

## COUNCIL ASSESSMENT REPORT

### WESTERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSWES--265 - D24-420
<b>PROPOSAL</b>	Health Services Facility (Residential Rehabilitation Centre) - approval for concept and Stage 1 works
<b>ADDRESS</b>	Lot 500 DP 1307224, 58 Spears Drive, Dubbo
<b>APPLICANT</b>	SMEC Australia Pty Ltd
<b>OWNER</b>	Health Administration Corporation
<b>DA LODGEMENT DATE</b>	2 October 2024
<b>APPLICATION TYPE</b>	Crown Development Application
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Schedule 6, Clause 4 of the Planning Systems SEPP: 'Crown development' with a capital investment over \$5 million
<b>CIV</b>	\$27,005.109.00 (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 (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>Dubbo Regional Local Environmental Plan 2022</li> <li>Dubbo Development Control Plan 2013</li> </ul>
<b>AGENCY REFERRALS</b>	<ul style="list-style-type: none"> <li>Rural Fire Service</li> <li>NSW Police</li> </ul>

<b>TOTAL &amp; UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS</b>	<ul style="list-style-type: none"> <li>• The Application was placed on exhibition for a period of 35 days ending 18 November 2024, during which time adjoining and adjacent property owners were notified in writing of the proposed development.</li> <li>• In accordance with Council's Community Engagement Strategy the application was also notified on Council's website, Council's Application Tracker and a notice was placed in the Daily Liberal on 19 October 2024.</li> <li>• Council received no submissions during the exhibition period.</li> </ul>
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>• Local Character and Amenity</li> <li>• Traffic, Access and Car Parking</li> <li>• Planning for Bushfire</li> <li>• Geotechnical Considerations</li> <li>• Stormwater Management</li> <li>• Groundwater and Salinity</li> <li>• Social Considerations</li> <li>• Safety and Security</li> <li>• Noise</li> <li>• Waste Management</li> </ul>
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>• Statement of Environmental Effects: Prepared by SMEC</li> <li>• Architectural Plans: Prepared by Fulton Trotter Architects</li> <li>• Architectural Design Verification Statement: Prepared by Fulton Trotter Architects</li> <li>• BASIX Report: Prepared by Steensen Varming</li> <li>• BASIX Commitments Table</li> <li>• Section J Report: Prepared by Steensen Varming</li> <li>• Cut &amp; Fill Levels: Prepared by JN Responsive Engineering</li> <li>• Site Contamination Investigation: Prepared by Barnson</li> <li>• Landscaping Plans: Prepared by GB-A</li> <li>• Sediment Control Plan: Prepared by JN Responsive Engineering</li> <li>• Bushfire Assessment Report: Prepared by Building Code &amp; Bushfire Hazard Solutions</li> <li>• Social Impact Assessment: Prepared by Ethos Urban</li> <li>• Environmental Noise Impact Assessment: Prepared by Day Design</li> <li>• Building Code of Australia &amp; Disability Discrimination Act Capability Statement: Prepared by bm+g</li> <li>• Stormwater Drainage Plan – Ground Floor: Prepared by JN Responsive Engineering</li> <li>• Stormwater Drainage Plan – Roof: Prepared by JN Responsive Engineering</li> <li>• Stormwater Drainage Plan – WSUD Plan: Prepared by JN Responsive Engineering</li> </ul>

	<ul style="list-style-type: none"> <li>• Traffic Impact Report: Prepared by McLaren Traffic Engineering</li> <li>• Waste Management Plan: Prepared by SMEC</li> <li>• Biodiversity Development Assessment Report (BDAR): Prepared by Access Environmental Planning</li> <li>• Aboriginal Cultural Heritage Assessment Report: Prepared by OzArk Environment &amp; Heritage</li> </ul>
<b>RECOMMENDATION</b>	Approval
<b>DRAFT CONDITIONS TO APPLICANT</b>	Yes
<b>SCHEDULED MEETING DATE</b>	25 February 2025
<b>ASSESSMENT STATUS</b>	Assessment Complete. Provided to WRPP for determination
<b>PREPARED BY</b>	Bo Moshage – Senior Planner
<b>DATE OF REPORT</b>	18 February 2025

## EXECUTIVE SUMMARY

The development application (D24-420) seeks approval for Health Services Facility (Residential Rehabilitation Centre) comprising the following:

- Concept approval for the Dubbo Residential Rehabilitation Centre; and
- Approval for Stage 1 works.

The Concept proposal includes a residential rehabilitation centre building with communal / support and residential wings, in addition to ancillary buildings and facilities comprising multipurpose shed, garbage storage area, clothesline area, a future animal paddock, vegetable garden, programs area and half basketball court.

As part of the Stage 1 works, the development includes the residential rehabilitation centre building with southern communal / support wing and northern residential wing, a multipurpose shed, garbage storage area, clothesline area.

The driveway proposed as part of Stage 1 is accessed off Spears Drive. The car parking area provides twelve (12) car parking spaces adjacent to the communal / support wing of the building as part of Stage 1. An additional car parking area is to be provided in the future on the western side of the site.

Associated infrastructure, landscaping and open space areas will be provided as development progresses throughout the site.

For the avoidance of doubt, for those parts of the Concept proposal approval which are not included in Stage 1, a subsequent Stage 2 Development Application (and potentially additional applications) will be lodged seeking approval within the provisions of Division 4.4 of the EPA Act.

As part of Stage 1 approval the Dubbo Residential Rehabilitation Centre is intended to accommodate 16 clients, and up to 24 clients when the Concept proposal is approved.

The subject site is known as Lot 500 DP 1307224, 58 Spears Drive, Dubbo ('the site'). The site is bound by Spears Drive to the east and (future) Blizzardfield Road to the west. The overall site is rectangular in shape with a maximum width of 140.82m and depth of 290.79m containing a total area of 4.053 hectares.

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

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

### **LEGISLATIVE ASSESSMENT Section 4.33 Crown development**

The owner of the subject land is the Health Administration Corporation, but the applicant is Western NSW Local Health District. It is not clear if the Western NSW Local Health District is either a 'Public Authority' or a 'Public Service Agency' for the purposes of Crown development. Confirmation that the Western NSW Local Health District can assume the role of the Crown for the purposes of Division 4.6 of the Environmental Planning and Assessment Act is required.

Clarification was sought on 13 December 2024 and provided by the applicant on 10 January 2025 confirming that the Application is on behalf of Western NSW Local Health District, which is a State Government Agency and its Executive Directors and staff are employed in the service of the Crown. A copy of this advice is provided in **Attachment A** of this report.

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

Further, under Section 6.7 and Section 6.28, the Crown is not required to obtain a Construction Certificate for any works, but only have the development certified by it or on its behalf, as complying with the technical provisions of the State's building laws. The responsibility for ensuring that compliance is achieved with the Building Code of Australia (BCA) solely rests with the Crown – Council has no statutory role in this regard. Conditions on the (draft) Notice of Determination (NoD) to be worded in such a way to reflect this requirement .

Consequently, an assessment is undertaken to determine the buildings compliance with the BCA, but to determine only if there is likely to be any adverse impact on Council services for which it is the regulatory authority i.e. sanitary, water and stormwater plumbing and drainage; and those legislative building provisions under the EP&A Act that it must consider where applicable and included on the NoD.

Noting that the Crown is exempt from having to obtain a Construction Certificate for the proposed building works, the classification of the building will be required on the NoD pursuant to Clause 88(1)(g) of the EP&A Regulation 2021 as outlined below:

## BUILDING CODE OF AUSTRALIA BUILDING CLASSIFICATION

Applicable Building	Whole/Part	Class
Single-storey Residential Rehabilitation Centre	Part - Staff Offices & Consulting Rooms	5
	Part - Residential accommodation and Common Areas	3
	Part - Group Activity Room	9b
Fire-fighting Water Storage Tanks	Whole	10b

The Application was placed on exhibition for a period of 35 days ending 18 November 2024, during which time adjoining and adjacent property owners were notified in writing of the proposed development.

In accordance with Council's Community Engagement Strategy the application was also notified on Council's website, Council's Application Tracker and a notice was placed in the Daily Liberal on 19 October 2024.

While there were 76 views of the exhibition material hosted on Council's web page, Council received no submissions during the exhibition period.

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

The key issues associated with the proposal included:

- Local Character and Amenity
- Traffic, Access and Car Parking
- Planning for Bushfire
- Geotechnical Considerations
- Stormwater Management
- Groundwater and Salinity
- Social Considerations
- Safety and Security
- Noise
- Waste Management

These issues have appropriately been dealt with and have been discussed in detail under the submissions section of this report.

Following consideration of the evaluation matters under Section 4.14 and Section 4.15 of the EP&A Act, the proposed development is consistent with the objectives of relevant SEPPs the LEP, DCP and Council policies, and is therefore recommended that, pursuant to Section 4.16(1)(a) of the *EP&A Act*, D24-420 be approved subject to the conditions of consent contained at **Attachment C** of this report.

## **1. THE SITE AND LOCALITY**

### **1.1 The Locality**

The site is located in the Local Governmental Area (LGA) of Dubbo, 1.8km to the west of the Macquarie River and 2.5km from the Dubbo Central Business District. Dubbo TAFE

(Narromine Road Campus) and Orana Juvenile Justice Centre are within proximity to the development site with the Dubbo Hospital located approx. 4.5km to the east. For a locality map of the site see **Figure 1**.

To the south is an established residential area, with undeveloped residentially zoned lands to the north and east and undeveloped large lot residentially zoned to the west. These undeveloped residentially zone lands are identified through the North-West URA and will see the site bounded by Spears Drive to the east, an arterial road to the west and urban development to the north and east.

The Spears Drive site was selected as the preferred site for the proposed development by the NSW Government and the Western NSW Local Health District following an evaluation of Government-owned land across the Dubbo LGA.

In announcing the location NSW Health noted that the site was adequately sized and met requirements for the service to be located in close proximity to Dubbo hospital.

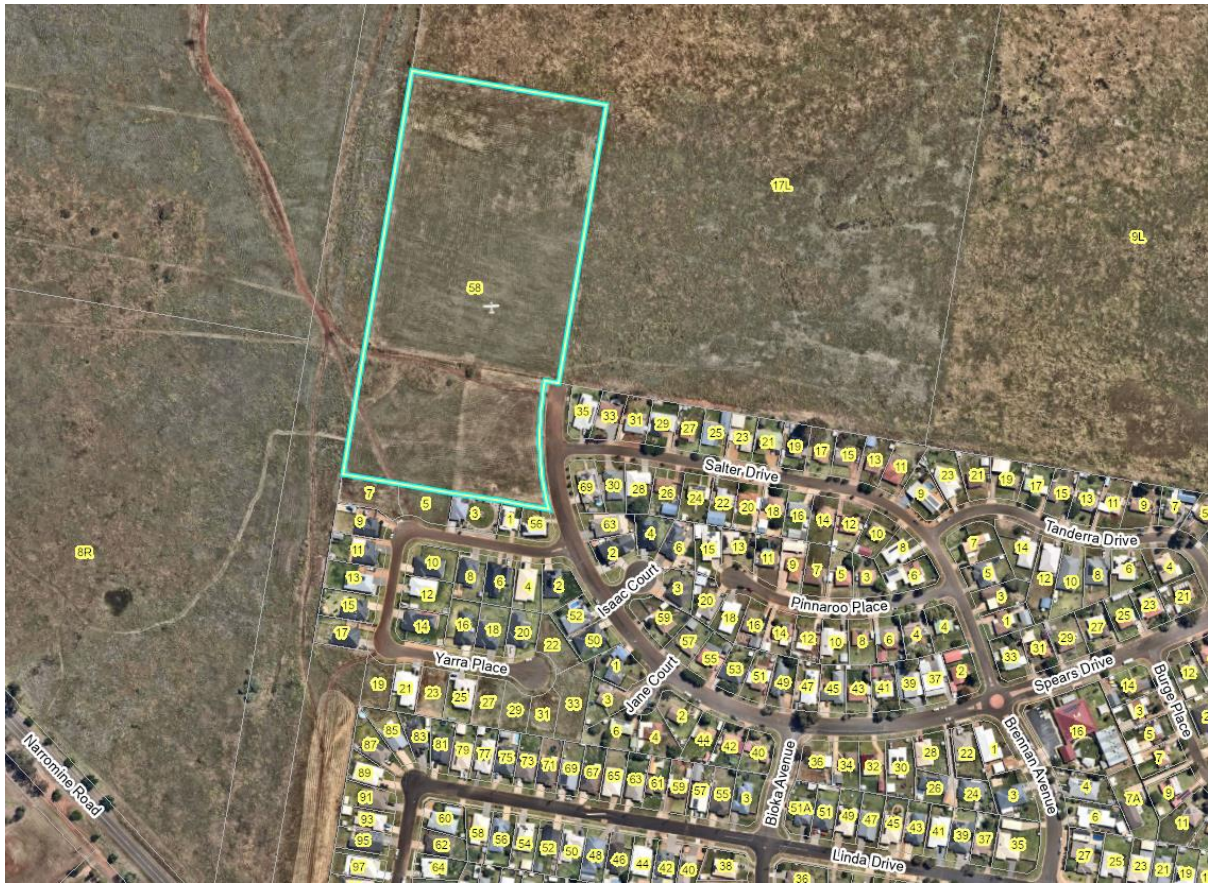


**Figure 1:** Site Locality

## 1.2 The Site

The site is vacant and has a previous use for agricultural purposes. It is regularly shaped with a total area of 4.053ha (40,530m<sup>2</sup>), sloping from north-west 302mAHD to south-east 297.5mAHD. It has a street frontage to Spears Drive of 87.1m, where vehicle can access. A site plan is provided in **Figure 2**.





**Figure 2:** Site Plan

## 2. THE PROPOSAL AND BACKGROUND

### 2.1 The Proposal

The proposal is for Health Services Facility (Residential Rehabilitation Centre) comprising the following:

- Concept approval for the Dubbo Residential Rehabilitation Centre; and
- Approval for Stage 1 works.

#### Concept Plan

The Concept proposal includes a residential rehabilitation centre building with communal / support and residential wings, in addition to ancillary buildings and facilities comprising multipurpose shed, garbage storage area, clothesline area, a future animal paddock, vegetable garden, programs area and half basketball court. An overall concept plan is provided in **Figure 3**.

#### Stage 1 Works

As part of the Stage 1 works, the development includes the residential rehabilitation centre building with southern communal / support wing and northern residential wing, a multipurpose shed, garbage storage area, clothesline area.

The driveway proposed as part of Stage 1 is accessed off Spears Drive. The car parking area provides twelve (12) car parking spaces adjacent to the communal / support wing of the

building as part of Stage 1. An additional car parking area is to be provided in the future on the western side of the site.

Associated infrastructure, landscaping and open space areas will be provided as development progresses throughout the site.

As part of Stage 1 approval the Dubbo Residential Rehabilitation Centre is intended to accommodate 16 clients, and up to 24 clients when the Concept proposal is approved.

The details of the Stage 1 works are shown in **Figure 4** and include the following:

### **Buildings**

Construction of the residential rehabilitation centre building consisting of two wings. The southern wing is for communal and support purposes, providing a lobby, waiting room, interview room, group activity room, meeting room, consult room, storage rooms, toilets, lounge, kitchen and dining room.

This wing connects by a corridor to the northern residential wing, which provides for up to 16 clients within the following configuration:

- 8 x 1-bed bedrooms (including two (2) accessible)
- 4 x 2-bed bedrooms
- four (4) x bathrooms (including one (1) accessible)

A 24-hour staffroom, staff office, toilets and showers are also provided with storage room, two (2) lounges, linen store and laundry area.

### **Ancillary building**

A standalone multipurpose shed, for use for art and other activities, is provided on the western side of the site separated from the main building.

A proposed building perspectives looking northwest is provided in **Figure 5**.

### **Operational Details**

The centre will be open 24 hours a day, 7 days a week with each client supported by a staff member at all times whilst on site.

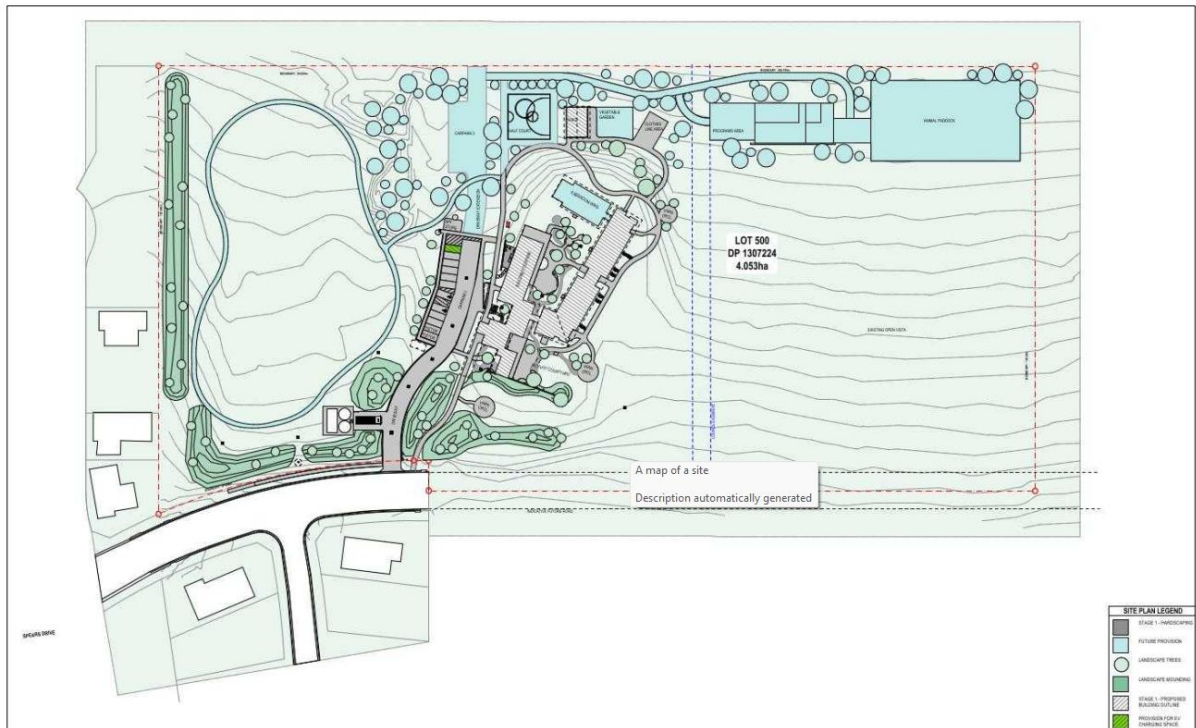
There will be a maximum of 10 staff members on site at any one time with 80% of staff arriving in the AM peak hour period and departing within the PM peak hour period.

It is noted that transport requirements to and from the development would be facilitated by the operator which will help to reduce the amount of traffic generated. While the facility would be operational and staffed 24-hours a day, 7 days a week, it is noted that clients will not have access to vehicles and the ability for visitors would be at the discretion of the operator.

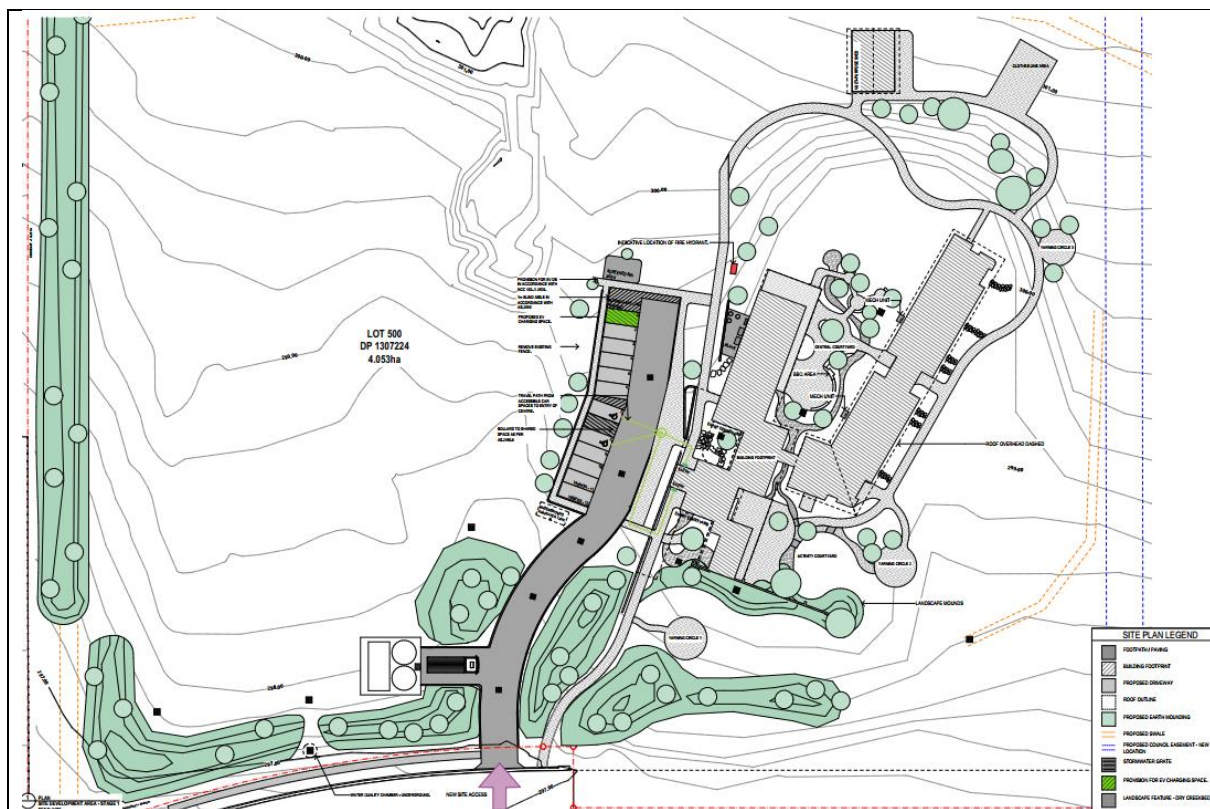
All buildings and external common areas will be accessible. A full list of plans supporting the proposed development are included in **Attachment B**.

A concept development approval is sought for the overall development through this application under the provisions of Division 4.4 of the EPA Act with approval of Stage 1 works under Division 4.3. For the avoidance of doubt, for those parts of the concept proposal which are not included in Stage 1, a subsequent Stage 2 Development Application (and potentially additional applications) will need be lodged seeking approval.





**Figure 3: Concept Plan**



**Figure 4: Stage 1 Development**



**Figure 5:** Development perspective – Northwest

## 2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the application on 2 May 2024 where various issues were discussed. A summary of the key issues and how they have been addressed by the proposal are outlined below:

- Land zoned R2 Low Density Residential. Health Services Facility is a permissible land use in this zone.
- Discussion as to the most appropriate approval pathway, noting that health services facility permissible in the zone under to 2.60 of SEPP (Transport and Infrastructure) 2021.
- The site within an Urban Release Area (URA), with the site requiring the preparation and adoption of a site-specific Development Control Plan (DCP).
- Should no site specific DCP be required, Dubbo DCP 2013 is relevant, specifically Section 2.1.1. Particular consideration should be given to Element 10 – non-residential uses.
- Outlined requirements for concept plan approval.
- Provide for future road connections to Blizzardfield Road to the West.
- Biodiversity assessment report to address clearance of native vegetation.
- Due diligence report to address Aboriginal archaeology.
- A preliminary contamination report to demonstrate land suitable for residential occupation.
- Land mapped as vulnerable groundwater - demonstrate that the development will not have an adverse impact.
- Traffic study would be required to demonstrate the local road network has the capacity to accommodate additional traffic generated by this development.
- Development design to factor in future road widening of Spears Drive and Blizzardfield Road.
- Water and sewer services are available in the site.
- Kitchen not considered as a commercial kitchen, and would not be a trade waste generator.

- An indicative stormwater management plan would be required identifying the location and size of pits and pipes, detention facilities, outfall locations etc.
- All external lighting to be shielded and point downwards to minimise light pollution in consideration of Siding Spring Observatory and Dark Skies Guidelines.
- Waste Management Plan to be submitted.
- No specific land use for this type of development outlined in Chapter 3.5 of the Dubbo DCP 2013 for off-street car parking. Applicant to identify a suitable parking rate and justify on merit.
- Social Impact Statement would be required.
- Operational details to be provided in the Statement of Environmental Effects outlining how noise would be controlled and impacts on neighbouring residential property would be minimised.
- Standard erosion and sediment control details to be submitted.
- Access within the building, including off-street parking and paths of travel.
- Fire hose reels would be required.
- Lot 311 and Lot 312 to be consolidated into a single allotment prior to occupation.

The Development Application was lodged on 2 October 2024. A chronology of the Development Application since lodgement is outlined in **Table 1**.

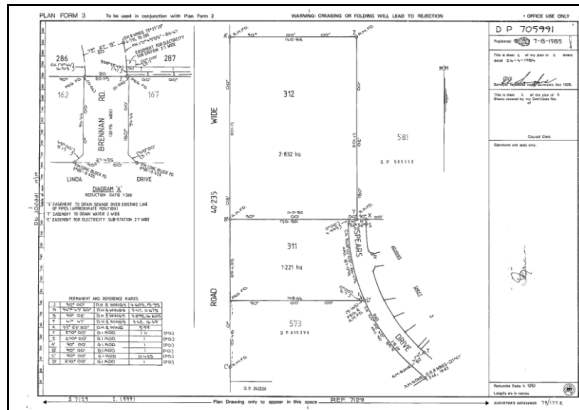
**Table 1: Chronology of the DA**

Date	Event
<b>2 October 2024</b>	DA lodged
<b>10 October 2024</b>	DA referred to external agencies: <ul style="list-style-type: none"> <li>• Rural Fire Service</li> <li>• NSW Police</li> </ul>
<b>15 October 2024</b>	Exhibition of the application
<b>19 October 2024</b>	Notice was placed in the Daily Liberal
<b>20 November 2024</b>	Rural Fire Service notified of no submissions under Clause 45(1)(b)(i) of the Environmental Planning and Assessment Regulation 2021
<b>11 December 2024</b>	Comments received from Rural Fire Service seeking further information
<b>13 December 2024</b>	Request for further information (RFI) from Council to applicant seeking clarification regarding: <ul style="list-style-type: none"> <li>• Crown Development; and</li> <li>• Integrated Approval status of the NSW Rural Fire Service</li> </ul>
<b>30 December 2024</b>	Comments received from NSW Police
<b>10 January 2025</b>	Applicant responds to RFI

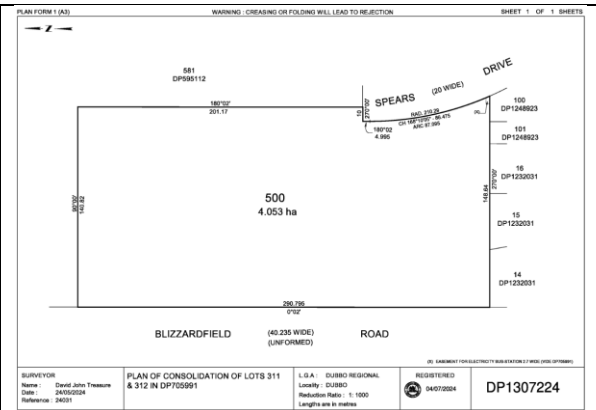


## 2.3 Site History

The site, formerly known as Lots 311 and 312 in DP 705991 was consolidated on 4 July 2024 and is now described as Lot 500 DP 1307224. **Figure 6** shows the site prior to lot consolidation and **Figure 7** following lot consolidation.

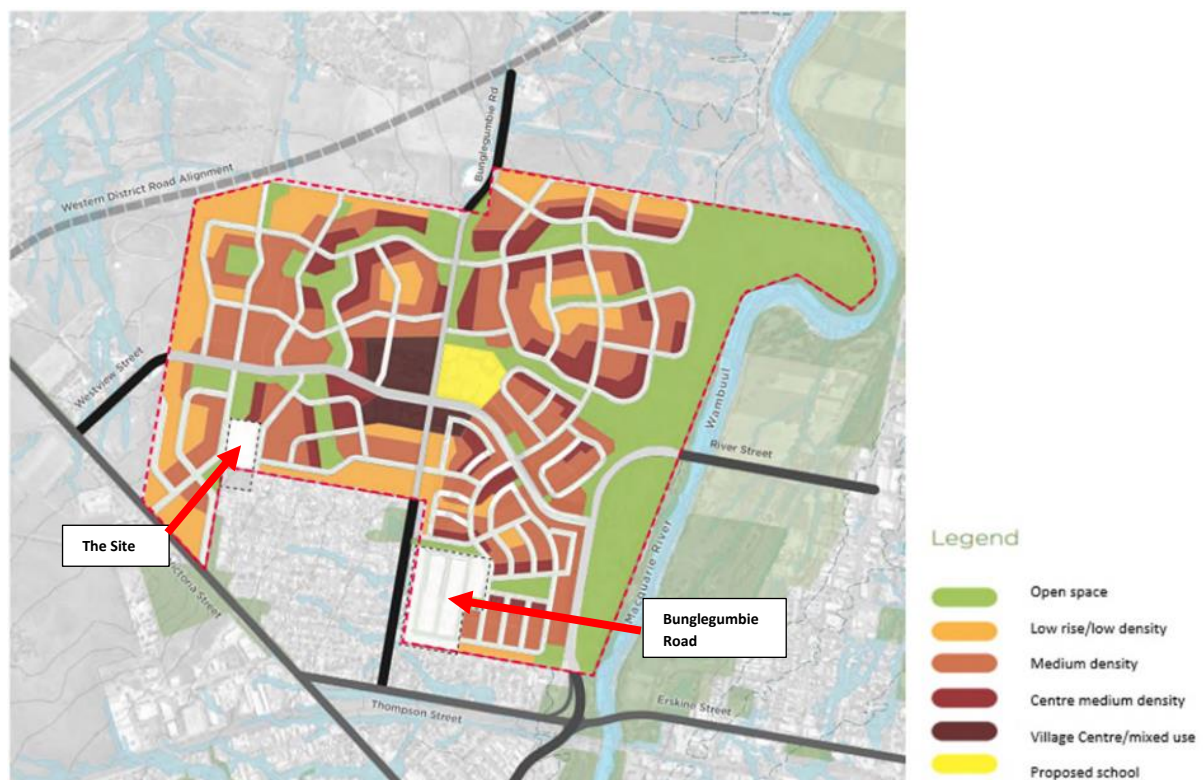


**Figure 6:** Site prior to lot consolidation



**Figure 7:** Lot Consolidation Plan

The site is located in the North-West Urban Release Area (URA). The indicative layout plan for the North-West URA, as shown in **Figure 8**, identifies a range of housing options, open space areas and amenity.



**Figure 8:** North-West Urban Release Area (URA)

The development site in addition to land located in the south known as the Bunglegumbe Road (both shown outlined black dashed in Figure 7) were excluded from the North-West URA DCP Masterplan, which was considered and adopted by Council at its 23 September 2023 meeting.

The 'Bunglegumbie Road' area was the subject of a Council meeting 21 March 2024, where the site specific Bunglegumbie Road DCP was considered and adopted by Council. The area identified as 'The Site' is the subject of this report.

### 3. STATUTORY CONSIDERATIONS

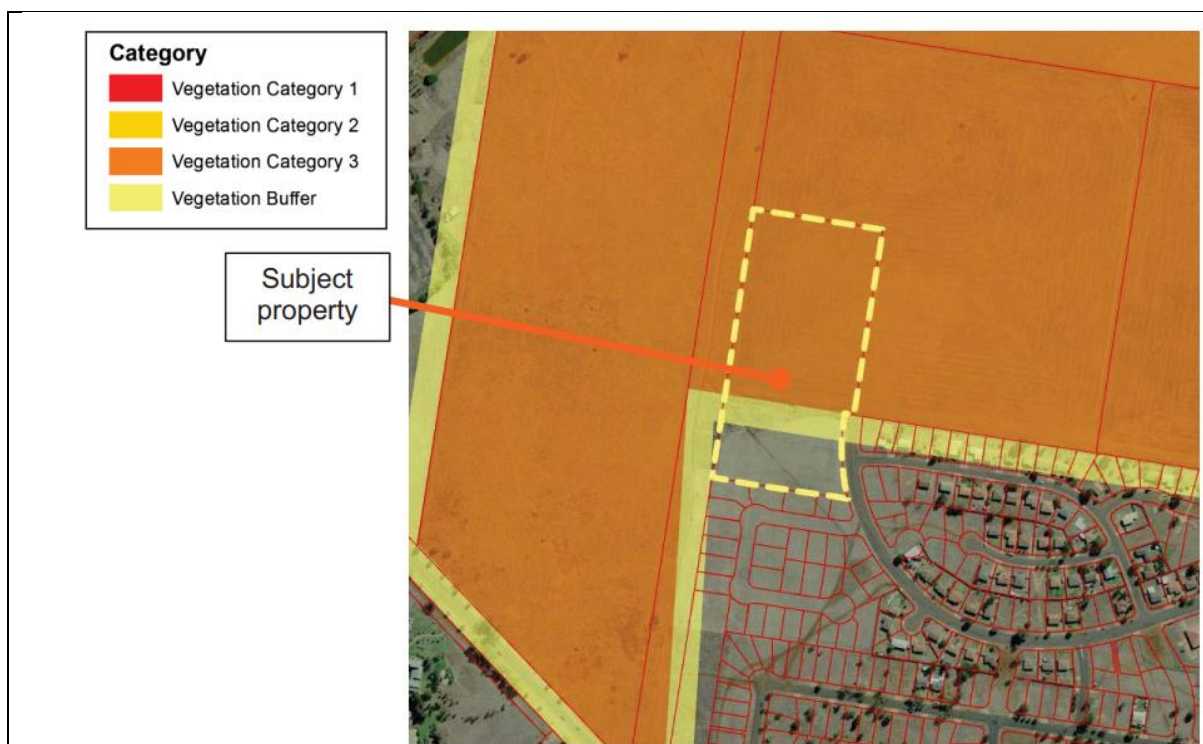
When determining a Development Application, the consent authority must take into consideration the matters outlined in the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the Development Application include the following:

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

These matters are further considered below.

#### 3.1 Section 4.14 - Consultation and development consent—certain bush fire prone land

As the land is identified as Category 3 Vegetation and vegetation buffer (**Figure 9**), the site is considered bushfire prone in accordance with Section 4.14 of the *Environmental Planning and Assessment Act 1979*. Development consent cannot be granted unless the proposal satisfies the relevant specifications and requirements of Planning for Bush Fire Protection - 2019 (PBP).



**Figure 9:** Mapping - Bushfire Vegetation

The application of PBP requires satisfactory demonstration of the aim and objectives and the following bushfire protection measures (BPMs):

- Asset Protection Zones
- Building construction, siting & design
- Access arrangements
- Water supply & utilities
- Landscaping

As the proposal relates to the construction of a Health services facility (Residential Rehabilitation Centre), the proposal must comply with the bushfire protection measures detailed within Chapter 7 'Residential Infill Development' and Chapter 8 'Other Development' of PBP.

In relation to bushfire management, the applicant has submitted a Bushfire Assessment Report, prepared by Bushfire Building Code & Bushfire Hazard Solutions. This report recommends a range of bushfire protection measures due to grassland fire threat, with appropriate conditions regarding such attached to the consent.

The following recommendations are provided as the minimum necessary for compliance with PBP and Australian Standard 3959 'Construction of buildings in bushfire-prone areas'. Additional recommendations are provided to supplement these requirements as follows:

#### **Asset Protection Zones**

That all grounds within the subject property shall be maintained as an Asset Protection Zone (Inner Protection Area) as detailed in the NSW Rural Fire Service's document 'Standards for Asset Protection Zones' and Appendix 4 of *Planning for Bush Fire Protection 2019*.

#### **Construction**

That all new construction to the building shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 'Construction of buildings in bush fire prone areas' and Section 7.5 of 'Planning for Bush Fire Protection - 2019'.

#### **Landscaping**

That any new landscaping is to comply with Table 7.4a of *Planning for Bush Fire Protection 2019*.

#### **Gas (where applicable)**

That any new gas services are to comply with Table 7.4a of *Planning for Bush Fire Protection 2019* as follows:

- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side;
- connections to and from gas cylinders are metal;
- polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

#### **Emergency Management**

That the bushfire emergency management plan is prepared and is consistent with the NSW Rural Fire Service Guidelines for the *Preparation of Emergency / Evacuation Plan*.



## **Water**

That a 20,000 litre static water supply be provided within the subject property, and shall comply with the following:

- a connection for firefighting purposes is located within the IPA or non-hazard side and away from the structure; 65mm Storz outlet with a ball valve is fitted to the outlet;
- ball valve and pipes are adequate for water flow and are metal;
- supply pipes from tank to ball valve have the same bore size to ensure flow volume;
- underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank;
- a hardened ground surface for truck access is supplied within 4 metres;
- above-ground tanks are manufactured from concrete or metal;
- raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F of AS 3959);
- unobstructed access can be provided at all times;
- underground tanks are clearly marked;
- tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters;
- all exposed water pipes external to the building are metal, including any fittings;
- where pumps are provided, they are a minimum 5hp or 3kW petrol- or diesel-powered pump, and are shielded against bush fire attack; and
- any hose and reel for firefighting connected to the pump shall be 19mm internal diameter; and fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005.

## **Access**

That any new access drive to comply with the following requirements for Property Access as detailed in section 7.4 of Planning for Bush Fire Protection 2019:

- minimum 4 metre carriageway width;
- in forest, woodland and heath situations, rural property roads have passing bays every 200 metres that are 20 metres long by 2 metres wide, making a minimum trafficable width of 6 metres, at the passing bay;
- a minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches;
- property access must provide a suitable turning area in accordance with Appendix 3;
- curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress;
- the minimum distance between inner and outer curves is 6 metres;
- the crossfall is not more than 10 degrees; and
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

Condition accordingly that prior to occupation a Validation Report addressing the recommendations of the Bushfire Assessment Report, prepared by Bushfire Building Code & Bushfire Hazard Solutions dated 3 October 2024, be submitted to and endorsed by Council's Manager Building and Development Services.

### **3.2 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 (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Dubbo Regional Local Environmental Plan 2022
- Dubbo Development Control Plan 2013

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

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

EPI	Matters for Consideration	Comply
SEPP (Planning Systems) 2021	<b>Chapter 2: State and Regional Development</b> <ul style="list-style-type: none"> <li>• <b>Clause 2.19(1)</b> declares the proposal regionally significant development pursuant to <b>Clause 4</b> of <b>Schedule 6</b>.</li> </ul>	Yes
SEPP(Resilience & Hazards) 2021	<b>Chapter 4: Remediation of Land</b> <ul style="list-style-type: none"> <li>• <b>Clause 4.6</b> - Contamination considered in the Contamination Report and the proposal is satisfactory subject to conditions.</li> </ul>	Yes
SEPP (Biodiversity and Conservation) 2021	<b>Chapter 2: Clearing of vegetation in non-rural areas</b> <ul style="list-style-type: none"> <li>• <b>Clause 2.8</b> - clearing authorised as permitted without development consent.</li> </ul>	Yes
SEPP (Transport and Infrastructure) 2021	<b>Division 10: Health services facilities</b> <ul style="list-style-type: none"> <li>• <b>Clause 2.59</b> defines Health services facilities as the same as in the Standard Instrument.</li> <li>• <b>Clause 2.60</b> Development for the purpose of Health services facilities may be carried out by a person with consent on land in a prescribed zone.</li> </ul>	Yes
SEPP (Sustainable Buildings) 2022	Whilst a BASIX Report has been submitted, the development does not require a BASIX Certificate.	N/A
Dubbo Regional Local Environmental Plan 2022	<ul style="list-style-type: none"> <li>• Clause 1.2 - Aims of Plan</li> <li>• Clause 1.4 - Definition</li> <li>• Clause 2.2 - Zoning of land to which Plan applies</li> <li>• Clause 2.3 - Permissibility and zone objectives</li> <li>• Clause 5.10 - Heritage conservation</li> <li>• Clause 5.14 - Siding Spring Observatory - Maintain dark sky</li> <li>• Clause 6.1 - Concurrence of Planning Secretary</li> <li>• Clause 6.2 - Public Utility Infrastructure</li> <li>• Clause 6.3 - Development Control Plan</li> <li>• Clause 7.2 - Earthworks</li> <li>• Clause 7.5 - Groundwater vulnerability</li> <li>• Clause 7.7 - Airspace operations</li> </ul>	Yes
Dubbo Development Control Plan 2013	<ul style="list-style-type: none"> <li>• Chapter 2.1 - Residential Development and Subdivision</li> <li>• Chapter 3.1 - Access and Mobility</li> <li>• Chapter 3.3 - Social Impact</li> </ul>	Yes

## State Environmental Planning Policy (Planning Systems) 2021

Clause 2.19 of the SEPP establishes the requirements for determination of regionally significant development. In accordance with Schedule 6 (Clause 4), the proposed development is regionally significant development as it is 'Crown Development' with a capital investment over \$5 million. The proposed development has a CIV of \$27,005,109.00, and the consent authority for the development will be the Western Regional Planning Panel. The proposal is consistent with this Policy.

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

### Chapter 4 – Remediation of Land

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

The Central NSW Regional Contaminated Land Policy lists potentially contaminating land use activities associated with agriculture that may have occurred on site.

The Site Contamination Investigation prepared by Barnson included a site investigation and sampling. These revealed small amounts of asphalt and roadbase as well as a stockpile of excavated material located on the site. The contaminants found on site – metals, hydrocarbons, PAHs, PCBs and pesticides, were all below health risk based criteria in all surface soil samples. The excavated material at the site was shown to contain no asbestos containing materials or asbestos fibres and is therefore not considered a contaminant of potential concern.

No further action required in accordance with Clause 4.7 of the SEPP. Standard accidental finds conditions will be recommended to be applied to the project.

## State Environmental Planning Policy (Biodiversity and Conservation) 2021

### Chapter 2 Vegetation in non-rural areas

The proposal seeks consent for removal of vegetation under the provisions of Clause 2.8: *Clearing permitted without development consent*. As the vegetation is not covered by a DCP, it can be cleared without the need to obtain a permit as long as the vegetation is not a heritage item or located in a heritage conservation area, and is not an Aboriginal object or located in an Aboriginal place of heritage significance.

## State Environmental Planning Policy (Transport and Infrastructure) 2021

### Division 10 Health services facilities


The site is zoned R2 - Low Density Residential which is included in the definition of *prescribed zone* in Clause 2.59. As such, the proposed development is permissible with consent pursuant to the provisions of Clause 2.60.

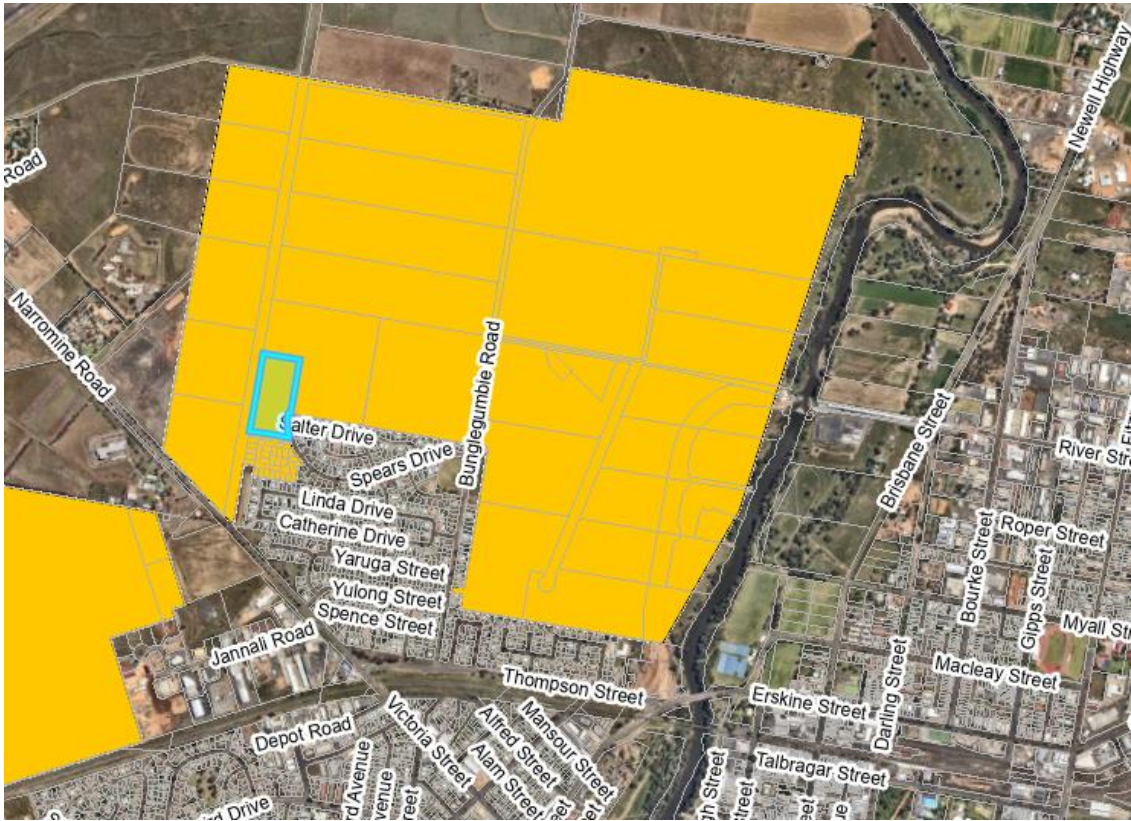
## State Environmental Planning Policy (Sustainable Buildings) 2022

Whilst a BASIX Report has been submitted, the development is not BASIX Development and thus does not require the provision of a BASIX Certificate. The building however is subject to Section J: Energy Efficiency performance requirements of the National Construction Code (NCC) and it would appear that a BASIX Report has been generated solely to ascertain the water efficiency and thermal comfort provisions that would otherwise be applicable.



## Dubbo Regional Local Environmental Plan 2022

The relevant local environmental plan applying to the site is the Dubbo Regional *Local Environmental Plan 2022* ('the LEP').

<b>Part 1 Preliminary</b>		<b>Comply</b>
<b>Clause 1.2 Aims of the Plan</b>		
The proposed development is not contrary to the relevant aims of the Plan.		Yes
<b>Clause 1.4 Definitions</b>		
<p>The proposed development is defined as:</p> <ul style="list-style-type: none"> <li>• <b>Health services facilities</b> means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following— <ul style="list-style-type: none"> <li>(a) a medical centre,</li> <li>(b) community health service facilities,</li> <li>(c) health consulting rooms,</li> <li>(d) patient transport facilities, including helipads and ambulance facilities,</li> <li>(e) hospital</li> </ul> </li> </ul>		Yes
<b>Clause 2.2 Zoning of land to which Plan applies</b>		
<p>The subject site is zoned R2 - Low Density Residential as shown in <b>Figure 8</b>.</p>		Yes
 <p><b>Figure 8: Zoning Map</b></p>		
<b>Clause 2.3 Zone objectives and Land Use Table</b>		
The proposed development is permissible with consent under the provisions of SEPP (Transport and Infrastructure) 2021.		Yes
<b>Part 5 Miscellaneous provisions</b>		
<b>Clause 5.10 Heritage conservation</b>		
<p><u>European Heritage</u></p> <p>There are no heritage items located on site or listed heritage items located in the vicinity of the development site.</p>		Yes
<p><u>Aboriginal Heritage</u></p> <p>An Aboriginal Due Diligence Assessment Report has been prepared for the site, which revealed no known items of Aboriginal cultural heritage significance located on site.</p> <p>Standard condition recommended regarding any Aboriginal archaeological material being discovered during construction works.</p>		Yes

<p><b>Clause 5.14 Siding Spring Observatory – maintaining dark sky</b></p>	
<p>The proposed development has been assessed as unlikely to adversely affect observing conditions at the Siding Spring Observatory, having regard to subclauses:</p> <ul style="list-style-type: none"> <li>(a) the amount of light to be emitted;</li> <li>(b) the cumulative impact of the light emissions with regard to the critical level;</li> <li>(c) outside light fittings (shielded light fittings);</li> <li>(d) measures taken to minimise dust associated with the development; and</li> <li>(e) the Dark Sky Planning Guidelines published by the Secretary under clause 61 of the EP&amp;A Regulation 2021.</li> </ul> <p>Additionally, as per subclause (7) the proposed development is not considered likely to result in the emission of light of 1,000,000 lumens or more.</p> <p>Condition accordingly that the buildings (individually) must not be provided with more than seven (7) outside light fittings, all of which must be shielded. If more than five (5) shielded outside light fittings are provided, those additional fittings must also be automatic light fittings. In addition, continuous lighting along pathways and common areas of the development to also be installed with sensor lighting.</p>	<p>Yes</p>
<p><b>Part 6 Urban Release Areas</b></p>	
<p>The site is located in the north-west urban release area, which was adopted by Council on 23 March 2023.</p>  <p>The North-West URA allows for a range of lot sizes and housing typologies that can be potentially accommodated in the Precinct. This includes a mix of low rise/low density, low rise/medium density, and more dense medium density to 'Village Centre' housing including shop-top housing, low rise high density flat buildings and other forms of residential accommodation such as seniors living.</p>	



<b>Clause 6.1 Concurrence of Planning Secretary</b>		
<p>The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.</p> <p>As no subdivision of land is proposed, noting that the site, formerly known as Lots 311 and 312 in DP 705991 was consolidated on 4 July 2024 and is now described as Lot 500 DP 1307224, no concurrence from the Planning Secretary is required.</p>		Yes
<b>Clause 6.2 Public Utility Infrastructure</b>		
<p>The proposed subdivision meets the objectives of this clause as all infrastructure and utility services (i.e. roads, potable water, sewer, telecommunications and stormwater) are provided and available to service the site, as required.</p>		Yes
<b>Clause 6.3 Development Control Plan</b>		
<p>This clause requires that a development consent must not be granted on land in an Urban Release Area (URA) unless a Development Control Plan (DCP) has been prepared for the site.</p> <p>The site is located in the North-West Urban Release Area (NW-URA) but has been excluded from the North-West Urban Release Area Development Control Plan - Stage 1. This was at the request of NSW Health.</p> <p>The applicant has elected to prepare a concept Development Application in-lieu of a site specific DCP under Clause 4.23 of the EPA Act.</p> <p>The proposed development does not interfere with implementation of the NW-URA DCP.</p>		Yes
<b>Part 7 Additional local provisions</b>		
<b>Clause 7.2 Earthworks</b>		
<p>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.</p>		Yes
<b>Clause 7.5 Groundwater vulnerability</b>		
<p>The site is mapped on the Natural Resource – Groundwater Vulnerability map. A condition of consent will require sediment and erosion control measures to be installed prior to the commencement of construction and to remain in place until the works are complete. It is considered unlikely the proposed development will result in groundwater contamination or result in an adverse impact on groundwater dependent ecosystems or have a cumulative impact on groundwater.</p>		Yes



<b>Clause 7.7 Airspace operations</b>	
The subject site is located within the Obstacle Limitation Surface (OLS) Map at height 323.5mAHD. The Finished Floor Level for the proposed development at its highest point is 299.0mAHD and with the development having a proposed height of 5.15 metres, this equates to an overall height of 304.15mAHD, 19.35m below the surface map.	Yes

The proposal is considered to be generally consistent with the LEP.

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

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

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

The following Development Control Plan is relevant to this application:

#### Dubbo Development Control Plan 2013 (the DCP)

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.

<b>Chapter 2.1.1 Residential Design</b>	<b>Comply</b>
<b>Element 1 Streetscape character</b>	
<p>The frontage of buildings and entries are readily apparent. The design has incorporated various features to providing a sense of enclosure and privacy while maximising the visual interest of the development both from the street and internally, including articulation through stepped/modulated elevations, variations in building materials, colours and roof profiles and also through the provision of considered landscaping.</p> <p>The boundary of the site is reinforced through landscaping measures – including buffer planting and earth mounding. This allows for privacy without creating solid fence lines to the boundary.</p>	Yes
<b>Element 2 Building setbacks</b>	
<p>The development is located towards the centre of the site, creating large setbacks (a minimum setback of 30 metres with the majority being in excess of this) from all boundaries and screening opportunities for the building from neighbouring properties. Screening is achieved through buffer planting and earth mounding, offering protection and privacy to the development without creating solid fence lines on the boundary.</p>	Yes
<b>Element 3 Solar access</b>	
<p>The development demonstrates that suitable solar access can be achieved to each unit, as well as internal and external communal areas, including the clothes drying areas.</p> <p>Sufficient roof area exists for the installation of solar panels if desired in the future.</p> <p>The proposed development will not reduce the level of solar access currently provided to adjoining properties.</p>	Yes

<b>Element 4 Private open space and landscaping</b>	
<p>Landscape Plans have been submitted which details landscaping ranging from groundcovers to trees up to 30 metres in height endemic to the Dubbo region and at a density that is suitable to screen and soften the landscape.</p> <p>The proposed landscaping will not impact existing infrastructure or the solar access to adjoining properties and is considered suitable. Appropriate conditions will be included that landscaping to be established prior to the commencement of operations on site.</p> <p>The two residential wings wrap around two courtyards – a more active courtyard off the group rooms (to the East) and a more private courtyard off the social spaces and the bedrooms (to the West). These courtyards create opportunities to gather outside in a private setting.</p>	Yes
<b>Element 5 Infrastructure</b>	
<p>The site would be connected to all utility services (water, sewer and electricity).</p> <p>An indicative stormwater design has been provided, showing the provision of swales to redirect surface flows around the building and a 11.5kL underground rainwater tank to collect roofwater for irrigation reuse. Ultimately the development's stormwater is indicated as being directed to the existing kerb inlet pit in Spears Drive.</p> <p>Council's Senior Development Engineer (SDE) did not raise any significant issues that require further investigation or that would prevent the application from being granted consent with conditions.</p>	Yes
<b>Element 6 Visual and Acoustic privacy</b>	
<p>The proposed development is not likely to result in visual privacy issues. The two residential wings wrap around two courtyards – a more active courtyard off the group rooms (to the East) and a more private courtyard off the social spaces and the bedrooms (to the West). These courtyards create opportunities to gather outside in a private setting.</p> <p>To mitigate potential for noise generation, the recommendations outlined in 'Environmental Noise Impact Assessment' (Report No: 7921-1.1R Revision: A Dated: 9 August 2024) prepared by Day Design are recommended. Condition Accordingly.</p>	Yes
<b>Element 7 Vehicular access and car parking</b>	
<p>There is no specific parking rate applicable to the proposed development. Twelve (12) car parking spaces including two (2) accessible and two (2) visitor spaces are provided on site. This is based on one (1) space per staff member at any one time and one (1) visitor space per ten (10) bedrooms. Note: clients will not have access to a car while a resident of the facility.</p> <p>The most similar types of land uses, with some of the qualities of both, are 'health consulting rooms' / 'medical centres' and 'hospitals and the like' with the provision of carparking proposed on site considered to be within the scope of the DCP.</p> <p>Swept paths have been provided which show turning circles for 8.8m rigid vehicles (Emergency Services). To restrict access to appropriately sized vehicles, condition accordingly that no vehicles larger than a 'Rigid Truck' 8.8m in length (utilising the Austroads design templates) be permitted to access the site. Also condition that prior to occupation, all public car park and hardstand areas, traffic and parking signage and line marking, vehicular cross-overs, to be completed.</p>	Yes

<b>Element 8 Waste Management</b>	
A Waste Management Plan has been submitted. It is noted that the development will not generate any trade waste and there will be no medical waste.	Yes
Waste to be collected by Council's kerbside waste collection.	
<b>Element 10 Non-residential Uses</b>	
The scale and character of development is compatible with the residential nature of the locality, being located towards the centre of the site and designed to take into account existing and future residential development.	Yes
The level of noise and volume of traffic is not greater than the expected level associated with the regular activities of a residential area with 10 vehicle trips in the AM peak hour period (8 in, 2 out) and 10 vehicle trips in the PM peak hour period (2 in, 8 out), being significantly lower than the volume of traffic which would be generated if the site were developed for low density residential development.	
There is no specific parking rate applicable to the proposed development. The most similar types of land uses, with some of the qualities of both, are 'health consulting rooms' / 'medical centres' and 'hospitals and the like' with the provision of twelve (12) carparking spaces on site considered to be within the scope of the DCP.	
To mitigate potential for noise generation, the recommendations outlined in 'Environmental Noise Impact Assessment' (Report No: 7921-1.1R Revision: A Dated: 9 August 2024) prepared by Day Design are recommended. Condition accordingly.	

### Chapter 3.1 Access and Mobility

Two (2) accessible car parking spaces and two (2) accessible bedrooms have been provided. In addition, all common areas are accessible and a continuous path of travel have been provided in accordance with the Deem to Satisfy (DtS) provisions of the BCA and the Access to Premises Standards.

### Chapter 3.3 Social Impact

The Social Impact Assessment (SIA) prepared in support of the proposed development has determined that the most significant social benefits of the proposal relate to:

- Improved community health through the delivery of a residential rehabilitation centre that responds to an identified community need.
- Improved health outcomes for Aboriginal people through culturally safe design and model of care.
- Improved livelihoods through local employment and business opportunities.

The main negative impacts identified with the proposed development relate to:

- Decreased amenity during construction from impacts such as noise, dust, vibration, traffic and parking.
- Potential difficulty finding and retaining staff leading to a reduced level of service and care for clients.
- Decreased sense of safety due to perceived risks of crime and antisocial behaviour, in turn potentially leading to property value impacts.
- Changes to local character leading to decreased residential amenity from 24-hour operation.

The following key recommendations have been provided to further manage the potential social impacts arising from the proposal:

- Explore the opportunity of implementing an evaluation process to understand the centre's level of success and reduction in alcohol and drug misuse in the region.
- It is recommended that engagement with the Aboriginal community is maintained during the operational stage of the centre. This can include discussions around the centre's level of success, whether it is continuing to meet the needs of the Aboriginal community, remaining culturally sensitive and identify if moments arise when the centre's operation method needs to be updated to continue to provide high quality healthcare.
- NGO operator to consider Wiradjuri language revelations through the facility's wayfinding, building naming and signage.
- Procurement for the construction contract should include a commitment to local employment, and the use of Aboriginal suppliers.
- Conduct a smoking ceremony upon the centre's opening, allowing for opportunities for Connecting with Country and identifying that the centre is accessible to the Aboriginal community.
- As part of the tender process to appoint the NGO, include requirements around commitments to long-term tenure to demonstrate to the community that longevity and commitment are high priorities.
- Continued community consultation through the tender process to maintain transparency with the community and continue to bring them along the project's journey.
- Implement a complaints and queries management process during construction to provide the community opportunity to identify any concerns or questions they have about the project.

The proposed development provides high supported residential accommodation that will support those with addiction in the Dubbo community and the greater region. The combination of onsite management principles employed in the design and operation of the development and the enhanced opportunities for social interaction will result in a positive outcome for the development of the site.

Condition application that the requirements contained in the supporting Social Impact Assessment (Report No: 2240334 and dated 09/08/2024) prepared Ethos Urban to be implemented prior to commencement of operations.

On balance, the development is considered to have a positive social impact for the locality and the local Dubbo and wider Central west community.

## **Contributions**

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

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

The Department of Planning and Environment: Planning Circular D6 - Crown Development Applications and Conditions of Consent, outlines the limitation on imposition of levies on Crown developments with an underlying philosophy of essential community services: education, health, community services, law and order and some housing.

While discussions between the Crown applicant and Council to identify issues to be addressed prior to lodging the development application did not occur in accordance with the "... Suggested Procedures Prior to Lodging a Crown DA" outlined in Planning Circular D6, the public benefit associated with the proposed development is noted.

Council's Contributions Plan(s) provides for Council to levy contributions on new development where there is an increase in density or activity as a result of a development. These Plan(s) allows Council to levy contributions to offset the impacts associated from the proposed development.

#### **S.64 Water and Sewerage Contribution Policy - 2002**

The Plan provides for Council to levy contributions on new development where there is an increase in density or activity as a result of a development. The Plan allows Council to levy contributions to offset the impacts associated with new developments.

The Policy does not contain a direct fixed ET rate for the type of development proposed. While not expressly identified, the proposed development comprises a water supply rate type similar to "*flats, town houses containing more than three units*", being 0.5ET where each bedroom is equivalent to a unit. With there being 16 residential 'units', the ET generation will therefore be 8. This rate is also considered suitable to cover water usage and sewer impact generated from the office and communal aspects of the development. Therefore these components will not be separately levied.

#### **Open Space Section 94 Development Contributions Plan for Dubbo Open Space and Recreation Facilities - 2016-2026**

The Plan provides for Council to levy contributions on residential or other associated development where there is an increase in density and/or additional lots that can be developed for residential housing towards the provision of new open space, sporting fields and playgrounds in the City. However, no contributions to be levied as the type of development in of itself is not a generator of additional impact on Council provided open space outside the usage of the residence who will utilise private recreational facilities (to be) provided on site as part of the proposed development.

#### **Section 94 Contributions Plan - Urban Stormwater Drainage Headworks Contributions - 2019**

The site is located in Catchment 2.8 – Spears Drive Outfall, which is levied on a per ha rate. However, no contributions to be levied as the Housing Commission of New South Wales in 1981 contributed the full cost of developing this site (7129) towards the existing drainage scheme within this catchment.

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

### Urban Roads Contribution

The Plan provides for Council to levy contributions on new development where there is an increase in density or activity as a result of a development. The Plan allows Council to levy contributions to offset the impacts associated with new developments.

Under the provision of Clause 3.6 – Flexibility in Imposition of Contributions, the Plan assumes particular land uses and traditional forms of development consistent with a wide range of urban types and forms. However, not all situations can be predicted and, from time to time, Council may receive applications which do not fit within these assumptions, such as this application.

While the development does not fall within a strict land use as identified in the Policy, no traffic analysis or justification has been provided by the applicant to support the proposed development.

Notwithstanding this, it is considered that no urban road contributions are to be applied to the proposed residential component of the development as this in of itself will not be a generator of additional impact on traffic generation (urban roads) due to residence not having access to cars and visitors being restricted to the discretion of the operator. However, it is proposed to utilise Other Office – 16 trips / 100m<sup>2</sup> GFA for the balance of the proposed development to capture staff access to the site.

In the event the application is approved, the following Contributions totalling **\$122,186.50** would be payable:

- Water Headworks – \$56,252.80
- Sewer Headworks – \$56,252.80
- Open Space and Recreation Facilities – Nil
- Nil - Urban Stormwater Drainage – Nil
- Urban Roads Contribution - \$9,680.90

Appropriate conditions will be included on the consent that sufficient evidence be provided to the principal certifying authority prior to commencement of works.

### **3.5 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.

### **3.6 Section 4.15(1)(a)(iv) - Provisions of Regulations**

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

In relation to the above:

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

This provision has been considered in this report and addressed in the draft conditions.

The remaining clauses are not applicable to the proposed development.



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

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

#### Local Character and Amenity

The frontage of building and entries are readily apparent. The design has incorporated various features to providing a sense of enclosure and privacy while maximising the visual interest of the development both from the street and internally, including articulation through stepped/modulated elevations, variations in building materials, colours and roof profiles and also through the provision of considered landscaping.

The boundary of the site is reinforced through landscaping measures – including buffer planting and earth mounding. This allows for privacy without creating solid fence lines to the boundary.

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

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

#### Traffic, Access and Car Parking

There is no specific parking rate applicable to the proposed development. Twelve (12) car parking spaces including two (2) accessible and two (2) visitor spaces are provided on site. This is based on one (1) space per staff member at any one time and one (1) visitor space per ten (10) bedrooms. Note: clients will not have access to a car while a resident of the facility.

The most similar types of land uses, with some of the qualities of both, are 'health consulting rooms' / 'medical centres' and 'hospitals and the like' with the provision of carparking proposed on site considered to be within the scope of the DCP.

Swept paths have been provided which show turning circles for 8.8 metre rigid vehicles (Emergency Services). To restrict access to appropriately sized vehicles, condition accordingly that no vehicles larger than a 'Rigid Truck' 8.8 metre in length (utilising the Austroads design templates) be permitted to access the site. Also condition that prior to occupation, all public car park and hardstand areas, traffic and parking signage and line marking, vehicular cross-overs, to be completed.

Council's Infrastructure Strategy and Design Division have identified that a portion of the land located at the eastern side of Lot 500 DP 1307224 is required for the purpose of extension of Spears Drive. To protect Council's road reserve assets, condition the application that this area to be dedicated to Dubbo Regional Council at full cost to the Developer and to the satisfaction of Council's Infrastructure Strategy and Design Division

#### Stormwater Management

An indicative stormwater design has been provided, showing the provision of swales to redirect surface flows around the building and a 11.5kL underground rainwater tank to collect roofwater for irrigation reuse.

### Utilities

The site would be connected to all utility services (water, sewer, stormwater and electricity).

### Geotechnical Considerations, Groundwater and Salinity

Site mapped as vulnerable groundwater - The SoEE demonstrates that the development will not have an adverse impact as there will be no storage of solid or liquid waste chemicals within the development. As such it is considered unlikely the proposed development will result in groundwater contamination. It is also considered unlikely that the proposed development will result in an adverse impact on groundwater dependent ecosystems or have a cumulative impact on groundwater.

### Social Considerations

The Social Impact Assessment (SIA) prepared in support of the proposed development has a number of key recommendations to manage the potential social impacts arising from the proposal.

On balance, the development is considered to have a positive social impact for the locality and the local Dubbo and wider Central west community.

### Safety and Security

The scale and character of development is compatible with the residential nature of the locality, being located towards the centre of the site and designed to take into account existing and future residential development.

The development aims to provide a safe and supportive environment for rehabilitation and to address the underlying issues that have led to the alcohol and other drug use of those undergoing rehabilitation. The combination of onsite operational principles employed in the design of the development and the enhanced opportunities for social interaction result in a positive outcome for the development of the site with respect to surveillance, access control, territorial reinforcement and space management, the proposed development is considered acceptable in the context of crime and safety.

### Noise

The proposed development is not likely to result in visual privacy issues. The two residential wings wrap around two courtyards – a more active courtyard off the group rooms (to the East) and a more private courtyard off the social spaces and the bedrooms (to the West). These courtyards create opportunities to gather outside in a private setting.

To mitigate potential for noise generation, the recommendations outlined in 'Environmental Noise Impact Assessment' (Report No: 7921-1.1R Revision: A Dated: 9 August 2024) prepared by Day Design are recommended. Condition Accordingly.

The level of noise and volume of traffic is not greater than the expected level associated with the regular activities of a residential area with 10 vehicle trips in the AM peak hour period (8 in, 2 out) and 10 vehicle trips in the PM peak hour period (2 in, 8 out), being significantly lower than the volume of traffic which would be generated if the site were developed for low density residential development.

### Waste Management

A Waste Management Plan has been submitted. It is noted that the development will not generate any trade waste and there will be no medical waste.

Waste to be collected by Council's kerbside waste collection.

### Flora and fauna impacts

The site contains Plains Grass – Bluegrass grassland of the Nandewar and Brigalow Belt South Bioregion. It is proposed to remove two (2) trees from the site in order to facilitate the development. The Biodiversity Assessment Method (BAM) assessment confirmed there are no Threatened Ecological Communities in the development site.

The proposed landscaping plans demonstrate an overall landscaping strategy for the Concept proposal and Stage 1 works with a variety of new plantings proposed to enhance the appearance of the developed site and will consist of a mixture of new trees, shrubs and groundcovers.

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

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

- The development is permissible with the consent of Council within the R2 - Low Density Residential zone subject to the provisions of SEPP (Transport and Infrastructure) 2021);
- The size and shape of the land is suitable for the proposed development;
- The development provided with all required service infrastructure;
- The development is not inconsistent with the objectives for the R2 Zone;
- The development will not have any detrimental impact on the existing or likely future amenity of the locality;
- The land is not known to be contaminated;
- The development would not have an adverse local environmental, social, or economic impact on the surrounding locality; and
- The development would have a positive social and economic impact on the city and region.

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

These submissions are considered in Section 5 of this report.

### **3.10 Section 4.15(1)(e) - Public interest**

On balance, the proposed development is also considered to be in the public interest as it will provide health infrastructure proposed to serve Dubbo and the broader regional community.

### 3.11 Section 4.46 - Integrated Development

#### Rural Fires Act 1997

As shown in **Figure 9**, part of the land on which the proposed development is to be sited is identified as Category 3 Vegetation and vegetation buffer. When submitted, Council noted that the application as a Health Service Facility was not strictly any of the Special Fire Protection Purposes (SFPP) type developments as specified in the Section 100B(6) of the Rural Fires Act. However, noting aspects of the development, in particular the accommodation, had synergies with land uses such as a hospital or a group home, Council took a conservative approach to treat the application as Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979 and sought General Terms of Approval under Section 100B of the Rural Fires Act 1997.

Following this approach, the application was referred to NSW RFS on 20 November 2024 following exhibition under Clause 45(1)(b)(i) of the Environmental Planning and Assessment Regulation 2021.

NSW RFS reviewed the application and advised that as a Hospital, which is included in the Health Services Facility, assessment against Section 6 of Planning for Bush Fire Protection 2019 and compliance with Specification 43 of the NCC 2022 through demonstrating compliance with the performance criteria identified in Tables 2, 3 & 4 of Appendix B of Addendum 2022, of Planning for Bush Fire Protection 2019 is to be undertaken.

Following ongoing discussions, on 22 January 2025 Council reviewed its position and confirmed that as the development is not specifically an SFPP defined development, it would no longer be treating the development as Integrated Development. As such, Council has withdrawn its concurrence request to RFS.

## 4.0 REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

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

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

**Table 3: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Referral/Consultation Agencies</b>			
NSW Police		No objection to the proposed development.	Yes

## 4.2 Council Referrals

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

**Table 4: Consideration of Council Referrals**

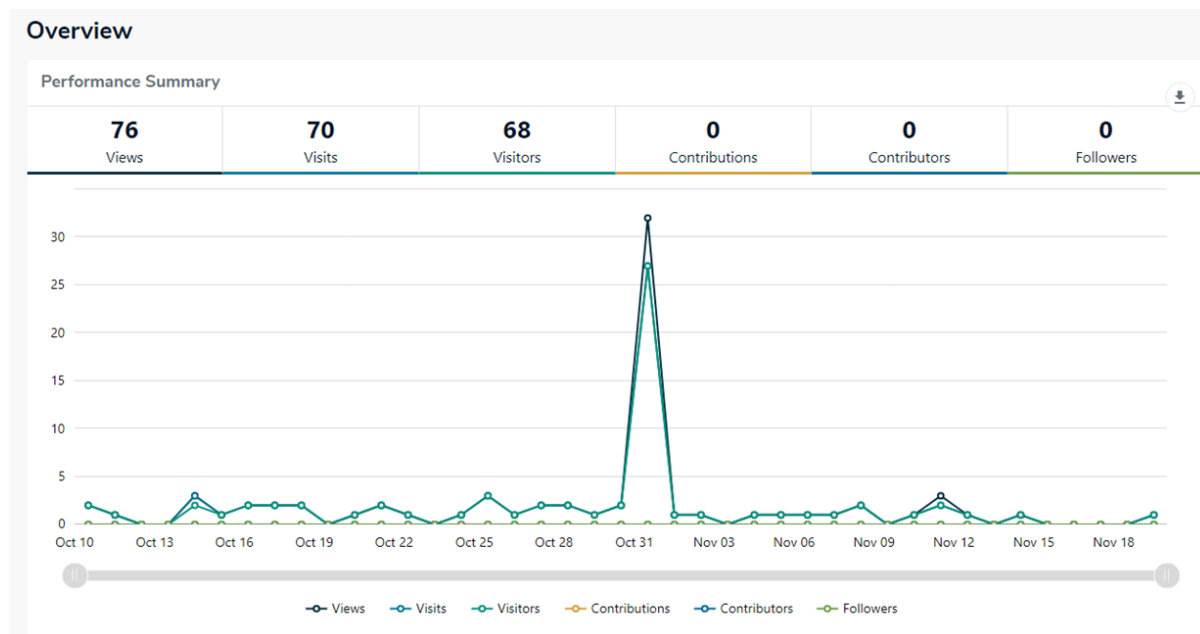
Officer	Comments	Resolved
Stormwater	Council's Engineering Officer reviewed the amended stormwater concept plan and considered that there were no objections subject to conditions.	Yes (conditions)
Traffic	Council's Traffic Engineering Officer reviewed the proposal and raised no concerns in relation to traffic generation and car parking subject to conditions.	Yes (conditions)
Building	Assessment of the application by Council's Building Services Team Leader found no objections subject to recommended conditions.	Yes (conditions)
Health	Generally, noise generated by the proposed development falls within allowable levels. However, the report recommends administrative noise controls be implemented by operators of the proposed development.  No objections subject to recommended conditions.	Yes
Waste	Address waste, referencing provided Waste Management Plan and engagement with Council's Waste Management Officer.  The Waste Management Plan addresses operational waste via Council kerbside collection but does not address construction waste.  Standard condition recommended that all solid waste from construction and operation of the proposed development be assessed, classified and disposed of in accordance with the NSW Environment Protection Authority's Waste Classification Guidelines.  No objections subject to recommended conditions.	Yes

## 4.3 Community Consultation

The Application was placed on exhibition for a period of 35 days ending 18 November 2024, during which time adjoining and adjacent property owners were notified in writing of the proposed development.

In accordance with Council's Community Engagement Strategy the application was also notified on Council's website, Council's Application Tracker and a notice was placed in the Daily Liberal on 19 October 2024.

The performance summary shown in **Figure 10** shows that while there were 76 views of the exhibition material hosted on Council's website, Council received no submissions during the exhibition period.



**Figure 10:** Performance Summary – Exhibition Material

## 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:

- Local Character and Amenity
- Traffic, Access and Car Parking
- Planning for Bushfire
- Considerations
- Stormwater Management
- Geotechnical, Groundwater and Salinity
- Social Considerations
- Safety and Security
- Noise
- Waste Management

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

## 6 RECOMMENDATION

That the Development Application [D24/420] for Health Services Facility (Residential Rehabilitation Centre) - approval for concept and Stage 1 works at Lot 500 DP 1307224, 58 Spears Drive, Dubbo be **APPROVED** pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment C**.



## 7 ATTACHEMENTS

The following attachments are provided:

- **Attachment A:** Advice confirming Crown Application
- **Attachment B:** Architectural Plans
- **Attachment C:** Draft Conditions of consent