



AGENDA

ORDINARY COUNCIL MEETING

18 DECEMBER 2017

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

The meeting is scheduled to commence at 5.30pm.

PRAYER:

O God, Grant that by the knowledge of thy will, all we may resolve shall work together for good, we pray through Jesus Christ our Lord. Amen!

ACKNOWLEDGEMENT OF COUNTRY:

"I would like to acknowledge the Wiradjuri People who are the Traditional Custodians of the Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal peoples from other nations who are present".

	Page
CCL17/179 CONFIRMATION OF MINUTES (ID17/2203) Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 18 December 2017.	7
CCL17/180 LEAVE OF ABSENCE (ID17/2204)	
CCL17/181 PUBLIC FORUM (ID17/2205)	
MAYORAL MINUTES:	
CCL17/182 INTERNAL OMBUDSMAN FOR DUBBO REGIONAL COUNCIL (ID17/2226) The Council had before it the Mayoral Minute regarding Internal Ombudsman for Dubbo Regional Council.	31
CCL17/183 WEEKLY MIXED WASTE COLLECTION (ID17/2228) The Council had before it the Mayoral Minute regarding Weekly Mixed Waste Collection.	32

MATTERS CONSIDERED BY COMMITTEES:

- CCL17/184 REPORT OF THE PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING 11 DECEMBER 2017 (ID17/2206) 33**

The Council had before it the report of the Planning, Development and Environment Committee meeting held 11 December 2017.

- PDEC17/14 PLANNING PROPOSAL - (R16-3) - AMENDMENT TO DUBBO LEP 2011**

PROPERTY: 4L CAMP ROAD, DUBBO

APPLICANT: DOHERTY SMITH AND ASSOCIATES

OWNER: MRS L K BENDER (ID17/2083)

The Council had before it the report dated 5 December 2017 from the Manager Strategic Planning Services regarding Planning Proposal - (R16-3) - Amendment to Dubbo LEP 2011.

Property: 4L Camp Road, Dubbo.

Ms Melissa Watkins, Director Planning and Environment declared a non-pecuniary, significant interest in the matter when it was before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Ms Watkins engaged the husband of the owner of the land (Matt Bender) to undertake demolition of her property 276 Brisbane Street, Dubbo (in July 2017). She has had no other dealings with Mr Bender or the subject Planning Proposal since this time.

Councillor J Ryan declared a pecuniary, less than significant interest in the matter when it was before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor J Ryan owns a 50 acre block of land on Camp Road.

- CCL17/185 REPORT OF THE INFRASTRUCTURE, COMMUNITY AND RECREATION COMMITTEE - MEETING 11 DECEMBER 2017 (ID17/2207) 38**

The Council had before it the report of the Infrastructure, Community and Recreation Committee meeting held 11 December 2017.

ICRC17/34 DUBBO FAMILY DAY CARE SCHEME-PROPOSED INCREASE IN FEES AND THE PROPOSED INTRODUCTION OF A FEE TO LEASE THE LEARNING ENVIRONMENT UNIT IN THE COLLEEN MONTGOMERY COTTAGE VICTORIA PARK DUBBO (ID17/2155)

The Council had before it the report dated 30 November 2017 from the Manager Social Services regarding Dubbo Family Day Care Scheme-proposed increase in fees and the proposed introduction of a fee to lease the learning environment unit in the Colleen Montgomery Cottage Victoria Park Dubbo.

Councillor J Diffey declared a pecuniary, less than significant interest in the matter when it was before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor J Diffey daughter is cared for by Dubbo Family Day care.

CCL17/186 REPORT OF THE ECONOMIC DEVELOPMENT, BUSINESS AND CORPORATE COMMITTEE - MEETING 11 DECEMBER 2017 (ID17/2208)

48

The Council had before it the report of the Economic Development, Business and Corporate Committee meeting held 11 December 2017.

EDBC17/22 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT (ID17/2169)

The Council had before it the report dated 4 December 2017 from the Director Corporate Services regarding Investments Under Section 625 of the Local Government Act.

Councillor K Parker declared a non-pecuniary, less than significant interest in the matter when it was before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor K Parker is the Manager of the Dubbo Branch of the Bank of Queensland, a bank that Council has funds invested with.

- EDBC17/23 INVESTMENT POLICY AND STRATEGY REVIEW (ID17/2159)**
The Council had before it the report dated 4 December 2017 from the Manager Financial Operations regarding Investment Policy and Strategy Review.
- Councillor K Parker declared a non-pecuniary, less than significant interest in the matter when it was before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor K Parker is the Manager of the Dubbo Branch of the Bank of Queensland, a bank that Council has funds invested with.*
- CCL17/187 REPORT OF THE AIRPORT/AIRSTRIp WORKING PARTY - MEETING 11 DECEMBER 2017 (ID17/2202)** 52
The Council had before it the report of the Airport/Airstrip Working Party meeting held 11 December 2017.
- CCL17/188 REPORT OF THE AUDIT AND RISK MANAGEMENT COMMITTEE - MEETING 18 DECEMBER 2017 (ID17/2209)** 55
The Council had before it the report dated 11 December 2017 from the Administration Officer - Governance regarding Report of the Audit and Risk Management Committee - meeting 18 December 2017.
- REPORTS FROM STAFF:**
- CCL17/189 PLANNING PROPOSAL (R16-5) - SOUTHLAKES ESTATE, DUBBO (ID17/2227)** 56
The Council had before it the report dated 13 December 2017 from the Manager Strategic Planning Services regarding Planning Proposal (R16-5) - Southlakes Estate, Dubbo.
- CCL17/190 DEVELOPMENT APPLICATION D17-415 - REGISTERED CLUB (ALTERATIONS AND ADDITIONS)
PROPERTY: 82 WHYLANDRA STREET, DUBBO
APPLICANT: CLUB DUBBO
OWNER: WEST DUBBO BOWLING CLUB LTD (ID17/2199)** 91
The Council had before it the report dated 13 December 2017 from the Senior Strategic Planner regarding Development Application D17-415 - Registered Club (Alterations and Additions).

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| CCL17/191 | ADDENDUM TO 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 (ID17/2213) | 94 |
| <p>The Council had before it the report dated 12 December 2017 from the Statutory Planning Services Team Leader regarding Addendum to PDEC17/9 Development Application D2017-462 - Two (2) Lot Subdivision, Multi Dwelling Housing and Four (4) Lot Strata Subdivision.</p> | | |
| CCL17/192 | DRAFT POLICY RELATING TO WATER CONNECTION, BACKFLOW PREVENTION AND PRICING POLICY - PUBLIC EXHIBITION (ID17/2216) | 228 |
| <p>The Council had before it the report dated 12 December 2017 from the Director Infrastructure and Operations regarding Draft Policy Relating to Water Connection, Backflow Prevention and Pricing Policy - Public Exhibition.</p> | | |
| CCL17/193 | APPOINTMENT OF DUBBO STATE EMERGENCY SERVICE UNIT LOCAL CONTROLLER (ID17/2219) | 253 |
| <p>The Council had before it the report dated 12 December 2017 from the Director Infrastructure and Operations regarding Appointment of Dubbo State Emergency Service Unit Local Controller.</p> | | |
| CCL17/194 | OPPORTUNITIES TO IMPROVE THE STREET TREE CANOPY - UPDATE (ID17/2193) | 260 |
| <p>The Council had before it the report dated 9 December 2017 from the Director Community and Recreation regarding Opportunities to Improve the Street Tree Canopy - Update.</p> | | |
| CCL17/195 | BODANGORA WIND FARM COMMUNITY BENEFIT FUND ROUND 1 (ID17/2170) | 289 |
| <p>The Council had before it the report dated 5 December 2017 from the Director Community and Recreation regarding Bodangora Wind Farm Community Benefit Fund Round 1.</p> | | |

- CCL17/196 CONTAINER DEPOSIT SCHEME (CDS): REVERSE VENDING MACHINE LOCATION ON COUNCIL LAND. (ID17/2194)** 299
The Council had before it the report dated 9 December 2017 from the Director Community and Recreation regarding Container Deposit Scheme (CDS): Reverse Vending Machine Location on Council land.
- CCL17/197 DUBBO REGIONAL SPORTS COUNCIL CONSULTATION ON THE VICTORIA PARK REDEVELOPMENT PROPOSAL (ID17/2215)** 305
The Council had before it the report dated 12 December 2017 from the Director Community and Recreation regarding Dubbo Regional Sports Council consultation on the Victoria Park Redevelopment Proposal.
- CCL17/198 COMMENTS AND MATTERS OF URGENCY (ID17/2210)**
- CCL17/199 COMMITTEE OF THE WHOLE (ID17/2211)**



Confirmation of Minutes

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 27 November 2017.

RECOMMENDATION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 27 November 2017 comprising pages 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the General Manager.

Appendices:

- 1 [↓](#) Ordinary Council Meeting - Minutes - 27 November 2017
- 2 [↓](#) Committee of the Whole - Minutes - 27 November 2017



REPORT ORDINARY COUNCIL MEETING 27 NOVEMBER 2017

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

ALSO IN ATTENDANCE:

The Acting General Manager (C Devitt), the Director Corporate Services, the Manager Governance and Risk, the Team Leader Governance, the Director Economic Development and Business, the Manager Communication and Stakeholder Engagement, the Communications Coordinator, the Manager Airport Operations, the Manager Business Services, the Director Infrastructure and Operations, the Manager Infrastructure Strategy, the Director Planning and Environment, the Manager Building and Development Services, the Statutory Planning Services Team Leader, the Manager Strategic Planning Services, the Strategic Planner and the Director Community and Recreation.

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm with a prayer for Divine Guidance to the Council in its deliberations and activities. The acknowledgement of country was also read by Councillor B Shields.

CCL17/165 CONFIRMATION OF MINUTES (ID17/1974)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 23 October 2017.

Moved by Councillor K Parker and seconded by Councillor G Mohr

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 23 October 2017 comprising pages 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Acting General Manager.

CARRIED

CCL17/166 LEAVE OF ABSENCE (ID17/1976)

There were no requests for leave of absence recorded.

CCL17/167 PUBLIC FORUM (ID17/1975)

The Council reports having met with the following persons during Public Forum:

- Mr Steve Gooley regarding item PDEC17/6 - Planning Proposal (R16-5) - Southlakes Estate, Dubbo.
- Mr Paul Hagarty regarding item PDEC17/8 - Development Application D17-415 - Registered Club (Alterations And Additions).
- Ms Judy Newton regarding item PDEC17/8 - Development Application D17-415 - Registered Club (Alterations And Additions).
- Mrs Lyn Griffiths regarding the General Manager's contract
- Mr Matthew Gilbert, Dubbo Cycle Club regarding item.
- Mr Robert Riley regarding the General Manager's contract
- Mr Bill Kelly regarding the General Manager's contract
- Mr Josh Black regarding Macleay Street Dubbo and the verges not being sealed.
- Ms Belinda Edmundson regarding street trees.
- Ms Barbra Sutherland regarding street trees.
- Ms Anita Johnstone regarding Implementation of Employment Education and Training Opportunities – Wiradjuri Wellington Aboriginal Town Common Aboriginal Corporation.

Moved by Councillor D Grant and seconded by Councillor S Lawrence

MOTION

That in accordance with clause 10.4(c) of Council's adopted Meeting Procedures, Public Forum be extended for a further ten (10) minutes.

MAYORAL MINUTES:

CCL17/168 CENTENARY OF ARMISTICE DAY (ID17/1960)

The Council had before it the Mayoral Minute regarding Centenary of Armistice Day.

Moved by Councillor B Shields

MOTION

1. That Council form a Centenary of Armistice Committee to oversee the appropriate commemoration of Remembrance Day 2018.
2. That the Committee comprise the Mayor, two (2) Councillors, the General Manager, the Director Corporate Services, the Director Community and Recreation and two (2) representatives of the RSL Sub-Branch.
3. That the Centenary of Armistice Committee be disbanded following Remembrance Day 2018.

CARRIED

CCL17/169 IMPROVING WATER QUALITY IN THE MACQUARIE RIVER (ID17/2034)

The Council had before it the Mayoral Minute regarding Improving Water Quality in the Macquarie River.

Moved by Councillor B Shields

MOTION

That Council undertake an immediate strategic review of its overall approach to enhancing the water quality in the Macquarie River through effective management of stormwater flows from the urban areas of Wellington and Dubbo including:

1. Ensuring the existing 58 Gross Pollutant Traps (GPTs) currently installed in Wellington and Dubbo are effectively managed and maintained to ensure they operate at maximum efficiency to remove litter and other contaminants from entering the river.
2. Identifying the optimal location for installation of additional GPTs in critical catchments in Wellington and Dubbo and developing a program for delivery over the next three to four years.
3. Engage with active community groups such as the Inland Waterways, Mid-Macquarie Landcare, Dubbo Macquarie River Bushcare and Dubbo Field Naturalists along with Dubbo and Wellington Local Aboriginal Land Councils to develop a comprehensive community education program on initiatives to educate the community on the need to reduce littering to minimise the volume of rubbish entering the river as well as identify ways to involve the community on an ongoing basis to raise awareness of improving the health of the Macquarie River.
4. Developing a funding program to deliver this program of works, which includes pursuing opportunities for external funding as well utilisation of existing funding, to be considered in the 2018/2019 Delivery Plan.

CARRIED

CCL17/169a STAFF MATTER

The Council had before it the Mayoral Minute regarding staff matter.

Moved by Councillor B Shields

MOTION

That the matter be deferred to Committee of the Whole.

CARRIED

MATTERS CONSIDERED BY COMMITTEES:

**CCL17/170 REPORT OF THE PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
- MEETING 20 NOVEMBER 2017 (ID17/1978)**

The Council had before it the report of the Planning, Development and Environment Committee meeting held 20 November 2017.

Moved by Councillor S Lawrence and seconded by Councillor D Grant

MOTION

That the report of the Planning, Development and Environment Committee meeting held on 20 November 2017, be adopted, save and except clauses PDEC17/5, PDEC17/6, PDEC17/7, PDEC17/8 and PDEC17/9 with such matters being dealt with separately.

CARRIED

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

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

Moved by Councillor S Lawrence and seconded by Councillor K Parker

MOTION

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

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

FOR	AGAINST
Councillor Diffey	
Councillor Etheridge	
Councillor Grant	
Councillor Gumley	
Councillor Jones	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (10)	Total (0)

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

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

Moved by Councillor S Lawrence and seconded by Councillor V Etheridge

MOTION

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.

Moved by Councillor D Gumley and seconded by Councillor A Jones

AMENDMENT

That the matter be deferred to the Ordinary Meeting of Council to be held in December 2017.

The amendment on being put to the meeting was carried.

CARRIED

The amendment then became the motion and on being put to the meeting was carried.

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

FOR	AGAINST
Councillor Diffey	
Councillor Etheridge	
Councillor Grant	
Councillor Gumley	
Councillor Jones	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (10)	Total (0)

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

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

Moved by Councillor S Lawrence and seconded by Councillor D Gumley

MOTION

1. That it be noted that in respect of the Southlakes Estate, the Keswick on the Park Estate and the Magnolia Grove Estate, Council has not overcharged Section 94 Developer Contributions for any development application pursuant to the following Section 94 Developer Contributions Plans:
 - Section 94 Contributions Plan for Open Space and Recreation Facilities, 1998 (former Section 94 Plan);
 - Section 94 Contributions Plan for Open Space and Recreation Facilities, 2016; and
 - Section 94 Contributions Plan Urban Stormwater Drainage Headworks, 1995.
2. That Council proceed to enter into a Works-In-Kind Agreement for the first 950 lots included in Stage 2 of the Southlakes Estate (Hillview Land) with Maas Group Family Properties for the provision of Open Space and Recreation Facilities in accordance with the following:
 - Embellishment of the Council-owned land situated within the Stage 2 Southlakes Estate area to the value of \$2 million;
 - Embellishment of the Council-owned land to be undertaken in compliance with the Furniture and Equipment Standard of the Community and Recreation Division;
 - Payment of a City-wide contribution of \$1,436.78 per lot; and
3. That Council enter into a Maintenance Agreement with the proponent for the ongoing

maintenance of open space within Stage 2 (including Lot 2 DP 880413) of the Southlakes Estate by the developer for a period of 10 years in conjunction with any future development application(s) for subdivision in Stage 2 in accordance with the Dubbo Development Control Plan 2013.

4. That following receipt of the consultancy assessment from Cardno Pty Ltd in respect of trunk stormwater drainage requirements in Catchment 3.1 under the provisions of the Section 94 Contributions Plan Urban Stormwater Drainage Headworks, a further report be provided to Council in February 2018 including the following:
 - Details of trunk stormwater infrastructure delivered;
 - Infrastructure required to be delivered and infrastructure costs; and
 - Further consideration as to whether amendment of the Section 94 Contributions Plan is required or any other mechanism, both in respect of development in the catchment and Stage 2 including Lot 2 DP 880413 of the Southlakes Estate.
5. That Council not enter into a Voluntary Planning Agreement in accordance with the request to enter into a Voluntary Planning Agreement as provided by GLN Planning Pty Ltd, dated 3 November 2016 and provided here in Appendix 4.
6. That Council commence the acquisition of 52,116.77m² of Lot 36 DP 1233637 for the purpose of the future development of the Southern Distributor Road under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991, with a further report forwarded to Council in due course.
7. That Council undertake a land swap with Maas Group Family Properties to exchange 3.152 hectares of Council owned land for approximately 5.817 hectares of land owned by Maas Group Family Properties as shown here in Appendix 8.
8. That the land swap included in item 7 be at no cost to Council (ie a direct swap of land with no monetary compensation).
9. That the land swap included in item 7 not be formalised until the Minister for Planning has gazetted the Planning Proposal for the Southlakes Estate (R16/5).
10. That consideration of a Works-In-Kind Agreement for the provision of sewer and water infrastructure be deferred pending completion and adoption of the complete Structure Plan for Southlakes Estate including Lot 2 DP 880413.
11. That Council not accede to the request to enter into a Voluntary Planning Agreement (VPA) in respect of road infrastructure for Stage 2 including Lot 2 DP 880413 of the Southlakes Estate.
12. That any necessary documentation to facilitate the land swap be executed under the Common Seal of Council.

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

FOR	AGAINST
Councillor Diffey	
Councillor Etheridge	
Councillor Grant	
Councillor Gumley	
Councillor Jones	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (10)	Total (0)

Councillor A Jones assumed chairmanship of the meeting for consideration of this matter.

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

Moved by Councillor S Lawrence and seconded by Councillor V Etheridge

MOTION

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.

Moved by Councillor J Ryan and seconded by Councillor D Gumley

AMENDMENT

1. That the report of the Senior Strategic Planner dated 14 November 2017 be noted.
2. That the applicant be requested to:
 - To install double-glazed windows on all parts of the new development's exterior walls, and retrofit double-glazed windows in any other areas where sound can escape towards neighbours.
 - Install a man-proof fence and self-closing, locking gate where pedestrians can gain access from Stonehaven Avenue to Club Dubbo, for the purposes of discouraging patrons from parking in Stonehaven Avenue to access the club (Note: Club Dubbo to design a plan whereby residents from Stonehaven Avenue and other affected nearby residences have access to the gate's code with access to any other parties needs to be strictly limited and controlled).
 - Pay the costs for DRC to obtain an independent noise/audio study so we have unbiased baseline information to give us a solid and ethical foundation upon which to base any noise complaints about Club Dubbo into the future.
3. That upon receipt of the response from the applicant a further report be provided to the Ordinary Meeting of Council in December 2017 for determination.

The amendment on being put to the meeting was carried.

CARRIED

The amendment then became the motion and on being put to the meeting was carried.

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

FOR	AGAINST
Councillor Diffey	
Councillor Etheridge	
Councillor Grant	
Councillor Gumley	
Councillor Jones	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Total (9)	Total (0)

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

Councillor B Shields resumed chairmanship of the meeting.

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

Moved by Councillor S Lawrence and seconded by Councillor J Diffey

MOTION

1. 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:
 - a. The proposed development does not represent the orderly development of land. (Section 5(a) Environmental Planning and Assessment Act, 1979).
 - b. 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).
 - c. 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).
 - d. 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).
 - e. 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).
 - f. 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).
 - g. 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).
 - h. 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).

- i. 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).
- j. 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).
- k. 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).
- l. 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).

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Moved by Councillor G Mohr and seconded by Councillor S Lawrence

AMENDMENT

That the matter be deferred to the Ordinary Meeting of Council to be held in December 2017.

The amendment on being put to the meeting was carried.

CARRIED

The amendment then became the motion and on being put to the meeting was carried.

CARRIED

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

CCL17/171 REPORT OF THE INFRASTRUCTURE, COMMUNITY AND RECREATION COMMITTEE - MEETING 20 NOVEMBER 2017 (ID17/1979)

The Council had before it the report of the Infrastructure, Community and Recreation Committee meeting held 20 November 2017.

Moved by Councillor S Lawrence and seconded by Councillor A Jones

MOTION

That the report of the Infrastructure, Community and Recreation Committee meeting held on 20 November 2017, be adopted, save and except clauses ICRC17/17, ICRC17/21 and ICRC17/23, with such matters being dealt with separately.

CARRIED

ICRC17/17 DRAFT POLICY RELATING TO WATER CONNECTION, BACKFLOW PREVENTION AND PRICING POLICY - PUBLIC EXHIBITION (ID17/1905)

The Committee had before it the report dated 25 October 2017 from the Director Infrastructure and Operations regarding Draft Policy Relating to Water Connection, Backflow Prevention and Pricing Policy - Public Exhibition.

Moved by Councillor S Lawrence and seconded by Councillor K Parker

MOTION

1. That the information contained within the report of the Director Infrastructure and Operations dated 25 October 2017 be noted.
2. That the Water Connection, Backflow Prevention and Pricing Policy attached to the report of the Director Infrastructure and Operations dated 25 October 2017, as Appendix 1, be adopted.
3. That the people who made submissions be advised of the outcome of Council's considerations and thanked for their submission.

Moved by Councillor J Diffey and seconded by Councillor G Mohr

AMENDMENT

That the matter be deferred to the Ordinary Meeting of Council to be held in December 2017.

The amendment on being put to the meeting was carried.

CARRIED

The amendment then became the motion and on being put to the meeting was carried.

CARRIED

ICRC17/21 OPPORTUNITIES TO IMPROVE STREET TREE CANOPY OF DUBBO (ID17/1962)

The Council had before it the report dated 7 November 2017 from the Manager Recreation and Open Space regarding Opportunities to Improve Street Tree Canopy of Dubbo.

Moved by Councillor J Ryan and seconded by Councillor A Jones

MOTION

The Committee recommends:

1. That Council form a Committee to review proposed removal and/or replacement of trees required to complete infrastructure projects comprising the Mayor, interested Councillors, the General Manager, the Director Community and Recreation or his nominee, the Director Infrastructure and Operations or his nominee, the Director Planning and Environment or her nominee, and four (4) community representatives.
2. That the Committee undertake a review of Council's strategic master plan for the city's tree scape for the consideration of Council following a community consultation process.
3. That the Director Community and Recreation be requested to develop a draft Council Policy for Urban Street Tree Removal for the review of the Committee and consideration of Council following a community consultation process.
4. That all activities relevant to the Urban Street Tree Removal Policy be reported to the Committee and Council on a quarterly basis.
5. That the proposed removal of and/or replacement of trees required as part of Council's infrastructure projects, apart from any projects which are well advanced and subject to contractual obligations, (being the Boundary Road Extension project, the Bultje Street - Dubbo CBD Heat Island Amelioration project and the Cobra/Fitzroy Street Signalisation Project and Erskine Street, west of Darling Street) be postponed until a community committee has been established to review such proposed tree removal and/or replacement with recommendations to Council's Infrastructure, Community and Recreation Committee.

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Moved by Councillor J Ryan and seconded by Councillor S Lawrence

AMENDMENT

That the item be deferred to the Ordinary Meeting of Council to be held in December 2017 to allow for the formation of the Committee and not stop current infrastructure projects whilst this is occurring.

The amendment on being put to the meeting was carried.

CARRIED

The amendment then became the motion and on being put to the meeting was carried.

CARRIED

ICRC17/23 RYGATE PARK MASTER PLAN (ID17/1967)

The Council had before it the report dated 9 November 2017 from the Manager Recreation and Open Space regarding Rygate Park Master Plan.

Moved by Councillor S Lawrence and seconded by Councillor G Mohr

MOTION

- 1. That the report from Manager Recreation and Open Space dated 9 November 2017 be noted.**
- 2. That the draft Rygate Park Master Plan be adopted and the Wellington Tennis Club thanked for their further contribution in its development.**

CARRIED

Councillor D Grant declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room during the Council's consideration of this matter. The reason for such interest is that Councillor Grant's wife is a Committee member of Little Athletics and his children participate in Little Athletics at this facility and that such conflict of interest will not influence his decision.

CCL17/172 REPORT OF THE ECONOMIC DEVELOPMENT, BUSINESS AND CORPORATE COMMITTEE - MEETING 20 NOVEMBER 2017 (ID17/1980)

The Council had before it the report of the Economic Development, Business and Corporate Committee meeting held 20 November 2017.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

That the report of the Economic Development, Business and Corporate Committee meeting held on 20 November 2017, be adopted, save and except clauses EDBAC17/15, EDBAC17/17 and EDBAC17/19 with such matters being dealt with separately.

CARRIED

**EDBC17/15 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT
(ID17/1988)**

The Council had before it the report dated 14 November 2017 from the Director Corporate Services regarding Investments Under Section 625 of the Local Government Act.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

That the information provided within the report of the Director Corporate Services, dated 14 November 2017 be noted.

CARRIED

Councillor K Parker declared a pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during Council's consideration. The reason for such interest is that Councillor K Parker is the Manager of the Dubbo Branch of the Bank of Queensland, a bank that Council has funds invested with.

EDBC17/17 POLICY FOR ACCESS TO COUNCILLOR EMAIL MESSAGES (ID17/1966)

The Council had before it the report dated 8 November 2017 from the Manager Governance and Risk regarding Policy for Access to Councillor Email Messages.

Moved by Councillor G Mohr and seconded by Councillor A Jones

MOTION

That the draft policy titled Access to Councillor Email Messages be adopted.

Moved by Councillor J Ryan and seconded by Councillor D Grant

AMENDMENT

That the draft policy titled Access to Councillor Email Messages be adopted with the inclusion of the word "written" in the last paragraph so that it reads:

"Email messages that have been sent to, or by, Councillors in their duties of a Councillor, may only be accessed after the express written permission of Council's General Manager has been granted. Councillors will be advised when access to their email messages has been granted and provided with the reason why the access was required."

The amendment on being put to the meeting was carried.

CARRIED

The amendment then became the motion and on being put to the meeting was carried.

CARRIED

Councillor A Jones assumed chairmanship of the meeting for consideration of this matter.

**EDBC17/19 KESWICK STAGE 4 RELEASE 3B - SALE PRICES AND ADVERTISING SCHEDULE
(ID17/1956)**

The Council had before it the report dated 1 November 2017 from the Manager Property Assets regarding Keswick Stage 4 Release 3B - Sale prices and advertising schedule.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

1. That the 29 single dwelling residential allotments that form Keswick Estate Stage 4 Release 3B be marketed for sale effective 9.00 am Friday 1 December 2017 at the prices as detailed in Table 1 in this report and further, that the General Manager be authorised to take the necessary action in respect of such sales as also detailed in this report.
2. That the minimum floor space building requirement as detailed in the restrictive covenant for Keswick Estate Stage 4 remain at 150 m² (excluding dual occupancy dwellings).
3. That local real estate agencies be invited to enter into open agency agreements with Council to sell Keswick Lots on behalf of Council.
4. That each licensed builder be permitted to buy a maximum of four (4) single residential Lots and a further two (2) dual occupancy Lots in the release with no more than two of these allotments, with the same street frontage, adjoining each other.
5. That builders be permitted options to set aside up to four allotments with a 5% deposit for a period of 3 months to promote and market house land packages, noting that on successful completion, the builder's client for the house land package settle the purchase of the land transaction directly themselves with Dubbo Regional Council and at the end of the three month period of the builder option, notice be given to the builder to settle the purchase of the allotment set aside.
6. That any necessary documents be executed under the Common Seal of the Council.
7. That the documents and considerations in regard to this matter remain confidential to Council.

CARRIED

Councillor B Shields declared a pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during Council's consideration. The reason for such interest is that Councillor B Shields owns property and resides in Keswick Estate.

Councillor B Shields resumed chairmanship of the meeting.

**CCL17/173 REPORT OF THE AIRPORT/AIRSTRIP WORKING PARTY - MEETING 25 OCTOBER
2017 (ID17/2028)**

The Council had before it the report of the Airport/Airstrip Working Party meeting held 25 October 2017.

Moved by Councillor G Mohr and seconded by Councillor D Gumley

MOTION

That the report of the Airport/Airstrip Working Party meeting held on 25 October 2017, be adopted.

CARRIED

REPORTS FROM STAFF:

CCL17/174 ABOLITION OF WARDS AND POPULARLY ELECTED MAYOR (ID17/1922)

The Council had before it the report dated 31 October 2017 from the General Manager regarding Abolition of Wards and Popularly Elected Mayor.

Moved by Councillor S Lawrence and seconded by Councillor G Mohr

MOTION

1. That the report of the General Manager dated 31 October 2017 be noted.
2. That Council notes that the Local Government Act 1993 (NSW) currently requires that wards be of approximately equal population size and elect the same number of councillors.
3. That Council notes that this prevents the creation of a two ward system in the local government area, which might otherwise consist of separate Dubbo and Wellington wards, electing different numbers of councillors according to population size.
4. That Council make representations to the Minister of Local Government to consider the feasibility and appropriateness of an amendment to the Local Government Act 1993 (NSW) to allow a process for the creation of electoral wards with variations of population of more than 10% and electing different numbers of councillors, so long as the councillor/elector ratio is such as to maintain the principle of democratic representation across the local government area.
5. That Council submit a motion to the 2018 NSW Local Government Conference in support of the above with the wording of such motion being submitted to Council prior to lodgement.

CARRIED

**CCL17/175 DUBBO CITY REGIONAL AIRPORT - AUSTRALIAN AIRPORT ASSOCIATION -
AIRPORT INNOVATION AND EXCELLENCE AWARDS (ID17/2020)**

The Council had before it the report dated 20 November 2017 from the Director Economic Development and Business regarding Dubbo City Regional Airport - Australian Airport Association - Airport Innovation and Excellence Awards.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

That the report of the Director Economic Development and Business dated 20 November 2017 be noted and that past and present staff of Dubbo City Regional Airport as well as the staff who have contributed to the preparation and delivery of the Runway Strengthening and Lighting Upgrade project be congratulated on the attainment of these awards.

CARRIED

**CCL17/176 RAIL MAINTENANCE FACILITY - AGREEMENT WITH TRANSPORT FOR NSW TO
ACQUIRE COUNCIL OWNED LAND AT LOT 100 DP 710487, WHITE STREET
(ID17/2027)**

The Council had before it the report dated 21 November 2017 from the Manager Property Assets regarding Rail Maintenance Facility - agreement with Transport for NSW to acquire Council owned land at Lot 100 DP 710487, White Street.

Moved by Councillor J Diffey and seconded by Councillor A Jones

MOTION

- 1. That the Terms Sheet attached to the report of the Manager Property Assets dated 21 November 2017 as Appendix 2, between Transport for NSW and Council, be approved and executed.**
- 2. That all necessary documentation in relation to this matter be executed under the Common Seal of the Council.**

CARRIED

CCL17/177 COMMENTS AND MATTERS OF URGENCY (ID17/1981)

There were no matters recorded under this clause.

At this junction it was moved by Councillor S Lawrence and seconded by Councillor D Grant that the Council resolves into the Committee of the Whole Council, the time being 6.59pm.

The meeting resumed at 7.56pm.

CCL17/178 COMMITTEE OF THE WHOLE

The Director Corporate Services read to the meeting of the Report of Committee of the Whole held on 27 November 2017.

Moved by Councillor S Lawrence and seconded by Councillor V Etheridge

MOTION

That the report of the meeting of the Committee of the Whole held on 27 November 2017 be adopted, be adopted.

CARRIED

The meeting closed at 8.00pm.

.....
CHAIRMAN



REPORT

COMMITTEE OF THE WHOLE COUNCIL

27 NOVEMBER 2017

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

ALSO IN ATTENDANCE:

The Acting General Manager (C Devitt), the Director Corporate Services, the Manager Governance and Risk, the Team Leader Governance, the Director Economic Development and Business, the Communications Coordinator, the Director Infrastructure and Operations, the Manager Technical Support, the Manager Transport and Emergency, the Director Planning and Environment, the Manager Building and Development Services, the Statutory Planning Services Team Leader, the Manager Strategic Planning Services, the Strategic Planning Supervisor and the Director Community and Recreation.

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 6.59pm.

CW17/23 PROPOSED ACQUISITION OF LAND (ID17/2026)

The Committee had before it the report dated 21 November 2017 from the Manager Property Assets regarding Proposed Acquisition of Land.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

The Committee recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).

CARRIED

Moved by Councillor G Mohr and seconded by Councillor K Parker

MOTION

The Committee recommends

1. That Council seek to acquire land as detailed in the body of the report within the financial restrictions as specified.
2. That the land be classified as 'operational' in accordance with the Local Government Act 1993, upon acquisition by Council.
3. That all necessary documentation in relation to this matter be executed under the Common Seal of the Council.
4. That the documents and considerations in respect of this matter remain confidential to the Council.

CARRIED

Councillor J Ryan declared a non-pecuniary, less than significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor J Ryan had election material displayed at this property during the recent election campaign.

CW17/24 SUPPLY OF BITUMEN EMULSION/AGGREGATE (ID17/1992)

The Committee had before it the report dated 15 November 2017 from the Manager Infrastructure Delivery regarding Supply of Bitumen Emulsion/Aggregate.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

The Committee recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).

CARRIED

Moved by Councillor A Jones and seconded by Councillor J Diffey

MOTION

The Committee recommends:

1. That the Schedule of Rates Tenders for the Supply of Emulsion and Aggregate by Holcim Australia Pty Ltd and Bitupave Pty Ltd (Boral Asphalt) be accepted by Council for inclusion on a panel contract for a three (3) year period with an option of one additional year.
2. That any necessary documents be executed under the Common Seal of the Council.
3. That the documents and considerations in regard to this matter remain confidential to Council.

CARRIED

CCL17/169a STAFF MATTER

The Committee had before it the Mayoral Minute regarding staff matter.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

The Committee recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being personnel matters concerning particular individuals (other than Councillors) (Section 10A(2)(a)).

Moved by Councillor B Shields

MOTION

- 1. That the General Manager’s contract of employment (the “Contract”) be terminated, by mutual written agreement, in accordance with clause 10.3.1 of the Contract.**
- 2. That Council note the General Manager’s intention to resign from his employment with Dubbo Regional Council for personal reasons and thanks him for his outstanding service to the Council and will provide a reference.**
- 3. That the General Manager’s termination package be as specified in the body of this Mayoral Minute.**
- 4. That the Council appoint Mr Michael McMahon, as the Acting General Manager pursuant to sections 336 of the *Local Government Act 1993* with all Council’s Delegations of Authority to the General Manager being delegated to the Acting General Manager, during his time in this role.**
- 5. That the Council appoint Local Government NSW to undertake recruitment on behalf of Council for the position of General Manager.**
- 6. That the documents and considerations in relation to this matter remain confidential to the Council.**

CARRIED

The meeting closed at 7.50pm.

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CHAIRMAN



DUBBO REGIONAL
COUNCIL

MAYORAL MINUTE: Internal Ombudsman for Dubbo Regional Council

AUTHOR: Mayor
REPORT DATE: 13 December 2017
TRIM REFERENCE: ID17/2226

To the Council
Ladies and Gentlemen

Office of the Mayor
Civic Administration Building
Church Street, Dubbo

I have, for some time, considered a need for a specific Internal Ombudsman to listen to, review and independently assess concerns raised by residents and other stakeholders in our Local Government Area.

Recently, I discussed this need with the Acting General Manager who has worked with an Internal Ombudsman over the past seven years. His first-hand experience has been overwhelmingly in support of this role.

I would like to add this role to the current staff establishment and ask the General Manager to investigate and implement options for an interim and permanent role within Council.

The General Manager supports this need and will organise the recruitment as soon as possible.

RECOMMENDATION

That Council add the role of Internal Ombudsman to the current staff establishment and provide funding for the position through adapting the current organisation structure.

Councillor Ben Shields
Mayor



DUBBO REGIONAL
COUNCIL

MAYORAL MINUTE: Weekly Mixed Waste Collection

AUTHOR: Mayor
REPORT DATE: 13 December 2017
TRIM REFERENCE: ID17/2228

To the Council
Ladies and Gentlemen

Office of the Mayor
Civic Administration Building
Church Street, Dubbo

The issue of the proposed fortnightly mixed waste (red bin) collection under the new 10 year waste service contract has been a source of ongoing concern to many people in the community.

I have held discussion with Council staff over this matter, including investigating what, if any, options Council has to possibly revert back to a weekly red bin pick up given the waste contract has already been signed with the successful contractor JR Richards.

I seek the support of my fellow Councillors in dealing with this important environmental initiative as this matter is addressed tonight in a report to the closed section of this meeting, as this issue relates to an existing contract there are matters which need to be dealt with in a confidential manner between Council and the contractor.

I believe this is a key issue for Council to address and look forward to the discussion at our last Council meeting of 2017.

RECOMMENDATION

That the Council show support for this initiative when it is considered later tonight.

Councillor Ben Shields
Mayor



DUBBO REGIONAL
COUNCIL

**Report of the Planning, Development and
Environment Committee - meeting 11
December 2017**

AUTHOR: Administration Officer - Governance
REPORT DATE: 11 December 2017

The Council had before it the report of the Planning, Development and Environment Committee meeting held 11 December 2017.

RECOMMENDATION

That the report of the Planning, Development and Environment Committee meeting held on 11 December 2017, be adopted.



**REPORT
PLANNING, DEVELOPMENT AND
ENVIRONMENT COMMITTEE
11 DECEMBER 2017**

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

ALSO IN ATTENDANCE:

The General Manager, the Director Corporate Services (M Crisante), the Manager Governance and Risk (S Wade), the Administrative Officer Governance, the Manager Financial Operations, the Director Economic Development and Business, the Communications Coordinator, the Director Infrastructure and Operations, the Manager Transport and Emergency, the Manager Fleet Services, the Manager Infrastructure Strategy, the Director Planning and Environment, the Manager Building and Development Services, the Manager Strategic Planning Services, the Senior Strategic Planner, the Manager Environmental Control, the Director Community and Recreation and the Manager Social Services.

Councillor S Lawrence assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm.

**PDEC17/11 REPORT OF THE PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
- MEETING 20 NOVEMBER 2017 (ID17/2166)**

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

Moved by Councillor A Jones and seconded by Councillor B Shields

MOTION

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

CARRIED

PDEC17/12 BUILDING SUMMARY - NOVEMBER 2017 (ID17/2171)

The Committee had before it the report dated 5 December 2017 from the Director Planning and Environment regarding Building Summary - November 2017.

Moved by Councillor B Shields and seconded by Councillor D Gumley

MOTION

The Committee recommends that the information contained in this report of the Director Planning and Environment dated 5 December 2017 be noted.

CARRIED

PDEC17/13 PREPARATION OF A NEW COMPREHENSIVE LEP FOR THE DUBBO REGIONAL LGA (ID17/2082)

The Committee had before it the report dated 5 December 2017 from the Manager Strategic Planning Services regarding Preparation of a new Comprehensive LEP for the Dubbo Regional LGA.

Moved by Councillor D Grant and seconded by Councillor J Ryan

MOTION

The Committee recommends:

- 1. That Council adopt a three stage program for the preparation of a new Comprehensive Local Environmental Plan for the Dubbo Regional Local Government Area as included in this report which incorporate the following components:
Stage 1 - Operational review of the Dubbo Local Environmental Plan 2011 and the Wellington Local Environmental Plan 2012 (noting this work is currently underway);
Stage 2 - Preparation of a new Comprehensive Local Environmental Plan as a compilation of the current provisions in the Dubbo Local Environmental Plan 2011 and the Wellington Local Environmental Plan 2012; and
Stage 3 - Preparation of land use strategies for land within the former Wellington Local Government Area and review of existing Strategies for land situated in the former Dubbo Local Government Area.**
- 2. That preparation of the new Comprehensive Local Environmental Plan not include any changes to land use zones and/or any other specific provisions unless the change is considered to be an administrative error or omission.**
- 3. That any changes to planning provisions, which would ordinarily require a land use strategy to be in place or are outside of a Council adopted land use strategy, not be included in the Comprehensive Local Environmental Plan.**
- 4. That a further report, including the draft Planning Proposal and draft Comprehensive Local Environmental Plan, be presented to Council for consideration in March 2018.**
- 5. That a further report, including project planning for the preparation of land use strategies for the former Wellington Local Government Area and a review of land use strategies for the former Dubbo Local Government Area be provided to Council for consideration in April 2018.**

CARRIED

**PDEC17/14 PLANNING PROPOSAL - (R16-3) - AMENDMENT TO DUBBO LEP 2011
PROPERTY: 4L CAMP ROAD, DUBBO
APPLICANT: DOHERTY SMITH AND ASSOCIATES
OWNER: MRS L K BENDER (ID17/2083)**

The Committee had before it the report dated 5 December 2017 from the Manager Strategic Planning Services regarding Planning Proposal - (R16-3) - Amendment to Dubbo LEP 2011.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

The Committee recommends:

1. That Council endorse the amended Planning Proposal included as Appendix 2 and the further information included as Appendix 3 to the report of the Manager Strategic Planning Services dated 5 December 2017 for the following amendments to the Dubbo Local Environmental Plan 2011:
 - That the RU6 Transition zone be inserted into the Dubbo Local Environmental Plan 2011, including the Land Use Table as included in this report;
 - That part of Lot 8 DP 1063425, 4L Camp Road, Dubbo be rezoned from SP3 Tourist to RU6 Transition;
 - That part of Lot 8 DP 1063425, 4L Camp Road, Dubbo be rezoned from SP3 Tourist to E3 Environmental Management;
 - That part of Lot 8 DP 1063425, 4L Camp Road, proposed to be zoned RU6 Transition be provided with a minimum allotment size for subdivision of two (2) hectares; and
 - That part of Lot 8 DP 1063425, 4L Camp Road, Dubbo proposed to be zoned E3 Environmental Management be provided with a minimum allotment size for subdivision of 100 hectares.
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 amendment to the Dubbo Local Environmental Plan 2011 as the State Government may issue a conditional Gateway Determination in respect of the Planning Proposal.
4. That following the completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.

CARRIED

Ms Melissa Watkins, Director Planning and Environment declared a non-pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Ms Watkins engaged the husband of the owner of the land (Matt Bender) to undertake demolition of her property 276 Brisbane Street, Dubbo (in July 2017). She has had no other dealings with Mr Bender or the subject Planning Proposal since this time.

Councillor J Ryan declared a pecuniary, less than significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor J Ryan owns a 50 acre block of land on Camp Road.

PDEC17/15 PROPOSED NEW POLICY - COUNCIL'S RESPONSE TO SICK AND INJURED ANIMALS NOT IN COUNCIL'S CARE (ID17/2177)

The Committee had before it the report dated 6 December 2017 from the Manager Environmental Control regarding Proposed New Policy - Council's Response to Sick and Injured Animals not in Council's Care.

Moved by Councillor D Gumley and seconded by Councillor G Mohr

MOTION

The Committee recommends:

- 1. That the draft Policy, 'Injured Companion Animals not in Council's Care' (Appendix 1) be placed on public exhibition for a period of not less than 28 days.**
- 2. That a further report be provided to Council for consideration following public exhibition of the draft Policy.**

CARRIED

PDEC17/16 LEAVE OF ABSENCE

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

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

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

CARRIED

The meeting closed at 5.33pm.

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CHAIRMAN



DUBBO REGIONAL
COUNCIL

**Report of the Infrastructure, Community and
Recreation Committee - meeting 11
December 2017**

AUTHOR: Administration Officer - Governance
REPORT DATE: 11 December 2017

The Committee had before it the report of the Infrastructure, Community and Recreation Committee meeting held 11 December 2017.

RECOMMENDATION

That the report of the Infrastructure, Community and Recreation Committee meeting held on 11 December 2017, be adopted.



**REPORT
INFRASTRUCTURE, COMMUNITY AND
RECREATION COMMITTEE
11 DECEMBER 2017**

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

ALSO IN ATTENDANCE:

The General Manager, the Director Corporate Services (M Crisante), the Manager Governance and Risk (S Wade), the Administrative Officer Governance, the Manager Financial Operations, the Director Economic Development and Business, the Communications Coordinator, the Director Infrastructure and Operations, the Manager Transport and Emergency, the Manager Fleet Services, the Manager Infrastructure Strategy, the Director Planning and Environment, the Manager Building and Development Services, the Manager Strategic Planning Services, the Senior Strategic Planner, the Manager Environmental Control, the Director Community and Recreation and the Manager Social Services.

Councillor S Lawrence assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.34pm.

**ICRC17/29 REPORT OF THE INFRASTRUCTURE, COMMUNITY AND RECREATION
COMMITTEE - MEETING 20 NOVEMBER 2017 (ID17/2167)**

The Committee had before it the report of the Infrastructure, Community and Recreation Committee meeting held 20 November 2017.

Moved by Councillor D Grant and seconded by Councillor J Ryan

MOTION

That the report of the Infrastructure, Community and Recreation Committee meeting held on 20 November 2017, be adopted.

CARRIED

**ICRC17/30 MOGRIGUY AND WESTELLA ROADS - CRITERIUM AND ROAD RACES 2018
DUBBO CYCLE CLUB SEASON (ID17/2174)**

The Committee had before it the report dated 5 December 2017 from the Senior Traffic Engineer regarding Mogriguy and Westella Roads - Criterium and Road Races 2018 Dubbo Cycle Club Season.

Moved by Councillor D Gumley and seconded by Councillor D Grant

MOTION

The Committee recommends:

1. That the application of the Dubbo Cycle Club Inc Racing Season 2018 between 1 January 2018 and 23 December 2018, be approved and undertaken in accordance with the Event and Traffic Management Plan as conditioned by the NSW Police Service and the following conditions of Dubbo Regional Council:
 - a. Criterium – Implementation of a temporary road closure of Tighe and Gills streets and part of Allen Road, on Monday or Friday afternoons between 5 pm and 8.30 pm or alternate Saturday afternoons between 1 pm and 5 pm or Sunday mornings between 7.30 am and 2 pm or Sunday afternoons between 2 pm and 5 pm during daylight saving hours.
 - b. Sheraton Road – The southern section of Sheraton Road for Junior Racing commencing at the 60/100km/h speed signs (south of St Johns College), south for a distance of 1.9 km and return on Sundays between 1 pm and 4.30 pm.
 - c. Burroway Road – Commencing 500 m west of the Newell Highway at Brocklehurst for 18 km to 200 m east of Rawsonville Bridge Road intersection and return on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 2 pm.
 - d. Mogriguy Road - Time trial course commencing 650 m north of the Mendooran Road intersection for a distance of 10.5 km to Mogriguy Village. Long course commencing 650 m north of the Mendooran Road intersection for 19 km with turnaround being 5.1 km north of the Coolbaggie Road intersection and return on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 2.00 pm.
 - e. Wongarbron – Wongarbron/Westella roads - Short course, commencing in Barbical Street 100 m north of Derribong Street for a distance of 15 km and return on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 2 pm. Long course along Westella Road and Ballimore/Geurie roads for 25 km to a turnaround 550 m south of the Golden Highway and return on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 2 pm.
 - f. Benolong Road – Sprint course start and finish is on Nubingerie Road 1.2 km south of the Benolong Road intersection then west on Benolong Road to a turnaround 300 m east of the Wambangalang Creek Bridge on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 2 pm.
 - g. South Geurie - Arthurville Road - Short course, commencing 400 m south of the bridge over the Macquarie River for a distance of 15 km to a turnaround 600 m north-east of intersection of Hermitage Road, on Saturdays between 1 pm and

- 5 pm or Sundays between 8 am and 2 pm.
- h. South Geurie – Arthurville Road - Middle course, commencing 400 m south of the bridge over the Macquarie River for a distance of 21 km with the turnaround point being 3.2 km on Suntop Road east of the intersection with Arthurville Road, on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 2 pm.
 - i. South Geurie - Arthurville Road - Long course commencing 400 m south of the bridge over the Macquarie River for a distance of 30 km to a turnaround 3.8 km on Suntop Road west of the intersection of Renshaw-McGirr Way, on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 2 pm.
 - j. South Geurie - Terrabella Road - Time trial course, commencing 2.1 km west of the intersection of Terrabella and Arthurville Roads for a 6.4 km distance to a turnaround being 1.3 km east of the bridge over Little River, on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 2 pm.
 - k. South Geurie - Arthurville Road - Strada long loop, commencing 400 m south of the bridge over the Macquarie River on Arthurville Road for a distance of 50.3 km incorporating River Road 10.6 km, Zaias Lane 3 km, Bennetts Road 6.5 km, Suntop Road 9 km, Arthurville Road 2.2 km, Hermitage Road 11.9 km, Terrabella Road 0.35 km, Arthurville Road 2.9 km to the finish line, on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 2 pm.
 - l. South Geurie - Arthurville Road - Strada short loop, commencing 400 m south of the bridge over the Macquarie River on Arthurville Road for a distance of 42 km incorporating Arthurville Road 4.3 km, River Road 10.6 km, Zaias Lane 8.1 km, Arthurville Road 4.5 km, Hermitage Road 11.9 km, Terrabella Road 0.35 km, Arthurville Road 2.9 km to the finish, on Saturdays between 1 pm and 5 pm and on Sundays between 8 am and 2 pm.
 - m. North Geurie - Comobella Road, commencing 0.25 km north from the intersection of Paxton and Fitzroy streets for 13 km to a turnaround 0.15 km west of Cobbora Road, on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 2 pm.
 - n. The approval for use of the roads will alternate between locations in accordance with the nominated block dates.
2. Dubbo Cycle Club racing events held on a Saturday afternoon will be undertaken so as not to clash with the Orana Veterans Cycle Club events.
 3. Dubbo Cycle Club shall provide a calendar of proposed race events at two (2) monthly intervals before commencement of the first event.
 4. Dubbo Cycle Club shall, following the uptake of development within the newly released industrial subdivision off Yarrandale Road north of Purvis Lane incorporating Allen Road and Tighe and Gill streets, liaise with the developer/businesses regarding any impacts or impediments that the criterium may have on operational functions or access and advise Council accordingly on such consultation and outcomes or contingencies developed to assist with the ongoing business and criterium activities.
 5. Submission of Traffic Control Plans to Council for approval to be submitted a minimum of three (3) weeks prior to the first event. All traffic control measures contained in the Plan are to be in accordance with Australian Standard AS1742.3 and the Road and Maritime Services NSW Guidelines for Bicycle Road Races and the Guide to Traffic Control at Worksites prepared by an accredited person.

6. All traffic control including the placement and removal of barricades and/or regulation of traffic is to be carried out by Traffic Controllers appropriately trained in accordance with the requirements of Australian Standard AS1742.3 and the Roads and Maritime Services accreditation requirements for Traffic Control Planners or Controllers as required. In this respect there is a requirement that Traffic Controllers and not marshals are to be provided at the start/finish and turnaround to stop all traffic whilst riders are:
 - Starting and finishing within a 60 km/h or less speed zone.
 - Assembled on the road carriageway immediately prior to a mass or staggered start.
 - Undertaking the turnaround movement.
 - Sprint to the finish line.
7. The NSW Police Service consent and conditions for bicycle races permit under the NSW Road Transport Act 2013 – Section 115 is required.
8. Council's Manager Governance and Risk must sight a copy of the Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council and NSW Police Service are specifically noted to be indemnified against any action resulting from the cycle race.
9. The applicant is to submit to Council all the appropriate documentation required accepting the above conditions before final approval is granted.
10. Approval is for a 12 month period commencing at the time final authorisation of all documentation is granted.

CARRIED

ICRC17/31 COMMONWEALTH GAMES QUEEN'S BATON CONVOY AND BATON BEARER RELAY ROUTE DUBBO AND WELLINGTON (ID17/2175)

The Committee had before it the report dated 5 December 2017 from the Senior Traffic Engineer regarding Commonwealth Games Queen's Baton Convoy and Baton Bearer Relay Route Dubbo and Wellington.

Moved by Councillor A Jones and seconded by Councillor K Parker

MOTION

The Committee recommends:

1. It is recommended that the Committee approve the implementation of the Event Management for the Commonwealth Games Queen's Baton Relay 2018 for Dubbo and Wellington in accordance with the Council prepared Traffic Management Plan and Traffic Control Plans (TM7154) attached to the report.
2. That Roads and Maritime Representative make enquiries with the RMS State Planning office with regard to the closure of the Mitchell Highway in Wellington for the rolling convoy and that Council be made aware of this advice.
3. That the Traffic Control Plans be updated on sheet 6 to place a No Left Turn sign on the LH Ford Bridge and sheet 8 to place End of Detour signs in all relevant areas.

CARRIED

**ICRC17/32 PROPOSED SCHOOL BUS ZONE - CENTRAL WEST LEADERSHIP ACADEMY
WINGEWARRA STREET, DUBBO (ID17/2176)**

The Committee had before it the report dated 5 December 2017 from the Senior Traffic Engineer regarding Proposed School Bus Zone - Central West Leadership Academy Wingewarra Street, Dubbo.

Moved by Councillor K Parker and seconded by Councillor D Gumley

MOTION

The Committee recommends:

- 1. That a school bus zone be implemented in Wingewarra Street to facilitate the new Central West Leadership Academy within the Western Plains Cultural Centre in accordance with Council's Plan TM7170.**
- 2. That Council's Plan TM7170 be updated to remove the eastern disabled parking space and implement a bus zone 21 metres west from Gipps Street.**

CARRIED

**ICRC17/33 PROGRAMS ADDRESSING INTER-GENERATIONAL DISADVANTAGE IN
REGIONAL CENTRES (ID17/2160)**

The Committee had before it the report dated 4 December 2017 from the Director Community and Recreation regarding Programs Addressing Inter-Generational Disadvantage in Regional Centres.

Moved by Councillor A Jones and seconded by Councillor J Diffey

MOTION

The Committee recommends:

- 1. That Council notes that the utilisation of the principles of 'collective impact' have been shown to empower successful social change and economic development programs in regional centres of Australia.**
- 2. That the draft policy document required to be put before Council's February 2018 Ordinary Meeting by the Social Justice and Crime Prevention Committee shall consider the endorsement of the collective impact model as the means to empower the community to determine its own priorities and objectives.**
- 3. That Council continue to work towards the goal that the community of Dubbo develops a common agenda for social change between residents, local business, not-for-profit groups, Non-Government Organisations (NGOs), educational organisations, faith based organisations, local, state and federal governments.**
- 4. That Council staff continue to provide Councillors with exposure and access to relevant industry experts, practitioners and government agencies as they relate to beneficial social change.**

CARRIED

ICRC17/34 DUBBO FAMILY DAY CARE SCHEME-PROPOSED INCREASE IN FEES AND THE PROPOSED INTRODUCTION OF A FEE TO LEASE THE LEARNING ENVIRONMENT UNIT IN THE COLLEEN MONTGOMERY COTTAGE VICTORIA PARK DUBBO (ID17/2155)

The Committee had before it the report dated 30 November 2017 from the Manager Social Services regarding Dubbo Family Day Care Scheme-proposed increase in fees and the proposed introduction of a fee to lease the learning environment unit in the Colleen Montgomery Cottage Victoria Park Dubbo.

Moved by Councillor J Ryan and seconded by Councillor D Grant

MOTION

The Committee recommends:

- 1. That the information contained within the report of the Manager Social Services dated 30 November 2017 be noted.**
- 2. That the Dubbo Family Day Care Scheme increase the Parent Administration Levy from the current figure of \$1.00/hour to \$1.75/hour by 1 July 2019. Such increase will be undertaken in .25 cents/hour blocks from 1 March 2018 to 1 July 2019 as detailed in Appendix 1 attached to this report.**
- 3. That the proposed charges be placed on public exhibition for a period of 28 days and a report detailing the outcome of public exhibition be brought to the February 2018 Ordinary meeting of Council.**
- 4. That the Dubbo Family Day Care Scheme lease the learning environment facilities located within the Coordination Unit on an as needs basis at a cost of \$20 per session from 1 February 2018. Educational resources located within the facility to be leased at \$10 per session from 1 February 2018 as detailed in Appendix 1 of this report.**
- 5. That the necessary action be taken to publicise the proposed increase in fees and the proposed fee to lease the learning environment facilities located within the facility as an element of the public exhibition process.**
- 6. That the increase in fees and the introduction of new fees are monitored so that the Dubbo Family Day Care Scheme remains a viable cost effective option for child care in the community.**

CARRIED

Councillor J Diffey declared a pecuniary, less than significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor J Diffey daughter is cared for by Dubbo Family Day care.

ICRC17/35 REVIEW OF THE DUBBO REGIONAL COUNCIL SIGNIFICANT TREE REGISTER 2018 (ID17/2156)

The Committee had before it the report dated 30 November 2017 from the Horticulture and Landcare Asset Coordinator regarding Review of the Dubbo Regional Council Significant Tree Register 2018.

Moved by Councillor J Ryan and seconded by Councillor B Shields

MOTION

The Committee recommends that the reviewed Tree Preservation Order and the Significant Tree Register for 2018, dated 29 November 2017, be adopted effective 1 January 2018.

CARRIED

ICRC17/36 DUBBO REGIONAL SPORTS COUNCIL PLAYING FIELD IMPROVEMENT FUND (ID17/2079)

The Committee had before it the report dated 27 November 2017 from the Recreation Coordinator regarding Dubbo Regional Sports Council Playing Field Improvement Fund.

Moved by Councillor D Gumley and seconded by Councillor G Mohr

MOTION

The Committee recommends:

- 1. That the information contained within the report of the Recreation Coordinator dated 27 November 2017 be noted.**
- 2. That the Dubbo Amateur Athletics Club, Dubbo Sports Council Playing Field Improvement Fund application for \$2,637 be approved and the Club be formally notified as to the outcome of their application.**
- 3. That the \$2,637 approved for the Dubbo Amateur Athletics Club be transferred to 9.6 Sport Facilities function and placed in a restricted asset for the Barden Park Purpose Built Barbeque project until such time that matching grant funding is received.**

CARRIED

At this juncture the meeting adjourned, the time being 5.41pm.

The meeting recommenced at 5.46pm.

**ICRC17/37 SUPPLY AND DELIVERY OF FILTERS TO DUBBO REGIONAL COUNCIL
(ID17/2014)**

The Committee had before it the report dated 20 November 2017 from the Manager Fleet Services regarding Supply and Delivery of Filters to Dubbo Regional Council.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

The Committee recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).

CARRIED

Moved by Councillor D Gumley and seconded by Councillor J Ryan

MOTION

The Committee recommends that the tender from Repco for the supply and delivery of filters to the Dubbo and Wellington workshops for a two year period, with a 12 month extension be accepted.

CARRIED

**ICRC17/38 TENDER FOR THE SUPPLY OF TYRES AND ASSOCIATED SERVICES FOR A TWO
YEAR PERIOD (ID17/2067)**

The Committee had before it the report dated 23 November 2017 from the Manager Fleet Services regarding Tender for the Supply of Tyres and Associated Services for a Two Year Period.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

The Committee recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).

CARRIED

Moved by Councillor A Jones and seconded by Councillor G Mohr

MOTION

The Committee recommends that the tender from Tyres 4U for the supply of tyres and associated services to the Dubbo Regional Council for a two year period, with a 12 month extension be accepted.

CARRIED

ICRC17/39 LEAVE OF ABSENCE

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

Moved by Councillor A Jones and seconded by Councillor D Gumley

MOTION

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

CARRIED

The meeting closed at 5.49pm.

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CHAIRMAN



DUBBO REGIONAL
COUNCIL

**Report of the Economic Development,
Business and Corporate Committee -
meeting 11 December 2017**

AUTHOR: Administration Officer - Governance
REPORT DATE: 11 December 2017

The Committee had before it the report of the Economic Development, Business and Corporate Committee meeting held 11 December 2017.

RECOMMENDATION

That the report of the Economic Development, Business and Corporate Committee meeting held on 11 December 2017, be adopted.



**REPORT
ECONOMIC DEVELOPMENT, BUSINESS AND
CORPORATE COMMITTEE
11 DECEMBER 2017**

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

ALSO IN ATTENDANCE:

The General Manager, the Director Corporate Services (M Crisante), the Manager Governance and Risk (S Wade), the Administrative Officer Governance, the Manager Financial Operations, the Director Economic Development and Business, the Communications Coordinator, the Director Infrastructure and Operations, the Manager Transport and Emergency, the Manager Fleet Services, the Manager Infrastructure Strategy, the Director Planning and Environment, the Manager Building and Development Services, the Manager Strategic Planning Services, the Senior Strategic Planner, the Manager Environmental Control, the Director Community and Recreation and the Manager Social Services.

Councillor G Mohr assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.42pm.

EDBC17/21 REPORT OF THE ECONOMIC DEVELOPMENT, BUSINESS AND CORPORATE COMMITTEE - MEETING 20 NOVEMBER 2017 (ID17/2168)

The Committee had before it the report of the Infrastructure, Community and Recreation Committee meeting held 20 November 2017.

Moved by Councillor J Diffey and seconded by Councillor K Parker

MOTION

That the report of the Infrastructure, Community and Recreation Committee meeting held on 20 November 2017, be adopted.

CARRIED

**EDBC17/22 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT
(ID17/2169)**

The Committee had before it the report dated 4 December 2017 from the Director Corporate Services regarding Investments Under Section 625 of the Local Government Act.

Moved by Councillor B Shields and seconded by Councillor A Jones

MOTION

The Committee recommends that the information provided within the report of the Director Corporate Services, dated 4 December 2017 be noted.

CARRIED

Councillor K Parker declared a non-pecuniary, less than significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor K Parker is the Manager of the Dubbo Branch of the Bank of Queensland, a bank that Council has funds invested with.

EDBC17/23 INVESTMENT POLICY AND STRATEGY REVIEW (ID17/2159)

The Committee had before it the report dated 4 December 2017 from the Manager Financial Operations regarding Investment Policy and Strategy Review.

Moved by Councillor D Grant and seconded by Councillor D Gumley

MOTION

The Committee recommends:

- 1. That the draft Investment Policy December 2017 and the Draft Investment Strategy December 2017 as Appendix 1 and Appendix 2 attached to this report of the Manager Financial Operations dated 4 December 2017 be adopted.**
- 2. That Council's Investment Policy and Investment Strategy be again reviewed and submitted to Council for determination via Council's Economic Development, Business and Corporate Committee in June 2018.**

CARRIED

Councillor K Parker declared a non-pecuniary, less than significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor K Parker is the Manager of the Dubbo Branch of the Bank of Queensland, a bank that Council has funds invested with.

EDBC17/24 RESULTS OF EXPRESSION OF INTEREST - COUNCIL'S COMMITTEES/WORKING PARTIES/GROUPS (ID17/2164)

The Committee had before it the report dated 4 December 2017 from the Administration Officer - Governance regarding Results of Expression of Interest - Council's Committees/Working Parties/Groups.

Moved by Councillor J Diffey and seconded by Councillor A Jones

MOTION

The Committee recommends:

- 1. That the Council make a recommendation for each of the various Other Committees, Working Parties and Other Groups.**
- 2. That Council write to all nominees to advise them of the outcome.**

CARRIED

EDBC17/25 2017/2018 EVENT DEVELOPMENT FUND AND MAJOR EVENT SPONSOR PROGRAM - STREAM 2 (ID17/2163)

The Committee had before it the report dated 4 December 2017 from the Director Economic Development and Business regarding 2017/2018 Event Development Fund and Major Event Sponsor Program - Stream 2.

Moved by Councillor D Grant and seconded by Councillor D Gumley

MOTION

The Committee recommends that the report of the Director Economic Development and Business dated 4 December 2017 be noted.

CARRIED

EDBC17/26 LEAVE OF ABSENCE

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

Moved by Councillor D Gumley and seconded by Councillor A Jones

MOTION

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

CARRIED

The meeting closed at 5.45pm.

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CHAIRMAN



**DUBBO REGIONAL
COUNCIL**

Report of the Airport/Airstrip Working Party - meeting 11 December 2017

AUTHOR: Administration Officer - Governance
REPORT DATE: 11 December 2017

The Committee had before it the report of the Airport/Airstrip Working Party meeting held 11 December 2017.

RECOMMENDATION

That the report of the Airport/Airstrip Working Party meeting held on 11 December 2017, be adopted.



**REPORT
AIRPORT/AIRSTRIp WORKING PARTY
11 DECEMBER 2017**

PRESENT: Councillors D Gumley, A Jones, G Mohr, J Ryan and B Shields.

ALSO IN ATTENDANCE:

The General Manager, the Director Corporate Services (M Crisante), the Director Economic Development and Business, the Airport Operations Manager, the Director Infrastructure and Operations, the Manager Strategic Planning Services and the Director Community and Recreation.

Councillor G Mohr assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 3.35pm.

**AWP17/8 DUBBO CITY REGIONAL AIRPORT CAFE LICENCE RECOMMENDATION
(ID17/2187)**

The Working Party had before it the report dated 7 December 2017 from the Manager Airport Operations regarding Dubbo City Regional Airport Cafe Licence Recommendation.

RECOMMENDATION

- 1. That Emirates Retail Group, Hudson's Coffee be notified of their successful application.**
- 2. That it be noted that Michel's Patisserie and Real Food are the second and third prefer options and be offered to enter into the licence agreement should Emirates retail group not proceed with taking up the lease.**
- 3. That successful tenderer be invited to operate the Café based on a three (3) year licence plus a three (3) year option.**
- 4. That any necessary documents be executed under the Common Seal of the Council.**
- 5. That the documents and considerations in regard to this matter remain confidential to Council.**

AWP17/9 UPDATE ON AIRLINE PAYMENTS (ID17/2191)

The Working Party members were provided with an update on this matter.

The meeting closed at 4.10pm.

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CHAIRMAN



**REPORT: Report of the Audit and Risk
Management Committee - meeting 18
December 2017**

AUTHOR: Administration Officer - Governance
REPORT DATE: 11 December 2017
TRIM REFERENCE: ID17/2209

Please note that the Report of the Audit and Risk Management Committee meeting to be held on 18 December 2017 will be distributed prior to the Ordinary Council meeting scheduled for 18 December 2017.

RECOMMENDATION

That the report of the Audit and Risk Management Committee meeting held on 18 December 2017 be adopted.

Maryann O'Shea
Administration Officer - Governance



DUBBO REGIONAL
COUNCIL

REPORT: Planning Proposal (R16-5) - Southlakes Estate, Dubbo

AUTHOR: Manager Strategic Planning Services
REPORT DATE: 13 December 2017
TRIM REFERENCE: ID17/2227

EXECUTIVE SUMMARY

At the November 2017 Planning, Development and Environment Committee it was resolved to put to the November 2017 Ordinary Council Meeting the following:

- "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."

At the November 2017 Ordinary Meeting of Council resolved:

"That the matter be deferred to the Ordinary Meeting of Council to be held in December 2017."

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)*

- *Department of Primary Industries – Water (Direction 4.3 Flood Prone Land)*
- *Roads and Maritime Services*
- *OEH – National Parks and Wildlife Service*
- *Dubbo Local Aboriginal Land Council*

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

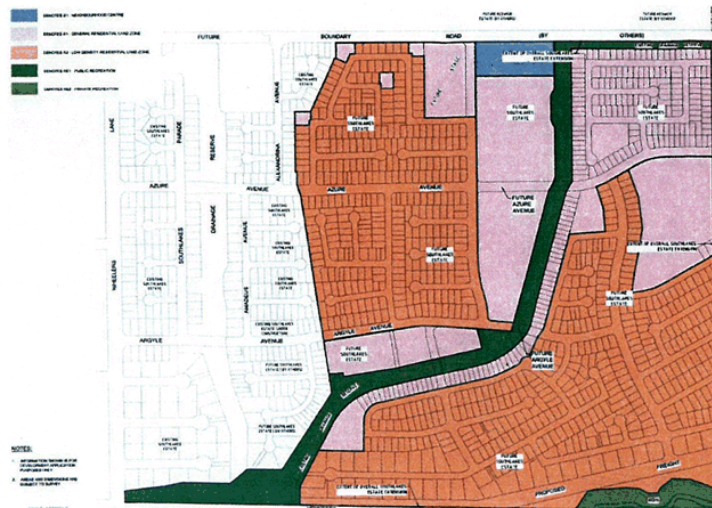
Dubbo City
 Parcel: R16-5
 Asset: HOPS
 27 SEP 2017
 File C: R16/1075

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 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 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).

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H.A. Bachrach (Norm) Pty Ltd – ACN 005 026 326 ABN 13 690 993 695



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 Dimarsi" 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.

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(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 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,

A handwritten signature in black ink, appearing to read 'Steve Gooley', written over a horizontal line.

Steve Gooley
General Manager

PO Box 6003 Park Beach Plaza Coffs Harbour NSW 2450 p 02 6651 6789 f 02 6651 6152

H.A. Bachrach (Nom) Pty Ltd – ACN 005 026 326 ABN 13 690 993 695



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

A handwritten signature in blue ink, appearing to read "Andrew McIntyre".

Andrew McIntyre
Acting Network & Safety Manager
Western

Roads and Maritime Services

51-55 Currajong Street Parkes NSW 2870 | PO Box 334 Parkes NSW 2870 | DX20256
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DOC17/487314
R2016-5 Part 1

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

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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

ATTACHMENT A

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://gbwcmn.net.au/node/6>.

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 fulfil 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*ⁱⁱ. 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 Estateⁱⁱⁱ 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^{iv}. 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 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 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^v

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.

ⁱ <http://www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Environmental-Plans/~media/F1001EC0B1C443CD83286163B43891B8.ashx>

ⁱⁱ **Key Threatening Processes:**
<http://www.environment.nsw.gov.au/threatenedspecies/KeyThreateningProcesses.htm>

ⁱⁱⁱ **Guidelines for Development Adjoining DECCW Estate:**
<http://www.environment.nsw.gov.au/protectedareas/developmentadjoiningdecc.htm>

^{iv} <http://www.environment.nsw.gov.au/licences/AboriginalHeritageInformationManagementSystem.htm>

^v **Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW**

<http://www.environment.nsw.gov.au/licences/archinvestigations.htm>



Department of
Primary Industries
Water

Contact: Alice Buckley
Phone: 02 6841 7469
Fax: 02 6884 0096
Email: alice.buckley@dpi.nsw.gov.au

General Manager
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

File: V15/3876#95
Our Ref: OUT17/40644
Your Ref:

admin@dubbo.nsw.gov.au

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 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

209 Cobra Street Dubbo NSW 2830 PO Box 717 Dubbo NSW 2830
Telephone: 02 6841 7555 Facsimile: 02 6884 0096 Emails: water.referrals@dpi.nsw.gov.au

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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 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:

3

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.*

For further information on harvestable rights see DPI Water's website:
<http://www.water.nsw.gov.au/water-licensing/basic-water-rights>

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

**Dubbo Local Aboriginal Land Council**

ABN 16 308 384 841

PO Box 1565
Dubbo NSW 2830Phone: 02 6884 5267
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,

A handwritten signature in blue ink, appearing to read "Jennayah Knight".

Jennayah Knight
A/g CEO
Dubbo Local Aboriginal Land Council



REPORT: Development Application D17-415 - Registered Club (Alterations and Additions)

Property: 82 Whylandra Street, Dubbo

Applicant: Club Dubbo

Owner: West Dubbo Bowling Club Ltd

AUTHOR: Senior Strategic Planner

REPORT DATE: 13 December 2017

TRIM REFERENCE: ID17/2199

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.

Council at its Ordinary Meeting on Monday 27 November 2017 made the following resolution:

1. *That the report of the Senior Strategic Planner dated 14 November 2017 be noted.*
2. *That the applicant be requested to:*
 - *To install double-glazed windows on all parts of the new development's exterior walls, and retrofit double-glazed windows in any other areas where sound can escape towards neighbours.*
 - *Install a man-proof fence and self-closing, locking gate where pedestrians can gain access from Stonehaven Avenue to Club Dubbo, for the purposes of discouraging patrons from parking in Stonehaven Avenue to access the club (Note: Club Dubbo to design a plan whereby residents from Stonehaven Avenue and other affected nearby residences have access to the gate's code with access to any other parties needs to be strictly limited and controlled).*
 - *Pay the costs for DRC to obtain an independent noise/audio study so we have unbiased baseline information to give us a solid and ethical foundation upon which to base any noise complaints about Club Dubbo into the future.*
3. *That upon receipt of the response from the applicant a further report be provided to the Ordinary Meeting of Council in December 2017 for determination.*

Following the Ordinary Meeting on Monday 27 November 2017, the Applicant provided two (2) information sessions, one (1) on Friday 1 December 2017 for the benefit of Councillors and one (1) on Tuesday 12 December 2017 for the benefit of residents.

At both of these meetings, the Applicant made presentations of the proposed development works and the reason as to why the Club is seeking to undertake the proposed works. With regards to the information session held with residents, issues including adverse noise, parking in Stonehaven Avenue and anti-social behaviour in Stonehaven Avenue were raised as concerns with the Club. Whilst these overarching themes were raised, noise appeared to be the principal issue of concern with the perception being that the Acoustic Study submitted to Council was not adequate and further noise assessment should be provided.

In this regard, the Applicant has requested in correspondence attached as **Appendix 1**, that the matter be deferred until such time as an additional Acoustic Study has been prepared by an independent consultant and assessed by Council staff at the full cost to the Applicant. The Club has requested Council to engage the consultant on its behalf. A report will be subsequently prepared for Council once this has been undertaken.

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

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

1. That the report by the Senior Strategic Planner dated 14 November 2017 be noted.
2. That the matter be deferred until such time as Council engages an independent Acoustic Consultant for the purposes of undertaking an additional Acoustic Report.

Lee Griffith
Senior Strategic Planner

Appendices:

- 1 [↓](#) Applicant correspondence dated 13 December 2017

From: [Rodney Firth](#)
To: [Lee Griffith](#)
Subject: Club Dubbo - DA 2017-415
Date: Wednesday, 13 December 2017 11:34:58 AM

Hi Lee

**Re: Our letter dated 6 December 2017
Development Application (DA 2017-415)
Response to Council Letter (29 November 2017)
West Dubbo Bowling Club Ltd, 82 Whylandra St, Dubbo NSW**

As a result of the Neighbourhood meeting held at this Club last night (Tuesday 12 December 2017), we are requesting that the abovementioned matter be deferred from the December 2017 Council Meeting, pending an Acoustic report being prepared.

Thank you for your assistance.

Regards
Rod

Rod Firth

Chief Executive Officer

CLUBDUBBO

West Dubbo Bowling Club Limited

Ph: 02 6884 3000

Fax: 02 6884 2396

Mob: 0418 966 062

Email: ceo@clubdubbo.com.au

Web: www.clubdubbo.com.au



**REPORT: Addendum to 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

**AUTHOR: Statutory Planning Services Team
Leader**

REPORT DATE: 12 December 2017

TRIM REFERENCE: ID17/2213

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 original report dated 15 November 2017 (PDEC 17/9) and the development plans attached here in **Appendix 1**, were originally referred to the Planning, Development and Environment Committee meeting held Monday 20 November 2017, where the recommendation to refuse was adopted.

At the Ordinary Council meeting held Monday 27 November 2017, the proponent requested to have the Report deferred in correspondence dated 27 November 2017 (**Appendix 2**), for the following reason: *"... so that we may have adequate time to provide additional information."*

Council subsequently resolved: *"That the matter be deferred to the Ordinary Meeting of Council to be held in December 2017."*

As of the time of writing of this Addendum Report (11 December 2017), the proponent has not provided Council with any additional information. It is therefore recommended that Council finalise this matter.

Accordingly, it is recommended that the subject development application be refused for the reasons included in PDEC 17/9.

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

1. That the information included in the report of the Statutory Planning Services Team Leader dated 12 December 2017 be noted.
2. 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:
 - a) The proposed development does not represent the orderly development of land. (Section 5(a) Environmental Planning and Assessment Act, 1979);
 - b) 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);
 - c) 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);
 - d) 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);
 - e) 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);
- f) 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);
 - g) 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);
 - h) 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);
 - i) 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);
 - j) 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);
 - k) 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
 - l) 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

Appendices:

- 1 [↓](#) Appendix 1 - PDEC17/9 - 15 November 2017
- 2 [↓](#) Appendix 2 - Racebail Correspondence - Robert Stevenson - 27 November 2017

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



**REPORT: 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**

AUTHOR: Statutory Planning Services Team
Leader
REPORT DATE: 15 November 2017
TRIM REFERENCE: ID17/1982

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.”

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

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

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

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);

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

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.



Figure 3. Locality map – 197 Wingewarra Street, Dubbo

Adjoining uses

North:	Dubbo Showground
South:	Residential development
East:	Residential dwelling
West:	Residential dwelling

Site Inspection

Several inspections of the site have been conducted and a number of photographs are included on file.

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*:

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

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.

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

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.”*

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

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*

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

- (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.

**PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017****PDEC17/9****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.

**PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017****PDEC17/9**

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 LandscapingPrivate 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 22.5m² (4.5m x 5.0m), being less than the required 5% (26.4m²) 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.

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

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."



Plate 1

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 – 11,000vpd). 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 and 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.

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

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.

**PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017**

PDEC17/9

- *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.

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20 NOVEMBER 2017

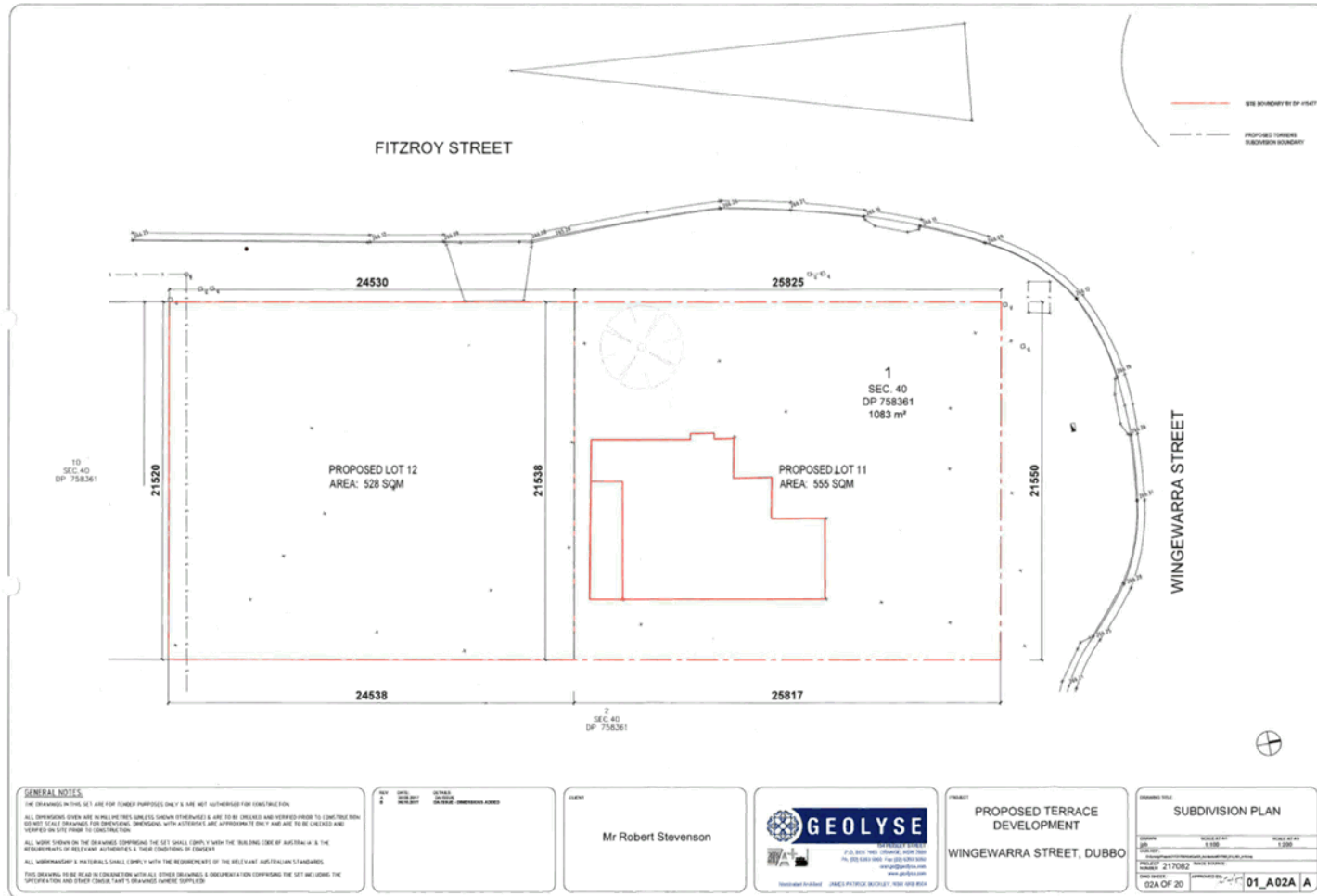
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Appendices:

- 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

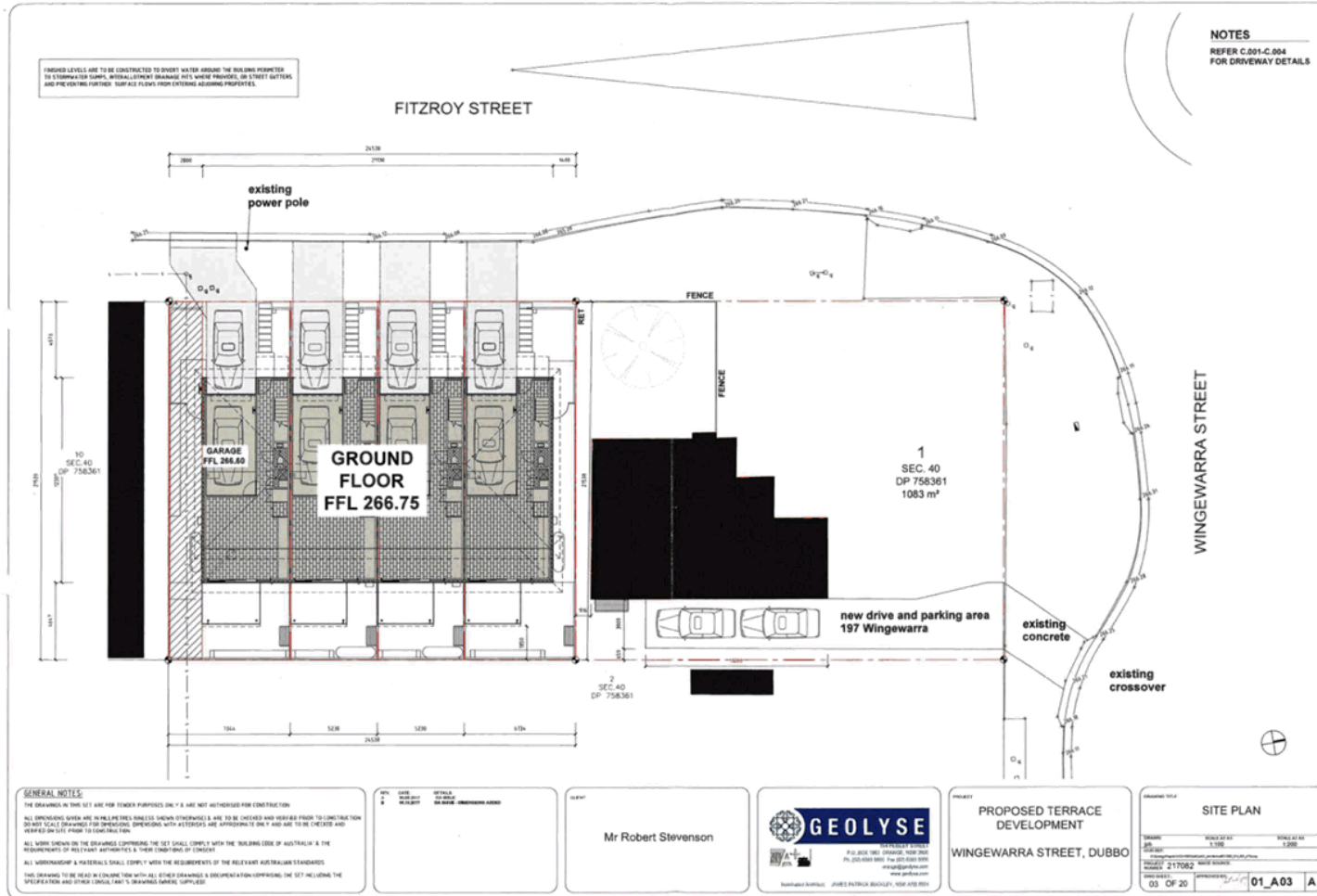
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20 NOVEMBER 2017

PDEC17/9



PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



LEGEND

- FB FACE BRICK
- CLD WEATHERBOARD CLADDING
- SP CANTILEVERED STEEL PERGOLA
- CGD COLORBOND GARAGE DOOR
- CCO COLORBOND CUSTOM ORB ROOF

WEST ELEVATION
SCALE 1:50 @ A1, 1:80 @ A3

EAST ELEVATION
SCALE 1:50 @ A1, 1:80 @ A3

FIXED PRIVACY SCREEN - reference image

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CLIENT: Mr Robert Stevenson

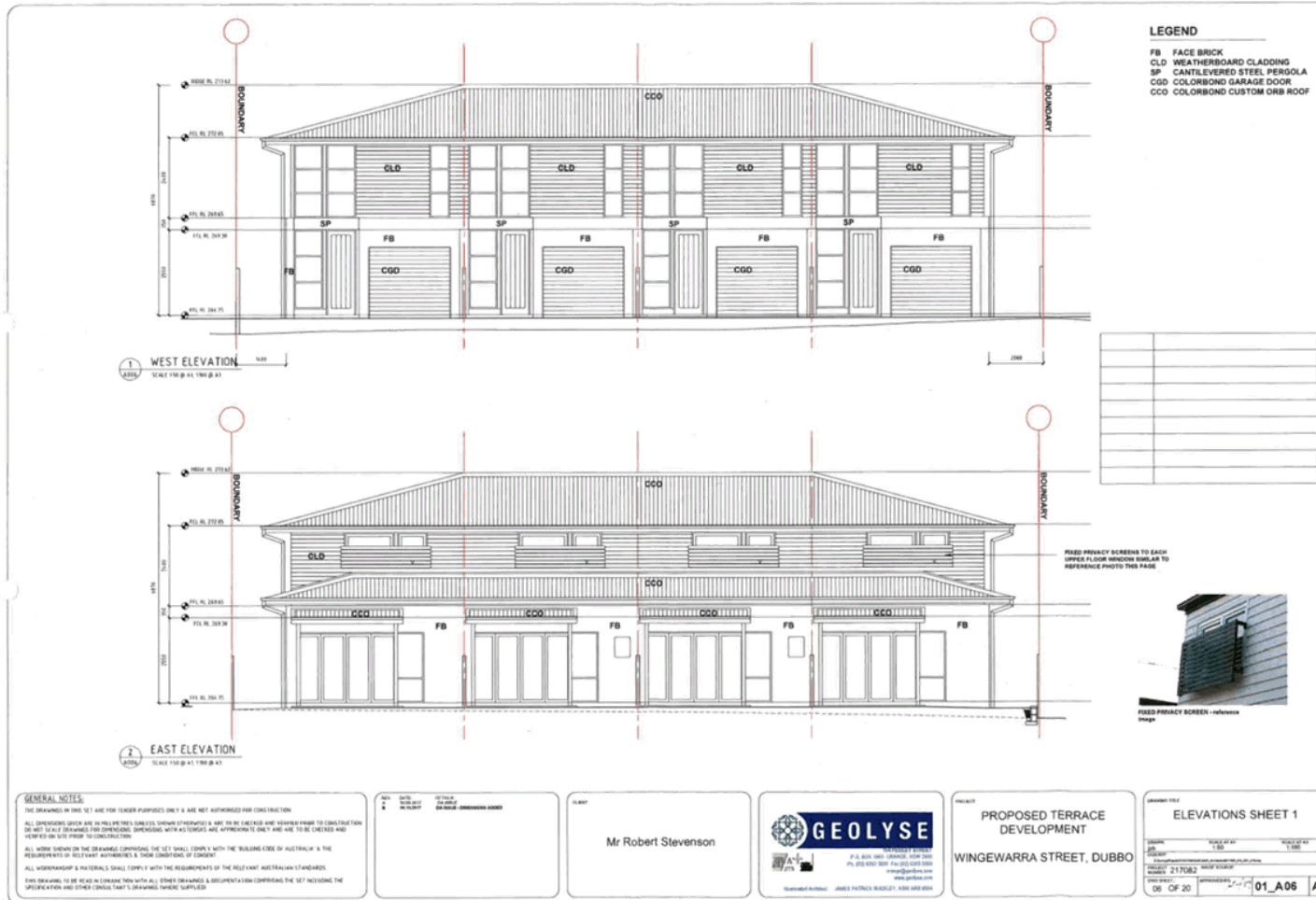
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PROJECT: PROPOSED TERRACE DEVELOPMENT
WINGEWARRA STREET, DUBBO

DRAWN BY: JPA
SCALE AT A1: 1:50 SCALE AT A3: 1:80
DRAWING NUMBER: 217082 MADE SOURCE:
DATE: 06 OF 20 REFERENCE: 01_A06 A

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20 NOVEMBER 2017

PDEC17/9



PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

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Racebail Pty Ltd
PO Box 151
Dubbo NSW 2830
9th November 2017

Dubbo Regional Council
Mr Steve Wallace
Manager Building and Development Services
PO BOX 81
Dubbo NSW 2830

Dear Mr Wallace

**RE: Development Application D2017-462 – Councils 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 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.

Please call me if you wish to discuss further.

Regards

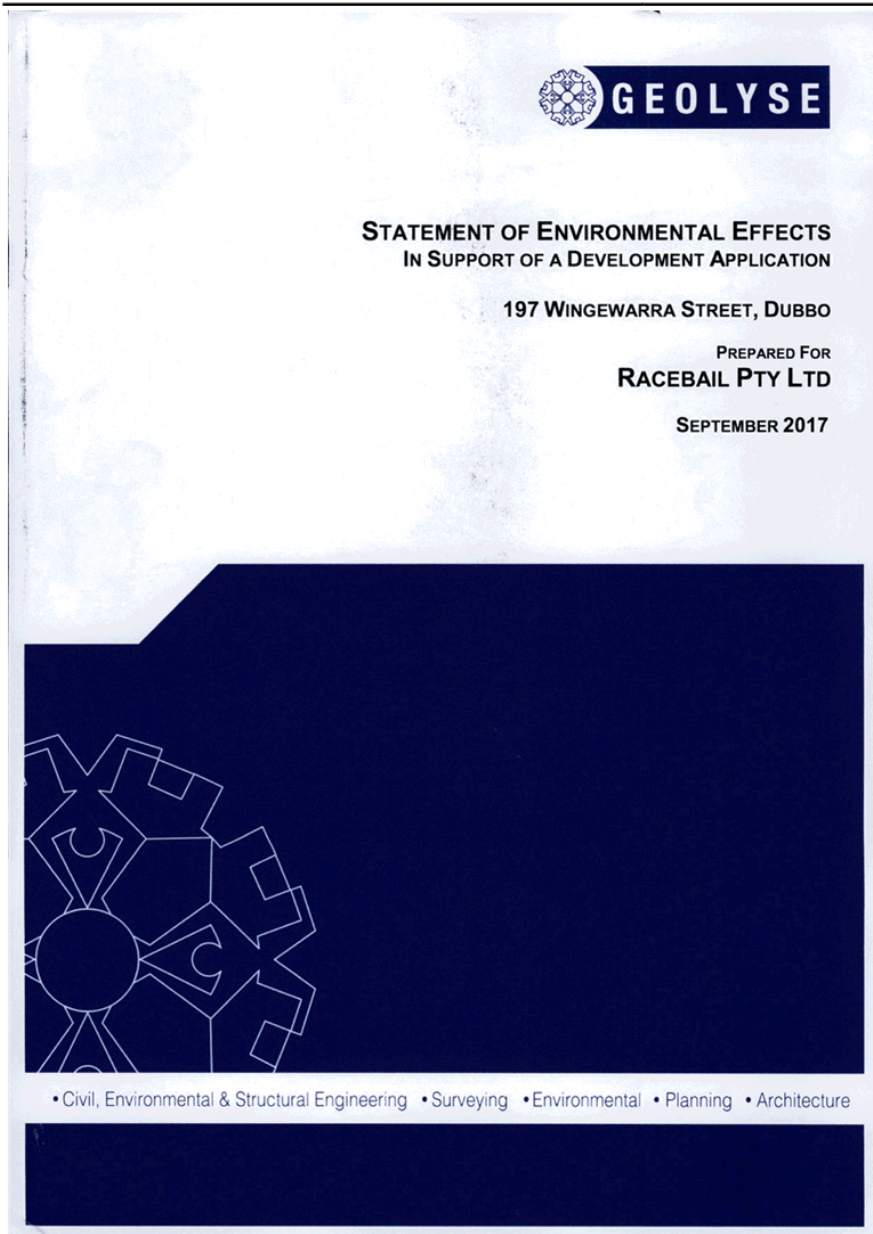


Robert Stevenson
Director Racebail Pty Ltd
Ph: 0428 845 440


Page 1 of 1

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9





		STATEMENT OF ENVIRONMENTAL EFFECTS IN SUPPORT OF A DEVELOPMENT APPLICATION STEVEINC PTY LTD
Report Title:	<i>Statement of Environmental Effects</i>	
Project:	<i>In Support of a Development Application</i>	
Client:	<i>Steveinc Pty Ltd</i>	
Report Ref.:	<i>217082_SEE_001B.docx</i>	
Status:	<i>Final</i>	
Issued:	<i>12 September 2017</i>	


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.

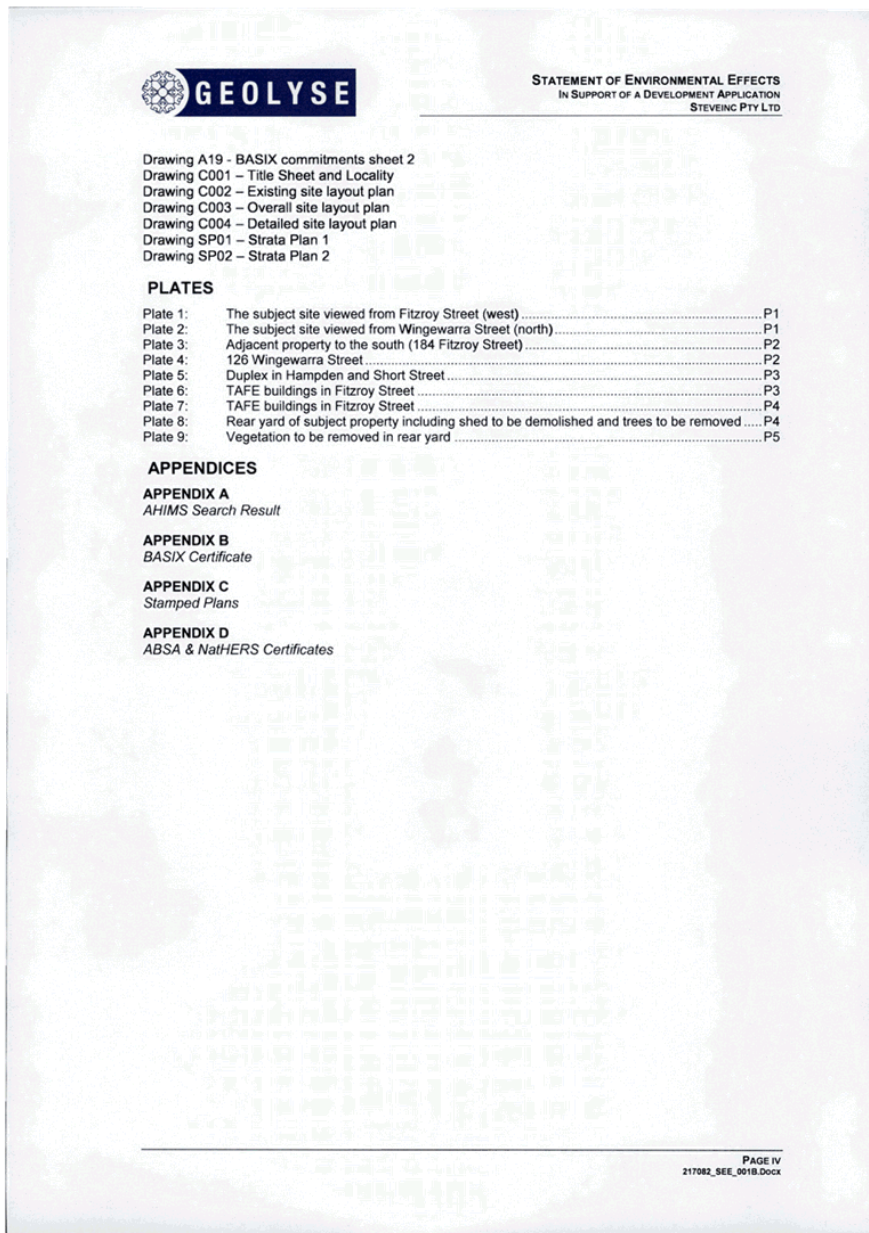
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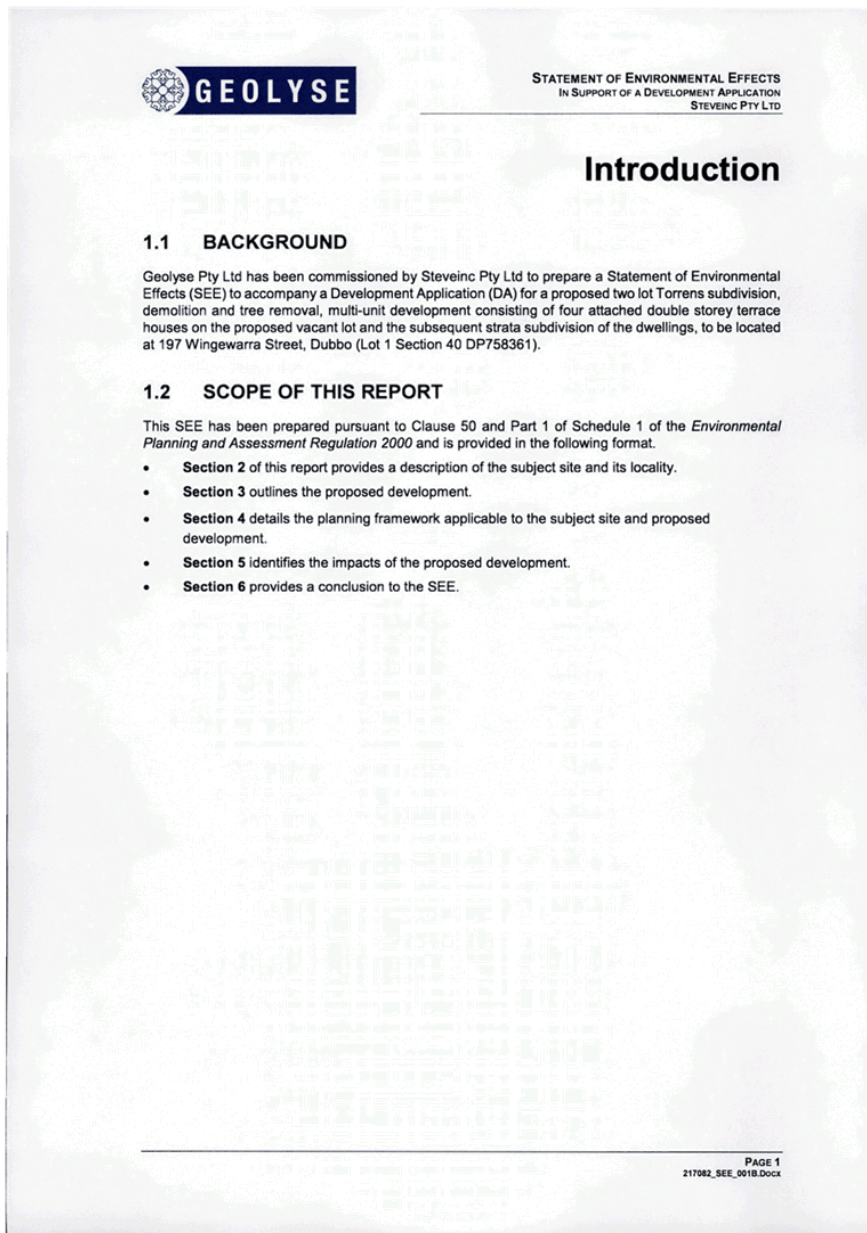
PAGE 1
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		<small>STATEMENT OF ENVIRONMENTAL EFFECTS IN SUPPORT OF A DEVELOPMENT APPLICATION STEVEINC PTY LTD</small>
TABLE OF CONTENTS		
INTRODUCTION		1
1.1	BACKGROUND	1
1.2	SCOPE OF THIS REPORT	1
THE SITE & ITS LOCALITY		2
2.1	THE SITE	2
2.2	THE LOCALITY	2
THE DEVELOPMENT		3
3.1	DEVELOPMENT DESCRIPTION	3
3.1.1	TORRENS SUBDIVISION	3
3.1.2	TREE REMOVAL AND GARAGE DEMOLITION	3
3.1.3	MULTI DWELLING HOUSE	4
3.1.4	STRATA SUBDIVISION	4
STATUTORY PLANNING FRAMEWORK		5
4.1	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979	5
4.1.1	AIMS & OBJECTIVES	5
4.1.2	SECTION 5A	5
4.1.3	SUBORDINATE LEGISLATION	5
4.1.4	INTEGRATED DEVELOPMENT	6
4.2	ENVIRONMENTAL PLANNING INSTRUMENTS	6
4.2.1	STATE ENVIRONMENTAL PLANNING POLICY	6
4.2.2	DUBBO LOCAL ENVIRONMENTAL PLAN 2011	6
4.2.3	DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS	9
4.3	ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000	10
4.4	DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS	10
4.5	DEVELOPMENT CONTROL PLANS	10
4.5.1	DUBBO DEVELOPMENT CONTROL PLAN 2013	10
4.6	DEVELOPMENT CONTRIBUTIONS PLANS	11
4.6.1	SECTION 64 WATER AND SEWERAGE CONTRIBUTION PLAN	11
4.6.2	AMENDED SECTION 94 CONTRIBUTIONS PLAN - ROADS, TRAFFIC MANAGEMENT AND CAR PARKING	11
4.6.3	SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN - DUBBO OPEN SPACE AND RECREATION FACILITIES	12
IMPACTS		45
5.1	INTRODUCTION	45
5.2	CONTEXT AND SETTING	45
5.3	ACCESS, TRANSPORT AND TRAFFIC	47
5.3.1	TRAFFIC GENERATION	47
5.3.2	PARKING	47
5.4	PUBLIC DOMAIN	48
5.5	SERVICING	48
5.6	HERITAGE	48
5.7	WATER	48
5.8	SOILS	49
5.9	AIR AND MICROCLIMATE	49
5.10	FLORA AND FAUNA	49
5.11	WASTE	49

PAGE II
217082_SEE_001B.DOCX

		STATEMENT OF ENVIRONMENTAL EFFECTS IN SUPPORT OF A DEVELOPMENT APPLICATION STEVEINC PTY LTD
5.11.1	SOLID WASTE	49
5.12	EFFLUENT DISPOSAL	49
5.13	STORMWATER	50
5.14	ENERGY	50
5.15	NOISE & VIBRATION	50
5.16	NATURAL HAZARDS	50
5.17	TECHNOLOGICAL HAZARDS	50
5.18	SAFETY, SECURITY AND CRIME PREVENTION	50
5.18.1	SURVEILLANCE	50
5.18.2	ACCESS CONTROL	50
5.19	SOCIAL IMPACT	51
5.20	ECONOMIC IMPACT	51
5.21	SITE DESIGN AND INTERNAL DESIGN	51
5.22	CONSTRUCTION IMPACTS	51
5.23	CUMULATIVE IMPACTS	52
CONCLUSION		53
6.1	SUITABILITY OF THE SITE	53
6.2	PUBLIC INTEREST	53
6.3	CONCLUSION	53
REFERENCES		54
TABLES		
Table 3.1	– Proposed Lots	3
Table 4.1	– Applicable Dubbo DCP Requirements	13
FIGURES		
Figure 1:	Subject site shaded yellow (Source: Six Maps)	2
Figure 2:	Overshadowing diagram – 8am – full sun	38
Figure 3:	Overshadowing diagram – 9am – full sun	39
Figure 4:	Overshadowing diagram – 10am – full sun	40
Figure 5:	Overshadowing diagram – 11am – full sun	41
Figure 6:	Overshadowing diagram – 11:30am – full sun for unit 1 and 90% sun for dwellings 2 - 4	42
Figure 7:	Overshadowing diagram – 12pm – full sun for unit 1 and 70% sun for dwellings 2 - 4	43
Figure 8:	Overshadowing diagram – 12:30pm – full sun for unit 1 and 25% sun for dwellings 2 - 4	44
DRAWINGS		
Drawing A01	– Title sheet	
Drawing D1	– Contour and feature survey plan	
Drawing A02	– Tree removal and demolition plan	
Drawing A03	– Site plan	
Drawing A04	– Ground floor plan	
Drawing A05	– First Floor plan	
Drawing A06	– Elevations Sheet 1	
Drawing A07	– Elevations Sheet 2	
Drawing A08	– Fitzroy Street elevation	
Drawing A09	– Shadows diagrams 1	
Drawing A10	– Shadows diagrams 2	
Drawing A11	– Shadows diagrams 3	
Drawing A12	– Shadows diagrams 4	
Drawing A13	– Shadows diagrams 5	
Drawing A14	– Shadows diagrams 6	
Drawing A15	– Shadows diagrams 7	
Drawing A16	– Artists impression	
Drawing A17	– Landscape plan	
Drawing A18	– BASIX commitments sheet 1	







STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVEINC PTY LTD

The Site & Its Locality

2.1 THE SITE

The site the subject of the development application is located at 197 Wingewarra Street, Dubbo (Lot 1 Section 40 DP758361).

The site has an area of approximately 1,083 square metres and frontages to Wingewarra Street and Fitzroy Street of 21.55 metres and 50.355 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 1D Rawson Street.

The property is in close proximity to the Dubbo Showground and Paceway, which is situated to the North.

PAGE 2
217082_SEE_0018.Docx



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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVEING PTY LTD

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

Lot	Size	Frontage Wingewarra	Frontage Fitzroy	Purpose
11	556.37 m ²	21.55 m	25.83 m	Residential
12	558.14 m ²	-	24.53 m	Residential - vacant

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**.

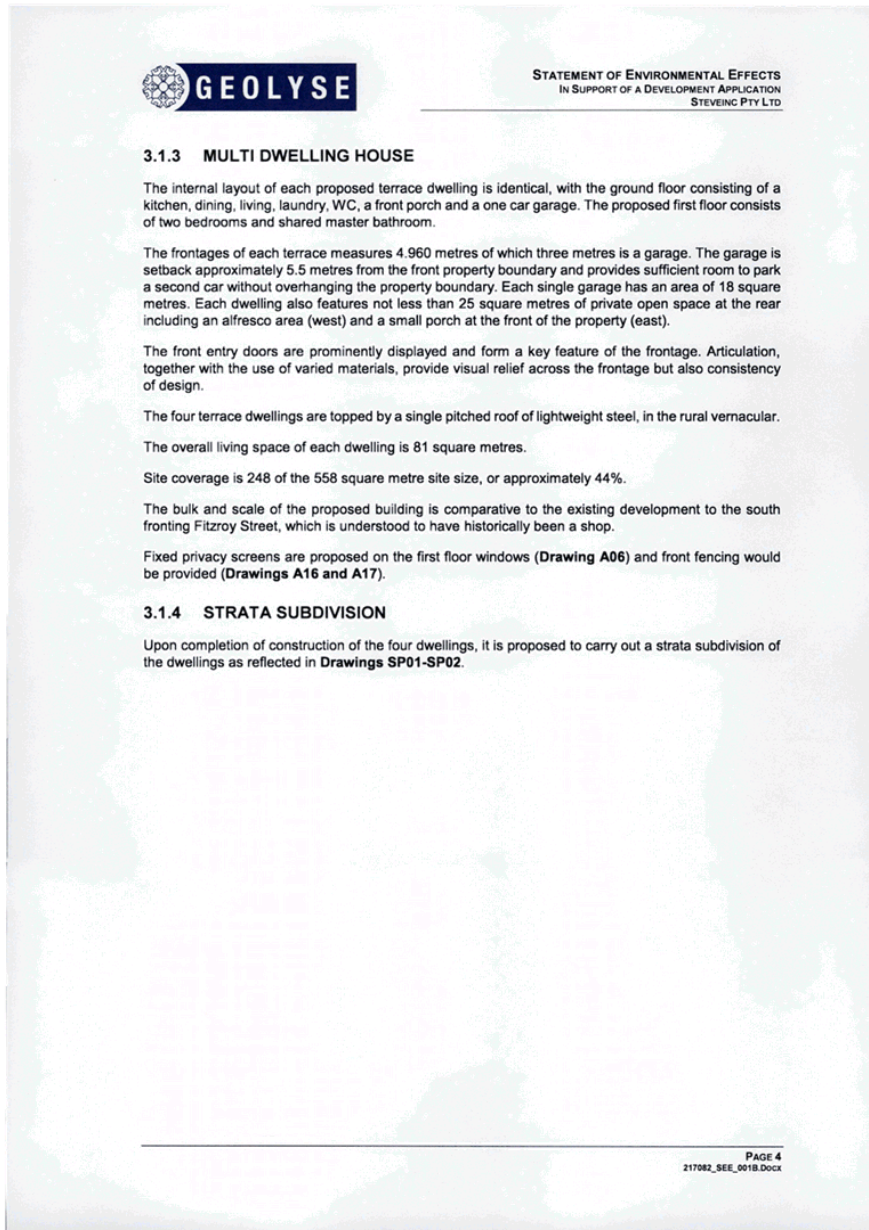
3.1.2 TREE REMOVAL AND GARAGE DEMOLITION


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**.

PAGE 3
217082_SEE_0018.Docx





STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVEINC PTY LTD

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

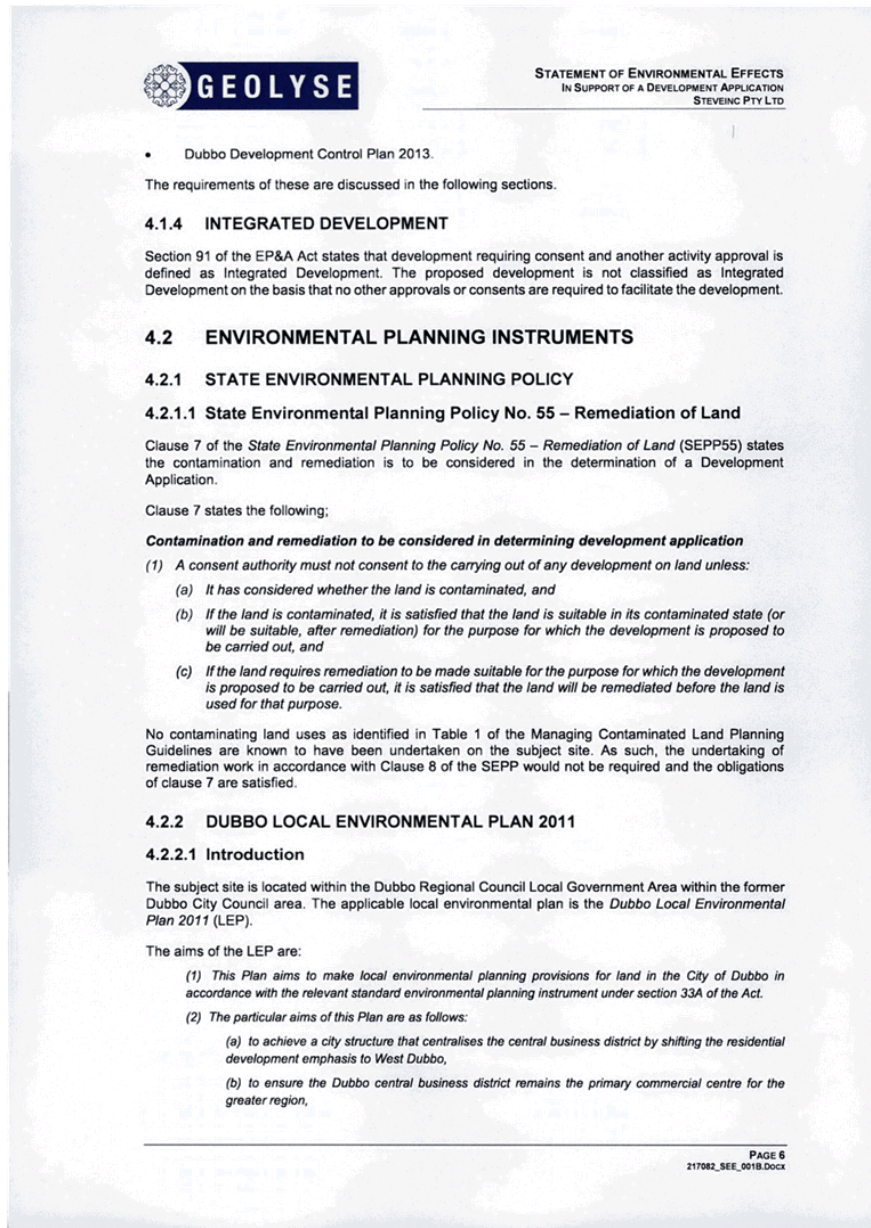
The EP&A Act facilitates the preparation of subordinate legislation, consisting of:


- 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*

PAGE 5
217082_SEE_001B.Docx




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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVEINC PTY LTD

(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.

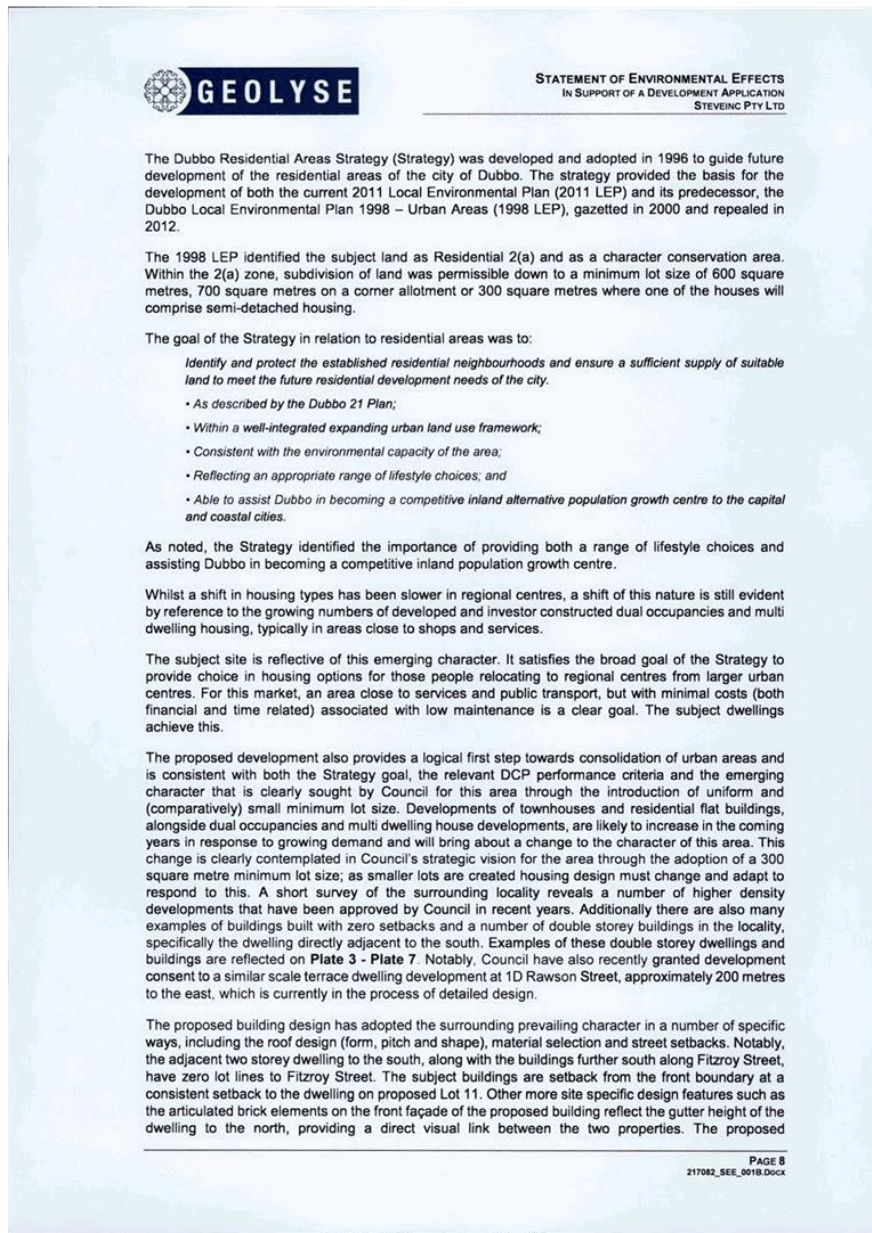
The development provides for the housing needs of the community by providing an alternate form of housing of which there is growing demand, especially close to the centre of town, and therefore the development is considered to be consistent with the first two objectives. As the land use is a dwelling 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).

PAGE 7
217082_SEE_001B.Docx





GEOLYSE

STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVEINC PTY LTD

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 purposes of clause 5.9 by a development control plan made by the Council.

(2) The ringbarking, cutting down, topping, lopping, 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.

PAGE 9
217082_SEE_0018.Docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVEINC PTY LTD

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 effect artificial skyglow. The nature of the development would not be expected to contribute any significant increase in artificial skyglow. 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

PAGE 10
217082_SEE_0018.Docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENIC PTY LTD

applicant can choose to use in their development in lieu of designing to satisfy the intent of the column on the left'.

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 0.6 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.

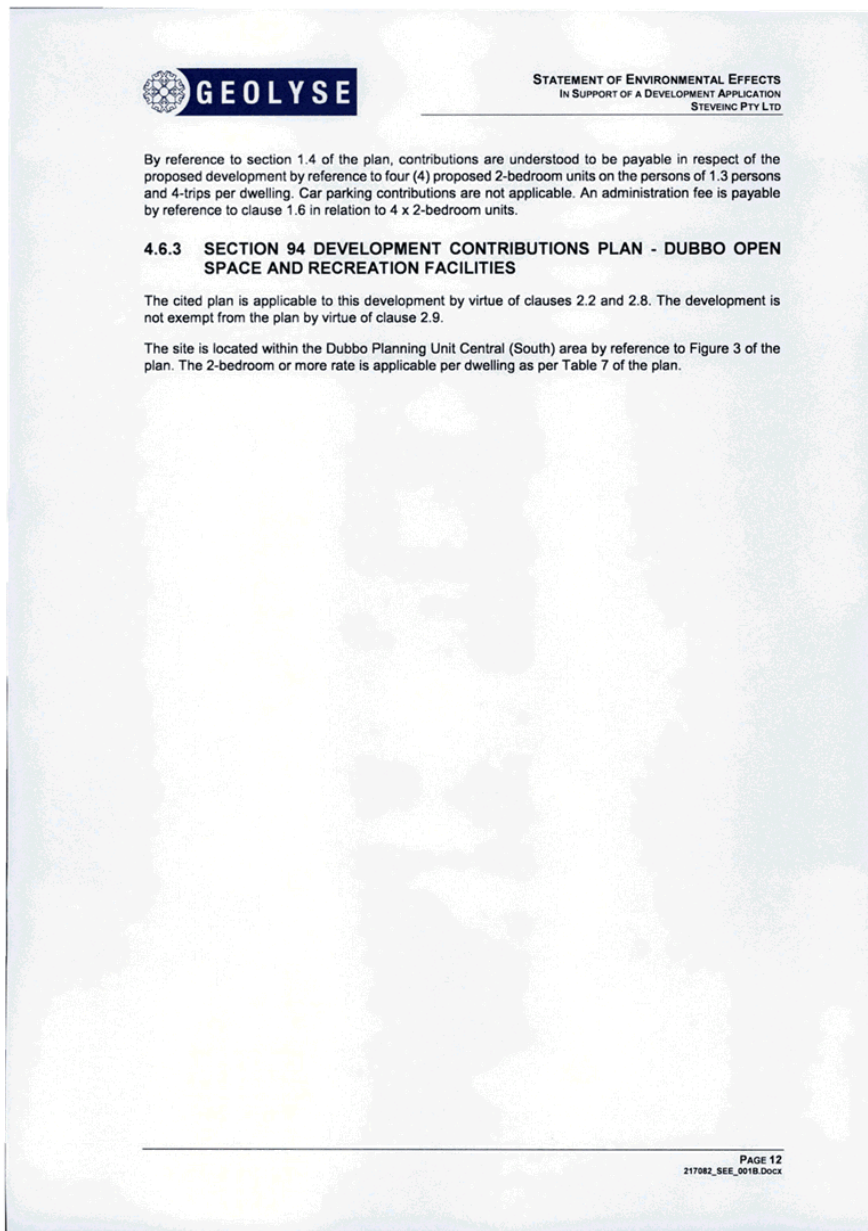
Contributions are indexed and the amount payable will be the correct rate at the time of release of the construction certificate, or such other time negotiated with Council.

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.

PAGE 11
217082_SEE_0018.Docx





STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENC PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
SECTION 2.1 RESIDENTIAL DEVELOPMENT AND SUBDIVISION			
Section 2.1.1 Residential Design – Dwellings, Dual Occupancy and Multi-Dwelling Housing			
Element 1 – Streetscape Character			
P1 The frontage of buildings and their entries are readily apparent from the street.	A1.1 Buildings adjacent to the public street, address the street by having a front door facing the street.	It is clearly evident from the proposed design plans that the frontage of the buildings and their entries are clearly visible from the street. The design provides the front doors of the dwellings in a clearly visible location, clear from car parking and garage areas and positioned to ensure that they form a strong design element.	✓
	A1.2 The site area for multi-dwelling housing is a minimum of 700 m2 and has a minimum frontage of 20 m.	A minimum frontage of 20m is provided however the lot is less than the 700m2 minimum area. Notwithstanding a minor inconsistency with the numerical standard, the development is compliant with the remainder of the acceptable solutions identified in relation to this performance criteria and is consistent with the overarching performance criteria. The development is therefore considered acceptable in the context of this element of the DCP.	✓
	A1.3 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.	N/A	N/A
	A1.4 Dual occupancy development shall be designed in accordance with Figure 1.	N/A	N/A
	A1.5 Dual occupancy development shall not be designed as mirror reversed.	N/A	N/A
P2 The development is to be designed to respect and reinforce the positive characteristics of the neighbourhood, including: - Built form; - Bulk and scale; - Vegetation, and - Topography.	A2.1 Design elements to consider include: • Massing and proportions; • Roof form and pitch; • Floor to ceiling height; • Façade articulation and detailing; • Windows and door proportions; • Features such as verandahs, eaves and parapets; • Building materials, patterns, textures and colours; • Decorative elements.	The building is proposed as double storey. A number of two storey buildings built to the Fitzroy Street property boundary evident in the immediate locality including the dwelling immediately to the south. In the general locality, single storey dwellings are more common however there is a growing number of two storey dwellings being approved, including a recent approved development of a four dwelling, two storey terrace development at 10 Rawson Street, approximately 200 metres to the east.	✓


PAGE 13
21782_616_0118.docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
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Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	<ul style="list-style-type: none"> • Vehicular footpath crossing (location and width); • Fence styles, and • Building set-backs. 	<p>Consistency with prevailing or emerging character need not be limited to sameness but should be considered in the context of compatibility and integration. Whilst double storey dwellings are not as common a feature of the locality as single storey they are a permissible and valid form of development, which could be developed via complying development provisions and without recourse to Council DCP requirements. Similarly, residential flat 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 type are logically likely to grow and it is important that the Dubbo housing market is responsive to this.</p> <p>Further, DCP Section 2.1.1 impose no specific height restrictions on single dwellings, dual occupancies or multi dwelling housing types. Whilst the development is defined as multi-dwelling housing, it is more readily consistent with a residential flat building, for which a maximum height of 13 metres applies (as per Section 2.1.2, Element 1, A1.3). The development satisfies this requirement. To suggest that a 13m high residential flat building could be permitted in the locality, but a 6.8m high multi-dwelling housing development may not would be an illogical planning outcome.</p> <p>Over-development is a term not well defined in a planning sense and is often adopted to reflect development that fails to satisfy key numerical requirements of a plan. By reference to both the multi-dwelling houses and residential flat building DCP standards, the development satisfies at least one of the key numerical DCP standards (including FSR, maximum height, lot frontage and maximum wall length).</p>	



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENIC PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
P3 Walls visible from the street are adequately detailed for visual interest.	A3.1 This may be achieved by recesses, windows, projections or variations of colour, texture or materials.	This is achieved by reference to the design plans in respect of articulation and material selection.	✓
	A3.2 Walls longer than 10 m are articulated with a variation of not less than 500 mm for a minimum length of 4 m.	This is achieved by reference to the design drawings	✓
P4 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.	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.	The development is 21 metres wide and features four x 2.5 metre wide garage doors, equating to 48% of the frontage. The development therefore complies with this requirement.	✓
	A4.2 Garages or parking structures are located in line with or behind the alignment of the front facade/ entrance of the dwelling, with a minimum set-back of 5.5 m (see Element 2 – Building Set-backs), where the street frontage is in excess of 12 m.	This is achieved by reference to the design drawings	✓
Fencing P6 Fencing is consistent with the existing character of the area.	A6.1 Fences should take elements from neighbouring properties where elements are representative of the character of the street.	High quality front fencing is proposed as per Drawings A16-A17	✓
P7 Front fences enable outlook from the development to the street or open space to facilitate surveillance and safety. Front fences provide noise attenuation on classified roads. Front fences provide security in areas where there is a difference of land use (eg residential, commercial or industrial)	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.	This would be achieved	✓
	A7.2 Fences along secondary frontages may have a maximum height of 1.8 m up to a point that is level with the building line for the primary road frontage provided that: <ul style="list-style-type: none"> The fence does not exceed 5 m in length without articulation or detailing to provide visual interest (see Figure 2); 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 The fence is softened with the use of landscaping. 	N/A	N/A
	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: <ul style="list-style-type: none"> The fence does not exceed 5 m in length without articulation or detailing to provide visual interest (see Figure 2). 	N/A	N/A

PAGE 15
217982_REC_0016.DOC

STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENIC PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	<ul style="list-style-type: none"> The fence is constructed of materials which are consistent with those used in the development on the site and adjoining developments (other than solid metal panels or chain wire fencing); and The fence is softened with the use of landscaping. 		
P8 Fencing style and materials reflect the local streetscape and do not cause undue overshadowing of adjoining development. Note: Barbedrazor wire or electrified fencing in residential areas is not permitted.	AS.1 Side fences on corner allotments are set-back and/or articulated to provide for vegetation screening to soften the visual impact of the fence. AS.2 Side fences forward of the building line are not constructed of solid metal panels or chain wire fencing (including factory pre-coloured materials). AS.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	AS.1 Fencing is either splayed, set-back, reduced in height or transparent to maintain visibility for motorists. Note: The extent of the splay will be determined by Council in consideration of the characteristics of the road and the radius of the kerb return.	This would be achieved	✓
P10 Gates are designed to ensure pedestrian and motorist safety. Note: Gates are not permitted to open across the footpath (Clause 21, Roads Regulation 2009).	A10.1 Where a driveway is provided through a solid fence, adequate visibility for the driver is maintained.	This would be achieved where applicable	✓

PAGE 16
21782_S01_0018.Docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENIC PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 2 – Building Setbacks			
P1 Front boundary set-back – dwellings and ancillary structures The set-back of the development from the front boundary of the allotment is consistent with established set-backs, or is consistent with the desired amenity of the locality. Note: The set-back is measured from the property boundary to the first vertical structural element of the development. No porches, posts, etc. shall be any closer than the stated set-back. Note: This applies to a dwelling house and any ancillary structure that is attached or detached to a dwelling house.	Primary frontage A1.1 R1 and R2 zones - minimum setback of 4.5 m from the front property boundary where no streetscape set-back has been established. A1.2 R1.5 zone - minimum set-back 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. 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 set-backs of the adjoining buildings is greater than 2 m. Alternatively, a dwelling may be progressively stepped in as detailed in Figure 3, Scenario 3.	This is achieved via the design drawings N/A This would be achieved by reference to adjacent dwellings.	✓ N/A ✓
	Secondary frontage A1.4 R1 and R2 zones - the secondary (side) set-back is 3 m. Where the corner is splayed, residential development is designed accordingly. A1.5 R1.5 zone - the secondary (side) setback is 5 m. Where the corner is splayed, residential development is designed accordingly.	N/A N/A	N/A N/A
P2 Side and rear boundary set-backs – dwellings and ancillary structures The set-back of the development from the side and rear boundaries of the allotment is consistent with established set-backs or is consistent with the desired amenity of the locality. Note: The set-back is measured from the property boundary to the first vertical structural element of the development. No porches, posts etc shall be any closer than the stated set-back. Note: This applies to a dwelling house and any ancillary structure that is attached or detached to a dwelling house.	A2.1 Residential development is set-back such that it complies with the requirements of the Building Code of Australia (BCA). A2.2 R1.5 zone – the minimum set-back to the side or rear boundary is 5 m.	This would be achieved N/A	✓ N/A

PAGE 17
217682_001_0118.docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENIC PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
<p>P3 Front boundary set-back – garages and carports</p> <p>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.</p>	<p>Primary frontage</p> <p>A3.1 Garages and carports are set-back in 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 facade of the dwelling. This does not apply to allotments where the frontage is less than 12 m in width.</p>	This would be achieved	✓
	<p>A3.2 Garages and carports are set-back in the R15 zone a minimum of 10 m from the front property boundary and in line with or behind the alignment of the front facade of the dwelling.</p>	N/A	N/A
	<p>Secondary frontage</p> <p>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 facade of the dwelling and shall achieve a minimum 5.5 m set-back from the secondary property boundary (see Figure 4).</p>	N/A	N/A
	<p>A3.4 Garages and carports in the R15 zone on secondary frontages of corner allotments may extend beyond the alignment of the secondary facade of the dwelling but shall achieve a minimum 5.5 m set-back from the secondary property boundary (see Figure 4).</p>	N/A	N/A
<p>P4 Side and rear boundary set-backs – garages and carports</p> <p>The location of garages and carports does not diminish the attractiveness of the locality and integrates with features of associated dwellings.</p>	<p>A2.1 Garages and carports are set-back such that they comply with the requirements of the BCA.</p>	N/A	N/A




STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENC PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 3 - Solar Access			
Solar access 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. 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.	A1.1 Dwellings are sited in accordance with Figure 5. A1.2 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. A1.3 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.	This would be achieved Lot is not east/west orientated It is entirely achievable to design a roof mounted system that will gain sufficient solar access to function for each of the units. The design of the roof is not considered to be an impediment to satisfying the performance criteria in this regard.	✓ N/A ✓
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 land and adjacent sites. Note 2: The length of shadows cast by the sun in Dubbo for 22 June is able to be calculated using the information provided at the end of this element.	A1.4 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.	By reference to Figures 2 - 8, the proposed clothes lines would be in full sun from 8am-11:30am and partial sun between 11:30am and 12:30pm. Whilst this is slightly outside the prescribed hours listed via the acceptable solution the arrangement is considered generally acceptable in the context of the performance criteria, having regard to the prevailing climatic conditions in the locality.	✓
P2 The proposed development does not reduce the level of solar access currently enjoyed by adjoining or adjacent allotments.	A2.1 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.	Whilst the specific performance criteria implies that no change to solar access levels would be accepted, acceptable solutions A2.1 and A2.2 identify that a minimum of four hours of solar access between 9am and 3pm (on 22 June) into habitable rooms and into at least 75% of private open space areas should be supplied. 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 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. By reference to Drawings A06 - A12, shadow impacts to the neighbouring dwelling to the south are	✓

PAGE 19
21762_001_0018.docx



STATEMENT OF ENVIRONMENTAL EFFECTS
In Support of a Development Application
STEVENJ PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
		largely un-impacted due to the setback proposed and the design and scale of that building.	
A2.2 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.		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. The dwelling to the south has no POS on the northern side of the property and is therefore un-impacted by the proposed development in this regard. The development is considered acceptable by reference to this requirement.	✓
A2.3 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.		This would be achieved - refer Drawing A17	✓
A2.4 The solar impact of development shall be shown with the submission of shadow diagrams taken on 22 June (winter)		Provided as Drawings A09 - A15	✓

PAGE 20
217682_001_0116.docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENS PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
<p>Private open space and landscaping</p> <p>Private open space P1 Private open space is of an area and dimension facilitating its intended use. Note: See Element 3 – Solar Access requirements for private open space development in residential areas.</p>			
	<p>Development in residential areas</p> <p>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).</p> <p>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.</p>	<p>This would be achieved</p> <p>Refer Drawing A03. The rear yards of the two central proposed multi-dwelling houses (dwellings 2 and 3) measure 5.2 metres by 4.8 metres, resulting in an area of 24 square metres. This is therefore compliant with the numerical requirements of the acceptable solutions with respect to the required dimensions, but slightly deficient in area allowance. The two end dwellings also benefit from side access and therefore satisfy both the area and dimension requirements. The existing dwelling satisfies both requirements.</p> <p>Notwithstanding that dwellings 2 and 3 are slightly deficient in respect of the numerical standards, all dwellings are considered to satisfy the performance criteria in that the available area of POS is sufficient in the context of the small size of the houses and given the eastern orientation.</p>	<p>✓</p> <p>✓</p>
	<p>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).</p> <p>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).</p>	<p>The existing dwelling satisfies this requirement. Not applicable with respect to the proposed multi-dwelling development.</p> <p>By reference to the acceptable solutions, the site has an area of 521m² and therefore POS of 26m² is required if compliance with the numerical standard is to be achieved.</p> <p>This numerical standards would be achieved for the existing dwelling and proposed dwellings 1 and 4. Proposed dwellings 2 and 3 provide 24 square metres and are therefore do not satisfy the numerical standard. Whilst strict compliance with the numerical standard is not achieved, as noted above, the</p>	<p>✓</p> <p>✓</p>

PAGE 21
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENC PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
		development is considered compliant with the intent of the performance standard in that the area available is sufficient to provide for a useful and usable area of open space for the dwelling.	
P2 Private open space is easily accessible by the occupants of the development and provides an acceptable level of privacy.	A2.1 All Principle Private Open Space (PPOS) is directly accessed from the main living area. A2.2 All private open space is located behind the front building line and is screened to provide for the privacy of occupants and the occupants of adjoining properties.	This would be achieved This would be achieved	✓ ✓
Landscaping P3 Landscaping is provided at a scale and density which is appropriate for the development.	A3.1 Landscaping is provided in accordance with the requirements of the Landscaping Schedule (see DCP p. 48).	This would be achieved – refer Drawing A17	✓
	A3.2 The height and density of vegetation at maturity will be suitable to screen and soften the development.	This would be achieved – refer Drawing A17	✓
	A3.3 A landscape plan is required to be provided for assessment with the lodgement of development applications for dual occupancy and multi-dwelling housing developments.	This would be achieved – refer Drawing A17	✓
P4 Landscaping is located to not impact infrastructure, development, on the site or development adjoining the site.	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.	This would be achieved – refer Drawing A17	✓
	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).	This would be achieved – refer Drawing A17	✓
P5 Landscaping is undertaken in an environmentally sustainable manner which limits the time and costs associated with maintenance.	A5.1 Existing native trees are retained.	One large Eucalypt requires removal to facilitate the development. Whilst this tree could conceivably be retained due to the placement of the proposed dwellings, it is a large tree with large branches that would pose a risk to the property, it would also become very difficult to remove in future years if it proved to be dangerous, its removal is therefore considered justified. Other trees on site are either non-native or smaller trees that are not worthy of retention.	✓

PAGE 22
21782_001_0018.docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENC PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
		Whilst the development involves tree removal, this has been kept to a minimum. Given compliance with all other acceptable criteria, it is considered that the development is generally acceptable in the context of the applicable performance criteria.	
	AS.2 Species selected are suitable for the local climate.	This would be achieved - refer Drawing A18	✓
	AS.3 Species selected require a minimal amount of watering (Waterwise Gardens).	This would be achieved - refer Drawing A17	✓
	AS.4 Landscaping does not impact ground-water levels by over-watering resulting in ground-water level increases or the pollution of waters.	This would be achieved - refer Drawing A17	✓
	AS.5 Landscaping is provided with a timed watering system and moisture meter to determine if watering is required.	This would be achieved - refer Drawing A17	✓
	AS.6 Sensors are used to control watering systems (see also Element 9)	This would be achieved - refer Drawing A17	✓

PAGE 23
21782_AEE_0118.docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENC PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 5 - Infrastructure			
P1 Residential development shall not overload the capacity of public infrastructure including reticulated services, streets, open space and human services	A1.1 Physical infrastructure is provided by the proponent in accordance with Council's adopted version of NAT Spec and relevant policies.	This would be achieved	✓
P2 Design and layout of residential development provides space (including easements) and facilities to enable efficient and cost-effective provision of telecommunication services	A2.1 Development is connected to a telecommunication system provided in accordance with the requirements of the appropriate authority.	This would be achieved	✓
P3 The development is connected to reticulated sewerage, water supply and electricity systems and to natural gas where available.	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).	This would be achieved	✓
	A3.2 Where not serviced by Council reticulated water supply in the RU23 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).	N/A	N/A
	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.	This would be achieved	✓
	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.	N/A	N/A
P4 In areas where drainage infrastructure has little or no excess capacity, developments which would generate stormwater run-off beyond that equivalent to 35% site cover (or beyond that presently generated by the site if greater) should provide for stormwater drainage mitigation or upgrading of the local drainage system.	A4.1 Onsite stormwater detention shall be provided with delayed release into the stormwater system. A4.2 Minimal impervious areas shall be provided. A4.3 An onsite water recycling system shall be provided.	Not applicable on the basis that the area has sufficient capacity This would be achieved N/A	✓ ✓ N/A

PAGE 24
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENJ PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 6: Visual and acoustic privacy			
Visual privacy P1 Private open spaces and living rooms of adjacent residential accommodation are protected from direct overlooking by an appropriate layout, screening device and distance. 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. - Habitable rooms having sill heights of 1.5 m or greater above floor level or translucent glazing to any window less than 1.5 m above floor level. - Habitable 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 0.5 m above the level of the ground at the boundary.	A1.1 Windows of habitable rooms with an outlook to habitable room windows in adjacent development within 10 m: - Are offset 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). A1.2 Screens are solid, translucent or perforated panels or trellis which: - Have a minimum of 25% openings; - Are permanent and fixed; - Are of durable materials such as galvanised steel, anodised aluminium or treated timber; and - Are painted or coloured to blend in with the surrounding environment (see Figure 7).	Fixed screening is proposed in respect of the east facing first floor windows – refer Drawing A06	✓
	A1.3 Windows and balconies of residential accommodation shall be designed to prevent overlooking of more than 50% of the private open space of any adjoining residential accommodation (see Figure 7).	No balconies proposed. First floor windows are setback from the boundary and screened to limit overlooking.	✓
Acoustic privacy P2 The transmission of noise to and the impact upon habitable rooms within the proposed development and adjoining and adjacent development is minimised.	A2.1 Living rooms or garages of residential accommodation do not adjoin or abut bedrooms of adjacent residential accommodation. A2.2 The plumbing of residential accommodation is separate and contained sufficiently to prevent transmission of noise. A2.3 Electrical, mechanical or hydraulic equipment or plant generating a noise level no greater than 50BA above ambient L80 sound level at the boundary of the property.	This would be achieved This would be achieved This would be achieved	✓ ✓ ✓

PAGE 25
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVING PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	A2.4 Dividing walls and floors between residential uses are constructed in order to comply with the requirements of part F5 of the BCA (Class 2 and 3 buildings only).	This would be achieved	✓
	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.	This would be achieved	✓
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.	<p>A1.1 Dwelling houses and dual occupancy development provide the following vehicle parking:</p> <ul style="list-style-type: none"> One bedroom dwelling – one car parking space per dwelling, situated behind the front building set-back; 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 set-back. <p>A1.2 Multi-dwelling housing development provides the following vehicle parking behind the front building setback:</p> <ul style="list-style-type: none"> One bedroom unit – one car parking space per unit; and 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. 	<p>N/A – not a dwelling house or dual occupancy</p> <p>One car parking space (garage) is provided per dwelling within the ground floor. The garage entrance is in line with the front building setback. The garage is setback approximately 5.5 metres 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 development in the locality – refer Section 5.3</p> <p>There is ample 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.</p>	<p>N/A</p> <p>✓</p>
Design			
P2 Car parking facilities are designed and located to: <ul style="list-style-type: none"> Conveniently and safely serve users including pedestrians, cyclists and vehicles; 	<p>A2.1 The dimensions of car spaces and access comply with Section 3.5 Parking.</p> <p>A2.2 Accessways and driveways are designed to enable vehicles to enter the designated parking space in a single</p>	<p>This would be achieved</p> <p>This would be achieved</p>	<p>✓</p> <p>✓</p>

Page 26
21782_002_0018.docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENS PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
<ul style="list-style-type: none"> - Enable efficient use of car spaces and accessways including adequate manoeuvrability for vehicles between the street and the lot. - Conform to the adapted street network hierarchy and objectives of the hierarchy and along with any related local traffic management plans. - Be cost effective; and - Protect the streetscape. 	turning movement and leave the space in no more than two turning movements. A2.3 Vehicles in multi-development housing shall enter and exit development sites in a forward direction.	A single access driveway is provided for each dwelling's garage and it is anticipated that vehicles would enter in a forward direction but exit by reversing towards Fitzroy Street. The line marking in Fitzroy Street provides sufficient space for cars to safely reverse onto the street without entering the flow of traffic. The arrangement is therefore considered compliant with the overarching performance criteria.	✓
	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.	A single 3 metre wide access driveway is provided for each dwelling's garage and vehicles would exit by reversing towards Fitzroy Street. A 5.5 metre setback is provided from the garage providing space to reverse so that the driver can check for traffic before reversing onto Fitzroy Street. The arrangement is therefore considered compliant with the overarching performance criteria.	✓
	A2.5 The design and appearance of garages and carports shall: <ul style="list-style-type: none"> - Be in line with or behind the alignment of the front facade of the dwelling (noting that they cannot be less than 5 m from the front property boundary in the R1 and R2 zones) or 10 m in the R10 zone. - Garages and carports on secondary frontages of corner allotments may extend beyond the alignment of the secondary facade of the dwelling but shall achieve a minimum 5.5 m setback from the secondary property boundary (see Figure 4). - Lots with a narrow frontage of 15 m or less have a single width garage/carport. - Large parking areas are broken up with trees, buildings or different surface treatments. - Parking is located so that the front windows of a dwelling are not obscured. - The dwelling design highlights the entry and front rooms rather than the garage; and - Garages are located under the roof of two-storey dwellings (eg terrace houses). 	This would be achieved	✓

PAGE 27
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENC PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Driveways and access points P3 For multi-housing development, driveways and access points are designed for maximum safety to resident motorists, passing motorists and pedestrians.	A3.1 Driveways comply with the following: <ul style="list-style-type: none"> - Are not less than 3 m wide; - At changes of direction or at intersections, the internal radius of the driveway is at least 4 m; - Where longer than 50 m (eg bottle-axe handles) provision for passing is provided; - 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; - Not within 6 m to a road intersection (see Figure 8); - 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 (as in accordance with AUSTRROADS 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. 	This performance criteria would be achieved through general compliance with acceptable solutions. Noting the specific acceptable solution in respect of manoeuvrability, the design of the proposed dwellings means that reversing on to the street is required. However there is adequate width outside of the trafficable lane to provide for safe reversing on to the street without entering the traffic flow.	✓
	A3.2 Where the driveway passes through solid fencing higher than 1.2 m, the fencing is splayed into the property to make pedestrians visible when reversing.	Front fencing is no higher than 1.2 metres and driveways are setback from side fencing to ensure safe sight lines.	N/A
Access points RUS zone 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.	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.	N/A	N/A
	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.	N/A	N/A
Access points off highways	A5.1 To be undertaken in accordance with the requirements of Roads and Maritime Services (RMS)	N/A	N/A

PAGE 28
21762_001_0018.docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENC PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
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 not impede the flow of stormwater.	A5.2 Other road frontages are used if alternatives are available. A5.3 The number of access points onto a highway is not greater than the number of existing access points. 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.	N/A N/A N/A	N/A N/A N/A
Security P6 For multi-housing development, open car parking areas and accessways are suitably anticipated to enhance the amenity while providing for the security needs of residents and visitors.	A6.1 Car parking facilities are designed and located so as they: - 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.	This would be achieved	✓
Emergency vehicle access P7 Standing and turning areas for service, emergency or delivery vehicles are provided where access to any dwelling from a public street is remote or difficult.	A7.1 Accessways into multi-housing development are designed to cater for an AUSTRALASIAN 8.5 m length Design Service Vehicle.	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 5.5 metres), it is not anticipated that it would be difficult for emergency services vehicles to access the dwellings.	N/A
Surface treatment P8 Driveways, car parks and access points are designed in accordance with Section 3.5 Parking.	A8.1 Car spaces, accessway and driveways are formed, defined and drained to a Council drainage system and surfaced with: - An all-weather seal such as concrete, coloured concrete, asphalt or coloured pavers; - Stable, smooth, semi-porous paving material (such as brick, stone or concrete pavers) laid to the paving standard of light vehicle use.	This would be achieved	✓
Location of driveways and accessways from residential uses	A8.1 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.	Not applicable.	N/A

Page 29
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENC PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
P9 Shared driveways, accessways and car parks of other dwellings are set-back from habitable rooms of adjoining residential uses to enhance resident's privacy.	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.	Performance criteria identify that this control applies to shared driveways, access ways and car parks. Separate driveways are provided for each dwelling and as such are not considered to be shared.	
Element 8 – Waste Management			
Domestic solid waste			
P1 Domestic solid waste is disposed of in an environmentally responsible and legal manner.	A1.1 Residential accommodation shall participate in Council's garbage and recycling materials collection service. A1.2 Organic waste shall be composted.	This would be achieved This would be achieved	✓ ✓
	A1.3 Recycling of wastes such as paper (mulch in garden), plastics, glass and aluminium. A1.4 Reuse of waste such as timber.	This would be achieved This would be achieved	✓ ✓
	A1.5 Dispose of waste to a Council approved waste facility or transfer station.	This would be achieved	✓
P2 The amount of liquid waste generated is minimised.	A2.1 The use of dual-flush toilet systems and water saving fittings and appliances.	This would be achieved	✓
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.	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. 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. Note 2: Recommended buffer distances for onsite sewage disposal systems are included in the table below.	N/A	N/A
P4 Adequate space is provided to store waste collection bins in a position which will not adversely impact upon the amenity of the area.	A4.1 Waste collection bins are stored behind the building line.	This would be achieved	✓

PAGE 30
21782_818_2018.docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
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Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 9 – Site Facilities			
Mail boxes P1 Mail boxes are located for convenient access by residents and the delivery authority.	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.	This would be achieved.	✓
Storage areas P2 Each dwelling within a multi-housing development is provided with adequate storage areas and external clothes drying facilities.	A2.1 A space of 8 m ² with a minimum horizontal surface area of 6 m ² per dwelling is set aside exclusively for storage. This space may form part of a carport or garage but shall be dedicated for storage. A2.2 Open air, communal clothes drying facilities are easily accessible to all residents and visually screened from public streets, communal streets and recreational areas.	This would be achieved. Not applicable.	✓ N/A
Security 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.	A3.1 Car parking areas and pathways are lit in accordance with AS 1158.	This would be achieved.	✓
Antennae P4 Telecommunications facilities are provided to serve the needs of residents and do not present any adverse visual impacts.	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.	This would be achieved.	✓
2.1.3 – Subdivision Controls			
Element 1 – Neighbourhood Design			
P1 Street design and lot density minimises motor vehicle use and promotes walking and cycling.	A1.1 Recreational areas, shops and facilities are located within walking distance (400 m) of residences.	This is achieved.	✓
P4 Neighbourhood densities are closer to public transport nodes, neighbourhood centres and the like.	A4.1 If the subdivision is located in an Urban Release Area under the provisions of Dubbo LEP 2011, the design of the	This is achieved.	✓

PAGE 31
21782_002_0018.docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
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Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
subdivision complies with the relevant Residential Release Strategy.			
PS Neighbourhood design provides for passive surveillance of residences and public areas to enhance personal safety and minimise the potential for crime.	AS.1 Battle-axe lots are minimised in the subdivision design.	This is achieved	✓
Element 2 – Lot Layout			
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. A1.2 Lot size and dimensions take into account the slope of the land and minimise earthworks/retaining walls associated with dwelling construction. A1.3 Lot size and dimensions enable residential development to be sited to: - Protect natural or cultural features; - Acknowledge site constraints including soil erosion and bushfire risk, and - 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).	Development is compliant with LEP in that both lots exceed 300 m ² . This is achieved This is achieved	✓ ✓ ✓
User requirements P2 Lot frontages are orientated to enable maximum residential security.	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.	This is achieved	✓
Solar access P3 Lots are orientated and have dimensions to allow adequate solar access.	A3.1 Lots are orientated so that one axis is within 300 east or 200 west of true north. Note: - North-facing slopes improve opportunities for solar access. - Small lots are best suited to north-facing slopes with gradients of less than 15%. - South-facing slopes reduce solar access, and - Large lots/lowest densities are therefore best suited to south-facing slopes.	This is achieved	✓

PAGE 32
21782_001_0018.Docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENS PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
ELEMENT 4 - INFRASTRUCTURE			
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.	A1.1 The design and provision of utility services conforms to the requirements of the relevant service authorities.	The design and provision of all required utility services would be provided to each lot conforming to the requirements of the relevant service authorities.	✓
	A1.2 Water and sewerage services are to be provided to each allotment at the full cost of the developer.	This would be achieved – refer Drawings C001-C004.	✓
	A1.3 Water and sewerage services are to be designed and constructed in accordance with the requirements of NAT-SPEC (DCO version) Development Specification Series – Design and Development Specification Services – Construction.	This would be achieved.	✓
	A1.4 Electricity supply is provided via underground trenching in accordance with the requirements of the energy supply authority.	This would be achieved.	✓
P3 Water supply and sewerage networks are available, accessible, easy to maintain and are cost-effective based on life-cycle costs.	A3.1 Council will not consent to the subdivision of land until adequate water supply and facilities for sewerage and drainage are available or until arrangements satisfactory to Council have been made for the provision of such supply and facilities.	Water supply and sewerage networks are available in the adjoining street network and along the northern boundary of the site. Connections to these services would be provided to each proposed lot – refer Drawings C001-C004.	✓
ELEMENT 7 – STORMWATER MANAGEMENT			
P6 Subdivision design and lot layout provides for adequate site drainage.	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. Stormwater discharge from the ground and roof of the proposed dwellings would be managed to discharge to the street, consistent with surrounding development in the locality.	✓

PAGE 33
21782_001_0018.docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENC PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
SECTION 3.4 – HERITAGE CONSERVATION			
3.4.10 - General Development Controls – Construction of new buildings			
Significance, character and setting P1. New building design shall relate to the significance and the character of the adjoining buildings and the heritage precinct.	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 precinct. A1.2 New buildings are designed in a contemporary manner that is sympathetic to the heritage precinct.	The content of this table including the assessment of the building against the specific performance criteria satisfies this requirement. The new building is a contemporary design influenced by the features of the existing area through matters such as roof form (pitch, shape and scale) and material selection. The existing dwellings to the north and south have been used as a point of reference for the design of the height of the brick articulation to the front of the proposed building. The proposed dwellings result in a reduced massing and scale by comparison to the approved building on site.	✓ ✓
	Note: Project homes, package or kit homes are generally unsuitable as they are not designed with specific localities in mind.	Proposed building is architecturally designed and is neither a package or kit home	✓
Setback P2 The setback of the development from the front boundary of the allotment is consistent with established setbacks or is consistent with the desired amenity of the heritage precinct. Note: The setback is measured from the property boundary to the first vertical structural element of the development. No porches, pools etc shall be any closer than the stated setback.	A2.1 If there are uniform setbacks for adjacent significant buildings and/or the street, maintain the setback in any development.	The proposed setback is generally consistent with the setback of the immediately adjacent dwelling to the north and is greater than the dwelling to the south (which is built to the boundary). The development also satisfies the numerical standard of the Council's DCP.	✓
Orientation P3 The majority of existing buildings address the street and therefore new development shall reflect heritage precinct characteristics.	A3.1 Development shall be orientated to the existing streetscape.	This is achieved.	✓
Fencing P4 Fencing is in keeping with the existing character of the heritage precinct.	A4.1 New fencing shall be simple, compatible in height with adjoining heritage fences and of a suitable material and spacing to the building and surrounding heritage fences. The	This would be achieved by reference to Drawing A13. This is consistent with the approved plans for the site.	✓

PAGE 34
21782_002_0018.docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENC PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	exact reproduction of traditional fence styles should be avoided.		
Outbuildings P5 Garages, sheds and other outbuildings shall be constructed of similar or compatible materials to the primary building and located so as not to detract from the streetscape of the heritage precinct.	A5.1 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. A5.2 New materials may be introduced provided that they are complementary to the significance of the heritage precinct.	No detached outbuildings proposed	N/A
Signage P6 Signage is in keeping with the existing character of the precinct.	A6.1 Any signage shall be contemporary and complement the character and significance of the heritage precinct.	No signage proposed	N/A
Scale P7 In designing new buildings, the size, shape and height shall reflect the predominant height and proportions of adjacent buildings within the heritage precinct.	A7.1 Differences in building height between existing buildings and new development is not more than one storey when viewed from the public street and adjoining properties. A7.2 The design may include attic rooms which provide additional floor space with minimal streetscape impact.	The difference in building height is not more than one storey when viewed from the street. This acceptable solution is therefore achieved. No attic rooms proposed.	✓ N/A
Material, colour and details P8 Development shall relate to and use the materials, colour and details of adjacent heritage items and the surrounding heritage precinct.	A8.1 New materials may be introduced provided that they are complementary to the significance of the heritage precinct.	Materials have been chosen to reflect the prevailing character of the area. This solution is therefore achieved.	✓
Visual setting P9 Development shall visually relate to the streetscape of the heritage precinct.	A8.1 Development shall not visually dominate or obscure views or sightlines to nearby historic buildings. A8.2 Development shall enhance and complement the streetscape and amenity of the heritage precinct.	No views would be obscured. Through adoption of consistent setbacks, roof plane and shape and materials, the development would not appear incongruous when viewed within the surrounding streetscape.	✓ ✓
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 plus utilise appropriate materials in keeping with the character of the heritage precinct.	Pitch is consistent with surrounding roofs. As noted above, the difference in building height is no more than one storey when viewed from the street. This complies with A7.1 and is a relevant consideration.	✓
Provision for cars (in crossovers) P11 These should reflect the nature of adjoining historic buildings and the heritage precinct.	A11.1 Existing access points should be utilised where possible. Note: Large double driveways are not appropriate.	An existing crossover location is utilised by the development.	✓




STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENS PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Details P12 Development should be recognisable as a product of its time and not create a false impression of age or a style.	A12.1 Historic details such as small paned windows, cast-iron decoration, ornate decorative details and original window glazing should not be applied.	The development is a contemporary, architecturally designed building which provides a modern and desirable form of housing. It is influenced by the historic setting but strives to be unique.	✓
General Development Controls – Development Controls for residential precincts			
Windows P1 Window and door dimensions and spacings shall be maintained.	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. A1.2 New window openings to principle façades and elevations are avoided. A1.3 New window openings shall be sympathetically designed but clearly distinguishable as a contemporary alteration. A1.4 Inappropriate 'modernisations' such as horizontal metal sliders and fixed modern frames shall not be used and if present shall be replaced where they detract from the significance of the heritage item. A1.5 Filled in or previously damaged window openings may be reconstructed. Any replaced windows shall match historic profiles, shapes, dimensions, details and materials.	The acceptable solutions relate to existing buildings. Window placements and spacings in the building are residential in style and are openings in walls, rather than the more modern style of using windows as walls. This pays reference to the heritage style of the locality.	Performance criteria is satisfied.
Roofs P2 The original form of the roof shall be maintained.	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 elements to the roof such as skylights, solar collectors or satellite dishes. A2.3 Where galvanised iron is replaced, unpainted zincalume shall not be used. Note: Very durable galvanised steel is available in long lengths and can be curved where required. It may be advisable to use the thickest available coating. A2.4 Where previously painted galvanised iron is replaced the use of prepainted zincalume will be considered. Council's Heritage Advisor should be consulted in the first instance.	The acceptable solutions relate to existing buildings. Roof form is influenced by the style of traditional houses in the locality, noting that a mix of styles is evident.	Performance criteria is satisfied.

PAGE 36
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENC PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Chimneys P3 Original chimneys shall be retained and conserved.	A3.1 Repairs to chimneys shall be in materials to match the original.	Chimneys do not form part of the development	N/A
Skylights and dormer windows P4 Installation of dormer or attic windows shall not detract from, or dominate the appearance of the roof line.	A4.1 Where possible they shall be installed in the rear or side elevations but also taking into account the silhouette of the roof. In some instances skylights might be preferred to dormers and this will depend upon the elevation and roof pitch.	Skylights and dormer windows not proposed	N/A
	A4.2 Skylights shall not be located on front or street elevations or be visible from front or side streets.		
	A4.3 Flat glass skylights are preferable to PVC or 'bubble' skylights which shall be avoided.		
Solar Panels P5 Development for a solar energy system shall not detract from or dominate the appearance of the roof.	A5.1 The solar energy system/panels shall not be attached to any roof of a heritage item facing a primary road.	None proposed	N/A
	A5.2 They shall be installed in the rear or side elevations and also take into account the silhouette of the roof.		
Brick walls P6 Minor additions, alterations or repairs to a heritage item shall match that of the original. Major additions may incorporate a complementary material.	P6.1 Match the colour, texture, dimensions, bonding pattern, mortar colour and content and profile to the original material.	Bricks proposed on the front facade would match the style of materials in the locality	✓
Stone walls P7 Minor additions, alterations or repairs to a heritage item shall match that of the original. Major additions may incorporate a complementary material.	P7.1 Match the durability, composition, porosity, colour, texture, size, profile and to assume the location of the original material. The use of artificial stone for repairs shall be avoided.	None proposed	N/A
Stucco walls P8 Additions, alterations or repairs to a heritage item shall match that of the original. Major additions may incorporate a complementary material.	P8.1 A stucco mix no stronger or stiffer than the original stucco shall be used. Modern formulations with high proportions of Portland cement shall be avoided.	None proposed	N/A
Timber walls P9 Additions, alterations or repairs to a heritage item shall match that of the original. Major additions may incorporate a complementary material.	P9.1 Original timber cladding shall not be covered or replaced with artificial cladding such as vinyl or aluminum.	The acceptable solutions relate to existing buildings. Timber cladding is not proposed in favour of modern weatherboard cladding on the upper floors only. This provides a contrast between the face brick at ground floor level and is consistent with the character of the surrounding area.	Not strictly relevant

PAGE 37
21782_002_0018.DOCX

GEOLYSE STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENING PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	PS 2 Timber shall not be sand-blasted. PS 3 Exterior timber shall be properly finished to prevent its deterioration.		

Overshadowing diagrams – clothes lines

Figure 2: Overshadowing diagram – 8am – full sun

PAGE 38
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
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Impacts

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 1D 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

PAGE 45
217082_SEE_0018.Docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVEINC PTY LTD

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 façade 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

PAGE 46
217082_SEE_0518.Docx



GEOLYSE

STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVEINC PTY LTD

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 Wingewarra 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.

PAGE 47
217082_SEE_001B.Docx



GEOLYSE

STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENING PTY LTD

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**.

PAGE 48
217082_SEE_0018.Docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
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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 and 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**.

PAGE 49
217082_SEE_001B.Docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
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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 house 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

PAGE 50
217042_SEE_001B.Docx



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
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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.

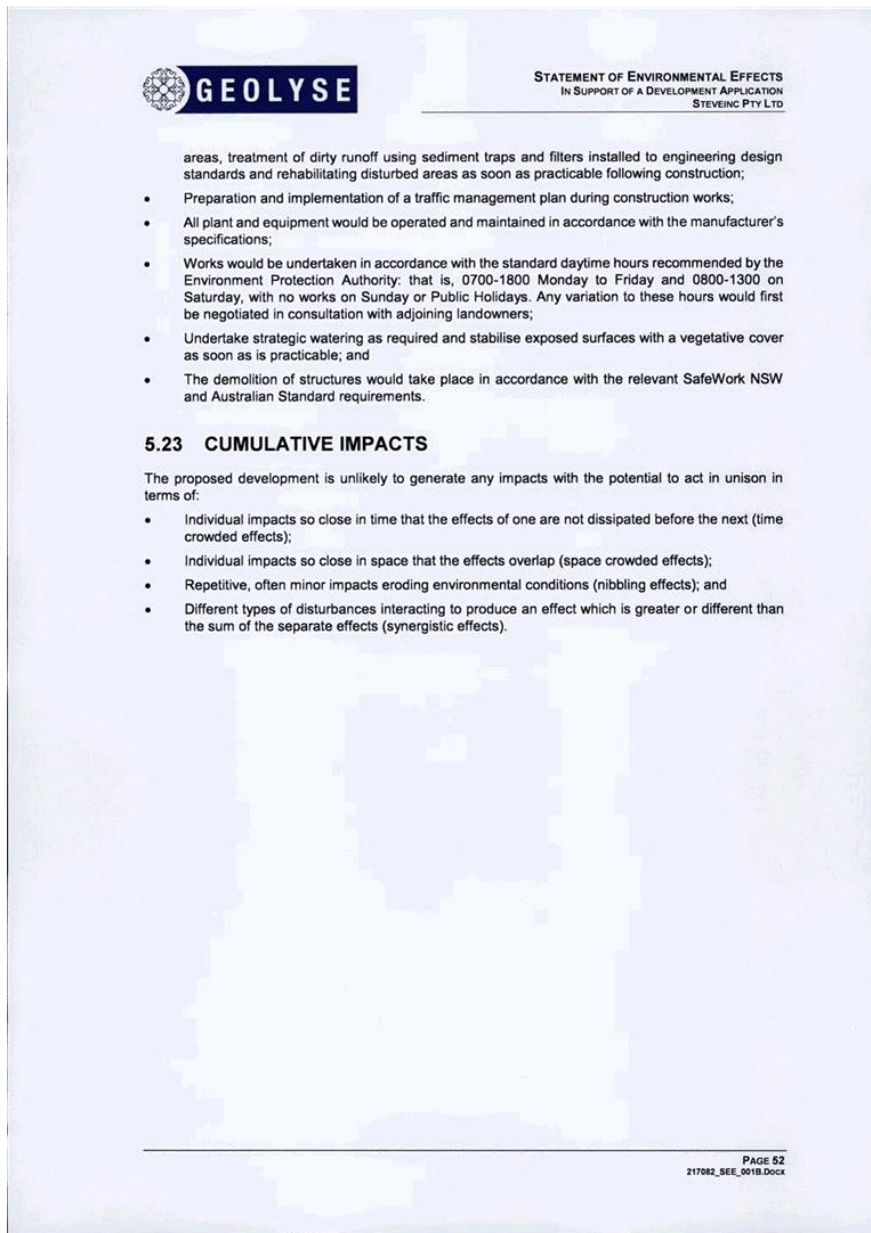
The terrace dwellings have been designed in full compliance with the requirements of the Building Code of Australia to ensure that the health and safety of future occupants is assured.

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

PAGE 51
217082_SEE_0018.Docx





STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVEINC PTY LTD

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

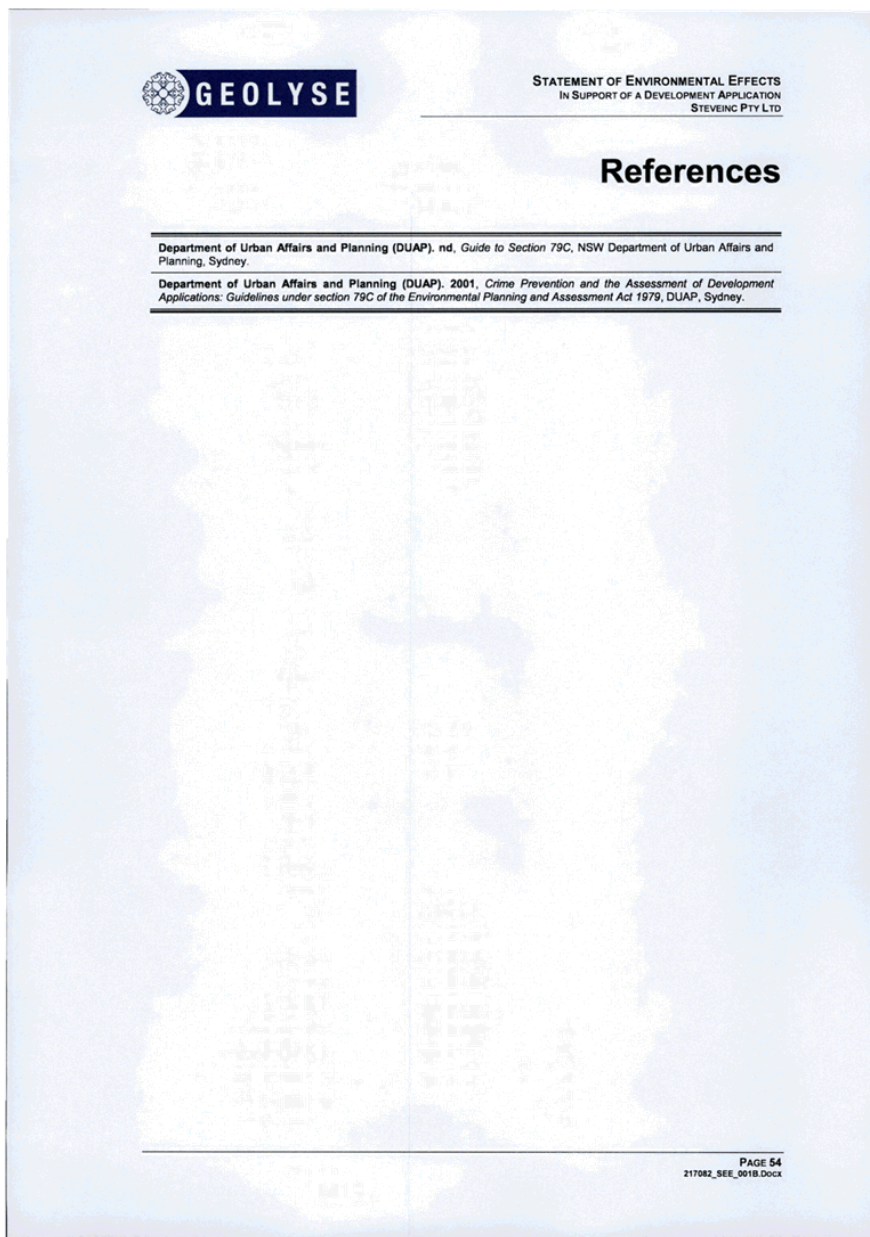
The development is considered to be of minor public interest due to the localised nature of any impacts.

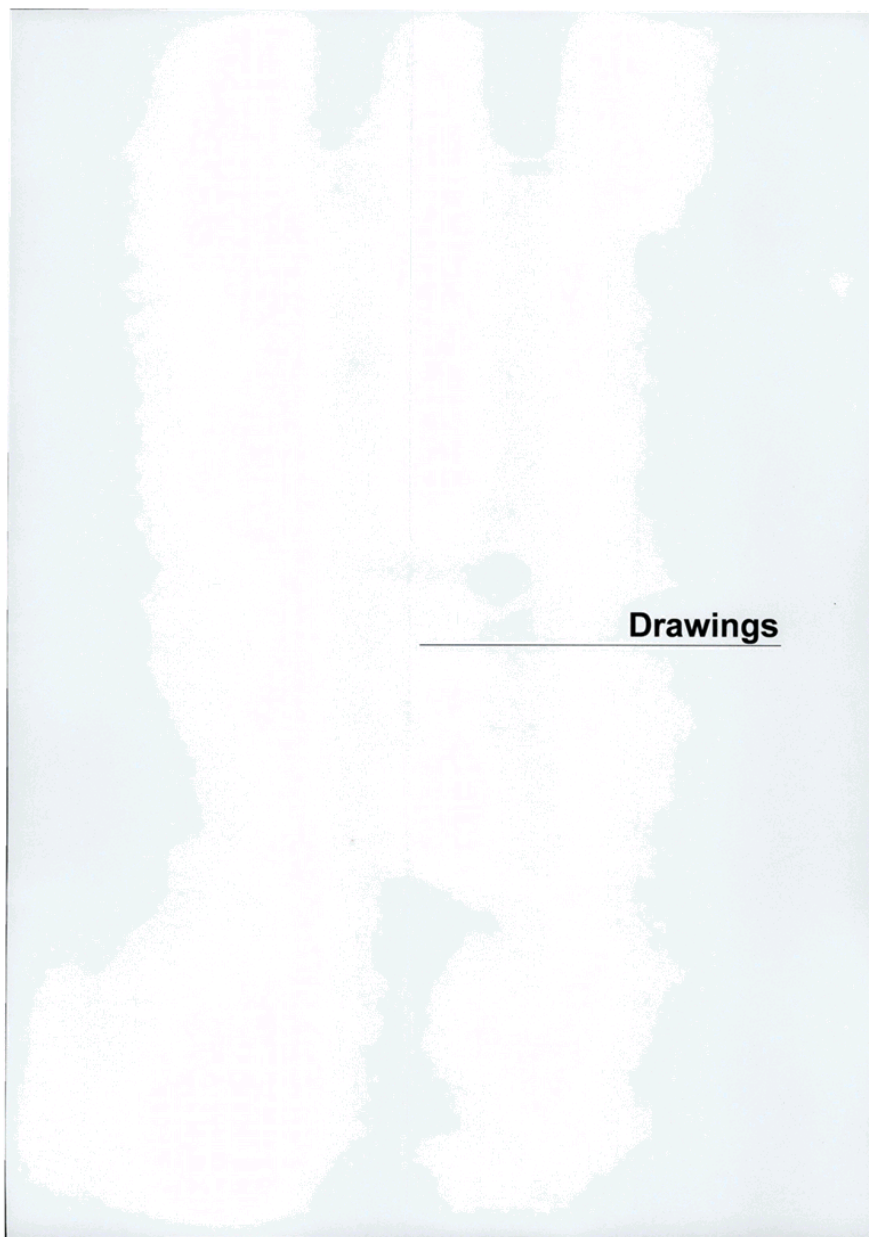
6.3 CONCLUSION

The proposed development involves a two lot Torrens subdivision of land at 197 Wingewarra Street, Dubbo (Lot 1 Section 40 DP758361), 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.





PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



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Our Ref: 217082_LET_002B.docx

9 October 2017

The General Manger
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Attention: Darryll Quigley

Dear Mr Quigley

DEVELOPMENT APPLICATION D2017-462 – 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.



• Civil, Environmental & Structural Engineering • Surveying • Environmental • Planning • Architecture





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 1,083 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 clothes line 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 clothes line 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.



PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



PAGE 4
217082_LET_002B.docx



(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 Bultje 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
6. **Plates 1 – 8.**



PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



ATTACHMENT 1

Amended drawings attached separately



PAGE 7
217082_LET_002B.docx

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Geolyse
PO Box 1842
DUBBO NSW 2830

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 6125) trc@tamworth.nsw.gov.au
Facsimile: 6767 5499 Tamworth NSW 2340 www.tamworth.nsw.gov.au

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PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



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 5507 or development@tamworth.nsw.gov.au

Reference: SF4939

7 August 2017

All correspondence should be addressed to the General Manager:
Telephone: 6767 5555 PO Box 555 (DX 6125) trc@tamworth.nsw.gov.au
Facsimile: 6767 5499 Tamworth NSW 2340 www.tamworth.nsw.gov.au

~ Toyota Country Music Festival Tamworth 2018 – Friday 19 January 2018 – Sunday 28 January 2018 – www.tcmf.com.au



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 1135* 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 195 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.*



PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



- 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:

- to protect and enhance the production capacity of rural lands, by maintaining farm sizes and the status of productive lands,
- 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,
- 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,
- 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,
- 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

Objective	Assessment
R1 – General Residential Zone Objectives	
To provide for the housing needs of the community.	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 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.
To provide for a variety of housing types and densities.	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. Via inclusion of this standard objective in the Standard Instrument for land within the R1 – General Residential zone, the Department of Planning & 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.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	As this is a form of residential accommodation, this objective is not specifically relevant.



PAGE 11
217082_LET_002B.docx

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 1 – Consideration of objectives

Objective	Assessment
<i>To ensure development is consistent with the character of the immediate locality.</i>	Character is a subjective terms 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.
Clause 4.1 Objectives	
<i>(a) to protect and enhance the production capacity of rural lands, by maintaining farm sizes and the status of productive lands,</i>	The proposed site does not relate to rural land and therefore this objective is not applicable.
<i>(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,</i>	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.
<i>(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,</i>	The proposed site does not relate to industrial land and therefore this objective is not applicable.
<i>(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,</i>	The proposed site does not relate to commercial land and therefore this objective is not applicable.
<i>(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,</i>	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;



PAGE 12
217082_LET_002B.docx



- 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 retrospective 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 5(a)(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

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
SECTION 2.1 RESIDENTIAL DEVELOPMENT AND SUBDIVISION			
Section 2.1.1 Residential Design – Dwellings, Dual Occupancy and Multi-Dwelling Housing			
Element 1 – Streetscape Character			
P1 The frontage of buildings and their entries are readily apparent from the street.	A1.1 Buildings adjacent to the public street, address the street by having a front door facing the street.	Existing dwelling address the primary frontage.	✓
	A1.2 The site area for multi-dwelling housing is a minimum of 700 m ² and has a minimum frontage of 20 m.	Proposed Lots 11 and 12 satisfies the applicable minimum lot size for Torrens 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 700m ² minimum 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.	✓
	A1.3 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).	✓
	A1.4 Dual occupancy development shall be designed in accordance with Figure 1.	N/A	N/A
	A1.5 Dual occupancy development shall not be designed as 'mirror reversed'.	N/A	N/A
P2 The development is to be designed to respect and reinforce the positive characteristics of the neighbourhood, including: <ul style="list-style-type: none"> - Built form; - Bulk and scale; - Vegetation; and - Topography. 	A2.1 Design elements to consider include: <ul style="list-style-type: none"> • Massing and proportions; • Roof form and pitch; • Floor to ceiling height; • Façade articulation and detailing; • Window and door proportions; • Features such as verandahs, eaves and parapets; • Building materials, patterns, textures and colours; 	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.	✓



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	<ul style="list-style-type: none"> Decorative elements; Vehicular footpath crossing (location and width); Fence styles; and Building set-backs. 		



PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
P3 Walls visible from the street are adequately detailed for visual interest.	A3.1 This may be achieved by recesses, windows, projections or variations of colour, texture or materials.	No physical changes to existing dwelling in this regard	N/A
	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.	No physical changes to existing dwelling in this regard	N/A
P4 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.	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.	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 .	N/A
	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 5.5 m (see Element 2 – Building Set-backs), where the street frontage is in excess of 12 m.	As above	✓
Fencing P6 Fencing is consistent with the existing character of the area.	A6.1 Fences should take elements from neighbouring properties where elements are representative of the character of the street.	No change to fencing is proposed in respect of the existing dwelling	N/A
P7 Front fences enable outlook from the development to the street or open space to facilitate surveillance and safety. Front fences provide noise attenuation on classified roads. Front fences provide security in areas where there is a difference of land use (eg residential, commercial or industrial).	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.	As above	N/A
	A7.2 Fences along secondary frontages may have a maximum height of 1.8 m up to a point that is level with the building line for the primary road frontage provided that: <ul style="list-style-type: none"> The fence does not exceed 5 m in length without articulation or detailing to provide visual interest (see Figure 2); 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 The fence is softened with the use of landscaping.	As above	N/A
	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:	As above	N/A



PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	<ul style="list-style-type: none"> The fence does not exceed 5 m in length without articulation or detailing to provide visual interest (see Figure 2); The fence is constructed of materials which are consistent with those used in the development on the site and adjoining developments (other than solid metal panels or chain wire fencing); and <p>The fence is softened with the use of landscaping.</p>		
P8 Fencing style and materials reflect the local streetscape and do not cause undue overshadowing of adjoining development.	A8.1 Side fences on corner allotments are set-back and/or articulated to provide for vegetation screening to soften the visual impact of the fence.	N/A	N/A
Note: Barbed/razor wire or electrified fencing in residential areas is not permitted.	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).	This would be achieved	✓
	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.	A9.1 Fencing is either splayed, set-back, reduced in height or transparent to maintain visibility for motorists. Note: The extent of the splay will be determined by Council in consideration of the characteristics of the road and the radius of the kerb return.	N/A	N/A
P10 Gates are designed to ensure pedestrian and motorist safety. Note: Gates are not permitted to open across the footpath (Clause 21, Roads Regulation 2008).	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



PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 2 – Building Setbacks			
<p>P1 Front boundary set-back – dwellings and ancillary structures</p> <p>The set-back of the development from the front boundary of the allotment is consistent with established set-backs, or is consistent with the desired amenity of the locality.</p> <p>Note: The set-back is measured from the property boundary to the first vertical structural element of the development. No portico, posts, etc shall be any closer than the stated set-back.</p> <p>Note: This applies to a dwelling house and any ancillary structure that is attached or detached to a dwelling house.</p>	<p>Primary frontage</p> <p>A1.1 R1 and R2 zones - minimum setback of 4.5 m from the front property boundary where no streetscape set-back has been established.</p>	No change to setbacks for existing dwelling	N/A
	<p>A1.2 RU5 zone - minimum set-back 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.</p>	N/A	N/A
	<p>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 set-backs of the adjoining buildings is greater than 2 m. Alternatively, a dwelling may be progressively stepped in as detailed in Figure 3, Scenario 3.</p>	No change to setbacks for existing dwelling	N/A
	<p>Secondary frontage</p> <p>A1.4 R1 and R2 zones - the secondary (side) set-back is 3 m. Where the corner is splayed, residential development is designed accordingly.</p>	N/A	N/A
	<p>A1.5 RU5 zone - the secondary (side) setback is 5 m. Where the corner is splayed, residential development is designed accordingly.</p>	N/A	N/A
	<p>P2 Side and rear boundary set-backs – dwellings and ancillary structures</p> <p>The set-back of the development from the side and rear boundaries of the allotment is consistent with established set-backs or is consistent with the desired amenity of the locality.</p> <p>Note: The set-back is measured from the property boundary to the first vertical structural element of the development. No portico, posts etc shall be any closer than the stated set-back.</p>	<p>A2.1 Residential development is set-back such that it complies with the requirements of the Building Code of Australia (BCA).</p>	No change to setbacks for existing dwelling
<p>A2.2 RU5 zone – the minimum set-back to the side or rear boundary is 5 m.</p>		N/A	N/A

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Note: This applies to a dwelling house and any ancillary structure that is attached or detached to a dwelling house.			
P3 Front boundary set-back – garages and carports 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.	<p>Primary frontage</p> <p>A3.1 Garages and carports are set-back in 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.</p> <p>A3.2 Garages and carports are set-back in the RU5 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.</p> <p>Secondary frontage</p> <p>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).</p> <p>A3.4 Garages and carports in the RU5 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).</p>	<p>No change to setbacks for existing dwelling</p> <p>N/A</p> <p>No change to setbacks for existing dwelling, no garage or carport proposed to the secondary frontage of the existing dwelling</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
P4 Side and rear boundary set-backs – garages and carports The location of garages and carports does not diminish the attractiveness of the locality and integrates with features of associated dwellings.	A2.1 Garages and carports are set-back such that they comply with the requirements of the BCA.	No garage or carport proposed to the secondary frontage of the existing dwelling	N/A



PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 3 - Solar Access			
<p>Solar access 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.</p> <p>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.</p> <p>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 land and adjacent sites.</p> <p>Note 2: The length of shadows cast by the sun in Dubbo for 22 June is able to be calculated using the information provided at the end of this element.</p> <p>P2 The proposed development does not reduce the level of solar access currently enjoyed by adjoining or adjacent allotments.</p>	A1.1 Dwellings are sited in accordance with Figure 5.	Not applicable as Lot 11 is north facing	N/A
	A1.2 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.	Lot 11 is not east/west orientated	N/A
	A1.3 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.	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.	✓
	A1.4 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.	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.	✓
	A2.1 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.	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.	✓
	A2.2 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.	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.	✓
	A2.3 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.	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.	✓

PAGE 21
217082_LET_002B.docx

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	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.	Provided as Drawings A09 – A15	✓
Private open space and landscaping			
Private open space P1 Private open space is of an area and dimension facilitating its intended use. Note: See Element 3 – Solar Access requirements for private open space development in residential areas.	Development in residential areas 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).	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 m ² 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.	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	✓
	A2.2 All private open space is located behind the front building line and is screened to provide for the privacy of occupants and the occupants of adjoining properties.	This would be achieved subject to the installation of privacy screening to the western side of the dwelling. Existing landscaping provides sufficient screening of the POS area from Fitzroy St.	✓
Landscaping P3 Landscaping is provided at a scale and density which is appropriate for the development.	A3.1 Landscaping is provided in accordance with the requirements of the Landscaping Schedule (see DCP p. 48).	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

PAGE 22
217082_LET_002B.docx

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	for dual occupancy and multi-dwelling housing developments.		
P4 Landscaping is located to not impact infrastructure, development on the site or development adjoining the site.	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.	No landscaping proposed or required in relation to the existing dwelling	N/A
	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).	No landscaping proposed or required in relation to the existing dwelling	N/A
P5 Landscaping is undertaken in an environmentally sustainable manner which limits the time and costs associated with maintenance.	A5.1 Existing native trees are retained.	No large native trees require removal in relation to the subdivision and provision of proposed Lot 11	N/A
	A5.2 Species selected are suitable for the local climate.	No landscaping proposed or required in relation to the existing dwelling. Achieved in relation to the proposed multi-dwelling housing on proposed Lot 12.	N/A
	A5.3 Species selected require a minimal amount of watering (Waterwise Garden).	No landscaping proposed or required in relation to the existing dwelling. Achieved in relation to the proposed multi-dwelling housing on proposed Lot 12.	N/A
	A5.4 Landscaping does not impact ground-water levels by over-watering resulting in ground-water level increases or the pollution of waters.	No landscaping proposed or required in relation to the existing dwelling. Achieved in relation to the proposed multi-dwelling housing on proposed Lot 12.	N/A
	A5.5 Landscaping is provided with a timed watering system and moisture meter to determine if watering is required.	No landscaping proposed or required in relation to the existing dwelling. Achieved in relation to the proposed multi-dwelling housing on proposed Lot 12.	N/A
	A5.6 Sensors are used to control watering systems (see also Element 9).	No landscaping proposed or required in relation to the existing dwelling. Achieved in relation to the proposed multi-dwelling housing on proposed Lot 12.	N/A



PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 5 - Infrastructure			
P1 Residential development shall not overload the capacity of public infrastructure including reticulated services, streets, open space and human services	A1.1 Physical infrastructure is provided by the proponent in accordance with Council's adopted version of NAT Spec and relevant policies.	Existing dwelling is already serviced by existing infrastructure	N/A
P2 Design and layout of residential development provides space (including easements) and facilities to enable efficient and cost-effective provision of telecommunication services.	A2.1 Development is connected to a telecommunication system provided in accordance with the requirements of the appropriate authority.	Existing dwelling is already serviced by existing infrastructure	N/A
P3 The development is connected to reticulated sewerage, water supply and electricity systems and to natural gas where available.	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).	Existing dwelling is already serviced by existing infrastructure	N/A
	A3.2 Where not serviced by Council reticulated water supply in the RU5 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).	N/A	N/A
	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.	Existing dwelling is already serviced by existing infrastructure	N/A
	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.	N/A	N/A
P4 In areas where drainage infrastructure has little or no excess capacity, developments which would generate stormwater run-off beyond that equivalent to 35% site cover (or beyond that presently generated by the site if greater) should provide for	A4.1 Onsite stormwater detention shall be provided with delayed release into the stormwater system.	Not applicable on the basis that the area has sufficient capacity	✓
	A4.2 Minimal impervious areas shall be provided.	This would be achieved	✓
	A4.3 An onsite water recycling system shall be provided.	N/A	N/A

PAGE 24
217082_LET_002B.docx

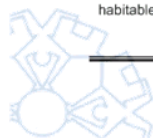
PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
stormwater drainage mitigation or upgrading of the local drainage system.			
Element 6: Visual and acoustic privacy			
Visual privacy			
<p>P1 Private open spaces and living rooms of adjacent residential accommodation are protected from direct overlooking by an appropriate layout, screening device and distance.</p> <p>Note: No screening is required if: <input type="checkbox"/> Bathrooms, toilets, laundries, storage rooms or other non-habitable rooms have translucent glazing or sill heights of at least 1.5 m. <input type="checkbox"/> Habitable rooms having sill heights of 1.5 m or greater above floor level or translucent glazing to any window less than 1.5 m above floor level. <input type="checkbox"/> Habitable 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.</p>	<p>A1.1 Windows of habitable rooms with an outlook to habitable room windows in adjacent development within 10 m:</p> <ul style="list-style-type: none"> - Are offset 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	✓
	<p>A1.2 Screens are solid, translucent or perforated panels or trellis which:</p> <ul style="list-style-type: none"> - Have a minimum of 25% openings; - Are permanent and fixed; - Are of durable materials such as galvanised steel, iodised aluminium or treated timber; and - Are painted or coloured to blend in with the surrounding environment (see Figure 7). 	No screening required in relation to the existing dwelling given screening proposed on the proposed multi dwelling development	N/A
	<p>A1.3 Windows and balconies of residential accommodation shall be designed to prevent overlooking of more than 50% of the private open space of any adjoining residential accommodation (see Figure 7).</p>	No change to window placement of existing dwelling. Existing dwelling is single storey and as such no overlooking likely.	N/A
Acoustic privacy			
<p>P2 The transmission of noise to and the impact upon habitable rooms within the proposed development</p>	<p>A2.1 Living rooms or garages of residential accommodation do not adjoin or abut bedrooms of adjacent residential accommodation.</p>	This would be achieved	✓
	<p>A2.2 The plumbing of residential accommodation is separate and contained sufficiently to prevent transmission of noise.</p>	Not applicable to the existing dwelling	N/A



PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
and adjoining and adjacent development is minimised.	A2.3 Electrical, mechanical or hydraulic equipment or plant generating a noise level no greater than 5dBA above ambient L90 sound level at the boundary of the property.	No change to existing dwelling	N/A
	A2.4 Dividing walls and floors between residential uses are constructed in order to comply with the requirements of part F5 of the BCA (Class 2 and 3 buildings only).	No change to existing dwelling	N/A
	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.	No change to existing dwelling	N/A
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 set-back; 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 set-back.	Two car parking spaces are provided for the existing dwelling, both of which are behind the building line	✓
	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.	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	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	✓

PAGE 26
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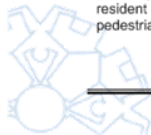
PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
<p>manoeuvrability for vehicles between the street and the lot;</p> <ul style="list-style-type: none"> - Conform to the adopted street network hierarchy and objectives of the hierarchy and along with any related local traffic management plans; - Be cost effective; and - Protect the streetscape. 	<p>A2.3 Vehicles in multi-development housing shall enter and exit development sites in a forward direction.</p>	Existing dwelling is not a form of multi-dwelling housing and as such this clause does not apply to the existing dwelling	N/A
	<p>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.</p>	Driveway for existing dwelling services only one dwelling	N/A
	<p>A2.5 The design and appearance of garages and carports shall:</p> <ul style="list-style-type: none"> - Be in line with or behind the alignment of the front façade of the dwelling (noting that they cannot be less than 5.5 m from the front property boundary in the R1 and R2 zones) or 10 m in the RU5 zone; - 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); - Lots with a narrow frontage of 15 m or less have a single width garage/carport; - Large parking areas are broken up with trees, buildings or different surface treatments; - Parking is located so that the front windows of a dwelling are not obscured; - The dwelling design highlights the entry and front rooms rather than the garage; and - Garages are located under the roof of two-storey dwellings (eg terrace houses). 	No garage or carport proposed for existing dwelling	N/A
<p>Driveways and access points</p> <p>P3 For multi-housing development, driveways and access points are designed for maximum safety to resident motorists, passing motorists and pedestrians.</p>	<p>A3.1 Driveways comply with the following;</p> <ul style="list-style-type: none"> - Are not less than 3 m wide; - At changes of direction or at intersections, the internal radius of the driveway is at least 4 m; - Where longer than 50 m (eg battle-axe handles) provision for passing is provided; - 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 	Existing dwelling is not a form of multi-dwelling housing and as such this clause does not apply to the existing dwelling	N/A



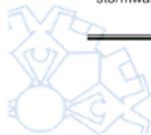
PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	<ul style="list-style-type: none"> - 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 6 m to a road intersection (see Figure 8) - 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 AUSTRROADS 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. 		
	A3.2 Where the driveway passes through solid fencing higher than 1.2 m, the fencing is splayed into the property to make pedestrians visible when reversing.	Front fencing is no higher than 1.2 metres, ensuring safety for pedestrians. No change to front fencing proposed	N/A
<p>Access points RU5 zone</p> <p>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.</p>	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.	N/A	N/A
	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.	N/A – existing driveway	N/A
<p>Access points off highways</p> <p>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 not impede the flow of stormwater.</p>	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.	N/A
	A5.2 Other road frontages are used if alternatives are available.	N/A	N/A
	A5.3 The number of access points onto a highway is not greater than the number of existing access points.	N/A	N/A



PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	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.	N/A	N/A
Security P6 For multi-housing development, open car parking areas and accessways are suitably landscaped to enhance the amenity while providing for the security needs of residents and visitors.	A6.1 Car parking facilities are designed and located so as they: <ul style="list-style-type: none"> - 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. 	Existing dwelling is not multi dwelling housing	✓
Emergency vehicle access P7 Standing and turning areas for service, emergency or delivery vehicles are provided where access to any dwelling from a public street is remote or difficult.	A7.1 Accessways into multi-housing development are designed to cater for an 'AUSTRROADS 8.8 m length Design Service Vehicle'.	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 5.5 metres), it is not anticipated that it would be difficult for emergency services vehicles to access the dwellings.	N/A
Surface treatment P8 Driveways, car parks and access points are designed in accordance with Section 3.5 Parking.	A8.1 Car spaces, accessway and driveways are formed, defined and drained to a Council drainage system and surfaced with: <ul style="list-style-type: none"> - An all-weather seal such as concrete, coloured concrete, asphalt or mortared pavers. - Stable, smooth, semi-porous paving material (such as brick, stone or concrete pavers) laid to the paving standard of light vehicle use. 	This would be achieved for the existing dwelling	✓
Location of driveways and accessways from residential uses P9 Shared driveways, accessways and car parks of other dwellings are set-back from habitable rooms of adjoining residential uses to enhance resident's privacy.	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.	Not applicable. 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.	N/A

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 8 – Waste Management			
Domestic solid waste P1 Domestic solid waste is disposed of in an environmentally responsible and legal manner.	A1.1 Residential accommodation shall participate in Council's garbage and recycling materials collection service.	This would be achieved for the existing dwelling	✓
	A1.2 Organic waste shall be composted.	This would be achieved for the existing dwelling	✓
	A1.3 Recycling of wastes such as paper (mulch in garden), plastics, glass and aluminium.	This would be achieved for the existing dwelling	✓
	A1.4 Reuse of waste such as timber.	This would be achieved for the existing dwelling	✓
	A1.5 Dispose of waste to a Council approved waste facility or transfer station.	This would be achieved for the existing dwelling	✓
P2 The amount of liquid waste generated is minimised.	A2.1 The use of dual-flush toilet systems and water saving fittings and appliances.	This would be achieved for the existing dwelling	✓
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.	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. 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. Note 2: Recommended buffer distances for onsite sewage disposal systems are included in the table below.	N/A	N/A
P4 Adequate space is provided to store waste collection bins in a position which will not adversely impact upon the amenity of the area.	A4.1 Waste collection bins are stored behind the building line.	This would be achieved for the existing dwelling	✓



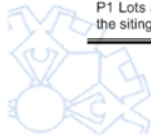
PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 9 – Site Facilities			
<p>Mail boxes</p> <p>P1 Mail boxes are located for convenient access by residents and the delivery authority.</p>	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.	Existing mail box remains unchanged	N/A
<p>Storage areas</p> <p>P2 Each dwelling within a multi-housing development is provided with adequate storage areas and external clothes drying facilities.</p>	A2.1 A space of 8 m ³ with a minimum horizontal surface area of 6 m ² per dwelling is set aside exclusively for storage. This space may form part of a carport or garage but shall be dedicated for storage.	No change to internal storage for existing dwelling	N/A
	A2.2 Open air, communal clothes drying facilities are easily accessible to all residents and visually screened from public streets, communal streets and recreational areas.	Protected and private open air clothes line provided as per Drawing A03	N/A
<p>Security</p> <p>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.</p>	A3.1 Car parking areas and pathways are lit in accordance with AS 1158.	Existing dwelling is not multi dwelling housing	N/A
<p>Antennae</p> <p>P4 Telecommunications facilities are provided to serve the needs of residents and do not present any adverse visual impacts.</p>	A4.1 The number of television antennae and other receiving structures is kept to a minimum or, where appropriate, a receiver is provided to serve all dwellings within a single building.	No change to existing antenna at existing dwelling	N/A
2.1.3 – Subdivision Controls			
Element 1 – Neighbourhood Design			
P1 Street design and lot density minimises motor vehicle use and promote walking and cycling.	A1.1 Recreational areas, shops and facilities are located within walking distance (400 m) of residences.	This is achieved	✓
Element 2 – Lot Layout			
P1 Lots are of appropriate area and dimensions for the siting and construction of a dwelling and ancillary	A1.1 Lot size complies with Dubbo LEP 2011.	Development is compliant with LEP in that both proposed lots 11 and 12 exceed 300 m ²	✓



PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
outbuildings, the provision of private outdoor open space, convenient vehicle access and parking.	A1.2 Lot size and dimensions take into account the slope of the land and minimise earthworks/retaining walls associated with dwelling construction.	This is achieved	✓
	A1.3 Lot size and dimensions enable residential development to be sited to: - Protect natural or cultural features; - Acknowledge site constraints including soil erosion and bushfire risk; and - 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).	This is achieved	✓
User requirements P2 Lot frontages are orientated to enable maximum residential security.	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.	This is achieved	✓
Solar access P3 Lots are orientated and have dimensions to allow adequate solar access.	A3.1 Lots are orientated so that one axis is within 300 east or 200 west of true north. Note: - North-facing slopes improve opportunities for solar access; - Small lots are best suited to north-facing slopes with gradients of less than 15%; - South-facing slopes reduce solar access; and - Large lots/lowest densities are therefore best suited to south-facing slopes.	This is achieved	✓



PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
ELEMENT 4 - INFRASTRUCTURE			
<p>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.</p>	<p>A1.1 The design and provision of utility services conforms to the requirements of the relevant service authorities.</p>	No change to existing service connections required for existing dwelling	N/A
	<p>A1.2 Water and sewerage services are to be provided to each allotment at the full cost of the developer.</p>	No change to existing service connections required for existing dwelling	N/A
	<p>A1.3 Water and sewerage services are to be designed and constructed in accordance with the requirements of NAT-SPEC (DCC version) Development Specification Series – Design and Development Specification Services – Construction.</p>	No change to existing service connections required for existing dwelling	N/A
	<p>A1.4 Electricity supply is provided via underground trenching in accordance with the requirements of the energy supply authority.</p>	No change to existing service connections required for existing dwelling	N/A
<p>P3 Water supply and sewerage networks are available, accessible, easy to maintain and are cost-effective based on life-cycle costs.</p>	<p>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.</p>	No change to existing service connections required for existing dwelling	N/A
ELEMENT 7 – STORMWATER MANAGEMENT			
<p>P6 Subdivision design and lot layout provides for adequate site drainage.</p>	<p>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.</p>	No change to stormwater discharge arrangements for the existing dwelling.	✓



PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

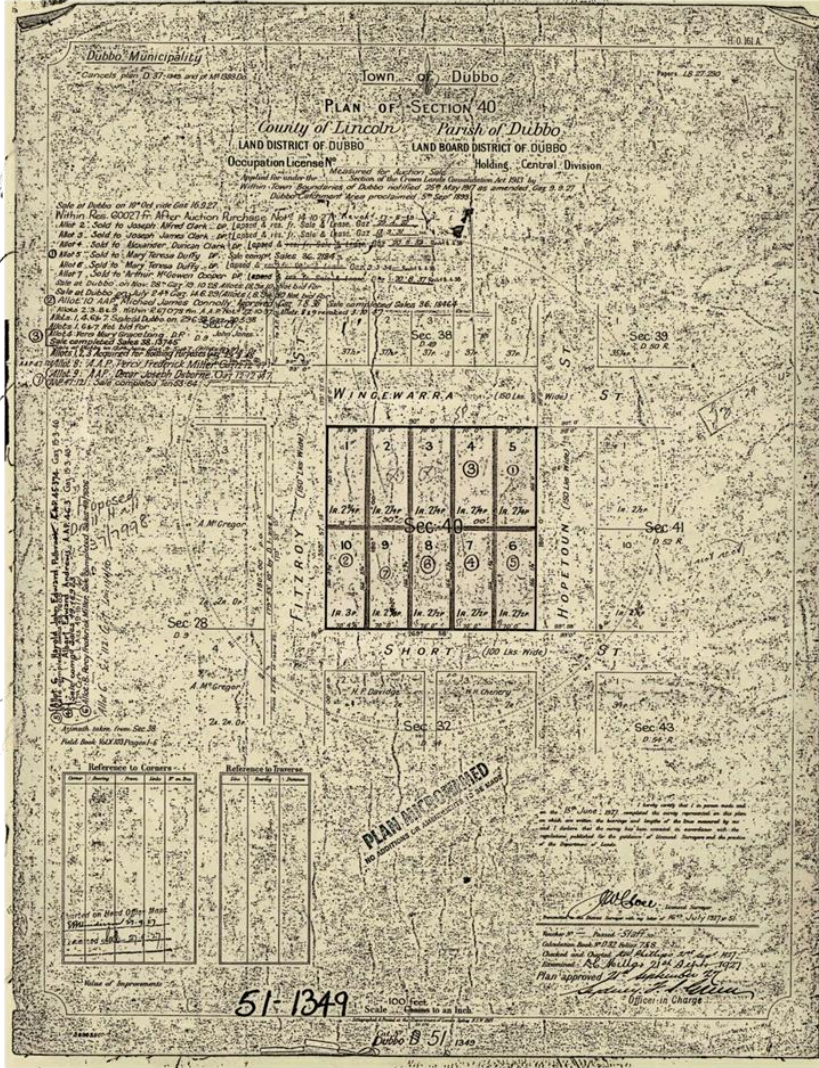
Performance Criteria	Acceptable Solutions	Assessment	Compliance?
SECTION 3.4 – HERITAGE CONSERVATION			
3.4.10 - General Development Controls – Construction of new buildings			
Provision for cars (ie crossovers) P11 These should reflect the nature of adjoining historic buildings and the heritage precinct.	A11.1 Existing access points should be utilised where possible. Note: Large double driveways are not appropriate.	An existing crossover location is utilised by the development	✓



PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

Req:R091278 /Doc:CP 00051-1349 P /Rev:20-Feb-2014 /Sts:OK.OK /Prt:21-Jul-2016 15:14 /Seq:1 of 1
Ref:MT 8 Short Street /Src:W





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: Bultje St dual occupancy with stacked parking



PAGE 37
217082_LET_002B.DOCX



Plate 7: Bultje St dual occupancy with stacked parking



Plate 8: Wingewarra St dual occupancies with stacked parking



PAGE 38
217082_LET_002B.docx

APPENDIX NO: 5 - CORRESPONDENCE FROM ESSENTIAL ENERGY DATED 3
OCTOBER 2017

ITEM NO: PDEC17/9

From: ConveyancingTeam
To: [DRC Mailbox](#)
Subject: Re: D2017-462 - Two (2) lot subdivision, multi dwelling housing (4 terrace dwellings) and strata subdivision - 197 Wingewarra Street, Dubbo (Lot 1 Sec 40 DP758361)
Date: Tuesday, 3 October 2017 10:05:16 AM
Attachments: [ATT00001.png](#)
[image002.png](#)
[image004.jpg](#)
[image006.jpg](#)
[D17-462 - Referral Essential Energy SEPP 45 Planning - 197 Wingewarra Street DUBBO 2830 - Parcel Number - 6922.doc](#)
[D17-462 - Development Application - 197 Wingewarra Street Dubbo.pdf](#)
[D17-462 - Site Plan - 01_A03 - 197 Wingewarra Street Dubbo.pdf](#)
[D17-462 - Tree Removal and Demolition Plan - 01_A02 - 197 Wingewarra Street Dubbo.pdf](#)
[D17-462 - Strata Location Plan - Sheet 1 - 197 Wingewarra Street Dubbo.pdf](#)
[D17-462 - Strata Floor Plan - Sheet 2 - 197 Wingewarra Street Dubbo.pdf](#)

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 *CEOM7106.25 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,

APPENDIX NO: 5 - CORRESPONDENCE FROM ESSENTIAL ENERGY DATED 3
OCTOBER 2017

ITEM NO: PDEC17/9

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

Fiona Duncan
Conveyancing Officer



T: 02 6589 8773 (Ext 88773) | conveyancingteam@essentialenergy.com.au
PO Box 5730 Port Macquarie NSW 2444 | essentialenergy.com.au
General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

Follow us  

Racebail Pty Ltd
PO Box 151
Dubbo NSW 2830

27th November 2017

General Manager
Dubbo Regional Council
PO BOX 81
Dubbo NSW 2830

Attention Mr Steve Wallace
Manager Building and Development Services

Dear Mr Wallace

RE: Ordinary Council Meeting 27th November 2017

I refer to tonight's scheduled Ordinary Council Meeting and note that our proposed development of multi dwelling housing – four (4) terraces (D2017-462) in Wingewarra St Dubbo is listed on the agenda as item PDEC17/9.

I request that Council please defer the consideration of the motion until the following Ordinary Council meeting scheduled for the 18th December 2017.

The reason for the request of deferment is so that we may have adequate time to provide additional information.

Please call me if you wish to discuss further.

Regards



Robert Stevenson
Director Racebail Pty Ltd
Ph: 0428 845 440



REPORT: Draft Policy Relating to Water Connection, Backflow Prevention and Pricing Policy - Public Exhibition

AUTHOR: Director Infrastructure and Operations
REPORT DATE: 12 December 2017
TRIM REFERENCE: ID17/2216

EXECUTIVE SUMMARY

At the November 2017 Infrastructure, Community and Recreation Committee it was resolved to put to the November 2017 Ordinary Council Meeting the following:

- "1 That the information contained within the report of the Director Infrastructure and Operations dated 25 October 2017 be noted.*
- 2 That the Water Connection, Backflow Prevention and Pricing Policy attached to the report of the Director Infrastructure and Operations dated 25 October 2017, as Appendix 1, be adopted.*
- 3 That the people who made submissions be advised of the outcome of Council's considerations and thanked for their submission."*

At the November 2017 Ordinary Meeting of Council resolved:

That the matter be deferred to the Ordinary Meeting of Council to be held in December 2017.

This report outlines the results of the recent Public Exhibition of the revised Water Connection, Backflow Prevention and Pricing Policy. The report recommends the current Policy as attached as Appendix 1 be adopted, based on the public submission comments received. The implications for Council and its customers arising from the submissions received are noted in the report.

Since 2015, Council has received some community feedback requesting Council review its Water Connection, Backflow Prevention and Pricing Policy. This feedback largely centred on the issue of residential water usage and billing for Strata/Community Title Schemes that are not individually metered by Council authorised, installed and maintained water meters.

Council's policy is guided by *NSW Best Practice Management of Water Supply and Sewerage Guidelines (2007)* and the *Water Supply, Sewerage and Trade Waste Pricing (2002)* in relation to water usage billing for residential Strata Title which states that the water consumption for each unit should be calculated as the total consumption for the block of units and divided by the number of units in the block.

Council's current policy states:

“Each Lot owner shall be charged the Water Usage Charge described in Council’s Revenue Policy for the registrations recorded on the Council water meter(s) based on the Schedule of Unit Entitlement detailed in the Strata Deed, e.g., If four (4) individual property owners have a 25% unit entitlement, each will be charged a quarter of the water usage bill.

*Where each Lot **is** separately metered by a Council authorised, installed and maintained meter, each Lot will be charged for consumption registered on the Council water meter.”*

At the Ordinary Meeting of 26 June 2017, Council resolved:

- 1. “That the Draft Policy on Water Connection, Backflow Prevention and Pricing Policy as attached to the report of the Director Technical Services, dated 8 June 2017, be adopted and placed on Public Exhibition for a period of no less than 28 days.*
- 2. That all property owners who may be affected by changes to the Water Connection, Backflow Prevention and Pricing Policy be contacted in writing advising of the Public Exhibition of the policy and be specifically invited to make a submission.*
- 3. That a further report to Council be prepared following the Public Exhibition period, detailing the public submissions received.”*

A draft Water Connection, Backflow Prevention and Pricing Policy, was placed on Public Exhibition for the period 28 August 2017 to 29 September 2017. This draft Policy was amended to include the following changes to Council’s previous policy.

Water Charges for Serviced Strata and Community Title Schemes

Council will read only the property’s Council authorised, installed, and maintained meter/s and all water usage will be billed to the property Owners’ Corporation/Community Association.

Sewer Charges for Serviced Strata Title and Community Plan Properties

Where a Strata or Community Plan property is not individually metered by a Council authorised, installed and maintained water meter, if the primary purpose of the property is for business purposes, yet it contains a place/s of residence, it shall be treated as a non-residential property. This is based on the premise of ‘dominant’ use.

Council received a total of 17 submissions during the public exhibition period. Ten (10) submissions requested the current policy remain in place, and seven (7) submissions included proposed changes to the draft Policy.

ORGANISATIONAL VALUES

Customer Focused: To provide customers with clarity and equity regarding Council’s policy on water metering and water billing methodology.

Integrity: To provide the community with the opportunity to be involved in the decision making process. Council is transparent in its processes.

One Team: Consultation between various Council divisions occurred in relation to the revised Water Connection, Backflow Prevention and Pricing Policy.

FINANCIAL IMPLICATIONS

This report recommends the current Water Connection, Backflow Prevention and Pricing Policy be re-adopted without amendments. Accordingly, there are no financial implications in the adoption of this Report.

POLICY IMPLICATIONS

There are no policy implications arising from the re-adoption of the current Water Connection, Backflow Prevention and Pricing Policy.

RECOMMENDATION

- 1. That the information contained within the report of the Director Infrastructure and Operations dated 12 December 2017 be noted.**
- 2. That the Water Connection, Backflow Prevention and Pricing Policy attached to the report of the Director Infrastructure and Operations dated 12 December 2017, as Appendix 1, be adopted.**
- 3. That the people who made submissions be advised of the outcome of Council's considerations and thanked for their submission.**

Chris Devitt

Director Infrastructure and Operations

REPORT

Council's Water Connection, Backflow Prevention and Pricing policy provides for the reading of Council authorised, installed, and maintained water meters at a property's boundary. For Strata and Community Title Schemes where each Lot is **not** separately metered by a Council water meter, each Lot (unit) is charged in accordance with the Schedule of Unit entitlement, as detailed in the Strata Deed, for the consumption recorded on the Council authorised, installed, and maintained water meter.

Feedback from some owners in new Community Scheme developments suggested they did not agree with the policy regarding the *Unit Entitlement* provision for water billing, as some schemes have private water meters (sub meters), and water usage within the schemes may vary between the different Lot sizes, household numbers, gardens, etc.

A draft Water Connection, Backflow Prevention and Pricing Policy, was placed on Public Exhibition for the period 28 August 2017 to 29 September 2017. This draft Policy was amended to include the following changes to Council's previous policy.

Water Charges for Serviced Strata and Community Title Schemes

Council will read only the property's Council authorised, installed, and maintained meter/s and all water usage will be billed to the property Owners' Corporation/Community Association.

Sewer Charges for Serviced Strata Title and Community Plan Properties

Where a Strata or Community Plan property is not individually metered by a Council authorised, installed and maintained water meter, if the primary purpose of the property is for business purposes, yet it contains a place/s of residence, it shall be treated as a non-residential property. This is based on the premise of 'dominant' use.

In August 2017, Council wrote to more than 800 owners within Strata and Community Plan Schemes and real estate property management agents to advise them of the public exhibition and invite submissions.

Two percent (2%) of property owners affected by the proposed Policy change made submissions to Council. Council received a total of 17 written submissions. Ten (10) submissions requested Council retain the current policy, and seven (7) submissions recommended changes including changes outside the draft Policy proposal.

The proposed policy was placed on display at the following locations: Council's Customer Service Centres in Dubbo and Wellington, Macquarie Regional Library Dubbo Branch, Council's website, publicised on social media channels, and Daily Liberal 31 August 2017 and Wellington Times 30 August 2017.

PUBLIC SUBMISSION COMMENTS

Ten (10) submissions recommended Council's current Policy be retained with the following comments and themes:

- The current *Unit Entitlement* billing methodology is transparent, accurate and fair.
- The cost for owners to have strata management undertake the administration of private water billing would increase strata fees.
- Residents are currently able to anticipate usage costs each quarter.
- A property owner, within a Strata complex, incorporates the water usage costs into the tenants' rental costs.

COUNCIL COMMENT ON THE PUBLIC SUBMISSIONS

The comments received are in line with Council current Policy and in accordance with NSW Department Primary Industry (Water) Best Practice Guidelines.

Seven (7) submissions recommended changes to Council's current policy, with six of these submissions received from one (1) Community Scheme, with one of the owners also the property developer of that Scheme. These comments are shown below.

Dubbo Strata Management

- Each Lot that has a water meter installed shall be read by Council and invoiced to each Lot owner for water consumption for the individual Lot.
- Council policy to include a requirement that all new and existing scheme developments install individual water meters for each Lot, with Council to read water meters and bill individual owners.
- All future schemes to have water meters installed on each Lot and the common property.
- Currently, investors are not able to be reimbursed by tenants for water usage when not individually metered by a Council water meter.
- Council should implement the Sydney Water Billing Guide relating to individual metering for Strata units.

A summary of owners/developer's comments is shown below:

- Owners of smaller Lots are subsidising property owners of larger Lots, and it is inequitable when some Lots have little or no lawn or garden, and household numbers differ.
- Schemes with private meters (sub meters) should be read by Council or Strata Management.
- Council needs a user pays option for water usage as there is often tension between neighbours regarding consumption.

- Adoption of a Council Development Application condition that all Community/Strata title developments shall be constructed with a meter connected to each premises, whether this be a Council issued water meter or a sub meter.
- The scheme's owners should determine the billing arrangement, whether Council bills individual Lot owners by *Unit Entitlement* or Council reads the main meter and bills the water usage to the Owner's Corporation/Community Association.

COUNCIL COMMENTS ON PUBLIC SUBMISSIONS

The comments proposing change reflected the concerns of residential owners within Community Schemes rather than Strata Schemes. No comments were received regarding the Policy amendment relating to determining the Sewer Service Discharge Factor for **non-residential** Strata Title Schemes.

Recent advice from NSW Department of Primary Industries – Water (DPI Water) is that a major review will soon be undertaken of regional NSW local water utilities. This review is being undertaken to ensure legislation and regulatory arrangements for this sector are suitable for the challenges of the 21st century. DPI Water will consult with the industry during this review.

The individual water metering of Strata/Community Schemes has a range of implications and issues for Council, its customers, property developers, design and hydraulic engineers, and property managers. A brief overview of some of the issues and considerations relating to the public submissions received, is shown here:

COUNCIL RESPONSIBILITIES AND INDIVIDUAL METERING

1. Should Council require individual metering of all Schemes, a property's internal water assets must meet Council's strict design requirements and specifications. This may have high cost implications for property developers, which are ultimately passed on to purchasers. The requirement may not be practical for many existing schemes.
2. A need to determine responsibility (Council/private) for water assets within the development, e.g. water meters, pipe bursts or major leaks, accidental damage to water assets, and easements for water services.
3. Safe and easy access to Council water meters is required for maintenance, e.g. stopped meters, repair, replacement and meter reading purposes. Some existing Community Schemes may not meet the layout/design requirements.
4. A significant increase in Council's water meter fleet has cost implications for maintenance, meter replacement and meter reading contracts (read cost per unit). These costs are ultimately borne by the community.
5. Dubbo Strata Management's recommendation relating to Sydney Water Billing Guide appears to refer to the *Multi-level Individual Metering Guide* (2012) for Strata developments. The *Sydney Water Metering Installation Guide* (January 2017) provides guidance on meter installation for Community Title complexes and has strict requirements as per Council Responsibilities in Item 1 above.

SCHEME RESPONSIBILITIES AND INDIVIDUAL METERING

1. If Council were to read private meters, the issues surrounding meter maintenance programs and accuracy of meters may have significant financial implications for customers and Council due to potential meter tampering, unmaintained and incorrectly calibrated water meters.
2. Strata/Community Schemes with private meters require maintenance and meter replacement programs to ensure the meters' operational and registration accuracy. This is an additional private cost to the owners.
3. There is increased potential for water meter theft and tampering within private property such as gated communities, as visual access is limited. This may result in inaccurate and inequitable water billing of individual property owners.

SUMMARY

As part of Council's commitment to its Organisational Values, a review of water industry developments and technology, such as automated meter reading, is ongoing. Council's strategic outlook will respond to these challenges to ensure the community is well served and that water supply services are designed to meet the challenges of the community's changing needs well into the 21st century.

This report recommends that the existing Water Connection, Backflow Prevention and Pricing Policy as attached to this report as **Appendix 1** be retained and adopted, based on community feedback and discussion points as outlined within the report and that the draft Draft Policy on Water Connection, Backflow Prevention and Pricing Policy as attached to the report of the Director Technical Services, dated 8 June 2017 not be further pursued.

Definitions:

Community Plan – is the primary plan in a development. Lots in a community plan may be subdivided by:

- **community plan** of subdivision to create further community development lots,
- **precinct plan** to create a subsidiary scheme,
- **neighbourhood plan** to create a subsidiary scheme, and
- **strata plan** to create a subsidiary scheme.

Master Meter: Is a Council authorised, installed, and maintained main water meter that accurately records water usage for water billing purposes.

Schedule of unit entitlement: A strata plan shows a Schedule of unit entitlement and the Schedule of unit entitlement is shown on the common property title created from a strata plan. The Schedule lists all the lots contained in the strata plan with the unit entitlement of each individual lot.

Strata Title: the subdivision of a building or proposed building into at least two lots and is managed by the strata body corporate.

Sub meter (private meter): a metering device with the ability to measure water usage after the Council (master) meter. Sub metering offers the ability to monitor usage for individual tenants to account for their actual water usage.

Appendices:

- 1 [↓](#) Current - Council Policy - Water Connection Backflow Prevention and Pricing Policy - October 2017



COUNCIL POLICY

Water Connection, Backflow Prevention and Pricing Policy

Date 23 October 2017

Council Resolution Date

Clause Number

Branch Manager Water Supply and Sewerage
Division Technical Services
Version 1
TRIM Reference Number
Review Period Three (3) years
Review Date 23 October 2020
Consultation Public consultation period - 6 February 2014 to 6 March 2014

Document Revision History	
Description	Date
Council Resolution	6 December 2012
Notes:	
Previously reviewed on 6 December 2012	

POLICY

PURPOSE

This Policy deals with water connections from Council's water reticulation network supplying drinking water onto the property of Council's water supply customer, and technical, administration and pricing matters associated with these connections.

BACKGROUND AND RELATED LEGISLATION

Local Government Act, 1993

Best-Practice Management of Water Supply and Sewerage Guidelines, August 2007

National Water Initiative

SCOPE

This Policy applies to all Council Water Supply and Sewerage Service customers.

POLICY

Water Connections

Water connections to properties are to be either a water service or a fire service. The customer is to be made aware that combined water connections, for fire service and water service, are not permissible and he/she must specifically require a water service or a fire service. In the absence of specific advice from the customer, new water connections will be deemed to be water services.

Fire services can only be used for firefighting and for Council to recognise them as fire services the property owner must submit an Annual Fire Certificate from a licensed plumber or other approved persons indicating the fire service is in fact a fire service in strict compliance with the national Plumbing Code of Australia.

The type of annual Fire Certificate, and the qualifications of the person issuing the certificate, are to be determined from time to time by the Director Technical Services.

The annual Fire Certificate must be lodged with Council during the months of March, April or May, in order to obtain recognition from Council of the fire service for the new financial year commencing on 1 July. If the annual Fire Certificate is not lodged with Council by the end of May, the service will be deemed to be a water service and charged Water Access and Non-Residential Sewer Service Charge according to Council's Revenue Policy for the entire year.

If, despite the annual Fire Certificate, registration on the fire service indicates that it is being used for other than genuine fire-fighting, system checking or fire drills, then Council may, after notifying the customer, deem the service to be a water service and charge the appropriate Water Service Access Charge and Non-Residential Sewerage Service charges.

Fire Services may be tagged in the field by Council to indicate they are fire services. Attachment 1 shows such a tag.

A water service is a water connection that is not a fire service. If a connection supplies fire-fighting appliances and non-fire appliances it is deemed a water service.

A water connection should be physically located on the allotment of the customer. Council prefers only one water service, and fire service, if appropriate to a single allotment, but will consider additional connections if warranted by circumstances.

Size of Water Connection

The size of fire services and water services, expressed in millimetres diameter, are to be determined entirely by the customer. However, the size selected by the customer must be a commercially available size. The Director Technical Services may, from time to time, declare that a certain size is not preferred, even if permitted by Australian Standards. In such cases, Council will install the next larger preferred size, in lieu of the non-preferred size sought by the customer.

Water Meters

All services, whether fire service or water service, will be metered.

The size of the water meter will be the same as the water connection pipe.

Council will entirely determine the type, make and model of water meter assembly to be installed.

Council will charge customers for the initial installation of the service connection and water meter assembly. Council will also install and charge the customer for the installation of an appropriate backflow prevention device, if the customer elects to have this installed by Council.

Water meter assemblies shall be constructed above ground if possible. If possible, multiple water meters servicing flats and strata units should be grouped together.

Council may approve the placement of water meter below ground in pits in certain circumstances, for example, where there would be a risk in damage from vehicles located above ground.

Details of 20 mm water service connections to domestic properties should generally conform to drawing ST5882 (attached).

Only Council can install new fire or water services. The physical water or fire service services remain the property of Council up to the boundary of the premises and including the meter assembly. Council will replace any part of the fire or water service assemblies, such as the water meter, when they wear out, at no additional charge to customers.

Backflow Prevention

The intent of this Policy is to improve the safety of the Council's Water Supply Schemes by reducing the risk of contamination by backflow from direct connections to the water supply system.

Council will safeguard Council's water supply scheme by ensuring that property owners take responsibility and ensure that backflow conditions are prevented.

The customer is responsible for installation of the appropriate backflow prevention device on their property. This is defined in accordance with the level of backflow hazard of the activities being carried out on the property.

The customer is responsible for the ongoing maintenance of the backflow prevention devices and its upgrading if the activities being carried out on the property change and represent a higher hazard.

Council will operate a system of compliance to ensure that customers comply with this Policy.

In the absence of any site specification information, Council will assign a default level of hazard to the property based on Council's assessment of the primary activities being undertaken on site. Council may update the defaults from time to time.

If the customer has more site specification information and requests a review of the hazard, Council may review the hazard rating. Council may require that this certification be carried out from time to time by qualified personnel such as licensed plumbers who have completed additional training.

In the absence of such certification, Council may inspect the property to determine the applicable hazard rating for the next time period. Council may charge the customer an inspection charge for this.

The customer is responsible for replacement of non-testable backflow prevention devices from time to time, or for the annual testing of testable devices in accordance with AS 2845.3-1993 Water Supply - Backflow Prevention Part 3 Field Testing and Maintenance. Council may require property owners to submit certification from qualified personnel certifying the non-testable device has been replaced or that the testable device has been tested and is satisfactory for a subsequent time period.

If customers do not submit satisfactory certification indicating the non-testable device has been replaced or the testable unit has been tested satisfactorily, then Council may arrange for this work to be carried out by others. Council may charge the customers a service charge for this work. Council may set this service charge at a high level to ensure that there is a financial incentive to the customer to comply with the Policy.

Backflow Prevention Devices

Twenty (20) millimetre water meters incorporate a backflow prevention device that is suitable for low hazard pressures.

For connections greater than 20 mm, or 20 mm connections with a medium or high hazard rating, a separate backflow prevention device, downstream of the meter may be required.

The backflow prevention device is fitted downstream of the fire or water service and is considered part of the internal plumbing. Council may quote for this work when connecting the fire or water service. However, this work is contestable and the property owner may elect to have the backflow prevention device installed by his/her own licensed plumber.

Once the backflow prevention device is installed, whether by Council or the property owner, the property owner is responsible for annual testing, maintenance and eventual replacement of the backflow prevention device from time to time as required by Council.

The water connection assembly including the water meter will remain the property of Council. Council may replace the water connection pipeline and the water meter from time to time at no additional charge to the customer.

Combination Meters

The use of combination water meters is not preferred. A combination water meter shall be considered as a single meter of the larger diameter for administrative purposes, including calculation of the appropriate Access Charges. The Usage Charge shall be based on the sum of the registration of the two internal meters, within the combination meter unit.

A combination water meter will be recognised by Council as a water service and will attract a Water Access Charge unless annual Fire Certificates are submitted establishing it is entirely a fire service.

When Council replaces an existing combination water meter under its Meter Replacement Policy, it will replace it with a single water meter, if possible to do so.

Combination Water/Fire Services

These are water connections that in the past were deemed to supply both the water demand and the fire demand of the property. They are not permitted under this Policy. Connections previously considered combined water/fire services are now considered water services. This commenced in 2014/2015, with the appropriate Water Access Charge applying, in accordance with Council's Revenue Policy.

Fire Services

Owners of Fire Services must lodge annual fire certificates in accordance with the Water Connection Section of this Policy in order for the service to be recognised as a fire service. The owner of such a property serviced by a fire service shall arrange and carry out any inspections, testing, maintenance and certification of the fire service in accordance with a serviceability scheme authorised by the Director Technical Services from time to time, as detailed in the Water Connection Section of this Policy.

If the property owner fails to carry out any work required by the serviceability scheme, then Council may arrange this work at the owner's cost. Refer to Water Connections for annual Certification requirements.

Meter Replacement Policy

In order to ensure the ongoing accuracy of Council's water meter fleet, Council has adopted a Water Meter Replacement Policy. Under this Policy water meters are replaced after 12 years of service or after registering 7,500 kilolitres of water. The Director Technical Services may change the length of service or the registration triggering replacement, from time to time.

Water Supply Charges

Council's charging regime for water consists of Water Access Charges and Water Usage Charges.

The Water Service Access Charge is an annual charge which is dependent on the size of the water meter. It is billed annually. Water Service Access Charges and Non-Residential Sewer Charges are levied in respect to water services but not fire services.

The owner of each individual assessment for rating purposes not currently serviced by Council's potable water reticulation network, but able to be serviced, as described in the Local Government Act 1993, shall be charged the Water Service Access Charge for a single 20 mm water service, as described in Council's Revenue Policy.

Water Usage Charges are calculated based in quarterly meter readings for each meter connected to the property. The Water Usage Charge is a flat rate volumetric charge for all water supplied to the property, in accordance with Council's Revenue Policy.

Reading of Water Meters

Water meters are read on a quarterly basis during the months of March, June, September and December each year. Council aims to ensure that each meter is read accurately on the first visit to each property in each meter reading cycle.

The water meter reading is entered into a mobile hand-held device. Any discrepancies or abnormal conditions such as tampering, damaged, stopped, dirty dials or missing meters are recorded at this time.

Charges for Water Usage

Council may charge its water customers for water registered on the water meter in accordance with the water usage charge contained in Council's Revenue Policy. In the absence of a meter, or if the meter has broken down, Council's Financial Accounting Services Branch may make a reasonable estimate of water consumed and charge this estimated quantity. In estimating the water usage, Council may take into consideration previous consumption patterns, and any other factors that Council considers relevant.

Council may set different usage charges for different classes of customers such as residential and non-residential or other classes as Council may determine from time to time.

The classification of customers will be made entirely by Council. Council will publish its definition on its website and will consider any request for revision of the customer's classification.

Council will charge water customers for water used for genuine fire-fighting or for fire system testing. However, customers may submit an application for full refund of the amount charged for genuine fire-fighting, whether the water was supplied by a water service or a fire service. No refund will be made for fire system testing or fire drills.

Council may set minimum requirements for such claims to be considered from time to time. If Council accepts the claim it will refund the full cost of water used for genuine fire-fighting.

Billing Arrangements

Council's Financial Accounting Services raises water charges based on the meter reading data obtained by hand held water meter reading units. The data is uploaded to Council's financial system and water billing accounts are calculated from the data.

Water accounts are sent to customers as part of the quarterly Rates Notice accounts. Rates Notices are sent in April, July, October and January each year.

Remission of Charges on Account of Undetected Leakage

Council may consider requests for remission of water usage and other linked charges on account of leakage within the customer's property that was not able to be detected. Requests for remission should comprehensively make the case for remission.

Remission of Charges on Account of Hardship

Council may consider requests for remission of water charges and other linked charges if the customer alleges that payment may cause hardship.

Requests for remission should comprehensively make the case for remission.

Water Charges For Serviced Properties Other than Strata or Community Title Schemes

The owner of a property serviced by a water service shall be charged the appropriate Water Service Access Charge and the Water Supply Usage Charge for registrations recorded on the water meter, both as defined in Council's Revenue Policy.

The owner of a property serviced by a certified fire service shall be charged the Water Supply Usage Charge for registrations recorded on the meter as defined in Council's Revenue Policy.

Water Charges for Serviced Strata and Community Title Schemes

Each rateable parcel of land created under a Strata or Community Title Plan shall be treated as a single residential rate assessment with a 20 millimetre (mm) water connection. Each Lot will be charged a Water Service Access Charge described in Council's Revenue Policy for a 20 millimetre (mm) diameter water service in respect of the water service to the property.

Each Lot owner shall be charged the Water Usage Charge described in Council's Revenue Policy for the registrations recorded on the Council water meter(s) based on the Schedule of Unit Entitlement detailed in the Strata Deed.

Where each Lot is separately metered by a Council authorised, installed and maintained meter, each Lot will be charged for consumption recorded on the Council water meter.

Each Lot should be treated as a residential assessment for sewerage charges.

Water Charges for Unserviced Land

The owner of each individual assessment for rating purposes not currently serviced by Council's potable water reticulation network, but able to be serviced, as described in the Local Government Act 1993, shall be charged the Water Service Access Charge for a single 20 mm water service, as described in Council's Revenue Policy.

Enforcement

Council may enforce compliance with the Policy by exercising any or all of the following:

- Impose a fee or charge under the *Local Government Act, 1993*
- Issue an order under the *Local Government Act, 1993*
- Carry out the work and charge the customer
- Disconnect the property from Council's potable water supply if the property owner does not comply with the provision of the Policy in respect to backflow prevention.
- Install a water restrictor on the water connection in the case on non-payment of water accounts. The restrictor will be removed upon payment of all accounts.

- Deny supply to a new or existing customer in cases where, in the opinion of the Director Technical Services there is a risk of contamination of the water supply, the risk of harming the health of a person or risk of damage to property.

Disconnection of Water Service

If a water service is no longer required, Council will disconnect the water service at the main and the meter will be removed.

An application form to disconnect a water service is available from Council's Customer Service Centre or can be downloaded from Council's website. In accordance with Council's Revenue Policy, there is no charge to the customer for water service disconnections.

Reconnection of Water Service

Once disconnected, Council may reconnect a property to the water supply. The cost of reconnection shall be borne by the property owner.

Property Developments

All water used on a property during site development or construction must be metered. Penalties apply for unmetered water use.

Removal of Water Meters

Water Meters shall not be disconnected or removed from a property unless approval has been given by Council.

Water Theft and Meter Tampering

Water meter tampering and water theft is illegal. These activities also greatly increase the risk of contaminating the public water supply and pose serious health and safety hazards not just to those who modify the meter but also to the rest of the community.

It is illegal to connect to Council water services through an unauthorised connection or to divert or otherwise interfere with a water meter. Council may prosecute for water theft.

Customer Notification Cards - Management of Customer Reads

Dubbo Regional Council makes every effort to read each water meter however, in some circumstances, this may not be achievable.

If access to the water meter or property is restricted for some reason, a customer service notification card should be left at the property requesting the assistance of the property owner.

Council has a suite of customer notification cards which are used in conjunction with the meter reading process.

Customer Service Cards

Council has developed a number of customer service cards to be left at the property to inform the customer of work undertaken, etc. These codes are shown in Attachment 2.

The circumstances in which these cards are issued are outlined below:

Access to Water Meter

This card is left by Council's Water Meter Reader when he/she could not obtain access to the water meter.

Boil Water Notice

This card is left at all premises within the Boil Water Notice area once proclaimed. It is left even if the customer is at home.

Boil Water Notice Lifted

This card is left at all premises within the Boil Water Notice area once proclaimed. It is left even if the customer is at home.

Council Called Today

This card is left by Council staff or contractors when the customer was not home. The Council staff or contractor completes the card detailing their name, contact details and the purpose of the call.

Do Not Drink Water Notice

This card is left at all premises within the Do Not Drink Water Notice area once proclaimed. It is left even if the customer is at home.

Do Not Drink Water Notice – Now Lifted

This card is left at all premises within the Do Not Drink Water Notice – Now Lifted area once proclaimed. It is left even if the customer is at home.

Dubbo is a Water Wise Community

This card is left at the customers premises to encourage water conservation as part of a water conservation program.

Entry to Property

This card is left when Council staff or contractors had to access the property and the customer is not home. The staff member or contractor is to contact the customer before commencing work. If however, the customer is not home, the work is to proceed and this card is to be left to inform the customer.

Meter Security

This card is left at the customers premises whenever a tamper evident device is first installed, or replaced.

Meter Self-Read Card

The card is left when Council staff or contractor could not access the water meter. The customer is requested to write the water meter reading on the card and mail back to Council.

Water Meter

This card is left when Council staff or the water meter reader is of the view that shrubs around the water meter should be trimmed to improve access.

Water Meter Replacement

When a customer's water meter is being replaced, the staff member or contractor shall attempt to contact the customer. If the customer is not home, this card is to be left, and the water meter replacement carried out.

Water Shutdown

This card is to be left by Council staff when there is a programmed water shutdown. The staff member shall complete the card by stating the start and end of the shutdown and the day(s) of the shutdown.

Dealing with Dogs

Council has a procedure for dealing with dogs. A risk assessment is to be undertaken in accordance with Council's Risk Assessment and Dealing with Dogs procedure.

In accordance with this procedure, a non-toxic deterrent spray is carried by Council staff or contractor at all times. It may be used to distract the animal should it threaten to, or make an attack, on a Council representative.

Where the owner/controller of the property is available but is either unwilling or unable to control the dog, the matter is to be reported to the staff member's Supervisor and Council's Ranger Services are engaged to assist.

Power of Entry

Council staff and contract meter readers are legally entitled to enter all premises for the recording of consumption under Section 191 and 191A of the Local Government Act, 1993 and Section 118A of the Environmental Planning and Assessment Act, 1979.

Where the customer refuses access, the meter reader is not to pursue the matter verbally or otherwise. The meter reader is to report the refused access to the Council's Water Operations Engineer.

Procedures

Council may develop procedures to guide staff in the implementation of this Policy.

DEFINITIONS

Combined Water/Fire Service – These are water connections to properties that service both the fire demand and the water demand of the property. These were permitted under the previous Policy but are not permitted under the current Policy. Connections previously considered combined water/fire services are now considered water services and will be charged accordingly commencing in 2013/2014.

Combination Water Meters - A Combination Water Meter is where the flow is split within the body of the water meter and water is directed through two separate pipes, a larger diameter pipe often equal to the size of the water connection pipe itself and a smaller diameter pipe often called a "bypass" pipe. Each internal pipe is separately metered and the registrations of both meters have to be added together to obtain the correct registration. The combination water meter would measure high velocity flows with the bigger meter and low velocity flows with the bypass meter. These were used in the past due to technical limitations in meters available at the time. Modern meters have no such limitations. Any remaining combinations meters will be replaced with a single meter in accordance with Councils meter replacement policy.

Fire Service - A Fire Service is a water service dedicated only to service fire hydrants, fire hose reels, fire service fitting, including water storages, installed and used solely for firefighting in and around a building or property, and testing. Under certain conditions part of a fire sprinkler system may be included. A fire service that can be used for other purposes is deemed to be a water service.

Water Meter - A water meter is an apparatus, or appliance, for measuring and recording the volume of water passing the meter location. The "dial" on a meter is called a register and so the volume of water recorded through a meter is also called the registration.

Recent improvements in technology have meant that a single meter can now record both high and low flows. Combination meters are not preferred and will be replaced with single meters as they fall due for replacement.

Water Service - A water service is that part of the cold potable water supply pipeline from the water main to and including the water meter and backflow prevention assembly.

Water Access Charge - An annual charge applicable to a water service, as set by Council in its annual Revenue Policy.

Water Usage Charge - A charge applicable to water used by a property, as set out by Council in its annual Revenue Policy.

RESPONSIBILITIES

The Water Supply and Sewerage Client Services Coordinator is the responsible officer.

APPENDICES

- 1 Water Connection, Backflow Prevention and Pricing Policy - Fire Service
- 2 Water Connection, Backflow Prevention and Pricing Policy – Hazard Rating Guide
- 3 Water Service –Standard Drawing ST5882

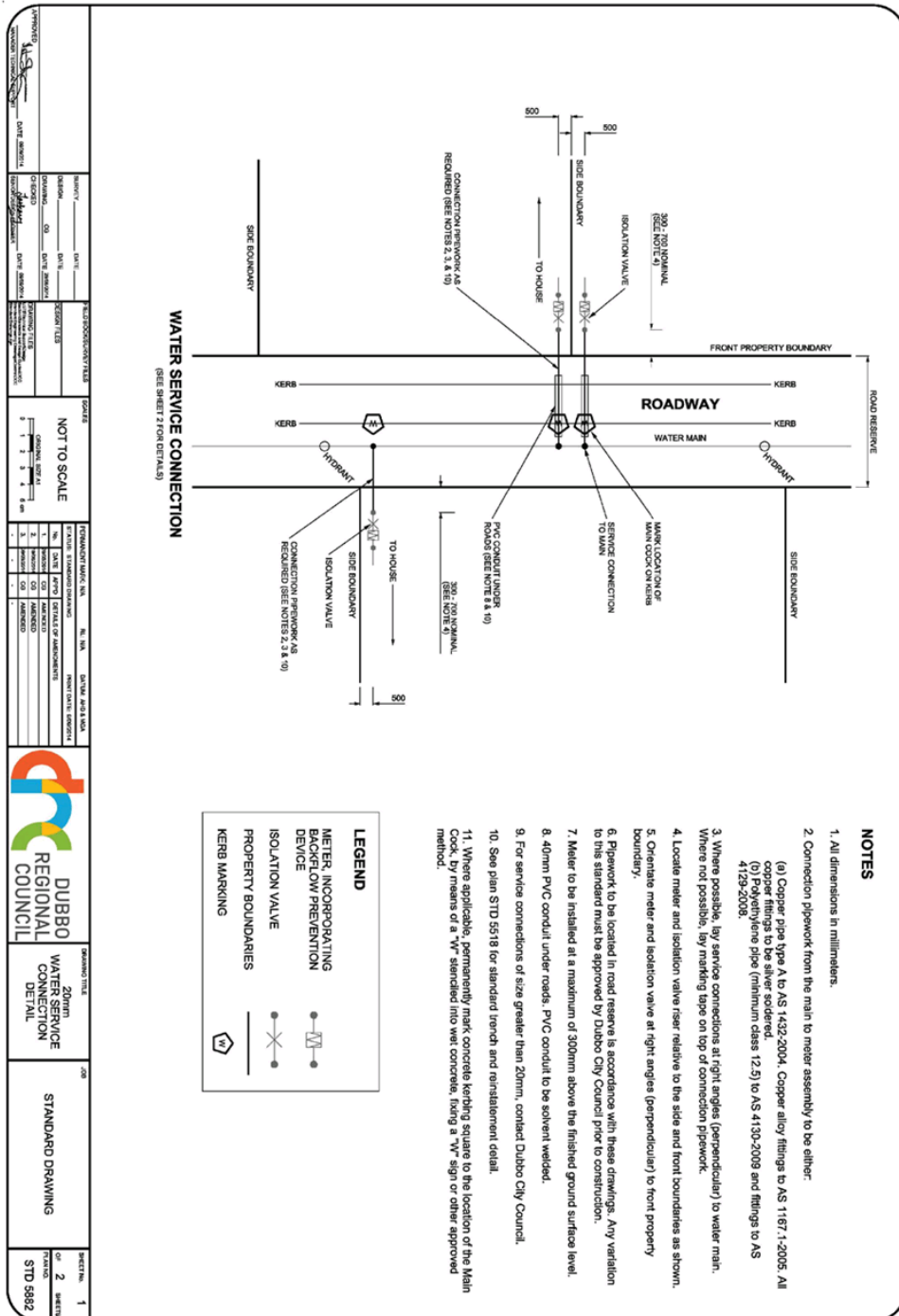


**DUBBO REGIONAL COUNCIL
BACKFLOW HAZARD RATING BY BUSINESS TYPE
This Is a Guide Only**

Business Type	Hazard Rating	Minimum Default Backflow Prevention Device
Abattoir	High	RPZD
Aged care facility	High	RPZD
Agricultural chemical sales	High	RPZD
Agricultural machinery depot	Medium	testable device
Agricultural machinery sales	Medium	testable device
Airport	High	RBT or RPZD
Amusement	Low	non-testable
Auto electrical	Low	non-testable
Auto parts recycling	High	RPZD
Auto spring repairs	Medium	testable device
Auto spring shop	Low	non-testable
Backpacker accommodation	Low	non-testable
Bakery	Medium	testable device
Barber	Low	non-testable
Bed & breakfast	Low	non-testable
Bread manufacturer	Medium	testable device
Brick manufacturing	High	RPZD
Brick yards (no manufacturing)	Low	non-testable
Bus depot	Medium	testable device
Butcher	Medium	testable device
Cabins	Low	non-testable
Café	Medium	testable device
Cake shop	Low	non-testable
Car dealer	Low	non-testable
Car detailing	High	RPZD
Car rental	Low	non-testable
Car repair	Medium	testable device
Car washing	High	RPZD
Car yard (vehicle sales)	Low	non-testable
Car yard (wrecking)	High	RPZD
Caravan park	Medium	testable device
Cattery	High	RBT or RPZD
Charcoal chicken shop	Medium	testable device
Chicken shop	Medium	testable device
Childcare/Preschool	Medium	testable device
Chiropractor	Low	non-testable
Church	Low	non-testable
Club (lawn bowls)	High	RPZD
Club (not registered)	Medium	testable device
Club (registered)	Medium	testable device
Coach depot	Medium	testable device
College, technical	High	RPZD
Commercial kitchen	Medium	testable device
Concrete batching plant	High	RBT or RPZD
Correntional Centre	High	RBT or RPZD
Crane hire	Low	RBT or RPZD

Dairy goods depot	Low	non-testable
Delicatessen	Low	non-testable
Dental surgery	Low	non-testable
Dental technician	Low	non-testable
Depot	Low	non-testable
Distribution depot	Low	non-testable
Drilling depot	Low	non-testable
Dry Cleaners	High	RPZD
Electroplaters	High	RPZD
Emergency services depot	Low	non-testable
Engine reconditioning	High	RPZD
Fast food shop	Medium	testable device
Fire Services - For exceptions or individual or zone requirements, refer to AS3500.1	Medium	DCV - testable device
Filter cleaners	Medium	testable device
Fish and chip shop	Medium	testable device
Fish shop	Medium	testable device
Florist	Low	non-testable
Food Processor	Medium	testable device
Funeral parlour	High	RBT or RPZD
Golf Driving Range	Low	non-testable
Government agency	Low	non-testable
Grain depot	Low	non-testable
Guest House	Low	non-testable
Hairdresser	Low	non-testable
Hall, community	Low	non-testable
Hospital	High	RPZD
Hot bread shop	Medium	testable device
Hotel	Medium	testable device
Hydraulics	High	RBT or RPZD
Ice cream shop	Low	non-testable
Ice Makers	Medium	testable device
Jewellery shop	Low	non-testable
Juice bar	Low	non-testable
Kennel	High	RPZD
KFC	Medium	testable device
Kitchen Commercial	Medium	testable device
Laboratory	High	RPZD
Landscape supplies	Medium	testable device
Laundromat	High	RPZD
Laundry	High	RPZD
Library	Low	non-testable
Machinery sales	Low	non-testable
Mall (shopping)	Medium	testable device
Manufacturing (dry)	High	RPZD
McDonalds	Medium	testable device
Metal coating industry	High	RPZD
Mixed Commercial/Residential	Low	Zone protection if applicable
Monumental mason	Low	non-testable
Morgue	High	RPZD
Motel	Medium	testable device
Moto mechanic	Medium	testable device
Motorcycles repairs	Medium	testable device
Motorcycles shop	Low	non-testable
Newsagent	Low	non-testable

Nightclub	Medium	testable device
Nursery	High	RPZD
Nursing home	High	RPZD
Office	Low	non-testable
Office block	Low	non-testable
Optometrist	Low	non-testable
Panel beaters	Medium	testable device
Park	High	RPZD
Pathologist	High	RPZD
Pet food manufacturing	High	RPZD
Pet shop	Medium	testable device
Petroleum depot	High	RPZD
Petroleum storage	High	RPZD
Photographic processing	Low	non-testable
Pizzeria	Low	non-testable
Printer	Low	non-testable
Public Toilet	Low	non-testable
Racecourse	Medium	testable device
Radiator repairs	Medium	testable device
Railway station	Medium	testable device
Research establishment	High	RPZD
Residential	Low	non-testable
Restaurant	Medium	testable device
Retail shop	Low	non-testable
Retirement village	Medium	testable device
Saleyards (livestock)	High	RPZD
School	High	RPZD
School (no sporting fields)	High	RPZD
Service station	High	RPZD
Sewerage facility	High	RPZD
Shearing supplies	Low	non-testable
Shopping centre	High	RPZD
Showground	High	RPZD
Sports stadium (indoor)	Medium	testable device
Sports stadium (outdoor)	High	RPZD
Spray painters	Medium	testable device
Stockfeed manufacturing/retail	High	RPZD
Surgery (doctors)	Low	non-testable
Swimming pools	Medium	testable device
Takeaway food shop	Medium	testable device
Tavern	Medium	testable device
Tourist park	Medium	testable device
Transmission, automotive	Medium	testable device
Truck wash	High	RPZD
Tyre retailer	Low	non-testable
Tyre wholesaler	Low	non-testable
University (boarding)	High	RPZD
University (non-boarding)	High	RPZD
Utility depot (power, water, gas etc.)	Medium	testable device
Vehicle washbay	High	RPZD
Veterinary clinic	High	RPZD
Warehouse	Low	non-testable
Waste disposal	High	RPZD
Winery	Medium	testable device
Workshop (mechanical)	Medium	testable device
X-ray clinic	High	RPZD



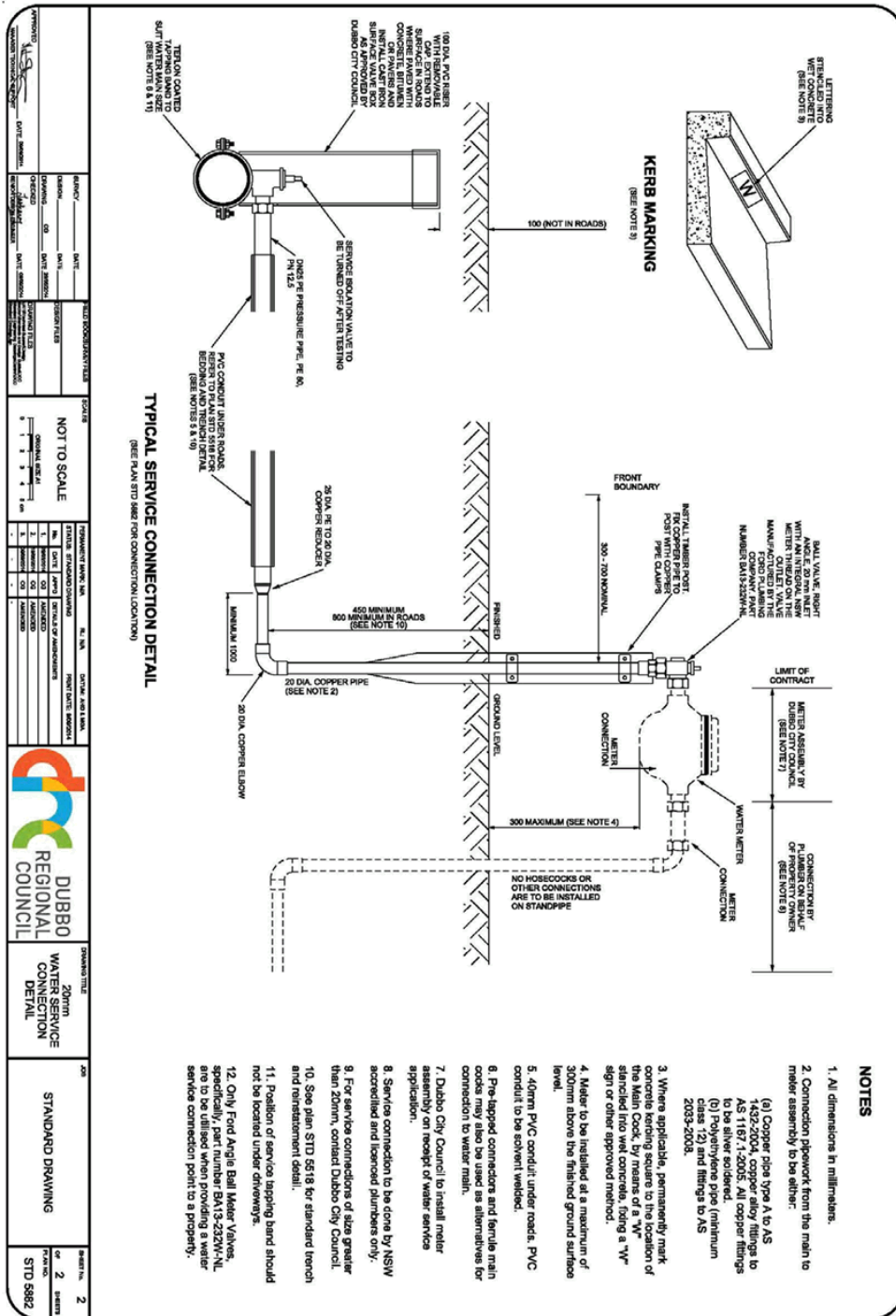
WATER SERVICE CONNECTION
 (SEE SHEET 2 FOR DETAILS)

LEGEND

	METER, INCORPORATING BACKFLOW PREVENTION DEVICE
	ISOLATION VALVE
	PROPERTY BOUNDARIES
	KERB MARKING

- NOTES**
- All dimensions in millimeters.
 - Connection pipework from the main to meter assembly to be either:
 - (a) Copper pipe type A to AS 1432-2004, Copper alloy fittings to AS 1167:1-2005, All copper fittings to be silver soldered.
 - (b) Polyethylene pipe (minimum class 12.5) to AS 4130-2009 and fittings to AS 4129-2008.
 - Where possible, lay service connections at right angles (perpendicular) to water main. Where not possible, lay marking tape on top of connection pipework.
 - Locate meter and isolation valve riser relative to the side and front boundaries as shown.
 - Orientate meter and isolation valve at right angles (perpendicular) to front property boundary.
 - Pipework to be located in road reserve in accordance with these drawings. Any variation to this standard must be approved by Dubbo City Council prior to construction.
 - Water to be installed at a maximum of 300mm above the finished ground surface level.
 - 40mm PVC conduit under roads. PVC conduit to be solvent welded.
 - For service connections of size greater than 20mm, contact Dubbo City Council.
 - See plan STD 5518 for standard trench and reinstatement detail.
 - Where applicable, permanently mark concrete kerbing square to the location of the Main Cock, by means of a "W" stenciled into wet concrete, fixing a "W" sign or other approved method.

<p>APPROVED</p> <p>DATE: 10/10/17</p> <p>DESIGNER: [Signature]</p> <p>CHECKED: [Signature]</p> <p>DATE: 10/10/17</p>	<p>PROJECT TITLE: WATER SERVICE CONNECTION DETAIL</p> <p>DATE: 10/10/17</p> <p>SCALE: NOT TO SCALE</p> <p>DATE: 10/10/17</p>	<p>PROJECT NO: STD 5882</p> <p>SHEET NO: 1</p> <p>TOTAL SHEETS: 2</p>
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DUBBO REGIONAL
COUNCIL

REPORT: Appointment of Dubbo State Emergency Service Unit Local Controller

AUTHOR: Director Infrastructure and Operations
REPORT DATE: 12 December 2017
TRIM REFERENCE: ID17/2219

EXECUTIVE SUMMARY

The Commissioner of State Emergency Service periodically re-appoints the Unit Local Controller. Council is required to advise of its concurrence to the Commissioner of this appointment.

It is proposed that Ms Fiona Douglas be recommended for re-appointment to the position of Local Controller of the Dubbo SES for a further two (2) years.

ORGANISATIONAL VALUES

Customer Focused: Council is responsible for ensuring that the community has a capable and responsive State Emergency Service Local Unit.

Integrity: Council must concur with the appointment of the Local Unit Controller with reference to the recommendation of the Commissioner for such appointment.

One Team: Council financially supports the Local SES Unit through the provision of a Head Quarters from which the unit operates.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That pursuant to Section 17 of the State Emergency Service Act 1989, Council endorse the appointment of Ms Fiona Douglas to the position of Local Controller, Dubbo SES Unit for the ensuing two (2) years.

Chris Devitt

Director Infrastructure and Operations

REPORT

The Local Controller position of Dubbo City Local State Emergency Service Unit is an appointment made by the Commissioner upon the recommendation of the Council and the SES Macquarie Region Controller.

Ms Fiona Douglas has held the position of Unit Local Controller for the past two (2) years. She has from Council's experience commendably served in this position overseeing a well-trained and capable unit of volunteers. The re-appointment of Ms Douglas to the position of Local Controller should be supported.

Appendices:

- 1 [↓](#) Notification from NSW State Emergency Service - Fiona Douglas



29 November 2017

Fiona Douglas

Dear Fiona

Appointment as Local Controller

Dubbo City
Parcel.....
Asset..... <u>LTE</u>
11 DEC 2017
<u>12/21</u>
File C.....
.....
.....

It is my pleasure to confirm your appointment to the role of Local Controller for Dubbo City Local Government Area.

You are appointed as a controller under Section 17C of the *State Emergency Service Act 1989*, for a period of **up to two years** effective immediately, subject to a formal review in August of each odd-numbered year. In conjunction with this appointment, I hereby appoint you as an Emergency Officer in accordance with Section 15 (2) of the *State Emergency Service Act 1989* for the same period. This appointment confers upon you a number of powers as delegated by me, which are detailed in Appendix A.

The role of Local Controller is a critical leadership role within the NSW State Emergency Service. Appointments to this role are made with consideration for the significance of the role and its importance in the leadership of the people of our organisation.

Importantly, as the Local Controller for Dubbo City LGA, you have accepted responsibility for leading a number of NSW SES volunteers and for stewardship of the Dubbo City LGA. I know you will take this responsibility very seriously and that you understand that as a controller you have a responsibility to:

- Uphold the highest standards of behaviour in respect of leadership, personal conduct and ethics and be an exemplar of our organisational values – Trust, Accountability, Respect, Professionalism, Safety and Service.
- Provide leadership and effective control over emergency response activities in your area of responsibility, at the direction of the Region Controller or any officer so delegated by the Commissioner.
- Ensure that you develop the skills and abilities of your people.
- Give regard to the future sustainability of NSW SES in Dubbo City LGA and work on local recruitment and succession planning for leadership roles, including the Local Controller role that you now occupy.
- Continue to develop yourself as a leader and make yourself available for such development as you and your Region Controller deem necessary.
- Accept responsibility for your own performance and make yourself available for performance reviews.
- Show leadership over all functions including community engagement, recognising the importance of the need to build stronger, more resilient communities across NSW.
- Ensure the effective and accountable administration of the Dubbo City LGA including financial management.



STATE HEADQUARTERS
OFFICE OF THE COMMISSIONER
93-99 Burrelli Street, Wollongong NSW 2500
PO Box 6126, Wollongong DC NSW 2500
P (02) 4251 6503
F (02) 4251 6500
www.ses.nsw.gov.au
ABN: 88 712 649 015



-2-

An annual review of this appointment will occur to assist in ensuring that we have a high performing leadership team in NSW SES. This annual review is also an opportunity to ensure that controllers are receiving the support required to perform their roles effectively.

Toward the end of the two year appointment period, the Region Controller will determine whether to make a recommendation to reappoint you for a further period.

Congratulations on your appointment and thank you for accepting such an important role in the leadership of the NSW State Emergency Service.

I look forward to working with you to make your Dubbo City LGA successful and to support the communities of NSW.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Smethurst', is written in a cursive style.

**Mark Smethurst DSC, AM
Commissioner**

c.c. General Manager, Dubbo City Council
NSW SES Region Controller, Macquarie Region



Appendix A - Powers of Emergency Officers

Section 15(2) of the *State Emergency Service Act 1989* confers upon the Commissioner the authority to appoint Emergency Officers to assist in establishing control over people in an emergency area. The Commissioner has determined that appointments are to be made on a standing basis rather than incident by incident. This means that whilst you remain a Controller you will be an Emergency Officer. This decision does not prevent the Commissioner from making additional appointments as required. The Commissioner also invokes his power of delegation to enable you to make reasonable determinations after considering all available information in respect of declaring emergency areas.

Persons appointed by the Commissioner as Emergency Officers are authorised by the Commissioner during an operation for which the NSW State Emergency Service is the combat agency, that is, flood, storm and tsunami situations, or other situations in which the NSW State Emergency Service has been directed to assume control, to direct a person to do any or all of the following:

- a. to leave any particular premises and to move out of an emergency area or any part of an emergency area;
- b. to take any children or adults present in any particular premises who are in the person's care and to move them out of the emergency area;
- c. not to enter the emergency area or any part of the emergency area.

An "emergency area" means the area affected by the flood, storm or tsunami situation and includes places, buildings, vessels or aircraft, as determined by an Emergency Officer.

The exercise of this power is to be in accordance with this delegation, and any Standard Operating Procedures issued by the NSW SES,

If the person does not comply with the direction, an Emergency Officer may do all things as are reasonably necessary to ensure compliance with it, using such force as is reasonably necessary in the circumstances.

Exercise of Powers

Because it may not be possible for the Commissioner to direct Emergency Officers to exercise the powers listed above on a case by case basis, the Commissioner through your appointment as an Emergency Officer delegates and authorise persons appointed as Emergency Officers to exercise them when required and in accordance with NSW SES policies and standard operating procedures.

Any special powers must be exercised with great care. It is preferable to convince people to evacuate rather than to force them to do so. Force may only be used as an absolute last resort. In such circumstances, Police are to be requested to undertake the evacuation, as



they have similar powers under the *Police Act 1990*, and their authority is less likely to be questioned than that of members of the NSW State Emergency Service. However, if Police are not available, Emergency Officers may take the necessary action.

The exercise of these powers does not require the declaration of a State of Emergency but a determination based on available information to define the emergency area is required.

Duty to Recognise the Authority of Emergency Officers

The *State Emergency Service Act 1989* requires every member of the Police Force and all other members of emergency service organisations to recognise in connection with flood, storm and tsunami operations, or other operations in which the NSW State Emergency Service has been legally placed in control, the authority of Emergency Officers acting under the control of the Commissioner and/or the control of Region, Local or Unit Controllers. It is the duty of every such member to assist emergency officers.

It is important that members of other emergency services understand the authority of Emergency Officers from the NSW State Emergency Service in flood, storm or tsunami situations. They are legally in control of such situations unless operations are placed under the control of Police under the *State Emergency and Rescue Management Act 1989*, and the other emergency services are required to recognise their authority. This does not preclude other emergency services from responding to flood or storm situations, but they must respond only under arrangements made with the Emergency Officers of the NSW State Emergency Service.

SES Policies and Procedures

All persons appointed as Emergency Officers are to familiarise themselves with the *State Emergency Service Act 1989*, *State Emergency and Rescue Management Act 1989*, the State Emergency Management Plan and all relevant sub plans, NSW SES policies and procedures.



-2-

An annual review of this appointment will occur to assist in ensuring that we have a high performing leadership team in NSW SES. This annual review is also an opportunity to ensure that controllers are receiving the support required to perform their roles effectively.

Toward the end of the two year appointment period, the Region Controller will determine whether to make a recommendation to reappoint you for a further period.

Congratulations on your appointment and thank you for accepting such an important role in the leadership of the NSW State Emergency Service.

I look forward to working with you to make your Wellington Shire LGA successful and to support the communities of NSW.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Smethurst', is written in a cursive style.

Mark Smethurst DSC, AM
Commissioner

c.c. General Manager, Wellington Shire Council
NSW SES Region Controller, Macquarie Region



DUBBO REGIONAL
COUNCIL

REPORT: Opportunities to Improve the Street Tree Canopy - Update

AUTHOR: Director Community and Recreation
REPORT DATE: 9 December 2017
TRIM REFERENCE: ID17/2193

EXECUTIVE SUMMARY

At the November 2017 Infrastructure, Community and Recreation Committee it was resolved to put to the November 2017 Ordinary Council Meeting the following:

1. *That Council form a Committee to review proposed removal and/or replacement of trees required to complete infrastructure projects comprising the Mayor, interested Councillors, the General Manager, the Director Community and Recreation or his nominee, the Director Infrastructure and Operations or his nominee, the Director Planning and Environment or her nominee, and four (4) community representatives.*
2. *That the Committee undertake a review of Council's strategic master plan for the city's tree scape for the consideration of Council following a community consultation process.*
3. *That the Director Community and Recreation be requested to develop a draft Council Policy for Urban Street Tree Removal for the review of the Committee and consideration of Council following a community consultation process.*
4. *That all activities relevant to the Urban Street Tree Removal Policy be reported to the Committee and Council on a quarterly basis.*
5. *That the proposed removal of and/or replacement of trees required as part of Council's infrastructure projects, apart from any projects which are well advanced and subject to contractual obligations, (being the Boundary Road Extension project, the Bultje Street - Dubbo CBD Heat Island Amelioration project and the Cobra/Fitzroy Street Signalisation Project and Erskine Street, west of Darling Street) be postponed until a community committee has been established to review such proposed tree removal and/or replacement with recommendations to Council's Infrastructure, Community and Recreation Committee.*

At the November 2017 Ordinary Meeting of Council resolved:

That the item be deferred to the Ordinary Meeting of Council to be held in December 2017 to allow for the formation of the Committee and not stop current infrastructure projects whilst this is occurring.

In regards to the resolution of the Ordinary Council Meeting, Council has commenced publicly advertising for community membership of the Committee in accordance with practices undertaken for other formal committees of Council. The following 'Public Notice' has and shall be advertised:

“Community Representatives – Dubbo Regional Council Street Tree Committee

Council is seeking nominations from residents within the Dubbo Regional Council Local Government Area who are interested in being part of a newly formed Committee. This Committee will be called the Street Tree Committee and Council are seeking four (4) Community Representatives to be part of this committee, it is proposed that this committee will assist in reviewing proposed removal and/or replacement of trees as required within the LGA. Nominations close at 5pm Friday 26 January 2018.”

A report shall be provided to the February 2018 Infrastructure, Community and Recreation Committee seeking ratification of the membership of the Dubbo Regional Council Street Tree Committee and the associated Terms of Reference.

ORGANISATIONAL VALUES

Customer Focused: Street trees are a public asset and their management can evoke a strong emotional response. Through an improved communication/consultation policy our customers can have input into the future development of the public urban forest.

Integrity: The proposed Street Tree Committee and the Urban Street Tree Removal Policy shall ensure greater community engagement, transparency and understanding of the interaction with street trees and infrastructure projects.

One Team: Street trees are assets that are owned by the Infrastructure and Operations Division and are managed on their behalf by the Community and Recreation Division. The drafting of the new policy will require input from both Divisions and also from the Economic Development and Business (Communications and Stakeholder Engagement Branch) to develop a comprehensive and workable communication strategy.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report. There is potential for impacts to capital works budgets for infrastructure projects unless the Terms of Reference proposed to be put before Council in February 2018 clearly articulate responsibilities and obligations for timely response to proposed works.

POLICY IMPLICATIONS

This report is recommending the development of a new Public Urban Street Tree Removal Policy that will require input from a number of branches of Council prior to being put forward to Council.

RECOMMENDATION

- 1. That Council form a Committee to review proposed removal and/or replacement of trees required to complete infrastructure projects comprising the Mayor, interested Councillors, the General Manager, the Director Community and Recreation or his nominee, the Director Infrastructure and Operations or his nominee, the Director Planning and Environment or her nominee, and four (4) community representatives.**
- 2. That after a publicly advertised process the community representative membership of the Dubbo Regional Council Street Tree Committee be considered at the February 2018 Ordinary Meeting of Council.**
- 3. That a draft Terms of Reference for the Dubbo Regional Council Street Tree Committee be put to the February 2018 Infrastructure, Community and Recreation Committee meeting for consideration.**
- 4. That the Committee undertake a review of Council's strategic master plan for the City's tree scape for the consideration of Council following a community consultation process.**
- 5. That the Director Community and Recreation be requested to develop a draft Council Policy for Urban Street Tree Removal for the review of the Committee and consideration of Council following a community consultation process.**
- 6. That all activities relevant to the Urban Street Tree Removal Policy be reported to the Committee and Council on a quarterly basis.**
- 7. That the proposed removal of and/or replacement of trees required as part of Council's infrastructure projects, apart from any projects which are well advanced and subject to contractual obligations, (being the Boundary Road Extension project, the Bultje Street - Dubbo CBD Heat Island Amelioration project and the Cobra/Fitzroy Street Signalisation Project and Erskine Street, west of Darling Street) be postponed until a community committee has been established to review such proposed tree removal and/or replacement with recommendations to Council's Infrastructure, Community and Recreation Committee.**

Murray Wood

Director Community and Recreation

BACKGROUND

Within the City of Dubbo, Council manages a total of 39,134 trees of which 21,434 are urban street trees and a further 17,700 trees located in urban parks, ovals and reserves. Since Dubbo was set out in 1848 and gazetted in 1849, trees have become an important aspect of Dubbo's streets and parks. A further 2,700 public trees have been identified in Wellington however the assessment process is not yet complete. Accordingly this report focuses strongly on the results of Dubbo City. However the same benefits, issues and opportunities exist in Wellington as they do in Dubbo.

Between 2012 and 2014 tree assessments were undertaken throughout Dubbo and the surrounding villages that identified that around 20% of Dubbo's trees were not in optimum health and that 13% of the total tree population (around 5,000 trees) will reach the end of their useful lives within a 15 year period. The canopy covers of both the street trees and the "park" trees (collectively the "public urban forest") were also calculated with these being 10.4% and 11.65% respectively. The assessment identified an opportunity for Council to make a significant and lasting legacy through the establishment of a street tree planting program initially encompassing 17,000 trees over 15 years. However this would require a sustained budgetary allocation of approximately \$700,000 per annum based on a unit rate of \$650 over the 15 year period. Such a program would increase the urban canopy cover to at least 20.8% making it more attractive to residents and visitors to the City and improving its resilience to climatic changes. Without any planting program and as trees reach the end of their life, are removed and not replaced, it is estimated that the street tree canopy cover will reduce to approximately 3.5% over the same forty year period.

This situation in Dubbo has been recognised by the Community and Recreation and Infrastructure and Operation divisions of Council who have developed a strong partnership in identifying and renewing street tree planting as part of the civil infrastructure program. In recent years these programs have included the Brisbane Street Stormwater Augmentation, Darling Street Stormwater Installation and Potable Water Main Renewal, Macquarie Street Kerb and Guttering Renewal, Wingewarra Street Kerb and Guttering, Footpath and Water Main Renewal and Brisbane Street Kerb and Guttering Renewal. In many of these cases, as the tree assessment results can demonstrate, the trees in these locations generally require renewal due to poor health, poor structural soundness, or simply due to their age and the tree reaching the end of its useful life expectancy.

In addition to the linking of the civil infrastructure and tree replacement programs, a Dubbo Street Tree Master Plan was developed and adopted. This document provides a strong and strategic direction as to where Council need to target its efforts in improving the health and canopy cover of the City through the Dubbo Street Tree Prioritisation Program, improved species selection (to account for the warming climate, threat of disease, cost of recurrent maintenance (specifically electrical clearances)) and a communication strategy to engage the residents when planting is to occur in their neighbourhood.

REPORT

This report has been written in three (3) parts by the Manager Recreation and Open Space and was provided to the November 2017 Infrastructure, Community and Recreation Committee. Firstly, a discussion surrounding the benefits of having a strong, resilient and extensive public urban forest.

The second part of the report discusses a number of past, present and future civil infrastructure projects that have resulted (or will require) tree removal and subsequent replacement. The rationale behind the tree removal and replacement strategy for each of the projects is also discussed, with the resultant outcomes identified.

The third part of the report identifies the need for the development of a policy surrounding the removal and replacement of street trees associated with civil infrastructure projects.

1. The Importance of Street Trees

Street trees are an important component of the urban fabric of Dubbo, Wellington and the surrounding villages. They provide a raft of environmental, social and economic benefits including shade provision, improved amenity, improvement of groundwater conditions, reduced stormwater flows and a unique sense of character and identity for Dubbo's CBD and surrounding suburbs.

The importance of these assets and the need to strategically manage them to optimise the city's presentation and heritage value was previously recognised through the former Dubbo City Council Community Strategic Plan, Dubbo 2036. This was identified in the principal theme *"Our Infrastructure – 3.1.11 - Roadside landscaping, street trees and verges are strategically developed and maintained to optimise the standard of the City's presentation"*. Under the former Wellington Council Community Strategic Plan, Wellington 2025, the desire to improve the urban environment was expressed as *"W2.2 An attractive and well maintained Central Business District"* and *"W2.3 Attractive and well maintained villages that showcase their heritage"*. A new Community Strategic Plan incorporating both former councils is currently being prepared.

Within the City of Dubbo, council manages a total of 39,134 trees of which 21,434 are urban street trees and a further 17,700 trees located in urban parks, ovals and reserves. Based on the results for the street tree population assessment three (3) scenarios for the future of Dubbo's canopy cover were developed:

1. Business as usual. The Business as Usual scenario assumes that Council continues on its existing program of removals without any tree planting program. In a 40 year timeframe, Dubbo's canopy cover will be 3.5% with a street tree population of around 7,500 down from 21,434 as identified in the 2012-2014 assessment.
2. Conducting a renewal program to keep the tree population static. The replacement scenario assumes that every tree removed is replaced but with more suitable species for Dubbo that in the longer term have larger canopies.

3. A best practice program of renewal and infill plantings. The Best Practice scenario assumes both replacement plantings and a program of filling the vacant trees sites. Under this scenario total plantings of 1,050 a year would be undertaken. Canopies vary in size and age depending on the streetscape. Under this model there is the potential to increase canopy cover to 20%.

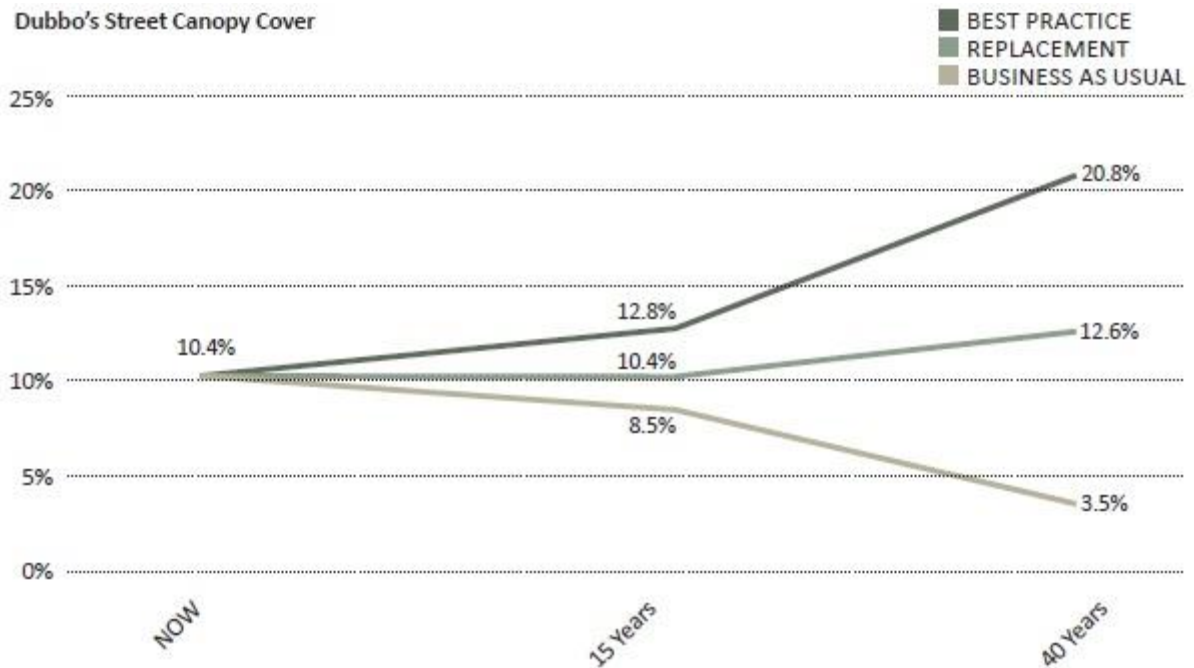


Figure 1: Tree Canopy Scenarios for Dubbo City

What the modelling demonstrated is that Dubbo has the capacity to at least double its existing urban tree canopy over a forty year period through the strategic planting of suitable, robust species in appropriate locations. It can do this by planting more trees each year than it removes and by planting trees with larger canopies for maximisation of benefits, particularly shading in residential and retail areas. To achieve this goal of 20% by 2055 it is estimated that a minimum of 1,050 trees need to be planted annually.

Table 1: Number of trees required for each of the 3 scenarios

	RENEWAL PROGRAM	INFILL PROGRAM	BEST PRACTICE
Min no of trees planted per year	550	500	1,050

550 of these trees would be the replacement of trees that are at or nearing the end of their Useful Life Expectancy with a further 500 trees to commence infilling the existing vacant tree sites within the City. As shown in Figure 1 little gain is achieved if only a renewal program is implemented, but this is still significantly better than the “Business as Usual” scenario that currently exists.

The cost of planting a tree at present is approximately \$650 as an average unit rate. To achieve the 1,050 Best Practice Scenario an ongoing commitment of \$682,000 p.a. is required. This is **not** available beyond a one off funding allocation in the forward four (4) year budget in the 2020/2021 financial year for priority locations. It should be noted that this excludes street trees replaced under Civil Infrastructure Renewal Programs.

Development of the Dubbo Street Tree Master Plan

The original master plan for the management of Dubbo's street trees was developed in 1998 and was subsequently revised in 2004.

A draft Dubbo Street Tree Master Plan was developed to provide a strategic approach to the improvement of the aesthetics of the City of Dubbo, and at the same time improve the tree canopy cover through a Prioritised Planting Plan. One of the major objectives identified in the new master plan was the immediate need to establish a renewal and replanting program to increase canopy cover (i.e. shade) within the City, especially with the predicted warming climate that will see an increase in the average annual number of days over 38 degrees Celsius.

A further consideration in the development of the Dubbo Street Tree Master Plan is that the urban forest must be resilient not only to the changing climate but also to the possibility of the introduction of disease that could decimate Council's tree stock. To combat this threat the Dubbo Street Tree Master Plan has identified a planting palette of over 240 species, of which approximately 50% are endemic or native species.

The master plan also had to provide a strong and strategic direction in where trees needed to be planted to maximise their effects as well as providing social equity across our community. A Prioritised Planting Plan was developed that targeted low socio-economic neighbourhoods, streets that have large numbers of missing trees or streets where the vast majority of trees were at or nearing the end of the Useful Life Expectancy. A Prioritised Planting Plan was preferred over an Annual Planting Plan to provide flexibility depending on available funding on a year to year basis. The Dubbo Street Tree Prioritisation Program is shown below. Each "Priority" totals approximately 1,050 trees and reflects the targets shown in Table 1.

As a direct result of the adoption of the new street tree master plan, Dubbo Regional Council was successful in securing \$80,000 in grant funding from the Office of Environment and Heritage (Dubbo Heat Island Amelioration) targeting the renewal of street trees in Bultje Street (between Darling and Brisbane streets). Bultje Street is shown as a Priority 1 in Figure 2 below. Further, the development of this strategic plan led to the acceptance of street trees being classified as "assets" for the first time within Council's asset management framework. It should be noted that for accounting purposes trees are still not regarded as an asset. By being recognised as an asset an application for the renewal of the asset was permitted under the organisation's Capital Works Prioritisation Framework. This proposal was successful with \$682,000 being allocated in Council's forward 2020/2021 Operational Plan and Budget to undertake renewal and replanting works. Further applications for funding through the forward four (4) year budget development process will be made by the relevant staff

however it must be acknowledged that there are competing demands for funds across the broad portfolio of Council's services and asset classes.

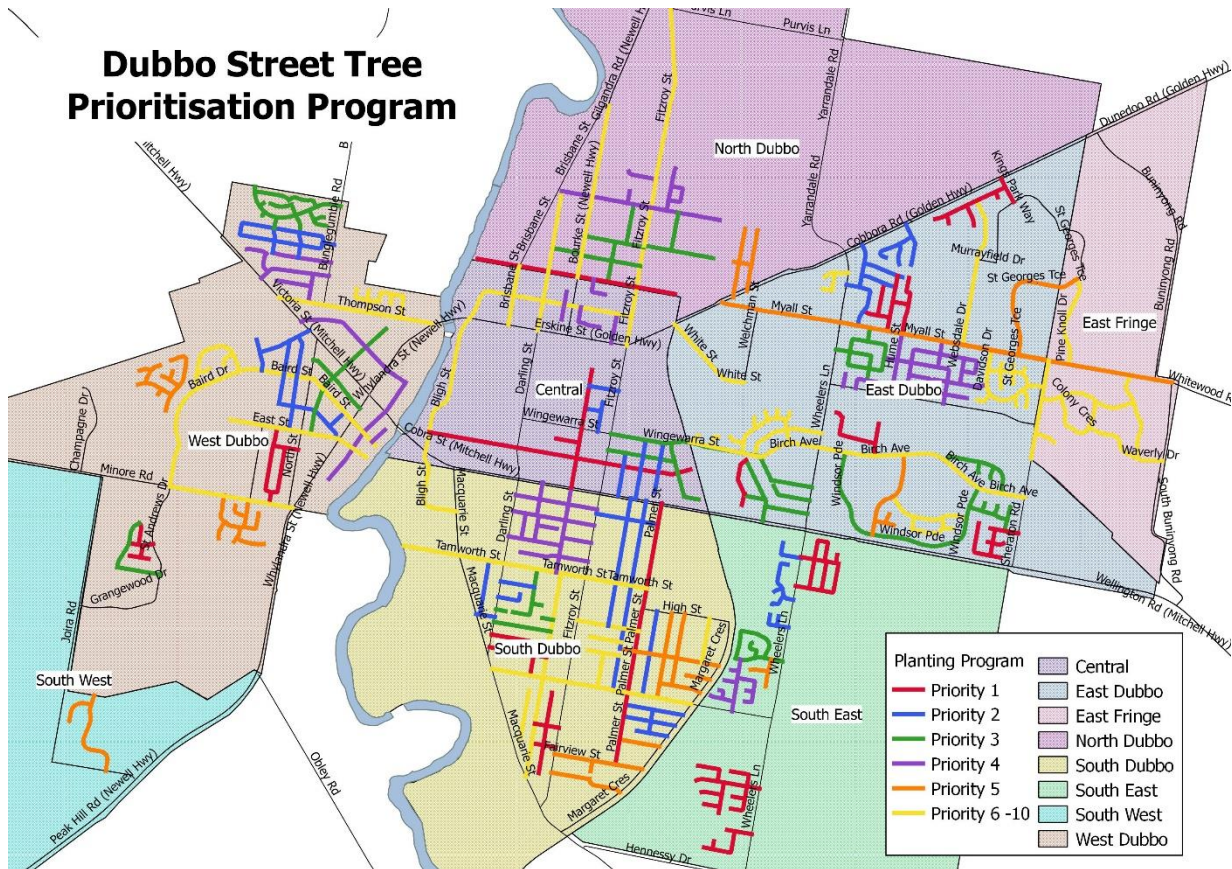


Figure 2: Prioritised Planting Plan for Dubbo City

Benefits of a Public Urban Forest

As identified in the 2012-2014 assessment, Dubbo City had 21,434 street trees and 17,700 park trees. These trees provide a raft of environmental, social and economic benefits to the community as follows:

Table 2. Economic, Social and Environmental Benefits of a healthy Public Urban Forest

ECONOMIC	SOCIAL	ENVIRONMENTAL
Encourages customers to stay longer in retail precinct and spend more	Reduces sun exposure to people and heat related illness	Reduce daytime temperatures at streetscape level
Energy saving (shade reduces need for mechanical cooling)	Shady streets Reduces urban heat island effects (i.e. heat re-radiating from hard surfaces at night time)	Shading can prolong life of asphalt and concrete
Sequesters and stores carbon	Provides a sense of place	Reduce airborne pollution and volatile organic compounds

Reduces stormwater loads lowering costs for infrastructure upgrades	Encourage pedestrian activity	Improves groundwater quality
Shading can prolong life of asphalt and concrete	Improves mental wellbeing	Provision of habitat
	Social connectedness	Reduces stormwater flows
	Sense of pride in the town	Enhance biodiversity
	Provision of habitat	
		Carbon storage and sequestration

Cost Benefit Ratio for Dubbo's Trees

A model developed over 25 years ago and used worldwide allows tree managers to attribute true values to their urban tree assets. Developed by the US Forest Service, i-Tree Eco relies on peer reviewed science to formulate these values. In using this model, it can be demonstrated that Dubbo's trees are worth some \$211m in structural and amenity values. i-tree Eco modelling also shows that Dubbos' trees:

- sequester over 1,100 tonnes of carbon dioxide each year
- store over 17,000 tonnes of carbon
- remove over 11,800 tonnes of air pollution each year valued at over \$6,000 per year
- removed 79 tonnes of volatile organic compounds from the atmosphere each year
- avoids 9,527m³ runoff per year which is the equivalent of almost 4 olympic-sized swimming pools each year.

Dubbos' trees are worth around \$5,500 each in environmental, structural and aesthetic benefits during their lives. They are also valued for their positive influences on human health and wellbeing, moderation of the microclimate and energy saving benefits however dollar values cannot be directly attributed for these benefits to Dubbo's trees.

In comparison, it is estimated that each tree costs Council as follows:

- \$650 to plant
- \$6 per year in maintenance costs
- Once off formative prune at \$370 and a removal fee of \$615.

For example, a forty year old tree would cost Council \$1,875 to look after over the course of its life and yet deliver around \$5,400 worth of benefits to the Dubbo community. It is then estimated that on average, Dubbo's trees deliver 2.9 times the benefits over and above their costs.

2. Civil Infrastructure Renewal / Street Tree Replacement Projects

As identified within this report, there is both a need and an opportunity for the Community and Recreation and Infrastructure and Operations Divisions to work collaboratively to renew

both the civil infrastructure and the street trees within the urban environment. This working relationship achieves operational and cost efficiencies and enables the renewal and enhancement of the visual amenity and canopy cover of the streetscape. This in turns provides intergenerational benefits to the community. Recent examples of this successful partnership include:

Brisbane Street between Talbragar and Wingewarra streets (2012/2013)



Figure 3: Brisbane Street prior to the Stormwater Augmentation Civil Works

The original trees in this streetscape were White Cedar (*Melia azedarach*) that had been planted approximately 75 years previously. Unfortunately due to the timing of the commencement of the works these trees were not audited prior to removal. However it is possible to provide an analogue of the likely condition of the trees. In figure 5 below another section of Brisbane Street with White Cedars is shown. These trees were audited in 2012 and reportedly planted in the same era as the trees between Wingewarra and Talbragar streets. Again, the majority of these trees were identified as having a Useful Life Expectancy of <15 years.



Figure 4: Brisbane Street showing Stages 1 and 2. The central plants of a native species *Angophora floribunda* has been completed. Stage 2 will be undertaken as part of a future road reshaping program.



Figure 5: Brisbane Street White Cedar Useful Life Expectancy (Cobra to Bultje Street (2012))

Darling Street between Talbragar and Wingewarra streets (2015/2016)

This project was initially developed to rectify localised flooding issues as shown below in Photograph 1.



Photograph 1: Localised flooding on Darling Street

Council took the opportunity to also replace an aging water main that was reaching the end of its useful life expectancy, and to undertake a street beautification project. 18 trees were removed to enable the works to be undertaken, with 21 trees being replanted in the streetscape. In addition an off-road cycleway was constructed along the park frontage.

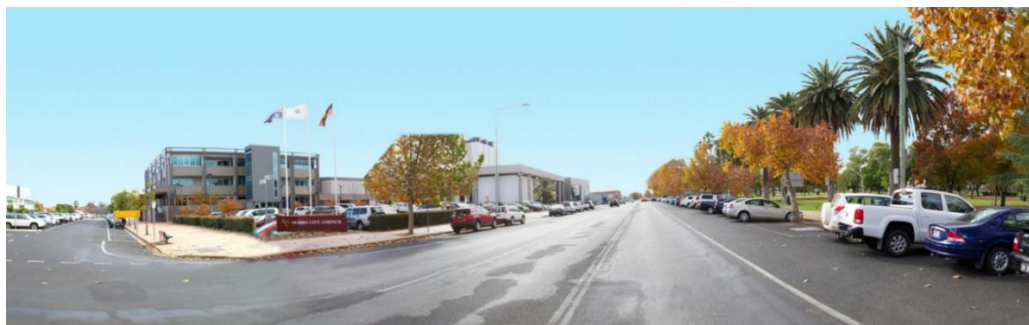


Figure 6: Darling Street (montage) prior to civil and street beautification works (2015)



Figure 7: Darling Street (montage) - Artist's impression allowing 15 years development

Johns Avenue Project

Initially identified as a Kerb and guttering renewal and road resealing project, it was identified that the existing trees in the area, *Fraxinus oxycarpa* 'raywoodii' (Claret Ash) were in decline

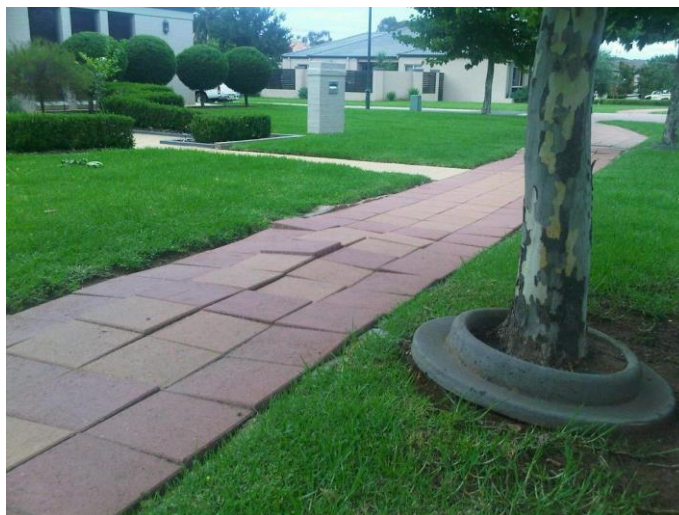
due to disease and nearing the end of the useful life expectancy. A partnership was established between the then Parks and Landcare and Technical Services Divisions of the former Dubbo City Council to undertake a full replacement of the street tree assets in Johns Avenue. Ten years on, as illustrated in Photograph 2 below, the replacement trees *Pyrus ussuriensis* (Manchurian pear) are performing well and making a significant contribution to the aesthetics of the street.



Photograph 2: Johns Avenue with approximately 10 year old trees (2017)

St Andrews Drive Project

In 2012 Council received numerous complaints from residents of the Delroy Park Estate in regards to the damage to the segmented pavement.



Photograph 3: St Andrews Drive showing damage to segmented pavement by tree roots

A number of options were explored including root pruning, installation of linear root barrier and relaying the pavers, as well as the removal of the segmented pavers and relaying the path in concrete. However due to concerns surrounding the choice of tree (*Platanus* sp.) and their long term potential to significantly damage civil infrastructure the decision was made to remove 18 trees and replace them with *Pyrus calleryana* 'Chanticleer'. All trees were replanted with appropriate root directors installed to minimise future damage and the

segmented pavement re-laid. Five years on this avenue is developing well, as shown in Photograph 4 below.



Photograph 4: St Andrews Drive following replacement.
Age of trees approximately 5 years (2017)

Current Projects

Macquarie Street (south of Cobra Street)

Council's Infrastructure and Operations Division is currently completing a kerb and guttering renewal project along a small section of Macquarie Street (between Cobra Street and Mitchell Street). To enable these works to be undertaken effectively and safely due to their proximity to the Cobra Street intersection, 12 trees were removed. These trees were predominately *Fraxinus oxycarpa 'raywoodii'* (Claret Ash) and *Acer negundo* (Evergreen Alder) with all but three (3) of the trees being assessed of having a life expectancy of 5 – 15 years (2012).

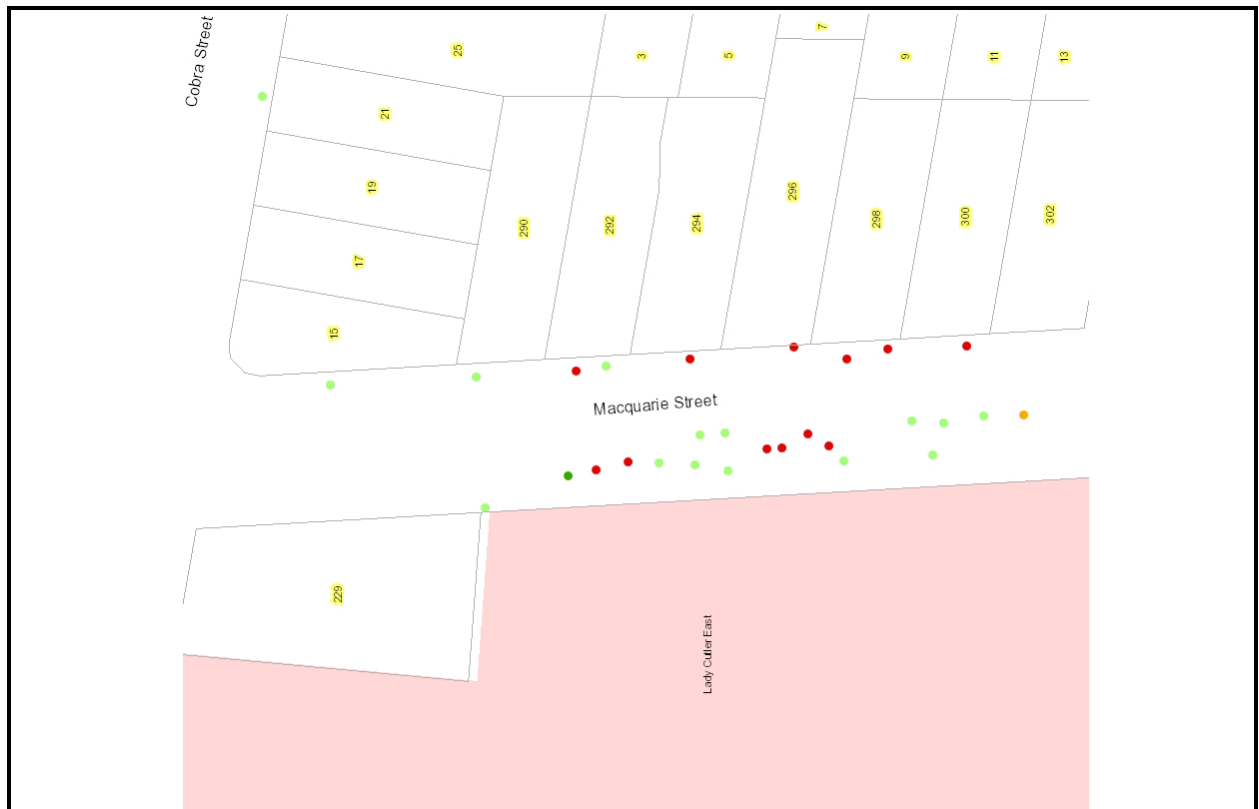


Figure 8: Macquarie Street (south of traffic lights) showing Useful Life Expectancy of the trees
Red 5 – 15 years, light green 15 – 40 years

All of the trees within this section of Macquarie Street had been repeatedly pruned by the energy provider’s contractors to maintain safe clearances around the overhead powerlines. The effect of this severe and repeated pruning ultimately led to the development of poorly structured trees that had little or no aesthetic value to the streetscape. This is illustrated in Photograph 5 below.



Photograph 5: Macquarie Street looking north towards Cobra Street. Note the dead tree in the foreground and the severely pruned Claret Ash in the middle of the frame.

A decision was made to take the opportunity to collaborate with the Infrastructure and Operations Division to replace the existing street tree assets that were in poor structural condition and nearing the end of their Useful Life Expectancy and replace them with a smaller tree (Crape Myrtle (*Lagerstroemia indica* ‘Biloxi’)) that would not require pruning in the future.

This decision to use smaller species or varieties of trees is of major significance due to changes within the Energy Industry. Recently the Australian Energy Regulator has opened the way for energy suppliers to charge local governments the associated costs in vegetation management to maintain line clearances. Advice from the Essential Energy Vegetation Management Group (of which the Manager Recreation and Open Space represents Dubbo Regional Council) indicates that Essential Energy is not currently pursuing this cost recovery in the immediate future on existing trees. However where new or replacement plantings require recurrent maintenance then cost recovery may be pursued. It is therefore in Council's interest to be conscious of this future cost to ratepayers and make appropriate selections so not to incur these charges.

Brisbane Street (south of Cobra Street)

Council's Infrastructure and Operations Division is currently completing a kerb and guttering renewal project along a section of Brisbane Street (South of Cobra Street). The original trees in this section of Brisbane Street (western side Reakes Avenue to Cobra Street) were a mix of *Brachychiton populneus* (Kurrajong), *Lophostemon confertus* (Brush Box) *Liquidambar styraciflua* (Liquidambar) and *Triadica sebiferum* (Tallow Tree). 11 trees existed in this section with all of them having been assessed as being in reasonable condition and having a life expectancy of 15 – 40 years, or better.

A decision was made to remove these eleven (11) trees to allow access and removal of the kerb and guttering and, as part of the project, replace them with ten (10) *Jacaranda mimosifolia* (Jacaranda). The Jacaranda has been identified as the preferred species for this street and further planting will occur as opportunities are identified and funding becomes available. Over time as this avenue is extended and matures it will provide a spectacular display of late spring colour. The loss of one tree is compensated by the broader canopy of the Jacaranda compared to the existing species.



Photograph 6: Newly planted *Jacaranda mimosifolia* in Brisbane Street

Wingewarra Street (East of Darling Street)

Council's Infrastructure and Operations Division has commenced a civil infrastructure renewal program on Wingewarra Street between Darling and Gipps streets. These works include the replacement of the old sandstone kerb and guttering to alleviate localised flooding, the relocation of the water main from the centre of Wingewarra Street to the footpath and renewal of the asphaltic footpath itself. Due to the nature and the level of excavation required to undertake the works, the species of trees impacted (predominately Kurrajongs that have a low threshold of damage to their internal structure) and the Useful Life Expectancy of these trees (13 of 21 trees had a ULE of <15 yrs (2012)) a decision was made to take the opportunity to undertake a tree renewal program as part of the works.

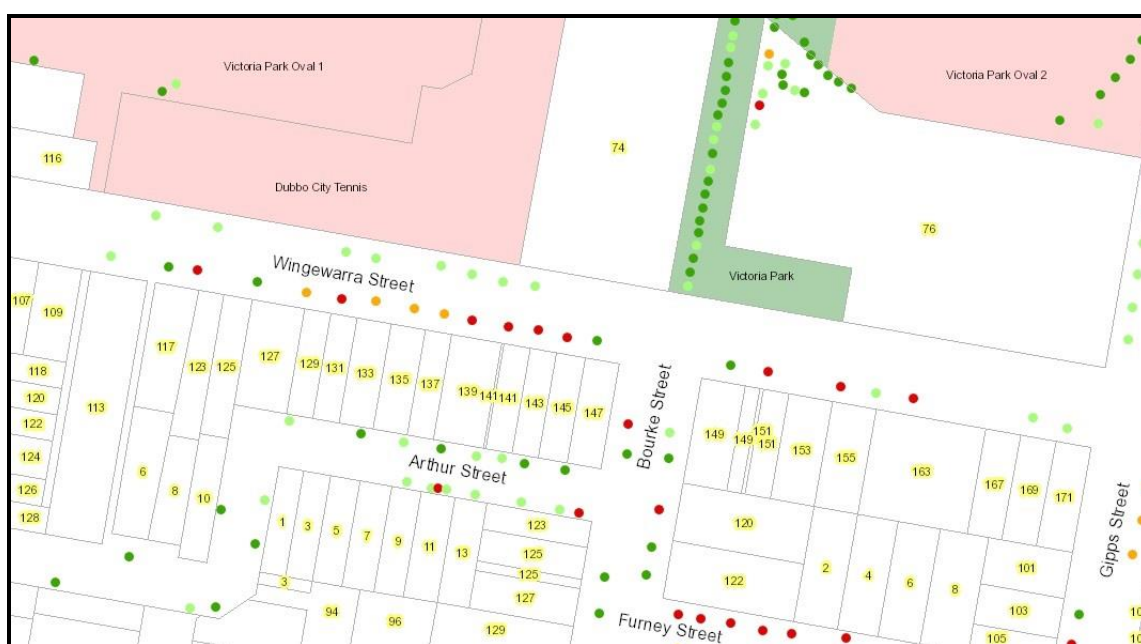


Figure 9: Wingewarra Street Trees Useful Life Expectancy (2012)
Orange <5yrs, red 5-15yrs, light green 15-40 yrs and dark green >40yrs

The rationale behind the reduction in number of replacement trees in this section of Wingewarra Street included the narrow frontages of the residences and the need to provide adequate sight distances for vehicles entering the stream of traffic from these properties. A further consideration was that at the Wingewarra/Darling Street intersection additional lane width is required to extend the left turning lane (south) to accommodate increases in traffic load. The reduction of the number of trees also provides a small increase in the amount of parking in the immediate area that can be utilised both by residents and the tennis complex across the street.

To compensate for the loss of the 11 trees from this area, larger canopied trees (Japanese Elms (*Zelkova seratta*)) are being planted as well as additional plantings in the back streets in the immediate vicinity.



Figure 10: Wingewarra Street montage (Bourke Street to Gipps Street) showing the approximate location of the Japanese Elms



Figure 11: Wingewarra Street montage (Darling Street to Gipps Street) showing the approximate location of the Japanese Elms.

In both Figures 10 and 11 the trees are shown at the expected size at 15 years of maturity.

Erskine Street (West of Darling Street)

In 2015 the former Dubbo City Council was approached by the Roads and Maritime Service (RMS) regarding upcoming works on the Newell Highway between Brisbane and Darling streets. The scope of works identified included the following:

- Heavy road patching
- Resealing the road surface
- Road safety works at the existing kerb return on the eastern exit on Darling Street roundabout

Following discussions with the RMS and the Technical Services Division to ascertain the impact on the Plane Trees (*Platanus x acerifolia*) it was identified that they were intending to sever the tree roots on the road side of the carriageway within 500mm of the trunk to prevent further damage to the road pavement before undertaking heavy patching repairs to the road surface.

The severing of the tree roots within the tree's structural root zone would have dangerously impacted the structural stability of the trees, especially in a road environment that exceeds 16,000 vehicular movements a day. Following consultation about possible options for the retention of the trees and due to the significant disturbance required to the site and impacts to the root zones of the trees, the most appropriate option for road and pedestrian safety was tree removal. An example of the long term damage that results in structural root damage is shown below. This tree is located in Darling Street and the damage was incurred from a kerb and gutter reconstruction approximately 10 – 12 years ago.



Photograph 7: Darling Street Plane Tree showing decay following structural root damage

This decision and the rationale behind the decision to remove the 11 trees were identified in the Part 5 assessment prepared in respect of the project and as required under the Environmental Planning and Assessment Act.



Photograph 8: One of the Erskine Street London Plane trees that was subsequently removed. It was also identified that once the works were completed that a tree replacement was to follow within 12 months.

Whilst the removal of the trees and the heavy patching work proceeded the identified replacement tree planting is still to be undertaken. In the 2016/2017 financial year the works program, already substantial in scale, was significantly disrupted by high rainfall and saturation damage to the road network. The delay has resulted in a number of complaints from and meetings with concerned members of the community about Council's commitment to the street tree assets. The replanting is on the works program of the Infrastructure and Operations Division for undertaking prior to Christmas however progress on other projects may impact on proposed scheduling. It should be noted the project is jointly funded by RMS and Council.

Figure 12 below is the proposed landscape for Erskine Street. The site is highly congested with both above and below services that severely restricts the appropriate species. The tree species chosen is the Crepe Myrtle (*Lagerstroemia indica* 'Biloxi')



Figure 12: Erskine Street replacement tree planting showing a change of species from *Fraxinus ornus* to *Lagerstroemia indica* 'Biloxi'.

Future Works Requiring Tree Removals

Boundary Road Extension

The Infrastructure and Operations Division are well advanced in the planning for the extension of Boundary Road, heading east from Wheelers Lane through to Alexandrina Avenue. This extension of the road network will directly allow the further development of the Southlakes and Keswick estates, with a future extension of Boundary Road through to Sheraton Road planned.

To accommodate this 450 metre section of new road infrastructure will require the removal of a small number of trees which has been identified through the Part 5 Assessment. These include six (6) introduced species and seventeen (17) native species as identified below:

Introduced species:

- 1 *Pistacia chinensis* (Chinese Pistachio) – planted at the Wheelers Lane intersection
- 2 *Fraxinus raywood* (Raywood Ash) – at driveway of Lot No. 520
- 3 *Schinus molle* (Peruvian Pepper) - located at previous gates to "Hillview"

Native species:

- 2 *Eucalyptus camaldulensis* (River Red Gum)
- 5 *Eucalyptus microcarpa* (Grey Box)
- 5 *Eucalyptus melliodora* (Yellow Box)
- 1 *Brachychiton populneus* (Kurrajong)
- 4 juvenile *Eucalyptus* species

All reasonable attempts have been made to minimise the number of trees that need to be removed for this project. This includes a very large *Eucalyptus camaldulensis* (River Red Gum) that has significant ecological value yet is likely to suffer substantial destruction to the root zone of the tree in close proximity to the trunk therefore meaning it shall be removed.

This wasn't the case when previously reported to Council however in preparing a revised Part V assessment the need for removal is evident.

To compensate for the loss of the 17 native trees an avenue of 34 advanced native trees will be planted along the northern side of the Boundary Road extension (i.e. an offset ratio of 2:1). This avenue will complement the native vegetation remaining adjacent to the site and add to the aesthetic appeal to the planned road design (Figure 13). The space left towards the centre of the proposed avenue results from the need to maintain minimum clearance zones from the High Voltage electrical mains that run approximately north-east of the Boundary Road extension.



Figure 13: Indicative native tree replanting layout showing the offset planting.

Bultje Street – Dubbo CBD Heat Island Amelioration (between Darling and Brisbane streets)

Following approaches by members of the community requesting the planting of shade trees in Bultje Street Medical Precinct, a grant application was submitted under the Office of Environment and Heritage Resilience to Climate Change. This application was successful with Council receiving \$80,000 towards the project. A further \$20,000 was allocated from a Restricted Asset dedicated towards the installation of Water Sensitive Urban Design. Figure 14 shows the section of Bultje Street and indicates that in 2012, 12 trees existed with five (5) of them having a Useful Life Expectancy of 5 – 15 years. All but one of these three (3) trees are Kurrajongs (*Brachychiton populneus*) and all are considered to be in poor to fair condition.



Figure 14: Bultje Street Trees Useful Life Expectancy (2012).
Red 5-15 years, light green 15-40 years and dark green >40 years.

It should be noted that there shall be a minimum 14 day notification period prior to tree removal works being carried in order for Council to raise understanding across the Dubbo population due to high exposure of the CBD location. Notices on the trees and media messaging shall be part of the consultation strategy.

It is proposed to remove all the trees from this section of Bultje Street and replant them with *Zelkova seratta* on the northern side of the street and the smaller variety, *Zelkova seratta* 'wireless' on the southern side due to the proximity of overhead powerlines. This project would be completed in 2 stages due to funding constraints, with the northern side being stage 1 to be undertaken between February and the end of March 2018.

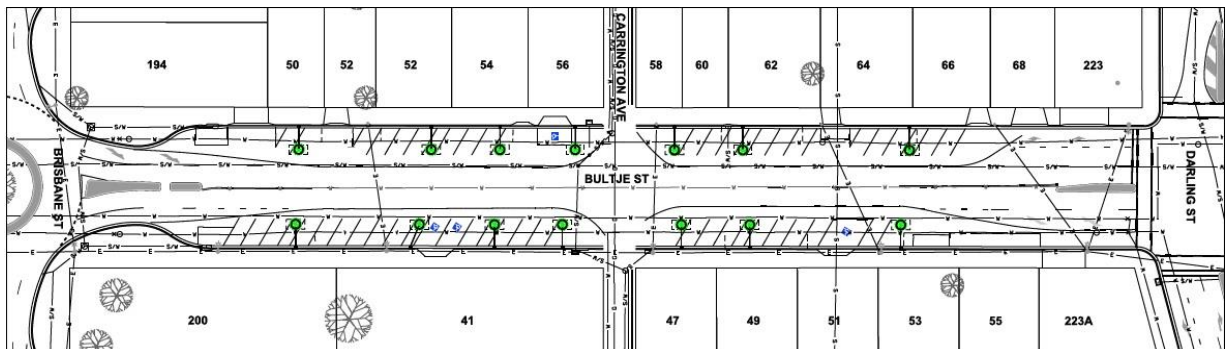


Figure 15: Proposed planting plan for Bultje Street. The use of *Zelkova seratta* or *Z. seratta* 'wireless' would be continued along the length of the Bultje Street.

As part of CBD Heat Island Amelioration project (Bultje Street) Council is required to demonstrate the increase in canopy in this section of Bultje Street over a 10 year period.

Cobra Street / Fitzroy Street Signalisation

Resulting from the continued growth of Dubbo, and the subsequent increase in vehicular traffic along both the north/south (Fitzroy Street) and east/west (Cobra Street) streets the existing traffic control infrastructure (the roundabout) is now at saturation point and is losing its effectiveness.

To alleviate the congestion at this intersection the RMS are proposing to transition the roundabout to traffic lights. To accommodate the proposed changes to lane configurations, specifically on the northern leg, 18 Jacarandas have been identified for removal. There is a small chance that this may be reduced to 14 if the RMS chooses a different sheeting option. In addition, the tree in the roundabout and one other has been identified for removal.

Following a meeting with the project co-ordinator on 19 November 2015 the RMS committed to fully fund the cost of offsetting the loss of these trees through the replanting of super advanced trees. A number of planting locations were discussed:

- Option 1** - central median plantings on some or all of the legs of the intersection,
- Option 2** - a small number of replacement side plantings in Fitzroy Street (north),
- Option 3** - additional planting throughout Elston Park and,

Option 4 - the replanting of Jacarandas along the eastern (Fitzroy Street) and southern (Cobra Street) boundaries of Elston Park.

All four (4) options were assessed in detail before Option 4 was identified as the preferred option. Option 4 is shown below:

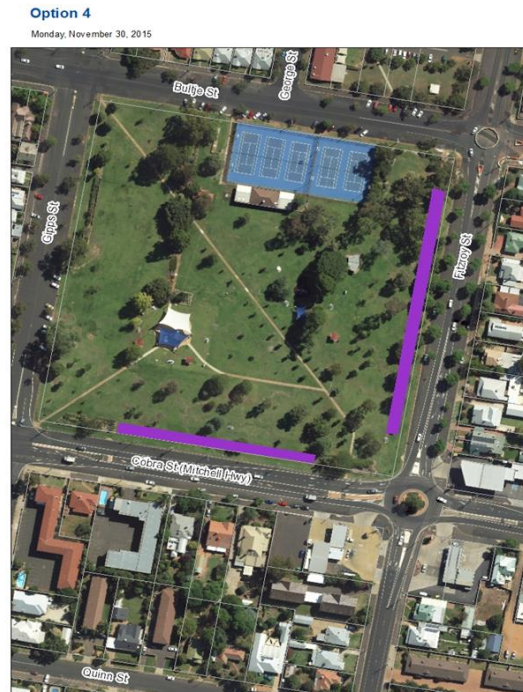


Figure 16: Identified location of the offset planting for the Jacarandas

This option was found to be the most viable and enabled the establishment of formal avenues along both the southern and eastern sides of Elston Park (Cobra Street and Fitzroy Street respectively).

This option was adopted as:

- It retains the historical connection between the Jacarandas and Fitzroy Street.
- The street trees on the southern side of Cobra Street are Jacarandas and the planting of a matching avenue on the northern side will provide an eye-catching streetscape in years to come.

The RMS made a substantial contribution of \$200,000 to enable Council to purchase super advanced Jacarandas as well as covering the costs of delivery, planting and 12 months of establishment. These tree works in terms of installation have been completed noting that some trees are to be replaced due to transplantation failure.

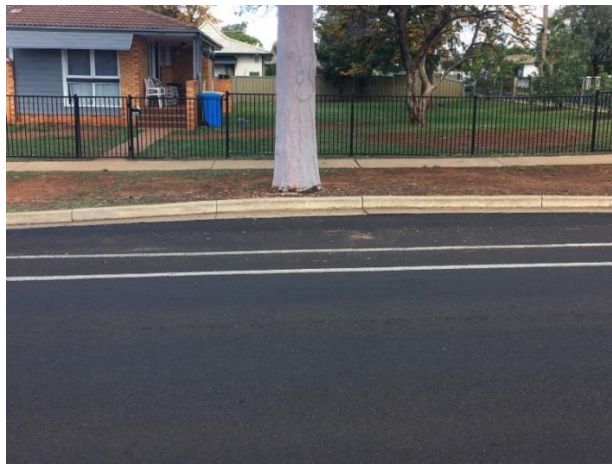
The actual roundabout project was then subsequently delayed by the RMS due to increases in cost estimates. A recent announcement of grant funding to enable this project to progress was made by the Member for Dubbo, Mr Troy Grant MP. A timeline for the commencement of works has not yet been determined.

Tree Retention Initiatives

Aside from these projects Dubbo Regional Council has developed or implemented a number of initiatives over the years to actively retain trees in the streetscapes.

Wheelers Lane – gutter floating

In this instance a number of large Lemon-scent Gums (*Corymbia citriodora*) were starting to damage the kerb and guttering through their structural roots. To overcome this problem and retain the tree, the structural root zone was cleared by water blasting (non-destructive) before root barrier was installed and a new gutter floated over the roots.



Photograph 9. Retention of mature *Corymbia citriodora* in Wheelers Lane through “floating the gutter” over the structural root zone.

As a result of this initiative the line of Lemon-scented Gums was retained and continue to make a significant contribution to the amenity of the streetscape in particular providing shade to social housing from the western sun.

Bellbird Way – installation of steel guttering

A similar guttering issue existed at Bellbird Way where two (2) large *Eucalyptus robusta* (Swamp Mahogany) were starting to lift the gutter resulting in localised flooding. In this instance the old gutter was removed and the area immediately behind the kerb line cleared by water jetting. A 5mm steel gutter was formed and installed. To extend the life of the gutter further it was galvanised. This process was approximately 5% more expensive than reinstalling a concrete kerb and gutter but enabled the trees to be retained.



Photograph 10: Retention of *Eucalyptus robusta* at Bellbird Way through the installation of a formed steel gutter over the structural root zone.

3. Community Consultation

There is no doubt that street trees are a community asset and that they provoke an emotional response when they are removed. Being a community asset, it is reasonable to expect that the public need to be made aware of the impending works, the reasons behind why the works are being undertaken, and importantly what and when Council will be doing to undertake remedial plantings. When Council doesn't clearly and accurately articulate this to our customers' understanding, dissent within the community grows often resulting in a backlash against Council.

It shall therefore be recommended that a "Public Urban Street Tree Removal Policy" detailing the level of community consultation required prior to the removal of public street trees is drafted and submitted to Council in March 2018. This document would be developed in collaboration between Community and Recreation, Infrastructure and Operations and Economic Development and Business (Communications and Stakeholder Engagement). The document would identify the thresholds whereby differing levels of public consultation would be required. It would also clearly articulate what modes of communication are required at each threshold point.

One such model that could be investigated as part of the development of the draft policy is the relating the street hierarchy of Dubbo, and Wellington, as the trigger points for the differing levels of communication. The street hierarchy of Dubbo has been provided below.

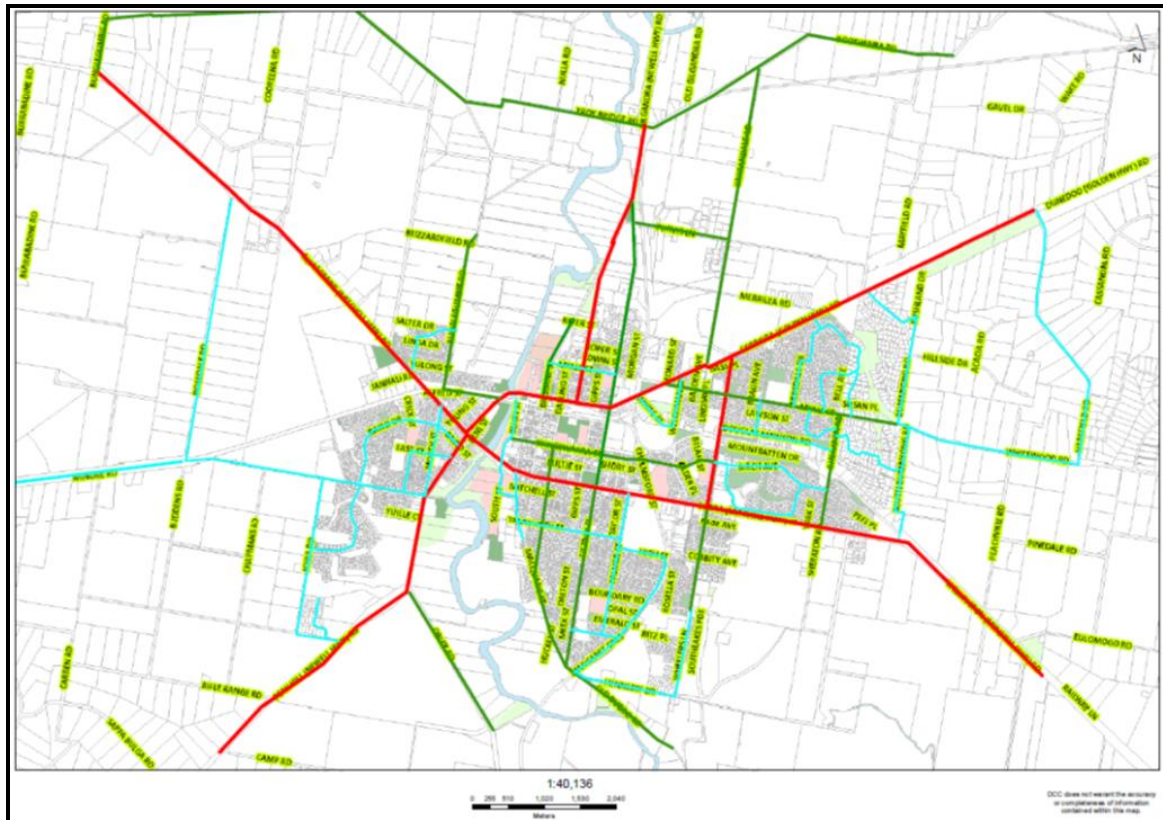


Figure 16: Street hierarchy of Dubbo.

Red – Arterial Roads, Green – Sub arterial, Blue-Collector Roads, Grey – Residential

Integration of the Street Hierarchy of Dubbo, and Wellington, provides the opportunity to set communication / consultation standards within an accepted street framework. For example street tree removal in the:

- Residential areas (grey) could be through a targeted letter box drop to the affected area, plus media releases and through Council’s Facebook page / social media.
- Collector Roads (blue) could be through a broader letter box drop that would be determined on a case by case assessment, media releases, Council’s Facebook page / social media and signage on trees advising of their proposed removal.
- Arterial (red) and Sub-arterial (green) and the Central Business District could be multiple media releases using a range of mediums, development of colour concept images, public meetings, and face to face discussions with affected businesses, advisory signage, social media and polling.

A similar approach is identified through the Dubbo Street Tree Master Plan when a tree planting project is being developed. In this instance residents of the street (residential area) in which the tree plant is to occur are letter box dropped. This letter contains information on a selection of suitable trees that have been identified and the resident is asked to identify their preferred species. This process has been in place for over 10 years and is well accepted and provides the opportunity for residents to develop a sense of ownership and civic pride of their street.

It shall also be recommended that the custodian of this policy be placed with the Community and Recreation Division as the responsibility of street tree management, on behalf of Infrastructure and Operations Division, and enhancement of the horticultural condition of the urban areas, are located in this area.

Dubbo Regional Council Street Tree Committee

At the November 2017 Infrastructure, Community and Recreation Committee it was resolved to put to the November 2017 Ordinary Council Meeting the following:

- 1. That Council form a Committee to review proposed removal and/or replacement of trees required to complete infrastructure projects comprising the Mayor, interested Councillors, the General Manager, the Director Community and Recreation or his nominee, the Director Infrastructure and Operations or his nominee, the Director Planning and Environment or her nominee, and four (4) community representatives.*
- 2. That the Committee undertake a review of Council's strategic master plan for the city's tree scape for the consideration of Council following a community consultation process.*
- 3. That the Director Community and Recreation be requested to develop a draft Council Policy for Urban Street Tree Removal for the review of the Committee and consideration of Council following a community consultation process.*
- 4. That all activities relevant to the Urban Street Tree Removal Policy be reported to the Committee and Council on a quarterly basis.*
- 5. That the proposed removal of and/or replacement of trees required as part of Council's infrastructure projects, apart from any projects which are well advanced and subject to contractual obligations, (being the Boundary Road Extension project, the Bultje Street - Dubbo CBD Heat Island Amelioration project and the Cobra/Fitzroy Street Signalisation Project and Erskine Street, west of Darling Street) be postponed until a community committee has been established to review such proposed tree removal and/or replacement with recommendations to Council's Infrastructure, Community and Recreation Committee.*

SUMMARY

Dubbo Regional Council has a responsibility to the community to effectively manage the street trees of the urban areas of Dubbo, Wellington and the villages to ensure that the quality and extent of the urban forest improves over time. As part of this responsibility Dubbo Regional Council needs to develop and implement a Public Urban Street Tree Removal Policy that clearly articulates what level of community consultation and communication is required at each threshold point. These thresholds need to be identified numerically (ie. how many trees are affected), where the trees are located, and what the acceptable standard of communication is to effectively advise our customers.

There are also opportunities to better align civil infrastructure renewal programs with upcoming street tree renewal requirements, as identified by the Useful Life Expectancy audit results. Through the development of an integrated renewal program Council can achieve operational and cost efficiencies and reduce the level of disruption to our customers.

A key role of the proposed Street Tree Committee shall be to meet at regular intervals and provide community input into small and large infrastructure projects that impact on street trees.



DUBBO REGIONAL
COUNCIL

REPORT: Bodangora Wind Farm Community Benefit Fund Round 1

AUTHOR: Director Community and Recreation
REPORT DATE: 5 December 2017
TRIM REFERENCE: ID17/2170

EXECUTIVE SUMMARY

The former Wellington Council entered into a Planning Agreement with Infigen - Bodangora Wind Farm Pty Ltd., dated 1 March 2013. Contained within the agreement is detail surrounding 'Development Contributions.' One of the contribution streams is the Community Benefit Fund which is defined as \$50,000 paid per annum for 25 years, with 50% payable on 1 July and 50% payable on 5 January each year.

Currently Council has \$50,000 in the restricted asset for the Community Benefit Fund and in this regard Council at its October 2017 Ordinary Meeting resolved to roll out Round 1 of a community benefit fund grant process. Twenty four applications for funding were received in this round requesting a total of \$155,877.97 This report recommends that eight (8) applications totalling \$50,000 be approved, funded from the \$50,000 currently available with the restricted asset Bodangora Wind Farm Community Benefit Fund.

Under the Voluntary Planning Agreement, Council is due to receive another \$25,000 payment to the Bodangora Wind Farm Community benefit Fund in July 2018. In this regard the Bodangora Wind Farm Community Consultative Committee (BWFCCC) has recommended that Round 2 be rolled out in July 2018 with the available pool being \$25,000 and the upper limit of applications being \$5,000.

ORGANISATIONAL VALUES

Customer Focused: The community benefit program provides to successful organisations funding which enables them to improve the quality of life for the Wellington/Bodangora community.

Integrity: All applications were considered in a transparent manner with regards to the funding criteria contained within the funding application. Declarations of interest were declared and recorded in the minutes of the BWFCCC.

One Team: Council is working with Infigen and community members of the Community Consultation Committee to create an equitable and transparent grant funding program for the Wellington/ Bodangora district.

FINANCIAL IMPLICATIONS

Funding of \$50,000 is available from the Voluntary Planning Agreement payments made to Council by the Bodangora Windfarm developer.

POLICY IMPLICATIONS

The proposed successful recipient's projects are consistent with the Bodangora Community Benefit Fund guidelines. The Fund is being managed in accordance with the Voluntary Planning Agreement between Council and Infigen.

RECOMMENDATION

1. That the information contained within the report of the Director Community and Recreation dated 5 December 2017 be noted.
2. That the following projects be allocated funding from the Bodangora Wind Farm Community Benefit Fund:
 - Wellington Touch Association \$2,621.72
 - Wellington Information and Neighbourhood Services Inc \$10,000
 - St John Ambulance - Wellington Division \$9,200
 - Wellington Senior Citizens Club Inc \$4,165.89
 - Wellington Historical Society Inc \$3,000
 - Mt Arthur Reserve Trust \$8,539
 - Wellington Connect Inc T/a Wellington Men's Shed \$6,773.39
 - Wellington District Cricket Association \$5,700
3. That all applicants be advised of the outcomes of their funding application and unsuccessful applicants be advised as to other opportunities to obtain funding.
4. That Round 2 of the Bodangora Community Benefit Fund call for submissions in July 2018 with the available pool being \$25,000 and the upper limit of grant applications being \$5,000.

Murray Wood
Director Community and Recreation

BACKGROUND

The former Wellington Council entered into a Planning Agreement with Infigen - Bodangora Wind Farm Pty Ltd., dated 1 March 2013. Contained within the agreement is detail surrounding 'Development Contributions.' Three streams of payments to Council are required and are identified as:

1. Community Benefit Fund
2. Road Maintenance
3. Project Related Council Administration and Observations.

The Community Benefit Fund is defined as \$50,000 paid per annum for 25 years, with 50% payable on 1 July and 50% payable on 5 January each year.

Council has received its first payment of \$50,000 and the matter was discussed at the Bodangora Wind Farm Community Consultation Committee (BWFCCC) held on 29 August 2017. The Consultation Committee agreed to a framework for the Community Benefit Fund as articulated in the proposed Bodangora Wind Farm Community Benefit Fund Round 1 Guidelines.

It was considered appropriate by the BWFCCC that the funding be treated as a community grant in a similar manner to the Stronger Communities – Community Grant Round although it is proposed to be restricted to the Wellington/Bodangora district. Given the community has been exposed to the guidelines of the Stronger Community Fund, the proposed Bodangora Community Benefit Fund Guidelines have used a similar format.

Council at the October 2017 Ordinary Meeting of Council resolved:

5. *That the guidelines for the Community Benefit Fund Round 1 be adopted, subject to incorporating any additional requirements as resolved by Council.*
6. *That the Fund Assessment Panel consist of:*
 - *Members of the Bodangora Wind Farm Community Consultation Committee (excluding any staff representative of Dubbo Regional Council) who are at the time of writing:*
 - *Ms Pip Smith*
 - *Mr Ian Rogan*
 - *Mr Cameron Tomkins*
 - *Mr Joe Mason*
 - *Mr Bob Sewell*
 - *Mr Simon Barton*
 - *Mr Brad Rodgers*
 - *Mr Tony Clark (Infigen)*
 - *Mr Stuart Black (Infigen)*
 - *The 2 Councillors of Dubbo Regional Council elected from the Wellington Ward*

It was also resolved that:

7. *That the Fund Assessment Panel provide Council with its recommendations, via a report submitted to the Infrastructure, Community and Recreation Committee as to which bodies should receive funding and that subsequently Council determine the Community Benefit Fund allocation of funding.*

For the Committee to genuinely review each application, consider it and rank it, it was not feasible to meet prior to the agenda close off for the December 2017 Infrastructure, Community and Recreation Committee meeting in accordance with the resolution of Council. In this regard the report has been provided direct to the December 2017 Council meeting.

It was also resolved that:

- *An independent probity advisor appointed by Council to advise the Panel on their deliberations and assessment process.*

In this regard Council shall provide a report to Council's independent auditor detailing the consideration by the Committee, any declarations of interest and subsequent resolutions of Council. Should the subsequent auditor report draw attention to areas of concern, the proposed recipient of the grant shall, if in breach of the guidelines, be required to return the funds to Council. In regards to a risk rating this highly unlikely and the consequence would be minor.

Bodangora Wind Farm Community Grant twenty four (24) applications for funding were received in this round of funding in 2017/2018 requesting a total of \$155,877.97. Criteria for applying for the funding is included on the application form (Appendix 1). This is the round of funding for 2017/2018.

The Bodangora Community Consultative Committee was provided a hard copy of all applications submitted by community groups 22 November 2017. At the same meeting the Committee discussed the process for consideration of the grant applications. In this regard two Committee members were to individually assess each submission against 5 criteria. They were:

1. Deliver social, cultural, economic or environmental benefits to local communities of the Wellington district.
2. Address an identified community priority.
3. Demonstrate that any ongoing or recurrent costs of the project can be met by the community group once grant funding has been expensed.
4. The organisation must demonstrate the capacity to manage funds and deliver the project.
5. Breadth of community exposure.

A scoring spreadsheet was provided by Council to provide structure to the considerations of the Committee. On the 5 December 2017 the Committee met to work through individual rankings to work towards a consensus on the projects to be recommended for funding.

This report recommends that eight (8) applications totalling \$50,000 be approved for funding from the Bodangora Community benefit Fund.

The projects recommended for funding are:

1. Wellington Touch Association \$2,621.72
To promote and encourage the community to participate in a more active and healthy lifestyle. The funds would be to promote workshops for referees, coaches, volunteers and players (both active and intended players). Please note this is half of the requested funding.
2. Wellington Information and Neighbourhood Services Inc \$10,000
To upgrade the big shed with skylights, windows, insulation, security and OHS modifications for a range of groups - Elders, exercise, Older Womens Network, drumming, a theatre group rehearsal and be able to hire it to community groups.
3. St John Ambulance - Wellington Division \$9,200
Purchasing of communication equipment: base radios and radio repeaters which are required in communication in rural and remote areas of NSW.
4. Wellington Senior Citizens Club Inc \$4,165.89
To purchase a portable speaker system, TV and DVD player which will be used for exercise classes, movie afternoons, and singalong sessions. Also to purchase a commercial dishwasher for the facility. Please note this is half of the requested funding.
5. Wellington Historical Society Inc \$3,000
Purchase of display cases for the Victorian kitchen area at Oxley Museum.
6. Mt Arthur Reserve Trust \$8,539
To purchase 9 Replas recycled plastic benches for installation along walking trails, and 5 Reconyx mobile surveillance cameras.
7. Wellington Connect Inc T/a: Wellington Men's Shed \$6,773.39
The funding for this project will go towards stage one of a solar panel system. To be installed on a new complex known as Wellington Men's Shed, 59 Gobolion Street, Wellington. This funding will provide financial and environmental benefits to our community.
8. Wellington District Cricket Association \$5,700
To upgrade the only two cricket nets together available outside Schools.

Appendices:

- 1 [↓](#) Bodangora Wind Farm Community Benefit Fund Round 1 Guidelines v 2

Bodangora Wind Farm Community Benefit Fund

COMMUNITY BENEFIT FUND 2017- GUIDELINES AND SUBMISSION DIRECTION

The Bodangora Wind Farm Community Benefit Fund has been created from Development Contributions arising from the Planning Agreement between Council and Infigen Bodangora Wind Farm Pty Ltd.

For the 2017 Round 1 the Community Benefit Fund shall provide grants to incorporated not-for-profit community groups for projects identified and assessed using an open call for applications.

To be successful for funding, community projects must meet the following criteria:

1. Deliver social, cultural, economic or environmental benefits to local communities of the Wellington district.
2. Address an identified community priority
3. Demonstrate that any ongoing or recurrent costs of the project can be met by the community group once grant funding has been expensed
4. The organisation must demonstrate the capacity to manage funds and deliver the project.

The maximum grant allocation available per project nomination is \$10,000.

There can only be one application per organisation in Round 1.

Applications will be assessed by the Fund Assessment Panel established by Council.

Acquittal reporting on all funded requirements will be a requirement of grant acceptance.

All applicants will be notified of the outcome in writing.

The Fund Assessment Panel reserve the right not to approve funding if the project:

- is salary, remuneration or profit based
- is for a single person
- is religious or political in nature
- requires ongoing funding for continuity
- supports beauty pageants or similar contests
- provides gambling or games of chance
- does not reflect community standards
- denigrates, excludes or offends minority groups
- degrades the natural environment.

HOW ARE THE PROJECTS TO BE ASSESSED?

The Fund Assessment Panel shall use the defined criteria to assess and recommend to Council projects for funding. The panel is to include:

- Members of the Bodangora Wind Farm Community Consultation Committee (excluding any staff representative of Dubbo Regional Council)
- 2 Councillors of Dubbo Regional Council elected from the Wellington Ward
- An independent probity advisor appointed by Council to advise the Panel on their deliberations and assessment process.
- Other members appointed by Council as required.

A report with the recommendations of the Fund Assessment Panel and a separate report from the Independent Probity Advisor shall be submitted to the Council meeting occurring immediately after the Fund Assessment Panel meeting.

Council shall consider the report of the Fund Assessment Panel and determine the applications that shall receive funding.

GRANT MANAGEMENT GUIDELINES

Should your organisation be successful in its application for funding?

Project Scope

As part of your grant application you provided Council with a project scope which includes timeframes and what is being 'purchased' with the funds. The scope must be achieved by the end of the project. It is not acceptable, without written consent of Council to change the scope of the project.

Any change of scope that is not approved by Council's General Manager may result in the original grant amount being reduced or cancelled requiring funds to be returned to Council.

Auspice

Projects may be auspiced through incorporated organisations. If the grant will be managed through an auspice arrangement then the relevant information must be submitted with the application and detailed within the funding agreement.

Use of Grant Funds

Grant funds may be used to leverage grants external to Council. The Bodangora Wind Farm Community Benefit Fund monies cannot be used in conjunction with existing or future Council grants.

Project Finances

Project finances are to be managed to ensure that the project is completed within the budget proposed. Any project costs above the budget provided in the application are the responsibility of the recipient organisation.

Council shall not provide additional funds towards the project other than the grant provided. Grant funds that are not expended on the project shall be returned to Council.

GST is to be treated in accordance with Australian Taxation Office rules.

Project grants are to be expended within 12 months of the grant being provided. Failure to do so without written permission may result in the original grant amount being reduced or cancelled requiring funds to be returned to Council.

Council reserves the right to conduct a financial audit of the project either during the project or on completion of the project.

Recognition

Recipient organisations are required to recognise Council and the Bodangora Wind Farm developer as the funding source on all media, promotional material and project signage. The text to be used is as follows:

“Bodangora Wind Farm Community Benefit Fund: Dubbo Regional Council & Infigen.”

Project Reporting and Acquittal

The recipient organisation is to report to Council via Council’s nominated Council Officer of the project monthly. The report should address:

1. Progress
2. Expenditure
3. Issues
4. Photographs showing progress/ completion of the project.

If there is no progress, then a simple telephone call or email to the nominated Council Officer identifying no progress and the reason is sufficient.

At the end of the project, the organisation is to complete the project acquittal form within 4 weeks of completion and provide it along with copies of receipts to Council. Where the project is via an auspice arrangement, the auspice organisation must provide the acquittal for each individual project. All receipts relating to the project grant are to be provided with the project acquittal.

Expenditure should match funding at the end of the project. Where it doesn’t comments must be provided on the acquittal as to why expenditure is less than or more than the original project budget.

Liability

Council and its officers, Infigen and its officers, members of the Bodangora Wind Farm Community Consultation Committee and other members of the Fund Assessment Panel shall not be responsible for any liabilities incurred or entered into by the recipient organisation as a result of, or arising out of that organisation's responsibilities under the Funding Agreement.

The recipient organisation shall indemnify the Council and its officers, Infigen and its officers, members of the Bodangora Wind Farm Community Consultation Committee and other members of the Fund Assessment Panel against any claim, demand, liability suit costs, expenses, action arising out of or in any way connected with the activities of the organisations or agents in consequence of the Funding Agreement except where the claim, demand, liability, costs or action are caused by the Council and its officers, Infigen and its officers, members of the Bodangora Wind Farm Community Consultation Committee and other members of the Fund Assessment Panel.

Public Liability Insurance may be required for your grant to be approved. If it wasn't submitted within the application then a Certificate of Currency shall be submitted prior to the project commencing.

Future Maintenance or Renewal

Unless agreed in writing at the time of funding approval Council has no obligations regarding ongoing maintenance or renewal of assets created by the project.



REPORT: Container Deposit Scheme (CDS): Reverse Vending Machine Location on Council land.

AUTHOR: Director Community and Recreation
REPORT DATE: 9 December 2017
TRIM REFERENCE: ID17/2194

EXECUTIVE SUMMARY

Under the NSW Container Deposit Scheme (CDS) people will be able to return eligible beverage containers for recycling in exchange for a 10-cent refund. The CDS has commenced in part from 1 December 2017. The aim of the CDS is to reduce the volume of litter in participating states by 40% by 2020.

The network operator, Tomra-Cleanaway is responsible for installation of container collection kiosks and depots across NSW. In recent discussions between Council, NSW government representatives and the network operator a community focused location was desired for installation of the first reverse vending machine in Dubbo.

The former Dubbo City Council had long campaigned for container deposit legislation to be enacted in NSW and particularly in regards to litter reaching the Macquarie River at its December 2015 Ordinary Meeting. More specifically the former Dubbo City Council at its February 2016 Ordinary Meeting resolved:

“That Council make a formal submission to the NSW Government that:

- a) Supports the application of a Container Deposit Scheme (CDS) in NSW that relies on a financial cash incentive in line with the current SA model.*
- b) Seeks the installation of infrastructure for a CDS in respect of plastic, aluminium, steel and glass containers.*
- c) The scope of containers for a NSW CDS includes at a minimum, containers from 150 millilitres to 2 litres to ensure the maximum reduction in litter entering the Macquarie River and surrounding environment.*
- d) Supports the establishment of a nationally consistent CDS framework.*
- e) Seeks the Dubbo local government area to be prioritised as a location for trials and/or the early stages of the rollout of a CDS in NSW.”*

A consistent hotspot for litter in central Dubbo is the Victoria Park precinct and more specifically the skate park area. In regards to placement of a reverse vending machine at this location it was considered as central to all Dubbo residents, in close proximity to a known hotspot, easily accessible to major recreation areas highly utilised by the younger members of the community and is serviceable by sealed surfaces and access to power. In this regard the Victoria Park site was considered an optimal location by Council and government officers.

ORGANISATIONAL VALUES

Customer Focused: The proposed placement is community focused by being accessible by children, central to the Dubbo urban area and consistent with previous community consultation.

Integrity: The proposed placement of a reverse vending machine is consistent with the community's expressed desire for less litter in the general environment and in particular waterways.

One Team: Management of litter is a whole of organisation issue given it involves waste, open space management and the sustainability of the environment.

FINANCIAL IMPLICATIONS

The financial impact on kerb-side recycling at this stage is expected to be minor with greater certainty create dover time as the CDS is rolled out and operational over a longer period of time.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That the information contained within the report of the Director Community and Recreation dated 9 December 2017 be noted.**
- 2. That the location of the first reverse vending machine in Dubbo adjacent to the skate park/Men's Shed area within Victoria Park be noted.**

Murray Wood

Director Community and Recreation

BACKGROUND

The former Dubbo City Council at its Ordinary Meeting held on Monday 24 August 2015, determined:

1. *That the General Manager be requested to convene a meeting of interested parties with a view to addressing the level of rubbish and litter both in and along the Macquarie River.*

On Wednesday 28 October 2015 a public meeting was held at the function room of Apex Oval with 51 people in attendance. The participants came from a variety of interests. They ranged from interested individuals who like recreating on the river, river based tourism operators, a fishing interest group and environmentally focused community groups. Significant concern was raised at this community meeting regarding the amount of litter entering the waterways. There was a consensus that Dubbo wanted to be at the forefront of any NSW-wide initiatives to reduce litter including being an early adopter of a Container Deposit Scheme.

Subsequently The NSW Minister for the Environment, Hon Mark Speakman MP, released the NSW Container Deposit Scheme (CDS) discussion paper for public consultation on Tuesday 22 December 2015. The Government is seeking feedback on the paper by Friday 26 February 2016.

The CDS with a financial incentive has a preventative and a reactive element. It proactively encourages people not to litter in the first place as they know they can get the deposit back themselves. As a reactive measure to people littering the cash-return encourages people, particularly children/youth, to pick up the litter of others.

Dubbo has a significant proportion of its population that have families on fixed incomes and cash returns would arguably be more attractive to children and youth from those families when returning beverage containers for the deposit return.

This is consistent with findings presented in the EPA discussion paper that found wealthier neighbourhoods were less influenced to recycle by a financial incentive and that children, youth and people on fixed incomes have been shown to prefer cash- returns.

Whilst the cost of beverages in single use containers has increased, the current cost of production and the previous cost of consumption did not factor in the total social cost of litter. In other words the manufacturers and consumers were getting a benefit at no cost from public open space (including waterways) being used as packaging disposal sites.

REPORT

Under the NSW Container Deposit Scheme people will be able to return eligible beverage containers for recycling in exchange for a 10-cent refund. The CDS has commenced in part from 1 December 2017. The aim of the CDS is to reduce the volume of litter in participating

states by 40% by 2020. The network operator, Tomra-Cleanaway is responsible for installation of container collection kiosks and depots across NSW. In recent discussions between Council, NSW government representatives and the network operator a community focused location was desired for installation of the first reverse vending machine in Dubbo.

Tomra reverse vending machines overview

ELEMENTS OF THE REVERSE VENDING SYSTEM



- Each Kiosk has two machines with separate openings. One opening can accept glass and the other is for PET and Al Cans
- The machine will have options for charity donation, electronic financial redemption or a voucher redeemable in stores, upon deposit of the container
- A single kiosk is approx 7.5m(l) x 2.5m (w) x 2.4m (h)
- Each Kiosk will be monitored remotely by Tomra, in real time

Kiosk Video

<https://tomra.23video.com/how-to-use-a-reverse-vending-machine>**

***Video to display kiosk functionality only, model not available in Australia*

Council and government officers discussed a location that had access from vehicles, access to power and was seen as a community focused solution to litter. For many years the Victoria Park skate park, whilst highly utilised for its intended purposes, has been a hotspot for litter requiring significant operational resources per annum to clean up (location below).



Given the need for vehicle access both by users and the operators, it was considered that the better location to place the reverse vending machine kiosk within the Victoria park precinct was in the car parking area near both the Men's Shed and the Skate Park.

As discussed previously the ease of access by children/youth to rectify a known hotspot for litter is an advantage for this location. Another is by being close to the Men's Shed it also caters for another distinct demographic of the community but perhaps more importantly provides passive surveillance by community members to inhibit inappropriate dumping of non-recyclables or recyclables unable to be processed by reverse vending machine kiosks. There is also CCTV infrastructure at this location funded by an EPA grant. Furthermore Council has a positive and strong working relationship with the Men's Shed and there is the potential to further cement this relationship by Council engaging the Men's Shed to undertake minor maintenance and cleaning for an agreed fee.



The above image provides the exact location Council staff are exploring with network operator representatives. It was considered by Community and Recreation staff as not impacting on the utilisation of public open space, as being available to user groups of the Victoria Park precinct such as sporting clubs, playground users, aquatic centre users and the afore mentioned Men's Shed and skate park user groups.



REPORT: Dubbo Regional Sports Council consultation on the Victoria Park Redevelopment Proposal

AUTHOR: Director Community and Recreation
REPORT DATE: 12 December 2017
TRIM REFERENCE: ID17/2215

EXECUTIVE SUMMARY

Council has a long history of a constructive relationship with the Sports Council - now the Dubbo Regional Sports Council. The body is a community led committee that is the liaison between the sporting community/user groups and Council. Within the constitution of the Sports Council there is a specified role in regards to planning for sporting facility and infrastructure upgrades. That is:

'to maintain adequate and effective communication between the sporting public and the Dubbo Regional Council in order that the existing and future needs of those participating in and those administering sports are accurately identified and brought to the attention of the Dubbo Regional Council'.

The Management Committee, after meeting with the Mayor on 17 November 2017, put forward a proposal to the office of the Mayor and General Manager. That proposal, that was accepted by the General Manager and the Mayor, was:

- 1. Consultation with DRC Community and Recreation Staff (commenced/on-going)*
- 2. Consultation with the Mayor (Friday 17 November 2017 - completed/on-going)*
- 3. Consultation with the Cycling Club (21 November 2017 - completed/on-going)*
- 4. Proposed Public Information Session on Wednesday 29 November 2017 at the Apex Oval function room regarding the Victoria Park No.1 redevelopment and the Cycling Track/Club relocation Projects.*
- 5. A Special General Committee meeting to be held on Wednesday 6 December 2017 to discuss and receive submissions from Sports Council members regarding the Victoria Park No.1 redevelopment and the Cycling Track/Club relocation Projects.*
- 6. The Management Committee prepare a report based on our community consultation, to be lodged with Council for the December 2017 meeting.*

The meetings and sessions have been held as proposed and before Council is the recommendation from the Sports Council that arose from its stakeholder consultation. A

motion was put before the general membership for a vote. The motion was:

The Dubbo Regional Sports Council recommends Council make a decision on the Victoria Park No.1 Redevelopment project at the December 2017 Council meeting to ensure the project is completed and Grant Funding expended by the December 2019 deadline.

The motion was passed unanimously and is put before Council for their consideration.

In considering the recommendation from the Dubbo Regional Sports Council, Council must also consider the funding agreement. In this regard there are three ways forward.

Firstly, should Council defer a decision in regards to moving forward with the Victoria Park grant funded redevelopment it is effectively a decision not to meet the funding timelines. In this circumstance the Mayor shall need to write to the Minister for Local Government seeking an extension to the funding agreement to December 2020. There is no certainty that this extension shall be granted.

The second option is to decide to move forward with the Victoria Park grant redevelopment by selecting the Charles Sturt University/Council precinct as the location for a new cycling facility. Council would then commence preliminary design of the project, which would include more detailed consultation with user groups through the Advisory Committee structure as well as undertaking activities such as geotechnical investigation. Also with this option, Council shall need to revisit the 2013 Regand Park Master Plan that was adopted by Council and includes the new cycling facility which will no longer be the preferred location.

The third option is to formally decide to not move forward with the Victoria Park Redevelopment project which would require Council to formally advise the Minister for Local Government and return the monies to the NSW government. This option would also require a revision of the 2013 Regand Park Master Plan that was adopted by Dubbo City Council as it includes the site for a new cycling facility which will no longer be relevant as Council is determining the cycle track shall remain at Victoria No. 1 Oval.

ORGANISATIONAL VALUES

Customer Focused: Dubbo Regional Sports Council is an independent representative committee for the sporting and recreational community within the Dubbo Regional LGA. Sports Council currently comprises membership of 44 individual sporting clubs/associations between the communities of Dubbo and Wellington.

Integrity: Council has continued to focus efforts on obtaining grant funding on strategic projects that have been endorsed by Council resolution and Council adopted master plans.

One Team: For Council to put forward successful grant applications for projects valued at \$7.1 million dollars in value, it requires significant input from a number of branches of Council including but not limited to recreation specialists, environmental planning, engineering specialists and the economic development team.

FINANCIAL IMPLICATIONS

Council has received the \$27.76 million from the NSW government that is to fund projects announced by the Member for Dubbo, the Hon. Troy Grant on 7 August 2017 - this includes the Victoria Park Redevelopment project. Depending on Council's determination in regards to moving forward with the Victoria Park Redevelopment, there is potentially a requirement to return \$7.1 million to the NSW Government.

POLICY IMPLICATIONS

Should Council determine that the preferred site for a new cycling facility is at the CSU/Council precinct in north Dubbo OR that the Victoria Park Redevelopment project not proceed, Council shall need to revise the adopted Regand Park Master Plan and after public consultation put a revised Master Plan before Council for adoption.

RECOMMENDATION

- 1. That the report submitted by the Dubbo Regional Sports Council titled "*Victoria Park No.1 Redevelopment & Cycle Track relocation to CSU Regional Sports Hub site*", as attached as Appendix 1 to this report be noted.**
- 2. That Council consider the recommendation of the Dubbo Regional Sports Council in regards to determining the way forward for the Victoria Park Redevelopment grant funded project at the December 2017 Ordinary Meeting of Council.**

Murray Wood

Director Community and Recreation

BACKGROUND

The former Dubbo City Council at an Extraordinary Meeting held 2 May 2011 resolved:

“2. That Council proceed to submit funding applications under the RDAF, round one for Barden Park Athletic Facilities development as priority one and Victoria Park Master Plan as priority two.”

The Victoria Park Master Plan project included the development of a regional centre of excellence for cycling and triathlon at Regand Park. Council was notified later in 2011 that it had been unsuccessful in Round 1 of the Regional Development Australia Fund (RDAF) grant funding. Council took a very proactive approach to understanding the weak points of the Round 1 applications and seeking to improve those areas of the Barden Park application. Subsequently Council selected Barden Park for submission under Round 2 of RDAF program and that was ultimately successful.

In a similar manner Council continued to develop the concept and the business case for redeveloping Victoria No.1 Oval and developing a new cycling facility at Regand Park in accordance with Council’s adopted Master Plan. In this regard a revised business case and grant proposal was submitted to the NSW Government under the Stronger Communities Funding program.

Whilst not successfully allocated monies under this program the project was announced as the recipient of \$7.1 million on 7 August 2017, by the Member for Dubbo, the Hon. Troy Grant MP. This realises a significant project of the former Dubbo City Council and enables Council to create genuine regional centres for rugby union/rugby league/cricket and cycling that are capable of holding provincial and national level tournaments and representative fixtures.

The grant submission allocated expenditure to two (2) distinct projects within the Victoria ovals redevelopment project.

- New cycling facility at a new site \$3,950,000
- Removal of cycle track/fencing/canteen/grandstand \$3,150,000

Given the significance of the project to a number of stakeholder groups, an Advisory Committee was established at the August 2017 Ordinary Meeting of Council that has the following membership:

2. That a Victoria Park Redevelopment Advisory Committee be formed and that the membership consist of:

- *Mayor*
- *Two (2) Councillors*
- *General Manager*
- *Director Community and Recreation*
- *Manager Open Space and Recreation*

- *Sporting Assets Coordinator*
- *Recreation Coordinator*
- *President of the Dubbo Regional Sports Council*
- *Representative of Dubbo Cycle Club*
- *Representative of Dubbo District Cricket Association*
- *Representative of Dubbo Rugby Union*
- *Representative of Dubbo Junior Rugby Union*
- *Representative of Cycling NSW*
- *Representative of Cricket NSW*
- *Representative of Westside Rugby League Football Club*

The strength of the advisory committee structure historically, is that it enables stakeholders to provide advice in regards to the development of infrastructure design and impacts of construction on the relevant sports.

REPORT

Council has a long history of a constructive relationship with the Sports Council - now the Dubbo Regional Sports Council. The body is a community led committee that is the liaison between the sporting community/user groups and Council. Within the constitution of the Sports Council there is a specified role in regards to sporting facility and infrastructure upgrades. That is:

'to maintain adequate and effective communication between the sporting public and the Dubbo Regional Council in order that the existing and future needs of those participating in and those administering sports are accurately identified and brought to the attention of the Dubbo Regional Council'.

The Management Committee of the Dubbo Regional Sports Councils met with the Mayor and the Director Community and Recreation on 17 November 2017. Arising from that meeting was an agreement that Sports Council move forward with a plan to undertake its own independent sporting group consultation and provide the findings from that body of work to Council to assist in the decision making process surrounding the Victoria Park Redevelopment grant funding.

The Management Committee subsequently put forward a proposal to the office of the Mayor and General Manager on Thursday 23 November 2017. That proposal, which was accepted by the General Manager and the Mayor, was:

1. *Consultation with DRC Community and Recreation Staff (commenced/on-going)*
2. *Consultation with the Mayor (Friday 17 November 2017 - completed/on-going)*
3. *Consultation with the Cycling Club (21 November 2017 - completed/on-going)*

4. *Proposed Public Information Session on Wednesday 29 November 2017 at the Apex Oval function room regarding the Victoria Park No.1 redevelopment and the Cycling Track/Club relocation Projects.*

5. *A Special General Committee meeting to be held on Wednesday 6 December 2017 to discuss and receive submission from Sports Council members regarding the Victoria Park No.1 redevelopment and the Cycling Track/Club relocation Projects.*

6. *The Management Committee prepare a report based on our community consultation, to be lodged with Council for the December meeting.*

The report of the Dubbo Regional Sports Council (**Appendix 1**) details the outcomes of their consultation and includes the following detail:

“Over the course of the past 10 weeks, community consultation conducted by the Management Committee has provided a greater understanding of the questions, concerns and benefits raised by not only the key stakeholders impacted by both projects, but also the wider sporting community represented by the Sports Council. The results of which forms the basis of this report, and have ultimately determined the final recommendation proposed to Council for resolution at this meeting.

In addition to the direct consultation with those listed above, the 44 member clubs/associations of Sports Council were provided an opportunity to lodge a written submission, of which posed two project related questions, and also requested feedback and comments, those questions were:

Club/Association’s position on Victoria Park Redevelopment (please tick):

Our club/association supports the Victoria Park Redevelopment

Our club/association does not support the Victoria Park Redevelopment

Club/Association’s position on the proposed Charles Sturt University Site (please tick):

Our club supports the Charles Sturt University Site for the relocation of the Cycle Facility

Our club does not support the Charles Sturt University Site for the relocation of the Cycle Facility

Receipt of the submissions, in addition to the feedback and comments received over the course of the consultation period revealed that both the Victoria Park No.1 redevelopment, and the Cycle Track relocation to the proposed CSU Regional Sports Hub site are heavily supported by the Dubbo Regional Sports Council.”

Furthermore, a motion was put before the general membership meeting held at Apex Oval Function Room 6 December 2017 and endorsed unanimously. That motion is the recommendation that the Dubbo Regional Sports Council is putting before the Council at its Ordinary Meeting of December 2017. That recommendation is:

The Dubbo Regional Sports Council recommends Council make a decision on the Victoria Park No.1 redevelopment project at the December 2017 Council meeting to ensure the project is completed and Grant Funding expended by the December 2019 deadline.

In considering the recommendation from the Dubbo Regional Sports Council, Council must also consider the funding agreement. In this regard there are three ways forward.

Firstly should Council defer a decision in regards to moving forward with the Victoria Park grant funded redevelopment it is effectively a decision not to meet the funding timelines. In this circumstance the Mayor shall need to write to the Minister for Local Government seeking an extension to the funding agreement to December 2020. There is no certainty that this extension shall be granted.

The second option is to decide to move forward with the Victoria Park grant redevelopment by selecting the Charles Sturt University/Council precinct as the location for a new cycling facility. Council would then commence preliminary design of the project which would include more detailed consultation with user groups through the Advisory Committee structure as well as undertaking activities such as geotechnical investigation. Also with this option Council shall need to revisit the 2013 Regand Park Master Plan that was adopted by Council and includes the new cycling facility which will no longer be the preferred location

The third option is to formally decide to not move forward with the Victoria Park Redevelopment project which would require Council to formally advise the Minister for Local Government and return the monies to the NSW government. This option would also require a revision of the 2013 Regand Park Master Plan that was adopted by Dubbo City Council as it includes the site for a new cycling facility which will no longer be relevant as Council is determining the cycle track shall remain at Victoria No. 1 Oval.

SUMMARY

The Dubbo Regional Sports Council is the community based body that represents sports and recreation groups in the Dubbo Local Government Area. A core role of the Sports Council, as defined by its Constitution, is being the link between community based organisations and Council. There is a long productive tradition in this regard where Sports Council is seen as the neutral and independent body that has the wider interests of community based sports at the forefront of its considerations.

The report submitted to Council on the 11 December 2017 details their concerns regarding the grant funding received for the Victoria Park Redevelopment and the potential to not proactively determine a way forward jeopardises the grant and potentially other grant funding opportunities into the future.

Appendices:

- 1 [↓](#) Dubbo regional Sports Council Report to Council in regards to Victoria Park redevelopment
- 2 [↓](#) Dubbo Regional Sports Council Constitution



Report to Dubbo Regional Council, Meeting 18 December 2017

**Victoria Park No.1 Redevelopment &
Cycle Track relocation to CSU Regional Sports Hub site**

Dubbo Regional Sports Council "Sports Council" is an independent representative committee for the sporting and recreational community within the Dubbo Regional LGA. Sports Council currently comprises membership of 44 individual sporting clubs/associations between the communities of Dubbo and Wellington.

A key constitutional objective of Sports Council is *'to maintain adequate and effective communication between the sporting public and the Dubbo Regional Council in order that the existing and future needs of those participating in and those administering sports are accurately identified and brought to the attention of the Dubbo Regional Council'*.

Mr Mayor acknowledged during a recent meeting, *'we are a sporting community, with sports and recreation being a major social and economic driver for our region'*.

After becoming aware of the possible risk of losing the \$8m in funding received for the Victoria Park No.1 redevelopment and the Cycle Track relocation projects, a notion of which is completely unacceptable, the Sports Council Management Committee "the Management Committee", in accordance with the objectives of our constitution, initiated direct consultation with Dubbo Regional Council operational staff, the Mayor, the Dubbo Cycling Club, the Sports Council General Committee, and also extended an invitation to the general public to attend an information session and presentation of the projects.

Over the course of the past 10 weeks, community consultation conducted by the Management Committee has provided a greater understanding of the questions, concerns and benefits raised by not only the key stakeholders impacted by both projects, but also the wider sporting community represented by the Sports Council. The results of which forms the basis of this report, and have ultimately determined the final recommendation proposed to Council for resolution at this meeting.

In addition to the direct consultation with those listed above, the 44 member clubs/associations of Sports Council were provided an opportunity to lodge a written submission, of which posed two project related questions, and also requested feedback and comments, those questions were:

Club/Association's position on Victoria Park Redevelopment (please tick):

- Our club/association supports the Victoria Park Redevelopment
- Our club/association does not support the Victoria Park Redevelopment

Club/Association's position on the proposed Charles Sturt University Site (please tick):

- Our club supports the Charles Sturt University Site for the relocation of the Cycle Facility
- Our club does not support the Charles Sturt University Site for the relocation of the Cycle Facility

Receipt of the submissions, in addition to the feedback and comments received over the course of the consultation period revealed that both the Victoria Park No.1 redevelopment, and the Cycle Track relocation to the proposed CSU Regional Sports Hub site are heavily supported by the Dubbo Regional Sports Council. The benefits identified are as follows:

Victoria Park No.1 - Redevelopment Project:

- An opportunity to bid for high profile, and large spectator sporting events, providing significant social and economical benefits for Dubbo
- The upgrade is consistent with Council's Strategic plans
- Vic Park No.1 is the heart of Dubbo, it should be a central showpiece sporting facility, with both the playing surface and the facilities/amenities long overdue to be renovated
- The upgrade provides an opportunity for increasing and continuing multi-use of that precinct

Cycle track - Relocation to CSU Project:

- The new Cycling facility would be exclusively used by the Cycling Club
- The Cycling club's history of high performing athletes will be accommodated for and enhanced with an exclusive use facility
- The construction of the sub-base and asphalt of the Barden Park athletics track, confirms that the Cycling track construction requirements and tolerances can be achieved
- The new Cycling facility provides an opportunity to bid for and host high profile Cycling events, providing an opportunity to increase the clubs current membership base through increased promotion of the sport
- An opportunity for the multi-use of field space inside the boundary of the criterium track
- The new Cycling Facility commences the CSU Regional Sporting Hub project
- The CSU Regional Sporting Hub project has the ability to provide huge social, economical, educational, and health benefits to multiple areas of not only the sporting community, but the wider Dubbo community in general.

The Dubbo Cycle Club has raised concerns and questions as a result of their required relocation. Consultation with the Cycle Club to date has revealed they do support (in-part) and can identify the value in the Victoria Park No.1 redevelopment, and they also acknowledge and support the benefits of what the proposed CSU Regional Sports Hub can deliver to the Dubbo community. However, the largest concern of the Cycle Club, expressed to Sports Council, is their belief that the \$3.9m budget allocated for the relocation project is inadequate to appropriately develop the new facility. The Cycle Club has declared that without an increased budget they will be in a worse position than that of their current occupation and use of the Vic Park No.1 cycling facility. It has also been requested by the Cycle Club that they want the opportunity to determine an appropriate increased budget before declaring their full support to both projects.

In consideration that the \$3.9m budget is the only funding currently available for the new Cycling facility, and a current time-frame risk exists which requires project planning action to commence immediately to ensure compliance with the \$8m project expenditure date, it is proposed that the new Cycling facility be a **staged development**. It is understood that during the formal sub-project committee consultations the Cycling club will have the opportunity to identify their 'priority requirements and immediate must haves' within the allocated \$3.9m budget. Anything in addition to these requirements, and outside the scope of the current budget could then be planned for Stages 2 or 3 in which additional funding can then be outsourced, with a suitable time-frame to do so. This planned approach ensures expenditure of the current \$8m funding, whilst also providing the Cycle Club with the opportunities they require to determine how their additional +\$5m facility requirements (which have already been independently costed) can be prioritised and staged.

Three main concerns identified by the Sports Council Management Committee during the consultation process are:

1. The advised 18 month project time frame required for the new Cycling facility development alone, in comparison to the Funding Expenditure expiration of December 2019. Noting that in order for the Cycling club's activities to be un-impacted by the relocation, the new cycling facility will need to be completed before the club officially relocates. This then results in an extremely small time-frame to commence and complete the Victoria Park No.1 redevelopment before December 2019.
2. If the CSU Regional Sporting Hub project does not receive the necessary funding to commence, the new Cycling facility is at risk of being isolated.
3. The largest concern of all is the possibility of losing \$8m in grant funding, this is completely unacceptable, and may have severe repercussions with the NSW State Government by jeopardising future grant applications.

To conclude our consultation process, a Special General meeting of the Sports Council was held on 6 December to; provide an update to our members, to hold an open question/answer forum, and to determine what the final recommendation to Council will be as a result of the consultation undertaken by the Sports Council Management Committee.

By unanimous vote of the attending members of the Sports Council (including those members directly impacted by both proposed projects) the following recommendation is proposed to Dubbo Regional Council for resolution at this meeting.

RECOMMENDATION:

The Dubbo Regional Sports Council recommends Council make a decision on the Victoria Park No.1 redevelopment project at the December 2017 Council meeting to ensure the project is completed and Grant Funding expended by the December 2019 deadline.

DUBBO REGIONAL SPORTS COUNCIL CONSTITUTION

1. NAME

The name shall be the DUBBO REGIONAL SPORTS COUNCIL.

2. OBJECTIVES:

The objectives of the Sports Council shall be:-

- (a) To maintain adequate and effective communication between the sporting public and the Dubbo Regional Council in order that the existing and future needs of those participating in and those administering sports are accurately identified and brought to the attention of the Dubbo Regional Council.
- (b) To collaborate with relevant organisations to identify areas that may be suitable for sporting and recreational development. This identification could take place with respect to existing needs but perhaps the greatest value would be in the identification of development required to meet the future demands of sport and recreation.
- (c) To co-operate with the Dubbo Regional Council to ensure that sporting and recreational facilities are provided and maintained at an acceptable standard.
- (d) In co-operation with the Dubbo Regional Council, Government Departments and other bodies/organisation to ensure that wherever possible optimum use is made of existing facilities.
- (e) To recommend to the Dubbo Regional Council priorities in respect of development projects which may be competing for funds.
- (f) To assist with the promotion of local, regional, state and national sporting events.
- (g) To endeavour to co-operate with other agencies in order to keep the community fully informed of those facilities and clubs that exist within the Local Government Area.
- (h) To make recommendations to the Dubbo Regional Council of all

winter and summer seasonal allocations (both senior, junior and school) of sporting facilities.

- (i) To negotiate with the Dubbo Regional Council to establish mutually acceptable fees and charges for use of sporting facilities.
- (10) To seek capital funding assistance from Dubbo Regional Council for sporting bodies prepared to undertake and part finance capital works projects designed to improve sporting facilities.
- (11) To raise funds and source grants which will assist in furthering the objectives of the Sports Council.
- (12) Coordinate an awards nights to recognize high achievements by individuals or teams and individuals and businesses who have made a significant contribution to their sport.
- (13) Organise or administer courses, workshops and training for sporting groups to assist with the administration, governance and other areas of running a club.
- (14) Represent as a leader in strategic planning for the future of sport and recreation in the local government area.

3. MEMBERSHIP

The membership shall consist of:-

- (a)(i) A representative of each sporting association conducting competitions within the boundaries of the Dubbo Regional Council
- (ii) A representative from each Club/Association within the boundaries of the Dubbo Regional Council competing in competitions of a regional nature.
- (b) A representative of the State High Schools, one representative of the State Primary Schools, one representative of Dubbo's independent schools.
- (c) Those persons in the community who have an active interest in the promotion and development of sport and recreation in the Dubbo Region, regardless of sporting affiliations.
- (d) The General Manager of Dubbo Regional Council or nominee and Director Parks & Landcare Dubbo Regional Council or his nominee.

(e) The Secretary of the Sports Council in his/her capacity as Manager Recreation Planning & Programs with the Dubbo Regional Council. In the event of a vote being taken each Club/Association in (a) above is entitled to one vote except in the situation where the Club/Association has separate junior and senior controlling authorities in the Dubbo Regional Council area and then each is entitled to one vote. Each member covered by categories (b), (c), (d) and (e) above is also entitled to one vote.

4. AFFILIATION

Affiliation fees are to be fixed each year at the Annual General Meeting and are to be paid within ninety (90) days. Failure to meet this requirement will result in lapse of membership until such fee is paid.

5. OFFICE BEARERS:

Executive:

The Executive is to consist of a President and two Vice-Presidents one from Wellington and the other Dubbo who are members of the Sports Council and who are elected at the Annual General Meeting and the Secretary appointed by the Dubbo Regional Council.

Management Committee

The Management Committee is to consist of the Executive and four other members (three from Dubbo and one from Wellington) who are to be elected at the Annual General Meeting. The Management Committee is to meet as deemed required and a minimum 48 hours notice in writing shall be given. Four members will constitute a quorum for Management Meetings.

The Sports Council

General meetings of the Sports Council shall be scheduled to be held every second month with one meeting in Wellington and another in Dubbo. The first meeting of the Sports Council in each year will be the Annual General Meeting at which the Office Bearers shall be elected and the Annual Report and Treasurer's report shall be submitted.

Attendance

If any member of the Management Committee misses three consecutive meetings without apology his/her position is to be declared vacant.

Vacancies

Any casual vacancy that may occur on the Management Committee are to be filled at the next General Meeting.

6. MANAGEMENT COMMITTEE

The Management Committee may act for the Sports Council provided that it shall advise its decision at the next general meetings of the Sports Council.

The Sports Council at any time may appoint additional members from its numbers to the Executive to bring it up to its maximum or to fill a vacancy.

7. GENERAL MEETINGS

- (a) At least 48 hours notice in writing shall be given for ordinary General Meetings.
- (b) A special Meeting of the Sports Council may be called by the Sports Council, or should the Secretary receive requisition in writing from not less than eleven (11) members of the Sports Council he/she shall forthwith call a Special General Meeting provided that such requisition states the objective of the meeting.
- (c) The President shall be chairman at all General Meetings at which he/she is present and in his/her absence, a Vice-President of the Sports Council will act as Chairman at the meeting.
- (d) Notice of the Annual and Special General Meetings of the Sports Council shall be in writing and given at least fourteen (14) days before such meeting.
- (e) At any General Meeting of the Sports Council the presence of 30% of the members shall constitute a quorum. If no quorum is present within twenty (20) minutes of the advertised time of the meeting,

such meeting shall be postponed for at least seven (7) days and not more than twenty one (21) clear days when due notice of at least forty eight (48) hours having been given, it shall then be held and irrespective of the number of members attending shall be empowered to transact legally the business for which the General Meeting was called.

- (f) Every resolution passed at any General Meetings of the Sports Council shall be binding on all members thereof, whether present there or not.
- (g) A report of each meeting of the Dubbo Regional Sports Council shall be forwarded to Dubbo Regional Council for distribution to all Councillors.

8. FINANCE

- (a) The funds of the Sports Council shall be banked in the name of the Dubbo Regional Council and authorisation to operate thereon by Council Staff.
- (b) Accounts shall be approved by the Sports Council Management Committee at a Management Committee Meeting and authorised by the Secretary.
- (c) The Auditors shall be the Auditors appointed by the Dubbo Regional Council. They shall examine all accounts, receipts and books and be included in Council's Annual Financial Report. This report shall then be presented to a Wellington and Dubbo General Meeting of the Sports Council.
- (d) Any funds raised by the Sports Council shall be used by the Sports Council to
 - (i) develop projects/programmes which it undertakes in its own right
 - (ii) be transferred to the Dubbo Regional Council to be used by that body to further the development of sport in its area.

- (e) The Sports Council has authority to apply for assistance in its own right to any body/organisation which may be in a position to distribute funds for sporting development.
- (f) The Sports Council has authority to accept funds from Government and other sources to develop projects/programmes which are in accord with local requirements and which have been approved by the Dubbo Regional Council.

9. OPERATION OF CONSTITUTION

This constitution and all rules and decisions made by the Sports Council shall be binding on each affiliate and upon all members of the Sports Council.

10. ALTERATION OF THE CONSTITUTION

This Constitution shall not be altered without the approval of the Dubbo Regional Sports Council and unless the proposed alteration is submitted to the Dubbo and Wellington General Meetings of the Sports Council and the notice convening such a meeting contains the proposed alteration or the effect thereof AND UNLESS such proposed alteration is approved by at least three-fourths of the members present at such General Meetings.