

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSWES-95
DA Number	D21-473
LGA	Dubbo Regional Council
Proposed Development	Platypus Enclosure
Street Address	Lot 227 DP 753233, 6R Obley Road DUBBO
Applicant/Owner	Applicant: Taronga Western Plains Zoo Owner: Zoological Parks Board of NSW T/as Taronga Western Plains Zoo
Date of DA lodgement	27 July 2021
Total number of Submissions	0
Recommendation	Approval – subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	4 Crown development over \$5 million Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has a capital investment value of more than \$5 million. The proposed development has a capital investment value of \$6,855,014.00
List of all relevant s4.15(1)(a) matters	- State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy 55 –Remediation of Land - Dubbo Local Environmental Plan 2011 - Dubbo Development Control Plan 2013
List all documents submitted with this report for the Panel's consideration	- Location Plan, No. 01, 25/06/2021 - Site Plan, No. 02, 25/06/2021 - Platypus Exhibit, No. 03, 25/06/2021 - Platypus Rescue Facility, No. 04, 25/06/2021 - Elevations, No. 05, 25/06/2021 - Statement of Environmental Effects, Barnson, Ref:36409-PR01_A, dated 21/07/2021 - Biodiversity Assessment Report, Access Environmental Planning, 25 June 2021 - Emergency Management Map - Fire Response Procedure, TWPZ, Nov 2013 - Aboriginal Due Diligence Assessment Report, OzArk, 24 June 2021
Clause 4.6 requests	Not applicable
Report prepared by	Tracie Smart
Report date	24 September 2021

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Not applicable
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? Yes
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

Description of Proposal

Council is in receipt of a Development Application for a platypus enclosure at Lot 227 DP 753233, 6R Obley Road DUBBO.

The platypus enclosure, as shown in **Figure 1** consists of the following:

- An exhibit area (113m²) including a pathway from the carpark area;
- A platypus refuge building (1,930m²) with 75 platypus tanks, five (5) yabby/extra tanks (separated into 'river systems' to prevent cross contamination), and 50 platypus rest boxes;
- Five (5) airlock rooms at the rear of the refuge building;
- Five (5) refuge plants rooms;
- A research building (335m²);
- Feed rooms (50m²);
- Three (3) offices (46m²) and;
- Carport and outdoor covered space with shade cover (193m²).

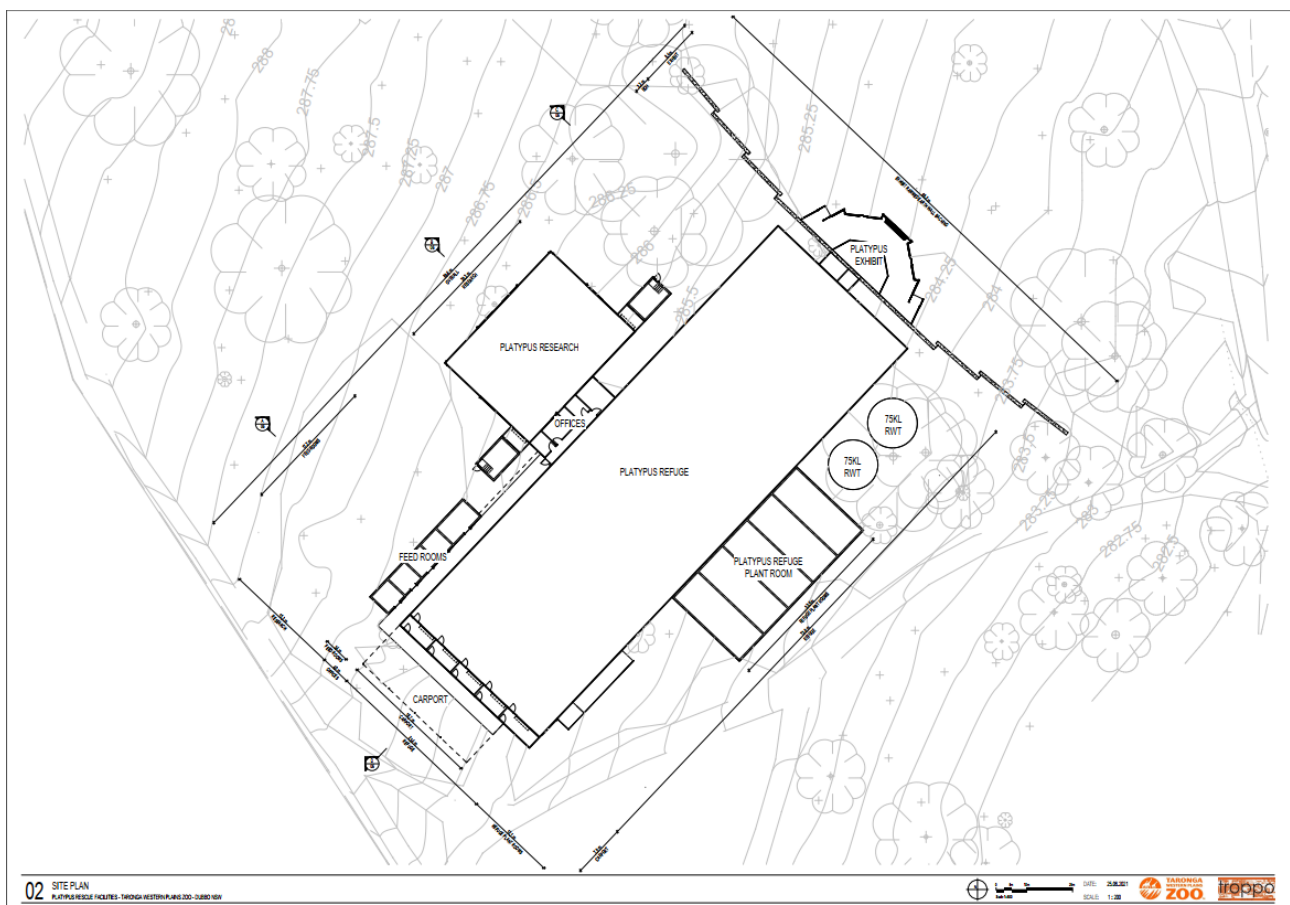


Figure 1: Submitted Site Plan

The platypus refuge will not be open to the public; it will only be accessible by TWPZ zookeepers; cleaners and researchers. The exhibit will be open to the public generally coinciding with TWPZ opening times.

The primary purpose of the facility is to support the conservation of platypi numbers especially in

periods of drought. The individual holding tanks feature interconnected earth burrows and nesting boxes and are separated into five (5) main blocks of tanks which represent the different water systems across the country that form habitats for platypi. They have been separated to minimise the potential for cross-infection between the systems.

The proposed development is considered to be regional significant development as it is Crown development with a capital investment value being over \$5 million (\$6,855,014 ex GST) and as such the application shall be referred to the Western Regional Planning Panel for determination.

SITE CHARACTERISTICS

Locality

The subject land is located at Lot 227 DP 753233, 6R Obley Road, Dubbo on the western side of the road. The site is approximately 283.2 hectares in area and has a primary frontage to Obley Road of 2.1kms and a secondary frontage along the Peak Hill Road/Newell Highway of approximately 2.4kms. The site also has a frontage to Peak Hill Road as shown in **Figure 2**.

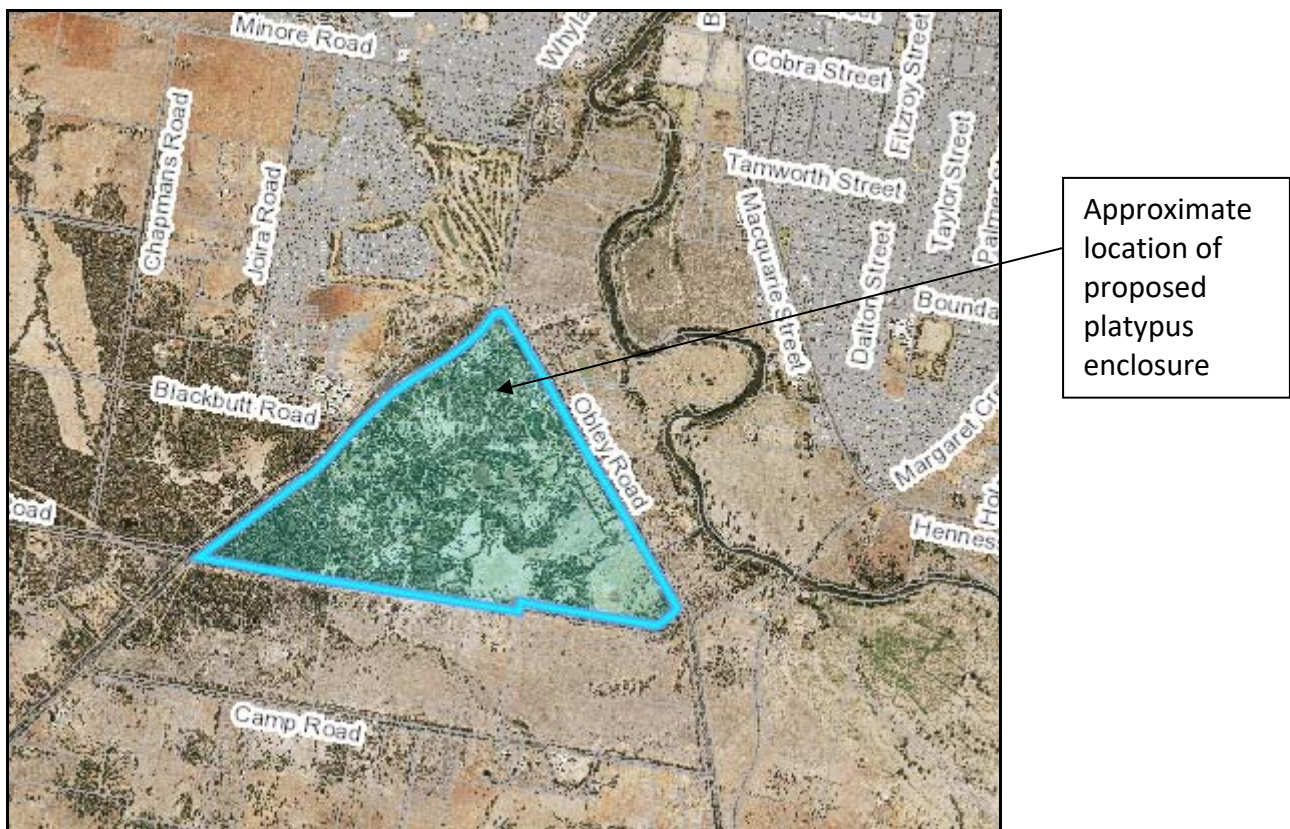


Figure 1: Site location Lot 227 DP 753233, 6R Obley Road DUBBO.

Slope

The land slopes gently from the north west to the south east towards the Macquarie River.

Vegetation

The site features both native and non-native species of vegetation. Some vegetation is proposed to be removed as part of the development and will be addressed under Section 1.7 of the *EP&A Act 1979* and Clause 7.2 of the *Dubbo LEP 2011* below.

Access

Vehicle access to the site is available via Obley Road.

Drainage

The site drains to the east following the natural contours of the land.

Services

The subject site has access to all reticulated services. Extension of these services where necessary will be burdened by the developer.

Adjoining uses

The proposed development is internal to the Taronga Western Plains Zoo. The proposed development is located south of the existing Galapagos Tortoise exhibit.

SITE HISTORY

The Western Plains Zoo opened in 1977. Prior to this the land was used as an Army Training Ground during World War 2. A review of Council's records identified a number of Development Applications pertaining to the subject property. These applications relate predominantly to tourist and visitor accommodation (i.e. Zoofari Lodge & Bike and Cart Hire) and other breeding facilities/enclosures not applicable to this application.

There are no issues from previous development approvals, which require further consideration.

RECOMMENDATION

The proposed development is considered to be generally compatible with its surrounds and enhances the existing use of the land being for the Taronga Western Plains Zoo. As a result of this assessment, the proposed development is recommended for conditional consent.

Appendix 1 to this report contains the proposed conditions of consent.

Recommendation:

- a) That having regard to the assessment of the application, DA2021-473 (WRPP Ref PPSWES-95) be granted conditional consent in the terms set out in Appendix 1 to this report.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

Section 1.7 of the EP and A Act requires Part 7 of the Biodiversity Conservation Act 2016 (BC Act) to be considered during the assessment of development application. These considerations are in the form of a 'test.' In considering this test it will be determined whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats as follows:

SECTION 7.2 Development or activity “likely to significantly affect threatened species”

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) it is carried out in a declared area of outstanding biodiversity value.*

COMMENT: The test as outlined under section 7.3 determining the likelihood of the proposed development in significantly affecting threatened species or ecological communities is undertaken below. An assessment of the proposed development in regards to the biodiversity offset scheme threshold is undertaken below. The subject land is not a declared area of outstanding biodiversity value.

SECTION 7.3 Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats

- (a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- (b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:*
 - (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
 - (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- (c) in relation to the habitat of a threatened species or ecological community:*
 - (i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*
 - (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*
 - (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*
- (d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*
- (e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

COMMENT: The site is a highly disturbed location featuring remnant vegetation and managed land associated with the Taronga Western Plains Zoo. The proposed development will require the removal of approximately 1,800m² of predominantly small-diameter white cypress pine. It is considered that the proposed development will have a negligible impact on any threatened species, ecological communities, or their habitats.

SECTION 7.4 Exceeding biodiversity offsets scheme threshold

(1) Proposed development exceeds the biodiversity offsets scheme threshold for the purposes of this Part if it is development of an extent or kind that the regulations declare to be development that exceeds the threshold.

(2) In determining whether proposed development exceeds the biodiversity offsets threshold for the purposes of this Part, any part of the proposed development that involves the clearing of native vegetation on category 1-exempt land (within the meaning of Part 5A of the Local Land Services Act 2013) is to be disregarded.

Note.

See section 6.8 (3)—any part of proposed development that involves such clearing of native vegetation is not required to be assessed under the biodiversity assessment method.

(3) A regulation under this section may apply, adopt or incorporate a map published by the Environment Agency Head from time to time.

COMMENT: The subject land has a land area of between 40 and 1,000 hectares (and no applicable minimum lot size), subsequently, the relevant clearing area for the site is 1 hectare. The proposed development includes the removal of approximately 1,800m². As the proposed clearing will not exceed the threshold, no further assessment of the BC Act is required, nor is a Biodiversity Development Assessment Report required.

Section 4.14

The subject site is designated as bushfire prone land as shown in **Figure 9**. However, the proposed development is not deemed Integrated Development under S100B of the Rural Fires Act 1997 as it does not include the subdivision of land for residential purposes nor is the development deemed a special fire protection purpose in accordance with the Rural Fires Act 1997.

The application includes a copy of the Zoo's Fire Management Procedure and Emergency Management Map. No specific concerns are raised in relation to bushfire safety. It is considered that existing measures in place at the Taronga Western Plains Zoo are sufficient, which include the following:

- *"TWPZ management evacuates all visitors on days of catastrophic fire risk;*
- *TWPZ staff are trained in emergency and evacuation procedures;*
- *TWPZ maintains a first-response bushfire fighting unit, and well-maintained equipment;*
- *Water supply for fire-fighting purposes is available; and*
- *Landscaped areas are designed and maintained to present minimal hazard."*

Section 4.46 Integrated Development

Aboriginal objects were found in proximity to the site of the proposed development. As such, as part of the proposed development an Aboriginal Cultural Heritage Due Diligence Assessment was undertaken by OzArk, June 2021. The assessment concluded the proposed development was not considered Integrated Development and an AHIP was not required for the following reasons:

The due diligence process has resulted in the outcome that an AHIP is not required. The reasoning behind this determination is set out in **Table 2-3**.

Table 2-3: Due Diligence Code application.

Item	Reasoning	Answer
Will the activity disturb either of the following: - the ground surface where archaeological deposits are likely - mature, native trees that may be culturally modified.	The proposed works will disturb the ground surface through excavation and construction, but the likelihood of archaeological deposits has been assessed as low. All mature trees within the study area were inspected and it was concluded that the proposal will not impact any culturally modified trees.	No
Are there any relevant records of Aboriginal heritage on site (AHIMS or from other sources), or landscape features that are likely to indicate presence of Aboriginal objects?	AHIMS indicated no Aboriginal sites within the study area. No landscape features in the study area indicate the likely presence of Aboriginal objects.	No
Will the activity impact Aboriginal objects or landforms with archaeological potential?	There are no known items of Aboriginal significance present in the study area, and landforms with identified archaeological sensitivity are not present.	No
Does the desktop and/or visual assessment confirm that Aboriginal objects will be harmed?	The visual inspection did not identify any Aboriginal objects and it was assessed that there is a low likelihood of there being subsurface archaeological deposits within the study area.	No
AHIP not necessary Proceed with caution		

No further investigation required.

PLANNING ASSESSMENT Section 4.15(1)

As required by the Environmental Planning & Assessment Act, 1979, Section 4.15(1), the following relevant matters are addressed below:

- environmental planning instruments (State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs);
- draft environmental planning instruments;
- development control plans;
- planning agreements;
- regulations;
- environmental (natural and built), social and economic impacts;
- suitability of the site;
- submissions; and
- public interest.

(a)(i) *Environmental Planning instruments*

SEPP 55 – Remediation of Land

The Western Plains Zoo opened in 1977. Prior to this the land was used as an Army Training Ground during World War 2. The subject land is identified on Council's register of potentially contaminated land due to this previous use. A visual inspection of the site revealed no evidence of any contaminating activities associated with the previous use of the site. The footprint of the development is largely vegetated and no recent disturbance of the site, or direct evidence of contamination, was evident. It is considered the site is suitable for the proposed development and no further assessment is required.

SEPP (State and Regional Development) 2011

Schedule 7 of the SEPP specifies development that is declared to be regionally significant development. Pursuant to Section 4 of the Schedule 7, the proposed development is considered to be regionally significant development as it is Crown Development with a capital investment value of more than \$5 million (\$6,855,014.00 ex GST) and as such the application shall be referred to the Western Regional Planning Panel for determination.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The siting of the proposed development requires the removal of vegetation for the veterinary hospital and associated car park. A Biodiversity Assessment undertaken by Access Environmental Planning dated, June 2021 concluded the following:

The Biodiversity Offset Scheme (BOS) threshold for development on a lot this size is one hectare or 10,000 square metres (m2). The proposed development requires clearing of less than this area, meaning the BOS does not apply.

Due to the lack of diversity and habitat, the clearing of vegetation within the site will not create a large impact on the use of the site by native animals. The site also did not contain any Endangered Ecological Communities (EEC). The construction of the building on this site will not cause large scale fragmentation of habitat. With only one nest indicated during the site inspection this area is unlikely to be heavily utilised by native animals.

Note: While a number of other SEPPs apply to the land, none are specifically applicable to this development.

Dubbo Local Environmental Plan 2011

The following clauses of Dubbo Local Environmental Plan (LEP) 2011 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

Clause 1.2 Aims of Plan

The proposed development is not contrary to the relevant aims of the plan.

Clause 1.4 Definitions

The proposed development is considered ancillary to the existing use of the site as a Zoo.

Clause 1.9A Suspension of covenants, agreements and instruments

An investigation of the legal title for the site has revealed no restrictions which would prohibit the development in accordance with the provisions of the DLEP 2011.

Clause 2.2 Zoning of land to which Plan applies

The subject site is zoned SP3 Tourist.

Clause 2.3 Zone objectives and Land Use Table

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

- To provide for a variety of tourist-orientated development and related uses; and
- To recognise the importance of the Taronga Western Plains Zoo as a key tourist facility within the area of the City of Dubbo.

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

Clause 5.10 Heritage conservation

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

- 'Cotha', 21L Obley Road (Item No. I178) locally significant; and
- 'Dundullimal' 23L Obley Road (Item No. I179) State Significant.

The proposed development will not be visible from the above heritage items and therefore will have no impact on their heritage significance. As such, due to the negligible level of impact, a Heritage Management Document is not required.

Clause 5.14 Siding Spring Observatory – maintaining dark sky

The proposed development will not affect observing conditions at the Siding Spring Observatory, having regard to:

- 2(a) the amount of light to be emitted;
- 2(b) the cumulative impact of the light emissions with regard to the critical level;
- 2(c) outside light fittings;
- 2(d) measures taken to minimise dust associated with the development; and
- 2(e) the Dark Sky Planning Guidelines.

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.

Clause 7.1 Flood planning

The eastern portion of the site is identified within the Flood Planning Area on the Dubbo LEP 2011 Flood Planning Map. However, the proposed development is located approximately 800m from

the designated Flood Planning Area and will not impact on access/egress to the development. Therefore an assessment in relation to flooding impacts is not considered necessary.

Clause 7.2 Natural resource biodiversity

The subject site is mapped as containing areas of both moderate and high biodiversity. The proposed development however is located approximately 650m from such vegetation. However, it is noted that some vegetation is to be removed to accommodate the development. Council's Environmental and Health Services Team Leader in the memo dated 4 August 2021 states:

In accordance with the Dubbo Local Environmental Plan 2011, the land is not currently identified as containing moderate or high biodiversity.

The scale of clearing for the development, being identified by the proponent as 1,800m² does not exceed the allowable 10,000m² for this Lot, nor does the proposal occur in an area of outstanding biodiversity values, or impact a threatened species. As a result the project does not enter into the Biodiversity Offset Scheme under the Biodiversity Conservation Act (2016). Subsequently no Biodiversity Development Assessment Report (BDAR) is required. A Flora and Fauna Report has been prepared by Access Environmental and supplied with the Application by the proponent.

The site has been identified by Access Environmental, in their June 2021 Report, as "Plant Community Type (PCT) 81 – Grey Box, White Cypress Pine shrub woodland", as such it forms a component of the NSW Endangered Ecological Community (EEC) "Western Grey Box Woodland".

The dominant vegetation on site is regrowth White Cypress Pine, offering very little in biodiversity values and significantly degrading the EEC.

This project will have nominal impact on biodiversity or native vegetation.

Noting the above comment, no further action will be undertaken.

Clause 7.3 Earthworks

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

Clause 7.5 Groundwater vulnerability

The subject site is included on the Natural Resource – Groundwater Vulnerability Map as containing high groundwater vulnerability. The proposed development is not likely to cause groundwater contamination nor will it likely have an effect on any groundwater dependent ecosystems. It is also considered not likely to have a cumulative impact on groundwater by utilising existing systems.

Clause 7.7 Airspace operations

The site is located within the Obstacle Limitation Surface map for Dubbo City Airport. The relevant level on the OLS map is 420m AHD. The site has a general ground level of 280m AHD. At a

maximum building height of 6.2m and a cumulative height of 286.2m AHD the proposed development does not infringe on the OLS.

(a)(ii) Draft Environmental Planning instruments

Council has recently exhibited the Draft Dubbo Regional Local Environmental Plan 2021. This Instrument is a merger of the Dubbo Local Environmental Plan 2011 and the Wellington Local Environmental Plan 2012. The draft Instrument is a merger of the two (2) existing Instruments, with no rezonings proposed. As a consequence of this merger, some land uses may become permissible or prohibited in a particular zone, noting current inconsistencies between these Instruments. None of these amendments specifically relate to the subject site. As such, the proposed amendments do not have any material impact upon the proposed development.

(a)(iii) Development control plans

Dubbo Development Control Plan 2013

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

Chapter 2.2 Commercial Development and Subdivision

Section 2.2.5 Development Controls

Element 1 – Setbacks

The proposed development is located within the confines of the Taronga Western Plains Zoo. It has a setback of approximately 450m from Peak Hill Road and 370m from Obley Road. Such setbacks create a sufficient buffer between neighbouring properties with no further action required.

Element 2 – Building Design

The proposed development features a contemporary appearance and includes visually appealing architectural design elements such as a variety in building materials and a clear pedestrian entry point.

Element 3 – Landscaping

Landscaping is indicated on the platypus exhibit plan in the form of native vegetation consistent with the existing landscaping within the Taronga Zoo precinct. The applicant has confirmed no additional landscaping is proposed and states the following:

The landscaping on this project is minimal and focuses on the path from the carpark to the facility and from the facility to the car park. The immediate surrounds are already landscaped and will be incorporated into the development.

No objections are made to this proposal.

Element 4 – Vehicular access and parking

Vehicle access to the development is via internal roads accessible off an existing entrance off Obley Road. Such access is not proposed to be altered.

In terms of parking, it is considered that parking internal to the Zoo and to the immediate north of the development is sufficient for those visitors accessing the exhibit as part of the Zoo circuit and other exhibitions. Please note that guests often park at the main entrance and walk/ride the circuit.

Element 5 – Fencing and security

No fencing type or location has been provided on the submitted plans. The applicant has confirmed no fencing is proposed as part of this development:

There is currently no fencing around the proposed site footprint. The front sound wall provides a public barrier from the front of house guest experience/back of house research/refuge activity. There is a security system incorporating an alarm and CCTV cameras for the main facility, exhibit, meals area and research area.

Although the proposed development does not include fencing as a security measure the other security measures are considered appropriate and suitable noting the location of the development within the Taronga Western Plains Zoo precinct.

Element 6 – Access and Mobility

The path to the exhibit is gently sloped to ensure the exhibit is wheel chair accessible. The refuge building is provided with a ramp along the south eastern elevation. An assessment in relation to disabled access has not been undertaken noting that the applicant is the Crown and a Construction Certificate is not required. Nonetheless, the following condition as recommended:

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

Element 7 – Waste Management

Waste generated during the construction stage will be disposed of in an appropriate manner, either by the onsite waste disposal measures already in place or via the Council waste facility. Appropriate conditions requiring such will be attached to the consent.

Human waste is being disposed of through the sewer system which ultimately discharges to Council's reticulated sewer system. Animal waste is extracted through a series of filters in the plant rooms, a settling pit and a backwash water holding tank. Any excess backwash water is being reused onsite for irrigation or moat top up. Any solids extracted from the filters would be composted at the Zoos manure/compost area.

Element 8 – Soil, Water Quality and Noise Management

The proposed development involves earthworks however, suitable conditions relating to soil and water quality are considered to adequately address any potential impacts of the proposed

development. During the operation of the premises no adverse noise impacts are anticipated to be above the existing noise generated from the site.

Appropriate conditions will be included on the consent limiting construction hours to minimise noise impacts during construction.

Element 9 – Signage and Advertising

No additional signage is proposed as part of this application.

Element 10 – Services

Water Services

The Zoo premises is provided with both Council's potable water supply used for domestic purposes and a private non-potable supply which is provide for fire-fighting, landscaping and animal welfare purposes.

All new water hand basins, bath and shower fixtures will be required to have temperature control such that a temperature of 50 degrees Celsius is not exceeded at the outlets, and 45 degrees Celsius for disabled facilities.

Sewage Disposal & Sanitary Facilities

Human waste is being disposed of through the sewer system which ultimately discharges to DRC's reticulated sewer system. Animal waste is extracted through a series of filters in the plant rooms, a settling pit and a backwash water holding tank. Any excess backwash water is being reused onsite for irrigation or moat top up. Any solids extracted from the filters would be composted at the Zoos manure/compost area.

Stormwater

The SEE states that the stormwater from the development will be harvested and collected in tanks for reuse. Any overflow is to be directed to the existing stormwater system.

Noting the comments above, no further action is required other than the implementation of conditions recommended.

5. OTHER LEGISLATIVE REQUIREMENTS

Section 4.33 - Determination of Crown development applications:

The applicant being the Zoological Parks Board of New South Wales is considered to be the Crown for the purposes of the Environmental Planning and Assessment Act, 1979.

As such, Council is required to seek acceptance from the applicant of the proposed conditions of Development Consent, in accordance with S89 Determination of Crown development applications, which reads as follows:

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

In accordance with the above, a copy of the draft consent was sent to the applicant for review and acceptance was provided dated 30 September 2021. It should also be noted as outlined by Council's Building Services Team leader that the Crown is not required to obtain a Construction Certificate. As such, there will be no conditions attached to the consent requiring the submission of a Construction Certificate, or subsequently an Occupation Certificate.

(a)(iii) planning agreements

No such planning agreements are applicable to the proposed development or subject land.

(a)(iv) the regulations

No such regulations to which this clause refers are applicable to the proposed development.

5. LIKELY IMPACTS OF THE DEVELOPMENT

(a) Natural and Built Environment

It is considered that the proposed development will not result in adverse impacts on the natural or built environments.

(b) Social/economic

It is considered that there will not be any adverse social or economic impacts as a result of this proposal.

6. SUITABILITY OF THE SITE

(a) Context, setting and public domain

(i) Will the development have an adverse effect on the landscape/scenic quality, views/vistas, access to sunlight in the locality or on adjacent properties?

The proposed development will not have any adverse effect on the landscape/scenic quality, views/vista, and access to sunlight on adjacent properties or in the locality.

(ii) Is the external appearance of the development appropriate having regard to character, location, siting, bulk, scale, shape, size, height, density, design and/or external appearance of development in the locality?

It is considered the external appearance of the proposed development is deemed appropriate in the context of the locality.

(iii) Is the size and shape of the land to which the Development Application relates suitable for the siting of any proposed building or works?

It is considered the size and shape of the land is suitable for the proposed development.

(iv) Will the development proposal have an adverse impact on the existing or likely future amenity of the locality?

It is considered the proposed development will not have any detrimental impact on the existing or likely future amenity of the locality.

(v) Will the development have an adverse effect on the public domain?

It is considered the proposed development will not have any detrimental impact on the residential public domain.

(b) Environmental considerations

(i) Is the development likely to adversely impact/harm the environment in terms of air quality, water resources and water cycle, acidity, salinity soils management or microclimatic conditions?

The proposed development is not likely to adversely impact the environment.

(ii) Is the development likely to cause noise pollution?

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

(c) Access, transport and traffic

(i) Has the surrounding road system in the locality the capacity to accommodate the traffic generated by the proposed development?

The surrounding road network is considered to have sufficient capacity to cater for this development.

(d) submissions

Given that the proposed development is internal to the Zoo it is not foreseen to have any adverse impacts on neighbouring properties. As such, neighbouring property owners were not notified of the proposed development.

(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.

CONTRIBUTIONS Section 64 & Section 7.11

Contribution Type	Calculation	Sub Total
s.64 Water Headworks	\$6,024.50/ ET The applicant has requested the tanks within the refuge not be included as part of the water contributions calculations due to the intermittent nature of use. The tanks will only be required for use during times of drought and as such it would seem excessive to charge water contributions to this portion of the development.	\$139.17

	Water contributions will be calculated based on plumbing fixtures as standard. It should be noted that the proposed development will not generate any additional staff, rather existing staff will be relocated to this exhibit/research/enclosure building. Toilets x 1 @ 30L each = 30L Hand washing x 1 @ 55L each = 55L Kitchen/food prep x 2 @ 10L each = 20L = 105L + 10% leakage = 115.5L / 5000 (ET) = 0.0231ET x \$6,024.50	
s.64 Sewer Headworks	\$6,024.50 / ET The amenities within the offices/research areas of the development will ultimately discharge to Council's sewer as such, contributions will be calculated accordingly: Commercial rate: = $[0.125 \times (\text{GFA} \times 1,000)] + 0.5 \text{ (1 toilet) ET}$ = $[0.125 \times (50 / 1,000)] + 0.5 \text{ ET}$ = $[0.125 \text{ ET} \times 0.05] + 0.5 \text{ ET}$ = $0.00625 + 0.5 \text{ ET}$ = $0.50625 \text{ ET (say 0.5)}$ = $0.5 \text{ ET} \times \\$6,024.50$ = \$3,012.25	\$3,012.25
Open Space Recreation Contribution	Although the subject site is located within the urban area the proposed development is not residential development (i.e. commercial) and as such, no contributions are applicable.	N/A
Stormwater Contribution	The subject site is located outside of Council's stormwater catchment area. Therefore, no such contributions are applicable.	N/A
Urban Roads Headworks Contribution	It is considered that persons accessing the platypus exhibit would generally be visitors/staff of the zoo and therefore this element of the zoo will not significantly increase traffic to the site. As such, no Urban Roads Headworks Contributions will be applied.	N/A

INTERNAL REFERRALS

Building Assessment

The Senior Building & Development Officer in the report dated 20 August 2021 (copy on file) raised no concerns with the proposed development. The report recommends standard conditions and notations for the Development Consent.

Engineering Assessment

The Senior Development Engineer in the report dated 18 August 2021 (copy on file) raised no concerns with the proposed development.

Environment and Health Assessment

The Environment & Health Specialist in the report dated 30 July 2021 (copy on file) raised no concerns with the proposed development.

SUMMARY & RECOMMENDATION

The Applicant has sought development consent for a platypus enclosure at Lot 227 DP 753233, 6R Obley Road Dubbo.

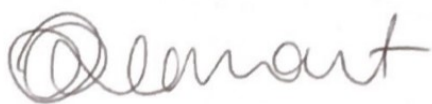
The proposed development is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality.

The proposed development is consistent with the objectives of the applicable Environmental Planning Instruments, Development Control Plan 2013 and Council policies and is therefore recommended for approval subject to the conditions of consent attached.

Approvals under the Local Government Act, 1993 integrated with the Consent: Nil

BUILDING CODE OF AUSTRALIA BUILDING CLASSIFICATION:

Applicable Building	Whole/Part	Class
Platypus Conservation Centre	Part - Platypus Refuge	8
	Part - Offices	5
	Part - Platypus Research	8
	Part - Platypus Plant Room	8
	Part - Carport	10a
Platypus Exhibit	Whole	10b
75kL Rainwater Tanks	Whole	10b



Tracie Smart
Senior Planner

Date: 24 / 09 / 2021



Shaun Reynolds
Statutory Planning Services Team Leader

Date: 28/9/2021

APPENDIX 1

CONDITIONS

- (1) The development shall be undertaken in accordance with the Statement of Environmental Effects and stamped approved plans detailed as follows except where modified by any of the following conditions:

Title/Plan: Location Plan
Drawing No: 01
Revision: -
Dated: 25/06/2021

Title/Plan: Site Plan
Drawing No: 02
Revision: -
Dated: 25/06/2021

Title/Plan: Platypus Exhibit
Drawing No: 03
Revision: -
Dated: 25/06/2021

Title/Plan: Platypus Rescue Facility
Drawing No: 04
Revision: -
Dated: 25/06/2021

Title/Plan: Elevations
Drawing No: 05
Revision: -
Dated: 25/06/2021

{Reason: To ensure that the development is undertaken in accordance with that assessed}

- (2) The Water Supply headworks contribution of **\$139.17** (0.0231ET), calculated on a land use basis, pursuant to Section 64 of the Local Government Act, 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act, 2000 and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002 shall be paid by the developer prior to occupation or use of the development.

Such contribution rate per ET is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council's annual Revenue Policy.

Note 1: Council's adopted 2020/2021 financial year rate is \$6,024.50 per ET.

Note 2: As the above contribution rate is reviewed annually the 'current contribution rate' is to be confirmed prior to payment.

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

- (3) The Sewerage Services headworks contribution of **\$3,012.25** (0.5ET), calculated on a land use basis, pursuant to Section 64 of the Local Government Act, 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act, 2000 and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002, shall be paid by the developer prior to occupation or use of the development.

Such contribution rate per ET is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council's annual Revenue Policy.

Note 1: Council's adopted 2021/2022 financial year rate is \$6,024.50 per ET.

Note 2: As the above contribution rate is reviewed annually, the 'current contribution rate' is to be confirmed prior to payment.

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

- (4) The construction and operation of the platypus exhibit is to be undertaken in accordance with the recommendations of the following specialist reports submitted with the development application:

- Biodiversity Assessment Report, authored by Access Environmental Planning, dated 25 June 2021
- Aboriginal Due Diligence Assessment report, authored by OzArk, dated 24 June 2021

{Reason: To ensure the development is constructed and operated in accordance with the specialist recommendations}

- (5) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Department of Planning, Industry and Environment notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the DPIE.

{Reason: Council and statutory requirement to protect Aboriginal heritage}

- (6) All solid waste from construction and operation of the proposed development shall be assessed, classified and disposed of in accordance with the NSW Environment Protection Authority's Waste Classification Guidelines. Whilst recycling and reuse are preferable to landfill disposal, all disposal options (including recycling and reuse) must be undertaken with lawful authority as required under the Protection of the Environment Operations Act, 1997.

{Reason: Council requirement to require compliance with the POEO Act, 1997}

- (7) Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (eg Department of Planning, Industry and Environment (DPIE), WorkCover Authority, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the Environment Protection Authority (EPA) to receive that type of waste.

{Reason: Council requirement to prevent the contamination of the environment}

- (8) All land disturbance activities must be confined within the study area. Should the parameters of the proposal extend beyond the assessed areas, then further archaeological and biodiversity assessment may be required.
{Reason: Councils requirement to protect the environment.}
- (9) A site rubbish container shall be provided on the site for the period of the construction works prior to commencement of any such work.
{Reason: Council requirement to prevent pollution of the environment by wind-blown litter}
- (10) All building work must be carried out in accordance with the provisions of the Building Code of Australia unless otherwise varied by the Minister administering the Zoological Parks Board Act pursuant to section 6.28 of the EP&A Act 1979.
{Reason: Prescribed statutory condition under EP&A Act}
- (11) All excavations associated with the erection of the building and installation of associated services must be properly guarded and protected to prevent them from being dangerous to life or property.
{Reason: Council requirement for protection of public}
- (12) To facilitate Council's inspection of the sanitary plumbing and drainage work associated with the development, a copy of the development's final hydraulic drawing(s) and floor plan(s) shall be submitted to Council's Development & Environment Division prior to such works commencing.
{Reason: Council requirement to permit and facilitate the inspection and accurate plotting and subsequent drafting of the installed and inspected sanitary drainage work}
- (13) The following applicable works shall be inspected and passed by an officer of Council prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for the inspection of such works. When requesting an inspection, please quote Council's reference number **D2021-473**.

Advanced notification for an inspection can be made by emailing de.admin@dubbo.nsw.gov.au or by telephoning Council's Development and Environment Division on 6801 4612.

- Internal and external sanitary plumbing and drainage under hydraulic test;
- Any water plumbing pipework connected to Council's reticulated water supply under hydraulic test; and
- Final inspection of the installed sanitary fixtures upon the building's completion prior to its occupation or use.

{Reason: Statutory provision and Council requirement being the delegated plumbing regulator}

- (14) Prior to occupation and use of the completed works, Council is to be given at least 24 hours notice for Council to carry out an inspection of the completed sanitary drainage and plumbing installations.

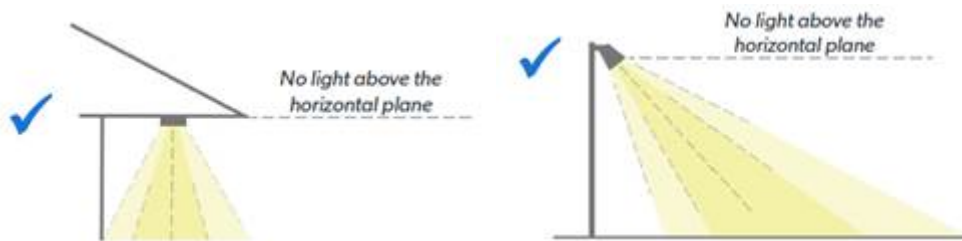
The plumbing and drainage licensee must provide to Council as the delegated Plumbing Regulator, the statutory Notice of Work (NoW), Certificate of Compliance (CoC) and Sewerage Service Diagram (SSD) for the completed sanitary drainage/plumbing. Such certificates must be submitted prior to or currently with the aforementioned inspection notice.

{Reason: To enable an inspection of the building's plumbing and drainage to determine they have been satisfactorily completed}

- (15) Erosion and sedimentation control measures shall be implemented onsite prior to any site disturbance works being commenced and shall remain, in a maintained condition, until all site works are completed.

{Reason: Implementation of Council policy to reduce sediment pollution}

- (16) The proposed development 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.



automatic light fitting means a light fitting that is activated by a sensor and switches off automatically after a period of time.

horizontal plane, in relation to a light fitting, means the horizontal plane passing through the centre of the light source (for example, the bulb) of the light fitting.

outside light fitting means a light fitting that is attached or fixed outside, including on the exterior, of a building.

shielded light fitting means a light fitting that does not permit light to shine above the horizontal plane.

{Reason: Council requirement pursuant to clause 5.14 of Dubbo LEP 2011 to limit light pollution for the preservation of the 'Dark Skies' region surrounding the Siding Spring Observatory}

- (17) Construction work shall only be carried out within the following time:

Monday to Friday: 7:00 am to 6:00 pm

Saturday: 8:00 am to 1:00 pm

Sunday and public holidays: No construction work permitted

{Reason: Council requirement to reduce the likelihood of noise nuisance}

NOTES

- (1) It is requested that the Applicant include in the tender documentation for the construction of the proposed development that the successful Principal Contractor (the Builder) will be responsible for the payment of all Council sanitary plumbing and drainage inspection fees associated with the development. Alternatively, the Principal Contractor is to ensure that plumbing contractors when quoting on such work are informed to include such Council fees in their quotations.
- (2) It is a statutory requirement that the Crown must obtain an *Approval to Operate a System of Sewage Management* under section 68 of the Local Government Act 1993, prior to occupation of the subject building and/or commissioning of the sewage management facility (eg septic tank, AWTS, wet well etc). This approval to operate the sewage management

system is time limited and must therefore, be renewed on a regular basis by the owner of the premises, including the Crown. Accordingly, the applicant to this consent should ensure that the owner of the subject premises is made aware of the following:

- (a) That an approval to Operate a System of Sewage Management must be obtained from the Council prior to occupation of the building and/or commissioning of the sewage management facility; and
- (b) That such approval once obtained must be renewed on a regular basis.

Any enquiries contesting the applicability of the Crown having to obtain such approval, should in the first instance be directed to the Office of Local Government in the Department of Premier and Cabinet; and/or refer to the Department of Local Government's Circular 99/32 dated 18/05/1999.