

9 July 2015



**DUBBO CITY COUNCIL SUBMISSION
SEPP REVIEW 2015: ORANA REGIONAL ENVIRONMENTAL PLAN NO 1 – SIDING SPRING**

On 9 June 2015, the NSW Government invited feedback on the review of a number of State Environmental Planning Policies (SEPPs). Dubbo City Council provides this submission to the Explanation of Intended Effect for the update and transfer policy for the Orana Regional Environmental Plan No 1 – Siding Spring.

Council recognises the national and international standing of the Siding Spring Observatory and acknowledges the many significant tourism and economic benefits that it provides to the Orana Region and beyond. Council therefore accepts the need to consider the impacts of development on the region's dark skies through policy and provisions for good lighting practice.

At the present time, the current provisions of the Siding Spring Deemed State Environmental Planning Policy have the urban area of Dubbo only subject to a requirement to consult with the Observatory Director if the development is likely to emit one million lumens (1,000,000) or more. Based on this premise, the majority of developments within the Dubbo Local Government Area were not considered to pose a risk to the observing conditions at the Observatory.

General concerns

It is noted that the proposed consultation and concurrence requirements specify that consultation will be required for any development (other than a dwelling house, secondary dwelling, or dual occupancy) that emits a light output of 50,000 lumens or more. This is a significant reduction from the current lumen emission rate that requires consultation with the Observatory. The reasons for this level of light output for concurrence are not provided or supported with evidence in the public exhibition material available. Such a proposed change will place a significant level of pressure on the Observatory Director or their delegate to provide feedback on development applications that have the potential to impact the region's dark skies. At this stage, it is uncertain as to whether the Observatory is adequately resourced and equipped to manage and respond to these referrals in a timely manner and on an ongoing basis. In addition, this is likely to have a significant impact on Development Application processing times, with the Observatory given a period of 21 days to respond to the referrals from the four local government areas of Warrumbungle, Gilgandra, Coonamble and Dubbo City Council.

All communications to:

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Dubbo City Council is also concerned that the proposed repeal of the Orana REP No. 1 and transfer of controls into the Dubbo LEP 2011 will not adequately allow for the impacts of mining activities on the Observatory to be considered. Mining is a key growth industry in the Orana Region and western New South Wales and has the potential to have a significant impact on the region's dark skies and observing conditions at the Observatory. Failure to ensure that the dust and light impacts from mining developments are avoided and mitigated will have a detrimental effect on the Observatory. Besides negotiations with mining companies, what formal measures are in place to ensure that these impacts on the Observatory will be adequately avoided?

It is understood that the intention of the update and transfer policy of the Orana REP No. 1 is to simplify the planning system for development however, Dubbo City Council is concerned that a number of key issues have not been addressed and require additional provisions to ensure the intention of the proposed amendments are achieved.

Specific concerns

1. Crown and Other Developments

The proposal does not detail how the proposed new LEP clause will be binding upon developments undertaken under parts 3 and 5 of the Environmental Planning and Assessment Act. For instance, what onus will there be on a Crown development to undertake the applicable considerations and referrals?

2. Complying Development Certificates

No detail is provided as to how the considerations under the proposed new LEP clause 7.14 will be binding upon Complying Development. The current provisions under the Codes SEPP only exclude developments which contain skylights. The areas which beg questions include but are not limited to:

- How will the number of external light fittings in new dwellings and additions as Complying Development be addressed?
- How will the glazed windows in new dwellings and additions be addressed?
- How will illuminated advertising structures as Exempt and Complying Development be addressed?
- How will the external lighting to 20,000 m² and 5,000 m² industrial and commercial Complying Developments be addressed?
- How will the glazed windows and shop-fronts to industrial and commercial Complying Developments be addressed?
- How will Exempt rural buildings with external lighting be addressed?

3. Commonwealth Developments

What arrangements will be put in place to ensure that developments undertaken under Commonwealth legislation (eg telecommunications etc) address the required Dark Skies development standards?

4. Summary

It is considered that in the case of Dubbo, the requirement to seek comments from the Observatory Director in the case of development that emits an overall lumens level in excess of 50,000 is considered overly cumbersome and bureaucratic. Given the Department has prepared detailed guidance in the form of a template Development Control Plan, conditions of development consent and indicative lighting plan templates, it is considered that Council has sufficient knowledge and experience to undertake these assessments. Notwithstanding, Council would be happy to work with the staff of the Department's Western Region Office to develop a clause(s) for inclusion in the Dubbo Local Environmental Plan 2011.

In conclusion, Dubbo City Council would like to thank the Department for providing the opportunity to make a submission to the State Environmental Planning Policies Review of the Orana REP No. 1 – Siding Spring (Deemed State Environmental Planning Policy) and would welcome an opportunity to provide further feedback should it be required.

Yours faithfully



Melissa Watkins

Director Environmental Services

