



**REPORT: Development Application D14-382  
for the Construction of a Seniors Housing  
Development - Part Lot 34 DP 1196695, 30  
Volta Avenue, Dubbo  
Applicant: Royal Freemasons Benevolent  
Institution  
Owner: Dubbo City Council**

**AUTHOR: Senior Planner 2  
REPORT DATE: 2 December 2014  
TRIM REFERENCE: ID14/3605**

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**EXECUTIVE SUMMARY**

Development consent is sought for the construction of a seniors housing development on Part Lot 34 DP 1196695, 30 Volta Avenue, Dubbo. The proposed development (as shown in **Appendix 2**) specifically comprises the following components:

- A residential care facility comprising 70 bedrooms
- 12 self-contained dwellings comprising 6 x 2 bedrooms units and 6 x 3 bedroom units, all containing an attached single car garage
- A communal centre containing a lodge, hall and dining area
- A men's shed
- Internal dual carriage roadways.

The site forms part of the ongoing Council-owned Keswick Estate residential development. The subject site is located on the corner of Cobra Street (Mitchell Highway) and Sheraton Road on the north-eastern corner of Keswick Estate. Development Application (D2013-466) was approved by Council to subdivide the subject site however, the plan is yet to be registered with NSW Land and Property Information.

As the proposed development has a capital investment value greater than \$5 million and Dubbo City Council has an interest (being the property owner), the Western Joint Regional Planning Panel (JRPP) will be the consent authority. Accordingly, this report recommends that Council notes the report and that the application be referred to the Western JRPP for determination subject to the conditions included as **Appendix 1**.

## **STRATEGIC ALIGNMENT**

The Dubbo 2036 Community Strategic Plan is a vision for the development of the City out to the year 2036. The Plan includes five principal themes and a number of strategies and outcomes. This report is aligned to the principal theme 'Our Place'. The key built and environment issues that will underpin the future development of Dubbo are environmental management, strategic land use planning, development control and landcare.

## **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

## **POLICY IMPLICATIONS**

There are no policy implications arising from this report.

## **RECOMMENDATION**

- 1. That the information contained within this report be noted.**
- 2. That Development Application D14-382 for Seniors Living (Residential care facility (70 beds), self-contained dwellings (12), men's shed and communal centre) be referred to the Joint Regional Planning Panel for determination subject to the conditions included in Appendix 1.**

*Lee Griffith*  
Senior Planner 2

## BACKGROUND

The subject Development Application was lodged with Council on 28 August 2014 by the Royal Freemasons Benevolent Institution for the purposes of a seniors living (residential care facility (70 beds), self-contained dwellings (12), men's shed and communal centre).

A separate Development Application (D2013-466) was approved by Council to subdivide the subject site however the plan is yet to be registered with NSW Land and Property Information.

## REPORT

### 1. OWNER/APPLICANT

The subject property is owned by Dubbo City Council. The application has been lodged by the Royal Freemasons Benevolent Institution.

### 2. DEVELOPMENT DETAIL

Development consent is sought for the construction of a seniors housing development on Part Lot 34 DP 1196695, 30 Volta Avenue, Dubbo. The proposed development, as shown on plans included in **Appendix 2**, specifically comprises the following components:

- A residential care facility comprising 70 bedrooms
- 12 self-contained dwellings comprising 6 x 2 bedrooms units and 6 x 3 bedroom units all containing an attached single car garage
- A communal centre containing a lodge, hall and dining area
- A men's shed
- Internal dual carriage roadways.

The site forms part of the ongoing Keswick Estate residential development. The subject site is located on the corner of Cobra Street (Mitchell Highway) and Sheraton Road on the north-eastern corner of Keswick Estate.

### 3. SITE CHARACTERISTICS

#### *Slope*

The subject site slopes from north-east to south-west, with a height of approximately 301.5 m AHD down to an approximate height of 295.75 m AHD, being a height difference of 5.75 metres. Over a distance of 535 m this equates to an overall average grade of 1% which represents a minor slope.

#### *Vegetation*

The subject site contains several large native trees near the eastern boundary which will not be impacted by the proposed development.

#### *Access*

The subject site will have access via a proposed bitumen-sealed road constructed as a part of Keswick Estate Stage 5 being a residential subdivision. The proposed road will connect onto Cobra Street (Mitchell Highway). Council granted permission under D2013-466 to allow temporary access for construction vehicles to access the subject site off Sheraton Road whilst the proposed road to the west is constructed.

#### *Drainage*

The sites natural overland drainage is typically towards the south-west.

#### *Services*

The proposed subdivision (D2013-466) will make provision, or make monetary contributions, for the connection of services. A **condition** is recommended to be imposed on the consent (**Appendix 1**) requiring the Subdivision Certificate for the proposed subdivision to be approved by Council and registered with the NSW Land and Property Information prior to the issue of the Construction Certificate for the subject development to ensure the provision of services have been made.

#### *Adjoining uses*

North: Existing residential (northern side of Cobra Street)  
East: Bulky goods development occupied by Bunnings, Petbarn and KFC  
South: Dubbo Christian School  
West: Residential land - Keswick Estate

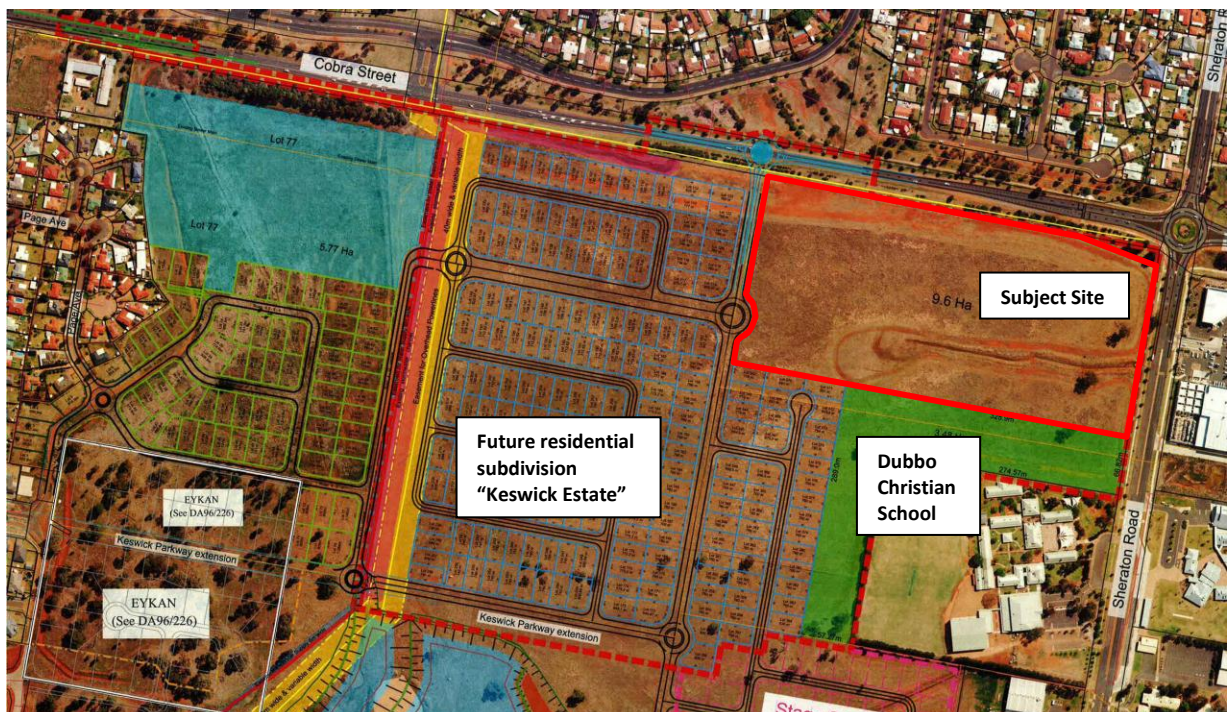


Figure 1: Locality map of 30 Volta Avenue, Dubbo



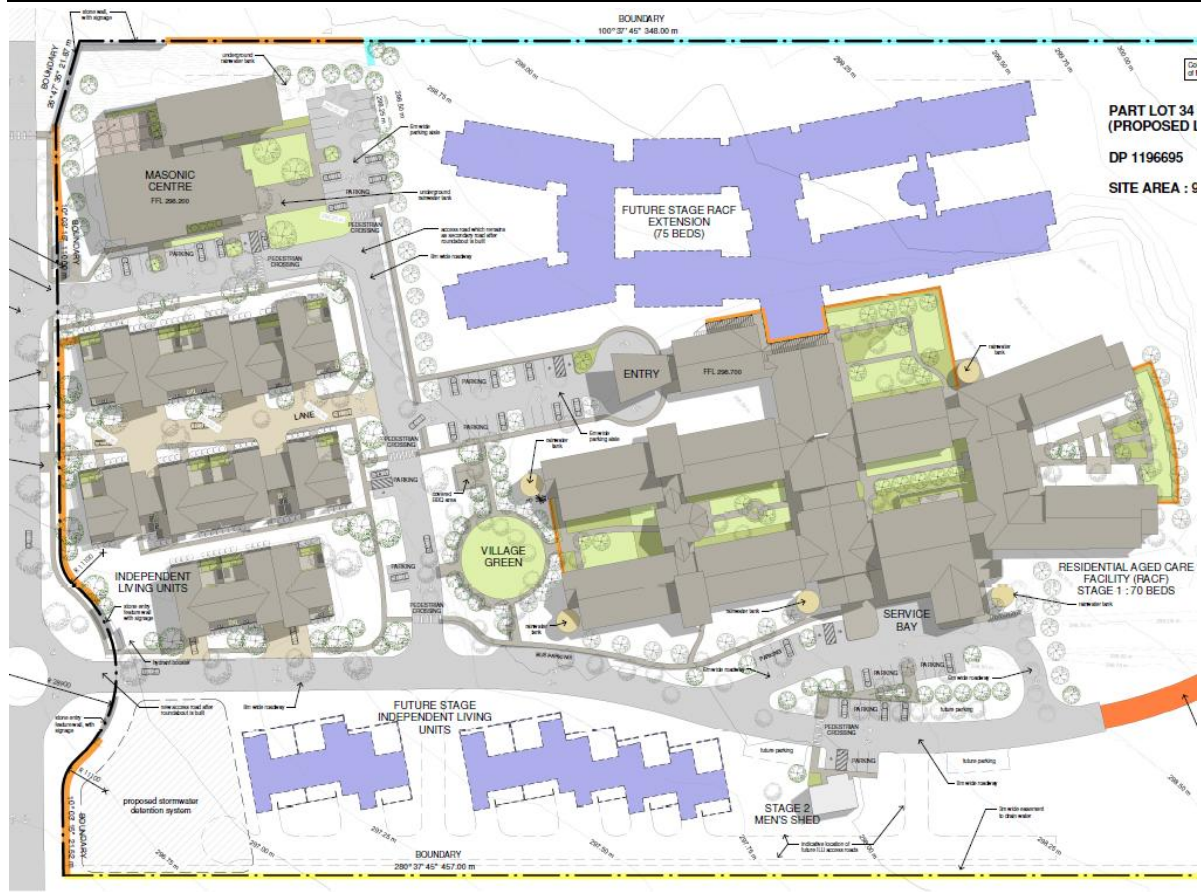


Figure 2: Proposed seniors living development

#### 4. SITE HISTORY

DA No.	Development Description	Determined Date
D2013-466	Three (3) lot subdivision – This DA was to subdivide 9.6 ha on the north-eastern corner of Keswick Estate to make provision for the proposed seniors living development and 3.45 ha adjoining the Dubbo Christian School for future expansion.	20 May 2014
D2014-206	Proposed 217 lot residential subdivision upon the same parcel of land to the west. D2014-206 proposes to make provision for the access into the site which will be used by the proposed seniors living development.	Currently under assessment by Council

#### D2013-466

Development consent D2013-466 approved the subdivision of a 9.6 ha lot (proposed Lot 100) from the Keswick residue land parcel for sale to Royal Freemasons to enable them to construct and operate the proposed seniors living development. The D2013-466 consent included a number of conditions that are to be met prior to Lot 100 being able to be registered. These conditions include the construction of a temporary access from Sheraton Road, water and sewer connections, and payment of headworks contributions. At the time of writing this report, a Subdivision Certificate for Lot 100 had not been lodged with Council.

Council's Manager Commercial Facilities has advised that the majority of conditions have been met and the lodgement of the Subdivision Certificate will occur in early 2015. As the subdivision was making the appropriate provision for the access of the proposed development to infrastructure services, a **condition** should be placed on the subject proposal (D2014-382) requiring the Subdivision Construction Certificate to be approved by Council prior to the issue of the Construction Certificate of the subject development (**Appendix 1**).

Condition (8) of D13-466 for the subdivision states:

*"A temporary 'construction access' for proposed Lot 100, may be constructed directly opposite the 'Bunnings' entry/exit driveway onto the Sheraton Road to facilitate future construction on such lot.*

*This 'construction access' will be a restricted access location, specifying that no heavy vehicles with a length of 12.5 metres or greater will be able to use this 'construction access' during the school zone hours of 8.00 am to 9.30 am and 2.30 pm to 4.00 pm.*

*This vehicular access is intended to be used as a 'temporary construction access only' until such time as the proposed Main Entrance ('Primary Access') off Cobra Street (Mitchell Highway) is completed, which must be operational prior to Occupation of any future development. Council may then consider this temporary vehicular access be used as an emergency access for future development.*

*The Developer is required to provide at their own expense and to the satisfaction of Council, suitable road widening and/or traffic facilities (including a Traffic Management Plan) within Sheraton Road to accommodate this construction access. All such works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series – Design and Construction, with detailed fully dimensioned engineering design plans being submitted to, and approved by Council prior to any construction works commencing.*

*The Subdivision Developer is to advise that any Occupation Certificate for the site will not be issued until the 'Primary Access' location off Cobra Street (Mitchell Highway) has been constructed and is fully operational."*

It is recommended that this **condition** also be included for the subject development to ensure that the developers of the seniors living development are aware of the requirements for the temporary construction vehicular access. This condition has been included in **Appendix 1**.

## 5. LEGISLATIVE REQUIREMENTS S79C(1)

- (i) Environmental Planning Instruments

*State Environmental Planning Policies (SEPPs)*

*State Environmental Planning Policy No. 55 – Remediation of Land*

Potential contamination has been addressed by the Senior Environment and Health Officer in the report dated 14 October 2014 in which the report states the following:

*“The proposed site is currently not listed on Council’s register of potentially contaminated land. A preliminary contamination investigation was conducted by Envirowest Consulting Pty Ltd in April 2013 for the entire site. The investigation confirmed that the site has been previously used for agricultural purposes and soil investigations have confirmed that the site is suitable for residential use. No further investigations will be required for this site.”*

No further action is therefore necessary in this instance.

*State Environmental Planning Policy No. 64 – Advertising and Signage*

This proposal intends to erect five (5) signs flush against the stone entry walls having maximum dimensions of 1 metre high and 6 metres wide.

This SEPP applies to all signage as per Clause 6 of this SEPP. Clause 8 of this SEPP requires the consent authority to be satisfied that all signage is consistent with the objectives of the Plan and assessment criteria as set out under Schedule 1 of the Plan.

The aims of this Plan, as specified under Clause 3(1)(a), are:

*“(1) This Policy aims:*

*(a) to ensure that signage (including advertising):*

- (i) is compatible with the desired amenity and visual character of an area, and*
- (ii) provides effective communication in suitable locations, and*
- (iii) is of high quality design and finish.”*

It is considered that the new signage is consistent with the aims of the Plan as specified above.

It is also considered that the proposed business identification signage is consistent with the assessment criteria as set out in Schedule 1, an assessment of which is made below:

1. Character of the area

The signage is considered to be compatible with the character of the area and consistent with other signage in the locality.

2. Special areas

It is considered that the signage will not detract from the visual quality of the environment.

3. Views and vistas  
The signage will not block the viewing rights of other existing signage or compromise important views.
4. Streetscape, setting or landscape  
The scale, proportion and form of the signage are appropriate for the streetscape, setting and landscape. No vegetation will be required to be removed for the erection of the sign. The proposed signage will not create unnecessary clutter or unsightliness. No signs will protrude above the buildings or require on-going vegetation management.
5. Site and building  
The proposed signage is compatible with the scale and characteristics of the proposed buildings.
6. Associated devices and logos with advertisements and advertising structures  
The proposed signage does not include any safety devices, platforms, lighting devices or logos.
7. Illumination  
The signage is not proposed to be illuminated. Notwithstanding, an appropriate **condition** has been included in **Appendix 1** requiring that such business identification signage is kept in good repair and will not flash, be excessively luminous or be animated.
8. Safety  
It is considered that the signage will not pose a safety risk to vehicles, pedestrians or cyclists by way of obscuring sight lines.

Overall it is considered that the proposed signage is consistent with the aims of the SEPP and the assessment criteria as set out in Schedule 1.

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

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

A BASIX Certificate has been submitted with this Application (Certificate 563976M, dated 27 August 2014 and 1006794786, dated 26 August 2014). The Certificate has been noted by Council's Building Services Supervisor as being a valid and accurate document. The BASIX requirements and associated plans are considered to meet the objectives of the SEPP.

*State Environmental Planning Policy (Infrastructure) 2007*

- Essential Energy

The Application was referred to Essential Energy in accordance with Clause 45 to which they responded in correspondence dated 15 September 2014 (**Appendix 4**), raising no objection to the proposed development subject to several recommended conditions.

These requirements will be included as notations only in the **conditions** included as **Appendix 1**, as Council has no way of enforcing such requirements.

- Roads and Maritime Services

The Application was also referred to Roads and Maritime Services (RMS) to which they responded with correspondence dated 25 September 2014. RMS initially objected to the proposed development and refused concurrence in accordance with Section 138 of the Roads Act 1993 on the basis that the proposed plans made reference to a temporary road for construction vehicles directly onto the Mitchell Highway. However, it is noted that the RMS have previously advised that such Development Application, in their opinion, is not Integrated Development in accordance with Section 91 of the Environmental Planning and Assessment Act 1979 and therefore they are not required to provide Council's Terms of Approval. Notwithstanding, the proposed construction access road directly onto the Mitchell Highway has been removed from the plans.

The RMS also provided comments in accordance with Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007 relating to the proposal being traffic generating development. However, Council considers that the proposed development does not trigger the requirement for traffic generating development in accordance with Schedule 3 of the Infrastructure SEPP. Schedule 3 states that if 50 or more motor vehicles are generated for a place of public worship (Communal Centre) or 200 motor vehicles for any other development, then the development is considered traffic generating development.

The daily trip rate for the Communal Centre in the subject development will generate only 21 daily trips which given that the centre is purpose built for, and run by the subject development is considered realistic. The daily trip rate calculated for the rest of the development under Council's adopted Section 94 Urban Roads Plan is 94 (see discussion under adopted Section 64/Section 94 Contributions). Therefore, neither triggers the traffic generating development criteria.

Notwithstanding, the RMS have provided the following comments which are summarised below with appropriate responses:

- (1) *The proposed pedestrian crossing for Capstan Drive should not be designed until the final road design for D2014-206 has been determined.*

Comment:

The pedestrian crossing is being undertaken as part of the approved subdivision being Development Application D2014-206.

- (2) *The plans showing the proposed access road to the communal centre should be 'left-in/left-out'.*

Comment:

This requirement is reflected on the relevant plans submitted to Council (**Appendix 2**).

- (3) *A Traffic Management Plan should be prepared for construction vehicles utilising Sheraton Road.*

Comment:

A **condition** has been included in **Appendix 1** requiring that a Traffic Management Plan be lodged and approved by Council prior to the works commencing. Additionally, a **condition** has been included stating that the temporary access off Sheraton Road is for construction vehicles only and is time-limited to restrict large vehicles (12.5 metres and greater), access during school pick-up and drop-off times (being 8.00 am to 9.30 am and 2.30 pm to 4.00 pm).

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

The subject proposal has been lodged pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 which contains requirements that must be complied with in order for Council to grant consent for the proposed development.

*Clause 10 Seniors housing*

*"In this Policy, seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:*

- (a) a residential care facility, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of these."*

The proposed development is a combination of a residential care facility and a group of self-contained dwellings.

Clause 11 of this Policy defines a residential care facility as:

*"residential accommodation for seniors or people with a disability that includes:*

- (a) meals and cleaning services, and*
- (b) personal care or nursing care, or both, and*
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care."*



Clause 13 of this Policy defines self-contained dwelling as:

*“a dwelling....whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.”*

*Clause 16 Development consent required*

The Development Application seeks approval for a seniors housing development which requires Council consent.

*Clause 18 Restrictions on occupation of seniors housing allowed under this Chapter*

An appropriate **condition** has been included in **Appendix 1** specifying that only the people identified in subclause (1) may occupy the approved accommodation.

Subclause (1) reads as follows:

- “(1) Development allowed by this Chapter may be carried out for the accommodation of the following only:*
- (a) seniors or people who have a disability,*
  - (b) people who live within the same household with seniors or people who have a disability,*
  - (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.”*

This **condition** will also require a restriction on the use of land to be created on a Section 88B Instrument outlining the above which is to be submitted to and approved by Council prior to the Occupation of any part of the development.

*Clause 26 Location and access to facilities*

The subject site is approximately 1.06 km to the Orana Mall Shopping Centre which has retail shops and banking services and 1.4 km to the Western Plains Medical Centre. Community and recreational facilities are also available throughout the city.

A bus stop is proposed to be constructed on the proposed road, approximately 120 metres from the main pedestrian entrance to the development, which would provide public transport access to the above services and facilities. Furthermore, the Applicant has stated that the development would operate a private bus service to provide access for residents as required.

The gradient from the principle pedestrian entrance of the residential care facility to the proposed public bus stop is approximately 1% or 1:100, less than the maximum 1:14 required for compliance with this clause.

*Clause 27 Bush fire prone land*

The site is not deemed to be bushfire prone land.

*Clause 28 Water and sewer*

The Applicant has provided a proposed concept for the connection of the proposed development to Council's reticulated water supply and sewer mains. The Applicant has stated that water mains available on the eastern-side of Sheraton Road would be extended to the proposed development as required. Sewer mains are available on the subject sites western and southern boundaries which would be extended as required. The Development Engineer in his report dated 20 November 2014 advised that he is satisfied with the conceptual servicing arrangements and has provided suitable **conditions** in relation to servicing requirements which are included in **Appendix 1**.

*Clause 30 Site analysis*

The Applicant has provided a site analysis and written statement outlining the sites features and constraints to the requirements of this clause.

*Clause 32 Design of Residential Development*

This clause states that a consent authority must not consent to a development application made pursuant to this chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2. The development has been given consideration against Division 2 as addressed in Clauses 33 to 39 below.

*Clause 33 Neighbourhood amenity and streetscape*

It is considered that this proposal will not have any significant adverse visual impacts on the locality. The proposed development is located on a greenfield site which will form part of a future residential estate (Keswick Estate) over the next several years. The proposed development is considered appropriate in that the design provides the single storey self-contained dwellings on the subject sites western boundary adjacent to the main road in the site with the larger, bulkier residential care facility building being located in the centre of the site away from the public road.

The self-contained dwellings will have blank walls facing the street which is not ideal in addressing the streetscape. However, the provision of windows on the westerly wall would adversely impact the energy efficiency of the dwellings. The Applicant has therefore proposed landscaping consisting of medium to tall trees to soften the impact of the buildings on the streetscape. The private outdoor courtyards have also been provided with semi-transparent fencing to soften the appearance of the development. The buildings would be setback a minimum of 4.735 metres from the western (front) boundary which is greater than the minimum 4.5 metres required by the Dubbo Development Control Plan 2013.

The residential care facility is located within the centre of the site away from the proposed public road on the subject site's western boundary and will therefore have minimal adverse impact on such streetscape. The building is also setback 68 metres from the northern boundary being the Mitchell Highway (Cobra Street). Given the large setback, it is considered that such building will not detrimentally impact on the streetscape of the highway.

*Clause 34 Visual and acoustic privacy*

It is considered that the proposed development provides appropriate visual and acoustic privacy for residents.

The plans for the self-contained dwellings show that semi-transparent screens, landscaping and solid walls will be provided forward of private open space areas (courtyards), to limit overlooking from pedestrian traffic utilising internal pathways. It is considered that bedrooms are typically located away from pathways and driveways.

The bedrooms of the residential care facility are not typically located within three metres of any pathways or driveways, with the majority being at least five metres. No courtyards or accesses are provided for each unit with only windows looking onto the grassed open space areas which will minimise looking into the unit's living spaces.

*Clause 35 Solar access and design for climate*

The submitted shadow diagrams demonstrate that adequate sunlight would be available on the winter solstice to self-contained dwellings private outdoor areas and will allow appropriate solar access into living areas. The proposed development would not impact solar access for future neighbouring residential development. Generally, the majority of proposed common living spaces have north-facing windows.

*Clause 36 Stormwater*

The Applicant has provided a stormwater concept plan which generally addresses all stormwater from the proposed development draining to a proposed detention basin on the subject sites south-eastern corner.

*Clause 37 Crime Prevention*

All proposed habitable rooms have adequate passive surveillance through each unit having a window facing onto the outdoor common areas. The Applicant states that the following measures are being undertaken for crime prevention:

- Provision of a 1.8 metre high fence to the residential aged care facility courtyards
- Fencing of the subject site perimeter courtyards with a 1.8 metre high fence
- Provision of Closed Circuit Television (CCTV) surveillance
- Secure locking systems to all external doors and windows of the residential care facility and self-contained dwellings
- Intercom use for afterhours access into the residential care facility
- Street lighting provided for all parking areas.

It is considered that the proposed development makes provision for adequate crime prevention.

*Clause 38 Accessibility*

It is considered that the proposed development has safe and practical pedestrian pathways to the proposed bus stop located on the subject sites western boundary. It is also considered that there is adequate and convenient parking and access for residents and visitors.

*Clause 39 Waste management*

General waste, including green waste and recycling materials, are proposed to be stored in designated storage areas on the road reserve in close proximity to the self-contained dwellings with the residential care facility being adjacent to the vehicle service area on the southern elevation. Private waste collection contractors will be responsible for removing the waste from the residential care facility.

*Clause 40 Development standards – minimum sizes and building height*

*(2) Site size*

The total site area is 9.602 hectares, greater than the minimum 1,000m<sup>2</sup>.

*(3) Site frontage*

The site has a frontage to Cobra Street (Mitchell Highway) of 452.63 metres and proposed road “Capstan Drive” of 222.75 metres, greater than the minimum 20 metres.

*(4) (a), (b) and (c) Height in zones where residential flat buildings are not permitted*

The site is located in R2 Low Density Residential zone where residential flat buildings are prohibited. The Applicant notes that the highest point of any proposed building is 7.5 metres above the finished ground level. All proposed buildings are single storey.

*Clause 41 Standards for ... self-contained dwellings*

Clause 41 states that a consent authority must not grant consent for self-contained dwellings unless the proposed development complies with Schedule 3 of this SEPP. An assessment of Schedule 3 is made below.

*Clause 48 Standards that cannot be used to refuse development consent for residential care facilities*

The development is for a residential care facility. Clause 48 does not permit Council to refuse development consent on any of the following grounds:

*(a) Building height*

*“if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys)”*

The proposed residential care facility has a height of 7.5 metres and is single storey.

*(b) Density and scale*

*“if the density and scale of the buildings when expressed as a floor space ratio is 1:1 less”*

The total development will have a floor space ratio of less than 1:1 with the approximate floor space of all buildings upon the site being 9,266 m<sup>2</sup>, with the subject site having an area of 9.602 ha, resulting in a floor space ratio of 0.1:10.

*(c) Landscaped area*

*“if a minimum of 25 square metres of landscaped area per residential care facility bed is provided”*

The proposed residential care facility has a total of 70 beds which requires a minimum landscaped area of 1,750 m<sup>2</sup>. A total landscaped area comprising garden and lawn areas of 2,410 m<sup>2</sup> within the immediate vicinity of the residential care facility is proposed to be provided, which complies with this clause.

(d) *Parking for residents and visitors*

*"If at least the following is provided:*

- (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and*
- (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and*
- (iii) 1 parking space suitable for an ambulance."*

The residential care facility will contain 70 beds and have a total of 35 full-time and 5 part-time employees, with a maximum 25 on duty at any one time due to shift operations. Accordingly, car parking is required as follows:

Number of beds:	70 @ 1 space/10 beds	=	7
Number of employees:	25 @ 1 space/2 employees	=	12.5 (say 13)
Total spaces required:		=	20

A total of 43 car parking spaces have been provided in connection with the residential care facility with 21 spaces, including two disabled accessible, located immediately adjacent to the principle pedestrian entrance and 22, including three disabled accessible, adjacent to the service bay/door on the southern elevation. One covered ambulance space has been provided immediately adjacent to the principle entrance.

*Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings*

(a) *Building height*

*"if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to two storeys)"*

The proposed self-contained dwellings have a maximum height of 5 metres and are single storey.

(b) *Density and scale*

*"if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less"*

The total development would have a floor space ratio of less than 1:1 with the approximate floor space of all buildings upon the site being 9,266 m<sup>2</sup>, with the subject site having an area of 9.602 ha, resulting in a floor space ratio of 1:10.



(c) *Landscaped area*

*"(ii) ... a minimum of 30% of the area of the site is to be landscaped"*

The total subject site area for the self-contained dwellings is approximately 7,855 m<sup>2</sup>. The total approximate area for landscaping is 3,220 m<sup>2</sup> being 41% of the total subject site area, greater than the minimum 30%.

(d) *Deep soil zones*

*"if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres"*

It is considered that entire landscaped area will have sufficient soil depth to support the growth of trees and shrubs.

(e) *Solar access*

*"if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter"*

All 12 of the self-contained dwellings have their respective living rooms and private open space areas facing north and will not adversely impacted by overshadowing.

(f) *Private open space for in-fill self-care housing*

Not applicable.

(h) *Parking*

*"if at least the following is provided:*

- (i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider ..."*

The proposed self-contained dwellings contain 6 x 3 bedroom and 6 x 2 bedroom combinations, which all have attached single car garages and provision for stacked parking, being two spaces each.

Each self-contained dwelling therefore requires the following parking spaces:

30 bedrooms / 0.5 = 15 car spaces.

Each dwelling effectively has two parking spaces each with two visitor parking spaces and therefore complies with this element.

*Clause 55 Fire sprinkler systems*

The proposed residential care facility will be required to have a fire sprinkler system installed prior to occupation.

*Schedule 3 Standard concerning accessibility and useability for hostels and self-contained dwellings*

*Clause 2 Siting standards*

*Clause 2(2) Wheelchair access*

The site has a gradient of approximately 1:100, being flatter than 1:10. All self-contained dwellings are therefore required to have wheelchair access which must be by a continuous accessible path of travel to an adjoining public or internal road accessible to all residents. Whilst specific details have been provided to ascertain compliance with this clause, given the minor natural fall over the site, it is considered that compliance could be adequately achieved. A **condition** has been included in **Appendix 1** requiring details to be provided with the construction certificate application.

*Clause 2(3) Common areas*

This clause requires wheelchair access to common areas and facilities which would include the 'village green' to the east, the Masonic Lodge to the north and men's shed to the south-east. No details have been provided to demonstrate that compliance can be achieved, however given the minor natural fall over the site it is considered that compliance could be adequately achieved. A **condition** has been included in **Appendix 1** requiring details to be provided with the construction certificate application.

*Clause 3 Security*

Lighting along pathways will be located so as to avoid glare for pedestrians and adjoining dwellings and will be at least 20 lux at ground level. A **condition** has been included in **Appendix 1** requiring such details be provided to Council prior to the issue of the construction certificate.

*Clause 4 Letterboxes*

Grouped mailboxes will be located in positions accessible by pathways in close proximity to their respective dwelling thereby achieving compliance.

*Clause 5 Private car accommodation*

Unit 10 has been provided with a 3.8 metres wide garage which complies with this clause. Power operated doors are proposed to be provided to all garage doors.

*Clause 6 Accessible entry*

The plans do not show the required level of information to ascertain that full compliance has been achieved with AS 1428 as required by this and the following clauses.

It appears that compliance has been achieved or is achievable and therefore a **condition** has been included in **Appendix 1** requiring full details demonstrating compliance with this clause be provided with the Construction Certificate application.

*Clause 7 Interior: general*

The submitted plans specify that internal doorways are a minimum of 850 mm wide and corridors are a minimum of 1 metre wide which complies with this clause. Gradients achieving a cross fall of no greater than 1:40 around doorways have not been identified, however compliance is considered achievable. A **condition** has been included in **Appendix 1** requiring full details demonstrating compliance with this clause be provided with the Construction Certificate application.

*Clause 8 Bedroom*

The floor plan layouts demonstrate that at least one bedroom in each self-contained dwelling is capable of containing a queen-size bed and have a minimum circulation area around the foot of the bed of 1.2 metres and to the adjoining walls of 1 metre.

It is considered that the bedrooms are capable of complying with the minimum requirements for the location of electrical power points, telephone points and lighting illumination, however no details have specifically been provided with this application. A **condition** has been included in **Appendix 1** requiring full details demonstrating compliance with this clause be provided with the Construction Certificate application.

*Clause 9 Bathroom*

It is considered that the bathrooms are capable of complying with the minimum requirements of this clause, specifically AS 1428.1. The Applicant has noted that a grab rail and portable shower head will be provided with a folding seat able to be provided in the future. A **condition** has been included in **Appendix 1** requiring full details demonstrating compliance with this clause be provided with the Construction Certificate application.

*Clause 10 Toilet*

Insufficient details have been provided with this application to assess compliance of at least one toilet in each self-contained dwelling with the Section 4.4 of AS 4299. Notwithstanding, it appears that compliance is achievable and therefore a **condition** has been included in **Appendix 1** requiring full details demonstrating compliance with this clause be provided with the Construction Certificate application. The Applicant has noted that compliance with this clause will be achieved.

*Clause 11 Surface finishes*

The Applicant notes that all external paved areas will be broom finished concrete which is considered a slip-resistant surface and therefore complies with this clause. A **condition** has been included in **Appendix 1** requiring this to be noted on the plans for the Construction Certificate application.

*Clause 12 Door hardware*

It is considered that whilst no details have been provided with this application, the self-contained dwellings can achieve compliance with this clause. A **condition** has been included in **Appendix 1** requiring details for door handles and associated hardware be provided with the Construction Certificate application.

*Clause 13 Ancillary items*

It is considered that whilst no details have been provided with this application, the self-contained dwellings can achieve compliance with this clause. A **condition** has been included in **Appendix 1** requiring details for door handles and associated hardware be provided with the Construction Certificate application.

*Clause 15 Living and dining room*

AS 4299, 4.7.1 requires a wheelchair to be able to do a 360° turn (guidance provided states 2.25 m required to achieve this) after all furniture has been placed in the room. One area achieves compliance with this clause. The proposed dwellings are capable of positioning a telephone adjacent to a general power point and be wired to have the minimum illumination levels of at least 300 lux. A **condition** has been included in **Appendix 1** requiring full details demonstrating compliance with this clause be provided with the Construction Certificate application.

*Clause 16 Kitchen*

The kitchen areas comply with the circulation spaces required by 4.5.2 of AS 4299 and AS 1428.1. Insufficient details have been provided with this application to ascertain compliance with the required kitchen fittings including benches, taps, cooktops, ovens, cupboards and power outlets, however the kitchen areas are considered capable of achieving compliance. A **condition** has been included in **Appendix 1** requiring full details demonstrating compliance with this clause be provided with the Construction Certificate application.

*Clause 17 Access to kitchen, main bedroom, bathroom and toilet*

Not applicable as the proposed self-contained dwellings are single storey.

*Clause 18 Lifts in multi-storey buildings.*

Not applicable as the proposed self-contained dwellings are single storey.

*Clause 19 Laundry*

Insufficient details have been provided with this application to assess compliance, however it appears that compliance is capable of being achieved with this clause. A **condition** has been included in **Appendix 1** requiring that full details demonstrating compliance with this clause be provided with the Construction Certificate application.

*Clause 20 Storage for linen*

It appears as though provision of a minimum 600 mm wide linen cupboard has been achieved. A **condition** has been included in **Appendix 1** requiring full details demonstrating compliance with this clause be provided with the Construction Certificate application.

*Clause 21 Garbage*

It appears as though a garbage storage area has been provided in an accessible location, however insufficient details have been provided to assess compliance. A **condition** has been included in **Appendix 1** requiring full details demonstrating compliance with this clause be provided with the Construction Certificate application.

*Orana Regional Environmental Plan No. 1 - Siding Springs Observatory (Deemed State Environmental Planning Policy)*

The subject site is situated in excess of 100 km from the Observatory and the development will not provide a significant level of light spill or glare. The proposed development does not require referral to the Observatory under the provisions of the deemed State Environmental Planning Policy.

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

*Clause 1.4 Definitions*

The proposed development is defined as 'seniors housing'. The proposed development includes a 'residential care facility' consisting of 70 beds and 12 'self-contained dwellings'.

The Masonic Lodge is considered a 'place of public worship', which is defined as:

*"a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training."*

The men's shed is considered ancillary to the use of the site as a senior's living development.

*Clause 2.2 Zoning of land to which Plan applies*

The subject site is zoned R2 Low Density Residential. A 'seniors housing' development and a 'place of public worship' are permitted with consent in the R2 Low Density Residential zone.

*Clause 2.3 Zone objectives and Land Use Table*

The proposed development is not contrary to the relevant objectives of the zone in that it is considered consistent with the future residential character of the immediate locality and is providing an alternative form of housing for the community, specifically for the elderly, which is in short supply.

*Clause 5.10 Heritage conservation*

Lot 34 DP 1196695 has several identified items of Aboriginal heritage significance. However, none of these items are located within the subject lot and therefore the proposed development will not adversely impact on any known Aboriginal objects or heritage significance.

*Clause 7.2 Natural resource biodiversity*

Clause 7.2 of Dubbo Local Environmental Plan 2011 applies as the land is included on the Natural Resource – Biodiversity Map with high biodiversity sensitivity. The Senior Environment and Health Officer in the report dated 11 November 2014 states:



*“The applicant has referred to an ecological assessment that was completed for the site as part of the Keswick Stage 5 residential subdivision ... The Ecological Assessment as prepared by OzArk Environmental and Heritage Management has identified that the site of the proposed works contains three large, healthy Inland Grey Box trees (*Eucalyptus macrocarpa*) of which contain a large number of hollows ranging from large to small in size. The rest of the site is covered with grasses that have been highly modified from agricultural and grazing practices ... it is clear that no trees are proposed to be destroyed or removed, and the road alignment has been changed to ensure the protection of the tree. To ensure this it is recommended that a condition be imposed requesting that the road construction does not impact the root zone of any of the trees on the site.”*

A **condition** requiring that no mature trees be disturbed or destroyed during the construction phase of the development has been included in **Appendix 1**.

#### *Clause 7.3 Earthworks*

The proposed development will require earthworks to be undertaken on the site. This proposal will require a Construction Certificate before any earthworks commence onsite where further detailed assessment can be undertaken. A **condition** has been included in **Appendix 1** to reaffirm this requirement.

#### *Clause 7.5 Groundwater vulnerability*

Clause 7.5 of Dubbo Local Environmental Plan 2011 applies as the land is included on the Natural Resource – Groundwater Vulnerability Map with moderately high groundwater vulnerability. However, the portion of the site subject to this application is not included on such map and therefore no further investigations are required to be undertaken.

#### *Clause 7.7 Airspace operations*

The subject site is located within the Obstacle Limitation Surface Map at height 430 metres AHD. The site for the proposed development has a maximum surface height of approximately 301.5 metres AHD with the development having a height of 7.5 metres that equates to an overall height of 309 metres AHD, 121m below the obstacle limitation.

#### (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

#### Chapter 2.1 Residential Development and Subdivision

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

Elements 1 to 10 (inclusive) are not applicable as the residential care facility and self-contained dwellings have been addressed under the Seniors Housing SEPP. The Communal Centre is addressed below under Element 11.

*Element 1: Streetscape Character*

The proposed development will construct a stone entry wall with identification signage on the site's north-western corner and driveway entrances on the western boundary. A 1.8 metre high semi-transparent 'loop top' fence will be constructed on the western boundary and 50 metres along the northern boundary adjacent to the stone entry wall. The remainder of the fence on the northern boundary was shown on the site plan as being Colorbond however, it is considered that Colorbond fencing would have an adverse visual impact on the streetscape, particularly being a main road into the City of Dubbo. A condition of consent will therefore be imposed on the consent requiring such fence be amended to a semi-transparent fence with discussions with the Applicant indicating such preference would be a 1.8 metre high 'spearpoint' fence for 270 metres being the extent of the proposed buildings works. The existing post and rail fence will remain for the undeveloped portion of the site.

It is considered that the proposed fencing as discussed above is appropriate and will not adversely impact on the streetscape. It is also considered such fencing will not impact on vehicle sight lines.

*Element 11: Non-residential uses*

It is considered that the proposed communal centre which is integrated with the seniors housing development is compatible with the future residential nature of the locality, will not create or result in adverse traffic issues, has adequate parking (as addressed below under Chapter 3.5 Parking), and will not create adverse noise or odour upon future residential properties.

The Men's Shed is located away from any public spaces and will generally not be seen.

Chapter 3.5 Parking

The Communal Centre is defined as a 'place of public worship', however the hall and dining area will be assessed in terms of parking rates as a 'community facility'. The Applicant notes that the 'place of public worship' will have a maximum capacity of 30 people. The 'community facility' has a useable area of 302 m<sup>2</sup> which includes the hall and dining area.

Development	Parking Rate	Parking Required
Place of public worship	1 space per 5 seats	6 spaces
Community facility	1 space per 20m <sup>2</sup>	15 spaces
	<b>Total</b>	<b>21 spaces</b>

Thirty-two (32) car parking spaces have been provided which includes two disabled accessible spaces. Minimum parking provisions have therefore been provided in accordance with this Chapter.

All driveways within the development are a minimum of 3 metres wide, most being dual carriageway of approximately 6.5 metres width. The driveway will connect into the proposed public road to be constructed by Council for the future residential subdivision to the west. No vehicle access is available directly onto the highway.

(iv) Regulations

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

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

It is considered that this proposal will not result in any adverse impacts on the natural or built environments or have any adverse social or economic impacts.

(c) Suitability of the site

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

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

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

The external appearance of the proposed development is appropriate in the context of the locality.

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

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

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

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

#### Landscaping

- *Has adequate provision been made for landscaping of the subject land?*

A Landscaping Plan has been submitted with this Application. Such Plan is considered suitable for the proposed development.

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

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

Standard **conditions** relating to hours of construction have been included in **Appendix 1**. It is considered that the proposed development would not create detrimental noise impacts on future dwellings to be constructed in the locality.

#### Access, transport and traffic

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

Sufficient off-street parking spaces have been provided in accordance with the Seniors Living SEPP.

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

The surrounding road network is considered to have sufficient capacity to accommodate the proposed development.

#### (d) Submissions

The development proposal was placed on public exhibition for a period of 14 days concluding on 2 September 2014. One submission was received (**Appendix 3**) relating to adverse traffic impacts in the immediate area, specifically around school pick-up and drop-off times.

It is considered that whilst Sheraton Road does have vehicle congestion from 8-9 am and 3-4 pm timeslots, the proposed development is unlikely to generate significant traffic movements at these times to further exacerbate the congestion. Sheraton Road will be accessed only as an emergency exit once the development is finalised.

Temporary access from Sheraton Road is proposed during the construction period for construction vehicles only. A **condition** to this effect has been included in **Appendix 1**.

(e) Public Interest

There are no matters that would be considered to be contrary to the public interest.

## 6. SECTION 64/SECTION 94 CONTRIBUTIONS

### (a) Section 64 Sewer Contribution

Seniors housing development is levied at a rate of 0.5 ETs per unit or dwelling with the current financial year rate (2014/2015) being \$5,449.00 per ET. D2013-466 provides a 1 ET credit.

The Residential Care Facility consists of 70 bedrooms with 12 self-contained dwellings.

= 82 units @ 0.5 ETs = 41 ETs

The communal facility does not specifically fall into any one category under the Policy and has therefore been assessed as commercial which is calculated based on the Gross Floor Area (GFA) (noting that the addition of the 0.5 ETs per public toilet is not applicable in this instance).

$GFA = 915 \text{ m}^2 / 1,000 \text{ m}^2 = 0.915 \times 0.1250 = 0.114 \text{ ETs}$

Total sewer contribution

= 41 ETs + 0.114 ETs

= 41.114 ETs – 1 ET (Credit)

= 40.114 ETs x \$5,449 = \$218,581.18

### (b) Section 64 Water Contribution

Seniors housing development is levied at a rate of 0.5 ETs per unit or dwelling with the current financial year rate (2014/2015) being \$5,449.00 per ET. D2013-466 provides a 1 ET credit. The residential care facility consists of 70 bedrooms with 12 self-contained dwellings.

= 82 units @ 0.5 ETs = 41 ETs

The communal facility does not specifically fall into any one category under the Policy and has therefore been assessed as commercial being the most realistic usage. The number of plumbing fixtures have been calculated with their respective rates itemised under Table 3.3.

Proposed building contains:

8 x toilets	= 8 x 30L	= 240L
7 x handwash basins	= 7 x 55L	= 385L
1 x food prep sink	= 1 x 10L	= 10L
1 x household cleaning	= 1 x 5L	= 5L
		= 640L
Leakage 10%		= 64L
Total demand		= 704L

Number of staff: Two (2) employees

Total daily consumption	= 704L x 2
	= 1,408L
	= 1,408L/5,000L = 0.218 ETs

Total water contribution

= 41 ETs + 0.2816 ETs
= 41.2816 ETs – 1 ET (credit)
= 40.2816 ETs x \$5,449 = \$224,943.43

*(c) Section 94 Urban Roads Contribution*

In accordance with Table 4.1 Trip Generation Rates by Land Use, the rate for Aged Housing is two daily trips per dwelling. However, the residential care facility contains 70 x 1 bedrooms in which a rate of one daily trip per unit is deemed to be sufficient. The communal centre does not fit specifically or broadly into any categories under Table 4.1. It is considered that the communal centre will predominantly be used by residents of the seniors housing development and will therefore generate minimal daily trips. The Applicant states that the communal centre does not warrant full-time employees relying more on residents and casual staff to provide catering when functions are on. Notwithstanding, Chapter 3.5 Parking of the DCP requires a minimum of 15 car parking spaces.

The current financial year rate (2014/2015) is \$559.56 (residential) per daily trip.

Development	Daily Trip Rate	Daily Trips
Self-Contained Dwellings	12 dwellings @ 2 daily trips/dwelling	24 trips
Residential Care Facility	70 units @ 1 daily trip/unit	70 trips
Communal Centre	21 parking spaces @ 1 daily trip/parking space	21 trips
	Subtotal	115 trips
	Credit	11 trips
	<b>TOTAL</b>	<b>104 trips</b>



Total contribution is therefore  $104 \text{ daily trips} \times \$559.56 = \$58,194.24$

*(d) Section 94 Stormwater Drainage Contributions*

Technical Services officers have provided the following assessment of Section 94 Urban Stormwater Drainage contributions.

The site is located within catchment area 3.1 Keswick Trunk Drainage Scheme which incurs Section 94 stormwater contributions on a per lot basis. The subject site under the Subdivision Application D2013-466, levied a one lot contribution. Given the subject site is 9.602 ha, a one lot credit is not reflective of the actual stormwater to be discharged from the site. The Development Engineer has therefore noted that the total stormwater discharge from the site is to be limited to the equivalent of a single residential allotment with a nominal size of 800 m<sup>2</sup> being 60% impervious.

However, if the proposed development requires stormwater discharge greater than a single residential allotment into Council's stormwater infrastructure, Council will accept payment under the Section 94 Urban Stormwater Drainage Headwork's Contributions Plan. The total amount will require detailed hydraulic plans to be submitted itemising discharge quantities. The Development Engineer's indicative calculations for how such contribution would be levied are noted below.

= 20 lots – 1 lot credit = 19 lots  
= 19 lots @ \$3,978/lot (2014/2015 financial year rate for catchment 3.1)  
= \$75,582.00

*(e) Section 94 Open Space Recreation Contributions*

The Residential Care Facilities provides extensive landscaping areas across the site and it is considered that patrons from this development will place a relatively low demand on Council's open public space environments given their low mobility. As such, the Residential Care Facility will not be levied open space contributions under the provisions of the Plan.

It is considered that the self-contained dwellings are required to be levied under the S94 Open Space Recreation Contribution plan. The application includes 6 x 2 bedrooms and 6 x 3 bedrooms.

The current financial year rate (2014/2015) is \$1,592.55 per person.

= 6 dwellings x 3.2 persons per 3 bedroom dwelling = 19.2 persons  
= 6 dwellings x 2 persons per 2 bedroom dwelling = 12 persons  
= 31.2 persons – credit of 3.2 persons  
= 28 persons x \$1,592.55/person = \$44,591.40

Appropriate **conditions** in respect of contributions have been included in **Appendix 1**.

## 7. INTERNAL REFERRALS

### ***Building Assessment***

Council's Building Services Supervisor in the report dated 23 September 2014 raised no major issues which would prohibit consent from being granted subject to the recommended conditions and notations being added to the consent.

### ***Engineering Assessment***

Council's Development Engineer in the report dated 20 November 2014 raised no major issues which would prevent consent from being granted subject to the recommended conditions and notations as included in **Appendix 1**.

### ***Environment and Health Assessment***

Council's Senior Environment and Health Officer (SEHO) in the report dated 11 November 2014 raised no major issues which would prevent consent from being granted subject to the recommended conditions and notations as included in **Appendix 1**.

However, the SEHO recommended that a condition be imposed on the consent stating that a 1.8 metre high Colorbond fence be erected along the northern boundary of the site to provide noise attenuation in accordance with the recommendation of the Road Traffic Noise Assessment prepared by Wilkinson Murray. It should be noted that the Road Traffic Noise Assessment was prepared for the Keswick Estate subdivision and not specifically for this proposal. The recommendation was conceived on the basis that residential allotments were being created immediately adjacent to the highway.

The Road Traffic Noise Assessment states that bedrooms on double-storey dwellings would not have the benefit of the 1.8 metre high fence to shield noise traffic noise. However, the report further states *"Multiple storey dwellings within 80 metres of the Mitchell Highway should be fitted with mechanical ventilation to allow windows to be closed to deliver acceptable internal noise levels"*.

The closest bedroom of the residential care facility is approximately 96 metres from the road pavement with the closest bedroom of the self-contained dwellings (Unit 5) being approximately 93 metres which is also partially shielded by the proposed communal centre. Given that the proposed bedrooms are greater than the distance that residential dwellings would have been located as referred to above (80 metres), it is considered that no specific treatment measures are required for this development proposal.

Accordingly, this condition has not been included, for this stage.

However, any further development applications (ie the stage 2 extension) would require a noise assessment specific to the seniors housing development. A notation to this effect has been added to **Appendix 1** advising the Developer of their future responsibilities to address noise.

#### ***Parks and Landcare Assessment***

Council's Manager Horticultural Services in the email dated 11 November 2014 has stated that the proposed Landscaping Plan submitted with the application is generally acceptable with minor modifications to the plant schedule required. A **condition** has therefore been included in **Appendix 1** requiring a detailed landscaping plan to be submitted and approved by the Manager Horticultural Services prior to the issue of the Construction Certificate.

#### **SUMMARY**

The proposed development is permissible on the subject site and is considered acceptable with respect to the relevant provisions of the applicable Environmental Planning Instruments, Development Control Plans and Council Policies. The proposal is not considered likely to have any significant impact on the environment or the amenity of the locality.

As such, it is recommended that the proposed development on Part Lot 34 DP 1196695, 30 Volta Avenue, Dubbo for *seniors living (residential care facility (70 beds), self-contained dwellings (12), men's shed and communal centre)*, be referred to the Western Joint Regional Planning Panel for determination, subject to the **conditions** included in **Appendix 1**.

#### Appendices:

- 1** Conditions of Consent
- 2** Development Plans
- 3** Submission
- 4** Response from Essential Energy dated 15/09/14

**CONDITIONS**

- (1) The development shall be undertaken generally in accordance with the submitted Statement of Environmental Effects (SEE) and the stamped approved plans (including amendments marked in red) except where modified by any of the following conditions:

Drawing Title: Site Plan  
Drawing No: DA.03  
Drawn By: Havenhand Mather  
Date: 4.11.14  
Revision: A

Drawing Title: Masonic Centre and Men's Shed Floor Plan, Elevations and Section  
Drawing No: DA.04  
Drawn By: Havenhand Mather  
Date: 4.11.14  
Revision: A

Drawing Title: Residential Aged Care Facility (RACF) Floor Plan  
Drawing No: DA.05  
Drawn By: Havenhand Mather  
Date: 4.11.14  
Revision: A

Drawing Title: Independent Living Units Floor Plans  
Drawing No: DA.06  
Drawn By: Havenhand Mather  
Date: 4.11.14  
Revision: A

Drawing Title: Independent Living Units Shadow Analysis Plans  
Drawing No: DA.07  
Drawn By: Havenhand Mather  
Date: 4.11.14  
Revision: A

Drawing Title: Masonic Centre Elevations / Sections  
Drawing No: DA.08  
Drawn By: Havenhand Mather  
Date: 4.11.14  
Revision: A

Drawing Title: Residential Aged Care Facility (RACF) Elevations / Sections  
 Drawing No: DA.09  
 Drawn By: Havenhand Mather  
 Date: 4.11.14  
 Revision: A

Drawing Title: Independent Living Units Elevations / Sections  
 Drawing No: DA.10  
 Drawn By: Havenhand Mather  
 Date: 4.11.14  
 Revision: A

Drawing Title: Landscape Master Plan  
 Drawing No: 14/325/LD-01  
 Drawn By: Mark D McCrone Landscape Architect  
 Date: 31.10.14  
 Revision: A

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

- (2) Prior to the issue of the relevant Occupation Certificate, the contribution by the developer of water supply headworks contributions for a sum of \$218,701.06, calculated on a per Equivalent Tenement (ET) basis (40.136 ETs), 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 ET 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 2014/2015 financial year rate is \$5,449.00 per ET.

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

Note 3: The residential care facility incurs a rate of 0.5 ETs per bedroom. The self-contained dwellings incur a rate of 0.5 ETs per dwelling. The communal centre incurs a rate of 0.136 ETs. A credit of 1 ET has been applied.

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

- (3) Prior to the issue of the relevant Occupation Certificate, the contribution by the developer of sewerage services headworks contributions for a sum of \$218,581.18, calculated on a per Equivalent Tenement (ET) basis (40.114 ETs), 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.

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Such contribution rate per ET 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 2014/2015 financial year rate is \$5,449.00 per ET.

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

Note 3: The residential care facility incurs a rate of 0.5 ETs per bedroom. The self-contained dwellings incur a rate of 0.5 ETs per dwelling. The communal centre incurs a rate of 0.114 ETs. A credit of 1 ET has been applied.

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

- (4) Prior to the issue of the relevant Occupation Certificate, the contribution by the developer of urban roads headworks contributions for a sum of \$58,194.24 (104 trips) in accordance with Council's adopted Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, Amendment No 1 adopted 25 February 2008.

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 2014/2015 financial year rate is \$559.56 per residential trip (including administration fee).

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

Note 3: The residential care facility incurs a rate of 1 daily trip per bedroom. The self-contained dwellings incur a rate of two daily trips per dwelling. The communal centre incurs a rate of 21 daily trips. A credit of 11 daily trips has been applied.

{Reason: Implementation of Council's Section 94 Contributions Plan - Roads, Traffic Management and Carparking, Amendment No 1 adopted 25 February 2008}

- (5) Prior to the issue of the relevant Occupation Certificate, the contribution by the developer of a sum of \$44,591.40 in accordance with Council's Section 94 Contributions Plan - Open Space and Recreation Facilities, December 1998 (Amended June 2008). Such contribution will be increased in accordance with the fees, charges and contributions formula as calculated at 30 June each year.

Note 1: The sum was based on 3.2 persons per each three (3) bedroom dwelling and 2 persons per each two (2) bedroom dwelling.

Note 2: Council's adopted 2014/2015 financial year rate is \$1,592.55 per person including administration fee.

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

- (6) 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}

- (7) The residential care facility and communal centre buildings shall be designed and constructed in conformity with the design criteria applicable under the Building Code of Australia (BCA) and *Disability (Access to Premises — Buildings) Standards 2010* of the Disability Discrimination Act 1992.

In this regard, if Council is engaged as the Certifying Authority, the Developer shall submit with the Construction Certificate application a schedule listing the development's compliance, exemption or non-applicability to the following clauses of Schedule 1 *Access Code for Buildings* under the *Disability (Access to Premises — Buildings) Standards 2010*:

- (i) Clauses D3.1 – D3.12;
- (ii) Clause E3.6; and
- (iii) Clauses F2.2 and F2.4.

{Reason: Council requirement to ensure compliance with the Premises Standards under the DDA is demonstrated}

- (8) The Applicant must forward to the Certifying Authority with the Construction Certificate application, specifications, drawings and hydraulic design calculations of the proposed development's fire hydrant, sprinkler and hose reel systems, prepared by a practicing hydraulics engineer. Such details shall form part of the applicable building's Construction Certificate.

{Reason: Council requirement to ensure compliance with the BCA is demonstrated}

- (9) The applicant must forward to the Certifying Authority with the Construction Certificate application, a detailed design of the development's and building's proposed stormwater drainage system, which shall include hydraulic design calculations, surface and invert levels, pipe sizes and grades. Such details shall form part of the relevant building's Construction Certificate.

{Reason: Council requirement to ensure compliance with the BCA is demonstrated for the satisfactory disposal of the development's stormwater}

- (10) Building work that constitutes residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority (PCA) for the proposed building work and Council have been provided with:

- (a) Advice in writing of the licensee's name and contractor licence number; and
- (b) In the case of work to be done by a licensee, a copy of the Certificate of Insurance issued under Part 6 of the Home Building Act 1989 evidencing that the licensee has in force a contract of insurance for the subject residential building work.

Note: The proposed 12 'self-care' independent living units are 'dwellings' as defined under the Home Building Act and thus constitute 'residential building work'.

{Reason: To fulfil statutory requirement of clause 264(2) (m) EP&A Regulation 2000}

- (11) Temporary closet accommodation shall be provided onsite before work on the proposed building is commenced.

{Reason: Council requirement to preserve public hygiene}

- (12) A hoarding, barricade or fence shall be erected between the construction site and any adjoining public place and/or around any road openings or obstructions if pedestrian or vehicular traffic is likely to be endangered, obstructed or inconvenienced by the proposed works.

The work is to be kept lit during the time between sunset and sunrise if the work may be a source of danger to persons using the adjoining public place.

{Reason: Council requirement for the protection of the public}

- (13) 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}

- (14) The full width of Council's footpath shall be kept free of all refuse, building materials and unnecessary traffic and disturbance. Any unauthorised material found upon Council's footpath may be impounded or removed without notice.

{Reason: Council requirement as the relevant road authority}

- (15) 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}

- (16) The top of each building's overflow (relief) gully shall be a minimum 150 mm below the lowest sanitary fixture in their respective building, and

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

Note: Pursuant to AS/NZS 3500.2:2003 each occupancy (ie dwelling) is also required to be provided with its own overflow gully and inspection shaft.

{Reason: Statutory and sewerage regulatory authority requirement}

- (17) The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier, prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for inspection of such works. When requesting an inspection, please quote Council's reference number located in the top left hand corner of this page.



- Internal and external sanitary plumbing and drainage under hydraulic test.
- Water plumbing, including any proposed irrigation and lawn watering systems, under hydraulic test.
- Fire services water plumbing under hydraulic test.
- Final inspection of the installed sanitary and water plumbing fixtures upon the building's completion prior to its occupation/use.

{Reason: Statutory provision and Council requirement being the water and sewerage authority}

- (18) The hot water delivered to the outlets of the hand-basins, showers, baths and the like facilities used for personal hygiene purposes in the Residential Care Facility, the self-contained dwellings and the disabled facilities in the Communal Centre shall not exceed 45°C. All other facilities used for personal hygiene purposes shall not exceed 50°C.

{Reason: Council policy and statutory requirement of the Plumbing Code of Australia}

- (19) 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 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}

- (20) Surface water shall be directed away from the buildings to prevent ponding near the foundations of the buildings whilst ensuring surface water is not diverted to the detriment of adjoining properties.

{Reason: To ensure satisfactory drainage}

- (21) 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 buildings have been protected by the installation 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 building.

{Reason: To demonstrate the provision of an adequate moisture proofing system}

- (22) The buildings shall not be occupied or used until the Principal Certifying Authority (PCA) has first issued an Occupation Certificate.

{Reason: Statutory requirement to ensure the buildings are fit for occupation}

- (23) 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}

- (24) 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}

- (25) 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}

- (26) The person having the benefit of this Development Consent, 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}

- (27) 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 and ABSA Certificates have been satisfied. Such evidence shall be supplied prior to the issue of the respective dwelling's Occupation Certificate.

{Reason: To fulfil the statutory requirement of Environmental Planning and Assessment Regulation 2000}

- (28) Noise from the rainwater tank pumps 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 pumps 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.

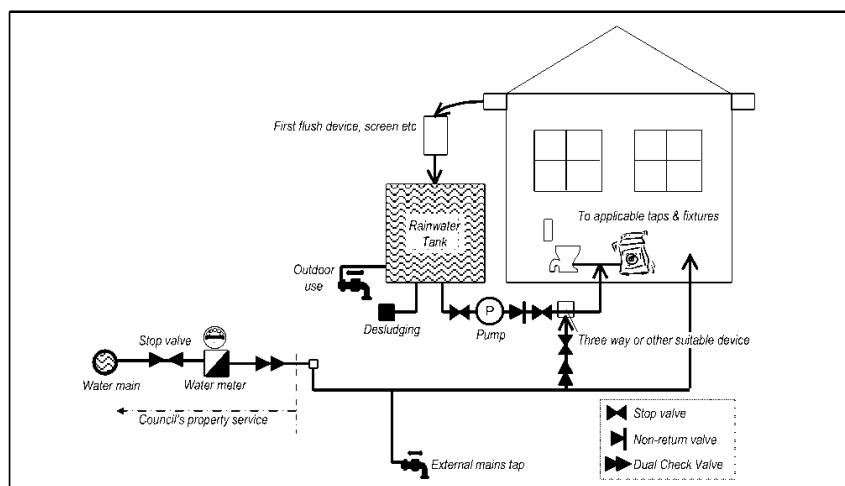
{Reason: To minimise the creation of offensive noise}

- (29) Where the owner's BASIX commitments requires the pipework from the proposed rainwater tanks 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 valve 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}

- (30) The water supply pipework from the rainwater tanks 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:

- ① All '**RAINWATER**' labels or signs are to have black lettering and pictogram on either a yellow or green background.



- ① Marking shall be in accordance with AS 1345.
- {Reason: Statutory requirements of Plumbing Code of Australia}

- (31) 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}
- (32) The proposed rainwater tanks 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}
- (33) Prior to the Occupation Certificate being issued for each building, 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 applicable to such building.  
{Reason: To enable an inspection of the building's plumbing and drainage to determine they have been satisfactorily completed}
- (34) Prior to the issue of any Occupation Certificate for the proposed buildings, the development's external works which includes landscaping, car park and hardstand areas, traffic signage and line marking, vehicular cross-overs and any conditioned road/footpath upgrading must have been completed in conformity with this development consent; unless the deferment of such works in part or in stages has been agreed to in writing by the Consent Authority.  
{Reason: To ensure the development is completed prior to its occupation and use}
- (35) If Council is engaged to act as the Principal Certifying Authority (PCA) for the proposed Residential Care Facility and Communal Centre buildings, the applicant shall ensure that the responsible builder and/or applicable contractors submit to Council documentary evidence identifying and confirming that their respective work was undertaken in conformity with the relevant Section J provisions of the BCA, as approved under the buildings Construction Certificate. Such documentation must be provided prior to issue of the relevant building's Occupation Certificate.  
{Reason: To satisfy Council as the PCA that the applicable work has been undertaken in conformity with the BCA}
- (36) Prior to the release of the Construction Certificate, an Erosion and Sediment Control Plan/Soil and Water Management Plan shall be prepared for the development site in accordance with Council's Fact Sheet 6: Erosion and Sediment Control. Such Plan shall be implemented prior to, during and after the construction phase of the development.  
{Reason: Implementation of Council policy to reduce sediment pollution}
- (37) The parts of the building proposed to be used for manufacturing, preparing, storing or handling for food for sale shall be constructed and fitted out in accordance with the minimum requirements of the Food Standards Code and the Food Act 2003.  
{Reason: Statutory requirement for compliance with the NSW Food Act}

- (38) 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}
- (39) All solid waste from construction and operation of the proposed development shall be assessed, classified and disposed of in accordance with the *Department of Environment and Climate Change - Waste Classification Guidelines*. Whilst recycling and reuse are preferable to landfill disposal, all disposal options (including recycling and reuse) must be undertaken with lawful authority as required under the Protection of the Environment Operations Act.  
{Reason: Council requirement to require compliance with the POEO Act}
- (40) Waste construction materials including soil arising from the development, must be disposed of at an appropriately licensed waste facility.  
{Reason: To ensure environmentally safe disposal}
- (41) Construction work shall only be carried out within the following time:
- |                             |                                |
|-----------------------------|--------------------------------|
| Monday to Friday:           | 7.00 am to 6.00 pm             |
| Saturday:                   | 8.00 am to 1.00 pm             |
| Sunday and public holidays: | No construction work permitted |
- {Reason: Council requirement to reduce likelihood of noise nuisance}
- (42) If any threatened species as defined under the Threatened Species Conservation Act 1995 are observed during the operation, work is to cease and the National Parks and Wildlife Service is to be contacted.  
{Reason: To protect and preserve the existing native vegetation and conserve the habitat for local flora and fauna and a requirement of the National Parks and Wildlife Service}
- (43) No mature native trees or their associated root zones are to be disturbed or destroyed during the construction phase of the development.  
{Reason: To ensure the protection of highly valuable native tree species existing on the site.}
- (44) The Seniors Housing development subject to this development application shall not accommodate anyone other than:
- (a) Seniors or people who have a disability,
  - (b) People who live within the same household with seniors or people who have a disability,
  - (c) Staff employed to assist in the administration of and provision of services to housing provided under this Policy.

The above restriction shall be shown on a Section 88B Instrument created under the Conveyancing Act 1919 as a Restriction on the use of Land which is to be submitted and approved by Council prior to release of the first Occupation Certificate issued for the subject site.

{Reason: To comply with Clause 18 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004}

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- (45) A detailed plan of the landscaping for the site shall be submitted to and approved by the Council's Manager Horticultural Services, prior to the release of the Construction Certificate. The landscaping as approved shall be established and maintained to at least the standard specified on the approved development plans prior to the release of any relevant Occupation Certificates, or in the case of staged development, deferment of part of such landscaping is agreed to in writing by the Consent Authority.

Note: The plant species *Gledistia* "Sunburst" is to be replaced with another species as approved by the Manager Horticultural Services.

{Reason: To maintain and improve the aesthetic quality of the development}

- (46) The approved hours of operation for the Communal Centre are 24 hours, 7 days a week.  
{Reason: To protect and preserve the amenity of the surrounding locality}
- (47) Prior to the issue of the Construction Certificate, details of the front fence parallel to the Mitchell Highway are to be provided to Council for approval. Such fence shall be semi-transparent.  
{Reason: To maintain the visual amenity of the streetscape}
- (48) Prior to the issue of the Construction Certificate, full and detailed drawings demonstrating compliance with Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is to be submitted to and approved by Council.  
{Reason: To demonstrate compliance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004}
- (49) All business and building identification signage shall be maintained in good and substantial repair and shall not flash, be animated, be excessively luminous or glow.  
{Reason: Council requirement to maintain structural adequacy and visual amenity}
- (50) A separate application for any additional onsite advertising/signage shall be submitted to Council if such signage does not comply with Part 2, Division 2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.  
{Reason: To ensure onsite advertising/signage is appropriate for the site and the locality}
- (51) Entry and exit points to and from the proposed development and off-street car parking shall be delineated and signposted to at least the standard outlined in Chapter 3.5 of the Dubbo Development Control Plan 2013.  
{Reason: Implementation of Dubbo DCP 2013}
- (52) A temporary "construction access" for the proposed Royal Freemasons Benevolent Institution (RFBI) Seniors Housing development, may be constructed directly opposite the "Bunnings" entry/exit driveway onto Sheraton Road to facilitate the construction of the Seniors Housing development.

This "construction access" will be a restricted access location, specifying that no heavy vehicles with a length of 12.5m or greater will be able to use this "construction access" during the school zone hours of 8:00am-9:30am and 2:30pm-4:00pm.

This vehicular access is intended to be used as a 'temporary construction access only' until such time as the proposed main entrance ('primary access') off proposed road 'Capstan Drive' is completed, which must be operational prior to the issue of the Occupation Certificate for the Seniors Housing development. This temporary vehicular access may then be used as an emergency access only for the Seniors Housing development.

The Developer is required to provide at their own expense and to the satisfaction of Council, suitable road widening and/or traffic facilities (including a Traffic Management Plan) within Sheraton Road to accommodate this construction access.

Prior to any construction works being undertaken with the construction access a detailed (fully dimensioned) site plan including the Traffic Management Plan is to be lodged with, and approved by Council.

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

{Reason: To provide a satisfactory means of temporary access}

- (53) The proposed main entrance ('primary access') off proposed road 'Capstan Drive' shall be constructed as a commercial standard concrete vehicular cross-over, and kerb and gutter vehicle entrance, in accordance with Council's standards STD 5211 and STD 5235 by and at full cost to the Developer prior to the issue of the Occupation Certificate for the subject Seniors Housing development.

However, prior to any construction works being undertaken with the primary access road, a detailed (fully dimensioned) site plan is to be lodged with and approved by Council.

The access driveway is to be designed and constructed of sufficient width at the roadway (kerb and gutter alignment) and the property boundary alignment such that a 8.8m Service Vehicle (utilising the Austroads design templates, and a turning speed of 5-15 km/hr) is able to access the subject land in a forward motion from the through travel lane(s) of proposed road 'Capstan Drive' without the need to cross over onto the wrong side of the road at any time.

Such works shall include restoration of the road shoulder following construction in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction Standards.

Should Council's Development Engineer (or his representative) not undertake the required inspections as detailed in the abovementioned Council standards, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with the abovementioned Council standards will be required to be lodged with Council prior to the issue of any Occupation Certificate in respect to the proposed aged care housing development.

{Reason: Council policy in respect of commercial developments}

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- (54) The proposed northern access off proposed road 'Capstan Drive' (adjacent to the Communal Centre) shall be constructed as a commercial standard concrete vehicular cross-over, and kerb and gutter vehicle entrance, in accordance with Council's standards STD 5211 and STD 5235 being provided by and at full cost to the Developer prior to the issue of the relevant Occupation Certificate for the self-contained dwellings.

However, prior to any construction works being undertaken on this access driveway a detailed (fully dimensioned) site plan is to be lodged with and approved by Council.

The access driveway is to be designed and constructed of sufficient width at the roadway (kerb and gutter alignment) and the property boundary alignment such that a 8.8 m Service Vehicle (utilising the Austroads design templates, and a turning speed of 5-15 km/hr) is able to access the subject land in a forward motion from the through travel lane(s) of proposed road 'Capstan Drive' without the need to cross over onto the wrong side of the road at any time.

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

Should Council's Development Engineer (or his representative) not undertake the required inspections as detailed in the abovementioned Council standards, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with the abovementioned Council standards will be required to be lodged with Council prior to the issue of the relevant Occupation Certificate for the proposed development.

{Reason: Council policy in respect of commercial developments}

- (55) A separate application is required to be made to Council, with the appropriate fee(s) being paid, for the provision of a suitably sized metered water service to the development off Sheraton Road.

Note: The subdivision land Developer for this parcel of land paid at subdivision stage (D2013-466 Part 1) for the equivalent of a metered domestic sized service connection (nominally 20 mm). Should the building Developer only require a 20 mm metered town water supply service connection, which will be required to be along the Sheraton Road frontage, the Developer should contact Council's Water Supply and Sewerage Client Services Coordinator, who will arrange for the installation of such service. However, should a larger sized water meter service connection be required, then the Developer is to advise of the actual sized connection required, the location of the required service connection, and also advising that a discount will be applicable (ie, the cost of providing a 20mm service connection with D2013-466).

{Reason: Council policy in respect of commercial developments}



- (56) 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 appear to encroach onto the Sheraton Road/proposed road 'Capstan Drive' 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).  
{Reason: Implementation of Council's Policy and Section 138 of the Roads Act}

- (57) Any alterations to the footpath, kerbing and guttering, vehicular entrance(s), road or road shoulder including 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}

- (58) The design and construction by the Developer, at their own expense and to the satisfaction of Council, of a 'Stormwater Drainage System' for the Seniors Housing development to be generally in accordance with the 'conceptual' details submitted with the development application as shown in 'Stormwater Concept Plan' prepared by MARLINE NEWCASTLE Pty Ltd, Job No. 8001, Drawing No. SW-01, Issue 2, dated 29.10.2014. Consideration must be included for the future stormwater discharge from the eastern side of the proposed development site in the fully developed state as Council will not permit future connection from the eastern side of the development into the proposed diverted line from Sheraton Road and will be designing the pipeline as such.

It should be noted that the total stormwater discharge from the proposed Royal Freemasons Benevolent Institution development site (this being the entire proposed Lot 100 under D 2013-466) will be limited to that equivalent to a single residential allotment (nominally 800 m<sup>2</sup> in size – 40% being impervious and 60% pervious – calculated on the 10 year ARI storm event = total discharge from the proposed RFBI development site of 21 litres per second into Council's future stormwater system). Thus, on-site retardation will be required. This discharge point will be located on the south western corner of the lot.

Alternatively, discharge of 420l/s (as per MARLINE NEWCASTLE Pty Ltd, Job No. 8001, Drawing No. SW-01, Issue 2, dated 29.10.2014) will be permitted provided the Developer agrees in writing prior to issue of any building Construction Certificate to pay Council the difference in Headworks Contribution (ie. 20 lot equivalent – 1 lot credit = 19 lots Headworks Contribution for stormwater). Council's adopted 2014/2015 financial year rate is \$3,978.00 per lot (this being \$75,582.00 in 2014/2015 dollar terms).

Note: This contribution rate 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.

Payment of this Headworks Contribution is to be made prior to the relevant Occupation Certificate being issued.

In this respect the Developer must have approved by Council, prior to the issue of the

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building's Construction Certificate, full and detailed hydraulic design calculations and drawings of the proposed development's stormwater drainage system incorporating the above mentioned points.

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 stormwater drainage system, the Developer will be required to install at their own expense 'pollution control device(s)' which will collect all oil, sediment and litter from the proposed Seniors Housing development site.

{Reason: Implementation of Council Policy No 2}

- (59) The conveyance of effluent from the proposed Seniors Housing development into Council's sewerage system may constitute a Trade Waste discharge. In this regard a Trade Waste application would need to be completed (accompanied with all required drainage, discharge and capacity details, pre-treatment devices and installation details), submitted to Council's Liquid Trade Waste Officer before the issue of the building's Construction Certificate for the proposed Communal Centre. No effluent will be permitted to be discharged to Council's sewer until the required Trade Waste approval has been obtained and all required pre-treatment devices have been installed and passed by Council.

{Reason: Statutory requirement of the Local Government (Approvals) Regulation, 1999}

- (60) No vehicles larger than a 'Service Vehicle' 8.8m in length (utilising the Austroads design templates) are permitted to access the subject land and development proposal.

{Reason: The internal manoeuvrability and access to the subject land and proposed development will only facilitate service vehicle 8.8 m in length or vehicles of lesser dimensions at this location}

- (61) The construction by and at full cost to the developer of a bus shelter as shown on the approved Site Plan, prior to the occupation of any self-contained dwelling or Residential Care Facility.

In this respect the Developer must have approved by Council, prior to the construction of the bus shelter its full and detailed design.

All construction works associated with this condition are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction standards.

Should Council's Development Engineer (or his representative) not undertake the required routine inspections during the course of construction of these footpaths, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with Council standards will be required to be lodged with Council prior to the issue of the relevant Occupation Certificate.

{Reason: Implementation of Council Policy}

- (62) Prior to the issue of the Construction Certificate, the Subdivision Certificate for the subdivision application D2013-466 is to be approved by Council and registered with Land and Property Information.  
{Reason: To ensure the subdivision of land occurs as approved under D2013-466}
- (63) Prior to the issue of the Construction Certificate, a Traffic Management Plan is to be submitted and approved by Council. The approved Traffic Management Plan is to be in place whilst any construction activities are undertaken.  
{Reason: To minimise construction traffic impacts in the locale}

## NOTES

- (1) **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.
- (2) **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.
- (3) A separate application is required to be submitted to either Council or an accredited certifier to obtain a Construction Certificate to permit the erection of the proposed buildings.
- (4) A list of Fire Safety Measures must be submitted with the Construction Certificate application pursuant to clause 139 of the Environmental Planning and Assessment Regulation 2000. The Regulation prescribes that the information to be submitted must include:
  - A list of any existing fire safety measures provided in relation to the land or any existing building on the land; and
  - A list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.
- (5) Details of the disabled facilities (including access paths, toilets, signage and location of any tactile ground surface indicators) need to be adequately detailed on the Construction Certificate application plans to permit assessment and compliance evaluation with the provisions of the Premises Standards and the BCA. In particular, the submitted details for the proposed disabled toilets should include elevations and floor plans of the facilities drawn to a scale of 1:20. Reference should be made to AS 1428.1, the Access Code under the Premises Standards and AS/NZS 2890.6 regarding specific design parameters.

- (6) On completion of the erection of the subject Residential Care Facility and Communal Centre buildings, the owner is required to submit to the Principal Certifying Authority (PCA) a Fire Safety Certificate(s) with respect to each *essential fire safety measure* installed in association with the building - as listed on the Fire Safety Schedule attached to the Construction Certificate. Such certificate(s) must be submitted to the PCA prior to occupation or use of the subject building.

Copies of the subject Fire Safety Certificate(s) must also be forwarded by the owner to Council (if not the appointed PCA) and the Commissioner of Fire and Rescue NSW and displayed within the subject building in a prominent position.

- (7) The owner of the Residential Care Facility and Communal Centre buildings is required to submit to Council at least once in each period of 12 months following the completion of the building an Annual Fire Safety Statement(s) with respect to each essential fire safety measure associated with the buildings.

Copies of the subject Annual Fire Safety Statements must also be forwarded by the owner to the Commissioner of the Fire and Rescue NSW and displayed within the subject buildings in a prominent position. In this regard Fire and Rescue NSW has requested that only electronic copies of the statement be forwarded, with their dedicated email address for such Statements being [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au)

- (8) Should the Geotechnical Site Investigation show a highly or extremely reactive site then, for all dwellings (class 1a buildings), 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.
- (9) Each of the proposed dwelling sanitary drainage installations is required to be designed to AS/NZS 3500.2:2003. In this regard section 12 of such standard requires for multi-unit residential developments that each Class 1 dwelling be provided with its own inspection shaft, overflow relief gully and upstream vent.
- (10) Offensive noise as defined under the Protection of the Environment Operations Act 1997 shall not be emitted from the proposed development.

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

- (11) Plans detailing the construction and fit out of the food preparation areas shall be submitted to the NSW Food Authority for comment prior to the construction of such facilities.
- (12) Any future development which would create residential living spaces adjacent to the northern boundary is to specifically address road noise and the impact on residents.

(13) The Council Section 94/64 Contribution Plans referred to in the conditions of this consent, may be viewed by the public without charge, at Council's Administration Building, Church Street, Dubbo between the hours of 9.00 am and 5.00 pm, Monday to Friday. Copies are also available from [www.dubbo.nsw.gov.au](http://www.dubbo.nsw.gov.au)

(14) The Development shall be carried out in accordance with Essential Energy's correspondence dated 15 September 2014 (copy attached). The correspondence states:

*"It is a condition of the Electricity Supply Act that a person must not commence to carry out excavation work to which the Act applies, or authorise such excavation work to be commenced, unless the person has first:*

- a) Contacted the 'Dial Before You Dig' service and requested information as to the location and type of any underground electricity power lines in the vicinity of the proposed work, and*
- b) Complied with any reasonable procedures of the Dial Before You Dig Service as to the manner of contacting the designated information provider and the information to be provided by the person in connection with the person's request for information, and*
- c) Allowed a reasonable period for the requested information to be provided.*

*Failure to observe these requirements may constitute a breach of statutory requirements and lead to a conviction by the court. The court may order the offender to pay Essential Energy the costs, expenses or compensation incurred for the loss or damage so suffered."*

**essential**

Ref: D2014/382

15 September 2014

The General Manager  
Dubbo City Council  
PO Box 81  
DUBBO, NSW 2830

Att: Lee Griffith

Dear Sir

**RE: Development Application D2014 Lot 34 DP1196695 30 Volta Ave Dubbo.**

We refer to your enquiry regarding the determination of development applications with respect to the requirements outlined under Clause 45 of the Infrastructure SEPP 2007.

There are powerlines located in the vicinity of the proposed development.

Essential Energy has no objection to the proposed development

Essential Energy is a member of the Dial Before You Dig Service. It is a condition of the Electricity Supply Act that a person must not commence to carry out excavation work to which the Act applies, or authorise such excavation work to be commenced, unless the person has first:

- (a) contacted the Dial Before You Dig Service and requested information as to the location and type of any underground electricity power lines in the vicinity of the proposed work, and
- (b) complied with any reasonable procedures of the Dial Before You Dig Service as to the manner of contacting the designated information provider and the information to be provided by the person in connection with the person's request for information, and
- (c) allowed a reasonable period for the requested information to be provided

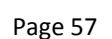
Failure to observe these requirements may constitute a breach of statutory requirements and lead to a conviction by the court. The court may order the offender to pay Essential Energy the costs, expenses or compensation incurred for the loss or damage so suffered.

Yours faithfully

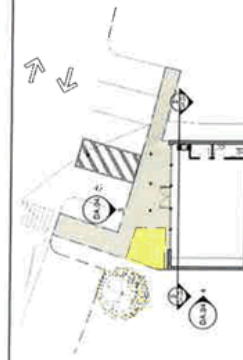
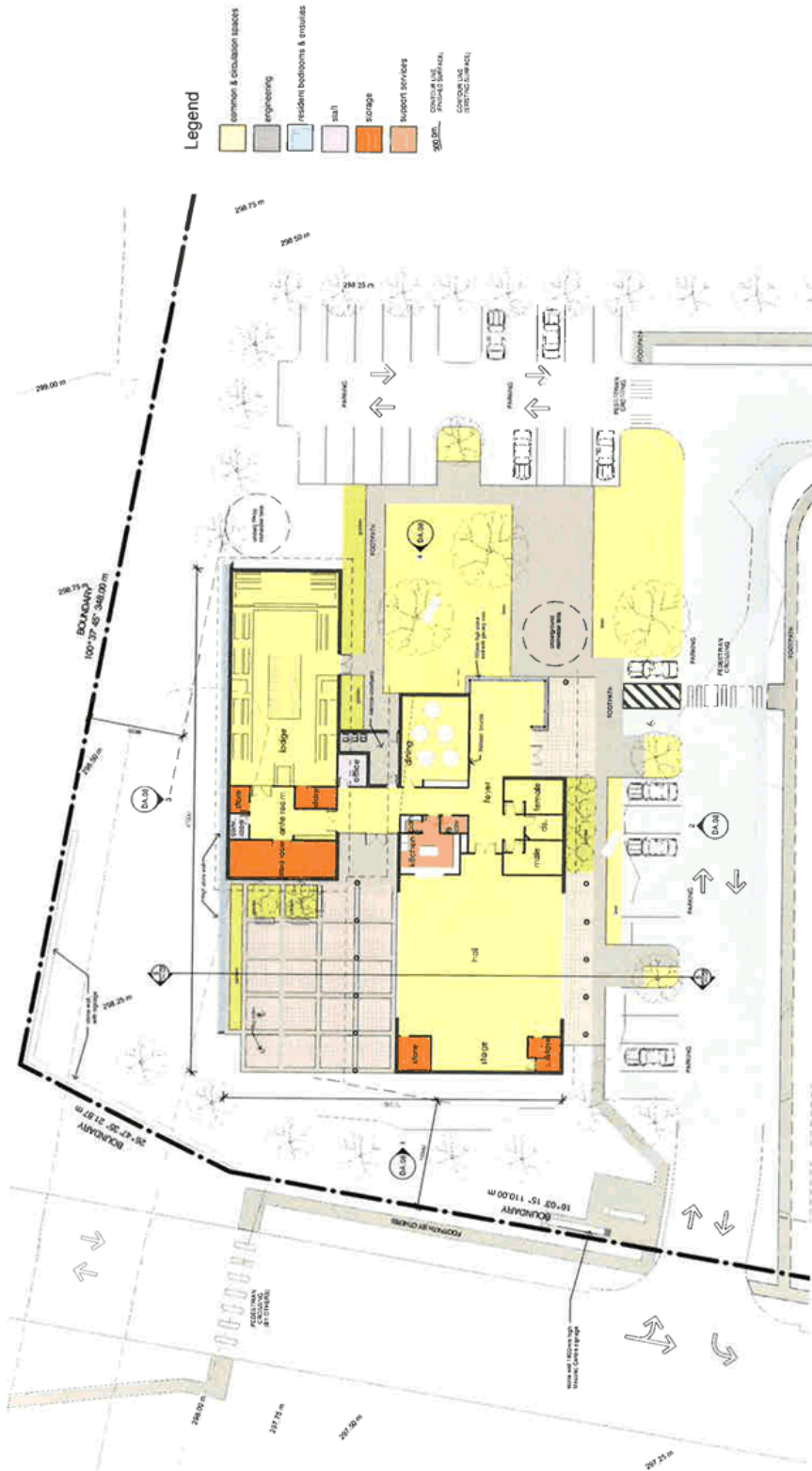


Duncan Towart  
**Planning & Customer Connection  
North Western Region**

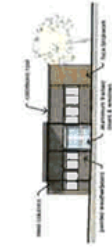
[www.essentialenergy.com.au](http://www.essentialenergy.com.au)  
ABN 37 428 185 226  
Unit 6 Riverview Business Park, 36 Darling Street, DUBBO, NSW 2830  
Telephone 02 6883 4580 Facsimile 02 6883 4541







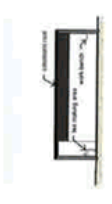
2 DA FLOOR PLAN - MEN'S SHED  
1:200



3 DA Men's Shed - North Elevation  
1:200



4 DA Men's Shed - West Elevation  
1:200



5 DA Men's Shed - Section A-A  
1:200



SCALE: 1:200 @ A1

JOB NO: 1322  
SCALE: 1:200  
DRAWN: CLO  
CHECKED: DM  
DA.04 A

MASONIC CENTRE & MEN'S  
SHED FLOOR PLAN,  
ELEVATIONS & SECTION

PROPOSED SENIORS LIVING  
DEVELOPMENT, DUBBO  
ROYAL FREEMASONS' BENEVOLENT INSTITUTION













5 ILU SHADOW ANALYSIS - JUNE 21 - 1pm

6 ILU SHADOW ANALYSIS - JUNE 21 - 2pm

7 ILU SHADOW ANALYSIS - JUNE 21 - 3pm

1



Phone: 800.424.1110  
 E-mail: [info@haventhandmother.com](mailto:info@haventhandmother.com)  
**HavenandMother**  
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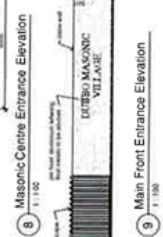
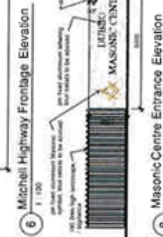
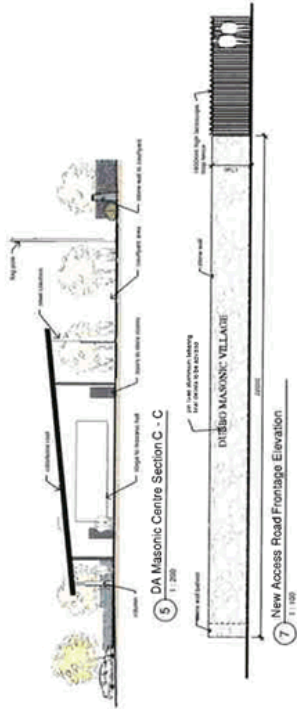
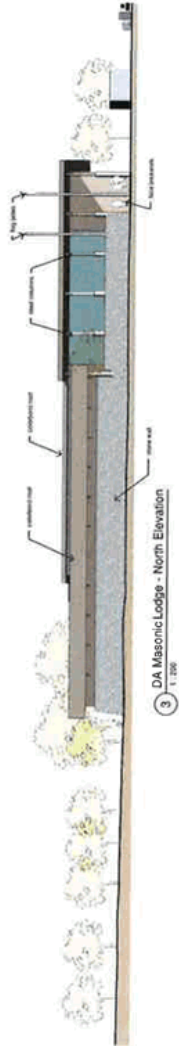
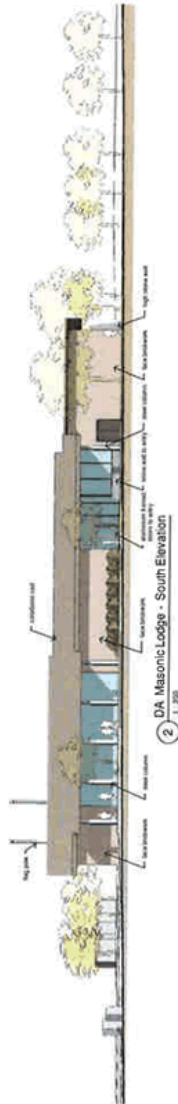
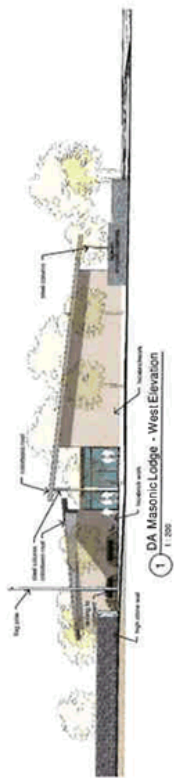
PROPOSED SENIORS LIVING  
DEVELOPEMENT, DUBBO  
ROYAL FREEMASONS' BENEVOLENT INSTITUTION

INDEPENDENT LIVING UNITS  
SHADOW ANALYSIS PLANS

A 610-284-4970  
JUL 19 1992

JOB No.: 1322  
SCALE: As indicated  
DATE: 4/1/14  
DRAWN: CJF  
CHECKED: DM

DA.07 A









A 01/20/14 AMENDED ALBERT ELLIOTT  
 JOB No.: 1322  
 SCALE: 1:200  
 DATE: 4.11.14  
 DRAWN: C.J.F./C.G.  
 CHECKED: DM  
 DA.10.A

INDEPENDENT LIVING UNITS  
ELEVATIONS / SECTIONS

PROPOSED SENIORS LIVING  
DEVELOPEMENT, DUBBO  
ROYAL FREEMASONS' BENEVOLENT INSTITUTION



Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 E-mail: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

**HavenhandMather**  
 P L L C

10000 Highway 100, Suite 100  
 Dallas, TX 75243  
 Phone: (214) 343-1111  
 Fax: (214) 343-1112  
 E-mail: [info@havenhandmather.com](mailto:info@havenhandmather.com)  
 Web: [www.havenhandmather.com](http://www.havenhandmather.com)

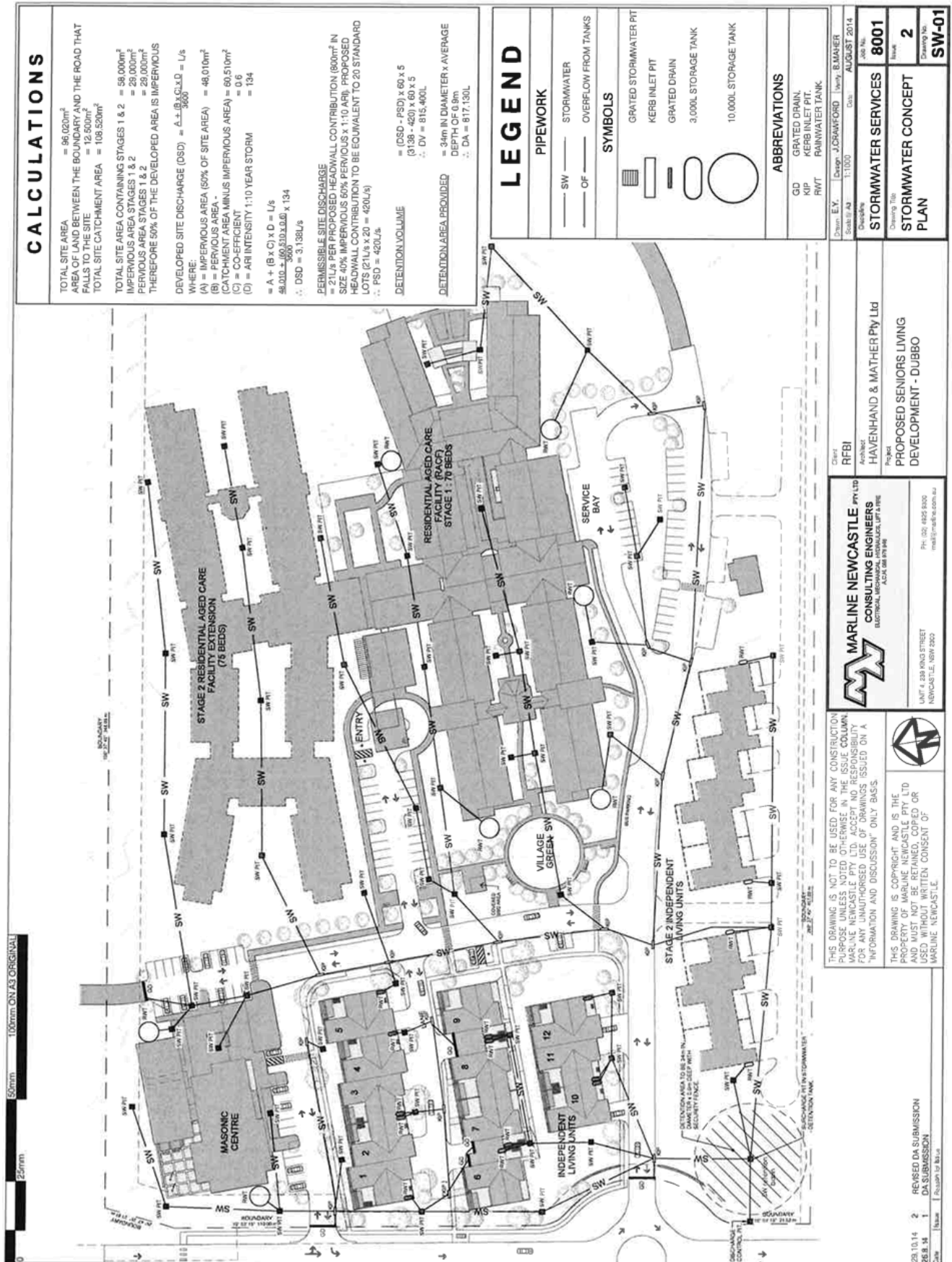






Planting Area	Planting Type	Planting Size	Planting Rate	Planting Date	Planting Notes
Future Stage RACF Extension (75 beds)	Future Stage RACF Extension (75 beds)	Future Stage RACF Extension (75 beds)	Future Stage RACF Extension (75 beds)	Future Stage RACF Extension (75 beds)	Future Stage RACF Extension (75 beds)
Future Stage Independent Living Units	Future Stage Independent Living Units	Future Stage Independent Living Units	Future Stage Independent Living Units	Future Stage Independent Living Units	Future Stage Independent Living Units
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Prepared by:  
  
**MARK D. MCCRONE**  
**LANDSCAPE ARCHITECT**  
 P.O. Box 1053,  
 Wagga Wagga,  
 NSW, 2650  
 P. 04 0790 7958  
 E. larch\_landscape@bigpond.com







# St Johns College

162 Sheraton Road, PO Box 4019, Dubbo East NSW 2830

Telephone (02) 6841 5100

Facsimile (02) 6841 5199

Email: stjohncollegedubbo@bth.catholic.edu.au

Website: www.stjohnsdubbo.catholic.edu.au

9 September 2014

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

Dear Mr Wallace

**Re: Development Application: D2014-382**


I refer to your letter dated 2 September 2014 addressed to the Trustees for the RC Church for Diocese of Bathurst, St Johns College, advising of a Seniors living proposed development application on the corner of Mitchell Highway and Sheraton Road, Dubbo.

I would like to raise concern regarding the traffic flow and access plan for the Seniors living development. Also, Senior citizens would need to cross an extremely busy highway to access Orana Mall.

During school terms, peak traffic is experienced between 8-9.30am and 3-3.45pm. It is very problematic. I am concerned for the safety of residents and any increase to this traffic congestion due to the development.

All the schools in this area have expressed concern re the traffic congestion already occurring in Sheraton Road and along Cobra Street (highway). The safety of students is an issue without adding Senior citizens into the scenario.

Yours faithfully

  
Kerry Morris  
PRINCIPAL

Dubbo City Council	
Parcel.....	D14-382
Ass: .....	GP2
12 SEP 2014	
File C.....	D14/382



Ref: D2014/382

15 September 2014

The General Manager  
Dubbo City Council  
PO Box 81  
DUBBO, NSW 2830

Att: Lee Griffith

Dear Sir

**RE: Development Application D2014 Lot 34 DP1196695 30 Volta Ave Dubbo.**

We refer to your enquiry regarding the determination of development applications with respect to the requirements outlined under Clause 45 of the Infrastructure SEPP 2007.

There are powerlines located in the vicinity of the proposed development.

Essential Energy has no objection to the proposed development

Essential Energy is a member of the Dial Before You Dig Service. It is a condition of the Electricity Supply Act that a person must not commence to carry out excavation work to which the Act applies, or authorise such excavation work to be commenced, unless the person has first:

- (a) contacted the Dial Before You Dig Service and requested information as to the location and type of any underground electricity power lines in the vicinity of the proposed work, and
- (b) complied with any reasonable procedures of the Dial Before You Dig Service as to the manner of contacting the designated information provider and the information to be provided by the person in connection with the person's request for information, and
- (c) allowed a reasonable period for the requested information to be provided

Failure to observe these requirements may constitute a breach of statutory requirements and lead to a conviction by the court. The court may order the offender to pay Essential Energy the costs, expenses or compensation incurred for the loss or damage so suffered.

Yours faithfully

A handwritten signature in black ink, appearing to read "D. Towart", with a small horizontal line extending from the end.

Duncan Towart  
**Planning & Customer Connection**  
**North Western Region**

www.essentialenergy.com.au  
ABN 37 428 185 226  
Unit 6 Riverview Business Park, 36 Darling Street, DUBBO, NSW 2830  
Telephone 02 6883 4580 Facsimile 02 6883 4541