

COUNCIL ASSESSMENT REPORT
WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSWES-220 – DA23-663
PROPOSAL	Seniors Housing
ADDRESS	Lot 100 DP 1220591, 2 Capstan Drive Dubbo
APPLICANT	Royal Freemasons Benevolent Institution
OWNER	Royal Freemasons Benevolent Institution
DA LODGEMENT DATE	9 January 2024
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 6 of the SRD SEPP: General Development over \$30 million.
CIV	\$54,766.152.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	<ul style="list-style-type: none"> • State Environmental Planning Policy (Sustainable Buildings) 2022 • 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 (Housing) 2021 • Dubbo Regional Local Environmental Plan 2022 • Dubbo Development Control Plan 2013 • Council's Water and Sewer, Recreation and Open Space, Urban Drainage, and Urban Roads contribution policies
AGENCY REFERRALS	<ul style="list-style-type: none"> • Essential Energy • Transport for NSW

TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Council received one (1) submission during the exhibition period
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Statement of Environmental Effects: Prepared by The Planning Hub • Architectural Plans: Prepared by Lamprecht Architects • Social Impact Assessment: Prepared by HillPDA Consulting • Civil Engineering Plans: Prepared by Lamprecht Architects • Landscaping Plans: Prepared by Place Design Group • Traffic Impact Report: Prepared by Amber • Earthworks Plan: Prepared by Lanigan Civil • Stormwater Management Plans: Prepared by Lanigan Civil • BASIX Certificate and Assessment Report • NatHERS Certificates and Summary • Pavement Design Report: Prepared by Geotesta • Geotechnical Site Investigation: Prepared by Geotesta • Operational Management Plan: Prepared by Royal Freemasons' Benevolent Institution • Operational Waste Management Plan: Prepared by Elephants Foot Consulting • Acoustic Report: Prepared by Acoustic Logic • Access Report: Prepared by Morris Goding Access
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	Select Date
PLAN VERSION	Assessment Complete. Provided to WRPP for determination
PREPARED BY	Bo Moshage – Senior Planner
DATE OF REPORT	5 September 2024

EXECUTIVE SUMMARY

The development application (D23-663) seeks consent for Seniors Housing development comprising 164 independent living units, a village centre and men's shed to be delivered over seventeen (17) stages.

Associated landscaping and infrastructure provisions, including vehicular access and stormwater, are also proposed.

The development site is known as Lot 100 DP 1220591, 2 Capstan Drive, Dubbo ('the site'). The site is irregular shaped with a total area of 9.589ha, being located on the eastern, southern

and western side of Capstan Drive, Wellington Road (Mitchell Highway) and Sheraton Road respectively.

A seniors living development comprising a 70 bed residential care facility, 12 self-contained dwellings, a men's shed, community centre and associated works under D14-382 was approved by the (then) Joint Regional Planning Panel on 9 February 2015.

The 70-bed residential care facility and community centre have been constructed and are currently operated by the Royal Freemasons' Benevolent Institution (RFBI). While the self-contained dwellings and men's shed were not progressed, they have been incorporated and included in the DA under current consideration.

The site zoned R2 - Low Density Residential under Clause 2.2 of the Dubbo Local Environmental Plan 2022 ('LEP 2022').

The principal planning controls relevant to the proposal include *State Environmental Planning Policy (Planning Systems) 2021*, *State Environmental Planning Policy (Housing) 2021*, *State Environmental Planning Policy (Transport and Infrastructure) 2021*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, *State Environmental Planning Policy (Sustainable Buildings) 2022*, the *Dubbo Local Environmental Plan 2022* ('LEP 2022'), and the *Dubbo Development Control Plan 2013* ('DCP'). The proposal is consistent with various provisions of the planning controls.

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'). Separate referrals to Transport for NSW and Essential Energy pursuant to *State Environmental Planning Policy (Transport and Infrastructure) 2021* were undertaken.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied including:

- Clause 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021* for consideration of whether the land is contaminated; and
- Clause 2.48 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* in relation to electrical infrastructure.

The application was placed on public exhibition for 20 days ending 31 January 2024, with one (1) submission received.

All issues raised have appropriately been dealt with and have been discussed in detail under the submission section of this report.

The application is referred to the Western Region Planning Panel ('the Panel') as the development is 'regionally significant development', pursuant to Clause (2) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is general development over \$30 million.

Following consideration of the evaluation matters under Section 4.15(1) of the EP&A Act, the proposed development is consistent with the objectives of relevant SEPPs the LEP, DCP and Council policies, and is therefore recommended that, pursuant to Section 4.16(1)(a) of the EP&A Act, D23-663 be approved subject to the conditions of consent contained at **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The site is known as Lot 100 DP 1220591, 2 Capstan Drive, Dubbo and is irregularly shaped with a total area of 9.589ha, sloping to the south-west from (301.5mAH) to (295.75mAH). The site is located on the eastern, southern and western side of Capstan Drive, Wellington Road (Mitchell Highway) and Sheraton Road respectively. The allotment has a frontage of 165 metres to Capstan Drive, 451 metres to Wellington Road (Mitchell Highway) and 195 metres to Sheraton Road. For a locality map of the site see **Figure 1**.



Figure 1: Site Location

1.2 The Locality

The site is located within an established residential area in the southeast of Dubbo. The surrounding area comprises educational establishments, dwelling houses and commercial developments. The Orana Mall Shopping Centre is 1.2km to the west of the site and includes Big-W, Woolworths, JB Hi-Fi Home, Reject Shop, Woolworths Petrol in addition to 70 specialty stores. The locational context of the site is shown in **Figure 2**.



Figure 2: Locational Context

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

Council is in receipt of a Development Application for Seniors housing at Lot 100 DP 1220591, 2 Capstan Drive, Dubbo.

The proposed development comprises 164 independent living units, a village centre, men's shed and associated works to be delivered over 17 stages.

The units will comprise the following dwelling types:

Eighteen (18) Type S3 –Standalone Unit (165m²) comprising:

- Three bedrooms
- Two bathrooms
- Open plan kitchen, living room and dining area
- Laundry
- Patio area
- Garage

Sixty six (66) Type D2 –Duplex Unit (152m²) comprising:

- Two bedrooms
- Two bathrooms
- Open plan kitchen, living room and dining area
- Study
- Laundry
- Patio area
- Garage

Eighty (80) Type D3 –Duplex Unit (159m²) comprising:

- Three bedrooms
- Two bathrooms
- Open plan kitchen, living room and dining area
- Laundry
- Patio area
- Garage

The Village centre will comprise a clubhouse and men's shed and comprise the following elements:

- Lounge area;
- Bar;
- Kitchen;
- Multi-purpose rooms;
- Office toilets; and
- Covered outdoor area.

The associated works include the following:

- Earthworks and internal road construction;
- Visitor carparking;
- Provision of infrastructure (electrical, water, stormwater);
- Landscaping.

The development is proposed to be staged as follows:

<p><u>Stage 1</u></p> <p>Construction of three independent living units and two (2) detention basins. The unit will comprise:</p> <ul style="list-style-type: none"> • 1 x Type S3 • 1 x Type D2 • 1 x Type D3 <p>Note: These units are intended as exhibition homes in a display village for marketing and sales display purposes until such time as the following stages are undertaken. Once subsequent stages completed, these units to be utilised as dwellings and occupied by residents.</p>	<p><u>Stage 2</u></p> <p>Eight independent living units comprising:</p> <ul style="list-style-type: none"> • 3 x Type D2 • 5 x Type D3
<p><u>Stage 3</u></p> <p>Five (5) independent living units comprising:</p> <ul style="list-style-type: none"> • 1 x Type S3 • 1 x Type D2 • 3 x Type D3 <p>Construction of the Men's Shed. The Men's Shed will be utilised as an interim community centre until such time the community stage is complete.</p>	<p><u>Stage 4</u></p> <p>Eleven (11) independent living units comprising:</p> <ul style="list-style-type: none"> • 1 x Type S3 • 5 x Type D2 • 5 x Type D3

<p><u>Stage 5</u></p> <p>Thirteen (13) independent living units comprising:</p> <ul style="list-style-type: none"> • 1 x Type S3 • 5 x Type D2 • 7 x Type D3 <p>Construction of the village centre, Men's Shed, visitor parking and associated works. The community building and adjoining recreational facilities are planned to be completed after Stage 5 is completed (approximately 37 occupied units). The construction of the Community Building stage will most likely commence once there is confidence in the market and up-take of the dwellings and therefore confidence that a greater incoming population is likely to justify commencement of the community facilities.</p> <p>Once the main Community Building is operational the Temporary Community Building (Men's Shed building) will cease to operate as a community facility and commence operating as a dedicated Men's Shed.</p>	<p><u>Stage 6</u></p> <p>Nine (9) independent living units comprising:</p> <ul style="list-style-type: none"> • 1 x Type S3 • 4 x Type D2 • 4 x Type D3
<p><u>Stage 7</u></p> <p>Eight (8) independent living units comprising:</p> <ul style="list-style-type: none"> • 4 x Type D2 • 4 x Type D3 	<p><u>Stage 8</u></p> <p>Eight (8) independent living units comprising:</p> <ul style="list-style-type: none"> • 4 x Type D2 • 4 x Type D3
<p><u>Stage 9</u></p> <p>Ten (10) independent living units comprising:</p> <ul style="list-style-type: none"> • 3 x Type D2 • 7 x Type D3 	<p><u>Stage 10</u></p> <p>Fifteen (15) independent living units comprising:</p> <ul style="list-style-type: none"> • 5 x Type S3 • 4 x Type D2 • 6 x Type D3
<p><u>Stage 11</u></p> <p>Eight (8) independent living units comprising:</p> <ul style="list-style-type: none"> • 4 x Type D2 • 4 x Type D3 	<p><u>Stage 12</u></p> <p>Seven (7) independent living units comprising:</p> <ul style="list-style-type: none"> • 1 x Type S3 • 2 x Type D2 • 4 x Type D3
<p><u>Stage 13</u></p> <p>Eleven (11) independent living units comprising:</p> <ul style="list-style-type: none"> • 1 x Type S3 • 5 x Type D2 • 5 x Type D3 	<p><u>Stage 14</u></p> <p>Ten (10) independent living units comprising:</p> <ul style="list-style-type: none"> • 2 x Type S3 • 4 x Type D2 • 4 x Type D3
<p><u>Stage 15</u></p> <p>Ten (10) independent living units comprising:</p> <ul style="list-style-type: none"> • 2 x Type S3 • 4 x Type D2 • 4 x Type D3 	<p><u>Stage 16</u></p> <p>Twelve (12) independent living units comprising:</p> <ul style="list-style-type: none"> • 6 x Type D2 • 6 x Type D3

Stage 17

Sixteen (16) independent living units comprising:

- 2 x Type S3
- 7 x Type D2
- 7 x Type D3

Necessary access road extension, landscaping, stormwater management and services will be provided with each stage of development.

For a site plan of the proposed development see **Figure 3**, with the proposed staging plan provided in **Figure 4**.

A full list of plans supporting the proposed development are included in the **Attachment A**.

Following consideration of the matters under Section 4.15(1) of the EP&A Act, the proposed development is consistent with the objectives of relevant SEPPs the LEP, DCP and Council policies, and is therefore recommended that, pursuant to Section 4.16(1)(a) of the EP&A Act, D23-663 be approved subject to the conditions of consent contained in **Attachment B** of this report.



Figure 3: Proposed Development Plan

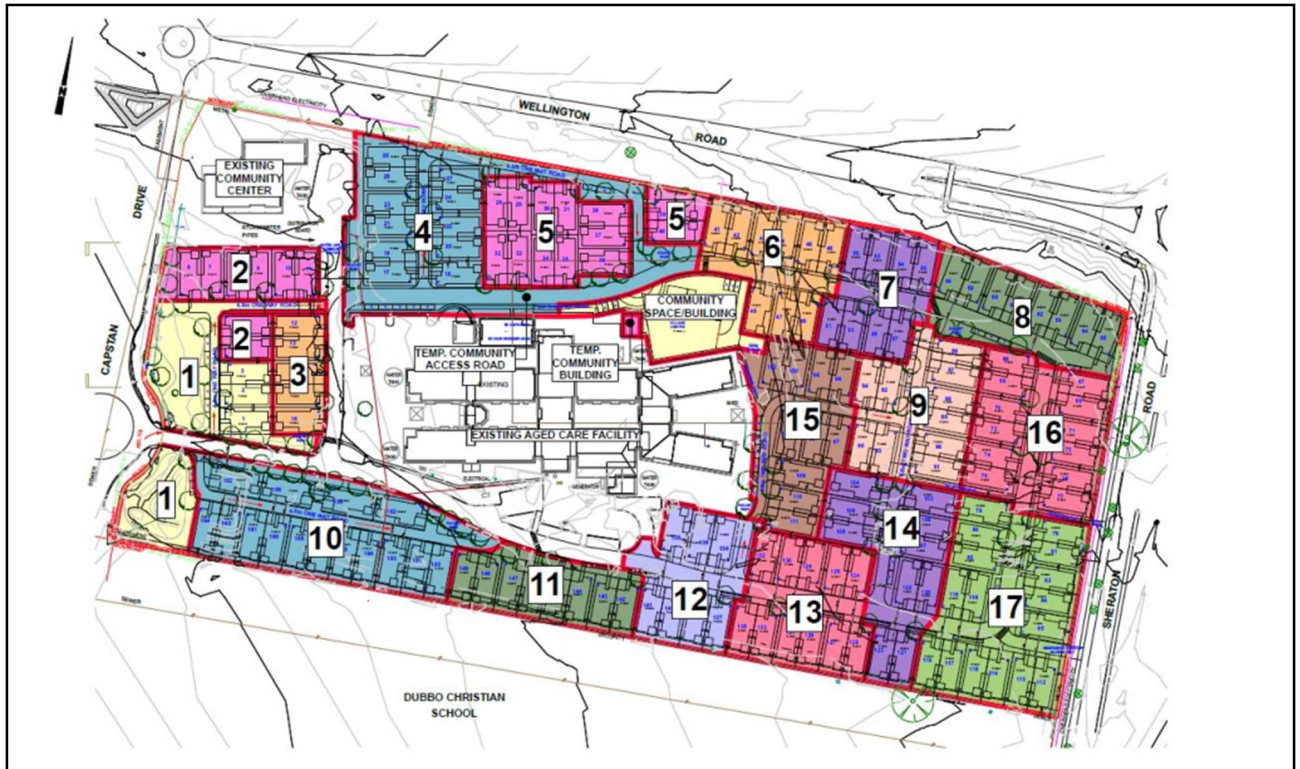


Figure 4: Staging Plan

2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 16 June 2023 where various issues were discussed. A summary of the matters discussed during the meeting included:

- Development would have a CIV of > \$30m, ensuring would be treated as regionally significant development.
- Uncontrolled access from Sheraton Road would not be supported and to be used for emergency use only.
A pedestrian access point at Sheraton Road may still be considered.
Swept path diagrams to be provided for largest vehicles accessing the site.
- Chapter 3, Part 5, and Schedule 4 of SEPP Housing 2021 to be consulted as relevant.
- Plan to show location and size of pits and pipes, detention facilities and outfall locations. Natural fall to SW corner.
- In terms of utility services, it is noted the site is already connected to all utility services. Sewer junction in SW corner. Noting the size of the site, need to ensure sufficient fall from dwellings in the NE corner to the junction.
- For water, an internal hydrant system will be required. Recommended consultation be undertaken with the NSW Fire and Rescue document 'Fire Hydrants for Minor Residential Development', September 2016.
- Acoustic Report required, including any treatments to dwellings. Recommended to consult the NSW Department of Planning Document 'Development Near Rail Corridors and Busy Roads', December 2008.
- Fencing treatment. Balance between acoustic treatment and aesthetics on road boundaries with Colorbond not supported.
- Details of waste management to be provided.

- External lighting and impacts on the Siding Spring Observatory - maximum seven (7) external lights per dwelling, all lights to be shielded.
- Erosion and Sediment Control Plan to be provided.
- Landscape Plan to be provided.
- Details required as to how visual privacy for each units POS will be achieved.
- To comply with the BCA.
- Street names to be provided to and approved by Council's Geographical Names Committee.
- Details to be provided in terms of site facilities.
- Details of any signage to be provided.

The development application was lodged on 9 January 2024. A chronology of the development application since lodgement are outlined in **Table 1**.

Table 1: Chronology of the DA

Date	Event
9 January 2024	DA lodged
11 January 2024	Exhibition of the application
15 January 2024	DA referred to external agencies: <ul style="list-style-type: none"> • Essential Energy • Transport for NSW
1 February 2024	Comments received from Essential Energy
23 February 2024	Request for Information from Council to applicant detailing: <ul style="list-style-type: none"> • Address requirement the Seniors Housing Design Guide
8 March 2024	Comments received from TfNSW requesting further information
10 April 2024	Request for Information from Council to applicant detailing: <ul style="list-style-type: none"> • Stormwater Management
10 April 2024	Amended SoEE lodged addressing requirement of Seniors Housing Design Guide
30 April 2024	Amended plans lodged addressing stormwater and traffic considerations
25 July 2024	Following ongoing discussions with applicant and Council's Infrastructure Team, amended stormwater details lodged
28 August 2024	Amended details reviewed and conditioned

2.3 Site History

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

DA No.	Development Description
D13-466	Three (3) lot subdivision
D14-382	Senior living - residential care facility (70 beds) and self-contained dwellings (12) a men's shed, community centre and associated works

The 70-bed residential care facility and community centre have been constructed and are currently operated by the Royal Freemasons' Benevolent Institution (RFBI). While the self-contained dwellings and men's shed were not progressed, they have been incorporated and included in the DA under current consideration.

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*
- (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 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 (Sustainable Buildings) 2022
- 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 (Housing) 2021
- Dubbo Regional Local Environmental Plan 2022
- Dubbo Development Control Plan 2013

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 2** and considered in more detail below.

Table 2: Summary of Applicable State Environmental Planning Policies
(Preconditions in **bold**)

EPI	Matters for Consideration	Comply
SEPP (Sustainable Buildings) 2022	No compliance issues identified subject to imposition of conditions on any consent granted.	Yes
SEPP (Planning Systems) 2021	Clause 2.19 declares the proposal as regionally significant development pursuant to Clause 2 of Schedule 6.	Yes
SEPP(Resilience & Hazards) 2021	Chapter 4: Remediation of Land <ul style="list-style-type: none"> Section 4.6 - Contamination has been considered in the Contamination Report and the proposal is satisfactory subject to conditions. 	Yes
SEPP (Transport and Infrastructure) 2021	Chapter 2 – Infrastructure <ul style="list-style-type: none"> Clause 2.48 Determination of development applications—other development – electricity transmission – Referral to Essential Energy undertaken, and proposal satisfactory subject to conditions. 	Yes
	<ul style="list-style-type: none"> Clause 2.122 Development in or adjacent to road corridors and road reservations – traffic-generating development – Referral to Transport for NSW undertaken, and proposal satisfactory subject to conditions. 	Yes
SEPP Housing 2021	Chapter 3: Diverse housing <ul style="list-style-type: none"> Part 5 - Housing for seniors and people with a disability- the proposal is satisfactory subject to conditions. 	Yes
Dubbo Regional Local Environmental Plan 2022	<ul style="list-style-type: none"> Clause 1.2 - Aims of Plan Clause 1.4 - Definition Clause 1.9A - Suspension of covenants, agreements and instruments Clause 2.2 - Zoning of land to which Plan applies Clause 2.3 - Permissibility and zone objectives Clause 2.8 - Temporary use of land Clause 5.10 - Heritage conservation Clause 5.14 - Siding Spring Observatory - Maintain dark sky Clause 7.2 - Earthworks Clause 7.7 - Airspace operations 	Yes
Dubbo Development Control Plan 2013	<ul style="list-style-type: none"> Chapter 2.1 - Residential Development and Subdivision Chapter 3.1 – Access and Mobility Chapter 3.3 – Social Impact Chapter 3.5 - Parking 	Yes

State Environmental Planning Policy (Sustainability Buildings) 2022

BASIX Certificate No 1730334M dated 14 December 2023 and NatHERS Certificates and summary dated 13 - 14 December 2023 have been provided for the proposed dwellings. The BASIX Certificate and NatHERS Certificates are valid certificates as they were generated within three months of the Development Application being lodged. The BASIX commitments and NatHERS QR stamp have been provided on the submitted plans.

State Environmental Planning Policy (Planning Systems) 2021

Clause 2.19 of the SEPP establishes the requirements for determination of regionally significant development. In accordance with Schedule 6 (Clause 2), the proposed development is regionally significant development as it is general development over \$30 million. The proposed development has a CIV of \$54,766.152.00 (excluding GST), and the consent authority for the development is therefore the Western Regional Planning Panel. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Clause 4.6 of the SEPP requires that the consent Authority consider if the land subject to a development application is contaminated, and if contaminated, if it is then suitable for the intended use, or if remediation is required.

It is noted that preliminary contamination investigations were carried out as part of previous assessments on the land (namely D14-382). This concluded that while the site has previously been used for agricultural purposes, soil investigations confirmed that the site is suitable for residential uses.

There is no evidence that any more recent contaminating activities have occurred onsite potentially compromising these findings.

Council's Environment and Health Services Team Leader in the report dated 22 January 2024 considered the conclusions of previous assessments remain valid with no further investigations required with the land suitable for the proposed residential use.

SEPP (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

Essential Energy

Division 5: Electricity transmission or distribution

The application was referred to Essential Energy in accordance with Clause 2.48 – Determination of development applications—other development for which they responded in correspondence dated 1 February 2024, raising no objection to the proposed development. The requirements specified by Essential Energy will be included on the development consent as notations, as Council is unable to enforce such requirements.

Transport for NSW

Division 17: Roads and traffic

The application was referred to Transport for NSW in accordance with Clause 2.122 – Traffic Generating Development.

A reply from TfNSW, dated 8 March 2024 was received requesting further information.

Further information dated 30 April 2024 was submitted by the applicant addressing matters raised by TfNSW. This was subsequently referred to Council's Senior Traffic and Transport Engineer, who provided the following comments after review:

1. **The submitted TIA indicates that the proposed development will generate an additional 784 daily vehicle movements and 75 additional vehicle movements (each way) in the AM and PM peak times which is a significant contribution to existing traffic volumes on the classified road network. Furthermore, the existing Mitchell Highway / Capstan Drive intersection was constructed following the initial approval of a masterplanned staged development at the site which proposed a smaller scale residential aged care facility (initial 70 beds with a staged increase for an additional 75 beds and 12 independent living units). Transport for NSW 3 OFFICIAL TfNSW will require further analysis be undertaken by the applicant to determine if the increased traffic generated by the proposal will trigger the need to upgrade the existing classified road network. Supporting electronic SIDRA analysis for the affected intersections, including Mitchell Highway (HW7) / Capstan Drive, at each stage of construction (including initial Stage 1 construction) should be provided. The assessment must include proposed road upgrades / mitigation measures to address any identified impacts the adversely affect traffic flows.**

RESPONSE

Within the release area identified as Stage 5 of the Keswick Parkway Subdivision, a Seniors Housing development was approved under D2014-382. This allotment area was shown to potentially accommodate 84 lots.

This application was referred to (then) Roads and Maritime Services to which a response was provided to Council on 25 September 2014.

It is noted in this correspondence that approval was for:

- A residential care facility comprising 70 bedrooms
- 12 self-contained dwellings comprising 6 x 2 bedroom units and 6 x 3 bedroom units

It was also noted that a second stage was envisaged for a further 70 residential aged care beds and independent living units.

The Statement of Environmental Effects included an assessment of the Site Access, Traffic and Parking as provided with this proposed development, and the following is noted:

The following daily trip rate was used using Council's Traffic Generation Rates based on the following:

- senior living has a daily trip rate of 2 per dwelling; and
- Residential Care Facility trip rate of 1 per dwelling.

D14-382	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
TOTAL		115

For residential housing a daily trip rate of 11 per dwelling is used. For the 84 allotments in Stage 5, a trip generation of 924 has now been eliminated to facilitate the seniors housing development approved under D14-382.

It is considered that mathematically, an overall trip generation saving of 381 is realised

notwithstanding the proposed development being considered under D23-663 through the proposed development:

Existing Seniors Housing development	= 115 trips
Proposed Seniors Housing development (164 units x 2 daily trips)	= 328 trips
Total	= 443 trips

However, it is noted that the Amber Consultants Traffic Assessment conservatively doubled the trip generation to 4.78 daily vehicle trips and adopted the AM and PM peak traffic generation of 0.46 movements per dwelling. The application of the rates results in an expected traffic generation of 784 additional vehicle movements per day and 75 AM and PM peak hourly movements. The traffic generation is well in excess of Councils' trip generation which is based on the Councils daily trip rate for Self-Contained Dwellings and Residential Care Facility of 443 trips being 341 trips less than the Consultants assessment.

It should be realised that the Mitchell Highway and Capstan Drive roundabout intersection is the TfNSW approved traffic management to facilitate the eastern expansion of Keswick Parkway Subdivision and that the Seniors Housing development site was originally assessed for 84 residential lots in the Traffic Impact Assessment having some 381 trips more than the existing and proposed seniors housing developments. It is considered that the traffic generated by the proposed development will have minimal impact on the intersection of the Mitchell Highway and Capstan Drive and the local street network with some 45 AM and PM peak movements.

- The TIA is to be amended to include an assessment of pedestrian generation and address provision of safe pedestrian connectivity. Reference is to be made to existing and future pedestrian movement corridors along the Mitchell Highway and consider measures to address safety and potential conflicts between pedestrians and road users. Due to the type of development proposed, consideration should be made to vulnerable road users including (but not limited to) wheelchair users and mobility scooters.***

RESPONSE

There is an existing 1.5m concrete pathway along the eastern side of Capstan Drive from the developments main access north to an existing pedestrian refuge 14m south of the Capstan Drive / Mitchell Highway roundabout. Dubbo Regional Council is planning to continue the concrete pathway further west along the southern side of the Mitchell Highway to connect with an existing 2.5m shared path which continues west to a proposed pedestrian signal location for access to the adjacent the Orana Mall Shopping Centre on the northern side of the Highway.

Additionally, there is a proposed separate pedestrian access connection from the development to Sheraton Road close to the Bunnings driveway and school bus zone with a separate emergency access located at the southeastern corner of the development. The pedestrian access location would require an additional pedestrian refuge in Sheraton Road that is considered a high safety risk adjacent the Bunnings driveway with multiple vehicles turning movements and queueing activity. It would be recognised that in time there would be the call for an improved pedestrian crossing facility which would be problematic in achieving a suitable outcome.

Due to the pedestrian safety risk at the Bunnings driveway, it is considered that the pedestrian access be moved to the emergency access location which is in close proximity to the existing children's crossing adjacent St Johns Primary and Christian School. Concrete footpaths are provided on both sides of Sheraton Road.

3. ***It is unclear if the existing northern left-in/left-out (LILLO) access at the Masonic Village hall is to be retained and used as an alternative access point for the residences. in addition to the existing roundabout access from Capstan Drive. Civil plans provided illustrate that the internal road network links to the hall carpark and therefore is likely to be used as a primary access point for residences. If this access point is to be retained, the TIA is to be updated to with an analysis of the anticipated use and impacts to the road network.***

RESPONSE

The primary access to the development is via the Capstan Drive and Targa Avenue roundabout. The northern left-in/left-out access is only primarily used for access to the Masonic Hall. There is a proposed gated link on the internal roadway south at the southeastern corner of the Masonic Hall development. There is no proposed direct unincumbered internal roadway to the proposed residences from the Masonic Hall. All traffic exiting the full development including the Masonic Hall will use the Capstan Drive and Targa Avenue roundabout to access the Highway.

4. ***TfNSW notes the proposed ‘emergency-only’ access point to Sheraton Road is configured as a two-way internal road with a designated pedestrian crossing. The design appears as though the access could serve as an alternative connection point for general residential traffic which has not been considered as part of the TIA. As an emergency access vehicle will not be impeded by two-way traffic flow, provision of a standard 3m wide shared path should be considered by Council. Alternatively, the applicant is to detail what measures will be implemented to ensure this access point is not used as an alternative access for private vehicle use or model traffic using this access and the impact on the intersection of Mitchell Highway / Sheraton Road.***

RESPONSE

Regarding the proposed secondary vehicle access to Sheraton Road for emergency vehicle access only, it is noted that it is to be closed to through traffic with a boom gate or similar control device.

While it is noted that the proposed internal road network can accommodate service and emergency vehicles via the access point, consideration of the access roads width and pavement treatment should be given to ensure it is not substituted as an alternative point of access. It is proposed to relocate the pedestrian access connection located further north onto Sheraton Road adjacent the Bunnings driveway to the emergency only access location.

5. ***A Stormwater Management Plan is requested to be submitted that demonstrates that the development will not adversely affect the stormwater system within the highway corridor and that any runoff will maintain pre-development runoff rates without impacting existing road infrastructure.***

RESPONSE

Noting the submitted stormwater management designed by Lanigan Civil drawing No. LC2737-SMP1, issue A, dated 08.12.2023 and the provide further information addressing Council’s enquiry for stormwater on 25.06.2024, Council Infrastructure Strategy and Design Team are satisfied with onsite stormwater management for the proposed development.

Having regards to the above, plus the information submitted with the Development Application, from a Development Engineering perspective no objections are raised to this development

proposal.

SEPP (Housing) 2021

Part 5 – Housing for seniors and people with a disability

The SEPP provides a state-wide approach to encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability.

In consideration of the SEPP, the following applicable sections have been addressed as follows:

Division 1: Land to which Part applies

Development for the purposes of seniors housing may be carried out with development consent on Land zoned R2 - Low Density Residential.

Division 3: Development standards

The following development standards apply:

Requirement	Response	Comply
The site area of the development is at least 1,000m ² The frontage of the development site is at least 20m	The site has an area over 1,000m ² and has a frontage over 20m to Wellington Road, Capstan Drive and Sheraton Road.	Yes
Development consent must not be granted unless the proposed independent living unit complies with the relevant standards specified in Schedule 4.	The proposed development complies with the relevant standards specified in Schedule 4 as detailed in this report.	Yes

Restrictions on occupation of seniors housing

An appropriate condition to be included noting that only the people stated in Clause 88 may occupy the approved accommodation (i.e. seniors, the disabled, carers, and staff employed to assist in the administration and provision of services for those people). The condition will require a restriction on the title of the property pursuant to Section 88E of the Conveyancing Act, 1919 that only these people may occupy the accommodation.

Division 4: Site-related requirements

Consideration has been given to the requirements of Section 93 of the SEPP including adequate access to facilities and services.

The subject site is approximately 1.06km to the Orana Mall Shopping Centre which has essential retail shopping and post/banking services and 1.4km to the Western Plains Medical Centre. Community and recreational facilities are available at the nearby Botanic Gardens and in the broader Dubbo city area.

A bus stop is located approx. 120m from the main pedestrian entrance to the development, which provides public transport access to the above services and facilities.

All of the dwellings will be accessible, with gradient from the principal pedestrian entrance to the bus stop 1% or 1:100.

Section 95 requires that the proposed development be connected to reticulated water and sewer. All utility services (water, sewer, stormwater and electricity) are available to the development site.

Division 5: Design requirements

The Design of Senior Housing and Division 5 have been repealed and replaced with the Seniors Housing Design Guide, published by the Department in December 2023. The amended SoEE address the following design principles for independent living.

Requirement	Response	Comply
Neighbourhood amenity and streetscape	<p>The proposed development has been architecturally designed with consideration of the existing character and relates positively to the existing context in bulk and scale. There are no heritage significant buildings on or near the site.</p> <p>The mix of attached and detached single story dwellings provide 5.5m driveway setbacks which mirror existing dwellings within the estate.</p> <p>The landscaping design aims to embellish the existing main driveway with additional plantings within the nature strip.</p> <p>Screened plantings are proposed to the curtilage boundary of each unit area for added privacy and improved aesthetics.</p>	Yes
Visual and acoustic privacy	<p>To avoid conflicting uses, noise within the residencies will be reduced through separation of driveways and garages from bedroom areas.</p> <p>In addition, each unit contains fencing around private open space.</p>	Yes
Solar access and design for climate	<p>The proposed buildings will be single story and will not impact on solar access to adjoining properties.</p> <p>The rear PPOS areas will have access to sunlight at various times of the day due to the location in relation to the siting of the building.</p> <p>Generally, the alignment of the dwellings and internal floor layouts will enable an adequate level of solar access for each habitable room during most of the day.</p>	Yes
Stormwater	<p>The applicant submitted "Stormwater Management Plan" designed by Lanogan Civil drawing No. LC2737-SMP1, issue A, dated 08.12.2023 and provides further information in relation to Council's enquiry for stormwater on 25.06.2024, Council is satisfied with the stormwater management for the proposed development and conditioned accordingly.</p>	Yes
Crime prevention	<p>The layout of the site is designed to provide passive surveillance opportunities with the dwellings having the windows of living rooms and/or a bedroom overlooking dwelling entrances and internal driveway.</p>	Yes

Accessibility	<p>Safe and convenient access will be provided to residents via footpath links to the existing pedestrian network. The pedestrian footpath links the Estate to the facilities and services.</p> <p>In addition, 34 visitor spaces are also proposed throughout the new development which will enable additional access for taxis and private transport vehicles on site.</p>	Yes
Waste management	Each residency will be provided their own separate garbage bins including recycling. An onsite maintenance contractor will facilitate collection of the bins once a week.	Yes

Division 7: Non-discretionary development standards

Section108 - Non-discretionary development standards for independent living units—the Act, s4.15

Requirement	Response	Comply
No building has a height of more than 9.5m, excluding servicing equipment on the roof of a building	<p>The maximum height of the dwellings are single storey and are compatible with existing dwellings onsite, which will be less than 9.5m in height.</p> <p>Aside from solar panels, servicing equipment is not proposed to the roof of the buildings.</p>	Yes
Density and scale of the building when expressed as a floor space ratio is 0.5:1 or less	A floor space ratio is proposed 0:35:1	Yes
At least 30% of the site is to be landscaped	Just under 31% (29,480m ²) of the site is landscaped.	Yes
A deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m	Of the total landscaped area, at least 25% (24,200m ²) will have the soils that are able to support deep rooted tree species.	Yes
At least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces	As noted on the supporting architectural plan, 86% of living rooms and private open spaces will receive at least two (2) hours of sunlight during various times of the day between 9am to 3pm.	Yes
For a dwelling in a single storey building: - at least 15m ² of private open space per dwelling; and - at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor	The minimum area of private open space provided is 19m ² (hard) and 73m ² (soft) with a minimum 3.2m dimension.	Yes
At least 0.5 parking spaces for each bedroom	All dwellings contain 2 parking spaces – one within a garage, and the second stacked forward. In addition, 39 parking spaces (including 2 accessible spaces) are provided near village centre entry.	Yes

Schedule 4 – Standards concerning accessibility and usability for hostels and independent living units


An assessment is made against the relevant provisions of Schedule 4 below.

Requirement	Response	Comply
Part 1 - Standards concerning accessibility and usability for hostels and independent living unit		
Siting Standards	All dwellings to be provided with access by way of a lit paved pathway. The gradient of this site is less than 1:10 to the front door of the dwellings, to all common areas and to the property entry on Capstan Drive.	Yes
Letterboxes	Accessible paths of travel to be provided from the mailing facilities to all units.	Yes
Private Accommodation	Car All dwellings contain 2 parking spaces – one within a garage, and the second stacked forward. All garages having a width greater than 3.8m, with access to power operated roller doors.	Yes
Accessible Entry	All external doors will be built at ground level and be constructed in accordance with AS 1428 being 850mm wide to allow wheelchair access.	Yes
Interior: General	All internal door widths comply with AS1428.1 being greater than 850mm. In addition, the internal corridor widths are greater than the required 1,000mm.	Yes
Bedroom	Main bedrooms of sufficient size to accommodate a queen size bed.	Yes
Bathroom / Toilet	Complies with the special requirements.	Yes
Surface finishes	Capable of compliance with non-slip surfaces.	Yes
Door hardware	Capable of compliance with AS-4299 - Adaptable Housing.	Yes
Ancillary items	Capable of compliance with AS-4299 - Adaptable Housing.	Yes
Part 2 - Additional standards for independent living units		
Living room and dining room	Circulation space capable of complying with AS-4299 - Adaptable Housing.	Yes
Kitchen	No Kitchen doors are provided in addition to 1,550mm of clear space provided in accordance with AS-4299 - Adaptable Housing.	Yes
Laundry	Capable of compliance with AS-4299 - Adaptable Housing.	Yes
Storage for linen	Linen storage provided in accordance with AS-4299 - Adaptable Housing.	Yes
Garbage	Garbage storage area provided in an accessible room.	Yes

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.

	Comply
Part 1 Preliminary	
Clause 1.2 Aims of the Plan	
The proposed development is not contrary to the relevant aims of the Plan.	Yes
Clause 1.4 Definitions	
<p>The proposed development is defined as:</p> <p>seniors housing means a building or place that is—</p> <ul style="list-style-type: none"> a) a residential care facility, or b) a hostel within the meaning of State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5, or c) a group of independent living units, or d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), e) and that is, or is intended to be, used permanently for— f) seniors or people who have a disability, or g) people who live in the same household with seniors or people who have a disability, or h) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, <p>but does not include a hospital.</p> <p>Note - Seniors housing is a type of Residential Accommodation.</p> <p>independent living unit means a dwelling or part of a building, whether or not attached to another dwelling—</p> <ul style="list-style-type: none"> a) used to house seniors or people with a disability, and b) containing private facilities for cooking, sleeping and bathing, and c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis, <p>but does not include a hostel.</p> <p>Note - Independent living units are a type of seniors housing.</p> <p>exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.</p>	Yes
Clause 1.9A Suspension of covenants, agreements and instruments	
<p>The land is burdened by a restriction noting that no direct access onto Sheraton Road (other than for Emergency purpose access).</p> <p>An appropriate condition restricting access onto Sheraton Road to pedestrian only, with vehicle access limited to Emergency purpose is recommended.</p>	Yes
Clause 2.2 Zoning of land to which Plan applies	
The subject site is zoned R2 – Low Density Residential.	Yes

	
Clause 2.3 Zone objectives and Land Use Table	
<p>The proposed development is permitted with development consent in the R2 zone and is considered consistent with the zone objectives:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To ensure development is consistent with the character of the immediate locality. 	Yes
Clause 2.8 Temporary use of land	
<p>The proposed development includes three (3) exhibition homes (temporary use). The proposal meets the objective of the clause as it does not compromise future development of the land. While subclause (2) states that the maximum period for a temporary use cannot exceed 182 days (whether or not consecutive days) in any 12 month period, subclause (4) permits longer than this if the temporary use is for a sales office in an exhibition home within a new release area or new housing estate.</p> <p>The first three (3) units comprising Stage 1 are intended as exhibition homes in a display village for marketing and sales display purposes until such time the following stages are undertaken. Once subsequent stages completed, these units to be utilised as dwellings and occupied by residents.</p> <p>To maintain a degree of flexibility, a condition will be imposed on the consent that the use of units within Stage 1 for exhibitions home(s) shall cease within three (3) years after the issue of relevant Occupation Certificate.</p> <p>Any signage associated with the exhibition village that is not exempt development under the Codes SEPP will be the subject of a separate application. Condition accordingly.</p>	Yes
Part 5 Miscellaneous provisions	
Clause 5.10 Heritage conservation	
<p><u>European Heritage</u></p> <p>There are no heritage items located on site, or within the vicinity of the development site.</p> <p><u>Aboriginal heritage</u></p> <p>No aboriginal sites are likely to be found on this highly disturbed site, standard condition recommended regarding any Aboriginal archaeological material being discovered during construction works.</p>	Yes

Clause 5.14 Siding Spring Observatory – maintaining dark sky	
<p>The proposed development has been assessed as unlikely to adversely affect observing conditions at the Siding Spring Observatory, having regard to subclauses:</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>Condition accordingly that the dwellings (individually) must not be provided with more than seven (7) outside light fittings, all of which must be shielded. If more than five (5) shielded outside light fittings are provided (individually), those additional fittings must also be automatic light fittings.</p>	Yes
Part 7 Additional local provisions	
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 included on the consent.	Yes
Clause 7.7 Airspace operations	
The site is located within the Obstacle Limitation Surface Map at height 430mAHD. The site for the proposed development has a maximum surface height of 301.5mAHD with the proposed development having a maximum height of 5.61m. This equates to an overall height of 307.11mAHD, 122.89m below the obstacle limitation.	Yes

The proposal is considered to be consistent with Dubbo Regional LEP 2022.

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

There are no proposed instruments which have been the subject of public consultation under the EP&A Act, that are relevant to the proposal.

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

The following Development Control Plan is relevant to this application:

Dubbo Development Control Plan 2013

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

Chapter 2.1.2 Residential Design	Comply
Element 1 Streetscape character	
As the development will be a type of 'gated estate', built features will not present to external public areas and instead address the internal road linkages and common facilities. Therefore, much of the performance criteria are not relevant with the development designed to be consistent with the desired character of the locality.	Yes

<p>The frontage of buildings and their entries are readily apparent from the internal (new) roads. The design incorporates various features to maximise the visual interest of the development both from the street and internally, including stepped/modulated front elevations of the dwelling/s; articulation through the provision of porches, variations in building materials, colours and roof profiles and also through the provision of considered landscaping.</p> <p>No component is a mirror reverse design.</p> <p>Garages/parking structures are accessed via internal roads and do not represent more than 50% of the front facade of any proposed unit.</p> <p>With respect to external boundary fencing, submitted plans demonstrate fencing on road frontages will be a mixture of a 1.8 metre high modular screening wall with stone pillars (where adjacent to rear yards of dwellings), and 1.8 metre high open palisade fencing. A stone feature entry wall will also be provided at the north-eastern corner (Wellington Road and Sheraton Road intersection). Such treatments are considered suitable and provide a balance between ensuring visual and acoustic privacy is achieved, while also maintaining visual amenity.</p> <p>Side and rear fencing that delineates each dwellings private open space areas, as well as boundary fencing along the southern property boundary, will be 1.8 metre high Colorbond fencing.</p>	
<p>Element 2 <i>Building setbacks</i></p>	
<p>The development is presented differently to standard residential designs in that dwellings are presented internally to the site rather than to the external boundaries. Therefore, as dwellings do not present externally, traditional front setbacks are not able to be readily assessed.</p> <p>Internally, part of the proposed dwellings provides a front setback of 2.5 metres. This is considered to be justified as the design of dwellings appropriately address all street frontages and is consistent with the proposed use and amenity of the locality.</p> <p>Proposed side and rear setbacks are also consistent with the local amenity and allow for adequate special separation and maintenance of residential amenity.</p>	<p>Justified</p>
<p>Element 3 <i>Solar access</i></p>	
<p>Solar access requirements will be achieved as discussed under Division 7: Non-Discretionary Development Standards of Part 5 - Housing for Seniors and People with a Disability in SEPP (Housing) 2021.</p>	<p>Justified</p>
<p>Element 4 <i>Private open space and landscaping</i></p>	
<p>Principal Private Open Space and Private Open Space requirements will be achieved as discussed under Division 7: Non-discretionary development standards of Part 5 - Housing for Seniors and People with a Disability in SEPP (Housing) 2021.</p> <p>The landscaping requirements of the proposed development will be achieved as discussed under Division 7: Non-discretionary development standards of Part 5 - Housing for Seniors and People with a Disability in SEPP (Housing) 2021.</p> <p>Condition accordingly that all relevant landscaping requirements be established prior to the issue of the relevant Occupation Certificate.</p>	<p>Justified</p>
<p>Element 5 <i>Infrastructure</i></p>	
<p>The provision of infrastructure services will be achieved as discussed under Division 4: Site - Related Requirements of Part 5 - Housing for seniors and people with a disability in SEPP (Housing) 2021.</p> <p>Condition accordingly that the provision of appropriate service connections to each unit prior to the issue of the relevant Occupation Certificate.</p>	<p>Yes</p>

Element 6	Visual and Acoustic privacy	
Visual and acoustic privacy considerations will be achieved as discussed under Division 6 Design principles of Part 5 - Housing for Seniors and People with a Disability in SEPP (Housing) 2021.		Justified
Element 7	Vehicular access and car parking	
Vehicular access and car parking requirements of the proposed development will be achieved as discussed under Division 7: Non-discretionary development standards of Part 5 - Housing for Seniors and People with a Disability in SEPP (Housing) 2021.		Yes
Element 8	Waste Management	
<p>Waste management requirements of the proposed development will be achieved as discussed under Schedule 8 - Design principles for seniors housing of Part 5 - Housing for Seniors and People with a Disability in SEPP (Housing) 2021.</p> <p>The Infrastructure Division, being responsible for Trade Waste Approvals and control of such discharges into its sewer, will need to determine the adequacy of the proposal, and the proposed pre-treatment equipment to be installed. Condition accordingly that Council's Water Supply and Sewerage Client Services Coordinator is to be consulted to ascertain the need or otherwise for a trade waste discharge, in particular for the Village Centre.</p>		Yes
Element 9	Site facilities	
Site Facilities requirements of the proposed development will be achieved as discussed under Schedule 4 Standards concerning accessibility and usability for hostels and independent living units of Part 5 - Housing for Seniors and People with a Disability in SEPP (Housing) 2021.		Yes
Element 10	Non-residential uses	
<p>The first three (3) units proposed as part of Stage 1 are intended as exhibition homes in a display village for marketing and sales display purposes until such time the following stages are undertaken. Once subsequent stages completed, these units to be utilised as dwellings and occupied by residents.</p> <p>The bulk and scale of these units are considered compatible with surrounding uses.</p> <p>The operation of the exhibition home is not expected to generate traffic levels much greater than those of the surrounding residential area, with the hours of operation restricted to business hours. Condition accordingly.</p>		Yes
Element 11	Signage	
Signage (associated with the exhibition village) not exempt under the Codes SEPP will be the subject of a separate application. Condition accordingly.		Yes

Chapter 3.1 – Access and Mobility

Section 3.1.2 Legislative Requirements

Access and Mobility requirements of the proposed development will be achieved as discussed under Schedule 4 Standards concerning accessibility and usability for hostels and independent living units of Part 5 - Housing for Seniors and People with a Disability in SEPP (Housing) 2021.

Chapter 3.3 – Social Impact

The Social impacts of the proposed development are discussed under Part 5 - Housing for Seniors and People with a Disability in SEPP (Housing) 2021.

Chapter 3.5 – Parking

Car parking requirements of the proposed development will be achieved as discussed under Division 7: Non-discretionary development standards of Part 5 - Housing for Seniors and People with a Disability in SEPP (Housing) 2021.

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:

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

In the event the application is approved, the following contributions totalling **\$2,186,503.10** would be payable.

- \$576,591.20 – Water Headworks (or \$3,515.80 per dwelling – 164 dwellings)
- \$576,591.20 – Sewer Headworks (or \$3,515.80 per dwelling – 164 dwellings)
- \$801,457.52 – Open Space Recreation Contribution (or \$3,558.08 per 2 bedroom dwelling (66 dwellings) and \$5,781.88 per 3 bedroom dwelling (98 dwellings))
- \$231,863.20 - Urban Roads Contribution (or \$1,413.80 per dwelling – 164 dwellings)

Conditions will be included on the consent for the payment of the above contributions prior to the issue of the relevant Occupation Certificate. Note, the above contributions can be paid on a pro-rata based on the number of dwellings released for each stage.

3.4 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.

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

Clause 61 to 68 of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application.

In relation to the above:

- The Dark Sky Planning Guideline is considered in relation to the development.

These provisions have been considered and addressed in the draft conditions (where necessary).

The remaining clauses are not applicable to the proposed development.

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

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this

regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

Context and setting

The proposed development is considered to be generally consistent with the character, finishes and amenity of the locality, and the streetscape will be maintained through landscaping of the site and articulation in the built form.

The scale, form, character, and design of the development is compatible with the existing structures directly adjoining and within the locality.

Consideration has been given to the potential for overshadowing as a result of the design with no adverse impact on solar access to the proposed and surrounding dwellings.

The development will not detract from existing views and vistas of adjoining properties and will not result in any additional impact on the character of the locality.

Access and traffic

The surrounding road network is considered to have sufficient capacity to cater for the traffic movements generated by this development.

The Traffic Impact Assessment submitted with this application provides an assessment of the existing traffic movements experienced at the site and the anticipated traffic movements at completion of the development.

To restrict access to appropriately sized vehicles, an appropriate condition has been included limiting access to a 'Service Vehicle' 8.8m in length.

Additionally, there is a proposed separate pedestrian access connection from the development to Sheraton Road with a separate emergency access located at the southeastern corner of the development.

This pedestrian access location would require an additional pedestrian refuge in Sheraton Road that is considered a high safety risk adjacent the Bunnings driveway with multiple vehicle turning movements and queueing activity. It would be recognised that in time there would be the call for an improved pedestrian crossing facility which would be problematic in achieving a suitable outcome.

Due to the pedestrian safety risk at this location, it is considered that pedestrian access be combined with the emergency access location which is in close proximity to the existing children's crossing adjacent St Johns Primary and Dubbo Christian School. Concrete footpaths are provided on both sides of Sheraton Road. Condition accordingly that prior to the issue of the Construction Certificate, a detailed (fully dimensioned) site plan including the Traffic Management Plan at this location is to be lodged with and approved by Council.

Public Domain

It is considered the proposed development will not have any detrimental impact on the public domain. The site is located within a low-density residential zone and the proposed structures will not be apparent from the public domain from that of a dwelling house and as such will have no impact on the proposed development's visual relationship with locality.

Utilities

The site is to be connected to all utility services (water, sewer, stormwater and electricity). It is noted, however, that depending on the outcome of the Council's Water and Sewer Branch investigation for the existing 150mm dia sewer line capacity, the applicant may be required to upgrade this main, at no cost to Council, to comply with the sewer capacity of the proposed development which will also include the provision of an easement. A notation has been included giving affect to this requirement.

Flora Impacts

The site is generally clear of vegetation, with the two (2) large native trees near to the eastern boundary to be removed. This removal is justified, with a variety of new plantings proposed to enhance the developed site that will consist of a mixture of new trees, shrubs and groundcovers as outlined in the Landscape Plan.

Noise and vibration

The Acoustic Report prepared in support of the development makes a number of recommendations to ensure that the development can achieve appropriate noise levels, including construction materials and glazing. All recommended noise attenuation measures to be incorporated as part of the development . Condition accordingly.

Standard conditions relating to hours of construction will be placed on the consent.

Safety, security and crime prevention

An assessment of the four (4) Crime Prevention Through Environmental Design (CPTED) principles has been undertaken in supporting Statement of Environmental Effects (SoEE). The assessment found that subject to implementation of adopted principles and recommendations with respect to surveillance, access control, territorial reinforcement and space management, the proposed development is considered acceptable in the context of crime and safety.

Landscaped areas within the development site selected to limit opportunities for concealment in a low maintenance design and plant selection and there are clear delineation between public and private areas.

Condition application that the requirements contained in the supporting SoEE relating to safety, security and crime prevention be implemented.

Social impact

The proposed development will provide additional residential accommodation for seniors that complement existing streetscape, and character while maintaining the amenity of the area.

It is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

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

The site is considered suitable for the proposed development for the following reasons:

- The development is consistent with the objectives for the R2 – Low Density Residential Zone;

- The development is permissible with the consent of Council within the R2 zone and meets the provisions of SEPP (Housing) 2021;
- The land is not known to be contaminated and is not subject to natural hazards such as bushfire, with proposed building clear of the mapped flood planning area;
- The development would be provided with access to all required service infrastructure;
- The development would not have an adverse environmental, social, or economic impact on the surrounding locality; and
- The development will have a positive social and economic impact on the city and region.

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

The Development Application was placed on notification for a period ending 31 January 2024, during which time adjoining property owners were notified in writing of the proposed development.

Council received one (1) submission during the notification period which is considered in Section 5 of this report.

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

The proposed development is considered to be in the public interest as it is consistent with the relevant planning controls.

On balance, the proposed development is also considered to be in the public interest as it will provide improved facilities to the public in the form of enhanced specialist disability accommodation, therefore enabling housing diversity, choice and affordability within the local Dubbo community.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 3**.

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 3: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Referral/Consultation Agencies			
Electricity supply authority	CI 2.48 - SEPP (Transport and Infrastructure) 2021 Development near electrical infrastructure	No objection to the proposed development. The requirements specified by Essential Energy in correspondence dated 1 February 2024 will be included on the development consent as notations, as Council is unable to enforce such requirements.	Yes

Transport for NSW	s.2.122 SEPP (Transport and Infrastructure) 2021) that is deemed to be traffic generating development.	Having regards to the information submitted with the Development Application, from a Development Engineering perspective no objections are raised to this development proposal.	Yes
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4.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 4**.

Table 4: Consideration of Council Referrals

Officer	Comments	Resolved
Stormwater	Council's Engineering Officer reviewed the amended stormwater concept plan and is satisfied with the stormwater management for the proposed development and conditioned accordingly.	Yes (conditions)
Traffic	Council's Traffic Engineering Officer reviewed the proposal and raised no concerns in relation to traffic generation and car parking subject to conditions.	Yes (conditions)
Building	<p>Assessment of the application by Council's Senior Building Development Certifier identified that while BASIX Certificates had been provided for the proposed development, the BASIX commitments nominated were not shown on the Development Application plans. In addition, NatHERS Certificates had not been provided and required QR Code Stamp not shown on the Development Application plans.</p> <p>In this regard, amended plans were submitted on 19 February 2024 incorporating the BASIX commitments as stipulated on the supporting BASIX certificate, with NatHERS Certificates and QR Code Stamp requirements provided.</p> <p>No further objections subject to recommended conditions.</p>	Yes (conditions)
Health	<p>An acoustic report submitted in support of the proposed development and includes recommendations to ensure appropriate noise levels from acoustic impacts from Wellington Road (Mitchell Highway).</p> <p>To mitigate potential adverse amenity impacts on the development the recommendations of the Acoustic Report: (Report No: 20230797.1/0712A/R1/RF Dated: 7 December 2023) prepared by Acoustic Logic to be implemented and an acoustic validation report demonstrating compliance submitted to Council Manager Building and Development Services, prior to issue of an Occupation Certificate.</p> <p>No objections subject to recommended conditions.</p>	Yes (conditions)
Waste	Standard condition recommended that all solid waste from construction and operation of the proposed development be assessed, classified and disposed of in accordance with the NSW Environment Protection Authority's Waste Classification Guidelines.	Yes (conditions)


	<p>Whilst recycling and reuse are preferable to landfill disposal, all disposal options (including recycling and reuse) must be undertaken with lawful authority as required under the Protection of the Environment Operations Act, 1997.</p> <p>Units present sufficient kerbside bin presentation (3.5m for each unit).</p> <p>Tree species selection needs to ensure that Tree Canopies (when advanced) do not pose a risk to side loader trucks for bin servicing.</p> <p>No objections subject to recommended conditions.</p>	
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4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan ending 31 January 2024, during which time adjoining property owners were notified in writing of the proposed development. One (1) unique submission was received during the notification period.

The concerns raised are listed below and generally relate to construction and operational matters and are listed below and are considered in **Table 5**.

Table 5: Community Submissions

Issue	Council Comments	
Fencing - Child protection issues once residences are built along the common property boundary with the adjoining Dubbo Christian School	<p>Proposed fencing along the common boundary and the Dubbo Christian School is proposed to be Fence Type 1: Colourbond screen fencing, 1,800mm H.</p> <p>This type of fencing will address issues raised regarding child protection issues.</p>	
Construction issues associated with excavation of rock known to be in the area	<p>A Construction Certificate (CC) is required before starting any building or construction work and includes detailed building plans/engineering details and specifications.</p> <p>The CC contains a lot more information than DA plans, to allow builders to work directly from them and also confirms development specifications comply with the development consent, the Building Code of Australia, and Council requirements, which includes the January 2020 Code of Practice Excavation Work.</p>	

Noise generation both from construction from the adjoining school and from the school on adjoining residents	<p>The impact of noise on surrounding development will be evident during construction of the development. An appropriate condition will be included on the consent restricting work hours to minimise impacts to neighbouring property.</p> <p>The Acoustic Report prepared in support of the development makes a number of recommendations to ensure that the development can achieve appropriate noise levels, including construction materials and glazing. All recommended noise attenuation measures to be incorporated as part of the development.</p> <p>Standard conditions relating to hours of construction will be placed on the consent.</p>
Child protection issues associated with the potential for 'overlooking' from the (future) 12 room double storey school building to be built in early 2025	<p>Chapter 3: Educational establishments and childcare facilities of the Transport and Infrastructure SEPP provides a planning framework for delivering educational establishments and childcare facilities, with the design quality principles in Schedule 8 responding to the character of an area, landscape setting and surrounding buildings.</p> <p>The supporting Design Guide for Schools (November 2022) also provides practical guidance on addressing the design quality principles.</p>

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:

- Traffic and Access
- Stormwater
- Noise

These issues have been resolved through recommended conditions of consent as outlined in **Attachment B**.

6. RECOMMENDATION

That the Development Application [D23-663] for Seniors housing at Lot 100 DP 1220591, 2 Capstan Drive, 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**.

7. ATTACHMENTS

The following attachments are provided:

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