

ADENDUM COUNCIL REPORT WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSWES-114 - Dubbo - D2021-569
PROPOSAL	Recreational Facility (Indoor), which is defined as: <i>...a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.</i>
ADDRESS	Lot 902 DP 1033617, 8 Tony McGrane Place, Dubbo
APPLICANT	Premise P/L on behalf of NSW Public Works
OWNER	Charles Sturt University (CSU)
DA LODGEMENT DATE	29 September 2021
APPLICATION TYPE	Crown Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 4, Schedule 7 of the SRD SEPP: 'Crown development' with a capital investment over \$5 million
CIV	\$27,632,657.00 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	SEPP (Resilience and Hazards) 2021 SEPP (Transport and Infrastructure) 2021 SEPP (Planning Systems) 2021 Dubbo Local Environmental Plan 2022 Dubbo Development Control Plan 2013
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	The Application was placed on exhibition for a period of twenty (20) days ending 24 October 2021, during which time adjoining property owners were notified in writing of the proposed development. A notice was also placed in the local paper (Daily Liberal) on 13 October 2021. Council received no submissions during the exhibition period.
DOCUMENTS SUBMITTED FOR CONSIDERATION	DA02 – Site Plan DA10 – Building Works Plan DA20 – Elevations 01 DA21 – Elevations 02
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval

DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	27 September 2022
PLAN VERSION	2 September 2021 Rev
PREPARED BY	Senior Planner - Bo Moshage
DATE OF REPORT	19 September 2022

Purpose of the Report

This development application was considered by the Joint Regional Planning Panel at its meeting of 22 June 2022, where the Panel resolved that:

- Council and the applicants have further discussions and seek to reach agreement regarding the two (2) disputed conditions B1 - Payment of Contribution, and B4 - Stormwater Management.

This addendum report summarises additional information that has been submitted by the applicant and considered by Council in accordance with the Panel's resolution and should be read in conjunction with the Assessment Report: PPSWES-114 - Dubbo – 22 June 2022.

Background

On 29 September 2021, a Crown application (D21-569) for a proposed Recreational Facility (Indoor) ('the proposal') at Lot 902 DP 1033617, 8 Tony McGrane Place, Dubbo was lodged with Council.

The proposal comprises the following items:

1. Reception/ kiosk, foyer, youth hub and security area;
2. 499m² multipurpose space;
3. 79m² learning space;
4. 376m² gymnasium;
5. 204m² boxing area including ring;
6. Male, female and umpire change rooms and amenities;
7. 49m² event management room;
8. Storage areas;
9. 1,093m² gymnastics area;
10. Five indoor multi-sports courts, providing playing surfaces for netball, basketball and futsal (4,197m²);
11. Retractable seating for up to 500 patrons.

Associated landscaping and infrastructure provisions, including vehicular access and stormwater, are also proposed. For a locality map of the site see **Figure 1**.

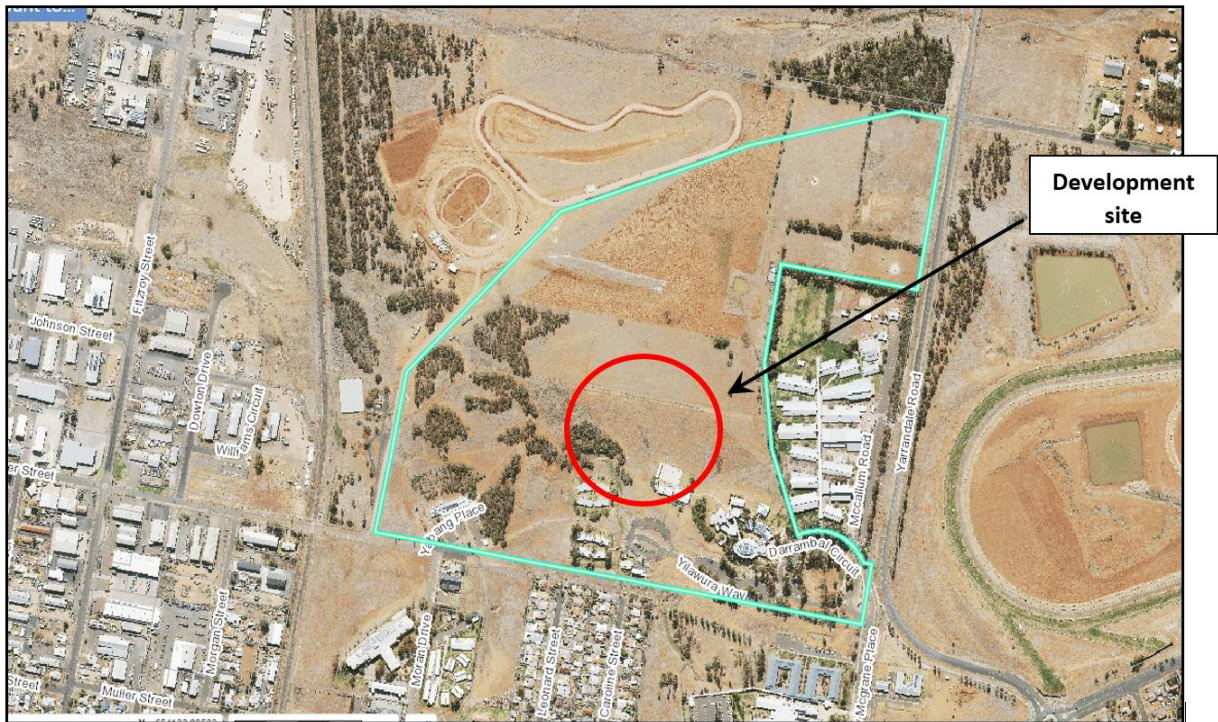


Figure 1: Site location

The application was referred to the Western Region Planning Panel ('the Panel') as the development is 'regionally significant development', pursuant to Clause (4) of Schedule 7 of State Environmental Planning Policy (Planning Systems) 2021 as the proposal is development for Crown development with a capital investment value (CIV) over \$5 million.

Following the Panel's meeting on 22 June 2002, the Crown applicant objected to two (2) conditions:

- Condition B1 as it related to the Payment of Development Contributions for (a) Water Supply, (b) Sewerage, (c) Stormwater Drainage and (d) Urban Roads; and
- Condition B4 as it related to Stormwater Management - Senior Campus Flows.

Development Contributions

The matter relating to the payment of development contributions was the subject of a report to the 25 August 2022 Dubbo Regional Council meeting, following a formal request made on 19 July 2022 by Police Citizens Youth Clubs NSW (PCYC), the proposed operator of the proposed development, for Council to waive all contributions.

Council resolved:

That with regard to development contributions for the proposed Crown Recreation Facility (Indoor) at 8 Tony McGrane Place, Dubbo, Council not require contributions under s7.11 of the Environmental Planning and Assessment Act, 1979 for roads and stormwater drainage, but endorse the requirements for any water supply and sewerage headworks to be levied (payable prior to release of a 'compliance certificate' under s.307 of the Water Management Act, 2000 and prior to the use of the development).

New draft contribution condition has been proposed giving effect to this resolution, with a copy of Council Report CCL22/217 - D21-569 - 8 Tony Mcgrane Place Dubbo - Recreation Facility (Indoor) - Development Contributions (ID22/1723) attached to this report for reference as **Attachment A**.

Stormwater Management

The Crown applicant lodged an amended Civil Engineering Design Drawing - Stormwater on 11 July 2022 giving effect to their Stormwater Management objection, with amended details proposing a 300mm diameter pipe with a level spreader to drain the indoor facility to the north.

This was subsequently considered by Council's Infrastructure Strategy and Design, with an amended design and draft condition, submitted to the Crown for endorsement on 8 August 2022, recommending that piping stormwater to the western boundary, which would have far less of an impact on the Cycling Facility from a management of salinity consideration than would occur if piping to the north as proposed.

The underline issue relates to the management of stormwater from the proposed development without adversely impacting onsite salinity, with the proposed flows discharged to the north flowing across the Cycling Facility whereas flows discharged to the west would immediately enter land that is already impacted by stormwater.

The western location is also the low point of the site, and is the identified discharge location of concentrated flows to Troy Gully, which is reflected in the new draft stormwater management condition.

New Conditions

Condition B1 – Payment of Contributions has been amended to reflect Council's 25 August 2022 resolution as follows:

B1 Payment of Contributions

(a) Water Supply

A certificate of compliance under Section 306 of the Water Management Act, 2000 for water supply shall be obtained prior to the use of the development.

Application for a Water Supply Certificate of Compliance are to be made direct to Council's Water Supply and Sewerage Branch.

Following application, Council's Water Supply and Sewerage Branch will assess the development and if required issue a "Notice of Requirements" letter detailing all requirements that must be met.

Please apply early as building of water services can be time consuming and may impact on other parts of your development.

The Notice of Requirements must be submitted to the Accredited Certifier before the commencement of works. A Compliance Certificate must be obtained prior to the use of the development.

(b) Sewerage Supply

A certificate of compliance under Section 306 of the Water Management Act, 2000 for Sewerage Supply shall be obtained prior to the use of the development.

Application for a Sewerage Supply Certificate of Compliance are to be made direct to Council's Water Supply and Sewerage Branch.

Following application, Council's Water Supply and Sewerage Branch will assess the development and if required issue a "Notice of Requirements" letter detailing all requirements that must be met.

Please apply early as building of sewer services can be time consuming and may impact on other parts of your development.

The Notice of Requirements must be submitted to the Accredited Certifier before the commencement of works. A Compliance Certificate must be obtained prior to the use of the development.

Reason: To comply with statutory requirements.

Condition B4 – Stormwater Management has been amended to reflect Council's Infrastructure Strategy and Design amended design as follows:

B4 Stormwater Management

Design and construction of the stormwater drainage system for the proposed development to be at the Developers expense and satisfaction to the Council. Stormwater drainage system is to incorporate the following:

River Street Construction:

- River Street stormwater to be designed and constructed to manage 10% Annual Exceedance Probability (AEP) minor flows within a pipe system and 1% AEP major overland flows;
- The existing stormwater pipe in River Street is to be extended east past the limit of the River Street proposed road construction including any temporary turning circle;
- Stormwater flows from stormwater catchment area south of River Street is to be managed within the River Street corridor;
- Table drains to be stabilized to reduce risk of scouring and erosion; and
- Design and construction must provide for ease of table drain maintenance.

Proposed Carpark and access road:

- Stormwater flows are to be managed across the proposed access road. Flows up to and including the 10% AEP is to be piped beneath the access way. Piped width to cater for the passage of pedestrians and vehicles.

Flows up to and including the 1% AEP to make safe passage through the site. Overland flow over the access ways are limited to a maximum depth of 200mm and below the 0.4 depth velocity criteria for safe pedestrian access;

- In open channels the 0.4 depth velocity criteria is to be followed where possible or the design shall address the requirements for safety in relation to children by providing safe egress points from the channel or other appropriate methods; and
- Work as executed drawings shall be provided after construction including details of connection to Council's stormwater system.

Senior Campus flows:

- Roof water shall be conveyed by drainage pipework to the property's stormwater drainage system;
- The site is to accept and manage both the piped and the overland flows from the Senior Campus through the site;
- The flows entering the site from the senior campus are to be intercepted with flows up to and including the 1% AEP are to be contained within a low flow pipe and overland flow path/channel system.
- Low flows to be piped through the site to Troy Gully in an inter-allotment style drainage pipeline. An easement to drain water, minimum 2.0m wide, is to be created in favour of Council over the line. Pipe to be minimum size 450mm diameter. Reinforced concrete or plastic flexible pipe material such as polyethylene (PE), polypropylene (PP), and unplasticized polyvinyl chloride (UPVC), of sufficient strength/class to withstand construction equipment and applicable traffic loadings is acceptable.
- Stormwater drainage that will become the asset and responsibility of Council is to be piped. Open channels are to incorporate low flow pipes. Council will not accept the management of flows from the Senior Campus via means of a channel only.
- Flows in excess of the pipe system are to be managed as overland flow. Create an easement, in favour of Council, over the overland flow path up to and including the 1% AEP. The channel/overland flow path is to be mown and maintained by the owner of the site.
- Overland flow path is not to pond water in excess of five days. Infiltration to ground water is not an acceptable method to discharge stormwater.
- The property's internal stormwater system is permitted to connect into the low flow system, however the responsibility remains with the applicant to ensure satisfactory hydraulic discharge of the property's internal stormwater.
- Low flow pipe to discharge to Troy Gully, Lot 100, DP 1265717, 88 River Street, at the existing stormwater pipe located under the Neighbouring Cycle Facility Road, approximate Co-ordinates E 652773, N 6432595 GDA 2020/MGA zone 55.
- The concept stormwater alignment is provided in the diagrams below. Provide a minimum DN450 low flow pipe with overland channel system along the alignment shown in red in both **Diagram 1** and **Diagram 2** below. Flows are to be discharged into at the approximate location designated by the point of the arrow in **Diagram 2**. The dashed blue line in **Diagram 1** is the proposed internal drainage of the Indoor sporting facility which is not needed.

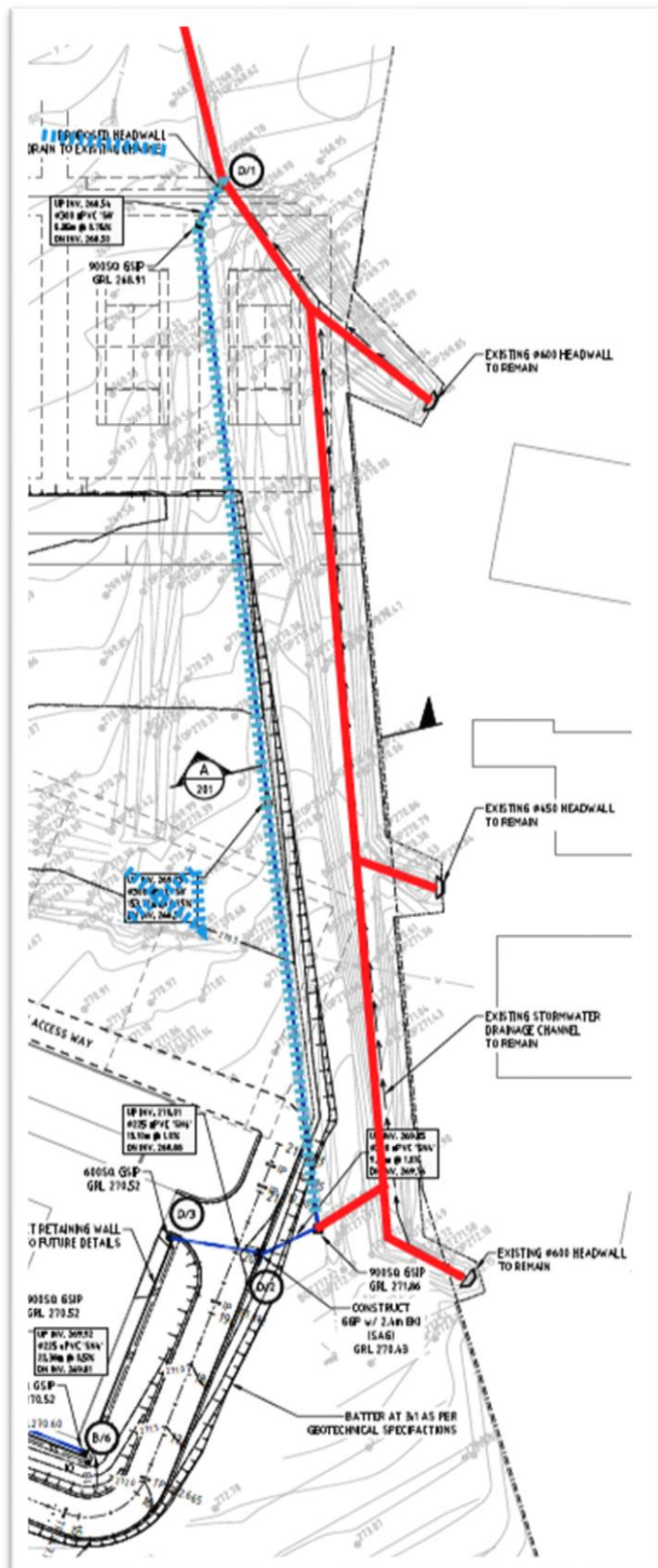


Diagram 1

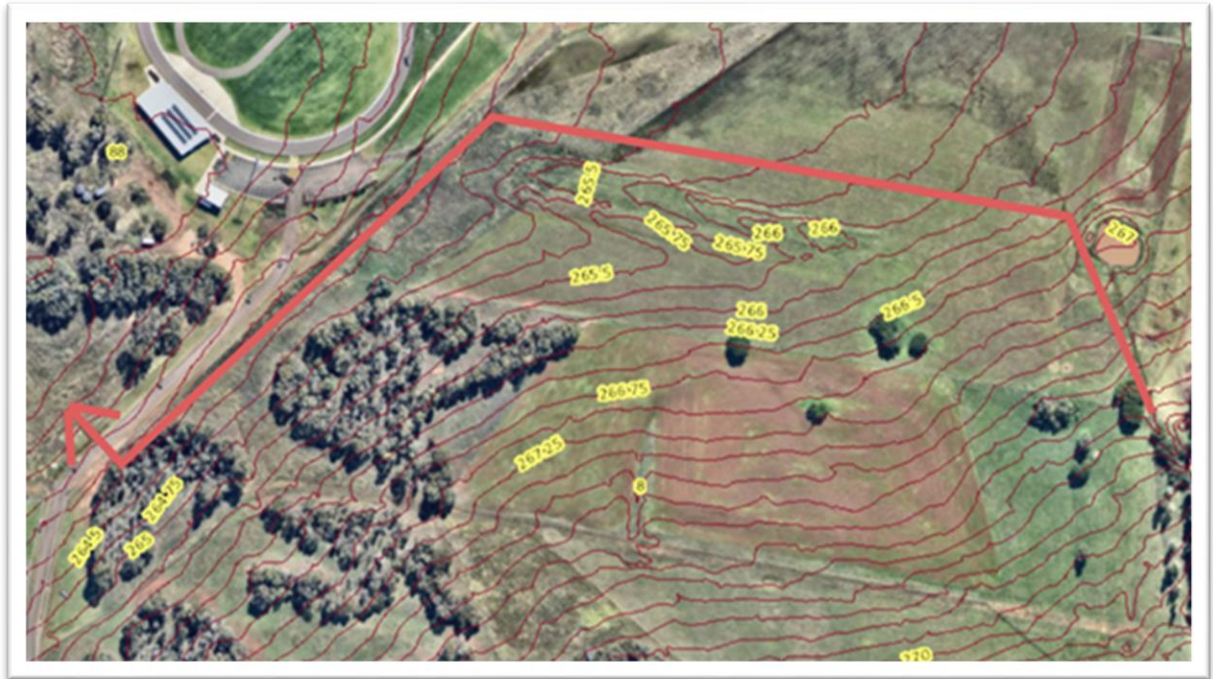


Diagram 2

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

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

Crown Concurrence

The Applicant is Premise NSW Pty Ltd Dubbo on behalf of the Public Works Advisory (PWA). The PWA is a State Government agency and its Executive Directors and staff are employed in the service of the Crown. Consequently, such officers represent the Crown.

Under the provision of Section 4.33(1)(b), Council must not impose a condition on a Crown Development Application, except with the approval of the applicant. Therefore, in accordance with the above requirements, a copy of the (draft) consent was sent to the applicant on 8 August 2022 for review prior to finalisation.

Following consultation with the Crown regarding draft Condition B1 - Contributions and Condition B4 - Stormwater Management, Crown concurrence accepting these conditions was subsequently provided on 9 September 2022.

Conclusion

The amended proposal is satisfactory and adequately addresses the Panel's resolution in relation that:

- Council and the applicants have further discussions and seek to reach agreement regarding the two (2) disputed conditions B1 - Payment of Contribution, and B4 - Stormwater Management.

The request to waive contributions and the management of stormwater from the site have been assessed having regard to Section 79C of the *Environmental Planning and Assessment Act 1979*.

Amendments to Condition B1 - Contributions and Condition B4 - Stormwater Management are required and are presented following Crown Concurrence under Section 4.33(1)(b) of the *Environmental Planning and Assessment Act 1979*.

The proposed development is consistent with the objectives of the applicable Environmental Planning Instruments, Development Control Plan 2013 and Council policies and is therefore recommended for approval subject to the conditions of consent attached.

RECOMMENDATION

That the Development Application D21-569 for Recreational Facility (Indoor) at Lot 902 DP 1033617, 8 Tony McGrane Place, Dubbo be **APPROVED** pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment B**.

The following attachments are provided:

- **Attachment A:** Council Report CCL22/217 - D21-569 - 8 Tony Mcgrane Place Dubbo - Recreation Facility (Indoor) - Development Contributions (ID22/1723)
- **Attachment B:** Draft conditions of consent
- **Attachment C:** Approval from the Crown (applicant) for imposition of Conditions
- **Attachment D:** Architectural Plans