

COUNCIL ASSESSMENT REPORT

WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPWES-188 – D23-213
PROPOSAL	Animal Shelter
ADDRESS	Lot 2 DP 1073902, 30L Boothenba Road, Dubbo
APPLICANT	Figgis & Jefferson Tapa Pty Ltd
OWNER	Dubbo Regional Council
DA LODGEMENT DATE	19 June 2023
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 3, Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 – Council related development over \$5 million
CIV	\$5,555,000.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • Dubbo Regional Local Environmental Plan 2022.
TOTAL & UNIQUE SUBMISSIONS ISSUES IN SUBMISSIONS	Nil
DOCUMENTS SUBMITTED FOR CONSIDERATION	Statement of Environmental Effects (June 2023) Architectural Drawings (13/6/2023)
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	Not applicable
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	No
SCHEDULED MEETING DATE	12 September 2023

PLAN VERSION	11/05/2023 & 13/06/2023
PREPARED BY	Josh Smith – Senior Planner
DATE OF REPORT	5 September 2023

EXECUTIVE SUMMARY

The development application (D23-213) seeks consent for the expansion of the Dubbo City Animal Shelter. The Dubbo City Animal Shelter receives, houses and cares for lost/stray domestic animals. The proposed development will be undertaken over two (2) stages as detailed below

Stage 1:

- Construction of a single storey building (approx. 772m²). This building will consist of pen holding areas, an animal food preparation area, animal wash and groom area, a vet clinic and a laundry/cleaners area. Externally this stage also includes outdoor areas for animals, all landscaping works, staff parking (total 17 spaces – existing/proposed) and a delivery/loading area. During Stage 1 administrative functions will occur within an existing building onsite which will be retained.

Stage 2:

- Construction of a single storey building (approx. 151m²) located to the immediate south of Stage 1 (fronting Boothenba Road). This building will largely accommodate the administrative requirements of the facility. It will consist of a reception/waiting area, amenities, designated office space and overnight animal pens. Externally, a total of 21 parking spaces including 3 disabled spaces will be available.

The subject site is known as Lot 2 DP 1073902, 30L Boothenba Road. It is located on the northern side of Boothenba Road being 3.435ha in area. Vehicular access to the site is obtained via an existing driveway off Boothenba Road.

The site presently comprises of a cluster of single storey buildings located relatively central to the site, which will remain. These buildings and the use of the site as an Animal Shelter was considered under a previous Development Consent – D2004-062 approved 10 March 2004.

The subject property is located on the northern fringe of the urban area of Dubbo surrounded by industrial development including the Dubbo Sewer Treatment Plant.

The site is located in the RU2 Rural Landscape zone pursuant to Clause 2.2 of the *Dubbo Regional Local Environmental Plan 2022*. Animal boarding and training establishments are permissible in the RU2 zone.

There were no concurrence requirements from agencies for the proposal and the application is not Integrated Development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). A referral to Essential Energy pursuant to *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('Transport and Infrastructure SEPP') were sent and raised no objections. This is discussed in further detail below.

The application was placed on public exhibition ending 18 July 2023, with no submissions received.

The application is referred to the Western Region Planning Panel as the development is '*regionally significant development*', pursuant to Clause 3 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is a Council related development over \$5 million.

No Panel briefing was held with all key components of the development (e.g. site integration, vehicle access, parking and the siting of the development) deemed sufficient which is detailed throughout this report.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, D23-213 is recommended for approval subject to the conditions of consent contained at **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The subject site is located on the northern side of Bootherba Road, located on the northern fringe of the urban area of Dubbo. The subject site has an area of 3.435ha with a frontage of 377 metres to Bootherba Road. The site consist of scattered native vegetation, primarily along the western side of the site. It features no significant slope, falling gradually north towards the Talbragar River flood plain.

For a map of the site and immediate locality see **Figure 1** below.

1.2 The Locality

The subject site is currently utilised as the Dubbo City Animal Shelter. It consists of a cluster of single storey buildings located relatively central to the site. The site is located in an industrial locality with adjoining land uses as follows:

North:	Council Sewer Treatment Plant
South:	A range of industrial uses
East:	Council Sewer Treatment Plant
West:	Council Sewer Treatment Plant

The site is connected to all available utility services (water, sewer and electricity). There is no public transport within close proximity.



Figure 1: Locality map of 30L Boothenba Road, Dubbo.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for the expansion of the Dubbo City Animal Shelter at 30L Boothenba Road, Dubbo. Operationally, as explained in the Statement of Environmental Effects, the facility provides the following services:

“The facility provides a service to the community for receiving, housing and care of lost and stray domestic animals. It additionally provides microchipping, registration and rehousing services for animals as well as microchipping, registration and sale of ID tags and dangerous dog merchandise. The facility receives approx. 2,500 animals each year with numbers growing.”

Existing facilities are proposed to be retained (but not all used), with the proposed expansion located to the immediate east. The expansion will consist of the following works undertaken over two (2) stages:

Stage 1:

- Construction of a single storey building (approx. 772m²). This building will accommodate the majority of animal's onsite. It will consist of pen holding areas, an animal food preparation area, animal wash and groom area, a vet clinic and a laundry/cleaners area. Externally this stage also includes outdoor areas for animals, all landscaping works, staff parking (total 17 spaces – existing/proposed) and a delivery/loading area. During Stage 1 administrative functions will occur within an existing building onsite which will be retained.

Stage 2:

- Construction of a single storey building (approx. 151m²) located to the immediate south of Stage 1 (fronting Boothenna Road). This building will largely accommodate the administrative requirements of the facility. It will consist of a reception/waiting area, amenities, designated office space and overnight animal pens. Externally, a total of 21 parking spaces including 3 disabled spaces will be available. It is anticipated that when this building is completed that the previous/existing administration building will cease use.

Operationally, up to 12 staff (6 Rangers (part-time on-site), 2 full-time, 2 part-time + 2 casuals at any one time) will operate from the site with opening hours to the general public proposed as Monday to Friday 12pm to 4pm and Saturdays 11am to 1pm.

Given the proposal is Council related with a capital investment value greater than \$5 million (\$5.55 million), the application is deemed regionally significant and will be referred to the Western Regional Planning Panel for determination.

For visual reference of the proposed development see **Figure 2** below.

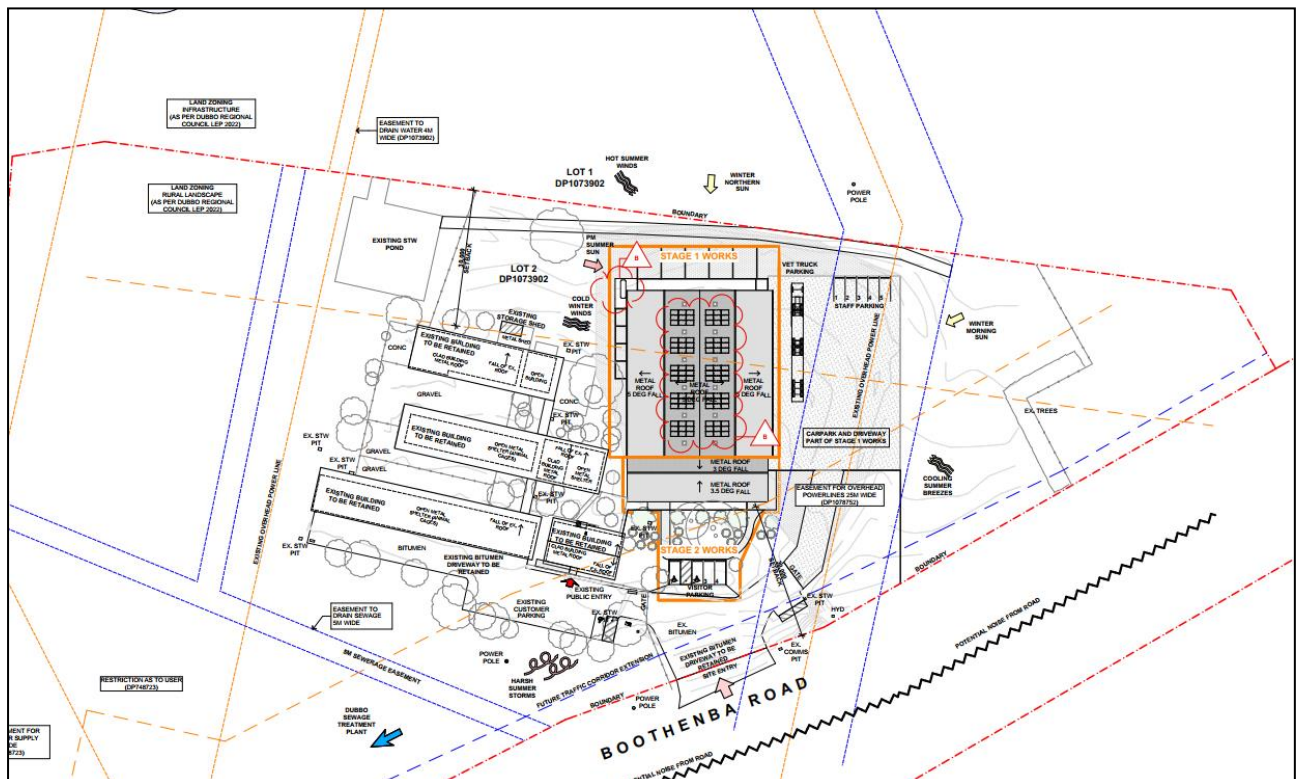


Figure 2: Submitted Site Plan with both Stages 1 and 2 outlined.

Table 1: Development Data

Control	Proposal
Site area	3.435ha
GFA	Approx. 923m ²
FSR (retail/residential)	Not applicable.
Clause 4.6 Requests	Not applicable.
No. apartments	Not applicable.
Max. Height	5.42m
Landscaped area	Approx. 300m ² (existing/proposed) fronting Boothenba Road.
Car Parking spaces	21 spaces including 3 disabled spaces. Informal overflow parking also available if required.
Setbacks	<ul style="list-style-type: none">• 30m setback from the southern/front property boundary (Boothenba Road);• 137m setback from the western/side property boundary;• 108m setback from the eastern/side property boundary; and• 4.3m setback from the northern/rear property boundary.

2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 14 December 2022 where various assessment requirements were discussed.

The development application was subsequently lodged on 19 June 2023. A chronology of the development application since lodgement is outlined below:

Table 2: Chronology of the DA

Date	Event
19 June 2023	DA lodged
20 June 2023	Exhibition of the application
20 June 2023	DA referred to external agencies (Essential Energy)
20 June 2023	DA referred to internal departments (Building, Engineering & Environmental)

Note there was no request for additional information during the assessment process or Panel Briefing. All internal and external referrals were received with no objections raised which would prohibit the application from being granted. No submissions were provided during the exhibition period.

2.3 Site History

The property was created through subdivision on 30 September 2004 (D03-277).

Since its registration the site has been the subject of a number of Development Applications over the years. Relevant to this application are:

DA No.	Development Description
D20-418:	Vehicle impound yard and security fence - approved 12 October 2020.
D13-228	Erection of shed – approved 12 July 2013.
D04-62	Animal shelter facility and ancillary structures – approved 10 March 2004.

As identified above, this Application is essentially an expansion of the existing facility approved under D04-62. There are no issues from previous development approvals, which require further consideration.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- that apply to the land to which the development application relates,*

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application

- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Dubbo Local Environmental Plan 2022.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3: Advertising and Signage <ul style="list-style-type: none"> One (1) business identification sign is proposed as part of this application. This sign is discussed in further detail below. 	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development <ul style="list-style-type: none"> Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 3 of Schedule 6 as it comprises a Council related development over \$5 million. This is discussed in further detail below. 	Y
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land <ul style="list-style-type: none"> Section 4.6 - There is no change in land use sensitivity which would warrant further contamination investigation. The subject site is considered appropriate for its 	Y

	continued use as an Animal Shelter. This is discussed in further detail below.	
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> • Section 2.48(2) (Determination of development applications—other development) – electricity transmission - the proposal is considered satisfactory which is detailed below. 	Y
Dubbo Regional Local Environmental Plan 2022	<ul style="list-style-type: none"> • Clause 1.2 - Aims of Plan • Clause 1.4 - Definitions • Clause 1.9A - Suspension of covenants, agreements and instruments • Clause 2.2 - Zoning of land to which Plan applies • Clause 2.3 – Zone objectives and Land Use Table • Clause 5.10 - Heritage conservation • Clause 5.14 - Siding Spring Observatory - maintaining dark sky • Clause 5.21 - Flood planning • Clause 7.2 - Earthworks • Clause 7.5 - Groundwater vulnerability • Clause 7.7 - Airspace operations <p>The above clauses are discussed in detail below.</p>	Y
Dubbo Development Control Plan 2013	<ul style="list-style-type: none"> • Chapter 2.4 - Rural Development and Subdivision • Chapter 3.1 – Access and Mobility • Chapter 3.5 – Parking <p>The above Chapter are discussed in detail below.</p>	Y

Consideration of the above SEPPs are outlined below.

State Environmental Planning Policy (Planning Systems) 2021

Schedule 6 – Regionally significant development:

The proposed development is located on Council owned land and operated by Council. Further, the development has a capital investment value greater than \$5 million (\$5.55 million). Consequently the development application is deemed regionally significant (refer Clause 3 of Schedule 6) and will be referred to the Western Regional Planning Panel for determination.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land:

Under subclause 4.6, Council must consider whether the land is contaminated and if so, whether the land is suitable in its contaminated state. Regarding such, the proposed development was referred to Council's Environmental Systems Planner who provided the following comments:

"The development includes some demolition of the existing structure, such works could reveal contaminated or contaminating materials. Additionally any excavations on site also have the potential to expose contaminated material.

As such conditions will be recommended which will deal with any unexpected contaminated material being found, and the transport and disposal of such material if found."

Noting the comments above and given there is no change in land use sensitivity, no further action is required other than implementation of the standard 'unexpected finds' condition, which relates to potentially contaminating building materials and their management.

SEPP (Transport and Infrastructure) 2021

Chapter 2- Infrastructure:

The application was referred to Essential Energy in accordance with Clause 2.48 for which they responded in the correspondence dated 5 July 2023. Although there was no objection to the development the following comments were made in regards to setback requirements from the overhead powerline which runs north-south through the subject site:

"As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 15m from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk. FROM OVERHEAD 66KV HIGH VOLTAGE POWERLINES."

The submitted plans demonstrate that the nearest part of the proposed development (being the south-eastern corner of stage 2) is 15.5 metres from the subject powerline and 3 metres outside the existing easement (25 metre width – 12.5m each side). Noting compliance a re-referral to Essential Energy was not considered necessary. In addition, no objections were raised with the location of the proposed parking area and vehicle access being undertaken underneath the subject powerline and within the associated easement. Note B-double vehicles currently drive underneath the same powerline along Boothenba Road.

Noting such, the requirements specified by Essential Energy (which includes the minimum setback requirement) will be included on the development consent as notations, as Council is unable to enforce such requirements.

SEPP (Industry and Employment) 2021

Chapter 3 – Advertising and Signage

The submitted plans outline a business identification sign (3.58m²) along the southern building elevation, stating 'Dubbo City Animal Shelter'.

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 proposed sign would be consistent with the aims of the plan as specified above. An assessment of Schedule 5 is made below:

1. Character of the area

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

2. Special areas

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

3. Views and vistas

It is considered the sign will not block the viewing rights of neighbouring property and their signage.

4. Streetscape, setting or landscape

The scale, proportion and form of the sign is considered to be appropriate for the streetscape and setting. No vegetation will be required to be removed for the erection of the sign.

5. Site and building

The proposed sign will identify the proposed business that is of a scale that is proportionate to the remainder of the site.

6. Associated devices and logos with advertisements and advertising structures

The proposed sign does not include any safety devices, platforms, lighting devices, logos etc.

7. Illumination

The subject sign is not proposed to be illuminated.

8. Safety

It is considered that the subject sign will not pose a safety risk to vehicles or pedestrians by way of acting as a driver distraction or obscuring sight lines from public areas.

Overall, it is considered that such sign proposed is consistent with the aims of the SEPP and the assessment criteria as set out in Schedule 5.

Dubbo Regional Local Environmental Plan 2022

The following clauses of Dubbo Regional Local Environmental Plan (LEP) 2022 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 for an animal shelter is most appropriately defined under the Dubbo Regional Local Environmental Plan 2022, as an *animal boarding and training establishment*. An animal boarding and training establishment is defined as follows:

“a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.”

Note, even if it was argued that the development did not align with the above definition, it should be noted that the use of the site as an Animal Shelter would still be permissible under existing use rights (noting D04-62). However, in this instance the animal boarding and training establishment definition is considered appropriate.

Clause 1.9A Suspension of covenants, agreements and instruments

An investigation of the legal title for the site has revealed no restrictions which would prohibit the development in accordance with the provisions of the Dubbo Regional LEP 2022.

Note the Deposited Plan for the site shows the following easements:

- Easement for overhead powerlines;
- Easement to drain sewage;
- Easement for water supply; and
- A Restriction as to user – subject area only to be utilised for planting of trees.

The proposed development has been sited to avoid the above infrastructure/easements. As such, no further action is warranted. Although it is unclear if the restriction as to user has been removed, the proposed development is clear of this area (being located in the south-western corner).

Clause 2.2 Zoning of land to which Plan applies

The subject site is zoned RU2 Rural Landscape.

Clause 2.3 Zone objectives and Land Use Table

The proposed development for an animal shelter (animal boarding and training establishment) is permitted with development consent in the RU2 zone.

The proposed development complies with the relevant objectives of the RU2 zone.

Clause 5.10 Heritage Conservation

Built Form:

The subject site and surrounds are not listed as containing an item of heritage significance under Schedule 5 of the Dubbo Regional LEP 2022.

Aboriginal Archaeologically:

In relation to aboriginal archaeology, Council's Environmental Systems Planner provided the following comments:

"The proponents consultants have failed to adequately consider Aboriginal heritage issues.

As a result ESP carried out an Aboriginal Heritage Information Management System (AHIMS) search of the site and found that an Aboriginal heritage item (unspecified) had been reported immediately to the west of the proposed site. However, there appears to be adequate separation between the mapped site location and the proposed works area.

Additionally ESP has completed a Due Diligence checklist on behalf of the proponent (Council). The Due Diligence checklist is attached and is drawn from the "Due Diligence Code of Practise for the Protection of Aboriginal Objects in NSW (2010)".

The checklist identifies that soil disturbance will occur, there are known Aboriginal objects nearby and that such objects can be avoided during the proposed development.

As a result no Aboriginal Heritage Impact Permit (AHIP) is required and works may proceed as planned so long as an unexpected finds condition is applied. Councils standard unexpected finds condition will be recommended."

Noting the comments above, no further action is required other than the implementation of the above recommended condition.

Clause 5.14 Siding Spring Observatory – maintaining dark sky

The proposed development has been assessed as unlikely to adversely affect observing conditions at the Siding Spring Observatory, having regard to subclauses:

- 2(a) - the amount of light to be emitted;
- 2(b) - the cumulative impact of the light emissions with regard to the critical level;
- 2(c) - outside light fittings (shielded light fittings);
- 2(d) - measures taken to minimise dust associated with the development; and
- 2(e) - the Dark Sky Planning Guidelines published by the Secretary under clause 92 of the EP&A Regulation 2000.

Additionally, as per subclause (7) the proposed development is not considered likely to result in the emission of light of 1,000,000 lumens or more. Nevertheless, a condition requiring external lighting to be shielded and pointed downwards will be implemented. This is to minimise light pollution to neighbouring property and the night sky.

Clause 5.21 Flood planning

The subject site is not affected by the Flood Planning Area on the LEP Flood Maps.

However, the northern portion of the subject allotment is identified within the Probable Maximum Flood (PMF) area of Council's Flood Prone Land Policy. Such matters will be addressed in further detail below under that policy.

Clause 7.2 Earthworks

The proposed development will require earthworks to be undertaken upon the site. Erosion and sediment control measures are required before any earthworks commence in which a condition to this effect will be placed on the consent.

Clause 7.5 Groundwater vulnerability

The land is included on the Natural Resource – Groundwater Vulnerability Map. The proposed development is not likely to cause groundwater contamination nor will it likely have an effect on any groundwater dependent ecosystems. It is also considered not likely to have a cumulative impact on groundwater.

Clause 7.7 Airspace operations

The subject site is located within the Obstacle Limitation Surface Map at height 330m AHD. The site for the proposed development has a surface level of 267.5m AHD and with the development having a height of 5.42m that equates to an overall height of 272.92m AHD, 57.08m below the surface map.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

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

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

Dubbo Development Control Plan 2013

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

Although not a typical rural development, given the rural zoning an assessment against this chapter will be undertaken below.

Chapter 2.4 – Rural Development and Subdivisions

Section 2.4.8 – Design Elements and Matters for Consideration

Element 1 – Site Integration

The proposed development features the following setbacks:

- 30m setback from the southern/front property boundary (Boothenba Road);
- 137m setback from the western/side property boundary;
- 108m setback from the eastern/side property boundary; and
- 4.3m setback from the northern/rear property boundary.

For the RU2 zone, the DCP recommends a 30 metre setback to all allotment boundaries, albeit this requirement is primarily intended for residential development.

It is considered that the above setbacks create a sufficient buffer which will not adversely impact adjoining developments. As detailed above, adjoining developments consist of a Sewage Treatment Plant (to the north, east and west) with industrial uses to the south. The closest residential use is approx. 1.2km to the north-west (across the Talbragar River). It is considered that this buffer is sufficient to negate any adverse amenity concerns (i.e. noise/odour).

While the rear setback is non-compliant, noting the lack of development potential to the north as the land is zoned and used for sewerage system purposes, there is minimal risk of land use conflict. Therefore there are no objections to this setback breach.

Note there are also no objections from a streetscape perspective. The overall design of the development is acceptable with sufficient landscaping proposed within the front building setback, fronting Boothenba Road.

Element 2: Services

The subject property is connected to all reticulated utility services (water, sewer and electricity). No conditions were recommended by Council engineers regarding upgrades to utility service provisions.

In regards to stormwater management, Council's Senior Building and Development Certifier provided the following comments:

"The SEE and civil drawings indicates that all stormwater will be directed to the onsite stormwater detention basin located in the north - west corner of the allotment. It will be necessary for a detailed stormwater drainage design prepared by a hydraulic engineer to be submitted with the construction certificate application. A condition in this regard has been imposed."

Noting the comments above, no further action is required. An appropriate condition requiring a detailed stormwater design to be submitted as part of the Construction Certificate will be included on the consent.

Element 3 – Access

Vehicular access:

Vehicular access to the site is proposed via an existing bitumen sealed driveway off Bootherba Road (entry/exit). This driveway is considered suitable to service both the existing and proposed development, and those vehicles that will access the site. Council's Senior Development Engineer has confirmed that no upgrading works are required.

Internal manoeuvrability:

The applicant has outlined that the largest vehicle proposed to access the site is a B-double (25 metres in length). Turning paths have been provided which indicate that to exit the site (in a forward direction) that the vehicle will need to separate its trailers. Although not ideal, given the infrequent number of B-doubles accessing the site (1 every 3-6 months) Council's Engineers have raised no objections.

Element 4 – Design for Access and Mobility

Disabled access is discussed in detail under Chapter 3.1 below.

Element 5 – Flooding

Flooding has been addressed above under Clause 5.21 of the Dubbo Regional LEP 2022 - Flood planning, and will be further discussed below under Council's Flood Prone Land Policy.

Element 6 – Waste Management

During construction, solid waste may be generated through waste building materials, packaging and the like. An appropriate condition will be included on the consent requiring construction waste to be disposed of appropriately.

Waste generated during operation will continue to be collected via private contractor as presently occurs, of which there are no objections. Council's Manager Environmental Compliance advises that deceased animals are stored in freezers on site and transported by Council staff to Council's waste facility as required. It was also advised no veterinary medical waste is stored on site. Sharps containers are used to dispose of needles, which again are collected by private contractor.

Element 7 – Rural Workers Dwellings, Element 8 – Restaurants, Function Centres and Cellar Door Premises & Element 9 – Backpacker's Accommodation, Farm-Stay Accommodation and Eco-Tourist Facilities, not applicable to this application.

Element 10 – Signage

As outlined above, a business identification sign (3.58m²) is proposed along the southern building elevation, stating 'Dubbo City Animal Shelter'. This sign is considered discrete and appropriate within the context of the streetscape/locality.

Element 11 – Physical Infrastructure and Lot Layout, not applicable to this application.

Chapter 3.1 Access and Mobility

In relation to disabled access, Council's Senior Building and Development Certifier provided the following comments:

"With respect to compliance with the Access Code the level of detail provided on the submitted plans is not sufficient to permit a detailed assessment of design compliance. This would have to be undertaken in conjunction with the building's construction certificate application."

Noting the comments above, no further action is required other than the implementation of recommended notations. A more detailed assessment will be undertaken as part of the Construction Certificate. It is noted however that the submitted plans show disabled toilet facilities and disabled car parking spaces.

Chapter 3.5 Parking

This chapter of the DCP requires a minimum number of off-street car parking spaces for certain types of development. Generally this is based on Net Lettable Area (i.e. useable floor space). However, given the unique nature of the proposal there is no specific rate in which parking requirements can be calculated. Noting such, a merit assessment will be undertaken. In regards to the amount of parking proposed the applicant provided the following comments:

- *"Existing parking spaces (formed): 12*
- *Proposed visitor parking spaces: 2*
- *Proposed staff parking spaces: 5*
- *Proposed accessible parking spaces: 2*
- *Total: 21"*

With consideration of the nature of the development (relatively low traffic volumes) it is considered that the above parking (21 spaces) is sufficient. If in the unlikely scenario additional parking is required there is also sufficient space onsite for informal overflow parking if required.

Further, it must be noted that as part of Stage 1 17 spaces (including 1 disabled space) will be available, with there being 21 spaces (including 3 disabled spaces) available upon completion of Stage 2. This arrangement is also considered both practical and sufficient.

Council's Flood-Prone Land Policy

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

Section 4.6 – Requirements for Emergency Service Infrastructure

The subject property is on land identified as being in the Probable Maximum Flood (PMF) Zone according to the Policy (northern portion of the site). The proposed development however is not for essential service infrastructure (i.e. Emergency Services) and therefore no considerations to the requirements of this section are required.

Contributions

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions:

- Water and Sewerage Contribution Policy – 2002
- Section 94 Development Contributions Plan for Dubbo Open Space and Recreation Facilities - 2016-2026
- S.94 Contributions Plan - Urban Stormwater Drainage Headworks Contributions 2019
- Amended s.94 Contributions Plan - Roads, Traffic Management and Car Parking – 2016

The proposed development will result in an additional impact on Council's infrastructure. As such, contributions will be assessed and where relevant levied. Note only additional impact will be considered (i.e. that proposed as part of this application), as the existing development which will remain has exhausted any credits.

Water Supply (Water and Sewerage Contribution Policy – 2002)

Water contributions for commercial/industrial developments are calculated based on the number of plumbing fixtures and the amount of staff occupying the site to determine how much water is used on a daily basis.

The applicant has outlined that up to 12 staff will operate from the site. However, those 12 staff can be broken down as follows: 6 Rangers (part-time on-site), 2 full-time, 2 part-time + 2 casuals at any one time), equating to 7 full-time staff if you consider part-time staff at 0.5 rate. The issue being that while the 6 Rangers are located at the Animal Shelter, they spend the majority of their time on the road and carrying out their duties. Therefore, for the sake of calculating the impact of the proposed development upon Council's infrastructure 7 staff (FTE) is appropriate.

3 x Toilet	= 90L (30L each)
10 x Hand Basin	= 550L (55L each)
1 x Laundry	= 35L
1 x Food Prep	= 10L
	= 685L
Plus 10% for Leakage	= 68.5L
Total	= 753.5L
Number of staff	= (7 x 753.5L)
	= 5,274.5 / 5,000
	= 1.0549 (say 1.05) ET's

$$\begin{aligned}
\text{Contribution} &= \text{Rate} \times \text{ET} \\
&= \$6,696.75 \times 1.05 \text{ ET's} \\
&= \mathbf{\$7,031.59}
\end{aligned}$$

A condition requiring the above payment (prior to issue of the Occupation Certificate) will be attached to the consent.

Sewer Supply (Water and Sewerage Contribution Policy – 2002)

For commercial developments sewerage contributions are calculated at a rate of 0.125 ET's per 1,000m² GFA (being the total floor area) and 0.5 ET's per toilet. Noting such, contributions can be calculated as follows:

$$\begin{aligned}
\text{Floor Area:} &= 923\text{m}^2 (\text{GFA}) / 1,000\text{m}^2 \\
&= 0.92 \times 0.125 \text{ ET's} \\
&= 0.115 \text{ ET's} \\
\text{Public Toilets:} &= 0.5 \text{ ET's} \times 3 \\
&= 1.5 \text{ ET} \\
\text{Total ET's} &= 1.615 \text{ (say 1.62) ET's} \\
\text{Contribution} &= \text{Rate} \times \text{ET} \\
&= \$6,696.75 \times 1.62 \text{ ET's} \\
&= \mathbf{\$10,848.74}
\end{aligned}$$

A condition requiring the above payment (prior to issue of the Occupation Certificate) will be attached to the consent.

Open Space (Section 94 Development Contributions Plan for Dubbo Open Space and Recreation Facilities 2016-2026)

Being a commercial type development no open space contributions are incurred.

Urban Stormwater (Section 94 – Urban Stormwater Drainage Headworks Contributions 2019)

The subject development area is located within stormwater catchment 5.2 Bootherba Road. In accordance with the Policy, stormwater contributions are not applicable within this catchment.

Urban Roads (Amended S94. Contributions Plan – Roads, Traffic Management and Car Parking – 2016)

In accordance with Table 4.1 of the Policy there is no specific land use definition for an Animal Shelter. In lieu of such, the most appropriate definition available is considered a warehouse (4 daily trips per 100m² GFA). This rate is considered most appropriate noting the site is

essentially utilised to store/house animals, and given the relatively low volumes of traffic anticipated for such a development (warehouse rate being the lowest rate within Table 4.1).

Noting such, contributions will be calculated below. Note the GFA outlined below excludes the following:

Stage 1 - All amenities (laundry/cleaners room, pet food prep/cleaning areas), awnings and any pens/grass run areas not fully enclosed.

Stage 2 - All amenities (toilet facilities/staffroom), awnings and any pens not fully enclosed.

GFA (Stage 1 & 2)	= 780m ²
Trips	= (780/100) x 4 trips
	= 7.8 x 4 trips
	= 31.2 daily trips
Contribution	= \$commercial rate x trips
	= \$450.15 x 31.2 trips
	= \$14,044.68

A condition requiring the above payment (prior to issue of the Occupation Certificate) will be attached to the consent.

(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Environmental Planning and Assessment Regulation 2021

66A – Council-related development applications:

Council adopted a conflict of interest policy on the 27 April 2023 titled, Council Related Development Application Conflict of Interest Policy. In accordance with this Policy the applicant has submitted a document detailing how it would manage any possible conflicts that may arise during the assessment process. This document has been reviewed in which there are no objections. It is considered that clause 66A has been satisfied.

No other matters prescribed by the Regulations impact determination of the subject development.

3.2 Section 4.15(1)(b) - Likely Impacts of Development

There will be minimal removal of any vegetation and as such negligible impact on the natural or built environment. There are only beneficial social and economic impacts resulting from the proposed development.

3.3 Section 4.15(1)(c) - Suitability of the site

It is considered that the subject site is suitable for the proposed development. In determining such, the following has been taken into consideration:

Context, setting and public domain

- *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?*

It is considered the external appearance of the proposed development is deemed 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?*

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

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

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

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

It is considered the proposed development will not have any detrimental impact on the public domain.

Environmental considerations

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

It is considered that the development will not have an adverse impact on the local environment. There are no activities proposed which may cause adverse air, soil or water pollution. Appropriate conditions on the consent will ensure possible environmental impacts are minimised.

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

Noise will be generated through construction through the use of power tools and the like. An appropriate condition will be included on the consent restricting work hours to minimise impacts to neighbouring property.

Upon occupation the development is not likely to generate noise above that currently generated from the site. No special conditions in relation to noise generation will therefore be included on the consent.

Access, transport and traffic

- *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 cater for additional traffic movements generated by this development.

3.4 Section 4.15(1)(d) - Public Submissions

No submissions were made in regards to this application. This is discussed in further detail under clause 4.3 Community Consultation below.

3.5 Section 4.15(1)(e) - Public interest

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

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 4: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Referral/Consultation Agencies			
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	The requirements specified by Essential Energy will be included on the development consent as notations, as Council is unable to enforce such requirements.	Yes (Notation to be implemented)

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Senior Development Engineer in the report dated 12 July 2023 (copy on file) did not raise any significant issues that require further investigation or that would prevent the Application from being granted consent with conditions. The conditions recommended will be included on the consent.	Yes (conditions)
Environment and Health	Council's Environmental Systems Planner in the report dated 7 July 2023 (copy on file) did not raise any significant issues that require further investigation or that would prevent the Application from being granted consent with conditions. The conditions recommended by the will be included on the consent.	Yes (conditions)
Building	Council's Senior Building & Development Certifier in the report dated 12 July 2023 (copy on file) did not raise any significant issues that require further investigation or that would prevent the Application from being granted consent with conditions. The conditions and notations recommended will be included on the consent.	Yes (conditions)

There are no outstanding issues raised by the above Council officers.

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 20 June 2023 until 18 July 2023. Council received no submissions during the notification period.

Note in accordance with Council Policy *Council Related Development Applications – Conflict of Interest*, and Section 9B of Schedule 1 of the Environmental Planning and Assessment Act 1979, the notification period was 28 days.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

- Site Integration
- Vehicle access and manoeuvrability
- Parking
- Implementation of contributions
- Siting of the development to sufficiently avoid infrastructure/easements

Resolution: These issues have been satisfied through the proposed layout/design and conditions of consent implemented.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls and the key issues identified in this report, it is considered that the application can be supported.

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

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 (Attachment A).

7. RECOMMENDATION

That the Development Application D23-213 for an Animal Shelter at Lot 2 DP 1073902 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 A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Architectural Plans