



AGENDA PLANNING AND DEVELOPMENT COMMITTEE 12 DECEMBER 2016

MEMBERSHIP:

Mr M Kneipp (Administrator).

The meeting is scheduled to commence at 5.30pm.

| | Page |
|---|-----------|
| PDC16/7 | |
| REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - MEETING 17 OCTOBER 2016 (ID16/2269) | 3 |
| The Committee had before it the report of the Planning and Development Committee meeting held 17 October 2016. | |
| PDC16/8 | |
| COUNCIL POLICY - FLOODING IN GEURIE (ID16/2153) | 8 |
| The Committee had before it the report dated 7 December 2016 from the Manager City Strategy Services regarding Council Policy - Flooding in Geurie. | |
| PDC16/9 | |
| DEVELOPMENT APPLICATION D16-5: DETACHED DUAL OCCUPANCY - LOT 18 SECTION 54A DP 1600 AND LOT A DP 393090, 85 PIERCE STREET, WELLINGTON | |
| APPLICANT: MR E SMITH | |
| OWNER: MR G & MRS E FRENCH | |
| LODGED: 25 FEBRUARY 2016 (ID16/2187) | 21 |
| The Committee had before it the report dated 7 December 2016 from the Senior Planner 2 regarding Development Application D16-5: Detached Dual Occupancy - Lot 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington. | |

- PDC16/10** **DEVELOPMENT APPLICATION D16-4: TWO (2) LOT COMMUNITY TITLE SUBDIVISION - LOT 18 SECTION 54A DP 1600 AND LOT A DP 393090, 85 PIERCE STREET, WELLINGTON**
APPLICANT: MR E SMITH
OWNER: MR & MRS G AND E FRENCH
LODGED: 25 FEBRUARY 2016 (ID16/2233) 39
- The Committee had before it the report dated 7 December 2016 from the Senior Planner 2 regarding Development Application D16-4: Two (2) Lot Community Title Subdivision - Lot 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington.
-
- PDC16/11** **DEVELOPMENT APPLICATION D16-366: TWO (2) LOT SUBDIVISION LOT 62 DP 596342, 24 TAMWORTH STREET, DUBBO**
APPLICANT: MR N O'CONNOR
OWNER: MR N AND MS J O'CONNOR
LODGED: 11 AUGUST 2016 (ID16/2251) 51
- The Committee had before it the report dated 6 December 2016 from the Planner regarding Development Application D16-366: Two (2) Lot Subdivision Lot 62 DP 596342, 24 Tamworth Street, Dubbo.



Report of the Planning and Development Committee - meeting 17 October 2016

AUTHOR: Administrative Officer - Governance

REPORT DATE: 7 December 2016

The Committee had before it the report of the Planning and Development Committee meeting held 17 October 2016.

MOTION

That the report of the Planning and Development Committee meeting held on 17 October 2016, be adopted.



**REPORT
PLANNING AND DEVELOPMENT COMMITTEE
17 OCTOBER 2016**

PRESENT:

Mr M Kneipp (Administrator).

ALSO IN ATTENDANCE:

The Interim General Manager (D Dwyer), the Director Organisational Services (J Basingthwaite), the Manager Governance and Risk, the Administrative Officer, the Director Corporate Development, the Corporate Communications Supervisor (K Matts), the Director Technical Services, the Manager Technical Support, the Manager Fleet Management Services, the Director Environmental Services, the Manager City Strategy Services (S Jennings), the Trainee Strategic Planner, the Director Community Services (J Watts), the Director Parks and Landcare Services and the Transition Project Leader.

Mr M Kneipp (Administrator) assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm.

**PDC16/2 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - MEETING 19
SEPTEMBER 2016 (ID16/1876)**

The Committee had before it the report of the Planning and Development Committee meeting held 19 September 2016.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends that the report of the Planning and Development Committee meeting held on 19 September 2016, be adopted.

CARRIED

**PDC16/3 PLANNING PROPOSAL (R16-2) - PROPOSED REZONING AND ALTERATION TO
MINIMUM LOT SIZE
PROPERTY: PART LOT 2 DP 22685, 32R BENOLONG ROAD, DUBBO
APPLICANT: GEOLYSE PTY LTD
OWNER: INMAC PTY LTD (ID16/1692)**

The Committee had before it the report dated 11 October 2016 from the Manager City Strategy Services regarding Planning Proposal (R16-2) - Proposed Rezoning and Alteration to Minimum Lot Size

Property: Part Lot 2 DP 22685, 32R Benolong Road, Dubbo

Applicant: Geolyse Pty Ltd

Owner: Inmac Pty Ltd.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends:

- 1. That Council support the Planning Proposal to rezone part of Lot 2 DP 22685, 32R Benolong Road, Dubbo from RU1 Primary Production to R5 Large Lot Residential and for the land to have a minimum allotment size for subdivision of eight (8) hectares.**
- 2. That Council recommend support for a minimum 28 day public exhibition period for the Planning Proposal.**
- 3. That Council resolve to 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.**
- 4. That following 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

**PDC16/4 DRAFT DEVELOPMENT CONTROL PLAN - SHERATON ROAD ESTATE
(ID16/1862)**

The Committee had before it the report dated 11 October 2016 from the Manager City Strategy Services regarding Draft Development Control Plan - Sheraton Road Estate.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends:

- 1. That the draft Sheraton Road Estate Development Control Plan as provided here in Appendix 1 be adopted for the purposes of public exhibition.**
- 2. That the draft Sheraton Road Estate Development Control Plan be placed on public exhibition for a period of no less than 28 days in accordance with Clause 18 of the Environmental Planning and Assessment Regulation, 2000.**
- 3. That a further report be presented to Council for consideration following completion of the public exhibition period.**

CARRIED

PDC16/5 DUBBO CBD PRECINCTS PLAN - STATUS REPORT (ID16/1864)

The Committee had before it the report dated 11 October 2016 from the Manager City Strategy Services regarding Dubbo CBD Precincts Plan - Status Report.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends that the information contained in the report of the Manager City Strategy Services, dated 11 October 2016 be noted.

CARRIED

PDC16/6 DUBBO DEVELOPER CONTRIBUTIONS SYSTEM - UPDATE REPORT (ID16/1869)
The Committee had before it the report dated 11 October 2016 from the Manager City Strategy Services regarding Dubbo Developer Contributions System - Update Report.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends that the information contained in the report of the Manager City Strategy Services, dated 11 October 2016 be noted.

CARRIED

The meeting closed at 5.39pm.

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CHAIRMAN



REPORT: Council Policy - Flooding in Geurie

AUTHOR: Manager City Strategy Services

REPORT DATE: 7 December 2016

TRIM REFERENCE: ID16/2153

EXECUTIVE SUMMARY

Following preparation of the Geurie Flood Study in 2006 by the former Wellington Council and the mapping of flood prone land in the Wellington Local Environmental Plan 2012, a draft Policy has been prepared to provide information to residents and prospective developers where properties are likely to be impacted by flood waters at Geurie. A copy of the draft Policy is provided here in **Appendix 1**.

The draft Policy provides specific requirements for development on land classified by Council as flood prone land. Flood prone land in Geurie may include land that is classified as High Hazard Floodway, Low Hazard Flood Fringe, or land that may be subject to the potential impacts of stormwater.

Since the merger of the two councils in May 2016 there has been considerable uncertainty and debate regarding the existing Geurie Flood Study.

The new draft Policy will provide consistent and clear information to residents and prospective developers where properties are likely to be impacted by flood waters, regarding steps that can be undertaken to mitigate the risk of flooding and key issues and considerations of the development control process undertaken by Council.

This report recommends that the draft Policy for Flooding in Geurie be adopted by Council for the purposes of public exhibition. Following completion of the public exhibition process a further report will be prepared for the consideration of Council, including any submissions received.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

If the draft Policy is ultimately adopted by Council, the Policy will guide future land use planning decisions in respect of flood prone land a Geurie.

RECOMMENDATION

- 1. That the draft Policy for Flooding in Geurie, included as Appendix 1 to this report, be endorsed for the purposes of public exhibition.**
- 2. That the draft Policy for Flooding in Geurie be placed on public exhibition for a period of not less than 28 days.**
- 3. That following completion of the public exhibition process, a further report be provided to Council for consideration, including any submissions received.**

Steven Jennings
Manager City Strategy Services

BACKGROUND

Flooding in Geurie is influenced by the catchment areas of Boori Creek, Geurie Creek, Heatherbrae Creek and Limestone Creek. These combined catchments have an overall area of 47 square kilometres. Each of the creeks form in the adjacent farmland areas situated on the higher slopes to the north, east and west of Geurie.

Within the Village area, these creeks are conveyed through natural vegetated channels, formal concrete lined channels and associated culverts. The location of roads and the railway line in the Village have the ability to impact flood patterns and behaviours.

Flooding within the Geurie Village area is a combination and consequence of surface water associated with the various creek catchments, and water flows generated from within the Village.

The Geurie Flood Study was prepared in 2006 and it informs the mapping of flood prone land in the Wellington Local Environmental Plan 2012. This draft Policy has been prepared by Council to provide information to residents and prospective developers where properties are likely to be impacted by flood waters and steps that can be undertaken to mitigate the risk of flooding.

The draft Policy provides specific requirements for development on land classified by Council as flood prone land. Flood prone land in Geurie may include land that is classified as High Hazard Floodway, Low Hazard Flood Fringe, or land that may be subject to the potential impacts of stormwater.

It is recommended that the draft Policy be adopted by Council for the purposes of public exhibition and be placed on public display for a period of no less than 28 days.

REPORT

1. Flooding at Geurie

In 2006, the former Wellington Council undertook the preparation of a Flood Study for Geurie. The purpose of the Flood Study was to determine and understand the impacts of flooding on land and development undertaken in the Geurie Village area and on adjoining lands. The overall findings of the Geurie Flood Study resulted in the mapping of flood prone lands for the Geurie village area with the preparation of the Wellington Local Environmental Plan 2012. The Wellington Local Environmental Plan 2012 guides the development of land in Geurie.

Council however has not undertaken flood modelling or implemented a policy regarding consideration of the conclusions of the Flood Study. Accordingly, there is uncertainty around the interpretation of the Study and this has resulted in conflict with prospective developers in Geurie in the preparation of development applications.

In accordance with the Floodplain Development Manual, the Geurie Flood Study, October 2006 has generally classified flooding in the Village area as the following:

(a) High Hazard Floodway

High Hazard Floodway is defined as an area of the Village where during a flood event a significant discharge of flood waters can occur. In addition, flood waters within a High Hazard Floodway are also characterised by the movement of water at a depth and velocity that presents significant impacts to property and life.

High Hazard Floodway is an area where development is not appropriate having regard to the following:

- The potential for development to re-direct the flow of floodwaters to other lands, which may not have been previously classified as High Hazard Floodway.
- The level of danger to the personal safety of residents and emergency services personnel during a flood event.
- Due to the velocity and depth of floodwaters, able-bodied adults would have significant difficulty in wading to safety.
- Significant financial loss due to the level of damage sustained during a flood event and the overall cost to the community.

(b) Low Hazard Flood Fringe

Low Hazard Flood Fringe is defined as the remaining flood prone land in the Village area that is not classified as High Hazard Floodway. In general, development of land classified as Low Hazard Flood Fringe is unlikely to have any significant effect on the behaviour of floodwaters including any impacts on flood flows during the flooding event or flood levels.

The velocity and depth of flood waters in a Low Hazard Flood Fringe area generally allows an able-bodied adult to wade to safety.

However, it should be noted that development undertaken in the area classified as Low Hazard Flood Fringe must meet minimum floor height requirements. This means that any development must have a floor level at least 500 mm above the level of the 1% Flood Event (1 in 100 Year Flood Event) as defined by the Geurie Flood Study, October 2006.

(c) Overland Flow of Floodwater and Stormwater

Surface water runoff from south-west of Geurie can concentrate and flow into the Geurie Village area in a number of locations. In addition, overland flow of stormwater can also occur from the north. It is important that all existing overland stormwater flow paths within Geurie are maintained in accordance with the Geurie Flood Study, October 2006 to prevent any unnecessary impacts to life or property associated with flooding events.

2. Need for a Council Policy

Council, as a requirement of development assessment processes, under the provisions of the Environmental Planning and Assessment Act, 1979 must consider whether land is classified as flood prone land and the potential flooding hazard to life and property.

However, there is also an onus on development proponents to ensure appropriate information is gathered from Council and other suitable sources to understand the likely constraints associated with development and whether certain lands may not be suitable for specific proposals having regard to overall constraints. Flooding is a key constraint and an important matter for consideration in the development assessment process.

This provides information for development proponents as to how Council will assess development proposals in the Geurie Village area that are situated on flood prone land as included in the Geurie Flood Study, October 2006.

The new draft Policy is proposed to be applied to developments undertaken on flood prone land at Geurie, which is zoned RU5 Village or R5 Large Lot Residential under the provisions of the Wellington Local Environmental Plan, 2012.

The new draft Policy is provided in **Appendix 1**. The core elements of the draft Policy are as follows:

(a) High Hazard Floodway

Any development situated on land classified as High Hazard Floodway is unlikely to be recommended for approval by Council.

This is due to the classification of High Hazard Floodway as being land where the movement of floodwaters is at a depth and velocity that presents significant impacts to property and life. However, having regard to the characteristics of the High Hazard Floodway, any development application lodged with Council for consideration must include a detailed Flood Study and hydraulic analysis prepared by a suitably qualified hydrological engineer. The draft Policy requires a Flood Study to be prepared at the cost of the proponent and lodged with Council at the same time that a development application is lodged.

(b) Low Hazard Flood Fringe

For any development undertaken in a Low Hazard Flood Fringe area, the development must have a minimum floor height of 500 mm above the level of the 1% Flood Event (1 in 100 Year Flood Event). Any development application lodged with Council for development on land classified as Low Hazard Flood Fringe, is required to provide the following information:

- Site survey including Reduced Levels to Australian Height Datum (AHD). This Plan must be prepared by a registered surveyor and be prepared to a recognised scale, such a 1:100.

- Development plans showing the approximate floor height of the development as being at least 500 mm above the level of the 1% Flood Event (1 in 100 Year Flood Event).
- Details of any boundary fencing, or internal fencing on the land, having regard to the requirement that any fencing must not obstruct the overland flow of water during a flood event.

(c) Overland Flow of Floodwater and Stormwater

It is important that the flow of floodwater and stormwater be maintained during any flooding event. If the flow of floodwater and/or stormwater is impeded for any reason, this may have the effect of impacting other properties or life that are not ordinarily impacted during a particular event.

To maintain the flow of water the draft Policy recommends a number of measures be adopted for development in the Geurie Village area as provided below:

- Fencing, including boundary fencing shall be provided in a manner so as to not obstruct the flow of water.
- Fencing, including boundary fencing shall be provided with an open area at the bottom of the fence (adjacent to the ground level) of no less than 500 mm, to allow for the flow of water.
- The 500 mm open area can be provided with netting or another alternative movable component that can be easily opened or moved to allow for the flow of water and debris. Any netting or other suitable component shall be tied or fastened on the downstream side to allow for easy removal prior to, or during a flooding event.
- New driveway levels at the road frontage (allotment boundary) should be raised to minimise the level of water entering the property from the roadway to a minimum of 300 mm to the level of the adjacent road water table level.

3. Future Direction

Following the consideration and endorsement of the new draft Policy for Flooding in Geurie by Council for the purposes of public exhibition the draft Policy will be placed on public exhibition for a period of no less than 28 days.

Following the public exhibition period, a further report will be presented to Council providing the results of the public exhibition period including any public submissions made.

SUMMARY

This report outlines the main components of a new draft Council Policy for Flooding in Geurie. A copy of the draft Policy is provided in **Appendix 1**.

The new draft Policy is designed to provide consistent and clear information to residents and prospective developers where properties are likely to be impacted by flood waters, steps that can be undertaken to mitigate the risk of flooding and specific requirements for development on flood prone land in Geurie.

It is recommended that the draft Policy be adopted by Council for the purposes of public exhibition, and be placed on public display for a period of no less than 28 days.

Appendices:

- 1** Council Policy - Flooding in Geurie



COUNCIL POLICY

Flooding in Geurie

Date 20 September 2016

Council Resolution Date

Clause Number

Responsible Officer Melissa Watkins
Position Director Environmental Services
Branch City Strategy Services
Division Environmental Services
Version
TRIM Reference Number
Review Period Two (2) Years
Review Date September 2018
Consultation None undertaken

| Document Revision History | |
|---------------------------|------|
| Description | Date |
| | |
| Notes | |
| | |

POLICY

PURPOSE

Flooding of land is a natural event. Historical records across Australia have been used to develop predictive modelling that allows Council and the community to better understand the impacts and location of flooding.

This Policy contains important considerations for properties identified as being zoned RU5 Village and R5 Large Lot Residential in Geurie that are potentially subject to the impacts of flooding.

This Policy provides specific requirements for development on land classified by Council as flood prone land. Flood prone land in Geurie may include land that is classified as High Hazard Floodway, Low Hazard Flood Fringe or land that may be subject to the potential impacts of stormwater. In the case of land situated in the High Hazard Floodway, the risk of flooding is significant and any further development is unlikely to be recommended for approval by Council.

This Policy provides information to residents and prospective developers where properties are likely to be impacted by flood waters and steps that can be undertaken to mitigate the risk of flooding.

BACKGROUND AND RELATED LEGISLATION

The former Wellington Council undertook the preparation of a Flood Study for Geurie in 2006. The purpose of the Flood Study was to determine and understand the impacts of flooding on land and development undertaken in the Geurie Village and adjoining lands. The overall findings of the Geurie Flood Study resulted in the mapping of flood prone lands for the Geurie Village area with the preparation of the Wellington Local Environmental Plan 2012. The Wellington LEP 2012 guides the development of land in Geurie.

This Policy shall be read in conjunction with the Geurie Flood Study, October 2006.

SCOPE

This Policy applies to development undertaken on flood prone land at Geurie, which is zoned RU5 Village or R5 Large Lot Residential under the provisions of the Wellington LEP 2012.

DEFINITIONS

To assist in interpretation, the following definitions apply:

| Term | Definition |
|--------------------------------------|--|
| Australian Height Datum (AHD) | Australian Height Datum is a national datum level to which all vertical control for mapping is referred. The datum surface is that which passes through mean sea level at thirty tide gauges around the coast of the Australian continent. |
| Flood Planning Level (FPL) | Flood Planning Level (FPL) means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard. |
| Flood Planning Area | Flood Planning Area is the area of land below the FPL and thus subject to flood related development controls. |

POLICY

1. Flooding at Geurie

Flooding in Geurie is influenced by the catchments areas of the Boori Creek, Geurie Creek, Heatherbrae Creek and Limestone Creek. These combined catchments have an overall area of 47 square kilometres. Each of the creeks form in the adjacent farmland areas satiated on the higher slopes to the north, east and west of Geurie.

Within the Village area, the creeks are conveyed through natural vegetated channels, formal concrete lined channels and associated culverts. Given this confluence, the location of road and the railway lines in the Village can impact flood patterns and behaviours.

Flooding within the Geurie Village area is a combination and consequence of surface water associated with the various creek catchments in addition to water flows generated from within the Village.

In accordance with the Floodplain Development Manual, the Geurie Flood Study, October 2006 has generally classified flooding in the Village area as follows:

(a) High Hazard Floodway

High Hazard Floodway is defined as an area of the Village where during a flood event a significant discharge of flood waters can occur. In addition, flood waters within a High Hazard Floodway are also characterised by the movement of water at a depth and velocity that presents significant impacts to property and life.

A High Hazard Floodway is an area where development is not appropriate having regard to the following:

- The potential for development to re-direct the flow of floodwaters to other lands, which may not have been previously classified as High Hazard Floodway.
- The level of danger to the personal safety of residents and emergency services personnel during a flood event.
- Due to the velocity and depth of floodwaters, able-bodied adults would have significant difficulty in wading to safety.
- Significant financial loss due to the level of damage sustained during a flood event and the overall cost to the community.

The Geurie Flood Study, October 2006 classifies land as High Hazard Floodway in Geurie.

(b) Low Hazard Flood Fringe

Low Hazard Flood Fringe is defined as the remaining flood prone land in the Village area that is not classified as High Hazard Floodway. In general, development of land classified as Low Hazard Flood Fringe is unlikely to have any significant effect on the behaviour of floodwaters including any impacts on flood flows during the flooding event or flood levels.

The velocity and depth of floodwaters in a Low Hazard Flood Fringe area generally allows an able-bodied adult to wade to safety.

However, it should be noted that development undertaken in the area classified as Low Hazard Flood Fringe must meet minimum floor height requirements. This means that any development must have a floor level at least 500 mm above the level of the 1% Flood Event (1 in 100 Year Flood Event) as defined by the Geurie Flood Study, October 2006 or as defined by a flood study prepared by a development proponent and approved by Council.

(c) Overland Flow of Floodwater and Stormwater

Surface water runoff from south-west of Geurie can concentrate and flow into the Geurie Village area in a number of locations. In addition, overland flow of stormwater can also occur from the north. It is important that all existing overland stormwater flow paths within Geurie are maintained in accordance with the Geurie Flood Study, October 2006, to prevent any unnecessary impacts to life or property associated with flooding events.

2. Development on Flood Prone Land

Council as a requirement of development assessment processes under the provisions of the Environmental Planning and Assessment Act, 1979 must consider whether land is classified as flood prone land and the potential flooding hazard to life and property.

However, there is also an onus on development proponents to ensure appropriate background checks and information is gathered from Council and other suitable sources to understand the likely constraints associated with development and whether certain lands may not be suitable for specific proposals having regard to overall constraints. Flooding is a key constraint and matter for consideration in the development assessment process.

This Policy provides information for development proponents as to how Council will assess development proposals in the Geurie Village area that may be situated on flood prone land as included in the Geurie Flood Study, October 2006.

(a) High Hazard Floodway

Any development of land situated on land classified as High Hazard Floodway is unlikely to be recommended for approval by Council.

This is due to the classification of High Hazard Floodway as being land where the movement of floodwaters is at a depth and velocity that presents significant impacts to property and life.

However, having regard to the characteristics of the High Hazard Floodway, any development application lodged with Council for consideration must include the provision of a detailed Flood Study and hydraulic analysis prepared by a suitably qualified hydrological engineer. The Flood Study shall be prepared at the cost of development proponent and lodged with Council at the time of lodgement of a development application.

It should be noted that Council is under no obligation to accept the recommendations as contained in any Flood Study provided to Council by a development proponent.

(b) Low Hazard Flood Fringe

For any development undertaken in a Low Hazard Flood Fringe area, the development must have a minimum floor height of 500 mm above the level of the 1% Flood Event (1 in 100 Year Flood Event). Any development application lodged with Council for development on land classified as Low Hazard Flood Fringe, the following information is required to be provided:

- Site survey including Reduced Levels to Australian Height Datum (AHD). This Plan must be prepared by a Registered Surveyor and be prepared to a recognised scale such as a 1:100.
- Development plans showing the approximate floor height of the development as being at least 500 mm above the level of the 1% Flood Event (1 in 100 Year Flood Event).
- Details of any boundary fencing, or internal fencing on the land, having regard to the requirement that any fencing must not obstruct the overland flow of water during a flood event.

(c) Overland Flow of Floodwater and Stormwater

It is important that the flow of floodwater and stormwater be maintained during any flooding event. If the flow of floodwater and/or stormwater is impeded for any reason, this may have the effect of impacting other properties or life that are not ordinarily impacted during a particular event.

To maintain the flow of water this Policy recommends a number of measures are adopted for development in the Geurie Village area as provided below:

- Fencing, including boundary fencing shall be provided in a manner so as to not obstruct the flow of water.
- Fencing, including boundary fencing shall be provided with an open area at the bottom of the fence (adjacent to the ground level) of no less than 500 mm, to allow for the flow of water.
- The 500 mm open area can be provided with netting or another alternative movable component that can be easily opened or moved to allow for the flow of water and debris. Any netting or other suitable component shall be tied or fastened on the downstream side to allow for easy removal prior to, or during a flooding event.
- New driveway levels at the road frontage (allotment boundary) should be raised to minimise the level of water entering the property from the roadway to a minimum of 300 mm to enable the level of the adjacent road water table level as shown in Figure 1.

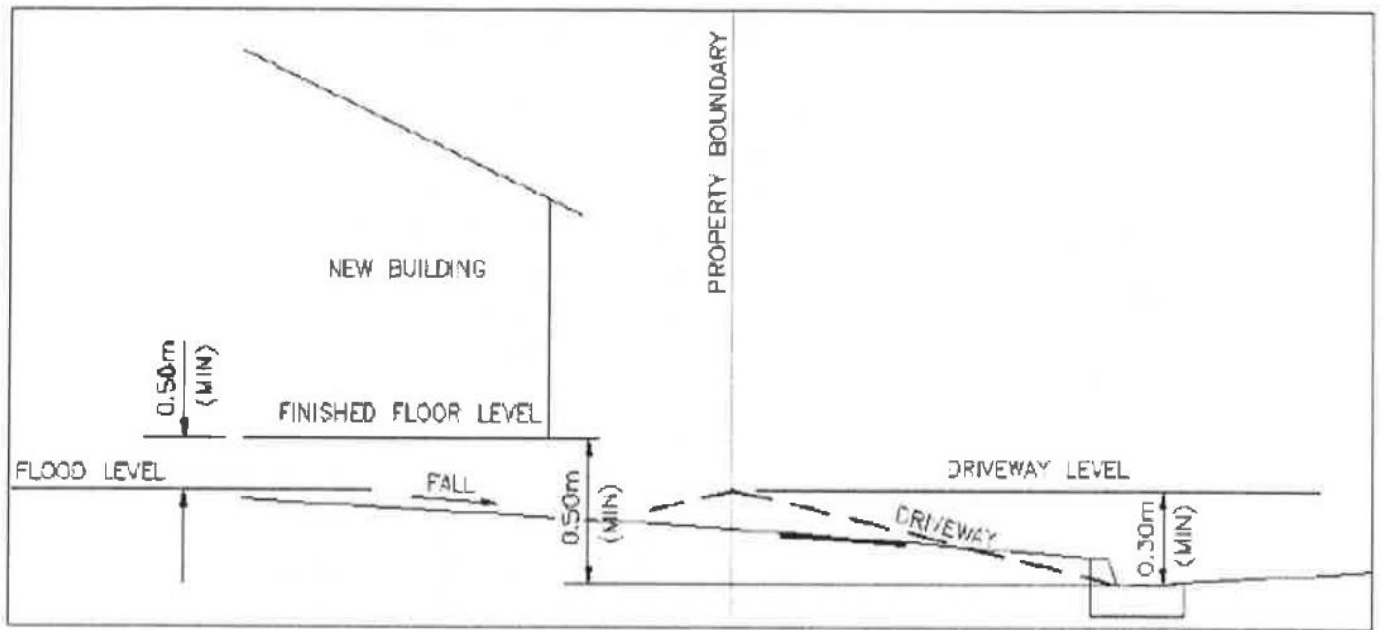


Figure 1. Suggested format for the construction of new driveways

RESPONSIBILITIES

The Director Environmental Services is responsible for the enforcement of this Policy.



**REPORT: Development Application D16-5:
Detached Dual Occupancy - Lot 18 Section 54A DP
1600 and Lot A DP 393090, 85 Pierce Street,
Wellington**

Applicant: Mr E Smith

Owner: Mr G & Mrs E French

Lodged: 25 February 2016

AUTHOR: Senior Planner 2

REPORT DATE: 7 December 2016

TRIM REFERENCE: ID16/2187

EXECUTIVE SUMMARY

Development consent is sought for a detached dual occupancy on Lot 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington (**Appendix 1**). The site is currently vacant. A single storey dwelling and detached shed was demolished in 2015.

Each proposed dwelling consists of three (3) bedrooms, living and dining rooms and a single covered carport. Council has requested additional information, including amendments to the proposal and met with the Applicant. The application does not comply with minimum off-street parking, private open space requirements, internal amenity issues, streetscape and the land is potentially contaminated.

Having regard to the above, it is considered that the proposed development is an over-development of the site and has no basis for support. As such, it is recommended that the Development Application be refused.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

The Application fails to comply with minimum front boundary setbacks, private open space and parking requirements in accordance with the Wellington Development Control Plan (DCP)

2013. The Wellington DCP 2013 was prepared in accordance with Section 74C of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and Part 3 of the Environmental Planning and Assessment Regulation, 2000 (EP&A Regulation). The DCP was adopted by the former Wellington Council at its meeting held 22 May 2013 and commenced 1 July 2013.

RECOMMENDATION

That Development Application D16-5 for a Detached Dual Occupancy development on Lot 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington be refused for the following reasons:

- a. **The site is possibly contaminated (asbestos) and therefore on the basis of information provide, unsuitable for residential use in accordance with Clause 7(1) of State Environmental Planning Policy No 55 – Remediation of Land (S79C(1)(a)(i) Environmental Planning and Assessment Act, 1979);**
- b. **The proposed development has insufficient off-street car parking which does not comply with the minimum parking requirements in Wellington Development Control Plan 2013 (S79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979);**
- c. **The proposed front setback is not consistent with the established setbacks in Pierce Street in accordance with the Wellington DCP 2013 (S79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979);**
- d. **The site has not provided sufficient and adequate private open space areas in accordance with the Wellington DCP 2013 (S79C(1)(iii) Environmental Planning and Assessment Act, 1979);**
- e. **The proposed front fence is contrary to the requirements of the Wellington DCP 2013 (S79C(1)(iii) Environmental Planning and Assessment Act, 1979);**
- f. **The subject site is deemed unsuitable for the proposed development, and is considered therefore to be overdevelopment of the site (S79C(1)(c) Environmental Planning and Assessment Act, 1979);**
- g. **The proposed development is not considered to be in the public interest (S79C(1)(e) Environmental Planning and Assessment Act, 1979).**

Lee Griffith
Senior Planner 2

BACKGROUND

A Complying Development Certificate (CDC) Application for the demolition of a single storey dwelling upon the subject site was approved by the former Wellington Council on 12 February 2015.

The subject application was lodged with Wellington Council on 25 February 2016. The planning consultant for the former Wellington Council requested further information from the Applicant on 20 April 2016, stating that the proposed development did not comply with the minimum private open space, onsite parking and landscaping provisions in accordance with the Wellington Development Control Plan (DCP) 2013. Amended plans were subsequently submitted to the then recently merged Council on 6 June 2016.

On review of the amended plans, Council requested further information on 15 August 2016. Council officers subsequently met with the Applicant on 24 August 2016 at their request, to discuss the requested further information.

Council has provided the Applicant with several opportunities to withdraw or modify the application to comply with the prescribed provisions of the Wellington DCP 2013. However, the Applicant has not submitted any modified plans demonstrating compliance with Council's request for further information. In fact the applicant advised Council via email (dated 1 December 2016) that they do not wish to withdraw their application and provided additional information. Accordingly, it is proposed that the application be determined based on the information submitted.

REPORT

1. DEVELOPMENT DETAIL

Development consent is sought for a detached dual occupancy on Lots 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington. The site is currently vacant, with a single storey dwelling demolished in 2015.

The proposed new dwellings will each consist of three (3) bedrooms, living room, dining room and a single carport. Both dwellings are proposed to be constructed of weatherboard and Colorbond roof sheeting.

Plans of the proposed development are included as **Appendix 1**.

2. SITE CHARACTERISTICS

Locality

The property is located on the western side of Pierce Street. The subject site has an approximate area of 643.3 m², (Lot 18 – 613.1 m² and Lot A – 30.2 m²) with frontage to Pierce Street of 15.99 metres. For a locality map of the site see **Figure 1**.



Figure 1: Locality Map (site outlined in red)

Slope

The subject site features no significant slope falling gradually to the east towards Pierce Street.

Vegetation

The site contains several small to medium trees on the rear and side boundaries which are proposed to be removed with this Application. Further, one (1) street tree is proposed to be removed within the road reserve to make provision for the driveway.

Access

Access to the site is obtained via Pierce Street, a bitumen sealed public road with upright kerb and guttering.

Drainage

Stormwater and runoff would drain into Council's upright kerb and guttering infrastructure on Pierce Street.

Services

The site would be connected to all utility services including reticulated town water, sewer, telecommunications and overhead electricity.

Adjoining uses

The site is surrounded by residential development.

3. SITE HISTORY

| Application No. | Development Description |
|------------------------|--|
| CDC2015-3 | Demolition of dwelling approved by the former Wellington Council on 12 February 2015 |

The dwelling located upon the site was damaged by fire and an application for demolition subsequently lodged with Council on 12 February 2015.

The dwelling was identified as containing asbestos and therefore potentially contaminated with hazardous material. The Complying Development Certificate required the following:

- “(3) Copies of receipts stating the following must be given to the principal certifying authority:*
- (a) The place to which waste materials were transported,*
 - (b) The name of the contractor transporting the materials,*
 - (c) The quantity of materials transported off-site and recycled or disposed of;*
- and*
- (6) At the completion of the works, the work site must be left clear of waste and debris.”*

No such information was provided to Council. Council can therefore not be certain that contaminating materials, such as asbestos, do not remain upon the site. While this is an issue relating to this application, the matter shall be followed up separately.

4. LEGISLATIVE REQUIREMENTS (Environmental Planning and Assessment Act 1979, Section 79C(1))

(a)(i) Environmental Planning Instruments

State Environmental Planning Policy No. 55 – Remediation of Land

A single storey dwelling identified as containing asbestos was demolished in 2015. Given the demolition of the dwelling would likely generate hazardous material waste, namely asbestos fibre, CDC15-3 required that the applicant provide copies of receipts stating the waste materials were appropriately disposed of, and the site be left clear of waste and debris.

To date, no receipts or evidence that such hazardous material has been appropriately removed from the site. Given the dwelling was damaged by fire and subsequently demolished, Council cannot be certain friable asbestos has not been left upon the site.

In accordance with Clause 7(a) and (c) of SEPP 55, a report by a suitably qualified professional stating the site is clear of contaminating materials, such as asbestos and lead paint, and suitable for residential use, is required in this instance, but has not been submitted.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application requires BASIX documentation as the proposed dwellings are classed as 1a buildings under the Building Code of Australia (BCA). Legislation requires all buildings or parts of buildings of this classification to contain such documentation.

BASIX certificates have been submitted with this application, Certificate No. 702737S and Certificate No. 702763S dated 13 February 2016.

Wellington Local Environmental Plan 2012

Clause 1.2 Aims of Plan

The proposed development is not contrary to the relevant aims of the Plan.

Clause 1.4 Definitions

The development proposed is defined as *dual occupancy (detached)*, which is defined as:

“2 detached dwellings on one lot of land”

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 complies with the relevant objectives of the R1 General Residential zone.

A dual occupancy (detached) is permissible with consent in the R1 General Residential zone.

Clause 6.2 Stormwater management

It appears that stormwater is able to be drained to the kerb and gutter in Pierce Street, without impacting on adjoining properties. Detailed engineering design plans would be required with the Construction Certificate.

Clause 6.4 Groundwater vulnerability

The land is included on the Natural Resource – Groundwater Vulnerability Map. The proposed development is not likely to cause groundwater contamination, nor is it likely to have an effect on any groundwater dependent ecosystems. It is also considered not likely to have an adverse cumulative impact on groundwater. No further investigations in relation to groundwater vulnerability are therefore required.

Clause 6.7 Essential services

The site is connected to, or has immediate access to Council's reticulated water supply, Council's sewerage main, electricity, stormwater and suitable vehicular access.

(a)(ii) Draft environmental planning instrument

No draft environmental planning instruments apply to the land to which the Development Application relates.

(a)(iii) Development Control Plans

Wellington Development Control Plan 2013

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

Part 1 – Section B: Environmental Requirements

B1 Soil and water management

The proposed development will require earthworks and as such an erosion and sediment control plan will be required. This could form a condition of consent for implementation prior to any construction works commencing.

B3 Waste management and recycling

The proposed development will generate building and earth waste, however these are unlikely to be significant volumes. Standard conditions of consent requiring waste to be disposed of accordingly could be imposed.

B5 Ecologically sustainable development

The Applicant has submitted a BASIX Certificate for each dwelling demonstrating that sufficient thermal and energy measures can be achieved.

B6 Potable water and stormwater

The Applicant has submitted a BASIX Certificate for each dwelling demonstrating that water reduction targets can be achieved. Stormwater generated from the development can be disposed of directly into Council's stormwater infrastructure in Pierce Street.

Part 1 – Section C: Hazard Minimisation Requirements

C3 Land contamination

As discussed above, the site was subject to a fire damaged dwelling identified as containing hazardous material, being asbestos. The dwelling was subsequently approved for demolition. However, the Applicant has not complied with the conditions of the Complying Development Certificate and no evidence has been providing confirming that the asbestos was removed appropriately from the site.

Part 1 – Section D: Development Design Requirements

D1 Car parking

D1.3 Development requirements for urban zones

In accordance with this Section, two (2) off-street car parking spaces are required for each dwelling, located behind the building line and suitably screened with at least one (1) space covered.

The proposed development makes provision for each dwelling to have one (1) covered car parking space. Each dwelling is therefore one (1) car parking space deficient as there is insufficient space to allow for stacked parking behind either carport.

Further, Unit 1's carport is located forward of the building line contrary to this Section.

No details have been provided in relation to the driveway pavement. To minimise dust and noise nuisance on residents, such pavement should be hardstand such as concrete or pavers.

It is therefore considered that the minimum car parking requirements have not been met in accordance with this Section.

D4 Landscaping

The submitted plans make provision for minimal landscaping to be provided along part of the front boundary and side (northern) boundary. No details of plant species or heights have been provided. Noting that the carport for the front dwelling (Unit 1) is forward of the building line adjacent to the eastern (front) elevation, insufficient landscaping is provided to soften the appearance on the streetscape.

The proposed development intends to remove several small to medium trees and shrubs from the site. Such trees are predominantly deciduous and are unlikely to have any ecological significance.

Part 2 – Section F: Development requirements for standard development types

F1 New residential development in urban zones

F1.4 Development requires for single dwellings

Residential development in the zone requires the front minimum setback to be the average of the two (2) adjoining lots. The adjoining lots have front setbacks of approximately 20 metres and 7.7 metres. Given the 20 metres is an anomaly, a review of the established setbacks on the block's north and south was undertaken in which the front setbacks typically ranged between three (3) and seven (7) metres. It is therefore considered a front setback of five (5) metres is sufficient and should be adopted.

The attached carport for Unit 1 will have a front setback of 3 metres. Such front setback is therefore not consistent with the established setback or that specified in the DCP.

The side setbacks being 0.9 metres (southern boundary), 5.72 metres (Unit 1 northern boundary) and 5.55 metres (Unit 2 northern boundary) and rear setback of 1.15 metres, comply with the minimum requirements.

F1.5 Development requirements for secondary dwellings, dual occupancy and multi-dwelling housing

- *F1.5.2 Private Open Space*

Each dwelling shall have a Private Open Space (POS) area being a minimum of 10% of the total area, with a minimum Principle Private Open Space (PPOS) area of 25 m² with minimum dimensions of 5 metres by 5 metres.

Unit 1 – POS area is approximately 54 m², being 8.4% of the total site area. The Principal Private Open Space (PPOS) area has dimensions of 6.46 metres by 5.6 metres (36.18 m²). The demarcation of the POS is unclear as no fences are shown demonstrating how such area would be enclosed.

Unit 2 – POS area is approximately 57 m², being 8.8% of the total site area. The PPOS area has dimensions of 5.2 metres by 6 metres (31.2 m²).

Whilst the proposed development complies with the PPOS, neither dwelling complies with the minimum 10% for POS. It is considered that the minimum 10% of the total site area for private open space is low and should and can be achieved as an absolute minimum.

Additionally, Unit 1's POS is not directly accessible from a living space, being through the laundry. Further, it is considered the POS for Unit 2 is poor due to not being directly

accessible from a living space and the location of the carport reducing solar access from the north to living and POS areas.

No landscaping has been proposed within the private open space areas in accordance with this section.

- *F1.5.3 Privacy*

The POS for Unit 1 is directly adjacent to Unit 2's living area providing poor visual and acoustic privacy for Unit 2.

F1.6 Development requirements for residential associated fencing

The proposed front boundary fence is 1.8 metres high, inconsistent with the maximum of 1.2 metres required by this section. Such fence is solid and not consistent with surrounding properties.

(a)(iii) Regulations

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

(b) Likely impacts of the development (including environmental (natural and built) and social and economic impacts in the locality)

It is considered that there will not be any adverse impacts on the natural environment, nor would the development have any adverse economic impacts.

However, it is considered that there will be an impact on the built environment as a result of the carport being constructed forward of the front building line, the front setback not being consistent with the established setback, inadequate provision for off-street parking and the 1.8 metre high front fence.

(c) Suitability of the site

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

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

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

The external appearance of the proposed development is not appropriate in the context of the locality considering the carport is located forward of the front building line.

- *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 site is not considered appropriate given that insufficient space is available to provide the minimum off-street car parking spaces and private open space areas. As such, the proposal is considered an over development of the site.

- *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 have a detrimental impact on the existing future amenity of the locality.

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

It is considered that the proposed development will have an adverse impact on the public domain noting the parking required on Pierce Street due to a shortfall in off-street car parking and the 1.8 metre high front fence.

- *Is the development likely to cause noise pollution?*

There will be noise impacts during the construction phase, however this could be mitigated through a condition which limits construction hours.

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

The proposed development does not provide sufficient car parking upon the site. The Wellington DCP 2013 requires that each dwelling has two (2) off-street car parking spaces. The proposed development only provides one (1) off-street car parking space per dwelling, being a total shortfall of two (2) car parking spaces. Given the proposed dwellings contain three (3) bedrooms, a minimum of two (2) car parking spaces per dwelling is a reasonable requirement.

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

It is considered that the surrounding road network has sufficient capacity to cater for the proposed development.

(d) Submissions

The development proposal was not placed on public exhibition by Wellington Council. This is in accordance with the provisions of the Wellington DCP 2013 which does not require dual occupancy developments to be notified. As such, no submissions were received.

5. SECTION 64/SECTION 94A CONTRIBUTIONS

As the proposed development is recommended for refusal, S64/94A contributions are not included in this report.

6. INTERNAL REFERRALS

Engineering Assessment

The Project Engineer of the former Wellington Council in the report dated 16 March 2016 has raised no major issues which would prevent development consent from being granted subject to the recommended conditions and notations.

SUMMARY

The Applicant has sought development consent to construct a detached dual occupancy on Lot 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington. Each proposed dwelling consists of three (3) bedrooms, living and dining rooms and a single covered carport.

The proposed development does not comply with minimum off-street parking, private open space requirements, internal amenity issues, streetscape (1.8 metre high front fence) and is possibly contaminated.

It is considered that the proposed development is an over-development of the site and would have adverse impacts upon the locality as a result.

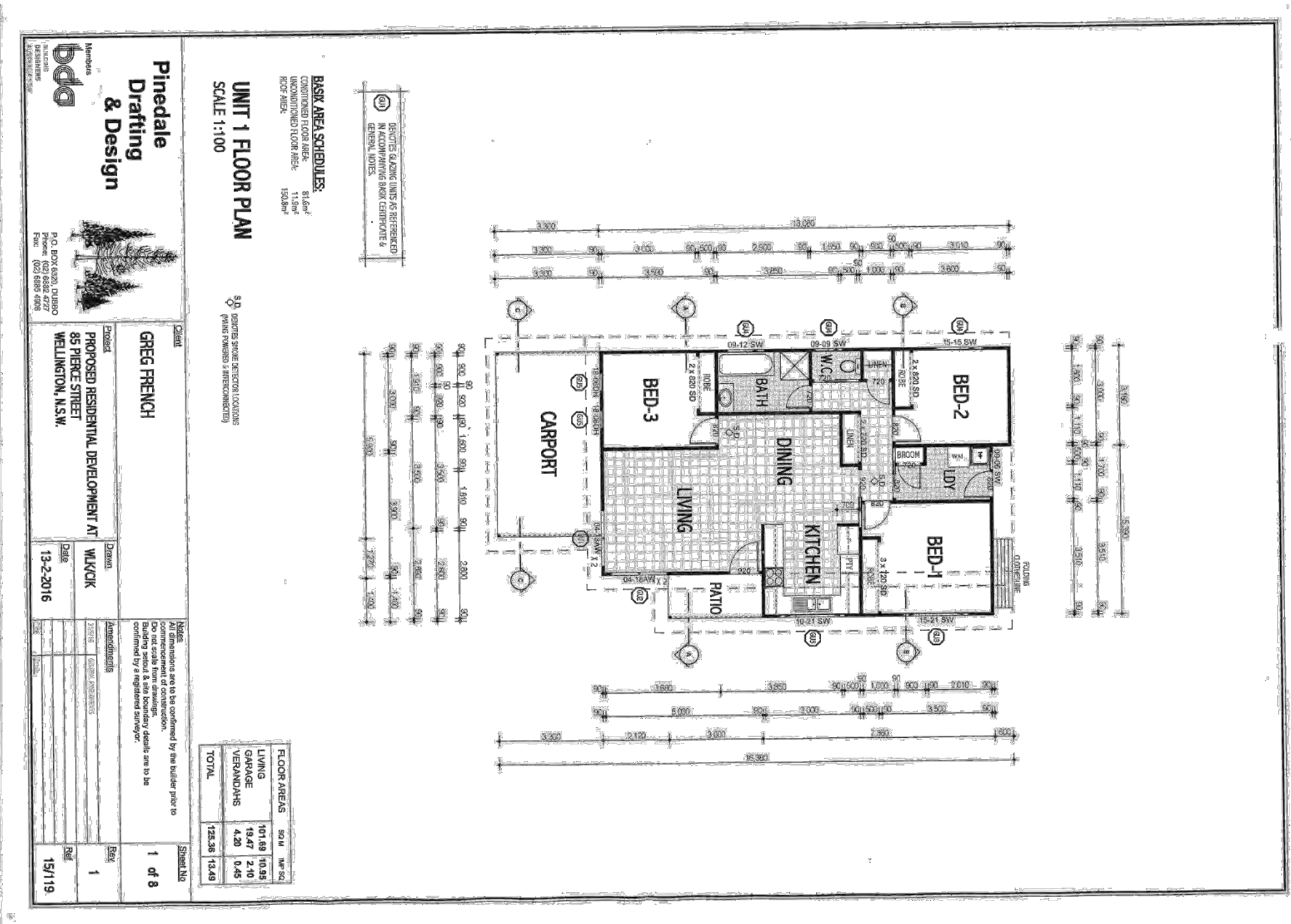
Having considered the matters raised and discussed in the assessment of the Application, it is recommended that the Application be refused for the following reasons:

- a. The site is possibly contaminated (asbestos) and therefore on the basis of information provide, unsuitable for residential use in accordance with Clause 7(1) of State Environmental Planning Policy No 55 – Remediation of Land (S79C(1)(a)(i) Environmental Planning and Assessment Act, 1979);
- b. The proposed development has insufficient off-street car parking which does not comply with the minimum parking requirements in Wellington Development Control Plan 2013 (S79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979);
- c. The proposed front setback is not consistent with the established setbacks in Pierce Street in accordance with the Wellington DCP 2013 (S79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979);
- d. The site has not provided sufficient and adequate private open space areas in accordance with the Wellington DCP 2013 (S79C(1)(iii) Environmental Planning and Assessment Act, 1979);
- e. The proposed front fence is contrary to the requirements of the Wellington DCP 2013 (S79C(1)(iii) Environmental Planning and Assessment Act, 1979);

- f. The subject site is deemed unsuitable for the proposed development, and is considered therefore to be overdevelopment of the site (S79C(1)(c) Environmental Planning and Assessment Act, 1979);
- g. The proposed development is not considered to be in the public interest (S79C(1)(e) Environmental Planning and Assessment Act, 1979).

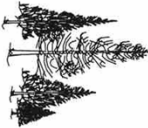
Appendices:

1 Plans



Members
bdp
BUILDING
DESIGNERS
AUSTRALIAN

**Pinedale
Drafting
& Design**



P.O. BOX 430, QUERO
Phone: (02) 8882 4727
Fax: (02) 8885 4808

Client
GREG FRENCH

Project
**PROPOSED RESIDENTIAL DEVELOPMENT AT
85 PIERCE STREET
WELLINGTON, N.S.W.**

Drawn
WJK/CK

Date
13-2-2016

Notes
All dimensions are to be confirmed by the builder prior to commencement of construction.
Do not scale from drawings.
Building setback & site boundary details are to be confirmed by a registered surveyor.

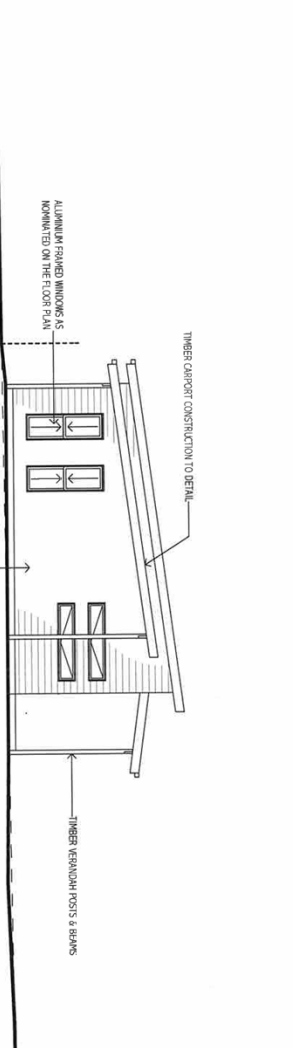
Amendments

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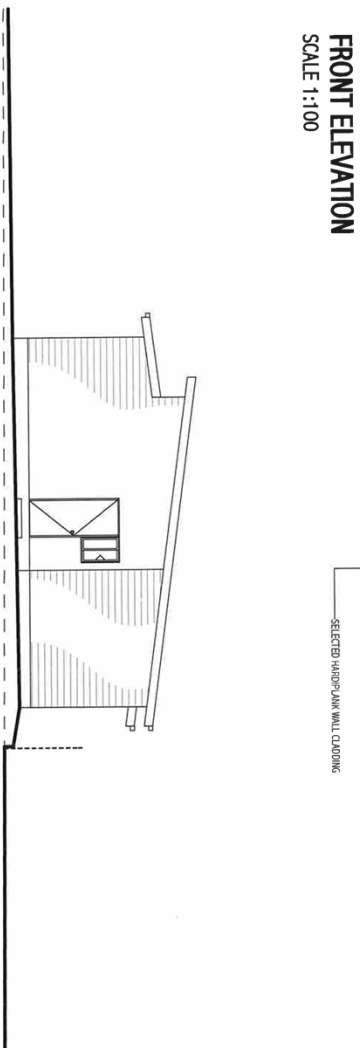
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2 of 8

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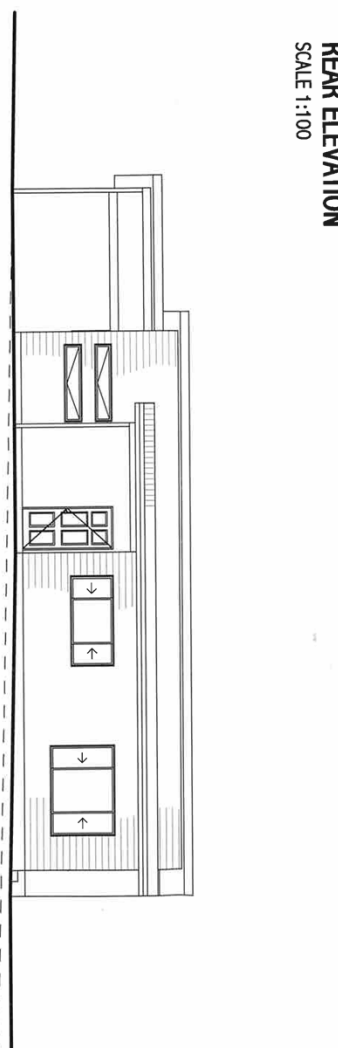
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SCALE 1:100



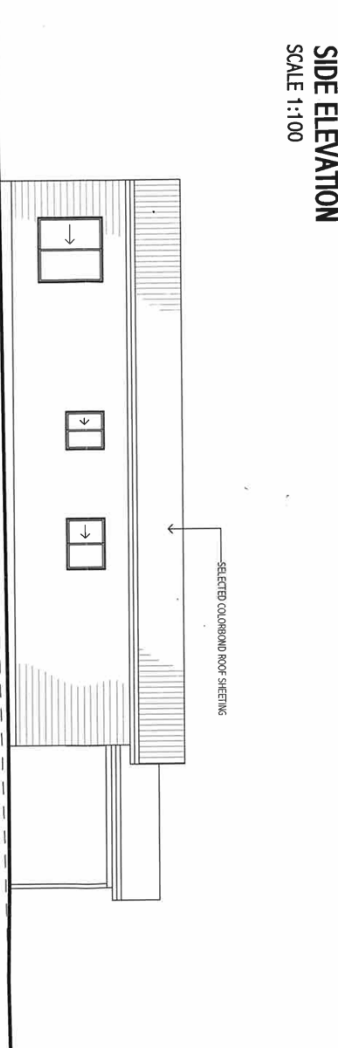
REAR ELEVATION
SCALE 1:100



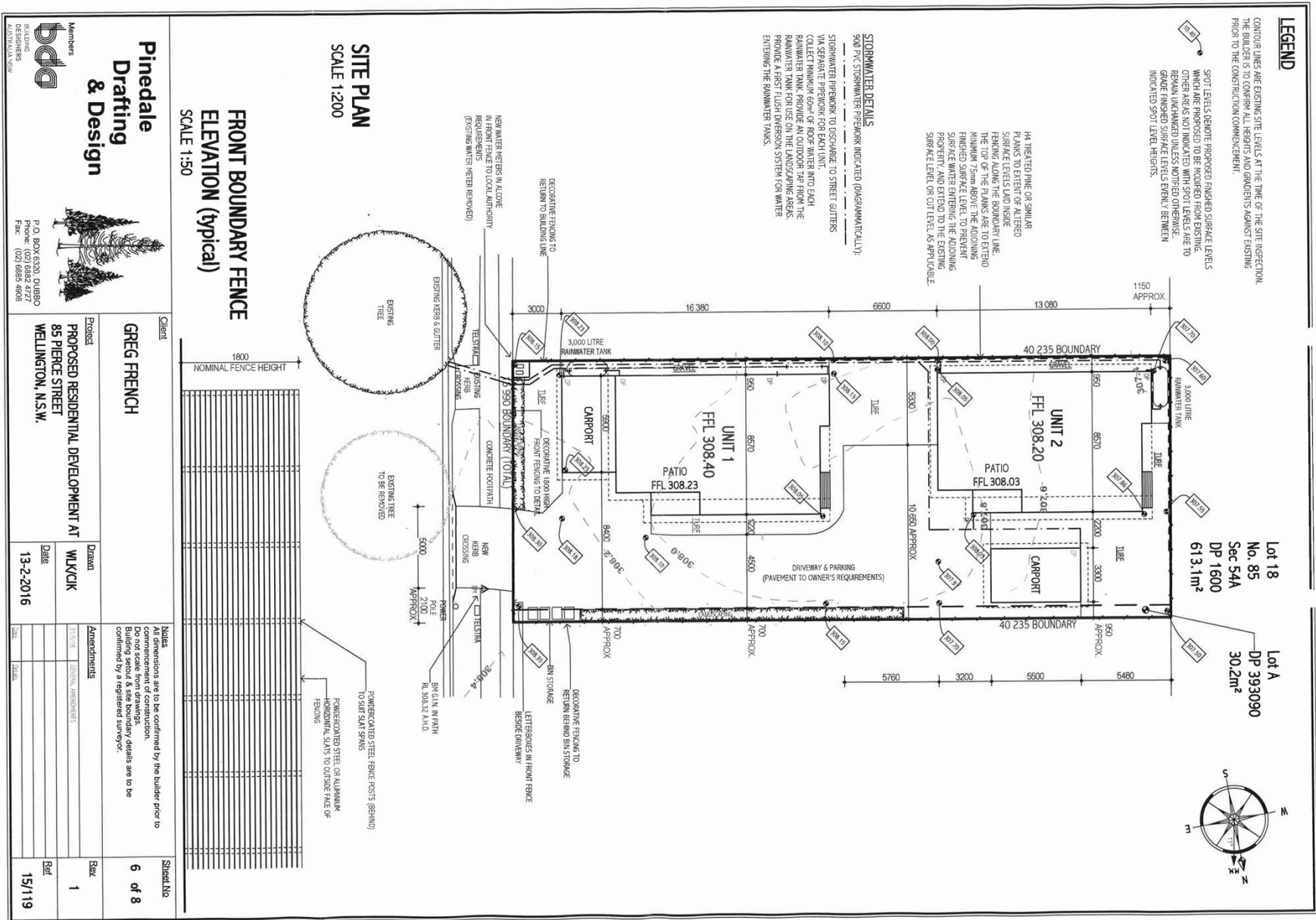
SIDE ELEVATION
SCALE 1:100



SIDE ELEVATION
SCALE 1:100



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|---|---|-------------------------------------|--|-------------------------------|---------------------------------|---|----------------------------------|
| Members bdd BUILDING DESIGNERS AUSTRALIA NSW | Pinedale Drafting & Design | Client GREG FRENCH | Project PROPOSED RESIDENTIAL DEVELOPMENT AT 85 PIERCE STREET WELLINGTON, N.S.W. | Drawn WJK/CK | Date 13-2-2016 | Notes All dimensions are to be confirmed by the builder prior to commencement of construction. Do not scale from drawings. All dimensions and details are to be confirmed by a registered surveyor. | Sheet No 4 of 8 |
| P.O. BOX 6320, DUBBO Phone (02) 8855 4062 Fax (02) 8855 4063 | | | | | | | Rev 1 |
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**REPORT: Development Application D16-4: Two (2)
Lot Community Title Subdivision - Lot 18 Section 54A
DP 1600 and Lot A DP 393090, 85 Pierce Street,
Wellington**

Applicant: Mr E Smith

Owner: Mr & Mrs G and E French

Lodged: 25 February 2016

AUTHOR: Senior Planner 2

REPORT DATE: 7 December 2016

TRIM REFERENCE: ID16/2233

EXECUTIVE SUMMARY

Development consent is sought for a two (2) lot community title subdivision and associated community property lot, on Lot 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington. The site is currently vacant. A single storey dwelling and detached shed was demolished in 2015.

The minimum lot size applicable to the subject land is 600 m² in accordance with the Wellington Local Environmental Plan 2012 lot size maps. Proposed Lots 2 and 3 are 232.9 m² and 230 m² respectively with proposed Lot 1 being the community property lot (180.5 m²).

The proposed lot layout is designed specifically for a proposed dual occupancy development lodged with Council under separate Development Application (D16-5). Given D16-5 is also being recommended for refusal, and if such recommendation for refusal is supported, the proposed lot layout would become redundant noting that it would be a poor design and an inefficient use of land for a vacant lot. Additionally, it's likely a modification or another application will be required to suit the new dual occupancy design.

A single storey dwelling identified as containing asbestos was demolished in 2015 and therefore is likely to have generated hazardous material waste. To date, no receipts or evidence that such hazardous material has been appropriately removed from the site in accordance with such consent have been provided. As this has not been resolved, Council cannot be certain that friable asbestos has not been left upon the site and therefore it may not be suitable for residential use in its current state.

As such, it is recommended that the Development Application be refused.

FINANCIAL IMPLICATIONS

The approval of this application without the appropriate contamination clearance reports may result in Council incurring costs for potential remediation works for failing to comply with the provisions of State Environmental Planning Policy No. 55 – Remediation of Land.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That Development Application D16-5 for two (2) lot community title subdivision of Lot 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington be refused for the following reasons:

- a. **The proposed lot layout is predicated on the approval of the dual occupancy development proposed separately under D16-5 which is recommended for refusal and accordingly the details of the layout of the subject subdivision are unresolved (S79C(1)(c) Environmental Planning and Assessment Act, 1979);**
- b. **The proposed lot layout is not considered to constitute orderly development of land (S5(a)(ii) Environmental Planning and Assessment Act, 1979);**
- c. **The site is potentially contaminated (asbestos) and therefore it may (in the absence of a site audit statement) be unsuitable for residential use in accordance with Clause 7(1) of State Environmental Planning Policy No 55 – Remediation of Land (S79C(1)(a)(i) Environmental Planning and Assessment Act, 1979);**

Lee Griffith
Senior Planner 2

BACKGROUND

A Complying Development Certificate (CDC) application for the demolition of a single storey dwelling upon the subject site was approved by the former Wellington Council on 12 February 2015.

This Development Application (D16-4) was lodged with the former Wellington Council on 25 February 2016. The subject two (2) lot community title subdivision is intended to subdivide the proposed detached dual occupancy lodged with Council (D16-5), lodged at the same time.

The former consultant planner for Wellington Council requested further information from the Applicant on 20 April 2016 relating to the design of the dual occupancy (D16-5). Given the design of the dual occupancy directly impacts the proposed subdivision layout, amended plans were submitted to the then recently merged Council on 2 June 2016.

On review of the amended plans, Council requested in correspondence dated 15 August 2016, that the subject application be withdrawn and included within D16-5. Council officers subsequently met with the applicant on 24 August 2016 at their request, to discuss the requested further information and Council's concerns.

Council has provided the applicant with several opportunities to withdraw the application and include the subdivision proposal with the proposed redesigned detached dual occupancy development (D16-5) currently lodged with Council. However, the applicant advised Council via an email dated 1 December 2016 that they do not wish to withdraw the application. Accordingly, the application should be determined based on the information submitted.

It is noted that the proposed detached dual occupancy development (D16-5) is also being recommended for refusal under a separate report.

REPORT

1. DEVELOPMENT DETAIL

Development consent is sought for the two (2) lot community title and associated community property of Lots 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington. The proposed subdivision layout is indicated as **Appendix 1**.

The site is currently vacant, with a single storey dwelling demolished in 2015.

The proposed two (2) lot community title subdivision is intended to subdivide a proposed detached dual occupancy lodged with the former Wellington Council at the same time (D16-5), but not yet determined.

| Proposed Lot No. | Proposed Area | Intended Improvements with D16-5 |
|------------------|----------------------|--|
| 1 | 180.5 m ² | Community property lot to contain driveway and shared services |
| 2 | 232.9 m ² | Proposed Unit 1 |
| 3 | 230 m ² | Proposed Unit 2 |

2. SITE CHARACTERISTICS

Locality

The property is located on the western side of Pierce Street. The subject site has an approximate area of 643.3 m², (Lot 18 – 613.1 m² and Lot A – 30.2 m²) with frontage to Pierce Street of 15.99 metres. For a locality map of the site see **Figure 1**.



Figure 1: Locality map (site outlined in red)

Slope

The subject site features no significant slope; it falls gradually to the east, towards Pierce Street.

Vegetation

The site contains several small to medium trees on the rear and side boundaries.

Access

Access to the site is obtained via Pierce Street, a bitumen sealed public road with upright kerb and guttering.

Drainage

Stormwater and runoff would drain into Council's upright kerb and guttering infrastructure on Pierce Street.

Services

The site could be connected to all utility services including reticulated town water, sewer, telecommunications and overhead electricity.

Adjoining uses

The site is surrounded by residential development.

3. SITE HISTORY

| Application No. | Development Description |
|-----------------|--|
| CDC2015-3 | Demolition of dwelling approved by the former Wellington Council on 12 February 2015 |

The dwelling located upon the site was damaged by fire and an application for demolition subsequently lodged with Council on 12 February 2015.

The dwelling was identified as containing asbestos and therefore potentially contaminated with hazardous material. The Complying Development Certificate required the following:

- “(3) Copies of receipts stating the following must be given to the principal certifying authority:*
- (a) the place to which waste materials were transported,*
 - (b) the name of the contractor transporting the materials,*
 - (c) the quantity of materials transported off-site and recycled or disposed of;*
- and*
- (6) At the completion of the works, the work site must be left clear of waste and debris.”*

It appears from Council's records that no such information was ever provided to Council. Council can therefore not be certain that contaminating materials, such as asbestos, do not remain upon the site. While this is an issue relating to this application, the matter shall be followed up separately if the recommendation to refuse this application is endorsed.

4. LEGISLATIVE REQUIREMENTS (Environmental Planning and Assessment Act 1979, Section 79C(1))

(a)(i) Environmental Planning Instruments

State Environmental Planning Policy No. 55 – Remediation of Land

A single storey dwelling identified as containing asbestos was demolished in 2015. Given the demolition of the dwelling would likely generate hazardous material waste, namely asbestos fibre, the CDC required the applicant to provide copies of receipts stating the waste materials were appropriately disposed of and the site be left clear of waste and debris.

To date, no receipts or evidence that such hazardous material has been appropriately removed from the site has been provided to Council. Given the dwelling was damaged by fire and subsequently demolished, Council cannot be certain friable asbestos has not been left upon the site.

In accordance with Clause 7(a) and (c) of SEPP 55, a report by a suitably qualified professional stating the site is clear of contaminating materials, such as asbestos and lead paint, and suitable for residential use, is required in this instance, but has not been submitted.

Wellington Local Environmental Plan 2012

Clause 1.2 Aims of Plan

The proposed development is not contrary to the relevant aims of the Plan.

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 complies with the relevant objectives of the R1 General Residential zone.

Clause 4.1 Minimum subdivision lot size

The site is subject to a minimum lot size of 600 m² in accordance with the LEP Lot Size Maps. The proposed Lot 2 has an area of 232.9 m² and the proposed Lot 3 has an area of 230 m² (proposed Lot 1 is the community property lot). All three (3) lots are therefore substantially below the minimum lot size.

The proposed subdivision layout is predicated on the approval of the proposed dual occupancy development (D16-5) which is being recommended separately for refusal

concurrently with this report. This application is therefore effectively proposing a two (2) lot community title subdivision of a vacant lot and is therefore not supported.

Clause 6.2 Stormwater management

The subdivision itself will not generate stormwater or alter existing stormwater flows.

Clause 6.4 Groundwater vulnerability

The proposed subdivision is not likely to cause groundwater contamination, nor is it likely to have an effect on any groundwater dependent ecosystems. It is also considered not likely to have an adverse cumulative impact on groundwater. No further investigations in relation to groundwater vulnerability are therefore required.

Clause 6.7 Essential services

The site is connected to, or has immediate access to Council's reticulated water supply, Council's sewerage main, electricity, stormwater and suitable vehicular access.

(a)(ii) Draft environmental planning instrument

No draft environmental planning instruments apply to the land to which the Development Application relates.

(a)(iii) Development Control Plans

Wellington Development Control Plan 2013

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

Part 1 – Section C: Hazard Minimisation Requirements

C3 Land contamination

As discussed above, the site was subject to a fire damaged dwelling identified to contain hazardous material, being asbestos. The dwelling was subsequently approved for demolition, however the applicant has not complied with the conditions of the Complying Development Certificate and no evidence that the asbestos was removed appropriately from the site.

Part 1 – Section D: Development Design Requirements

D2 Subdivision

D2.3.1 Access and servicing

The proposed community title subdivision would not be undertaking any construction works, such as driveways or services, with such works proposed to be undertaken with the dual occupancy development lodged separately with Council at the same time (D16-5).

D2.3.2 Minimum lot size

As discussed above, the proposed lots do not meet the minimum lot size in accordance with the Wellington LEP 2012 lot size maps.

The proposed lot layout is designed specifically for the proposed dual occupancy development lodged with Council under D16-5. Given D16-5 is being recommended for refusal, if such recommendation for refusal is supported, the proposed lot layout would become redundant.

D2.3.6 Hazards

Potential contamination was addressed above under Part 1 – Section C: Hazard Minimisation Requirements, C3 Land contamination.

D2.3.8 Stormwater management

The proposed subdivision will not generate any stormwater given no construction works are specifically proposed with this application.

D2.3.17 Stormwater drainage

No construction works are proposed with this application noting the hardstand areas, such as driveways, which would generate additional stormwater discharge are proposed to be constructed with D16-5.

D2.3.18 Water supply and sewerage

The site is connected to a reticulated water supply and sewer main as a result of a dwelling being previously located upon the site. Such services would need to be extended to service each lot.

(a)(iii) Regulations

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

- (b) Likely impacts of the development (including environmental (natural and built) and social and economic impacts in the locality).

It is considered that there will not be any specific adverse impacts on the natural or built environments, nor would the development have any adverse economic impacts.

- (c) Suitability of the site

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

The size and shape of the site is not considered appropriate given the proposed layout is predicated by the dual occupancy development which is concurrently being recommended for refusal.

- *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 a detrimental impact on the existing or future amenity of the locality.

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

It is considered that the surrounding road network has sufficient capacity to cater for a two (2) lot subdivision.

- (d) Submissions

The development proposal was not placed on public exhibition by the former Wellington Council. This is in accordance with the provisions of the Wellington DCP 2013 which does not require two (2) lot subdivisions to be notified. As such, no submissions were received.

- (e) Public Interest

Other than the proposed subdivision layout not being considered as the orderly development of land, there are no matters other than those discussed in the assessment of the Development Application that would be considered contrary to public interest.

5. SECTION 64/SECTION 94A CONTRIBUTIONS

As the proposed development is recommended for refusal, S64/94A contributions are not included in this report.

6. INTERNAL REFERRALS

Engineering Assessment

The Project Engineer of the former Wellington Council in the report dated 16 March 2016 has raised no major issues which would prevent development consent from being granted subject to the recommended conditions and notations, noting that the subdivision was assessed in conjunction with the detached dual occupancy development lodged as D16-5.

SUMMARY

The applicant has sought development consent to undertake a two (2) lot community title subdivision and associated community title lot, of Lot 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington.

The proposed Lots 2 and 3 do not meet the minimum lot size of 600 m² in accordance with the Wellington LEP 2012 lot size maps.

The proposed subdivision is designed specifically for the separately proposed dual occupancy development lodged with Council under D16-5. Given D16-5 is being recommended for refusal, and if such recommendation for refusal is supported, the proposed lot layout would become redundant. Additionally, in such case D16-5 is refused, the proposed lot layout would be a poor design and be an inefficient use of land, contrary to the objectives of the Environmental Planning and Assessment Act, 1979.

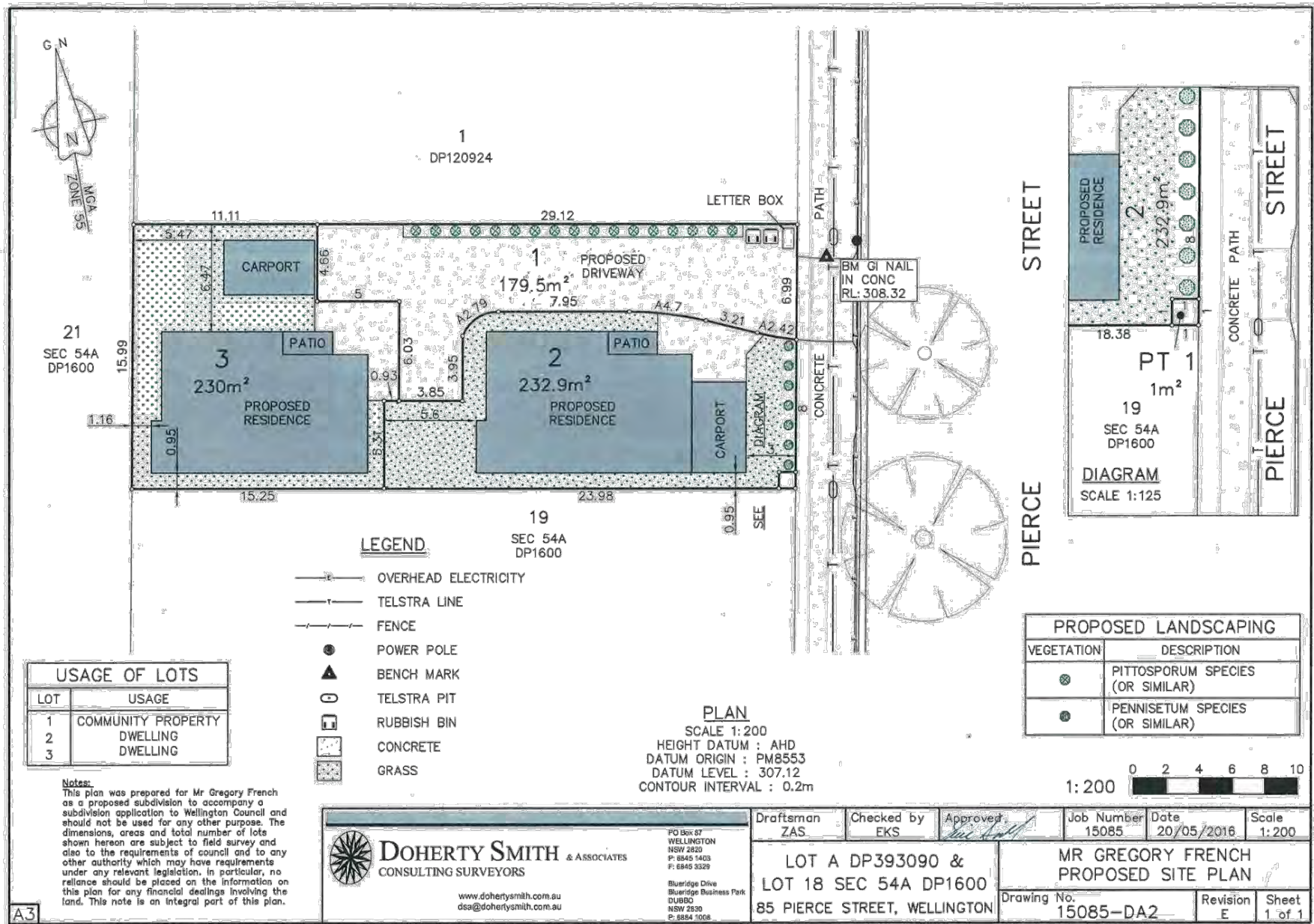
A single storey dwelling identified as containing asbestos was demolished in 2015 and therefore would likely have generated hazardous material waste. To date, no receipts or evidence that such hazardous material has been appropriately removed from the site in accordance with such consent has been provided. As this has not been resolved, Council cannot be certain that friable asbestos has not been left upon the site and therefore may not be suitable for residential use in its current state.

Having considered the matters raised and discussed in the assessment of the application, it is recommended that the application be refused for the following reasons:

- a. The proposed lot layout is predicated on the approval of the dual occupancy development proposed separately under D16-5 which is recommended for refusal and accordingly the details of the layout are unresolved (S79C(1)(c) Environmental Planning and Assessment Act, 1979);
- b. The proposed lot layout is not considered to be orderly development of land (S5(a)(ii) Environmental Planning and Assessment Act, 1979); and
- c. The site is possibly contaminated (asbestos) and therefore unsuitable for residential use in accordance with Clause 7(1) of State Environmental Planning Policy No 55 – Remediation of Land (S79C(1)(a)(i) Environmental Planning and Assessment Act, 1979);

Appendices:

1 Proposed Subdivision Layout





REPORT: Development Application D16-366: Two (2) Lot Subdivision Lot 62 DP 596342, 24 Tamworth Street, Dubbo

Applicant: Mr N O'Connor

Owner: Mr N and Ms J O'Connor

Lodged: 11 August 2016

AUTHOR: Planner
REPORT DATE: 6 December 2016
TRIM REFERENCE: ID16/2251

EXECUTIVE SUMMARY

The applicant has sought development consent from Council to undertake a two (2) lot subdivision of Lot 62 DP 596342, 24 Tamworth Street, Dubbo.

The proposed subdivision will create Lot 620 (521 m²) and Lot 621 (677.9 m²). Proposed Lot 620 requires a 13% variation to the minimum lot size of 600 m² for the site. Lot 621 will be created as a battle-axe lot behind (to the north of) proposed Lot 620 (**Appendix 2**).

Minor building works were proposed by the applicant to facilitate the subdivision. These works include the removal of the existing dwelling's northern windows to create an open verandah, the opening of a doorway in the existing dwelling's eastern wall, and the construction of an undercover car parking space. Sufficient detailed plans of these works have not been provided with the subdivision application and accordingly they will be required to be the subject of a further development application and construction certificate. The subject application is for subdivision only.

A written request to vary the minimum lot size development standard has been submitted in support of the application under Dubbo Local Environmental Plan 2011 Clause 4.6 Exceptions to Development Standards as required.

In this instance it is considered that the proposal satisfies Clause 4.6, primarily through compliance with the relevant provisions of the Dubbo DCP 2013 Chapter 2.1 Residential Development and Subdivision which relate to the specified issues of suitable shape and size

to provide a building envelope, private open space, and suitable setbacks for acoustic and visual privacy.

In summary, it is recommended that the variation to the minimum lot size development standard is accepted and that the subdivision is approved subject to the conditions included in **Appendix 1**.

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 D16-366 for a two (2) lot subdivision of Lot 62 DP 596342, 24 Tamworth Street, Dubbo be approved subject to the conditions included in Appendix 1.**
- 2. That the persons who made submissions in respect of the subject application be advised of the outcome of the matter.**

Alex Noad
Planner

BACKGROUND

The applicant has sought development consent from Council to undertake a two (2) lot subdivision of Lot 62 DP 596342, 24 Tamworth Street, Dubbo.

The subject application was lodged with Council on 11 August 2016. Adjoining owners/occupiers were notified on 12 August 2016. Council received 10 submissions in response. Following the receipt of submissions discussions with the applicant were undertaken to address issues raised and remove non-compliances. To this end, a meeting with the applicant was undertaken on Wednesday 23 November 2016, following which the amended subdivision plan and supporting information was submitted.

Principle changes to the subdivision included:

- Increasing the rear setback of Lot 620 from 1.49 m to 3.49 m;
- The replacement of a right of carriageway for Lot 621 with a battle axe handle;
- The variation to the minimum lot size being changed from Lot 621 (0.9% variation) to Lot 620 (13% variation), to ensure the size of Lot 620 was not artificially inflated by the right of carriageway; and
- Alterations to the existing dwelling on Lot 620 to remove northern windows and create an open verandah.

The amended subdivision plan was not re-notified to adjoining neighbours. It was considered that amended subdivision involved only minor changes to the originally proposed subdivision plan.

As detailed in the Council report, it is considered that the subdivision has sufficient merit in relation to relevant requirements and plans to be approved.

REPORT

1. DEVELOPMENT DETAIL

The Development Application seeks approval for the subdivision of Lot 62 DP 596342, 24 Tamworth Street, Dubbo into two (2) lots (as shown in **Appendix 2**).

The subdivision is proposing to retain the existing dwelling on site and create the following lots:

- Proposed Lot 620 comprising 521 m², with frontage to Tamworth Street, containing an existing brick residence; and
- Proposed Lot 621 comprising 677.9 m², with a battle-axe handle to Tamworth Street for services and access 3.5 m wide.

Site works associated with the subdivision include:

- The use of a wet-well pump out system to discharge stormwater from proposed Lot 621 to the kerb and gutter system of Tamworth Street; and
- The removal and replacement of sewer lines traversing the rear of the site inside the northern and western boundaries of proposed Lot 621 to enhance future development opportunity and provide a sewer connection to proposed Lot 620.

Proposed building works associated with the subdivision, for which detailed plans have not been submitted, include:

- The removal of the northern windows of the existing dwelling's sunroom to create a covered verandah and achieve compliant private open space;
- The creation of a doorway in the eastern wall of the existing dwelling's sunroom to enhance access to the proposed private open space; and
- The construction of an undercover car park adjacent to the front veranda of the existing dwelling.

These matters will be required to be addressed with a further development and construction certificate applications.

2. SITE CHARACTERISTICS



Figure 1: Locality map of 24 Tamworth Street, Dubbo

Slope

The site slopes gently to the rear from the south-east (270.4 m AHD) to the north-west (269.2 m AHD).

Vegetation

The site contains grass and a number of trees and bushes which have been planted for landscaping purposes.

Access

The site has a 20.1 m frontage to Tamworth Street.

Drainage

The site drains overland to the north-western corner of the site. No stormwater infrastructure is present in this area.

Services

The site has access to services as follows:

- Reticulated water is available along Tamworth Street;
- Reticulated sewer traverses the rear of the site and is proposed to be relocated as part of the subdivision;
- Stormwater is available along Tamworth Street. It is not available at the rear of the site; and
- Reticulated electricity is available along Tamworth Street via overhead powerlines.

Adjoining uses

The site is adjoined by residential dwellings on all boundaries.

The area is an established area of Dubbo which contains numerous older dwellings including the existing dwelling on the subject site (proposed Lot 620). The dwellings are arranged with relatively consistent front setbacks such that Tamworth Street has a coherent streetscape character.

Notwithstanding, a number of modern dwellings also exist in the vicinity of the site, including the adjoining dwelling to the west of the site.

3. SITE HISTORY

The existing lot was approved by the former Dubbo City Council under D1976/55 and registered on 31 May 1978. The following development application was recently approved on 25 October 2016:

- D16/419 Erection of front fence and demolition of freestanding garage and outbuilding

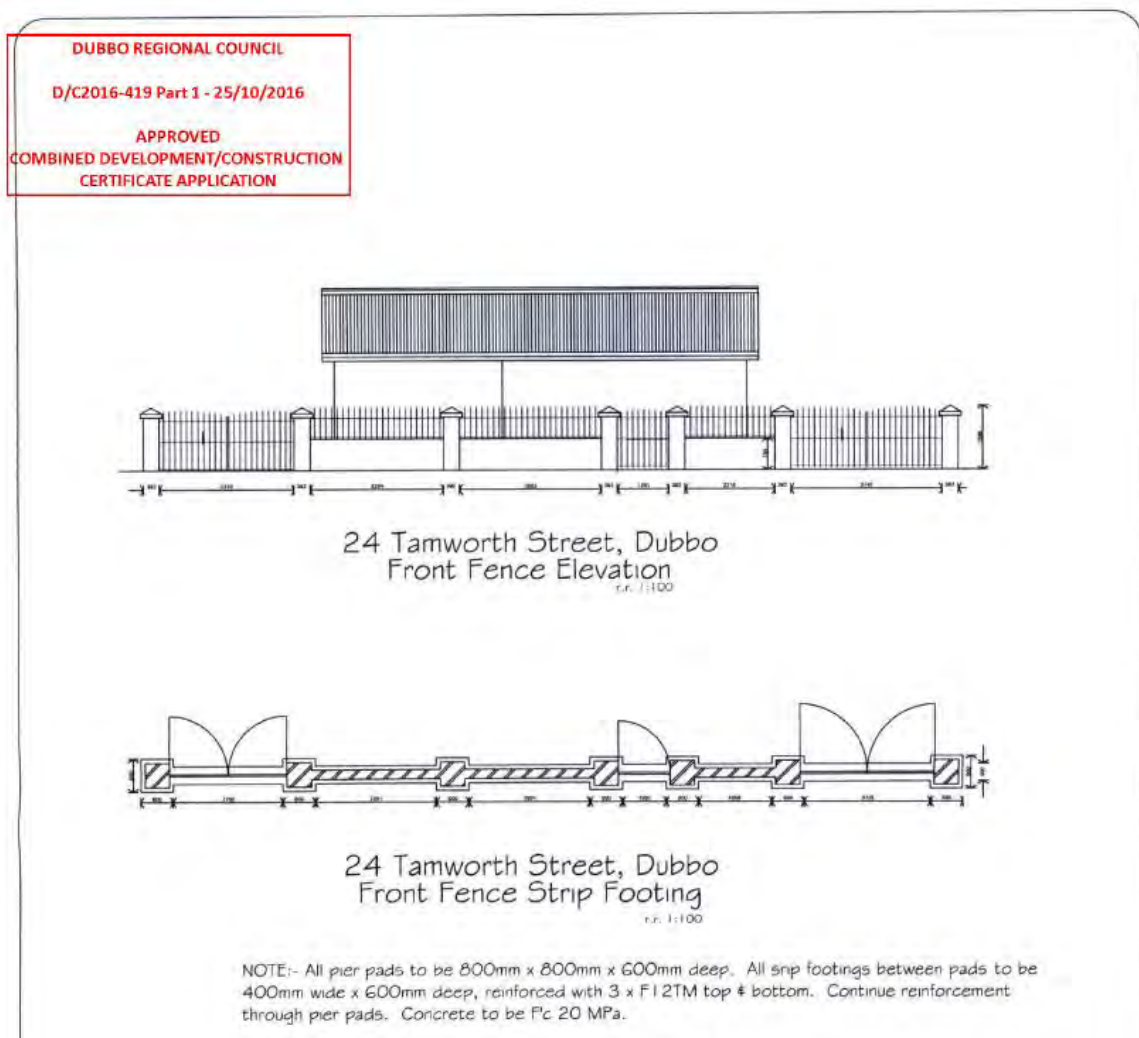


Figure 2: Front Fence approved under D16/419, 24 Tamworth Street, Dubbo

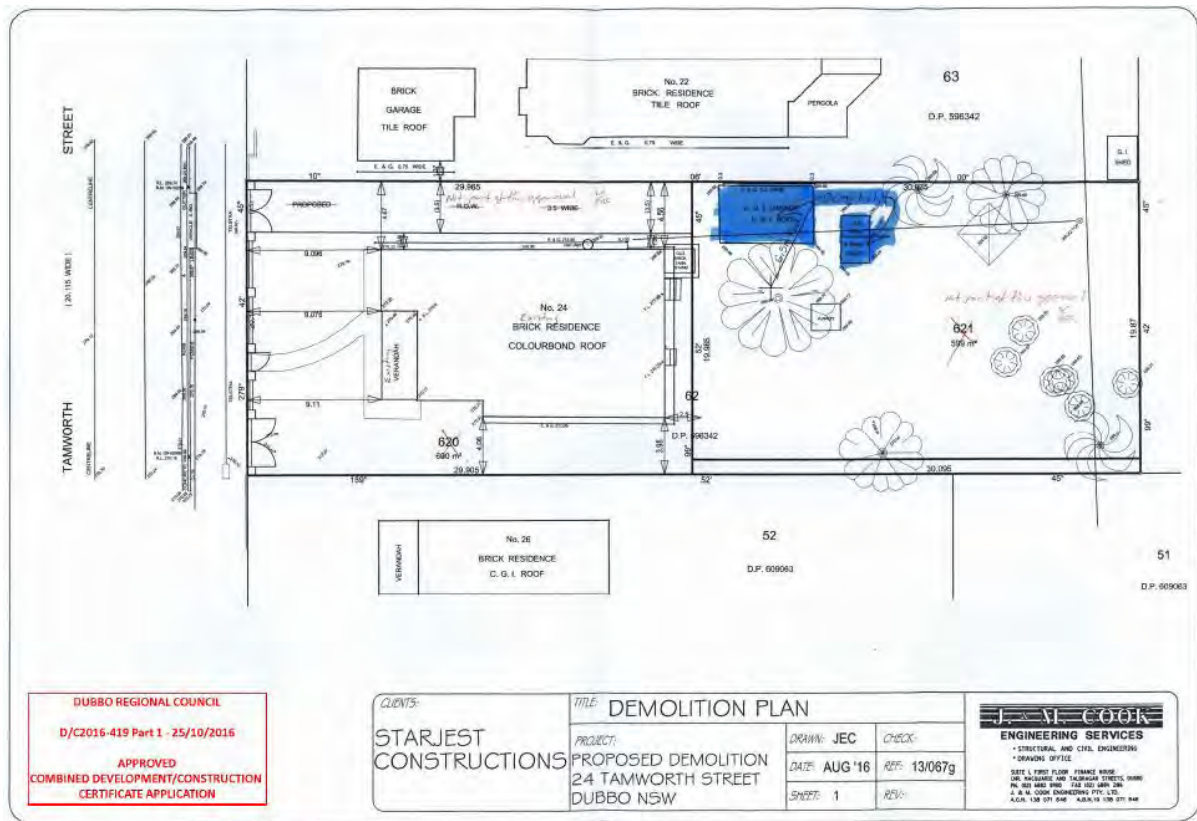


Figure 3: Demolition of garage and outbuilding approved under D16/419, 24 Tamworth Street, Dubbo

D16/419 anticipates the proposed subdivision will create a front fence with separate gate entrances for proposed Lots 620 and 621 and addresses the demolition of the shed and outbuilding onsite which will be required for the proposed sewer relocation.

There are no issues from previous development approvals that require further consideration.

4. LEGISLATIVE REQUIREMENTS S79C(1) ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

- (a) (i) Environmental Planning Instruments

SEPP 55 Remediation of Land

The site is not listed on Council's register of potentially contaminated land.

Council's Environment and Health Services Supervisor in his memo dated 12 September 2016 has confirmed that there are no indications of contaminating activities onsite and that no further contamination investigations are required. A standard condition regarding what to do in the event of the discovery of contaminated materials during construction is included in **Appendix 1**.

SEPP Infrastructure 2007

The site is located in close proximity to power poles and overhead electricity lines located in the footpath of Tamworth Street. Accordingly, the application was referred to Essential Energy for comment under Clause 45. Essential Energy have provided a letter dated 15 August 2016, which raises no objections to the subdivision subject to standard conditions of consent. A notation requiring compliance with Essential Energy's letter is recommended on the consent and has been included in **Appendix 1**.

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

Dubbo Local Environmental Plan 2011

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

Clause 1.2 Aims of Plan

The subdivision is consistent with the aims of the plan.

Clause 1.4 Definitions

Subdivision is not a defined term under the DLEP 2011. Under Clause 4B Subdivision of Land of the Environmental Planning and Assessment Act, 1979:

***Subdivision of land** means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected:*

- (a) by conveyance, transfer or partition, or*
- (b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.*

The proposed subdivision will create two lots that will be adapted for separate occupation, use or disposition as required.

Clause 1.9A Suspension of covenants, agreements and instruments

A review of the Deposited Plan for the existing site revealed a covenant (x) B713726. Investigation of the title revealed that the covenant is a developer covenant benefiting the original owner of the subdivided land in respect of the dwellings and improvements that could be made on the created lots.

Further investigation shows that B713726 was varied with P760292P, by order of the court, to extinguish much of the original covenant. Notwithstanding, it is a developer covenant, and can be suspended under Clause 1.9A to the extent that it restricts the carrying out of development in accordance with the DLEP 2011.

Clause 2.2 Zoning of land to which Plan applies

The subject site is zoned R2 Low Density Residential.

Clause 2.3 Zone objectives and Land Use Table

The relevant objectives of the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To ensure development is consistent with the character of the immediate locality.*

The subdivision will create proposed Lot 620 (521 m²) that is less than the minimum lot size of 600 m². The subdivision will also create a battle-axe lot behind (to the north) being proposed Lot 621 (677.9 m²).

The smaller proposed Lot 620 is consistent with the relevant requirements of DCP 2013 for low density residential development. It will provide appropriate servicing, car parking and private open space for the existing dwelling. Proposed Lot 621 has an area of 677.9 m² which satisfies the minimum lot size for the site of 600 m². Accordingly, the subdivision will provide for the housing needs of the community within a low density residential environment.

The character of the area is defined by regular shaped lots with frontages to Tamworth Street and areas greater than 600 m². No battle-axe lots exist in the immediate area. However, the subdivision will provide two appropriately sized and regularly shaped lots, both with access to Tamworth Street, which are suitable for low density development. The subdivision will also maintain the existing dwelling on proposed Lot 620. Accordingly, the subdivision is considered to be consistent with the streetscape and character of the immediate locality.

Clause 2.6 Subdivision – consent requirements

All land to which the DLEP 2011 applies may be subdivided however, only with development consent. The subject application seeks development consent for the subdivision as required.

Clause 2.7 Demolition requires development consent

The subject application includes the reconstruction of the sewer line underneath the existing garage and external water closet to service proposed Lot 620. It will inherently require the garage and external structures to be demolished as per D16/419 - Erection of front fence and demolition of freestanding garage and outbuilding.

Clause 4.1 Minimum subdivision lot size

The relevant objective of Clause 4.1 Minimum Subdivision Lot Size is as follows:

- (b) *to ensure residential allotments are of a suitable shape and size to provide a building envelope, private open space and suitable building setbacks for acoustic and visual privacy,*

Clause 4.1(3) further states:

The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

The minimum lot size specified for the site is 600 m². Proposed Lot 620 has an area of 521 m², being 13% less than the minimum lot size. The subdivision requires a variation to this development standard under Clause 4.6 Exceptions to Development Standards, which is discussed below.

Ultimately, proposed Lot 620 is compliant with the relevant provisions of Dubbo DCP 2013 which addresses building envelopes, private open space, and setbacks for acoustic and visual privacy. Accordingly, the subdivision is considered to satisfy the relevant minimum lot size objective (b).

Clause 4.6 Exceptions to development standards

The objective of Clause 4.6 Exceptions to Development Standards is:

- (a) *To provide an appropriate degree of flexibility in applying certain development standards to particular development,*
(b) *To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Relevant subclauses state:

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
(b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained.*

In relation to these subclauses the following comments are made:

- (2) The development standard, being Clause 4.1 Minimum Subdivision Lot Size, is not expressly excluded from the operation of this clause.
- (3) A written request applying to vary Dubbo LEP 2011 Clause 4.1 Subdivision Minimum Lot Size has been submitted by the applicant. Summarised, the request states:
 - “(a) That compliance is unreasonable or unnecessary in the circumstances because:
 - The subdivision addresses the specific issues raised in the relevant objective (b) (relating to size and dimensions, building envelope, private open space and setbacks for acoustic and visual privacy).
 - The northern windows of the enclosed sunroom (of the existing dwelling) are to be removed and the room converted to an open verandah to satisfy relevant requirements of the Dubbo DCP 2013 in relation to private open space.
 - (b) That there are sufficient planning grounds to justify contravening the development standard because:
 - The subdivision incorporates good design and is a viable economic use of existing land.
 - The subdivision will have minimal impacts in terms of privacy, overshadowing, noise and visual obstruction.
 - There will be minimal impact on the heritage character and streetscape.
 - All essential services will be provided to the lots.”
- (4) Council's assessment:
 - (a)(i): The applicant's written request adequately addresses the matters specified in subclause (3). Through compliance with the relevant provisions of Dubbo DCP 2013, proposed Lot 620 can be seen to comply with the specific issues raised in the relevant Clause 4.1 objective (b) (relating to size and dimensions, building envelope, private open space and setbacks for acoustic and visual privacy).
 - (a)(ii): Through compliance with Dubbo DCP 2013 the specific issues raised in the relevant minimum lot size objective (b) are considered to be satisfied.

The development has also been assessed as being consistent with the relevant objectives of the R2 Low Density Residential zone. Specifically, the subdivision will provide low density residential lots that are consistent with the character of the area.

(b): The concurrence of the Secretary (formally the Director-General) has been granted under Planning Circular PS 08-003. Specifically the circular states:

*“(1) Under clause 64 of the Environmental Planning and Assessment Regulation 2000, council is notified that it may assume the Director-General’s concurrence 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.”

The application has been made under DLEP 2011 Clause 4.6 which reflects Clause 4.6 of the Standard Instrument as required.

Clause 5.10 Heritage conservation (Schedule 5)

The subject site and adjoining sites are not listed as Heritage Items under Schedule 5 of the DLEP 2011.

Clause 7.3 Earthworks

Additional information submitted has clarified that no earthworks will be undertaken in association with the subdivision. A separate development application will be submitted for earthworks onsite in association with a future development application on Lot 621.

Clause 7.5 Groundwater vulnerability

The site is located in a moderately high groundwater vulnerability area. The subdivision is for residential purposes in a residential area and will have no impacts on the quality and quantity of groundwater in the area.

(ii) Draft Environmental Planning Instruments

No draft environmental planning instruments apply to the land to which the Development Application relates.

(iii) Dubbo Development Control Plan 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

Element 1 Streetscape Character

The subdivision will create proposed Lot 620 around the existing dwelling. The existing dwelling is an old brick dwelling with a pitched roof, and numerous design features including a front verandah. Its retention on the site will maintain the streetscape character of the area.

Element 2 Building Set-Backs

The subdivision will provide the existing residence on proposed Lot 620 with a front setback of 9.07 m, side setbacks of 1.16 m (west) and 3.95 m (east), and a setback of 3.49 m to the proposed boundary. These setbacks comply with requirements for minimum setbacks consistent with established setbacks, and for side and rear boundaries to be a minimum of 900 mm consistent with BCA requirements.

The subdivision plan indicates that an undercover car park will be provided adjacent to the dwelling's front verandah. No design has been provided. However, the car park's location behind the alignment of the front façade complies with the minimum requirement.

Element 3 Solar Access

The existing dwelling on proposed Lot 620 has its open space and living areas in north and east portions of the dwelling. Accordingly, the existing dwelling will retain direct solar access to these areas for greater than four (4) hours per day as required.

The subdivision will have no impacts on solar access to the adjoining lots to the east and west of the site. These lots will also retain direct solar access for greater than four (4) hours per day as required.

It is noted that any future development on proposed Lot 621 will need to be designed appropriately to ensure that the solar access of the dwelling on proposed Lot 620 and adjoining lots will not be detrimentally impacted.

Element 4 Private Open Space and Landscaping

Open Space

The subdivision will create proposed Lot 620 around the existing dwelling onsite. The lot provides principle private open space areas in north and east locations.

To achieve compliant open space the applicant proposes to remove the northern windows of the existing dwelling's sunroom and convert it to an open verandah. Acceptable solutions A1.2 states that principle private open space can include covered (not enclosed) outdoor entertainment areas. Taking this into account, the existing dwelling does have a principle private open space area of 59.2 m² (7.4 m x 8 m).

Having an area of 521 m², proposed Lot 620 is required to be provided with overall private open space of 104.2 m² (20%). The proposed overall open space, incorporating the principle

private open space will be 134 m², which exceeds the 20% requirement by 29.8 m² and equates to 25.7% of proposed Lot 620.

To ensure that the proposed private open space is directly accessible from the living rooms the applicant also proposes to install a doorway into the dwelling's eastern verandah. This is considered to satisfy the relevant requirement.

To ensure that the alterations to the existing dwelling maintain compliant open space, it is recommended that a covenant burdening proposed Lot 620 and benefiting Council is included on the legal title requiring that the northern verandah and eastern doorway not be enclosed or removed. An appropriate condition reflecting this requirement has been included in **Appendix 1**.

The maintenance of compliant private open space for the existing dwelling on proposed Lot 620 and for the adjoining dwellings on 22 and 25 Tamworth Street and 3 and 5 Belmore Street requires appropriate boundary fencing to be provided. In this regard a condition requiring the provision of new 1.8 m high boundary fencing for the full length of the existing and proposed boundaries behind the existing dwelling's building line has been included in **Appendix 1**.

Landscaping

The subdivision does not propose additional landscaping, however substantial landscaping exists onsite.

A palm tree will be required to be removed for the construction of proposed Lot 620's driveway, and trees at the rear of the site for the relocation of the sewer line. Notwithstanding, the dwelling on proposed Lot 620 will be maintained in a landscaped environment.

Element 5 Infrastructure

The subdivision will provide both lots with reticulated water, sewer and electricity as required. A 2 m wide easement will be provided over the relocated sewer line which will service both lots. This requirement has been addressed in the conditions of consent included in **Appendix 1**. The 3.5 m battle-axe handle will provide a servicing corridor to Tamworth Street for proposed Lot 621.

Currently, the site does not have access to reticulated stormwater. Stormwater from proposed Lot 621 is proposed to be pumped from a wet well system in the north-western corner to Tamworth Street's kerb and gutter. From there it will be able to enter Council's reticulated stormwater system at the intersection of Tamworth and Darling streets.

To ensure that the proposed method of stormwater management is constructed and maintained appropriate conditions are recommended on the consent including a covenant included on the proposed legal title of proposed Lot 621 benefiting Council. An appropriate condition has been included in **Appendix 1** reflecting this requirement.

Council's Technical Services Division has not raised any issues regarding the relocation of the sewer line or the proposal to pump stormwater from proposed Lot 621 to the street via a wet well system. Standard conditions regarding the sewer realignment are included in **Appendix 1**.

Element 6 Visual and Acoustic Privacy

Visual Privacy

The subdivision will create a new boundary 3.49 m from the northern (rear) sunroom of the existing dwelling which is proposed to be converted into an open verandah. This distance provides separation between the proposed lots as required.

The northern sunroom (future verandah) of the existing dwelling has a floor level approximately 400 mm above ground level. Occupants standing on the verandah will be able to overlook a 1.8 m boundary fence into proposed Lot 621. However, future development on proposed Lot 621 could be designed to remove this issue between the proposed lots.

There will be no additional impacts on adjoining dwellings or their open space as required. A condition is included in **Appendix 1** requiring the 1.8 m boundary fencing to be provided along the full length of the sites existing boundaries with adjoining dwellings 22 and 25 Tamworth Street and 3 and 5 Belmore Street behind the building line of the existing dwelling.

Acoustic Privacy

As the existing dwelling will not be extended closer to the existing side boundaries there will be no additional transmission of noise to the habitable rooms of dwellings on adjoining properties as required. Again, it is considered that the future development on proposed Lot 621 could be designed to remove any potential issue between the proposed lots.

Element 7 Vehicular Access and Car Parking

The existing dwelling comprises three (3) bedrooms and is required to be provided with two car parking spaces. The submitted plans show that a car parking space will be provided adjacent to the front verandah of the dwelling. The car park will be setback 9.1 m from the front boundary behind the existing building line. This arrangement will enable two (2) car parking spaces to be provide for the dwelling as required, with the second car park being stack parked in the driveway as is typical for residential development.

As the design for the undercover car park has not been provided a condition requiring a development application for the 'proposed undercover car park' has been included in **Appendix 1**.

Council's Development Engineer has recommended conditions on any consent for the upgrading of the existing crossover, and the provision of a new crossover for the undercover car park. These have been included in **Appendix 1**.

Element 8 Waste Management

The proposed lots will be serviced with reticulated sewer as required. Council's Development Engineer has recommended conditions regarding service connections for the lots. Conditions have been included in **Appendix 1**.

Element 9 Site Facilities

The proposed lots have sufficient areas for site facilities such as mailboxes, storage, and clotheslines.

Chapter 2.1.3 Subdivision Controls

Element 1 Neighbourhood Design

The site is located in an established residential area in reasonable walking distance to parks and neighbourhood facilities.

The subdivision proposes a battle-axe subdivision layout. Proposed Lot 621 has access to Tamworth Street via a 3.5 m wide battle-axe handle. Passive surveillance of the handle will be provided by occupants of the existing dwelling on Lot 620 and future development on proposed Lot 621.

Element 2 Lot Layout

Proposed Lot 620 does not meet the minimum lot size of 600 m². As previously discussed a request to vary the Minimum Subdivision Lot size under DLEP 2011 Clause 4.6 Exceptions to Development Standards has been submitted with this application.

Notwithstanding, the subdivision provides two (2) lots which meet relevant performance criteria P1. The lots have an appropriate area and dimensions for the siting and construction of a dwelling and ancillary outbuildings, the provision of private open space and convenient vehicle access and parking as required.

Specifically proposed Lot 620 will provide the existing dwelling with private open space and car parking which satisfies the relevant performance requirements in Chapter 2.1 Residential Design. A small garden shed 3 m x 3 m could be provided in the private open space to account for ancillary outbuildings.

The battle-axe handle of 3.5 m can contain a 2.5 m wide carriageway with 500 mm clearance on both sides, rather than 900 mm required. The 500 mm either side of the carriageway will still provide sufficient area for services and landscaping. It is noted that a 1.16 m boundary setback to the existing dwelling is proposed which will achieve compliance with the 900 mm Building Code of Australia requirements in respect of fire safety.

The lots have sufficient width and orientation to ensure adequate solar access for the existing dwelling on proposed Lot 620 and a future dwelling on proposed Lot 621.

Element 3 Public Open Space and Landscaping

The subdivision does not require the provision of public open space.

One mature street tree will be required to be removed to facilitate the provision of a new residential crossover for the car parking for the existing dwelling. A condition requiring approval from Council's Parks and Landcare Division for removal of the street tree has been included in **Appendix 1**.

Element 4 Infrastructure

The subdivision will provide proposed Lots 620 and 621 with separate reticulated service connections. Each lot will be provided with water, sewer, stormwater and electricity connections.

The applicant has provided information which states that stormwater from proposed Lot 621 will be managed using a wet well pump out system to Tamworth Street. The associated pipes will be contained in the proposed battle-axe handle.

Element 5 Street Design and Hierarchy

The subdivision does not include the construction of a road.

Proposed Lot 620 will be provided with a new residential crossover to Tamworth Street. The driveway arrangement will enable vehicles from the existing dwelling to reverse safely onto Tamworth Street in a single movement as required.

Proposed Lot 621 will be provided with vehicle access via a battle-axe handle. The width of the carriageway will be suitable for vehicle movements. A condition requiring the existing residential crossover to Tamworth Street to be upgraded is included in **Appendix 1**.

Element 6 Pedestrian and Cycle Links

The subdivision will not provide or impact existing pedestrian links.

Element 7 Stormwater Management

Stormwater from both lots will be discharged to the kerb and gutter of Tamworth Street and thereafter into Council's reticulated stormwater system. This will be undertaken through the direction of charged roof piping to the street and via a wet well pump for proposed Lot 621 to manage overland flow. This arrangement will provide adequate site drainage. Conditions are included in **Appendix 1** regarding requirements for the wet well pump system and S88B covenants.

Element 8 Water Quality Management

The subdivision has the potential to cause soil erosion during building works. A standard condition addressing this issue is has been included in **Appendix 1** relating to soil and water management.

Chapter 3.4 Heritage Conservation

The subject site is located in the Residential South – Heritage Precinct. The existing dwelling is not a heritage listed item under Schedule 5 of the DLEP 2011. However, it is considered to be a contributory item to the Tamworth Street streetscape.

Under Clause 3.4.4 contributory items and their settings should be conserved and may be sympathetically altered.

The subdivision is generally consistent with these requirements as the existing dwelling will be retained on proposed Lot 620 and the second allotment is a battle axe allotment. It is noted that the existing dwelling maintains a front setback of 9.07 m which provides substantial area for landscape plantings consistent with the residential environment.

The windows of the dwelling's northern sunroom are proposed to be removed to create an open verandah and a door way opened along the eastern wall to provide compliant private open space under DCP Chapter 2.1 Residential Development. These works are considered to be sympathetic to the existing dwelling as they will leave the rear brickwork intact and provide a balustrade for the proposed verandah. Only a small section of brick work is proposed to be removed for the eastern doorway subject to further development consent.

- (b) Likely impacts of the development (including environmental (natural and built) and social and economic impacts in the locality)

The subdivision will have no impact on the natural environment.

The subdivision will facilitate residential development on proposed Lot 621 in a residential area. There will be minor impacts on the built environment in the form of new openings being provided along the northern and eastern walls of the existing dwelling on proposed Lot 620.

The subdivision will not have any social or economic impacts on the area.

- (c) Suitability of the site

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

The subdivision driveway works will require the removal of a street tree and palm tree onsite. The sewer relocation will require the removal of an old shed and outbuildings.

Notwithstanding, the development will retain the existing dwelling and the sites landscaped character.

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

The subdivision will retain the existing dwelling on proposed Lot 620. This will conserve the character of the area.

- *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 subdivision will create two lots which are considered to be suitable for the siting of appropriate building or works against the relevant provisions of the Dubbo LEP 2011 and Dubbo DCP 2013.

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

The subdivision will create two (2) residential lots that are suitable for residential development. Any residential development on proposed Lot 621 will require a development application and can be designed to be in character with adjoining dwellings.

It is noted that no residential developments exist in the rear setbacks of adjoining sites. However, residential development such as sheds, secondary dwellings and dual occupancies could be proposed on these sites without subdivision.

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

The subdivision will require an additional crossover to be provided for the site and the existing crossover to be upgraded. There is an appropriate condition included in **Appendix 1** reflecting this requirement. Otherwise it will have no impacts on the public domain.

Environmental considerations

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

The subdivision will have no impacts on environmental processes in the area.

Access, transport and traffic

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

The vehicle access arrangements will be suitable for the development.

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

Tamworth Street is a wide sealed road that has capacity to accommodate traffic from the development.

Pedestrian access

The subdivision will not impact pedestrian movements along the Tamworth Street footpath. A condition regarding the restoration of Council's footpath is recommended on the consent.

(d) Submissions

The application was notified to adjoining owners for a period of fourteen (14) days ending 27 August 2016. Ten (10) objections have been received in relation to the proposal. A second submission was received from one objector on 5 December 2016. A copy of the submissions received have been provided to the Administrator under separate cover. A summary of the objections and comments are provided below:

Objection:

The realignment of the sewer along the site boundaries will undermine the footings of the adjoining dwelling on 3 Belmore Street.

Comment:

The realignment of the sewer does have the potential to impact the footings of the adjoining dwelling. However, it can be undertaken with appropriate engineering assessment measures in place.

To address this matter Council's Senior Building Development Officer has recommended a condition requiring a dilapidation report of 3 Belmore Street to be undertaken before and after the sewer mains construction. This condition is included in **Appendix 1**.

Objection:

The existing sewer has a history of blockages. The realignment of the sewer will exacerbate the potential for these issues and overload the sewer.

Comment:

Council's Technical Services Division has raised no objections to the realignment of the sewer. Conditions regarding the realignment of the sewer are included in **Appendix 1**.

Objection:

The subdivision does not comply with the relevant provisions of DCP 2013 Chapter 2.1 Residential Development.

Comment:

The subdivision has been assessed and satisfies relevant acceptable solutions and performance criteria in the Dubbo DCP 2013 Chapter 2.1 Residential Development and Subdivision (as discussed in the Report).

Objection:

The 'Save Our South' campaign identified that the South Dubbo neighbourhood does not want higher densities in the area. This subdivision erodes the minimum lot size by 'stealth.'

Comment:

The variation to the minimal lot size is considered to be acceptable in this instance as proposed Lot 620 has been considered to meet the relevant performance requirements of the Dubbo DCP 2013 Chapter 2.1 Residential Development, the relevant objectives of Dubbo LEP 2011 Clause 4.1 Minimum Subdivision Lot Size and the R2 Low Density Residential Zone.

Objection:

The immediate vicinity is characterised by large lots with significant rear open space. The subdivision will facilitate development that is out of character with the immediate area and minimise the 'green space' enjoyed in the area.

Comment:

The subdivision will facilitate future residential development on proposed Lot 621 at the rear of the existing site.

It is noted that residential development, such as sheds, secondary dwellings, dual occupancies are permissible in the subject zone without subdivision. Such developments can be designed to be in character with the surrounding development.

Development applications would be required for such developments and appropriate private open space and landscaping (greenspace) would be required in accordance with relevant requirements.

Objection:

The right of carriageway to provide vehicle access to Lot 621 artificially inflates its lot size, will create friction between the owners of Lot 620 and 621, and can be extinguished by the owners thereby creating a land locked lot.

Comment:

The subdivision has been amended to remove the right of carriageway and create proposed Lot 621 as a battle-axe lot.

The amendment ensures that the lots will operate in isolation from each other. This removes the potential for conflict between future owners and the potential for a right of way to being extinguished.

The amendment clarifies the actual size of the proposed lots.

Objection:

The application has not identified how stormwater from the lots will be disposed of given that no reticulated stormwater exists in the area.

Comment:

The applicant has clarified that a wet well pump system will be utilised to pump stormwater to Tamworth Street from proposed Lot 621. Appropriate conditions are recommended on the consent.

Objection:

The application has been modified without being re-notified to adjoining/affected landowners.

Comment:

Changes have been made to the proposed subdivision in response to a number of the submissions. The changes were determined to be minor in nature and did not warrant re-notification.

Objection:

The amended subdivision layout includes a battle axe allotment with an effective area of only 580 m² when the area of the access handle is deducted from the area of the allotment. This is less than the minimum allotment size permitted in the R2 zone.

Comment:

Notwithstanding, the access handle area; as detailed in the report clause 4.6 of the Dubbo LEP 2011 permits variation to development standards such as the minimum allotment size in certain circumstances. The subject application is considered to have addressed the relevant provisions of clause 4.6.

Objection:

Only one (1) car parking space is proposed. The DCP states that two (2) car parking spaces should be provided.

Comment:

As detailed in the report the plans show a car parking space will be provided adjacent to the verandah. This is setback 9.1 metres from the front boundary. This would provide adequate 'stack' parking for two (2) cars behind the building line.

Objection:

The construction of an additional driveway will change the existing streetscape and reduce on-street car parking.

Comment:

It is agreed that the streetscape will change, however it is considered on balance that it will not be a significant adverse impact.

(e) 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.

5. SECTION 64/SECTION 94 CONTRIBUTIONS

Section 64 Water Headworks Contribution

The subdivision will increase demands on Council's water services through the creation of one (1) new lot. The required payment is \$5,487.00.

Section 64 Sewer Headworks Contribution

The subdivision will increase demands on Council's sewer services through the creation of one (1) new lot. The required payment is \$5,487.00.

Section 94 Urban Roads Contribution

The subdivision will increase demands on Council's urban roads through the creation of one (1) new lot. The required payment is \$6,340.40

Section 94 Stormwater Headworks Contribution

The subdivision will increase demand on Council's stormwater system. The site is located in Catchment 1.7 Cobra Street Drain which is payable on a \$7,747.00 per hectare basis. As proposed Lot 261 has an area of 677.9 m² a contribution of \$525.17 will be required.

Section 94 Open Space

The subdivision will increase demand on Council's parks network. The site is located in the Central (South) precinct which is payable on a \$1,360.58 per 2.6 persons per dwelling. The required contribution of \$3,537.51 will be required.

7. INTERNAL REFERRALS

Building Assessment

Council's Senior Building Development Officer (SBDO) in the report dated 22 August 2016 raised concerns regarding the management of stormwater in association with proposed Lot 621 and recommended a number of conditions on the consent if approved.

The applicant has addressed this matter by stating that a wet well pump system will be provided for proposed Lot 621 to pump stormwater to the Tamworth Street kerb and gutter via the proposed battle-axe handle. The SBDO has recommended appropriate conditions on the consent which are included in **Appendix 1**.

In a memo dated 24 October 2016 in relation to amended plans, information and submissions, the SBDO has recommended an additional condition on the consent requiring a Dilapidation Plan and procedures to safeguard adjacent dwellings from works associated with the relocation of the sewer line. This has been included in **Appendix 1**.

Engineering Assessment

Council's Development Engineer in the report dated 5 September 2016 requested additional information to address the disposal of stormwater and the management of vehicle parking and manoeuvring onsite.

The applicant provided amended plans and information which addresses these matters. Stormwater will be managed via a wet well pump system for proposed Lot 621 and an additional driveway will be provided for the existing dwelling on Lot 620 adjacent to its front verandah.

In a report dated 24 October 2016 in relation to amended plans, information and submissions, no additional issues were raised. Appropriate conditions regarding infrastructure servicing and vehicle crossover upgrades have been included in **Appendix 1**.

Environment and Health Assessment

Council's Environment and Health Services Supervisor (EHSS) in the report dated 12 September 2016 raised no concerns in relation to the development but recommended conditions on the consent regarding the demolition of structures onsite and removal of waste.

Additional information submitted has clarified that a separate application will be provided for demolition works. In this regard D16/419 - Erection of front fence and demolition of freestanding garage and outbuilding addressed these matters. It was recommended that a standard condition regarding demolition in accordance with Australian Standard AS2601-1991 Demolition of Structures is replicated on the subdivision consent. This condition is included in **Appendix 1**.

SUMMARY

The proposed subdivision will create proposed Lot 620 (521 m²) and proposed Lot 621 (677.9 m²). It requires a variation to the minimum lot size for the site of 600 m² of 13% for proposed Lot 620. Proposed Lot 621 will be created as a battle-axe lot.

A written request to vary the minimum lot size development standard has been submitted in support of the application as required under Clause 4.6 Exceptions to Development Standards. In this instance it is considered that the proposal satisfies the considerations of Clause 4.6, primarily through compliance with the relevant provisions of the Dubbo DCP 2013 Chapter 2.1 Residential Development and Subdivision which relate to the specified issues of suitable shape and size to provide a building envelope, private open space, and suitable setbacks for acoustic and visual privacy.

In relation to the relevant objectives of the R2 Low Density Residential zone, it is considered that the lots will be in character with the immediate area because they will provide two (2) appropriately sized and regularly shaped lots, both with frontages to Tamworth Street, which are suitable for low density development and because the existing dwelling will be retained on proposed Lot 620.

In summary, it is recommended that the variation to the minimum lot size development standard is accepted and that the subdivision be approved subject to the conditions included in **Appendix 1**.

Appendices:

- 1 Conditions
- 2 Plans
- 3 Correspondence from Essential Energy - 24 Tamworth St Dubbo DA2016-366

CONDITIONS:

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

Title: Proposed Subdivision No. 24 Tamworth Street, Dubbo (as amended in red pen)
 Drawing No: 16-204 SUBDN-D
 Drawn by: Imrie, Astley & Associates
 Dated: 23/11/2016

Title: Proposed Floor Plan – 24 Tamworth Street (as amended in red pen)
 Revision: B
 Drawn by: Design Tribe
 Date: 02/12/2016 (Designated by Council)

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

- (2) A wet well system incorporating an inground tank, dual pumps, pipework and electrical equipment shall be provided for any future dwelling to be erected on proposed Lot 621, to receive the surface stormwater from that dwelling's allotment, and discharge it to the Tamworth Street kerb and gutter drainage system.

Such wet well system shall be designed in conformity with Section 8 of AS/NZS 3500.3:2015, adopting as its design storm an ARI of 10 years with duration of 120 minutes as is applicable for Dubbo.

Design drawings and calculations of the wet well system demonstrating compliance with the above requirements, must be submitted to the Consent Authority and approved with any dwelling's development/complying development certificate application.

The aforementioned provision shall not preclude the creation of a drainage easement and gravity piped system through any adjoining Lot(s) to a public stormwater drainage system, as an alternative drainage proposal.

{Reason: Council requirement to ensure satisfactory disposal of surface stormwater from the development}

- (3) The developer shall create under the Conveyancing Act 1919, a restrictive covenant over the proposed Lot 621, with such restrictive covenant giving effect to the following requirements:
- (a) Any future dwelling and outbuildings shall at the time of its construction, be provided with a stormwater drainage system that comprises a wet well system to receive and collect at least the surface water from the allotment, and pump such stormwater to the Tamworth Street kerb and gutter drainage system; and
 - (b) Such wet well system shall be designed in conformity with Section 8 of AS/NZS 3500.3, or other regulatory document at the time that may have been adopted under statute as the applicable regulatory document for stormwater drainage; and

- (c) The aforementioned provision shall not preclude the creation of a drainage easement and gravity piped system through an adjoining Lot(s) to a public stormwater drainage system, as an alternative drainage proposal;
- (d) Dubbo Regional Council is to be made a benefitted party of such restrictive covenant; and,
- (e) The owner(s) of the lot shall maintain the system to a fully operational standard.

The restrictive covenant shall be submitted with the Subdivision Certificate application.

{Reason: To ensure future purchasers of Lot 621 are made aware of the stormwater drainage constraints applicable to the allotment}

- (4) Prior to the release of the subdivision certificate the proponent shall provide to Council a certificate regarding the installation of smoke alarms in the existing dwelling is equipped with smoke alarms that are located, on or near the ceiling in any storey of the home containing bedrooms—in every corridor or hallway associated with a bedroom, and if there is no such corridor or hallway associated with a bedroom, between that part of the building or home containing the bedroom and the remainder of the home.

A smoke alarm installed under this requirement is to be functioning and is to comply with the requirements of AS 3786.

{Reason: Council requirement to ensure a minimum level of fire protection for occupants of dwelling houses}

- (5) Prior to the issue of the subdivision certificate:
 - (a) Any existing sanitary drainage pipework is to be disconnected from Council's sewer, and the sewer main junction capped to Council's satisfaction. In this regard an inspection by an officer of Council's Technical Services Division of the capped sewer junction is required prior to backfilling;
 - (b) The site of any demolition work is to be appropriately levelled and graded, ensuring no depressions are left in which rainwater may accumulate and stagnate; and
 - (c) The cleared site is maintained free of nuisance (ie dust, litter, overgrowth, ponding water).

{Reason: Requirement of Council to protect its utilities and the public amenity and prevent the creation of public nuisances}

- (6) The proposed alterations to be carried out to the existing dwelling's sanitary drainage pipe work i.e. disconnect the existing external pipework and reconnect it to the proposed new sewerage main extension; requires the issue of a separate approval from Council prior to being installed.

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

{Reason: Statutory requirement of Local Government (General) Regulation 2005}

- (7) Prior to release of the Subdivision Certificate the developer shall where applicable:
- (a) Submit to Council a detailed plan showing the location of all buildings removed from the site, abandoned sewerage mains, filled areas affecting the proposed residential allotment, including any filled excavations with either pre-existing and final surface contours or spot fill depths; and
 - (b) Where filling or top soil disturbance has occurred, submit to Council documentary evidence sufficient to satisfy Council that the disturbed, filled sites have been compacted to AS 3798-2007 to achieve a minimum compaction of 95% standard to facilitate the future erection of residential buildings thereon.

{Reason: Council requirement in consideration of s79C of the EP&A Act to facilitate future erection of residential buildings}

- (8) The developer shall create under Section 88B of the Conveyancing Act, a restriction as to user burdening proposed residential Lot 621, giving effect to the following requirements:
- (a) That no residential building shall be erected on the lot so burdened unless the footings of such building have been assessed and designed by a properly qualified geotechnical or structural engineer; and
 - (b) No residential building is to be permitted to be erected over any abandoned sewerage main unless the footings of such building have been assessed and designed by a properly qualified structural engineer; and ,
 - (c) The Dubbo Regional Council is to be made a benefitted party of such restriction as to user.

Details of compliance with the above requirements shall be provided with the Subdivision Certificate application.

{Reason: Council requirement to ensure the foundations for any proposed residential building to be erected on the affected lot will be properly assessed}

- (9) Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction 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}

- (10) All solid waste from demolition and subdivision construction 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}

- (11) Noise from the development (L_{Aeq}) shall not exceed the background (L_{A90}) by more than 5dB(A) at any time including any allowance for impulsiveness and tonal characteristics, when measured at the most affected residence.
{Reason: Council requirement to prevent the generation of a noise nuisance}
- (12) Demolition and construction work shall only be carried out within the following time:
- Monday to Friday: 7 am to 6 pm
Saturday: 8 am to 1 pm
Sunday and public holidays: No construction/demolition work permitted
{Reason: Council requirement to reduce likelihood of noise nuisance}
- (13) The demolition of the existing shed and outbuilding shall be carried out in accordance with the applicable provisions of AS 2601 – 1991: The Demolition of Structures as also required by D2016/419 Erection of Front Fence and Demolition of Freestanding Garage and Outbuildings.
{Reason: Council requirement imposed in consideration of the EP&A Regulation 2000 to ensure the demolition works are undertaken in an appropriate manner}
- (14) Prior to release of the Subdivision Certificate the developer shall provide to Council a copy of the final dilapidation report for house number 3 and number 5 Belmore Place, testifying to the fact that no detrimental effects have been noted at either premises as a result of excavations associated with the re-laying of the sewer main on the subject premises and if detrimental effects have been noted, agreement has been reached as to the implementation of remedial works or provision for costs of remediation have been satisfactorily made.

It is noted that the re-alignment of the sewerage pipes will result in proposed excavations being below the level of the base of the footings of the buildings on number 3 and number 5 Belmore Place.

The applicant and drainage contractor must comply with the following:

- (a) The applicant and contractor must at its own expense:
- (i) Prior to work commencing, engage suitably experienced contractor/s to carry out an inspection of the premises nominated and prepare and submit to Council a "dilapidation report" for each, documenting the current condition of both dwellings; and
 - (ii) Preserve and protect the adjoining buildings from damage during the excavation and laying of the sewerage main; and
 - (iii) If necessary, underpin and support the building in an approved manner; and
- (b) The applicant or contractor must give the owners of the subject properties, at least fourteen days' written notice of the need for his contractor to inspect the premises in order to prepare the dilapidation report required above, before excavation work begins; and
- (c) Should the owners of the subject properties refuse access or procrastinate with providing a response, within this timeframe, the contractor may proceed with the excavation works without further notice; and

- (d) The applicant and contractor must, at least seven days before excavating below the level of the base of the footings of the building on the adjoining allotment, give notice of intention to do so to the owner of such adjoining allotment and furnish particulars to the owner of the proposed work; and
- (e) Within 14 days of the completion of the drainage work, cause the contractor who carried out the initial inspection and prepared the dilapidation report to carry out a re-inspection of each premises nominated (if a report was prepared) to determine any changes in the condition of the premises that may be attributed to the excavation work for the installation of the new sewerage mains.

{Reason: Council requirement to ensure support is maintained to neighbouring buildings}

- (15) 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 proposed Lot 621.

{Reason: Council policy in respect of residential developments}

- (16) The existing vehicular access off Tamworth Street 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 being provided by and at full cost to the Developer to service proposed Lot 621.

In conjunction with construction of the above driveway access, the existing concrete footpath (required to be removed to facilitate construction of this driveway) is required to be reinstated to standards acceptable to Council (ie longitudinal grade not to exceed 1:14).

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}

- (17) A new residential standard concrete vehicular cross-over and kerb and gutter vehicle entrance, constructed in accordance with Council's standards STD 5211 and STD 5235 being provided by and at full cost to the Developer to service the existing dwelling and proposed Lot 620.

In conjunction with construction of the above driveway access, the existing concrete footpath (required to be removed to facilitate construction of this driveway) is required to be reinstated to standards acceptable to Council (ie longitudinal grade not to exceed 1:14).

This work requires approval from Parks and Landcare as the proposed driveway will remove an existing street tree. This work may also 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}

- (18) Prior to the release of the Subdivision Certificate the applicant shall construct (at their own expense) a minimum 2.5 m wide access driveway to be centrally located within and for the full length of the battle axe handle to service proposed Lot 621. The access driveway shall have a wearing surface course of asphaltic concrete, being a 25 mm layer of LT10, on a compacted base course of a minimum 200 mm road gravel, or alternatively, may be constructed of cement concrete, concrete paving blocks or brick paving blocks on a compacted base course.

{Reason: To achieve a satisfactory means of access to each proposed allotment}

- (19) Prior to the release of the Subdivision Certificate the applicant shall construct (at their own expense) a minimum 2.5 m wide access driveway to the proposed undercover car parking to service proposed Lot 620. The access driveway shall have a wearing surface course of asphaltic concrete, being a 25 mm layer of LT10, on a compacted base course of a minimum 200 mm road gravel, or alternatively, may be constructed of cement concrete, concrete paving blocks or brick paving blocks on a compacted base course.

{Reason: To achieve a satisfactory means of access to each proposed allotment}

- (20) 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 Tamworth 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 Technical Services Division, plus payment of any appropriate fee(s).

Prior to the issue of the Subdivision Certificate for the subdivision, the required S138 application(s) shall be lodged with Council and the new and upgraded vehicle crossovers for proposed lots 620 and 621 constructed in accordance with any relevant conditions(s).

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

- (21) 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}

- (22) Prior to the release of the Subdivision Certificate, payment by the Developer of an engineering fee (Construction Certificate Application Fee – Subdivision) based on a per lot calculation, in accordance with Council's adopted Annual Revenue Policy. This engineering fee, per lot, is adjusted annually becoming effective from 1 July each year and as adopted in Council's Annual Revenue Policy.

Note 1: Council's adopted 2016/2017 financial year rate is \$328.65 per lot.

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

{Reason: Implementation of Council policy}

- (23) The provision by the Developer of all sewerage junctions, main extensions and alterations, necessary to provide separate sewerage connections to service proposed Lots 620 and 621.

All works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Design and Construction, with detailed engineering plans being 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}

- (24) The creation by the developer, under Section 88B of the Conveyancing Act, of a minimum 2 m wide easement in favour of Council, to be centrally located over all Council sewerage mains.

{Reason: Implementation of Council Policy No 2}

- (25) 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}

- (26) All driveways, hard stand areas and parking 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 20 year ARI) to the kerb and gutter in Tamworth Street and also make provision for the major event (1 in 100 year ARI) to be safely conveyed to Tamworth Street without impact on adjacent private property.

In this respect the Developer must have approved by Council, prior to the issue of the subdivision certificate, detailed calculations and drawings of the proposed subdivisions stormwater drainage system.

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)'.

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

- (27) **No** buildings or any structures of any standards shall be erected over Council's existing sewerage main, the proposed sewer main extension, or are to be located within the existing 'easement to drain sewage', or within the proposed 'easement to drain sewage'

{Reason: Implementation of Council policy}

- (28) The Water Supply headworks contribution of \$5487.00, 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 the release of the relevant Subdivision Certificate.

Such contribution rate 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 2016/17 financial year rate is \$5487.00 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}

- (29) The Sewerage Services headworks contribution of \$5487.00, calculated on a 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 the release of the relevant Subdivision Certificate.

Such contribution rate 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 2016/17 financial year rate is \$5487.00 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}

- (30) The Urban Stormwater Drainage headworks contribution of \$525.17, calculated on the total subdivision area 0.067 ha draining into catchment 1.7 Cobra Street Drainage Scheme, in accordance with Council's adopted Section 94 Urban Stormwater Drainage Headworks Contributions Plan, as amended October 1995, shall be paid by the developer prior to the release of the relevant Subdivision Certificate.

Such contribution rate, Lot is adjusted annually in accordance with Section 7.0 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 2016/17 financial year rate is \$7,747.00 per ha.

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 Urban Stormwater Drainage Headworks Contributions Plan, as amended October 1995}

- (31) The Urban Roads headworks contribution of \$6340.40, calculated on a 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 the release of the relevant Subdivision Certificate.

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 2016/17 financial year rate is \$6340.40 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 Section 94 Contributions Plan - Roads, Traffic Management and Carparking dated 2016}

- (32) The Open Space and Recreation Facilities contributions of \$3537.51, calculated on a lot basis, in accordance with Council's adopted Section 94 Contributions Plan – Open Space and Recreation Facilities, as amended June 2008, shall be paid by the developer prior to the release of the relevant Subdivision Certificate.

Such contribution rate is adjusted annually in accordance with Section 3 of the Section 94 Contributions Plan – Open Space and Recreation Facilities, becoming effective from 1 July each year and as adopted in Council's Annual Revenue Policy.

Note 1: Council's adopted 2016/17 financial year rate is \$1360.58 (2.6 persons per dwelling – Central South Precinct).

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 - Open Space and Recreation Facilities dated December 1998}

- (33) A new 1.8 m high boundary fencing shall be provided for the extent of the existing and proposed boundaries of proposed Lots 620 and 621 behind the front building line of the existing dwelling on proposed Lot 620 or as otherwise agreed with Council staff, at the full expense of the applicant/developer.

In addition new 1.8m high fencing shall be provided behind the front building line of the existing dwelling and the undercover car parking space on Lot 260 to screen and enclose the existing dwellings private open space.

The boundary fencing shall be provided prior to the release of the subdivision certificate.

{Reason: To ensure that the privacy of adjoining properties and their private open space, and the private open space of the proposed lots is adequately protected}.

- (34) A restrictive covenant burdening proposed Lot 620 and benefiting Council, and specifying Council as the power to release, vary or modify, shall be included on the S88B conveyancing instrument specifying that the northern open verandah and eastern door opening shown on the floor plan are to be maintained as such in perpetuity.

The restrictive covenant shall be submitted with the Subdivision Certificate application.

{Reason: To ensure that the existing dwelling on proposed Lot 620 will maintain required private open space}

- (35) A separate development application for the following works on Lot 620 shall be submitted to and approved by Council prior to the release of the subdivision certificate:

- Removal of existing dwellings northern windows and door to create an open verandah;
- Opening of a doorway in the existing dwellings eastern wall; and
- Proposed undercover car parking structure.

These works shall be undertaken within 12 months of approval being granted.

{Reason: To ensure that the development is undertaken as proposed}

- (36) The provision by the developer of all Work-As-Executed engineering plans, in either Civilcad, Microstation or DWG Format, including hardcopies shall be submitted prior to the release of Subdivision Linens in accordance with Clause 4 of the Subdivision Development Code.

{Reason: Implementation of Council policy}

- (37) Erosion and Sediment Control shall be provided on site prior to any site disturbance works being commenced.

{Reason: Implementation of Council policy}

NOTES:

- (1) AS 3786 permits smoke alarms to be powered by batteries or mains electricity supply. Smoke alarms in buildings that are relocatable homes or class 1a or class 2 buildings or class 4 parts of buildings will be able to use any of the power sources specified by AS 3786.

AS 3786 means AS 3786—1993, *Smoke alarms* as in force from time to time.

A functioning smoke alarm installed in a class 1a or class 2 building, a relocatable home or a class 4 part of a building before the commencement of this clause is taken to comply with the requirements of this clause until such time as the alarm is removed or ceases to function.

- (2) The house number for the subdivision will be as follows:

| | |
|-------------|----------------------------|
| Lot number: | House number: |
| Lot 620 | 24 Tamworth Street, Dubbo |
| Lot 621 | 24A Tamworth Street, Dubbo |

For further information please contact Council's Land Information Services Supervisor, Kim Edwards, on 6801 4617.

- (3) 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.

- (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) 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
- (7) The development will be undertaken in accordance with Essential Energy's correspondence dated 15 August 2016 (copy attached as **Appendix 3**).

- (8) As the subject allotment containing an existing dwelling is to be subdivided, it is important for the applicant to ensure that their various trade contractors are made aware of the necessity to have the electrical, water plumbing, sanitary drainage and stormwater pipework confined to the respective new allotments.

Particular attention should be given to the roof guttering and positioning of downpipes to ensure that roof water is not drained from one allotment onto the other.

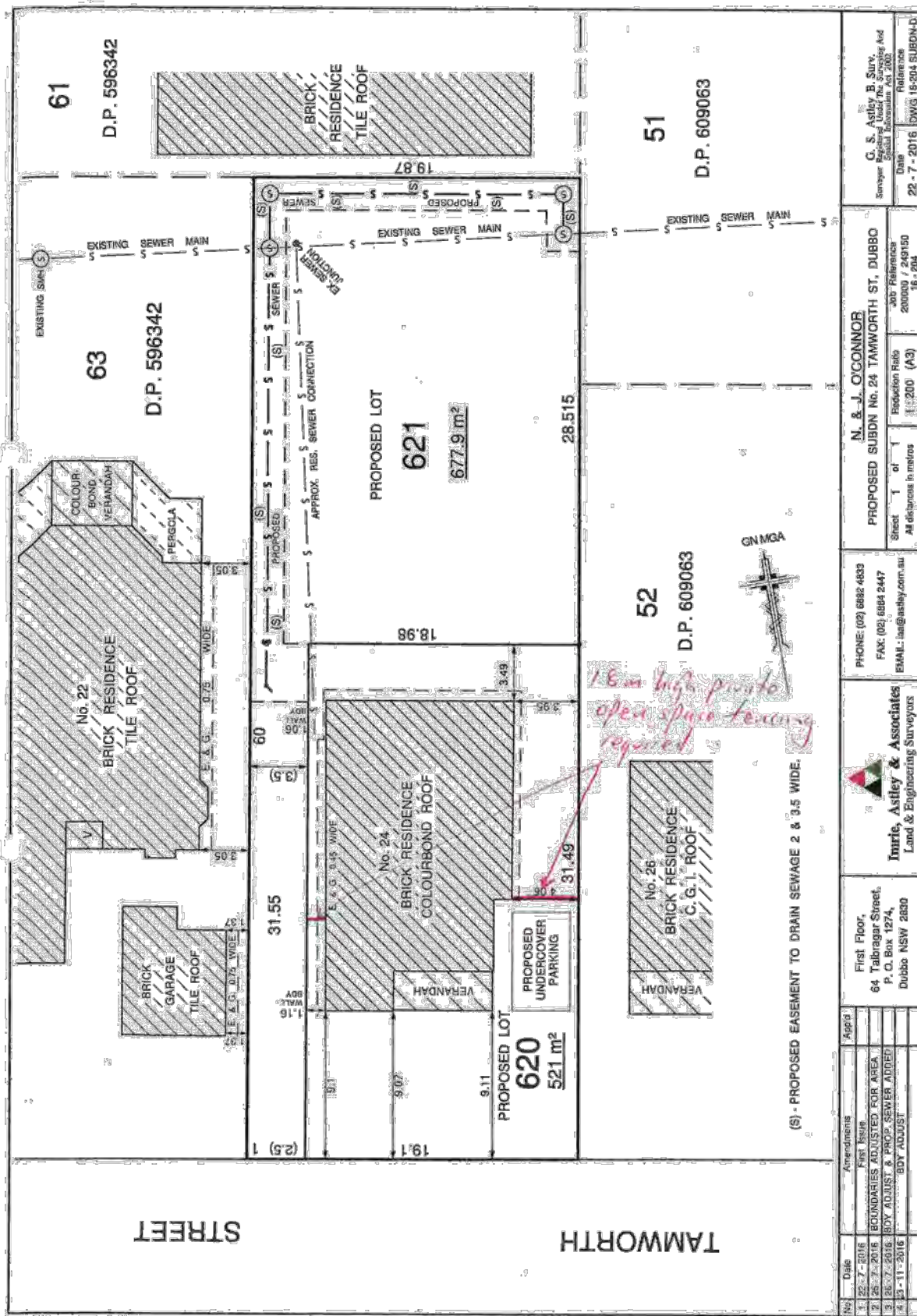
- (9) With the proposed subdivision the developer is to ensure that:
- (a) Separate water, sewer, and stormwater drainage connection(s) (plus any corresponding easements) to each parcel of land have been provided; and
 - (b) Each dwelling's water plumbing, sanitary drainage and stormwater pipework is to be wholly contained within each respective allotment, or provided with appropriate easements.

RIGHT OF REVIEW AND APPEAL:

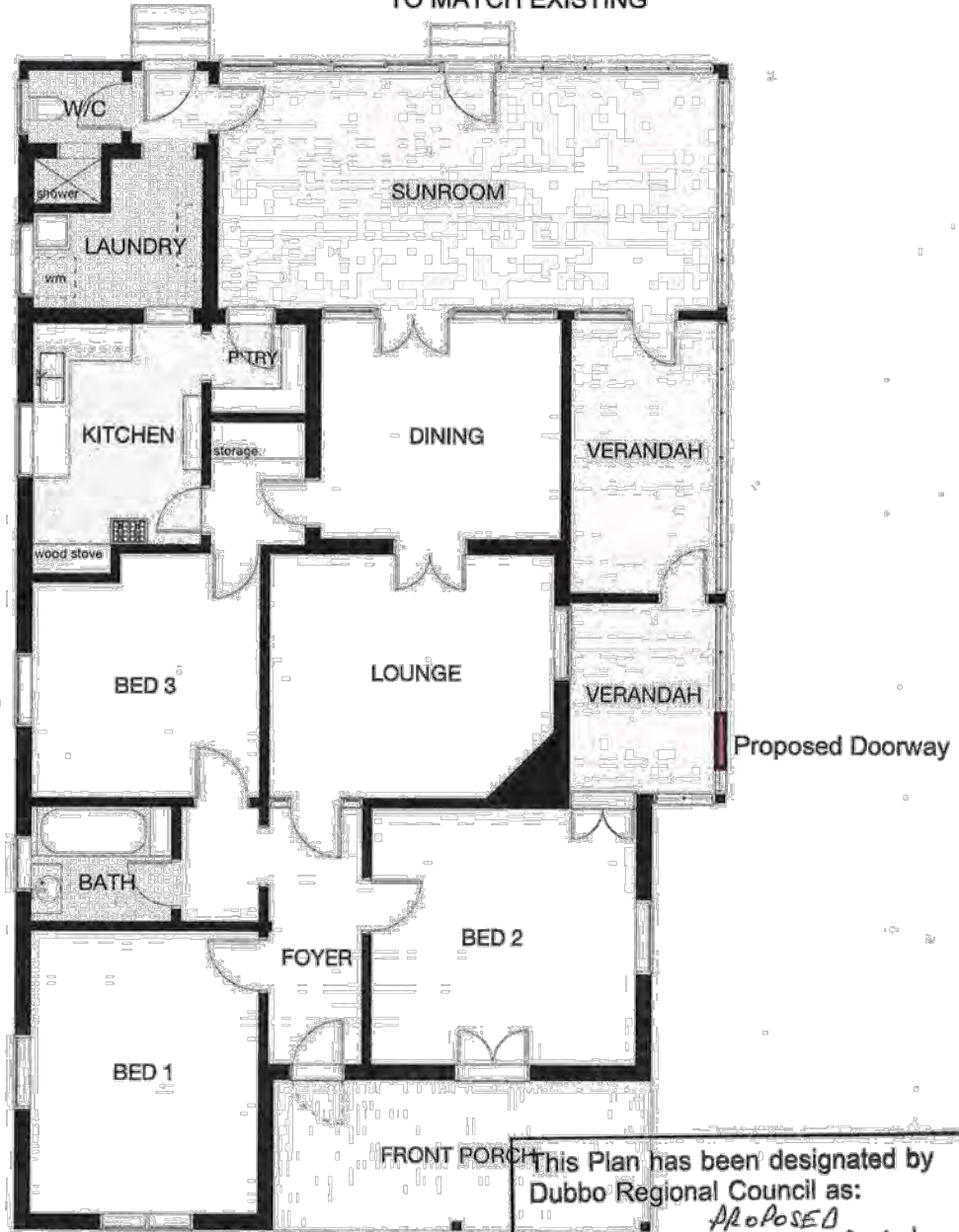
Right of Review: Section 82A of the Environmental Planning and Assessment Act 1979 confers the right for an applicant to make a request to the Council for it to review its determination, within six months after the date on which the applicant received this notice. Any requests for a review are required to be accompanied by a fee as set in Council's revenue policy.

Note: Pursuant to s82A(4) a Council is not obligated to accede to a request for review.

Right of Appeal: Section 97 of the Environmental Planning and Assessment Act 1979 confers the right for an applicant who is dissatisfied with Council's determination to appeal to the Land and Environment Court within six months after the date on which you receive this Notice.



Add Door
NORTH FACING WINDOWS TO BE REMOVED
FINISH BRICKWORK WITH TRIM
TO MATCH EXISTING



This Plan has been designated by
Dubbo Regional Council as:
PROPOSED
Drawing No. FLOOR PLAN
Date: *2/12/16* Rev. *B*



24 TAMWORTH STREET, DUBBO

PLAN DISCLAIMER: This diagram is for illustrative purposes only. All reasonable care has been taken in the preparation, but no warranty is given as to the accuracy of the information. This document does not constitute any part of any offer or contract. Any dimensions shown are approximate only. Prospective purchasers must rely on their own enquiries.

Plans prepared by Design Tribe Dubbo on behalf of Bob Berry Realestate
www.designtribedubbo.com.au



Our Ref: RM:MM:244404
Your Ref: 2016-366

15 August 2016

By email: dcc@dubbo.nsw.gov.au

Alex Noad
Western Plains Regional Council
PO Box 81
Dubbo NSW 2830

Dear Alex

Development Application Number 2016/366 – Two Lot Subdivision
Property: 24 Tamworth Street, Dubbo more particularly described as Lot 62 in DP596342

We refer to the above matter and to your correspondence seeking comment from Essential Energy in relation to the proposed development at the above property.

Strictly based on the documents submitted, Essential Energy has no objection to the development at this time, provided:

1. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property are complied with; and
2. Council ensures that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.

In addition, Essential Energy's records indicate there is electricity infrastructure located within the nature strip at the front of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.

Given there is overhead electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. WorkCover NSW (www.workcover.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines*.

If you have any queries, please contact Michelle Murray on (02) 6589 8207 or via email conveyancingteam@essentialenergy.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Raelene", written over a light blue horizontal line.

Raelene Myers
Conveyancing Team Leader

PO Box 5730 Port Macquarie NSW 2444 | ABN 37 428 185 226
Telephone: (02) 6589 8207 | Interpreter Services 13 14 50 | essentialenergy.com.au