

COUNCIL ASSESSMENT REPORT

WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSWES-335 – D25-580
PROPOSAL	Depot
ADDRESS	Lot 304 DP 754308 Lot 359 DP 1157956 Lot 1 DP 1157969 15 Hawthorn Street Dubbo
APPLICANT	Property and Development NSW
OWNER	Property NSW
DA LODGEMENT DATE	28/11/2025
APPLICATION TYPE	Crown DA
REGIONALLY SIGNIFICANT CRITERIA	Clause 4, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Crown Development
CIV	\$5,493,000.00 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
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
AGENCY REFERRALS	<ul style="list-style-type: none"> • Essential Energy • Transport Asset Manager of NSW
TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS KEY IN	0
DOCUMENTS SUBMITTED FOR CONSIDERATION	Draft conditions of consent, approval from the Crown (applicant) for imposition of conditions, architectural plans
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	YES

SCHEDULED MEETING DATE	12 May 2026
PLAN VERSION	23 January 2026
PREPARED BY	Vincent O'Connor – Planner
DATE OF REPORT	8 May 2025

EXECUTIVE SUMMARY

The development is for a depot, which is defined as follows:

Depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

A depot is permissible with consent in the E3 and E4 zones but is prohibited in the SP2 (Railway) zone. However, in this case it is permissible under clause 5.3 of the Dubbo Regional Local Environmental Plan (LEP) 2022. This depot will feature 116 parking spaces to be used by government departments, 30 electric vehicle charging stations, a covered wash bay and storage facility. The perimeter of the development will also be surrounded by a 2.4 metre high fence.

The site presently contains numerous sheds and ancillary structures, all of which are subject to demolition as part of this proposal. The sight is mostly clear of vegetation, with only a few trees spread out throughout the property.

The application was the subject of two (2) separate further information requests. The first requested a plan showing the turning path and cross-section diagrams of the infrastructure, with the second re-requesting this after it was not sent through the originally requested timeframe.

This development did not encounter any significant issues that need to be addressed. The urban design and density of the development remain compatible with the surrounding development.

No major concerns were raised from the agencies this proposal was referred to. Essential Energy had no comment as to safety concerns or impacts to electricity infrastructure. Further Transport Asset Manager of NSW, being the registered owner of the adjacent disused rail corridor, did not provide any response.

The principal concern within the Dubbo LEP was permissibility of the use in the SP2 (Railway) zoned component of the land. However, under Clause 5.3 of the LEP the depot is permitted since the depot component does not encroach more than 20 metres into the SP2 zone. The development also does not comply with Element 5 of Chapter 2.3.3 of the Dubbo Development Control Plan (DCP) 2013 relating to fencing, however this is addressed through a departure request stating a fence higher than that identified under the DCP acceptable solutions is necessary for security reasons.

The development remains consistent with the public interest. The depot is not contrary to any of the aims of the Dubbo Regional LEP 2022, such as ensuring industrial zoned land is being used for development consistent with its objectives.

Following the receipt of approval from the Crown on 7 May 2026 to impose conditions, it is recommended this development be approved with conditions of consent.

The Development Application (DA 2025/580) seeks consent for the construction of a depot with 116 car parking spaces as well as four (4) accessible spaces, five (5) trailer bays, 30 electricity vehicle charging stations, a covered wash bay, and an ancillary storage facility with vehicle access and security measures. The depot is proposed for the storage of vehicles and equipment associated with various state government agencies.

The subject site is known as 15 Hawthorn Street Dubbo ('the site') and comprises three (3) separate allotments with a frontage to Hawthorn Street to the east. The site across all three (3) lots has an area of approximately 2.31 hectares. There is one (1) vehicle access point to the site from Hawthorn Street.

Existing development on the site consists of a welding shed and two (2) other ancillary sheds. These sheds have no current use and are subject to being demolished as part of this application.

The site is located in an area of transition from commercial to industrial, located approximately 2.12 kilometres east from the Dubbo City Centre. The area comprises predominantly commercial and industrial development including other depots, and retail premises.

The site is located in the E3 – Productivity Support zone, E4 – General Industrial zone and SP2 – Infrastructure zone (Railway) pursuant to Clause 2.2 of the Dubbo *Local Environmental Plan 2022* ('LEP 2022'). While demolition and the construction of a depot are permissible with consent in the E3 and E4 zones, a depot is prohibited in the SP2 zone. However, clause 5.3 subclause (2)(a) of the LEP permits encroachment onto another zone of 20 metres. Based on this, there is no fundamental issue with the development which requires refusal of the application.

The principal planning controls relevant to the proposal include *State Environmental Planning Policy (Planning Systems) 2021*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, the Dubbo Regional *Local Environmental Plan 2012* and the *Dubbo Development Control Plan* ('DCP').

There were no concurrence requirements from agencies for the proposal, and the application is not Integrated Development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). A referral to Essential Energy pursuant to Clause 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021 was undertaken and raised no objections.

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

- Section 4.6 of the Resilience and Hazards SEPP for consideration of whether the land is contaminated; and
- Section 2.48(2) of the Transport and Infrastructure SEPP in relation to development in proximity of electrical infrastructure.

The application was placed on public exhibition from 3 December 2025 to 13 January 2026, with no submissions being received. As a result, there were no relevant issues to be considered further in this report.

The application is referred to the Western Regional Planning Panel (WRPP) as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause (4) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development 'crown development' with a CIV over \$5 million. The Panel has not requested a briefing.

Following consideration of the matters for consideration under Section 4.15(1) of the EP&A Act, the provisions of the relevant State Environmental Planning Policies, in particular the Resilience and Hazards SEPP and the Planning Systems SEPP, the proposal can be supported.

There are no fundamental permissibility issues that would prevent this application from being supported. Urban design has been considered with no inappropriate bulk or scale onsite. Any remaining technical issues have since been resolved through the submission of further information, and now this application can be supported for approval.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA 2025-580 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 site across all lots has a total area of approximately 2.31 hectares and a frontage to Hawthorn Street of 81.3 metres. The site slopes in a westerly direction and is primarily covered with grass with a few trees spread throughout the property. There is an existing welding shed on the property approved under Development Consent D04-733.
- The property does not contain a heritage item, is listed on Council's contaminated lands register, and is approximately 2.12 kilometres away from the town centre (Macquarie Street)
- A location map of the site is shown in **Figure 1**
- An aerial photograph of the site is shown in **Figure 2** while two separate photos from the street of the site are shown in **Figure 3** and **Figure 4**

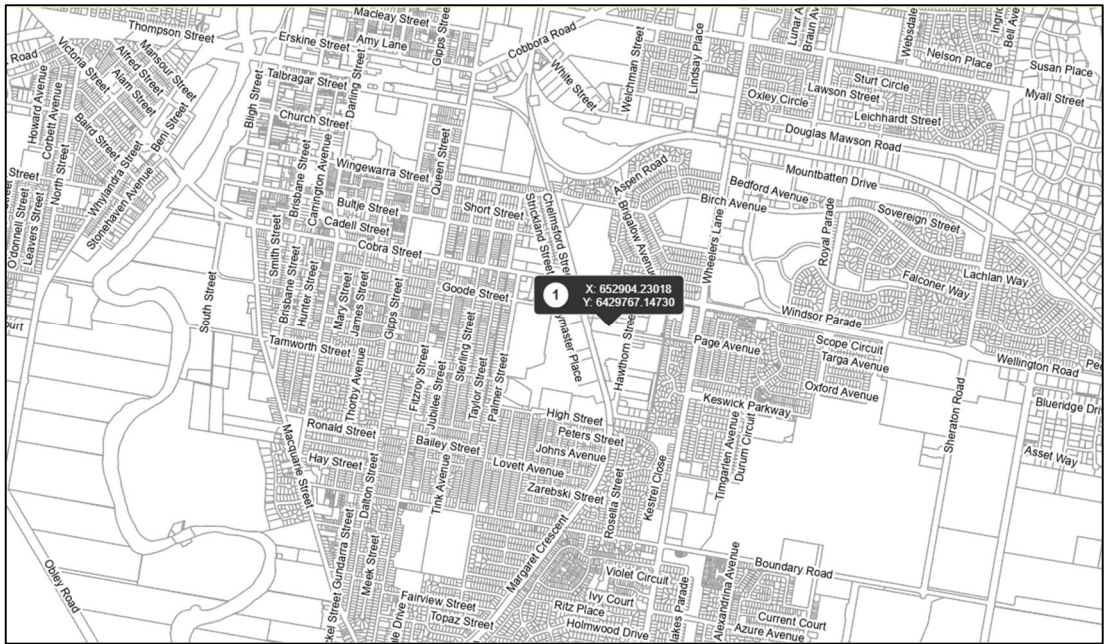


Figure 1: Location map of the site



Figure 2: Aerial view of 15 Hawthorn Street and locality



Figure 3: Photo of 15 Hawthorn Street facing north



Figure 4: Photo of 15 Hawthorn Street facing south

1.2 The Locality

- The type of adjoining development includes other industrial and commercial uses, including a vehicle repair station, the Essential Energy depot, and a retail premises
- The site is primarily industrial in nature, with a few commercial uses
- The Essential Energy depot is directly south of this proposed depot. The Dubbo Regional Council works depot is also located further south on Hawthorn Street
- While the development will be connected to all services, it will not be close to any nearby public transport

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

- The development proposes the demolition of four (4) existing sheds, and the construction of a depot with 116 car parking spaces, four (4) accessible spaces, and five (5) trailer bays. There will also be the erection of 30 electricity vehicle charging stations throughout the depot, cantilevered shade structures over 46 parking spaces, a covered vehicle wash bay, and an ancillary storage facility with vehicle access and security measures.
- For a proposed site plan of the site, see **Figure 5** while a depot plan can be shown in **Figure 6**.

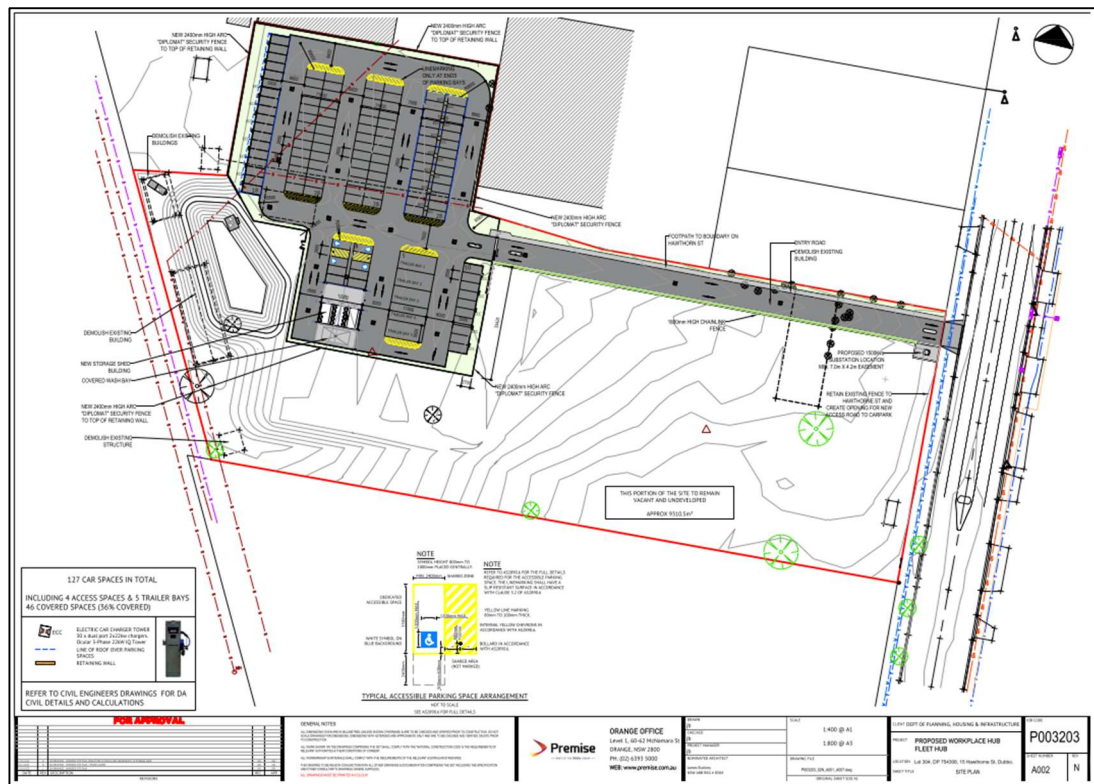


Figure 5: Proposed site plan

2.2 Background

A pre-lodgement meeting was not held prior to the lodgement of the applicant. The Development Application was lodged on 28 November 2025. A chronology of the Development Application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
28 November 2025	DA lodged
3 December 2025	Exhibition of the application
3 December 2025	DA referred to external agencies
14 January 2026	Request for Information from Council to applicant (1 st letter)
5 February 2026	Request for Information from Council to applicant (2 nd letter)
5 February 2026	Amended plans lodged including civil engineering plans that show cross sections of the existing sewer and stormwater lines, and amended architectural plans that bring the total amount of parking down from 182 to 116 and reduces the total impervious area
2 April 2026	First letter to Crown uploaded to the portal
8 April 2026	Response provided by the applicant, requesting amendments to the draft conditions of consent

2.3 Site History

- The site has been the subject of one (1) previous Development Consent for a welding shed (D04-733)
- Prior to the welding shed, the site featured other storage sheds with the contents of these having since been removed
- Before the storage sheds, the site was vacant
- The site was gazetted as a landfill site, with this gazettal being removed in 1958. It is understood despite this identification, the site was never used for landfill activities (see further comments in this report).
- There are no concurrent applications currently being considered.

3. STATUTORY CONSIDERATIONS

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

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be (which are considered further in this report):

- Requiring concurrence/referral (s4.13); and
- Crown Development Application (s4.33), ensuring written agreement from the Crown to the proposed conditions of consent must be provided

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

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

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

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

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

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	<p>Chapter 2: State and Regional Development</p> <ul style="list-style-type: none"> • Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 4 of Schedule 6 as it comprises Crown development over \$5 million. 	Y
SEPP (Resilience & Hazards)	<p>Chapter 4: Remediation of Land</p> <ul style="list-style-type: none"> • Section 4.6 - Contamination and remediation have been considered in the Preliminary Site Investigation and the proposal is satisfactory subject to conditions. 	Y
SEPP (Transport and Infrastructure) 2021	<p>Chapter 2: Infrastructure</p> <ul style="list-style-type: none"> • Section 2.48(2) – Development likely to affect an electricity transmission or distribution network – the proposal is satisfactory subject to recommended conditions by the electricity authority (Essential Energy). 	Y
Proposed Instruments	<p>An amendment to the Dubbo Regional Local Environmental Plan is proposed that will prohibit advertising structures in the E4 zone. Noting the development does not include an advertising structure, this LEP amendment is not applicable.</p>	N/A
LEP	<ul style="list-style-type: none"> • Clause 1.2 – Aims of the plan • Clause 1.4 – Definitions • Clause 1.9A – Suspension of covenants, agreements and instruments • Clause 2.2 – Zoning of land to which plan applies • Clause 2.3 – Zone objectives and land use table • Clause 5.3 – Development near zone boundaries • Clause 5.10 – Heritage conservation • Clause 5.14 – Siding Spring Observatory – maintaining the dark sky • Clause 7.2 – Earthworks 	Y
DCP	<p>Chapter 2.3 Industrial Development and Subdivision</p> <ul style="list-style-type: none"> • Element 1 – Set-backs • Element 2 – Building design • Element 3 – Landscaping • Element 4 – Vehicular access, parking and hard stand areas • Element 5 – Fencing • Element 6 – Design for access and mobility • Element 7 – Waste management • Element 8 – Soil, water quality and noise management • Element 10 – Services 	Y

	Chapter 3.5 Parking	
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Consideration of the relevant SEPPs is outlined below:

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 4 of Schedule 6 of the Planning Systems SEPP as the proposal is development for Crown development over \$5 million. Accordingly, the Western Regional Planning Panel is the determining authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

The site is listed on Council's Potentially Contaminated Land Register as having a past history associated with landfill and fuel storage. The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') have been considered in the assessment of the Development Application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. In order to consider this, a Preliminary Site Investigation ('PSI') has been prepared for the site.

The PSI consisted of a search of historical records and a site walkover. This research found that small shed-type structures have been present in the north of the site since at least 1964, with the site being clear of significant vegetation. The existing large shed in the site's east was constructed as of 1971 with changes to the layout and number of sheds in the site's north. By 1980, shed type structures adjacent to the site's western boundary were now present with further changes to the layout and number of sheds in the site's north. The site had begun being used for storage of an unknown type of material by 1991, with all of these materials being removed by 2018 while an additional structure was constructed centrally on the site and a stockpile had appeared at the site's southern boundary. All the material and equipment had been cleared by 2025, with a shed structure in the west having been demolished and the stockpile having been removed. The report also notes the land immediately surrounding the site has undergone several changes over this time, with structures being built to the north-east, east and south of the site by 1971 and further additional structures being present to the north and south of the site by 1991. Additional structures continued to appear up until 2025, but the overall land uses of the surrounding area have not been significantly altered.

The potential sources of potential contamination were considered to be limited to historic light-industrial land uses and the potential use of associated chemicals. These chemicals of potential concern (COPC) include asbestos, heavy metals including zinc, copper and mercury, benzene and organochlorine pesticides.

The Investigation concluded that the risk of receptors becoming exposed (or having existing exposure increased) to inherent contamination may be present however it is not considered likely to significantly increase overall as a result of development of the site as a vehicle parking depot.. The proposal is therefore considered to be consistent with SEPP (Resilience and

Hazards) 2021, subject to imposition of relevant conditions of consent in relation to disposal of waste during construction.

Recommendations were also included in the PSI relating to gas monitoring as a consequence of landfill. However, further investigation shows that while the use of the land as a landfill site may have been gazetted or approved, review of historical aerial imagery and Council records demonstrates there is no record of such activity ever actually being used for landfill. Therefore such recommendations will not be enforced.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The application was referred to Essential Energy in accordance with Clause 2.48 for which they responded in correspondence uploaded to the NSW Planning Portal, 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.

Dubbo 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 as shown in **Table 4** and considered in more detail below.

Table 4: Assessment of applicable clauses under the Local Environmental Plan

	Complies (Yes/No)
Part 1 Preliminary	
Clause 1.2 Aims of the Plan	
The proposed development is not inconsistent with the aims of this plan.	Yes
Clause 1.4 Definitions	
The proposed land use is best defined as a <i>depot</i> , being: <i>Depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.</i> While the development could fit the definition of a carpark, the use of the land is primarily for the parking of fleet vehicles and other equipment when not in use (including after hours) as opposed to simply being used for the parking of private vehicles. Consequently, depot is considered the most appropriate land use definition in this instance.	Yes
Clause 1.9A Suspension of covenants, agreements and instruments	
The land is burdened by an easement to drain sewer. A condition will be included on the consent that no structures or buildings encroach this easement.	Yes-condition
Clause 2.2 Zoning of land to which Plan applies	
The subject site is zoned E3 Productivity Support (Lot 359), E4 General Industrial (Lot 304) and SP2 Infrastructure-Railway (Lot 1). as shown in Figure 7 .	Yes

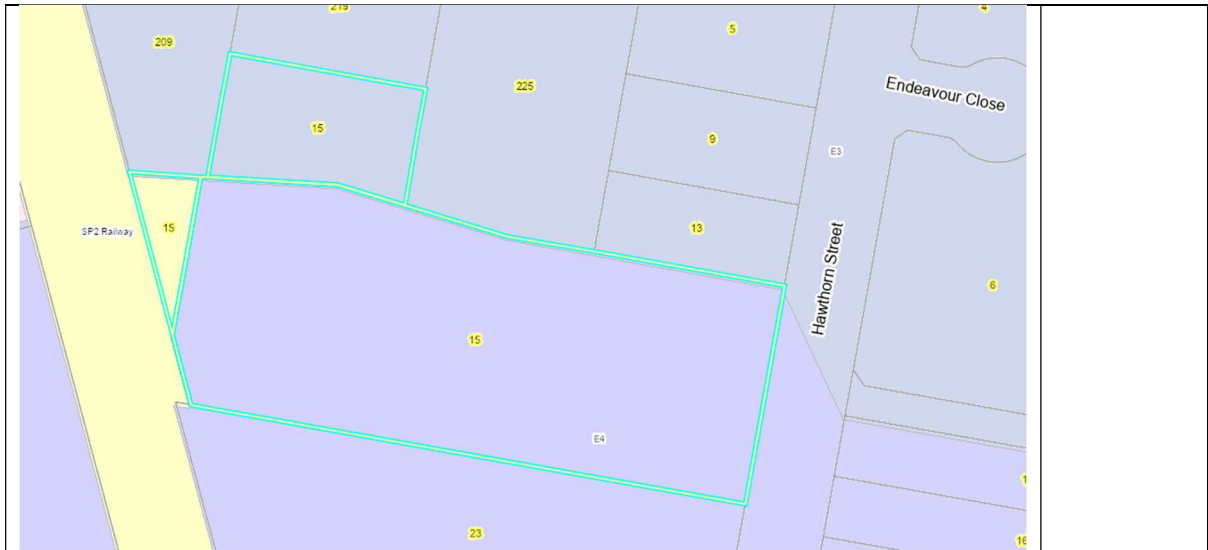


Figure 7: Extract of zoning map

Clause 2.3 Zone objectives and Land Use Table	
The proposed development for a depot is permitted with development consent and complies with the relevant objectives of the E3 and E4 zones. While use of land in the SP2 zone is restricted to uses associated with that nominated (in this instance railway), consideration will be given to clause 5.3 (see below).	Yes
Part 4 Principal Development Standards	
Clause 4.1 Minimum subdivision lot size	
No subdivision is proposed. However, a condition will be included on the consent that the three (3) allotments be consolidated into a single allotment prior to occupation of the site.	Yes - condition
Part 5 Miscellaneous provisions	
Clause 5.3 Development near zone boundaries	
Lot 1 DP 1157969 is zoned SP2 Infrastructure (Railway), which prohibits any development that does not support this nominated use. However, subclause (2)(a) permits encroachment for a boundary shared with the E3 and E4 zones of 20 metres. The component of the development encroaching Lot 1 will not exceed 20 metres. Therefore, the use is permissible in this part of the SP2 zoned land as per this clause.	Yes
Clause 5.10 Heritage conservation	
<p><u>European Heritage</u></p> <p>There are no listed heritage items on or in the vicinity of the development site.</p> <p><u>Aboriginal Heritage</u></p> <p>No recorded Aboriginal heritage items are shown on or in vicinity of this property. Noting the highly disturbed nature of the site no special investigations or conditions are considered necessary.</p>	Yes
Clause 5.14 Siding Spring Observatory – maintaining dark sky	
The proposed depot has been assessed as unlikely to adversely affect observing conditions at the Siding Spring Observatory, having regard to subclauses: <ul style="list-style-type: none"> • 2(a) - the amount of light to be emitted; • 2(b) - the cumulative impact of the light emissions with regard to the critical level; 	Yes – condition

<ul style="list-style-type: none"> • 2(c) - outside light fittings (shielded light fittings); • 2(d) - measures taken to minimise dust associated with the development; and • 2(e) - the Dark Sky Planning Guidelines published by the Secretary under clause 92 of the EP&A Regulation 2000. <p>Additionally, as per subclause (7) the proposed development is not considered likely to result in the emission of light of 1,000,000 lumens or more. Condition that all external light fittings be shielded and point downwards to minimise light spill to the night sky and neighbouring properties.</p>	
Part 7 Additional local provisions	
Clause 7.2 Earthworks	
The proposal will involve earthworks for the construction of the depot and associated works. Condition that erosion and sediment control measures be implemented for the entirety of construction works.	Yes – condition

(b) 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.

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

The following Development Control Plan is relevant to this application:

- *Dubbo Development Control Plan 2013*

An assessment is made of the relevant chapters and sections of this DCP. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report. This is outlined in **Table 5**.

Table 5: Assessment of applicable sections under the Development Control Plan

Chapter 2.3 Industrial Development and Subdivisions	Complies (Yes/No)
Chapter 2.3.3 Development Controls	
Element 1 Set-backs	
The development involves minimal built features. The building (drone store/wash bay) setback to Hawthorn Street (front boundary) is approximately 169.11 metres, 32.62 metres from the rear boundary, 101.21 metres from the northern side boundary and 16.51 metres front the southern side boundary. Compliance with DCP setback requirements is therefore achieved (minimum 10 metres front and 3 metres side and rear). This will permit suitable access and servicing arrangements to the property.	Yes.
Element 2 Building design	
Due to the setback of the building (wash bay), the development is not expected to have any adverse impacts on the character of the street. Due to the nature of surrounding land uses, pedestrian activation facing the street is not considered necessary.	Yes

The building's height is consistent with surrounding buildings, and will not contribute to significant overshadowing.	
Element 3 Landscaping	
While a dedicated landscaping plan has not been submitted, landscaping is shown on the submitted Site Plan. Condition that this landscaping be established prior to occupation or use of the land.	Yes-condition
Element 4 Vehicular access, parking and hard stand areas	
Vehicle access is not within 6 metres of an intersection, with the driveway complying with the minimum 6 metre width to permit two-way traffic movements. Two-way traffic manoeuvring areas are provided throughout the parking area, allowing all vehicles to enter and exit in a forward direction.	Yes
Element 5 Fencing	
The Applicant proposes a 2.4 metre high "Diplomat" security fence around the parking area. While this does not comply with the 1.8 metre height limit of this Element, the applicant has submitted a departure request: <i>"The departure to this development control is suitable based on merit and the proposed use of the site. The height of the fence is purely for security purposes as vehicles may be parked onsite for a number of days."</i> Based on the primarily industrial uses within the vicinity and the fencing being used for security, this is considered an acceptable variation.	Yes
Element 6 Design for access and mobility	
It is noted the development includes four (4) accessible parking spaces.	Yes
Element 7 Waste management	
Construction and earthworks waste will be disposed of in accordance with Council's requirements. Condition that it be disposed of appropriately. Liquid trade waste will be generated by the wash bay. A condition will be implemented on the consent that the appropriate trade waste approvals be obtained by Council's Water and Sewer Branch prior to works commencing.	Yes
Element 8 Soil, water quality and noise management	
The proposal will involve earthworks for the construction of the depot and the parking lot. Condition that erosion and sediment control measures be implemented for the entirety of construction works. Noise will be generated during the construction phase. An appropriate condition will be included on the consent restricting work hours to minimise impacts. Upon occupation, noise generation will primarily be limited to cars driving in and out of the premises, and use of the wash bay. As a result noise generation will be negligible, noting the industrial nature of the locality.	Yes-conditions
Element 9 Signage	
Not applicable, as there is no signage proposed as part of this development.	N/A

Element 10 Services	
<p>The proposed development will have access to water, sewer, NBN, gas, telecommunication and stormwater infrastructure. It is not expected to overload the relevant infrastructure.</p> <p>In terms of stormwater management, submitted civil plans show all hardstand areas to drain to the basin on the western side of the site. The basin will detain water then slowly release to the adjacent rail corridor, as occurs at present. The basin will ensure runoff does not exceed pre-development flows.</p> <p>The development includes a wash bay, which will drain to Council sewer. This will require a Trade Waste approval from Council's Water and Sewer Branch. The wash bay will also be required to be roofed and bunded to ensure no stormwater enters the wash bay, and that no waste water from the wash bay can escape into Council's reticulated stormwater system and cause water pollution.</p>	Yes
Element 11 Ancillary residential uses	
Not applicable, as there is no ancillary residential use.	N/A

Chapter 3.5 – Parking

Use	Rate	NLA Area	Requirement
Depot	1/90m ²	118.25m ²	1.31
Total			1.31 (say 2)

Note: *NLA was calculated excluding amenities (toilets), stairways etc.

Since there are no onsite offices, the above parking rate was calculated using the wash bay and storage room. However, this is shown to not be an accurate representation of its usage due to the 116 car parking spaces proposed and the proposed primary use as a depot for the storage of vehicles. There is considered to be sufficient parking for the proposed use through the storage of vehicles for government departments.

Contributions

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

- *Section 94 Contributions Plan – Urban Stormwater Drainage Headworks Contributions 2019*
- *Amended s.94 Contributions Plan – Roads, Traffic Management & Car Parking – 2016*

In the event the application is approved, the following Contributions totalling **\$42,584.28** would be payable:

- *Urban Stormwater Drainage – \$10,584.18*
- *Urban Roads Contribution – \$32,000.10*

(d) 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.

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

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a Development Application, with the following matters being relevant to the proposal:

- Four (4) sheds are being demolished onsite. A condition will be included on the consent that all demolition is carried out in accordance with the provisions of AS 2601 – 2001: The Demolition of Structures.

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are not relevant to the proposal.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 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.

- This development will not require any unforeseen vegetation removal for the provision of services. Since this development is already connected to services including water and sewer, no additional services will need to be provided.
- Standard conditions of consent will be imposed including if any contaminated material is discovered during work, then the applicant will ensure the appropriate regulatory authority is notified and the material is contained. Due to the potentially contaminated soil, erosion will also be mitigated through a similar condition by ensuring an erosion and sediment control plan is submitted prior to building works commencing.

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

- Context and setting – The proposal is considered to be generally consistent with the context of the site, in that the proposed depot is appropriate as a result of the industrial and commercial local context. Since there are already depots within this street, it is unlikely there will be major impacts on surrounding development.
- Access and traffic – The proposed depot will not have a significant impact on the surrounding road network. The closest bus stop is on the corner of Hawthorn Street and Cobra Street, providing opportunities for nearby public transport. Due to the development acting as a parking lot for government vehicles, it will likely lead to a moderate increase in traffic.
- Public Domain – the proposal does not have any significant impacts on the public domain. While there is no public open space in the area or effective pedestrian linkages in the area, these are generally discouraged in industrial areas.

- Utilities – all utilities will be available to the site, Essential Energy did not raise any safety issues with this development
- Heritage – the site does not contain a heritage item nor is it adjacent to a heritage item or within a heritage conservation area
- Other land resources – the site is not part of any mining or agricultural land, and is not within a drinking water catchment
- Water/air/soils impacts – the site is currently listed on Council’s register of potentially contaminated land. The site is fully developed, and the proposal is accompanied by a contamination report. Conditions will be put in that any waste from construction be disposed of at a licensed waste facility.
- Flora and fauna impacts – no trees are proposed to be removed, and there is no threatened species or biodiversity within the site
- Natural environment – This depot will not lead to any significant changes to the natural contours.
- Noise and vibration – Noise impacts from construction will be mitigated with a condition limiting construction hours. Further, noting the close proximity of adjacent buildings to work areas, a condition will require a dilapidation report be prepared for those buildings to document their existing conditions prior to works commencing

Since this is for a depot, no operational impacts are expected with the depot primarily being used to park government vehicles.

- Natural hazards – the site is not affected by any natural hazards including flooding or bushfire.
- Safety, security and crime prevention – the development will minimise antisocial behaviour through installation of lockable security gates, security lighting through the site, and erection of a 2.4 metre high fence around the perimeter.
- Social impact – this development will not have any adverse impacts on the health and safety of the community. Since it will be used primarily for parking vehicles, it is unlikely to have many direct interactions with the community.
- Economic impact – the provision of the extra parking will provide benefits to government departments through additional space for cars, which may lead to future employment generation in government sectors.
- Site design and internal design – the depot has been set out appropriately on the site to mitigate any potential impacts
- Construction – the potential impacts from construction have been adequately mitigated with a condition limiting construction hours.
- Cumulative impacts – the proposal will not result in any adverse cumulative impacts and is generally consistent with the planning controls.

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

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

- The proposal fits the locality of primarily industrial and commercial uses
- The site is adequately serviced for the development, with sufficient transport infrastructure in place
- The site is not affected by any natural hazards including bushfire or flooding
- The site's attributes are conducive to the development
- There are no adjoining uses prohibitive of the proposal

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

The Development Application was placed on notification for a period ending 13 January 2026, during which time adjoining property owners were notified in writing of the proposed development.

Council received no submissions during the notification period.

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

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

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 6**.

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 6: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Referral/Consultation Agencies			
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	Essential Energy has submitted a response and has no comments to make as to potential safety risks arising from the proposed development.	Y
Rail authority	Section 2.97 – <i>State Environmental Planning Policy</i>	Application referred to Transport Asset Manager of NSW, being the	N/A

	<i>(Transport and Infrastructure) 2021</i> Development land that is in or adjacent to a rail corridor.	registered owner of the adjacent disused rail corridor. No response provided within 21 day timeframe.	
Transport for NSW	Section 2.121 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3.	Application not considered to be Traffic Generating Development under Schedule 3 of SEPP, specifically as the development does not include 200 or more spaces. Therefore referral to TfNSW not required.	N/A

4.2 Council Officer Referrals

The Development Application has been referred to various Council officers for technical review as outlined **Table 7**.

Table 7: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the Application including concept civil plans and considered that there were no objections to the development subject to conditions.	Yes
Building	Council's Building Officer reviewed the submitted Application including architecture plans and considered that there were no objections to the development subject to conditions.	Yes
Health	Council's Health Officer reviewed the Application including the PSI and considered that there were no objections to the development subject to conditions.	Yes

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified in accordance with the DCP/Council's Community Participation Plan from 3 December 2025 until 13 January 2026. The notification included the following:

- Notification letters sent to adjoining and adjacent properties (eight (8) individual property owners notified); and
- Notification on the Council's website.

Council received no submissions and therefore received no objections relating to the development.

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:

- Contamination;
- Urban design;
- Fencing;
- Stormwater management; and
- Construction noise and vibration

These issues have been resolved through recommended conditions of consent.

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, potential issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application D25-580 for a depot at Lot 304 DP 754308, Lot 359 DP 1157956 and Lot 1 DP 1157969, No. 15 Hawthorn Street, 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.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Approval from the Crown (applicant) for imposition of Conditions
- Attachment C: Site photographs taken 5 January 2026
- Attachment D: Architectural Plans (23/1/26 – Rev N)
Civil Plans (3/2/26 – Revision C)