

DATE OF DETERMINATION	Thursday, 11 April 2019
PANEL MEMBERS	Gordon Kirkby (Chair), Mark Grayson, Ruth Fagan, Lindsay Mathieson and Josie Howard
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Dubbo Regional Council – Cnr Church & Darling Streets, Dubbo on 11 April 2019, opened at 11:00am and closed at 12:15pm.

MATTER DETERMINED

2018WES010 – Dubbo Regional Council – DA2018-179 at 216-236 Macquarie Street Dubbo – Liberal Building Development (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The proposed development is permissible with consent in the B3 Commercial Core Zone under *Dubbo Local Environmental Plan 2011*.
- The proposal is generally consistent with the provisions of *Dubbo Development Control Plan 2013*. There are a number of minor inconsistencies with the DCP however the Panel was satisfied that the inconsistencies are justified given the use and location of the development.
- The Panel recognises that the development, through its scale, function and location in Macquarie Street will set a precedent for future development of this scale in the Dubbo CBD.
- In this regard the Panel notes the significant effort by the Applicant and Council Planning staff to resolve the urban design and heritage issues raised by the Panel at the project briefing held on 20 November 2018. The modified design was considered by the Panel to be appropriate for the site and its context.
- The Panel was satisfied that, with regard to traffic management, these issues could be managed through the implementation of a Traffic Management Plan as required by amended conditions of consent.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Include a new condition that restricts the accommodation portion of the building to serviced apartment use and not permit permanent residential use. The condition is to require a restrictive covenant to be registered on the title of the development site. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier.

- Amend (recommended) Condition 50 to require the Traffic Management Plan to specify appropriate times for service delivery vehicles to access the car park and loading bay. The objective being to minimise conflicts between service vehicles and private vehicles in the car parking area and adjoining streets.
- Include a new condition to specify that the development is required to provide a minimum 333 car spaces.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that issues of concern included:






- Traffic management and parking, particularly potential impacts on Seriser Street, Bank Street and Holls Avenue
- Heritage impact on the Old Bank building
- Bulk, scale and architectural design of the development in the context of Dubbo CBD
- Overshadowing of solar panels on the adjacent property to the east of the site after midday

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

In relation to heritage and design issues, the Panel at its briefing on the project held 20 November 2018, recommended that Council obtain independent advice. The Panel notes that Council engaged the services of its Heritage Advisor, Graham Hall to provide advice in this regard and this has resulted in a number of amendments to the buildings’ design.

In relation to traffic and parking, the Panel is satisfied that these issues are able to be managed through an amended condition requiring specific details on service delivery vehicle times and operations.

In relation to the overshadowing of solar panels, the Panel notes that the proposed buildings are consistent with the LEP controls and generally consistent with DCP controls. The minor inconsistencies with the DCP control were not considered to materially change the impact on the solar Panels. The scale of the building is appropriate for the CBD. The solar panels would still receive unimpeded sunlight during the morning period.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Mark Grayson
 Ruth Fagan	 Lindsay Mathieson
 Josie Howard	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018WES010 – Dubbo Regional Council – DA2018-179
2	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 apartment – Levels 5 – 9; stratum subdivision.
3	STREET ADDRESS	No's 216-236 Macquarie Street & No.1 Bank Street, Dubbo
4	APPLICANT/OWNER	Maas Group family Properties / MGFP Holdings Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning Instrument – DLEP 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Development Control Plan – Dubbo DCP 2013 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 28 March 2019 • Written submissions during public exhibition: 5 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Patrick Crowley and Peter Duggan ○ Council assessment officer – Darryll Quigley ○ On behalf of the applicant – Patrick Lebone, Greg Huc, Phillip Pollard, Steve Guy and Wes Maas
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: Thursday, 20 November 2018 – 12:00pm – 1:15pm • Briefing: Thursday, 20 November 2018 • Final briefing to discuss council's recommendation, Thursday, 11 April 2018, 10:00am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Mark Grayson, Ruth Fagan and Josie Howard ○ <u>Council assessment staff</u>: Darryll Quigley
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report