

## COUNCIL ASSESSMENT REPORT

Panel Reference	2018WES010
DA Number	D2018-179
LGA	Dubbo Regional Council
Proposed Development	Mixed Use Development comprising: commercial premises, existing Bank Hotel and public entry - ground floor; carparking - Levels 1 and 2; offices - Levels 3 and 4; serviced apartments - Levels 5 – 9; stratum subdivision.
Street Address	No's 216-236 Macquarie Street & No.1 Bank Street, Dubbo
Applicant/Owner	Maas Group family Properties / MGFP Holdings Pty Ltd
Date of DA lodgement	3 April 2018
Number of Submissions	5 submissions (3 different people)
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7) of the SEPP (State and Regional Development) 2011	Clause 2 – General development over \$30 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> <li>• relevant environmental planning instrument – DLEP 2011</li> <li>• relevant development control plan – Dubbo DCP 2013</li> </ul>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> <li>• architectural plans and subdivision plans</li> <li>• various appendices</li> </ul>
Report prepared by	Manager Building & Development Services – Darryll Quigley
Report date	28 March 2019

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been addressed in 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 included, in the Assessment report? **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? **No**  
*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*

# MEMO

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**Subject:** Responsible Officer's Report  
**Proposal:** Mixed Use Development comprising: commercial premises, existing Bank Hotel and public entry - ground floor; carparking - Levels 1 and 2; offices - Levels 3 and 4; serviced apartments - Levels 5 – 9; stratum subdivision.  
**Property:** Lots 1 & 2 DP 1218523, Lot B DP 398124, Lots 10 & 11 DP 1046365, Lots 1 & 2 DP 204986, Lot 2 DP 545488, No's 216-236 Macquarie Street & No.1 Bank Street, Dubbo  
**Applicant:** Maas Group Family Properties

**To:** Director Planning and Environment  
**From:** Manager Building and Development Services  
**Date:** 28 March 2019  
**File:** D 2018-179

The subject Development Application was lodged with Council on 3 April 2018 by Maas Group Family Properties. Following an initial assessment of the proposal and discussions with the applicant, the proposed development was significantly amended with revised details provided in October 2018. Further minor revisions were submitted in February 2019 and the development now comprises 10 floors commercial (retail and offices), tourist and visitor accommodation (serviced apartments) and parking, with subsequent stratum subdivision.

Specifically, the proposal results in a total of 3,517.1m<sup>2</sup> gross floor area (GFA) of retail floor space, 5,481.6m<sup>2</sup> GFA of commercial office floor space, 219 serviced apartments and a total of 333 car parking spaces, plus 28 motorcycle spaces. The proposal includes the retention and refurbishment of the existing heritage item known as The Old Bank for continued use as a pub.

The proposal also includes the demolition of the existing building at No.232 Macquarie Street (Lot 10 DP 1046365) and some outbuildings at No.220 Macquarie Street (Lot B DP 398124), behind The Old Bank Hotel.

## **1. SITE DETAILS**

### *Locality*

The subject land is known as Lots 1 & 2 DP 1218523, Lot B DP 398124, Lots 10 & 11 DP 1046365, Lots 1 & 2 DP 204986 and Lot 2 DP 545488, No's 216-236 Macquarie Street & No.1 Bank Street, Dubbo. The allotment is located on the eastern side of Macquarie Street, also having rear access to Holls Avenue, Serisier Street and Bank Street. The allotment has an approximate area of 7,550m<sup>2</sup> with a frontage to Macquarie Street of 74.7 metres, to Holls Avenue of 3.3 metres and 10.1 metres to Serisier Street and Bank Street.

### *Slope*

The natural topography of the site is relatively flat, but it does slope down towards the Macquarie River. The existing site has been levelled, over the years with previous commercial development.

### *Vegetation*

The site is void of any existing vegetation.

### *Access*

Pedestrian access will be gained predominantly from Macquarie Street, but vehicle access to the site will be obtained from Holls Avenue, Serisier Street and Bank Street, via bitumen sealed public roads with kerb and guttering.

### *Drainage*

Drainage would occur into Council's existing street stormwater system on Macquarie Street.

### *Services*

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

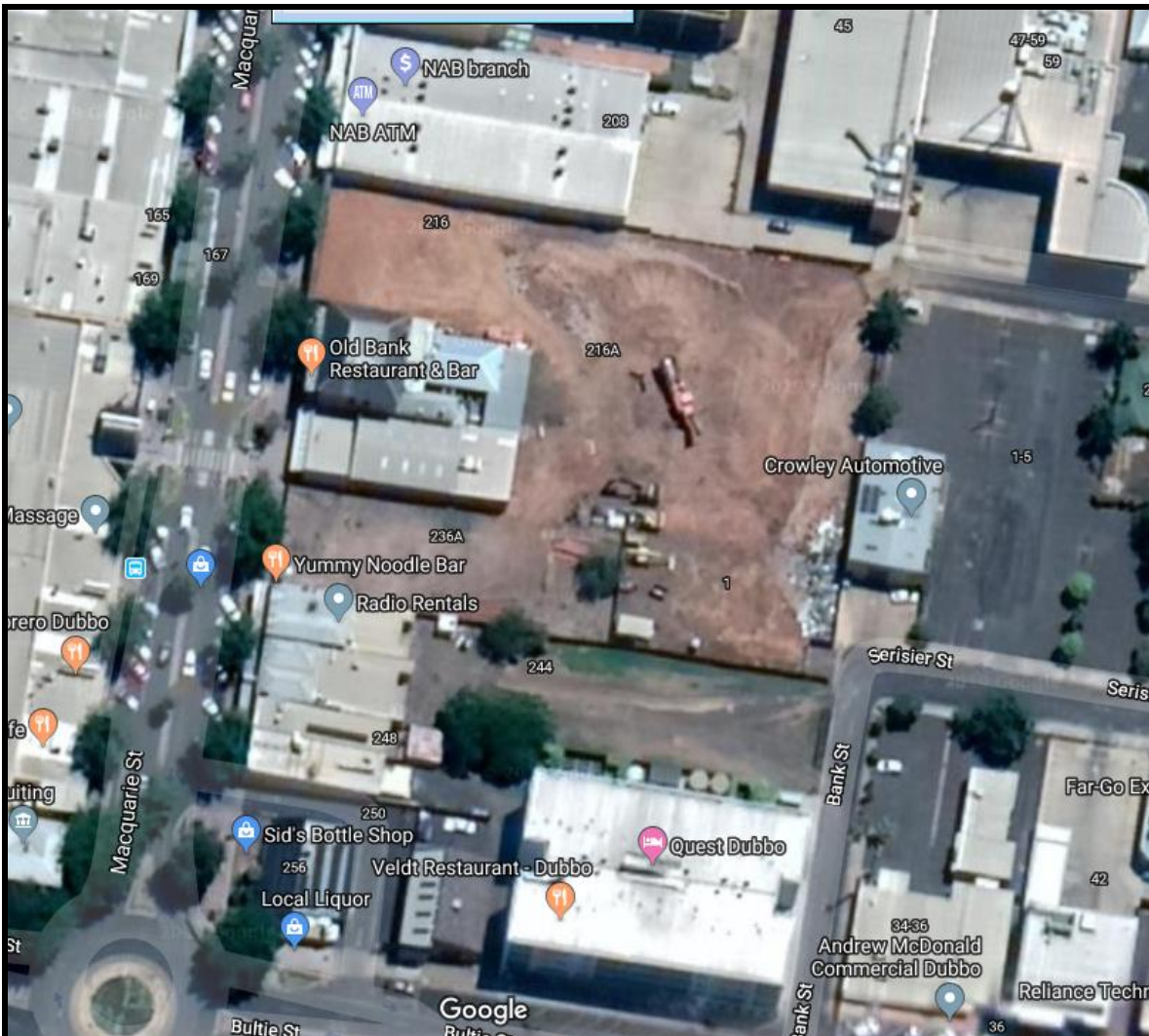
### *Adjoining uses*

North: Commercial development (National Australia Bank).  
South: Commercial development (various shops).  
East: Commercial development (Council public carpark & mechanic - No.7 Serisier Street).  
West: Commercial development (Dubbo Centro shopping centre).

### *Site Inspection*

A number of site inspections of the subject property have been undertaken. At the time of the inspection the following issues and site attributes were noted:

- Contrary to the aerial photo below, the former Liberal Building at No's 216-220 Macquarie Street has recently been demolished as per D17-68.
- The Bank Hotel at No.230 Macquarie Street still continues to operate.
- The music shop at No.232 Macquarie Street has recently being vacated.



**Figure 1:** Site Location - No's 216-236 Macquarie Street & No.1 Bank Street, Dubbo, noting recent demolition works.

## 2. **SITE HISTORY**

A review of Council's records has identified the following recent files as relevant to the proposed development:

- D90-240 Proposed Change of Use of Building No.216 Macquarie Street from County Council Complex to a Publication Office.
- D97-30 Proposed additions to existing commercial premises – No.216 Macquarie Street.
- D17-68 Demolition of existing buildings (Liberal Building) – No's 216 & 220 Macquarie St.
- D99-513 Subdivision of one lot into two lots with associated fire safety upgrading alterations to the affected building – No.232 Macquarie Street.
- D05-717 Demolition of existing building – No.236 Macquarie Street.

The abovementioned consents also provide details on credits with regard to carparking, plus S64 and S7.11 Contributions, noting that these are levied on the basis of additional impact upon Council's infrastructure.

### **3. PROPOSED DEVELOPMENT – DETAIL**

The Development Application (as amended) is for a Mixed Use Development comprising: commercial premises, existing Bank Hotel, public entry and parking - ground floor; carparking - Levels 1 and 2; offices - Levels 3 and 4; serviced apartments - Levels 5 – 9. The proposal also includes the stratum and subsequent strata title subdivision of the development.

Additionally, the proposed development (as amended) includes:

- Demolition of the existing single storey commercial building at 232 Macquarie Street, Dubbo (Lot 10 DP 1046365) adjoining the existing heritage listed Old Bank building;
- Vehicle access to the development will be from Hollis Avenue and Serisier/Bank Streets;
- Ground floor level retail including one mini-major and five (5) specialty retail tenancies;
- Ground floor level laneway providing pedestrian access from Macquarie Street through to the rear of the site, including access to Hollis Avenue, Serisier/Banks Streets;
- The ground floor level (retail), Levels 1 & 2 (carparking) and Levels 3 & 4 (office premises) create a podium upon which will be located the north and south towers;
- The two towers include the serviced apartments on Levels 5, 6, 7, 8 & 9 (northern tower) and Levels 5, 6, 7 & 8 (southern tower). The southern tower is to be constructed as part of 'Stage 2' of the overall development, following the construction of the northern tower;
- Swimming pool and gym facilities provided on Level 6 (north tower);
- Refurbishment of the existing Old Bank building for continued use as a *pub* and *food and drink premise* including internal and external building alterations and demolition works to integrate with the new attached restaurant and bar areas; and
- Consolidation of the site into a single lot is proposed as part of the development. Subdivision of the development will involve the stratum subdivision of the commercial, retail and serviced apartment components and subsequent strata subdivision.

As stated, the revised proposal includes the consolidation of the site, followed by a ten (10) lot stratum subdivision, as follows:

- Stratum Lot 1 – Northern Tower - serviced apartments (Levels 5 – 9), including parking (ground level, Levels 1 & 2), café/restaurant (ground floor), serviced apartment foyer, pool & gymnasium (Level 6), communal corridors, stairs, lifts and driveways.
- Stratum Lot 2 – Old Bank Hotel (ground floor & Level 1), including parking (ground floor) and restricted building space above through to Level 10.
- Stratum Lot 3 – Mini-major retail, including parking (ground floor).
- Stratum Lot 4 – Specialty shop, including parking (ground floor).

- Stratum Lot 5 – Specialty shop, including parking (ground floor).
- Stratum Lot 6 – Specialty shop, including parking (ground floor).
- Stratum Lot 7 – Specialty shop, including parking (ground floor).
- Stratum Lot 8 – Northern Tower – offices (Levels 3 & 4), including parking (Level 1).
- Stratum Lot 9 – Southern Tower – offices (Levels 3 & 4), including parking (Level 1).
- Stratum Lot 10 – Southern Tower - serviced apartments, including parking (Level 2), communal corridors.

From the revised Statement of Environment Effects dated November 2018, the amended design includes:

- The reduction in building height by 11.6m through the removal of the residential apartment (*shop top housing*) component (deletion of Levels 10 - 12 on Northern Tower and Levels 9 - 12 on Southern Tower) to address visual bulk, excessive building height and overshadowing impacts;
- An increased building setback from the rear boundary to Holls Avenue and Serisier Street of 3.63m – 6.895m from the original DA design that proposed a minimum nil-setback for Levels 3 to Level 9, to improve visual bulk impacts and building articulation;
- The removal of residential apartments from the proposal to eliminate matters regarding compliance with State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development;
- The amendment of the proposed external building materials to use more subdued coloured external finishes and a more simplified elevational treatment to complement the Old Bank Hotel heritage item building;
- Improved articulation of the building facades in particular to the Macquarie Street streetscape including the use of horizontal metal louvres and laminated glazing and off form concrete to the rear property boundary to reduce visual bulk impacts; and
- Deletion of the proposed coach/bus parking area on Macquarie Street to minimise car parking and traffic disruptions on Macquarie Street.

From the revised proposal and the covering letter dated 19 February 2019 the amended design includes:

The proposal has been amended to address issues raised in Council's Request for Information letter regarding car parking and service vehicle access, subdivision, heritage, external materials, and waste storage. The key design changes made to the proposal since the submission of revised drawings to Council in November 2018 include:

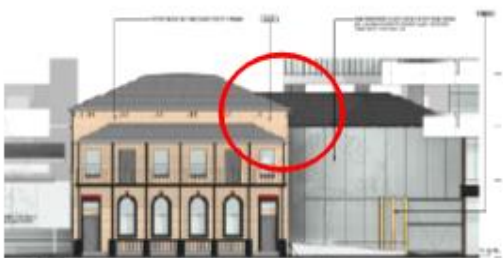
- Changes to building façade including removal of the curved concrete balustrades on the southern tower podium fronting Macquarie Street (on the west and north elevations) on Levels 2, 3 and 4 to increase the building setback and visual separation to the Old Bank Hotel (refer to **Figures 1 and 2**).
- Provide aluminium louvres along entirety of western podium façade to replace curved concrete balustrades (refer to **Figures 1 and 2**).
- Increased setback of the proposed building adjoining the Old Bank Hotel to the south from 10m to 13m from the Macquarie Street frontage and amend the proposed roof form to reduce visual imposition on the Old Bank Hotel (refer to **Figures 3 and 4**).
- Revision of the total car parking provision and allocation for serviced apartments, office and retail uses.
- Provide two-way movement for vehicles along the northern end of the rear car park.
- Provision of additional bin storage room to the rear of the mini major tenancy adjacent to the loading dock.
- Clarify indicative location of back of house areas for speciality retail tenancies.
- Revision of landscape plan to reflect the revised architectural design.



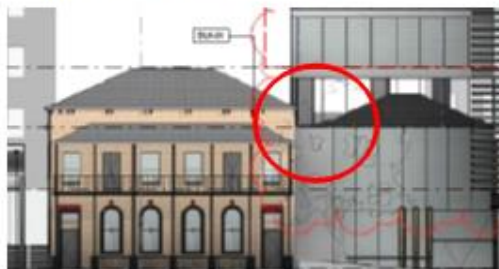
**Figure 1: Macquarie Street frontage (November 2018 design) - change circled in red**



**Figure 2: Macquarie Street frontage (current revised design) - change circled in red**



**Figure 3: Old Bank Hotel southern wing extension (November 2018 design) - change circled in red**



**Figure 4: Old Bank Hotel southern wing extension (current revised design) - change circled in red**

#### **4. PLANNING ASSESSMENT Section 4.5 Designation of consent authority**

The Joint Regional Planning Panel (Western Division) (JRPP) is the consent authority with regard to D18-179, given that it is a development described as 'regionally significant development' in State Environmental Planning Policy (SEPP) 2011, Clause 20(1) being development specified in Schedule 7(2) general development over \$30 million.

Section 4.5 of the Environmental Planning and Assessment Act 1979, states that the consent authority is as follows *“(b) in the case of development of a kind that is declared by an environmental planning instrument as regionally significant development – the ... regional planning panel for the area in which the development is to be carried out.”*

The revised development has a capital investment value of \$84 million and as such will be determined by the Joint Regional Planning Panel (Western Division).

Following a briefing held in Dubbo on Tuesday 20 November 2018, the JRPP provided comments to Council and the applicant in an email dated 4 December 2018. The comments read as follows:

*“The Panel reviewed and discussed the plans currently on public exhibition. A number of concerns were raised by the Panel and Council planning staff have been requested to provide feedback to the Applicant on the following matters:*

- The development is situated in an important block within the Dubbo CBD and will potentially dominate the streetscape, particularly the southern side of Macquarie Street. Therefore, it is important that the Applicant carefully consider the context and streetscape, particularly nearby heritage items, as the building, if approved will, set a benchmark in this part of the CBD moving forward.*
- The Panel is concerned that the current proposal, particularly the scale of the Macquarie Street frontage, dominates the heritage listed Bank building. The bank Building curtilage is and should remain an important element in the new streetscape.*
- Overshadowing of the buildings to the south of the site needs to be carefully considered. Current amended plans show significant shadowing for most of the day on June 21<sup>st</sup>.*
- The relationship of the Southern Building with the heritage Bank Building needs to be reconsidered. The heavy white concrete balconies create a dominating vertical element that sits uncomfortably with the Bank Building. Consideration should be given to a greater setback of the serviced apartments above the commercial / car park podium and a different treatment of the balconies adjacent to the Bank Building.*
- The façade treatment for the Macquarie Street frontage needs careful consideration.*

*It is recommended that Council engage and Urban Designer to review the plans and advise Council on any design improvements required.”*

Council engaged the services of its Heritage Adviser Mr Graham Hall to assist in this matter, noting his prior involvement regarding the impact of the proposal upon the heritage listed ‘Old Bank’ building. Mr Hall’s report was forwarded to the applicant on 29 January 2019 and the

abovementioned amendments addressed the concerns raised. A more detailed response will be detailed later in the report.

## **5. 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;
- environmental (natural and built), social and economic impacts;
- suitability of the site;
- submissions; and
- public interest.

### *(a)(i) Environmental Planning instruments*

#### SEPP No.55 – Remediation of Land

The proposed development involves a change in the use of the site to a more sensitive land use and as such, the issue of contamination is relevant to the assessment of this development application.

Council's Environment & Health Project Officer's final report dated 7 March 2019, states as follows:

"The proposed site is currently listed on Council's register of potentially contaminated land due to the previous print works (The Liberal) with Council Contaminated Land Register number 51-2001-215. The Statement of Environmental Effects identified that Parsons Brinckerhoff prepared a preliminary contamination investigation in March 2016. The report identified that the slabs and hard stand surfaces of the former Liberal newspaper print building were in good condition and considered likely to reduce the potential for spills and leaks of solvents and other liquid wastes associated to the previous use into the soil or groundwater. In 2017 the demolition of buildings on the site (D2017-68) was commenced by a licensed contractor.

The statements relating to the contamination status provided in the original Statement of Environmental Effects relied on the Parsons Brinckerhoff report of March 2016. Council

requested a copy of the Parsons Brinckerhoff report to verify the statements provided in the SEE. A copy of this report has now been provided and states that:

*Based on the information obtained and reviewed as part of this Phase 1 Environmental Due Diligence, it is the opinion of WSP | Parsons Brinckerhoff that the Site represents a **MODERATE** risk of environmental liability for continued commercial purposes.*

*The 'moderate' risk ranking for environmental liability refers to the more recent use of portions of the Site for commercial newspaper printing (inks and solvents) and the potential for former fuel storages in the Eastern portion of the Site (carpark).*

The applicant was therefore requested to provide the following:

- A site contamination validation report which includes a clear statement from the assessor that the site is suitable for the proposed use, and
- Confirmation that the site will be fully capped and all landscaping will be planted on concrete slabs.

The applicant response included:

*Demolition of the former Liberal building and its outbuildings are nearing completion. These works have been carried out under the relevant conditions of Development Consent D2017-68 issued by Council on 24 March 2017 ... Demolition works have been placed on hold by MAAS Group Family Properties until the determination of the subject DA.*

*Council Officer's request for a site validation report has been discussed with the site's Occupational Hygienist who has confirmed that Condition No.24 of DA D2017-68 also requires the provision of a site validation report 'upon completion of works'. The site's Occupational Hygienist confirms that a request for a site validation certificate is warranted to ensure the site would be suitable for the intended use however notes the demolition works of D2017-68 are yet to be completed and a validation report is to be prepared upon completion of all demolition works.*

*On the basis that the demolition works under DA D2017/68 are yet to be completed, and the subject development includes the proposed demolition of the 'Old Bank Music Shop' at 232 Macquarie Street, we consider the requirement for the preparation and submission of a site validation report to Council should be upon completion of all demolition works to ensure the site is suitable for its intended use.*

*We confirm that the proposed development will ensure that the site becomes fully capped and all landscaping will be planted within capped and sealed planters.*

Preparation and provision of a site validation report upon completion of all demolition works is considered reasonable in the circumstances and conditions are accordingly recommended.

The current SEE also states in relation to SEPP 55 that:

*To protect the environment and workers on the site, an Unexpected Finds Protocol can be implemented as part of the earthworks. Further, certification of any soil materials prior to removal off site by a duly qualified person (i.e. environmental consultant) to test of any contaminants can also be implemented during the earthworks on site.*

An asbestos visual clearance report has been produced which demonstrates that the site is safe to enter.

The completion of the demolition and the proposed works will however involve substantial excavation during construction works despite the proposed underground parking area being deleted. Details of waste management are needed and could be provided in a Waste Management Plan which can be conditioned to be provided with the Construction Certificate. Conditions are recommended.”

The above comments are noted and recommended conditions shall be included in the development consent.

### **SEPP (Infrastructure) 2007**

The application was referred to Essential Energy in accordance with Clause 45 for which they responded in correspondence dated 1 May 2018, raising no objection to the proposed development. The general comments specified by Essential Energy will be included on the development consent as notations, as Council is unable to enforce such requirements.

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 consistent with the relevant aim of the Plan, being to ensure that the Dubbo central business district remains the primary commercial centre for the greater region.

## Clause 1.4 Definitions

The proposed development comprises *retail premises*, *food and drink premises* and a *pub* (Old Bank building), which are defined as:

**retail premises** means a building ... used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes ...

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

*Note.* Food and drink premises are a type of retail premises—see the definition of that term in this Dictionary.

**pub** means licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor for consumption on the premises ...

The proposed development also comprises *offices* on Levels 3 & 4 and the *serviced apartments* on Levels 5-9, which are defined as:

**office premises** means a building ... used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**serviced apartment** means ... part of a building providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

*Clause 1.9A Suspension of covenants, agreements and instruments*

The subject site is relatively unencumbered by any easements or covenants. The Old Bank building the Music Store on Lots 11 & 10 DP 1046365 do contain a number of easements (water, sewer, etc.,) benefitting and burdening each other. These will be made redundant with the proposed development, subsequent consolidation and further subdivision.

*Clause 2.2 Zoning of land to which Plan applies*

The subject site is zoned B3 Commercial Core.

*Clause 2.3 Zone objectives and Land Use Table*

The development complies with the relevant objectives of the zone, in that the proposal:

- Provides opportunities for a range of retail and other suitable land uses that serve the needs of the local and wider community;
- Provides employment opportunities;
- Maximises public transport patronage and encourages walking and cycling;
- Reinforces the role of the Dubbo central business district as the commercial and retail core of Dubbo and the region;
- Encourages use of the Dubbo central business district for cultural, entertainment, leisure and dining activities; and
- To promote active street frontages within the Dubbo central business district by encouraging business and retail development on the ground floor of buildings facing the street.

The proposed development is permitted with development consent.

*Clause 2.6 Subdivision – consent requirements*

The revised proposal includes the consolidation of the site, followed by a ten (10) lot stratum subdivision, as follows:

- Stratum Lot 1 – Northern Tower - serviced apartments (Levels 5 – 9), including parking (ground level, Levels 1 & 2), café/restaurant (ground floor), serviced apartment foyer, pool & gymnasium (Level 6), communal corridors, stairs, lifts and driveways.
- Stratum Lot 2 – Old Bank Hotel (ground floor & Level 1), including parking (ground floor) and restricted building space above through to Level 10.
- Stratum Lot 3 – Mini-major retail, including parking (ground floor).
- Stratum Lot 4 – Specialty shop, including parking (ground floor).
- Stratum Lot 5 – Specialty shop, including parking (ground floor).
- Stratum Lot 6 – Specialty shop, including parking (ground floor).

- Stratum Lot 7 – Specialty shop, including parking (ground floor).
- Stratum Lot 8 – Northern Tower – offices (Levels 3 & 4), including parking (Level 1).
- Stratum Lot 9 – Southern Tower – offices (Levels 3 & 4), including parking (Level 1).
- Stratum Lot 10 – Southern Tower - serviced apartments, including parking (Level 2), communal corridors.

*Clause 2.7 Demolition requires development consent*

The proposal involves the demolition of the existing single storey commercial building at No.232 Macquarie Street (Lot 10 DP 1046365) adjoining the Old Bank building. The proposed demolition will be subject to standard conditions of consent as provided by Council's Building Services Team Leader.

The former Liberal Building at No's 216-220 Macquarie Street was recently demolished in accordance with D17-68.

*Clause 4.1 Minimum subdivision lot size*

The B3 Commercial Core zone has no minimum lot size and therefore the proposed consolidation and subsequent stratum and strata title subdivisions are permissible.

*Clause 5.10 Heritage Conservation*

The subject site contains a listed heritage item (I157) at No.230 Macquarie Street (Lot 11 DP 1046365), listed as the Dubbo Museum (former), known as the 'Old Bank'.

The proposal is to retain the item, with proposed alterations and additions to the rear edifice.

From the revised SEE, the following comments are provided:

*"The subject site includes a locally heritage listed item under LEP 2011, the 'Former Dubbo Museum' (referred to as the 'Old Bank Hotel'), which will be retained and integrated into the new development. The Old Bank Hotel is situated on a single lot within the development site at 230 Macquarie Street (Lot 11 DP 1046365).*

*The Old Bank heritage item was constructed in 1876 as the second bank in Dubbo (for the Bank of NSW), and ceased to function as a bank in 1919. A number of rear additions and extensions have been constructed to the Old Bank over the 20th Century up to 2012, each work applied to a different change in use of the building over its history. These additions were generally not designed in relation to the heritage architecture of the building, and has resulted in a disjointed and disconnected overall aesthetic that detracts from the building.*

*The proposed development includes retention of the Old Bank Hotel, its integration into a new rear addition, that will include use as a restaurant, bar and function centre and construction of a rear extension to the kitchen and amenities (following the demolition of the existing rear modern additions to the heritage item). The proposed works are detailed in the Addendum to the Heritage Impact Statement and architectural plans (refer to Drawing Nos. DA-117 and DA-118)."*

Comments from Council's Heritage Advisor dated 15 March 2019, read as follows:

#### **"BACKGROUND**

*The scheme as originally submitted provided for towers of 12 and 14 storeys, linked by a pedestrian bridge. The façade was very busy, with numerous elements which did not relate to the internal functions going on behind, and it competed visually with the heritage item. The curtilage would have been reduced excessively. The proposed extensions did not relate well to the item and the information offered to support the demolition of the rear wing was considered inaccurate.*

*The scheme has undergone some major changes since it was first submitted, in response to heritage, urban design and broader planning issues raised by Council and the Joint Regional Planning Panel. During this period, as noted above, the applicant appointed Dr. Pollard, who consulted extensively with Council's Heritage and Urban Design Adviser on site and otherwise.*

*During the assessment period, a detailed report on the heritage impact of the initial proposal was submitted, followed by an update. Later, as following a request by the JRPP, a report on urban design issues was provided. Given the scale and location of the proposed development, heritage and urban design considerations overlap, because the visual relationship between the item and the new development is the central issue. Most of the heritage and urban design concerns raised by Council have now been satisfactorily resolved. Accordingly this report deals with both the heritage and urban design issues of the proposal now under consideration.*

#### **SPECIFIC HERITAGE ISSUES**

##### **1 Demolition of adjacent building**

*A single storey building used as a music shop abuts the item on the south. It is modern and undistinguished. Its demolition will provide an opportunity to once more reveal the south wall of the item and provide a more adequate curtilage.*

## **2 Partial demolition of the listed item**

*It is proposed to demolish the building east of the rear wall of the principal hip-roofed form, and to carry out several internal alterations.*

*It has now been established that the wing on the south-east of the principal form is original, but it has been substantially altered. Using the Heritage Council's formal system for grading the significance of components of an item, it would be rated as having moderate significance. The wing on the north-east is post-war and would be regarded as having little significance. On this basis the proposed extent of demolition is considered acceptable.*

## **3 Alterations**

*The proposed alterations mainly comprise a new opening, blocking of an opening and the demolition of internal walls. These changes are considered acceptable, provided that evidence of original walls and openings is retained and original ceilings and cornices are conserved. This will involve the retention of nibs and the upper part of walls over new openings, and slight recessing of any blocking of original openings. Appropriate detailing will be required. A condition to this effect is recommended.*

## **4 Extensions**

*The building is intended to be extended to about 2 ½ times its size using similar forms (two storeys but not as high, and hipped roofs) but a mix of modern and recycled materials. The extensions will be linked to the existing building with a glazed flat roof and glazed walling. The roof connects below the level of the existing eaves level. Consequently original slate roof and notable bracketed eaves will not be affected. The extension is considered to be subordinate and sympathetic. Its impact on the item is acceptable.*

## **5 Conservation of the building**

*The proposal does not explicitly provide for any conservation work. The building is substantially intact but has suffered several important changes including painting of the stone façade on the west, the addition of plywood panels with a scalloped outline to the upper window panes on the ground floor (compare early photos), and the addition of a reflective balustrade behind and higher than the original. Similarly it appears to be in basically sound condition but elements such as the roof slates, flat/inverted roof at the peak, ridge cappings and roof plumbing require attention now and/or a maintenance plan.*

*Any consent should include a condition requiring a Schedule of Conservation Works covering work required to return the building as far as possible to its original form,*

*necessary maintenance and repairs, and a Maintenance Plan, structured so that its implementation into the future is enforceable.*

## **6 Listed items in the vicinity**

*The relationship between the new development and the nearby heritage items, apart from the Old Bank itself, is not an issue, as they are too far beyond the visual catchment of the site.”*

There are two (2) state listed heritage item in the immediate locality, being:

- The Shire Building (former), occupied by Hogs Breath at No.193 Macquarie Street, corner Bultje St.; and
- ‘Kemwah’, occupied by the Milestone Hotel at No.195 Macquarie Street, corner Bultje St.

The comments and recommended conditions of Council’s Heritage Advisor are noted and will be included in the development consent.

### *Clause 5.14 Siding Spring Observatory – maintaining dark sky*

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

- 2(a) - the amount of light to be emitted;
- 2(b) - the cumulative impact of the light emissions with regard to the critical level;
- 2(c) - outside light fittings (shielded light fittings);
- 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.

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. Standard notation regarding lighting will be included in the development consent regarding shielding and the types of lights proposed.

### *Clause 7.1 Flood planning*

The site fronting Macquarie Street is located outside the 1% AEP, though the rear sections are within the 1% AEP. The Flood-Prone Land Policy: Appendix B states a 1% AEP – 262.7m AHD.

GROUND FLOOR PLAN DA-102 states:

Laneway – 262.8m AHD
Shops + apartment foyer – 262.82-87m AHD
Supermarket – 262.8m AHD
Old Bank (including additions) – 263.29m AHD

As such, the built level to the ground floor is satisfactory, all levels above the 1% AEP as per Council's Policy for commercial/retail development.

It should be noted that portions of the rear car park on the ground floor have a level up to 50mm below the 1% AEP (262.65 m AHD). However, this would be for the purpose of achieving surface drainage of the car park level by creating sag points to drain to. As the car park is constructed from flood-proof materials, and the depth of inundation at the 1% AEP is relatively minor (50mm). This departure from Council's Policy will not adversely impact upon the development.

The Cardno Study 2012 indicates the 1% AEP as 263m AHD, which from the plans only impacts upon the rear of the site. However, noting the above figures the majority of the ground floor area would be vulnerable to such events. The Cardno Study 2012 has not been adopted by Council and as such does not form part of any Council policy and therefore Council cannot impose such requirements on a proposal. However, a notation will be placed upon the consent informing the applicant of the estimated 1% AEP level, for their appropriate action.

#### *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, for which a condition requiring the submission of Construction Environmental Management Plan addressing erosion and sediment control, shall be included on the consent, prior to the issue of a Construction Certificate.

#### *Clause 7.5 Groundwater vulnerability*

The subject site is included on the Natural Resource – Groundwater Vulnerability Map with moderately high groundwater vulnerability.

Comments from Council's Environmental & Health Project Officer in his final report dated 7 March 2019, state as follows:

"The amended SEE states:

*The proposal does not involve any proposed land uses or hazardous operations that would result in any groundwater contamination or any adverse impacts on groundwater dependent ecosystems. The proposed development does not include excavation and is unlikely to result in any cumulative adverse impact to groundwater.*

The proposed development is not a potentially contaminating activity and further impact on the quality or quantity of infiltration to local groundwater is unlikely given the removal of any existing potentially contaminating activities. The applicant has confirmed that the

proposed development will ensure that the site becomes fully capped and all landscaping will be planted within capped and sealed planters. Infiltration may actually be reduced by the reuse and discharge of stormwater generated by the increased area of impervious roofing.

The proposed development is therefore considered to be designed, sited and capable of being managed to avoid any significant adverse environmental impact.”

#### *Clause 7.7 Airspace operations*

The subject site is located within the Obstacle Limitation Surface Map at height 340m AHD. The submitted plans for the proposed development has a maximum stated level of 304.6m AHD. The development is therefore 35.4 metres below the surface map.

The Civil Aviation Safety Authority in a circular entitled ‘Reporting of tall structures and hazardous plume sources’ dated March 2018, states as follows:

*“2.2.2 In addition, the RAAF requires information on structures that are 30 m or more above ground level—within 30 km of an aerodrome or 45 m or more above ground level elsewhere which may pose a specific hazard for their operations.”*

The proposed development is greater than 30 metres in height and within 30km of an aerodrome, and therefore a notation will be included on the consent, informing the applicant of the requirement to inform the RAAF.

#### *(a)(ii) draft Environmental Planning instruments*

There are no current amendments to the Dubbo Local Environmental Plan 2011 that would 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 2.1 Residential Development and Subdivision

The amended proposal removed the residential component of the development, being the *shop top housing*. As such, this Chapter is no longer applicable to the assessment of the application, given that the *serviced apartments* are considered to be commercial development.

## Chapter 2.2 Commercial Development and Subdivision

### *Element 1: Setbacks*

#### *Objectives*

- *To ensure that adequate area is available to accommodate landscaping as appropriate;*
- *To reduce the visual impact of large commercial developments on the streetscape; and*
- *To reduce the impact upon adjoining non-commercial development where applicable.*

The 'Performance criteria' relates to front (road), side setbacks and rear setbacks.

The revised SEE Table 2 states:

*"Complies.*

#### *Front Boundary Setback*

- *Front Setback: The ground, first and second floors (Levels 1 and 2) are located on the front boundary (zero or nil-setback to Macquarie Street).*
- *Levels 7, 8 and 9 (northern tower) are setback 24.4m from the front boundary.*

#### *North and South Boundary Side Boundaries*

- *Ground level has a nil side setback which complies.*
- *Levels 3 and 4 have a 3m side setback which complies.*

*Does not comply – Variation sought.*

#### *Front Boundary Setback*

- *Levels 3, 4 and 5 have a nil setback. Minimum setback of 3m required. Level 6 has a nil setback. Minimum 6m setback required.*
- *Levels 7 and 8 (southern tower) are setback 4m. Minimum 6m setback required.*

### North and South Boundary Side Boundaries

- Levels 1 and 2 have a nil side setback. Minimum 3m side setback required.
- Levels 5-9 have setbacks of 2.85m to the external face of the balconies (non-compliant) and a setback of 4.3m to the external face of the building (complies). 3m minimum setback required.

*The proposed front setback of the development provides an acceptable building edge to the street and does not result in an unacceptable overshadowing or visual bulk impacts. The proposed development provides an acceptable building form and proportions when viewed from Macquarie Street. Strict adherence to the setback Acceptable Solutions of DCP 2013 is not considered to result in an improved design outcome for the proposal in this instance.*

*The building is articulated and modulated and includes parts that are compliant and parts that are non-compliant with the Acceptable Solutions setback controls. The proposal includes articulated elevational treatments and façade elements such as horizontal louvres, battens, clear glazing, variation in façade depth through individual balconies, that break up the building bulk and visual mass. It is noted that the side boundary setback on Levels 5-9 compliant when measured from the external face of the building (4.3m setback) however the minor variation of 150mm results from the balconies. This minor variation does not result in any adverse overshadowing or visual impacts by virtue of the minor degree of variation.*

*The proposed side and front setbacks provide acceptable visual relief when viewing the development from the main street frontage (Macquarie Street) and will complement the future desired character of the area for higher density development. The elevations of the proposal have been designed to maximise visual interest through reducing the areas of blank walls.*

*The proposed setbacks of the development in relation to the Old Bank Hotel building on the site has been designed to maximise views of the heritage item building from Macquarie Street and internally along the pedestrian laneway on the northern side of the Old Bank Hotel.*

### **Complies.**

*The rear setback of the proposal has been designed to accommodate the servicing requirements of the development and will not adverse impact upon the adjoining properties in terms of safety, access or amenity."*

From the revised plans, the proposed development has the following setbacks.

<b>Western Boundary (front)</b>			
<b>Level</b>	<b>DCP Setback</b>	<b>Proposed Setback</b>	<b>Complies / Variation</b>
Ground Floor	Boundary	Boundary (varies)	Yes/awning encroachment 2.0m
Level 1	Boundary	Boundary (varies)	Yes/louvre encroachment max. 1.8m
Level 2	Boundary	Boundary (both towers)	Yes/louvre encroachment max. 1.8m
Level 3	3.0 metres	Boundary (both towers)	No (3m) / for 36m (both towers) + louvre encroachment max. 1.8m
Level 4	3.0 metres	Boundary (both towers)	No (3m) / for 36m (both towers) + louvre encroachment max. 1.8m
Level 5	3.0 metres	Boundary (north tower) Boundary (south tower)	No (3m) / for 16m length No (3m) / balconies for 20m length, apartment at 4m
Level 6	6.0 metres	Boundary (north tower) 2 – 4 m (south tower)	No (6 m) / for 16 m length No (4m-2m) / balconies for 20m length, apartment at 4m
Level 7	6.0 metres	24 m (north tower) 2 – 4 m (south tower)	Yes No (4m-2m) / balconies for 20m length, apartment at 4m
Level 8	6.0 metres	24 m (north tower) 2 – 4 m (south tower)	Yes No (4m-2m) / balconies for 20m length, apartment at 4m
Level 9	9.0 metres	24 m (north tower) NA (south tower)	Yes NA

<b>Northern Boundary (side setback)</b>			
<b>Level</b>	<b>DCP Setback</b>	<b>Proposed Setback</b>	<b>Complies / Variation</b>
Ground Floor	Boundary	Boundary	Yes
Level 1	3.0 metres	Boundary	No (3 m) / 100m full site
Level 2	3.0 metres	Boundary	No (3 m) / 100m full site
Level 3	3.0 metres	3.0 m	Yes
Level 4	3.0 metres	3.0 m	Yes
Level 5	3.0 metres	2.85m (balcony) 4.295m (apartment)	No (150mm) / 93.5m full length Yes
Level 6	3.0 metres	2.85m (balcony) 4.295m (apartment)	No (150mm) / 93.5m full length Yes
Level 7	3.0 metres	2.85m (balcony) 4.295m (apartment)	No (150mm) / 93.5m full length Yes
Level 8	3.0 metres	2.85m (balcony) 4.295m (apartment)	No (150mm) / 93.5m full length Yes
Level 9	3.0 metres	2.85m (balcony) 4.295m (apartment)	No (150mm) / 93.5m full length Yes

<b>Southern Boundary (side setback)</b>			
<b>Level</b>	<b>DCP Setback</b>	<b>Proposed Setback</b>	<b>Complies / Variation</b>
Ground Floor	Boundary	Boundary	Yes
Level 1	3.0 metres	Boundary	No (3 m) / 100m full site
Level 2	3.0 metres	Boundary	No (3 m) / 100m full site
Level 3	3.0 metres	3.0 m	Yes
Level 4	3.0 metres	3.0 m	Yes
Level 5	3.0 metres	2.85m (balcony) 4.3m (apartment)	No (150mm) / 93.5m full length Yes
Level 6	3.0 metres	2.85m (balcony) 4.295m (apartment)	No (150mm) / 93.5m full length Yes
Level 7	3.0 metres	2.85m (balcony) 4.295m (apartment)	No (150mm) / 93.5m full length Yes
Level 8	3.0 metres	2.85m (balcony) 4.295m (apartment)	No (150mm) / 93.5m full length Yes

<b>❖ Eastern Boundary (side setback)</b>			
<b>Level</b>	<b>DCP Setback</b>	<b>Proposed Setback</b>	<b>Complies / Variation</b>
Ground Floor	Boundary	Boundary (open structure)	Yes
Level 1	3.0 metres	Boundary (open structure)	No (3 m) / 52m
Level 2	3.0 metres	Boundary (open structure)	No (3 m) / 52m
Level 3	3.0 metres	3.545m (north tower) 3.88m (south tower)	Yes Yes
Level 4	3.0 metres	3.545m (north tower) 3.88m (south tower)	Yes Yes
Level 5	3.0 metres	3.63m (north tower) 3.815m (south tower)	Yes Yes
Level 6	3.0 metres	3.63m (north tower) 3.815m (south tower)	Yes Yes
Level 7	3.0 metres	3.63m (north tower) 3.815m (south tower)	Yes Yes
Level 8	3.0 metres	3.63m (north tower) 3.815m (south tower)	Yes Yes
Level 9	3.0 metres	3.63 m (north tower)	Yes

- ❖ With regard to the eastern setback, the nature of the site is such that there is no real rear setback, rather the eastern boundary is a side boundary to the adjoining allotment and as such the boundary requirements are that of a side boundary. The rear setback in this instance has vehicle / public access via Holls Avenue, Serisier Street and Bank Street.

It should be noted that the 'Acceptable Solutions' include the following statement:

*A1.7 The set-backs stated above are subject to variation based on any potential overshadowing impacts of development to adjoining development.*

While the above table highlights those areas of the proposed development which do not comply with the Acceptable Solution of *Element 1: Setbacks*, it should be noted that the majority of non-compliance is minimal or related to the front façade, which has the heritage item and curtilages to further consider.

It should be further noted that the revised proposal (minus the *shop top housing*) has reduced the impact to the commercial properties directly to the south and that the objective of *Element 1: Setbacks*, reads as follows:

- *To reduce the impact upon adjoining non-commercial development where applicable.*

There is no non-commercial development in the immediate area.

#### *Element 2: Building design*

From Council's Heritage Advisor's final report dated 15 March 2019, the following comments relate to the wider issues of urban design, streetscape and the Central Business District:

### **7 Issues**

*The immediate precinct surrounding the proposed development site is not within a heritage conservation area listed in the LEP or a conservation precinct under the DCP. Most buildings are of one or two storeys. The part of the site formerly occupied by the Liberal Building is vacant. Most of the buildings in the immediate vicinity of the site are not of such merit that the proposal should respond to them in a particular way.*

*It should however, contribute to the amenity of the public domain, especially Macquarie Street, with its wide footpaths and shady trees. It must also respond and to the heritage item in the centre of the Macquarie Street frontage.*

*Of course development on the scale of the current proposal cannot just be designed as an entirely neutral foil to the relatively small heritage item, even though the item is in a prominent position. It must have its own character, and the functional requirements of a multi-use complex will normally be major determinants of the design. It will therefore necessarily have some visual complexity. Ensuring that it will not dominate or compete with the heritage item visually is therefore a very considerable challenge.*

*Urban design issues such as:*

- *the height and massing form of the development;*
- *the interface with public domain;*
- *its presentation to the streetscape;*
- *the façade design; and*
- *the materials, details and colours used;*

*will have an impact on:*

- *the adequacy of the curtilage;*
- *views to the item;*
- *the setting of the item;*
- *whether the development complements the item, or competes with it or overwhelms it visually.*

## **8 Height, massing and form/impact on curtilage, views towards the item**

*The towers on the eastern side of the site, of 9 and 10 storeys, are set apart and connected by a low podium. The wings on each side of the item, facing Macquarie Street, are about 20m high but reasonably well separated from the item. The block to the north is separated by a long laneway, protected by a low-pitched skillion roof close but not attached to the north side of the item. The block to the south is separated by a pedestrian area defined on the east by an extension to the item.*

*The resultant architectural composition is satisfactory.*

*Given the massing, the curtilage on each side of the item on Macquarie Street is adequate,*

*Views towards the item from Macquarie Street will be improved by the demolition of the modern shop on the south, as they have been by the recent demolition of the building to the north. The latter will be marginally reduced by the proposed roof over the laneway, but the overall result is that views to the sides of the building, which was designed in three dimensions (unlike typical shops of all eras) will be considerably enhanced. It will retain a strong streetscape presence.*

## **9 Interface with public domain**

*The public space which is the street – carriageway and footpaths – will flow into the site around the heritage item. The buildings on the Macquarie Street frontage will not overwhelm the public and especially the pedestrian space.*

**10 Streetscape, façade, materials, colours, articulation, detailing/impact on setting, visual relationship with the item**

*Because the towers are separated, the item will be silhouetted against the sky when viewed from directly opposite, as it is now. Nevertheless, the item will be mainly be viewed obliquely from Macquarie Street. It will then be seen against the backdrop of the wings, and from some angles, of the towers as well, although the towers will tend to recede in perspective.*

*The key issue here, as in virtually all such cases, is not the height of the buildings seen behind and above the item, but their design: colours, materials, articulation.*

*Obviously the style of the new development does not and should not imitate the Victorian, or even take design cues from it. The contemporary style of the proposal is appropriate.*

*The current scheme has been considerably simplified, and the elevations relate logically to the interior functions. The louvred treatment of the car park and a plain solid wall on the northern side of the southern wing provide a simple contrast to the strong but modelled form of the item. The different treatment and greater articulation. Of the office and apartment floors provides some contrast and visual interest.*

*The overall design is well integrated. The setting of the item will be enhanced, in comparison to its setting in recent years. The new development will retain not overwhelm or the item or compete with it visually.*

**11 Impact on secondary streetscapes: Holls Avenue, Bank and Serisier Streets, Bultje Street, Wingewarra Street, Brisbane Street**

*The site has small frontages to the end of Holls Avenue and the corner of Bank and Serisier Streets, and the new development will be seen down the axes of these streets. The existing streetscape here is nondescript: a car park backing on to the subject site, and the backs of buildings. The new development will present a major change in scale, but this is considered acceptable.*

*It may be seen in the distance above or between the one- to four-storey buildings lining Wingewarra and Bultje Streets, including the well designed Commonwealth offices on the Wingewarra/Macquarie Streets corner, and a row of Federation cottages in Brisbane Street. None of these buildings needs to be silhouetted against the sky, as they are now. The design of the proposal is not considered problematic from these viewpoints.*

## **12 Controls**

*The LEP and DCP do not appear to anticipate such proposals and provide only rather general controls. Insofar as the current proposal may not comply with controls such as setbacks, this is not a heritage or urban design issue.*

### **CONCLUSION**

*The proposal will on balance enhance the heritage significance of the Old Bank. It will have no impact on other items in the vicinity.*

### **RECOMMENDATION**

*The proposal is supported, subject to consent being subject to the recommended controls.”*

Other than the two (2) carking levels and minor balcony intrusions (150mm) the northern, southern and eastern treatments are in compliance with the stated requirements. The detrimental impacts to the adjoining properties from these variations are deemed to be negligible.

The major non-compliance is **Levels 1 & 2** - carparking, but having these two (2) levels set back to 3 metres along the northern, southern and eastern boundary has no real benefit, other than a blank wall (northern and southern boundaries) at 3 metres to the adjoining properties.

The rear (eastern) setback is to an open ground level carpark and the blank wall and roof of the existing mechanic. As such, the impacts are again negligible and enforcing the 3 metre setback compliance would have little if any tangible benefit.

Acceptable solution: *Building facades shall be articulated by use of colour, arrangements of elements or by varying materials.*

The proposed development has achieved this, refer to DA-201 to DA-204, DA-401 to DA-403.

With regard to building height, Table 2 states that:

*“The scale is appropriate for the Dubbo CBD location.*

*The proposed development includes a 9 and 10 storey development that is of a scale and height appropriate for the desired future character and strategic policy direction of Council and State Government for higher density mixed use development in existing urban centres to place new jobs close to existing housing, transport and infrastructure services. The proposed height is also consistent with other recent mixed use development in the Dubbo CBD at 1 Church Street, Dubbo (11 storeys) and 109*

*Macquarie Street, Dubbo (7 storeys). The subject site has an east-west orientation and any development within the site of the height proposed will therefore have some solar access impact on the properties to the south. The overshadowing impact is unavoidable for properties to the south of the site on this basis.*

*The shadow diagrams prepared by i2C show that while the proposal will have some impact on the properties to the south, the degree of impact is consistent with large mixed use development in the Dubbo CBD and the B3 Commercial Core Zone. The proposal building is setback more than the minimum 3m requirement under DCP 2013 with a minor 150mm incursion by the proposed balconies. The minor non-compliance regarding the balconies does not affect the overshadowing of the proposal on adjoining properties. The degree of impact is considered acceptable given the CBD context of the site, the availability of open space in short walking distance from the Quest site and the short term/temporary duration of stay of persons at the Quest Apartments. Notwithstanding, in the absence of LEP building height and FSR controls, and controls within Council's DCP relating to overshadowing impacts from proposed commercial development, limiting the height of a mixed use commercial building within the B3 Commercial Core due to overshadowing impacts would unreasonably constrain the orderly and economic use and development of the land.*

*In light of the benefits of the proposal as set out in this Statement of Environmental Effects, and the positive economic and social benefit from activation and development of this underutilised land parcel, the height and resultant reasonable overshadowing impact is appropriate and acceptable for a large developable parcel of land on the main shopping and business street in the Dubbo CBD."*

The existing commercial premises to the south of the subject site (No's 238, 248 & 250 Macquarie Street & No.22 Bultje Street (Quest Apartments)) occupy the likely footprint of any significant redevelopment of the corner site. The shops to Macquarie Street have an approximate depth of 25 metres and given zero setbacks in this portion of the site, a likely design would orientate residences/offices/etc., to either the east or west for solar access.

The Quest Apartments are approximately 30 metres deep, further development above the Quest Apartments would likely have half the residences facing north but being high enough such that the overshadowing in mid-winter from the proposed development would not detrimentally impact (see plan No's DA-512, DA-513 & DA-514).

### *Element 3: Landscaping*

An amended Landscape Plan (habit8) has been submitted providing for landscaping within the development, noting that there is no deep soil planting possible, given the commercial nature of the site and the type of development proposed.

There is proposed landscaping treatments at the Ground Floor Level through the laneway and within the proposed outdoor area adjoining the Old Bank Hotel. There are other minor details provided for balconies and the pool area on Level 6 (north tower) to a level acceptable for the scale and type of development.

*Element 4: Vehicular access and parking*

The 'Performance criteria' relates to parking provision, design, driveways and access points, emergency vehicle access and surface treatment.

The proposed development provides adequate and convenient parking for guests and service vehicles, with safe access, which will avoid parking difficulties in both the development and the neighbourhood.

From the revised SEE the following comments are provided:

*"The proposed development includes car parking located at-grade at the rear of the site and above-ground car parking located on Level 1 and Level 2.*

*The proposed car park has been designed to comply with the relevant requirements as specified by the relevant Australian Standard for car parking facilities, namely AS2890.1:2004 and AS2890.6:2009 which provides provisions relating to parking bay dimensions, ramp gradients and aisle widths. To ensure the safe and efficient operation of the blind aisles within the proposed development, it is proposed to install a Variable Message Sign (VMS) at the entry into the blind aisle to reduce any unnecessary circulation of traffic within the blind aisle. Refer to the Traffic Impact Assessment Report prepared by The Transport Planning Partnership.*

*All vehicles will enter the site via Holls Avenue and exit via Serisier Street. Cars entering the site can either park on the at-grade car parking (retail, restaurant and pub parking only) or travel to the southern side of the site to travel up the vehicle ramp to car parking located at Level 1 and Level 2.*

*A vehicle drop-off and pick-up bay is provided at Ground Level for serviced apartment customers, located near to the serviced apartment foyer. Car parking spaces provided on Level 1 and Level 2 will be secured and accessible to serviced apartment guests and office tenants only. All car parking areas on the site will be clearly signposted or marked to denote designated use for either retail and office tenants and serviced apartment guests.*

*Refer to the Traffic and Parking Report submitted as part of this application for further details regarding parking and access."*

The proposal has been further amended, with the architectural plans and the stratum plans indicating 334 carspaces and 28 motorcycle spaces. The stratum plans are relevant with regard to the allocation of parking between the various elements (lots) of the proposal.

With regard to parking requirements, the commercial rate is based on net lettable area (NLA), which includes the added reduction of amenities and plant rooms from GFA calculation. The revised proposal will accommodate a total of 3,416m<sup>2</sup> net lettable area (NLA) of retail floor space, 5,481.6m<sup>2</sup> NLA of commercial office floor space, and 219 serviced apartments, with a total of 334 car parking spaces across the entire development.

The figures directly below are the required parking, without any consideration for the parking credits (previous buildings) and the 20% consolidation bonus (see below).

### Serviced Apartments

- The submitted plans include 219 **serviced apartments** (180 x studio / 1 bedroom + 39 x 2 bedroom apartments). The parking rate as stated in Chapter 3.5 Parking is 1 space per 1 bedroom premises + 2 space per 2 bedroom premises. Therefore, 180 x 1 + 39 x 2 = 180 + 78 = **258 spaces**

The stratum plan (p.3 & 4) indicates 77 spaces for Lot 1, (p.4) indicates 104 spaces for Lot 10 = **181 spaces, which is 77 spaces deficient.**

### Offices

- The submitted plans indicate **offices** on Levels 3 & 4 with an NLA 5,481.6m<sup>2</sup>. The parking rate as stated in Chapter 3.5 Parking is 1 space per 40m<sup>2</sup> NLA. Therefore, 5,481.6m<sup>2</sup> x 1 space per 40m<sup>2</sup> NLA = 137.04 or **137 spaces.**

The stratum plan (p.3) indicates that 102 spaces (Lot 8 – 51 spaces + Lot 9 – 73 spaces) = **124 spaces, which is 13 spaces deficient.**

### Old Bank Hotel

- The submitted plans indicate the Old Bank Hotel on the Ground & 1<sup>st</sup> floors, with additional restaurant area to be located on the Ground & 1<sup>st</sup> floors with an NLA – 801m<sup>2</sup> and with the parking required at 1 space per 25m<sup>2</sup> NLA = 32.04 or **32 spaces.**

The stratum plan (p.3) indicates 6 spaces, being **26 carparking spaces deficient.**

### Supermarket

- The submitted plans indicate the *supermarket (mini-major)* on the ground floor with an NLA 1,753.6m<sup>2</sup> and the applicable parking rate is 1 space per 25m<sup>2</sup> NLA = 70.14 or **70 spaces.**

The stratum plan (p.3) indicates 17 spaces, **being 53 spaces deficient.**

5 tenancies

- The submitted plans indicate commercial activities on the Ground floor, being the *retail tenancies* (proposed Pt Lot 1, Lots 4, 5, 6 & 7).

The submitted plans indicate the 5 tenancies (*specialty + restaurant/café*) on the ground floor with an NLA 861.4m<sup>2</sup> and the applicable parking rate is 1 space per 25m<sup>2</sup> NLA = 34.46 or **34 spaces**.

The stratum plan (p.3) indicates 6 spaces, **being 28 spaces deficient**.

Parking Requirement

Land Use	Units/Size	Parking Rate	Parking Required
<b>Serviced Apartments</b>	219 (180 x studio/1 bedroom units + 39 x 2 bedroom units)	1 space per 1 bedroom/studio + 2 spaces per 2 bedroom	258 spaces
<b>Offices</b>	Levels 3 & 4 – 5,481.6m <sup>2</sup> NLA	1 space per 40m <sup>2</sup> NLA	137 spaces
<b>Old Bank Hotel</b>	Ground floor & Level 1 – 801m <sup>2</sup> NLA	1 space per 25m <sup>2</sup> NLA	32 spaces
<b>Supermarket</b>	Ground floor – 1,753.6m <sup>2</sup> NLA	1 space per 25m <sup>2</sup> NLA	70 spaces
<b>Speciality Shops</b>	Ground floor – 861.4m <sup>2</sup> NLA	1 space per 25m <sup>2</sup> NLA	34 spaces
<b>Total Parking required</b>			<b>531 spaces</b>
<b>Consolidation parking bonus – 20%</b>			<b>106 spaces</b>
<b>Revised total parking required</b>			<b>425 spaces</b>

Parking Credits

Old Bank Hotel

- The Old Bank Hotel has historic parking credits, which need to be taken into account. D99-513(3) approved 13 December 2002 for a two (2) lot subdivision, creating lot 10 (Music shop) and lot 11 (Old Bank Hotel). Notation (4) on that consent referred to Lot 10 having a credit of 9 spaces and Lot 11 having a credit of 12 spaces. The credit however, should be calculated at the current rate.

Lot 11 is 734.9m<sup>2</sup>, deleting the laneway (approx. 105m<sup>2</sup>) and some amenities (approx. 50m<sup>2</sup>) results in an NLA 579.9m<sup>2</sup>. While the 1<sup>st</sup> floor has most recently being utilised for residential accommodation (D12-320(3)), there have been previous commercial uses, as such, the 1<sup>st</sup> floor has an NLA 200m<sup>2</sup>. Therefore, Lot 11's **parking credit** = 579.9m<sup>2</sup> + 200m<sup>2</sup> @ 1 space per 25m<sup>2</sup> NLA = 31.20 or **31 spaces**.

Lot 10 is 481.2m<sup>2</sup>, deleting some amenities (say 30m<sup>2</sup>) results in an NLA 451.8m<sup>2</sup>. Parking calculated at 1 space per 25m<sup>2</sup> NLA = 18.07 or **18 spaces parking credit**.

The total parking credit for Lots 11 & 10 = 31 + 18 = **49 spaces**.

### Supermarket

- The burnt down shop (No.236 Macquarie Street) has historic parking credits, which need to be taken into account.

No.236 Macquarie Street has been a vacant lot for some time and as such, reference to D05-717 Demolition of Existing Building was necessary to establish an NLA 623.3m<sup>2</sup>. Parking calculated at 1 space per 25m<sup>2</sup> NLA = 24.9 or **25 spaces**. Unlike the adjoining properties, there was vehicle access to the rear of the site and parking was provided by way of carports and a concrete slab. It is estimated that six (6) spaces were provided, reducing the **credit to 19 spaces**.

### 5 tenancies

- D90-240 was approved 24 October 1990 (Liberal Newspaper Offices). The file includes a parking assessment which states that the required parking was 49 spaces, with at least 70 spaces provided on-site.

D97-30 was approved 1 April 1997 (Additions to Commercial Premises). The file includes a parking assessment which states that the required parking was 42 spaces, with 55 spaces provided on-site and shown on the approved plan. As such, there is no credit applicable with regard to this former use on the subject site.

Former Land Use	Size	Parking Rate / Comment	Credit
<b>Old Bank Hotel</b>	Ground floor – 579.9m <sup>2</sup> NLA + Level 1 – 200m <sup>2</sup> NLA	1 space per 25m <sup>2</sup> NLA	31 spaces
<b>Music Store (232 Macquarie St)</b>	Ground floor – 450m <sup>2</sup> NLA	1 space per 25m <sup>2</sup> NLA	18 spaces
<b>Vacant lot (236 Macquarie St)</b>	Ground floor – 623.3m <sup>2</sup> NLA	1 space per 25m <sup>2</sup> NLA = 25 less 6 parking spaces at rear	19 spaces
<b>Liberal Building</b>	Ground & 1 <sup>st</sup> floor offices – 1,236.5m <sup>2</sup> NLA Ground floor storage areas – 992.2m <sup>2</sup> NLA	1 space per 40m <sup>2</sup> NLA = 31 spaces + 1 space per 90m <sup>2</sup> NLA = 11 spaces D97-30 states 55 spaces provided on-site	Nil
<b>Total parking credit</b>			<b>68 spaces</b>
<b>Grand total required parking</b>		425 – 68 spaces	<b>357 spaces</b>

According to the covering letter dated 19 February 2019 a total of 335 spaces have been provided, but this has been corrected to 334 spaces. Noting the above calculations this would mean that the resultant development is 23 spaces deficient. It is noted later in the report that insufficient accessible/disabled parking has been provided for the Office component and therefore three (3) spaces shall be amended to create two (2) appropriate spaces, reducing the overall numbers to 333 spaces and therefore **24 spaces deficient**.

The Traffic and Parking Response dated 11 February 2019 prepared by The Transport Planning Partnership, makes the following comments with regard to motorcycle parking:

*“Following consultation with Council, Council has acknowledged that the development’s proposed provision of motorcycle parking is additional to the requirements of the DCP and therefore motorcycle parking would be considered in lieu of a portion of the car parking requirement. Furthermore, the remaining deficiency in car parking requirement would be accepted based on a voluntary financial contribution to Council to go towards the development of public car parking infrastructure.*

#### **Motorcycle to Car Parking Ratio**

*A passenger vehicle has higher occupancy than a motorcycle. On this basis, it is not appropriate to consider that one motorcycle space would be equivalent one car space. There is no guidance on the car occupancy for different land uses, however based on TTPP*

*experience, typical car occupancy rates would be in the range from 1.0 to 1.5. However, to be conservative, TTPP has assumed an overall average occupancy of 1.5 persons per car. Comparatively, a motorcycle would on average accommodate one person per motorcycle.*

*Based on the above, it is proposed to provide motorcycle parking in lieu of car parking at rate of 1.5 motorcycle parking spaces per car space.*

*The development is to provide 28 motorcycle parking spaces.*

*Therefore, it is considered that the proposed motorcycle parking would replace 19 car spaces, leaving a deficiency of seven car parking spaces from the DCP requirement for car parking. As discussed, this deficiency would be accommodated as a voluntary contribution to Council towards the provision and management of public car parking.”*

The consultant’s comment that motorcycle parking is additional to any requirements of the DCP is correct and Council is willing to consider the motorcycle parking as an off-set against the required carparking. The proposal includes some 28 spaces, which are generally located in areas on Levels 1 & 2 which cannot be accessed by vehicles, which represents an efficient use of space. The question arises as to how many motorcycle spaces are reasonably required within a development of this nature/scale.

The ACT Planning & Land Authority, Parking and Vehicular Access General Code dated March 2018 recommends three (3) motorcycle spaces per 100 car parking spaces. On the basis that 357 carparking spaces are required, the reasonable amount of required parking for motorcycles would be 10.71 spaces (3 x 3.57).

The consultant’s argument regarding the occupancy rate of motor vehicles being on average 1.5 persons is backed by various studies and is a reasonable argument given the multi-use of the site (offices, serviced apartments, pub, retail). Therefore, the 10.71 required motorcycle spaces (rounded up to 11 spaces) would equate to 7.14 (10.71 / 1.5), rounded down to seven (7) carparking spaces.

As stated above, the development was 24 carspaces deficient, with the concession regarding the ten (11) motorcycle spaces (being the equivalent of 7 carspaces, the proposal is deemed to be **17 carparking spaces deficient**.

Comments from Council’s Senior Development Engineer in his report dated 15 March 2019, regarding vehicle and servicing of the site read as follows:

*“All vehicles will enter the site via Holls Avenue and exit via Serisier Street. Cars entering the site can either park on the at-grade car parking (retail, restaurant and pub parking only), or travel along the northern side of the site and up the proposed vehicle ramp to car parking located at Level 1 and Level 2.*

*A vehicle drop-off and pick-up bay or porte-cochere is provided at Ground Level at the end of the internal pedestrian lane for serviced apartment customers, located adjacent to the 24 hour reception for the serviced apartments. Car parking spaces provided on Level 1 will be secured and accessible to office tenants and serviced apartment guests only. Car parking on Level 2 will be clearly signposted or marked to denote use for serviced apartment guests only.*

*A **Traffic Assessment (TRS)** was submitted by the applicant completed by The Transport Planning Partnership dated 5 March 2018 and an updated version provided dated October 2018 (plus addendum dated 11 February 2019). The Traffic Impact Assessment Report prepared by The Transport Planning Partnership states that the surrounding road network would continue to operate satisfactorily following the completion of the proposed developments on the subject site and that the projected increase in traffic activity as a consequence of the development will have relatively minor impacts.*

*The retail component of the proposed development is able to be serviced by a variety of commercial vehicles ranging in size from vans, small rigid vehicles to medium rigid vehicles. The proposed development will include two loading bays to be shared by the retail tenants, including one for up to a 6.4m small rigid vehicle (northern side) and an 8.8m medium rigid vehicle (southern side). Delivery vehicles will enter the site via the existing Holls Avenue access point on the north eastern corner of the site and exit via the existing Serisier Street access point in the south eastern corner of the site. The Holls Avenue access is to be 'entry only'. It is proposed to widen the Holls Avenue access, by realigning the kerb within the roadway including relocation of the existing sewer inspection point and light pole.*

*The Serisier Street access is a proposed two-way access into the site via the one-way Serisier Street and Bank Street loop road. Swept path analysis indicates that a medium rigid vehicle (MRV) would occupy a notably portion of the car parking aisle while manoeuvring through the car park, thereby interrupting two-way flows at the access and within the circulation aisles.*

*This arrangement is considered acceptable noting the following:*

- The number of MRVs requiring access to the site is expected to be minimal and would include a weekly commercial and residential waste vehicle and the occasional delivery vehicle of a larger size; and*
- Service vehicles are expected to access the site outside peak hours, notably, outside of the retail peak period of operation (which are weekday afternoons and weekends) and would thereby have minimal impacts to ground floor car park operation (i.e. the retail car park).*

*Further to the above, the ground floor car park layout has been amended such that:*

- *the northern aisle is two-way, enabling the MRV to exit the loading bay and the site in a forward movement, where previously an MRV was expected to undertake a three point turn to exit the site to Serisier Street;*
- *implement a loading dock management plan, whereby tenants are given specified time periods to utilise the loading bays as a means of ensuring that service vehicle generation is distributed over the week and occurs outside of the peak retail and commercial traffic periods;*
- *usage of the loading facility is subject to the tenant making an advance booking for a time slot;*
- *the loading dock would be managed by the building manager of the site;*
- *install warning signage with associated flashing lights at the Level 1 ramp stating, 'BEWARE OF TRUCKS MANOEUVRING ON FLASHING LIGHTS'. The flashing lights would be triggered by a height sensor located on the ground floor which would be activated by trucks. The signage would act to raise caution in drivers who are coming down the ramp of exiting trucks at the site access.*

*The ground floor car park layout has been amended to improve the efficiency of the car park including:*

- *the northern traffic aisle has been converted to two-way to prevent driver confusion and simplify the circulation arrangements on-site;*
- *in addition, the two-way arrangement will enable service vehicles from the southern loading facility back to exit in a forward movement via the northern traffic aisle, where previously they were required to reverse manoeuvre and complete a three point turn;*
- *directional line marking is proposed throughout the car park to clarify permitted movements, including a one-way arrow at the Holls Avenue access, to prevent drivers from exiting via this access; and*
- *Swept path analysis of the critical areas of the amended car park including the loading areas have been undertaken.*

*A bus/loading zone is no longer proposed on Macquarie Street as per Council's requirements.*

*It is proposed to enforce vehicle size restrictions to tenants, whereby group travel is to be completed using small shuttle buses (i.e. a van). Small shuttle buses would use the portecochere proposed on the ground floor level of the car park.*

*Having regards to the above, plus the information submitted with the Development Application, purely from a Development Engineering perspective no objections or concerns are now raised to this development proposal."*

#### *Element 5: Fencing and security*

The laneway from Macquarie Street provides pedestrian access to all aspects of the development and access will be controlled via a gate across the laneway.

The covering letter dated 19 February 2019 states that: *“Outside the hours of 7am to 10pm, access to the site will be controlled by an electronic swipe card system (or similar).”*

#### *Element 6: Design for access and mobility*

See Chapter 3.1 Access and Mobility.

#### *Element 7: Waste management*

Comments received from Council’s Environment & Health Project Officer in his final report dated 7 March 2019, read as follows:

“The amended SEE for the proposed development states that a detailed Waste Management Plan will be prepared in accordance with Council’s requirements prior to the issuing of an Occupation Certificate for each of the individual uses on the site, subject to the specific requirements of each operator.

Due to the large size of the development there was concern that there may be inadequate provision for onsite waste disposal and management. This would be difficult to retrospectively address and it was recommended that a request for further information be forwarded to the applicant requesting the following matters be addressed:

- Provide details demonstrating that the site has adequate provisions for the management of waste on the site once the building is fully occupied; and
- Provide details of the proposed waste room facilities. Council requests that the waste rooms have provisions to enable bins to be washed out and drained to assist with potential odour management issues.

The applicant response included:

*The bin storage areas on ground floor level have been redesigned to cater for the expected demand once the development is operational. In particular the following matters are noted:*

- *The bin room in the northern tower will have a GFA of 24m<sup>2</sup> and will include provision for a garbage compactor;*
- *A 24m<sup>2</sup> bin room is proposed at ground floor level for the southern tower and will also include provision for a garbage compactor;*

- *All bin rooms to have Roller Shutter Doors for ease of access; and*
- *All speciality retail tenancies will have back of house waste areas for separate waste storage. Back of house areas are shaded on Drawing No. DA-102.*

*Council can impose a condition on any development consent issued to ensure the waste rooms have provisions to enable bins to be washed out and drained.*

Conditions can be recommended to formalise the provision of the above and ensure the waste is collected on an adequate frequency once the development has been fully occupied.

The SEE also states:

*A Construction Environment Management Plan (CEMP) has been prepared by MAAS Civil Pty Ltd and covers the key concepts of construction site worker safety, environmental protection, emergency response, waste minimisation and management during the construction phase of the project.*

A condition can be recommended to formalise the preparation and submission of a Waste Management Plan for the remaining demolition and construction phases of the development.”

#### *Element 8: Soil, water quality and noise management*

The proposed development does not raise any concerns regarding soil, water quality and noise management. Council’s Environment & Health Projects Officer in his final report dated 7 March 2019 raised no specific issue with any of these matters, stating that standard conditions could be inserted into the consent or additional details provided with the Construction Certificate, especially regarding mechanical plant and equipment.

The comments in part, read as follows:

“The acoustic report has confirmed that the design and layout of the proposed development will minimise noise impacts from potential mechanical plant, music and entertainment from proposed bars and restaurants and from general background noise impacts from the development. The report has confirmed that selecting appropriate building materials will enable mitigation opportunities should any exceedances be identified at the Construction Certificate stage. It is not envisaged that noise impacts will be a prohibitive issue for the progress of this development subject to appropriate conditions for acoustic studies prior to the release of the construction certificates.

Major amendments to the original plans were proposed and in response the PKA Acoustic Consulting confirmation letter has been received stating:

*PKA previously submitted a DA Acoustic Report [Ref: PKA11107 R01v1 dated 12th March 2018]. We understand that Council did not raise any specific acoustic concerns regarding the proposed development.*

*We have reviewed the updated architectural drawings provided by i2c [Project 2017-112 RevC, 27th September 2018, DA-2 Issue] and confirm that the overall bulk and scale of the development has been reduced, therefore not increasing the potential acoustic impact to receivers.*

*We can confirm that our DA Acoustic Report is valid for this resubmission in terms of noise goals, recommendations, and future acoustic works to be conducted.*

Conditions can therefore be recommended accordingly.”

*Element 9: Signage and advertising*

Not applicable. Table 2 states that future signage will be subject to separate DAs.

*Element 10: Services*

Given the location of the site in the central business district there is ready access to various aspects of infrastructure. Comments from Council’s Senior Development Engineer in his final report dated 15 March 2019, read in part as follows:

*“An existing 150mm water main is located in Macquarie Street and another 100mm dia water main is located in Holls Avenue. The development is proposed to connect with a 150 dia. Council Water main in Macquarie Street. It will include a main project water meter and backflow assembly. This service shall provide domestic water requirements and fire hose reel services for the project.*

*The water supply will reticulate throughout the project to supply each and every sanitary fixture, item of plant and draw-off point to complete the system. A minimum design pressure of 200kPa shall be provided at fixture outlets and draw-off points with minimum 250kPa being available at all apartment main isolation valves. Pressure reduction valves shall be provided where necessary to limit pressure at the outlets to a maximum of 500kPa. Pressure zones will be created to satisfy these requirements.*

*An existing 150mm sewer main located in Macquarie Street and eastern boundary of the subject lots. The proposed development will require at least a 300mm sewer connection. An investigation found that there was an over 375mm council sewer main crossed Serisier Street and paralleled with this development. A 300mm council sewer line may be extended from this sewer main to serve this development.*

*A 375mm dia existing stormwater line is located in Macquarie Street and Holls Avenue. The Concept stormwater plans and details prepared by Van Der Meer illustrate how storm water and run-off will be managed at the site, having particular regard to the proposed laneway, roof top areas and parking levels. The above ground internal stormwater system shall be designed to cater for the 1:100/1:20 year ARI storm event. An erosion and sediment control plan has been prepared to ensure sediment and other potential pollutants do not enter the existing storm water system and Macquarie River catchment during the construction phase of the project.”*

*Element 11: Ancillary residential uses*

Not applicable.

*Subdivision controls*

*Element 1: Lot size and dimensions (consolidation)*

The subject site comprises eight (8) allotments creating a large site in order for a substantial development to occur. In the B3 zone, the consolidation of two or more lots with a combined area greater than 2,000m<sup>2</sup> (subject site is 7,550m<sup>2</sup>) and an average width of 30 metres (subject site is 74.365 metres) shall receive a 20% car parking reduction.

As such, the required parking is 531 spaces. A 20% reduction = 106 spaces, therefore the total required parking is 425 spaces, noting that the site benefits from 68 spaces (credits) and therefore the required parking is **357 spaces**, for which the proposed development has indicated **333 spaces**, being **24 spaces deficient**.

As stated earlier in the Report, the traffic consultant has argued that motorcycle parking should be considered in the provision of carparking spaces. The argument has merit and following a review of likely motorcycle numbers, Council would agree to eleven (11) motorcycle spaces being required, which would equate to seven (7) carparking spaces.

As such, Council deems the proposal to be **17 carparking spaces deficient**, which can be resolved with the payment of a S.94 Contribution. It should be further noted however, that the parking deficiency will not occur until such time as Stage 2 (southern tower) is built.

The stratum subdivision is the separation between the various components of the development. These plans have also being revised and can be summarised as follows:

- The proposal includes stratum subdivision of the retail, commercial and serviced apartment components of the proposed development. The car parking spaces for retail located at ground level (Lots 2-7), commercial car parking spaces located on Level 1 being Lots 8 and 9 (office lots) and serviced apartment car parking spaces (northern tower) are

located on Levels 1 & 2 being Lot 1, with the carparking spaces (southern tower) located on Level 2 being Lot 10.

- Lot 2 contains 'The Old Bank' heritage item and extends through every level to ensure the heritage curtilage is maintained and not absorbed by the airspace of Lots 1 or 10 being the serviced apartments.

The subdivision plans prepared by Warren R Saunders comprises 13 sheets and Sheet 1 includes the stratum subdivision breakdown.

- Lot 1 (23 parts)
- Lot 2 (14 parts)
- Lot 3 (6 parts)
- Lot 4 (2 parts)
- Lot 5 (2 parts)
- Lot 6 (2 parts)
- Lot 7 (2 parts)
- Lot 8 (5 parts)
- Lot 9 (11 parts)
- Lot 10 (17 parts)

Lot 1 relates to the serviced apartments (north tower):

Ground floor - pedestrian areas, café/restaurant, serviced apartment foyer, stairwells and motorbike spaces (10);

Level 1 – stairwells, driveways and parking spaces (24) + motorbike spaces (12);

Level 2 – stairwells, driveways and parking spaces (53) + motorbike spaces (6);

Level 3 – stairwells and airspace;

Level 4 – stairwells and airspace;

Level 5 – stairwells, airspace and serviced apartments (19) (north tower);

Level 6 – stairwells, airspace and serviced apartments (19) (north tower);

Level 7 – stairwells, airspace and serviced apartments (19) (north tower);

Level 8 – stairwells, airspace and serviced apartments (19) (north tower);

Level 9 – stairwells, airspace and serviced apartments (19) (north tower); and

Level 10 – stairwells and airspace (north tower).

Lot 2 relates to the Old Bank (pub & restaurant):

Ground floor – Old Bank and parking spaces (6);

Level 1 – Old Bank;

Level 2 – airspace above the Old Bank;

Level 3 – airspace above the Old Bank;

Level 4 – airspace above the Old Bank;

Level 5 – airspace above the Old Bank;  
Level 6 – airspace above the Old Bank;  
Level 7 – airspace above the Old Bank;  
Level 8 – airspace above the Old Bank;  
Level 9 – airspace above the Old Bank; and  
Level 10 – airspace above the Old Bank.

Lot 3 relates to the supermarket:

Ground floor – Supermarket and parking spaces (17).

Lot 4 relates to the speciality shop (fronting Macquarie Street):

Ground floor – Speciality shop and parking spaces (2).

Lot 5 relates to the speciality shop (fronting Macquarie Street):

Ground floor – Speciality shop and parking space (1).

Lot 6 relates to the speciality shop (internal):

Ground floor – Speciality shop and parking spaces (2).

Lot 7 relates to the speciality shop (internal):

Ground floor – Speciality shop and parking space (1).

Lots 8 relates to the offices in the northern tower:

Ground floor – nothing;  
Level 1 – Parking spaces (51);  
Level 2 – nothing;  
Level 3 – Offices (6); and  
Level 4 – Offices (6).

Lot 9 relates to the offices (south tower):

Ground floor – nothing;  
Level 1 – Parking spaces (73);  
Level 2 – nothing;  
Level 3 – Offices (8); and  
Level 4 – Offices (8).

Lot 10 relates to the serviced apartments (south tower):

Ground floor & Level 1 – nothing;  
Level 2 – Parking spaces (104);  
Levels 3 & 4 – nothing;  
Level 5 – serviced apartments (south tower);  
Level 6 – serviced apartments (south tower);  
Level 7 – serviced apartments (south tower);  
Level 8 – serviced apartments (south tower); and  
Level 9 – roof (south tower).

### Chapter 3.1 Access and Mobility

While noting the requirements of this Chapter, issues relating to disabled access and the like are largely governed by the Building Code of Australia, the Disability (Access to Premises – Buildings) Standards 2010 and the Disability Discrimination Act 1992.

Council's Building Services Team Leader (BSTL) in his report dated 26 November 2018 (confirmed in subsequent memorandum dated 25 February 2019) raised no issues with regard to access and mobility for the proposed development, noting the Access Report dated October 2018 prepared by Code Performance Pty., Ltd. Council's BSTL has recommended standard conditions and additional details to be provided with the Construction Certificate.

The proposed development would be classified as a Group 1 building according to the Chapter. The requirement as per Table 1 is: one (1) adaptable housing unit for every five (5) dwellings, in addition to any BCA requirement for accessible units. This would require forty-five (45) adaptable housing units. It should be noted that these requirements are above the requirements of the BCA, and that the provisions of a development control plan are not statutory requirements (s3.42(1) EP & AAct 1979) and should not be more onerous than the BCA.

The applicant has argued in the submitted SEE Table 4 p.20 as follows:

*Section 2.1 of the Code Performance Access Report states the following in relation to the proposed serviced apartments:*

*“Adaptable Housing is intended for residential dwellings that are for private use and for the purpose of specific design features for the end user. That is, there is no intent for the implication of adaptable housing for serviced apartments, where the end user is transient and unknown, and the dwelling modifications are performed relative to the occupant / owners requirements.*

*We suggest that the application of the provisions of Clause D3.1 of the BCA is the only necessary and relevant requirement for Class 3 serviced apartment use. The*

*application of D3.1 of the BCA will ensure compliant accessible apartments, rather than adaptable apartments, being appropriate to the function and use of the serviced apartments. Council consideration sought.”*

The submitted plans provide details of nine (9) accessible units: Drawing No’s DA-107, DA-108, DA-109, DA-110 & DA-111, showing 2 units on Levels 5 - 8 and 1 unit on Level 9.

The chapter requires one (1) disabled space for each serviced apartment sole-occupancy unit in conformity with AS/NZS 2890.6. On Level 2 there are 5 disabled spaces (Lot 1 north tower) and 4 disabled spaces (Lot 10 south tower). Overall Total – 9 spaces, as per the proposal, and allocated to the appropriate stratum lots.

The retail component parking is calculated at 91 spaces (after consolidation bonus and credits) = 4 accessible spaces provided on the ground floor level.

The office component parking is calculated at 92 spaces (after consolidation bonus and credits) = 3 accessible spaces, but only 1 space indicated on Level 1. Proposal appears to be 2 accessible /disabled spaces deficient with regard to the Offices (Lots 8 & 9), this issue is easily resolved with an amendment to the approved plans (in red pen), taking three (3) allocated spaces and reducing them to 2 accessible/disabled spaces.

### Chapter 3.2 Economic Impact

An Economic Impact Assessment report dated October 2018 prepared by MacroPlanDimasi has been provided with the development application, as the development has a GFA of more than 5,000m<sup>2</sup>. Table 5 attached to the revised SEE states as follows:

*“The analysis in the report demonstrates that a range of economic and social benefits are likely to arise from the development of The Liberal. These include providing substantial investment in the Dubbo CBD; serving the needs of residents, workers and visitors; providing a new high quality development in the CBD; and creating local employment opportunities.*

*Given the rate of population growth in the catchment, the scale of the proposed mixed use development and the planned composition of the retail space, the retail component of The Liberal is not expected to have a trading impact on existing facilities in the area, with the development expected to provide flow-on benefits to existing retailers and businesses within the Dubbo CBD. Therefore, it can be concluded that a net community benefit will result from the proposed development.*

*The development has the potential to have a net positive economic impact by virtue of:*

- *jobs creation during the construction and operational phases of the development;*
- *the increased visitor population on the site;*

- *the office workers that will travel to and from the site and use services and other retail/food and drink premises on the site and in the surrounding area during the working week;*
- *the attractive pedestrian laneway; and*
- *the high quality streetscape presentation that will enhance this part of Macquarie Street and encourage increased visitation and pedestrian use of the footpath areas along Macquarie Street.*

*The proposal is located wholly within the Dubbo CBD at a strategically important site opposite a major shopping centre along the main shopping street and well served by existing infrastructure, is located on an underutilised land parcel and is consistent with the broader strategic planning policy and established commercial hierarchy of Council and State Government for Dubbo to be the regional centre. The proposal has given consideration of the characteristics of the Dubbo CBD and the desired future character of the surrounding area as outlined in the following documents:*

- *Central West and Orana Regional Plan 2036 (2017).*
- *Dubbo Local Environmental Plan 2011.*
- *Dubbo Commercial Areas Strategy (1996).*
- *Dubbo CBD Precincts Plan (2016).*

*The proposal meets the strategic objectives of providing new jobs and visitor accommodation in Dubbo, stimulating economic growth and investment in regional NSW and adheres to the sound planning principle of consolidating development in existing urban centres.”*

### Chapter 3.3 Social Impact

A Social Impact Assessment dated November 2018 prepared by Milestone (Aust) Pty., Ltd., has been provided with a development application, though not technically required as the commercial floor area is below 10,000m<sup>2</sup> GFA. The assessment concludes with the following comments:

*“The proposed development is expected to generate a number of positive benefits for the local community, including:*

- *New office and commercial floor space;*
- *Assisting realisation of broader strategic policy for growth of Dubbo as an important regional centre;*
- *Enhanced convenience and access to the Old Bank Hotel, liquor retail outlet and motel accommodation in close proximity to a large (future) residential catchment which will enable the multi-purpose vehicle trips to the site;*
- *Increased choice to a wider selection of function facilities and restaurants, and hotel accommodation within the area;*

- *Increased local economic activity and employment and training opportunities;*
- *Increase accommodation services in an area which has a high existing and future demand for further accommodation services;*
- *Providing flow-on benefits to other nearby businesses and services; and*
- *Significant revitalisation of the site and enhanced positive safety outcomes.*

*The proposal is expected to result in short term impacts associated with construction, which will be managed by the prepared Construction Management Plan. The proposal will result in long term additional traffic, however the Traffic and Parking report prepared by The Transport Planning Partnership states that the proposed development will result in only a relatively minor impact to the road network and that the surrounding road network would be able to continue to operate satisfactorily following the completion of the proposed development. The proposal will increase the access to alcohol to the workforce, visitors and occupants of the serviced apartments through the proposed licensed restaurant and bar and possible licensed premises that may operate in the future within the specialty tenancies. Appropriate management and operational procedures will be implemented to manage environmental and social impacts associated with the sale of liquor on the site.*

*The proposal will:*

- *Provide a landmark mixed use commercial development for the Dubbo CBD with significant economic and social benefits;*
- *Preserve the social and physical heritage value of the Old Bank Hotel building;*
- *Provision of new office floor area to strengthen Dubbo CBD as a commercial centre;*
- *Increase access to jobs and tourist and visitor accommodation in a highly accessible area with expected positive flow on effects to surrounding businesses and service providers;*
- *Stimulate the local economy and increase demand for a range of services in the Dubbo CBD;*
- *Provide new 4-star serviced apartments to support the tourist market of Dubbo;*
- *Follow a Council approved Construction Management Plan (proceeding the Development Application process);*
- *Accord with the broad State, Metropolitan and local policies regarding minimising potential harm and impacts on local communities;*
- *Appropriately manage impacts from noise, dust, vehicle movements and pedestrian movements during construction and on-going operation;*
- *Implement a House Policy to minimise impacts associated with alcohol consumption;*
- *Co-operate with NSW Police strategies to minimise alcohol related crime for this area; and*

- *Ensure all aspects of operations on the site are continually monitored by site management.*

*In light of the benefits of the proposed development and in the absence of any significant adverse environmental or social impacts, the proposed development is suitable to proceed.”*

#### Chapter 3.4 Heritage Conservation

The subject site contains a listed heritage item: I157 Dubbo Museum (former), now Old Bank Hotel.

There are two (2) state listed heritage items in the immediate locality:

- I154 Shire Building (former) now Hogs Breath Café – No.193 Macquarie Street; and
- I155 ‘Kemwah’ now Milestone Hotel – No.195 Macquarie Street.

Following the amendments to the proposal, an Addendum dated 9 November 2018 prepared by Curio Projects has been provided to Council. This is in addition to the original Heritage Impact Statement dated February 2018, prepared by Curio Projects.

Comments from Council’s Heritage Advisor are noted earlier in the report under DLEP 2011, clause 5.10 Heritage conservation, these were specifically regarding the impact of the proposed development and the heritage item. Comments relating to the wider issues of urban design, streetscape and the Central Business District were also noted earlier in the report under Dubbo DCP 2013, Chapter 2.2 Commercial Development and Subdivision, Element 2 Building design.

Council’s Heritage Advisor concluded that: *“The proposal will on balance enhance the heritage significance of the Old Bank. It will have no impact on other items in the vicinity. The proposal is supported, subject to consent being subject to the recommended controls.”*

#### Chapter 3.5 Parking

The numbers have been addressed earlier in the report under Dubbo DCP 2013, Chapter 2.2 Commercial Development, Element 4 vehicle access and parking.

It should however be noted that there is a bicycle parking requirement of 1 space per 100m<sup>2</sup> NLA for shopping centres. The proposal has a retail component on the ground floor of approximately 3,416m<sup>2</sup> NLA which would equate to approximately 34 bicycle spaces. Some of the motorcycle spaces on the ground floor level could be converted into bicycle spaces and there is sufficient area within the development to meet such a requirement, which will be incorporated into the conditional development consent.

## Flood-Prone Land Policy

Whilst the issue of flooding was addressed earlier in the Report under DLEP 2011, clause 7.1 Flood planning, further comments from Council’s Building Services Team Leader regarding the impact of flooding above the 1% AEP upon the proposed development are relevant and read as follows:

*“Whilst the building is not adversely impacted by a 1% AEP flood compared to similar development proposals proposed on the western side of Macquarie Street, it is still recognised that the development when completed, will have a significant residential occupation. Consequently, it is still considered necessary for the development to have to identify when the building must be evacuated in response to a flood event greater in height than the 1% AEP.*

*Whilst the 1% AEP is generally adopted across the State as the Flood Standard for planning purposes, floods can still occur at a magnitude greater than that of the flood standard. Whilst floods higher than the 1% AEP have a lower probability of occurring, the likelihood of one occurring within one’s lifetime is still significant, as outlined in the table below:*

Size of Flood (Chance of occurrence in any year) ARI/(AEP)	Probability of Experiencing the Given Flood in a Period of 70 Years	
	At least once (%)	At least twice (%)
1 in 10 (10%)	99.9	99.3
1 in 20 (5%)	97.0	86.4
1 in 50 (2%)	75.3	40.8
1 in 100 (1%)	50.3	15.6
1 in 200 (0.5%)	29.5	4.9

*TABLE K1 - Probabilities of Experiencing a Given Size Flood Once or More in a Lifetime  
(predicted by statistical theory for random events)*

*The following Table K1 extracted from the NSW Government's Floodplain Development Manual April 2005, highlights the probability of a particular flood event occurring within a period of 70 years.*

*In this regard a condition has been recommended for imposition requiring the preparation of an appropriate Flood Management Plan for the development.”*

The comments and recommended conditions of Council’s Building Services Team Leader are noted and will be included in the development consent.

*(a)(iv) the regulations*

The Environmental Planning and Assessment Regulation 2000, is not directly applicable to the proposed development.

## **6. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS**

*(b) environmental (natural and built), social and economic impacts*

The subject site is devoid of any vegetation and as such, the proposed landscape plans are deemed to be satisfactory.

There will be significant impacts on the built environment, which is to be expected with a development of this scale. The built environment to Macquarie Street and Hollis Avenue, Serisier and Bank streets will significantly alter.

The major impact to the south is the issue of overshadowing. The likely design of any significant development along the southern properties, currently in various ownerships, would be what is called 'perimeter block apartments'. That is, the building mass is located along the street frontage with an open area on the remainder of the site, permitting light and ventilation. On this basis, the proposed development would have negligible overshadowing impacts from the 3<sup>rd</sup> floor up, being the existing roof of the Quest Apartments.

There are beneficial social and economic impacts resulting from the proposed development, as an increased population within the central business district will utilise those facilities and the existing infrastructure in the immediate locality, also reducing the reliance on motor vehicles.

## **7. SUITABILITY OF THE SITE**

*(c) suitability of the site*

Context, setting and public domain

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

The proposed development will have an effect on the landscape/scenic quality, views/vista, and some impact upon sunlight to adjacent properties to the south.

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

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

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

It is considered the size and shape of the land is suitable for the proposed development and has dictated the design of the development, noting the dual frontage of the site.

- *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 have an impact on the existing and likely future amenity of the locality. But any significant mid-block development in a central business district would have similar impacts.

- *Will the development have an adverse effect on the public domain?*

It is considered the proposed development will have a positive impact on the public domain especially to Macquarie Street. The pedestrian link between Macquarie Street – Hollis Avenue, Serisier Street and Bank Street is seen as beneficial.

#### Environmental considerations

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

It is considered that the development will not have an adverse impact on the local environment. There are no activities proposed which may cause adverse air, soil or water pollution. Appropriate conditions on the consent will ensure possible environmental impacts are minimised at the construction phase.

- *Is the development likely to cause noise pollution?*

Council's Environment & Health Project Officer in the report dated 7 March 2019 has not raised any specific concerns with regard to noise pollution.

Noise will be generated through construction through the use of machinery and the like. An appropriate condition will be included on the consent restricting work hours to minimise impacts to neighbouring property.

Upon occupation the components are not likely to generate noise above that of neighbouring properties. Further acoustic studies shall be required to be submitted prior to the release of the construction certificate.

Access, transport and traffic

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

The surrounding road network is considered to have sufficient capacity to cater for additional traffic movements generated by this development, as confirmed in comments from Council's Senior Traffic Engineer.

Council's Senior Development Engineer in his report dated 15 March 2019, raised no issues regarding the capacity of the local road system as a result of the proposed development.

## **8. SUBMISSIONS**

### *(d) submissions*

The Development Application was placed on notification for a period of nineteen (19) days ending 30 April 2018, during which time an advertisement was placed in the local newspaper (Daily Liberal) and adjoining property owners were notified in writing of the proposed development. Given the scale and nature of the development, notification was extended to include all the properties on the subject block surrounding by Macquarie, Bultje, Brisbane and Wingewarra streets) and also those properties fronting each of those streets.

Council received two (2) submissions during the notification period, the concerns raised and a comment are provided below:

- ***That recently purchased solar panels will be overshadowed and any benefit lost.***

#### **Comment**

The proposed development is located to the west of the objector's premises (solar panels) and as such the solar panels would not be overshadowed until after 12 noon each day.

- ***That Serisier Street (currently one-way) will become two-way, but concerns that the width of the street is insufficient, also reducing on-street parking.***

### **Comment**

There is no proposal to alter Serisier and Bank streets from their current one-way direction.

- ***That the proposed development and the associated traffic would hinder the operation of the adjoining vehicle repair station. Limiting access by customers and the movement of vehicles to and from the site.***

### **Comment**

Access to the business by customers should be not detrimentally impacted, but it should be noted that the public road is not overflow parking for businesses. Given the nature of the Dubbo Central Business District, with more intensive commercial ventures and subsequently increased traffic, quiet back streets will become a rarity.

- ***Recent increases in traffic in the locality has been noted.***

### **Comment**

As the population of Dubbo grows, so does traffic. The issue is whether the traffic generated by the proposed development is detrimental to the locality and if so, what measures can be undertaken to address such impacts. Council's Senior Traffic Engineer has not raised any immediate concerns with the impact of additional traffic upon the local road system.

- ***That the proposed façade is inconsistent with the existing heritage building (Old Bank) and the surrounding streetscape.***

### **Comment**

The façade being inconsistent is not the issue, but whether the proposed development detracts from the heritage value of the listed heritage item. Council's Heritage Advisor has assessed the revised proposal and raises no concerns with the proposal, the Old Bank Hotel or the surrounding streetscape, his comments are detailed earlier in the Report.

- ***The proposed development is completely out of scale with the existing heritage listed building and the existing streetscape of one and two storey commercial buildings.***

### **Comment**

As above, the scale is not the issue, but whether the proposed development detracts from the heritage value of the listed heritage item. Council's Heritage Advisor has assessed the revised proposal and raises no concerns with the proposal, the Old Bank Hotel or the surrounding streetscape, his comments are detailed earlier in the Report.

- ***Appropriate setbacks need to be provided to the existing heritage building and other adjoining buildings.***

**Comment**

Appropriate setbacks have been provided to the Old Bank Hotel as per the comments from Council's Heritage Advisor and the various revisions of the proposal has reduced the overshadowing impacts to adjoining buildings to an acceptable level considering the location of the site (central business district) and the likely redevelopment of the adjoining sites, especially to the south.

- ***The removal of original door and window openings has a negative impact on the heritage significance of the building. Similar issues arise regarding walls and rooms.***

**Comment**

Council's Heritage Advisor has assessed the revised proposal and raises no concerns with regard to the original door and window openings, his comments are detailed earlier in the Report.

- ***That the submitted existing floor plans and elevations are incorrect, with regard to the heritage item.***

**Comment**

Council's Heritage Advisor has assessed the revised proposal and raises no concerns with regard to the submitted plans, his comments are detailed earlier in the Report.

- ***The proposed restaurant/bar attached to the rear and side of the existing heritage building overwhelms the mass of the original building. The proposed roof should be lower than the line of the existing eaves.***

**Comment**

Council's Heritage Advisor has assessed the revised proposal and raises no concerns with regard to the proposed extensions to the Old Bank Hotel and the proposal has been amended such that the proposed roof is lower than the line of the existing eaves. These comments are detailed earlier in the Report.

- ***The external design of the proposal does not fit the character of the streetscape. The mix of elements, screens, jutting boxes and the like do not present as a legible building. Surrounding the heritage building with two levels of car parking to either side is hardly 'celebrating' the building as claimed.***

## **Comment**

Council's Heritage Advisor has assessed the revised proposal and raises no concerns with the proposal, the Old Bank Hotel or the surrounding streetscape, his comments are detailed earlier in the Report.

Following the receipt of amended plans, the Development Application was placed on notification for a period of twenty (20) days ending 22 November 2018, during which time an advertisement was placed in the local newspaper (Daily Liberal), adjoining property owners and those making previous submissions were notified in writing of the amended development.

Council received three (3) submissions during the notification period. While noting that the amended design had reduced the development, the concerns raised remained much the same.

One (1) submission did request a 'visual impact study' of the proposal when viewed from Wingewarra Street opposite the government building on the corner of Macquarie Street. Given the distances and existing buildings between this location and the proposed development, a person standing on the northern kerb of Wingewarra Street and looking south, would only see the top 3.0 metres (top floor) of the proposed development (north tower). As such, a 'visual impact study' was not deemed necessary and not deemed to have any detrimental impact.

## **9. PUBLIC INTEREST**

### *(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.

## **10. CONTRIBUTIONS**

### **CONTRIBUTIONS Section 64 & Section 7.11**

The proposal:      Serviced apartments – 180 x 1 bedroom apartments  
                            Serviced apartments – 39 x 2 bedroom apartments  
                            Commercial/Retail + Old Bank additions – 2,806m<sup>2</sup> GFA  
                            Offices/Levels 3 & 4 – 5,481.6m<sup>2</sup> GFA

The credits:        The Liberal Building                      - 1848m<sup>2</sup> GFA  
                            Vacant Lot (236 Macquarie St)        - 623.3m<sup>2</sup> GFA  
                            Music Store (232 Macquarie St)      - 481.2m<sup>2</sup> GFA

It should also be noted that Contributions are based on the additional impacts of the proposed development upon Council's infrastructure, as such, only the additions to the Old Bank Hotel are being used in these calculations.

#### *Sewer Headworks Contribution*

Council S64 Plan - Motel unit calculated @ 0.25 ETs per unit =  $0.25 \times 219 = 54.75$  ETs  
- Commercial calculated @ 0.125 ETs per 1,000m<sup>2</sup> floorspace + 0.5 ETs per public toilet/urinal =  $2806/1000 \times 0.125 = 0.351$  ETs +  $(0.5 \times 9) = 4.851$  ETs  
- Offices calculated @ no rate provided – say commercial rate @ 0.125 ETs per 1,000m<sup>2</sup> floorspace + 0.5 ETs per public toilet/urinal =  $5481.6/1000 \times 0.125 + (0.5 \times 40) = 0.685 + 20$  ETs = **20.685 ETs**

Credits: 2952.5m<sup>2</sup> GFA @ commercial rate 0.125 ETs per 1,000m<sup>2</sup> floorspace = 0.37 ETs

**Total = 79.916 ETs**

Grand total = 79.916 ETs @ \$5,714.24 per ET = **\$456,659.20**

Utilising the Water Directorate information 2017

Serviced apartments (self-contained) – use multi-residential lots (high density)  
1 bedroom – 0.50 ETs & 2 bedroom – 0.75 ETs  
=  $180 \times 0.50 + 39 \times 0.75 = 90.0 + 29.25 = 119.25$  ETs

Retail shops & Restaurants – 0.01 ETs per m<sup>2</sup> + Take Away/Fast Food (no toilets) – 0.02 ETs per m<sup>2</sup>, but given specific landuses are generally unknown the base rate of 0.01 ETs per m<sup>2</sup>, will be utilised to make the initial calculation, more intensive landuses can pay additional contributions as applicable =  $2615 \times 0.01 = 26.15$  ETs

There is a higher rate for Pub/Bar of 0.05 ETs per m<sup>2</sup> and this will be calculated against the additional floor area only. Therefore:  $191 \times 0.05 = 9.55$  ETs

Offices – 0.01 ETs per m<sup>2</sup> =  $5481.6 \times 0.01 = 54.816$  ETs

**Credits:** 2952.5m<sup>2</sup> GFA @ 0.01 ETs per m<sup>2</sup> = **29.525 ETs**

**Total = 180.241 ETs**

Grand total = 180.241 ETs @ \$5,714.24 per ET = **\$1,029,940.30**

**Note:** The Water Directorate information 2017 is more current than Council's Plan which dates back to 2002, plus it differentiates the sewer impact between 1 & 2 bedroom serviced apartments and the difference with motel units. Council's Plan is limited with regard to

commercial floorspace, whereas the Water Directorate breaks the calculations down by specific land uses (retail shops/restaurants).

The Water Directorate information 2017 is the more comprehensive guide when calculating contributions. Council's own Contributions Plan recognises that it cannot be applied to all development applications and that "Council will determine a demand/loading for the development using the best available data." (p.9).

#### *Water Headworks Contribution*

Council S64 Plan - Motel unit calculated @ 0.06 ETs per unit =  $0.06 \times 219 = 13.14$  ETs  
- Commercial calculated as per Table 3.2 (which doesn't refer to commercial uses) = ?  
- Offices calculated as per Table 3.2 (which doesn't refer to office uses) = ?

Credits: 2952.5m<sup>2</sup> GFA @ Commercial calculated as per Table 3.2 (which doesn't refer to commercial uses) = ?

**Total = 13.14 + ? ETs**

Grand total = 13.14 + ? ETs @ \$5,714.30 per ET = **\$75,085.90 + ?**

#### Utilising the Water Directorate information 2017

Serviced apartments (self-contained) – use multi-residential lots (high density)

1 bedroom – 0.33 ETs & 2 bedroom – 0.5 ETs  
=  $180 \times 0.33 + 39 \times 0.5 = 59.4 + 19.5 = \mathbf{78.9}$  ETs

Retail shops & Restaurants – 0.01 ETs per m<sup>2</sup> + Take Away/Fast Food (no toilets) – 0.02 ETs per m<sup>2</sup>, but given specific landuses are generally unknown the base rate of 0.01 ETs per m<sup>2</sup>, will be utilised to make the initial calculation, more intensive landuses can pay additional contributions as applicable =  $2615 \times 0.01 = \mathbf{26.15}$  ETs

There is a higher rate for Pub/Bar of 0.03 ETs per m<sup>2</sup> and this will be calculated against the additional floor area only. Therefore:  $191 \times 0.03 = \mathbf{5.73}$  ETs

Offices – 0.01 ETs per m<sup>2</sup> =  $5481.6 \times 0.01 = \mathbf{54.816}$  ETs

**Credits:** 2952.5m<sup>2</sup> GFA @ 0.01 ETs per m<sup>2</sup> = **29.525** ETs

**Total = 136.071** ETs

Grand total = 136.071 ETs @ \$5,714.30 per ET = **\$777,550.51**

**Note:** The Water Directorate information 2017 is more current than Council's Plan which dates back to 2002, plus it differentiates the sewer impact between 1 & 2 bedroom serviced

apartments and the difference with motel units. Council's Plan is limited with regard to commercial floorspace, whereas the Water Directorate breaks the calculations down by specific land uses (retail shops/restaurants).

The Water Directorate information 2017 is the more comprehensive guide when calculating contributions. Council's own Contributions Plan recognises that it cannot be applied to all development applications and that "Council will determine a demand/loading for the development using the best available data." (p.9).

#### *Open Space Recreation Contribution*

The site is located in the Central (South) planning unit.

Calculated at the following rate: 1 bedroom / studio apartments - 1.1 persons + 2 bedroom apartments – 1.6 persons.

$$= 180 \times 1.1 + 39 \times 1.6 = 198.0 + 62.4 = 260.4 \text{ persons}$$

Total = 260.4 persons – 18.2 persons credit (existing 7 lots) = **242.2 persons @ \$1,393.82 per person = \$337,583.20**

Note: The commercial/retail area does not generate any contributions.

#### *Stormwater Contribution*

The subject site is located in Catchment 1.4 Church Street Drain.

The site was prior to the demolition of the Liberal building predominantly impervious, with the existing building and concrete carpark and will remain impervious with the proposed development. As such, no Contributions are warranted.

The current situation has run-off flowing into Macquarie Street or the rear streets (Holls Avenue, Serisier Street and Bank Street) without any significant controls, the proposed development will greatly improve the current situation.

#### *Urban Roads Headworks Contribution*

Calculated at the following rate:

$$\begin{aligned} & 3 \text{ trips per motel unit (serviced apartment)} \\ & = 3 \times 219 = 657 \text{ trips.} \end{aligned}$$

The applicable rate for the ground floor commercial/retail aspect of the proposed development (excluding the Old Bank Hotel):

CBD retail @ 48 trips per 100m<sup>2</sup> GFA  
= 2615/100 x 48 = 1255.2 trips

CBD Commercial @ 25 trips per 100m<sup>2</sup> GFA  
= 5481.6/ 100 x 25 = 1370.4 trips

Serviced Apartment component	= <b>657 trips</b>
CBD Retail component	= <b>1255.2 trips</b>
CBD Commercial component	= <b>1370.4 trips</b>

Total commercial trips generated = **3,282.6 trips**

The credit should be as per the debit calculated, that is for CBD commercial @ 25 trips per 100m<sup>2</sup> GFA, CBD retail @ 48 trips per 100m<sup>2</sup> GFA and warehouses @ 4 trips per 100m<sup>2</sup> GFA. The GFA of the Music Store (232 Macquarie Street) (481.2m<sup>2</sup>), Vacant Lot (236 Macquarie Street) (650m<sup>2</sup>) and the Liberal Building (1265m<sup>2</sup> + 1000m<sup>2</sup>).

Music Store (232 Macquarie Street) 481.2m <sup>2</sup> x 48 trips/100m <sup>2</sup> GFA	= 230.98 trips
Vacant Lot (236 Macquarie Street) 650m <sup>2</sup> x 48 trips/100m <sup>2</sup> GFA	= 312 trips
Liberal Building (admin + offices) 1265m <sup>2</sup> x 25 trips/100m <sup>2</sup> GFA	= 316.25 trips
Liberal Building (storage areas) 1000m <sup>2</sup> x 4 trips/100m <sup>2</sup> GFA	= 40 trips

Total commercial trip **credits** = **899.23 trips**

**Total trips = 2,383.37 @ \$401.40 per trip = \$956,684.71**

As stated earlier in the report, the proposed development does not meet the parking requirement of 357 spaces, but noting the concession granted for the motorcycle spaces (10.71 motorcycle spaces, being the equivalent of 7 carparking spaces), the required parking is **350 spaces**. The architectural plans indicate that 334 spaces have been provided, which will be reduced to **333 spaces** (to provide an additional accessible carspace) and therefore result in a deficit of **17 spaces**.

The contribution plan makes provision for developments that cannot meet the required parking rate to provide a monetary payment to Council. The current value is \$26,420.00 per space and therefore the applicable contribution will be \$449,140.00 for the 17 spaces, a condition of consent shall require payment (in lieu of providing the spaces), prior to the issue of the relevant Occupation Certificate or Subdivision Certificate, whichever occurs first. Noting that the development will not be deficient with regard to parking until Level 8 of the southern tower is completed.

## **11. INTERNAL REFERRALS**

### Building Assessment

The Building Services Team Leader in the report dated 26 November 2018 and confirmed in his memorandum dated 25 February 2019 (copies on file) raised no specific concerns with the revised development, providing conditions of consent.

### Engineering Assessment

The Senior Development Engineer in his final report dated 15 March 2019 (copy on file) raised no specific concerns with the revised development, providing conditions of consent.

### Environment and Health Assessment

The Environment & Health Project Officer in his final report dated 7 March 2019 (copy on file) raised no specific concerns with the revised development, providing conditions of consent.

### Heritage & Urban Design Assessment

The Heritage Advisor in his final report dated 15 March 2019 (copy on file) raised no specific concerns with the revised development, providing conditions of consent.

## **12. SUMMARY & RECOMMENDATION**

The Applicant has sought development consent for a Mixed Use Development comprising: commercial premises, existing Bank Hotel and public entry - ground floor; carparking - Levels 1 and 2; offices - Levels 3 and 4; and serviced apartments - Levels 5-9. The proposal also includes a ten (10) lot stratum and subsequent strata title subdivision of various components of the development. The proposal is also proposed to be built over two (2) stages.

The subject site is Lots 1 & 2 DP 1218523, Lot B DP 398124, Lots 10 & 11 DP 1046365, Lots 1 & 2 DP 204986, Lot 2 DP 545488, No's 216-236 Macquarie Street & No.1 Bank Street, Dubbo.

The proposal also includes the demolition of the existing building at No.232 Macquarie Street (Lot 10 DP 1046365) and some outbuildings at No.220 Macquarie Street (Lot B DP 398124), behind the Bank Hotel.

The proposed development is considered to have impacts upon the amenity of the locality, however these have been mitigated through amendments to the design and consideration of the likely development on the adjoining allotments.

The proposed development is not inconsistent with the objectives of the applicable Environmental Planning Instruments, Development Control Plan 2013 and Council policies and is therefore recommended for approval subject to a conditional consent.

*Darryll Quigley*  
Manager Building and Development Services

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

*Stephen Wallace*  
Director Planning and Environment

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_