AGENDA
PLANNING AND DEVELOPMENT COMMITTEE
20 MARCH 2017

MEMBERSHIP:
Mr Michael Kneipp (Administrator).

The meeting is scheduled to commence at 5.30pm.

Page

PDC17/8 DEVELOPMENT APPLICATION D16-366 - DUAL OCCUPANCY (DETACHED) AND TWO (2) LOT SUBDIVISION
PROPERTY: LOT 62 DP 596342, 24 TAMWORTH STREET, DUBBO
OWNER: MR N J & MRS J L O'CONNOR
APPLICANT: MR N J O'CONNOR (ID17/325) 132

The Committee had before it the report dated 14 March 2017 from the Planner regarding Development Application D16-366 - Dual Occupancy (Detached) and Two (2) Lot Subdivision
Property: Lot 62 DP 596342, 24 Tamworth Street, Dubbo
Owner: Mr N J & Mrs J L O'Connor
Applicant: Mr N J O'Connor.

PDC17/4

Report of the Planning and Development Committee - Meeting 20 February 2017

AUTHOR: Administrative Officer - Governance
REPORT DATE: 7 March 2017

The Committee has before it the report of the Planning and Development Committee meeting held 20 February 2017.

MOTION

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

REPORT
PLANNING AND DEVELOPMENT COMMITTEE
20 FEBRUARY 2017

PRESENT:
Mr M Kneipp (Administrator).

ALSO IN ATTENDANCE:
The Interim General Manager, the Director Organisational Services (J Bassingthwaighte), the Manager Governance and Risk Services, the Supervisor Governance, the Director Corporate Development, the Media and Public Relations Coordinator (W Marshall), the Director Technical Services, the Manager Technical Support, the Manager Civil Infrastructure and Solid Waste, the Senior Design Engineer, the Director Environmental Services, the Manager City Strategy Services, the Director Community Services, 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.

PDC17/1 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - MEETING 12 DECEMBER 2016 (ID17/122)

The Committee had before it the report of the Planning and Development Committee meeting held 12 December 2016.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends that the report of the Planning and Development Committee meeting held on 12 December 2016, be adopted.

CARRIED

PDC17/2 PLANNING PROPOSAL (R16-2) - PROPOSED REZONING AND ALTERATION TO MINIMUM LOT SIZE
PROPERTY: PART LOT 2 DP 22685, 32R BENOLONG ROAD, DUBBO (ID17/56)

The Committee had before it the report dated 13 February 2017 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.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends:

1. **That the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 to rezone an area of approximately 16 hectares of Lot 2 DP 22685, 32R Benolong Road, Dubbo from RU1 Primary Production to R5 Large Lot Residential, be endorsed.**
2. **That the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 to change the minimum allotment size for subdivision of approximately 16 hectares of Lot 2 DP 22685, 32R Benolong Road, Dubbo from 800 hectares to eight (8) hectares, be endorsed.**
3. **That Council request Parliamentary Counsel to prepare the draft amendment to the Dubbo Local Environmental Plan 2011 under Section 59(1) of the Environmental Planning and Assessment Act, 1979.**
4. **That the people who made a submission be thanked and advised of Council's determination in this matter.**

CARRIED

PDC17/3 DRAFT DEVELOPMENT CONTROL PLAN - SHERATON ROAD ESTATE - RESULTS OF PUBLIC EXHIBITION (ID17/138)

The Committee had before it the report dated 14 February 2017 from the Manager City Strategy Services regarding Draft Development Control Plan - Sheraton Road Estate - Results of Public Exhibition.

Moved by Mr M Kneipp (Administrator)

MOTION

The Committee recommends that the adoption of the Development Control Plan – Sheraton Road Estate, be deferred pending the receipt of additional advice from the applicant.

CARRIED

The meeting closed at 5.32pm.

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CHAIRMAN

REPORT: Proposed Amendments to the Environmental Planning and Assessment Act, 1979 - Council Submission

AUTHOR: Manager City Strategy Services
REPORT DATE: 14 February 2017
TRIM REFERENCE: ID17/140

EXECUTIVE SUMMARY

On 10 January 2017, the NSW Government released a suite of documents for public exhibition in respect of the proposed reforms to the Environmental Planning and Assessment Act, 1979 (the Act). The majority of the proposed reforms originate from the White Paper 'A New Planning System for NSW' which was released on 16 April 2013.

The reforms primarily comprise changes to the following key areas:

- Consolidating community consultation provisions in the Act;
- Stating development pathways and consent authorities in the Act;
- Streamlining environmental assessment provisions;
- Consolidating review and appeals provisions;
- Standardising administrative provisions; and
- Improving the structure, language and overall accessibility of the Act.

The proposed reforms will be on public exhibition until 31 March 2017. It is understood that the reforms are intended to be put to Parliament by the end of 2017.

Following a detailed review of the reform package, a number of areas of concern have been identified. In addition, a number of suggestions and suggested courses of actions have been included in the body of the report. The report also provides a detailed explanation of the proposed reform package and includes information which will be included in Council's submission in respect of the proposed reform package.

Following consideration of the issues raised in this report, a detailed submission will be provided to the Department of Planning and Environment (DPE) for consideration.

ORGANISATIONAL VALUES

Customer focused: Planning reforms are essential to improve the operation of the Environmental Planning Act. Council supports opportunities identified aimed at improving the focus of the systems of our customers.
Integrity: The planning reforms include proposed changes designed to improve the integrity of the planning system and the people involved which is supported by Council.
One Team: Input and comments have been included in the report in respect of the reforms from across Council.

FINANCIAL IMPLICATIONS

It is considered that there are no direct financial implications associated with the subject report. If the measures as included in the reform package are undertaken by the NSW State Government, this may present inherent cost implications to Council. Any such cost implications are currently unknown.

POLICY IMPLICATIONS

It is considered that there are no direct policy implications associated with the subject report. If the measures as included in the reform package are undertaken by the NSW State Government, this will present future planning policy implications, which are currently unknown.

RECOMMENDATION

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

Steven Jennings
Manager City Strategy Services

BACKGROUND

The Department of Planning and Environment (DPE) is undertaking consultation in respect of specific updates to the Environmental Planning and Assessment Act, 1979. It is understood that the majority of proposed reforms originate from the stalled planning reform process. The DPE has provided the following information in respect of the overall purpose of the proposed reforms:

- Community participation: Establishing a new part of the Act that consolidates community consultation provisions and requiring decision-makers to give reasons for their decisions.
- Development pathways: Clearly stating the different development pathways and consent authorities under the Act.
- Environmental assessment: Clarifying and streamlining the Environmental Assessment provisions, including incorporating State significant infrastructure into Part 5 of the Act.
- Reviews and appeals: Consolidating provisions into a single new part of the Act.
- Administration: Standardising provisions relating to the administration of the Act including those relating to the Minister, the Secretary, the Planning Assessment Commission and other planning bodies.
- Language and accessibility: Improving the structure and language of the Act so that it is easier to understand, follow and apply.

The report presents an overview of the major components of the reform package and provides Council's submission comments as a component of each section of the report.

REPORT

1. COMMUNITY PARTICIPATION

The major components of the proposed changes as included in the reform package are as follows:

A Objects of the Environmental Planning and Assessment Act, 1979

The Department of Planning and Environment is proposing to update and modernise the objects of the Environmental Planning and Assessment Act, 1979 (EP&A Act) as provided below:

> *"a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources.*
> *b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.*
> *c) to promote the timely delivery of business, employment and housing opportunities (including for housing choice and affordable housing).*

d) To protect the environment, including the conservation of threatened and other species of native animals and plants.
e) To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage).
f) To promote good design in the built environment.
g) To promote the sharing of the responsibility for environment planning and assessment between the different levels of government in the State.
h) To provide increased opportunity for community participation in environmental planning and assessment.

Council Submission

The proposed changes to the Act include a total of eight revised objectives. The majority of the objects are consistent with the current object of the Act however, it is considered that a number of the new objects require further alteration and enhancement.

Proposed object c) states as follows:

c) To promote the timely delivery of business, employment and housing opportunities (including for housing choice and affordable housing)

It is considered that the wording of the object and in particular using housing choice and affordable housing does not encompass the provision of housing for all members of the community. It is considered that use of the term 'affordable housing' with its definition of mortgage or rent payments not exceeding 30% of household income does not incorporate families that do not meet the affordable housing definition and that may require public housing or social housing.

It is considered that objective c) should be re-drafted to reference housing affordability. This will ensure that the objects of the Act can further encourage issues in respect of housing affordability and housing choice to be adequately considered in the strategic planning process in the preparation of land use strategies and the development assessment process.

Proposed objective f) states as follows:

f) To promote good design in the built environment

Good design in the built environment and its impact and relationship on the natural environment are key components of the planning system across both strategic and statutory planning functions. However, the revised object as above appears to be addressing good design in the built environment in its singular form, which could ultimately be considered only on a proposal specific basis through the development assessment process.

It is recommended that object f) be re-drafted to promote good design 'of' the built environment. This will ensure that the objective can be appropriately considered as a component of both strategic and statutory planning processes and will ensure that the

impact of design within the built environment will be required to adequately consider cumulative impacts of design.

B. Community Participation Plans and Principles

The proposed changes to the Environmental Planning and Assessment Act, 1979 include a proposal for the implementation of community participation plans.

Each Council will be required to prepare a separate Community Participation Plan in accordance with new community participation principles which are proposed to be included in the Act and in accordance with the requirements of the DPE. In addition, Council will also have the ability to include their own tools and procedures for community consultation in respect of strategic and statutory planning functions.

A Community Participation Plan will be required to be prepared in accordance with the following principles:

- *The community has a right to be informed about planning matters that affect it.*
- *Planning authorities should encourage the effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.*
- *Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.*
- *The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.*
- *Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.*
- *Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.*
- *Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).*
- *Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.*

As part of the legislation reform package, the DPE has also provided information that where a Council has an existing Community Engagement Strategy that was prepared in accordance with the Integrated Planning and Reporting requirements under the Local Government Act, 1993, this Plan could also form Council's Community Participation Plan.

<u>Council Submission</u>

It is unclear from the proposed reform package as to the overall value of a separate and distinct Community Participation Plan having regard to the fact that each council is required to have a separate Community Engagement Strategy under the provisions of the Local

Government Act. In addition, the majority of councils include minimum public notification and exhibition requirements for development applications as a component of a Development Control Plan.

The Local Government Act requires a council to have in place a Community Strategic Plan to guide council operations over a period of no less than 10 years. In respect of Dubbo Regional Council, a review of the existing Community Strategic Plan is required to be prepared by September 2017 and a new Plan be in place to reflect the overall Dubbo Regional Council Local Government Area. It is considered that the requirement for a separate Community Participation Plan should be altered to require Council's Community Engagement Strategy under the provisions of the Local Government Act to be prepared in accordance with the community participation principles. This will ensure that a separate plan is not required to be prepared by councils and provides the community with appropriate clarity around community participation issues. However, it should be noted that the provisions of the Local Government Act and the Guidelines issued by the Office of Local Government would require review to provide for such changes.

Specifically in respect of statutory planning functions, it is considered that a Development Control Plan is best placed to include community consultation requirements in respect of Development Applications. As the overall legislative reform package includes a proposal for standard development control plans, the DPE could specify the exact nature of this component of the DCP. In addition, the information as included in the DCP in respect of community consultation requirements could also be repeated in the Community Engagement Strategy to ensure all consultation actions are adequately captured under a single document.

C. Mandatory Minimum Requirements for Public Notification

As part of the proposed reform package, the DPE has included a proposal for Community Participations Plans to require a minimum 14 day public notification requirement for <u>all</u> development applications (other than for Designated or State Significant Development applications).

<u>Council Submission</u>

Whilst the provision of common public notification requirements for all development applications would provide a level of community certainty as to the activities and development which is proposed to occur in their immediate locality, the provision of a one size fits all approach is unlikely to achieve the outcomes of the DPE.

It is considered that the provision of a minimum notification period reduces the flexibility in decision making for local councils. This proposal may result in development application processing times being increased whilst not providing any significant and ongoing community benefits or input. In respect of development undertaken in the Dubbo Regional Council Local Government Area, this 'one size fits all' approach would ultimately provide further delays in processing times. For example, presently, if Council considers a development application for a two lot subdivision of land in the rural area which has a large minimum allotment size for subdivision, it is unlikely the development application would be publicly notified by Council.

This is due to the fact that the development is unlikely to present any impacts to neighbouring property owners given the large size of the allotments and the likely distance between dwelling houses.

It is considered that councils are best placed to understand the public expectations associated with advertising and consultation associated with local development applications. It is recommended that the mandatory 14 day notification period not be included in the reform package and that councils be provided the flexibility to determine if any mandatory notification requirements should apply to an individual local government area.

D. Statement of Reasons for Decision

As a component of the reform package, the DPE is proposing to include a new requirement for a statement of reasons to be prepared following the determination of every development application. The role of the statement is to justify the actions undertaken in respect of the development application and how the decision was arrived at in the determination of an application. The requirement for a Statement of Reasons for Decisions is proposed to be tailored to the scale, significance and type of development.

Council Submission

The overall intent behind the proposal is the provision of further explanation to the public as to how decisions in respect of development applications have been arrived at. However, it is considered that the proposal presents a number of concerns. As a core component of the development assessment process under the provisions of Section 79(c) of the Environmental Planning and Assessment Act, 1979, a planning authority is required to consider issues raised in any submission provided by the public or state government agency prior to the determination of a development application. It is unclear why a further document should be required to be prepared that in fact may duplicate Council's existing reporting procedures.

Council processes a significant percentage of development applications that do not include any public submissions. Perhaps a Statement of Reasons for a decision may be warranted for development applications where a submission was provided by a member of the public or a state government agency however, to provide a Statement of Reasons for all decisions would be very time consuming and serve no practical purpose. It is also considered appropriate to require a Statement of Reasons for decisions for any designated development application, an application determined by a Regional Panel or any development application where Council may have an interest as the landowner and/or applicant.

E. Early Consultation with Neighbours

The former Minister for Planning viewed early consultation with neighbours as a key component of any new or updated planning system. The DPE, as a component of the legislative updates package, has acknowledged the benefits of early consultation. However, no changes are proposed to be undertaken to the Environmental Planning and Assessment Act, 1979 to legislate for the changes.

To further consideration of a system for early consultation with neighbours, the DPE has proposed to trial a non-regulatory provision to encourage pre-development consultation. The trial will involve the consideration of different approaches including fee incentives and the facilitation of further public information on Department's Planning Portal.

Council Submission

The idea to initiate consultation between an applicant and a neighbour is a challenging concept. Early, meaningful consultation between applicants and neighbours is reliant on the relationship between the proponent and neighbours and the ability of a proponent to negotiate any changes with neighbours in an effective manner. However, the approach is considered to have a number of flaws, including:

- Potential for conflict;
- Neighbours are not always owners of property and thus would not have the same interest in the property; and
- Potential for corruption.

In the majority of circumstances, if a neighbour has concerns in respect of a proposed development, they are more likely to discuss their specific concerns with Council as part of the development application process.

It is considered that the most appropriate approach may include a development proponent uploading details of a proposed development to the DPE Planning Portal for comment. As part of this process, comments in respect of a proposed development could be made in an anonymous capacity if a neighbour was to choose this function. This would effectively provide a starting point for a development proponent in respect of community acceptance or otherwise of a development proposal.

The DPE has also raised for consideration the issue of reduced fees or other incentives for developers that undertake early consultation with neighbours. It is considered that fee reductions are not necessary and should not be encouraged as part of the planning system as it is in the best interests of a development proponent to ensure their development can be undertaken having regard to community concerns.

The DPE is also proposing to include a mandatory requirement for development proponents to consult with the public earlier in the process of designing a major development project. It is difficult for a Council land use strategy or even a regional plan to adequately consult and inform the community in respect of a major project. Often major projects are difficult to account for in a land use strategy as the myriad of other State policies control their development in place of controls included in a local environmental plan. It is considered that consultation should be undertaken in respect of major projects, prior to a request for the Secretary's Environmental Assessment Requirements being made.

2. STRATEGIC PLANNING

The major components of the proposed changes as included in the reform package are as follows:

A. Renewed Focus on Importance of Strategic Planning

As a core component of the legislative reform package, the DPE has recognised the strong focus the planning system has on development assessment processes, whilst strategic planning is often viewed as a secondary component of the planning system, which is difficult to engage the public in.

The DPE has also recognised that the development assessment system is overly cumbersome and is difficult to align to overall community goals and aspirations given it is viewed as reactive planning. Often in the development assessment process a development proponent will have a specific development proposal in mind for an allotment of land. However, the surrounding community may not agree with the specific direction of the development proposal. It will be increasingly important to both recognise and facilitate the role of the community in the future as being at the core of the strategic planning process where the community can guide how they would like to see a particular area grow, how high buildings should be, proximity to boundaries and even to consider such issues as how much and where open space should be and commercial development.

Figure 1 shows the overall focus and intent of the planning system at the present time.

Figure 1. Planning System Pyramid

Figure 2 shows the proposed intent of the planning system with a renewed focus on strategic planning.

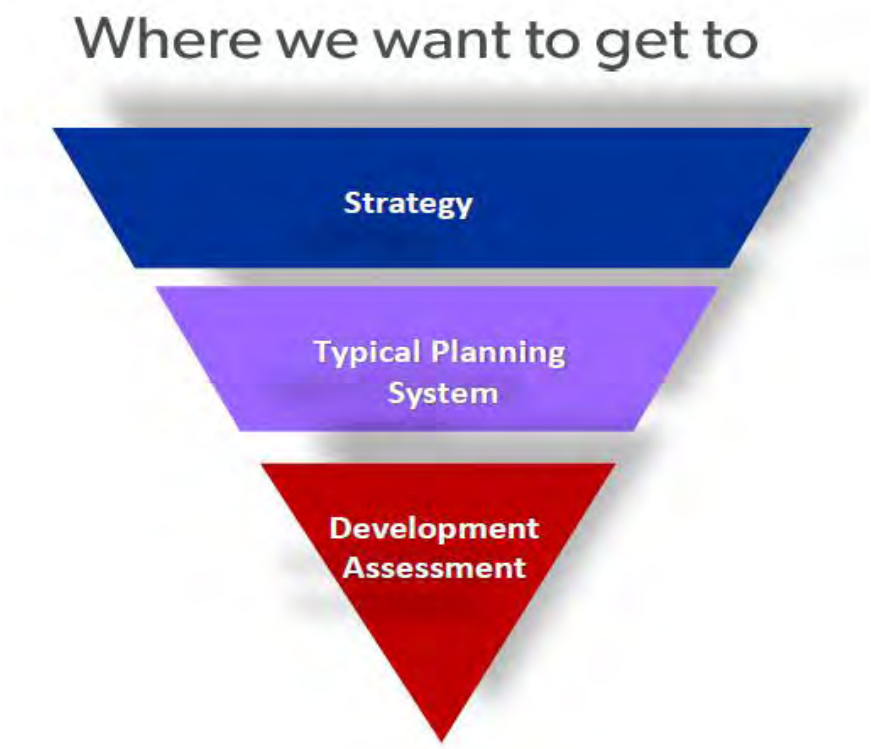

Figure 2. Proposed Planning System Pyramid

B. Local Strategic Planning Statements

As part of the reform process, the DPE is proposing that each local council develop a separate strategic planning statement. These statements will reflect the goals of the Community Strategic Plan, provide justification to zoning and development controls and reference the priorities of the regional strategies and councils' local land use strategies.

Figure 3 below shows the relationship and role of Local Strategic Planning Statements in the strategic planning system.

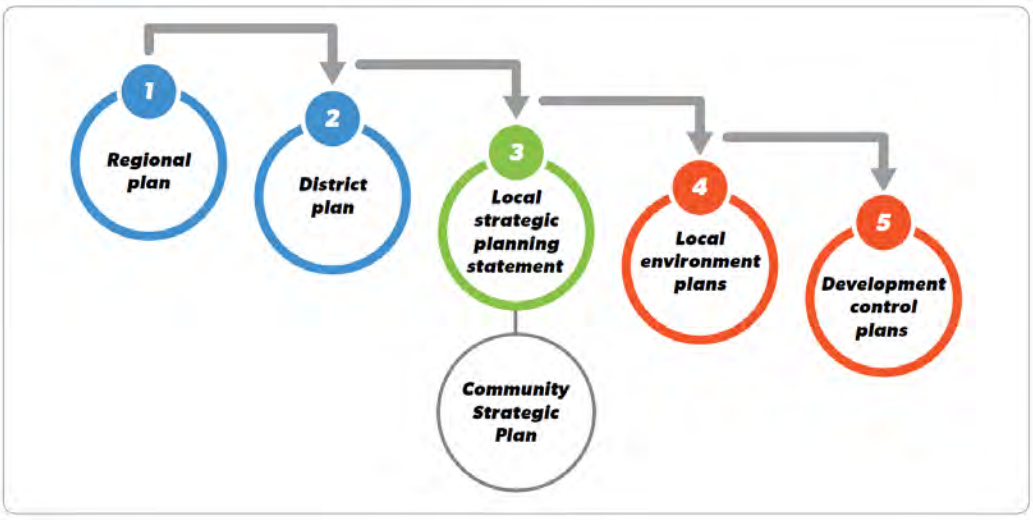

Figure 3. Hierarchy of Strategies

The DPE has proposed local strategic planning statements to consist of the following:

A 20 year vision for the local area

- captures the desired future state for the local area and the high-level outcomes

Goals and actions to achieve the vision

- focused statements of local area outcomes
- clear and measurable
- actions will set out what is required to deliver goals

Links to planning controls

- explains how the vision, goals and actions shape the planning controls and development decisions in the local area

Monitoring and reporting on progress

- performance indicators by which progress towards the goals can be measured
- monitoring and reporting on progress (can be through existing processes)

Figure 4. Local Strategic Planning Statements Contents.

Council Submission

A Local Strategic Planning Statement will contain a summary of the existing land use strategies and effectively function as a linking document between the Community Strategic Plan with its overall vision through to 2036 and the objectives and outcomes as contained in Council's suite of land use strategies. Similar to land use strategies, the DPE will also have a role in undertaking assessment of Local Strategic Planning Statements and also providing endorsement of the provisions. In addition, it is also understood that a Local Strategic

Planning Statement will be required to be considered by Council as a component of the strategic planning process, particularly in the assessment of requests for Planning Proposals.

It is considered that the proposal for a Local Strategic Planning Statement does have merit. The Statement can effectively have the role as a linking document between the Community Strategic Plan and Council's land use strategies in articulating a vision for the future and how this vision can be achieved. Careful consideration will need to be given to how the Strategic Planning Statement can be considered in the Planning Proposal process and in particular to ensure proponents do not use the Statement as a mini land use strategy whilst not adequately considering Council's suite of land use strategies.

C. Regular Local Environmental Plan Checks

The DPE has proposed that Local Environmental Plans be reviewed at a minimum of every five (5) years in accordance with a pre-determined set of criteria as provided below:

- *Does a new regional or district plan necessitate major change to local strategic plans or controls?*
- *Has there been a marked demographic change in recent years or is one expected in coming years?*
- *Has there been or is there expected to be significant infrastructure investment that necessitates or justifies major change to local strategic plans or controls?*
- *Has there been a high number of planning proposals in recent years?*
- *Does the LEP demonstrate consistency with relevant state environmental planning policies, section 117 directions and the regulations?*
- *Has the community requested significant changes to the LEP in recent years?*

The changes aim to provide consistency between councils and ensure plans remain current. The amendments will also aim to reduce the costs associated with spot rezoning and reduce the timeframes for developers.

<u>Council Submission</u>

It is considered that provision of a requirement to undertake a regular review of local environmental plans is appropriate. The majority of councils currently undertake a regular review cycle of local environmental plans however, further consideration should be given to the impact of this legislation change on smaller councils where such a review may either not be warranted having regard to the pressures of development and the flexibility included in the current LEP or where the council may not have appropriately qualified and experienced staff to undertake the review.

In addition, it is considered that further guidance and information may be required from the DPE to explain how the LEP check criteria will be reviewed for an individual council.

D. Standard Format for Development Control Plans

As a component of the reform process, the DPE is proposing to prepare a standard format Development Control Plan for councils. A standard format DCP is proposed as there is currently a significant range of DCPs across the State that have been prepared according to a variety of formats and provisions. In addition, the current range of DCPs do not allow easy integration to the DPE Planning Portal.

The standard format DCP will allow the DPE to provide all DCPs on the Planning Portal which will provide an ease-of-use across Local Government areas and aid in the accessibility of the document to the community. The DPE has also proposed the provision of a range of model clauses for councils which aim to assist in the preparation of DCPs.

Council Submission

The provision of a standard format for DCPs is considered appropriate having regard to the range of DCPs currently in use across the State and the important role they have as guiding statutory planning documents however, provision of a standard format DCP will also present a number of challenges. This includes the timing for preparation and implementation and the overall time and cost implications that were associated with preparation of Standard Instrument Local Environmental Plans.

Particularly in respect of timing, a number of amalgamated councils across the State are likely to be embarking on the preparation of a new combined DCP over the next six to 12 months in accordance with the requirements of the State Government. If a standard format for DCPs is accepted as a new provision, significant time must be provided to amalgamated councils to ensure the costs incurred and work undertaken in the preparation of new DCPs is not wasted.

In addition, it is considered that the DPE must be cognisant of the time and costs that were incurred by Local Government as a result of the Standard Instrument Local Environmental Plan process. There must be significant flexibility and assistance offered to local councils to prepare new DCPs in accordance with a standard format.

3. LOCAL PLANNING DECISIONS

The major components of the proposed changes as included in the reform package are as follows:

A. Approvals and Advice from NSW Agencies

As a key component of the reforms, the DPE has undertaken a review of the concurrence and referral requirements of State public agencies to further refine the integrated approvals system and to seek further efficiencies. Currently, State public agencies undertake the assessment and consideration of approximately 8,000 development applications per annum. Of the 8,000 development applications, approximately 10 per cent of these are taking longer than 40 days.

Figure 5 shows the current integrated approvals process.

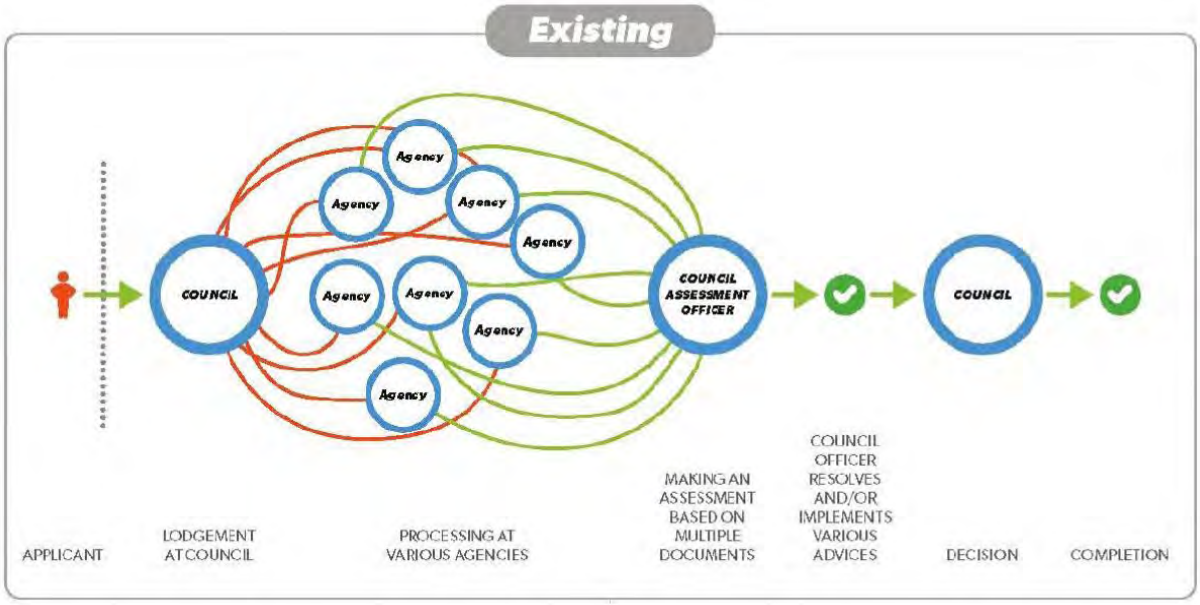

Figure 5. Current integrated approvals process

As part of the proposed amendments, the Department will reserve the power to issue General Terms of Approval on behalf of other State agencies which will ensure referrals are provided to councils within 30 days. In addition, the DPE is proposing to utilise the Planning Portal to ensure timely assessments can be undertaken and to provide a greater level of transparency in the assessment of integrated applications.

Figure 6 shows the proposed components of the new integrated assessment system.

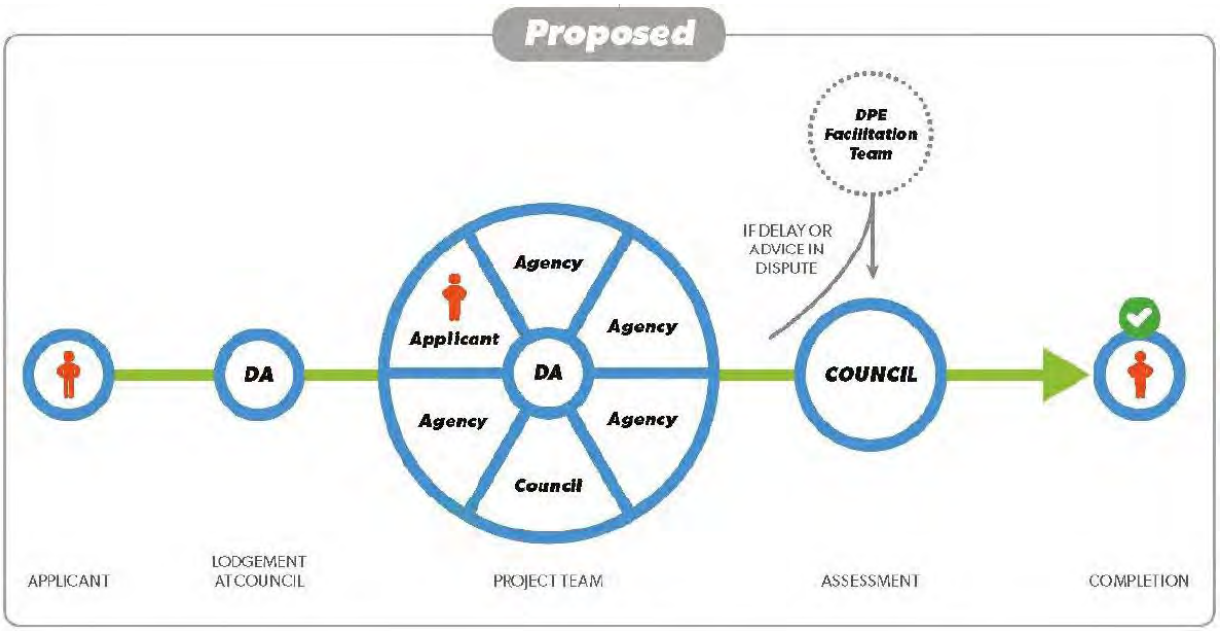

Figure 6. Proposed integrated approvals process

Council Submission

It is considered that the proposed changes are unlikely to achieve any significant improvement in development application processing times associated with State public agencies. The concern is that the Department is only dealing with a portion of the issue. An option may be to adopt a similar referral process to the Queensland planning system which involves the State Assessment and Referral Agency. This approach to integrated development would place the Department in the centre of all State agencies and in a position to coordinate and ensure agencies deliver the requested advice in a timely manner.

As part of the reform package the DPE could consider a proposal to streamline the legislative basis of integrated development approvals and include the relevant sections in a single planning act. While this may not render existing legislation obsolete, it could result in any component in respect of assessment considerations at both a strategic and statutory level being included in the relevant planning act.

In respect of the assessment processes for integrated development approvals, in Council's experience there appears to be a significant disconnect between the officers undertaking the assessment and the understanding of the implications of this assessment from a planning or development perspective. To overcome this situation, and this perceived lack of knowledge, a dedicated planning officer could be installed in each public agency. This officer would have the relevant skills and experience, would have the role of coordinating all referrals and concurrence requirements and act as a conduit between an individual agency and a council and/or a development proponent. This would effectively allow technical officers in state public agencies to maintain their functions without unduly becoming 'caught up' in the planning process.

B. Improvement to Complying Development

(i) Ensuring Development Meets the Standards

As part of the reforms, the DPE has proposed to amend the Environmental Planning and Assessment Act, 1979 to provide the Land and Environment Court with appropriate power to determine whether or not a CDC is in compliance with the relevant standards.

At the present time, if a Complying Development Certificate is approved not in accordance with the required standards, the Land and Environment Court does not have the power to render the Certificate as invalid.

Council Submission

No comments are provided in respect of the proposed legislative change.

(ii) Improved Information for Councils and Neighbours

As part of the reform package, the DPE has recognised the limitations around notification requirements for Complying Development proposals. The DPE is proposing to prepare further

amendments to the Environmental Planning and Assessment Regulation, 2000 which include the following:

- Require certifiers who are intending to issue a Complying Development Certificate in metropolitan areas to give a copy of the proposed Certificate, any plans and other applicable documents (such as compliance table demonstrating how the proposal complies with the relevant standards) to the council and direct neighbours; and
- Require certifiers, after issuing a Certificate, to give a copy of the Certificate and any endorsed plans to direct neighbours at the same time as they provide the information to councils.

Council Submission

It is considered that the increased public transparency for Complying Development Certificates will provide a greater level of public confidence and acceptance of the complying development pathway. However, as a component of preparing the further changes to the Environmental Planning Regulation, 2000 further thought should be given to whether certifiers in metropolitan and regional areas should provide a copy of the proposed certificate, plans and applicable documents to neighbours or if this should be undertaken for specific development types.

Given the range of complying development which is now permitted, this provision could be left to up to an individual council based on the nature and characteristic of development in the respective Local Government Area. This provision could also be included in Council's Community Engagement Strategy which is a component of the Integrated Planning and Reporting requirements under the Local Government Act, 1993.

(iii) Investigative Powers and Compliance Levy for Councils

The DPE is also proposing legislative changes that will provide further investigative powers for councils in respect of Complying Development. In addition, the legislative changes also include the provision of a new compliance levy which will be payable to councils as a component of every Complying Development Certificate that is determined by a council or a private certifier.

Where a Complying Development Certificate has been issued, councils will be able to issue a temporary stop work order on the project in order to investigate whether the works are being undertaken in accordance with the requirements of a Complying Development Certificate issued by a council or a private certifier.

The addition of the proposed compliance levy will assist councils in undertaking compliance functions associated with Complying Development Certificates as the majority of the public view councils as the first contact point for any development and building matter in their local area.

Council Submission

It is considered that the proposal to provide new investigate powers and the addition of a compliance levy for Complying Development Certificates can be supported by Council in principle. It is also understood that the DPE will be undertaking further amendments to the Environmental Planning and Assessment Regulation, 2000 to enact the proposed compliance levy.

In consideration of the compliance levy, councils do not ordinarily have the human or financial resources to undertake a review of every Complying Development Certificate issued by a private certifier within a respective Local Government Area. Issues in respect of Complying Development Certificates usually come to the attention of councils through complaints lodged by neighbours or come about as a result of site inspections undertaken by council officers.

With the proposal for a compliance levy to be payable on all Complying Development certificates, this should abdicate the responsibility of a private certifier to undertake their role and responsibilities in an appropriate manner or result in an inappropriate expectation that councils will review every Complying Development Certificate issued. Careful consideration needs to be given to the overall wording of the Act and the Regulations in respect of this issue.

(iv) Deferred Commencement of Complying Development Certificates

The reform package includes a proposal that would enable a private certifier to issue a Complying Development Certificate (CDC) subject to a deferred commencement provision. This would enable the issue of a CDC in situations where the registration of an allotment of land has not yet been achieved as a component of a land subdivision.

Council Submission

It is considered that this proposed change is unnecessary and is likely to be open to a level of interpretation by private certifiers as to when and how a deferred commencement CDC could be legally issued. In addition, the provision of a deferred commencement regime for CDCs would be against the original intent of the system and may result in works still being undertaken prior to the issue of a full CDC.

In respect of the example raised by the DPE where a private certifier could issue a CDC subject to the registration of an allotment of land, this has the potential to result in dwellings being approved contrary to the zoning of the land under the provisions of a Local Environmental Plan.

In respect of the Dubbo Local Government Area, if a private certifier issued a CDC for a dwelling house that was subject to deferred commencement provisions for lot registration, this could only be undertaken once on land zoned R2 Low Density Residential. If this was subsequently undertaken numerous times, the development would not achieve compliance

with the relevant Local Environmental Plan as multi dwelling housing is prohibited in the R2 zone as contained in both the Dubbo Local Environmental Plan 2011 and the Wellington Local Environmental Plan 2012. This would raise concerns with the overall legality of the issued CDC and result in further uncertainty for home owners and developers.

C. Fair and Consistent Planning Agreements

As a component of the reform package, the DPE has prepared further guidance documents in respect of planning agreements including their use and function as a core component of the planning system.

Planning agreements are entered into by a planning authority (such as a council) and a developer, in situations where the developer has made an offer to a council to fund community infrastructure where there is a public benefit. The planning agreement system can be often used in situations to deliver infrastructure quicker than would otherwise be anticipated under the provisions of a Developer Contributions Plan and/or deliver infrastructure to cater for a particular development that is outside of the development horizon of a Developer Contributions Plan/s.

Council Submission

No comments are provided in respect of the proposed legislative change.

D. Local Planning Panels and Delegations

(i) Consistent Provision for Local Planning Panels

The legislative reform package has recognised that Planning Panels are currently assembled under a range of different frameworks under the provisions of the Environmental Planning and Assessment Act, 1979.

A number of councils have already established Independent Hearing and Assessment Panels (IHAPS). The role of an IHAP is to provide independent expert advice and recommendations to councils in respect of development applications that are delegated to the IHAP by a council. This may include the assessment and determination of specific development applications or applications that may be over a specific Capital Investment Value. Data collected by the DPE in 2014/2015 showed that only 0.7% of all development applications in NSW are determined by an IPHAP.

The DPE has proposed to further streamline the controls and governance structures associated with Planning Panels and to provide the Minister for Planning with specific powers to direct a council to institute a Planning Panel to determine development applications. However, the Minister would only exercise this power where it is required to address community concern around the timeliness or quality of councils' planning decisions. This proposed new power to allow the Minister to exercise these functions is in place of appointing a planning administrator.

Council Submission

It is considered that the proposed changes to the governance structure and operating procedures associated with Independent Hearing and Assessment Panels and Planning Panels is considered appropriate and will result in further streamlining of controls associated with Planning Panels.

The proposal to provide further powers to the Minister for Planning to direct a council to have a Planning Panel is considered broadly acceptable however, it is unsure as to the exact nature and structure of decision making the Minister will be required to consider in respect of directing a council to have a Planning Panel. It is considered that further information should be provided as a component of the current legislative reform process or in the form of changes to the Environmental Planning and Assessment Regulation, 2000 that clearly articulate how and when the Minister may choose to use any power in respect of Planning Panels.

Furthermore, the provision of adequately resourced planning panels west of the Blue Mountains can be difficult. In these situations, appropriately qualified and experienced professionals would have to be sought from the metropolitan areas which provides further financial implications to councils and in many situations, can result in the provision of professionals without appropriate knowledge and/or experience in respect of regional planning issues.

(ii) Ensuring Delegation to Council Staff

The reform package includes a proposal that will allow the Minister to direct more planning functions to be carried out by council staff. The DPE provides information that the vast majority of development applications should be determined by council staff as technical experts in their relevant fields.

The reform package also includes information that delegations have been provided to council staff and that there was an average reduction in processing times of 24 days for councils in the Sydney region in the 2014/2015 financial year. In addition, the DPE also noted that there are currently 19 Local Government areas where in excess of 10 per cent of development applications are determined by councils.

Council Submission

In the context of the Dubbo Regional Local Government Area, development applications that are determined at a full council meeting usually comprise of proposals that have attracted a significant level of community interest, present challenging planning and development issues or are seeking a significant departure from Council's adopted codes and policies.

At the present time, the DPE has not provided any further information around particular thresholds for development applications that are determined by councils or clarified what an appropriate overall number of development applications should be considered at a full council meeting. It is considered that further explanation should be provided that explains

the proposal and appropriate governance models for the determination of development applications at a full council meeting or by council officers.

E. Changes to Modifications

The reform package includes a proposal to alter the current system in respect of the modification of development applications. It is understood that concerns have been raised by a number of metropolitan councils in respect of developers undertaking unauthorised works.

Under the current planning system, a development consent can only be modified in respect of the following:

- To correct minor errors, misdescription or miscalculations; and/or
- To an extent such that the consent authority is satisfied that the development has not been significantly changed.

The DPE is considering a proposal that would prevent planning authorities from being able to approve an application to modify a development consent for works that have already been undertaken and/or are not in accordance with the conditions of development consent.

Council Submission

It is considered that the overall intent behind the proposal is sound. In the context of development undertaken in the Dubbo LGA, this proposal would result in council not having the power to grant an approval to an application to modify a development consent in respect of works that have already been completed.

Periodically, a developer may undertake minor works outside of the bounds of a development consent that in the context of the Dubbo LGA are not considered inappropriate and would have been ordinarily approved as part of a regular development consent. Quite often these works may have been undertaken if a development plan was incorrectly followed or if a condition of development consent may not have been correctly understood.

It is considered that the proposal will create further uncertainty for land owners and the community, result in works that may never have the ability to be correctly approved (if the works are considered appropriate by the community and Council) and may provide insurance implications for home owners and developers.

It is considered that the DPE should further consider this proposal and undertake a detailed review of the modification of development consent provisions under the Environmental Planning and Assessment Act, 1979. This could also include the proposal of an additional modification of development consent category for unauthorised works that could attract additional application fees and have mandatory community consultation requirements.

4. BUILDING AND DESIGN

The major components of the proposed changes as included in the reform package are as follows:

A. Design Object

The legislative reform package also includes a considerable level of additional work the DPE has been undertaking with the NSW Architect's Office in respect of building and design. As a result of these activities, the DPE has proposed to include a new design object in the Environmental Planning and Assessment Act, 1979.

As a result of the work undertaken by the Architect's Office, a draft policy on urban design and architecture has been prepared. At the core of the policy are seven principles of good design, as provided below:

"1. Contextual, local and of its place
2. Sustainable, efficient and durable
3. Equitable, inclusive and diverse
4. Enjoyable, safe and comfortable
5. Functional, responsive and fit for purpose
6. Value-creating and cost effective
7. Distinctive, visually interesting and appealing."

It is also understood that the DPE will undertake the preparation of a design-led planning strategy which will inform a range of planning strategy and guidance documents within the NSW Planning System.

Council Submission

No comments are provided in respect of the proposed legislative change.

B. Clearer Building Provisions

The reform package is proposing to consolidate further building regulations into the Environmental Planning and Assessment Act, 1979. This amendment will provide the Land and Environment Court with the power to rule a Construction Certificate invalid if it is inconsistent with a development consent.

Council Submission

No comments are provided in respect of the proposed legislative change.

C. Occupation Certificates

The reform package is also proposing to change the occupation and finalisation of development provisions which can result in the issue of Interim and Final Occupation Certificates. The proposal will result in legislation only allowing for the issue of an Occupation Certificate.

Council Submission

It is considered that there is a lack of clarity and reasoning behind the proposed changes. The issue of an Interim Occupation Certificate allows a principal certifying authority to permit occupation of part of a building or a development that may be partially completed and where all conditions have been met.

It is unclear from the information provided as to how an Occupation Certificate can be issued for part of a development and also how the public and practitioners will know which part of a building or a development is permitted to be occupied. It is considered that this proposed legislative change should not be further pursued given the lack of clarity and certainty around the proposal.

D. Consistency with the Development Approval

The reform package includes a proposed change that will require a Construction Certificate to be consistent with the provisions of a development consent. In addition, it is also proposed that the Land and Environment Court be provided with further powers to render a Construction Certificate invalid if it is proven to be inconsistent with a development consent.

Council Submission

No comments are provided in respect of the proposed legislative change.

5. MAJOR PROJECTS

The major components of the proposed changes as included in the reform package are as follows:

A. Refreshed Thresholds for Regional Development

Development applications for regional development are determined by a Joint Regional Planning Panel. The reform package includes a proposal to increase the threshold for regionally significant development to consist of the following:

- Development applications with a capital investment value of more than $30 million;
- Council-related development investment greater than $15 million for councils with a local planning panel;
- Private infrastructure and community facilities greater than $5 million;
- Educational facilities (including associated research facilities) that have a capital investment value of more than $30 million;
- Ecotourism facilities greater than $5 million;
- Designated development for extractive industries, marinas and waste management facilities or works;
- Certain coastal subdivisions;

- Development greater than $10 million but less than $30 million undetermined within 120 days and at the applicant's request, unless the delay was caused by the applicant; and
- Development designated by order where the council's development assessment is considered unnecessary.

Council Submission

It is considered that the proposed revised thresholds for regional development are appropriate.

B. Conditions of Approval

The reform package recognises the fact that approvals for State Significant Development are granted as a 'snapshot in time.' As a result and during the ongoing life of a State Significant Development project, it can be difficult for new data, environmental concerns and associated requirements to be placed on specific development.

The DPE has proposed a new provision that will allow conditions of development approvals for State Significant Development to change over time as transferrable conditions. The conditions of approval may be altered under certain circumstances as a result of alterations to license conditions, further information becoming available in respect of environmental impacts and any further issues of concern.

Council Submission

It is considered that the proposal for transferrable conditions of development is broadly supported. It will be important to ensure significant rigour and guidance be placed around the process for transferrable conditions. This will ensure the ongoing operation and viability of a State Significant Development is not unreasonably impacted and ensure the public can be provided with suitable information explaining any changes to the approval that may impact the public interest and issues previously raised during the assessment process for the specific development.

C. Strengthening Decisions at the State Significant Level

As a component of the reform package, the DPE is proposing to improve the efficiency and transparency of the assessment and determination processes associated with State Significant Development proposals. As part of this process, the DPE is proposing to reduce the number of days the Planning Assessment Commission currently takes to review a State Significant Development proposal.

In addition, the DPE is also currently undertaking an Environmental Impact Assessment improvement project that aims to further streamline and provide further certainty for proponents and the community as to the measures and assessment processes included in Environmental Impact Statements.

Council Submission

No comments are provided in respect of the proposed legislative and other changes.

SUMMARY

This report provides discussion on Council's submission to the proposed reforms to the Environmental Planning and Assessment Act, 1979 which were placed on public exhibition on 10 January 2017.

Following a review of the draft documents in respect of the proposed reforms, a number of areas of concern have been identified and a number of suggestions made requiring further consideration prior to finalisation. These are discussed in further detail in the body of this report.

It is recommended that Council endorse this report and that it be provided to the Department of Planning and Environment as Council's formal submission to the proposed reforms to the Environmental Planning and Assessment Act, 1979.

REPORT: Draft Development Control Plan - Sheraton Road Estate - Results of Public Exhibition

AUTHOR: Manager City Strategy Services
REPORT DATE: 14 March 2017
TRIM REFERENCE: ID17/341

EXECUTIVE SUMMARY

As outlined in the report of the Manager City Strategy Services dated 14 February 2017 (**Appendix 1**) on 9 August 2016, Starjest Pty Ltd, the owner of Lot 1 DP 880413 Sheraton Road, Dubbo submitted a draft, site-specific Development Control Plan (draft DCP) to Council in accordance with Clause 6.3 of the Dubbo Local Environmental Plan 2011 (Dubbo LEP) to facilitate development of the subject land.

Council at its meeting on 24 October 2016 considered a report in respect of the draft DCP and resolved as follows:

"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."

Council received one (1) submission during the exhibition period. The submission was provided to Council on behalf of the owners of the land and the proponent of the draft DCP.

A further report was submitted to Council's Planning and Development Committee for consideration on 20 February 2017. This report included the following recommendations:

"1. That the Development Control Plan - Sheraton Road Estate, as provided here in Appendix 1, be adopted.
2. That an advertisement be placed in local print media specifying adoption of the Development Control Plan – Sheraton Road Estate."

On 20 February 2017 Council received a request from the proponents (**Appendix 2**) to have determination of the matter deferred.

Council at its meeting on 27 February 2017 resolved as follows:

"That the adoption of the Development Control Plan – Sheraton Road Estate, be deferred pending the receipt of additional advice from the applicant."

The proponents had a subsequent discussion with the Manager City Strategy Services on 10 March 2017. On 13 March 2017 further correspondence was received from the proponent (**Appendix 3**) requesting the matter to now be determined.

Accordingly, it is considered that the draft DCP does not require any amendment as a result of the issues raised in the submission or from the subsequent discussion with the proponent on 10 March 2017.

This report recommends that the Development Control Plan – Sheraton Road Estate, as provided here in **Appendix 1**, be adopted by Council.

ORGANISATIONAL VALUES

Customer focused: Consideration of the draft Development Control Plan is the first step in facilitating development of the land for the purpose of residential housing for the Dubbo community and to further add to the housing availability in the Dubbo Regional Council Local Government Area.
Integrity: Public exhibition and consultation in respect of the draft Development Control Plan has been undertaken as a collaborative approach with the development proponent.
One Team: Finalisation of the draft Development Control Plan has been undertaken in conjunction with Council's Technical Services Division.

FINANCIAL IMPLICATIONS

The proponent has paid a fee of $10,000 to Council in accordance with Council's Revenue Policy for the preparation and assessment of a Development Control Plan.

POLICY IMPLICATIONS

If adopted by Council, the Development Control Plan - Sheraton Road Estate will form a Council Policy that will guide the undertaking of development on the subject land and will be required to be considered by Council in the assessment and determination of any future development applications on the subject land.

RECOMMENDATION

1. **That the Development Control Plan - Sheraton Road Estate, as provided here in Appendix 1, be adopted.**
2. **That an advertisement be placed in local print media specifying adoption of the Development Control Plan – Sheraton Road Estate.**

Steven Jennings
Manager City Strategy Services

Appendices:

1 Manager City Strategy Services' report dated 14/02/17
2 Request from Proponent to Defer - 20/02/17
3 Request from Proponent to Proceed - 13/03/17

PLANNING AND DEVELOPMENT COMMITTEE
20 FEBRUARY 2017

PDC17/3

REPORT: Draft Development Control Plan - Sheraton Road Estate - Results of Public Exhibition

AUTHOR: Manager City Strategy Services
REPORT DATE: 14 February 2017
TRIM REFERENCE: ID17/138

EXECUTIVE SUMMARY

On 9 August 2016, Starjest Pty Ltd, the owner of Lot 1 DP 880413 Sheraton Road, Dubbo submitted a draft, site-specific Development Control Plan (draft DCP) to Council in accordance with Clause 6.3 of the Dubbo Local Environmental Plan 2011 (Dubbo LEP) to facilitate development of the subject land.

Council at its meeting on 24 October 2016 considered a report in respect of the draft DCP and resolved as follows:

> *"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."*

Council received one (1) submission during the exhibition period. The submission was provided to Council on behalf of the owners of the land and the proponent of the draft DCP. Detailed discussion of the issues raised in the submission is provided in this report.

The submission predominately raises issues in respect of the provision of stormwater infrastructure on the land in accordance with Council's adopted Keswick Drainage Review which was prepared by consultants, Cardno in August 2010. The Strategy facilitates the provision of a stormwater drainage network in south-east Dubbo.

A component of this Strategy includes the provision of a stormwater detention basin on the subject land which will manage stormwater from the subject site and from the upper catchment prior to further release into the stormwater system and ultimately Eulomogo Creek.

The submission also provided objections to the requirement for the provision of stormwater infrastructure on the subject land which services development situated in the upper catchment. However, the draft Development Control Plan specifically includes provisions for a development proponent to seek to vary this requirement through the preparation and

submission of an independent stormwater drainage strategy with any future development application that details how projected stormwater volumes can be managed on the subject land and through to receiving waters.

Subsequent discussions were undertaken with the proponent on 8 February 2017 in respect of stormwater issues. These discussions included a detailed explanation of strategic stormwater infrastructure planning in the locality and further explanation of the controls which are proposed to be included in the draft DCP. From these discussions, the proponent accepted that the provisions of the draft DCP provide flexibility for alternative stormwater drainage regimes subject to compliance with Council's requirements and ensuring the stormwater system can manage projected stormwater volumes as contained in the Keswick Drainage Review.

Accordingly, it is considered that the draft DCP does not require any amendment as a result of the issues raised in the submission however, following completion of the exhibition period, the draft DCP was reviewed by Council officers and a number of minor corrections were undertaken. These amendments do not alter the intent or provisions of the DCP, as exhibited.

This report recommends that the Development Control Plan – Sheraton Road Estate, as provided here in **Appendix 1**, be adopted by Council.

FINANCIAL IMPLICATIONS

The proponent has paid a fee of $10,000 to Council in accordance with Council's Revenue Policy for the preparation and assessment of a Development Control Plan.

POLICY IMPLICATIONS

If adopted by Council, the Development Control Plan - Sheraton Road Estate will form a Council Policy that will guide the undertaking of development on the subject land and will be required to be considered by Council in the assessment and determination of any future development applications on the subject land.

RECOMMENDATION

1. **That the Development Control Plan - Sheraton Road Estate, as provided here in Appendix 1, be adopted.**
2. **That an advertisement be placed in local print media specifying adoption of the Development Control Plan – Sheraton Road Estate.**

Steven Jennings
Manager City Strategy Services

BACKGROUND

On 9 August 2016, Starjest Pty Ltd, the owner of Lot 1 DP 880413 Sheraton Road, Dubbo submitted a draft site-specific Development Control Plan (DCP) in accordance with Clause 6.3 of the Dubbo Local Environmental Plan 2011 (Dubbo LEP). Council at its meeting on 24 October 2016 considered a report in relation to the draft Development Control Plan – Sheraton Road Estate which was provided to Council by the owners of Lot 1 DP 880413. The land is situated in the South-East Residential Urban Release Area under the provisions of the Dubbo Local Environmental Plan 2011 (Dubbo LEP).

Council resolved to place the draft DCP on public exhibition for a period of not less than 28 days. The draft DCP was exhibited from 3 November 2016 until 2 December 2016.

REPORT

1. Subject land

The area proposed to be included in the draft DCP and the context of the South-East Residential Urban Release Area is shown in Figure 1.

Figure 1. Subject site in the context of the South-East Residential Urban Release Area

2. Draft DCP and Sheraton Road Estate

The draft Development Control Plan (draft DCP) was provided to Council in accordance with the requirements of Part 6 of the Dubbo LEP. Part 6 requires specific planning to be undertaken for lands situated in the designated Residential Urban Release Areas. Specifically, Clause 6.3 of the Dubbo LEP requires a site-specific DCP to be prepared prior to any subdivision of land situated in a Residential Urban Release Area.

The draft DCP has been prepared utilising a similar structure, form and content as the Dubbo Development Control Plan 2012 (Dubbo DCP 2012). It is considered that this will aid in the understanding of the Plan by the Dubbo Building and Development Industry and ensure a level of parity is provided between the expectations of the Dubbo DCP 2012 and the proposed new draft DCP.

The draft DCP consists of the following components:

- Part 1 Introduction;
- Part 2 Residential Development and Subdivision;
  - 2.1 Residential Subdivision Controls (Dwellings and Dual Occupancy);
  - 2.2 Residential Design (Dwellings and Dual Occupancy).

The proponent has provided an associated Development Application to Council which seeks to subdivide the land into 51 lots. It should be noted that the Development Application cannot be determined by Council without a valid site-specific Development Control Plan being in place.

3. Public Exhibition

The draft Development Control Plan - Sheraton Road Estate (draft DCP) was placed on public exhibition from Thursday 3 November 2016 to Friday 2 December 2016, inclusive. The draft DCP was displayed at the Dubbo Branch of the Dubbo Regional Council and on Council's website. A notice was also placed in the local newspaper and correspondence sent to land owners immediately adjoining the subject land.

Council received one (1) submission during the exhibition period. This was from a consultant on behalf of the owners of the subject land. The issues raised are addressed below.

A number of the issues raised in the submission specifically relate to stormwater and other infrastructure on the land. Council's Technical Services officers have specifically reviewed those components of the submission and their comments are also included below.

<u>Submission 1 – Bernie Wilder and Associates (on behalf of Starjest Pty Ltd)</u>

1. *"Starjest Constructions Pty Ltd object to the various elements of the proposed DCP in its present form on the following grounds:*

   The proposed DCP fails to create a sufficient level of certainty for the development of the subject land and surrounding land."

Comment:
Council's Technical Services officers provide the following information:

> *"From a civil engineering infrastructure strategic planning perspective, it is believed that various sections (Elements) contained within the draft Development Control Plan do give any proponent a level of certainty regarding servicing requirement for the subject land."*

No change is recommended to be undertaken to the draft DCP.

2. *"The proposed DCP fails to allow appropriate alternative drainage solutions."*

Comment:
Council's Technical Services officers provided the following information:

> *"Council has an adopted Trunk Drainage Strategy for this area, report titled 'Keswick Drainage Review, Assessment of Trunk Drainage Requirements, Report No W4823-1, dated August 2010'.*
>
> *The Developer was supplied with a copy of this report on 11 March 2015 (as a consequence of a pre development application meeting on 16 February 2015). The Developers land only forms one small section of the overall Keswick Strategy Study Area. The Developers previous consultant (Geolyse Pty Ltd) were also supplied with a copy of this adopted Council report/strategy on 17 April 2013. Stormwater strategic planning for this catchment area goes back as far as January 1982.*
>
> *It is believed the draft Development Control Plan, Part 2. Element 4. Infrastructure and Element 6. Stormwater Management (refer to extract below) adequately address appropriate (and Council adopted) stormwater strategies for this area."*
>
> ***"Performance Criteria***
>
> *Stormwater infrastructure is provided on the land in accordance with the requirements of Council.*
>
> ***Acceptable Solutions***
>
> *A4.1 The Cardno Keswick Drainage Review, August 2010 (Report No W4823) is the Council adopted strategy for the provision of stormwater infrastructure on the land. Any variation sought to the Strategy will require the development proponent to prepare an independent stormwater drainage study.*
>
> *A4.2 Any independent stormwater drainage Strategy shall detail how the projected stormwater volumes can be managed on the subject land and through to receiving waters."*

"However, should the Developer so wish, under "Acceptable solutions" they have the ability to seek a variation to this adopted Council Strategy by preparing an independent stormwater drainage study. No changes to the draft DCP are recommended."

3. *"The proposed DCP includes irrelevant clauses having regard to the owner's proposals for the subdivision and development of the land for housing."*

Comment:
The subject land is situated in the South-East area of the City which is a defined Residential Urban Release Area under the provisions of Part 6 of the Dubbo LEP. Land contained with a defined Residential Urban Release Area forms the major basis and focus for future residential development in the City and aims to ensure development of such lands is undertaken having regard to site constraints, infrastructure provision and overall development design.

For land situated in a Residential Urban Release Area, preparation of a site-specific DCP is a requirement of Clause 6.3 of the Dubbo LEP. The role of the draft DCP is to facilitate and guide development of the land. In accordance with Clause 6.3 of the Dubbo LEP, Council's existing DCP cannot apply to development undertaken on the subject land or within any other Residential Urban Release Areas in Dubbo.

The draft DCP is required to provide controls for all forms of permissible residential development on the land including subdivision on the land. This is irrespective of the current development intentions of the land owner.

No change is recommended to be undertaken to the draft Development Control Plan as a consequence of the submission.

4. *"The viability of the subdivision is a matter for the owner to address and not the Council to speculate."*

Comment:
Part 2, Element 4 of the draft DCP provides the following in respect of the availability of services:

"Performance Criteria

Water supply and sewerage networks are available, accessible, easy to maintain and are cost-effective based on life cycle costs.

Acceptable Solutions

A3.1 Council will not consent to the subdivision of land until adequate water supply and facilities for sewage and drainage are available or until arrangements satisfactory to Council have been made for the provision of such supply and facilities.

A3.2 As identified in the adopted Council South-East Dubbo Residential Urban Release Area Structure Plan, "further investigation will be required to be undertaken to ascertain how the lands situated on Sheraton Road can be economically connected to Council's existing gravity sewerage infrastructure.

As such, should the subject land(s) not be able to directly connect into an existing Council gravity sewerage infrastructure system (i.e. should a temporary sewage pump station (SPS) be required) in conjunction with the lodgement of any Development Application, the applicant will need to provide economic feasibility figures/calculations regarding the anticipated running cost(s) and maintenance cost(s) associated with a temporary SPS for a period of not less than 10 years.

In addition, the applicant will also be require to calculate the cost(s) anticipated to disconnect the temporary SPS and cross connect such system to a Council controlled gravity system when such a system would be made available."

Given that any development of the subject land is likely to be undertaken prior to the development of land situated in Keswick Estate to the west or Southlakes Estate to the south-west, this provision was included in the draft Development Control Plan to require any development proponent to carefully consider the economic feasibility of infrastructure servicing associated with any subdivision proposal.

In addition, as any subdivision of the land is likely to necessitate the provision of a temporary sewerage pump station, it is important for Council to understand the ongoing financial implications for the provision of such infrastructure in respect of overall maintenance and life cycle costs.

No change is recommended to be undertaken to the draft Development Control Plan as a consequence of the submission.

5. *"The land would be better rezoned to enable a variety of lot sizes to provide for diversity."*

Comment:
The subject land was zoned R2 Low Density Residential with gazettal of the Dubbo Local Environmental Plan on 11 November 2011. The land also has a minimum allotment size for subdivision of 2,000 square metres. The minimum allotment size for subdivision of the land is reflective of the location of the site on the eastern edge of the Dubbo urban area.

The Dubbo Residential Areas Development Strategy, 1996 provides for the concentric zoning of land in the City. This effectively means that lot sizes are progressively larger towards the edge of the urban area. The minimum allotment size of 2,000 metres was provided on the land reflective of its location and to ensure adequate separation could be provided between residential development and rural and other land use activities further to the east.

Any change to the minimum allotment size and density would require an amendment to the Dubbo LEP 2011. The subject matter for consideration here is the DCP.

No change is recommended to be undertaken to the draft DCP as a consequence of the submission.

6. *"It is unreasonable to require the owner to take care of concentrated discharges from land to the north and east without some form of compensation."*

Comment:
Council's Technical Services officers provided the following information:

> *"As part of the principles adopted in Council's Section 94 Urban Stormwater Contributions Plan, compensation should be payable (in accordance with Council's normal protocols, i.e. Land Acquisition (Just Terms Compensation)) and in accordance with the requirements of the Keswick Drainage Review, Assessment of Trunk Drainage Requirements, Report No W4823-1, dated August 2010."*

However, it should be noted that any further consideration in respect of stormwater as provided above is not a matter for consideration in respect of the draft DCP and can be further considered by Council as a component of any development application for subdivision of the land.

No change is recommended to be undertaken to the draft DCP as a consequence of the submission.

7. *"It is unreasonable to expect the owner to provide increased drainage capacity to accommodate discharges from the north and east."*

Comment:
It is considered that the issues raised in the above statement have been adequately addressed in the information provided under point 2 and point 6, above.

No change is recommended to be undertaken to the draft DCP as a consequence of the submission.

8. *"It is unreasonable to expect the various owners to provide increasingly larger pipes and drainage facilities to accommodate upstream catchments. The major infrastructure provision should be the subject of an equitable sharing of costs based on area adjusted for potential yield."*

Comment:
It is considered that the issues raised in the above statement have been addressed in the information provided under point 2 and point 6, above.

No change is recommended to be undertaken to the draft DCP as a consequence of the submission.

9. *"It is unreasonable to expect that the development of the area will advance from the south west to the north east as there is no certainty that the owners to the south west are contemplating residential development in the near future."*

Comment:
It is considered that this issue has been adequately addressed in the information provided under point 4 above.

No change is recommended to be undertaken to the draft DCP as a consequence of the submission.

SUMMARY

On 9 August 2016 the owner of Lot 1 DP 880413, Sheraton Road, Dubbo provided a draft, site-specific Development Control Plan (draft DCP) to Council for consideration in accordance with Clause 6.3 of the Dubbo Local Environmental Plan 2011 (Dubbo LEP). The draft DCP has been prepared to facilitate development of the subject land.

The draft DCP was placed on exhibition from Thursday 3 November 2016 to Friday 2 December 2016 inclusive. Council received one (1) submission during the exhibition period on behalf of the owner. This report includes details of the submission, comments and responses. It is considered that no changes are required to be made to the draft DCP as a result of the issues raised in the submission.

Therefore, it is recommended that Development Control Plan - Sheraton Road Estate, provided attached as **Appendix 1**, be adopted by Council.

Appendices:
1 Draft Development Control Plan - Sheraton Road Estate

DUBBO REGIONAL COUNCIL

Development Control Plan - Sheraton Road Estate

Lot 1 DP 880413 Sheraton Road, Dubbo

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TABLE OF CONTENTS

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Part 1 Introduction

1.1 Name and Application of this Plan

This Development Control Plan is known as Development Control Plan for the Sheraton Road Estate Lot 1 DP 880413, Sheraton Road, Dubbo.

1.2 Purpose of this Plan

The purpose of this Plan is to:

- Provide guidance to developers/applicants in the design of development proposals for land situated within Lot 1 880413;
- Promote the achievement of residential amenity and an attractive neighbourhood;
- Reinforce the aims and objectives of the R2 Low Density Residential Zone under the provisions of the Dubbo Local Environmental Plan 2011; and
- Promote quality urban design outcomes within the context of environmental, social and economic sustainability.

1.3 Land to which the Plan applies

This Plan applies specifically to Lot 1 DP 880413, Sheraton Road, Dubbo and any allotment resulting from subdivision of the land. The land is shown in Figure 1 below.

Figure 1. Subject land

The land is located approximately 5 kilometres south-east of the Dubbo Central Business District (CBD). The land comprises 14 hectares and is vacant of development. The land was previously used for agricultural purposes (grazing and cropping) and is cleared of any major vegetation. The land has gentle inclines to the south west.

1.4 Land Zoning

The land is zoned R2 Low Density Residential under the Dubbo Local Environmental Plan 2011. The land has a minimum lot size of 2000 m^2 under the Dubbo Local Environmental Plan 2011.

1.5 Statutory Context

This Plan has been prepared by Council in accordance with Section 74C of the Environmental Planning and Assessment Act, 1979 (the Act) and Part 3 of the Environmental Planning and Assessment Regulation, 2000.

The Plan was adopted by Council at its meeting on _____.
The Plan commenced on _____.

The Plan should be read in conjunction with the Dubbo Local Environmental Plan 2011.

1.6 Background

This Plan has been written to guide residential development of the subject land. The development controls provided here rely on proponents demonstrating how development of the land meets the objectives of each relevant element and the associated performance criteria.

1.7 Relationship to other plans and documents

Under the Environmental Planning and Assessment Act, 1979 (the EP&A Act), Council is required to take into consideration the relevant provisions of this Plan in determining an application for development on land to which this Plan applies.

In the event of any inconsistency between an Environmental Planning Instrument (EPI) and this Plan, the provisions of the EPI will prevail.

Council in the assessment of a development application will consider all matters specified in Section 79C of the Environmental Planning and Assessment Act, 1979. Compliance with any EPI or this Plan does not infer development consent will be granted.

1.8 How to use this Plan

When preparing a development application, all relevant sections of the Plan are required to be considered.

The majority of sections in the Plan incorporate design elements that are required to be considered and addressed by a proponent in the design process.

Each section of the Plan has a consistent format to allow for ease of use and understanding. The objectives of each section are stated at the top of the page and the proposed development is required to focus on satisfying these objectives.

Below the objectives is a table with two columns. The column on the left outlines the aim of the design element, while the column on the right offers default design guidelines that an applicant can choose to use in their development in lieu of designing to satisfy the intent of the column on the left.

In summary, the column on the left provides more flexibility in design, while the column on the right provides standard solutions that are acceptable to Council.

If a proponent chooses not to use the 'Acceptable Solutions' in the right hand column, written detail must be provided with any development application of how the design satisfies the 'Performance Criteria' in the left hand column.

An example of how an element of the Plan is structured is provided as follows.

Performance criteria The streetscape character objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
Built form	
P1 The frontage of buildings and their entries are readily apparent from the street.	A1.1 Buildings adjacent to the public street, address the street by having a front door or living room window facing the street. A1.2 Where dual occupancies are situated on corner blocks (where one is not a lane), the development is designed to face each street frontage.

1.9 Strategic Context

Dubbo Urban Areas Development Strategy 1996

The Dubbo Urban Areas Development Strategy 1996 has facilitated the creation of a range of lifestyle options for the urban area of the city. Through the restriction of urban development to a defined area, Council is seeking to protect the long-term future of agricultural land located beyond the urban area.

These lifestyle options have been developed through the Dubbo Urban Areas Development Strategy (UADS) adopted by Council in 1996 and the Review of the UADS adopted by Council in 2007. The Dubbo Local Environmental Plan (LEP) 2011 facilitates achievement of the Strategy components in zoning land for the sustainable development of the city.

The following figure details the context of the planning documents applicable to residential lands.

The Dubbo Urban Areas Development Strategy consists of the following components:

- Residential Areas Development Strategy;
- Commercial Areas Development Strategy;
- Industrial Areas Development Strategy;
- Institutional Areas Development Strategy;
- Recreational Areas Development Strategy; and
- Future Directions and Structure Plan

The Urban Areas Development Strategy was created to manage the development and conservation of land within the urban area of the city through ensuring the Central Business District is at the centre of the City.

Re-centralisation of the Dubbo Central Business District will be facilitated by further residential development being undertaken in west Dubbo. The Strategy includes extensive areas in north-west and south-west Dubbo as being suitable for further residential development to incorporate the following:

North-west sector – 2,600 lots (approximately)
South-west sector – 3,281 lots (approximately)

The Dubbo Local Environmental Plan 2011 offers a range of lot sizes in the West Dubbo Urban Release Areas, ranging from 600 square metres to 20 ha. This ensures a variety of lifestyle opportunities can be provided within a close proximity to the city centre.

The Strategy also allows for infill subdivision opportunities in the south-east sector with the Dubbo LEP 2011 allowing for the potential development of 1,059 lots within this sector. The subdivision considered by this Plan is in the south-east sector.

The Strategy does not provide for any further reduction in the minimum lot size for subdivision in the eastern sector of the city based on centralisation of the Central Business District to the west, environmental constraints, infrastructure provision and transport requirements.

South-East Dubbo Residential Urban Release Area Stage 1 Structure Plan

Council has adopted a Stage 1 Structure Plan for the South-East Dubbo Residential Urban Release Area. The role of the Stage 1 Structure Plan is to set the overall direction for development in the South-East Dubbo Residential Urban Release Area and in particular the Southlakes Estate. The Stage 1 Structure Plan also informs land use decisions in the Dubbo LEP 2011 and will allow developers in the area to pursue partial development having regard to overall infrastructure and servicing constraints.

The objectives of the Stage 1 Structure Plan are to:

- Identify the opportunities and constraints of the land and the anticipated needs of the community;
- Broadly indicate the likely future development potential of the area;
- Enable the characteristics of the area to determine the most appropriate location and form for future development;
- Provide a broad context of the consideration, by Council, of individual rezoning submissions within the area; and
- Establish a vision and set of development objectives which future development proposals will be required to meet.

The Stage 1 Structure Plan raised a number of key considerations for development of the subject land, including the following:

- Traffic and transport infrastructure
- Stormwater Drainage

1.10 Urban Release Areas

Development of the subdivision considered in this Plan has been undertaken in accordance with Part 6 of the Dubbo Local Environmental Plan 2011. The relevant Clauses contained in Part 6 of the Dubbo LEP 2011 are provided below:

"Clause 6.1 Arrangements for designated State public infrastructure

(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

(2) Development consent must not be granted for the subdivision of land in an urban release area unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land."

The Department of Planning and Environment has undertaken consultation with State Public Agencies to consider the provision of State infrastructure in the South- East Residential Urban Release Area.

The former Dubbo City Council was provided with certification from the Director General of the Department of Planning on 17 December 2012 for the provision of State public infrastructure. This certification means that no contributions are required from developers in the South-East Dubbo Residential Urban Release Area towards the provision of State public infrastructure.

Clause 6.2 Public Utility Infrastructure

(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

Subdivision of the land is required to provide all urban infrastructure to facilitate residential development. This includes road infrastructure, power, sewerage, water, stormwater drainage and telecommunications prior to residential development being undertaken.

"Clause 6.3 Development Control Plan

(1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.

(2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.

(3) The development control plan must provide for all of the following:

a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,
b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
d) a network of passive and active recreational areas,
e) stormwater and water quality management controls,
f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
g) detailed urban design controls for significant development sites,
h) measures to encourage higher density living around transport, open space and service nodes,
i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking."

This Plan has been prepared in accordance with Clause 6.3 and contains all applicable information.

1.11 Notification of Development

Council will generally not publicly notify any development applications for residential accommodation within the area to which the Plan applies. However, if in the opinion of the Council a proposed development could impact the amenity of surrounding development, Council may publicly notify and/or advertise the development application in the local newspaper.

Any development application received by Council for non-residential development will be publicly notified to adjoining and adjacent property owners in the immediate locality who in the opinion of Council may be impacted by the proposed development.

Part 2 Residential Development and Subdivision

2.1 Residential Subdivision Controls (Dwellings and Dual Occupancy)

This section is designed to encourage current 'best practice' solutions for the design of residential subdivision on the land. The achievement of a pleasant, safe and functional subdivision is the main objective for design of any subdivision on the land.

This section lists subdivision design elements under the following headings:

Element 1 Neighbourhood design
Element 2 Lot layout
Element 3 Public open space and landscaping
Element 4 Infrastructure
Element 5 Street design and road hierarchy
Element 6 Pedestrian and cycle links
Element 7 Stormwater management
Element 8 Water quality management
Element 9 Water sensitive urban design
Element 10 Environmental management

Each design element has been structured so that it contains:

- 'Objectives' for each design element that describe the required outcomes;
- 'Performance criteria' which outlines the range of matters which shall be addressed to satisfy the objectives (i.e. the performance criteria explains how an objective is to be achieved);

Note: Not all performance criteria will be applicable to every development.

- 'Acceptable Solutions' which are specific measures which illustrate one way of meeting both the performance criteria and objectives of an element. They are examples only and are not mandatory; and
- 'References' to relevant clauses of the Dubbo LEP 2011, other relevant legislation, Council policies and literature relevant to the design element.

Element 1. Neighbourhood Design

Introduction

A successful neighbourhood has a sense of community, is designed to promote social interaction, pleasant and has a high level of safety for residents and visitors. Good neighbourhood design assesses how residents will interact within the neighbourhood and considers the street and pedestrian networks in addition to future housing provision.

Objectives

- To provide a neighbourhood that offers opportunities for social interaction;
- To encourage aesthetically pleasing neighbourhood design that caters for a broad diversity of housing needs;
- Ensures motor vehicles do not dominate the neighbourhood; and
- To encourage walking and cycling.

Performance criteria The streetscape character and building design objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 Natural and cultural features in the area are emphasised and enhanced in the design of the subdivision.	A1.1 Where practicable, watercourses and natural vegetation are retained and emphasised in the design of the subdivision.
P2 The subdivision layout provides for community focal points and public open space that promotes social interaction.	A2.1 Pedestrian connectivity is maximised within the development with a particular focus on pedestrian routes connecting to public open space, bus stops, nearby educational establishments and recreation facilities in the extended locality.
P3 Neighbourhood design provides for passive surveillance of residences and public areas to enhance personal safety and minimise the potential for crime.	A3.1 Layout of the subdivision minimises narrow pedestrian pathways between or behind development. A3.2 The subdivision layout enhances legibility and way-finding through an easily-understood street layout. A3.3 The subdivision is designed with high levels of physical connectivity for pedestrians, cyclists and vehicles.

Performance criteria The streetscape character and building design objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P4 Street networks provide good external connections for local vehicle, pedestrian and cycle movements. Street design promotes functional movement while limiting speed and detours through traffic.	A4.1 The overall subdivision development shall achieve a minimum Internal Connectivity Index (ICI) score of 1.30. Note: The importance of a well-connected subdivision which can be achieved through a good ICI is further explained in the following section.

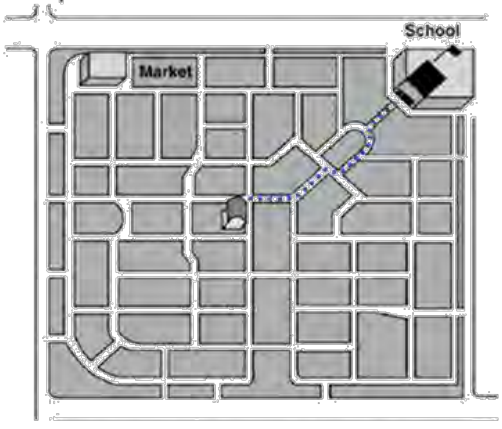
Internal Connectivity Index

The Internal Connectivity Index (ICI) is calculated by the number of street links divided by the number of street nodes (Ewing, 1996). A link is defined as a segment of road between two intersections or from an intersection to a cul-de-sac, including road segments leading from the adjoining highway network or adjacent development.

A node is defined as an intersection and the end of a cul-de sac. They do not include the end of a stub-out at the property line. The higher the connectivity index, the more connected the roadway network. Residential subdivisions that are dominated by cul-de-sacs provide discontinuous street networks, reduce the number of footpaths, provide few alternate travel routes and tend to force all trips onto a limited number of arterial roads.

Figure 2 shows two examples of a subdivision. Example 1 shows a well-connected subdivision layout that minimises the distances to travel from a dwelling house to a focal point. Example 2 shows the same trip through a poorly connected subdivision.

Example 1



Example 2

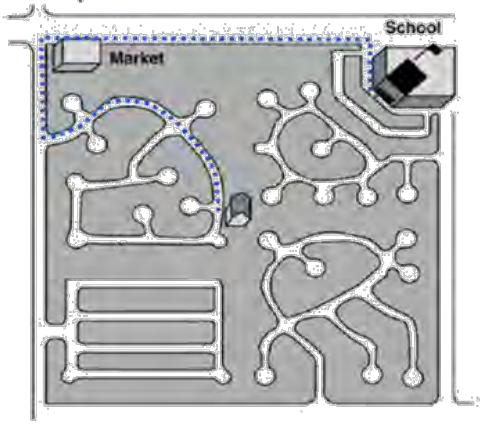
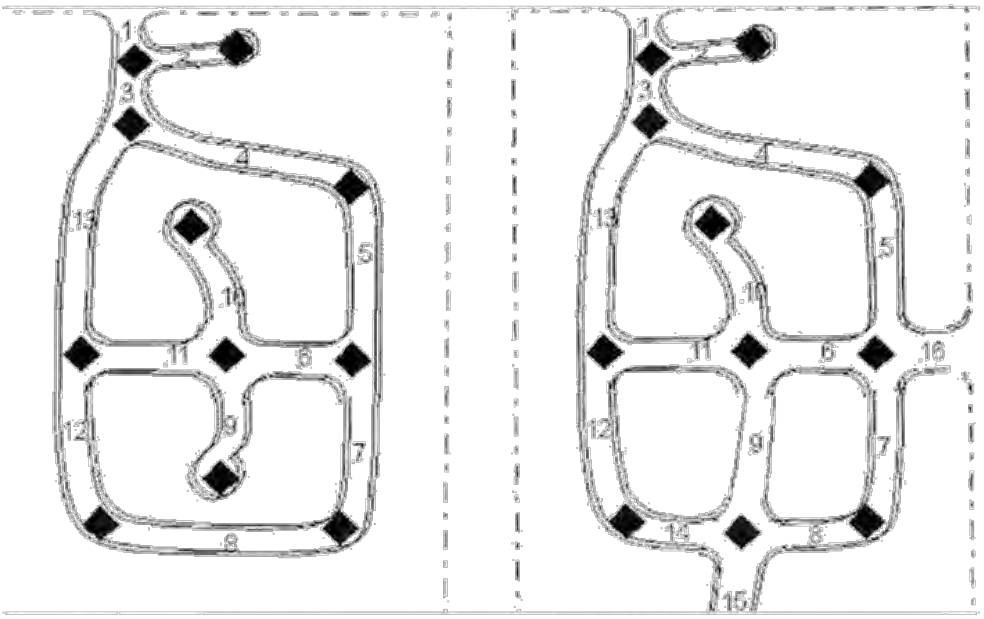


Figure 2. Subdivision connectivity example

Figure three (3) shows how the Internal Connectivity Index is calculated on two specific example subdivisions.

Example calculation of ICI:



Example 1
13 links/11 nodes = 1.18 ratio

Example 2
16 links/11 nodes = 1.45 ratio

Figure 3. Calculation of the Internal Connectivity Index

Element 2. Lot Layout

Introduction

The provision of an efficient and effective lot layout can allow for the creation of a neighbourhood that encourages connectivity and achieves quality urban design outcomes.

The arrangement of future dwellings will have an important influence on the quality of the neighbourhood that develops on the land.

Objectives

- To provide a range of lot sizes to suit a variety of household types and requirements whilst considering the characteristics of the surrounding locality.
- To create attractive residential streets that promote variation in housing types and styles.

Performance criteria The lot layout objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
Lot frontage P1 Where practicable, the subdivision is designed to optimise outlook and proximity to public open space and to utilise the rural outlook of the land.	There is no applicable Acceptable Solution to this Performance Criteria.
Lot Types P2 Lots shall be provided with varying dimensions and street frontages to encourage a variety of housing types and styles.	A2.1 Lot frontages shall be provided with a width of no smaller than 20 metres.
P3 A variety in dwelling size, type and design is provided to promote housing choice and create attractive streetscapes with distinctive character.	A3.1 Lots should generally be rectangular in shape. Where lots are an irregular shape, they are to be of a sufficient size and orientation to enable siting of a dwelling house in compliance with the controls contained in this Plan. A3.2 Where residential development adjoins land zoned RE1 Public Recreation and/or the land is used for open space or drainage reserve functions, the subdivision is to create lots to enable a living area within a

Performance criteria The lot layout objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
	dwelling to overlook the open space or drainage reserve. A3.3 Optimal lot orientation is east-west, or north-south where the road pattern requires. Exceptions to the preferred lot orientation may be considered where factors such as topography or drainage lines prevent achievement of the preferred orientation.
Battle-axe Lots P4 Battle-axe lots shall only be provided in limited circumstances where the topography and development orientation results in regular subdivision not being able to be achieved.	A4 Battle axe lots are provided in accordance with the principles for the location of battle-axe lots as shown in Figure 4.
Corner Lots P5 To ensure corner lots are of sufficient dimensions and size to enable residential controls to be met.	P5.1 Corner lots are to be designed to allow residential accommodation to positively address both street frontages as indicated in Figure 5. P5.2 Garages on corner lots are encouraged to be accessed from the secondary street frontage.

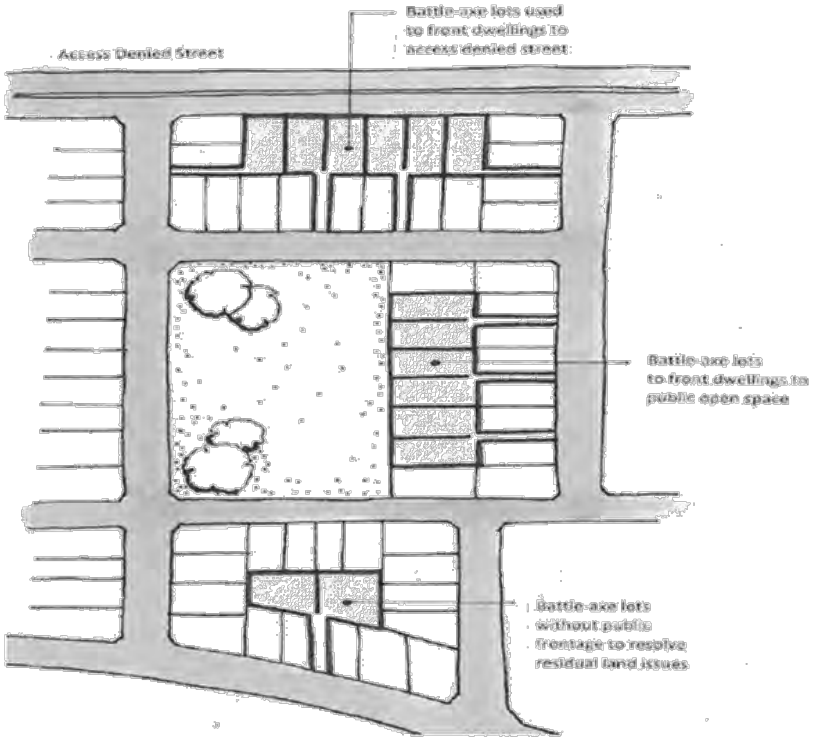


Figure 4. Examples of locations of battle-axe lots

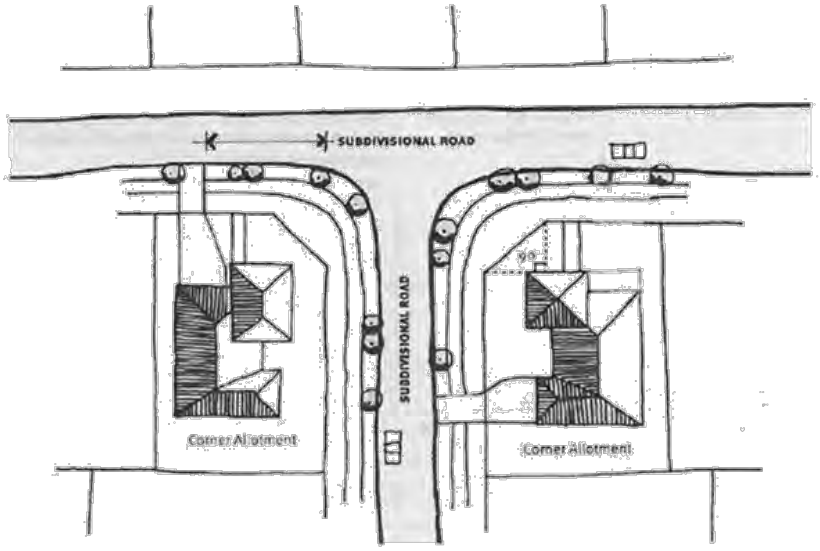


Figure 5. Corner lots

Element 3. Landscaping

Objectives

- To provide landscaping that contributes to the identity and environmental health of the community; and
- To ensure streetscape components do not detrimentally affect solar access to individual dwellings.

Performance criteria The public open space and landscaping objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
Landscaping – General	
P1 Landscaping is designed and located to not impact built infrastructure.	A1.1 Landscaping is provided in accordance with the requirements of a landscaping schedule that has been approved by Council's Parks and Landcare Services Division.
P2 Landscaping is undertaken in an environmentally sustainable manner which limits the time and costs associated with maintenance.	A2.1 Species selected are suitable for the local climate. A2.2 Species selected require a minimal amount of watering. A2.3 Landscaping does not impact ground-water levels by encouraging over-watering resulting in groundwater level increases or the pollution of waters.
Street Trees	
P3 Street trees are selected to provide summer shading while not impeding solar access to dwellings in winter.	A3.1 Street trees are provided in accordance with the requirements of Council's Parks and Landcare Services Division generally and any applicable Tree Planting Standards. A3.2 Deciduous trees are selected where shadows adversely impact solar access. A3.3 Taller tree species are planted on the northern side of east-west aligned streets, shorter species are planted on the southern side.

Performance criteria The public open space and landscaping objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
	A3.4 Indigenous species or species with a proven tolerance to the local climate and conditions that preserve solar access of adjoining properties are provided. A3.5 Plantings with low maintenance and low water consumption are provided. A3.6 Evergreen species for windbreaks and planting along the south or west side of the area are protected against wind.
Security and surveillance P4 A clear relationship between public open space and adjoining land is established by appropriate treatment including alignment, fencing, landscaping and lighting.	A4.1 Parks include provision for lighting where appropriate in accordance with Australian and New Zealand Standard AS/NZ 1158.1. A4.2 Parks and drainage reserves are located so that at least 50% of their perimeter length has frontage to a public road.
Fencing P5 Continual lengths of solid fencing along open space areas is avoided.	A5.1 For any private allotment having a boundary with an area of public open space, open style fencing, low hedges or permeable vegetation shall be provided along the boundary.

A landscape plan is required to be submitted with development application for subdivision of the land, where land may be sought to be dedicated to Council. Table 1 specifies the level of information required to be included on the landscape plan:

Minimum information standard
A separate landscape plan and planting schedule including the following: 1. Any land proposed to be dedicated to Council and the location of the landscaping on that site. 2. Scientific name of all plant material. 3. Height and characteristics of plant material at maturity. 4. Status of landscaping at planting. 5. Specification of a maintenance regime. 6. Specification of irrigation systems for maintenance of landscaping referencing Council's current standards. 7. Planting specifications showing staking, hole preparation, depth and root control devices. 8. Provision for mulching. 9. Specification that a horticultural professional will supervise implementation of the works in the landscape plan. 10. The plan shall be drawn to a recognised scale. The landscape plan and supporting information shall be prepared by a suitably qualified and experienced horticultural professional or landscape architect.

Element 4. Infrastructure

Objectives

- To ensure residential is serviced with essential services in a cost-effective and timely manner;
- To ensure residential areas are adequately serviced with water and sewerage infrastructure; and
- To ensure any subdivision and development on the land adequately plans for the provision of required stormwater infrastructure in accordance with the requirements of Council.

Performance criteria The infrastructure objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
Utilities P1 Design and provision of utility services including sewerage, water, electricity, gas, street lighting and communication services are cost-effective over their lifecycle and incorporate provisions to minimise adverse environmental impact in the short and long term.	A1.1 The design and provision of utility services conforms to the requirements of Dubbo Regional Council and all relevant service authorities. A1.2 Water and sewerage services are to be provided to each allotment at the full cost of the developer. A1.3 Water and sewerage services are to be designed and constructed in accordance with the requirements of NAT-SPEC (DCC version) Development Specification Series – Design and Development Specification Services – Construction. A1.4 Electricity supply is provided via underground trenching in accordance with the requirements of the energy supply authority.
Common Trenching P2 Compatible public utility services are located in common trenching in order to minimise the land required and the costs for underground services.	A2.1 Services are located next to each other in accordance with Council's policy for trenching allocation in footways (Standard Drawing 5268).

Availability of Services P3 Water supply and sewerage networks are available, accessible, easy to maintain and are cost-effective based on life cycle costs.	A3.1 Council will not consent to the subdivision of land until adequate water supply and facilities for sewage and drainage are available or until arrangements satisfactory to Council have been made for the provision of such supply and facilities. A3.2 As identified in the adopted Council South-East Dubbo Residential Urban Release Area Structure Plan, "further investigation will be required to be undertaken to ascertain how the lands situated on Sheraton Road can be economically connected to Council's existing gravity sewerage infrastructure." As such, should the subject land(s) not be able to directly connect into an existing Council gravity sewerage infrastructure system (i.e. should a temporary sewage pump station (SPS) be required) in conjunction with the lodgement of any Development Application, the applicant will need to provide economic feasibility figures/calculations regarding the anticipated running cost(s) and maintenance cost(s) associated with a temporary SPS for a period of not less than 10 years. In addition, the applicant will also be required to calculate the cost(s) anticipated to disconnect the temporary SPS and cross connect such system to a Council controlled gravity system when such system would be made available.

Performance criteria The infrastructure objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P4 Stormwater infrastructure is provided on the land in accordance with the requirements of Council.	A4.1 The Cardno Keswick Drainage Review, August 2010 (Report No W4823.-) is the Council adopted strategy for the provision of stormwater infrastructure on the land. Any variation sought to the Strategy will require the development proponent to prepare an independent stormwater drainage study. A4.2 Any independent stormwater drainage Strategy shall detail how the projected stormwater volumes can be managed on the subject land and through to receiving waters.

Element 5. Street Design and Road Hierarchy

Objectives

- To ensure streets fulfil their designated function within the street network;
- To facilitate public service utilities;
- Encourage street designs that accommodate drainage systems, and;
- Create safe and attractive street environments.

Performance criteria The street design and road hierarchy objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
Function and Width	
P1 The street reserve width is sufficient to cater for all street functions.	A1.1 The road hierarchy and access locations are in accordance with the South-East Dubbo Residential Urban Release Area Structure Plan. A1.2 The road hierarchy is designed and constructed in accordance with Aus-Spec (DCC version). A1.3 Roads within any subdivision on the land shall be constructed in accordance with the Road Typical Section as shown in Figure 6. A1.4 The road layout provides appropriate connectivity in accordance with the South-East Dubbo Residential Urban Release Area Structure Plan and as approved by Council, between adjoining residential estates for both vehicular and pedestrian movement. A1.5 No direct vehicle access from any of the proposed lots will be permitted onto Sheraton Road and/or the proposed Boundary Road extension.
P2 The verge width is sufficient to provide for special site conditions and future requirements.	A2.1 The verge width is increased where necessary to allow space for: - Larger scale landscaping; - Indented parking; - Future carriageway widening; - Retaining walls;

Performance criteria The street design and road hierarchy objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
	- Cycle paths; and - Overland flow paths.
Design for Safety P3 Street design caters for all pedestrian users including the elderly, disabled and children by designing streets to limit the speed motorists can travel.	There is no Acceptable Solution for this Performance Criteria.
Driveway Access P4 Driveway egress movements do not create a safety hazard.	A4.1 Motorists can enter or reverse from a residential lot in a single movement. A4.2 Motorists enter and leave medium density and non-residential developments in a forward direction. A4.3 Lot design enables driveways on major collector streets and streets which carry more than 3,000 vpd to be designed to promote forward movement of vehicles across the verge.
Geometric Design P5 Bus routes have a carriageway width that: - Allows for the movement of buses unimpeded by parked cars; - Safely accommodates cyclists; and - Avoids cars overtaking parked buses.	A5.1 The geometry of streets identified as bus routes provides suitable turning, stopping sight distance, grade and parking for buses.
P6 Geometric design for intersections, roundabouts and slow points is consistent with the vehicle speed intended for each street.	A6.1 Sufficient area is provided at the head of cul-de-sacs for waste disposal vehicles to make a three point turn.

STARJEST PTY LTD ABN 33 050 050 532 trading as
STARJEST CONSTRUCTIONS
COMMERCIAL & DOMESTIC CONSTRUCTIONS
DUBBO & WESTERN REGION
Lic. No. 21426C

February 20th, 2017.

The Administrator,
Dubbo Regional Council,
PO Box 81,
Dubbo NSW 2830

RE: Lot 1, Sheraton Road, Dubbo.

Attention: Mr. Michael Kneipp.

Dear Sir,

We formally request that the item known as PDC17/3 placed on the Agenda for the Planning and Development Committee meeting on February 20th, 2017 be deferred.

The reason for this request is to allow time for a meeting to be held involving the development Consultant – Bernie Wilder of Modara Towns Pty Ltd, Owner and Director of Starjest Pty Ltd – Neil J. O'Connor and Council Officers to discuss the comments made in the report.

Yours faithfully,

Neil J. O'Connor
Director

STARJEST CONSTRUCTIONS
COMMERCIAL & DOMESTIC CONSTRUCTIONS
DUBBO & WESTERN REGION
STARJEST CONSTRUCTIONS
Lic. No. 21426C

March 13th, 2017.

The General Manager,
Dubbo Regional Council,
PO Box 81,
Dubbo NSW 2830

RE: Lot 1, Sheraton Road, Dubbo.

Attention: Mark Riley.

Dear Sir,

We refer to item number PDC17/3 placed on the Agenda for the Planning and Development Committee meeting on February 20th, 2017.

On the 20th February 2017, I requested that this matter be deferred to allow sufficient time for the full report to be read by our consultant.

It would be appreciated if this matter could now be scheduled to be placed on the Agenda for the March meeting in order to proceed forward with our Development Application.

Please do not hesitate to contact the under-signed, should you require further information.

Yours faithfully,

Neil J. O'Connor
Managing Director.

REPORT: Development Application (D16-494) for Residential Subdivision (30 Lots) Property: Lot 1 DP 510790, 5L Wellington Road, Dubbo
Applicant: Mrs J J Rice
Owner: The Churches of Christ Property Trust

AUTHOR: Senior Planner 1
REPORT DATE: 14 March 2017
TRIM REFERENCE: ID17/159

EXECUTIVE SUMMARY

Council is in receipt of a Development Application that seeks to undertake a 30 lot Torrens Title residential subdivision, plus public reserve, drainage reserve, church allotment and residue allotment on Lot 1 DP 510790, 5L Wellington Road, Dubbo. The property is presently occupied by the Dubbo Community Church.

The proposal is to create 30 Torrens Title residential lots on part of the property ranging in area from 600 m^2 to 780 m^2. A 2.755 hectare portion in the north-west corner of the property was granted approval for a seniors' housing development on 10 August 2015 (D15-43). A 1.31 hectare portion in the far eastern side of the site will remain for use by the existing church. A 4,482 m^2 public reserve is also proposed along the property's southern boundary. Other than the provision of land for associated roadways, infrastructure etc, the remaining 1.79 hectares is not proposed to be developed and has accordingly been classified as a residue lot.

During the exhibition period Council received seven (7) submissions. Given the level of community interest in the subject application, the matter is provided to Council for determination.

This report considers the proposed development in accordance with Section 79C of the Environmental Planning and Assessment Act, 1979 and recommends approval of the application subject to the conditions included in **Appendix 1**.

ORGANISATIONAL VALUES

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

Integrity: The application has been assessed against the requirements of Section 79C of the Environmental Planning and Assessment Act, 1979, as well as other relevant legislation and Council policy.
One Team: Council staff have been involved in the assessment of this application of which assessment has been undertaken in accordance with relevant legislation and Dubbo Regional Council policy.

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 D16-494 for residential subdivision (30 lots) plus public reserve, drainage reserve, church allotment and residue allotment at Lot 1 DP 510790, 5L Wellington Road, Dubbo, be granted approval subject to the conditions of consent provided as attached to this report Appendix 1.**
2. **That those who made submissions be advised of Council's determination in this matter.**

Shaun Reynolds
Senior Planner 1

BACKGROUND

A Development Application (D16-494) was lodged with Council on 14 October 2016 for a residential subdivision (30 lots). The application was placed on public exhibition for a period of 17 days from 24 October 2016 to 10 November 2016. It is noted that this period of exhibition was greater than the minimum 14 days required under the Dubbo Development Control Plan 2013. The application was also advertised in the Daily Liberal on 27 October 2016.

A request seeking further information was made of the applicant on 16 December 2016 with a response provided on 20 December 2016. Such matters related to rail noise and vibration with the applicant being requested to demonstrate that future dwellings would be able to be constructed in accordance with Department of Planning and Environment's (DPE) guidelines and not be adversely impacted upon by rail noise and vibration.

The response provided was not adequate. Accordingly, a second request was made on 6 January 2017 to address such matters. The correspondence reiterated Council's position that such matters are required to be addressed at the subdivision stage rather than the individual dwelling construction stage, as was requested by the applicant.

A response was provided on 18 January 2017. Again, the response provided did not address Council's information request. The response requested a generic restriction be placed over property titles requiring future dwellings be constructed to a certain standard that would minimise rail noise and vibration impacts. The response also quoted a restriction as imposed on certain allotments within the Macquarie View Estate (D12-19) and made the request to apply the same restriction on this consent.

A third request was made by Council on 19 January 2017 to address this matter. The request from Council identified that a generic restriction cannot be imposed on all subdivisions as the circumstances of each rail line varies (e.g. frequency, speeds, types of trains etc), along with the physical characteristics of the land and nature of the subdivision. A response was subsequently provided on 1 February 2017 which included an Environmental Noise Impact Assessment.

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

REPORT

OWNER/APPLICANT

The owner of the subject land is the Churches of Christ Property Trust.

The applicant for the proposed development is Mrs Jessie Janet Rice.

The applicant has utilised Peter Basha Planning and Development (Orange), Heath Consulting Engineers (Orange), and CRG Acoustics (Mermaid Beach) to prepare the Development Application and supply technical advice.

DEVELOPMENT DETAIL

Council is in receipt of a Development Application for a 30 lot Torrens Title residential subdivision, plus public reserve, drainage reserve, church allotment and residue allotment in east Dubbo. The property is located to the east of the Yarrawonga Estate with access obtained via an extension of Peel Place. The property is occupied by the Dubbo Church of Christ. A number of built features such as the church building, storage shed and car park are located on the eastern side of the property with the remainder of the property being vacant.

The proposal is to create 30 Torrens Title residential lots on part of the property. A 2.755 hectare portion in the north-west corner of the property was granted approval for a seniors' housing development on 10 August 2015 (D15-43). This development is yet to commence. Submitted plans make provision for this future development. A 1.31 hectare portion in the far eastern side of the site will remain for use by the church. A 4,482m^2 public reserve is also proposed along the property's southern boundary. A 4 metre wide drainage reserve is also proposed linking the aforementioned public reserve to the new Peel Place roadway. The remaining 1.79 hectare (excluding roadways, infrastructure provision etc) is not proposed to be developed with this application and has thus been classified as a 'residue allotment'.

The proposal is to create 30 residential lots ranging in area from 600 m^2 to 780 m^2. The subdivision will also include the construction of an internal roadway (being an extension of Peel Place), provision of utility services to each allotment and provision of stormwater drainage infrastructure. Plans of the proposed development are included in **Appendix 2**.

No details have been provided as to how the development will be 'staged'. The development however is not considered Staged Development pursuant to Section 83B of the Environmental Planning and Assessment Act, 1979.

SITE CHARACTERISTICS

The property is located on the northern side of Wellington Road. The property has an area of 8.837 ha with a frontage to Wellington Road of 406.7 m. The property also has secondary frontage to Peel Place of 18 m of which vehicular access is obtained. For an aerial view of the land and locality see Figure 1.

Figure 1. Aerial view of 5L Wellington Road and locality. The red hatched area represents the extent of the proposed 30 lot subdivision.

Slope
The general slope of the land is slight north-west.

Vegetation
The property has been previously cleared of native vegetation. Some introduced landscaping exists around the church buildings on the eastern side of the property.

Access
Vehicular access to the property is presently obtained off Peel Place or Wellington Road (temporary church access).

Drainage
With no stormwater infrastructure on the property, overland stormwater presently conforms to the natural contours of the land.

Services
The property is connected to reticulated electricity and telecommunication services only. Water and sewerage infrastructure terminates at the western property boundary on Peel Place. The church development is served by tank water and an onsite waste management system (septic tank).

Adjoining uses
The property is located on the eastern extent of Dubbo's urban area. Land to the west is low density residential, to the south is the Blueridge Business Park (commercial/industrial) and to the east and north is R5 Large Lot Residential.

SITE HISTORY

The 8.84 hectare property was created through a subdivision in 1964. A review of Council files demonstrates the following applications relate to the property:

- D91-155 – Church meeting hall and storage shed Stage 1, approved on 14 June 1991
- B94-577 – Weatherboard meeting hall, approved on 7 July 1994
- B94-800 – B/V church meeting hall and machinery shed, approved on 20 September 1994
- D01-167 – Change of wording to existing sign, approved on 18 September 2000
- D15-43 – Seniors housing (84 dwellings) and two (2) lot subdivision, approved on 10 August 2015.

It is noted that as part of the church approval (D91-155) correspondence from the Roads and Maritime Services (RMS) (formerly the NSW Roads and Traffic Authority) dated 25 August 1991 stated that:

> *"The access to the Mitchell Highway is to be temporary only and is to be replaced with access to Sheraton Road or an alternative public road other than the Highway prior to the development proceeding beyond Stage 1. This is desirable to remove the conflict between Highway through traffic that will use access in Stage 2. The temporary nature of the access to the Highway should be shown on the plans for Stage 1."*

D91-155 was for Stage 1 of a proposed larger development on the site which included a day care facility, pastor's residence, a playing field, youth hall, tennis courts, short term residential accommodation and a 25 lot residential subdivision. The RMS, as part of Stage 1, permitted a temporary gravel driveway off the Mitchell Highway however, specified any further development on this property beyond Stage 1 would require an alternative access point not directly off the highway. The development did not progress beyond Stage 1 and the temporary access continues to be used. This correspondence highlights the RMS's prohibition of any further vehicular access points off the Mitchell Highway.

As discussed, a seniors' housing development was approved on the land in 2015 (D15-43). That approval included a two (2) lot subdivision. Such details are shown on the submitted plans with the submitted application. Development consent D15-43 required infrastructure works within the land including an extension of Peel Place, upgrade of the water main along

Peel Place and provision of a roundabout at the Castlereagh Street/Peel Place intersection. The Development Application is yet to physically commence.

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

LEGISLATIVE REQUIREMENTS S79C(1)(a)

(i) Any environmental planning instruments (SEPP, REP or LEP) applying to the land to which the Development Application relates

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No. 55 – Remediation of Land

The property is not listed on Council's Potentially Contaminated Lands Register however, the land has past history associated with agricultural activities rendering the land potentially contaminated through agricultural practices such as spraying, sheep and cattle dips and the like. Under Clause 7 of the SEPP, Council must consider whether the land is contaminated and whether the land is suitable for the proposed use.

SEPP 55 has not been addressed with this application. It is noted that with the application for a seniors' housing development on the property (D15-43) a Preliminary Contamination Investigation was lodged. The Investigation was undertaken over the entire site, not just the specific area subject to the seniors' housing application. As part of the Investigation a site inspection, site history analysis and soil sampling were undertaken. The Investigation drew the following conclusions:

> *"The soil sampling program did not detect any elevated levels of the analysed metals, OCP or hydrocarbons. The levels of all substances evaluated were below the EPA investigation threshold for residential land-use and childcare centres. Some domestic bulky goods steel waste is located in a stockpile which is an amenity hazard.*
>
> *The steel bulky goods should be collected and removed from the site. The underground effluent treatment tank should be removed. The site is suitable for an aged care facility from a contamination perspective."*

Council's Environmental Control Branch officers have reviewed these previous investigations and noted they are suitable for demonstrating the land is suitable for residential development from a contamination perspective. No further investigations in relation to contamination/SEPP 55 are required here.

State Environmental Planning Policy (Infrastructure) 2007

Development likely to affect an electricity transmission or distribution network

Pursuant to Clause 45 of SEPP (Infrastructure) 2007 the local electricity supply authority (Essential Energy) was notified of the application. A response was provided via email on 15 November 2016.

Essential Energy responded stating that overhead powerlines operate in the vicinity of the property however, raised no objection to the development subject to conditions. The comments provided by Essential Energy are included as a notation on the consent which are provided attached as **Appendix 1**.

An appropriate **condition** has been included in the conditions of consent provided attached as **Appendix 1** requiring that electricity infrastructure be provided to each allotment prior to the issue of the Subdivision Certificate. Correspondence will be required from Essential Energy confirming this.

It is noted on the plans that an area has been set aside for a pad mounted substation adjacent to the roadway between proposed Lots 123 and 131. Plans show the road reserve indenting between these allotments so that the substation will be located within the road reserve rather than on an allotment. Essential Energy in an email dated 2 March 2017 advised that any pad-mounted substation shall not be located within a road reserve. Consequently an appropriate **condition** has been included in the conditions of consent provided attached as **Appendix 1** that any pad mounted substation not be located within a road reserve and instead be located within private property with appropriately-sized easements surrounding.

In addition to the above, Essential Energy have also given direction regarding minimum distances of dwellings from a substation. These requirements have been applied in an appropriate **condition** included in the conditions of consent provided attached as **Appendix 1**, placing a restriction on the properties adjacent to the substation, to make future purchases aware of this restriction so that future dwellings can be designed accordingly.

Development in rail corridors
Clause 85 of the SEPP requires the rail authority for an adjacent rail corridor be notified of the proposed development if:

> *"(a) is likely to have an adverse effect on rail safety, or*
> *(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
> *(c) involves the use of a crane in air space above any rail corridor."*

As the nearest component of the development, being the roadway, will be 90 metres from the boundary with the rail corridor 106 metres from the track, it is considered that none of the above matters are applicable to this application. Therefore, the application was not notified to the appropriate rail authority pursuant to the requirements of this clause of the SEPP.

Clause 86 of the SEPP requires the rail authority for that rail corridor to be notified if the application involves penetration of the ground to a depth of two metres below ground level within 25 metres of the rail corridor. As discussed, works will be undertaken a minimum of 90 metres from the rail corridor therefore the application is not required to be notified to the rail authority pursuant to the requirements of this clause.

Despite the above assessment, the rail authority for this section of track (John Holland Rail) was notified of the application as an adjoining land owner. Matters raised in their response concerned noise and vibration, fencing and stormwater. It is considered the development will adhere to these requirements where applicable. The comments provided by John Holland Rail will be included as a notation on the consent which are provided attached as **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 (LEP) have been assessed as being relevant and matters for consideration in assessment of the Development Application.

Clause 1.2 Aims of Plan

The application conforms to the relevant aims and objectives of the plan.

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned R2 Low Density Residential.

Clause 2.3 Zone objectives and Land Use Table

A subdivision is not a defined land use term within the Dubbo LEP 2011.

In this instance the permissibility of the subdivision would be governed by Clauses 2.6 and 4.1 of the LEP.

The proposed development is consistent with the following zone objectives:

- 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; and
- To encourage low density housing within a landscaped setting on the fringe of the Dubbo urban area.

While not contrary to, the remaining zone objective is not applicable in this instance.

Clause 2.6 Subdivision – Consent Requirements

Subdivisions require Council consent to ensure that all lots created meet the minimum lot size requirements as specified in the Lot Size Map (see below).

Clause 4.1 Minimum subdivision lot size

Under the provisions of the Lot Size Map, the minimum lot size for a subdivision on this property is 600 m^2. Plans show all proposed development lots ranging in size from 600 m^2 to 780 m^2 thereby ensuring compliance with the LEP.

Clause 5.10 Heritage Conservation

The subject property is not listed within Schedule 5 of the Dubbo LEP 2011. Further, there are no heritage items within the vicinity of the property.

In terms of Aboriginal heritage, no formal investigation has been undertaken by the applicant as to the likely presence of Aboriginal artefacts/sites on the property. It is noted that the site is highly disturbed and modified. Taking into consideration the disturbance of the site and the location of the site in relation to landscape features that are likely to indicate the presence of Aboriginal objects, it is considered unlikely that any Aboriginal archaeological sites would be discovered in this site. No further investigations are therefore recommended.

An appropriate **condition** will however be included in the conditions of consent provided attached as **Appendix 1** that should any Aboriginal relic be discovered during construction works, works are to cease immediately and the Office of Environment and Heritage notified of the discovery.

Clause 5.14 Siding Spring Observatory – Maintaining dark sky

The only lighting associated with this development would be street lighting. It is considered such lighting, which is not regulated by Council, would not breach the Dark Sky Planning Guidelines or a light emission of 1,000,000 lumens or more. Future dwellings on each allotment would be the subject of individual assessment for compliance, including the number of outside light fittings.

Clause 7.3 Earthworks

Due to the level of earthworks that will be occurring and the potential for the placement of fill on some lots, it will be necessary to ensure that the ground has been compacted to ensure the land is safe for future construction of dwellings. An appropriate **condition** has been included in the conditions of consent provided attached as **Appendix 1** that documentary evidence be provided to Council that shows the location of the fill areas and that the fill has been compacted in accordance with

Australian Standard 3798-2007 – *Guidelines on earthworks for commercial and residential developments*. If required, such documentation will be required to be provided to Council prior to the release of the Subdivision Certificate.

Clause 7.5 Groundwater Vulnerability

The land is not mapped as being within a vulnerable groundwater area. Council's Environmental Control Branch officers also note that the Hydrological Landscape zone for the site is within the Peachville Zone 18 which is considered to be a low risk zone. A groundwater bore (Bore 18) located to the south-west of the site has also revealed low salinity impacts in the vicinity of the proposed development. Therefore, no further investigations in relation to groundwater vulnerability or salinity are required.

Clause 7.7 Airspace Operations

The subject property is located within the Obstacle Limitation Surface (OLS) of the Dubbo City Regional Airport. The OLS at this location is 430 m AHD. The natural topography of this property ranges from 305 m AHD to 308 m AHD. It is therefore considered that future residential development could occur on this property which would not breach the OLS.

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

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

(iii) Does any Development Control Plan apply to the land to which the Development Application relates?

Dubbo Development Control Plan 2013

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

Chapter 2.1 – Residential Development and Subdivision

Section 2.1.3 – Subdivision Controls

Element 1 – Neighbourhood Design

It is considered that the overall neighbourhood design of the 30 lot subdivision complies with the DCP. The neighbourhood design allows for integration with the adjoining subdivision and services as well as providing for a mixture of housing types and densities. The subdivision layout allows for services to be provided either within

the road reserve or along property boundaries which maximises development potential on each allotment.

All allotments provide street orientation for amenity and security reasons and lots retain access to existing surrounding recreational facilities.

The DCP states that any cul-de-sacs shall be limited to 10 allotments. Plans demonstrate that 30 lots will be served by this roadway and will also serve the church, seniors' housing development and future development lot. The applicant has acknowledged the non-compliant road design and provided the following justification:

> *"The creation of the Peel Place extension as a cul-de-sac is justified on the grounds that there are no alternatives to provide a through road due to the inability to provide access via Wellington Road. A traffic impact assessment has been prepared by Heath Consulting Engineers which demonstrates that the proposed subdivision will not generate unacceptable impacts upon Peel Place and Castlereagh Avenue."*

Given the nature of the site which only allows a single access point, it is considered the subdivision and road design is suitable in this instance and the number of lots the cul-de-sac will serve acceptable. Further, the road design, being a 9 metre roadway, is considered suitable to accommodate the traffic loads within the roadway.

Element 2 – Lot Layout

As discussed previously, all allotments comply with the minimum lot size requirements of the Dubbo LEP 2011. No battle-axe allotments are proposed.

All lots will be able to achieve solar orientation and have an axis that is within 30^{o} east and 20^{o} west of true north.

Element 3 – Public Open Space and Landscaping

As discussed, a 15 m wide public reserve is proposed along the southern boundary of the property to act as a buffer between the Mitchell Highway and the development. A cross section of the reserve demonstrates that it will be a continuation of the reserve along the southern side of Yarrawonga Estate comprising a small earth mound and vegetation. This is considered a suitable and necessary buffer between the highway and the residential subdivision. Council's Parks and Landcare Services Division have recommended approval of this landscaped buffer, knowing it will form a Council asset which will be required to be maintained by Council. An appropriate **condition** has been included on the conditions of consent provided attached as **Appendix 1** that landscaping within the public reserve be established prior to the issue of the first Subdivision Certificate.

The creation of new internal road invokes the requirement to provide street trees throughout the road network. The DCP requires for residential subdivisions one (1)

street tree per allotment. An appropriate **condition** has been included in the conditions of consent provided attached as **Appendix 1** that a Landscape Plan be submitted to and approved by Council prior to the issue of the Construction Certificate that conforms to Council requirements. It is recommended the applicant liaise with Council's Parks and Landcare Services Division as to a suitable species. Such landscaping (street trees) will be required to be provided prior to the issue of the relevant Subdivision Certificate.

Element 4 – Infrastructure

Submitted plans show the provision of a reticulated water, sewerage and stormwater network within the overall subdivision layout. All service mains are to be located either within the road reserve or along property boundaries so as to maximise the development potential of each allotment. These service mains are generally an extension of the existing main lines located along Peel Place.

Council's Technical Support Services Branch have reviewed plans and documentation in relation to infrastructure services and are satisfied that the subdivision can be adequately services by such infrastructure. No further investigations are required. Appropriate **conditions** have been included in the conditions of consent provided attached as **Appendix 1** that appropriately staged infrastructure works (i.e. water, sewer, inter-allotment drainage) including service connections to each allotment be provided prior to the release of the relevant Subdivision Certificate.

Many of the engineering conditions are a replica of those imposed with the seniors' housing consent (D15-43). Given the seniors' housing development has not proceeded, it would be impractical to assume works conditioned for that development would be undertaken and this subdivision would follow on from that development. The subdivision may commence before the seniors' housing development. Consequently, conditions concerning the extension of Peel Place, extension of service infrastructure etc will be imposed on this consent.

The existing church building is not connected to reticulated water and sewerage services. Subdivision plans demonstrate that the property will be located upon proposed Lot 100 and will have access to these services. Given the owner of this property will not be the applicant, it is impractical to condition servicing connections to Lot 100 with this consent. As such, an appropriate notation has been included in the conditions of consent provided attached as **Appendix 1** advising of how the property can be connected to such services (including decommissioning of the septic tank) when these services are available to the allotment.

Element 5 – Street Design and Hierarchy

Plans show the provision of a new roadway within the proposed subdivision with vehicular access to the estate being obtained via an extension of Peel Place. The roadway will generally be a nine (9) metre wide roadway with rolled kerb and guttering with a 4.5 m wide road reserve either side. This is identical to the cross section of existing Peel Place.

The road and subdivision layout generally allows for the provision of a street parking space for one (1) vehicle in front of each allotment as per the DCP requirements.

Council's Technical Support Services Branch have reviewed the proposed road layout and raise no objection, subject to construction detail being provided with the Construction Certificate application. An appropriate **condition** has been included in the conditions of consent provided attached as **Appendix 1** that specific details of the roadways including dimensions, kerb details, construction details etc will be required to be provided to and approved by Council with the Construction Certificate application. The applicable roadworks shall thus be completed prior to the release of the relevant Subdivision Certificate. As discussed above, conditions concerning road works will be similar to those imposed with the seniors' housing development (D15-43).

Element 6 – Pedestrian and Cycle Links

As per the existing situation within the Yarrawonga Estate, no provision has been made for dedicated pedestrian or cycleways within this subdivision.

It is noted however that as part of the seniors living approval on the property (D15-43) a 1.5 m wide footpath is required to be provided from the seniors living entrance to Castlereagh Avenue. Such footpath is required to ensure compliance with SEPP (Housing for Seniors or People with a Disability) 2004 to provide a pathway from the village to the nearest bus stop. Such requirement will be replicated on this consent however the path will be required to be constructed for the entire length of Peel Place to proposed Lot 100.

The roadway would be considered to be a local road in terms of traffic volumes with traffic speeds only anticipated as being 50km/h. As such it is not considered necessary to provide for any traffic calming devices or pedestrian refuges for pedestrians to use to safely cross the street other than the required pedestrian refuges in association with the required roundabout at the Castlereagh Avenue/Peel Place intersection.

Element 7 – Stormwater Management

A Stormwater Management Plan has been submitted with this application. The Plan has been designed to not only cater for stormwater runoff from this property however also 'upstream' flows to the east and south of the development site including the southern side of Wellington Road.

The Plan demonstrates that the majority of the subdivision will drain via a series of pipes through proposed Lot 131 (residue allotment), along the northern side of the seniors' housing development to Yarrawonga Park to the north-west. Yarrawonga Park is an existing stormwater detention basin which will hold stormwater generated by this subdivision. The western portion of the subdivision will drain to Peel Place to connect to the existing stormwater pipework below this road reserve.

The contours on the plans demonstrate that all overland stormwater flows will be able to be effectively conveyed to the stormwater pits and gravity away from adjoining allotments.

Council's Technical Support Services Branch has reviewed the Stormwater Management Plan and are satisfied that the subdivision can be adequately drained by such infrastructure. No further investigations are required.

An appropriate **condition** has been included in the **conditions** of consent provided attached as **Appendix 1** that appropriately staged stormwater infrastructure be completed prior to the release of the relevant Subdivision Certificate.

Submitted plans show a 4 m wide drainage reserve between Lots 116 and 117. The purpose of the drainage easement is to convey overland stormwater from south of the development site to the existing drainage network. Pipework will be located below the easement. Council's Technical Support Services Branch has deemed this reserve critical to ensure the effective conveyance of overland stormwater from the south of the development site.

An appropriate **condition** has been included on the conditions of consent provided attached as **Appendix 1** requiring that the drainage reserve be either grassed, turfed, or rock lined in accordance with Technical Support Services requirements. The **condition** shall also stipulate that this drainage reserve is to be dedicated to Council.

Element 8 – Water Quality Management

It is considered that the proposed subdivision layout allows for stormwater quality management that minimises potential pollution of property and stormwater systems.

During construction, earthworks will occur and it will be necessary for appropriate erosion and sediment controls to be in place to minimise soil disturbance and soils entering the local stormwater system. An appropriate **condition** has been included in the conditions of consent provided attached as **Appendix 1** that a Soil and Water Management Plan be submitted to and approved by Council prior to the issue of the relevant Construction Certificate. Such plan will be required to be implemented prior to any construction works commencing and for the entirety of the construction works.

(iv) Is there any matter prescribed by the regulations that applies to the land to which the Development Application relates?

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

LIKELY IMPACTS OF THE DEVELOPMENT S79C(1)(b)

Natural and Built Environment

Is there any native vegetation on the site or adjoining sites? Will the development impact/or require removal of native vegetation?

The development will not require the removal of any native vegetation that will adversely impact on the natural environment. Council's Environmental Control Branch provided the following comments in relation to flora/fauna protection:

> *"No significant impacts on any other native vegetation or fauna are likely on this fully developed and highly disturbed site. The site has been cleared of all native vegetation and is regularly modified and disturbed with slashing and agricultural activities. The site is surrounded by residential land to the west and north with disturbed farmland to the east and south. The site is not foreseen to support any native species and due to the location it is considered unlikely that any significant species frequent the area."*

The comments provide above are noted. No further investigations in relation to flora/fauna protection are required.

In terms of the built environment it is considered the subdivision is design is in keeping with the existing subdivision design to the west.

Social/economic

Has the development the potential to have any adverse:

- *Social effect?*
- *Economic effect?*

It is considered the development will not generate any adverse social or economic impacts to the local area.

SUITABILITY OF THE SITE S79C(1)(c)

Context, setting and public domain

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

While taking into consideration future residential development on all lots, it is considered that the development will not have an adverse effect on the landscape or scenic quality of the locality. Further, the development will not reduce access to views or sunlight to neighbouring property.

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

It is considered that the subdivision layout is appropriate having regard to the character of the locality.

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

It is considered that the size and shape of the land is suitable for the proposed subdivision. Further, it is considered that the size of all lots created will be suitable for future residential developments.

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

It is considered that the development proposal will not have an adverse impact on the existing or likely future amenity of the locality.

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

It is considered that the development design will not have an adverse effect on the residential public domain.

Landscaping

(i) *Has adequate provision been made for the landscaping of the subject land?*

The subdivision layout includes the provision for a public reserve, being the landscape buffer between the subdivision and the Mitchell Highway. Additionally, there are public open space areas within the adjoining Yarrawonga Estate. It is therefore considered additional open space areas are not required.

Any further landscaping to private allotments associated with this subdivision would be considered with any future development on those lots.

(ii) *Street trees (Street Tree Master Plan)*

As discussed, street trees will be provided throughout the subdivision at a rate of one (1) per allotment in accordance with the DCP requirements. Such planting will be required to be undertaken prior to the issue of the relevant Subdivision Certificate application.

Environmental considerations

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

As discussed throughout this report, various environmental studies have been undertaken as part of this application. The studies that were undertaken demonstrated that the property is suitable for the proposed residential subdivision and that there are no ecological constraints to the site that cannot be mitigated through appropriate conditions. No further investigations are therefore required.

(ii) *Is the development likely to cause soil erosion?*

Earthworks are required as part of this subdivision through the levelling of the site for drainage and construction purposes. Appropriate erosion and sediment controls are therefore required to be put in place while these earthworks are occurring. An appropriate **condition** has been included in the conditions of consent provided attached as **Appendix 1** that a Soil and Water Management Plan be implemented prior to and for the entirety of the construction works.

Matters concerning earthworks and the filling of lots have been discussed previously in this report.

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

The subdivision is for residential land uses which are the same as proposed adjoining land uses. Therefore it is considered that the subdivision will not create any adverse noise impacts which require special consideration or the imposition of any special conditions.

During construction of roads and infrastructure, some noise will be generated by earthmoving equipment and the like. An appropriate **condition** has been included in the conditions of consent provided attached as **Appendix 1** limiting work hours to minimise noise impacts to property in the vicinity of the work site.

An additional **condition** as recommended by the Environmental Control Branch officers has been included in the conditions of consent provided attached as **Appendix 1** requiring that prior to any construction works commencing a Construction Management Plan (CMP) be submitted to Council for approval. The Plan shall identify matters including access, machinery to be utilised, waste management, dust suppression, noise management, and erosion and sediment control and how the impacts to adjoining residential development will be minimised.

It is noted the property adjoins a highway and a rail corridor. As discussed, a landscaped public reserve will be located between the highway corridor and the residential lots. Council's Environmental Control officers have deemed this vegetative buffer suitable to

minimise noise impacts from the highway to adjoining residential development. Consequently, an appropriate **condition** has been included in the conditions of consent provided attached as **Appendix 1** that this vegetative buffer be established prior to the issue of the first Subdivision Certificate to ensure there is suitable noise protection to future residential development on these allotments.

In order to determine whether rail noise and vibration will impact on the residential development, Council requested a Noise Impact Assessment. The Assessment was prepared by the same consultant who prepared the Assessment for the seniors' housing application (D15-43). The Assessment noted the circumstance of the rail corridor (ie frequency, speed, type of rail vehicles etc) as well as local natural environmental factors and the distance of the rail corridor from the development. The Assessment subsequently drew the following conclusions:

"TNR Values (Traffic Noise Reduction – as defined in AS3671:1989) between 10 and 25 are considered as Construction Category 2 within AS3671:1989 which is defined as 'Standard construction, except for lightweight elements such as fibrous cement of metal cladding or all glass facades. Windows and other openings must be closed.

Based upon predicted $LA_{eq\ 15hr}$ and $LA_{eq\ 9hr}$ rail traffic noise impact at the subject site and the internal noise criterion, Lots with TNR values above 10 are outlined below:

Ground Floor Levels: Lots 111 to 123 up to a TNR of 18;
Aboveground Floor Levels (if constructed): Lots 101 to 130 up to a TNR of 18.

We submit that given the relatively low acoustic treatment requirements determined, that dwellings proposed on the affected lots do not warrant further acoustical review, as the Category 2 zone precludes non-standard construction that would be unlikely to be utilised for a dwelling (e.g. external walls of a room being entirely glass or single thickness of metal or fibrous cement sheet with no internal linings).

It is noted that we have not recommended acoustical barriers on the subject site boundary, as the rail line is slightly elevated above the subject site, and with the fact that diesel locomotives use the line that have elevated engine exhausts, acoustical barriers would be of an impractical height to provide significant noise reductions. Barriers are also not considered a practical requirement given the moderate level of noise reduction required at the building themselves. Further, the adjacent senior's living development will also provide acoustical screening to a number of onsite lots / future dwellings.

We submit that given the relatively low acoustical treatment requirements determined, that dwellings proposed on the affected lots do not warrant further acoustical review, as the Category 2 zone precludes non-standard construction that would be unlikely to be utilised for a dwelling (e.g. external walls of a room

being entirely glass or a single thickness of metal or fibrous cement sheet with o internal linings).

Based upon the plans for the proposed development, the proposal can be shown to comply with the requirements of Council subject to the recommended treatments being incorporated into the development."

Council's Environmental Control Services Branch reviewed the Assessment and deemed the conclusions suitable. No further investigation in relation to rail noise/vibration is required, however, to ensure future dwellings on each new allotment are constructed to take into consideration potential impacts from the rail line, an appropriate **condition** has been included in the conditions of consent provided attached as **Appendix 1** that a restrictive covenant be placed over all lots ensuring they are constructed as per the recommendations of the Assessment. Dubbo Regional Council shall be benefitted by such restriction.

Access, transport and traffic

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

Street design, road hierarchy and vehicular access matters have been discussed previously in this report.

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

A Traffic Impact Assessment has been undertaken for this development and submitted with the Development Application. The Assessment has considered this 30 lot residential subdivision, the church, as well as the findings of the Traffic Impact Assessment prepared by Rytenskild Traffic Group (RTG) for the seniors' living development on the property (D15-43).

The previous Assessment prepared by RTG determined that Peel Place is classified as a Neighbourhood Street with a capacity of 3,500 vehicles per day. Castlereagh Avenue was classified as a Neighbourhood Connector Road which has a capacity of 3,500 to 6,000 vehicles per day. Noting the existing use of these roadways based on the existing subdivision layout, the RTG Assessment identified that Peel Place has a spare roadway capacity of 3,071 vehicles per day and Castlereagh Avenue has a spare roadway capacity of 1,311 vehicles per day. This Assessment has used the same roadway capacities.

In terms of residential development, the 30 lot subdivision would generate 330 daily trips (11 trips per lot). In addition, the seniors' housing development generates 176 daily trips, being 2.1 trips per dwelling. It is also estimated the church would generate 150 trips of a Sunday morning. It should be noted that access to the church would be

limited to predominantly Sunday mornings only. The total daily tip rate within this area would therefore be 656 (ie 176 + 150 + 330).

The Assessment also identified that if the whole property (existing Lot 1) was developed for residential subdivision, the lot yield would be approximately 80 which would result in 880 daily vehicle trips.

An RMS letter attached to the Assessment reiterates that the RMS will not permit vehicular access to this property from Wellington Road (Mitchell Highway).

Based on these figures above, the Assessment drew the following conclusions:

> *"The total daily traffic generated from the proposed development, the recently approved Seniors Housing Development and the existing church (656 vehicles per day), is less that the assessed spare capacity of both Peel Place (3,071) and Castlereagh Avenue (1,311).*
>
> *Similarly, using a higher traffic generation rate for the Seniors Housing Development of trips per dwelling the total daily traffic generated from the entire site of 1,146 vehicles per day, is also less that the assessed spare capacity of both Peel Place and Castlereagh Avenue.*
>
> *The assessment shows that Peel Place would still have significant spare capacity of up to 2,253 vehicles per day. Castlereagh Avenue would have a spare capacity of up to 165 vehicles per day, however, it must be noted that this assessment has used a roadway capacity of only 3,500 vehicles per day which as at the bottom limit of the roadway capacity for a neighbourhood collector road. The actual capacity could be as high as 5,000 to 6,000 vehicles per day. In addition there is no scope for further development in this area to place any additional demand on either Peel Place or Castlereagh Avenue.*
>
> *Development of the entire Lot 1 as standard residential subdivision, with lot areas greater than 600 m^2, would generate 880 daily vehicles trips. This is greater than the assessed traffic generation for the entire site of 818 vehicle daily trips using the traffic generation rates from the RTG report.*
>
> *The traffic generated by the proposed residential development can be comfortably accommodated by Peel Place and Castlereagh Avenue."*

The analysis and conclusions of the Assessment are noted. Council's Technical Support Branch, who have also undertaken assessment of the Application, also concurs with the Assessment and provided the following summary:

> *"An assessment of the existing road capacities of Castlereagh Avenue and Peel Place and the trip generation from the proposed subdivision, approved Seniors Housing, existing Church development and a proposed Community Development reveals that the existing road network of Castlereagh Avenue (vacant capacity*

3766vpd) and Peel Place (vacant capacity 3071vpd) has more than sufficient road capacity to accommodate the expected traffic from the eastern development sites (capacity 1501vpd) of the Yarrawonga Estate. The existing road network in the Yarrawonga Estate was designed and implemented to facilitate the full development and the expected traffic generation of the estate with access only to Sheraton Road via Castlereagh Avenue and Lachlan Way. The Roads and Maritime Services (formerly RTA) would not permit any access onto the Mitchell Highway. Temporary access however was approved onto the Highway to the Church Development until such time as the Estate road network was developed eastwards at which time the Highway access would then be closed. Peel Place was designed for its eventual extension to its most eastern point (Church Development). At the intersection of Castlereagh Ave and Peel Place there will be an increase of traffic generation of 1501vpd (with the higher density development). As a consequence consideration has been given to improved traffic management at the intersection with a low profile mountable roundabout accommodating pedestrian activity. The Yarrawonga Estate is a small stand-alone residential subdivision where in the context of a proposed Seniors Housing development in conjunction with this DA, the provision of a concrete footpath north-west from the development to Castlereagh Avenue would provide a safe and accessible link into the existing residential development and public transport services.

It is considered that:

- *There is sufficient spare capacity in Castlereagh Ave and Peel Place to comfortably accommodate the proposed traffic generation from the proposed combined development.*

- *There is a need to provide a pedestrian link from the development site north-west along Peel Place to the existing residential development at Castlereagh Avenue intersection.*

It is therefore recommended:

- *That a mountable centre island roundabout with pedestrian refuge separation islands be constructed at the intersection of Castlereagh Avenue and Peel Place.*

- *That a 1.5 m footpath be constructed along the frontage to the Seniors Housing development and continue north-west along the northern side of Peel Place to the intersection of Castlereagh Avenue."*

Therefore it is considered the local road network can accommodate additional traffic generated by this development and no further investigations are required. Appropriate **conditions** regarding the roundabout and the footpath (noting it shall extend for the full length of Peel Place) have been included in the conditions of consent provided attached as **Appendix 1**.

(iii) *If the development requires access to public transport services, are services available and adequate?*

Public transport services in the form of buses operate in the vicinity of the development site, with the nearest bus stop being at the intersection of Castlereagh Avenue and Peel Place. As discussed, a 1.5 metre wide footpath is required to be constructed from proposed Lot 100 to the intersection of Castlereagh Avenue/Peel Place to provide linkages from the development to public transport.

SUBMISSIONS S79C(1)(d)

In accordance with Section 1.2.11 of the Dubbo DCP 2013, the application was advertised in the Daily Liberal on 27 October 2016 with the closing day for submissions being 10 November 2016. Neighbouring landowners were also notified in writing of the application from 24 October to 10 November 2016. During the notification period, seven (7) written submissions were received by Council. All submissions received during this exhibition period are provided attached in **Appendix 3**. The matters raised in the submissions are discussed as follows:

- Traffic Impacts

Comment:
Traffic impacts were raised in a number of submissions with one writer objecting to the traffic management plans as they only take into account numbers produced through modelling and *"makes no assessment of parking arrangements, street widths, lack of alternative access, emergency evacuation and fire response capacity, or driver behaviour created by targeted aged residential care facilities of the area."*

Council's Technical Support Services Branch has undertaken assessment of the road network and deemed it suitable for the development proposed and the traffic generation by such. As discussed, the roadway is a nine (9) metre wide roadway which is larger than the minimum residential roadway design of eight (8) metres and is a suitable width for all two-way traffic, including emergency service vehicles. There would also be room for vehicles to park kerbside. It is noted however that all residential development will be required to provide suitable off-street car parking ensuring kerbside parking will be minimised. As discussed, alternative access cannot be provided. The comments made regarding driver behaviour of seniors is not taken into consideration as the writer makes the assertion that all senior drivers are poor drivers which is quite subjective.

Another writer notes that a roundabout is presently under construction on Wellington Road to the west of this development site between the Windsor Parade and Sheraton Road intersections, and therefore why cannot the same work be undertaken adjacent to this development site to allow vehicular access to the development directly off Wellington Road. Without discussing the difference in the two (2) circumstances, the RMS have provided documentation stating they will not permit access to the subject property from Wellington Road. This part of the highway is controlled by the RMS.

- Vehicle traffic impacts Sheraton Road/Castlereagh Avenue intersection

Comment:
Concerns were raised that the increased traffic generated by the development would create increased traffic conflict at the Sheraton Road/Castlereagh Avenue intersection, as well as the Sheraton Road/Lachlan Way intersection, particularly during school pick-up and drop-off times when there are increased traffic movements on Sheraton Road. Having assessed the Traffic Impact Assessment and analysed typical traffic behaviour at these intersections, it is considered there would not be an increase in traffic numbers that would cause adverse traffic impacts at either intersection in terms of excessive queuing, or risk of unsafe driver behaviour. Further, Council's Technical Support Services Branch officers have assessed the traffic arrangements and raised no concerns with the potential increased traffic at either intersection.

- Social planning implications

Comment*:*
The writer argues that creating areas with *"narrow street access, lack social infrastructure, are congested with traffic and are higher population density areas and have only one path in/out, would be creating a perfect area to create potential ghettos where social problems and crime thrive."*

As discussed, it is considered the development will generate positive social impacts for the area through increasing the range and supply of residential land, complimenting and enhancing the existing residential area, and contributing to the social and economic sustainability of Dubbo. It is not agreed that a 'ghetto' will potentially be formed in this area given the mix of land uses and lot sizes that will be constructed.

- Water pressure

Comment:
The writer expresses concern that the development will increase usage of reticulated water which will reduce water pressure in the area. It is noted that as part of the seniors' living development (D15-43), it is required that a 150 mm diameter pipe be constructed on the northern side of Peel Place. Submitted plans for this Application show this 150 mm main to the seniors' housing development, as well as a 100 mm main for the remainder of the subdivision. This includes an extension of the existing 100 mm main on the southern side of Peel Place. Council's Technical Support Services Branch staff have reviewed this proposal and advised that the 150 mm main will now be required to be extended through to the end of the Peel Place extension. This will ensure existing and proposed residential properties can be serviced adequately.

An appropriate **condition** has been included in **Appendix 1** requiring such works, including the new main on Peel Place, to be undertaken as part of this subdivision. The condition is a replica of the condition on the seniors living consent (D15-43) to ensure such works are undertaken should the seniors' living development not proceed.

PUBLIC INTEREST S79C(1)(e)

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

SECTION 64/94 DEVELOPER CONTRIBUTIONS

The development is proposing the creation of 30 residential lots. No credits will be applied as there will remain a lot occupied by the church. This lot would absorb any credits. The seniors' living lot will not incur contributions as any applicable contributions will be levied against that consent (D15-43). Likewise, the residue lot will not be services and therefore not incur contributions. Contributions are thus calculated as follows:

a) Water and Sewerage Supply Headworks Contributions Policy

One (1) lot has an equivalent tenement (ET) of 1.

Under Council's 2016/2017 Revenue Policy, the rate for 1ET is $5,487.00.

Contribution = $rate x (ET x # of lots)
= $5,487.00 x (1 x 30)
= $5,487.00 x 30
= $164,610.00

Therefore a total contribution of **$164,610.00**, or **$5,487.00** per allotment will be required for water and sewerage supply headworks.

b) Open Space and Recreation Facilities Contributions Policy

At the June 2016 Council meeting, the former Western Plains Regional Council adopted the *Section 94 Development Contributions Plan for Dubbo Open Space and Recreation Facilities 2016-2026*. Such plan separates the urban area into planning units and levies contributions for each planning unit based on the predicted recreational facility works in the plan timeframe within that unit. The subject property is located within the East (South) Planning Unit. The development therefore incurs contributions based on administration, city-wide and East (South) rates. The Policy has an occupancy rate of 2.6 persons per allotment (three person dwelling).

City-wide, East (South) rate = $1,736.44 per person (including administration fee)

Contribution = $(rate x persons) x # lots
= $(1,736.44 x 2.6) x 30
= $4,514.74 x 30
= $162,442.20

Therefore a contribution of **$162,442.20**, or **$4,514.74** per lot, will be required for open space contributions.

c) Urban Stormwater Drainage Headworks Contributions Policy

The property is located in stormwater catchment 4.16 *Sheraton Meadows Trunk Drainage*. Under Council's 2016/2017 Revenue Policy such catchment incurs contributions on a per hectare basis of $8,900.00. For the 30 proposed lots the total area is 19,345m^2 (1.9345 hectares) ensuring the total contribution would be **$17,217.05**. Assuming the subdivision will be staged, the contribution applicable per stage will depend on the total area of the lots being released at that stage.

d) Urban Roads Contributions Policy

For a residential subdivision, the trip generation is 11 trips per allotment per day.

Under Council's 2016/2017 Revenue Policy, the rate per trip is $576.40

Therefore the applicable contribution is as follows:

Contribution = $(rate x trip generation) x # of lots
= $(576.40 x 11) x 30
= $6,340.40 x 30
= $190,212.00

Therefore a total contribution of **$190,212.00**, or **$6,340.40** per allotment will be required for urban roads contributions.

Appropriate **conditions** will be included in the conditions of consent provided attached as **Appendix 1** for the payment of the above contributions prior to the release of the relevant Subdivision Certificate.

SUMMARY

The applicant is seeking development consent from Council to undertake a 30 lot Torrens Title residential subdivision, plus public reserve, drainage reserve, church allotment and residue allotment at Lot 1 DP 510790, 5L Wellington Road, Dubbo.

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

Seven (7) submissions were received during the exhibition period. It is considered the assessment has adequately addressed the areas of concern raised in these submissions to ensure impact on neighbouring property and the wider locality is minimised.

The development is consistent with the objectives of the applicable EPIs, DCPs and Council policies and therefore is recommended for approval subject to the conditions of consent provided in **Appendix 1**.

Appendices:
1 Conditions
2 Development plans
3 D16-494 - Submissions

CONDITIONS

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

Drawing Title:	Proposed Boundaries
Drawing Number:	14060-DA03
Dated:	13/10/2016
Revision:	A

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

(2) Prior to the release of the Subdivision Certificate, the creation by the Developer, under Section 88B of the Conveyancing Act, of reciprocal burdens and benefits in favour of Lot 11 over proposed Lot 131 to provide for stormwater drainage for each development.
{Reason: To ensure stormwater from the seniors' housing development on proposed Lot 11 can drain to proposed Lot 131 as approved}

(3) The subdivision shall ensure with the creation of proposed Lot 100, that the existing church development and its associated outbuildings thereon, are maintained with allotment boundary clearances compliant with the deemed to satisfy (Dts) provisions of the Building Code of Australia (BCA).
{Reason: Council requirement to ensure the existing church/outbuilding will have setbacks compliant with the BCA}

(4) Prior to release of the Subdivision Certificate the developer shall where applicable:

(a) Submit to Council a detailed plan showing the location of all filled areas affecting the proposed residential allotments, including any filled excavations with either pre-existing and final surface contours or spot fill depths; and
(b) Where filling has occurred, submit to Council documentary evidence sufficient to satisfy Council that the 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}

(5) The developer shall create under Section 88B of the Conveyancing Act, a Restriction as to User burdening the proposed residential allotments, 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;
(b) That no domestic water supply bore may be constructed onsite, without the prior approval of Dubbo Regional Council;

(c) That no domestic greywater effluent disposal system may be installed and discharge effluent onto the allotment, without the prior approval of Dubbo Regional Council; and

(d) That Dubbo Regional Council is made the benefitted party of such Restriction as to User.

Details of compliance with the above requirements shall be provided with each Subdivision Certificate application.
{Reason: Council requirement to ensure the foundations for any proposed residential building to be erected on the affected lots will be properly assessed; and to protect the supply and quality of Dubbo's main water supply aquifer underlying the subject subdivision}

(6) The developer shall create under Section 88B of the Conveyancing Act, where applicable, a Restriction as to User specifying the minimum floor heights to Australian Height Datum (AHD), that a dwelling to be erected upon the proposed residential allotments must achieve.

In this regard, such Restriction as to User will only apply to those residential allotments, if any, where the subdivision's major storm event surface flows (i.e. the 1 in 100 year ARI) extends beyond the road system into the residential allotment.

The floor height level (in AHD) specified for a dwelling on any affected allotment shall not be less than 300 mm above the crest level of the calculated major storm event affecting the site ie the 1 in 100 year ARI.

Dubbo City Council is to be made the benefitted party in respect of any such Restriction as to User.

Details of compliance with the above requirements or its non-applicability, shall be provided in the Subdivision Certificate application.
{Reason: Council requirement to ensure that purchasers of any affected lots are made aware of the minimum floor height necessary to provide adequate freeboard from the major storm event}

(7) If any proposed residential allotment necessitates the setting of a minimum floor level as specified under another Condition imposed on this consent, then a Restriction as to User shall be imposed on such residential allotment to give effect to the following requirement:

(a) The allotment shall not be filled to an extent greater than the proposed dwelling's footprint unless authorised under an approval issued by a Consent or Certifying Authority; or such works have been undertaken as part of the Subdivision's Construction Certificate.

Dubbo Regional Council is to be made the benefitted party in respect of any such Restriction as to User.

Details of compliance with the above requirement or its non-applicability, shall be provided in the Subdivision Certificate application.
{Reason: Council requirement to prevent filling on the allotment unless assessed and authorised under an appropriate approval}

(8) Prior to any construction works commencing on the site, and in conjunction with lodgement of the relevant Construction Certificate(s) (Subdivision), a Soil and Water Management Plan (SWMP), prepared by a suitably accredited person, shall be submitted for approval in accordance with Landcom, Managing Urban Stormwater, Soils and Construction, Volume 1, dated March 2004 ('The Blue Book'). Such plan shall then be implemented pre, during and after construction of the proposed subdivision works. The approved erosion and sediment control measures are to remain (and be maintained) in place until such time as all ground disturbed by the subdivision construction works have been stabilised, revegetated and rehabilitated so that they no longer act as a source of sediment.
{Reason: Implementation of Council's erosion and sedimentation guidelines}

(9) Prior to release of the relevant Subdivision Certificate, the following erosion and sedimentation control measures shall be in place:

- A minimum one (1) metre wide strip of turf is to be placed immediately adjacent to the back of the kerb and gutter (and for the full length(s) of the kerb and gutter) to prevent soil erosion. Such turf strip is then required to be watered and maintained until established and the adjoining allotment is sold.
- In accordance with the approved 'Soil and Water Management Plan (SWMP)', all stormwater pits including inter-allotment pits shall be protected from any erosion and sediment.

{Reason: Implementation of Council's erosion and sedimentation guidelines}

(10) At the time of lodgment with Council of the relevant Construction 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 $1,480.00 per lot. Payment is to be based on the creation of 32 lots.

Note 2: As the above fee is reviewed annually, the 'current rate' is to be confirmed prior to payment.
{Reason: Implementation of Council policy}

(11) Prior to release of the relevant Subdivision Certificate, payment by the developer of house water service connection fee(s), based on a per lot calculation. The house water service connection 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(s) are:

(a) Where the developer has already constructed the water service 'lead-in' connection, payment of a fee of $215.00 per connection (to cover the installation by Council of the water meter and commissioning of the water service).

(b) Where the developer requests Council to fully construct the water service, connection(s) fees(s) are to be calculated on the actual cost(s) for provision of these service(s).

Note 2: Council will not undertake the provision of the house water service connections until such time as the developer has paid Council for the provision of these service connections.

Note 3: As the above rates are reviewed annually, the 'current rate(s)' are to be confirmed prior to payment.
{Reason: Implementation of Council policy}

(12) Prior to release of the relevant Subdivision Certificate, the contribution by the developer of Water Supply headworks contributions, 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.

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

Note 1: Council's adopted 2016/2017 financial year rate is $5,487.00 per lot (1ET). Contributions will be levied for the creation of Lots 101 to 130 inclusive (30 allotments). Lot 100 (church allotment) and Lot 131 (residue allotment) will not incur contributions.

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

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Technical Services Division, such shall be provided with the lodgement of the Subdivision Certificate application
{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

(13) Prior to release of the relevant Subdivision Certificate, the contribution by the developer of Sewerage Services headworks contributions, 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.

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

Note 1: Council's adopted 2016/2017 financial year rate is $ 5,487.00 per lot (1ET). Contributions will be levied for the creation of Lots 101 to 130 inclusive (30 allotments). Lot 100 (church allotment) and Lot 131 (residue allotment) will not incur contributions.

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

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Technical Services Division, such shall be provided with the lodgement of the Subdivision Certificate application
{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

(14) Prior to the release of the relevant Subdivision Certificate the contribution by the developer of Open Space and Recreation Facilities contributions, calculated on a per lot basis, in accordance with Council's adopted Section 94 Development Contributions Plan for Dubbo Open Space and Recreation Facilities 2016-2026.

Such contribution rate per lot 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 2016/2017 financial year rate is $4,514.74 (including administration) per lot (2.6 persons per lot – East (South) Planning Unit). Contributions will be levied for the creation of Lots 101 to 130 inclusive (30 allotments). Lot 100 (church allotment) and Lot 131 (residue allotment) will not incur contributions.

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

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Parks and Landcare Services Division, such shall be provided with the lodgement of the Subdivision Certificate application.
{Reason: Implementation of Council's Section 94 Contributions Plan - Open Space and Recreation Facilities dated December 1998}

(15) Prior to release of the relevant Subdivision Plan, the contribution by the developer of Urban Stormwater Drainage headworks contributions in accordance with Council's adopted Section 94 Urban Stormwater Drainage Headworks Contributions Plan, as amended October 1995. Such contribution is calculated on the total subdivision area draining into catchment 4.16 Sheraton Meadows Trunk Drainage Scheme.

Such contribution 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 2016/2017 financial year rate is $8,900.00 per ha. Contributions will be levied for the creation of Lots 101 to 130 inclusive (30 allotments) and road reserve for a total area of 1.9345 hectares. Lot 100 (church allotment) and Lot 131 (residue allotment) will not incur contributions.

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

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Technical Services Division, such shall be provided with the lodgement of the Subdivision Certificate application
{Reason: Implementation of Council's Section 94 Urban Stormwater Drainage Headworks Contributions Plan, as amended October 1995}

(16) Prior to the issue of the Subdivision Certificate, the contribution by the developer of Urban Roads headworks contributions, calculated on a per lot basis, in accordance with Council's adopted Amended Section 94 Contributions Plan - Roads, Traffic Management and Carparking, operational 3 March 2016.

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

Note 1: Council's adopted 2016/2017 financial year rate is $6,340.40 (including administration) per lot (11 residential trips). Contributions will be levied for the creation of Lots 101 to 130 inclusive (30 allotments). Lot 100 (church allotment) and Lot 131 (residue allotment) will not incur contributions.

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

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Technical Services Division, such shall be provided with the lodgement of the Subdivision Certificate application.
{Reason: Implementation of Council's Section 94 Contributions Plan - Roads, Traffic Management and Carparking dated 2016}

(17) The design and construction by the developer at their own expense and to the satisfaction of Council of all road works including the following:

- A mountable centre island roundabout with pedestrian refuge separation islands shall be constructed at the intersection of Castlereagh Avenue and Peel Place; and
- Construction of the proposed cul-de-sac within proposed Lot 100.

For the design of all roadways, due consideration should be given to the sweep path generated by turning vehicles. The current design template (utilising the design template Austroads) for a single unit truck/bus comprises a vehicle 12.5 m in length. The recommended turning radius for such a vehicle with a criteria travel speed of 5-15 km/hr is 15 m. Similarly, the current design template for a 'service vehicle' comprises a vehicle 8.8 m in length also with an associated turning radius of 15 m. For a car, the current design template comprises a vehicle 5 m in length with an associated turning radius of 8 m.

Note: The final design plans for all 'on-road' traffic control devices (ie median islands, roundabouts, linemarking, signposting, etc) are required to be submitted to Council's Traffic Engineer for approval prior to the issuing of any Construction Certificate(s) incorporating any 'on-road' traffic control devices.

All roads shall be designed in accordance with the following minimum requirements:

STREET	MINIMUM ROAD RESERVE WIDTH (m)	MINIMUM CARRIAGEWAY WIDTH (m)
Extension Peel Place	18	10 m pavement (4.0-10.0-4.0)

All roadways are to be constructed fully kerbed and guttered with associated underground stormwater drainage, street tree planting (as required) and the top dressing of footpaths with good quality top soil.

The developer will be required to construct all roads to the following minimum standards:

(a) Having a finished wearing surface of a minimum 30 mm thick layer of asphaltic concrete (LT10).

Note: In accordance with Council's adopted AUS-SPEC #1 Construction specification, a primerseal must fully cover the road pavement area prior to the placement of the wearing surface;

(b) Roll form type concrete kerb and gutter shall be constructed on both sides of the proposed roadway; and

(c) The proposed Cul-de-sac within proposed Lot 100 shall be constructed with a minimum diameter of 24 m.

Note: At Subdivision Certificate release stage, this cul-de-sac and surrounding road reserve area will be required to be dedicated to Council as public road.

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

Any landscaping proposed within the 'estate area' must not impair on the desired sight lines of motorists with particular attention being paid to locations in the vicinity of all curves, intersections, roundabouts, pedestrian facilities, bus stops, etc.
{Reason: Implementation of Council Policy}

(18) The design and construction by the developer (at their own expense and to the satisfaction of Council) of the stormwater drainage system to be undertaken generally in accordance with the design principles submitted with the Development Application (ie

'Proposed Stormwater Management Plan' Heath Consulting Engineers drawing no. 14060-DA04, revision A, dated 13.10.2016).

Such system is to also incorporate the following:

- A Gross Pollutant Trap (GPT) shall be installed prior to the proposed detention basin. Location and type(s) of GPTs are to be in accordance with Council requirements (for 'ongoing' maintenance reasons).

- Other than for the interallotment drainage system, all pipework within the proposed estate area is to be a minimum of 375 mm diameter unless otherwise authorised by Council;

- All drainage swales (including the drainage reserve) are to be either grassed, turfed or rock lined, preferably in the range of 1% to 4% in longitudinal grade;

- Unless otherwise agreed to in writing by the Roads and Maritime Services (RMS) and Council, drainage discharge from the existing Mitchell Highway box culvert (located approximately to the south of proposed Lot 120/121) must be permitted to discharge through the proposed development/subdivision site.

  NB: Detention of this system is not required however calculations and discharge rates will be required to show total unfettered discharge of this existing stormwater discharge from the existing Mitchell Highway box culvert is adequately managed eventually discharges to the north-western corner of the development site and ultimately discharging into the existing Yarrawonga Estate detention basin system.

- The stormwater Construction Certificate plans must clearly show (identify) flows calculated for the minor event (1:10 year) plus the major event (1:100 year) without impacting (potential flooding) of any private properties.

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.

The 'drainage reserve' identified between Lots 116 and 117 shall be dedicated to Council.
{Reason: To achieve a satisfactory means and method of stormwater drainage disposal from the proposed subdivision area}

(19) The provision by the developer (at their own expense) of street name signs to AS1742.5 and approved by Council. All the street name signs shall be installed prior to the release of the Subdivision Certificate.

Note: Road extension is to be Peel Place.
{Reason: Implementation of Council Policy}

(20) The provision of traffic control signs, chevron barriers, boards and guide posts for all roadworks.
{Reason: Implementation of Council policy}

(21) The construction of a 1.5 m wide concrete footpath along the northern side of Peel Place from Lot 100 and continuing north-west along the northern side of Peel Place to the intersection of Castlereagh Avenue being provided by and at full cost to the developer.

- All pathways shall be constructed in concrete (unless otherwise authorised and approved by Council) with perambulator ramps suitable for disabled access located at each kerb and gutter/roadway crossing(s).

All works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 document and to Council's standard drawing STD 5251 and STD 5166.
{Reason: To provide pedestrian and cycleway linkages at strategic locations throughout the estate area}

(22) The provision by the developer of all sewerage junctions, main extensions and alterations necessary to provide separate sewerage connections to each allotment and to the satisfaction of Council.

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 and sewerage system design, including calculations 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}

(23) The creation by the developer, under Section 88B of the Conveyancing Act, of a minimum two (2) metre wide easement in favour of Council, to be centrally located over all Council sewerage mains.
{Reason: Implementation of Council Policy}

(24) The provision by the developer (at their own expense) and to the satisfaction of Council, of a duplicate new 150 mm dia water main from the intersection of Castlereagh Avenue and Peel Place to the end of the extension of Peel Place to service proposed development including the Seniors Living.

The remainder of the water main shall be 'looped' and be 100 mm dia - refer to Council's Water Hydraulic Modeling Analysis Plan attached.

Note: Detectable metallic tape must be provided in water trenches wherever non-metallic water mains are installed.

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.
{Reason: Implementation of Council Policy}

(25) Cross connection(s) of the proposed new internal water main extension(s) with Council's existing water main(s) will be required to be undertaken by Council at the developer's expense unless a 'dead-end' isolating stop valve has already been provided.
{Reason: Implementation of Council policy}

(26) The design and construction by the developer of inter-allotment drainage where necessary, in accordance with Section 3.1(v): Inter-allotment Drainage contained within Council's Engineering Standards Policy Code. Construction shall be at full cost to the developer and to the satisfaction of Council.

All works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Design and Construction with detailed engineering design plans being submitted to and approved by Council prior to any construction works commencing.
{Reason: Implementation of Council Policy}

(27) The creation by the developer, under Section 88B of the Conveyancing Act, of a minimum two (2) metre wide easement in favour of Council to be centrally located over all inter-allotment drainage lines.
{Reason: Implementation of Council Policy}

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

Council will require written advice from NBN/Telstra or its contractor to state that the NBN pit and conduit requirements have been met.
{Reason: Implementation of Council policy}

(29) 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}

(30) The provision by the developer of all Work-As-Executed engineering plans of digital copies in Civilcad, Microstation or DWG Format including hard copies shall be submitted prior to release of subdivision linen plans in accordance with Clause 4 of the Subdivision Development Code.
{Reason: Implementation of Council Policy}

(31) The provision by the developer of satisfactory arrangements with the appropriate authorities for the construction of underground electricity including house services to allotment boundaries, street lighting (as per Australian Standard AS/NZS 1158.1.1) and trunk mains, transformers and any other ancillary equipment together with the connection of telephone services and underground reticulated natural gas, to each allotment, noting that adequate ducting for all road crossings required shall be installed prior to construction of the road surface. The developer shall contribute the difference between the contribution (if any) by the utility authority and the cost of the underground supply.
{Reason: Implementation of Council policy}

(32) Under no circumstances are any construction works or activities to commence on or within the road reserve area (which includes the footpath area) until such time as a 'Road Opening Application' has been lodged with and approved by Council. As part of the proposed works encroach onto Peel Place (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 proposed development, the developer/applicant is to provide the Principal Certifying Authority (PCA) with written evidence/confirmation that the required S138 Application has been lodged with Council, and that any relevant condition(s) have been complied with.
{Reason: Implementation of Council's Policy and Section 138 of the Roads Act}

(33) Any damage incurred to the road or road shoulder, or any other 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. Should the developer not complete repairs as necessary, and/or as directed by Council, Council will undertake such repair work(s) and recover the cost(s) from the developer.
{Reason: Implementation of Council policy}

(34) Once the extension of Peel Place has been fully constructed, the existing vehicular access to the church site off Wellington Road (Mitchell Highway) is required to be permanently closed (including removal of any existing infrastructures ie culvert) as per Roads and Maritime Services requirements.
{Reason: Roads and Maritime Services requirement for church development (D91-155) as per their correspondence dated 25 August 1991}

(35) The creation by the developer, under Section 88B of the Conveyancing Act, of a restrictive covenant over proposed Lot 100 denying direct vehicle access from/to this subject lot onto Wellington Road, with the Subdivision Certificate for proposed Lot 122.
{Reason: Roads and Maritime Services will not permit vehicles from gaining direct access onto Wellington Road}

(36) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
{Reason: Council and statutory requirement to protect Aboriginal heritage}

(37) All solid waste from 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, 1997.
{Reason: Council requirement to require compliance with the POEO Act, 1997}

(38) Subdivision construction works shall only be carried out within the following times:

Monday to Friday:	7 am to 6 pm
Saturday:	8 am to 1 pm
Sunday and public holidays:	No construction work permitted

{Reason: Council requirement to reduce likelihood of noise nuisance}

(39) Prior to any Construction Certificate being issued by any Principal Certifying Authority, or the commencement of any construction works, a Construction Management Plan (CMP) shall be submitted to and approved by Council. Such plan shall address as a minimum the following components:

- Noise pollution during subdivision construction works;
- Waste management during subdivision construction;
- The suppression and management of dust during subdivision construction including the number and type of water trucks, rules for suspension of works generating an adverse dust impact on surrounding properties; and
- Erosion and sedimentation control.

{Reason: Council requirement to ensure compliance with the POEO Act, 1997}

(40) The creation by the developer, under Section 88B of the Conveyancing Act, of a Restriction as to User in favour of Council burdening proposed Lots 101-130 inclusive as follows:

"Standard residential construction (timber frame and cladding, brick veneer or double brick and cavity) as listed in the Category 2 zone of the Development Near Rail Corridors and Busy Roads – Interim Guideline is permitted for any dwelling. Non-standard construction shall not be used without an acoustic assessment."
{Reason: Council requirement to ensure rail noise impacts are minimised}

(41) Prior to the release of any Construction Certificate, a finalised Landscape Plan shall be submitted to and approved by Council that includes landscaping within the road reserve areas of Peel Place. Street tree planting shall be provided at a rate of one (1) per allotment. The plan shall be developed in consultation with Council's Parks and Landcare Services Division to ensure integration with Council's Public Open Space vision. Pedestrian footpaths shall also be shown on the landscape plans.

Prior to the release of the relevant Subdivision Certificate, such landscaping shall be completed in accordance with the approved Landscape Plan.

Landscaping within the Public Reserve adjacent to Wellington Road shall be completed in accordance with the approved Landscape Plan (Drawing No. 14060-DA08 dated 13/10/2016 – revision A) prior to the issue of the first Subdivision Certificate.
{Reason: Council requirement to maintain the amenity of the area}

(42) The installation of any street furniture assets shall be in accordance with Council's Parks and Landcare Services Street Furniture Specifications for the identified Asset Classification Standard of the public open space.
{Reason: To ensure consistency of furniture assets across public open space of the same Asset Classification}

(43) Any padmounted electricity substation to be provided within the subdivision area shall not be located within a road reserve. The substation shall be located within private property with appropriately-sized easements surrounding.
{Reason: Requirement of Essential Energy}

(44) Those properties that contain, or are located adjacent to, a padmounted electricity substation shall contain a suitable restriction created under Section 88B of the Conveyancing Act regarding the proximity of future dwellings to the substation. The restriction shall contain the following wording:

> *"Essential Energy requires substations to be effectively segregated from neighbouring areas and buildings which are subject to fire risk. To assist in achieving these requirement substation cubicles must be separated from building ventilation system air intake and exhaust duct openings, by not less than six (6) metres measured by shortest string line between cubicle and duct.*
>
> *Any portion of a building not sheltered by a non-ignitable blast-resisting barrier that is within three (3) metres in any direction from the housing of a padmount substation is required to have a two-hour fire rating. Windows or glass block work or similar, irrespective of their fire rating, are not permitted in this zone, unless they are sheltered by a non-ignitable blast resisting barrier.*
>
> *Any portion of an area which may be used for storage of combustible material and which is within three metres in any direction from the housing of a padmount substation must be sheltered by a non-ignitable blast-resisting barrier.*

Blast-resisting barriers and their foundations must be external to the overall area required for the substation's site and must also comply with the following requirements:

1. *They must not interfere with personnel or equipment access to the substation or with cabling;*
2. *They must be suitably drained away from the site they must be constructed of non-perishable material such as concrete or brick;*
3. *They must provide for concrete encased conduits where required for cable entry to the substation;*
4. *They must not interfere with the padmount ventilation and the escape of heat from the padmount;*
5. *They must be constructed to the engineering requirements and the satisfaction of the local council;*
6. *An Engineer's Certificate must be supplied by the Accredited Service Provider; and*
7. *Foundation depths must be as specified for retaining walls.*

In all cases, the location of the blast resisting barriers must be approved by Essential Energy."

Linen Plans shall also display such easements. Details of the above requirements will be required to be provided with the relevant Subdivision Certificate.
{Reason: Requirement of Essential Energy to restrict building work near pad mounted electricity substations}

(45) Proposed Lot 131 for the purpose of this Development Application has been classified by Council as a 'Residue Lot'.

As such, the proposed new lot is being created without any services being readily available.

Any future development and/or subdivision of this lot will require a separate development application to be lodged with Council whereby fees, headworks contributions and/or development consent conditions will be imposed accordingly.

The current owner(s) of the subject land is required to make the above known (duty to disclose) to any prospective purchaser(s) should they propose to sell this proposed new lot.

(46) Should this development consent commence prior to the seniors' housing development as approved under Development Consent D15-43, the allotment shown on the stamped approved plan for the seniors' housing development will also be treated as a residue lot. In this case, the same requirements described above will apply.
{Reason: Residue lot(s) will require further consideration by Council on any future subdivision and/or development}

NOTES

(1) Connection of the existing buildings to the proposed sewerage system is a condition of the development consent. The depth of the proposed sewerage pipes may not permit gravity connection in which case either use of the existing septic system or installation of a new sewerage management system with pump may be necessary. Approval and installation of the relevant system must be in place prior to the approval of the subdivision certificate.

(2) 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.

(3) Fees and contributions in respect to this application will be those applicable at the date of release of the Subdivision Certificate.

(4) Subject to the satisfactory completion of at least 75% of all sewerage, water reticulation, drainage and roadworks and the lodgement with Council of a bond or bank guarantee of the estimated cost of any such uncompleted works and compliance with all other conditions of consent, the Linen Plan of Subdivision may be released.

(5) All 'bonded' sewerage, water reticulation, drainage and roadworks must be completed within six (6) months of the release of the Linen Plan of Subdivision otherwise the Council may carry out the outstanding works using funds held by way of bond or bank guarantee to meet the cost thereof.

(6) Offensive noise as defined under the Protection of the Environment Operations Act, 1997 shall not be emitted from the proposed development.

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

(7) 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 Civic Administration Building, Church Street, Dubbo between the hours of 9 am and 5 pm, Monday to Friday. Copies are available from www.dubbo.nsw.gov.au

(8) The development shall be carried out in accordance with Essential Energy's correspondence dated 15 November 2016 (copy attached).

(9) The development shall be carried out in accordance with the correspondence from John Holland Rail dated 16 November 2016 (copy attached).

(10) The house numbering for the subdivision will be as follows:

Lot No	House No	Lot No	House No
100	57 Peel Place	116	43 Peel Place
101	13 Peel Place	117	45 Peel Place
102	15 Peel Place	118	47 Peel Place
103	17 Peel Place	119	49 Peel Place
104	19 Peel Place	120	51 Peel Place
105	21 Peel Place	121	53 Peel Place
106	23 Peel Place	122	55 Peel Place
107	25 Peel Place	123	38 Peel Place
108	27 Peel Place	124	36 Peel Place
109	29 Peel Place	125	34 Peel Place
110	31 Peel Place	126	32 Peel Place
111	33 Peel Place	127	30 Peel Place
112	35 Peel Place	128	28 Peel Place
113	37 Peel Place	129	26 Peel Place
114	39 Peel Place	130	24 Peel Place
115	41 Peel Place	131	40 Peel Place

For further information in this regard, please contact Council's Land Information Services Supervisor, Kim Edwards, on (02) 6801 4617.

(11) At the time of the connection of the existing church development on proposed Lot 100 to reticulated sewer, the existing septic tank/s shall:

(a) Be connected to the new reticulated sewerage system being provided; or
(b) Be decommissioned and demolished/removed in accordance with the Department of Health publication Advisory Note 3 – May 2006 'Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems and other Sewage Management Facility Vessels'; or
(c) If a gravity sewerage connection proves impractical, install a new sewerage management system with a collection well and pressure pump to sewer.

Such work shall be undertaken concurrently when the existing building is subsequently connected to the reticulated sewerage system upon its availability.

(12) The new sanitary drainage and water plumbing work associated with the connection of the church building, including Lot 100, to the proposed reticulated sewerage and water systems, requires the issue of a separate approval from Council prior to being installed. In this regard, a Drainage and Plumbing Approval application form is available from Council and must be completed by the licensed plumbing and drainage contractor and returned to Council with the appropriate fee. House drainage and plumbing works associated with such building must not be commenced until Council has issued an approval authorising such works.

(13) The following applicable works shall be inspected and passed by an officer of Council's Environmental Services Division, irrespective of any other subdivision works, prior to them being covered:

- The altered external sanitary drainage pipework associated with the connection of the church building upon proposed Lot 100, to the reticulated sewer. Such pipework is to be under hydraulic test;
- The external water plumbing associated with the connection of the church building to the reticulated town water supply, under hydraulic test; and
- Final inspection of the installed external sanitary and water plumbing fixtures upon completion of church building sewerage and town water connection.

In this regard, at least 24 hours' notice shall be given to Council for inspection of such works. When requesting an inspection, please quote Council's reference number **D16-494**.

An inspection may be arranged by emailing enviroadmin@dubbo.nsw.gov.au or by telephoning Council's Environmental Services Division on 6801 4612.

Note: The above works must be undertaken by a plumbing/drainage contractor licensed under the Home Building Act with all applicable regulatory notices/certificates under the Plumbing and Drainage Act being complied with.

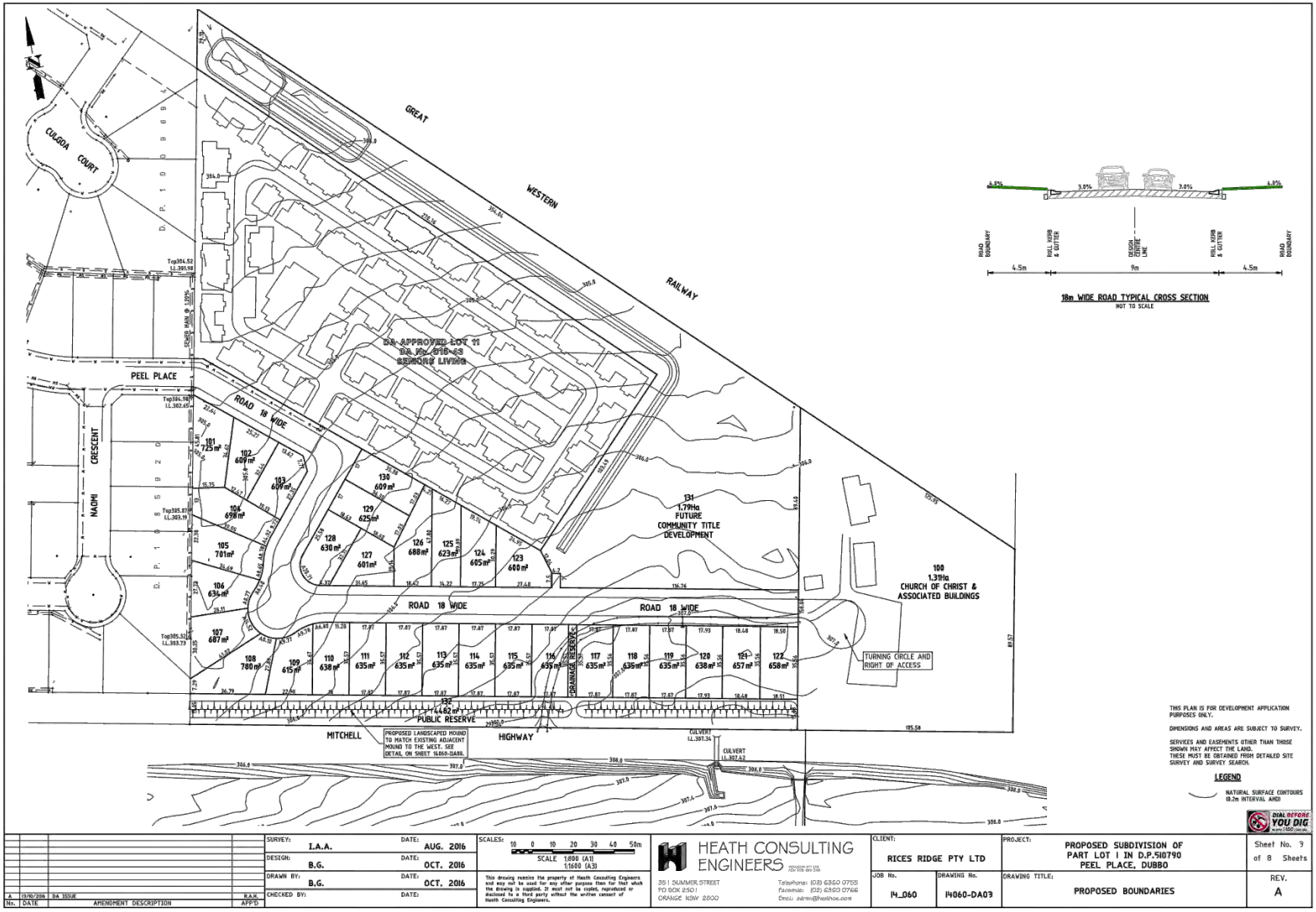
RIGHT OF REVIEW

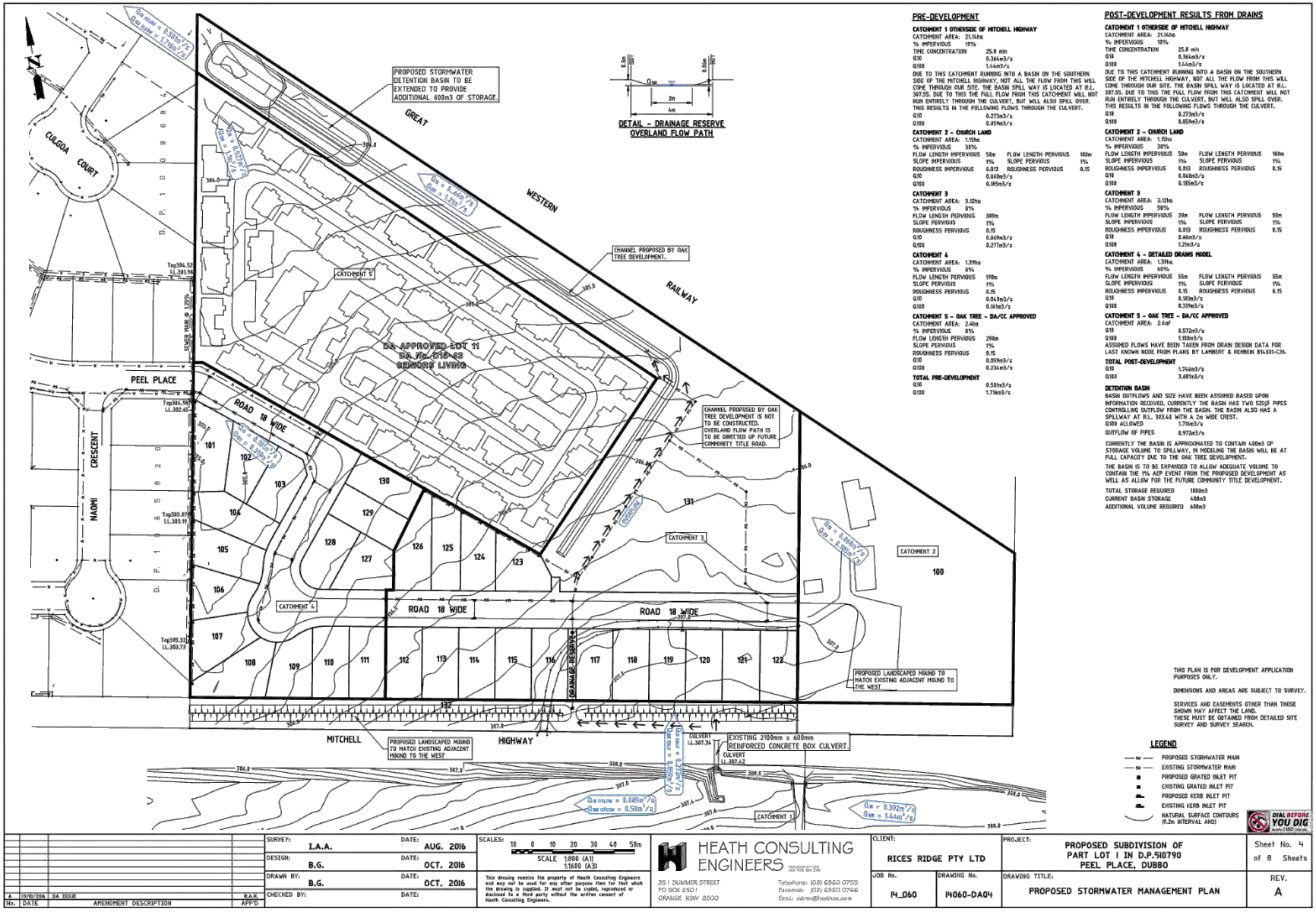
Section 82A of the Environmental Planning and Assessment Act, 1979 confers the right for an applicant to make a request to the Council for it to review its determination, within six (6) months after the date on which the applicant received this notice. Any requests for a review are required to be accompanied by a fee as set in Council's Revenue Policy.

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

RIGHT OF APPEAL

Section 97 of the Environmental Planning and Assessment Act, 1979 confers the right for an applicant who is dissatisfied with Council's determination to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice.


GREAT WESTERN RAILWAY
CULGOA COURT
PEEL PLACE
NAOMI CRESCENT
ROAD 18 WIDE
DA APPROVED LOT 11
DA No. 016-16
SENIORS LIVING
131
1.79Ha
FUTURE
COMMUNITY TITLE
DEVELOPMENT
100
1.31Ha
CHURCH OF CHRIST &
ASSOCIATED BUILDINGS
TURNING CIRCLE AND
RIGHT OF ACCESS
DRAINAGE RESERVE
132
4482m²
PUBLIC RESERVE
MITCHELL HIGHWAY
PROPOSED LANDSCAPED MOUND
TO MATCH EXISTING ADJACENT
MOUND TO THE WEST. SEE
DETAIL ON SHEET 14060-DA08.
CULVERT
CULVERT
18m WIDE ROAD TYPICAL CROSS SECTION
NOT TO SCALE
ROAD BOUNDARY
ROLL KERB & GUTTER
DESIGN CENTRE LINE
4.5m
9m
THIS PLAN IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY.
DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.
SERVICES AND EASEMENTS OTHER THAN THOSE SHOWN MAY AFFECT THE LAND. THESE MUST BE OBTAINED FROM DETAILED SITE SURVEY AND SURVEY SEARCH.
LEGEND
NATURAL SURFACE CONTOURS (0.2m INTERVAL AHD)
DIAL BEFORE YOU DIG
A 19/10/2016 DA ISSUE B.A.M.
No. DATE AMENDMENT DESCRIPTION APP'D
SURVEY: I.A.A. DATE: AUG. 2016
DESIGN: B.G. DATE: OCT. 2016
DRAWN BY: B.G. DATE: OCT. 2016
CHECKED BY: DATE:
SCALES: 10 0 10 20 30 40 50m
SCALE 1:800 (A1)
1:1600 (A3)
This drawing remains the property of Heath Consulting Engineers and may not be used for any other purpose than for that which the drawing is supplied. It must not be copied, reproduced or disclosed to a third party without the written consent of Heath Consulting Engineers.
HEATH CONSULTING ENGINEERS
351 SUMMER STREET
PO BOX 2501
ORANGE NSW 2800
Telephone: (02) 6360 0755
Facsimile: (02) 6360 0766
Email: admin@heathce.com
CLIENT: RICES RIDGE PTY LTD
PROJECT: PROPOSED SUBDIVISION OF PART LOT 1 IN D.P.510790 PEEL PLACE, DUBBO
Sheet No. 3 of 8 Sheets
JOB No. 14_060
DRAWING No. 14060-DA03
DRAWING TITLE: PROPOSED BOUNDARIES
REV. A


PROPOSED STORMWATER DETENTION BASIN TO BE EXTENDED TO PROVIDE ADDITIONAL 600m3 OF STORAGE.
DETAIL - DRAINAGE RESERVE OVERLAND FLOW PATH
CULGOA COURT
GREAT WESTERN RAILWAY
CHANNEL PROPOSED BY OAK TREE DEVELOPMENT.
DA APPROVED LOT 11 DA No. 016-03 SENIORS LIVING
PEEL PLACE
NAOMI CRESCENT
ROAD 18 WIDE
CHANNEL PROPOSED BY OAK TREE DEVELOPMENT IS NOT TO BE CONSTRUCTED. OVERLAND FLOW PATH IS TO BE DIRECTED UP FUTURE COMMUNITY TITLE ROAD.
CATCHMENT 1
CATCHMENT 2
CATCHMENT 3
CATCHMENT 4
CATCHMENT 5
DRAINAGE RESERVE
PROPOSED LANDSCAPED MOUND TO MATCH EXISTING ADJACENT MOUND TO THE WEST.
MITCHELL HIGHWAY
PROPOSED LANDSCAPED MOUND TO MATCH EXISTING ADJACENT MOUND TO THE WEST
EXISTING 2100mm x 600mm REINFORCED CONCRETE BOX CULVERT
SEWER MAIN @ 1.20%
PRE-DEVELOPMENT
CATCHMENT 1 OTHERSIDE OF MITCHELL HIGHWAY
CATCHMENT AREA: 21.14ha
% IMPERVIOUS 10%
TIME CONCENTRATION 25.8 min
Q10 0.364m3/s
Q100 1.44m3/s
DUE TO THIS CATCHMENT RUNNING INTO A BASIN ON THE SOUTHERN SIDE OF THE MITCHELL HIGHWAY, NOT ALL THE FLOW FROM THIS WILL COME THROUGH OUR SITE. THE BASIN SPILL WAY IS LOCATED AT R.L. 307.55. DUE TO THIS THE FULL FLOW FROM THIS CATCHMENT WILL NOT RUN ENTIRELY THROUGH THE CULVERT, BUT WILL ALSO SPILL OVER. THIS RESULTS IN THE FOLLOWING FLOWS THROUGH THE CULVERT.
Q10 0.273m3/s
Q100 0.859m3/s
CATCHMENT 2 - CHURCH LAND
CATCHMENT AREA: 1.19ha
% IMPERVIOUS 38%
FLOW LENGTH IMPERVIOUS 50m FLOW LENGTH PERVIOUS 180m
SLOPE IMPERVIOUS 1% SLOPE PERVIOUS 1%
ROUGHNESS IMPERVIOUS 0.013 ROUGHNESS PERVIOUS 0.15
Q10 0.060m3/s
Q100 0.185m3/s
CATCHMENT 3
CATCHMENT AREA: 3.12ha
% IMPERVIOUS 8%
FLOW LENGTH PERVIOUS 300m
SLOPE IMPERVIOUS 1%
ROUGHNESS PERVIOUS 0.15
Q10 0.069m3/s
Q100 0.277m3/s
CATCHMENT 4
CATCHMENT AREA: 1.39ha
% IMPERVIOUS 0%
FLOW LENGTH PERVIOUS 190m
SLOPE PERVIOUS 1%
ROUGHNESS PERVIOUS 0.15
Q10 0.043m3/s
Q100 0.161m3/s
CATCHMENT 5 - OAK TREE - DA/CC APPROVED
CATCHMENT AREA: 2.4ha
% IMPERVIOUS 0%
FLOW LENGTH PERVIOUS 298m
SLOPE PERVIOUS 1%
ROUGHNESS PERVIOUS 0.15
Q10 0.059m3/s
Q100 0.234m3/s
TOTAL PRE-DEVELOPMENT
Q10 0.501m3/s
Q100 1.716m3/s
POST-DEVELOPMENT RESULTS FROM DRAINS
CATCHMENT 1 OTHERSIDE OF MITCHELL HIGHWAY
CATCHMENT AREA: 21.14ha
% IMPERVIOUS 10%
TIME CONCENTRATION 25.8 min
Q10 0.364m3/s
Q100 1.44m3/s
DUE TO THIS CATCHMENT RUNNING INTO A BASIN ON THE SOUTHERN SIDE OF THE MITCHELL HIGHWAY, NOT ALL THE FLOW FROM THIS WILL COME THROUGH OUR SITE. THE BASIN SPILL WAY IS LOCATED AT R.L. 307.55. DUE TO THIS THE FULL FLOW FROM THIS CATCHMENT WILL NOT RUN ENTIRELY THROUGH THE CULVERT, BUT WILL ALSO SPILL OVER. THIS RESULTS IN THE FOLLOWING FLOWS THROUGH THE CULVERT.
Q10 0.273m3/s
Q100 0.859m3/s
CATCHMENT 2 - CHURCH LAND
CATCHMENT AREA: 1.19ha
% IMPERVIOUS 38%
FLOW LENGTH IMPERVIOUS 50m FLOW LENGTH PERVIOUS 180m
SLOPE IMPERVIOUS 1% SLOPE PERVIOUS 1%
ROUGHNESS IMPERVIOUS 0.013 ROUGHNESS PERVIOUS 0.15
Q10 0.060m3/s
Q100 0.185m3/s
CATCHMENT 3
CATCHMENT AREA: 3.12ha
% IMPERVIOUS 58%
FLOW LENGTH IMPERVIOUS 20m FLOW LENGTH PERVIOUS 50m
SLOPE IMPERVIOUS 1% SLOPE PERVIOUS 1%
ROUGHNESS IMPERVIOUS 0.013 ROUGHNESS PERVIOUS 0.15
Q10 0.46m3/s
Q100 1.2m3/s
CATCHMENT 4 - DETAILED DRAINS MODEL
CATCHMENT AREA: 1.39ha
% IMPERVIOUS 40%
FLOW LENGTH IMPERVIOUS 55m FLOW LENGTH PERVIOUS 55m
SLOPE IMPERVIOUS 1% SLOPE PERVIOUS 1%
ROUGHNESS IMPERVIOUS 0.15 ROUGHNESS PERVIOUS 0.15
Q10 0.181m3/s
Q100 0.319m3/s
CATCHMENT 5 - OAK TREE - DA/CC APPROVED
CATCHMENT AREA: 2.4ha
Q10 0.572m3/s
Q100 1.128m3/s
ASSUMED FLOWS HAVE BEEN TAKEN FROM DRAIN DESIGN DATA FOR LAST KNOWN NODE FROM PLANS BY LAMBERT & REHBEIN B14331-C24.
TOTAL POST-DEVELOPMENT
Q10 1.74m3/s
Q100 3.681m3/s
DETENTION BASIN
BASIN OUTFLOWS AND SIZE HAVE BEEN ASSUMED BASED UPON INFORMATION RECEIVED. CURRENTLY THE BASIN HAS TWO 525ϕ PIPES CONTROLLING OUTFLOW FROM THE BASIN. THE BASIN ALSO HAS A SPILLWAY AT R.L. 303.40 WITH A 2m WIDE CREST.
Q100 ALLOWED 1.71m3/s
OUTFLOW OF PIPES 0.972m3/s
CURRENTLY THE BASIN IS APPROXIMATED TO CONTAIN 400m3 OF STORAGE VOLUME TO SPILLWAY, IN MODELING THE BASIN WILL BE AT FULL CAPACITY DUE TO THE OAK TREE DEVELOPMENT.
THE BASIN IS TO BE EXPANDED TO ALLOW ADEQUATE VOLUME TO CONTAIN THE 1% AEP EVENT FROM THE PROPOSED DEVELOPMENT AS WELL AS ALLOW FOR THE FUTURE COMMUNITY TITLE DEVELOPMENT.
TOTAL STORAGE REQUIRED 1000m3
CURRENT BASIN STORAGE 400m3
ADDITIONAL VOLUME REQUIRED 600m3
THIS PLAN IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY.
DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.
SERVICES AND EASEMENTS OTHER THAN THOSE SHOWN MAY AFFECT THE LAND. THESE MUST BE OBTAINED FROM DETAILED SITE SURVEY AND SURVEY SEARCH.
LEGEND
PROPOSED STORMWATER MAIN
EXISTING STORMWATER MAIN
PROPOSED GRATED INLET PIT
EXISTING GRATED INLET PIT
PROPOSED KERB INLET PIT
EXISTING KERB INLET PIT
NATURAL SURFACE CONTOURS (0.2m INTERVAL AHD)
DIAL BEFORE YOU DIG
A 19/08/2016 DA ISSUE B.A.H.
No. DATE AMENDMENT DESCRIPTION APP'D
SURVEY: I.A.A. DATE: AUG. 2016
DESIGN: B.G. DATE: OCT. 2016
DRAWN BY: B.G. DATE: OCT. 2016
CHECKED BY: DATE:
SCALES: 10 0 10 20 30 40 50m
SCALE 1:800 (A1) 1:1600 (A3)
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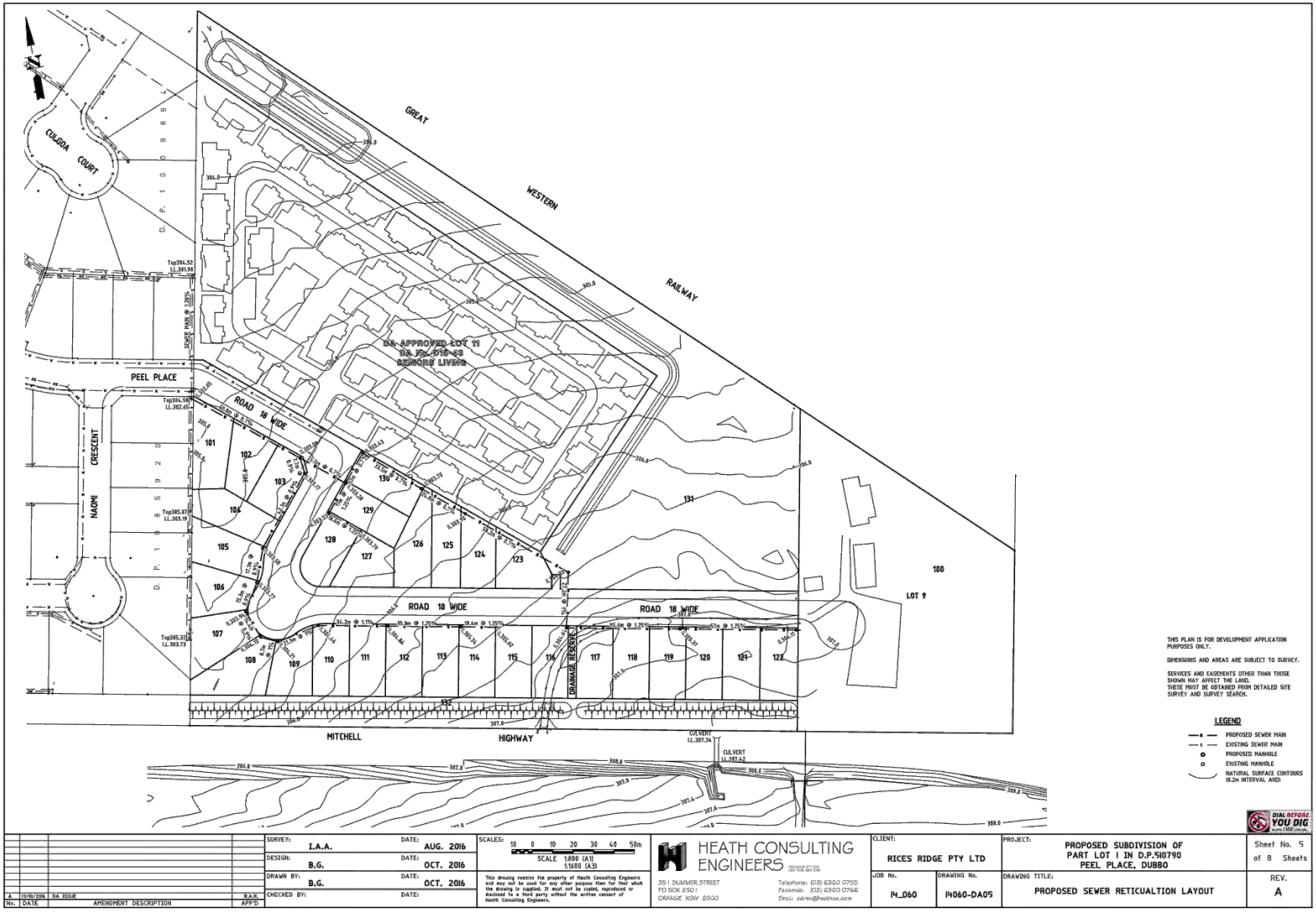
Telephone: (02) 6360 0755 Facsimile: (02) 6360 0766 Email: admin@heathce.com
CLIENT: RICES RIDGE PTY LTD
PROJECT: PROPOSED SUBDIVISION OF PART LOT 1 IN D.P.510790 PEEL PLACE, DUBBO
Sheet No. 4 of 8 Sheets
JOB No. 14_060
DRAWING No. 14060-DA04
DRAWING TITLE: PROPOSED STORMWATER MANAGEMENT PLAN
REV. A


GREAT WESTERN RAILWAY
CULGOA COURT
PEEL PLACE
NAOMI CRESCENT
ROAD 16 WIDE
ROAD 18 WIDE
ROAD 18 WIDE
DA APPROVED LOT 11
DA No. 016-08
SENIORS LIVING
LOT 9
DRAINAGE RESERVE
MITCHELL HIGHWAY
CULVERT
CULVERT
SEWER MAIN @ 1.25%
THIS PLAN IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY.
DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.
SERVICES AND EASEMENTS OTHER THAN THOSE SHOWN MAY AFFECT THE LAND. THESE MUST BE OBTAINED FROM DETAILED SITE SURVEY AND SURVEY SEARCH.
LEGEND
PROPOSED SEWER MAIN
EXISTING SEWER MAIN
PROPOSED MANHOLE
EXISTING MANHOLE
NATURAL SURFACE CONTOURS 0.2m INTERVAL AHD
DIAL BEFORE YOU DIG
SURVEY: I.A.A. DATE: AUG. 2016
DESIGN: B.G. DATE: OCT. 2016
DRAWN BY: B.G. DATE: OCT. 2016
CHECKED BY: DATE:
SCALES: SCALE 1:800 (A1) 1:1600 (A3)
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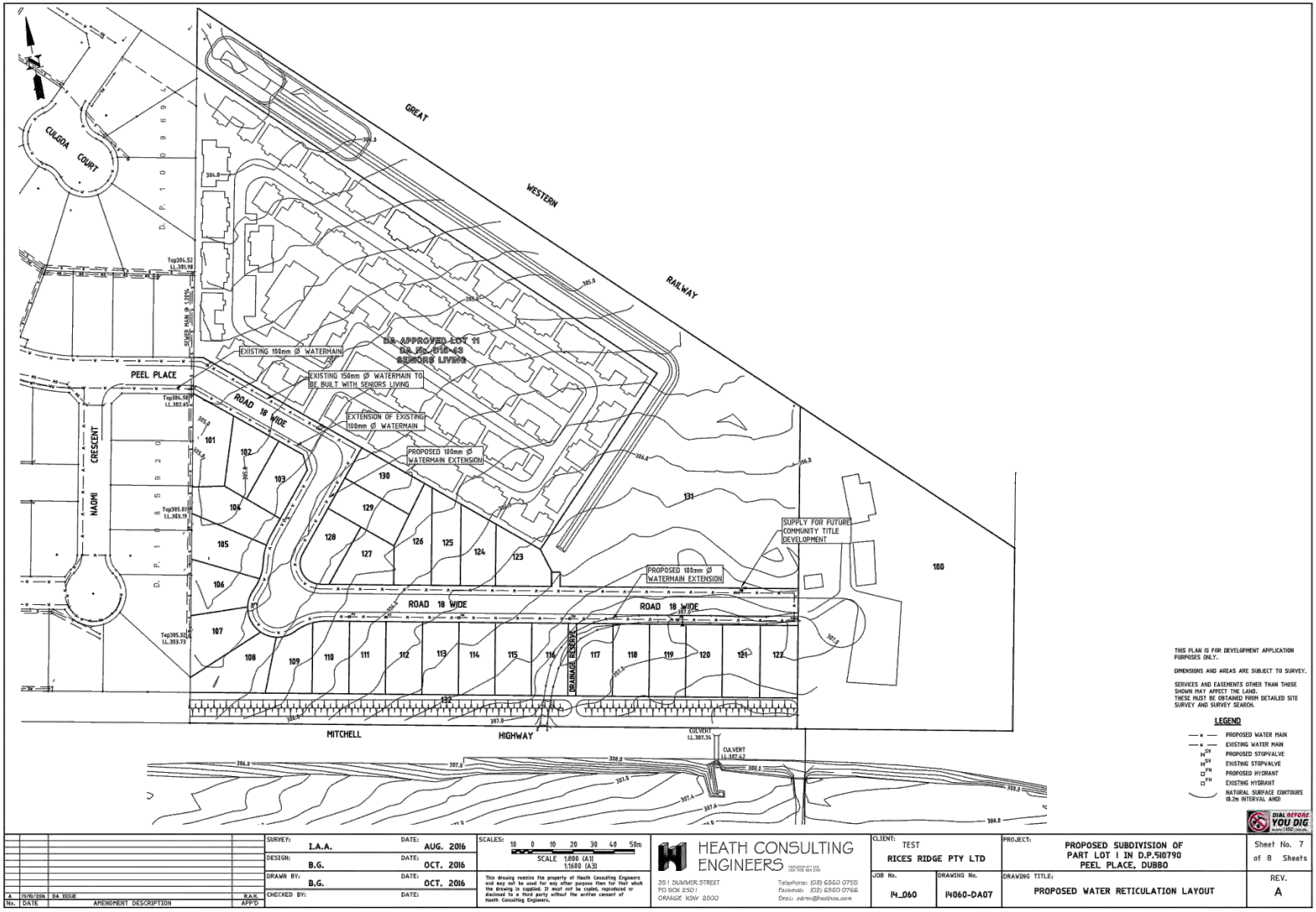
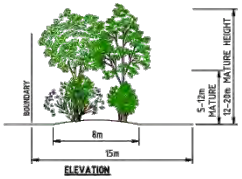
Email: admin@heathce.com
CLIENT: RICES RIDGE PTY LTD
PROJECT: PROPOSED SUBDIVISION OF PART LOT 1 IN D.P.510790 PEEL PLACE, DUBBO
Sheet No. 5 of 8 Sheets
JOB No. 14_060
DRAWING No. 14060-DA05
DRAWING TITLE: PROPOSED SEWER RETICUALTION LAYOUT
REV. A
A 19/10/2016 DA ISSUE B.A.M.
No. DATE AMENDMENT DESCRIPTION APP'D


GREAT WESTERN RAILWAY
CULGOA COURT
PEEL PLACE
NAOMI CRESCENT
ROAD 18 WIDE
DA APPROVED LOT 91
DA No. 016-43
SENIORS LIVING
EXISTING 100mm Ø WATERMAIN
EXISTING 150mm Ø WATERMAIN TO BE BUILT WITH SENIORS LIVING
EXTENSION OF EXISTING 100mm Ø WATERMAIN
PROPOSED 100mm Ø WATERMAIN EXTENSION
SUPPLY FOR FUTURE COMMUNITY TITLE DEVELOPMENT
DRAINAGE RESERVE
MITCHELL HIGHWAY
CULVERT
THIS PLAN IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY.
DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.
SERVICES AND EASEMENTS OTHER THAN THOSE SHOWN MAY AFFECT THE LAND. THESE MUST BE OBTAINED FROM DETAILED SITE SURVEY AND SURVEY SEARCH.
LEGEND
PROPOSED WATER MAIN
EXISTING WATER MAIN
PROPOSED STOPVALVE
EXISTING STOPVALVE
PROPOSED HYDRANT
EXISTING HYDRANT
NATURAL SURFACE CONTOURS @.2m INTERVAL AHD
DIAL BEFORE YOU DIG
SURVEY: I.A.A. DATE: AUG. 2016
DESIGN: B.G. DATE: OCT. 2016
DRAWN BY: B.G. DATE: OCT. 2016
CHECKED BY: DATE:
SCALES: SCALE 1:800 (A1) 1:1600 (A3)
HEATH CONSULTING ENGINEERS
351 SUMMER STREET PO BOX 2501 ORANGE NSW 2800
Telephone: (02) 6360 0755 Facsimile: (02) 6360 0766 Email: admin@heathce.com
CLIENT: TEST RICES RIDGE PTY LTD
PROJECT: PROPOSED SUBDIVISION OF PART LOT 1 IN D.P.510790 PEEL PLACE, DUBBO
Sheet No. 7 of 8 Sheets
JOB No. 14_060
DRAWING No. 14060-DA07
DRAWING TITLE: PROPOSED WATER RETICULATION LAYOUT
REV. A
A 19/10/2016 DA ISSUE B.A.M.
No. DATE AMENDMENT DESCRIPTION APP'D

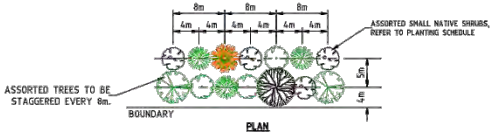
PLANTING SCHEDULE

SYMBOL	No. REQUIRED	BOTANICAL NAME	COMMON NAME	PLANTING CENTRES	MATURE HEIGHT & WIDTH	CONTAINER SIZE	TREE SHRUB
	14	EUCALYPTUS MELLIODORA	YELLOW BOX	8m	15m x 5m	200mm	TREE
	14	EUCALYPTUS BLAKELYI	BLAKELY'S RED GUM	8m	18m x 6m	200mm	TREE
	13	EUCALYPTUS MICROCARPA	GREY BOX	8m	18m x 6m	200mm	TREE
	45	CALLISTEMON LINEARIS	NARROW-LEAVED BOTTLE BRUSH	4m	8m x 3m	200mm	SHRUB
	44	PHEBALIUM GLANDULOSUM	DESERT PHEBALIUM	4m	4m x 3.5m	200mm	SHRUB
	44	ACACIA ACINACEA	GOLD-DUST WATTLE	4m	8m x 3.5m	200mm	SHRUB

ALL PLANTS SUBJECT TO APPROVAL BY DUBBO REGIONAL COUNCIL

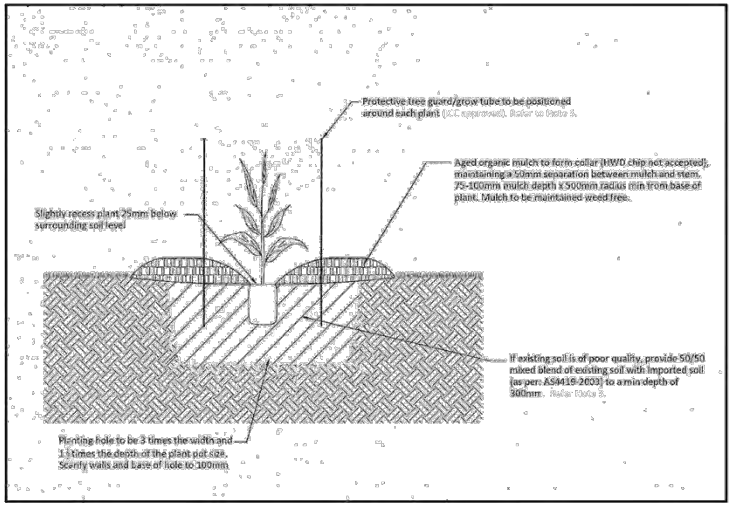


ELEVATION

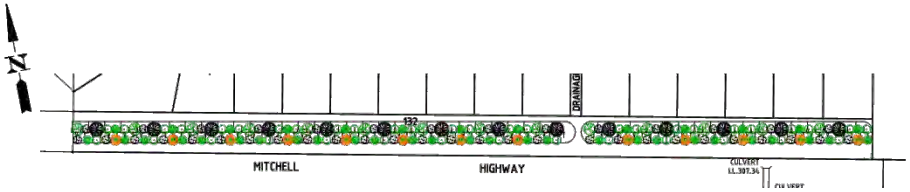


PLAN

TYPICAL BUFFER PLANTING DETAIL
NOT TO SCALE



TYPICAL PLANTING DETAIL
NOT TO SCALE



THIS PLAN IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY.

DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.

SERVICES AND EASEMENTS OTHER THAN THOSE SHOWN MAY AFFECT THE LAND. THESE MUST BE OBTAINED FROM DETAILED SITE SURVEY AND SURVEY SEARCH.

LEGEND

NATURAL SURFACE CONTOURS @.2m INTERVAL AHD

DIAL BEFORE YOU DIG

No.	DATE	AMENDMENT DESCRIPTION	B.A.M. APP'D
A.	19/12/2016	DA ISSUE	

SURVEY: I.A.A. DATE: AUG. 2016
DESIGN: B.G. DATE: OCT. 2016
DRAWN BY: B.G. DATE: OCT. 2016
CHECKED BY: DATE:

SCALES: 10 0 10 20 30 40 50m
SCALE 1:800 (A1) 1:1600 (A3)

HEATH CONSULTING ENGINEERS
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Email: admin@heathce.com

CLIENT: RICES RIDGE PTY LTD

PROJECT: PROPOSED SUBDIVISION OF PART LOT 1 IN D.P.510790 PEEL PLACE, DUBBO

Sheet No. 8 of 8 Sheets

JOB No. 14_060

DRAWING No. 14060-DA08

DRAWING TITLE: PROPOSED LANDSCAPE PLAN

REV. A

PO Box 4173
DUBBO NSW 2830
01 November 2016

General Manager
Dubbo Regional Council
Email: dcc@dubbo.nsw.gov.au

Re: Objection to development application D2016-494
5L Wellington Rd, Dubbo 2830 NSW (Lot: 1 DP: 510790)

I write to raise an objection to the traffic management plans associated with the above development application, and the area known as Yarrawonga estate.

The traffic assessment included in the DA makes a narrow assessment of calculated traffic movements through residential streets based on traffic number modeling alone, however appears to make no assessment of other impacts, such as parking arrangements, street widths, lack of alternative access, emergency evacuation and fire response capacity, or driver behavior created by targeted aged residential care facilities of the area. It also makes no assessment of the social impact of creating potential ghettos with limited access in and out (such as that experienced with West Dubbo). It is also of concern that only one assessment is used, one that relies on a past DA assessment in the same area, completed by the same company. One could question this assessments independence and objectivity.

The width of streets used for access to this DA and the curbside parking arrangements on those routes (both sides of street) cause limitations in traffic movement down to one lane in a number of locations if those parking places are utilised. Occasional one lane passing can be tolerated in short streets where low traffic numbers are experienced as is the current case, however the length of this access path with the DA, combined with narrowness of the street and the estimated numbers of traffic compounds to severely limit the traffic flow impact estimated by this analysis.

The lack of alternative access and flow options for this area will compound the lack of passing space, lack of traffic capacity and the length of the streets to access this area will create a labyrinth that will severely limit free access and egress. A substantial aged care residential housing development nearby sharing the access road will also severely change the driver demographic for this area, increasing the number of drivers that are aged, restricted and lacking in confidence impacting again on the capacity of traffic flow. The impact of this traffic on the Sheraton Road intersections will again compound congestion.

The access to this area will be a nightmare for emergency services responding to a substantial emergency, such as that requiring evacuation, fire services, and/or

numerous injured persons. One road in, which is at times one lane, with no area to park fire appliances, ambulances and police vehicles, and no where to turn around, and no separate exit point, will create a real disaster including loss of life should some emergency evolve within the aged car facilities or at the place for public gathering (Church) and surrounding residential buildings. Response times will be severely hampered, and access and egress of Ambulances will impact on loss of life.

Finally, has Council considered that creating areas that have narrow street access, lack social infrastructure, are congested with traffic and are higher population density areas (smaller blocks) and have only one path in/out, would be creating a perfect area to create potential ghettos where social problems and crime thrive? Have we not learnt from previous housing estates?

I ask the council to revisit the design of this development, in particular the traffic management associated with this plan and devise a more appropriate design that facilitates a more flowing path for traffic, including separate access and egress points. This may include access to the highway that is already available at the church, despite the RMS objections, or a redesign of the internal roadways that considers all of the elements, not just create the smallest roadways so the maximum number of blocks that can be sold within the development.

Regards

Peter Lang

Attention Mayor , Councillors & Development Staff or Dubbo Regional Council

The New Development Application D2016-494 first Highway access should apply to RMS and has to get approval first or alternative access than Castlereagh Avenue and vehicles will use that access!
The water issue that in mid summer the pressure isn't great & will be an issue!!
These are the issues that I want to submit to the development of this application.

WELLINGTON COUNCIL
With the join up with Wellington Council Water Rates & the Rates notice is delivered out in two separate letters which would be added cost & more time paying bills for Rate Payers. If this was more organised to streamline this organisation!

Thanks Regards

Tony Miller
25 Castlereagh Avenue

7 November 2016

The Interim General Manager
Dubbo Regional Council
DA. D2016-494
Premises: Lot 1 DP 1079051
Willington Road Dubbo
Proposed Lev Residential Sub 30 Lots

Dear Sir
I have viewed this DA and tender my objections as detailed below:

I live next door to the house on the northern side corner of Sheraton Road and Castlereagh Avenue.
Since building my home in 1999, the housing development north, south east and west has been huge.
Traffic has increased particularly during the commencment and finishing times of St Johns College, St Johns Primary and the Christian School Monday to Friday along with the very busy Bunnings Shoppers.
Ok yes!

One would expect that with the large number of homes in Castlereagh Ave, Murray Cts, Gwyder Ct, Barwon Way, Peel Place,

2/

Shoalhaven Parkway, Culgoa Crt, Manning Place, Namoi Cres and Werrego Crt along with the residents living close to Castlereagh Ave, on and along Sheraton Road, be taken into consideration!

I was told when viewing this D.A. in Councils' foyer that the Main Roads Authority have gazetted that "no egress in or out on the Wellington Road for proposed D.A. D2016-494"

Presently under construction is a roundabout near the turn off into the Orana Mall Shopping complex.

WHY CANNOT THE SAME HAPPEN FURTHER DOWN THE HIGHWAY FOR DA. D2016-494?

Yours faithfully
Helen Hughes.

4/6 Sheraton Road
Dubbo

Phone 042 9427790

Home 68 854 954

Danielle Bell
15 Lachlan Way
Dubbo NSW 2830

Wednesday 9 November 2016

RE: OBJECTION TO DA – D2016-494

Attention: Stephen Wallace

I am writing this letter to express an objection to the above DA in the Yarrawonga Estate after receiving your letter in the mail.

The issue with this development is the access to it through the estates only 2 access points of Castlereagh Ave and Lachlan Way of which we live in the later street. This street is significantly busy enough and now with the approval of D2015-43 it will become busier.

The two access points to the estate enter onto the busy road of Sheraton Road with the south end of this road containing 3 schools and access to Blueridge Business Park for Bunnings, KFC and Petbarn. The period between 8.30am to 9am is busy with residents heading to work leaving the estate and encountering the school traffic on Sheraton Road.

Compared to other estates in Dubbo for the size and number of dwellings in this estate two access points is not enough as this estate grows with residents and the increased traffic with approved DA of D2015-43. The residents in the east point of Yarrawonga Estate should be given an access point in Wellington Road.

Regards,

Danielle Bell
0428 855 926

58

8 Nyran Place
Dubbo.

8/11/2016

To Mr Michael Knipper.

Re Development Application D2016-494
Premises Lot 1. DP 510790 52 Wellington
Rd Dubbo.
Proposed Development Residential Subdivision
(30 Lots)

I have no objection to this proposed residential subdivison. Hoping these 30 houses are of the standard already in the Yarrawonga Estate. My main objection has always been the access to & from the proposed two developments been put forward.
The entry & exit for these both developments should be on the Wellington Road Mitchell Hwy. Not from Penn Place Yarrawonga Estate.

Yarrawonga Estate was never developed for this extra traffic these both proposed (Developments) will have in the great area to live in. Small streets & avenues don't equal extra 150 cars in this development. Both these proposed developments are 52 Wellington Road Not Teek Place.

Yours faithfully

Kerry R. Comerford.

Dubbo City
Parcel D16-494
Asset 59
11 NOV 2016
ALRH/1099
File C

Dubbo Regional Council
PO BOX 81
DUBBO NSW 2830

Re: Development Application D2016-494 (7/11/2016)

To whom it may concern,

I wish to object to the proposal of the above mentioned DA 2016-494 Lot 1 DP 510790 5L, Wellington Road, DUBBO, - Residential Subdivision (30 Lots) and the access to this new "senior's Housing" through our estate.

I do not object to the senior's housing (although the quality of the building proposed is not fitting at all with our estate's strict covenant at all) nor do I object to 30 lots of housing all squished into this land.

I DO OBJECT to the access to potentially 120 more residents through our quiet narrow, very family/kid friendly streets. The access can only come from the Highway. Castlereagh Avenue & Lachlan Way already have traffic issues at times of the day and this would certainly create more chaos.

The amount of school children walking, riding & scooting to the THREE large schools in our area is wonderful & can be said to be very safe. Adding this access through REEL PLACE would jeopardise this greatly.

We also safely allow our children to ride & play in these narrow streets safely after school hours. This would also be jeopadised, and the size of these streets make it difficult to back cars out of driveways, with neighbouring cars out the front also.

I propose that this development Applicatio & the cument proposed Senios Housing be only accessed by the Highway, and not our quiet, safe little estate.

I also propose that the water they into to use with the new developments be its own supply as we already have supply/pressure issues.

Thankyou & regards,

A very concerned resident from
8 Manning Place
DUBBO NSW 2830

Sender: Mr & Mrs W Ball
22 Castlereagh Ave
DUBBO NSW 2830
10 November 2016

Phone: 0423 558 084

Mr Stephen Wallace
Dubbo City Council
Manager Building and Development Services
PO Box 81
DUBBO NSW 2830

Dear Mr Wallace

DEVELOPMENT APPLICATION D2016-494
Premises: Lot 1 DP 510790, 5L Wellington Road, Dubbo
Proposed Development: Residential subdivision (30 Lots)

In reply to your letter addressed to us on 24 October 2016 concerning the above development we wish to raise to you our concerns regarding this development and the implications' concerning the senior's housing development 10 August 2015 (D2015-43).

We feel that both these developments should use Wellington Road and the Mitchell Highway to access the land when building as well as into the future. Peel Place and Castlereagh Ave are not built to have large trucks, semis and earth moving equipment accessing them, the streets are narrow and have no footpaths to walk on and our concern is that this will cause our streets to become more dangerous for pedestrians and traffic. Both these developments when finished will create a lot of extra traffic especially in Peel and Nepean Streets and Castlereagh Ave as residents we find this unsatisfactory.

Yarrawonga Estate is a lovely and quite estate and these developments during construction and after construction will destroy the peace and quiet and the nature of our estate. Our concern is also the increase of traffic noise and how this will affect the prices of our homes.

We have also been advised that the new Interim General Manager for Dubbo Council has no knowledge of this development and wish for his due consideration.

Since this proposed development has an address off Wellington Road we are confounded as to why the developers need to access Yarrawonga anyway.

We ask for a reply to our letter and that you will consider the concerns of the residents in Yarrawonga Estate especially those who are adversely affected by both of these developments.

Yours sincerely

William & Lynette Ball

Email: Daretobelieve56@gmail.com

Phone: 0423558084 or 0403481252

William Ball
LBall

REPORT: Development Application D16-366 - Dual Occupancy (Detached) and Two (2) Lot Subdivision
Property: Lot 62 DP 596342, 24 Tamworth Street, Dubbo
Owner: Mr N J & Mrs J L O'Connor
Applicant: Mr N J O'Connor

AUTHOR: Planner
REPORT DATE: 14 March 2017
TRIM REFERENCE: ID17/325

EXECUTIVE SUMMARY

The original Development Application proposing a two (2) lot subdivision of the subject site was reported to Council's Planning and Development Committee on 12 December 2016. A copy of that report is attached as **Appendix 5**. The Committee resolved as follows:

"1. That the information contained within the report of the Planner be noted.
2. That determination of the subject development application be deferred pending receipt of an amended application providing development details of the proposed development on proposed Lot 621.
3. That the additional details and supporting information be notified to affected property owners and people who made submissions to the original development for a period of not less than 21 days.
4. That following assessment of the amended development application including consideration of any submissions, a further report be provided to Council for determination."

The applicant has provided the requested details and the Development Application has subsequently been amended to a dual occupancy (detached) and two (2) lot subdivision.

The amended Development Application was notified to owners of affected properties and those who made submissions to the original Development Application for a period of 21 days as required by the resolution as stated above.

The amended Development Application proposed the creation of Lot 620 of 535.5 m² at the front of the site upon which the existing dwelling is located. The creation of Lot 621 of 663.6 m² at the rear of the site is proposed to contain a three (3) bedroom single storey dwelling.

Where dual occupancy developments are proposed on land zoned R2 Low Density Residential, they may be subdivided below the minimum subdivision lot size for the site under Dubbo Local Environmental Plan 2011 (LEP) pursuant to the requirements of Clause 4.1A. The amended Development Application satisfies these requirements and other relevant objectives and clauses of the LEP.

The amended Development Application satisfies all relevant design requirements set out under Dubbo Development Control Plan 2013 (DCP), Chapter 2.1 Residential Development and Subdivision. The development will provide each dwelling with appropriate areas and dimensions for building envelopes, outbuildings, solar access, private open space, acoustic privacy, car parking and appropriate services as required.

Having regard to the above, the amended Development Application is recommended for approval subject to the conditions included in **Appendix 1.**

ORGANISATIONAL VALUES

Customer focused: The original application for a two (2) lot subdivision has been amended by the applicant to become an application for a Dual Occupancy (Attached) and Two Lot Subdivision having regard to submissions that were received in relation to the original development application.
Integrity: The amended Development Application has been assessed and processed in accordance with the resolution made at the meeting of Council on 19 December 2016, relevant environmental planning instruments and local development control plans, and having regard to further submissions.
One Team: The amended Development Application has been assessed and processed by a team of Planning, Building, Engineering, and Environmental officers ensuring that all necessary matters have been considered and addressed.

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 amended Development Application D16-366 for a dual occupancy (detached) and two (2) lot subdivision of Lot 62 DP 596342, 24 Tamworth Street, Dubbo be approved subject to the conditions included in Appendix 1; as attached to this report.**
2. **That those who made submissions in respect of the subject application be advised of Council's determination in this matter.**

Alex Noad
Planner

BACKGROUND

The application now before Council is an amended Development Application for a dual occupancy (detached) and two (2) lot subdivision of Lot 62 DP 596342, 24 Tamworth Street, Dubbo.

The application was originally lodged with Council on 11 August 2016 as a two (2) lot subdivision of the site. The original subdivision proposed the creation of Lot 620 of 521 m² around the existing dwelling at the front of the site and the creation of Lot 621 of 677.9 m² at the rear of the site as a lot for future development. No plans have been formally submitted for the development on proposed Lot 621 at this stage.

Under the Dubbo Local Environmental Plan 2011 (LEP), the minimum lot size for subdivision for the site is 600 m². Without plans for the development of Lot 621, the subdivision application relied on Clause 4.6 Exception to Development Standards to vary the subdivision lot size for proposed Lot 620 around the existing dwelling.

The two (2) lot subdivision was notified to owners of adjoining properties for a period of 14 days ending on 27 August 2016. Ten (10) submissions objecting to the subdivision were received and the application was forwarded to Council's Planning and Development Committee meeting on 12 December 2016 and the resolution confirmed at the Council meeting held on 19 December 2016.

At its meeting in December 2016, Council resolved as follows:

"1. That the information contained within the report of the Planner be noted.
2. That determination of the subject development application be deferred pending receipt of an amended application providing development details of the proposed development on proposed Lot 621.
3. That the additional details and supporting information be notified to affected property owners and people who made submissions to the original development for a period of not less than 21 days.
4. That following assessment of the amended development application including consideration of any submissions, a further report be provided to Council for determination."

Having regard to this resolution and to submissions made in relation to the two lot subdivision, the application has now been amended to include development details of the proposed development on proposed Lot 621, being a three (3) bedroom, single storey dwelling.

The dwelling on Lot 621 amends the nature of the Development Application such that it is defined as a 'dual occupancy (detached) and two lot subdivision' and no longer relies on Clause 4.6 Exception to a Development Standard to vary the minimum subdivision lot size of 600 m². Instead, the amended Development Application now relies on Clause 4.1A Minimum Subdivision Lot Size for Zone RU5 and Zone R2 which permits subdivision below the minimum

lot size where a dual occupancy development in the R2 zone will be connected to Council's sewer, as is proposed in this application.

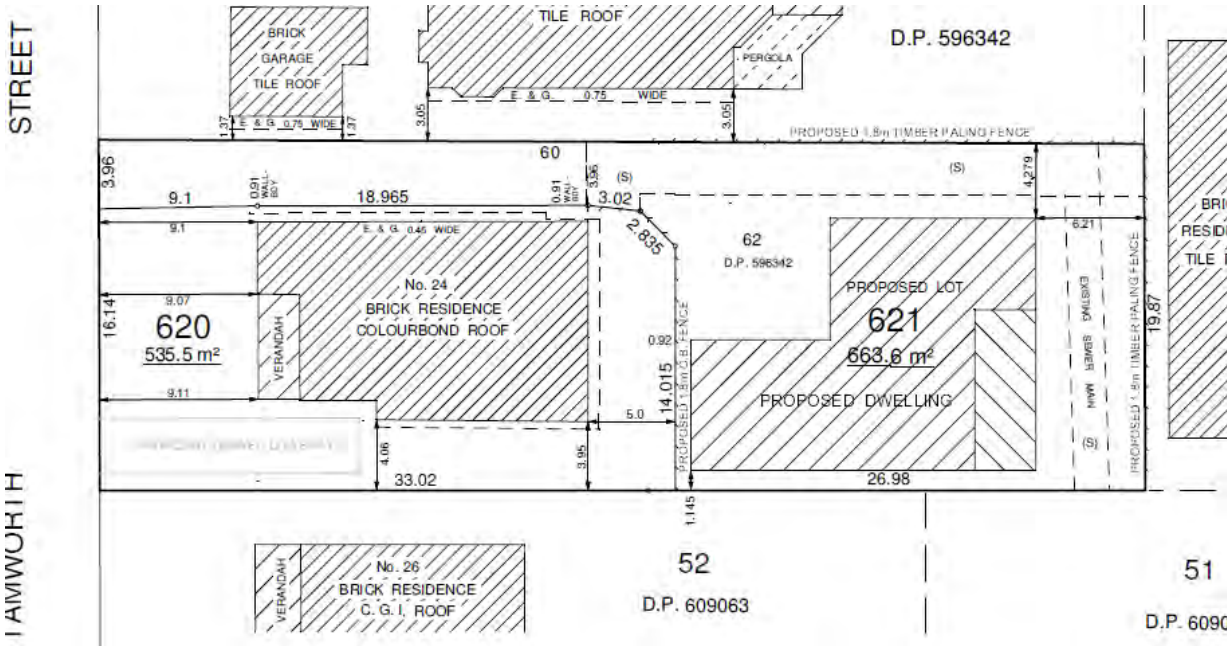


Figure 1. Proposed dual occupancy (detached) and two (2) lot subdivision

In accordance with Council's resolution, the amended Development Application was renotified to owners of affected properties and those who made a submission to the original development for a period of 21 days between 17 February 2017 and 10 March 2017. At the conclusion of this period, three (3) submissions had been received (**Appendix 4**).

DEVELOPMENT DETAIL

The amended Development Application seeks approval for a dual occupancy (detached) and two (2) lot subdivision of Lot 62 DP 596342, 24 Tamworth Street, Dubbo.

The development proposes to retain the existing dwelling onsite, construct a three (3) bedroom dwelling at the rear of the site and create the following lots for each dwelling:

- Proposed Lot 620 to comprise 535.5 m² with frontage to Tamworth Street, containing the existing brick residence; and
- Proposed Lot 621 to comprise 663.6 m² with a battle-axe handle to Tamworth Street (3.6 m wide) and containing the proposed three (3) bedroom dwelling.

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;
- The retention of the existing sewer main that traverses the rear of the site;

- The construction of a sewer main extension inside the western boundary of proposed Lot 621 to service the existing dwelling on proposed Lot 620;
- The construction of a 'ridge gravel' driveway and car parking beside the existing dwelling's front verandah; and,
- The construction of 1.8 m high timber panel replacement boundary fencing for the length of the northern boundary and half the length of the western boundary. All other boundary fencing will remain as existing.

Works to the existing dwelling on proposed Lot 620 include:

- The retention of the existing dwelling in its current configuration including sunrooms; and,
- Maintenance and repair to improve the building to a saleable condition.

The amended Development Application no longer includes the removal of the existing dwelling's northern sunroom, opening of a doorway in the dwelling's eastern elevation or the construction of an undercover carpark adjacent to the front veranda.

SITE CHARACTERISTICS

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.

Figure 2. Locality map of 24 Tamworth Street

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.

SITE HISTORY

The existing lot was approved by the former Dubbo City Council under Development Application 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, demolition of freestanding garage and outbuilding

Development Application D16-419 anticipates the proposed subdivision, creating a front fence with separate gate entrances for proposed Lots 620 and 621 and addresses the demolition of the shed and outbuilding onsite, to accommodate the proposed sewer main extension and proposed dwelling on proposed Lot 621 (see Figures 3 and 4 below).

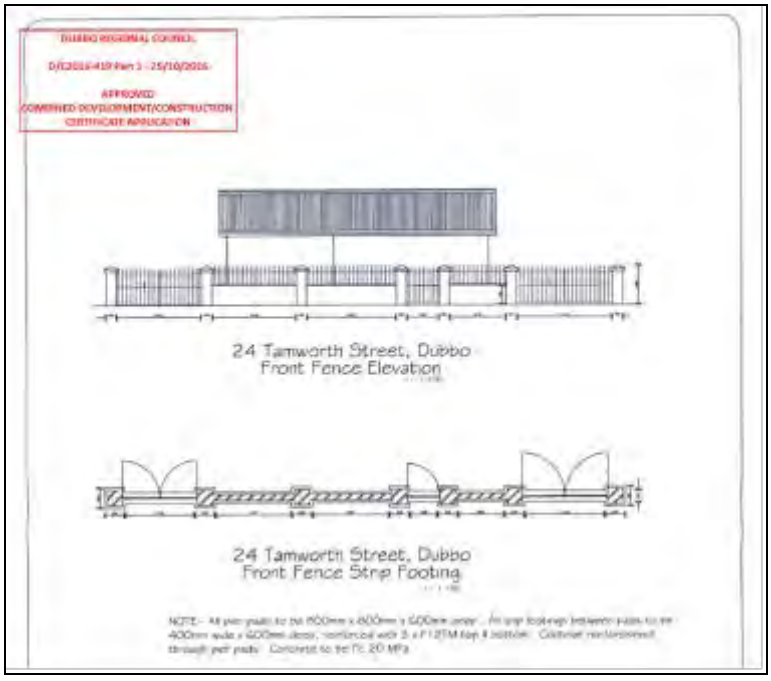


Figure 3. Front Fence approved under D16-419, 24 Tamworth Street

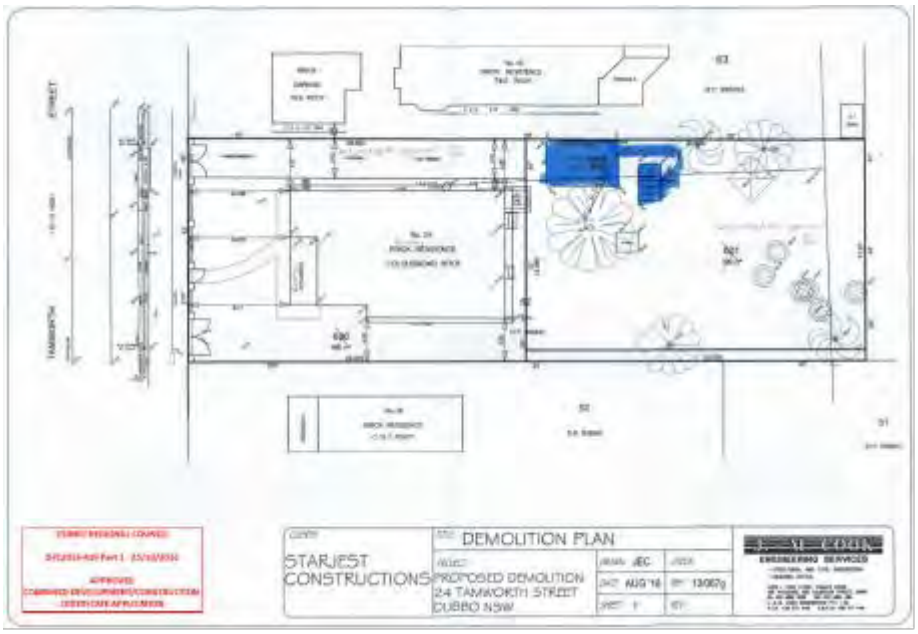


Figure 4. Demolition of garage and outbuilding approved under D16-419, 24 Tamworth St

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

LEGISLATIVE REQUIREMENTS S79C(1)

(a)(i) Environmental Planning Instruments

SEPP 55 Remediation of Land
The subject site is not listed on Council's Register of Potentially Contaminated Land. Council's Environment and Health Services Supervisor has confirmed that there are no indications of contaminating activities onsite and that no further contamination investigations are required. A **condition** regarding what to do in the event of the discovery of contaminated materials during construction has been 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 has raised no objection to the subdivision subject to standard conditions of consent. A notation requiring compliance with Essential Energy's correspondence 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 (LEP)

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

Clause 1.2 Aims of Plan

The development and subdivision is consistent with the aims of the plan.

Clause 1.4 Definitions

Dual occupancy (detached) means two detached dwellings on one lot of land however does not include a secondary dwelling.

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 development is consistent with the relevant objectives of the zone.

The development can be seen as providing for the housing needs of the community within a low density residential environment. Dual occupancies are permitted with consent in the R2 Low Density Residential zone and their subdivision below the minimum lot size as is proposed is permitted with consent under Clause 4.1A Minimum Subdivision Lot Size for zone RU5 and zone R2, as discussed below.

The development can also be seen as being consistent with the character of the immediate locality because the proposed dwelling on Lot 621 will be located behind the existing dwelling onsite and it will be a single storey pitched roof construction. Accordingly, it will be obscured from the streetscape and have a built form that is consistent with dwellings on adjoining lots.

Clause 2.6 Subdivision – consent requirements

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

Clause 2.7 Demolition requires development consent

The subdivision application includes a sewer main extension 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 D2016-419 Erection of Front Fence and Demolition of Freestanding Garage and Outbuilding.

Clause 4.1 Minimum subdivision lot size

The minimum subdivision lot size specified for the site is 600 m².

Proposed Lot 620 has an area of 535.5 m² being 11% less than the minimum subdivision lot size. Clause 4.1A Minimum Subdivision Lot Size for Zone RU5 and Zone R2, provides for the subdivision of dual occupancies below the minimum subdivision lot size.

Proposed Lot 621 has an area of 663.6m² which satisfied the minimum subdivision lot size.

Clause 4.1A Minimum subdivision lot size for Zone RU5 and Zone R2

Under Clause 4.1A the size of any lot resulting from a subdivision of land in zone R2 Low Density Residential zone, may be less than the minimum lot size provided:

> *"(a) the land is connected to a sewerage reticulation system, and*
> *(b) development consent has been granted in respect of the subdivision for the purpose of a dual occupancy."*

The development will be connected to Council's reticulated sewer infrastructure and is for a dual occupancy as required.

Clause 5.14 Siding Springs Observatory – maintaining dark sky

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

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

Additionally, as per subclause (7) the dual occupancy is not considered likely to result in the emission of light of 1,000,000 lumens or more and in accordance with subclause 8. A condition limiting the type and number of outdoor lights associated with the proposed dwelling on Lot 621 is recommended on the consent and has been included in **Appendix 1.**

Clause 7.3 Earthworks

The amended Statement of Environmental Effects clarifies that the site is required to be graded and levelled to facilitate the development and proposes that such earthworks will be addressed in conjunction with the construction certificate for the development. A condition to this effect is recommended on the consent and has been included in **Appendix 1.**

Clause 7.5 Groundwater vulnerability

The site is located in a moderately high groundwater vulnerability area. The development 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 instrument

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.

Element 1 Streetscape Character

The development will create proposed Lot 620 around the existing dwelling at the front of the site. 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.

The development will also create proposed Lot 621 around the proposed dwelling at the rear of the site. The proposed dwelling will be located behind the existing dwelling and be a single storey pitched roof construction similar to the built form of surrounding dwellings. The proposed dwelling will have no impacts on streetscape character of the area.

Element 2 Building Set-Backs

The development will provide the existing dwelling on proposed Lot 620 with a front setback of 9.07m, side setbacks of 0.91m (west) and 3.95m (east), and a setback of 5.0m to the proposed rear boundary. These setbacks comply with requirements for minimum setbacks consistent with established setbacks, and for side and rear boundaries to be a minimum of 900mm consistent with Building Code of Australia (BCA) requirements.

The development will also provide the existing residence on proposed lot 620 with a 'ridge gravel' driveway in its eastern corner which will enable a vehicle to be parked beside the dwelling's front verandah, behind building line as required.

The development will provide the proposed dwelling on proposed Lot 621 with side setbacks of 0.92m (south), 1.14m (east), and 4.27m (west), and a rear setback of 6.21m (north). These setbacks comply with requirements for side and rear boundaries to be a minimum of 900mm consistent with BCA requirements.

Element 3 Solar Access

The development will maintain the existing dwelling in its existing configuration with its enclosed northern sunroom and a 5 m rear setback. The existing dwelling and sunroom will receive substantial sunlight throughout the morning and afternoon in excess of four hours as required. As the proposed dwelling on Lot 621 is single storey construction it will not impact solar access to the existing dwelling on proposed lot 620.

The development orients the proposed dwelling on Lot 621 to the north with a 6.21 m rear setback. As such, the proposed dwelling's living areas will also receive substantial sunlight throughout the morning and afternoon in excess of four hours as required. It is noted that the existing dwelling on the adjoining lot to the north, 3 Belmore Place, is a single storey construction which will not impact solar access to the proposed dwelling on Lot 621.

Element 4 Private Open Space and Landscaping

Open Space
The development will create proposed lot 620 around the existing dwelling on site. The lot provides principle private open space areas in a northern location where it is directly accessible from the existing dwellings northern sunroom and additional open space in an eastern location.

The principle private open space area has dimensions of 5.0 m x 14.01 m (70.05 m^2) which achieves the requirements for a 25 m^2 area with minimum dimensions of 5 m. The overall private open space area is 127.25 m^2 which exceeds the requirement for 20% overall open

space area behind the building line. Having a lot size of 535.5 m², the minimum 20% requirement for proposed Lot 620 is 107.1 m².

Proposed Lot 621 provides principle private open space areas in a northern location where it is directly accessible from the proposed dwelling's living areas as required. The principle private open space area has dimensions of 9.8 m x 10.2 m (99.96 m²) which achieves the requirements for a 25 m² area with minimum dimensions of 5 m. The overall private open space area is 190.07 m² which exceeds the requirement for 20% overall open space area behind the building line. Having a lot size of 663.6 m², the minimum 20% requirement for proposed Lot 621 is 132.7 m².

To ensure privacy between the existing and proposed dwelling on Lots 620 and 621 the development proposes a 1.8m high fence along the subdivision's internal boundary as required. A **condition** has been included in **Appendix 1.**

Privacy Fencing
To ensure privacy between the subject site and adjoining properties, the development proposes to provide replacement 1.8m high timber paling fencing for the full length of the northern boundary and half the length (28 m) of the western boundary. All other boundary fencing will remain as existing.

The boundary fencing proposal is acceptable as it will ensure that the existing fencing between 22 Tamworth Street and 3 Belmore Place which is 1.5 m high and in a poor state of repair will be replaced with fencing of an increased height of 1.8 m where the privacy impacts of the proposed dwelling on Lot 621 will be created.

Leaving the remaining boundary fencing (south-western and eastern boundary fencing) as existing is acceptable as it is in a better state of repair and has increased heights. The south-western boundary has been increased to 1.8 m with lattice and accommodates vegetation while the eastern boundary fence has a height of 1.8 m for its full length.

A **condition** requiring the replacement fencing has been included in **Appendix 1.**

Landscaping
The development 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 'ridge gravel' driveway and trees at the rear of the site for the sewer main extension and construction of the proposed dwelling on Lot 621. Notwithstanding, the existing and proposed dwellings will be maintained on lots with substantial open space areas for future landscaping.

Element 5 Infrastructure

The development will provide both lots with reticulated water, sewer and electricity as required. A 2.0 m wide easement will be provided over the existing sewer line and sewer

main extension which will service both lots. This requirement has been addressed in the conditions of consent included in **Appendix 1**. The 3.6 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 requiring a covenant be imposed on the proposed legal title of proposed Lot 621 benefiting Council. A **condition** has been included in **Appendix 1** reflecting this requirement.

Element 6 Visual and Acoustic Privacy

The proposed development will create a new boundary 5.0 m from the northern (rear) sunroom of the existing dwelling on proposed Lot 620. This distance provides appropriate separation between the existing dwelling and proposed dwelling on Lot 621 as required.

The northern sunroom of the existing dwelling has a floor level approximately 400 mm above ground level. Occupants standing within the dwelling's northern sunroom will be able to overlook the 1.8 m boundary fence into proposed Lot 621. However, the design of the proposed dwelling places a double garage and vehicle manoeuvring areas adjacent to the lots' shared boundary such that the living areas and northern private open space will not be impacted by overlooking.

There will be no additional impacts on adjoining dwellings or their open space as required. As previously mentioned, replacement 1.8 m high paling fencing will be provided for the full length of the sites northern boundary and half the length of the western boundary to mitigate the impacts of the proposed dwelling on Lot 621. All other boundary fencing will remain as existing and is sufficient to maintain privacy in eastern and southern directions. A **condition** to this effect has been included in **Appendix 1.**

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.

The proposed dwelling on Lot 621 has been designed such that it is a single storey construction and complies with minimum setback requirements for the lot. Accordingly, the dwelling will have no acoustic impacts on adjoining dwellings.

Element 7 Vehicular Access and Car Parking
The existing dwelling comprises three bedrooms and is required to be provided with two car parking spaces. The existing dwelling will be provided with a 'ridge gravel' driveway extending from the south-eastern corner of proposed Lot 620 to beside the dwelling's front verandah.

This driveway will enable one vehicle to park behind the building line and another to stack park in the driveway providing the two (2) car parking spaces as required in an arrangement that is typical for residential development.

The proposed dwelling also comprises three bedrooms and is required to be provided with two car parking spaces. The proposed dwelling includes a double garage to provide the two car parking spaces required. The garage is located and the subdivision is designed such that vehicles will be able to manoeuvre safely into and out of the garage.

Council's Development Engineer has recommended conditions on any consent for the upgrading of the existing crossover for proposed Lot 621 and the provision of a new crossover for proposed Lot 620. These **conditions** 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 development proposes a battle-axe subdivision layout. Proposed Lot 621 has access to Tamworth Street via a 3.6 m wide battle-axe handle. Passive surveillance of the handle will be provided by occupants of the existing dwelling on Lot 620 and the proposed dwelling on Lot 621.

Element 2 Lot Layout

The development proposes lots of 535.5 m² (Lot 620) and 663.6 m² (Lot 621). Lot 621 complies with the minimum subdivision lot size of 600 m² for the site. Lot 620 complies with Dubbo LEP 2011, Clause 4.1A which allows dual occupancy developments on R2 Low Density Residential zoned land to be subdivided below the minimum lot size for the site.

The development proposes a battle-axe handle subdivision layout. The layout is acceptable as it provides appropriate areas and dimensions for the siting of dwellings and ancillary outbuildings, the provision of private open space and convenient vehicle access and parking.

The battle-axe handle for proposed Lot 621 has a width of 3.6 m. While this does not meet the requirements for a 4.3 m wide handle it will accommodate a 2.5 m wide driveway with

550 mm clearance on both sides which will still be sufficient area for landscaping and services. It is noted that a 910 mm boundary setback to the existing dwelling is proposed which will achieve compliance with the 900 mm Building Code of Australia requirements for fire safety.

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

Element 3 Public Open Space and Landscaping

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

One (1) mature street tree will be required to be removed to facilitate the provision of a new residential cross-over for the car parking for the existing dwelling. A condition requiring approval from Council's Parks and Landcare Services 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 cross-over 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 cross-over 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 Section 88B covenants.

Element 8 Water Quality Management

The subdivision has the potential to cause soil erosion during building works. A standard **condition** addressing this issue 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 consistent with these requirements as the existing dwelling will be retained on proposed Lot 620 and the proposed dwelling on Lot 621 will be obscured from the streetscape. 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.

No alterations to the existing dwelling on proposed lot 620 are proposed. The dwelling will be maintained in its existing configuration and repaired to a saleable condition.

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

The development will have no impact on the natural environment.

The development includes the retention of an existing dwelling on the front of the site and the construction of a single storey pitched roof dwelling at the rear of the site. The proposed dwelling will be obscured from the streetscape by the existing dwelling and have a built form that matches the form of surrounding dwellings. Accordingly, there will be no impacts on the built environment.

The development will not have any social or economic impacts in 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 driveway works for the existing dwelling on proposed Lot 620 will require the removal of a street tree and palm tree onsite. The construction of the proposed dwelling and sewer extension will require the removal of an old shed and outbuildings. Notwithstanding, the development will retain the existing dwelling and the site's 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 development 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 development will not impact the existing or likely future amenity of the locality. The site is located in an established residential zone that contains a number of single storey residential dwellings. The development will retain the existing dwelling onsite and proposes a dwelling at the rear which is similar to surrounding dwellings.

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

The development will require an additional cross-over to be provided for the site and the existing crossover to be upgraded. An appropriate **condition** is included in **Appendix 1** reflecting this requirement. The development will have no impacts on the public domain otherwise.

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 and has been included in **Appendix 1.**

(d) Submissions

In accordance with Council's resolution of 19 December 2016, the amended Development Application for a dual occupancy (detached) and two (2) lot subdivision was notified to affected property owners and those who made submissions to the original Development Application for a period of 21 days from 17 February 2017 until 10 March 2017.

Three (3) submissions were been received in relation to the amended application.

The first submission was received from the owners of the adjoining property to the west, 22 Tamworth Street, and is included in **Appendix 4**. The submission does not object to the amended Application however, it requests alterations to the development to improve privacy between their dwelling and the proposed dwelling on Lot 621.

The requests include:

1. The relocation of the western dining room window further north; and
2. The replacement of existing wooden lattice on the proposed 1.8 m high timber paling fence up to a height of 2.2 m.

The requests were forwarded to the applicant for consideration. The applicant has declined the requests on the basis that the relocation of the window will impact the internal layout of the proposed dwelling and the proposed 1.8 m high replacement timber paling fencing will be sufficient for privacy purposes between the dwellings.

The following comments are made in relation to the requests contained within the submission.

- Window relocation

Comment
The relocation of the western dining room window is requested on the basis that the floor height of the dwelling on 22 Tamworth Street is raised approximately 500 mm above ground level and the living and rear patio areas are located in a northern location where the proposed dwelling on Lot 621 will be directly visible over the proposed 1.8 m fence. In particular, overlooking will be exchanged between living rooms and patio and the dining room window of the proposed dwelling. Relocating the window further north would change the viewing angles and minimise any overlooking that would occur between the dwellings.

These matters are noted however it is considered that the relocation of the window is not necessary. It is the neighbour's dwelling with its existing raised floor height that creates the overlooking onto the subject site. The proposed dwelling on Lot 621 will have a lower floor height, less than 500 mm above ground level, and requires only 1.8 m boundary fencing as a screening device under relevant provisions of the Dubbo DCP 2013. The required 1.8 m fencing is proposed as required.

- Lattice Fencing Extension

Comment
The lattice fencing extension is requested to increase the height of the proposed boundary fencing from 1.8 m to 2.2 m. This is requested on the basis that the existing 1.5 m boundary fencing has a lattice extension of up to 2.2 m. The request would reinstate an existing fencing arrangement and minimise the overlooking that would be exchanged between the neighbour's dwelling and the proposed dwelling, particularly its dining room window.

The proposed boundary fencing will increase the height of the existing fencing from 1.5 m to the required height of 1.8 m for a single storey dwelling with a floor level less than 500 mm above ground level. The lattice extension is not required under the relevant provisions of the Dubbo DCP 2013.

The second submission was received from the owner of 28 Tamworth Street and is included in **Appendix 4**. The submission objects to the amended development application on the following basis:

- *It is inconsistent with the character of the locality;*
- *It seeks to increase the density of the already established low-density character of the area;*
- *There is an overt imbalance between the amenity of the proposed dwelling in comparison to the existing dwelling;*
- *It significantly impacts the history and value of the remaining residence;*
- *It is dominated by vehicle use;*
- *It is an overdevelopment of the site placing greater burden on the surrounding area's established amenity; and,*

- *It does not comply with various aspects of the LEP and the DCP.*

Comment
The amended Development Application has been assessed as being a permissible use on the site and compliant with the objectives and relevant requirements of the Dubbo LEP 2011 and DCP 2013.

Subdivisions below the minimum subdivision lot size for R2 Low Density Residential zoned sites are permissible in association with dual occupancy developments as proposed. The proposed lots provide each dwelling with compliant building envelopes, private open space, amenity, car parking and manoeuvring areas. Further, the existing dwelling will be retained to protect the Tamworth Street streetscape character and the proposed dwelling will have a single storey, pitched roof construction similar to the built form of adjoining and surrounding dwellings.

Accordingly, the development is considered to be acceptable in the low density residential environment that surrounds it.

The third submission was received from the owner of the adjoining property to the north, 3 Belmore Place, and is included in **Appendix 4**. The submission did not object to the amended Development Application provided the wet-well stormwater pump-out system and Lot 621 will be designed appropriately to prevent surcharging flooding 3 Belmore Place. Conditions to address these matters have been included in **Appendix 1.**

(e) Public Interest

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

SECTION 64/SECTION 94 CONTRIBUTIONS

Section 64 Water Headworks Contribution

The proposed dual occupancy dwelling on Lot 621 will increase demands on Council's water services. The required payment is $1,865.58 (0.34ET).

Section 64 Sewer Headworks Contribution

The proposed dual occupancy dwelling on Lot 621 will increase demands on Council's sewer services. The required payment is $1,865.58 (0.34ET).

Section 94 Urban Roads Contribution

The proposed dual occupancy dwelling on Lot 621 will increase demands on Council's urban roads. The required payment is $6,340.40 (11 Residential Trips).

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 621 has an area of 663.6 m², a contribution of $514.09 will be required.

Section 94 Open Space and Recreation Facilities Contribution

The proposed dual occupancy dwelling will increase demand on Council's park network. The site is located in the Central (South) precinct which is payable on a $1,360.58 per three (3) bedroom dwelling (2.6 persons). The required payment to Council is $3,537.51.

INTERNAL REFERRALS

Building Assessment

Council's Building Services Supervisor (BSS) in his report dated 1 March 2017 raised no matters in relation to the proposed development subject to a number of amended conditions being included on the consent.

The BSS did however identify that the BASIX Certificate and Commitments Plan need to be amended to be consistent in respect of roof ventilation and water tanks. To address these matters, the BSS has recommended that a 'deferred commencement' **condition** be included on the consent, or that a modified development application be submitted following approval.

Comment
A 'deferred commencement' condition is recommended to be included on the consent to ensure that these matters are addressed and to avoid the need for a Modified Development Consent in the future. A **condition** to that effect has been included in **Appendix 1.**

Engineering Assessment

Council's Development Engineer in his report dated 1 March 2016 in respect of the amended Development Application raised no issues in relation to the proposed development subject to a number of amended **conditions** being included on the consent. The amended conditions have been included in **Appendix 1**.

Environment and Health Assessment

Council's Environment and Health Services Supervisor (EHSS) in his report dated 27 February 2017 in respect of the amended Development Application advised that no changes to his previous report dated 19 August 2016 or the recommended **conditions** are required.

SUMMARY

The amended Development Application proposes a dual occupancy (detached) and two (2) lot subdivision on Lot 62 DP 596342, 24 Tamworth Street, Dubbo. It will locate the existing

dwelling on proposed Lot 620 with no alterations to the dwellings configuration and a new dwelling on proposed Lot 621 with no impacts on the existing sewer main that traverses the rear of the site.

The existing sewer main will remain as existing except for a sewer main extension to service the rear of Lot 620. A wet-well pump-out system will be installed in the north-western corner of Lot 621 to redistribute stormwater from the lot to Council's reticulated stormwater system in Tamworth Street.

The amended Development Application has been notified to affected property owners and to people who made submissions to the original development, for a period of not less than 21 days in accordance with Council's resolution of 19 December 2016 in respect of the original Development Application.

Three (3) submissions were received from adjoining and surrounding property owners, two objecting to the proposed development; the third noting the proposal. These submissions have been considered in this report.

The amended Development Application is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality.

The amended Development Application is consistent with the objectives of the applicable EPIs, DCPs and Council policies and is therefore recommended for approval subject to the conditions of consent attached in **Appendix 1**.

Appendices:
1 Conditions
2 Development plans
3 Essential Energy correspondence dated 15 August 2016
4 Submissions (3)
5 Planning and Development Committee report - December 2016

DEFERRED COMENCEMENT CONDITION

A. The submission of an amended BASIX Certificate for the proposed dual occupancy dwelling on proposed Lot 621, such amended Certificate reconciling its roof ventilation and exhaust fan requirements to that required to achieve compliance with the Building Code of Australia for the dwelling's subsequent Construction Certificate.
{Reason: To ensure consistency between BASIX Certificate commitments and BCA requirements}

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:

   (BASIX Certificate No.797681S, 24 Tamworth Street, Date of issue 17/2/2017 - to be amended.)

Title:	Proposed Subdivision No.24 Tamworth Street, Dubbo
Drawing No:	16-204 SUBDN-G
Amendment:	8
Drawn by:	Imrie, Astley & Associates
Dated:	1/3/2017

Title:	Site Layout
Reference:	13/067g
Sheet:	2
Drawn by:	J&M Cook Engineering Services
Dated:	August 14

Title:	Floor Layout & BASIX Requirements
Reference:	16/032a
Sheet:	1
Drawn by:	J&M Cook Engineering Services
Dated:	August 16

Title:	Elevations
Reference:	16/032a
Sheet:	1
Drawn by:	J&M Cook Engineering Services
Dated:	August 16

Title:	Proposed Floor Plan – 24 Tamworth Street
Drawn by:	Design Tribe
Revision:	C
Date:	Designated by Council 10/3/2017

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

2. A wet well pumped system incorporating an inground tank, dual pumps, pipework and electrical equipment shall be provided for proposed Lot 621, to collect the surface stormwater from that allotment, and discharge it to the Tamworth Street kerb and gutter.

   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 Certifying Authority and approved prior to the issue of the construction certificate for the subdivision or dual occupancy dwelling, whichever is submitted first.
   {Reason: Council requirement to ensure satisfactory disposal of surface stormwater from the development}

3. Upon lodgement of the Subdivision Certificate application with Council, the developer shall have ensured that the submitted linen plan:

   (a) Clearly demonstrates that the eastern allotment boundary (battle-axe handle) of Lot 621 is located a minimum 900mm from the western wall of the existing masonry dwelling upon Lot 620; and
   (b) Clearly demonstrates that the eave overhang of the existing dwelling is set-back at least 450 mm from the boundary with Lot 621.

   Further, confirmation is to be provided in the Subdivision Certificate application that the existing dwelling's external sanitary drainage pipework is contained wholly within Lot 620.
   {Reason: Council requirement to ensure the new allotment boundaries maintain compliance with the BCA}

4. The proposed alterations to be carried out to the existing dwelling's sanitary drainage pipe work i.e. disconnecting its existing external pipework and reconnecting 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 authorising such works.
   {Reason: Statutory requirement of Local Government (General) Regulation 2005}

5. Prior to release of the Subdivision Certificate the developer shall, where any filling has occurred as a consequence of any proposed site works:

   (a) Submit to Council a detailed plan showing the location of all 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) Submit to Council documentary evidence sufficient to satisfy Council that the filled areas 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}

6. 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) 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}

7. The developer shall create under Section 88B of the Conveyancing Act, a restrictive covenant over the proposed Lot 621, with such a restrictive covenant giving effect to the following requirements:

(a) The proposed dwelling on Lot 621 shall 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;

(b) The Dubbo Regional Council is to be made a benefitted party of such restrictive covenant; and,

(c) The owner(s) of the lot shall maintain the system to a fully operational standard.

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

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

8. 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}

9. 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}

10. 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}

11. 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 work permitted

{Reason: Council requirement to reduce likelihood of noise nuisance}

12. A separate application is to be made to Council, with the appropriate fee being paid, for the provision of an additional metered water connection to service Lot 621.
{Reason: Council policy in respect of residential developments}

13. The existing vehicular access off Tamworth Street shall be upgraded to a residential standard concrete vehicular cross-over and kerb and gutter vehicular 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}

14. 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 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 will require approval from Council's Parks and Landcare Services Division as the proposed driveway will require the removal of 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}

15. 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/Occupation Certificate whichever comes first for the proposed development, the Developer/Applicant is to provide the Principal Certifying Authority (PCA) with written evidence/confirmation that the required S138 Application was lodged with Council, and that any relevant condition(s) have been complied with.
    {Reason: Implementation of Council's Policy and Section 138 of the Roads Act}

16. 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}

17. 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 $350.00 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}

18. 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}

19. 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}

20. Prior to release of the Subdivision Certificate or Occupation Certificate whichever occurs first, the submission to Council of evidence that an electricity supply has been provided to each lot within the proposed subdivision by way of a Certificate of Acceptance/Notice of Arrangement as issued by the electricity supply authority (Essential Energy).
    {Reason: To ensure the orderly provision of infrastructure}

21. 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 building's Construction Certificate, detailed calculations and drawings of the proposed development's 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}

22. 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}

23. The Water Supply headworks contribution of $1,865.58 (0.34ET), 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 Occupation Certificate or Subdivision Certificate, whichever occurs first.

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 $5,487.00 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}

24. The Sewerage Services headworks contribution of $1,865.58 (0.34ET), 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 Occupation Certificate or Subdivision Certificate, whichever occurs first.

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 $5,487.00 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}

25. The Urban Stormwater Drainage headworks contribution of $514.09, calculated on the total subdivision area 0.066 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 Occupation Certificate or Subdivision Certificate, whichever occurs first.

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 2016/2017 financial year rate is $7,747.00 per hectare.

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}

26. The Urban Roads headworks contribution of $6,340.40, calculated on a land use 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 Occupation Certificate or Subdivision Certificate, whichever occurs first.

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

Note 1: Council's adopted 2016/2017 financial year rate is $6,340.40 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}

27. The Open Space and Recreation Facilities contributions of $3,537.51, calculated on a land use 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 Occupation Certificate or Subdivision Certificate, whichever occurs first.

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 2016/2017 financial year rate is $1,360.58 (2.6 persons per three (3) bedroom 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}

28. New 1.8 m high timber paling fencing shall be provided for the full length of the northern boundary of Lot 261 (shared with 3 Belmore Place), and for half the length of the western boundary of Lot 261 (shared with 22 Tamworth Street) as shown on the approved subdivision plan.

    In addition, new 1.8 m high fencing shall be provided along the boundary between lots 260 and 261 as shown on the approved subdivision plan and behind the front building line of the existing dwelling on Lot 260 to screen and enclose the dwellings private open space.

    The above fencing must be provided prior to the release of the Occupation Certificate or Subdivision Certificate, whichever occurs first.
    {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}.

29. The proposed dwelling must not be provided with more than seven (7) outside light fittings, all of which must be shielded. If more than five (5) shielded outside light fittings are provided, those additional fittings must also be automatic light fittings.
    {Reason: DLEP 2011 Clause 5.14 Siding Springs – Maintaining Dark Sky}

30. The finished floor level of the habitable areas of the proposed building shall in respect of its height above the external finished ground level:

    (a) At the location of such building's overflow (relief) gully achieve:
        (i) A minimum of 225 mm above the finished surrounding ground level; or
        (ii) Where the overflow (relief) gully is located in a path or paved area which is finished such that surface water cannot enter it and is graded away from the building, a minimum of 150 mm above the finished surrounding path or paved area; and
    (b) In all others areas achieve:
        (i) A minimum of 150 mm above the finished surrounding ground level.

    Any excavated areas around the perimeter of the dwelling shall be graded away from the building to ensure adequate surface drainage and prevent pondage.
    {Reason: Council requirement to provide adequate stormwater free board and drainage and ensure free board provisions of sanitary drainage regulations can be achieved}

31. The drainage and plumbing installation shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the water and sewerage authority.
    {Reason: Statutory and Council requirement}

32. Temporary closet accommodation shall be provided onsite before work on the proposed building is commenced.
    {Reason: Council requirement to preserve public hygiene}

33. The sanitary, water plumbing and drainage associated with the proposed building requires the issue of a separate approval from Council prior to being installed. In this regard a Drainage and Plumbing Approval Application form is available from Council, and must be completed by the licensed plumbing and drainage contractor and returned to Council with the appropriate fee. Drainage or plumbing works must not be commenced until Council has issued a permit authorising such works.
{Reason: Statutory requirement of Local Government Act 1993}

34. All sanitary plumbing and drainage and water plumbing work shall be carried out by a licensed plumber and drainer.
{Reason: Statutory requirement of Section 634 Local Government Act 1993}

35. The top of the building's overflow (relief) gully shall be a minimum 150 mm below the lowest sanitary fixture serving the building.
{Reason: Statutory and sewerage authority requirement}

36. The top of the building's overflow (relief) gully shall be a minimum 75 mm above the finished surrounding ground level to prevent ingress of surface stormwater.
{Reason: Statutory and sewerage supply authority requirement}

37. Roof water overflow from the BASIX required rainwater tank shall be conducted to the Tamworth Street gutter by means of appropriate charged drainage pipework, sealed to at least 1m above the street gutter level; or through the, suitably designed, wet well pumped surface stormwater system.
{Reason: To ensure satisfactory disposal of roof water}

38. The hot water delivered to the outlets of the hand-basins, showers and bath shall not exceed 50°C.
{Reason: Statutory requirement of the Plumbing Code of Australia}

39. The applicant shall ensure that the responsible builder or contractor submits to Council, if Council is engaged to act as the Principal Certifying Authority (PCA), a Certificate of Installation certifying that the wet areas of the new building have been protected by the installation of a water-proofing system conforming to AS 3740 'Waterproofing of domestic wet area'. Such Certificate must be provided prior to occupation or use of the new building.
{Reason: To demonstrate the provision of an adequate moisture proofing system}

40. The building shall not be occupied or used until the Principal Certifying Authority (PCA) has first issued an Occupation Certificate.
{Reason: Statutory requirement to ensure the building is fit for occupation}

41. A site rubbish container shall be provided on the site for the period of the construction works prior to commencement of any such work.
{Reason: Council requirement to prevent pollution of the environment by wind-blown litter}

42. All excavations associated with the erection of the building and installation of associated services must be properly guarded and protected to prevent them from being dangerous to life or property. Excavations undertaken across or in a public place must be kept adequately guarded and/or enclosed and lit between sunset and sunrise, if left open or otherwise in a condition likely to be hazardous to persons in the public place.
{Reason: Council requirement for protection of public}

43. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
{Reason: Prescribed statutory condition under EP&A Act}

44. If an excavation associated with the proposed building work extends below the surface level of an adjoining allotment of land and/or the base of the footings of a building on an adjoining allotment of land, "which are within the zone of influence", the person having the benefit of the development consent must, at the person's own expense:

    (a) Protect and support the adjoining premises from possible damage from the excavation; and
    (b) Where necessary underpin the adjoining premises to prevent any such damage.

    For the purposes of this condition, *allotment of land* includes a public road and any other public place. This condition does not apply if the person having the benefit of the development consent owns the adjoining land, or the owner of the adjoining land has given consent in writing to this condition not applying.
    {Reason: Prescribed condition pursuant to clause 98E of the EP&A Regulation 2000 and Council requirement to preserve the stability of adjoining roads/public places}

45. Prior to works commencing the Applicant shall ensure that a sign is erected on the work site in a prominent position at the front of the property showing:

    (a) The name, address and telephone number of the Principal Certifying Authority (PCA) for the work;
    (b) The name of the principal contractor for the building work and a telephone number on which that person may be contacted outside of working hours; and
    (c) Stating that unauthorised entry to the work site is prohibited.

    Such sign must be maintained on the site during the course of the building work and not be removed until the work has been completed.

    Note: In respect of (a) above, where Council is engaged as the Certifying Authority and appointed PCA, the Applicant can either prepare their own sign, or alternatively affix onsite the sticker that will be enclosed with the Council issued Construction Certificate. A larger sign in lieu of utilising the sticker is available upon request from Council's Civic Administration Building.
    {Reason: Statutory condition imposed by clause 98A of the EP&A Regulation 2000}

46. The person having the benefit of this Development Consent, if not carrying out the work as an owner-builder, must unless that person is the principal contractor, ensure that the principal contractor has been notified of the critical stage inspections and any other inspections that are specified by the appointed Principal Certifying Authority (PCA) to be carried out.

    Note: The 'principal contractor' is the person responsible for the overall coordination and control of the carrying out of the building work.
    {Reason: Statutory requirement imposed by the EP&A Act 1979}

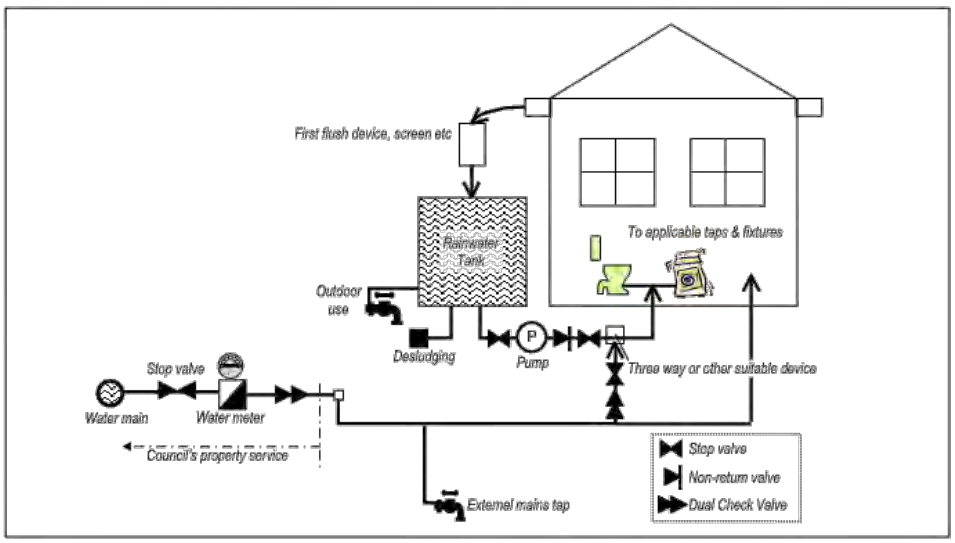
47. Noise from the rainwater tank pump shall be controlled such that offensive noise is not emitted. In this regard, the pump shall be located in a position where it least affects neighbouring properties, and not exceed the background noise level (L_{A90}) by 5dB(A) measured at the worst effected residence.

    Note: To minimise noise nuisance the pump should not be located adjacent to neighbouring bedrooms or between adjoining dwellings. If a complaint arises after installation consideration may need to be given to relocating the pump or providing an acoustic cover.
    {Reason: To minimise the creation of offensive noise}

48. Where the owner's BASIX commitments requires the pipework from the proposed rainwater tank to be inter-connected with pipework connected to Council's town reticulated water supply the following installation criteria shall apply:

    (a) A stop valve shall be provided on the rainwater delivery side of the pump. A second stop valve and a non-return value shall be provided on the outlet side of the pump;
    (b) A stop valve and a dual check valve shall be provided on the delivery side of the town water supply pipework immediately upstream of the point of inter-connection with the rainwater pipework supply; and
    (c) The inter-connection point of the pipework from the two different water sources is to be provided with a three-way flow switching device.

    (Refer to the following diagram for an indicative installation arrangement.)



Any proposed plumbing configuration different from the above arrangements shall be discussed with Councils' officers for conformity with the Plumbing Code of Australia and approved prior to installation.
{Reason: Water supply authority and statutory requirement to prevent water cross-contamination}

49. The water supply pipework from the rainwater tank shall be clearly marked at intervals not exceeding 500 mm where concealed in walls, or 1 m where exposed or buried, with the word '**RAINWATER**'. Water outlets shall be identified as '**RAINWATER**' with a label or a rainwater tap identified by a green coloured indicator with the letters '**RW**'.

Note:

ⓘ All '**RAINWATER**' labels or signs are to have black lettering and pictogram on either a yellow or green background.

ⓘ Marking shall be in accordance with AS 1345.
{Reason: Statutory requirements of Plumbing Code of Australia}

50. Where a pump is required to distribute and pressurise water from the proposed rainwater tank it shall be electrically powered.
{Reason: Council requirement to minimise the creation of offensive noise}

51. The proposed rainwater tank shall be provided with:

- A top or lid to shield the interior from light penetration; and
- A screen to all inlets and openings into the tank to prevent debris and mosquito entry.

{Reason: Council requirement to reduce contamination of the supply and breeding of mosquitoes}

52. All roof and stormwater work shall be carried out in accordance with the requirements of the Local Government (General) Regulation and the Plumbing Code of Australia. In this regard, prior to the issue of the Occupation Certificate, the licensee is required to submit to Council a Certificate of Compliance for the subject stormwater work within two days of completion.
{Reason: Statutory and Council requirement}

53. If Council is appointed as the Principal Certifying Authority (PCA) documentary evidence is to be supplied to Council identifying that the commitments set out in the approved BASIX Certificate have been satisfied. Such evidence shall be supplied prior to the issue of an Occupation Certificate.
{Reason: To fulfil the statutory requirement of Environmental Planning and Assessment Regulation 2000}

54. Prior to the Occupation Certificate being issued, Council is to be given at least 24 hours' notice for Council to carry out an inspection of the completed stormwater drainage, sanitary drainage and water plumbing installations.
{Reason: To enable an inspection of the building's plumbing and drainage to determine they have been satisfactorily completed}

55. The smoke alarms constituting the new dwelling's automatic smoke detection and alarm system, if comprised of smoke alarms conforming to AS 3786, and where more than one alarm is required within the dwelling, shall be interconnected with each other.

If Council is appointed the PCA a Certificate of Installation, completed by a licensed electrician, shall be submitted prior to the Occupation Certificate being issued.
{Reason: Council requirement to ensure an appropriate level of fire safety as a consequence of audibility limitations associated with smoke alarms alerting young children}

56. The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier, prior to them being covered.

- Internal and external sanitary plumbing and drainage under hydraulic test.
- Water plumbing under hydraulic test.
- Final inspection of the installed sanitary and water plumbing fixtures upon the building's completion prior to its occupation or use.

When requesting an inspection please telephone Council's Environmental Services Division on 6801 4612 and quote Council's reference number D16-366. In this regard, at least 24 hours' notice shall be given to Council for inspection of such works. To arrange an inspection, please contact Council by emailing enviroadmin@dubbo.nsw.gov.au or telephoning Council's Environmental Services Division on 6801 4612.
{Reason: Statutory provision and Council requirement being the water and sewerage authority}

57. Surface water shall be directed away from the new dwelling to prevent ponding near the foundations of the building, whilst ensuring surface water is drained to the wet well pump system without being diverted to the detriment of adjoining properties.

In this regard, the plans to be submitted with the Construction Certificate Application need to provide the finished surface levels and stormwater drainage infrastructure sufficient to demonstrate compliance with Part 3.1.2 and clause 3.3.4.5 of the BCA, and the conditions of this consent.
{Reason: To ensure satisfactory stormwater drainage}

58. The provision by the Developer of all Work-As-Executed engineering plans of digital copies in Civilcad, Microstation or DWG Format including hard copies shall be submitted prior to release of Subdivision Linens in accordance with Clause 4 of the Subdivision Development Code.
{Reason: Implementation of Council Policy}

59. Following compliance with all conditions of this Development Consent (including the construction of the dual occupancy dwelling on proposed Lot 621) 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.
{Reason: To ensure compliance with Dubbo Local Environmental Plan 2011, Clause 4.1A}

NOTES

1. The house numbering for the subdivision will be as follows:

   Lot 620 - 24 Tamworth Street
   Lot 621 - 24A Tamworth Street

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

2. 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.

3. Fees and contributions in respect to this application will be those applicable at the date of release of the Subdivision Certificate.

4. 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

5. The development will be undertaken in accordance with Essential Energy's correspondence dated 15 August 2016 (copy attached).

6. Before occupation of the dual occupancy dwelling, the street number of the premises should be displayed in a prominent position at the front of its allotment.

7. A separate application is required to be submitted to either Council or an accredited certifier to obtain a Construction Certificate to permit the erection of the proposed dwelling.

8. If Council is engaged to act as the Certifying Authority, the following shall be submitted as a minimum in conjunction with the dwelling's Construction Certificate application:

   - The location of all smoke detectors/alarms together with a statement that they will be installed in accordance with AS 3786;
   - Details of the proposed method of termite treatment showing that compliance will be achieved with AS 3660; and
   - All structural details including specifications, tie-down and bracing plans and calculations, soil test reports and slab design details;
   - Unless approved with the issue of the subdivision construction certificate, the design details of the required wet well pump system including hydraulic engineering calculations, discharge pipe sizes, dual pumps etc, as specified under Section 8 of AS/NZS 3500.3:2015.

9. Should the Geotechnical Site Investigation show a highly or extremely reactive site then, where the sanitary drainage pipework passes through the underside of the building flexible pipework, fittings must be fitted to permit articulation of the pipework equivalent with the expected soil movement. Reference should be made to AS 2870-2011 in this regard.

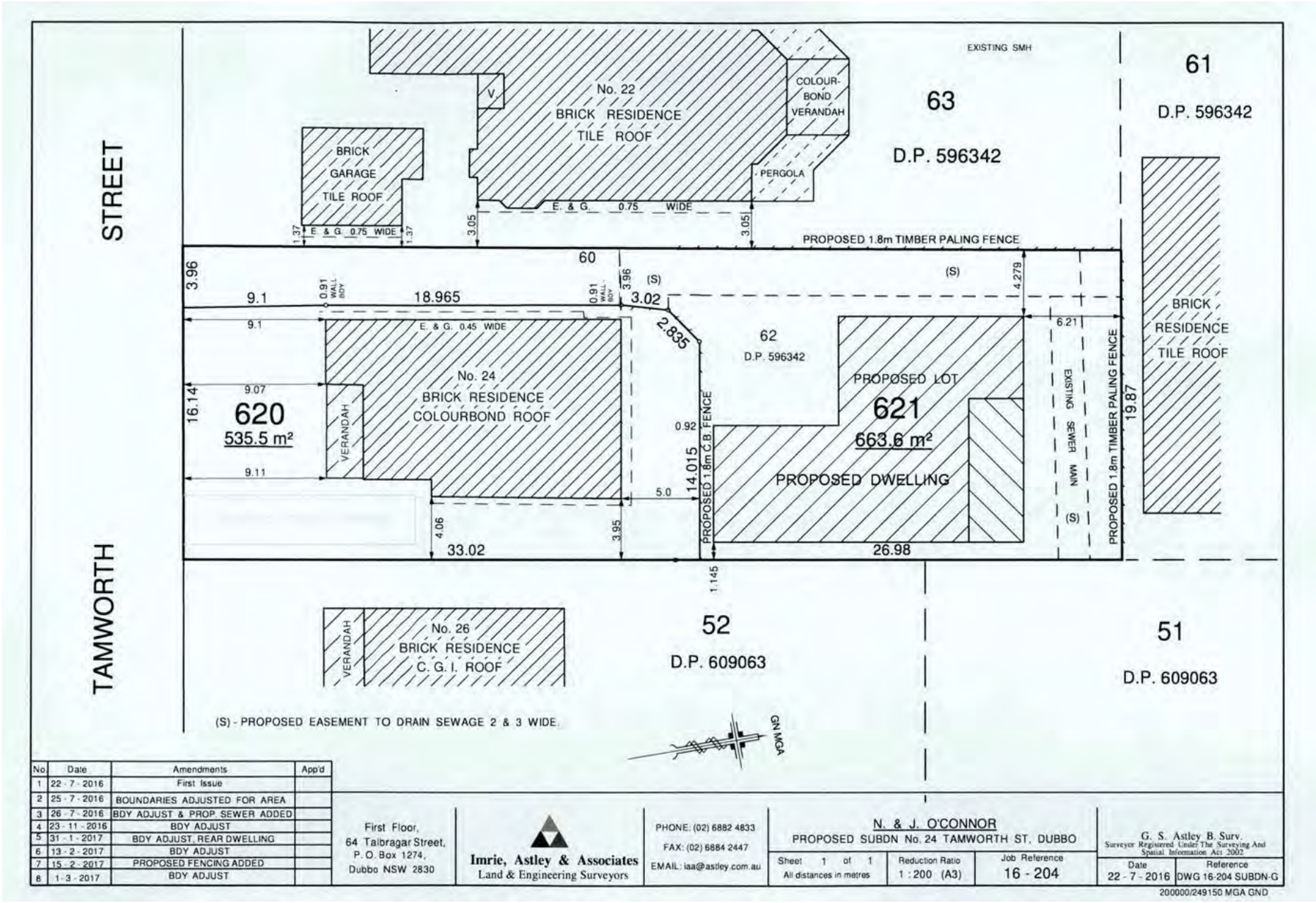
RIGHT OF REVIEW

Section 82A of the Environmental Planning and Assessment Act, 1979 confers the right for an applicant to make a request to the Council for it to review its determination, within six (6) months after the date on which the applicant received this notice. Any requests for a review are required to be accompanied by a fee as set in Council's revenue policy.

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

RIGHT OF APPEAL

Section 97 of the Environmental Planning and Assessment Act, 1979 confers the right for an applicant who is dissatisfied with Council's determination to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice.



No.	Date	Amendments	App'd
1	22 - 7 - 2016	First Issue	
2	25 - 7 - 2016	BOUNDARIES ADJUSTED FOR AREA	
3	26 - 7 - 2016	BDY ADJUST & PROP. SEWER ADDED	
4	23 - 11 - 2016	BDY ADJUST	
5	31 - 1 - 2017	BDY ADJUST, REAR DWELLING	
6	13 - 2 - 2017	BDY ADJUST	
7	15 - 2 - 2017	PROPOSED FENCING ADDED	
8	1 - 3 - 2017	BDY ADJUST	

First Floor,
64 Talbragar Street,
P. O. Box 1274,
Dubbo NSW 2830

Imrie, Astley & Associates
Land & Engineering Surveyors

PHONE: (02) 6882 4833
FAX: (02) 6884 2447
EMAIL: iaa@astley.com.au

N. & J. O'CONNOR
PROPOSED SUBDN No. 24 TAMWORTH ST, DUBBO

Sheet 1 of 1
All distances in metres

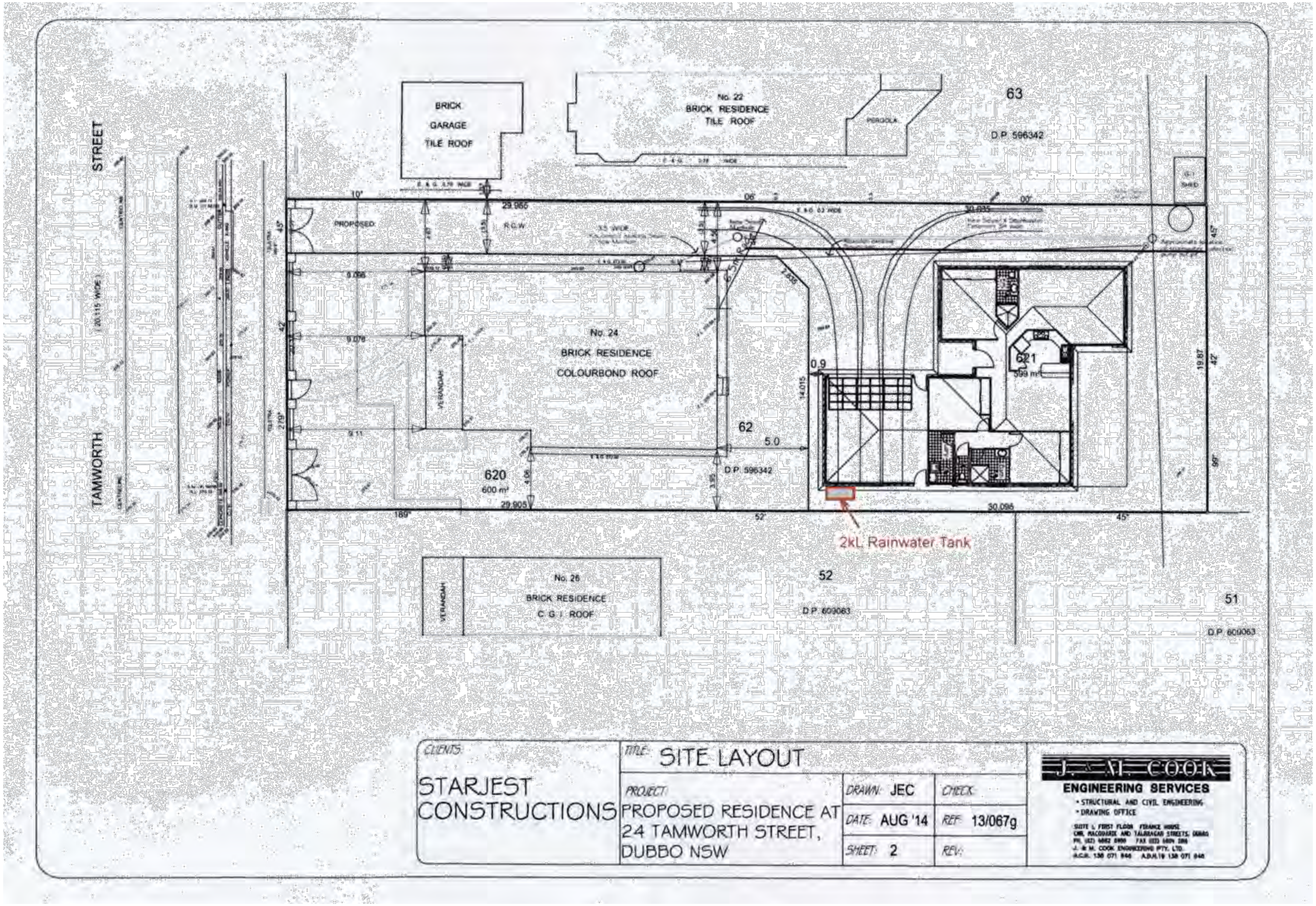
Reduction Ratio
1 : 200 (A3)

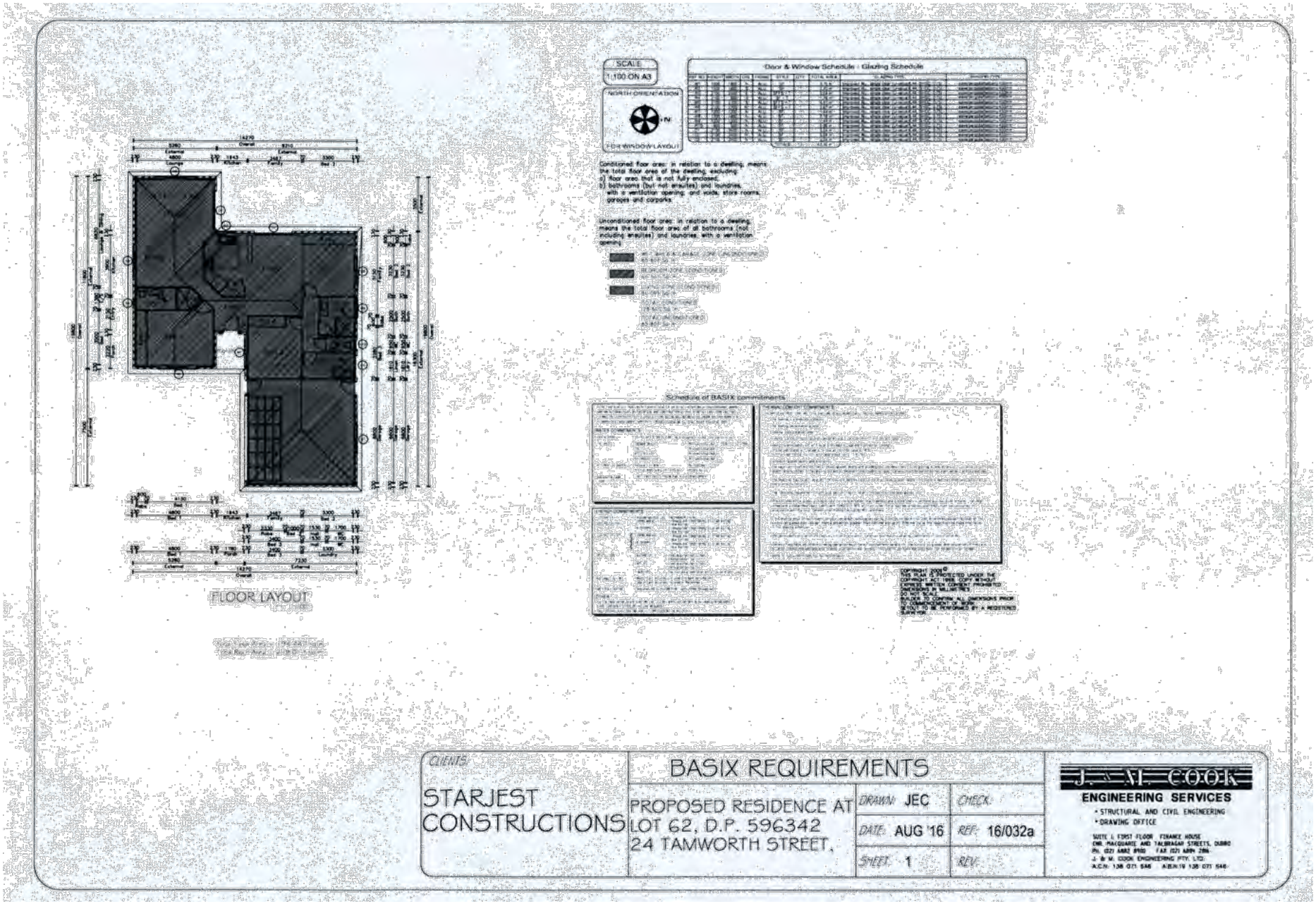
Job Reference
16 - 204

G. S. Astley B. Surv.
Surveyor Registered Under The Surveying And Spatial Information Act 2002

Date: 22 - 7 - 2016
Reference: DWG 16-204 SUBDN-G

200000/249150 MGA GND


TAMWORTH STREET
BRICK GARAGE TILE ROOF
No. 22 BRICK RESIDENCE TILE ROOF
PERGOLA
63
D.P. 596342
PROPOSED
No. 24 BRICK RESIDENCE COLOURBOND ROOF
VERANDAH
620
600 m²
62
D.P. 596342
621
5.0
0.9
30.095
29.905
29.965
2kL Rainwater Tank
No. 26 BRICK RESIDENCE C.G.I. ROOF
VERANDAH
52
D.P. 609063
51
D.P. 609063
CLIENTS:
STARJEST CONSTRUCTIONS
TITLE: SITE LAYOUT
PROJECT: PROPOSED RESIDENCE AT 24 TAMWORTH STREET, DUBBO NSW
DRAWN: JEC
CHECK:
DATE: AUG '14
REF: 13/067g
SHEET: 2
REV:
J. & M. COOK
ENGINEERING SERVICES
• STRUCTURAL AND CIVIL ENGINEERING
• DRAWING OFFICE


SCALE
1:100 ON A3
NORTH ORIENTATION
FOR WINDOW LAYOUT
Door & Window Schedule - Glazing Schedule
Conditioned floor area: in relation to a dwelling, means the total floor area of the dwelling, excluding:
a) floor area that is not fully enclosed,
b) bathrooms (but not ensuites) and laundries, with a ventilation opening and voids, store rooms, garages and carports.
Unconditioned floor area: in relation to a dwelling, means the total floor area of all bathrooms (not including ensuites) and laundries, with a ventilation opening.
Schedule of BASIX commitments
FLOOR LAYOUT
CLIENTS:
STARJEST CONSTRUCTIONS
BASIX REQUIREMENTS
PROPOSED RESIDENCE AT
LOT 62, D.P. 596342
24 TAMWORTH STREET,
DRAWN: JEC
CHECK:
DATE: AUG '16
REF: 16/032a
SHEET: 1
REV:
J. & M. COOK
ENGINEERING SERVICES
• STRUCTURAL AND CIVIL ENGINEERING
• DRAWING OFFICE

FRONT ELEVATION
e.s. 1:100

REAR ELEVATION
e.s. 1:100

SIDE ELEVATION
e.s. 1:100

SIDE ELEVATION
e.s. 1:100

CLIENTS:
STARJEST CONSTRUCTIONS

TITLE: ELEVATIONS

PROJECT:
PROPOSED RESIDENCE AT LOT 62, D.P. 596342 24 TAMWORTH STREET, DUBBO NSW

DRAWN: JEC | CHECK:
DATE: AUG '16 | REF: 16/032a
SHEET: 1 | REV:

J. & M. COOK
ENGINEERING SERVICES
• STRUCTURAL AND CIVIL ENGINEERING
• DRAWING OFFICE
SUITE 1, FIRST FLOOR FINANCE HOUSE
CNR. MACQUARIE AND TALBRAGAR STREETS, DUBBO
PH. (02) 6882 8900 FAX (02) 6884 2866
J. & M. COOK ENGINEERING PTY. LTD.
A.C.N. 138 071 646 A.B.N.19 138 071 646

PROPOSED FLOOR PLAN

This Plan has been designated by Dubbo Regional Council as:

Drawing No. PROPOSED FLOOR PLAN

Date: 10/2/17 Rev. C

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

BASIX® Certificate

Building Sustainability Index www.basix.nsw.gov.au

Single Dwelling

Certificate number: 797681S

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 18/09/2014 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Friday, 17 February 2017
To be valid, this certificate must be lodged within 3 months of the date of issue.

NSW GOVERNMENT Planning & Environment

Project summary	
Project name	24 Tamworth Street
Street address	24 Tamworth Street Dubbo 2830
Local Government Area	Dubbo City Council
Plan type and plan number	deposited 596342
Lot no.	62
Section no.	-
Project type	separate dwelling house
No. of bedrooms	3

Project score		
Water	✔ 33	Target 30
Thermal Comfort	✔ Pass	Target Pass
Energy	✔ 49	Target 35

Certificate Prepared by
Name / Company Name: J & M Cook Engineering Services
ABN (if applicable): 19138071646

Description of project

Project address	
Project name	24 Tamworth Street
Street address	24 Tamworth Street Dubbo 2830
Local Government Area	Dubbo City Council
Plan type and plan number	Deposited Plan 596342
Lot no.	62
Section no.	-
Project type	
Project type	separate dwelling house
No. of bedrooms	3
Site details	
Site area (m²)	1199
Roof area (m²)	219
Conditioned floor area (m2)	66.0
Unconditioned floor area (m2)	129.0
Total area of garden and lawn (m2)	300

Assessor details and thermal loads	
Assessor number	n/a
Certificate number	n/a
Climate zone	n/a
Area adjusted cooling load (MJ/m².year)	n/a
Area adjusted heating load (MJ/m².year)	n/a
Other	
none	n/a

Project score		
Water	✔ 33	Target 30
Thermal Comfort	✔ Pass	Target Pass
Energy	✔ 49	Target 35

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Landscape			
The applicant must plant indigenous or low water use species of vegetation throughout 200 square metres of the site.	✔	✔	
Fixtures			
The applicant must install showerheads with a minimum rating of 3 star (> 6 but <= 7.5 L/min) in all showers in the development.		✔	✔
The applicant must install a toilet flushing system with a minimum rating of 5 star in each toilet in the development.		✔	✔
The applicant must install taps with a minimum rating of 5 star in the kitchen in the development.		✔	
The applicant must install basin taps with a minimum rating of 5 star in each bathroom in the development.		✔	
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 2000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✔	✔	✔
The applicant must configure the rainwater tank to collect rain runoff from at least 219 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✔	✔
The applicant must connect the rainwater tank to: • all toilets in the development • at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)		✔ ✔	✔ ✔

Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Floor, walls and ceiling/roof			
The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.	✔	✔	✔

Construction	Additional insulation required (R-Value)	Other specifications
floor - concrete slab on ground	nil	
external wall - brick veneer	1.66 (or 2.20 including construction)	
external wall - framed (weatherboard, fibre cement, metal clad)	1.80 (or 2.20 including construction)	
internal wall shared with garage - plasterboard	0.84 (or 1.20 including construction)	
ceiling and roof - flat ceiling / pitched roof	ceiling: 1.2 (up), roof: foil backed blanket (55mm)	unventilated; light (solar absorptance < 0.475)

Note	Insulation specified in this Certificate must be installed in accordance with Part 3.12.1.1 of the Building Code of Australia.

Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Windows, glazed doors and skylights			
The applicant must install the windows, glazed doors and shading devices described in the table below, in accordance with the specifications listed in the table. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✔	✔	✔
The dwelling may have 1 skylight (<0.7 square metres) and up to 2 windows/glazed doors (<0.7 square metres) which are not listed in the table.	✔	✔	✔
The following requirements must also be satisfied in relation to each window and glazed door:	✔	✔	✔
• Except where the glass is 'single clear' or 'single toned', each window and glazed door must have a U-value no greater than that listed and a Solar Heat Gain Coefficient (SHGC) +/-10% of that listed. Total system U-values and SHGC must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.			✔
• The leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 millimetres above the head of the window or glazed door, except that a projection greater than 500 mm and up to 1500 mm above the head must be twice the value in the table.	✔	✔	✔
• Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✔	✔
• Unless they have adjustable shading, pergolas must have fixed battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✔	✔
The applicant must install the skylights described in the table below, in accordance with the specifications listed in the table.	✔	✔	✔

Skylight no.	Maximum area (square metres)	Type	Shading
S1	1.20	aluminium, moulded plastic single clear	no shading

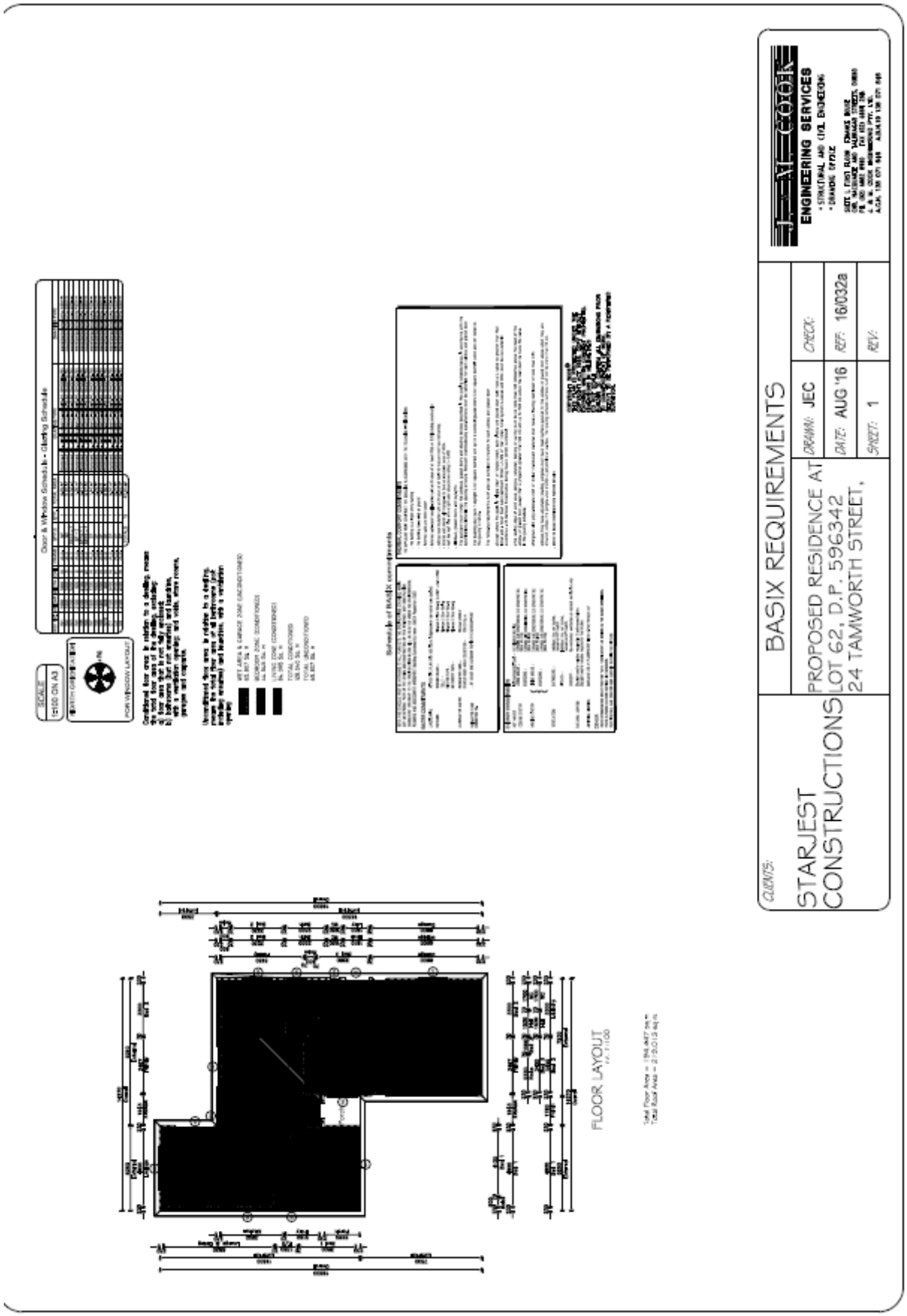
Window/glazed door no.	Orientation	Maximum area (square metres)	Type	Shading	Overshadowing
W1	N	2.70	standard aluminium, single clear (or U-value:7.63, SHGC:0.75)	eave/verandah/pergola/balcony 450 mm	not overshadowed
W2	S	2.70	improved aluminium, single clear (U-value:6.44, SHGC:0.75)	eave/verandah/pergola/balcony 450 mm	not overshadowed
W3	E	5.04	improved aluminium, single clear (U-value:6.44, SHGC:0.75)	eave/verandah/pergola/balcony 450 mm	not overshadowed

Window/glazed door no.	Orientation	Maximum area (square metres)	Type	Shading	Overshadowing
W4	S	1.26	improved aluminium, single clear (U-value:6.44, SHGC:0.75)	eave/verandah/pergola/balcony 450 mm	not overshadowed
W5	S	4.41	improved aluminium, single clear (U-value:6.44, SHGC:0.75)	eave/verandah/pergola/balcony 450 mm	not overshadowed
W6	W	5.67	improved aluminium, single clear (U-value:6.44, SHGC:0.75)	eave/verandah/pergola/balcony 450 mm	not overshadowed
W7	N	1.44	improved aluminium, single clear (U-value:6.44, SHGC:0.75)	eave/verandah/pergola/balcony 450 mm	not overshadowed
W8	N	2.16	improved aluminium, single clear (U-value:6.44, SHGC:0.75)	eave/verandah/pergola/balcony 450 mm	not overshadowed
W9	N	1.44	improved aluminium, single clear (U-value:6.44, SHGC:0.75)	eave/verandah/pergola/balcony 450 mm	not overshadowed
W10	N	0.36	improved aluminium, single clear (U-value:6.44, SHGC:0.75)	eave/verandah/pergola/balcony 450 mm	not overshadowed
D1	N	5.04	improved aluminium, single clear (U-value:6.44, SHGC:0.75)	eave/verandah/pergola/balcony 450 mm	not overshadowed
D2	W	5.04	improved aluminium, single clear (U-value:6.44, SHGC:0.75)	eave/verandah/pergola/balcony 450 mm	not overshadowed
D3	N	5.04	improved aluminium, single clear (U-value:6.44, SHGC:0.75)	eave/verandah/pergola/balcony 450 mm	not overshadowed

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous with a performance of 3 stars.	✔	✔	✔
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning; Energy rating: 3 Star (new rating)		✔	✔
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 3 Star (new rating)		✔	✔
The cooling system must provide for day/night zoning between living areas and bedrooms.		✔	✔
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning; Energy rating: 3 Star (new rating)		✔	✔
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 3 Star (new rating)		✔	✔
The heating system must provide for day/night zoning between living areas and bedrooms.		✔	✔
Ventilation			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, not ducted; Operation control: manual switch on/off		✔	✔
Kitchen: individual fan, not ducted; Operation control: manual switch on/off		✔	✔
Laundry: natural ventilation only, or no laundry; Operation control: n/a		✔	✔
Artificial lighting			
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:			
• at least 3 of the bedrooms / study; dedicated		✔	✔

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
• at least 1 of the living / dining rooms; dedicated		✔	✔
• the kitchen; dedicated		✔	✔
• all bathrooms/toilets; dedicated		✔	✔
• the laundry; dedicated		✔	✔
• all hallways; dedicated		✔	✔
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✔	✔	✔
The applicant must install a window and/or skylight in 3 bathroom(s)/toilet(s) in the development for natural lighting.	✔	✔	✔
Other			
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.		✔	
The applicant must construct each refrigerator space in the development so that it is "well ventilated", as defined in the BASIX definitions.		✔	
The applicant must install a fixed outdoor clothes drying line as part of the development.		✔	

Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a ✔ in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a ✔ in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a ✔ in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate(either interim or final) for the development may be issued.


BASIX REQUIREMENTS
PROPOSED RESIDENCE AT
LOT 62, D.P. 596342
24 TAMWORTH STREET,
STARJEST CONSTRUCTIONS
ENGINEERING SERVICES
DRAWN: JEC
CHECK:
DATE: AUG '16
REF: 16/032a
SHEET: 1
REV:
FLOOR LAYOUT

OCESSED

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

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

G'day Alex,

Mirandah Shields and I have had a chance to review the amended plans of the proposed dual occupancy and subdivision of 24 Tamworth Street (DA2016-366).

We offer the following suggestions which we believe would improve the proposal.

The drawing titled "Site Layout" shows an outline floorplan of the proposed new dwelling. Based on the layout shown in the drawing, a room located in the north west corner of the dwelling appears to be primary living space (e.g. a living room or lounge room or both). This room has a window on the western wall (this is also shown in the plan titled "Elevations"). The window is positioned close to the southern end of the room which would result in biasing the views from the window toward our principle private open space at the rear of our house. This means that occupants of the new dwelling would be overlooking our principle private open space, and we would be looking into the living space of the proposed dwelling. If the window was moved further to the north the viewing angles would change significantly. The new dwelling would have a better outlook to open space across our rear yard and we would have less intrusive views into the new dwelling from our primary outdoor private space. Please see the attached mark up of the development plans to see an illustration of what we suggest and how it changes viewing angles. The red lines show viewing angles from the north east portion of our house (kitchen, meals, lounge and principle outdoor space) through the proposed window. In the "as proposed" drawing you can see that we would have a view into most of the proposed room. If the "suggested window move" drawing we would only be able to see the northern end of the room. So much less likely to intrude on privacy - both ways.

The requested change would have minimal cost implications for the proposal but would make the proposal fit better within the surrounds. The suggestion would result in less impact to us (from loss of privacy) and less impact on the future resident of the proposed dwelling (we would not be looking into their living space).

The DA indicates that a section of our boundary fence will be replaced by a 1.8m high timber paling fence. A section of the existing fence to be replaced includes some timber latticework to a height of approximately 2.2m above ground level (see attached images). We believe that timber lattice work should be incorporated into the design of the new fence over the distance which it is currently present. This will aid the establishment a vegetation screen between our house and the proposed dwelling. Whilst we acknowledge this would go beyond what is typically required for a residential development it is noted that the proposed development is infill which proposes a major change to the layout of the established dwellings – which have been designed and laid out assuming a buffer of open space would remain in the area of the proposed new dwelling. In this instance the developer needs to ensure impacts to the established surrounding properties are maintained to the extent practicable. The request to include lattice work is simply a request to ensure the new fence achieves the same result as the fence which is being replaced.

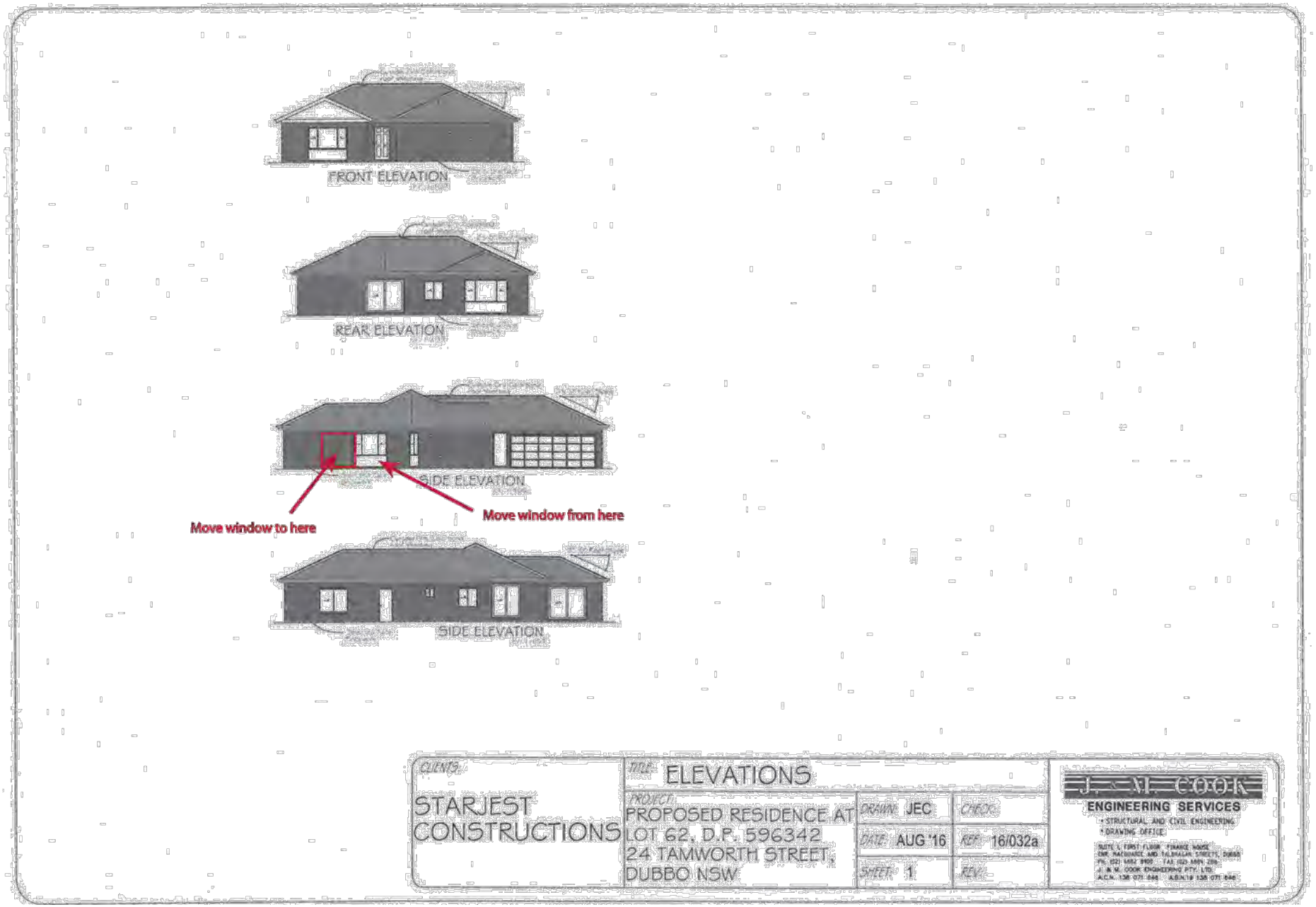
I've attached a photograph looking toward the proposed dwelling location from our living space window – excuse the filthy windows. The staff gauge against the fence shows height above ground level. The truck visible in the rear yard of 24 Tamworth Street in the photograph is located in the approximate position of the proposed dwelling. If the new fence was built to a height of 1.8m we would look straight over the top of it at the new dwelling. You would be welcome to visit our house to see the potential overlooking impacts for yourself and see why we believe the fence height is important. The visual impacts are much more apparent since the garage was demolished at 24 Tamworth Street. Our kitchen / meals / living areas now have

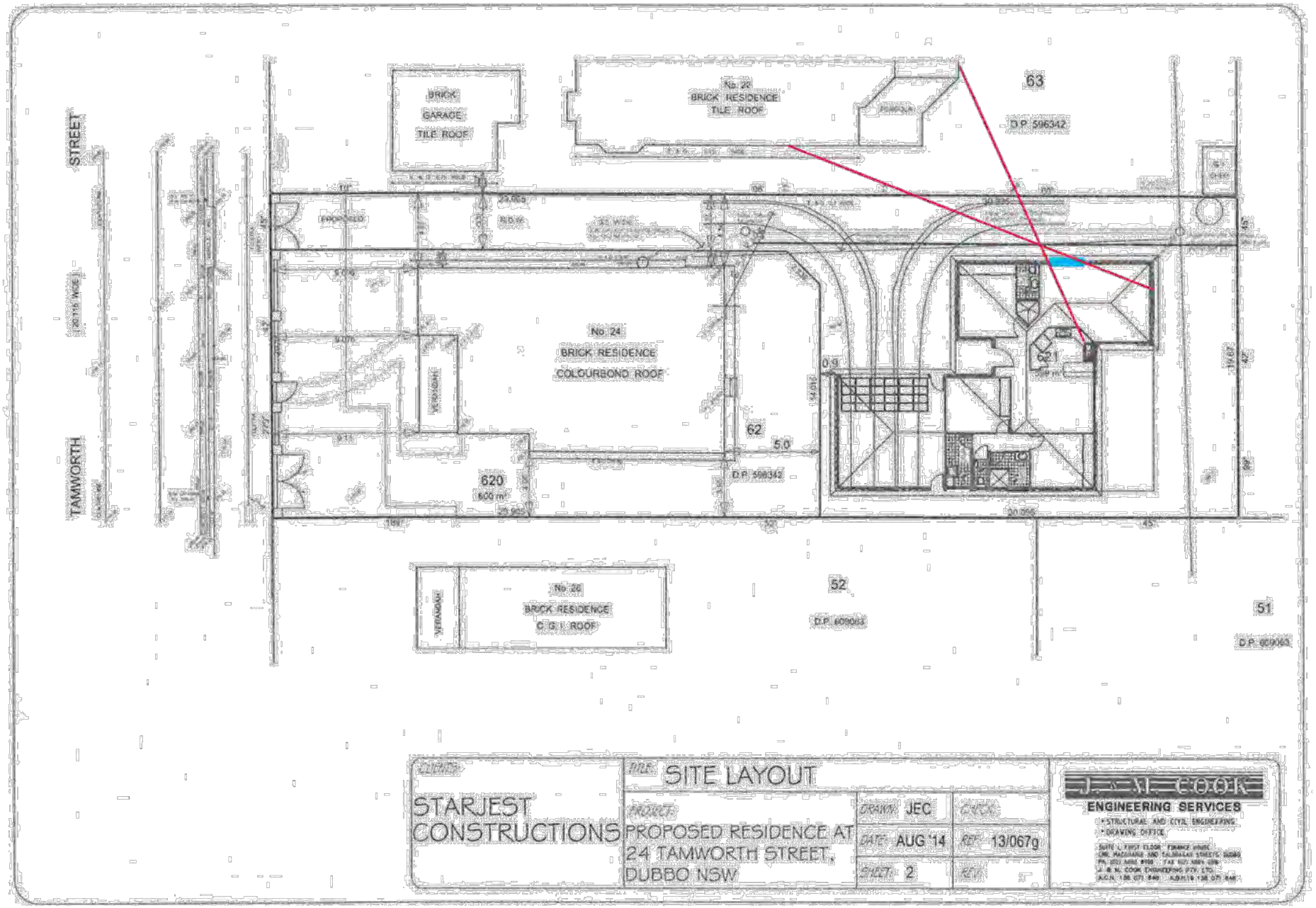
mostly uninterrupted view into the northern portion of 24 Tamworth Street but were formerly screened by the garage. A fence that was 2.2m high (same as the existing fence) would be an adequate buffer for the overlooking impacts.

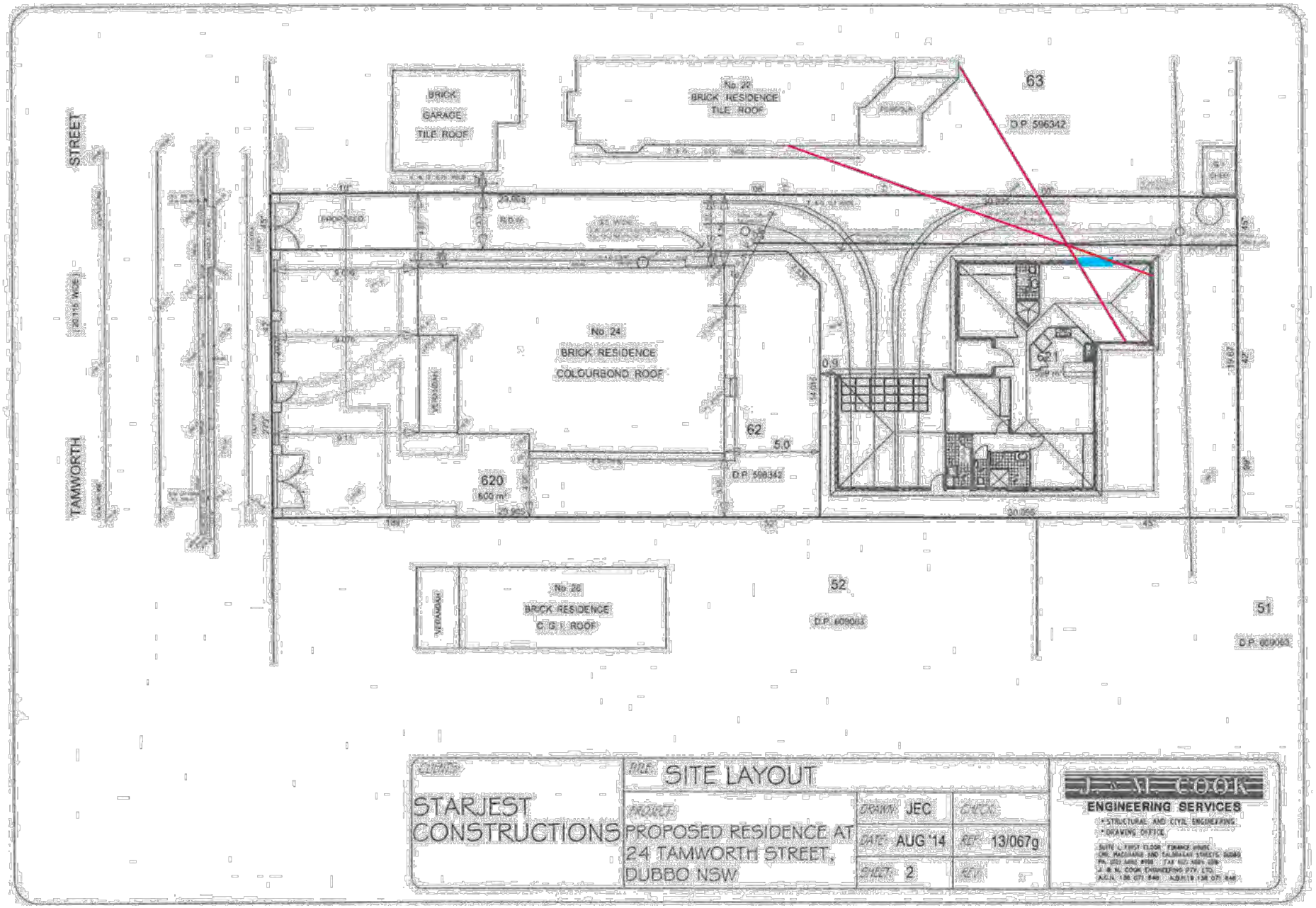
If these small inexpensive changes (relocation of the window on the western wall and re-establishing the fence with lattice work on top from 1.8m to 2.2m) were made to the proposal, we would have no objection to the proposed development.

Kind Regards,
James Morrow and Mirandah Shields
22 Tamworth Street
PO Box 6278
DUBBO NSW 2830

Ph: 0407 875 302


FRONT ELEVATION
REAR ELEVATION
SIDE ELEVATION
Move window to here
Move window from here
SIDE ELEVATION
CLIENTS:
STARJEST CONSTRUCTIONS
TITLE: ELEVATIONS
PROJECT:
PROPOSED RESIDENCE AT
LOT 62, D.P. 596342
24 TAMWORTH STREET,
DUBBO NSW
DRAWN: JEC
CHECK:
DATE: AUG '16
REF: 16/032a
SHEET: 1
REV:
J. M. COOK
ENGINEERING SERVICES
STRUCTURAL AND CIVIL ENGINEERING
DRAWING OFFICE


STREET
TAMWORTH
BRICK GARAGE TILE ROOF
No. 22 BRICK RESIDENCE TILE ROOF
63
D.P. 596342
No. 24 BRICK RESIDENCE COLOURBOND ROOF
620 600 m²
621
62
52
No. 26 BRICK RESIDENCE C.G.I. ROOF
D.P. 609043
51
CLIENT: STARJEST CONSTRUCTIONS
TITLE: SITE LAYOUT
PROJECT: PROPOSED RESIDENCE AT 24 TAMWORTH STREET, DUBBO NSW
DRAWN: JEC
DATE: AUG '14
REF: 13/067g
SHEET: 2
J. M. COOK ENGINEERING SERVICES
• STRUCTURAL AND CIVIL ENGINEERING
• DRAWING OFFICE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62
620 600 m²
D.P. 596342
No. 26 BRICK RESIDENCE C.G.I. ROOF
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D.P. 609063
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D.P. 609063
STARJEST CONSTRUCTIONS
SITE LAYOUT
PROPOSED RESIDENCE AT 24 TAMWORTH STREET, DUBBO NSW
DRAWN JEC
DATE AUG '14
REF 13/067g
SHEET 2
J. M. COOK
ENGINEERING SERVICES
STRUCTURAL AND CIVIL ENGINEERING
DRAWING OFFICE

09 March 2017

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

via email: alex.noad@dubbo.nsw.gov.au

Attention: Mr Alex Noad

Dear Alex,

DEVELOPMENT APPLICATION FOR 24 TAMWORTH STREET DUBBO (LOT 62 DP 596342)
COUNCIL'S REFERENCE: D2016-366

We write in reference to the subject amended Development Application and write to express our continued objection to the amended development. The grounds of our objection are stated below:

DUBBO LOCAL ENVIRONMENTAL PLAN 2011 (LEP)
Minimum Lot Size
We acknowledge the development is now relying on Clause 4.1A of the LEP to justify its departure from the minimum lot size. Despite this, we refer to the objectives of this clause under subclause 4.1(1)(b) in the LEP:

> *(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,*

We contend that despite the reliance upon Clause 4.1A, a *"suitable size and shape"* is not ultimately provided. The resultant allotment proposed for Proposed Lot 620 (the existing residence) will be detrimental to the resident's visual and acoustic privacy. Although the existing southern and eastern setbacks have been maintained, a compromised northern and western boundary setback is proposed. The varying western setback of 710mm to 600mm will impact significantly on the acoustic and visual privacy of Proposed Lot 620.

It would seem this Clause has been utilised to benefit the new Lot 621 to the detriment of the existing residential allotment.

Zone Objectives
Despite the proposed amendments to the development, we maintain that the development is still in contravention to the Objectives listed under the Land Use Table for the R2 Zone. We believe the proposed development contravenes the Objectives of the R2 Zone, particularly:

- it is inconsistent with the *"character of the immediate locality,"* and
- it is not *"low density housing"*.

We refer to our previously written objection in this regard and ask that Council give this due consideration.

DUBBO DEVELOPMENT CONTROL PLAN (DCP) 2013

2.1.1 Residential Design Element 2: Building Setbacks

The revised development proposes a side setback from the new western boundary of Lot 620 to it's existing western external wall of 710mm to 600mm (varies). This battle-axe handle will already significantly impact on the existing residence and surrounding neighbours. The minimal side setback here affects the acoustic and visual privacy of the residence. Given the submitted information, it is also difficult to determine whether this setback complies with the Building Code of Australia.

2.1.1 Residential Design Element 3: Solar Access

Despite the revised backyard size for the existing residence (now 5m), we argue that this is still an inadequate size for the existing residence. It is a clear imbalance when compared to the new residence. Without any submitted Shadow Diagrams, it is difficult to assess this Element accurately, however at face value we claim this 5m rear setback would impact detrimentally on the existing residence's Solar Access into their Private Open Space.

2.1.1 Residential Design Element 4: Private Open Space & Landscaping

It appears both residences now achieve the minimum POS requirements listed as "Acceptable Solutions" under the DCP. Despite this, we assert that there is a gross imbalance between the dual occupancies and that greater emphasis has been placed on the new dual occupancy. The resultant POS for the existing residence, located between its northern facade and the new northern boundary 5m away, is not *"of an area and dimension facilitating its intended use"* and does not appear to comply with Performance Criteria P1 of the DCP.

The resultant site that is leftover from the Proposed Subdivision is detrimental to the Existing Residence, is inconsistent with the character of the locality and is inadequate when compared to its current POS and the Proposed POS for Lot 621.

Additionally, there appears to be no Landscaping Plan submitted as required under A3.3 of the DCP.

2.1.1 Residential Design Element 6: Visual and Acoustic Privacy

We have already mentioned the impacts of the battle-axe handle on both the existing residence and surrounding properties within this letter. Despite complying with the minimum POS requirement of 5m, we insist that the backyard proposed for the existing residence is inadequate and will compromise their visual and acoustic privacy, particularly when the vehicle access and garage for Proposed Lot 621 is immediately adjacent.

The objectives of this Element are contravened as a result of the subdivision and the battle-axe vehicle handle too. It does not *"substantially contain noise within each dwelling"* and will present *"inappropriate levels of external noise"*. Two (2) of the three (3) bedrooms within the existing residence are immediately adjacent to the proposed driveway some 600-710mm away, not to mention other habitable rooms.

2.1.1 Residential Design Element 7: Vehicular Access & Car Parking

It appears the requirement for two (2) car parking spaces for the existing residence has not been achieved. Despite this, there appears to be a driveway proposed in the south-east corner of the site on the "Site Layout" Drawing. This additional driveway if proposed would increase traffic movement and congestion along a heavily pedestrianised street, together with creating further impact on the acoustic privacy of surrounding properties.

This is further evidence of the proposed development being an over-development of the site.

2.1.3 Subdivision Controls Element 1: Neighbourhood Design
We reiterate our objections stated under our previous correspondence for this Element. We still hold that the proposed battle-axe vehicle driveway and the new driveway for the existing residence creates a significant demand for additional motor vehicle usage in the locality. A substantial amount of site area is now dedicated to vehicle use. This is in contravention to the objective listed for the Element in the DCP which states:

> *"The neighbourhood design ensures motor vehicles do not dominate the neighbourhood."*

2.1.3 Subdivision Controls Element 2: Lot Layout
We reiterate our objections stated under our previous correspondence for this Element.

Acceptable Solution A1.5 is not complied with. It requires a minimum 4.3m wide driveway for battle-axe situations, primarily to afford a 900mm setback to a boundary either side of a centrally located 2.5m driveway. The proposed development has designed a 3.96m wide battle-axe handle, leaving an inadequate 600-710mm side setback for the existing residence.

Additionally, we wish to highlight the Objective listed under this Element:

> *"To provide a range of lot sizes…whilst considering the surrounding established area".*

The proposed development does not consider the *"surrounding established area"* at all. It seeks to increase the density of the already established "low density" character of the area by devoting large areas of the site to vehicle use and reducing the visual and acoustic amenity of the existing residence and its quality of Private Open Space.

Conclusion
We request that Council reject the amended proposed development for the various reasons identified above including:

- It is inconsistent with the character of the locality;
- It seeks to increase the density of the already established low-density character of the area;
- There is an overt imbalance between the amenity of the Proposed Dwelling in comparison to the existing dwelling;
- It significantly impacts the history and value of the remaining residence;
- It is dominated by vehicle use;
- It is an over-development of the site placing a greater burden on the surrounding area's established amenity; and
- It does not comply with various aspects of the LEP and the DCP.

The Proposal continues to refer to "*investment housing,*" which is clearly the intent behind this proposal. It does not to provide for housing needs, consistent with the character of the area in a low density, landscaped setting. "*Investment Housing,*" should not be at the expense of the established Tamworth Street character.

For these reasons, we request Council reject the submitted DA and ask that you please consider the value of one of Dubbo's oldest and most recognisable streetscapes and the aberrant place of this "*investment housing*" amongst it.

Should you wish to discuss any matter relating to this objection, please don't hesitate to contact the writer.

Regards,

David Bloomfield
Per David & Anna Bloomfield, Owners of 28 Tamworth Street
DUBBO NSW 2830
Email: davidmichaelbloomfield@gmail.com
Mobile: 0428 915 564

10th March 2017

Wayne Rowe
3 Belmore Place
DUBBO NSW 2830

Mobile: 0429 847240
wayne@langrowe.com

The Interim General Manager
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Dear Interim General Manager

RE: DA No.D2016-366, AMENDED PROPOSED SUBDIVISION OF LOT 62 IN D.P.596342 INTO 2 LOTS AND DUEL OCCUPANCY (DETACHED), No.24 TAMWORTH STREET, DUBBO NSW.

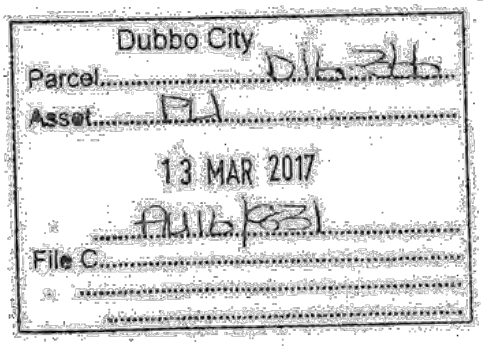
I have viewed the amended proposed plans and have no objection to the proposed development.

I assume that the final design of the underground stormwater runoff tank and pump out system will determine its suitability to be located in close proximity to existing bedrooms and would have design site features in place to prevent flooding onto my land if the pump systems surcharges.

Yours Faithfully

Wayne Rowe

W. M. Rowe



PLANNING AND DEVELOPMENT COMMITTEE
12 DECEMBER 2016

PDC16/11

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 m^2) and Lot 621 (677.9 m^2). Proposed Lot 620 requires a 13% variation to the minimum lot size of 600 m^2 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

PLANNING AND DEVELOPMENT COMMITTEE
12 DECEMBER 2016

PDC16/11

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 m^2, with frontage to Tamworth Street, containing an existing brick residence; and
- Proposed Lot 621 comprising 677.9 m^2, 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

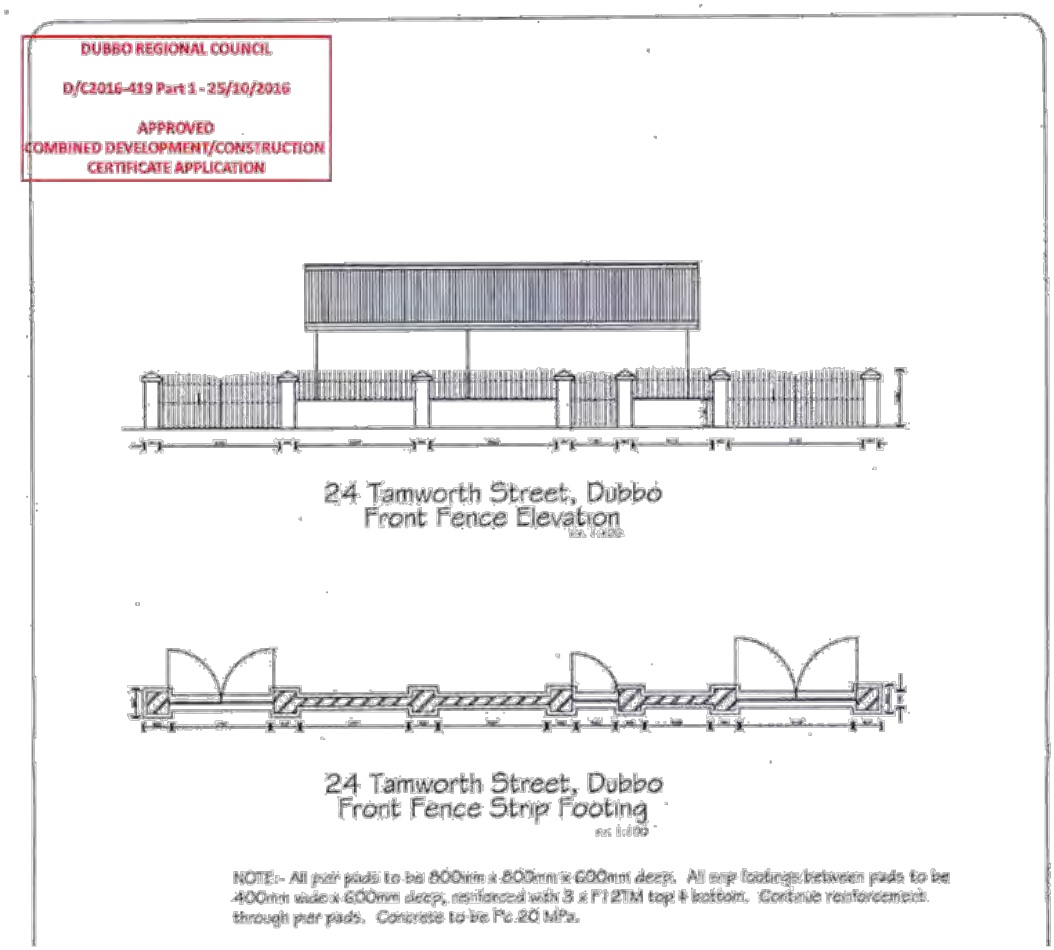


Figure 2: Front Fence approved under D16/419, 24 Tamworth Street, Dubbo

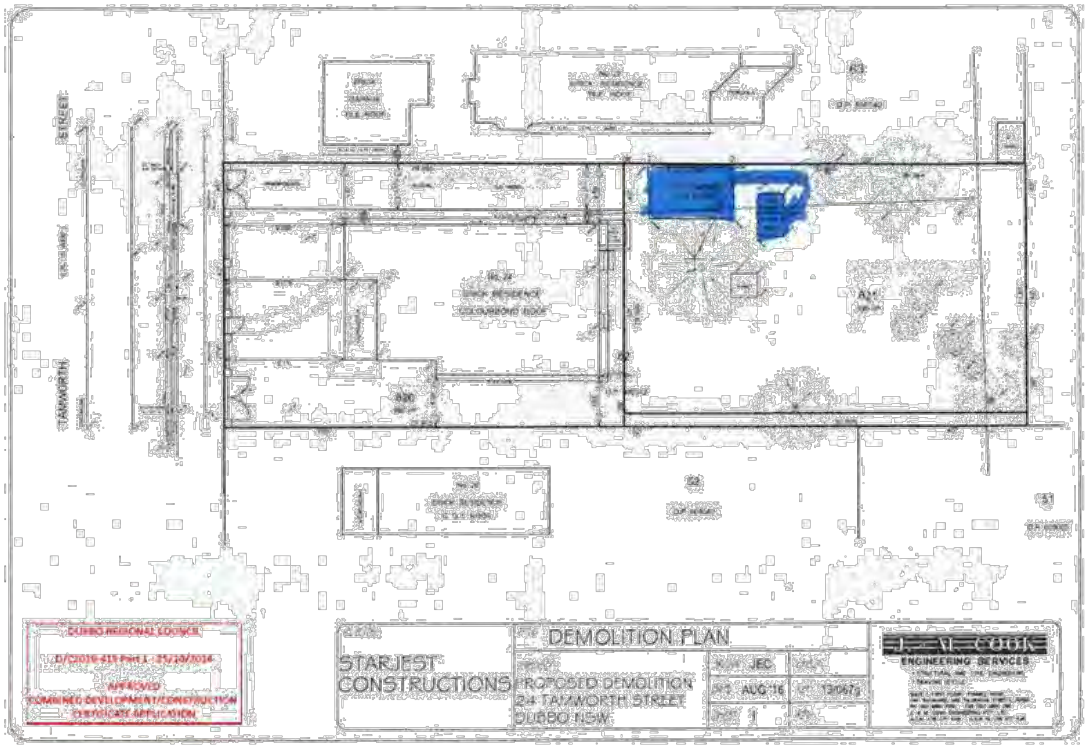


Figure 3: Demolition of garage and outbuilding approved under D16/419, 24 Tamworth Street, Dubbo

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 m^2) that is less than the minimum lot size of 600 m^2. The subdivision will also create a battle-axe lot behind (to the north) being proposed Lot 621 (677.9 m^2).

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 m^2 which satisfies the minimum lot size for the site of 600 m^2. 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 m^2. 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 obtrusion.
  - 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 m^2 (7.4 m x 8 m).

Having an area of 521 m^2, proposed Lot 620 is required to be provided with overall private open space of 104.2 m^2 (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 m^2. 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 m^2 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 m^2 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 m^2) and proposed Lot 621 (677.9 m^2). It requires a variation to the minimum lot size for the site of 600 m^2 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 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:

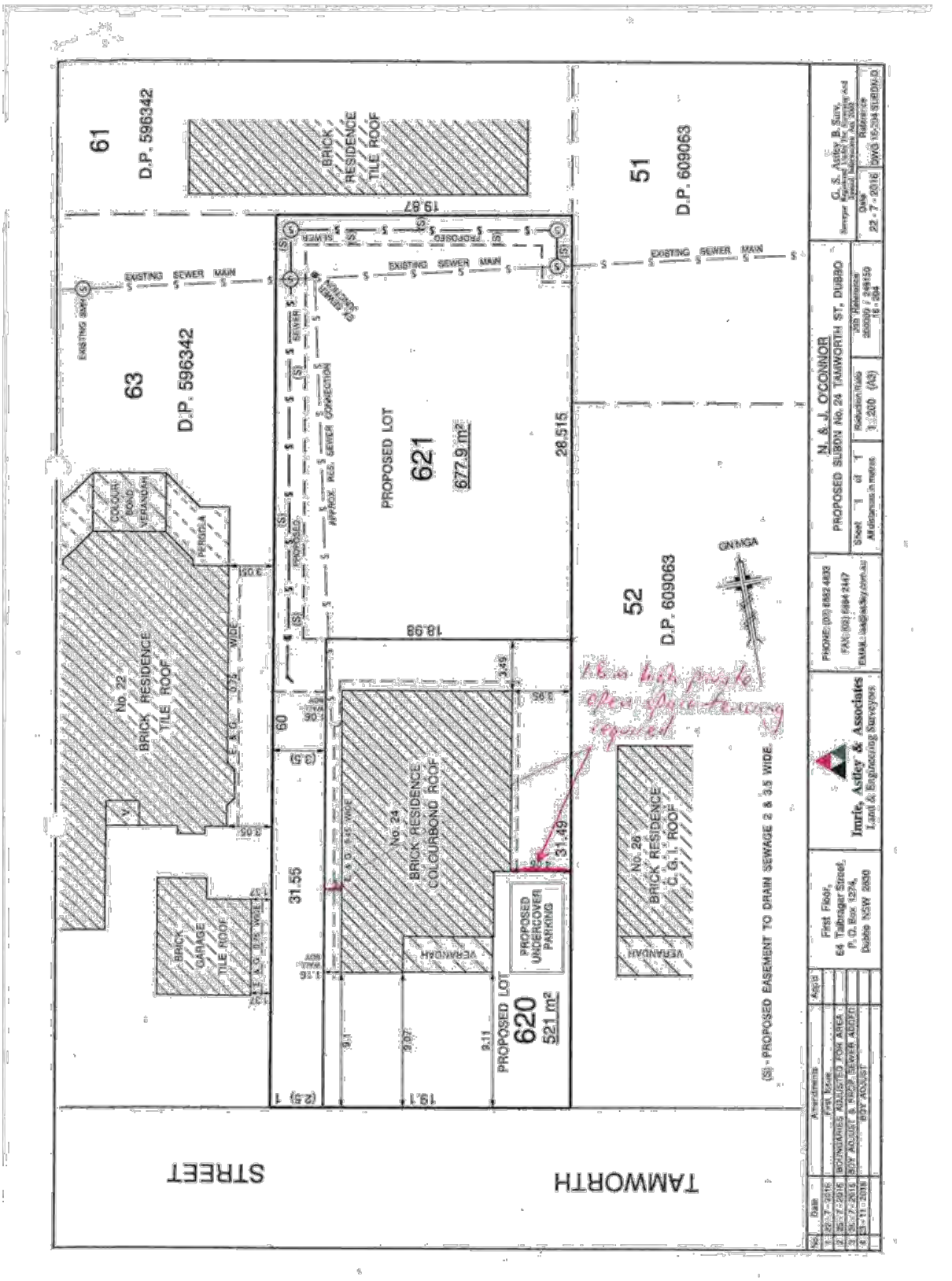
Right of Review: Section 82A of the Environmental Planning and Assessment Act 1979 confers the right for an applicant to make a request to the Council for it to review its determination, within six months after the date on which the applicant received this notice. Any requests for a review are required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

APPENDIX NO: 2 - PLANS

ITEM NO: PDC16/11

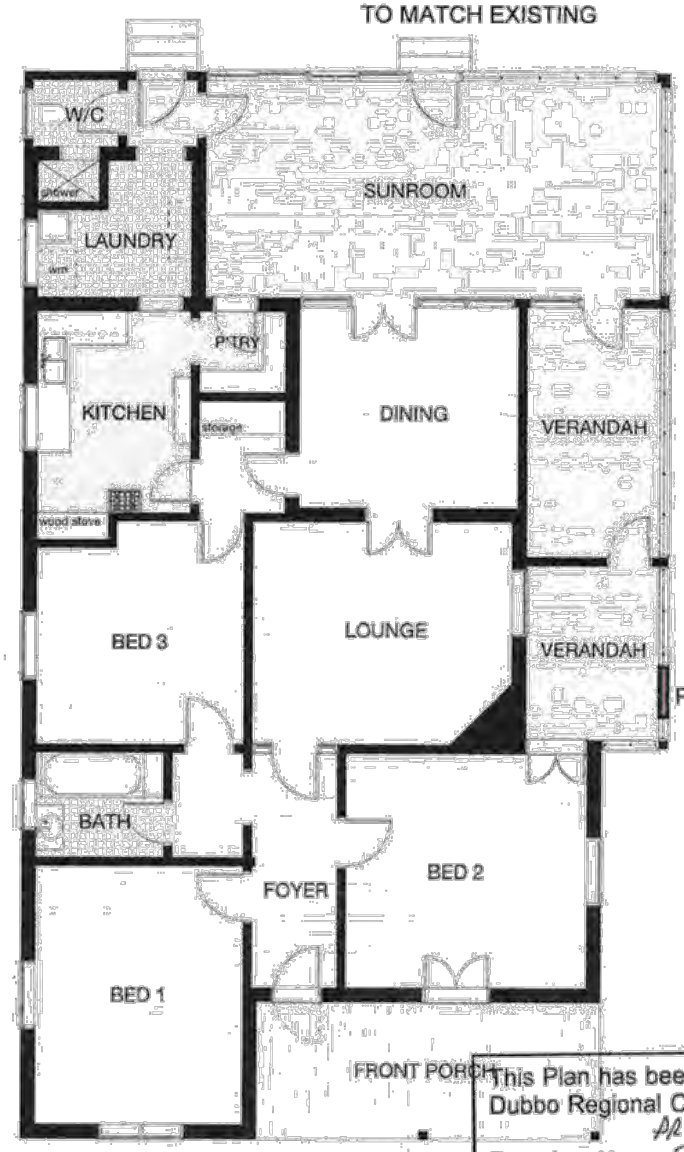


APPENDIX NO: 2 - PLANS

ITEM NO: PDC16/11

Add Door

NORTH FACING WINDOWS TO BE REMOVED
FINSH BRICKWORK WITH TRIM
TO MATCH EXISTING



This Plan has been designated by Dubbo Regional Council as:

Drawing No. PROPOSED 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

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