

**DETERMINATION AND STATEMENT OF REASONS**  
WESTERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	06 July 2023
<b>DATE OF PANEL DECISION</b>	06 July 2023
<b>DATE OF PANEL MEETING</b>	04 July 2023
<b>PANEL MEMBERS</b>	Garry Fielding (Chair), Graham Brown, Donna Rygate, Lindsay Mathieson, Josie Howard
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 19 June 2023.

**MATTER DETERMINED**

PPSWES-162 - D2022-596 - Dubbo Regional Council - 216-236 Macquarie Street, Dubbo, demolition of existing commercial building and construction of a Mixed-Use Development (15 storey) comprising 8 commercial tenancies, 162 hotel rooms, 41 residential apartments, 294 parking spaces, stratum subdivision (3 Lots), commercial strata subdivision (9 Lots) and residential strata subdivision (42 Lots) (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.

**Development application**

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 panel determined to approve the application, generally for the reasons outlined in the council assessment report.

“The Panel strongly urges the council to undertake some strategic planning for the Dubbo commercial centre. The absence of development standards for important standards for height and FSR could inhibit future development. Also, the future planning for the wider area in terms of accessibility and co-ordination is absent.

**CONDITIONS**

The development application was approved subject to the conditions in the council assessment report with the updated B1 condition incorporating the equivalent provisions of the BCA 2022 as adopted in NSW on the 1 May 2023.

**B1 Fire Safety Upgrade**

For the purposes of upgrading the existing “Old Bank” building’s fire safety, one or both of the following options shall be undertaken as the required fire safety upgrading for such building, the details of which are to be submitted with the Construction Certificate application as part of the proposed building works.

Provide and install the following measures to the exit stair serving the first floor of the subject building:

**Option 1**

- (a) The stair to be brought into conformity with D3D9, D3D14(1)(e) and D3D22 of the BCA; and
  - (b) The stair to be brought into conformity with D4D4(a) of the BCA and Access Code;
- or

**Option 2**

(a) In lieu of the above requirements, a Performance Solution Report prepared by an appropriate building/fire safety consultant addressing the following performance requirements of the BCA and Access Code in terms of upgrading the existing building's exit stair:

- D1P2, D1P3, D1P4, D1P6; and

The aforementioned Performance Solution Report addresses and substantiates that the building when its upgrading is completed, will achieve conformity with the aforementioned performance provisions as are applicable to the subject stair's use and a required exit from the proposed new building work.






Reason: Council requirement for provision of adequate fire safety upgrading of the building in consideration of Section 64 under the EP&A Regulation 2021

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the panel considered two written submissions made during public exhibition. The panel notes that issues of concern included:

- Over shadowing – impact on solar panels
- Over development / out of scale with exiting streetscape
- Access to and from existing business in Seriser Street
- Impact on the Heritage listed Old Bank Hotel

The Panel considers concerns raised in submissions have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Donna Rygate
 Graham Brown	 Lindsay Mathieson
 Josie Howard	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-162 - D2022-596 - Dubbo Regional
2	PROPOSED DEVELOPMENT	Demolition of existing commercial building and construction of a Mixed-Use Development (15 storey) comprising 8 commercial tenancies, 162 hotel rooms, 41 residential apartments, 294 parking spaces, stratum subdivision (3 Lots), commercial strata subdivision (9 Lots) and residential strata subdivision (42 Lots)
3	STREET ADDRESS	216-236 Macquarie Street, Dubbo
4	APPLICANT/OWNER	Applicant: Maas Group Properties Liberal Pty Limited Owner: Maas Group Properties Liberal Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	<b>Council related development over \$5 million</b>
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> </ul> </li> <li>Dubbo Regional Local Environmental Plan 2021</li> <li>Dubbo Development Control Plan 2013</li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 15 June 2023</li> <li>Written submissions during public exhibition: 3</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site Visit and Briefing: 28 February 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, Lindsay Mathieson, Josie Howard</li> <li><u>Council assessment staff</u>: Bo Moshage</li> </ul> </li> <li>Briefing: 18 April 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, Lindsay Mathieson</li> <li><u>Council assessment staff</u>: Bo Moshage</li> <li><u>Applicant</u>: Helen Saunders, Michael Noonon and Nick Chevalley from Maas Group, Richard Foley and Mile Miocinovic from Stuff Studio</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 04 July 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, Lindsay Mathieson, Josie Howard</li> <li><u>Council assessment staff</u>: Bo Moshage, Shaun Reynolds</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Applicant</u>: Helen Saunders, Michael Noonon and Nick Chevalley from Maas Group</li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report