



AGENDA

ORDINARY COUNCIL MEETING

26 MARCH 2018

MEMBERSHIP: Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields.

The meeting is scheduled to commence at 5.30pm.

PRAYER:

O God, Grant that by the knowledge of thy will, all we may resolve shall work together for good, we pray through Jesus Christ our Lord. Amen!

ACKNOWLEDGEMENT OF COUNTRY:

"I would like to acknowledge the Wiradjuri People who are the Traditional Custodians of the Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal peoples from other nations who are present".

	Page
CCL18/31 CONFIRMATION OF MINUTES (ID18/530) Confirmation of the minutes of the proceedings of the Dubbo Regional Council meeting held on 26 February 2018.	4
CCL18/32 LEAVE OF ABSENCE (ID18/531)	
CCL18/33 PUBLIC FORUM (ID18/532)	
MAYORAL MINUTES:	
CCL18/34 EROSION AT THE BELL RIVER/MACQUARIE RIVER JUNCTION AND THREATS TO INFRASTRUCTURE (ID18/526) The Council had before it the Mayoral Minute regarding Erosion at the Bell River/Macquarie River Junction and Threats to Infrastructure	24
INFORMATION ONLY MATTERS:	
CCL18/35 ANNUAL REPORT FROM THE DREAM FESTIVAL (ID18/528) The Council had before it the report dated 19 March 2018 from the Director Community and Recreation regarding Annual report from the DREAM festival.	26

- CCL18/36 ANNUAL REPORT OF THE AUDIT AND RISK MANAGEMENT COMMITTEE FOR THE YEAR ENDED DECEMBER 2017 (ID18/527)** 45
The Council had before it the report dated 19 March 2018 from the Internal Auditor regarding Annual Report of the Audit and Risk Management Committee for the year ended December 2017.

MATTERS CONSIDERED BY COMMITTEES:

- CCL18/37 REPORT OF THE PLANNING DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING 19 MARCH 2018 (ID18/533)** 58
The Council had before it the report of the Planning, Development and Environment Committee meeting held 19 March 2018.

- CCL18/38 REPORT OF THE INFRASTRUCTURE COMMUNITY AND RECREATION COMMITTEE - MEETING 19 MARCH 2018 (ID18/534)** 64
The Council had before it the report of the Infrastructure, Community and Recreation Committee meeting held 19 March 2018.

- CCL18/39 REPORT OF THE ECONOMIC DEVELOPMENT BUSINESS AND CORPORATE COMMITTEE - MEETING 19 MARCH 2018 (ID18/535)** 75
The Council had before it the report of the Economic Development, Business and Corporate Committee meeting held 19 March 2018.

- EDBC18/15 RURAL FIRE SERVICE TRAINING FACILITY AT DUBBO CITY REGIONAL AIRPORT - REQUEST FOR ADDITIONAL LAND (ID18/296)**
The Committee had before it the report dated 28 February 2018 from the Manager Property Assets regarding Rural Fire Service Training Facility at Dubbo City Regional Airport - request for additional land.

REPORTS FROM STAFF:

- CCL18/40 DUBBO REGIONAL COUNCIL DIVISIONAL AND SENIOR STAFF ORGANISATION STRUCTURE (ID18/501)** 80
The Council had before it the report dated 13 March 2018 from the General Manager regarding Dubbo Regional Council Divisional and Senior Staff Organisation Structure.

- CCL18/41 MEMBERSHIP OF JOINT ORGANISATIONS (ID18/540)** 87
The Council had before it the report dated 21 March 2018 from the General Manager regarding Membership of Joint Organisations.

- CCL18/42 ADDENDUM TO PDEC17/9 DEVELOPMENT APPLICATION D2017-462 - TWO (2) SUBDIVISION, MULTI DWELLING HOUSING AND FOUR (4) LOT STRATA SUBDIVISION**
PROPERTY: 197 WINGEWARRA STREET, DUBBO
APPLICANT: MR R STEVENSON
OWNER: RACEBAIL PTY LTD (ID18/511) 90
- The Council had before it the report dated 20 March 2018 from the Statutory Planning Services Team Leader regarding Addendum to PDEC17/9 Development Application D2017-462 - Two (2) Subdivision, Multi Dwelling Housing and Four (4) Lot Strata Subdivision.
- CCL18/43 2017/2018 FINANCIAL ASSISTANCE PROGRAM - ROUND TWO (ID18/171)** 246
- The Council had before it the report dated 30 January 2018 from the Director Community and Recreation regarding 2017/2018 Financial Assistance Program - Round Two.
- CCL18/44 UTILISATION OF WELLINGTON ADMINISTRATION BUILDING FLOOR SPACE (ID18/525)** 264
- The Council had before it the report dated 16 March 2018 from the General Manager regarding Utilisation of Wellington Administration Building Floor Space.
- CCL18/45 OLD DUBBO GAOL CONCEPT DESIGN PLAN STAGE 1 (ID18/423)** 268
- The Council had before it the report dated 2 March 2018 from the Manager Visitor Experiences and Services regarding Old Dubbo Gaol Concept Design Plan Stage 1.
- CCL18/46 COMMENTS AND MATTERS OF URGENCY (ID18/536)**



Confirmation of Minutes

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 26 February 2018.

RECOMMENDATION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 26 February 2018 comprising pages 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the General Manager.

Appendices:

- 1 [Ordinary Council Meeting - 26 February 2018 - Minutes](#)



REPORT

ORDINARY COUNCIL MEETING

26 FEBRUARY 2018

PRESENT: Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields.

ALSO IN ATTENDANCE:

The General Manager, the Director Corporate Services, the Manager Financial Operations, the Manager Governance and Risk (S Wade), the Administrative Officer Governance, the Director Economic Development and Business, the Manager Communications and Stakeholder Engagement, the Director Infrastructure and Operations, the Manager Transport and Emergency, the Director Planning and Environment, the Manager Environmental Control, the Manager Building and Development Services, the Manager Strategic Planning Services, the Director Community and Recreation and the Manager Social Services.

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm with a prayer for Divine Guidance to the Council in its deliberations and activities. The acknowledgement of country was also read by Councillor D Gumley.

CCL18/12 CONFIRMATION OF MINUTES (ID18/9)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 18 December 2017, Extraordinary Council meeting held on 19 January 2018, Extraordinary Council meeting held on 31 January 2018 and Extraordinary Council meeting held on 14 February 2018.

Moved by Councillor G Mohr and seconded by Councillor A Jones

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 18 December 2017 comprising pages 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 of the series, Extraordinary Council meeting held on 19 January 2018 comprising pages 35, 36 and 37 of the series, Extraordinary Council meeting held on 31 January 2018 comprising pages 38 and 39 of the series and Extraordinary Council meeting held on 14 February 2018 comprising pages 42, 43, 44 and 45 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the General Manager.

CARRIED

CCL18/13 LEAVE OF ABSENCE (ID18/10)

There were no requests for leave of absence recorded.

CCL18/14 PUBLIC FORUM (ID18/11)

There were no speakers during Public Forum.

MAYORAL MINUTES:**CCL18/15 SUPPORT FOR 'PROTECT THE PROTECTORS' CAMPAIGN (ID18/144)**

The Council had before it the Mayoral Minute regarding Support for 'Protect the Protectors' Campaign.

Moved by Councillor B Shields

MOTION

1. That Council provide its support for the 'Protect the Protectors' campaign and provide a letter of support to the campaign accordingly.
2. That Council moves a motion in support of the 'Protect the Protectors' campaign with supporting arguments at the 2018 Local Government NSW conference.
3. That Council makes representations to the Minister for Roads, Maritime and Freight, Melinda Pavey, and the Minister for Emergency Services, Troy Grant indicating its support for the 'Protect the Protectors' campaign and requesting that consideration be given to the introduction of 40kph speed zones at emergency events.

CARRIED

CCL18/16 PLAYMATES COTTAGE UPDATE (ID18/203)

The Council had before it the Mayoral Minute regarding Playmates Cottage Update.

Moved by Councillor B Shields

MOTION

That the information contained within the Mayoral Minute be noted.

CARRIED

CCL18/17 IMPROVING MOBILE PHONE COVERAGE THROUGHOUT THE LOCAL GOVERNMENT AREA (ID18/213)

The Council had before it the Mayoral Minute regarding Improving Mobile Phone Coverage Throughout the Local Government Area.

Moved by Councillor B Shields

MOTION

1. That Council make representations to the Minister for Communications, the Hon Mitch Fifield MP, the Federal Member for Parkes, Mark Coulton MP and the State Member for Dubbo, the Hon Troy Grant MP, regarding the lack of mobile services in the Eumungerie area of the Dubbo Regional Council Local Government area.
2. That Council make further representations to the Minister for Communications, the Hon Mitch Fifield MP, the Federal Member for Parkes, Mark Coulton MP and the State Member for Dubbo, the Hon Troy Grant MP, requesting a review of mobile phone services in the Eumungerie area and possible funding of further mobile phone towers to expand services in this area.

CARRIED

CCL18/18(a) QANTAS GROUP PILOT ACADEMY (ID18/213)

The Council had before it the Mayoral Minute regarding Qantas Group Pilot Academy.

Moved by Councillor B Shields

MOTION

1. That Council write to Qantas Chief executive Alan Joyce to express Council's interest in supporting the establishment of the Qantas Group Pilot Academy at the Dubbo City Regional Airport.
2. That Council make representations to the Federal Member for Parkes, Mark Coulton MP and the State Member for Dubbo, the Hon Troy Grant MP, regarding the establishment of the Qantas Group Pilot Academy in the Dubbo Regional Council Local Government area.
3. That the General Manager be authorised to submit a business case to Qantas for the establishment of the Qantas Group Pilot Academy at the Dubbo City Regional Airport.

CARRIED

MATTERS CONSIDERED BY COMMITTEES:

Clause CCL18/21 was brought forward for consideration and was dealt with at this juncture.

CCL18/21 REPORT OF THE AUDIT AND RISK MANAGEMENT COMMITTEE - MEETING 19 FEBRUARY 2018 (ID18/257)

The Council had before it the report of the Audit and Risk Management Committee meeting held 19 February 2018.

Moved by Councillor A Jones and seconded by Councillor G Mohr

MOTION

That the report of the Audit and Risk Management Committee meeting held on 19 February 2018, be adopted, save and except clause AUD18/1 with such matter being dealt with separately.

CARRIED

AUD18/1 PRESENTATION OF COUNCIL'S 2016/2017 FINANCIAL STATEMENTS (ID18/240)

The Committee had before it the report dated 12 February 2018 from the Manager Financial Operations regarding Presentation of Council's 2016/2017 Financial Statements. The Council reports having met with Mr M Monarco, Audit Office of NSW regarding this matter.

Moved by Councillor A Jones and seconded by Councillor D Gumley

MOTION

- 1. That the information provided in the report by the Manager Financial Operations dated 12 February 2018 Council's 2016/2017 Financial Statements and the Audit Offices presentation be noted.**
- 2. That it be noted that the Audit and Risk Management Committee is not aware of any issues that would preclude the Dubbo Regional Council from adopting the financial statements for the year ended 30 June 2017 as presented. The Audit and Risk Management Committee has reviewed and discussed the audit process and received confirmation from the External Auditor that:**
 - They have been provided access to all necessary records.**
 - Auditor staff are suitably qualified to conduct the audit.**
 - Had sufficient time to complete.**
 - Items identified have been resolved to their satisfaction.**
 - Representations made in the External Auditors Client Services Report have been noted.**
- 3. That having regard to the above, the Annual Financial Statements for the year ended 30 June 2017, as attached to the report of the Manager Financial Operations dated 12 February 2018, be accepted.**

CARRIED

**CCL18/18 REPORT OF THE PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
- MEETING 19 FEBRUARY 2018 (ID18/12)**

The Council had before it the report of the Planning, Development and Environment Committee meeting held 19 February 2018.

Moved by Councillor S Lawrence and seconded by Councillor A Jones

MOTION

That the report of the Planning, Development and Environment Committee meeting held on 19 February 2018, be adopted, save and except clauses PDEC18/3, PDEC18/6, PDEC18/7 and PDEC18/8 with such matters being dealt with separately.

CARRIED

**PDEC18/3 NOMINATIONS FOR THE WESTERN JOINT REGIONAL PLANNING PANEL (JRPP)
(ID17/2218)**

The Council had before it the report dated 12 December 2017 from the Manager Building and Development Services regarding Nominations for the Western Joint Regional Planning Panel (JRPP).

Moved by Councillor S Lawrence and seconded by Councillor G Mohr

MOTION

- 1. That Council call expressions of interest for two (2) nominations to represent Council on the Western Joint Regional Planning Panel, for a period not to exceed three (3) years.**
- 2. That Mr Dunstan and Mr Mathieson be acknowledged and thanked for their service in the capacity of Dubbo Regional Council's representatives to the Western Joint Regional Planning Panel.**
- 3. That in line with the Planning Panels Operational Procedures, completed assessment reports for consideration by the Western Joint Regional Planning Panel are to be referred immediately to the panel secretariat without reference to formal Council meetings for notation.**

CARRIED

**PDEC18/6 DEVELOPMENT APPLICATION D2017-611 - THREE (3) LOT SUBDIVISION
(COMMUNITY TITLE)
PROPERTY: 7 RAWSON STREET, DUBBO
APPLICANT/OWNER: MR N & MRS J DENNIS
DATE LODGED: 24 NOVEMBER 2017 (ID18/170)**

The Council had before it the report dated 12 February 2018 from the Planner regarding Development Application D2017-611 - Three (3) Lot Subdivision (Community Title) Property: 7 Rawson Street, Dubbo.

Moved by Councillor V Etheridge and seconded by Councillor J Diffey

MOTION

1. That Development Application D2017-611 for a three (3) lot subdivision (Community Title) of Lot 1 DP 11095, 7 Rawson Street, Dubbo, be granted 'deferred commencement' consent subject to the conditions included as attached to the report of the Planner dated 12 February 2018 as Appendix 3.
2. That those who made submissions be advised of Council's determination in this matter.

Moved by Councillor D Grant and seconded by Councillor K Parker

AMENDMENT

1. That Development Application D2017-611 for a three (3) lot subdivision (Community Title) of Lot 1 DP 11095, 7 Rawson Street, Dubbo, be granted 'deferred commencement' consent subject to the conditions included as attached to the report of the Planner dated 12 February 2018 as Appendix 3 subject to the amendment of deferred commencement condition A as follows:

- The following deferred commencement condition must be satisfied and evidence provided to Council within 12 months of the determination date of this consent.

(A) This approval shall not commence to operate until a preliminary site investigation has been undertaken given a history of potential waste burial and the unauthorised removal of a shed on the property. The preliminary site investigation shall be submitted to Council for approval, outlining the results of the investigation and status of the land.

{Reason: Council requirement for protection of the environment}”.

2. That those who made submissions be advised of Council's determination in this matter.

The amendment on being put to the meeting was carried.

CARRIED

The amendment then became the motion and on being put to the meeting was carried.

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

FOR	AGAINST
Councillor Diffey	
Councillor Etheridge	
Councillor Grant	
Councillor Jones	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (7)	Total (0)

Councillor S Lawrence declared a pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor S Lawrence owns a neighbouring property.

Councillor G Mohr declared a non-pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor G Mohr has previously been a colleague of the complainant.

Councillor D Gumley declared a non-pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor D Gumley knows, through his employment, a party who holds an objection to this item.

**PDEC18/7 DEVELOPMENT APPLICATION D2017-620 - THREE (3) LOT SUBDIVISION (STRATA TITLE)
PROPERTY: 1 POZIERES STREET, DUBBO
APPLICANT/OWNER: FAODAIL PTY LTD
DATE LODGED: 29 NOVEMBER 2017 (ID18/201)**

The Council had before it the report dated 7 February 2018 from the Planner regarding Development Application D2017-620 - Three (3) Lot Subdivision (Strata Title) Property: 1 Pozieres Street, Dubbo.

Moved by Councillor S Lawrence and seconded by Councillor J Diffey

MOTION

That Development Application D2017-620 for a three (3) lot subdivision (Strata Title) of Lot 10 DP 1236532, 1 Pozieres Street, Dubbo be approved subject to the conditions included as Appendix 2.

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

FOR	AGAINST
Councillor Diffey	
Councillor Etheridge	
Councillor Grant	
Councillor Gumley	
Councillor Jones	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (10)	Total (0)

PDEC18/8 MODIFIED DEVELOPMENT APPLICATION D2016-482 PART 2 - EXTRACTIVE INDUSTRY (QUARRY)
PROPERTY: LOT 211 DP 1220433, 20L SHERATON ROAD, DUBBO
OWNER/APPLICANT: REGIONAL HARDROCK PTY LTD
LODGED: 26 SEPTEMBER 2017 (ID18/216)

The Council had before it the report dated 12 February 2018 from the Senior Planner regarding Modified Development Application D2016-482 Part 2 - Extractive Industry (Quarry).

Moved by Councillor S Lawrence and seconded by Councillor D Gumley

MOTION

1. That the Modified Development Application D2016-482 Part 2 for an extractive industry (quarry) at Lot 211 DP 1220433, 20L Sheraton Road, Dubbo, be granted consent subject to the conditions included as Appendix 1 of the report of the Senior Planner dated 12 February 2018 which includes the following amendments:
 - Modification to conditions 1, 4, 7, 11, 15, 22, 30, 40 and 48;
 - Deletion of conditions 8 and 42;
 - Additional condition 50; and
 - Notations 2, 6, 7 and 8 being amended.
2. That those who made submissions be advised of Council's determination in this matter.

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

FOR	AGAINST
Councillor Diffey	
Councillor Etheridge	
Councillor Grant	
Councillor Gumley	
Councillor Jones	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (10)	Total (0)

CCL18/19 REPORT OF THE INFRASTRUCTURE, COMMUNITY - MEETING 19 FEBRUARY 2018 (ID18/13)

The Council had before it the report of the Infrastructure, Community and Recreation Committee meeting held 19 February 2018.

Moved by Councillor S Lawrence and seconded by Councillor G Mohr

MOTION

That the report of the Infrastructure, Community and Recreation Committee meeting held on 19 February 2018, be adopted, save and except clauses ICRC18/4, ICRC18/7, ICRC18/10, ICRC18/12 and ICRC18/13 with such matters being dealt with separately.

CARRIED

ICRC18/4 PROPOSED ROAD CLOSURE OF PART FITZROY STREET ADJACENT TO COUNCIL'S LOT 10 DP 258615 (ID18/241)

The Council had before it the report dated 12 February 2018 from the Manager Transport and Emergency regarding Proposed Road Closure of Part Fitzroy Street adjacent to Council's Lot 10 DP 258615.

Moved by Councillor S Lawrence and seconded by Councillor A Jones

MOTION

- 1. That Council consent to an application being made to the Department of Industry – Crown Lands to close the subject area of public road in Fitzroy Street to the east of LOT 10 in DP 258615, for the purpose of disposal to adjacent land owners (S and P Maroulis) and J and D Temesvary, respectively.**
- 2. That Council prepare for sale LOT 10 in DP 258615 to the adjoining owners of LOT 8 DP 258615 and LOT 13 DP 816293 in conjunction with the closure and disposal of the redundant Fitzroy Street Road Reserve.**
- 3. That the price of the land to be disposed of be subject to an independent valuation of all parcels being prepared and include full recovery from the purchasers of development approval and other costs to be incurred by Council in presenting the land for sale.**
- 4. That any necessary documents be executed under the Common Seal of the Council.**

CARRIED

Councillor D Grant declared a pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor D Grant has business dealings with S and P Maroulis through his work with Elders Insurance.

ICRC18/7 REQUEST FOR REVIEW OF WATER CHARGES - ASSESSMENT 1162677 (ID18/204)

The Council had before it the report dated 2 February 2018 from the Director Infrastructure and Operations regarding Request for Review of Water Charges - Assessment 1162677.

Moved by Councillor S Lawrence and seconded by Councillor V Etheridge

MOTION

That Council confirm the current adjustment in outstanding Water Access Charges for 50 mm and 100 mm fire services for Assessment 1162677, as outlined in the report to Council of 19 February 2018 on this matter, of \$6,059.85.

CARRIED

Councillor J Diffey declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room during the Council's consideration of this matter. The reason for such interest is that Mr and Mrs Day's property is located in community plan that Councillor J Diffey previously managed as a strata manager for Dubbo Strata Management that such interest would not impair her decision making on the matter.

ICRC18/10 DUBBO FAMILY DAY CARE SCHEME-PROPOSED INCREASE IN FEES AND THE PROPOSED INTRODUCTION OF A BUILDING LEASE (ID18/129)

The Council had before it the report dated 22 January 2018 from the Manager Social Services regarding Dubbo Family Day Care Scheme-Proposed Increase in Fees and the Proposed Introduction of a Building Lease.

Moved by Councillor S Lawrence and seconded by Councillor V Etheridge

MOTION

- 1. That the information contained within the report of the Manager Social Services dated 22 January 2018 be noted.**
- 2. That the Dubbo Family Day Care Scheme increase the Parent Administration Levy from the current figure of \$1.00/hour to \$1.75/hour by 1 July 2019. Such increase will be undertaken in .25 cents/hour blocks from 1 March 2018 to 1 July 2019 as attached to the report of the Manager Social Services dated 22 January 2018 as Appendix 1.**
- 3. That the Dubbo Family Day Care Scheme lease the learning environment facilities located within the Coordination Unit on an as needs basis at a cost of \$20 per session from 1 March 2018. Educational resources located within the facility to be leased at \$10 per session from 1 March 2018 as attached to the report of the Manager Social Services dated 22 January 2018 as Appendix 1.**
- 4. That the increase in fees and the introduction of new fees are monitored so that the Dubbo Family Day Care Scheme remains a viable cost effective option for child care in the community.**

CARRIED

Councillor J Diffey declared a pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor J Diffey's daughter is cared for by Dubbo Family Day care.

**ICRC18/12 VICTORIA PARK REDEVELOPMENT ADVISORY COMMITTEE MEMBERSHIP
(ED18/200)**

The Council had before it the report dated 1 February 2018 from the Governance Team Leader regarding Victoria Park Redevelopment Advisory Committee membership.

Moved by Councillor S Lawrence and seconded by Councillor V Etheridge

MOTION

That Council determine two Councillor Representatives on the Victoria Park Redevelopment Advisory Committee.

CARRIED

At this stage, nominations were invited for two Councillor Representatives on the Victoria Park Redevelopment Advisory Committee. The following nominations were received:

Councillor J Diffey nominated by Councillor G Mohr and Councillor J Ryan

Councillor D Grant nominated by Councillor G Mohr and Councillor A Jones

Councillor J Diffey and Councillor D Grant accepted their nominations.

MOTION

That Councillors J Diffey and D Grant be the two Councillor Representatives on the Victoria Park Redevelopment Advisory Committee.

CARRIED

ICRC18/13 STREET TREE ADVISORY COMMITTEE (ID18/225)

The Council had before it the report dated 8 February 2018 from the Manager Governance and Risk regarding Street Tree Advisory Committee.

Moved by Councillor S Lawrence and seconded by Councillor G Mohr

MOTION

1. That the Councillor representatives on the Street Tree Advisory Committee be determined by Council.
2. That the four (4) Community representatives on the Street Tree Advisory Committee be:
 - Mark Gardner
 - Narelle Grant
 - Belinda Edmundson
 - Barbara Sutherland
3. That the draft Terms of Reference as attached to the report of the Manager Governance and Risk dated 8 February 2018 as Appendix 2 be adopted.
4. That the draft Delegation of Authority to the Street Tree Advisory Committee as attached to the report of the Manager Governance and Risk dated 8 February 2018 as Appendix 3 be adopted.

CARRIED

At this stage, nominations were invited for Councillor representatives on the Street Tree Advisory Committee. The following nominations were received:

Councillor V Etheridge nominated by Councillor G Mohr and Councillor A Jones.

Councillor J Ryan nominated by Councillor G Mohr and Councillor D Gumley.

Councillor V Etheridge and Councillor J Ryan accepted their nominations.

MOTION

That Councillors V Etheridge and J Ryan be the Councillor representatives on the Street Tree Advisory Committee.

CARRIED

CCL18/20 REPORT OF THE ECONOMIC DEVELOPMENT, BUSINESS AND CORPORATE COMMITTEE - MEETING 19 FEBRUARY 2018 (ID18/14)

The Council had before it the report of the Economic Development, Business and Corporate Committee meeting held 19 February 2018.

Moved by Councillor G Mohr and seconded by Councillor D Gumley

MOTION

That the report of the Economic Development, Business and Corporate Committee meeting held on 19 February 2018, be adopted, save and except clauses EDBC18/6, EDBC18/7, EDBC18/9 and EDBC18/10, with such matters being dealt with separately.

CARRIED

EDBC18/6 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - JANUARY 2018 (ID18/212)

The Council had before it the report dated 5 February 2018 from the Director Corporate Services regarding Investments Under Section 625 of the Local Government Act - January 2018.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

That the information provided within the report of the Director Corporate Services, dated 5 February 2018 be noted.

CARRIED

Councillor K Parker declared a non-pecuniary, less than significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor K Parker is the Manager of the Dubbo Branch of the Bank of Queensland, a bank that Council has funds invested with.

EDBC18/7 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - DECEMBER 2017 (ID18/211)

The Council had before it the report dated 5 February 2018 from the Director Corporate Services regarding Investments Under Section 625 of the Local Government Act - December 2017.

Moved by Councillor G Mohr and seconded by Councillor A Jones

MOTION

That the information provided within the report of the Director Corporate Services, dated 5 February 2018 be noted.

CARRIED

Councillor K Parker declared a non-pecuniary, less than significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor K Parker is the Manager of the Dubbo Branch of the Bank of Queensland, a bank that Council has funds invested with.

EDBC18/9 COMMUNITY SUPPORT BASED PROCUREMENT POLICY (ID18/245)

The Council had before it the report dated 12 February 2018 from the Manager Financial Operations regarding Community Support Based Procurement Policy.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

That the draft Community Support Based Procurement Policy as attached to the report of the Manager Financial Operations dated 12 February 2018 be adopted.

Moved by Councillor S Lawrence and seconded by Councillor V Etheridge

AMENDMENT

That the draft Community Support Based Procurement Policy as attached to the report of the Manager Financial Operations dated 12 February 2018 be adopted, subject to the section within the Policy outlining criteria of an eligible supplier being amended to read as follows:

An eligible supplier under this policy will meet all of the following criteria:

- **A business that has a physical presence and operates within in the boundaries of the Dubbo Regional Council LGA and has operated in the LGA for a minimum period of three (3) months before submitting the quotation or tender where inclusion in this policy is sought.**
- **A business whose employees consist of at least 50% employees residing in the LGA. In the instance of construction type works that sub-contractors are represented by 50% from within the LGA.**
- **A business that actively supports local not for profit organisations and charities, thereby enhancing the social and economic viability of the wider community. This support may include a financial contribution at a minimum of \$1000 or In Kind support of 50 hours by sole traders or In Kind support to a value of \$2000 for a company in the previous 12 months. This support is required to be confirmed by the not for profit or charitable organisation in writing and included in each tender or quotation.**

Council reserves the right to make discretionary judgement for those smaller suppliers where this Policy would have a disproportionate impact.

The amendment on being put to the meeting was carried.

CARRIED

The amendment then became the motion and on being put to the meeting was carried.

CARRIED

EDBC18/10 REQUEST FOR REVIEW OF WATER CONSUMPTION AND NON-RESIDENTIAL SEWER CHARGES ISSUED FOR 135-141 BRISBANE STREET DUBBO (ID18/202)

The Council had before it the report dated 1 February 2018 from the Revenue Accountant regarding Request for review of Water Consumption and Non-Residential Sewer Charges issued for 135-141 Brisbane Street Dubbo.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

- 1. That the Non-Residential Sewer Charges issued for the period 1 December 2016 to 2 June 2017, being billing periods 3 and 4 of the 2016/2017 financial year, be adjusted with the accounts to be based on average water consumption for the corresponding billing periods for the last three financial years.**
- 2. That as a result of recommendation 1 above an amount of \$20,698.70 be written off.**

CARRIED

Councillor D Gumley declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room during the Council's consideration of this matter. The reason for such interest is that Dubbo Court House is a location where Councillor D Gumley performs a significant part of his employment and that such interest would not impair his decision making on the matter.

Councillor G Mohr declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room during the Council's consideration of this matter. The reason for such interest is that Councillor G Mohr is employed by the Department of Justice, Dubbo Court House is one of his work locations and that such interest would not impair his decision making on the matter.

REPORTS FROM STAFF:**CCL18/22 POWER OF ATTORNEY FOR THE GENERAL MANAGER (ID18/172)**

The Council had before it the report dated 30 January 2018 from the General Manager regarding Power of Attorney for the General Manager.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

- 1. That Council delegate to Michael Gerard McMahon, General Manager, a prescribed power of attorney in accordance with the General Power of Attorney attached to the report of the General Manager dated 30 January 2018 as Appendix 1.**
- 2. That Council authorise the Mayor and Deputy Mayor to execute the General Power of Attorney under the Common Seal of the Council.**
- 3. That the General Manager report to Council every three (3) months on all documents signed under the prescribed Power of Attorney.**

CARRIED

CCL18/23 DELEGATION OF AUTHORITY TO THE GENERAL MANAGER (ID18/197)

The Council had before it the report dated 1 February 2018 from the Manager Governance and Risk regarding Delegation of Authority to the General Manager.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

That the Delegation of Authority to the General Manager be as contained in the document attached to the report of the Manager Governance and Risk dated 1 February 2018 as Appendix 1.

CARRIED

CCL18/24 DELEGATION OF AUTHORITY TO COUNCIL COMMITTEES (ID18/228)

The Council had before it the report dated 8 February 2018 from the Manager Governance and Risk regarding Delegation of Authority to Council Committees.

Moved by Councillor D Gumley and seconded by Councillor G Mohr

MOTION

1. That the delegations of authority to the Planning, Development and Environment Committee (Appendix 1), Infrastructure, Community and Recreation Committee (Appendix 2), Economic Development, Business and Corporate Committee (Appendix 3) and Dubbo Regional Airports Committee (Appendix 4) be adopted.
2. That Council's Standing Committees be held on the second Monday of each month (except January) at 5.30pm except in the case of public holidays and December (due to Christmas) where the meeting date shall be determined by the Mayor following consultation with the relevant chairpersons.
3. That the Airport/Airstrip Working Party be renamed the Dubbo Regional Airports Committee.

Moved by Councillor S Lawrence and seconded by Councillor A Jones

AMENDMENT

1. That the delegations of authority to the Planning, Development and Environment Committee (Appendix 1), Infrastructure, Community and Recreation Committee (Appendix 2) and Economic Development, Business and Corporate Committee (Appendix 3) be adopted.
2. That Council's Standing Committees be held on the second Monday of each month (except January), commencing May 2018, at 5.30pm except in the case of public holidays and December (due to Christmas) where the meeting date shall be determined by the Mayor following consultation with the relevant chairpersons.
3. That the Airport/Airstrip Working Party be renamed the Dubbo Regional Airports Committee.
4. That the General Manager be requested to hold a workshop with Councillors in April 2018 to review the current Committee system in an effort to streamline Council's

meeting processes to reduce the administrative operating costs and repurpose the Council Governance framework.

The amendment on being put to the meeting was carried.

CARRIED

The amendment then became the motion and on being put to the meeting was carried.

CARRIED

CCL18/25 PROPOSED POLICY - INJURED COMPANION ANIMALS NOT IN COUNCIL'S CARE/IMPOUND (ID18/229)

The Council had before it the report dated 19 February 2018 from the Manager Environmental Control regarding Proposed Policy - Injured Companion Animals not in Council's Care/Impound.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

1. That the draft Policy, 'Injured Companion Animals not in Council's Care/Impound' (Appendix 1) be adopted for a 12 month trial period.
2. That the people who made submissions be advised of Council's determination.

CARRIED

CCL18/26 UPDATE ON ENQUIRY TO PURCHASE COUNCIL OWNED LAND 10L MOGRIGUY ROAD BY AGRIBUSINESS ENTERPRISE (ID18/255)

The Council had before it the report dated 14 February 2018 from the Manager Property Assets regarding Update on enquiry to purchase Council owned land 10L Mogriguy Road by Agribusiness enterprise.

Moved by Councillor J Diffey and seconded by Councillor J Ryan

MOTION

That Council maintain ownership of Lot 451 DP 599741, 10L Mogriguy Road, to provide opportunity for future sale to appropriate industrial businesses seeking to expand or establish themselves in Dubbo.

CARRIED

CCL18/27 DUBBO REGIONAL COUNCIL REVIEW - SAFETY CAMERA NETWORK IN DUBBO AND WELLINGTON (ID18/270)

The Council had before it the report dated 16 February 2018 from the Manager Social Services regarding Dubbo Regional Council review - Safety Camera Network in Dubbo and Wellington.

Moved by Councillor A Jones and seconded by Councillor D Gumley

MOTION

1. That the information contained within the report of the Manager Social Services dated 16 February 2018 be noted.
2. That further analysis be undertaken with NSW Police, Simtec and Dubbo Regional Council staff to determine priorities in relation to the expansion or upgrade of both the Dubbo and Wellington safety camera systems.
3. That an annual budget allocation of \$15,000 be made for cyclic maintenance and cleaning of the cameras in Dubbo and Wellington.

CARRIED

CCL18/28 APPOINTMENT OF DUBBO STATE EMERGENCY SERVICE UNIT LOCAL CONTROLLER (ID18/275)

The Council had before it the report dated 16 February 2018 from the Director Infrastructure and Operations regarding Appointment of Dubbo State Emergency Service Unit Local Controller.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

That pursuant to Section 17 of the State Emergency Service Act 1989, Council endorse the appointment of Mr Stephen Evans to the position of Local Controller, Dubbo SES Unit for the ensuing two (2) years.

CARRIED

CCL18/29 NEIGHBOURHOOD SHOPPING STRIP REDEVELOPMENT CONCEPTS (ID18/276)

The Council had before it the report dated 19 February 2018 from the Director Infrastructure and Operations regarding Neighbourhood Shopping Strip Redevelopment Concepts.

Moved by Councillor V Etheridge and seconded by Councillor J Diffey

MOTION

That the current progress of developing neighbourhood shopping centre beautification proposals in Boundary Road, Tamworth Street, Victoria Street and Myall Street, Dubbo be noted.

CARRIED

CCL18/30 COMMENTS AND MATTERS OF URGENCY (ID18/15)

There were no matters recorded under this clause.

The meeting closed at 7.27pm.

.....
CHAIRMAN



MAYORAL MINUTE: Erosion at the Bell River/ Macquarie River Junction and Threats to Infrastructure

AUTHOR: Mayor
REPORT DATE: 18 March 2018
TRIM REFERENCE: ID18/526

To the Council
Ladies and Gentlemen

Office of the Mayor
Civic Administration Building
Church Street, Dubbo

I have had numerous calls from residents concerning the current riverbank erosion. These areas of bank erosion have been significantly increased in the Bell and the Macquarie rivers by changes in flow through urbanisation, irrigation and by the reduction of riparian vegetation following clearing and the grazing of riparian understorey shrub species by introduced grazing animals, particularly livestock. I am concerned by the impact of this erosion and, as a matter of urgency, I need Council to investigate and report on solutions available.

The issue of riparian erosion through the LGAs two primary urban environments is a significant issue within the community. In Dubbo this is largely driven by public access to the river while enjoying the Tracker Riley Cycleway. In Wellington awareness has been raised through newspaper articles and public meetings.

To address erosion at the Bell and Macquarie River Junction, Dubbo Regional Council must prepare a robust project proposal should it seek to obtain the significant grant funds required to inhibit further substantial erosion and subsequent damage to infrastructure.

Council allocated a budget of \$84,000 in this current financial year to undertake the necessary analysis and modelling to develop a project plan that sees the installation of sustainable methods to prevent further erosion and subsequent loss of infrastructure such as the low level bridge in Wellington and Lady Cutler sporting fields in Dubbo.

This is a matter that requires the clear focus of the elected Council to deliver on this issue. There is a long history of community concern and failed attempts to prevent significant erosion. Upon receipt of a detailed project proposal from consultants and staff, Council will need to carefully consider funding models that will ensure that critical community infrastructure, such as the Duke of Wellington Bridge, are not threatened in the future from large scale river bank erosion.

RECOMMENDATION

- 1. That, as a matter of urgency, the Director Community and Recreation and the Director Infrastructure and Operations provide a report to Council that articulates a costed proposal to undertake works that prevent erosion that threatens the loss of infrastructure such as the Duke of Wellington Bridge in Wellington and recreational infrastructure in Dubbo.**
- 2. That Council, in conjunction with the community, seek grant funding to deliver works required to ensure that erosion does not threaten the structural integrity of the Duke of Wellington Bridge in Wellington.**

Councillor Ben Shields
Mayor



DUBBO REGIONAL
COUNCIL

REPORT: Annual report from the DREAM festival

AUTHOR: Director Community and Recreation
REPORT DATE: 19 March 2018
TRIM REFERENCE: ID18/528

EXECUTIVE SUMMARY

The DREAM Festival received \$40,000 from Dubbo Regional Council in 2017/2018 to stage the 2017 DREAM Festival held in October 2017. Attached to this report as **Appendix 1** is an acquittal report from the DREAM Festival on its activities and events as well as a financial summary. The Festival was a great success with, for example, more than 1,000 people participating in the Lantern Parade along the Central Business District Streets before finishing in Victoria Park. This does not include the estimated 9,000 spectators.

The Dream Festival report also articulates a summary of the planned activities for 2018 festival which will run from 18 October to 28 October 2018. It is worthy of noting that the Dream Festival has received \$20,000 from Destination NSW to enhance marketing outside of the Local Government Area for the 2018 event.

ORGANISATIONAL VALUES

Customer Focused: The DREAM Festival is a community cultural event which embraces a wide range of sectors of the community and adds to the City's vibrancy and quality of life. The Festival assists Council to achieve its Purpose "To make our community a great place to live, work and play."

Integrity: The DREAM Festival has received \$40,000 in Council funding and this transparent acquittal provides the ratepayers of Dubbo Regional Council with specific details on the expenditure of the funds and the outcomes achieved.

One Team: The cooperative partnership between Council and the DREAM Festival organisers provides enhanced outcomes for the community which could not be achieved by either organisation operating in isolation.

FINANCIAL IMPLICATIONS

Council's contributions towards to the Dream Festival of \$40,000 per annum have been allocated in the forward four year budget and shall be put forward in the Draft Operational Plan and Budget for 2018/2019 financial year.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the information contained within the report of the Director Community and Recreation dated 26 March 2018 be noted.

Murray Wood
Director Community and Recreation

BACKGROUND

Council has been providing financial support to the DREAM Festival on an annual continuous basis now since 2011. Council contributed \$20,000 in 2011 and \$40,000 in each subsequent year. The DREAM Festival continues to grow the number and quality of its events and activities as well as its patronage and popularity.

REPORT

Attached to this report as **Appendix 1** is the report of the 2017 DREAM Festival that contains event information and a financial summary.

It is pleasing to note that the DREAM Festival has been recognised by the announcement of a \$20,000 grant from Destinations NSW for the 2018 Festival to enhance the attraction of the Festival to tourists from outside the Local Government Area. It is also of note that the Macquarie Credit Union has now completed its fifth year as the major sponsor of the Festival – clear indication of the local community support for the DREAM Festival’s vision and events.

The report from the DREAM Festival articulates the range of the opportunities offered to the community under the Festival as well as the economic, social and cultural benefits arising from the festival program.

The community involvement outcomes of the Festival are significant and add to Dubbo’s reputation as a vibrant community and a community capable of conducting and hosting major events.

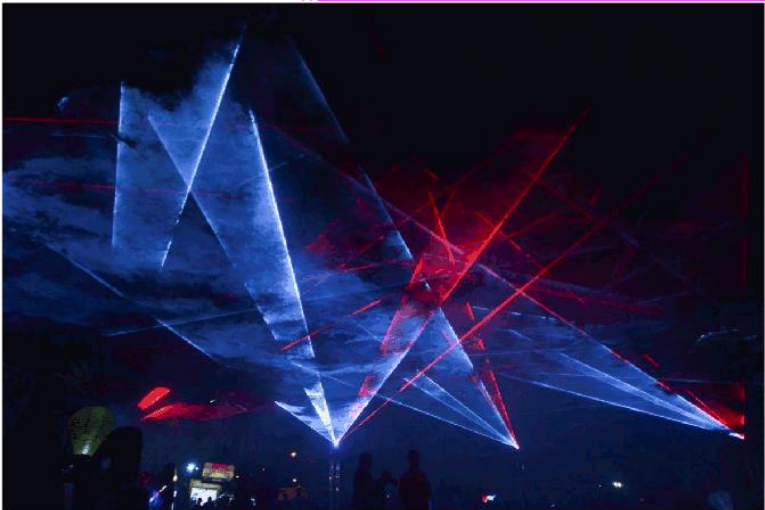
Appendices:

1 [DREAM Festival 2017 Report](#)



2017

Events Dubbo Report




dream
DUBBO REGIONAL ENTERTAINMENT ARTS AND MUSIC
FESTIVAL
12-22 OCTOBER 2017

"Biggest and best yet keep evolving and looking towards future improvement, may it keep kicking!! We need such events to keep Dubbo current!! "
Mick C (Facebook 22/10/17)

"We had 2 kids in the parade and three watching – we stuck around to watch the laser lights too! All 3 kids left the evening saying "what an awesome night" – thank you!"
Lyndal C (Facebook 21/10/17)

"Thank you thank you for bringing an event of this calibre to Dubbo! Events that make us think, capture our hearts and spark our spirit... outstanding quality! The events that stood out to me were Small Films Big Screen, featuring George Giftoes, Mystic Dinner, Stitch n Sip and Artist of the Year dinner!"
Shanli A(Facebook 20/10/17)

"Had a really great afternoon/night out with the family. So impressed with the children's area especially & community stage. All very well organised and thought out. Thanks Dubbo!"
Jodie D (Facebook 22/10/17)

"I went to the zoocoustic event today and it was such a relaxing day with great entertainment – thank you! My friends and I will be back next year."
Lyndal J (Facebook 22/10/17)

"Loved the music, especially One Proud Monkey, the food vans were great, especially the Taste of Greece, that BBQ Octopus was absolutely delicious".
Tas T (Facebook 21/10/17)

Contents

- 1. Executive Summary..... 1
- 2. Festival background3
 - Vision.....3
 - Mission.....3
 - History3
 - Governance3
- 3. Festival Program 20174
- 4. Benefits.....7
 - Economic7
 - Social7
 - Cultural8
 - Community9
- 5. Marketing10
 - Advertising10
 - Public Relations coverage.....10
 - Promotions11
- 6. Finances.....12
 - Funding.....12
 - 2017 Financial Results12
- 7. 2018 Forecast13
 - DREAM Festival Committee/Volunteers13
 - Funding.....13
 - 2018 Festival Program.....13



1. Executive Summary

Clearly the most successful to date, the 2017 Macquarie Credit Union DREAM Festival:

- Recorded more than **18,000** attendances
- Recorded almost **5,000** attendances from visitors from outside the LGA
- Recorded more than **13,000** attendances at the Music + Markets event
- Contributed more than **\$524,000** to the local economy
- Was the **eighth** festival to be presented

The festival:

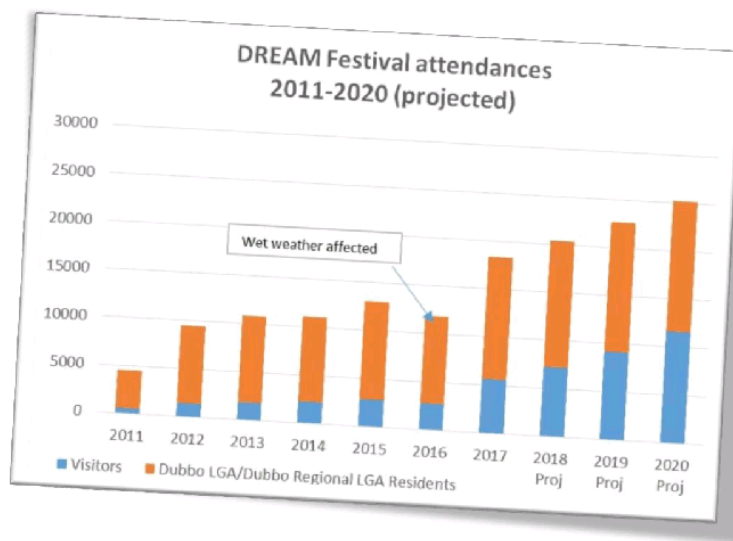
- is run by a group of **volunteers** with a wide range of skills
- is conducted each October, and **avoids peak holiday periods**
- is largely **free**, to encourage participation by all socioeconomic groups
- is **inclusive**, seeing active engagement with Aboriginal and disabled groups
- strives to protect and improve the **image** of the LGA
- showcases **regional talent**, and provides multiple employment opportunities
- provides multiple artistic **educational opportunities** to residents



In 2018:

- The festival will run from 18th to 28th October
- Multiple new partnerships have already been established
- Multiple additional events will be presented
- The committee has increased to 15 members
- Funding has been received from Destination NSW to enhance marketing outside the LGA.

Should current patterns of expansion continue, it is projected that 25,000 attendances could be achieved by 2020.



2. Festival background

Events Dubbo Inc. is a not-for-profit organisation that delivers the DREAM Festival, for which it has a clear vision and mission.

Vision

To be the leading inland NSW festival that encourages excellence in entertainment, arts and music and showcases regional talent.

Mission

To provide the professional expertise to create, coordinate and deliver a vibrant and sustainable festival that promotes artistic expression and cultural development through the engagement of stakeholders in our regional entertainment, arts and music organisations.

The festival is to resonate on a personal level and to the regional audience. It will lead to the enhanced cultural profile of the region and to maximised economic, social and environmental benefits to all sectors of the community through its engagement, and the attraction of visitors to the region.

History

The need for Dubbo to deliver an iconic festival had long been recognised and was the subject of several public meetings in early 2010, when the original committee was formed. The committee was advised to avoid Dubbo's peak tourist times – essentially school holidays and Easter – to encourage visitation in quieter periods. It also decided that protecting the image of Dubbo was more important than simply bringing in visitors. The first official festival was held in October 2011.

Governance

The committee consists of:

- a Chair
- a Vice-chair
- a Treasurer
- a Secretary
- a minimum of three ordinary committee members.

Committee members have a wide range of skills, including: events management, accounting, marketing, information technology, tourism, business management and planning. They also bring a commitment to presenting the Dubbo Region in a positive light.



3. Festival Program 2017

The 2017 Macquarie Credit Union DREAM Festival program was developed by the committee based on attendances and feedback received in previous years. The program for 2017 incorporated:

- **Pianos on the Pavement (festival launch)**

Each year this event grows in popularity; with growing interest from local pianists and vocalists. It marked the beginning of the festival period and gave committee members an opportunity to promote the upcoming events.



- **TalbragArt competition and exhibition**

The inaugural TalbragArt competition was supported by Talbragar Street businesses. Entries, along with descriptions of the artworks, were installed in the participating shop windows. A walking tour was conducted, and voting for the peoples' choice was conducted via a Facebook poll.



- **Big Band Riot weekend**

The inaugural Big Band Riot weekend was coordinated by the Mighty Big Band. This event saw multiple big bands participate across several venues during the weekend. With visiting musicians from Mudgee, Wellington and Sydney; and a range of workshops being conducted.



- **Coffee Art competition**

Putting the spotlight on the artistic side of coffee, this event incorporated an initial competition, where baristas created artistic decorations on their coffees. These were photographed and placed on Facebook where voting was undertaken.



- **Sushi in the Shoyoen Gardens**

Run in partnership with the DRC staff and Friends of the Shoyoen Gardens, this event incorporated a celebration of the gardens' 15 years, with live music, sushi, authentic Japanese entertainment, tea ceremonies and children's activities.



- **Church on Sunday**

Visitors were encouraged to have brunch/lunch at the Church Street Rotunda, whilst being entertained by Dubbo's Mighty Big Band, The Chalkies and St John's College Big Band, who were playing on the rotunda.



- **Lantern making workshops**

More than 300 students (from both private and state schools) were engaged with making the smaller, gem shaped lanterns. In addition to this, community workshops saw a number of large lanterns constructed; with these being featured in the parade.



- **Artist of the Year Award**

The sixth DREAM Artist of the Year Award was presented to internationally acclaimed author, Libby Gleeson at a ceremony at the Western Plains Cultural Centre. This award puts the spotlight on successful artists who have emerged from the region



- **Stitch n Sip**

This small event brought culture and creativity to the Two Doors Wine Lounge. Attendees created stitched or knitted works whilst enjoying each other's company, with beverages and snacks available during the evening.



- **Small films, big screen**

Working in partnership with the Dubbo Filmmakers, this event featured *Snow Monkey* (a film by George Gittoes) and saw local filmmakers present their works selected from the One Eye Film Festival.



- **Nightmare on Wingewarra Street**

Showcasing visiting and local bands, this event was carried out in partnership with the Dubbo Youth Council, Bangover Entertainment and the Dubbo Neighbourhood Centre. The drug and alcohol free event was aimed at the over 16's.



- **Feast of Artists/Blood Mystic Dinner**

Coordinated by Dubbo School of Distance Education, these events brought a number of artists to the city and involved visits from teachers and students in the Western region. Featuring Sydney Peace Prize recipient, George Gittoes, these events contributed greatly to artistic education in the region.



- **Music + Markets**

This event has grown significantly since its inception in 2013. Stallholders from around the region provided a wide range of fashion, food and beverages, information stalls and arts and crafts. This event incorporated DREAMland and the Sound Stage.



- **Lantern Parade**

Talbragar Street was lined with spectators watching the lantern parade as it made its way into Victoria Park. With more than 1,000 participants in the parade itself, the event has become quite spectacular.



- **Laser Show**

The 2017 laser show was particularly spectacular, and wowed the crowd. Working with smoke machines and set to music, the show transformed Victoria Park into a hypnotic landscape of shapes and colours.



- **Zoocoustics**

The final event of the 2017 calendar, Zoocoustics saw local artists, along with Phil Stack, entertain an appreciative crowd on a lazy Sunday afternoon. Run in partnership with Taronga Western Plains Zoo, this event has the ability to become a feature on the calendar.



4. Benefits

Economic

The festival made a solid contribution to the Dubbo economy in 2017 as a result of local expenditure by Events Dubbo Inc. and domestic overnight visitor attendees.

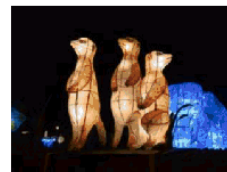
More than 18,000 attendances were recorded, with almost 5,000 (or 26%) visiting from outside the LGA.

Based on an average spend of \$124 per night per person, the economic injection into the Dubbo economy from out-of-town attendances across the festival period is estimated to be \$459,544. This figure has excluded locations within a 100 km radius, and has assumed only one night's accommodation per attendance.

In addition to this, approximately \$65,000 was spent with Dubbo businesses for their products and/or services.

Social

With an emphasis on inclusiveness, it is believed that the 2017 festival contributed to and enhanced the health and wellbeing of the local and regional community.



Almost all events were provided free of charge to the public including: Music + Markets, lantern parade, laser show and Pianos on the Pavement.

The committee went to great lengths to include Aboriginal groups (working with the Clontarf Foundation, Girls' Academy, Thikkabilla Vibrations and TAFE Opportunity Hub). Disability groups were also included, such as Westhaven.



Cultural

Following on from the success of the previous years' events, the festival attracted and facilitated a lantern art program. This form of art has proven to be a good way of engaging community members who are, perhaps, less engaged with more mainstream art forms. Partnering with local schools saw participation of more than 360 people in the construction and decoration of lanterns.



The Artist of the Year Award puts the spotlight on successful artists who have emerged from the region, providing a role model for younger artists.

The introduction of the TalbrabArt competition and exhibition has provided an opportunity for artists to demonstrate their skills. Prizes were donated by local businesses, and provided financial support and encouragement to the winners.

Several other events provided opportunities for local and regional residents to develop and showcase their talents including:

- Big Band Riot – local musicians were given the opportunity to participate in workshops with renowned jazz musicians John Morrison and Jacki Cooper; along with opportunities to perform at various venues within the city.
- Sushi at Shoyoen Gardens – local musicians were engaged to perform.
- Music + Markets – local musicians were engaged to perform on the main stage; amateur performers entertained crowds on the community stage, artists delivered workshops and displayed/sold products.
- Zoocoustics – local musicians were engaged to perform, alongside Phil Stack.



Community

Several volunteer/community organisations were engaged during the delivery of the 2017 festival, and the number of volunteers continues to grow.

The inclusion of a range of local groups in the parade, eg Macquarie Conservatorium; along with lanterns from the Taronga Western Plains Zoo, Pink Angles, Girl Guides and Dubbo Violence Prevention Collective; is demonstrating this to be a true community event. The "Light the Night" group also partnered with the festival, running a very successful fundraising stall, and incorporating their lanterns into the festival parade.

Other community stalls were provided free of charge, allowing not for profit organisations to promote their causes or fundraise.



Pink Angles Stall - 2017

5. Marketing

Advertising

Both traditional and digital marketing methods were utilised to engage the target audiences.

The receipt of a \$20,000 grant from Destination NSW allowed the purchasing of advertising around the state, with a television campaign being conducted. In addition to this, local television and newspaper advertising was carried out to gain a greater marketing footprint and engage a broader community audience. The television commercial showcased the festival events program and dates (emphasising the lantern parade), sponsors, and Government support.

Public Relations coverage

The festival's proactive media campaign, which targeted media in the local and surrounding regional areas, built awareness among a potential audience of 120,000 (catchment area). Our media database includes journalists in the metropolitan areas, and several items have appeared in Sydney newspapers.

Multiple radio interviews were been conducted on Dubbo stations, as well as 2WEB and ABC Regional.

Additionally, the festival was promoted on websites such as: Dubbo.com.au (regional focus), Visitnsw.com (state focus), Oranaarts.com.au (regional and outback focus), Regionalartsnsw.com.au (metro focus) and WhereIsTheArt.com.au (regional and outback focus), dubboartz.org.au (regional focus) plus local motels and sponsors websites.

Promotions

The continuation of several promotional efforts for the 2018 festival, expanded brand recognition which in turn gained a stronger positioning and wider activity awareness. The promotional activities included:

- Mass mail out – the festival official program (20,000 printed) was mailed out to every residence in the Dubbo and Wellington mailing area. Feedback from local attendees suggests that this was the most effective method of communicating with residents.
- Festival launch event – provided the opportunity to promote the festival program, and talk about the upcoming individual events. The media also gained insight into the events to be presented.
- Displays in public areas – the festival official program was made available in shops, restaurants, motels and other public areas.
- DREAM dinners – were held in the lead-up to the festival, and were used to help promote the festival brand and upcoming events to a varied audience (from young professionals to retirees).
- E-newsletters – the festival email database grew again in 2017. This medium was used regularly throughout 2017 to engage subscribers, encourage ticket purchases and promote festival events. It was also used to highlight and promote other Dubbo events and organisations.
- Social media – the festival engages social media to promote events, increase followings and sharing opportunities by hosting competitions, and engaging sponsors' social media networks to help increase the value for sponsors. The table below demonstrates the progression of the number of customers engaging with the festival social media platforms since 2011. Improvement in this area, particularly Twitter, will be a priority for 2018.

Social media platform	2011	2012	2013	2014	2015	2016	2017
Twitter	50	153	254	373	424	442	420
Instagram	n/a	n/a	59	215	338	496	619
Facebook	250	668	939	1505	1856	2411	2702

- Website – dreamfest.com.au continued to be the main portal for information about the festival, and underwent a full remodelling. DREAM was also promoted through other organisations' e-newsletter databases and websites, including the Dubbo Regional Council, sponsors and members of the arts community.

6. Finances

Funding

The delivery of the festival has been funded through sponsorship and grants; with Dubbo City/Dubbo Regional Council contributing \$20,000 in 2011, and \$40,000 each year since.

In 2014 the Macquarie Credit Union became the festival's first major sponsor, and has committed to this role until 2020. A number of other sponsors provide invaluable cash or in-kind support.

The committee also applies for grants and undertakes additional fundraising activities including raffles, sale of merchandise, dining events and catering (at DREAM and other community events).

In 2017 the festival secured a \$20,000 grant from Destination NSW, as a Flagship Event, which allowed significant expenditure on the promotion of events – a strategy that seems to have produced excellent results.

2017 Financial Results

Financial results for the 2017 year (unaudited) saw a modest profit, which will be used to enhance 2018 events.

	Income	Expenses	Result
Sponsorship	74,597.00	-	74,597.00
Admin/insurance/misc	-	4,914.55	-4,914.55
Marketing	-	12,753.10	-12,753.10
Marketing – DNSW Grant	20,000.00	20,720.05	-720.05
Music + Markets	22,783.16	56,201.76	-33,418.60
Lantern Parade & Workshops	9,095.00	24,740.50	-15,645.50
Zoocoustics	495.00	2,445.00	-1,950.00
Art Exhibition/TalbragArt	-	700.00	-700.00
Church on Sunday	-	65.58	-65.58
Sushi at Shoyoen	1,471.00	2,733.00	-1,262.00
Artist of the Year	1,930.40	2,600.00	-669.60
DREAM Dining	6,154.80	6,919.60	-764.80
Interest/bank fees	14.07	8.80	-5.27
TOTAL	136,540.43	134,801.94	1,738.49

7. 2018 Forecast

DREAM Festival Committee/Volunteers

In 2017, the Festival Committee welcomed one new member, replacing one previous member who had resigned. In addition to this, an increasing number of volunteers and community organisations have supported the festival and its events, including South Dubbo Rotary who have taken responsibility for counting attendees at the Music + Markets, and assisting with parade marshalling.

Funding

There are several means by which Events Dubbo Inc. intends to raise funds for the 2018 festival. They are outlined as follows:

- Fundraising – following on from activities during in the last three years (catering at DREAM events, raffles and merchandise selling), along with ticketing funds from the DREAM Dining dinners.
- Sponsorship – the 2018 Sponsorship Prospectus will provide additional sponsorship options, following feedback from existing sponsors.
- Support from Dubbo Regional Council – this funding ensures the ongoing growth and success of the festival.
- Grant applications – several grant applications have been submitted by Events Dubbo Inc. to various organisations. The committee will continue to actively seek funding opportunities and submit applications when the opportunity arises.

2018 Festival Program

The 2018 festival will be held in October and the below draft program takes into consideration feedback received from previous years.

- Thursday 18th October – Festival Launch "Pianos on the Pavement"
- Thursday 18th October – Art exhibition launch "TalbragArt"
- Friday 19th-21st October – Big Band Riot Weekend
- Saturday 20th October – Wambuul River DREAMing
- Sunday 21st October – Sushi in the Shoyoen Gardens
- Sunday 21st October – Community lantern workshops
- Monday 22nd – 26th October – School lantern workshops
- Monday 22nd October – Artist of the year (date tbc)
- Saturday 28th October – Music + Markets, Lights + Lanterns + Lasers
- Sunday 29th October – Zoocoustics

As in previous years, the above program will be modified in accordance with budget and opportunities to partner with other organisations.



REPORT: Annual Report of the Audit and Risk Management Committee for the year ended December 2017

AUTHOR: Internal Auditor
REPORT DATE: 19 March 2018
TRIM REFERENCE: ID18/527

EXECUTIVE SUMMARY

The Audit and Risk Management Committee (ARMC) Chair's annual report for the year ended December 2017 highlights the Committee's activities and achievements. During the period under review, the ARMC considered various internal audit reports and management reports and management presentations aimed at highlighting the status of Council's risk management strategies. The Committee also received progress reports on implementation of process improvement plans established consequently to various reviews of internal control systems. The Council's external auditors also presented their work plans and results of their audit of Council's financial statements to the Committee; and responded to the ARMC enquiries about the external audit process.

ORGANISATIONAL VALUES

Customer Focused: The strategic objective of the Council's internal audit function is to provide a consultancy service to management which focuses on providing insight on key risk issues and generating effective solutions to enhance the risk management framework. Enriched risk management processes improve efficiency and effectiveness in the attainment of service delivery promises to the Council's customers.

Integrity: A robust internal audit function supports the integrity of Council within the community.

One Team: The internal audit function supports cohesion and cooperation to minimise risk and improve the delivery of services to the community.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the Audit and Risk Management Committee (ARMC) Annual report for the year ended December 2017 by the ARMC Chair be noted.

Shephard Shambira
Internal Auditor

BACKGROUND

The ARMC is a Committee of Council which is made up of 4 voting members, being 2 external and independent consultants, a community representative and 2 Councillors. In addition, the Committee membership includes non-voting Council staff and other invitees as determined by the General Manager and/or the Committee from time to time. The Committee meets at least every quarter and the Committee charter allows for a fifth meeting if required.

REPORT

The Audit and Risk management Committee Chair's ARMC Annual Report for the year ended December 2017 is attached as **Appendix 1**.

SUMMARY

The Audit and Risk Management Committee (ARMC) Chair's annual report for the year ended December 2017 highlights the Committee's activities and achievements. During the period under review, the ARMC considered various internal audit reports and management reports and management presentations aimed at highlighting the status of Council's risk management strategies. The Committee also received progress reports on implementation of process improvement plans established consequent to various reviews of internal control systems. The Council's external auditors also presented their work plans and results of their audit of Council's financial statements to the Committee; and responded to the ARMC enquiries about the external audit process.

Appendices:

- 1 [↓](#) ARMC Annual Report December 2017

Dubbo Regional Council

**Audit and Risk Management Committee
Annual Report
For year ended 31 December 2017.**

CONTENTS

1.0 Introduction..... 3

2.0 ARMC Purpose 3

3.0 Membership and meetings.....4

 3.1 Management Meetings..... 4

 3.2 ARMC Meeting Attendance 4

4.0 ARMC Charter5

5.0 Internal audit5

 5.1 Internal Audit appointment 5

 5.2 Internal Audit Performance 5

 5.3 Internal Audit Assignments..... 6

 5.4 Internal Audit Plan 8

 5.5 Internal Audit resource distribution **Error! Bookmark not defined.**

 5.6 Limitations on Internal Auditor..... 8

 5.7 Management responses 8

6.0 External audit.....9

7.0 Risk Management9

8.0 Opinion.....9

1.0 Introduction

The Bathurst, Orange & Dubbo (BOD) Alliance introduced the services of an Internal Auditor in April 2009 and adopted the creation of the Audit & Risk Management Committee (ARMC).

One of the benefits of sharing an Internal Audit function is that it allows the 3 Councils to share “best practice” experience and knowledge. This report covers the period 1 January 2017 to 31 December 2017.

2.0 ARMC Purpose

The ARMC is an independent advisory Committee assisting the Council to fulfil its governance and oversight responsibilities. The primary duties and responsibilities of the ARMC are to assist the Council to discharge its responsibilities relating to:

- Financial reporting process
- Business ethics, policies and practices
- Management and internal controls
- Monitoring the integrity of the Council’s financial reporting practices and finance and accounting compliance
- Reviewing internal controls, key corporate risks and all audit related matters
- Encouraging continuous improvement of Council’s systems and practices
- Adoption of the Internal Audit Plan
- The Council's process for monitoring compliance with policies, laws and regulations and the Council code of conduct.

During the period under review a number of changes to the framework governing the terms of reference for audit and risk committees in the local government sector were introduced. However, at the time of preparing this report the sector was still awaiting promulgation of detailed Internal Audit Guidelines by the Office of Local Government. These Regulations are expected to provide further clarification on certain major changes to the structure and purpose of audit and risk committees in local government. Essentially, the new legislation has indicated that the Audit, Risk and Improvement Committees will be expected to carry out certain functions which includes a strong emphasis on process improvement. While the current practice has been that the Audit and Risk Management Committee provides input on process improvement initiatives, the extent of the proposed legislative requirements in this area is not yet clear. The level of resources which Council is expected to commit to this purpose is also not yet defined.

Dubbo Regional Council has fortunately already taken a path of expanding the scope of interest for the ARMC by having management report on the broader process improvement program of Council. Process improvement initiatives have used the experience of the Internal Auditor as appropriate. This involvement is in addition to the internal audit program the Internal Auditor is tasked to deliver during the year.

3.0 Membership and meetings

The Council makes all appointments to the ARMC. The ARMC consists of voting and non-voting members. The tables below shows the list of members and schedule of meetings held during the period and the number of meetings attended. The Committee acknowledges the contribution of the Administrator and staff who contributed to the Committee during this period. The membership of the Committee during the period under review was constituted of the Administrator and 2 independent members as the voting members of the Committee with an independent member being the Chair. Non-voting members of the Committee included the General Manager, Director Corporate Services, Director Corporate Development, the Internal Auditor and a community representative. Other staff members such as the Manager Governance and Risk Services and The Manager Financial Operations were invited to attend meetings by the General Manager. The External Auditor's representatives also attend meetings on invitation from the Committee.

Subsequent to the election of a new Council, the Administrator has been replaced by the Mayor and a Councillor as voting members of the Committee.

3.1 Management Meetings

During the period under review, the Chair met with the General Manager to discuss the operations of the ARMC Committee.

3.2 ARMC Meeting Attendance

The table below titled Table 1 ARMC Meeting Attendance shows the attendance of voting and non-voting members at each scheduled meeting by Council for the period.

Meetings were held on 17 March 2017, 1 June 2017 and on 5 September 2017. A meeting scheduled for 18 December 2017 did not proceed because there was no quorum. However, discussion took place and the outcomes reported to the March 2018 meeting.

Table 1: ARMC Meeting Attendance

Voting members		Total number of meetings attended	Total number of meetings held
Mr M Kneipp	Administrator	3	3
Mr J Walkom	Independent member (Chair)	3	3
Mr A Fletcher	Independent member	3	3
Non-voting members			
General Manager		3	3
Director Corporate Services		3	3
Director Economic Development & Business		2	3
Internal Auditor		3	3
Mr S Bassett (Community Representative)		1	3
Invitees – non-voting			
Manager Governance and Risk Services		3	
Transition Project Leader		1	
Audit Office (Mr M Monaco)		2	
Audit Office (Ms R Meimaroglou)		1	
Audit Office (Luka Group Audit Partner – Mr J Shanks)		1	
Manager Financial Operations		1	

4.0 ARMC Charter

The ARMC Charter was adopted by the Council at the Council meeting held on 22 June 2009. The Charter is reviewed annually and where necessary changes are recommended to Council for a resolution. During the period under review, no significant changes to the charter were effected.

5.0 Internal audit

5.1 Internal Audit appointment

Mr Shephard Shambira (CPA) was appointed to the position of Internal Auditor for the BOD Alliance on 20 April 2009. This appointment was for an initial term of 3 years, which has been extended. The current contract extension will expire in 2020.

5.2 Internal Audit Performance

Clause 7.3 of the Internal Audit Activity Charter requires the Committee to review the effectiveness of the Internal Audit function and objectives, including compliance with The Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*. Whilst the ARMC works closely with the Internal Auditor on the quality of the work being undertaken by the internal audit function, best practice requires a formal assessment of the performance of the Internal Audit function. In 2017 the ARMC Chairs of the BOD Alliance member Councils have worked with the respective General Managers to finalise the scope of review which culminated in the appointment of O'Connor Marsden & Associates Pty Limited to complete the assessment. At the date of this report the assessment report is being finalised.

The Committee has approved the annual and 3 year audit plan and overseen the implementation of the internal audit function into the operations of the Dubbo Regional Council. The Internal Auditor has built strong relationships with staff based on the quality and manner of the reviews and the recommendations made in Internal Audit Reports presented to date.

The ARMC is satisfied with the scope and depth of work covered by the internal audit function during the period under review.

5.3 Internal Audit Assignments

The table below titled Table 2 Internal Audit Assignments shows the status of various assignments carried out by internal audit during the period under review.

Table 2 Internal Audit Assignments

Task/Process Reviewed	Status of Assignment	Comments
Providing input to the enterprise wide risk management programme	On-going	The Council's enterprise-wide risk management (ERM) framework has improved significantly during the period under review. Internal Audit input was provided on an on-going basis as required. A 3 year internal audit programme informed by results of the ERM process was approved during the period under review.
Coordinating joint process improvement initiatives across the BOD Alliance	On-going	Opportunities identified and highlighted to the 3 Councils were reported to the Committee. The exploitation of joint process improvement initiatives has generally been stalled by the fact that the 3 BOD Alliance member councils processes are at different levels of development and as such, each council's priorities may not always be aligned with the need to progress joint initiatives in the short term.
Annual review of the ARMC Charter	Completed	The impact of the new legislative framework considered but further changes deferred until the legislation is in force.
Cash receipting process - Various sites across the Council	Completed	Opportunities for improvement identified and implemented.
Data analytics – invoice date earlier than purchase order date statistics	Completed	Opportunities for improvement identified and implemented.
Certain ad hoc tasks as required by the General Manager	Completed	On-going special purpose internal audit input to various processes/projects was provided as required by the General Manager. The internal auditor provided advice and carried out

		various tasks under the Councils amalgamation project.
--	--	--

The General Manager and the Committee requested various staff members to explain certain processes and risk management strategies to the Committee as required to inform the Committee on Council operations. Other reports/presentations considered by the Committee during the period under review include the following.

- Audit Office – External Audit Engagement letter & Client Service Plan 2016/2017
- Risk management for the Council merger activities
- Related party disclosure policy
- 2016/2017 Financial statements arrangements
- Enterprise risk management
- Contract payments and contract variations
- Operation Jarek – update on actions to date
- ICAC Report – investigation into the conduct of the former City of Botany Bay Chief Financial Officer and Others.

5.4 Internal Audit Plan

The ARMC is responsible to approve the Internal Audit Plan and amendments. A number of changes were made to the originally approved internal audit programme in order to take into account changes in the business environment. The ARMC approved the scope of work covered by the internal audit function during the period. The internal audit plan was aligned with the enterprise wide risk management corporate risk register. This alignment enhances the contribution of the internal audit function to the Council's risk management framework.

5.5 Limitations on Internal Auditor

The committee is not aware of any restrictions placed on the work of the internal auditor.

5.6 Management responses

The committee's review of all audit reports including unplanned or special reports shows that management responses to audit findings and recommendations are responsible and timely. All issues arising have been resolved to the satisfaction of the ARMC.

6.0 External audit

1. The appointment of the council's external auditor was not due for renewal during the period under review.
2. BOD Alliance ARMC's have not assessed the performance of the External Auditor for the year but have reviewed the audit plan and have maintained contact with the Audit Partners.
3. The ARMC is not aware of any non-audit services provided.
4. The Committee has no concerns with the External Auditor's audit report on Council Financial Statements for the 2016/17 financial year. The Committee discussed the audit work with the Council External Audit Partner from the Audit Office NSW and there are no outstanding issues.

7.0 Risk Management

The ARMC has reviewed Council's risk management strategy, and continues to monitor progress on the implementation of an enterprise wide risk management (ERM) plan. The Committee received a report on the Council's amalgamation risk management framework during the period under review.

8.0 Conclusion

The ARMC has overseen an internal audit and external audit program for the year under review in which the scope and approach to work undertaken has been appropriate and consistent with the current understanding of Council's enterprise wide risk framework.

The ARMC confirms that based on the information provided to the ARMC from management, internal audit and external audit, it is satisfied with the progress of Council's arrangements for governance, risk management, internal control and regulatory compliance.

The areas of responsibility of the ARMC set out in clause 7 of the Audit and Risk management Committee Charter are managed in conjunction with the internal audit and external audit plans executed during the year.

In that regard, following a recommendation from the ARMC, BOD Alliance member Councils explored the implementation of an internal audit software platform which will provide the capability of more extensive interrogation of transactions to verify the application of risk management controls and policies as mitigation factors in managing the residual risks recorded in the enterprise wide risk management register.

The impact of this additional resource on the structure of the internal audit plan and allocation of resources will continue to be monitored by the ARMC in 2018.

J Walkom
Chairman



**DUBBO REGIONAL
COUNCIL**

**Report of the Planning Development and
Environment Committee - meeting 19
March 2018**

**AUTHOR: Administration Officer - Governance
REPORT DATE: 20 March 2018**

The Committee had before it the report of the Planning, Development and Environment Committee meeting held 19 March 2018.

RECOMMENDATION

That the report of the Planning, Development and Environment Committee meeting held on 19 March 2018, be noted.



**REPORT
PLANNING, DEVELOPMENT AND
ENVIRONMENT COMMITTEE
19 MARCH 2018**

PRESENT: Councillors J Diffey, V Etheridge, D Grant, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields.

ALSO IN ATTENDANCE:

The General Manager, the Director Corporate Services, the Manager Governance and Risk, the Team Leader Governance, the Director Economic Development and Business, the Manager Communications and Stakeholder Engagement, the Director Infrastructure and Operations (R Mills), the Manager Water Supply and Sewerage, the Manager Solid Waste, the Director Planning and Environment, the Manager Strategic Planning Services, the Director Community and Recreation and the Manager Social Services.

Councillor S Lawrence assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm.

**PDEC18/9 REPORT OF THE PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
- MEETING 19 FEBRUARY 2018 (ID18/489)**

The Committee had before it the report of the Planning, Development and Environment Committee meeting held 19 February 2018.

Moved by Councillor G Mohr and seconded by Councillor G Grant

MOTION

That the report of the Planning, Development and Environment Committee meeting held on 19 February 2018 be adopted.

CARRIED

PDEC18/10 BUILDING SUMMARY - FEBRUARY 2018 (ID18/430)

The Committee had before it the report dated 8 March 2018 from the Director Planning and Environment regarding Building Summary - February 2018.

Moved by Councillor K Parker and seconded by Councillor J Diffey

MOTION

That the information contained in this report of the Director Planning and Environment dated 8 March 2018 be noted.

CARRIED

PDEC18/11 DRAFT PLANNING AGREEMENT POLICY (ID18/484)

The Committee had before it the report dated 12 March 2018 from the Manager Strategic Planning Services regarding Draft Planning Agreement Policy. The Committee reports having met with Mr Steve Guy regarding this matter.

Moved by Councillor A Jones and seconded by Councillor V Etheridge

MOTION

1. That the draft Policy for Planning Agreements, included here in Appendix 1 of the report of the Manager Strategic Planning Services dated 12 March 2018, be endorsed for the purposes of public exhibition only.
2. That the draft Policy for Planning Agreements be placed on public exhibition for a period of not less than 28 days.
3. That information regarding the draft Policy be provided to the local development industry via an information circular.
4. That following completion of the public exhibition process, a further report be provided to Council for consideration, including any submissions received.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

AMENDMENT

1. **That the draft Policy for Planning Agreements, included here in Appendix 1 of the report of the Manager Strategic Planning Services dated 12 March 2018, be endorsed for the purposes of public exhibition only.**
2. **That the draft Policy for Planning Agreements be placed on public exhibition for a period of not less than 28 days.**
3. **That information regarding the draft Policy be provided to the local development industry via an information circular.**
4. **That following completion of the public exhibition process, a further report be provided to Council for consideration, including any submissions received.**
5. **That a workshop with Councillors and a Public Information session be conducted during the consultation period.**

The amendment on being put to the meeting was carried.

CARRIED

The amendment then became the motion and on being put to the meeting was carried.

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

FOR	AGAINST
Councillor Diffey	
Councillor Etheridge	
Councillor Grant	
Councillor Jones	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (9)	Total (0)

PDEC18/12 DEVELOPER CONTRIBUTIONS AND ASSOCIATED ISSUES - SOUTHLAKES ESTATE, SOUTH-EAST DUBBO - FURTHER UPDATE REPORT (ID18/498)

The Committee had before it the report dated 12 March 2018 from the Manager Strategic Planning Services regarding Developer Contributions and Associated Issues - Southlakes Estate, South-East Dubbo - Further Update Report.

Moved by Councillor K Parker and seconded by Councillor G Mohr

MOTION

- 1. That the information included within the report of the Manager Strategic Planning Services dated 12 March 2018 be noted.**
- 2. That following receipt of the consultancy assessment from Cardno Pty Ltd in respect of trunk stormwater drainage requirements in Catchment 3.1 under the provisions of the Section 94 Contributions Plan Urban Stormwater Drainage Headworks, a further report be provided to Council for consideration at the next available Council meeting.**
- 3. That, if available from the consultant, Council provide Maas Group Family Properties with any suitable information updates direct in respect of the completion of the consultancy.**

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

FOR	AGAINST
Councillor Diffey	
Councillor Etheridge	
Councillor Grant	
Councillor Jones	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (9)	Total (0)

PDEC18/13 R18-1 - PLANNING PROPOSAL - COMPREHENSIVE DUBBO REGIONAL LOCAL ENVIRONMENTAL PLAN (STAGE 2) (ID18/293)

The Committee had before it the report dated 12 March 2018 from the Senior Strategic Planner regarding R18-1 - Planning Proposal - Comprehensive Dubbo Regional Local Environmental Plan (Stage 2).

Moved by Councillor A Jones and seconded by Councillor D Grant

MOTION

1. That Council endorse the draft Comprehensive Dubbo Regional Local Environmental Plan for the purposes of seeking a Gateway Determination from the State Government Department of Planning and Environment.
2. That following the receipt of Gateway Determination, that a further report be provided to Council for reconsideration including the draft Comprehensive Local Environmental Plan and draft mapping suitable for public exhibition purposes.
3. That Council support a minimum 28 day public exhibition period for the Planning Proposal.
4. That it be noted that Council cannot use its delegation to process the Planning Proposal as the Department of Planning and Environment does not permit delegation of Comprehensive Local Environmental Plans to Councils.
5. That following completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.

CARRIED

PDEC18/14 LEAVE OF ABSENCE

A request for leave of absence was received from Councillor D Gumley who was absent from the meeting due to personal reasons.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

That such request for leave of absence be accepted and Councillor D Gumley be granted leave of absence from this meeting.

CARRIED

The meeting closed at 5.41pm.

.....
CHAIRMAN



**DUBBO REGIONAL
COUNCIL**

Report of the Infrastructure Community and Recreation Committee - meeting 19 March 2018

AUTHOR: Administration Officer - Governance
REPORT DATE: 20 March 2018

The Committee had before it the report of the Infrastructure, Community and Recreation Committee meeting held 19 March 2018.

RECOMMENDATION

That the report of the Infrastructure, Community and Recreation Committee meeting held on 19 March 2018, be noted.



**REPORT
INFRASTRUCTURE, COMMUNITY AND
RECREATION COMMITTEE
19 MARCH 2018**

PRESENT: Councillors J Diffey, V Etheridge, D Grant, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields.

ALSO IN ATTENDANCE:

The General Manager, the Director Corporate Services, the Manager Governance and Risk, the Team Leader Governance, the Director Economic Development and Business, the Manager Communications and Stakeholder Engagement, the Director Infrastructure and Operations (R Mills), the Manager Water Supply and Sewerage, the Manager Solid Waste, the Director Planning and Environment, the Manager Strategic Planning Services, the Director Community and Recreation and the Manager Social Services.

Councillor S Lawrence assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.41pm

**ICRC18/24 REPORT OF THE INFRASTRUCTURE, COMMUNITY AND RECREATION
COMMITTEE - MEETING 19 FEBRUARY 2018 (ID18/490)**

The Committee had before it the report of the Infrastructure, Community and Recreation Committee meeting held 19 February 2018.

Moved by Councillor B Shields and seconded by Councillor J Diffey

MOTION

That the report of the Infrastructure, Community and Recreation Committee meeting held on 19 February 2018 be adopted.

CARRIED

ICRC18/25 DRAFT WATER SUPPLY AND SEWERAGE SERVICES CUSTOMER SERVICE STANDARDS AND 2017 WATER AND SEWERAGE CUSTOMER SURVEY RESULTS - PUBLIC EXHIBITION (ID18/486)

The Committee had before it the report dated 8 March 2018 from the Manager Water Supply and Sewerage regarding Draft Water Supply and Sewerage Services Customer Service Standards and 2017 Water and Sewerage Customer Survey Results - Public Exhibition.

Moved by Councillor K Parker and seconded by Councillor J Ryan

MOTION

1. That the Draft Water Supply and Sewerage Services Customer Service Standards 2018/2019 and 2019/2020 attached to the report of the Manager Water Supply and Sewerage dated 1 March 2018 as Appendix 1, be placed on public exhibition, for a period of not less than 28 days.
2. That the Water Supply and Sewerage Services Customer Satisfaction Survey results 2017 be noted.
3. That the Water Supply and Sewerage Services Customer Satisfaction Survey report, attached as Appendix 2 to the report of the Manager Water Supply and Sewerage dated 1 March 2018 be placed on public exhibition for a period of not less than 28 days.

CARRIED

ICRC18/26 ANZAC DAY CEREMONIES - DUBBO REGIONAL COUNCIL AREA (ID18/504)

The Committee had before it the report dated 14 March 2018 from the Senior Traffic Engineer regarding Anzac Day Ceremonies - Dubbo Regional Council Area.

Moved by Councillor A Jones and seconded by Councillor G Mohr

MOTION

That Council approval be granted to the Returned and Services League Sub-Branch in Dubbo and Wellington and the Stuart Town Advancement Association and Mumbil District Progress Association to undertake their respective Anzac Day Marches on Wednesday 25 April 2018 and implement road closures and detours as conditioned by the Roads and Maritime Services, NSW Police and Council's following conditions of consent:

1. Dubbo:
 - a) For the Dawn Service and Anzac Day March temporary road closures are to be provided;
 - Dawn Service in Darling Street between Talbragar and Wingewarra Streets from 5.00am – 6.30am;
 - Anzac Day March in Brisbane Street between Wingewarra and Serisier Streets and Wingewarra Street between Darling and Brisbane Street from 9.00am to 10.45am;
 - Wingewarra Street from Brisbane to Macquarie Streets and Macquarie Street from Wingewarra to Talbragar Streets from 10.15am to 11.00am;

- Talbragar Street from Macquarie Street to Memorial Drive Victoria Park from 10.45am to 11.15am, Darling Street from Talbragar to Wingewarra Streets from 10.15am;
 - Wingewarra Street between Darling Street and Brisbane Street as directed by the NSW Police Service at the conclusion of the Cenotaph service at approximately 12.00 noon to 12.30pm;
 - Council's Traffic Control Plan TM7084 (as attached as Appendix 5) is to be used for the event.
- b) Submission of a Traffic Management and Traffic Control Plan to Council for approval with the Traffic Control Plan submitted a minimum three (3) weeks prior to the event. All traffic control measures contained in the plan is to be in accordance with Australian Standard AS1742.3 and the RMS Guide to Traffic Control at Worksites and prepared by an accredited person.
- c) Traffic Controllers and/or trained Marshalls are to be provided at all road closure points, and other locations as identified in the Event and Traffic Management Plans as attached as Appendices 1 and 5.
- d) Council's Administration Officer must sight a copy of the Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council and NSW Police is specifically noted to be indemnified against any action resulting from the event.
- e) The applicant is responsible for the provision of all traffic controls required for the event (ie: Marshalls, traffic barriers and signs).
- f) A public notification is required for the Anzac Day March a minimum of seven (7) days prior to the event.
- g) The applicant is to forward a letter to Dubbo Regional Council with all the required documentation accepting the above conditions before final approval will be granted.
2. Wellington:
- a) For the Anzac Day March a temporary road closure is to be provided on the Mitchell Highway, being Nanima Crescent, and Lee Street between Maughan Street and Whiteley Street from 10.45am to 11.00am with the detour via Arthur Street, Warne Street, Percy Street and Whiteley Street. Council's Traffic Control Plan Wellington Anzac Detour (as attached as Appendix 6) is to be used for this event.
- b) The Applicant is to gain approval from the Roads and Maritime Service for the closure and detour of the Mitchell Highway and Road Occupancy Licence with evidence provided to Council of such approval and conditions as warranted.
- c) Submission of a Traffic Management Plan and Traffic Control Plan to Council for approval with the Traffic Control Plan submitted a minimum three (3) weeks prior to the event. All traffic control measures contained in the plan are to be in accordance with Australian Standard AS1742.3 and the RMS Guide to Traffic Control at Worksites and prepared by an accredited person.
- d) Traffic Controllers and/or trained Marshalls are to be provided at all road closure points, and other locations as identified in the Event and Traffic Management Plans as attached as Appendices 2 and 6.
- e) Council's Administration Officer must sight a copy of the Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional

Council, Roads and Maritime Service and NSW Police is specifically noted to be indemnified against any action resulting from the event.

- f) The applicant is responsible for the provision of all traffic controls required for the event (ie: Marshalls, traffic barriers and signs).
- g) A public notification is required for the Anzac Day March a minimum of seven (7) days prior to the event.
- h) The applicant is to forward a letter to Dubbo Regional Council with all the required documentation accepting the above conditions before final approval will be granted.

3. Stuart Town:

- a) For the Anzac Day Ceremony a temporary road closure is to be provided in Molong Street between the Burrendong Way (Alexander Street) and Bell Street from 8.00am to 2.30pm with a detour of Molong Street via the Burrendong Way and Bell Street. Council's Traffic Control Plan TM 7175 (as attached as Appendix 7) is to be used for the event.
- b) Concurrence is required from the Roads and Maritime Service for the event to utilise part of Burrendong Way between Molong and Bell Streets as a detour with advice provided to Council.
- c) Submission of a Traffic Management Plan and Traffic Control Plan to Council for approval with the Traffic Control Plan to be submitted a minimum of three (3) weeks prior to the event. All traffic control measures contained in the plan are to be in accordance with Australian Standard AS1742.3 and the RMS Guide to Traffic Control at Worksites and prepared by an accredited person.
- d) Traffic Controllers and/or trained Marshalls are to be provided at all road closure points, and other locations as identified in the Event and Traffic Management Plans as attached as Appendices 3 and 7
- e) Council's Administration Officer must sight a copy of the Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council, Roads and Maritime Service and NSW Police is specifically noted to be indemnified against any action resulting from the event.
- f) The applicant is responsible for the provision of all traffic controls required for the event (ie: Marshalls, traffic barriers and signs).
- g) A public notification is required for the Anzac Day March a minimum of seven (7) days prior to the event with notification letters to be delivered to the affected residents within the road closures areas in the village.
- h) The applicant is to forward a letter to Dubbo Regional Council with all the required documentation accepting the above conditions before final approval will be granted.

4. Mumbil:

- a) For the Anzac Day March and Ceremony a temporary road closure is to be provided on the Burrendong Way (Burrendong Street) between Railway Parade and Cudgegong Street from 7.00am to 10.30am with a detour via Railway Parade and Apsley Crescent. Burrendong Way from Apsley Crescent south to Cudgegong Street will remain open and restricted to Local Traffic Only with an additional Road Closed Ahead sign and Local Traffic Only sign to be placed at the detour point at the Apsley Crescent and Burrendong Street intersection. Council's Traffic Control Plan TM7127 (as attached as Appendix 8) is to be used

- for the event.
- b) Submission of a Traffic Management and Traffic Control Plan to Council for approval with the Traffic Control Plan submitted a minimum three (3) weeks prior to the event. All traffic control measures contained in the plan is to be in accordance with Australian Standard AS1742.3 and the RMS Guide to Traffic Control at Worksites and prepared by an accredited person.
 - c) Traffic Controllers and/or trained Marshalls are to be provided at all road closure points, and other locations as identified in the Event and Traffic Management Plans as attached as Appendices 4 and 8.
 - d) Council's Administration Officer must sight a copy of the Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council and NSW Police is specifically noted to be indemnified against any action resulting from the event.
 - e) The applicant is responsible for the provision of all traffic controls required for the event (ie Marshalls, traffic barriers and signs).
 - f) A public notification is required for the Anzac Day March a minimum of seven (7) days prior to the event with notification letters to be delivered to the affected residents within the road closures in the village.
 - g) The applicant is to forward a letter to Dubbo Regional Council with all the required documentation accepting the above conditions before final approval will be granted.

CARRIED

Councillor D Grant declared a pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor Grant has business dealings with Stuart Town Progress Association and Mumbil Advancement Association who arrange the respective ANZAC Day marches, through his work with Elders Insurance.

ICRC18/27 SPECIAL EVENTS LAZY RIVER ESTATE (ID18/505)

The Committee had before it the report dated 14 March 2018 from the Senior Traffic Engineer regarding Special Events Lazy River Estate.

Moved by Councillor G Mohr and seconded by Councillor K Parker

MOTION

That Council approval be granted to the Lazy River Estate to implement the traffic management for Old Dubbo Road and Angle Road as required to facilitate the variable scale of Class 2 events that are undertaken at the Estate during 2018 in accordance with the Events Detail and Traffic Management Plan as stipulated by the Roads and Maritime Services, NSW Police and Council in the following conditions of consent:

1. The Traffic Management for medium and large Class 2 events shall be undertaken in accordance with the plans: Geolyse 117203, TP01, 02, 03, 04 and 05 dated 11 December 2017 and Dubbo Traffic Control Plans Lazy River Estate 2500 and Lazy River Estate 5000 dated 1 March 2018.

2. **Submission of Traffic Management and Traffic Control Plans for each of the scaled events to Council for approval with the Traffic Control Plan submitted a minimum three (3) weeks prior to the event. All traffic control measures contained in the Plan are to be in accordance with Australian Standard AS1742.3 and the Roads and Maritime Service Guide to Traffic Control at Worksites and prepared by an accredited person.**
3. **Traffic Controllers and/or trained Marshalls are to be provided at all locations as identified in the Event and Traffic Management Plan.**
4. **Council's Administration Officer must sight a copy of the Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council and the NSW Police are specifically noted to be indemnified against any action resulting from the event.**
5. **The applicant is responsible for the provision of all traffic controls required for the event (ie Traffic Controllers, Marshals, traffic barriers and signs).**
6. **The applicant is required to provide a calendar of dates for all Class 2 Events and seek an annual approval for the proposed traffic management on the Old Dubbo Road and Angle Road to facilitate the variable scale of these events at the Lazy River Estate. An Event Management Plan for each event and Special Event Transport Management Plan including Traffic Control Plans, Risk Management and Public Liability insurance must be submitted to Council three (3) months prior to the first event. If the situation occurs that a proposed new event falls outside of the approved events criteria then a separate application will be required for that event three (3) months prior to the event date.**
7. **The applicant is to satisfy Council of the provisions of sufficient on-site parking for each event which reasonably avoids spillage onto the public road area.**
8. **The applicant is to forward a letter to Dubbo Regional Council with all the required documentation accepting the above conditions before final approval will be granted.**

CARRIED

ICRC18/28 REPORT OF THE VICTORIA PARK REDEVELOPMENT ADVISORY COMMITTEE - MEETING 27 FEBRUARY 2018 (ID18/287)

The Committee had before it the report of the Victoria Park Redevelopment Advisory Committee meeting held 27 February 2018.

Moved by Councillor A Jones and seconded by Councillor J Ryan

MOTION

That the report of the Victoria Park Redevelopment Advisory Committee meeting held on 27 February 2018, be adopted.

CARRIED

ICRC18/29 REPORT OF THE SOCIAL JUSTICE AND CRIME PREVENTION WORKING PARTY - MEETING 28 FEBRUARY 2018 (ID18/286)

The Committee had before it the report of the Social Justice and Crime Prevention Working Party meeting held 28 February 2018.

Moved by Councillor J Ryan and seconded by Councillor D Grant

MOTION

That the report of the Social Justice and Crime Prevention Working Party meeting held on 28 February 2018 be adopted.

CARRIED

ICRC18/30 REPORT OF THE STREET TREE ADVISORY COMMITTEE - MEETING 8 MARCH 2018 (ID18/495)

The Committee had before it the report of the Street Tree Advisory Committee meeting held 8 March 2018.

Moved by Councillor J Ryan and seconded by Councillor V Etheridge

MOTION

That the report of the Street Tree Advisory Committee meeting held on 8 March 2018, be noted.

CARRIED

ICRC18/31 REPORT OF THE CYCLING FACILITY WORKING PARTY - MEETING 14 MARCH 2018 (ID18/506)

The Committee had before it the report of the Cycling Facility Working Party meeting held 14 March 2018.

Moved by Councillor D Grant and seconded by Councillor B Shields

MOTION

That the report of the Cycling Facility Working Party meeting held on 14 March 2018, be adopted.

CARRIED

ICRC18/32 UPDATE - MACQUARIE REGIONAL LIBRARY AND SERVICE MODEL (ID18/502)

The Committee had before it the report dated 13 March 2018 from the Manager Macquarie Regional Library regarding Update - Macquarie Regional Library and Service Model.

Moved by Councillor A Jones and seconded by Councillor K Parker

MOTION

1. That the information contained within the report of the Manager Macquarie Regional Library dated 13 March 2018 be noted.
2. That Council enter into a new Regional Library Agreement with Narromine Shire Council and Warrumbungle Shire Council effective from 1 July 2018 until 30 June 2021.

Moved by Councillor B Shields and seconded by G Mohr

AMENDMENT

1. That the information contained within the report of the Manager Macquarie Regional Library dated 13 March 2018 be noted.
2. That Council enter into a new Regional Library Agreement with Narromine Shire Council and Warrumbungle Shire Council effective from 1 July 2018 until 30 June 2019 to allow Council to review its membership and delivery of the Macquarie Regional Library service.
3. That Councillor A Jones be the Councillor representative on the Macquarie Regional Library Committee.

The amendment on being put to the meeting was carried.

CARRIED

The amendment then became the motion and on being put to the meeting was carried.

CARRIED

ICRC18/33 SOUTH DUBBO TAVERN - GAMING MACHINE THRESHOLD INCREASE (ID18/499)

The Committee had before it the report dated 12 March 2018 from the Manager Social Services regarding South Dubbo Tavern - Gaming Machine Threshold Increase.

Moved by Councillor J Ryan and seconded by Councillor A Jones

MOTION

1. That the information contained within the report of the Manager Social Services dated 12 March 2018 be noted.
2. That Council determine its position and make a recommendation to Liquor and Gaming NSW in relation to the South Dubbo Tavern proposed increase of gaming machines from 21 to a maximum of 23 accordingly.

CARRIED

Moved by Councillor J Ryan and seconded by Councillor A Jones

MOTION

That Council objects to the gaming machine threshold application by the South Dubbo Tavern to increase poker machine numbers from 21 to a maximum of 23 the reason being that the cumulative impact of an increase in gaming machines would result in a negative impact on the socially disadvantaged of the Dubbo Community.

CARRIED

ICRC18/34 DUBBO REGIONAL SPORTS COUNCIL - PLAYING FIELD IMPROVEMENT FUND APPLICATION - DUBBO JUNIOR RUGBY CLUB (ID18/496)

The Committee had before it the report dated 9 March 2018 from the Recreation Coordinator regarding Dubbo Regional Sports Council - Playing Field Improvement Fund Application - Dubbo Junior Rugby Club.

Moved by Councillor J Ryan and seconded by Councillor D Grant

MOTION

- 1. That the information contained within the report of the Recreation Coordinator dated 9 March 2018 be noted.**
- 2. That the Dubbo Junior Rugby Club, Dubbo Sports Council Playing Field Improvement Fund application for \$1,435 be approved and the Club be formally notified of the outcome of their application.**
- 3. That the Sporting Asset Coordinator work with the Dubbo Junior Rugby Club to complete the project.**

CARRIED

Councillor J Ryan declared a non-pecuniary, less than significant interest in the matter now before the Committee and remained in the room during the Committee's consideration of this matter. The reason for such interest is that Councillor J Ryan is a sub-committee member of the Dubbo Junior Rugby Club and is organising an U15 team tour to New Zealand later this year and that this interest would not affect his decision making on the matter.

ICRC18/35 NEW WASTE CONTRACT COMMENCING 1 JULY 2018 (ID18/427)

The Committee had before it the report dated 5 March 2018 from the Manager Solid Waste regarding New Waste Contract Commencing 1 July 2018.

Moved by Councillor J Ryan and seconded by Councillor J Diffey

MOTION

- 1. That the provision of Domestic Waste Services be supplied to all residents within the Defined Waste Collection Zones in accordance with the designated three (3) bin and**

- two (2) bin services.
2. That the maps as attached to the report of the Manager Solid Waste dated 5 March 2018 as Appendix 1 be adopted to designate these specific waste collection zones.
 3. That there shall be no 'opt in' or 'opt out' basis provided within these defined zones.
 4. That Commercial Services may be supplied to properties that fall within the Defined Waste Collection zones applying to the Domestic Services for three (3) bin and two (2) bin areas.
 5. That the Waste Management Vacant Land Charges be applied to all vacant properties within all the Defined Waste Collection zones as applicable for residential purposes to which the provision of a Domestic Waste Management Service is available.
 6. That the Waste Management Service Rural Charge be applied to all areas outside the Domestic Waste Defined Collection zones where a residence occurs on the subject property only.
 7. That all transfer stations and landfills be secured and subject to open hours in order to control the disposal of waste at these facilities and that this program be progressively implemented until all waste facilities are secured.
 8. That properties affected by the introduction of new services or discontinuing existing services be advised by Council accordingly of Council's decision in this matter.

CARRIED

ICRC18/36 LEAVE OF ABSENCE

A request for leave of absence was received from Councillor D Gumley who was absent from the meeting due to personal reasons.

Moved by Councillor A Jones and seconded by Councillor D Grant

MOTION

That such request for leave of absence be accepted and Councillor D Gumley be granted leave of absence from this meeting.

CARRIED

The meeting closed at 5.59pm.

.....
CHAIRMAN



**DUBBO REGIONAL
COUNCIL**

Report of the Economic Development Business and Corporate Committee - meeting 19 March 2018

AUTHOR: Administration Officer - Governance
REPORT DATE: 20 March 2018

The Committee had before it the report of the Economic Development, Business and Corporate Committee meeting held 19 March 2018.

RECOMMENDATION

That the report of the Economic Development, Business and Corporate Committee meeting held on 19 March 2018, be noted.



**REPORT
ECONOMIC DEVELOPMENT, BUSINESS AND
CORPORATE COMMITTEE
19 MARCH 2018**

PRESENT: Councillors J Diffey, V Etheridge, D Grant, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields.

ALSO IN ATTENDANCE:

The General Manager, the Director Corporate Services, the Manager Governance and Risk, the Team Leader Governance, the Director Economic Development and Business, the Manager Communications and Stakeholder Engagement, the Director Infrastructure and Operations (R Mills), the Director Planning and Environment, the Manager Strategic Planning Services and the Director Community and Recreation.

Councillor G Mohr assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 6.00pm.

EDBC18/14 REPORT OF THE ECONOMIC DEVELOPMENT, BUSINESS AND CORPORATE COMMITTEE - MEETING 19 FEBRUARY 2018 (ID18/491)

The Committee had before it the report of the Economic Development, Business and Corporate Committee meeting held 19 February 2018.

Moved by Councillor J Diffey and seconded by Councillor J Ryan

MOTION

That the report of the Economic Development, Business and Corporate Committee meeting held on 19 February 2018, be adopted.

CARRIED

**EDBC18/15 RURAL FIRE SERVICE TRAINING FACILITY AT DUBBO CITY REGIONAL AIRPORT
- REQUEST FOR ADDITIONAL LAND (ID18/296)**

The Committee had before it the report dated 28 February 2018 from the Manager Property Assets regarding Rural Fire Service Training Facility at Dubbo City Regional Airport - request for additional land.

Moved by Councillor B Shields and seconded by Councillor J Diffey

MOTION

The Committee recommends:

- 1. That Council agree to the request by Rural Fire Service to secure the 1.15 ha portion of land adjoining their current development site.**
- 2. That in consideration of Council providing to Rural Fire Service the additional 1.15 ha land parcel, Rural Fire Service will upgrade Judy Jakins Drive and upgrade the unnamed road between Judy Jakins and Arthur Butler Drive to be permanent roads capable of handling traffic to be generated by the Rural Fire Service development. Including the upgrading of stormwater infrastructure where it impacts the Rural Fire Service site.**
- 3. That Council consult with Rural Fire Service on the naming of the internal road and that a report be provided to the Airport Working Party for consideration.**
- 4. That Council continue to consult with the Dubbo Aero Club in regard to an appropriate alternative site within the airport grounds and Rural Fire Service reimburse Council for all expenses incurred to relocate the building.**
- 5. That any necessary documentation in relation to this matter be executed under the common seal of Council.**

CARRIED

It is noted that as this matter relates to the compulsory acquisition, purchase, sale, exchange or surrender of land, the Economic Development, Business and Corporate Committee does not have delegation to determine this matter. This matter shall be referred to Council for determine accordingly.

EDBC18/16 WELLINGTON CAVES MASTER PLAN (ID18/419)

The Committee had before it the report dated 2 March 2018 from the Manager Visitor Experiences and Services regarding Wellington Caves Master Plan.

Moved by Councillor D Grant and seconded by Councillor V Etheridge

MOTION

- 1. That the report of the Manager Visitor Experiences and Services, dated 2 March 2018 be noted.**
- 2. That the Wellington Caves Draft Master Plan as attached as Appendix 1 to this report be adopted.**

CARRIED

EDBC18/17 REPORT OF THE AUDIT AND RISK MANAGEMENT COMMITTEE - MEETING 13 MARCH 2018 (ID18/494)

The Committee had before it the report of the Audit and Risk Management Committee meeting held 13 March 2018.

Moved by Councillor J Diffey and seconded by Councillor D Grant

MOTION

That the report of the Audit and Risk Management Committee meeting held on 13 March 2018, be adopted.

CARRIED

EDBC18/18 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - FEBRUARY 2018 (ID18/428)

The Committee had before it the report dated 5 March 2018 from the Director Corporate Services regarding Investments Under Section 625 of the Local Government Act - February 2018.

Moved by Councillor B Shields and seconded by Councillor A Jones

MOTION

That the information provided within the report of the Director Corporate Services, dated 5 March 2018 be noted.

CARRIED

Councillor K Parker declared a pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor K Parker is the Manager of the Dubbo Branch of the Bank of Queensland, a bank that Council has funds invested with.

EDBC18/19 REVIEW OF RATES STRUCTURE FOR 2018/2019 (ID18/313)

The Committee had before it the report dated 1 March 2018 from the Revenue Accountant regarding Review of Rates Structure for 2018/2019.

Moved by Councillor A Jones and seconded by Councillor J Ryan

MOTION

- 1. That the Rates Structure to be included in the Revenue Policy as part of the 2018/2019 Operational Plan be based on the existing 2017/2018 rate structure.**
- 2. That the 2018/2019 rate structure incorporate a General Income Variation increase (the rate pegging limit) of 2.3% being the maximum permitted for the 2018/2019 rating year as determined by the Minister for Local Government.**

CARRIED

EDBC18/20 LEAVE OF ABSENCE

A request for leave of absence was received from Councillor D Gumley who was absent from the meeting due to personal reasons.

Moved by Councillor A Jones and seconded by Councillor J Diffey

MOTION

That such request for leave of absence be accepted and Councillor D Gumley be granted leave of absence from this meeting.

CARRIED

The meeting closed at 6.05pm.

.....
CHAIRMAN



REPORT: Dubbo Regional Council Divisional and Senior Staff Organisation Structure

AUTHOR: General Manager
REPORT DATE: 13 March 2018
TRIM REFERENCE: ID18/501

EXECUTIVE SUMMARY

As a result of the merger of the former Dubbo and Wellington Councils, Council conducted a full review of its organisational structure and accordingly have been operating under a new structure since July 2017.

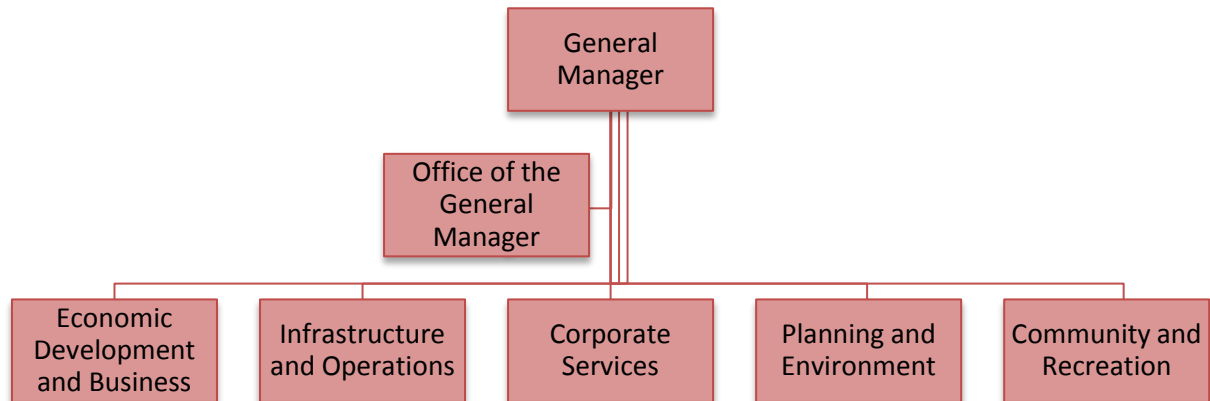
The Institute for Public Policy and Governance, University of Technology Sydney (UTS) was engaged to conduct a Service Review and subsequently were further engaged to develop the new organisational structure. The review of the organisational structure took an evidence-based approach utilising the data acquired through the Service Review process.

The resulting changes to the organisation structure were considered appropriate to support the transition to an amalgamated Council and provide flexibility in the future. The changes were considered strategic, aligned to the new vision, purpose and values that were adopted at Council in March 2017.

The key changes to the organisational structure included the following;

- Creation of an Office of the General Manager.
- Reduction of the number of divisions from six to five.
- Reduction of the number of direct reports to the General Manager from seven to six.
- Renaming some divisions to more accurately reflect their areas of responsibility.
- Aligning processes where they can be used for like functions, for example, corporate planning including Integrated Planning and Reporting (IP&R) coordination with strategic land use planning.
- Seeking to achieve economies of scope and scale under a merged structure, for example, introducing a corporate approach to asset management policy and capability, building asset management, procurement and combining commercial operations.

In this regard, the current Divisional structure is illustrated over the page.



Each Division is led by a Director (five in total) employed under a performance based contract for up to 5 years in duration in accordance with Section 338(2) of the Local Government Act, 1993 (the Act). Each of the Director positions have also been designated as Senior Staff in accordance with Section 332(1)(a) of the Act. There is a total of six (6) positions covered by the provisions of Section 333(1) the General Manager and the five (5) Directors.

The divisional structure as illustrated above has been in effect since 3 July 2017, with the whole of organisational structure review finalised and implemented on 14 August 2017.

In accordance with Section 333, of the Act, Council must review, the organisation structure within 12 months after any ordinary election of the council.

It is proposed that the five (5) divisional structure be adopted with changes being made to the title of the General Manager and re-naming of the Office of the General Manager. An organisational review of each division is currently in progress.

FINANCIAL IMPLICATIONS

There will be no increasing costs associated with this structure.

POLICY IMPLICATIONS

There will be no policy implications associated with this structure.

RECOMMENDATION

1. That Council's organisational structure consist of the following five (5) Divisions.
 - Community and Recreation
 - Corporate Services
 - Economic Development and Business
 - Infrastructure and Operations
 - Planning and Environment
2. That the title of General Manager be changed to Chief Executive Officer.
3. That the Office of the General Manager be changed to Executive Services.
4. That the General Manager undertake a review of the organisational structure below the Divisional level including an assessment of vacant positions and report back to Council.

Michael McMahon
General Manager

BACKGROUND

Following the merger of the former Dubbo City and Wellington Councils on 12 May 2016, an interim structure was established by Western Plains Regional Council at its Ordinary meeting held on 25 May 2016. Council adopted an Interim Organisation Structure to Executive level comprising a Wellington Branch, an Organisational Services Division, a Technical Services Division, an Environmental Services Division, a Parks and Landcare Services Division, a Corporate Development Division and a Community Services Division.

Subsequently at its extraordinary meeting held on 14 September 2016, Dubbo Regional Council adopted a new Interim Organisation Structure that was based on the six (6) Divisions. The two former councils had very different organisational structures – one being hierarchical with various specialised roles; the other being quite flat with many generalist roles largely due to the scale of services provided by each Council. In developing an interim structure, the Department of Premier and Cabinet's required that *"The initial Organisation Structure of a new council was, as far as practicable, to be a composite of the organisation structures of each of the former councils."*

The challenge in regard to organisational redesign for the new Dubbo Regional Council was to assess how the organisation should be reorganised to meet the future needs of the community. In this regard, the services of Institute of Public Policy and Governance, University of Technology Sydney (UTS) were engaged to undertake the development of a Service Review framework.

The interim structure enabled the organisation to continue to provide services to the community, deliver some new services to areas of the former Wellington Council that were standard for Dubbo City residents and coordinate the large number of merger projects through the Transition Project Office.

There was a substantial amount of information collated in regard to a high level prioritised service review. To assess the potential impacts on organisational redesign, UTS were further engaged to assist in an organisational structure review.

Any new organisation structure needed to have a clear strategic link to Council's own strategy and the Community Strategic Plan. As such it was important to ensure that any discussion about structure considered the elements in Council's *"Plan on a Page"*, which was the outcome of work undertaken across the Organisation as part of Councils' transformation process. Council's *"Plan on a Page"* is a high-level document which clearly sets out the vision, purpose and values which are shown at **Figure 1**.



Figure 1: Council's Vision, Purpose and Values

The key implications for the organisation structure from the vision, purpose and values are to:

- Ensure that the vision of 'great community, great council' is embedded into the organisational culture and ensure all levels of staff 'live out' the values via their actions as measured by their performance assessment. This requires a strategic approach to human resources.
- Ensure that the structure supports the values, especially around 'customer-focused' and 'one team'. This requires the current approach to service delivery to be challenged.
- Take a customer-focus in everything we do. This required a strategic approach to community engagement and service delivery.
- Improve our people leadership capabilities to support Council working as one team. Again, this requires a strategic approach to human resources and the assessment of capabilities as part of role and performance planning.
- Reshape the organisation and rework selected processes to support the proposed strategies.

Council, under Administration, adopted the new structure in July 2017.

REPORT

Re-determination and review of structure

In accordance with Section 333 of the Act, “the organisation structure may be re-determined under this section from time to time. The Council must review, and may re-determine, the organisation structure within 12 months after any ordinary election of the council”.

New Divisional Structure

The existing organisational structure of five (5) divisions has been operating since July 2017 and has served the Council well during this transitional stage of local government reform. Section 354C of the Act determines that the employment of a member of staff of a Council that is affected by a proposal (other than of a senior staff member) must not be terminated, without the staff member's agreement, during the proposal period on the ground of redundancy. This remains in effect until 12 May 2019, three years after the proclamation.

There is minimal change proposed to the current five (5) divisional structure which is shown in Figure 2. In addition, an organisational review of the Divisional level will be undertaken in the coming months to assess if any changes to positions will be required.

The proposed division structure is shown in Figure 2.

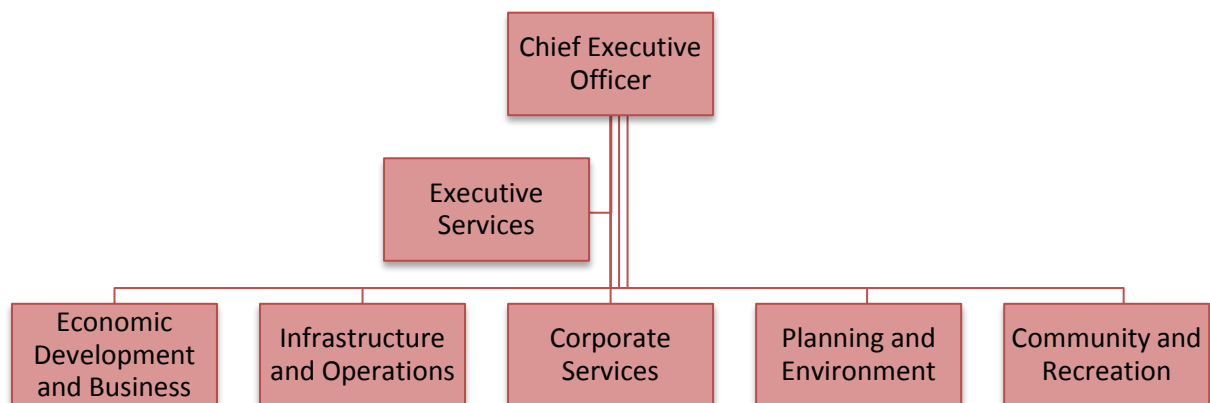


Figure 2: Divisional Structure

Under Section 334 (1) of the Act, Council is required to appoint a person to be its General Manager. The person must not be a body corporate. Section 334 (2) states that the position of General Manager is to be a senior staff position. There is no requirement for the position to be titled as General Manager.

In consideration of this, it is proposed that the title for the General Manager position be changed to Chief Executive Officer (CEO) effective immediately and that the recruitment for the permanent position of Chief Executive Officer (CEO) be conducted later this year.

The previously named "Office of the General Manager" is now proposed to be called Executive Services. The Executive Services area will now provide support to the CEO, Mayor, Councillors and the greater Organisation.

Organisational Review

Council is currently undergoing a review of the organisational structure below the Divisional level to assess the effectiveness of the adopted structure and make any further refinements that may endorse efficiency gains or service delivery improvements.

Some of the areas that I have identified are as follows:

- The creation of a Major Capital Works Project team with an emphasis on delivering the large amount of capital works projects in progress across the community. This will assist with the professional delivery of the very large delivery of grants provided to Dubbo.
- Review the current services provided by the Property Assets Branch. This will cover potential changes to the sale of residential and industrial properties.
- The proposed new Executive Services Unit will have two new Executive Manager positions with the re-configuration of existing positions to provide additional support to the Mayor and CEO.
- The Executive Services Unit will also incorporate the new role of internal ombudsman, internal auditor and some additional support for the better resourcing of the Mayor's and CEO's functions.

1)

SUMMARY

Following discussions with the Mayor, it is proposed to adopt the five division organisation structure including the changes in title to the General Manager position and the Office of the General Manager. An organisational review will now be conducted to ensure it supports the strategic direction of Council, increased efficiencies and any potential savings. A further report will be provided to Council once the review has been completed.



DUBBO REGIONAL
COUNCIL

REPORT: Membership of Joint Organisations

AUTHOR: General Manager
REPORT DATE: 21 March 2018
TRIM REFERENCE: ID18/540

EXECUTIVE SUMMARY

At its meeting of 26 February 2018, Council considered a report on the establishment of joint organisations which recommended:

1. *That Council receive and note the information contained within the report of the General Manager dated 9 February 2018.*
2. *That Council hold a workshop in March 2018 to review the benefits of a Joint Organisation after the Regulations are released.*
3. *That a further report regarding Council potentially joining a joint organisation be prepared by the General Manager for Council's consideration in March 2018.*

Accordingly, Councillors attended a workshop on Wednesday 21 March 2018 to discuss the benefits, or otherwise, of joining a joint organisation. This report details the outcome of this workshop.

It is also noted that a workshop was conducted with members of the Orana Regional Organisation of Councils (OROC) on Thursday 15 March 2018 to the joint organisations proposal.

FINANCIAL IMPLICATIONS

The \$300,000 seed funding to be provided to each joint organisation by the State Government is only available to those joint organisations proclaimed by April 2018 and operational by 1 July 2018.

Should Council decide to participate in a joint organisation there will be on-going financial commitments required to support the organisations operation which are at this stage unknown. There is no on-going financial support from the State Government after the seed funding has been provided.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That Council not join a joint organisation at the present time for the following reasons:

1. Once Council joins a joint organisation they may not leave that joint organisation.
2. There is still much uncertainty surrounding the success and operation of joint organisations.
3. Council is still undertaking significant merger related projects and could not commit additional resources to establishing a joint organisation at this time.

Michael McMahon
General Manager

REPORT

At its meeting of 26 February 2018, Council considered a report on the establishment of joint organisations which recommended:

1. *That Council receive and note the information contained within the report of the General Manager dated 9 February 2018.*
2. *That Council hold a workshop in March 2018 to review the benefits of a Joint Organisation after the Regulations are released.*
3. *That a further report regarding Council potentially joining a joint organisation be prepared by the General Manager for Council's consideration in March 2018.*

A workshop was conducted with members of the Orana Regional Organisation of Councils (OROC) on Thursday 15 March 2018 with regard to the joint organisations proposal. As a result of this workshop, four (4) of the twelve (12) member council's indicated that they would be pursuing the creation of, or joining, a joint organisation. Six (6) member councils also indicated that they would prefer to remain a member of OROC.

Accordingly, Councillors attended a workshop on Wednesday 21 March 2018 to discuss the benefits, or otherwise, of joining a joint organisation. The workshop addressed three (3) options for consideration being:

1. Forming a joint organisation with existing OROC councils.
2. Not joining a joint organisation and remaining in OROC, or other ROC, if OROC no longer exists.
3. Consideration in joining the CENTROC joint organisation and also remain within OROC.

As a result of the workshop, it is recommended that Council not join a joint organisation at the present time for the following reasons:

1. Once Council joins a joint organisation they may not leave that joint organisation.
2. There is still much uncertainty surrounding the success and operation of joint organisations.
3. Council is still undertaking significant merger related projects and could not commit additional resources to establishing a joint organisation at this time.



**REPORT: Addendum to PDEC17/9
Development Application D2017-462 -
Two (2) Subdivision, Multi Dwelling
Housing and Four (4) Lot Strata
Subdivision
Property: 197 Wingewarra Street, Dubbo
Applicant: Mr R Stevenson
Owner: Racebail Pty Ltd**

AUTHOR: Statutory Planning Services Team
Leader
REPORT DATE: 20 March 2018
TRIM REFERENCE: ID18/511

EXECUTIVE SUMMARY

The applicant is seeking development consent from Council to undertake a two (2) lot subdivision, multi dwelling housing (four (4) terrace dwellings) and a four (4) lot strata subdivision, at Lot 1 Sec 40 DP 758361, 197 Wingewarra Street, Dubbo.

The original report dated 15 November 2017 (PDEC17/9) and the development plans attached here in **Appendix 1**, were originally referred to the Planning, Development and Environment Committee meeting held on Monday 20 November 2017, where the recommendation to refuse the Development Application was adopted.

At the subsequent Ordinary Council Meeting held on Monday 27 November 2017, the proponent requested to have the Report deferred in correspondence dated 27 November 2017, for the following reason:

“... so that we may have adequate time to provide additional information.”

Council acceded to this request and resolved as follows:

“That the matter be deferred to the Ordinary Meeting of Council to be held in December 2017.”

A further report was referred to the Ordinary Council meeting held on Monday 18 December 2017, the proponent again requested to have the Report deferred in correspondence dated 18 December 2017, for the following reason:

“Due to the short turn around between the November Council Meeting and the early December Council Meeting we have not had sufficient time to provide additional information.”

Council subsequently resolved:

“That the matter be deferred to allow the applicant to provide further information.”

Further information was received from the applicant on Monday 12 February 2018 (**Appendix 2**).

This further information did not amend the proposed development and as such, it remains a two (2) lot subdivision, multi dwelling housing (four (4) terrace dwellings) and a four (4) lot strata subdivision, at Lot 1 Sec 40 DP 758361, 197 Wingewarra Street, Dubbo.

The additional information addressed the recommended twelve (12) reasons for refusal as stated in the November 2017 report to the Planning, Development and Environment Committee meeting. The information essentially restated the applicant’s position, but did provide additional details and vehicle turning paths. Additional input was also received from Council’s Infrastructure and Operations Division (**Appendix 3**), which states:

“Infrastructure and Operations Division is accepting the updated proposal dated 12 February 2018 for the above mentioned development and following are the justification in relation to last November 2017 Council’s report for accepting the updated development application:

- 8. There is sufficient room within the parking lane to permit vehicles to reverse from the proposed development without impacting on the through traffic flow and then manoeuvre into a position to merge into the traffic stream in a forward direction. There are many driveways in Dubbo, where vehicles are reversing onto the through travelling lane.*
- 9. Currently there are no firm plans to develop Fitzroy Street into 4 lanes. The current configuration is suitable for the proposed traffic movements as the development can only be assessed on current conditions.*
- 10. At the Wingewarra Street driveway, vehicles can manoeuvre into the existing parking lane safely, particularly because this movement occurs behind the existing blister at the roundabout. The proposed movement means the vehicle can reverse into the parking lane and then merge onto the existing traffic lane in a forward direction.”*

Having considered the additional information provided on behalf of the applicant and the comments of Council’s Infrastructure and Operations Division it is still anticipated that the development as proposed will result in detrimental impacts on the adjoining road network in both Wingewarra and Fitzroy streets. As detailed in the original report (**Appendix 1**) it is considered that the entry and exit of vehicles associated with the proposed development is

problematic due to the proximity of the roundabout and the road environment.

The development as originally proposed, comprising two (2) lot subdivision, multi dwelling housing (four (4) terrace dwellings) and four (4) lot strata subdivision still results in a number of non-compliances with the Dubbo Development Control Plan 2013, Chapter 2.1 Residential Development and Subdivision, the majority of which are considered to be directly related to the over-development of the site.

This report recommends that the additional information be noted and that the Development Application be refused for the amended reasons as set out in the Recommendation.

ORGANISATIONAL VALUES

Customer Focused: The Development Application as submitted has been assessed in a timely manner against the relevant legislation and Council Policy.

Integrity: The Development Application has been assessed against the requirements of Section 4.15 of the Environmental Planning and Assessment Act, 1979, as well as other relevant legislation and Council Policy.

One Team: The relevant Council officers have been involved in the assessment of the subject Development Application.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

1. That the additional information provided by the applicant dated 12 February 2018 (Appendix 2) be noted.
2. That Development Application D2017-462 for a two (2) lot subdivision, multi dwelling housing (four (4) terrace dwellings) and four (4) lot strata subdivision at Lot 1 Sec 40 DP 758361, 197 Wingewarra Street, Dubbo, be refused for the following amended reasons:
 - a) The proposed strata subdivision fails to meet the minimum lot size requirements as stated in Dubbo Local Environmental Plan 2011, Clause 4.1. Council is not satisfied and therefore cannot support variation of the development standard requested in Clause 4.6 due to the proposal's failure against subclauses (3) and (4) and a number of requirements in Dubbo Development Control Plan 2013, Chapter 2.1 Residential Development and Subdivision, as stated below. (Section 4.15(1)(a)(i) Environmental Planning and Assessment Act, 1979);
 - b) Proposed Lot 12 (being 528 m² in area) is below the minimum lot size of 700 m² as required for multi dwelling housing development, in accordance with Dubbo

- Development Control Plan 2013. (Section 4.15(1)(a)(iii) Environmental Planning and Assessment Act, 1979);
- c) The private open space areas proposed for the four (4) terrace dwellings fail to achieve the minimum required hours of direct sunlight in accordance with Dubbo Development Control Plan 2013. (Section 4.15(1)(a)(iii) Environmental Planning and Assessment Act, 1979);
 - d) The private open space areas of the existing dwelling, together with terraces 2 and 3, fail to meet the minimum area requirements specified in the Dubbo Development Control Plan 2013. (Section 4.15(1)(a)(iii) Environmental Planning and Assessment Act, 1979);
 - e) The vehicle access arrangements for the four (4) terrace dwellings does not permit vehicles to enter and leave in a forward direction, nor is there any provision for the required visitor car parking space onsite, as required in Dubbo Development Control Plan 2013. (Section 4.15(1)(a)(iii) Environmental Planning and Assessment Act, 1979);
 - f) The proposed four (4) terrace dwellings' driveways to Fitzroy Street are located such that they are deemed dangerous to the road network, the travelling public and the future occupants of the terraces, and in contravention of Dubbo Development Control Plan 2013 (Section 4.15(1)(a)(iii) Environmental Planning and Assessment Act, 1979);
 - g) The existing dwelling's proposed driveway to Wingewarra Street is located such that it is deemed dangerous to the road network, the travelling public and the adjoining occupant at 199 Wingewarra Street, as required in Dubbo Development Control Plan 2013 (Section 4.15(1)(a)(iii) Environmental Planning and Assessment Act, 1979);
 - h) The proposed development (Stages 2 and 3) is deemed unsuitable for the subject site based on the areas of non-compliance with the Development Control Plan identified as it constitutes an over-development of the site (Section 4.15(1)(c) Environmental Planning and Assessment Act, 1979).
 - i) The proposed development is not deemed to be in the public interest, given the numerous non-compliances of the proposal together with the potential detrimental impacts on the road network and the property to the south (184 Fitzroy Street). (Section 4.15(1)(e) Environmental Planning and Assessment Act, 1979).

Darryll Quigley
Statutory Planning Services Team Leader

1. BACKGROUND

The original report dated 15 November 2017 (PDEC17/9) and the development plans attached here in **Appendix 1**, were originally referred to the Planning, Development and Environment Committee meeting held on Monday 20 November 2017, where the recommendation to refuse the Development Application was adopted.

At the subsequent Ordinary Council Meeting held on Monday 27 November 2017, the proponent requested to have the Report deferred in correspondence dated 27 November 2017, for the following reason:

“... so that we may have adequate time to provide additional information.”

Council acceded to this request and resolved as follows:

“That the matter be deferred to the Ordinary Meeting of Council to be held in December 2017.”

A further report was referred to the Ordinary Council meeting held on Monday 18 December 2017, the proponent again requested to have the Report deferred in correspondence dated 18 December 2017, for the following reason:

“Due to the short turn around between the November Council Meeting and the early December Council Meeting we have not had sufficient time to provide additional information.”

Council subsequently resolved:

“That the matter be deferred to allow the applicant to provide further information.”

Further information was received from the applicant on Monday 12 February 2018 (**Appendix 2**).

This further information did not amend the proposed development and as such, it remains a two (2) lot subdivision, multi dwelling housing (four (4) terrace dwellings) and a four (4) lot strata subdivision, at Lot 1 Sec 40 DP 758361, 197 Wingewarra Street, Dubbo.

The additional information addressed the recommended twelve (12) reasons for refusal as stated in the November 2017 report to the Planning, Development and Environment Committee meeting (**Appendix 1**).

This addendum report, assesses the additional information provided by the applicant.

2. OWNER/APPLICANT

The owner of the subject site is Racebail Pty Ltd and the applicant is Mr R Stevenson.

3. PROPOSED DEVELOPMENT

The subject Development Application was lodged with Council on 13 September 2017 by Mr R Stevenson. The Development Application is for a two (2) lot subdivision, multi dwelling housing (four (4) terrace dwellings) and four (4) lot strata subdivision at Lot 1 Sec 40 DP 758361, 197 Wingewarra Street, Dubbo. Development plans are included in **Appendix 1**.

- Stage 1 - Two (2) lot subdivision of the site, resulting in proposed Lot 11 – 555 m² and proposed Lot 12 – 528 m². This element also includes the new driveway to Wingewarra Street, tree removal, and demolition of the existing garage which provides vehicular access to the property from Fitzroy Street.
- Stage 2 - Multi dwelling housing development (four (4) terrace dwellings) located on the vacant proposed Lot 12.

The multi dwelling housing (four (4) terrace dwellings) development is double-storey (face brick ground floor, weatherboard cladding on the first floor and Colorbond custom orb roofing), with a pitched roof. Each terrace contains the following features:

- Two (2) bedrooms, two (2) bathrooms, separate toilet, laundry, kitchen/living/dining, alfresco area and single garage.
- Site works include:
 - Landscaping, including plantings with mature heights ranging between 15 cm and 1.5 m;
 - Four (4) vehicle cross-overs to Fitzroy Street; and
 - Replacement of one (1) street tree.
- Stage 3 - Strata subdivision of the four (4) terraces.

4. ASSESSMENT OF AMENDED DETAILS

State Environmental Planning Policy (Infrastructure) 2007

The development is located in close proximity to overhead power lines. In accordance with Clause 45, the application was referred to Essential Energy for comment. Essential Energy provided an email dated 3 October 2017 raising no objection to the development subject to conditions being included on the consent.

Condition 4 from Essential Energy is problematic as it states that *“any proposed driveway accesses and/or exits to the proposed improvements must remain at least three (3) metres away from any electricity infrastructure (power pole) at all times to prevent accidental damage.”*

The applicant has agreed to relocate the existing power pole 6 metres south along Fitzroy Street, as stated in the additional information dated 12 February 2018 (page 3), **(Appendix 2)**.

Dubbo Local Environmental Plan 2011

Clause 4.1 Minimum subdivision lot size

The minimum lot size for the subject site is 300 m².

Stage 1 of the proposed development, being the two (2) lot subdivision, can readily achieve the required minimum lot size requirement, being proposed Lot 11 – 555m² and Lot 12 – 558.14m².

Stage 3 of the proposed development, being the four (4) lot strata subdivision of proposed Lot 12 has lots at approximately 132 m², being below the minimum lot size of 300 m².

However, subclause (4) states:

“(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.”

As such, the proposed subdivision remains prohibited, given the recent NSW Land and Environment Court case *DM and Longbow Pty Ltd v Willoughby City Council* [7 July 2017] NSWLEC 1358.

Clause 4.6 Exceptions to development standards

As outlined in the original report of this application (**Appendix 1**), the originally submitted Statement of Environmental Effects (SEE) did not address this issue. On being advised of this fact, the proponent provided a response dated 9 October 2017 addressing the legislative requirements, which is summarised below:

“Clause 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:*
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.”*

Clause 4.1 Minimum subdivision lot size contains development standards with regard to the minimum size of lots which Council may permit. In this instance, the minimum lot size in the R1 General Residential zone is 300 m² and the proposed Stage 3 strata subdivision proposes lots of approximately 132 m² (528 m² divided by four (4) terrace lots).

Subclause (3) of Clause 4.6 Exceptions to development standards, of Dubbo LEP 2011 states:

- “(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

In the proponent’s response, in an attempt to justify the contravention of the development standard, the proponent relies only on the fact that the four (4) terraces are permitted with consent on the site and argues that their subsequent strata subdivision is irrelevant to the physical impacts in the locality. Additionally, the NSW Land and Environment Court generally regards literal interpretation of a standard clause in all council LEPs and does not reflect the intent of the clause, being that the strata subdivision of existing or approved buildings should not be subject to the minimum lot size provisions for subsequent subdivisions.

Further, subclause (4) of Clause 4.6 Exceptions to development standards, of Dubbo LEP 2011 states:

- “(4) Development consent must not be granted for development that contravenes a development standard unless:*
- (a) the consent authority is satisfied that:*
 - (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Secretary has been obtained.”*

While the consultant’s written request addressed the matters required to be demonstrated by subclauses 3 and 4 above, it is considered that the proposed development is not consistent with the relevant objective of Clause 4.1 Minimum subdivision lot size, being:

- “(b) to ensure residential allotments are of a suitable shape and size to provide a building envelope, private open space and suitable building setbacks for acoustic and visual privacy.”*

The proposed four (4) terrace dwellings result in a number of non-compliances against Council’s Development Control Plan 2013, Chapter 2.1 Residential Development and Subdivision, the majority of which are directly related to the over-development of the site and could be addressed with an amended layout and reduction in the number of units. This is

related to the number of terrace dwellings proposed, the five (5) driveways proposed and their proximity to the roundabout, and ultimately the number of strata lots proposed.

Notwithstanding, in accordance with Clause 4.6 of the LEP, should Council seek to approve the development, Council must be satisfied that:

- “(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.”*

The additional information (**Appendix 2**) received from the applicant dated 12 February 2018 provided additional comment with regard to this issue, as follows:

“Justification for the proposed development satisfying the minimum lot size requirements are addressed in point 2(a) and (b) above. In addition to the above I also note that in Councils report to the Planning and Development Committee and the Ordinary Council meeting failed to consider their own current draft planning instruments affecting the matter. The current housekeeping DLEP amendment proposes a change to DLEP clause 4.1A which would enable the approval of the subdivision of the multi-dwelling housing once the development is constructed, without the need for a clause 4.6 variation. I think this is relevant to the assessment.

... So either Strata or Torrens subdivision of the proposed arrangement of the proposed development would be acceptable based on the above.”

The comment is noted and the gazettal of the ‘housekeeping’ amendment to DLEP would remove the need to utilise clause 4.6 Exceptions to development standards. However, that does not change the outstanding issue that the proposed development represents and overdevelopment of the site, having numerous detrimental impacts and therefore recommends that the development application be refused.

Despite the above comments, the development is still considered to be contrary to subclause 4 of Clause 4.6 of the Dubbo LEP, as no further details have been provided by the applicant to the contrary.

Dubbo Development Control Plan

An assessment was made of the relevant chapters and sections of the Dubbo Development Control Plan 2013 (DCP) as detailed in the report to the November Planning, Development and Environment Committee meeting held in November 2017 (**Appendix 1**).

In respect of Element 4 – Private Open Space, in Chapter 2.1.1, the applicant states in the additional information dated 12 February 2018, as follows:

“If Council require additional POS on the proposed terraces the building line could be moved west (forward) another 130mm resulting in a POS of 25m² and thus satisfying the numerical acceptable solution.”

As previously stated, the proposed development has provided less than the minimum private open space areas (Terraces 2 and 3) and the increased width still does not achieve the minimum requirement. The over-development of the site detrimentally impacts upon the amenity of the proposal, as various aspects of the development are traded against each other. The applicant in the additional information dated 12 February 2018 (**Appendix 2**), again seeks to trade one aspect against another, stating that a reduction to the front setback of the terraces (already at the minimum 4.5 metres) could provide additional private open space at the rear.

In respect of Element 7 - Vehicle access and car parking, in Chapter 2.1.1, the applicant states in the additional information dated 12 February 2018, as follows:

“The attached turning paths layouts display safe ingress and egress movements within the fog line of both Fitzroy and Wingewarra Streets. The turning paths are consistent with other recent approvals made by Council and the proposed new driveways are located further away from the intersection than the existing driveway and are considered to be safer than the current arrangement. As the proposed dwellings are two bed room accommodation it is unlikely that all four driveways would be used at the same time and it would be a reasonable expectation that drivers reversing would take control of their own safety and be aware of vehicles in adjacent driveways.”

The Stage 2 development still includes four (4) single garages which are setback the required 5.5 m from the front boundary. Each terrace proposes two (2) onsite car parking spaces as required, however one of each is proposed forward of the building setback. This represents a non-compliance with the acceptable solution criteria.

The proponent has previously stated that *“... this is consistent with other multi-unit development in the locality.”* It is understood that this is in reference to the recently approved development at 1D Rawson Street, being similar in design to the proposed development. However, Fitzroy Street is a much busier road environment, there are a number of mid-block driveways and most importantly, the short distance to the roundabout on Wingewarra Street is problematic and potentially dangerous.

One visitor parking space is required for multi dwelling housing developments comprising of four (4) or more units. The proposed development has not provided the required visitor car space, stating in the SEE that *“... there is ample street parking availability in the locality to accommodate the one (1) car parking space shortfall for visitor parking.”*

The Stage 2 development with its four (4) driveways has removed any opportunity to park in either street fronting the development. Due to the proximity of the roundabout in Wingewarra Street and the existing road configuration, limited on-street parking may be

available in front of 184 Fitzroy Street (south), contrary to the statement above made in the SEE.

The Stage 2 development has all four (4) terraces designed such that all vehicles will either enter or exit in a forward direction, but not both. This is contrary to the requirements of the DCP. The SEE states that “... line marking in Fitzroy Street provides sufficient space for cars to safely reverse onto the street without entering the flow of traffic.”

Previous advice received from Council’s Senior Traffic Engineer dated 6 October 2017 rejected such comments stating, “The Infrastructure and Operations Division is not supportive of the proposed development and should be refused for its road safety implications on the travelling community, local residents and proposed occupants of the development ...”

However, in response to the submission of the additional information dated 12 February 2018 (**Appendix 2**), Council’s Senior Development Engineer in an email dated 5 March 2018, provided the following comments (**Appendix 3**):

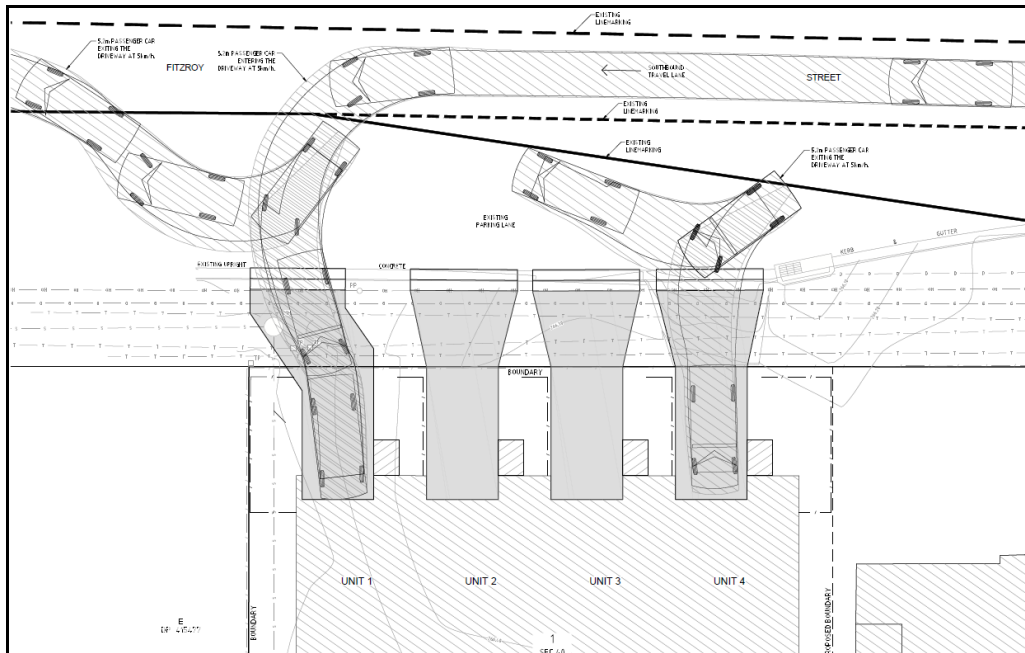
“Infrastructure and Operations Division is accepting the updated proposal dated 12 February 2018 for the above mentioned development and following are the justification in relation to last November 2017 Council’s report for accepting the updated development application:

8. *There is sufficient room within the parking lane to permit vehicles to reverse from the proposed development without impacting on the through traffic flow and then manoeuvre into a position to merge into the traffic stream in a forward direction. There are many driveways in Dubbo, where vehicles are reversing onto the through travelling lane.*
9. *Currently there are no firm plans to develop Fitzroy Street into 4 lanes. The current configuration is suitable for the proposed traffic movements as the development can only be assessed on current conditions.*
10. *At the Wingewarra Street driveway, vehicles can manoeuvre into the existing parking lane safely, particularly because this movement occurs behind the existing blister at the roundabout. The proposed movement means the vehicle can reverse into the parking lane and then merge onto the existing traffic lane in a forward direction.”*

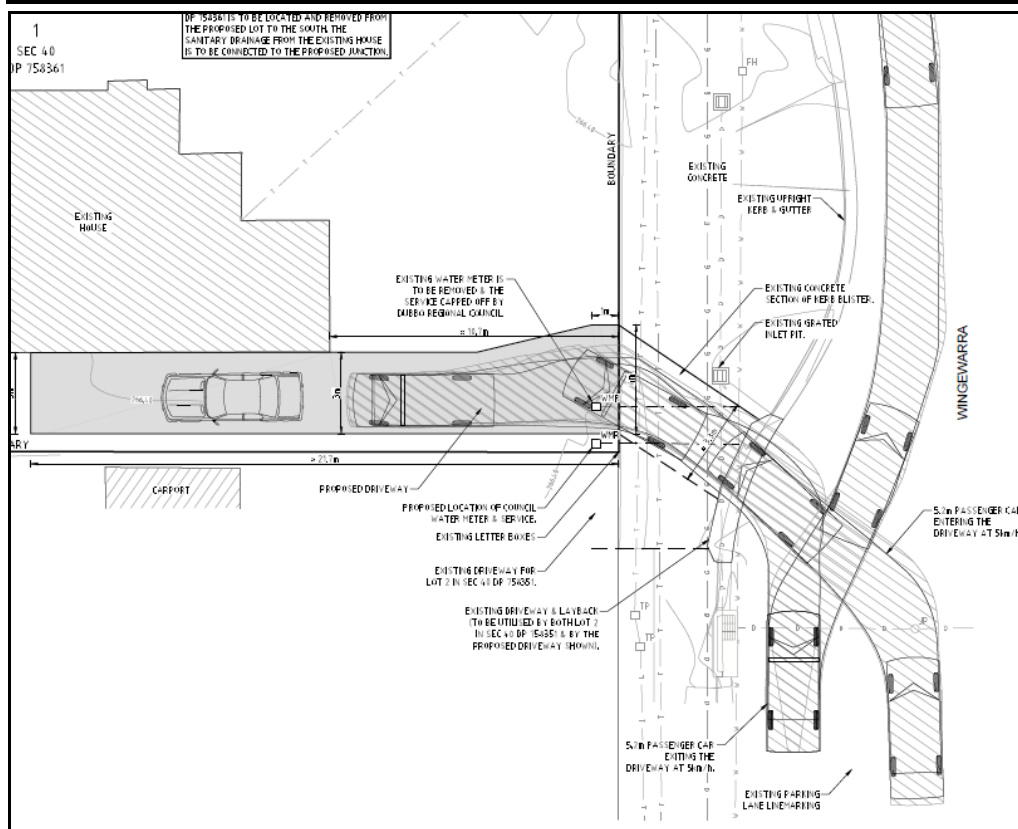
While noting the comments provided by Council’s Senior Development Engineer, which were compiled with the assistance of Council’s Senior Traffic Engineer, some concerns remain as follows:

- The proposed driveways in Fitzroy Street are splayed significantly in order to permit vehicles to commence turning manoeuvres in the driveways and even then the vehicle reversing from Unit 4 still encroaches into the merge lane. The vehicle used in the ‘Turning Paths Layout Plan’ provided by the applicant (as shown below) is a 5.2 m

passenger vehicle. As such, Council's Senior Development Engineer recommends that the driveways of Units 3 and 4 be combined, to improve manoeuvrability and safety.



- The proposed driveway to Wingewarra Street for the existing dwelling is also splayed significantly in order to permit vehicles to commence turning manoeuvres in the driveway, but in this case, the proposed driveway crosses and conflicts with the existing driveway at 199 Wingewarra Street as shown below. The plans seem to indicate that this movement can occur safely, but it would only need a vehicle legally parked to the east of the existing driveway to force the reversing vehicle into the travelling lane. It should be noted that the existing dwelling has a garage located in the rear yard with a driveway leading onto Fitzroy Street.



Accordingly, it is still considered that the subject development as proposed will have a detrimental impact on the adjoining road network in both Wingewarra and Fitzroy streets.

5. SUMMARY

The subject development, while permissible in the zone, remains an over-development of the site given the number of areas of non-compliance with the Dubbo Local Environmental Plan 2011 and Development Control Plan. Accordingly, it is recommended that this application in its current configuration be refused for the amended reasons as listed in the Recommendation.

These reasons for refusal have been amended from the original report (**Appendix 1**) as follows:

1. Reason for refusal has been deleted, following discussions with the applicant regarding 'orderly development';
2. Reason has been consolidated with reason 3 for clarity and to remove repetition, now is Reason (a);
3. Reason has been consolidated with reason 2 for clarity and to remove repetition, now is Reason (a);
4. Reason for refusal has been deleted, following the applicant agreeing to the relocation of the power pole, 6.0 metres south;
5. Reason 5 remains as per the original report, now is Reason (b);
6. Reason 6 remains as per the original report, now is Reason (c);
7. Reason 7 remains as per the original report, now is Reason (d);

8. Reason 8 remains as per the original report, now is Reason (e);
9. Reason 9 remains as per the original report, now is Reason (f);
10. Reason 10 remains as per the original report, now is Reason (g);
11. Reason 11 remains as per the original report, now is Reason (h); and
12. Reason 12 remains as per the original report, now is Reason (i).

Appendices:

- 1 [↓](#) Original Report dated 15 November 2017
- 2 [↓](#) Additional Information from Applicant dated 12 February 2018
- 3 [↓](#) Infrastructure and Operations Division correspondence dated 5 March 2018

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9



**REPORT: Development Application
D2017-462 - Two (2) Lot Subdivision,
Multi Dwelling Housing and Four (4) Lot
Strata Subdivision
Property: 197 Wingewarra Street, Dubbo
Applicant: Mr R Stevenson
Owner: Racebail Pty Ltd**

AUTHOR: Statutory Planning Services Team
Leader
REPORT DATE: 15 November 2017
TRIM REFERENCE: ID17/1982

EXECUTIVE SUMMARY

The applicant is seeking development consent from Council to undertake a two (2) lot subdivision, multi dwelling housing (four (4) terrace dwellings) and a four (4) lot strata subdivision, at Lot 1 Sec 40 DP 758361, 197 Wingewarra Street, Dubbo. The development plans are attached here in **Appendix 1**.

The Development Application has been submitted utilising Section 78A(2) of the Environmental Planning and Assessment Act, 1979 (the Act) on the basis that Council can consider and determine development applications that involve more than one (1) type of development as defined in Section 4(1). The interpretation of the legislation by the proponent is not accepted however, the proposal can be considered as a 'staged development', or as a 'concept development' under recent amendments to the Act. However, the applicant has refused to submit the Development Application utilising the provisions of Section 83B Concept development applications. As such, it is considered that the Development Application cannot be approved in the manner submitted and on the basis of this and other matters, leaves no option other than to recommend refusal of the Development Application.

Stage 3 of the 3 stage development proposes strata subdivision and seeks to vary the minimum lot size (development standard). From the assessment of the Development Application, it is considered that the proposed development is not consistent with the relevant objective of Dubbo Local Environmental Plan 2011, Clause 4.1 Minimum subdivision lot size which states:

“(b) to ensure residential allotments are of a suitable shape and size to provide a building envelope, private open space and suitable building setbacks for acoustic and visual privacy.”

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

The development as proposed comprising four (4) terrace dwellings results in a number of non-compliances with the Dubbo Development Control Plan 2013, Chapter 2.1 Residential Development and Subdivision, the majority of which are considered to be directly related to the over-development of the site.

The proposed development is anticipated to result in detrimental impacts on the adjoining road network in both Wingewarra and Fitzroy streets. As detailed in the report it is considered that the entry and exit of vehicles associated with the proposed development is problematic due to the proximity of the roundabout and the road environment.

As part of the assessment process, a number of issues were raised with the proponent and a number of these remain outstanding, including:

- Minimum lot size for multi dwelling housing;
- Minimum solar access for the four (4) terraces;
- Minimum private open space areas for terraces 2 and 3;
- Vehicles being able to enter and leave the subject site in a forward direction;
- The driveways for the four (4) terraces and the existing dwelling being deemed dangerous to the road network, the travelling public and future residents; and
- The driveway proximity of terraces 1 and 2 to the existing power pole.

The applicant/owner however, provided correspondence to Council dated 9 November 2017 (**Appendix 2**), stating that:

"After consideration of your comments I have reviewed the original SEE including supporting information and the further information reply from Geolyse and believe we have provided sufficient information including engineering and planning grounds to satisfy Councils requirements and that approval should be given. I consider the submitted information to be sufficient grounds for an appeal to the Land and Environment Court if the proposal is refused by Council.

I will not be providing any further information and kindly request that Council determine the application on the information provided thus far."

Given the potential impact of the development and lack of supporting information, this report recommends that the Development Application be refused for the reasons as set out in the Recommendation.

ORGANISATIONAL VALUES

Customer Focused: The Development Application as submitted has been assessed in a timely manner against the relevant legislation and Council Policy.

Integrity: The Development Application has been assessed against the requirements of Section 79C of the Environmental Planning and Assessment Act, 1979, as well as other relevant legislation and Council Policy.

One Team: The relevant Council officers have been involved in the assessment of the subject

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

Development Application.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That Development Application D2017-462 for a two (2) lot subdivision, multi dwelling housing (four (4) terrace dwellings) and four (4) lot strata subdivision at Lot 1 Sec 40 DP 758361, 197 Wingewarra Street, Dubbo, be refused for the following reasons:

1. The proposed development does not represent the orderly development of land. (Section 5(a) Environmental Planning and Assessment Act, 1979);
2. The proposed strata subdivision fails to meet the minimum lot size requirements as stated in Dubbo Local Environmental Plan 2011, Clause 4.1. The request to vary the development standard in Clause 4.6 cannot be supported due to the proposal's failure against subclauses (3) and (4) and a number of requirements in Dubbo Development Control Plan 2013, Chapter 2.1 Residential Development and Subdivision. (Section 79C(1)(a)(i) Environmental Planning and Assessment Act, 1979);
3. The subject development requires an exemption to the minimum lot size standard in accordance with Clause 4.6 (4) of the Dubbo Local Environmental Plan. The subject application is contrary to Clause 4.6 on the basis that Council is not satisfied the proposal meets the requirements of Clause 4.6. (Section 79C(1)(a)(i) Environmental Planning and Assessment Act, 1979);
4. The proposed driveways of terraces 1 and 2 are located within three (3) metres of the existing power pole, contrary to the requirements of Essential Energy. (Section 79C(1)(a)(i) Environmental Planning and Assessment Act, 1979);
5. Proposed Lot 12 (being 528 m² in area) is below the minimum lot size of 700 m² as required for multi dwelling housing development, in accordance with Dubbo Development Control Plan 2013. (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979);
6. The private open space areas proposed for the four (4) terrace dwellings fail to achieve the minimum required hours of direct sunlight in accordance with Dubbo Development Control Plan 2013. (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979);
7. The private open space areas of the existing dwelling, together with terraces 2 and 3 fail to meet the minimum area requirements specified in the Dubbo Development Control Plan 2013. (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979);
8. The vehicle access arrangements for the four (4) terrace dwellings does not permit vehicles to enter and leave in a forward direction, nor is there any provision for the required visitor car parking space onsite, as required in Dubbo Development Control Plan 2013. (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979);

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

9. The proposed four (4) terrace dwellings' driveways to Fitzroy Street are located such that they are deemed dangerous to the road network, the travelling public and the future occupants of the terraces, and in contravention of Dubbo Development Control Plan 2013 (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979);
10. The existing dwelling's proposed driveway to Wingewarra Street is located such that it is deemed dangerous to the road network, the travelling public and the adjoining occupant at 199 Wingewarra Street, as required in Dubbo Development Control Plan 2013 (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979);
11. The proposed development (Stages 2 and 3) is deemed unsuitable for the subject site based on the areas of non-compliance with the Development Control Plan identified as it constitutes an over-development of the site. (Section 79C(1)(c) Environmental Planning and Assessment Act, 1979); and
11. The proposed development is not deemed to be in the public interest, given the numerous non-compliances of the proposal together with the potential detrimental impacts on the road network and the property to the south (184 Fitzroy Street). (Section 79C(1)(e) Environmental Planning and Assessment Act, 1979).

Darryll Quigley
Statutory Planning Services Team Leader

BACKGROUND

Despite the complexities associated with the development, together with the difficulties associated with the site (road network), unfortunately the applicant did not discuss the proposed development with Council officers prior to the submission of the Development Application nor following the issuing of a 'Further Information Request' by Council, other than to request that the application be determined on the information provided.

REPORT**1. OWNER/APPLICANT**

The owner of the subject site is Racebail Pty Ltd and the applicant is Mr R Stevenson.

2. PROPOSED DEVELOPMENT

The subject Development Application was lodged with Council on 13 September 2017 by Mr R Stevenson. The Development Application is for a two (2) lot subdivision, multi dwelling housing (four (4) terrace dwellings) and four (4) lot strata subdivision at Lot 1 Sec 40 DP 758361, 197 Wingewarra Street, Dubbo. Development plans are included in **Appendix 1**.

- Stage 1 - Two (2) lot subdivision of the site, resulting in proposed Lot 11 – 555 m² and proposed Lot 12 – 528 m² (**Appendix 1**). This element also includes the new driveway to Wingewarra Street, tree removal, and demolition of the existing garage which provides vehicular access to the property from Fitzroy Street.
- Stage 2 - Multi dwelling housing development (four (4) terrace dwellings) located on the vacant proposed Lot 12 (**Appendix 1**).

The multi dwelling housing (four (4) terrace dwellings) development is double-storey (face brick ground floor, weatherboard cladding on the first floor and Colorbond custom orb roofing), with a pitched roof. Each terrace contains the following features:

- Two (2) bedrooms, two (2) bathrooms, separate toilet, laundry, kitchen/living/dining, alfresco area and single garage.
- Site works include:
 - Landscaping, including plantings with mature heights ranging between 15 cm and 1.5 m;
 - Four (4) vehicle cross-overs to Fitzroy Street; and
 - Replacement of one (1) street tree.
- Stage 3 - Strata subdivision of the four (4) terraces. A copy of the subdivision plan is attached here in **Appendix 1**.

3. SITE CHARACTERISTICS*Address*

The subject site is located at Lot 1 Sec 40 DP 758361, 197 Wingewarra Street, Dubbo.

Locality

The allotment is located on the south-eastern corner of the intersection of Wingewarra and Fitzroy streets. The allotment has an area of 1,083 m² with a frontage of 21.55 m to Wingewarra Street and 50.355 m to Fitzroy Street. For a locality map of the site see Figure 3.

Slope

The site is relatively flat having limited discernible slope, with a natural ground level at 266.5 m AHD.

Vegetation

The site comprises a few introduced trees, all of which would be removed as part of this application. Additionally, one (1) street tree located within the road reserve (Fitzroy Street) would also need to be removed.

Access

Vehicle access to the site is currently obtained via Fitzroy Street, being a bitumen-sealed public road with kerb and guttering.

Drainage

Drainage would be directed into Council's stormwater system.

Services

The site is connected to all utility services (water, sewer, stormwater and electricity) but augmentation may be required as a result of the proposed development.



Figure 3. Locality map – 197 Wingewarra Street, Dubbo

Adjoining uses

North:	Dubbo Showground
South:	Residential development
East:	Residential dwelling
West:	Residential dwelling

Site Inspection

Several inspections of the site have been conducted and a number of photographs are included on file.

4. SITE HISTORY

The last approval issued by Council relating to the site was B17-135 approved on 2 April 1987 for a free standing garage.

The dwelling was located onsite prior to 1959 (confirmed via Council's mapping system). However, Council's records are not sufficient to determine whether an approval was granted. Regardless, no objection is raised to the existing dwelling and its continued use, from a planning perspective.

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

5. PLANNING ASSESSMENT

(a)(i) Environmental Planning Instruments

State Environmental Planning Policy (Infrastructure) 2007

The development is located in close proximity to overhead power lines. In accordance with Clause 45, the application was referred to Essential Energy for comment. Essential Energy provided an email dated 3 October 2017 raising no objection to the development subject to conditions being included on the consent (**Appendix 5**).

Condition 4 from Essential Energy is problematic as it states that *"any proposed driveway accesses and/or exits to the proposed improvements must remain at least three (3) metres away from any electricity infrastructure (power pole) at all times to prevent accidental damage."*

The driveway for terrace 1 is approximately 500 mm from the existing power pole and due to the design of the development, this cannot be solved with a simple redesign. The driveway for terrace 1 is also proposed to be located over a Telstra pit and Council sewer manhole.

Additionally, the driveway of terrace 2 is also within three (3) metres of the power pole.

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 (DLEP) 2011 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

Clause 1.2 Aims of Plan

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

Clause 1.4 Definitions

The proposed development is defined as *multi dwelling housing*:

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

Multi dwelling housing means 3 or more dwellings (... attached ...) on one lot of land, each with access at ground level...

Clause 1.9A Suspension of covenants, agreements and instruments

No restrictions exist which would prevent the development in accordance with the provisions of the LEP.

Clause 2.2 Zoning of land to which Plan applies

The site is zoned R1 General Residential.

Clause 2.3 Zone objectives and Land Use Table

The relevant objectives of the R1 General Residential zone are as follows:

- *To provide for the housing needs of the community;*
- *To provide for a variety of housing types and densities; and*
- *To ensure development is consistent with the character of the immediate locality.*

The development is consistent with the objectives of the R1 General Residential zone with regard to the housing needs of the community and the provision of a variety of housing types and densities.

In relation to consistency of character, the development proposes four (4) x two (2) bedroom units on the site. While the development will contrast in terms of density with surrounding single and dual occupancy dwellings, its two storey residential design is not considered inconsistent with the immediate locality, being a residential zone in which higher densities are permitted. In this respect, the development proposes a pitched roof and extensive weatherboard cladding to reflect the character of surrounding residential dwellings which is defined by weatherboard and brick bungalows.

Clause 2.6 Subdivision – consent requirements

Stage 1 - Two (2) lot subdivision requires development consent.

Stage 3 - Strata subdivision requires development consent.

Clause 2.7 Demolition requires development consent

As per the wording of the clause, 'demolition' requires consent. The existing garage at the rear of the existing dwelling accessing onto Fitzroy Street, is proposed to be demolished.

Clause 4.1 Minimum subdivision lot size

The minimum lot size for the subject site is 300 m².

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

Stage 1 of the proposed development, being the two (2) lot subdivision, can be readily achieved.

However, subclause (4) states:

“(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.”

Proposed Lot 12 will be 558.14 m². The proposed subsequent strata subdivision has lots at approximately 132 m², being below the minimum lot size of 300 m². As such, the proposed subdivision is prohibited, given the recent NSW Land and Environment Court case DM and Longbow Pty Ltd v Willoughby City Council [7 July 2017] NSWLEC 1358.

The submitted Statement of Environmental Effects (SEE) (attached here in **Appendix 3**) does not address this issue and the only solution would be to seek an amendment to the minimum lot size (development standard) as per DLEP 2011, in accordance with Clause 4.6 Exceptions to development standards. On being advised of this fact, the proponent provided a response dated 9 October 2017 addressing the legislative requirements (**Appendix 4**), which is summarised below:

“Clause 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:*
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.”*

Clause 4.1 Minimum subdivision lot size contains development standards with regard to the minimum size of lots which Council may permit. In this instance, the minimum lot size in the R1 General Residential zone is 300 m² and the proposed Stage 3 strata subdivision proposes lots of approximately 132 m² (528 m² divided by four (4) terrace lots).

Subclause (3) of Clause 4.6 Exceptions to development standards, of Dubbo LEP 2011 states:

- “(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

In the proponent's response (**Appendix 4**), in an attempt to justify the contravention of the development standard, the proponent relies only on the fact that the four (4) terraces are permitted with consent on the site and argues that their subsequent strata subdivision is irrelevant to the physical impacts in the locality. Additionally, the NSW Land and Environment Court generally regards literal interpretation of a standard clause in all council LEPs and does not reflect the intent of the clause, being that the strata subdivision of existing or approved buildings should not be subject to the minimum lot size provisions for subsequent subdivisions.

Further, subclause (4) of Clause 4.6 Exceptions to development standards, of Dubbo LEP 2011 states:

- “(4) Development consent must not be granted for development that contravenes a development standard unless:*
- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Secretary has been obtained.”*

While the consultant's written request has addressed the matters required to be demonstrated by subclauses 3 and 4 above, it is considered that the proposed development is not consistent with the relevant objective of Clause 4.1 Minimum subdivision lot size, being:

“(b) to ensure residential allotments are of a suitable shape and size to provide a building envelope, private open space and suitable building setbacks for acoustic and visual privacy.”

The proposed four (4) terrace dwellings result in a number of non-compliances against Council's Development Control Plan 2013, Chapter 2.1 Residential Development and Subdivision, the majority of which are directly related to the over-development of the site and could be addressed with an amended layout and reduction in the number of units. This is related to the number of terrace dwellings proposed, the five (5) driveways proposed and their proximity to the roundabout, and ultimately the number of strata lots proposed.

Notwithstanding, in accordance with Clause 4.6 of the LEP, should Council seek to approve the development, Council must be satisfied that:

- “(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out."*

Accordingly, the development is considered to be contrary to subclause 4 of Clause 4.6 of the Dubbo LEP.

Clause 5.14 Siding Spring Observatory – maintaining dark sky

The proposed development is unlikely to adversely affect observing conditions at the Siding Spring Observatory, taking into account light emissions.

The development is not considered to emit light of 1,000,000 lumens or more.

Clause 7.1 Flooding

The subject site is located outside the flood planning level but is located in the 'extreme' category which is discussed further in this report.

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.

Clause 7.5 Groundwater vulnerability

The development is located in a moderate groundwater vulnerability area. The development is for a residential development in a residential area and will have no impacts on groundwater quality or quantity in the area.

Clause 7.7 Airspace operations

The subject site is located between the 370 m – 380 m Australian Height Datum (AHD) Obstacle Limitation Surface (OLS) contour line. The development site has a ground level of approximately 266.5 m AHD, a proposed finished floor level 266.75 m AHD and a roof apex height of 273.62 m AHD (6.87 m from floor level). Accordingly, the development will be 96.38 m clear of the OLS contour and have no impacts on the Airport's operations.

(a)(ii) Draft Environmental Planning Instruments

The current Operational Review of Dubbo Local Environmental Plan 2011 is on public display and applies to the entire Local Government Area. There are however, no specific issues that relate directly to the subject site or to the Development Application the subject of this Report.

(a)(iii) Development Control Plans

An assessment is made of the relevant chapters and sections of the Dubbo Development Control Plan 2013 (DCP). Those chapters or sections not discussed here are considered not specifically applicable to this application or are discussed elsewhere in this report.

Dubbo Development Control Plan 2013*Chapter 2.1.1 Residential Development*

Element 1 - Streetscape Character

The Stage 1 development involves the two (2) lot subdivision of the subject site, which leaves the existing dwelling on a smaller allotment. The streetscape appearance to the corner of Wingewarra and Fitzroy streets will remain generally the same. Details of any new fencing have not been provided.

The Stage 2 proposed development is for four (4) terrace dwellings, comprising double-storey, pitched-roof construction. The exterior of the development includes a combination of face brick entrances and walls, steel pergolas, weatherboard cladding and decorative windows.

The proposed development orients the four (4) terrace dwellings to Fitzroy Street, ensuring the entrances are readily apparent, and details walls for visual interest as required. The development also includes a pitched roof and extensive weatherboard cladding to reflect the character of surrounding residential dwellings which is defined by weatherboard and brick bungalows circa 1950.

The minimum lot size for multi dwelling housing is 700 m² with a minimum frontage of 20 m. Proposed Lot 12 is 528 m² with a width to Fitzroy Street of 24.53 m. The proposed development fails to meet the minimum lot size requirement, which with the proposed four (4) terrace dwellings, contributes to the concern that the proposed development is an over-development of the site.

The development includes four (4) single garages. The garages are visually separated from one another and integrated with the design of the development. They are setback 5.5 m from the front boundary and behind the building line as required.

Due to the number of proposed terraces, there are four (4) garage doors each 2.5 m wide, equating to 10 m from a 21.13 metre-wide building - this meets the criteria of an 'acceptable solution' under the DCP.

The proposed front fencing is shown on the landscape plan (A17) being 'stack stone' masonry to a height of 900 mm, which is deemed to be satisfactory.

**PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017****PDEC17/9****Element 2 - Building Setbacks**

The Stage 1 development involves the two (2) lot subdivision of the subject site which leaves the existing dwelling on a smaller allotment but will not alter the existing building setbacks.

The Stage 2 development proposes that the four (4) terrace dwellings are setback 4.5 m from the front boundary, as required. The entrances include pergolas having a minimum setback of 3.3 m to the front boundary, however these are cantilevered with no vertical structural element located within the front setback, which is considered acceptable.

The development has side setbacks of 1400 mm (north) and 2000 mm (south), with a 4.647 m setback from the rear (east) boundary. A rear pergola is attached to each terrace which is 1.85 m from the rear boundary, satisfying the Building Code of Australia.

Element 3 - Solar Access

The Stage 1 development involves the two (2) lot subdivision of the subject site which alters the solar access to the private open space area as it was previously located to the rear (south) of the existing dwelling. With Stage 2 located to the rear (south) of the existing dwelling, the application proposes that the existing dwelling have its private open space area located to the west of the dwelling. The area would receive the necessary direct sunlight due to the northern and western aspects.

The Stage 2 development is designed such that the four (4) terrace dwellings' living areas and open space are located along the eastern boundary of the site.

The applicant provided additional details, stating that the internal fencing would be 1500 mm high and that the clotheslines would be positioned at the same height as the top of the internal fences. The clotheslines have been positioned such that they will not be overshadowed until after 12 noon, by the adjoining terrace's rear pergola. However, this has compromised the size of the clotheslines to a shorter length of 1100 mm.

The private open space (rear yard) represents a non-compliance with Development Control Plan as they do not receive sufficient solar access. Seventy-five percent (75%) of the main private open space does not receive direct sunlight at any point for terraces 2 and 3. Terraces 1 and 4 would achieve this requirement at 11 am only. The proponent's consultant has argued that this requirement could be achieved by the deletion of the rear pergola but this would then reduce the amenity of the rear yard to the future occupants and have detrimental impacts on the amenity within all four (4) terraces.

The argument has some merit however, the fact that the proposed development has only provided minimum private open space areas is really the issue. A larger rear private open space could achieve both the necessary shading from the pergola and the solar access to the remainder of the rear yard. The over-development of the site detrimentally impacts upon the amenity of the proposal, as various aspects of the development are traded against each other.

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

The dwelling to the south (184 Fitzroy Street), being a large two-storey building located two metres from the boundary, will be overshadowed by the proposed development. Some of the windows and rooms are not habitable whilst no objection to the proposal was received from the owner of the site, a detrimental impact will occur and given the nature of the existing dwelling, it is likely that the site itself may be redeveloped in the future and the loss of the northern aspect and overshadowing will be a factor on future development.

Element 4 - Private Open Space and Landscaping

Private Open Space

Existing dwelling

The existing dwelling has a principal private open space area of 68.9 m² (8.2 m x 8.4 m) and a general open space area of 94 m² (additional area along the southern and eastern boundary) being less than 20% (111 m²) of the site area. The private open space is not directly accessible from the living areas as required. This non-compliance with the Development Control Plan has not been addressed by the proponent and is not supported.

Terrace 1

Terrace 1 (southern) has a principal private open space area of 31.5 m² (4.5 m x 7.0 m) and general open space area of 52.5 m² (additional area along the southern boundary) being greater than the required 5% (26.4 m²) of the site area. The private open space area is directly accessible from the living areas as required.

Terrace 2

Terrace 2 (middle-south) has a principal private open space area of 22.5 m² (4.5 m x 5.0 m), being less than the required 5% (26.4 m²) of the site area. The private open space area is directly accessible from the living areas as required.

Terrace 3

Terrace 3 (middle-north) has a principal private open space area of 22.5m² (4.5m x 5.0m), being less than the required 5% (26.4m²) of the site area. The private open space area is directly accessible from the living areas as required.

Terrace 4

Terrace 4 (north) has a principal private open space area of 28.8 m² (4.5 m x 6.4 m) and general open space area of 43.5 m² (additional area along the southern boundary) being greater than the required 5% (26.4 m²) of the site area. The private open space area is directly accessible from the living areas as required.

Overall, proposed Lot 12 has a proposed general open space area of 120.0 m² (31.5 m² + 22.5 m² + 22.5 m² + 43.5 m²) being greater than 20% (105.6 m²) of the whole site area (528 m²). All the private open space is located behind the building line as required.

The failure of terraces 2 and 3 to meet the minimum private open space area requirements, contributes to the proposed development being considered to be an over-development of the site.

Landscaping

The application includes a landscaping plan showing landscape plantings in the front and rear yards with mature heights ranging from 15 cm to 1.5 m. The development proposes the removal of one (1) street tree in Fitzroy Street.

Element 5 - Infrastructure

The site is located in an established residential area and has access to all reticulated infrastructure services. The development is proposed to connect to all services and will be augmented as necessary.

Element 6 - Visual and Acoustic Privacy

Visual Privacy*Existing dwelling*

The subject site is flat and will be surrounded by 1800 mm high boundary fencing, with internal fencing proposed at 1500 mm. This height meets the minimum requirement and as such visual privacy impacts between the existing dwelling and terrace 4 and adjoining properties have been adequately addressed.

Ground Floor

The subject site is flat and will be surrounded by 1800 mm high boundary fencing, with internal fencing proposed at 1500 mm. This height meets the minimum requirement and as such, visual privacy impacts between the terraces and adjoining properties on the ground floor has been addressed.

First Floor

The development includes four (4) bedroom windows and four (4) bathroom windows on the eastern elevation. The elevation plans indicate that screening devices are located a minimum 1.5 m from the first floor level (Plate 1).

This arrangement complies with Performance Criteria P1 which states:

"P1 Private open spaces and living rooms of adjacent residential accommodation are protected from direct overlooking by an appropriate layout, screening device and distance."

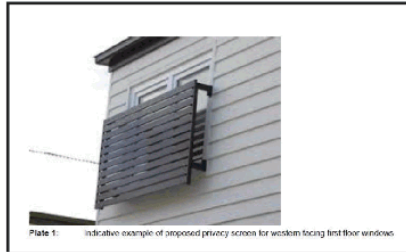


Plate 1

Acoustic Privacy

The development will not cause issues in relation to acoustic privacy. The ground floor layout does not place bedrooms adjacent to car parking spaces and the first floor layout does not place bathrooms adjacent to bedrooms in adjoining units as required.

Element 7 - Vehicle access and car parking

The Stage 2 development includes four (4) single garages which are setback the required 5.5 m from the front boundary. Each terrace proposes two (2) onsite car parking spaces as required, however one of each is proposed forward of the building setback. This represents a non-compliance with the acceptable solution criteria.

The proponent states that *"... this is consistent with other multi-unit development in the locality."* It is understood that this is in reference to the recently approved development at 1D Rawson Street, being similar in design to the proposed development. However, Fitzroy Street is much busier, there are a number of mid-block driveways and most importantly, the short distance to the roundabout on Wingewarra Street is problematic and potentially dangerous.

One visitor parking space is required for multi dwelling housing developments comprising of four (4) or more units. The proposed development has not provided the required visitor car space, stating in the SEE that *"... there is ample street parking availability in the locality to accommodate the one (1) car parking space shortfall for visitor parking."*

The Stage 2 development with its four (4) driveways has removed any opportunity to park in the street fronting the development. Due to the proximity of the roundabout in Wingewarra Street and the existing road configuration, limited on-street parking may be available in front of 184 Fitzroy Street (south), refuting the statement above made in the SEE.

The Stage 2 development has all four (4) terraces designed such that all vehicles will either enter or exit in a forward direction, but not both. This is contrary to the requirements of the DCP. The SEE states that *"... line marking in Fitzroy Street provides sufficient space for cars to safely reverse onto the street without entering the flow of traffic."* Advice received from Council's Senior Traffic Engineer (see below) refute such a statement.

The Senior Traffic Engineer in their report dated 6 October 2017, states as follows:

"The proposed 4 multi (unit) dwelling development on 197 Wingewarra Street is considered to be an over development of the site with concerning access and road safety implications particularly along the Fitzroy Street frontage but also to the proposed access to the retained existing residence in Wingewarra Street. Subsequently any future development of this site is to be restricted to a single driveway access to each lot off Fitzroy Street.

Being a corner block on a 4 way intersection there will inevitably be some impact with traffic management improvements such is experienced with the roundabout where there is no access to Wingewarra Street with existing side access at the extremities of the kerb blister in Fitzroy Street. Fitzroy Street is the safest and most convenient place to access 197 Wingewarra Street. Fitzroy Street functions as a Neighbourhood Sub Arterial (11,000 – 15,000 vpd) and Wingewarra Street a Neighbourhood Distributor (6,000 – 11,000vpd). Traffic volumes currently experienced are relatively high with the roundabout exceptionally active throughout the day. The roundabout is a two lane circulating with two lane entry/ exits lanes. A merge lane extends for the full frontage of the property Fitzroy Street. Whilst there is a wide parking lane in Fitzroy Street there would most likely be the need in the future to extend two lanes southbound adjacent the property as a consequence of capacity at the intersection which could also revert to signals.

With the ongoing traffic growth, intersection congestion and future traffic and road improvements, the provision of an additional 4 driveways to this proposed development in Fitzroy Street will effectively create an unsafe road environment. The proposed access to Wingewarra Street details minimal tolerances, entry and exit access and traffic conflict in an unsafe location to the roundabout.

There is no comparisons to an existing development in Rawson Street. Rawson Street is a low key wide residential street with very low traffic volumes that had been assessed as having no road safety implications in that environment.

The current proposal at 197 Wingewarra Street is an entirely different road environment. It is located on a corner block that is already traffic managed and constrained with the roundabout facility with future growth and capacity requiring additional travel lanes and potential traffic signals, experiences high traffic volumes that will only increase, requires access to the site from the through travel lane particularly in the future with additional infrastructure impacts.

RECOMMENDATION

The Infrastructure and Operations Division is not supportive of the proposed development and should be refused for its road safety implications on the travelling community, local residents and proposed occupants of the development including the following reasons:

- *Corner property on a 4 way intersection currently access constrained with a roundabout facility;*
- *With future road improvement to Fitzroy Street the reversing turning movements from each driveway would occur wholly within a travel lane with the current proposal showing conflicting movements into the merge lane. A reduction to two driveways reduces the impact and allows the opportunity to manage access to the site with increased driveway widths and onsite manoeuvrability;*
- *The driveway cluster is congested with absolute minimal tolerances between them creating vehicle conflict and constrained access;*
- *The southernmost driveway has to negotiate a power pole on entry and exit that will be required from the existing through lane that potentially will become the outside lane. This is unacceptable;*
- *There is limited opportunity to manoeuvre to and from and within the property boundary;*
- *The second car parking space is on minimal tolerances that would inevitably see vehicle overhang on to the footpath;*
- *The access of Wingewarra Street promotes and unsafe environment with restricted access travel paths on entry and exit; and*
- *Reduced capability for visitor on street parking impacting on adjoining property access and parking amenity."*

Element 8 - Waste Management

The development as proposed can be connected to Council's sewer system and utilise Council's domestic waste disposal system however, the location of garbage bins for terraces 2 and 3 is unknown, given there is no direct access to the private open space at the rear.

Element 9 - Site Facilities

The development has sufficient areas for site facilities such as mail boxes, clotheslines and storage areas as required.

Chapter 2.1.3 Subdivision controls

It should be noted that due to the cumulative DCP non-compliances of proposed Stage 2 multi dwelling housing (four (4) terrace dwellings), the variation sought to amend the development standard (minimum lot size) is not supported and therefore the Stage 3 Strata Subdivision component of the development is also recommended for refusal.

Element 1 Neighbourhood design

Given the location of the site and the proposed two (2) lot subdivision, no issues arise with regard to neighbourhood design.

Element 2 - Lot layout

The proposed two (2) lot subdivision complies with the 300 m² minimum lot size as per DLEP 2011. However, the proposed relocation of the driveway access to Wingewarra Street is unacceptable, as detailed above and cannot be supported.

Element 3 - Public open space and landscaping, Element 5 - Street design and road hierarchy, and Element 6 - Pedestrian and cycle links, are not relevant to the proposal.

Element 4 - Infrastructure

The subject site is fully serviced and any approval would require compliance with the requirements of the specific authorities.

Element 7 - Stormwater management

The proposed development can adequately manage stormwater issues.

Element 8 - Water quality management

Issues regarding erosion and sediment control can be addressed with suitable plans and works, to ensure that Council's roadway and stormwater system are not unduly affected.

Chapter 3.4 Heritage Conservation

The subject site is located in the Residential East – Heritage Precinct. The subject property is not heritage listed nor adjoined by heritage listed items however, surrounding cottages and bungalows can be considered contributory items. The relevant components of the chapter are addressed below.

3.4.10.1 Construction of New Buildings

It is an objective that *development (new buildings) ... in the heritage precincts are sympathetic to the significance and character of the precinct.*

Significance, character and setting

P1 New building design shall relate to the significance and the character of the adjoining buildings and the heritage precinct.

It is considered that the Stage 2 - Multi dwelling housing (4 terraces) proposed development are not unsympathetic with regard to the character of the heritage precinct.

Scale

P7 In designing new buildings, the size, shape and height shall reflect the dominant height and proportions of adjacent buildings within the heritage precinct.

While the Stage 2 - Multi dwelling housing (4 terraces) proposed development is of a higher density than the majority of buildings in the heritage precinct it is not disproportionate, having the bulk and scale of a two storey dwelling.

Roofs

P10 Roof shape and material shall relate to adjoining buildings and the surrounding heritage precinct.

A10.1 Development shall reflect similar heights and pitch ... in keeping with the character of the heritage precinct.

It is considered that the Stage 2 - Multi dwelling housing (4 terraces) proposed development (being residential in nature) comprising a pitched roof of a two-storey scale is not out of context in the heritage precinct.

(b) Likely impacts of the development (including environmental (natural and built) and social and economic impacts in the locality)

The overall proposal is for residential development, having a higher density than most of the locality but which is located in close proximity to the Central Business District. The development includes a number of variations to Dubbo Development Control Plan 2013 resulting in cumulative impacts upon the built environment which are ultimately detrimental, particularly with regard to the road network.

With regard to the social and economic impacts of the proposed development, the proposal represents a higher land use (population density) than a standard single dwelling or dual occupancy development. The increased housing density provides for more housing options in close proximity to the Central Business District, contributing to an increased population that supports increased business activity.

(c) Suitability of the site

- *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 development will have no adverse impact on the scenic qualities of the area or obstruct views or vistas, given that the immediate vicinity is dominated by rear yard fences.

The development will result in some overshadowing of the residential development at 184 Fitzroy Street, as stated earlier in this report.

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

- *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?*

The external appearance of the development is appropriate having regard to the character of the locality, bulk, scale, size and height. The density is only a problem in terms of the Stage 2 multi dwelling housing (four (4) terrace dwellings), resulting in an over-development of the site.

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

The size of the subject site is unsuitable for the proposed development, with numerous variations sought against Dubbo Development Control Plan 2013. It is considered that the proposal represents an over-development of the site.

Access, transport and traffic

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

Wingewarra and Fitzroy streets are wide, sealed, carriageways with high traffic usage and while they may have ample capacity to accommodate traffic from the development, the problem is traffic entering and leaving the subject site as discussed earlier in this report.

(d) *Submissions*

The application was notified to owners of adjoining lots for a period of 14 days concluding on 7 October 2017. No submissions were received.

(e) *Public Interest*

Given the above assessment, the proposed development is considered to be contrary to the public interest.

6. SECTION 64/SECTION 94 CONTRIBUTIONS

The proposed development results in impacts upon Council's services and facilities and as such, contributions would be applicable if development consent were recommended.

SUMMARY

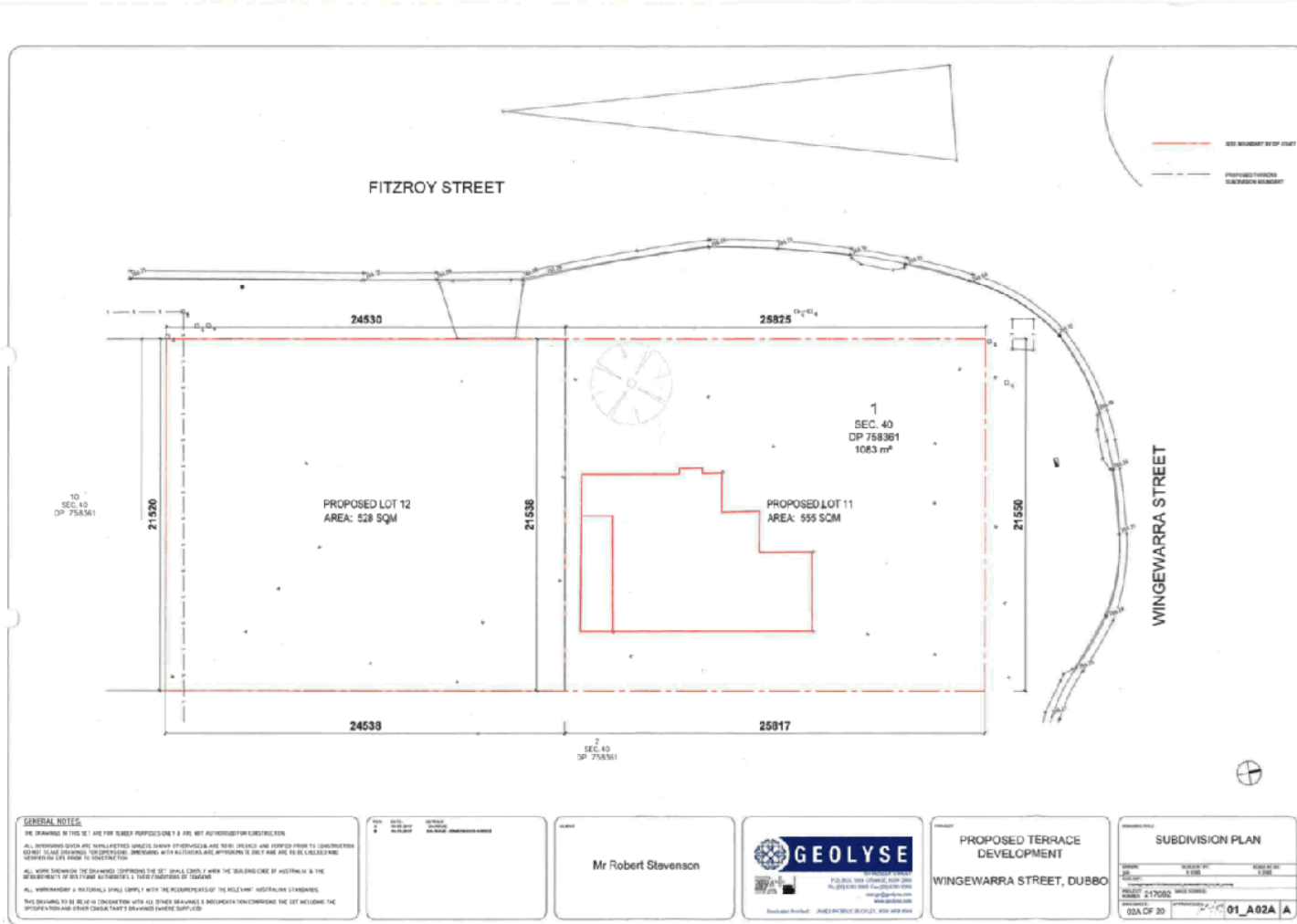
The subject development, while permissible in the zone, is considered to be an over-development of the site given the number of areas of non-compliance with the Dubbo Local Environmental Plan 2011 and Development Control Plan. Accordingly, it is recommended that this application in its current configuration be refused.

PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
20 NOVEMBER 2017

PDEC17/9

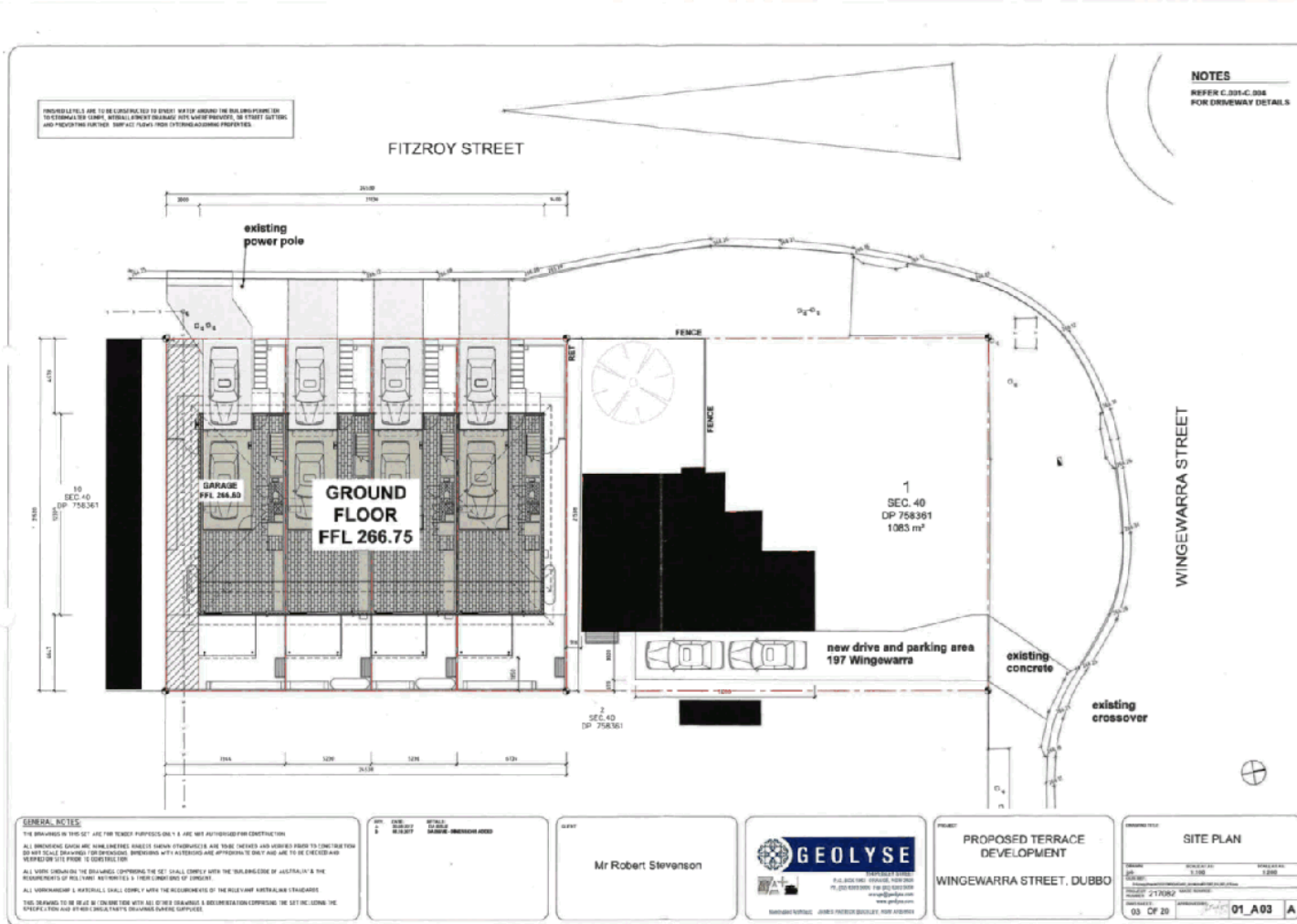
Appendices:

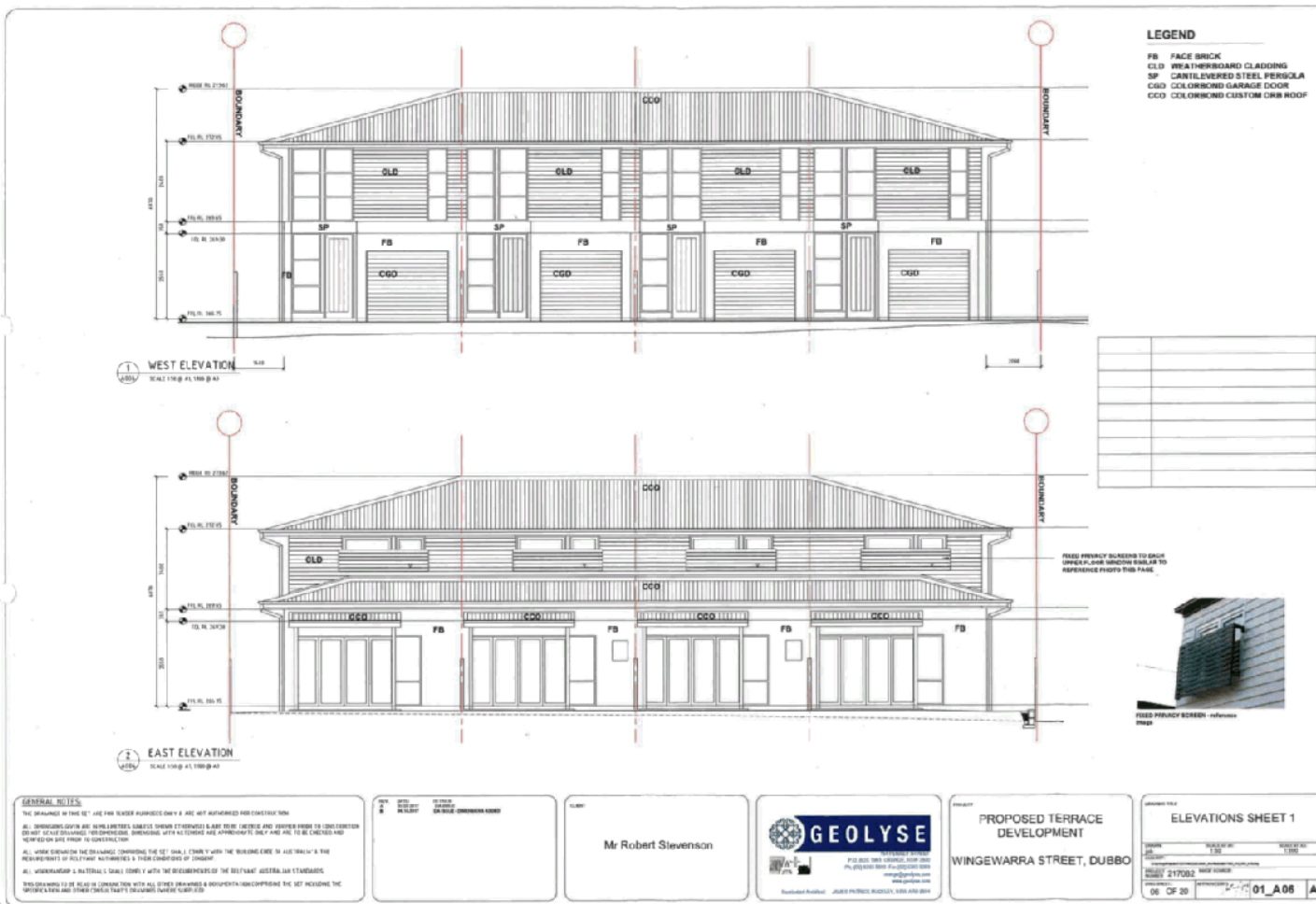
- 1 Development plans
- 2 Correspondence from proponent dated 9 November 2017
- 3 Statement of Environmental Effects
- 4 Response from proponent dated 9 October 2017
- 5 Correspondence from Essential Energy dated 3 October 2017



APPENDIX NO: 1 - DEVELOPMENT PLANS

ITEM NO: PDEC17/9





Raceball Pty Ltd
PO Box 151
Dubbo NSW 2830
9th November 2017

Dubbo Regional Council
Mr Steve Wallace
Manager Building and Development Services
PO BOX 81
Dubbo NSW 2830

Dear Mr Wallace

RE: Development Application D2017-462 – Councils Request for Further Information
(Dated 19th October 2017)

I reply to your letter requesting further information in relation to our proposed development of multi dwelling housing – four (4) terraces (D2017-462) in Wingewarra St Dubbo.

After consideration of your comments I have reviewed the original SEE including supporting information and the further information reply from Geolyse and believe we have provided sufficient information including engineering and planning grounds to satisfy Councils requirements and that approval should be given. I consider the submitted information to be sufficient grounds for an appeal to the Land and Environment Court if the proposal is refused by Council.

I will not be providing any further information and kindly request that Council determine the application on the information provided thus far.

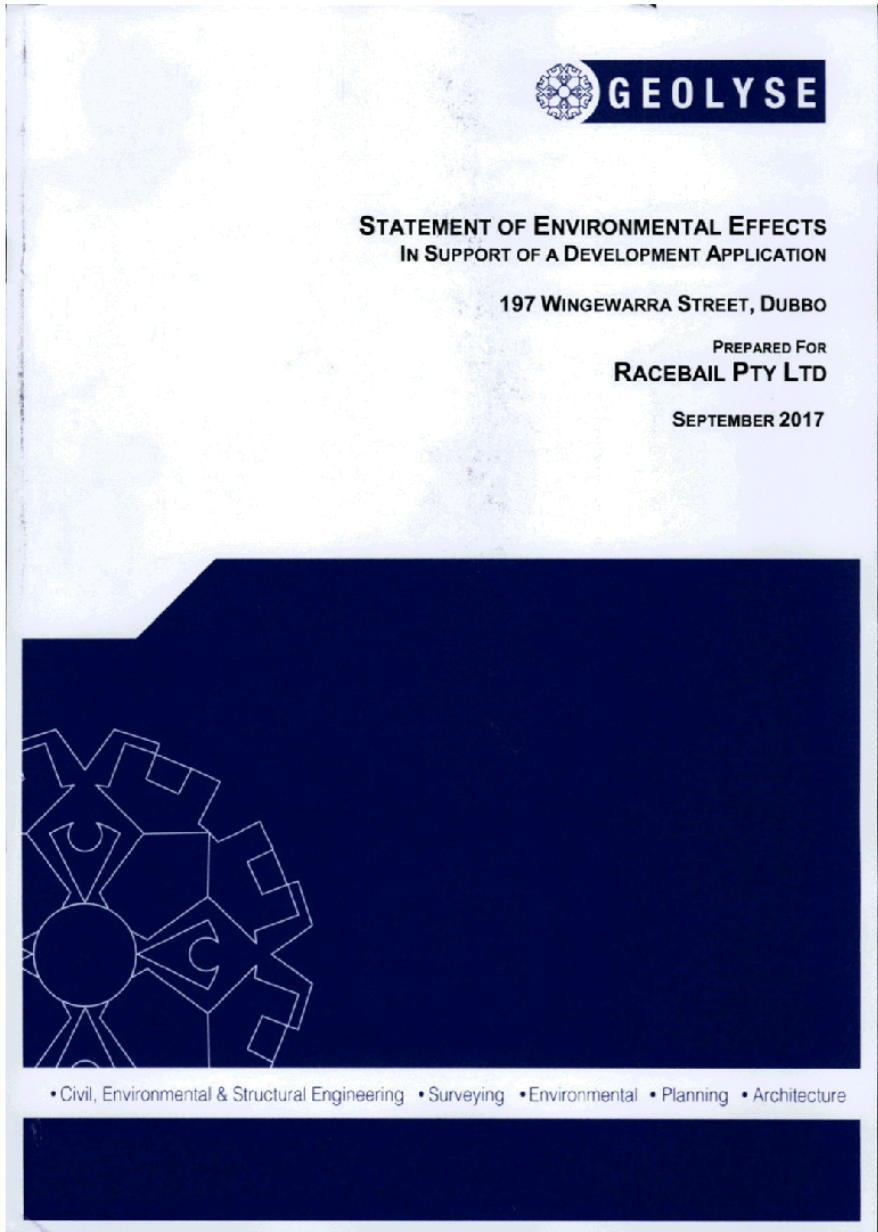
Please call me if you wish to discuss further.

Regards




Robert Stevenson
Director Raceball Pty Ltd
Ph: 0428 845 440

Page 1 of 1





		STATEMENT OF ENVIRONMENTAL EFFECTS IN SUPPORT OF A DEVELOPMENT APPLICATION STEVEINC PTY LTD
Report Title:	<i>Statement of Environmental Effects</i>	
Project:	<i>In Support of a Development Application</i>	
Client:	<i>Steveinc Pty Ltd</i>	
Report Ref.:	<i>217082_SEE_001B.docx</i>	
Status:	<i>Final</i>	
Issued:	<i>12 September 2017</i>	

Geolyse Pty Ltd and the authors responsible for the preparation and compilation of this report declare that we do not have, nor expect to have a beneficial interest in the study area of this project and will not benefit from any of the recommendations outlined in this report.

The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

All maps, plans, and cadastral information contained within this report are prepared for the exclusive use of Steveinc Pty Ltd to accompany this report for the land described herein and are not to be used for any other purpose or by any other person or entity. No reliance should be placed on the information contained in this report for any purposes apart from those stated therein.

Geolyse Pty Ltd accepts no responsibility for any loss, damage suffered or inconveniences arising from, any person or entity using the plans or information in this study for purposes other than those stated above.

PAGE 1
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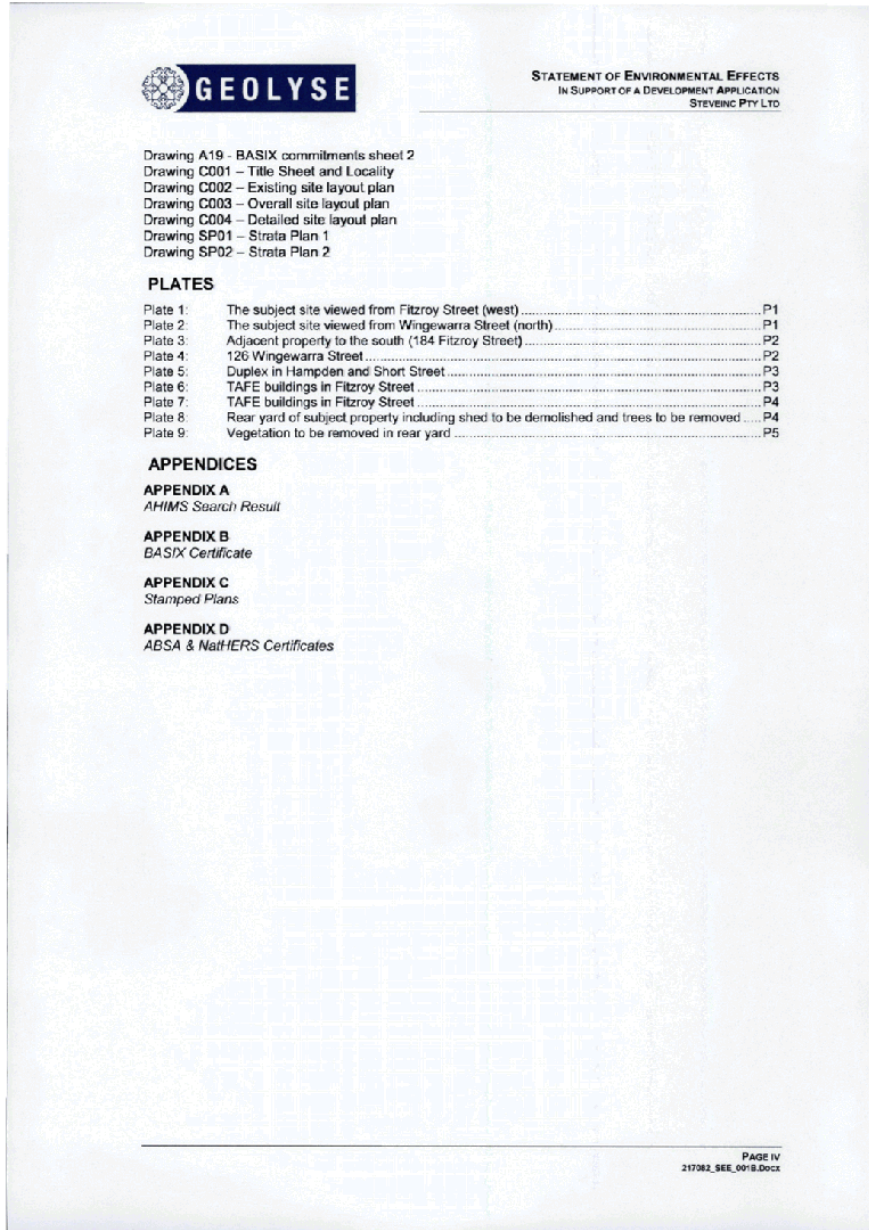
STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVEING PTY LTD

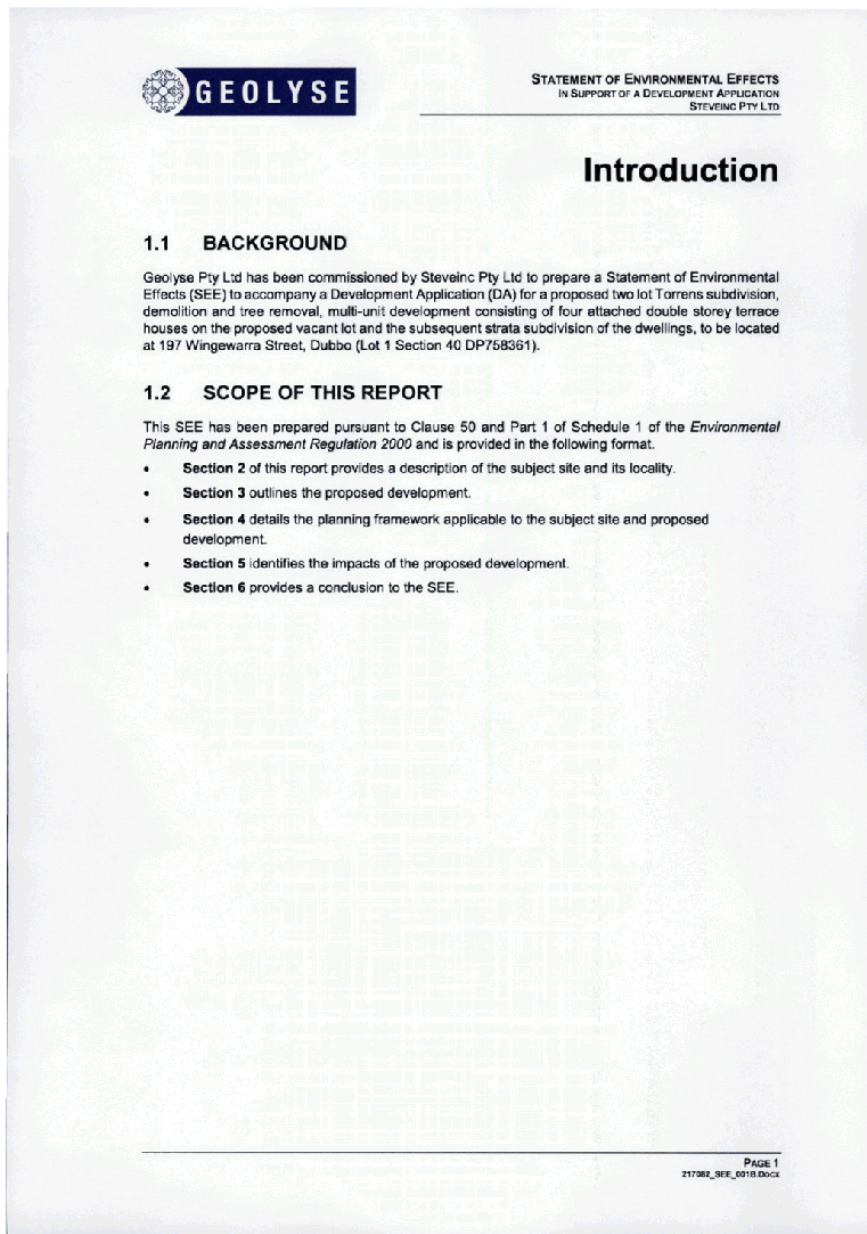
TABLE OF CONTENTS

INTRODUCTION	1
1.1 BACKGROUND	1
1.2 SCOPE OF THIS REPORT	1
THE SITE & ITS LOCALITY	2
2.1 THE SITE	2
2.2 THE LOCALITY	2
THE DEVELOPMENT	3
3.1 DEVELOPMENT DESCRIPTION	3
3.1.1 TORRENS SUBDIVISION	3
3.1.2 TREE REMOVAL AND GARAGE DEMOLITION	3
3.1.3 MULTI DWELLING HOUSE	4
3.1.4 STRATA SUBDIVISION	4
STATUTORY PLANNING FRAMEWORK	5
4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979	5
4.1.1 AIMS & OBJECTIVES	5
4.1.2 SECTION 5A	5
4.1.3 SUBORDINATE LEGISLATION	5
4.1.4 INTEGRATED DEVELOPMENT	6
4.2 ENVIRONMENTAL PLANNING INSTRUMENTS	6
4.2.1 STATE ENVIRONMENTAL PLANNING POLICY	6
4.2.2 DUBBO LOCAL ENVIRONMENTAL PLAN 2011	6
4.2.3 DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS	9
4.3 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000	10
4.4 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS	10
4.5 DEVELOPMENT CONTROL PLANS	10
4.5.1 DUBBO DEVELOPMENT CONTROL PLAN 2013	10
4.6 DEVELOPMENT CONTRIBUTIONS PLANS	11
4.6.1 SECTION 64 WATER AND SEWERAGE CONTRIBUTION PLAN	11
4.6.2 AMENDED SECTION 94 CONTRIBUTIONS PLAN - ROADS, TRAFFIC MANAGEMENT AND CAR PARKING	11
4.6.3 SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN - DUBBO OPEN SPACE AND RECREATION FACILITIES	12
IMPACTS	45
5.1 INTRODUCTION	45
5.2 CONTEXT AND SETTING	45
5.3 ACCESS, TRANSPORT AND TRAFFIC	47
5.3.1 TRAFFIC GENERATION	47
5.3.2 PARKING	47
5.4 PUBLIC DOMAIN	48
5.5 SERVICING	48
5.6 HERITAGE	48
5.7 WATER	48
5.8 SOILS	49
5.9 AIR AND MICROCLIMATE	49
5.10 FLORA AND FAUNA	49
5.11 WASTE	49

PAGE II
217042_SEE_2018.Docx

		STATEMENT OF ENVIRONMENTAL EFFECTS IN SUPPORT OF A DEVELOPMENT APPLICATION STEVENIC PTY LTD
5.11.1	SOLID WASTE	49
5.12	EFFLUENT DISPOSAL	49
5.13	STORMWATER	50
5.14	ENERGY	50
5.15	NOISE & VIBRATION	50
5.16	NATURAL HAZARDS	50
5.17	TECHNOLOGICAL HAZARDS	50
5.18	SAFETY, SECURITY AND CRIME PREVENTION	50
5.18.1	SURVEILLANCE	50
5.18.2	ACCESS CONTROL	50
5.19	SOCIAL IMPACT	51
5.20	ECONOMIC IMPACT	51
5.21	SITE DESIGN AND INTERNAL DESIGN	51
5.22	CONSTRUCTION IMPACTS	51
5.23	CUMULATIVE IMPACTS	52
CONCLUSION		53
6.1	SUITABILITY OF THE SITE	53
6.2	PUBLIC INTEREST	53
6.3	CONCLUSION	53
REFERENCES		54
TABLES		
Table 3.1	Proposed Lots	3
Table 4.1	Applicable Dubbo DCP Requirements	13
FIGURES		
Figure 1:	Subject site shaded yellow (Source: Six Maps)	2
Figure 2:	Overshadowing diagram – 8am – full sun	38
Figure 3:	Overshadowing diagram – 9am – full sun	39
Figure 4:	Overshadowing diagram – 10am – full sun	40
Figure 5:	Overshadowing diagram – 11am – full sun	41
Figure 6:	Overshadowing diagram – 11:30am – full sun for unit 1 and 90% sun for dwellings 2 - 4	42
Figure 7:	Overshadowing diagram – 12pm – full sun for unit 1 and 70% sun for dwellings 2 - 4	43
Figure 8:	Overshadowing diagram – 12:30pm – full sun for unit 1 and 25% sun for dwellings 2 - 4	44
DRAWINGS		
Drawing A01	Title sheet	
Drawing D1	Contour and feature survey plan	
Drawing A02	Tree removal and demolition plan	
Drawing A03	Site plan	
Drawing A04	Ground floor plan	
Drawing A05	First Floor plan	
Drawing A06	Elevations Sheet 1	
Drawing A07	Elevations Sheet 2	
Drawing A08	Fitzroy Street elevation	
Drawing A09	Shadows diagrams 1	
Drawing A10	Shadows diagrams 2	
Drawing A11	Shadows diagrams 3	
Drawing A12	Shadows diagrams 4	
Drawing A13	Shadows diagrams 5	
Drawing A14	Shadows diagrams 6	
Drawing A15	Shadows diagrams 7	
Drawing A16	Artists Impression	
Drawing A17	Landscape plan	
Drawing A18	BASIX commitments sheet 1	







STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENIC PTY LTD

The Site & Its Locality

2.1 THE SITE

The site the subject of the development application is located at 197 Wingewarra Street, Dubbo (Lot 1 Section 40 DP758361).

The site has an area of approximately 1,083 square metres and frontages to Wingewarra Street and Fitzroy Street of 21.55 metres and 50.355 metres respectively. The site currently features a detached single storey dwelling, fronting Wingewarra Street. Existing vehicular access is from Fitzroy Street and a small garage is located at the rear of the site.

The site is depicted in Figure 1.



Figure 1: Subject site shaded yellow (Source: Six Maps)

2.2 THE LOCALITY

The site is located to the East of the Dubbo CBD. The surrounding locality is characterised by residential land usages, typically detached residential properties on large blocks. Due to the zoning and minimum lot size applying to the site, the area surrounding the site is undergoing a transition in character, with a number of smaller unit developments being recently approved and built in the nearby vicinity, including a recent granting of consent for a similar arrangement of four attached terrace style multi-dwelling houses at 1D Rawson Street.

The property is in close proximity to the Dubbo Showground and Paceway, which is situated to the North.

PAGE 2
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The Development

3.1 DEVELOPMENT DESCRIPTION

The proposal entails four elements:

1. An initial Torrens subdivision of the land to form two lots; a corner lot fronting Wingewarra Street which would host the existing dwelling including provision of a new driveway to Wingewarra St, together with a vacant lot fronting Fitzroy Street;
2. Tree removal and demolition of an existing detached garage in the southern extent of the property;
3. Development of a multi dwelling housing development consisting of four (4) attached terrace houses separated by internal party walls on the created vacant lot fronting Fitzroy Street; and
4. The subsequent strata subdivision of the four dwellings.

On the basis that Section 78A(2) of the *Environmental Planning and Assessment Act 1979* enables multiple forms of development to be addressed via the same development application, the approach to incorporate all four elements in this DA, rather than via separate DA's, is considered legitimate.

3.1.1 TORRENS SUBDIVISION

As noted, a two lot subdivision of the land is proposed to provide the existing dwelling on a separate lot, creating a vacant lot fronting Fitzroy Street. A similar scale of subdivision has occurred on all three corners of the block in which the site is located (refer **Figure 1**).

The details of the two proposed lots are outlined in **Table 3.1**.

Table 3.1 – Proposed Lots

Lot	Size	Frontage Wingewarra	Frontage Fitzroy	Purpose
11	596.37 m ²	21.55 m	25.83 m	Residential
12	558.14 m ²	-	24.53 m	Residential - vacant

Proposed Lot 11 has existing service connections that will be maintained or adjusted as required.

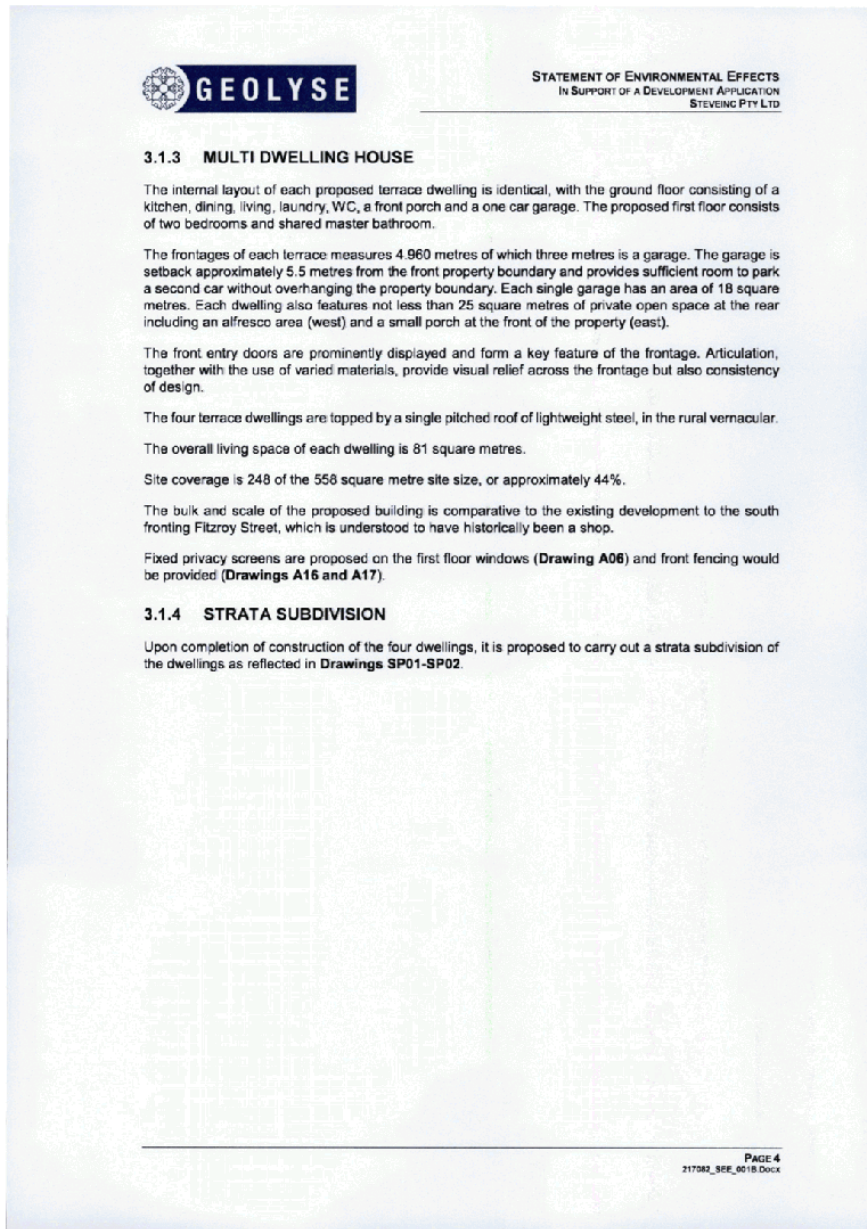
Proposed Lot 12 would be provided with necessary services at the expense of the developer as set out in **Drawings C001-C004**.


3.1.2 TREE REMOVAL AND GARAGE DEMOLITION

A number of trees in the rear yard of the property will require removal to facilitate the proposed development together with the demolition of an existing detached shed/garage.

Four trees would be removed to facilitate the development – refer **Plate 9** and **Drawing A02**. The removal of these trees would be offset via provision of landscaping as per **Drawing A17**. This is discussed further in **Section 4.2.2.3**.

Controls associated with demolition are discussed in **Section 5.22**.





STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENING PTY LTD

Statutory Planning Framework

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

4.1.1 AIMS & OBJECTIVES

In New South Wales (NSW), the relevant planning legislation is the *Environmental Planning and Assessment Act 1979* (EP&A Act). The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the Department of Planning & Environment (DP&E). The objects of the EP&A Act are:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,
- (iii) the protection, provision and co-ordination of communication and utility services,
- (iv) the provision of land for public purposes,
- (v) the provision and co-ordination of community services and facilities, and
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
- (vii) ecologically sustainable development, and
- (viii) the provision and maintenance of affordable housing, and

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

4.1.2 SECTION 5A

Section 5A of the EP&A Act requires consideration of whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats as a result of the proposed development. Given the urban locality and previous level of development, the proposed development is considered unlikely to have an adverse impact on threatened species, populations or ecological communities, or their habitats.

4.1.3 SUBORDINATE LEGISLATION

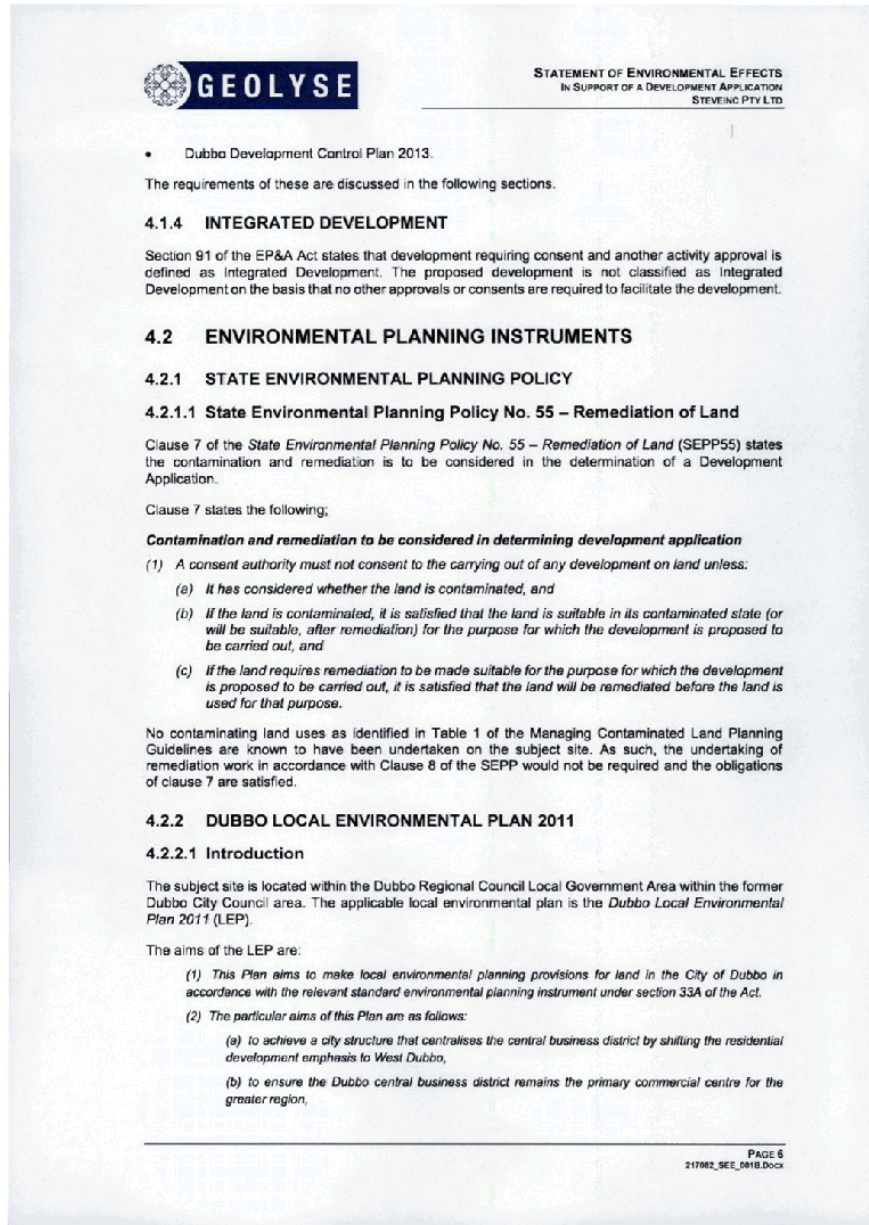
The EP&A Act facilitates the preparation of subordinate legislation, consisting of:


- Environmental Planning Instruments (EPIs) (including State Environmental Planning Policies (SEPP), Local Environmental Plans (LEP), and deemed EPIs); and
- Development Control Plans (DCP).

In relation to the proposed development, the relevant subordinate legislation includes:

- *State Environmental Planning Policy 55 – Remediation of Land*;
- *Dubbo Local Environmental Plan 2013*; and

PAGE 5
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENIC PTY LTD

(c) to ensure tourism opportunities are provided in appropriate locations in close proximity to the Taronga Western Plains Zoo, established accommodation nodes and service and support facilities,

(d) to provide high quality open space to meet a wide range of active and passive recreational needs,

(e) to ensure environmental and cultural heritage is adequately protected to ensure its conservation,

(f) to ensure adequate provision is made for the development, establishment and enhancement of cultural, research and medical institutions,

(g) to ensure land zoned for industrial purposes is protected from inappropriate development,

(h) to ensure rural lands are kept in large holdings to ensure sustainable agriculture can be undertaken without detrimental impact,

(i) to ensure development and land management practices do not further exacerbate the impact of salinity or result in new salinity outbreaks,

(j) to ensure urban stormwater is managed to maintain quality and not detrimentally impact on downstream development,

(k) to ensure the floodplains of the Macquarie and Talbragar Rivers are adequately protected from inappropriate development and to ensure the impact of flooding on people and the built and natural environment is minimised.

The proposed development is not antipathetic to the above aims.

A review of mapping associated with the LEP reveals the following:

- The site is located within the R1 – General Residential zone – refer Section 4.2.2.2; and
- The applicable minimum lot size for the purposes of Torrens subdivision is 300 square metres.

For the avoidance of doubt, the site is not mapped as containing sensitive terrestrial biodiversity, is not located within a flood planning area, is not located near to riparian land and waterways, does not contain or is not located adjacent to a site of state or local heritage significance, is not located within an LEP defined heritage conservation area, will not result in a development that will penetrate the Obstacle Limitation Surface and is not located within an area of groundwater vulnerability.

Matters highlighted above of relevance to the application, together with other relevant clauses of the LEP, are discussed in the following sections.

4.2.2.2 Zoning

The objectives for development within the R1 zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure development is consistent with the character of the immediate locality.

The development provides for the housing needs of the community by providing an alternate form of housing of which there is growing demand, especially close to the centre of town, and therefore the development is considered to be consistent with the first two objectives. As the land use is a dwelling use, objective three is not considered to apply.

As noted, the fourth objective within the R1 zone is:

- To ensure development is consistent with the character of the immediate locality.

Character is a subjective term and can be applied, by reference to the Land and Environment Court planning principles, to either the existing/prevaling character or by reference to emerging character. Consistency in planning terms can also be defined as compatibility. Compatible can be taken as 'capable as existing together in harmony' (Project Venture Developments v Pittwater Council [2005] NSWLEC 191).

PAGE 7
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
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The Dubbo Residential Areas Strategy (Strategy) was developed and adopted in 1996 to guide future development of the residential areas of the city of Dubbo. The strategy provided the basis for the development of both the current 2011 Local Environmental Plan (2011 LEP) and its predecessor, the Dubbo Local Environmental Plan 1998 – Urban Areas (1998 LEP), gazetted in 2000 and repealed in 2012.

The 1996 LEP identified the subject land as Residential 2(a) and as a character conservation area. Within the 2(a) zone, subdivision of land was permissible down to a minimum lot size of 600 square metres, 700 square metres on a corner allotment or 300 square metres where one of the houses will comprise semi-detached housing.

The goal of the Strategy in relation to residential areas was to:

Identify and protect the established residential neighbourhoods and ensure a sufficient supply of suitable land to meet the future residential development needs of the city.

- *As described by the Dubbo Z1 Plan;*
- *Within a well-integrated expanding urban land use framework;*
- *Consistent with the environmental capacity of the area;*
- *Reflecting an appropriate range of lifestyle choices; and*
- *Able to assist Dubbo in becoming a competitive inland alternative population growth centre to the capital and coastal cities.*

As noted, the Strategy identified the importance of providing both a range of lifestyle choices and assisting Dubbo in becoming a competitive inland population growth centre.

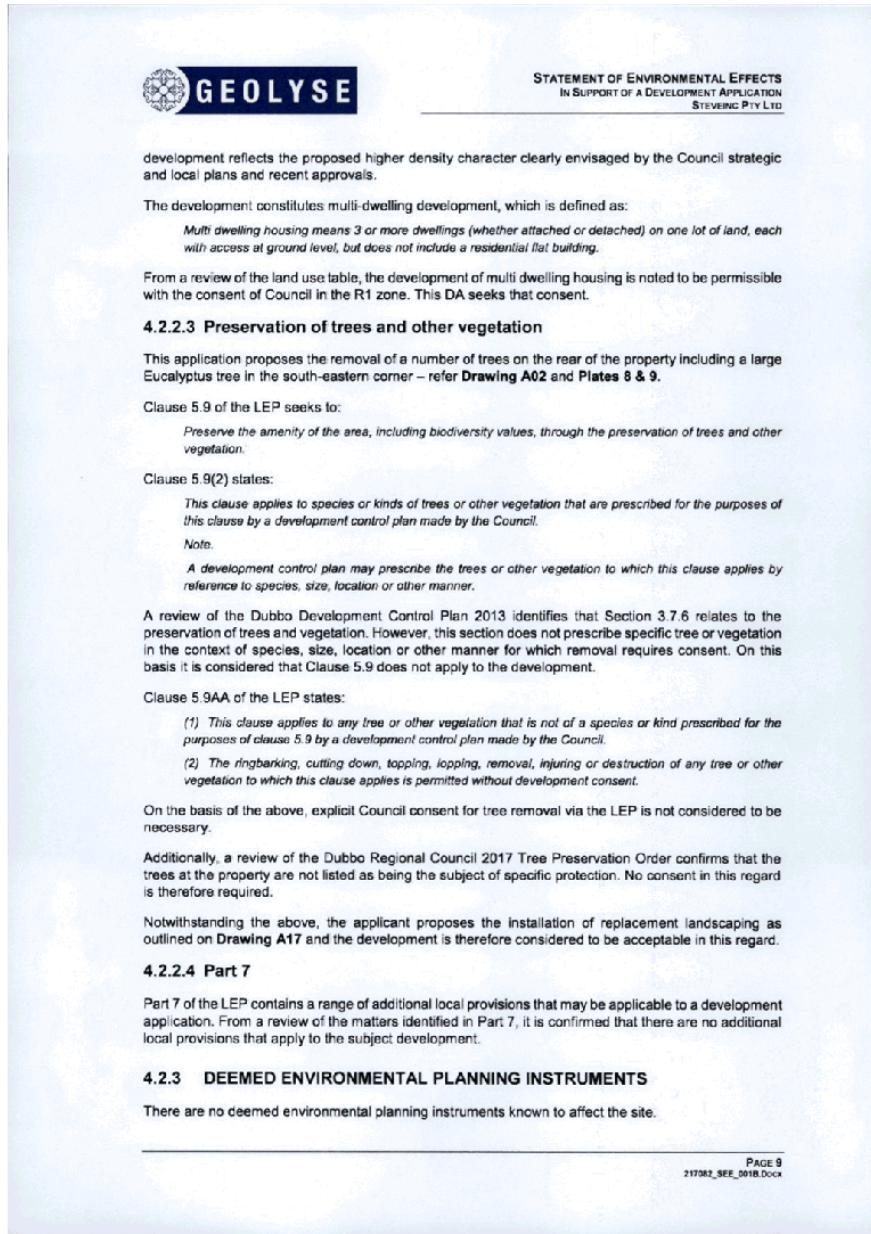
Whilst a shift in housing types has been slower in regional centres, a shift of this nature is still evident by reference to the growing numbers of developed and investor constructed dual occupancies and multi dwelling housing, typically in areas close to shops and services.

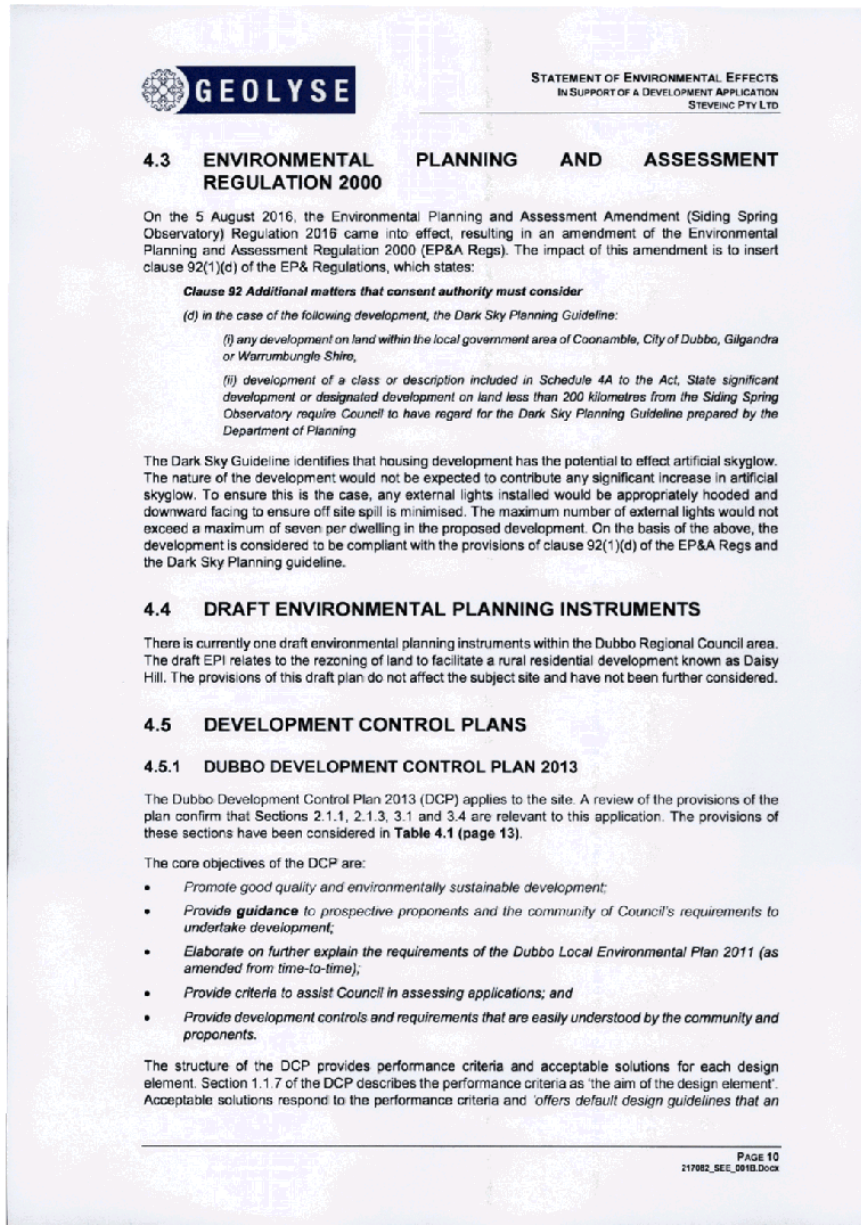
The subject site is reflective of this emerging character. It satisfies the broad goal of the Strategy to provide choice in housing options for those people relocating to regional centres from larger urban centres. For this market, an area close to services and public transport, but with minimal costs (both financial and time related) associated with low maintenance is a clear goal. The subject dwellings achieve this.

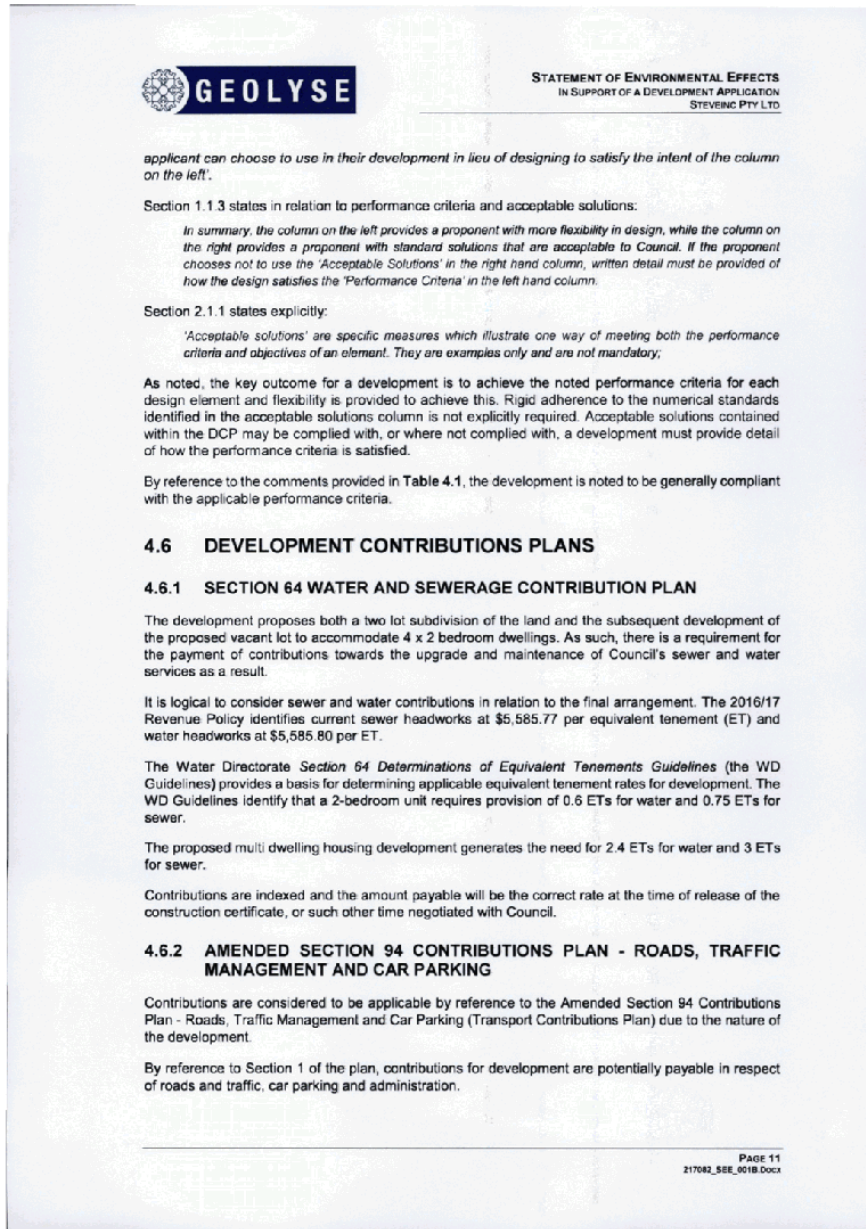
The proposed development also provides a logical first step towards consolidation of urban areas and is consistent with both the Strategy goal, the relevant DCP performance criteria and the emerging character that is clearly sought by Council for this area through the introduction of uniform and (comparatively) small minimum lot size. Developments of townhouses and residential flat buildings, alongside dual occupancies and multi dwelling house developments, are likely to increase in the coming years in response to growing demand and will bring about a change to the character of this area. This change is clearly contemplated in Council's strategic vision for the area through the adoption of a 300 square metre minimum lot size; as smaller lots are created housing design must change and adapt to respond to this. A short survey of the surrounding locality reveals a number of higher density developments that have been approved by Council in recent years. Additionally there are also many examples of buildings built with zero setbacks and a number of double storey buildings in the locality, specifically the dwelling directly adjacent to the south. Examples of these double storey dwellings and buildings are reflected on **Plate 3 - Plate 7**. Notably, Council have also recently granted development consent to a similar scale terrace dwelling development at 1D Rawson Street, approximately 200 metres to the east, which is currently in the process of detailed design.

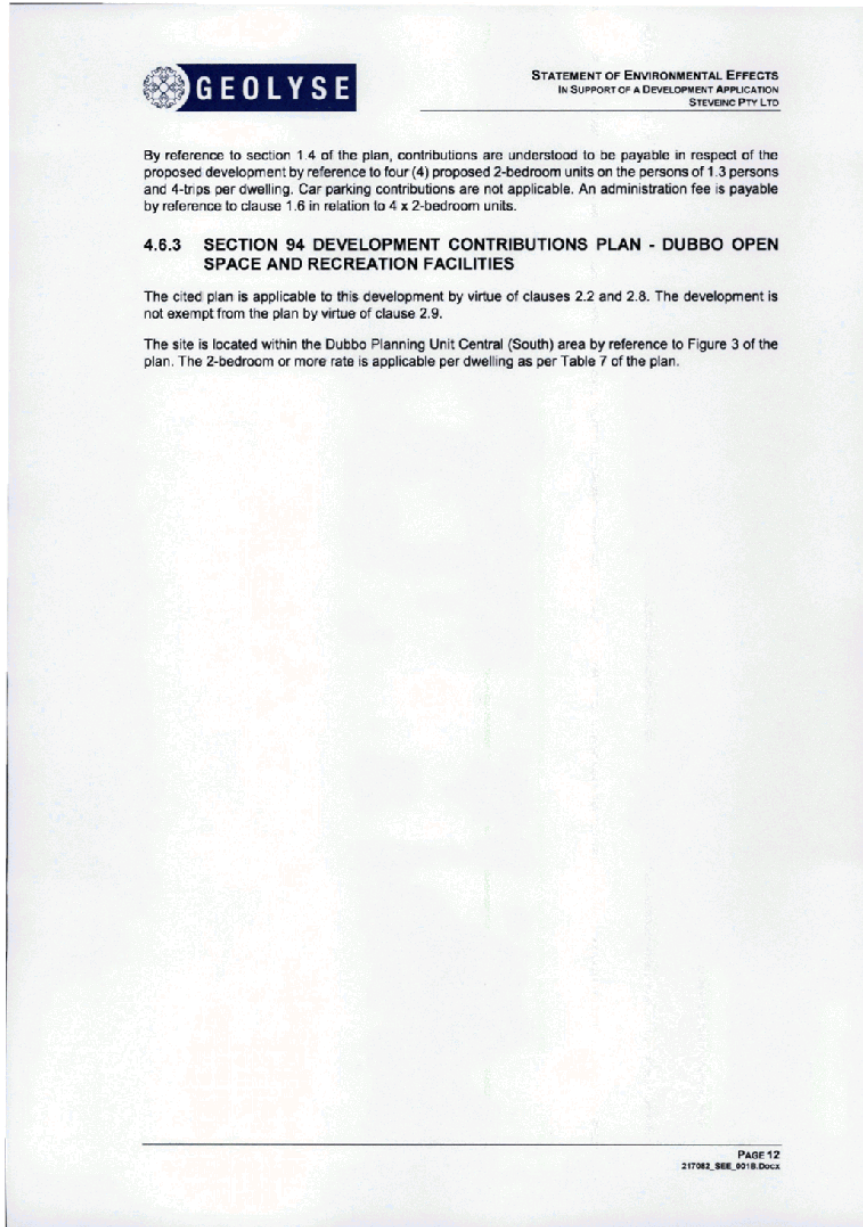
The proposed building design has adopted the surrounding prevailing character in a number of specific ways, including the roof design (form, pitch and shape), material selection and street setbacks. Notably, the adjacent two storey dwelling to the south, along with the buildings further south along Fitzroy Street, have zero lot lines to Fitzroy Street. The subject buildings are setback from the front boundary at a consistent setback to the dwelling on proposed Lot 11. Other more site specific design features such as the articulated brick elements on the front façade of the proposed building reflect the gutter height of the dwelling to the north, providing a direct visual link between the two properties. The proposed

PAGE 6
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STREETVIEW P11.1.10

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
SECTION 2.1 RESIDENTIAL DEVELOPMENT AND SUBDIVISION			
Section 2.1.1 Residential Design – Dwellings, Dual Occupancy and Multi-Dwelling Housing			
Element 1 – Streetscape Character			
P1 The frontage of buildings and their entries are readily apparent from the street.	A1.1 Buildings adjacent to the public street, address the street by having a front door facing the street.	It is clearly evident from the proposed design plans that the frontage of the buildings and their entries are clearly visible from the street. The design provides the front doors of the dwellings in a clearly visible location, clear from car parking and garage areas and positioned to ensure that they form a strong design element.	✓
	A1.2 The site area for multi-dwelling housing is a minimum of 700 m ² and has a minimum frontage of 22 m.	A minimum frontage of 22m is provided however the lot is less than the 700m ² minimum area. Notwithstanding a minor inconsistency with the numerical standard, the development is compliant with the remainder of the acceptable solutions identified in relation to this performance criteria and is consistent with the overarching performance criteria. The development is therefore considered acceptable in the context of this element of the DCP.	✓
	A1.3 Where dual occupancies or multi-dwelling housing are situated on corner blocks (where one is not a laneway), the development is designed to face each street frontage.	N/A	N/A
	A1.4 Dual occupancy development shall be designed in accordance with Figure 1.	N/A	N/A
	A1.5 Dual occupancy development shall not be designed as 'minor' 'revised'.	N/A	N/A
P2 The development is to be designed to respect and reinforce the positive characteristics of the neighbourhood, including: <ul style="list-style-type: none"> - Built form; - Bulk and scale; - Vegetation; and - Topography. 	A2.1 Design elements to consider include: <ul style="list-style-type: none"> • Massing and proportions; • Roof form and pitch; • Floor to ceiling height; • Facade articulation and detailing; • Window and door proportions; • Features such as verandahs, eaves and parapets; • Building materials, patterns, textures and colours; • Decorative elements. 	The building is proposed as six-to-six storey. A number of two storey buildings built to the Fibrey Street property boundary existent in the immediate locality including the dwelling immediately to the south. In the general locality, single storey dwellings are more common however there is a growing number of two storey dwellings being approved, including a recent approved development of a four dwelling, two storey terrace development, at 12 George Street, approximately 200 metres to the east.	✓




STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STRONG PINE LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	<ul style="list-style-type: none"> • Vehicular (width) crossing (location and width); • Erosion silt-out; and • Building set-backs. 	<p>Consistency with prevailing or emerging character need not be limited to traditional, but should be considered in the context of compatibility and integration. Whilst double-storey dwellings are not as common a feature of the locality as single storey, they are a permissible and valid form of development, which could be developed via temporary development provisions and without recourse to Council DCP requirements. Similarly, residential flat buildings, which would be of a similar or larger scale to the proposed development, are permissible and could be developed. Demand for developments of these type are logically likely to grow and it is important that the Dubbo housing market is responsive to this.</p> <p>Further, DCP Section 2.1.1 imposes no specific height restrictions on single dwellings, dual occupancies or multi dwelling housing types. Whilst the development is defined as multi-dwelling housing, it is more readily consistent with a residential flat building, for which a maximum height of 13 metres applies (as per Section 2.1.2, Element 1, A1.3). The development satisfies this requirement. To suggest that a 12m high residential flat building could be permitted in the locality, but a 6.9m high multi-dwelling housing development may not would be an illogical planning outcome.</p> <p>Over-development is a term not well defined in a planning sense and is often adopted to reflect development that fails to satisfy key numerical requirements of a plan. By reference to both the multi-dwelling houses and residential flat building DCP standards, the development satisfies all but one of the key numerical DCP standards (including FSR, maximum height, lot coverage and maximum wall length).</p>	

Page 14
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STATEMENT OF ENVIRONMENTAL EFFECTS
In Support of a Development Application
Site: 21/180 PTH 110

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
<p>PS Walls visible from the street are aesthetically detailed for visual interest.</p>	<p>A3.1 This may be achieved by recesses, niches, projections or variations of colour, texture or materials.</p> <p>A3.2 Walls longer than 10 m are articulated with a variation of not less than 600 mm for a minimum length of 4 m.</p>	<p>This is achieved by reference to the design plans in respect of articulation and material selection.</p> <p>This is achieved by reference to the design drawings</p>	<p>✓</p> <p>✓</p>
<p>PA Garages and parking structures (carports) are sited and detailed to ensure they do not dominate the street frontage, integrate with features of the dwelling and do not dominate views of the dwelling from the street.</p>	<p>A4.1 The width of a garage door or parking structure facing the street shall not be greater than 50% of the total width of the front of the building for an abuttment in excess of 12 m in width, measured at the street frontage.</p> <p>A4.2 Garages or parking structures are located in line with or behind the alignment of the front facade/ entrance of the dwelling, with a minimum set back of 6.5 m (also Element 2 – Building Set Backs) where the street frontage is in excess of 12 m.</p>	<p>The development is 21 metres wide and features four x 2.5 metre wide garage doors, equating to 40% of the frontage. The development therefore complies with this requirement.</p> <p>This is achieved by reference to the design drawings</p>	<p>✓</p> <p>✓</p>
<p>Fencing PS Fencing is consistent with the existing character of the area.</p>	<p>A6.1 Fences should take elements from neighbouring properties, where elements are representative of the character of the street.</p>	<p>High quality front fencing is proposed as per Drawings A16-A17</p>	<p>✓</p>
<p>PP Front fences enable outlook from the development to the street or open space to facilitate surveillance and safety. Front fences provide noise attenuation on classified roads. Front fences provide security in areas where there is a difference of land use (eg residential, commercial or industrial)</p>	<p>AJ.1 Front fences have a maximum height of 1.2 m if solid or less than 50% transparent and 1.5 m if greater than 50% transparent.</p> <p>AJ.2 Fences along secondary frontages may have a maximum height of 1.8 m up to a point that is level with the building line for the primary used bearing provided that:</p> <ul style="list-style-type: none"> The fence does not exceed 5 m in length without articulation or detailing to provide visual interest (see Figure 2); The fence is constructed of materials which are consistent with those used in development on the site and adjoining developments (other than solid metal panels or chain wire fencing); and The fence is screened with the use of landscaping. <p>AJ.3 Solid front fences to main roads or highways for the purposes of noise attenuation may be considered to a height of 1.8 m provided that:</p> <ul style="list-style-type: none"> The fence does not exceed 5 m in length without articulation or detailing to provide visual interest (see Figure 2); 	<p>This would be achieved</p> <p>N/A</p> <p>N/A</p>	<p>✓</p> <p>N/A</p> <p>N/A</p>

PAGE 16
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STATEMENT OF ENVIRONMENTAL EFFECTS
in Support of a Development Application
STRONG.PTY.LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	<ul style="list-style-type: none"> The fence is constructed of materials which are consistent with those used in the development on the site and adjoining developments (other than solid metal panels or chain wire fencing) and The fence is softened with the use of landscaping. 		
P8 Fencing style and materials reflect the local streetscape and do not cause undue overshadowing of adjoining development. Note: Barbwire or electrified fencing in residential areas is not permitted.	<p>A8.1 Side fences on corner allotments are set-back and/or articulated to provide for vegetation screening to soften the visual impact of the fence.</p> <p>A8.2 Side fences forward of the building line are not constructed of solid metal panels or chain wire fencing (including history pre-constructed materials).</p> <p>A8.3 Fences adjoining heritage-listed properties are constructed of timber settings or other materials associated with the architecture and character of the area.</p>	N/A	N/A
P9 Fencing on corner allotments does not impact motorist visibility at the intersection.	A8.1 Fencing is either scalped, set-back, reduced in height or transparent to maintain visibility for motorists. Note: The extent of the scalpy will be determined by Council in consideration of the characteristics of the road and the radius of the turn return.	This would be achieved	✓
P10 Gates are designed to ensure pedestrian and motorist safety. Note: Gates are not permitted to open across the footpath (Clause 21, Road Regulation 2006).	A10.1 Where a driveway is provided through a solid fence, adequate visibility for the driver is maintained.	N/A	N/A
		This would be achieved where applicable	✓

Page: 14
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STATEMENT OF ENVIRONMENTAL EFFECTS
In Support of a Development Application
Stratford PPT 1.12

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 2 – Building Setbacks			
<p>P1 Front boundary set back - dwellings and ancillary structures</p> <p>The set-back of the development from the front boundary of the allotment is consistent with established set-backs, or is consistent with the desired amenity of the locality.</p> <p>Note: The set-back is measured from the property boundary to the first vertical structural element of the development. No porches, posts etc shall be any closer than the stated set-back.</p> <p>Note: This applies to a dwelling house and any ancillary structure that is attached or detached to a dwelling house.</p>	<p>Primary frontage A1.1 R1 and R2 zones - minimum setback of 4.5 m from the front property boundary where no streetscape set-back has been established.</p> <p>A1.2 R1U3 zone - minimum setback of 10 m from the front property boundary where no streetscape setback has been established. Residential development on corner allotments shall address both street frontages.</p> <p>A1.3 In established areas, infill development is to be set back the average of the front building setbacks of the adjoining and adjacent dwellings. If the difference between the set-backs of the adjoining buildings is greater than 2 m. Alternatively, a dwelling may be progressively stepped in as detailed in Figure 3, Scenario 3.</p> <p>Secondary frontage A1.4 R1 and R2 zones - the secondary (side) setback is 3 m. Where the corner is splayed, residential development is designed accordingly.</p> <p>A1.5 R1U3 zone - the secondary (side) setback is 5 m. Where the corner is splayed, residential development is designed accordingly.</p>	<p>This is achieved via the design drawings</p> <p>N/A</p> <p>This would be achieved by reference to adjacent dwellings.</p> <p>N/A</p> <p>N/A</p>	<p>✓</p> <p>N/A</p> <p>✓</p> <p>N/A</p> <p>N/A</p>
<p>P2 Side and rear boundary set-backs - dwellings and ancillary structures</p> <p>The set-back of the development from the side and rear boundaries of the allotment is consistent with established set-backs or is consistent with the desired amenity of the locality.</p> <p>Note: The set-back is measured from the property boundary to the first vertical structural element of the development. No porches, posts etc shall be any closer than the stated set-back.</p> <p>Note: This applies to a dwelling house and any ancillary structure that is attached or detached to a dwelling house.</p>	<p>A2.1 Residential development is set-back such that it complies with the requirements of the Building Code of Australia (BCA).</p> <p>A2.2 R1U3 zone – the minimum set-back to the side or rear boundary is 5 m.</p>	<p>This would be achieved</p> <p>N/A</p>	<p>✓</p> <p>N/A</p>

PAGE 17
P11883_S02_0118_0001



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
Ectobac Pty Ltd

Table 4.1 - Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
<p>P3 Front boundary set-back - garages and carports</p> <p>The location of garages and carports does not diminish the attractiveness of the streetscape, does not dominate views of the dwelling from the street and integrates with features of associated dwellings.</p>	<p>Primary frontage</p> <p>A3.1 Garages and carports are set-back in the R1 and R2 zones a minimum of 5.5 m from the front property boundary and in line with or behind the alignment of the front facade of the dwelling. This does not apply to allotments where the frontage is less than 12 m in width.</p>	This would be achieved	✓
	<p>A3.2 Garages and carports are set-back in the RUS zone a minimum of 10 m from the front property boundary and in line with or behind the alignment of the front facade of the dwelling.</p>	N/A	N/A
	<p>Secondary frontage</p> <p>A3.3 Garages and carports in the R1 and R2 zones on secondary frontages of corner allotments may extend beyond the alignment of the secondary facade of the dwelling and shall achieve a minimum 5.5 m set-back from the secondary property boundary (see Figure 4).</p>	N/A	N/A
	<p>A3.4 Garages and carports in the RUS zone on secondary frontages of corner allotments may extend beyond the alignment of the secondary facade of the dwelling but shall achieve a minimum 6.5 m set-back from the secondary property boundary (see Figure 4).</p>	N/A	N/A
<p>P4 Side and rear boundary set-backs - garages and carports</p> <p>The location of garages and carports does not diminish the attractiveness of the locality and integrates with features of associated dwellings.</p>	<p>A2.1 Garages and carports are set-back such that they comply with the requirements of the BCA.</p>	N/A	N/A

PAGE 16
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STRIVING PTN LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 3 - Solar Access			
<p>Solar access</p> <p>P1 Development is designed to ensure solar access is available to habitable rooms, solar collectors (photovoltaic panels, solar hot water systems, etc) private open space and clothes drying facilities.</p> <p>Note 1: Council requires the submission of a shadow diagram to demonstrate the impact of overshadowing on adjoining and adjacent allotments for any residential development above single storey.</p> <p>Shadow diagrams are to be prepared for 9:00 am, 12 noon and 3:00 pm on 22 June. The shadow diagrams are to demonstrate the extent of overshadowing of the proposed and existing development on the subject land and adjacent sites.</p> <p>Note 2: The length of shadows cast by the sun in Dubbo for 22 June is able to be calculated using the information provided at the end of this element.</p> <p>P2 The proposed development does not reduce the level of solar access currently enjoyed by adjoining or adjacent allotments.</p>	<p>A1.1 Dwellings are sited in accordance with Figure 5.</p> <p>A1.2 On east-west orientated lots, the setback on the north-side of the lot is increased to allow for maximum solar access to habitable rooms located on the north-side of the dwelling.</p> <p>A1.3 A roof area sufficient to meet the space requirements for a solar hot water service is provided where it faces within 20° of north and receives direct sunlight between the hours of 9:00 am and 3:00 pm on 22 June.</p> <p>A1.4 Outdoor clothes drying areas are located to ensure adequate sunlight and ventilation are provided between the hours of 9:00 am and 3:00 pm on 22 June to a plane of 1 m above the finished ground-level under the drying lines.</p> <p>A2.1 Habitable rooms of adjoining development receive a minimum of four hours solar access between the hours of 9:00 am and 3:00 pm on 22 June.</p>	<p>This would be achieved</p> <p>Lot is not east-west orientated</p> <p>It is entirely achievable to design a roof mounted system that will gain sufficient solar access to function for each of the units. The design of the roof is not considered to be an impediment to satisfying the performance criteria in this regard.</p> <p>By reference to Figures 2 & 8, the proposed clothes lines would be in full sun from 8am-1:30pm and partial sun between 11:30am and 12:30pm. Whilst this is slightly outside the prescribed hours listed via the acceptable solution the arrangement is considered generally acceptable in the context of the performance criteria, having regard to the prevailing climatic conditions in the locality.</p> <p>Whilst the specific performance criteria states that no change to solar access levels would be accepted, acceptable solutions A2.1 and A2.2 identify that a minimum of four hours of solar access between 9am and 3pm (on 22 June) into habitable rooms and into all least 75% of private open space areas should be supplied. The acceptable solutions do not state that these hours need to be consecutive.</p> <p>As the existing development is north facing, the southern side of the existing dwelling is in shade at all times. There is no change to this arrangement, eastern and western exposures are similarly unaffected by the proposed development and as such the proposed arrangement is consistent with the current.</p> <p>By reference to Drawings A90 - A12, shadow impacts to the neighbouring dwelling to the south are</p>	<p>✓</p> <p>N/A</p> <p>✓</p> <p>✓</p>



STATEMENT OF ENVIRONMENTAL EFFECTS
in Support of a Development Application
Site: 10/11/12

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
		largely un-impacted due to the setback proposed and the design and scale of the building.	
A2.2 Principle private open space of adjoining and adjacent development receives a minimum of four hours solar access over 75% of the main private open space area between 9:00 am and 3:00 pm on 22 June.		The existing dwelling on the property has no furnished area of 100sqm. A large area with screening and direct access from living spaces is available on the eastern side of the dwelling. This area is not affected by shadowing from the proposed development. The dwelling to the south has no FCS on the northern side of the property and is therefore un-impacted by the proposed development in this regard. The development is considered acceptable by reference to this requirement.	✓
A2.3 Landscaping is designed to ensure that when mature, required areas of private open space or established 80sqm private areas on adjoining allotments maintain solar access on 22 June in accordance with A2.2.		This would be achieved - refer Drawing A17	✓
A2.4 The solar impact of development shall be shown with the submission of shadow diagrams taken on 22 June (winter)		Provided as Drawings A89 - A15	✓

Page 20
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STRONG PPT 1 LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Private open space and landscaping			
<p>Private open space</p> <p>P1 Private open space is of an area and dimension facilitating its intended use.</p> <p>Note: See Element 3 – Solar Access requirements for private open space development in residential areas.</p>	<p>Development in residential areas</p> <p>A1.1 Dwelling houses, dual occupancy and multi-dwelling housing shall have a Private Open Space (POOS) area, in addition to the general Private Open Space (POS).</p> <p>A1.2 The POOS area has a minimum area per dwelling of 28 m² and a minimum dimension of 3 m (4 m for multi-dwelling housing). This area can include covered (not enclosed) outdoor entertainment areas.</p> <p>A1.3 Dwelling houses and dual occupancies have an overall minimum POS area (including POOS) of 20% of the site area (excluding the area located forward of the front building line).</p> <p>A1.4 Multi-dwelling housing has an overall minimum POS area (including POOS) of 5% of the site area per dwelling within the development (excluding the area located forward of the building line).</p>	<p>This would be achieved</p> <p>Refer Drawing A02. The rear yards of the two central proposed multi-dwelling houses (dwellings 2 and 3) measure 3.3 metres by 4.0 metres, resulting in an area of 24 square metres. This is therefore compliant with the numerical requirements of the acceptable solutions with respect to the required dimensions, but slightly deficient in area allowance. The two and dwellings also benefit from side access and therefore satisfy both the area and dimension requirements. The existing dwelling satisfies both requirements.</p> <p>Notwithstanding that dwellings 2 and 3 are slightly deficient in respect of the numerical standards, all dwellings are considered to satisfy the performance criteria as the available area of POS is sufficient in the context of the small size of the houses and given the eastern orientation.</p> <p>The existing dwelling satisfies this requirement. Not applicable with respect to the proposed multi-dwelling development.</p> <p>By reference to the acceptable solutions, the site has an area of 527m² and therefore POS of 26m² is required if compliance with the numerical standard is to be achieved.</p> <p>This numerical standard would be achieved for the existing dwelling and proposed dwellings 1 and 4. Proposed dwellings 2 and 3 provide 24 square metres and are therefore do not satisfy the numerical standard. Whilst strict compliance with the numerical standard is not achieved, as noted above, the</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

PAGE 21
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENS PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
P2 Private open space is easily accessible by the occupants of the development and provides an acceptable level of privacy.	A2.1 All Principle Private Open Space (PPOS) is directly assessed from the main living area. A2.2 All private open space is located behind the front building line and is screened to provide for the privacy of occupants and the occupants of adjoining properties.	This would be achieved This would be achieved	✓ ✓
Landscaping P3 Landscaping is provided at a scale and density which is appropriate for the development.	A3.1 Landscaping is provided in accordance with the requirements of the Landscaping Schedule (see DCP p. 48). A3.2 The height and density of vegetation at maturity will be suitable to screen and soften the development. A3.3 A landscape plan is required to be provided for assessment with the lodgement of development applications for dual occupancy and multi-dwelling housing developments.	This would be achieved – refer Drawing A17 This would be achieved – refer Drawing A17 This would be achieved – refer Drawing A17	✓ ✓ ✓
P4 Landscaping is located to not impact infrastructure, development on the site or development adjoining the site.	A4.1 Species are selected and located taking into consideration the size of the root zone of the tree at maturity and the likelihood of potential for the tree to shed/drop material. A4.2 Species are selected and located to ensure that the amenity of adjoining and adjacent properties is not impacted (see Element 3 – Solar Access).	This would be achieved – refer Drawing A17 This would be achieved – refer Drawing A17	✓ ✓
P5 Landscaping is undertaken in an environmentally sustainable manner which limits the time and costs associated with maintenance.	A5.1 Existing native trees are retained.	One large Eucalypt requires removal to facilitate the development. Whilst this tree could conceivably be retained due to the placement of the proposed shed/drop, it is large and with large branches, that would pose a risk to the property. It would also become very difficult to remove in future years if it proved to be dangerous. Its removal is therefore considered justified. Other trees on site are either non-native or smaller trees that are not worthy of retention.	✓

Page 22
PDEC_001_0018.DOCX




STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
SILVERCOPPER LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
		Whilst the development involves tree removal, this has been kept to a minimum. Given compliance with all other acceptable criteria, it is considered that the development is generally acceptable in the context of the applicable performance criteria.	
	AS.2 Species selected are suitable for the local climate.	This would be achieved - refer Drawing A16	✓
	AS.3 Species selected require a minimal amount of watering (Waterwise Gardens)	This would be achieved - refer Drawing A17	✓
	AS.4 Landscaping does not impact ground-water levels by over-watering resulting in ground-water level increases or the pollution of waters.	This would be achieved - refer Drawing A17	✓
	AS.5 Landscaping is provided with a timed watering system and moisture meter to determine if watering is required.	This would be achieved - refer Drawing A17	✓
	AS.6 Sensors are used to control watering systems (see also Element 9).	This would be achieved - refer Drawing A17	✓

Page 22
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STATEMENT OF ENVIRONMENTAL EFFECTS
In Support of a Development Application
STREVC Pty Ltd

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 5 - Infrastructure			
P1 Residential development shall not overload the capacity of public infrastructure including reticulated services, streets, open space and human services	A1.1 Physical infrastructure is provided by the proponent in accordance with Council's adopted version of M&T Saps and relevant policies.	This would be achieved	✓
P2 Design and layout of residential development provides space (including easements) and facilities to enable efficient and cost-effective provision of telecommunication services	A2.1 Development is connected to a telecommunication system provided in accordance with the requirements of the appropriate authority.	This would be achieved	✓
P3 The development is connected to reticulated sewerage, water supply and electricity systems and to natural gas where available.	A3.1 Development is connected to Council's reticulated water supply, stormwater drainage and sewerage system to Council's adopted version of AUSPIC and relevant policies (including separate water meters where the development is to be subdivided).	This would be achieved	✓
	A3.2 Where not serviced by Council reticulated water supply in the R225 zone, each dwelling is provided with at least 45,000 litre potable water storage (or 20,000 litre potable water storage if supplemented by an alternative supply) and have ready access to a minimum water supply of 10,000 litres reserved for fire fighting purposes (see Note 1).	N/A	N/A
	A3.3 Extend and construct electricity supply capable of meeting the needs of the development and locate development where ready access to an electricity supply is available.	This would be achieved	✓
	A3.4 Where Council sewerage services are not available, an approved effluent disposal system is installed and located so it is not: - Situated on flood-affected land; - Within or adjacent to drainage lines; and - Likely to contaminate any surface or ground-water supplies.	N/A	N/A
P4 In areas where drainage infrastructure has little or no excess capacity, developments which would generate stormwater run-off beyond that equivalent to 35% site cover (or beyond the presently generated by the site if greater) should provide for stormwater drainage mitigation or upgrading of the local drainage system.	A4.1 On-site stormwater detention shall be provided with delayed release into the stormwater system. A4.2 Minimal impervious areas shall be provided. A4.3 An on-site water recycling system shall be provided.	Not applicable on the basis that the area has sufficient capacity This would be achieved N/A	✓ ✓ N/A

Page 24
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENJ PHN LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 6: Visual and acoustic privacy			
Visual privacy P1 Private open spaces and living rooms of adjacent residential accommodation are protected from direct overlooking by an appropriate layout, screening device and distance. Note: No screening is required if: - Bathrooms, toilets, laundries, storage rooms or other non-habitable rooms have translucent glazing or all heights of at least 1.5 m. - Habitable rooms having sill heights of 1.5 m or greater above floor level or translucent glazing to any window less than 1.5 m above floor level. - Habitable rooms facing a property boundary have a visual barrier of at least 1.5 m high fences and barriers other than landscaping are not to be any higher than 1.8 m and the floor level of the room is less than 0.6 m above the level of the ground at the boundary.	A1.1 Windows of habitable rooms with an outlook to habitable room windows in adjacent development within 10 m: - Are at least a minimum distance of 1 m from the edge of the opposite window in the proposed development; - Have a sill height of 1.5 m above floor level; - Have a fixed obscure glazing in any window pane below 1.5 m above floor level; or - Have screens which obscure the view from habitable open windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a development into private open space and/or habitable rooms of existing residential accommodation (see Figure 7).	Fixed screening is proposed in respect of the east facing first floor windows – see Drawing A05	✓
	A1.2 Screens are solid, translucent or perforated panels or fabric screens: - Have a minimum of 20% obscuring; - Are permanent and fixed; - Are of durable materials such as galvanneal steel, solid aluminium or treated timber; and - Are finished or coloured to blend in with the surrounding environment (see Figure 7).	Screening proposed as per Drawing A05	✓
	A1.3 Windows and balconies of residential accommodation shall be designed to prevent overlooking of more than 50% of the private open space of any adjoining residential accommodation (see Figure 7).	No balconies proposed. First floor windows are setback from the boundary and screened to limit overlooking.	✓
Acoustic privacy P2 The transmission of noise to and the impact upon habitable rooms within the proposed development and adjoining and adjacent development is minimised.	A2.1 Living rooms or garages of residential accommodation do not adjoin or abut bedrooms of adjacent residential accommodation.	This would be achieved	✓
	A2.2 The plumbing of residential accommodation is separate and contained sufficiently to prevent transmission of noise.	This would be achieved	✓
	A2.3 Electrical, mechanical or hydraulic equipment or plant generating a noise level no greater than 5dBA above ambient L90 sound level at the boundary of the property.	This would be achieved	✓

Page 25
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STYRING PTN LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	A2.4 Dividing walls and floors between residential uses are constructed in order to comply with the requirements of part F5 of the BCA (Class 2 and 3 buildings only).	This would be achieved	✓
	A2.5 Residential accommodation is constructed to ensure habitable rooms are not exposed to noise levels in excess of the standards contained in the relevant Australian Standards) including AS 3671 – Road Traffic.	This would be achieved	✓
Element 7: Vehicular access and car parking			
Parking provision			
P1 Car parking is provided according to projected needs, the location of the land and the characteristics of the immediate locality.	<p>A1.1 Dwelling houses and dual occupancy development provide the following vehicle parking:</p> <ul style="list-style-type: none"> - One bedroom dwelling – one car parking space per dwelling, situated behind the front building set-back; and - Dwelling with two or more bedrooms – two car parking spaces per dwelling. At least one of the required spaces shall be situated behind the front building set-back. <p>A1.2 Multi-dwelling housing development provides the following vehicle parking behind the front building setback:</p> <ul style="list-style-type: none"> - One bedroom unit – one carparking space per unit; - Two or more bedroom unit – two car parking spaces per unit; and - Visitor parking – one car parking space for every four units or part thereof with a minimum of one car parking space. 	<p>N/A – not a dwelling house or dual occupancy</p> <p>One car parking space (garage) is provided per dwelling within the ground floor. The garage entrance is in the rear of the front building setback. The garage is setback approximately 5.5 metres from the front property boundary and provides sufficient room to park a second car without overlapping the property boundary. This is consistent with other multi-unit developments in the locality – refer Section 5.3.</p> <p>There is ample street parking availability in the locality to accommodate the one (1) car parking space essential for visitor parking. By reference to the applicable performance criteria, it is considered that the development is generally acceptable.</p>	<p>N/A</p> <p>✓</p>
Design			
P2 Car parking facilities are designed and located to: Conveniently and safely serve users including pedestrians, cyclists and vehicles;	<p>A2.1 The dimensions of car spaces and access comply with Section 3.5 Parking.</p> <p>A2.2 Accessways and driveways are designed to enable vehicles to enter the designated parking space in a single</p>	<p>This would be achieved</p> <p>This would be achieved</p>	<p>✓</p> <p>✓</p>

Page 35
PDEC_18_0018_0001



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVENSPY.LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
<ul style="list-style-type: none"> - Enable efficient use of car spaces and accessways including adequate manoeuvrability for vehicles between the street and the lot. - Conform to the adopted street network hierarchy and objectives of the hierarchy and along with any related local traffic management plans. - Be cost effective and - Protect the streetcape. 	<p>A2.3 Vehicles in multi-development housing shall enter and exit development sites in a forward direction.</p> <p>A2.4 Where five or more car spaces (for three or more dwellings) are served, or a driveway connects to a distributor road, manoeuvring space is provided to make it unnecessary for cars to reverse on to or off the road. The entrance is at least 5 m wide for a distance of 7 m to allow vehicles to pass each other.</p> <p>A2.5 The design and appearance of garages and carports shall:</p> <ul style="list-style-type: none"> - Be in line with or behind the alignment of the front facade of the dwelling (noting that they cannot be less than 5 m from the front property boundary in the M1 and R2 zones) or 10 m in the R15 zone. - Garages and carports on secondary frontages of corner allotments may extend beyond the alignment of the secondary facade of the dwelling but shall achieve a minimum 5.5 m setback from the secondary property boundary (see Figure 4). - Lots with a narrow frontage of 15 m or less have a single width garage/carport. - Large parking areas are broken up with trees, buildings or different surface treatments. - Parking is located so that the front windows of a dwelling are not obscured. - The dwelling design highlights the entry and front rooms rather than the garage; and - Garages are located under the roof of two-storey dwellings (ie terrace houses). 	<p>A single access driveway is provided for each dwelling's garage and it is anticipated that vehicles would enter in a forward direction but exit by reversing towards Fanny Street. The line marking in Fanny Street provides sufficient space for cars to safely reverse onto the street without entering the flow of traffic. The arrangement is therefore considered compliant with the overarching performance criteria.</p> <p>A single 3 metre wide access driveway is provided for each dwelling's garage and vehicles would exit by reversing towards Fanny Street. A 3.5 metre setback is provided from the garage providing space to reverse so that the driver can check for traffic before reversing onto Fanny Street. The arrangement is therefore considered compliant with the overarching performance criteria.</p> <p>This would be achieved</p>	<p>✓</p> <p>✓</p> <p>✓</p>

Page 37
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STRONG.PIN.LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Driveways and access points P3 For multi-lotting development, driveways and access points are designed for maximum safety to resident motorists, passing motorists and pedestrians.	<p>A3.1 Driveways comply with the following:</p> <ul style="list-style-type: none"> - Are not less than 3 m wide; - At changes of direction or at intersections, the internal radius of the driveway is at least 4 m; - Where longer than 50 m (eg bottle-neck handles) provision for passing is provided; - Where five or more car spaces (or three or more dwellings) are served, or a driveway connects to a distributor road, manoeuvring space is provided to make it unnecessary for cars to reverse on to or off the road. This entrance is at least 6 m wide for a distance of 7 m to allow vehicles to pass each other; - Not within 6 m of a road intersection (see Figure 8); - The access point is located via the minor road where the site is bound by a major and a minor road; - Access points do not conflict with existing vehicle or pedestrian generators; - Access points are located so that stopping sight distances are adequate for the design speed of the road (in accordance with AUSTRACAS Guidelines 'Guide to Traffic Engineering Practice, Part 5 – Intersections at Grade'); - Flood free vehicle access is provided and Driveway gates do not open across the footpath/side road. 	<p>This performance criteria would be achieved through general compliance with acceptable solutions. Noting the specific acceptable solution in respect of manoeuvrability, the design of the proposed dwellings means that reversing on to the street is required, however there is adequate width outside of the trafficable lane to provide for safe reversing on to the street without entering the traffic flow.</p>	✓
	A3.2 Where the driveway passes through solid fencing higher than 1.2 m, the fencing is splayed into the property to make pedestrian's visible when reversing.	Front fencing is no higher than 1.2 metres and driveways are setback from side fencing to ensure safe sight lines.	N/A
Access points RUS zone	A4.1 All developments have access from a road maintained by Council. Where access is not available, access will be constructed at full cost to the developer in accordance with Council's requirements.	N/A	N/A
P4 Minimise the number of access points, provide safe access, ensure vehicle access in a forward direction and does not impede the flow of stormwater	A4.2 Culvert pipes are provided where required and accesses are constructed to maintain the flow of stormwater through table drains and other drainage structures.	N/A	N/A
Access points off Highways	A5.1 To be undertaken in accordance with the requirements of Roads and Maritime Services (RMS).	N/A	N/A

Page 28
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEVING PINE LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
P5 Development abutting highways (Newell, Mitchell and Golden Highway) minimise the number of access points, provide safe access, ensure vehicle access in a 'forward' direction and not impede the flow of commerce.	A5.2 Other road frontages are used if alternatives are available. A5.3 The number of access points onto a highway is not greater than the number of existing access points. A5.4 Culvert pipes are provided where required and access is constructed to maintain the flow of stormwater through table drains and other drainage structures.	N/A N/A N/A	N/A N/A N/A
Security P6 For multi-housing development, open car parking areas and accessways are suitably landscaped to enhance the amenity while providing for the security needs of residents and visitors.	A6.1 Car parking facilities are designed and located so as they: - Are adjacent and convenient to residential uses; - Are secure or allow surveillance from residential accommodations; - Are lit at night; - Are well-ventilated if enclosed; - Do not obscure the view between the street and front windows; - Clearly define any visitor parking; and - Clearly separate from habitable room windows to minimise noise and fumes entering residential accommodation.	This would be achieved	✓
Emergency vehicle access P7 Standing and turning areas for service, emergency or delivery vehicles are provided where access to any dwelling from a public street is remote or difficult.	A7.1 Accessways into multi-housing development are designed to cater for an AUSTRROADS 8.5 m length Design Service Vehicle.	Performance criteria identify that this control applies where access to any dwelling from a public street is remote or difficult. The location is not remote and due to the proximity of the dwelling to the street (setback of 0.5 metres), it is not anticipated that it would be difficult for emergency services vehicles to access the dwelling.	N/A
Surface treatment P8 Driveways, car parks and access points are designed in accordance with Section 3.3 Parking.	A8.1 Car spaces, accessway and driveways are formed, defined and drained to a Council drainage system and surfaced with: - An all-weather seal such as concrete, coloured concrete, asphalt or mortared pavers. - Stable, smooth, semi porous paving material (such as brick, stone or concrete pavers) laid to the paving standard of light vehicle use.	This would be achieved	✓
Location of driveways and accessways from residential uses	A8.1 Shared driveways, accessways and car parks of other residential uses are set-back a minimum of 1.5 m from windows to habitable rooms of residential accommodation	Not applicable.	N/A

Page 29
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STYRENE PTH LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
P8 Shared driveways, accessways and car parks of other dwellings are setback from habitable rooms of adjoining residential units to enhance residents' privacy.	unless the floor level of the dwelling is at least 1 m above the driveway. The setback may be reduced to 1.0 m when the driveway area is bound by a fence of 1.8 m in height.	Performance criteria identify that this control applies to shared driveways, access ways and car parks. Separate driveways are provided for each dwelling and as such are not considered to be shared.	
Element 8 – Waste Management			
Domestic solid waste			
P1 Domestic solid waste is disposed of in an environmentally responsible and legal manner.	A1.1 Residential accommodation shall participate in Council's garbage and recycling materials collection service. A1.2 Organic waste shall be composted. A1.3 Recycling of wastes such as paper (much in garden), plastic, glass and aluminium. A1.4 Reuse of waste such as timber. A1.5 Dispose of waste to a Council approved waste facility or transfer station.	This would be achieved This would be achieved This would be achieved This would be achieved This would be achieved	✓ ✓ ✓ ✓ ✓
P2 The amount of liquid waste generated is minimised.	A2.1 The use of dual-flush toilet systems and water saving fittings and appliances.	This would be achieved	✓
P3 Where no recirculated sewage system is available, the ability to reuse treated waste water is maximised where there is minimal risk of contamination to the aquifer or ground-water supplies.	A3.1 Subject to site suitability, the use of aerated wastewater treatment systems (AWTS) which enable treated effluent to be used to water trees and gardens. Note 1: AWTS enable treated effluent to be irrigated onto trees, gardens, lawn etc. Treated effluent shall not be used to irrigate passive or active recreation areas or used to grow vegetables or fruit for human consumption. Note 2: Recommended buffer distances for onsite sewage disposal systems are included in the table below.	N/A	N/A
P4 Adequate space is provided to store waste collection bins in a position which will not adversely impact upon the amenity of the area.	A4.1 Waste collection bins are stored behind the building line.	This would be achieved	✓

Page 26
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
SUNSHINE PTN LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 0 – Site Facilities			
Mail boxes			
P1 Mail boxes are located for convenient access by residents and the delivery authority.	A1.1 Individual mail boxes are located to each ground-floor entry of residential accommodation or a mail box structure is located close to the major pedestrian entrance to the site.	This would be achieved	✓
Storage areas			
P2 Each dwelling within a multi-housing development is provided with adequate storage areas and external clothes drying facilities.	A2.1 A space of 8 m ² with a minimum horizontal surface area of 4 m ² per dwelling is set aside exclusively for storage. This space may form part of a carport or garage but shall be dedicated for storage. A2.2 Open air, communal clothes drying facilities are easily accessible to all residents and visually screened from public streets, communal streets and recreational areas.	This would be achieved Not applicable Communal clothes drying not required. Separate open air areas are provided for each dwelling.	✓ N/A
Security			
P3 Car parking areas and pedestrian accessways to the entry of multi-housing development are adequately lit at night for safety and security of residents and visitors.	A3.1 Car parking areas and pathways are lit in accordance with AS 1188.	This would be achieved	✓
Antennae			
P4 Telecommunications facilities are provided to serve the needs of residents and do not present any adverse visual impacts.	A4.1 The number of television antennae and other receiving structures is kept to a minimum or, where appropriate, a receiver is provided to serve all dwellings within a single building.	This would be achieved	✓
2.1.3 – Subdivision Controls			
Element 1 – Neighbourhood Design			
P1 Street design and lot density minimises motor vehicle use and promote walking and cycling.	A1.1 Recreational areas, shops and facilities are located within walking distance (400 m) of residences.	This is achieved	✓
P4 Neighbourhood densities are closer to public transport nodes, neighbourhood centres and the sea.	A4.1 If the subdivision is located in an Urban Release Area under the provisions of Clause LSP-2011, the design of the	This is achieved	✓

Page 21
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STATEMENT OF ENVIRONMENTAL EFFECTS
in Support of a Development Application
STYRENE Pty Ltd

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
P5 Neighbourhood design provides for passive surveillance of residences and public areas to enhance personal safety and minimise the potential for crime.	AS.1 Battle-axe lots are minimised in the subdivision design.	This is achieved	✓
Element 2 – Lot Layout			
P1 Lots are of appropriate size and dimensions for the siting and construction of a dwelling and ancillary outbuilding, the provision of private outdoor open space, convenient vehicle access and parking.	A1.1 Lot size complies with Dubbo LEP 2011.	Development is compliant with LEP in that both lots exceed 300m ²	✓
	A1.2 Lot size and dimensions take into account the slope of the land and minimise earthwork/retaining walls associated with dwelling construction.	This is achieved	✓
	A1.3 Lot size and dimensions enable residential development to be sited to: - Protect natural or cultural features; - Acknowledge site constraints including soil erosion and bushfire risk; and - Retain special features such as trees and vines (developers are encouraged to identify significant trees at subdivision stage and ensure provision of an adequate bulking method).	This is achieved	✓
User requirements P2 Lot frontages are orientated to enable maximum residential security.	A2.1 Lot frontages are orientated toward streets and open spaces to that personal and property security, deterrence of crime, vandalism and surveillance of footpaths and public open space are facilitated.	This is achieved	✓
Solar access P3 Lots are orientated and have dimensions to allow adequate solar access.	A3.1 Lots are orientated so that one axis is within 300 east or 200 west of true north. Note: - North facing slopes improve opportunities for solar access; - Small lots are best suited to north-facing slopes with gradients of less than 15%; - South-facing slopes reduce solar access; and - Large lots/lowers: orientals are therefore best suited to south-facing slopes.	This is achieved	✓

Page 32
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
Elevating Pty Ltd

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
ELEMENT 4 – INFRASTRUCTURE			
<p>P1 Design and provision of utility services including sewerage, water, electricity, gas, street lighting and communication services are cost-effective over their lifecycle and incorporate provisions to minimise adverse environmental impact in the short and long term.</p>	<p>A1.1 The design and provision of utility services conforms to the requirements of the relevant service authorities.</p>	<p>The design and provision of all required utility services would be provided to each lot conforming to the requirements of the relevant service authorities.</p>	✓
	<p>A1.2 Water and sewerage services are to be provided to each allotment at the full cost of the developer.</p>	<p>This would be achieved – refer Drawings C001-C004</p>	✓
	<p>A1.3 Water and sewerage services are to be designed and constructed in accordance with the requirements of MAT-SP1-C (DCU version) Development Specification Series – Design and Development Specification Services – Construction.</p>	<p>This would be achieved.</p>	✓
	<p>A1.4 Electricity supply is provided via underground trenching in accordance with the requirements of the energy supply authority.</p>	<p>This would be achieved.</p>	✓
<p>P3 Water supply and sewerage networks are available, accessible, easy to maintain and are cost-effective based on life-cycle costs.</p>	<p>A3.1 Council will not consent to the subdivision of land until adequate water supply and facilities for sewerage and drainage are available or until arrangements satisfactory to Council have been made for the provision of such supply and facilities.</p>	<p>Water supply and sewerage networks are available in the adjoining street network and along the northern boundary of the site. Connections to these services would be provided to each proposed lot – refer Drawings C001-C004.</p>	✓
ELEMENT 7 – STORMWATER MANAGEMENT			
<p>P6 Subdivision design and lot layout provides for adequate site coverage</p>	<p>A6.1 Where site topography prevents the discharge of stormwater directly to the street gutter or a Council controlled piped system, non-adjustment drainage is provided to accept run-off from all existing or future impervious areas that are likely to be directly connected.</p>	<p>No change to stormwater discharge arrangements for the existing dwelling. Stormwater discharge from the ground and roof of the proposed dwellings would be managed to discharge to the street, consistent with surrounding development in the locality.</p>	✓

PAGE 33
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
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Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
SECTION 3.4 – HERITAGE CONSERVATION			
3.4.10 – General Development Controls – Construction of new buildings			
Significance, character and setting P1 New building design shall relate to the significance and the character of the adjoining buildings and the heritage precinct.	A1.1 Applications shall be accompanied by an analysis (Heritage Management Document) of how new buildings relate to heritage items in the vicinity and the heritage precinct. A1.3 New buildings are designed in a contemporary manner that is sympathetic to the heritage precinct.	The content of this table including the assessment of the building against the specific performance criteria satisfies this requirement. The new building is a contemporary design influenced by the features of the existing area through matters such as roof form (pitch, shape and eaves) and material selection. The existing dwellings to the north and south have been used as a point of reference for the design of the height of the brick articulation to the level of the proposed building. The proposed dwellings result in a reduced massing and scale by comparison to the approved building on site.	✓ ✓
	Note: Pre-set homes, package or kit homes are generally unsuitable as they are not designed with specific localities in mind.	Proposed building is architecturally designed and is neither a package or kit home.	✓
Setback P2 The setback of the development from the front boundary of the allotment is consistent with established setbacks or is consistent with the desired amenity of the heritage precinct. Note: The setback is measured from the property boundary to the first vertical structural element of the development. No porches, patios etc. shall be any closer than the established setback.	A2.1 If there are uniform setbacks for adjacent significant buildings and/or the street, maintain the setback in any development.	The proposed setback is generally consistent with the setbacks of the immediately adjacent dwelling to the north and is greater than the dwelling to the south (which is built to the boundary). The development also satisfies the numerical standards of the Council's DCP.	✓
Orientation P3 The majority of existing buildings address the street and therefore new development shall reflect heritage precinct characteristics.	A3.1 Development shall be orientated to the existing streetscape.	This is achieved.	✓
Fencing P4 Fencing is in keeping with the existing character of the heritage precinct.	A4.1 New fencing shall be simple, compatible in height with adjoining heritage fences and of a suitable material and colour to the building and surrounding heritage fences. The	This would be achieved by reference to Drawing A13. This is consistent with the approved plans for the site.	✓

Page 34
S17182_001_011117



STATEMENT OF ENVIRONMENTAL EFFECTS
In Support of a Development Application
Strategic P11.10

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Outbuildings P6 Garages, sheds and other outbuildings shall be constructed of similar or compatible materials to the primary building and located so as not to detract from the streetscape of the heritage precinct.	A5.1 In residential zones, garages or carports should not be located in front of the dwelling. Care shall be taken that these structures are kept simple in design. A5.2 New materials may be introduced provided that they are complementary to the significance of the heritage precinct.	No detached outbuildings proposed	N/A
Signage P6 Signage is in keeping with the existing character of the precinct.	A6.1 Any signage shall be contemporary and complement the character and significance of the heritage precinct.	No signage proposed	N/A
Scale P7 In designing new buildings, the size, shape and height shall reflect the predominant height and proportions of adjacent buildings within the heritage precinct.	A7.1 Differences in building height between existing buildings and new development is not more than one storey when viewed from the public street and adjoining properties. A7.2 The design may include attic rooms which provide additional floor space with minimal streetscape impact.	The difference in building height is not more than one storey when viewed from the street. This acceptable solution is therefore achieved. No attic rooms proposed.	✓ N/A
Material, colour and details P8 Development shall relate to and use the materials, colour and details of adjacent heritage items and the surrounding heritage precinct.	A8.1 New materials may be introduced provided that they are complementary to the significance of the heritage precinct.	Materials have been chosen to reflect the prevailing character of the area. This solution is therefore achieved.	✓
Visual setting P9 Development shall visually relate to the streetscape of the heritage precinct.	A9.1 Development shall not visually dominate or obscure views or significance to nearby historic buildings. A9.2 Development shall enhance and complement the streetscape and amenity of the heritage precinct.	No views would be obscured. Through adoption of consistent setbacks, roof plane and shape and materials, the development would not appear incongruous when viewed within the surrounding streetscape.	✓ ✓
Roofs P10 Roof shape and material shall relate to adjoining buildings and the surrounding heritage precinct.	A10.1 Development shall reflect similar heights and pitch plus other appropriate materials in keeping with the character of the heritage precinct.	Pitch is consistent with surrounding roofs. As noted above, the difference in building height is no more than one storey when viewed from the street. This complies with A7.1 and is a relevant consideration.	✓
Provision for cars (or provisions) P11 These should reflect the nature of adjoining historic buildings and the heritage precinct. Note: Large double driveways are not appropriate.	A11.1 Existing access points should be utilised where possible. Note: Large double driveways are not appropriate.	An existing crossover location is utilised by the development.	✓

PAGE 28
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STRONGPOINT LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Details P12 Development should be recognisable as a product of its time and not create a false impression of age or a style.	A12.1 Historic details such as small paned windows, cast-iron decoration, ornate decorative details and original window glazing should not be applied.	The development is a contemporary, architecturally designed building which provides a modern and desirable form of housing. It is influenced by the historic setting but strives to be unique.	✓
General Development Controls – Development Controls for residential precincts			
Windows P1 Window and door dimensions and spacings shall be maintained.	A1.1 Windows shall be repaired rather than replaced if they contribute to the significance of the heritage item and are largely found and intact. A1.2 New window openings to provide facades and elevations are avoided. A1.3 New window openings shall be sympathetically designed but clearly distinguishable as a contemporary addition. A1.4 Inappropriate 'modernisations' such as horizontal metal sliders and fixed roccorn frames shall not be used and if present shall be repaired where they detract from the significance of the heritage item. A1.5 If fixed in or previously damaged window openings may be reconstructed. Any replaced windows shall match historic profiles, shapes, dimensions, details and materials.	The acceptable solutions relate to existing buildings. Window placements and spacings in the building are residential in style and are opening in walls, rather than the more modern style of using windows as walls. This pays reference to the heritage style of the locality.	Performance criteria is satisfied.
Roofs P2 The original form of the roof shall be maintained.	A2.1 Any repair work shall be undertaken in the traditional material of the roof. A2.2 Consideration shall be given to important views of a significant building when considering the introduction of new elements to the roof such as skylights, solar collectors or satellite dishes. A2.3 Where galvanneal iron is replaced, unpainted zincalume shall not be used. Note: Very durable galvanneal steel is available in long lengths and can be curved where required. It may be advisable to use the thickest available coating. A2.4 Where previously painted galvanneal iron is replaced the use of unpainted zincalume will be considered. Council's Heritage Advisor should be consulted in the first instance.	The acceptable solutions relate to existing buildings. Roof form is influenced by the style of traditional houses in the locality, noting that a mix of styles is evident.	Performance criteria is satisfied.

Page 26
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STEREON Pty Ltd

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Chimneys P3 Original chimneys shall be retained and conserved.	A3.1 Repairs to chimneys shall be in materials to match the original.	Chimneys do not form part of the development.	N/A
Skylights and dormer windows P4 Installation of dormer or attic windows shall not detract from, or dominate the appearance of the roof line.	A4.1 Where possible they shall be installed in the rear or side elevations but also taking into account the silhouette of the roof. In some instances skylights might be preferred to dormer and this will depend upon the elevation and roof pitch. A4.2 Skylights shall not be located on front or street elevations or be visible from front or side streets. A4.3 Flat glass skylights are preferable to PVC or 'bubble' skylights which shall be avoided.	Skylights and dormer windows not proposed	N/A
Solar Panels P5 Development for a solar energy system shall not detract from or dominate the appearance of the roof	A5.1 The solar energy system/panels shall not be attached to any roof of a heritage item facing a primary road. A5.2 They shall be installed in the rear or side elevations and also take into account the silhouette of the roof.	None proposed	N/A
Brick walls P6 Minor additions, alterations or repairs to a heritage item shall match that of the original. Major additions may incorporate a complementary material.	P6.1 Match the colour, texture, dimensions, bonding pattern, mortar colour and content and profile to the original material.	Bricks proposed on the front facade would match the style of materials in the locality	✓
Stone walls P7 Minor additions, alterations or repairs to a heritage item shall match that of the original. Major additions may incorporate a complementary material.	P7.1 Match the durability, composition, density, colour, texture, size, profile and to source the location of the original material. The use of artificial stone for repairs shall be avoided.	None proposed	N/A
Stucco walls P8 Additions, alterations or repairs to a heritage item shall match that of the original. Major additions may incorporate a complementary material.	P8.1 A stucco mix no stronger or softer than the original stucco shall be used. Modern formulations with high proportions of Portland cement shall be avoided.	None proposed	N/A
Timber walls P9 Additions, alterations or repairs to a heritage item shall match that of the original. Major additions may incorporate a complementary material.	P9.1 Original timber cladding shall not be covered or replaced with artificial cladding such as vinyl or aluminium.	The acceptable solutions relate to existing buildings. Timber cladding is not proposed in favour of modern weatherboard cladding on the upper floors only. This provides a contrast between the face brick at ground floor level and is consistent with the character of the surrounding area.	Not strictly relevant

PAGE 37
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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
STRIMING PTY LTD

Table 4.1 – Applicable Dubbo DCP Requirements

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	PS 2 Timber shall not be euro-treated. PS 3 Exterior timber shall be properly finished to prevent its deterioration.		

Overshadowing diagrams – clothes lines

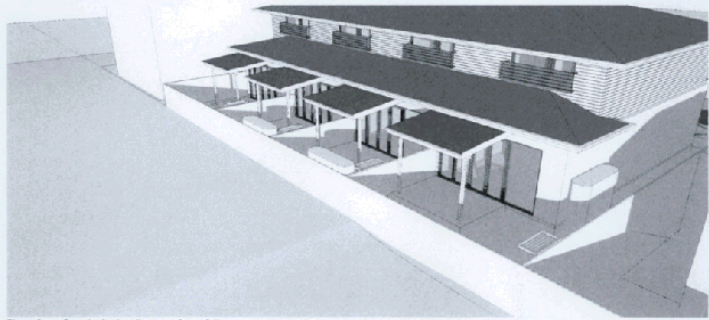
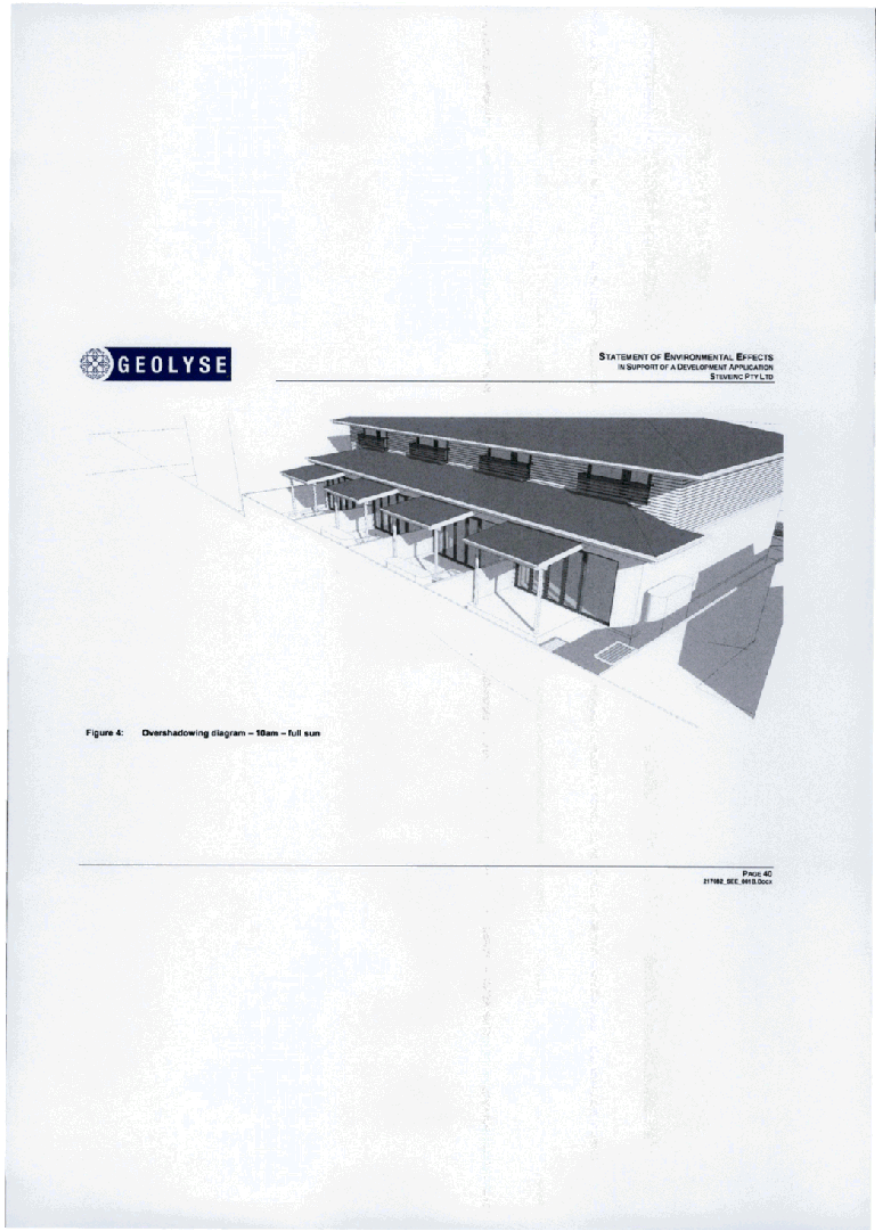


Figure 2: Overshadowing diagram – 8am – full sun

Page 36
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Impacts

5.1 INTRODUCTION

Pursuant to Schedule 1 of the EP&A Regulation, this section of the report outlines the environmental impacts of the proposed development and any measures required to protect the environment or lessen the harm to the environment.

The impacts have been identified through an assessment of the proposed development against the provisions of section 79C(1)(b) and the former NSW Department of Urban Affairs and Planning's (nd) *Guide to Section 79C*.

5.2 CONTEXT AND SETTING

The subject site is located to the East of the Dubbo CBD. The area is characterised primarily by low density residential development, with some more recently developed higher density (dual occupancy and multi-dwelling developments) scattered throughout the locality. The proposed development seeks consent for a number of distinct elements, including a two-lot Torrens subdivision of the land, development of a four x 2-bedroom terrace dwelling arrangement on the created vacant lot and the subsequent strata subdivision of this development. The scale of the proposed dwelling development is consistent with a recently approved development at 1D Rawson Street, approximately 200 metres to the east.

The two lot subdivision provides lots that satisfy the minimum lot size requirements of the LEP and is consistent with the arrangement of lots on the three other block corners in the locality – refer **Figure 1**.

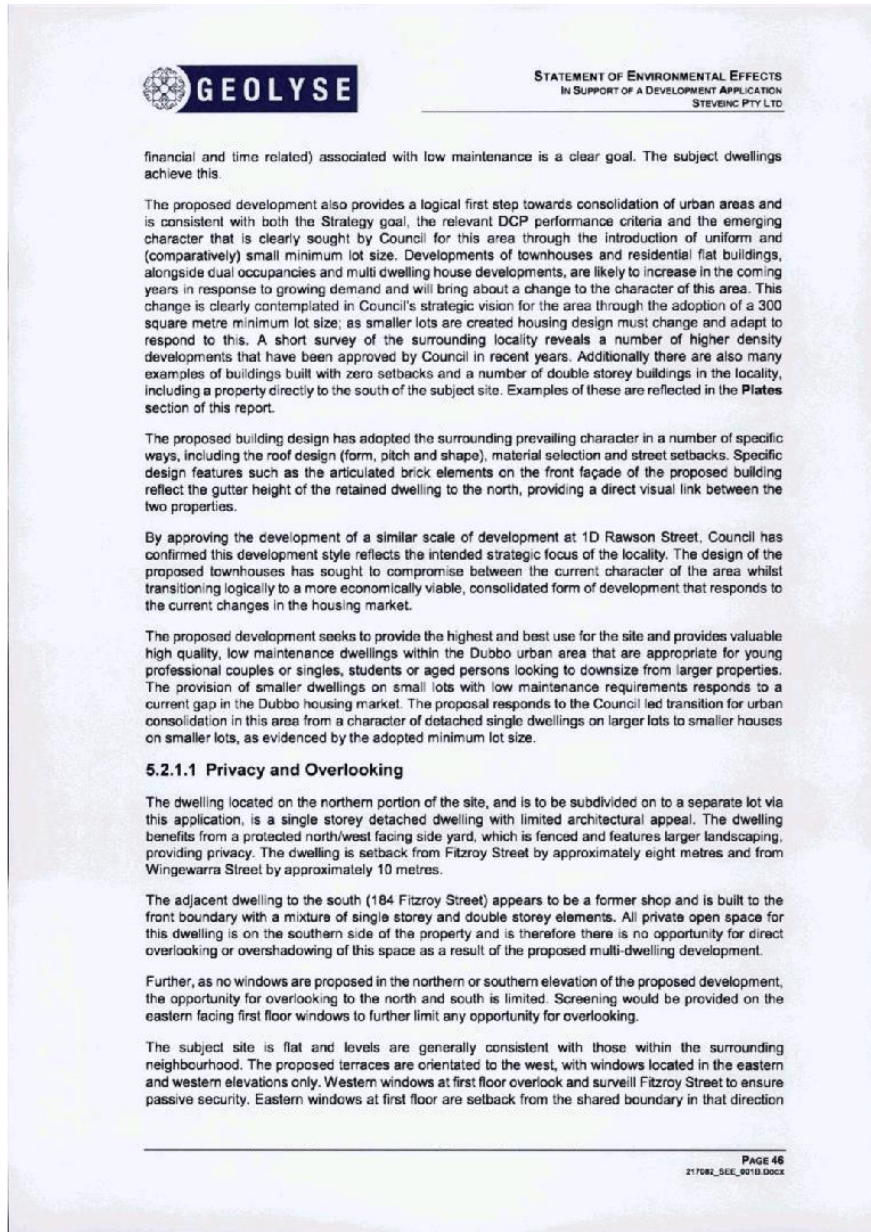
The group of four terrace dwellings is designed as a single building under a single roof, with dwellings separated by common party walls and all with direct access to the street. As noted above, the minimum lot size for subdivision in the locality is 300 square metres however no minimum lot size for the development of dual occupancies or multi-unit dwellings is noted as per the LEP. The proposed subdivided Torrens lots satisfy the LEP minimum lot size.

Section 3 of the DCP identifies that the site is located in the north-east of the Residential East – Heritage Precinct. The site is not mapped via the LEP as being within a heritage conservation area. The locality in which the development is located has historically been characterised by detached single storey dwellings on larger lots however both recently and historically subdivision to provide smaller lots, particularly on corners, is apparent.

The proposed application responds well to the aims of the Dubbo Residential Areas Strategy (Strategy) by providing a housing choice that is not otherwise well represented in the City of Dubbo. Across Australia, the historical tendency to provide larger houses on larger lots has begun a slow reversal since the global financial crisis in 2008, with a reduction in average detached house sizes and an increased demand for apartments and townhouses. According to Australia's Housing Industry Association, citing figures released by the New South Wales government, there were 30,191 new homes completed in Sydney during 2015/16 financial year, the highest total seen since 1999/2000. Not only was that 10.4% higher than the 2014/15 financial year, but apartments accounted for two in every three homes built last year.

Whilst a shift in housing types has been slower in regional centres, a shift of this nature is still evident by reference to the growing numbers of developed and investor constructed dual occupancies and multi dwelling housing, typically in areas close to shops and services.

The subject site is reflective of this emerging character. It satisfies the broad goal of the Strategy to provide choice in housing options for those people relocating to regional centres from larger urban centres. For this market, an area close to services and public transport, but with minimal costs (both





STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
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by 4.5 metres and would feature fixed screening to limit the possibility of direct overlooking of the property to the west – refer **Drawing A06**.

5.2.1.2 Overshadowing/Solar Access

A comprehensive assessment of the potential for overshadowing has been completed in **Table 4.1, Drawings A09 – A15 and Figures 2 – 8**; via these it is confirmed that the proposed multi-dwelling development would not result in unacceptable levels of overshadowing to adjacent properties.

It is also confirmed via this analysis that the residents of the proposed dwellings would benefit from sufficient solar access to satisfy Council's DCP performance criteria. This is discussed in detail in **Table 4.1 (page 13)**.

5.3 ACCESS, TRANSPORT AND TRAFFIC

5.3.1 TRAFFIC GENERATION

The RTA's *Guide to Traffic Generating Developments* (2002) states that a traditional dwelling house generates 9.0 vehicle trips per day with weekday peak hour vehicle trips of 0.85 per dwelling. A two-bedroom dwelling would be expected to generate a lower volume of movements.

Taking account of the above predicted traffic movements, it is not anticipated that the development would have a significant impact on local traffic volumes, intersection capacity or access treatments. The increase in traffic volume is capable of being dispersed and absorbed into the surrounding road network with minor, if any, impact on the existing local traffic environment.

5.3.2 PARKING

In relation to the two lot subdivision of land, consideration must be provided to retaining parking for the existing dwelling on proposed Lot 11. The current arrangement provides for parking at the rear of the site via Fitzroy Street, although it is unclear whether active use is made of this or whether street parking is relied upon. To ensure adequate parking is provided for the existing dwelling, a new access driveway would be provided from Wingewarra Street, utilising an existing crossover – refer **Drawing A03**. Stacked parking for two vehicles is provided in this area.

In respect of the proposed four (4) two (2) bedroom dwellings on proposed Lot 12, Section 3.5.3 of the Dubbo DCP requires parking to be provided at the following rate:

- *Two spaces per two bedroom dwellings for multi-dwelling developments*

No comment on visitor parking requirements is provided in this respect.

However, Element 7 of the DCP requires that parking be provided for multi dwelling development on the basis of:

- *One bedroom unit – one car parking space per unit;*
- *Two or more bedroom unit – two car parking spaces per unit; and*
- *Visitor parking – one car parking space for every four units or part thereof with a minimum of one car parking space.*

A total of two spaces would be provided per proposed dwelling via a single car garage and partly covered space in front of the garage. This therefore satisfies Council requirements. The second car parking space on each dwelling is provided forward of the building line. Given the design and nature of the proposed development as terrace dwellings, each with a frontage to the street, this arrangement is considered acceptable on the basis that it is consistent with prevailing parking arrangements within the locality. This approach was considered acceptable by Council in relation to the approved four-dwelling development at 1D Rawson Street.

PAGE 47
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Given the characteristics of the surrounding locality, there is ample street parking available in the locality to accommodate the required one (1) visitor car parking space via on-street parking. Notably, the Fitzroy Street frontage between Wingewarra Street and Short Street is 110m long. Only one existing dwelling has a frontage to this portion of Fitzroy Street therefore leaving ample capacity for the provision of the one space shortfall for visitor parking.

5.4 PUBLIC DOMAIN

The development would positively contribute to the public domain in the locality via supporting the Council led transition of the urban character through urban consolidation.

5.5 SERVICING

Water, sewer and gas services are currently located in Fitzroy Street and suitable connections would be provided to adequately service the development as reflected in **Drawings C001-C004**. Suitable electricity connections would be supplied from available services. An existing electricity pole in Fitzroy Street can be safely incorporated into the design whilst still achieving Council's driveway width requirements – refer **Drawing C004**.

Each dwelling would have a rainwater tank with a stormwater detention component. Post development stormwater runoff from the site will be limited to the pre-development stormwater runoff flow.

5.6 HERITAGE

The subject site is highly modified and is thus unlikely to contain any items of indigenous heritage significance. A search of the Office of Environment (OEH) Aboriginal Heritage Information Management System (AHIMS) in respect of the subject site confirms that there are no known sites or instances of Aboriginal significance in or within 200 metres of the subject site. The AHIMS search results are attached to this report as **Appendix A**.

A review of available resources confirms that the site does not contain and is not located adjacent to any sites of noted historic heritage. The site is not located within a gazetted heritage conservation area. The subject site is however located within the Residential East heritage precinct, as per Map 3 in the DCP.

An assessment of the proposed development in the context of the provisions of section 3.4.10.1 and 3.4.12 of the DCP are provided **Table 4.1**.

There is no compelling reasons to resist the subdivision of the land given the adopted minimum lot size and the analysis of DCP controls at **Table 4.1**.

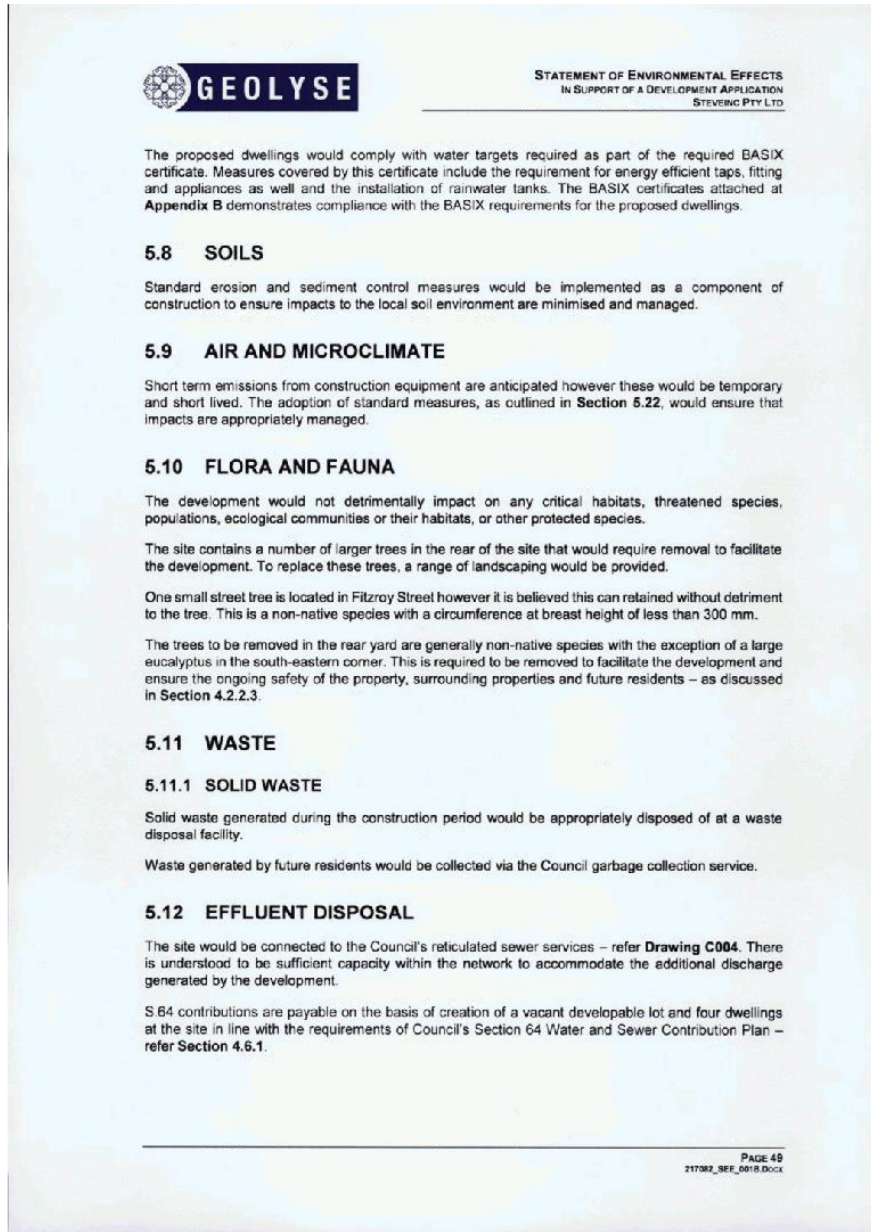
The proposed terrace style multi-dwellings are generally compatible with the transitional character of the locality. Scale and bulk of the dwellings has regard for that of the adjacent buildings to the north and south.

On balance, whilst representing a new form of development in the locality, it is considered that the development has taken sufficient reference to the existing built form, through roof form, scale and bulk, and material selection, to ensure effective integration.

5.7 WATER

The existing water supply to the site would be augmented to support the proposed development. It is understood there is no issue with capacity of the existing supply.

The subdivision and development of four - two bedroom dwellings would increase water demand in the locality but not to any significant level – refer **Section 4.6.1**.





5.13 STORMWATER

The site falls to the east. Stormwater from the development would be controlled discharged to the existing stormwater system in the street for disposal – refer **Drawing C004**

5.14 ENERGY

In 2004, the NSW Government introduced BASIX, the Building Sustainability Index. BASIX aims to ensure homes are designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for house and units. All dwellings are required to achieve a 40% reduction in greenhouse gas emissions.

The proposed new dwellings achieve the requirements of BASIX, as illustrated in the BASIX certificates attached at **Appendix B** of this statement.

In addition to requirements outlined by BASIX, solar passive design principals and utilisation of thermal mass have been employed throughout the design to further improve its energy efficiency.

5.15 NOISE & VIBRATION

Short term construction noise associated with the development would be managed via the adoption of standard measures outlined in **Section 5.22**. Noise levels associated with the use of the terrace dwellings is considered to be consistent with the levels in the surrounding locality. Insulation would be provided between dwellings to ensure noise transfer is minimised.

5.16 NATURAL HAZARDS

The site is not known to be affected by any natural hazards.

5.17 TECHNOLOGICAL HAZARDS

The site is not known to be affected by any technological hazards.

5.18 SAFETY, SECURITY AND CRIME PREVENTION

The guidelines prepared by the NSW Department of Urban Affairs and Planning (DUAP 2001) identify four (4) Crime Prevention Through Environmental Design (CPTED) principles to be considered in a Development Application to ensure developments do not create or exacerbate crime risk. These four principles are: surveillance, access control, territorial reinforcement, and space management. Those relevant to the development are discussed below.

5.18.1 SURVEILLANCE

The four terrace houses are provided with direct frontages to the street with bedrooms at first floor facing the street. Passive surveillance of the public domain is therefore provided.

5.18.2 ACCESS CONTROL

The design of the proposed terraces and the siting on the block provide a clear point of entry to visitors and a clear definition of private and public space. These factors reduce the opportunity for excuse making. 1.2 metre high fencing



STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
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5.19 SOCIAL IMPACT

As defined by the NSW Government Office on Social Policy, social impacts are significant events experienced by people as changes in one or more of the following are experienced.

- Peoples' way of life (how they live, work or play and interact with one another on a day-to-day basis);
- Their culture (shared beliefs, customs and values); or
- Their community (its cohesion, stability, character, services and facilities).

The proposed development would not be expected to result in adverse impacts on any of these factors.

5.20 ECONOMIC IMPACT

The proposed development would provide for local employment during the construction phase. It is unlikely that the development would create an adverse economic impact in the locality.

5.21 SITE DESIGN AND INTERNAL DESIGN

The size and shape of the subdivided lots provides for lots that are in excess of the minimum lot size and suitable for development. Proposed Lot 11, fronting Wingewarra Street, provides a reasonable size for the existing dwelling with good north and west aspect. Existing landscaping and fencing on the western boundary, fronting Fitzroy St, would be retained to ensure adequate privacy for open space areas for Proposed Lot 11.

The size and shape of the proposed multi-dwelling terrace housing sits comfortably within the site confines of Proposed Lot 12 and does not detract from the visual amenity of the area. The proposed terrace dwellings would not result in unacceptable levels of overshadowing to adjacent properties, noting their general consistency with the applicable DCP acceptable solutions in this regard and with the scale and bulk of the adjoining dwelling to the south.

The proposed terrace style multi-dwellings have been sensitively designed to reflect the amenity of the location and to integrate with the increasingly higher density urban development encouraged in the area.

The proposed terrace dwellings have been set back appropriately from the property boundary to ensure minimal impact to the amenity of adjacent residential properties.

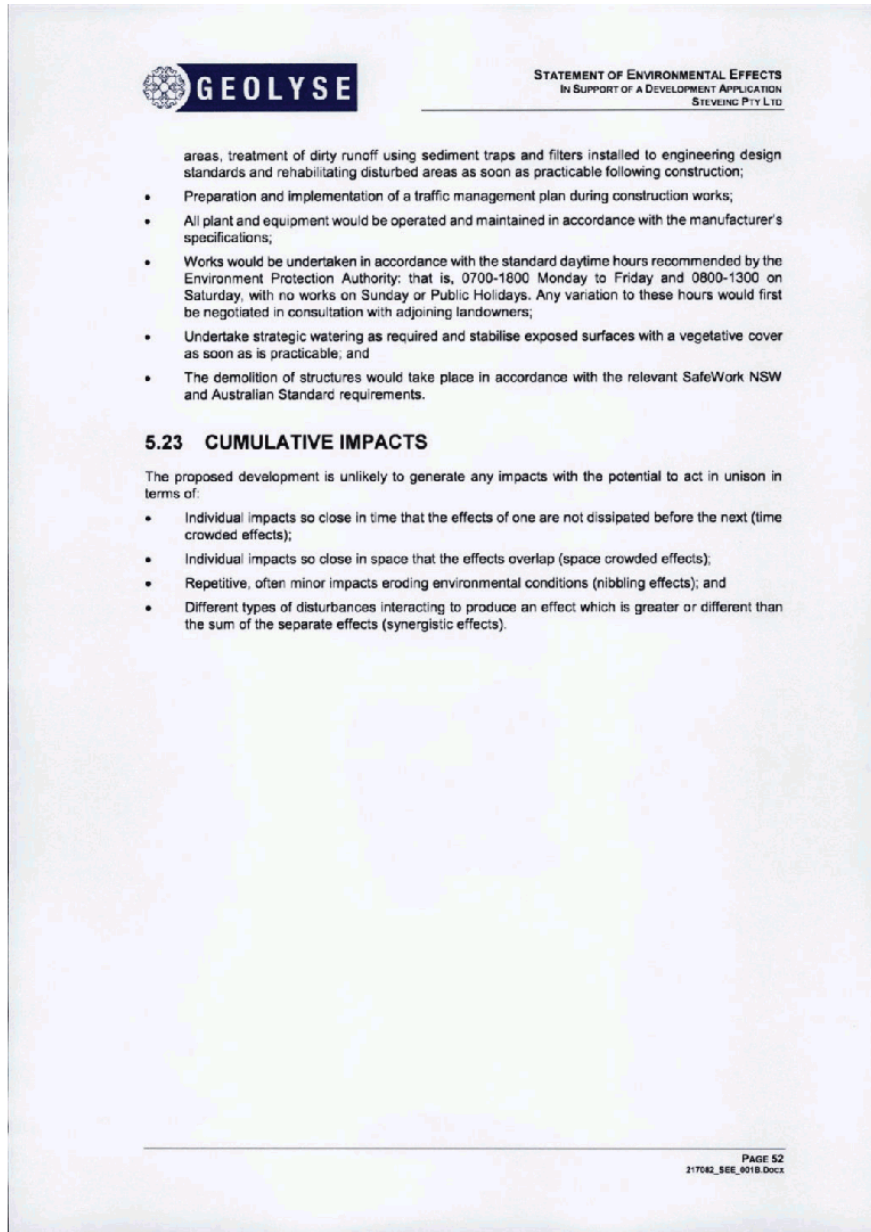
The proposed use will not have any detrimental impacts on the environment and is sensitive to the environmental conditions.

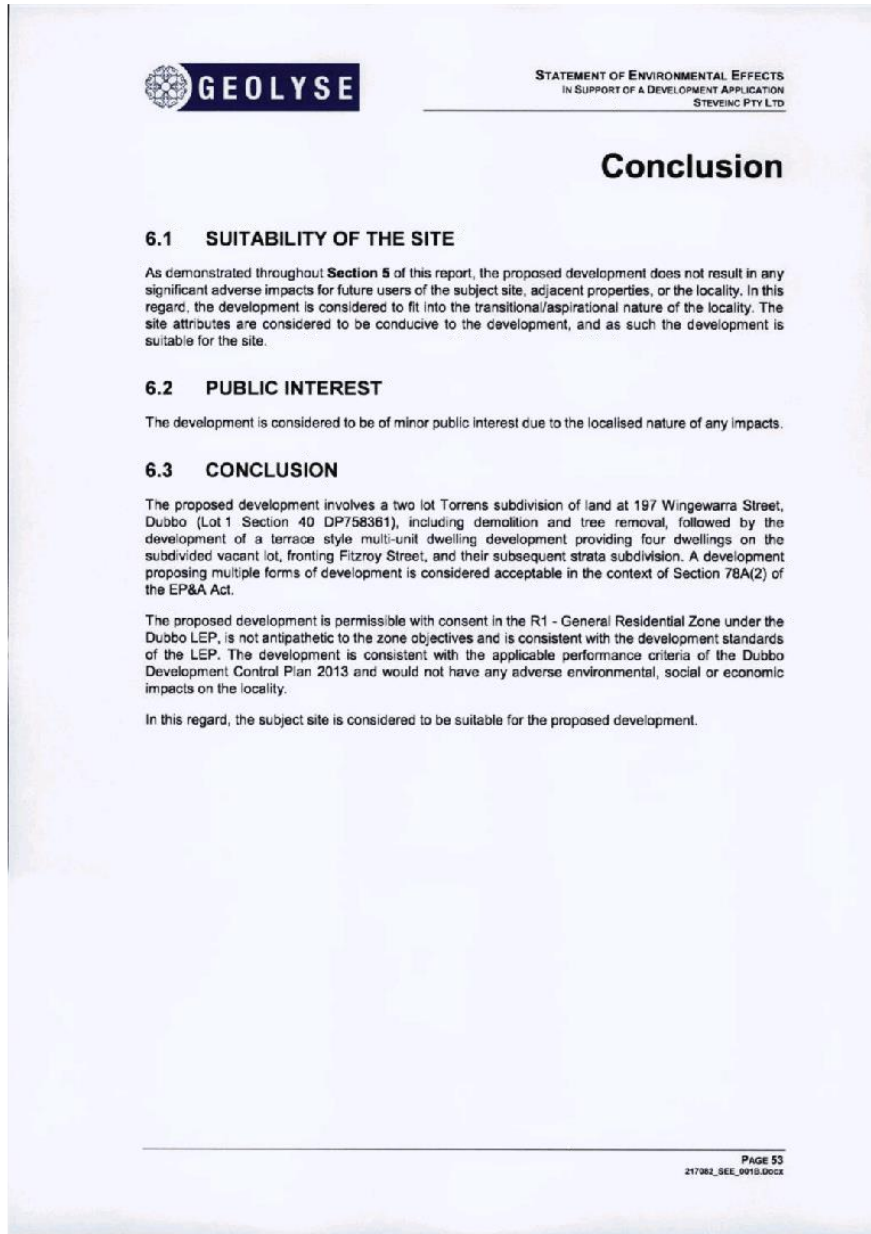
The terrace dwellings have been designed in full compliance with the requirements of the Building Code of Australia to ensure that the health and safety of future occupants is assured.

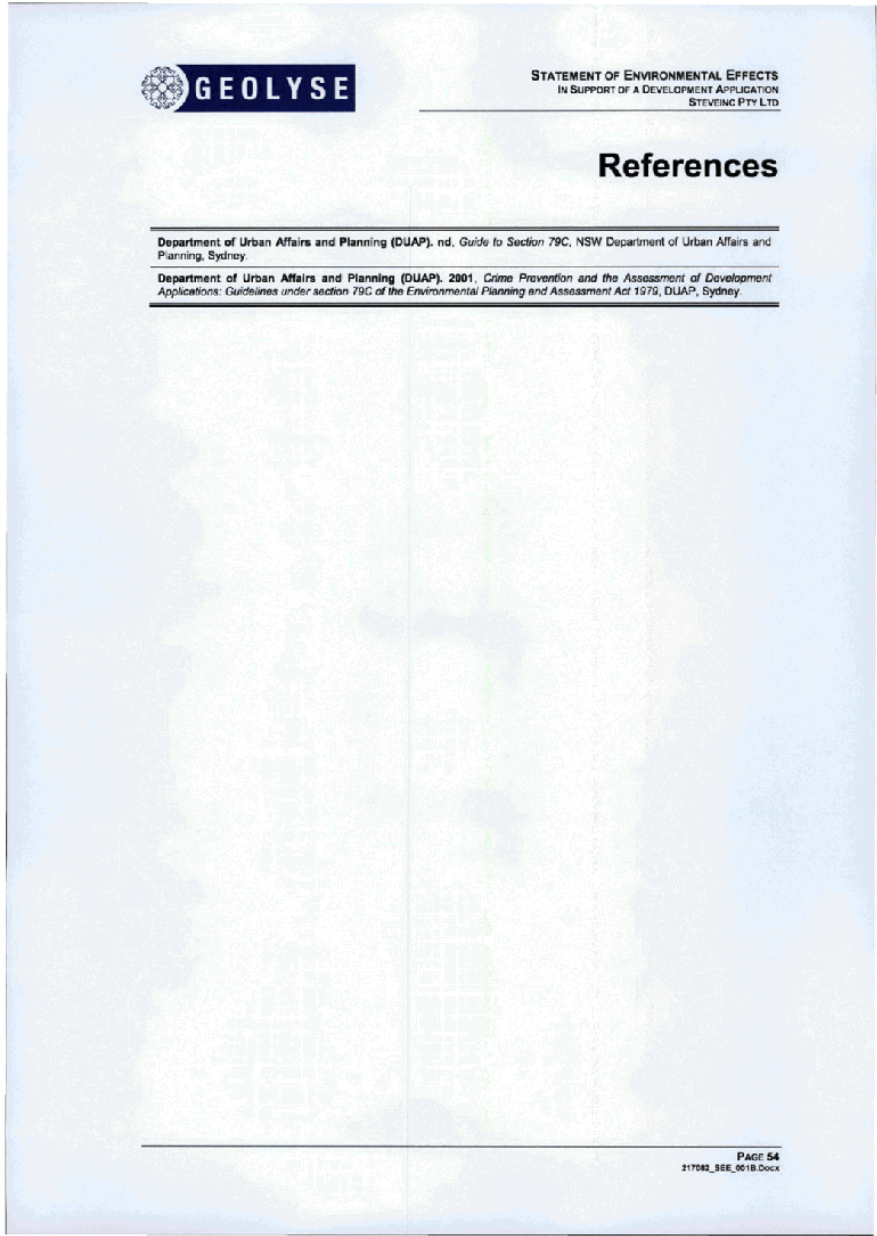
5.22 CONSTRUCTION IMPACTS

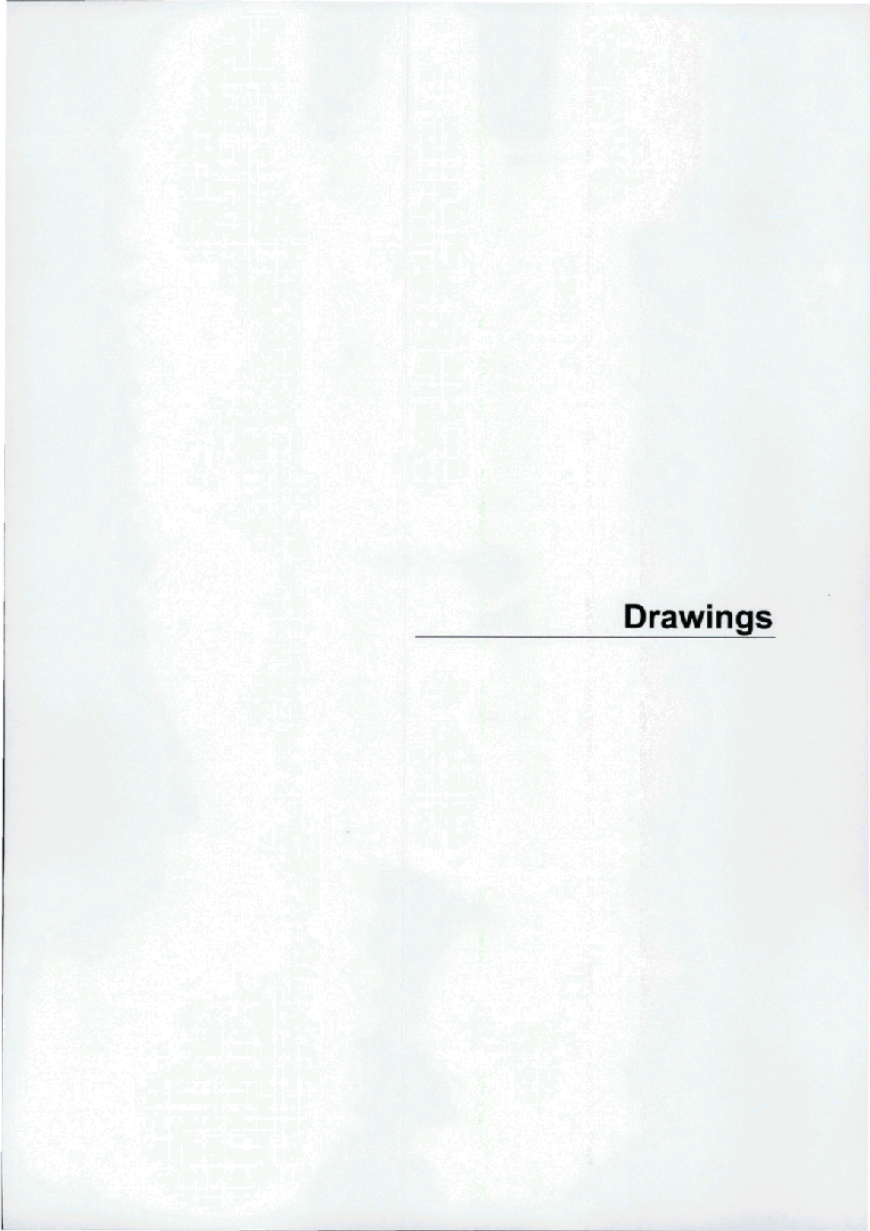
Construction activities have the potential to generate adverse impacts through construction traffic noise, surface water and land degradation, and dust. In this regard, the following mitigation measures are required to ameliorate any adverse impacts:

- Preparation of an Erosion and Sediment Control Plan prior to construction and implementation of the Plan throughout all phases of construction activity;
- The adoption of appropriate soil erosion control measures. This would include techniques such as minimising the area of disturbance at any given time, diverting clean runoff away from disturbed











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Our Ref: 217082_LET_002B.docx

9 October 2017

The General Manger
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Attention: Darryll Quigley

Dear Mr Quigley

DEVELOPMENT APPLICATION D2017-462 – REQUEST FOR ADDITIONAL INFORMATION

We write with reference to the above development application and Council's letter of 26 September 2017.

We have responded to the Council's requested additional information adopting the same numbering and headings for ease of reference.

(1) Subdivision plan

Please find attached a revised plan set providing a proposed subdivision plan as **Drawing A02A** including correction of the error in the lot size for proposed Lot 12 (see point 4 below in this regard). The revised drawing set is provided as **Attachment 1** to this correspondence.

(2) Strata subdivision

We have sought advice from the Department of Planning & Environment in respect of this matter and await their response. We note that advice received by Geolyse via Tamworth Regional Council (see attached correspondence – **Attachment 2**) confirmed to TRC that DP&E do not consider the outcome of the recent Land and Environment Court hearings precludes the positive determination of a development application seeking to provide strata subdivision lots with sizes below the minimum lot size. We note and accept the nature of the advice from TRC is specific to that Council.

We maintain that Council is not restricted from providing a positive determination in this matter subject to being satisfied that sub-clause (4) of clause 4.1 acts to 'turn off' the clause

We also note that the capacity exists, post construction of the development (assuming approval is granted), for the strata subdivision of the land via the provisions of clause 6.1 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Failing to grant consent for this aspect of the development at development application stage and subsequently granting consent for the same development as complying development would result in a perverse outcome.



• Civil, Environmental & Structural Engineering • Surveying • Environmental • Planning • Architecture





Notwithstanding all of the above, a variation request via Clause 4.6 is provided as **Attachment 3** to this correspondence justifying a variation to the development standard in this regard.

On this basis, we take the view that the strata subdivision aspect of the development is permissible with Council's consent.

(3) Dwelling and proposed Lot 11

The assessment of the existing dwelling against the relevant provisions of the Dubbo Development Control Plan 2013 is provided within Table 4.1 of the Statement of Environmental Effects (SEE), where relevant. For completeness, **Table 2** to this response (**Attachment 4**) provides a specific assessment of compliance in relation to relevant DCP provisions in relation to the existing dwelling on proposed Lot 11.

(4) Numerical discrepancies

Detailed survey of the subject site identifies that the subject lot has an original site area of 1,083 square metres. This is confirmed by site definition by a registered surveyor and by reference to the original portion plan for the site (**Attachment 5**). We suggest therefore that the error in the lot size may well be in Council's records only.

We note the error in the initially lodged plans and confirm that proposed Lot 11 has a size of 555 square metres and proposed Lot 12 has a size of 528 square metres, as depicted in **Drawing A02A**.

(5) Fencing

As depicted on **Drawing A17**, proposed front fencing would consist of stack stone fencing. The maximum height of this fencing is proposed at 900 mm. This is confirmed on amended **Drawing A07**.

(6) Building setbacks

As reflected on amended **Drawing A07**, the setback of the proposed dwellings to Fitzroy Street exceeds 4.5 metres. Cantilevered front porches to the front elevation are proposed. As such, front setbacks comply with Council's DCP requirements.

The proposed pergola's in the rear yards of the dwelling feature a proposed setback to the rear boundary of 1.8 metres (to the eave) and 2.3 metres to the support columns. Amended plans to provide improved clarity are provided attached to this response (refer **Drawing A07** for clarity).

(7) Solar Access

Contrary to Council's assertions, the proposed clotheslines have been positioned to minimise the extent of overshadowing by the northern fences. Particularly, the maximum fence height has been proposed at 1,500 mm, rather than 1,800 mm as is conventional, and clothesline have been positioned to be level with the top of the fence. As such, and as depicted in the shadow diagrams, the clothes line is in full sun from 8am-11:30am and partial sun between 11:30am and 12:30pm.

In relation to the existing dwelling, a proposed clothes line has been included on the amended drawings, located in the eastern extent of the site (refer **Drawing A03**). This area will receive excellent solar access





due to the easterly and northern aspect. If this positioning is not accepted by Council, there is ample room on the western elevation to relocate the clothes line (or provide an additional line if needed).

With respect to solar access for the rear yards of the property, the primary limitation in achieving the stated requirements is the provision of covered outdoor space for each dwelling. Removing these coverings would result in compliance with the solar access requirement but, given the nature of the Dubbo climate, result in compromising the usability of this space through, ironically, a lack of shade. Such an outcome would also impact on BASIX compliance due to an increase in solar gain into the main living spaces of the dwelling. This would therefore provide a poorer quality outcome than that provided via the design. The development is considered to satisfy the applicable performance criteria at Element 4 of the DCP, namely to provide a pleasant, safe and attractive level of residential amenity and is therefore acceptable in this regard.

In relation to the windows in the adjacent dwelling to the south (184 Fitzroy Street), it is accepted that some change to the shadowing situation would occur as a result of this application, however this change is two-fold. The subject site contains a number of larger trees that provide a large degree of shading to this space together with a boundary fence that generates shadow in this area much of the time. The proposed development would remove the vegetation and result in a significantly improved solar access arrangement than currently exists. Given the Dubbo climate, this may not be welcomed by the neighbour. It is noted that many of the windows in this elevation are providing light into non-habitable spaces, including what is understood to be a bathroom and laundry (western side). Windows on the east of the elevation (understood to be living areas) would receive an increase in solar access due to the removal of the existing vegetation. On balance the proposed development is unlikely to generate a significant or detrimental impact to the amenity of the occupiers of this adjacent dwelling. Notably, no submission or objection is understood to have been received from this neighbour.

(8) Private open space

The private open space provided for dwellings 2 and 3 is proposed at 24.4 square metres. This represents a 9% variation to the minimum requirement of POS for two of the four proposed dwellings. The applicable performance criteria with respect to provision of POS as per Element 4 of Clause 2.1.1 is stated as:

Private open space is of an area and dimension facilitating its intended use.

The proposed area of POS is considered justified on the basis that the nature of the variation is so minor as not to result in any reduction in amenity for future occupiers nor any detrimental impact to neighbours. It is notable that the DCP makes a concession for multi-dwelling housing in the context of the internal dimension but not the size required, by comparison to dwelling houses and dual occupancies. The nature of a two-bedroom household is such that it is unlikely to lend itself to family living and is more likely to be occupied by no more than three persons. There is sufficient space within the yards provided to meet the needs of a three person household via provision of a useful and usable area of covered open space, room for a small garden and room for clothes drying. Given these core functions are satisfied through an area of 24.4 square metres it is unreasonable to consider the development unacceptable simply due to a failure to meet a numerical standard of what is an inherently flexible acceptable solution, when the overarching intent of the performance criteria is satisfied. All other acceptable solutions in relation to Element 4 of clause 2.1.1 are noted to be satisfied. This does not represent a departure from the DCP on the basis that the performance criteria is considered to be satisfied.





PAGE 4
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(9) Vehicle access and parking

Council notes that the second car parking space for each proposed dwelling is proposed forward of the building line and highlights this as an inconsistency with the DCP acceptable solution criteria. However we note that compliance with the DCP may be demonstrated via compliance with either the applicable performance criteria or one of the acceptable solutions identified. The relevant DCP performance criteria in relation to this element states:

Car parking is provided according to projected needs, the location of the land and the characteristics of the immediate locality.

As noted at Section 5.3.2 of the lodged SEE, this approach has previously been approved via a similar level of development at 1D Rawson St (approximately 200m from the subject site). Other examples include a number of recently developed dual occupancies at 32 and 34 Short Street, 172 and 174 Bultje Street and 134 and 136 Wingewarra Street (refer **Plates at Attachment 5**). In this regard the development is considered to be consistent with the type of development occurring in the locality. The location of the land enables vehicles departing the site to reverse without needing to enter the travel lane. This ensures safety and ensures the efficiency of the local traffic environment is not impacted and therefore is considered to be compatible with the overarching performance criteria.

Council also notes that there is no on-street parking available directly outside the proposed dwellings to accommodate the one (1) visitor space shortfall.

Again, as noted in Section 5.3.2 of the SEE, there is considered to be ample on-street parking to accommodate the one parking space shortfall. Notably, the Fitzroy Street frontage between Wingewarra Street and Short Street is 110m long and features only one existing dwelling on the eastern side with a frontage to the street. The proposed development would therefore be only one of two properties using this frontage for visitor parking. If necessary, visitors could also park on the western side of Fitzroy Street as required. Given the close proximity to the central business district, it is entirely reasonable to expect that visitors may walk or ride. There is ample room in the front yards of the proposed dwellings to store a bike. By reference to the applicable performance criteria, it is considered that the development is generally acceptable.

We believe the above and attached adequately demonstrates compliance with Council's requirements and that the application should therefore be supported.

Please contact the undersigned with any questions.

Yours faithfully
Geolyse Pty Ltd

DAVID WALKER
Senior Town Planner

Attachments 5:

1. Amended **Drawings 217082_01J_A01-A19**





2. Correspondence from Tamworth Regional Council dated 31 July 2017 and 7 August 2017;
3. Clause 4.6 variation request
4. **Table 2** - Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street; and
5. Portion plan 51-1349
6. **Plates 1 – 8.**





ATTACHMENT 1

Amended drawings attached separately



PAGE 7
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Gealyse
PO Box 1842
DUBBO NSW 2830

Dear Sir/Madam

IMPORTANT INFORMATION

STRATA AND COMMUNITY TITLE SUBDIVISIONS LESS THAN THE MINIMUM LOT SIZE

In two recent decisions, the Land and Environment Court has held that the minimum lot size development standard contained in clause 4.1 of the Standard Instrument – Principle Local Environmental Plan (Standard Instrument) applies to strata subdivision.

The most recent decision was handed down on 7 July 2017 in *DM & Longbow Pty Ltd v Willoughby City Council* [2017] NSWLEC 1358.

What this means for you:

Unless a proposed subdivision is of a lot in an existing strata plan or community development scheme, it is subject to the minimum lot size standard.

In the example of a proposed dual occupancy and subdivision in the Tamworth Regional Council Local Government Area, this means that each dwelling must be located on an allotment of not less than 450m² (excluding the access handle), regardless of whether it is proposed to subdivide the dual occupancy by strata, community or torrens title.

In light of these decisions:

- Applicants who have an undetermined development application with Council, that proposes a subdivision of less than the minimum lot size standard, will be contacted by the assessing officer to discuss the options available to progress the proposal;
- Prospective applicants should revise their proposal to exclude subdivision prior to lodgment of a development application, if compliance with the minimum lot size standard cannot be achieved; and
- Subdivision certificates will continue to be issued where development consent has already been granted.

The outcome of these decisions is not limited to the Tamworth Regional Council Local Government Areas, it affects all Councils who operate under the Standard Instrument. Tamworth Regional Council intends to contact the Department of Planning and Environmental in relation to this matter, but at this time neither an outcome, nor a timeframe can be predicted.

All correspondence should be addressed to the General Manager:

Telephone: 6767 5555 PO Box 555 (DX 6125) trc@tamworth.nsw.gov.au
Facsimile: 6767 5499 Tamworth NSW 2340 www.tamworth.nsw.gov.au

~ Toyota Country Music Festival Tamworth 2018- Friday 19 January to Sunday 28 January 2018 ~ www.tcmf.com.au



Geolyse
PO Box 1842
DUBBO NSW 2830

Dear Sir/Madam

STRATA AND COMMUNITY TITLE SUBDIVISIONS LESS THAN THE MINIMUM LOT SIZE

You recently received correspondence from Council in relation to the Land and Environment Court decision *DM & Longbow Pty Ltd v Willoughby City Council [2017] NSWLEC 1358*.

The purpose of this correspondence is to advise that discussions with the Department of Planning and Environment indicate that Tamworth Regional Council are not prevented from issuing development consent to a strata plan or community development scheme less than the minimum lot size standard, on the basis of this decision.

Therefore:

- Undetermined development applications that propose a subdivision of less than the minimum lot size standard will be processed as submitted; and
- Development applications may continue to include a proposed a subdivision of less than the minimum lot size standard.

For those who conduct business in other Local Government Areas, this advice is specific to Tamworth Regional Council and it is recommended that you make enquiries with other Councils individually.

Yours faithfully

Lucy Walker
Team Leader Development Assessment

Contact: (02) 6767 5507 or development@tamworth.nsw.gov.au

Reference: SF4839

7 August 2017

All correspondence should be addressed to the General Manager:
Telephone: 6767 5555 PO Box 555 (DX 6125) trc@tamworth.nsw.gov.au
Facsimile: 6767 5499 Tamworth NSW 2340 www.tamworth.nsw.gov.au
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ATTACHMENT 3

1.1 CLAUSE 4.6 VARIATION

The recent Land and Environment Court judgements of *DM & Longbow Pty Ltd v Willoughby City Council [2017] NSWLEC 1358* and *Flower v Lane Cove Council (2017) NSWLEC 1135* have resulted in the conclusion being reached by many local Councils that lots created by a new strata subdivision must satisfy the minimum lot size requirements imposed by Clause 4.1 of a Standard Instrument Local Environmental Plan.

The subject development proposes a four lot strata subdivision of four proposed multi-dwelling units to be developed on proposed Lot 12, Fitzroy Street, Dubbo. The lot sizes of the proposed strata lots are approximately 195 square metres (ground and first floor). The applicable minimum lot size for the subject site, by reference to the *Dubbo Local Environmental Plan 2011* (LEP) Minimum Lot Size Map is 300 square metres.

As the development fails to satisfy the numerical standard of clause 4.1 in respect of the minimum required lot size for subdivision within the R1 zone, this clause 4.6 variation is provided.

Clause 4.6 provides a nexus to enable the flexibility of development standards where it is demonstrated that the development achieves the '5 Part Test', being:

- *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
- *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- *The underlying object of the purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- *The compliance with the development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

Clause 4.6 also requires the concurrence of the Director-General to be obtained prior to the granting of consent for development that contravenes a development standard unless concurrence from the Director-General to vary the development standards have been delegated to the Council.

In this instance, assumed concurrence to Dubbo Regional Council is provided by virtue of the content of Planning System Circular PS 08-003.

The applicable planning instrument is the *Dubbo Local Environmental Plan 2011* and the applicable zone is the R1 – General Residential zone.

The objectives of the R1 zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*





- To ensure development is consistent with the character of the immediate locality.

The standard to be varied is the minimum lot size applying to the subdivision of land within the R1 zone, in this instance 300 square metres, listed at Clause 4.1 of the LEP.

The objectives of clause 4.1 are:

- (a) to protect and enhance the production capacity of rural lands, by maintaining farm sizes and the status of productive lands,
- (b) to ensure residential allotments are of a suitable shape and size to provide a building envelope, private open space and suitable building setbacks for acoustic and visual privacy,
- (c) to ensure industrial allotments are of a suitable size and shape to allow for separation from adjoining uses and to ensure appropriately sized vehicles can traverse to and from the land,
- (d) to ensure commercial allotments are of a suitable size and shape to provide for a range of commercial development without providing for the fragmentation of ownership into smaller lots,
- (e) to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in areas able to access commercial quantities of irrigation water.

The numerical value is 300 square metres and the percentage variation is approximately 35%.

The objectives of the R1 zone and of clause 4.1 are discussed in Table 1.

Table 1 – Consideration of objectives

Objective	Assessment
R1 – General Residential Zone Objectives	
To provide for the housing needs of the community.	The proposed development provides a form of housing that is in demand in the locality and provides for diversity and affordability in the housing market. Providing affordable housing is consistent with Direction 25 of the Central West and Orana Regional Plan 2026, which seeks to increase housing diversity and choice, specifically through the provision of more affordable housing.
To provide for a variety of housing types and densities.	The proposed development provides a varied form of housing type, and at a density, not otherwise common in the locality, and therefore assists in providing variety of housing options. Via inclusion of this standard objective in the Standard Instrument for land within the R1 – General Residential zone, the Department of Planning & Environment agree that diversity is important. Large traditional freestanding homes and apartments do not meet the needs, preferences and budgets of all people. A large cohort of the population (older people, people living alone, childless couples and people at the lower end of the socio-economic ladder) all have different needs that may not be met by the traditional forms of housing found in Australia's regional areas. Higher density housing types are typically more affordable due to requiring less land and are more sustainable due to shared common walls (providing improved noise and energy insulation). The proposed development provides for variety and is therefore consistent with this objective.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	As this is a form of residential accommodation, this objective is not specifically relevant.





Table 1 – Consideration of objectives

Objective	Assessment
<i>To ensure development is consistent with the character of the immediate locality.</i>	Character is a subjective term and can be applied to either existing or emerging character. The proposed development is capable of existing in harmony with the surrounding scale of development, particularly by reference to the two storey dwelling to the south and other double storey developments along Fitzroy Street. The density proposed by this proposal is consistent with the overarching Dubbo Residential Areas Strategy and the Central West and Orana Regional Plan 2036, through providing diversity and affordable housing choice. As demonstrated throughout the SEE submitted in support of the DA, the proposed development is considered to be consistent with the existing and emerging character of the immediate locality.
Clause 4.1 Objectives	
<i>(a) to protect and enhance the production capacity of rural lands, by maintaining farm sizes and the status of productive lands;</i>	The proposed site does not relate to rural land and therefore this objective is not applicable.
<i>(b) to ensure residential allotments are of a suitable size and shape to provide a building envelope, private open space and suitable building setbacks for acoustic and visual privacy;</i>	The proposed development is largely compliant with the performance criteria of the Dubbo Development Control Plan 2013 with respect to the provision of suitable building size, areas of private open space and appropriate setbacks.
<i>(c) to ensure industrial allotments are of a suitable size and shape to allow for separation from adjoining uses and to ensure appropriately sized vehicles can traverse to and from the land;</i>	The proposed site does not relate to industrial land and therefore this objective is not applicable.
<i>(d) to ensure commercial allotments are of a suitable size and shape to provide for a range of commercial development without providing for the fragmentation of ownership into smaller lots;</i>	The proposed site does not relate to commercial land and therefore this objective is not applicable.
<i>(e) to maximise the economic potential of and provide for more intensive, small lot agricultural uses in areas able to access commercial quantities of irrigation water;</i>	The proposed site does not relate to agricultural land and therefore this objective is not applicable.

Source: Dubbo Local Environmental Plan 2011

In the circumstances of the case, the provision of strict numerical compliance would be unnecessary and unreasonable on the basis that:

- The proposed development is consistent with the overarching aims of the Dubbo Residential Areas Strategy and the Central West and Orana Regional Plan 2036 by providing a form of housing that is in demand in the locality and provides for diversity and affordability in the housing market;





- The proposed development is generally compliant with the development standards of the LEP and the performance criteria of the Dubbo Development Control Plan 2013;
- The proposal is not antipathetic to the objectives of the zone and clause 4.1 of the LEP as reflected via this assessment;
- Section 5 of the lodged Statement of Environmental Effects sets out that impacts to local servicing and provision of on-site facilities is able to be generally satisfied by the development without undue impact on the locality;
- Non-compliance with the standard does not give rise to adverse environmental impacts and the appearance of the development when viewed from the streets will be positive;
- The proposal is consistent with historical decision making in the local government area and across the state and will result in a form of housing that is consistent with many others developed;
- It is entirely conceivable that the Department of Planning & Environment will amend the standard instrument wording of clause 4.1 with retrospective effect to address this matter and facilitate continuation of the historic position of allowing strata subdivision of land below the applicable minimum lot size.

Compliance with the standard would not hinder the attainment of the objects of section 5(a)(i) and (ii) of the Act, which are to encourage development that promotes the social and economic welfare of the community and a better environment, and to promote and co-ordinate orderly and economic use and development of land.

Providing affordable housing is consistent with Direction 25 of the Central West and Orana Regional Plan 2026, which seeks to increase housing diversity and choice, specifically through the provision of more affordable housing.

Strict compliance with the development standard would not result in any change to the way the building is used, if approved, nor any greater impact to the locality, given that multi-dwelling housing is permissible with Council consent.

Further, the proposal satisfies the zone and development standard objectives and is generally consistent with the specific DCP provisions applying to the development, therefore strict compliance with the standard is not required in order to achieve compliance with the objectives.

Strict compliance would result in an inflexible application of policy. It does not serve any purpose that is outweighed by the positive outcomes of the development and therefore a better planning outcome overall.

The development as proposed is consistent with the provisions of orderly and economic development.

The development standard is a performance based control as the control contains objectives to which compliance with the standard is targeted to achieve.

In the circumstances of the case, there are sufficient planning grounds to justify contravening the development standard being:

- The intensity of the development is appropriate and acceptable to the residential use and the proximity of the site to public transport, shopping, employment, entertainment and recreation;
- The proposal is consistent with the overarching strategic framework, being the Dubbo Residential Areas Strategy and the Central West and Orana Regional Plan 2036;





- The strata subdivision of the development would have no discernible impact on the scale, scope or environmental impacts associated with the development, as the development may still proceed, simply without the strata subdivision element.
- The site is within close proximity to public transport to facilitate reduced car travel and facilitate the use of public transport or walking and is therefore sustainable in this regard.
- Non-compliance with the standard does not give rise to adverse environmental impacts.
- The proposed development provides for additional affordable residential development in the locality, which is in high demand.
- Given the circumstances of the case, the provision of a strict numerical compliance would be unnecessary and unreasonable on the basis that the proposed development achieves compliance with the objectives of the standard.

It is concluded that the objection is well founded as compliance with the standard is both unreasonable and unnecessary as notwithstanding the strict numerical non-compliance; the development does not contravene the objects specified within 5(a)(i) and (ii) of the Act and the R1 zone or the performance criteria for residential development outlined in the DCP.





ATTACHMENT 4

Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
SECTION 2.1 RESIDENTIAL DEVELOPMENT AND SUBDIVISION			
Section 2.1.1 Residential Design – Dwellings, Dual Occupancy and Multi-Dwelling Housing			
Element 1 – Streetscape Character			
P1 The frontage of buildings and their entries are readily apparent from the street.	A1.1 Buildings adjacent to the public street, address the street by having a front door facing the street.	Existing dwelling address the primary frontage.	✓
	A1.2 The site area for multi-dwelling housing is a minimum of 700 m ² and has a minimum frontage of 20 m.	Proposed Lots 11 and 12 satisfies the applicable minimum lot size for Torrens subdivision as per clause 4.1 of the LEP. For proposed Lot 12, a minimum frontage of 20m is provided however the lot is less than the 700m ² minimum area. Notwithstanding a minor inconsistency with the numerical standard, the development is consistent with the overarching performance criteria for this and other elements within section 2.1.1 of the DCP. The development is therefore considered acceptable in the context of this element of the DCP.	✓
	A1.3 Where dual occupancies or multi-dwelling housing are situated on corner blocks (where one is not a laneway), the development is designed to face each street frontage.	Existing dwelling to be retained fronts the primary street (proposed Lot 11) and the proposed dwellings front a primary street (proposed Lot 12).	✓
	A1.4 Dual occupancy development shall be designed in accordance with Figure 1.	N/A	N/A
	A1.5 Dual occupancy development shall not be designed as 'mirror reversed'.	N/A	N/A
	P2 The development is to be designed to respect and reinforce the positive characteristics of the neighbourhood, including: <ul style="list-style-type: none"> - Built form; - Bulk and scale; - Vegetation; and - Topography. 	A2.1 Design elements to consider include: <ul style="list-style-type: none"> • Massing and proportions; • Roof form and pitch; • Floor to ceiling height; • Façade articulation and detailing; • Window and door proportions; • Features such as verandahs, eaves and parapets; • Building materials, patterns, textures and colours. 	No change to the design of the existing dwelling except to the extent that parking for the dwelling is provided adjacent to the eastern elevation and a replacement clothes line is provided in the eastern extent.





Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	<ul style="list-style-type: none"> • Decorative elements; • Vehicular footpath crossing (location and width); • Fence styles; and • Bulking set-backs. 		





Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
P3 Walls visible from the street are adequately detailed for visual interest.	A3.1 This may be achieved by recesses, windows, projections or variations of colour, texture or materials.	No physical changes to existing dwelling in this regard	N/A
	A3.2 Walls longer than 10 m are articulated with a variation of not less than 600 mm for a minimum length of 4 m.	No physical changes to existing dwelling in this regard	N/A
P4 Garages and parking structures (carports) are sited and detailed to ensure they do not dominate the street frontage, integrate with features of the dwelling and do not dominate views of the dwelling from the street.	A4.1 The width of a garage door or parking structure facing the street shall not be greater than 50% of the total width of the front of the building for an allotment in excess of 12 m in width, measured at the street frontage.	No garage or parking structure is proposed for the existing dwelling. Open parking behind the building line is provided adjacent to the eastern elevation of the dwelling as reflected on Drawing A03 .	N/A
	A4.2 Garages or parking structures are located in line with or behind the alignment of the front facade/ entrance of the dwelling, with a minimum set-back of 5.5 m (see Element 2 – Building Set-backs), where the street frontage is in excess of 12 m.	As above	✓
Fencing P6 Fencing is consistent with the existing character of the area.	A6.1 Fences should take elements from neighbouring properties where elements are representative of the character of the street.	No change to fencing is proposed in respect of the existing dwelling	N/A
P7 Front fences enable outlook from the development to the street or open space to facilitate surveillance and safety. Front fences provide noise attenuation on classified roads. Front fences provide security in areas where there is a difference of land use (eg residential, commercial or industrial).	A7.1 Front fences have a maximum height of 1.2 m if solid or less than 50% transparent and 1.5 m if greater than 50% transparent.	As above	N/A
	A7.2 Fences along secondary frontages may have a maximum height of 1.8 m up to a point that is level with the building line for the primary road frontage provided that: <ul style="list-style-type: none"> The fence does not exceed 5 m in length without articulation or detailing to provide visual interest (see Figure 2); The fence is constructed of materials which are consistent with those used in development on the site and adjoining developments (other than solid metal panels or chain wire fencing); and The fence is softened with the use of landscaping.	As above	N/A
	A7.3 Solid front fences to main roads or highways for the purposes of noise attenuation may be considered to a height of 1.8 m provided that:	As above	N/A





Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	<ul style="list-style-type: none"> The fence does not exceed 5 m in length without articulation or detailing to provide visual interest (see Figure 2); The fence is constructed of materials which are consistent with those used in the development on the site and adjoining developments (other than solid metal panels or chain wire fencing); and The fence is softened with the use of landscaping.		
P8 Fencing style and materials reflect the local streetscape and do not cause undue overshadowing of adjoining development. Note: Barbed/razor wire or electrified fencing in residential areas is not permitted.	AB.1 Side fences on corner allotments are set-back and/or articulated to provide for vegetation screening to soften the visual impact of the fence. AB.2 Side fences forward of the building line are not constructed of solid metal panels or chain wire fencing (including factory pre-coloured materials). AB.3 Fences adjoining heritage-listed properties are constructed of timber palings or other materials associated with the architecture and character of the area.	N/A This would be achieved N/A	N/A ✓ N/A
P9 Fencing on corner allotments does not impede motorists' visibility at the intersection.	AS.1 Fencing is either splayed, set-back, reduced in height or transparent to maintain visibility for motorists. Note: The extent of the splay will be determined by Council in consideration of the characteristics of the road and the radius of the kerb return.	N/A	N/A
P10 Gates are designed to ensure pedestrian and motorist safety. Note: Gates are not permitted to open across the footpath (Clause 21, Roads Regulation 2006).	A10.1 Where a driveway is provided through a solid fence, adequate visibility for the driver is maintained.	Gates are not proposed for the existing dwelling	N/A





Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 2 – Building Setbacks			
<p>P1 Front boundary set-back – dwellings and ancillary structures</p> <p>The set-back of the development from the front boundary of the allotment is consistent with established set-backs, or is consistent with the desired amenity of the locality.</p> <p>Note: The set-back is measured from the property boundary to the first vertical structural element of the development. No portico, posts, etc shall be any closer than the stated set-back.</p> <p>Note: This applies to a dwelling house and any ancillary structure that is attached or detached to a dwelling house.</p>	<p>Primary frontage</p> <p>A1.1 R1 and R2 zones - minimum setback of 4.5 m from the front property boundary where no streetscape set-back has been established.</p>	No change to setbacks for existing dwelling	N/A
	<p>A1.2 RU5 zone - minimum set-back of 10 m from the front property boundary where no streetscape setback has been established. Residential development on corner allotments shall address both street frontages.</p>	N/A	N/A
	<p>A1.3 In established areas, infill development is to be set-back the average of the front building setbacks of the adjoining and adjacent dwellings, if the difference between the set-backs of the adjoining buildings is greater than 2 m. Alternatively, a dwelling may be progressively stepped in as detailed in Figure 3, Scenario 3.</p>	No change to setbacks for existing dwelling	N/A
	<p>Secondary frontage</p> <p>A1.4 R1 and R2 zones - the secondary (side) set-back is 3 m. Where the corner is splayed, residential development is designed accordingly.</p>	N/A	N/A
	<p>A1.5 RU5 zone - the secondary (side) setback is 5 m. Where the corner is splayed, residential development is designed accordingly.</p>	N/A	N/A
<p>P2 Side and rear boundary set-backs – dwellings and ancillary structures</p> <p>The set-back of the development from the side and rear boundaries of the allotment is consistent with established set-backs or is consistent with the desired amenity of the locality.</p> <p>Note: The set-back is measured from the property boundary to the first vertical structural element of the development. No portico, posts etc shall be any closer than the stated set-back.</p>	<p>A2.1 Residential development is set-back such that it complies with the requirements of the Building Code of Australia (BCA).</p>	No change to setbacks for existing dwelling	N/A
	<p>A2.2 RU5 zone – the minimum set-back to the side or rear boundary is 5 m.</p>	N/A	N/A



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
<p>Note: This applies to a dwelling house and any ancillary structure that is attached or detached to a dwelling house.</p>			
<p>P3 Front boundary set-back – garages and carports</p> <p>The location of garages and carports does not diminish the attractiveness of the streetscape, does not dominate views of the dwelling from the street and integrates with features of associated dwellings.</p>	<p>Primary frontage</p> <p>A3.1 Garages and carports are set-back in the R1 and R2 zones a minimum of 5.5 m from the front property boundary and in line with or behind the alignment of the front façade of the dwelling. This does not apply to allotments where the frontage is less than 12 m in width.</p>	<p>No change to setbacks for existing dwelling</p>	<p>N/A</p>
	<p>A3.2 Garages and carports are set-back in the RU5 zone a minimum of 10 m from the front property boundary and in line with or behind the alignment of the front façade of the dwelling.</p>	<p>N/A</p>	<p>N/A</p>
	<p>Secondary frontage</p> <p>A3.3 Garages and carports in the R1 and R2 zones on secondary frontages of corner allotments may extend beyond the alignment of the secondary façade of the dwelling and shall achieve a minimum 5.5 m set-back from the secondary property boundary (see Figure 4).</p>	<p>No change to setbacks for existing dwelling, no garage or carport proposed to the secondary frontage of the existing dwelling</p>	<p>N/A</p>
	<p>A3.4 Garages and carports in the RU5 zone on secondary frontages of corner allotments may extend beyond the alignment of the secondary façade of the dwelling but shall achieve a minimum 5.5 m set-back from the secondary property boundary (see Figure 4).</p>	<p>N/A</p>	<p>N/A</p>
<p>P4 Side and rear boundary set-backs – garages and carports</p> <p>The location of garages and carports does not diminish the attractiveness of the locality and integrates with features of associated dwellings.</p>	<p>A2.1 Garages and carports are set-back such that they comply with the requirements of the BCA.</p>	<p>No garage or carport proposed to the secondary frontage of the existing dwelling</p>	<p>N/A</p>





Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 3 - Solar Access			
<p>Solar access P1 Development is designed to ensure solar access is available to habitable rooms, solar collectors (photovoltaic panels, solar hot water systems etc) private open space and clothes drying facilities.</p> <p>Note 1: Council requires the submission of a shadow diagram to demonstrate the impact of overshadowing on adjoining and adjacent allotments for any residential development above single storey.</p> <p>Shadow diagrams are to be prepared for 9.00 am, 12 noon and 3.00 pm on 22 June. The shadow diagrams are to demonstrate the extent of overshadowing of the proposed and existing development on the subject land and adjacent sites.</p> <p>Note 2: The length of shadows cast by the sun in Dubbo for 22 June is able to be calculated using the information provided at the end of this element.</p> <p>P2 The proposed development does not reduce the level of solar access currently enjoyed by adjoining or adjacent allotments.</p>	A1.1 Dwellings are sited in accordance with Figure 5.	Not applicable as Lot 11 is north facing	N/A
	A1.2 On east/west orientated lots, the setback on the north-side of the lot is increased to allow for maximum solar access to habitable rooms located on the north-side of the dwelling.	Lot 11 is not east/west orientated	N/A
	A1.3 A roof area sufficient to meet the space requirements for a solar hot water service is provided where it faces within 200 of north and receives direct sunlight between the hours of 9.00 am and 3.00 pm on 22 June.	It is entirely achievable to design a roof mounted system that will gain sufficient solar access to function for the existing dwelling, subject to gaining suitable consent.	✓
	A1.4 Outdoor clothes drying areas are located to ensure adequate sunlight and ventilation are provided between the hours of 9.00 am and 3.00 pm on 22 June to a plane of 1 m above the finished ground-level under the drying lines.	A clothes drying area is capable of being provided to the western elevation of the existing dwelling on proposed Lot 11, meaning that it would gain full solar access from 11am onwards. This is suitably screened from view to the north and west by existing landscaping.	✓
	A2.1 Habitable rooms of adjoining development receive a minimum of four hours solar access between the hours of 9.00 am and 3.00 pm on 22 June.	As the existing development is north facing, the southern side of the existing dwelling is in shade at all times. There is no change to this arrangement. Eastern and western elevations are similarly unaffected by the proposed development and as such the proposed arrangement is consistent with the current.	✓
	A2.2 Principle private open space of adjoining and adjacent development receives a minimum of four hours solar access over 75% of the main private open space area between 9.00 am and 3.00 pm on 22 June.	The existing dwelling on the property has no formalised area of POS. A large area with screening and direct access from living spaces is available on the western side of the dwelling. This area is not affected by shadowing from the proposed development.	✓
	A2.3 Landscaping is designed to ensure that when mature, required areas of private open space or established BBQ/pergoia areas on adjoining allotments maintain solar access on 22 June in accordance with A2.2.	Existing landscaping on proposed Lot 11 is largely retained, with the exception of a small amount of planted garden to be removed on the eastern elevation to facilitate the parking area. It is not considered necessary to replace this.	✓





Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	A2.4 The solar impact of development shall be shown with the submission of shadow diagrams taken on 22 June (winter solstice). The shadow diagram shall be prepared in accordance with Figure 6.	Provided as Drawings A09 – A15	✓
Private open space and landscaping			
<p>Private open space</p> <p>P1 Private open space is of an area and dimension facilitating its intended use.</p> <p>Note: See Element 3 – Solar Access requirements for private open space development in residential areas.</p>	<p>Development in residential areas</p> <p>A1.1 Dwelling houses, dual occupancy and multi-dwelling housing shall have a Principle Private Open Space (PPOS) area, in addition to the general Private Open Space (POS).</p> <p>A1.2 The PPOS area has a minimum area per dwelling of 25 m² and a minimum dimension of 5 m (4 m for multi-dwelling housing). This area can include covered (not enclosed) outdoor entertainment areas.</p> <p>A1.3 Dwelling houses and dual occupancies have an overall minimum POS area (including PPOS) of 20% of the site area (excluding the area located forward of the front building line).</p> <p>A1.4 Multi-dwelling housing has an overall minimum POS area (including PPOS) of 5% of the site area per dwelling within the development (excluding the area located forward of the building line).</p>	<p>This is achieved for the existing dwelling in the western extent of the site.</p> <p>The existing dwelling satisfies both requirements.</p> <p>The existing dwelling satisfies this requirement.</p> <p>Multi-dwelling housing not proposed on proposed Lot 11</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>N/A</p>
<p>P2 Private open space is easily accessible by the occupants of the development and provides an acceptable level of privacy.</p>	<p>A2.1 All Principle Private Open Space (PPOS) is directly assessed from the main living area.</p> <p>A2.2 All private open space is located behind the front building line and is screened to provide for the privacy of occupants and the occupants of adjoining properties.</p>	<p>This is understood to be achieved for the existing dwelling</p> <p>This would be achieved subject to the installation of privacy screening to the western side of the dwelling. Existing landscaping provides sufficient screening of the POS area from Fitzroy St.</p>	<p>✓</p> <p>✓</p>
<p>Landscaping</p> <p>P3 Landscaping is provided at a scale and density which is appropriate for the development.</p>	<p>A3.1 Landscaping is provided in accordance with the requirements of the Landscaping Schedule (see DCP p. 48).</p> <p>A3.2 The height and density of vegetation at maturity will be suitable to screen and soften the development.</p> <p>A3.3 A landscape plan is required to be provided for assessment with the lodgement of development applications</p>	<p>No landscaping proposed or required in relation to the existing dwelling</p> <p>No landscaping proposed or required in relation to the existing dwelling</p> <p>No landscaping proposed or required in relation to the existing dwelling</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	for dual occupancy and multi-dwelling housing developments.		
P4 Landscaping is located to not impact infrastructure, development on the site or development adjoining the site.	A4.1 Species are selected and located taking into consideration the size of the root zone of the tree at maturity and the likelihood of potential for the tree to shed/drop material.	No landscaping proposed or required in relation to the existing dwelling	N/A
	A4.2 Species are selected and located to ensure that the amenity of adjoining and adjacent properties is not impacted (see Element 3 – Solar Access).	No landscaping proposed or required in relation to the existing dwelling	N/A
P5 Landscaping is undertaken in an environmentally sustainable manner which limits the time and costs associated with maintenance.	A5.1 Existing native trees are retained.	No large native trees require removal in relation to the subdivision and provision of proposed Lot 11	N/A
	A5.2 Species selected are suitable for the local climate.	No landscaping proposed or required in relation to the existing dwelling. Achieved in relation to the proposed multi-dwelling housing on proposed Lot 12.	N/A
	A5.3 Species selected require a minimal amount of watering (Waterwise Garden).	No landscaping proposed or required in relation to the existing dwelling. Achieved in relation to the proposed multi-dwelling housing on proposed Lot 12.	N/A
	A5.4 Landscaping does not impact ground-water levels by over-watering resulting in ground-water level increases or the pollution of waters.	No landscaping proposed or required in relation to the existing dwelling. Achieved in relation to the proposed multi-dwelling housing on proposed Lot 12.	N/A
	A5.5 Landscaping is provided with a timed watering system and moisture meter to determine if watering is required.	No landscaping proposed or required in relation to the existing dwelling. Achieved in relation to the proposed multi-dwelling housing on proposed Lot 12.	N/A
	A5.6 Sensors are used to control watering systems (see also Element 9).	No landscaping proposed or required in relation to the existing dwelling. Achieved in relation to the proposed multi-dwelling housing on proposed Lot 12.	N/A





Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 5 - Infrastructure			
P1 Residential development shall not overload the capacity of public infrastructure including reticulated services, streets, open space and human services	A1.1 Physical infrastructure is provided by the proponent in accordance with Council's adopted version of NAT Spec and relevant policies.	Existing dwelling is already serviced by existing infrastructure	N/A
P2 Design and layout of residential development provides space (including easements) and facilities to enable efficient and cost-effective provision of telecommunication services.	A2.1 Development is connected to a telecommunication system provided in accordance with the requirements of the appropriate authority.	Existing dwelling is already serviced by existing infrastructure	N/A
P3 The development is connected to reticulated sewerage, water supply and electricity systems and to natural gas where available.	A3.1 Development is connected to Council's reticulated water supply, stormwater drainage and sewerage system to Council's adopted version of AUSPEC and relevant policies (including separate water meters where the development is to be subdivided).	Existing dwelling is already serviced by existing infrastructure	N/A
	A3.2 Where not serviced by Council reticulated water supply in the RU5 zone, each dwelling is provided with at least 45,000 litre potable water storage (or 20,000 litre potable water storage if supplemented by an alternative supply) and have ready access to a minimum water supply of 10,000 litres reserved for fire fighting purposes (see Note 1).	N/A	N/A
	A3.3 Extend and construct electricity supply capable of meeting the needs of the development and locate development where ready access to an electricity supply is available.	Existing dwelling is already serviced by existing infrastructure	N/A
	A3.4 Where Council sewerage services are not available, an approved effluent disposal system is installed and located so it is not: - Situated on flood-affected land; - Within or adjacent to drainage lines; and - Likely to contaminate any surface or ground-water supplies.	N/A	N/A
P4 In areas where drainage infrastructure has little or no excess capacity, developments which would generate stormwater run-off beyond that equivalent to 35% site cover (or beyond that presently generated by the site if greater) should provide for	A4.1 Onsite stormwater detention shall be provided with delayed release into the stormwater system.	Not applicable on the basis that the area has sufficient capacity	✓
	A4.2 Minimal impervious areas shall be provided.	This would be achieved	✓
	A4.3 An onsite water recycling system shall be provided.	N/A	N/A



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
stormwater drainage mitigation or upgrading of the local drainage system.			
Element 6: Visual and acoustic privacy			
Visual privacy P1 Private open spaces and living rooms of adjacent residential accommodation are protected from direct overlooking by an appropriate layout, screening device and distance. Note: No screening is required if: <ul style="list-style-type: none"> <input type="checkbox"/> Bathrooms, toilets, laundries, storage rooms or other non-habitable rooms have translucent glazing or sill heights of at least 1.5 m. <input type="checkbox"/> Habitable rooms having sill heights of 1.5 m or greater above floor level or translucent glazing to any window less than 1.5 m above floor level. <input type="checkbox"/> Habitable rooms facing a property boundary have a visual barrier of at least 1.5 m high (fences and barriers other than landscaping are not to be any higher than 1.8 m) and the floor level of the room is less than 0.5 m above the level of the ground at the boundary. 	A1.1 Windows of habitable rooms with an outlook to habitable room windows in adjacent development within 10 m: <ul style="list-style-type: none"> - Are offset a minimum distance of 1 m from the edge of the opposite window in the proposed development; - Have a sill height of 1.5 m above floor level; - Have a fixed obscure glazing in any window pane below 1.5 m above floor level; or - Have screens which obscure the view from habitable room windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a development into private open space and/or habitable rooms of existing residential accommodation (see Figure 7). 	No overlooking of windows in relation to the existing dwelling is proposed due to screening of windows at first floor of the proposed multi-dwellings and no windows proposed on the northern elevation	✓
	A1.2 Screens are solid, translucent or perforated panels or trellis which: <ul style="list-style-type: none"> - Have a minimum of 25% openings; - Are permanent and fixed; - Are of durable materials such as galvanised steel, lodised aluminium or treated timber; and - Are painted or coloured to blend in with the surrounding environment (see Figure 7). 	No screening required in relation to the existing dwelling given screening proposed on the proposed multi dwelling development	N/A
	A1.3 Windows and balconies of residential accommodation shall be designed to prevent overlooking of more than 50% of the private open space of any adjoining residential accommodation (see Figure 7).	No change to window placement of existing dwelling. Existing dwelling is single storey and as such no overlooking likely.	N/A
Acoustic privacy P2 The transmission of noise to and the impact upon habitable rooms within the proposed development	A2.1 Living rooms or garages of residential accommodation do not adjoin or abut bedrooms of adjacent residential accommodation.	This would be achieved	✓
	A2.2 The plumbing of residential accommodation is separate and contained sufficiently to prevent transmission of noise.	Not applicable to the existing dwelling	N/A

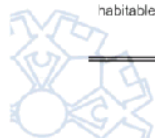




Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
and adjoining and adjacent development is minimised.	A2.3 Electrical, mechanical or hydraulic equipment or plant generating a noise level no greater than 5dBA above ambient L90 sound level at the boundary of the property.	No change to existing dwelling	N/A
	A2.4 Dividing walls and floors between residential uses are constructed in order to comply with the requirements of part F5 of the BCA (Class 2 and 3 buildings only).	No change to existing dwelling	N/A
	A2.5 Residential accommodation is constructed to ensure habitable rooms are not exposed to noise levels in excess of the standards contained in the relevant Australian Standard(s) including AS 3671 – Road Traffic.	No change to existing dwelling	N/A
Element 7: Vehicular access and car parking			
Parking provision P1 Car parking is provided according to projected needs, the location of the land and the characteristics of the immediate locality.	A1.1 Dwelling houses and dual occupancy development provide the following vehicle parking: - One bedroom dwelling – one car parking space per dwelling, situated behind the front building set-back; and - Dwelling with two or more bedrooms – two car parking spaces per dwelling. At least one of the required spaces shall be situated behind the front building set-back.	Two car parking spaces are provided for the existing dwelling, both of which are behind the building line	✓
	A1.2 Multi-dwelling housing development provides the following vehicle parking behind the front building setback: - One bedroom unit – one carparking space per unit; - Two or more bedroom unit – two car parking spaces per unit; and - Visitor parking – one car parking space for every four units or part thereof with a minimum of one car parking space.	Existing dwelling is not a form of multi-dwelling housing and as such this clause does not apply to the existing dwelling	N/A
Design P2 Car parking facilities are designed and located to: - Conveniently and safely serve users including pedestrians, cyclists and vehicles; - Enable efficient use of car spaces and accessways including adequate	A2.1 The dimensions of car spaces and access comply with Section 3.5 Parking.	This would be achieved	✓
	A2.2 Accessways and driveways are designed to enable vehicles to enter the designated parking space in a single turning movement and leave the space in no more than two turning movements.	This would be achieved for the existing dwelling	✓

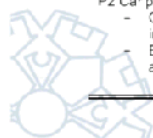




Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
manoeuvrability for vehicles between the street and the lot; <ul style="list-style-type: none"> - Conform to the adopted street network hierarchy and objectives of the hierarchy and along with any related local traffic management plans; - Be cost effective; and - Protect the streetscape. 	A2.3 Vehicles in multi-development housing shall enter and exit development: sites in a forward direction.	Existing dwelling is not a form of multi-dwelling housing and as such this clause does not apply to the existing dwelling	N/A
	A2.4 Where five or more car spaces (or three or more dwellings) are served, or a driveway connects to a distributor road, manoeuvring space is provided to make it unnecessary for cars to reverse on to or off the road. The entrance is at least 5 m wide for a distance of 7 m to allow vehicles to pass each other.	Driveway for existing dwelling services only one dwelling	N/A
	A2.5 The design and appearance of garages and carports shall: <ul style="list-style-type: none"> - Be in line with or behind the alignment of the front façade of the dwelling (noting that they cannot be less than 5.5 m from the front property boundary in the R1 and R2 zones) or 10 m in the RU5 zone; - Garages and carports on secondary frontages of corner allotments may extend beyond the alignment of the secondary façade of the dwelling but shall achieve a minimum 5.5 m setback from the secondary property boundary (see Figure 4); - Lots with a narrow frontage of 15 m or less have a single width garage/carport; - Large parking areas are broken up with trees, buildings or different surface treatments; - Parking is located so that the front windows of a dwelling are not obscured; - The dwelling design highlights the entry and front rooms rather than the garage; and - Garages are located under the roof of two-storey dwellings (eg terrace houses). 	No garage or carport proposed for existing dwelling	N/A
Driveways and access points P3 For multi-housing development, driveways and access points are designed for maximum safety to resident motorists, passing motorists and pedestrians.	A3.1 Driveways comply with the following: <ul style="list-style-type: none"> - Are no less than 3 m wide; - At changes of direction or at intersections, the internal radius of the driveway is at least 4 m; - Where longer than 50 m (eg battle-axe handles) provision for passing is provided; - Where five or more car spaces (or three or more dwellings) are served, or a driveway connects to a distributor road, manoeuvring space is provided to 	Existing dwelling is not a form of multi-dwelling housing and as such this clause does not apply to the existing dwelling	N/A

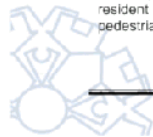




Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	<ul style="list-style-type: none"> - make it unnecessary for cars to reverse on to or off the road. The entrance is at least 5 m wide for a distance of 7 m to allow vehicles to pass each other; - Not within 6 m to a road intersection (see Figure 8) - The access point is located via the minor road where the site is bound by a major and a minor road; - Access points do not conflict with existing vehicle or pedestrian generators; - Access points are located so that stopping sight distances are adequate for the design speed of the road (ie in accordance with AUSTRCADS Guidelines 'Guide to Traffic Engineering Practice, Part 5 – Intersections at Grade'); - Flood-free vehicle access is provided; and - Driveway gates do not open across the footpath/public road. 		
	A3.2 Where the driveway passes through solid fencing higher than 1.2 m, the fencing is splayed into the property to make pedestrians visible when reversing.	Front fencing is no higher than 1.2 metres, ensuring safety for pedestrians. No change to front fencing proposed	N/A
<p>Access points RU5 zone</p> <p>P4 Minimise the number of access points, provide safe access, ensure vehicle egress in a forward direction and does not impede the flow of stormwater.</p>	A4.1 All developments have access from a road maintained by Council. Where access is not available such access will be constructed at full cost to the developer in accordance with Council's requirements.	N/A	N/A
	A4.2 Culvert pipes are provided where required and accesses are constructed to maintain the flow of stormwater through table drains and other drainage structures.	N/A – existing driveway	N/A
<p>Access points off highways</p> <p>P5 Development abutting highways (Newell, Mitchell and Golden Highway) minimise the number of access points, provide safe access, ensure vehicle egress in a forward direction and not impede the flow of stormwater.</p>	A5.1 To be undertaken in accordance with the requirements of Roads and Maritime Services (RMS)	Existing driveway is used, no changes required. Not a highway.	N/A
	A5.2 Other road frontages are used if alternatives are available.	N/A	N/A
	A5.3 The number of access points onto a highway is not greater than the number of existing access points.	N/A	N/A

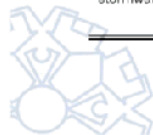




Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
	A5.4 Culvert pipes are provided where required and accesses are constructed to maintain the flow of stormwater through table drains and other drainage structures.	N/A	N/A
Security P6 For multi-housing development, open car parking areas and accessways are suitably landscaped to enhance the amenity while providing for the security needs of residents and visitors.	A6.1 Car parking facilities are designed and located so as they: <ul style="list-style-type: none"> - Are adjacent and convenient to residential uses; - Are secure or allow surveillance from residential accommodations; - Are lit at night; - Are well-ventilated if enclosed; - Do not obscure the view between the street and front windows; - Clearly define any visitor parking; and - Clearly separated from habitable room windows to minimise noise and fumes entering residential accommodation. 	Existing dwelling is not multi dwelling housing	✓
Emergency vehicle access P7 Standing and turning areas for service, emergency or delivery vehicles are provided where access to any dwelling from a public street is remote or difficult.	A7.1 Accessways into multi-housing development are designed to cater for an 'AUSTRROADS 8.8 m length Design Service Vehicle'.	Performance criteria identify that this control applies where access to any dwelling from a public street is remote or difficult. The location is not remote and due to the proximity of the dwelling to the street (setback of greater than 5.5 metres), it is not anticipated that it would be difficult for emergency services vehicles to access the dwellings.	N/A
Surface treatment P8 Driveways, car parks and access points are designed in accordance with Section 3.5 Parking.	A8.1 Car spaces, accessway and driveways are formed, defined and drained to a Council drainage system and surfaced with: <ul style="list-style-type: none"> - An all-weather seal such as concrete, coloured concrete, asphalt or mortared pavers. - Stable, smooth, semi-porous paving material (such as brick, stone or concrete pavers) laid to the paving standard of light vehicle use. 	This would be achieved for the existing dwelling	✓
Location of driveways and accessways from residential uses P9 Shared driveways, accessways and car parks of other dwellings are set-back from habitable rooms of adjoining residential uses to enhance resident's privacy.	A9.1 Shared driveways, accessways and car parks of other residential uses are set-back a minimum of 1.5 m from windows to habitable rooms of residential accommodation unless the floor level of the dwelling is at least 1 m above the driveway. The setback may be reduced to 1.0 m when the driveway etc is bound by a fence of 1.5 m in height.	Not applicable. Performance criteria identify that this control applies to shared driveways, access ways and car parks. A separate driveway is proposed for the existing dwelling and as such are not considered to be shared.	N/A



Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 8 – Waste Management			
Domestic solid waste			
P1 Domestic solid waste is disposed of in an environmentally responsible and legal manner.	A1.1 Residential accommodation shall participate in Council's garbage and recycling materials collection service.	This would be achieved for the existing dwelling	✓
	A1.2 Organic waste shall be composted.	This would be achieved for the existing dwelling	✓
	A1.3 Recycling of wastes such as paper (mulch in garden), plastics, glass and aluminium.	This would be achieved for the existing dwelling	✓
	A1.4 Reuse of waste such as timber.	This would be achieved for the existing dwelling	✓
	A1.5 Dispose of waste to a Council approved waste facility or transfer station.	This would be achieved for the existing dwelling	✓
P2 The amount of liquid waste generated is minimised.	A2.1 The use of dual-flush toilet systems and water saving fittings and appliances.	This would be achieved for the existing dwelling	✓
P3 Where no reticulated sewerage system is available, the ability to reuse treated waste water is maximised where there is minimal risk of contamination to the aquifer or ground-water supplies.	A3.1 Subject to site suitability, the use of aerated wastewater treatment systems (AWTS) which enable treated effluent to be used to water trees and gardens. Note 1: AWTS enable treated effluent to be irrigated onto trees, gardens, lawn etc. Treated effluent shall not be used to irrigate passive or active recreation areas or used to grow vegetables or fruit for human consumption. Note 2: Recommended buffer distances for onsite sewerage disposal systems are included in the table below.	N/A	N/A
P4 Adequate space is provided to store waste collection bins in a position which will not adversely impact upon the amenity of the area.	A4.1 Waste collection bins are stored behind the building line.	This would be achieved for the existing dwelling	✓





Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
Element 9 – Site Facilities			
<p>Mail boxes</p> <p>P1 Mail boxes are located for convenient access by residents and the delivery authority.</p>	A1.1 Individual mail boxes are located to each ground-floor entry of residential accommodation or a mail box structure is located close to the major pedestrian entrance to the site.	Existing mail box remains unchanged	N/A
<p>Storage areas</p> <p>P2 Each dwelling within a multi-housing development is provided with adequate storage areas and external clothes drying facilities.</p>	<p>A2.1 A space of 8 m³ with a minimum horizontal surface area of 6 m² per dwelling is set aside exclusively for storage. This space may form part of a carport or garage but shall be dedicated for storage.</p> <p>A2.2 Open air, communal clothes drying facilities are easily accessible to all residents and visually screened from public streets, communal streets and recreational areas.</p>	<p>No change to internal storage for existing dwelling</p> <p>Protected and private open air clothes line provided as per Drawing A03</p>	N/A
<p>Security</p> <p>P3 Car parking areas and pedestrian accessways to the entry of multi-housing development are adequately lit at night for safety and security of residents and visitors.</p>	A3.1 Car parking areas and pathways are lit in accordance with AS 1158.	Existing dwelling is not multi dwelling housing	N/A
<p>Antennae</p> <p>P4 Telecommunications facilities are provided to serve the needs of residents and do not present any adverse visual impacts.</p>	A4.1 The number of television antennae and other receiving structures is kept to a minimum or, where appropriate, a receiver is provided to serve all dwellings within a single building.	No change to existing antenna at existing dwelling	N/A
2.1.3 – Subdivision Controls			
Element 1 – Neighbourhood Design			
<p>P1 Street design and lot density minimises motor vehicle use and promote walking and cycling.</p>	A1.1 Recreational areas, shops and facilities are located within walking distance (400 m) of residences.	This is achieved	✓
Element 2 – Lot Layout			
<p>P1 Lots are of appropriate area and dimensions for the siting and construction of a dwelling and ancillary</p>	A1.1 Lot size complies with Dubbo LEP 2011.	Development is compliant with LEP in that both proposed lots 11 and 12 exceed 300 m ²	✓

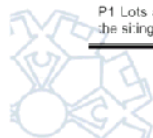




Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
outbuildings, the provision of private outdoor open space, convenient vehicle access and parking.	A1.2 Lot size and dimensions take into account the slope of the land and minimise earthworks/retaining walls associated with dwelling construction.	This is achieved	✓
	A1.3 Lot size and dimensions enable residential development to be sited to: - Protect natural or cultural features; - Acknowledge site constraints including soil erosion and bushfire risk; and - Retain special features such as trees and views (developers are encouraged to identify significant trees at subdivision stage and ensure provision of an adequate building envelope).	This is achieved	✓
User requirements P2 Lot frontages are orientated to enable maximum residential security.	A2.1 Lot frontages are orientated toward streets and open spaces so that personal and property security, deterrence of crime, vandalism and surveillance of footpaths and public open space are facilitated.	This is achieved	✓
Solar access P3 Lots are orientated and have dimensions to allow adequate solar access.	A3.1 Lots are orientated so that one axis is within 300 east or 200 west of true north. Note: - North-facing slopes improve opportunities for solar access; - Small lots are best suited to north-facing slopes with gradients of less than 15%; - South-facing slopes reduce solar access; and - Large lots/lowest densities are therefore best suited to south-facing slopes.	This is achieved	✓





Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
ELEMENT 4 - INFRASTRUCTURE			
P1 Design and provision of utility services including sewerage, water, electricity, gas, street lighting and communication services are cost-effective over their lifecycle and incorporate provisions to minimise adverse environmental impact in the short and long term.	A1.1 The design and provision of utility services conforms to the requirements of the relevant service authorities.	No change to existing service connections required for existing dwelling	N/A
	A1.2 Water and sewerage services are to be provided to each allotment at the full cost of the developer.	No change to existing service connections required for existing dwelling	N/A
	A1.3 Water and sewerage services are to be designed and constructed in accordance with the requirements of NAT-SPEC (DCC version) Development Specification Series – Design and Development Specification Services – Construction.	No change to existing service connections required for existing dwelling	N/A
	A1.4 Electricity supply is provided via underground trenching in accordance with the requirements of the energy supply authority.	No change to existing service connections required for existing dwelling	N/A
P3 Water supply and sewerage networks are available, accessible, easy to maintain and are cost-effective based on life-cycle costs.	A3.1 Council will not consent to the subdivision of land until adequate water supply and facilities for sewage and drainage are available or until arrangements satisfactory to Council have been made for the provision of such supply and facilities.	No change to existing service connections required for existing dwelling	N/A
ELEMENT 7 – STORMWATER MANAGEMENT			
P6 Subdivision design and lot layout provides for adequate site drainage.	A6.1 Where site topography prevents the discharge of stormwater directly to the street gutter or a Council controlled piped system, inter-allotment drainage is provided to accept run-off from all existing or future impervious areas that are likely to be directly connected.	No change to stormwater discharge arrangements for the existing dwelling.	✓



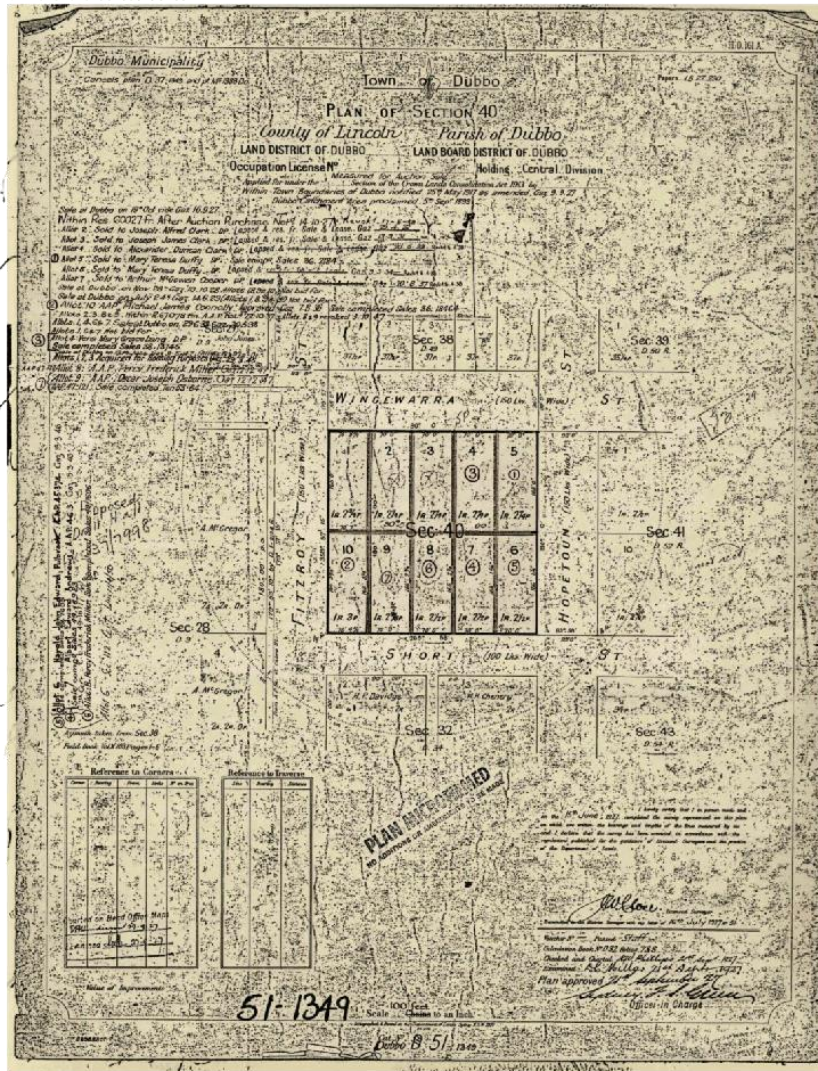


Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

Performance Criteria	Acceptable Solutions	Assessment	Compliance?
SECTION 3.4 – HERITAGE CONSERVATION			
3.4.10 - General Development Controls – Construction of new buildings			
Provision for cars (ie crossovers) P11 These should reflect the nature of adjoining historic buildings and the heritage precinct.	A11.1 Existing access points should be utilised where possible. Note: Large double driveways are not appropriate.	An existing crossover location is utilised by the development	✓



Req:R091278 /Doc:CE 00951-1349 P /Rev:20-Feb-2014 /Sts:OK,OK /Prt:21-Jul-2016 15:14 /Seq:1 of 1
Ref:MT 8 Short Street /Doc:K





ATTACHMENT 6



Plate 1: 126 Wingewarra Street



Plate 2: TAFE buildings in Fitzroy Street





Plate 3: TAFE buildings in Fitzroy Street



Plate 4: Adjacent dwelling to south (184 Fitzroy Street)





Plate 5: Dwelling (former shop) on the corner of Short and Fitzroy Street (south)



Plate 6: Bulljo St dual occupancy with stacked parking

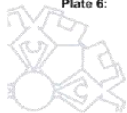




Plate 7: Bulje St dual occupancy with stacked parking



Plate 8: Wingewarra St dual occupancies with stacked parking



APPENDIX NO: 5 - CORRESPONDENCE FROM ESSENTIAL ENERGY DATED 3
OCTOBER 2017

ITEM NO: PDEC17/9

From: CorrespondingTeam
To: DRC_Mailbox
Subject: Re: D2017-462 - Two (2) lot subdivisions, multi dwelling housing (1 terrace dwellings) and strata subdivision - 197 Wingewarra Street, Dubbo (Lot 1 Sec 40 DP758361)
Date: Tuesday, 3 October 2017 10:05:16 AM
Attachments: ATTO0001.png
 image002.png
 image004.jpg
 image006.jpg
 D17-462 - Referral Essential Energy SEPP 45 Planning - 197 Wingewarra Street DUBBO 2830 - Parcel Number - 6922.doc
 D17-462 - Development Application - 197 Wingewarra Street Dubbo.pdf
 D17-462 - Site Plan - 01_A03 - 197 Wingewarra Street Dubbo.pdf
 D17-462 - Tree Removal and Demolition Plan - 01_A02 - 197 Wingewarra Street Dubbo.pdf
 D17-462 - Strata Location Plan - Sheet 1 - 197 Wingewarra Street Dubbo.pdf
 D17-462 - Strata Floor Plan - Sheet 2 - 197 Wingewarra Street Dubbo.pdf

Dear Michelle / Darryll,

We refer to the above matter and to your correspondence seeking comment from Essential Energy in relation to the proposed development at the above property.

Strictly based on the documents submitted, Essential Energy has no objection to the development at this time, provided:

1. If the proposal changes, Essential Energy would need to be informed for further comment;
2. As part of the subdivision, easements are created for any existing overhead electrical infrastructure. The easements are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision – refer Essential Energy's Contestable Works team for requirements;
3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property are complied with;
4. Any proposed driveway accesses and/or exits to the proposed improvements must remain at least three (3) metres away from any electricity infrastructure (power pole) at all times to prevent accidental damage;
5. Minimum safety clearance requirements are maintained at all times for any proposed driveway accesses and/or exits as such driveways will pass under Essential Energy's existing overhead powerlines located on the Fitzroy Street property frontage - refer Essential Energy's policy *CEOM7106.25 Minimum Clearance Requirements for NSW and ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*;
6. Satisfactory arrangements are made for the disconnection of power and removal of the low voltage electricity infrastructure servicing the property prior to the demolition of the existing improvements – refer Essential Energy's Contestable Works team for requirements; and
7. Council ensures that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision,

prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.

In addition, Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.

Prior to carrying out any works, a "Dial Before You Dig" enquiry must be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines*.

Regards,

Fiona Duncan
Conveyancing Officer



T: 02 6589 8773 (Ext 88773) | conveyancingteam@essentialenergy.com.au
PO Box 5730 Port Macquarie NSW 2444 | essentialenergy.com.au
General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

Follow us  

Racebail Pty Ltd
PO Box 151
Dubbo NSW 2830

12th February 2018

General Manager
Dubbo Regional Council
PO BOX 81
Dubbo NSW 2830

Dear Mr M^cMahon

RE: D2017-462 multi dwelling housing – four (4) terraces in Wingewarra St Dubbo

I refer to the schedule of December 2017 Ordinary Council Meeting and note our proposed development of multi dwelling housing – four (4) terraces (D2017-462) in Wingewarra St Dubbo was listed on the agenda as item CCL17/191 (PDEC17/9).

I note the Council recommendation was for the proposed development to be refused based on a number of reasons as detailed in the Ordinary Council Meeting Papers (dated 18th December 2017). I take this opportunity to provide additional information so that the Councillors may make a full and informed decision when resolving our application. I address the reasons for refusal using the same numbering as Councils Meeting Papers mentioned above:

2. A) *"The proposed development does not represent the orderly development of land..."*

This has now been resolved at a meeting between the applicant and Council in January 2018.

For clarity, I hereby attached a copy of the Geolyse Letter to Council dated 9th October 2017 which provided a reply to Councils request for additional information. I note that this letter also includes a detailed explanation of the process permitting the subdivision of land, construction of the proposed dwellings and strata subdivision. Also included is the clause 4.6 variation justification. I refer to Section 78A(2) of the Environmental Planning and Assessment Act (1979) (EP&A Act) and note that a single application may be made in respect of one or more types of development and that the act does not provide an upper limit on the number of types that may be included in the application. I also refer to Section 83B EP&A Act (1979) and confirm that this application is not to be treated as a concept development application and that consent is requested to determine the application as per the proposed development

submitted. Whilst Council may consider this type of application to be structured in a way that is convenient for the applicant, Council is not justified in refusing the application based on the grounds that it is not convenient for the Council to consider multiple aspects in the one application.

After consideration of Council's comments, I have again reviewed the original SEE including supporting information and the further information reply from Geolyse with our project team, including our lawyers, and believe we have provided sufficient information including engineering and planning grounds to satisfy Council's requirements and that approval should be given. We are of the opinion that the proposed development is permissible and does represent the orderly development of land in the submitted format and the application includes satisfactory information to be sufficient grounds for an appeal to the Land and Environment Court if the proposal is refused by Council.

B) "The proposed strata subdivision fails to meet the minimum lot size requirements as stated in Dubbo Local Environmental Plan 2011 Clause 4.1....."

Justification for the proposed development satisfying the minimum lot size requirements are addressed in point 2(a) above. For clarity, I again refer to the attached copy of the Geolyse Letter (dated 9th October 2017) and note that the subdivision plan, strata subdivision and minimum lot size (justification and variation) are adequately addressed and that the application satisfies the objectives of; the EP&A Act (1979), the DCP (2013) and the DLEP (2011). I also note the included advice of Tamworth Regional Council illustrating that Dubbo Regional Council is not applying the strata subdivision minimum lot size requirements consistently with the balance of New South Wales. I have again taken legal advice on this specific matter and I am of the opinion that the proposed development is permissible in relation to strata subdivision and minimum lot size in the submitted format and the application includes satisfactory information to be sufficient grounds for an appeal to the Land and Environment Court if the proposal is refused by Council.

C) "The subject development requires an exemption to the minimum lot size standard in accordance with Clause 4.6 (4) of the Dubbo Local Environmental Plan....."

Justification for the proposed development satisfying the minimum lot size requirements are addressed in point 2(a) and (b) above. In addition to the above I also note that in Council's report to the Planning and Development Committee and the

Ordinary Council meeting failed to consider their own current draft planning instruments affecting the matter. The current housekeeping DLEP amendment proposes a change to DLEP clause 4.1A which would enable the approval of the subdivision of the multi-dwelling housing once the development is constructed, without the need for a clause 4.6 variation. I think this is relevant to the assessment.

The wording of draft condition 4.1A (as per the planning proposal) is as follows:

“Despite clause 4.1, the size of any lot resulting from a subdivision of land in zone RU5 Village, R1 General Residential or R2 Low Density Residential, may be less than the minimum lot size shown on the Lot Size Map in relation to that land, if

(a) The land is connected to a sewerage reticulation system, and

(b) Development consent has been granted in respect of the subdivision for the purpose of a:

(i) Dual occupancy,

(ii) Multi-dwelling housing.”

So either Strata or Torrens subdivision of the proposed arrangement of the proposed development would be acceptable based on the above.

D) “The proposed driveways of terraces 1 and 2 are located within three (3) metres of the existing power pole, contrary to the requirements of Essential Energy...”

I have recently made enquiry with our electricity installation contractor and I am advised that it is permissible to relocate the existing power pole some 6m to the south (3m away from the proposed driveway). Whilst I consider the application in its current form to be permissible and the relocation of the pole to be costly and unwarranted, I accept that the relocation is a conditionable solution. If suitable conditions are applied this issue is not grounds for refusal.

E) “Proposed Lot 12 is below the minimum lot size of 700m² as required for multi dwelling housing development.....”

Justification for the proposed development satisfying the minimum lot size requirements are addressed in point 2(a), (b) and (c) above.

F) The private open space areas proposed for the four (4) terrace dwellings fail to achieve the minimum required hours of direct sunlight"

Solar access has been adequately addressed in the attached copy of the Geolyse Letter (dated 9th October 2017). I also refer to additional information provided in 2 (g) below.

G) "The private open space areas of the existing dwelling, together with terraces 2 and 3 fail to meet the minimum area requirements....."

I note the issue of private open space (POS) is directly related to solar access in point 2(F) above and the reply to both issues should be read concurrently. The DCP (2013) has an objective of providing POS of an area and dimension facilitating its intended use. The proposed dwellings (intended use) are small residential domiciles that fill a high demand gap in the market place for low maintenance two bedroom accommodation and achieves Direction 25 of the Orana and Central West Regional Plan objective to improve housing diversity and choice in the region. In achieving diversity of housing types and size it is considered that the proposed development is appropriate for low maintenance accommodation targeted at singles and child free couples (including empty nesters). Not everyone in the market place demands large dwellings with large POS. The proposal is considered appropriate in nature and scale for the site and the local environment. Whilst 'Acceptable solutions' are specific measures which illustrate one way of meeting both the performance criteria and objectives of an element I note that they are examples only and are not mandatory. It is considered that the above and attached provides open space that achieves the objectives of Element 4 and is of an area and dimensions that facilitates its intended use.

Notwithstanding the above, the front set back has been roughly taken as the midpoint between the existing dwelling on proposed Lot 11 (to the north) and the existing two storey building to the south. I note the existing 2 storey building to the south is currently located on the western boundary with zero setback. If Council require additional POS on the proposed terraces the building line could be moved west (forward) another 130mm resulting in a POS of 25m² and thus satisfying the numerical acceptable solution.

Whilst I consider the application in its current form to be permissible, I accept that the increase of POS to be a conditionable solution. If suitable conditions are applied this issue is not grounds for refusal.

H) "The vehicle access arrangements for the four (4) terrace dwellings does not permit vehicles to enter and leave in a forward direction, nor is there any provision for the required visitor care parking space on site....."

Points 2 (H), (I) and (J) are all related and the reply to these issues should be read concurrently as follows:

I believe that this issue has now been resolved at a meeting between the applicant and Council in January 2018.

Notwithstanding the above, I hereby attach additional Civil Engineering Plans (Geolyse, 217082_03B_C001-005 Car Park Reversing Plans) displaying safe vehicle access arrangements for the four (4) terrace dwellings and the existing dwelling. The attached turning paths layouts display safe ingress and egress movements within the fog line of both Fitzroy and Wingewarra Streets. The turning paths are consistent with other recent approvals made by Council and the proposed new driveways are located further away from the intersection than the existing driveway and are considered to be safer than the current arrangement. As the proposed dwellings are two bed room accommodation it is unlikely that all four driveways would be used at the same time and it would be a reasonable expectation that drivers reversing would take control of their own safety and be aware of vehicles in adjacent driveways.

I also refer to the attached copy of the Geolyse Letter (dated 9th October 2017) and note that vehicle access and parking has been specifically addressed previously. The additional attached plans demonstrate the proposed development satisfies the objectives of Element 7 of DCP (2013) and achieves the performance criteria by providing car parking according to the projected needs, the location of the land and the characteristics of the immediate locality. The proposal is considered appropriate in nature and scale for the site and the local environment. Whilst 'Acceptable solutions' are specific measures which illustrate one way of meeting both the performance criteria and objectives of an element I note that they are examples only and are not mandatory. It is considered that the above and attached provides vehicular access and car parking that achieves the objectives of Element 7 and is of an area and dimensions that facilitates its intended use.

I have specifically taken both legal and traffic engineering advice on this specific matter and I am of the opinion that the proposed development is permissible, in relation to vehicular access and parking, and the application includes satisfactory information to be sufficient grounds for an appeal to the Land and Environment Court if the proposal is refused by Council.

I) "The proposed four (4) terrace dwellings driveways to Fitzroy Street are located such that they are deemed dangerous to the road network...."

See point 2(H) above.

J) "The existing dwellings proposed driveway to Wingewarra Street is located such that it is deemed dangerous to the road network, the travelling public and the adjoining occupants at 199 Wingewarra Street...."

See point 2(H) above.

K) "The proposed development (stages 2 and 3) is deemed unsuitable for the subject site based on the areas of non-compliance with the Development Control Plan identified as it constitutes an overdevelopment of the site...."

Overdevelopment in a planning context considers the bulk, scale and size of the proposal and its demands on infrastructure and services within the local amenity and character.

The proposed development fits within the NSW Governments identified priority of satisfying the states need for more medium density housing. The State government has identified this as "the missing middle" (<http://www.planning.nsw.gov.au/Policy-and-Legislation/Housing/Medium-Density-Housing>) and are actively implementing policies to increase medium density development across NSW as follows:

"The need for more medium density housing:

Population growth, demographic changes, lifestyle trends and a need for more affordable housing are driving demand for more homes and a greater variety of housing options in NSW.

One of the ways we can provide more diverse housing options is to increase the supply and quality of low rise medium density housing across NSW.

Low rise medium density housing includes:

- townhouses and terraces*
- dual occupancies (two homes on one block of land)*
- manor homes (small low-rise residential buildings containing only 3 to 4 homes).*

The benefits of medium density housing:

Medium density housing types have many benefits. For example, they are generally more affordable because they require less land area. They are more sustainable because they share common walls, providing better noise and energy insulation.

Medium density housing can enable family's greater choice about where they would like to retire."

NSW Department of Planning and Environment (2016) *"Draft Medium Density Design Guide"* has specifically identified that *"most new housing in NSW falls into two categories – traditional free-standing homes or strata titled apartments. What is missing are the low-rise, medium sized homes, like terraces, dual occupancies, manor homes or townhouses."* Whilst Dubbo has not historically had many new apartments it has been dominated by traditional free standing homes and some duplexes and lacks diversity of housing types and affordability. Dubbo has been missing low-rise, medium sized homes, like terraces, manor homes or townhouses. The draft design guide goes on to define medium density housing as *"low rise medium density residential development... that contains more than one dwelling and has a height of less than 10m. Typically, it results in a net density of 25-45 dwellings per hectare. This includes: terrace style housing on torrens or strata titled lots..."*

The proposed development has been designed with consideration to the seven (7) design principles contained within NSW DPE (2016) *"Draft Medium Density Design Guide"* including;

1. Context and neighbourhood character
2. Built form and scale
3. Density
4. Sustainability
5. Landscape
6. Amenity
7. Safety
8. Housing Diversity and Social interaction
9. Visual Appearance

It is surprising that the Council does not support an opportunity to provide housing in the "missing middle" when the state government has identified this as a priority need of the state NSW DPE (2016) *"We need affordable housing solutions for families. We also need to increase the variety in the types of housing available to give people more choice, provide an interesting and vibrant built environment and ensure housing supply caters for the needs of changing demographics into the future."*

Council's justification for recommending refusal based on "overdevelopment" is confusing and seems to directly contradict the objectives of the R1 Zone General Residential (DLEP, 2011) including; "to provide for the housing needs of the community" and "to provide for a variety of housing types and densities". I also note that Part 4 Principal Development Standards of the DLEP (2011) has no building height restriction and no floor space ratio restriction. If Council determines that this proposal is overdevelopment, how could any developer ever hope to obtain approval to construct any of the other permissible developments within the R1 Zone? If a two (2) storey, four (4) terrace development with a maximum height of 6.87m and side setbacks of 2m and 1.4m (considerable greater than Council's DCP requirements) with a comprehensive SEE (plus additional information) demonstrating that the proposed development is permissible with consent, achieves the zone objectives, is consistent with the DLEP development standards and satisfies the performance criteria of the DCP, cannot be supported by Council how could shop top housing or a multi storey residential flat building be approved.

The proposed development is not considered an amount or scale that is excessive in terms of size or demands on infrastructure and services, or impact on local amenity and character. Especially when considered against the R1 Zone General Residential objectives and Part 4 Principal Development Standards of the DLEP (2011). Council's recommendation for refusal based on overdevelopment is an inappropriate response to a small site. Notwithstanding the above, double storey dwellings are uncommon in the immediate locality, it does not necessarily follow that they may not be developed. The Geolyse Letter to Council dated 9th October 2017 identified that "...consistency with prevailing or emerging character need not be limited to 'sameness' but should be considered in the context of compatibility and integration. Whilst double storey dwellings are not a common feature of the locality, they are a permissible and valid form of development, which could be developed via complying development provisions and without recourse to Council DCP requirements. Similarly, residential flat buildings, which would be of a similar or larger scale to the proposed development, are permissible and could be developed. Demand for developments of these type are logically likely to grow and it is important that the Dubbo housing market is responsive to this".

Overdevelopment is a term not well defined in a planning sense and is often used as a throwaway line when a proposal is not liked. Not liking this proposal is not good enough when justifying a refusal.

l) "The proposed development is not deemed to be in the public interest, given the numerous non-compliances of the proposal together with the potential detrimental impacts of the proposal...."

This recommendation that the proposed development is not in the public interest is a replication of "overdevelopment". Please see (K) above.

After considering the above I find Council's interpretation of the Dubbo LEP (2013) confusing and misleading, if it was Council's intentions to preserve the immediate locality as a "mixture of single dwelling and the occasional dual occupancy" why did council go to the effort of zoning the subject land and its surrounding land as R1 General Residential with a minimum lot size of 300m². I note one of the obligations of the R1 zone is "to provide for a variety of housing types and densities" it appears council's intention to preserve the locality as a mix of single dwelling and occasional dual occupancy is contradictory to the zone objective for a variety of housing types and densities. Council needs consistency if the developer market place is to buy with any confidence that land can be developed to achieve the objectives of the zone.

The R1 zone allows for multistorey residential flat buildings (RFB). The proposed terrace building is of a smaller scale and density than a RFB. How could an RFB ever be approved and constructed within the Fitzroy St area if Council is preserving the streetscape character of the immediate locality. The question for Council to consider is why zone it R1 at all if a two (2) storey, four (4) terrace development with a smaller overall footprint, height and bulk than a RFB cannot be supported. Council's attempt at justifying a refusal sounds very inconsistent with the objectives of Council's adopted policies and environmental instruments.

Council has previously stated "the proposed (2) storey terrace building is not consistent with the character of immediate locality". Are we to take this as no consideration is to be given to emerging development character? Council's comments will only discourage developers from providing a range of housing choice and price especially in the more affordable housing range.

The proposed 4 terrace development provides real housing alternative in line with the city wide emerging character of high density, low maintenance and affordable housing. This type of development is well suited to this block in Fitzroy Street and is considered compatible in relation to the orientation, location and scale of the neighbouring properties.

After consideration of Council's justification of refusal I have reviewed the original SEE including supporting information and the further information reply from Geolyse and I strongly believe we have provided sufficient information including engineering and planning grounds to satisfy Council's

requirements and that approval should be given. The above information provided in addition to the SEE demonstrates that the proposed development is permissible with consent, achieves the zone objectives, is consistent with the DLEP (2011) development standards and satisfies the performance criteria of the DCP (2013). The subject site is suitable for the proposed development. I ask that you now determine the development application based on the additional information provided.

Please call me if you wish to discuss further.

Kind Regards



Mark Stanford

General Manager

Racebail Pty Ltd

Ph: 0427 761 977

Maryann O'Shea

From: Musarrat Khan
Sent: Monday, 5 March 2018 2:27 PM
To: Darryll Quigley
Cc: Mark Finlayson; Stephen Wallace; Chris Devitt; Melissa Watkins
Subject: D17-462, 197 Wingewarra Street

Good afternoon Darryll.

Infrastructure and Operations Division is accepting the updated proposal dated 12 February 2018 for the above mentioned development and following are the justification in relation to last November 2017 Council's report for accepting the updated development application:

8. There is sufficient room within the parking lane to permit vehicles to reverse from the proposed development without impacting on the through traffic flow and then manoeuvre into a position to merge into the traffic stream in a forward direction. There are many driveways in Dubbo, where vehicles are reversing onto the through travelling lane.
9. Currently there are no firm plans to develop Fitzroy Street into 4 lanes. The current configuration is suitable for the proposed traffic movements as the development can only be assessed on current conditions.
10. At the Wingewarra Street driveway, vehicles can manoeuvre into the existing parking lane safely, particularly because this movement occurs behind the existing blister at the roundabout. The proposed movement means the vehicle can reverse into the parking lane and then merge onto the existing traffic lane in a forward direction.

Thanks.

Musarrat

Musarrat Khan
Senior Development Engineer
Dubbo Regional Council
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From: Darryll Quigley
Sent: Friday, 16 February 2018 10:09 AM
To: Musarrat Khan <Musarrat.Khan@dubbo.nsw.gov.au>
Cc: Mark Finlayson <Mark.Finlayson@dubbo.nsw.gov.au>; Stephen Wallace <Stephen.Wallace@dubbo.nsw.gov.au>; Chris Devitt <Chris.Devitt@dubbo.nsw.gov.au>; Melissa Watkins <Melissa.Watkins@dubbo.nsw.gov.au>
Subject: D17-462 197 Wingewarra Street

Musarrat,

Thanks for the prompt referral with regard to the additional information received with regard to this application.

However, given that the November 2017 report to Council recommended refusal of the proposal, including vehicle access to and from the site, we need you to address and I assume dismiss these concerns, based on the additional information received. You can't just ignore the previous assessments and statements.

Below are the stated reasons for refusal (No's 8, 9 & 10) from the November 2017 report (public record).

8. *The vehicle access arrangements for the four (4) terrace dwellings does not permit vehicles to enter and leave in a forward direction, nor is there any provision for the required visitor car parking space onsite, as required in Dubbo Development Control Plan 2013. (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979);*
9. *The proposed four (4) terrace dwellings' driveways to Fitzroy Street are located such that they are deemed dangerous to the road network, the travelling public and the future occupants of the terraces, and in contravention of Dubbo Development Control Plan 2013 (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979);*
10. *The existing dwelling's proposed driveway to Wingewarra Street is located such that it is deemed dangerous to the road network, the travelling public and the adjoining occupant at 199 Wingewarra Street, as required in Dubbo Development Control Plan 2013 (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979);*

Further to the above, the report directly referenced the Senior Traffic Engineer's report dated 6 October 2017, which stated as follows:

"The proposed 4 multi (unit) dwelling development on 197 Wingewarra Street is considered to be an over development of the site with concerning access and road safety implications particularly along the Fitzroy Street frontage but also to the proposed access to the retained existing residence in Wingewarra Street. Subsequently any future development of this site is to be restricted to a single driveway access to each lot off Fitzroy Street.

Being a corner block on a 4 way intersection there will inevitably be some impact with traffic management improvements such as experienced with the roundabout where there is no access to Wingewarra Street with existing side access at the extremities of the kerb blister in Fitzroy Street. Fitzroy Street is the safest and most convenient place to access 197 Wingewarra Street. Fitzroy Street functions as a Neighbourhood Sub Arterial (11,000 – 15,000 vpd) and Wingewarra Street a Neighbourhood Distributor (6,000 – 11,000vpd). Traffic volumes currently experienced are relatively high with the roundabout exceptionally active throughout the day. The roundabout is a two lane circulating with two lane entry/ exits lanes. A merge lane extends for the full frontage of the property Fitzroy Street. Whilst there is a wide parking lane in Fitzroy Street there would most likely be the need in the future to extend two lanes southbound adjacent the property as a consequence of capacity at the intersection which could also revert to signals.

With the ongoing traffic growth, intersection congestion and future traffic and road improvements, the provision of an additional 4 driveways to this proposed development in Fitzroy Street will effectively create an unsafe road environment. The proposed access to Wingewarra Street details minimal tolerances, entry and exit access and traffic conflict in an unsafe location to the roundabout.

There is no comparisons to an existing development in Rawson Street. Rawson Street is a low key wide residential street with very low traffic volumes that had been assessed as having no road safety implications in that environment.

The current proposal at 197 Wingewarra Street is an entirely different road environment. It is located on a corner block that is already traffic managed and constrained with the roundabout facility with future growth and capacity requiring additional travel lanes and potential traffic signals, experiences high traffic volumes that will only increase, requires access to the site from the through travel lane particularly in the future with additional infrastructure impacts.

RECOMMENDATION

The Infrastructure and Operations Division is not supportive of the proposed development and should be refused for its road safety implications on the travelling community, local residents and proposed occupants of the development including the following reasons:

- *Corner property on a 4 way intersection currently access constrained with a roundabout facility;*
- *With future road improvement to Fitzroy Street the reversing turning movements from each driveway would occur wholly within a travel lane with the current proposal showing conflicting movements into the merge lane. A reduction to two driveways reduces the impact and allows the opportunity to manage access to the site with increased driveway widths and onsite manoeuvrability;*
- *The driveway cluster is congested with absolute minimal tolerances between them creating vehicle conflict and constrained access;*
- *The southernmost driveway has to negotiate a power pole on entry and exit that will be required from the existing through lane that potentially will become the outside lane. This is unacceptable;*
- *There is limited opportunity to manoeuvre to and from and within the property boundary;*
- *The second car parking space is on minimal tolerances that would inevitably see vehicle overhang on to the footpath;*
- *The access of Wingewarra Street promotes and unsafe environment with restricted access travel paths on entry and exit; and*
- *Reduced capability for visitor on street parking impacting on adjoining property access and parking amenity."*

No comments have been provided by the Senior Traffic Engineer and his comments are required to address the additionally submitted information and dismiss these concerns.

At this point I am unable to complete a report to the February Council meeting 26 February 2018, given the outstanding reporting as described above. Please contact me for any further discussion.

Thanks

Darryll Quigley
Statutory Planning Services Team Leader
Dubbo Regional Council
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DUBBO REGIONAL
COUNCIL

REPORT: 2017/2018 Financial Assistance Program - Round Two

AUTHOR: Director Community and Recreation
REPORT DATE: 30 January 2018
TRIM REFERENCE: ID18/171

EXECUTIVE SUMMARY

The purpose of this report is to consider applications for financial assistance under Council's 2017/2018 Financial Assistance Programme. Twenty-two (22) applications for funding were received in this second round of funding in 2017/2018 requesting a total of \$69,808.36. This report recommends that seven applications totalling \$15,011 be approved. It is further recommended that this amount be funded from the \$30,000 allocated in the 2017/2018 budget for the financial assistance program.

ORGANISATIONAL VALUES

Customer Focused: The financial assistance program aims to provide those organisations in the community providing services to improve the quality of life for community members with funding to assist them in their endeavours. Many of these organisations are volunteer based and the encouragement that this funding provides to these volunteers to continue in their efforts is significant.

Integrity: All applications have been considered in a transparent manner with regards to the funding criteria contained within the funding application. All applications have also been considered on a merit based selection process.

One Team: Many community groups work with Council to provide services and opportunities to residents of the Dubbo Regional LGA.

FINANCIAL IMPLICATIONS

Funding has been allocated in the 2017/2018 budget for the seven recommended applications totalling \$15,011.

POLICY IMPLICATIONS

All seven recommended applications for financial assistance comply with the financial assistance funding criteria as detailed on the application form.

RECOMMENDATION

1. That funds from the Community Assistance Program Round two be allocated as follows:
 - Dubbo Rescue Squad Inc. (Volunteer Rescue Association) \$3,536
 - Dubbo & District Family History Society Inc. \$1,375
 - H.O.P.E. Program @ Dubbo Neighbourhood Centre \$1,500
 - Embroiderers' Guild of NSW – Dubbo Group \$200
 - Geurie Rodeo Committee \$1,900
 - Dubbo Community Kitchen – Emmanuel Care Inc Dubbo \$4,000
 - Orana Toy Library \$2,500
2. That all applicants be advised of the outcomes of their funding application.
3. That Council staff liaise with non-successful applicants to assist groups in preparing better applications for future opportunities.

Murray Wood

Director Community and Recreation

BACKGROUND

Council's Financial Assistance Programme operates in accordance with Section 356 of the Local Government Act 1993. Council's policy is to seek applications for Financial Assistance on two (2) occasions each year, once in September and the second in March, both for \$15,000. Criteria for applying for the funding is included on the application form (**Appendix 1**). This is the second round of funding for 2017/2018.

REPORT

For the second round of financial assistance applications in 2017/2018, Twenty-two (22) applications were received requesting a total of \$69,808.36. A copy of the application form including the funding criteria is appended to this report (**Appendix 1**). Council allocated \$30,000 in its 2017/2018 budget for financial assistance, \$15,000 of which is allocated to each round of applications.

The following is a summary of the applications received. All amounts listed are exclusive of GST.

SUMMARY

1. Orana K9 Training Club Inc.

Amount Requested: \$3,500

Project Programme: To purchase a container to store the obedience and agility equipment and all other equipment associated with the club's training program.

Comment: The applicant has received no prior funding. There are other funding opportunities available including sport and recreation grants and grants related to Crown Lands. There are opportunities to secure containers as a donation.

Recommendation: That this application not receive funding.

2. Dubbo Rescue Squad Inc. (Volunteer Rescue Association)

Amount Requested: \$3,536.36

Project Programme: To purchase new battery-operated LED scene lighting and LED torches for motor vehicle accidents, searches for evidence and missing persons, assisting Police and other emergency services at crime scenes and other areas where the rescue squad may be required to attend.

Comment: The applicant has received prior funding from DRC 17/11/2016 \$6,500; DRC yearly \$11,300; and funding from Volunteer Rescue Association August 2017 \$13,000.

This organisation services a broad cross section of society in times of need.

Recommendation: That this application be funded in full.

3. Dubbo & District Family History Society Inc.

Amount Requested: \$1,375

Project Programme: To purchase archival material to archive the negatives which are in varying stages of deterioration.

Comment: The applicant has received no prior funding from DRC. It preserves community heritage.

Recommendation: That this application be funded in full.

4. Mumbil District Progress Association Inc.

Amount Requested: \$500

Project Programme: To offset the cost of the hall hire.

Comment: The applicant has received prior funding from DRC: \$500 December 2016 and \$500 April 2017. The hiring subsidy of a community hall can be achieved through other mechanisms should Council choose to through the Revenue Policy.

Recommendation: That this application not receive funding.

5. Wheelies Dubbo

Amount Requested: \$2,500

Project Programme: To offset the cost associated with making the group an association. Guest speaker costs, group costs, catering and travel. Also for any costs associated with doing audit for Dubbo Council, such as photos etc.

Comment: The applicant has received no prior funding from DRC. The articulated reason being to cover costs associated with doing an audit for Council is not well articulated. Council has in the past

commissioned community based groups/individuals to undertake audits so the need to fund through this grant program is not required.

The proposed use of grant funding as costs associated with setting up an association and “guest speaker costs if any” as articulated in the application are not well defined.

The group is at an embryonic phase and broad community representation has not been shown in the grant application – 11 members.

Recommendation: That this application not receive funding.

6. H.O.P.E. Program @ Dubbo Neighbourhood Centre

Amount Requested: \$1,500

Project Programme: To purchase IT equipment to use for local and regional service telehealth provision, including therapy and psychoeducation to community groups. With this equipment we would also be able to access specialist trauma telepsychiatry consultations.

Comment: The applicant has received no prior funding from DRC.

This organisation services a broad cross section of society in times of need.

Recommendation: That this application be funded in full.

7. Embroiderers’ Guild of NSW – Dubbo Group

Amount Requested: \$700

Project Programme: To offset the cost of hiring the Woolpack Function Centre at Dubbo Showground. To also assist with the exhibition of “Order and Chaos” and “Carnaby St” – freight and insurance of these exhibits with the cost of installation display equipment. Other associated costs are advertising (media and posters).

Comment: The applicant has received prior funding from DRC: \$600 in 2014 for exhibition and associated costs and \$500 in 2016 for exhibition and associated costs.

The focus on seeking assistance in bringing an exhibition and further training aims at a community wide audience.

Recommendation: That this application be funded in part for \$200.

8. Euchareena Public Hall Trust

Amount Requested: \$5,000

Project Programme: To assist with finishing the fire safety standards upgrades – a new tank and fire hose reels to complete the project.

Comment: The applicant has received no prior funding from DRC.

There are other opportunities for such large funding requests available in the near future such as Stronger Communities – Community Round 3.

Recommendation: That this application not receive funding.

9. 1st Dubbo Scout Group

Amount Requested: \$1,400

Project Programme: To partially cover the cost of rates on their two Scout Halls at 5 Welchman Street and on the Corner of Talbragar and Fitzroy Streets.

Comment: The applicant has received prior funding from DRC: \$850 in April 2017 for the purchase of industrial vacuums for cleaning and \$1,000 in September 2017 for payment of Council rates.

The subsidy of rates on an ongoing basis is unsustainable and the financial assistance grant is not the appropriate mechanism.

Recommendation: That this application not receive funding.

10. Geurie Rodeo Committee

Amount Requested: \$1,900

Project Programme: To purchase the steel to install a time event box and an additional cattle race which would bring the area to national standards.

Comment: The applicant has received prior funding from DRC: \$1,800 in October 2017 for in-kind support, transportation of grandstands. This group attracts well attended community events in Geurie that attract participants and spectators from a large catchment.

Recommendation: That this application be funded in full.

11. Wiradjuri Wellington Aboriginal Town Common Aboriginal Corporation

Amount Requested: \$5,000

Project Programme: To be used for general clean up and maintenance of the Town Common Buildings which are two homes and the old church.

Comment: The applicant has received prior funding from DRC: \$500 for printing of history book; \$1,500 for tools, equipment for small maintenance jobs and \$5,000 in December 2016 for Wellington's 200th Bicentenary Event by Wiradjuri Wellington Aboriginal Town Common Aboriginal Corporation.

The use of \$5,000 is not well articulated. For example if it is for a waiving of tipping fees that can sought and funded through differing mechanisms.

The current state of buildings, should the funds be aiming for building restoration works shall require significantly more funds. Council staff will work with the proponents to better define the scope of works to ensure the Corporation is able to take advantage of upcoming opportunities for grant funding.

Recommendation: That this application not receive funding.

12. Dubbo Community Kitchen – A division of Emmanuel Care Inc Dubbo

Amount Requested: \$4,000

Project Programme: To purchase electric freestanding ovens. 1 x 90cm freestanding cooker for \$2,500 and 1 x 60cm fan forced cooker \$1,500. To assist with cooking for the 60 to 80 guests of the Dubbo Community Kitchen.

Comment: The applicant has received prior funding from DRC: \$500 in 2015 for rent of venue; \$1,000 in 2016 for rent of venue and \$1,100 in 2017 for replacement tables and rent of venue.

This organisation services a broad cross section of society in times of need.

Recommendation: That this application be funded in full.

13. Rotary Club of Dubbo

Amount Requested: \$1,500

Project Programme: To be used for the part payment of the venue hire for the Dubbo Antiques and Collectables Fair to be held in July at the Dubbo Regional Theatre and Convention Centre.

Comment: The applicant has received no prior funding from DRC. The hiring subsidy of a community space can be achieved through other mechanisms should Council choose to through the Revenue Policy.

Recommendation: That this application not receive funding.

14. St Vincent De Paul

Amount Requested: \$20,000

Project Programme: To purchase vehicle (small truck) to pick up goods from Woolworths for welfare. Also to pick up furniture and deliver furniture for people in need. Also to help the Indigenous people who are disadvantaged.

Comment: The applicant has received no prior funding from DRC. This grant application exceeds the capacity of this program. Also part funding can be sought from the Bodangora Community Benefit Fund and other larger fund streams.

Recommendation: That this application not receive funding.

15. Dubbo Theatre Company Incorporated

Amount Requested: \$5,000

Project Programme: To assist in the fit out of the new expanded section of the storage shed to assist in providing a safe and secure working environment for members of the company who are storing and constructing theatrical materials. This grant will enable the upgrade to the electrical situation in the current shed; put power and lighting into the extension to allow work to be safe at night; and to upgrade the security lighting outside to deter vandals and other undesirables who access the land for improper uses.

There are other larger grant fund opportunities available for this type of community group.

Comment: The applicant has received prior funding from DRC: \$2,000 in 2017.

Recommendation: That this application not receive funding.

16. Orana Toy Library

Amount Requested: \$2,500

Project Programme: To purchase a laptop with software and also to purchase more education toys, puzzles and other equipment to be replaced.

Comment: The applicant has received no prior funding from DRC.

Recommendation: That this application be funded in full.

17. Central West Bush Bags

Amount Requested: \$3,930

Project Programme: To help set up the group's operational items and starter period. Request for the following items is made:

- Storage at \$30 per week
- Collection of recyclable materials – laundering at \$400
- Set up of community sewing bees – irons, ironing boards, sewing machines, overlockers, threads, scissors, cutting boards, roller cutter, fold up tables, extension cords, halls costs, printing costs for bags
- Transport and distribution

Comment: The applicant has received no prior funding from DRC.

Recommendation: That this application not receive funding.

18. Rotary Club of Dubbo West Inc

Amount Requested: \$1,040

Project Programme: To purchase promotional banners for use at outdoor events, to raise community awareness of the activities of the Rotary Club of Dubbo West; replacement of existing indoor pull-up banners to reflect the current focus of Rotary efforts to serve the community.

Comment: The applicant has received no prior funding from DRC. Banners whilst effective communication tools do not directly provide community benefit.

Recommendation: That this application not receive funding.

19. Stuart Town Advancement Association Incorporated

Amount Requested: \$2,000

Project Programme: To maintain and upgrade the fire equipment and emergency signs of the Stuart Town School of Arts Hall. This included inspection and tagging of fire extinguishers, replacement and upgrade of exit signs, and the upgrade, installation of additional smoke alarms.

There are other opportunities for such large funding requests available in the near future such as Stronger Communities – Community Round 3.

Comment: The applicant has received prior funding from DRC: \$22,328 in 2016 and \$17,650 in 2017.

Recommendation: That this application not receive funding.

20. Outback Writers' Centre

Amount Requested: \$460

Project Programme: To purchase banners to be placed outside entry to monthly Orana Writer's Hub meeting; Outback Writers' Centre banner and two banners to advertise WestWordsFest.

Comment: The applicant has received prior funding from DRC: \$1,500 September 2015 for part payment for publishing in WestWordsFest; \$1,500 September 2016 for part payment for publishing in WestWordsFest; and \$1,500 in September 2017 for part payment for publishing in WestWordsFest. These payments were from WPCC.

Banners whilst effective communication tools do not directly provide community benefit.

Recommendation: That this application not receive funding.

21. Young Life Australia, Dubbo Branch

Amount Requested: \$467

Project Programme: To purchase a printer to print our own professional looking flyers and booklets quickly, easily and affordably. Also to purchase the initial ink pack which will print the first 3,000 documents printed.

Comment: The applicant has received prior funding from DRC: \$320 in 2015 for venue hire; \$500 in 2015 for venue hire; \$500 in 2016 for branded apparel for youth; and \$500 in 2016 for sport equipment.

Recommendation: That this application not receive funding.

22. Sir Roden Cutler Park Events Development Inc

Amount Requested: \$2,000

Project Programme: For funds to be able to design drawings for an amphitheatre development. Also to assist in gaining state and federal government grants for the development

Comment: The applicant has received prior funding from DRC: \$1,000 in 2014 to assist to run entertainment day at Sir Roden Cutler Park.

Design drawings do not directly provide community benefit.

Recommendation: That this application not receive funding.

Appendices:

1 [↓](#) 2017/2018 financial Assistance Second Round - application package



**APPLICATIONS FOR FINANCIAL ASSISTANCE
FOR THE FINANCIAL YEAR 2017/2018**

APPLICATIONS CLOSE ON FRIDAY 9 MARCH 2018 AT 5.00 PM

Before completing this application, the application criteria attached to this form should be read to ensure the application will receive consideration by Council. If you have any enquiries, please phone Council's Community and Recreation Division, on 6801 4000 or email council@dubbo.nsw.gov.au. Applications can be posted to Dubbo Regional Council, PO Box 81 Dubbo NSW 2830 or faxed to Council on 6801 4259 or emailed to council@dubbo.nsw.gov.au. Please put **Financial Assistance 2017/2018** in the subject line of your email.

Name of Organisation:	
Address:	
Contact Person:	
Position:	
Phone No: Mobile: Email: for remittance advice	

Bank Account details for payment – *if no details given then your funding cannot be paid by direct deposit.*

BSB	-	Account number	
Bank		Branch	
Bank Account owners name			
Signature of authorised person			

PART A

APPLICATION FOR FINANCIAL ASSISTANCE

1. What is the total amount of your request (exclusive of GST)? \$
2. Is your group/organisation registered for GST? Yes/No
3. Does your group/organisation have an ABN (Australian Business Number)? Yes/No
If yes, please quote your ABN

Please Note: *Successful applications do not need to be registered for GST or have an ABN to receive a donation as the donations are classified as untied. However, should your organisation be registered for GST and/or hold an ABN, please complete the above information.*

4. Please provide details of how your Organisation intends to expend the funds:

5. How will other residents of the Dubbo Regional Council LGA benefit from your Organisation's activities?

6. Please list donations given to your Organisation by Council (either the former Dubbo City or Wellington councils) over the last three (3) years:

Amount Received	Date	Purpose to which Funds were Applied

7. Has your Organisation made application for financial assistance from other bodies in the last 12 months?

Yes/No

If yes, please complete the following table:

Funding Body	Date Application Lodged	Amount Sought	Amount Granted

PART B

INFORMATION REGARDING YOUR ORGANISATION

1. Please supply a brief history of your Organisation and its current activities.

2. Is the Organisation based in Dubbo Regional Council LGA? _____

3. What is the number of current members of your Organisation? _____

4. What are the membership eligibility requirements? _____

5. What contributions do volunteers make to your Organisation?

PART C

ADDITIONAL INFORMATION

Please provide any additional information you consider necessary.

SUCCESSFUL APPLICANTS PLEASE NOTE:

In the event that your group/organisation is successful in receiving financial assistance your payment will be made by direct deposit or by cheque if you have not put your bank details on the first page of this application.

Recipients of financial assistance are required to acknowledge Dubbo Regional Council's financial contribution in all publications, programmes, brochures and documents relating to the recipients event, service and / or activity.

Recipients of financial assistance of \$2,000 and greater will be required to provide an acquittal report to Council on the expenditure of the funds. Sample of the acquittal form is attached.

Recipients of financial assistance will be required to have a representative attend a civic ceremony at which cheques/remittances for the financial assistance will be presented.

Failure to abide by these conditions may render the applicant ineligible for future financial assistance from Dubbo Regional Council.

APPLICATION CRITERIA

- * No financial assistance will be given to individuals or privately owned businesses/companies;
- * Organisations must be based in the Dubbo Regional Council LGA or the funds are to be used on a service or activity for the area;
- * No financial assistance will be given to Government Departments or agencies, or for the support of Government-owned facilities;
- * No financial assistance will be given to sporting organisations (as these organisations have other avenues for financial assistance);
- * No financial assistance will be given to events as funding is available under the Dubbo Regional Council's Events Strategy. Please contact the Council's City Promotions & Events Supervisor on 6801 4000 for assistance on the definition of an event and a funding application.
- * The funds are not to be used for social activities for members or the organisation exclusively; and
- * Funds are not to be used for activities conducted outside the Dubbo Regional Council LGA.
- * Funds will not be provided to applicants who have not provided an acquittal for funding previously received under this Program.



ACQUITTAL OF FINANCIAL ASSISTANCE FOR THE FINANCIAL YEAR 2017/2018

This acquittal should be completed as soon as practicable following the conclusion of the project. If you have any enquiries relating to the completion of this acquittal, please phone Council's Manager Business Services, Community and Recreation Division on 6801 4000. Failure to submit the acquittal within a reasonable time following the conclusion of the project may render the organisation ineligible for future financial assistance from Dubbo Regional Council.

Name of Organisation:	
Address:	
Contact Person:	
Position:	
Phone No:	
Mobile:	

1. Please provide details of the financial assistance your organisation received from Council including details of the project for which Dubbo Regional Council supplied funding:

2. Please describe the project's outcome/s including (where appropriate) numbers of people attending, date/s of the project, number of days held, community participation, community and participant benefits and any other evidence of the success of the project. Please append any media articles, photos, etc which are evidence of the project's success:

3. Please append any documents produced in connection with your project which identified Dubbo Regional Council Council's financial assistance.
4. Please provide a summary of revenue and expenditure for the project.



DUBBO REGIONAL
COUNCIL

REPORT: Utilisation of Wellington Administration Building Floor Space

AUTHOR: General Manager
REPORT DATE: 16 March 2018
TRIM REFERENCE: ID18/525

EXECUTIVE SUMMARY

The Wellington Administration Building (WAB) has excess office space as a result of reduced staff numbers compared to historically when the former Wellington Council was operating at, or near, full capacity.

The intention is for the WAB to be refurbished to accommodate Council staff and also allocate part of the WAB for some additional/commercial use with its own separate public entry. The refurbishment is proposed to be undertaken in four stages to ensure staff inconvenience is minimised.

ORGANISATIONAL VALUES

Customer Focused: The project will result in better access to information for visitors to Wellington.

Integrity: Refurbishment design works will involve liaising with Council staff to ensure they are provided a genuine opportunity to have input.

One Team: The project will bring together different sections of Council staff to enable them to work more cohesively.

FINANCIAL IMPLICATIONS

Estimating of costs for refurbishment works fall outside the scope of this report. Funding for this project will be within Council's adopted Budget.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That the proposed plan to concentrate Wellington staff into a western section of the Wellington Administration Building and creating some additional space for a community/commercial activity into the eastern section of the WAB be endorsed.**
- 2. That the General Manager establish a Wellington Office Refurbishment Working Party with relevant staff.**
- 3. That Council proceed to engage a design consultant and for that consultant to undertake necessary planning and consultation to prepare a budget for the total refurbishment works.**

Michael McMahon
General Manager

BACKGROUND

The Wellington Administration Building (WAB) has seen a progressive reduction in staff numbers over several years which has resulted in an underutilisation of the office space, with and remaining staff are now spread throughout the WAB with little logic as to their locations.

REPORT

The most orderly process for refurbishment of the WAB would see the refurbishment undertaken in stages as follows:

- Stage 1 Relocate the existing customer service counter into 'interview room 2'. This would enable 'business as usual' to service the public.
- Stage 2 Relocate all staff to the eastern section of the WAB (referred to as *Area B*) where it fronts Nanima Street. There may be a requirement for some staff to be relocated upstairs for this interim period.
 - Refurbish the vacant portion of the WAB (referred to as *Area A*).
- Stage 3 That the current meal room be subdivided to form a meeting room where community members are required to attend and a smaller lunch room for staff.
- Stage 4 Relocate all staff to the newly refurbished part of the WAB (referred to as *Area A*).

A refurbishment staging plan is included as **Appendix 1**.

It is proposed that a design consultant/architect would be engaged to project manage the four stages of the project and the consultant also be involved in liaising with the Wellington Office Refurbishment Working Party to ensure the floor layout and design best suits the needs of the staff and the Wellington community.

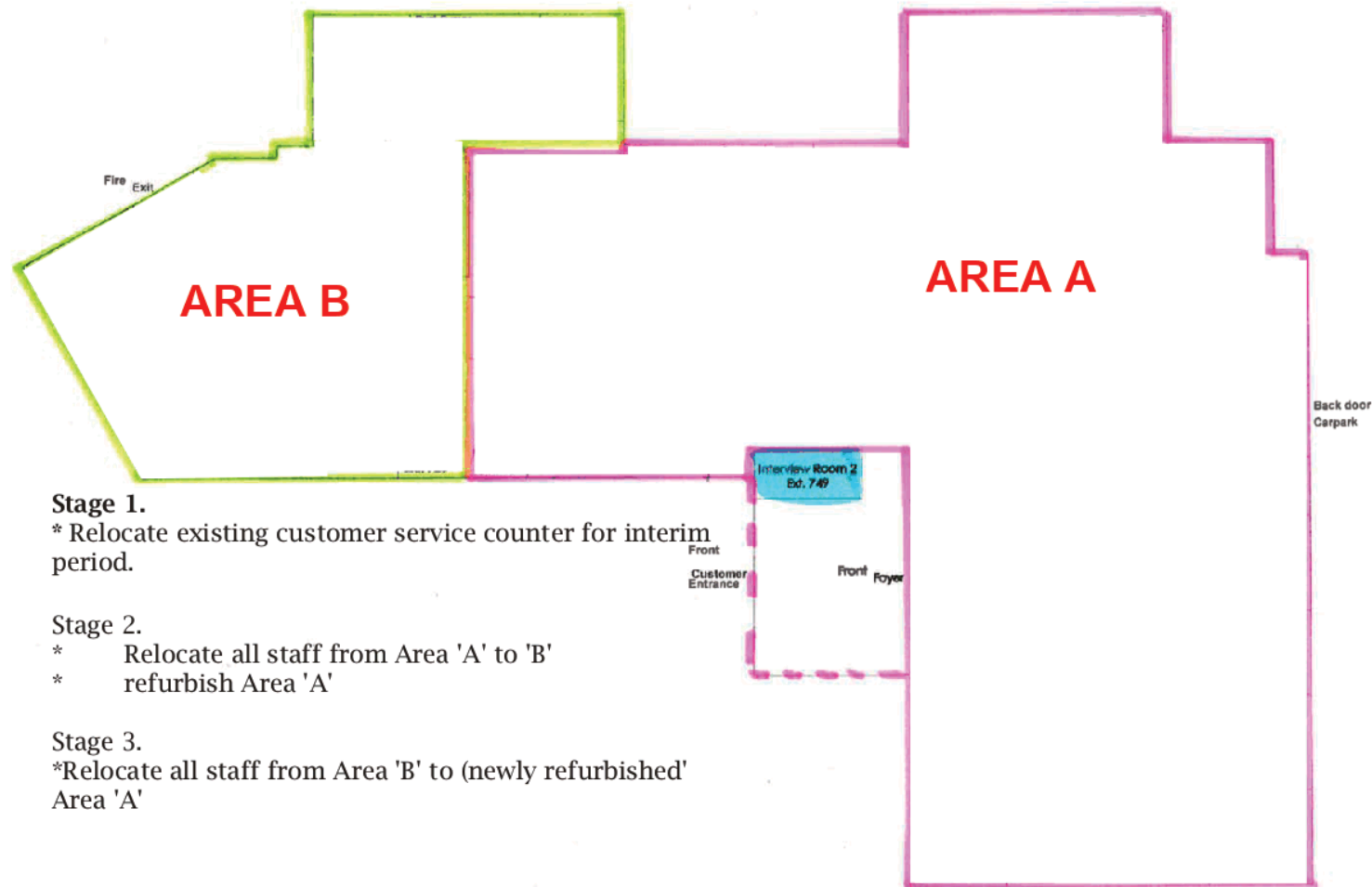
SUMMARY

The refurbishment of the Wellington Administration Building would see Council staff in a more functional and centrally positioned office. This refurbishment project would ensure that Council operations were conducted more efficiently and cost effectively, while at the same time improving services and access to the public.

The project would also be powerful in a symbolic sense as it would represent the start of a new chapter in the history of Council serving its community.

Appendices:

- 1 [↓](#) Wellington Civic Administration Building - refurbishment staging plan



Stage 1.

* Relocate existing customer service counter for interim period.

Stage 2.

- * Relocate all staff from Area 'A' to 'B'
- * refurbish Area 'A'

Stage 3.

*Relocate all staff from Area 'B' to (newly refurbished) Area 'A'



DUBBO REGIONAL
COUNCIL

REPORT: Old Dubbo Gaol Concept Design Plan Stage 1

AUTHOR: Manager Visitor Experiences and
Services

REPORT DATE: 2 March 2018

TRIM REFERENCE: ID18/423

EXECUTIVE SUMMARY

To ensure the Old Dubbo Gaol maintains operations as one of Dubbo's most significant heritage sites and a leader in the destinations tourism offerings, an interpretive exhibition plan was required to be created. The first stage of this interpretation and exhibition design was undertaken as part of the Draft Concept Design Plan (stage 1), by 3D Projects.

The Draft Concept Design Plan outlines themes and interpretation required to ensure the Old Dubbo Gaol maintains itself as a financially viable, educational relevant offering to the tourism visitor economy and ensures the growth of the State Heritage Listed site.

The project as outlined in the Draft Concept Design Plan Stage 1 has progressed to the second round of the CREATE NSW Cultural Fund seeking \$600,000 as part of a \$1.39M refurbishment of the Old Dubbo Gaol. As part of the Cultural Fund application process Community Consultation is required to be undertaken, adoption of this plan is step 1 in that process.

ORGANISATIONAL VALUES

Customer Focused: The Old Dubbo Gaol endeavours to deliver a rich, engaging visitor experience. The development of an interpretation/exhibition plan will ensure the ongoing financial and environmental sustainability of the business and natural asset aspects of the site.

Integrity: The Draft Concept Design Plan will guide interpretive design and storytelling as part of the strategic and operational future direction of the Old Dubbo Gaol.

One Team: This report, Councillor Workshop and Draft Concept Design for the Old Dubbo Gaol will ensure all stakeholders have a clear, definitive direction for the construction of the Visitor Experience at the State Heritage Listed Site.

FINANCIAL IMPLICATIONS

Following Public Exhibition, Council will be seeking \$600,000 through the CREATE NSW Cultural Fund as part of a \$1.39M refurbishment of the Old Dubbo Gaol. If the application is successful, Council's contribution to the project will come from internal borrowings and allocated Exhibition Funds from the Old Dubbo Gaol operational budget.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. The Old Dubbo Gaol Draft Concept Design Plan be adopted.**
- 2. A grant submission for \$600,000 be submitted to the CREATE NSW Regional Cultural Fund as part of the \$1.39M Project. If application is successful, the works at the site to take place immediately following funding availability.**

Jamie Angus

Manager Visitor Experiences and Services

BACKGROUND

3D Projects commenced the creation of the Old Dubbo Gaol Draft Concept Design Plan Stage 1 with the draft document completed in March 2017.

This Draft Concept Design Plan was prepared to identify key themes at the gaol expanding on previous strategic documents including 2014 Exhibition Master Plan (Thylacine), 2014 Business Scoping Study (SanMor) and 2012 Conservation Master Plan (Graham Hall & Associates).

The Draft CDP Stage 1 delivers a comprehensive overview of exhibition, signage and interpretation across the site within the walls of the State Heritage Listed Site including collection items and artefacts and identifying the themes the site should be aiming to deliver to its broad range of visitors.

The Draft Concept Design Plan Stage 1 has now been used to create a project that was submitted to the CREATE NSW Cultural Fund grant application in September 2017, which has now progressed through the Expressions of Interest phase of the application process to stage 2 application due for submission on 3 April 2018.

This application for \$600,000 in funding from CREATE NSW will deliver the project as outlined in the Draft CDP Stage 1 if successful and form part of the \$1.39M project.

The Old Dubbo Gaol refurbishment project will give the Gaol a significant upgrade to the very old exhibitions currently on the site, some of which are well over 20 years old. This project is expected to enhance the offerings of the Old Dubbo Gaol ensuring the sites ongoing financial sustainability and further cementing it into the cultural fabric and tourism offering of the regions destination offerings.

REPORT

The Draft Concept Design Plan as attached to this report helps form the Old Dubbo Gaol Refurbishment Project that is currently applying for grant funding from CREATE NSW's Cultural Fund.

As part of this application process, to improve chances of obtaining the grant funding and following best practice for a project of this nature, the design plan is now ready for community consultation.

The Plan, delivered as part of the 13 March 2018 Councillor Workshop is currently accepting community feedback through a consultation process.

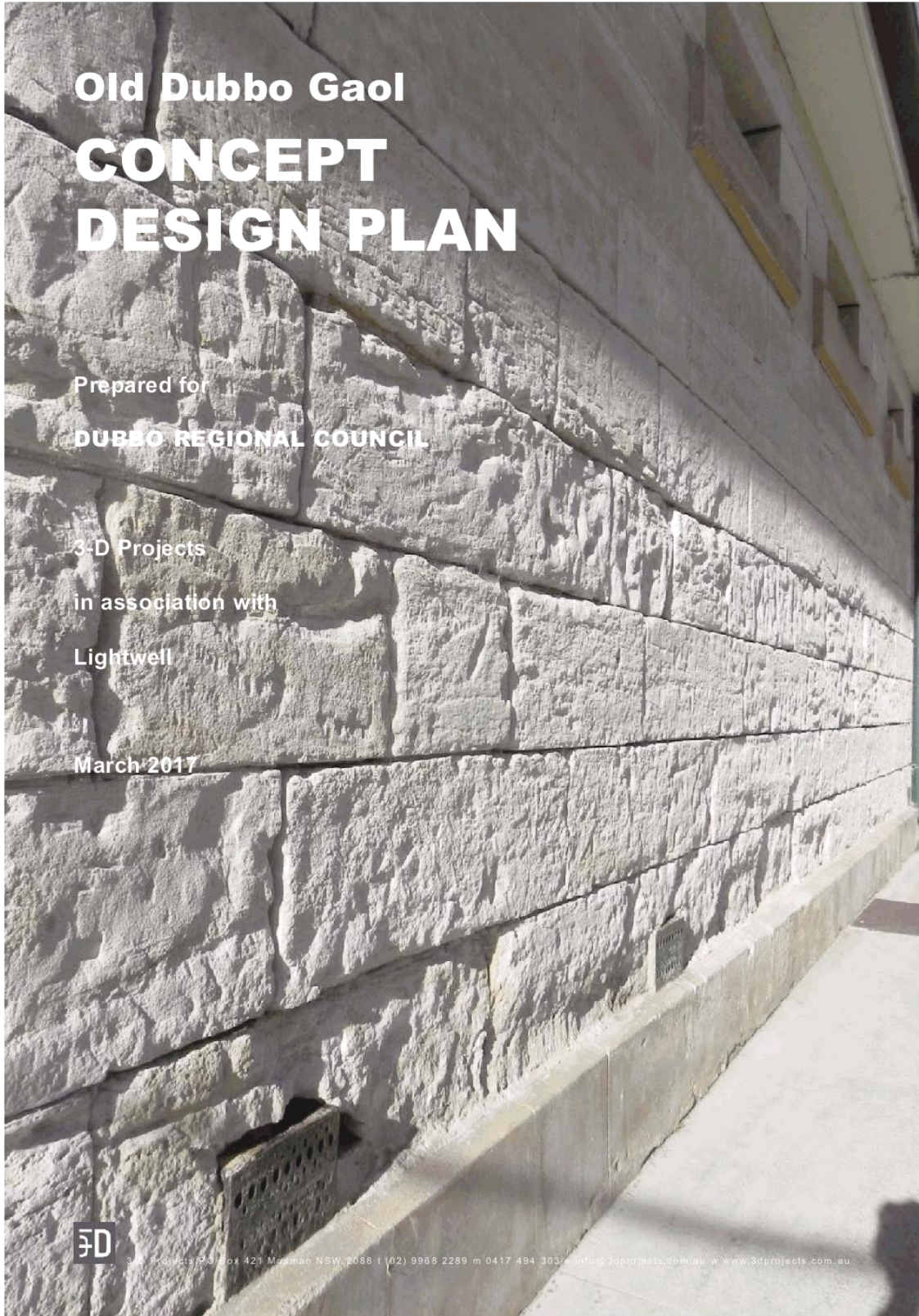
On conclusion of the consultation a grant submission will be submitted to CREATE NSW Regional Cultural Fund.

SUMMARY

The Development of the Draft Concept Design helps identify what is required for exhibition and interpretation at the heritage site. The themes and designs identified in the plan will help the gaol provide a quality tourism and educational product ensuring the future financial operations at the site.

Appendices:

- 1 [↓](#) Old Dubbo Gaol Concept Design Plan Stage 1 ODGCDP-final:ERW-final IP-2



REPORT REGISTER		
Issue	Description	Date
1	<i>Old Dubbo Gaol Draft Concept Design Plan</i>	16 February 2017
2	<i>Old Dubbo Gaol Final Concept Design Plan</i>	28 March 2017

CONTENTS	
1 Introduction	4
1.1 Scope of Report	5
1.2 Authorship	5
1.3 Acknowledgments	5
2 Review: Site, Collections & Interpretation	6
2.1 ODG Structural Remains & Collections	7
2.2 ODG Visitation, Operations & Programs	11
2.3 Existing Exhibitions, Interpretation & Signage	11
2.4 Site Constraints & Opportunities	15
3 Interpretation Strategy	17
3.1 Principles & Objectives	18
3.2 Site Works & Presentation	19
3.3 Thematic Framework	19
3.4 Design Rationale & Materials	21
3.5 Visitor Circulation	22
3.6 Interpretation & Infrastructure Proposals	22
3.7 Concept Drawings	38
4 Recommendations & Implementation	48
4.1 Recommendations	49
5 References	50
6 Appendices	52
Lightwell, ODG Multimedia Outline	53

1 INTRODUCTION

1.1 Scope of Report

The purpose of this study is to present a high-level integrated and consistent approach to the interpretation and presentation of the Old Dubbo Gaol (ODG) that captures, explores and communicates the place's history and significance whilst accommodating the ongoing requirements for commercial and cultural events held on the site.

The ODG Concept Design Plan identifies the principal interpretive themes for the site, makes recommendations on interpretive content, collections and conservation, and provides preliminary design concepts, cost estimates and proposed locations for interpretive installations, signage, landscaping works and visitor infrastructure across the site.

1.2 Authorship

This project was undertaken by 3D Projects' partners Peter Tonkin and Christina Carayanides in association with Lightwell. Peter Tonkin undertook the site inspections and documentation of ODG between October and December 2016, liaised with ODG staff and management, reviewed Port Arthur Historic Site and the Justice & Police Museum, and wrote the Concept Design Plan. Christina Carayanides prepared the site plans, concept design drawings and cost estimates. Michael Hill of Lightwell inspected the ODG site and prepared the proposals and cost estimates for multimedia programs and hardware.

1.3 Acknowledgments

3D Projects wishes to thank the following people for providing valuable ODG research documents, site, operational and collection information and access, and for providing access to and insight into related heritage places:

- Jamie Angus - Manager Business Support, Dubbo Regional Council
- Kim Hague - Operations Supervisor, ODG
- Chris Anemaat - Visitor Experience Officer, ODG
- Gary Crockett - Curator of Interpretation, Sydney Living Museums
- Nerida Campbell - Curator, Justice & Police Museum, Sydney Living Museums
- Jody Steele - Heritage Programs Manager, Port Arthur Historic Site

2 REVIEW: SITE, COLLECTIONS & INTERPRETATION

2.1 ODG Structural Remains & Collections

Buildings & Grounds

The original structural remains within the current boundaries of the Old Dubbo Gaol site comprise an assortment of iron roofed stone and brick buildings, high boundary walls, timber-framed shade structures, concrete and brick cisterns, pavements, drains and paths dating 1871 to 1945, most of which survive in good original condition or have undergone minor and generally reversible modification during the museum period since 1974.

The survival of structures and yards from the various phases of ODG's operations is significant as it provides direct physical evidence of the original form and arrangement of the gaol buildings and how the early buildings and yards were progressively modified to conform to evolving theories on the control, classification and treatment of prisoners in NSW gaols. Likewise, the historic fabric reflects ODG's changing fortunes from a prominent and bustling Minor Gaol in 1887, only to be relegated to Police Gaol in 1914 that held an ever-dwindling prison population until its closure in 1966.

Beneath the surface are the likely remains of boundary wall and building footings, paths, drainage networks, gallows pits, wells/cisterns and prisoner graves, with the locations for some of these remains detected using ground penetrating radar during an archaeological assessment of the site in 2014. As such, archaeological advice should be sought to plan and supervise future site works requiring excavation.

Non-original structures and surfaces include timber fencing and associated concrete footings/slabs around the three exercise yards, timber wood cutting shelter and enclosing the gallows, the concrete slab supporting the gallows, pavers lining the central driveway, and the timber fencing enclosing the well with concrete slab, pavers, pump and bucket winder. Brick wall infill sections (and the safe) abutting the western gatehouse were constructed in the post 1974 museum period, as were sections of the concrete paths in the northern yard and Female Division yard, and the flag pole in the western yard.

Reconstructed elements at ODG that are based on the details and materials of original structures that were subsequently removed include the Male Division west veranda, Hospital Division south veranda, woodblock pavement in the Western Gatehouse, timber fencing enclosing the 3 exercise yards and the catwalk balustrade at the north eastern watchtower. The attached steel stair is not original or based on an earlier structure but was introduced after 1974 to provide visitor access to the catwalk and watchtower.

Moveable Objects & Archives

ODG collections comprise around 600 registered items or assemblages of items that can be broadly divided into two groups: 1 ODG Provenanced Items - moveable objects and archives that were or are likely to have been utilised or created at ODG during the active gaol period, and 2 Non-ODG Provenanced Items - generic prison-related objects and archives that have been collected during the ODG museum phase after 1974 for use as exhibition items or display props.



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Sample ODG Structural Remains & Grounds

- 1 Entry at Western Gatehouse
- 2 Infirmary Wing
- 3 ODG Offices at rear of Infirmary Wing
- 4 Female Division yard and Watchtower
- 5 Male Division cells
- 6 Male Division padded cell
- 7 View looking west from Watchtower
- 8 View looking east to Eastern Gatehouse and Exercise Yards 1 & 2
- 9 Interior of Remand Cell

Objects and archives are generally displayed in locked showcases throughout the building spaces or stored in the staff office and a storage cell in the Male Division, with more robust items and props on open display within cells, or displayed in the open yard areas. Original woodblocks and miscellaneous building materials and elements are stored in the locked safe outside the western gatehouse.

ODG Provenanced Items

Significant provenanced items include original timber gallows components displayed in the ODG yard and stored on site which were recovered from the Dubbo Courthouse in Brisbane Street; the NSW prisons hangman's kit comprising metal trunk, ropes, weights, pulley, hoods, masks and restraints; small objects and contraband discovered secreted in an exercise yard roof cavity including religious medals, hand made playing cards, newspaper articles and sharpened butter knives; a handwritten letter to bushranger Jimmy Governor reputedly dictated from bushranger Jacky Underwood whilst held at ODG prior to his execution in 1901.

Other provenanced objects include padlocks, tools and building fixtures unearthed on site; various hand painted site signage and notices; warders uniform items; a log sawing frame; a stone fence pillar from the original Macquarie Street fence line enclosing the former courthouse; original woodblock pavers, bricks and timber offcuts; ODG prison-made items including felt slippers, sheet music album bound at ODG, furniture and a gun case.

ODG provenanced archives include a Governor's journal, prison charge sheets, prison manufactured goods register, the daily occurrence book, prisoner discharge book and prisoner possession register.

While most of these items are still in fair condition it is recommended that they are displayed and/or stored in secure, dust free and environmentally stable conditions to ensure their long-term conservation. Many of the gallows timbers are showing significant deterioration and have previously been coated inappropriately with fibreglass and paint. It is recommended that the gallows structure is disassembled, original components stripped back to bare timber, and the conserved timbers are displayed in a low-UV climate controlled environment as detailed below in section 3.6.

Non-ODG Provenanced Items

This group comprises the bulk of the collection and includes: warders uniforms and equipment: restraints, punishment items and weapons including hand cuffs, leg irons, leather muffs, gags, padlocks, whipping bench and a straightjacket, the portable cell, rifles and batons; medical bottles and equipment; prison issue tableware, vessels and sanitary buckets; stationary and clerical items; Corrective Services awards plaques and memorabilia; miscellaneous NSW Corrective Services staff instructions, rules and prison regulation manuals, magazines, information booklets and police gazettes; furniture, costumes and props used to furnish cells, exercise yards, the infirmary and eastern gatehouse.



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- Sample ODG Object Collections**
- 1 Gallows structure
 - 2 Hangman's mask
 - 3 ODG prisoner records
 - 4 Ropes from Hangman's kit
 - 5 Contraband found hidden in ODG exercise yards
 - 6 Hangman's travelling case
 - 7 Warder's baton collection
 - 8 Handcuff and leg iron collection
 - 9 Portable cell in northern yard area



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While not directly provenanced to ODG, many of these objects relate more generally to NSW prison operations or are significant in their own right, and as such selected items could be utilised in the proposed ODG exhibitions or future displays to illustrate relevant themes, issues and stories. General props and unrelated objects such as the portable cell should be relocated from site and potentially deaccessioned from the collection. Retained items should be stored in secure and environmentally stable conditions for their long-term conservation.

2.2 ODG Visitation, Operations & Programs

According to the Old Dubbo Gaol Business Plan 2016/17, ODG receives approximately 45,000 visitors annually, of which the majority comprise school groups and visitors to Dubbo. The site is open 9am-4pm seven days a week throughout the year except Christmas Day. Visitors can explore the site independently with the aid of the ODG site map or participate in a guided tour. Pre-booked school group tours for primary, secondary and tertiary students are also offered, as is a Super Sleuth program for children. During peak visitation periods themed 'Beyond the Grave' and 'Twilight' guided tours are offered at night. Costumed performers also provide theatrical interpretation through intermittent performances on site.

Visitor ticketing and souvenir/refreshment sales are conducted from the small eastern room of the Western Gatehouse which has a single access door which causes difficulties with visitor flow and only permits entry to small visitor numbers at any one time. Reception staff and work desks are housed in the small western room which requires staff members to leave their desks and walk between the western and eastern rooms via the covered walkway to greet visitors, and carry out ticketing and merchandising. A small mobile counter is located in the covered walkway area that is utilised for ticketing during high visitation periods and for ticketing of non-ambulant patrons, but has neither lockable cash drawer nor eftpos capability.

In addition to its museum function, ODG operates as an after hours venue for private functions, night markets, film, food and music festivals, and it is proposed that this area of ODG's after hours operations is expanded in the future. ODG events require unobstructed vehicular access through the western gatehouse and across the grassed western yard areas to deliver goods and event infrastructure. Marquees, stages, tables, seating lighting and portable heaters are also temporarily installed across much of the grassed western yard, northern yard and southern yard for particular events.

2.3 Existing Exhibitions, Interpretation & Signage Entry Signage

Existing entry signage elements are inconsistent in design and not particularly successful in identifying the gaol entrance. These include a large freestanding entry sign with mannequin and heritage styled lantern at Macquarie Street, small post-mounted signs in the Macquarie Street traffic island and in the Eddie Meek Place garden bed alignment, and a moveable sandwich board sign outside the entry gates. A timber signage board is located above the ODG entry doors. Painted ODG site signage is also located on the rear of the Female Division exercise yard which is visible from the grounds of the courthouse fronting Brisbane Street.

Commemorative Signs & Plaques

Brass plaques commemorating the opening of the ODG museum, the commemoration of the opening ceremony and a 1987 heritage award are fixed directly to the decorative stonework at the entry gates. The cell converted to a passageway in the Male Division contains a further six commemorative boards and acrylic-covered texts applied directly to the walls which list members of the ODG restoration committee and commemorate a range of other ODG events.

Building, Wayfinding & Facilities Signage

Building, wayfinding & facilities signage includes replica NSW Prisons signs at the entry doors and within the Western Gatehouse, engraved and/or hand painted timber signage boards predominantly glued or screwed directly to the doors, walls, posts and fences of the gatehouse rooms, cells, exercise yards and toilets. While some of these signs are based upon hand painted signs used at ODG during its final stages of operation, they are generally too large, crudely executed and penetrate original stonework and brickwork leaving irreversible damage.

Interpretive Signage

Interpretive signage comprises an assortment of suspended, wall-mounted and free-standing signage types dotted throughout the site that label and interpret the various buildings, spaces and fixtures, provide a general history of ODG's operations, evolution and the broader NSW prison system, explore the stories of selected ODG inmates, and grapple with related themes. All in all the interpretive signage elements are inconsistent in style, clutter and impair the site's appearance, and unnecessarily penetrate heritage fabric. The Kitchen contains a recently installed series of freestanding panels with interactive signage flaps that allow visitors guess what type of crimes previous inmates committed based on their physical appearance.

Soundscapes, Multimedia & Animatronics

A number of costumed animatronic prisoner mannequins with accompanying audio narratives, complemented with additional static prisoner mannequins, were installed in the cells of the male and female divisions, wood cutters yard and at the Macquarie Street entry sign during the 1990s. While helping to 'populate' the ODG these now have a dated appearance and are prone to malfunction and breakdown.

The accompanying infrared-activated audio narratives of condemned prisoner Thomas Moore, the prisoner in the dark cell and the woodcutters are lively and informative but long-winded and extremely loud. The general audio narrative activated in the Male Division corridor is also too loud for the confined space and clashes with the other audio narratives in the Male Division when multiple visitors traverse the cellblock. A much quieter soundscape recalling a prisoner scratching around for a lost button in the north west dark cell is more successful than the audio narratives and is acoustically confined to the dark cell.

The former female exercise yard has been converted into a small theatre where the Executioner's Spectravision audio-visual presentation is screened.



Sample Existing ODG Signage
 1 Site signage at Macquarie Street
 2 Signage boards and plaques at Western Gatehouse entrance
 3 Interpretive panels and signage inside Western Gatehouse
 4 Typical freestanding signage element
 5 Timber signage board applied to original fabric inside Male Division cells
 6 Suspended interpretive signage elements in Male Division cells
 7 Post-1974 commemorative signage and boards
 8 Interactive signage stands in the Kitchen
 9 Typical signage panel fixed to original fabric on exterior of Male Division cells



Sample Existing ODG Displays
 1 Showcased archaeology relics in Male Division cells
 2-3 Animatronic mannequins in Male and Female Divisions.
 4 Warders lodge room display in Eastern Gatehouse
 5 Woodcutters animatronic mannequins/soundscape in southern yard
 6 Executioner's Spectravision AV presentation in theatre
 7 Infirmary interpretive bed display
 8 Showcased relics from Hangman's kit in Male Division cells

This well scripted c5-minute narrative presentation combines 'peppers ghost' projection with original objects and props to explore the story of the NSW hangman, Robert Howard, his role in executions at Dubbo Gaol and, in particular, the botched hanging of Thomas Moore in 1897 which caused his decapitation. This presentation is informative, interesting and effective, but is technologically dated and requires that incoming visitors wait for some minutes to re-activate the presentation.

Object Displays

Original objects including the significant hangman's kit, ODG padlocks and building fixtures, punishment devices and restraints, warders uniforms and equipment are displayed with labels in a variety of showcases within the Male Division cells and corridor, Eastern Gatehouse and Theatre. None of these areas are continuously monitored or climate controlled which makes them vulnerable to both potential theft and deterioration through fluctuating environmental conditions. The Male Division is especially prone to damp and moisture and is not considered appropriate for long term display of significant artefacts made of organic materials such as wood, paper, fabric and leather.

Object displays within the male and female cells, Eastern Gatehouse, Exercise Yards and Infirmary consist of a range of prop furniture, furnishings and costumed mannequins that form dressed sets representing how the various areas were utilised during the active gaol period. In most instances the props and sets are secured with metal grille doors. The Infirmary display is more sophisticated than the other dressed sets. It comprises a simple assemblage of furnishings and made-up hospital beds, the sheets of which are printed with a photograph and short text detailing stories of past prisoners who were treated in the ODG Infirmary. This is the only current exhibition that is recommended for retention in the longer term.

2.4 Site Constraints & Opportunities

Principal ODG site constraints include the poor visibility of ODG from Macquarie Street and the difficulty in providing visitor ticketing, merchandising and orientation within the existing configuration and confined rooms of the Western Gatehouse.

In the immediate future, ODG ticketing, merchandising, orientation and visitor flow can be greatly improved by interlinking the two small rooms of the Western Gatehouse and rationalising the interior fitout of these spaces as detailed in section 3.6 and the concept design drawings.

Another notable constraint throughout the ODG site is the general lack of space within cellblocks and building spaces to accommodate large visitor groups, display and store object collections, and store goods and equipment.

In this respect there is an opportunity to adapt and upgrade the Theatre area as a dedicated climate controlled exhibition gallery for display of significant original objects within the largest enclosed space on site. Goods and equipment could be housed in new storage rooms constructed in available areas immediately outside the ODG boundary walls, whilst object collections not on display could potentially be stored off site in a suitable artefact storage facility such as the Western Plains Cultural Centre. Rationalising and relocating object displays and general storage in this way will enable additional rooms to be opened to the public which will in turn will improve visitor flow.



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ODG Site Constraints & Opportunities

- 1 ODG entrance from Macquarie Street with NPWS offices at right
- 2 Looking west from Western Gatehouse along Eddie Meek Place
- 3 Visitor reception and souvenir displays
- 4 Western Gatehouse covered walkway showing doors to staff office and visitor reception
- 5 Area outside western boundary wall for potential storage room
- 6 Doorway to ODG staff office
- 7 Area outside northern boundary wall for potential shipping container storage



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3 INTERPRETATION STRATEGY

3.1 Principles & Objectives

The interpretation and infrastructure proposals detailed herein address essential site presentation and infrastructure works that can be implemented in the short term, and recommends on a range of integrated major and minor site works that may be implemented over the medium to long term if and when sufficient funding is made available. Specific principles and objectives of the Concept Design Plan are summarised as follows.

Significance of Form & Fabric

The proposed design and presentation approach aims to preserve and interpret ODG's working prison arrangement and spaces, and reinforce the significance of heritage fabric such as walls, pavements, standing structures, archaeological deposits and relics. All structures of ODG 1871-1966 should be considered significant and are to be retained and interpreted. The gaol grounds, buildings and structures are to be presented as the primary artefact of the ODG museum.

Access & Visitor Flow

Proposed infrastructure and interpretive works in the Gatehouse entrance and throughout the site are designed to streamline ticketing operations and visitor flow through the reception/orientation area, and enable multiple visitor pathways across the site.

Robust Interpretive Works

The primary interpretive works comprise a range of robust static signage elements, landscape works, sculptural installations and object displays that are constructed of durable materials for long term installation that require little maintenance. The primary interpretive works are proposed as independent elements that are not reliant upon associated multimedia installations.

Multimedia Interpretation

Secondary interpretive works include a selection of ambient soundscape and multimedia presentations that provide a sensory layer of interpretation not possible through other means, as well as enabling access to the site's considerable archive collection. It is proposed that multimedia presentations can be installed as independent elements that complement the primary static interpretive works.

Audience

The ODG interpretive works seek to engage and communicate with a broad audience of differing ages, interests, nationalities and educational levels. As such, evocative media such as interpretive artworks and installations, landscaping, multimedia and graphics are employed alongside interpretive texts. The ultimate aim is to convey the essence of the site's original structural extent and configuration, its function, conditions, events, staff, inmates and their experiences, without relying solely on written narratives.

Maintenance

Proposed interpretive works, displays and treatments will be designed for long term durability, easy maintenance and cleaning. Graphic panels on signage and displays will be readily removable for repair and replacement. All site works will be reversible elements that are demountable should replacement or removal be required.

3.2 Site Works & Presentation

Demolition, Relocation & Disposal

It is proposed that the existing reception area and staff office fitout, commemorative plaques, directional and interpretive signage, furniture and props, animatronics, soundscapes and AV presentations, exhibitions and object collections (including portable cell), goods and equipment are removed from the site pending use in future exhibitions, storage or disposal. The exception being the Infirmary bed display which is recommended for retention.

Structures and fixtures introduced after 1966, other than reconstructed Watchtower catwalk and reconstructed Infirmary and Male Division verandas, to be removed including flagpole, lighting fixtures, steel grilles to cell/gatehouse doors, steel bars outside Western Gatehouse, stair to Watchtower, concrete slabs, edging and fencing surrounding the well, Debtors and Exercise Yards, Gallows and wood cutters shelter, concrete paths in Female Division yard. Brickwork infill abutting Western Gatehouse and boundary walls to be removed, and theatre roof and fitout in Female Exercise Yard to be demolished.

Repair & Reconstruction

Penetrations and damage to original building fabric to be repaired where required, with authentic reconstruction of timber fencing around Debtors Yard and Exercise Yards based on original details. Buildings to be repainted based on designs and colours determined by paint scape evidence. Principal structures for repainting include Male Division, the Eastern and Western Gatehouse, Exercise Yard/Debtors Yard fencing and shade structure timberwork.

Landscaping

Within the ODG grounds it is recommended that lawns are retained in the western and southern regions to facilitate ongoing special events and programs. Turf to be removed and contrasting gravel paving such as fine crushed granite to be installed in the north and northeastern yards, Debtors Yard and Exercise Yards.

3.3 Thematic Framework

The following seven general themes have been identified that embody the principal ideas, stories and issues to be communicated at ODG through a variety of object-based exhibitions, interpretive site works, signage and multimedia installations. It is noted that the proposed interpretive works often overlap several of the identified themes. This is inevitable because the complex history of NSW penology and practice, and the diverse experiences and stories of past ODG prisoners and personnel cannot be neatly classified under any one particular theme. Nor should they.

While the proposed interpretive works are intended to provide an overall framework in which visitors can understand and enjoy the ODG without overburdening the site and the visitor with overly detailed information, there are of course other relevant themes, stories and issues that could be explored at ODG through various media. To this end, it is intended that additional interpretive works can be incorporated into the thematic and design framework in future stages, whilst the proposed Temporary Exhibitions Gallery allows for exploration of alternative themes and subjects related to the site.

1 ODG Site Evolution & Arrangement

Explores and interprets the location and form of previous site structures, the evolving arrangement and utilisation of buildings and grounds.

- Wall Footprint 1877
- Wall Footprint 1928
- Woodblocks
- Ghost Door
- Orientation
- Openings
- Well
- Graves
- Digital Archive
- Memorial
- Escape

2 Penology & Prisoner Classification

Examines the evolving philosophies on NSW penology and prisoner classification, and how the site and buildings were modified to conform to prevailing doctrines.

- Remand
- Cells
- Classification
- Cell Reconstruction - Night
- Cell Reconstruction - Work
- Cell Reconstruction - Lunacy
- Dark Cells - Access
- Dark Cells - Ghost
- Female Division

3 Prison Labour, Exercise & Routine

Explores prison daily routine, work tasks undertaken by ODG prisoners, the type and purpose of physical exercise and drill.

- Exercise
- Clothes Line
- Garden
- Characters
- Rules & Routine
- Cell Reconstruction - Work
- Cell Reconstruction - Night
- Tasks

4 Crimes, Sentencing & Punishment

Investigates the range of crimes committed in the region, and sentences and punishments carried out at ODG, and examines the use of devices for capital/corporal punishment and prisoner control at ODG.

- Gallows
- Gallows Gallery
- Punishment Showcase
- Gallows Multimedia
- Gallows Display
- Clothes Line
- Remand

- Digital Archive
- Dark Cells - Access
- Dark Cells - Ghost
- Condemned
- Stories

5 Prison Population

Explores the gender, ethnicity and age of the ODG prison population, their backgrounds and the circumstances surrounding their convictions and sentencing.

- Names
- Characters
- Digital Archive
- Stories
- Portraits

6 Diet & Health

Examines prisoner diet, health care and prevalent diseases at ODG, and the introduction of on-site vegetable gardens to improve health and wellbeing.

- Infirmary
- Rations
- Garden

7 Staffing & Control

Explores the hierarchy, backgrounds, living and working conditions of the various prison staff, their roles in processing, managing, punishing and controlling inmates.

- Characters
- Control
- Surveillance
- Escape
- Digital Archive

3.4 Design Rationale & Materials

New Infrastructure

New ODG infrastructure includes visitor reception fitout and orientation showcase, timber deck, suspended steel walkways and stair in the Female Division, timber seating benches, and Gallows Gallery roof structure and fitout. It is important that these elements are designed in a conspicuously contemporary and functional style so they are clearly legible as introduced modern insertions as opposed to original ODG structures or historic reconstructions. The proposed materials palette for ODG infrastructure includes birch plywood/hardwood for joinery and furniture, zinc galvanised, micaceous oxide paint or oxidised finish to steel structures and cladding.

Signage

The proposed signage for site identification, interpretation and wayfinding comprises a consistent suite of robust folded oxidised steel forms that support and cradle the associated texts and graphic panels. They include a single linear ODG Site Signage beam along the garden wall at Eddie Meek Place, and three different free-standing wayfinding and interpretive signage types located throughout the ODG buildings and grounds that minimise visitor obstruction and damage to heritage fabric.

Type 1 signs are intended for general wayfinding and yard/building interpretation. They comprise 600mm H oxidised steel boxes with folded metal signage plates attached to the top and front faces which display short interpretive texts and wayfinding pictograms. These signs are designed to be readily moveable should their temporary relocation be necessary.

Type 2 signs are intended for more detailed interpretation of ODG themes, stories and issues. They comprise 1150mm H oxidised C-section steel base frames bolt-fixed to footings or existing concrete slabs with replaceable glass or plywood graphic panels fitted within the frames.

Type 3 signs carry life-sized prison Characters images and consist of 1850mm H oxidised steel frames bolt-fixed to footings or existing concrete slabs with replaceable glass graphic panels fitted within the frames. Optional LED lighting can be installed behind the glass panels for dramatic night illumination.

Interpretive Installations & Landscaping

The interpretive installations and landscaping works include a variety of traditional and contemporary materials - steel, hardwood and plywood, brick, stone and gravel, native plantings and synthetic fabrics. These works are not full and literal reconstructions, but evocative installations that suggest and interpret the location, materials, form and function of former site elements whilst allowing visitors room to use their imagination to fill in the details.

3.5 Visitor Circulation

There is no specific visitor route through ODG. The proposed site works and interpretive installations are intended as a series of independent yet related elements that are non-linear in design and avoid long-winded narrative presentations. This allows visitors to explore and understand the site in any direction of travel without pausing for the commencement of soundscapes and multimedia programs that would otherwise lead to visitor congestion.

The proposal to open up internal doorways to interconnect the two small rooms in the Western Gatehouse will allow visitors to pass logically from reception/ticketing desk to the orientation display, then outside to the ODG yards without obstructing the flow of visitors arriving at reception.

3.6 Interpretation & Infrastructure Proposals

1 ODG Site Signage

- Removal of existing ODG signage elements.
- Raise height of existing brick garden bed retaining walls and mortar-bagged coating to all surfaces.
- Oxidised C-section steel beam bolt-fixed to top of existing brick garden bed retaining walls. 'Old Dubbo Gaol 1847-1966' applied to face of steel beam using bullet hole lettering. LED lighting to rear of steel beam for night illumination.
- Replant garden bed with drought-resistant native grasses (lomandra or similar) amongst stone rubble.



Sample ODG Site Signage element

2 Woodblocks

- Insert scattered arrangement of hardwood blocks flush into surface of existing brick-paved laneway at Eddie Meek Place interpreting former timber paving treatment.
- Woodblocks to be routed with single characters to create interpretive text 'WOOD BLOCK PAVEMENT 1889' running the length of the laneway.

3 Gatehouse

The Western Gatehouse to accommodate upgraded ticketing, merchandising and visitor orientation in the next stage of works. Due to the restricted spaces within the Gatehouse areas for visitor circulation, ticketing and staffing, it is proposed that the two enclosed rooms are interconnected with internal openings on both sides of the chimney breast that will allow visitors to move from the ticketing/merchandising desk to the orientation display, then out into the ODG yard in a more efficient continuous flow. During periods of high visitation a moveable reception desk, register and Eftpos can be activated in the Gatehouse walkway to complement ticketing in the adjacent reception room.

3.1 Reception

- Replace existing timber door with self-closing glass door.
- Cut openings in each side of chimney breast to allow inter connectivity with orientation display.
- Introduce mechanical ventilation.
- Install reception desk across western portion of room suitable for 2 staff members.
- Reception desk to accommodate ticketing, merchandising sales, staff workstations and souvenir display within showcase window.

3.2 Orientation

- Replace existing timber door with self-closing glass door.
- Cut openings in each side of chimney breast to allow inter connectivity with reception.
- Introduce mechanical ventilation.
- 3m high display wall spanning width of eastern wall containing small selection of poignant ODG artefacts.
- Printed historic images and dates on display wall show evolution of ODG buildings.
- 32" LCD screen within display wall shows approx 3 minute sequence of contemporary imagery depicting ODG site, building details and exhibitions with interpretive texts to encourage exploration.

- The video sequences will need to be shot on site at the end of the exhibition installation phase as they are to intended to provide a taste of the visitor experience.

3.3 Doorway

- Form of bricked up doorway to former Governor's Residence painted grey.

3.4 Openings

- Demolish 1970s brick walls and concrete slabs, relocate original ODG cell gates to collection storage, gravel pave to allow visitor access and views of Gatehouse Window.
- Install oxidised steel barrier aligned with south wall of Gatehouse.
- Install oxidised steel gates outside northern wall of Gatehouse to facilitate site security and staff access to storage room.

3.5 Mobile Counter

- New plywood mobile counter on casters with lockable cash drawer and Wi-Fi eftpos machine to process visitor ticketing during peak periods.
- Mobile counter to be stored in adjacent storage room when not in use.

3.6 Wall Footprint 1928

- Footprint of 1928 boundary wall alignment comprising English Bonded brickwork flush to concrete paving.

4 Wayfinding & Interpretation

- Moveable free-standing signage 'boxes' approx 600mm high.
- Metal graphics plates with vitreous enamel print (or similar) on oxidised steel signage boxes with adjustable feet.
- Provide general wayfinding information and precinct/building interpretation.

5 Storage

It is proposed that the bulk of existing artefact collections, goods and equipment are removed from ODG cells and buildings and relocated to dedicated storage structures and facilities both on site and off site in order to open these areas for public access and exhibition.

- Artefact collections not required for display to be relocated off site to climate controlled storage facility at Western Plains Cultural Centre.
- General ODG goods and equipment to be housed in secure storage room constructed between the western boundary wall and adjacent building with direct access into the ODG yard and Macquarie Street. Shipping container(s) positioned outside the northern boundary wall can be utilised for goods and equipment storage as a short term or long term solution.
- Tool and equipment storage rooms in Female Division and staff wing to be retained.

6 Wall Footprint 1877

- L-shaped footprint of 1877 boundary wall alignment comprising English Bonded brickwork flush to lawn surface.
- Will be easy to maintain edging of surrounding lawn and will continue to afford unobstructed pedestrian and vehicular access for special events.



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Sample Infrastructure & Interpretive Works

- 1 Glass doors to ODG reception and orientation display
- 2-4 Orientation object showcase with multimedia
- 5 Doorway outline painted on wall of Western Gatehouse
- 6 Oxidised steel gates and barriers proposed at Western Gatehouse Openings
- 7-8 Brick, stone and gravel Wall Footprint treatments in western yard area

7 Well

- Remove non-original fencing and bucket winder, concrete slab and hand pump.
- Securely fasten original octagonal capping stone to well opening.
- Circular gravel bed around well flush to lawn surface with steel edging defines form and extent of underground water tank.

8 Deck

- Install suspended hardwood seating deck on existing concrete path and proposed garden area with suitable tree species penetrating centre of deck to provide visitor shade.
- Names of vegetable/ornamental species known to have been cultivated at ODG routed into decking boards.

9 Garden

- Gravel-paved northern yard with densely planted rows of drought-resistant native grasses (lomandra or similar) recalling vegetable/ornamental gardens planted during operational gaol period.
- Free-standing wayfinding/interpretation signage box provides overview of vegetable/ornamental gardening at ODG and prisoner burials thought to be in the northern yard.

10 Graves

- Coffin-shaped hardwood slabs laid into gravel surface routed with the names/dates of death of prisoners confirmed as ODG burials, with uncertified ODG burials to be represented by blank grave markers.
- Thomas Newman 1877 (confirmed ODG burial)
- Albert 1880 (possible ODG burial)
- Mary Ann Wilson 1885 (confirmed ODG burial)
- Lars Peter Hansen 1891 (confirmed ODG burial)

11 Cells

11.1 Dark Cell - Access

- Provide visitor access to dark cell with low-level illumination for orientation.

11.2 Classification

- Free-standing interpretation panel(s) exploring evolving prisoner classification and gaol organisation under the Separate Treatment System 1867-95 and Restricted Association System 1895-1914.
- Separate Treatment System 1867-95 - A Class (3 year + sentences): 23 hours solitary confinement/work in cells and 1 hour silent exercise daily for first 9 months, B Class: solitary confinement on weekends and holidays 23 hours a day until half the sentence served (mixes with other inmates week days), C Class: prisoners share cells and mix together. Separate Treatment System included use of Dark Cells/Gags.
- Restricted Association System 1895-1914 - 1st Class: penal servitude with hard labour for 2 years and upwards, 2nd Class: penal servitude with hard labour for less than 2 years, 3rd Class: indeterminate penal servitude, 4th Class: remanded in custody, 5th Class: lunatics, 6th Class: debtors, 7th Class: juvenile prisoners (under 25 years old), 8th Class: appellants, 9th Class: maintenance confinees, 10th Class: condemned prisoners.



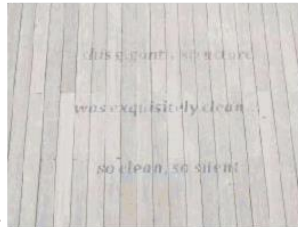
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Sample Infrastructure & Interpretive Works
 1 Freestanding Wayfinding & Interpretive Signage Type 1
 2-3 Oxidised steel and gravel-paved treatments for Wall Footprints
 4 Text-routed into hardwood decking
 5-6 Garden plantings and gravel-paving treatments
 7-8 Timber coffin treatments for Graves installation



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11.3 Cell Reconstruction - Night

- Reconstructed separate cell with bedding, cell furniture, prisoner possessions and low level illumination to indicate cell occupation at night.
- Cell door to be locked with inspection window open for visitor viewing and audibility of soundscape. A step may be required beneath the inspection window to enable viewing by small children.
- Projection in pool of light in cell corner of prisoner's hand drawing graffiti on the wall marking the days (and nights) of incarceration.
- Soundscape conveying subtle sounds of a prisoner at rest in separate cell at night - reading, breathing, praying, coughing, muttering to himself, etc.

11.4 Rules & Routine

- Free-standing interpretation panel(s) exploring the rules for conduct of prisoners and the monotonous daily routine of inspection, labour, exercise, cleaning, meals, religious instruction and confinement in cells throughout the ODG's Minor Gaol period 1887-1914.

11.5 Cell Reconstruction - Work

- Reconstructed cell with cell furniture, tools and materials to indicate typical cell labouring activities such as shoe making, brush making, hat making, etc, under the separate treatment.
- Projection in pool of light in cell corner of prisoner's hands making shoes, hats, etc.
- Soundscape conveying subtle sounds of a prisoner at work - tapping of hammers, operating, gathering/cutting brush, shears, breathing, coughing, muttering to himself, etc.
- Cell door to be locked with inspection window open for visitor viewing and audibility of soundscape. A step may be required beneath the inspection window to enable viewing by small children.

11.6 Tasks

- Free-standing interpretation panel(s) exploring the range, and evolving types and purpose of work performed by male and female prisoners throughout the ODG's Minor Gaol period 1887-1914: gaol and building maintenance, labouring, gardening, product manufacturing in cells and workshops, lunatic keepers, trackers, barbers, cooks, infirmary and clerical assistants.

11.7 Cell Reconstruction - Lunacy

- Partially reconstructed padded cell with low-level illumination to indicate cell occupation at night.
- Soundscape conveying sounds of male/female 'lunatics' confined in padded cell - crying, counting, grunting, babbling, yelling, hitting/scratching padding, etc.
- Cell door to be locked with inspection window open for visitor viewing and audibility of soundscape. A step may be required beneath the inspection window to enable viewing by small children.

11.8 Dark Cell - Ghost

- Digital projection and soundscape of male prisoner character filmed scrambling for lost button, talking to himself and slowly descending into madness within darkened cell.
- Cell door to be locked with inspection window open for visitor viewing and audibility of soundscape. A step may be required beneath the inspection window to enable viewing by small children.

11.9 Condemned

- 8 x glass panels with life-size photographic portraits of the prisoners executed at ODG suspended on freestanding steel frame(s).
- Glass portraits to be backlit within darkened cell.
- Free-standing interpretation panel in prisoner observation area explains usage of condemned cell, lists the names of condemned men and dates of execution.
- Thomas Newman 1877
- Albert 1880
- Harold Dutton Mallallieu 1891
- Lars Peter Hansen 1891
- Thomas Moore 1897
- Wong Ming 1898
- Jacky Underwood 1901
- Ah Check 1904

11.10 Memorial

- Existing memorial boards, metal frames and covers to be removed.
- Handwritten names on the wall surface to be retained in situ with surrounding walls painted out in a darker colour leaving a horizontal band of earlier beige paintwork exhibiting names of officials attending ODG special events.

11.11 Multimedia Room

- Existing animatronics compressor room to be repaired and repainted as required.
- Fitout with free-standing metal units for multimedia equipment, lighting transformers, power supply and cabling servicing cell block.

11.12 Stories

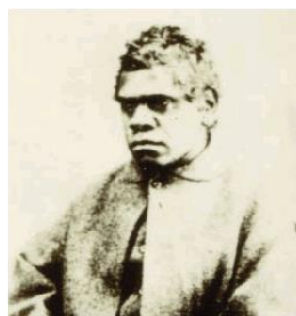
- 4 x single interpretive panels (1 per cell) on free-standing steel bases comprising photographic portraits of male prisoners and short interpretive texts printed to plywood (or similar) explaining their particular circumstances, crimes and prison histories based on Dubbo Gaol charge sheets and other documents.
- Stories panels can be easily and inexpensively replaced to enable periodic updates.

11.13 Escape

- Cell to be emptied of all props, presented with low-level illumination and damage to ceiling boards to be emphasised with spotlighting.
- Printed plywood interpretation panel (or similar) fixed to free-standing steel base explores the Geyer brothers 1958 escape attempt and the subsequent metal linings applied to cell ceilings to prevent future escapes.



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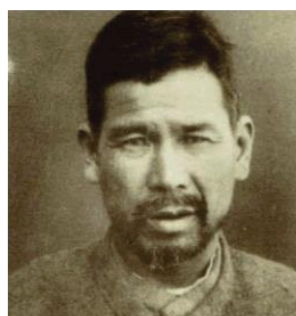
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Prisoners Executed on Gallows at ODG
1 Thomas Newman 1877
2 Albert 1880
3 Harold Dutton Mallallieu 1891
4 Lars Peter Hansen 1891
5 Thomas Moore 1897
6 Wong Ming 1898
7 Jacky Underwood 1901
8 Ah Check 1904



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Sample Infrastructure & Interpretive Works

- 1 Freestanding Interpretive Signage Type 2 with graphic glass panel
- 2 Cell reconstruction - Night
- 3-5 Cell Reconstructions - Work showing implements for brush making, shoemaking and tailoring
- 6 Suspended galvanised steel mesh walkway for Female Division yard
- 7 Galvanised steel checker plate stair

12 Female Division

12.1 Walkway

- Remove non-original concrete paths in Female Division yard and north-east corner of Male Division cell block.
- Install suspended galvanised steel walkway (or similar material) over gravel-paved surface to provide level access linking male and female divisions, and watchtower stair.

12.2 Stair

The existing stair to the watchtower was introduced in the post-prison phase to enable visitor access to the tower and catwalk. However, as its materials and detailing mimic that of the original catwalk balustrade the stair is easily misinterpreted as an original and somewhat confusing fixture.

- Replace stair and stair balustrade with solid folded checker plate steel stair and alternative contemporary balustrade detail to clearly differentiate the introduced stair from the original catwalk detail.

12.3 Surveillance

- Interpretive text panel supported on free-standing steel base exploring the monotonous surveillance role of armed prison guards and examines some of the attempted and successful escapes over ODG's prison walls.

12.4 Cell Reconstruction - Work

- Reconstructed cell with cell furniture, tools and materials to indicate typical cell labouring activities carried out by females such as tailoring, hat making, oakum picking, etc, under the separate treatment.
- Projection in pool of light in cell corner of prisoner's hands doing needlework and tailoring.
- Soundscape conveying subtle sounds of a prisoner at work - operating shears/scissors, breathing, coughing, muttering to herself, etc.
- Cell door to be locked with inspection window open for visitor viewing and audibility of soundscape. A step may be required beneath the inspection window to enable viewing by small children.

12.5 Stories

- 2 x single interpretive panels (2 per cell) on free-standing steel bases comprising photographic portraits of female prisoners and short interpretive texts printed to plywood (or similar) explaining their particular circumstances, crimes and prison histories based on Dubbo Gaol charge sheets and other documents.
- Stories panels can be easily and inexpensively replaced to enable periodic updates.

13 Gallows Gallery

It is proposed that the existing theatrette structures, flooring and roofing are demolished and a new climate controlled exhibition gallery is installed for display, interpretation and conservation of significant original objects and multimedia presentations.

The proposed Gallows Gallery comprises a free-standing internal steel frame supported on concrete footings that carries a contemporary roof extending beyond the top of the original exercise yard walls so as to clearly delineate the roof as an introduced structure whilst providing necessary internal ceiling height. The internal frame also supports a suspended floor and exhibition infrastructure whilst exposing the original wall brickwork within the gallery. Self-closing glass doors to be installed at doorway to female cells and doorways to Eastern Gatehouse.

13.1 Punishment Showcase

- 3m high display case spanning width of northern wall containing a selection of significant original artefacts relating to control and punishment at ODG and NSW prisons including:
 - Hangman's box, ropes, hoods and restraints.
 - NSW prison issue firearms & batons.
 - NSW prison issue handcuffs, leg irons, gags, restraints and straight jacket.
 - Whipping bench.

13.2 Gallows Display

- Gallows to be dismantled, original gallows elements to have paint stripped back to original surfaces and conserved as required.
- Conserved gallows components displayed as a tightly stacked installation on a low broad plinth at the centre of the gallery reminiscent of gallows' historic storage beneath Dubbo Courthouse.

13.3 Gallows Multimedia

- Large format digital projection on floor to ceiling display wall with sound showing hangman's hands testing nooses and restraints, packing the hangman's kit, etc, warden's hands loading/cleaning firearms and handling batons, handcuffs/leg irons, gags and restraints.

13.4 Portraits

- 50-100 life size photographic portraits of former male and female ODG inmates drawn from charge sheets.
- Portraits to be labelled with name, place of birth, punishment and date (but not crime).
- Printed to glass, backlit and suspended on the internal gallery framework along the length of the east and west walls.

14 Control

- Free-standing interpretation panel in eastern gatehouse exploring organisation and hierarchy of ODG prison staff and officials, Gaolers and Matrons appointed 1887-1914, on site accommodation and conditions, roles, powers and responsibilities.

15 Digital Archive

- 2 x contemporary timber benches with angled bench tops reminiscent of clerk's desks installed in each of the eastern gatehouse rooms together with visitor seating.
- 2 x large format interactive touchscreens within each bench displaying ODG digitised archival material via two separate programs.



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Sample Infrastructure & Interpretive Works

- 1-3 Gallows Gallery articulated steel-framed roof treatments within walls of Female Exercise Yard
- 4 Gallows Gallery steel mesh walkway treatment
- 5 Gallows Gallery prisoner portraits
- 6 Punishment relics showcase in Gallows Gallery
- 7 Example of stacked timber treatment for Gallows Display

- Program 1 to be developed from the plans and historic images of the site and looks at the way the ODG was planned, built and altered over its history. Visitors can look at large scale plans and touch point-of-interest nodes which reveal images, text or other media. This program could focus on prison design and how the behaviour of prisoners was controlled through architecture.
- Program 2 focuses on the community of the prison, looks at the prisoners and the work of the guards, officials and gaoler. Visitors will be able to leaf through images of the prisoners and their charge sheets, see highlights of the prison daily occurrence books, gaol rules and regulations and the prison possession register, as well as any other paper-based archival materials that are too sensitive to be exposed to light or to be handled by the public.

16 Remand

- 6 x interpretive panels on free-standing steel bases comprising photographic portraits of selected ODG remand prisoners and short interpretive texts printed to glass (or similar) detailing the prisoner's crime, trial and sentence based on Dubbo Gaol charge sheets, newspaper reports and other documents.
- Remand panels can be easily and inexpensively replaced to enable periodic updates. Sample remand prisoners tried at Dubbo Courthouse and held at ODG include the following:
- Margaret Higgins, infanticide - death sentence, commuted to life with hard labour, 1905.
- Kate Ford, use of illegal instruments (performing abortion occasioning death) - 2 years hard labour, 1936.
- Jeremiah Cannon, rape - death sentence, commuted to 10 years hard labour the first 2 years in irons, 1879.
- Gustavus Davis, attempted murder - death sentence, commuted to life with hard labour the first 3 years in irons, 1888.
- Thommy Dick (native), murder - death sentence, commuted to 5 years hard labour, 1881.
- Robert Gair, arson - death sentence, commuted to 7 years hard labour, 1881.

17 Names

- Remand cell roof aperture to be covered to create low light level.
- Dramatic wall wash lighting to illuminate the numerous names, dates, drawings and markings incised into brickwork by remand prisoners 1928-1966.

18 Clothes Line

- Remove turf and gravel-pave yard 1 surface.
- Install contemporary clothes line comprising stainless steel cable suspended between freestanding steel frames on footings in yard surface with interpretive 'washing' reminiscent of laundry usage of yard during active gaol period.
- Interpretive washing comprises durable translucent synthetic fabric cut to shapes of sheets, towels, prison clothing, etc, with assorted crimes, sentences served at ODG and dates (but not prisoner names) printed to interpretive washing in UV-resistant ink. Sample crimes and sentences include the following:

- Attempted suicide - 3 months, 1890.
- Unsound mind, lunatic - remanded in custody, 1898.
- Common prostitution - 3 months, 1900.
- Stealing cigarettes - 1 months hard labour, 1915.
- Procuring miscarriage - 2 years, 1898.
- Illegally using a horse - 6 months, 1900.
- Grievous bodily harm - 6 months hard labour, 1908.
- Manslaughter - 3 years hard labour, 1891.
- Stabbing - 2 years, 1896.
- Murder - death by hanging, 1904.

19 Exercise

- Remove turf and gravel-pave yard 2 surface.
- Install soundscape conveying sounds of prisoners exercising - prisoner groups marching across gravel yard, doing star jumps, push ups, sit ups, voices of guards commanding drill, etc.
- Audio equipment potentially housed in adjacent yard 2 toilet enclosure or beneath sink in yard 1.

20 Gallows

- Dismantle gallows structure, strip paint and conserve all original components for display in Gallows Gallery as detailed above.
- Remove existing fencing and concrete slab.
- Install interpretive gallows structure comprising oxidised steel (or similar) framework with gravel circle beneath trap door flush to grass level interpreting gallows pit. It is suggested that the gallows structure not entail a full reconstruction, but enough physical detail to represent its original scale, components and operations. It is recommended that only the first 3 of the original 13 stairs are incorporated into the design to deter visitors climbing the structure.

21 ODG Staff

- It is proposed that the former surgery/library room at the south east corner of the hospital/workshops range is fitted out for much needed staff/office use to form a continuous north-south staff wing.
- A general upgrade of staff offices and facilities in this wing is also recommended.

22 Infirmary

- The existing exhibition fitout interpreting the infirmary and prisoner stories should be retained with some minor modifications.
- Potential removal of general props and furniture should be considered.

23 Temporary Exhibitions

- It is proposed that the former ODG store room is converted into a temporary exhibition gallery in which small exhibitions developed in-house can be displayed.
- A flexible picture hanging system, lighting and demountable showcase(s) should be designed for the space based on potential exhibition material and requirements to be determined by ODG staff.



Sample Infrastructure & Interpretive Works

- 1-2 Treatments for Clothes Line interpretive washing installation
- 3-4 'Skeletal' structure examples for Gallows installation
- 5 Rations interpretive table
- 6 Photograph of authentically dressed prisoners and gaol staff for Characters
- Type 3 signage

24 Rations

- Retain existing kitchen facilities concealed behind sliding doors for catering usage.
- Install contemporary interpretive timber bench routed with text detailing the 6 ration categories for male and female prisoners introduced in NSW prisons in 1900 based upon prisoner classification, gender, type of labour and behaviour.
- It is proposed that the rations bench also be utilised as a preparation and service table for catering during ODG events.

25 Characters

Life size full body photographs of people (models) authentically dressed in prison period clothing/uniforms convey a realistic impression of a range of gaol staff, inmates, ages, nationalities and work activities at the active prison.

Characters images comprise colour photographs printed to glass panels fixed in oxidised steel frames with internal lighting which are positioned throughout the ODG yards in key locations where they confront visitors exploring the site. Proposed characters include the following:

- Female warder - Matron
- Male warder
- Male prisoner - gardener
- Male prisoner - wood cutter
- Female prisoner & child

26 Seating

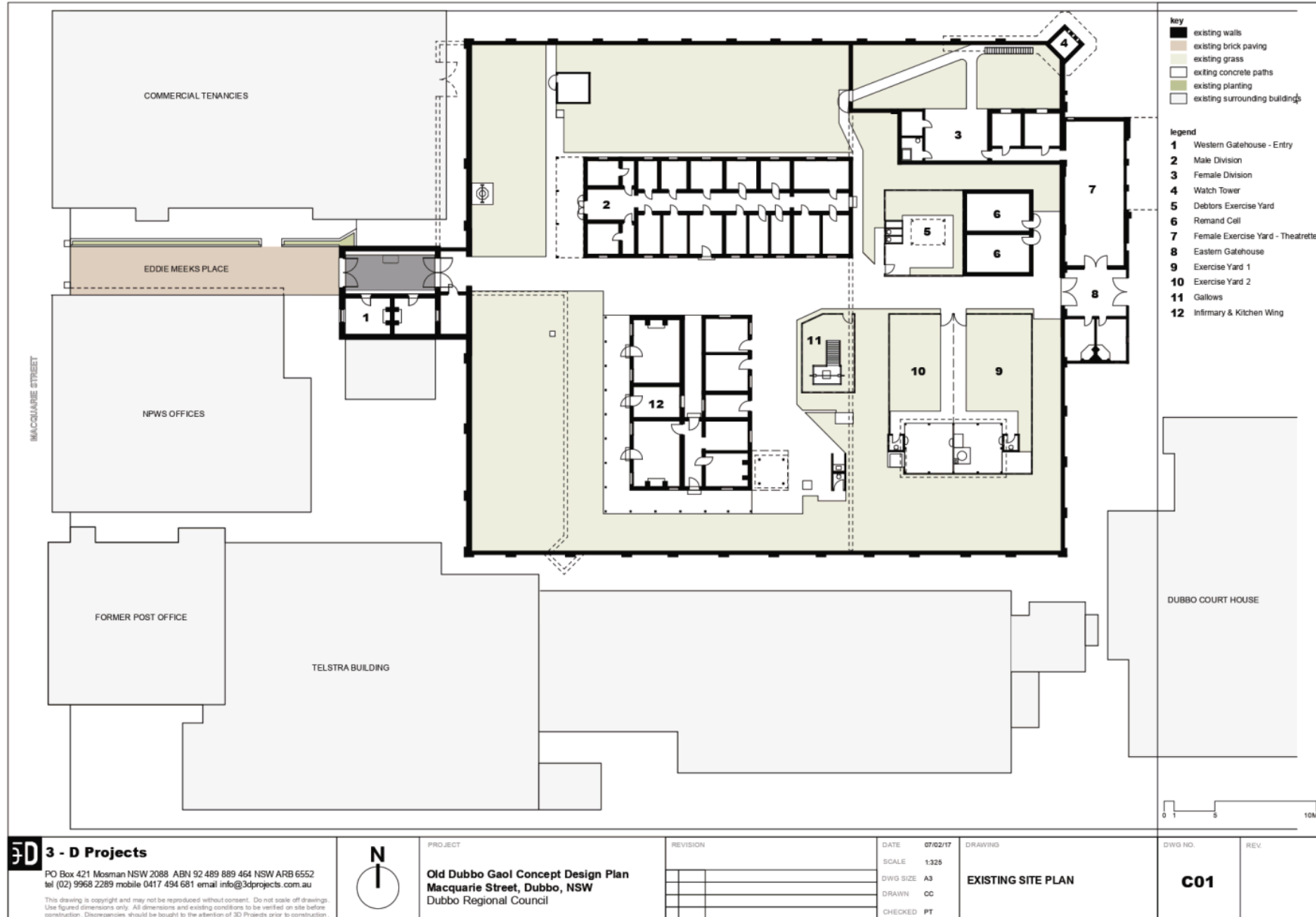
- Consistent suite of timber seating benches located in undercover areas throughout the ODG site for visitor rest.
- Sizes, quantities and locations to be confirmed in consultation with ODG staff.

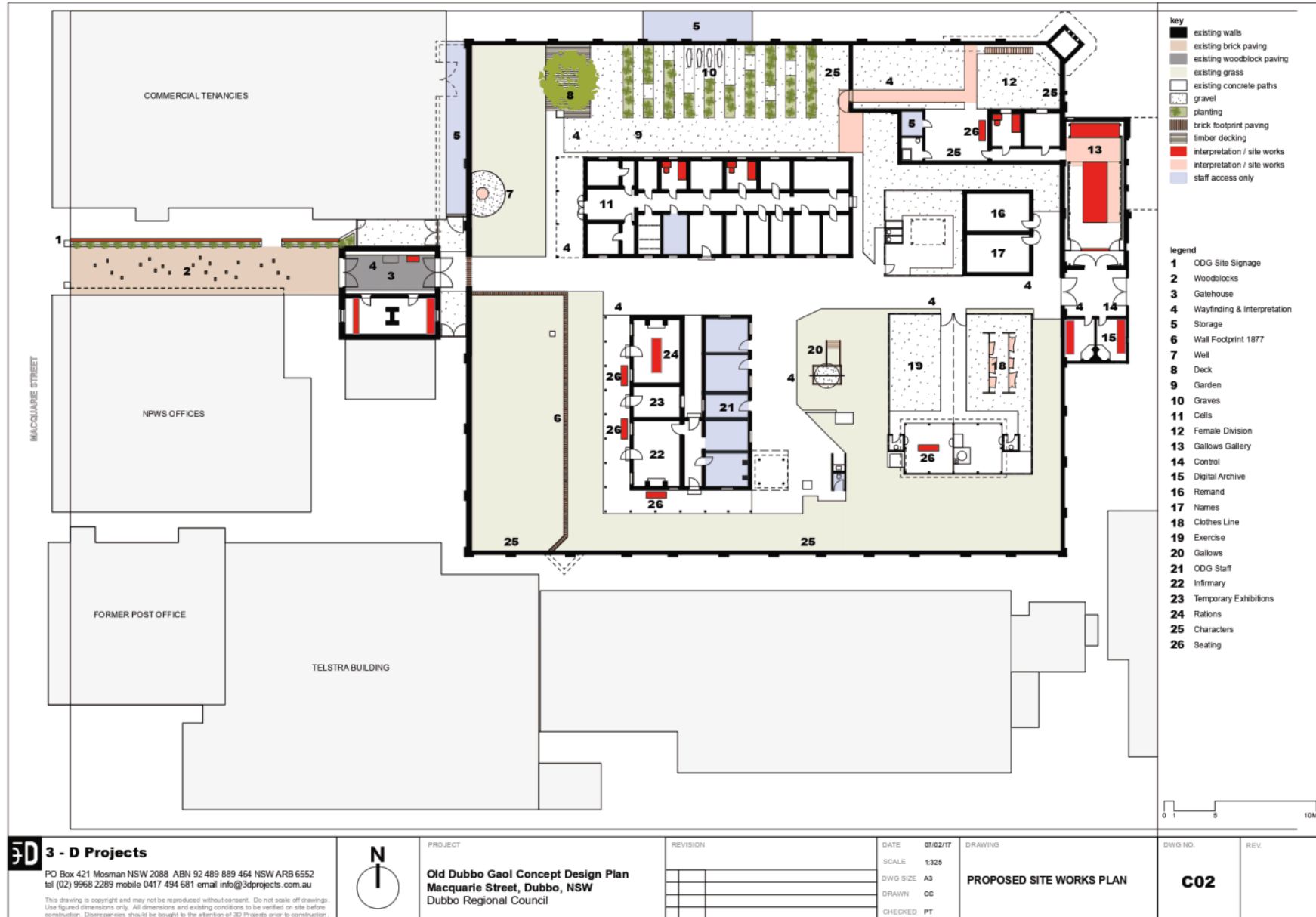


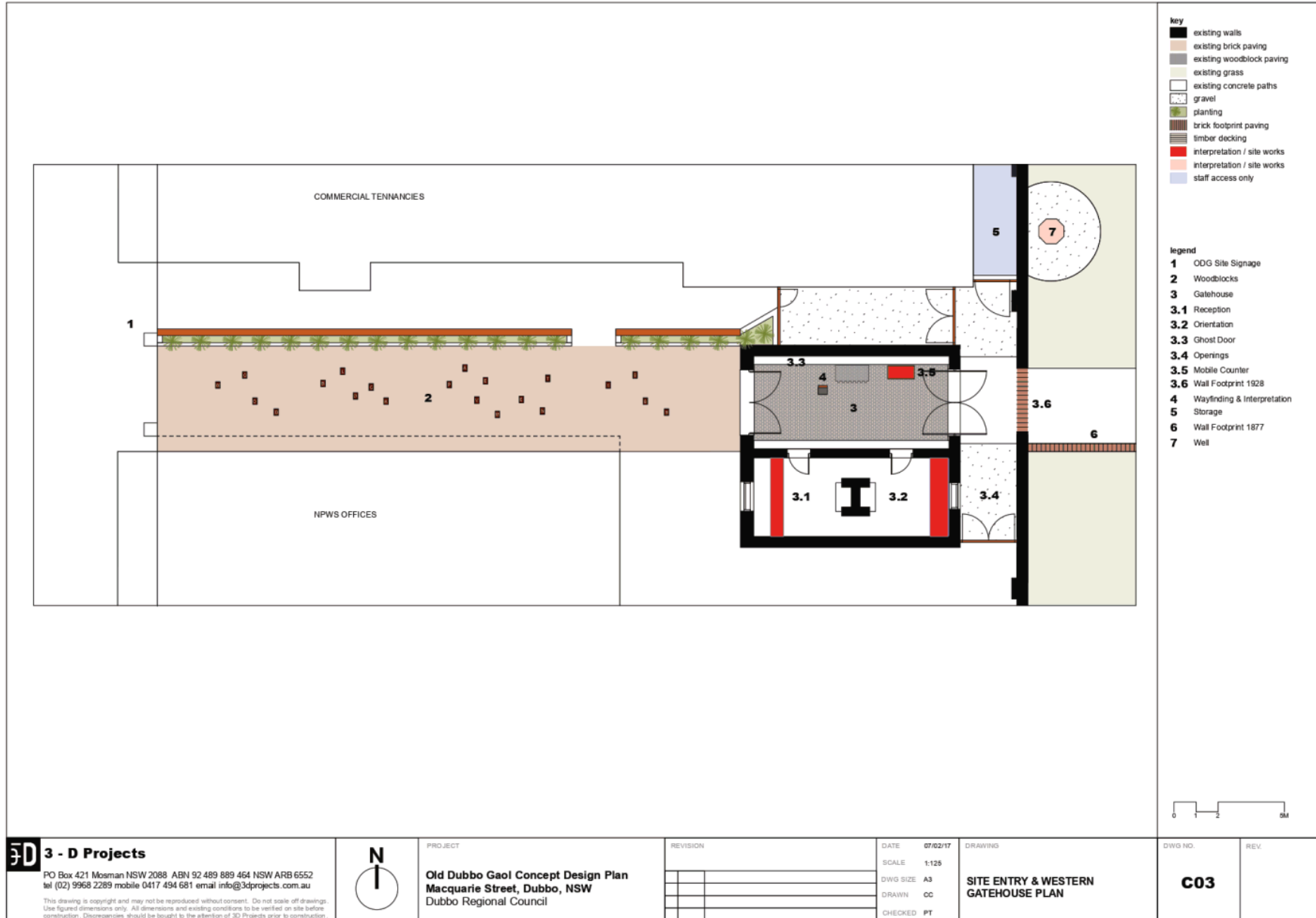
Sample timber seating benches

3.7 Concept Drawings

The following concept drawings show the configuration of the existing ODG site and surrounding buildings, and include plans, elevations and sections detailing the location and arrangement of the proposed site works and interpretive installations.









3D 3 - D Projects
 PO Box 421 Mosman NSW 2088 ABN 92 489 889 464 NSW ARB 6552
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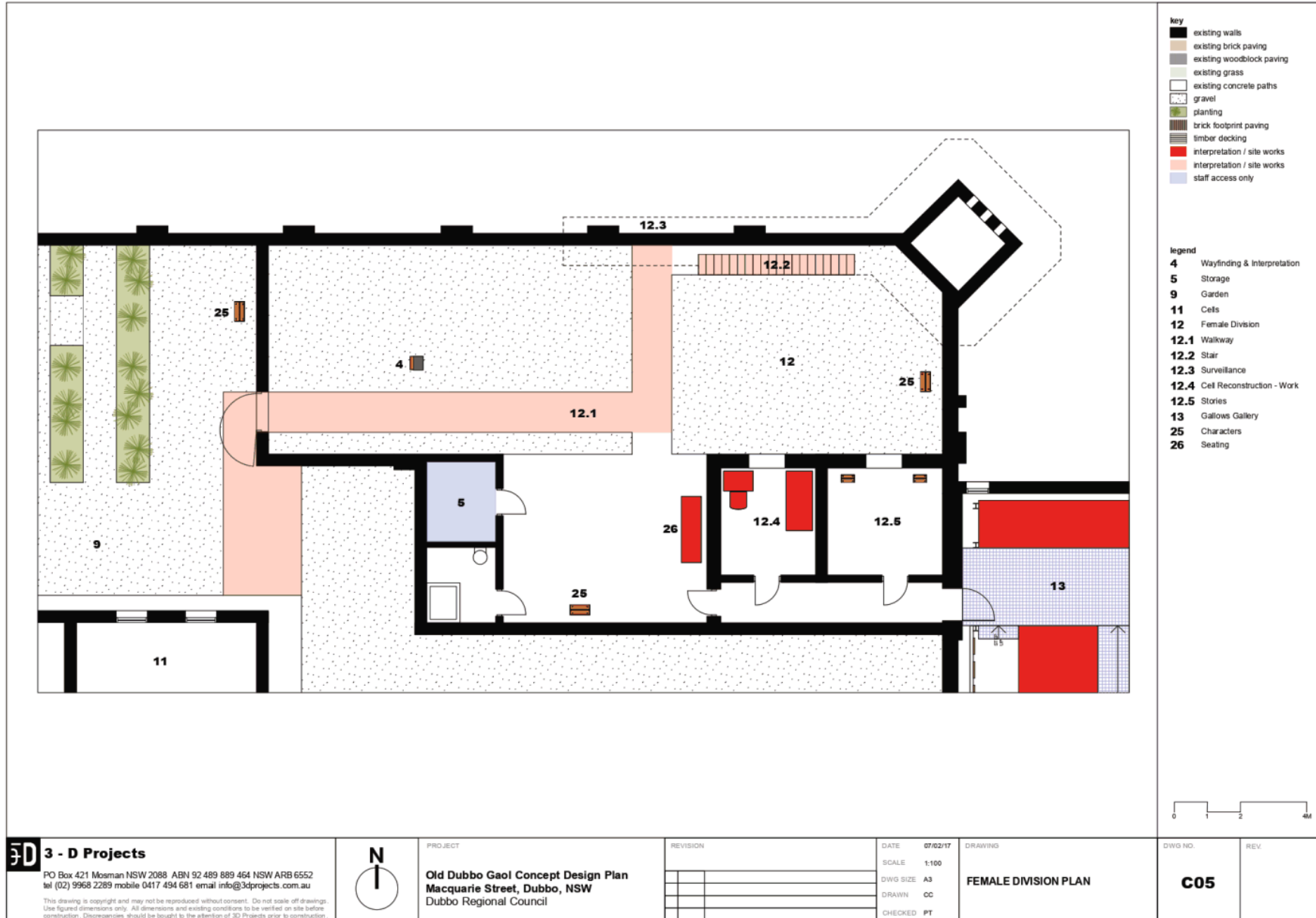


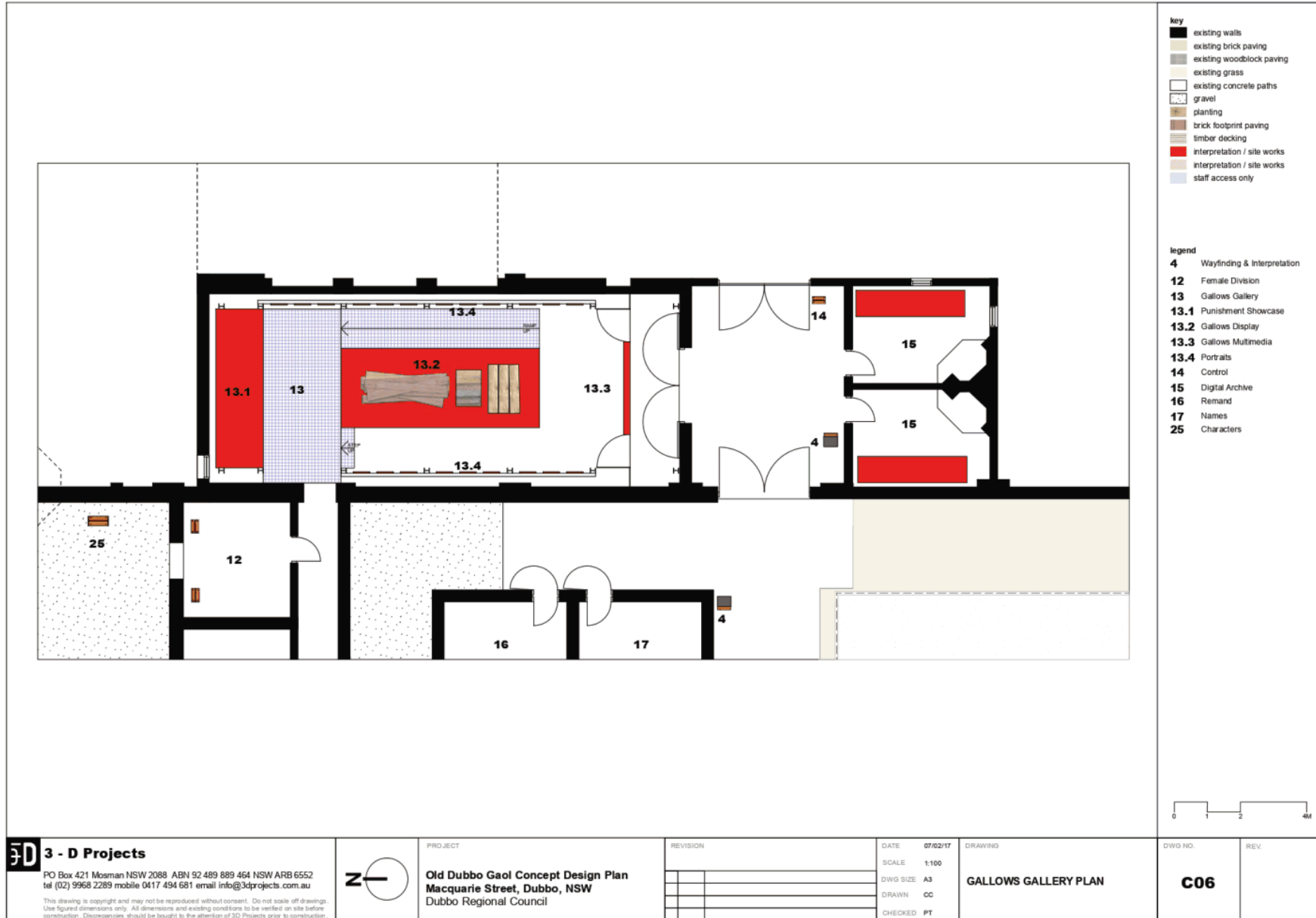
PROJECT
Old Dubbo Gaol Concept Design Plan
Macquarie Street, Dubbo, NSW
 Dubbo Regional Council

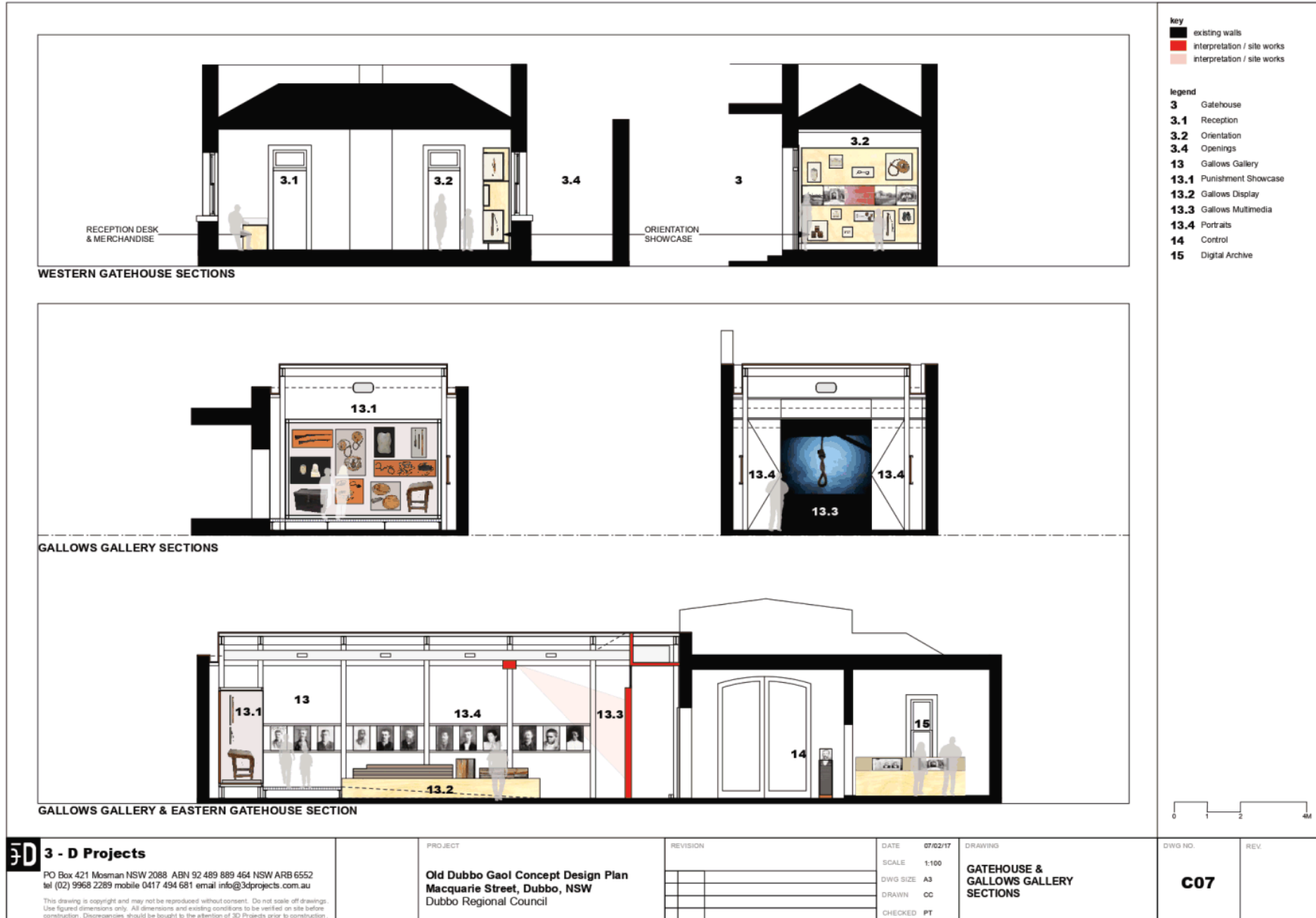
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	DWG SIZE	A3
	DRAWN	CC
	CHECKED	PT

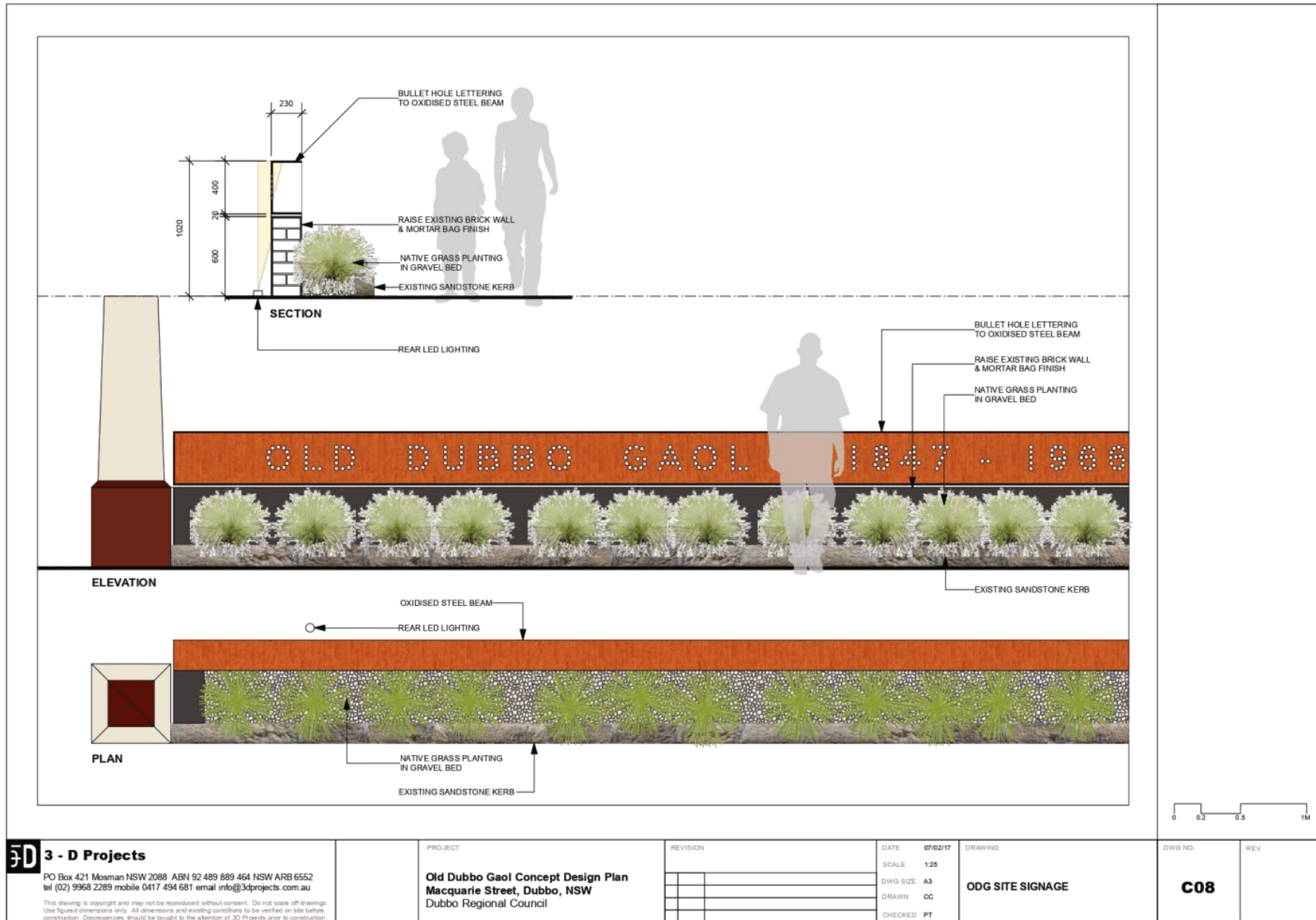
DRAWING
MALE DIVISION CELLS PLAN

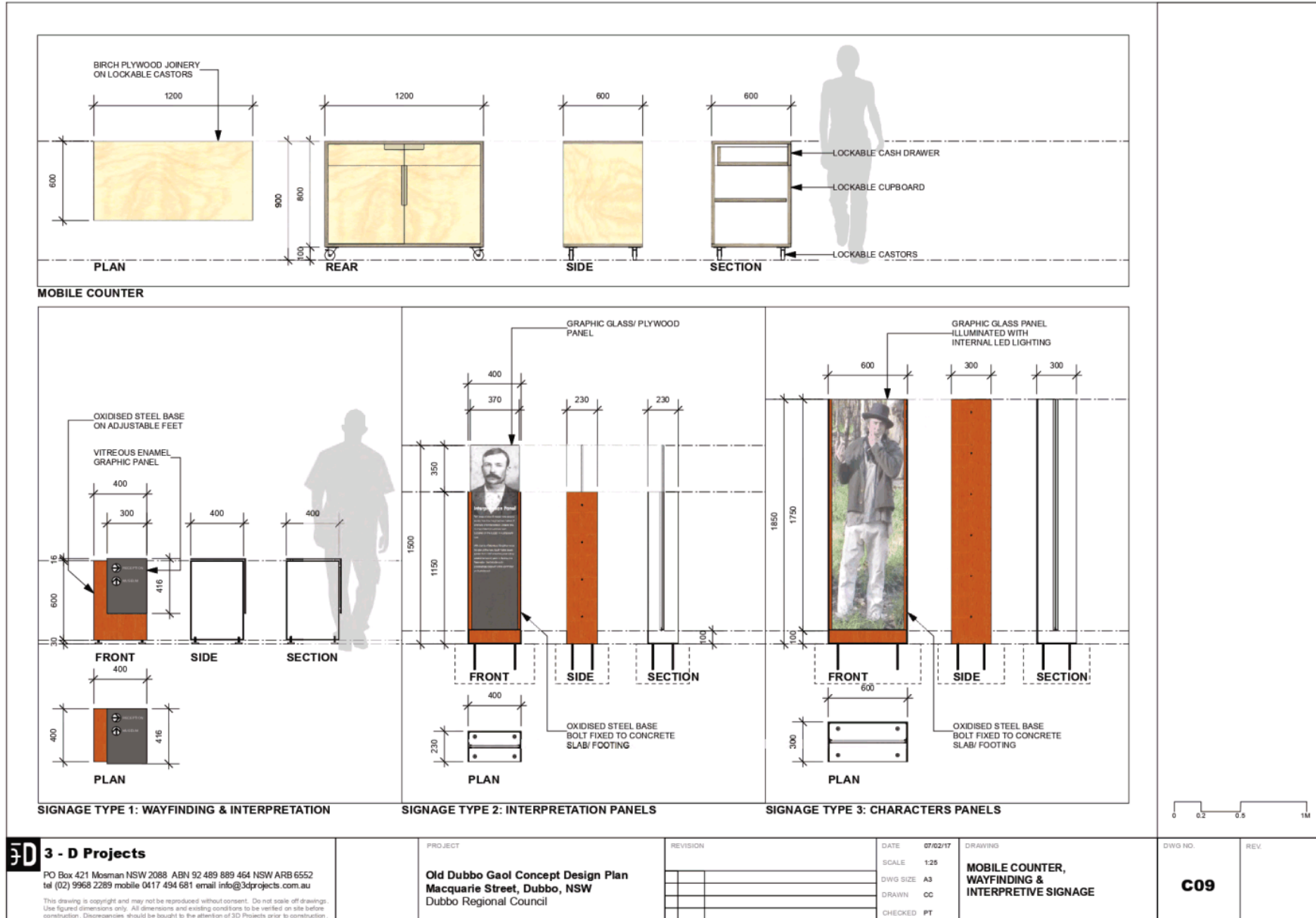
DWG NO. **C04**
 REV.











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PROJECT
Old Dubbo Gaol Concept Design Plan
Macquarie Street, Dubbo, NSW
 Dubbo Regional Council

REVISION	DATE	DRAWING
	07/02/17	
	SCALE 1:25	
	DWG SIZE A3	MOBILE COUNTER, WAYFINDING & INTERPRETIVE SIGNAGE
	DRAWN CC	
	CHECKED PT	

DWG NO.	REV.
C09	

4 RECOMMENDATIONS & IMPLEMENTATION

4.1 Recommendations

Project Implementation

- Determine project priorities & allocate funding for staged development.
- Confirm heritage approvals process and requirements.
- Undertake design/curatorial development of nominated works.
- Prepare schematic design and lodge DA to Dubbo Regional Council and NSW Heritage Office.
- Undertake full design documentation/curation and project manage implementation of nominated works.
- Development team to comprise exhibition designer/architect, curator, graphic designer, multimedia consultant, electrical/lighting consultant, structural engineer, heritage consultant, landscape architect, conservator, archaeologist.

Site Works & Infrastructure

- Remove all existing signage elements and repair fabric damage.
- Dismantle and remove non-original elements - fencing, grilles, fixtures, concrete paths/slabs, props, infill walls, watchtower stair.
- Undertake general repairs and repainting as required particularly in Western Gatehouse, Male Division, Eastern Gatehouse, external timberwork.
- Demolish theatrette and install new steel-framed Gallows Gallery.
- Staged development and installation of proposed on-site infrastructure, exhibitions, artwork installations, signage and landscaping works.

Object Collections

- Relocate object collections off site for ongoing displays/storage/deaccession.
- Dismantle gallows, conserve timbers and display in climate controlled Gallows Gallery.
- Conserve and display selected objects in Orientation and Gallows Display showcases.

Multimedia Programs

- Develop and install proposed multimedia programs in line with project priorities.
- Recommended priority programs include: Ghost, Lunacy, Shoemaking, Needlework, Night, Orientation.
- Remaining programs to be developed and installed in subsequent stages.

5 REFERENCES

5 References

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Design 5 Architects, *Old Dubbo Gaol Conservation Management Plan*, Volumes 1-2, 2002.

Graham Hall, *A Revised Conservation Management Plan for Old Dubbo Gaol*, Volume 1, 2012.

Edward Higginbotham, *Archaeological Assessment & Geophysical Investigation of the Old Dubbo Gaol*, 2014.

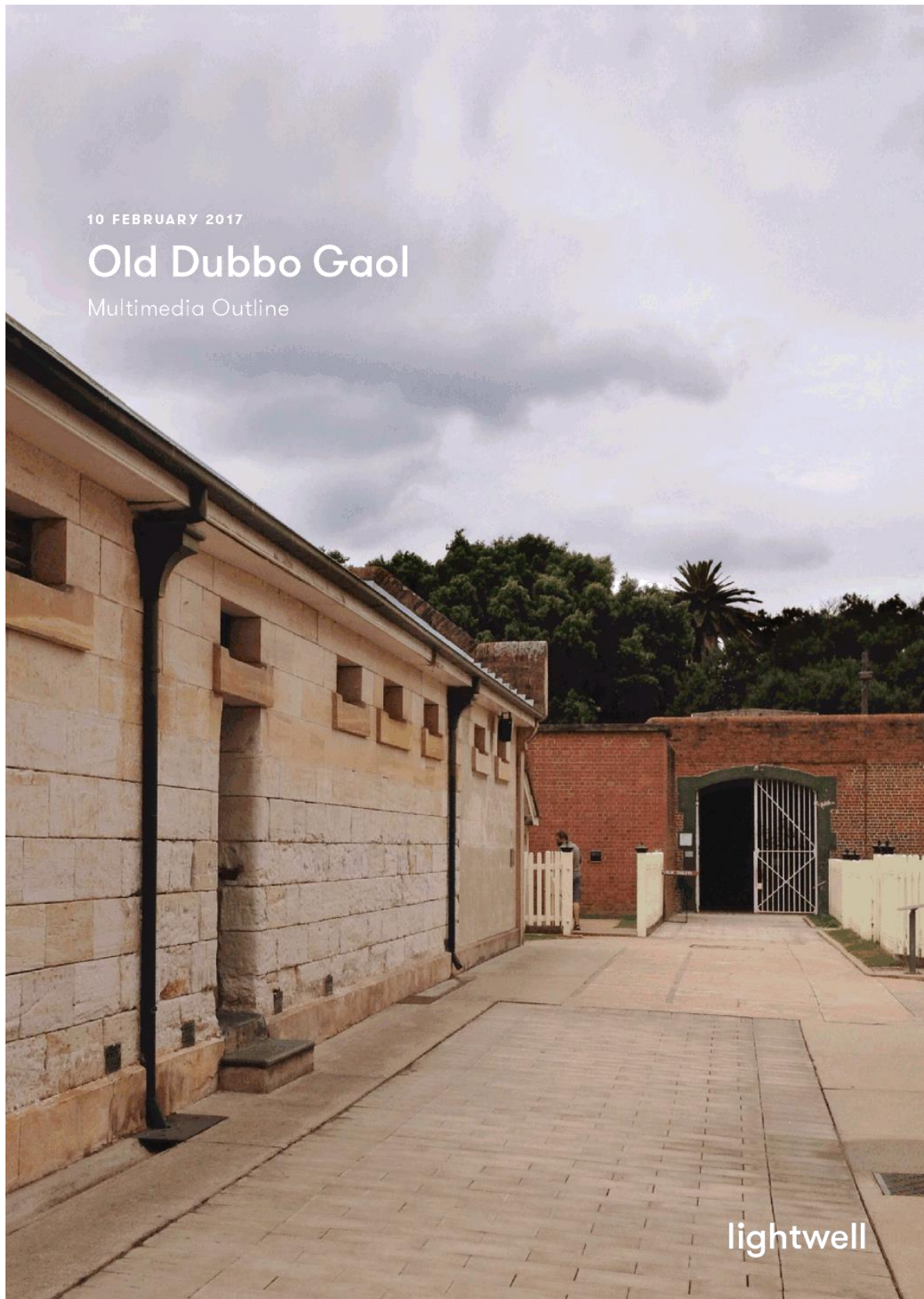
Terry Kass, *Crimes of Passion: Crimes of Poverty - A Social History of Dubbo Gaol*, 2002.

Terry Kass, *A Thematic History of the Central West: Comprising the NSW Historical Regions of Lachlan and Central Tablelands*, 2003.

John Ramsland, *With Just But Relentless Discipline: A Social History of Corrective Services in New South Wales*, 1996.

Rawlinsons, *Australian Construction Handbook*, Edition 34, 2016.

6 APPENDICES



01
Overview

01

Overview

Description

Lightwell has been asked by 3D Projects to produce an outline of the multimedia which will form part of the redevelopment of the Old Dubbo Gaol interpretation.

This outline includes a production brief and budget for each item.

Contact details

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02

Production briefs

02

Production briefs

Work required of the Producer

1. Work with content team to develop story arcs and decide on footage and image assets
2. Work with exhibition design team to develop look and feel
3. Acquire content from ODG
4. Shoot, edit and compose video programs
5. Record and compose audio soundscapes
6. Develop interactive programs
7. Prepare programs for exhibition
8. Liaise with hardware supplier / integrator
9. Test and commission programs on devices
10. Provide all content and copyright documentation

MM01 - Orientation

Description

1 × 32" LCD screens showing video on a loop

Visitor Experience

A single screen within the showcases which portrays aspects of the visitor experience within the ODG. The intention is to orient visitors, but to also show potential visitors (those who are yet to purchase a ticket) a taste of the experience which will help them to commit to a visit.

Content

The video sequences will need to be shot onsite, at the end of the exhibition installation phase as they are intended to provide a taste of the visitor experience.

Thematic content will also be included within the program.

Duration / Scope

1 screen, 3 mins duration

MM02 - Projections: Ghost, Night, Shoemaking, Needlework

Description

Three separate ambient video works with accompanying audio are projected onto the wall of one of the cells. They are shadowy and evocative pieces that try to portray the mental states of the incarcerated.

Visitor Experience

Ghost: Visitors can look into the gloom of one of the dark cells and see a figure projected onto the walls, seemingly illuminated by a pool of light. The figure is talking and moving in a part of the cell. A short circular narration accompanies this piece.

Night: In one of the cells in the Male Division, visitors can see a pool of light illuminating a hand drawing graffiti on the wall next to a series of marks counting the days. The subtle sounds of a prisoner at rest in separate cell at night can be heard - reading, breathing, praying, coughing, muttering to himself.

Shoemaking: In one of the cells in the Male Division, a small pool of light on one wall illuminates hands making shoes, hammering the sole of a boot on a last. The soundscape conveys subtle sounds of a prisoner at work - tapping in hobnails, operating shears, breathing, coughing, muttering to himself, etc.

Needlework: In one of the cells in the Female Division, a small pool of light on one wall illuminates hands doing needlework, endlessly looping a thread through a hem. The soundscape conveys subtle sounds of a prisoner at work - operating scissors, breathing, coughing, muttering to herself, etc.

Content

These sequences will be shot in a studio off-site and prepared for projection within the space. Two actors are required. Only the full figure of the ghost will require costume.

Duration / Scope

4 screens 3 mins duration each

MM03 – Soundscapes: Padded Cell, Exercise Yard

Description

A soundscape plays within the padded cell within the main cell block. Perhaps a voice counting, or a breathing or muttering will be enough – this cell does not need too much in the way of added drama to come to life.

A second soundscape plays within the exercise yard outside. Movement of prisoners across the exercise yard, voices of guards, voices of prisoners (or were prisoners required to be silent here?), low conversations will be performed and recorded. The placement of speakers is crucial. Low volume levels are required to keep the volume down throughout the rest of the yard.

Audio

Stereo audio track

Content

Material can be recorded onsite, or developed from studio recordings

Scope

Maximum duration 5 minutes

MM04 Gallows Gallery

Description

A single screen presentation 3.3 metres high by 2.7 wide which shows a series of collection objects and their use.

Visitor Experience

Visitors enter the gallery and are confronted by a large scale video sequence showing items from the ODG's collection of capital and corporal punishment objects being held and manipulated by the hands of otherwise unseen actors.

A projection onto a floor-to-ceiling display wall depicts hangman's hands packing hangman's kit, testing nooses and restraints, etc, wardens hands handling firearms, batons, handcuffs/leg irons, gags and restraints, etc, with background sounds.

Nooses, truncheons, irons, cuffs and gags will be shot to show how these items were used in the work of the gaol. The sequences could be augmented with onscreen text or overlaid with line animations to bring attention to particular items or detail some of the more macabre operations (nooses and gags) without resorting to over-elaborate recreations.

Audio

Sound effects and a simple soundscape. Stereo.

Content

All material will be shot onsite at ODG, and require the assistance of curatorial staff in the handling of objects.

Scope

Maximum duration 5 minutes

MM05 Digital Archive

Description

4 × interactive touchscreens, each approx. 620mm x 350mm in size set onto angled clerical benches.

Visitor Experience

Visitors can interact with two different programs, each on two screens:

One program is developed from the plans and historic images of the site and looks at the way the ODG was planned, built and amended over its history. Visitors can look at large scale plans and touch point-of-interest nodes which reveal images or text or other media. This program could focus on prison design and how the behaviour of prisoners was controlled through the architecture.

The second program focuses on the community of the prison, looks at the prisoners and the work of the guards and the warden. Visitors will be able to leaf through images of the prisoners and their records, and see highlights of the prison's daily occurrence books, gaol rules and regulations and the prison possession register, as well as any other paper-based archival materials that are too sensitive to be exposed to light or to be handled by the public.

Audio

Silent