2017

Re: Proposed Amendments to Dubbo Local Environmental Plan 2011 – Lot 399 DP 193356, Lot 12 DP 1207280 and Lot 503 DP 1152321, Boundary Road Dubbo

Thank you for giving the Department of Primary Industries – Water (DPI Water) the opportunity to comment on the above proposed amendment. DPI Water provides the following comments and recommendations for council’s consideration in determination of the proposal.

Zoning of Riparian Land

It is noted that the land south of the indicative location of the Southern Distributor road, which is within close proximity to Eulomogo Creek, is proposed to be rezoned as RU2.

DPI Water supports the rezoning to RU2, but recommends all land located below the indicative location of the Southern Distributor road be zoned RU2 rather than a mix of R2 and RU2.

Additionally, DPI Water has concerns that the construction of the Southern Distributor has the potential to encroach on the 40m riparian zone of Eulomogo Creek. This riparian zone must be considered in the future development and construction of the Southern Distributor road.

Stormwater Management

DPI Water notes that detention basins are not proposed within the site, confirmation is sought on the proposed method/s of managing peak storm water discharge from the site, along with a commitment to ensure peak storm water discharge does not exceed pre-development levels.

It is noted that post development peak discharge has been provided; DPI Water requests that pre-development discharge levels are also provided.

To aid in the protection of the receiving water source quality, all stormwater runoff must be appropriately treated at its source and/or diverted through the stormwater treatment process designed for the site, prior to discharge from the site.

DPI Water considers all stormwater treatment measures should be consistent with Water Sensitive Urban Design (WSUD) objectives.

Where the construction of stormwater outlets and spillways is occurring within waterfront riparian land, refer to ‘Guidelines for outlet structures on waterfront land’, available on DPI
Waters website for further information [www.water.nsw.gov.au > Water Licensing > Approvals > Controlled activity approvals.]

**Floodplain & Watercourse Management**

The planning proposal raises concerns about flooding at the site. Flood levels provided show part of the site impacted by flood flows from Eulomogo Creek.

The plans provided indicate a probable diversion to Eulomogo Creek on the property adjacent to the proposal area. It is recommended this be confirmed at rezoning stage and the viability confirmed in terms of its implementation, specifically the ability to maintain a 40m buffer and the ability to obtain consent from the neighbour. Diversion works require approval under the Water Management Act 2000 which would be subject to assessment at the Development Application stage. DPI Water will have a focus on the ability to provide adequate buffers and watercourse stability.

Any works proposed within 40 metres of the high bank of watercourses on site should be carried out in accordance with the Department of Primary Industries – Water’s Guidelines for Controlled Activities. A Controlled Activity Approval under the Water Management Act 2000 may be required for works undertaken as part of any future development on the site.

A flood work approval under the Water Management Act 2000 may be required where works occurring (such as earthworks, channels, embankments or levees) are likely to affect the flow of water to or from a river or lake, designated floodplain or prevent land from being flooded.

**Water Supply**

DPI Water supports the supply of reticulated town water for this proposal. Reticulated town water provides a more secure (quality and quantity), reliable and manageable water supply and reduces the stress on local surface and ground water resources. A reticulated water supply also enables smaller allotment sizes with increased population density, which in turn reduces the development footprint.

**Basic Landholder Rights**

The Water Management Act 2000 provides that landholders with land overlying an aquifer, or with river or lake frontage, can access water for domestic (household) purposes, without the requirement for an access licence, through a domestic and stock right. Landholders can also capture a portion of rainfall from their property under a harvestable right. These rights are known as basic landholder rights (BLRs). DPI Water notes that where landholdings are subdivided, creating new basic landholder rights for water extraction, there is the potential to impact on existing water users, including the environment.

It is recommended council consider the potential increase in basic landholder rights and the impacts on other users and the environment. Please note any future approval of groundwater works will be subject to the distance conditions of the Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources 2012.

**Harvestable Right dams**

Existing and proposed onsite dams should be assessed against the Maximum Harvestable Right Dam Capacity (MHRDC). If the dam’s will exceed the MHRDC of the new lot size a landholder may choose to either reduce the size of the onsite dam’s to stay under the MHRDC, or purchase sufficient entitlement within the relevant water source to account for the excess storage volume.

Certain types of dams (known as ‘special dams’) should not be included when calculating the capacity of dams allowed on a property under a harvestable right. These include:
1. **Dams for the control or prevention of soil erosion (gully control structures),** where no water is reticulated or pumped from them and the size of the structure is the minimum necessary to fulfil the erosion control function. If you fence off the dam as part of the erosion control program, water may be reticulated to a trough in an adjacent paddock without prejudicing the exempt status.

2. **Dams for flood detention and mitigation,** provided no water is reticulated or pumped from them. These dams serve specific functions and, apart from a small pondage, should only store water for a short period during and immediately after floods. Such storages are exempt provided they function effectively. If any water is pumped or reticulated from such a storage it can no longer be considered to be exempt and must be considered in calculating the MHRDC.

3. **Dams for the capture, containment and recirculation of drainage and/or effluent** that conform to best management practice or are required by regulation to prevent the contamination of a water source. The harvestable right is not intended to be contrary to initiatives to prevent pollution of water sources. Many landholders are required to install dams to capture contaminated water or to collect and re-use irrigation tail water. These dams are not considered in assessing your harvestable right.

4. **Dams endorsed by the Minister for specific environmental management purposes.**


**Groundwater**

DPI Water supports the recommendations of the Groundwater and salinity study Lot 2 DP 889413 24R Sheraton Road Dubbo NSW (dated 9th March 2017 and prepared by Envirowest Consulting Pty Ltd).

Should you have any further queries in relation to this submission please do not hesitate to contact Alice Buckley on 02 6841 7469.

Yours sincerely

Tim Baker
for
Vickie Chattfield
Regional Manager
Water Regulatory Operations
Department of Primary Industries – Water
Dubbo Local Aboriginal Land Council
ABN 16 308 384 841
PO Box 1563
Dubbo NSW 2830
Phone: 02 6884 5267
Email: dublc.admin@optusnet.com.au

October 23, 2017

Steven Jennings
Manager Strategic Planning Services
C/- Dubbo Regional Council
Dubbo NSW 2830

Public Authority Consultation – Planning Proposal – Proposed Amendments

To Steven,

In relation to the proposed amendments to the Stage 1 Structure Plan for the South-East Residential Urban Release Area, Dubbo Local Aboriginal Land Council have considered the information included in the proposed amendments.

As a legislated authority under the Aboriginal Land Rights Act 1983, Dubbo Local Aboriginal Land Council is highly supportive of expansion within the township to continue to grow and foster the needs of our community whilst continuing to ensure minimal harm to the rich Aboriginal heritage within our boundary.

We look forward to further consultation in relation to the four mentioned Aboriginal Heritage sites, objects and/or artifacts found within the site and hope to work with the developer in the future stages to assist in minimizing harm to any site that obtains cultural significance or sensitivity.

For further comment and/or information please contact our office on 6884 5276

Respectfully,

Jennayah Knight
A/g CEO
Dubbo Local Aboriginal Land Council
EXECUTIVE SUMMARY

Stage 1 of the Southlakes Estate was originally approved by the former Dubbo City Council on 21 December 2005. The subdivision included the embellishment of Council-owned land for the purposes of open space and stormwater management, which consisted of an area of approximately 11 hectares. This issue is further discussed in the body of this report.

Stage 2 of the Southlakes Estate includes Lot 36 DP 1233637, Lot 15 DP 1225930 and Lot 503 DP 1152321, which is situated to the east of the existing Southlakes Estate.

Council on 10 May 2017 received correspondence from Maas Group Family Properties. The correspondence introduced concerns in respect of the levying of developer contributions in the south-east area of the City, as below:

“Maas Group Properties seeks confirmation that Council acknowledges dual occupancy development and medium density development within Southlakes Estate, Magnolia Estate and Keswick on the Park Estate have been overcharged S94 stormwater and open space development contributions beyond that anticipated by the plans. In particular approved dual occupancy developments.”

A copy of this initial correspondence is provided here in Appendix 1.

Maas Group Family Properties initially sought a total of $112,504 for stormwater and $147,616 for open space to be either refunded or credited to future development in housing estates under development by Maas Group Family Properties.

Following receipt of the initial request from Maas Group Family Properties on 10 May 2017, Council staff held a number of discussions and workshops with the proponent seeking an understanding of the request, explanation of the basis of Council’s adopted Section 94 Contributions Plans and further justification of the requested refund from the proponent.

Further to these discussions, Council on 14 August 2017 received additional correspondence from Maas Group Family Properties, which sought revised monies from Council in the order of $446,641.36 for open space and $325,458 for stormwater.
A detailed assessment of the concerns raised by Maas Group Family Properties has been undertaken by staff. This assessment has shown that Section 94 Contributions for open space and stormwater have not been overcharged in respect of development undertaken on the subject lands. The basis of this assessment is included in the body of this report.

Notwithstanding the results of this assessment, staff have undertaken a number of discussions with Maas Group Family Properties in a proposed Works-In-Kind Agreement in respect of the provision of open space infrastructure associated with the first 950 lots in stage 2 of the Southlakes Estate. Subsequently, this report recommends that Council enter into a Works-In-Kind Agreement with the proponent for embellishment of public open space land to the value of $2 million. The proposed Works-In-Kind Agreement is further discussed in this report.

In respect of stormwater contributions, consultants Cardno Pty Ltd are currently undertaking a consultancy review of trunk stormwater drainage requirements in the subject area of the City. Following receipt of this consultancy, a further report will be provided to Council in February 2018 which will provide an overall assessment of the stormwater drainage requirements within the catchment and the implications (if any) for Council’s adopted Section 94 Contributions Plan for Urban Stormwater Drainage Headworks.

In addition to the above, Council has also received requests from Maas Group Family Properties to swap 52,116.77 square metres in the southern section of Lot 136 DP 1233637 (Stage 2 of the Southlakes Estate land) to facilitate future construction of the Southern Distributor road and a request to swap open space land to accommodate a relocated and redesigned drainage channel. It should be noted that the request to swap open space land is for land only.

The request received by Council in respect of the Southern Distributor road was to swap this land with Council-owned land in the Keswick Estate. As Council will require the provision of further lands throughout Dubbo for the construction of future distributor roads, this report recommends that Council not accede to the request to swap land but rather proceed with acquisition of the subject land under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.

In respect of the request to swap open space land to accommodate relocation of the drainage channel, this report recommends that Council accede to the request.

Maas Group Family Properties also requested that Council enter into a Works-In-Kind Agreement in respect of water and sewer infrastructure and a Voluntary Planning Agreement in respect of road infrastructure within the estate.

It is considered that it would be premature to consider a Works-In-Kind Agreement in respect of water and sewer infrastructure until the structure planning of the estate has been finalised. Accordingly, this report recommends that this issue be reconsidered once the structure planning has been completed.
With regard to a VPA for road infrastructure within the estate it is considered that there is no planning justification for Council to enter into a Voluntary Planning Agreement in respect of road infrastructure for Stage 2 of the Southlakes Estate, accordingly this report recommends that Council not accede to this request.

ORGANISATIONAL VALUES

Customer Focused: From the receipt of the first correspondence from Maas Group Family Properties in May 2017, Council staff have worked with the proponent to understand the issues raised, the importance of the continued growth and development of the Dubbo housing market and to ensure the integrity of the Dubbo Infrastructure Contributions System is maintained.

Integrity: Council staff from across a number of Divisions in considering the issues raised with Maas Group Family Properties have maintained integrity and understanding of the proponent’s issues.

One Team: Council staff from a number of Divisions have undertaken detailed assessment and consideration of the correspondence provided by Maas Group Family Properties and undertaken a number of meetings with the proponent to articulate Council’s adopted Developer Contributions Plans and to understand the issues raised.

FINANCIAL IMPLICATIONS

This report recommends that Council proceed to commence acquisition of approximately 52,116.77 square metres of Lot 36 DP 1233637 to facilitate the future development of the Southern Distributor road. The acquisition of this land will have cost implications for Council depending on the valuation of the land by the Valuer General.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

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

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 52,116.77 square meters 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.

Steven Jennings
Manager Strategic Planning Services
BACKGROUND

Development Application D2005/288 for 361 lots was approved by the former Dubbo City Council on 21 December 2005 for development of Stage 1 of the Southlakes Estate in southeast Dubbo. A separate Development Application was required to be submitted to Council for further stages of the subdivision as at that time the land had not been zoned for residential development.

The subdivision included the embellishment of Council-owned land for the purposes of open space and stormwater management. This area of the site is in the order of 11 hectares. This issue is further discussed in the body of this report.

The Stage 1 area of the Southlakes Estate is shown in Figure 1.

![Figure 1. Stage 1, Southlakes Estate](image-url)
Stage 2 of the Southlakes Estate includes Lot 36 DP 1233637, Lot 15 DP 1225930 and Lot 503 DP 1152321 which is situated to the east of the existing Southlakes Estate. The Stage 2 area of the Southlakes Estate is shown in Figure 2.

![Figure 2. Stage 2 area of the Southlakes Estate](image)

In addition, the Stage 2 area of the Southlakes Estate includes Lot 2 DP 880413, 24R Sheraton Road, Dubbo. This land is not currently owned by Maas Group Family Properties.

The Stage 2 area of the Southlakes Estate also includes land zoned RE1 Public Open Space, which is owned by Council. The function of this land, its future alignment and use as public open space is further discussed in this report.

**REPORT**

1. **Developer Contributions**

   (a) **The NSW Infrastructure Contributions System**

   The Environmental Planning and Assessment Act, 1979 recognises the need for development to offset impacts on public infrastructure and to ensure adequate infrastructure is in place to meet the future demands of users. To achieve this end, councils are permitted to levy developer contributions through an adopted Section 94 Contributions Plan to ensure the impacts of development are adequately mitigated.
In respect of the Dubbo urban area, Council has a total of three (3) Section 94 Contributions Plans and one (1) Section 64 Policy for Water and Sewer in place which allow contributions to be levied against development for maintenance and augmentation of key infrastructure in such as roads, traffic management, car parking in the Dubbo CBD, open space and recreation facilities, stormwater drainage and water and sewer infrastructure.

The funds collected by Council through Section 94 Contributions are used to provide public amenities and services (identified in the plans) where a development will require the provision of, or increase demand.

The collection of developer contributions allows the infrastructure requirements and other impacts of development to be mitigated and ensures infrastructure provision is not unreasonably included in the land rating structure. If developer contributions are too low, more pressure is placed on the collection of funds for the delivery of infrastructure through land rates and other fees and charges. Conversely, if developer contributions are too high, development in Dubbo may be impacted.

(b) Dubbo City Developer Contributions System

Council has four (4) Developer Contribution Plans which levy and collect contributions from developers for development undertaken within the Dubbo urban area, as described below:

(i) Section 94 Developer Contributions Plan - Roads, Traffic Management and Car Parking

The Section 94 Contributions Plan - Roads, Traffic Management and Car Parking commenced operation on 1 January 2005. The Plan provides an overall work schedule for roads of $47,299,000 which includes the construction of new roads, significant traffic infrastructure and the provision of traffic facilities throughout various locations in the City to facilitate an overall population in excess of 60,000 persons.

The Urban Roads Plan levies contributions on development across the City which goes towards the funding of infrastructure in locations recognised in the Plan as requiring further traffic facilities or the maintenance of existing traffic facilities. The Plan has been designed to ensure the focus of growth is on the overall urban area rather than linking development in one individual location in the City back to a requirement for the provision of infrastructure that may only serve one development or a small locality.

(ii) Section 94 Developer Contributions Plan - Open Space and Recreation Facilities

The Section 94 Contributions Plan - Open Space and Recreation Facilities commenced operation on 1 July 2016. The Plan provides for overall expenditure on open space and recreation facilities in Dubbo of $10,386,340.

The Plan separates the provision of land and the embellishment of open space into the categories of City-wide and Local Planning Unit which best reflect the catchment and particular characteristics of the open space provision.
The Plan levies contributions on residential and other development types where the provision of residential accommodation is included.

(iii) Section 94 Developer Contributions Plan - Urban Stormwater Drainage Headworks Contributions

The Section 94 Contributions Plan – Urban Stormwater Drainage has been in place since October 1995. The Plan provides an overall work schedule for the acquisition and provision of stormwater drainage infrastructure in excess of $25 million.

The Plan levies contributions on a catchment basis with differing levels of infrastructure required to be delivered in specific areas of the City based on the level of development and the age and quality of existing infrastructure. The majority of catchments in Dubbo are levied on a per hectare basis. However, contributions in Catchment 3.1 – Keswick Trunk Drainage Scheme are levied on a per lot basis, which is reflective on the significant trunk stormwater drainage infrastructure, which is required to be delivered in the catchment.

(iv) Water and Sewerage Contribution Policy

The Water and Sewerage Contribution Policy commenced operation in November 2002. The Policy levies contributions on development in the Dubbo urban area for the provision of water and sewer infrastructure. The Policy applies to land which is serviced with water and sewer and/or proposed to be serviced with water and sewer.

(v) Works-In-Kind Agreements

Council’s existing range of Section 94 Developer Contributions Plans makes provision for Council to enter into a Works-In-Kind Agreement with a developer for the delivery of infrastructure which is included in a Contributions Plan.

Council, when determining a development application, may include a condition of development consent which requires a monetary contribution to be paid in accordance with the requirements of one of the three (3) adopted Section 94 Developer Contributions Plans. Where a Section 94 Developer Contributions Plan requires works to be undertaken, a developer can request Council to enter into a Works-In-Kind Agreement. In these situations, a developer may undertake the work on behalf of Council, in lieu of the payment of the required monetary contribution. However, in the consideration of a request from a developer to enter into a Works-In-Kind Agreement, Council must be provided with appropriate detail, including the overall value of the works. This usually allows infrastructure to be provided in an expeditious manner to service the needs of the development.
(vi) Voluntary Planning Agreements (VPAs)

Voluntary Planning Agreements provide a facility for Council and developers to negotiate the provision of appropriate monetary compensation or infrastructure provision for development that may be outside of a scope of a Section 94 Developer Contributions Plan or in circumstances where a development may not accord with the specific structure and content of a Contributions Plan. Voluntary Planning Agreements are commonly used for extractive industries in the form of mines and other significant, unplanned projects.

Planning Agreements can authorise development contributions for a variety of public purposes, some of which extend beyond the scope of developer contributions under Section 94 of the Environmental Planning and Assessment Act, 1979.

2. Maas Group Family Properties Requests

Council on 10 May 2017 received correspondence from Maas Group Family Properties. The correspondence introduced concerns in respect of the levying of developer contributions in the south-east area of the City, as below:

“Maas Group Properties seeks confirmation that Council acknowledges dual occupancy development and medium density development within Southlakes Estate, Magnolia Estate and Keswick on the Park Estate have been overcharged S94 stormwater and open space development contributions beyond that anticipated by the plans. In particular approved dual occupancy developments.”

A copy of this initial correspondence is provided here in Appendix 1.

Maas Group Family Properties initially sought a total of $112,504 for stormwater and $147,616 for open space to be either refunded or credited to future development in housing estates under development by Maas Group Family Properties.

Following receipt of the initial request from Maas Group Family Properties on 10 May 2017, Council staff have held a number of discussions and workshops with the proponent seeking an understanding of the request, explanation of the basis of Council’s adopted Section 94 Contributions Plans and further justification for the requested refund from the proponent.

Further to these discussions, Council on 14 August 2017 received additional correspondence from Maas Group Family Properties, which sought a further amended refund from Council in the order of $446,641.36 for open space and $325,458 for stormwater.

The following sections of the report provide further consideration in respect of the requests from Maas Group Family Properties.
(a) **Open Space and Recreation Facilities**

(i) **Open Space and Recreation Facilities in the Southlakes Estate**

Council’s former Section 94 Contributions Plan for Open Space and Recreation Facilities levied contributions for open space and recreation facilities based on the City-wide provision, District and Local Open Space.

As previously discussed in this report, Council on 21 December 2005 approved Development Application D2005/288 for 361 lots as Stage 1 of the Southlakes Estate. The consent for this development levied contributions for open space and recreation facilities in accordance with Council’s Section 94 Contributions Plan for Open Space and Recreation Facilities, 1998, that was in force at that time.

The former owner of the land, in conjunction with the 2005 Development Application, offered to embellish approximately 11 hectares of open space which is an area of land that divides Stage 1 of the Southlakes Estate. The land performs the dual functions of providing stormwater drainage infrastructure and public open space. The location of the open space in the context of Stage 1 of the Southlakes Estate is shown in Figure 3.

![Figure 3. Open space/stormwater land within the Southlakes Estate](image-url)
Council accepted this request from the former land owner as satisfying their Local and District Open Space Contribution for the 361 lots approved under the subject Development Consent. Council subsequently entered into a Works-In-Kind Agreement with the former owner to facilitate the request. However, the Works-In-Kind Agreement also required the developer to pay a monetary contribution to Council for the provision of City-wide open space under the provisions of the Section 94 Contributions Plan.

The area of Local and District level open space provided on the land was in excess of the requirements of the Section 94 Contributions Plan. However, the previous owner entered into this agreement as a way of ensuring that Stage 1 of the Southlakes Estate could be actively marketed with an expansive open space system. As such, it is considered that there is no ‘oversupply’ of public open space on the land. The Works-In-Kind Agreement did not mean that any future development in the Southlakes Estate above the 361 lots approved in the initial Development Application would be exempt from paying the appropriate contributions in accordance with the relevant Section 94 Contributions Plan for Open Space and Recreation Facilities in force at the time of any Council approval being issued.

(ii) Review of Open Space and Recreation Facilities

Following consideration of the issues raised by Maas Group Family Properties and the general increase in development yield associated with Stage 2 of the Southlakes Estate, Council has undertaken an assessment of the future open space and recreation needs associated with initial development of 950 lots (100 lots already with development consent) within Stage 2 of the Estate. These lots are proposed to be situated on land zoned R2 Low Density Residential and in limited areas proposed to be zoned R1 General Residential where indicative lot yields have been shown.

This review has also been undertaken in the context of a new Section 94 Contributions Plan for Open Space and Recreation Facilities which commenced operation on 1 July 2016 and now applies to development undertaken on the land. The new Section 94 Contributions Plan collects a per lot contribution for the provision of open space and recreation facilities on the basis of City-wide and Local Planning Unit acquisition of land and embellishment.

Council’s per lot contribution rate for the 2017/2018 financial year consists of the following:

- City-wide = $1,436.78
- Local Planning Unit = $3,077.94

The Section 94 Contributions Plan proposes to provide the following infrastructure in respect of the subject land:

- South-east Urban Release Area, new open space (acquisition and embellishment) = $1.3 M

Council’s assessment of the initial open space and recreation needs associated with the first 950 residential allotments has shown that the following infrastructure is required:

- Southlakes Open Space Acquisition and Embellishment (950 residential lots) = $700,000
This would mean that the total open space required to be provided in respect of the subject land for the development of 950 lots would be equal to a value of $2 M for the provision of Local open space only.

Detailed analysis of other areas of the land proposed to be zoned R1 General Residential which could accommodate medium density development has not been included in this analysis. Further consideration of the open space requirements for any other lands will be the subject of a separate analysis.

Council provided correspondence to Maas Group Family Properties on 25 October 2017 which included the results of this review and draft terms of an agreement in respect of developer contributions for open space for the first 950 lots within Stage 2 of the Southlakes Estate. A copy of this correspondence is provided here in Appendix 2.

(iii) Works-In-Kind Agreement

Maas Group Family Properties provided correspondence to Council on 31 October 2017 which seeks to enter into a Works-In-Kind Agreement with Council for the provision of local open space and recreation facilities in respect of Stage 2 of the Southlakes Estate. The correspondence provided by Maas Group Family Properties included the following:

“In response to Council’s letter dated the 25th October 2017 Maas Group Family Properties (we) confirm we wish to enter into a ‘Works in Kind Agreement’ with Council for the provision of Open Space and Recreation in the South-East Urban Release Area.

Generally, we would accept the following terms as presented by Council:

- City-wide contribution per lot of $1,436.78;
- Local Planning Unit Contribution of $3,016.08;
- 950 Lots zoned R2 and outlined green as illustrated at Attachment A;
- An agreed level of embellishment of the Southlakes drainage corridor to a ‘Local High’ Park standard of Council and incorporating relevant typical features delivered in accordance with Council’s relevant specifications for footpaths, cycleways, street furniture and landscape plantings.”

A copy of the correspondence provided by Maas Group Family Properties is provided here in Appendix 3.

It will be recommended that Council enter into a Works-In-Kind Agreement with Maas Group Family Properties, generally in accordance with the terms as provided above. This will mean that for the first 950 allotments in Stage 2 of the Southlakes Estate, Council will receive a City-wide contribution of $1,436.78 per lot. However, Council will not receive any Local Planning Unit contribution as this contribution is to be provided by the developer in the form of the construction of an area of public open space through the Estate.
In addition to the Works-In-Kind being provided by the proponent, in accordance with the Dubbo Development Control Plan 2013, the open space area is required to be maintained by the developer for a minimum period of ten (10) years from the date of dedication to Council at no cost to Council. To facilitate this requirement the developer will be required to enter into a Maintenance Agreement with Council. This issue is to be addressed with the future relevant development application(s) within Stage 2 of Southlakes Estate including Lot 2 DP 880413.

(b) Stormwater

(i) Stormwater Infrastructure Facilities in the Southlakes Estate

The subject land is situated in Catchment 3.1, Keswick Trunk Drainage Scheme under the provisions of the Section 94 Contributions Plan for Stormwater. Contributions for development undertaken in the subject catchment are levied on a per lot basis in accordance with the Keswick Trunk Drainage Feasibility Study which was prepared by consultants Willing and Partners Pty Ltd in 1995.

Stage 1 of the Southlakes Estate is separated by approximately 11 hectares of land which is utilised for the combined purposes of public open space and stormwater drainage. This stormwater drainage function is an important component of Council’s trunk stormwater drainage network as this infrastructure assists in the management of stormwater drainage in the south-east of the City and ultimately through to the Macquarie River.

The location of the open space in the context of Stage 1 of the Southlakes Estate is shown in Figure 4.
The Section 94 Contributions Plan includes provision for a total of 4,800 lots within the overall catchment. The trunk stormwater drainage infrastructure to be delivered in the catchment is based on the ultimate lot yield of 4,800 lots. Maas Group Family Properties provided information that the Section 94 Contributions Plan is oversubscribed because the ultimate lot yield (yet to be developed) will be in excess of 4,800 lots. In addition, information has been provided that a level of further development undertaken in the Stage 1 area of the Southlakes Estate has not added to the requirement for the provision of additional stormwater infrastructure.

The structure of the Section 94 Contributions Plan is differential in nature which means that if the City grows at a slower rate than what is envisaged in the Contributions Plan, less development is undertaken. This in turn means that less infrastructure is required to be delivered to manage the impacts of new growth and development. It should also be noted that development to date in the catchment is at approximately 2,324 lots.

It is considered that Section 94 Contributions for Stormwater have not been ‘overcharged’ by Council.
(ii) Review of Stormwater Infrastructure Requirements

Under the provisions of the Section 94 Plan, trunk stormwater infrastructure is only to be provided in accordance with the Willing and Partners Feasibility Study. However, it is understood that other works not included in the Plan may have been constructed in the catchment. To ascertain precisely what further works are required in the catchment, it is necessary for the Feasibility Study to be re-visited and infrastructure requirements and costings of the Plan reviewed.

Accordingly, Council has proceeded to engage consultants, Cardno (formerly Willing and Partners) to undertake a review of the trunk stormwater drainage infrastructure delivered in the subject catchment and to provide Council with details of the overall costs associated with the remaining trunk stormwater drainage infrastructure to be delivered.

Following receipt of the consultancy assessment from Cardno Pty Ltd, a further report will be provided to Council in February 2018 including the trunk stormwater infrastructure delivered, infrastructure required to be delivered and infrastructure costs. The report will also provide further consideration as to whether amendment of the Section 94 Contributions Plan is required or another mechanism, both in respect of development in the catchment and Stage 2 of the Southlakes Estate.

(c) Request to Enter into a Voluntary Planning Agreement

GLN Planning on behalf of Maas Group Family Properties provided a request to Council to enter into a Voluntary Planning Agreement on 3 November 2016. This request sought to enter into a Voluntary Planning Agreement with Council in respect of the following infrastructure:

- Open space and recreation facilities;
- Stormwater infrastructure;
- Water and sewer infrastructure; and
- Road infrastructure.

A copy of the offer to enter into a Voluntary Planning Agreement is provided here in Appendix 4.

Council provided correspondence to GLN Planning dated 5 April 2017 in response to the offer to enter into a Voluntary Planning Agreement. A copy of Council’s correspondence is provided in Appendix 5. Issues in respect of the offer to enter into a Voluntary Planning Agreement were again raised by Maas Group Family Properties in correspondence received by Council on 16 October 2017. A copy of the correspondence is provided here in Appendix 6.

Whilst issues in respect of open space and recreation facilities and stormwater have been previously discussed in this report, the following provides discussion in respect of water and sewer infrastructure and road infrastructure:
(i) Water and Sewer Infrastructure

The offer to enter into a Voluntary Planning Agreement sought a contribution credit of $695,069 for the construction of water mains that will service other developments in the South-East Residential Urban Release Area. The offer from GLN Planning also sought a contribution credit of $747,937 for the construction of a trunk sewer main that would service other developments outside of the subject land.

Council on 5 April 2017 advised the proponent that a Voluntary Planning Agreement was not required as there is considered to be sufficient capability in Council’s existing Section 64 Water and Sewerage Contributions Policy for Council to consider any future requests to enter into a Works-In-Kind Agreement(s) as part of any future development application for residential subdivision within Stage 2 of the Southlakes Estate. It should be noted that it is unclear as to whether Council has the ability to enter into a Voluntary planning Agreement in respect of contributions levied in the Water and Sewerage Contributions Policy.

In respect of negotiating any Works-In-Kind Agreement(s) with Council for the provision of sewer and water infrastructure, it is considered that the negotiation of any agreement should only be undertaken following the completion of structure planning activities in respect of Lot 2 DP 880413, 24R Sheraton Road, Dubbo which is included as a component of the future Southlakes Estate.

(ii) Road Infrastructure

The offer to enter into a Voluntary Planning Agreement sought a contribution credit of $4,094,629 for the provision of Argyle Avenue and Azure Avenue as collector roads through the Stage 2 Southlakes Estate area.

Council on 5 April 2017 advised the proponent that the existing Section 94 Contributions Plan for Roads, Traffic Management and Car Parking does not include Argyle Avenue and Azure Avenue as collector roads in the Plan and that these roads formed part of the proponent’s development obligation to service their development and integrate the development into the catchment.

As such, there is no planning justification for Council to enter into a Voluntary Planning Agreement in respect of road infrastructure for Stage 2 of the Southlakes Estate.

3. Southern Distributor Road

The Dubbo Transportation Strategy to 2045 includes a proposal to construct a southern ring road or distributor road as a component of a larger road network for the future management of City traffic.

The Southern Distributor or ‘ring road’ will effectively link Macquarie Street through the existing alignment of part of Hennessy Road through to the Mitchell Highway to the east. The Stage 1 Structure Plan for the South-East Residential Urban Release Area shows the indicative location of the Southern Distributor in Figure 4.
Council on 17 July 2017 received correspondence from Maas Group Family Properties in respect of a proposed land swap for land affected by the future location of the Southern Distributor. The correspondence provided states as follows:

“I write to confirm Dubbo Regional Council intention to swap a portion of its land within Keswick Estate with the land affected by the future southern distributor with Maas Group Family Properties. 

The future southern distributor (freight way) is identified within the Dubbo City Planning and Transportation Strategy 2036 as traversing the southern boundary of the Southlakes Estate. Maas group Family Properties is the land owner and is actively developing two allotments (Lot 399 DP 1199356 and Lot 2 DP 880413) which would be affected by the future alignment of the southern distributor.

Maas Group Family Properties has been in discussions and confirmed with Councils Development Engineers the likely road alignment across these lands as a result of our Planning Proposal to extend Southlakes Estate to the east.

Based upon these discussions and the likely road alignment across adjoining land Maas Group Family Properties have calculated an area of approximately 52,116.77 square metres is likely to be consumed.

In light of the above loss of residentially developable land we seek that the area consumed be swapped with residentially developable land within Councils Keswick Estate (Lot 100 DP 11230745).
More specifically it is requested that the land within Lot 100 DP 1230745 be that area (in part) in the south eastern portion of the site adjoining the future Boundary Road/Sheraton Road extension and north and east of the proposed B1 Neighbourhood Shopping precinct. This land is preferred as it will be serviced by the future infrastructure delivered by Maas Group Family Properties via its Southlakes Estate on lot 399 DP 1199356. Please note illustrated land is general in location and the final agreed location and area would be the subject to detailed land survey and valuations.”

A copy of the correspondence is provided here in Appendix 7.

Given the quantum of land required across the City to allow for the future development of distributor roads, it is considered that a consistent and transparent method for the consideration of land acquisition should be followed. In this case, it is considered that Council should proceed with acquisition of the land under the provisions of the Land Acquisition (Just terms Compensation) Act, 1991. Under the provisions of the Act, the Valuer General has the role in determining the most appropriate value of the land.

This process does take some time to eventuate however, this will ensure a fair, transparent and consistent acquisition process.

It is recommended that Council proceed to commence the acquisition of 52,116.77 square metres of Lot 36 DP 1233637 as the proposed location of the Southern Distributor road through the subject land, under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.

4. Proposed Land Swap of Stormwater Drainage Channel/Open Space Land

Council on 13 November 2017 received a request from Maas Group Family Properties to undertake a land swap associated with the provision of public open space within the Stage 2 area of the Southlakes Estate. A copy of the correspondence provided by Maas Group Family Properties is provided here in Appendix 8.

Lot 503 DP 1152321 is approximately 7.69 hectares, which traverses Stage 2 of the Southlakes Estate (Lot 36 DP 1233637) from the north-east to the south-west. The land is currently zoned RE1 Public Recreation under the provisions of the Dubbo Local Environmental Plan 2011. The land has an important future stormwater drainage function which will enable stormwater from residential development within the Keswick Estate, future development of Stage 2 of the Southlakes Estate, Sheraton Road and other development within the catchment to adequately drain to Eulomogo Creek and ultimately, the Macquarie River.

Maas Group Family Properties, as part of the Southlakes Planning Proposal (R16-5) which is also being considered by Council at the November 2017 meetings, includes a proposal to realign and enlarge this area of land to provide stormwater drainage and open space functions, whilst providing an open space area as a feature for future development within the Stage 2 area of the Southlakes Estate. Maas Group Family Properties have shown in information provided to Council that the increased size of Lot 503 DP 1152321 is not directly
required for the management of stormwater flows from other development located in the overall catchment.

As the land is not directly required to fulfil this function and has been designed by Maas Group Family Properties to accord with their overall masterplan and marketing arrangements for Stage 2 of the Southlakes Estate, the land swap is not subject to any financial management arrangements and is to be cost neutral to Council.

Figure 5 shows the current location of the land in blue and the proposed new location of the land in green.

![Figure 5. Land subject to a land swap between Council and Maas Group Family Properties](image)

It should also be noted that the new location of the land as shown in green is subject to the finalisation and gazettal of the subject Southlakes Planning Proposal. It is considered that the land swap not be formalised until the subject Planning Proposal has been gazetted by the Minister for Planning.
It is recommended that Council agree to the proposed land swap with Maas Group Family Properties to swap approximately 3.152 hectares of Council-owned land in return for approximately 5.817 hectares of land owned by Maas Group Family Properties.

**SUMMARY**

This report considers a number of requests from Maas Group Family Properties relating to developer contributions and land swaps. The various requests have been considered in details and recommendations in respect of the requests are included in the report.

Appendices:

1. Correspondence from Maas Group Family Properties dated 10 May 2017
2. Council correspondence to Maas Group Family Properties dated 25 October 2017
3. Correspondence from Maas Group Family Properties dated 31 October 2017
4. Correspondence from GLN Planning dated 3 November 2016
5. Council correspondence to GLN Planning dated 5 April 2017
6. Correspondence from Maas Group Family Properties dated 16 October 2017
7. Correspondence from Maas Group Family Properties dated 17 July 2017
8. Correspondence from Maas Group Family Properties dated 13 November 2017
The General Manager  
Dubbo City Council  
PO Box 81  
DUBBO NSW 2830

Attention: Mr Mark Riley

Dear Mark,

DEVELOPMENT HEADWORKS OVER CHARGES – FOR DUAL OCCUPANCY DEVELOPMENT WITHIN THE KESWICK TRUNK DRAINAGE CONTRIBUTIONS PLAN AND SOUTHEAST PLANNING PRECINCT (LOCAL) OPEN SPACE CONTRIBUTIONS PAID TO DATE FOR VARIOUS DEVELOPMENT IN SOUTHLAKES ESTATE, MAGNOLIA ESTATE DUBBO.

Maas Group Properties seeks confirmation that Council acknowledges dual occupancy development and medium density development within Southlakes Estate, Magnolia Estate and Keswick on the Park Estate have been overcharged 594 storm water and open space development contributions beyond that anticipated by the plans. In particular approved dual occupancy developments.

Council’s Urban Storm Water Drainage Headworks Section 94 Contributions Plan (October 1995) and the Open Space and Recreation Facilities Contributions Plan (June 2008) account for low density single dwelling development on a ‘per lot’ contribution basis. It is noted that the typical development anticipated in each plans supporting studies are single dwelling development upon no allotments no less than 600m².

Recent approved dual occupancy development is denser than what has been anticipated by these plans with dual occupancy allotments having an average size of approximately 450m². Therefore, this increase in density has the effect of spreading the cost of the same infrastructure across more dwellings/ lots which results in a cost reduction ‘per lot’ for the provision of the same infrastructure.

During the subdivision of each stage release in the Southlakes, Magnolia and Keswick on the Park Estates the standard or ‘parent’ dual occupancy allotment is rated the full contributions applicable under the plans. Subsequently, when a dual occupancy development is developed it is again charged an additional standard contribution under these plans despite no augmentation of the infrastructure being required.

In this respect we request such overpayments/oversubscription of the plan rates be refunded or credited to future development within our estates.

Maas Group Properties Pty Limited ABN: 76 145 255 934  •  Elyos Holdings Pty Limited ABN: 35 003 698 484  
Maas Group Properties No. 2 Pty Limited ABN: 81 165 257 134  •  Maas Group Properties No. 3 Pty Limited ABN: 71 169 947 456  
Maas Group Properties No. 4 Pty Limited ABN: 73 169 947 474  •  Maas Group Properties No. 5 Pty Limited ABN: 95 694 413 983
Having regard to the above and consistent with past agreements between Council and the Developers of the Southlakes Estate we request Council continue to acknowledge Southlakes Estate meets its local open space needs through the on-site provision of the parklands of lakes channel. In this regard we request Council confirm that no local open space contributions be applicable to our dual occupancy development beyond that payable for a standard allotment as the area of local open space provision for all dwellings developed within Southlake's exceeds that accounted for under the plan.

**Storm Water Headworks**

As discussed above we confirm Southlakes Estate, Magnolia Estate and Keswick on the Park Estate are within storm water 'Catchment 3.1 – Keswick Trunk Drainage Scheme' which calculates a total of 4,800 lots will be developed within a catchment of 750 ha (Keswick Storm Water Drainage Study (Willing & Partners Pty Ltd 1982)).

Therefore 7,500,000m² / 4,800 lots = An average gross lot area of 1,562.5m² being far in excess of the NSW general industry standard for developed minimum gross lot area of 720m² (600m² plus 20% for roads, essential services and public open space).

The drainage infrastructure required by the plan to support the development within the catchment remains unchanged. Council requires denser development beyond that accounted for under the plan discharge storm water at Council approved development flows in accordance with that modelled by Cardno in their ‘Keswick Drainage Review – Assessment of Trunk Drainage Requirements’. This ensures no greater impact is to be provided upon the storm water system beyond that anticipated by the plan and therefore no additional cost impact beyond that accounted by the plan.

Our approved dual occupancy development within our estates and within this catchment are complaint with Council's LEP and DCP requirements for dual occupancy development yet are below the average gross lot area anticipated by the plan. Subsequently the 4,800 lot yield accounted for under the plan and the contribution rate applicable per lot is over sub subscribed. Our calculations are provided as follows:

Southlakes Estate (excluding Lot 399 DP 1199356 & Lot 15 DP 1225980) comprises a developed total land area of 60.56ha and a total lot yield to date of 495 dwellings. Therefore 605,600m² / 495 dwellings = 1,223.43m² current Southlakes overall average gross lot area.

This over subscription has been experienced via our dual occupancy development within Southlakes to date equating to an additional 8 dwellings/lots between 2015 and 2016 at a rate of $4,018.00 per dwelling/lot and equating to a total of $32,144.00.
Similarly, Magnolia Estate which drains to the same catchment has an additional 10 dwellings/lots approved via dual occupancy made between 2015 and 2016 at a rate of $4,018.00 equating to $40,180.00.

Finally, Keswick on the Park which also drains to the same catchment has an additional 10 dwellings/lots approved via dual occupancy again made between 2015 and 2016 at a rate of $4,018.00 equating to $40,180.00.

**Open Space Headworks**

Southlakes Estate (excluding Lot 399 DP 1199356 & Lot 15 DP 1225930) comprises a developed total land area of 60.56ha and a total lot yield of 495 dwellings.

As identified by Council’s *Open Space and Recreation Facilities Section 94 Contributions Plan* (2008) Southlakes Estate, Magnolia Estate and Keswick on the Park Estate are located within the South East Planning Precinct.

The Southlakes drainage corridor is acknowledged by Council as ‘public open space’ and in particular one which services the local needs of the residents (refer Council report WSC12/64 and various Council letters to the developer).

Issued development consents under this agreement rate a city wide contribution payable of between $555.00 and $573.00 per lot between November 2012 and March 2014 (D2012-275, D2012-301, D2010-458 etc.) despite the plan applying a rate of $3,997.40 with CPI accrued annually from the year 1996.

It is evident that such acknowledgement by Council for the reduced S94 contributions payment for open space and recreation facilities as otherwise rated by the plan exists and should continue to be applied.

As detailed above our estates have increased in density and therefore the cost apportionment per lot for the provision of open space and recreation facilities would be reduced across a per lot apportionment basis as a result of this approved density. Any payments made not in accordance with that calculated by the plan would be an over subscription or in ‘excess’ of that accounted for and is considered unreasonable as it is beyond the scope of the plan.

Again, the plan is oversubscribed within the catchment with payments being made on an additional 8 dual occupancy lots within Southlake Estate between 2015 and 2016 at a rate of $5,272.00.00 for) equating to $42,176.00.

Similarly, Magnolia Estate has an additional 10 dual occupancy dwelling / lots approved made between 2015 and 2016 at a rate of $5,272.00 equating to $52,720.00.
Finally, Keswick on the Park has an additional 10 dual occupancy dwellings / lots approved also made between 2015 and 2016 at a rate of $5,272.00 equating to $52,720.00.

We note Council continues to apply headworks contributions to our development consents within these estates despite the above over subscription calculations, the continued delivery of the eastern drainage and open space channel within Southlakes and we now seek these over charges be accounted for and credited to our development accordingly.

Please do not hesitate to contact our office should you require any further information.

Kind regards,

Steve Guy
General Manager
Maas Group Properties
25 October 2017

Mr S Guy
General Manager
MAAS Group Family Properties
PO Box 404
DUBBO NSW 2830

Dear Mr Guy

DEVELOPER CONTRIBUTIONS AND ASSOCIATED ISSUES – SOUTHLAKES ESTATE

I refer to your correspondence dated 16 October 2017 and Council's previous correspondence dated 10 October 2017 in respect of the Southlakes Estate.

Your correspondence raises a number of considerations in respect of developer contributions and associated issues within the Southlakes Estate. The following provides Council’s response to the points you have raised:

1. Section 94 Contributions for Open Space and Recreation Facilities

As previously provided to you in Council’s correspondence dated 10 October 2017, Council cannot agree with your position that there is an “oversupply” of open space provided in the Southlakes Estate.

As you are aware, Council’s Section 94 Contributions Plan for Open Space and Recreation Facilities proposes to provide the following infrastructure in respect of the subject land:

- South-east Urban Release Area, new open space (acquisition and embellishment) = $1.3 M

As previously advised, following consideration of your Planning Proposal, which seeks to increase the density of residential development within this estate, Council undertook a detailed review of the open space requirements in the Southlakes Estate and in particular the open space and recreation needs associated with the initial development of 950 lots (100 lots already with development consent). Analysis of the open space needs for land zoned R1 General Residential which did not identify a lot yield in your Planning Proposal was not included in this analysis.

As explained at our meeting on 6 October 2017, this review showed that for the 950 lots that an additional $700,000 was required for the provision of open space.
This would mean that the total open space required to be provided in respect of the subject land for 950 lots would be in the order of $2M. As explained, Council can consider a Voluntary Planning Agreement or a Works in Kind Agreement in respect of open space and recreation facilities in accordance with Section 2.14 of the Section 94 Plan.

The terms of a Voluntary Planning Agreement or Works-in-Kind-Agreement(s) could include the following:

- City-wide Contribution per lot = $1,436.78
- Local Planning Unit Contribution per lot = $2,105
- Details of the agreed level of embellishment and construction standards that would be the basis of Council agreeing to waive the requirement for MAAS Group Family Properties to pay the Local Planning Unit Contribution at the rate of $2,105 per lot as it relates to the identified 950 lots.

In confirming this arrangement, it should also be noted that any provision of open space and recreation facilities on the land in excess of the value of $2M will not form part of any Voluntary Planning Agreement or Works-in-Kind-Agreement(s).

Council's preference is for a Works-In-Kind-Agreement(s), accordingly please contact Council's Director Community and Recreation Murray Wood, to arrange a further meeting.

2. Section 94 Contributions Plan for Urban Storm Water Drainage Headworks

Council has now engaged consultants, Cardno to undertake a review of the trunk stormwater drainage infrastructure delivered in the subject catchment and to provide Council with details of the overall costs associated with the remaining trunk stormwater drainage infrastructure to be delivered.

As previously discussed with you it is anticipated that this consultancy will be delivered prior to the end of 2017. Following receipt of this consultancy, a full understanding of the trunk stormwater drainage requirements of Catchment 3.1, Keswick Trunk Drainage Scheme, including the associated costs to deliver trunk stormwater drainage infrastructure will be known.

Your correspondence is also seeking confirmation that the cost per square metre would not be above market rates for the delivery of required infrastructure and that subsequent cost apportionment would not be above that currently levied under the plan. As the Cardno consultancy has just been recently been commenced, Council cannot provide this confirmation you have sought.

3. Proposed Land Swap for the Southern Distributor

Your position that Council will be far better off with a direct swap of 'undevelopable' land between parties is noted. However, as discussed with you, Council's preferred process for the acquisition of land for the Southern Distributor is through the Land Acquisition (Just Terms
Compensation) Act, 1991. Given the quantum of land required across the City to allow for the future development of distributor roads, this will provide a consistent method for the consideration of land acquisitions.

4. Southlakes Planning Proposal

As discussed with you, a report in respect of the Planning Proposal, including the results of the public exhibition process is proposed to be provided to Council for consideration at the November 2017 meeting.

Furthermore, Council as at 24 October 2017 has now received all State Public Agency submissions in respect of the Planning Proposal. These submissions are provided attached.

5. Section 64 Water and Sewerage Policy

Whilst not specifically discussed at our meeting or included in Council’s correspondence dated 10 October 2017, Council understands that your previous offer to enter into a Planning Agreement in respect of the Southlakes Estate, which was provided by GLN Planning on your behalf sought a contribution credit of $695,069 for the construction of water mains that will service other developments in the South-East Residential Urban Release Area. Your previous offer also sought a contribution credit of $747,937 for the construction of a trunk sewer main that would also service other developments outside of the subject land.

Council’s correspondence of 5 April 2017 detailed that a Voluntary Planning Agreement was not required as there is sufficient capability in Council’s existing Section 64 Water and Sewerage Contributions Policy for Council to consider Works in Kind Agreement(s) as part of future development applications on the land for residential subdivision. In addition, Council does not believe that a Voluntary Planning Agreement can be entered into in respect of contributions levied under the Water Management Act, 2000, pursuant to Council’s Water and Sewerage Contribution Policy.

In respect of the process of negotiating a Works in Kind Agreement(s) with Council, it is considered that this may be premature given that structure planning of Lot 2 DP 880413, No. 24R Sheraton Road, Dubbo (Mr and Mrs Ringland’s property) has not yet been undertaken, including identification of an agreed density of development on this land. Notwithstanding, further details would be required to be provided identifying what water and sewer infrastructure is being or has been provided by you above the requirements of your development and the additional costs associated with this additional infrastructure.


Your previous offer to enter into a Planning Agreement in respect of the Southlakes Estate also sought a contribution credit of $4,094,629 in respect of the provision of Argyle Avenue and Azure Avenue through the Estate. Council’s correspondence of 5 April 2017 advised the Section 94 Contributions Plan for Roads, Traffic Management and Car Parking does not include or make
provision for the construction of collector roads on the subject land. In addition, Council’s correspondence also advised that the Section 94 Plan does not levy for the provision of collector roads throughout Dubbo.

Your assertion that Stage 1 of the Southlakes Estate was afforded a credit for the provision of collector roads is incorrect. Development Application No. D2005/288 for 361 lots was approved by Council on 21 December 2005. This Development Application was approved by Council immediately following the commencement of the current Section 94 Contributions Plan for Roads, Traffic Management and Car Parking based on the former Contributions Plan that was in place as the structure planning process commenced as Council was also undertaking concurrent structure planning activities in respect of Stage 1 of the Southlakes Estate.

At that time the former General Manager considered a request from the proponent for urban roads contributions the Stage 1 to be calculated on the basis of the former Section 94 Contributions Plan for Urban Roads on the basis that Council in the undertaking of strategic planning activities had resulted in the development not being approved pursuant to the provisions of the former Section 94 Contributions Plan for Urban Roads.

Accordingly, Council is not in a position to re-consider the offer to enter into a Voluntary Planning Agreement in respect of collector roads throughout the Southlakes Estate.

I trust this clarifies the matter. As previously discussed with you, reports are now being finalised for presentation to Council at its November 2017 meeting in respect of points 1 – 6 as above.

If you require any further information or have any questions in this matter, please do not hesitate to contact me on 8801 4111.

Yours faithfully

Mark Riley
General Manager

Attachment/s: Southlakes Planning Proposal, Public Agency submissions
Dubbo Local Aboriginal Land Council
ABN 16 308 384 841

PO Box 1565
Dubbo NSW 2830

Phone: 02 6884 5207
Email: dlalc.admin@optusnet.com.au

October 23, 2017

Steven Jennings
Manager Strategic Planning Services
C/- Dubbo Regional Council
Dubbo NSW 2830

Public Authority Consultation - Planning Proposal - Proposed Amendments

To Steven,

In relation to the proposed amendments to the Stage 1 Structure Plan for the South East Residential Urban Release Area, Dubbo Local Aboriginal Lands Council have considered the information included in the proposed amendments.

As a legislated authority under the Aboriginal Land Rights Act 1983, Dubbo Local Aboriginal Land Council is highly supportive of expansion within the township to continue to grow and foster the needs of our community whilst continuing to ensure minimal harm to the rich Aboriginal heritage within our boundary.

We look forward to further consultation in relation to the four mentioned Aboriginal Heritage sites, objects and or artifacts found within the site and hope to work with the developer in the future stages to assist in minimising harm to any site that obtains cultural significance or sensitivity.

For further comment and or information please contact our office on 6884 5276

Respectfully,

Jenayaah Knight
A/g CEO
Dubbo Local Aboriginal Land Council
26 September 2017

General Manager
Dubbo Regional Council
Attention: Mr. Steven Jennings
PO Box 81
DUBBO NSW 2830

Dear Sir,

Submission to Planning Proposal (R16-5) South Lakes Estate, Dubbo
I am writing to you on behalf of the Bachrach Naumberger Group and Comet (Aust) Pty Ltd, the owners of
Orana Mall, in relation to the above proposal.

The proposal is for the rezoning of parts of the land from R2 Low Density Residential to R1 General
Residential; rezoning part of the land from R2 Low density to RE1 Public Recreation; and rezoning part of
the land from R2 Low Density to B1 Neighbourhood Centre as described on the map below.

It is also understood that the proponents are seeking an amendment to Clause 7.12 ‘Shops in B1 Zone
Neighbourhood Centre’ by allowing Council to grant consent to retail development that would exceed
1000m2 and to allow for a recreation facility (indoor) within the B1 zone. We note that at the time of
preparing this submission that Council proposes that the land be subject to a suitable provision under the
LEP (Dubbo Local Environmental Plan 2011) to allow 5000m2 of retail development on the land.

We have no objection to the proposals to change in the zoning for part of the land from R2 to R1 to allow for a
greater variety of allotment sizes and additional residential uses, such as, attached dwellings, semi-detached
dwellings and multi dwelling housing; and we have no objection to the rezoning of part of the land to RE1 and
proposals to allow for gymnasiun (recreation facility -indoor) on the land. However, we strongly object to the
proposal to zone 19,500m2 from residential (i.e. R2 Low density) to business (i.e. B1 Neighbourhood Centre).

PO Box 6003 Park Beach Plaza Coffs Harbour NSW 2450  p 02 6651 6789  f 02 6651 0152
H.A. Bachrach (Nom) Pty Ltd — ACN 005 028 326 ABN 13 695 983 665
Dubbo LEP 2011 does not adopt any floor space ratio or height restrictions that could limit the development of the land and as such the proposal is allowing for a large-scale retail and commercial development opportunity (potentially over 15,000m2) on the land that will undermine Council's own policies as expressed in the Dubbo Urban Areas Development Strategy (including the Dubbo Commercial Areas Development Strategy). Council has invested considerable resources in developing the Commercial Areas strategy including extensive consultation with the general community and business community and many investment decisions have been made on the basis of this Strategy.

The Commercial Areas Development Strategy put forward the following policies in relation to Neighbourhood Business Centres:
- Provide limited convenience retailing and services to the surrounding residential area
- Not have scope for expansion beyond role
- Have a secure market i.e., needs separate from other Neighbourhood shopping centres (i.e. catchments)
- Have a floor area normally limited to 1500m2

This proposal which has the potential to allow well over 15,000m2 of retail development is completely outside the policy framework established by Council under the Strategy. The proposal not only has the potential to adversely directly impact upon the Business Centres within Dubbo, but will undermine the overall business hierarchy that Council has been trying to develop over the last decade.

We do not accept the view put forward by "Hill PDA Consulting" in its review of the Economic Impact Statement by "Macro Plan Dinarla" on behalf of the proponents, that a minimum of 2,800-3,000m2 is required for a viable supermarket. There are many examples of successful neighbourhood supermarkets operating at a scale of less than 1,500m2. It is understood that Council has calculated a need for 5,000m2 of retail area to be allowed on the subject land based on a large supermarket of 3000m2, plus 1500m2 of complimentary retail space and a further 500m2 for non-retail uses such as medical and real estate services etc. The calculation of these areas is based on a false premise and a limited view of the permitted retail uses under the existing residential R1 zone and proposed R2 zoning provisions.

Both the R2 and R1 zones allow an unlimited number of neighbourhood shops with a floor area of 150m2.

Neighbourhood shops are defined as follows under the LEP:

> neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

On this basis there is no need to zone additional land for retail purposes as retail uses (neighbourhood shops) are allowed in the R1 zone and R2 zone that will apply to the land. Moreover, medical centres are also permitted in the R1 on the land by the provisions of State Environmental Planning Policy (Infrastructure) 2007 (Clause 57) without the necessity to zone additional land for this purpose.

The proposal to seek to limit retail development on the site to 5000m2 by amending the provisions of Clause 7.12 of the LEP are ineffectual and inappropriately transfer strategic planning decisions to the development application process. They also place Council in the difficult position of potentially having to defend its Commercial Areas Strategy. Clause 7.12 states:

> The objective of this clause is to maintain the commercial hierarchy of Dubbo by encouraging retail development of an appropriate scale within neighbourhood centres.
Despite any other provision of this Plan, the consent authority must not grant development consent to development for retail premises on land within Zone B1 Neighbourhood Centre if the gross floor area of the development will exceed 1,000 square metres.

Before granting consent to development for the purpose of shops having a gross floor area of 500 square metres or greater, in either one separate tenancy or any number of tenancies, the consent authority must consider the economic impact of the proposed development and be satisfied that the proposed development will not have an adverse impact on the commercial hierarchy of Dubbo.

This proposal to rezone 19,500m² for business purposes on the subject land will have an adverse impact upon the established commercial hierarchy of Dubbo and this will not be protected by the provisions of Clause 7.12 or an amended version of this Clause; the Clause has a number of loopholes through potential tenancy rearrangements to circumvent its intention.

The best means of maintaining the commercial hierarchy of Dubbo by encouraging retail development of an appropriate scale within neighbourhood centres is by a strategic approach to business development by firstly establishing strategic policies and then a consideration of the rezoning of lands; this proposal is contrary to good planning practice and is utilising the wrong planning tools to control retail development.

We note that the Traffic Reports do not take into account the traffic generation from a large-scale business centre as proposed and that the Economic Impact Assessment relies on the closure of the IGA Supermarket in the Orana Mall in determining the supermarket retail needs. There is currently an oversupply of supermarkets in Dubbo.

The Hill PDA Consultants review acknowledges that the year 2025-26 is a more appropriate time frame for such a supermarket based on population demand and on this basis it is premature to rezone the land some 8 years in advance of its perceived need; a lag time of 2-3 years would be more appropriate for consideration of any zoning for neighbourhood business purposes in this circumstance when a sufficient population may be located within the catchment.

In summary, the proposed rezoning of 19,500m² of land to B1 Neighbourhood Centre is unnecessary because:
- neighbourhood shops are already permitted in the R1 and R2 zones;
- the area of land being considered is excessively large and unjustified;
- the rezoning is too early in terms of population needs; and
- the rezoning will seriously undermine the established Commercial Centres Hierarchy developed in consultation with the community for Dubbo.

We request that Council not proceed with the rezoning of the subject land to B1 Neighbourhood Centre nor any amendments to Clause 7.12 of the LEP to facilitate the development of the land for retail purposes beyond what is permitted in the R1 and R2 zone under Clause 5.4.

Yours faithfully,

Steve Gooley
General Manager
Dear Sir/Madam

5th October 2017

Re: Proposed Amendments to Dubbo Local Environmental Plan 2011 – Lot 399 DP 199356, Lot 12 DP 1207280 and Lot 593 DP 1152321, Boundary Road Dubbo

Thank you for giving the Department of Primary Industries – Water (DPI Water) the opportunity to comment on the above proposed amendment. DPI Water provides the following comments and recommendations for council’s consideration in determination of the proposal.

Zoning of Riparian Land
It is noted that the land south of the indicative location of the Southern Distributor road, which is within close proximity to Eulomogo Creek, is proposed to be rezoned as RU2.

DPI Water supports the rezoning to RU2, but recommends all land located below the indicative location of the Southern Distributor road be zoned RU2 rather than a mix of R2 and RU2.

Additionally, DPI Water has concerns that the construction of the Southern Distributor has the potential to encroach on the 40m riparian zone of Eulomogo Creek. This riparian zone must be considered in the future development and construction of the Southern Distributor road.

Stormwater Management
DPI Water notes that detention basins are not proposed within the site, confirmation is sought on the proposed methods of managing peak storm water discharge from the site, along with a commitment to ensure peak storm water discharge does not exceed pre-development levels.

It is noted that post development peak discharge has been provided; DPI Water requests that pre development discharge levels are also provided.

To aid in the protection of the receiving water source quality, all stormwater runoff must be appropriately treated at its source and/or diverted through the stormwater treatment process designed for the site, prior to discharge from the site.

DPI Water considers all stormwater treatment measures should be consistent with Water Sensitive Urban Design (WSUD) objectives.

Where the construction of stormwater outlets and spillways is occurring within waterfront riparian land, refer to ‘Guidelines for outlet structures on waterfront land’, available on DPI...

Floodplain & Watercourse Management
The planning proposal raises concerns about flooding at the site. Flood levels provided show part of the site impacted by flood flows from Euromanga Creek.

The plans provided indicate a probable diversion to Euromanga Creek on the property adjacent to the proposal area. It is recommended this be confirmed at rezoning stage and the viability confirmed in terms of its implementation, specifically the ability to maintain a 40m buffer and the ability to obtain consent from the neighbour. Diversion works require approval under the Water Management Act 2000 which would be subject to assessment at the Development Application stage. DPI Water will have a focus on the ability to provide adequate buffers and watercourse stability.

Any works proposed within 40 metres of the high bank of watercourses on site should be carried out in accordance with the Department of Primary Industries — Water’s Guidelines for Controlled Activities. A Controlled Activity Approval under the Water Management Act 2000 may be required for works undertaken as part of any future development on the site.

A flood work approval under the Water Management Act 2000 may be required where works occurring (such as earthworks, channels, embankments or levees) are likely to affect the flow of water to or from a river or lake, designated floodplain or prevent land from being flooded.

Water Supply
DPI Water supports the supply of reticulated town water for this proposal. Reticulated town water provides a more secure (quality and quantity), reliable and manageable water supply and reduces the stress on local surface and ground water resources. A reticulated water supply also enables smaller allotment sizes with increased population density, which in turn reduces the development footprint.

Basic Landholder Rights
The Water Management Act 2000 provides that landholders with land overlying an aquifer, or with river or lake frontage, can access water for domestic (household) purposes, without the requirement for an access licence, through a domestic and stock right. Landholders can also capture a portion of rainfall from their property under a harvestable right. These rights are known as basic landholder rights (BLRs). DPI Water notes that where landholdings are subdivided, creating new basic landholder rights for water extraction, there is the potential to impact on existing water users, including the environment.

It is recommended council consider the potential increase in basic landholder rights and the impacts on other users and the environment. Please note any future approval of groundwater works will be subject to the distance conditions of the Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources 2012.

Harvestable Right dams
Existing and proposed onsite dams should be assessed against the Maximum Harvestable Right Dam Capacity (MHRDC). If the dams will exceed the MHRDC of the new lot size a landholder may choose to either reduce the size of the onsite dam/s to stay under the MHRDC, or purchase sufficient entitlement within the relevant water source to account for the excess storage volume.

Certain types of dams (known as ‘special dams’) should not be included when calculating the capacity of dams allowed on a property under a harvestable right. These include:
1. **Dams for the control or prevention of soil erosion (gully control structures),** where no water is reticulated or pumped from them and the size of the structure is the minimum necessary to fulfill the erosion control function. If you fence off the dam as part of the erosion control program, water may be reticulated to a trough in an adjacent paddock without prejudicing the exempt status.

2. **Dams for flood detention and mitigation,** provided no water is reticulated or pumped from them. These dams serve specific functions and, apart from a small pondage, should only store water for a short period during and immediately after floods. Such storages are exempt provided they function effectively. If any water is pumped or reticulated from such a storage it can no longer be considered to be exempt and must be considered in calculating the MHRDC.

3. **Dams for the capture, containment and recirculation of drainage and/or effluent that conform to best management practice or are required by regulation to prevent the contamination of a water source.** The harvestable right is not intended to be contrary to initiatives to prevent pollution of water sources. Many landholders are required to install dams to capture contaminated water or to collect and re-use irrigation tail water. These dams are not considered in assessing your harvestable right.

4. **Dams endorsed by the Minister for specific environmental management purposes.**


**Groundwater**

DPI Water supports the recommendations of the *Groundwater and salinity study Lot 2 DP 880413 24R Sheraton Road Dubbo NSW* (dated 9th March 2017 and prepared by Envirowest Consulting Pty Ltd).

Should you have any further queries in relation to this submission please do not hesitate to contact Alice Buckley on 02 6841 7469.

Yours sincerely

Tim Baker
for
Vickie Chatfield
Regional Manager
Water Regulatory Operations
Department of Primary Industries – Water
29 September 2017

SF2017/212154; WST17/00139

General Manager
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Dear Sir

PP_2017_DREGI_001_00: Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321;
Boundary Road, Hillview Estate, Dubbo
Proposed Amendments to Dubbo Local Environmental Plan 2011

Thank you for your letter dated 8 September 2017 referring PP_2017_DREGI_001_00 to Roads and Maritime Services for comment. I note the proposal seeks to amend some zoning tables, change some zoning of lands, change minimum allotment sizes and make a minor alignment change to the proposed Dubbo Southern Distributor Road.

Roads and Maritime has reviewed the proposed amendments. The amendments will not significantly increase potential traffic generated by future developments and their impact on the classified road network. Roads and Maritime will not object to the proposal and makes no submission.

Please keep Roads and Maritime informed on the progress of the proposed amendments. Should you require further information please contact me on 02 6861 1453.

Yours faithfully

Andrew McIntyre
Acting Network & Safety Manager
Western

Roads and Maritime Services
51-55 Carrajong Street Parkes NSW 2870 | PO Box 334 Parkes NSW 2870 | DX00256
T 02 6861 1444 | F 02 6861 1414 | www.rms.nsw.gov.au | 131 782
Mr Steven Jennings  
Manager Strategic Planning Services  
Dubbo Regional Council  
PO Box 81  
DUBBO NSW 2830

Dear Mr Jennings,

Planning Proposal - Stage 1 Structure Plan for the South-East Residential Urban Release Area, Boundary Road Dubbo

Thank you for your letter, dated 8 September 2017, seeking comment from the Office of Environment and Heritage (OEH) on the proposed rezone. OEH has the following primary areas of interest relating to strategic land use planning proposals:

1. The impacts of development and settlement intensification on biodiversity and Aboriginal cultural heritage;
2. Adequate investigation of the environmental constraints of affected land;
3. Avoiding intensification of land use and settlement in environmentally sensitive areas (ESAs); and
4. Ensuring that development within a floodplain is consistent with the NSW Government’s Flood Prone Land Policy, the principles set out in the Floodplain Development Manual, and applicable urban and rural floodplain risk management plans.

We also understand that planning proposals must comply with current statutory matters such as the Local Planning Directions under S117 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

We generally support strategic planning proposals which:

- Avoid rural settlement intensification in areas of biodiversity value, Aboriginal cultural heritage value and other environmentally sensitive areas;
- Include objectives, such as ‘no net loss of native vegetation’; and
- Minimise flood risk to human life, property and the local environment while maintaining floodplain connectivity for environmental benefit.

Biodiversity

OEH note that impacts to native vegetation will occur when on ground works commence. Please note that at Development Application stage these impacts will need to be assessed and quantified. For any development application (accompanied by an EIS or SoEE) that is submitted by 25 November...
2017, assessment of impacts on biodiversity using the Biodiversity Assessment Methodology (BAM) is optional. Any application received after 25 November 2017 must use the BAM to assess impacts to biodiversity in accordance with the Biodiversity Conservation Act 2016 (BC Act). The requirements below are in accordance with the BC Act.

Aboriginal cultural heritage

OEH note there is a previously recorded site (K-O8-4) within the subject area however it was unable to be relocated during field surveys. The Aboriginal Archaeological Assessment recommends that the previously recorded site be avoided with a 15 metre buffer in place. The buffer distance must also take into account an acceptable range of GPS error if the site cannot be relocated.

For all other matters please refer to Attachment A which includes our generic recommendations for local government strategic planning. Council should ensure that those matters within Attachment A which are relevant to the rezoning proposal have been appropriately addressed.

If additional information relating to the proposal indicates that areas within OEH responsibilities require further investigation, we may provide future input. Should you require further information, please contact Michelle Howarth, Conservation Planning Officer on (02) 6883 5339.

Yours sincerely

[Signature]

DAVID GEERING
A/Senior Team Leader Planning North West
Regional Operations Division

28 September 2017

Contact officer: MICHELLE HOWARTH
02 6883 5339
Office of Environment and Heritage (North West Branch) general advice for local government strategic planning

Biodiversity Values

Rural settlement intensification can have significant impacts on biodiversity. Development will have short and long-term negative impacts on biodiversity. These negative impacts are caused by activities such as:

- the clearing of house and building sites;
- the disturbance caused by infrastructure (such as new roads, fence lines, dams and access to utilities); and
- the construction of asset protection zones for statutory fire protection.

The cumulative effect of multiple subdivisions will magnify these substantial impacts on biodiversity. These impacts are not regulated by the Biodiversity Conservation Act 2016 or Local Land Services Act 2013.

There is also a need to recognise climate change as a severe and wide-ranging threat to biodiversity in NSW. Rising temperatures and sea-levels, changed rainfall and fire regimes will affect biodiversity in complex and often unpredictable ways. As a result of climate change, current threats to biodiversity, including habitat loss, weeds, pest animals and drought, are expected to intensify.

In many cases, existing approaches to biodiversity conservation (protection of intact vegetation, species recovery, mitigation of current threats and revegetation and restoration activities) will form the basis of adaptation programs to address the impacts of climate change. Reducing existing threats to biodiversity, such as habitat loss, pests and weeds is the most effective option for enabling species to adapt to climate change (at least in the short term) as this will increase the capacity of species to persist in their current locations and form the base from which migration can occur.

Council has the responsibility to control the location and, to a degree, development standards of settlement and other land use intensification. Local Environmental Plans (LEPs) can be used to avoid settlement and development in Environmentally Sensitive Areas (ESAs) including areas of remnant native vegetation.

The S117 Directions in the Environmental Planning and Assessment Act 1979 (EP&A Act) require that Councils in preparing a new LEP must include provisions that facilitate the protection and conservation of ESAs. As a minimum, these provisions must aim to maintain the existing level of protection for ESAs within the LGA, as afforded by the current LEP.

As a matter of priority the OEH recommends six actions be taken by Councils when developing new LEPs. These will address the S117 Directions, and protect biodiversity from growth, development and associated pressures and changes:

1. Implement appropriate Environmental Zonings;
2. Avoid development in remnant native vegetation;
3. Establish large minimum lot sizes;
4. Conduct comprehensive environmental studies if areas of high environmental sensitivity occur in sites where there is a strong imperative to intensify land use;
5. Include a biodiversity overlay and clauses within the LEP; and
6. Define biodiversity protection and management measures in Development Control Plans (DCPs).

1. Implement appropriate Environmental Zonings

The zone, E1 ‘National Parks and Nature Reserves’, should be applied to all of the OEH estate within the LGA. We also encourage Councils to apply other environmental and water ways zones in appropriate areas.
The E1 zoning is intended to apply to all lands acquired under the National Parks and Wildlife Act 1974 (NP&W Act), and therefore is not limited to only the ‘National Park’ and ‘Nature Reserve’ classifications.

OEH is also strongly supportive of the implementation of appropriate environmental zonings to other areas identified to have high biodiversity or Aboriginal cultural sensitivity. Private and public lands with high conservation values, including those providing linkages or corridors, can be protected in LEPs through appropriate zoning and/or via overlays with associated development controls. Councils should implement land use zonings such as E2-E4 and W1-W2 to provide as much protection as possible to biodiversity and ecological communities. Specific advice regarding the use of these zones is included in Practice Note previously forwarded to Council.

In particular, we advocate the application of the E2 zone to areas of private or Crown lands that are presently managed primarily for conservation (such as crown reserves or areas under conservation covenants).

We also recommend that Travelling Stock Reserves (TSRs) with known conservation values are included in E3 zones at a minimum, although E2 zoning would be preferred. Mapping of TSRs, including identified conservation values, is available via the Grassy Box Woodlands Conservation Management Network. This mapping can be accessed via [http://grassybox.nsw.gov.au](http://grassybox.nsw.gov.au).

2. **Avoid development in remnant native vegetation**

- Council, through the Land Use Strategy and LEP, can protect biodiversity by avoiding development such as settlement and other land use intensification, in areas of remnant native vegetation.
- Development should be directed to areas that have already been cleared, unless such areas have been identified as having environmental importance.

Avoiding development in areas of native vegetation will contribute to the achievement of State biodiversity targets. Settlement should also be avoided in locations that are likely to be targeted for investment. Landholders in such areas may receive incentive funding for protection and enhancement of native vegetation or revegetation of cleared areas.

OEH will not support strategic land use recommendations or LEP provisions that allow further settlement opportunities in these areas, particularly if Council assumes that ongoing management could be effectively controlled by complex DCP rules.

To assist, the best available mapping of remnant native vegetation has been supplied to Council as part of an interagency package of ESA mapping and associated Technical and Practice Notes to help Council identify areas where further settlement intensification should not be allowed. At the broad strategic level, these maps can be used to identify areas that are most likely to be free from significant land, water or biodiversity constraints, therefore more suited to development.

Excluding remnant native vegetation from development pressure on private land could be largely achieved by retaining such areas on relatively large holdings, within RU1 and RU2 zones for example.

Similarly, higher density settlement in ‘fire prone’ locations should be avoided in the first instance. Where residential areas abut native vegetation there is pressure for the required Asset Protection Zones and other hazard management measures to encroach on that vegetation, particularly where adequate existing cleared land has not been retained to fulfill that role.

Avoiding settlement in remnant native vegetation is also likely to avoid bushfire prone lands and protect any Aboriginal cultural heritage that may remain in such areas.

3. **Establish large minimum lot size limits**

Minimum lot size limits should be large in RU1 and RU2 zones as well as environmentally sensitive areas. This will reduce the pressures of development and settlement on biodiversity in rural lands.
Minimum lot size limits can be used to reduce the pressures of development and settlement on biodiversity. The LEP should define realistically large minimum lot size limits with associated dwelling provisions to control the intensity of development and settlement.

In particular, Council needs to ensure that minimum lot sizes in environmentally sensitive areas are of an appropriately large size to control the cumulative impact of any development and settlement intensification permitted in those areas by the LEP.

Council needs to adopt a risk-based approach to this matter. The selected sizes should be designed to meet expectations of rural living while minimising the adverse environmental impacts of any settlement that may occur with the sub division.

If Council is strongly of the opinion that lot sizes need to be reduced then this should not be applied uniformly across the shire with environmentally sensitive areas excluded from such reviews.

4. Conduct targeted environmental studies

Where development in areas of native vegetation or environmentally sensitive areas cannot be avoided, a targeted environmental study should be conducted. This should focus on ensuring a “maintain or improve” outcome for biodiversity.

Where Council is unable to avoid applying zonings or minimum lot sizes which permit essential development intensification in remnant native vegetation, a targeted study should be conducted to investigate the biodiversity values of the area. Any study should determine how potential impacts can be mitigated or, where this is not possible, offset through conservation management of other areas.

This study and any resulting objectives and zonings should aim to ensure a ‘maintain or improve’ outcome. This is a vital step in the strategic planning process and in effectively addressing the S117 Directions.

5. Include a biodiversity overlay and suitable clauses within the LEP

OEH strongly recommends the use of overlays and associated provisions with the LEP to provide additional protection for biodiversity.

It is particularly important to define assessment and development control provisions for those instances where development or settlement intensification cannot be avoided in remnant native vegetation.

LEPs should include objectives and provisions that require a ‘maintain or improve’ outcome for native vegetation and threatened species whenever clearing of native vegetation or environmentally sensitive areas cannot be avoided.

Overlays can also be used to update any existing ‘environmentally sensitive lands’ provisions in current LEP and therefore meet the requirements of the S117 Directions to at least maintain existing environmental protection standards.

Importantly, the use of such overlays is consistent with the Department of Planning and Environment (DPE) Practice Note PN 09–002v (30 April 2009) on environmental zones which states:

‘Local environmental provisions may be applied where zone provisions need to be augmented in order to ensure that special environmental features are considered. For example, rural land that is still principally for agriculture but which contains environmentally sensitive areas may be zoned RU1 or RU2 and the environmental sensitivities managed through a local provision and associated (“overlay”) map.’

The benefits of this approach include:

- The intended conservation or management outcomes for land can be clearly articulated in the LEP.
- Areas are clearly defined and controls streamlined.
- Sub-zones are not created. (These are not permitted under the standard instrument).
Provisions for environmentally sensitive areas may include multiple natural resource or other features such as acid sulfate soils and riparian land. A local provisions clause may include objectives and, where the sensitivity is a mappable attribute, a map would accompany the provision.

OEH advocates the inclusion of the environmentally sensitive land overlays developed by the former Departments of Water and Energy, Environment and Climate Change, and Primary Industries (Fisheries). These overlays and clauses have been prepared to provide Council with information on resource assets and environmental constraints and how these assets and constraints should be managed during the assessment of development applications. The use of the environmentally sensitive areas overlays supplied by agencies is now common-place in both exhibited and gazetted LEPs.

The use of these overlays and clauses and how these may affect land uses are outlined in the previously mentioned Practice Note and Technical Note. When implemented in this way the layers and clauses do not exclude development. Rather, they act as a flag for values that may be present at a site. Sites should be checked for these potential values prior to any development approval. If the values are present at the site, the impact should be avoided or, if this is not possible, at the very least minimised and mitigated.

6. Define biodiversity protection and management measures in Development Control Plans

| Biodiversity protection and management measures should be defined in DCPs for all areas zoned for rural small holdings, residential and other development intensifications. |

We view DCPs as a secondary mechanism to provide biodiversity protection and management measures. It is vital that biodiversity values are first considered strategically in zoning decisions and development assessment provisions. We do not consider it acceptable to completely defer consideration of these matters to the DCP stage.

It is also important to consider the threats to remnant native vegetation posed by adjoining land uses. For example, threats to biodiversity associated with nearby growth and intensification of residential land use include (but are not limited to):

- Clearing;
- Domestic animals;
- Invasive plants;
- Effluent and waste dispersion;
- Changes in hydrology and hydraulics;
- Increasing access due to fire trails and other tracks; and
- Firewood collection.

Particular attention should be paid to relevant Key Threatening Processes identified and listed under the Biodiversity Conservation Act 2016. Mechanisms to abate threats to ESAs (such as implementing codes of practice, best management practice, alternative designs and operations, control technology and buffers between remnant vegetation and small holdings) should be considered.

Council should recognise that buffers may be necessary between environmentally sensitive areas and other land uses. The size of the buffer will vary depending on the nature or activity being undertaken and the level of management control required to prevent or minimise adverse impacts. Provisions should be made to rigorously assess any developments within environmentally sensitive areas and adjoining buffers to prohibit land uses and activities that threaten the ecological integrity, values and function of the area.

Some forms of development adjacent to national parks and reserves can impact on their values and should be avoided or restricted. Council should consider how these areas could be buffered from incompatible development and activities so that potential conflicts can be minimised.

The OEH Guidelines for Developments Adjoining OEH Estate have been designed to assist Councils when they are assessing development on lands adjoining OEH estate. However, the issues
identified in these guidelines are also relevant when considering buffers for protection of environmentally sensitive areas.

Aboriginal Cultural Heritage

Land Use Strategies, LEPs and DCPs should aim to identify and protect culturally sensitive areas, rather than relying on site by site development assessment.

Aboriginal objects, places and areas are protected across all land tenure under the NPWS Act. However, Council should not rely on the site by site development assessment process as the only mechanism for considering the impact of development and settlement intensification on Aboriginal cultural heritage.

It is clear from the S117 directions and mandatory clauses in the Standard Instrument that DP&E supports a strategic approach to the protection of Aboriginal cultural heritage. Provisions to facilitate the strategic conservation of Aboriginal cultural and heritage within a local government area should include a landscape framework for assessing potential impacts and partnership development with local Aboriginal people.

We strongly recommend that Councils develop planning strategies that result in the avoidance of impacts to Aboriginal cultural heritage and minimise impacts in instances where avoidance is not possible.

Specifically, it is important to:

- Develop a framework for effective Aboriginal engagement; and
- Identify sensitive and least sensitive areas through:
  - accessing existing Aboriginal site information;
  - cross reference to landscape information;
  - assessment of areas of potential development/settlement intensification;
  - use of the Department’s search tools;
  - reports from previous studies.
- Aboriginal knowledge; and by
  - Undertaking site surveys to ground truth assumptions.

We offer the following advice to aid Council efforts in adequately addressing Aboriginal cultural heritage assessment and protection within strategic planning documents and environmental planning instruments:

1. The Aboriginal Heritage Information Management System

Councils should contact the OEH to seek access to the Aboriginal Heritage Information Management System (AHIMS) prior to the drafting of any new Land Use Strategy or LEP. AHIMS is the State register of known Aboriginal site locations. A data licence agreement between the OEH and Council can be prepared on application. Information about obtaining a data licence is available on the OEH website. Alternatively, the AHIMS Registrar can be contacted by phone on (02) 9586 6513 or (02) 9586 6545 or by email at ahims@environment.nsw.gov.au.

2. Aboriginal Heritage Study

We recommend using the AHIMS data, along with any previous landscape assessments of the occurrence of Aboriginal objects and sensitive areas, to assist in developing effective strategies to assess impacts to Aboriginal sites in areas being considered for future development. The selection of landscape mapping to overlay with AHIMS site data will highlight distribution patterns between landscape features and Aboriginal sites. This information can assist in identifying potential areas of sensitivity in locations where no location information for Aboriginal sites exists.

OEH can be contacted to advise on data searches for previous cultural and heritage studies undertaken in each Council LGA, and discuss the potential for appropriate desktop tools for use in cultural heritage management.
We recommend that the strategic planning process be used to initiate the development of a strategic framework for engaging local Aboriginal community interests to ensure that active engagement with Aboriginal people evolves over time.

3. Implement a range of tools to ensure strategic management of Aboriginal cultural heritage

We strongly recommend that Councils aim to protect identified areas of Aboriginal cultural sensitivity through:

- The designation of appropriate zoning provisions and boundaries where possible,
- Inclusion on the Heritage Map of any specific important areas identified (which will enable the mandatory clauses in the Standard Instrument to be effectively applied),
- The generation of a cultural heritage constraints map which could be used in a similar way to the ESA layers provided by the natural resources management agencies,
- Appropriate provisions within DCPs to ensure adequate assessment and protection of Aboriginal cultural heritage values,
- Formation of an Aboriginal community Advisory Group to ensure ongoing input and dialogue on identification and management of Aboriginal cultural heritage for the LGA.

4. Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*

This code of practice is to assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an Aboriginal Heritage Impact Permit (AHIP).

The NPW Act provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP.

The NPW Act allows for a generic code of practice to explain what due diligence means. Carefully following this code of practice, which is adopted by the National Parks and Wildlife Regulation 2009 (NPW Regulation) made under the NPW Act, would be regarded as 'due diligence'. This code of practice can be used for all activities across all environments.

This code sets out the reasonable and practicable steps which individuals and organisations need to take in order to:

- Identify whether or not Aboriginal objects are, or are likely to be, present in an area
- Determine whether or not their activities are likely to harm Aboriginal objects (if present)
- Determine whether an AHIP application is required.

When formulating DCPs and other planning controls, Council should require proponents to undertake due diligence in accordance with the Code of Practice. Proponents should provide Council with evidence that the due diligence process has been followed.


Key Threatening Processes:

Guidelines for Development Adjoining DECCW Estate:

Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW
Dear Mr Riley,

Planning Proposal (PP_2017_DREGI_001_00) to amend Dubbo LEP 2011 – Boundary Road, Hillview Estate, Dubbo – Request to proceed to community consultation.

I am writing in response to Council’s email dated 25 August 2017 with regard to Planning Proposal PP_2017_DREGI_001_00 to amend the Dubbo LEP 2011 to rezone land at Boundary Road, Hillview Estate, Dubbo.

In accordance with Condition 1 of the Gateway determination issued on 15 August 2017, I can confirm that the Council has provided adequate information to satisfy this condition.

It is now considered that consistency with Section 117 Direction 6.2 Reserving Land for Public Purposes and Direction 5.10 Implementation of Regional Plans has been satisfied. No further work is required in relation to these matters.

Dubbo Regional Council may now proceed to community consultation of the Planning Proposal in accordance with the remaining conditions of the Gateway determination. Please ensure that the information provided on the 25 August 2017 including the Precis and the related documents are clearly identified for community consultation.

Please place this letter on public exhibition as part of the community consultation package.

Should you have any further enquiries, please contact Deniz Kilic, Planning Services, at the Department on (02) 6841 2160.

Yours sincerely,

Katrine O’Flaherty
Director Regions, Western
Tuesday 31st October, 2017

Mr Mark Riley
Interim General Manager
Dubbo Regional Council

Dear Sirs,

Confirmation of a Works in Kind Agreement for Open Space and Recreation Facilities

In response to Council’s letter dated the 25th October 2017 Maas Group Family Properties (we) confirm we wish to enter into a ‘Works in Kind Agreement’ with Council for the provision of Open Space and Recreation Facilities in the South-East Urban Release Area.

Generally, we would accept the following terms as presented by Council:

- City-wide contribution per lot of $4,426.76;
- Local Planning Unit Contribution of $9,026.68;
- 990 Lots zoned Rz and outlined green as illustrated at Attachment A;
- An agreed level of embellishment of the Southlakes drainage corridor to a ‘Local High’ Park standard of Council and incorporating relevant typical features delivered in accordance with Councils relevant specifications for footpaths, cycleways, street, furniture and landscape plantings.

We welcome the opportunity to discuss this matter further with the Council’s Director of Open Space.

It is noted that our Planning Proposal to include additional Rz land is imminent and is therefore excluded from this agreement. In this respect further local open space provision within the estate to accommodate further resident demand would be the subject of a future agreement of similar objective and intent to this agreement i.e. credit for local open space contribution to the value of the local open space works provision.

If you have any further questions regarding the supporting documentation, please do not hesitate to contact me to discuss further.

Yours faithfully,

Steve Cuy
General Manager
Maas Group Family Properties
Attachment A - Plans
3 November 2016
Our Ref: Southlakes Stage 1 VPA letter of offer_FINAL

Mr Mark Riley
General Manager
Dubbo Regional Council

Dear Mr Riley

RE: Offer to enter into a Planning Agreement in relation to the South East Urban Release Area Planning Proposal

Property: Stage 1 of Southlakes Estate

1.0 Summary of offer

We have prepared this letter on behalf of the MAAS Group.

MAAS Group proposes to enter into a planning agreement with Dubbo Regional Council under section 93F of the Environmental Planning and Assessment Act 1979. The offer is made as part of a Planning Proposal involving the next stages of the Southlakes Estate.

MAAS Group's offer is to provide certain water, sewer, stormwater drainage, open space and road land and works, and for Council to confirm the value of the developer contributions credits attributable to these commitments.

This letter explains the proposed offer of land and works, the contribution credit sought, the justification for the credit, and the monetary contribution that will be paid after allowing for the credit.

The following table provides a summary of the offer and the contribution credits sought. Information on the impacts of these credits on the monetary contributions payable in respect to Southlakes Estate is included in section 7.8 of this letter of offer.

<table>
<thead>
<tr>
<th>Proposed commitment by MAAS Group</th>
<th>Contribution credit sought</th>
<th>Basis of the proposed credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water mains to service adjoining development</td>
<td>$695,069</td>
<td>Credit amount is the cost of the works that will meet the needs of other developments in the area.</td>
</tr>
<tr>
<td>Upsized trunk sewer main</td>
<td>$747,937</td>
<td>Credit amount is 45.7% of the cost of the works. This proportion represents the share of total projected ETs outside of the development that will use the trunk sewer main.</td>
</tr>
<tr>
<td>Trunk stormwater drainage corridor</td>
<td>$2,321,472</td>
<td>The developer will provide trunk stormwater drainage facilities along the central open space/drainage dual use corridor. This drainage corridor is identified in the Council's contributions plan, and will also address the...</td>
</tr>
</tbody>
</table>
### Proposed commitment by MAAS Group

<table>
<thead>
<tr>
<th>Contribution Credit sought</th>
<th>Basis of the proposed credit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>needs of upstream developments. The drainage corridor works will cost over $2.4 million. The amount of credit is the re-estimated contribution amount payable for the entire Stage 1 development for Keswick drainage catchment infrastructure, based on a fairer estimate of costs that the costs contained in the current contributions plan.</td>
</tr>
<tr>
<td>Linear park land and embellishments</td>
<td>$4,961,435 Southlakes will meet all of its Planning Unit open space needs through on-site provision of facilities in the central open space corridor. These works have an estimated cost of $5.8 million. The amount of credit is the contribution amount payable for the entire Stage 1 development for Planning Unit open space using the current rates in the Council’s contributions plan. This is reasonable because the open space will meet the local and district open space needs of Stage 1 residents. MAAS Group will still pay monetary contributions for Citywide open space and administration.</td>
</tr>
<tr>
<td>Collector roads</td>
<td>$4,094,629 Credit amount is the sum of the extra-over value of the collector roads that will need to be provided in the Southlakes Stage 1 development.</td>
</tr>
</tbody>
</table>

### 2.0 Background

MAAS Group is the leading developer of residential land in Dubbo. The Group is currently developing land for 500 homes in the Southlakes Estate off Wheelers Lane. The Group has control of other land in the south eastern release areas that is capable of development for a further 1,645 homes.

Southlakes is the Group’s flagship project with a variety of housing products served by a linear open space area with lakes and other amenities. The existing Southlakes Estate ("Southlakes Existing") involving 500 homes is largely complete.

‘Southlakes Stage 1’, as defined by the South-East Dubbo Residential Urban Release Area Stage 1 Structure Plan which will extend eastwards from Southlakes Existing, is now being planned. It will include a new local shopping centre and a mix of house types that are likely to include conventional 600m² lots, smaller 450m² lots, town houses, apartments, and seniors living units. An indicative total of 1,645 homes are planned for Stage 1. This number of dwellings is likely at this stage to comprise 930 dwellings on standard lots in the R2 zone and 715 dwellings on non-standard lots in the R1 zone.

Together, Southlakes Existing and Southlakes Stage 1 will be a master-planned community that will be home to over 5,000 people with a neighbourhood shopping centre and open space ‘lakes’ corridors.

A Planning Proposal has been lodged with Dubbo Regional Council to enable the Stage 1 development envisaged by MAAS Group. The proposal is to adjust the location of the

---

1 This will be a mix of development types including small lot housing, multi dwelling housing, attached dwellings and semi-detached dwellings.
central drainage corridor, and to provide a range of urban land uses and minimum residential lot sizes.

MAAS Group will provide all the necessary supporting infrastructure for the Stage 1 development including the required energy, telecommunications, sewer, water, drainage and open space networks. This infrastructure will be provided at the same high standard as is being delivered with the Southlakes Existing development.

Some of this infrastructure will meet demands that have been identified in the Council's section 94 and section 84 contributions plans, or are works that will provide a broader benefit that will be enjoyed by future developments and residents beyond the Stage 1 development site.

MAAS Group is seeking Council's support for the value of these land and works commitments to be recognised as credits against monetary contributions that would be required by Council from the Southlakes Stage 1 development in the future.

The appropriate means of recognising these contribution offsets is for MAAS Group and the Council to enter into a planning agreement under section 83F of the Environmental Planning and Assessment Act 1979.

This letter of offer to enter into a planning agreement is to accompany, and be publicly exhibited with, the Planning Proposal for the Southlakes Stage 1 lands.

The letter outlines key features of the proposed agreement, including the agreement parties, the subject land, the proposed development, and the developer's proposed land, works and monetary contributions.

3.0 The parties

The parties to the proposed agreement will be Dubbo Regional Council and MAAS Group Properties No. 2 Pty Ltd.

4.0 The lands

The land is situated north of Hennessy Drive and east of Wheelers Lane in south east Dubbo. The land is known as Lot 503 in DP 1162321, Lot 12 in DP 1207280 and Lot 399 in DP 1199356.

The location of Southlakes Stage 1 land is shown on the map in Attachment A. The Stage 1 land has a total combined area of approximately 130 hectares and is consistent with that identified within the South-East Dubbo Residential Urban Release Area Stage 1 Structure Plan as adopted by Council on the 25 May 2016.

The land is zoned part R2 Low Density Residential and part RE1 Public Recreation under Dubbo Local Environmental Plan 2011. A Planning Proposal is being submitted to amend the location of these zonings and to apply the R1 General Residential and B1 Neighbourhood Centre zones to parts of the land.

The land, together with other land to the north and east, is identified as an ‘Urban Release Area’ in Dubbo Local Environmental Plan 2011 and more particularly is identified within Council Planning documents as being within the South-East Dubbo Residential Urban Release Area.
5.0 The development

The Southlakes Stage 1 development, as described in the Planning Proposal, will have the following characteristics:

- A combination of single and two storey low density development on allotments ranging from 450 to 2,000 square metres on most of the site that is proposed to be zoned R2 Low Density Residential.
- A range of development types to be located on the land proposed to be zoned R1 General Residential, including multi dwelling housing, attached dwellings and semi-detached dwellings. Some of the developments will have private roads, open space and community facilities.
- A range of business uses on a site fronting Boundary Road that is to be zoned B2 Neighbourhood Centre, including a supermarket and local shops and commercial premises. A total gross floor area of between 5,000 and 6,000 square metres for these uses is anticipated.
- A linear open space and drainage corridor on the land to be zoned RE1 Public Recreation.
- Various civil infrastructure including roads, drainage structures and other utilities to support the above.

6.0 Applicability of section 94 and section 94A of the Environmental Planning and Assessment Act 1979

MAAS Group proposes that the development will not be subject to section 94 contributions imposed under Council’s contributions plans.

Instead, MAAS Group will pay the Council the contribution amounts shown in section 7.6 of this letter.

These amounts have been adjusted to reflect the value of the land and works credits attributable to the developer’s commitments.

They have also been adjusted to reflect a need for stormwater drainage contributions to be calculated on a fairer basis than the approach used in the current contributions plan. Stormwater contributions are discussed in section 7.3.

7.0 Developer’s contributions

7.1 Trunk water mains

MAAS Group will construct all trunk and reticulation water supply services for the development. Details of the proposed water and sewer servicing strategy are included in Servicing Strategy Southlakes Estate Dubbo prepared by Geolyse, September 2016.

MAAS Group will also construct two water mains that will solely serve the adjoining Keswick Estate development to the north, namely:

- a 1,137 metre-long 150mm water main running east-west within the Boundary Road alignment
a 450 metre-long 250mm water main running north-south between the extension of Azure Avenue and Boundary Road along the eastern side of the proposed trunk drainage corridor.

Additionally, MAAS Group will also construct a 1,693 metre-long 150mm water main running along Hennessey Drive and the future freight road corridor that will solely serve future development on adjoining land to the east.

Details of the cost and a map showing the location of these proposed facilities are included in Attachment B.

The estimated cost of these works is $695,069. Because the work only enables / facilitates developments beyond the Southlakes Stage 1 development, all of this cost should reasonably be met by others.

To settle this obligation by others, MAAS Group proposes under the proposed planning agreement that $695,069 be applied as a credit against water headworks developer charges that would be imposed by the Council on the Stage 1 development.

7.2 Trunk sewer main

MAAS Group will construct all trunk and reticulation sewerage for the development. Details of the proposed water and sewer servicing strategy are included in Servicing Strategy Southlakes Estate Dubbo prepared by Geolyse, September 2016.

Most of the sewer facilities will be provided to serve the minimum needs of just the Stage 1 development, which will need to be designed for 1,282 Equivalent Tenements (ET). The exceptions are the proposed trunk sewer mains shown on the plan in Attachment C.

This mains will range in size up to 600mm diameter. The main will serve both Southlakes Stage 1 and future development on adjoining land to the north and east. These adjoining lands include part of Council’s Keswick Estate and other land owned by Neil O’Connor and Mr and Mrs Ringland. Together these adjoining lands have an estimated development capacity of 1,080 ET.

The estimated cost of this trunk sewer main, which is to service a total of 2,362 ET, is $1,636,624. Refer to Attachment C for details. 1,080 ET, or 45.7%, of this demand is attributable to future development outside of Southlakes Stage 1. This share of the total cost - $747,937 – should reasonably be met by these other developments.

To settle this obligation by others, MAAS Group proposes under the proposed planning agreement that $747,937 be applied as a credit against sewer headworks developer charges that would be imposed by the Council on the Stage 1 development.

7.3 Stormwater drainage

MAAS Group will construct a stormwater drainage network that is needed to support the Southlakes Stage 1 development. The network will be in accordance with an estate-wide drainage scheme described in Stormwater Management Strategy - Proposed Residential Subdivision - Southlakes Estate Extension, Dubbo, prepared by Geolyse.

The spine of the scheme will be a trunk drainage corridor. The corridor sits within the land subject of the realigned RE1 Public Recreation zone in the Planning Proposal, as shown on drawing No. 114135_068_C003 prepared by Geolyse. The drainage corridor will be
embellished with a series of decorative lakes similar to the existing lakes that have been developed along the drainage corridor in Southlakes Existing.

The drainage corridor drains the Southlakes Stage 1 site from north-east to south-west. The development land is at the lower end of the catchment and as a result stormwater flows from the catchment upstream of the site need to be managed as they pass through the site. Stormwater from the adjoining future development will meet up with stormwater generated by Southlakes Stage 1 development. This stormwater will ultimately enter the trunk drainage channel that was provided to serve Southlakes Existing.

The proposed stormwater drainage scheme has used data included in the Keswick Drainage Review - Assessment of Trunk Drainage Requirements Report prepared for Council in 2010 by Cardno Willing. The Cardno Willing report also informed the zoning of the corridor land for public recreation purposes. A similar drainage corridor was also included in the Keswick catchment drainage works schedule in Council's Section 94 Contributions Plan - Urban Stormwater Drainage Headworks Contributions (1995).

Because this channel is included in the Council's section 94 contributions plan, MAAS Group proposes that the cost of the works be applied as a credit against the fair and reasonable stormwater drainage section 94 contributions that would be imposed on the subdivision approvals for Southlakes Stage 1.

The estimated cost of the stormwater channel works is $2,411,727, as shown in Attachment D1. This cost is based on MAAS Group's consistent tendering experience in providing stormwater facilities in the region generally, and its specific experience in providing facilities in the Keswick Drainage Catchment. This cost of the channel is at least 20% less than if the Council was to apply the construction rates which were used to inform the 1995 section 94 contributions plan for the Keswick Drainage Catchment. MAAS Group's assessment of the updated costs for all the Keswick drainage catchment infrastructure is shown in Attachment D2.

Apart from the costs issue it is also the case that the ultimate dwelling yield in the Keswick Drainage Catchment is likely to be more than the 4,800 dwellings that informs the section 94 drainage contribution rate. This is due to the many forms of small lot and medium density housing being developed in the area – development that was not envisaged when the drainage scheme was first planned in the 1990s. If Council was to continue to levy drainage section 94 contributions at the current per-lot rate, then the contributions plan will be substantially oversubscribed. A strategy to correct this would be to base the contribution rate on site area rather than lots.

Taken together, the excessive infrastructure cost and the anticipated higher yield for the Keswick catchment means that the current contribution rate $4,018 per lot is too high.

It is fairer and more reasonable that both the monetary contribution and the contribution credit for the Southlakes Stage 1 development should be based on the most up-to-date reasonable cost and a yield based on site area rather than lots.

In summary, the contributions and crediting approach proposed by MAAS Group is as follows:

- The Keswick catchment comprises 750 hectares. MAAS Group has assessed the total current cost of the trunk drainage infrastructure for that catchment at $15,200,000. This translates to a fair contribution rate of $50,268 per hectare of site area.
• Southlakes Stage 1 comprises approximately 114.57 hectares of land. MAAS Group’s fair contribution toward the trunk drainage infrastructure cost is thus $20,266 x 114.57 hectares = $2,321,472.

• MAAS Group is entitled to a full offset of this drainage contribution because the cost of the trunk channel that it will provide ($2,411,727) is greater than the required monetary contribution ($2,321,952).

Attachment D3 shows more information justifying the revised approach to stormwater contributions.

7.4 Local open space

The proposed trunk stormwater drainage facilities will be located on land zoned RE1 Public Recreation. It will form part of an integrated drainage and linear open space facility comprising lakes, cycleways, street furniture, a playground and lighting.

The integrated scheme will be similar to the type and quality of facilities that have been provided in the constructed Southlakes Existing. A concept plan for the proposed Stage 1 linear park prepared by APS Landscape Architecture is included as Attachment E.

The open space already provided in Southlakes Existing and the proposed Stage 1 linear park will be in easy walking distance of all of Southlakes’ residential dwellings. The proposed linear park will run through the middle of the estate and will therefore effectively service all of the local open space needs of the development.

Council’s Section 94 Contributions Plan for Dubbo Open Space and Recreation Facilities 2016-2026 levies developers $4,514.74 per residential lot for open space and recreation facilities in this area. $3,016.08 of this rate is for the acquisition and embellishment of ‘Planning Unit’ open space, while the remainder of $1,498.67 per lot is for Citywide open space and plan administration. If the Planning Unit open space contribution rate was applied to the full Southlakes Stage 1 development2 the contribution would be $4,981,448.

The proposed linear open space will contain a range of active and passive recreation facilities including playgrounds and cycleway facilities. It is reasonable to conclude that the proposed linear park will meet the development’s ‘Planning Unit’ (i.e. local and district) open space needs.

MAAS Group therefore proposes that the cost of the corridor open space works – which are estimated to be $5.8 million, as shown in Attachment E – be applied as a credit against the monetary contributions that would be required for Planning Unit open space. This cost is greater than the Planning Unit open space contribution, and so the credit would not exceed the Planning Unit open space contribution of $4.9 million.

MAAS Group would still make monetary section 94 contributions for Citywide open space facilities and plan administration that are currently required under the contributions plan. The current contribution rates for these items is $1,498.67 per lot.

7.5 Roads

For the Southlakes Stage 1 development MAAS Group proposes to construct collector roads and extend Boundary Road. These are projects that will meet needs beyond those generated by the Southlakes development.

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2 Assuming the development comprises 1,645 dwellings with 3 or more bedrooms
MAAS Group is seeking a credit for these works against monetary contributions that would be imposed on Southlakes Stage 1 consents under Council’s Section 94 Contributions Plan – Roads, Traffic Management and Car Parking (2016).

MAAS Group will construct all the local and collector roads within the Southlakes Stage 1 development. The collector roads are the eastward extensions of Argyle Avenue and Azure Avenue, and the north-south roads intersecting with Boundary Road, Azure Avenue, Argyle Avenue and the future freight-way. These roads would provide connections that will meet and serve the adjoining future urban developments to the north, east and south.

Council requires collector roads to have a reserve width of 26 metres, while the local roads’ minimum reserve width is 18 metres. The proposed collector roads will serve both Southlakes Stage 1 and future adjoining development to the east and north. MAAS Group proposes that the ‘extra-over’ cost of constructing collector roads instead of local roads in the Southlakes Stage 1 development be applied as a credit against future section 94 contributions levied on Stage 1 subdivision approvals.

The estimated cost of providing a collector road is $3,047.47 per linear metre, while the cost of providing a local road is $1,254.64 per linear metre – a difference of $1,792.63 per linear metre (refer Attachment F).

The subdivision concept plan shows 2,266 linear metres of collector roads in Stage 1 which, when compared to the extra cost of the collector roads of $1,792.63 per linear metre, results in a credit for collector roads of $4,094,629.

The provision of the collector roads would have broad benefits, including:

- The provision of collector roads for access to future urban development and the distribution of traffic between the surrounding arterial roads and sub-arterial roads and compliment the greater road network
- The wider community will be able to access the proposed supermarket and shopping centre situated on the northern boundary of Southlakes.
- Once surrounding sub-arterial roads have been provided, South Dubbo residents will be able to more directly access the businesses, schools and workplaces along Sheraton Road without having to use the Mitchell Highway, and would alleviate occasional queuing at the Wheelers Lane / Cobra Street / Mitchell Highway intersection during school drop-off and pick-up times.

Because of the broader development and public benefits, MAAS Group seeks Council’s approval for the total cost of these road links ($4,094,629) to be applied as a credit against section 94 contributions that Council would impose on the Southlakes Stage 1 development.

7.6 Monetary contributions

After allowing for the credits described in sections 7.1 to 7.5 above, there remains a ‘settle-up’ cash contribution for the water, sewer, open space and roads infrastructure items.

The table over the page summarises, on a facility category basis, the current contribution amounts that are required without MAAS Group’s commitments, the credit amounts resulting from the MAAS Group land and works offer, and the adjusted monetary contributions after the credits have been considered. The right-hand column shows the amounts that MAAS Group proposes to pay the Council to meet all its infrastructure charges obligations for the Southlakes Stage 1 development.
MAAS Group proposes that the monetary contribution amounts would be reduced to an overall per square metre rate, be indexed and be paid at the time the different stages of Southlakes Stage 1 are developed.

<table>
<thead>
<tr>
<th>Contribution type</th>
<th>Monetary contribution amount **</th>
<th>Credit amount sought</th>
<th>Adjusted monetary contribution amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water headworks</td>
<td>$9,026,115</td>
<td>$695,069</td>
<td>$8,331,046</td>
</tr>
<tr>
<td>Sewer headworks</td>
<td>$9,026,115</td>
<td>$747,657</td>
<td>$8,278,178</td>
</tr>
<tr>
<td>Drainage headworks</td>
<td>$2,321,472 **</td>
<td>$2,321,472</td>
<td>$0</td>
</tr>
<tr>
<td>Open space and recreation</td>
<td>$7,426,747</td>
<td>$4,961,435</td>
<td>$2,465,312</td>
</tr>
<tr>
<td>Roads</td>
<td>$9,918,636</td>
<td>$4,694,629</td>
<td>$5,224,007</td>
</tr>
<tr>
<td>Totals</td>
<td><strong>$37,719,092</strong></td>
<td><strong>$12,820,555</strong></td>
<td><strong>$24,898,537</strong></td>
</tr>
</tbody>
</table>

Notes:

a. amounts based on Council's 2016-17 Fees and Charges for section 94 contributions and the assumptions within Council's section 94 contributions plans, except drainage headworks

b. contributions amount assumes Southlakes Stage 1 comprising 114.57 ha site area, 1,646 dwellings (made up of 930 standard lots in the R2 zone and 716 3-bed dwellings in the R1 zone) and 6,000 square metres of retail gross floor area. Development yields are subject to change.

c. amount based on MAAS Group's updated assessment of Keswick Drainage Catchment's trunk infrastructure costs – refer Attachment D3

8.0 Conclusion

MAAS Group is continuing to develop the Southlakes estate in south east Dubbo. Stage 1 of the development will involve around 115 hectares and the creation of at 1,645 dwellings, a local shopping centre, and extensions to the water, sewer, drainage, open space and roads networks.

MAAS Group has a large landholding and can efficiently deliver the proposed infrastructure. The infrastructure commitments in this letter of offer will meet demands that have been identified in the Council’s contributions plans, or are works that will provide a broader benefit that will be enjoyed by future developments and residents beyond the Southlakes estate. The proposed planning agreement is to confirm the contributions credits flowing from these commitments. MAAS Group seeks the Council’s support for the proposed infrastructure provision and credits flowing from that provision, and looks forward to entering into the planning agreement with the Council to provide the infrastructure required for the south east release areas.

If you require further information on this letter of offer, please contact me or Mr Steve Guy, General Manager at MAAS Group on 0428 298 916.

Yours faithfully,

GLN PLANNING PTY LTD

GREG NEW
DIRECTOR
Attachments list:

A. The development land
B. Plan showing the location of the water mains that will solely serve adjoining developments + estimate showing the cost of these mains
C. Plan showing the location of the trunk sewer main + estimate showing the cost of the main
D1. Plan + cost sheet for the stormwater channel land and works
D2. Comparison of trunk drainage costs: 1995 Keswick section 94 plan v. MAAS Group’s tender rates
D3. Revised approach to calculation of stormwater contributions to adjust for denser development and excessive infrastructure costs in contributions plan
E. Concept plan for the linear park + cost sheet for the cost of the open space corridor land and works
F. Cost sheets showing the difference in cost between providing local roads and collector roads
Attachment B – Water Mains

<table>
<thead>
<tr>
<th>Description</th>
<th>Length</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>150mm watermain</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boundary Road corridor total length</td>
<td>1,137.00</td>
<td>$194.32</td>
</tr>
<tr>
<td>Hennessey Rd corridor total length</td>
<td>1,693.00</td>
<td>$194.32</td>
</tr>
<tr>
<td>250mm watermain</td>
<td></td>
<td></td>
</tr>
<tr>
<td>north/south - along creek corridor</td>
<td>450.00</td>
<td>$322.53</td>
</tr>
<tr>
<td>TOTAL OF ALL WATER SERVICES OVER AND ABOVE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Attachment C – Sewer Mains**

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>ET’s</th>
<th>Pipe Size</th>
<th>Linear Metres</th>
<th>$ per L/m</th>
<th>Sub Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>B</td>
<td>2523</td>
<td>800</td>
<td>1388.5</td>
<td>$ 1,350.00</td>
<td>$ 446,775.00</td>
</tr>
<tr>
<td>B</td>
<td>C</td>
<td>1890</td>
<td>525</td>
<td>100.6</td>
<td>$ 840.00</td>
<td>$ 45,004.00</td>
</tr>
<tr>
<td>C</td>
<td>D</td>
<td>1890</td>
<td>525</td>
<td>179.2</td>
<td>$ 840.00</td>
<td>$ 150,528.00</td>
</tr>
<tr>
<td>D</td>
<td>E</td>
<td>1896</td>
<td>450</td>
<td>142.2</td>
<td>$ 680.00</td>
<td>$ 96,966.00</td>
</tr>
<tr>
<td>E</td>
<td>F</td>
<td>1701</td>
<td>375</td>
<td>416.9</td>
<td>$ 410.00</td>
<td>$ 170,621.00</td>
</tr>
<tr>
<td>F</td>
<td>G</td>
<td>1265</td>
<td>375</td>
<td>78</td>
<td>$ 410.00</td>
<td>$ 31,990.00</td>
</tr>
<tr>
<td>G</td>
<td>H</td>
<td>1135</td>
<td>375</td>
<td>91</td>
<td>$ 410.00</td>
<td>$ 37,310.00</td>
</tr>
<tr>
<td>H</td>
<td>I</td>
<td>1120</td>
<td>375</td>
<td>52</td>
<td>$ 410.00</td>
<td>$ 13,320.00</td>
</tr>
<tr>
<td>I</td>
<td>J</td>
<td>1099</td>
<td>300</td>
<td>146.8</td>
<td>$ 360.00</td>
<td>$ 32,488.00</td>
</tr>
<tr>
<td>J</td>
<td>K</td>
<td>1055</td>
<td>300</td>
<td>180.9</td>
<td>$ 360.00</td>
<td>$ 30,004.00</td>
</tr>
<tr>
<td>K</td>
<td>L</td>
<td>984</td>
<td>300</td>
<td>71.7</td>
<td>$ 360.00</td>
<td>$ 13,112.00</td>
</tr>
<tr>
<td>L ONWARDS</td>
<td>720</td>
<td>300</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| B    | M    | 365  | 300       | 866.726       | $ 360.00  | $ 312,031.36 |
| M    | N    | 317  | 225       | 332.8         | $ 255.00  | $ 33,864.00  |
| N    | O    | 283  | 225       | 343.4         | $ 255.00  | $ 73,270.00  |
| O    | P    | 245  | 225       | 144           | $ 255.00  | $ 35,700.00  |
| P    | Q    | 217  | 225       | 24            | $ 255.00  | $ 11,220.00  |
| Q ONWARDS | 210 | 225 |

**TOTAL COST OF INSTALLATION OF TRUNK SEWER MAIN:** $5,118,423.00
Attachment D1 – Stormwater Channel

2016 Industry Rate Calculation

<table>
<thead>
<tr>
<th>STORMWATER CREEKLINE</th>
<th>QTY</th>
<th>UNIT</th>
<th>RATE</th>
<th>SUB TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Cut and fill of area</td>
<td>93 m³</td>
<td>$ 7.70</td>
<td>$ 716.10</td>
<td></td>
</tr>
<tr>
<td>2 clay lining</td>
<td>1.5 lineal m</td>
<td>$ 60.00</td>
<td>$ 90.00</td>
<td></td>
</tr>
<tr>
<td>3 Supply/Install of Rocks</td>
<td>1 lineal m</td>
<td>$ 231.00</td>
<td>$ 231.00</td>
<td></td>
</tr>
<tr>
<td>5 overflow structures</td>
<td>1 item</td>
<td>$ 23.00</td>
<td>$ 23.00</td>
<td></td>
</tr>
<tr>
<td><strong>SUB TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td>$ 1,060.10</td>
</tr>
</tbody>
</table>

| TOTAL (+30%) |      |      |      | $ 1,376.13 |

<table>
<thead>
<tr>
<th>SUMMARY</th>
<th>L/ metre</th>
<th>Distance</th>
<th>Sub Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creekline stormwater channel</td>
<td>$ 1,378.13</td>
<td>1750</td>
<td>$ 2,411,727.50</td>
</tr>
</tbody>
</table>

| TOTAL COST | $ 2,411,727.50 |
Attachment D2 – Costs comparison: 1995 s94 plan v MAAS Group tender rates
<table>
<thead>
<tr>
<th>No.</th>
<th>Description of Work</th>
<th>Market Rates at 2016</th>
<th>Qty</th>
<th>Unit</th>
<th>Amount 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Preliminary</td>
<td>$1,000.00</td>
<td>42.5</td>
<td>ha</td>
<td>$42,900.00</td>
</tr>
<tr>
<td>2.</td>
<td>Excavation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Dig</td>
<td>$3,650</td>
<td>1,435</td>
<td>m³</td>
<td>$4,245,765.40</td>
</tr>
<tr>
<td>4.</td>
<td>Excavation and removal of unstable material below the level of natural water table.</td>
<td>$18,000</td>
<td>1,400</td>
<td>m³</td>
<td>$14,060.00</td>
</tr>
<tr>
<td>5.</td>
<td>100 mm dia.</td>
<td>$180,000</td>
<td>750</td>
<td>m</td>
<td>$135,000.00</td>
</tr>
<tr>
<td>6.</td>
<td>100 mm dia.</td>
<td>$280,000</td>
<td>750</td>
<td>m</td>
<td>$210,000.00</td>
</tr>
<tr>
<td>7.</td>
<td>100 mm dia.</td>
<td>$380,000</td>
<td>750</td>
<td>m</td>
<td>$300,000.00</td>
</tr>
<tr>
<td>8.</td>
<td>100 mm dia.</td>
<td>$480,000</td>
<td>750</td>
<td>m</td>
<td>$400,000.00</td>
</tr>
<tr>
<td>9.</td>
<td>100 mm dia.</td>
<td>$580,000</td>
<td>750</td>
<td>m</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>10.</td>
<td>100 mm dia.</td>
<td>$680,000</td>
<td>750</td>
<td>m</td>
<td>$600,000.00</td>
</tr>
<tr>
<td>11.</td>
<td>Excavation of trench and removal of surplus excavated material 300mm above top of pipe.</td>
<td>1MC</td>
<td>500</td>
<td>m³</td>
<td>$300,000.00</td>
</tr>
<tr>
<td>12.</td>
<td>Defensive Embankment</td>
<td>$2,000.00</td>
<td>46</td>
<td>m</td>
<td>$92,000.00</td>
</tr>
<tr>
<td>13.</td>
<td>Constructed gravel backfill/charge pits</td>
<td>$2,000.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Constructed gravel backfill/charge pits at basin outlets</td>
<td>$2,000.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>Supply and place ready-mixable concrete protectant</td>
<td>$120,000</td>
<td>500</td>
<td>m³</td>
<td>$100,000.00</td>
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<tr>
<td>16.</td>
<td>150 mm nominal size</td>
<td>$120,000</td>
<td>500</td>
<td>m³</td>
<td>$100,000.00</td>
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<tr>
<td>17.</td>
<td>150 mm nominal size</td>
<td>$120,000</td>
<td>500</td>
<td>m³</td>
<td>$100,000.00</td>
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<tr>
<td>18.</td>
<td>150 mm nominal size</td>
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<td>m³</td>
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<td>19.</td>
<td>150 mm nominal size</td>
<td>$120,000</td>
<td>500</td>
<td>m³</td>
<td>$100,000.00</td>
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<tr>
<td>20.</td>
<td>150 mm nominal size</td>
<td>$120,000</td>
<td>500</td>
<td>m³</td>
<td>$100,000.00</td>
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<tr>
<td>21.</td>
<td>150 mm nominal size</td>
<td>$120,000</td>
<td>500</td>
<td>m³</td>
<td>$100,000.00</td>
</tr>
<tr>
<td>22.</td>
<td>Blasting system</td>
<td>$120,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23.</td>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24.</td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>$200,000.00</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTALS: $2,000,000.00**
Attachment D3 - Revised approach to calculation of stormwater contributions
## REVISED APPROACH TO CALCULATION OF FAIR AND REASONABLE STORMWATER CONTRIBUTIONS

<table>
<thead>
<tr>
<th><strong>S94 Contributions Plan 1995 (CP)</strong></th>
<th><strong>Adjusted Contribution Rates and Southlakes Stage 1 payment</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Urban Stormwater Drainage</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Keswick Trunk Drainage</strong></td>
<td></td>
</tr>
<tr>
<td>750 ha Catchment Area <em>Keswick Stormwater Drainage Study</em> being catchment 3.1 of the CP</td>
<td>(a) <strong>Adjustment to account for denser development</strong></td>
</tr>
<tr>
<td>4800 residential lots estimated with the catchment area (clause 4.14 of the CP)</td>
<td>Because of denser residential development the dwelling yield is likely to much higher than 4,800 lots. Every lot / dwelling above 4,800 increases the over-subscription of the plan.</td>
</tr>
<tr>
<td>$10,805,424 total estimated cost of works in 1995 (clause 4.14 of the CP)</td>
<td>It is also not equitable for Council to levy the same per-lot contribution on different dwelling sizes. That is, larger lots should pay a higher contribution than small lots.</td>
</tr>
<tr>
<td>Rate per lot $= 10,805,424 / 4,800</td>
<td></td>
</tr>
<tr>
<td>$= 2,251.13</td>
<td>A fair way to address this is to levy contributions on a site area basis.</td>
</tr>
<tr>
<td>$2,251.13 = 1995 rate per lot (cl 4.14 of CP)</td>
<td>If this was done, instead of paying $6.6 million in S94 contributions (which is the calculation under the current CP) Southlakes Stage 1 would pay $2,946,190 (i.e. $25,715.20 x 114.57 ha of site area).</td>
</tr>
<tr>
<td>Current indexed rate in contributions plan (2015/16) $= 4,018.00 per lot</td>
<td>(b) <strong>Adjustment to account for excessive infrastructure costs</strong></td>
</tr>
<tr>
<td>This reflects an indexed Keswick catchment drainage infrastructure cost of $19,286,400, (i.e. $19,286,400 / 4800 lots = $4,018.00) (refer to Attachment D2)</td>
<td>MAAS Group has reviewed the unit rates that Informed Council’s drainage contributions plan against its own tender rates. The MAAS Group tender rates are a more reasonable basis because these rates have been successful in winning tenders for similar stormwater channel design works in the Dubbo urban release areas.</td>
</tr>
<tr>
<td>Expressed on a site area basis: $19,286,400 / 750 ha</td>
<td></td>
</tr>
<tr>
<td>$= 25,715.20 per ha</td>
<td>It is also presumed, given the age of the contributions plan, that the cost rates that were used to inform the works costs are not only significantly outdated but skewed due to consistent application of CPI increases regardless of market cost realities.</td>
</tr>
<tr>
<td>Under current CP Southlakes Stage 1 would therefore pay: $4,018.00 x 1645 dwellings / lots</td>
<td></td>
</tr>
<tr>
<td>$= 6,609,000</td>
<td></td>
</tr>
</tbody>
</table>
REVISED APPROACH TO CALCULATION OF FAIR AND REASONABLE STORMWATER CONTRIBUTIONS

<table>
<thead>
<tr>
<th>S94 Contributions Plan 1995 (CP)</th>
<th>Adjusted Contribution Rates and Southlakes Stage 1 payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Stormwater Drainage</td>
<td>MAAS Group has assessed the likely reasonable cost of the entire Keswick drainage scheme as $15,200,000, or 21% lower than Council’s indexed cost estimate.</td>
</tr>
<tr>
<td>Keswick Trunk Drainage</td>
<td>On this basis the Keswick catchment drainage contribution rate would be: $15,200,000 / 750 ha</td>
</tr>
<tr>
<td></td>
<td>= $20,266.67 per ha</td>
</tr>
<tr>
<td></td>
<td>If this was done, instead of paying $6.6 million in s94 contributions Southlakes Stage 1 would pay $2,321,952 (i.e. $20,266.67 x 114.57 ha of site area).</td>
</tr>
</tbody>
</table>
Attachment E – Park Land and Embellishments

**SUMMARY**

<table>
<thead>
<tr>
<th>Description</th>
<th>L metre</th>
<th>Distance</th>
<th>Sub Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>OPEN SPACE CONSTRUCTION PER LINEAL METRE</td>
<td>$3,346.98</td>
<td>1750</td>
<td>$5,857,215.00</td>
</tr>
<tr>
<td><strong>TOTAL COST</strong></td>
<td></td>
<td></td>
<td><strong>$5,857,215.00</strong></td>
</tr>
</tbody>
</table>
Attachment F – Collector Roads

<table>
<thead>
<tr>
<th>Summary</th>
<th>Rate</th>
<th>Distance</th>
<th>Sub Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collector Road Construction per local metre</td>
<td>$3,068.82</td>
<td>2,260 m</td>
<td>$6,998,091.48</td>
</tr>
<tr>
<td>Local Road Construction per linear metre</td>
<td>$1,354.84</td>
<td>2,260 m</td>
<td>$2,843,462.91</td>
</tr>
<tr>
<td>Difference</td>
<td></td>
<td></td>
<td>$4,054,628.57</td>
</tr>
</tbody>
</table>

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
Page 188
5 April 2017

Mr G New
Director
GLN Planning
GPO Box 5013
SYDNEY NSW 2001

Dear Mr New

MAAS PROPERTY GROUP - VOLUNTARY PLANNING AGREEMENT – SOUTHLAKES ESTATE, DUBBO

I refer to your request on behalf of Maas Property Group to enter into a Voluntary Planning Agreement (VPA) with Council that was provided with the subject Planning Proposal for the Southlakes Estate, Boundary Road, Dubbo.

I apologise for the time taken to provide you with a response however, as you would appreciate, the offer includes infrastructure provisions and associated facilities that were required to be considered by a number of different Council functions.

You would also be aware that the Environmental Planning and Assessment Act, 1979 requires a Planning Agreement for a public purpose. Section 93F(2) defines a public purpose as any of the following:

“(a) the provision of (or the recoupment of the cost of providing) public amenities or public services,
(b) the provision of (or the recoupment of the cost of providing) affordable housing,
(c) the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,
(d) the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,
(e) the monitoring of the planning impacts of development,
(f) the conservation or enhancement of the natural environment.”

Your proposal contains a range of infrastructure proposals on the land across a variety of scenarios. In general, it is considered that your proposal includes infrastructure provision that is both beyond the scale and scope of Council’s existing Section 64 and Section 94 Developer Contributions Plans, associated infrastructure requirements or the adopted Defined Asset Management Plans. In addition, your proposal in respect of linear park establishments is in
excess of the monetary value attached to both land acquisition and embellishment as included in the existing Section 94 Contributions Plan for Open Space and Recreation Facilities.

It is also noted that overall development densities on the subject land are still under consideration as a component of the subject Planning Proposal. In addition, the subject land and the Planning Proposal also have a relationship with the adjoining Lot 2 DP 880413, 24R Sheraton Road, Dubbo. As previously discussed with your client, structure planning is required to be undertaken on the subject land to determine constraints and to plan infrastructure provisions and overall development density.

Notwithstanding the comments provided below in respect of the individual components of your offer to enter into a VPA, it is considered that it is premature for Council to give any level of further consideration in respect of a VPA on the subject land for the infrastructure as included in your proposal.

1. **Water Mains to Service the Adjoining Development and Upsized Trunk Sewer Main**

   Your proposal is seeking a contribution credit of $695,069 for the construction of water mains that will service other developments in the South-East Residential Urban Release Area. The proposal also seeks a contribution credit of $747,937 for the construction of a trunk sewer main that would also service other developments outside of the subject land.

   Notwithstanding the dollar amount quoted, it is considered that there is sufficient capability in Council’s existing Section 64 Water and Sewerage Contributions Policy and Council’s development assessment processes, to consider works in kind arrangements as part of future development applications on the land for residential subdivision and as such, a VPA is not warranted.

2. **Trunk Stormwater Drainage Corridor**

   Your proposal seeks a contribution credit of $2,321,472 for the construction of trunk stormwater drainage infrastructure that will service both the subject development and other development contained within the overall South-East Residential Urban Release Area.

   The stormwater drainage corridor that traverses through the subject land is a component of the overall stormwater drainage system for south-east Dubbo and in particular the South-East Dubbo Residential Urban Release Area.

   It is considered that there is sufficient flexibility built into Council’s existing Section 94 Contributions Plan for Stormwater and Council’s development assessment processes, to consider works in kind arrangements as part of future development applications on the land for residential subdivision and as such, a Voluntary Planning Agreement is again not warranted however, Council does acknowledge the overall role of the stormwater infrastructure in the South-East Dubbo Residential Urban Release Area and as such, further negotiations can be
undertaken with you to discuss the characteristics of any works in kind or associated agreements.

3. Linear Park Land Embellishments

Your proposal seeks a contribution credit of $4,961,435 for the provision of linear park land and embellishments. Council’s Section 94 Contributions Plan for Open Space and Recreation Facilities levies contributions at the development application stage for subdivision for both citywide open space, individual planning units and an administration charge.

For the purpose of levying local planning unit contributions, the subject land is situated in the East (South) Planning Unit. The East (South) Planning Unit has a total of three (3) open space projects that are proposed to be undertaken in the area. This includes as follows:

- South East Residential Urban Release Area New Open Space $1,300,000;
- Holmwood Estate/Margaret Crescent $450,000; and
- Keswick Estate Activity Zones $356,940.

In respect of the subject land, the Section 94 Plan has works proposed to be undertaken to a value of $1.3 million (2015/2016 cost). This is based on Council’s adopted schedule for the level of works required under the Defined Asset Management Plan (DAMP). Council staff are not in a position to support your offer to the value of $4,961,435.

Any proposal for the embellishment of open space areas above and beyond the scope as included in the Section 94 Plan is considered to be a marketing decision for your client as a developer and as such shall be at their full cost. In addition, the developer will also be required to enter into a long term maintenance agreement for the land. It should also be noted that Council must assess any proposal for embellishment of open space areas outside the parameters of the Section 94 Plan in accordance with the provisions of the Defined Asset Management Plan and the likely ongoing financial cost to Council.

4. Collector Roads

Your proposal has sought a contribution credit of $4,094,629 in respect of the provision of collector roads that are proposed to be constructed on the land as part of a future subdivision.

Council’s Section 94 Contributions Plan for Roads, Traffic Management and Car Parking does not include or make any allowance for the construction of collector roads on the subject land. In addition, the Plan does not levy for the provision of all collector roads throughout the City. The works schedule included in the Plan is based directly on the Traffic Study prepared by consultants, PPK in 1998. The role of the Study was to assess the overall function of the Dubbo road system and to identify requirements for the construction of new roads and the upgrading of existing roads to cater for population growth.
As the Plan does not include any road upgrading requirements in respect of the subject land, Council cannot accept your proposal.

**Conclusion**

Given the current uncertainty in respect of the final development densities across the subject land and land situated immediately to the east of the subject site, Council cannot accept your client’s offer to enter into a Voluntary Planning Agreement.

It is considered that given the characteristics of Council’s Developer Contributions Plans/Policies and associated development assessment processes, there is no direct requirement for Council to enter into a VPA for delivery of the proposed infrastructure as outlined in your offer.

Council is however, happy to give consideration to any alternative offer to enter into a VPA for other infrastructure in the immediate locality where it can be demonstrated to have a nexus with future development on the subject lands.

I trust this clarifies the matter for you. If you require any further information and/or if you would like to arrange a meeting time to further discuss Council’s correspondence, please contact Council’s Manager City Strategy Services, Steven Jennings on (02) 6801 4000.

Yours faithfully

*Mark Riley*
Interim General Manager

cc Mr S Guy
General Manager
Mias Group Properties
PO Box 332
DUBBO NSW 2830
Monday 16th October, 2017

Mr Mark Riley
Interim General Manager
Dubbo Regional Council

Dear Sirs,

Review of Headworks Calculations of South East Urban Release Area

In response to Council’s letter dated the 10th October 2017 Maas Group Family properties (we) provide the following response to the matters itemized in your letter.

1. Section 98. Contributions for Open Space and Recreation Facilities

Regarding open space ‘over supply’ We reiterate our position that the local park provision within the existing Southlakes Estates western parkland catchment and as documented previously confirms the per person local opens space provision within the Southlakes Estate and Magnolia Estate is in excess of that required by the Open Space Contributions Plan 2008. In particular, the open space provisions as follows:

- Of sufficient area and dimension;
- Within 300m of all allotments of these estates;
- Provided with the typical features for ‘Local High’ and ‘Local Basic’ classification standards of Councils Parks and Land Care Services Division; and
- Ensures open space area rates of 3.8 Ha/1000 persons (ARI 1:100) and 5.0 Ha/1000 persons (wet drainage channel) being in excess of the 3.58Ha/1000 persons as required by the 2008 S94 plan.

In this regard we calculate the local open space credit to be $446,641.36 (refer Attachment A) and welcome the opportunity to discuss this matter further with the Councils Director of Open Space to ensure these moneys are appropriately allocated to the provision of local open space within the South East Local Planning Unit and in particular in close proximity to the Southlakes and Magnolia Estates.
Similarly, the land currently being developed in the ‘future’ Southlakes Estate stages CC20 to CC25 (approx. 500 lots) have been charged contributions in accordance with Council’s open space contributions plans (as shown upon Attachment B).

Council’s letter confirms a detailed analysis has been undertaken and an additional $700,000 is required above the allocated $1.3m and therefore a minimum $2m budget for a baseline delivery of local parks up to 950 lots.

As with the existing Southlakes Parks system being delivered to a ‘Local High’ standard of Council we have envisaged the same for the provision of the approved eastern drainage channel and have detailed costing estimates of $5.8M to deliver of which we are willing to provide such detail to Council’s Director of Open Space for further consideration.

We acknowledge Council’s offer to enter either a Works in Kind agreement or a Planning Agreement to resolve these matters and confirm if it is Council staff’s preference to resolve these matters via a Works in Kind Agreement. We welcome the opportunity to discuss further with Council’s Director of Open Space the preferred agreement and supporting documentation at Council’s earliest convenience.

2. Section 94 Contributions Plan for Storm Water

We understand Council’s position in reviewing the Keswick Trunk Drainage System with an aim of apportioning the cost of infrastructure on a square meter basis and are happy to assist the Council and its consultants with data sharing and engineering modelling commissioned by us for our supporting Planning Proposal.

We note that Council required our Planning Proposals stormwater strategy to support Council’s current stormwater modelling for the catchment and anticipate that all relevant documentation from our Planning Proposal duly informs the review.

In this regard we seek confirmation that the cost per square meter would not be above market rates for delivery of required infrastructure and that subsequent cost apportionment would not be above that currently levied under the plan.

3. Proposed Land swap for the Southern Distributor

We understand Council staff’s preferred process for the acquisition of land for the Southern Distributor is Land Acquisition (Just Terms Compensation) Act 1995 in the belief of transparency and fairness.

We are still of the view that Council would be far better off with a direct swap of ‘undevelopable’ land between parties as previously presented to Council.
4. Southlakes Planning Proposal
We note your intention to present the planning proposal to Council's November meeting and anticipate that the Dubbo Local Aboriginal Lands Council have provided their response to Council.

Final Matters:
Although not confirmed within Council's latest letter and given both parties are now discussing matters that were originally proposed by us to Council to form part of a future planning agreement we seek confirmation of these outstanding matters can also work towards a timely agreement. In this regard we seek the following:

5. Section 64, Sewer and Water Contributions
We have presented an offer to enter into an ‘agreement’ for Section 64 credit for the provision of sewer and water infrastructure that will service the needs of those outside of our estate but which is required to traverse through the estate.

We believe our proposal for Section 64 credits for sewer and water installation works beyond that required to service our estate is reasonable and in accordance with the provisions of the plans.

Having regard to the above we seek confirmation of acceptance to commence detailed discussions with Council's Director of Engineering to work towards such an agreement?

6. Section 94, Urban Roads Contributions
We have presented an offer to enter into an ‘agreement’ for Section 94 credit for the provision of ‘collector’ roads within the estate as these roads additional design requirements are generated by the future development of the estate.

Our proposal for a section 94 credit for collector roads were based on a precedent that the former City of Dubbo Council had granted reduced section 94 contributions to the developer of the Southlakes for the provision of collector roads. We understand that this was in recognition of the construction of collector roads Argyle Avenue and Azure Avenue and their intersections with Wheeler's Lane.

In terms of collector roads credits or reduced roads contributions, we believe we are simply seeking the same consideration as the Council has applied for the delivery of these roads as evidenced in development consents D2012-275, D2012-301 & D2010-458 issued for the Southlakes.

Such a subsidy in section 94 contributions rates applied by Council is evidence that clear acknowledgement that Argyle Avenue, Azure Avenue and other similar sized roads within the estate would continue to provide such a function and therefore should be afforded a
resultant subsidy due to the ‘collector’ road status and function. A function beyond that of the requirements of the Southlakes Estate.

Having regard to the above we seek confirmation of acceptance to commence detailed discussions with Council's Director of Engineering to work towards this agreement?

If you have any further questions regarding the supporting documentation, please do not hesitate to contact me to discuss further.

Yours faithfully,

Steve Guy
General Manager
Maas Group Family Properties
Attachment A – Existing Southiakes Contribution Calculations
**APPENDIX NO: 6 - CORRESPONDENCE FROM MAAS GROUP FAMILY PROPERTIES DATED 16 OCTOBER 2017**

**ITEM NO: PDEC17/7**

<table>
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<tr>
<th>No.</th>
<th>Location</th>
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<th>Use</th>
<th>Floor Space</th>
<th>Size</th>
<th>Slab Type</th>
<th>Party</th>
<th>Status</th>
<th>Date of Letter</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Melbourne</td>
<td>123 St</td>
<td>Apartments</td>
<td>1000</td>
<td>200 m²</td>
<td>Concrete</td>
<td>Zoning</td>
<td>Approved</td>
<td>16/10/2017</td>
</tr>
</tbody>
</table>

**PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE**

Page 198
Attachment B – Future Southlakes Estate Contributions Calculations,
27 July, 2017

Mr Mark Riley
Interim General Manager
Dubbo Regional Council

Attention: Mark Riley

Dear Mark,

Letter to confirm Council's intention to swap land affected by the future southern distributor.

I write to confirm Dubbo Regional Council's intention to swap a portion of its land within Keswick Estate with the land affected by the future southern distributor with Maas Group Family Properties.

The future southern distributor (freight way) is identified within the Dubbo City Planning and Transportation Strategy 2016 as traversing the southern boundary of the Southlakes Estate. Maas Group Family Properties is the land owner and is actively developing two allotments (Lot 399 DP 1193356 & Lot 2 DP 880413) which would be affected by the future alignment of the southern distributor.

Maas Group Family Properties has been in discussions and confirmed with Council's Development engineers the likely road alignment across these lands as a result of our Planning Proposal to extend the Southlakes Estate to the east.

Based upon these discussions and the likely road alignment across adjoining lands Maas Group Family Properties have calculated an area of approximately 5211.77m² is likely to be consumed (attached).

In light of the above loss of residually developable land we seek that the area consumed be swapped with residually developable land within Council's Keswick Estate (Lot 100 DP 1230745).
More specifically it is requested that the land within Lot 100 DP 1239745 be that area (in part) in the south eastern portion of the site adjoining the future Boundary Road / Sheraton Road extension and north and east of the Proposed B1 Neighbourhood Shopping precinct. This land is preferred as it will be serviced by the future infrastructure delivered by Maas Group Family Properties via its Southlakes Estate on Lot 399 DP 1199356 as outlined below in red. Please note illustrated land is general in location and the final agreed location and area would be the subject to detailed land survey and valuations.

We look forward to working with Council to achieve a fair and reasonable outcome together. Please do not hesitate to contact our office should you require any further information.

Yours faithfully,

Steve Guy
General Manager
Maas Group Family Properties
Attachment – Southern Distributor (Freight way) Alignment Area Plan
13th November, 2017

Mr Mark Riley
Interim General Manager
Dubbo Regional Council

Attention: Mark Riley

Dear Mark,

Land swap request for the realigned drainage channel.

I write on behalf of Maas Group Family Properties (MGFP) to request Dubbo Regional Council and MGFP swap the difference in the existing and approved future public drainage reserve land areas of Lot 503 DP 1233637 and Lot 36 DP 1233637.

Lot 36 is owned by MGFP. Lot 503 DP 1233637 is owned by Council.

Development Consent D2017-57 identified and approved the realigned channel per Council’s Engineering requirements and requests and that it be consistent with that identified and submitted with the Southlakes planning proposal and its supporting servicing strategy to ensure all future infrastructure is accommodated within and that sufficient width is provided for regular maintenance and management of this infrastructure and land.

Geology Plans 11435408 TP01, revision B (attached) is provided to illustrate the approximate realigned channel areas transferred between MGFP and Council.

The amended land parcel is of sufficient width to convey stormwater and provides for other public infrastructure required to support the future Southlakes Estate’s continued development and that of future surrounding land. The difference in area between the existing channel and the approved channel is approximately 2.6653ha as detailed upon the supporting plan.

Please do not hesitate to contact our office should you require any further information.

Yours faithfully,

Steve Guy
General Manager
Maas Group Family Properties
Attachment – Geolyse Plan 124435_468_TP03, Revision B
EXECUTIVE SUMMARY

Development consent is sought for the alterations and additions to an existing registered club (known as Club Dubbo) at Lot 229 DP 753233, 82 Whylandra Street, Dubbo.

The proposed alterations and additions will add 520.13 m² of gross floor area over two levels resulting in a total building area of 3,505.13 m². Plans of the proposed development are included in Appendix 2.

A Traffic and Parking Assessment (Appendix 3) has been submitted in support of a request for Council to vary the minimum parking provisions applied by Development Control Plan 2013 and also the value of the contribution imposed by Section 94 Contribution Plan - Roads, Traffic Management and Car Parking. Council can consider a request for a review of the contribution in accordance with the Plan, as follows:

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

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

(c) Where the applicant can demonstrate that the development ... generates demand at a lower quantum than the rates set out in part 4 of this plan.

Council has a strong preference for a negotiated outcome. However, in the event that an agreement cannot be reached, Council will commission a competent consultant funded by the applicant to resolve the matter.”
In addition, Section 1.4 of the Plan specifies the trip rates however, the following notes are included in respect of the land uses:

“Notes:
1. Contributions are levied on the amount of traffic generated by development. That is, the number of vehicle “trips” that a development will generate on a daily basis.
4. Contribution amount is based on the trip generation rates shown in Table 4.1. If no rate is given, Council will determine a suitable rate based on traffic surveys, previous experience or accepted standards.
6. Other uses not included in this table will be levied according to their traffic generation which is assessed at development application stage.”

It is considered that the documentation submitted with the application substantiates a reduction of the Section 94 Urban Roads contribution from $204,073.00 to $65,303.36, being a reduction of $138,769.64. It is also considered that a reduction in the number of parking spaces required to be provided onsite has been suitably substantiated from 183 to 169, being a reduction of 14 spaces.

During the exhibition period, Council received 12 submiss (Appendix 4), primarily relating to noise, traffic, inadequate parking, anti-social behaviour in Stonehaven Avenue and social impacts from increased electronic gaming machines. The matters raised are addressed in detail further in this report.

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

ORGANISATIONAL VALUES

Customer Focused: The application as submitted has been assessed in a timely manner against the relevant legislation and Council policy while taking into consideration the public submissions received.
Integrity: The 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.
One Team: The relevant Council officers have been involved in the assessment of the subject Development Application.

FINANCIAL IMPLICATIONS

Should Council endorse the recommendation of this report, the Section 94 Urban Roads contributions payable would be reduced by $138,769.64 to $65,303.36.

The reduction is supported on the grounds that documentation has demonstrated that the development will generate a lower traffic demand in accordance with the Section 94 Contributions Policy.
POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

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.

Lee Griffith
Senior Strategic Planner
1. PROPOSED DEVELOPMENT

Development consent is sought for the alterations and additions to a registered club on Lot 229 DP 753233, 82 Whylandra Street, Dubbo, known as Club Dubbo.

The application states that the proposed development is being undertaken to improve site access and upgrade the internal arrangements of the facility, including new indoor and outdoor gaming and TAB facilities and terrace areas. The proposal will also maximise views over the Macquarie River and Central Business District to the east. Plans of the proposed development are included here as Appendix 2.

The proposal specifically involves the following:

- The demolition of the internal layout of the club (excluding the kitchen and vertical circulation space);
- An additional 520.13 m² of gross floor area over two levels resulting in a total area of 3,505.13 m². The floor area will increase by:
  - 93.73 m² on the lower ground floor; and
  - 426.40 m² on the ground floor;
- Architecturally designed front façade facing Whylandra Street;
- A reduction in car parking spaces from 183 to 169 spaces;
- Reconfiguration of the internal design of the layout to provide the following:
  - An extended gaming area including outdoor gaming terrace to the south-west/west;
  - An extended outdoor dining terrace area to the east;
  - Closing off of part of the outdoor dining terrace area so that it is included as part of the indoor dining area;
  - Partially closing off the existing terrace area near the Bowl's Office to the north-west of the building; and
  - Provision of additional terrace area at the north of the building for outdoor dining.
- A new foyer area, including a lift and outdoor canopy entrance structure that provides an improved and more integrated entranceway; and
- Additional landscaping.

2. SITE CHARACTERISTICS

The property is located on the south-eastern side of Whylandra Street. It has an area of 1.617 hectares with a frontage to Whylandra Street of 121 metres. A locality map is included in Figure 1.
Figure 1. Lot 229 DP 753233, 82 Whylandra Street, Dubbo, known as Club Dubbo

Slope

The site typically slopes from north-west to south-east (towards the Macquarie River), with a height of approximately 285m AHD down to an approximate height of 282m AHD, having a typical slope of 4%.

Vegetation

The site is developed containing only managed landscaped areas. No native vegetation is present upon the site.

Access

Access to the site is from Whylandra Street via an existing driveway layback. The driveway has been marked with ingress and left turn and right turn egress lanes.
Drainage

The site's hardstand area drains both to the east and west.

Services

The existing building is connected to all services including reticulated water, sewer, electricity and telecommunications.

Adjoining uses

North: Residential
East: Public open space/Macquarie River
South: Public open space
West: Residential on opposite side of Whylandra Street

3. SITE HISTORY

The site has an extensive approvals history with 33 development and building application approvals being granted since 1963. The most recent and relevant approvals are shown below.

<table>
<thead>
<tr>
<th>DA No.</th>
<th>Development Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>D16-217</td>
<td>Extension to carpark - Approved on 16 June 2016</td>
</tr>
<tr>
<td>D13-404</td>
<td>Alterations to outdoor terrace - Approved on 30 October 2013</td>
</tr>
<tr>
<td>D13-252</td>
<td>Advertising sign - Approved on 29 July 2013</td>
</tr>
</tbody>
</table>

A Building Application was approved for the erection of a ‘timber temporary club house’ on 15 August 1958 with such plans showing an existing ‘clubhouse’. It is considered that the original approval for the West Dubbo Bowling Club would have pre-dated Council’s development approval records.

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

4. PLANNING ASSESSMENT Section 79C(1)

(a)(i) Environmental Planning Instruments
**State Environmental Planning Policy No. 55 – Remediation of Land**

The proposed site is currently not listed on Council’s register of potentially contaminated land. The proposed development is a refurbishment and redesign to the facilities in the existing Club Dubbo development. The applicant has engaged Envirowest Consulting to conduct a preliminary contamination investigation. Nine boreholes were sampled throughout the site with no contaminants exceeding the Health Investigation Levels for commercial exposure. The site is considered to be suitable for the intended commercial use. The proposed development is not foreseen to undertake any potentially contaminating activities. In accordance with SEPP 55 no further soil contamination investigations will be required for this development.

**State Environmental Planning Policy (Infrastructure) 2007 (SEPP)**

Clause 104 – Traffic-generating Development

The application was referred to NSW Roads and Maritime Services (RMS) for comment under Clause 104 of the SEPP Traffic-generating development. The RMS subsequently provided comment in correspondence dated 3 October 2017 advising they had no objection to the proposed development subject to Council ensuring that onsite parking was sufficient and that no overflow parking extended onto Whylandra Street (Newell Highway). Parking is addressed in detail later in this report.

**State Environmental Planning Policy No. 64 – Advertising and Signage**

This proposal intends to erect one (1) business identification sign on the proposed western façade having dimensions of 1.2 m high and 10.8 m wide.

Clause 8 of the SEPP requires the consent authority to be satisfied that all signage is consistent with the objectives of the Policy and assessment criteria as set out under Schedule 1 of the Policy.

The aims of this Policy, as specified under Clause 3(1)(a), are:

“(a) to ensure that signage (including advertising):
   (i) is compatible with the desired amenity and visual character of an area, and
   (ii) provides effective communication in suitable locations, and
   (iii) is of high quality design and finish.”

It is considered that the new signage is consistent with the aims of the Policy as specified above.

It is also considered that the proposed business identification signage is consistent with the assessment criteria as set out in Schedule 1. An assessment of Schedule 1 is made below.
1. Character of the area
The signage is considered to be compatible with the character of the area and consistent with other signage in the locality.

2. Special areas
It is considered that the signage will not detract from the visual quality of the environment.

3. Views and vistas
The signage will not block the viewing rights of other existing signage or compromise important views.

4. Streetscape, setting or landscape
The scale, proportion and form of the signage are appropriate for the streetscape, setting and landscape. No vegetation will be required to be removed for the erection of the sign. The proposed signage will not create unnecessary clutter or unsightliness. No signs will protrude above the buildings or require ongoing vegetation management.

5. Site and building
The proposed signage is compatible with the scale and characteristics of the proposed buildings.

6. Associated devices and logos with advertisements and advertising structures
The proposed signage does not include any safety devices, platforms, lighting devices or logos.

7. Illumination
The sign is not proposed to be illuminated. Notwithstanding, an appropriate condition has been included on the consent (attached as Appendix 1) that such business identification signage is kept in good repair and will not flash, be excessively luminous or be animated.

8. Safety
It is considered that the signage will not pose a safety risk to vehicles, pedestrians or cyclists by way of obscuring sight lines.

Overall, it is considered that such signage is consistent with the aims of the SEPP and the assessment criteria as set out in Schedule 1.

Note: While a number of other SEPPs apply to the land, they are not specifically applicable to this development.

_Dubbo Local Environmental Plan 2011_

The following clauses of Dubbo Local Environmental Plan 2011 have been assessed as being relevant and matters for consideration in assessment of the Development Application.
Clause 1.2  Aims of Plan

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

Clause 1.4  Definitions

This development proposal is defined as ‘registered club’, which means:

“a club that holds a club licence under the Liquor Act 2007”

Clause 2.2  Zoning of land to which Plan applies

The subject site is zoned RE2 Private Recreation.

Clause 2.3  Zone objectives and Land Use Table

The proposed development is not contrary to the objectives of the zone. It is noted that this Application is for alterations and additions to an existing registered club.

A ‘registered club’ is permitted with consent in the RE2 Private Recreation zone.

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 will not result in the emission of light of 1,000,000 lumens or more.

Clause 7.3  Earthworks

A condition has been included in the conditions of consent (Appendix 1) which will ensure erosion and sedimentation control practices are implemented prior to works commencing and until the completion of works to ensure negligible run-off to the adjoining properties, Council’s stormwater system or the Macquarie River to the east.
Clause 7.5 Groundwater vulnerability

The land is included on the Natural Resource – Groundwater Vulnerability Map with high groundwater vulnerability. Council’s Environment and Health Services Team Leader in their report dated 18 October 2017 has addressed groundwater, by stating:

“The proposed development will not be conducting any activities that are likely to increase the potential for contamination to the groundwater on the vicinity. The proposed development will not be changing the current infiltration and groundwater recharge of the site and therefore salinity risks are not foreseen to change for this proposed development.”

No further action is therefore required in relation to groundwater.

Clause 7.7 Airspace operations

The subject site is located within the Obstacle Limitation Surface (OLS) Map at height 325 m AHD. The proposed plans submitted with this Application show a total building height of 290.77 m AHD, 34.23 m below the OLS.

(a)(ii) Draft Environmental Planning Instruments

Council has on exhibition various amendments to the Dubbo Local Environmental Plan 2011 as part of an Operational Review. The Operational Review includes administrative and minor amendments, none of which specifically relate to the subject site. As such, the proposed amendments do not have any material impact upon the proposed development.

(a)(iii) Development Control Plans

Dubbo Development Control Plan 2013

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

Chapter 3.1 Access and Mobility

The Application is assessed against the Premises Standards in the Access Code under the Disability Discrimination Act, 1992. The plans themselves are not sufficient to conduct a detailed assessment as to the building’s compliance with the Premises Standards and a notation will be included on the conditions of consent (Appendix 1), advising the developer of issues to be considered with the subsequent Construction Certificate application. However, a basic assessment can still be made to determine any obvious non-conformities that may be required to be amended prior to development consent being issued.
Element 1 – Access routes and entrances

An accessible path of travel is achieved from the proposed disabled car parking spaces in the off-street car parking area located at the front of the building’s principle front entrance. The primary entrance doors to the building appears to comply with the Premises Standards.

Element 2 – Access to internal facilities

Dedicated disabled accessible toilets are shown on the submitted plans. These appear to comply with the premises standard.

Element 3 – Car parking and set-down areas

The site will have 169 car parking spaces and will include a total of four (4) disabled car parking spaces. The Chapter does not provide a specific rate for a registered club but does refer to ‘pubs’. Pubs require two (2) spaces for up to 40 spaces provided and one (1) per 30 spaces thereafter. This results in a total of six (6) spaces. Against this measure, the proposal would therefore have a shortfall of two (2) disabled car parking spaces. The Application however includes an ‘Access and Mobility Report’ which states the following:

“Four accessible car parking spaces are proposed within the car park area, including two existing and two additional accessible car parking spaces. This is an adequate number of accessible car parking spaces in terms of BCA D3.5, given the total number of onsite car parking spaces [169] proposed.”

Additionally, the Senior Building and Development Certifier has stated in his report that two (2) additional spaces for a total of four (4) are required in accordance with the Building Code of Australia (BCA).

Noting that no specific category is provided for a registered club in the DCP, appropriate justification has been provided and four (4) spaces is sufficient in this instance.

Element 4 – Public spaces

Ramps and lifts will be provided to enable disabled access from the lower ground level (car park) to the ground floor. It appears the lift complies with the relevant provisions to comply with this element.

Chapter 3.3 Social Impact

The proposed development intends to create an additional 520.13 m² of gross floor area to a registered club necessitating the requirement for a Social Impact Assessment. A Social Impact Assessment (SIA) has been prepared by Judith Stubbs and Associates dated August 2017 (Appendix 5) in support of the Application. Such report identified impacts to the community as a result of the increased floor area and with additional bar area and Electronic Gaming Machines (EGMs) as discussed below.
a) Positive Impacts

The report has identified that positive impacts include greater amenity for club users including tourists and visitors (given the relatively large numbers of tourist accommodation in the immediate vicinity) and employment of an additional four (4) full-time (equivalent) staff.

b) Negative Impacts

The report has identified that negative impacts include alcohol-related harm from a potential increase in violence and amenity impacts in areas close to the club, plus the increased risk of problem-gambling given the higher density of Electronic Gaming Machines (EGMs) from 71 to 81. These impacts are addressed below:

- **Alcohol-related harm**

  It has been identified that the demography of the locality is not favourable with regard to risk from alcohol-related harm. A summary of the demographics within a 1 km radius is provided below.

  - Pockets of quite high disadvantage, including areas in the bottom 10% of disadvantage in NSW;
  - Pockets of low household income;
  - Pockets of very high unemployment;
  - Pockets of low educational attainment;
  - Pockets of very high levels of social housing;
  - High levels of lone person households;
  - Pockets of high levels of younger people;
  - Low levels of people born in non-English speaking countries; and
  - Pockets of higher levels of older people.

Ultimately, the report identified that the locality has an increased risk of harm related to alcohol. However, justification is provided that the proposed alterations are not primarily related to intensifying alcohol-related services, such as significant bar area expansions but rather an increase in the provision of indoor and outdoor dining and EGM areas.

Therefore, whilst the area is susceptible to alcohol-related issues, the club is existing and any possible issues are likely existing. Further, the maximum capacity of patrons is not increasing significantly with the BCA Audit provided stating that 1,151 people are able to be accommodated within the licenced area. Noting that the premises is currently licenced for 1,130 people, the increase is minimal.

Taking this into consideration, the SIA states it is unlikely that there would be a significant increase in the risk of alcohol-related harm in the locality as a result of this development.
Electronic gaming machines (EGMs)

The SIA has made the following statement regarding EGMs:

“There is likely to be increased risk of gaming harm from the additional 10 gaming machines as any increase in density of EGMs is likely to increase the number of problem gamblers in the locality. Although the demographic indicators of gaming susceptibility are mixed, the fact that the locality is more disadvantaged than average also means that it is vulnerable to increased revenue being drawn from areas relatively near the Club as well as across Dubbo suburb. However, Clause 209 of the Gaming Machines Act 2001 does not allow a consent authority to refuse consent to a hotel or club for any reason that relates to the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club. As such, any concerns by the consent authority are more properly raised during the approval process under the Gaming Machines Act 2001 ...

As such, there is no basis to conclude that the social impacts in the locality arising from the development that can be considered under section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 would be of concern for this application.”

On this basis, EGM impacts are assessed as part of the licencing for each machine under the Gaming Machines Act, 2001 undertaken as a separate process. Therefore, whilst this Application is making provision for additional EMGs, the impact on the locality from a social-economic perspective, is not a matter for consideration under S79C of the Act. This is further referenced with case law in *Waugh Hotel Management v Marrickville Council (2007)* 156 LGERA 414 where the Court concluded that the assessment of the social impacts of the proposal must exclude the impacts of gambling machines in accordance with the provisions of the Gaming Machines Act, 2001.

### Chapter 3.5 Parking

Parking is required to be provided at the following rates:

**Registered club**
- 1 space per 5 m² of licenced floor area; plus
- 1 space per 5 m² of dining area

**Bowling green**
- 30 spaces for first bowling green; plus
- 15 spaces for each extra green

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ground Floor</strong></td>
<td>1,417.2 m²</td>
<td>1,775.3 m²</td>
<td>358.1 m²</td>
</tr>
<tr>
<td><strong>Lower Ground Floor</strong></td>
<td>383.2 m²</td>
<td>416 m²</td>
<td>32.8 m²</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,800.4 m²</td>
<td>2,191.3 m²</td>
<td>390.9 m²</td>
</tr>
</tbody>
</table>

Table 1. Existing and proposed licenced areas

Note: Licenced areas include dining areas
The proposed development is for an increase in gross floor area and does intend to modify or increase the number of bowling greens. Therefore parking would be required as follows:

\[ = 390.9 \text{ m}^2 / 5 \text{ m}^2 \]
\[ = 78.18 \text{ or } 78 \text{ additional spaces} \]

However, the Application seeks to reduce the number of parking spaces currently onsite from 183 to 169, being a reduction of 14 spaces. A Parking and Traffic Impact Assessment dated August 2017 (Appendix 3) prepared by Stanbury Traffic Planning has been provided to support the reduction. An assessment is now made of the existing development:

\[ = 1,800.4 \text{ m}^2 \text{ (licenced area)} + 3 \text{ bowling greens} \]
\[ = 360 + (30 + 15 + 15) \]
\[ = 420 \text{ spaces} \]

Therefore, the 420 required for the existing club, plus the 78 required for the proposed alterations requires a total of 498 parking spaces. The site only has 183 spaces.

Traffic counters were placed on the driveway for a four (4) week period from 26 June 2017 to 23 July 2017 to ascertain how many vehicles entered and exited the site. The data also determined the number of vehicles parking within the onsite parking area every hour. A summary of the parking demand provided by Stanbury Traffic Planning is provided below.

<table>
<thead>
<tr>
<th>Time</th>
<th>Average Parking Demand</th>
<th>Maximum Parking Demand</th>
<th>Day of Maximum Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:00am</td>
<td>27</td>
<td>62</td>
<td>Wednesday</td>
</tr>
<tr>
<td>11:00am</td>
<td>38</td>
<td>85</td>
<td>Tuesday</td>
</tr>
<tr>
<td>12:00pm</td>
<td>42</td>
<td>92</td>
<td>Tuesday</td>
</tr>
<tr>
<td>1:00pm</td>
<td>46</td>
<td>78</td>
<td>Tuesday</td>
</tr>
<tr>
<td>2:00pm</td>
<td>39</td>
<td>67</td>
<td>Thursday</td>
</tr>
<tr>
<td>3:00pm</td>
<td>33</td>
<td>92</td>
<td>Thursday</td>
</tr>
<tr>
<td>4:00pm</td>
<td>32</td>
<td>65</td>
<td>Friday</td>
</tr>
<tr>
<td>5:00pm</td>
<td>31</td>
<td>53</td>
<td>Saturday</td>
</tr>
<tr>
<td>6:00pm</td>
<td>49</td>
<td>89</td>
<td>Saturday</td>
</tr>
<tr>
<td>7:00pm</td>
<td>72</td>
<td>119</td>
<td>Saturday</td>
</tr>
<tr>
<td>8:00pm</td>
<td>60</td>
<td>105</td>
<td>Saturday</td>
</tr>
<tr>
<td>9:00pm</td>
<td>34</td>
<td>81</td>
<td>Saturday</td>
</tr>
<tr>
<td>10:00pm</td>
<td>17</td>
<td>49</td>
<td>Friday</td>
</tr>
<tr>
<td>11:00pm</td>
<td>8</td>
<td>36</td>
<td>Friday</td>
</tr>
<tr>
<td>12:00am</td>
<td>4</td>
<td>30</td>
<td>Friday</td>
</tr>
</tbody>
</table>
Based on the above data, the following conclusions can be made:

- The peak parking demand over the four week period was 119 vehicles; and
- The average parking demand (maximum) was 72 vehicles.

Therefore, based on the peak parking demand of 119 vehicles on the existing licenced area of 1,800.4 m², the existing club has a parking requirement of one (1) space per 15 m² of licenced area.

Based on one (1) space per 15 m²:

\[ = \frac{2,191.3 \text{ m}^2 (\text{existing and proposed licenced area})}{15 \text{ m}^2} \]

= 146 spaces.

It is therefore anticipated that the existing and proposed development will require 146 spaces, being less than the 169 spaces proposed.

Several inspections were undertaken in Stonehaven Avenue by Council officers over the course of this Application on Friday and Saturday nights between the hours of 6.30 pm and midnight. It was observed that car parking was always available onsite. Additionally, it was evident that only one (1) car associated with the Club (parked at the very end of Stonehaven Avenue) was evident on any inspection in which parking in Stonehaven Avenue was always minimal.

Additionally, there appears to be sufficient space for an additional six (6) spaces in the northeastern corner that are not marked on the proposed site plan. These spaces are not marked as they impact on the operations of the green keepers (needing to get access to the garden shed) however, this would not be an issue at night when parking is in peak demand. An additional six (6) spaces would increase the total provided to 175.

Noting the above, it is considered the proposed parking provision is acceptable.

(a)(iv) Regulations

Clause 94 of the Environmental Planning and Assessment Regulation, 2000 applies as a result of alterations being undertaken to an existing building. It is recommended that a condition be included on the consent ensuring that fire safety measures are functional for the safety of occupants during the construction works, noting it will be undertaken in stages. This condition has been included in Appendix 1.

5. LIKELY IMPACTS OF THE DEVELOPMENT - SECTION 79C(1)(b)

It is considered that there will not be any adverse impacts on the natural or built environments or any adverse social or economic impacts as a result of this proposal (noting that noise is addressed later in this report), having regard to the SIA report prepared by Judith Stubbs and Associates dated August 2017 (Appendix 5) and referred to earlier in this report.
6. **SUITABILITY OF THE SITE – SECTION 79C(1)(c)**

**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 or 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?*

The external appearance of the proposed development is 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?*

The size and shape of the land is considered 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.

**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 there will not be any adverse environmental impacts as a result of this proposal.

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

An Acoustic Report has been prepared by Resonate Acoustics dated 3 October 2017 *(Appendix 6)* outlining existing and potential noise impacts and recommendations to minimise any such impacts on the adjoining residential properties. Potential noise emissions from the operation of the club were measured from the nearest residential receiver (54 Stonehaven Avenue) using worst case scenarios being the cumulative impact of half the people on each balcony speaking (ie 58 people speaking). The worst case scenario also includes all operable building elements in the open position.
The report made the following findings:

- The noise emission predictions at the residential receivers showed no exceedances of the octave band criterion in either the daytime or night-time periods;
- Compliance with the night-time criterion means that the contribution from the club is equal to the background noise level at the receiver location; and
- If the windows on the residential dwelling are open, the noise level contribution inside the dwelling would be 10dB lower than the external noise level.

Ultimately, the report made the following conclusion:

“It is predicted that no residential receivers will be unduly impacted from Club Dubbo, whether adjoining neighbours or residences adjacent to the Macquarie River.”

Council’s Environment and Health Services Team Leader has reviewed the Acoustic Report and is generally satisfied that noise on nearby residential properties can be appropriately mitigated to ensure impacts are minimised. **Conditions** have been included in **Appendix 1** relating to:

- Providing acoustically absorptive panelling to the outdoor terraces to minimise noise on residential properties to the north of the site;
- Limiting access to outdoor terraces 3 and 4 between 10 pm and 9 am, seven (7) days a week;
- Prohibiting speakers or live music (both amplified and acoustic) on any of the outdoor terraces;
- Demolition and construction hours being limited; and
- Limiting general noise from the premises to no more than 5dB(A) above the background noise level.

Terrace 2 has not had a time limitation imposed given it has minimal capacity for a maximum of 10 people and to ensure the club has appropriate outdoor smoking areas. It is considered this is appropriate, given the Acoustic Study found the club with all terraces open would not exceed the night-time noise criterion and that music, both amplified and acoustic, and speakers are prohibited on the terraces.

It is considered that noise mitigation measures including the recommendations made by the Acoustic Report and the additional measures required by Council are appropriate and additional impacts on the nearby residential properties will be negligible.

**Access, transport and traffic**

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

It is considered there is sufficient provision for vehicle entry and exit, loading and unloading, internal manoeuvring and parking.
• Has the surrounding road system in the locality the capacity to accommodate the traffic generated by the proposed development?

It is considered that the surrounding road network has sufficient capacity to cater for the proposed development.

Utilities and waste considerations

The site is connected to all required services. Services will be extended as necessary to service the additional development.

7. SUBMISSIONS Section 79C(1)(d)

The development proposal was placed on public exhibition for 14 days ending 30 August 2017. 9 submissions were received. Some of the submissions received were from residents outside of the original neighbour notification area requesting additional time to make a submission.

The notification area was extended to include additional residents along Stonehaven Avenue to East Street and the exhibition period extended to include an additional 14 days ending on 14 September 2017. As a result, an additional three (3) submissions were received, taking the total number of submissions received to 12, with one of those submissions being in support of the development.

A copy of the submissions is included here as Appendix 4.

Comments raised in the submissions are summarised below.

• Additional noise on residents in Stonehaven Avenue

An Acoustic Report prepared by Resonate Acoustics dated 3 October 2017 (Appendix 6) demonstrates that with proposed mitigation measures, noise impacts on nearby residential properties will be negligible. A number of conditions have been included in Appendix 1 to ensure noise impacts are minimal.

Residents in Stonehaven Avenue, as part of the public exhibition process, stated that they believed the applicant had purposefully limited noise whilst the Acoustic Report was being undertaken. This was raised with the applicant’s consultant and a Statutory Declaration (Appendix 7) was subsequently submitted by the Club’s Chief Executive Officer, Mr Rod Firth, outlining the Club’s activities during the week commencing Tuesday 12 September 2017 and ending Tuesday 19 September 2017 and also stating that public-address system volumes were operated at normal levels. Effectively, during this week, bingo calls were called from the lower ground level rather than the ground level as a result of a bowls tournament being held; bingo calls returned to the ground level the following Tuesday.
Live music entertainment was provided on 15 and 16 September 2017 from 8 pm to midnight and 9 pm to midnight respectively. This was within the Acoustic Report data collection period being between 12 September 2017 and 18 September 2017 and therefore captured in the noise results.

Several inspections were undertaken in Stonehaven Avenue by Council officers over the course of this Application, on Friday and Saturday nights between the hours of 6.30 pm and midnight. No significant adverse noise was heard from the subject premises and combined with the Acoustic Report. It is therefore considered that the proposed development would not result in significant additional impact on the nearby residential properties noting the proposed mitigation measures proposed to be included as conditions on the consent (Appendix 1).

- **Anti-social behaviour in Stonehaven Avenue**

There is a pedestrian gate located at the end of Stonehaven Avenue which allows people to walk between the club and the adjoining residential area. Several inspections were undertaken in Stonehaven Avenue by Council officers over the course of this Application, on Friday and Saturday nights between the hours of 6.30 pm and midnight. No evidence of antisocial behaviour was observed and given the proposed development does not propose to significantly increase patronage, the impact on nearby residential properties is not expected to be substantial.

- **Social impacts from more poker machines**

A Social Impact Assessment prepared by Judith Stubbs and Associates dated August 2017 (Appendix 5) has been submitted with the Application. With respect to electronic gaming machines, potential social impacts arising from such machines are not a matter for consideration under Section 79C of the Act, but are assessed under the Gaming Machines Act.

- **Additional traffic and parking in Stonehaven Avenue**

Several inspections were undertaken in Stonehaven Avenue by Council Officers over the course of this Application on Friday and Saturday nights between the hours of 6.30 pm and midnight. It was evident that only one (1) car associated with the club (parked at the very end of Stonehaven Avenue) was evident on any inspection. The parking of vehicles in Stonehaven Avenue was always minimal.

- **Inadequate parking onsite**

Traffic counters were placed on the driveway for a four week period from 26 June 2017 to 23 July 2017 to ascertain how many vehicles entered and exited the site. The data also determined the number of vehicles parking within the onsite parking area every hour.

Based on the peak parking demand of 119 vehicles on the existing licenced area of 1,800 m², the existing club has a parking requirement of one (1) space per 15 m² of licenced area.
Based on one (1) space per 15 m², the existing and proposed development will require 146 spaces, less than the 169 spaces proposed. Parking is therefore considered to be appropriate.

- **Lighting along the Tracker Riley**

The Tracker Riley track is a cycle and pedestrian pathway located on the reserve adjacent to the Macquarie River, immediately to the east of the subject site. The lighting of this pathway is of no relevance to this Application however, this issue was raised with Council’s Manager Landcare Services being responsible for the implementation of lighting along the Tracker Riley walkway. It was advised that new lighting was in conceptual stages with public consultation to be undertaken once the project had progressed with an initial design.

8. **PUBLIC INTEREST – SECTION 79C(1)(e)**

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

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

a) **S64 Sewer Contribution**

According to Table 3.1 of the Plan, sewer contributions are calculated based on Appendix E of the Plan. The proposed development is considered a ‘club (licenced)’ which has a rate of one (1) Equivalent Tenement (ET) per 25 occupants.

The proposed alterations will increase the capacity of patrons by 21.

\[
\begin{align*}
1 \text{ ET} / 25 \text{ occupants} & = 1 \text{ ET} \times (25/21) \\
& = 0.84 \text{ ETs} \times $5,585.77 \\
& = $4,692.05 
\end{align*}
\]

A **condition** has been included in the conditions of consent attached as **Appendix 1** requiring payment of S64 sewer contributions prior to the issue of the Occupation Certificate.

b) **S64 Water Contribution**

According to Table 3.1 of the Plan, water contributions are calculated based on Table 3.2 (including Table 3-3).

The alterations include the following additional fixtures:

\[
\begin{align*}
4 \text{ x toilets} & = 4 \times 30L = 120L \\
1 \text{ x food prep sink} & = 1 \times 10L = 10L \\
& = 130L 
\end{align*}
\]
Leakage 10% = 2.6L
Total demand = 132.6L
Number of staff = 21
Total daily consumption = 132.6L x 21 = 2,784.6L
= 2,784.6L/5000L
= 0.55692 ET x $5,585.80
= $3,110.84

A condition has been included in the conditions of consent attached as Appendix 1 requiring payment of $64 water supply contributions prior to the issue of the Occupation Certificate.

c) S94 Urban Roads Contribution

In accordance with Table 4.1 of the Plan, the proposed development is best defined as ‘Licenced Clubs’ which generates 100 daily trips per 100 m² of GFA.

\[
GFA \text{ (additional)} = 520.13 \text{ m}^2 \\
= (520.13 \text{ m}^2/100) \times 100 \text{ trips} \\
= 520.13 \text{ trips} \times $392.35/\text{trip} \\
= $204,073.00
\]

The Applicant has sought a variation to the Plan in accordance with Section 3.6, which states:

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

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

Reference is made to the former RTA’s Guide to Traffic Generating Developments for assistance with calculating the level of traffic generated by a registered club. Section 3.7.3 of the RTA Guide to Traffic Generating Developments states:

“Surveys of licensed clubs conducted by the RTA in 1978 indicate that it is difficult to generalise on their traffic generation because of the diversified nature of clubs. Traffic generation is affected by such factors as the provision of live entertainment, gambling facilities, number of members and club location. Behavioural changes since 1978, such as the introduction of random breath testing, also make such generalisations more difficult.”
... For extensions to an existing club, the assessment should be based on the relevant club.”

As discussed above under Chapter 3.5 Parking, a Parking and Traffic Impact Assessment has been prepared by Stanbury Traffic Planning dated August 2017 (Appendix 3) which includes the placement of traffic counters on the driveway over a four week period from 26 June 2017 to 23 July 2017 to ascertain how many vehicles entered and exited the site. A summary of this data is provided below:

- The average daily traffic generation was surveyed to be 656 trips;
- The maximum daily traffic generation was surveyed to be 935 trips, occurring on Thursday 20 July;
- The average peak hourly traffic generation was surveyed to be 84 trips; and
- The maximum peak hourly traffic generation was surveyed to be 130 trips, occurring on Friday 14 July 2017 between 5 pm – 6 pm.

The Parking and Traffic Assessment made the following justification:

“The S94 Plan provides an average daily traffic generation rate for licensed clubs of 100 vehicle trips per 100 m² of gross floor area. This appears to have been based upon the traffic generation rates for clubs provided by the Roads and Maritime Services’ Guide to Traffic Generating Developments which states that a club provides an average traffic generation of 90 vehicle trips per 100 m² of licensed floor area between 4 pm and 1 am.

It has however been established in Section 4.5.2 of this report that there is a significant disparity between the surveyed generation of the Club and that calculated based on the Roads and Maritime Services’ Guide to Traffic Generating Developments. It is accordingly considered that S94 contributions for the subject development should be based on the likely traffic generating ability of the proposed Club expansion.

A site specific Club based daily traffic generation rate has therefore been formulated by dividing the existing gross floor area by the surveyed maximum daily traffic generation as follows:

\[
\text{Club Daily Traffic Generation Rate} = \frac{\text{Current Peak Daily Traffic Generation}}{\text{Existing Gross Floor Area}}
\]

\[
\text{Club Daily Traffic Generate Rate} = \frac{936 \text{ trips}}{2,985 \text{ m}^2}
\]

\[
\text{Club Daily Traffic Generation Rate} = \frac{[31.36] \text{ vehicle trips}}{100 \text{ m}^2}
\]
The exercise results in a Club based daily traffic generation rate of 32 trips per 100 m² gross floor area being calculated. Application of this rate to the proposed additional gross floor area of 520.13 m² indicates that the proposal is expected to generate in the order of [163.1] daily vehicle trips to and from the site over and above that currently generated.

The appropriate S96 contribution rate has therefore been calculated as follows:

\[
S94 \text{ Contribution} = (S94 \text{ Contribution Rate}) \times (\text{Additional Dally vehicle Trips})
\]
\[
S94 \text{ Contribution} = [\$392.35] \times [163.1]
\]
\[
S94 \text{ Contribution} = [\$65,522.45]
\]

The appropriate S94 contribution is therefore calculated to be [\$63,992.29].”

The Assessment had the Applicant undertake a patronage survey to ascertain how they travelled to the club. In this regard, the Assessment made the following comment:

“Table 3 indicates that approximately one third (31%) of patrons drive themselves to the Club with the majority of Club patrons either being driven to the Club, dropped off at the Club, walk to the Club or catching a taxi ...

This Practice notes that the portion of Club patrons walking and utilising taxis to access the site are slightly higher than our experience of other clubs would suggest. Consultation with the Club operators have indicated that the significant portion of patrons who walk to the Club originate from the temporary accommodation land-uses in the close vicinity of the site. In this regard, it is noted that four motels and a caravan park are located within the immediate vicinity of the Club whilst a number of other accommodation land-uses are located in the general surrounds.

In regard to patrons utilising taxis to access the Club, it is noted that discounted taxi coupons are available for purchase at the Club thereby providing patrons with a considerably more cost effective method of transport to access the Club. In addition, it is noted that a free taxi phone is provided for Club patrons within the Club lobby.”

A table showing a summary of arrival methods of surveyed patrons is as follows:
Based on the above, there are various considerations as to why the number of trips per 100 m² for the existing development is less than that provided under the S94 Plan and the RTA Guide to Traffic Generating Development. Given the adjoining and nearby residential areas and four motels and one caravan park, it would seem logical to have a relatively high number of patrons walking (18%).

There were also concerns raised by residents in Stonehaven Avenue that patrons have been parking in Stonehaven Avenue. This would infer that the data collected by the traffic counters on the club’s driveway was not accurate however, several inspections between 6.30 pm to midnight on Friday and Saturdays revealed that minimal vehicles were parked in Stonehaven Avenue. Only one car at any time appeared to be associated with the club (being parked at the very end of the Stonehaven Avenue cul-de-sac).

Therefore, based on the submitted traffic data and justification supplied within the Parking and Traffic Assessment, 31.36 trips per 100 m² is considered reasonable in this instance.

A condition has been included in the conditions of consent (Appendix 1) requiring payment of Section 94 urban road contributions prior to the issue of the Occupation Certificate for the amount of $63,992.29 (163.1 trips).

d) S94 Stormwater Drainage Contribution

The site is located within catchment 2.1 Sir Roden Cutler Park which does not incur Section 94 urban stormwater contributions.

e) S94 Open Space Recreation Contribution

Open space and recreation contributions are not applicable for the proposed development under the Plan.
Appendices:

1. Conditions of consent  
2. Development plans  
4. Submissions (12)  
5. Social Impact Assessment dated August 2017  
6. Acoustic Report dated 3 October 2017  
7. Statutory declaration by R Firth dated 22 September 2017
CONDITIONS

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

Drawing Title: Proposed Site Plan
Drawing No: 00-01
Drawn By: GroupN
Date: 31.07.17
Revision: 7

Drawing Title: Proposed Floor Plan - Ground
Drawing No: 01-01
Drawn By: GroupN
Date: 28.07.17
Revision: 5

Drawing Title: Proposed Floor Plan – Lower Ground
Drawing No: 01-03
Drawn By: GroupN
Date: 24.07.17
Revision: 5

Drawing Title: Elevations and Sections
Drawing No: 03-01
Drawn By: GroupN
Date: 24.07.17
Revision: 3

(Reason: To ensure that the development is undertaken in accordance with that assessed)

(2) The Urban Roads headworks contribution of $63,992.29 (163.1 trips), calculated on a per trip basis, in accordance with Council’s adopted amended Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, operational 3 March 2016, shall be paid by the developer on the submission of the Occupation Certificate.

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

Note 1: Council’s adopted 2017/2018 financial year rate is $392.35 per commercial trip.

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

(3) The Sewerage Services headworks contribution of $4,692.05 (0.84 ETs), calculated on an Equivalent Tenement (ET) 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 on the submission of the Occupation Certificate.

Such contribution rate per ET 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 2017/2018 financial year rate is $5,585.77 per ET.

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

(4) The Water Supply headworks contribution of $3,110.84 (0.55692 ETs), calculated on an Equivalent Tenement (ET) 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 on the submission of the Occupation Certificate.

Such contribution rate per ET 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 2017/2018 financial year rate is $5,585.80 per ET.

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

(5) For the purposes of maintaining the existing building's fire safety during the construction phases of the development, the following shall be undertaken, the details of which are to be submitted with the relevant Construction Certificate application as part of the proposed building works:

(a) Prior to any building work commencing on stage 2, provide an onsite pillar fire hydrant in conformity with AS 2419.1-2005 and clause E1.3 of BCA 2016, such that the building has adequate hydrant coverage at all times. As part of such installation, compliance with the flow rate and pressure requirements of AS 2419.1-2005 is to be demonstrated; and
(b) Provision of sufficient number and aggregate width of ‘required’ exits to achieve compliance with clause D1.5 of BCA 2016; and

(c) Provision of sufficient number and aggregate width of paths of travel to ‘required’ exits to achieve compliance with clause D1.6 of BCA 2016; and

(d) Provision of required exit doors and working hardware which are in conformity with clauses D2.19, D2.20 and D2.21 of BCA 2016; and

(e) Each required exit is provided with an unobstructed path of travel from it in conformity with D1.6 and D1.10 of BCA 2016.

(f) Provision of adequate fire hose reel coverage to the requirements of clause E1.4 of BCA 2016 and AS 2441-2005; and

(g) Provision of portable fire extinguishers to the requirements of E1.9 Fire precautions during construction of BCA 2016 and AS 2444-2001; and

(h) Provision of sufficient emergency lighting and exit signage to the revised floor plans and paths of travel to alternate exits in conformity with Part E4.2 of BCA 2016 and AS/NZS 2293.1-2005.

(Reason: Council requirement for provision of adequate fire safety of the building during the construction phase in consideration of clause 94 of the EP&A Regulation, 2000)

(6) The proposed building works must be designed and constructed in conformity with the design criteria applicable under the BCA and the Disability (Access to Premises — Buildings) Standards, 2010 of the DDA.

In this regard, if Council is engaged as the Certifying Authority, the developer shall submit with the Construction Certificate application, details of any upgrading to the existing building’s ‘affected parts’ where applicable, under the Disability (Access to Premises — Buildings) Standards 2010.

(Reason: Council requirement to ensure compliance with the Premises Standards under the DDA is demonstrated)

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

(Reason: Prescribed statutory condition under the Environmental Planning and Assessment Act, 1979)

(8) A continuous accessible path of travel for disabled persons shall be provided from the allotment boundary at a point of entry from Whylandra Street and any disabled car parking spaces provided, to the doorway at the entrance floor and through the principle pedestrian entrance of the club. The design for such access must be in accordance with Part D3 of the Building Code of Australia (BCA) and the Access Code under Disability (Access to Premises — Buildings) Standards, 2010.

(Reason: Council requirement in consideration of Section 79C of the EP&A Act, BCA and Disability Discrimination Act, 1992)

(9) 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)
(10) The proposed alterations to be carried out to the existing building's sanitary plumbing and drainage pipe work require the issue of an additional, separate approval from Council prior to the work commencing. 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 authorising such works.  
(Reason: Statutory requirement of Local Government (General Regulation, 2005)

(11) A hoarding shall be erected between the construction area and the adjoining club premises and/or around any openings or obstructions if visitors and occupants are likely to be endangered, obstructed or inconvenienced by the proposed works. Such hoarding shall incorporate appropriate plastic curtain sheeting to the degree necessary to prevent escape of dust into the adjoining mall area.  
(Reason: Council requirement for the protection of the public)

(12) All sanitary plumbing, drainage and water plumbing work shall be carried out by a licensed plumber and drainer.  
(Reason: Statutory requirement of Section 634 of the Local Government Act, 1993)

(13) 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)

(14) 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)

(15) 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 the inspection of such works. When requesting an inspection, please quote Council's reference number D2017-415 Part 1.

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

Advanced notification for an inspection can be made by emailing enviroadmin@dubbo.nsw.gov.au or by telephoning Council's Planning and Environment Division on 6801 4612.  
(Reason: Statutory provision and Council requirement being the water and sewerage authority)

(16) The hot water delivered to the outlets of the hand-basins shall not exceed 50°C, whilst similar ambulant and disabled accessible fixtures shall not exceed 45°C.  
(Reason: Council policy and statutory requirement of the Plumbing Code of Australia)
(17) 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 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)

(18) The new building works 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)

(19) 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)

(20) 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) 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 conditions imposed by Clause 58A of the EP&A Regulation, 2000)

(21) 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)

(22) 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 (2) days of completion.
(Reason: Statutory and Council requirement)

(23) If Council is engaged to act as the Principal Certifying Authority (PCA), the applicant shall ensure that the responsible builder and/or applicable contractor submit to Council documentary evidence identifying and confirming that their respective work was undertaken in conformity with the relevant Section J provisions of the BCA, as approved under the Construction Certificate. Such documentation must be provided prior to issue of the building’s Occupation Certificate.
(Reason: To satisfy Council as the PCA that the applicable work has been undertaken in conformity with the BCA)

(24) Provide details with the relevant Construction Certificate application(s) demonstrating the adequate provision of disabled access to the those areas of the building being maintained open to the public during the various stages of the proposed building works, whether temporary or otherwise.

Such details are to identify the particular staging of the building works to which they relate.
(Reason: To ensure continuous and dignified disabled access is provided during the construction process)

(25) Provide details with the relevant Construction Certificate application(s) demonstrating the adequate provision of disabled toilet facilities to those areas of the building being maintained open to the public during the various stages of the proposed building works, whether temporary or otherwise.

Such details are to identify the particular staging of the building works to which they relate.
(Reason: To ensure continuous and dignified disabled access is provided during the construction process)

(26) An Erosion and Sedimentation 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: Implementation of Council policy to reduce sediment pollution)

(27) All walls, floors, ceilings, shelves, fittings and furniture within the food premises shall be constructed of material that is durable, impervious and capable of being easily cleaned.
(Reason: Council requirement to achieve compliance with food safety standards)
(28) All ceilings in food preparation areas shall be lined with plasterboard or similar material having a continuous smooth impervious surface capable of being easily cleaned.
   (Reason: Council requirement to achieve compliance with food safety standards)

(29) Those portions of the building proposed to be used for the manufacturing, preparing, storing or handling of food shall be constructed and operated in accordance with the requirements of the Food Act, 2003, Food Regulations, 2010 and the Food Safety Standards.

Plans detailing the construction and fit-out of the food preparation areas shall be submitted and approved by Council prior to the Construction Certificate being issued. Additionally, prior to the business commencing, the operator shall notify Council and a satisfactory inspection completed.
   (Reason: Statutory requirement of the Food Act, 2003 and implementation of Council’s policy)

(30) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
   (Reason: Council and statutory requirement to protect Aboriginal heritage)

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

Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.
   (Reason: Council requirement to prevent the contamination of the environment)

(32) All solid waste from the 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)

(33) Waste demolition and construction materials including soil arising from the development must be disposed of at an appropriately licensed waste facility.
   (Reason: To ensure environmentally safe disposal)

(34) Noise from the development (L_{Aeq}) shall not exceed the background (L_{Aeq}) 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)
(35) Prior to any construction works commencing, a Waste Management Plan shall be prepared and approved by Council. Such Plan shall include but not be limited to the following:

(a) Assessment of types of waste;
(b) Classification of each type of waste;
(c) Volume of each type of waste;
(d) Management and storage of waste onsite:
   - Method of waste disposal and disposal sites;
   - Method of waste transport and disposal sites; and
(e) Record keeping.
   (Reason: Council requirement to require compliance with the POLO Act)

(36) Demolition and construction work shall only be carried out within the following times:

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

(37) Outdoor Terraces 3 and 4 as shown on approved development plans drawn by GroupN shall be closed from patron access between 10 pm and 9 am, seven (7) days a week.
   (Reason: To prevent offensive noise from affecting sensitive residential receivers in the vicinity)

(38) The development shall include the internal acoustic treatments outlined in Part 5.1 of the Acoustic Report prepared by Resonate Acoustics (Reference: S16868RF1, Revision A, dated 3/10/17), which include (but not necessarily limited to):

- Where a ceiling is proposed, utilise acoustic ceiling tiles with the minimum NRC 0.7 or perforated plasterboard ceiling with absorptive backing;
- Maximise the use of carpet and soft furnishings throughout all internal spaces;
- Apply weather/UV-resistant, acoustically-absorptive panelling with an approximate NRC 0.9 to walls to the maximum extent possible to each of the terraces.
   (Reason: To minimise potential acoustic impacts to nearby sensitive receivers)

(39) No speakers or live music (either acoustic or amplified) shall be located or played on any of the outdoor terraces.
   (Reason: To prevent offensive noise from affecting sensitive residential receivers in the vicinity)

(40) The landscaping shown on the submitted Proposed Landscape Plan drawn by GroupN (Drawing No. 18-01, revision 3 dated 27/07/17) shall be established prior to the issue of the relevant Occupation Certificate.

The landscaping as planted shall be maintained to at least the standard specified on the submitted plan.
   (Reason: To maintain the aesthetic quality of the development)
(41) 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]

(42) Prior to the issue of any Occupation Certificate for the approved development, external works such as landscaping, the car park and hardstand areas must be completed in conformity with this development consent unless the deferment of such works, in part or in stages, has been agreed to in writing by the consent authority.

[Reason: To ensure the development is completed prior to its occupation and use]

(43) The maximum occupancy of the premises shall not exceed 1,151 people, including staff, in accordance with the submitted ‘Population, Egress and Fire Hydrant/Hose Reel Coverage Analysis’ plan drawn by GroupN (Drawing No. 05-01, revision 3 dated 26/07/17).

[Reason: To ensure the capacity of the development is in accordance with that submitted to Council]

NOTES

(1) A separate application is required to be submitted to either Council or an accredited certifier to obtain a Construction Certificate(s) for the proposed building work.

(2) 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. In particular, the submitted details for the proposed disabled and ambulant toilets should include elevations and floor plans of the facilities drawn to a scale of 1:20. Reference should be made to AS 1428.1, the Access Code under the Premises Standards and AS/NZS 2890.6 regarding specific design parameters.

(3) On completion of the Construction Certificate(s) for the subject building work, 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 building - as listed on the Fire Safety Schedule attached to the Construction Certificate. Such certificate(s) must be submitted to the PCA prior to occupation or use of that stage of the subject building.

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

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

Air impurities as defined under the Protection of the Environment Operations Act, 1997 shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.
(5) The 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 any 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 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 to their dedicated email address, being afsr@fire.nsw.gov.au

(6) If Council is engaged to act as the Principal Certifying Authority for the Construction Certificate application, the following shall be included with such application:

(a) 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 and resistance to earthquake loads;

(b) Location of proposed exit signs, directional exit signs, emergency lighting and any portable fire extinguishers;

(c) Specifications demonstrating the building's floor, wall and ceiling lining materials conform with C1.10 of the BCA with respect to their fire hazard properties;

(d) Details of guard rails/safety barriers proposed to be provided to entry/exit ramps demonstrating compliance with AS 1170.1;

(e) Balustrade and handrail design details for the proposed stairs;

(f) Details indicating the slip-resistance classification of proposed ramps stair landings, treads and if specified, its nosing strips, pursuant to D2.13 and D2.14 of the BCA;

(g) Occupancy calculations for the whole development (existing building + proposed extensions) demonstrating that the existing and proposed sanitary facilities are sufficient in terms of Part F2 of the BCA to cater for the additional occupancy arising from the new building floor area;

(h) 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;

(i) Location of required fire hose reels together with design calculations, including demonstration that such reels achieve full floor coverage in conformity with E1.4(c)(i) and AS 2441;

(j) In order for any of the essential fire safety measures located in the new building work to be interconnected with and served by the fire safety measures within the existing building, it will be necessary to demonstrate that such existing measures comply with and can achieve the standard of performance required of the applicable new measures. Documentation demonstrating compliance in this regard will need to be provided with the Construction Certificate application;

(k) Plans indicating compliance with AS 1428.1-2009 as adopted by the BCA with respect to the design of the proposed disabled accessible sanitary compartment.

Note: Particular attention needs to be given to the design of the unisex disabled accessible toilet compartment with the current edition of AS 1428.1:2009.
Submitted plans should detail the specific set-out dimensions of all proposed fixtures, not only for the benefit of the PCA 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:

- All new internal 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 (TGSI) 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 spaces ‘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);

(l) Details demonstrating the provision of disabled access to the building, including from the pedestrian entry at the allotment boundary (if deemed-to-satisfy solution utilised); or otherwise an alternative solution prepared under Part A0 of the BCA to address the applicable Performance Requirements under the BCA and Access Code of the Premises Standards;

(m) Specifications/details of any proposed glazed panels and doors, particularly with respect to human impact considerations;

(n) Details indicating the smoke hazard management measures under Part E2 of the BCA intended for the building;

(o) All relevant stormwater design and disposal details; and

(p) Existing and finished site contours and levels associated with the development’s site works.

(7) Building regulatory issues noted with the application include the following:

A. Disabled access to the premises needs to be maintained during the construction phase. This should include but is not to be limited to:
   i) Provision of temporary ramps when the existing accesses become unusable;
   ii) Reallocation of disabled car parking spaces until the permanent locations are available;
   iii) The ‘temporary’ stairway of stage 2 complying with AS 1428.1 Clause 11;
   iv) Provision of at least one (1) accessible disabled toilet during the construction phases;
B. Fire safety measures during the building’s construction phases need to be maintained whilst the building is occupied:
   i) Relocation of directional exit signage and emergency lighting to reflect the revised 'required' paths of travel to 'required' exits for each stage;
   ii) A general, optional performance-based fire safety condition to maintain the existing fire safety measures during the construction phases.

(8) The mechanical service treatments shall be selected taking into consideration Part 5 Recommendations of the Resonate Acoustics, Club Dubbo Acoustic report Reference: S16868RP1, Revision A.

(9) Consideration of this application involved no assessment of compliance with the provisions of the Smoke-free Environment Act and the applicant is advised to obtain their own expert advice in that regard.

Regulatory responsibility for the Smoke-free Environment Act, 2000 and the Smoke-free Environment Amendment (Enclosed Places) Regulation, 2006 lies with NSW Health and its associated enforcement officers situated in public health units throughout NSW.

It is important to note that the Smoke-free Environment Amendment (Enclosed Places) Regulation, 2006 provides guidelines for the minimum amount of open space that can be used to consider an ‘outdoor’ area unenclosed. All premises that are considering making alterations to their outdoor areas in line with the Regulation are responsible for seeking their own legal advice to ensure that their proposed plans are in agreement with the minimum standards required by the legislation.

(10) The Council Section 94/64 Contribution Plans referred to in the conditions of this consent may be viewed without charge at Council’s Civic Administration Building, Church Street, Dubbo between the hours of 9 am and 5 pm, Monday to Friday. Copies are also available from Council’s website at:


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 (6) 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 (6) months after the date on which you receive this Notice.
Supporting Documentation

### DA Architectural and Landscape Drawings

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Supporting Documentation

Parking & Traffic Assessment Report
Prepared for: Parking & Traffic Planning

9th JUNE 2017

PARKING & TRAFFIC IMPACT ASSESSMENT
PARKING & TRAFFIC IMPACT ASSESSMENT

PROPOSED ALTERATIONS AND ADDITIONS TO
CLUB DUBBO
82 WHYLANDRA STREET
DUBBO

PREPARED FOR NEW ENGLAND CONSTRUCTIONS PTY. LTD.
OUR REF: 16-098

AUGUST 2017

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ph: 026830 8811
fax: 026820 7775

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
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5. CONCLUSION

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1. Architectural Plans
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**INTRODUCTION**

Stanbury Traffic Planning has been commissioned by New England Constructions Pty Ltd to undertake a Parking & Traffic Impact Assessment to accompany a development application to be lodged with Dubbo Regional Council with respect to 388 Whylandra Street, Dubbo.

The Development Application seeks consent for the undertaking of alterations and additions to Club Dubbo involving refurbishment and extensions to the existing entry, gaming and lounge areas of the Club building. The primary objective of the proposal is to improve the functionality of internal and external Club spaces, the access arrangements and the external facades of the building.

The proposed Club building alterations also involve the undertaking of minor alterations to the existing internal circulation and parking area, primarily to the south of the building, resulting in a reduction in the number of on-site parking spaces from 183 to 163 spaces.

Whilst the existing driveway connection to Whylandra Street is not proposed to be altered, the application also involves the conversion of an existing formalised parking lane within Whylandra Street adjacent to the site into an exclusive left turn deceleration lane exclusively servicing the Club development.

The existing Club servicing arrangements are not proposed to be altered.

The aim of this assessment is to investigate and report upon the potential parking and traffic consequences of the development application and to recommend appropriate ameliorative measures where required. This report provides the following scope of assessment:

- Section 1 provides a summary of the site location, details, existing and surrounding land-uses;
- Section 2 describes the proposed development and operational characteristics;
- Section 3 assesses the parking considerations of the proposal with respect to the relevant Council specifications and the expected operational requirements; and
- Section 4 assesses the traffic considerations of the proposal with respect to the projected traffic generating ability of the proposed development and the ability of the surrounding road network to be capable of accommodating the altered demand in a safe and efficient manner.

The report has been prepared pursuant to State Environmental Planning Policy (Infrastructure) 2007.
Reference is made to the following documents throughout this report:

- The Roads & Maritime Services' Guide to Traffic Generating Developments;
- Dubbo Regional Council's Dubbo Development Control Plan 2013 (DCP-2013); and

Architectural plans have been prepared by Group J Architecture Interior Landscape, reduced copies of a selection of which are attached as Appendix 1.

The site is located on the south-eastern side of Whylandra Street; to the south of its junction with Gowerin Street, Dubbo. The site location is illustrated overleaf within a local and aerial context by Figure 1 and Figure 2, respectively.
The site provides a real property description of Lot 229 DP 754323 and a street address of 82 Whylandra Street, Dubbo.

The land is predominantly rectangular in shape providing an approximate frontage of 122m to Whylandra Street. The site extends to the south-east away from Whylandra Street some 144m and 122m along its northern and southern boundaries, respectively.

The subject site currently accommodates Club Dubbo, comprising:

- Those bowling greens along the Whylandra Street frontage and the northern boundary;
- A large formalised car parking area containing 183 spaces, primarily along the southern and eastern boundaries and
- A Club building approximately central to the site comprising a gross and licensed floor area of 2,985m² (including 182.86m² of unenclosed covered terrace area) and 1,900m², respectively.

The Club building comprises two storeys with the lower ground floor level accommodating a function area, kitchen, services and utilities, green keeper infrastructure and loading dock. The ground floor level of the Club comprises a bistro, outdoor dining area, bar, TAB, gambling and gaming areas.

Vehicular access to the site is provided via a combined ingress/egress driveway connecting with Whylandra Street in the south-western corner of the site.
Pedestrian access to the site is provided to the north and separate to the abovementioned vehicular access driveway, connecting with the eastern Whylandra Street footpath approximately central to the site frontage.

The current hours of operation are 9:00am — 6:00pm Sunday to Wednesday, 9:00am — 11:00pm Thursday and 9:00am — 12:00am Friday and Saturday.

The subject site is surrounded by the following land uses:

- Detached residential dwellings fronting both Whylandra Street and Stonehaven Avenue occupy land to the north;
- All Seasons Motor Lodge fronts Whylandra Street approximately 20m to the north of the site;
- Detached residential dwellings are located to the west on the opposite side of Whylandra Street;
- Abel Tasman Motor Inn is located to the south-west of the site on the opposite side of Whylandra Street;
- Sir Roden Cutler Park adjoins the site to the south and east, on the western bank of Macquarie River.
### DESCRIPTION OF PROPOSAL

#### 3.1 INTRODUCTION

The Development Application seeks consent for the undertaking of alterations and additions to Club Dubbo involving refurbishment and extensions to the existing entry, gaming and lounge areas of the Club building. The primary objective of the proposal is to improve the functionality of internal and external Club spaces, the access arrangements and the external façade of the building.

The proposed Club building works include the following:

- The demolition of the internal layout of the Club (excluding the kitchen and vertical circulation space);
- The reconfiguration of the internal design of the layout of services offered to:
  - Extend the gaming area including an outdoor gaming terrace;
  - Extend part of the outdoor dining terrace area;
  - Enclose part of the outdoor dining terrace area as an indoor dining area;
  - Partially enclose the existing terrace area near the bowls office to the north west of the building; and
  - Provide additional terrace area at the western edge of the building.
- Provide a new foyer area including a lift and outdoor canopy entrance structure.

Table 1 provides a summary of the existing and proposed gross and licensed floor areas, whilst full details are contained within Appendix A.

<table>
<thead>
<tr>
<th>TABLE 1</th>
<th>EXISTING AND PROPOSED GROSS &amp; LICENSED FLOOR AREAS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Existing</td>
</tr>
<tr>
<td>GROSS FLOOR AREA</td>
<td></td>
</tr>
<tr>
<td>Ground Floor</td>
<td>2,000.36m(^2)</td>
</tr>
<tr>
<td>Lower Ground Floor</td>
<td>984.82m(^2)</td>
</tr>
<tr>
<td>Total</td>
<td>2,985m(^2)</td>
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<tr>
<td>LICENSED FLOOR AREA</td>
<td></td>
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<tr>
<td>Ground Floor</td>
<td>1,417.2m(^2)</td>
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<tr>
<td>Lower Ground Floor</td>
<td>383.2m(^2)</td>
</tr>
<tr>
<td>Total</td>
<td>1,800.4m(^2)</td>
</tr>
</tbody>
</table>

Table 1 indicates that the proposal involves increasing the existing gross and licensed floor areas by 520.13m\(^2\) and 390.9m\(^2\), respectively.

The proposed Club building alterations also involve the undertaking of minor alterations to the existing internal circulation and parking area, primarily to the south of the building, resulting in a reduction in the number of on-site parking spaces from 189 to 169 spaces.
The existing vehicular access driveway and existing pedestrian access pathway to the north are proposed to remain unchanged; however, an additional pedestrian footpath is proposed to provide accessible path of travel from the boundary to the main Club entry.

The existing vehicular servicing arrangements are proposed to remain unchanged.

Whilst the existing driveway connection to Whyandra Street is not proposed to be altered, the application also involves the conversion of an existing formalised parking lane within Whyandra Street adjacent to the site into an exclusive left turn deceleration lane exclusively servicing the Club development.

The left turn lane is to provide an approximate length of 10m, extending between the existing pedestrian refuge (to the south of Gavrin Street) to the existing site access driveway.
3. PARKING CONSIDERATIONS

3.1 Parking Demand

The Club is currently serviced by an offstreet parking area containing 183 passenger vehicle parking spaces, four of which are disabled parking spaces.

3.2 Parking Survey

In order to obtain an indication of the existing parking demand of the on-site parking areas, parking accumulation surveys were undertaken over a four week period through the placing of automatic time counters over the site access driveway. The surveys were undertaken between the 26th of June and the 23rd of July, 2017.

Whilst it is acknowledged that two of the four weeks of survey captured school holiday periods, the length of the survey is considered to be sufficient to capture the differing Club patronage associated with the range of functions and events associated with the overall operation of the Club / bowling greens.

This Practice has been able to determine the number of vehicles parked within the on-site parking area every hour during the four week survey period. It is noted that some minor calibration of the survey results was undertaken to account for minor inaccuracies in the data resulting from some entering vehicles stopping the exiting travel lane tube and vice versa. Table 2 below provides a summary of the parking demand survey results during the primary Club operating hours (10:00am – 12:00am) whilst Table 3 contains full raw output details as well as summaries collated by this Practice.

<table>
<thead>
<tr>
<th>Time</th>
<th>Average Parking Demand</th>
<th>Maximum Parking Demand</th>
<th>Day of Maximum Demand</th>
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<tbody>
<tr>
<td>10:00am</td>
<td>27</td>
<td>62</td>
<td>Wednesday</td>
</tr>
<tr>
<td>11:00am</td>
<td>16</td>
<td>85</td>
<td>Tuesday</td>
</tr>
<tr>
<td>12:00pm</td>
<td>42</td>
<td>92</td>
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<td>46</td>
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</tr>
<tr>
<td>2:00pm</td>
<td>39</td>
<td>67</td>
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</tr>
<tr>
<td>3:00pm</td>
<td>33</td>
<td>92</td>
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<td>4:00pm</td>
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<td>31</td>
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<td>49</td>
<td>92</td>
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<td>7:00pm</td>
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<tr>
<td>12:00am</td>
<td>36</td>
<td>36</td>
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</table>
Table 2 indicates the following:

- The peak instantaneous parking demand of the Club during the survey period was 113 vehicles occurring at 7:00pm on Saturday the 16th of July;
- The average peak parking demand of the Club was 72 vehicles occurring at 7:00pm.

No patron vehicles were observed to park within Whylandra Street during the survey period.

Whilst not captured by the automatic tube surveys, observations and patronage travel surveys (see Section 3.4 of this report) have indicated that Club patron parking within the adjoining public road network, i.e., Whylandra Street or Stonehaven Avenue, is negligible.

Table 3 indicates that approximately one third (33%) of patrons drive themselves to the Club with the majority of Club patrons either being driven to the Club, dropped off at the Club, walk to the Club or catching a taxi thereby not actually generating any demand for parking. The average vehicle occupancy has therefore been extrapolated to be approximately 3.2 people per parked vehicle.

This Practice notes that the portion of Club patrons walking and utilizing taxis to access the site are slightly higher than our experience of other clubs would suggest. Consultation with the Club operators have indicated that the significant portion of patrons who walk to the Club originate from the temporary accommodation land uses in the close vicinity of the site. In this regard, it’s noted that four motels and a caravan park are located within the immediate vicinity of
the Club whilst a number of other accommodation land uses are located in the general surrounds.

In regard to patrons utilising taxis to access the Club, it is noted that discounted taxi coupons are available for purchase at the Club thereby providing patrons with a considerably more cost effective method of transport to access the Club. In addition, it is noted that a free taxi phone is provided for Club patrons within the Club lobby.

Patrons who were surveyed to drive to the Club as part of the patronage travel survey presented within Section 3.3 of this report were also queried as to where they parked their vehicle. All 111 patrons who were surveyed to drive to the Club nominated that they parked within the on-site Club carpark. No Club patrons were surveyed to park within the adjoining public road network (Whyandra Street or Stonehaven Avenue). Full details on this regard are contained within Appendix 3.

Dubbo Regional Council provides locally sensitive parking requirements within DCP 2013 to ensure that proposed developments provide adequate off-street parking to accommodate the projected demand. DCP 2013 provides the following requirements for Registered Clubs and Bowling Greens:

- **Registered Clubs**
  - 4 spaces per 5m² of licensed floor area, plus
  - 1 space per 5m² of dining area

- **Bowling Greens**
  - 30 spaces for first bowling green, plus
  - 15 spaces for each extra green

The following calculations are provided for the existing Club based on the DCP 2013 requirements:

- **Registered Club**
  - \( \left( 4,800 \text{ sqm} / 5 \text{ m}^2 \right) = 360 \text{ spaces} \)

- **Bowling Greens**
  - \( \left( 10 \times 15 \times 15 \right) = 225 \text{ spaces} \)

The existing Club is therefore currently required to provide a total of 420 parking spaces in accordance with DCP 2013.
Section 3.1 of this report presents that the proposed involves the provision of an additional 389.7m² licensed (including dining) floor area. No alterations to the existing number of bowling greens is proposed.

The Club car parking requirement is calculated to increase to 499 spaces: incorporating the additional 389.7m² licensed floor area.

Extensive surveys of Club operation presented within Section 3.2 of this report indicate a peak operational parking demand of 119 spaces.

It is clear that the DCP 2013 parking requirement for the existing Club yield of 420 spaces presented within Section 3.5.1 of this report is not consistent with the existing Club operations. It is accordingly considered unreasonable to calculate the projected additional parking demand of the proposal utilising the aforementioned DCP requirements.

The following therefore provides alternate calculations, which have been undertaken in order to determine the likely peak parking demand resulting from the proposed extensions to the Club. An exclusive site based parking requirement in relation to the licensed floor area utilised in the Council parking requirements can be calculated by dividing the current peak parking demand for the existing floor licensed floor area as follows:

\[
\text{Current Peak Parking Demand} = \frac{119}{1,800.4m^2} = 0.066m^2 \text{spaces}
\]

The existence of operational Club parking demand has therefore been calculated to be 1 parking space per 15.1m² of licensed area.

The proposed additional 389.7m² licensed floor area is therefore calculated to generate demand for an additional 25 parking spaces over and above that currently generated. The projected off-street peak parking demand of the Club is therefore projected to be 145 spaces.

The proposed altered on-site parking provision of 168 spaces is therefore projected to accommodate the peak operational requirements of the expanded Club.
TRAFFIC CONSIDERATIONS

Whylandra Street, with Dalton Street forms part of the Newell Highway State Road route, which essentially provides a north-south alignment through the Dubbo town centre. The Newell Highway provides an important arterial function between Gilgandra in the north, through Dubbo and to Parkes, Forbes, West Wyalong and Narrandera to the south towards the Victorian border.

Immediately adjacent to the subject site, Whylandra Street: two northbound travel lanes separated from a single southbound travel lane by a median turning lane, in conjunction with formalised parking lanes along both kerb alignments. Parking along the western kerb alignment is unrestricted.

Parking along the eastern Whylandra Street kerb alignment is governed by ‘No Parking’ restrictions, being applicable between 10:00pm and 7:00am for vehicles over 6m. ‘No Stopping’ parking restrictions apply along the eastern Whylandra Street kerb alignment for a length of approximately 20m to the north of the Club access driveway.

Traffic flow is governed by a sign posted speed limit of 60km/h.

Pedestrian refuge and associated kerb extensions are provided within Whylandra Street approximately 10m to the north and south of the Club access driveway to assist pedestrian crossing movements.

Whylandra Street forms T junctions with Gower Avenue and Minor Road to the north and south of the subject site, with both junctions operating under major/minor give way control with Whylandra Street performing the priority route in both instances. Further to the north, Whylandra Street intersects with East Street under traffic signal control and thence with Victoria Street (which forms part of the Mitchell Highway route) under two lane circulating roundabout control.

Staf of Stanbury Traffic Planning have undertaken surveys of Whylandra Street and the Club access driveway in order to accurately ascertain traffic existing demands. Surveys were undertaken between 6.00pm — 8.00pm on Friday the 31st of March 2017.

Figure 3 overleaf provides a summary of the surveyed weekday evening peak hour (5.00pm — 6.00pm) traffic flows. Full details are contained within Appendix 4 for reference.
Figure 3 indicates the following:

- Whylandra Street accommodates north and southbound traffic demands of approximately 300 and 500 vehicles per hour respectively during weekday evening peak hours.
- The Club generates approximately 140 vehicle movements during the weekend evening commuter peak hour, with a majority of movements providing origins and destinations from and to the north.

**Network Operation**

The surveyed junction of Whylandra Street and the Club access driveway has been analysed using the SIDRA computer intersection analysis program in order to objectively assess the operation of site access movements. SIDRA is a computerised traffic arrangement program which, when volume and geometrical configurations of an intersection are inputted, provides an objective assessment of the operation efficiency under varying types of control. Key indicators of SIDRA include level of service, where results are placed on a continuum from A to F, with A providing the greatest intersection efficiency and therefore being the most desirable by the Roads and Maritime Services.
SIDRA uses detailed analytical traffic models coupled with an iterative approximation method to provide estimates of the aforementioned key indicators of capacity and performance statistics. Other key indicators provided by SIDRA are average vehicle delay, the number of stops per hour, and the degree of saturation. Degree of saturation is the ratio of the arrival rate of vehicles to the capacity of the approach. Degree of saturation is a useful and professionally accepted measure of intersection performance.

SIDRA provides analysis of the operating conditions that can be compared to the performance criteria set out in Table 4 below (being the RMS:NSW method of calculation of Level of Service).

<table>
<thead>
<tr>
<th>Level of Service</th>
<th>Average Delay per Vehicle (secs/veh)</th>
<th>Expected Delay</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Less than 24</td>
<td>Good</td>
</tr>
<tr>
<td>B</td>
<td>15 to 28</td>
<td>Acceptable delays and spare capacity</td>
</tr>
<tr>
<td>C</td>
<td>29 to 42</td>
<td>Satisfactory</td>
</tr>
<tr>
<td>D</td>
<td>43 to 56</td>
<td>Near capacity</td>
</tr>
<tr>
<td>E</td>
<td>57 to 70</td>
<td>At capacity and requires other control mode</td>
</tr>
<tr>
<td>F</td>
<td>70 to 79</td>
<td>Unsatisfactory and requires other control mode</td>
</tr>
</tbody>
</table>

The existing conditions have been modelled utilising the peak hour traffic volumes presented within Figure 3.

Table 5 below provides a summary of the SIDRA output data whilst more detailed summaries are included in Appendix 5.

<table>
<thead>
<tr>
<th>TABLE 5 SIDRA OUTPUT — EXISTING WEEKDAY EVENING PEAK HOUR PERFORMANCE JUNCTION OF WHYLANDRA STREET &amp; CLUB ACCESS DRIVEWAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whylandra Street South Approach</td>
</tr>
<tr>
<td>Delay</td>
</tr>
<tr>
<td>Degree of Saturation</td>
</tr>
<tr>
<td>Level of Service</td>
</tr>
<tr>
<td>Club Access Road</td>
</tr>
<tr>
<td>Delay</td>
</tr>
<tr>
<td>Degree of Saturation</td>
</tr>
<tr>
<td>Level of Service</td>
</tr>
<tr>
<td>Whylandra Street North Approach</td>
</tr>
<tr>
<td>Delay</td>
</tr>
<tr>
<td>Degree of Saturation</td>
</tr>
<tr>
<td>Level of Service</td>
</tr>
<tr>
<td>Total Intersection</td>
</tr>
<tr>
<td>Delay</td>
</tr>
<tr>
<td>Degree of Saturation</td>
</tr>
<tr>
<td>Level of Service</td>
</tr>
</tbody>
</table>

Table 5 indicates that the junction of Whylandra Street and the Club access driveway operates with a level of service "A" during the weekday commuter peak periods representing good operation with little delay.
Dubbo Bus lines provide two bus services linking West Dubbo with the Dubbo town centre, being Routes 572 and 572A. Route 572 operates along Whylandra Street to the north and Gower Avenue, servicing the West Dubbo residential area whilst Route 572A operates continues along Whylandra Street to the south connecting with West Flans Zoo.

Route 572 provides 34 services on weekdays and four services on Saturdays.

Route 572A provides six services on weekdays and three services on Saturdays.

There are bus stops within Whylandra Street and North Street within walking distance of the site.

4.1. Estimating Club Generation

Section 4.2 of this report presented that the Club generates an approximate traffic generation of 110 vehicle trips during weekday evening commuter peak hours. Section 3.2 of this report however presents that the Club generally experiences peak operation on weekdays following the commuter peak period (between 7:00pm and 8:00pm).

In order to provide a more holistic assessment of the traffic generating characteristics of the Club, reference is made to the previously presented automatic tube surveys of the site access driveway undertaken over a four week period between the 26th of June to the 23rd of July 2017. These surveys captured incoming and outgoing traffic on an hourly basis for the full four week period, a summary of the result of which are contained below within Table 6, which full details are contained within Appendix 2.

<table>
<thead>
<tr>
<th></th>
<th>Average Daily Generation</th>
<th>Maximum Daily Generation</th>
<th>Average Peak Hourly Generation</th>
<th>Maximum Peak Hourly Generation</th>
<th>Time of Peak Hourly Generation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>497</td>
<td>857</td>
<td>83</td>
<td>83</td>
<td>5pm - 6pm</td>
</tr>
<tr>
<td>Tuesday</td>
<td>552</td>
<td>694</td>
<td>79</td>
<td>92</td>
<td>5pm - 6pm</td>
</tr>
<tr>
<td>Wednesday</td>
<td>646</td>
<td>676</td>
<td>89</td>
<td>89</td>
<td>6pm - 7pm</td>
</tr>
<tr>
<td>Thursday</td>
<td>734</td>
<td>736</td>
<td>88</td>
<td>127</td>
<td>1pm - 2pm</td>
</tr>
<tr>
<td>Friday</td>
<td>793</td>
<td>879</td>
<td>99</td>
<td>130</td>
<td>5pm - 6pm</td>
</tr>
<tr>
<td>Saturday</td>
<td>772</td>
<td>834</td>
<td>98</td>
<td>106</td>
<td>6pm - 7pm</td>
</tr>
<tr>
<td>Sunday</td>
<td>595</td>
<td>863</td>
<td>83</td>
<td>97</td>
<td>5pm - 6pm</td>
</tr>
</tbody>
</table>

Table 6 indicates the following:

- The average daily traffic generation was surveyed to be 556 trips.
The maximum daily traffic generation was surveyed to be 336 trips, occurring on Thursday the 19th of July.

The average peak hourly traffic generation was surveyed to be 84 trips and

The maximum peak hourly traffic generation was surveyed to be 130 trips, occurring on Friday the 14th of July between 5:00 pm – 6:00 pm.

The Roads & Maritime Services provide average traffic generation rates for a range of land uses within its Guide to Traffic-Generating Developments based on extensive surveys undertaken throughout NSW. This publication provides an average evening peak hour traffic generation rate of 10 trips per 100m² gross floor area.

Application of the above Roads & Maritime Services traffic generation rate to the existing Club gross floor area of 2,985m² indicates that the Club should generate in the order of 298 vehicle movements to and from the site during weekday evening peak periods.

The significant disparity between the surveyed maximum hourly traffic generation rate of the Club (130 trips) and that estimated in accordance with the Roads & Maritime Services’ average rate indicates that the Roads & Maritime Services traffic generation rate does not accurately reflect the operational characteristics of the Club. The Roads & Maritime Services’ average traffic generation rates should therefore not be utilised to estimate the future traffic generating capacity of the Club incorporating the proposed expansion.

A site-specific Club-based peak hourly traffic generation rate has accordingly been formulated by dividing the existing gross floor area by the surveyed maximum hourly traffic generation rate.

<table>
<thead>
<tr>
<th>Club Peak Hourly Traffic Generation Rate</th>
<th>Existing Gross Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>130 trips</td>
<td>2,985m²</td>
</tr>
</tbody>
</table>

The site-specific Club-based peak hourly traffic generation rate is 4.4 vehicle trips per 100m².

The exercise results in a Club-based peak hourly traffic generation rate of 4.4 trips per 100m² gross floor area being calculated. Application of this rate to the proposed additional gross floor area of 520.33m² indicates that the proposal is expected to generate in the order of 23 peak hourly vehicle trips to and from the site over and above that currently generated.
The development has been projected to generate up to 23 vehicle movements to and from the site over and above that currently generated by the existing Club operations. This equates to approximately one additional vehicle movement every two to three minutes during peak operational periods.

The surrounding road network has been previously assessed to provide motorists with a good level of service with spare capacity. The aforementioned level of additional traffic is not projected to, in itself, result in any unreasonable impacts on the existing operational performance of the surrounding road network.

Notwithstanding the above, the application involves the improvement of the existing site access arrangements, whereby an existing parking lane within Whylandra Street is proposed to be converted to an exclusive left turn deceleration lane exclusively servicing the Club development. The purpose of the exclusive left turn lane is to ensure that vehicles accessing the Club from the north along Whylandra Street can do so without impeding trailing through southbound traffic flow.

The left turn lane is to provide an approximate length of 50m, extending between the existing pedestrian refuge (to the south of George Street) to the existing site access driveway. Such a length complies with that specified as being required for a deceleration lane whereby the frontage road travel speed is 60km/h and the left turn exit speed is 20km/h with Table 3.2 of the Austrads Guide to Road Design Part 4A: Unsignalised and Signalised intersections, and accordingly is considered to be satisfactory.

It is acknowledged that the proposed conversion of the existing kerb-side parking lane to an exclusive turning lane will result in a minor reduction in public road parking supply. A significant portion of the extent of existing kerb-side parking lane to accommodate the proposed formalised left turn deceleration lane is however currently governed by "No Stopping" signage, such that the impact on existing public road kerb-side parking supply is limited. In any case, Club patronage travel surveys presented within Section 3.5, and indeed, observations undertaken by staff of this Practice, have indicated that demand for kerb-side parking within Whylandra Street by Club patrons is negligible.

Further, the proposed off-street parking supply has been concluded in Section 3.7 of this report to be capable of accommodating the peak operational demands of the Club and, accordingly, a minor reduction in on-street parking supply is not envisaged to result in any unwelcome impacts on the amenity of the surrounding land uses.

Dubbo Regional Council levies contributions from new development to fund road, traffic management and car parking infrastructure maintenance and upgrading measures in accordance with the Amended Section 94 Contributions Plan — Roads, Traffic Management and Car Parking prepared by Connell Wragge Pty. Ltd (hereafter referred to as the 994 Plan).
The S94 Plan provides the following contribution rates for commercial development:

- $375.10 per vehicle trip for roads and traffic management contributions;
- $2.97 per vehicle trip for plan administration.

The total S94 Plan contribution rate for commercial development is therefore $378.07 per vehicle trip.

The S94 Plan provides an average daily traffic generation rate for licensed clubs of 100 vehicle trips per 100 m² of gross floor area. This appears to have been based upon the traffic generation rates for clubs provided by the Roads & Maritime Services' Guide to Traffic-Generating Developments, which states that a club provides an average traffic generation of 93 vehicle trips per 100 m² of licensed floor area between 4:00 am and 1:00 am.

It has however been established in Section 4.4.2 of this report that there is a significant disparity between the surveyed generation of the Club and that calculated based on the Roads & Maritime Services' Guide to Traffic-Generating Developments. It is accordingly considered that S94 contributions for the subject development should be based on the likely traffic generation ability of the proposed Club expansion.

A site specific Club based daily traffic generation rate has therefore been formulated by dividing the existing gross floor area by the surveyed maximum daily traffic generation as follows:

\[ \text{Club Daily Traffic Generation Rate} = \frac{\text{Existing Gross Floor Area}}{\text{Surveyed Maximum Daily Traffic Generation}} \]

\[ \text{Club Daily Traffic Generation Rate} = \frac{935 \text{ trips}}{2,985 \text{ m}^2} \]

\[ \text{Club Daily Traffic Generation Rate} = \frac{32 \text{ vehicle trips}}{300 \text{ m}^2} \]

The exercise resulted in a Club based daily traffic generation rate of 32 trips per 100 m² gross floor area being calculated. Application of this rate to the proposed additional gross floor area of 520.15 m² indicates that the proposal is expected to generate in the order of 167 daily vehicle trips in and from the site and above that currently generated.
The appropriate SS4 contribution rate has therefore been calculated as follows:

SS4 Contribution = SS4 Contribution Rate \times \text{Additional Daily Vehicle Trips}

$\text{SS4 Contribution} = (\$3.78/\text{vehicle}) \times (167 \text{ trips})$

$\text{SS4 Contribution} = \$66,641$

The appropriate SS4 contribution is therefore calculated to be $\$66,641$. 
This report assesses the potential parking and traffic implications associated with a development application seeking consent for the undertaking of alterations and additions to Club Dubbo at 82 Wellington Street, Dubbo. Based on this assessment, the following conclusions are now made:

- The Development Application seeks consent for the undertaking of alterations and additions to Club Dubbo with primary objectives of improving the functionality of internal and external Club spaces, the access arrangements and the external façade of the building;

- The proposal involves:
  - Increasing the Club building gross floor area from 2,985m² to 3,503.43m², an increase of 517.2m²; and
  - Increasing the Club building leasable floor area from 1,800m² to 2,181.3m², an increase of 381.3m²;

- The proposed Club building alterations also involve the undertaking of minor alterations to the existing internal circulation and parking area, primarily to the south of the building, resulting in a reduction in the number of on-site parking spaces from 185 to 169 spaces;

- Parking surveys undertaken between the 26th of June to 25th of July 2017 indicated that the maximum instantaneous Club parking demand was 338 spaces;

- Council's DCP requirements however indicate that the Club is currently required to provide 423 spaces; some 303 spaces more than what the Club has been surveying to currently negate;

- Given the above inconsistency with Council's requirements and the existing parking demand, an existing site-based parking demand has been calculated in order to determine the likely projected demand;

- The existing Club peak parking demand has been determined to be 38 space per 15.11m² licensed floor area;

- Utilising the site-based parking requirement, the proposal will result in a projected peak parking demand of 143 parking spaces;

- The proposed site parking areas are capable of accommodating the projected peak instantaneous parking demand;

- Traffic surveys undertaken between the 25th of June and the 23rd of July 2017 indicated that the maximum hourly and daily traffic generation rates of the Club are 130 and 336 trips, respectively;

- The existing Club peak hourly and daily traffic generation rate has been determined to be 4.4 and 12 trips per 100m² gross floor area, respectively;
The Club expansion is therefore projected to result in an additional weekend and daily traffic generation of 23 and 167 trips, over and above that currently generated, respectively.

The surrounding road network, which operates with a reasonable level of service, is capable of accommodating the additional traffic projected to be generated by the subject development in a safe and efficient manner.

The proposed creation of an exclusive left turn deceleration lane within the existing Whylandra Street pavement to service the existing site access driveway is expected to reduce the potential for left turn vehicle access movements impeding southbound public road traffic flow.

The above Club specific surveyed daily traffic generation rate of 32 trips per 100sqm is significantly less than the average daily traffic generation rate for licensed clubs of 190 vehicle trips per 100sqm of gross floor area relied upon by Council's S94 Plan, and

Application of the surveyed Club specific daily traffic generating ability of the subject development of 167 trips to the adopted S94 Plan contribution rate of $307.07 per daily vehicle trip results in an approximate S94 contribution of approximately $54,642 being calculated.

It is considered, based on the contents of this report and the conclusions contained herein, there are no parking or traffic related issues that should prevent approval of the subject application. This action is therefore recommended to Council.
<table>
<thead>
<tr>
<th>Weekday</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
</tr>
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<tbody>
<tr>
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<td>17:00</td>
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</tr>
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</table>
### Week 8/188 — English (ENA)

**MetroCount Traffic Executive**  
**Weekly Vehicle Counts**

<table>
<thead>
<tr>
<th>Defnset</th>
<th>[464] Club Dubbo Private Works Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>E-Westbound, 8 parking, Lane2</td>
</tr>
<tr>
<td>Duration</td>
<td>0:00 Monday, 26 June 2017 — 10:00 Friday, 28 July 2017</td>
</tr>
<tr>
<td>File</td>
<td>UITS Works Services Traffic Count Private Works Club Dubbo July 201704 - Club Dubbo (Plus)</td>
</tr>
<tr>
<td>Identifier</td>
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</tr>
<tr>
<td>Algorithm</td>
<td>Factory default</td>
</tr>
<tr>
<td>Date type</td>
<td>Axle sensors — Paired (Class/Speed/Count)</td>
</tr>
</tbody>
</table>

**Profile**

| Filter time: | 0:00 Monday, 26 June 2017 — 10:00 Friday, 28 July 2017 |
| Included classes: | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 |
| Speed range: | 0 — 180 km/h |
| Direction: | Both | Headway |
| Name: | Factory default profile |
| Scheme: | Vehicle classification (Australian) |
| Units: | Metric (m/s, km/h, m, kg, tonne) |
| In profile: | Vehicles = 8,828 | 19,575 (41.50%) |
**Weekly Vehicle Counts**

**Site:** Club Dubbo Private Works Count

**Description:**

**Filter time:** 9:00 Monday, 26 June 2017 - 6:00 Monday, 24 July 2017

**Scheme:** Vehicle classification DualRoads4

**Filter:**

<table>
<thead>
<tr>
<th>Class (L2-3-4-5-6-7)</th>
<th>We</th>
<th>Th</th>
<th>Fr</th>
<th>Sa</th>
<th>Su</th>
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<tbody>
<tr>
<td></td>
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<td></td>
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**Average:**

<table>
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<tr>
<th></th>
<th>We</th>
<th>Th</th>
<th>Fr</th>
<th>Sa</th>
<th>Su</th>
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</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

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**APPENDIX NO: 3 - PARKING AND TRAFFIC IMPACT ASSESSMENT DATED AUGUST 2017**

**ITEM NO: PDEC17/8**
<table>
<thead>
<tr>
<th>Time</th>
<th>AM High</th>
<th>AM Low</th>
<th>PM High</th>
<th>PM Low</th>
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</thead>
<tbody>
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<tr>
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<tr>
<td>10:00</td>
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<td>170</td>
<td>90</td>
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</table>

* No data.
### Weekly Vehicle Counts

<table>
<thead>
<tr>
<th>Week</th>
<th>Sun</th>
<th>Mon</th>
<th>Tue</th>
<th>Wed</th>
<th>Thu</th>
<th>Fri</th>
<th>Sat</th>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**
- 464: DE
- 384: WE
- 304: SA
- 256: Fo
- 192: Th
- 160: Wd
- 128: Mr
- 32: Sa
- 16: Th
- 8: Wd
- 4: Mr
- 2: Sa

**Filter:**

- Driver classification (duo side)
- Diff (E, S, D) > 0

**Source:**

- Traffic data from Dubai Private Works Count

**Time Period:**

- 9:00 Monday, 26 June 2017 to 6:00 Monday, 24 July 2017
<table>
<thead>
<tr>
<th>Year</th>
<th>January</th>
<th>February</th>
<th>March</th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
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<td>420</td>
<td>430</td>
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</table>

*Note: The table above represents a sample of the data presented.*
### Weekly Vehicle Counts

**Site:** Club Dubbo Private Works Count

**Date:** 26 June 2017 to 24 July 2017

**Vehicle classification:** (A-B 12' 13' 14' 15' 16' 17' 18' 19' 20' 21')

<table>
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<th>06-12</th>
<th>12-18</th>
<th>18-24</th>
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<tbody>
<tr>
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<td>10</td>
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<td>10</td>
</tr>
<tr>
<td>D</td>
<td>13</td>
<td>11</td>
<td>16</td>
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<td>11</td>
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<td>E</td>
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<tr>
<td>F</td>
<td>15</td>
<td>14</td>
<td>19</td>
<td>18</td>
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</tr>
</tbody>
</table>

**Total:** 90

**Average:** 15

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**Appendix No:** 3

**Item No:** PDEC17/8

---

**Planning, Development and Environment Committee**

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### Weekly Vehicle Counts

#### Klub Dubocks Private Works Count

<table>
<thead>
<tr>
<th>Date</th>
<th>Mon</th>
<th>Tue</th>
<th>Wed</th>
<th>Thu</th>
<th>Fri</th>
<th>Sat</th>
<th>Sun</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017-06-05</td>
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<td>10</td>
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</tr>
<tr>
<td>2017-06-06</td>
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<td>10</td>
<td>12</td>
<td>10</td>
<td>12</td>
<td>10</td>
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</tr>
</tbody>
</table>

#### Vehicle classification (Amended)

- 2017-06-05
- 2017-06-06

### APPENDIX NO: 3 - PARKING AND TRAFFIC IMPACT ASSESSMENT DATED AUGUST 2017

**PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE**

Page 296
<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>PDEC17/8</td>
<td>Planning, Development and Environment Committee Page 297</td>
</tr>
</tbody>
</table>

**APPENDIX NO: 3 - PARKING AND TRAFFIC IMPACT ASSESSMENT DATED AUGUST 2017**

---

**PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE**

**Page 297**
MetroCount Traffic Executive
Weekly Vehicle Counts:

Site: Club Dubbo Private Works Count
Direction: Eastbound, A block, Lane: 0
Survey Duration: 06:00 Monday, 26 June 2017 to 06:00 Friday, 29 July 2017
File: Club Dubbo,cool (Plug)
Identifier: SK1776B1 MC55-LS [MC35] [0]Microsplit: T30054
Algorithm: Factory default
Data type: Axle sensors - Paired (Class, Speed, Count)

Profile:
Filter time: 06:00 Monday, 26 June 2017 to 06:00 Friday, 29 July 2017
Included classes: 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12
Speed ranges: 0 - 100 km/h.
Direction: Eastbound
Separation: All - (Roadway)
Name: Factory default profile
Scheme: Vehicle classification [FastRoadway]
Units: MBytes, milli-kilometers, m/s, km/h, kg, tonne
In profile: Vehicles = 9283 / 79175 [48, 14%]
### Weekly Vehicle Counts

<table>
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<th>Mon</th>
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<th>Wed</th>
<th>Thu</th>
<th>Fri</th>
<th>Sat</th>
<th>Sun</th>
<th>Total</th>
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</thead>
<tbody>
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<td>12</td>
<td>14</td>
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</tr>
</tbody>
</table>

**Weekly Vehicle Counts**

**Site:** Club Dubbo Private Works Count

**Description:** Club Dubbo Private Works Count

**Period:** 3:00 Monday, 26 June 2017 to 6:00 Monday, 24 July 2017

**Vehicle classification:** [Other details provided]

**Analytical Data:** (Analysis not provided)

**Note:** (Any relevant notes should be included here.)
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<td>7</td>
<td>8</td>
<td>9</td>
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</tbody>
</table>

*Note: The table data represents parking and traffic impact assessment for the specified years.*
### Weekly Vehicle Counts

**Site:** Dubbo Private Works Count

**Description:** Club

**Filter Time:** 08:00 Monday, 26 June 2017 to 08:00 Monday, 24 July 2017

**Scheme:** Vehicle classification (AustRoads 94)

**Filter:** Classification [2 3 4 5 6 7 8 9 10 11 12] Speed (kph) Length (m) 

<table>
<thead>
<tr>
<th>Hour</th>
<th>Mon</th>
<th>Tue</th>
<th>Wed</th>
<th>Thu</th>
<th>Fri</th>
<th>Sat</th>
<th>Sun</th>
<th>Total</th>
</tr>
</thead>
<tbody>
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<td>0700-0800</td>
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<td>10</td>
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</tr>
<tr>
<td>0800-0900</td>
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<td>20</td>
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</tr>
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<td>0900-1000</td>
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</tr>
<tr>
<td>1000-1100</td>
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</tr>
<tr>
<td>1100-1200</td>
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</tr>
</tbody>
</table>

**NOTE:**

- [Weekend data not available]
- [Traffic conditions during weekends]

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**PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE**

Page 301
<table>
<thead>
<tr>
<th>Time Period</th>
<th>Average</th>
<th>Maximum</th>
<th>Minimum</th>
<th>Peak Factor</th>
<th>Peak Load</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.00-9.00 AM</td>
<td>300</td>
<td>400</td>
<td>200</td>
<td>1.2</td>
<td>360</td>
</tr>
<tr>
<td>9.00-11.00 AM</td>
<td>400</td>
<td>500</td>
<td>300</td>
<td>1.5</td>
<td>600</td>
</tr>
<tr>
<td>11.00-1.00 PM</td>
<td>500</td>
<td>600</td>
<td>400</td>
<td>1.8</td>
<td>900</td>
</tr>
<tr>
<td>1.00-3.00 PM</td>
<td>600</td>
<td>700</td>
<td>500</td>
<td>2.0</td>
<td>1200</td>
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</table>

**Note:** No data available for this period.
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<thead>
<tr>
<th>Time Period</th>
<th>Planned</th>
<th>Actual</th>
<th>Difference</th>
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<td>9:00-10:00 AM</td>
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<td>10:00-11:00 AM</td>
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</tr>
<tr>
<td>11:00-12:00 PM</td>
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</tr>
<tr>
<td>12:00-1:00 PM</td>
<td>200</td>
<td>150</td>
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</tbody>
</table>

Note: Difference represents the over or under capacity of parking spaces.
Weekly Vehicle Counts

<table>
<thead>
<tr>
<th>Day</th>
<th>Mon</th>
<th>Tue</th>
<th>Wed</th>
<th>Thu</th>
<th>Fri</th>
<th>Sat</th>
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<td>150</td>
<td>160</td>
<td>170</td>
<td>180</td>
<td>150</td>
</tr>
</tbody>
</table>

Note: The table above shows the weekly vehicle counts at a specific site. The counts are provided for each day of the week and include an average for the week. The data is used for planning and development purposes and is relevant to the parking and traffic impact assessment dated August 2017.
<table>
<thead>
<tr>
<th>TIME PERIOD</th>
<th>TOTAL VEHICLES</th>
<th>CAR PARKING</th>
<th>BUS STOP</th>
<th>CYCLE</th>
<th>TRAFFIC INFRASTRUCTURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:00-10:00</td>
<td>1000</td>
<td>500</td>
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<td>50</td>
<td>300</td>
</tr>
<tr>
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<td>1500</td>
<td>750</td>
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<td>75</td>
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<tr>
<td>13:00-16:00</td>
<td>1200</td>
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<td>120</td>
<td>60</td>
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<td>16:00-19:00</td>
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<td>900</td>
<td>180</td>
<td>90</td>
<td>450</td>
</tr>
</tbody>
</table>

Note: All values are approximate.
MetroCount Traffic Executive
Weekly Vehicle Counts

WeeklyVehicle-818 -- English (ENA)

Datasets:
Site: [464] Club Dubbo Private Works Count
Direction: 2 - East bound, A hit first., Lane: 0
Survey Duration: 0:00 Monday, 26 June 2017 => 13:56 Friday, 28 July 2017
File: U:\ITS\Works Services\Traffic Count\Private Works\Club Dubbo July 2017\464 - Club Dubbo.ec0 (Plus)
Identifier: GK117VRH MC56-L5 [MC55] (c)Microcom 18Oct04
Algorithm: Factory default
Data type: Axle sensors - Paired (Class/Speed/Count)

Profile:
Filter time: 0:00 Monday, 26 June 2017 => 0:00 Monday, 24 July 2017
Included classes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range: 0 - 160 km/h
Direction: North, East, South, West (bound)
Separation: All - (Headway)
Name: Factory default profile
Scheme: Vehicle classification (AustRoads94)
Units: Metric (meter, kilometer, m/s, km/h, kg, tonne)
In profile: Vehicles = 18359 / 19175 (95.74%)
### Weekly Vehicle Counts

**Site:** Club Dubbo Private Works Count  
**Date:** 8:30 AM Monday, 26 June 2017 to 8:30 AM Monday, 24 July 2017  
**Scheme:** Vehicle classification (RideRoad24)  
**Filter:** 20 (12.5, 5, 6, 7, 8, 9, 13, 12, 11)  

<table>
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<th>Week</th>
<th>Mon</th>
<th>Tue</th>
<th>Wed</th>
<th>Thu</th>
<th>Fri</th>
<th>Sat</th>
<th>Sun</th>
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**APPENDIX NO:** 3 - PARKING AND TRAFFIC IMPACT ASSESSMENT DATED AUGUST 2017  
**ITEM NO:** PDEC17/8
### Weekly Vehicle Counts

<table>
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<tr>
<th>Time</th>
<th>Di</th>
<th>Mo</th>
<th>Tu</th>
<th>We</th>
<th>Th</th>
<th>Fr</th>
<th>Sa</th>
<th>Su</th>
</tr>
</thead>
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<td>07:00-08:00</td>
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*Note: The table continues with similar entries for all hours.*
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<th>Time</th>
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</table>

**Note:**

- A: Assistant
- B: Beater
- C: Captain
- D: Deputy

---

**PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE**

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## Weekly Vehicle Counts

**Site:** Club Dubbo Private Works Count

**Filter time:** 10:00 Monday, 26 June 2017

**Scheme:** Vehicle classification (Austroads 2016)

<table>
<thead>
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<th>Hour</th>
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<th>Thu</th>
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<td>1900-2000</td>
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</table>
APPENDIX NO: 3 - PARKING AND TRAFFIC IMPACT ASSESSMENT DATED AUGUST 2017

ITEM NO: PDEC17/8

<table>
<thead>
<tr>
<th>Year</th>
<th>Parking Lot 1</th>
<th>Parking Lot 2</th>
<th>Parking Lot 3</th>
<th>Parking Lot 4</th>
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</table>

Note: The above table represents the parking capacity for each lot over the specified period.
### Weekly Vehicle Counts

**Description:** Club Dubbo Private Works Count

**Filter Time:** 00:00 Monday, 26 June 2017 to 00:00 Monday, 24 July 2017

**Vehicle Classification (AustRoads):**

<table>
<thead>
<tr>
<th>Road</th>
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<th>5-6</th>
<th>7-12</th>
<th>13-18</th>
<th>19-23</th>
<th>24-29</th>
<th>30-34</th>
<th>35+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rd1</td>
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<td>Rd2</td>
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<td>Rd3</td>
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<td>Rd4</td>
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</tbody>
</table>

**Additional Notes:**

- Weekly vehicle counts for specific roads and time intervals.
- Detailed analysis of vehicle classifications (1-2, 3-4, 5-6, 7-12, etc.).

---

**APPENDIX NO: 3 - PARKING AND TRAFFIC IMPACT ASSESSMENT DATED AUGUST 2017**

**ITEM NO: PDEC17/8**

---

**PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE**
Page 314
<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>312</td>
<td>154</td>
<td>801</td>
<td>356</td>
<td>197</td>
<td>608</td>
<td>323</td>
<td>623</td>
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</tbody>
</table>

**Notes:**

- A: 
- B: 
- C: 
- D: 
- E: 
- F: 
- G: 
- H: 

\( X = \text{Total} \)
### Patron Travel Survey

**Club Dubbo**
**Whyandra Street, Dubbo, NSW, 2830**

**Date:** 12.10.17

**Good day/evening:** We are conducting a survey of the travel and parking characteristics of our patrons. It would help if you could answer the following questions.

**CD** = Car driver, **CP** = Car passenger, **CP1** = Car passenger dropped off, **PT** = Public transport, **T** = Taxi, **W** = Walk, **O** = Other

<table>
<thead>
<tr>
<th>Time</th>
<th>How did you / your group travel to the service on this visit?</th>
<th>How many people travelled in your car (including yourself)?</th>
<th>Where did you park your car on this visit?</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-05</td>
<td>CD: 1 CP: 1 CP1: 1 SP: 0 T: 0 W: 0 O: 0</td>
<td>2</td>
<td>Car Park</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>2</td>
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</tbody>
</table>

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<p>| | | | | | |</p>
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<thead>
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</tr>
</tbody>
</table>
### PATRON TRAVEL SURVEY

**Club Dubbo**  
Willyandra Street, Dubbo, NSW, 2830

**Good day/evening:** We are conducting a survey of the travel and parking characteristics of our patrons. It would help if you could answer the following questions.

- **GD** = car driver, **CP** = car passenger, **CPA** = car passenger drops off,  
- **PT** = public transport, **T** = taxi, **W** = walk, **O** = other

#### Time:

<table>
<thead>
<tr>
<th>Time</th>
<th>How did you / your group travel to the service on this visit?</th>
<th>How many people travelled in your car (including yourself)?</th>
<th>Where did you park your car on this visit?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>1</td>
<td>![Checkmark]</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>2</td>
<td>![Checkmark]</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>3</td>
<td>![Checkmark]</td>
</tr>
</tbody>
</table>

---

**Dates:**  
\[16/1/17\]

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**PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE**  
Page 319
# Patron Travel Survey

**Place:** Club Dubbo  
**Address:** Whylandre Street, Dubbo, NSW, 2830  
**Date:** 17-2-17

Good day / evening: We are conducting a survey of the travel and parking characteristics of our patrons. It would help if you could answer the following questions.

<table>
<thead>
<tr>
<th>Time</th>
<th>How did you / your group travel to the service on this visit?</th>
<th>How many people travelled in your car (including yourself)?</th>
<th>Where did you park your car on this visit?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Car Driver, Car Passenger, Car Passenger dropped off,</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>PT = public transport, T = taxi, W = walk, D = other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time</th>
<th>CO</th>
<th>CP</th>
<th>CP1</th>
<th>PT</th>
<th>T</th>
<th>W</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>5:10</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5:20</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6:00</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>6:30</td>
<td>1</td>
<td>2</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>7:00</td>
<td>1</td>
<td>2</td>
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>7:30</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>8:00</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>8:30</td>
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<td>2</td>
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<tr>
<td>9:00</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Other* Please specify:
### PATRON TRAVEL SURVEY

**Club Dubbo:**
Wyliepark Street, Dubbo, NSW, 2830

**Date:** 17/2/17

---

**Good day/ evening:** We are conducting a survey of the travel and parking characteristics of our patrons. It would help if you could answer the following questions.

**CD** – car driver, **GP** – car passenger, **CP1** – car passenger dropped off, **PT** – public transport, **T** – taxi, **W** – walk, **O** – other

<table>
<thead>
<tr>
<th>Time</th>
<th>How did you / your group travel to the service on this visit?</th>
<th>How many people travelled in your car (including yourself)?</th>
<th>Where did you park your car on this visit?</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-6.25</td>
<td>1</td>
<td>2</td>
<td>parked on site</td>
</tr>
<tr>
<td>7-7.25</td>
<td>1</td>
<td>2</td>
<td>parked on site</td>
</tr>
<tr>
<td>8-8.25</td>
<td>1</td>
<td>2</td>
<td>parked on site</td>
</tr>
<tr>
<td>9-9.25</td>
<td>1</td>
<td>2</td>
<td>parked on site</td>
</tr>
<tr>
<td>10-10.25</td>
<td>1</td>
<td>2</td>
<td>parked on site</td>
</tr>
</tbody>
</table>

---

**CAR DRIVERS ONLY**

<table>
<thead>
<tr>
<th>Time</th>
<th>Car driver</th>
<th>Car passenger</th>
<th>Car passenger dropped off</th>
<th>Other</th>
<th>Impedance survey</th>
<th>Broke surgery</th>
<th>Other</th>
<th>Approvals</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-6.25</td>
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<td>8-8.25</td>
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<tr>
<td>10-10.25</td>
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</tr>
</tbody>
</table>
### Patron Travel Survey

<table>
<thead>
<tr>
<th>Time</th>
<th>How did you / your group travel to the service on this visit?</th>
<th>How many people travelled in your car (including yourself)?</th>
<th>Where did you park your car on this visit?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CD: car driver, CP: car passenger, CPL: car passenger dropped off, PT: public transport, T: taxi, W: walk, O: other</td>
<td></td>
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<tr>
<td>8-20</td>
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<td>8.15</td>
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<td>6.00</td>
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<tr>
<td>4.30</td>
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<td></td>
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<td>1.00</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>6.05</td>
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<td></td>
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</tr>
</tbody>
</table>
**PATRON TRAVEL SURVEY**

**Club Dubbo**  
Whylandra Street, Dubbo, NSW, 2830

**Date:** 12.2.17

Good day/evening: We are conducting a survey of the travel and parking characteristics of our patrons. It would help if you could answer the following questions.

**CB** = car driver, **CP** = car passenger, **CS** = car passenger dropped off, **PT** = public transport, **T** = taxi, **W** = walk, **O** = other

<table>
<thead>
<tr>
<th>Time</th>
<th>How many people traveled in your car (including yourself)?</th>
<th>Where did you park your car on this visit?</th>
</tr>
</thead>
<tbody>
<tr>
<td>6:45</td>
<td>1</td>
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<td>7:00</td>
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<td></td>
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<tr>
<td>8:30</td>
<td>2</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>5:00</td>
<td>3</td>
<td></td>
</tr>
</tbody>
</table>
**PATRON TRAVEL SURVEY**

**Club Dubbo**
Wylandra Street, Dubbo, NSW, 2830

**Good day/ evening**: We are conducting a survey of the travel and parking characteristics of our patrons. It would help if you could answer the following questions.

**CD** - car driver, **CP** - car passenger, **CPL** - car passenger dropped off, **PT** - public transport, **T** - taxi, **W** - walk, **O** - other

<table>
<thead>
<tr>
<th>Time</th>
<th>How did you / your group travel to the venue on this visit?</th>
<th>Car Drivers Only</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>How many people travelled in your car (including yourself)?</td>
<td>Where did you park your car on this object?</td>
</tr>
<tr>
<td></td>
<td>Drivers</td>
<td>Passengers</td>
</tr>
<tr>
<td>9:00</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>3:30</td>
<td>1</td>
<td>1</td>
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<tr>
<td>6:00</td>
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<td>2</td>
</tr>
<tr>
<td>6:45</td>
<td>1</td>
<td>3</td>
</tr>
</tbody>
</table>
### PATRON TRAVEL SURVEY

**Club Dubbo**  
Whyllandra Street, Dubbo, NSW, 2830

**Date:** 19.2.17

Good day/evening. We are conducting a survey of the travel and parking characteristics of our patrons. It would help if you could answer the following questions.

- **CD** - car driver  
- **CP** - car passenger  
- **CPL** - car passenger dropped off  
- **PT** - public transport  
- **T** - taxi  
- **W** - walk  
- **O** - other

<table>
<thead>
<tr>
<th>Time</th>
<th>How did you / your group travel to the service on this visit?</th>
<th>How many people travelled in your car (including yourself)?</th>
<th>Where did you park your car on this visit?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
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<tr>
<td>5</td>
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</tr>
</tbody>
</table>

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**Note:** Please specify if other options apply.
## Patron Travel Survey

![Survey Table Image]

---

**Club Details:**
Whylandra Street, DUNED, NSW, 2330

**Date:** 19/3/17

**Good day/evening:** We are conducting a survey of the travel and parking characteristics of our patrons. It would help if you could answer the following questions.

**Legend:**
- CB = car driver
- CP = car passenger
- CPA = car passenger dropped off
- PT = public transport
- T = taxi
- W = walk
- O = other

<table>
<thead>
<tr>
<th>Time</th>
<th>How did you / your group travel to the venue on this visit?</th>
<th>How many people travelled in your car (including yourself)?</th>
<th>Where did you park your car on this visit?</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.15</td>
<td>CB</td>
<td>3</td>
<td>On-street</td>
</tr>
<tr>
<td></td>
<td>CP + CP</td>
<td>1</td>
<td>Whylandra Street</td>
</tr>
<tr>
<td>7.30</td>
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<td>2</td>
<td></td>
</tr>
</tbody>
</table>

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**Traffic Counts at:** Whylandra Street & Club Access Road, District
**Date & Time:** Friday, 24th of March 2017

<table>
<thead>
<tr>
<th>Time</th>
<th>Direction of Vehicular Traffic</th>
</tr>
</thead>
<tbody>
<tr>
<td>4:00-4:15pm</td>
<td>111  3  3  3  3  5  144</td>
</tr>
<tr>
<td>4:15-4:30pm</td>
<td>109  2  5  3  4  10  131</td>
</tr>
<tr>
<td>4:30-4:45pm</td>
<td>119  3  4  4  6  10  169</td>
</tr>
<tr>
<td>4:45-5:00pm</td>
<td>121  5  8  5  18  99</td>
</tr>
<tr>
<td>TOTAL</td>
<td>460 12 14 17 42 601</td>
</tr>
<tr>
<td>5:00-5:15pm</td>
<td>98   3  3  2  21 351</td>
</tr>
<tr>
<td>5:15-5:30pm</td>
<td>125  6  5  3  19 396</td>
</tr>
<tr>
<td>5:30-5:45pm</td>
<td>126  5  5  5  18 379</td>
</tr>
<tr>
<td>5:45-6:00pm</td>
<td>116  7  5  5  9  137</td>
</tr>
<tr>
<td>TOTAL</td>
<td>405 38 19 17 51 648</td>
</tr>
</tbody>
</table>
### Movement Summary

<table>
<thead>
<tr>
<th>Movement</th>
<th>Vehicles</th>
<th>South Whalan St/ South</th>
<th>East</th>
<th>Club Drive/Acre Rd</th>
<th>High. Whalan St/North</th>
<th>All Vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>111 466 5.0 0.0725 0.0</td>
<td>143 0.8 0.035</td>
<td>179 17 5.0 0.091 14.0 0.2</td>
<td>355 0.0 0.035</td>
<td>1220 120</td>
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<tr>
<td></td>
<td></td>
<td>Approach</td>
<td>143 0.8 0.035</td>
<td>179 17 5.0 0.091 14.0 0.2</td>
<td>355 0.0 0.035</td>
<td>1220 120</td>
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- Site Level of Service (LOS) Method: Delay (HCM 2010). The LOS Method is specified in the Parameter Settings dialog (Site tab).
- Vehicle Movement LOS values are based on average delay per movement.
- Mean Road Approach LOS values are based on average delay for all vehicle movements.
- NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS indicator due to zero delays associated with major road movements.
- SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
- Gap acceptance capacity: SIDRA Standard (Algevik 17%).
- SIDRA values are calculated for all Movement Classes of All Heavy Vehicle Model Designation.

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Organization: STANLEY TRAFFIC SIMULATIONS | Release: 8.0 | STD-20170703-0451495154
Project: C/Sustainable Traffic Plan/SIDRA20181029Pch/SIDRA194546.54

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APENDIX NO: 3 - PARKING AND TRAFFIC IMPACT ASSESSMENT DATED AUGUST 2017

ITEM NO: PDEC17/8
30 August 2017

The General Manager
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Dear Sir,

Re: Submission to DA D2017-415 – West Dubbo Bowling Club

My family has lived at 40 Stonehaven Avenue since 2002 (15 years). I only heard about this proposed development this afternoon so this is a very rushed submission.

Given the lack of consultation I would suggest that an extension of cut-off date for submissions should be considered by Dubbo Regional Council as a courtesy.

Objection 1: Lack of consultation from the developer who will undoubtedly affect the amenity of my property. More than immediate neighbours should have been consulted with for the DA.

Objection 2: No noise impact assessment on residential properties in Stonehaven Avenue that will potentially be affected by the extension of an outdoor entertainment area.

Objection 3: Traffic impact assessment – foot and vehicular access to Club Dubbo

Stonehaven Avenue is quite a through road which adds significantly to the amenity of our street. The street is at an elevation below the Newell Highway and has only the river and playing fields to east and thus would be one of the quieter suburban streets in Dubbo.

An extension of the outdoor entertainment area at Club Dubbo which is currently 244m southwest of my own outdoor entertainment area is almost certainly going to increase noise levels whenever there are parties of events outside. For that reason alone, I would have expected to have been consulted by the developer.

We have no idea how licensing laws may change in the future at Club Dubbo which is all the more reason to ensure that the developer needs to take every step to minimise noise impacts from this development.

I have a friend who owns a residential property opposite a bowling club in Waverton who lodged a DA for bowling club extension. That DA lodged with North Sydney Council included a noise impact assessment. This development should prepare a noise impact assessment.

I am aware that Club Dubbo visitors often park in Stonehaven Avenue and access the club via a pedestrian gate on the northern end of the carpark. Stonehaven Avenue is already being used as a default carpark for this development. Why does the developer not have to increase car parking spaces for this development which is obviously designed for increased patronage?
I am aware that Dubbo Regional Council is proposing to install lighting along the Tracker Riley Cycleway on the western side of the River (without consulting impacted residents whose properties front the cycleway). This will encourage drunk and disorderly patrons to frequent the Tracker Riley Cycleway at all hours of the night. All night lighting will potentially encourage an existing criminal element that frequents the path. The lighting will also create light pollution for local residents and native animals who enjoy relative darkness along the riverfront at present.

I strongly believe Dubbo Regional Council should not be encouraging all hours (night-time) access along the western side of the Macquarie River to Club Dubbo.

Yours faithfully,

Michael Sutherland
34 Stonehaven Ave
Dubbo NSW 2830
Ph 0402 485 547

30 August 2017

The General Manager
Dubbo Council

Dear Sir,

I have at 4pm today been made aware of this DA.

My family and I live at 34 Stonehaven Ave.

I am concerned that we have not been given notice of this DA notwithstanding the significant impacts the proposal would have on us and our neighbours.

I suggest that before the proposal is considered the following should occur:

1. A proper and independent EIS;
2. Proper notice to affected residents with an adequate opportunity to respond;

We are already dealing with escalating crime and anti social behaviour in our street. This proposal should go no further until these issues are fully addressed.

Yours sincerely,

Bill Dickens
30th August 2017

The General Manager
Dubbo Regional Council
PO Box 81
Dubbo NSW 2830

Re: Submission to DA D2017-415

Dear Sir,

Our family has lived at No 36 Stonehaven Avenue since 1996 (21 years)

Objection 1. As a Residential Property Owner within the immediate vicinity of a Licensed Premises we did not receive notification from DRC or Club Dubbo of the proposed works contained in DA D2017-415. This is a premise seeking to increase its Electronic Gaming Machines from 71 to 81!! Let’s not kid ourselves this is where the real benefit to the Club Revenue is.

On reviewing the Social Impact Study I noted the following

6.4 Neighbourhood Survey
6.4.1 Overview
A door knock survey was undertaken of 20 dwellings in Whytandra Street and Stonehaven Avenue, near Club Dubbo to understand any likely social impacts in the locality. The survey was carried out on the evening of 1 June 2017, with a follow up on the morning of 2 June 2017, Eleven responses were obtained, including one partial response.

Overall people felt very positive or quite positive about living in their neighbourhood. The major concerns in the neighbourhood were traffic noise and noise from parked trucks, traffic noise from residents living in Whytandra Street, and pedestrian traffic in Stonehaven Street. Seventy percent of people did not have concerns regarding the proposed development at the Club. Of those that had concerns (three people), concerns related to construction noise, increased noise and increased traffic including pedestrian traffic.

No one I have spoken to in Stonehaven Avenue was surveyed in particular the residents next door at No 54. I am sure they would have had something to contribute.

Anna Samuel
36 Stonehaven Ave
(PO Box 689)
Dubbo NSW 2830
P. 02 68849262
M. 0408821344
E: annadubbo@tpg.com.au

[Signature]
Upon being made aware of major renovations I wish the following concerns be addressed.

Noise impact on Neighbouring Properties in Stonehaven Avenue.

We for a number of years have tolerated late into the night loud noise particularly from bands playing. You can hear the words to the songs from No 36 on occasions depending on the way the wind carries the sound down the river.

The proposed plan shows large extensions of the terraces out towards the East and Macquarie river. We would assume increased patronage of these extensions and increased noise. There is not a noise impact study on surrounding properties contained within the Environmental Impact Statement? Surely this is a pre-requisite.

Traffic/Parking

Note in DA reduction of Car Parks provided on site by 15. Club Dubbo currently has a rear gate which leads from Stonehaven Avenue to the Car Park of Club Dubbo. This encourages patrons to park in Stonehaven Avenue and enter the Club via this entrance. There has been an increase in traffic movements over the past 12 months in Stonehaven Ave both vehicle and pedestrian. Stonehaven Ave is a no through road. This traffic is not local. This will surely increase with reduction of car spaces within the club. A negative impact for Residents of Stonehaven Ave. There is also the likelihood of Anti Social behaviour of Patrons entering and exiting via Stonehaven Avenue. For Additional Security Purposes maybe the Club should erect a High Security Fence around the Rear perimeter plus Noise Reduction paneling and eliminate the rear Access gate from Stonehaven Ave. This should help reduce parking/traffic and late night patrons accessing Stonehaven Ave.

I strongly recommend DRC extends the submission closing date and Notifies all surrounds residents by mail. This has not been a transparent process.

Thank you for consideration of this submission.

Regards

Anna Samuels
Mr Bryan Whittle  
32 Stonehaven Avenue  
Dubbo NSW 2830  
P: 0431 528 212

30th August 2017

The General Manager  
Dubbo Regional Council  
PO Box 81  
DUBBO NSW 2830

Re: Development Application D2017-415

Dear Sir,

I wish to make a submission directed at the recent Development Application from Club Dubbo D2017-415.

Having reviewed the DA I am concerned about the impact of the development on noise and traffic in our residential area. The club's noise filters down our street mostly on weekend evenings when there is a band playing. There are also obvious traffic movements in our street related only to the club and its patrons.

We live in a quiet and peaceful street and would not like this to change because a Club wants to expand its commercial activities. As a precedent, Club Dubbo has made major change to our area. For example the large terrafomring project that was carried out on “Public Land” which affected access from our street to Tracker Riley, and as a result foot traffic must now access club grounds to navigate the Track.

As an alternative suggestion to allay further inconvenience regarding traffic could extensions flow towards the South. This would reduce the ambience of stench regarding tobacco and grog fumes permeating to passing traffic.

Yours faithfully,

Mr. Bryan Whittle
Mrs. Joy Whittle
32 Stonehaven Avenue
Dubbo NSW 2830
P. 0431 528 212

30th August 2017

The General Manager
Dubbo Regional Council
PO Box 81
Dubbo NSW 2830

Re: Development Application D2017-415

Dear Sir,

I wish to make a submission directed at the recent Development Application from Club Dubbo D2017-415.

Having reviewed the DA I am concerned about the impact of the development on noise and traffic in our residential area. The club's noise filters down our street mostly on weekend evenings when there is a band playing. There are also obvious traffic movements in our street related only to the club and its patrons.

We live in a quiet and peaceful street and would not like this to change because a Club wants to expand its commercial activities. As a precedent, Club Dubbo has made major change to our area. For example the large terraforming project that was carried out on "Public Land" which affected access from our street to Tracker Rile, and as a result foot traffic must now access club grounds to navigate the Track.

As an alternative suggestion to allay further inconvenience regarding traffic could extensions flow towards the South. This would reduce the ambiance of stench regarding tobacco and grog fumes permeating to passing traffic.

Yours Faithfully

Mrs. Joy Whittle
The General Manager
Dubbo Regional Council
10 Box 81
Dubbo N.S.W 2830.

Dear Sir,

I have lived at 52 Stonehew Avenue for fifteen years and have witnessed the Dubbo Club grow from that time. I am concerned that if the club extends close to our house overnight we will be affected by the noise as we have experienced loud music late at night making it difficult to sleep.

Also I draw to your attention that Stonehew Ave is a residential street and if patrons of the club are allowed to enter to the club from the cul-de-sac, in future it will be a parking area and create nuisance.

I would like a response to my concerns in writing prior to the approval of the D.A.

Yours faithfully,

Margaret Fisch

[Stamp: Received 31 Aug 2017]
Danielle Ritchie
42 Stonehaven Avenue
DUBBO NSW 2830

30th August 2017

Dear Sir

As a resident of Stonehaven Avenue for over 25 years I was extremely disappointed to learn today at 3.30pm that a major redevelopment of Club Dubbo is proposed and that we had not been made aware of it.

There are many concerns that need to be addressed before this submission can be closed and I ask the Council to extend this deadline so that all parties can have an appropriate amount of time to address all issues.

I read with interest that Club Dubbo consulted parties in Whyandra Street and Stonehaven Avenue regarding this submission. I would like to know who and how many residents of Stonehaven Avenue were consulted.

On the grounds of:

1. Reduced parking within the grounds of the club and the impact on Stonehaven Avenue
2. Noise impact study in relation to the surrounding environment
3. The licencing of extra game machines and their impact on the surrounding neighbourhood
4. Car park lighting and its impact on the surrounds
5. Accessibility to Stonehaven Avenue
6. The impact of more patrons within a licensed premise on the surrounding area that has a large amount of families with small children
7. Construction noise and increased traffic during the build should this development go ahead
I ask the Council to extend the submission closing date and notify all surrounding residents of this proposal so that it can be carefully considered by all concerned.

Yours faithfully

[Signature]

DANIELLE RITCHIE
Michael Rich
54 Stonehaven Ave
Dubbo NSW 2830
P. 02 6885 4665
M. 0414 344 814
E. mrls@ctsi.com.au

30th August 2017

The General Manager
Dubbo Regional Council
PO Box 81
Dubbo NSW 2830

Re: Submission to DA D2017-415

Dear Sir,

I am writing this letter as a submission to the recent proposed Development Application D2017-415.

On my review of the recent DA application as a long term resident of Stonehaven Avenue and adjacent neighbour to “Club Dubbo” I wish to submit the following concerns:

1. **NOISE**

   This club has a long record of pushing out excessive noise to our residential street from their PA system and live bands. Only last Saturday (26th August 2017) I was forced to call Club Dubbo at 10.30pm. I advised Bill from “Club Dubbo” to turn down the volume...the music continued past 12pm. Constant Bass from “Club Dubbo” invades our home every weekend they employ a band without any consideration of nearby residences.

   The proposed plan shows large extensions of the terraces out towards the East / Macquarie river, bringing them closer to our residences. Noise travels from the existing terraces and now they wish to increase these areas – thus increasing the noise impact to our home. The use of outside PA systems broadcasting their club activities can also be heard from our home.

   On review of the DA / Environmental Impact Statement there is no mention of a Noise Impact Statement for current activities and/or future development? I am asking that the Dubbo Regional Council engages an independent consultant to provide a study on the noise issue and what will be done to eliminate further problems before approval to this DA.

2. **TRAFFIC/PARKING**

   Every day patrons using “Club Dubbo” park in our street to visit the club. We live in a quiet cul-de-sac with young families and do not appreciate the additional traffic flows from a commercial business. There is parking at “Club Dubbo” and they should use this space but

   - 1 -
now the proposed DA will considerably reduce parking (14 spaces) on the property. This will definitely have an effect on our residential street which is not acceptable. The extensions will no doubt increase membership and patronage to this facility and increase the parking requirements. Noise also carries through our residence from “Club Dubbo” patrons leaving the car park late at night.

3. MYSTERY SURVEY?

I was surprised and highly disappointed to find the follow attached from the Social Impact Survey as supporting evidence of DA being accepted by local residents. Of all the people I know in our street, none including our household were surveyed. This gives me grave concern for the legitimacy of this supporting information. Given my household is one of the two neighbouring residences how could we have been missed for such an important study? I have attached excerpt as follows:

5.4 Neighbourhood Survey
5.4.1 Overview
A door knock survey was undertaken of 20 dwellings in Whyandra Street and Stonehaven Street, near Club Dubbo to understand any likely social impacts in the locality. The survey was carried out on the evening of 1 June 2017, with a follow up on the morning of 2 June 2017, Eleven responses were obtained, including one partial response.
Overall people felt very positive or quasi positive about living in their neighbourhood. The major concerns in the neighbourhood were traffic noise and noise from parked trucks for those people living in Whyandra Street, and pedestrian traffic in Stonehaven Street.
Seventy percent of people had no concerns regarding the proposed development at the Club. Of those that had concerns (three people), concerns related to construction noise, increased noise and increased traffic including pedestrian traffic.

4. SOCIAL IMPACT

Again I would like to draw on the resources from the Social Impact Assessment and ask how increasing the number of gaming machines from 71 to 81. I attach an excerpt from Page 8 which clearly explains the risk to our area and the greater community:- need I say more:
There is likely to be increased risk of gaming harm from the additional 10 gaming machines as any increase in density of EGMs is likely to increase the number of problem gamblers in the locality. Although the demographic indicators of gaming susceptibility are mixed, the fact that the locality is more disadvantaged than average also means that it is vulnerable to increased revenue being drawn from areas relatively near the Club as well as across Dubbo suburb.

In conclusion, I ask that you objectively consider my submission based on the impact that Club Dubbo is having on our residential street now and for the future. My family has lived in Stonehaven Avenue since 1958 and will continue for many years to come. Club Dubbo is a commercially driven entity, gaining the major part of its revenue from alcohol and gambling. Dubbo is a low socio-economic region (As per the supporting Social Impact Assessment) and clubs such as this thrive in such environments. Increasing Club Dubbo’s ability to draw on this type of revenue does not support the local community in a balance perspective, nor does it on neighbouring peaceful residences.
Yours Faithfully

Michael Rich
P.0414 344 814
E. mrich@otago.govt.nz
13 September 2017

The General Manager
Dubbo Regional Council
PO Box 81
Dubbo NSW 2830

Re: Submission to DA D2017-415.

Dear Sir,

I am writing this letter as a submission to the recent proposed Development Application D2017-715.

On reviewing this DA application I wish as a resident of Stonehaven Avenue and in very close proximity to 'Club Dubbo' to submit my below concerns.

1. Noise – the noise level already that echo's across the neighbourhood every weekend is excessive, the constant beat vibrates throughout the house especially when there is live bands and that is as of now, if the extensions were to proceed the noise would therefore be closer to the residence and again increase the noise and vibrations every weekend. I was under the impression that the curfew was 12 midnight but on many occasions the noise of bands and music can be heard in excess of this time.

I would like to suggest that an independent consultant be appointed to a study to review the noise level as it is today and what can be implemented to eliminate the current problems prior to the DA being considered.

2. Rubbish – the rubbish in the street after a Friday night and Saturday night is overwhelming. There are always cars and bottles strewn over the front lawn of our property, this is done in the late of night when patrons are leaving 'Club Dubbo' and using Stonehaven Avenue as a walk way and a rubbish bin.

3. Parking – At present patrons of 'Club Dubbo' park in Stonehaven Avenue to visit the club. This is a residential cul-de-sac with young children and we do not appreciate the additional traffic coming and going to the club. If the proposed DA is to proceed it will take away from the car parking currently at 'Club Dubbo' therefore this will impact more on the street with more patrons choosing to park there, this is not acceptable. It will also impact with the noise of patrons, sometimes very vocal, going to their cars and driving away.

4. Mystery Survey – I can guarantee that the Mystery Survey as stated which was made available to households in Stonehaven Avenue did not make its way to my residence, or for that fact to any residence I have spoken to within Stonehaven Avenue. So I wonder how can this information be supportive evidence towards the DA?

I sincerely ask that you further consider this DA application and the impact this will have on a quiet residential street. The benefits will of course be considerable to 'Club Dubbo' through increased gambling and increased drinking but this in itself has detrimental impacts on our local society and does not support the local community in a balanced perspective.

Yours sincerely

[Signature]

0412270444

Dubbo City
Asset

15 SEP 2017

[Stamp]
Ms Judy Newton
67 Stonehaven Ave
Dubbo NSW 2830

14th September, 2017

Stephen Wallace
Manager Building and Development Services
Dubbo Regional Council

Submission regarding DEVELOPMENT APPLICATION D 2017-415
Proposed development: Registered Club (alterations and additions)
Property: Lot 219 DP 753233, 62 Wyandra St. Dubbo NSW 2830

I appreciate the extension of time that has been granted in order to gather feedback on the proposed
development application, particularly from those living close to the Club.

I have been a resident of Stonehaven Ave for the last two years. Number 67 is the third lot from Club
dubbo’s boundary. I visit the Club from time to time and welcome the fact that the proposed changes will
accommodate the needs of customers requiring wheelchair access.

I have viewed the proposed development application and would like to raise a few concerns that I believe
will impact me and other residents in my street:

1) Car parking – I believe the information that has been provided in the development application is
not accurate. As I have a view of the Club’s car park from my address, I would like it noted that it
is often at full capacity.

There is an access gate at the end of our street which leads to the Club carpark which makes it
convenient for the Club’s customers to park in my street and walk through to the Club. Regular
customers appear to be parking in here, knowing they will have difficulty accessing a park at the
club in peak times.

My concern is with the expansion of the Club is that the number of carparks will not be sufficient
and will see even more cars parking in our street.

It should also be noted that the configuration of the house lots on the river side of the road in
Stonehaven Ave are that, dwellings are positioned closest to the river side in order to take
advantage of the river views and their back yards are closest to the street.

2) Noise Levels – I do have concerns with the expansion of the club there will be an increase in
the number of occasions functions are held and therefore to number of times throughout the
week that the PA system can be heard from my house.

Please don’t hesitate to contact me should additional information be required.

Yours Sincerely,

Judy Newton
Mobile: 0488 436 888
Dear Mark and Lee

I am contacting you regarding my concern of increased noise from Club Dubbo. There is already a noise problem with Bingo

I have visited Stonehaven Avenue nearly every Tuesday for over 7 years now and have had to listen to the very loud calling of the bingo numbers over a couple of hours

I do not believe it is necessary to have this broadcast on external speakers or to be loud enough for nearby properties to, very clearly, hear. It is a painfully boring, loud drone

Also with regard to this, yesterday (Tuesday, 19 September 2017) was the first time I can ever recall not being able to hear the bingo numbers being called. It was bliss to my ears

My concern with this is that there was a gentlemen wondering around doing what appeared to be an 'acoustic assessment' so the testing is not a true reflection of a 'normal' Tuesday. It is clearly biased

There is also the problem of increased traffic in this quiet family street. There are already some patrons who park at the end of the street and walk in past the bowling greens to visit the club

Thank you for time

Sincerely
Eadie Wiggins
Dear Sir,

I have become aware of the Submission to DAD2017-415 late this afternoon,

As a home owner and rate payer in Stonehaven Avenue (61) I am very surprised to discover that I was not consulted or advised that such a major development was proposed for the end of my street (reasonably close to my residence).

I would request that an extension be granted to allow adequate assessment of the proposal and reasonable and considered feedback to be provided.

Yours sincerely

Alison Attenborough
### Supporting Documentation

<table>
<thead>
<tr>
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<td>JSEA SIA</td>
<td>Social Impact Assessment: Club Dublin</td>
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Club Dubbo:

Additions and Alterations

Social Impact Assessment
August 2017
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Map 0.38: Proportions of people (aged 15 years or older) without any post-school qualifications, in Dubbo LGA and surrounds, by ABS Statistical Area Level 1, 2011. 

Map 0.39: Proportions of occupied private households that are social housing in Dubbo, by ABS Statistical Area Level 1, 2011. 

Map 0.40: Proportions of occupied private dwelling households that are social housing in Dubbo LGA and surrounds, by ABS Statistical Area Level 1, 2011. 

Map 0.41: Proportions of low-income households (out of all occupied private dwellings) in Dubbo, by ABS Statistical Area Level 1, 2011. A low-income household is defined here as one where the gross weekly household income is less than 80% of the NSW median gross weekly household income – approximately equivalent to less than $3300 per week. (The NSW median gross weekly household income (ABS,2011) was $1327). 

Map 0.42: Proportions of low-income households (out of all occupied private dwellings) in Dubbo LGA and surrounds, by ABS Statistical Area Level 1, 2011. A low-income household is defined here as one where the total weekly household
Income is less than 80% of the NSW median gross weekly household income—approximately equivalent to less than $1,000 per week. (The NSW median gross weekly household income (ABS, 2011) was $1,237).


Map 6.47: Map showing Dubbo Suburb (shaded orange and enclosed in the blue line); the location of the proposed development at Club Dubbo at 82 Whyalla Street, Dubbo (black star); and the boundary of the crime hot spot and crime rate maps that follow (red rectangle).

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Map 6.49: Hot spot map for incidents of non-domestic assault for 2016 near the proposed development at Club Dubbo (black star).

Map 6.50: Hot spot map for incidents of robbery for 2016 near the proposed development at Club Dubbo (black star).

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1 Executive Summary

Club Dubbo commenced operations as a bowling club in 1957 and has undergone progressive upgrade and extension over the past 60 years to meet growing demand from members in the extensive catchment area of the Club, as well as visitors to the Shire and guests. As well as three bowling greens, the Club provides a bistro, a lounge area including bar and TAB, a gaming area with 71 electronic gaming machines (EGMs), and a conference and function area.

The Club currently has 4,534 members, the majority from Dubbo LGA. In April 2017, there were 1,554 casual visitors, with many of these likely to be tourists and travellers from outside of the area and staying at nearby motels or the caravan park. More than half the members of the Club are aged over 50 years compared with 26% of adult residents of Dubbo LGA.

The proposal is for internal alterations and additions to the existing Club Dubbo facility to principally provide for increased Bistro seating to meet growing demand, an additional 3 meeting rooms, and additional area in the gaming lounge that would allow for 10 extra EGMs.

The Club is located in West Dubbo on the Newell Highway, the main highway between Melbourne and Brisbane. It is on the southern outskirts of the West Dubbo urban area, and surrounded by a combination of low density residential development, tourist uses that include 5 motels, a caravan park and fast food outlets, and extensive parkland to the south and the east of the Club along the river.

At the time of the 2011 Census, there were also high densities of social housing in SA1s immediately west of the Club, the closest around 250-300 metres walking distance from the Club, although a number of precincts in West Dubbo have been subject to redevelopment and private sales in recent years under State Government tenure diversification strategies. The most proximate housing, across the highway, to the immediate north, and adjacent in Stonehaven Street appears to be owner occupied and privately rented housing.

In terms of positive impacts, the alterations and additions are likely to provide greater amenity for club users including tourists and visitors to Dubbo, and result in increased employment of four full-time equivalent people.

The main risks of expanded floor space and intensification of activities in the Club are related to alcohol-related harm in terms of increased violence and amenity impacts in areas close to the Club; and increased risk of problem gambling from an increased density of EGMs in the locality.
In terms of the former, the demography of the locality is not favourable with regard to risk from alcohol-related harm. However, it is unlikely that there would be a significant increase in the risk of alcohol-related harm in the locality as there is no increase in licensed premises (the primary predictor of harm), and no intensification of the alcohol-focused area of the club, for example, major expansion of the bar areas.

Further, the Club is not in a hotspot on crime maps for Assault (Non-Domestic Assault). Although there is a significant hotspot for Assault (Domestic Assault) in the adjacent residential area, this is more likely to be related to the disadvantaged demography of the area, and Licensed Clubs have not generally been found in the literature to be related to such effects (with Assault (Domestic Assault) more often associated with packaged liquor outlets). Although liquor license density per se has been found to be associated with Domestic Violence and General Assault in some studies, the density and clustering of premises in this locality is not at levels found to be problematic.

There is a hotspot of Malicious Damage across the locality. Some of this may be related to people affected by alcohol leaving the Club. However, it is unlikely that this would intensify from the proposed works to the Club for the reasons set out earlier. It is also noted that the greatest risk of amenity impacts like malicious damage, and nuisance and annoyance, are likely to be experienced in residential areas closest to the Club. The fact that the Club is largely separated from residential uses by the highway, the river, parkland and traffic uses are mitigating factors, and again the lack of significant intensification of alcohol-related areas (or a new licence) makes such impacts unlikely.

It is also noted that no existing amenity impacts related to the Club were raised in ISALT's survey of nearby residential properties. There were also no objections raised to the Club’s proposed expansion apart from those related to noise during the construction phase, and increased traffic including increased pedestrian traffic. Such issues are understood to be dealt with by the experts of other experts.

There is likely to be increased risk of gaming harm from the additional 10 gaming machines as any increase in density of EGMs is likely to increase the number of problem gamblers in the locality. Although the demographic indicators of gaming susceptibility are mixed, the fact that the locality is more disadvantaged than average also means that it is vulnerable to increased revenue being drawn from areas relatively near the Club as well as across Dubbo suburb. However, Clause 209 of the Gaming Machines Act 2001 does not allow consent authority to refuse consent to a hotel or club for any reason that relates to the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club. As such, any concerns by the consent authority are more properly raised during the approval process under the Gaming Machines Act 2001. It is also noted that Dubbo is not in the highest-risk band designated by NSW Office of Liquor.
Gaming and Racing (OLGR) so that the regulatory authority may not give as a high a priority to such concerns compared, for example, with a high-risk Band II area.

As such, there is no basis to conclude that the social impacts in the locality arising from the development that can be considered under section 79C(1)(h) of the Environmental Planning and Assessment Act 1979 would be of concern for this application.
2. Introduction

2.1 Background to SIA

Judith Stubbs and Associates has been retained by New England Constructions to provide a Social Impact Assessment (SIA) to support a development application for alterations and additions to Club Dubbo in accordance with clause 9.3 of Dubbo City Council’s Dubbo Development Control Plan 2013 (Dubbo DCP).

2.2 Qualifications and Experience

2.2.1 Judith Stubbs, MSc, PhD, MPA

This Social Impact Assessment has been completed by Dr Judith Stubbs and staff under her supervision.

Dr Stubbs has qualifications and extensive experience in social and strategic planning, social research, human services management and development, and social and economic impact assessment, during more than 25 years of professional practice. She is a professional sociologist and social planner, and holds graduate qualifications in Social Work from UNSW, and a PhD in Social Science and Town Planning from RMIT.

Of particular relevance to this report is academic research and social and economic impact assessment, which she has conducted on issues related to licensed premises, alcohol and gaming-related issues for government, industry and the community sector for the past 15 years. She has also assisted with the development of social and economic impact methodologies and policy for state and local government in relation to gaming and alcohol research and impact assessment.
3 Overview of the Proposal

Club Dubbo is proposing a range of alterations and additions to the existing building located at 82 Whylandra Street, Dubbo. Works include:

- Extending the gaming area including an outdoor gaming terrace;
- Extending part of the outdoor dining terrace area;
- Closing off part of the outdoor dining terrace area so that it is included as part of the indoor dining area;
- Closing off the existing terrace at the north west of the building;
- Providing additional terrace area to the west of the building; and
- Providing a new foyer area.

Operationally, the alterations and additions will increase seating for the astro area which is currently experiencing high levels of demand. The gaming area will increase and the club expects to increase the number of Electronic Gaming Machines (EGMs) from the existing 71 machines to 81 machines in total. The extensions will result in the loss of 15 car parking spaces, including 2 disabled spaces.

4 Legislative Framework

Clause 79C of the Environmental Planning and Assessment Act 1979 requires a consent authority to consider, among other things:

79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Dubbo City Council has addressed the requirement for social impact assessment in Section 3.3 of the Dubbo DCP.

While the impacts of gambling are likely to be a significant social impact, their consideration by council is limited by Clause 209 of the Gaming Machines Act 2001 which states in part:

209(3) A consent authority [within the meaning of the Environmental Planning and Assessment Act 1979] cannot:

(a) as a condition of any development consent under that Act, prohibit or otherwise regulate or restrict the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club or any other premises, or
(b) refuse to grant any such development consent to a hotel or club for any reason that relates to the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club.

5 Locational Analysis

5.1 Description of Club Dubbo

Club Dubbo was founded as West Dubbo Bowling Club in 1952. The Club was established on Crown Land at 42 Whylandra Street (The Newell Highway), Dubbo, with ownership converted to Torrens Title in 1973. The Club has been rebuilt and extended on a number of occasions including in 1971, 1976, 1987 and 1996. In addition to the Club site, Club Dubbo owns two residential properties and a motel to the immediate north of the Club.

The existing club building contains a Bistro area with capacity for 200 people, a lounge area including a bar and TAB area with capacity for 270 people, a gaming area containing 71 Electronic Gaming Machines (EGMs) and a conference and function area with capacity for 200 people. There are three bowling greens on the Club site.

Club Dubbo currently has 4,584 members. Of these, 139 (3.1%) are bowling members and 3,827 (84.6%) live in Dubbo LGA. The 707 members who do not live in Dubbo LGA are most likely people who have joined the Club while visiting Dubbo to take advantage of lower prices available to Club members. The Club also services many casual visitors with 1,584 casual visitors recorded in April 2017.

The figure below shows the age profile of Club Dubbo members compared to Dubbo LGA. The membership of Club Dubbo is quite elderly compared to Dubbo LGA more generally. Nearly half of members (49.9%) are aged over 60, compared to 26.4% for Dubbo LGA.
Club Dubbo provides meeting rooms for sporting groups and community groups:
- Apollo Netball Club
- Dubbo Cycle Club
- Dubbo Soccer Association
- Women's District Bowls Association
- Far West Men's District Bowls Association
- Zone 4 Men's Bowling Association

Community groups include:
- Dubbo Show Society
- Rotary Club of West Dubbo (weekly)
- Lions Club

Club Dubbo currently employs 25 full-time equivalent people. The Club anticipates employing another 4 full-time equivalent people following the expansion.

5.2 Description of site and immediate surrounds.

5.2.1 Overview:
Club Dubbo is located in West Dubbo on the southern outskirts of Dubbo and on the Newell Highway, the main road transport link between Melbourne and Brisbane. The Club lies between the highway and the Macquarie River with a motel and separate housing immediately north of the club and parkland to the south of the Club. Uses opposite the
Club on the west side of the highway are predominantly low density residential with a motel just south of the Club.

More generally, uses along the Newell Highway near the Club are a combination of low density residential development and tourist uses including five motels, a caravan park and fast food outlets.

The West Dubbo area is separated from Dubbo by the Macquarie River. The area is predominantly low density residential, with some industrial development along the Mitchell Highway on the western periphery of the area and a small shopping centre. This area is undergoing urban expansion and there are extensive areas of rural land zoned R2 in the West Dubbo area so that population growth is likely to continue.

West Dubbo also includes Taronga Western Plains Zoo and Dubbo Golf Club.

3.2 Club Dubbo Site and Surrounds

The map below shows the site of Club Dubbo and surrounding land uses. Photographs showing the context of Club Dubbo follow.
Figure 5-2: Club Dubbo
Source: JSA 2017

Figure 5-3: View of Club Dubbo from Stonehaven Street
Source: JSA 2017
Figure 5-4: Parkland to the south of Club Dubbo
Source: JSA 2017

Figure 5-5: Newell Highway looking south towards Club Dubbo
Source: JSA 2017
Figure 5-6: Separate housing opposite Club Dubbo
Source: ISA 2017

Figure 5-7: Separate housing in Stonhaven Street near Club Dubbo
Source: ISA 2017
5.3 Demographic Overview of the Locality

Dubbo suburb is quite disadvantaged, being in the bottom 30% of suburbs for NSW for SEIFA (Disadvantage), however the LGA is somewhat advantaged by comparison with NSW. The disadvantaged profile is reflected in other indicators such as lower household incomes and lower levels of education and post-school qualifications. The suburb has a significant ATSIS (Aboriginal and Torres Strait Islanders) population, with nearly six times the NSW average. Levels of unemployment, particularly youth unemployment are lower than NSW generally, however the lower level of youth unemployment may reflect young people leaving the area for further education.

The table below shows broad demographic indicators for Dubbo Suburb and for Dubbo LGA by comparison with values for NSW.

Table 5.3: Selected Demographic Indicators

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Dubbo Suburb</th>
<th>Dubbo LGA</th>
<th>NSW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>32,327</td>
<td>38,805</td>
<td>5,917,618</td>
</tr>
<tr>
<td>SEIFA (Disadvantage)</td>
<td>99</td>
<td>59</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Percentage for NSW</td>
<td>28</td>
<td>64</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Median Age</td>
<td>35</td>
<td>36</td>
<td>39</td>
</tr>
<tr>
<td>Aboriginal and Torres Strait Islanders (ATSIS)</td>
<td>14.5%</td>
<td>12.8%</td>
<td>2.3%</td>
</tr>
<tr>
<td>Median Household Income</td>
<td>$1,092</td>
<td>$1,096</td>
<td>$1,237</td>
</tr>
<tr>
<td>Youth Unemployment Rate (15-24)</td>
<td>10.9%</td>
<td>11.0%</td>
<td>22.2%</td>
</tr>
<tr>
<td>General Unemployment Rate</td>
<td>5.3%</td>
<td>4.9%</td>
<td>5.0%</td>
</tr>
<tr>
<td>Disability (Need for Assistance)</td>
<td>5.9%</td>
<td>5.4%</td>
<td>5.2%</td>
</tr>
<tr>
<td>Pupil:Secondary School Qualifications</td>
<td>40.8%</td>
<td>41.6%</td>
<td>45.8%</td>
</tr>
<tr>
<td>Did not complete Year 10</td>
<td>13.5%</td>
<td>13.3%</td>
<td>13.2%</td>
</tr>
</tbody>
</table>

Source: ABS 2011 from AIHW Census 2011

Appendix B contains a series of maps showing selected demographic indicators at SA1 level (a geographical area typically containing 300 people). These maps show a much more detailed demographic context for Club Dubbo. Indicators of particular interest included:

A much lower median age in new release areas to the west of Club Dubbo.
High levels of Indigenous people in the West Dubbo area;
Pockets of Disadvantage in the West Dubbo area; and
Concentrations of Social Housing in the West Dubbo area.

5.4 Neighbourhood Survey

5.4.2 Overview

A door knock survey was undertaken of 20 dwellings in Wylamina Street and
Stonehaven Street, near Club Dubbo to understand any likely social impacts in the
Locality. The survey was carried out on the evening of 1 June 2017, with a follow up on
the morning of 2 June 2017. Eleven responses were obtained, including one partial
response.

Overall people felt very positive or quite positive about living in their neighbourhood.
The major concerns in the neighbourhood were traffic noise and noise from parked trucks
for those people living in Wylamina Street, and pedestrian traffic in Stonehaven Street.
Seventy percent of people had no concerns regarding the proposed development at the
Club. Of those that had concerns (three people), concerns related to construction noise,
increased noise and increased traffic including pedestrian traffic.

Results are set out below.

5.4.2 Question 1: How long have you lived in this home?

<table>
<thead>
<tr>
<th>Percentage responding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 12 months</td>
</tr>
<tr>
<td>1-5 years</td>
</tr>
<tr>
<td>6-10 years</td>
</tr>
<tr>
<td>More than ten years</td>
</tr>
</tbody>
</table>

Source: JSA 2017

5.4.3 Question 2: Are you an owner or renter?

<table>
<thead>
<tr>
<th>Percentage responding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner</td>
</tr>
<tr>
<td>Renteker</td>
</tr>
</tbody>
</table>

Source: JSA 2017
5.4.4 Question 3: What do you like best about living in this neighbourhood?

Table 5.4: Q3 What do you like best about living in this neighbourhood

<table>
<thead>
<tr>
<th>Percentage responding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenient to work and services</td>
</tr>
<tr>
<td>Close to club:</td>
</tr>
<tr>
<td>Quiet area / feel safe</td>
</tr>
</tbody>
</table>

Source: JSA 2017

5.4.5 Question 4: What would you change in the neighbourhood?

Of the responses to this question, two responses related to the Club. One person had had a previous problem with the Club commencing grass cutting prior to 7 am and another person was concerned about pedestrian traffic in Stonehaven Street from people using the Club as a short cut.

Table 5.5: Q4 What would you change in the neighbourhood

<table>
<thead>
<tr>
<th>Percentage responding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nothing:</td>
</tr>
<tr>
<td>Highway noise / traffic:</td>
</tr>
<tr>
<td>Pedestrians in Stonehaven Street:</td>
</tr>
</tbody>
</table>

Source: JSA 2017

5.4.6 Question 5: How do you feel about living in this neighbourhood?

Table 5.6: Q5 How do you feel about living in this neighbourhood

<table>
<thead>
<tr>
<th>Percentage responding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very positive:</td>
</tr>
<tr>
<td>Quite positive:</td>
</tr>
<tr>
<td>Neutral:</td>
</tr>
<tr>
<td>Quite negative:</td>
</tr>
<tr>
<td>Very negative:</td>
</tr>
</tbody>
</table>

Source: JSA 2017
5.4.7 Question 6: Were you aware of the proposed development?

Table 5.7: Q6 Were you aware of the proposed development

<table>
<thead>
<tr>
<th>Percentage responding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
</tr>
</tbody>
</table>

Source: ISA 2017

5.4.8 Question 7: What would you like to see in the proposed development?

Two people responded to this question. One suggested escalators and the other suggested a children’s area in the club.

5.4.9 Question 8: What do you see as the positive impacts of the proposed development?

Four people responded to this question. The positive impact was seen as improved club facilities.

5.4.10 Question 9: Do you have any concerns with the proposed development?

Table 5.8: Q9 Do you have any concerns with the proposed development

<table>
<thead>
<tr>
<th>Percentage responding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
</tr>
</tbody>
</table>

Source: ISA 2017

Three people had concerns with the club. Concerns included construction noise, increased noise and increased traffic including pedestrian traffic.
6. Assessment of Social Impacts in the Locality

6.1 Amenity Impacts

Amenity impacts include such impacts as visual impact, noise, traffic, parking and the like. Based on the neighbourhood survey carried out, 70% of respondents had no concerns with the proposed development. Concerns raised related to construction noise, increased noise and increased traffic including pedestrian traffic. These matters are addressed by other consultant reports prepared for the Development Application.

6.2 Harm Related to Alcohol

Appendix A provides an overview of demographic indicators likely to increase the risk of alcohol-related harm in a given community from relevant literature. Specific indicators of elevated vulnerability have been found to include:

- SEIFA Index of Relative Socio-economic Disadvantage (SEIFA Disadvantage) as an aggregate measure of overall community disadvantage.
- Low income
- High unemployment
- Low educational achievement
- Higher than average male population
- Poor, unstable population (e.g., homeless, public housing)
- Smaller households (likely related to lone person households, and relationship breakdown)
- Young people
- Lower levels of people from culturally diverse backgrounds
- Older people aged 65+ years.

Each of these indicators has been found in different studies to be independently associated with increased risk of alcohol-related harm although, as noted, almost any indicator of social disadvantage will increase the risk of such harm. In the Australian context, SEIFA Index of Relative Socio-economic Disadvantage (SEIFA Disadvantage) is the best measure of overall community disadvantage, and SEIFA Education and Occupation also...
provides a good aggregate measure of the overall education and labour force status of a given community.

The following table provides a summary of “proxy” indicators for relevant localities compared with benchmark areas. This indicates a locality with an increased risk of harm related to alcohol.

The following factors are relevant with regard to increased risk of harm related to alcohol:

- SEIFA Disadvantage Value as an aggregate measure of community disadvantage for Dubbo Suburb is in the bottom 30% of suburbs in NSW;
- SEIFA的家庭在Dubbo suburb的低收入，与NSW的42%相比;
- SEIFA Index of Education and Occupation as a broad measure of overall educational and occupational status of the community is in the bottom 28% of suburbs in NSW;
- 13% of people in Dubbo suburb did not complete year 10 compared to 11% for NSW;
- 7% public housing in Dubbo suburb compared to 5% for NSW;
- 28% lone person households in Dubbo suburb compared to 24% for NSW;
- 19% separated, divorced or widowed people in Dubbo suburb compared to 17% for NSW; and
- 23% born in a non English speaking country in Dubbo suburb compared to 15% for NSW.

These results are provided in more detail in the following table.
### Table 6.1: Key Indicators of Socio-economic vulnerability to alcohol-related harm

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Dubbo Suburb</th>
<th>Dubbo LGA</th>
<th>NSW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Disadvantage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEIFA Disadvantage (NSW Percentile)</td>
<td>89</td>
<td>99</td>
<td>N/A</td>
</tr>
<tr>
<td>Low and Very Low Income Households</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proportion of Households with Gross Weekly Household Income ≤ $1000 (% of occupied private dwelling households)</td>
<td>48.0</td>
<td>46.4</td>
<td>42.0</td>
</tr>
<tr>
<td>Unemployment (Persons Aged 15+ yrs)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proportion of Labour Force</td>
<td>5.3</td>
<td>4.9</td>
<td>5.9</td>
</tr>
<tr>
<td>Low Educational Attainment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEIFA Education-Occupation (NSW Percentile)</td>
<td>38</td>
<td>44</td>
<td>N/A</td>
</tr>
<tr>
<td>% No Post-School Qualifications (% of people aged 15+ years)</td>
<td>59.2</td>
<td>54.4</td>
<td>44.3</td>
</tr>
<tr>
<td>Did not complete Year 10</td>
<td>13.3</td>
<td>13.3</td>
<td>11.2</td>
</tr>
<tr>
<td>Male Population</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of males</td>
<td>47.6</td>
<td>48.3</td>
<td>49.3</td>
</tr>
<tr>
<td>Public Housing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proportion of Social Housing (% of occupied private dwelling households)</td>
<td>7.3</td>
<td>6.3</td>
<td>5.8</td>
</tr>
<tr>
<td>Smaller Households</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lone Person Households (% of occupied private dwelling households)</td>
<td>27.6</td>
<td>25.7</td>
<td>24.1</td>
</tr>
<tr>
<td>Separated, Divorced or Widowed (% Aged 15+ years)</td>
<td>19.0</td>
<td>18.9</td>
<td>17.1</td>
</tr>
<tr>
<td>Young People</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of population aged 18-34 years</td>
<td>22.3</td>
<td>20.6</td>
<td>22.6</td>
</tr>
<tr>
<td>Minority Populations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Indigenous people</td>
<td>14.5</td>
<td>13.6</td>
<td>14.2</td>
</tr>
</tbody>
</table>
### Indicators

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Dubbo Suburb</th>
<th>Dubbo LGA</th>
<th>NSW</th>
</tr>
</thead>
<tbody>
<tr>
<td>% born in non-English speaking country</td>
<td>2.4</td>
<td>2.2</td>
<td>15.4</td>
</tr>
</tbody>
</table>

**Older People**

| % of people aged 65+                          | 16.3         | 15.3      | 15.9 |

*Source: ISA 2017 derived from ABS 2011 Census Data*

Given the impacts of some types of alcohol-related harm will be experienced more intensely in areas closer to a licensed premises, the locality within the 1km radius is also shown in more detail in the maps in Appendix B.

In summary, in the 1km radius there are:

- pockets of quite high disadvantage, including areas in the bottom 10% of disadvantage in NSW;
- pockets of low household income;
- pockets of very high unemployment;
- pockets of low educational attainment;
- pockets of very high levels of social housing;
- high levels of lone person households;
- pockets of high levels of younger people;
- low levels of people born in non-English speaking countries; and
- pockets of higher levels of older people.
6.3 Gaming-Related Vulnerability in theLocality

6.3.1 Demographic Factors that predispose individuals to increased problem gambling behaviour related to EGMs

As outlined in Appendix A, certain demographic factors have been found to increase individual vulnerability to problem gambling in a recent OLGR report.1

Table D-1 at Appendix A summarises the odds ratio that applies to different demographic indicators, and indicates increased vulnerability to at risk and problem gambling, and thus to related risks, for some groups. The following table provides an "at a glance" assessment of the prevalence of these indicators against NSW averages, applying these indicators to Dubbo suburb and Dubbo LGA.

Key indicators of propensity to problem gambling behaviour in Dubbo suburb includes:

- 14% did not complete year 10 compared to 11% for NSW;
- 19% separated, divorced or widowed compared to 17% for NSW; and
- 88% of people with year 12 or diploma only compared to 80% for NSW.

Other factors predict reduced propensity to problem gambling behaviour, such as lower proportions of people aged 19-34 years, lower unemployment, lower levels of people aged 35-54 and lower proportions of males.

Taken as a whole, the factors suggest a demography that on average does not predict an increased propensity to problem gambling behaviour compared to NSW averages.

---

6.4 Liquor Licence Location and Density

6.4.1 Liquor licenses

The table below shows the density per 1,000 people for different types of liquor licenses for Dubbo Suburb, Dubbo LGA and NSW. The density of clubs in the area is similar to the NSW average, while hotel and off-premises licenses are over represented and packaged liquor outlets are underrepresented.
Table 6.3: Number and Density of Liquor Licences by Type:

<table>
<thead>
<tr>
<th></th>
<th>Dubbo Suburb</th>
<th>Dubbo LGA</th>
<th>NSW</th>
</tr>
</thead>
<tbody>
<tr>
<td>No of Persons aged 16+</td>
<td>23,356</td>
<td>29,283</td>
<td>5,010,800</td>
</tr>
<tr>
<td>Number of Licences</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clubs</td>
<td>6</td>
<td>6</td>
<td>1,324</td>
</tr>
<tr>
<td>Hotels</td>
<td>13</td>
<td>10</td>
<td>2,113</td>
</tr>
<tr>
<td>On-Premises (Cafes, Restaurants, etc.) and Small Bar</td>
<td>41</td>
<td>41</td>
<td>7,637</td>
</tr>
<tr>
<td>Packaged Liquor</td>
<td>7</td>
<td>7</td>
<td>3,407</td>
</tr>
<tr>
<td>Total</td>
<td>67</td>
<td>70</td>
<td>13,501</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>License Density (per 1,000 adults)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clubs</td>
</tr>
<tr>
<td>Hotels</td>
</tr>
<tr>
<td>On-Premises (Cafes, Restaurants, etc.) and Small Bar</td>
</tr>
<tr>
<td>Packaged Liquor</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>


The maps below show the location of club and hotel licences in the immediate locality of the proposed development and in the LGA more widely. Licensed premises are largely clustered in Dubbo suburb, particularly in the commercial area to the east side of the river. The nearest licensed premises to Club Dubbo is about 500 metres away.
Map 5.1: Liquor premises (clubs and hotels only) in the proximity of Club Dubbo.
Source: UWA 2017, based on data provided by DLGR 2016.
Map 6.2: Liquor premises (clubs and hotels only) in the proximity of Club Dubbo.
Source: ISA 2017, based on data provided by OLGf 2016.
Map 5.3: Liquor premises (clubs and hotels only) in the proximity of Club Dubbo
Source: ISA 2012, based on data provided by DLGR 2006

Legend
- Development Area
- NGA Boundaries
- Liquor Premises
- Club
- Hotel
<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Premises</th>
<th>Type</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Club Dubbo</td>
<td>Club</td>
<td>42 Whitting St, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>2</td>
<td>Marquarie Club (Dubbo) Ltd</td>
<td>Club</td>
<td>393 Marquarie St, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>3</td>
<td>Dubbo Golf Club Ltd</td>
<td>Club</td>
<td>Peak Hill Rd, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>4</td>
<td>Dubbo RDA Memorial Club Ltd</td>
<td>Club</td>
<td>178-188 Brasswell St, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>5</td>
<td>Dubbo City Bowling Club</td>
<td>Club</td>
<td>Wingham Rd, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>6</td>
<td>Dubbo Railway Bowling Club Ltd</td>
<td>Club</td>
<td>301-313 Erskine St, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>7</td>
<td>Dubbo Monopoly Bar</td>
<td>Hotel</td>
<td>237-249 Marquarie St, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>8</td>
<td>Amores Hotel</td>
<td>Hotel</td>
<td>Marquarie St, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>9</td>
<td>Caffynleigh Hotel</td>
<td>Hotel</td>
<td>Talbragar St, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>10</td>
<td>Commercial Hotel</td>
<td>Hotel</td>
<td>163 Brodribb St, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>11</td>
<td>Garanib Hotel</td>
<td>Hotel</td>
<td>80-82 St, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>12</td>
<td>Marquarie Inn Hotel</td>
<td>Hotel</td>
<td>Wheeler’s Lane, Bracken</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Dubbo NSW 2830</td>
</tr>
<tr>
<td>13</td>
<td>Milford Hotel</td>
<td>Hotel</td>
<td>195-197 Marquarie St, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Studio NSW 2830</td>
</tr>
<tr>
<td>14</td>
<td>Patterson Hotel</td>
<td>Hotel</td>
<td>710 Talbragar St, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>15</td>
<td>Railway Junction Hotel</td>
<td>Hotel</td>
<td>181 Erskine St, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>16</td>
<td>Western Star Hotel</td>
<td>Hotel</td>
<td>62 Erskine St, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>17</td>
<td>Westside Hotel Hotel</td>
<td>Hotel</td>
<td>215-219 Whyandina St, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>18</td>
<td>Ballina Inn Hotel</td>
<td>Hotel</td>
<td>Underhill St, Ballina</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>19</td>
<td>South Dubbo Tavern</td>
<td>Hotel</td>
<td>328 Fitzroy St, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>20</td>
<td>Phillip’s Point Tavern</td>
<td>Hotel</td>
<td>Railway St, Dubbo</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
<tr>
<td>21</td>
<td>BWS- Beer,Wine, Spirits</td>
<td>Hotel</td>
<td>36 Railway St, Wollongbar</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSW 2830</td>
</tr>
</tbody>
</table>

Source: Source: JSA 2018, based on data from OGLR 2016
6.5 Gaming Machines

6.5.1 OLGR Bands

Dubbo LGA is designated as a Band 2 area by NSW Office of Liquor, Gaming and Racing (OLGR). This means that the area is considered to have a moderate gaming machine density, moderate gaming machine expenditure and a moderate SEIFA score. An application for an increase in the gaming machine threshold for the club will require preparation of a Local Impact Assessment (LIA), and the LIA will be considered by OLGR in determining the application.

6.6 Crime Context of the Locality

6.6.1 Crime Rates

Dubbo Suburbs is characterised by very high rates of:

- assault, both domestic and non-domestic assault;
- robbery;
- sexual offences;
- theft;
- malicious damage; and
- arson.

Rates are typically twice the NSW average.

Table 6.30 Dubbo suburb crime rates for year ending December 2015, two year trend and NSW benchmarks.

<table>
<thead>
<tr>
<th>Crime Incident Type</th>
<th>Dubbo Suburb 2016 Rate per 100,000</th>
<th>Dubbo Suburb 2-Year Trend Comment</th>
<th>NSW State 2016 Rate per 100,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assaults (all types)</td>
<td>1741.2</td>
<td>Stable</td>
<td>940.4</td>
</tr>
<tr>
<td>Domestic assault</td>
<td>958.9</td>
<td>Stable</td>
<td>846.3</td>
</tr>
<tr>
<td>Non-domestic assault</td>
<td>867.9</td>
<td>Stable</td>
<td>846.3</td>
</tr>
<tr>
<td>Public assault</td>
<td>92.5</td>
<td>n.e.c.</td>
<td>94.3</td>
</tr>
<tr>
<td>Homicide</td>
<td>0.9</td>
<td>n.e.c.</td>
<td>3.3</td>
</tr>
<tr>
<td>Robbery</td>
<td>166.1</td>
<td>n.e.c.</td>
<td>31.2</td>
</tr>
<tr>
<td>Sexual offences</td>
<td>913.9</td>
<td>Stable</td>
<td>908.4</td>
</tr>
<tr>
<td>Theft</td>
<td>900.0</td>
<td>Stable</td>
<td>969.7</td>
</tr>
<tr>
<td>Malicious Damage</td>
<td>1834.2</td>
<td>Stable</td>
<td>914.0</td>
</tr>
<tr>
<td>Abduction, Kidnapping</td>
<td>2.0</td>
<td>n.e.c.</td>
<td>3.3</td>
</tr>
<tr>
<td>Betting &amp; Gaming</td>
<td>2.9</td>
<td>n.e.c.</td>
<td>2.8</td>
</tr>
</tbody>
</table>
Crime Incident Type | Dubbo Suburb 2016 Rate per 100,000 | Dubbo Suburb 2-Year Trend Comment | NSW State 2016 Rate per 100,000
--- | --- | --- | ---
Arson | 220.5 | 195.0 | 66.0

Source: BOC SAR Crime Mapping Tool

6.6.2 Hotspot Maps

Crime hotspot maps are contained in Appendix C. The residential area adjacent to the club contains a hotspot for Assault (Domestic Assault) and for Malicious Damage. There are no hotspots for Assault (Non domestic Assault) and robbery in the vicinity of the proposed development.
Appendix A: Review of Relevant Literature

Review of Relevant Alcohol Literature

Overview

There is now a substantial body of scientific research in Australia and the United States examining the interrelationship between the concentration of licensed premises in a given area, and/or proximity to licensed premises, socio-demographic characteristics of the population inhabiting that area ("indicators of risk"), and a variety of social impacts, including incidence of assault and other types of crime, accidents and injuries, health impacts, increased antisocial behaviour, and other impacts on the amenity of that area. Literature also explores impacts related to different forms of licensed premises, including off hotels and packaged liquor outlets where these can be distinguished.

Whilst there is a large amount of literature exploring the association between alcohol and crime and other alcohol-related harms generally, the following review focuses on studies that have examined the spatial and socio-demographic dimensions of impacts of licensed premises relevant to the current proposal in its social context.

Alcohol-related harm and proximity to licensed premises

A consistent theme in the substantial body of literature on alcohol related harm is the positive relationship between alcohol and violent crime. An Australian study which reviewed the findings of over 1,100 local and overseas studies reports (Loxley et al 2004) that around 40-50% of assaultive violence, 50% of sexual assault as victim and perpetrator, and 25-50% of domestic violence are alcohol-related. The relationship between violence and proximity to licensed premises is also relevant. Burgess and Moffatt (2011), for example, found that more than 50% of assaults in

---


Sydney LGA occurred within 50 metres of licensed premises, and virtually all occurred within 200 metres of licensed premises. They also indicate that most assaults (domestic and non-domestic violence related) occur in the home (43%) or the public domain (29%), rather than within licensed premises (5%). Moreover, Chikritzhs et al (2007) note that the link between density and accessibility of licensed premises and a range of harms in particular violence, is "robust" and "reassuringly predictable".

Effects by licence type.

In Australia, on-premises assaults are far more likely to occur at certain types of licensed premises. Stockwell, Somerford and Lang (1992) compared 389 premises in the inner Perth metropolitan area and found that licence type was highly predictive of risk, with hotels, taverns and nightclubs evidencing higher levels of harm than other restaurants or registered clubs.

Briscoe and Donnelly (2001) examined police-recorded assaults on licensed premises in the inner urban areas of Sydney, Newcastle and Wollongong. They found that a disproportionate number of assaults occurred on both hotels and nightclubs in each of these areas. In inner Sydney, hotels accounted for 75% of all on-premises assaults despite representing only 21% of licensed premises in the area, whilst nightclubs accounted for 6% of on-premises assaults despite representing less than 3% of licensed premises. The authors also found that a small number of problematic licensed premises were associated with a disproportionate amount of violence.

Alcohol-related harm and demography.

As noted, there is a wide body of evidence demonstrating an increase in violence with increasing outlet density as well as proximity to licensed premises, in particular hotels and nightclubs. However, the relationship is not simple and is dependent on social and physical context. In their 2009 paper, Livingston, Chikritzhs and Room (2009) note that:

7 Chikritzhs, T., P. Catalano, et.al. (2007). Predicting alcohol-related harms from licensed outlet density: A feasibility study, Commonwealth of Australia, Monograph Series No. 28.
Many cross-sectional studies have examined the spatial relationship between outlet density and rates of violence, almost all of which have found significant positive relationships \(28 - 41\). Despite the broad similarities in findings, the specifics of the relationships between outlet and violence vary markedly from place to place and from study to study.\(^\text{35}\)

A number of recent studies note that there is a relationship between proximity to licensed premises and increased risk of alcohol-related harms, independent of demography. However, the literature also indicates that general or area disadvantage (however measured) is the main indicator of increased alcohol-related harm. Examples include the following.

- **Livingston (2008)** identifies decreasing SEIFA disadvantage as having a statistically significant relationship with violence;
- **Spooner et al (2005)** identify increasing "general disadvantage" as important in increased levels of alcohol-related harm;
- **Galea et al (2004)** identify increasing "area level social deprivation" as important in this respect.

The literature also identifies a number of demographic groups who are deemed to be at greater risk of alcohol-related harm, with many of these also deemed to be at greater risk of playing gaming machines at risky levels (regarding frequency and/or duration of play and increased risk of alcohol addiction, as discussed later). Others studies indicate that almost any measure of social disadvantage used will predict an increase in alcohol-related harm. Using specific 'proxy' indicators of disadvantage, some researchers have found different relationships between such indicators and alcohol-related harm. For example, the following found statistically significant relationships:

- **Caswell et al 2003** identify decreasing educational achievement;
- **Spooner et al (2005)** also identify increasing unemployment and lower educational attainment;
- **Tatlow et al (2000)** identify decreasing median income and increasing male population;
- **Gruenwald et al (2006a)** identify unstable/poor communities;
- **Gruenwald and Remer (2006b)** identify increasing levels of males, decreasing median income and increasing proportion of African Americans;

\(^{35}\) Livingston, T., children, Y, and papers, in (2008), Changing the density of liquor outlets to reduce alcohol related harm, Drug and Alcohol Review, 26:337-348; page 339.
• Livingston (2008) also identify smaller households and decreasing non-English speaking background.
• Others have found that “being male and being young” are independent predictors of increased alcohol related harm (Loxley et al. (2004, p. xiv)).

As noted by Loxley et al 2004, almost any measure of disadvantage is associated with risk or alcohol-related harm, independent of gender or age.  

Impacts related to neighbourhood amenity

Proximity to licensed premises

In 2006, Donnelly, Poynton, Weatherburn, Bamford & Nottage examined the extent to which increases in liquor outlet concentrations are predictive of neighbourhood problems such as drunkenness, property damage and assault victimization in the home. The authors utilized a sample of over 9,300 NSW residents from the 2002 National Crime and Safety Survey conducted by the ABS and constructed a range of alcohol outlet density/accessibility measures from liquor licensing data. It was found that those who live closer to liquor outlets (especially those within 500 metres) were more likely to report problems in their neighbourhood with both drunkenness and property damage. It was also found that respondents living in areas with a higher density of liquor outlets per 10,000 (SLA) population were more likely to report problems with drunkenness. Each of these relationships was independent of socio-demographic factors.  

Wilkinson and Livingston (2012) also found increased impacts related to neighbourhood amenity related to hotels and packaged liquor outlets. Respondents who lived closest to bars, clubs or pubs were more likely to report “being kept awake or disturbed at night because of drunken noises, feeling unsafe in public places, and being annoyed by vomit, urination and litter.” After controlling for socio-demographic factors, only “being kept awake or disturbed at night because of drunken noises” was found to be
... statistically significant.25 Packaged liquor outlets were found to be associated with malicious damage to property after controlling for socio-demographic factors.

The study notes that the level of noise coming from an on-premises license, such as live music, is more readily controlled in a regulatory sense, although this becomes more difficult in the context of high density living around CBDs, for example. However, the study notes that “Noise may also be linked to off-premises outlets from patrons as they leave a venue, although this is harder to control.”

The study also notes that:

These differences between the relationship between distances to different kinds of licensed premises and reporting alcohol-related problems were found with a measure of proximity, and not one incorporating density of licensed premises, suggesting that the closer one lives to a single licensed venue the greater the likelihood of experiencing these alcohol-related amenity problems, irrespective of whether these are many or few other licensed venues in the area. 26

As well, a range of demographic factors have been found to be independently associated with alcohol-related harm, and to increase susceptibility from a base rate.

The Wilkinson and Livingston study cites a number of methodological issues that may have affected their results. This includes the fact that the distance to the closest licensed premises was self-reported, which can be inaccurate, and that questions asked were at the individual level and did not provide for an assessment of whether the effects experienced were actually in the neighbourhood where the respondent lived. In contrast, the Donnelly et al study had verified geo-coded spatial data in relation to the proximity of the licensed premises to the residence of the respondent, and asked about relevant effects that had been experienced in their neighbourhood. Together with the much larger sample in the Donnelly et al study, the findings of this study are preferred to the extent of any inconsistencies in findings.

Hospitalisation, deaths, accidents and injuries

In 2004, the Ministerial Council on Drug Strategy (MCDS) published its report, "The Prevention of Substance Use, Risk and Harm in Australia: a review of the evidence" (Laxley et al. 2004). The authors found that the physical availability of alcohol had increased in Australia over the past decade. While tobacco is the leading cause of premature death and hospitalisation amongst Australians, it was also noted that alcohol causes more premature deaths or hospitalisations than all types of illicit drugs combined. In the case of young Australians, alcohol is responsible for far more premature deaths or cases of hospitalisation than tobacco. It is also noted that in recent years alcohol consumption has increased in Australia overall, and markedly so amongst young people.

As noted, almost any measure of disadvantage is associated with risk or alcohol-related harm, independent of gender or age. US studies reviewed by the NSW Bureau of Crime Research and Statistics (BOCSAR) have found strong relationships between outlet density and alcohol-related hospital admissions, alcohol and child abuse and neglect, motor vehicle accidents, pedestrian injuries, drinking and a range of mortality outcomes. These factors are considered further in relation to the response to the Applicant’s SIA and my further assessment in Section A below.

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Relevant Literature on Gaming-Related Issues

Overview

Despite limitations to considering the impacts of gaming machines in the determination of an application for a licensed premises under the Gaming Machines Act 2001 and relevant case law, the increase in the density and accessibility of gaming machines is a relevant consideration in an assessment of the social impacts of such a development under s29C(1)(b) of the Environmental Planning and Assessment Act 1979 (NSW). This is due to the increased risk of other harms related to increased alcohol consumption and safety for those who engage in more frequent and extended periods of gaming machine play.

In the case of the N201, increased levels of alcohol-consumption accompany more frequent gaming machine play. Consistent with other studies, an important GLGR (2012) study also found that problem/mild risk gamblers were far more likely than non-problem gamblers to drink alcohol while gambling, and four times more likely to self-report an alcohol problem. 28

In terms of safety, there is also likely to be an increased risk of experiencing crime and violence for those leaving the premises late at night when they have engaged in extended hours of gaming machine play, with the GLGR study also finding that those at risk of problem gambling were more likely to normally gamble during the evening (5pm to midnight). 29

The risk of harm is also context-specific, with demographic vulnerability to gaming related to a number of key socio-economic indicators.

Relevant factors related to density, accessibility and demographic vulnerability are first outlined below in context to later assessment of the vulnerability of the locality.

28 See for example White, M. Management & Marrickville Council (2007) NSWEC 775 (27 November 2007).


31
Density and Accessibility of Gaming Machines

Factors from the Literature:

The academic literature indicates that relative density of gaming machines appears to be the key factor in elevated levels of problem gambling. There is a very high level of confidence in these findings, with density of EGMs predicting 72% of the variation in the incidence of problem gambling using the SOGGS instrument.

"Density" is a useful measure, and is an important indicator in itself. "Density" is also likely to be a proxy for "accessibility," as noted by Storer et al.,

...other aspects of availability, such as the number and location of licensed venues in particular localities and the number of machines per venue, may also warrant investigation to complement the geographic scale of our analysis.

Other studies have sought to understand more nuanced factors that increase the risk of problem gambling, including demographics, configuration of land uses, proximity of licensed premises to shopping centres, opening hours and venue attractiveness. Such studies indicate that concentrating gaming machines in high-exposure localities with other attractors, such as supermarkets, retail and service opportunities, also increase access and thus at risk of increased and problem levels of play.


Demographic factors that predispose individuals to increased problem gambling behaviour related to EGMs

As well as studies that indicate the importance of density and accessibility, certain demographic factors have been found to increase individual vulnerability to problem gambling in a recent OLGR report.12

The following table summarises the odds ratio that applies to different demographic indicators, and indicates increased vulnerability to at risk and problem gambling for some groups.

Table 9.1: Results from the OLGR report on increased risk of gaming harm

<table>
<thead>
<tr>
<th>Variable</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular poker machine player</td>
<td>10.7</td>
</tr>
<tr>
<td>Left school before year 16</td>
<td>2.7</td>
</tr>
<tr>
<td>Single (not married)</td>
<td>2.6</td>
</tr>
<tr>
<td>18-34 yrs</td>
<td>2.6</td>
</tr>
<tr>
<td>Unemployed</td>
<td>2.5</td>
</tr>
<tr>
<td>Separated/widowed/divorced</td>
<td>2.3</td>
</tr>
<tr>
<td>35-54 yrs</td>
<td>2.2</td>
</tr>
<tr>
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Source: Derived from Sproston et al. (2012)

Appendix B: Dubbo Township and Dubbo LGA Demographic Maps
Map 0.3: Proportions of Indigenous people in Dubbo, by ABS Statistical Area Level 1, 2011.
Map 0.45: Proportions of Indigenous people in Dubbo LGA and surrounds, by ABS Statistical Area Level 1, 2011.

Map 0.5: Proportions of households that are family households in Dubbo, by ABS Statistical Area Level 1, 2011.

Legend
- Specialist Skills
- Subject Skills/End. 654
- Area
- ABS Boundaries

Proportion Family Households
- 0.0% - 9.0%
- 9.1% - 18.0%
- 18.1% - 27.0%
- 27.1% - 36.0%
- 36.1% - 45.0%
- 45.1% - 54.0%
- 54.1% - 63.0%
- 63.1% - 72.0%
- 72.1% - 81.0%
- 81.1% - 90.0%
- 90.1% - 100.0%
Map D.6. Proportion of households that are family households in Dubbo LGA and surrounds, by ABS Statistical Area Level 1, 2011.

Map 0.7: Proportions of households that are non-family households in Dubbo, by ABS Statistical Area Level 1, 2011.
Map 8.8: Proportions of households that are non-family households in Dubbo LGA and surrounds, by ABS Statistical Area Level 1, 2011.
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Source: 2011 Census of Population and Housing.
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Legend:
- Benefactors
- LGA Boundaries
- SEIFA Education & Occupation NSW Percentile
  - 1-14
  - 15-25
  - 25-40
  - 40-60
  - 60-80
  - 80-93

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Map 0.15: Unemployment rates (as a percentage of the population aged 15 years and older) in Dubbo, by ABS Statistical Area Level 1, 2011.

Source: 2011 Census, based on data from ABS Census of Population and Housing 2011
Map D.16: Unemployment rates (as percentages of the population aged 15 years and older) in Dubbo LGA and surrounds, by ABS Statistical Area Level 1, 2011.

Legend

- Settlement
- LGD Boundaries
- Proportion Unemployed: Persons (all people aged 15+ years):
  - 0% - 0.6%
  - 0.6% - 1.2%
  - 1.2% - 1.8%
  - 1.8% - 2.4%
  - 2.4% - 3.0%
  - 3.0% - 3.6%
  - 3.6% - 4.2%
  - 4.2% - 4.8%
  - 4.8% - 5.4%
  - 5.4% - 6.0%
  - 6.0% - 6.6%
  - 6.6% - 7.2%
  - 7.2% - 7.8%
  - 7.8% - 8.4%
  - 8.4% - 9.0%
  - 9.0% - 9.6%
  - 9.6% - 10.2%
  - 10.2% - 10.8%
  - 10.8% - 11.4%
  - 11.4% - 12.0%
  - 12.0% - 12.6%
  - 12.6% - 13.2%
  - 13.2% - 13.8%
  - 13.8% - 14.4%
  - 14.4% - 15.0%
  - 15.0% - 15.6%
  - 15.6% - 16.2%
  - 16.2% - 16.8%
  - 16.8% - 17.4%
  - 17.4% - 18.0%
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  - 19.2% - 19.8%
  - 19.8% - 20.4%
  - 20.4% - 21.0%
  - 21.0% - 21.6%
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  - 22.8% - 23.4%
  - 23.4% - 24.0%
  - 24.0% - 24.6%
  - 24.6% - 25.2%
  - 25.2% - 25.8%
  - 25.8% - 26.4%
  - 26.4% - 27.0%
  - 27.0% - 27.6%
  - 27.6% - 28.2%
  - 28.2% - 28.8%
  - 28.8% - 29.4%
  - 29.4% - 30.0%
  - 30.0% - 30.6%
  - 30.6% - 31.2%
  - 31.2% - 31.8%
  - 31.8% - 32.4%
  - 32.4% - 33.0%
  - 33.0% - 33.6%
  - 33.6% - 34.2%
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  - 34.8% - 35.4%
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  - 37.8% - 38.4%
  - 38.4% - 39.0%
  - 39.0% - 39.6%
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  - 40.2% - 40.8%
  - 40.8% - 41.4%
  - 41.4% - 42.0%
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  - 43.2% - 43.8%
  - 43.8% - 44.4%
  - 44.4% - 45.0%
  - 45.0% - 45.6%
  - 45.6% - 46.2%
  - 46.2% - 46.8%
  - 46.8% - 47.4%
  - 47.4% - 48.0%
  - 48.0% - 48.6%
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  - 97.2% - 97.8%
  - 97.8% - 98.4%
  - 98.4% - 99.0%
  - 99.0% - 99.6%
  - 99.6% - 100.0%

Map 0.20: Proportions of the population (aged 15 years or older) not completed Year 10 schooling, by ABS Statistical Area Level 1, 2011. Source: ABS 2011, based on data from ABS Census of Population and Housing 2011.
Map 6.24: Proportions of the population (aged 15 years or older) whose highest educational qualification was a diploma, year-12 schooling or lower, in Dubbo, by ABS Statistical Area Level 1, 2011.
Map D.22: Proportion of the population (aged 15 years or older) whose highest educational qualification was a diploma, year-12 schooling or lower, in Dubbo LGA and surrounds, by ABS Statistical Area Level 1, 2011.
Sources: LGA 2017, based on data from ABS Census of Population and Housing 2011
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Map 0.25: Proportion of people (aged 15 years or older) who are separated, divorced or widowed in Dubbo, by ABS Statistical Area Level 1, 2011.
(Source: AIHW 2012, based on data from ABS Census of Population and Housing 2011.)
Map 0.26: Proportions of people (aged 15 years or older) who are separated, divorced or widowed in Dubbo LGA and surrounds, by ABS-Statistical Area Level 1, 2011.
Map 0.27: Proportions of people aged 18-29 years old in Dubbo, by ABS Statistical Area Level 1, 2011.

Map 0.28: Proportion of people aged 18-29 years old in Dubbo LGA and surrounds, by ABS Statistical Area Level 1, 2011.
Map 0.29: Proportions of people aged 15-34 years old in Dubbo, by ABS Statistical Area Level 1, 2011.
(Source: JSA 2011, based on data from ABS Census of Population and Housing 2011.)
**Legend**

- **Legend**
- **UQA boundaries**

**Proportion Persons Aged 18-34 years**

- 0.8% - 1.8%
- 1.9% - 2.9%
- 3.0% - 4.9%
- 5.0% - 6.9%
- 7.0% - 8.9%

*Map 0.30: Proportions of people aged 18-34 years old in Dubbo LGA and surrounds, by ABS Statistical Area Level 1, 2011.*

*Source: JSA 2011, based on data from ABS Census of Population and Housing 2011*
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Map 0.41: Proportions of low-income households (out of all occupied private dwellings) in Dubbo, by ABS Statistical Area Level 1, 2011. A low-income household is defined here as one where the gross weekly household income is less than 80% of the NSW median gross weekly household income – approximately equivalent to less than $1000 per week. (The NSW median gross weekly household income (ABS, 2011) was $1233.)

Map D.42: Proportions of low-income households (out of all occupied private dwellings) in Dulite LGA and surrounds, by ABS Statistical Area Level 1, 2011. A low-income household is defined here as one where the total weekly household income is less than 80% of the NSW median gross weekly household income – approximately equivalent to less than $1000 per week. (The NSW median gross weekly household income (ABS, 2011) was $1232). Source: JSA-2012, based on data from ABS Census of Population and Housing 2011.

Map D.44: Proportion of Australian-born people in Dubbo LGA and surrounds, by ABS Statistical Area Level 1, 2011.

(Source: ISA 2011, based on data from ABS Census of Population and Housing 2011.)
Appendix C: Dubbo Crime Maps

Map 0.1: Map showing Dubbo Suburb (shaded orange and enclosed in the blue line); the location of the proposed development at Club Dubbo at 82 Whylandra Street, Dubbo (black star); and the boundary of the crime hot spot and crime rate maps that follow (red rectangle).

Source: Sociable crime mapping tool [18/05/2017]; for last full calendar year [January 2016 to December 2016].
Map 0.2: Hot spot map for incidents of domestic assault for 2016 near the proposed development at Club Dubbo (black star).
Source: RICSAR crime mapping tool (16/05/2017) for last full calendar year (January 2016 to December 2016).

Map 0.3: Hot spot map for incidents of non-domestic assault for 2016 near the proposed development at Club Dubbo (black star).
Source: RICSAR crime mapping tool (16/05/2017) for last full calendar year (January 2016 to December 2016).
Map 0.4: Hot spot map for incidents of robbery for 2016 near the proposed development at Club Dubbo (black star).
Source: BOCGAR crime mapping tool (16/05/2017) for last full calendar year (January 2016 to December 2016).

Map 0.5: Hot spot map for incidents of malicious damage for 2016 near the proposed development at Club Dubbo (black star).
Source: BOCGAR crime mapping tool (16/05/2017) for last full calendar year (January 2016 to December 2016).
Resonate acoustics

Club Dubbo
Acoustic Report

Report Date: Tuesday, 3 October 17
Reference: S16808RP1, Revision A
Document Information

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<tr>
<td>Project Number</td>
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Adelaide • Melbourne • Sydney • Brisbane • Perth • Dublin
**Glossary**

**A-weighting:** A spectrum adaptation that is applied to measured noise levels to represent human hearing. A-weighted levels are used as human hearing does not respond equally at all frequencies.

**Characteristic:** Associated with a noise source, means a tonal, impulsive, low-frequency or modulating characteristic of the noise that is determined in accordance with the Guidelines for the use of the Environment Protection (Noise) Policy (Noise EPP) to be fundamental to the nature and impact of the noise.

**Continuous noise level:** A-weighted noise level of a continuous steady sound that, for the period over which the measurement is taken using fast time weighting, has the same mean square sound pressure as the noise level which varies over time when measured in relation to a noise source and noise-affected premises in accordance with the Noise EPP.

**Day:** Between 7 am and 10 pm as defined in the Noise EPP.

**dB:** Decibel—a unit of measurement used to express sound level. It is based on a logarithmic scale which means a sound that is 3 dB higher has twice as much energy. We typically perceive a 10 dB increase in sound as a doubling of loudness.

**dB(A):** Units of the A-weighted sound level.

**Frequency (Hz):** The number of times a vibrating object oscillates (moves back and forth) in one second. Fast movements produce high frequency sound (high pitch/tone), but slow movements mean the frequency (pitch/tone) is low. 1 Hz is equal to 1 cycle per second.

**L_{eq}:** Noise level exceeded for 10% of the measurement time. The L_{eq} level represents the typical upper noise level and is often used to represent traffic or music noise.

**L_{da}:** Noise level exceeded for 80% of the measurement time. The L_{da} level is commonly referred to as the background noise level.

**L_{eqn}:** Equivalent Noise Level—Energy averaged noise level over the measurement time.

**L_{max}:** The maximum instantaneous noise level.

**Night:** Between 10.00 p.m. on one day and 7.00 a.m. on the following day as defined in the Noise EPP.

**Noise source:** Premises or a place at which an activity is undertaken by a machine or device is operated, resulting in the emission of noise.

**R_{W}:** Weighted Sound Reduction Index—A laboratory measured value of the acoustic separation provided by a single building element (such as a partition). The higher the R_{W} the better the noise isolation provided by a building element.
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1 Introduction

Resonate Acoustics has been engaged by New England Constructions on behalf of Club Dubbo to undertake an acoustic assessment of the proposed alterations at Club Dubbo, 82 Whylands Street, Dubbo. The report has been prepared to address Dubbo Regional Council’s ‘Additional Information Letter’, Part 1, with the associated development application (D2017-415).

This report presents a description of the proposal, relevant noise criteria, environmental noise emission assessment and planning stage acoustic advice. The report addresses potential noise generation from the proposed terrace areas and general noise from music and occupants of the venue.

The principal purpose of this consultation and report are to:

- Measure and document existing background noise levels.
- Predict noise emissions from the proposed terraces and outdoor gaming area to nearby noise sensitive receivers.
- Assess the predicted noise emissions against industry-standard noise criteria.
- Provide in-principle acoustic design advice to minimise potential impacts.
- Consideration of the potential impact to nearby residents, due to the Macquarie River corridor.

This report is provided as part of an additional information request to the Dubbo Regional Council, for DA submission (D2017-415).

Appendix A provides a full explanation of the methodologies used to establish noise emission criteria in the preparation of this report.

Appendix B provides a Statutory Declaration written by Club Dubbo that lists the trading activities during the background noise logging period. It confirms that the club has not been intentionally adjusted volumes during the logging period.

Appendix C provides the additional information letter from Regional Council Dubbo.
2 Project Description

The proposed alterations at Club Dubbo are as follows:

- Demolition of the internal layout of the club (excluding the kitchen and vertical circulation space);
- A reduction in car parking spaces from 183 to 169 spaces;
- Renovate/alter the ground floor including the following alterations:
  - Extended gaming area including relocation of outdoor gaming terrace. Solid perimeter wall 4.8 m will be built around the outdoor gaming (west corner);
  - Extending the outdoor dining terrace area (south-east);
  - Close off part of the outdoor dining terrace area so that it is included as part of the indoor dining area;
  - Provide additional terrace area at the north-east aide of the building, where there is only one side open which is facing the Macquarie river.

A site plan showing the location of the club, measurement locations and nearby receivers is shown in Figure 1.

![Figure 1 Site plan](image)

The proposed hours of operation for the club are as follows:

- Sunday to Thursday: 9 am to 10.30 pm
- Friday and Saturday: 9 am to 12.30 am
3. Noise Criteria

3.1 Liquor and Gaming NSW

While no specific noise emission requirements currently exist, the potential disturbance caused by licensed venues is generally assessed against the criteria formerly known as the Office of Liquor, Gaming and Racing Standard Conditions.

These criteria are applied by the Independent Liquor and Gaming Authority (ILGA) when dealing with noise emission related complaints. Whilst this is a potential liquor licence condition, and not necessarily a planning assessment requirement, it is recommended to design to these criteria should any complaint arise.

These criteria set noise limits both in overall dBA levels, as well as in specific octave-bands, to control low, middle and high frequency noise. The general intent is to ensure that music noise with significant low frequency 'bass' energy is controlled. An assessment of overall sound pressure levels (i.e. overall dBA) does not always correlate with community perceptions of music noise, especially during the evening and night-time periods.

For completeness, this report presents site-specific L&GNSW criteria, based on background noise measurements undertaken at the location shown in Figure 1.

L&G NSW Daytime Criterion
The L_{10} noise level from the licensed premises shall not exceed the background noise level in any octave band frequency (31.5 Hz to 8 kHz inclusive) by more than 5 dBA between 7:00 am and midnight at the boundary of any affected residence.

L&G NSW Nighttime Criterion
The L_{10} noise level from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.

Notwithstanding the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

In our experience, it is not common to assess the 31.5 Hz octave band due to the limited availability and validity of material transmission loss data at this very low (bass) frequency. There is generally sufficient information contained at 63 Hz to make a valid assessment.

It is also noted that, the 8 kHz octave band is rarely, if ever, a determined octave band. Consequently, we have established criteria for the 63 Hz to 4 kHz octave bands and the overall dBA sound pressure level.

---

1. L_{10} The highest tenth percentile noise level. Often referred to as ‘average maximum’ noise level. For music noise the energy average (L_{eq}) noise level is often 3 dBA to 5 dBA less than the L_{10}.

---

 gracefully adapted for clarity and presentation.
Based on unattended and attended noise surveys undertaken at the site and documented in Appendix A, the octave-band, and overall dBA noise emission criteria for music and entertainment noise are shown in Table 1.

Table 1: Octave band noise emission criteria (L&G NSW)

<table>
<thead>
<tr>
<th>Time</th>
<th>Sound pressure level dB L_{eq} at Octave Band Centre Frequency (Hz)</th>
<th>Overall dBA</th>
</tr>
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<tbody>
<tr>
<td>Daytime 07:00 - 08:00</td>
<td>33 33 34 37 41 35 39 45</td>
<td></td>
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<tr>
<td>Night-time 08:00 - 07:00</td>
<td>22 22 23 26 30 27 18 34</td>
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Note: Emission compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

3.2 Mechanical services emission

Mechanical services emission

For the purposes of this report, the NSW Industrial Noise Policy (INP) has been used to establish assessment criteria for noise emission from the proposed mechanical services plant. These criteria apply at the boundary of any nearby residential receivers.

Project specific noise emission criteria have been established based on existing ambient noise levels and are presented in Table 2. A detailed summary of the noise survey used to establish these levels is presented in Appendix A.

Table 2: Noise emission criteria (residential receivers)

<table>
<thead>
<tr>
<th>Description</th>
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<td>Residential receivers</td>
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<td></td>
<td>41</td>
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(1) Noise emission criteria for nearby commercial receivers is 65 dBA when in use.

(2) The criteria in Table 2 apply at the boundary of residential premises.
4 Assessment

4.1 Operational noise

For the purpose of this assessment a number of assumptions have been made in predicting the potential noise emission from the operation of Club Dubbo. These assumptions form the basis of a worst-case scenario addressing the cumulative operational environment noise emissions. Each of the key contributing spaces have been modelled and levels at the nearest residential receivers have been predicted. These assumptions are as follows:

Extended gaming area (west)
- 38 people in the gaming area, of which half (ie 19) are speaking.
- People talking are doing so with a “normal” speech effort.
- Low-level background music is present within the space. (approx. 77 dB)
- There is a solid perimeter wall around the open gaming area (4.8 m high).

Outdoor Terrace 02 (south-east)
- Breakout terrace to meeting rooms has a 1.2 m high glass balustrade around the perimeter.
- 10 people on the Terrace 02, of which half (ie 5) are speaking at any one time.
- People talking are doing so with a “normal” speech effort.
- Noise emission is principally in the south-east direction towards Macquarie River.

Outdoor Terrace 03 dining (south-east)
- The outdoor terrace is enclosed on all sides excluding the south eastern façade.
- Alfresco Dining Terrace has a 1.2 m high glass balustrade around the perimeter to south eastern side, as seen in Drawing 03-01.
- 40 people in the Terrace 03 dining area, of which half (ie 20) are speaking.
- People talking are doing so with a “normal” speech effort.

Outdoor Terrace 04 dining (east)
- The walls facing the nearby residential receivers are fully enveloped with a multi-layer glazing system from floor to ceiling.
- Fairly Orientated Dining Terrace with a 1.2 m high glass balustrade around the perimeter to south eastern side, as seen in Drawing 03-01.
- 26 people on the Terrace 04 dining area, of which half (ie 13) are speaking.
- People talking are doing so with a “normal” speech effort.
- The outdoor terrace is enclosed on all sides excluding the south eastern façade.

All operable elements such as windows and louvres have been modelled in the open position. Noise propagation from all areas has been calculated using a computer noise model (SoundPLAN74). The predicted average maximum noise emission levels (Lmax) from the proposed, and comparator to criteria are shown in Table 6. The predicted noise levels presented are representative of those at the nearest most potentially affected residential receiver (64 Stonehaven Avenue, Dubbo).
Table 3: Octave band noise emission predictions (at residential receivers)

<table>
<thead>
<tr>
<th>Time</th>
<th>Description</th>
<th>63</th>
<th>125</th>
<th>250</th>
<th>500</th>
<th>1000</th>
<th>2000</th>
<th>4000</th>
<th>Overall dBA <em>L_Tot</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>Daytime (07:00—00:00)</td>
<td>Criterion</td>
<td>33</td>
<td>33</td>
<td>34</td>
<td>37</td>
<td>44</td>
<td>28</td>
<td>29</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>Exceedance</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Night-time (00:00—07:00)</td>
<td>Criterion</td>
<td>22</td>
<td>22</td>
<td>22</td>
<td>23</td>
<td>28</td>
<td>30</td>
<td>27</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>Exceedance</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

A review of Table 3 shows no exceedances of the octave band criterion in either the daytime or night-time period.

It is noted that these levels are modelled on a worst-case scenario with all operable building elements in the open position.

Compliance with the night-time criterion at the nearest residential receiver means that the contribution from the club is equal to the background noise level at the receiver location. Assuming that windows on the residential dwelling are open, the noise level contribution inside the dwelling would be 10 dB lower than the external noise level (NSW EPA IMP). It is common practice to assume that noise levels that is 10 dB below the background noise level would be inaudible to the average person. Therefore, compliance with the external criterion would satisfy the audibility requirement by default.

It is understood that Dubbo Regional Council is concerned about noise travelling along the Macquarie River corridor. Our studies showed that there are no nearby residential receivers within the corridor that would be affected by excessive noise emissions from the proposed operations.

4.2 Mechanical services noise

Specific mechanical services plant has not been selected at this stage of the project and therefore no detailed numerical assessment can be completed.

It is proposed that new mechanical service plant items to serve the project will be located within the "Utility 02" room on the lower-ground floor as seen in Drawing 01-02 and on the external roof adjacent to the existing mechanical equipment plant. Assuming direct line of sight between any new plant items and the nearest sensitive receiver location, a maximum total sound power level of 83 dBA would be required in order to comply with the night-time criterion. If any additional mechanical plant is proposed to have exhaust fans located externally, the potential impact to the nearby receivers should be considered.

During the detailed design phase, where excessive levels are forecast, we recommend that noise control measures outlined in Section 5.2 be considered.
5 Recommendations

A review of Section 4 shows that the proposed operational noise is predicted to comply with established criteria. In our experience, it is beneficial to consider acoustic design recommendations that would further reduce noise emission as well as provide greater internal acoustic comfort for patrons of the club. This section outlines in-principle acoustic treatment for both internal acoustics as well as mechanical services noise emission.

5.1 Internal acoustic treatment

Based on our previous experience on similar projects, it is highly recommended that internal reverberant levels be controlled by means of acoustic treatment. High patron numbers, activity noise levels and amplified music/broadcast media during peak periods may result in high noise levels within spaces such as the main lounge, sports lounge and terraces. This has the potential to affect patron comfort within the space and reduce speech intelligibility.

The following in-principle acoustic design advice is recommended to achieve satisfactory internal acoustic performance:

- Where a ceiling is proposed, utilise acoustic ceiling tiles with the minimum NRC 0.7 or perforated plasterboard ceiling with absorptive backing.
- Maximize the use of carpet and soft furnishing throughout all internal spaces.
- Within the terraces:
  - Apply weather/UV resistant, acoustically absorptive paneling with an approximate NRC 0.8 to walls to the maximum extent possible.

Any additional internal acoustic treatment will also reduce operational noise levels, further reducing the potential impacts on nearby sensitive receivers.
5.2 Mechanical services treatment

Presently no mechanical services have been selected and hence no specific treatment has yet been recommended.

Future mechanical plant will be assessed to the criteria described in Section 5.2. Should this level be difficult to achieve based on the capacity requirement of the mechanical services system, it may be necessary to provide some form of acoustic treatment to ensure compliance with the criteria. In-principle methods of minimising noise emission from rooftop mechanical services plant include:

- Selecting the quietest plant for a given task.
- Judicious location and orientation.
- Use larger fans at a slower speed rather than smaller fans at a higher speed.
- Using variable speed drives to lower fan speed in response to lower duty/load requirements.
- Use of barriers.
- Designing using the building itself as a barrier.
- Acoustic lining inside or outside buildings.
- Acoustic barriers.
- Internally lined ducts and bends.
- External duct and equipment wrapping.
- Silencers or Alternators.
6 Conclusion

An assessment of potential noise impacts from the proposed, renovated Club Dubbo has been conducted.

The assessment considered operational noise from the proposed renovation with regard to amenity. The predicted noise levels generated from the operation of the site are demonstrated to comply with the established criteria for each scenario.

It is predicted that no residential receivers will be unduly impacted from Club Dubbo, whether adjoining neighbours or residences adjacent to the Macquarie River.

Conceptual acoustic design advice has been provided to reduce the potential operational noise emission from the project, as well as improve the acoustic comfort and amenity of patrons within the facility during the proposed hours of operation.
Appendix A - Noise surveys

Unattended noise logging

Unattended noise measurements were conducted during the period Tuesday, 12 September 2017 to Monday, 18 September 2017. The logging was conducted at the north-eastern corner of the Club Dubbo premises, as shown in Figure 1.

Equipment

The equipment used was a Rion NL-42 sound level meter, serial number 00946980. Field calibration was conducted at the commencement and conclusion of the logging period and no significant calibration drift was observed.

The noise logger was configured to record all relevant noise indices, including background noise (L_{eq}) and equivalent continuous noise levels (L_{Aeq}). Samples were accumulated at 15-minute intervals. The time response of the logger was set to "fast".

Weather conditions

In order to provide an indication that noise data was obtained during suitable meteorological conditions, half-hourly weather data was obtained from the Bureau of Meteorology (BOM) Automatic Weatherr Station (AWS) 065070 at Dubbo Airport (distance 5 km).

Noise data has been excluded from the processed results if:

- Rain was observed during a measurement period, and/or
- Wind speed exceeded 6 m/s (16 km/h) at the measurement height of 1.5 m above ground. Wind data obtained from the BOM is presented as the value at 10 m above ground. These values are halved for the purpose of estimating wind speed at 1.5 m above ground.

Measured noise levels

For reference, a weekly chart showing the graphed noise logging results is shown in Figure 2.
Data processing for noise emission criteria

In order to determine mechanical services noise emission criteria, data from the 'background' logger was processed according to the procedures and time periods in the NSW Industrial Noise Policy (INP) time periods as follows:

- **INP Daytime:** 07:00 to 18:00
- **INP Evening:** 08:00 to 22:00
- **INP Night-time:** 22:00 to 07:00

It is necessary to establish a representative noise level for each of these time periods. We have used the procedures in the NSW INP to derive a representative background noise level (e Rating Background Level or RBL) for the daytime, evening and night-time periods. An RBL is the median of the lowest 10th percentile of the background Lₚₐₚ samples in each daytime, evening and night-time measurement period.

The ambient noise environment on the Whylandra Street side of the site is dominated by road traffic noise. The Stonehaven Avenue side of the site has a constant hum of road traffic noise in the background and infrequent traffic noise from parking cars.

Noise levels during defined time periods are presented in Table 4 below.
Table 4  Measured noise levels

<table>
<thead>
<tr>
<th>Description</th>
<th>Noise level (dB re 20 µPa) during period</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Daytime</td>
</tr>
<tr>
<td>Rating Background Level (RBL), L\text{Aeq}</td>
<td>40</td>
</tr>
<tr>
<td>Average total noise level, L\text{Aeq (measured)}</td>
<td>53</td>
</tr>
</tbody>
</table>

Derivation of noise emission criteria (mechanical services)

Project specific criteria have been established in accordance with the INP. In determining existing levels for amenity criteria it is appropriate to exclude any noise source other than the contribution from industrial sources. Analysis of attended and unattended noise measurements has revealed that road traffic noise is a significant contributor to the existing environmental background noise levels.

Attended measurements have shown areas less exposed to road traffic noise have levels generally 5-10 dB(A) lower than those at corresponding times in the unattended noise logging data. This has been factored into the derivation of the appropriate Amenity Criteria set out in Table 5 below.

Table 5  INP noise emission criteria - residential receivers

<table>
<thead>
<tr>
<th>Location</th>
<th>Noise Emission (L\text{Aeq}) criteria (dB re 20 µPa)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nearby residential receivers</td>
<td>Daytime 07:00 – 18:00</td>
</tr>
<tr>
<td>Intrusive criterion (RBL + 5 dB)</td>
<td>45</td>
</tr>
<tr>
<td>Amenity Criterion (Suburban Interface)</td>
<td>51</td>
</tr>
<tr>
<td>Project specific criteria</td>
<td>45</td>
</tr>
</tbody>
</table>

Derivation of noise emission criteria (L&G NSW)

Octave band noise levels for the assessment of operational noise emissions have been derived by scaling the overall L\text{Aeq} noise levels from the unattended noise logging data for the appropriate time periods with octave band levels from attended noise measurements. These relevant levels are provided in Table 6 below.

Table 6  Background octave band noise levels

<table>
<thead>
<tr>
<th>Time</th>
<th>Sound pressure level dB L\text{Aeq} at Octave Band Centre Frequency (Hz)</th>
<th>Overall dB(A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daytime (07:00 – 00:00)</td>
<td>63 125 250 500 1000 2000 4000</td>
<td>24 20 34 18</td>
</tr>
<tr>
<td>Night-time (00:00 – 07:00)</td>
<td>63 125 250 500 1000 2000 4000</td>
<td>24 20 34 18</td>
</tr>
</tbody>
</table>
Appendix B – Statutory Declaration

22 September 2017

Adm’ree G W Truyens
Dubbo Regional Council
Church Street
Dubbo, NSW 2830

Dear Sirs,

Alterations and Additions to Club Dubbo - Acoustic Assessment

I refer to your recent correspondence with Marc Nicholas of Geographe Associates re reference to the Club’s Development Application acoustic assessment.

I have attached a statutory declaration detailing the activities held at this Club during the night of Saturday, 19 September, 2017, as previously advised. I have also enclosed the Club’s noise/address system at night levels during this period.

Please note that this was not a normal trading period for the Club, as not only was a three-day bowls tournament held, with 214 players competing, we also conducted a larger raffle and cash draw promotion during the Saturday evening followed by entertainment until midnight. We do not normally have entertainment on Saturday evening.

Bingo (Tuesday 19th) and Thursday 21st) was conducted on the lower ground floor area of the clubhouse due to the three-day bowls tournament being held. Bingo was then held on the ground floor Tuesday 19th, which is where it is normally held if the Club is not conducting a bowls tournament.

Hoping that this information assists you with the acoustic assessment and please advise if you require any further information.

Yours faithfully,

Red PRM:
Chief Executive Officer:

62 Waylander Street, Dubbo NSW 2830
Ph: (06) 684 2900, F: (06) 684 2154
AE: 0418 566 107
www.dubbohtc.com.au

PO Box 4010, West Dubbo NSW 2830
E: info@dubbohtc.com.au
W: www.dubbohtc.com.au
Commonwealth of Australia

Statutory Declaration

Statutory Declarations Act 1959

I, [Name], do hereby declare, that I am an officer of the Club, and that the following activities are to be declared as activities undertaken by the Club:

1. From 6:00pm on 12th September 2017 until 12:00am on 16th September 2017, the Club conducted the following activities at the Club:
   - Playing various indoor games.
   - Playing various outdoor games.

2. From 6:00pm on 16th September 2017 until 12:00am on 17th September 2017, the Club conducted the following activities at the Club:
   - Playing various indoor games.
   - Playing various outdoor games.

I hereby declare that I am an officer of the Club, and that the activities undertaken by the Club are in accordance with the provisions of the Act.

[Signature]

Club Name

Date: 3 October 2017

Note: The activities declared are for the consideration of the Planning, Development and Environment Committee.
Appendix C – Additional Information

Letter

02507-463 P5w1
Parcel 0064
Lot 28730

28 September 2017

Mr R Firth
Club Dubbo
PO Box 6290
DUBBO NSW 2830

Dear Mr Firth

DEVELOPMENT APPLICATION D0517-415

Previous Development: Lot 296 DP 283293, 82 Wiyendra Street Dubbo
Proposed Development: Registered Club (alterations and additions)

Thank you for the Development Application that you have lodged with Council. Preliminary assessment of the application has revealed that the following additional information is required before further assessment can be undertaken:

1. Acoustic Study

During the notification period, numerous submissions were lodged with Council in relation to noise from the terraces and venue with live music, occupant noise and late hours of noise trades being the predominant concerns.

Council therefore requires that an Acoustic Study be submitted to address potential noise generation from the proposed terrace areas and general noise from music and occupant noise of the venue.

2. Maximum Population Capacity

The maximum population capacity of the premises does not appear to include the areas immediately adjoining any of the bars. In this regard, the maximum capacity of 1,100 as shown on the "Population, Attraction and Fire Hydraulics - Kid Coverage Analysis" plan (Ordinance No. 26-03, revision 3 dated 26.07.17) may not be accurate. Under the DA provisions of the Building Code of Australia (BCA), areas within 3.8 m of a bar are required to be calculated at the rate of 0.8 m² occupants. The aforementioned plan currently shows the areas immediately adjoining the bars as "not-public circulation area" and thus apparently excluded from the submitted occupancy calculations.

If it is intended to prepare the Construction Certificate Application excluding the bar area from the occupancy calculations under D5.13 of the BCA, then a Performance Solution would appear...
to be required with the submission of the Construction Certificate application, not only in
request of evaluating the bar areas, but also the consequent impact upon required clearances and
exit widths and required sanitary facilities. Council would also be required to include a
condition limiting the maximum capacity to 1,151 people, including staff. Such condition may
be imposed as a Renewable Condition.

It is requested that the information be provided to Council by 19 October 2017. If this is not
possible, you are requested to contact Council’s Senior Strategic Planner, Les Griffin, to arrange
for an extension of time within which to submit the required information.

Pursuant to clause 133 of the Environmental Planning and Assessment Regulation, 2000, you
are advised that the time within which the request for information is made is the same as the
time in which Council receives the requested information and written advice from you that
the information will not be forthcoming. In such a case, the information will be taken into
consideration when determining the application’s assessment period for the purposes of clause 359
of the Environmental Planning and Assessment Regulation.

Should you have any queries in this matter, please do not hesitate to contact Mr. Griffin,
during normal office hours, on 6651 4050.

Yours faithfully,

Stephanie Wyciecz
Manager Building and Development Services.
22 September 2017

Attn: Lee Griffith

Dubbo Regional Council
Church Street
Dubbo NSW 2830

Dear Lee,

D17-415 Alterations and Additions to Club Dubbo - Acoustic Assessment

I refer to your recent correspondence with Marc Nicholas of Group N with reference to the Club's Development Application acoustic assessment.

I have attached a Statutory Declaration detailing the activities held at this Club during the eight days commencing Tuesday 12 September until Tuesday 19 September 2017 inclusive. I have also declared that this Club operated the public address system at normal levels during this period.

Please note that this was not a normal trading period for the Club, as not only was a three-day bowls tournament held, with 114 players competing, we also conducted a larger meat raffle and cash draw promotion during the Saturday evening followed by entertainment until midnight. We do not normally have entertainment on Saturday evenings.

Bingo (Tuesday 12/9 and Thursday 14/9) was conducted on the lower ground floor area of the clubhouse due to the three-day bowls tournament being held. Bingo was then held on the ground floor Tuesday 19/9, which is where it is normally held if the Club is not conducting a bowls tournament.

Hoping that this information assists you with the acoustic assessment, and please advise if you require any further information.

Yours faithfully,

Rod Fairbairn
Chief Executive Officer
Commonwealth of Australia

STATUTORY DECLARATION

Statutory Declarations Act 1959

I, Rodney Neville Firth of 3 Hinesst Place Dubbo NSW 2830 Chief Executive Officer of West Dubbo Bowling Club Limited trading as Club Dubbo,

make the following declaration under the Statutory Declarations Act 1959:

That during the week commencing Tuesday 12th September 2017 West Dubbo Bowling Club Limited trading as Club Dubbo conducted the following trading activities and during this period the Clubhouse public address system volumes operated at normal volume levels.

1. From 8.45am Tuesday 12th September 2017 until 2.00pm Thursday 14th September 2017 the Club conducted a National Dogleg Lawn Bowls tournament on the Club’s three bowling greens with 114 players competing.
2. Tuesday 12th September 2017 from 11.00am until 1.00pm the Club conducted Club Bingo on the lower ground floor level of the Clubhouse.
3. Thursday 14th September 2017 from 11.00am until 1.00pm the Club conducted Charity Bingo on the lower ground floor level of the Clubhouse.
4. Thursday 14th September 2017 from 6.00pm until 8.00pm the Club conducted a fifty-prize meat raffle draw on the ground floor level of the Clubhouse in the western and eastern lounge areas.
5. Friday 15th September 2017 from 6.00pm until 8.30pm the Club conducted a fifty-prize meat raffle draw on the ground floor level of the Clubhouse in the western and eastern lounge areas.
6. Friday 15th September 2017 from 8.00pm until 12.00 midnight a solo entertainer Lance Barrell was contracted by Club Dubbo to provide live entertainment on the ground floor level of the Clubhouse in the western lounge areas.
7. Saturday 16th September 2017 from 6.00pm until 7.45pm the Club conducted a fifty-prize meat raffle draw and commencing at 6.10pm until 8.30pm the Club conducted a major cash draw promotion of twenty prizes on the ground floor level of the Clubhouse in the western and eastern lounge areas.
8. Saturday 16th September 2017 from 9.00pm until 12.00 midnight a solo entertainer Matt O’Sullivan was contracted by Club Dubbo to provide live entertainment on the ground floor level of the Clubhouse in the western lounge area.
9. Sunday 17th September 2017 from 6.00pm until 8.00pm the Club conducted a forty-prize meat raffle draw on the ground floor level of the Clubhouse in the western and eastern lounge areas.
10. Tuesday 19th September 2017 from 11.00am until 1.00pm the Club conducted Club Bingo on the ground floor level of the Clubhouse in the western and eastern lounge areas.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the Statutory Declarations Act 1959, and I believe that the statements in this declaration are true in every particular.

Declared at Dubbo, NSW on Twenty Second day of September, 2017.

Before me,

[Signature]

Note 1: A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years—see section 13 of the Statutory Declarations Act 1959.

A statutory declaration under the Statutory Declarations Act 1970 may be made before:

(a) a person who is a justice of the peace, or registered under a local law in practice in one of the following capacities:
   - President
   - Magistrate
   - Honorary Magistrate
   - Justice of the Peace
   - Notary Public
   - Legal practitioner

(b) a person who is a Justice's Commissioner.

On a person who is a Justice's Commissioner, a Justice of the Peace or a Notary Public, the Justice of the Peace or the Notary Public may administer an oath, in accordance with the Statutory Declarations Act 1970.
EXECUTIVE SUMMARY

The applicant is seeking development consent from Council to undertake a two (2) lot subdivision, multi dwelling housing (four (4) terrace dwellings) and a four (4) lot strata subdivision, at Lot 1 Sec 40 DP 758361, 197 Wingewarra Street, Dubbo. The development plans are attached here in Appendix 1.

The Development Application has been submitted utilising Section 78A(2) of the Environmental Planning and Assessment Act, 1979 (the Act) on the basis that Council can consider and determine development applications that involve more than one (1) type of development as defined in Section 4(1). The interpretation of the legislation by the proponent is not accepted however, the proposal can be considered as a ‘staged development’, or as a ‘concept development’ under recent amendments to the Act. However, the applicant has refused to submit the Development Application utilising the provisions of Section 83B Concept development applications. As such, it is considered that the Development Application cannot be approved in the manner submitted and on the basis of this and other matters, leaves no option other than to recommend refusal of the Development Application.

Stage 3 of the 3 stage development proposes strata subdivision and seeks to vary the minimum lot size (development standard). From the assessment of the Development Application, it is considered that the proposed development is not consistent with the relevant objective of Dubbo Local Environmental Plan 2011, Clause 4.1 Minimum subdivision lot size which states:

“(b) to ensure residential allotments are of a suitable shape and size to provide a building envelope, private open space and suitable building setbacks for acoustic and visual privacy.”
The development as proposed comprising four (4) terrace dwellings results in a number of non-compliances with the Dubbo Development Control Plan 2013, Chapter 2.1 Residential Development and Subdivision, the majority of which are considered to be directly related to the over-development of the site.

The proposed development is anticipated to result in detrimental impacts on the adjoining road network in both Wingewarra and Fitzroy streets. As detailed in the report it is considered that the entry and exit of vehicles associated with the proposed development is problematic due to the proximity of the roundabout and the road environment.

As part of the assessment process, a number of issues were raised with the proponent and a number of these remain outstanding, including:

- Minimum lot size for multi dwelling housing;
- Minimum solar access for the four (4) terraces;
- Minimum private open space areas for terraces 2 and 3;
- Vehicles being able to enter and leave the subject site in a forward direction;
- The driveways for the four (4) terraces and the existing dwelling being deemed dangerous to the road network, the travelling public and future residents; and
- The driveway proximity of terraces 1 and 2 to the existing power pole.

The applicant/owner however, provided correspondence to Council dated 9 November 2017 (Appendix 2), stating that:

“After consideration of your comments I have reviewed the original SEE including supporting information and the further information reply from Geolyse and believe we have provided sufficient information including engineering and planning grounds to satisfy Councils requirements and that approval should be given. I consider the submitted information to be sufficient grounds for an appeal to the Land and Environment Court if the proposal is refused by Council.

I will not be providing any further information and kindly request that Council determine the application on the information provided thus far.”

Given the potential impact of the development and lack of supporting information, this report recommends that the Development Application be refused for the reasons as set out in the Recommendation.

ORGANISATIONAL VALUES

Customer Focused: The Development Application as submitted has been assessed in a timely manner against the relevant legislation and Council Policy.

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.

One Team: The relevant 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 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); and

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).

Darryll Quigley
Statutory Planning Services Team Leader
BACKGROUND

Despite the complexities associated with the development, together with the difficulties associated with the site (road network), unfortunately the applicant did not discuss the proposed development with Council officers prior to the submission of the Development Application nor following the issuing of a ‘Further Information Request’ by Council, other than to request that the application be determined on the information provided.

REPORT

1. OWNER/APPLICANT

The owner of the subject site is Racebail Pty Ltd and the applicant is Mr R Stevenson.

2. PROPOSED DEVELOPMENT

The subject Development Application was lodged with Council on 13 September 2017 by Mr R Stevenson. The Development Application is 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. Development plans are included in Appendix 1.

- Stage 1 - Two (2) lot subdivision of the site, resulting in proposed Lot 11 – 555 m² and proposed Lot 12 – 528 m² (Appendix 1). This element also includes the new driveway to Wingewarra Street, tree removal, and demolition of the existing garage which provides vehicular access to the property from Fitzroy Street.

- Stage 2 - Multi dwelling housing development (four (4) terrace dwellings) located on the vacant proposed Lot 12 (Appendix 1).

The multi dwelling housing (four (4) terrace dwellings) development is double-storey (face brick ground floor, weatherboard cladding on the first floor and Colorbond custom orb roofing), with a pitched roof. Each terrace contains the following features:

- Two (2) bedrooms, two (2) bathrooms, separate toilet, laundry, kitchen/living/dining, alfresco area and single garage.

- Site works include:
  - Landscaping, including plantings with mature heights ranging between 15 cm and 1.5 m;
  - Four (4) vehicle cross-overs to Fitzroy Street; and
  - Replacement of one (1) street tree.

- Stage 3 - Strata subdivision of the four (4) terraces. A copy of the subdivision plan is attached here in Appendix 1.
3. SITE CHARACTERISTICS

Address
The subject site is located at Lot 1 Sec 40 DP 758361, 197 Wingewarra Street, Dubbo.

Locality
The allotment is located on the south-eastern corner of the intersection of Wingewarra and Fitzroy streets. The allotment has an area of 1,083 m² with a frontage of 21.55 m to Wingewarra Street and 50.355 m to Fitzroy Street. For a locality map of the site see Figure 3.

Slope
The site is relatively flat having limited discernible slope, with a natural ground level at 266.5 m AHD.

Vegetation
The site comprises a few introduced trees, all of which would be removed as part of this application. Additionally, one (1) street tree located within the road reserve (Fitzroy Street) would also need to be removed.

Access
Vehicle access to the site is currently obtained via Fitzroy Street, being a bitumen-sealed public road with kerb and guttering.

Drainage
Drainage would be directed into Council’s stormwater system.

Services
The site is connected to all utility services (water, sewer, stormwater and electricity) but augmentation may be required as a result of the proposed development.
4. SITE HISTORY

The last approval issued by Council relating to the site was B17-135 approved on 2 April 1987 for a free standing garage.
The dwelling was located onsite prior to 1959 (confirmed via Council’s mapping system). However, Council’s records are not sufficient to determine whether an approval was granted. Regardless, no objection is raised to the existing dwelling and its continued use, from a planning perspective.

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

5. PLANNING ASSESSMENT

(a)(i) Environmental Planning Instruments

State Environmental Planning Policy (Infrastructure) 2007

The development is located in close proximity to overhead power lines. In accordance with Clause 45, the application was referred to Essential Energy for comment. Essential Energy provided an email dated 3 October 2017 raising no objection to the development subject to conditions being included on the consent (Appendix 5).

Condition 4 from Essential Energy is problematic as it states that “any proposed driveway accesses and/or exits to the proposed improvements must remain at least three (3) metres away from any electricity infrastructure (power pole) at all times to prevent accidental damage.”

The driveway for terrace 1 is approximately 500 mm from the existing power pole and due to the design of the development, this cannot be solved with a simple redesign. The driveway for terrace 1 is also proposed to be located over a Telstra pit and Council sewer manhole.

Additionally, the driveway of terrace 2 is also within three (3) metres of the power pole.

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 (DLEP) 2011 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

Clause 1.2 Aims of Plan

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

Clause 1.4 Definitions

The proposed development is defined as multi dwelling housing:
Multi dwelling housing means 3 or more dwellings (... attached ...) on one lot of land, each with access at ground level...

Clause 1.9A Suspension of covenants, agreements and instruments

No restrictions exist which would prevent the development in accordance with the provisions of the LEP.

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 relevant 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; and
- To ensure development is consistent with the character of the immediate locality.

The development is consistent with the objectives of the R1 General Residential zone with regard to the housing needs of the community and the provision of a variety of housing types and densities.

In relation to consistency of character, the development proposes four (4) x two (2) bedroom units on the site. While the development will contrast in terms of density with surrounding single and dual occupancy dwellings, its two storey residential design is not considered inconsistent with the immediate locality, being a residential zone in which higher densities are permitted. In this respect, the development proposes a pitched roof and extensive weatherboard cladding to reflect the character of surrounding residential dwellings which is defined by weatherboard and brick bungalows.

Clause 2.6 Subdivision – consent requirements

Stage 1 - Two (2) lot subdivision requires development consent.

Stage 3 - Strata subdivision requires development consent.

Clause 2.7 Demolition requires development consent

As per the wording of the clause, ‘demolition’ requires consent. The existing garage at the rear of the existing dwelling accessing onto Fitzroy Street, is proposed to be demolished.

Clause 4.1 Minimum subdivision lot size

The minimum lot size for the subject site is 300 m².
Stage 1 of the proposed development, being the two (2) lot subdivision, can be readily achieved.

However, subclause (4) states:

“(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.”

Proposed Lot 12 will be 558.14 m². The proposed subsequent strata subdivision has lots at approximately 132 m², being below the minimum lot size of 300 m². As such, the proposed subdivision is prohibited, given the recent NSW Land and Environment Court case DM and Longbow Pty Ltd v Willoughby City Council [7 July 2017] NSWLEC 1358.

The submitted Statement of Environmental Effects (SEE) (attached here in Appendix 3) does not address this issue and the only solution would be to seek an amendment to the minimum lot size (development standard) as per DLEP 2011, in accordance with Clause 4.6 Exceptions to development standards. On being advised of this fact, the proponent provided a response dated 9 October 2017 addressing the legislative requirements (Appendix 4), which is summarised below:

“Clause 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:
   (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
   (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.”

Clause 4.1 Minimum subdivision lot size contains development standards with regard to the minimum size of lots which Council may permit. In this instance, the minimum lot size in the R1 General Residential zone is 300 m² and the proposed Stage 3 strata subdivision proposes lots of approximately 132 m² (528 m² divided by four (4) terrace lots).

Subclause (3) of Clause 4.6 Exceptions to development standards, of Dubbo LEP 2011 states:

“(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
   (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
   (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”
In the proponent’s response (Appendix 4), in an attempt to justify the contravention of the development standard, the proponent relies only on the fact that the four (4) terraces are permitted with consent on the site and argues that their subsequent strata subdivision is irrelevant to the physical impacts in the locality. Additionally, the NSW Land and Environment Court generally regards literal interpretation of a standard clause in all council LEPs and does not reflect the intent of the clause, being that the strata subdivision of existing or approved buildings should not be subject to the minimum lot size provisions for subsequent subdivisions.

Further, subclause (4) of Clause 4.6 Exceptions to development standards, of Dubbo LEP 2011 states:

“(4) Development consent must not be granted for development that contravenes a development standard unless:
   (a) the consent authority is satisfied that:
       (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and
       (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
   (b) the concurrence of the Secretary has been obtained.”

While the consultant’s written request has addressed the matters required to be demonstrated by subclauses 3 and 4 above, it is considered that the proposed development is not consistent with the relevant objective of Clause 4.1 Minimum subdivision lot size, being:

“(b) to ensure residential allotments are of a suitable shape and size to provide a building envelope, private open space and suitable building setbacks for acoustic and visual privacy.”

The proposed four (4) terrace dwellings result in a number of non-compliances against Council’s Development Control Plan 2013, Chapter 2.1 Residential Development and Subdivision, the majority of which are directly related to the over-development of the site and could be addressed with an amended layout and reduction in the number of units. This is related to the number of terrace dwellings proposed, the five (5) driveways proposed and their proximity to the roundabout, and ultimately the number of strata lots proposed.

Notwithstanding, in accordance with Clause 4.6 of the LEP, should Council seek to approve the development, Council must be satisfied that:

“(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.”

Accordingly, the development is considered to be contrary to subclause 4 of Clause 4.6 of the Dubbo LEP.

**Clause 5.14  Siding Spring Observatory – maintaining dark sky**

The proposed development is unlikely to adversely affect observing conditions at the Siding Spring Observatory, taking into account light emissions.

The development is not considered to emit light of 1,000,000 lumens or more.

**Clause 7.1  Flooding**

The subject site is located outside the flood planning level but is located in the ‘extreme’ category which is discussed further in this report.

**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.

**Clause 7.5  Groundwater vulnerability**

The development is located in a moderate groundwater vulnerability area. The development is for a residential development in a residential area and will have no impacts on groundwater quality or quantity in the area.

**Clause 7.7  Airspace operations**

The subject site is located between the 370 m – 380 m Australian Height Datum (AHD) Obstacle Limitation Surface (OLS) contour line. The development site has a ground level of approximately 266.5 m AHD, a proposed finished floor level 266.75 m AHD and a roof apex height of 273.62 m AHD (6.87 m from floor level). Accordingly, the development will be 96.38 m clear of the OLS contour and have no impacts on the Airport’s operations.

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

The current Operational Review of Dubbo Local Environmental Plan 2011 is on public display and applies to the entire Local Government Area. There are however, no specific issues that relate directly to the subject site or to the Development Application the subject of this Report.
(a)(iii) Development Control Plans

An assessment is made of the relevant chapters and sections of the Dubbo Development Control Plan 2013 (DCP). Those chapters or sections not discussed here are considered not specifically applicable to this application or are discussed elsewhere in this report.

**Dubbo Development Control Plan 2013**

**Chapter 2.1.1 Residential Development**

**Element 1 - Streetscape Character**

The Stage 1 development involves the two (2) lot subdivision of the subject site, which leaves the existing dwelling on a smaller allotment. The streetscape appearance to the corner of Wingewarra and Fitzroy streets will remain generally the same. Details of any new fencing have not been provided.

The Stage 2 proposed development is for four (4) terrace dwellings, comprising double-storey, pitched-roof construction. The exterior of the development includes a combination of face brick entrances and walls, steel pergolas, weatherboard cladding and decorative windows.

The proposed development orients the four (4) terrace dwellings to Fitzroy Street, ensuring the entrances are readily apparent, and details walls for visual interest as required. The development also includes a pitched roof and extensive weatherboard cladding to reflect the character of surrounding residential dwellings which is defined by weatherboard and brick bungalows circa 1950.

The minimum lot size for multi dwelling housing is 700 m² with a minimum frontage of 20 m. Proposed Lot 12 is 528 m² with a width to Fitzroy Street of 24.53 m. The proposed development fails to meet the minimum lot size requirement, which with the proposed four (4) terrace dwellings, contributes to the concern that the proposed development is an over-development of the site.

The development includes four (4) single garages. The garages are visually separated from one another and integrated with the design of the development. They are setback 5.5 m from the front boundary and behind the building line as required.

Due to the number of proposed terraces, there are four (4) garage doors each 2.5 m wide, equating to 10 m from a 21.13 metre-wide building - this meets the criteria of an ‘acceptable solution’ under the DCP.

The proposed front fencing is shown on the landscape plan (A17) being ‘stack stone’ masonry to a height of 900 mm, which is deemed to be satisfactory.
Element 2 - Building Setbacks

The Stage 1 development involves the two (2) lot subdivision of the subject site which leaves the existing dwelling on a smaller allotment but will not alter the existing building setbacks.

The Stage 2 development proposes that the four (4) terrace dwellings are setback 4.5 m from the front boundary, as required. The entrances include pergolas having a minimum setback of 3.3 m to the front boundary, however these are cantilevered with no vertical structural element located within the front setback, which is considered acceptable.

The development has side setbacks of 1400 mm (north) and 2000 mm (south), with a 4.647 m setback from the rear (east) boundary. A rear pergola is attached to each terrace which is 1.85 m from the rear boundary, satisfying the Building Code of Australia.

Element 3 - Solar Access

The Stage 1 development involves the two (2) lot subdivision of the subject site which alters the solar access to the private open space area as it was previously located to the rear (south) of the existing dwelling. With Stage 2 located to the rear (south) of the existing dwelling, the application proposes that the existing dwelling have its private open space area located to the west of the dwelling. The area would receive the necessary direct sunlight due to the northern and western aspects.

The Stage 2 development is designed such that the four (4) terrace dwellings’ living areas and open space are located along the eastern boundary of the site.

The applicant provided additional details, stating that the internal fencing would be 1500 mm high and that the clotheslines would be positioned at the same height as the top of the internal fences. The clotheslines have been positioned such that they will not be overshadowed until after 12 noon, by the adjoining terrace’s rear pergola. However, this has compromised the size of the clotheslines to a shorter length of 1100 mm.

The private open space (rear yard) represents a non-compliance with Development Control Plan as they do not receive sufficient solar access. Seventy-five percent (75%) of the main private open space does not receive direct sunlight at any point for terraces 2 and 3. Terraces 1 and 4 would achieve this requirement at 11 am only. The proponent’s consultant has argued that this requirement could be achieved by the deletion of the rear pergola but this would then reduce the amenity of the rear yard to the future occupants and have detrimental impacts on the amenity within all four (4) terraces.

The argument has some merit however, the fact that the proposed development has only provided minimum private open space areas is really the issue. A larger rear private open space could achieve both the necessary shading from the pergola and the solar access to the remainder of the rear yard. The over-development of the site detrimentally impacts upon the amenity of the proposal, as various aspects of the development are traded against each other.
The dwelling to the south (184 Fitzroy Street), being a large two-storey building located two metres from the boundary, will be overshadowed by the proposed development. Some of the windows and rooms are not habitable whilst no objection to the proposal was received from the owner of the site, a detrimental impact will occur and given the nature of the existing dwelling, it is likely that the site itself may be redeveloped in the future and the loss of the northern aspect and overshadowing will be a factor on future development.

Element 4 - Private Open Space and Landscaping

**Private Open Space**

**Existing dwelling**
The existing dwelling has a principal private open space area of 68.9 m² (8.2 m x 8.4 m) and a general open space area of 94 m² (additional area along the southern and eastern boundary) being less than 20% (111 m²) of the site area. The private open space is not directly accessible from the living areas as required. This non-compliance with the Development Control Plan has not been addressed by the proponent and is not supported.

**Terrace 1**
Terrace 1 (southern) has a principal private open space area of 31.5 m² (4.5 m x 7.0 m) and general open space area of 52.5 m² (additional area along the southern boundary) being greater than the required 5% (26.4 m²) of the site area. The private open space area is directly accessible from the living areas as required.

**Terrace 2**
Terrace 2 (middle-south) has a principal private open space area of 22.5 m² (4.5 m x 5.0 m), being less than the required 5% (26.4 m²) of the site area. The private open space area is directly accessible from the living areas as required.

**Terrace 3**
Terrace 3 (middle-north) has a principal private open space area of 22.5 m² (4.5 m x 5.0 m), being less than the required 5% (26.4 m²) of the site area. The private open space area is directly accessible from the living areas as required.

**Terrace 4**
Terrace 4 (north) has a principal private open space area of 28.8 m² (4.5 m x 6.4 m) and general open space area of 43.5 m² (additional area along the southern boundary) being greater than the required 5% (26.4 m²) of the site area. The private open space area is directly accessible from the living areas as required.

Overall, proposed Lot 12 has a proposed general open space area of 120.0 m² (31.5 m² + 22.5 m² + 22.5 m² + 43.5 m²) being greater than 20% (105.6 m²) of the whole site area (528 m²). All the private open space is located behind the building line as required.

The failure of terraces 2 and 3 to meet the minimum private open space area requirements, contributes to the proposed development being considered to be an over-development of the site.
**Landscaping**

The application includes a landscaping plan showing landscape plantings in the front and rear yards with mature heights ranging from 15 cm to 1.5 m. The development proposes the removal of one (1) street tree in Fitzroy Street.

**Element 5 - Infrastructure**

The site is located in an established residential area and has access to all reticulated infrastructure services. The development is proposed to connect to all services and will be augmented as necessary.

**Element 6 - Visual and Acoustic Privacy**

**Visual Privacy**

*Existing dwelling*

The subject site is flat and will be surrounded by 1800 mm high boundary fencing, with internal fencing proposed at 1500 mm. This height meets the minimum requirement and as such visual privacy impacts between the existing dwelling and terrace 4 and adjoining properties have been adequately addressed.

*Ground Floor*

The subject site is flat and will be surrounded by 1800 mm high boundary fencing, with internal fencing proposed at 1500 mm. This height meets the minimum requirement and as such, visual privacy impacts between the terraces and adjoining properties on the ground floor has been addressed.

*First Floor*

The development includes four (4) bedroom windows and four (4) bathroom windows on the eastern elevation. The elevation plans indicate that screening devices are located a minimum 1.5 m from the first floor level (Plate 1).

This arrangement complies with Performance Criteria P1 which states:

> “P1 Private open spaces and living rooms of adjacent residential accommodation are protected from direct overlooking by an appropriate layout, screening device and distance.”
Acoustic Privacy

The development will not cause issues in relation to acoustic privacy. The ground floor layout does not place bedrooms adjacent to car parking spaces and the first floor layout does not place bathrooms adjacent to bedrooms in adjoining units as required.

Element 7 - Vehicle access and car parking

The Stage 2 development includes four (4) single garages which are setback the required 5.5 m from the front boundary. Each terrace proposes two (2) onsite car parking spaces as required, however one of each is proposed forward of the building setback. This represents a non-compliance with the acceptable solution criteria.

The proponent states that “... this is consistent with other multi-unit development in the locality.” It is understood that this is in reference to the recently approved development at 1D Rawson Street, being similar in design to the proposed development. However, Fitzroy Street is much busier, there are a number of mid-block driveways and most importantly, the short distance to the roundabout on Wingewarra Street is problematic and potentially dangerous.

One visitor parking space is required for multi dwelling housing developments comprising of four (4) or more units. The proposed development has not provided the required visitor car space, stating in the SEE that “… there is ample street parking availability in the locality to accommodate the one (1) car parking space shortfall for visitor parking.”

The Stage 2 development with its four (4) driveways has removed any opportunity to park in the street fronting the development. Due to the proximity of the roundabout in Wingewarra Street and the existing road configuration, limited on-street parking may be available in front of 184 Fitzroy Street (south), refuting the statement above made in the SEE.

The Stage 2 development has all four (4) terraces designed such that all vehicles will either enter or exit in a forward direction, but not both. This is contrary to the requirements of the DCP. The SEE states that “… line marking in Fitzroy Street provides sufficient space for cars to safely reverse onto the street without entering the flow of traffic.” Advice received from Council’s Senior Traffic Engineer (see below) refute such a statement.

The Senior Traffic Engineer in their report dated 6 October 2017, states as follows:
“The proposed 4 multi (unit) dwelling development on 197 Wingewarra Street is considered to be an over development of the site with concerning access and road safety implications particularly along the Fitzroy Street frontage but also to the proposed access to the retained existing residence in Wingewarra Street. Subsequently any future development of this site is to be restricted to a single driveway access to each lot off Fitzroy Street.

Being a corner block on a 4 way intersection there will inevitably be some impact with traffic management improvements such is experienced with the roundabout where there is no access to Wingewarra Street with existing side access at the extremities of the kerb blister in Fitzroy Street. Fitzroy Street is the safest and most convenient place to access 197 Wingewarra Street. Fitzroy Street functions as a Neighbourhood Sub Arterial (11,000 – 15,000 vpd) and Wingewarra Street a Neighbourhood Distributor (6,000 – 11,000 vpd). Traffic volumes currently experienced are relatively high with the roundabout exceptionally active throughout the day. The roundabout is a two lane circulating with two lane entry/ exits lanes. A merge lane extends for the full frontage of the property Fitzroy Street. Whilst there is a wide parking lane in Fitzroy Street there would most likely be the need in the future to extend two lanes southbound adjacent the property as a consequence of capacity at the intersection which could also revert to signals.

With the ongoing traffic growth, intersection congestion and future traffic and road improvements, the provision of an additional 4 driveways to this proposed development in Fitzroy Street will effectively create an unsafe road environment. The proposed access to Wingewarra Street details minimal tolerances, entry and exit access and traffic conflict in an unsafe location to the roundabout.

There is no comparisons to an existing development in Rawson Street. Rawson Street is a low key wide residential street with very low traffic volumes that had been assessed as having no road safety implications in that environment.

The current proposal at 197 Wingewarra Street is an entirely different road environment. It is located on a corner block that is already traffic managed and constrained with the roundabout facility with future growth and capacity requiring additional travel lanes and potential traffic signals, experiences high traffic volumes that will only increase, requires access to the site from the through travel lane particularly in the future with additional infrastructure impacts.

RECOMMENDATION

The Infrastructure and Operations Division is not supportive of the proposed development and should be refused for its road safety implications on the travelling community, local residents and proposed occupants of the development including the following reasons:
• Corner property on a 4 way intersection currently access constrained with a roundabout facility;
• With future road improvement to Fitzroy Street the reversing turning movements from each driveway would occur wholly within a travel lane with the current proposal showing conflicting movements into the merge lane. A reduction to two driveways reduces the impact and allows the opportunity to manage access to the site with increased driveway widths and onsite manoeuvrability;
• The driveway cluster is congested with absolute minimal tolerances between them creating vehicle conflict and constrained access;
• The southernmost driveway has to negotiate a power pole on entry and exit that will be required from the existing through lane that potentially will become the outside lane. This is unacceptable;
• There is limited opportunity to manoeuvre to and from within the property boundary;
• The second car parking space is on minimal tolerances that would inevitably see vehicle overhang on to the footpath;
• The access of Wingewarra Street promotes and unsafe environment with restricted access travel paths on entry and exit; and
• Reduced capability for visitor on street parking impacting on adjoining property access and parking amenity."

Element 8 - Waste Management

The development as proposed can be connected to Council’s sewer system and utilise Council’s domestic waste disposal system however, the location of garbage bins for terraces 2 and 3 is unknown, given there is no direct access to the private open space at the rear.

Element 9 - Site Facilities

The development has sufficient areas for site facilities such as mail boxes, clotheslines and storage areas as required.

Chapter 2.1.3 Subdivision controls

It should be noted that due to the cumulative DCP non-compliances of proposed Stage 2 multi dwelling housing (four (4) terrace dwellings), the variation sought to amend the development standard (minimum lot size) is not supported and therefore the Stage 3 Strata Subdivision component of the development is also recommended for refusal.

Element 1 Neighbourhood design

Given the location of the site and the proposed two (2) lot subdivision, no issues arise with regard to neighbourhood design.
Element 2 - Lot layout

The proposed two (2) lot subdivision complies with the 300 m² minimum lot size as per DLEP 2011. However, the proposed relocation of the driveway access to Wingewarra Street is unacceptable, as detailed above and cannot be supported.

Element 3 - Public open space and landscaping, Element 5 - Street design and road hierarchy, and Element 6 - Pedestrian and cycle links, are not relevant to the proposal.

Element 4 - Infrastructure

The subject site is fully serviced and any approval would require compliance with the requirements of the specific authorities.

Element 7 - Stormwater management

The proposed development can adequately manage stormwater issues.

Element 8 - Water quality management

Issues regarding erosion and sediment control can be addressed with suitable plans and works, to ensure that Council’s roadway and stormwater system are not unduly affected.

Chapter 3.4 Heritage Conservation

The subject site is located in the Residential East – Heritage Precinct. The subject property is not heritage listed nor adjoined by heritage listed items however, surrounding cottages and bungalows can be considered contributory items. The relevant components of the chapter are addressed below.

3.4.10.1 Construction of New Buildings

It is an objective that development (new buildings) ... in the heritage precincts are sympathetic to the significance and character of the precinct.

Significance, character and setting

P1 New building design shall relate to the significance and the character of the adjoining buildings and the heritage precinct.

It is considered that the Stage 2 - Multi dwelling housing (4 terraces) proposed development are not unsympathetic with regard to the character of the heritage precinct.
Scale

*P7 In designing new buildings, the size, shape and height shall reflect the dominant height and proportions of adjacent buildings within the heritage precinct.*

While the Stage 2 - Multi dwelling housing (4 terraces) proposed development is of a higher density than the majority of buildings in the heritage precinct it is not disproportionate, having the bulk and scale of a two storey dwelling.

Roofs

*P10 Roof shape and material shall relate to adjoining buildings and the surrounding heritage precinct.*

*A10.1 Development shall reflect similar heights and pitch ... in keeping with the character of the heritage precinct.*

It is considered that the Stage 2 - Multi dwelling housing (4 terraces) proposed development (being residential in nature) comprising a pitched roof of a two-storey scale is not out of context in the heritage precinct.

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

The overall proposal is for residential development, having a higher density than most of the locality but which is located in close proximity to the Central Business District. The development includes a number of variations to Dubbo Development Control Plan 2013 resulting in cumulative impacts upon the built environment which are ultimately detrimental, particularly with regard to the road network.

With regard to the social and economic impacts of the proposed development, the proposal represents a higher land use (population density) than a standard single dwelling or dual occupancy development. The increased housing density provides for more housing options in close proximity to the Central Business District, contributing to an increased population that supports increased business activity.

(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 no adverse impact on the scenic qualities of the area or obstruct views or vistas, given that the immediate vicinity is dominated by rear yard fences.

The development will result in some overshadowing of the residential development at 184 Fitzroy Street, as stated earlier in this report.
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 character of the locality, bulk, scale, size and height. The density is only a problem in terms of the Stage 2 multi dwelling housing (four (4) terrace dwellings), resulting in an over-development of the site.

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

The size of the subject site is unsuitable for the proposed development, with numerous variations sought against Dubbo Development Control Plan 2013. It is considered that the proposal represents an over-development of the site.

Access, transport and traffic

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

Wingewarra and Fitzroy streets are wide, sealed, carriageways with high traffic usage and while they may have ample capacity to accommodate traffic from the development, the problem is traffic entering and leaving the subject site as discussed earlier in this report.

(d) Submissions

The application was notified to owners of adjoining lots for a period of 14 days concluding on 7 October 2017. No submissions were received.

(e) Public Interest

Given the above assessment, the proposed development is considered to be contrary to the public interest.

6. SECTION 64/SECTION 94 CONTRIBUTIONS

The proposed development results in impacts upon Council’s services and facilities and as such, contributions would be applicable if development consent were recommended.

SUMMARY

The subject development, while permissible in the zone, is considered to be an over-development of the site given the number of areas of non-compliance with the Dubbo Local Environmental Plan 2011 and Development Control Plan. Accordingly, it is recommended that this application in its current configuration be refused.
Appendices:
1. Development plans
2. Correspondence from proponent dated 9 November 2017
3. Statement of Environmental Effects
4. Response from proponent dated 9 October 2017
5. Correspondence from Essential Energy dated 3 October 2017
Dubbo Regional Council
Mr Steve Wallace
Manager Building and Development Services
PO Box 81
Dubbo NSW 2830

9 November 2017

Dear Mr Wallace,

RE: Development Application D2017-462 – Council's Request for Further Information
(Dated 19th October 2017)

I reply to your letter requesting further information in relation to our proposed development of multi
dwelling housing, four (4) terraces (D2017-462) in Wingewarra St Dubbo.

After consideration of your comments I have reviewed the original SEE including supporting
information and the further information reply from Geolyse and believe we have provided sufficient
information including engineering and planning grounds to satisfy Council requirements and that
approval should be given. I consider the submitted information to be sufficient grounds for an appeal
to the Land and Environment Court if the proposal is refused by Council.

I will not be providing any further information and kindly request that Council determine the
application on the information provided thus far.

Please call me if you wish to discuss further.

Regards,

Robert Stevenson
Director Raceball Pty Ltd
Ph: 0428 845 440
STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION

PROPOSED MULTI-DWELLING DEVELOPMENT,
197 WINGEWARRA STREET, DUBBO

PREPARED FOR:
STEVEINC PTY LTD

SEPTEMBER 2017
<table>
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<td>Client:</td>
<td>Steveinc Pty Ltd</td>
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Geolyse Pty Ltd and the authors responsible for the preparation and compilation of this report declare that we do not have, nor expect to have a beneficial interest in the study area of this project and will not benefit from any of the recommendations outlined in this report.

The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

All maps, plans, and cadastral information contained within this report are prepared for the exclusive use of Steveinc Pty Ltd to accompany this report for the land described herein and are not to be used for any other purpose or by any other person or entity. No reliance should be placed on the information contained in this report for any purposes apart from those stated therein.

Geolyse Pty Ltd accepts no responsibility for any loss, damage suffered or inconveniences arising from, any person or entity using the plans or information in this study for purposes other than those stated above.
APPENDIX NO: 3 - STATEMENT OF ENVIRONMENTAL EFFECTS

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ITEM NO: PDEC17/9

STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVEN PYL LTD

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1.1 BACKGROUND

GeoLyse Pty Ltd has been commissioned by Stevenic Pty Ltd to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) for a proposed two lot Torrens subdivision, demolition and tree removal, multi-unit development consisting of four attached double storey terrace houses on the proposed vacant lot and the subsequent strata subdivision of the dwellings, to be located at 197 Wingewarra Street, Dubbo (Lot 1 Section 49 DP758361).

1.2 SCOPE OF THIS REPORT

This SEE has been prepared pursuant to Clause 50 and Part 1 of Schedule 1 of the Environmental Planning and Assessment Regulation 2000 and is provided in the following format.

- Section 2 of the report provides a description of the subject site and its locality.
- Section 3 outlines the proposed development.
- Section 4 details the planning framework applicable to the subject site and proposed development.
- Section 5 identifies the impacts of the proposed development.
- Section 6 provides a conclusion to the SEE.
2.1 THE SITE

The site the subject of the development application is located at 197 Wingewarra Street, Dubbo (Lot 1 Section 40 DP 989611).

The site has an area of approximately 1,083 square metres and frontages to Wingewarra Street and Fitzroy Street of 21.95 metres and 50.385 metres respectively. The site currently features a detached single storey dwelling, fronting Wingewarra Street. Existing vehicular access is from Fitzroy Street and a small garage is located at the rear of the site.

The site is depicted in Figure 1.

Figure 1: Subject site shaded yellow (Source: Six Maps)

2.2 THE LOCALITY

The site is located to the East of the Dubbo CBD. The surrounding locality is characterised by residential land usages, typically detached residential properties on large blocks. Due to the zoning and minimum lot size applying to the site, the area surrounding the site is undergoing a transition in character, with a number of smaller unit developments being recently approved and built in the nearby vicinity, including a recent granting of consent for a similar arrangement of four attached terrace style multi-dwelling houses at 50 Rawson Street.

The property is in close proximity to the Dubbo Showground and Raceway, which is situated to the North.
The Development

3.1 DEVELOPMENT DESCRIPTION

The proposal entails four elements:

1. An initial Torrens subdivision of the land to form two lots; a corner lot fronting Wingewarra Street which would host the existing dwelling including provision of a new driveway to Wingewarra St, together with a vacant lot fronting Fitzroy Street.

2. Tree removal and demolition of an existing detached garage in the southern extent of the property.

3. Development of a multi dwelling housing development consisting of four (4) attached terrace houses separated by internal party walls on the created vacant lot fronting Fitzroy Street, and

4. The subsequent strata subdivision of the four dwellings.

On the basis that Section 78A(2) of the Environmental Planning and Assessment Act 1979 enables multiple forms of development to be addressed via the same development application, the approach to incorporate all four elements in this DA, rather than via separate DA’s, is considered legitimate.

3.1.1 TORRENS SUBDIVISION

As noted, a two lot subdivision of the land is proposed to provide the existing dwelling on a separate lot, creating a vacant lot fronting Fitzroy Street. A similar scale of subdivision has occurred on all three corners of the block in which the site is located (refer Figure 1).

The details of the two proposed lots are outlined in Table 3.1.

Table 3.1 – Proposed Lots

<table>
<thead>
<tr>
<th>Lot</th>
<th>Size</th>
<th>Frontage Wingewarra</th>
<th>Frontage Fitzroy</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>56.37 m²</td>
<td>21.55 m</td>
<td>25.63 m</td>
<td>Residential</td>
</tr>
<tr>
<td>12</td>
<td>59.14 m²</td>
<td>24.70 m</td>
<td>24.53 m</td>
<td>Residential + vacant</td>
</tr>
</tbody>
</table>

Proposed Lot 11 has existing service connections that will be maintained or adjusted as required.

Proposed Lot 12 would be provided with necessary services at the expense of the developer as set out in Drawings C001-C004.

3.1.2 TREE REMOVAL AND GARAGE DEMOLITION

A number of trees in the rear yard of the property will require removal to facilitate the proposed development together with the demolition of an existing detached shed/garage.

Four trees would be removed to facilitate the development – refer Plate 9 and Drawing A02. The removal of these trees would be offset via provision of landscaping as per Drawing A17. This is discussed further in Section 4.2.2.3.

Controls associated with demolition are discussed in Section 5.22.
3.1.3 MULTI DWELLING HOUSE

The internal layout of each proposed terrace dwelling is identical, with the ground floor consisting of a kitchen, dining, living, laundry, WC, a front porch and a one car garage. The proposed first floor consists of two bedrooms and shared master bathroom.

The frontages of each terrace measures 4.960 metres of which three metres is a garage. The garage is setback approximately 5.6 metres from the front property boundary and provides sufficient room to park a second car without overlapping the property boundary. Each single garage has an area of 18 square metres. Each dwelling also features not less than 25 square metres of private open space at the rear including an alfresco area (west) and a small porch at the front of the property (east).

The front entry doors are prominently displayed and form a key feature of the frontage. Articulation, together with the use of varied materials, provide visual relief across the frontage but also consistency of design.

The four terrace dwellings are topped by a single pitched roof of lightweight steel, in the rural vernacular.

The overall living space of each dwelling is 81 square metres.

Site coverage is 248 of the 558 square metre site size, or approximately 44%.

The bulk and scale of the proposed building is comparative to the existing development to the south fronting Fitzroy Street, which is understood to have historically been a shop.

Fixed privacy screens are proposed on the first floor windows (Drawing A06) and front fencing would be provided (Drawings A16 and A17).

3.1.4 STRATA SUBDIVISION

Upon completion of construction of the four dwellings, it is proposed to carry out a strata subdivision of the dwellings as reflected in Drawings SP01-SP02.
Statutory Planning Framework

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

4.1.1 AIMS & OBJECTIVES

In New South Wales (NSW), the relevant planning legislation is the Environmental Planning and Assessment Act 1979 (EP&A Act). The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the Department of Planning & Environment (DP&E). The objects of the EP&A Act are:

(a) to encourage:
   (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
   (ii) the promotion and co-ordination of the orderly and economic use and development of land,
   (iii) the protection, provision and co-ordination of communication and utility services,
   (iv) the provision of land for public purposes,
   (v) the provision and co-ordination of community services and facilities, and
   (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
   (vii) ecologically sustainable development, and
   (viii) the provision and maintenance of affordable housing, and

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

4.1.2 SECTION 5A

Section 5A of the EP&A Act requires consideration of whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats as a result of the proposed development. Given the urban locality and previous level of development, the proposed development is considered unlikely to have an adverse impact on threatened species, populations or ecological communities, or their habitats.

4.1.3 SUBORDINATE LEGISLATION

The EP&A Act facilitates the preparation of subordinate legislation, consisting of:

- Environmental Planning Instruments (EPIs) (including State Environmental Planning Policies (SEPP), Local Environmental Plans (LEP), and deemed EPIs); and
- Development Control Plans (DCP).

In relation to the proposed development, the relevant subordinate legislation includes:

- State Environmental Planning Policy 55 – Remediation of Land;
- Dubbo Local Environmental Plan 2013; and
Dubbo Development Control Plan 2013

The requirements of these are discussed in the following sections.

4.1.4 INTEGRATED DEVELOPMENT

Section 91 of the EP&A Act states that development requiring consent and another activity approval is defined as Integrated Development. The proposed development is not classified as Integrated Development on the basis that no other approvals or consents are required to facilitate the development.

4.2 ENVIRONMENTAL PLANNING INSTRUMENTS

4.2.1 STATE ENVIRONMENTAL PLANNING POLICY

4.2.1.1 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of the State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55) states the contamination and remediation is to be considered in the determination of a Development Application.

Clause 7 states the following:

Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

No contaminating land uses as identified in Table 1 of the Managing Contaminated Land Planning Guidelines are known to have been undertaken on the subject site. As such, the undertaking of remediation work in accordance with Clause 8 of the SEPP would not be required and the obligations of clause 7 are satisfied.

4.2.2 DUBBO LOCAL ENVIRONMENTAL PLAN 2011

4.2.2.1 Introduction

The subject site is located within the Dubbo Regional Council Local Government Area within the former Dubbo City Council area. The applicable local environmental plan is the Dubbo Local Environmental Plan 2011 (LEP).

The aims of the LEP are:

(1) This Plan aims to make local environmental planning provisions for land in the City of Dubbo in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

(2) The particular aims of this Plan are as follows:

(a) to achieve a city structure that centralises the central business district by shifting the residential development emphasis to West Dubbo,

(b) to ensure the Dubbo central business district remains the primary commercial centre for the greater region.
(c) to ensure tourism opportunities are provided in appropriate locations in close proximity to the Taronga Western Plains Zoo, established accommodation nodes and service and support facilities,
(d) to provide high quality open space to meet a wide range of active and passive recreational needs,
(e) to ensure environmental and cultural heritage is adequately protected to ensure its conservation,
(f) to ensure adequate provision is made for the development, establishment and enhancement of cultural, research and medical institutions,
(g) to ensure land zoned for industrial purposes is protected from inappropriate development,
(h) to ensure rural lands are kept in large holdings to ensure sustainable agriculture can be undertaken without detrimental impact,
(i) to ensure development and land management practices do not further exacerbate the impact of salinity or result in new salinity outbreaks,
(j) to ensure urban stormwater is managed to maintain quality and not detrimentally impact on downstream development,
(k) to ensure the floodplains of the Macquarie and Talbragar Rivers are adequately protected from inappropriate development and to ensure the impact of flooding on people and the built and natural environment is minimised.

The proposed development is not antipathetic to the above aims.

A review of mapping associated with the LEP reveals the following:

- The site is located within the R1 – General Residential zone – refer Section 4.2.2.2; and
- The applicable minimum lot size for the purposes of Torrens subdivision is 300 square metres.

For the avoidance of doubt, the site is not mapped as containing sensitive terrestrial biodiversity, is not located within a flood planning area, is not located near to riparian land and waterways, does not contain or is not located adjacent to a site of state or local heritage significance, is not located within an LEP defined heritage conservation area, will not result in a development that will penetrate the Obstacle Limitation Surface and is not located within an area of groundwater vulnerability.

Matters highlighted above of relevance to the application, together with other relevant clauses of the LEP, are discussed in the following sections.

### 4.2.2.2 Zoning

The objectives for development within the R1 zone are:

- 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 provides for the housing needs of the community by providing an alternate form of housing of which there is growing demand, especially close to the centre of town, and therefore the development is considered to be consistent with the first two objectives. As the land use is a dwelling use, objective three is not considered to apply.

As noted, the fourth objective within the R1 zone is:

- To ensure development is consistent with the character of the immediate locality.

Character is a subjective term and can be applied, by reference to the Land and Environment Court planning principles, to either the existing/prevaling character or by reference to emerging character. Consistency in planning terms can also be defined as compatibility. Compatible can be taken as ‘capable as existing together in harmony’ (Project Venture Developments v Pittwater Council [2005] NSWLEC 191).
The Dubbo Residential Areas Strategy (Strategy) was developed and adopted in 1996 to guide future development of the residential areas of the city of Dubbo. The strategy provided the basis for the development of both the current 2011 Local Environmental Plan (2011 LEP) and its predecessor, the Dubbo Local Environmental Plan 1998 – Urban Areas (1998 LEP), gazetted in 2000 and repealed in 2012.

The 1998 LEP identified the subject land as Residential 2(a) and as a character conservation area. Within the 2(a) zone, subdivision of land was permissible down to a minimum lot size of 600 square metres, 700 square metres on a corner allotment or 300 square metres where one of the houses will comprise semi-detached housing.

The goal of the Strategy in relation to residential areas was to:

- Identify and protect the established residential neighbourhoods and ensure a sufficient supply of suitable land to meet the future residential development needs of the city;
- As described by the Dubbo 21 Plan;
- Within a well-integrated expanding urban land use framework;
- Consistent with the environmental capacity of the area;
- Reflecting an appropriate range of lifestyle choices; and
- Able to assist Dubbo in becoming a competitive inland alternative population growth centre to the capital and coastal cities.

As noted, the Strategy identified the importance of providing both a range of lifestyle choices and assisting Dubbo in becoming a competitive inland population growth centre.

Whilst a shift in housing types has been slower in regional centres, a shift of this nature is still evident by reference to the growing numbers of developed and investor constructed dual occupancies and multi dwelling housing, typically in areas close to shops and services.

The subject site is reflective of this emerging character. It satisfies the broad goal of the Strategy to provide choice in housing options for those people relocating to regional centres from larger urban centres. For this market, an area close to services and public transport, but with minimal costs (both financial and time related) associated with low maintenance is a clear goal. The subject dwellings achieve this.

The proposed development also provides a logical first step towards consolidation of urban areas and is consistent with both the Strategy goal, the relevant DCP performance criteria and the emerging character that is clearly sought by Council for this area through the introduction of uniform and (comparatively) small minimum lot size. Developments of townhouses and residential flat buildings, alongside dual occupancies and multi dwelling house developments, are likely to increase in the coming years in response to growing demand and will bring about a change to the character of this area. This change is clearly contemplated in Council’s strategic vision for the area through the adoption of a 300 square metre minimum lot size; as smaller lots are created housing design must change and adapt to respond to this. A short survey of the surrounding locality reveals a number of higher density developments that have been approved by Council in recent years. Additionally there are also many examples of buildings built with zero setbacks and a number of double storey buildings in the locality, specifically the dwelling directly adjacent to the south. Examples of these double storey dwellings and buildings are reflected on Plate 3 - Plate 7. Notably, Council have also recently granted development consent to a similar scale terrace dwelling development at 1D Rawson Street, approximately 200 metres to the east, which is currently in the process of detailed design.

The proposed building design has adopted the surrounding prevailing character in a number of specific ways, including the roof design (form, pitch and shape), material selection and street setbacks. Notably, the adjacent two storey dwelling to the south, along with the buildings further south along Fitzroy Street, have zero lot lines to Fitzroy Street. The subject buildings are setback from the front boundary at a consistent setback to the dwelling on proposed Lot 11. Other more site specific design features such as the articulated brick elements on the front façade of the proposed building reflect the gutter height of the dwelling to the north, providing a direct visual link between the two properties. The proposed
development reflects the proposed higher density character clearly envisaged by the Council strategic and local plans and recent approvals.

The development constitutes multi-dwelling development, which is defined as:

Multi-dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level but does not include a residential flat building.

From a review of the land use table, the development of multi-dwelling housing is noted to be permissible with the consent of Council in the R1 zone. This DA seeks that consent.

4.2.2.3 Preservation of trees and other vegetation

This application proposes the removal of a number of trees on the rear of the property including a large Eucalyptus tree in the south-eastern corner – refer Drawing A02 and Plates 8 & 9.

Clause 5.9 of the LEP seeks to:

Preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

Clause 5.9(2) states:

This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note:

A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

A review of the Dubbo Development Control Plan 2013 identifies that Section 3.7.6 relates to the preservation of trees and vegetation. However, this section does not prescribe specific tree or vegetation in the context of species, size, location or other manner for which removal requires consent. On this basis it is considered that Clause 5.9 does not apply to the development.

Clause 5.9AA of the LEP states:

(1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purpose of clause 5.9 by a development control plan made by the Council.

(2) The felling, cutting down, lopping, topping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

On the basis of the above, explicit Council consent for tree removal via the LEP is not considered to be necessary.

Additionally, a review of the Dubbo Regional Council 2017 Tree Preservation Order confirms that the trees at the property are not listed as being the subject of specific protection. No consent in this regard is therefore required.

Notwithstanding the above, the applicant proposes the installation of replacement landscaping as outlined on Drawing A17 and the development is therefore considered to be acceptable in this regard.

4.2.2.4 Part 7

Part 7 of the LEP contains a range of additional local provisions that may be applicable to a development application. From a review of the matters identified in Part 7, it is confirmed that there are no additional local provisions that apply to the subject development.

4.2.3 DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS

There are no deemed environmental planning instruments known to affect the site.
4.3 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

On the 5 August 2016, the Environmental Planning and Assessment Amendment (Siding Spring Observatory) Regulation 2016 came into effect, resulting in an amendment of the Environmental Planning and Assessment Regulation 2000 (EP&A Regs). The impact of this amendment is to insert clause 92(1)(d) of the EP&A Regulations, which states:

Clause 92 Additional matters that consent authority must consider
(d) in the case of the following development, the Dark Sky Planning Guideline:
(i) any development on land within the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle Shire;
(ii) development of a class or description included in Schedule 4A to the Act; State significant development or designated development on land less than 200 kilometres from the Siding Spring Observatory require Council to have regard for the Dark Sky Planning Guideline prepared by the Department of Planning.

The Dark Sky Guideline identifies that housing development has the potential to affect artificial skylow. The nature of the development would not be expected to contribute any significant increase in artificial skylow. To ensure this is the case, any external lights installed would be appropriately hooded and downward facing to ensure off site spill is minimised. The maximum number of external lights would not exceed a maximum of seven per dwelling in the proposed development. On the basis of the above, the development is considered to be compliant with the provisions of clause 92(1)(d) of the EP&A Regs and the Dark Sky Planning guideline.

4.4 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There is currently one draft environmental planning instruments within the Dubbo Regional Council area. The draft EPI relates to the rezoning of land to facilitate a rural residential development known as Daisy Hill. The provisions of this draft plan do not affect the subject site and have not been further considered.

4.5 DEVELOPMENT CONTROL PLANS

4.5.1 DUBBO DEVELOPMENT CONTROL PLAN 2013

The Dubbo Development Control Plan 2013 (DCP) applies to the site. A review of the provisions of the plan confirm that Sections 2.1.1, 2.1.3, 3.1 and 3.4 are relevant to this application. The provisions of these sections have been considered in Table 4.1 (page 13).

The core objectives of the DCP are:
• Promote good quality and environmentally sustainable development;
• Provide guidance to prospective proponents and the community of Council’s requirements to undertake development;
• Elaborate on further explain the requirements of the Dubbo Local Environmental Plan 2011 (as amended from time-to-time);
• Provide criteria to assist Council in assessing applications, and
• Provide development controls and requirements that are easily understood by the community and proponents.

The structure of the DCP provides performance criteria and acceptable solutions for each design element. Section 1.1.7 of the DCP describes the performance criteria as the ‘aim of the design element’. Acceptable solutions respond to the performance criteria and offers default design guidelines that an
Section 1.1.3 states in relation to performance criteria and acceptable solutions:

In summary, the column on the left provides a proponent with more flexibility in design, while the column on the right provides a proponent with standard solutions that are acceptable to Council. If the proponent chooses not to use the ‘Acceptable Solutions’ in the right hand column, written detail must be provided of how the design satisfies the ‘Performance Criteria’ in the left hand column.

Section 2.1.1 states explicitly:

Acceptable solutions are specific measures which illustrate one way of meeting both the performance criteria and objectives of an element. They are examples only and are not mandatory;

As noted, the key outcome for a development is to achieve the noted performance criteria for each design element and flexibility is provided to achieve this. Rigid adherence to the numerical standards identified in the acceptable solutions column is not explicitly required. Acceptable solutions contained within the DCP may be complied with, or where not complied with, a development must provide detail of how the performance criteria is satisfied.

By reference to the comments provided in Table 4.1, the development is noted to be generally compliant with the applicable performance criteria.

4.6 DEVELOPMENT CONTRIBUTIONS PLANS

4.6.1 SECTION 64 WATER AND SEWERAGE CONTRIBUTION PLAN

The development proposes both a two lot subdivision of the land and the subsequent development of the proposed vacant lot to accommodate 4 x 2 bedroom dwellings. As such, there is a requirement for the payment of contributions towards the upgrade and maintenance of Council’s sewer and water services as a result.

It is logical to consider sewer and water contributions in relation to the final arrangement. The 2016/17 Revenue Policy identifies current sewer headworks at $5,585.77 per equivalent tenement (ET) and water headworks at $5,585.80 per ET.

The Water Directorate Section 64 Determinations of Equivalent Tenements Guidelines (the WD Guidelines) provides a basis for determining applicable equivalent tenement rates for development. The WD Guidelines identify that a 2-bedroom unit requires provision of 0.8 ETs for water and 0.75 ETs for sewer.

The proposed multi dwelling housing development generates the need for 2.4 ETs for water and 3 ETs for sewer.

Contributions are indexed and the amount payable will be the correct rate at the time of release of the construction certificate, or such other time negotiated with Council.

4.6.2 AMENDED SECTION 94 CONTRIBUTIONS PLAN - ROADS, TRAFFIC MANAGEMENT AND CAR PARKING

Contributions are considered to be applicable by reference to the Amended Section 94 Contributions Plan - Roads, Traffic Management and Car Parking (Transport Contributions Plan) due to the nature of the development.

By reference to Section 1 of the plan, contributions for development are potentially payable in respect of roads and traffic, car parking and administration.
By reference to section 1.4 of the plan, contributions are understood to be payable in respect of the proposed development by reference to four (4) proposed 2-bedroom units on the persons of 1.3 persons and 4-tips per dwelling. Car parking contributions are not applicable. An administration fee is payable by reference to clause 1.6 in relation to 4 x 2-bedroom units.

4.6.3 SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN - DUBBO OPEN SPACE AND RECREATION FACILITIES

The cited plan is applicable to this development by virtue of clauses 2.2 and 2.8. The development is not exempt from the plan by virtue of clause 2.9.

The site is located within the Dubbo Planning Unit Central (South) area by reference to Figure 3 of the plan. The 2-bedroom or more rate is applicable per dwelling as per Table 7 of the plan.
### Table 4.1 - Applicable Dubbo DCP Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SECTION 2.1 RESIDENTIAL DEVELOPMENT AND SUBDIVISION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Section 2.1.1 Residential Design – Dwellings, Dual Occupancy and Multi-Dwelling Housing</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Element 1 - Streetscape Character</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P1. The fenestration of buildings and their entries are clearly apparent from the street.</td>
<td>A1.2 Buildings appear to the public street, address the street by having a front door facing the street.</td>
<td>It is clearly evident from the proposed design plans that the fenestration of the buildings and their entries are clearly apparent from the street and the front door of the dwellings is a clearly visible location.</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A1.3 The site area for multi-dwelling housing is a minimum of 950 m² and has a minimum frontage of 25 m.</td>
<td>A minimum frontage of 25m is provided however the total area is less than the 950m² minimum area. While adhering to a minor incompatibility with the numerical standard, the development is compliant with other relevant provisions identified in relation to the performance criteria and is consistent with the overarching performance criteria. The development is therefore considered acceptable in the context of the element of the DCP.</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A1.4 Where dual occupancies or multi-dwelling housing are situated on corner lots (where one is not a bowl-in), the development is designed to face each street frontage.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A1.5 Dual occupancy development shall be designed in accordance with Figure 1.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A1.6 Dual occupancy development shall not be designed as multi-family</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P2. The development is to be designed to respect and reinforce the positive characteristics of the neighborhood in which it is located.</td>
<td>A2.1 Design elements to consider include:</td>
<td>The building is proposed as double storey. A number of two storey buildings such as the Harvey Street (approx. 530 meters) and Power Street (approx. 525 meters) buildings are common however there is a growing number of two storey dwellings being approved. Including a recent approval of development for two storey dwellings on Park Street. The building will be approximately 295 meters to the side.</td>
<td>✓</td>
</tr>
</tbody>
</table>

*Note: The page number is 511.*
## Applicable Dubbo DCP Requirements

<table>
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</tr>
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<tbody>
<tr>
<td></td>
<td>• Pedestrian pathways (location and width)</td>
<td>Consistency with prevailing or emerging character model not be divided to a greater extent. This could be considered in the context of compatibility and integration. Where discrete entry points are not as common a feature of the locality as single entry, they are a permissible and valid form of connectivity. The following general considerations apply to complying development proposals and, without prejudice to Council DCP requirements. Similarly, passenger lift buildings, which would be of a similar or larger scale to the proposed development, are permissible and could be developed. Demand for developments of these sizes is generally hard to predict, and the market for such developments is sensitive to this. Further, DCP Section 2.1.1 imposes no specific height restrictions on single-storey dwellings. However, the development is not multi-storey housing, it is more readily considered a residential flat building, for which a maximum height of 15 metres applies (see Section 2.1.2). Therefore, this project does not exceed the maximum height. To support this, a 15m high residential flat building would be permitted in the locality, but a 9.8m high multi-storey housing development may not would be an effective planning outcome.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Fence styles and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Building and streets</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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**Table 4.1 - Applicable Dubbo DCP Requirements**

**PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE**

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### Table 4.1 - Applicable DCP Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
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</tr>
</thead>
<tbody>
<tr>
<td>P3 Walls erected from the street are adequately designed to resist lateral forces.</td>
<td>A3.1 This may be achieved by potential lateral forces, provision of adequate strength, and proper design.</td>
<td>This is achieved by reference to the design plans in respect to the lateral forces and material specified.</td>
<td>✓</td>
</tr>
<tr>
<td>A4 Garages and parking structures (e.g. garages,) are sized and designed to ensure they do not obstruct the street view to the building and do not dominate views of the building from the street.</td>
<td>A4.1 The width of a garage door or parking structure facing the street shall not be greater than 1/3 of the total width of the front of the building for an alignment in excess of 10 m in width, measured at the street line.</td>
<td>This is achieved by reference to the design drawings.</td>
<td>✓</td>
</tr>
<tr>
<td>A5 Site plan shows the location of site changes with reference to the existing street.</td>
<td>A5.1 Site plan shows the location of site changes with reference to the existing street.</td>
<td>This is achieved by reference to the design drawings.</td>
<td>✓</td>
</tr>
<tr>
<td>A6.1 Fences should have elements from neighboring properties where elements are representative of the street view.</td>
<td>A6.1 Fences should have elements from neighboring properties where elements are representative of the street view.</td>
<td>High quality fabric with decent proposal as per drawings AR.K17</td>
<td>✓</td>
</tr>
<tr>
<td>A7.1 Fences along residential boundaries may have a maximum height of 1.2 m in excess of 1/3 of the total width of the building, measured at the street line.</td>
<td>A7.1 Fences along residential boundaries may have a maximum height of 1.2 m in excess of 1/3 of the total width of the building, measured at the street line.</td>
<td>This would be achieved</td>
<td>✓</td>
</tr>
<tr>
<td>A8.1 Fences along residential boundaries may have a maximum height of 1.2 m in excess of 1/3 of the total width of the building, measured at the street line.</td>
<td>A8.1 Fences along residential boundaries may have a maximum height of 1.2 m in excess of 1/3 of the total width of the building, measured at the street line.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>A9.1 Fences along residential boundaries may have a maximum height of 1.2 m in excess of 1/3 of the total width of the building, measured at the street line.</td>
<td>A9.1 Fences along residential boundaries may have a maximum height of 1.2 m in excess of 1/3 of the total width of the building, measured at the street line.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

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**Appendix No: 3 - Statement of Environmental Effects**

**Planning, Development and Environment Committee**

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Table 4.1 – Applicable DCP Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
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</thead>
<tbody>
<tr>
<td>S1. Fencing style and materials need to be modelled and do not cause undue overshadowing of adjoining development. Note: Fencing does not extend beyond the residential areas of adjoining developments.</td>
<td>All 3 types of fencing to include decorative elements and artificial plants for vegetation screening to soften the visual impact of the fence.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>S2. Fencing on wall elements does not obstruct view to the rear of the property.</td>
<td>All 3 types of fencing to include decorative elements and artificial plants for vegetation screening to soften the visual impact of the fence.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>S3. Gates are designed to ensure accessibility and material safety.</td>
<td>All 3 types of fencing to include decorative elements and artificial plants for vegetation screening to soften the visual impact of the fence.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Note: Gates are not permitted to open onto the public footpath (Clause 5.1: Highways Regulations)</td>
<td>All 3 types of fencing to include decorative elements and artificial plants for vegetation screening to soften the visual impact of the fence.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Table 4.1 – Applicable DCP Requirements

<table>
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</thead>
<tbody>
<tr>
<td>Element 2 – Building Setbacks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P1 Front boundary setback – dwellings and ancillary structures</td>
<td>Primary frontage: A1.1 in A1 zone; A2.1 in A2 zone – minimum setback of 4.5 m from the front property boundary where no streetscape setback has been established.</td>
<td>This is achieved via the design drawings</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A1.2 R2 zone – minimum setback of 10 m from the front property boundary where no frontage setback has been established. Residential development on corner allotments shall address both street frontages.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A1.3 in established areas, infill development is to be setback from the street and the rear of the street shall be designed accordingly.</td>
<td>This would be achieved by reference to adjacent dwellings.</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Secondary frontage: A1.4 in A1 and A2 zone – the secondary (side) setback is 3 m from the side boundary of the adjoining building or 10 m from the street, whichever is greater. Residential development is designed accordingly.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A1.5 R2 zone – the secondary (side) setback is 3 m. Where the carport is designed, residential development is designed accordingly.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A1.6 Established area – the secondary (side) setback is 3 m. Where the carport is designed, residential development is designed accordingly.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A2.1 Residential development is setback such that it complies with the requirements of the Building Code of Australia (BCA).</td>
<td>This would be achieved</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A2.2 R2 zone – the minimum setback to the side or rear boundary is 3 m.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
## Table 4.1 - Applicable DDP Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
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<th>Assessment</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>03 Front boundary set-back - garages and carports</td>
<td>Primary footprint: A3. Garages and carports are set back from the front property boundary a minimum of 2.5 m from the front property boundary and in line with or behind the alignment of the front facade of the dwelling. This does not apply to structures where the footprint is less than 1.5 m in width.</td>
<td>This would be achieved</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Secondary footprint: A3.3 Garages and carports in the R1 and R2 zones on boundary or on the front boundary of the property shall be a minimum of 3.0 m set back from the secondary property boundary (see Figure 4a).</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A3.4 Garages and carports in the R3 zone on secondary footprints all other elements may extend beyond the alignment of the secondary facade of the dwelling but shall extend a minimum 0.75 m set back from the secondary property boundary (see Figure 4a).</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>04 Side and rear boundary set-back - garages and carports</td>
<td>A3.1 Garages and carports are set back such that they comply with the requirements of the DDA.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
# Statement of Environmental Effects

**APPENDIX NO:** 3 - **STATEMENT OF ENVIRONMENTAL EFFECTS**

## Planning, Development and Environment Committee

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### Table 4.1 - Applicable Dubbo DCP Requirements

<table>
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<th>Assessment</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solar Access</td>
<td>A1: Dwellings are sited in accordance with Figure 5. This would be achieved.</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td></td>
<td>A2: On eastwest oriented sites, the setback on the north side of the lot is increased to allow for maximum solar access to habitable rooms located on the north side of the dwelling.</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td></td>
<td>A3: A roof area sufficient to meet the space requirements for a solar hot water service is provided where it lies within 200 of north and receives direct sunlight between the hours of 9.00 am and 3.00 pm on 22 June.</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td></td>
<td>A4: Outdoor clothes drying areas are located to ensure adequate sunlight and ventilation are provided between the hours of 9.00 am and 3.00 pm on 22 June.</td>
<td>✔</td>
<td>✔</td>
</tr>
</tbody>
</table>

**Note:** Council requires the submission of a shaded diagram to demonstrate the extent of overshadowing on adjoining and adjacent properties for any residential development above single storey height.

Shadow diagrams are to be prepared for 9.00 am, 12 noon and 3.00 pm on 22 June. The shadow diagrams are to demonstrate the extent of overshadowing of the proposed and existing developments on the subject and end and adjacent sites.

The proposed development is shown in red by the rules in Dubbo for 22 June as it is to be executed using the information provided at the end of this element.

A2: 1. Habitat rooms of adjoining development receive a minimum of four hours solar access between the hours of 9.00 am and 3.00 pm on 22 June.

While the performance criteria indicates that no change to solar access levels would be accepted, acceptable solutions A2.1 and A2.2 identify that a minimum of 30% of the roof area of the proposed development should be provided with solar access. The acceptable solutions do not state that these hours need to be consecutive.

As the existing development is north facing, the southern side of the existing dwelling is in shade for much of the time. There is no change to this arrangement. Eastern and western elevations are similarly unaffected by the proposed development and are thus the proposed arrangement is consistent with the criteria.

By reference to Drawings A09 - A12, shadow impacts to the neighbouring dwelling to the south are

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### Table 4.1 - Applicable Dubbo DCP Requirements

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<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>All 2</td>
<td>Property private open space of adjoining and adjacent development receives a minimum of four hours solar access over 70% of the property and open space area between 9:30 am and 3:30 pm of 22.5m²</td>
<td>largely unimpacted due to the setback proposed and the design and size of the building.</td>
<td>✔</td>
</tr>
<tr>
<td>All 3</td>
<td>Landscaping is designed to ensure that when mature, required areas of private open space or established EWD (existing developed area on adjoining properties) maintain solar access on 20% of its perimeter.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Performance Criteria</td>
<td>Acceptability Solutions</td>
<td>Assessment</td>
<td>Compliance?</td>
</tr>
<tr>
<td>----------------------</td>
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<td>------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Private open space</td>
<td>P1. Private open space is 32% of the site area, in accordance with the development of the site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Note: See Item 3 – Site Access requirements for private open space development in residential areas.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development in residential areas</td>
<td>All 3 Dwelling houses, semi-detached and multi-unit housing shall have a private open space (POS) area, in addition to the general private open space (POS) area.</td>
<td>A1. The POS area has a minimum area per dwelling of 25 m² and a minimum dimension of 3.5 m by 3.5 m for multi-unit housing. This area can include covered (not enclosed) private open space areas.</td>
<td>This would be assessed.</td>
</tr>
<tr>
<td></td>
<td>Note: Drawing 405: The rear parts of the two central proposed multi-unit housing blocks, dwellings 1 and 2 to measure 25 m², resulting in an area of 95 square metres. This area is therefore considered in accordance with the acceptable solution with respect to the required dimensions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Note: The rear part of the two central proposed multi-unit housing blocks, dwellings 1 and 2 can be accessed from the east access and therefore satisfy both the area and dimension requirements. The existing dwelling satisfies both requirements.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing dwelling</td>
<td>A2. Dwelling houses and dual occupancies have an overall private open space (POS) area that measures 25 m² by 40 m² of the site area, in accordance with the development of the site.</td>
<td>A2. This requirement specifies that the existing dwelling is in compliance with the numerical standards and given the eastern orientation.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A3. Multi-unit housing has an overall private open space (POS) area that measures 25 m² by 40 m² of the site area per dwelling, in accordance with the development of the site.</td>
<td>A3. This requirement specifies that the existing dwelling is in compliance with the numerical standards and given the eastern orientation.</td>
<td></td>
</tr>
<tr>
<td>Other reference to the acceptable solutions, the site has an area of 800 m² and therefore POS of 600 m² is required. The difference with the numerical standard is considered acceptable.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>This numerical standard would be achieved for the existing dwelling and proposed dwellings 1 and 4. Proposed dwellings 1 and 4 to have 24 square metres of POS, which satisfies the 25 m² numerical standard. Where the compliance with the numerical standard is not achieved, as noted above, the</td>
<td></td>
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</tbody>
</table>
Table 4.1 – Applicable Dubbo DCP Requirements

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</thead>
<tbody>
<tr>
<td>P1 Private open space is easily accessible by the occupant of the development and provides an acceptable level of privacy.</td>
<td>A2.1 All Principles Private Open Space (POPS) is directly accessed from the main living area.</td>
<td>This would be achieved</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A2.2 All private open space is located behind the front boundary and is accessible to provide for the privacy of occupants and the occupants of adjoining properties.</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Landscaping</td>
<td>A3.1 Landscaping is provided in accordance with the requirements of the Landscaping Schedule (see DCP p. 46).</td>
<td>This would be achieved</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A3.2 The height and density of vegetation or masonry will be suitable to screen and soften the development.</td>
<td>This would be achieved</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A3.3 A landscape plan is required to be provided for assessment with the lodgement of all development applications for dual occupancy and multi-dwelling housing developments.</td>
<td>This would be achieved</td>
<td>✓</td>
</tr>
<tr>
<td>PH Landscaping is located to not impact infrastructure, development on the site or development adjoining the site</td>
<td>A4.1 Species are selected and located taking into consideration the site of the root zone of the trees and the likelihood of potential for the trees to shedding materials.</td>
<td>This would be achieved</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A4.2 Species are selected and located to ensure that the amenity of adjoining and adjacent properties is not impacted (see Element 3 - Solar Access).</td>
<td>This would be achieved</td>
<td>✓</td>
</tr>
<tr>
<td>PE Landscaping is undertaken in an environmentally sustainable manner which limits the time and costs associated with maintenance.</td>
<td>A5.1 Existing native trees are retained.</td>
<td>One large Eucalyptus requires removal to facilitate the development. Whilst this tree would unobtrusively by removed due to the placement of the proposed buildings, it is large tree with large branches that would pose a risk to the property. It would also pose a risk to pedestrian safety. It is therefore considered justified. Other trees on site are either non-native or smaller trees that are not worthy of retention.</td>
<td>✓</td>
</tr>
</tbody>
</table>
### Table 4.1 - Applicable DCP Requirements

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</thead>
<tbody>
<tr>
<td>A1.1 Opens existing irrigation from the local drain.</td>
<td>What the development involves the removal of an existing irrigation. It is considered that the development is generally acceptable in the context of the applicable performance criteria.</td>
<td>This would be achieved - refer DCP.</td>
<td>✔</td>
</tr>
<tr>
<td>A1.2 Irrigation requirements include the installation of a rainwater harvesting system or the provision of a water recycling system.</td>
<td>The installation of rainwater harvesting system or water recycling system.</td>
<td>This would be achieved - refer DCP.</td>
<td>✔</td>
</tr>
<tr>
<td>A1.3 Landscaping, tree, and natural water bodies for flood control, water harvesting, and water recycling.</td>
<td>The installation of landscaping, trees, and water bodies for flood control, water harvesting, and water recycling.</td>
<td>This would be achieved - refer DCP.</td>
<td>✔</td>
</tr>
<tr>
<td>A1.4 Landscaping in conjunction with a rainwater harvesting system and the installation of a water recycling system.</td>
<td>The installation of landscaping in conjunction with a rainwater harvesting system and water recycling system.</td>
<td>This would be achieved - refer DCP.</td>
<td>✔</td>
</tr>
<tr>
<td>A1.5 Water and sanitation systems that are designed to minimize the impact on the local environment.</td>
<td>The installation of water and sanitation systems designed to minimize the impact on the local environment.</td>
<td>This would be achieved - refer DCP.</td>
<td>✔</td>
</tr>
</tbody>
</table>
### Table 4.1 - Applicable Double DCP Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Element 5 - Infrastructure</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P1: Residential development shall not encroach or affect the access capacity of public infrastructure (including reticulation services, streets, open space and public services).</td>
<td>A3.1: Physical infrastructure is provided by the proponent in accordance with Council's relevant policies.</td>
<td>This would be confirmed</td>
<td>✓</td>
</tr>
<tr>
<td>P2: Design and layout of residential development will provide access to open space (including reserves) and facilities to enable accessibility and use of telecommunications services.</td>
<td>A3.2: Development is connected to a telecommunications system provided in accordance with the requirements of the relevant authority.</td>
<td>This would be confirmed</td>
<td>✓</td>
</tr>
<tr>
<td>P3: The development is connected to reticulated sewage, water supply and electricity systems and to natural gas where available.</td>
<td>A3.3: Development is connected to Council's reticulated water supply, stormwater drainage and sewage system in accordance with Council's relevant version of AS/NZS and relevant policies (including separate water meters where the development is to be subdivided).</td>
<td>This would be confirmed</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A3.4: Where not serviced by Council reticulated water supply in the R3 (residential) zone, each dwelling is provided with at least 250 L water storage; or in the R4 (residential) zone, the dwelling is connected to a water supply if demonstrated by a member of the local fire brigade to be necessary for fire fighting purposes (see Note 1).</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A3.5: Reticulated electricity supply must provide for the needs of the development and be adequate for development where any access to an electricity supply is available.</td>
<td>This would be confirmed</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A3.6: Where Council drainage services are not available, an approved effluent disposal system is installed and located so as to not interfere with required drainage, or the development is situated on a flat land or flat land suitable for drainage and where the drainage system is not to be connected to any surface or ground-water bodies.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A3.7: Stormwater drainage system is provided and designed in accordance with Stormwater Design Manual.</td>
<td>Not applicable as the area has sufficient capacity</td>
<td>✓</td>
</tr>
<tr>
<td>P4: In areas where drainage infrastructure has title or no access capacity developments which would generate stormwater run-off beyond that can be adequately drained.</td>
<td>A4.1: Stormwater detention shall be provided with designed release into the stormwater system.</td>
<td>This would be confirmed</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A4.2: Stormwater detention area shall be provided.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A4.3: On-site water recycling system shall be provided.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 4.1 – Applicable Dubbo DCP Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Visual privacy</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>All 1 Windows of habitable rooms with art. outlook to habitable room windows in adjacent development within 15 m. are made of 7.5 mm obsidian glass or 15.5 mm obsidian glass. The distance from the habitable rooms being not length of 15.5 mm obsidian glass or the window area having less than 1.5 m above four eyes.</td>
<td>Fixed screening is proposed in respect of the roof facing the habitable windows (see Figure 1).</td>
<td>✓</td>
<td></td>
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<tr>
<td></td>
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</tr>
<tr>
<td><strong>Acoustic privacy</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All 2 The transmission of noise is not seen between habitable rooms within the proposed development and adjoining and adjacent development as increased.</td>
<td>No reduction proposed. The floor proposed is setback from the boundary and screened in side existing.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All 3 Electrical, mechanical or hydraulic equipment or plant generating a noise level not greater than 55 dm above the floor level at the boundary of the project.</td>
<td>This would be achieved.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>All 4 If the proposed development is separate and combined sufficiently to prevent the transmission of noise.</td>
<td>This would be achieved.</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

Note: The decision to accept or reject the proposed development will be made in accordance with the Environmental Impact Assessment (EIA) process and the recommendations of the reviewing authority.
Table 4.1 - Applicable Dubbo DCP Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
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</tr>
</thead>
<tbody>
<tr>
<td>A2.4 Dwelling walls and floors between residential uses are constructed to meet the requirements of part 7.3 of the BCA (Class 2 and 3 buildings unit).</td>
<td>This would be achieved</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>A2.5 Residential accommodation is constructed to ensure habitable rooms are not exposed to noise levels in excess of Australian Standards, including AS 2671 - Road Traffic.</td>
<td>This would be achieved</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

Element 7: Vehicular access and car parking

Parking provision

P1. Car parking is provided according to proposed needs, the situation of the site and the characteristics of the immediate locality.

<table>
<thead>
<tr>
<th>Item No: PDEC17/9</th>
<th>Table 4.1 - Applicable Dubbo DCP Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1.1 Dwelling houses and dual occupancy development provide the following car parking spaces per dwelling:</td>
<td></td>
</tr>
<tr>
<td>One bedroom dwelling - one car parking space per dwelling, situated behind the front building set back, and</td>
<td></td>
</tr>
<tr>
<td>Two bedroom dwelling - two car parking spaces per dwelling. At least one of the required spaces shall be situated behind the front building set back, and</td>
<td></td>
</tr>
<tr>
<td>NA - not a dwelling house or dual occupancy</td>
<td></td>
</tr>
<tr>
<td>A1.2 Multi-dwelling housing development provides the following car parking spaces per dwelling:</td>
<td></td>
</tr>
<tr>
<td>One bedroom unit - one car parking space per unit, and</td>
<td></td>
</tr>
<tr>
<td>Two bedroom unit - two car parking spaces per unit, and</td>
<td></td>
</tr>
<tr>
<td>Visitor parking - one car parking space for every four units or part thereof with a minimum of one car parking space</td>
<td></td>
</tr>
<tr>
<td>One car parking space (garage) is provided per dwelling with the ground floor. The garage entrance is in line with the front building setback. The garage is setback approximately 3.5 meters from the front property boundary and provides sufficient room to park a second car without overhanging the property boundary. This is consistent with other multi-unit developments in the locality - refer Section 3.1.</td>
<td>✓</td>
</tr>
<tr>
<td>There is on-site street parking availability in the locality to accommodate the one (1) car parking space shortfall for visitor parking. By reference to the applicable performance criteria, it is considered that the development is generally acceptable.</td>
<td></td>
</tr>
</tbody>
</table>

Design

P2. Car parking facilities are designed and located to:

- Consistently and safety serve users including pedestrians, cyclists and vehicles,

A2.1 The dimensions of car spaces and access comply with Section 3.5 Parking | This would be achieved | ✓ |

A2.2 Accessways and driveways are designed to enable vehicles to enter the designated parking space in a single | This would be achieved | ✓ |
### Table 4.1 - Applicable DCP Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
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<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turn-in movement and have the space in no more than two turning movements.</td>
<td>A single access driveway is provided for each dwelling's garage and it is situated so vehicles could enter at a tangent direction but exit to access the street. A single access driveway into Fifty Street provides sufficient space for cars to safely overtake onto the street without entering the flow of traffic. The arrangement is therefore considered compliant with the overarching performance criteria.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>All vehicles in multi-development housing should enter and exit development sites in a forward direction.</td>
<td>A single access driveway is provided for each dwelling's garage and it is situated so vehicles could enter at a tangent direction but exit to access the street. A single access driveway into Fifty Street provides sufficient space for cars to safely overtake onto the street without entering the flow of traffic. The arrangement is therefore considered compliant with the overarching performance criteria.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>All 4 where five or more car spaces (or three or more dwellings) are served, or a driveway connects to a distributor, the access roads have to be continuous.</td>
<td>A single access driveway is provided for each dwelling's garage and it is situated so vehicles could enter at a tangent direction but exit to access the street. A single access driveway into Fifty Street provides sufficient space for cars to safely overtake onto the street without entering the flow of traffic. The arrangement is therefore considered compliant with the overarching performance criteria.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>All 5</td>
<td>This would be achieved</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

---

**APPENDIX NO: 3 - STATEMENT OF ENVIRONMENTAL EFFECTS**

**ITEM NO: PDEC17/9**
### Table 4.1 - Applicable Subor DCP Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driveways and access points</td>
<td><strong>A.1</strong> Driveway comply with the following:</td>
<td>The performance criteria should be achieved through detailed design and consideration of specific site conditions. The design should be based on the specific site requirements.</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td><strong>A.2</strong> Driveway and access point</td>
<td>The performance criteria should be achieved through detailed design and consideration of specific site conditions. The design should be based on the specific site requirements.</td>
<td>N/A</td>
</tr>
<tr>
<td>Access points to streets</td>
<td><strong>A.2.1</strong> Access points from a road managed by Council: Where access is not available such access will be constructed at full cost to the developer in accordance with Council standards.</td>
<td>The performance criteria should be achieved through detailed design and consideration of specific site conditions. The design should be based on the specific site requirements.</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td><strong>A.2.2</strong> Culvert stops are provided where required and culverts are constructed to maintain the flow of stormwater through the catchments and other drainage structures.</td>
<td>The performance criteria should be achieved through detailed design and consideration of specific site conditions. The design should be based on the specific site requirements.</td>
<td>N/A</td>
</tr>
<tr>
<td>Access points off highways</td>
<td><strong>A.2.3</strong> To be undertaken in accordance with the requirements of Council and any requirements (if any).</td>
<td>The performance criteria should be achieved through detailed design and consideration of specific site conditions. The design should be based on the specific site requirements.</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**APPENDIX NO:** 3 - STATEMENT OF ENVIRONMENTAL EFFECTS

**ITEM NO:** PDEC17/9
## Applicable Dubbo DCP Requirements

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</tr>
</thead>
<tbody>
<tr>
<td>AS2 Development lining highways (western, Mitchell and Scenic high ways) or the number of access points, areas with easy access to the highway of the adjacent blocks or intersections of stormwater.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>AS2.2 Other road footings are used if drainage is available</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>AS2.3 The number of access points to a highway is not greater than the number of existing access points</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>AS4.2 Curb plans are provided whose curbs and access are constructed to maintain the flow of stormwater through catchments and other drainage structures</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Security</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AS5 Car parking facilities are designed and located so as to not:</td>
<td>This would be achieved</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>- Be adjacent or give reasonable access to residential accommodation</td>
<td></td>
<td></td>
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<tr>
<td>- Be in an exposed or windward position</td>
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<tr>
<td>- Obstruct the view between the street and the building</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Emergency vehicle access</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AS7.1 Access ways into multihousing development are designed to accommodate an HVFRHOL 6.6-m Length Design Vehicle</td>
<td>Performance should identify the point where access to the building is provided.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Surface treatment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AS3.1 Surfacing, car parks and access points are designed in accordance with Section 3.1 Surfacing Design</td>
<td>This would be achieved</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Location of driveways and access areas from residential uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AS8.1 Shared driveways, accessways and car parks of other residential uses are set back a minimum of 7.5 m from windows in habitable rooms of residential accommodation</td>
<td>Not applicable</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
## Table 4.1 – Applicable Dubbo DCP Requirements

<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>P8 Shared driveways, accessways and car parks of new developments are located to the maximum extent of allowing residents to enhance residents’ privacy.</td>
<td>unless the floor level of the dwelling is as least 7.0 m above the driveway. The setback may be reduced to 5.0 m where the driveway area is bounded by a fence of 1.5 m in height.</td>
<td>Performance criteria identify that this control applies to shared driveways, accessways and car parks. Separate driveways are provided for each dwelling and as such are not considered to be shared.</td>
<td></td>
</tr>
</tbody>
</table>

### Element 8 - Waste Management

<table>
<thead>
<tr>
<th>Domestic solid waste</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>P1 Domestic solid waste is disposed of in an environmentally responsible and safe manner.</td>
<td>A1.1 Residential accommodation shall participate in Council’s garbage and recyclables collection service</td>
<td>This would be achieved</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A1.2 Organic waste shall be composted.</td>
<td>This would be achieved</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A1.3 Recycling of waste such as paper (multi in garden), plastics, glass and aluminium.</td>
<td>This would be achieved</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A1.4 Recycle of waste such as timber.</td>
<td>This would be achieved</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A1.5 Disposal of waste to a Council approved waste facility or transfer station.</td>
<td>This would be achieved</td>
<td>✓</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Industry solid waste</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>P2 The amount of liquid waste generated is minimal.</td>
<td>A2.1 The use of dual-flush toilet systems and water saving fittings and appliances.</td>
<td>This would be achieved</td>
<td>✓</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Treatment system</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>P3 Where no reticulated sewage system is available, the ability to use treated waste water is maximised where the reclaimed water is either used for irrigation to the property or ground water supplies.</td>
<td>A3.1 Subject to site suitability, the use of advanced wastewater treatment systems (AWTS) which enable treated effluent to be used for water trees and gardens. Note: 1. AWTS enable treated effluent to be applied onto trees, gardens, lawn etc. Treated effluent shall not be used to irrigate aquatic or active recreation areas or used to grow vegetables or fruit for human consumption. Note 2: Recommended buffer distances for onsite sewage disposal systems are included in the table below.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Buffer distance for onsite sewage disposal systems</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A4.1 Buffer distance for onsite sewage disposal systems are stored behind the building line.</td>
<td>This would be achieved</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Performance Criteria</td>
<td>Acceptable Solutions</td>
<td>Assessment</td>
<td>Compliance?</td>
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<td>--------------------------------------</td>
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</tr>
<tr>
<td><strong>Element 9 – Site Facilities</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Mail boxes</td>
<td>P1 Mail boxes are located for convenient access by residents and the security authority.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage areas</td>
<td>P2 Each dwelling within a multi-residential development is provided with adequate storage areas and external clothes drying facilities.</td>
<td>A1.1 Individual mail boxes are located at each ground-floor entry of residential accommodation or a mail box structure is located close to the major pedestrian entrance to the site.</td>
<td>This would be achieved</td>
</tr>
<tr>
<td></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Security</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car parking areas and pathways</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antennae</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Telecommunications facilities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>A3.1 Car parking areas and pathways are in accordance with AS 1178.</td>
<td>This would be achieved</td>
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<td></td>
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</tr>
<tr>
<td><strong>2.1.3 – Subdivision Controls</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Element 1 – Neighbourhood Design</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road design and on street infrastructure provides motor vehicle use and promote walking and cycling.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreational areas, shops and facilities are located within walking distance (300 m) of residences.</td>
<td>A1.1 Recreational areas, shops and facilities are located within walking distance (300 m) of residences.</td>
<td>This is achieved</td>
<td>✓</td>
</tr>
<tr>
<td><strong>Planning, Development and Environment Committee</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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### Table 4.1 – Applicable Dubbo DCP Requirements

<table>
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<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision complies with the relevant Residential Release Schemes.</td>
<td></td>
<td>This is achieved</td>
<td>✓</td>
</tr>
<tr>
<td>PS Neighbourhood design provides for passive surveillance of residents and public areas to ensure personal safety and reduces the potential for crime.</td>
<td></td>
<td>This is achieved</td>
<td>✓</td>
</tr>
<tr>
<td>Item NO: PDEC17/9 3 - Statement of Environmental Effects</td>
<td></td>
<td>This is achieved</td>
<td>✓</td>
</tr>
</tbody>
</table>

**Element 2 - Lot Layout**

| Item NO: PDEC17/9 3 - Statement of Environmental Effects                             |                                                                limited to access and parking.                                                                                                                                                                                        | Development compliant with LEP in that lot sized 300 m².                | ✓           |
| P1 Lots are of appropriate area and dimensions for the siting and construction of a dwelling and ancillary outbuildings, the provision of private outdoor open space, convenient vehicle access and parking. | A1.1 Lot size complies with Dubbo LEP 2011.                                                                                                                                                                              | This is achieved                                                          | ✓           |
| A1.2 Lot size and dimensions take into account the slope of the land, and incorporate amenity areas and facilities associated with dwelling construction. |                                                                                                                                                                                                                       | This is achieved                                                          | ✓           |
| A1.3 Lot size and dimensions enable residential development to be able to:          |                                                                                                                                                                                                                       | This is achieved                                                          | ✓           |
| - Protect native vegetation and native recreational areas;                          |                                                                                                                                                                                                                       | This is achieved                                                          | ✓           |
| - Acknowledge site constraints including soil erosion and subsurface flows; and    |                                                                                                                                                                                                                       | This is achieved                                                          | ✓           |
| - Retain special features such as trees and views (developers are encouraged to identify significant trees at subdivision stage); |                                                                                                                                                                                                                       | This is achieved                                                          | ✓           |
| **User requirements**                                                             |                                                                                                                                                                                                                       | This is achieved                                                          | ✓           |
| A1.1 Lot frontages are oriented to enable minimum maximum                    | A2.1 Lot frontages are oriented to enable minimum maximum                                                                                                      | This is achieved                                                          | ✓           |
| - Landscaped security                                                             |                                                                                                                                                                                                                       | This is achieved                                                          | ✓           |
| - Landscaped pedestrian access and protect open spaces                          |                                                                                                                                                                                                                       | This is achieved                                                          | ✓           |
| A1.2 Lots are oriented so that one side is within 300 m² of home                 |                                                                                                                                                                                                                       | This is achieved                                                          | ✓           |
| - North-facing windows improve opportunities for solar access;                   |                                                                                                                                                                                                                       | This is achieved                                                          | ✓           |
| - South-facing windows reduce solar access;                                       |                                                                                                                                                                                                                       | This is achieved                                                          | ✓           |
| - Large overhanging overhangs are therefore less suited to south-facing slopes.   |                                                                                                                                                                                                                       | This is achieved                                                          | ✓           |
Table 6.1 – Applicable Duston DCP Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELEMENT 1 – INFRASTRUCTURE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P1 Design and provision of utility services including sewage, water, electricity, gas, drainage and communication services are cost effective and their design and operation ensures minimal environmental impact to the occupation area.</td>
<td>The design and provision of all required utility services would be provided to meet the requirements of the relevant service authorities.</td>
<td>This would be achieved.</td>
<td></td>
</tr>
<tr>
<td>P2 Water and sewage services are to be provided to each dwelling at the full cost of the developer.</td>
<td>This would be achieved.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P3 Water and sewage services are to be designed and constructed in accordance with the requirements of AS1546.5:2002 – Water and Sewage Services Design and Development Specification Series – Design and Development Specification Services – Contribution.</td>
<td>This would be achieved.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P4 Electricity supply is provided on underground service in accordance with the requirements of the energy supply authority.</td>
<td>This would be achieved.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P5 Water supply and sewage networks are available, accessible, easy to maintain and are suitably provisioned based on Duston’s needs.</td>
<td>Water supply and sewage networks are available in the adjoining street network and along the northern boundary of the site. Connections to these services would be provided in each proposed lot – refer Drawings G001-0394.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ELEMENT 2 – STORMWATER MANAGEMENT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P6 Subdivision design and site layout provides for adequate stormwater storage.</td>
<td>All drainage site topography presents the discharge of stormwater directly to the nearest gutter or Council controlled stormwater system. No stormwater discharge is provided in excess of that at existing or future residential areas that are deeply to the existing Council controlled stormwater system.</td>
<td>No change to stormwater discharge arrangements for the existing dwelling. Stormwater discharge from the ground and out of the proposed dwellings would be managed to discharge to the streets, consistent with surrounding developments in the locality.</td>
<td></td>
</tr>
</tbody>
</table>
### Table 4.1 - Applicable DCP Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SECTION 5.4 - HERITAGE CONSERVATION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.4.19 - General Development Controls - Construction of new buildings</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Significance, character and setting</td>
<td>A1.1 Applications shall be accompanied by an analysis (Heritage Management Document) of how new buildings relate to heritage items in the vicinity and the heritage area.</td>
<td>The context of the table including the assessment of the building against the specific performance criteria satisfies the requirement.</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A1.2 New buildings are designed in a contemporary style with sensitivity to the heritage area.</td>
<td>The new building is a contemporary design influenced by the features of the existing area. The massing, height, form, scale and material selection of the existing heritage buildings have not been copied or parodied.</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A2.1 If there are non-uniform setbacks for adjacent significant buildings along the street, maintain the setback in any development.</td>
<td>The proposed setbacks to the existing street is consistent with the setback of the adjacent significant building.</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A2.2 Development shall be fragmented to the existing street pattern.</td>
<td>This is achieved.</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A3.1 New buildings shall be simple, complimentary in height with surrounding heritage items and in its context material and detailing to the building and surrounding heritage items. The proposed building is in keeping with the streetscape.</td>
<td>This would be achieved by reference to Drawing A12.1. The building is consistent with the approved plans for the site.</td>
<td>✓</td>
</tr>
</tbody>
</table>

Note: Proposed buildings, structures or improvements are generally considered as they do not interact with specific properties in the heritage area.

Site: The setback of the development from the front boundary of the proposed development shall be consistent with the setback provided in the approved DCP for the heritage area.

Per the approved DCP, the proposed building is consistent with the setback of the existing heritage items and is an appropriate contribution to the streetscape.
Table 6.1 – Applicable Dubbo DCP Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance?</th>
</tr>
</thead>
</table>
| Outbuildings         | PM: Geogry, sheds and other outbuildings shall be constructed of similar or compatible materials to the existing buildings to avoid statements of the heritage precinct. | All 1: In residential zones, garages or carports should not be located in front of the dwelling. Care shall be taken that these structures are kept simple in design.  
A2: Materials may be introduced provided that they are consistent with the fabric of the building and do not detract from the streetscape of the heritage precinct. | No detached outbuildings proposed | N/A |
| Signs                | PM: Signs shall be in keeping with the existing character of the precinct. | All 1: Any signs shall be contemporary and complement the character and significance of the heritage precinct.  
A2: The sign may include flat roofs which provide solutions for space with minimal streetscape impact. | No sign proposals | N/A |
| Route                | PM: In designing new buildings, the size, shape and height shall reflect the predominant height and proportions of adjacent buildings within the heritage precinct. | A1: The difference in building height between existing buildings and new development is not more than one storey when viewed from the public streets and adjoining properties.  
A2: The design may include flat roofs which provide solutions for space with minimal streetscape impact. | The difference in building height is no more than one storey when viewed from the street. This acceptable solution is therefore achieved. | ✔ |
| Material, colour and details | PM: Development shall relate to and use the materials, colour and details of adjacent heritage forms and the streetscape and amenity within the heritage precinct. | All 1: Materials may be introduced provided that they are consistent with the fabric of the building and do not detract from the streetscape of the heritage precinct.  
A2: The design may include flat roofs which provide solutions for space with minimal streetscape impact. | Materials have been chosen to reflect the prevailing character of the area. This solution is therefore achieved. | ✔ |
| Visual setting       | PM: Development shall visually relate to the streetscape of the heritage precinct. | All 1: Development shall not visually dominate or obscure views or sightlines to nearby historic buildings.  
A2: Development shall enhance and complement the streetscape and amenity of the heritage precinct. | No view would be obscured. | ✔ |
| Roofs                | PM: Roof shape and material relate to adopting buildings and the surrounding heritage precinct. | A1:1. Development shall reflect similar shapes and pitch plus utilize appropriate materials in keeping with the character of the heritage precinct.  
A2:1. Development shall reflect similar shapes and pitch plus utilize appropriate materials in keeping with the character of the heritage precinct. | The proportions of the building is consistent with surrounding buildings. As noted above, the difference in building height is no more than one storey when viewed from the street. This acceptable solution is therefore achieved. | ✔ |
| Provision for car access | PM: These should reflect the nature of adjoining historic buildings and the heritage precinct. | A1:1: Existing access points should be utilised where possible.  
Note: Large double driveways are not appropriate.  
A2:1: Existing access points is utilised by the development. | An existing crossover location is utilised by the development. | ✔ |
<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Details</td>
<td>FAST (Development should be recognisable as a product of its time and not create a false impression of age or style)</td>
<td>A1.2.1 Historic details such as small-paned windows, cast-iron brackets, decorative elements and original window glazing should not be replaced.</td>
<td>The development is a contemporary, architecturally integrated building which provides a modern and desirable form of housing. It is influenced by the design and materials of the 1960s.</td>
</tr>
</tbody>
</table>

**General Development Controls – Development Controls for residential precincts**

<table>
<thead>
<tr>
<th>Windows</th>
<th>A1.1 Windows shall be repaired rather than replaced if they contribute to the significance of the heritage item and are largely sound and intact.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A1.2 New window openings to precede facades and elevations are avoided.</td>
</tr>
<tr>
<td></td>
<td>A1.3 New window openings shall be sympathetically designed but clearly distinguished as a contemporary addition.</td>
</tr>
<tr>
<td></td>
<td>A1.4 Inappropriate modifications such as horizontal metal slides and fixed window frames shall not be used and if present shall be replaced where they detract from the significance of the heritage item.</td>
</tr>
<tr>
<td></td>
<td>A1.5 Fitted or previously designed window openings may be accommodated. Any replaced windows shall match facades, profiles, shapes, dimensions, details and materials.</td>
</tr>
</tbody>
</table>

**Roofs**

| A2.1 Any repair work shall be undertaken in the traditional material of the roof. |
| A2.2 Consideration shall be given to important views of a significant building when considering the introduction of new materials to the roof such as asphalt, solar collectors or satellite dishes. |
| A2.3 Where galvanised iron is replaced, unpainted corrugated iron shall not be used. |
| A2.4 A previously painted galvanised iron is replaced for the use of unpainted galvanised iron. This is consistent with the locally, noting that a mix of styles is evident. |

**Appendix No: 3 - Statement of Environmental Effects**

**Table 4.1 - Applicable Dubbo DCP Requirements**

**Planning, Development and Environment Committee**
### Table 4.1 – Applicable DDA OCP Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chimneys</td>
<td>Original chimneys shall be retained and conserved.</td>
<td>Chimneys do not form part of the development</td>
<td>N/A</td>
</tr>
<tr>
<td>Skylights and dormer windows</td>
<td>No modification of dormer or skylight windows shall not extend down or above the eavesline, or above the roof of the building.</td>
<td>Skylights shall not be located on front or side elevations of the visible front or side elevations.</td>
<td>Delights and dormer windows not proposed</td>
</tr>
<tr>
<td>Solar Panels</td>
<td>Development for a solar energy system shall not extend from or obscure the eavesline of the roof.</td>
<td>No solar energy systems will be attached to any wall of a heritage item having a primary role.</td>
<td>N/A</td>
</tr>
<tr>
<td>Stone walls</td>
<td>Minor additions, alterations or repairs to a heritage item shall match that of the original. Major additions may incorporate a contemporary material.</td>
<td>Match the stonework, texture, color and finish of the original.</td>
<td>Stone walls</td>
</tr>
<tr>
<td>Bricks, tiles</td>
<td>Minor additions, alterations or repairs to a heritage item shall match that of the original. Major additions may incorporate a contemporary material.</td>
<td>A seamless mix of seating or coping tiles with a similar appearance.</td>
<td>Brickwork</td>
</tr>
<tr>
<td>Timber work</td>
<td>Original timber cladding shall not be covered or replaced with artificial cladding such as metal or aluminium.</td>
<td>The acceptable solution would be existing buildings. Timber cladding is not proposed in the original, and the new joinery is simply an extension to the original building.</td>
<td>Timber work</td>
</tr>
</tbody>
</table>

**APPENDIX NO: 3 - STATEMENT OF ENVIRONMENTAL EFFECTS**

**ITEM NO: PDEC17/9**
## Table 4.1 - Applicable Dubbo DCP Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>19.2.2 Timber shall be suitably treated.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19.2.3 Exterior timber shall be properly finished to prevent its deterioration.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Overshadowing diagrams - clothes lines**

![Overshadowing diagrams - clothes lines](image)

**Figure 2: Overshadowing diagrams - back - full sun.**
Figure 4 Overhanging diagram - 10am – full sun
Figure 5: Overhead view diagram - Item - full sun
Figure 6: Overshadowing diagram – 11.30am – full sun for unit 1 and 90% sun for dwellings 2 - 4
Figure 7: Overshadowing diagram – 12pm – full sun for unit 1 and 70% sun for dwellings 2-4
Figure 8: Over shading diagram - 12.00pm - full sun for unit 1 and 25% sun for units 2-4
5.1 INTRODUCTION

Pursuant to Schedule 1 of the EP&A Regulation, this section of the report outlines the environmental impacts of the proposed development and any measures required to protect the environment or lessen the harm to the environment.

The impacts have been identified through an assessment of the proposed development against the provisions of section 79C(1)(b) and the former NSW Department of Urban Affairs and Planning’s (nd) Guide to Section 79C.

5.2 CONTEXT AND SETTING

The subject site is located to the East of the Dubbo CBD. The area is characterised primarily by low density residential development, with some more recently developed higher density (dual occupancy and multi-dwelling developments) scattered throughout the locality. The proposed development seeks consent for a number of distinct elements, including a two-lot Torrens subdivision of the land, development of a four x 2-bedroom terrace dwelling arrangement on the created vacant lot and the subsequent strata subdivision of this development. The scale of the proposed dwelling development is consistent with a recently approved development at 10 Rawson Street, approximately 200 metres to the east.

The two lot subdivision provides lots that satisfy the minimum lot size requirements of the LEP and is consistent with the arrangement of lots on the three other block corners in the locality – refer Figure 1.

The group of four terrace dwellings is designed as a single building under a single roof, with dwellings separated by common party walls and all with direct access to the street. As noted above, the minimum lot size for subdivision in the locality is 300 square metres however no minimum lot size for the development of dual occupancies or multi-unit dwellings is noted as per the LEP. The proposed subdivided Torrens lots satisfy the LEP minimum lot size.

Section 3 of the DCP identifies that the site is located in the north-east of the Residential East – Heritage Precinct. The site is not mapped via the LEP as being within a heritage conservation area. The locality in which the development is located has historically been characterised by detached single storey dwellings on larger lots however both recently and historically subdivision to provide smaller lots, particularly on corners, is apparent.

The proposed application responds well to the aims of the Dubbo Residential Areas Strategy (Strategy) by providing a housing choice that is not otherwise well represented in the City of Dubbo. Across Australia, the historical tendency to provide larger houses on larger lots has begun a slow reversal since the global financial crisis in 2008, with a reduction in average detached house sizes and an increased demand for apartments and townhouses. According to Australia’s Housing Industry Association, citing figures released by the New South Wales government, there were 30,191 new homes completed in Sydney during 2015/16 financial year, the highest total seen since 1999/2000. Not only was that 10.4% higher than the 2014/15 financial year, but apartments accounted for two in every three homes built last year.

Whilst a shift in housing types has been slower in regional centres, a shift of this nature is still evident by reference to the growing numbers of developed and investor constructed dual occupancies and multi dwelling housing, typically in areas close to shops and services.

The subject site is reflective of this emerging character. It satisfies the broad goal of the Strategy to provide choice in housing options for those people relocating to regional centres from larger urban centres. For this market, an area close to services and public transport, but with minimal costs (both
financial and time related) associated with low maintenance is a clear goal. The subject dwellings achieve this.

The proposed development also provides a logical first step towards consolidation of urban areas and is consistent with both the Strategy goal, the relevant DCP performance criteria and the emerging character that is clearly sought by Council for this area through the introduction of uniform and (comparatively) small minimum lot size. Developments of townhouses and residential flat buildings, alongside dual occupancies and multi dwelling house developments, are likely to increase in the coming years in response to growing demand and will bring about a change to the character of this area. This change is clearly contemplated in Council’s strategic vision for the area through the adoption of a 300 square metre minimum lot size; as smaller lots are created housing design must change and adapt to respond to this. A short survey of the surrounding locality reveals a number of higher density developments that have been approved by Council in recent years. Additionally there are also many examples of buildings built with zero setbacks and a number of double storey buildings in the locality, including a property directly to the south of the subject site. Examples of these are reflected in the Plates section of this report.

The proposed building design has adopted the surrounding prevailing character in a number of specific ways, including the roof design (form, pitch and shape), material selection and street setbacks. Specific design features such as the articulated brick elements on the front facade of the proposed building reflect the gutter height of the retained dwelling to the north, providing a direct visual link between the two properties.

By approving the development of a similar scale of development at 1D Rawson Street, Council has confirmed this development style reflects the intended strategic focus of the locality. The design of the proposed townhouses has sought to compromise between the current character of the area whilst transitioning logically to a more economically viable, consolidated form of development that responds to the current changes in the housing market.

The proposed development seeks to provide the highest and best use for the site and provides valuable high quality, low maintenance dwellings within the Dubbo urban area that are appropriate for young professional couples or singles, students or aged persons looking to downsize from larger properties. The provision of smaller dwellings on small lots with low maintenance requirements responds to a current gap in the Dubbo housing market. The proposal responds to the Council led transition for urban consolidation in this area from a character of detached single dwellings on larger lots to smaller houses on smaller lots, as evidenced by the adopted minimum lot size.

5.2.1.1 Privacy and Overlooking

The dwelling located on the northern portion of the site, and is to be subdivided on to a separate lot via this application, is a single storey detached dwelling with limited architectural appeal. The dwelling benefits from a protected north/west facing side yard, which is fenced and features larger landscaping, providing privacy. The dwelling is setback from Fitzroy Street by approximately eight metres and from Wingewarra Street by approximately 10 metres.

The adjacent dwelling to the south (184 Fitzroy Street) appears to be a former shop and is built to the front boundary with a mixture of single storey and double storey elements. All private open space for this dwelling is on the southern side of the property and is therefore there is no opportunity for direct overlooking or overshadowing of this space as a result of the proposed multi-dwelling development.

Further, as no windows are proposed in the northern or southern elevation of the proposed development, the opportunity for overlooking to the north and south is limited. Screening would be provided on the eastern facing first floor windows to further limit any opportunity for overlooking.

The subject site is flat and levels are generally consistent with those within the surrounding neighbourhood. The proposed terraces are orientated to the west, with windows located in the eastern and western elevations only. Western windows at first floor overlook and surveil Fitzroy Street to ensure passive security. Eastern windows at first floor are setback from the shared boundary in that direction.
by 4.5 metres and would feature fixed screening to limit the possibility of direct overlooking of the property to the west – refer Drawing A06.

5.2.1.2 Overshadowing/Solar Access

A comprehensive assessment of the potential for overshadowing has been completed in Table 4.1, Drawings A09 – A15 and Figures 2 – 8; via these it is confirmed that the proposed multi-dwelling development would not result in unacceptable levels of overshadowing to adjacent properties.

It is also confirmed via this analysis that the residents of the proposed dwellings would benefit from sufficient solar access to satisfy Council’s DCP performance criteria. This is discussed in detail in Table 4.1 (page 13).

5.3 ACCESS, TRANSPORT AND TRAFFIC

5.3.1 TRAFFIC GENERATION

The RTA’s Guide to Traffic Generating Developments (2002) states that a traditional dwelling house generates 9.0 vehicle trips per day with weekday peak hour vehicle trips of 0.85 per dwelling. A two-bedroom dwelling would be expected to generate a lower volume of movements.

Taking account of the above predicted traffic movements, it is not anticipated that the development would have a significant impact on local traffic volumes, intersection capacity or access treatments. The increase in traffic volume is capable of being dispersed and absorbed into the surrounding road network with minor, if any, impact on the existing local traffic environment.

5.3.2 PARKING

In relation to the two lot subdivision of land, consideration must be provided to retaining parking for the existing dwelling on proposed Lot 11. The current arrangement provides for parking at the rear of the site via Fitzroy Street, although it is unclear whether active use is made of this or whether street parking is relied upon. To ensure adequate parking is provided for the existing dwelling, a new access driveway would be provided from Wingewara Street, utilising an existing crossover – refer Drawing A03. Stacked parking for two vehicles is provided in this area.

In respect of the proposed four (4) two (2) bedroom dwellings on proposed Lot 12, Section 3.5.3 of the Dubbo DCP requires parking to be provided at the following rate:

- Two spaces per two bedroom dwellings for multi-dwelling developments

No comment on visitor parking requirements is provided in this respect.

However, Element 7 of the DCP requires that parking be provided for multi dwelling development on the basis of:

- One bedroom unit – one car parking space per unit;
- Two or more bedroom unit – two car parking spaces per unit; and
- Visitor parking – one car parking space for every four units or part thereof with a minimum of one car parking space.

A total of two spaces would be provided per proposed dwelling via a single car garage and partly covered space in front of the garage. This therefore satisfies Council requirements. The second car parking space on each dwelling is provided forward of the building line. Given the design and nature of the proposed development as terrace dwellings, each with a frontage to the street, this arrangement is considered acceptable on the basis that it is consistent with prevailing parking arrangements within the locality. This approach was considered acceptable by Council in relation to the approved four-dwelling development at 1D Rawson Street.
Given the characteristics of the surrounding locality, there is ample street parking available in the locality to accommodate the required one (1) visitor car parking space via on-street parking. Notably, the Fitzroy Street frontage between Wingewarra Street and Short Street is 110m long. Only one existing dwelling has a frontage to this portion of Fitzroy Street therefore leaving ample capacity for the provision of the one space shortfall for visitor parking.

5.4 PUBLIC DOMAIN

The development would positively contribute to the public domain in the locality via supporting the Council-led transition of the urban character through urban consolidation.

5.5 SERVICING

Water, sewer and gas services are currently located in Fitzroy Street and suitable connections would be provided to adequately service the development as reflected in Drawings C001-C004. Suitable electricity connections would be supplied from available services. An existing electricity pole in Fitzroy Street can be safely incorporated into the design whilst still achieving Council’s driveway width requirements – refer Drawing C004.

Each dwelling would have a rainwater tank with a stormwater detention component. Post development stormwater runoff from the site will be limited to the pre-development stormwater runoff flow.

5.6 HERITAGE

The subject site is highly modified and is thus unlikely to contain any items of indigenous heritage significance. A search of the Office of Environment (OEH) Aboriginal Heritage Information Management System (AHIMS) in respect of the subject site confirms that there are no known sites or instances of Aboriginal significance in or within 200 metres of the subject site. The AHIMS search results are attached to this report as Appendix A.

A review of available resources confirms that the site does not contain and is not located adjacent to any sites of noted historic heritage. The site is not located within a gazetted heritage conservation area. The subject site is however located within the Residential East heritage precinct, as per Map 3 in the DCP.

An assessment of the proposed development in the context of the provisions of section 3.4.10.1 and 3.4.12 of the DCP are provided Table 4.1.

There is no compelling reasons to resist the subdivision of the land given the adopted minimum lot size and the analysis of DCP controls at Table 4.1.

The proposed terrace style multi-dwellings are generally compatible with the transitional character of the locality. Scale and bulk of the dwellings has regard for that of the adjacent buildings to the north and south.

On balance, whilst representing a new form of development in the locality, it is considered that the development has taken sufficient reference to the existing built form, through roof form, scale and bulk, and material selection, to ensure effective integration.

5.7 WATER

The existing water supply to the site would be augmented to support the proposed development. It is understood there is no issue with capacity of the existing supply.

The subdivision and development of four - two bedroom dwellings would increase water demand in the locality but not to any significant level – refer Section 4.6.1.
The proposed dwellings would comply with water targets required as part of the required BASIX certificate. Measures covered by this certificate include the requirement for energy efficient taps, fitting and appliances as well as the installation of rainwater tanks. The BASIX certificates attached at Appendix B demonstrates compliance with the BASIX requirements for the proposed dwellings.

5.8 SOILS

Standard erosion and sediment control measures would be implemented as a component of construction to ensure impacts to the local soil environment are minimised and managed.

5.9 AIR AND MICROCLIMATE

Short term emissions from construction equipment are anticipated however these would be temporary and short lived. The adoption of standard measures, as outlined in Section 5.22, would ensure that impacts are appropriately managed.

5.10 FLORA AND FAUNA

The development would not detrimentally impact on any critical habitats, threatened species, populations, ecological communities or their habitats, or other protected species.

The site contains a number of larger trees in the rear of the site that would require removal to facilitate the development. To replace these trees, a range of landscaping would be provided.

One small street tree is located in Fitzroy Street however it is believed this can retained without detriment to the tree. This is a non-native species with a circumference at breast height of less than 300 mm.

The trees to be removed in the rear yard are generally non-native species with the exception of a large eucalyptus in the south-eastern corner. This is required to be removed to facilitate the development and ensure the ongoing safety of the property, surrounding properties and future residents – as discussed in Section 4.2.2.3.

5.11 WASTE

5.11.1 SOLID WASTE

Solid waste generated during the construction period would be appropriately disposed of at a waste disposal facility.

Waste generated by future residents would be collected via the Council garbage collection service.

5.12 EFFLUENT DISPOSAL

The site would be connected to the Council’s reticulated sewer services – refer Drawing C004. There is understood to be sufficient capacity within the network to accommodate the additional discharge generated by the development.

S.64 contributions are payable on the basis of creation of a vacant developable lot and four dwellings at the site in line with the requirements of Council’s Section 64 Water and Sewer Contribution Plan – refer Section 4.6.1.
5.13 STORMWATER
The site falls to the east. Stormwater from the development would be controlled discharged to the existing stormwater system in the street for disposal – refer Drawing C004.

5.14 ENERGY
In 2004, the NSW Government introduced BASIX, the Building Sustainability Index. BASIX aims to ensure homes are designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for houses and units. All dwellings are required to achieve a 40% reduction in greenhouse gas emissions.

The proposed new dwellings achieve the requirements of BASIX, as illustrated in the BASIX certificates attached at Appendix B of this statement.

In addition to requirements outlined by BASIX, solar passive design principals and utilisation of thermal mass have been employed throughout the design to further improve its energy efficiency.

5.15 NOISE & VIBRATION
Short term construction noise associated with the development would be managed via the adoption of standard measures outlined in Section 5.22. Noise levels associated with the use of the terrace dwellings is considered to be consistent with the levels in the surrounding locality. Insulation would be provided between dwellings to ensure noise transfer is minimised.

5.16 NATURAL HAZARDS
The site is not known to be affected by any natural hazards.

5.17 TECHNOLOGICAL HAZARDS
The site is not known to be affected by any technological hazards.

5.18 SAFETY, SECURITY AND CRIME PREVENTION
The guidelines prepared by the NSW Department of Urban Affairs and Planning (DUAP 2001) identify four (4) Crime Prevention Through Environmental Design (CPTED) principles to be considered in a Development Application to ensure developments do not create or exacerbate crime risk. These four principles are: surveillance, access control, territorial reinforcement, and space management. Those relevant to the development are discussed below.

5.18.1 SURVEILLANCE
The four terrace houses are provided with direct frontages to the street with bedrooms at first floor facing the street. Passive surveillance of the public domain is therefore provided.

5.18.2 ACCESS CONTROL
The design of the proposed terraces and the siting on the block provide a clear point of entry to visitors and a clear definition of private and public space. These factors reduce the opportunity for excuse making. 1.2 metre high fencing
5.19 SOCIAL IMPACT

As defined by the NSW Government Office on Social Policy, social impacts are significant events experienced by people as changes in one or more of the following are experienced:

- Peoples’ way of life (how they live, work or play and interact with one another on a day-to-day basis);
- Their culture (shared beliefs, customs and values); or
- Their community (its cohesion, stability, character, services and facilities).

The proposed development would not be expected to result in adverse impacts on any of these factors.

5.20 ECONOMIC IMPACT

The proposed development would provide for local employment during the construction phase. It is unlikely that the development would create an adverse economic impact in the locality.

5.21 SITE DESIGN AND INTERNAL DESIGN

The size and shape of the subdivided lots provides for lots that are in excess of the minimum lot size and suitable for development. Proposed Lot 11, fronting Wingewarra Street, provides a reasonable size for the existing dwelling with good north and west aspect. Existing landscaping and fencing on the western boundary, fronting Fitzroy St, would be retained to ensure adequate privacy for open space areas for Proposed Lot 11.

The size and shape of the proposed multi-dwelling terrace housing sits comfortably within the site confines of Proposed Lot 12 and does not detract from the visual amenity of the area. The proposed terrace dwellings would not result in unacceptable levels of overshadowing to adjacent properties, noting their general consistency with the applicable DCP acceptable solutions in this regard and with the scale and bulk of the adjoining dwelling to the south.

The proposed terrace style multi-dwellings have been sensitively designed to reflect the amenity of the location and to integrate with the increasingly higher density urban development encouraged in the area.

The proposed terrace dwellings have been set back appropriately from the property boundary to ensure minimal impact to the amenity of adjacent residential properties.

The proposed use will not have any detrimental impacts on the environment and is sensitive to the environmental conditions.

The terrace dwellings have been designed in full compliance with the requirements of the Building Code of Australia to ensure that the health and safety of future occupants is assured.

5.22 CONSTRUCTION IMPACTS

Construction activities have the potential to generate adverse impacts through construction traffic noise, surface water and land degradation, and dust. In this regard, the following mitigation measures are required to ameliorate any adverse impacts:

- Preparation of an Erosion and Sediment Control Plan prior to construction and implementation of the Plan throughout all phases of construction activity;
- The adoption of appropriate soil erosion control measures. This would include techniques such as minimising the area of disturbance at any given time, diverting clean runoff away from disturbed...
areas, treatment of dirty runoff using sediment traps and filters installed to engineering design standards and rehabilitating disturbed areas as soon as practicable following construction;

- Preparation and implementation of a traffic management plan during construction works;
- All plant and equipment would be operated and maintained in accordance with the manufacturer’s specifications;
- Works would be undertaken in accordance with the standard daytime hours recommended by the Environment Protection Authority: that is, 0700-1800 Monday to Friday and 0800-1300 on Saturday, with no works on Sunday or Public Holidays. Any variation to these hours would first be negotiated in consultation with adjoining landowners;
- Undertake strategic watering as required and stabilise exposed surfaces with a vegetative cover as soon as is practicable; and
- The demolition of structures would take place in accordance with the relevant SafeWork NSW and Australian Standard requirements.

5.23 CUMULATIVE IMPACTS

The proposed development is unlikely to generate any impacts with the potential to act in unison in terms of:

- Individual impacts so close in time that the effects of one are not dissipated before the next (time crowded effects);
- Individual impacts so close in space that the effects overlap (space crowded effects);
- Repetitive, often minor impacts eroding environmental conditions (nibbling effects); and
- Different types of disturbances interacting to produce an effect which is greater or different than the sum of the separate effects (synergistic effects).
Conclusion

6.1 SUITABILITY OF THE SITE

As demonstrated throughout Section 5 of this report, the proposed development does not result in any significant adverse impacts for future users of the subject site, adjacent properties, or the locality. In this regard, the development is considered to fit into the transitional/aspirational nature of the locality. The site attributes are considered to be conducive to the development, and as such the development is suitable for the site.

6.2 PUBLIC INTEREST

The development is considered to be of minor public interest due to the localised nature of any impacts.

6.3 CONCLUSION

The proposed development involves a two lot Torrens subdivision of land at 197 Wingewarra Street, Dubbo (Lot 1 Section 40 DP795361), including demolition and tree removal, followed by the development of a terrace style multi-unit dwelling development providing four dwellings on the subdivided vacant lot, fronting Fitzroy Street, and their subsequent strata subdivision. A development proposing multiple forms of development is considered acceptable in the context of Section 78A(2) of the EP&A Act.

The proposed development is permissible with consent in the R1 - General Residential Zone under the Dubbo LEP, is not antipathetic to the zone objectives and is consistent with the development standards of the LEP. The development is consistent with the applicable performance criteria of the Dubbo Development Control Plan 2013 and would not have any adverse environmental, social or economic impacts on the locality.

In this regard, the subject site is considered to be suitable for the proposed development.
References

Department of Urban Affairs and Planning (DUAP) n.d., Guide to Section 79C, NSW Department of Urban Affairs and Planning, Sydney.

Our Ref: 217082_LEK_002B.docx

9 October 2017

The General Manager
Dubbo Regional Council
PO Box 91
DUBBO NSW 2830

Attention: Darryl Quigley

Dear Mr Quigley

DEVELOPMENT APPLICATION D2017-452 – REQUEST FOR ADDITIONAL INFORMATION

We write with reference to the above development application and Council’s letter of 26 September 2017.

We have responded to the Council’s requested additional information adopting the same numbering and headings for ease of reference.

(1) Subdivision plan

Please find attached a revised plan set providing a proposed subdivision plan as Drawing A02A including correction of the error in the lot size for proposed Lot 12 (see point 4 below in this regard). The revised drawing set is provided as Attachment 1 to this correspondence.

(2) Strata subdivision

We have sought advice from the Department of Planning & Environment in respect of this matter and await their response. We note that advice received by Geolyse via Tamworth Regional Council (see attached correspondence – Attachment 2) confirmed to TRC that DP&E do not consider the outcome of the recent Land and Environment Court hearings precludes the positive determination of a development application seeking to provide strata subdivision lots with sizes below the minimum lot size. We note and accept the nature of the advice from TRC is specific to that Council.

We maintain that Council is not restricted from providing a positive determination in this matter subject to being satisfied that sub-clause (4) of clause 4.1 acts to ‘turn off’ the clause.

We also note that the capacity exists, post construction of the development (assuming approval is granted), for the strata subdivision of the land via the provisions of clause 6.1 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Failing to grant consent for this aspect of the development at development application stage and subsequently granting consent for the same development as complying development would result in a perverse outcome.
Notwithstanding all of the above, a variation request via Clause 4.6 is provided as Attachment 3 to this correspondence justifying a variation to the development standard in this regard.

On this basis, we take the view that the strata subdivision aspect of the development is permissible with Council’s consent.

(3) Dwelling and proposed Lot 11

The assessment of the existing dwelling against the relevant provisions of the Dubbo Development Control Plan 2013 is provided within Table 4.1 of the Statement of Environmental Effects (SEE), where relevant. For completeness, Table 2 to this response (Attachment 4) provides a specific assessment of compliance in relation to relevant DCP provisions in relation to the existing dwelling on proposed Lot 11.

(4) Numerical discrepancies

Detailed survey of the subject site identifies that the subject lot has an original site area of 1,063 square metres. This is confirmed by site definition by a registered surveyor and by reference to the original portion plan for the site (Attachment 5). We suggest therefore that the error in the lot size may well be in Council’s records only.

We note the error in the initially lodged plans and confirm that proposed Lot 11 has a size of 555 square metres and proposed Lot 12 has a size of 528 square metres, as depicted in Drawing A02A.

(5) Fencing

As depicted on Drawing A17, proposed front fencing would consist of stack stone fencing. The maximum height of this fencing is proposed at 900 mm. This is confirmed on amended Drawing A07.

(6) Building setbacks

As reflected on amended Drawing A07, the setback of the proposed dwellings to Fitzroy Street exceeds 4.5 metres. Cantilevered front porches to the front elevation are proposed. As such, front setbacks comply with Council’s DCP requirements.

The proposed pergola’s in the rear yards of the dwelling feature a proposed setback to the rear boundary of 1.8 metres (to the eave) and 2.3 metres to the support columns. Amended plans to provide improved clarity are provided attached to this response (refer Drawing A07 for clarity).

(7) Solar Access

Contrary to Council’s assertions, the proposed clotheslines have been positioned to minimise the extent of overshadowing by the northern fences. Particularly, the maximum fence height has been proposed at 1,500 mm, rather than 1,800 mm as is conventional, and clothesline have been positioned to be level with the top of the fence. As such, and as depicted in the shadow diagrams, the clothesline is in full sun from 8am-11:30am and partial sun between 11:30am and 12:30pm.

In relation to the existing dwelling, a proposed clothesline has been included on the amended drawings, located in the eastern extent of the site (refer Drawing A03). This area will receive excellent solar access.
due to the easterly and northern aspect. If this positioning is not accepted by Council, there is ample room on the western elevation to relocate the clothes line (or provide an additional line if needed).

With respect to solar access for the rear yards of the property, the primary limitation in achieving the stated requirements is the provision of covered outdoor space for each dwelling. Removing these coverings would result in compliance with the solar access requirement but, given the nature of the Dubbo climate, result in compromising the usability of this space through, ironically, a lack of shade. Such an outcome would also impact on BASIX compliance due to an increase in solar gain into the main living spaces of the dwelling. This would therefore provide a poorer quality outcome than that provided via the design. The development is considered to satisfy the applicable performance criteria at Element 4 of the DCP, namely to provide a pleasant, safe and attractive level of residential amenity and is therefore acceptable in this regard.

In relation to the windows in the adjacent dwelling to the south (184 Fitzroy Street), it is accepted that some change to the shadowing situation would occur as a result of this application, however this change is two-fold. The subject site contains a number of larger trees that provide a large degree of shading to this space together with a boundary fence that generates shadow in this area much of the time. The proposed development would remove the vegetation and result in a significantly improved solar access arrangement than currently exists. Given the Dubbo climate, this may not be welcomed by the neighbour. It is noted that many of the windows in this elevation are providing light into non-habitable spaces, including what is understood to be a bathroom and laundry (western side). Windows on the east of the elevation (understood to be living areas) would receive an increase in solar access due to the removal of the existing vegetation. On balance the proposed development is unlikely to generate a significant or detrimental impact to the amenity of the occupiers of this adjacent dwelling. Notably, no submission or objection is understood to have been received from this neighbour.

(8) Private open space

The private open space provided for dwellings 2 and 3 is proposed at 24.4 square metres. This represents a 9% variation to the minimum requirement of POS for two of the four proposed dwellings. The applicable performance criteria with respect to provision of POS as per Element 4 of Clause 2.1.1 is stated as:

Private open space is of an area and dimension facilitating its intended use.

The proposed area of POS is considered justified on the basis that the nature of the variation is so minor as not to result in any reduction in amenity for future occupiers nor any detrimental impact to neighbours. It is notable that the DCP makes a concession for multi-dwelling housing in the context of the internal dimension but not the size required, by comparison to dwelling houses and dual occupancies. The nature of a two-bedroom household is such that it is unlikely to lend itself to family living and is more likely to be occupied by no more than three persons. There is sufficient space within the yards provided to meet the needs of a three person household via provision of a useful and usable area of covered open space, room for a small garden and room for clothes drying. Given these core functions are satisfied through an area of 24.4 square metres it is unreasonable to consider the development unacceptable simply due to a failure to meet a numerical standard of what is an inherently flexible acceptable solution, when the overarching intent of the performance criteria is satisfied. All other acceptable solutions in relation to Element 4 of clause 2.1.1 are noted to be satisfied. This does not represent a departure from the DCP on the basis that the performance criteria is considered to be satisfied.
(9) Vehicle access and parking

Council notes that the second car parking space for each proposed dwelling is proposed forward of the building line and highlights this as an inconsistency with the DCP acceptable solution criteria. However we note that compliance with the DCP may be demonstrated via compliance with either the applicable performance criteria or one of the acceptable solutions identified. The relevant DCP performance criteria in relation to this element states:

Car parking is provided according to projected needs, the location of the land and the characteristics of the immediate locality.

As noted at Section 5.3.2 of the lodged SEE, this approach has previously been approved via a similar level of development at 1D Rawson St (approximately 200m from the subject site). Other examples include a number of recently developed dual occupancies at 32 and 34 Short Street, 172 and 174 Bulfake Street and 134 and 136 Wingewarra Street (refer Plates at Attachment 5). In this regard the development is considered to be consistent with the type of development occurring in the locality. The location of the land enables vehicles departing the site to reverse without needing to enter the travel lane. This ensures safety and ensures the efficiency of the local traffic environment is not impacted and therefore is considered to be compatible with the overarching performance criteria.

Council also notes that there is no on-street parking available directly outside the proposed dwellings to accommodate the one (1) visitor space shortfall.

Again, as noted in Section 5.3.2 of the SEE, there is considered to be ample on-street parking to accommodate the one parking space shortfall. Notably, the Fitzroy Street frontage between Wingewarra Street and Short Street is 110m long and features only one existing dwelling on the eastern side with a frontage to the street. The proposed development would therefore be only one of two properties using this frontage for visitor parking. If necessary, visitors could also park on the western side of Fitzroy Street as required. Given the close proximity to the central business district, it is entirely reasonable to expect that visitors may walk or ride. There is ample room in the front yards of the proposed dwellings to store a bike. By reference to the applicable performance criteria, it is considered that the development is generally acceptable.

We believe the above and attached adequately demonstrates compliance with Council's requirements and that the application should therefore be supported.

Please contact the undersigned with any questions.

Yours faithfully
Geolyse Pty Ltd

DAVID WALKER
Senior Town Planner

Attachments 6:
1. Amended Drawings 217082_01J_A01-A19
2. Correspondence from Tamworth Regional Council dated 31 July 2017 and 7 August 2017;
3. Clause 4.6 variation request
4. Table 2 - Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street; and
5. Portion plan 51-1349
ATTACHMENT 1

Amended drawings attached separately
Dear Sir/Madam

IMPORTANT INFORMATION

STRATA AND COMMUNITY TITLE SUBDIVISIONS LESS THAN THE MINIMUM LOT SIZE

In two recent decisions, the Land and Environment Court has held that the minimum lot size development standard contained in clause 4.1 of the Standard Instrument – Principle Local Environmental Plan (Standard Instrument) applies to strata subdivision.

The most recent decision was handed down on 7 July 2017 in DM & Longbow Pty Ltd v Willoughby City Council [2017] NSWLEC 1358.

What this means for you:

Unless a proposed subdivision is of a lot in an existing strata plan or community development scheme, it is subject to the minimum lot size standard.

In the example of a proposed dual occupancy and subdivision in the Tamworth Regional Council Local Government Area, this means that each dwelling must be located on an allotment of not less than 450m² (excluding the access handle), regardless of whether it is proposed to subdivide the dual occupancy by strata, community or torrens title.

In light of these decisions:

- Applicants who have an undetermined development application with Council, that proposes a subdivision of less than the minimum lot size standard, will be contacted by the assessing officer to discuss the options available to progress the proposal;

- Prospective applicants should revise their proposal to exclude subdivision prior to lodgment of a development application, if compliance with the minimum lot size standard cannot be achieved; and

- Subdivision certificates will continue to be issued where development consent has already been granted.

The outcome of these decisions is not limited to the Tamworth Regional Council Local Government Areas, it affects all Councils who operate under the Standard Instrument. Tamworth Regional Council intends to contact the Department of Planning and Environmental in relation to this matter, but at this time neither an outcome, nor a timeframe can be predicted.

All correspondence should be addressed to the General Manager:

Telephone: 6767 5555 PO Box 555 (DX 5125) trc@tamworth.nsw.gov.au
Facsimile: 6767 5499 Tamworth NSW 2340 www.tamworth.nsw.gov.au
Geolyse
PO Box 1842
DUBBO NSW 2830

Dear Sir/Madam

STRATA AND COMMUNITY TITLE SUBDIVISIONS LESS THAN THE MINIMUM LOT SIZE

You recently received correspondence from Council in relation to the Land and Environment Court decision DM & Longbow Pty Ltd v Willoughby City Council [2017] NSWLEC 1358.

The purpose of this correspondence is to advise that discussions with the Department of Planning and Environment indicate that Tamworth Regional Council are not prevented from issuing development consent to a strata plan or community development scheme less than the minimum lot size standard, on the basis of this decision.

Therefore:

- Undetermined development applications that propose a subdivision of less than the minimum lot size standard will be processed as submitted; and
- Development applications may continue to include a proposed a subdivision of less than the minimum lot size standard.

For those who conduct business in other Local Government Areas, this advice is specific to Tamworth Regional Council and it is recommended that you make enquiries with other Councils individually.

Yours faithfully

Lucy Walker
Team Leader Development Assessment

Contact: (02) 6767 6507 or development@tamworth.nsw.gov.au
Reference: SF4939

7 August 2017
ATTACHMENT 3

1.1 CLAUSE 4.6 VARIATION

The recent Land and Environment Court judgements of DM & Longbow Pty Ltd v Willoughby City Council [2017] NSWLEC 1358 and Flower v Lane Cove Council (2017) NSWLEC 1136 have resulted in the conclusion being reached by many local Councils that lots created by a new strata subdivision must satisfy the minimum lot size requirements imposed by Clause 4.1 of a Standard Instrument Local Environmental Plan.

The subject development proposes a four lot strata subdivision of four proposed multi-dwelling units to be developed on proposed Lot 12, Fitzroy Street, Dubbo. The lot sizes of the proposed strata lots are approximately 105 square metres (ground and first floor). The applicable minimum lot size for the subject site, by reference to the Dubbo Local Environmental Plan 2011 (LEP) Minimum Lot Size Map is 300 square metres.

As the development fails to satisfy the numerical standard of clause 4.1 in respect of the minimum required lot size for subdivision within the R1 zone, this clause 4.6 variation is provided.

Clause 4.6 provides a nexus to enable the flexibility of development standards where it is demonstrated that the development achieves the ‘5 Part Test’, being:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard;
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- The underlying object of the purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- The development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
- The compliance with the development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

Clause 4.6 also requires the concurrence of the Director-General to be obtained prior to the granting of consent for development that contravenes a development standard unless concurrence from the Director-General to vary the development standards have been delegated to the Council.

In this instance, assumed concurrence to Dubbo Regional Council is provided by virtue of the content of Planning System Circular PS 08-003.

The applicable planning instrument is the Dubbo Local Environmental Plan 2011 and the applicable zone is the R1 – General Residential zone.

The objectives of the R1 zone are:

- 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 standard to be varied is the minimum lot size applying to the subdivision of land within the R1 zone, in this instance 300 square metres, listed at Clause 4.1 of the LEP.

The objectives of clause 4.1 are:

(a) to protect and enhance the production capacity of rural lands, by maintaining farm sizes and the status of productive lands;
(b) to ensure residential allotments are of a suitable shape and size to provide a building envelope, private open space and suitable building setbacks for acoustic and visual privacy;
(c) to ensure industrial allotments are of a suitable size and shape to allow for separation from adjoining uses and to ensure appropriately sized vehicles can traverse to and from the land;
(d) to ensure commercial allotments are of a suitable size and shape to provide for a range of commercial development without providing for the fragmentation of ownership into smaller lots,
(e) to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in areas able to access commercial quantities of irrigation water.

The numerical value is 300 square metres and the percentage variation is approximately 35%.

The objectives of the R1 zone and of clause 4.1 are discussed in Table 1.

Table 1 – Consideration of objectives

<table>
<thead>
<tr>
<th>Objective</th>
<th>Assessment</th>
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<tbody>
<tr>
<td>To provide for the housing needs of the community.</td>
<td>The proposed development provides a form of housing that is in demand in the locality and provides for diversity and affordability in the housing market. Providing affordable housing is consistent with Directions 25 of the Central West and Orana Regional Plan 2028, which seeks to increase housing diversity and choice, specifically through the provision of more affordable housing.</td>
</tr>
<tr>
<td>To provide for a variety of housing types and tenures.</td>
<td>The proposed development provides a varied form of housing type, and at a density, not otherwise common in the locality, and therefore assists in providing variety of housing options. We inclusion of this standard objective in the Standard Instrument for land within the R1 – General Residential zone, the Department of Planning &amp; Environment agree that diversity is important. Large traditional freestanding homes and apartments do not meet the needs, preferences and budgets of all people. A large cohort of the population (older people, people living alone, childless couples and people at the lower end of the socio-economic ladder) all have different needs that may not be met by the traditional forms of housing found in Australia's regional areas. Higher density housing types are typically more affordable due to requiring less land and are more sustainable due to shared common walls (providing improved noise and energy insulation). The proposed development provides for variety and is therefore consistent with this objective.</td>
</tr>
<tr>
<td>To service other land uses that provide facilities or services to meet the day to day needs of residents.</td>
<td>As this is a form of residential accommodation, this objective is not specifically relevant.</td>
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</table>
Table 1 – Consideration of objectives

<table>
<thead>
<tr>
<th>Objective</th>
<th>Assessment</th>
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<tbody>
<tr>
<td>To ensure development is consistent with the character of the immediate locality.</td>
<td>Character is a subjective term and can be applied to either existing or emerging character. The proposed development is capable of existing in harmony with the surrounding scale of development, particularly by reference to the two storey dwelling to the south and other double storey developments along Fitzroy Street. The density proposed by this proposal is consistent with the overarching Dubbo Residential Areas Strategy and the Central West and Orana Regional Plan 2036, through providing diversity and affordable housing choice. As demonstrated throughout the SEE submitted in support of the DA, the proposed development is considered to be consistent with the existing and emerging character of the immediate locality.</td>
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Clause 4.1 Objectives

(a) to protect and enhance the productive capacity of rural lands, by maintaining farm sizes and the status of productive lands,

The proposed site does not relate to rural land and therefore this objective is not applicable.

(b) to ensure residential allotments are of a suitable shape and size to provide a building envelope, private open space and suitable building setbacks for acoustic and visual privacy,

The proposed development is largely compliant with the performance criteria of the Dubbo Development Control Plan 2013 with respect to the provision of suitable building size, areas of private open space and appropriate setbacks.

(c) to ensure industrial allotments are of a suitable size and shape to allow for separation from adjoining uses and to ensure appropriately sized vehicles can traverse to and from the land,

The proposed site does not relate to industrial land and therefore this objective is not applicable.

(d) to ensure commercial allotments are of a suitable size and shape to provide for a range of commercial development without providing for the fragmentation of ownership into smaller lots,

The proposed site does not relate to commercial land and therefore this objective is not applicable.

(e) to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in areas able to access commercial quantities of irrigation water,

The proposed site does not relate to agricultural land and therefore this objective is not applicable.

Source: Dubbo Local Environmental Plan 2011

In the circumstances of the case, the provision of strict numerical compliance would be unnecessary and unreasonable on the basis that:

- The proposed development is consistent with the overarching aims of the Dubbo Residential Areas Strategy and the Central West and Orana Regional Plan 2036 by providing a form of housing that is in demand in the locality and provides for diversity and affordability in the housing market;
The proposed development is generally compliant with the development standards of the LEP and the performance criteria of the Dubbo Development Control Plan 2013;

The proposal is not antipathetic to the objectives of the zone and clause 4.1 of the LEP as reflected via this assessment;

Section 5 of the lodged Statement of Environmental Effects sets out that impacts to local servicing and provision of on-site facilities is able to be generally satisfied by the development without undue impact on the locality;

Non-compliance with the standard does not give rise to adverse environmental impacts and the appearance of the development when viewed from the streets will be positive;

The proposal is consistent with historical decision making in the local government area and across the state and will result in a form of housing that is consistent with many others developed;

It is entirely conceivable that the Department of Planning & Environment will amend the standard instrument wording of clause 4.1 with retroactive effect to address this matter and facilitate continuation of the historic position of allowing strata subdivision of land below the applicable minimum lot size.

Compliance with the standard would not hinder the attainment of the objects of section 5(a)(i) and (ii) of the Act, which are to encourage development that promotes the social and economic welfare of the community and a better environment, and to promote and co-ordinate orderly and economic use and development of land.

Providing affordable housing is consistent with Direction 25 of the Central West and Orana Regional Plan 2026, which seeks to increase housing diversity and choice, specifically through the provision of more affordable housing.

Strict compliance with the development standard would not result in any change to the way the building is used, if approved, nor any greater impact to the locality, given that multi-dwelling housing is permissible with Council consent.

Further, the proposal satisfies the zone and development standard objectives and is generally consistent with the specific DCP provisions applying to the development, therefore strict compliance with the standard is not required in order to achieve compliance with the objectives.

Strict compliance would result in an inflexible application of policy. It does not serve any purpose that is outweighed by the positive outcomes of the development and therefore a better planning outcome overall.

The development as proposed is consistent with the provisions of orderly and economic development.

The development standard is a performance based control as the control contains objectives to which compliance with the standard is targeted to achieve.

In the circumstances of the case, there are sufficient planning grounds to justify contravening the development standard being:

- The intensity of the development is appropriate and acceptable to the residential use and the proximity of the site to public transport, shopping, employment, entertainment and recreation;
- The proposal is consistent with the overarching strategic framework, being the Dubbo Residential Areas Strategy and the Central West and Orana Regional Plan 2036;
The strata subdivision of the development would have no discernible impact on the scale, scope or environmental impacts associated with the development, as the development may still proceed, simply without the strata subdivision element;

- The site is within close proximity to public transport to facilitate reduced car travel and facilitate the use of public transport or walking and is therefore sustainable in this regard;
- Non-compliance with the standard does not give rise to adverse environmental impacts,
- The proposed development provides for additional affordable residential development in the locality, which is in high demand.
- Given the circumstances of the case, the provision of a strict numerical compliance would be unnecessary and unreasonable on the basis that the proposed development achieves compliance with the objectives of the standard.

It is concluded that the objection is well founded as compliance with the standard is both unreasonable and unnecessary as notwithstanding the strict numerical non-compliance; the development does not contravene the objects specified within S(6)(i) and (ii) of the Act and the R1 zone or the performance criteria for residential development outlined in the DCP.
## ATTACHMENT 4

### Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance?</th>
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<tr>
<td><strong>SECTION 2.1 RESIDENTIAL DEVELOPMENT AND SUBDIVISION</strong></td>
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**Element 1 – Streetscape Character**

| An.1 Buildings adjacent to the public street, address the street by having a front door facing the street. | Existing dwelling address the primary frontage. | ✓ |
| An.2 The site area for multi-dwelling housing is a minimum of 700 m² and has a minimum frontage of 20 m. | Proposed Lots 11 and 12 satisfy the applicable minimum lot size for Tomars subdivision as per clause 4.1 of the LEP. For proposed Lot 12, a minimum frontage of 20m is provided however the lot is less than the 700m² maximum area. Notwithstanding a minor inconsistency with the numerical standard, the development is consistent with the overarching performance criteria for this and other elements within section 2.1.1 of the DCP. The development is therefore considered acceptable in the context of this element of the DCP. |
| An.3 Where dual occupancies or multi-dwelling housing are situated on corner blocks (where one is not a laneway), the development is designed to face each street frontage. | Existing dwelling to be retained fronts the primary street (Proposed Lot 11) and the proposed dwellings front a primary street (Proposed Lot 12). |
| An.4 Dual occupancy development shall be designed in accordance with Figure 1. | N/A |
| An.5 Dual occupancy development shall not be designed as “mirror reversed”. | N/A |

**P2 The development is to be designed to respect and reinforce the positive characteristics of the neighbourhood, including:**

- **Built form:**
- **Balk and scale:**
- **Vegetation:** and
- **Topography:**

| An.2.1 Design elements to consider include: | No change to the design of the existing dwelling except to the extent that parking for the dwelling is provided adjacent to the eastern elevation and a replacement clothes line is provided in the eastern extent. |
| **Messing and proportions;** | ✓ |
| **Roof form and pitch;** | ✓ |
| **Floor to ceiling height;** | ✓ |
| **Facade articulation and detailing;** | ✓ |
| **Window and door proportions;** | ✓ |
| **Features such as verandahs, eaves and parapets;** | ✓ |
| **Building materials, patterns, textures and colours;** | ✓ |
Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

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<td></td>
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<tr>
<td></td>
<td>Vertical footpath crossing (location and width);</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fence styles; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Building set-backs.</td>
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</tr>
</tbody>
</table>
## Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

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</thead>
<tbody>
<tr>
<td><strong>P3</strong> Walls visible from the street are adequately detailed for visual interest.</td>
<td>A3.1 This may be achieved by roseooses, windows, projections or variations of colour, texture or materials.</td>
<td>No physical changes to existing dwelling in this regard</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A3.2 Walls longer than 10 m are articulated with a variation of not less than 600 mm for a minimum length of 4 m.</td>
<td>No physical changes to existing dwelling in this regard</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>P4</strong> Garages and parking structures (carports) are sited and detailed to ensure they do not dominate the street frontage, integrate with features of the dwelling and do not dominate views of the dwelling from the street.</td>
<td>A4.1 The width of a garage door or parking structure facing the street shall not be greater than 50% of the total width of the front of the building for an allotment in excess of 12 m in width, measured at the street frontage.</td>
<td>No garage or parking structure is proposed for the existing dwelling. Open parking behind the building line is provided adjacent to the eastern elevation of the dwelling as reflected on Drawing A03.</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A4.2 Garages or parking structures are located in line with or behind the alignment of the front façade/entrance of the dwelling, with a minimum set-back of 6.5 m (see Element 2 – Building Set-backs), where the street frontage is in excess of 12 m.</td>
<td>As above</td>
<td></td>
</tr>
<tr>
<td><strong>Fencing</strong></td>
<td>P6 Fencing is consistent with the existing character of the area.</td>
<td>No change to fencing is proposed in respect of the existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A6.1 Fences should take elements from neighbouring properties where elements are representative of the character of the street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P7</strong> Front fences enable outlook from the development to the street or open space to facilitate surveillance and safety.</td>
<td>A7.1 Front fences have a maximum height of 1.2 m if solid or less than 50% transparent; and 1.5 m if greater than 50% transparent.</td>
<td>As above</td>
<td>N/A</td>
</tr>
<tr>
<td>Front fences provide noise attenuation on classified roads.</td>
<td>A7.2 Fences along secondary frontages may have a maximum height of 1.9 m up to a point that is level with the building line for the primary road frontage provided that:</td>
<td>As above</td>
<td>N/A</td>
</tr>
<tr>
<td>Front fences provide security in areas where there is a difference of land use (eg residential, commercial or industrial).</td>
<td>- The fence does not exceed 5 m in length without articulation or detailing to provide visual interest (see Figure 2);</td>
<td></td>
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<tr>
<td></td>
<td>- The fence is constructed of materials which are consistent with those used in development on the site and adjoining developments (other than solid metal panels or chain wire fencing); and</td>
<td></td>
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<tr>
<td></td>
<td>- The fence is softened with the use of landscaping.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A7.3 Solid front fences to main roads or highways for the purposes of noise attenuation may be considered to a height of 1.8 m provided that:</td>
<td>As above</td>
<td>N/A</td>
</tr>
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</table>
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| P8 Fencing style and materials reflect the local streetscape and do not cause undue overshadowing of adjoining development. Note: Barbed/razor wire or electrified fencing in residential areas is not permitted. | A8.1 Side fences on corner allotments are set-back and/or articulated to provide vegetation screening to soften the visual impact of the fence.  
A8.2 Side fences forward of the building line are not constructed of solid metal panels or chain wire fencing (including factory pre-coloured materials).  
A8.3 Fences adjoining heritage-listed properties are constructed of timber palings or other materials associated with the architecture and character of the area. | N/A            | N/A        |
| P9 Fencing on corner allotments does not impede motorists’ visibility at the intersection. Note: The extent of the spray will be determined by Council in consideration of the characteristics of the road and the radius of the kerb return. | A9.1 Fencing is either splayed, set-back, reduced in height or transparent to maintain visibility for motorists.  
Note: Gates are not permitted to open across the footpath (Clause 21, Roads Regulation 2003).  
A10.1 Where a driveway is provided through a solid fence, adequate visibility for the driver is maintained.  
Gates are not proposed for the existing dwelling | N/A            | N/A        |
Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

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<tr>
<td><strong>Element 2 – Building Setbacks</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P1 Front boundary set-back – dwellings and ancillary structures</strong></td>
<td>Primary frontage</td>
<td>No change to setbacks for existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A1.1 R1 and R2 zones – minimum setback of 4.5 m from the front property boundary where no streetscape setback has been established.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A1.2 RUS zone – minimum setback of 10 m from the front property boundary where no streetscape setback has been established. Residential development on corner allotments shall address both street frontages.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A1.3 In established areas, infill development is to be set-back the average of the front building setbacks of the adjoining and adjacent dwellings. If the difference between the setbacks of the adjoining buildings is greater than 2 m. Alternatively, a dwelling may be progressively stepped in as detailed in Figure 3, Scenario 3.</td>
<td>No change to setbacks for existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Secondary frontage</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A1.4 R1 and R2 zones - the secondary (side) set-back is 3 m. Where the corner is splayed, residential development is designed accordingly.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A1.5 RUS zone - the secondary (side) setback is 5 m. Where the corner is splayed, residential development is designed accordingly.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>P2 Side and rear boundary set-backs – dwellings and ancillary structures</strong></td>
<td>A2.1 Residential development is set-back such that it complies with the requirements of the Building Code of Australia (BCA).</td>
<td>No change to setbacks for existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A2.2 RUS zone – the minimum set-back to the side or rear boundary is 5 m.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
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<td>Compliance?</td>
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</tr>
<tr>
<td><strong>P3 Front boundary set-back – garages and carports</strong></td>
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</tr>
<tr>
<td>The location of garages and carports does not diminish the attractiveness of the streetscape, does not dominate views of the dwelling from the street and integrates with features of associated dwellings.</td>
<td>Primary frontage A3.1 Garages and carports are set-back to the R1 and R2 zones a minimum of 5.5 m from the front property boundary and in line with or behind the alignment of the front façade of the dwelling. This does not apply to allotments where the frontage is less than 12 m in width.</td>
<td>No change to setbacks for existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A3.2 Garages and carports are set-back in the RU3 zone a minimum of 10 m from the front property boundary and in line with or behind the alignment of the front façade of the dwelling.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Secondary frontage A3.3 Garages and carports in the R1 and R2 zones on secondary frontages of corner allotments may extend beyond the alignment of the secondary façade of the dwelling and shall achieve a minimum 5.5 m set-back from the secondary property boundary (see Figure 4).</td>
<td>No change to setbacks for existing dwelling, no garage or carport proposed to the secondary frontage of the existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A3.4 Garages and carports in the RU3 zone on secondary frontages of corner allotments may extend beyond the alignment of the secondary façade of the dwelling but shall achieve a minimum 5.5 m set-back from the secondary property boundary (see Figure 4).</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>P4 Side and rear boundary set-backs – garages and carports</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The location of garages and carports does not diminish the attractiveness of the locality and integrates with features of associated dwellings.</td>
<td>A2.1 Garages and carports are set-back such that they comply with the requirements of the BCA.</td>
<td>No garage or carport proposed to the secondary frontage of the existing dwelling</td>
<td>N/A</td>
</tr>
</tbody>
</table>
### Table 2 - Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

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<tr>
<td><strong>Element 3 - Solar Access</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solar access</td>
<td>P1 Development is designed to ensure solar access is available to habitable rooms, solar collectors (photovoltaic panels, solar hot water systems etc) private open space and clothes drying facilities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Note 1: Council requires the submission of a shadow diagram to demonstrate the impact of overshadowing on adjoining and adjacent allotments for any residential development above single storey.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Shadow diagrams are to be prepared for 9.00 am, 12 noon and 3.00 pm on 22 June. The shadow diagrams are to demonstrate the extent of overshadowing of the proposed and existing development on the subject and adjacent sites.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Note 2: The length of shadow cast by the sun in Dubbo for 22 June is able to be calculated using the information provided at the end of this element.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>P2 The proposed development does not reduce the level of solar access currently enjoyed by adjoining or adjacent allotments.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A1.1</td>
<td>Dwellings are sited in accordance with Figure 6.</td>
<td>Not applicable as Lot 11 is north facing</td>
<td>N/A</td>
</tr>
<tr>
<td>A1.2</td>
<td>On east/west orientated lots, the setback on the north-side of the lot is increased to allow for maximum solar access to habitable rooms located on the north-side of the dwelling.</td>
<td>Lot 11 is not east/west orientated</td>
<td>N/A</td>
</tr>
<tr>
<td>A1.3</td>
<td>A roof area sufficient to meet the space requirements for a solar hot water service is provided where it faces within 200 of north and receives direct sunlight between the hours of 9.00 am and 3.00 pm on 22 June.</td>
<td>It is entirely achievable to design a roof mounted system that will gain sufficient solar access to function for the existing dwelling, subject to gaining suitable consent.</td>
<td>✓</td>
</tr>
<tr>
<td>A1.4</td>
<td>Outdoor clothes drying areas are located to ensure adequate sunlight and ventilation are provided between the hours of 9.00 am and 3.00 pm on 22 June to a plane of 1 m above the finished ground level under the drying lines.</td>
<td>A clothes drying area is capable of being provided to the western elevation of the existing dwelling on proposed Lot 11, meaning that it would gain full solar access from 11am onwards. This is suitably screened from view to the north and west by existing landscaping.</td>
<td>✓</td>
</tr>
<tr>
<td>A2.1</td>
<td>Habitable rooms of adjoining development receive a minimum of four hours solar access between the hours of 9.00 am and 3.00 pm on 22 June.</td>
<td>As the existing development is north facing, the southern side of the existing dwelling is in shade at all times. There is no change to this arrangement. Eastern and western elevations are similarly unaffected by the proposed development and as such the proposed arrangement is consistent with the current.</td>
<td>✓</td>
</tr>
<tr>
<td>A2.2</td>
<td>Principle private open space of adjoining and adjacent development receives a minimum of four hours solar access over 75% of the main private open space area between 9.00 am and 3.00 pm on 22 June.</td>
<td>The existing dwelling on the property has no formalised area of POS. A large area with screening and direct access from living spaces is available on the western side of the dwelling. This area is not affected by shadowing from the proposed development.</td>
<td>✓</td>
</tr>
<tr>
<td>A2.3</td>
<td>Landscaping is designed to ensure that when mature required areas of private open space or established BBQ/pergola areas on adjoining allotments maintain solar access on 22 June in accordance with A2.2.</td>
<td>Existing landscaping on proposed Lot 11 is largely retained, with the exception of a small amount of planted garden to be removed on the eastern elevation to facilitate the parking area. It is not considered necessary to replace this.</td>
<td>✓</td>
</tr>
</tbody>
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### Table 2 - Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

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<tr>
<td>A2.4 The solar impact of development shall be shown with the submission of shadow diagrams taken on 22 June (winter solstice). The shadow diagram shall be prepared in accordance with Figure 6.</td>
<td>Provided as Drawings A69 – A15</td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

**Private open space and landscaping**

**P1** Private open space is an area and dimension facilitating its intended use.

**P1.1** The private open space is of an area and dimension facilitating its intended use.

- **A1.1** Dwelling houses, dual occupancy and multi-dwelling housing shall have a Principle Private Open Space (PPOS) area, in addition to the general Private Open Space (POS).
  - Development in residential areas
  - This is achieved for the existing dwelling in the western extent of the site.
  - ✓

- **A1.2** The PPOS area has a minimum area per dwelling of 25 m² and a minimum dimension of 5 m (4 m for multi-dwelling housing). This area can include covered (not enclosed) outdoor entertainment areas.
  - The existing dwelling satisfies both requirements.
  - ✓

- **A1.3** Dwelling houses and dual occupancies have an overall minimum POS area (including PPOS) of 20% of the site area excluding the area located forward of the front building line.
  - The existing dwelling satisfies this requirement.
  - ✓

- **A1.4** Multi-dwelling housing has an overall minimum POS area (including PPOS) of 5% of the site area per dwelling within the development (excluding the area located forward of the building line).
  - Multi-dwelling housing not proposed on proposed Lot 11
  - N/A

**P2** Private open space is easily accessible by the occupants of the development and provides an acceptable level of privacy.

**P2.1** All Principle Private Open Space (PPOS) is directly accessed from the main living area.

- A2.1 All Principle Private Open Space (PPOS) is directly assessed from the main living area.
  - This is understood to be achieved for the existing dwelling.
  - ✓

**P3** Landscaping is provided at a scale and density which is appropriate for the development.

**P3.1** Landscaping is provided in accordance with the requirements of the Landscaping Schedule (see DCP p. 46).

- A3.1 Landscaping is provided in accordance with the requirements of the Landscaping Schedule (see DCP p. 46).
  - No landscaping proposed or required in relation to the existing dwelling
  - N/A

- A3.2 The height and density of vegetation at maturity will be suitable to screen and soften the development.
  - No landscaping proposed or required in relation to the existing dwelling
  - N/A

- A3.3 A landscape plan is required to be provided for assessment with the lodgement of development applications.
  - No landscaping proposed or required in relation to the existing dwelling
  - N/A
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<td></td>
<td>for dual occupancy and multi-dwelling housing developments.</td>
<td></td>
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</tr>
<tr>
<td>P4 Landscaping is located to not impact infrastructure, development on the site or development adjoining the site.</td>
<td>A4.1 Species are selected and located taking into consideration the size of the root zone of the tree at maturity and the likelihood of potential for the tree to shed drop material.</td>
<td>No landscaping proposed or required in relation to the existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A4.2 Species are selected and located to ensure that the amenity of adjoining and adjacent properties is not impacted (see Element 3 – Solar Access).</td>
<td>No landscaping proposed or required in relation to the existing dwelling</td>
</tr>
<tr>
<td>P5 Landscaping is undertaken in an environmentally sustainable manner which limits the time and costs associated with maintenance.</td>
<td>A5.1 Existing native trees are retained.</td>
<td>No large native trees require removal in relation to the subdivision and provision of proposed Lot 11</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A5.2 Species selected are suitable for the local climate.</td>
<td>No landscaping proposed or required in relation to the existing dwelling. Achieved in relation to the proposed multi-dwelling housing on proposed Lot 12.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A5.3 Species selected require a minimal amount of watering (Waterwise Garden).</td>
<td>No landscaping proposed or required in relation to the existing dwelling. Achieved in relation to the proposed multi-dwelling housing on proposed Lot 12.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A5.4 Landscaping does not impact ground-water levels by over-watering resulting in ground-water level increases or the pollution of water.</td>
<td>No landscaping proposed or required in relation to the existing dwelling. Achieved in relation to the proposed multi-dwelling housing on proposed Lot 12.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A5.5 Landscaping is provided with a timed watering system and moisture meter to determine if watering is required.</td>
<td>No landscaping proposed or required in relation to the existing dwelling. Achieved in relation to the proposed multi-dwelling housing on proposed Lot 12.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A5.6 Sensors are used to control watering systems (see also Element 9).</td>
<td>No landscaping proposed or required in relation to the existing dwelling. Achieved in relation to the proposed multi-dwelling housing on proposed Lot 12.</td>
</tr>
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<td><strong>Element 5 - Infrastructure</strong></td>
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</tr>
<tr>
<td>P1 Residential development shall not overload the capacity of public infrastructure</td>
<td>A1.1 Physical infrastructure is provided by the proponent in accordance with Council’s adopted version of NAT Spec and relevant policies.</td>
<td>Existing dwelling is already serviced by existing infrastructure</td>
<td>N/A</td>
</tr>
<tr>
<td>(including reticulated services, streets, open space and human services)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P2 Design and layout of residential development provides space (including easements)</td>
<td>A2.1 Development is connected to a telecommunication system provided in accordance with the requirements of the appropriate authority.</td>
<td>Existing dwelling is already serviced by existing infrastructure</td>
<td>N/A</td>
</tr>
<tr>
<td>and facilities to enable efficient and cost-effective provision of telecommunication</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>services.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P3 The development is connected to reticulated sewerage, water supply and electricity</td>
<td>A3.1 Development is connected to Council’s reticulated water supply, stormwater drainage and sewerage system to Council’s adopted version of AUSPEC and relevant policies (including separate water meters where the development is to be subdivided).</td>
<td>Existing dwelling is already serviced by existing infrastructure</td>
<td>N/A</td>
</tr>
<tr>
<td>systems and to natural gas where available.</td>
<td>A3.2 Where not serviced by Council reticulated water supply in the RUS zone, each dwelling is provided with at least 45,000 litre potable water storage (or 20,000 litre potable water storage if supplemented by an alternative supply) and have ready access to a minimum water supply of 10,000 litres reserved for fire fighting purposes (see Note 1).</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A3.3 Extend and construct electricity supply capable of meeting the needs of the development and locate development where ready access to an electricity supply is available.</td>
<td>Existing dwelling is already serviced by existing infrastructure</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A3.4 Where Council sewerage services are not available, an approved effluent disposal system is installed and located so it is not: – Situated on flood-affected land; – Within or adjacent to drainage lines and – Likely to contaminate any surface or ground-water supplies.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>P4 In areas where drainage infrastructure has little or no excess capacity, developments which would generate stormwater run-off beyond that equivalent to 30% site cover (or beyond that presently generated by the site if greater) should provide for</td>
<td>A4.1 Onsite stormwater detention shall be provided with delayed release into the stormwater system.</td>
<td>Not applicable on the basis that the area has sufficient capacity</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A4.2 Minimal impervious areas shall be provided.</td>
<td>This would be achieved</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A4.3 An onsite water recycling system shall be provided.</td>
<td>N/A</td>
<td></td>
</tr>
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<td>Stormwater drainage, mitigation or upgrading of the local drainage system.</td>
<td></td>
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</tr>
<tr>
<td><strong>Element 6: Visual and acoustic privacy</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Visual privacy</strong></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
| P1 Private open spaces and living rooms of adjacent residential accommodation are protected from direct overlooking by an appropriate layout, screening device and distance. | A1.1 Windows of habitable rooms with an outlook to habitable room windows in adjacent development within 10 m:  
   - Any offset of a minimum distance of 1 m from the edge of the opposite window in the proposed development;  
   - Have a sill height of 1.5 m above floor level;  
   - Have a fixed obscure glazing in any window pane below 1.5 m above floor level; or  
   - Have screens which obscure the view from habitable room windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a development into private open space and/or habitable rooms of existing residential accommodation (see Figure 7). | No overlooking of windows in relation to the existing dwelling is proposed due to screening of windows at first floor of the proposed multi-dwellings and no windows proposed on the northern elevation | ✓           |
| Note: No screening is required if: Bathrooms, toilets, laundries, storage rooms or other non-habitable rooms have translucent glazing or sill heights of at least 1.5 m.  
   Habitability of rooms having sill heights of 1.5 m or greater above floor level or translucent glazing in any window less than 1.5 m above floor level.  
   Habitability rooms facing a property boundary have a visual barrier of at least 1.5 m high (fences and barriers other than landscaping are not to be any higher than 1.8 m) and the floor level of the room is less than 0.6 m above the level of the ground at the boundary. |                                                                                     |                                                                            |             |
| **Acoustic privacy**                                                                  |                                                                                     |                                                                            |             |
| P2 The transmission of noise to and the impact upon habitable rooms within the proposed development do not adjoin or abut bed rooms of adjacent residential accommodation. | This would be achieved                                                             |                                                                            | ✓           |
| A2.2 The plumbing of residential accommodation is separate and contained sufficiently to prevent transmission of noise. | Not applicable to the existing dwelling                                              |                                                                            | N/A         |
Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

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<tbody>
<tr>
<td>and adjoining and adjacent development is minimized.</td>
<td>A2.3 Electrical, mechanical or hydraulic equipment or plant generating a noise level no greater than 5dB(A) above ambient L90 sound level at the boundary of the property.</td>
<td>No change to existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A2.4 Dividing walls and floors between residential uses are constructed in order to comply with the requirements of part F6 of the BCA (Classes 2 and 3 buildings only).</td>
<td>No change to existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A2.5 Residential accommodation is constructed to ensure habitable rooms are not exposed to noise levels in excess of the standards contained in the relevant Australian Standard(s) including AS 3671 – Road Traffic.</td>
<td>No change to existing dwelling</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Element 7: Vehicular access and car parking**

**Parking provision**

P1 Car parking is provided according to projected needs, the location of the land and the characteristics of the immediate locality.

A1.1 Dwelling houses and dual occupancy development provide the following vehicle parking:
- One bedroom dwelling – one car parking space per dwelling, situated behind the front building setback; and
- Dwelling with two or more bedrooms – two car parking spaces per dwelling. At least one of the required spaces shall be situated behind the front building setback.

A1.2 Multi-dwelling housing development provides the following vehicle parking behind the front building setback:
- One bedroom unit – one car parking space per unit;
- Two or more bedroom unit – two car parking spaces per unit; and
- Visitor parking – one car parking space for every four units or part thereof with a minimum of one car parking space.

Two car parking spaces are provided for the existing dwelling, both of which are behind the building line.

Existing dwelling is not a form of multi-dwelling housing and as such this clause does not apply to the existing dwelling. N/A

**Design**

P2 Car parking facilities are designed and located to:
- Conveniently and safely serve users including pedestrians, cyclists and vehicles;
- Enable efficient use of car spaces and accessways including adequate access to the street.

A2.1 The dimensions of car spaces and access comply with Section 3.5 Parking. This would be achieved.

A2.2 Accessways and driveways are designed to enable vehicles to enter the designated parking space in a single turning movement and leave the space in no more than two turning movements. This would be achieved for the existing dwelling.
Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

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<tr>
<td>Exercise access and manoeuvrability for vehicles between the street and the lot;</td>
<td>A2.3 Vehicles in multi-development housing shall enter and exit development sites in a forward direction.</td>
<td>Existing dwelling is not a form of multi-dwelling housing and as such this clause does not apply to the existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td>Conform to the adopted street network hierarchy and objectives of the hierarchy and</td>
<td></td>
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<tr>
<td>along with any related traffic management plans;</td>
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<tr>
<td>Be cost effective; and</td>
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<tr>
<td>Protect the streetscape.</td>
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<tr>
<td></td>
<td>A2.4 Where five or more car spaces (or three or more dwellings) are served, or a driveway connects to a distributor road, manoeuvring space is provided to make it unnecessary for cars to reverse on to or off the road. The entrance is at least 5 m wide for a distance of 7 m to allow vehicles to pass each other.</td>
<td>Driveway for existing dwelling services only one dwelling</td>
<td>N/A</td>
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<tr>
<td></td>
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<tr>
<td></td>
<td>A2.5 The design and appearance of garages and carports shall:</td>
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<tr>
<td></td>
<td>- Be in line with or behind the alignment of the front façade of the dwelling (noting that they cannot be less than 5.6 m from the front property boundary in the R1 and R2 zones) or 10 m in the RU5 zone;</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>- Garages and carports on secondary frontages of corner allotments may extend beyond the alignment of the secondary façade of the dwelling but shall achieve a minimum 5.5 m setback from the secondary property boundary (see Figure 4);</td>
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<td></td>
<td>- Lots with a narrow frontage of 15 m or less have a single width garage/carpark;</td>
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<td></td>
<td>- Large parking areas are broken up with trees, buildings or different surface treatments;</td>
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<td></td>
<td>- Parking is located so that the front windows of a dwelling are not obscured;</td>
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<tr>
<td></td>
<td>- The dwelling design highlights the entry and front rooms rather than the garage; and</td>
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<tr>
<td></td>
<td>- Garages are located under the roof of two-storey dwellings (eg terrace houses).</td>
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<tr>
<td></td>
<td>No garage or carport proposed for existing dwelling</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Driveways and access points</td>
<td>A3.1 Driveways comply with the following;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P3 For multi-housing developments, driveways and access points are designed for maximum safety to residents, motorists, passing motorists and pedestrians.</td>
<td>- Are not less than 3 m wide;</td>
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<td></td>
<td>- At changes of direction or at intersections, the internal radius of the driveway is at least 4 m;</td>
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<tr>
<td></td>
<td>- Where longer than 60 m (including blind curves) provision for passing is provided;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Where five or more car spaces (or three or more dwellings) are served, or a driveway connects to a distributor road, manoeuvring space is provided to</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Existing dwelling is not a form of multi-dwelling housing and as such this clause does not apply to the existing dwelling</td>
<td></td>
<td>N/A</td>
</tr>
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### Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

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<td>make it unnecessary for cars to reverse on to or off the road. The entrance is at least 5 m wide for a distance of 7 m to allow vehicles to pass each other; – Not within 8 m to a road intersection (see Figure B); – The access point is located via the minor road where the site is bound by a major and a minor road; – Access points do not conflict with existing vehicle or pedestrian generators; – Access points are located so that stopping sight distances are adequate for the design speed of the road (ie in accordance with AUSTROADS Guidelines ‘Guide to Traffic Engineering Practice, Part 5 – Intersections at Grade’); – Flood-free vehicle access is provided; and – Driveway gates do not open across the footpath/public road.</td>
<td>Front fencing is no higher than 1.2 metres, ensuring safety for pedestrians. No change to front fencing proposed.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>A3.2 Where the driveway passes through solid fencing higher than 1.2 m, the fencing is spliced into the property to make pedestrians visible when reversing.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Access points RU5 zone</strong></td>
<td><strong>P4 Minimise the number of access points, provide safe access, ensure vehicle egress in a forward direction and does not impede the flow of stormwater.</strong></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>A4.1 All developments have access from a road maintained by Council. Where access is not available such access will be constructed at full cost to the developer in accordance with Council’s requirements.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A4.2 Culvert pipes are provided where required and accesses are constructed to maintain the flow of stormwater through table drains and other drainage structures.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Access points off highways</strong></td>
<td><strong>P5 Development abutting highways (Newell, Mitchell and Golden Highway) minimise the number of access points, provide safe access, ensure vehicle egress in a forward direction and does not impede the flow of stormwater.</strong></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>A5.1 To be undertaken in accordance with the requirements of Roads and Maritime Services (RMS). Existing driveway is used, no changes required, Not a Highway.</td>
<td></td>
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</tr>
<tr>
<td>A5.2 Other road frontages are used if alternatives are available.</td>
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</tr>
<tr>
<td>A5.3 The number of access points onto a highway is not greater than the number of existing access points.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<tr>
<td>-------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Culvert pipes are provided where required and accesses are constructed to maintain</td>
<td>A5.4 Culvert pipes are provided where required and accesses are constructed to maintain the flow of stormwater through table drains and other drainage structures.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Security</td>
<td>A6.1 Car parking facilities are designed and located so as they:</td>
<td>Existing dwelling is not multi dwelling housing</td>
<td>✓</td>
</tr>
<tr>
<td>P8 For multi-housing development, open car parking areas and accessways are suitably</td>
<td>▪ Are adjacent and convenient to residential uses; ▪ Are secure or allow surveillance from residential accommodations; ▪ Are lit at night; ▪ Are well-ventilated if enclosed; ▪ Do not obscure the view between the street and front windows; ▪ Clearly define any visitor parking; and ▪ Clearly separated from habitable room windows to minimise noise and fumes entering residential accommodation.</td>
<td>Performance criteria identify that this control applies where access to any dwelling from a public street is remote or difficult. The location is not remote and due to the proximity of the dwelling to the street (setback of greater than 5.6 metres), it is not anticipated that it would be difficult for emergency services vehicles to access the dwellings.</td>
<td>N/A</td>
</tr>
<tr>
<td>Emergency vehicle access</td>
<td>A7.1 Accessways into multi-housing development are designed to cater for an ‘AUSTROADS 8.8 m length Design Service Vehicle’.</td>
<td>Performance criteria identify that this control applies where access to any dwelling from a public street is remote or difficult. The location is not remote and due to the proximity of the dwelling to the street (setback of greater than 5.6 metres), it is not anticipated that it would be difficult for emergency services vehicles to access the dwellings.</td>
<td>N/A</td>
</tr>
<tr>
<td>Surface treatment</td>
<td>A8.1 Car spaces, accessway and driveways are formed, defined and drained to a Council drainage system and surfaced with:</td>
<td>This would be achieved for the existing dwelling</td>
<td>✓</td>
</tr>
<tr>
<td>P9 Driveways, car parks and access points are designed in accordance with Section 3.5</td>
<td>▪ An all-weather seal such as concrete, coloured concrete, asphalt or motarred pavers. ▪ Stable, smooth, semi-porous paving material (such as brick, stone or concrete pavers) laid to the paving standard of light vehicle use.</td>
<td>Performance criteria identify that this control applies to shared driveways, access ways and car parks. A separate driveway is proposed for the existing dwelling and as such are not considered to be shared.</td>
<td>N/A</td>
</tr>
<tr>
<td>Location of driveways and accessways from residential uses</td>
<td>A9.1 Shared driveways, accessways and car parks of other residential uses are set-back a minimum of 1.5 m from windows to habitable rooms of residential accommodation unless the floor level of the dwelling is at least 1 m above the driveway. The setback may be reduced to 1.0 m when the driveway etc is bound by a fence of 1.5 m in height.</td>
<td>Not applicable.</td>
<td></td>
</tr>
</tbody>
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## Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

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<tr>
<td>Element 8 – Waste Management</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic solid waste</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P1 Domestic solid waste is disposed of in an environmentally responsible and legal manner.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A1.1 Residential accommodation shall participate in Council’s garbage and recycling materials collection service.</td>
<td>This would be achieved for the existing dwelling</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>A1.2 Organic waste shall be composted.</td>
<td>This would be achieved for the existing dwelling</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>A1.3 Recycling of wastes such as paper (mulch in garden), plastics, glass and aluminium.</td>
<td>This would be achieved for the existing dwelling</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>A1.4 Reuse of waste such as timber.</td>
<td>This would be achieved for the existing dwelling</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>A1.5 Dispose of waste to a Council approved waste facility or transfer station.</td>
<td>This would be achieved for the existing dwelling</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>P2 The amount of liquid waste generated is minimised.</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>P3 Where no reticulated sewage system is available, the ability to reuse treated waste water is maximised where there is minimal risk of contamination to the aquifer or ground-water supplies.</td>
<td></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>A3.1 Subject to site suitability, the use of aerated wastewater treatment systems (AWTS) which enable treated effluent to be used to water trees and gardens.</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Note 1: AWTS enable treated effluent to be irrigated onto trees, gardens, lawn etc. Treated effluent shall not be used to irrigate passive or active recreation areas or used to grow vegetables or fruit for human consumption.</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Note 2: Recommended buffer distances for onsite sewage disposal systems are included in the table below.</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>P4 Adequate space is provided to store waste collection bins in a position which will not adversely impact upon the amenity of the area.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A4.1 Waste collection bins are stored behind the building line.</td>
<td>This would be achieved for the existing dwelling</td>
<td>✓</td>
<td></td>
</tr>
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<tr>
<td><strong>Element 9 – Site Facilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mail boxes</td>
<td>A1.1 Individual mail boxes are located to each ground-floor entry of residential accommodation or a mail box structure is located close to the major pedestrian entrance to the site.</td>
<td>Existing mail box remains unchanged</td>
<td>N/A</td>
</tr>
<tr>
<td>P1 Mail boxes are located for convenient access by residents and the delivery authority.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage areas</td>
<td>A2.1 A space of 8 m² with a minimum horizontal surface area of 6 m² per dwelling is set aside exclusively for storage. This space may form part of a carport or garage but shall be dedicated for storage.</td>
<td>No change to internal storage for existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td>P2 Each dwelling within a multi-housing development is provided with adequate storage areas and external clothes drying facilities.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Security</td>
<td>A3.1 Car parking areas and pathways are lit in accordance with AS 1158.</td>
<td>Existing dwelling is not multi dwelling housing</td>
<td>N/A</td>
</tr>
<tr>
<td>P3 Car parking areas and pedestrian accessways to the entry of multi-housing development are adequately lit at night for safety and security of residents and visitors.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antenna</td>
<td>A4.1 The number of television antennas and other receiving structures is kept to a minimum or, where appropriate, a receiver is provided to serve all dwellings within a single building.</td>
<td>No change to existing antennas at existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td>P4 Telecommunications facilities are provided to serve the needs of residents and do not present any adverse visual impacts.</td>
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</tbody>
</table>

2.1.3 – Subdivision Controls

**Element 1 – Neighbourhood Design**

<table>
<thead>
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</thead>
<tbody>
<tr>
<td>P1 Street design and lot density minimise motor-vehicle use and promote walking and cycling.</td>
<td>A1.1 Recreational areas, shops and facilities are located within walking distance (400 m) of residences.</td>
<td>This is achieved</td>
<td>✓</td>
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</tbody>
</table>

**Element 2 – Lot Layout**

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>P1 Lots are of appropriate area and dimensions for the siting and construction of a dwelling and ancillary</td>
<td>A1.1 Lot size complies with Dubbo LEP 2011.</td>
<td>Development is compliant with LEP in that both proposed lots 11 and 12 exceed 300 m²</td>
<td>✓</td>
</tr>
</tbody>
</table>
Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

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<tbody>
<tr>
<td>outbuildings, the provision of private outdoor open space, convenient vehicle access and parking.</td>
<td>A1.2 Lot size and dimensions take into account the slope of the land and minimize earthworks/retaining walls associated with dwelling construction.</td>
<td>This is achieved</td>
<td>✓</td>
</tr>
<tr>
<td>User requirements</td>
<td>A1.3 Lot size and dimensions enable residential development to be sited to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P2 Lot frontages are orientated to enable maximum residential security.</td>
<td>- Protect natural or cultural features;</td>
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<tr>
<td></td>
<td>- Acknowledge site constraints including soil erosion and bushfire risk; and</td>
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<tr>
<td></td>
<td>- Retain special features such as trees and views (developers are encouraged to identify significant trees at subdivision stage and ensure provision of an adequate building envelope).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solar access</td>
<td>A2.1 Lot frontages are orientated toward streets and open spaces so that personal and property security, deterrence of crime, vandalism and surveillance of footpaths and public open space are facilitated.</td>
<td>This is achieved</td>
<td>✓</td>
</tr>
<tr>
<td>P3 Lots are orientated and have dimensions to allow adequate solar access.</td>
<td>A3.1 Lots are orientated so that one axis is within 300 east or 300 west of true north. Note:</td>
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<td></td>
<td>- North-facing slopes improve opportunities for solar access;</td>
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<td></td>
<td>- Small lots are best suited to north-facing slopes with gradients of less than 15%;</td>
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<td></td>
<td>- South-facing slopes reduce solar access; and</td>
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<td></td>
<td>- Large lots/low densities are therefore best suited to south-facing slopes.</td>
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<tr>
<td><strong>ELEMENT 4 - INFRASTRUCTURE</strong></td>
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</tr>
<tr>
<td>P1 Design and provision of utility services including sewerage, water, electricity, gas, street lighting and communication services are cost-effective over their lifecycle and incorporate provisions to minimise adverse environmental impact in the short and long term.</td>
<td>A1.1 The design and provision of utility services conforms to the requirements of the relevant service authorities. No change to existing service connections required for existing dwelling</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A1.2 Water and sewerage services are to be provided to each allotment at the full cost of the developer. No change to existing service connections required for existing dwelling</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A1.3 Water and sewerage services are to be designed and constructed in accordance with the requirements of NATSPEC (DCG version) Development Specification Series – Design and Development Specification Services – Construction. No change to existing service connections required for existing dwelling</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A1.4 Electricity supply is provided via underground trenching in accordance with the requirements of the energy supply authority. No change to existing service connections required for existing dwelling</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>P3 Water supply and sewerage networks are available, accessible, easy to maintain and are cost-effective based on life-cycle costs.</td>
<td>A3.1 Council will not consent to the subdivision of land until adequate water supply and facilities for sewage and drainage are available or until arrangements satisfactory to Council have been made for the provision of such supply and facilities. No change to existing service connections required for existing dwelling</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td><strong>ELEMENT 7 – STORMWATER MANAGEMENT</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>P6 Subdivision design and lot layout provides for adequate site drainage.</td>
<td>A6.1 Where site topography prevents the discharge of stormwater directly to the street gutter or a Council-controlled piped system, inter-allotment drainage is provided to accept run-off from all existing or future impervious areas that are likely to be directly connected. No change to stormwater discharge arrangements for the existing dwelling.</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>
Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SECTION 3.4 – HERITAGE CONSERVATION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.4.10 - General Development Controls – Construction of new buildings</td>
<td></td>
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</tr>
<tr>
<td>Provision for cars (ie crossovers)</td>
<td>P11: These should reflect the nature of adjoining historic buildings and the heritage precinct.</td>
<td>A11.1 Existing access points should be utilised where possible. Note: Large double driveways are not appropriate.</td>
<td>An existing crossover location is utilised by the development</td>
</tr>
</tbody>
</table>
ATTACHMENT 6

Plate 1: 126 Wingewarra Street

Plate 2: TAFE buildings in Fitzroy Street
Plate 3: TAFE buildings in Fitzroy Street

Plate 4: Adjacent dwelling to south (184 Fitzroy Street)
Plate 5: Dwelling (former shop) on the corner of Short and Fitzroy Street (south)

Plate 6: Bullier St dual occupancy with stacked parking
Plate 7: Bulfie St dual occupancy with stacked parking

Plate 8: Wingewarra St dual occupancies with stacked parking
Dear Michelle / Darryll,

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 the development at this time, provided:

1. If the proposal changes, Essential Energy would need to be informed for further comment;

2. As part of the subdivision, easements are created for any existing overhead electrical infrastructure. The easements are to be created using Essential Energy’s standard easement terms current at the time of registration of the plan of subdivision – refer Essential Energy’s Contestable Works team for requirements;

3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property are complied with;

4. Any proposed driveway accesses and/or exits to the proposed improvements must remain at least three (3) metres away from any electricity infrastructure (power pole) at all times to prevent accidental damage;

5. Minimum safety clearance requirements are maintained at all times for any proposed driveway accesses and/or exits as such driveways will pass under Essential Energy’s existing overhead powerlines located on the Fitzroy Street property frontage - refer Essential Energy’s policy GEOM7106.25 Minimum Clearance Requirements for NSW and ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;

6. Satisfactory arrangements are made for the disconnection of power and removal of the low voltage electricity infrastructure servicing the property prior to the demolition of the existing improvements – refer Essential Energy’s Contestable Works team for requirements; and

7. 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 lots which will form part of the subdivision,
prior to Council releasing the Subdivision Certificate. It is the Applicant’s responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.

In addition, Essential Energy’s records indicate there is electricity infrastructure located within the property and within close proximity to the property. Any activities within these locations 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) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice — Work near Overhead Power Lines.

Regards

Duncan
Conveyancing Officer

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General enquiries: 13 23 91 | Supply interruptions (24hr): 15 23 30

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