

Appendices:

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Items included in Administrative Review of the Dubbo LEP 2011

7	J W Planning on behalf of Fyrone Pty Ltd Ben Furney Flour Mill, Brisbane and Erskine Streets, Dubbo	Council received a submission on behalf of the Ben Furney Flour Mill in relation to rezoning land currently used by the Ben Furney Flour Mill and further land in the immediate locality. The LEP zoned land occupied by the Mill B6 Enterprise Corridor. Land immediately surrounding the Mill is zoned B3 Commercial Core and was the subject of analysis undertaken by consultants Hill PDA during consideration of the LEP.	It is recommended that the additional permitted use of agricultural produce industry is included as a permissible form of development on Lot A and Lot B DP162733, Lot A DP 62456, Lot 100 DP 808182, Lot 0 SP 19646 and Lot A DP 162468.	It is resolved that the additional permitted use of agricultural produce industry is included as a permissible form of development on Lot A and Lot B DP162733, Lot A DP 62456, Lot 100 DP 808182, Lot 0 SP 19646 and Lot A DP 162468.
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Items included in Administrative Review of the Dubbo LEP 2011

Given the current review of the LEP is of an administrative nature, it is considered appropriate for the issue to be considered as two (2) separate matters. The issue of the Mill being considered as an additional permitted use on the land can be considered in the LEP review. However, rezoning of the land will be required to be undertaken as a separate Planning Proposal, which will allow for an assessment of site design and environmental impacts to be undertaken.	37 Geolyse on behalf of Fletchers International Exports Pty Ltd Lot 2 DP 546509, Lots 2451 and 2452 DP 1049405, Lots 270 and 278 DP 754308, Lot 2671 DP 852445 and Lots 1 and 2 DP 358031, Bootherba Road, Dubbo LEP 2011 zoned a significant portion of the land in question IN3 Heavy Industrial. However, the Department of Planning and Infrastructure also designated the area with the Urban Release Area. Given the number of allotments involved and the current development on the land including the Intermodal Freight Facility, it is considered appropriate for the land to be removed from the Urban Release Area.	It is recommended that Lots 1 and 2 DP 358031, Lot 2670 and Lot 2671 DP 852445 and Lot 5 DP 560632, Bootherba Road, Dubbo be removed from the Urban Release Area.	It is resolved that Lots 1 and 2 DP 358031, Lot 2670 and Lot 2671 DP 852445 and Lot 5 DP 560632, Bootherba Road, Dubbo be removed from the Urban Release Area.
Council Rosedale Road, Dubbo An area of land situated adjacent to Rosedale Road is currently zoned RU2 Rural Landscape under the provisions of the LEP. The land is situated between two areas zoned R5 Large Lot Residential. It is considered appropriate for an area of this land to be zoned R5 Large Lot Residential consistent with the zoning of surrounding lands.	It is recommended that Lot 4 and 5 DP 827872, No. 43 and No. 19 Rosedale Road, Lot 1, 2, 3, 4, 5, 6, 7 and 8 DP 255300, No. 21, 24, 27, 28, 30R, 32, 35 and 36R Rosedale Road, Dubbo be zoned R5 Large Lot Residential with a minimum allotment size for subdivision of 8 Ha.	It is resolved that Lot 4 and 5 DP 827872, No. 43 and No. 19 Rosedale Road, Lot 1, 2, 3, 4, 5, 6, 7 and 8 DP 255300, No. 21, 24, 27, 28, 30R, 32, 35 and 36R Rosedale Road, Dubbo be zoned R5 Large Lot Residential with a minimum allotment size for subdivision of 8 Ha.	It is resolved that Lot 4 and 5 DP 827872, No. 43 and No. 19 Rosedale Road, Lot 1, 2, 3, 4, 5, 6, 7 and 8 DP 255300, No. 21, 24, 27, 28, 30R, 32, 35 and 36R Rosedale Road, Dubbo be zoned R5 Large Lot Residential with a minimum allotment size for subdivision of 8 Ha.

Items included in Administrative Review of the Dubbo LEP 2011

Council Land reclassification	Council is seeking to rezone Lot 100 DP 261729 from RE1 Public Recreation to R2 Low Density Residential and reclassify the land from Community Land to Operational Land under the provisions of the Local Government Act, 1993. The land is currently owned by Council, however given the location of the land in between two (2) separate allotments under private ownership and used by the Riverside Church. Given the location and characteristics of the land, its use for recreation purposes cannot be easily undertaken. To provide further flexibility for the management of the land, it is considered appropriate for rezoning and reclassification to be undertaken.	It is recommended that Lot 100 DP 261729 be zoned R2 Low Density Residential and reclassified from Community Land to Operational Land under the provisions of the Local Government Act, 1993.	It is resolved that Lot 100 DP 261729 be zoned R2 Low Density Residential and reclassified from Community Land to Operational Land under the provisions of the Local Government Act, 1993.
Council Currawong Rd, Dubbo	The majority of the land occupied by the Macquarie Anglican Grammar School is currently zoned RE1 Public Recreation under the provisions of the LEP. The land is not under Council ownership and as such should be zoned R2 Low Density Residential similar to the zoning of surrounding lands.	It is recommended that Lot 2000 DP 1031663 be zoned R2 Low Density Residential.	It is resolved that Lot 2000 DP 1031663 be zoned R2 Low Density Residential.
Council	Currently LEP 2011 states that electricity generating works are prohibited in the RU1 Primary Production zone, RU2 Rural Landscape zone and RU4 Rural Small Holding zone Electricity generating works may be carried out by any person with consent on any land in a prescribed rural zone under the provisions of State Environmental Planning Policy (Infrastructure) 2007. In this instance prescribed zones are RU1, RU2 and RU4.	It is recommended that Electricity generating works are included as a permissible form of development in the RU1 Primary Production, RU2 Rural Landscape and RU4 Rural Small Holdings zones.	It is resolved that Electricity generating works are included as a permissible form of development in the RU1 Primary Production, RU2 Rural Landscape and RU4 Rural Small Holdings zones.

Items included in Administrative Review of the Dubbo LEP 2011

Council	Currently LEP 2011 states that sewage reticulation systems are prohibited in the R2 Low Density Residential zone, R5 Large Lot Residential zone, B1 Neighbourhood Centre zone, B2 Local Centre zone, B4 Mixed Use zone, B6 Enterprise Corridor zone, IN2 Light Industrial zone, IN3 Heavy Industrial zone, SP3 Tourist zone, RE1 Public Recreation zone, RE2 Private Recreation zone, E3 Environmental Management zone and W2 Recreational Waterways zones Sewage reticulation systems may be carried out by any person with consent on land in a prescribed zone under the provisions of State Environmental Planning Policy (Infrastructure) 2007. In this instance prescribed zones are R2, R5, B1, B2, B4, B6, IN2, IN3, SP3, RE1, RE2, E3 and W2.	It is recommended that sewage reticulation systems are included as a permissible form of development in the R2 Low Density Residential zone, R5 Large Lot Residential zone, B1 Neighbourhood Centre zone, B2 Local Centre zone, B4 Mixed Use zone, B6 Enterprise Corridor zone, IN2 Light Industrial zone, IN3 Heavy Industrial zone, SP3 Tourist zone, RE1 Public Recreation zone, RE2 Private Recreation zone and the W2 Recreational Waterways zone.	It is resolved that sewage reticulation systems are included as a permissible form of development in the R2 Low Density Residential zone, R5 Large Lot Residential zone, B1 Neighbourhood Centre zone, B2 Local Centre zone, B4 Mixed Use zone, B6 Enterprise Corridor zone, IN2 Light Industrial zone, IN3 Heavy Industrial zone, SP3 Tourist zone, RE1 Public Recreation zone, RE2 Private Recreation zone, E3 Environmental Management zone and the W2 Recreational Waterways zone
Council	Currently LEP 2011 states that seniors housing is a prohibited form of development in the B3 Commercial Core zone, the B5 Business Development zone and the B6 Enterprise Corridor zone. Seniors Housing is a permissible form of development in the B3 Commercial Core zone, B5 Business Development zone and the B6 Enterprise Corridor zone under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.	It is recommended that seniors housing be a permissible form of development in the B3 Commercial Core zone, B5 Business Development zone and the B6 Enterprise Corridor zone.	It is resolved that seniors housing be a permissible form of development in the B3 Commercial Core zone, B5 Business Development zone and the B6 Enterprise Corridor zone.

Items included in Administrative Review of the Dubbo LEP 2011

Council	Currently LEP 2011 states that waste or resource transfer stations are prohibited forms of development in the B5 Business Development zone and the B6 Enterprise Corridor zone. Waste or resource transfer stations may be carried out by any person with consent on land in a prescribed zone under the provisions of State Environmental Planning Policy (Infrastructure) 2007. In this instance prescribed zones are B5 and B6.	It is recommended that waste or resource transfer station be a permissible form of development in the B5 Business Development zone and the B6 Enterprise Corridor zone.	It is resolved that waste or resource transfer station be a permissible form of development in the B5 Business Development zone and the B6 Enterprise Corridor zone.
Council	The minimum allotment size for subdivision on Map 8B is Code AA2 (6 Ha). This was a mapping error made by the Department of Planning and Infrastructure in final consideration of the LEP. The minimum allotment size for subdivision of this land should be provided with the code AA3 (8 ha).	It is recommended that minimum Lot Size Map 8B Code AA2 (6 ha) be code AA3 (8 ha).	It is recommended that minimum Lot Size Map 8B Code AA2 (6 ha) be code AA3 (8 ha).
Council	Clause 5.4 Controls relating to miscellaneous permissible uses regulates the sizes of certain land use activities in the LEP. Neighbourhood shops currently have a size limitation of 80 square metres. It is considered that this size is not large enough having regard to the range of functions a neighbourhood shop now performs. It is considered that the size for neighbourhood shop should now be 150 square metres.	It is recommended that clause 5.4 be altered for a neighbourhood shop to have a maximum floor area of 150 square metres.	It is resolved that clause 5.4 be altered for a neighbourhood shop to have a maximum floor area of 150 square metres.

Items included in Administrative Review of the Dubbo LEP 2011

Council	Semi-detached dwelling is currently listed as a prohibited form of development in the R2 Low Density Residential zone. Council has received a number of enquiries from the building and development industry in relation to the definition of a semi-detached dwelling and why this form of development is prohibited in the R2 zone. The role of a semi-detached dwelling is to define the state of an attached dual occupancy that has been subdivided into two (2) separate allotments. It is recommended that semi-detached dwelling is included as a permissible form of development in the R2 Low Density Residential zone. It is resolved that semi-detached dwelling is included as a permissible form of development in the R2 Low Density Residential zone.
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Submission 37

31 Fourth Ave
Dubbo

20-10-2010

The General Manager
Dubbo City Council
P.O. Box 81
Dubbo NSW 2830

Dear Sir,

Prel 38 Marlbury St Dubbo

which I own.

I strongly oppose the placing of
Heritage on my Property as it will interfere
with Renovation & also de-value the Property

I am very up-set about this
suggestion.

Yours faithfully
A.E. Cox.

Christo Aitken + Associates ■ PO Box 7299 Leura NSW 2780 ■ P 02 4784 3250 ■ M 0427 375260 ■ E christoaitken@bigpond.com

Dubbo City Council – Strategic Planning
2013 Review of Heritage Listings

Street Address	38 Macleay Street, North Dubbo
Land Description	Lots 1, 2 and 3, DP 38299 (38 Macleay - Lot 2)
2011 LEP Schedule 5	Heritage Item 1136
Property Owner	Mr & Mrs A.E. Cox
Current Photograph	 Date of Inspection 2nd August 2013
Background	There is little available historical information on this group of matching cottages. The 2007 CBHS recommended that the history be researched. The current owners of 38 Macleay Street (Cox) were not available for discussion at the time of inspection. The key objection from the owner of 38 Macleay Street appears to be related to "interfear(sic) with renovation and also de-value the property". The other two owners have not objected to the heritage listing.
Existing Statement of Significance	An interesting group of three late Victorian cottages with some fine detail and each makes a strong streetscape contribution (CBHS 2007)
Notes from Site Inspection	• Fine tree-lined street complimented by small-scaled period houses from a range of periods along its length. • Streetscape character is a significant aspect in the overall significance. • The 3 late Victorian cottages are a strong visual group central in the street. Located close to the street alignment their detail is evident. • Similar form, scale and detail make the group very cohesive. • Their architectural detail to the facades is unusually rich for modestly-scaled cottages. Elements include quoining to the corners of each building; boldly rendered architraves to the windows and front doors; decorative render to the chimneys with scored ashlar and projecting cornices. • Some minor inappropriate changes which could be readily reversed to the benefit of each cottage ie verandahs, aluminium screen doors, concrete driveway blocking subfloor ventilation; PVC downpipes, fences etc. • A lack of maintenance and renovation ie gutters, paintwork, etc
Recommendation	• Retain the listing of #38 as part of the group listing of 36-40 Macleay Street. #38 makes an essential contribution as part of this historic group. To remove #38 from the LEP would threaten the listing of the entire group. • Research the history of the group to better understand their other significance values, such as historical or associational historic significance. • Make contact with the owners to explain the benefits of listing. Work with local Real Estate to resolve the owner's concerns regarding property values. • Explore appropriate Conservation Incentives appropriate to the group as a whole. Try to reverse some of the inappropriate works, particularly the recent blocking of subfloor ventilation. • Assist appropriate maintenance works through the Local Heritage Fund. • Assist appropriate planning and design of alterations and additions to the rear of the cottages.

ARCHITECTURE ■ HERITAGE • CONSERVATION ▲ PLANNING

File 11/63
TH/MC

11 Mitchell Street
Dubbo 2830
Ph. 68848384

The General Manager
P.O. Box 81 Church St Dubbo 2830.

11th January 2013

Dubbo Local Environmental Plan (LEP) 2011 - ^{Administrative} Review

Dear Sir,

In reply to your letter of the 7th December, 2012, I wish to add the following facts to the submission made by me, regarding the heritage order on my property, 11 Mitchell Street, Dubbo.

Last year I was offered a unit in a retirement village which I was unable to accept, owing to a shortage of available funds.

This was regrettable because of my age - over eighty years.

After making enquiries in the real estate market, I found it would be very difficult to sell my home because of the heritage order, as well as its age and condition.

I therefore ask that the heritage order on the property should be re-assessed and lifted.

Yours faithfully,
Wendy E. Wilson
Mrs. W.E. Wilson.

Dubbo City Council	
Parcel.....	8897
Ass.....	UC99
15 JAN 2013	
File C.....	11/63

Submission 47

	DRAFT DUBBO LEP 2010	 DUBBO CITY COUNCIL
	SUBMISSION FORM	

NAME Wendy Elizabeth WILSON (Mrs) DATE _____

ADDRESS 11 Mitchell Street Dubbo N.S.W. 2830

PHONE NUMBER 02) 68548384

SUBMISSION I wish to make a submission for my property, No. 11 Mitchell Street Dubbo, to be excluded from the Dubbo City Heritage Inventory.

REASON FOR SUBMISSION The house is in a state of disrepair and owing to its age, no present day tradesman would be able to restore it under heritage conditions. The old building the technology - slab and baton, bit sawn timber etc, is obsolete and would be very unlikely

FURTHER INFORMATION

In accordance with the Personal Information Protection Act 1998, written submissions received by Council containing personal information may be made public when the matter goes before the Council for determination, as it may be included in the Council Business Paper. Persons have the right to remain anonymous if they so choose by refraining from submitting their personal information, however, the submission may be given less weight in the overall assessment and determination of the draft Plan.

DUBBO DRAFT LEP

SUBMISSION FORM

to be able to be replicated, if possible, without great expense.

The original building has been changed over the years by adding two extra rooms, bathroom and laundry.

A large amount of asbestos cladding has been used both outside and inside, where most of the original timber walls and ceilings have been covered or replaced. The floors and foundations - made of timber stumps - are in poor condition and would require total replacement.

Over years, most of the usage of the area surrounding the house has been greatly altered by newer homes, flats, and the child care centre opposite. Close proximity to the Central Business District makes more changes to the area in future inevitable.

Owing to my age, nearly eighty years, and limited finances, any proper restoration is beyond my capability. My age also limits my continued occupation of the property.

It is therefore highly unlikely that any future buyer could be found for the property if it remains under heritage order.

Wendy E. Wilson.

Christo Ailken + Associates • PO Box 7299 Leura NSW 2780 • P 02 4784 3250 • M 0427 375260 • E christoailken@bigpond.com

**Dubbo City Council – Strategic Planning
2013 Review of Heritage Listings**

Street Address	11-15 Mitchell Street, South Dubbo
Land Description	Lots 16 and 15, DP 975591
2011 LEP Schedule 5	Heritage Item I 167
Property Owner	Mrs Wendy Wilson
Current Photograph	 Date of Inspection 2nd August 2013
Background	The cottage was purchased by the current owner in the 1970s. The 2007 CBHS recommended that the history be researched. The current owner of the property (Wilson) noted that some alterations, such as the building –in of the breezeway link, occurred in the 1930s by the Warman family. The owner also noted that batten and boarded cottages were once common in Dubbo but now relatively rare. The key objection to heritage listing relates to concern that <i>"enquiries through the local Real Estate suggest it would be very difficult to sell the home, as well as its age and condition"</i>. The 2007 CBHS Inventory sheet notes 3 timber cottages (11-15 Mitchell) have historic and aesthetic significance as a group. The 2011 LEP lists 11-13 as a heritage item. The owner of 13 Mitchell has not objected to heritage listing.
Existing Statement of Significance	These Victorian cottages have historic and aesthetic significance as a group and together illustrate a particular period in Dubbo's growth and development. The intact batten and boarded cottage in particular is now a rare example in Dubbo. (CBHS 2007)
Notes from Site Inspection	- The owner was very generous with her time and expressed interest and knowledge of Dubbo's history and heritage. She expressed concern about restricted use of the cottage in the future if listed but was unaware of current heritage incentives that actually allow greater freedom in use. She would be interested in developing a CMS for the property when explained to her. - The cottage was relatively intact and in good condition internally. It had a quaint charm and character that would appeal to the right buyers. The group were a highly visible element in Mitchell Street and made a positive streetscape contribution. - There was some scope for sensitively considered additions towards the rear.
Recommendation	- Retain the listing of 11 Mitchell Street. - Research the history of the building to better understand its other significance values, such as historical or associational historic significance. - Assist appropriate maintenance works through the Local Heritage Fund. - Work with the current owners to prepare a Conservation Management Strategy or CMP for the property to outline the significance values throughout the building and to sketch out future development opportunities for the site.

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Submission 48

DRAFT DUBBO LEP 2010
SUBMISSION FORM



NAME HAYDEN & LEONARDINE BENNETT DATE 18/10/10
 ADDRESS 326 MACQUARIE STREET DUBBO
 PHONE NUMBER 02 68 82 30 89
 SUBMISSION WE WISH TO EXPRESS OUR CONCERNS REGARDING
THE PROPOSED LISTING OF THE ABOVE PROPERTY
AS A HERITAGE ITEM IN SCHEDULE 5 OF THE DRAFT PLAN.

REASON FOR SUBMISSION (1) INFORMATION IN THE HERITAGE REVIEW RE. MAJESTIC
322-334-326 MACQUARIE ST IS OUT OF DATE & INACCURATE.
(2) CONCERNED ABOUT EFFECT ON VALUE OF PROPERTY -
1ST HAND EXPERIENCE WITH A HERITAGE LISTED BUSINESS
IN DUBBO, WHICH RESULTED IN GREAT PERSONAL COST TO
OUR HEALTH & FINANCES.
(3) AS 3RD GENERATION OWNERS WE HAVE HAD PRIDE IN OUR HOME
BUT QUESTION THE CHOICE OF THESE THREE & NOT
OTHERS IN THE STREET.

FURTHER INFORMATION

In accordance with the Personal Information Protection Act 1998, written submissions received by Council containing personal information may be made public when the matter goes before the Council for determination, as it may be included in the Council Business Paper. Persons have the right to remain anonymous if they so choose by refraining from submitting their personal information, however, the submission may be given less weight in the overall assessment and determination of the draft Plan.

DUBBO LEP 2010

SUBMISSION FORM

Christo Ailken & Associates ■ PO Box 7299 Leura NSW 2780 ■ P 02 4784 3250 ■ M 0427 375260 ■ E christoailken@bigpond.com

**Dubbo City Council – Strategic Planning
2013 Review of Heritage Listings**

Street Address	326 Macquarie Street, CBD
Land Description	Lot 1, DP 959451
2011 LEP Schedule 5	Heritage Item I 160
Property Owner	Mr & Mrs Hayden & Lorraine Bennett
Current Photograph	 Date of Inspection 2nd August 2013
Background	There is little available historical information on this dwelling or others in the group 322-326 Macquarie Street. The LEP has only listed #326 although the Inventory Sheet relates to a group of 3 houses. The current owners of the property (Bennett) were available for discussion at the time of inspection. The key objection from the owners relates to their <i>“questioning the choice of these three (residences) and not others in the street”</i>. The owners are apparently third generation family owners of this house and have obviously proudly cared for their home.
Existing Statement of Significance	This group of early 20th C houses has aesthetic significance with their consistent scale, setbacks and variety of roof forms. The buildings have been thoughtfully designed and detailed with a variety of materials typical of the period. The group makes a positive streetscape contribution. (CBHS 2007)
Notes from Site Inspection	- The current owners have made a positive effort during their extended period of ownership in the care and presentation of the house. However this is little different from many, if not all, of the period homes in this section of Macquarie Street. There are many well-presented homes and gardens. Also, there are a number of houses that may have more architectural qualities than those of #326. This is not to devalue the attractive qualities of #326 but more importantly to point to the wider values of Macquarie Street generally. - It is uncertain why #322 and #324 have not been listed in the group.
Recommendation	- Delete the individual listing of 326 Macquarie Street. - Investigate alternative planning measures to recognise and protect the wider streetscape qualities of Macquarie Street. One approach that could be considered is to develop precinct-based Urban Conservation Areas for South Dubbo and Macquarie Street. This would replace the former Character Conservation Area and perhaps better reflect the significance of these streetscapes and help to reduce the number of individual heritage listings necessary. - It is likely that the qualities that are evident in Macquarie Street and its well-presented houses will continue to be respected by the owners as it will be reflected in the high property values. This is a good local example to illustrate the positive effect of sympathetic care of old buildings and precincts if applied elsewhere in Dubbo.

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Submission 49

Ref: Pty No 2220.90
Parcel No 10192
DQ/TW

28 October 2010

General Manager
Dubbo City Council
PO Box 81
DUBBO: NSW 2830

Dear Mr Riley

RE: Lot 1 DP 13483 - 46 Wingewarra Street, Dubbo ("the Property")

I refer to your letter dated 10 September 2010.

I do not agree with the proposed heritage listing of 46 Wingewarra Street, Dubbo and ask the Council to reconsider its proposal with respect to the Property and remove it from Schedule 5 of the Dubbo LEP 2010. In this regard, we note the following:

We purchased the Property on 31 May 1973. It was purchased without any heritage order or proposed heritage order. At no time since the date of purchase to now has the Council raised with us the possibility that the Property had any environmental, cultural or heritage significance.

We have not been provided with any information on how the Council determined the Property to possibly be of heritage significance and dispute the process undertaken.

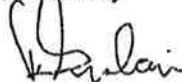
The Property is a commercial building used by a number of local Dubbo businesses. We wish to be in a position whereby we can maximise our investment in the Property, including the way the Property looks and is used to the fullest extent possible. We do not wish to be limited in the way in which we deal with the Property and do not wish to have constraints placed upon us so that we cannot compete, on a level playing field, with other commercial properties in the area. We believe that a heritage order may adversely impact our ability to accommodate current and future tenants' needs/requirements and/or improve the Property.

4. We believe that most of the original architectural elements (if any existed) were covered up or removed as required by Fire and Council Regulations. In this regard, we undertook major renovations on the Property in 1985 wherein a major extension was added and the Property and elements were covered up or removed and new things were added to make the Property compliant with fire regulations. To this end, I refer to the plans submitted to and approved by Dubbo City Council.

5. We have reviewed the list of properties set out in Schedule 5 to the draft LEP. In our view the Property does not have sufficient heritage significance and is in no way of the same standing as a number of the other buildings and sites referred to in the draft Plan. We are of the opinion that the significant work undertaken on the building over the years, which have all been approved by Council, removed any character or aesthetic value the building may have previously had.

6. Should the Council proceed with heritage orders over the Property, we may suffer financial loss and hardship and we reserve all of our rights in that regard.

Yours sincerely



Paul Sinclair

Submission 50

Mr Mark Riley
General Manager
Dubbo City Council
PO Box 81
DUBBO NSW 2830

21 January 2013

Dear Mark

RE: Administrative review regarding heritage listing of 46 Wingewarra Street Dubbo

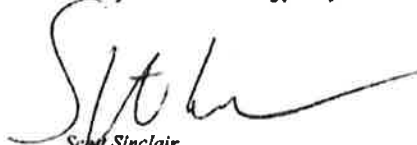
Thank you for the letter you sent to us on 7 December 2012 outlining the administrative review of the Dubbo Local Environmental Plan 2011.

My father, Paul Sinclair, and I left the council meeting on the 21st and 28th March 2011 under the belief that our elected councillors showed good judgement in voting against the proposed heritage listing of 46 Wingewarra Street. I spoke at these meetings identifying the reasons as to why it should not be heritage listed.

Details that Paul and I would like clarified include:

- 1 What directive was given to council staff after the elected councillors voted against the heritage listing of 46 Wingewarra Street Dubbo on the 21st & 28th March 2011, and were these instructions adhered to? If not, why not?
- 2 What recommendations were made by the council staff to NSW Planning and Infrastructure? Why were these recommendations obviously different to what council voted on and why were we not informed?
- 3 Why hasn't a formal inspection of the building, including internal review, been conducted by council before making this recommendation?
Our records show that no invitation or internal inspection has been conducted. 70% of the building has been recently constructed.
When this building occurred, many of the original features had to be removed to comply with council's fire regulations.
- 4 An admission has been made by NSW Planning & Infrastructure that the process was rushed, and if this is the case, a full review of our case should be warranted.

I look forward to hearing from you



Scott Sinclair
0428 265 313

Christo Aitken + Associates ■ PO Box 7299 Leura NSW 2780 ■ P 02 4784 3250 ■ M 0427 375260 ■ E christoaitken@bigpond.com

Dubbo City Council – Strategic Planning 2013 Review of Heritage Listings

Street Address	46 Wingewarra Street, Woonah Court, CBD
Land Description	Lot 1, DP 13483
2011 LEP Schedule 5	Heritage Item 1 229
Property Owner	Mr Paul, Scott and Mrs Maree Sinclair
Current Photograph	 Date of Inspection 2nd August 2013
Background	There is little available historical information on this relatively significant commercial building located close to the heart of the CBD area. The current owners of the property (Sinclair) were available for discussion at the time of inspection. The key objection from the owners relates to their wish to “<i>maximize our investment in the property, including the way the Property looks and is used to the fullest possible extent</i>”. The owners stated that they have had little contact or consultation with Council through the listing process.
Existing Statement of Significance	This mid 20th C two storey commercial building has aesthetic significance retaining much of its original outward character, form and materials. The design incorporates a range of interesting architectural elements and materials. (CBHS 2007)
Notes from Site Inspection	• The current owners have made a positive effort during their extended period of ownership in the care and presentation of the building. The 1988 DA for alterations and additions was relatively sensitively located towards the rear. The discussions confirmed that they are sympathetic to the history and character of the building. • The building makes a major contribution to this section of Wingewarra Street which has lost much of its early character. • Much of the external and internal fabric and decorative detail has been well-maintained and is largely intact. • The owners did not appear to appreciate the existing conservation incentives available through the LEP.
Recommendation	• Retain the listing of 46 Wingewarra Street. • Research the history of the building to better understand its other significance values, such as historical or associational historic significance. • Work with the current owners to prepare a Conservation Management Strategy or CMP for the property to outline the significance values throughout the building and to sketch out future development opportunities for the site. • Explore appropriate Conservation Incentives with the owners, such as transferrable development potential towards the rear of the property. • Work proactively with the owners possibly through the Chamber of Commerce to maximize the available tenancies to the wider benefit of Wingewarra Street. • Investigate other grant funding opportunities for the owners.

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Submission 52

9L Toorale Road
DUBBO NSW 2830

10 November 2010

Melissa Watkins
Director Environmental Services
Dubbo City Council
PO Box 81
DUBBO NSW 2830

Dear Madam

Re: Draft Dubbo Local Environmental Plan 2010
2 Roper Street, Dubbo

I am writing to voice my concerns over the consideration of the above property being listed as heritage.

My mum and dad (who own the above property) are elderly pensioners (dad is 83 and mum is 78). They live in a modest home on the outskirts of Dubbo and have been residents of Dubbo for over 50 years. They currently live independently but over recent times have had their share of illness. My dad sees the property at 2 Roper Street as their small nest egg. His vision is that when they need to relocate to live in supported care, the sale of 2 Roper Street and their current home would provide them with enough money to enable this.

I believe that if the house was listed as heritage it would greatly hinder the saleability of the property and would also reduce the value of the property.

Can you please take this into consideration when deciding on applying the heritage listing.

Regards



Kathryn Mills

Submission 51

PO Box 1613
DUBBO NSW 2830

11 November 2010

Melissa Watkins
Director Environmental Services
Dubbo City Council
PO Box 81
DUBBO NSW 2830

Dear Madam

Re: Draft Dubbo Local Environmental Plan 2010
2 Roper Street, Dubbo NSW 2830

I refer to your letter dated 13 September 2010 and subsequent meeting with Darryll Quigley and Grahame Hall on 19 October 2010 regarding my property at 2 Roper Street, Dubbo and wish to lodge my objection to the property being listed as heritage for the following reasons:

- The house is surrounded by mainly light industrial businesses and it feels it would be out of place to have a heritage listed property in the middle of this. There are other examples of homes in the area which depict the era of the house and are more appropriately located in a residential area among other heritage homes.
- The Draft DLBP 2010 is looking at re-zoning my property to IN2 Light Industrial - having the property listed as heritage would restrict its use as an industrial property - the house would need to remain "as is" and therefore hamper development as "light industrial".
- The house is in a derelict state and would require an injection of funds to bring it up to the heritage listing standard. The heritage advisor said they could only provide funds (on a dollar for dollar basis) dependant on if they had funds available. My wife and I are pensioners and would not be able to afford any restoration to the house.
- I have had expressions of interest in buying the property but they are interested in the land only. They would prefer to knock the house down and re-develop. Having the house listed as heritage would have a negative impact on their decision to buy. I have attached a letter from Mr Jim Kelly, Property Consultant, Peter Milling Real Estate in which he states that he believes the value of the property would drop "significantly" if the heritage listing went ahead.

I trust you will take these things into consideration when making your decision.

Yours faithfully



John CA Grey
Property owner

Real Estate Agents Auctioneers Property Managers



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4 November 2010

To Whom It May Concern

I, Jim Kelly of Peter Milling Real Estate, confirm having inspected 2 Roper Street, Dubbo in order to provide Mr and Mrs Grey with an opinion of the property's current market value.

At the time of the appraisal, we had no knowledge of the fact that the dwelling at the address could be of possible Heritage listing.

In my opinion the value of the land would drop significantly, if the building was to be Heritage listed.

Should you require any further correspondence, do not hesitate to contact me.

Yours faithfully
PETER MILLING REAL ESTATE

Jim Kelly
Property Consultant
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**Dubbo City Council – Strategic Planning
2013 Review of Heritage Listings**

Street Address	2 Roper Street, North Dubbo
Land Description	Lot 1, DP 1148881
2011 LEP Schedule 5	Heritage Item I 203
Property Owner	Mr John Grey
Current Photograph	 Date of Inspection 2nd August 2013
Background	There is little available historical information on this relatively early cottage. The 2007 CBHS recommended that the history be researched. The current owners of the property (Grey) were not available for discussion at the time of inspection. The key objection from the current owner relates to their concern that heritage listing would "hinder the saleability and reduce the property value" and "the house is surrounded by mainly light industrial" and the house "is in a derelict state".
Existing Statement of Significance	This c1870 simple brick cottage has historic and aesthetic significance retaining much of its mid 19th C character, form and detail. It is a relatively rare example of a mid Victorian cottage in Dubbo. Despite the minor changes and the current condition there is considerable opportunity to restore and recover the original character. (CBHS 2007)
Notes from Site Inspection	- Roper Street is still largely residential despite the recent change to the zoning boundary. There is also a number of properties on the northern side of Roper St and surrounding streets integrating smaller buildings as part of light industrial development. - The structural condition of the cottage appears good despite years of maintenance neglect. There are a number of early external features giving this modest cottage some significance, such as the corbelled brickwork, tuck-pointed brickwork, quality joinery etc. Some research undertaken by the Heritage Advisory Committee in 2007 suggests that there are further internal features remaining. Access internally was not possible on the day of inspection. - The cottage sits close to the footpath and is part of a double block. There is scope to reconsider the heritage curtilage in response to the owners concerns.
Recommendation	- Retain the listing of 2 Roper Street. But reduce the curtilage by (i) removing the listing from the eastern lot of the double block and (ii) a boundary adjustment on the western lot bringing the northern boundary towards the cottage and aligning, say, with the rear of the existing shed and tree. This would allow adequate space for residential use but also recognise the zoning change in the vicinity and permit the owner some flexibility in redevelopment of the rest of the block. - Research the history of the building to better understand its other significance values, such as historical or associational historic significance. - Assist appropriate maintenance works through the Local Heritage Fund. - Assist appropriate planning and design of alterations and additions to the rear of the cottage.

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Items Recommended for Support – Administrative Review Dubbo LEP 2011

Submission No.	Proponent and Land	Issue	Recommendation
47	Mrs W Wilson 11 Mitchell Street, Dubbo	In consideration of the LEP 2011, the Department of Planning and Infrastructure included the property as an item of Environmental Heritage in Schedule 5 of the Dubbo LEP 2011, based on the recommendation of the Community Based Heritage Review (2008). The submission seeks for the property to be removed from Schedule 5 of the Dubbo LEP 2011.	It is recommended that heritage item No. 1167 – 2 Cottages – 11 -13 Mitchell Street be removed from Schedule 5 of the Dubbo LEP 2011.
48	Mr H Bennett 326 Macquarie Street, Dubbo	In consideration of the LEP 2011, the Department of Planning and Infrastructure included the property as an item of Environmental Heritage in Schedule 5 of the Dubbo LEP 2011, based on the recommendation of the Community Based Heritage Review (2008). The submission seeks for the property to be removed from Schedule 5 of the Dubbo LEP 2011.	It is recommended that heritage item No. 1160 – Lot 1 DP 959451 – 326 Macquarie Street be removed from Schedule 5 of the Dubbo LEP 2011.
	Mr E Portelli 141L Obley Road, Dubbo	The property owners seek for the property to be included as an item of Environmental Heritage in Schedule 5 of the Dubbo LEP 2011. The dwelling is considered to meet Heritage Significance Criterion (c) being: (a) an item is important in demonstrating aesthetic characteristic or high and/or high degree of creative or technical achievement in the local area. Accordingly, it is recommended that the dwelling be included as an item of Environmental Heritage in Schedule 5 of the Dubbo LEP 2011.	It is recommended that the dwelling at Lot 154 DP 1163936 be included in Schedule 5 of the Dubbo LEP 2011 as an item of Environmental Heritage.
	Council	The Reservation Acquisition Map – Sheet LRA_008A contains a mapping error made during the final consideration of the draft Dubbo LEP 2011. The error relates to land adjoining the Mitchell Highway identified on the map as General Residential (R1). The correct zone reference is SP2 Infrastructure.	It is recommended that the Reservation Acquisition Map – Sheet LRA_008A be amended as required.

Items Recommended for Support – Administrative Review Dubbo LEP 2011

Council The Dubbo LEP 2011, Clause 7.13 (a) provides that the development of restricted premises not be located at street level. This provision ensures that this type of development does not impact on places of high pedestrian activity or on the amenity in the locality. Restricted Premises are currently permitted with consent within the B2 Local Centre, B3 Commercial Core, B4 Mixed Use and IN3 Heavy Industrial zones. It is considered that the Clause 7.13 (a) is not applicable to the IN3 Heavy Industrial zone.	It is recommended that clause 7.13(a) of the Dubbo LEP 2011 be amended as required so as not to be applicable to the IN3 Heavy Industry zone.
Council It is considered necessary to carry out amendments to Schedule 5 of the Dubbo LEP 2011 to provide an accurate representation of the listed properties following the subdivision of land and an update of the locality names in the Local Government Area. Items requiring amendment are detailed in Appendix 14.	It is recommended that Schedule 5 of the Dubbo LEP 2011 be amended to provide an accurate representation of the listed properties, as detailed in Appendix 14.
Barnson Pty Ltd on behalf of Western Plains Automotive The submission is seeking for the allotment at 10 North Street, Dubbo to be rezoned from R1 General Residential to B6 Enterprise Corridor to coincide with the current use of the land by Western Plains Automotive. The land is used as a car holding area for Western Plains Automotive under existing use rights as the use of land for a commercial premises is prohibited in the R1 General Residential zone under the provisions of the Dubbo LEP 2011.	It is recommended that Lot 111 DP 585079 be rezoned from R1 General Residential to B6 Enterprise Corridor.

Items not Recommended for Support – Administrative Review Dubbo LEP 2011

Submission No.	Proponent and Land	Issue	Recommendation
37	A E Cox 38 Macleay Street, Dubbo	The submission sought to have the property 38 Macleay Street, Dubbo removed from Schedule 5 of the LEP 2011. The submission states objection to the heritage listing of the property on the grounds that the inclusion of the property in the LEP as an item of Environmental Heritage will impact on the potential for renovation and also de-value property.	It is recommended that Lot 2 DP 38299, No. 38 Macleay Street, Dubbo be retained as an item of Environmental Heritage in Schedule 5 of the Dubbo LEP 2011.
49 and 50	P Sinclair 46 Wingewarra Street, Dubbo	The submission sought to have the property 38 Macleay Street, Dubbo removed from Schedule 5 of the LEP 2011. The submission states objection to the heritage listing of the property on the grounds that the inclusion of the property in the LEP as an item of Environmental Heritage will impact on the potential for renovation and also de-value property.	It is recommended that the building be retained as an item of Environmental Heritage on Schedule 5 of Dubbo LEP 2011 and that Council further investigate conservation incentives with the owners and make the Local Heritage Fund available to assist with the preparation of a Conservation Management Strategy for the site.
51 and 52	K Mills and J Grey 2 Roper Street, Dubbo	The submissions sought for the property to be removed from Schedule 5 of the Dubbo LEP 2011 noting that the building is structurally in poor condition and that the inclusion of the property in the Schedule is perceived to impede on the saleability of the property while also reducing property value.	It is recommended that Lot 1 DP 1148881, No. 2 Roper Street, Dubbo be retained as an item of Environmental Heritage in Schedule 5 of the Dubbo LEP 2011 and that Schedule 5 of Dubbo LEP 2011 be amended to recognise that the listing on 2 Roper Street covers only the immediate curtilage of the dwelling.
19	A F Croghan Lot 2 DP 1039575 Bootherba Road, Dubbo	The proponent, A F Croghan is seeking to reduce the minimum allotment size for subdivision on the subject land from 100 hectares to 8 hectares. The existing allotment is 111.6 hectares in area and is situated within the RU2 Rural Landscape zone which has a minimum allotment size for subdivision of 100 hectares.	It is recommended that Lot 2 DP 1039575, Bootherba Road, Dubbo maintains the RU2 Rural Landscape zone with a minimum allotment size for subdivision of 100 hectares.

Items not Recommended for Support – Administrative Review Dubbo LEP 2011

32	B R & F T Croghan and T Martin Lot 102 DP 602334 64 Boothenna Road, Dubbo	The proponents, B R and F T Croghan and T Martin, are seeking to rezone the land at 651 Boothenna Road from RU1 Primary Production to RU4 Primary Production Small Lots to permit a two (2) lot subdivision. The proponents seek for two lots of 20 hectares and 32 hectares respectively on which the erection of a dwelling house is permissible.	It is recommended that Lot 102 DP 602334, Dubbo maintains the RU1 Primary Production zone with a minimum allotment size for subdivision 800 hectares.
	Western Stock Pty Ltd Lot 53 and 57 DP 754296 Old Mendooran Road, Dubbo	The proponent, Western Stock Pty Ltd, is seeking an amendment to the Dubbo LEP 2011 to permit a five (5) lot subdivision on the land at Lot 53 and 57 DP 754296, Old Mendooran Road, Dubbo.	It is recommended that Lots 53 and 57 DP 754296 Old Mendooran Road, Dubbo maintains the RU1 Primary Production zone with a minimum allotment size for subdivision 800 hectares.
22	Geolyse Pty Ltd on behalf of D Pogson 254-256 Fitzroy Street, Dubbo	The proponent, Mr D Pogson provided a submission during the public exhibition process of the draft Dubbo LEP 2011, seeking for additional permitted uses including educational establishment, business premises and office premises to be permitted on the land by identification of such uses in Schedule 1 of the Dubbo LEP 2011.	It is recommended that Lot 71 DP 543383 and Lot A DP 332741, No. 254-256 Fitzroy Street, Dubbo continue to be zoned R2 Low Density Residential.
3 and 24	P C Mumford Lot 1 DP 233319 107L Mogriguy Road, Mogriguy	The proponent, Mrs P C Mumford, provided a submission to Council during the public exhibition process of the draft Dubbo LEP 2011. The submission sought to reduce the minimum allotment size for subdivision access the land to 40 hectares in response to a perceived shortage of small lifestyle allotments near the City.	It is recommended that Lot 3 DP 233319, No. 107L Mogriguy Road, Mogriguy maintains the RU1 Primary Production zone with a minimum allotment size for subdivision of 800 hectares.

Items not Recommended for Support – Administrative Review Dubbo LEP 2011

26	G Peters Lot 138 DP 754328, Gilgandra Road, Brocklehurst Part Lot 14, Lot 51 and Lot 67 DP 754328 Burraway Road, Dubbo	The proponent, Mr G Peters provided a submission to Council during the public exhibition process of the draft Dubbo LEP 2011. The submission sought to alter the zoning of the land as follows: - Lot 138 DP 754328, 79L Gilgandra Road to be zoned RU1 Primary Production from RE1 Public Recreation, and - Lots 14, 51 and 67 DP 754328, Burraway Road to be zoned RU4 Primary Production Small Lots and R5 Large Lot Residential from RU1 Primary Production.	It is recommended that: 1. Lot 138 DP 654328, Gilgandra Road, Brocklehurst maintains the RU1 Primary Production zone with a minimum allotment size for subdivision of 800 Ha. 2. Part Lot 14, Lot 51 and Lot 67 DP 754328 Burraway Road, Dubbo maintains the RU1 Primary Production zone with a minimum allotment size for subdivision of 800 hectares.
34	Geolyse on behalf of Dubbo Partnerships Pty Ltd 10-12 Victoria Street, Dubbo	The proponent, Dubbo Partnerships Pty Ltd, provided a submission to Council during the public exhibition process of the draft Dubbo LEP 2011. The submission sought rezoning of land to allow for business premises and office premises on the subject land. The Dubbo LEP 2011 was gazetted with office premises as an additional permitted use on the land. It is considered that the permissibility of office premises provides adequate flexibility for development of the site in addition to the SP3 Tourist zoning.	It is recommended that Lot 1 DP 795554 and Lot 103 DP 875089 maintain the SP3 Tourist zone with the additional permitted use of office premises.

Items Requiring Amendment within Schedule 5 of Dubbo LEP 2011

Suburb	Item Number	Address	Property Description	Significance	Item No.
Toongi	Cockleshell Corner	The Springs Road	Lot 23 DP 753252	Local	16
Wongarbon	"Mountain View"	82 Barbegal Road	Lot 132 DP 583564	Local	18
Terranungamine	Terranungamine homestead	63 Burraway Road	Lot 272 DP 883881	Local	165
Terranungamine	Terranungamine woolshed	63 Burraway Road	Lot 272 DP 883881	Local	165
Terranungamine	Coolabaggie Hall	Collie Road	Lot 58 DP 754304	Local	179
Benalong	Shepard's Hill	Strathmore Road	Lot 7001 DP 1019838	Local	1211
Toongi	"Eulandool"	The Springs Road	Lot 1 DP 1040580	Local	1226
Rawsonville	Whylandra Crossing	Whylandra Crossing	North of Lot 7001 DP 1020560	Local	1228
Terranungamine	"Dulcidene"	22 Dulcidene Road	Lot 211 DP 601766	Local	198
Ballimore	Barbigal Hill	169 Duneedoo Road	Lots 4 and 5 DP 792244	Local	1102
Ballimore	"Barbigal" homestead and woolshed	210 Duneedoo Road	Lot 111 DP 754286	Local	1103
Dubbo	Communications Bunker	Keswick Parkway	Lot 121 DP 1182087	Local	1135
Toongi	"Crankbrook" Cottage, Blacksmiths shop, Shearer's quarters and outbuildings	177 Obley Road	Lots 1 and 2 DP 121964; Lot 1 DP 207722 and Lot 33 DP 753244	Local	1180
Wambangalang	St Johns Anglican Church	273 Obley Road	Lot 59 DP 753247	Local	1182
Wambangalang	"The Meadows"	Obley Road	Lot 1 DP 754247	Local	1183
Wambangalang	"Miriam"	2 Old Dubbo Road	Lot 10 DP 1119436	Local	1184

Items Requiring Amendment within Schedule 5 of Dubbo LEP 2011

Toongi	"The Springs"	29 Nullawa Road	Lot 4 DP 753236	Local	I189
Toongi	Carved tree (indigenous item)	Paddy's Creek Road	The Springs	Local	I190
Dubbo	Residence and shop	249 Fitzroy Street	Lot 101 DP 1182508	Local	I118
Dubbo	Edwardian House	253 Fitzroy Street	Lot 100 DP 1182509	Local	I119
Dubbo	Town House	131 Gipps Street	Lot 100 DP 1084224	Local	I128
Dubbo	Dubbo Museum (former)	230 Macquarie Street	Lot 11 DP 1046365	Local	I157

Note: Shading reflects proposed amendments to Schedule 5 of Dubbo LEP 2011