

COUNCIL ASSESSMENT REPORT

WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSWES-263 – D24-360
PROPOSAL	Redevelopment of Public Administration Building and boundary adjustment/consolidation.
ADDRESS	Lots 21 & 22 DP 565246, Lots 3 & 4 DP 1128529 & Lot 100 DP 1098632, No(s) 37-39 Carrington Avenue, 130 & 142 Brisbane Street, Dubbo
APPLICANT	Property NSW
OWNER	Property and Development NSW
DA LODGEMENT DATE	29 August 2024
APPLICATION TYPE	Crown DA
REGIONALLY SIGNIFICANT CRITERIA	In accordance with Schedule 6 Section 4 of State Environmental Planning Policy (Planning Systems) 2021, the proposal is regionally significant given it's a Crown Development with an estimated development cost of more than \$5 million.
CIV	\$28,596,225.00
CLAUSE 4.6 REQUESTS	NA
KEY SEPP/LEP	<ul style="list-style-type: none"> - State Environmental Planning Policy (Planning Systems) 2021; - State Environmental Planning Policy (Resilience and Hazards) 2021; - State Environmental Planning Policy (Transport and Infrastructure) 2021; - Dubbo Regional Local Environmental Plan 2022.
TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS	<ul style="list-style-type: none"> - One (1) submission was received during the notification period. - The key issue raised was the impact of the proposal on the adjoining property's radio tower (33 Carrington Avenue). This is addressed in detail throughout this report.

DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> - State of Environmental Effects, prepared by Premise. - Architectural Plans, prepared by Cox Architecture. - Development Application Report, prepared by CONTEXT. - Preliminary Site Investigation, prepared by Ground Doctor Pty Ltd. - Noise Impact Assessment, prepared by Pulse White Noise Acoustics. - Heritage Impact Statement, prepared by P.A Duggan Architect & Heritage Consultant. - Traffic Impact Assessment, prepared by Premise. - Operational Waste Management Plan, prepared by Elephants Foot Consulting. - Arborist Impact Assessment, prepared by McArdle Arboricultural Consultancy.
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	Not applicable.
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	YES
SCHEDULED MEETING DATE	18 March 2025
PREPARED BY	Josh Smith – Senior Planner
DATE OF REPORT	11 March 2025

EXECUTIVE SUMMARY

The Development Application (D24-360) seeks consent for the redevelopment of a Public Administration Building and the boundary adjustment/consolidation of associated allotments. The existing building fronting Carrington Avenue consists of a basement (plant use), three (3) working levels and ground level parking (38 spaces in total).

The proposed redevelopment will consist of a basement (plant use), four (4) working office levels, and ground level parking (18 spaces in total). Landscaping works are also proposed at the rear of the site. The purpose of the redevelopment is to house and centralise several State Government Departments to create a centralised ‘workplace hub’.

The development site comprises of five (5) allotments located on the western side of Carrington Avenue and eastern side of Brisbane Street. The allotments have a combined area of approx. 5,010m². A boundary adjustment/consolidation will rationalise these five (5) lots into three (3).

The site is located in the E2 Commercial Centre zone pursuant to Clause 2.2 of the *Dubbo Regional Local Environmental Plan 2022*. The proposed development is permissible in the E2 zone.

The application was publicly notified. During the exhibition period one (1) submission was received from the adjoining property to the north. Issues raised included the impact of the proposal on the adjoining properties radio tower and construction related concerns such as noise/dust impacts. Although detailed under the Community Consultation section of this report, there are no issues raised which would prohibit development consent from being granted or have been conditioned accordingly.

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.

A Panel Briefing was held 28 January 2025. Discussed was the status of the application and key issues of consideration such as off-street parking. In relation to off-street parking a condition requiring a monetary contribution (20-space shortfall) will be implemented.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, D24-360 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 five (5) allotments located on the western side of Carrington Avenue and eastern side of Brisbane Street. These allotments are known as Lot 21 DP 565246, Lot 4 DP 1128529, Lot 22 DP 565246, Lot 3 DP 1128529 & Lot 100 DP 1098632. The allotments have a combined area of approx. 5,010m². Building works proposed as part of this application largely front Carrington Avenue. For a map of the site and immediate locality see **Figure 1** below.



Figure 1: Aerial view of the subject property and immediate locality (outlined in red).

1.2 The Locality

The development site is located within the Dubbo Central Business District (CBD). Adjoining land uses comprise of the following:

North: Business premises (Radio 2DU) and vehicle repair station.

South: Retail premises (café) and Place of Public Worship.

East: Public Administration Building (Dubbo Regional Council) and Dubbo Regional Theatre and Convention Centre.

West: Dubbo Court House and Police Station.

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

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

Council is in receipt of a Development Application for a public administration building and consolidation/boundary adjustment of associated allotments.

Specifically, the proposed development is for the redevelopment of an existing public administration building. The existing building, fronting Carrington Avenue, consists of a basement (plant use), three (3) working levels and ground level parking at the rear (38 spaces in total). For visual reference of the existing building onsite see **Figure 2** below.



Figure 2: Existing public administration building fronting Carrington Avenue.

The proposed redevelopment includes a basement (plant use), four (4) working levels, and ground level parking (18 spaces in total). Landscaping works are also proposed at the rear of the site. As outlined by the applicant each level will comprise of the following:

- Basement: Plant room
- Ground floor: Main entry, concierge, meeting areas, amenities, back of house and storage.
- Level 1: General office space, meeting rooms, amenities, and external terrace.
- Level 2: General office space and amenities.
- Level 3: Plant area, market place (communal dining), amenities and terrace area.

The purpose of the redevelopment is to house and centralise a number of State Government Departments to create a 'workplace hub'. Examples of these agencies include Transport for NSW, Aboriginal Housing & The Department of Education. For visual reference of the proposed development see **Figures 3** and **4** below.



Figure 3: Eastern and northern elevations, fronting Carrington Avenue.



Figure 4: Western/rear elevation.

The proposed development also includes the consolidation/realignment of property boundaries and creation of appropriate easements. The five (5) allotments forming part of this application will be rationalised into three (3) as follows:

- Proposed Lot 104 (2,338m²). This allotment (fronting Carrington Avenue) will consist of the redeveloped public administration building and associated landscaping areas;
- Proposed Lot 105 (732.8m²). This allotment (fronting Brisbane Street) will contain the existing heritage listed Lands Department building. There are no buildings works associated with this building proposed as part of this application. Upgrades to that building were approved as part of D24-295; and

- Lot 100 DP 1098632 (1,941m²). This allotment (fronting Brisbane Street) contains a two (2) storey government office building. Other than landscaping works and the creation of easements (stormwater and access), no building works or change in lot reconfiguration are proposed as part of this application.

For visual reference of the overall Lot Layout see **Figure 5** below.

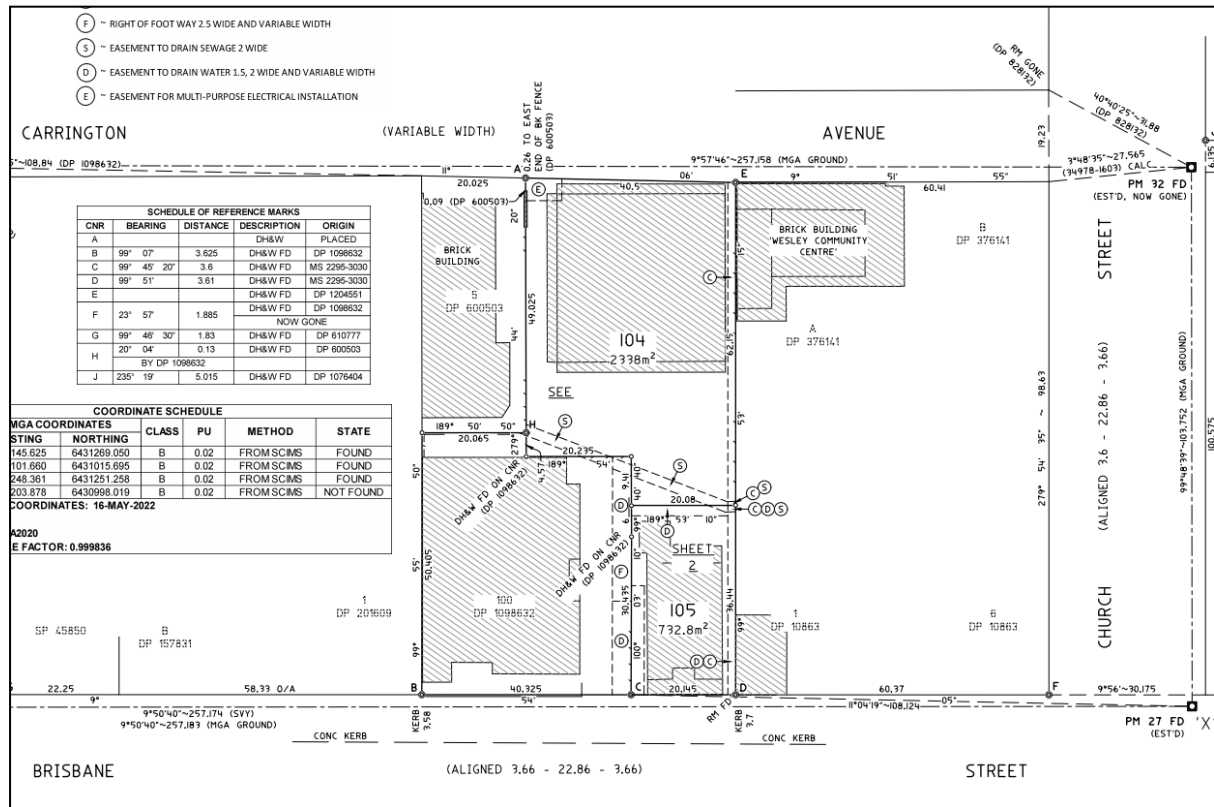


Figure 5: Submitted Subdivision Plan.

2.2 Background

The Development Application was lodged 29 August 2024. A chronology of the Development Application since lodgement is outlined below:

Table 1: Chronology of the DA

Date	Event
29 August 2024	DA lodged
4 September 2024	Exhibition of the application
4 September 2024	Application referred to internal Council departments (Building, Environmental, Engineering)

24 September 2024	Exhibition period closes
25 October 2024	Additional information requested from the applicant.
28 January 2025	Panel Preliminary Briefing undertaken
17 February 2025	All requested additional provided to Council for review and determination.

2.3 Site History

37-39 Carrington Avenue (Lots 21 DP 565246, Lot 4 DP 1128529 & Lot 22 DP 565246):

The existing State Government building associated with the above allotments was approved under Development Consent D73-90. Since its occupation there have been several approvals for internal alterations to this building. However, in recent years there have been two (2) applications of note which are detailed below:

D22-205: Demolition of building and car park, approved 25 July 2022. This application approved the demolition of the subject building to accommodate a new public administration building (detailed below).

D22-356: Public Administration building and consolidation/boundary adjustment, approved by WRPP 26 April 2023. This application approved the construction of a new public administration building which consisted of the following:

- Two (2) basement levels for underground parking (70 spaces in total);
- Five working levels and a sixth level of plant infrastructure; and
- Boundary adjustment / consolidation of five (5) lots into three (3) allotments.

Like that proposed as part of this application, the application was intended to house/centralise several State Government Departments. The applicant has confirmed this application will not proceed. For visual reference of the approved development see **Figure 6** below.



Figure 6: Perspective plan of the public administration building approved under D22-356.

130 Brisbane Street (Lot 100 DP 1098632):

The building onsite being a two (2) storey government office building was approved 8 March 1988 (Development Consent D1988-160). Since its occupation there have been a number of approvals for internal alterations to the building.

142 Brisbane Street (Lot 3 DP 1128529):

According to the NSW State Heritage Inventory, the building onsite was completed in 1897 as the Lands Office. The veranda was added in 1899 and restoration works undertaken in 1976. In recent times Development Applications of note include the following:

D24-295: Public Administration Building (alterations), approved 17 September 2024. This application comprised largely of internal alterations and a pedestrian lift/stairs at the rear of the building.

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 Property NSW 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. Concurrence was subsequently provided by the Crown.

Note, as outlined by Council's Building Services Team Leader, 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 (Transport and Infrastructure) 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

EPI	Matters for Consideration	Comply (Y/N)
SEPP (Planning Systems) 2021	<ul style="list-style-type: none"> • In accordance with clause 4 the application is regionally significant being a Crown Development over \$5 million (\$28,596, 225.00). 	Y
SEPP (Resilience and Hazards) 2021	<ul style="list-style-type: none"> • Chapter 4: Remediation of Land <ul style="list-style-type: none"> • A submitted Preliminary Site Investigation Report deems the site suitable from a contamination perspective. 	Y
SEPP (Transport and Infrastructure) 2021	<ul style="list-style-type: none"> • Chapter 2: Infrastructure <ul style="list-style-type: none"> - Application referred to Essential Energy with no objections raised. • Division 14: Public Administration buildings and buildings of the crown <ul style="list-style-type: none"> - Application is for a Public Administration Building within a prescribed zone. 	Y
Dubbo Regional Local Environmental Plan 2022	<ul style="list-style-type: none"> • Clause 1.2 - Aims of Plan • Clause 1.4 - Definitions • Clause 1.9A - Suspension of covenants, agreements and instruments. • Clause 2.2 - Zoning of land to which Plan applies • Clause 2.3 - Zone objectives and Land Use Table • Clause 2.6 - Subdivision – consent requirements • Clause 5.10 - Heritage Conservation • Clause 5.14 - Siding Spring Observatory – maintaining dark sky • Clause 5.21 - Flood Planning 	Y

	<ul style="list-style-type: none"> • Clause 7.2 - Earthworks • Clause 7.5 - Groundwater Vulnerability • Clause 7.7 - Airspace Operations 	
Development Control Plan 2013	<ul style="list-style-type: none"> • Chapter 2.2 - Commercial Development and Subdivision • Chapter 3.1 - Access and Mobility • Chapter 3.4 - Heritage Conservation • Chapter 3.5 - Parking 	Y

Detailed considerations of the above SEPPs are outlined below.

SEPP (Planning Systems) 2021

Schedule 6 – Regionally significant development:

Schedule 6 of the SEPP outlines development that is considered regionally significant. In accordance with Section 4 the proposed development is deemed regionally significant given it is a Crown Development with an estimated development cost of more than \$5 million (\$28,596,225.00). As such the application has been referred to the Western Regional Planning Panel for determination.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Following a request from Council a Preliminary Site Investigation Report (dated 12 February 2025) was submitted by the applicant. This report raises no objections from a contamination perspective subject to implementation of several recommendations. A condition requiring compliance with this report and its recommendations will be implemented.

In addition, the Preliminary Site Investigation Report was reviewed by Council’s Environment and Health Services Team Leader with no objections raised.

SEPP (Transport and Infrastructure) 2021

Chapter 2- Infrastructure

Subdivision 2 Development likely to affect an electricity transmission or distribution network

The application was referred to Essential Energy in accordance with Clause 2.48 for which they responded in correspondence dated 27 September 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.

Division 14 Public administration buildings and buildings of the crown

Pursuant to Clause 2.88(1), development for the purpose of *public administration buildings* may be carried out by or on behalf of a public authority with consent on land in a prescribed zone. In this regard, it is noted the Applicant is Property NSW (a public authority), and the land is zoned E2 Commercial Centre (formerly zoned B3 Commercial Core) which is a prescribed zone (see clause 2.85).

Further, as per clause 2.89, it is considered that the proposal does not constitute any works that can be undertaken without consent (example demolition, alterations and additions, replacement of building not exceeding 12 metres in height). Although it could be argued that the proposal is for alterations and additions, given the scale of the works proposed the applicant has elected to lodge a Development Application of which Council has no objections.

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 defined under the Dubbo Regional Local Environmental Plan 2022 as a *public administration building*, which is defined as:

“a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes...”

Clause 1.9A Suspension of covenants, agreements and instruments

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

In addition, it is noted that the submitted subdivision plan outlines the creation of the following easements:

- Easement over existing sewer line;
- Easement to drain water;
- Easement for multi-purpose electrical installation;
- Easement for access (pedestrian).

There are no conflicts/objections with the provision of the above easements. A condition ensuring their creation prior to issue of the Subdivision Certificate will be implemented.

Note the administration building including overhanging upper levels appear clear of the easement to drain sewer which traverses the site. Irrespective of such, a condition prohibiting

buildings/structures within the subject easement will be implemented. This excludes driveways, car parking and landscaped areas.

Clause 2.2 Zoning of land to which Plan applies

The subject site is zoned E2 Commercial Centre.

Clause 2.3 Zone objectives and Land Use Table

The proposed development complies with the following objectives of the E2 zone:

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To ensure Dubbo Central Business District continues to be the commercial and retail centre of the region.

The remaining zone objectives are not applicable in this instance.

As outlined above, the proposed development for a *public administration building* is permitted with development consent in the E2 zone under State Environmental Planning Policy (Transport and Infrastructure) 2021.

Clause 2.6 Subdivision – consent requirements

As outlined above, the proposal includes the boundary adjustment/consolidation of five (5) allotments into three (3) allotments. This enables a more orderly and efficient lot layout ensuring buildings do not straddle allotment boundaries.

In terms of a Minimum Lot Size, there are no Minimum Lot Size provisions in the E2 zone. Therefore, compliance is based on a merit assessment. In this regard, it is considered the lot layout and sizes proposed are suitable to accommodate both existing and proposed development that ensures compliance with the Building Code of Australia. That is, with respect to buildings and their proximity to fire source features (allotment boundaries).

Clause 5.10 Heritage Conservation

Lot 3 DP 1128529, 142 Brisbane Street (which forms part of the overall development site) contains a locally listed heritage item, being the Dubbo Lands Office (Item No.151). In addition, the following locally listed heritage items are located in proximity to the site:

- Dubbo Courthouse – 135 Brisbane Street (Item No.150);
- Dwelling house and retail premises – 144 Brisbane Street (Item No.152); and
- ‘The Drop Inn’ and Wesley Centre Uniting – 64 Church Street (Item No.184).

Council's Heritage Adviser in reviewing the development proposal provided the following comments:

"Despite the quality of the proposal, the loss of a potential heritage item is highly regrettable. Its retention in its present form and with an upper level extension might have been preferable.

However given its unlisted status, there is no objection to the proposal from a heritage viewpoint."

Noting the comments above, no further action is required.

Clause 5.14 Siding Spring Observatory – maintaining dark sky

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

- 2(a) - the amount of light to be emitted;
- 2(b) - the cumulative impact of the light emissions with regard to the critical level;
- 2(c) - outside light fittings (shielded light fittings);
- Metres for all levels above this 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 61 of the EP&A Regulation 2022.

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. An appropriate condition will be included on the consent that any external lighting associated with the development be shielded and pointed downwards to not emit light into the night sky or adjoining property.

Clause 5.21 Flood planning

Under Council's Flood Prone Land Policy the 1% AEP flood level stands at 262.5m AHD (cross section 14 – Church Street), with the Flood Planning Level being 263m AHD. The proposed public administration building (fronting Carrington Avenue) has a finished floor level of 264.5m AHD. This reduces to 263.15m AHD (rear elevators) and 263.83m AHD (substation area). All levels are above both the 1% AEP and the Flood Planning Level.

It is noted that under the draft Cardno-Willing Flood Study the site is identified as being affected by the Flood Planning Area at 263.1m AHD, being 0.6 metres above the existing 1% AEP flood level. As the Cardno-Willing flood study is a draft document with no legal standing or guarantee of future adoption as Council Policy, only a notation to this effect is recommended on the consent.

Clause 7.2 Earthworks

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

Clause 7.5 Groundwater vulnerability

The land is included on the Natural Resource – Groundwater Vulnerability Map. 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 for Dubbo Regional Airport at a height of 330m AHD. The development site has a maximum surface level of 264m AHD with the development having a maximum height of 280.345m AHD. This is 49.65 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

Element 1 - Setbacks

Front setback (Carrington Avenue):

The ground floor has a setback ranging from 2.54 metres to 4.5 metres. In terms of levels one (1) to three (3) this setback reduces to a consistent 2.1 metres.

The DCP stipulates a zero-metre setback for the first three (3) levels (including the ground floor) with a 3 metre setback for the fourth (4) level. Although the proposed development does not comply (above the third level) there are no objections with consideration of the scale of the development and its positive impact on the streetscape.

Arguably increasing the developments front building setback from its current configuration reduces the impact on the streetscape from a bulk/scale perspective.

Side Setbacks:

The proposed development features a 5.75 metre setback to the northern property boundary and 1.8 metre setback to the southern property boundary. These setbacks are generally consistent across all levels.

The DCP stipulates a zero-metre setback at ground level and 3 metre setback at first floor level and above. Although the proposed development does not comply above the third level on the southern boundary, there are no objections. The side setbacks proposed generally align with the existing building onsite with no adverse impact on adjoining properties anticipated.

Rear Setback:

The proposed development features a 13.5 metre minimum setback from the ground floor to the closest property boundary (Lot 100 DP 1098632). In terms of levels one (1) to three (3) this reduces to 4 metres.

There are no numerical controls for rear setbacks within the DCP. Only a merit assessment to ensure the development can be adequately serviced. This is achieved.

Element 2 – Building Design

The proposed redevelopment has a positive contribution to Carrington Avenue and the surrounding streetscape. Plans demonstrate masonry, aluminium and glass finishes with car parking located at the rear of the site. The proposed design conforms to the acceptable solutions of the DCP through providing a visually interesting facade, architectural emphasis and colour articulation.

There are no numerical height controls for the E2 zone (formerly B3 zone). The building height is considered suitable for the area.

The design of the ground floor level, with large windows facing directly to the street, ensures passive surveillance to the public domain.

Element 3 – Landscaping

Detailed landscape plans have been provided which demonstrate extensive landscaping, particularly at the rear of the administration building. This includes a landscaped corridor through to Brisbane Street and a passive break out area for staff. To accommodate the above, existing landscaping at the rear of the site would be removed of which there are no objections.

In addition, the submitted plans outline that the two (2) Jacarandas trees (fronting Carrington Avenue) will remain. It is considered that these trees add positively to the streetscape and soften the appearance of the subject building.

A condition will be implemented requiring such landscaping to be established prior to occupation of the building.

Element 4 – Vehicular access and parking

Access Driveway:

Vehicular access to the site and the off-street parking area is proposed via a combined driveway off Carrington Avenue. This driveway generally aligns with existing driveway onsite.

Council's Infrastructure Division have raised no objections subject to implementation of appropriate conditions regarding construction standards.

Internal manoeuvrability:

Turning paths have been submitted which demonstrate that vehicles can enter/exit the site in a forward direction, as well as access and egress from designated parking spaces. Council initially raised concerns with regards to manoeuvrability and exiting certain parking spaces. For example, up to a six (6) point turn was required to exit certain spaces. The Applicant identified that the car parking spaces provided on site are designated to certain staff operating in the building. As such, the staff are aware of the constraints and manoeuvrability of the car parking spaces and exiting the site. Furthermore, vehicle access to the site is prohibited to the public. Noting these comments, although manoeuvrability within the designated parking area is not ideal, it is considered sufficient in this instance.

Loading/Waste Collection:

Addressing general deliveries and waste collection, the applicant provided the following comments:

"A timed loading zone will be provided on Carrington Avenue to accommodate a service vehicle for the collection of general waste and recycling for kerbside collection. The loading zone will also be available for general deliveries during timed operation. The timed loading zone will be in operation from 6am to 12pm weekdays. Outside of these hours, the loading zone area will allow parallel parking."

In relation to the above, Council's Infrastructure Division have raised no objections. Appropriate conditions regarding such will be implemented.

Parking:

Parking is addressed under Chapter 3.5 below.

Element 5 – Fencing and Security

Fencing:

There is no fencing proposed forward of the building line. Fencing behind the building line consist of palisade fencing of which there are no objections.

Security:

The design of the building ensures passive surveillance of the public domain to minimise risk of anti-social behaviour.

Element 6 – Design for access and mobility

An assessment will be undertaken under Dubbo DCP 2013, Chapter 3.1 Access and Mobility.

Element 7 – Waste Management

Construction:

Waste will be generated during construction works. Noting such, an appropriate condition will be included on the consent for the disposal of construction waste (including soils) at an appropriately licenced waste facility.

Operational:

As outlined by the applicant, operational waste will be disposed of as follows:

“A private waste collection contractor will be engaged to service the waste, recycling and food waste bins per an agreed schedule. This report assumes that general waste and recycling will be collected twice weekly, and food waste collected once weekly.

On the day of service, a private waste collection vehicle will collect waste from Carrington Avenue using the proposed timed loading zone adjacent to the existing building vehicle entry. Building management or designated staff will be responsible for moving the bins to the allocated collection zone. Once the bins are serviced, building management will return bins to the waste room.

It is the responsibility of the building manager to ensure the loading area is clear of obstructions or vehicles prior to waste collection.”

Council’s Infrastructure Division has raised no objections with this arrangement. As such, no further action is required other than implementation of appropriate conditions.

Note, identical waste collection arrangements along Carrington Avenue were also approved under D22-356.

Trade Waste:

The development will not be a generator of liquid trade waste. No further action required.

Element 8 – Soil, Water Quality and Noise Management

Soil/Water Quality:

Upon completion of the development the property will be mainly hardstand or landscaped, ensuring soil erosion is unlikely. During construction however, soils will be exposed meaning runoff may occur during a rain event. The Construction Environmental Management Plan to be submitted prior to works commencing will detail erosion and sediment control measures to ensure sediments are not dispersed from the site into the local stormwater system.

Stormwater Management:

Stormwater management plans have been submitted demonstrating stormwater being collected and piped to both Carrington Avenue and Brisbane Street. Where relevant, appropriate drainage easements will enable such. Both Council’s Building Services Team Leader and Development Engineering Team Leader have reviewed these plans with no

objections raised subject to implementation of appropriate conditions. No further action required.

Noise:

As outlined by the applicant, operating hours for the public administration building are proposed as follows:

- Monday to Friday – 9am to 5pm; and
- Saturday & Sunday – Closed.

With consideration of the above, the nature of the development and its location in the CBD, no adverse noise impacts to neighbouring property are anticipated. Further, the applicant has submitted a Noise Impact Assessment which raises no objections to the proposal. A condition requiring compliance with this report and all associated recommendations will be implemented. No further action required.

Element 9 – Signage and advertising

As part of the application, an external signage plan was submitted. This plan largely outlines proposed directional signage. However, it is noted that a building identification window sign is proposed along the Carrington Avenue frontage. This sign (approx. 1.2m²) identifies the site as the Dubbo Work Hub, 37-39 Carrington Avenue. There are no objections with any of the proposed signage from visual perspective.

An appropriate condition will be included on the consent that separate approval be required for any business identification signage not approved as part of this application.

Element 10 – Services

All utility services are readily available. Council's Infrastructure Division have reviewed the development proposal and determined utility servicing in the locality should be adequate to serve the development.

Chapter 3.1 – Access and Mobility

Section 3.1.2 Legislative Requirements

The Application will be assessed against the Premises Standards in the Access Code under the Disability Discrimination Act 1992. The plans themselves are not sufficient to conduct a detailed assessment as to the building's compliance, however, a basic assessment can still be made to determine any obvious non-conformities that may be required to be amended prior to development approval.

Section 3.1.8 Development Controls

Design Element 1 – Access Routes and Entrances

Plans demonstrate pedestrian access via a ramp to the main foyer, with lifts providing access to other floors.

Design Element 2 – Access to Internal Facilities

One (1) accessible toilet is proposed on each working level. Specific details of the sanitary facility, door widths, rail heights etc., and compliance with the relevant Australian Standards will be required to be certified by the development's certifier.

Design Element 3 – Car Parking and Setdown Areas

Plans show the provision of two (2) disabled car parking spaces at the rear of the administration building. It is assumed these spaces will be utilised by staff. The Applicant also proposes to dedicate a disabled parking space on Carrington Avenue for use by the general public. A kerb ramp will be provided adjacent to this space for accessibility to the footpath and the building.

Chapter 3.4 – Heritage Conservation

The property is located within the Central Business District Heritage Precinct. As discussed previously in this report, it is considered the development will not have an adverse impact on the heritage precinct, or any heritage items in the vicinity of the site.

Chapter 3.5 – Parking

The proposed development is considered an *office premises* which requires one (1) space per 40m² Net Lettable Area (NLA). Note, NLA is defined as follows:

“the overall useable area of the building that excludes aspects such as amenities, stairways, lift wells, public foyers and plant rooms.”

Council's interpretation is that the above definition also excludes staff/lunchrooms. Noting such, a breakdown of raw parking requirements based on each floor's NLA is shown below:

Level	NLA (m ²)	Parking requirement
Ground floor	90m ²	2.25
First floor	1,190m ²	29.75
Second floor	1,210m ²	30.25
Third floor	Nil. This floor comprises only of plant, amenities and the 'marketplace'. Note the 'marketplace' is essentially an open lunchroom.	-
	Total (2,490m²)	62.25 (62 spaces)

The submitted Plans show the provision of 18 off-street parking spaces including two (2) disabled spaces. However, parking credits available to the site must also be considered. This is based on the existing building and its current arrangement.

Regarding such, the existing building onsite has a NLA area of 2,532m² with 38 parking spaces provided. The proposed redevelopment has a reduced NLA being 2,490m². As such, there is argument in accordance with the DCP that there is no increased impact from the current/existing arrangement.

However, given parking onsite is being reduced from 38 spaces to 18 there is a shortfall of 20 spaces even when the above credit is implemented. Noting such, (in accordance with Council's Urban Roads Contributions Plan) a contribution is then incurred for each space physically not provided (\$31,105.80 per parking space). This equates to a total contribution of \$622,116.00 (24/25 financial year). This has been raised with the applicant who has agreed to the implementation of the above contribution in writing. Noting such, a condition requiring payment will be implemented prior to occupation.

Note, Council's strategic intent is that the above contribution would be utilised to facilitate a multi-storey parking facility within the Dubbo CBD. Council's Dubbo CBD Traffic and Parking Study Final Report (1998), which underpins the Urban Roads Contributions Plan, indicates the possible location of such facility being on the corner of Bligh and Wingewarra Street (Council owned site). However, whilst the exact design and location is still undetermined the intent is to utilise such funds to facilitate a multi-storey parking project within the CBD to meet additional parking demands.

Flood-Prone Land Policy

As discussed previously in this report, the 1% AEP flood level stands at 262.5m AHD (cross section 14 – Church Street), with the Flood Planning Level being 263m AHD. In terms of building works the subject administration building (fronting Carrington Avenue) has a finished floor level of 264.5m AHD. This reduces to 263.15m AHD (rear elevators) and 263.83m AHD (substation area). All levels are above both the 1% AEP and the Flood Planning Level.

Section 4.6 – Requirements for Emergency Service Infrastructure

The remainder of the site is mapped as being within the Probably Maximum Flood Area. However, as the development is not for *essential service infrastructure* there are no further considerations under this Section.

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 **\$625,561.48** would be payable.

- \$3,445.48 – Sewer Headworks (0.49 ET's x \$7,031.60 per ET)

- \$622,116.00 – Parking Contributions (Shortfall 20 parking spaces x \$31,105.80 per space).

Conditions will be included on the consent for the payment of the above contributions prior to occupation.

In addition, although it was Council's intent to implement a condition requiring payment of Water Supply contributions (\$87,684.05 – 12.47 ET's) the Crown as part of the conditions review process questioned the methodology utilised by Council in determining the contribution required.

Noting such, a condition will be implemented requiring a Certificate of Compliance be issued in accordance with the Water Management Act, 2000. Essentially, an application would need to be made to Council's Water Supply and Sewerage Branch to fully assess the impacts of the proposal on Council's water infrastructure and, if required, a 'Notice of Requirements' letter issued detailing any development requirements (i.e. payment of contributions), that must be met prior to the operation of the development. This enables the application to be determined and Water Supply contributions to be assessed in more detail under separate cover.

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

As identified above, the Crown is exempt from having to obtain a Construction Certificate for the proposed building works. Consequently, the classification of the building will be required to be stipulated on the Development Application's determination notice pursuant to Section 88(1)(g) of the EP&A Regulation 2021.

No other 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?*

It is considered 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.

In terms to access to sunlight and overshadowing, it is noted that the taller building proposed compared to that existing, will cast a longer shadow. This is primarily to the south, which contains a place of worship and associated hall and office. Despite the increased overshadowing, it is considered there will be negligible impact to these properties. All buildings turn their back to the north and are generally sited towards the southern side of the allotment ensuring increased overshadowing will primarily be to the rear of buildings where there are roofs or minimal window treatments.

- *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.

Noting the commercial locality, upon occupation the development is not likely to generate noise above that of neighbouring properties. No special conditions in relation to noise generation will therefore be included on the consent.

Access, transport and traffic

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

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

However, it is noted that the submitted Traffic Study recommends provision of a central median island at the intersection of Carrington Avenue and Church Street. Council's Infrastructure Division raised no objections with this being undertaken. An appropriate condition regarding such 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 was referred to Essential Energy in accordance with State Environmental Planning Policy (Transport and Infrastructure) 2021. Essential Energy responded raising no objections with the proposal. The requirements specified by Essential Energy will be included on the development consent as a notation, as Council is unable to enforce such requirements.

No other external agency referrals were undertaken.

4.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 3**.

Table 3: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Development Engineering Team Leader in the report dated 1 October 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.	Y
Environmental	Council's Environment and Health Services Team Leader in the report dated 14 February 2025 (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.	Y
Building	Council's Building Services Team Leader in the report dated 29 September 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.	Y
Heritage	Council's Heritage Advisor in the report dated 23 October 2024 (copy on file) raised no objections to the proposal from a heritage viewpoint. No specific conditions in relation to heritage will be implemented.	Y

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 24 September 2024, during which time adjoining property owners were notified in writing of the proposed development.

Council received one (1) submission during the notification period. The concerns raised are listed below with a comment attached:

- Impacts on neighbouring radio tower.

Comment:

The adjoining northern property is occupied by a local radio broadcaster, whose transmission tower is located on the roof of their building. Concerns were raised by the operator that the proposed higher building may impact on radio transmissions and receiving.

Based on development consents, it is noted the radio tower has a total height of 25.2 metres above ground level and is setback approximately 16 metres from the common property boundary (D1996-108). The proposed new building will have a height of approximately 16.34 metres above ground level, therefore remaining below the tower height. Noting such, and given no evidence was provided by the objector demonstrating an adverse impact, no impact can be concluded.

Note the above was also concluded as part of Development Application (D22-356). However, this development (also for public administration building on the same site) was higher than that proposed being 24.2 metres above ground level.

- Boundary fence replacement and security issues

Comment:

The submission raises concerns that a fence along the northern property boundary will be removed, and thus raises security concerns. The applicant has clarified that a replacement palisade fence is proposed. This is similar to the existing fence along this boundary which will ensure adequate security with no objections from a visual perspective.

- Noise and dust impacts during construction.

Comment:

The submission raises concern with construction noise/dust impacts. A condition will require a Construction Environment Management Plan (CEMP) be submitted to Council for approval prior to construction works commencing. The CEMP will, amongst other matters, require details on how noise and dust impacts will be mitigated, and specifically request this address impacts on adjoining development including the radio station.

- Trades people may use our private car park.

Comment:

This is an operational matter which can be addressed if the issue arises. Nevertheless, a notation highlighting the matter will be implemented. The notation will advise that during construction, construction vehicles shall not utilise private property for parking purposes.

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:

- Onsite Parking;
- Contamination; and
- Implementation of Contributions.

Resolution: These issues have been satisfied through submitted additional information and the 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 D24-360 for a Public Administration Building and boundary adjustment/consolidation 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