



AGENDA

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE

19 FEBRUARY 2018

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.

	Page
PDEC18/1 REPORT OF THE PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING 11 DECEMBER 2017 (ID18/6)	3
The Committee had before it the report of the Planning, Development and Environment Committee meeting held 11 December 2017.	
PDEC18/2 BUILDING SUMMARY - DECEMBER 2017 AND JANUARY 2018 (ID18/226)	9
The Committee had before it the report dated 9 February 2018 from the Director Planning and Environment regarding Building Summary - December 2017 and January 2018.	
PDEC18/3 NOMINATIONS FOR THE WESTERN JOINT REGIONAL PLANNING PANEL (JRPP) (ID17/2218)	28
The Committee had before it the report dated 12 December 2017 from the Manager Building and Development Services regarding Nominations for the Western Joint Regional Planning Panel (JRPP).	
PDEC18/4 LEGISLATIVE UPDATES TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (ID18/179)	32
The Committee had before it the report dated 9 February 2018 from the Manager Strategic Planning Services regarding Legislative Updates to the Environmental Planning and Assessment Act 1979.	

- PDEC18/5 DEVELOPER CONTRIBUTIONS AND ASSOCIATED ISSUES - SOUTHLAKES ESTATE, SOUTH-EAST DUBBO - UPDATE REPORT (ID18/221)** 39
The Committee had before it the report dated 9 February 2018 from the Manager Strategic Planning Services regarding Developer Contributions and Associated Issues - Southlakes Estate, South-East Dubbo - Update Report.
- PDEC18/6 DEVELOPMENT APPLICATION D2017-611 - THREE (3) LOT SUBDIVISION (COMMUNITY TITLE)
PROPERTY: 7 RAWSON STREET, DUBBO
APPLICANT/OWNER: MR N & MRS J DENNIS
DATE LODGED: 24 NOVEMBER 2017 (ID18/170)** 44
The Committee had before it the report dated 12 February 2018 from the Planner regarding Development Application D2017-611 - Three (3) Lot Subdivision (Community Title).
- PDEC18/7 DEVELOPMENT APPLICATION D2017-620 - THREE (3) LOT SUBDIVISION (STRATA TITLE)
PROPERTY: 1 POZIERES STREET, DUBBO
APPLICANT/OWNER: FAODAIL PTY LTD
DATE LODGED: 29 NOVEMBER 2017 (ID18/201)** 125
The Committee had before it the report dated 7 February 2018 from the Planner regarding Development Application D2017-620 - Three (3) Lot Subdivision (Strata Title).
- PDEC18/8 MODIFIED DEVELOPMENT APPLICATION D2016-482 PART 2 - EXTRACTIVE INDUSTRY (QUARRY)
PROPERTY: LOT 211 DP 1220433, 20L SHERATON ROAD, DUBBO
OWNER/APPLICANT: REGIONAL HARDROCK PTY LTD
LODGED: 26 SEPTEMBER 2017 (ID18/216)** 146
The Committee had before it the report dated 12 February 2018 from the Senior Planner regarding Modified Development Application D2016-482 Part 2 - Extractive Industry (Quarry).



**DUBBO REGIONAL
COUNCIL**

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

AUTHOR: Administration Officer - Governance
REPORT DATE: 4 January 2018

The Committee 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.

.....
CHAIRMAN



DUBBO REGIONAL
COUNCIL

REPORT: Building Summary - December 2017 and January 2018

AUTHOR: Director Planning and Environment
REPORT DATE: 9 February 2018
TRIM REFERENCE: ID18/226

EXECUTIVE SUMMARY

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

Appendix 1 includes data relating to the former Dubbo LGA prior to the current financial year and the combined housing figures for Dubbo Regional Council for the current financial year. **Appendices 2 - 9** also include the retrospective figures for the combined LGA.

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

ORGANISATIONAL VALUES

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

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

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

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the information contained in this report of the Director Planning and Environment dated 9 February 2018 be noted.

Melissa Watkins

Director Planning and Environment

REPORT

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

1. Residential Building Summary

Dwellings and other residential developments approved during December 2017 and January 2018 were as follows:

December 2017

Dwellings	19
Other residential development (No. of units)	1 (2)

January 2018

Dwellings	4
Other residential development (No. of units)	5 (8)

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

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

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

2. Approved Development Applications

The total number of approved Development Applications (including Complying Development Certificates) for December 2017 and January 2018 and a comparison with figures 12 months prior and the total for the respective financial years, are as follows:

	<u>1 December 2017 – 31 December 2017</u>	<u>1 July 2017 – 31 December 2017</u>
No. of applications	63	407
Value	\$12,123,875	\$92,513,382
	<u>1 December 2016 – 31 December 2016</u>	<u>1 July 2016 – 31 December 2016</u>
No. of applications	72	438
Value	\$14,806,420	\$98,280,951

	<u>1 January 2018 – 31 January 2018</u>	<u>1 July 2017 – 31 January 2018</u>
No. of applications	40	447
Value	\$8,246,538	\$100,759,920

	<u>1 January 2017 – 31 January 2017</u>	<u>1 July 2016 – 31 January 2017</u>
No. of applications	55	493
Value	\$12,484,636	\$110,765,587

A summary breakdown of the figures is included in **Appendices 2-9**

3. Online Application Tracking

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

What information is available?

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

What information is not available?

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

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

The information included in this report is provided for notation.

Appendices:

- 1 [Building Summary](#)
- 2 [Approved Development Applications - December 2017](#)
- 3 [Approved Development Applications - December 2016](#)
- 4 [Approved Development Applications - 1 July 2017 to 31 December 2017](#)
- 5 [Approved Development Applications - 1 July 2016 to 31 December 2016](#)
- 6 [Approved Development Applications - January 2018](#)
- 7 [Approved Development Applications - January 2017](#)
- 8 [Approved Development Applications - 1 July 2017 to 31 January 2018](#)
- 9 [Approved Development Applications - 1 July 2016 to 31 January 2017](#)

STATISTICAL INFORMATION ON DWELLINGS AND MULTI UNIT HOUSING

	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
2010/2011													
Dwellings	8	15	10	7	2	6	-	6	6	6	7	9	82
Flat Buildings	-	1	0	3	1	-	-	1	1	1	4	-	12
(No of units)	(-)	(2)	(0)	(5)	(2)	(-)	(-)	(2)	(2)	(2)	(7)	(-)	(22)
2011/2012													
Dwellings	6	12	10	6	7	16	4	16	12	8	12	9	118
Flat Buildings	1	1	-	1	2	2	-	-	-	-	-	1	8
(No of units)	(14)	(2)	(-)	(1)	(4)	(3)	(-)	(-)	(-)	(-)	(-)	(16)	(40)
2012/2013													
Dwellings	3	7	14	13	9	3	9	9	13	13	15	13	121
Flat Buildings	4	6	-	-	1	9	-	-	1	-	2	-	23
(No of units)	(8)	(6)	(-)	(-)	(2)	(11)	(-)	(-)	(2)	(-)	(39)	(-)	(68)
2013/2014 (incl. private certifiers)													
Dwellings	23	17	25	20	14	15	19	10	18	14	19	14	208
Flat Buildings	-	1	1	-	-	1	4	2	1	2	-	3	15
(No of units)	(-)	(2)	(2)	(-)	(-)	(2)	(46)	(1)	(2)	(4)	(-)	(6)	(65)
2014/2015*													
Single dwellings	19	34	19	21	13	16	14	12	20	19	15	20	222
Multi unit housing	3	1	6	5	6	12	-	4	2	1	9	5	54
(No of units)	(6)	(2)	(31)	(50)	(6)	(21)	(-)	(87)	(4)	(1)	(25)	(10)	(243)
2015/2016*													
Single dwellings	27	20	26	19	21	26	19	14	16	17	17	22	244
Multi unit housing	6	8	8	4	1	3	3	3	3	5	3	8	55
(No of units)	(50)	(98)	(12)	(7)	(2)	(5)	(18)	(4)	(5)	(14)	(6)	(23)	(244)
2016/2017*													
Single dwellings	24	13	17	18	12	21	16	18	18	14	18	36	225
Multi unit housing	8	5	7	4	6	5	3	2	1	5	4	7	57
(No of units)	(10)	(10)	(13)	(7)	(10)	(16)	(6)	(75)	(2)	(8)	(13)	(14)	(184)
2017/2018 * (Combined figures for Dubbo and Wellington former LGAs)													
Single dwellings	26	21	13	12	16	19	4						111
Multi unit housing	6	9	2	1	9	1	5						33
(No of units)	(11)	(16)	(3)	(2)	(16)	(2)	(8)						(58)

* (Includes private certifiers and redefined land use categories based on LEP definitions)



Civic Administration Building
 P.O. Box 81 Dubbo NSW 2830
 T (02) 6801 4000
 F (02) 6801 4259
 ABN 53 539 070 928

Print Date: 8/02/2018

Print Time: 3:43:17PM

**Approved Development & Complying Development Applications
 by Dubbo Regional Council and Private Certifiers-Period 1/12/2017 - 31/12/2017**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	22	6,471,200	20	6,216,200	2	255,000	18	
Dwelling- Transportable/Relocatable	1	85,343	1	85,343			1	
Dwelling - Secondary/Dual Occ Dwelling	1	765,000	1	765,000			2	
Garage/Carport/Roofed Outbuildings	26	592,392	25	584,392	1	8,000	1	
Fences/Unroofed Structures	1	150,000	1	150,000				
Swimming Pool	5	79,940	5	79,940				
Office & Retail Building	1	1,950,000			1	1,950,000		
Factory/Production Building	2	800,000	1	450,000	1	350,000		
Demolition	3	150,000	3	150,000				
Change of Use - Commercial	1	0			1			
Subdivision - Residential	1	30,000						2
Subdivision - Rural	1	0						
Miscellaneous	3	1,050,000	3	1,050,000				
Totals for Development Types	68	12,123,875						

Total Number of Applications for this period: 63

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

— End of Report —



Civic Administration Building
P.O. Box 81 Dubbo NSW 2830
T (02) 6801 4000
F (02) 6801 4259
ABN 53 539 070 928

Print Date: 8/02/2018

Print Time: 3:45:10PM

Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/12/2016 - 31/12/2016

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	25	7,783,288	24	7,697,288	1	86,000	25	6
Dwelling - Secondary/Dual Occ Dwelling	1	100,000	1	100,000			1	
Dwelling - Dual Occupancy, one storey	3	1,428,942	3	1,428,942			7	
Medium Density Res - one/two storeys	1	1,600,000	1	1,600,000			10	
Garage/Carport/Roofed Outbuildings	17	325,982	17	325,982				1
Swimming Pool	7	152,750	6	128,150	1	24,600		1
Retail Building	1	92,000			1	92,000		
Retail & Residential Building	4	740,000			2	740,000		
Warehouse/storage	1	400,000			1	400,000		
Infrastructure - Transport, Utilities	2	193,620	1	93,620	1	100,000		
Educational Building	2	93,980	1		1	93,980		
Signs/Advertising Structure	1	95,985	1	95,985				2
Demolition	4	55,873	3	45,873	1	10,000		
Change of Use - Commercial	1	0	1					
Subdivision - Residential	3	0						2
Subdivision - Rural	3	0	1					2
Miscellaneous	5	1,744,000	4	1,684,000	1	60,000		
Totals for Development Types	81	14,806,420						

Total Number of Applications for this period: 72

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

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/12/2016 - 31/12/2016**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
-------------------------	---------------------------------------	----------------	-----------------------------	----------------	--	----------------	--------------------------	---------------------

———— End of Report ————



Civic Administration Building
P.O. Box 81 Dubbo NSW 2830
T (02) 6801 4000
F (02) 6801 4259
ABN 53 539 070 928

Print Date: 8/02/2018

Print Time: 3:46:20PM

Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2017 - 31/12/2017

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	131	37,928,689	105	35,979,124	26	1,949,565	103	
Dwelling- Transportable/Relocatable	4	406,157	4	406,157			4	
Dwelling - Secondary/Dual Occ Dwelling	10	3,690,610	10	3,690,610			16	
Dwelling - Dual Occupancy, one storey	16	6,072,520	16	6,072,520			30	
Medium Density Res - Seniors Living SEPP	1	55,000			1	55,000		
Garage/Carport/Roofed Outbuildings	123	2,670,025	112	2,524,298	11	145,727	2	1
Fences/Unroofed Structures	7	205,984	7	205,984				
Swimming Pool	40	1,043,207	40	1,043,207				
Office Building	1	916,269	1	916,269				
Retail Building	22	7,060,302	2	2,850,000	20	4,210,302		
Motels	1	900,000	1	900,000				
Office & Retail Building	2	2,200,000			2	2,200,000		
Factory/Production Building	4	835,640	2	463,500	2	372,140		
Warehouse/storage	6	4,426,320	5	4,301,320	1	125,000		
Infrastructure - Transport, Utilities	3	520,300	3	520,300				
Educational Building	3	5,290,600	2	4,190,600	1	1,100,000		
Signs/Advertising Structure	3	131,000	3	131,000				
Demolition	8	203,000	8	203,000				
Change of Use - Commercial	6	19,000	2	17,000	4	2,000		
Tourism Development	2	3,015,000	2	3,015,000				
Subdivision - Residential	23	565,750	3					4
Subdivision - Commercial	1	20,000						

Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2017 - 31/12/2017

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Subdivision - Industrial	1	0						
Subdivision - Rural	4	0	1					2
Miscellaneous	16	14,338,009	15	14,338,009	1			
Totals for Development Types	438	92,513,382						

Total Number of Applications for this period: 407

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

— End of Report —



Civic Administration Building
P.O. Box 81 Dubbo NSW 2830
T (02) 6801 4000
F (02) 6801 4259
ABN 53 539 070 928

Print Date: 8/02/2018

Print Time: 3:47:48PM

Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2016 - 31/12/2016

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	135	39,593,539	111	36,899,454	24	2,694,085	112	8
Dwelling- Transportable/Relocatable	1	198,884	1	198,884			1	
Dwelling - Secondary/Dual Occ Dwelling	12	2,490,900	12	2,490,900			16	
Dwelling - Dual Occupancy, one storey	26	7,854,342	24	7,854,342			46	3
Medium Density Res - one/two storeys	3	2,275,000	3	2,275,000			15	
Medium Density Res - Seniors Living SEPP	1	12,825,721	1	12,825,721				
Garage/Carport/Roofed Outbuildings	133	2,563,828	125	2,353,172	8	210,656		2
Fences/Unroofed Structures	3	9,000	3	9,000				
Swimming Pool	43	1,036,113	41	987,413	2	48,700		1
Office Building	3	529,280			3	529,280		
Retail Building	15	3,520,408	1	3,000	14	3,517,408		1
Office & Retail Building	1	30,000			1	30,000		
Retail & Residential Building	4	740,000			2	740,000		
Factory/Production Building	2	3,130,000	2	3,130,000				
Warehouse/storage	10	4,281,000	7	3,551,000	3	730,000	1	
Carpark	2	550,000	2	550,000				
Infrastructure - Transport, Utilities	3	253,620	2	153,620	1	100,000		
Health Care Facility - Hospital	1	50,000			1	50,000		
Health Care Facility - Other	1	68,000			1	68,000		
Educational Building	2	93,980	1		1	93,980		
Entertainment/Recreational Building	1	200,000			1	200,000		
Signs/Advertising Structure	4	143,485	3	123,485	1	20,000		2

Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2016 - 31/12/2016

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Demolition	6	88,473	5	78,473	1	10,000		
Home Industry	3	0	1		2			
Child Care - Centre Based	1	1,530,000	1	1,530,000				
Change of Use - Commercial	7	190,000	4	35,000	3	155,000		
Agricultural Development	1	50,000	1	50,000				2
Tourism Development	1	4,250,000	1	4,250,000				
Subdivision - Residential	26	919,000	2					4
Subdivision - Commercial	2	0	1					6
Subdivision - Industrial	3	12,000			1			2
Subdivision - Rural	5	15,000	1					2
Subdivision - Other	1	0	1					2
Miscellaneous	10	8,789,378	9	8,729,378	1	60,000		
Totals for Development Types	472	98,280,951						

Total Number of Applications for this period: 438

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

— End of Report —



**DUBBO REGIONAL
COUNCIL**

Civic Administration Building
P.O. Box 81 Dubbo NSW 2830
T (02) 6801 4000
F (02) 6801 4259
ABN 53 539 070 928

Print Date: 8/02/2018

Print Time: 3:48:38PM

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/01/2018 - 31/01/2018**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	8	1,800,700	4	1,584,700	4	216,000	4	
Dwelling - Secondary/Dual Occ Dwelling	5	1,702,000	5	1,702,000			8	
Garage/Carport/Roofed Outbuildings	17	347,463	13	300,515	4	46,948		
Swimming Pool	6	110,375	6	110,375				
Retail Building	2	3,529,000	1	580,000	1	2,949,000		
Office & Retail Building	1	50,000			1	50,000		
Signs/Advertising Structure	1	0	1					
Subdivision - Residential	2	520,000						19
Miscellaneous	1	187,000	1	187,000				
Totals for Development Types	43	8,246,538						

Total Number of Applications for this period: 40

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

— End of Report —



**DUBBO REGIONAL
COUNCIL**

Civic Administration Building
P.O. Box 81 Dubbo NSW 2830
T (02) 6801 4000
F (02) 6801 4259
ABN 53 539 070 928

Print Date: 8/02/2018

Print Time: 3:49:07PM

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/01/2017 - 31/01/2017**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	22	5,591,913	15	4,985,413	7	606,500	15	
Dwelling- Transportable/Relocatable	2	337,431	2	337,431			2	
Dwelling - Dual Occupancy, one storey	3	1,095,000	3	1,095,000			6	
Garage/Carport/Roofed Outbuildings	12	138,689	10	119,330	2	19,359		
Fences/Unroofed Structures	1	1,500	1	1,500				
Swimming Pool	4	106,252	4	106,252				1
Retail Building	1	155,650			1	155,650		
Motels	1	0			1			
Warehouse/storage	1	4,800,000	1	4,800,000				
Infrastructure - Transport, Utilities	1	130,000	1	130,000				
Educational Building	2	30,200	1	15,000	1	15,200		
Entertainment/Recreational Building	1	50,001	1	50,001				
Change of Use - Industrial	1	7,000	1	7,000				
Tourism Development	1	12,000			1	12,000		
Subdivision - Residential	3	0						6
Subdivision - Industrial	1	0	1					
Subdivision - Rural	1	0						2
Miscellaneous	1	29,000	1	29,000				

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/01/2017 - 31/01/2017**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Totals for Development Types	59	12,484,636						

Total Number of Applications for this period: 55

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

—— End of Report ——



Civic Administration Building
 P.O. Box 81 Dubbo NSW 2830
 T (02) 6801 4000
 F (02) 6801 4259
 ABN 53 539 070 928

Print Date: 8/02/2018

Print Time: 4:11:30PM

**Approved Development & Complying Development Applications
 by Dubbo Regional Council and Private Certifiers-Period 1/07/2017 - 31/01/2018**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	139	39,729,389	109	37,563,824	30	2,165,565	107	
Dwelling- Transportable/Relocatable	4	406,157	4	406,157			4	
Dwelling - Secondary/Dual Occ Dwelling	15	5,392,610	15	5,392,610			24	
Dwelling - Dual Occupancy, one storey	16	6,072,520	16	6,072,520			30	
Medium Density Res - Seniors Living SEPP	1	55,000			1	55,000		
Garage/Carport/Roofed Outbuildings	140	3,017,488	125	2,824,813	15	192,675	2	1
Fences/Unroofed Structures	7	205,984	7	205,984				
Swimming Pool	46	1,153,582	46	1,153,582				
Office Building	1	916,269	1	916,269				
Retail Building	24	10,589,302	3	3,430,000	21	7,159,302		
Motels	1	900,000	1	900,000				
Office & Retail Building	3	2,250,000			3	2,250,000		
Factory/Production Building	4	835,640	2	463,500	2	372,140		
Warehouse/storage	6	4,426,320	5	4,301,320	1	125,000		
Infrastructure - Transport, Utilities	3	520,300	3	520,300				
Educational Building	3	5,290,600	2	4,190,600	1	1,100,000		
Signs/Advertising Structure	4	131,000	4	131,000				
Demolition	8	203,000	8	203,000				
Change of Use - Commercial	6	19,000	2	17,000	4	2,000		
Tourism Development	2	3,015,000	2	3,015,000				
Subdivision - Residential	25	1,085,750	3					4
Subdivision - Commercial	1	20,000						

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2017 - 31/01/2018**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Subdivision - Industrial	1	0						
Subdivision - Rural	4	0	1					2
Miscellaneous	17	14,525,009	16	14,525,009	1			
Totals for Development Types	481	100,759,920						

Total Number of Applications for this period: 447

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

— End of Report —



Civic Administration Building
 P.O. Box 81 Dubbo NSW 2830
 T (02) 6801 4000
 F (02) 6801 4259
 ABN 53 539 070 928

Print Date: 8/02/2018
Print Time: 3:49:44PM

**Approved Development & Complying Development Applications
 by Dubbo Regional Council and Private Certifiers-Period 1/07/2016 - 31/01/2017**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	157	45,185,452	126	41,884,867	31	3,300,585	127	8
Dwelling- Transportable/Relocatable	3	536,315	3	536,315			3	
Dwelling - Secondary/Dual Occ Dwelling	12	2,490,900	12	2,490,900			16	
Dwelling - Dual Occupancy, one storey	29	8,949,342	27	8,949,342			52	3
Medium Density Res - one/two storeys	3	2,275,000	3	2,275,000			15	
Medium Density Res - Seniors Living SEPP	1	12,825,721	1	12,825,721				
Garage/Carport/Roofed Outbuildings	145	2,702,517	135	2,472,502	10	230,015		2
Fences/Unroofed Structures	4	10,500	4	10,500				
Swimming Pool	47	1,142,365	45	1,093,665	2	48,700		2
Office Building	3	529,280			3	529,280		
Retail Building	16	3,676,058	1	3,000	15	3,673,058		1
Motels	1	0			1			
Office & Retail Building	1	30,000			1	30,000		
Retail & Residential Building	4	740,000			2	740,000		
Factory/Production Building	2	3,130,000	2	3,130,000				
Warehouse/storage	11	9,081,000	8	8,351,000	3	730,000	1	
Carpark	2	550,000	2	550,000				
Infrastructure - Transport, Utilities	4	383,620	3	283,620	1	100,000		
Health Care Facility - Hospital	1	50,000			1	50,000		
Health Care Facility - Other	1	68,000			1	68,000		
Educational Building	4	124,180	2	15,000	2	109,180		
Entertainment/Recreational Building	2	250,001	1	50,001	1	200,000		

Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2016 - 31/01/2017

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Signs/Advertising Structure	4	143,485	3	123,485	1	20,000		2
Demolition	6	88,473	5	78,473	1	10,000		
Home Industry	3	0	1		2			
Child Care - Centre Based	1	1,530,000	1	1,530,000				
Change of Use - Commercial	7	190,000	4	35,000	3	155,000		
Change of Use - Industrial	1	7,000	1	7,000				
Agricultural Development	1	50,000	1	50,000				2
Tourism Development	2	4,262,000	1	4,250,000	1	12,000		
Subdivision - Residential	29	919,000	2					4
Subdivision - Commercial	2	0	1					6
Subdivision - Industrial	4	12,000	1		1			2
Subdivision - Rural	6	15,000	1					2
Subdivision - Other	1	0	1					2
Miscellaneous	11	8,818,378	10	8,758,378	1	60,000		
Totals for Development Types	531	110,765,587						

Total Number of Applications for this period: 493

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

----- End of Report -----



DUBBO REGIONAL
COUNCIL

REPORT: Nominations for the Western Joint Regional Planning Panel (JRPP)

AUTHOR: Manager Building and Development
Services
REPORT DATE: 12 December 2017
TRIM REFERENCE: ID17/2218

EXECUTIVE SUMMARY

For the period following the merger while Council was under Administration, Council in May 2016 resolved to nominate Mr Lindsay Dunstan (Manager Strategic Planning at Mid-Western Council), and Mr Lindsay Mathieson (Director Environmental Services at Gilgandra Shire Council) as Council's nominated representatives on the NSW Western Joint Regional Planning Panel.

With the commencement of the new Council, Council now has the opportunity to nominate new or renominate its two representatives to the JRPP. These representatives can be Councillors or others who meet the criteria for nomination outlined in the Department of Planning and Environment's Planning Panels Operational Procedures.

This report also recommends that in line with the Planning Panels Operational Procedures, completed assessment reports for consideration by the Western Joint Regional Planning Panel are to be referred immediately to the panel secretariat without reference to formal Council meetings for notation.

ORGANISATIONAL VALUES

Customer Focused: Nominating representation on the JRPP will assist in providing informed and timely land use planning decisions on matters before the panel.

Integrity: The recommendation ensures that the current Council endorses its JRPP representatives.

One Team: The recommendation aligns with the One Team value.

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 Council determine its two nominations to represent Council on the Western Joint Regional Planning Panel, for a period not to exceed three (3) years.**
- 2. That Mr Dunstan and Mr Mathieson be acknowledged and thanked for their service in the capacity of Dubbo Regional Council's representatives to the Western Joint Regional Planning Panel.**
- 3. That in line with the Planning Panels Operational Procedures, completed assessment reports for consideration by the Western Joint Regional Planning Panel are to be referred immediately to the panel secretariat without reference to formal Council meetings for notation.**

Stephen Wallace

Manager Building and Development Services

BACKGROUND

The JRPP was established for the Western Region in August 2009. In May 2016, Council resolved to nominate Lindsay Dunstan (Manager Strategic Planning at Mid-Western Council), and Lindsay Mathieson (Director Environmental Services at Gilgandra Shire Council) as Council's nominees on the Panel, both of whom still currently serve in that capacity.

Whilst Mr Dunstan has indicated his desire to now step away from the role, Mr Mathieson has indicated that he is open to re-nomination if that is the desire of Council.

REPORT

The functions of the JRPP are:

- To act as the consent authority for 'regional development' applications; and
- To advise the Minister for Planning and Infrastructure on planning matters in respect of the JRPP's region or perform functions conferred on it by the Minister.

Guides which detail the Planning Panels Operational Procedures and the Code of Conduct can be accessed from the Publications tab at www.planningpanels.nsw.gov.au.

The JRPP makes decisions on regionally significant development which includes:

- Development with a Capital Investment Value (CIV) of over \$20 million;
- Development with a CIV of over \$5 million which is:
 - Council-related;
 - Lodged by or on behalf of the Crown (State of NSW);
 - Private infrastructure and community facilities; or
 - Eco-tourist facilities;
- Extractive industries, waste facilities and marinas that are 'designated development';
- Development with a CIV between \$10 million and \$20 million which are referred to the Regional Panel by the applicant after 120 days;
- Modifications to regional developments under Section 96(2) of the Environmental Planning and Assessment Act, 1979; and
- Crown development application (with a CIV under \$5 million) referred to the Regional Panel by the applicant or local council after 70 days from lodgement as determined, including where recommended conditions are in dispute.

The Western JRPP consists of five (5) members with three (3) of the members (including the chair), appointed by the Minister (State members) and two (2) members nominated by the relevant Council (Council members). In accordance with Schedule 4 of the Environmental Planning and Assessment Act, 1979, at least one of the two Council nominated persons must have expertise in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

This report requests that Council determine its nominees for the Western JRPP for a period not in excess of three (3) years. For Council's consideration, one of the two incumbents, Mr Lindsay Mathieson (Director Environmental Services at Gilgandra Shire Council), has indicated that he is open to re-nomination if that is the desire of Council.

The Planning Panels Operational Procedures in clause 10.13 states:

"The completed assessment report and recommendation is to be immediately forwarded, via electronic means, to the secretariat.

The assessment report is not to be endorsed or presented to the elected council before being forwarded to the secretariat."

In line with this operational procedure, and in the interests of facilitating the most efficient determination of development applications, assessment reports for consideration by the Western Joint Regional Planning Panel are proposed to be referred directly to the panel without reference to formal Council meetings for notation.



REPORT: Legislative Updates to the Environmental Planning and Assessment Act 1979

AUTHOR: Manager Strategic Planning Services
REPORT DATE: 9 February 2018
TRIM REFERENCE: ID18/179

EXECUTIVE SUMMARY

On 10 January 2017 the Department of Planning and Environment publicly exhibited a suite of draft documents in relation to the proposed amendments to the Environmental Planning and Assessment Act, 1979 (EP&A Act). The Department of Planning and Environment received over 470 submissions from councils, community and environmental groups, industry, planning practitioners and individuals.

Parliament passed the Bill without amendment on 15 November 2017 and it was assented on 23 November 2017 as Act No. 60 of 2017. The updates to the Environmental Planning and Assessment Act, 1979 commence on Thursday 1 March 2018. These changes aim to achieve the following:

- Modernise the structure and language of the Act;
- Create new objects to ensure the Act supports a thriving built environment;
- Enhance community participation in the planning system;
- Give communities and councils the tools to shape the future of their local areas;
- Make sure development controls are simpler and up to date;
- Strengthen confidence that approvals and standards will be enforced;
- Emphasise the probity and independence of decision-makers;
- Deliver more efficient approvals from NSW agencies; and
- Create more efficient processes for State significant development, without compromising the rigour of assessment.

This report provides a summary of the amendments to the Environmental Planning and Assessment Act 1979. It is recommended that the report be noted and for a presentation in respect of the various components of the amended Environmental Planning and Assessment Act, 1979 be provided to the members of the Developers Forum at the next available meeting.

ORGANISATIONAL VALUES

Customer Focused: The report aims to summarise and inform the community of the upcoming changes to the Environmental Planning and Assessment Act 1979.

Integrity: The legislation has been reviewed by Council staff to ensure high levels of professional practice is maintained following the legislative changes.

One Team: A number of different Council staff were engaged to provide comment in the preparation of the submission to the Department of Planning and Environment.

FINANCIAL IMPLICATIONS

It is considered that there are no direct financial implications associated with the subject report.

POLICY IMPLICATIONS

The Environmental Planning and Assessment Act, 1979 is the central legislation that guides operation of the NSW Planning System. Whilst the changes included in the amended Act are unlikely to have any direct policy implications for Council, the amendments to the Act will necessitate a review of Council development assessment systems, process and information currently available to the public to ensure compliance with any relevant sections of the amended Act.

At present, it is considered that the amendments to the Environmental Planning and Assessment Act, 1979 are unlikely to present any significant implications for Council's operations. However, this review is ongoing by staff to ensure a seamless transition to the new provisions on 1 March 2018.

RECOMMENDATION

- 1. That the information contained in this report of the Manager Strategic Planning Services dated 9 February 2018 be noted.**
- 2. That an overview in respect of the various components of the amended Environmental Planning and Assessment Act, 1979 be provided to the members of the Developers Forum at the next available meeting.**
- 3. That information regarding amendments be provided to the development industry via an information circular.**

Steven Jennings

Manager Strategic Planning Services

BACKGROUND

On 10 January 2017 the Department of Planning and Environment released a range of proposed amendments to the Environmental Planning and Assessment Act, 1979.

Council at its meeting on 27 March 2017 considered a report in respect of the proposed amendments to the Environmental Planning and Assessment Act, 1979. A copy of the report is available as PDC17/5. Council in consideration of the report resolved as follows:

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

Council's submission in respect of the proposed amendments was generally supportive of the changes, however, a number of areas of concern were raised which required further explanation and consideration by the Department of Planning and Environment. In particular, this included the following:

- The role and focus of the proposed Community Participation Plan and the possibility of duplication within the Integrated Planning and Reporting Framework requirements under the Local Government Act, 1993;
- The mandatory public notification requirements for development applications and possible delays in development assessment processing times;
- The statement of reasons for decisions providing further complexity for all development applications;
- The role and focus of the local strategic planning statement(s) in the planning system.
- The current problems experienced by councils in respect of the assessment of integrated development applications by State Government agencies;
- Recognition of the difficulties in the provision of adequately resourced planning panels in regional areas; and
- The proposed changes to the modification of the development consent regime under the Act, and the possible problems this would result in with councils not having the ability to consider application for minor works undertaken outside of the development consent.

Following the cessation of the public exhibition period, Council did not receive any further correspondence from the Department of Planning and Environment in respect of the issues raised.

The purpose of this report is to provide Council with an analysis of the major components of the amendments to the Environmental Planning and Assessment Act, 1979.

REPORT

The updates to the Environmental Planning and Assessment Act, 1979 are intended to achieve the following objectives:

- To enhance community participation;
- To promote strategic planning;
- To increase probity and accountability in decision-making; and
- To promote simpler and faster processes for all participants.

1. Changes to the Environmental Planning and Assessment (EP&A) Act

A summary of the changes to the EP&A Act and what they will achieve is provided below:

(a) Modernise the structure and language of the Act

The existing Act is approaching 40 years of age. During the life of the Act it has undergone over 150 different amendments. The amended Act has been re-numbered with a decimal numbering system, which includes a total of 10 principal parts.

In addition, a number of provisions in the Act have been moved to the Regulations, and the language of the objects of the Act have been generally modernised.

(b) New objects to ensure the Act supports a thriving built environment

The amended Act now includes the promotion of good design and amenity of the built environment and the sustainable management of built and cultural heritage (including Aboriginal heritage) as new objectives. The amended Act also provides a greater focus on protection of the health and safety of occupants through new objects to encourage the proper construction and maintenance of buildings.

The overall objectives of the Act are important in ensuring both strategic and statutory planning processes can be effectively guided by up-to-date and meaningful objectives reflective of development and societal drivers and trends.

(c) Enhanced community participation in the planning system

The amended Act now places a stronger focus on guiding and encouraging effective community participation across strategic and statutory planning processes. The amended Act recognises the fact that when the community can engage effectively with planning decisions, better planning outcomes are achieved.

The amended Act requires Council to prepare a Community Participation Plan, which will articulate when and how engagement is undertaken.

The changes will also require Council to provide a statement of reasons for a decision in respect of development applications. It is understood that the Department of Planning and Environment is preparing further information in respect of this requirement.

(d) Gives communities and councils the tools to shape the future of their local areas

The amended Act recognises the role of effective strategic planning in guiding our future. The amended Act will require Council's to undertake the preparation of a Local Strategic Planning Statement as described below:

- The statement will set out the 20 year vision for land use across the Local Government Area, special character and values and how these aspects will be managed in the future. The local Strategic Planning Statement will be required to also align with provisions of Council's Community Strategic Plan.
- The Statement will be endorsed by Council and regularly reviewed with the community.

(e) Ensure development controls are simpler and up to date

On a five (5) yearly basis, the amended Act will require a review of the Local Environmental Plan to be undertaken to ensure consistency is maintained with other strategic plans and demographic changes.

In addition, the amended Act also provides a standard format for Development Control Plans to ensure consistency of planning provisions across the State.

(f) Strengthens confidence that approvals and standards will be enforced

The amended Act recognises the increasing shift towards complying development as a key approvals pathways in the planning system. The amended Act is aiming to further strengthen this role through a Council imposed levy to fund the monitoring and enforcement of complying development standards.

In addition, Council's will have the power to issue a seven (7) day stop work notice where required to ensure compliance standards are consistent with approvals granted. The Land and Environment Court will also now have the power to deem a complying development certificate invalid if it fails to meet the appropriate approval standards.

(g) Emphasises the probity and independence of decision-makers

The NSW Government announced significant changes to the development assessment systems and decision making mechanisms associated with development applications for Councils situated in Greater Sydney and Wollongong.

This change included mandatory provision of Independent Hearing and Assessment Panels (IHAP's) to assess sensitive and complex development applications for Councils in these areas.

It is understood at present, the Minister for Planning and Environment does not have any intentions of introducing compulsory provision of Independent Hearing and Assessment Panels for Councils situated outside of Greater Sydney and Wollongong.

- (h) Deliver more efficient approvals from NSW agencies

The amended Act includes changes that will ultimately result in faster approvals from State Public Agencies. This includes the provision of additional support from the Department of Planning and Environment to exercise 'step in powers' and deliver approvals, concurrence or advice on behalf of Agencies.

The process will be supported by an online platform that will provide councils and applicants the ability to track the progress of referrals to State Public Agencies.

- (i) Creates more efficient processes for State significant development, without compromising the rigour of assessment

The amended Act has introduced the provision for 'transferable conditions' in respect of State Significant Development, which will enable an older condition imposed by an agency to be superseded by a new revised condition. A new condition may be reflective of changes to environmental or legislative standards. This provision will provide a clear and concise set of conditions to adhere to without the confusion of duplicate requirements.

In addition, transitional arrangements for former Part 3A projects will be discontinued and future modifications to Part 3A projects will be assessed as State Significant Development.

2. Implementation program

The Department of Planning and Environment has provided information that the amended Environmental Planning and Assessment Act, 1979 will commence operation on 1 March 2018. However, given the scale and breadth of changes included in the amended Act, the Department of Planning and Environment will be undertaking a staged commencement of the various proposes to implement a rolling program of changes to the Act over the next two (2) years as follows:

New Obligation	Estimated Commencement
Modernise the structure and language of the Act	1 March 2018
New objects to ensure the Act supports a thriving built environment	1 March 2018
Enhanced community participation in the Planning System (Community Participation Plan)	Late 2019
Give communities and councils the tools to shape the future of their local areas (Local Strategic Planning Statement)	Mid to late 2019

Ensure development controls are simpler and up to date (LEP Check) (Standard format Development Control Plans)	Late 2019 (LEP Check) Mid 2020 (Standard format development control plans)
Strengthens confidence that approvals and standards will be enforced	Late 2019
Emphasises the probity and independence of decision-makers (Local Planning Panels)	Early 2018
Delivers more efficient approvals from NSW agencies	Late 2018
Creates more efficient processes for State significant development, without comprising the rigour of assessment (Ending transitional arrangements for Part 3A) (Changes to conditions for major projects)	Late 2018 (Ending transitional arrangements for Part 3A) Late 2018 (Changes to conditions for major projects)

SUMMARY

The Department of Planning and Environment will begin their roll out of updates to the Environmental Planning and Assessment Act 1979 with the initial amendments commencing on Thursday 1 March 2018.

It is recommended that information contained herein be noted and for a presentation in respect of the various components of the amended Environmental Planning and Assessment Act, 1979 be provided to the members of the Developers Forum at the next available meeting, and an information circular be provided to the development industry to advise of changes to the legislation and any impacts there may be.



REPORT: Developer Contributions and Associated Issues - Southlakes Estate, South-East Dubbo - Update Report

AUTHOR: Manager Strategic Planning Services
REPORT DATE: 9 February 2018
TRIM REFERENCE: ID18/221

EXECUTIVE SUMMARY

Council at its meeting on 27 November 2017 considered a report in respect of developer contributions and other associated issues for the Southlakes Estate, which is situated in South-East Dubbo.

Item 4 of Council's resolution states as follows:

"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."*

Following Council's resolution at its meeting on 27 November 2017, consultants Cardno (formerly Willing and Partners) have been engaged to undertake a review of Catchment 3.1, Keswick Trunk Drainage Scheme under the provisions of the Section 94 Contributions Plan for Stormwater.

At present Council has not received the finalised consultancy from Cardno and subsequently, the results of the consultancy cannot be further considered at this time.

Following receipt of the consultancy assessment from Cardno Pty Ltd, a further report will be prepared for the consideration of Council. This report will include information in respect of the trunk stormwater infrastructure delivered, infrastructure still required to be delivered and overall cost of infrastructure.

It is recommended that this report be noted.

ORGANISATIONAL VALUES

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

Integrity: Council staff from across the organisation in considering the issues raised with Maas Group Family Properties, have maintained integrity and understanding of the proponent's issues.

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

FINANCIAL IMPLICATIONS

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 this report of the Manager Strategic Planning Services dated 9 February be noted.**
- 2. 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 for consideration at the next available Council meeting.**

Steven Jennings

Manager Strategic Planning Services

BACKGROUND

Council at its meeting on 27 November 2017 considered a report in respect of developer contributions and other associated issues for the Southlakes Estate, which is situated in South-East Dubbo.

Council, in consideration of the report resolved as follows:

- “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 52,116.77 square meters of Lot 36 DP 1233637 for the purpose of the future development of the Southern Distributor Road under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991, with a further report forwarded to Council in due course.*

7. *That Council undertake a land swap with Maas Group Family Properties to exchange 3.152 hectares of Council owned land for approximately 5.817 hectares of land owned by Maas Group Family Properties as shown here in Appendix 8.*
8. *That the land swap included in item 7 be at no cost to Council (ie a direct swap of land with no monetary compensation).*
9. *That the land swap included in item 7 not be formalised until the Minister for Planning has gazetted the Planning Proposal for the Southlakes Estate (R16/5).*
10. *That consideration of a Works-In-Kind Agreement for the provision of sewer and water infrastructure be deferred pending completion and adoption of the complete Structure Plan for Southlakes Estate including Lot 2 DP 880413.*
11. *That Council not accede to the request to enter into a Voluntary Planning Agreement (VPA) in respect of road infrastructure for Stage 2 including Lot 2 DP 880413 of the Southlakes Estate.*
12. *That any necessary documentation to facilitate the land swap be executed under the Common Seal of Council.”*

Item 4 of Council’s resolution states as follows:

“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.”*

In respect of item 4 of Council’s resolution, the subject land is situated in Catchment 3.1, Keswick Trunk Drainage Scheme under the provisions of the Section 94 Contributions Plan for Stormwater. Contributions for development undertaken in the subject catchment are levied on a per lot basis, in accordance with the Keswick Trunk Drainage Feasibility Study which was prepared by consultants Willing and Partners Pty Ltd in 1995.

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

The purpose of this report is to provide an update to Council in respect of Item 4 of Council's resolution at its meeting on 27 November 2017.

REPORT

Following Council's resolution at its meeting on 27 November 2017, consultants Cardno (formerly Willing and Partners) have been engaged to undertake a review of Catchment 3.1, Keswick Trunk Drainage Scheme under the provisions of the Section 94 Contributions Plan for Stormwater, including an analysis of the infrastructure requirements to facilitate development of the catchment.

At present, Council has not received the required consultancy from Cardno and subsequently, the results of the consultancy cannot be further considered at this time.

Following receipt of the consultancy assessment from Cardno Pty Ltd, a further report will be prepared for the consideration of Council. This report will include information in respect of the trunk stormwater infrastructure delivered, infrastructure still required to be delivered and overall cost of infrastructure.

Further, the report will also include additional consideration as to whether amendment of the Section 94 Contributions Plan is required or another mechanism, both in respect of development in the catchment and Stage 2 of the Southlakes Estate. In addition, the report will also provide information in respect of possible options for the consideration of stormwater contributions for the Southlakes Estate based on the results of the Cardno consultancy review.

SUMMARY

Following receipt of the consultancy assessment from Cardno Pty Ltd, a further report will be prepared for the consideration of Council. This report will include information in respect of the trunk stormwater infrastructure delivered, infrastructure still required to be delivered and overall cost of infrastructure in South-East Dubbo.

It is recommended that the information contained in this report be noted.



**REPORT: Development Application
D2017-611 - Three (3) Lot Subdivision
(Community Title)**

Property: 7 Rawson Street, Dubbo

Applicant/Owner: Mr N & Mrs J Dennis

Date Lodged: 24 November 2017

AUTHOR: Planner
REPORT DATE: 12 February 2018
TRIM REFERENCE: ID18/170

EXECUTIVE SUMMARY

Development consent is sought for a three (3) lot subdivision (Community Title) at Lot 1 DP 11095, 7 Rawson Street, Dubbo. Specifically, the three (3) lots proposed are described as follows:

Lot 1:

Lot 1, being the Community Lot, is 74 m² and will traverse along the northern side of the existing allotment. This Lot will be utilised for shared service connections only.

Lot 2:

Lot 2 will have an area of 300 m² with an eastern frontage to Rawson Street. This lot will contain the existing residence and a small shed at the rear.

Lot 3:

Lot 3 will have an area of 300 m² and is located to the rear (west) of proposed Lot 1. This Lot will be devoid of any built features. Although not proposed as part of this application it is anticipated that this Lot will be utilised for residential purposes.

The subject site has a minimum lot size of 300 m². As such, the applicant has sought an exemption utilising Clause 4.6 Exceptions to development standards, in relation to proposed Lot 1. Although supported, Planning Circular PS17-006 (**Appendix 1**) outlines the following in relation to the use of clause 4.6:

"... Only a full council can assume the Secretary's concurrence where the variation to a numerical standard is greater than 10% ... The determination of such applications cannot be made by individual council officers unless the Secretary has agreed to vary this requirement for a specific council."

Given the variation sought is numerical (i.e. a variation to the minimum lot size) and greater than 10% the concurrence can only be determined by 'full Council'.

During the public exhibition period, Council received three (3) submissions (**Appendix 2**). The objections raised were in regards to concerns that the development was not in keeping with the character of the area, possible contamination and social impacts. The matters raised are addressed in further detail in this report.

This report considers the proposed development in accordance with Section 79C of the Environmental Planning and Assessment Act, 1979 and recommends approval of the application subject to a 'deferred commencement' consent included as **Appendix 3**.

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: Relevant Council officers from across the organisation 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 Development Application D2017-611 for a three (3) lot subdivision (Community Title) of Lot 1 DP 11095, 7 Rawson Street, Dubbo, be granted 'deferred commencement' consent subject to the conditions included as attached to this report as Appendix 3.**
- 2. That those who made submissions be advised of Council's determination in this matter.**

Josh Smith
Planner

REPORT

1. PROPOSED DEVELOPMENT

Council is in receipt of a Development Application for a three (3) lot Community Title subdivision of a residential property at Lot 1 DP 11095, 7 Rawson Street, Dubbo (see Figure 1 below for proposed subdivision plan). Specifically the three (3) lots proposed are described as follows:

Lot 1:

Lot 1, being the Community lot, is 74 m² and will traverse along the northern side of the existing allotment. This lot will be utilised for shared service connections only.

Lot 2:

Lot 2 will have an area of 300 m² with an eastern frontage to Rawson Street of approximately 11.9 metres. This lot will contain the existing residence (see Figure 2 below) and a small shed at the rear.

Lot 3:

Lot 3 will have an area of 300 m² and is located to the rear (west) of proposed Lot 1. This lot is vacant. Legal access to this lot is available via a public lane to the west. Although not proposed as part of this application it is anticipated that this lot will be utilised for residential purposes and would be the subject of a separate development application.

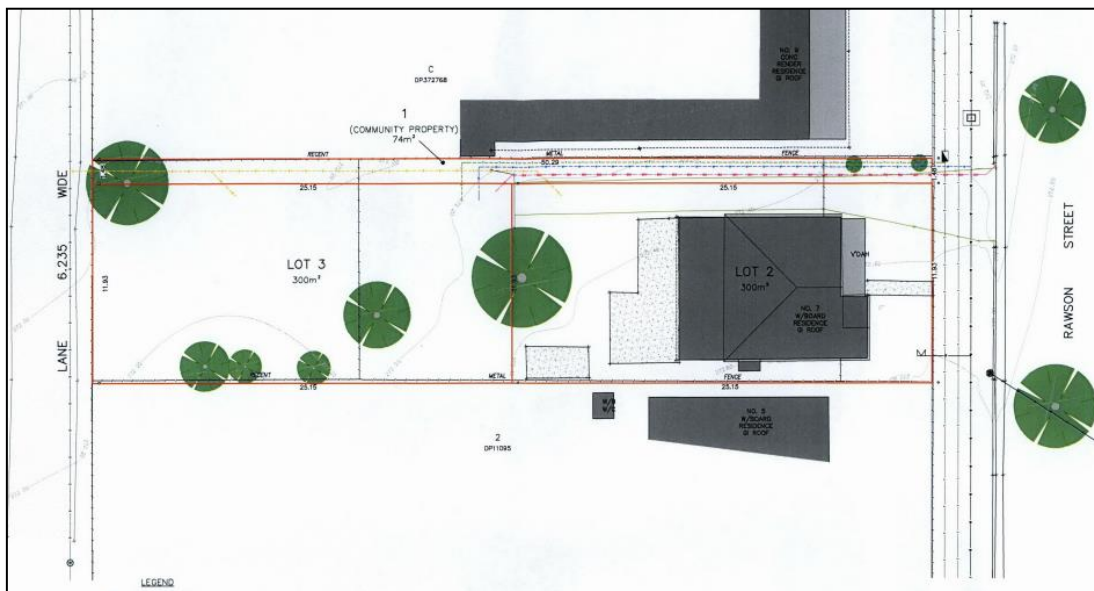


Figure 1: Proposed Subdivision Plan (see also Appendix 4).



Figure 2: Existing dwelling, fronting Rawson Street.

2. SITE CHARACTERISTICS

Locality

The subject property is located on the western side of Rawson Street. It has an area of 674.39 m² with a 13.4 m frontage to Rawson Street and the public laneway. An aerial view of the site and locality is provided in **Figure 3** below.



Figure 3: Locality map of Lot 1 DP 11095, 7 Rawson Street, Dubbo.

Slope

The subject site features no significant slope and falls gradually to the north-west.

Vegetation

The subject site has been previously cleared of all native vegetation. Introduced landscaping (established trees) are located at the rear of the existing dwelling.

Access

Vehicle access to the site is currently available via Rawson Street to the east and a public lane to the west.

Drainage

Stormwater management is discussed under *Section 2.1.3 – Subdivision Controls* below.

Services

The subject site has access to all reticulated services.

Adjoining uses

The subject site is predominantly surrounded by low density residential housing. It is noted however, that infill subdivisions like that proposed have recently been approved within the immediate locality, being 8 Short Street (D2017-76), 1D Rawson Street (D2015-438) and 13 Palmer Street (D2016-469).

3. SITE HISTORY

A review of Council records could not locate an approval for the existing dwelling house. It is considered that the dwelling may have been erected prior to Council records which for the area go back to 1959. Aerial imagery from 1959 appears to show a dwelling located on the subject allotment. Noting such, no further action is considered necessary.

4. LEGISLATIVE REQUIREMENTS S79C(1)

(a) *Do any Environmental Planning Instruments (SEPP, REP or LEP) apply to the land to which the Development Application relates?*

(i) State Environmental Planning Policy (Infrastructure), 2007

The Application was referred to Essential Energy in accordance with Clause 45 to which they responded in the correspondence dated 13 December 2017, raising no objection to the proposed development subject to conditions.

The requirements specified by Essential Energy will be included on the consent as a notation.

Note: While a number of other SEPPs apply to the land, none are specifically applicable to this development.

(ii) Dubbo Local Environmental Plan 2011

The following clauses of Dubbo Local Environmental Plan (LEP), 2011 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

Clause 1.2 Aims of Plan

The proposed development is not contrary to the relevant aims and objectives of this plan.

Clause 1.9A Suspension of covenants, agreements and instruments

An investigation of the legal title for the site revealed that no restriction exists which would prohibit the development in accordance with the provisions of the Dubbo LEP, 2011.

Clause 2.2 Zoning of land to which Plan applies

The subject site is zoned R1 General Residential.

Clause 2.3 Zone objectives and Land Use Table

The proposed development is considered consistent with the following zone objective.

- To provide for a variety of housing types and densities.

While not contrary to them, the remaining zone objectives are not applicable in this instance.

Clause 2.6 Subdivision – consent requirements

The proposal is for a three (3) lot Community Title subdivision which requires development consent.

Clause 2.7 Demolition requires development consent

As part of the proposed development a metal shed at the rear of the site is proposed to be demolished. There are no issues with the demolition of this shed subject to appropriate conditions (**Appendix 3**) in relation to waste disposal being included on any consent.

Clause 4.1 Minimum subdivision lot size

The subject site has a minimum lot size of 300 m². Proposed lots 2 and 3 have an area of 300 m² and therefore comply. Proposed Lot 1 however, being the Community Title lot is only 74 m².

In relation to this allotment, Clause 4.1(4) states as follows:

“(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.”

Council have previously utilised subclause (4) to allow the creation of sub minimal lots within strata and community subdivisions such as the subject proposal. However, a recent NSW Land and Environment Court judgement *DM & Longbow Pty Ltd v Willoughby City Council [2017]* has negated the use of subclause (4) for such purposes. The Court ruled that the standard instrument subclause 4.1(4) was to be interpreted literally (i.e. the exemption applies only when the existing lot is a Strata or Community lot).

Noting such, the applicant has sought an exemption utilising clause 4.6 Exceptions to development standards (see below) and this request is supported.

Clause 4.6 Exceptions to development standards

As outlined above, the proposed development intends to create a Community lot below the minimum lot size. As such, the requirements of Clause 4.6 are addressed as follows:

Subclause (1) – Objectives

The variation of the minimum lot size is considered to be consistent with the objectives of this clause, in that the flexibility to the minimum lot size enables the creation of lots which would facilitate a variety of housing types and densities.

Subclause (2) – Provisions of the LEP which would prohibit operation of Clause 4.6

Clauses 5.4 Controls relating to miscellaneous permissible uses, 6.2 Public utility infrastructure and 6.3 Development Control Plan, are not applicable to the proposed subdivision. Clause 4.6 can therefore be applied.

Subclause (3) – Applicant’s Justification

The applicant is required to justify the variation of the development standard which is summarised from the submitted application as below:

“The requirement to create community property as a "lot" in the scheme has not been considered adequately in the standard LEP document in relation to the prescribed minimum lot size. The intention of the minimum lot size clause is to restrict the minimum lot size for a dwelling and has not considered cases where shared community property is created. It is requested that an exemption under Clause 4.6 be granted in relation to the development standard — minimum lot size.”

Subclause (4) – Granting of Development Consent

Subclause 4 states as follows:

“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.”*

It is considered that the justification provided by the applicant adequately addresses the matters required under subclause (3). It is also considered that the proposed development is in the public interest, in that it is generally consistent with the objectives of Clause 4.1 Minimum subdivision lot size and the objectives of the R1 General Residential zone.

In terms of Clause 4.1, the proposed development is specifically consistent with clause 4.1(1)(b) which states as follows:

“to ensure residential allotments are of a suitable shape and size to provide a building envelope, private open space and suitable setbacks for acoustic and visual privacy”

The development is also considered generally 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 terms of obtaining Secretary’s concurrence, Planning Circular PS17-006 (**Appendix 1**) outlines the following:

“Councils are notified that only a full council can assume the Secretary’s concurrence where the variation to a numerical standard is greater than 10%, or the variation is to a non-numerical standard. The determination of such applications cannot be made by individual council officers unless the Secretary has agreed to vary this requirement for a specific council. In all other circumstances, individual council officers may assume the Secretary’s concurrence.”

Given the variation sought is numerical (i.e. a variation to the minimum lot size) and greater than 10%, assumed concurrence is required by a ‘full Council’. Noting such, the proposed development is referred to Council for its consideration.

Subclause (5) – Considerations by the Secretary

The “full Council” is able to assume the concurrence of the Secretary as stated in subclause (4) above. Subclause (5) is therefore not relevant to this proposal.

Subclause (6) – Granting of Consent in Non Residential Zones

As the site is zoned R1 General Residential, subclause (6) does not apply.

Subclause (7) – Record of Assessment

This report will form a record of assessment in accordance with the requirements of this subclause.

Subclause (8) – Development that cannot be granted

The proposed development does not contravene a development standard for complying development, a commitment as set out in a BASIX certificate or Clauses 5.4, 6.2 and 6.3 of Dubbo LEP, 2011.

In summary, it is considered that the applicant’s request has adequately addressed the matters required under subclause (3) and that the proposed development is consistent with the objectives of Clause 4.1 and the R1 General Residential zone. As such, no objections are raised to the variation sought in relation to the minimum lot size for the Community Title allotment.

Council has written to the NSW Department of Planning and Environment (DPE) seeking clarity in relation to Clause 4.1(4), noting that historically it has been interpreted that Strata/Community lots can be of an area below the minimum lot size, irrespective if the lot being subdivided is within an existing Strata/Community scheme or is a Torrens title allotment. However, when such clarity or resolution from the NSW DPE will be provided is uncertain, accordingly this application is referred to Council for determination.

Clause 5.14 Siding Spring Observatory – maintaining dark sky

The proposed development (subdivision) will not affect observing conditions at the Siding Spring Observatory, having regard to:

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

Clause 7.5 Groundwater vulnerability

The subject site is included on the Natural Resource – Groundwater Vulnerability Map as containing moderately high groundwater vulnerability. The proposed development is not likely to cause groundwater contamination nor will it likely have an effect on any groundwater dependent ecosystems. It is also considered not likely to have a cumulative impact on groundwater.

Clause 7.7 Airspace operations

The site is located within the Obstacle Limitation Surface (OLS) map for Dubbo City Airport. The relevant level on the OLS map is 390 m AHD to the site which has a general ground level of 372.5 m AHD. However, given no building works are proposed as part of this application there will be no impact on the operations of the Airport.

(iii) Draft environmental planning instrument(s)

Council has publically exhibited a Planning Proposal which proposes to undertake a number of administrative and other minor amendments to the Dubbo Local Environmental Plan 2011. It should be noted that no proposed amendments specially relate to the subject site. As such, the proposed amendments do not have any material impact upon the proposed development.

(iv) Dubbo Development Control Plan (DCP), 2013

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

Chapter 2.1 – Residential Development and Subdivision

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

Element 1 – Streetscape Character

The existing dwelling is constructed of weatherboard cladding and galvanised iron. It is considered that its retention onsite will maintain the existing character of the area.

Any future residential development on proposed Lot 3 will be located behind the existing dwelling scarcely visible from Rawson Street. As such, it is considered that the proposed development will have no impacts on streetscape character.

It should be noted, that although not part of this application, the applicant's consultant has outlined that any future dwelling on proposed Lot 3 will front the public lane to the west. There are no overt restrictions which would prohibit a dwelling fronting the public lane, however this would be the subject of a separate development application.

Element 2 – Building Setbacks

The existing dwelling is setback approximately 3.72 m from Rawson Street which is generally consistent with the existing streetscape. Side and rear set-backs are at least 0.9 m in accordance with the Building Code Australia. As such, no concerns are raised with the existing dwellings setbacks.

In terms of proposed Lot 3, it is considered that a dwelling appropriate to the scale of the site could comply with setback requirements, again this would be considered as part of a further development application.

Element 3 - Solar Access

The proposed subdivision will have no impacts on the current levels of solar access for the existing dwelling. It is noted however that any future development on proposed Lot 3 will need to be designed with consideration of solar access to the existing dwelling and adjoining lots.

Element 4 - Private Open Space and Landscaping

The existing dwelling (proposed Lot 2) has sufficient Private Open Space (POS) and Principle Private Open Space (PPOS). POS total area is approximately 117 m² which exceeds 60 m² or (20% of the site area) which is required. PPOS also complies as one (1) area measuring a minimum dimension of 5 m x 5 m has been provided.

In terms of proposed Lot 3, it is considered that a dwelling appropriate to the scale of the site could comply with Council's private open space requirements.

Element 5 - Infrastructure

In terms of the provision of essential services, Council's Building Services Team Leader provided the following comments:

Water Services:

"The existing dwelling located on proposed Lot 2 is currently serviced by Council's reticulated water supply from Rawson Street. As this existing water service is already connected to an existing dwelling and the existing pipework due to its age is not likely to be compliant with current plumbing standards, it would be inappropriate to extend new domestic water plumbing pipework from the existing dwelling's pipework, to proposed Lot 3.

Consequently, as indicated in the submitted 'Proposed Site Plan', Lot 3 should be provided with its own separate property water service by extending such new service from Rawson Street via the Community Property (Lot 1) to Lot 3. In this regard, a condition for the DA consent has been included requiring that a new property water service be provided to Lot 1 to facilitate the connection of a future dwelling upon Lot 3."

Sewage Disposal:

"The existing dwelling located on proposed Lot 2 is currently serviced by Council's reticulated sewage system which according to Council's records is connected to the sewer main in the rear lane way.

Drawing DA02 shows a new sewer junction being extended into Community Property Lot 1, with sanitary drainage pipework then being extended down the Community Property to Lot 2. It will be necessary to disconnect the existing dwelling's sanitary drainage pipework from the existing junction, and redirected to connect to the new pipework extended into Lot 2 from the Community Property lot.

As the existing external sanitary drainage pipework from the dwelling traverses diagonally across proposed Lot 3, it is not feasible or practicable to retain such pipework, as it would prevent a future dwelling being erected upon Lot 3. Consequently, the most practicable and sensible solution would be to redirect the dwelling's sanitary drainage pipework down the Community Property Lot 1 to a new junction extended into such lot from the sewer main located in the rear laneway. This would permit the existing junction within Lot 3 to be reutilised for a future dwelling to be erected on that lot.

Subject to any differing requirement specified by the Senior Development Engineer it is intended to condition that a new sewer junction be extended into the Community Property Lot 1 and sanitary drainage pipework extended from such junction to Lot 2 for reconnection of the existing dwelling."

Council's Senior Development Engineer has reviewed the above comments with no objections raised. The conditions recommended by Council's Building Services Team Leader have been included in the proposed conditions included as **Appendix 3**.

Element 6 - Visual and Acoustic Privacy

The existing dwelling is single storey located on a relatively flat site with 1.8 m high colorbond perimeter fencing. As such, it is anticipated there will be no any adverse impacts in terms of visual or acoustic privacy between the existing dwelling and any future dwelling on proposed Lot 3.

Element 7 – Vehicular Access and Car Parking

Vehicle Access:

Vehicle access to the existing dwelling is via an existing crossover/layback via Rawson Street. Council's Senior Development Engineer has raised no concerns with this vehicle access point subject to the existing layback being upgraded. A condition to this effect has been included in **Appendix 3**.

In terms of vehicle access to proposed Lot 3, the applicant's consultant in the submitted application provided the following comments:

"Proposed Lot 3 and any proposed dwelling will have suitable access from the existing laneway."

Council's Infrastructure and Operations Division have reviewed the above comments with no concerns raised in regard to vehicle access via the existing public lane. As such, no further attention to this is required.

Parking:

In terms of parking for the existing dwelling (proposed Lot 2), there is sufficient space along the northern side of the dwelling to accommodate two (2) vehicles (stack parking) in accordance with DCP requirements. However, as part of the Community Lot will be utilised for such parking, a condition should be attached to the consent requiring a right of carriageway benefitting proposed Lot 2, to be created over any portion of the Community lot (Lot 1) designated for off-street parking.

In terms of proposed Lot 3, it is considered that this lot is of an appropriate size to enable future residential development that could comply with Council's parking requirements.

Element 8 – Waste Management

The existing dwelling retains appropriate areas to store waste disposal bins behind the building line.

In terms of proposed Lot 3, it is considered that this lot is of an appropriate size to enable future residential development that could comply with this element.

Element 9 – Site Facilities

The existing dwelling retains sufficient space for facilities such as mail boxes, clotheslines and storage areas as required.

In terms of proposed Lot 3, it is considered that this lot is of an appropriate size to enable future residential development that could comply with this element.

Element 10 - Non-Residential Uses

Not applicable to this application.

Element 11 – Signage

Not applicable to this application.

Section 2.1.3 – Subdivision Controls

Element 1 - Neighbourhood Design

The subject site is located within an established residential area with dual frontage to Rawson Street (east) and a public lane (west). It should be noted however that this element is more applicable to large scale greenfield subdivisions, not infill subdivision such as that proposed.

A number of other properties utilise the laneway (Figure 4) for access and it is worth noting that the layout proposed allows passive surveillance along the public lane to the west which is considered beneficial to surrounding properties.



Figure 4: Subject laneway facing south.

Element 2 - Lot Layout

The proposed lot on which the existing dwelling will be situated (Lot 2) and a further dwelling permissible (Lot 3) comply with the minimum lot size of 300 m². As outlined above, proposed Lot 2 is of an appropriate size which enables compliance with Council's planning controls (i.e. parking, setbacks, privacy and private open space).

In terms of proposed Lot, 3 it is considered to be of an appropriate size, being the same size as proposed Lot 2 to enable compliance with Council’s planning controls. However, given the size of the lot and therefore restrictive design parameters the following notation should be attached to the consent:

“It is strongly recommended that consultation be undertaken with Council’s Planning and Environment Division prior to finalisation of any designs for development on proposed Lot 3”

In relation to Lot 1, being the Community lot, this Lot will traverse along the northern side of the existing allotment and be utilised for shared service connections only. The applicant’s consultant has clarified that the subject lot is merely a paper subdivision with the physical layout of the development currently reflecting two (2) lots (see Figure 5 below).

However, to ensure a narrow thoroughfare is not created and therefore encourage public use, the following conditions have been included in **Appendix 3**:

“Perimeter fencing shall not be erected along the southern property boundary of proposed Lot 1 being the Community lot”.

“Access to all of the Community lot (Lot 1) shall be readily available to the residents of Lot 2 and 3 only”.



Figure 5: Proposed Lot 3, facing east.

Element 3 - Public Open Space and Landscaping

Not applicable. The proposed subdivision is in-fill development and not of a scale which would warrant the provision of public open space.

Element 4 - Infrastructure

Servicing has been addressed above under Element 5: Infrastructure.

Element 5 - Street Design and Road Hierarchy

Not applicable. The subdivision does not include the construction of a public road.

Element 6 - Pedestrian and Cycle Links

Not applicable. The subdivision will have no impact on pedestrian or cycle links in the area.

Element 7 - Stormwater Management

In terms of stormwater management, Council's Building Services Team Leader provided the following comments in the referral dated 16 January 2018.

Surface Stormwater:

"The submitted SEE has stated that surface water from lot 2 and 3 will naturally flow to the rear laneway following the existing land fall to such laneway. It does not appear feasible to collect and pipe the surface water from Lot 3 to the Rawson Street kerb as there is an uphill rise of approximately 600 mm. As Lot 3 already does fall to Council's existing road infrastructure being the rear laneway, from a building regulatory view point, such lot would not require interallotment stormwater drainage, not that it could be provided anyway as there is no underground pipework in the laneway or Rawson Street.

The only surface water drainage issue to be addressed from a building regulatory aspect is that the surface water from Lot 2 does not drain across proposed Lot 3. This could be achieved by directing Lot 2's surface water to the Community Property (Lot 1) and then having it conveyed directly to the laneway by slightly dishing the Community Property lot to create a swale to the laneway.

It is recommended that a condition requiring that Lot 2's surface water be directed to the Community Property Lot 1, and Lot 1's finished surface profile be modified to provide a direct grade to the rear laneway be included in the consent."

Council's Senior Development Engineer has reviewed the comments above with no objections raised. Accordingly, the conditions recommended by Council's Building Services Team Leader have been included in **Appendix 3**.

Roof Stormwater:

“The existing dwelling on proposed Lot 2 has its roof water piped to the existing Rawson Street gutter. The submitted ‘Proposed Site Plan’ indicates that roof water from Lot 3 is intended to be piped to Rawson Street via pipework intended to be laid in the Community Property Lot 1.

Although such new pipework will likely be running slightly uphill to reach the Rawson Street kerb and gutter, the head from the future dwelling’s roof gutter would push the roofwater out to the street. However, such dwelling’s roofwater downpipes would have to be designed as a charged system by ensuring the pipework is sealed from the kerb to the downpipe, extending up the downpipe to at least 1m above the invert of the street gutter.”

Council’s Senior Development Engineer has reviewed the comments above, with no concerns raised with the capacity of Council’s infrastructure within Rawson Street or the public lane to accommodate such flows.

Element 8 - Water Quality Management

The development will have no significant adverse impacts on the quality of water in the locality.

(iv) Regulations

No matters prescribed by the Regulations impact determination of the Development Application.

5. LIKELY IMPACTS OF THE DEVELOPMENT

(a) Natural and Built Environment

It is considered that the proposed development will not have any adverse impacts on the natural or built environment.

(b) Social/Economic

It is considered that there will not be any adverse social or economic impacts as a result of this proposal.

6. SUITABILITY OF THE SITE

(a) Context, setting and public domain

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

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

- (ii) *Is the external appearance of the development appropriate having regard to character, location, siting, bulk, scale, shape, size, height, density, design and/or external appearance of development in the locality?*

It is considered that the proposed development is appropriate in the context of the locality.

- (iii) *Is the size and shape of the land to which the Development Application relates suitable for the siting of any proposed building or works?*

It is considered the size and shape of the land is suitable for the proposed development.

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

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

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

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

(b) Environmental considerations

- (i) *Is the development likely to adversely impact/harm the environment in terms of air quality, water resources and water cycle, acidity, salinity soils management or microclimatic conditions?*

The proposed development is not likely to adversely impact the environment.

- (ii) *Is the development likely to cause noise pollution?*

Standard conditions relating to hours of construction have been included in **Appendix 3**.

(c) Access, transport and traffic

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

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

7. SUBMISSIONS

The development proposal was placed on public exhibition for 14 days ending the 18 December 2017, in which three (3) submissions were received (**Appendix 2**). Outlined below is a summary of concerns raised and comments in response.

- Proposed Lot 1 (74 m²) is below the 300 m² minimum lot size in accordance with clause 4.1 Minimum subdivision lot size of the Dubbo LEP 2011.

Comment:

Although proposed Lot 1 is below the 300 m² minimum size the applicant has sought an exemption utilising Clause 4.6 Exceptions to development standards. As per the assessment above, the exemption sought is supported noting that Lot 1 is a community lot, is not contrary to the objectives of clause 4.1 *Minimum subdivision lot size* and given the proposed Lot will be devoid of any built features other than shared service connections.

- A common driveway from Rawson Street through to the public lane will be erected along the northern property boundary creating a short cut between the two (2) roads encouraging pedestrian traffic and therefore trespassing, noise and privacy impacts.

Comment:

Lot 1 being the Community lot is common only to the residents of Lots 2 and 3 and is not a public accessway. The applicant's consultant has also clarified that the subject lot is merely a paper subdivision with the physical layout of the development reflecting two (2) lots. Noting such, it is considered the issues outlined above are not applicable.

- There is no space in the public laneway to accommodate parking.

Comment:

In terms of parking for the existing dwelling (proposed Lot 2), there is sufficient space along the northern side of the dwelling to accommodate two (2) vehicles (stack parking) in accordance with DCP requirements (i.e. two (2) spaces per two (2) or more bedroom dwelling).

In terms of proposed Lot 3, it is considered that this lot is of an appropriate size to enable future residential development that could comply with Council's parking requirements. As such, no further action is considered necessary.

- The application does not provide details regarding the future development on proposed Lot 3. Therefore, potential impacts such as solar access, privacy and streetscape character are unknown.

Comment:

The development application is for a three (3) lot Community Title subdivision which has been assessed accordingly. Any future development on proposed Lot 3 will be subject to a separate application whether that be undertaken as Complying Development or lodgement of a Development Application.

- The submitted application is poorly prepared and does not clearly demonstrate why the consent authority should grant consent to the development application.

Comment:

The submitted application clearly demonstrates what is being proposed and is of a standard which enables a thorough assessment and therefore determination.

- A silky oak tree was recently removed in the north-west corner of 7 Rawson Street causing excessive afternoon sunlight into the dwelling at 5 Rawson Street.

Comment:

A review of Council's Significant Tree Register revealed that the subject tree was not listed. Noting such, the removal of the tree does not require approval from Council and Council has no objection to the removal of the subject tree previously located within the confines of a private allotment.

- The development is not compatible with the character of the area due to the following:
 - The subdivision layout is inconsistent with the character of the area; and
 - Future development on proposed Lot 3 is proposed to front the laneway to the west with no other examples of this within the neighbourhood.

Comment:

Although predominantly surrounded by low density residential housing it is noted that infill subdivisions like that proposed have recently been approved within the immediate locality, being 8 Short Street (D2017-76), 1D Rawson Street (D2015-438) and 13 Palmer Street (D2016-469). These approved developments provide for a variety of housing types and densities being a clear objective of the R1 General Residential zone.

It is acknowledged that a dwelling fronting the public lane is unusual, however there are no restrictions which would prohibit such, with the subject lot deemed to be of an appropriate size to enable future development that could comply with Council's development controls.

- The occupants of Rawson Street approximately 20 to 25 years ago dug a pit in what is proposed Lot 3 and disposed of a bed frame and other rubbish and then back filled it in.

Comment:

In accordance with Section 80(3) of the Environmental Planning and Assessment Act, 1979 a 'deferred commencement' condition will be imposed requiring a preliminary site investigation be undertaken given potential waste burial on the property. Prior to issue of the Operational Consent, the preliminary site investigation shall be submitted to Council outlining the results of the investigation and status of the land.

- The public lane does not have the capacity to handle any excess stormwater flow nor does Council's sewerage infrastructure have the capacity for the additional load.

Comment:

As outlined above, roofwater from the existing dwelling (proposed Lot 1) will be discharged to Rawson Street with roofwater from any future dwelling on proposed Lot 2 also piped to Rawson Street. Therefore, only surface water from both proposed lots will be directed to the rear lane. Council's Senior Development Engineer has confirmed that this will not affect the existing situation in relation to stormwater capacity within the lane.

Council's Senior Development Officer has also confirmed that Council's sewerage infrastructure has the capacity to accommodate an additional residential development on proposed Lot 3.

8. PUBLIC INTEREST

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

9. SECTION 64/SECTION 94 CONTRIBUTIONS

a) Water Supply Headwork's Contributions

The subdivision will increase demand on Council's reticulated water system through the creation of Lot 3 for future residential use. As such, contributions will be levied as follows:

- Council's 2017/2018 Revenue Policy rate for 1 Lot (1 ET) is \$5,585.80.

A condition requiring payment of **\$5,585.80** for water supply headworks contributions has been included in **Appendix 3**.

b) Sewer Supply Headwork's Contributions

The subdivision will increase demand on Council's reticulated sewerage system through the creation of Lot 3 for future residential use. As such, contributions will be levied as follows:

- Council's 2017/2018 Revenue Policy rate for 1 Lot (1 ET) is \$5,585.77.

A condition requiring payment of **\$5,585.77** for sewerage supply headworks contributions has been included in **Appendix 3**.

c) Open Space

The subdivision will increase demand on Council's open space and recreation facilities through the creation of Lot 3 for future residential use. As such, contributions will be levied as follows:

Three (3) bedroom dwelling = 2.6 persons per dwelling/Lot

Local Planning Unit = Central (South)

Therefore contribution = (persons/dwelling) x (Local Planning Unit Levy + City wide Planning Unit Levy + Administration Levy)
= 2.6 x (\$784.17 + \$552.61 + \$23.8)
= 2.6 x \$1,360.58
= **\$3,537.50**

A condition requiring payment of **\$3,537.50** for Open Space headworks has been included in **Appendix 3**.

d) Urban Roads

The subdivision will increase demand on Council's urban road system through the creation of Lot 3 for future residential use. As such, contributions will be levied as follows:

Residential housing (trip generation) 11 Trips
Contribution residential (per trip) \$586.80 (ET including admin fee)

The following contribution for urban roads is applicable:

Contribution required = (persons/dwelling) x (trips generated)
= 11 x \$586.80
= \$6,454.80

A condition requiring payment of **\$6,454.80** for Urban Roads headworks has been included in **Appendix 3**.

SUMMARY

The Applicant has sought development consent for a three (3) lot community title subdivision at Lot 1 DP 11095, 7 Rawson Street, Dubbo.

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

The proposed development is consistent with the objectives of the applicable EPIs, DCPs and Council policies and is therefore recommended for approval subject to a 'deferred commencement' consent requiring a preliminary site investigation be undertaken given potential waste burial previously on the property. Upon completion and prior to issue of the Operational Consent, the preliminary site investigation shall be submitted to Council for approval.

Appendices:

- 1 [↓](#) Planning Circular PS17-006
- 2 [↓](#) Submissions
- 3 [↓](#) Deferred Commencement Consent Conditions
- 4 [↓](#) Proposed Subdivision Plan

Planning circular

PLANNING SYSTEM

Varying Development Standards

Circular	PS 17-006
Issued	15 December 2017
Related	Revokes PS-08-003 (May 2008), PS08-014 (November 2008), PS11-018 (August 2011), Circular B1 (March 1989)

Variations to development standards

This circular is to advise councils of arrangements for when councils may assume the Secretary's concurrence to vary development standards, and clarify requirements around reporting and record keeping where that concurrence has been assumed. This circular is primarily resulting from an audit of councils' use of *State Environmental Planning Policy No 1 - Development Standards* (SEPP 1) and Clause 4.6 of the *Standard Instrument (Local Environmental Plans) Order 2006* (SILEP).

Overview of the amendments

This circular replaces Planning Circulars B1, PS08-003, PS08-014 and PS11-018 (the previous circulars) and issues revised assumed concurrence, governance and reporting requirements.

An audit of various councils revealed that some inconsistencies have arisen in the use of the existing assumed concurrence provisions. The concurrence provisions make it clear that council must take into account the Secretary's considerations when assuming concurrence.

Councils are notified that only a full council can assume the Secretary's concurrence where the variation to a numerical standard is greater than 10%, or the variation is to a non-numerical standard. The determination of such applications cannot be made by individual council officers unless the Secretary has agreed to vary this requirement for a specific council. In all other circumstances, individual council officers may assume the Secretary's concurrence.

Notification of assumed concurrence

Under clause 64 of the *Environmental Planning and Assessment Regulation 2000*, council is notified, in accordance with the attached written notification, that it may assume the Secretary's concurrence for exceptions to development standards for applications made under clause 4.6 of the SILEP and clause 6 of SEPP 1.

Procedural and reporting requirements

In order to ensure transparency and integrity in the planning framework the below Departmental monitoring and reporting measures, established in the previous circulars, continue to apply and must be

adhered to by councils when considering applications utilising clause 4.6 of the SILEP or SEPP 1:

- Applications for variations to development standards cannot be considered without a written application objecting to the applicable development standard and addressing the matters required to be addressed in the relevant instrument.
- A publicly available online register is to be established, and its currency maintained, of all variations to development standards approved by council or its delegates. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
- A report of all variations approved, either by council or its delegates, must be submitted to developmentstandards@planning.nsw.gov.au within 4 weeks of the end of each quarter (ie March, June, September and December). Such report must be on the form provided by the Department.
- A report of all variations approved under delegation by staff must be provided to a full council meeting at least once each quarter.

The Department will continue to carry out random audits to ensure the above monitoring and reporting measures are complied with. The Department and the NSW Independent Commission Against Corruption will continue to review and refine the audit strategy. Should ongoing non-compliance be identified with one or more councils, the Department will consider revoking the ability to assume the Secretary's concurrence, either broadly or for a specific non-compliant council.

Audit outcomes

An audit of various councils was undertaken. The audit report can be viewed at www.planning.nsw.gov.au

Further Information

A Guide on Varying Development Standards 2011 is available to assist applicants and councils on the procedures for managing SEPP 1 and clause 4.6 applications to vary standards.

Links to SEPP 1 and the Standard Instrument can be found on the NSW Legislation website at: www.legislation.nsw.gov.au

For further information please contact the Department of Planning and Environment's information centre on 1300 305 695.

Department of Planning and Environment circulars are available at: www.planning.nsw.gov.au/circulars

Authorised by:

Carolyn McNally
Secretary

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

© State of New South Wales through the Department of Planning and Environment www.planning.nsw.gov.au

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000**Written notification of assumed concurrence**

I, the Secretary of the Department of Planning and Environment, under clause 64 of the *Environmental Planning and Assessment Regulation 2000*, hereby give written notification of my assumed concurrence to councils for exceptions to development standards in respect of all applications made under:

- (a) Clause 4.6 of the *Standard Instrument (Local Environmental Plans) Order 2006* (SILEP); or
- (b) Clause 6 of the *State Environmental Planning Policy No 1 - Development Standards* (SEPP 1)

This assumed concurrence is subject to the following matters:

- (1) Council may assume my concurrence in respect of an application to vary a development standard relating to the minimum lot size for the erection of a dwelling on land zoned RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4 (or equivalent zone) only if that allotment has an area equal to or greater than 90% of the minimum area specified in the development standard.
- (2) Prior to assuming my concurrence Council must have consideration of the matters set out in subclause 4.6(5) of the SILEP or clause 8 of SEPP 1.
- (3) When assuming my concurrence in the following circumstances, only a full council (rather than individual council officers) can determine applications:
 - a. Where the variation of a development standard is greater than 10%, or
 - b. Where the development standard being varied is non-numerical.
- (4) Any existing variations which have been granted in writing by me will continue to have effect in accordance with their terms.

Dated: 27.11.17



Carolyn McNally
Secretary, Department of Planning and Environment

P12

SUBMISSION 1

Laura Bastian (nee Steel)
39 Hamilton Street
Hamilton North NSW 2292

24th December 2017

Attention: Josh Smith
Dubbo Regional Council
PO Box 81
Dubbo NSW 2830

Dear Josh,

**Re: Proposed Community Title Subdivision Lot 1 DP11095
7 Rawson Street Dubbo NSW 2830**

Dubbo City	
Parcel.....	D17/41
Asset.....	P12
- 4 JAN 2018	
File C.....	ALW/1418
.....	
.....	

I tried to contact you to discuss the above development application on Friday 22nd December with no luck. I understand the Dubbo Regional Council (DRC) office was closing at 3pm and you were unavailable when I called on two occasions. On the second call at 1.29pm, I spoke with a Steph (she did not provide her surname) and was advised that she may be able to assist me with my queries whilst you were at lunch.

I had some questions regarding the proposed subdivision at number 7 Rawson Street and although Steph informed me the submission cut off had closed mid December, after our conversation encouraged me to submit my concerns in writing regardless.

Below are my concerns with the development application for the aforementioned site:

- The Doherty Smith & Associates Consulting Surveyors report states that: "Proposed lot 3 and proposed dwelling will have suitable access from the existing laneway. It is proposed a wide, splayed driveway be constructed to ensure safe and efficient access is achieved". I am concerned that the proposed development on lot 3 will impact the access to 9 Rawson Street via the back lane and once built will result in cars being parked in the laneway blocking access for other residents. Can you confirm if council will be installing 'no parking' or 'no stopping' signs for the laneway? How will illegally parked vehicles be policed?
- The Doherty Smith & Associates Consulting Surveyors report states that: "To ensure the development is consistent with the character of the immediate locality". I fail to see how subdividing a block and building a second dwelling is consistent with the locality. Currently, majority of the houses in Rawson Street are built on the front of the blocks, with mature, deep rooted landscaping at the rear of the blocks. A mature tree has already been removed from the back of 7 Rawson Street, I am assuming in preparation for construction of a dwelling on proposed lot 3.
- As there currently isn't pressure on land availability in Dubbo to the same extent as major cities such as Sydney & Melbourne, and there are still blocks available to purchase in various estates such as Macquarie View that are only a few minutes from Orana Mall and Macquarie Street, I cannot comprehend why DRC are willing to approve the densifying of Central Dubbo. I fear the proposed subdivision and development at 7 Rawson Street will set a precedent for the area, and will start a domino effect of subdivisions and secondary

dwellings that will undoubtedly alter the 'character of locality' for good and change the streetscape of this area.

- The occupants of 7 Rawson Street approximately 20 to 25 years ago dug a pit in what is proposed lot 3 and disposed of a bed frame and other rubbish and then filled it back in. I would hope the DRC ensures that appropriate geotechnical investigations are carried out to ensure there is no contamination issues resulting from the dumping of waste in the backyard as I would imagine this will need to be disturbed to be removed and/or replaced in preparation for construction on lot 3 to begin.

Steph stated that as long as the block sizes meet the minimum requirements and zoning laws, she does not see why this application would not be approved by DRC. This is a concern to me as I feel that the impacts of such a development on the neighbourhood have not been fully considered and instead of DRC having a neutral approach for everyone in the community they serve, they are neglecting to consider the existing residents in this street.

I would appreciate a response to my above queries in writing prior to a decision being made on this subdivision application.

Kind Regards,



Laura Bastian
Former resident of 9 Rawson Street

SUBMISSION 2

From: [Leslie Andrews](#)
To: [DRC Mailbox](#)
Cc: [Beth Andrews](#)
Subject: Objection to DA 10.2017.611.1 at 7 Rawson Street Dubbo
Date: Friday, 15 December 2017 1:20:12 PM
Attachments: [Storm Water Run Off.pdf](#)
[Objection Points.docx](#)

The General Manager
Dubbo Regional Council

Re: Objection to Development Application 10.2017.611.1 at 7 Rawson Street Dubbo.
Please find attached letter of Objection and Stormwater Runoff presentation.

Malcolm Andrews
5 Rawson Street
Dubbo NSW 2830

Sent from Windows Mail

5 Rawson Street
Dubbo NSW 2830

Tel. 0447065124

Email: leslie.andrews@bigpond.com

15 December 2017

General Manager
Dubbo Regional Council
P.O Box 81
Dubbo NSW 2830

Re: Objection to Development Application (10.2017.611.1) – 7 Rawson Street Dubbo NSW 2830

We are the owners of the residence located at 5 Rawson Street Dubbo NSW 2830, a neighbouring and an affected property in respect of Development Application (10.2017.611.1) submitted for property 7 Rawson Street Dubbo NSW 2830 (Lot: 1 DP: 11095). We object to the Development Application for subdivision of the property on the following grounds;

Objection 1

Clause 4.1(3) Dubbo Local Environment Plan 2011 states the minimum lot size is not to be less than the minimum size shown in the Lot Size Map. The applicable minimum lot size as illustrated by Lot Size Map (sheet LSZ_007A) for this proposed development site is 300m². The application is for three Community Titled lots consisting of Lot 1 (74m²), Lot 2 the existing dwelling (300m²) and a vacant lot being Lot 3 (300m²). Each lot must comply with the minimum lot size as indicated by the Lot Size Map which is not the case. There is no exemption provided by the Clause.

It is published in the Weekend Liberal and Macquarie Advocate, 9 December 2017, that Dubbo Regional Council will not consent to property development that does not comply with the Minimum Lot Size.

Objection 2

The applicant seeks a variation under Clause 4.6 Dubbo Local Environment Plan 2011 to the development standard in relation to the minimum lot size.

- Page 6 of the submitted Statement of Environmental Effects at 1. a) the applicant states in part “the proposed Community Title Subdivision exceed the prescribed minimum lot size under Dubbo LEP 2011.” This is incorrect only two Lots meet the minimum standard.
- Page 7 of the submitted Statement of Environmental Effects at 3. b) the applicant states in part “Clause 4.1(b) requires that the character and landscape setting of an area is protected and enhanced by the development.” The development is not compatible with the character and landscape of the area. At page 9 and page 10 the applicant states it is proposed that a dwelling erected on Lot 3 will have frontage to the lane. There are no other examples of this in the neighbourhood. The residences along

Page | 1

the western side of Rawson Street are excellent examples of architecture for the post World War 1 and Depression period and should be protected. It is irrelevant that a future dwelling will not be seen from the street, its visual impact will be observed by all affected properties. The development does not enhance the area as it is out of character.

- The applicant proposes that Lot 3 will have frontage to the lane (page 9) and a wide splayed concrete driveway is intended to be constructed (page 13). It is intended that a dwelling be erected on Lot 3. From the submitted Proposed Site Plan document number AD17/44054 it is clear that a common driveway will be erected along the north boundary of the property incorporating the common property being Lot 1 and sections of Lot 2 and Lot 3.
- There is insufficient space between the north wall of the existing dwelling and the northern boundary fence for a common driveway.
- A driveway that extends from Rawson Street to the lane is out of character with the surrounding properties and fails to protect the area by creating a short cut between the two roads that will create noise, encourage trespassing and impact privacy and local crime.
- The intension to create this driveway is described at page 8 in discussion at Clause 4.1(d) where the benefit of a Community Title over a right of way is discussed and a mechanism to manage the shared driveway is raised.
- The applicant's argument for flexibility created by Community Title strengthens the intention to incorporate the common property with existing access to create an open thoroughfare along the entire north side of the property.
- Contrary to the statement that ample parking exists for the resident of Lot 2 in the driveway on the north side of the property the driveway will be community property and parking will only be available in Rawson Street. There is insufficient carriageway in the lane to allow parking for Lot 3
- Any common driveway that is constructed on the north side of the property will cause annoyance and disturbance by vehicle and pedestrian traffic to the occupants of 5 Rawson Street as the main living spaces of that residence including the living room and main bedroom are located on this side.
- The construction of a driveway incorporating common property will create a high risk of stormwater run-off into the property of 5 Rawson Street. No solutions are provided.

The onus is on the developer to clearly state why a variation to the development standard should be granted under Clause 4.6 Dubbo Local Environment Plan 2011. The Statement of Environmental Effects fails to do this and the proposed development is strongly objected to.

Objection 3

The objectives of Zone R1 – General Residential are not satisfied by the development proposal.

- The application does not address the housing needs of the community and it does not contain a description of any future dwelling if consent is given. The creation of a vacant lot does not address this objective.
- The proposed development is not consistent with the character of the immediate locality. The residences erected on the west side of Rawson Street between Bultje Street and Cobra Street were all constructed between the period of about 1915 to 1939, the period is a significant historical period and all residences are well kept and demonstrate good examples of architecture for the post - World War 1 and Depression period. These residences should be protected.
- The residences are all constructed on small blocks of about 670m² and there are no double blocks. There are no similar developments in this block. All blocks contain various sized trees, bushes and shrubs.

- This application is for a proposed residence to have frontage to the rear lane which no other residence in Rawson Street or Hopetoun Street does. This is not in character with the neighbourhood and will result in the removal of the leafy nature of the neighbourhood. The development will create extra load for the already at capacity infrastructure of stormwater drainage and sewage.
- The lane way provides access for cars and trucks, including council garbage collection, recycling, dumpster bins at the Cobra Street shops, rigid delivery trucks to those shops, patrons to those shops and residential access to rear parking. The laneway is constructed of bitumen and has a number of deep pot holes. The width of the lane is 6.2m, there is no space in the lane for resident or visitor parking without causing obstruction to vehicular traffic.

The proposal for a dwelling constructed on Lot 3 with frontage to the lane is objected to it will create a precedent for further similar development.

Objection 4

The detail contained in submitted Existing Site Plan – 7 Rawson Street Dubbo document number AD17/44057 is incorrect and recent changes are not reflected in the plan.

- The residence of 5 Rawson Street is located on the north side of the development site and not on the south side as indicated by the Existing Site Plan, the description of the property is incorrect. The property is described on the Site Plan as being cement rendered with a galvanised iron roof. The dwelling is actually constructed of weatherboard and fibro with a galvanised iron roof.
- The residence of 9 Rawson Street is located on the south side of the development site and not on the north side as indicated by the Existing Site Plan.
- The rear southwest portion of 5 Rawson Street is shown on the submitted plan as being attached when in fact it is a timber cubby house that is not attached to the dwelling, the roof line is not represented correctly.
- Vegetation described in the rear yard of 7 Rawson Street has recently been removed, including a 12m high native Silky Oak tree shown in the northwest corner of the plan and Bottle Brush shown in the southwest area of the plan.

Objection 5

The Statement of Environmental Effects for the Proposed Community Title Subdivision for Lot 1 DP11095 7 Rawson Street Dubbo prepared by Doherty Smith & Associates, Consulting Surveyors, is poorly prepared containing incorrect detail in the submitted plans and incorrect referencing to applicable legislation making it difficult to determine the correct reference in relation to the Clauses, Sections and subsections being referred to. General statements containing little detail are used to justify issues and the document does not clearly demonstrate why the Consenting Authority should consent to this Development Application.

Objection 6

Matters for consideration under Section 79C (1) Environment Planning and Assessment Act 1979.

The development fails to satisfy a number of provisions contained in the Dubbo Control Plan 2013 in particular Clause 2.1 Residential Development and Subdivision.

2.1 Residential Development and Subdivision

Element 1: Streetscape character

- The application is for the creation of a vacant Lot with frontage to the rear lane. There is no description of what type of residence will be constructed on the Lot, it should be noted that all residences on the west side of Rawson Street are constructed of timber/weatherboard/fibro with galvanised iron roofing. Any other material used in construction of a dwelling on Lot 3 will not complement the area. The proposed Lot is completely different to existing streetscape and neighbourhood character and therefore does not complement it.
- The creation of the proposed Lot 1 (74m²) indicates that a common thoroughfare will be constructed from Rawson Street to the rear lane. There is no other property in the area that has driveway of this nature. The driveway will create vehicle and pedestrian traffic, noise and encourage trespassing and increase in crime by the creation of a thoroughfare from the lane to the street.
- The immediate area of the development site contains dwellings built during the post-World War 1 and Depression era and although not identified as heritage some are almost 100 years old, particularly the existing dwelling on Lot 2.
- There is no indication of the proposed dwelling to be constructed on Lot 3.

Element 2: Building Set-backs

- It is proposed that any new dwelling erected on Lot 3 will have frontage to the lane to allow for suitable open space and privacy from Lot 2.
- There is no precedent in this area where a dwelling has been constructed on existing property with frontage to a lane.
- There is insufficient carriageway within the lane to allow street parking.

Element 3: Solar access

- The impact of the development cannot be assessed as there is no information provided as to any proposed dwelling on Lot 3.

Element 4: Private and open space and landscaping

- The proposal states that no established trees are anticipated to be removed as part of this proposed subdivision.
- The owner of 7 Rawson Street has already removed a tall Silky Oak tree that was situated in the rear northwest corner of the property without consultation causing excessive late afternoon sunlight into the rear yard and residence of 5 Rawson Street. The tree provided a food source for pollen eating birds and bats. The tree was in full flower when removed (date of removal 22 November 2017)



Photograph 1: View of rear yard of 5 Rawson Street Dubbo showing location of the Silky Oak Tree in the rear yard.

Element 5: Infrastructure

- The proposal does not satisfy the objective to minimise the impact of stormwater drainage and run-off.
- It is proposed for stormwater drainage from a future dwelling on Lot 3 be directed to Rawson Street through the drainage system constructed in Lot 1. Stormwater from existing residences on the west side of Rawson Street flows north to Bultje Street, the current kerb and guttering is at capacity during a moderate rain event and any additional stormwater from a further building will increase the risk of flooding between 7 Rawson Street and Bultje Street. Bultje Street is a major drainage artery flowing to the west. The southern side floods during a moderate rain event. See Attached document - [Storm Water Run Off – Rawson Street Dubbo](#)



Photograph 2: View facing north from lane to the Bultje Street showing flooding. (2/12/2017)

- On Saturday 2 December 2017 between 9am and 3pm Dubbo City received 18mm of rain, a thunderstorm at 1pm delivered 10mm of rain resulting in the flooding of Rawson Street, Bultje Street and the lane. As shown in Photograph 2. See Attached Document [Storm Water Run Off – Rawson Street Dubbo](#)
- The proposed stormwater drainage system to be constructed in Lot 1 is lengthy and risks root invasion from a Jacaranda tree.
- Stormwater run-off from the rear of properties in Rawson Street and Hopetoun Street flows into the lane and flows north to Bultje Street where it meets water flowing west. Minor flooding occurs at the intersection of the lane and Bultje Street during a moderate rain event. Additional stormwater run-off will increase the risk of flooding in the lane. See Photograph 2.
- The sewage system for the residences on the west side of Rawson Street is located in the lane. The system is periodically blocked by tree roots needing council maintenance.
- The proposal states at page 13 the intention to construct a splayed concrete driveway from the lane to service Lot 3. The proposal does not address how this will impact stormwater run-off into the lane or preventative measures to prevent run-off into the residence of 5 Rawson Street.

Element 6: Visual and acoustic privacy

The applicant states the proposed subdivision will have no impact to Lot 2. There is no mention or solution how this will minimise the effect of the subdivision of neighbouring properties. The intention to construct a dwelling of some description on Lot 3 is very clear. This will create the likelihood of noisy parties being held and noise from additional vehicles. The impact cannot be judged until a Construction Certificate is applied for. The developer never approached neighbours to do discuss this application and resolve concerns.

Element 7: Vehicular access and car parking

- With the exception of the development site (7 Rawson Street) no other property on the west side of Rawson Street has vehicle access from the Street. A number of residences use the rear access from the lane to park private vehicles.
- Many of the dwellings on the west side of Rawson Street are rental properties with limited rear access and multiple occupants who park their private vehicles on the street.
- Street parking is a premium during major events at the Show Ground particularly the Dubbo City Show, events at Caltex Oval and public holidays when residents often have guests.
- The lane is measured in the survey as being 6.2m in width. The nature of vehicle traffic using this lane is described in the last paragraph of Objection 3. There is no room in the lane for the parking of vehicles.
- The construction of a common driveway between Rawson Street and the lane will add further to the parking difficulties in Rawson Street as there will be no parking in the lane and limited or no parking off street.

Objection 7

The development fails to satisfy a number of provisions contained in the Dubbo Control Plan 2013 in particular Clause 2.1.3 Subdivision Controls.

Element 1: Neighbourhood design

- There are no fire hydrants in the lane. The nearest being on the footpath outside 5 Rawson Street, it is proposed that a future residence at Lot 3 has frontage and access to the lane.
- The layout does not consider emergency service access.

Element 4: Infrastructure

- The sewage and stormwater drainage systems are at capacity.
- The development adds to the risk of flooding in the lane, Rawson and Bultje Street from stormwater.
- The sewage system requires periodic maintenance from council due to tree root invasion.
- Construction of an additional dwelling at 7 Rawson Street will reduce water pressure.

Element 7: Stormwater management

- This point is addressed at Objection 6 – Element 5 the development will feed into an at capacity sewage and stormwater system.

Objection 8**3.4 Heritage Conservation**

It is agreed the area has no listed heritage items or listed conservation areas, yet it does contain many excellent examples of period architecture from the post-World War 1 and Depression era. Some of these dwellings are approaching 100 years in age particularly the existing dwelling on the proposed Lot 2. All residences are well kept and should be protected from encroachment and conflicting visual effect as they will in the near future become significant heritage and cultural items of the city.

Consent to this Development Application will create a precedent. There are no known examples in the surrounding area where consent to vary the development standard in relation to the minimum lot size has been granted.



Malcolm Andrews



Beth Andrews

Storm Water Run Off Rawson Street Dubbo N.S.W

Objection to DA 10.2017.611.1

7 Rawson Street

Dubbo

Photographs: Taken by Malcolm Andrews commencing 1pm 2 December 2017

Stormwater Runoff DA 10.2017.611.1

View facing south in Rawson Street Dubbo showing water flow in west side gutter outside 5 Rawson Street.

Water flows in a north direction (top to bottom of photograph)



Stormwater Runoff DA 10.2017.611.1

View facing south in Rawson Street Dubbo showing water flow in west side gutter outside 7 Rawson Street.

Water flow is in a north direction (top to bottom of photograph)



Stormwater Runoff DA 10.2017.611.1

View facing north in Rawson Street Dubbo outside 7 Rawson Street showing water flow in western gutter.

Water flow is in a north direction (bottom to top of photograph)



Stormwater Runoff DA 10.2017.611.1

View facing north in Rawson Street Dubbo showing water flow in west side gutter and intersection with Bultje Street.

Water in Rawson Street is flowing in a north direction (bottom to top of photograph).
Water in Bultje Street is flowing in a west direction (right to left of photograph)



Stormwater Runoff DA 10.2017.611.1

View facing south in Rawson Street Dubbo from Bultje Street showing water flow in the west side gutter entering water flow in Bultje Street.

Water flow in Rawson Street is in a north direction (top to bottom of photograph).
Water flow in Bultje Street is in a west direction (left to right of photograph)



Stormwater Runoff DA 10.2017.611.1

View facing south in Rawson Street Dubbo showing water flow on the east side of the street entering Bultje Street.

Water flow in Rawson is to the north (top to bottom of photograph). Water in Bultje Street flows to the west (left to right of the photograph)



Stormwater Runoff DA 10.2017.611.1

View facing south in Rawson Street Dubbo
from intersection of Butje Street



Stormwater Runoff DA 10.2017.611.1

View facing generally east showing the southern portion of the intersection of Rawson Street and Bultje Street Dubbo. Rawson Street enters the intersection from the right side of the photograph.



Stormwater Runoff DA 10.2017.611.1

View facing east in Bultje Street Dubbo showing the intersection of Rawson Street and the flow of water on the southern side of Bultje Street. The water flow is to the west (top to bottom of photograph)



Stormwater Runoff DA 10.2017.611.1

View facing east in Bultje Street Dubbo showing flooding on the south side of the street just to the west of the intersection with Rawson Street.



Stormwater Runoff DA 10.2017.611.1

Further view facing west showing flooding on the south side of Bultje Street between Rawson Street and the lane.

Water flow is to the west (bottom to top of photograph)



Stormwater Runoff DA 10.2017.611.1

View facing east of Bultje Street Dubbo
toward Rawson Street showing flooding at
the lane entry.



Stormwater Runoff DA 10.2017.611.1

View facing west of Bultje Street Dubbo from the lane toward Hopetoun Street showing flooding on the south side of the street.

Water flow is to the west (bottom to top of photograph)



Stormwater Runoff DA 10.2017.611.1

View facing south of lane showing water flow
from lane entering Bultje Street.

Water flow in Bultje Street is to the west (left
to right side of the photograph)



Stormwater Runoff DA 10.2017.611.1

View facing south in lane showing water flow.

Water flow in the lane is to the north (top to bottom of photograph)



Stormwater Runoff DA 10.2017.611.1

View facing north in lane showing water flow
entering Bultje Street Dubbo

Water flow in Bultje Street is to the west
(right to left of the photograph)



Stormwater Runoff DA 10.2017.611.1

View facing south from lane entry at Bultje Street showing water flow.

Water flows to the north (top to bottom of photograph)



Stormwater Runoff DA 10.2017.611.1

View facing north in the lane showing water flow, the rear boundary fence of 5 Rawson Street Dubbo is the brown fence on the right side of the photograph



Stormwater Runoff DA 10.2017.611.1

View facing south in lane showing water flow
the temporary fence is at the rear of 7
Rawson Street on the left side of the
photograph.



Stormwater Runoff DA 10.2017.611.1

View facing north in lane showing water flow
the temporary fence is at the rear of 7
Rawson Street on the right side of the
photograph.



Stormwater Runoff – Objection to DA 10.2017.611.1

Weather Data Dubbo 2 December 2017 Photographs taken at 1pm 2/12/2017

12/2/2017

Latest Weather Observations Dubbo



Latest Weather Observations for Dubbo

IDN60801

Issued at 4:03 pm EDT Saturday 2 December 2017 (Issued every 30 minutes, with the page automatically refreshed every 10 minutes)

Station Details ID: 065070 Name: DUBBO AIRPORT AWS Lat: -32.22 Lon: 148.58 Height: 284.0 m

Data from the previous 72 hours. | See also: [Recent months at Dubbo](#)

Date/Time EDT	Temp °C	App Temp °C	Dew Point °C	Rel Hum %	Delta-T °C	Wind				Press QNH hPa	Press MSL hPa	Rain since 0am mm	
						Dir	Spd km/h	Gust km/h	Spd kts				Gust kts
02/04:00pm	22.7	19.9	18.3	76	2.8	N	30	43	16	23	1004.1	1002.7	18.4
02/03:30pm	21.3	19.1	18.7	86	1.7	N	28	39	15	21	1004.6	1003.2	18.4
02/03:00pm	20.9	21.2	18.8	88	1.3	N	15	24	8	13	1004.6	1003.2	18.4
02/02:30pm	19.2	19.3	17.5	90	1.1	NNE	13	20	7	11	1005.3	1003.8	18.4
02/02:00pm	18.1	18.1	17.1	94	0.6	NNE	13	17	7	9	1005.6	1004.0	18.4
02/01:44pm	17.9	17.0	16.9	84	0.6	NNE	17	22	9	12	1005.5	1004.0	18.2
02/01:32pm	17.5	18.0	18.7	95	0.5	N	6	17	3	8	1005.6	1004.1	18.2
02/01:30pm	17.4	18.9	18.8	95	0.5	NNW	4	15	2	8	1005.6	1004.1	18.2
02/01:10pm	17.6	12.6	16.1	91	0.9	N	37	61	20	33	1006.3	1004.9	18.8
02/01:07pm	17.6	13.7	15.6	89	1.2	NNE	30	61	16	33	1006.0	1004.6	18.4
02/01:00pm	19.7	19.3	18.9	96	0.5	NNE	19	35	10	19	1005.5	1004.0	18.8
02/12:49pm	20.0	17.5	18.8	93	0.8	NNE	30	39	16	21	1006.0	1004.6	5.2
02/12:36pm	20.1	17.6	18.9	93	0.8	NNE	30	46	16	26	1006.0	1004.6	2.4
02/12:33pm	20.0	17.6	19.0	94	0.6	NNE	32	43	16	23	1006.0	1004.6	2.4
02/12:30pm	20.1	17.3	19.1	94	0.6	NNE	32	50	17	27	1006.0	1004.6	2.4
02/12:19pm	19.9	15.3	18.9	94	0.6	NNE	41	59	22	32	1005.5	1004.0	2.0
02/12:12pm	20.0	14.8	18.7	92	0.8	NNE	44	50	24	32	1005.8	1004.3	1.2
02/12:00pm	20.6	14.5	18.4	87	1.4	NNE	48	63	26	34	1005.7	1004.2	0.2
02/11:33am	22.1	16.3	18.3	79	2.4	NNE	46	65	25	35	1006.0	1004.6	6.0
02/11:30am	22.1	15.5	18.1	78	2.5	NNE	50	65	27	35	1006.0	1004.6	0.0
02/11:19am	21.9	16.5	18.3	80	2.3	NNE	44	63	24	34	1006.0	1004.6	0.0
02/11:00am	21.8	16.5	18.2	80	2.3	NNE	43	54	23	29	1006.0	1004.6	0.0
02/10:31am	21.8	16.6	18.4	81	2.2	NNE	43	63	23	34	1006.4	1005.0	0.0
02/10:30am	21.8	17.0	18.4	81	2.2	NNE	41	56	22	30	1006.5	1005.1	0.0
02/10:00am	21.5	17.7	18.9	85	1.7	NNE	37	64	20	29	1006.8	1005.2	0.0
02/09:46am	21.3	16.9	18.5	84	1.8	NNE	39	62	21	28	1006.7	1005.3	0.0
02/09:30am	21.2	17.0	18.8	86	1.5	NNE	39	54	21	26	1006.9	1005.5	0.0
02/09:26am	21.1	17.6	18.7	86	1.5	NNE	35	64	19	29	1007.0	1005.6	0.0
02/09:00am	20.7	17.9	19.0	90	1.1	NNE	32	43	17	23	1007.1	1005.7	8.2

<http://www.bom.gov.au/products/IDN60801/IDN60801.96719.shtml>

1/6

PL2.

D17-611

Dubbo City	
Parcel.....	Margaret Steel
Asset..... PL2	9 Rawson Street
	Dubbo 2830
-1 DEC 2017	
File # AD17/44054	27/11/2017

Dubbo Regional Council
PO Box 81, Dubbo 2830

To Whom it May Concern - Development
Application for 7 Rawson Street Dubbo
(Lot: 1 DP: 11095)

Dear Sir / Madam / Mr Quigley,

As I can't "view" anything on line
concerning 7 Rawson Street Dubbo could
you please mail out to me all the
relevant information asap, especially
the submitted proposed site plan
(AD17/44054).

On the development application
(10.2017.611.1) which I was able to see

2.

The description says it is for a "three (3) lot subdivision (community title)" and as these buildings will be between two residences are they going to be one storey or two storey? If two storey there will be a privacy overlooking issue I think.

Anyway I look forward to hearing from you very soon as I need to know exactly what is going on next door to my home! Thanking you.

Yours faithfully,
Margaret A. Steel

P.S. The 4 document numbers I can't "view" (they are blank on my computer) for 7 Rawson Street are:

AD17/44051

AD17/44052

AD17/44053

and as mentioned before in this letter

AD17/44054

P2

Dubbo City	
Parcel.....	D17-611
Asset.....	P2
- 4 DEC 2017	
File C.....	AW17/1645
.....	
.....	

Margaret Steel
9 Rawson Street
Dubbo 2830

29th November 2017

Mr Josh Smith
Council Planner
Dubbo Regional Council
PO Box 81 Dubbo 2830

Dear Mr Smith,

I received council notification today RE:
development application D2017-611, Property: Lot 1 DP11095,
7 Rawson Street Dubbo.

Please find enclosed copy of corrected surveyors
map and four other pages re: objections and some
questions about the proposed development.

On a personal note I feel having a subdivision
next door will have a negative impact on the value
of my property.

Anyway look forward to hearing from you soon.

Yours faithfully,
Margaret A. Steel

Phone numbers are - home 6882 9887
mobile 043 882 9889

Attention: Mr Josh Smith (Council Planner)

Objections and questions - proposed development application D2017-611, property Lot 1 DP11095, 7 Rawson Street Dubbo. RE: Doherty Smith + Associate Surveyors report.

1. Please find enclosed a copy of surveyors map which is incorrect, says 5 Rawson Street is south side of no. 7 Rawson Street and no. 9 north side, should be the other way around.
2. Request in report for an exemption under Clause 4.6 for Lot 1 to be smaller than minimum lot size be denied.
3. Page 10 of report - Element 2: "Building set-backs" the second point says "The layout of proposed lot 3 allows any future dwelling to be situated on the lot so that it would have frontage to existing lane". There are no other dwellings facing the back lane and it is narrow and a rear access to houses already built in Rawson and Hopetoun Streets - object to this plan
4. Page 10 of report - Element 3: "Solar access" the second point says "The proposed development will not significantly impact the level of solar access of the existing dwelling or any adjacent properties".
Question - how can anyone possibly know that when as yet there are no plans for the dwelling on lot 3, could be one storey/two storey?
5. Page 13 of report - Element 1: "Neighbourhood design" the second point says "It is anticipated that this subdivision will ^{NOT} contribute to the effect of motor vehicles

2.

dominating the neighbourhood. Additionally, the site is located within close proximity to public transport to reduce the requirement for motor vehicles".

Disagree with this statement, of course there will be more cars in Rawson Street (the surveyors were here during the day when most of the residents were at work - a Monday in July) also visitors to the dwelling on lot 3 will park in the back lane as it is human nature to park as close as possible to where they are going (more about this in point 9). As for using public transport mentioned more than once in the report only a small minority of people in Dubbo use public transport and there isn't a bus stop in Rawson Street. I object to their statement about motor vehicles.

6. Page 14 of report - Element 1: "Neighbour design" again, the third point says "The proposed layout will allow for residential housing in keeping with existing and future character of the neighbourhood and will continue the existing streetscape" do not believe this as there are already dwellings in Rawson Street built and being built which are NOT in keeping with the older homes - object to this.

7. Page 15 of report - Element 7: "Stormwater management" re: the sentence "Any stormwater on the ground within Lots 2 and 3 will drain over natural flow paths into the existing lane". Yes it will but please note we already have more than enough water flowing down the back lane when it rains now - objection.

3.

8. Page 17 of report - "likely Impacts of the Development" - "A. Context and Setting". Second sentence "The layout of the lot is generally in accordance with the standards set out in the LEP", using the word generally to me ~~that~~ means ^{that} it is NOT in accordance with standards set out in the LEP so request should be denied and a new build not permitted.

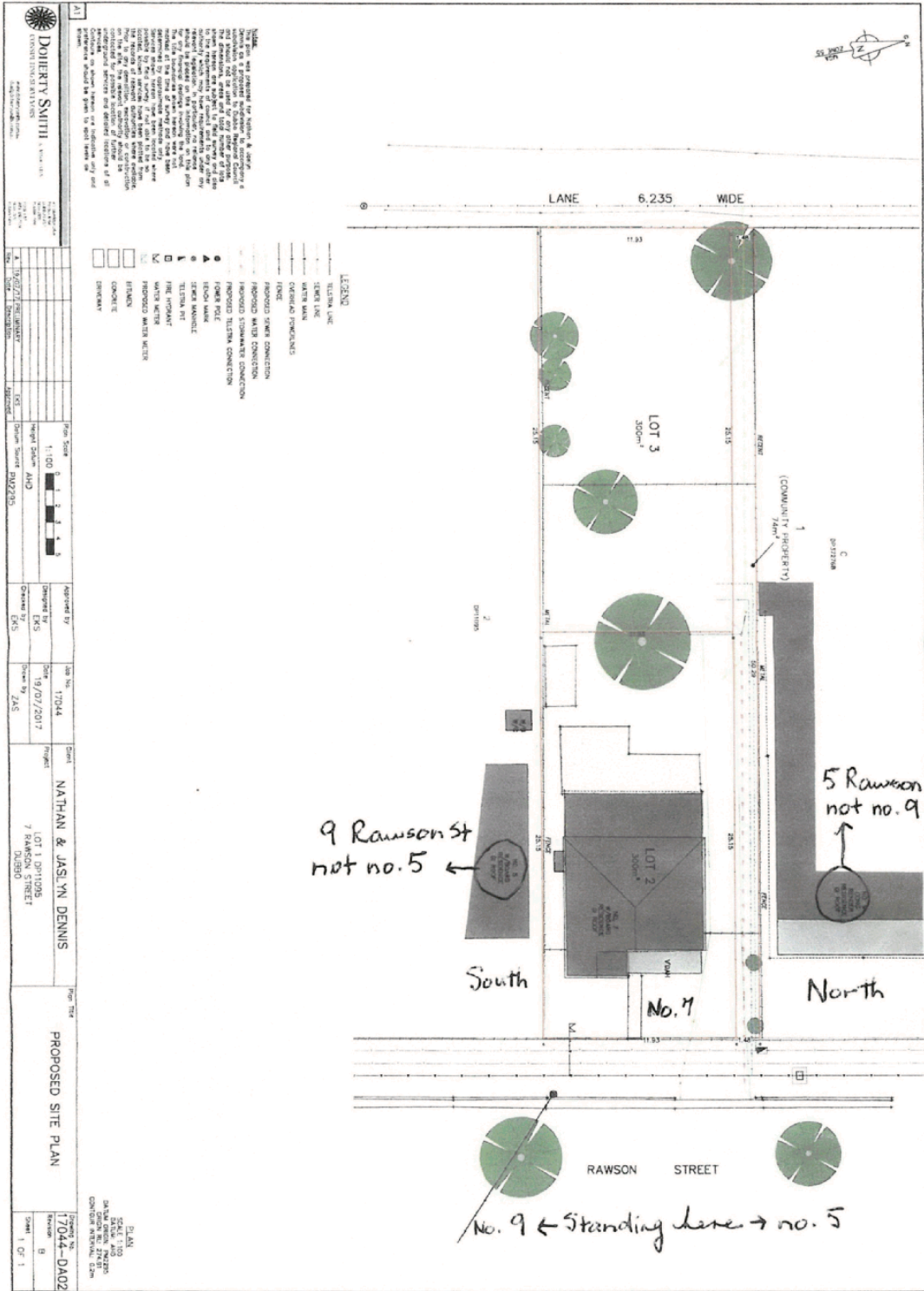
9. Back to parking and motor vehicles (point 5). While I accept that anyone living in a proposed dwelling built on Lot 3 will probably park their cars in the proposed wide, splayed driveway their visitors will not park in Rawson Street and walk to Lot 3 especially at night, they will park in the back lane (as I said before it is human nature because people are lazy). And as I mentioned before the lane way is not wide and with cars parked in the lane way this will cause a big problem for ~~us~~ residents like myself who use the back lane every day to get into my backyard where I park my car in the car-park, with cars parked in the lane I will not be able to get my car in ~~and~~ out, not enough room (very rarely leave my car out the front of my house as I don't want it damaged or stolen especially at night). Cars parked in lane will also affect the public who use it. Object to dwelling facing laneway.

10. I was disappointed that Doherty Smith and Associates Statement of Environmental Effects report did not mention the effect this development application for

4.

7 Rawson Street would have on its neighbours, especially the loss of privacy to 5 Rawson Street due to the community property Lot 1 with the pedestrian/cycle/vehicle driveway access being so close to their house. Page 13 of report - Element 7: the last point says "The proposed community property lot (Lot 1) provides for any pedestrian or cycle access requirements of both proposed residential lots". Then on page 17 - "Likely Impacts of the Development" section A. "Access, Traffic and Transport" the second sentence says "It is proposed a new driveway be constructed to service Proposed lot 3 allowing access to the existing laneway". These two statements seem to contradict each other but no matter because whether the proposed idea is to have pedestrian and/or cycle access and/or vehicle driveway access it is going to have a huge impact on the people who live at 5 Rawson Street. The proposed lot 1 (community title) will run down the side of the house which has six windows so the people living there won't have any privacy, noise from people and cars going up and down and because of this their house will be devalued. I object very, very strongly to Lot 1 (community property) for the above reasons (see map). On a personal note I also feel this proposed subdivision development will have a negative impact on the value of my property as well.

From: Margaret Steel, 9 Rawson Street Dubbo 2830
Home phone: 68829887
Mobile: 0438829889



P22

Dubbo City	
Parcel.....	D22-611
Asset.....	P22
- 8 DEC 2017	
File C.....	PL217/1648

M. Steel
 9 Rawson Street
 Dubbo 2830

Sunday 3rd December 2017

Mr Josh Smith (Council Planner)
 Dubbo Regional Council
 PO Box 81
 Dubbo 2830

Dear Mr Smith,

This is a post script to my letter and objections written and sent to you 29th November 2017 concerning the development application D2017-611 for a subdivision property: Lot 1 DP11095, 7 Rawson Street Dubbo.

Please find enclosed photos of the lane way at the back of my property in reference to my point 7. of my original list of objections, this being - page 15 of the surveyors report Element 4: "Stormwater management" the sentence "Any stormwater on the ground within lots 2 and 3 will drain over the natural flow paths into the existing lane" as it rained yesterday (Saturday 2nd December) the photos show how much water actually flows down the back lane way now (alot) which will be increased by a new dwelling being built on lot 3 of 7 Rawson Street. Photo 1 (see back) shows the rainwater flowing down the lane way looking towards Cobra Street and photo 2 (see back) shows water flowing down lane way towards Bultje Street (on the right side of this photo is a construction fence across the block of proposed Lot 3, 7 Rawson Street). Please note as mentioned in my points 3 and 9 the two photos also show how narrow the back

2.

lane way is. Photos taken from my back lane gateway.

Have also enclosed two other photos so you can see my backyard and carport in reference to my points 5 and 9. Photo 1 taken from the out door area at the back of my home and photo 2 taken from my back gate looking towards my house (see backs of photos).

I rang a couple of times Friday mainly to check that you had received my letter and to ask a few questions but unfortunately you were out so will contact you this coming week.

Yours faithfully,
Margaret A. Steel

Phones - H: 68829887. Mobile: 0438829889





MEMO

DEFERRED COMMENCEMENT CONDITION:

The following deferred commencement condition must be satisfied and evidence provided to Council within 12 months of the determination date of this consent.

- (A) This approval shall not commence to operate until a preliminary site investigation has been undertaken given a history of potential waste burial on the property. The preliminary site investigation shall be submitted to Council for approval, outlining the results of the investigation and status of the land.

{Reason: Council requirement for protection of the environment}

DRAFT OPERATIONAL CONDITIONS

The following draft operational conditions are subject to amendment with regard to the contamination issues as stated in deferred commencement condition (A).

- (1) The development shall be undertaken in accordance with the Statement of Environmental Effects and stamped approved plans detailed as follows except where modified by any of the following conditions:

Title/Plan: Proposed Site Plan
Drawn by: ZAS
Sheet No: 1 of 1
Dated: 19/07/2017
Revision: B

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

- (2) The Water Supply headworks contribution of \$5,585.80 (1 ET), calculated on a per lot basis, pursuant to Section 64 of the Local Government Act 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002, shall be paid by the developer prior to release of the Subdivision Certificate.

Such contribution rate per lot is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council's Annual Revenue Policy.

Note 1: Council's adopted 2017/18 financial year rate is \$5,585.80 per lot.

Note 2: As the above contribution rate is reviewed annually the 'current contribution rate' is to be confirmed prior to payment.

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

- (3) The Sewerage Services headworks contribution of \$5,585.77 (1 ET), calculated on a per lot basis, pursuant to Section 64 of the Local Government Act 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002, shall be paid by the developer prior to release of the Subdivision Certificate.

Such contribution rate per lot is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council's Annual Revenue Policy.

Note 1: Council's adopted 2017/18 financial year rate is \$5,585.77 per lot.

Note 2: As the above contribution rate is reviewed annually, the 'current contribution rate' is to be confirmed prior to payment.

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

- (4) The Open Space and Recreation Facilities contribution of \$3,537.50 (2.6 persons), calculated on a density basis, in accordance with Council's Section 94 Development Contributions Plan for Dubbo Open Space and Recreation Facilities 2016-2026, as adopted June 2016, shall be paid by the developer prior to the release of the Subdivision Certificate.

Such contribution rate per lot land use is adjusted annually in accordance with Section 2.17 of Council's Section 94 Development Contributions Plan for Dubbo Open Space and Recreation Facilities, becoming effective from 1 July each year, as adopted in Council's Annual Revenue Policy.

Note 1: Council's adopted 2017/18 financial year rate is \$1,360.58 per person for Local Planning Unit - Central (South).

Note 2: As the above contribution rate is reviewed annually, the 'current contribution rate' is to be confirmed prior to payment.

{Reason: Implementation of Council's Section 94 Contributions Plan for Open Space and Recreation Facilities dated 2016-2026}

- (5) The Urban Roads headworks contribution of \$6,454.80, calculated on a per lot basis, in accordance with Council's adopted Amended Section 94 Contributions Plan - Roads, Traffic Management and Carparking, operational 3 March 2016, shall be paid by the developer prior to release of the Subdivision Certificate.

Such contribution rate, lot, is adjusted annually in accordance with Section 6.0 of the Section 94 Contributions Plan becoming effective from the 1 July each year and as adopted in Council's Annual Revenue Policy.

Note 1: Council's adopted 2017/18 financial year rate is \$6,454.80 per lot (11 Residential Trips).

Note 2: As the above contribution rate is reviewed annually, the current contribution rate is to be confirmed prior to payment.

{Reason: Implementation of Council's Section 94 Contributions Plan - Roads, Traffic Management and Carparking dated 2016}

- (6) Perimeter fencing shall not be erected along the southern property boundary of proposed Lot 1 being the community lot.
{Reason: To ensure the community lot is not utilised as a public thoroughfare}
- (7) Access to all of the community Lot (Lot 1) shall be readily available to the residents of Lots 2 and 3 only.
{Reason: To ensure all residents have unimpeded access}
- (8) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
{Reason: Council and statutory requirement to protect Aboriginal heritage}
- (9) Prior to release of the Subdivision Certificate for the proposed lots, the developer shall have:
- a) Provided a new sewer junction from Council's sewer main into proposed Community Property Lot 1;
 - b) Provided a boundary shaft riser connected onto such junction and new sanitary drainage pipework installed in conformity with AS/NZS 3500.2:2015 extended from such boundary shaft into proposed Lot 2, to connect to the existing dwelling;
 - c) The existing dwelling's sanitary drainage pipework terminated before entry into Lot 3 and redirected and connected to the new sanitary pipework provided from Lot 1; and
 - d) Provided a sealed cap to the existing sewer junction within Lot 3 to prevent groundwater and sediment entry into Council's sewer.

In association with the above works the following aspects must be approved and inspected as specified:

- The developer shall contact Council's Infrastructure and Operations Division for its requirements and approval for the cutting-in of the new junction;
- The capped off existing sewer main junction shall be inspected by an officer of Council's Infrastructure and Operations Division prior to backfilling; and
- The new sanitary drainage pipework to be installed within Lots 1 and 2 shall be approved and inspected by an officer of Council's Planning and Environment Division, as separately conditioned on this consent.

{Reason: Council requirements for the provision of appropriate sewerage services to the proposed lots}

- (10) A separate application is to be made to Council, with the appropriate fee being paid, for the provision and installation of a new domestic property water service to proposed Community Property Lot 1, to permit Lot 3 to be serviced with Council's water supply.

{Reason: Council requirement pursuant to cl 16 of Schedule 1 to the Local Government (General) Regulation}

- (11) Surface water from proposed Lot 2 shall be directed by appropriate surface grading as necessary, to the Community Property Lot 1 such that it can be conveyed down such lot to the rear laneway.

In this regard, the Community Property Lot 1 is to be profiled by appropriate surface regrading/modification to convey Lot 2's surface water to the rear laneway without redirection into any adjoining allotments, including proposed Lot 3.

{Reason: Council requirement to prevent Lot 2's surface water draining across Lot 3 to its detriment}

- (12) The sanitary plumbing and drainage alterations associated with the disconnection of the existing dwelling and its reconnection to a new sewer junction as separately conditioned as part of the proposed subdivision works, requires the issue of a separate approval from Council prior to being installed.

If internal water plumbing works are also to be undertaken i.e. extension of plumbing pipework from the required new property water service to Lot 3, then approval for such work needs to be sought as part of the same application.

In this regard a Drainage and Plumbing Approval Application form is available from Council and must be completed by the licensed plumbing and drainage contractor and returned to Council with the appropriate fee. Drainage or plumbing works must not be commenced until Council has issued a permit authorising such works.

This approval does not negate the statutory requirement for the plumbing and drainage licensee to provide to Council as the delegated Plumbing Regulator, the Notice of Work (NoW), Certificate of Compliance (CoC) and Sewerage Service Diagram (SSD) as prescribed under the Plumbing and Drainage Act 2011, for the proposed sanitary drainage/plumbing and any domestic water plumbing works.

{Reason: Statutory requirement of Local Government Act, 1993}

- (13) The top of the existing dwelling's overflow (relief) gully shall be a minimum 150 mm below the lowest sanitary fixture in the dwelling, and

- (a) Be a minimum 75 mm above the finished surrounding ground level; or
 (b) Where the overflow (relief) gully is located in a path or paved area which is finished such that surface water cannot enter it and is graded away from the building, it may be finished level with such path or paved area.

{Reason: Statutory and sewerage regulatory authority requirement}

- (14) The proposed alterations to be carried out to the existing sanitary plumbing and drainage pipe work and any intended domestic water plumbing work, in addition to the issue of a section 68 approval under the Local Government Act, necessitate the engaged licensed plumbing and drainage contractor to observe the following statutory requirements-
- (a) The prescribed Notice of Work (NoW) under the Plumbing and Drainage Act must be provided to Council at least 2 days prior to the works commencing;
 - (b) The subject plumbing and drainage alterations must be inspected and passed by a Council officer of the Planning & Environment Division prior to being covered, as the delegated plumbing regulatory authority;
 - (c) A Certificate of Compliance (CoC) under the Plumbing and Drainage Act must be provided to Council within 2 days after the works are completed;
 - (d) The completed plumbing and drainage alterations must be inspected and passed by Council officers, as the delegated regulatory authority, prior to the subdivision certificate being issued; and
 - (e) A Sewerage Service Diagram (SSD) must be provided to Council as the delegated regulatory authority prior to issue of the subdivision certificate.

The requirements of this condition must be passed onto the applicable plumbing/drainage contractor to ensure there is compliance and no resulting impediment to the subsequent issue of the subdivision certificate.

{Reason: Statutory requirements of the Local Government and Plumbing & Drainage Acts}

- (15) The following applicable works shall be inspected and passed by an officer of Council prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for the inspection of such works. When requesting an inspection, please telephone Council's Planning and Environment Division on 6801 4000 and quote Council's reference number D2017-611 Part 1.

Advanced notification for an inspection can be made by emailing enviroadmin@dubbo.nsw.gov.au or by telephoning Council's Planning and Environment Division on 6801 4612.

- The existing dwelling's new and altered external sanitary plumbing and drainage under hydraulic test;
- Any internal water plumbing associated with the subdivision works, under hydraulic test; and
- Final inspection of the sanitary and stormwater drainage installations and any water plumbing, upon the subdivision's completion prior to issue of the Subdivision Certificate.

{Reason: Statutory provision and Council requirement being the delegated plumbing regulator}

- (16) To facilitate the drainage of a future dwelling's roofwater on Lot 3 to the Rawson Street kerb and gutter, at least one (1) x 100 mm diameter sewer grade sealed pipework or

equivalent, shall be provided from proposed Lot 3 through the Community Property Lot 1, avoiding any existing/proposed driveway to service Lot 2, to the Rawson Street kerb.

A design drawing of such proposal shall be submitted to the Consent Authority with the Drainage and Plumbing Approval Application form required to be lodged, as separately conditioned.

The upstream end of such stormwater drainage pipework (i.e. within Lot 3) shall be capped to prevent sediment entry, and its location identified by an appropriate peg and/or tape.

The plumbing/drainage contractor shall also ensure that the following procedures are adopted for the cutting-in of the new stormwater pipe outlet into the Rawson Street kerb, prior to issue of the Subdivision Certificate:

- (a) A kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicular loadings is to be utilised;
- (b) Create the opening in the kerb by use of either a saw cut or bored hole only – breaking out the kerb by impact methods is not permitted;
- (c) The kerb adaptor is to be kept flush with the top and outside face of the kerb; and
- (d) The fixing of the kerb adaptor and filling in of side gaps is to be undertaken by the use of an epoxy resin – mortar or concrete is not to be used.

{Reason: Council requirement to facilitate the satisfactory disposal of future roofwater from Lot 3}

- (17) A separate application is to be made to Council, with the appropriate fee being paid, for the provision of an additional metered water connection to service Lot 1 for a future dwelling on Lot 3.

{Reason: Council policy in respect of residential developments}

- (18) The provision by the Developer of a new sewerage junction necessary to provide a separate sewerage connection into Community Property Lot 1, to permit the reconnection of the existing dwelling on Lot 2.

All works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Design and Construction, with details submitted to, and approved by Council prior to any construction works commencing.

Note: In accordance with Council's adopted policy requirements, any construction works required to be undertaken on 'live' sewerage main(s) must be undertaken by Council at full cost to the Developer.

{Reason: Implementation of Council Policy}

- (19) The demolition of the existing garage structure is required to be undertaken in conformity with AS 2601-1991. A requirement of clause 1.7.1 of such standard is that the applicant and/or its contractor must prepare a Work Plan prior to any demolition work

commencing.

In particular, such Work Plan must include proposed measures to address dust generation; protection of the public; assessment, removal and disposal of hazardous materials and conditions (especially asbestos sheeting, lead-based paint and any organochlorine contaminated soil); noise control and protection of Council's services.

{Reason: Council requirement to prevent environmental contamination and creation of public nuisances arising from demolition works}

- (20) Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction and demolition works, the applicant and contractor shall ensure the appropriate Regulatory Authority (eg EPA, SafeWork NSW, Council, Fire & Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority. (Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste).
{Reason: Council requirement to prevent the contamination of the environment}
- (21) All solid waste from the demolition and subdivision works shall be assessed, classified and disposed of in accordance with the *Department of Environment and Climate Change - Waste Classification Guidelines*. Whilst recycling and reuse are preferable to landfill disposal, all disposal options (including recycling and reuse) must be undertaken with lawful authority as required under the Protection of the Environment Operations Act.
{Reason: Council requirement to require compliance with the POEO Act}
- (22) Demolition and subdivision construction work shall only be carried out within the following times:
Monday to Friday: 7.00 am to 6.00 pm
Saturday: 7.00 am to 1.00 pm
Sunday and public holidays: No construction or demolition work permitted
{Reason: Council requirement to reduce likelihood of noise nuisance}
- (23) Prior to completion of the proposed development and any Subdivision Certificate being issued, copies of all weighbridge or receipt dockets from the licensed Waste Disposal Depot for wastes generated by the subject development shall be provided to Council.
{Reason: Council requirement to require compliance with the POEO Act}
- (24) Erosion and Sedimentation Control measures shall be provided along the property boundary of Lot 1 and where necessary Lot 3, adjoining the rear laneway, prior to any significant site disturbance being undertaken associated with the subdivision works. Such measures shall be retained, in a maintained condition, until all site works are completed and appropriately remediated.
{Reason: Implementation of Council policy to reduce sediment pollution}

- (25) The existing vehicular layback off Rawson Street servicing proposed Lot 2 shall be upgraded to a residential standard concrete vehicular cross-over and kerb and gutter vehicle entrance, constructed in accordance with Council's standards STD 5211 and STD 5235.

This work may require restoration of the road shoulder following construction in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction Standards.

Should Council's Civil Assets Engineer (or his representative) not undertake the required inspections as detailed in the abovementioned Council standard, then a Compliance Certificate issued by an accredited private certifier will be required to be lodged with Council prior to release of the Subdivision Certificate.

{Reason: Implementation of Council Policy}

- (26) Any alteration/damage to the footpath, kerbing and guttering, vehicular entrance(s), road or road shoulder including utility services, shall be repaired/restored at full cost to the developer and in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction Standards.

{Reason: Implementation of Council Policy}

- (27) Under no circumstances are any construction works or activities to commence on or within the road reserve area (which includes the footpath area) until such time as a 'Road Opening Application' has been lodged with and approved by Council. As part of the proposed works encroaches onto Rawson Street (and/or road) areas, a separate 'Road Opening Application' (Section 138 Application under the Roads Act, 1993) will be required to be made to Council's Infrastructure and Operations Division, plus payment of any appropriate fee(s).

Prior to the issue of the Subdivision Certificate for the proposed development, the developer/applicant is to provide the Principal Certifying Authority (PCA) with written evidence/confirmation that the required S138 Application was lodged with Council and that any relevant condition(s) have been complied with.

{Reason: Implementation of Council's Policy and Section 138 of the Roads Act, 1993}

- (28) All driveways, parking areas and hardstand areas shall be drained to Council's satisfaction, noting that development will be required to discharge flows from the land in its undisturbed/natural state for the minor storm event (1 in 10 year ARI) to the public laneway and also make provision for the major event (1 in 100 year ARI) to be safely conveyed to the public laneway without impact on adjacent private property.

Note: Stormwater discharge to the gutter is limited to an amount that can be safely conveyed within the gutter, and that overall gutter flows within the street are within Auspec guidelines for gutter flow width and depth.

All works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Design and Construction. Additionally, prior to the discharge into Council's system, the Developer will be required to install at their own expense a 'pollution control device(s)' which will collect all oil, sediment and litter from the development proposal.

{Reason: To achieve a satisfactory standard of stormwater disposal from the proposed development}

- (29) Prior to release of the Subdivision Certificate, 'Pit and Conduit' construction is to be installed to carry the National Broadband Network (NBN) and it is required to be installed in accordance with the NBN Standards 'Guide to Installing Pit and Conduit Infrastructure - Guidelines for Developers' dated 21 December 2010.

Council will require written advice from NBN/Telstra or its contractor to state that the NBN pit and conduit requirements have been met.

{Reason: Implementation of Council policy}

- (30) Prior to release of the Subdivision Certificate, the submission to Council of evidence that an electricity supply has been provided to each lot within the proposed subdivision by way of a Certificate of Acceptance/Notice of Arrangement as issued by the electricity supply authority (Essential Energy).

{Reason: To ensure the orderly provision of infrastructure}

- (31) The creation by the developer, under Section 88B of the Conveyancing Act, of a right of carriageway benefitting proposed lot 2 over any portion of the Community Lot (Lot 1) designated for off-street parking.

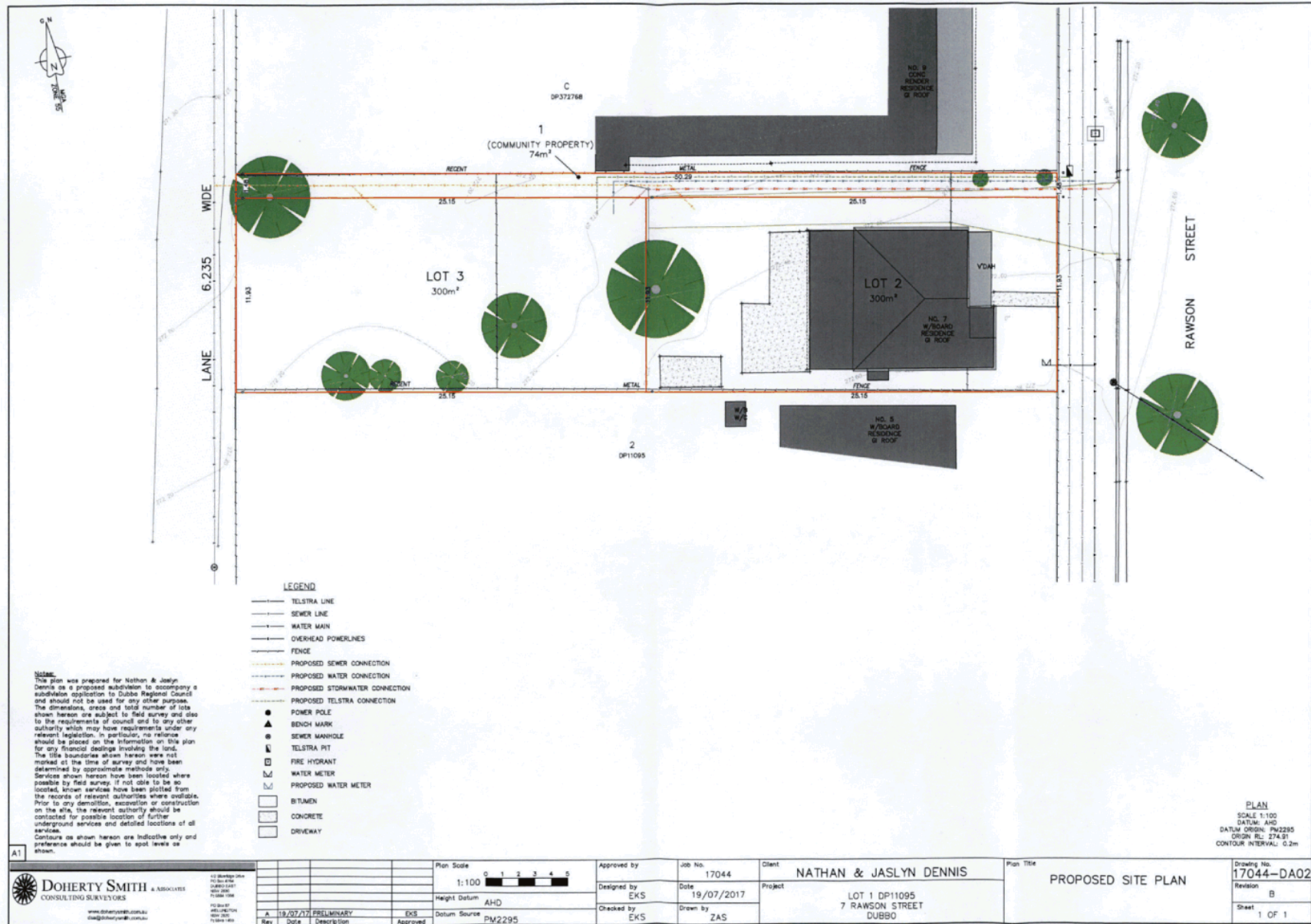
{Reason: To ensure legal access is maintained}

NOTES

- (1) It is strongly encouraged that consultation shall be undertaken with Council's Planning and Environment Division prior to finalisation of any designs for development on proposed Lot 3.
- (2) The development shall be carried out in accordance with Essential Energy's correspondence dated 13 December 2017 (copy attached).
- (3) The Council Section 94/64 Contribution Plans referred to in the conditions of this consent may be viewed without charge at Council's Civic Administration Building, Church Street, Dubbo between the hours of 9 am and 5 pm, Monday to Friday. Copies are also available from www.dubbo.nsw.gov.au
- (4) Fees and contributions in respect to this application will be those applicable at the date of release of the Subdivision Certificate.

- (5) Following compliance with all conditions of this Development Consent, the applicant should apply to Council, with lodgement of the Subdivision Certificate application and payment of the prescribed fee, for release of the Linen Plan(s) of Subdivision which will be duly released.
- (6) Offensive noise as defined under the Protection of the Environment Operations Act, 1997 shall not be emitted from the proposed development.

Air impurities as defined under the Protection of the Environment Operations Act, 1997 shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.



Notes:
 This plan was prepared for Nathan & Jaslyn Dennis as a proposed subdivision to accompany a subdivision application to Dubbo Regional Council and should not be used for any other purpose. The dimensions, areas and total number of lots shown hereon are subject to field survey and also to the requirements of council and to any other authority which may have requirements under any relevant legislation. In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land. The title boundaries shown hereon were not marked at the time of survey and have been determined by approximate methods only. Services shown hereon have been located where possible by field survey, if not able to be so located, known services have been plotted from the records of relevant authorities where available. Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services and detailed locations of all services. Contours as shown hereon are indicative only and preference should be given to spot levels as shown.

- LEGEND**
- TELSTRA LINE
 - SEWER LINE
 - WATER MAIN
 - OVERHEAD POWERLINES
 - FENCE
 - PROPOSED SEWER CONNECTION
 - PROPOSED WATER CONNECTION
 - PROPOSED STORMWATER CONNECTION
 - PROPOSED TELSTRA CONNECTION
 - POWER POLE
 - BENCH MARK
 - SEWER MANHOLE
 - TELSTRA PIT
 - FIRE HYDRANT
 - WATER METER
 - PROPOSED WATER METER
 - BITUMEN
 - CONCRETE
 - DRIVEWAY

PLAN
 SCALE 1:100
 DATUM: AHD
 DATUM ORIGIN: PM2295
 ORIGIN RL: 274.81
 CONTOUR INTERVAL: 0.2m

<p>DOHERTY SMITH & ASSOCIATES CONSULTING SURVEYORS</p> <p>22 Doherty Drive 2880 Dubbo NSW 02 9462 1111 02 9462 1112 02 9462 1113</p> <p>19/07/17 19/07/17 19/07/17</p>	Plan Scale 1:100	Approved by EKS	Job No. 17044	Client NATHAN & JASLYN DENNIS	Plan Title PROPOSED SITE PLAN	Drawing No. 17044-DA02
	Height Datum AHD	Designed by EKS	Date 19/07/2017	Project LOT 1 DP11095 7 RAWSON STREET DUBBO	Drawing No. 17044-DA02	Revision B
Datum Source PM2295	Checked by EKS	Drawn by ZAS				



**REPORT: Development Application
D2017-620 - Three (3) Lot Subdivision
(Strata Title)**

Property: 1 Pozieres Street, Dubbo

Applicant/Owner: Faodail Pty Ltd

Date Lodged: 29 November 2017

AUTHOR: Planner
REPORT DATE: 7 February 2018
TRIM REFERENCE: ID18/201

EXECUTIVE SUMMARY

Council is in receipt of a development application for a three (3) lot Strata subdivision of a multi-dwelling housing development (currently under construction) at Lot 10 DP 1236532, 1 Pozieres Street, Dubbo.

The proposed lots are 247 m², 190 m² and 210 m² respectively. The site is subject to a minimum lot size of 300 m² in accordance with the Dubbo LEP 2011. Although below the minimum lot size, Council has previously utilised subclause 4.1(4) of Dubbo Local Environmental Plan 2011 to allow the creation of sub minimal lots within strata and community subdivisions.

“(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.”

However, a recent NSW Land and Environment Court negated the use of subclause (4) for such purposes. The Court ruled that the standard instrument subclause 4.1(4) was to be interpreted literally, (i.e. the exemption applies only when the existing lot is a strata or community lot).

As such, the applicant has sought an exemption utilising Clause 4.6 Exceptions to development standards, in relation to each lot. Recently issued by the NSW Department of Planning and Environment is Planning Circular PS17-006 (**Appendix 1**) which outlines the following in relation to the use of clause 4.6:

“... Only a full council can assume the Secretary’s concurrence where the variation to a numerical standard is greater than 10% ... The determination of such applications cannot be made by individual council officers unless the Secretary has agreed to vary this requirement for a specific council.”

Given the variation sought is numerical (i.e. a variation to the minimum lot size) and greater than 10%, concurrence can only be determined by 'full Council'.

This report considers the proposed development in accordance with Section 79C of the Environmental Planning and Assessment Act, 1979 and recommends approval of the application subject to conditions of consent included as **Appendix 2**.

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 from across the organisation have been involved in the assessment of the subject Development Application.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That Development Application D2017-620 for a three (3) lot subdivision (Strata Title) of Lot 10 DP 1236532, 1 Pozieres Street, Dubbo be approved subject to the conditions included as Appendix 2.

Josh Smith
Planner

REPORT

1. PROPOSED DEVELOPMENT

Council is in receipt of a development application for a three (3) lot Strata subdivision of a multi-dwelling housing development (currently under construction) at Lot 10 DP 1236532, 1 Pozières Street, Dubbo.

The approved multi-dwelling housing development (D2013-488) includes three (3) single storey units and associated works such as a landscaping, vehicle access and parking.

For reference, the approved development and subject strata subdivision floor plan is shown in Figure 1 and 2 below. All submitted subdivision plans are attached as **Appendix 3** for reference.

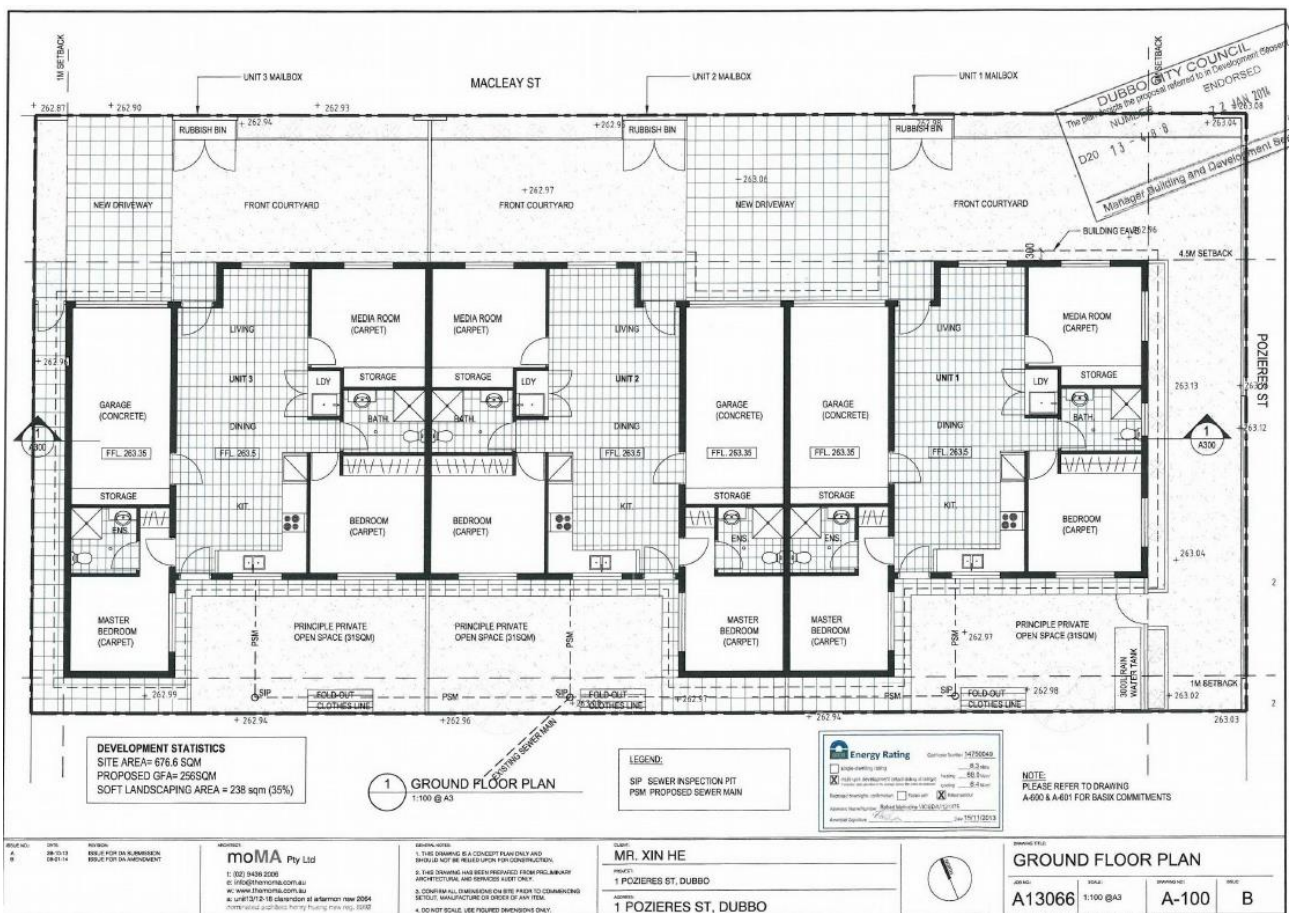


Figure 1: Approved multi-dwelling housing development (site plan).

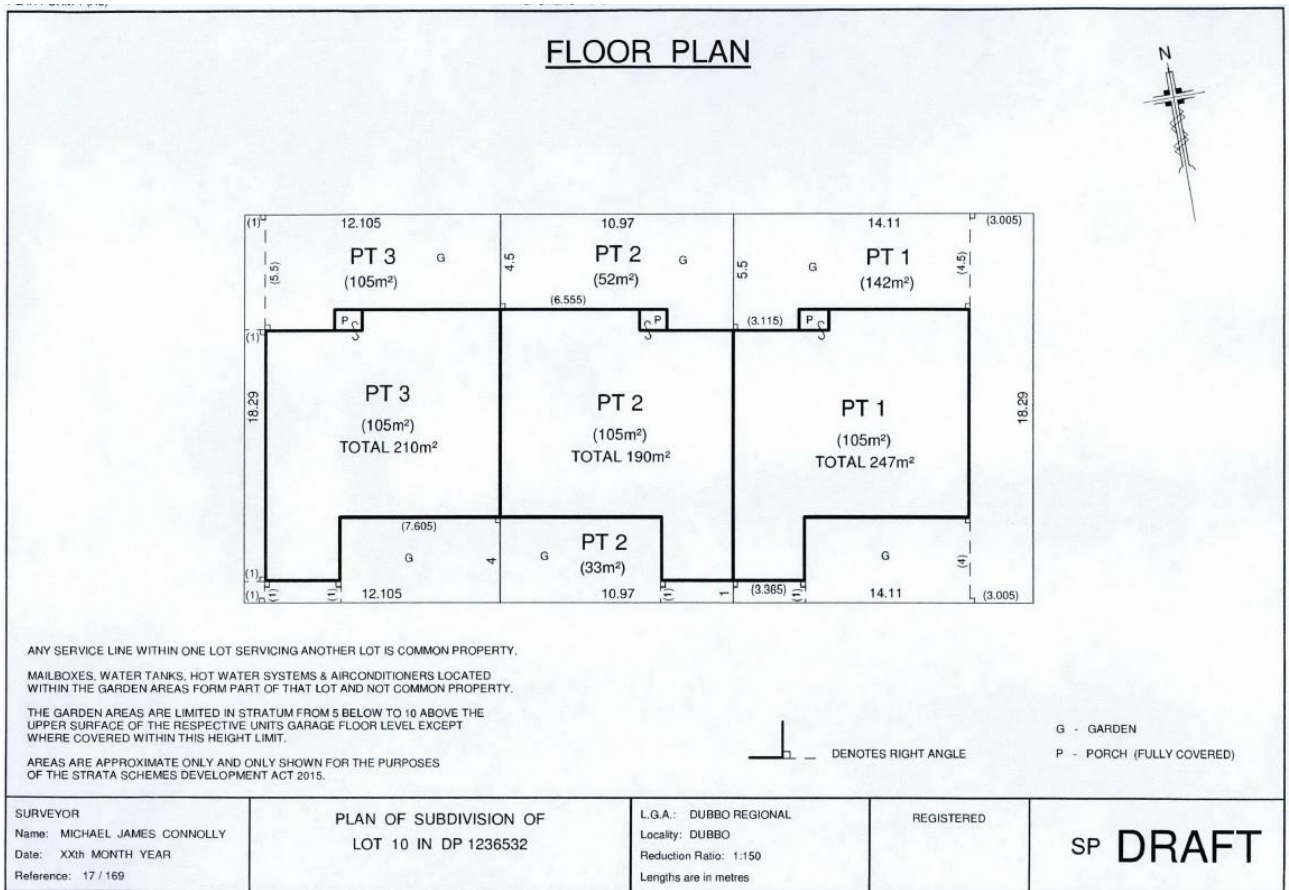


Figure 2: Submitted strata floor plan.

2. SITE CHARACTERISTICS

Locality

The subject property is located on the south-western corner of Macleay and Pozieres streets. It has an area of 680.1 m² with frontage to Macleay Street of approximately 37 metres and Pozieres Street of 18 metres. For a locality map of the site and locality refer to **Figure 3** below.

Slope

The site features no significant slope but falls gradually to the west.

Vegetation

The property has been mainly cleared of native vegetation.

Access

Vehicular access to the property is obtained via two (2) recently constructed crossovers/driveways off Macleay Street.

Services

The subject site has access to all utility services.

Adjoining uses

Surrounding land uses are mainly low or medium density residential housing. Barden Park is located to the north.



Figure 3: Locality map of Lot 10 DP 1236532, 1 Pozieres Street, Dubbo (image taken 22 February 2017).

3. SITE HISTORY

Development Application D2013-488 for a Multi-unit housing development (3 units) was approved on 21 January 2014. This consent was subsequently modified on 7 July 2017 in relation to conditions regarding environmental concerns and vehicle access. The physical layout of the development remains unchanged.

A Construction Certificate was since issued on 21 September 2017 with all three (3) units currently at “lock up” stage (see Figure 4 below). It should be noted that the submitted Strata subdivision plans and approved development application plans (D2013-488) correlate.



Figure 4: Northern building elevation of the previously approved units currently under construction (image taken 1 December 2017).

4. LEGISLATIVE REQUIREMENTS S79C(1)

(a) *Do any environmental planning instruments (SEPP, REP or LEP) apply to the land to which the Development Application relates?*

(i) State Environmental Planning Policy (Infrastructure), 2007

While a number of SEPPs apply to the land, none are specifically applicable to this development.

(ii) Dubbo Local Environmental Plan 2011

The following clauses of Dubbo Local Environmental Plan 2011 (Dubbo LEP 2011) have been assessed as being relevant and matters for consideration in assessment of the Development Application.

Clause 1.2 Aims of Plan

The proposed development is not contrary to the relevant aims and objectives of this plan.

Clause 1.9A Suspension of covenants, agreements and instruments

No restrictions exist which would prohibit the development in accordance with the provisions of the Dubbo LEP 2011.

Clause 2.2 Zoning of land to which Plan applies

The subject site is zoned R1 General Residential.

Clause 2.3 Zone objectives and Land Use Table

The proposed development is not contrary to the relevant objectives of the zone.

Clause 2.6 Subdivision – consent requirements

The proposal is for a three (3) lot Strata subdivision which requires development consent.

Clause 4.1 Minimum subdivision lot size

The subject site has a minimum lot size of 300 m² in accordance with the LEP Lot Size Maps. Each proposed lot however is below the minimum lot size as outlined below.

Lot No:	Area:
Lot 1	247 m ²
Lot 2	190 m ²
Lot 3	210 m ²

As such, the proposed development requires a variation to the minimum lot size, utilising Clause 4.6 Exceptions to Development Standards (see below).

It should be noted that, Clause 4.1(4) states the following:

“(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.”

Council staff have previously utilised subclause (4) to allow the creation of sub minimal lots within strata and community subdivisions such as the subject proposal. However, a recent NSW Land and Environment Court judgement *DM & Longbow Pty Ltd v Willoughby City Council [2017]* has negated the use of subclause (4) for such purposes. The Court ruled that the standard instrument subclause 4.1(4) was to be interpreted literally (i.e. the exemption applies only when the existing lot is a strata or community lot).

Clause 4.6 Exceptions to development standards

This proposal intends to create a strata lot below the minimum lot size. As such, the requirements of Clause 4.6 are addressed below.

Subclause (1) – Objectives

The variation of the minimum lot size is considered to be consistent with the objectives of this clause in that the flexibility to the minimum lot size enables separate ownership of a previously approved mutli-dwelling housing development (D2013-488).

Subclause (2) – Provisions of the LEP which would prohibit operation of Clause 4.6

Clause's 5.4 Controls relating to miscellaneous permissible uses, 6.2 Public utility infrastructure and 6.3 Development Control Plan, are not applicable to the proposed subdivision. Clause 4.6 can therefore be applied.

Subclause (3) – Applicants Justification

The applicant is required to justify the contravention of the development standard which is summarised below from the correspondence dated 7 December 2017 (see file):

- *“The development standard is a result of a drafting mistake. The Dubbo LEP was affected in 2011, based on a state wide template. The case referred to above was a decision of the Land and Environment Court in respect of a different LEP with the same template provision. The Court found that the literal meaning of the words was as stated, although that was considered regrettable (at paragraph 35). Although this was not what was intended, it was what was said, and the Court was bound by the actual words.*
- *The application of the development standard to the strata subdivision of an existing approved residential building is not required by any reasonable planning consideration. The strata subdivision does not require any additional work. It will not result in any increase in the density of residential living or any other visible change to the built environment. The approval of the building has already legitimised the Occupation of the building. The strata subdivision, unlike a freehold subdivision does not imply additional physical development.”*

Subclause (4) – Granting of Development Consent

Subclause 4 states the following:

“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.”

It is considered that the justification provided by the applicant adequately addresses the matters required under subclause (3). It is also considered that the proposed development is in the public interest in that it is generally consistent with the objectives of Clause 4.1 Minimum subdivision lot size and the objectives of the R1 General Residential zone.

In terms of Clause 4.1, the proposed development is specifically consistent with clause 4.1(1)(b) which states the following:

“to ensure residential allotments are of a suitable shape and size to provide a building envelope, private open space and suitable setbacks for acoustic and visual privacy”

As discussed above, the proposed subdivision is merely to enable separate title or ownership of three (3) units previously approved under development consent (D2013-488). During this assessment, it was deemed that the size and shape of the development allowed for appropriate private open space and setbacks for acoustic and visual privacy.

The development is also considered generally 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. However, once again the variation sought is merely to enable separate title.

In terms of obtaining Secretary’s concurrence, Planning Circular PS17-006 (**Appendix 1**) outlines the following:

“Councils are notified that only a full council can assume the Secretary’s concurrence where the variation to a numerical standard is greater than 10%, or the variation is to a non-numerical standard. The determination of such applications cannot be made by individual council officers unless the Secretary has agreed to vary this requirement for a specific council. In all other circumstances, individual council officers may assume the Secretary’s concurrence.”

Given the variation sought is numerical (i.e a variation to the minimum lot size) and greater than 10%, assumed concurrence is required by a ‘full Council’. Noting such, the proposed development has been referred to Council for their consideration.

Subclause (5) – Considerations by the Director-General

The “full Council” is able to assume the concurrence of the Secretary as stated in subclause (4) above. Subclause (5) is therefore not relevant to this proposal.

Subclause (6) – Granting of Consent in Non Residential Zones

As the site is zoned R1 General Residential, subclause (6) does not apply.

Subclause (7) – Record of Assessment

A record of this assessment will be made in accordance with the requirements of this subclause.

Subclause (8) – Development that cannot be granted

The proposed development does not contravene a development standard for complying development, a commitment as set out in a BASIX certificate or Clauses 5.4, 6.2 and 6.3 of Dubbo LEP 2011.

In summary, it is considered that the applicant's request has adequately addressed the matters required under subclause (3) and that the proposed development is consistent with the objectives of Clause 4.1 and the R1 General Residential zone. As such, no objections are raised in relation to the variation sought.

Council has written to the NSW Department of Planning and Environment (DPE) seeking clarity in relation to Clause 4.1(4), noting that historically it has been interpreted that Strata/Community lots can be of an area below the minimum lot size, irrespective if the lot being subdivided is within an existing Strata/Community scheme or is a Torrens title allotment. However, when such clarity or resolution from the NSW DPE will be provided is uncertain, accordingly this application is referred to Council for determination.

Clause 5.14 Siding Spring Observatory – maintaining dark sky

The proposed development will not affect observing conditions at the Siding Spring Observatory, having regard to:

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

Clause 7.5 Groundwater vulnerability

The subject site is included on the Natural Resource – Groundwater Vulnerability Map as containing moderately high groundwater vulnerability. The proposed development is not likely to cause groundwater contamination nor will it likely have an effect on any groundwater dependent ecosystems. It is also considered not likely to have a cumulative impact on groundwater.

Clause 7.7 Airspace operations

The site is located within the Obstacle Limitation Surface (OLS) map for Dubbo City Airport. The relevant level on the OLS map is 330 m AHD, to the site which has a general ground level of 263 m AHD. With no building works proposed as part of this application there will be no impact on the operations of the Airport or infringement to the OLS.

(iii) Draft environmental planning instrument

Council has publically exhibited a Planning Proposal, which proposes to undertake a number of administrative and other minor amendments to the Dubbo Local Environmental Plan 2011. It should be noted that no proposed amendments specifically relate to the subject site. As such, the proposed amendments do not have any material impact upon the proposed development.

(iv) Dubbo Development Control Plan (DCP) 2013

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

Chapter 2.1 – Residential Development and Subdivision

Section 2.1.3 – Subdivision Controls

Element 1 - Neighbourhood Design

The proposed strata subdivision will not alter the appearance of the approved multi-unit development. Essentially, the proposed development merely enables each of the three (3) units to be sold individually under separate title. As such, no further action is required.

Element 4 – Infrastructure

Appropriate conditions in relation to servicing were included as part of the consent for the multi-dwelling housing development. An additional condition however has been included in **Appendix 2** requiring the electricity meter box to be located in an area that would allow legal, unimpeded access to all residents. Typically, this is achieved via rights of carriageway or locating such infrastructure within a common area. This condition is not required in relation to the water meter, as each lot has its own metered water connection.

Element 7 – Stormwater Management

Appropriate conditions in relation to stormwater management were included as part of the consent for the multi-dwelling housing development. Such conditions required surface water to drain to Macleay Street.

It is noted however that stormwater at the rear of each proposed lot crosses other lots to eventually discharge to Macleay Street via appropriate pipework. Noting such, it was discussed with Council's Building Services Team Leader if this required an easement or, if the following, outlined on the submitted strata plan was sufficient:

"Any service line within one lot servicing another lot is common property"

It was advised that the above was sufficient in relation to stormwater disposal with no further action required. It should be noted that the same principle is utilised in relation to the one sewerage junction.

Element 8 - Water Quality Management

Appropriate conditions in relation to water quality management were included as part of the consent for the multi-dwelling housing development. As such, no further action is required.

(iv) Regulations

No matters prescribed by the Regulations impact determination of the Development Application.

5. LIKELY IMPACTS OF THE DEVELOPMENT

(a) Natural and Built Environment

It is considered the proposed three (3) lot strata subdivision will not have any adverse impacts on the natural or built environments.

(b) Social/Economic

It is considered that there will not be any adverse social or economic impacts as a result of this proposal.

6. SUITABILITY OF THE SITE

(a) Context, Setting and Public Domain

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

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

(ii) Is the size and shape of the land to which the Development Application relates suitable for the siting of any proposed building or works?

The size and shape of the land is considered suitable for the proposed development.

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

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

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

The proposed development will not have any detrimental impact on the public domain.

(b) Environmental Considerations

- (i) *Is the development likely to adversely impact/harm the environment in terms of air quality, water resources and water cycle, acidity, salinity soils management or microclimatic conditions?*

It is considered that there will not be any adverse environmental impacts as a result of this proposal.

(c) Access, Transport and Traffic

- (i) *Has adequate provision been made for vehicle entry/exit, loading/unloading, internal manoeuvring and parking of vehicles within the development?*

The proposed subdivision will not alter vehicle access and parking provisions approved under development consent (D2013-488).

7. SUBMISSIONS

The proposed development was not notified to the public as no impacts are perceived and therefore no submissions have been received.

8. PUBLIC INTEREST

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

9. SECTION 64/SECTION 94 CONTRIBUTIONS

It is considered that the proposed subdivision will not place any additional demand on Council's infrastructure and therefore no contributions are required to be levied. It is however noted that appropriate contributions were levied under development consent (D2013-488) for the multi-unit development.

SUMMARY

The Applicant has sought development consent for a three (3) lot strata subdivision of an approved multi-dwelling housing development at Lot 10 DP 1236532, 1 Pozieres Street, Dubbo.

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

The proposed development is consistent with the objectives of the applicable EPIs, DCPs and Council policies and is therefore recommended for approval subject to conditions of consent (**Appendix 2**).

Appendices:

- 1 [↓](#) Planning Circular PS17-006
- 2 [↓](#) Conditions of Consent
- 3 [↓](#) Submitted Strata Subdivision Plans

Planning circular

PLANNING SYSTEM

Varying Development Standards

Circular	PS 17-006
Issued	15 December 2017
Related	Revokes PS-08-003 (May 2008), PS08-014 (November 2008), PS11-018 (August 2011), Circular B1 (March 1989)

Variations to development standards

This circular is to advise councils of arrangements for when councils may assume the Secretary's concurrence to vary development standards, and clarify requirements around reporting and record keeping where that concurrence has been assumed. This circular is primarily resulting from an audit of councils' use of *State Environmental Planning Policy No 1 - Development Standards* (SEPP 1) and Clause 4.6 of the *Standard Instrument (Local Environmental Plans) Order 2006* (SILEP).

Overview of the amendments

This circular replaces Planning Circulars B1, PS08-003, PS08-014 and PS11-018 (the previous circulars) and issues revised assumed concurrence, governance and reporting requirements.

An audit of various councils revealed that some inconsistencies have arisen in the use of the existing assumed concurrence provisions. The concurrence provisions make it clear that council must take into account the Secretary's considerations when assuming concurrence.

Councils are notified that only a full council can assume the Secretary's concurrence where the variation to a numerical standard is greater than 10%, or the variation is to a non-numerical standard. The determination of such applications cannot be made by individual council officers unless the Secretary has agreed to vary this requirement for a specific council. In all other circumstances, individual council officers may assume the Secretary's concurrence.

Notification of assumed concurrence

Under clause 64 of the *Environmental Planning and Assessment Regulation 2000*, council is notified, in accordance with the attached written notification, that it may assume the Secretary's concurrence for exceptions to development standards for applications made under clause 4.6 of the SILEP and clause 6 of SEPP 1.

Procedural and reporting requirements

In order to ensure transparency and integrity in the planning framework the below Departmental monitoring and reporting measures, established in the previous circulars, continue to apply and must be

adhered to by councils when considering applications utilising clause 4.6 of the SILEP or SEPP 1:

- Applications for variations to development standards cannot be considered without a written application objecting to the applicable development standard and addressing the matters required to be addressed in the relevant instrument.
- A publicly available online register is to be established, and its currency maintained, of all variations to development standards approved by council or its delegates. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
- A report of all variations approved, either by council or its delegates, must be submitted to developmentstandards@planning.nsw.gov.au within 4 weeks of the end of each quarter (ie March, June, September and December). Such report must be on the form provided by the Department.
- A report of all variations approved under delegation by staff must be provided to a full council meeting at least once each quarter.

The Department will continue to carry out random audits to ensure the above monitoring and reporting measures are complied with. The Department and the NSW Independent Commission Against Corruption will continue to review and refine the audit strategy. Should ongoing non-compliance be identified with one or more councils, the Department will consider revoking the ability to assume the Secretary's concurrence, either broadly or for a specific non-compliant council.

Audit outcomes

An audit of various councils was undertaken. The audit report can be viewed at www.planning.nsw.gov.au

Further Information

A Guide on Varying Development Standards 2011 is available to assist applicants and councils on the procedures for managing SEPP 1 and clause 4.6 applications to vary standards.

Links to SEPP 1 and the Standard Instrument can be found on the NSW Legislation website at: www.legislation.nsw.gov.au

For further information please contact the Department of Planning and Environment's information centre on 1300 305 695.

Department of Planning and Environment circulars are available at: www.planning.nsw.gov.au/circulars

Authorised by:

Carolyn McNally
Secretary

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

© State of New South Wales through the Department of Planning and Environment www.planning.nsw.gov.au

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000**Written notification of assumed concurrence**

I, the Secretary of the Department of Planning and Environment, under clause 64 of the *Environmental Planning and Assessment Regulation 2000*, hereby give written notification of my assumed concurrence to councils for exceptions to development standards in respect of all applications made under:

- (a) Clause 4.6 of the *Standard Instrument (Local Environmental Plans) Order 2006* (SILEP); or
- (b) Clause 6 of the *State Environmental Planning Policy No 1 - Development Standards* (SEPP 1)

This assumed concurrence is subject to the following matters:

- (1) Council may assume my concurrence in respect of an application to vary a development standard relating to the minimum lot size for the erection of a dwelling on land zoned RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4 (or equivalent zone) only if that allotment has an area equal to or greater than 90% of the minimum area specified in the development standard.
- (2) Prior to assuming my concurrence Council must have consideration of the matters set out in subclause 4.6(5) of the SILEP or clause 8 of SEPP 1.
- (3) When assuming my concurrence in the following circumstances, only a full council (rather than individual council officers) can determine applications:
 - a. Where the variation of a development standard is greater than 10%, or
 - b. Where the development standard being varied is non-numerical.
- (4) Any existing variations which have been granted in writing by me will continue to have effect in accordance with their terms.

Dated: 27.11.17



Carolyn McNally
Secretary, Department of Planning and Environment

MEMO

CONDITIONS

- (1) The development shall be undertaken in accordance with the Statement of Environmental Effects and stamped approved plans detailed as follows except where modified by any of the following conditions:

Title/Plan: Plan of Subdivision of Lot 10 DP 1236532 (Location Plan)
 Surveyor: Michael James Connolly
 Reference: 17 / 169

Title/Plan: Plan of Subdivision of Lot 10 DP 1236532 (Floor Plan)
 Surveyor: Michael James Connolly
 Reference: 17 / 169

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

- (2) Prior to release of the Subdivision Certificate, compliance with all relevant conditions of Development Consent D13-488 Pt 2.

Note: S64/S94 Contributions are required to be paid prior to issue of the Subdivision Certificate or Occupation Certificate, whichever occurs first.

{Reason: Compliance with the associated Development Application D2013-488 Pt 2}

- (3) The common electricity meter box shall be located in an area that would allow legal and unimpeded access to all residents.

This can be achieved via rights of carriageway or locating such infrastructure within a common area.

{Reason: To ensure all residents and the appropriate authorities have legal access}

- (4) Prior to release of the Subdivision Certificate, 'Pit and Conduit' construction is to be installed to carry the National Broadband Network (NBN) and it is required to be installed in accordance with the NBN Standards 'Guide to Installing Pit and Conduit Infrastructure - Guidelines for Developers' dated 21 December 2010.

Council will require written advice from NBN/Telstra or its contractor to state that the NBN pit and conduit requirements have been met.

{Reason: Implementation of Council policy}

- (6) Prior to release of the Subdivision Certificate or Occupation Certificate, whichever occurs first, the submission to Council of evidence that an electricity supply has been provided to each lot within the proposed subdivision by way of a Certificate of Acceptance/Notice of Arrangement as issued by the electricity supply authority (Essential Energy).

{Reason: To ensure the orderly provision of infrastructure}

NOTES

- (1) The house numbers for the strata subdivision will be as follows:

Lot number:	House number:
1	3/91A Macleay Street, Dubbo
2	2/91A Macleay Street, Dubbo
3	1/91A Macleay Street, Dubbo

For further information in this regard, please do not hesitate to contact Council's LIS & E-Services Coordinator, on 6801 4674.

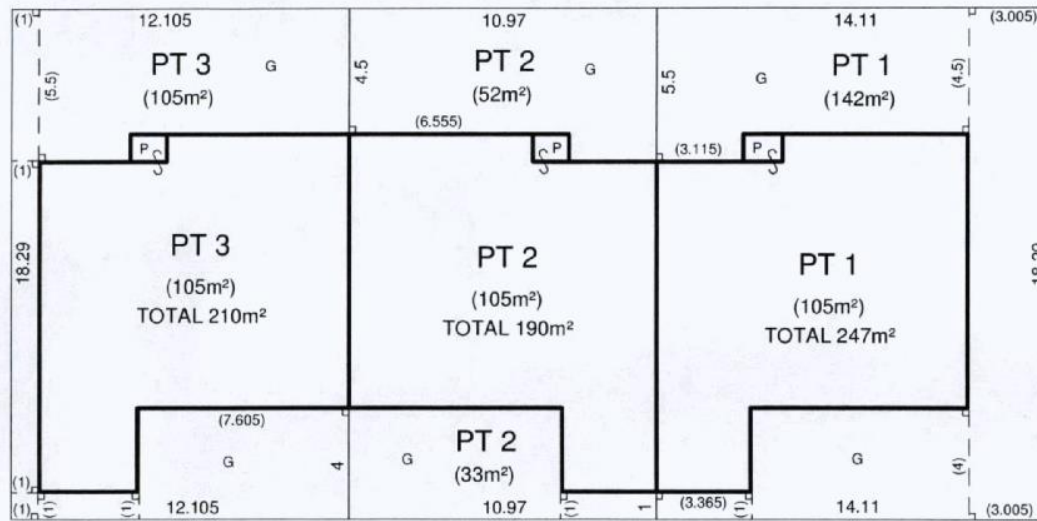
- (2) Fees and contributions in respect to this application will be those applicable at the date of release of the Subdivision Certificate.
- (3) Following compliance with all conditions of this Development Consent, the applicant should apply to Council, with lodgement of the Subdivision Certificate application and payment of the prescribed fee, for release of the Linen Plan(s) of Subdivision which will be duly released.

PLAN FORM 1 (A3)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

SHEET 2 OF 2 SHEETS

FLOOR PLAN

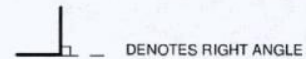


ANY SERVICE LINE WITHIN ONE LOT SERVICING ANOTHER LOT IS COMMON PROPERTY.

MAILBOXES, WATER TANKS, HOT WATER SYSTEMS & AIRCONDITIONERS LOCATED WITHIN THE GARDEN AREAS FORM PART OF THAT LOT AND NOT COMMON PROPERTY.

THE GARDEN AREAS ARE LIMITED IN STRATUM FROM 5 BELOW TO 10 ABOVE THE UPPER SURFACE OF THE RESPECTIVE UNITS GARAGE FLOOR LEVEL EXCEPT WHERE COVERED WITHIN THIS HEIGHT LIMIT.

AREAS ARE APPROXIMATE ONLY AND ONLY SHOWN FOR THE PURPOSES OF THE STRATA SCHEMES DEVELOPMENT ACT 2015.



G - GARDEN
P - PORCH (FULLY COVERED)

SURVEYOR
Name: MICHAEL JAMES CONNOLLY
Date: XXth MONTH YEAR
Reference: 17 / 169

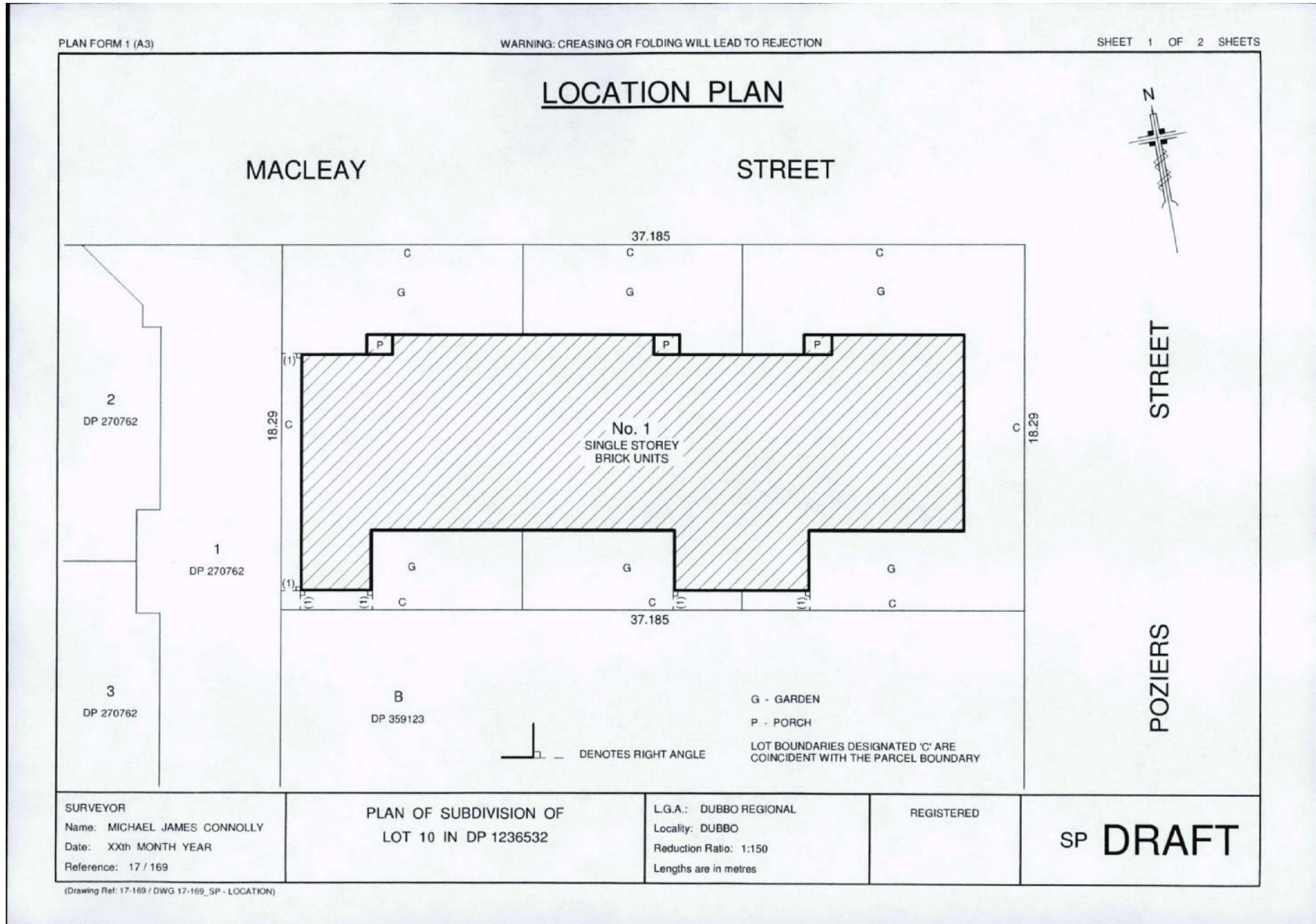
PLAN OF SUBDIVISION OF
LOT 10 IN DP 1236532

L.G.A.: DUBBO REGIONAL
Locality: DUBBO
Reduction Ratio: 1:150
Lengths are in metres

REGISTERED

SP DRAFT

(Drawing Ref: 17-169 / DWG 17-169_SP - FLOOR)





**REPORT: Modified Development
Application D2016-482 Part 2 - Extractive
Industry (Quarry)
Property: Lot 211 DP 1220433, 20L
Sheraton Road, Dubbo
Owner/Applicant: Regional Hardrock Pty
Ltd
Lodged: 26 September 2017**

**AUTHOR: Senior Planner
REPORT DATE: 12 February 2018
TRIM REFERENCE: ID18/216**

EXECUTIVE SUMMARY

Council is in receipt of a Modified Development Application for an extractive industry (quarry) at Lot 211 DP 1220433, 20L Sheraton Road, Dubbo.

Development Consent was granted by the Western Joint Regional Planning Panel (JRPP) on 5 July 2017 for an extractive industry, specifically a quarry on the south-eastern outskirts of the Dubbo urban area. Approval was granted subject to 49 conditions of consent.

The approved development was to establish an extractive industry on the property. The quarry, which will mine basalt for civil construction purposes, was approved having an extraction area of approximately 24 hectares, to a depth of 12-15 metres below the natural ground surface. The approved quarry proposes a production rate of up to 250,000 tonnes per annum over a period of up to 30 years.

An application to modify the development consent has been lodged with Council for determination. The Application proposes to undertake minor amendments to the site layout, as well as modify conditions of the consent concerning road construction requirements and the payment of contributions/Planning Agreement for the upkeep of this infrastructure. The extraction cell itself is not proposed to be altered (other than the extraction sequencing), nor is the volume of product to be extracted.

During the exhibition period Council received two (2) written submissions. Given the level of community interest on the subject Application, the matter is provided to Council for determination.

This report considers the proposed development in accordance with Section 79C of the Environmental Planning and Assessment Act, 1979 and recommends approval of the modified Development Application subject to the conditions of consent provided attached as **Appendix 1**.

ORGANISATIONAL VALUES

Customer Focused: The application as submitted has been assessed in a timely manner against the relevant legislation and Council policy while taking into consideration the public submissions received.

Integrity: The Development Application has been assessed against the requirements of Section 79C of the Environmental Planning and Assessment Act, 1979, as well as other relevant legislation and Council Policy.

One Team: Relevant Council officers from across the organisation 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 Modified Development Application D2016-482 Part 2 for an extractive industry (quarry) at Lot 211 DP 1220433, 20L Sheraton Road, Dubbo, be granted consent subject to the conditions included as Appendix 1 which includes the following amendments:
 - Modification to conditions 1, 4, 7, 11, 15, 22, 30, 40 and 48;
 - Deletion of conditions 8 and 42;
 - Additional condition 50; and
 - Notations 2, 6, 7 and 8 being amended.
2. That those who made submissions be advised of Council's determination in this matter.

Shaun Reynolds
Senior Planner

REPORT

1. BACKGROUND

A Development Application was lodged with Council on 7 October 2016 for an extractive industry (quarry). That Application was required to be determined by the Western Joint Regional Planning Panel (JRPP) given the development proposal comprised an extractive industry that was deemed to be Designated Development.

At the first meeting on 1 June 2017 the JRPP deferred determination of the matter to enable the Panel to consider additional information and legal advice relating to the permissibility of the development in the RE2 zone. The Application was subsequently approved by the Panel at a second meeting held on 5 July 2017, subject to 49 conditions of consent.

2. OWNER/APPLICANT

The owner of the subject land is Regional Hardrock Pty Ltd.

The Applicant for the proposed development is Regional Hardrock Pty Ltd.

The Applicant has utilised Bloomfield Elliott Architects to prepare the development plans.

3. SITE CHARACTERISTICS

The property is located on the eastern side of Sheraton Road. It has an area of 92.7 hectares with a frontage to Sheraton Road of 311.4 metres. For an aerial view of the site and locality see **Figure 1**.

Slope

The centre of the proposed quarry area represents the high point of the land, with the natural fall to the east and west from this point.

Vegetation

The site has been previously cleared of most native vegetation, apart from native grasses across the site. Native vegetation in the form of established trees remain in the centre of the property around the existing dwelling and to the east of the development site.

Access

Vehicular access to the property is obtained via Sheraton Road.

Drainage

With there being no stormwater infrastructure in the area, stormwater drainage conforms to the natural contours of the land.

Services

The property is connected to reticulated electricity and telecommunications services. There are no Council services (i.e. reticulated water and sewer) in the area.



Figure 1. Aerial view of 20L Sheraton Road and locality – blue area represents extent of extraction area

Adjoining uses

The property is located on the south-eastern outskirts of the Dubbo urban area. Adjoining land uses are predominantly rural or rural-residential, with an existing quarry adjoining on the southern boundary. The land immediately adjoining to the north is occupied by a recently completed 33 Megawatt solar farm (D16-171) and land adjacent to the site is zoned for residential development and is the subject of future structure planning as a component of Southlakes Estate to the west.

4. DEVELOPMENT DETAIL

A Modified Development Application pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979 was lodged with Council on 26 September 2017. The Application proposes to undertake minor amendments to the site layout, as well as modify conditions of the consent concerning road construction requirements and the payment of contributions/Planning Agreement. The Planning Agreement is for the maintenance of the roadway. The extraction cell itself is not proposed to be altered (other than the extraction sequencing), nor is the volume of product to be extracted. The proposed development site plan is provided in **Figure 2**.

A full breakdown of the modifications sought is provided below:

- Amend the location of 'Shed 1' approximately 50 metres west, as well as altering the floor layout including provision of a mezzanine meeting room space;

- Relocation of the workshop area to the southern side of Shed 1 to be used for the general storage of equipment and machinery;
- Inclusion of a wash bay approximately 10 metres north-east of Shed 1;
- Relocation of weighbridge from adjacent to the screening area to be adjacent to the wash bay in the north-west corner of the site;
- Amend the extraction sequencing to reflect the requirements of condition 48;
- Amend car parking layout;
- Reduce the size of largest vehicle which can access the site to now be a 19 metre 'truck and dog combination' (condition 7);
- Amend condition 3 to ensure the Planning Agreement is provided for road construction only and not maintenance, and subsequently apportion the cost appropriately amongst all road users;
- Amend condition 4 to delete the requirement for upgrading works of Sheraton Road to be borne solely by the developer, and to ensure they are apportioned appropriately to the relevant road user; and
- Deletion of condition 42 to remove the requirement to pay Section 94 Developer Contributions.

As discussed, the location of the cell, earth bund, and roadways (including access driveway) are not proposed to be altered. Development plans are provided attached as **Appendix 2**.

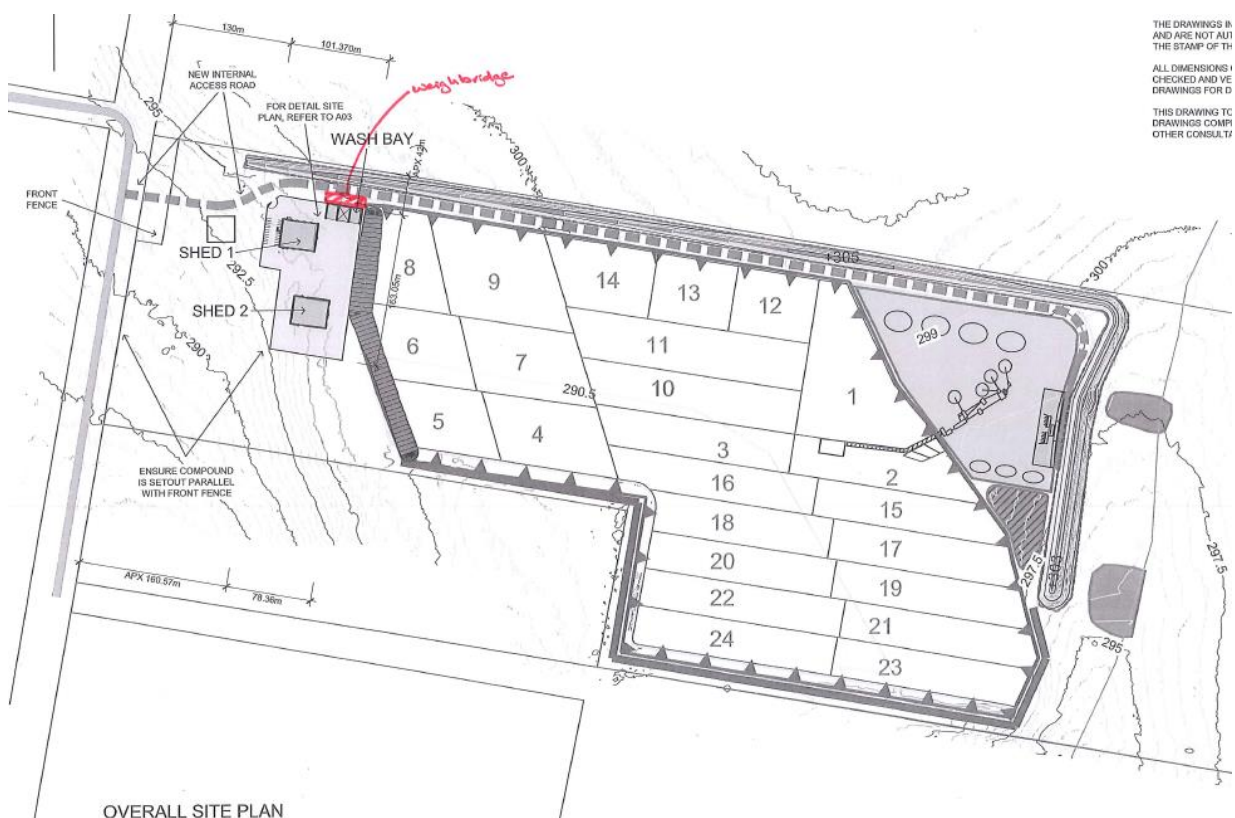


Figure 2: Proposed extractive industry site plan

A request seeking further information was made to the Applicant on 10 November 2017. Following two (2) meetings between the Applicant and Council staff on 14 November and 6 December 2017 the final response was provided on 21 December 2017. Such matters related to design details being submitted for the proposed wash bay which was not part of the original Application (condition 1), proposed amendments to the Planning Agreement (condition 3), modifications to the standard of upgrade to Sheraton Road (condition 4) and modification to the Driver Code of Conduct (condition 40). Correspondence was also provided from the NSW Roads and Maritime Services (RMS) and the three (3) schools on Sheraton Road concerning the modifications to the driver Code of Conduct.

Council has reviewed the submitted information and is satisfied that the modifications address Council's initial areas of concern.

5. LEGISLATIVE REQUIREMENTS – ENVIRONMENTAL PLANNING AND ASSESSMENT ACT (1979) AND REGULATION (2000)

5.1 Clause 4 Designated Development (EP&A Regulation 2000)

The original Application was deemed Designated Development pursuant to Schedule 3, Part 1, Clause 19 of the Environmental Planning and Assessment Regulation 2000 given the proposed output level of up to 250,000 tpa that will disturb an area greater than two (2) hectares. Despite the modifications, the Application remains Designated Development (given the development is not being amended in terms of extraction area and output), however a revised Environmental Impact Statement is not required.

5.2 Section 91 Integrated Development (EP&A Act 1979)

The original Application was deemed to be Integrated Development pursuant to Section 91 of the Environmental Planning and Assessment Act, 1979 and Section 55 of the Protection of the Environment Operations Act, 1997 through the development being a Scheduled Activity which requires licencing. The Environmental Protection Authority (EPA) subsequently issued General Terms of Approval (GTAs) (**Appendix 4**) which were included with the consent.

There are no aspects of the modifications proposed which contradict the GTAs issued. However, Condition A1 states that the development must be carried out in accordance with the original Application lodged on 7 October 2016. Given modifications are proposed to that originally lodged, the EPA were advised of the modification. Their correspondence dated 22 December 2017 raised no significant concern with the modification, noting an Environmental Protection Licence is still required before operations commence.

5.3 Section 96 Considerations (EP&A Act 1979)

Section 96(1A) of the EP&A Act 1979 pertains to modifications to a consented Development Application involving minimal environmental impact. It states:

“A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.”*
- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.”*

It is considered that the proposed modification will result in negligible environmental impacts and is substantially the same development as the consent which was originally granted, noting that the size and configuration of the extractive industry cell, as well as the total amount of product to be won, is not proposed to be amended.

Those landowners who were notified of the original Application were also notified of this modified proposal. Two (2) submissions were received with the nature of their comments and Council response regarding these discussed later in this report.

Despite the original Application being a Regionally Significant Development and hence the Application being determined by the Western Joint Regional Planning Panel (JRPP), pursuant to Section 21(2) of State Environmental Planning Policy (State and Regional Development) 2011, modifications made under Section 96(1A) of the Environmental Planning and Assessment Act 1979 Council is the determining and consent authority.

5.4 Section 79C Considerations (EP&A Act 1979)

Environmental Planning Instruments

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

SEPP 33 was considered with the original Application due to potentially hazardous goods such as diesel and other hydrocarbons which are classified as Combustible Liquids (C1) being used and stored within the project site. It was deemed however, based on the SEPP 33 Guidelines that this product alone would not be considered potentially hazardous. It is considered there is no aspect of the modification that requires reassessment under the SEPP.

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

The following clauses of the SEPP were considered during the original Assessment:

- Clause 7 – Development permissible with consent;
- Clause 12 – Compatibility of proposed ... extractive industry with other land uses;
- Clause 13 – Compatibility of proposed development with ... extractive industry;
- Clause 14 – Natural resource management and environmental management;
- Clause 15 – Resource recovery;
- Clause 16 – Transport;
- Clause 17 – Rehabilitation; and
- Clause 18 – Receipt and disposal of waste.

It is considered the modifications proposed do not alter any aspect of the clauses above or how they were assessed with the original Application.

State Environmental Planning Policy (State and Regional Development) 2011

The original Application was assessed against the SEPP where it was determined the Application is classified as regionally significant however not state significant. No aspect of the modification affects this determination.

Dubbo Local Environmental Plan 2011

The land is zoned part RU2 Rural Landscape, part RE2 Private Recreation and part IN3 Heavy Industrial. The activities associated with the development will however be restricted to the RU2 and RE2 zones, with 90% of the activity located in the RE2 zone.

The approved land use is not being altered through this modification.

Other clauses considered during the original Assessment were:

- Clause 2.7 – Demolition requires development consent;
- Clause 5.10 – Heritage conservation;
- Clause 5.14 – Siding Spring Observatory;

- Clause 7.3 – Earthworks;
- Clause 7.5 – Groundwater Vulnerability; and
- Clause 7.7 – Airspace Operations.

It is considered there is no component of the modification which contradicts the assessment undertaken against any of the above clauses during the original assessment.

Draft Environmental Planning Instruments

Council has recently exhibited various amendments to the Dubbo Local Environmental Plan 2011 as part of an Operational Review. The Operational Review includes administrative and minor amendments. One of the amendments is to amend the RE2 Private Recreation zone land use table to prohibit aquaculture as a permissible land use. While this amendment would ensure extractive industry is prohibited in the RE2 zone, given the development has been approved by the Joint Regional Planning Panel (JRPP) and the consent has not lapsed, the amendments do not impact on determination of this modified Development Application.

Development Control Plans

Dubbo Development Control Plan (DCP) 2013

The original Application was assessed against the following Chapters of the DCP.

- Chapter 3.1 – Access and Mobility;
- Chapter 3.2 – Economic Impact;
- Chapter 3.3 – Social Impact;
- Chapter 3.5 – Parking; and
- Chapter 3.7 – Environmental Management

During the original assessment it was deemed that the development complied with the relevant performance criteria. Concerns were raised by Council with regard to social impacts of a large extractive industry in close proximity to residential development. However, the JRPP as the consent authority resolved that the extractive industry could operate with minimal impact to the neighbouring property.

It is noted the car parking layout will be amended. Plans demonstrate provision for 20 parking spaces (including one (1) disabled space). A review of the floor layout of Shed 1, Shed 2, and the washbay building demonstrates 186 m² of office space and 2,345.34 m² of storage/workshop space. Offices require parking at 1/40 m². Storage/workshop buildings require parking at 1/250m² GFA. With the office area requiring 4.65 spaces and the storage areas requiring 9.38, the total minimum requirement is 14.03 (say 14). With 20 spaces provided compliance is achieved.

As discussed, the modification does not propose any significant alteration to the layout of the quarry, other than parking as discussed above. Consequently, it is considered the development remains compliant with the relevant performance criteria of the DCP.

Planning Agreement

Condition 3 of the original consent relates to a Planning Agreement between Council and the Applicant. The purpose of the Planning Agreement is for the ongoing maintenance of Sheraton Road. The Applicant has sought modification to the requirements of this condition. This is discussed later in this report.

6. LIKELY IMPACTS OF THE DEVELOPMENT

While potential impacts to the surrounding natural and built environment were raised during the original assessment, it is considered that the proposed modifications will not contribute any additional adverse impacts to the natural or built environment. Further, the modifications will present no additional adverse economic or social impacts to the locality above what was considered during the original Assessment.

7. SUITABILITY OF THE SITE

The overall layout and appearance of the development is not proposed to be significantly altered through this modification. Potential adverse impacts to the surrounding locality were raised during the original Assessment. It is considered that the modifications will not present any additional impacts to that assessed during the original Assessment.

Roadworks/Planning Agreement

The Applicant identified as part of the original assessment that much of Sheraton Road requires upgrading as a consequence of additional heavy vehicles utilising this road to access the development site. The Applicant proposed to undertake this work prior to quarrying operations commencing. Council concurred with the proposal. Condition 4 was subsequently imposed which requires part of Sheraton Road to be upgraded by the developer and reads:

Sheraton Road (between the Mitchell Highway and the Quarry Site) is required to be upgraded at full cost to the Developer to accommodate for the increased traffic proposed to be generated by the extractive industry (quarry) (in particular the forecast volumes of heavy vehicles).

These upgrading works are to include requirements for oversized/weight vehicles, Higher Mass Limit (HML) vehicles.

However, prior to any construction works being undertaken on the upgrade of Sheraton Road, detailed design (fully dimensioned) plan(s) are to be lodged with and approved by Council.

All design and construction works to be in accordance with Council's adopted Aus-Spec Standards, Austroads 'Guide To Road Design' Standards (or any subsequent Council adopted standards i.e. NATSPEC).

{Reason: To ensure that the impact of the proposed development upon public road is adequately addressed}

The Applicant is yet to lodge construction details of such work with Council for approval. Although not specified, the intent of the roadworks is that they are to be completed prior to quarrying operations commencing.

In addition to the above, Council and the Applicant acknowledged the ongoing usage of Sheraton Road by heavy vehicles from the extractive industry is likely to directly result in the road condition deteriorating quicker, resulting in a higher maintenance regime. The Applicant subsequently proposed to enter into a Planning Agreement (PA) with Council for the ongoing maintenance of Sheraton Road. Council's Infrastructure and Operations Division agreed 'in principle' to enter into the PA with the specific details of how this will be implemented to be finalised following determination. Condition 3 relates to the PA and reads:

Prior to any works commencing on site, the Applicant shall enter into a Planning Agreement with Dubbo Regional Council pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, which will address the following issues:

(i) Maintenance of Sheraton Road from the intersection with Wellington Road (Mitchell Highway) to the vehicular access point for 20L Sheraton Road.

The contribution shall be based on a monetary figure based on the tonnage rate of product won from the subject development as determined by Dubbo Regional Council and the Applicant.

{Reason: To ensure that the impact of the proposed development upon public road is adequately addressed}

The Applicant is yet to enter into formal negotiations with Council regarding the PA.

With regard to road construction matters the Applicant seeks modification as follows:

- Condition 3 be amended to ensure the Planning Agreement pertains to the ongoing maintenance of the road only and not for its construction. The Applicant considers it not suitable that they should solely be required to rectify the existing poor road condition. It is their view that costs for this maintenance should subsequently be apportioned appropriately amongst road users; and
- Condition 4 be amended to delete the requirement for upgrading to a standard that includes oversized/weight and higher mass limit vehicles. They request upgrading be undertaken for standard vehicle types only. The Applicant also considers it not suitable that they should solely be required to undertake upgrading of Sheraton Road and are of the view that costs for this upgrade should subsequently be apportioned appropriately amongst road users.

In summation, the Applicant proposes to undertake reconstruction work of Sheraton Road by way of reconstructing the left and right-hand bends to be compliant with Aus-spec Standards and having regard to a 60km/h speed design. Additionally, it is proposed to widen the straight sections of the road from where the existing 'dual carriageway' terminates to the property entrance to be an 8.2 metre wide carriageway to ensure safe passing widths are provided.

As acknowledged by the Applicant, Council deems it necessary that Sheraton Road be upgraded to facilitate this development. The road in its current state, is not suitable for the increased amount of heavy vehicles that will utilise the road as a consequence of the development. The condition requires the upgrading works to be of a standard that can accommodate oversized/weight and higher mass limit vehicles. The Applicant requests this requirement be removed.

Following consideration by Council's Infrastructure Strategy Branch, it is considered that this requirement can be removed. For clarity, condition 4 will also be modified to stipulate that the road be designed and constructed to accommodate 'truck and dog' (19 metre length) design vehicles, specifically in terms of the carriageway width and road bend designs. Following consultation with Council's Infrastructure and Operations Division, condition 4 (**Appendix 1**), has been amended to read as follows:

Prior to any quarrying operations commencing, Sheraton Road (between the Mitchell Highway and the Quarry Site) is required to be upgraded at full cost to the Developer to accommodate for the increased traffic proposed to be generated by the extractive industry (quarry). The works shall generally incorporate the road construction recommendations as outlined in Section 8.2.3 of the 'Proposed South Keswick Quarry Traffic Impact Assessment' prepared by Barnson, dated October 2016, along with the following requirements:

- *The road shall be designed to a speed of 70km/hour;*
- *Widening of relevant sections of Sheraton Road as required to enable the safe passing of two (2) x 19 metre long 'truck and dog' design vehicles. Such work shall comprise 2 x 3.5 metre travel lanes with 2 x 3 metre shoulders for a formation width 13 metres and a seal width of 11 metres;*
- *Upgrade of the two (2) bends on the roadway through the widening the horizontal curves to allow for two (2) x 19 metre long 'truck and dog' design vehicles to adequately pass each other at a reduced speed of 20-30km/h;*
- *Table drains to have 3 metre bottoms with 4 to 1 batters; and*
- *Appropriate road safety signage at each bend.*

Prior to the required construction works being undertaken on the upgrade of Sheraton Road, fully dimensioned detailed design plan(s) are to be lodged with Council and approved by Council's Director Infrastructure and Operations.

All design and construction works to be in accordance with Council's adopted Aus-Spec Standards, Austroads 'Guide To Road Design' Standards (or any subsequent Council adopted standards i.e. NATSPEC).

{Reason: To ensure that the impact of the proposed development upon public road is adequately addressed}

The condition identifies that such works are to be undertaken prior to quarrying operations commencing. For this reason, the Planning Agreement should not be amended to construction only. Planning Agreements are typically implemented based on tonnage rates or vehicle movements after the development has commenced. With the road being required to be upgraded prior to quarrying operations commencing, the only purpose/requirement of the Planning Agreement is for maintenance.

The Applicant also argues that they should not be solely responsible for the upgrade and maintenance of the road, particularly when there are other users who may also cause direct impact. They argue maintenance should be part of Council's standard maintenance of all roadways within the Local Government Area.

However, in this instance, the development is considered to have a direct increased detrimental impact on the roadway through a large number of heavy vehicles utilising it above that of normal usage. Consequently, Council sees a direct correlation between this development and increased impacts to the roadway which would require an additional management regime. Consequently, the Planning Agreement is considered appropriate.

Condition 3 (**Appendix 1**) is therefore recommended to remain on the consent unmodified. The Applicant can discuss the contents of the Planning Agreement with Council separately to the development assessment process. In this regard, informal discussions between the Applicant and Council's Infrastructure and Operations Division have commenced regarding designs for the upgrade as specified in condition 4. The general notion is that the higher the initial construction standard, the less likely there is a need for immediate and regular maintenance and hence the monetary contributions as part of the Planning Agreement would be reduced.

It is however considered appropriate that given the upgrading and ongoing monetary contribution required, that Council waive the developer contributions for urban roads as stipulated in condition 42. Such matters will be discussed in detail later in this report.

Vehicle Type

The original Application identified that the largest vehicle that would access the site as being a 25 metre B-Double vehicle. Condition 7 was imposed restricting access to the site to vehicles no larger than a B-Double. Other conditions also made reference to this vehicle type. The Applicant has identified the largest vehicle that would access the site will now be a 19 metre 'truck and dog' combination. The size reduction is largely to ensure the driveway at the location proposed can be designed to accommodate vehicles of this size without being required to be relocated. It is also in consideration of the fact that Sheraton Road is presently not a gazetted B-Double route as identified in condition 8. The reduced vehicle size will also reduce the required road upgrade construction standard, particularly at the two (2) road bends.

Council's Infrastructure and Operations Division raises no objection to this amendment. Consequently condition 7 (**Appendix 1**) has been amended to read as follows:

*No vehicles larger than a 'truck and dog' 19 metres in length (utilising the Austroads design templates) are permitted to access the subject land and development proposal.
{Reason: The internal maneuverability and access to the subject land and proposed development will only facilitate 'truck and dog' 19.0 m in length or vehicles of lesser dimensions at this location}*

Further, condition 11 (**Appendix 1**) has been amended to read as follows:

The proposed security access gateway(s), plus any associated security fencing, are to be 'set-back' at the proposed entry/exit driveway location, such that at a bare minimum a 19 metre 'truck and dog' vehicle is able to 'stand clear' and be totally contained within the subject lands allotment boundaries and not at any stage overhang onto the road reserve area (which includes the footpath reserve area).

*Additionally, the proposed security access gate(s) are to be constructed and erected to open 'inwards' only to the proposed development site (not 'outwards' which would have the potential to reduce the 'clear zone' specified in the above paragraph).
{Reason: To provide safety for the travelling public utilising the public road system}*

Condition 8 shall be deleted as gazettal of Sheraton Road for B-double vehicles is no longer required to be undertaken.

Driver Code of Conduct (Appendix 5)

During the original assessment process, Council was required to provide a referral to NSW Roads and Maritime Services (RMS) pursuant to Section 16(2) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. In their response RMS recommended the Applicant prepare a Driver Code of Conduct. One of the recommended stipulations of the Code was that haulage operations in the vicinity of the schools on Sheraton Road do not occur during school drop-off/pick-up times (i.e. 8:00 am to 9:30 am and 2:30 pm to 4:00 pm). This requirement was outlined in condition 40 of the consent which reads:

Prior to quarrying operations on the subject property commencing, a Code of Conduct for the transportation of materials on public roads shall be submitted to and approved by Council. The Code of Conduct shall incorporate the following matters:

- *Details of transportation hours and vehicle types;*
- *Procedure for the transport of hazardous materials;*
- *Details of local school operating hours and in particular, student drop off/pick up times. Haulage operations in the vicinity of schools adjoining Sheraton Road during student drop off and pick up times (i.e. 8:00 am to 9:30 am and 2:30 pm to 4:00 pm gazetted school days) shall be prohibited; and*
- *Requirement for drivers to operate vehicles in a safe, professional and courteous manner.*

*The Code of Conduct as approved shall be implemented for the life of the development.
{Reason: Requirement of Clause 16(1)(c) of SEPP (Mining, Petroleum and Extractive Industries) 2007}*

The Applicant has requested the hours be revised so that the restricted haulage hours be 8:15 am to 8:45 am and 3:15 pm to 3:45 pm. The Applicant argues these are the peak drop-off/pick-up times and it is unnecessary to restrict haulage operations of a greater length than this.

The Applicant was requested to, and subsequently provided, written correspondence from RMS, as well as the three (3) schools on Sheraton Road, namely Dubbo Christian School, St Johns Primary School, and St Johns College (**Appendix 6**). All four (4) organisations raised no objection to the amended hours. Given these stakeholders most impacted upon by the operation raised no objection to the amendments, Council raises no objection. Consequently, condition 40 (**Appendix 1**) has been amended to reflect these modified hours.

Council and RMS have reviewed the remainder of the Code of Conduct and deemed it a suitable document that adequately addresses the remaining requirements of condition 40.

Extraction Sequencing

The original Application as lodged included a plan showing extraction sequencing. The general order of extraction would be to commence in the north-eastern corner of the pit and move in a westerly direction until the product is exhausted. To mitigate potential land use impacts condition 48 was imposed by the JRPP and reads:

The Sequence of Extraction Operations shall be undertaken as per Figure 2.3 of the Environmental Impact Statement prepared by R.W. Corkery & Co. Pty Ltd dated October 2016, with the exception of the following:

Following completion of Stage 1 (Cell 1), work within Stage 5 (Cells 18-23) shall commence. Following completion of Stage 5, the remainder of the staging shall commence. Stages 2-4 shall not commence until Stage 5 has been completed.

{Reason: To minimise impact on adjoining residential zoned land by ensuring Stage 5 is completed prior to residential development on adjoining land being undertaken}

Cell 1 is located in the north-eastern corner of the site and will be located adjacent to the crushing and screening area. It is also where blast testing is proposed. The condition requires that once cell 1 is complete, extraction move to the western side of the site and move eastwards until exhausted (see **Figure 3**). The reasoning behind the condition is to minimise impacts on adjoining residential property. At present, land to the west is zoned R2 Low Density Residential. It is thought that once that land is developed, quarrying immediately adjacent on the western side of the cell will be complete and potential impacts will be reduced.

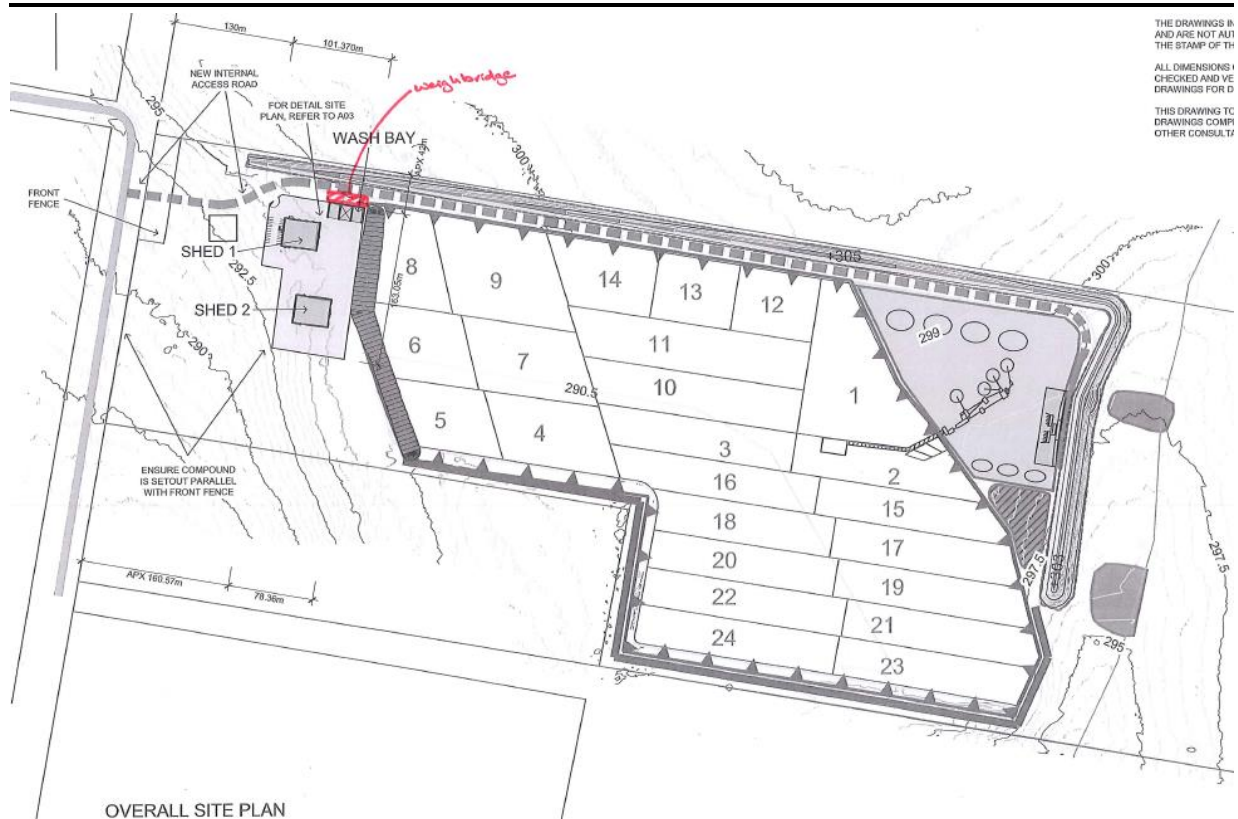


Figure 3: Proposed site plan showing extraction sequencing

The Modified Application includes an amended sequencing plan which reflects condition 48. Consequently condition 1 (**Appendix 1**) has been amended to include this approved modified sequencing plan which correlates with condition 48. Condition 48 (**Appendix 1**) is not required to be amended.

Wash Bay

It is noted the development now includes an undercover wash bay with storage areas on the north-eastern side of Shed 1. This will be used for the wash down of heavy vehicles associated with the quarry. Plans demonstrate this area will be bunded with fall to a central pit. Ordinarily, washbays would drain to sewer as trade waste, however given the property is not connected to sewer, an alternative arrangement is required.

Following a request for further information, the Applicant has advised waste water will drain to a holding tank where it will be pumped out by an approved contractor as required. The washing process will be a 'wand type' process and will comprise:

- Roofed enclosure over the bay to exclude rainwater;
- Bunding around the perimeter of the bay to exclude rainwater and retain wash water;
- A silt pit provided with a graded ramp to 100 mm masonry hobs around the opening to the pit. The hobs would be spaced with 3 mm apertures creating a dry basket arrestor/gross solids settling pit prior to the retention pit that can easily be cleaned by hand and inspected regularly;

- A retention pit that has a holding capacity of 4,012 litres with a sediment pit holding capacity of 6,365 litres;
- An oil water separator with a sludge withdrawal/return line incorporated into the design;
- Pre-treatment equipment located within the roofed and bunded area readily available for washing activities;
- All necessary cleaning compounds for use that would be compatible with the pre-treatment system and comprise degreasers and truck wash style detergents to assist the high pressure cleaning process the form of 'quick break detergents' to assist the separation process and the soil separator;
- A maintenance programme of all wash bay equipment as specified by its supplier (to ensure a fully functional wash bay); and
- Sufficient area and dimension to wash onsite trucks and other onsite machinery.

Plans of the waste water treatment system have also been submitted as identified in condition 1. Having consulted with Council's Environmental Control Branch, it is considered the system is appropriate with no adverse impact on the environment through waste water pollution envisaged. An additional condition has been included (**Appendix 1**) outlining full details of the wash bay to be submitted for approval with the Construction Certificate Application.

8. SUBMISSIONS

Those property owners who were notified of the original Application were notified of this Modified Application. The Application was on public exhibition from 29 September to 18 October 2017. During the exhibition period Council received two (2) written submissions. All submissions received during this exhibition period are provided attached in **Appendix 3**. The matters raised in the submissions are summarised below:

- Increase in truck movements not considered during original Application;

Comment:

The objector considers the likely additional impacts of the modified development have not been considered by the Applicant. The primary impact is through increased truck movements as a consequence of reduced truck sizes resulting in increased vehicle movements to transport the same amount of product. The objector therefore argues the development is no longer 'substantially the same' and should not be considered under Section 96(1A) of the Environmental Planning and Assessment Act 1979.

Council has determined that the development remains substantially the same development, and therefore can be assessed through Section 96(1A) of the Act. It is assumed that despite B-double vehicles being identified for use with the original Application, the majority of vehicles transporting materials from the site would have been 'truck and dog' vehicles. Therefore, while there may be some increased traffic, the increase is considered negligible. The modifications and potential impacts of such can be appropriately assessed and determined through a Modified Development Application.

The objector states that by reducing the vehicle size, the Applicant is merely reducing the amount of upgrading work required to Sheraton Road and their property intersection. It is clear the Applicant would benefit from a smaller vehicle size through reduced design standards. However, Council sees no adverse consequence with reducing the vehicle size which would access the site. Given the vicinity of Sheraton Road and Boundary Road (when it is extended east to Sheraton Road) will in future be characterised by urban residential development, the reduced vehicle size is considered beneficial noting the future urban characteristics of the area.

- Road Impacts

Comment:

The objector states that based on the equivalent standard axle loading of a 'truck and dog' combination compared to a B-Double, a 'truck and dog' combination would cause about 20% more damage to Sheraton Road. This is through these vehicles operating at a higher HML axle loading for the same total daily payload. The argument is however contrary to the contention that smaller vehicles would necessitate a lower road design standard.

Council's Infrastructure and Operations Division have advised that the road will be appropriately designed to cater for the proposed vehicle type and impacts that such vehicle will cause.

- Road construction designs

Comment:

The objector notes that the Modified Application proposes to reconstruct and upgrade the left-hand and right-hand bends along Sheraton Road to 60km/h design speed. However the template swept paths presented in Appendix D use a 30 metre turning radius for design vehicle, which is only suitable for travel speeds of 20-30km/h.

Council's Infrastructure Strategy Branch have advised that despite the road being designed to a speed of 60km/h, vehicles utilising the bends would only do so at 20-30km/h as per the advisory signs, and as such, need only be designed to that standard.

- Delivery hours – Driver Code of Conduct

Comment:

The objector notes the submitted Driver Code of Conduct (as required under condition 40). As discussed, the Applicant has requested a reduced haulage restriction to between 8:15 am to 8:45 am and 3:15 pm to 3:45 pm on gazetted school days.

The objector suggests that realistically the quarry cannot operate without avoiding even the smaller proposed times and therefore it is likely a modified Development Application will be lodged in the future to completely remove this restriction. While the concern is noted, Council cannot comment or act on the objector's assumptions.

- Planning Agreement

Comment:

The objector states that Council should not remove conditions 3 and/or 4 from the consent and that any upgrades or continued maintenance of the road should be appropriately levied against this developer as per the existing conditions. Such matters have been discussed previously in this report, with condition 3 to remain unaltered and condition 4 to be amended to reflect the change in vehicles and subsequent level of upgrading works to Sheraton Road.

- Vehicle movement hours

Comment:

The objector states that the Application now proposes truck movement times between 5:00 am and 10:00 pm which is greater than that approved. However, as per Section 2.9 of the Environmental Impact Statement submitted with the original Application, these hours were always sought (and subsequently approved) for delivery of products. It is noted these hours pertain to deliveries only. Quarrying and associated activities are restricted to 7:00 am to

6:00 pm weekdays (excluding Public Holidays) and 7:00 am to 3:00 pm Saturdays as stated in the original Environmental Impact Statement.

- Developer Contributions

Comment:

The objector argues that condition 42 should not be deleted and the developer should pay the appropriate contribution as do all other developers within Dubbo. The matter is discussed in this report.

9. PUBLIC INTEREST

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

10 SECTION 64/94 DEVELOPER CONTRIBUTIONS

Section 94 contributions were levied pursuant to Council's Urban Roads Contributions Plan. Under the Plan the closest development type was *industry* which has a daily trip generation of five (5) trips per 100 m² Gross Floor Area (GFA). However, the size of the buildings does not necessarily reflect trip generation of the development, it was considered more suitable to accept the trip generation based on the expected daily trip numbers stated in the Environmental Impact Statement (EIS). In this regard, Section 2.5.33 of the EIS stated that the development would generate an average of 38 daily movements. Noting credits, the contribution was subsequently calculated as \$13,834.80.

Condition 42 was subsequently imposed on the consent and reads:

*Prior to quarrying operations on the subject property commencing, the contribution by the developer of **\$13,834.80** (27 industrial trips) for Urban Roads headworks contribution, calculated on a trip basis, in accordance with Council's adopted Amended Section 94 Contributions Plan – Roads, Traffic Management and Carparking, operational 3 March 2016, shall be paid by the developer.*

Such contribution rate is adjusted annually in accordance with Section 6.0 of the Section 94 Contributions Plan becoming effective from the 1 July each year and as adopted in Council's Annual Revenue Policy.

Note 1: Council's adopted 2016/2017 financial year rate is \$512.40 (including administration) per industrial trip.

Note 2: As the above contribution rate is reviewed annually, the current contribution rate is to be confirmed prior to payment.

Note 3: Noting the required upgrade works of Sheraton Road by the developer, the above contribution may be credited as a consequence of 'works in kind'.

{Reason: Implementation of Council's Section 94 Contributions Plan – Roads, Traffic Management and Carparking dated 2016}

The Applicant has requested condition 42 be deleted. The Applicant firstly argues that contributions are not able to be applied to this development as the defined land use term (extractive industry) is not an identified land use in the Plan. Table 4.1 of the Plan identifies a number of land uses and associated trip generation rates, however does not quantify every possible land use. Section 3.6 of the Plan identifies that all land use and traffic generation situations cannot be predicted, and from time to time, Council may receive applications which do not fit within these assumptions. Based on this, Council determined a suitable traffic generation based on the traffic generation figures identified in the Environmental Impact Statement submitted with the original Application. There is nothing in the Plan which states Council can only impose contributions against identified land uses. Therefore, Council does not accept this argument.

The Applicant secondly argues it is not reasonable to impose urban roads contributions given Council requires the developer through condition 4 to undertake upgrades to Sheraton Road. Pursuant to Section 3.2 of the Plan Council can accept 'works in kind' through provision of a material public benefit in lieu of the payment of contributions.

In this instance, it is deemed the development will have a direct impact on the road above that of other users. Therefore Council had imposed conditions in relation to the upgrading of the roadway as well as its continued maintenance. In relation to the continued maintenance, an ongoing monetary contribution will be required, acknowledging the development will cause the largest deterioration of the roadway. Given such monetary contribution will be imposed, and noting the 'works in kind' to be undertaken with the road upgrading, imposing a Section 94 contribution in addition to this is considered onerous and unreasonable in this instance.

Consequently, for the reasons identified above, condition 42 has been deleted (**Appendix 1**).

SUMMARY

The Applicant has sought to modify Development Consent D16-482 for an extractive industry (quarry) on Lot 211 DP 1220433, 20L Sheraton Road, Dubbo.

The Application proposes to undertake minor modifications to the site layout. The pit configuration or amount of product to be extracted is not proposed to be amended. The Applicant also proposes amendments to remove requirements regarding the imposition of Section 94 Contributions and to enter into a Planning Agreement for the continued maintenance of Sheraton Road.

It is considered the proposed physical modifications remain within the intent of the original consent and the requirements of the Dubbo Local Environmental Plan 2011. The physical aspects of the proposed Modified Development Application are substantially the same development as that approved under D2016-482 Part 1.

In addition to the conditions to be amended or deleted as discussed throughout this report, conditions 15, 22 and 30, and notations 2, 6, 7 and 8 shall be modified to reflect the changes to the building names through this modification and to clarify building regulatory requirements for these.

The Modified Application is not considered likely to have any significant negative impact upon the environment or upon the amenity of the locality. The Modified Application is consistent with the objectives of the applicable EPI's, DCP's and Council policies and is therefore recommended for approval subject to the conditions of consent included in **Appendix 1**.

Appendices:

- 1 [↓](#) Conditions of Consent
- 2 [↓](#) Development Plans
- 3 [↓](#) Submissions
- 4 [↓](#) Environmental Protection Authority General Terms of Approval
- 5 [↓](#) Driver Code of Conduct
- 6 [↓](#) Correspondence from NSW Roads and Maritime Services - St Johns Primary School - St Johns College and Dubbo Christian School regarding Driver Code of Conduct

CONDITIONS**CONDITION 1 AMENDED WITH CONSENT D2016-482 PART 2 TO READ AS FOLLOWS:**

- (1) The development shall be undertaken generally in accordance with the Environmental Impact Statement dated October 2016 prepared by R. W. Corkery & Co. Pty Ltd, subsequent provided information, and stamped approved plans detailed as follows except where modified by any of the following conditions:

Drawing Title: Overall Site Plan (amended in red)
Drawing Number: A02
Dated: 14/09/17
Revision: A

Drawing Title: Extraction Area Cross Sections (Modified)
Drawing Number: Figure 2.2
Dated: 2016

Drawing Title: Indicative Processing Plant Layout
Drawing Number: Figure 2.4
Dated: October 2016 (as per Statement of Environmental Effects)

Drawing Title: Quarry Buildings and Facilities (Quarry Office and Control Room only)
Drawing Number: Figure 2.8
Dated: undated

Drawing Title: Detail Site Plan (amended in red)
Drawing Number: A03
Dated: 14/09/17
Revision: A

Drawing Title: Shed 1 Overall Floor Plan
Drawing Number: A04
Dated: 14/09/17
Revision: A

Drawing Title: Shed 2 Overall Floor Plan
Drawing Number: A05
Dated: 14/09/17
Revision: A

Drawing Title: Shed 1 Detail Ground Floor Plan
Drawing Number: A06
Dated: 14/09/17
Revision: A

Drawing Title: Shed 1 Detail First Floor Plan

Drawing Number: A07
 Dated: 14/09/17
 Revision: A

Drawing Title: Shed 1 Elevations
 Drawing Number: A08
 Dated: 14/09/17
 Revision: A

Drawing Number: Shed 2 Elevations
 Drawing Number: A09
 Dated: 14/09/17
 Revision: A

Drawing Title: Wash Bay Details
 Drawing Number: A10
 Dated: 14/09/17
 Revision: A

Drawing Title: Process Flow Chart and Layout
 Drawing Number: W01
 Dated: 15/11/17
 Revision: A

Drawing Title: Schematic Diagram
 Drawing Number: W02
 Dated: 15/11/17
 Revision: A

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

- (2) The Applicant/Proponent shall comply with the 'General Terms of Approval', Notice No. 1548744 dated 1 February 2017, from the NSW Environmental Protection Authority (copy attached).
 {Reason: To ensure compliance with the NSW Environmental Protection Authority and Section 91 of the EP&A Act 1979}
- (3) Prior to any works commencing on site, the Applicant shall enter into a Planning Agreement with Dubbo Regional Council pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, which will address the following issues:
- (i) Maintenance of Sheraton Road from the intersection with Wellington Road (Mitchell Highway) to the vehicular access point for 20L Sheraton Road.

The contribution shall be based on a monetary figure based on the tonnage rate of product won from the subject development as determined by Dubbo Regional Council and the Applicant.

{Reason: To ensure that the impact of the proposed development upon public road is adequately addressed}

CONDITION 4 AMENDED WITH CONSENT D2016-482 PART 2 TO READ AS FOLLOWS:

(4) Prior to any quarrying operations commencing, Sheraton Road (between the Mitchell Highway and the Quarry Site) is required to be upgraded at full cost to the Developer to accommodate for the increased traffic proposed to be generated by the extractive industry (quarry). The works shall generally incorporate the road construction recommendations as outlined in Section 8.2.3 of the 'Proposed South Keswick Quarry Traffic Impact Assessment' prepared by Barnson, dated October 2016, along with the following requirements:

- The road shall be designed to a speed of 70km/hour;
- Widening of relevant sections of Sheraton Road as required to enable the safe passing of two (2) x 19 metre long 'truck and dog' design vehicles. Such work shall comprise 2 x 3.5 metre travel lanes with 2 x 3 metre shoulders for a formation width 13 metres and a seal width of 11 metres;
- Upgrade of the two (2) bends on the roadway through the widening the horizontal curves to allow for two (2) x 19 metre long 'truck and dog' design vehicles to adequately pass each other at a reduced speed of 20-30km/h;
- Table drains to have 3 metre bottoms with 4 to 1 batters; and
- Appropriate road safety signage at each bend.

Prior to the required construction works being undertaken on the upgrade of Sheraton Road, fully dimensioned detailed design plan(s) are to be lodged with Council and approved by Council's Director Infrastructure and Operations.

All design and construction works to be in accordance with Council's adopted Aus-Spec Standards, Austroads 'Guide To Road Design' Standards (or any subsequent Council adopted standards i.e. NATSPEC).

{Reason: To ensure that the impact of the proposed development upon public road is adequately addressed}

(5) The existing access servicing the proposed Quarry (Lot 211) and Solar Farm (Lot 210) off Sheraton Road shall be upgraded by and at full cost to the Developer with construction of a Type AUL intersection to Council's satisfaction.

The ingress/egress to the development (i.e. the AUL component) is to be constructed as a bitumen sealed culverted access. Additionally, all internal access roads are to also be fully bitumen sealed. These roads are to be of sufficient width so as to accommodate two-way traffic flow based upon the turning swept paths of 'semi-trailer 19.0 m' (utilising the Austroads design templates, with a turning speed of 5-15 km/hr) with such design width to ensure that at no stages will a semi-trailer be required to cross over onto the wrong side of Sheraton Road when either entering or exiting the proposed development.

All works required to fulfil the above condition are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series – Design and

Construction standards, with detailed engineering design plans being submitted to, and approved prior to any construction works commencing.

Should Council's Development Engineer (or his representative) not undertake the required routine inspections during the course of construction of this condition, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with Council standards will be required to be lodged with Council prior to the issue of the Occupation Certificate for the proposed development.

During construction works, vehicular access to adjoining Lot 210 DP 1220433 (which utilises the same access driveway) shall be maintained.

Additionally, the proposed internal access road shall be designed to a standard for the proposed traffic loadings. Details shall be provided to Dubbo Regional Council for approval prior to this work commencing. Such road shall be completed and sealed prior to quarrying operations commencing.

{Reason: To provide a satisfactory means of entry/exit to the proposed development and adjoining Lot 210 DP 1220433, and to ensure dust impacts on adjoining property are minimised}

- (6) Under no circumstances are any construction works or activities to commence on or within the road reserve area (which includes the footpath area) until such time as a 'Road Opening Application' has been lodged with and approved by Council. As part of the proposed works encroach onto the Sheraton Road (and/or road) areas, a separate 'Road Opening Application' (Section 138 Application under the Roads Act 1993) will be required to be made to Council's Technical Services Division, plus payment of any appropriate fee(s).

General Note: These Section 138 Approval(s) are not only required for the proposed upgrading of Sheraton Road but will also be required for any other utilities / infrastructure where crossing over, or under, public roads (i.e. construction of the gas main, water main, etc).

Prior to the issue of the Occupation Certificate for the proposed development, the Developer/Applicant is to provide the Principal Certifying Authority with written evidence/confirmation that the required S138 Application was lodged with Council, and that any relevant condition(s) have been complied with.

{Reason: Implementation of Council's Policy and Section 138 of the Roads Act}

CONDITION 7 AMENDED WITH CONSENT D2016-482 PART 2 TO READ AS FOLLOWS:

- (7) No vehicles larger than a 'truck and dog' 19 metres in length (utilising the Austroads design templates) are permitted to access the subject land and development proposal.

{Reason: The internal maneuverability and access to the subject land and proposed development will only facilitate 'truck and dog' 19.0 m in length or vehicles of lesser dimensions at this location}

CONDITION 8 DELETED WITH CONSENT D2016-482 PART 2

- (9) All vehicles must enter and exit the subject land and proposed development in a forward direction. No reversing of vehicles onto the public roadway system will be permitted.
{Reason: To provide safety for the travelling public utilising the public roadways}
- (10) All loading and unloading of goods related to the development proposal shall be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system be permitted.
{Reason: Requirement of Council so as not to create adverse traffic conditions}

CONDITION 11 AMENDED WITH CONSENT D2016-482 PART 2 TO READ AS FOLLOWS:

- (11) The proposed security access gateway(s), plus any associated security fencing, are to be 'set-back' at the proposed entry/exit driveway location, such that at a bare minimum a 19 metre 'truck and dog' vehicle is able to 'stand clear' and be totally contained within the subject lands allotment boundaries and not at any stage overhang onto the road reserve area (which includes the footpath reserve area).

Additionally, the proposed security access gate(s) are to be constructed and erected to open 'inwards' only to the proposed development site (not 'outwards' which would have the potential to reduce the 'clear zone' specified in the above paragraph).

{Reason: To provide safety for the travelling public utilising the public road system}

- (12) The finished floor level of the proposed building(s) at the location of each building's overflow (relief) gully shall achieve:
- (a) A minimum of 225 mm above the finished surrounding ground level; or
 - (b) Where the overflow (relief) gully is located in a path or paved area which is finished such that surface water cannot enter it and is graded away from the building, a minimum of 150 mm above the finished surrounding path or paved area.
- {Reason: Council requirement to ensure free board provisions of sanitary drainage regulations can be achieved}
- (13) The sanitary drainage and water plumbing installations shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the water utility provider and delegated plumbing/drainage regulator.
{Reason: Statutory and Council requirement}
- (14) The proposed development shall be designed and constructed in conformity with the applicable design criteria applicable under the Building Code of Australia (BCA) and *Disability (Access to Premises — Buildings) Standards 2010* of the Disability Discrimination Act 1992.
{Reason: Council requirement to ensure compliance with the applicable Premises Standards under the DDA is demonstrated}

CONDITION 15 AMENDED WITH CONSENT D2016-482 PART 2 TO READ AS FOLLOWS:

- (15) The disabled car parking space provided within the proposed car park adjacent to Shed No. 1, shall have its marking and signage to such car park space maintained in a trafficable and legible condition. Such parking space shall have a continuous accessible path of travel provided between it and the principal pedestrian entrance to the main workshop/office building.

{Reason: Council requirement in consideration of section 79C of the EP&A Act and the DDA 1992}

- (16) The sanitary drainage associated with the development's sanitary facilities requires the separate approval of Council prior to being installed. In this regard a Sewage Management Facility Application form is available from Council, and must be completed and returned to Council with all associated design, installation details and fees. No drainage must be installed until Council has approved the proposed treatment and disposal method for the site and issued an approval to install the intended sewage management facilities.

{Reason: Council and statutory requirement of Section 68 Local Government Act 1993}

- (17) Temporary closet accommodation shall be provided onsite before work on the proposed buildings is commenced.

{Reason: Council requirement to preserve public hygiene}

- (18) The top of the building's overflow (relief) gully shall be a minimum 150 mm below the building's lowest sanitary fixture.

The building's overflow (relief) gully shall also:

- (a) Be a minimum 75 mm above the finished surrounding ground level; or
- (b) Where the overflow (relief) gully is located in a path or paved area which is finished such that surface water cannot enter it and is graded away from the building, it may be finished level with such path or paved area.

{Reason: Statutory requirement}

- (19) The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier, prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for inspection of such works. When requesting an inspection, please quote Council's reference number located in the top left hand corner of this page.

- Internal and external sanitary plumbing and drainage under hydraulic test.
- The development's sewage management facility installation and disposal field.
- Final inspection of the installed sanitary and water plumbing fixtures and sewage management facility upon the building's completion prior to its occupation or use.

{Reason: Statutory provision and Council requirement being the delegated water and sewerage regulator}

- (20) All sanitary plumbing and drainage associated with the sewage management facilities shall be carried out by a licensed plumber and drainer.

{Reason: Council requirement}

- (21) The hot water delivered to the outlets used for personal hygiene purposes which includes hand-basins and showers, shall not exceed 50°C, whilst similar disabled fixtures shall not exceed 45°C.

{Reason: Council policy and statutory requirement of the Plumbing Code of Australia}

CONDITION 22 AMENDED WITH CONSENT D2016-482 PART 2 TO READ AS FOLLOWS:

- (22) An adequate water supply incorporating on-site storage shall be provided to service the development's sanitary and ablution facilities. In this regard, it is recommended that the roofwater from the Shed 1 be harvested for this purpose; as well as for potable purposes. The overflow from the storage tanks is to be discharged at least 3 m clear of any building.

{Reason: To ensure an adequate water supply is provided to service the development's ablution facilities}

- (23) No building shall be occupied or used until the Principal Certifying Authority has first issued an Occupation Certificate.

{Reason: Statutory requirement to ensure the building is fit for occupation}

- (24) A site rubbish container shall be provided on the site for the period of the construction works prior to commencement of any such work.

{Reason: Council requirement to prevent pollution of the environment by wind-blown litter}

- (25) All excavations associated with the erection of the buildings and installation of associated services must be properly guarded and protected to prevent them from being dangerous to life or property. Excavations undertaken across or in a public place must be kept adequately guarded and/or enclosed and lit between sunset and sunrise, if left open or otherwise in a condition likely to be hazardous to persons in the public place.

{Reason: Council requirement for protection of public}

- (26) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

{Reason: Prescribed statutory condition under EP&A Act}

- (27) Prior to building works commencing the Applicant shall ensure that a sign is erected on the work site in a prominent position at the front of the property showing:

- (a) The name, address and telephone number of the Principal Certifying Authority (PCA) for the work;
- (b) The name of the principal contractor for the building/demolition work and a telephone number on which that person may be contacted outside of working hours; and
- (c) Stating that unauthorised entry to the work site is prohibited.

Such sign must be maintained on the site during the course of the building/demolition work and not be removed until the work has been completed.

{Reason: Statutory condition imposed by clause 98A of the EP&A Regulation 2000}

- (28) The person having the benefit of this Development Consent carrying out the building work must, unless that person is the principal contractor, ensure that the principal contractor has been notified of the critical stage inspections and any other inspections that are specified by the appointed Principal Certifying Authority (PCA) to be carried out.

Note: The 'principal contractor' is the person responsible for the overall coordination and control of the carrying out of the building work.

{Reason: Statutory requirement imposed by the EP&A Act 1979}

- (29) Any rainwater tank(s) installed shall be provided with:

- A top or lid to shield the interior from light penetration; and
- A screen to all inlets and openings into the tank to prevent debris and mosquito entry.

{Reason: Council requirement to reduce contamination of the supply and breeding of mosquitoes}

CONDITION 30 AMENDED WITH CONSENT D2016-482 PART 2 TO READ AS FOLLOWS:

- (30) If Council is engaged to act as the Principal Certifying Authority (PCA), the applicant shall ensure that the responsible builder and/or applicable contractors submit to Council documentary evidence identifying and confirming that their respective work was undertaken in conformity with the relevant Section J provisions of the BCA, as approved under the Construction Certificate for the Shed 1 building. Such documentation must be provided prior to issue of the building's Occupation Certificate.

{Reason: To satisfy Council as the PCA that the applicable work has been undertaken in conformity with the BCA}

- (31) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

{Reason: Council and statutory requirement to protect Aboriginal heritage}

- (32) Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during demolition works, the applicant and contractor shall ensure the appropriate regulatory authority (eg Office of Environment and Heritage (OEH), WorkCover Authority, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.

{Reason: Council requirement to prevent the contamination of the environment}

- (33) All solid waste from construction and operation of the proposed development shall be assessed, classified and disposed of in accordance with the *Department of Environment and Climate Change - Waste Classification Guidelines*. Whilst recycling and reuse are preferable to landfill disposal, all disposal options (including recycling and reuse) must be undertaken with lawful authority as required under the Protection of the Environment Operations Act.

{Reason: Council requirement to require compliance with the POEO Act}

- (34) If any threatened species as defined under the Threatened Species Conservation Act 1995 are observed during the operation, work is to cease and the National Parks and Wildlife Service is to be contacted.

{Reason: To protect and preserve the existing native vegetation and conserve the habitat for local flora and fauna and a requirement of the National Parks and Wildlife Service}

- (35) No residential habitation, including on a temporary or short-term basis, shall be undertaken on the subject development site.

{Reason: The site is not suitable for human habitation}

- (36) Site rehabilitation and landscaping shall be carried out in accordance the Environmental Impact Statement dated October 2016, 'Figure 2.9 Indicative Final Landform'. The site shall be rehabilitated as sections of the site are exhausted. Five (5) yearly reports shall be provided to Council on the extent of rehabilitation, which also includes planning for the forthcoming five (5) year period, including the final period when the extractive industry ceases.

Upon the decommissioning of the area where hydrocarbons are stored, suitable remediation shall be undertaken to ensure the land is made suitable for future use.

{Reason: To protect the environment, public health, safety and comply with SEPP 55}

- (37) All chemicals shall be stored in accordance with:

- (i) *Australian Standard AS 1940 – 2004 The Storage and Handling of Flammable and Combustible Liquids*;
- (ii) Environmental Protection Authority's *Environment Protection Manual for Authorised Officers: Technical Section* (Bunding and spill management);
- (iii) NSW WorkCover Authority requirements and observe appropriate spill prevention controls.

{Reason: To prevent pollution of the environment and waterways}

- (38) Any water discharged from the site shall ensure that water quality is maintained in accordance with all quality standards being chemical, physical and microbiological for primary recreational water contact as stated *ANZECC Guidelines and water quality objectives in NSW 2000*.

{Reason: To prevent pollution of the environment and waterways}

- (39) Any soil brought externally to the development site to reshape the land (including the earth bund) shall be clean fill only. Fill that contains foreign matter such as building materials shall not be used.

{Reason: Council requirement to ensure the land does not become contaminated from unauthorised fill}

CONDITION 40 AMENDED WITH CONSENT D2016-482 PART 2 TO READ AS FOLLOWS:

(40) Prior to quarrying operations on the subject property commencing, a Code of Conduct for the transportation of materials on public roads shall be submitted to and approved by Council. The Code of Conduct shall incorporate the following matters:

- Details of transportation hours and vehicle types;
- Procedure for the transport of hazardous materials;
- Details of local school operating hours and in particular, student drop off/pick up times. Haulage operations in the vicinity of schools adjoining Sheraton Road during student drop off and pick up times (i.e. 8:15 am to 8:45 am and 3:15 pm to 3:45 pm gazetted school days) shall be prohibited; and
- Requirement for drivers to operate vehicles in a safe, professional and courteous manner.

The Code of Conduct as approved shall be implemented for the life of the development.
{Reason: Requirement of Clause 16(1)(c) of SEPP (Mining, Petroleum and Extractive Industries) 2007}

(41) The demolition of all buildings and structures on the property shall be carried out in accordance with the applicable provisions of AS 2601 – 1991: The Demolition of Structures.

{Reason: Council requirement imposed in consideration of the EP&A Regulation 2000 to ensure the demolition works are undertaken in an appropriate manner}

CONDITION 42 DELETED WITH CONSENT D2016-482 PART 2

(43) A vegetative earth bund around the extraction area shall be progressively established in accordance with the approved extraction area cross section plan (Figure 2.2 of the Environmental Impact Statement prepared by R. W. Corkery & Co. Pty Ltd dated October 2016). Upon completion of the earthworks appropriate landscaping shall be established. Such landscaping shall include appropriate grasses to minimise erosion potential.

{Reason: To ensure the development is suitably screened from surrounding development}

(44) The landscaping to be provided around the perimeter of the development site on the earth bund shall be undertaken in accordance with Table 2.7 of the Environmental Impact Statement prepared by R. W. Corkery & Co. Pty Ltd dated October 2016, and the stamped approved plans and be maintained for the life of the project.

Such landscaping shall at a minimum be undertaken progressively in stages to correlate with the construction of earth bund.

{Reason: To maintain and improve the aesthetic quality of the development}

(45) A separate application for any proposed onsite advertising/signage shall be submitted to Council if such signage does not comply with Part 2, Division 2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

{Reason: To ensure onsite advertising/signage is appropriate for the site and the locality}

- (46) All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property, and the emittance of light to the night sky will be minimised.

{Reason: To minimise the effect of light on adjoining properties and reduce the effect of artificial lighting on the night sky}

- (47) A Dilapidation Report shall be prepared by a suitably qualified independent consultant, at the Applicant's expense, to record the condition of the existing buildings, structures and infrastructure on the solar farm, taking note of any defects, cracks, abnormalities and damage outside of the scope of normal wear and tear prior to the commencement of the quarry operations. The Report shall include detailed photographic evidence.

The Report shall focus on two (2) sites within the solar farm, each having an area of 100m x 100 metres. One (1) of these sites shall be located adjacent to the proposed quarry.

Any damage or impacts identified as a result of the quarry operations on the adjacent solar farm, shall be repaired and remediated to the standard that existed prior to quarry works commencing.

{Reason: To monitor impacts of the development on the solar farm on Lot 2100 DP 1233890}

CONDITION 48 AMENDED WITH CONSENT D2016-482 PART 2 TO READ AS FOLLOWS:

- (48) The Sequence of Extraction Operations shall be undertaken as per the Overall Site Plan (Drawing No. A02 dated 14/09/17 – Revision A).

{Reason: To minimise impact on adjoining residential zoned land by ensuring extraction on the western portion of the quarry is completed prior to residential development on adjoining land being undertaken}

- (49) The Applicant shall submit a Dust Suppression Management Plan to Dubbo Regional Council for approval prior to the commencement of earthworks on site. The Plan shall demonstrate that dust generated on the site shall be controlled so as to minimise movement of dust particles off the site, in particular to minimise impact on the adjacent solar farm and to maintain the amenity of the area. The management plan shall also include dust suppression methods for pre and post construction stages, and the ongoing operations of the site.

{Reason: To maintain the amenity of the area and minimise dust impacts on the adjacent solar farm}

CONDITION 50 ADDED WITH CONSENT D2016-482 PART 2 TO READ AS FOLLOWS:

- (50) Prior to the issue of the Construction Certificate for the wash bay building, full details showing the construction of the proposed wash bay shall be submitted to and approved by Council. Such details shall include the construction and sealing of the perimeter bunding and the management and treatment of wastewater from drainage pits.

{Reason: Council requirement to require compliance with the POEO Act}

NOTES

- (1) A separate application is required to be submitted to either Council or an accredited certifier to obtain a Construction Certificate to permit the erection of the proposed buildings.

NOTATION 2 AMENDED WITH CONSENT D2016-482 PART 2 TO READ AS FOLLOWS:

- (2) The proposed Shed 1 building is required by the Deemed-to-satisfy BCA and the Premises Standards to provide disabled access. However, notwithstanding this, the applicant's attention is drawn to the owners' and employers' obligations under the NSW Anti-Discrimination Act and Federal Disability Discrimination Act whereby the design of the premises and workplace should not discriminate against disabled persons visiting and obtaining access to such premises. It should be noted that compliance with the BCA and the Premises Standards is not a defence against prosecution, or the issue of a rectification order under the subject Acts in respect of all disability access issues. Accordingly, Council recommends that the applicant and owner investigate their liability under such Acts.
- (3) A list of Fire Safety Measures must be submitted with the Construction Certificate application pursuant to clause 139 of the Environmental Planning and Assessment Regulation 2000. The Regulation prescribes that the information to be submitted must include:
- A list of any existing fire safety measures provided in relation to the land or any existing building on the land; and
 - A list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.
- (4) Details of the disabled facilities (including access paths, toilets, signage and location of any tactile ground surface indicators) need to be adequately detailed on the Construction Certificate application plans to permit assessment and compliance evaluation with the provisions of the Council's Development Control Plan (where applicable), the Premises Standards and the BCA. In particular, the submitted details for the proposed disabled and ambulant toilets should include elevations and floor plans of the facilities drawn to a scale of 1:20. Reference should be made to AS 1428.1, the Access Code under the Premises Standards and AS/NZS 2890.6 regarding specific design parameters.
- (5) It is a statutory requirement that an Approval to Operate a System of Sewage Management must be obtained from the Council prior to occupation of the building and/or commissioning of the sewage management facility (eg septic tank, AWTS etc). This approval to operate the sewage management system is time limited and must therefore, be renewed on a regular basis by the owner of the premises. Accordingly, the applicant to this consent should ensure that the owner of the subject premises is made aware of the following:

- (a) That an approval to Operate a System of Sewage Management must be obtained from the Council prior to occupation of the building and/or commissioning of the sewage management facility; and
- (b) That such approval once obtained must be renewed on a regular basis.

NOTATION 6 AMENDED WITH CONSENT D2016-482 PART 2 TO READ AS FOLLOWS:

- (6) On completion of the erection of the Shed 1 building, the owner of the building is required to submit to the Principal Certifying Authority (PCA) a Fire Safety Certificate(s) with respect to each *essential fire safety measure* installed in association with the building – as listed on the Fire Safety Schedule attached to the Construction Certificate. Such certificate(s) must be submitted to the PCA prior to occupation or use of the subject building.

Copies of the subject Fire Safety Certificate(s) must also be forwarded by the owner to Council (if not the appointed PCA) and the Commissioner of Fire and Rescue NSW and displayed within the subject building in a prominent position.

NOTATION 7 AMENDED WITH CONSENT D2016-482 PART 2 TO READ AS FOLLOWS:

- (7) The owner of the Shed 1 building is required to submit to Council at least once in each period of 12 months following the completion of the building an Annual Fire Safety Statement(s) with respect to each essential fire safety measure associated with the building.

Copies of the subject Annual Fire Safety Statements must also be forwarded by the owner to the Commissioner of the Fire and Rescue NSW and displayed within the subject building in a prominent position. In this regard Fire and Rescue NSW has requested that only electronic copies of the statement be forwarded, with their dedicated email address for such Statements being: afss@fire.nsw.gov.au

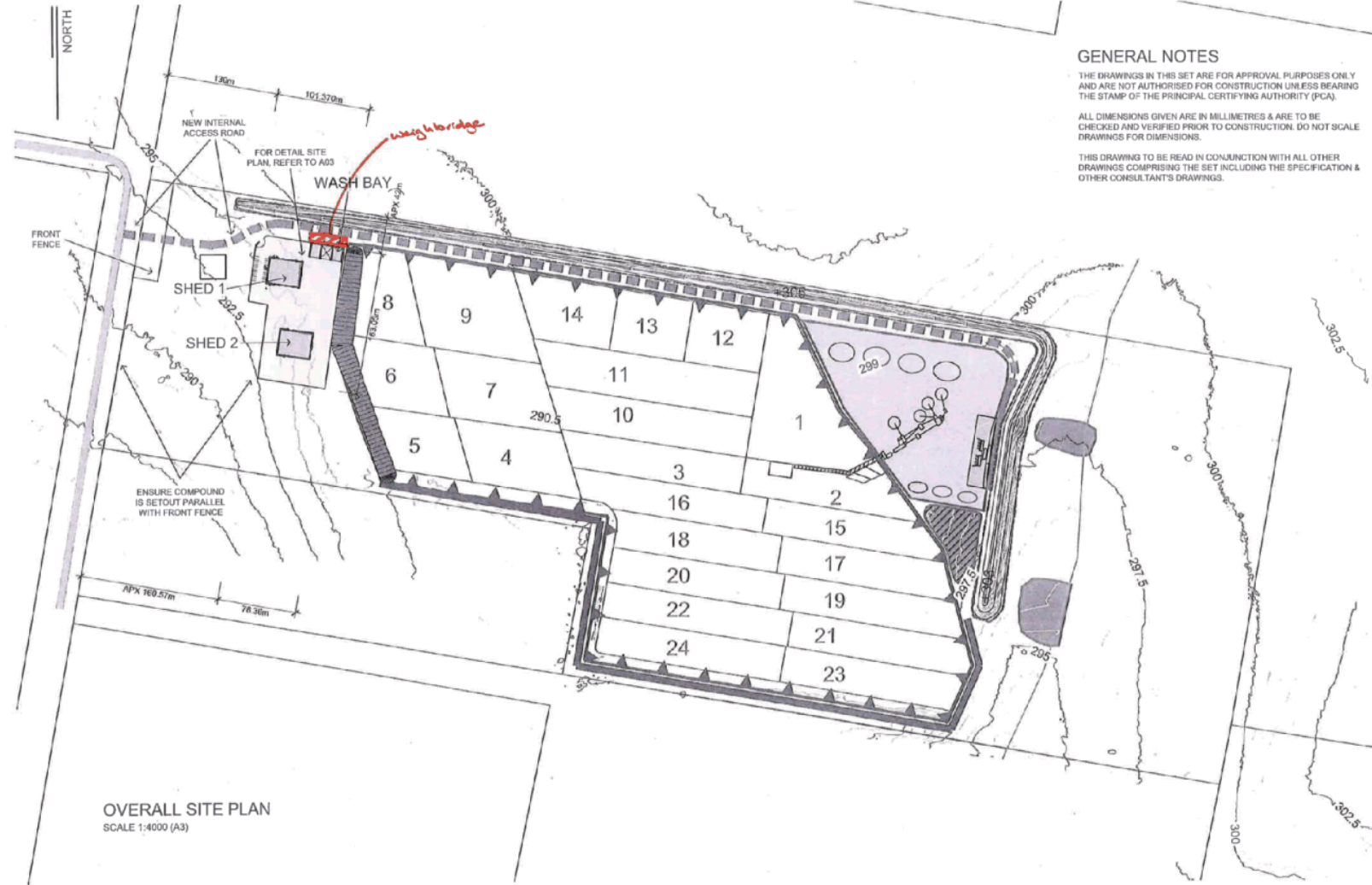
NOTATION 8 AMENDED WITH CONSENT D2016-482 PART 2 TO READ AS FOLLOWS:

- (8) A number of design aspects with the Shed 1 building's conformity with the Deemed-to-satisfy BCA have been identified of which, several are highlighted below for your information and subsequent investigation for its construction certificate application:
 - Sufficient sanitary facilities for the projected deemed occupation need to be provided. Additional toilet facilities will be required unless a more accurate method of determination of the occupation of the building is submitted with the Construction Certificate application documentation, than just utilising Table D1.13 of the BCA;
 - Fire hydrants will be required to protect the building. In the absence of a reticulated water supply a fire-fighting storage tank of at least 288,000 litres (4 hours fire-fighting supply) would be required, with the appropriate pumps, booster assembly and on-site hydrant installation - refer Clause E1.3 of BCA & AS 2419.1;

- Fire Hose Reels will also be required to protect the building and thus necessitate connection to the aforementioned fire-fighting supply, its own additional storage capacity;
 - Disabled access design and compliance for the building will need to be addressed in terms of both the BCA and the Premises Standards under the Disability Discrimination Act. Any exemptions under clause D3.4 of the BCA and Access Code (of the Premises Standards) and/or performance solutions intended to be relied upon, need to be adequately detailed in the construction certificate application documentation.
- (9) Approvals that will be required to be obtained under Section 68 of the Local Government Act include:
- Install and construct a human waste storage facility and drain connected to such facility; and
 - Operate a system of sewage management (within the meaning of section 68A).
- (10) Offensive noise as defined under the Protection of the Environment Operations Act 1997 shall not be emitted from the proposed development.
- Air impurities as defined under the Protection of the Environment Operations Act 1997 shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.
- (11) The Development shall be carried out in accordance with Essential Energy's correspondence dated 20 October 2016 (copy attached).
- (12) The Development shall be carried out in accordance with Roads and Maritime Services correspondence dated 10 January 2017 (copy attached).
- (13) The Council Section 94/64 Contribution Plans referred to in the conditions of this consent, may be viewed by the public without charge, at Council's Administration Building, Church Street, Dubbo between the hours of 9 am and 5 pm, Monday to Friday. Copies are also available from: www.dubbo.nsw.gov.au

RIGHT OF APPEAL

Section 97 of the Environmental Planning and Assessment Act, 1979 confers the right for an applicant who is dissatisfied with Council's determination to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice.



GENERAL NOTES

THE DRAWINGS IN THIS SET ARE FOR APPROVAL PURPOSES ONLY AND ARE NOT AUTHORISED FOR CONSTRUCTION UNLESS BEARING THE STAMP OF THE PRINCIPAL CERTIFYING AUTHORITY (PCA).

ALL DIMENSIONS GIVEN ARE IN MILLIMETRES & ARE TO BE CHECKED AND VERIFIED PRIOR TO CONSTRUCTION. DO NOT SCALE DRAWINGS FOR DIMENSIONS.

THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS COMPRISING THE SET INCLUDING THE SPECIFICATION & OTHER CONSULTANT'S DRAWINGS.

OVERALL SITE PLAN
SCALE 1:4000 (A3)



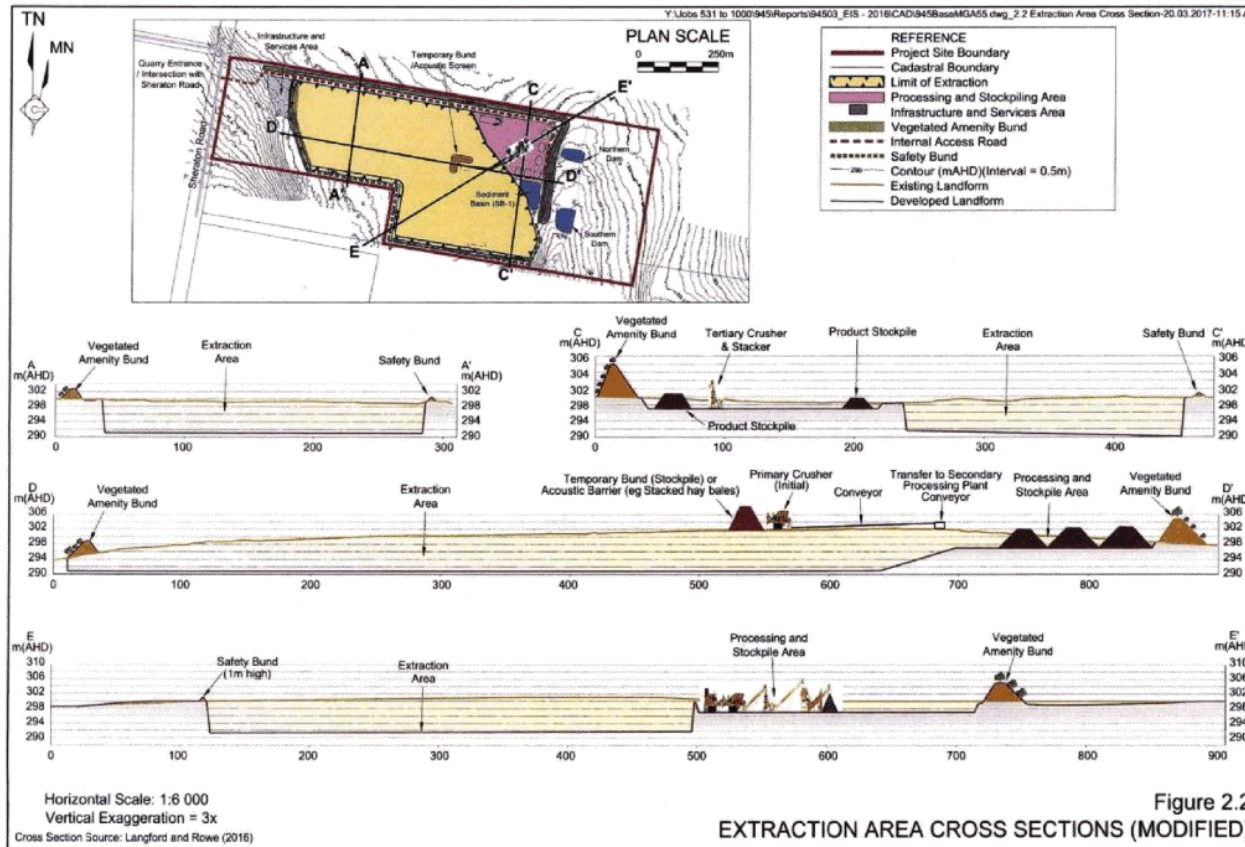
PROJECT: PROPOSED SHED MODIFICATIONS
ADDRESS: 20L SHERATON ROAD DUBBO
CLIENT: MAAS GROUP PROPERTIES

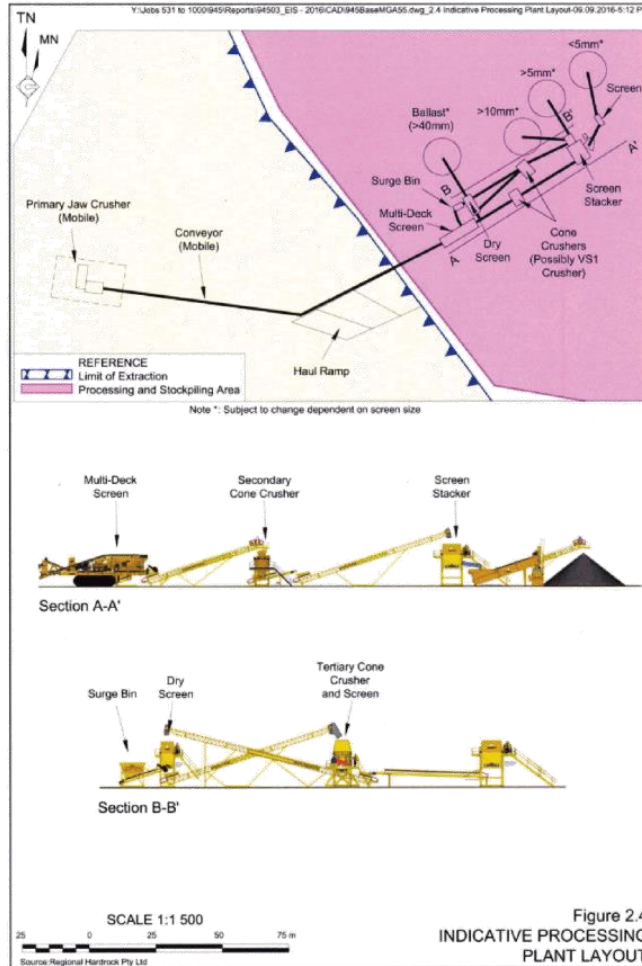
DWG TITLE: OVERALL SITE PLAN

REVISION: A
DATE: 14/09/17
SCALE: 1:4000 (A3)
ISSUE: 596 ISSUE

DWG NO: A02
SHEET: 2 OF 10 SHEETS
OUR REF: 7006 596

DUBBO REGIONAL COUNCIL
 2016-482 - Part 1 - 05/07/2017
 APPROVED
 DEVELOPMENT APPLICATION





R.W. CORKERY & CO. PTY. LIMITED

2-19

DUBBO REGIONAL COUNCIL
2016-482 - Part 1 - 05/07/2017
APPROVED
DEVELOPMENT APPLICATION

DUBBO REGIONAL COUNCIL
 2016-482 - Part 1 - 05/07/2017
 APPROVED
 DEVELOPMENT APPLICATION

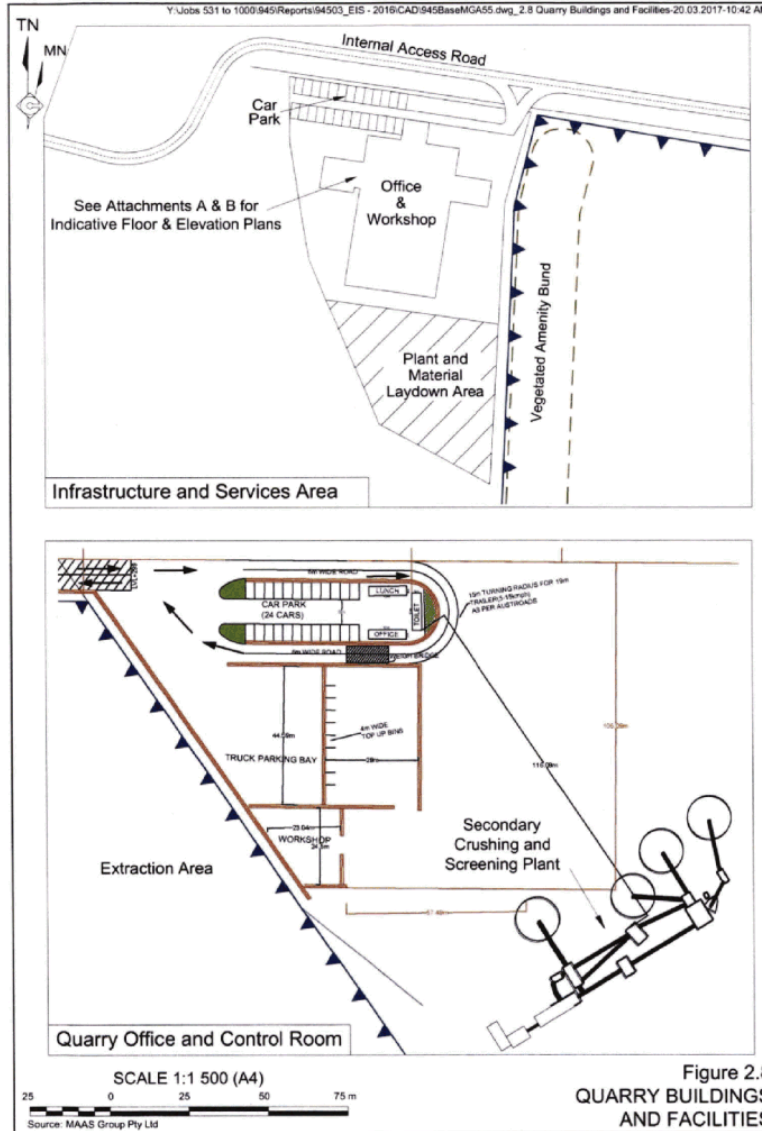
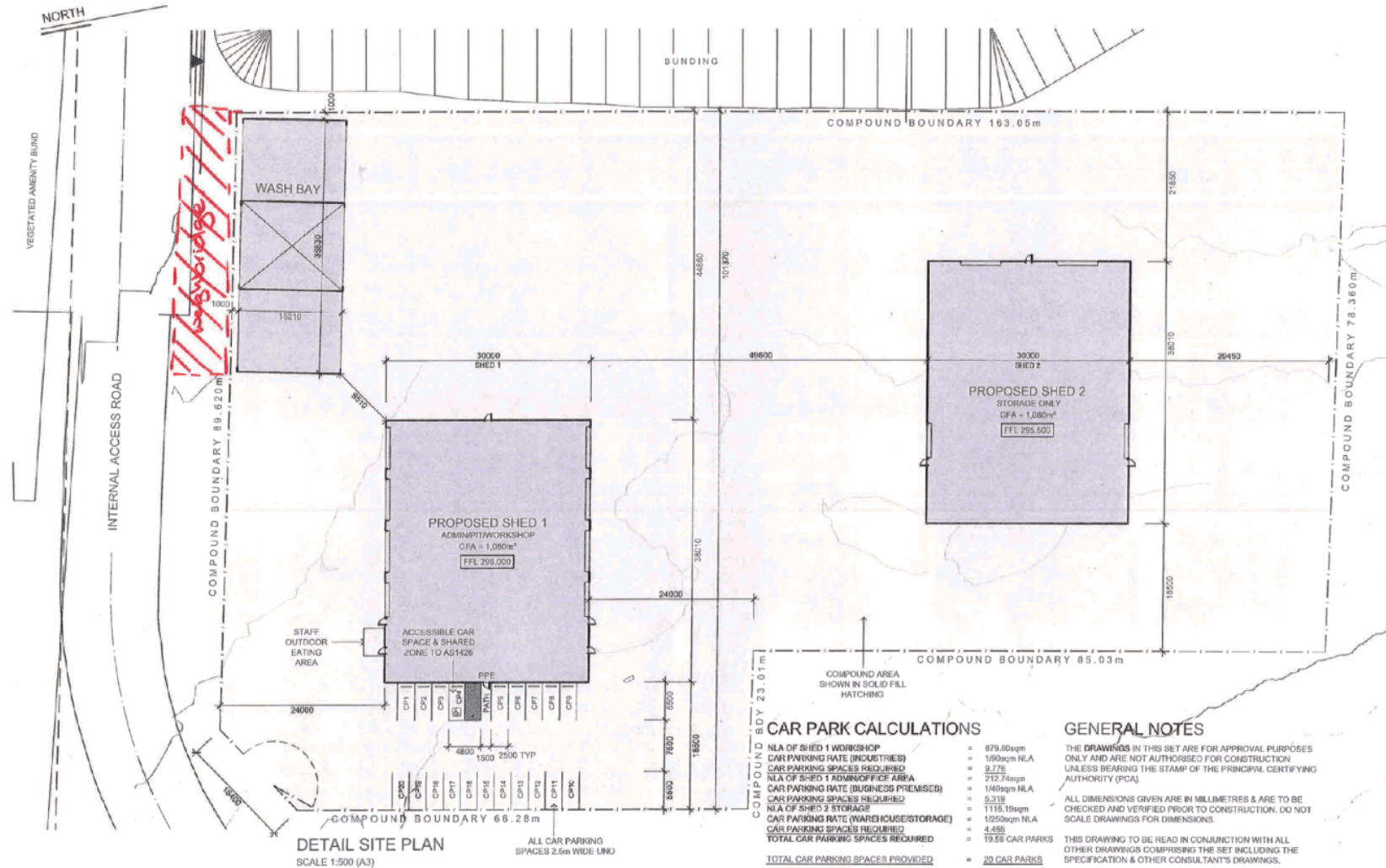


Figure 2.8
 QUARRY BUILDINGS
 AND FACILITIES



PROJECT: PROPOSED SHED MODIFICATIONS
 ADDRESS: 20L SHERATON ROAD DUBBO
 CLIENT: MAAS GROUP PROPERTIES

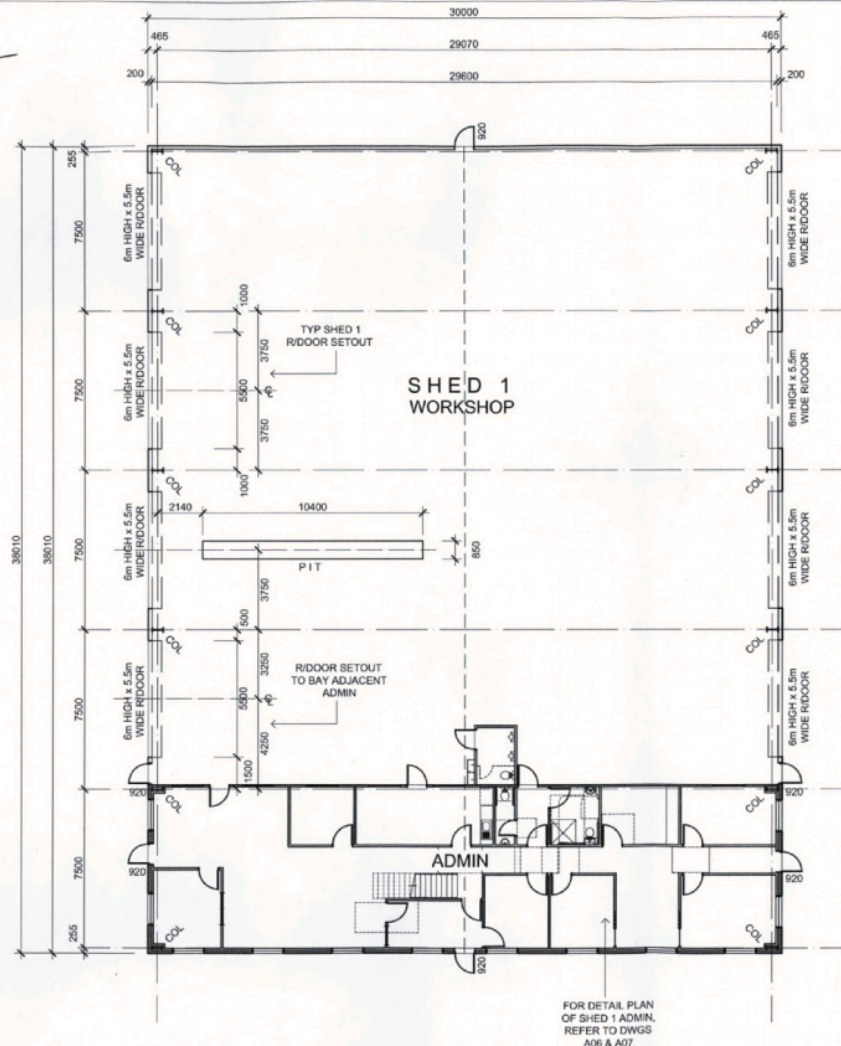
DWG TITLE:

DETAIL SITE PLAN

REVISION: A
 DATE: 14/09/17
 SCALE: 1:500 (A3)
 ISSUE: S96 ISSUE

DWG NO: **A03**
 SHEET: 3 OF 10 SHEETS
 OUR REF: 7006 S96

NORTH



SHED 1 FLOOR PLAN
SCALE 1:200 (A3)

GENERAL NOTES

THE DRAWINGS IN THIS SET ARE FOR APPROVAL PURPOSES ONLY AND ARE NOT AUTHORISED FOR CONSTRUCTION UNLESS BEARING THE STAMP OF THE PRINCIPAL CERTIFYING AUTHORITY (PCA).
 ALL DIMENSIONS GIVEN ARE IN MILLIMETRES & ARE TO BE CHECKED AND VERIFIED PRIOR TO CONSTRUCTION. DO NOT SCALE DRAWINGS FOR DIMENSIONS.
 THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS COMPRISING THE SET INCLUDING THE SPECIFICATION & OTHER CONSULTANT'S DRAWINGS.
 THIS DRAWING HAS BEEN PREPARED FROM PUBLICLY AVAILABLE INFORMATION OBTAINED FROM VARIOUS AUTHORITIES AND IS A DESKTOP PRELIMINARY INVESTIGATION ONLY. ALL EXISTING SERVICES MUST BE ACCURATELY LOCATED & CONFIRMED PRIOR TO COMMENCEMENT.

LEGEND

CL CENTRE LINE
 COL COLUMN (TO ENGINEER'S DETAIL)
 TYP TYPICAL



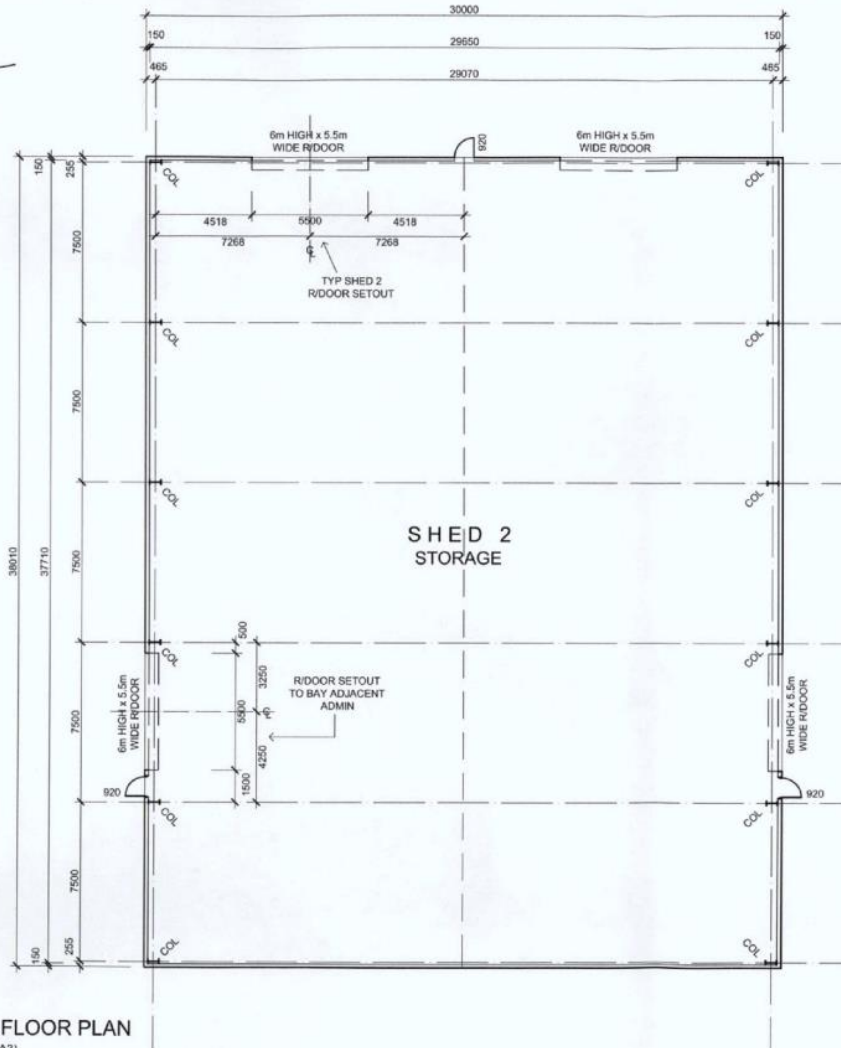
PROJECT: PROPOSED SHED MODIFICATIONS
 ADDRESS: 20L SHERATON ROAD DUBBO
 CLIENT: MAAS GROUP PROPERTIES

DWG TITLE: SHED 1 OVERALL FLOOR PLAN

REVISION: A
 DATE: 14/09/17
 SCALE: 1:200 (A3)
 ISSUE: S96 ISSUE

DWG NO: A04
 SHEET: 4 OF 10 SHEETS
 OUR REF: 7006 S96

NORTH



SHED 2 FLOOR PLAN
SCALE 1:200 (A3)

GENERAL NOTES

THE DRAWINGS IN THIS SET ARE FOR APPROVAL PURPOSES ONLY AND ARE NOT AUTHORISED FOR CONSTRUCTION UNLESS BEARING THE STAMP OF THE PRINCIPAL CERTIFYING AUTHORITY (PCA).

ALL DIMENSIONS GIVEN ARE IN MILLIMETRES & ARE TO BE CHECKED AND VERIFIED PRIOR TO CONSTRUCTION. DO NOT SCALE DRAWINGS FOR DIMENSIONS.

THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS COMPRISING THE SET INCLUDING THE SPECIFICATION & OTHER CONSULTANT'S DRAWINGS.

THIS DRAWING HAS BEEN PREPARED FROM PUBLICLY AVAILABLE INFORMATION OBTAINED FROM VARIOUS AUTHORITIES AND IS A DESKTOP PRELIMINARY INVESTIGATION ONLY. ALL EXISTING SERVICES MUST BE ACCURATELY LOCATED & CONFIRMED PRIOR TO COMMENCEMENT.

LEGEND

- CL CENTRE LINE
- COL COLUMN (TO ENGINEER'S DETAIL)
- TYP TYPICAL

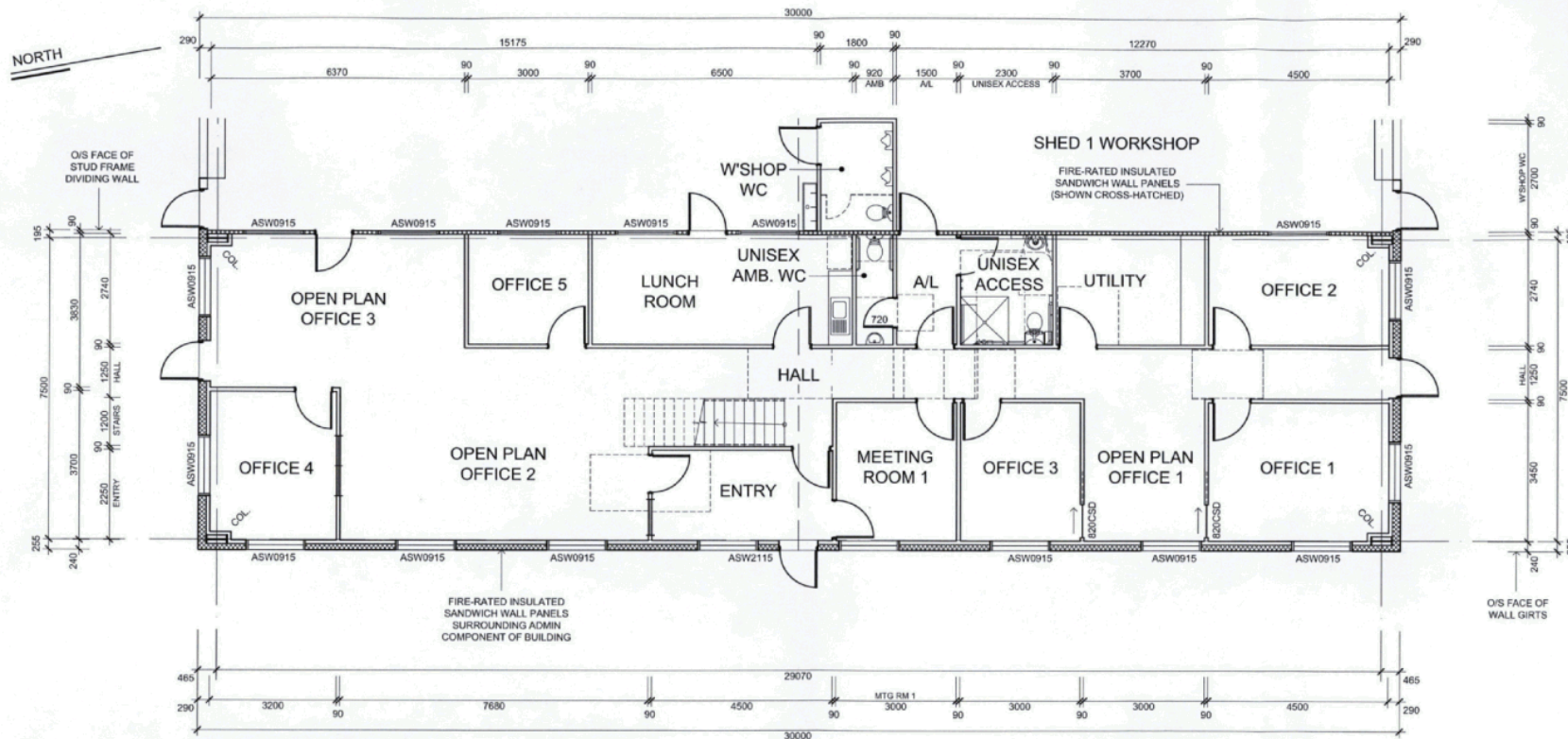


PROJECT: PROPOSED SHED MODIFICATIONS
 ADDRESS: 20L SHERATON ROAD DUBBO
 CLIENT: MAAS GROUP PROPERTIES

DWG TITLE: SHED 2 OVERALL FLOOR PLAN

REVISION: A
 DATE: 14/09/17
 SCALE: 1:200 (A3)
 ISSUE: S96 ISSUE

DWG NO: **A05**
 SHEET: 05 OF 10 SHEETS
 OUR REF: 7006 S96



SHED 1 DETAIL GROUND FLOOR PLAN

SCALE 1:100 (A3)

(NOTE: ALL DOORS 920mm WIDE UNO.)

LEGEND

- A/L AIR-LOCK
- AMB AMBULANT (TOILET)
- ASW ALUMINUM FRAMED SLIDING WINDOW
- COL COLUMN
- O/S OUTSIDE
- UNO UNLESS NOTED OTHERWISE

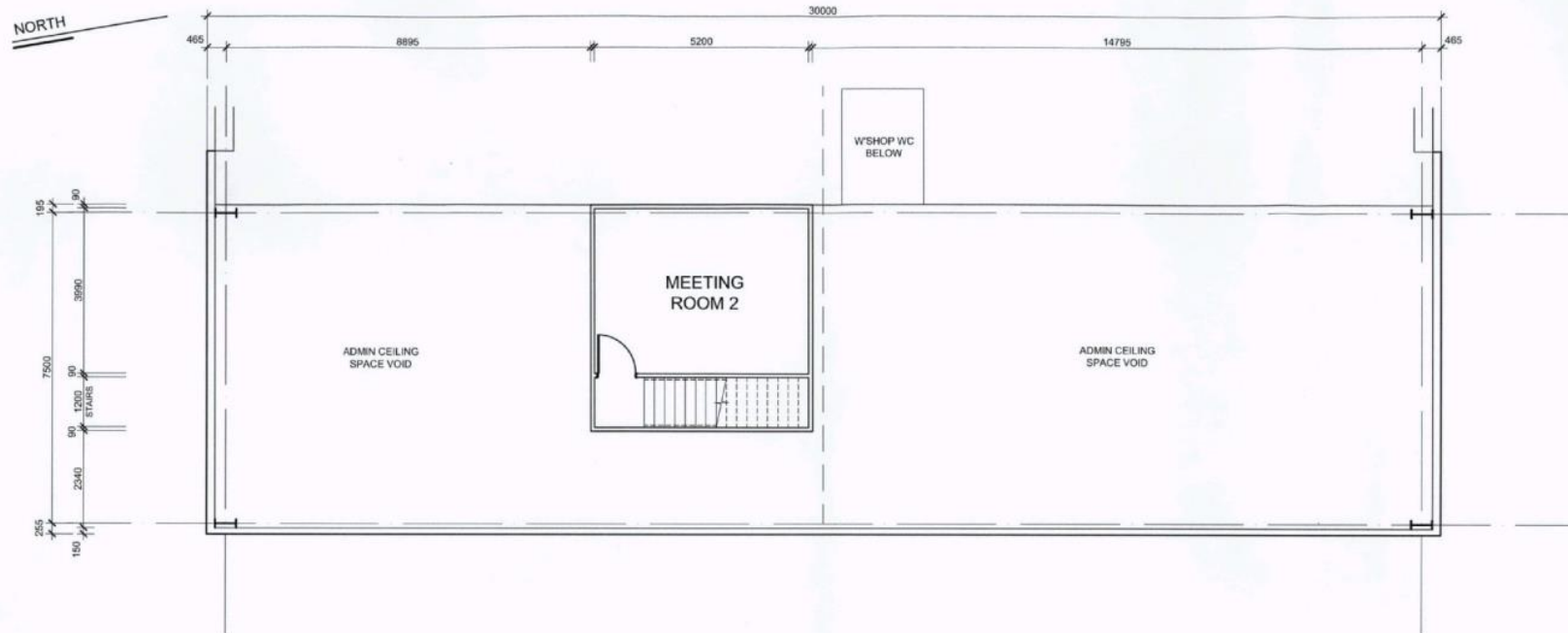


PROJECT: PROPOSED SHED MODIFICATIONS
 ADDRESS: 20L SHERATON ROAD DUBBO
 CLIENT: MAAS GROUP PROPERTIES

DWG TITLE: SHED 1 DETAIL GROUND FLOOR PLAN

REVISION: A
 DATE: 14/09/17
 SCALE: 1:100 (A3)
 ISSUE: S96 ISSUE

DWG NO: **A06**
 SHEET: 6 OF 10 SHEETS
 OUR REF: 7006 S96



SHED 1 DETAIL FIRST FLOOR PLAN

SCALE 1:100 (A3)
 (NOTE: ALL DOORS 920mm WIDE UNO.)

LEGEND

- A/L AIR-LOCK
- AMB AMBULANT (TOILET)
- ASW ALUMINUM FRAMED SLIDING WINDOW
- COL COLUMN
- O/S OUTSIDE
- UNO UNLESS NOTED OTHERWISE

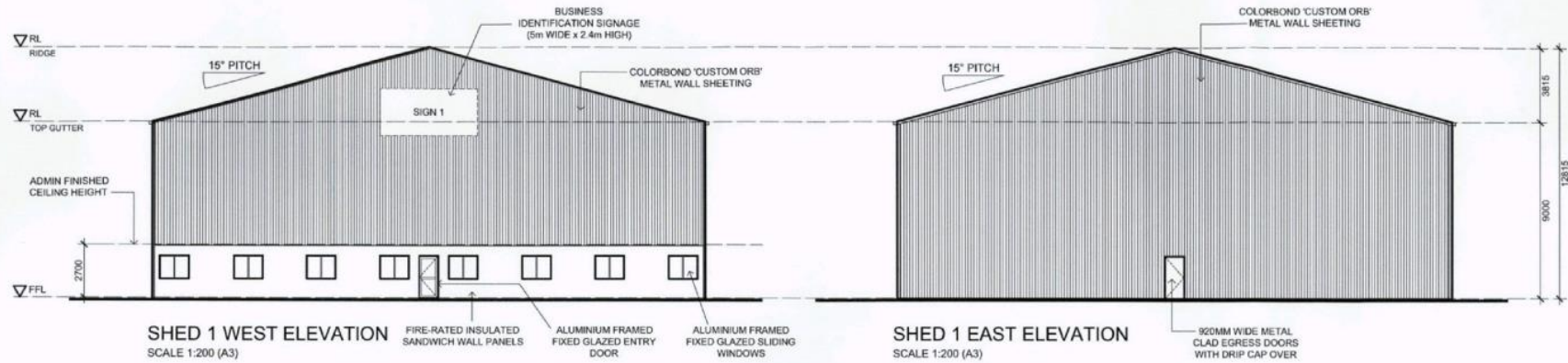


PROJECT: PROPOSED SHED MODIFICATIONS
 ADDRESS: 20L SHERATON ROAD DUBBO
 CLIENT: MAAS GROUP PROPERTIES

DWG TITLE: **SHED 1 DETAIL FIRST FLOOR PLAN**

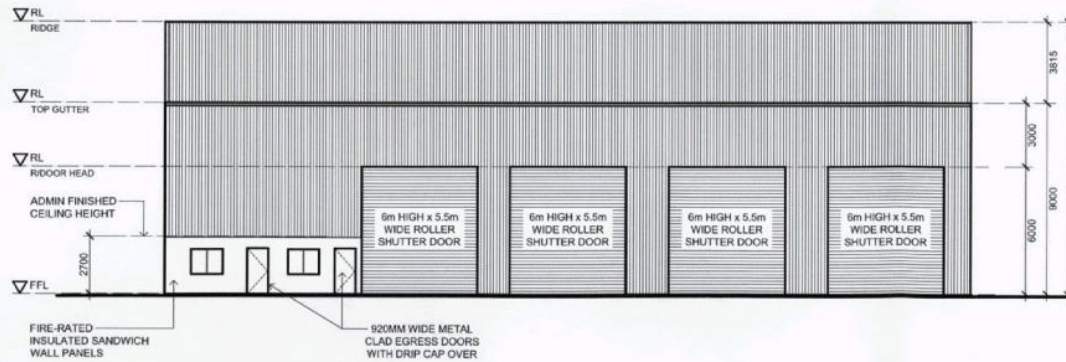
REVISION: A
 DATE: 14/09/17
 SCALE: 1:100 (A3)
 ISSUE: S96 ISSUE

DWG NO: **A07**
 SHEET: 7 OF 10 SHEETS
 OUR REF: 7006 S96



SHED 1 WEST ELEVATION
SCALE 1:200 (A3)

SHED 1 EAST ELEVATION
SCALE 1:200 (A3)



SHED 1 SOUTH ELEVATION
SCALE 1:200 (A3)
NOTE: SHED 1 NORTH ELEVATION OPPOSITE HAND.

GENERAL NOTES

THE DRAWINGS IN THIS SET ARE FOR APPROVAL PURPOSES ONLY AND ARE NOT AUTHORISED FOR CONSTRUCTION UNLESS BEARING THE STAMP OF THE PRINCIPAL CERTIFYING AUTHORITY (PCA).

ALL DIMENSIONS GIVEN ARE IN MILLIMETRES & ARE TO BE CHECKED AND VERIFIED PRIOR TO CONSTRUCTION. DO NOT SCALE DRAWINGS FOR DIMENSIONS.

THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS COMPRISING THE SET INCLUDING THE SPECIFICATION & OTHER CONSULTANT'S DRAWINGS.

THIS DRAWING HAS BEEN PREPARED FROM PUBLICLY AVAILABLE INFORMATION OBTAINED FROM VARIOUS AUTHORITIES AND IS A DESKTOP PRELIMINARY INVESTIGATION ONLY. ALL EXISTING SERVICES MUST BE ACCURATELY LOCATED & CONFIRMED PRIOR TO COMMENCEMENT.

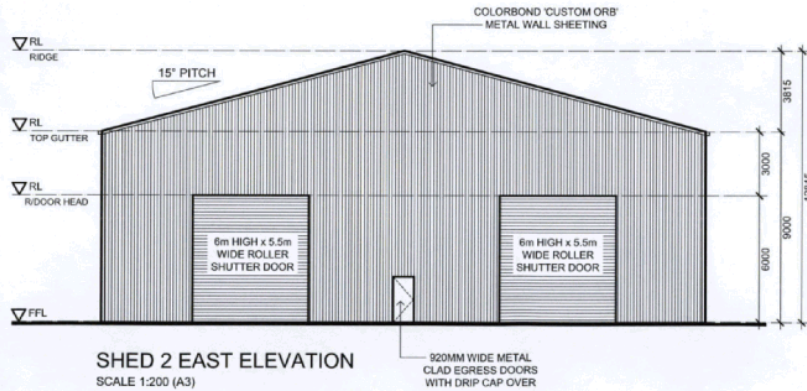
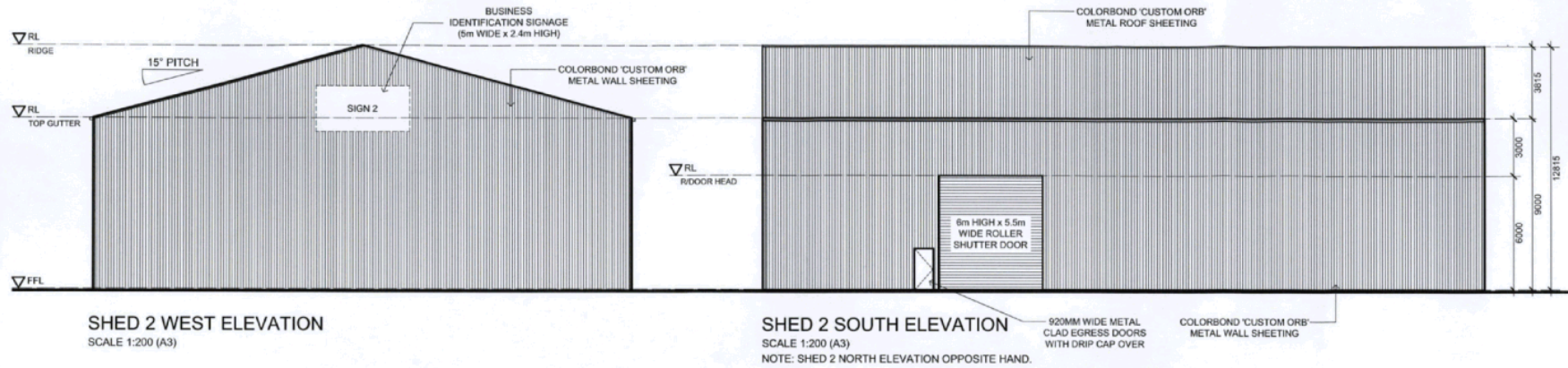


PROJECT: PROPOSED SHED MODIFICATIONS
ADDRESS: 20L SHERATON ROAD DUBBO
CLIENT: MAAS GROUP PROPERTIES

DWG TITLE: **SHED 1 ELEVATIONS**

REVISION: A
DATE: 14/09/17
SCALE: 1:100 (A3)
ISSUE: S96 ISSUE

DWG NO: **A08**
SHEET: 8 OF 10 SHEETS
OUR REF: 7006 S96



GENERAL NOTES

THE DRAWINGS IN THIS SET ARE FOR APPROVAL PURPOSES ONLY AND ARE NOT AUTHORISED FOR CONSTRUCTION UNLESS BEARING THE STAMP OF THE PRINCIPAL CERTIFYING AUTHORITY (PCA).

ALL DIMENSIONS GIVEN ARE IN MILLIMETRES & ARE TO BE CHECKED AND VERIFIED PRIOR TO CONSTRUCTION. DO NOT SCALE DRAWINGS FOR DIMENSIONS.

THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS COMPRISING THE SET INCLUDING THE SPECIFICATION & OTHER CONSULTANT'S DRAWINGS.

THIS DRAWING HAS BEEN PREPARED FROM PUBLICLY AVAILABLE INFORMATION OBTAINED FROM VARIOUS AUTHORITIES AND IS A DESKTOP PRELIMINARY INVESTIGATION ONLY. ALL EXISTING SERVICES MUST BE ACCURATELY LOCATED & CONFIRMED PRIOR TO COMMENCEMENT.

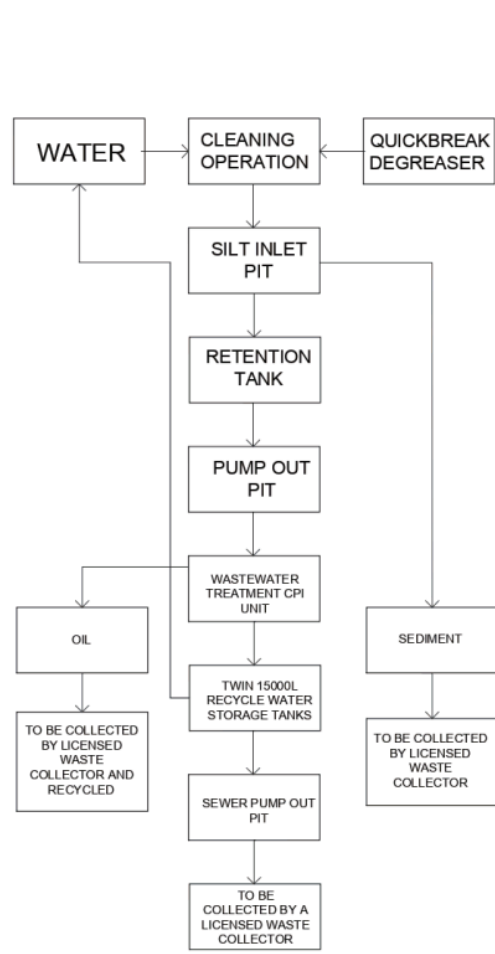


PROJECT: PROPOSED SHED MODIFICATIONS
 ADDRESS: 20L SHERATON ROAD DUBBO
 CLIENT: MAAS GROUP PROPERTIES

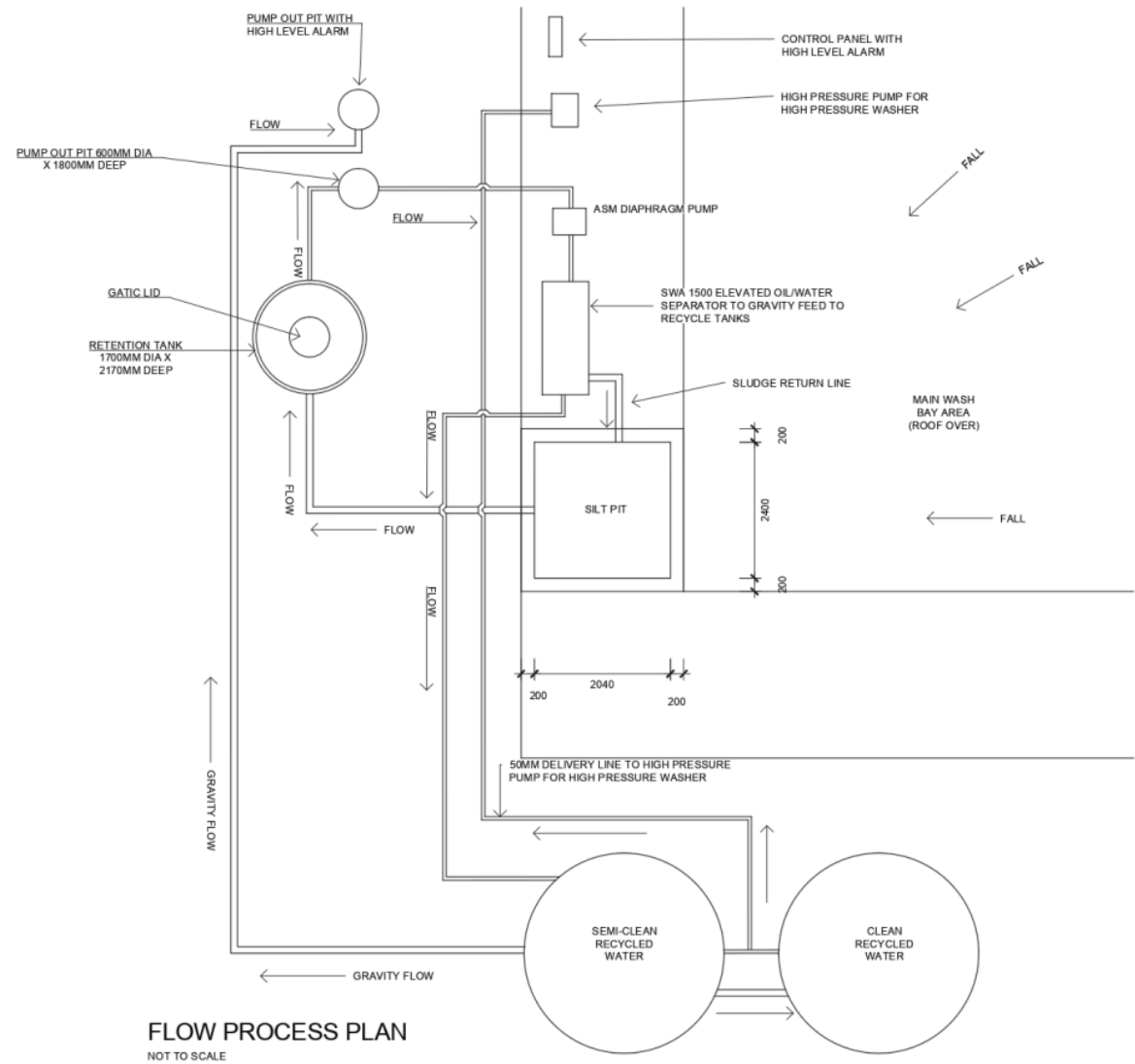
DWG TITLE: SHED 2 ELEVATIONS

REVISION: A
 DATE: 14/09/17
 SCALE: 1:100 (A3)
 ISSUE: S96 ISSUE

DWG NO: A09
 SHEET: 9 OF 10 SHEETS
 OUR REF: 7006 S96



PROCESS FLOW CHART



FLOW PROCESS PLAN
NOT TO SCALE



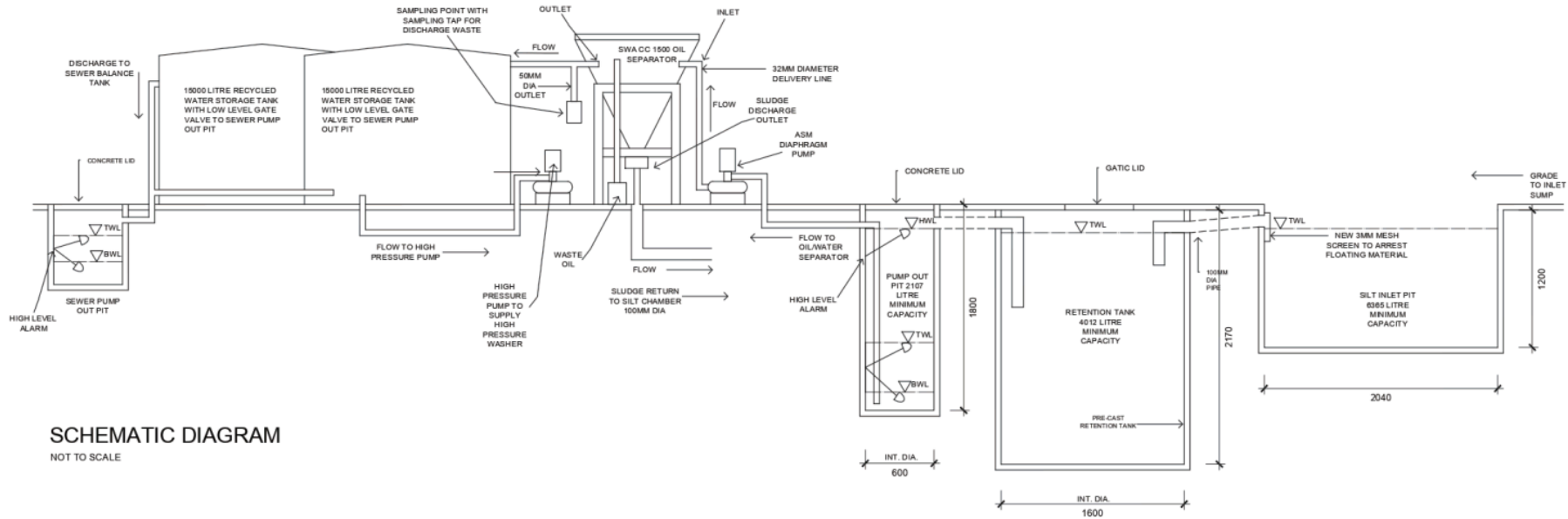
PROJECT: PROPOSED RECYCLED WASH BAY FACILITY
 ADDRESS: 20L SHERATON ROAD DUBBO
 CLIENT: REGIONAL HARD ROCK PTY LTD

DWG TITLE:

PROCESS FLOW CHART AND LAYOUT

REVISION: A
 DATE: 15/11/17
 SCALE: NTS
 ISSUE: CLIENT ISSUE

DWG NO: **W01**
 SHEET: 1 OF 2 SHEETS
 OUR REF: 7006 WB



SCHEMATIC DIAGRAM
NOT TO SCALE



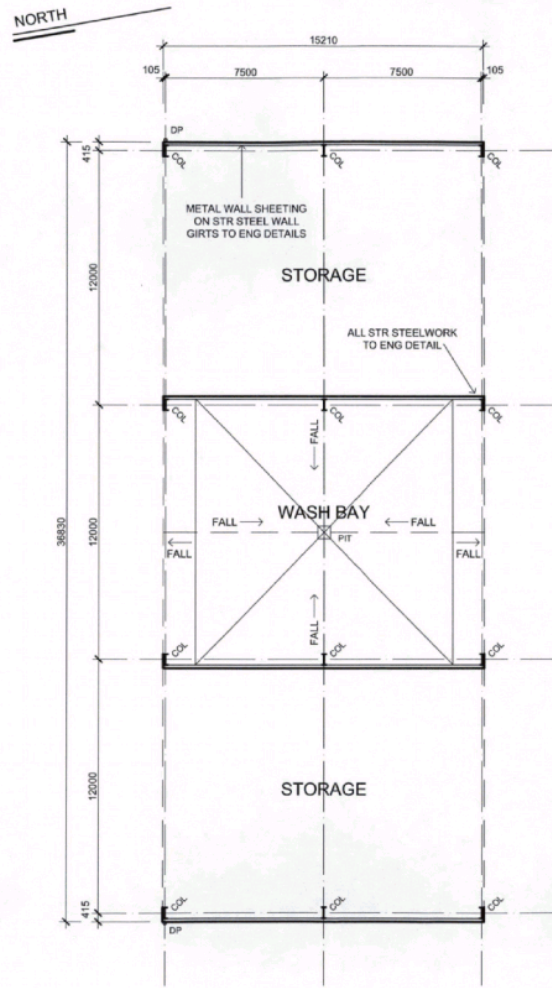
PROJECT: PROPOSED RECYCLED WASH BAY FACILITY
ADDRESS: 20L SHERATON ROAD DUBBO
CLIENT: REGIONAL HARD ROCK PTY LTD

DWG TITLE:

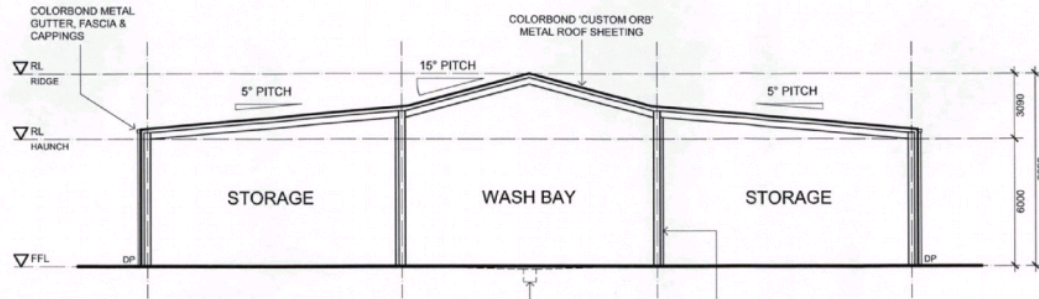
**SCHEMATIC
DIAGRAM**

REVISION: A
DATE: 15/11/17
SCALE: NTS
ISSUE: CLIENT ISSUE

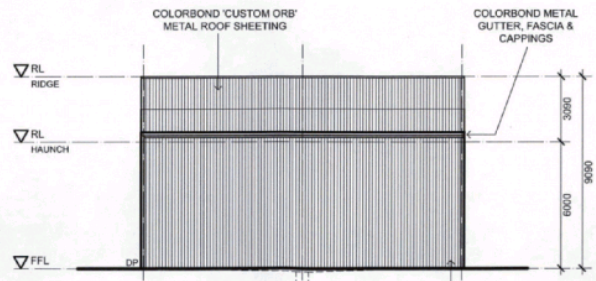
DWG NO: **W02**
SHEET: 2 OF 2 SHEETS
OUR REF: 7006 WB



WASH BAY FLOOR PLAN
SCALE 1:200 (A3)



WASH BAY FRONT ELEVATION
SCALE 1:200 (A3)



WASH BAY SIDE ELEVATION
SCALE 1:200 (A3)

LEGEND

- COL COLUMN
- DP DOWNPIPE
- STR STRUCTURAL

GENERAL NOTES

THE DRAWINGS IN THIS SET ARE FOR APPROVAL PURPOSES ONLY AND ARE NOT AUTHORISED FOR CONSTRUCTION UNLESS BEARING THE STAMP OF THE PRINCIPAL CERTIFYING AUTHORITY (PCA).

ALL DIMENSIONS GIVEN ARE IN MILLIMETRES & ARE TO BE CHECKED AND VERIFIED PRIOR TO CONSTRUCTION. DO NOT SCALE DRAWINGS FOR DIMENSIONS.

THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS COMPRISING THE SET INCLUDING THE SPECIFICATION & OTHER CONSULTANT'S DRAWINGS.

THIS DRAWING HAS BEEN PREPARED FROM PUBLICLY AVAILABLE INFORMATION OBTAINED FROM VARIOUS AUTHORITIES AND IS A DESKTOP PRELIMINARY INVESTIGATION ONLY. ALL EXISTING SERVICES MUST BE ACCURATELY LOCATED & CONFIRMED PRIOR TO COMMENCEMENT.



PROJECT: PROPOSED SHED MODIFICATIONS
 ADDRESS: 20L SHERATON ROAD DUBBO
 CLIENT: MAAS GROUP PROPERTIES

DWG TITLE:

WASH BAY
 DETAILS

REVISION: A
 DATE: 14/09/17
 SCALE: 1:100 (A3)
 ISSUE: S96 ISSUE

DWG NO: **A10**
 SHEET: 10 OF 10 SHEETS
 OUR REF: 7006 S96

STARJEST PTY LTD ABN 33 050 050 532 trading as

STARJEST CONSTRUCTIONSCOMMERCIAL & DOMESTIC CONSTRUCTIONS
DUBBO & WESTERN REGION**STARJEST CONSTRUCTIONS**

Lic. No. 21426C

October 17th, 2017.Dubbo Regional Council,
PO Box 81,
Dubbo NSW 2830**Attention: Shaun Reynolds.****RE: Modified Development Application S96 10.2016.482.2**

Dear Shaun,

In reference to the above-mentioned Modified Development Application, Starjest Pty Ltd as the owner of Lot 1, Sheraton Road, Dubbo responds with objection based on the following details:

1. It is our belief that the current extraction methods are located too close to land zoned for residential land use. As the original DA has been approved, we are not able to overturn this, so therefore, we will not agree with changes that will directly impact our plans for Lot 1, Sheraton Road. The starting point for extraction should commence at the eastern side of the quarry and work towards the western side so that the noise, dust implications and processes are as per figure 2 Page 10.
2. The change in truck movement times to operate from 5.00 am through to 10.00 pm will have noise impacts on residents living at Lot 1, Sheraton Road once developed. The original DA allowed for truck movements over a lesser period and this should be adhered to.
3. From our understanding, the southern end of Sheraton Road was constructed by the owners that built Holcim Quarry. A contribution was made by them to improve road access and allow road benefits for the adjoining neighbours. Regional Hardrock Pty Ltd should be responsible for maintaining and upgrading the road as per the original DA to contribute to the development of the area. The truck movements created by the approval of Regional Hardrock quarry will impact on the road surface regardless of whether it is large trucks being used or smaller tucks.
4. In the application, Regional Hardrock Pty Ltd, quotes our consultant Bernie Wilder regarding vehicle movements. It should be noted that Mr. Wilder's comments are not regarding the Quarry's movements but concerning smaller sedan traffic movements in relation to a residential estate. The Development Application for Regional Hardrocks Pty Ltd had not been submitted when the SEE for Lot 1, Sheraton Road was written.

1

PO Box 1825, Dubbo NSW 2830



STARJEST PTY LTD ABN 33 050 050 532 trading as

STARJEST CONSTRUCTIONSCOMMERCIAL & DOMESTIC CONSTRUCTIONS
DUBBO & WESTERN REGION**STARJEST CONSTRUCTIONS**

Lic. No. 21426C

5. As a developer in Dubbo for the past 27 years, the Section 94 Roads Contributions have always been a part of costing when looking at new developments. The Regional Hardrock Quarry should not be an exception to this rule.

We have recently viewed proposed plans for the rezoning of 24R Sheraton Road to accommodate smaller house lots. Given that this application has been lodged, this further highlights the need for constraints on the quarry as per the original DA.

The Modified Development Application has made us more aware of the “boundaries” that may be pushed by Regional Hardrock Pty Ltd. Therefore, we will be carrying out sporadic monitoring on Lot 1, Sheraton Road with the view of monitoring noise, dust and vehicular movements and operations of Regional Hardrock Quarry. This will ensure that the conditions as stipulated by Dubbo Regional Council and EPA are adhered to.

Changes to the original Development Application approved for Regional Hardrock Pty Ltd have the potential to be catastrophic to the development of Lot 1, Sheraton Road. Therefore, it is requested that the modified Development Application not be approved.

Yours faithfully,

Neil J. O'Connor
Director.



18 October 2017

Mark Riley
General Manager
Dubbo Regional Council
PO Box 81
Dubbo NSW 2830
Sent via email: dcc@dubbo.nsw.gov.au

Ground Floor, Suite 01, 20 Chandos Street
St Leonards, NSW, 2065
PO Box 21
St Leonards, NSW, 1590

T +61 2 9493 9500
F +61 2 9493 9599
E info@emmconsulting.com.au
www.emmconsulting.com.au

Re: Modification of D2016-482 (Application S96 10.2016.482.2) - Objection

Dear Mr Riley,

1 Introduction

Regional Hardrock Pty Ltd has applied to modify Development Application (DA) D2016-482, under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for an as yet undeveloped quarry at 20L Sheraton Road, Dubbo (Lot 211 DP 1220433). The modification application is currently on public exhibition. The quarry was originally approved by the Western Joint Regional Planning Panel (JRPP) on 5 July 2017.

Holcim (Australia) objects to the proposed modification of D2016-482 because:

- the proposed increase (almost doubling) in truck movements (from an average of 19 loads per day to 37 loads per day) is far beyond the number of truck movements that were considered by the Western JRPP in approving the original development;
- the increase in truck movements means that the proposal is not “substantially the same development” and therefore a modification under Section 96(1A) is not an appropriate approval pathway;
- the proposed move away from B-Double trucks will reduce future opportunities to decrease the number of truck movements along Sheraton Road (south) and across the regional road network by using larger capacity trucks;
- it does not follow that using truck and dogs will decrease pavement damage - because of their axle configuration, B-Doubles cause less pavement damage for the same daily tonnage of aggregate transported;
- the proposed road upgrades (upgrading two bends) are inadequate for travel at 60 km/h; and
- the road upgrade and increased maintenance costs should be borne by Regional Hardrock not Dubbo Regional Council.

It is sought that the modification application is refused and that the originally proposed and approved road upgrades to be continue to be applied. However, should the modification be approved, the conditions should state that the left and right bends on Sheraton Road are upgraded to allow 60 km/hour travel. Further, the requirement for the proponent to contribute to road maintenance costs should not be

removed from Condition 3 and requirement for the road upgrades to be made at the proponent's cost should not be removed from Condition 4.

Further details are provided below.

EMM Consulting Pty Limited acts on behalf of Holcim (Australia) Pty Ltd in this matter. This letter has been prepared by P. Towler, EMM Associate Director, with over 20 years of environmental assessment experience and Dr T. Brooker, EMM Associate Traffic Engineer, with over 30 years of experience in assessing the potential impacts of project traffic on roads. Dr Brooker researched road pavement engineering as part of his PhD studies. Both were involved in reviewing and preparing submissions on the original D2016-482 proposed modification.

2 Assessment of impacts

The likely impacts of the development are purportedly considered in Section 3.10 of the Statement of Support (Regional Hardrock, 25 September 2017). This brief section does not describe (or summarise) potential impacts of the development. In particular, the impacts of increased truck movements are not considered.

The Council should also seek that the impacts of the additional site components are assessed, including visual amenity impacts from the sheds, changes to the water balance as a result of the wash bay and potential biodiversity and heritage impacts as a result of the extended footprint of the site infrastructure.

3 Transport

3.1 Truck types and impacts of increased movements

The quarry was approved by the Western JRPP based on a combination of B-Double truck, and truck and dogs movements from the quarry.

Truck and dogs that are normally used for quarry aggregate transport are 19 m long, have six axles, have a fully loaded weight of 48 tonnes (using the normal general mass limit (GML) loadings) and a payload of approximately 32 tonnes.

B-Double trucks that are normally used for quarry aggregate transport are 25–26 m long, have nine axles, have a fully loaded weight of 68 tonnes (with the higher mass limit (HML) loadings) and a payload of approximately 45 tonnes.

Regional Hardrock is now proposing to only use truck and dogs to avoid the need for upgrades of Sheraton Road (south), and the cost of their construction. More truck and dogs are required to transport a given amount of aggregates than B-Double trucks.

An average of 19 loads (38 vehicle movements) per day were proposed in the Section 2.5.3.3 of the *Environmental Impact Statement* (Corkery & Co, October 2016) supporting the original application. While this appears to be too low to transport the amount of material to be extracted, it was the information relied on by the Western JRPP in approving the development.

The *Traffic Impact Assessment* (Barnson, September 2017) supporting the modification application reports (in Table 4) that there will be 37 truck and dog trips per day which is 74 truck movements per day.

The modification proposes to almost double the number of originally considered truck movements. This is not assessed in the modification application but is likely to have significant impacts, particularly as the trucks would pass two schools on Sheraton Road.

3.1.1 Planning implication of substantially increased truck movements

A modification under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) requires that “the proposed modification is of minimal environmental impact” and that “the consent as modified relates is substantially the same development as the development for which the consent was originally granted”.

The number of truck movements proposed in the modification application is a substantial increase (almost double) compared to the project approved by the Western JRPP and therefore the proposal is not “substantially the same development” and it will have greater than a “minimal environmental impact”. Therefore the proposal cannot be considered to be a Section 96(1A) modification.

3.1.2 Future truck movements

There is a general movement in NSW towards encouraging the use of larger trucks to transport materials to reduce the total number of trucks on the road.

By the proponent trying to avoid upgrading Sheraton Road (south) to a standard capable of accepting B-Double trucks, they will reduce future opportunities to decrease the total number of truck movements along Sheraton Road (south) and across the regional road network by using these larger capacity trucks.

3.2 Road maintenance and upgrades

3.2.1 Increased road pavement damage impacts from using truck and dog trailer vehicles

Damage to road pavement is determined by the equivalent standard axle (ESA) loading of a truck. There is a linear relationship between the ESA loading and pavement damage, eg increasing the ESA loading by 20% will result in 20% more pavement damage.

The standard design of B-Double trucks uses more triaxle groups. These are much more efficient at spreading the wheel loads, than the single and dual axle groups which are used on truck and dogs.

The Statement of Support (Regional Hardrock, 25 September 2017) states:

the application also proposes to limit the size of haulage vehicles proposed for the quarry to articulated vehicles 19 metres in length 'truck and dog combination' from that currently approved of B-Doubles to ensure vehicles are not 'oversized/weight, Higher Mass Limit (HML) vehicles.

This could be taken to imply that truck and dogs will cause less pavement damage than the larger B-Double trucks. This is not correct. In fact using B-Double trucks, as envisaged by the Western JRPP in approving the project, would cause less pavement damage as explained below.

The ESA loadings for B-Double trucks and for truck and dogs, and the ESA loading damage factor per tonne of payload is summarised in Table 1.

Table 1 ESA loadings (for fully loaded trucks)

Type	Payload (tonnes)	Fully loaded (tonnes)	Axle load groupings				Total loaded ESA	Total ESA per tonne of payload
			1	2	3	4		
B-Double								
Permitted axle loading (HML) ¹	45	68	6	17	22.5	22.5		
Type of axle ²			SAST	TADT	TRDT	TRDT		
Overload factor ³			1.11	1.23	1.22	1.22		
ESA loading			1.52	2.30	2.19	2.19	8.20	0.18
Truck and dog								
Permitted axle loading (GML) ¹	32	48	6	16.5	9	16.5		
Type of axle			SAST	TADT	SADT	TADT		
Overload factor			1.11	1.20	1.10	1.20		
ESA loading			1.52	2.04	1.45	2.04	7.06	0.22

1. Calculated based on the higher permissible axle high mass loading (HML) for B-Doubles and the general mass loading (GML) for truck and dogs.

2. Standard ESA axle group loadings:

SAST (single axle single tyres): 5.4 tonnes

SADT (single axle dual tyres): 8.2 tonnes

TADT (tandem axle dual tyres): 13.8 tonnes

TRDT (triale axle dual tyres): 18.5 tonnes

3. The overload factor is the ratio of the permitted axle loading to the standard axle loading.

The total ESA loading for B-Double trucks, even operating at the higher HML axle loading limits, is 0.18 ESA per tonne of payload (Table 1). In comparison the total ESA loading for truck and dogs operating at standard axle loadings is 0.22 ESA per tonne of payload. Therefore, truck and dogs will cause about 20% more damage to Sheraton Road (south) than B-Double trucks operating at the higher HML axle loading limits for the same total daily payload.

3.3 Left and right hand bends along Sheraton Road South

The Statement of Support (Regional Hardrock, 25 September 2017) proposes to reconstruct and upgrade the left hand and right hand bends along Sheraton Road South to a 60 km/hr design speed.

However, the design turning template swept paths for this work, which are presented as Appendix D of the *Traffic Impact Assessment* (Barnson September 2017) use a 30 m turning radius for the design vehicle, which is only suitable for travel speeds of 20–30 km/hr.

The designs of the left and right hand bends are not suitable for a road which is proposed to have a design travel speed of 60 km/hr.

3.4 School hours

The Drivers Code of Conduct appended to the application states that “[h]aulage of materials from the site are prohibited on school days between the hours 8:15am to 8:45am and 3:15pm to 3:45pm Monday to Friday being during school drop off and pick up times”.

These hours are shorter than those required by Condition 40 ("8:00 am to 9:30 am and 2:30 pm to 4:00 pm gazetted school days"). No justification is provided for ignoring the requirements of the Western JRPP as provided in Condition 40.

The majority of quarry materials would need to be delivered in the morning and it is questioned whether the quarry can realistically operate without using Sheraton Road between 8:15am to 8:45am or 8:00 am to 9:30 am and a future modification application would be expected from Regional Hardrock to remove this requirement entirely.

3.5 Planning agreement

Regional Hardrock are applying to modify Condition 3 to remove the requirement for it to enter into a Planning Agreement with Dubbo Regional Council to address maintenance of Sheraton Road from its intersection with the Mitchell Highway to the quarry entrance.

Sheraton Road south of the Mitchell Highway was constructed and sealed in the 1980s by the operator of the existing Holcim Dubbo Quarry for use by traffic from the quarry. This road has been used since the quarry opened. Dubbo Quarry was approved prior to Planning Agreements routinely seeking contributions to road maintenance from new developments. As a new development, Regional Hardrock knew that it would be required contribute to road maintenance along Sheraton Road and made the application in this knowledge. There is no justification for amending Condition 3 to avoid these contributions.

It is noted that a consent cannot impose conditions on third parties so all maintenance costs would be borne by the Council if Condition 3 was modified.

3.6 Road upgrade costs

Similarly, Regional Hardrock are applying to modify Condition 4 to remove the requirement for road upgrades at the proponent's cost. A modified consent could not impose road upgrade costs on third parties so any costs not borne by Regional Hardrock would be borne by the Council.

4 Closing

We trust that the matters raised in this letter will receive full consideration prior to determining whether to approve or reject the modification application and, if approved, that appropriate conditions are applied such that the costs to the community are not significantly greater than envisaged by the Western JRPP when the quarry was originally approved.

Yours sincerely



Philip Towler*
Associate Director
ptowler@emmconsulting.com.au
Telephone: 9493 9518



Dr Tim Brooker
Associate Traffic Engineer

* Primary contact.

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744

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

Attention: Shaun Reynolds

Notice Number 1548744
Date 01-Feb-2017

Re: DA2016-482 Extractive Industry (Quarry) Lot 211 DP 1220433, 20L Sheraton Road, Dubbo

Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the Extractive Industry (Quarry) at Lot 211 DP 1220433 20L Sheraton Road, Dubbo received by the Environment Protection Authority (EPA) on 13 October 2016.

The EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to the EPA to obtain this licence prior to the commencement of scheduled development (construction) work or scheduled activities.

The general terms of approval for this proposal are provided in **Attachment A**. If Dubbo Regional Council (Council) grants development consent for this proposal these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to the EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its general terms need to be modified in light of the changes.

The EPA would like to advise Council that every Protection of the Environment Operation Act 1997 (POEO) licence will contain a number of mandatory conditions. A copy of the mandatory conditions has been included as a separate attachment to the general terms of Approval and is provided in **Attachment B**.

The proponent should also be aware of their obligations to prepare a Pollution Incident Response Management Plan (PIRMP) for the premises as required by the Protection of the Environment Legislation

Page 1

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744

Amendment Act 2011. Guidelines on the preparation of the PIRMP can be found at <http://www.environment.nsw.gov.au/resources/legislation/201200227egpreppirmp.pdf>.

If you have any questions, or wish to discuss this matter further please contact Joshua Loxley on 02 6883 5326.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bradley Tanswell', written over a horizontal dotted line.

Bradley Tanswell

Acting Head Pesticides, Operations & Planning

North - Dubbo

(by Delegation)

Unit

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA2016-482 submitted to Dubbo Regional Council on 7 October 2016;
- The Environmental Impact Statement for Regional Hardrock Pty Ltd's *South Keswick Quarry dated October 2016* at Lot 211 DP 1220433 20L Sheraton Road, Dubbo

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Discharges to Air and Water and Application to Land

P1.1 The following points referred to in the table are identified in this licence for the purpose of the monitoring and/or setting of limits for discharges of pollutant to water from the point.

EPA identification no.	Types of Monitoring Point	Type of discharge point	Location Description
Sediment Basin 1 Overflow (location TBA)	Surface quality monitoring	Surface water discharge	TBC in site specific Water management Plan
Sediment Basin 2 overflow (location TBA)	Surface Quality monitoring	Surface water discharge	TBC in site specific water Management Plan
Air Quality Monitoring Point 1	Air quality Monitoring		TBC in consultation with the EPA
Weather station	On site weather station		TBC in specific Air Quality Management Plan

Notes:

- 1) The monitoring requirements may be modified by the EPA subject to ongoing review of the licence conditions and monitoring results.
- 2) A licence application will need to define the sediment basins and other monitoring and discharge points on the premises.
- 3) Discharge of pollutants to water from the sediment basins is only permitted when the discharge occurs solely as a result of rainfall that exceeds the minimum design criteria for sediment control measures in *Managing Urban Stormwater: Soils and Construction - Volume 2E Mines and Quarries*.

Page 3

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L3 Concentration Limits

L3.1 For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharges at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

L3.2 Where a pH quality limited is specified in the table, the specified percentage of samples must be within the specified ranges.

L3.3 To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutant.

Water and Land

Monitoring Point 1 & 2

Pollutant	Unit of Measure	50% concentration limit	90% concentration limit	3DGM concentration Limit	100% Concentration Limit
TSS	mg/L				<50
Oil and Grease	mg/L				<10
pH					6.5-8.5

L5. Waste

L5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L6. Noise limits

L6.1 Noise generated at the premises must not exceed the noise limits in the table below. The locations referred to are from Figure 2 Locality Plan on Page 15 of the Noise and Vibration Impact Assessment Proposed South Keswick Quarry Project (Document ID MAC160254P1V01 Final dated 05 September 2016) by Muller Acoustic Consulting Pty Ltd.

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744

TABLE 1 - NOISE LIMITS IN dB(A)

Locality	Location	NOISE LIMITS dB(A)			
		Day	Evening	Night (Shoulder)	
		LAeq (15 minute)	LAeq (15 minute)	LAeq (15 minute)	LAmx
<i>R4 A. Howd</i>	<i>Dubbo</i>	35	35	35	45
<i>R7 D. Wykes</i>	<i>Dubbo</i>	35	35	35	45
<i>R10 Cameron</i>	<i>Dubbo</i>	35	35	35	45
<i>R11MJ Simpson</i>	<i>Dubbo</i>	35	35	35	45
<i>R14 TW & J Warren</i>	<i>Dubbo</i>	35	35	35	45
<i>R15 HC & CN Wilcockson</i>	<i>Dubbo</i>	35	35	35	45
<i>R18 IB & JA Robertson</i>	<i>Dubbo</i>	35	35	35	45
<i>R19 KP Sheridan & M Goldsmith</i>	<i>Dubbo</i>	35	35	35	45
<i>R20 LA Wilkinson</i>	<i>Dubbo</i>	35	35	35	45
<i>All other residential receptors</i>	<i>Dubbo</i>	35	35	35	45

L6.2 For the purpose of condition L6.1;

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.
- Evening is defined as the period 6pm to 10pm.
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.

L6.2 (A) Construction activity is permitted between the hours of 7:00 am to 6:00 pm Monday to Friday and Saturday 8:00 am to 1:00 pm, with no construction activity on Sundays and Public Holidays. Construction activity is permitted outside these hours strictly in accordance with the limits set out in the Interim Construction Noise Guidelines.

Activities that may also be undertaken outside the hours specified in Condition L6.2 (A) above are:

Page 5

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744

- a. the delivery of oversized plant or structures that police or other authorised authorities determine require special arrangements to transport along public roads for safety reasons;
- b. emergency activities to avoid the loss of life or property, or to prevent environmental harm.

L6.2 (B) Permitted hours of operation other than truck haulage are from 7:00 am to 6:00 pm Monday to Saturday. Truck haulage is permitted between 5:00am and 10:00pm Monday to Friday and Saturday 5:00am to 6:00pm. No activity is permitted at the site on Sundays and Public Holidays.

L6.3 The noise limits set out in condition L6.1 apply under all meteorological conditions except for the following:

- a. Wind speeds greater than 0.5 metres/second at 10 metres above ground level; or
- b. Stability category F temperature inversion conditions and wind speeds greater than 0.5 metres/second at 10 metres above ground level; or
- c. Stability category G temperature inversion conditions.

Meteorological Monitoring

L6.4 For the purposes of condition L6.3:

- a. Data recorded by the meteorological station identified as "EPA Identification Point TBC" must be used to determine meteorological conditions; and
- b. Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

Note: the applicant must engage the EPA to negotiate the location of the meteorological station identified in condition L6.4a.

L6.5 To determine compliance:

- a. with the Leq(15 minute) noise limits in condition L6.1, the noise measurement equipment must be located:
 - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b. with any L_{Amax} noise limits in condition L6.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.
- c. with the noise limits in condition L6.1, the noise measurement equipment must be located:
 - at the most affected point at a location where there is no dwelling at the location; or
 - at the most affected point within an area at a location prescribed by conditions L6.5(a) or L6.5(b).

L6.6 A non-compliance of condition L6.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- at a location other than an area prescribed by conditions L6.5(a) and L6.5(b); and/or
- at a point other than the most affected point at a location

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744

L6.7 For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L7. Blasting

Overpressure

L7.1 The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L7.2 The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

Ground vibration (ppv)

L7.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L7.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L7.5 A breach of the abovementioned limits will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified at any "noise sensitive locations" other than any specific locations identified above.

L7.6 The airblast overpressure and ground vibration levels do not apply at noise sensitive locations that are owned by the licensee or subject to a private agreement, relating to airblast overpressure and ground vibration levels, between the licensee and land owner.

L7.7 The proponent may exceed the limits in condition L7.3 if it has a written negotiated blasting agreement with any landowner for higher blasting overpressure and vibration limits, and a copy of the agreement has been forwarded to the EPA

L7.8 Airblast overpressure or ground vibration as a result of blasting at the premises must not exceed levels that cause cosmetic or other damage, and in relation to condition L7.7 only if specifically allowed for in the written agreement between the proponent and the landholder.

Time of blasting

L7.3 Blasting operations on the premises shall only take place:

- (i) between 9:00am and 3:00pm Monday to Saturday inclusive;
- (ii) are limited to one blast each day; and

Page 7

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744

(iii) at other times as approved by the EPA.

L7.4 The hours of operation for blasting operations specified in this condition may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

Frequency of blasting

L7.5 Blasting at the premises is limited to 1 blast each day on which blasting is permitted.

Note: The restrictions on times and frequency of blasting referred to above are based on the ANZEC guidelines – "Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration" September 1990.

Operating Conditions

O1. Odour

O1.1 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted.

O2. Dust

O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O2.3 All dust control equipment must be operable at all time with the exception of shutdowns required for maintenance.

O3. Stormwater/sediment control - Construction Phase

O3.1 An *Soil and Water Management Plan (SWMP)* must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The *SWMP* should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

O4. Stormwater/sediment control - Operation Phase

O4.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744

05 Bunding Requirements

All above ground storages containing Flammable and combustible liquids must be bunded in accordance with Australian Standard AS 1940-2004

06. Prepare and Implement Water Management Plan (WMP)

06.1 The licensee must prepare and implement a Water Management Plan (WMP). The WMP for the project must be prepared to the satisfaction of the EPA and must be submitted with the Environment Protection Licence application. This plan must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) address construction, operation and post closure monitoring, management and response arrangements;
- (c) include a commitment to meet the discharge limits outlined in condition L3.3.
- (d) include:
 - (i) a Site Water Balance; and
 - (ii) a Soil and Water Management Plan.

06.2 The Site Water Balance, must identify how any water removed from the sediment basins to return to the design freeboard will be managed.

06.3 The Water Management Plan must include, as minimum:

- (a) describe how soil erosion and sediment pollution will be managed following the guidelines, principles and minimum design standards in Managing Urban Stormwater: Soils and Construction - Volume 1 (the Blue Book) during the construction/commencement stages;
- (b) describe how long-term soil erosion and sediment pollution measures such as dirty water diversion drains, sediment basins and soil stockpile areas will be designed and managed consistent with the guidelines, principles and minimum design standards in Managing Urban Stormwater: Soils and Construction - Volume 2E Mines and Quarries;
- (c) provide plan drawings showing the locations of best management practices for the site during all construction/commencement and operational stages;
- (d) include written text detailing the installation, monitoring and maintenance requirements for each of the recommended best management practices for erosion and sediment control;
- (e) include drawings of any engineering structures such as sediment basins and dirty water diversion structures, including design standards and management regimes to return the erosion and sediment control system to design capacity following rainfall events;
- (f) include design calculations and sizing for all dirty water diversion bunds and sediment basins on site;
- (g) consider the potential for increasing the size of sediment basins to maximise water reuse and reduce the need for managed overflows or discharge;
- (h) ensure that unsealed roads are maintained consistent with the practices and principles in 'Managing Urban Stormwater - Soils and Construction Volume 2C Unsealed Roads';
- (i) ensure that any service installation will be managed consistent with the guidelines, principles and minimum design standards in Managing Urban Stormwater: Soils and Construction - Volume 2A: Installation of Services.

07. Noise

Blast management protocol

07.1 A Blasting/Vibration Management Protocol must be prepared in relation to the development and implemented. The protocol must include, but need not be limited to, the following matters:

- compliance standards;

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744

- mitigation measures;
- remedial action;
- monitoring methods and program;
- monitoring program for flyrock distribution*;
- measures to protect underground utilities (eg: rising mains, subsurface telecommunication and electric cables) and livestock nearby;
- notification of procedures for neighbours prior to detonation of each blast;
- measures to ensure no damage by flyrock to people, property, livestock and powerlines.*

O8. Air

Air Management Plan

O8.1 An Air Quality Management Plan must be reviewed to include any additional air quality management measures identified in the Air quality assessment listed in condition O8.2.

Air Quality Assessment

*O8.2 A revised Air quality impact assessment must be conducted strictly in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales Guidelines* and submitted with an application for an Environment Protection Licence;*

- The Air Quality Assessment is to incorporate all proactive and reactive air quality management systems in the Air Quality Management Plan;
- The Air Quality Assessment is to ensure that no additional exceedances of the air quality assessment listed in the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW*;
- where additional exceedances are predicted management of the activities should be revised to include additional air quality management measures.

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

in a legible form, or in a form that can readily be reduced to a legible form;

kept for at least 4 years after the monitoring or event to which they relate took place; and

produced in a legible form to any authorised officer of the EPA who asks to see them.

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;
the time(s) at which the sample was collected;
the point at which the sample was taken; and
the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Water and Land			
<u>Monitoring Point 1 and 2</u>			
Pollutant	Unit of measure	Frequency	Sampling Method
Total Suspended Solids (TSS)	mg/L	Daily during discharge	Grab sample
Oil and Grease	mg/L	Daily during Discharge	Grab Sample
pH		Daily during Discharge	Insitu

M4. Testing methods - concentration limits

M4.2 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition **M3** must be done in accordance with:
the Approved Methods Publication; or
if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.

Blast Monitoring

M5.1 The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in condition **M5.1**.

M5.1 For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744

Point 3 - Location to be confirmed in consultation with EPA

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Air temperature	°C	Continuous	1 hour	AM-4
Wind direction	°	Continuous	15 minute	AM-2 & AM-4
Wind speed	m/s	Continuous	15 minute	AM-2 & AM-4
Sigma theta	°	Continuous	15 minute	AM-2 & AM-4
Rainfall	Mm	Continuous	15 minute	AM-4
Siting				AM-1
Relative humidity	%	Continuous	1 hour	AM-4

M6 Requirement to Monitor Noise

M6.1 To assess compliance with Condition L6.1, attended commissioning noise monitoring must be undertaken in accordance with Conditions L6.5 and:

- a. at locations R4, R7 and R10 as listed in Condition L6.1;
- b. occur within 3 months of commencement of operations;
- c. occur during one day, evening and night period (morning shoulder) as defined in the NSW Industrial Noise Policy for a minimum of:
 - 15 minutes of typical processing activity during the day;
 - 15 minutes of typical processing activity during the evening; and
 - 15 minutes of typical night time processing activity during the night.

M6.2 To determine compliance with the blast limits:

- d) Airblast overpressure and ground vibration levels must be measured and electronically recorded at the nearest residences or noise sensitive locations for all the parameters in the first column of the table below.
- e) The licensee must use the units of measure, sampling method, and sampling frequency specified in the other columns.

Parameter	Units of Measure	Frequency	Sampling Method
Airblast overpressure	Decibels (linear peak)	Continuous during all blasts	Australian Standard AS2187.2-2006
Ground vibration peak particle velocity	Millimetres/second	Continuous during all blasts	Australian Standard AS2187.2-2006

M6.3 A Traffic Noise Management Strategy (TNMS) be developed by the proponent, for the purposes of construction and operational noise impacts and to improve operation transport, to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied, that include but are not necessarily limited to the following;

Page 12

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744

- driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers,
- best noise practice in the selection and maintenance of vehicle fleets,
- movement scheduling where practicable to reduce impacts during sensitive times of the day,
- communication and management strategies for non-licencee/proponent owned and operated vehicles to ensure the provision of the TNMS are implemented,
- a system of audited management practices that identifies non conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimization procedures) and assesses the implementation and improvement of the TNMS,
- specific procedures to minimize impacts at identified sensitive areas,
- clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimization procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.

M6.4 The Traffic Noise Management Study must be submitted with an application for the Environment Protection Licence.

M7 Telephone complaint line

M7.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving and complaint from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M7.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M7.3 The preceding two conditions do not apply until three months after the date of the issue of this licence.

Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

R2.1 Noise Monitoring Report

A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the commissioning monitoring. The assessment must be prepared by a suitably qualified and experienced person and include:

- a. an assessment of compliance with noise limits for R4, R7, and R10 ; and
- b. specify any management actions needed to be implemented to address any exceedences of the noise limits for R4, R7, and R10.

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744

Attachment B– Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

(To be used on licences with ancillary activities)

This licence applies to all other activities carried on at the premises, including:

- Extractive Activities; and
- crushing, grinding and separating

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- c. must be maintained in a proper and efficient condition; and
- d. must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;

Page 15

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744

- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

Page 16

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence -- the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- the assessable pollutants for which the actual load could not be calculated; and
- the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1548744



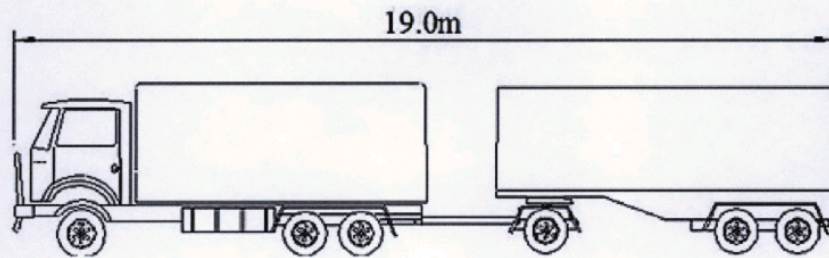
Appendix G – Proposed MAAS Driver Code of Conduct

Regional Hardrock Pty Ltd

South Keswick Quarry

Driver Code of Conduct

Transportation of Materials from South Keswick Quarry via Sheraton Road.



Lot 211 DP 1220433, 20L Sheraton Road, Dubbo.

September 2017

Regional Hardrock Pty Ltd

Contents

Executive Summary 3

Purpose of the report..... 3

Transportation of Materials..... 4

 Transportation Hours and Haulage Vehicle Types..... 4

 Roads and Maritime Services..... 4

 General Driving Practices 4

Monitoring and Compliance 5

Incident Investigation 5

Roles and Responsibilities under the Code 6

Review 6

Regional Hardrock Pty Ltd

Executive Summary

Purpose of the report

This Code of Conduct has been prepared in support of Development Consent D2016-482 for the South Keswick Quarry formally known as Lot 211 DP 1220433 and 20L Sheraton Road, Dubbo. In particular condition 40 of the abovementioned consent requires the implementation of the Code of Conduct for the life of the development and incorporation of the following matters:

- Details of transportation hours and vehicle types;
- Procedure for the transportation of hazardous materials;
- Details of local school operating hours and in particular school drop off / pick up times. Haulage operations in the vicinity of schools adjoining Sheraton Road during student drop off and pick up times shall be prohibited; and
- Requirement for drivers to operate vehicles in a safe, professional and courteous manner.

The code of conduct is structured as follows:

- Transportation of Materials;
- Monitoring and compliance;
- Incident investigation;
- Roles and Responsibilities
- Review

This document will be used as a reference document for the operation of the quarry and will be reviewed from time to time as necessary.

Regional Hardrock Pty Ltd

Transportation of Materials

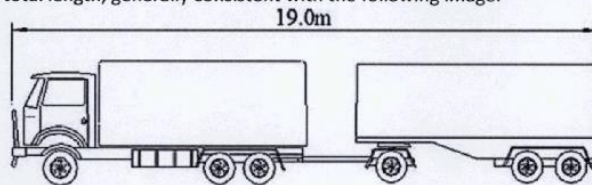
The following requirements for the transportation of materials from the quarry at 20L Sheraton Road are to be complied with by the haulage drivers of the quarry. Failure of a driver to comply with these transportation requirements may lead to disciplinary action and or termination of such haulage driver's services by quarry management staff.

Haulage drivers of the quarry are to comply with the following:

Transportation Hours and Haulage Vehicle Types

The transportation hours of materials and maximum size of quarry owned haulage vehicles exiting the site are limited as follows:

- Haulage of materials from the site are prohibited on school days between the hours 8:15am to 8:45am and 3:15pm to 3:45pm Monday to Friday being during school drop off and pick up times; and
- Quarry owned haulage vehicles exiting the are limited type to 'Truck and Dog' of 19m in total length, generally consistent with the following image.

**Roads and Maritime Services**

1. Drivers must be appropriately RMS licensed for the vehicle they are operating;
2. Drivers must comply with all road rules, observe all recommended road signage, in particular, speed limited zones, school speed zones and speed caution signage;
3. Drivers must maintain safe and courteous driving behaviour;
4. Drivers must comply with management communication and radio protocols;
5. Drivers must ensure their loads are securely covered before leaving the site to ensure no loss of material within the surrounding road network;
6. The transportation of hazardous materials be undertaken in accordance with relevant environmental and safety approvals, permits, licences as required by the NSW Roads and Maritime Services and or the NSW Department of Environmental Protection Authority and or Council.

General Driving Practices

1. Drivers are to be aware of the school zone and its caution signage within Sheraton Road at all times and drive with caution at all times on school days;
2. Drivers are not to park within the school zone during school days to ensure quarry owned haulage vehicles are only passing through the school zone;
3. Drivers are to secure and cover all loads;
4. Drivers are to be aware that the school zone incorporates bus pick up areas and are to take care when passing through the school zone to ensure no conflict with school buses and pedestrians;
5. If warranted due to potential safety conflicts drivers of quarry owned haulage vehicles are to make appropriate UHF radio contact to announce their arrival and safety concern to the operating bus driver;

South Keswick Quarry Driver Code of Conduct

4

Regional Hardrock Pty Ltd

6. Drivers are to ensure their vehicle is fitted with a visible sign on back of the quarry owned haulage vehicle with phone number "REPORT MY DRIVING CALL (quarry office phone number)"
7. Drivers of quarry owned haulage vehicles are likely to be monitored by quarry staff and or school staff and or the general public aside from road authority officers. In this regard any speeding or poor driver behaviour will be investigated thoroughly by quarry management and may lead to disciplinary action;

Management, Monitoring and Compliance

Quarry Management will maintain a register of persons having read and agreed (by signature) to this Driver's Code of Conduct. The following procedure will be implemented to enforce the Drivers Code of Conduct.

1. A copy of the Driver's Code of Conduct can be made available on the company computer upon request by drivers, general public and authorities
2. A procedure for members of the public to report alleged unsafe driving or breaches of this Drivers Code of Conduct will be provided on the company website alongside Drivers Code of Conduct;
3. Management will provide details of the quarry contact person who is responsible for dealing with haulage traffic concerns during school drop off and pick up times to all schools adjoining Sheraton Road;
4. Management are to ensure a clearly visible sign is erected at the quarry entrance providing a contact phone number to allow the public report to any quarry owned haulage driving related issues on Sheraton Road;
5. In the event of a reported complaint, the complaint will be sent to Quarry Management and an investigation initiated. If the investigation confirms the alleged activity and identifies that the driver and vehicle in question are associated with the quarry, then appropriate action will be taken by management towards the driver having regard to the circumstances of the matter, in this regard such action may include:
 - a. Counselling of the driver in relation to the requirements of the Driver's Code of Conduct and road safety;
 - b. Issuing of a formal warning to the driver;
 - c. Exclusion of the driver from the quarry;
 - d. Termination of employment;

Incident Investigation

In the event of a traffic accident, incident, reported near miss or other such complaint in relation to a breach of the Driver's Code of Conduct, quarry management will initiate an investigation. The investigation will seek to determine:

1. What vehicle and driver is the subject of the investigation;
2. What occurred at the time of the incident;
3. The root cause of the incident;
4. Any contributing factors which lead to the incident; and
5. Whether appropriate controls were implemented to prevent the incident.

Corrective and/or preventative actions will be assigned to relevant personnel as a result of the investigation. Actions will be communicated through internal business meetings and operational team communication tools (i.e. email, memo, team leader to team member discussions). If required,

5

South Keswick Quarry Driver Code of Conduct

Regional Hardrock Pty Ltd

this Driver's Code of Conduct will be amended and all signatories to the Driver's Code of Conduct will be required to review and confirm acceptance of the amended Code on writing.

All reports associated with complaints or incidents will be retained for a period of no less than two years.

Roles and Responsibilities under the Code

Roles	Responsibility
General Manager	Ensure adequate resources are available to implement the Drivers Code of Conduct
Quarry Manager	Ensure the implementation of this Code. Ensure employees are competent through training and awareness programs
All signatories	Abide by the Code of Conduct when operating quarry owned haulage vehicles from the quarry.

Review

This Driver Code of Conduct will be reviewed from time to time as necessary and in particular after a reported investigation has been finalised by quarry management. Any revised iteration of the Code of Conduct must be agreed to by quarry management and all signatories to the Drivers Code of Conduct will be required to review and sign the Code.



22 September 2017

SF2016/057834; WST16/00066/06

General Manager
MAAS Group
PO Box 404
Dubbo NSW 2830

Dear Mr Guy

D2016-482: South Keswick Quarry; Draft Code of Conduct

Thank you for your email on 8 September 2017 forwarding the draft Code of Conduct for the South Keswick Quarry. Reference is made to our telephone conversation on 24 August 2017 regarding this project.

In relation to the Code of Conduct, the following comments are made for inclusion in the final document:

- Unladen trucks should avoid travelling through the school zone during school drop-off and pick-up times (currently identified as between 8:30-9:00am and 3:00-3:30pm).
- Drivers are to minimise the use of exhaust breaks when travelling in a built-up areas.

Upon inclusion of the abovementioned matters, RMS would support the adoption of the draft TMP and Code of Conduct. Should you require further information please contact Andrew McIntyre on 02 68611453.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Andrew McIntyre'.

Andrew McIntyre
Acting Network & Safety Manager
Western

cc General Manager
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Roads and Maritime Services

51-55 Currajong Street Parkes NSW 2870 |
PO Box 334 Parkes NSW 2870 DX 20258 |

www.rms.nsw.gov.au | 13 22 13

15th of December 2017

To Shaun Reynolds,

Driver Code of Conduct for the transportation of Materials from South Keswick Quarry via Sheraton Road - DA16-482, 20L Sheraton Road, Dubbo.

We understand the abovementioned development was approved by the Western Joint Regional Planning Panel (JRPP) in July 2017.

We understand that as part of this approval the quarry operators are to prepare a Driver Code of Conduct for approval by the Roads and Maritime Service (RMS) for haulage along Sheraton Road including school drop off and pick up times.

We understand that the attached Driver Code of Conduct has been prepared in consultation with the RMS and is consistent with their recommendations.

We understand from our discussions with quarry management that the site would be responsibly managed at all times by on site management. In this regard we support the attached Code of Conduct, its provisions and requirements therein.

Yours faithfully,

Aoi Leary
Principal
18.12.17

ST. JOHN'S PRIMARY SCHOOL
DUBBO



Transport
Roads & Maritime
Services

22 September 2017

SF2016/057834; WST16/00066/06

General Manager
MAAS Group
PO Box 404
Dubbo NSW 2830

Dear Mr Guy

D2016-482: South Keswick Quarry; Draft Code of Conduct

Thank you for your email on 8 September 2017 forwarding the draft Code of Conduct for the South Keswick Quarry. Reference is made to our telephone conversation on 24 August 2017 regarding this project.

In relation to the Code of Conduct, the following comments are made for inclusion in the final document:

- Unladen trucks should avoid travelling through the school zone during school drop-off and pick-up times (currently identified as between 8:30-9:00am and 3:00-3:30pm).
- Drivers are to minimise the use of exhaust breaks when travelling in a built-up areas.

Upon inclusion of the abovementioned matters, RMS would support the adoption of the draft TMP and Code of Conduct. Should you require further information please contact Andrew McIntyre on 02 68611453.

Yours faithfully

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

Andrew McIntyre
Acting Network & Safety Manager
Western

cc General Manager
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Roads and Maritime Services

51-55 Currajong Street Parkes NSW 2870 |
PO Box 334 Parkes NSW 2870 DX 20256 |

www.rms.nsw.gov.au | 13 22 13

Regional Hardrock Pty Ltd

Quarry Manager

Ensure the implementation of this Code. Ensure employees are competent through training and awareness programs

All signatories

Abide by the Code of Conduct when operating quarry owned haulage vehicles from the quarry.

Review

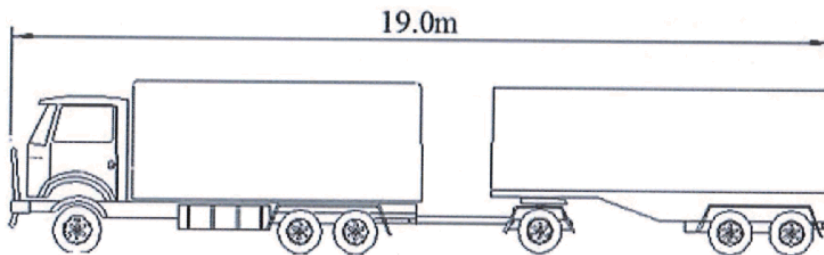
This Driver Code of Conduct will be reviewed from time to time as necessary and in particular after a reported investigation has been finalised by quarry management. Any revised iteration of the Code of Conduct must be agreed to by quarry management and all signatories to the Drivers Code of Conduct will be required to review and sign the Code.

Regional Hardrock Pty Ltd

South Keswick Quarry

Driver Code of Conduct

Transportation of Materials from South Keswick Quarry via Sheraton Road.



Lot 211 DP 1220433, 20L Sheraton Road, Dubbo.

September 2017

Regional Hardrock Pty Ltd

Executive Summary

Purpose of the report

This Code of Conduct has been prepared in support of Development Consent D2016-482 for the South Keswick Quarry formally known as Lot 211 DP 1220433 and 20L Sheraton Road, Dubbo. In particular condition 40 of the abovementioned consent requires the implementation of the Code of Conduct for the life of the development and incorporation of the following matters:

- Details of transportation hours and vehicle types;
- Procedure for the transportation of hazardous materials;
- Details of local school operating hours and in particular school drop off / pick up times. Haulage operations in the vicinity of schools adjoining Sheraton Road during student drop off and pick up times shall be prohibited; and
- Requirement for drivers to operate vehicles in a safe, professional and courteous manner.

The code of conduct is structured as follows:

- Transportation of Materials;
- Monitoring and compliance;
- Incident investigation;
- Roles and Responsibilities
- Review

This document will be used as a reference document for the operation of the quarry and will be reviewed from time to time as necessary.

Regional Hardrock Pty Ltd
make appropriate UHF radio contact to announce their arrival and safety concern to the operating bus driver;



St Johns College

162 Sheraton Road, PO Box 4019, Dubbo East NSW 2830

Telephone: (02) 6841 5100

Facsimile: (02) 6841 5199

Email: stjohnscollegedubbo@bth.catholic.edu.au

Website: www.stjohnsdubbo.catholic.edu.au

15 December

Mr Shaun Reynolds
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Dear Mr Reynolds

**Driver Code of Conduct for the transportation of Materials from South Keswick
Quarry via Sheraton Road – DA16-482, 20L Sheraton Road, Dubbo**

We understand the abovementioned development was approved by the Western Joint Regional Planning Panel (JRPP) in July 2017.

We understand that as part of this approval the quarry operators are to prepare a Driver Code of Conduct for approval by the Roads and Maritime Service (RMS) for haulage along Sheraton Road including school drop off and pick up times.

We understand that the attached Drive Code of Conduct has been prepared in consultation with the RMS and is consistent with their recommendations.

We understand from our discussions with quarry management that the site would be responsibly managed at all times by on site management. In this regard we support the attached Code of Conduct, its provisions and requirements therein.

Yours faithfully

Kerry Morris
PRINCIPAL

Attach

Regional Hardrock Pty Ltd

Quarry Manager

Ensure the implementation of this Code. Ensure employees are competent through training and awareness programs

All signatories

Abide by the Code of Conduct when operating quarry owned haulage vehicles from the quarry.

Review

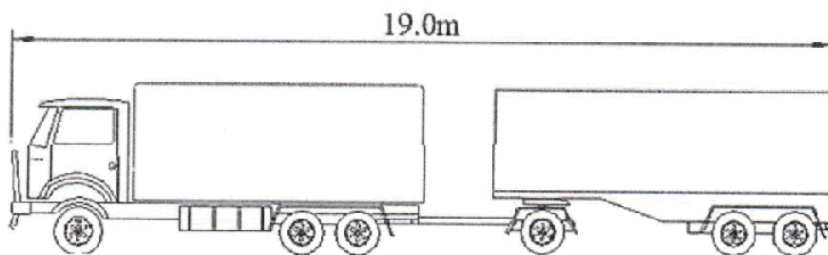
This Driver Code of Conduct will be reviewed from time to time as necessary and in particular after a reported investigation has been finalised by quarry management. Any revised iteration of the Code of Conduct must be agreed to by quarry management and all signatories to the Drivers Code of Conduct will be required to review and sign the Code.

Regional Hardrock Pty Ltd

South Keswick Quarry

Driver Code of Conduct

Transportation of Materials from South Keswick Quarry via Sheraton Road.



Lot 211 DP 1220433, 20L Sheraton Road, Dubbo.

September 2017

Regional Hardrock Pty Ltd

Contents

Executive Summary	3
Purpose of the report	3
Transportation of Materials	4
Transportation Hours and Haulage Vehicle Types.....	4
Roads and Maritime Services	4
General Driving Practices	4
Monitoring and Compliance	5
Incident Investigation	5
Roles and Responsibilities under the Code	5
Review	6

South Keswick Quarry Driver Code of Conduct

Regional Hardrock Pty Ltd

Executive Summary

Purpose of the report

This Code of Conduct has been prepared in support of Development Consent D2016-482 for the South Keswick Quarry formally known as Lot 211 DP 1220433 and 20L Sheraton Road, Dubbo. In particular condition 40 of the abovementioned consent requires the implementation of the Code of Conduct for the life of the development and incorporation of the following matters:

- Details of transportation hours and vehicle types;
- Procedure for the transportation of hazardous materials;
- Details of local school operating hours and in particular school drop off / pick up times. Haulage operations in the vicinity of schools adjoining Sheraton Road during student drop off and pick up times shall be prohibited; and
- Requirement for drivers to operate vehicles in a safe, professional and courteous manner.

The code of conduct is structured as follows:

- Transportation of Materials;
- Monitoring and compliance;
- Incident investigation;
- Roles and Responsibilities
- Review

This document will be used as a reference document for the operation of the quarry and will be reviewed from time to time as necessary.

Regional Hardrock Pty Ltd

Transportation of Materials

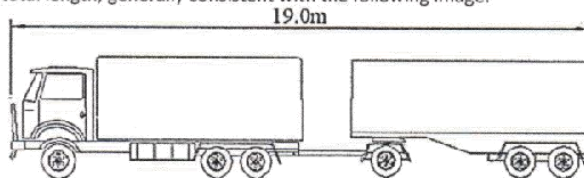
The following requirements for the transportation of materials from the quarry at 20L Sheraton Road are to be complied with by the haulage drivers of the quarry. Failure of a driver to comply with these transportation requirements may lead to disciplinary action and or termination of such haulage driver's services by quarry management staff.

Haulage drivers of the quarry are to comply with the following:

Transportation Hours and Haulage Vehicle Types

The transportation hours of materials and maximum size of quarry owned haulage vehicles exiting the site are limited as follows:

- Haulage of materials from the site are prohibited on school days between the hours 8:30am to 9:00am and 3:00pm to 3:30pm Monday to Friday being during school drop off and pick up times;
- Unloaded trucks should avoid travelling through the school zone during school drop-off and pick-up times (above) and
- Quarry owned haulage vehicles exiting the are limited type to 'Truck and Dog' of 19m in total length, generally consistent with the following image.



Roads and Maritime Services

1. Drivers must be appropriately RMS licensed for the vehicle they are operating;
2. Drivers must comply with all road rules, observe all recommended road signage, in particular, speed limited zones, school speed zones and speed caution signage;
3. Drivers must maintain safe and courteous driving behavior;
4. Drivers are to minimize the use of exhaust breaks when travelling in built-up areas;
5. Drivers must comply with management communication and radio protocols;
6. Drivers must ensure their loads are securely covered before leaving the site to ensure no loss of material within the surrounding road network;
7. The transportation of hazardous materials be undertaken in accordance with relevant environmental and safety approvals, permits, licenses as required by the NSW Roads and Maritime Services and or the NSW Department of Environmental Protection Authority and or Council.

General Driving Practices

1. Drivers are to be aware of the school zone and its caution signage within Sheraton Road at all times and drive with caution at all times on school days;
2. Drivers are not to park within the school zone during school days to ensure quarry owned haulage vehicles are only passing through the school zone;
3. Drivers are to secure and cover all loads;
4. Drivers are to be aware that the school zone incorporates bus pick up areas and are to take care when passing through the school zone to ensure no conflict with school buses and pedestrians;
5. If warranted due to potential safety conflicts drivers of quarry owned haulage vehicles are to

South Keswick Quarry Driver Code of Conduct

4

Regional Hardrock Pty Ltd
make appropriate UHF radio contact to announce their arrival and safety concern to the
operating bus driver;

South Keswick Quarry Driver Code of Conduct

5

Regional Hardrock Pty Ltd

6. Drivers of quarry owned haulage vehicles are likely to be monitored by quarry staff and or school staff and or the general public aside from road authority officers. In this regard any speeding or poor driver behavior will be investigated thoroughly by quarry management and may lead to disciplinary action;

Monitoring and Compliance

Quarry Management will maintain a register of persons having read and agreed (by signature) to this Driver's Code of Conduct. The following procedure will be implemented to enforce the Drivers Code of Conduct.

1. A copy of the Driver's Code of Conduct can be made available on the company computer upon request by drivers, general public and authorities
2. A procedure for members of the public to report alleged unsafe driving or breaches of this Drivers Code of Conduct will be provided on the company website alongside Drivers Code of Conduct;
3. In the event of a reported complaint, the complaint will be sent to Quarry Management and an investigation initiated. If the investigation confirms the alleged activity and identifies that the driver and vehicle in question are associated with the quarry, then appropriate action will be taken by management towards the driver having regard to the circumstances of the matter, in this regard such action may include:
 - a. Counselling of the driver in relation to the requirements of the Driver's Code of Conduct and road safety;
 - b. Issuing of a formal warning to the driver;
 - c. Exclusion of the driver from the quarry;
 - d. Termination of employment;

Incident Investigation

In the event of a traffic accident, incident, reported near miss or other such complaint in relation to a breach of the Driver's Code of Conduct, quarry management will initiate an investigation. The investigation will seek to determine:

1. What vehicle and driver is the subject of the investigation;
2. What occurred at the time of the incident;
3. The root cause of the incident;
4. Any contributing factors which lead to the incident; and
5. Whether appropriate controls were implemented to prevent the incident.

Corrective and/or preventative actions will be assigned to relevant personnel as a result of the investigation. Actions will be communicated through internal business meetings and operational team communication tools (i.e. email, memo, team leader to team member discussions). If required, this Driver's Code of Conduct will be amended and all signatories to the Driver's Code of Conduct will be required to review and confirm acceptance of the amended Code on writing.

All reports associated with complaints or incidents will be retained for a period of no less than two years.

Roles and Responsibilities under the Code

Roles

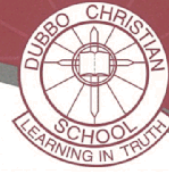
General Manager

Responsibility

Ensure adequate resources are available to implement the Drivers Code of Conduct

DUBBO CHRISTIAN SCHOOL

Bible-based, Christ-centred schooling from pre-Kindergarten to Year 12



15th of December 2017

To Shaun Reynolds,

Driver Code of Conduct for the transportation of Materials from South Keswick Quarry via Sheraton Road - DA16-482, 20L Sheraton Road, Dubbo.

We understand the abovementioned development was approved by the Western Joint Regional Planning Panel (JRPP) in July 2017.

We understand that as part of this approval the quarry operators are to prepare a Driver Code of Conduct for approval by the Roads and Maritime Service (RMS) for haulage along Sheraton Road including school drop off and pick up times.

We understand that the attached Driver Code of Conduct has been prepared in consultation with the RMS and is consistent with their recommendations.

We understand from our discussions with quarry management that the site would be responsibly managed at all times by on site management. In this regard we support the attached Code of Conduct, its provisions and requirements therein.

Yours faithfully,

A handwritten signature in blue ink that reads 'Michael Lowbridge'.

Michael Lowbridge
Business Manager

Regional Hardrock Pty Ltd

Quarry Manager

Ensure the implementation of this Code. Ensure employees are competent through training and awareness programs

All signatories

Abide by the Code of Conduct when operating quarry owned haulage vehicles from the quarry.

Review

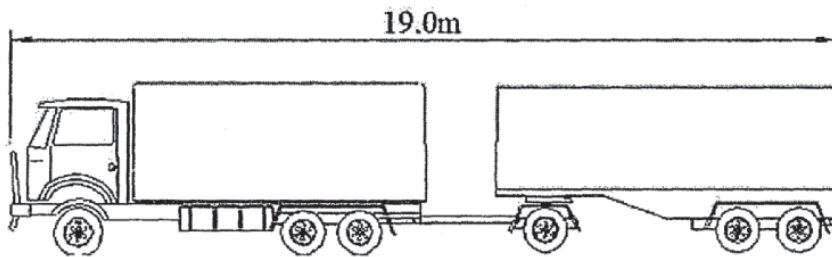
This Driver Code of Conduct will be reviewed from time to time as necessary and in particular after a reported investigation has been finalised by quarry management. Any revised iteration of the Code of Conduct must be agreed to by quarry management and all signatories to the Drivers Code of Conduct will be required to review and sign the Code.

Regional Hardrock Pty Ltd

South Keswick Quarry

Driver Code of Conduct

Transportation of Materials from South Keswick Quarry via Sheraton Road.



Lot 211 DP 1220433, 20L Sheraton Road, Dubbo.

September 2017

Regional Hardrock Pty Ltd

Contents

Executive Summary 3

Purpose of the report 3

Transportation of Materials 4

 Transportation Hours and Haulage Vehicle Types..... 4

 Roads and Maritime Services 4

 General Driving Practices 4

Monitoring and Compliance..... 5

Incident Investigation 5

Roles and Responsibilities under the Code..... 5

Review 6

Regional Hardrock Pty Ltd

Executive Summary

Purpose of the report

This Code of Conduct has been prepared in support of Development Consent D2016-482 for the South Keswick Quarry formally known as Lot 211 DP 1220433 and 20L Sheraton Road, Dubbo. In particular condition 40 of the abovementioned consent requires the implementation of the Code of Conduct for the life of the development and incorporation of the following matters:

- Details of transportation hours and vehicle types;
- Procedure for the transportation of hazardous materials;
- Details of local school operating hours and in particular school drop off / pick up times. Haulage operations in the vicinity of schools adjoining Sheraton Road during student drop off and pick up times shall be prohibited; and
- Requirement for drivers to operate vehicles in a safe, professional and courteous manner.

The code of conduct is structured as follows:

- Transportation of Materials;
- Monitoring and compliance;
- Incident investigation;
- Roles and Responsibilities
- Review

This document will be used as a reference document for the operation of the quarry and will be reviewed from time to time as necessary.

South Keswick Quarry Driver Code of Conduct

3

Regional Hardrock Pty Ltd

Transportation of Materials

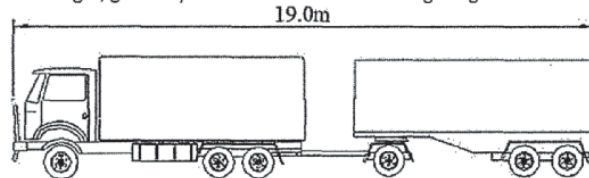
The following requirements for the transportation of materials from the quarry at 20L Sheraton Road are to be complied with by the haulage drivers of the quarry. Failure of a driver to comply with these transportation requirements may lead to disciplinary action and or termination of such haulage driver's services by quarry management staff.

Haulage drivers of the quarry are to comply with the following:

Transportation Hours and Haulage Vehicle Types

The transportation hours of materials and maximum size of quarry owned haulage vehicles exiting the site are limited as follows:

- Haulage of materials from the site are prohibited on school days between the hours 8:30am to 9:00am and 3:00pm to 3:30pm Monday to Friday being during school drop off and pick up times;
- Unloaded trucks should avoid travelling through the school zone during school drop-off and pick-up times (above) and
- Quarry owned haulage vehicles exiting the are limited type to 'Truck and Dog' of 19m in total length, generally consistent with the following image.



Roads and Maritime Services

1. Drivers must be appropriately RMS licensed for the vehicle they are operating;
2. Drivers must comply with all road rules, observe all recommended road signage, in particular, speed limited zones, school speed zones and speed caution signage;
3. Drivers must maintain safe and courteous driving behavior;
4. Drivers are to minimize the use of exhaust breaks when travelling in built-up areas;
5. Drivers must comply with management communication and radio protocols;
6. Drivers must ensure their loads are securely covered before leaving the site to ensure no loss of material within the surrounding road network;
7. The transportation of hazardous materials be undertaken in accordance with relevant environmental and safety approvals, permits, licenses as required by the NSW Roads and Maritime Services and or the NSW Department of Environmental Protection Authority and or Council.

General Driving Practices

1. Drivers are to be aware of the school zone and its caution signage within Sheraton Road at all times and drive with caution at all times on school days;
2. Drivers are not to park within the school zone during school days to ensure quarry owned haulage vehicles are only passing through the school zone;
3. Drivers are to secure and cover all loads;
4. Drivers are to be aware that the school zone incorporates bus pick up areas and are to take care when passing through the school zone to ensure no conflict with school buses and pedestrians;
5. If warranted due to potential safety conflicts drivers of quarry owned haulage vehicles are to

4

South Keswick Quarry Driver Code of Conduct

Regional Hardrock Pty Ltd
make appropriate UHF radio contact to announce their arrival and safety concern to the operating bus driver;

South Keswick Quarry Driver Code of Conduct

5

Regional Hardrock Pty Ltd

6. Drivers of quarry owned haulage vehicles are likely to be monitored by quarry staff and or school staff and or the general public aside from road authority officers. In this regard any speeding or poor driver behavior will be investigated thoroughly by quarry management and may lead to disciplinary action;

Monitoring and Compliance

Quarry Management will maintain a register of persons having read and agreed (by signature) to this Driver's Code of Conduct. The following procedure will be implemented to enforce the Drivers Code of Conduct.

1. A copy of the Driver's Code of Conduct can be made available on the company computer upon request by drivers, general public and authorities
2. A procedure for members of the public to report alleged unsafe driving or breaches of this Drivers Code of Conduct will be provided on the company website alongside Drivers Code of Conduct;
3. In the event of a reported complaint, the complaint will be sent to Quarry Management and an investigation initiated. If the investigation confirms the alleged activity and identifies that the driver and vehicle in question are associated with the quarry, then appropriate action will be taken by management towards the driver having regard to the circumstances of the matter, in this regard such action may include:
 - a. Counselling of the driver in relation to the requirements of the Driver's Code of Conduct and road safety;
 - b. Issuing of a formal warning to the driver;
 - c. Exclusion of the driver from the quarry;
 - d. Termination of employment;

Incident Investigation

In the event of a traffic accident, incident, reported near miss or other such complaint in relation to a breach of the Driver's Code of Conduct, quarry management will initiate an investigation. The investigation will seek to determine:

1. What vehicle and driver is the subject of the investigation;
2. What occurred at the time of the incident;
3. The root cause of the incident;
4. Any contributing factors which lead to the incident; and
5. Whether appropriate controls were implemented to prevent the incident.

Corrective and/or preventative actions will be assigned to relevant personnel as a result of the investigation. Actions will be communicated through internal business meetings and operational team communication tools (i.e. email, memo, team leader to team member discussions). If required, this Driver's Code of Conduct will be amended and all signatories to the Driver's Code of Conduct will be required to review and confirm acceptance of the amended Code on writing.

All reports associated with complaints or incidents will be retained for a period of no less than two years.

Roles and Responsibilities under the Code

Roles

General Manager

Responsibility

Ensure adequate resources are available to implement the Drivers Code of Conduct

South Keswick Quarry Driver Code of Conduct

6