

## COUNCIL ASSESSMENT REPORT

### WESTERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSWES-220 – D24-096
<b>PROPOSAL</b>	Function Centre, Restaurant, and accommodation (20 units)
<b>ADDRESS</b>	Lot 192, 196, 207 DP 753233 & Lot 3 DP 72126, Obley / Camp Roads Dubbo
<b>APPLICANT</b>	Taronga Conservation Society Australia
<b>OWNER</b>	Zoological Parks Board of NSW T/as Taronga Western Plains Zoo
<b>DA LODGEMENT DATE</b>	22 March 2024
<b>APPLICATION TYPE</b>	Crown and Integrated Development Application
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	SEPP (Planning Systems) 2021, s2.19(1), Schedule 6, Clause 4 - estimated development cost more than \$5 million
<b>CIV</b>	\$23,996,637.00 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	Nil
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Industry and Employment) 2021</li> <li>• Dubbo Regional Local Environmental Plan 2022</li> <li>• Dubbo Development Control Plan 2013</li> </ul>
<b>TOTAL &amp; UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS</b>	<ul style="list-style-type: none"> <li>• Council received one (1) submission during the exhibition period.</li> <li>• The key issue raised was the impact of the proposed development on the nearby Dubbo Observatory (i.e. light pollution). This is addressed in detail throughout this report.</li> </ul>
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>• Statement of Environmental Effects, prepared by Barnson Pty Ltd.</li> <li>• Architectural Plans, prepared by Troppo.</li> <li>• Acoustic Impact Assessment, prepared by Acoustik Pty Ltd.</li> <li>• Biodiversity Development Assessment Report, prepared by OzArk Environment and Heritage Pty Ltd.</li> </ul>

	<ul style="list-style-type: none"> <li>• Bushfire Protection Assessment, prepared by Australian Bushfire Protection Planners Pty Ltd.</li> <li>• Site Contamination Investigation, prepared by Barnson Pty Ltd.</li> <li>• Lighting Impact Study Report, prepared by JHA Pty Ltd.</li> <li>• Traffic &amp; Parking Impact Assessment, prepared by Headway Traffic &amp; Transport Pty Ltd.</li> <li>• Civil Engineering Documentation, prepared by Barnson Pty Ltd.</li> <li>• Aboriginal Cultural Heritage Assessment Report, prepared by OzArk Environment and Heritage Pty Ltd.</li> </ul>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>	Not applicable.
<b>RECOMMENDATION</b>	Approval
<b>DRAFT CONDITIONS TO APPLICANT</b>	Yes
<b>SCHEDULED MEETING DATE</b>	19 November 2024
<b>ASSESSMENT STATUS</b>	Assessment Complete. Provided to WRPP for determination.
<b>PREPARED BY</b>	Josh Smith – Senior Planner
<b>DATE OF REPORT</b>	29 October 2024

## EXECUTIVE SUMMARY

The development application (D24-096) seeks consent for a function centre, restaurant, and accommodation (20 units) associated with the Taronga Western Plains Zoo.

The development is located south of the existing tourist circuit within a vacant portion of the overall Taronga Western Plains Zoo site. Proposed works consist of the following:

- 1) Provision of a multi-function building approx. 1,726m<sup>2</sup>. This building will contain a function centre and restaurant. The function centre (southern portion of the building) will consist of function space, a bar and amenities. The function centre will cater for zoo related and other conference like events. It has capacity for 300 people. The restaurant (northern portion of the building) will consist of indoor/outdoor dining, kitchen, amenities, and ancillary office space. The restaurant will have seating for up to 170 people.
- 2) Provision of an outdoor leisure area (including pool) located to the immediate north-east of the multi-function building. This space will overlook the future Serengeti exhibit to the east (subject to separate consent). Works associated with this space also include an amenities building, plant room and shade structures.

- 3) Provision of onsite accommodation consisting of 10 duplex units. These units (20 in total) each contain two (2) bedrooms, amenities, living space and outdoor decking.

The development site is located on the south-western fringe of the Dubbo urban area. It comprises of four (4) allotments (approx. 193.73ha). These allotments are to be consolidated into one (1) allotment with frontage to both Obley and Camp Roads.

The site is located in the SP3 Tourist zone pursuant to Clause 2.2 of the *Dubbo Regional Local Environmental Plan 2022*. The proposed development is permissible in the SP3 zone.

The application is Integrated Development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). Integrated referrals were undertaken to the NSW Rural Fire Service (Bushfire) and Heritage NSW (Aboriginal Archaeology). No objections were raised subject to the implementation of appropriate conditions.

The application was placed on public exhibition. During this period one (1) submission was received from the Dubbo Observatory (17L Camp Road). Although generally supportive of the proposed development, several design/operational matters were requested to ensure light pollution is minimised. Addressing such, appropriate conditions minimising light pollution will be implemented which is detailed under the Community Consultation section of this report.

The application is referred to the Western Region Planning Panel as the development is a '*regionally significant development*', pursuant to Clause 4 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*. This is given the proposal is a Crown development over \$5 million.

No Panel briefing was held with all relevant elements 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*, D24-096 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 development site comprises of four (4) allotments located within the south-eastern portion of Taronga Western Plains Zoo. The development area (approx. 193.73 ha) has frontage to both Obley Road (to the east) and Camp Road (to the south). Although undulating, the general slope of the land is south-east. Native vegetation is scattered throughout the development site.

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



**Figure 1:** Locality map of the subject site.

As per **Figure 1** above, the proposed development encompasses multiple allotments. To ensure orderly development the applicant is proposing to consolidate allotments. A condition requiring consolidation prior to occupation will be attached to the consent.

## 1.2 The Locality

The development area is located within the south-eastern undeveloped portion of Taronga Western Plains Zoo. Adjoining land uses comprise of the following:

North: Developed portion of the Zoo. This includes onsite accommodation and the tourist circuit.

South: Mixture of commercial and residential land uses (southern side of Camp Road). Commercially this includes Rhino Lodge (Function Centre / Tourist Accommodation), Red Earth Estate Winery and the Dubbo Observatory.

East: Rural land utilised for agricultural purposes with the Macquarie River beyond.

West: Vacant/undeveloped land associated with Taronga Western Plains Zoo.

Reticulated services (water, sewer and electricity) are all available. Extension of these services (where necessary) will be burdened by the developer.



## 2. THE PROPOSAL AND BACKGROUND

### 2.1 The Proposal

The proposal seeks consent for a function centre, restaurant, and accommodation (20 units) forming part of the Taronga Western Plains Zoo.

The development is located south of the existing tourist circuit within a currently vacant portion of the site. Proposed works consist of the following:

- 1) Provision of a multi-function building (approx. 1,726m<sup>2</sup> in area). This building will contain a function centre and restaurant. The function centre (southern portion of the building) will consist of function space, a bar and amenities. The function centre will cater for zoo related and other conference like events. It has capacity for 300 people.

The restaurant (northern portion of the building) will consist of indoor/outdoor dining, kitchen, amenities, and ancillary office space. The restaurant will have seating for up to 170 people. For visual reference see **Figure 2** below.



**Figure 2:** Perspective Plan of the multi-function building (function centre / restaurant).

- 2) Provision of an outdoor leisure area (including pool) located to the immediate north-east of the multi-function building. This space will overlook the future Serengeti exhibit to the east (subject to separate consent). Works associated with this space also include an amenities building, plant room and shade structures. For visual reference of the outdoor leisure area see **Figure 3** below.



**Figure 3:** Perspective Plan of the outdoor leisure area in relation to the multi-function building.

- 3) Provision of onsite accommodation consisting of 10 duplex units. These units (20 in total) will each contain two (2) bedrooms, amenities, living space and outdoor decking. The subject units will orientate towards the future Serengeti exhibit (subject to separate consent). For visual reference of the accommodation units see **Figure 4** below.



**Figure 4:** Perspective Plan of the proposed accommodation units.

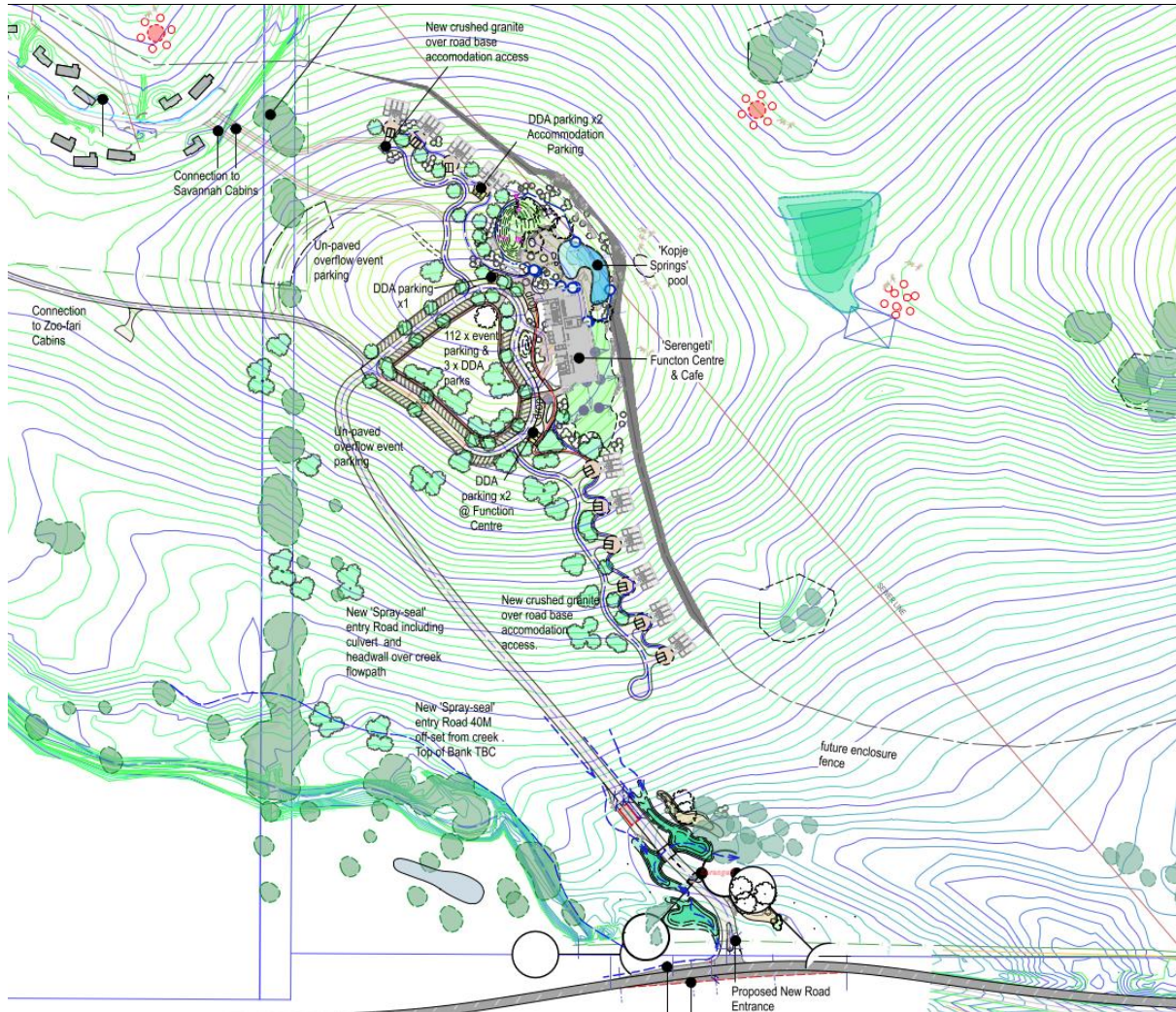
In addition to the above, the proposed development also includes the following associated works:

- A new access driveway off Camp Road (primary access point for the development);
- Extensive landscaping throughout;
- Provision of an event/house keeping storage shed (approx. 130m<sup>2</sup>);



- Provision of internal access roads and off-street car parking (approx. 135 spaces); and
- Extension of all necessary infrastructure to service the development.

For visual reference of the development in its entirety see **Figure 5** below.



**Figure 5:** Submitted Site Plan.

## 2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the application on 31 October 2023 where various assessment requirements were discussed.

The Development Application was subsequently lodged on 22 March 2024. A chronology of the Development Application since lodgement is outlined below:

**Table 1: Chronology of the DA**

Date	Event
22 March 2024	DA lodged
26 March 2024	Exhibition of the application
26 March 2024	Application referred to internal Council departments (Building, Environmental & Engineering)
27 March 2024	DA referred to external agencies as Integrated Development (NSW Rural Fire Service & Heritage NSW)
27 March 2024	Heritage NSW request additional information in the form an Aboriginal Cultural Heritage Assessment Report.  Application placed on additional information.
31 May 2024	Rural Fire Service provide Integrated Response (General Terms of Approval). No objections raised.
5 September 2024	Additional Information (completed Aboriginal Cultural Heritage Assessment Report) provided by the applicant. Information subsequently referred to Heritage NSW.
2 October 2024	Heritage NSW provide Integrated Response (General Terms of Approval). No objections raised.

### 2.3 Site History

A review of Council's records identified a number of Development Applications pertaining to the use of the site as Taronga Western Plains Zoo. These applications relate largely to tourist and visitor accommodation and breeding facilities/enclosures not applicable to this application.

The development area being within the south-eastern portion of the Zoo is largely vacant. The only nearby built form consists of the Savannah Cabins (D13-194). D13-194 was for tourist and visitor accommodation (15 cabins) and was determined by Council 9 September 2013 and modified 6 December 2013.

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. Of specific note is clause 4.33 of the Environmental Planning and Assessment Act 1979, which relates to Crown Development Applications.

Environmental Planning and Assessment Act 1979:

#### Section 4.33 Determination of Crown development applications

The applicant being the Taronga Conservation Society Australia is considered to be the Crown for the purposes of the Environmental Planning and Assessment Act, 1979.

As such, Council is required to seek acceptance from the applicant of proposed conditions of Development Consent:

- (1) *A consent authority ... must not:*
  - (b) *impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

In accordance with the above, a copy of the draft consent was sent to the applicant for review. No issues were raised other than the following:

- Minor condition re-wording which would enable civil works onsite to be undertaken as soon as possible; and
- In relation to biodiversity offsets (which is discussed in more detail below).

Council raised no objections with the suggestions changes with formal acceptance of the draft conditions/notations provided 29 October 2024.

Note, as outlined by Council's Senior Building and Development Certifier, the Crown is not required to obtain a Construction Certificate. As such, there will be no conditions attached to the consent requiring the submission of a Construction Certificate, or subsequently an Occupation Certificate.

### 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 (Planning Systems) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Industry and Employment) 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 3** and considered in more detail below.

**Table 2: Summary of Applicable State Environmental Planning Policies**

EPI	Matters for Consideration	Comply (Y/N)
SEPP (Planning Systems) 2021	Schedule 6 – Regionally significant development. - In accordance with clause 4 the application is regionally significant being a Crown Development over \$5 million (\$23,996,637.00).	Y
SEPP (Resilience and Hazards) 2021	Chapter 4: Remediation of Land - Site Contamination Investigation Report deems the site suitable from a contamination perspective for its intended use.	Y
SEPP (Industry and Employment) 2021	Chapter 3: Advertising and Signage - Two (2) business identification signs are proposed which are deemed appropriate in the context of the locality.	Y
Dubbo Regional Local Environmental Plan 2022	<ul style="list-style-type: none"> <li>• Clause 1.2 - Aims of Plan</li> <li>• Clause 1.4 - Definitions</li> <li>• Clause 1.9A - Suspension of covenants, agreements, and instruments</li> <li>• Clause 2.2 - Zoning of land to which Plan applies.</li> <li>• Clause 2.3 - Zone objectives and Land Use Table</li> <li>• Clause 2.6 - Subdivision – consent requirements</li> <li>• Clause 5.10 - Heritage Conservation.</li> <li>• Clause 5.14 - Siding Spring Observatory</li> <li>• Clause 5.21 - Flood Planning</li> <li>• Clause 7.1 - Terrestrial Biodiversity</li> <li>• Clause 7.2 - Earthworks</li> <li>• Clause 7.3 - Natural resources – riparian land and waterways</li> <li>• Clause 7.5 - Groundwater vulnerability</li> <li>• Clause 7.7 - Airspace operations</li> </ul>	Y

Development Control Plan 2013	<ul style="list-style-type: none"> <li>• Chapter 2.2 Commercial Development and Subdivision</li> <li>• Chapter 3.1 Access and Mobility</li> <li>• Chapter 3.5 Parking</li> </ul>	Y
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Detailed considerations of the above SEPPs are outlined below.

**State Environmental Planning Policy (Planning Systems) 2021**

Schedule 6 – Regionally significant development:

Schedule 6 of the SEPP outlines development that is considered regionally significant. In accordance with clause 4 the proposed development is deemed regionally significant as it is Crown Development with an estimated development cost of more than \$5 million (\$23,996,637.00). As such the application shall be referred to the Western Regional Planning Panel for determination.

**State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 4 – Remediation of Land

Under Clause 7 of the SEPP, Council must consider whether the land is contaminated, and if contaminated, if it is suitable for its intended use. Addressing contamination, the Applicant submitted a Site Contamination Investigation Report which stated the following:

*“Based on the findings of the desktop review and site investigation it can be stated with a reasonable level of confidence that the subject site is unlikely to be contaminated. This finding is supported with analytical results of surface and subsurface soil collected at the subject site, in which contaminant concentrations detected were shown to be below screening criteria. The subject site is therefore considered suitable for the proposed re-development and use for commercial residential purposes.”*

The above comments/report was reviewed by Council’s Environmental Systems Planner who provided the following comments:

*“The proposed site is currently not listed on Council’s register of potentially contaminated land.*

*Councils standard unexpected finds condition will be recommended.”*

Noting the comments above, no further action is required other than implementation of the standard ‘unexpected finds’ condition.



## **SEPP (Industry and Employment) 2021**

### Chapter 3 – Advertising and Signage

The submitted plans outline signage (x2) which identifies Taronga Western Plains Zoo along the northern and southern facades of the proposed function centre/restaurant building. These signs are approx. 2m<sup>2</sup> in area.

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 signage 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 signage will not detract from the visual quality of the environment.

#### *3. Views and vistas*

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

#### *4. Streetscape, setting or landscape*

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

#### *5. Site and building*

The proposed signage will identify the proposed Taronga Western Plains Zoo that is of a scale that is proportionate to the proposed building and remainder of the site.

6. *Associated devices and logos with advertisements and advertising structures*

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

7. *Illumination*

The proposed signage is not proposed to be illuminated.

8. *Safety*

It is considered that the proposed signage 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 is considered ancillary to the existing use of the site as a Zoo.

Nevertheless, each individual component of the development (Tourist and Visitor Accommodation, Function Centre and Restaurant) are all permissible land uses within the SP3 zone.

*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.

It is noted that a transmission line (running east-west) is located within the northern portion of the development site. However, the proposed development (built form) remains clear of this area.

*Clause 2.2 Zoning of land to which Plan applies*

The subject site is zoned SP3 Tourist.

### *Clause 2.3 Zone objectives and Land Use Table*

The proposed development is permissible with consent and consistent with the following zone objectives:

- To provide for a variety of tourist-oriented development and related uses.
- To recognise the importance of Taronga Western Plains Zoo as a key tourist facility.

While not contrary to, the remaining zone objectives are not applicable in this instance.

### *Clause 2.6 Subdivision – consent requirements*

The proposed development pertains to four (4) allotments of which the applicant is proposing to consolidate. A condition requiring consolidation prior to occupation will be attached to the consent.

### *Clause 5.10 Heritage Conservation*

Built Form:

The subject property itself is not a heritage item however it is located within the vicinity of two (2) listed heritage items being:

- ‘Cootha’, 21L Obley Road (Item No. I185) locally significant; and
- ‘Dundullimal’ 23L Obley Road (Item No. I186) state significant.

However, the proposed development at its closest is approximately 1km away. Therefore, it is unlikely to be visible from the above heritage items and therefore have no impact on their heritage significance. As such, due to the negligible level of impact, a Heritage Management Document was not required.

Aboriginal Archaeologically:

As outlined above, the proposed development is deemed Integrated Development under Section 90 of the National Parks and Wildlife Act 1974. This is due to an Aboriginal Heritage Impact Permit (AHIP) being required to remove Aboriginal artefacts. This is addressed later in the report.

### *Clause 5.14 Siding Spring Observatory – maintaining dark sky*

Siding Spring:

Following review of the Lighting Impact Study Report (prepared by JHA Services.Com), the proposed development is unlikely to adversely affect observing conditions at the Siding Spring Observatory (approx. 160km from the proposed development), 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.

Dubbo Observatory:

The Dubbo Observatory (17L Camp Road) is located on the southern side of Camp Road. The Lighting Impact Report, prepared by JHA Services.Com considered the developments' impact on the Dubbo Observatory concluding the following:

*"To protect observing conditions and operation of the Siding Spring Observatory and the adjacent Dubbo Observatory, good lighting design principles must be considered and met. The lighting design shall comply with all relevant codes, standards and regulations as mentioned in the body of this report."*

An appropriate condition will be implemented requiring compliance with this report. The impact on the Dubbo Observatory is discussed in further detail below under Chapter 4.3 Community Consultation.

#### *Clause 5.21 Flood planning*

The subject site including vehicular access is not impacted by the Flood Planning Area in accordance with LEP Flood Planning Maps. As such, no further assessment is required.

However, the eastern portion of Lot 192 & 207 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 7.1 Terrestrial Biodiversity*

Part of the subject site is included on the Terrestrial Biodiversity Map as having biodiversity value. Although no such mapped vegetation is required to be removed as part of this application the proposal does include clearance of up to 3.95ha of vegetation which includes grasslands. In accordance with the Biodiversity Conservation Act 2016, this triggers entry in into the NSW Biodiversity Offset Scheme. Regarding such, Council's Environmental Systems Planner provided the following comments:

*"Proposed works require clearing of native vegetation in excess of the Biodiversity Assessment Method allowable clearing threshold thereby requiring the completion of a Biodiversity Development Assessment Report (BDAR) for*

*the project.*

*This BDAR found that small areas of Inland Grey Box woodland, PCT267, an endangered ecological community and Fuzzy Box woodland, PCT202 would be impacted by the proposal and would require the acquittal of four (4) ecosystem credits prior to the commencement of the proposal.*

*The BDAR also found that four (4) threatened species (species credit species) would be impacted by the project, these were pine Donkey Orchid, Little Eagle, Powerful Owl and Masked Owl. The BDAR has calculated that this project must acquit a total of 28 species credits prior to the commencement of works.*

*Both the ecosystem and species credit retirements will be conditioned.”*

Although the comments above are noted, during review of the draft conditions an addendum report was subsequently provided by the applicant in relation to credit obligations. Essentially, additional target surveys were undertaken which removed the obligation for species credits in relation to the Pine Donkey Orchid and the Little Eagle (22 credits in total). Noting such, the relevant conditions have been updated and will be implemented accordingly. No further action required.

#### *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 7.3 Natural resources – riparian land and waterways*

Riparian Land:

The subject site is not mapped as containing riparian vegetation. No further assessment required.

Waterways:

An unmanned ephemeral watercourse traverses the site. However, the proposed development is clear of this watercourse. This includes the internal access road which is in excess of 40 metres from the watercourse. As such, no further action required.

#### *Clause 7.5 Groundwater vulnerability*

The land is included on the Natural Resource – Groundwater Vulnerability Map. However, 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 423.5m AHD. The site for the proposed development has a surface level of 290m AHD and with the development having a height of 6.5 metres that equates to an overall height of 296.5m AHD, 127 metres below the surface map.

### **3.2     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.

### **3.3     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.

#### **Chapter 2.2 Commercial Development and Subdivision**

##### **Section 2.2.5 Development Controls**

##### **Element 1 – Setbacks**

The proposed development is located within south-eastern portion of Taronga Western Plains Zoo. It features the following relevant setbacks (approximate only):

##### **Camp Road (Southern Property Boundary):**

- 180m setback from nearest accommodation unit; and
- 360m setback from the function centre/restaurant.

##### **Obley Road (Eastern Property Boundary):**

- 960m setback from nearest accommodation unit; and
- Approx. 950m setback from the function centre/restaurant.

It is considered that the above setbacks create a sufficient buffer between neighbouring properties (Camp Road being the most relevant). There are no overshadowing impacts with noise management addressed in detail below. All other setbacks are negligible (i.e. internal to the Zoo).

In addition, Council's Senior Building and Development Certifier has raised no issues with the above setbacks/location of the development from a fire safety perspective.



## Element 2 – Building Design

The proposed multi-purpose building is single storey constructed of rammed earthed walls, glazing and Colorbond roofing. The accommodation units (also single storey) will be constructed of cement sheet and shiplap cladding. All development orientates east to overlook the future Serengeti exhibit (subject to separate development approval).

Overall it is considered that such materials and the developments overall contemporary design provides architectural interest and contributes positively to the locality and existing development.

## Element 3 – Landscaping

Landscaping plans have been submitted outlining works throughout the development area and fronting Camp Road. In general, such landscaping adds positively to the overall development. However, the above design has not taken into consideration the General Terms of Approval (GTA's) as issued by the Rural Fire Service.

Noting such, to enable the applicant to consider these requirements in their final designs, a condition will be implemented requiring finalised landscaping plans to be submitted to/approved by Council. This will enable the applicant to consider the GTA's from RFS. The approved landscaping will then be required to be completed prior to occupation.

## Element 4 – Vehicular access and Parking

A new access driveway is proposed via Camp Road being the primary access point to the development. Council's Senior Development Engineer has raised no issues with the location of this driveway subject to implementation of appropriate conditions regarding construction standards. This includes provision of a Basic Right Turn (BAR) and Basic Left Turn (BAL) lanes off Camp Road.

Existing access driveways off Obley Road will remain. However, the provision of the new Camp Road access will enable the southernmost driveway off Obley Road to be utilised for staff only.

Internal access roads are also proposed which provide connectivity throughout the development linking to the established portion of the Zoo. In accordance with the submitted plans the internal access road from Camp Road to the proposed development will be sealed and able to accommodate Heavy Rigid Vehicle access – 12.5m (turning paths provided). Although there are also unsealed internal roads there are no objections. These roads provide connectivity to other sections of the Zoo which will be less frequently utilised.

Parking will be discussed under Chapter 3.5 below.

## Element 5 – Fencing and Security

No changes to existing boundary fencing are proposed.

## Element 6 – Access and Mobility

Such matters will be discussed under Chapter 3.1 below.

## Element 7 – Waste Management

### Waste Storage / Disposal:

The applicant has outlined that solid waste will be collected via private contractor with food waste and compostable material recycled onsite. Sufficient space is also available for the appropriate storage and collection of waste onsite.

In addition, an appropriate condition will be included on the consent for the appropriate disposal of construction waste during that phase.

### Trade Waste:

The proposed development (noting the restaurant component) requires Trade Waste disposal. An appropriate condition regarding such will be implemented.

## Element 8 – Soil, Water Quality and Noise Management

### Soil/Water Quality:

As the proposed development only involves minimal earthworks, soil and water quality is not likely to be affected. Nonetheless, a condition will be included on the consent requiring an erosion and sediment control plan to be implemented for the entirety of construction works to ensure soil runoff is not dispersed into the stormwater system.

### Noise Pollution:

In terms of operational noise an Acoustic Study has been submitted which indicates no adverse impacts subject to the implementation of recommendations. The above study has been reviewed by Council's Senior Environmental Officer with no objections raised. A condition requiring compliance with the recommendations within the submitted Acoustic Impact Assessment will be implemented.

In addition, appropriate conditions will also be included on the consent limiting construction hours to minimise noise impacts during construction.

### Stormwater management:

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

*“The SEE and submitted stormwater management plan indicates that stormwater is proposed to be controlled to pre-development flows prior to being discharged to Camp Road. The Senior Development Engineer will need to address this design aspect in his referral report due to Camp Road being an asset of his Division.”*

Council’s Senior Development Engineer has raised no issues subject to implementation of an appropriate condition requiring full and detailed hydraulic design calculations to be submitted to and approved by Council. No further assessment required.

#### Element 9 – Signage and Advertising

The submitted plans outline signage (x2) which identifies Taronga Western Plains Zoo along the northern and southern facades of the proposed multi-function building. These signs, approx. 2m<sup>2</sup>, are considered proportionate and appropriate in the context of the locality.

#### Element 10 – Services

The subject site has access to reticulated water and sewerage services. Extension of these services where necessary will be burdened by the developer. Council’s Senior Development Engineer has raised no concerns with the capacity of such infrastructure to cater for the proposed development.

#### Chapter 3.1 Access & Mobility

As outlined by the applicant disabled access provisions will be provided. Following a review of the submitted plans this includes disabled accommodation units, and in relation the function centre / café building, disabled parking spaces and amenities.

However, a detailed disabled access assessment has not been undertaken by Council’s Senior Building and Development Certifier. This is noting the applicant is the Crown and a Construction Certificate is not required. Nonetheless, the following condition as recommended by Council’s Senior Building and Development Certifier will be implemented:

*“All building work must be carried out in accordance with the provisions of the Building Code of Australia unless otherwise varied by the Minister administering the Zoological Parks Board Act pursuant to section 6.28 of the EP&A Act 1979.”*

#### Chapter 3.5 Parking

The chapter outlines the minimum number of off-street parking spaces required for certain types of developments. In accordance with this chapter parking will be categorised/calculated utilising the following rates:

- Function Centre rate – 1 space per 3 guests (based on the capacity of the premises);
- Café/Restaurant rate – 1 space per 25m<sup>2</sup> Net Lettable Area; and

- Accommodation – 1 space per unit (TfNSW Guide to Traffic Generating Developments).

Noting the above, parking for the proposed development can be calculated as follows:

Function Centre:

The applicant has outlined that the function centre component of the development has the capacity for 300 guests.

$$300 / 3 = 100 \text{ spaces}$$

Restaurant:

The restaurant component of the development has a net lettable area (NLA) of 305m<sup>2</sup>. In accordance with Chapter 3.5, NLA means the usable area of the building excluding amenities (i.e. toilet/kitchen facilities), public foyers and plant rooms. Essentially, the 305m<sup>2</sup> comprises of all dining space both inside and outside. Other areas not included have been incorporated into the function centre component of the development.

$$305\text{m}^2 / 25 \text{ NLA} = 12.2 \text{ (say 12) spaces.}$$

Accommodation:

The accommodation component of the development consists of 20 x two (2) bedroom units. The most appropriate rate within the DCP for such a development would be serviced apartments, which require two (2) parking spaces per two (2) or more bedroom premises. However, in relation to this rate the submitted Traffic & Parking Impact Assessment Report states the following:

*“Whilst the DCP does not provide parking rates for cabins, the DCP refers to TfNSW Guide to Traffic Generating Developments for parking rates not provided within the DCP. Therefore, the parking requirement for the cabins is based on the parking rates for motels as specified in the TfNSW Guide.”*

As outlined by the applicant, Chapter 3.5 of the DCP enables use of the Guide to Traffic Generating Development 2002, where appropriate. In this instance it is considered reasonable to utilise this document for the proposed accommodation (motel rate - 1 space per unit).

Unlike the DCP, this rate is not based per bedroom. This is considered practical given the likelihood that families (utilising a single car) are likely to utilise the facilities more regularly. Noting such, parking can be calculated as follows:

$$20 \text{ units} \times 1 = 20 \text{ spaces}$$

Nevertheless, it should be noted that stack parking (behind each units designated space) appears possible without interfering with traffic flow. This would achieve compliance if the DCP rate was utilised.

#### Summary:

In accordance with the above calculations 132 off-street parking spaces are required. Submitted plans show the provision of 135 off-street parking spaces ensuring compliance. In addition, there is also sufficient space onsite for informal overflow parking if needed. Noting such, no further assessment required.

#### 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 eastern portion of Lot 192 and 207 is identified as being in the Probable Maximum Flood (PMF) Zone according to the Policy. 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. Further, there is no built form proposed within the mapped PMF area, and flood free egress can still be provided to Camp Road and west to Peak Hill Road.

#### **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
- Amended s.94 Contributions Plan - Roads, Traffic Management & Car Parking - 2016

In the event the application is approved, the following contributions totalling **\$94,463.46** would be payable.

- \$5,955.40 – Water Headworks (2.12 ET's x \$5,955.40 per ET)
- \$30,956.83 – Sewer Headworks (11.02 ET's x \$2,809.15 per ET)
- \$57,551.23 - Urban Roads Contribution (\$472.70 per daily trip x 121.75 daily trips)

Conditions will be included on the consent for the payment of the above contributions prior to the issue of the relevant Occupation Certificate.

### **3.4 Section 4.15(1)(a)(iiia) – 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**

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

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

As stated above, 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.

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

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.

In terms of operational noise, an Acoustic Study has been submitted which indicates no adverse impacts subject to the implementation of recommendations. The above study has been reviewed by Council's Senior Environmental Health Officer with no objections raised. A condition restricting the operating hours of the restaurant/function centre will be implemented.

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.

Other

- Public Health

A public pool is proposed as part of the outdoor leisure areas adjacent to the restaurant. Council's Senior Environmental Health Officer has raised no objections subject to implementation of the following condition:

*"Swimming pools used by the public shall be operated and continuously disinfected in accordance with the NSW Health Department's guidelines, the Public Health Act 2010 and Public Health Regulation 2022."*

This condition will be implemented.

- **Food Safety**

Council's Senior Environmental Health Officer has raised no objections in relation to food preparation subject to implementation of recommended conditions. This includes a condition requiring fit-out details to be submitted to and approved by Council for all food preparation/service areas prior to construction works commencing. This condition will be implemented.

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

One (1) submission was received during assessment. This is considered under Section 4.3 Community Consultation below.

### **3.9 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 3: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Integrated Development (S 4.46 of the EP&amp;A Act)</b>			
RFS	<p>Integrated Development under Section 100B of the Rural Fires Act 1997, due to the following:</p> <ul style="list-style-type: none"> <li>- The proposed development site is mapped as Bushfire prone land; and</li> <li>- The proposed development incorporates a special fire protection purpose development (i.e. tourist accommodation).</li> </ul>	The submitted Bushfire Assessment Report was referred to the Rural Fire Service (RFS). The RFS responded in the correspondence dated 31 May 2024 providing their General Terms of Approval (GTA's). A condition will be included on the consent requiring compliance with those GTA's.	Yes
Heritage NSW	Integrated Development under Section 90 of the National Parks and Wildlife Act 1974. This is due to an Aboriginal Heritage Impact Permit (AHIP) being required to remove identified artefacts.	Heritage NSW responded in the correspondence dated 2 October 2024 providing their General Terms of Approval (GTA's). A condition will be included on the consent requiring compliance with those GTA's.	Yes

## 4.2 Council Referrals

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

**Table 4: Consideration of Council Referrals**

<b>Officer</b>	<b>Comments</b>	<b>Resolved</b>
Engineering	Council's Development Engineering Team Leader in the report dated 26 April 2024 (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)
Environmental	Council's Environmental Systems Planner in the report dated 6 June 2024 (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)
Building	Council's Senior Building & Development Certifier in the report dated 23 April 2024 (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)
Health	Council's Senior Environmental Health Officer in the report dated 4 April 2024 (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 Development Application was placed on notification for a period ending 15 April 2024, during which time adjoining property owners were notified in writing of the proposed development.

Council received one (1) submission during the notification period from the owners of 17L Camp Road (Dubbo Observatory). Although supportive of the proposed development, to ensure light pollution is minimised several design/operational matters were requested to be implemented which are detailed below:

- We ask that any external lights be shielded from upward light spill.

Comment:

As part of the proposed development the applicant submitted a Lighting Impact Study. This Study concludes the following:

*“To protect observing conditions and operation of the Siding Spring Observatory and the adjacent Dubbo Observatory, good lighting design principles must be considered and met. The lighting design shall comply with all relevant codes, standards and regulations as mentioned in the body of this report.”*

A condition will be implemented requiring compliance with this report. In addition, the following specific conditions will be implemented:

- A condition requiring a lighting plan to be submitted to and approved by Council; This condition will enable Council to assess in more detail the number of external lights proposed and ensure such lights are appropriately shielded etc; and
  - A condition requiring prior to occupation all lighting installed so that light is emitted in downward direction.
- We ask that there be no skylights in any of the cabins or function centre.

Comment:

The submitted architectural plans do not outline skylights. Nevertheless, to ensure such, an appropriate condition will be implemented prohibiting use of skylights.

- There is currently a number of trees near the fence at Camp Road between the observatory and proposed development which should help in shielding any direct light. I ask that they not be removed.

Comment:

Existing vegetation adjacent to Camp Road located between the proposed development and Observatory will remain. For visual reference of this area see **Figure 6** below.

- The internal access road to/from Camp Road may result in car headlights impacting the observatory. We ask if there is anyway the road could be redesigned at a different angle or lengthen the screen of tree's west.

In accordance with the comments above, the internal access road (as originally submitted) has been relocated to minimise car headlights orientating towards the Dubbo Observatory.

Additionally, as outlined above (**Figure 6**) it is considered that existing vegetation adjoining Camp Road creates a sufficient buffer/screening between the proposed development and Observatory. This screening and the additional lightning restrictions outlined above are considered sufficient to mitigate any adverse impact.



**Figure 6:** General view from the proposed development site facing south-west towards the Dubbo Observatory. The above vegetation is located adjacent to a watercourse.

## 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:

- Aboriginal Archaeology;
- Bushfire Management;
- Parking / Vehicular access;
- Light pollution on the nearby Dubbo Observatory; and
- Implementation of contributions.

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, issues raised in submissions 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 D24-096 for a function centre, restaurant, and accommodation (20 units) at Taronga Western Plains Zoo 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