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”.

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.

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

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.
ORDINARY COUNCIL MEETING - 26 MARCH 2018

AGENDA

CCL18/36  ANNUAL REPORT OF THE AUDIT AND RISK MANAGEMENT COMMITTEE FOR THE YEAR ENDED DECEMBER 2017 (ID18/527)  

MATTERS CONSIDERED BY COMMITTEES:

CCL18/37  REPORT OF THE PLANNING DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING 19 MARCH 2018 (ID18/533)  
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)  
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)  
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)  
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)  
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)
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)
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)
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)
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 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
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 (JRPC) (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 (JRPC).

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:

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<td>Councillor Diffey</td>
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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:

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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:

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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
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

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
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
“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 Giltoes, Mystic Dinner, Stitch N Sip and Artist of the Year dinner!”
Shanil 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)
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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 that 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 Challides 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 stands and arts and crafts. This event incorporated DREAMland and the Sound Stage.

- **Lantern Parade**  
  Tallbragar 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 $4,595,544. 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 Planos on the Pavement.

The committee went to great lengths to include Aboriginal groups (working with the Clontarf Foundation, Girls’ Academy, Thilkaabilla 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 Shoyoem 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.
- Zoocousics – 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.

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- **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.

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

<table>
<thead>
<tr>
<th>Voting members</th>
<th>Total number of meetings attended</th>
<th>Total number of meetings held</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr M Kneipp, Administrator</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Mr J Walkom, Independent member (Chair)</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Mr A Fletcher, Independent member</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Non-voting members</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Manager</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Director Corporate Services</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Director Economic Development &amp; Business</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Internal Auditor</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Mr S Bassett (Community Representative)</td>
<td>1</td>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Invitees – non-voting</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Manager Governance and Risk Services</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Transition Project Leader</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Audit Office (Mr M Monaco)</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Audit Office (Ms R Meimaroglou)</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Audit Office (Luka Group Audit Partner – Mr J Shanks)</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Manager Financial Operations</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

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 800 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

<table>
<thead>
<tr>
<th>Task/Process Reviewed</th>
<th>Status of Assignment</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Providing input to the enterprise wide risk management programme</td>
<td>On-going</td>
<td>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.</td>
</tr>
<tr>
<td>Coordinating joint process improvement initiatives across the BOD Alliance</td>
<td>On-going</td>
<td>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.</td>
</tr>
<tr>
<td>Annual review of the ARMIC Charter</td>
<td>Completed</td>
<td>The impact of the new legislative framework considered but further changes deferred until the legislation is in force.</td>
</tr>
<tr>
<td>Cash receipting process - Various sites across the Council</td>
<td>Completed</td>
<td>Opportunities for improvement identified and implemented.</td>
</tr>
<tr>
<td>Data analytics – invoice date earlier than purchase order date statistics</td>
<td>Completed</td>
<td>Opportunities for improvement identified and implemented.</td>
</tr>
<tr>
<td>Certain ad hoc tasks as required by the General Manager</td>
<td>Completed</td>
<td>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</td>
</tr>
</tbody>
</table>

---

DUBBO REGIONAL COUNCIL

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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 capacity 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
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.
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:

<table>
<thead>
<tr>
<th>FOR</th>
<th>AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor Diffey</td>
<td></td>
</tr>
<tr>
<td>Councillor Etheridge</td>
<td></td>
</tr>
<tr>
<td>Councillor Grant</td>
<td></td>
</tr>
<tr>
<td>Councillor Jones</td>
<td></td>
</tr>
<tr>
<td>Councillor Lawrence</td>
<td></td>
</tr>
<tr>
<td>Councillor Mohr</td>
<td></td>
</tr>
<tr>
<td>Councillor Parker</td>
<td></td>
</tr>
<tr>
<td>Councillor Ryan</td>
<td></td>
</tr>
<tr>
<td>Councillor Shields</td>
<td></td>
</tr>
<tr>
<td><strong>Total (9)</strong></td>
<td><strong>Total (0)</strong></td>
</tr>
</tbody>
</table>

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:
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
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.
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
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

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;
      1. Dawn Service in Darling Street between Talbragar and Wingewarra Streets from 5.00am – 6.30am;
      2. 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;
      3. Wingewarra Street from Brisbane to Macquarie Streets and Macquarie Street from Wingewarra to Talbragar Streets from 10.15am to 11.00am;
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• 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 place 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
ICRC18/29 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.

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

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.

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CHAIRMAN
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.
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.
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.
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:

“Infrastucture 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
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 bedroom 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
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

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."
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 Council’s 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
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)(ii) 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);
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][l] 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:
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.
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."
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
(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.
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.
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.
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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

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.
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PDEC17/9

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."
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 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 – 11,000 vpd). 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.
PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE  
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Scale

\[ P7 \text{ In designing new buildings, the size, shape and height shall reflect the dominant } \\
\text{height and proportions of adjacent buildings within the heritage precinct.} \]

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

\[ P10 \text{ Roof shape and material shall relate to adjoining buildings and the surrounding } \\
\text{heritage precinct.} \]

\[ A10.1 \text{ Development shall reflect similar heights and pitch ... in keeping with the } \\
\text{character of the heritage precinct.} \]

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

- \[ \text{Will the development have an adverse effect on the landscape/scenic quality, } \\
\text{views/vistas, access to sunlight in the locality or on adjacent properties?} \]

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

- 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.
APPENDIX NO: 1 - ORIGINAL REPORT DATED 15 NOVEMBER 2017

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
Dubbo Regional Council
Mr Kevin Weller
Manager Building and Development Services
P.O. Box 34
Dubbo NSW 2830

Dear Mr Weller

RE: Development Application 201273757 – Completion Request for Further Information

I refer to your letter requesting further information in relation to our proposed development of a new nursing home – four units on [address] in Dubbo.

After consideration of all information I have received to date, including additional information and the further information reply letter [insert], I believe we have provided sufficient information including engineering and planning reports to satisfy Council’s requirements and that the approval should be given. I consider the application will now satisfy all relevant criteria under the appeal to the Land and Environment Court of the matters [insert].

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

Please let us know if you require further information.

Yours sincerely,

[Signature]

Robert Stebbings
Director, Architecture Pty Ltd
Ph: 0408 815 440
STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION
197 WINGEWARRA STREET, DUBBO

PREPARED FOR
RACEBAIL PTY LTD
SEPTEMBER 2017

• Civil, Environmental & Structural Engineering • Surveying • Environmental • Planning • Architecture
# APPENDIX NO: 1 - ORIGINAL REPORT DATED 15 NOVEMBER 2017

## APPENDIX NO: 3 - STATEMENT OF ENVIRONMENTAL EFFECTS

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## INTRODUCTION

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Introduction

1.1 BACKGROUND

Geolyse Pty Ltd has been commissioned by Steven’s Pty Ltd to prepare a Statement of Environmental Effects (SEE) in support of a Development Application (DA) for a proposed mixed-use tenement subdivision, demolition and tree removal, multi-unit development consisting of four attached double storey terrace houses on the proposed vacant lot and the subsequent streetscapes and sidewalks of the dwellings, to be located at 188 Weejasra Street, Dubbo (Lot 1 Section 16 DP768089).

1.2 SCOPE OF THIS REPORT

This SEE has been prepared pursuant to Clause 55 and Part 1 of Schedule 1 of the Environmental Planning and Assessment Regulation 2000 and is provided in the following format:

- Section 2 of this report provides a description of the subject site and its locality.
- Section 3 outlines the proposed development.
- Section 4 details the planning framework, conditions to the subject site and the proposed development.
- Section 5 identifies the impacts of the proposed development.
- Section 6 provides a conclusion to the SEE.
2.1 THE SITE

The site the subject of this development application is located at 192 Wingewarra Street, Dubbo (Lot 1 Section 10 DP706891).

The site has an area of approximately 1,883 square metres and frontages to Wingewarra Street and Flitney Street of 21.55 metres and 50.395 metres respectively. The site currently features a detached single storey dwelling, fronting Wingewarra Street. Existing vehicular access is from Flitney Street and a small garage is located in the rear of the site.

The site is depicted in Figure 1:

Figure 1: Subject site shaded yellow (Source: Esri Map)

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 this site, the area surrounding this 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 housed at 10 Rawson Street.

The property is in close proximity to the Dubbo Showground and Raceway, which is situated to the North.
3.1 DEVELOPMENT DESCRIPTION

The proposed site has four elements:

1. An existing heritage-styled single storey house on the corner of Wingewarra Street and a detached garage to the rear.
2. The removal of the existing detached garage.
3. Development of a multi-dwelling housing development consisting of four (4) attached terraced houses located on the eastern part of the site.
4. The subsequent state subdivision of the four dwellings.

On the basis that Section 74(2) of the Environmental Planning and Assessment Act 1979 enables multiple forms of development to be authorized via the same development application, the approach to incorporate all four elements in this DA rather than via separate DAs, is considered legitimate.

3.1.1 TORRENS SUBDIVISION

As noted in the list above, the land is proposed to provide the existing dwelling on a separate lot, creating a total of four Torrens title lots. A similar scale of subdivision has occurred on all three corners of the block, in which the street frontage order Figure 6.

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

<table>
<thead>
<tr>
<th>Lot</th>
<th>Site</th>
<th>Footage Wingewarra</th>
<th>Footage Flinn St</th>
<th>Purpose</th>
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<tr>
<td>11</td>
<td>586.32 sq m</td>
<td>24.13 m</td>
<td>25.50 m</td>
<td>Residential</td>
</tr>
<tr>
<td>12</td>
<td>588.04 sq m</td>
<td>34.55 m</td>
<td>34.55 m</td>
<td>Residential - vacant</td>
</tr>
</tbody>
</table>

Proposed Lot 1 has servicing connections that will be maintained or adjusted as required.

Proposed Lot 12 would be retained with necessary services as at the request of the developer as set out in Drawings CQ1-CQ5.

3.1.2 TREE REMOVAL AND GARAGE DEMOLITION

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

Four trees would be removed to facilitate the development. These are noted in Plate 9 and Drawing A12. The removal of these trees would not affect the character of landscaping as per Drawing A17. This is discussed further in Section 4.2.2.1.

Controls associated with demolition are discussed in Section 6.22.
3.1.3 MULTI DWELLING HOUSE

The internal layout of each proposed terrace dwelling is identical, with the ground floor consisting of a kitchen, dining, living, laundry, WC, a front porch and a one car garage. The proposed flat four consists of two bedrooms and shared master bathroom.

The footprints of each terrace measure 4.803 metres of which three metres is a garage. The garage is setback approximately 5.5 metres from the front property boundary and provides sufficient room to park a second car without overhanging the property boundary. Each single garage has an area of 18 square metres. Each dwelling also features not less than 25 square metres of private open space at the rear (including an alfresco area (west) and a small porch at the front of the property (east)).

The front entry doors are prominently displayed and form a key feature of the frontage. Articulation, together with the use of varied materials, provides visual relief across the frontage but also consistency of design.

The four terrace dwellings are topped by a single pitched roof of lightweight panel in the rural vernacular.

The overall living space of each dwelling is 61 square metres.

Site coverage is 24% of the 353 square metre site size, or approximately 44%.

The size and scale of the proposed building is comparative to the existing development to the south fronting Fanny Street, which is understood to have historically been a shop.

Fixed privacy screens are proposed on the first floor windows (Drawing A16) and front fencing would be provided (Drawings A16 and A17).

3.1.4 STRATA SUBDIVISION

Upon completion of construction of the four dwellings, it is proposed to carry out a strata subdivision of the dwellings as indicated in Drawings B101-B102.
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 (EPAA Act). The EPAA Act instituted a system of environmental planning and assessment in NSW and is administered by the Department of Planning & Environment (DPE). The objectives of the EPAA Act are:

(a) to ensure:
   (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, soils, trees and wildlife 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 safety and efficient use and development of land;
   (iii) the protection, prevention and control of corruption of land and the development of land, inhabited premises and the provision of land for public purposes;
   (iv) the regulation and co-ordination of community services and facilities, and
g   (v) the promotion of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
(b) to protect and maintain areas of significant ecological, historical and cultural values, and
(c) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
(d) to provide an effective opportunity for public involvement and participation in environmental planning and assessment.

4.1.2 SECTION 5A

Section 5A of the EPAA 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 EPAA Act establishes the preparation of subordinate legislation consisting of:

- Environmental Planning Instruments (EPIs) including State Environmental Planning Policies (SEPPs), Local Environmental Plans (LEPs), and deemed EPAs;
- Development Control Plans (DCPs);
- in relation to the proposed development, the relevant subordinate legislation includes:
  - the State Environmental Planning Policy 88 – Remodelling of Land;
  - the Dubbo Local Environmental Plan 2013; and

[Note: The text continues with further details and requirements.]
4.1.4 INTEGRATED DEVELOPMENT

Section 91 of the SPA Act states that development requiring consent and another activity approval is defined as ‘Integrated Development’. The proposed development is not classified as Integrated Development as it is not dependent on another activity approval or consent. It is not classified as a Development Application.

4.2 ENVIRONMENTAL PLANNING INSTRUMENTS

4.2.1 STATE ENVIRONMENTAL PLANNING POLICY

4.2.1.1 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of the State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55) states the contamination and remediation is to be considered in the determination of a Development Application.

Clause 7 states the following:

Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated; and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state or will be suitable, after remediation, for the purpose for which the development is proposed to be carried out; and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

No contaminating land uses as identified in Table 1 of the Managing Contaminated Land Planning Guidelines are known to have been undertaken on the subject site. As such, the undertaking of remediation work in accordance with Clause 8 of the SEPP would not be required and the obligations of clause 7 are satisfied.

4.2.2 DUBBO LOCAL ENVIRONMENTAL PLAN 2011

4.2.2.1 Introduction

The subject site is located within the Dubbo Regional Council Local Government Area within the former Dubbo City Council area. The applicable local environmental plan is the Dubbo Local Environmental Plan 2011 (LEP).

The aims of the LEP are:

(1) The Plan aims to make local environmental planning provisions for land in the City of Dubbo in accordance with the relevant standard environmental planning requirements under section 13A of the Act.

The particular aims of this Plan are as follows:

(a) to achieve a city structure that caters to the central business district by aligning the residential, employment and services zones to West Dubbo;

(b) to ensure the Dubbo central business district remains the premier commercial centre for the greater region;
The proposed development is not antagonistic to the above aims.

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

- The site is located within the RTZ – General Residential zone – refer Section 4.2.2.2. and
- The applicable minimum lot size for the purposes of Torens 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 any LEP defined heritage conservation area, will not result in a development that will penetrate the Obadale Limitation Surface and is not located within an area of groundwater vulnerability.


dedicated to maintain quality and not detrimental impact on downstream development.

4.2.2.2 Zoning

The objectives for development within the RTZ are as:
- To provide for the housing needs of the community.
- To ensure 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 objectives of the immediate locality.

The development provides for the housing needs of the community by providing an adequate 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 four objectives. As the land use is a residential use, objective three is not considered to apply.

As noted, the fourth objective within the RTZ 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 prevailing character or by reference to emerging character. Consistency in planning terms can also be defined as compatibility. Compatibility can be taken as capable of existing together in harmony. (Project Venture Developments v Mitchell Council [2005] NSWLEC 111).
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 1996 – Urban Areas (1996 LEP), gazetted in 2006 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 630 square metres, 703 square metres on a corner allotment or 330 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 neighborhoods and ensure a sufficient supply of suitable land to meet the future residential development needs of the city.
- As described by the Dubbo 21 Plan:
  - Within a well-integrated existing 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 and attractive population growth centre to the capital and nearby cities.

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

Unlike in housing types that have been common in regional centres, a shift in 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 reason, it is close to services and public transport, but with minimal noise (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 goals, the relevant DCP performance criteria and the emerging character that is clearly sought by Council for this area through the introduction of uniform (and comparable) small minimum lot sizes. 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. The 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 in a number of double storey buildings in the locality, specifically the dwelling density 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 10 Pearson 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 considerable distance to the dwelling on proposed Lot 1. Other more subtle 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
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4.2.2.3 Preservation of trees and other vegetation

This application proposes the removal of a number of trees on the rear of the property including a large Eucalyptus tree in the south-eastern corner — refer Drawing A12 and Plates 8 & 9.

Clause 5.9 of the LEP states:

The removal of trees and other vegetation that are protected under this clause is considered to be development and may require consent.

A review of the Dubbo Development Control Plan 2013 identifies that Section 3.7.6 relates to the protection of trees and vegetation. However, this section does not prescribe specific tree or vegetation in the context of species, size, location or other manner for which removal requires consent. On this basis, it is considered that Clause 5.9 does not apply to the development.

Clause 5.9(2) states:

(1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.

(2) The implementation, cutting down, topping, topping, removal, felling or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

On the basis of the above, Council consent for tree removal via the LEP is not considered to be necessary.

Additionally, a review of the Dubbo Regional Council 2017 Tree Preservation Order confirms that the trees at the property are not listed as being the subject of specific protection. No consent in this regard is therefore required.

Notwithstanding the above, the applicant proposes the installation of replacement landscaping as outlined on Drawing A12 and the development is therefore considered to be acceptable in this regard.

4.2.2.4 Part 7

Part 7 of the LEP contains a range of additional local provisions that may be applicable to a development application. From a review of the matters identified in Part 7, it is confirmed that there are no additional local provisions that apply to the subject development.

4.2.3 DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS

There are no deemed environmental planning instruments known to affect the site.
4.3 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

On the 21 August 2016, the Environmental Planning and Assessment Amendment (Siding Spring Observatory) Regulation 2016 came into effect, resulting in an amendment of the Environmental Planning and Assessment Regulation 2000 (EP&A Regs). The impact of this amendment is to insert clause 90(3)(a) of the EP&A Regulations, which states:

Clause 90 Additional matters that consent authority must consider

(1) in the case of the following development, the Dark Sky Planning Guideline:

(a) any development on land within the local government area of Cowra, City of Dubbo, Gilgandra or Walgett (in accordance with the Dark Sky Planning Guideline prepared by the Department of Planning, Industry and Environment)

The Dark Sky Guideline identifies that housing development has the potential to affect artificial skyglow. The nature of the development would not be expected to contribute any significant increase in artificial skyglow. To ensure this is the case, any external lights installed would be appropriately shielded and downlighting facing is to ensure minimal light spill is minimized. The maximum number of external lights would not exceed a maximum of seven per dwelling in the proposed development. On the basis of the above, the development is considered to be compliant with the provisions of clause 90(3)(a) of the EP&A Regs and in compliance with the Dark Sky Planning Guideline.

4.4 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There is currently no draft environmental planning instruments within the Dubbo Regional Council area. Any draft EPPI that may be introduced in the future would not affect the subject site and have not been further considered.

4.5 DEVELOPMENT CONTROL PLANS

4.6.1 DUBBO DEVELOPMENT CONTROL PLAN 2013

The Dubbo Development Control Plan 2013 (DCP) applies to the site. A review of the provisions of the DCP confirms that Sections 2.1.1, 2.1.2, 3.1 and 3.2 are relevant to this application. The provisions of these sections have been considered in Table 4.1 (page 13).

The core objectives of the DCP are:

- Promote good quality and environmentally sustainable development
- Provide guidelines to prospective developers and the sustainability of Council’s requirements to undertake development
- Establish conditions that assist Council in assessing applications, and
- Provide development controls and requirements that are easily understood by the community and applicants.

The structure of the DCP provides performance criteria and acceptable solutions for each design element. Section 2.1.1 of the DCP describes the performance criteria as the art of the design element. Acceptable solutions responding to the performance criteria and offering default design guidelines that are
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4.6.3 SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN - DUBBO OPEN SPACE AND RECREATION FACILITIES

The cost plan is applicable to this development by virtue of clauses 2.2 and 2.8. The development is not exempt from the plan by virtue of clause 2.9.

The site is located within the Dubbo Planning Unit Central (South) area by reference to Figure 3 of the plan. The 2 bedroom or more dwellings are applicable per dwelling as per Table 7 of the plan.
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Dubbo Regional Council

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## Statement of Environmental Effects

### Table 4.1 - Application Reiter DCP Requirements

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<th>Assessable Solutions</th>
<th>Assessment</th>
<th>Conclusion</th>
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<td>3.</td>
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**Note:** The table above outlines the assessable solutions and their corresponding assessment and conclusion criteria. Each criterion is evaluated based on specific environmental impact considerations to determine the overall conclusion.
### Table 4.1 - Accessibility Design DPS Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1.1 The layout and conditions of key facilities (e.g. car parks, bus stops, safety corridors, etc.) shall be clearly defined and accessible to all users.</td>
<td>[Details]</td>
<td>[Details]</td>
<td>[Details]</td>
</tr>
<tr>
<td>1.1.2 The layout and conditions of key facilities (e.g. car parks, bus stops, safety corridors, etc.) shall be clearly defined and accessible to all users.</td>
<td>[Details]</td>
<td>[Details]</td>
<td>[Details]</td>
</tr>
<tr>
<td>1.1.3 The layout and conditions of key facilities (e.g. car parks, bus stops, safety corridors, etc.) shall be clearly defined and accessible to all users.</td>
<td>[Details]</td>
<td>[Details]</td>
<td>[Details]</td>
</tr>
</tbody>
</table>

**Diagram Description**

[Diagram of the proposed accessibility design showing pathways, signage, and facilities.]
### Table 4.4 - Applicable To the DCP Precarriage

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Element 2—Building setbacks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of towers, masts, antennas and similar structures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The dimensions of the structures shall be consistent with the final building elevation so that they do not compromise the visual and environmental character of the area.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adequate setbacks shall be provided to ensure that there is a clear visual line of sight from any point within the development to any point within the natural environment.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The setbacks shall be measured from the front property line of the proposed development to the front property line of the proposed development.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The setbacks shall be measured from the front property line of the proposed development to the front property line of the proposed development.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The setbacks shall be measured from the front property line of the proposed development to the front property line of the proposed development.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**DUBBO REGIONAL COUNCIL Page 50**
<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PMF Reentry procedures - gaged area of impact</td>
<td>A.1.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.1.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.2.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.2.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.3.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.3.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.4.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.4.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.5.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.5.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.6.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.6.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.7.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.7.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.8.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.8.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.9.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.9.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.10.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.10.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.11.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.11.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.12.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.12.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.13.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.13.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.14.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.14.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.15.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.15.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.16.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.16.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.17.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.17.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.18.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.18.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.19.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.19.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.20.1 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>A.20.2 Damage and impacts are assessed to the PMF and RMF areas prior to the start of the PMF process</td>
<td>Non-conformance</td>
<td>Non</td>
</tr>
</tbody>
</table>
### Geolyse

#### Statement of Environmental Effects

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Assessable Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall layout and design of building and surrounds</td>
<td>The layout and design of the building and surrounds are in accordance with the Environmental Protection and Biodiversity Conservation Act 1999 (Cwlth) and the council's relevant policies.</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>The proposed development does not require any additional offsets or mitigation measures</td>
<td>The proposed development does not require any additional offsets or mitigation measures.</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>The proposal is consistent with the council's relevant policies and the Environmental Protection and Biodiversity Conservation Act 1999 (Cwlth)</td>
<td>The proposal is consistent with the council's relevant policies and the Environmental Protection and Biodiversity Conservation Act 1999 (Cwlth).</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

---

Dubbo Regional Council

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### Statement of Environmental Effects

#### Table 1: Appraisal of Design Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private entry access and landscaping</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public open space and landscaping</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note:** The above table represents an appraisal of design requirements.

---

**Image Description:**

The image contains a table and a diagram related to environmental effects. The table includes columns for performance criteria, acceptable solutions, assessment, and compliance. The diagram appears to be a flowchart or a risk assessment chart, though the details are not clearly visible due to the image quality.
<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Accountable Officer</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fi for public use is easily accessible to the public at all times and is accessible by emergency exit or window</td>
<td>Dubbo Regional Council</td>
<td>This would be achieved</td>
<td>✔</td>
</tr>
<tr>
<td>Site is regularly maintained</td>
<td>Dubbo Regional Council</td>
<td>This would be achieved, refer to Appendix A17</td>
<td>✔</td>
</tr>
<tr>
<td>Site is regularly maintained</td>
<td>Dubbo Regional Council</td>
<td>This would be achieved, refer to Appendix A17</td>
<td>✔</td>
</tr>
<tr>
<td>Site is regularly maintained</td>
<td>Dubbo Regional Council</td>
<td>This would be achieved, refer to Appendix A17</td>
<td>✔</td>
</tr>
<tr>
<td>Site is regularly maintained</td>
<td>Dubbo Regional Council</td>
<td>This would be achieved, refer to Appendix A17</td>
<td>✔</td>
</tr>
<tr>
<td>Site is regularly maintained</td>
<td>Dubbo Regional Council</td>
<td>This would be achieved, refer to Appendix A17</td>
<td>✔</td>
</tr>
<tr>
<td>Site is regularly maintained</td>
<td>Dubbo Regional Council</td>
<td>This would be achieved, refer to Appendix A17</td>
<td>✔</td>
</tr>
<tr>
<td>Site is regularly maintained</td>
<td>Dubbo Regional Council</td>
<td>This would be achieved, refer to Appendix A17</td>
<td>✔</td>
</tr>
<tr>
<td>Site is regularly maintained</td>
<td>Dubbo Regional Council</td>
<td>This would be achieved, refer to Appendix A17</td>
<td>✔</td>
</tr>
</tbody>
</table>

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DUBBO REGIONAL COUNCIL
<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Increase amount of water in the system.</td>
<td>This would be achieved - see Drawing A/7</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>2. Increase amount of water in the system.</td>
<td>This would be achieved - see Drawing A/7</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>3. Increase amount of water in the system.</td>
<td>This would be achieved - see Drawing A/7</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>4. Increase amount of water in the system.</td>
<td>This would be achieved - see Drawing A/7</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>5. Increase amount of water in the system.</td>
<td>This would be achieved - see Drawing A/7</td>
<td>✔</td>
<td>✔</td>
</tr>
</tbody>
</table>
Table 4.1 - Applicable RIS/ED Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Applicable Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Element 1: Infrastructure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Landform management plans are maintained by the responsible authority.</td>
<td></td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>2) Reservoirs are managed to maintain water levels within prescribed limits.</td>
<td></td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>3) Drainage lines and catchments are managed to prevent erosion and sedimentation.</td>
<td></td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>4) Vegetation management plans are maintained by the responsible authority.</td>
<td></td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>5) Wildlife management plans are maintained by the responsible authority.</td>
<td></td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>6) The development is consistent with the requirements of the Regional Plan.</td>
<td></td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>7) The development is consistent with the requirements of the Landform Management Plan.</td>
<td></td>
<td>✔</td>
<td>✔</td>
</tr>
</tbody>
</table>

Notes:
- NA: Not Applicable
- ✔: Compliant
- ✗: Non-Compliant
Table 4 - Apprasial Buffel-Hof Rearrangement

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acoustical Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Element E: Visual, and acoustics primary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visual clarity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Provide green buffer strips at least 7.5m apart and densest in the vicinity of the road to mitigate visual impacts of development</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>2</td>
<td>Provide buffer strips with hedges and native trees to mitigate visual impacts of development</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>3</td>
<td>Provide buffer strips of at least 7.5m in height and compatible with native trees to mitigate visual impacts of development</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>4</td>
<td>Provide buffer strips of at least 7.5m in height and compatible with native trees to mitigate visual impacts of development</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>5</td>
<td>Provide buffer strips of at least 7.5m in height and compatible with native trees to mitigate visual impacts of development</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>6</td>
<td>Provide buffer strips of at least 7.5m in height and compatible with native trees to mitigate visual impacts of development</td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

Note: The assessment table above provides a summary of the performance criteria for acoustical solutions in the area. The compliance is marked with ✓ for satisfactory performance.

DUBBO REGIONAL COUNCIL

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## Table 1.1: Applicable Delta SPF Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **Compliance**
  - [ ]

---

**APPENDIX NO: 1 - ORIGINAL REPORT DATED 15 NOVEMBER 2017**

**APPENDIX NO: 3 - STATEMENT OF ENVIRONMENTAL EFFECTS**

**ITEM NO: CCL18/42**

**ITEM NO: PDEC17/9**
### Table 4.1 - Appendix B - HSP Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access point type</td>
<td>All access points are classified as non-access or non-vehicle access points.</td>
<td>All access points are classified as non-access or non-vehicle access points.</td>
<td>All access points are classified as non-access or non-vehicle access points.</td>
</tr>
<tr>
<td>Access point type</td>
<td>All access points are classified as non-access or non-vehicle access points.</td>
<td>All access points are classified as non-access or non-vehicle access points.</td>
<td>All access points are classified as non-access or non-vehicle access points.</td>
</tr>
<tr>
<td>Access point type</td>
<td>All access points are classified as non-access or non-vehicle access points.</td>
<td>All access points are classified as non-access or non-vehicle access points.</td>
<td>All access points are classified as non-access or non-vehicle access points.</td>
</tr>
</tbody>
</table>

---

**Note:**
- All access points are classified as non-access or non-vehicle access points.
- All access points are classified as non-access or non-vehicle access points.
- All access points are classified as non-access or non-vehicle access points.
- All access points are classified as non-access or non-vehicle access points.
### Table 4  - Applicable RUPP Requirements

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Element 1 - Waste Management</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1. The report of the environmental impact assessment shall be provided.</td>
<td>This would be assessed.</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>1.2. The waste disposal plan shall be submitted.</td>
<td>This would be assessed.</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>1.3. The waste management system shall be described.</td>
<td>This would be assessed.</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>1.4. The waste management system shall be described.</td>
<td>This would be assessed.</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>1.5. The waste management system shall be described.</td>
<td>This would be assessed.</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>1.6. The waste management system shall be described.</td>
<td>This would be assessed.</td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

**Note:** All waste management systems are required to be compliant.

---

**Geology**

**Statement of Environmental Effects**

**Dubbo Regional Council**

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Table 4 - Application of DiSP Requirements

Performance Criteria | Applicable Standards | Assessment | Conclusion
--- | --- | --- | ---

**Element 1 - Site Facilities**

- **Net loss:**
  - fit: Site losses are satisfied by adjacent and/or additional vehicles to
  - The site losses are satisfied by adjacent and/or additional vehicles to
  - The site losses are satisfied by adjacent and/or additional vehicles to
  - The site losses are satisfied by adjacent and/or additional vehicles to

- **Energy:**
  - A 5% reduction in the utilisation of site losses is achieved by adjacent
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  - A 5% reduction in the utilisation of site losses is achieved by adjacent

- **Roof:**
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  - A 5% reduction in the utilisation of site losses is achieved by adjacent
  - A 5% reduction in the utilisation of site losses is achieved by adjacent
  - A 5% reduction in the utilisation of site losses is achieved by adjacent

**Conclusion:**
- This would be achieved
- This would be achieved
- This would be achieved
- This would be achieved
### Table 4.1 - Approach to MGT Performance

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<th>Amended Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
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**Element 2 - Use Layout**

- All change in orientation of the layout and are from the original plan.
- All change in orientation and are from the original plan.
- All change in orientation are from the original plan.

**Use Impingement**

- All change in orientation are due to the change in the original plan.
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**Use Impingement**

- All change in orientation are due to the change in the original plan.
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**Dubbo Area**

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**Random Comments**

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## Statement of Environmental Effects

### Table 4.1 - Applicability Index OCP Requirements

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<tr>
<th>Performance Criteria</th>
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<th>Assessment</th>
<th>Conclusion</th>
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**APPENDIX NO:** 3 - STATEMENT OF ENVIRONMENTAL EFFECTS

**ITEM NO:** PDEC17/9

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**DUBBO REGIONAL COUNCIL**

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## Statement of Environmental Effects

### Table 4.1 - Application of BISF Requirements

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### Table 1.1: Applicable DCEP Requirements

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<tr>
<td>1. Buildings to be removed and the site restored to its original condition and layout.</td>
<td>Remove buildings and restore site to its original condition and layout.</td>
<td>Remove buildings and restore site to its original condition and layout.</td>
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<tr>
<td>2. Demolition of buildings and site areas to be undertaken in a manner that minimises disturbance to the environment.</td>
<td>Demolition of buildings and site areas to be undertaken in a manner that minimises disturbance to the environment.</td>
<td>Demolition of buildings and site areas to be undertaken in a manner that minimises disturbance to the environment.</td>
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<tr>
<td>3. All works to be carried out in accordance with the provisions of this permit and any other relevant requirements.</td>
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<td>Compliant</td>
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<td>4. No development or alteration to the site shall take place without the prior written consent of the relevant authorities.</td>
<td>No development or alteration to the site shall take place without the prior written consent of the relevant authorities.</td>
<td>No development or alteration to the site shall take place without the prior written consent of the relevant authorities.</td>
<td>Compliant</td>
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<tr>
<td>5. The site shall be restored to its original condition and layout as soon as practicable after the completion of the works.</td>
<td>The site shall be restored to its original condition and layout as soon as practicable after the completion of the works.</td>
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DUBBO REGIONAL COUNCIL

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### Table 1: Appendix Dubbo DEP requirements

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Overhead view diagram - continue below

**Figure 1:** Overhead view diagram

**Notes:**
- Overhead view diagram
- Additional notes if applicable
5.1 INTRODUCTION

Pursuant to Regulation 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)(d) and the former NSW Department of Levy Affairs and Planning’s (NSW) 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 subdivide subdivision of this development. The scale of the proposed dwelling development is consistent with a recently approved development at 10 Rawson Street, approximately 200 metres to the east.

The two lots subdivided provides lots that satisfy the minimum lot size requirements of the LEP and is consistent with the arrangement of lots on the three other blocks 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 tenancy 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 – 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 story 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 36,181 new homes completed in Sydney during 2015/16 financial year, the highest total seen since 1998/99. 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.

While 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 developer 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, first time buyers, an area close to services and public transport, but with minimal costs (both...
finances 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 rowhouses 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 the 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, including a property directly to the south of the subject site. Examples of these are reflected in the Plates section of this report.

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. Specific design features such as the articulated brick elements on the front façade of the proposed building reflect the gutter height of the retained dwelling to the north, providing a direct visual link between the two properties.

By approving the development of a similar scale of development at 1D Rawson Street, Council has confirmed this development style reflects the intended strategic focus of the locality. The design of the proposed townhouses has sought to compromise between the current character of the area whilst transitioning logically to a more economically viable, consolidated form of development that responds to the current changes in the housing market.

The proposed development seeks to provide the highest and best use for the site and provides valuable high-quality, low-maintenance dwellings within the Dubbo urban area that are appropriate for young professional couples or singles, students or aged persons looking to downsize from larger properties. The provision of smaller dwellings on smaller lots with low-maintenance requirements responds to a current gap in the Dubbo housing market. The proposal responds to the Council set intention for urban consolidation in this area from a character of detached single dwellings on larger lots to smaller houses on smaller lots, as evidenced by the adopted minimum lot size.

5.2.1 Privacy and Overlooking

The dwelling located on the northern portion of the site, and is to be subdivided on to a separate lot via this application, is a single storey detached dwelling with limited architectural appeal. The dwelling benefits from a protected north/west facing side yard, which is fenced and features larger landscaping, providing privacy. The dwelling is set back from Fitzroy Street by approximately eight metres, and from Wingewarra Street by approximately 10 metres.

The adjacent dwelling to the south (184 Fitzroy Street) appears to be a former shop and is built to the front boundary with a mixture of single storey and double storey elements. An private open space for this dwelling is on the southern side of the property and is therefore there is no apparent for any overlooking or overshadowing of this space as a result of the proposed multi-dwelling development.

Further, as no windows are proposed in the northern or southern elevation of the proposed development, the opportunity for overlooking to the north and south is limited. Screening would be provided on the eastern facing first floor windows to further limit any opportunity for overlooking.

The subject site is flat and levels are generally consistent with those within the surrounding neighbourhood. The proposed terraces are orientated to the west, with windows located in the eastern and western elevations only. Western windows at first floor overlook and survey Fitzroy Street to ensure passive security. Eastern windows at first floor are setback from the defined boundary in that direction.
by 5 meters and would feature fixed screening to limit the possibility of direct overlooking of the property by the west – refer Drawing A66.

5.2.1.2 Overshadowing/Solar Access

A comprehensive assessment of the potential for overshadowing has been completed in Table 4.1, Drawings A69 – A15 and Figures 3–8. From these, it is confirmed that the proposed multi-dwelling development will 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 Generation for Developments (2003) states that a traditional dwelling house generates 9.0 vehicle trips per day with weekday peak hour vehicle trips of 0.55 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 will 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 or, if any, impact on the existing local traffic environment.

5.3.2 PARKING

In relation to the two lots under review 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 A63. Stacked parking for two vehicles is proposed 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 rates:

- 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 below:

- One bedroom unit – one car parking space per unit
- Two or more bedroom unit – two car parking spaces per unit
- 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 13 Rees Street.
5.4 PUBLIC DOMAIN

The development would positively contribute to the public domain in the locality via supporting the Council's vision for 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 094-096. 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 allowing Council's cabling with requirements refer Drawing 094.

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 (CET) 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 near the 20m buffer of the subject site. The AHIMS search results are attached to the report as Appendix A.

A review of available sources confirms that the site does not contain and is not located adjacent to any items 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 retain 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-dwelling units are generally compatible with the traditional character of the locality. Scale and bulk of the dwellings has regard to that of the adjacent buildings to the north and south.

On balance, while representing a new form of development in the locality, it is considered that the development has taken sufficient reference to the existing built forms, 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 6.6.1.
The proposed dwellings would comply with water targets required as part of the required BASIX certificate. Measures covered by this certificate include the requirement for energy efficient taps, fittings and appliances as well as the installation of greywater tanks. The BASIX certificate attached at Appendix B demonstrates compliance with the BASIX requirements for the proposed dwellings.

5.8 SOILS
Standard erosion and sediment control measures would be implemented as a component of construction to ensure impacts to the local soil environment are minimised and managed.

5.9 AIR AND MICROCLIMATE
Short term emissions from construction equipment are anticipated however these would be temporary and short lived. The adoption of standard measures, as outlined in Section 6.32, would ensure that impacts are appropriately managed.

5.10 FLORA AND FAUNA
The development would not detrimentally impact on any critical habitats, threatened species, populations, ecological communities or their habitats, or other protected species.

The site contains a number of larger trees in the rear of the site that would require removal to facilitate the development. To replace these trees, a range of landscaping would be provided.

One small street tree is located at Fillery Street however it is believed this can retained without detriment to the tree. This is a non-native species with a circumference at breast height of less than 350 mm.

The trees to be removed in the rear yard are generally non-native species with the exception of a large eucalyptus in the south eastern corner. This is required to be removed to facilitate the development and ensure the ongoing safety of the property, surrounding properties and future residents — as discussed in Section 4.2.2.3.

5.11 WASTE
5.11.1 SOLID WASTE
Solid waste generated during the construction period would be appropriately disposed of at a waste disposal facility.

Waste generated by future residents would be collected via the Council garbage collection service.

5.12 EFFLUENT DISPOSAL
The site would be connected to the Council’s reticulated sewer services — refer Drawing DBA4. There is understood to be sufficient capacity within the network to accommodate the additional discharge generated by the development.

5.84 contributions are payable on the basis of creation of a vacant developable lot and four dwellings at the site in line with the requirements of Council’s Section 64 Water and Sewer Construction Plan — 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 2006, 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 houses 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 6.22. 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 risks. 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 access making. 1.2 metre high fencing...
5.19 SOCIAL IMPACT

As defined by the NSW Government Office of Social Policy, social impacts are significant events experienced by people as changes in, and or most of the following are experienced:

- People’s way of life (how they live, work, 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 Finney St, would ensure adequate privacy for open space areas for Proposed Lot 11.

The size and shape of the proposed multi-dwelling terrace housing sites comfortably within the site confirms 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 maintaining the area of disturbance at any given time, diverting drain runoff away from disturbed...
areas. Treatment of dirty run-off using sediment traps and filters installed to engineering design standards and stabilising disturbed areas as soon as practicable following construction;

- Preparation and implementation of a traffic management plan during construction works;
- All plant and equipment would be operated and maintained in accordance with the manufacturer’s specifications;
- Works would be undertaken in accordance with the standard daytime hours recommended by the Environment Protection Authority, that is, 0700–1600 Monday to Friday and 0800–1200 on Saturday, with no works on Sunday or Public Holidays. Any variation to these hours would first be negotiated in consultation with adjoining landowners;
- Undertake strategic revegetation as required and stabilise exposed surfaces with a vegetative cover as soon as is practicable; and
- The demolition of structures would take place in accordance with the relevant SafeWork NSW and Australian Standards requirements.

5.23 CUMULATIVE IMPACTS

The proposed development is unlikely to generate any impacts with the potential to act in union in terms of:

- Individual impacts so close in time that the effects of one are not dissipated before the next (time crowded effects);
- Individual impacts so close in space that the effects overlap (space crowded effects);
- Repetitive, often minor impacts arising environmental conditions (repeating effects); and
- Different types of disturbances interacting to produce an effect which is greater or different than the sum of the separate effects (synergistic effects).
Conclusion

6.1 SUITABILITY OF THE SITE

As demonstrated throughout Section B of this report, the proposed development does not result in any significant adverse impacts for future users of the subject site, adjacent properties, or the locality. In this regard, the development is considered to fit into the transitional/residential nature of the locality. The site attributes are considered to be conducive to the development, and as such the development is suitable for the site.

6.2 PUBLIC INTEREST

The development is considered to be of minor public interest due to the localised nature of any impacts.

6.3 CONCLUSION

The proposed development involves a two lot Terrena subdivision of land at 187 Wingewarra Street, Dubbo (Lot 1, Section 4D DP/182481), including demolition and tree removal, followed by the development of a terrace style multi-unit dwelling development providing four dwellings on the subdivided vacant lot, fronting Flinn Street, and their subsequent streets subdivision. A development proposing mixed forms of development is considered acceptable in the context of Section 84(2) of the EP&A Act.

The proposed development is permissible with consent in the R1 - General Residential Zone under the Dubbo LEP. The development is consistent with the applicable performance criteria of the Dubbo Development Control Plan 2013 and would not have any adverse environmental, social or economic impacts on the locality.

In this regard, the subject site is considered to be suitable for the proposed development.
References

Department of Urban Affairs and Planning (DUAP), 1999, Guidelines for Section 79C, 1999 Department of Urban Affairs and Planning, Sydney.

Department of Urban Affairs and Planning (DUAP), 2001, Cate Proceed and the Assessment of Development Applications, Guidelines under section 79C of the Environmental Planning and Assessment Act 1979, DUAP, Sydney.
Our Ref: 217992_LET.GO28.docx

9 October 2017

The General Manager
Dubbo Regional Council
PO Box 97
DUBBO NSW 2830

Attention: Darryl Guigli

DEVELOPMENT APPLICATION DU97-462 - REQUEST FOR ADDITIONAL INFORMATION

We write with reference to the above development application and Council’s letter of 28 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 not providing a proposed subdivision plan as Drawing A00A (including correction of the error in the list date for proposed Lot 12 (see point 4 below in this regard). The revised drawing not is provided as Attachment 1 to this correspondence.

(2) Strata subdivision

We have sought advice from the Department of Planning & Environment in regard of the 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 subdivisions 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 subdivision of class 4.1.1 seeks to “turn off” the subdivision.

We also note that the capacity exists, pending conclusion of the development (assuming approval is granted), for the strata subdivision of the land via the provisions of clause 4.1.1 of the State Environmental Planning Policy (Bereget and Cempkey Development Orders) 2006. Failing to grant consent for this aspect of the subdivision it is a development application to provide a strata subdivision for the same development as complying development would result in a perverse outcome.

DUBBO REGIONAL COUNCIL
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 as stipulated in this report.

On this basis, we take the view that the 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 2012 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 1,653 square metres. This is confirmed by site definitions by a registered surveyor and 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 site of 553 square metres and proposed Lot 12 has a site of 259 square metres, as displayed in Drawing A60A.

5. Fencing

As depicted on Drawing A17, proposed front fencing would consist of stock wired fencing. The maximum height of this fencing is proposed at 1.50 m. This is confirmed on amended Drawing A67.

6. Building setbacks

As reflected on amended Drawing A57, the setbacks of the proposed dwellings to Fitterley Street exceed the 4.5 metres. Conditioned front setbacks to the front elevation are proposed. As such, front setbacks comply with Council's DCP requirements.

The proposed pergola in the rear yards of the dwellings feature a proposed setback to the rear boundary of 1.8 metres (to the face) and 2.3 metres to the support columns. Amended plans to provide improved clarity are provided attached to this response (refer Drawing A37A for clarity).

7. Solar Access

Contrary to Council's assertions, the proposed setbacks have been positioned to minimise the extent of overshadowing by the northern facades. Particularly, the maximum fence height has been proposed at 1,200 mm, rather than 1,500 mm as is conventional, and the pergola rake (eave) positioned to be level with the top of the fence. As such, and as depicted in the shadow diagrams, the shadow line is in full sun from 11:30am and partial sun between 11:30am and 12:30pm.

In relation to the existing dwelling, a proposed awning has been included on the amended drawings, located in the eastern extent of the site (refer Drawing A65A). This area will receive excellent solar access.
due to the easterly and northerly aspects. If this positioning is not accepted by Council, there is ample
more on the western elevation to relocate the setbacks (or provide an additional setback if required).

With respect to solar access for the rear yards of the properties, the primary limitation in achieving the
stated requirements is the presence 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, basically, a lack of shade.
Such an outcome would also impact on BASSC compliance due to an increase in solar gains into the main-
living spaces of the dwelling. This would therefore provide a poorer quality outcome (and cost
prevalent via the design). The development is considered to satisfy the applicable performance criteria of Element 4
of the DCP, namely to provide a pleasant, safe and attractive level of residential amenity and is
henceforth acceptable to this regard.

In relation to the windows in the adjacent dwelling to the north (154 Railway 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 degree of shading to the
dwelling 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
environment (less sunny walls). 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
space and using what is understood to be a bedroom 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 undesirable impact to the amenity of the occupants of the adjacent dwelling. Notably, no
submission or objection is understood have been received from this neighbour.

(f) Private open space

The private open space provided for dwellings 2 and 3 is proposed at 26.4 square metres. This
represents a 25% variation to the minimum requirement of PUS as per Element 4 of Clause 2.1.1
is stated as:

Private open space is of an area and dimension facilitating the intended use

The proposed area of PUS is considered justified on the basis that the nature of the ventilation is so severe
as not to result in any reduction in amenity for future occupant nor any detrimental impact on neighbours.

It is noted that the DCP requires a minimum for multi-dwelling housing in the context of the internal
dwellings but not the site overall, by comparison to dwelling houses and dual occupation
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 new or less than three persons). There is sufficient space within the site provisioned
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 uses provisioned 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
addressable criterion, when the overarching intent of this 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.)
(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:

"Parking is provided according to projected needs, the location of the land and the characteristics of the immediate locality."

As noted at section 3.3.3 of the amended DCP, this approach has previously been approved via a similar level of development at 10 Reuvena St (approximately 260m from the subject site). Other examples include a number of recently developed dual occupancies at 32 and 31 Short Street, 172 and 171 Fulley Street and 134 and 136 Wigawarno Street (refer Plans at Attachment B). In this regard, the development is considered to be consistent with the type of development occurring in the locality. The location of the land ensures vehicle access to the site to reverse without needing to enter the road lane. This ensures safety and ensures the efficiency of the local traffic environment is not impacted and the return 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 (*) visitor space shortfall.

Again, as noted in Section 3.3.2 of the DCP, there is an assumption to its approval of off-street parking to accommodate the one parking space shortfall. Notably, the Fulley Street frontage between Wigawarno 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 the only one of two properties using the frontage for visitor parking. If necessary, visitors could also park on the western side of Fulley Street, as required. Given the close proximity to the central business district, it is unlikely there will be a need for visitors to 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:
1. Amended Drawings 217962_91_J_A01-A19

Page 5
217962_LET_005B_A00W
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 UDCP Requirements in relation to existing fencing of 197 Mingersells Street; and
5. Portion plan 51-1349
6. Plate 1 – 6.
ATTACHMENT 1
Amended drawings attached separately
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 subdivisions.

The most recent decision was handed down on 7 July 2017 in DM & Leongour Pty Ltd v Wilgrove City Council [2017] NSWLEC 1359.

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 common land), regardless of whether it is proposed to subdivide the dual occupancy by strata, community or tenure 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 review 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 Area. 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 timescale can be predicted.

Tamworth Regional Council
PO Box 1042
Dubbo NSW 2830

Gentle reader

More than just a city. More than just one place.
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 Mudgee City Council [2017] NSWLEC 1359.

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 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 inquiries with other Councils individually.

Yours faithfully,

[Signature]

Luke Weiler
Team Leader Development Assessment

Contact: (02) 6767 6507 or development@tamworth.nsw.gov.au
Reference: 2016/4839
7 August 2017
1.1 CLAUSE 4.6 VARIATION

The recent Land and Environment Court judgements of Di & Leong Pty Ltd v Willoughby City Council [2017] NSWLEC 1298 and Dabney v Lane Cove Council [2017] NSWLEC 1103 have resulted in the conclusion being reached by many local Councils that lots created by a new lot 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 scheme subdivision of four proposed multi-dwelling units to be developed on proposed Lot 12, Flinders Street, Dubbo. The lot sizes of the proposed lots are approximately 186 square metres (ground and flat lots). The applicable minimum lot size for the subject site, by reference to the Dubbo Local Environmental Plan 2011 LEP exhibited Lot Size Map is 330 square metres.

As the development fails to satisfy the numerical standard of clause 4.1 in respect of the minimum required lot size for multi-dwelling within the R1 zone, this clause 4.6 variation is provided.

Clause 4.6 provides a means to enable the flexibility of development standards where it is demonstrated that the development achieves the "Fit for 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 unnecessary;
- The development standard has been vitally amended 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 disproportionate due to existing use of land and current environmental character of the particular parcel or 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 contests a development standard unless concurrence from the Director-General to vary the development standard has been delegated to the Council.

In this instance, concurrence is required as Dubbo Regional Council is required for the reasons of Planning System Circular PS 06-003.

The applicable planning instrument to 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 dwelling types and densities;
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
The standard to be applied is the minimum lot size applying to the subdivision of land within the R1 zone, in this instance 303 square metres, stated 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 stock of productive lands,
(b) to ensure residential allotments are of a suitable size and shape to provide a building-envelope, private open space and suitable binnage for security and visual privacy,
(c) to ensure industrial allotments are of a suitable size and shape to allow for separation from adjoining users and to ensure appropriately shaded vehicle access to and from the lots,
(d) to ensure commercial allotments are of a suitable size and shape to provide for a range of commercial development without creating the fragmentation of commercial into smaller lots,
(e) to maintain the resource potential of and provide for future uses, small lot agricultural uses in areas suitable to access commercial quantities of agricultural water.

The numerical value is 303 square metres and the percentage variation is approximately 30%.

The objectives of the R1 zone and of clause 4.1 are discussed in Table 1.

Table 1 – Consideration of objectives

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<th>Objective</th>
<th>Assessment</th>
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<tbody>
<tr>
<td>To provide for the housing needs of the community.</td>
<td>This proposed development provides a form of housing that is consistent with the density and affordability of the housing market, ensuring appropriate building size consistent with the planning policy contained in the Dubbo LEP (Claw &amp; Piddington 2009), which seeks to increase housing density and variety, specifically through the provision of mid-density development, which is consistent with the policy of this LEP.</td>
</tr>
<tr>
<td>To provide for a variety of housing types and densities.</td>
<td>The proposed development provides a variety of housing types and densities, as well as possible variation in the design, respecting the character of the area. The different types of housing are designed to meet the needs of different household types, and the density is appropriate for the proposed mixed-use development, which includes commercial and mixed-use development.</td>
</tr>
<tr>
<td>To provide for the needs of residents that provide facilities or services to assist the elderly to stay within their homes.</td>
<td>This is to be achieved through the design, which is to be specifically oriented to meet the needs of the elderly.</td>
</tr>
<tr>
<td>Objective</td>
<td>Assessment</td>
</tr>
<tr>
<td>-----------</td>
<td>------------</td>
</tr>
<tr>
<td>To secure development on privately owned land and the status of geologically feasible lands.</td>
<td>The proposed site does not relate to such land and therefore this objective is not applicable.</td>
</tr>
<tr>
<td>To ensure a suitable environment is of a quality shape and size to provide a facility developable for open space and suitable building sites for consultation and public use.</td>
<td>The proposed development is largely consistent with the other community objectives of the Dubbo Regional City Plan 2013 with respect to the provision of suitable building sites, areas of private open space and appropriate vicinities.</td>
</tr>
<tr>
<td>To ensure in the event of development a suitable area of open space and shapes are allowed for open space and suitable building sites for consultation and public use.</td>
<td>The proposed site does not relate to commercial land and therefore this objective is not applicable.</td>
</tr>
<tr>
<td>To ensure the area is not as a result of road access or residential development suitable for open space and suitable building sites for consultation and public use.</td>
<td>The proposed site does not relate to commercial land and therefore this objective is not applicable.</td>
</tr>
<tr>
<td>To ensure the area is not as a result of road access or residential development.</td>
<td>The proposed site does not relate to commercial land and therefore this objective is not applicable.</td>
</tr>
</tbody>
</table>

Source: Dubbo Regional Environmental Plan 2041

In the circumstances of the case, the provisions of strict numerical compliance would be unnecessary and unreasonable on the basis that:

1. The proposed development is consistent with the over-arching aims of the Dubbo Regional Area Strategy and the Central West and Orana Regional Plan 2038 by providing for 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 antithetical to the objectives of the zone and clause 4.7 of the LEP as read in concert with this Appendix;
- Section 6 of the lodged Statement of Environmental Effects notes that impacts to road, 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 the 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 making of clause 4.1 with retrospective effect to address this section and facilitate continuation of the historic position of allowing semi-detached dwellings of land below the applicable minimum lot size.

Compliance with the standard would not hinder the attainment of the objectives of section 5(6)(b) and (8) of the Act, which are to encourage development that preserves, enhances and revitalises the area and encourages workforce and 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 Division 25 of the Central West and Orana Regional Plan 2020, 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, it may have a positive 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 planning. 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) Area Plan Strategy and the Central West and Orana Regional Plan 2020;
GEOLYSE

- The strict subdivision of the development would have no discernible impact on the scale, scope or environmental impacts associated with the development, as the development is still present, simply without the strict subdivision element.
- The site is within close proximity to public transport facilities 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 this 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 to well tolerated non-compliance with the standard is both unreasonable and unnecessary as it outweighs the strict numerical non-compliance; the development does not contravene the objects specified within (g)(j) and (g) of the Act and the R1 zone or the performance criteria for residential development outlined in the DCP.
## Table 2 – Consideration of Applicable Dubbo DCP Requirements in Relation to Existing Dwelling at 167 Wingewarra Street

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SECTION 2.1 RESIDENTIAL DEVELOPMENT AND SUBDIVISION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Section 2.1.1 Residential Design – Dwellings, Dual Occupancy and Multi-Dwelling Housing</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>Element 1 – Streetscape Character</strong></td>
<td></td>
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</tr>
<tr>
<td>P1: The homes and their entries are easily apparent from the street.</td>
<td></td>
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</tr>
<tr>
<td>A1.1: Buildings adjacent to the public street, address the street by having a front door facing the street.</td>
<td>Exterior dwellings address the primary frontage.</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>A1.2: The site area for multi-dwelling housing is a minimum of 700 m² and has a minimum frontage of 29 m.</td>
<td>Proposed Lots 11 and 12 satisfy the applicable minimum lot size for Torrington subdivision requirements.</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>A1.3: Where dual-occupancy or multi-dwelling housing are situated on outer streets (where one is not a boundary), the development is designed to face each street frontage.</td>
<td>Existing dwellings to be retained face the primary street (proposed Lot 12) and the proposed dwellings face a primary street (proposed Lot 12x).</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>A1.4: Dual occupancy development shall be designed in accordance with Figure 2.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>A1.5: Dual occupancy development shall not be designed as “retail venant”.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>P2: The development is to be designed to respect and enhance the positive characteristics of the narrow streets, including:</td>
<td></td>
<td></td>
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<tr>
<td>- Bulk and scale;</td>
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<tr>
<td>- Vegetation; and</td>
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<td></td>
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<tr>
<td>- Topography.</td>
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<tr>
<td>A2.1: Design elements to consider include:</td>
<td></td>
<td></td>
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<tr>
<td>- Matching overall proportions;</td>
<td></td>
<td></td>
<td></td>
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<td>- Height and pitch;</td>
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<tr>
<td>- Porch to eaves height;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Facade orientation and detailing;</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>- Window and door preparations;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Features such as verandas, awnings and pergolas;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Building materials, patios, features and finishes.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 external features are provided in the eastern yard.
Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

<table>
<thead>
<tr>
<th>Performance Criteria</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>• Generative elements;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Vertical footpath crossing (location and width);</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Fence types;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Building out-lights;</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 167 Wangarara Street

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>P3 Walls visible from the street are adequately detailed for visual interest.</td>
<td>A3.1: This may be achieved by recesses, projections or variations of colour, texture or materials.</td>
<td>No physical changes to existing dwelling in this regard</td>
<td>N/A</td>
</tr>
<tr>
<td>P4 Changes and parking structures (pavement) are sited and detailed to ensure they do not detract from the street's flow, integrate with features of the street and do not dominate views of the dwelling from the street.</td>
<td>A4.1: The width of a garage door or parking structure facing the street should not be greater than 60% of the total width of the front of the building for an attachment in excess of 12 m in width, measured at the street frontage.</td>
<td>No changes to garage doors or parking structures</td>
<td>N/A</td>
</tr>
<tr>
<td>Fencing:</td>
<td>A4.2: Changes or parking structures are located in line with or broken the alignment of the front facade's entrance of the building, and is calculated on back at 2.5 m (see Figure 2 – Dubbo). All others, the street's flow is in excess of 12 m.</td>
<td>No changes to fencing proposed in respect of the existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td>P7 Front fences enable overlook from the development to the street or open space to facilitate surveillance and safety.</td>
<td>A7.1: Perimeter fences have a maximum height of 1.2 m if solid or more than 50% transparent and 1.5 m if greater than 50% transparent.</td>
<td>As above</td>
<td>N/A</td>
</tr>
<tr>
<td>Front fences provide security in areas where there is a difference in land use (residential, commercial or industrial).</td>
<td>A7.2: Perimeter fences along external fireplances may have a maximum height of 1.8 m up to a panel that is located with the building line but the primary need must be provided.</td>
<td>As above</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A7.3. Build front fences to make roads or highways for the purposes of noise attenuation may be considered to a height of 4.8 m provided that:</td>
<td>As above</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Table 2 - Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

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</tr>
</thead>
<tbody>
<tr>
<td>PM 1 Fencing style and materials reflect the local streetscape and do not cause undue overshadowing of adjoining developments.</td>
<td>All fences on corner allotments are set-back and/or designed to provide for vegetation screening to soften the visual impact of the fences.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Note: Electrification wire or insulated fencing in residential areas is not permitted.</td>
<td>The fences are not 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 fences in allocated areas are of馵lassifying.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>PM 2 Fencing on corner allotments does not impede motorists' visibility at the intersection.</td>
<td>Fencing is in either upright, side-back, nostril in line or erected in such a manner as to maintain visibility for motorists.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Note: The extent of the upgrade will be determined by Council in consultation of the characterisation of the road and the motion of the pedestrian.</td>
<td>Gale is not permitted to open across the footpath (Chapter 21, Roads Regulation 2008).</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

DUBBO REGIONAL COUNCIL
## Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Windeganna Street

<table>
<thead>
<tr>
<th>Performance Criteria</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Element 2 – Building Setbacks</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>1</em> Front boundary set-back – dwellings and ancillary structures</td>
<td>No change to setbacks for existing dwelling</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td><strong>Notes</strong>: This setback is measured from the property boundary to the first vertical structural element of the development. Trees, shrubs, etc. shall be any closer than the stated setback.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Secondary frontage</strong>: A 1.4 m setback from the property boundary to the first vertical structural element of the development. The setback shall be 3 m. Where the corner is occupied, residential development is not permitted</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A1.5 RUD zone</strong> – the second set-back is 3.5 m. Where the corner is occupied, residential development is not permitted</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P2 Side and rear boundary setbacks – dwellings and ancillary structures</strong></td>
<td>No change to setbacks for existing dwelling</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td><strong>Notes</strong>: This setback is measured from the property boundary to the first vertical structural element of the development. No garages, pools etc. shall be any closer than the stated setback.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

<table>
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<tr>
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<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary tenure</td>
<td>No change to setbacks for existing dwelling</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Secondary tenure</td>
<td>No change to setbacks for existing dwelling</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>P5 Front boundary set-back – garages and carports The location of garages and carports does not diminish the attractiveness of the cottage and does not frame views of the dwelling face the street and integrates with features of associated dwellings.</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>A2.1 Garages and carports are within the RUB and R2 and set-back a minimum of 6.5m from the rear property boundary and in front of or located adjacent to front lag of the dwelling.</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>A2.2 Garages and carports are set-back in the RUB area a minimum of 6.5m from the property boundary and in front of or located adjacent to the front lag of the dwelling.</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>A2.3 Garages and carports are set-back in the RUB area a minimum of 6.5m from the rear property boundary and in front of or located adjacent to the front lag of the dwelling.</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>A2.4 Garages and carports are on secondary frontage of other dwellings and do not enhance the attractiveness of the property and integrate with features of associated dwellings.</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>A2.5 Garages and carports are set-back such that they comply with the requirements of the BCL.</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

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Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingeewarra Street

| Performance Criteria | Acceptable Solutions | Assessment | Compliance?
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>Element 3 - Solar Access</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solar access</td>
<td>A1.1 Dwellings are sited in accordance with Figure 5.</td>
<td>Not applicable as Lot 11 is north facing.</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A1.2 On east-west orientation lots, the setback to the setbacks of the lot is increased to allow for maximisation of access to habitable areas located on the north side of the dwelling.</td>
<td>Lot 11 is not east-west orientated</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A1.3 A roof area sufficient to meet the space requirements for a solar flat panel system is provided between 20% of the area of the existing house and 40% of the area of the south face of the dwelling between the hours of 9:00 am and 3:00 pm on 22 June.</td>
<td>It is entirely achievable to design a roof mounted system that will generate sufficient solar access to functions in the existing dwelling, subject to gaining suitable consent.</td>
<td>☑</td>
</tr>
<tr>
<td></td>
<td>A1.4 Outdoor clothes drying areas are located to ensure adequate shade and ventilation.</td>
<td>A clothes drying area is capable of being provided to the northern elevation of the existing dwelling on proposed Lot 11, meaning that it would meet all requirements from this new consent. This will likely screen from view to the north and west by existing landscaping.</td>
<td>☑</td>
</tr>
<tr>
<td><strong>P2</strong> Proposed development does not reduce the level of solar access currently enjoyed by adjoining or adjacent allotments.</td>
<td>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.</td>
<td>As the existing development is north facing, the southern side of the existing dwelling is to receive all of the sun. There is no change to this arrangement. Eastern and western elevations are entirely unaffected by the proposed development and as such the proposed arrangement is consistent with the current.</td>
<td>☑</td>
</tr>
<tr>
<td></td>
<td>A2.2 Private open space of adjoining and adjacent development consists of maximum 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.</td>
<td>The existing dwelling on the property has no open space area of PO2, a large area was screened 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.</td>
<td>☑</td>
</tr>
<tr>
<td></td>
<td>A2.3 Landscaping is designed to ensure that when mature, shaded areas of private open space or established EER/Perimeter areas are adjoining or adjacent allotments maintain solar access on 22 June in accordance with PO2.</td>
<td>Shadowing landscaping on proposed Lot 11 is largely retained, with the exception of a small amount of pruned garden to be removed on the eastern side of the dwelling. This area is not affected by shadowing from the proposed development.</td>
<td>☑</td>
</tr>
</tbody>
</table>
Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 497 Wingewarr Street

<table>
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</thead>
<tbody>
<tr>
<td>A2.4 The solar aspect of development shall be shown on the appropriate site layout diagrams and be considered. This shall be verified in accordance with Clause 6.</td>
<td>Preliminary Drawings A05 – A18</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td><strong>Private open space and landscaping</strong></td>
<td></td>
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</tr>
<tr>
<td>Private open space</td>
<td>Development in residential areas.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A1.1 Dwelling houses, dual occupancy and multi-dwelling housing shall have a Principal Private Open Space (PPOO) area, in addition to the general Principal Open Space (POS).</td>
<td>This is assessed for the existing dwelling in the western aspect of the site.</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>A1.2 The PPOO area shall have a minimum area per dwelling of 25 m² and a minimum dimension of 6 m (8 m for multi-dwelling housing). This area can include paved (not excluded) external entertainment areas.</td>
<td>This is assessed for the existing dwelling in the western aspect of the site.</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>A1.3 Dwelling houses and dual occupancy houses overall minimum POS area (including PPOO area) of 25 m² of the area shaded in light green or light blue.</td>
<td>This is assessed for the existing dwelling in the western aspect of the site.</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>A1.4 Multi-dwelling housing has an overall minimum POS area (including PPOO area) of 25 m² of the total area per dwelling within the development (excluding the area shaded in light green or light blue).</td>
<td>Multi-dwelling housing not proposed on proposed Lot 11</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>P2 Private open space is easily accessible by the occupants of the development and meets no acceptable level of privacy.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A2.1 All Principal Private Open Space (PPOO) is directly accessible from the main living areas.</td>
<td>This is understood to be assessed for the existing dwelling.</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>A2.2 All private open spaces is located behind the rear building and is screened to provide for the privacy of occupants and the occupants of adjoining properties.</td>
<td>This would be assessed subject to the installation of screening in the western aspect of the dwelling.</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>P5 Landscaping is provided at a scale and density which is proportionate for the development.</td>
<td>A landscape plan is required to be provided for assessment with the layout of development applications</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>A2.1 Landscaping is provided in accordance with the requirements of the Landscaping Schedule (Dubbo DCP p. 48).</td>
<td>No landscaping proposed or required in relation to the existing dwelling</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>A2.2 The height and density of vegetation at maturity will be suitable to screen and soften the development.</td>
<td>No landscaping proposed or required in relation to the existing dwelling</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>A2.3 A landscape plan is required to be provided for assessment with the layout of development applications</td>
<td>No landscaping proposed or required in relation to the existing dwelling</td>
<td>☒</td>
<td></td>
</tr>
</tbody>
</table>
Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

<table>
<thead>
<tr>
<th>Performance Criteria</th>
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</tr>
</thead>
<tbody>
<tr>
<td>P4. Landscaping is located to not impact infrastructure, development on the site or development adjoining the site.</td>
<td>A4.1. Species selected and located taking into consideration the size of the root crown of the tree, natural maturity and the likelihood of potential for the tree to shed heavy materials.</td>
<td>No landscaping proposed or required in relation to the existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A4.2. Species selected and located to ensure that the amenity of adjoining and adjacent properties is not impacted (Element 3 - Site Assembly).</td>
<td>No landscaping proposed or required in relation to the existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td>P5. Landscaping is undertaken in an environmentally sustainable manner which limits the time and costs associated with maintenance.</td>
<td>A5.1. Existing native trees are retained.</td>
<td>No large native trees require removal in relation to the retention and protection of plant 11</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A5.2. Species selected are suitable for the local climate.</td>
<td>No landscaping proposed or required in relation to the existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A5.3. Species selected require a minimal amount of watering (Waterwise Gardens).</td>
<td>No landscaping proposed or required in relation to the existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A5.4. Landscaping does not impact groundwater levels by preventing groundwater level increases or the protection of waters.</td>
<td>No landscaping proposed or required in relation to the existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A5.5. Landscaping is provided with a filtered watering system and drainage system to determine the amount of water required.</td>
<td>No landscaping proposed or required in relation to the existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A5.6. Species are used to control watering systems (see also Element 9).</td>
<td>No landscaping proposed or required in relation to the existing dwelling</td>
<td>N/A</td>
</tr>
</tbody>
</table>
### Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

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<tbody>
<tr>
<td><strong>Element 5 - Infrastructure</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P1 Residential development shall not exceed the capacity of public infrastructure including embedded services, tunnels, open space and streetservings.</td>
<td>A1.1 Physical infrastructure is provided by the proponent in accordance with Council’s adopted version of NRM Spinecell Assessment policies.</td>
<td>Existing dwelling is already serviced by existing infrastructure</td>
<td>N/A</td>
</tr>
<tr>
<td>P2 Design and layout of residential development provision spaces (including assessments) and facilities to enable efficient and cost-effective provision of telecommunications services.</td>
<td>A2.1 Development is connected to a telecommunications system provided in accordance with the requirements of the appropriate authority.</td>
<td>Existing dwelling is already serviced by existing infrastructure</td>
<td>N/A</td>
</tr>
<tr>
<td>P3 The development is connected to existing gas, water, and electricity supplies and to reticulated gas where available.</td>
<td>A3.1 Development is connected to Council’s reticulated water supply, sewerage or drainage and reticulated gas to Council’s adopted version of AUSPEC and relevant policies including appropriate water meters where the development is to be subdivided.</td>
<td>Existing dwelling is already serviced by existing infrastructure</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A3.3 Where not serviced by Council’s reticulated water supply in the RGC area, each dwelling is provided with a 15,000 litre potable water storage (or 22,000 litre potable water storage if supplemented by an alternative supply) and a second ready access to a minimum water supply of 80,000 litres assured for the lighting purposes (see Area B).</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A3.5 Extant and connect electricity supply capable of exceeding the needs of the development and future development where easy access to an electricity supply is assured.</td>
<td>Existing dwelling is already serviced by existing infrastructure</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A3.4 Where Town sewerage services are not available, an approprieteffluent disposal system is provided and located so as to minimise</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>- influent on flood-affected land.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- within a soakage area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- likely to contaminate any surface water or ground-water catchment.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P4 In areas where drainage infrastructure has little or no excess capacity, developments which would generate stormwater runoff beyond that equivalent to 10% site cover (or beyond that presently generated by the site if greater) should provide for</td>
<td></td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A4.1 Onsite stormwater detention shall be provided with enlarged storage into the stormwater systems.</td>
<td>Not applicable on the basis that the area has adequate capacity</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A4.2 Minimal impervious area shall be provided.</td>
<td>Likely to be achieved.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A4.3 A1 onsite water recycling system shall be provided.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

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<tr>
<td><strong>Visual privacy</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P1 Private open spaces and living areas of adjacent residential accommodation are protected from direct overlooking by an appropriate layout, screening, doors and distance.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Note: No screening is required if: Bathrooms, toilets, laundry, storage areas or other habitable rooms have transparent glazing or all habitable rooms are at least 1.5m.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Habitable rooms having sill heights of 1.8m or greater above floor level in any window less than 1.5m above floor level.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Habitable rooms facing a property boundary have a visual barrier of at least 1.5m high (fence and trees other than围墙 are not to be any higher than 1.5m and the top of the fence is less than 0.8m above the level of the ground at the boundary).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.1. Visible rooms with an outlook to habitable room windows in adjacent development within 5m:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Alt. 1: A minimum distance of 1m from the edge of the opposite window in the proposed development.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A sill height of 1.5m above windows to</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A fixed clear distance giving to any window pane (after 1.5m above floor level).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A fixed clear distance giving to any window pane (after 1.5m above floor level).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No overlooking of windows in relation to the existing dwelling is permitted due to screening of windows at first floor of the proposed multi-storied unit and no window facing the southern elevation.</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.4.5. Rooms are solid, soundproofed or perforated panels orlaying with a minimum of 25% opening:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Alt. 1: Perforated and fixed.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Alt. 2: Fixed, gauze, mesh, or perforated panels and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Alt. 3: Perforated or fixed covered with the sound-absorbing material.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No soundproofing is required in relation to the existing dwelling given there is perforated on the proposed multi-storied development.</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.5. Windows and balconies of residential accommodation should be designed to prevent overlooking of more than 50% of the private open space of any adjoining residential accommodation (see Figure 7).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No windows or balconies exist in the existing dwelling that overlook the existing dwelling.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.2.1. Living rooms or areas of residential accommodation do not adjoin or abut habitable rooms of adjacent residential accommodation.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>This would not occur.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.2.2. The plumbing of residential accommodation is separate and sustained from the proposed multi stovided dwellings.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not applicable to the existing dwelling.</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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**Geolyse**

**Dubbo Regional Council**

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### Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wanganura Street

<table>
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<tr>
<td>and ensuring that adjacent development is maintained.</td>
<td>A2.5 Electrical, mechanical or hydraulic equipment or plant generating noise rated to greater than 70DBA above ambient. Allow sound level at the boundary of the property.</td>
<td>No change to existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A2.6 Existing walls and fences between residential units are constructed in order to comply with the requirements of part F1 of the BDA (Sections 2 and 3 to be designed only).</td>
<td>No change to existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A2.8 Residential accommodation is constructed to ensure hallways, rooms are not exposed to smoke levels. Precautions to the standards contained in the Australian Standards (including AS 1671 – Road Traffic).</td>
<td>No change to existing dwelling</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### Element 7: Vehicular access and car parking

**Parking provision**

P1: Car parking is provided according to projected needs, the location of the site and the characteristics of the immediate locality.

- **A1.1** Dwelling house and dual occupancy development provides the following vehicle parking:
  - One bedroom dwelling – one car parking space per dwelling, located behind the front building setback; 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 setback.

- **A1.2** Multi-dwelling housing development provides the following vehicle parking behind the front building setback:
  - One bedroom unit – one car parking space per unit;
  - Two or more bedroom units – two car parking spaces per unit; and
  - Visitor parking – non-car parking spaces at rear of site with a minimum of one car parking space.

**Design**

P2: Car parking facilities are designed and located for:

- Convenience and security; and
- Efficient use of car spaces and approachways including adequate

<table>
<thead>
<tr>
<th>Design</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A2.1 The dimensions of car spaces and access comply with Section 3.1.2 Parking.</td>
<td>This would be addressed.</td>
</tr>
<tr>
<td>A2.2 Access between car spaces and access to enter the designated parking spaces in a single turning movement and leave the space in no more than two turning movements.</td>
<td>This would be addressed.</td>
</tr>
</tbody>
</table>

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Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 137 Wingewarra Street

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Fire hydrant · access points</td>
<td>Fire hydrants shall be in accordance with the following: - Adequate access from main roads; · Adequate access from fire hydrant boxes; · Adequate access from fire hydrant boxes to hydrant boxes; · Adequate access from fire hydrant boxes to hydrant boxes; · Adequate access from fire hydrant boxes to hydrant boxes;</td>
<td>Existing dwelling not a form of multi-dwelling housing and so such rules apply to the existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td>Driveways and access points</td>
<td>i) For multi-unit residential development, driveway and access points are designed for maximum safety to resident motorists, property owners and pedestrians.</td>
<td>Existing dwelling not a form of multi-dwelling housing and so such rules apply to the existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td>Driveways and access points</td>
<td>ii) Existing dwelling not a form of multi-dwelling housing and so such rules apply to the existing dwelling</td>
<td>No garage or carport proposed for existing dwelling</td>
<td>N/A</td>
</tr>
</tbody>
</table>

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Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>make it unnecessary for trees to extend onto or off the road. This means it is at least 5 m wide for a distance of 1 m to 2 m to allow vehicles to pass each other.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Trees within 5 m of a road intersection (see Figure B)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The access points located on the drive road where the house is located by a major or a minor road.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Access points are not located next to existing and existing vehicle access is provided</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Access points are located on flat existing (see Table 2 for the design speed of the road (in accordance with Australian Standards Guidelines “Guideline to Traffic Engineering Practice, Part 5 – Traffic Design for Access”))</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Flat, low vehicle access is provided and safety of pedestrians is not impeded across the traffic-able road.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access points Rhausen</td>
<td>A.3.2 Ward the driveway passes through solid fencing higher than 1.2 m, the fencing is graded into the property to make pedestrians visible when reversing.</td>
<td>Fencing is no higher than 1.2 metres, ensuring safety for pedestrians. No change to front fencing proposed.</td>
<td>N/A</td>
</tr>
<tr>
<td>Access points off highways</td>
<td>A.4.1 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.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Access points off highways</td>
<td>A.4.1.5 Where driveways and access points are constructed to maintain the flow of stormwater through drainage structures and other drainage structures,</td>
<td>N/A – existing driveway</td>
<td>N/A</td>
</tr>
<tr>
<td>Access points off highways</td>
<td>A.5.1 To be undertaken in accordance with the requirements of Roads and Maritime Services (RMS).</td>
<td>Existing driveway is used, no changes required. Not a highway.</td>
<td>N/A</td>
</tr>
<tr>
<td>Access points off highways</td>
<td>A.5.2 Other road frontages are used if frontage is available.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Access points off highways</td>
<td>A.5.3 The number of access points onto a driveway is not greater than the number of existing access points.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 187 Wingewarra Street

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</tr>
</thead>
<tbody>
<tr>
<td>Security</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AE.1. Car parking facilities are designed and located so they:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Are adjacent and connected to residential uses.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Are accessible and visible from residential accommodation.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Are of sufficient size.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Are well illuminated.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Do not obstruct the view between the street and their residences.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Clearly defined by any visitor parking and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Clearly separated from facilities means vehicle movement noise and traffic entering residential accommodation.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Existing dwelling is not multi-dwelling housing | | | ✔
| | | | |
| Emergency vehicle access | N/A                  | N/A        |             |
| P7. Clearing and paving areas for services, emergency or delivery vehicles are provided whose access to any dwelling from a public street is remote or difficult. | | | |
| AE.1. Accessways into multi-housing development are designed to take into account the need for an RUSTRONICS 8.8 m long/h Design Load Vehicle. | | | |
| Performance criteria identify that the control applies where access to any dwelling from a public street is remote or difficult. | | | |
| This would be gateway for the existing dwelling. | | | ✔
| | | | |
| Surface treatment | N/A                  | N/A        |             |
| P6. Driveways, car parks and access points are designed in accordance with Section 2.3.3 Pavement. | | | |
| AE.1. Car parks, accessways and driveways are formed, stabilised and covered to a thickness of minimum 80 mm overlaid with: | | | |
| - All-weather seal such as concrete, asphalt, or similar materials. | | | |
| - Cements, resins, or geotextile/paving materials (such as bricks, stone or concrete paving) laid to the paving standards of State Wide Standards. | | | |
| Not applicable. | | | |
| Performance criteria identify that the control applies to shared driveways, accessways and car parks. A separate driveway is proposed for the existing dwelling and as such are not considered to be shared. | | | |

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### Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

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<tr>
<td><strong>Element 8 – Waste Management</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic solid waste</td>
<td>A1.1 Residential accommodation shall participate in General waste and recycling materials reduction service.</td>
<td>This would be achieved for the existing dwelling</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A1.2 Organic waste shall be composted.</td>
<td>This would be achieved for the existing dwelling</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A1.3 Recycling of wastes such as paper (mulch &amp; gardening), plastics, glass and aluminium.</td>
<td>This would be achieved for the existing dwelling</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A1.4 Reuse of wastes such as further.</td>
<td>This would be achieved for the existing dwelling</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A1.5 Disposal of wastes to a Council approved waste facility or transfer station.</td>
<td>This would be achieved for the existing dwelling</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>P2 The amount of liquid waste generated is miniscule.</td>
<td>This would be achieved for the existing dwelling</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>P3 Where no septic tank system is installed, the ability to receive treated waste water be maximised where there is no conflict with contamination to the aquifer or ground water supply.</td>
<td>This would be achieved for the existing dwelling</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A2.1 The use of dual-flush sanitary systems and water saving fixtures and appliances.</td>
<td>This would be achieved for the existing dwelling</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A3.1 Subject to site suitability, the use of non lidded waste water treatment systems (NWTS) which enable treated effluent to be used to water marsh or gardens. Note 1: NWTS enable treated effluent to be irrigated onto farms, gardens, lawns etc. Treated effluent shall not be used to irrigate passive or active recreation areas or used to grow vegetables or trees for human consumption. Note 2: Recommended buffer distances for on-site septic and effluent systems are included in the table below.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A4.1 Adequate space is provided to separate waste collection areas in a manner which will not adversely impact upon the amenity of the area.</td>
<td>This would be achieved for the existing dwelling</td>
<td>✓</td>
</tr>
</tbody>
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## Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

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</thead>
<tbody>
<tr>
<td><strong>Well losses</strong></td>
<td><strong>Site Facilities</strong></td>
<td>A1.1 Individual mail boxes are located to each ground-floor entry of residential accommodation one mail box adjacent is located close to the major pedestrian traffic to residents.</td>
<td>Existing mail boxes unchanged</td>
</tr>
<tr>
<td><strong>Storage areas</strong></td>
<td><strong>P1</strong> Each dwelling with a multi-unit development is provided with adequate storage space and internal clothes drying facilities.</td>
<td>A2.1 A space clear of with a minimum horizontal storage area at first and second dwelling is set aside exclusively for storage. This space may vary from part of a carport or garage but shall be accessible for storage.</td>
<td>No change to existing storage for existing dwelling</td>
</tr>
<tr>
<td><strong>Security</strong></td>
<td><strong>P3</strong> Car parking areas and pedestrian access ways to this entry of multi-unit development are adequate in size and sight for safety and security of residents and occupants.</td>
<td>A3.1 Car parking area not governed by any in accordance with ARR 11601.</td>
<td>Existing dwelling is not multi dwelling building</td>
</tr>
<tr>
<td><strong>Antennas</strong></td>
<td><strong>P4</strong> Telecommunications facilities are provided to serve the needs of residents and do not present any adverse visual impacts.</td>
<td>A4.1 The number of desirable services and other receiving antennas is kept to a minimum on any premises, a Preliminary is provided to serve all dwellings within a single building.</td>
<td>No change to existing antenna at existing dwelling</td>
</tr>
</tbody>
</table>

### 2.1.3 - Subdivision Controls

**Element 1 – Neighbourhood Design**

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P1</strong> Street designs and lot directly minimizes motor vehicle use and promotes walking and cycling.</td>
<td>A1.1 Recreational assets, shops and facilities are located within walking distance (400 m) of residence.</td>
<td>This is achieved</td>
<td>✓</td>
</tr>
</tbody>
</table>

**Element 2 – Lot Layout**

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P1</strong> Lots are of appropriate area and dimensions for the sitting and construction of a dwelling and ancillary</td>
<td>A1.1 Lot size complies with Dubbo LEP 2011.</td>
<td>Development is compliant with LEP in that both proposed lots are 14 and 1 exceeded 300 m²</td>
<td>✓</td>
</tr>
</tbody>
</table>
### Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1.2. Lot sizes and dimensions take into account the steps of the lots and minimize setbacks/encroaching walls associated with existing construction.</td>
<td>This is achieved</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>2.1.3. Lot sizes and dimensions enable residential allowance to be side to:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Provide natural or artificial features to</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Achieve site constraints including soil crevices and buildings etc. and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Obtain special features such as access and views developers are encouraged to identify significant trees or subdivision stages and ensure provision of an adequate building envelope.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>User requirements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P2 Lot frontages are oriented toward streets and open spaces so that pedestrian and property security, clearances of</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>- Lot frontages shall be parallel to the street and open spaces and provide adequate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solar access</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P4 Lots are orientated and have dimensions to allow adequate solar access.</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

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Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

<table>
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<tr>
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<th>Acceptable Solutions</th>
<th>Assessment</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>ELEMENT 4 - INFRASTRUCTURE</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P1 Design and provision of utility services including sewage, water, electricity, gas, street lighting and communication services are cost-effective andlor appropriate to minimise adverse environmental impact in the short and long term.</td>
<td>A1.1. The design and provision of utility services conforms to the requirements of the relevant service authorities.</td>
<td>No change to existing service connections required for existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A1.2 Water and sewerage services are to be provided to each dwelling at the cost of the developer.</td>
<td>No change to existing service connections required for existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A1.3 Water and sewerage services are to be designed and constructed in accordance with the requirements of NART- SPEC (DPC version) Development Specification Series - Design and Development Specification Services – Construction.</td>
<td>No change to existing service connections required for existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A1.4 Electricity supply is provided via underground mains in accordance with the requirements of the energy supplier.</td>
<td>No change to existing service connections required for existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>A1.5 Council will not connect to the subdivision of land until adequate water supply and facilities for sewage and drainage are available on site. Arrangements satisfactory to Council have been made for the provision of such supply and facilities.</td>
<td>No change to existing service connections required for existing dwelling</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>ELEMENT 7 - STORMWATER MANAGEMENT</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P6. Subdivision design and layout provides for adequate site drainage.</td>
<td>A6.1 Where site topography prevents the discharge of stormwater directly to the street gutter or Council-controlled drain system, an alternate system is provided to accept seepage from all existing or future impervious areas that are likely to be directly connected.</td>
<td>No change to stormwater discharge arrangements for the existing dwelling.</td>
<td>✔</td>
</tr>
</tbody>
</table>

**DUBBO REGIONAL COUNCIL**

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### Table 2 – Consideration of applicable Dubbo DCP Requirements in relation to existing dwelling at 197 Wingewarra Street

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
<th>Assessment</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SECTION 3.4 – HERITAGE CONSERVATION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.4.19 - General Development Controls – Construction of new buildings</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provision for cars (as crossovers)</td>
<td>P11 These should reflect the nature of adjacent historical buildings and the heritage precinct.</td>
<td>All veh冰淇cess points should be utilised where possible. Note: Large double driveways are not appropriate.</td>
<td>An existing crossover location is utilised by the development.</td>
</tr>
</tbody>
</table>

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**DUBBO REGIONAL COUNCIL**

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ATTACHMENT 6

Plate 1: Gali Wingamara Street

Plate 2: TAFE buildings in Fibrey Street
Plate f: Dwelling (barren site) on the corner of Short and Plover Street (south)

Plate fi: Nulla Fluci; dual accessway with setback parking
Photo 7: Split flat dual occupancy with shared parking

Photo 8: Wingecarribee flat dual occupancy with shared parking
Dear Michelle / Darryl,

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 underground electrical infrastructure. The easements are to be created using Essential Energy’s standard easement forms 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 underground powerlines located on the Fitzroy Street property frontage - refer Essential Energy’s policy ES050/08.29 Minimum Clearance Requirements for NSW and SSC 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 subdivisions, 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 guidelines currently known as JSSC 30 Guidelines for the Management of Activities within Electricity Easements and Close to Infrastructure.

Prior to commencing 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.safe.work.nsw.gov.au) have publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines.

Regards

Flora Duncan
Community Officer

P: 02 6368 8775 | E: DialBeforeYouDig@gmail.com
Dear Mr McMahon,

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 (PDECL7/9).

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 Council's 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 RUS 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:
   (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 5m 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 [A] terrace dwellings fail to achieve the minimum required hours of direct sunlight ....

Solar access has been adequately addressed in the attached copy of the Geosysx 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_036_CO01-00S 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 Government's identified priority of satisfying the states need for more medium density housing. The State government has identified this as "the missing middle" 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 30m. Typically, it results in a net density of 25-45 dwellings per hectare. This includes terrace style housing on town 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.”
Councils 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 Councils 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 Geolypse Letter to Council dated 5th 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.
(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 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 multi-storey residential flat buildings (RF6). The proposed terrace building is of a smaller scale and density than a RF6. How could an RF6 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 RF6 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 Councils justification of refusal I have reviewed the original SEE including supporting information and the further information reply from Geolysce 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
Raceball Pty Ltd
Ph: 0427 761 977
Good afternoon Darryl.

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

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Musarrat Khan
Senior Development Engineer
Dubbo Regional Council
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M 0419 445 220
E Musarrat.Khan@dubbo.nsw.gov.au

From: Darryl 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 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 – 11,000 vpd). 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 movement 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 manouevrability;
- 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 an 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

Darryl Quigley
Statutory Planning Services Team Leader
Dubbo Regional Council
P 02 6801 4000 F 02 6801 4259
E Darryl.Quigley@dubbo.nsw.gov.au
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.

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<th>BSB</th>
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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:

_________________________________________________________________________
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5. How will other residents of the Dubbo Regional Council LGA benefit from your Organisation’s activities?

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6. Please list donations given to your Organisation by Council (either the former Dubbo City or Wellington councils) over the last three (3) years:

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<th>Amount Received</th>
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<th>Purpose to which Funds were Applied</th>
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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:

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<th>Funding Body</th>
<th>Date Application Lodged</th>
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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? _______________________
   
   ________________________________________________________________
   
   ________________________________________________________________
   
   ________________________________________________________________
   
   ________________________________________________________________

DUBBO REGIONAL COUNCIL
5. What contributions do volunteers make to your Organisation?

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PART C

ADDITIONAL INFORMATION

Please provide any additional information you consider necessary.

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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.

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<th>Name of Organisation:</th>
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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:

________________________________________________________________________
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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:

________________________________________________________________________

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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.
REPORT: Utilisation of Wellington Administration Building Floor Space

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 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'
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
Old Dubbo Gaol

CONCEPT DESIGN PLAN

Prepared for

DUBBO REGIONAL COUNCIL

3D Projects

in association with

Lightwell

March 2017
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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 prisoner-related objects and archives that have been collected during the ODG museum phase after 1974 for use as exhibition items or display props.
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 paddock 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.
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 Warden’s hat and collection
8 Handcuff and leg iron collection
9 Portable cell in northern yard area
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, woodcutters 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 Moors, 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 theatrette 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-1874 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 Gaolhouse
5. Woodcutters animatronic mannequin/landscape in southern yard
6. Executive’s Spectravision AV presentation in thetrette
7. Infirmary interpretive bed display
8. Showcased relics from Hangman’s kit in Male Division cells
This well scripted 35-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 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 grills 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.
APPENDIX NO: 1 - OLD DUBBO GAOL CONCEPT DESIGN PLAN STAGE 1
ODGCDP-FINAL:ERW-FINAL IP-2

ITEM NO: CCL18/45

ODG Site Constraints & Opportunities
1. ODG entrance from Macquarie Street with NPS offices at right
2. Looking west from Western Gatehouse along Eddis Meak 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 storages room
6. Doorway to ODG staff office
7. Area outside northern boundary wall for potential shipping container storage

Casewell Design Plan - Old Dubbo Gaol - 3G Projects - March 2017

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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 theatrette 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 scope 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
APPENDIX NO: 1 - OLD DUBBO GAOL CONCEPT DESIGN PLAN STAGE 1
ODGCDP-FINAL:ERW-FINAL IP-2

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 1850m 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.
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 interconnectivity 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 interconnectivity 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, relocated 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 1828
• Footprint of 1828 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.
Sample Infrastructure & Interpretive Works:
1. Glass doors to ODG reception and orientation display.
2. Orientation object showcase with multimedia.
3. Doonkey outlines painted on wall of Western Gatehouse.
4. Old lockers steel gate and barrier proposed at Western Gatehouse.
5. Brick, stone and gravel wall.
6. 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 slats 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: renounced 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.
Sample Infrastructure & Interpretive Works
1. Pre-Existing Wayfinding & Interpretive Signage Type 1
2-3. Oxidised steel and grave-paved treatments for Wall Footprints
4. Tree-lined and hardwood benching
5-6. Garden plantings and grave-paved treatments
7-8. Timber coffin treatments for Grave installations
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 ‘and 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 ‘and 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 Mailiailieu 1891
  - Lara Peter Hansen 1891
  - Thomas Moore 1897
  - Wong Ming 1898
  - Jacky Underwood 1901
  - Ah Check 1894

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 1888 escape attempt and the subsequent metal linings applied to cell ceilings to prevent future escapes.
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Prisoners Executed on Gallows at ODG
1 Thomas Neuman 1877
2 Albert 1880
3 Harold Dutton Mellitou 1891
4 Lars Peter Hansen 1891
5 Thomas Moore 1897
6 Wong Ming 1898
7 Jesky Underwood 1901
8 Ah Chack 1904

Casswell Design Plan - Old Dubbo Gaol • SC Projects • March 2017
Sample Infrastructure & Interpretive Works:
1. Freestanding Interpretive Signage
2. Cell reconstruction - Night
3-5. Cell Reconstructions - Work showing implements for brush making, shoemaking and tailoring
6. Suspended galvanised steel mesh walkway for Penal 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 material 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, rope, hoods and restraints.
  - NSW prison issue firearms & batone.
  - 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 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 sad loading/dealing firearms and handling batone, 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.
Sample Infrastructure & Interpretive Works:
1-3: Gallows Gallery articulated staud-film roof treatments within walls of Former 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 o ccasioning 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, 1888.
• 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
3-4. 'Skelestep' structure examples for Gaol/son Installation
5. Rations interpretive table
6. Photograph of authentically dressed prisoners and gaol staff for Characters Type 3 signage

Casual Design Plan - Old Dubbo Gaol • 3G Projects • March 2017
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 OD3 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 warden - Matron
- Male warden
- 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.
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WESTERN GATEHOUSE SECTIONS

GALLOWS GALLERY SECTIONS

GALLOWS GALLERY & EASTERN GATEHOUSE SECTIONS

3 - D Projects

Old Dubbo Gaol Concept Design Plan
Macquarie Street, Dubbo, NSW
Dubbo Regional Council
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


Edward Higginbotham, Archaeological Assessment & Geophysical Investigation of the Old Dubbo Gaol, 2014.


6 APPENDICES
Overview
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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ABN 84 107 866 660
Production briefs
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 x 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 gall. 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 x interactive touchscreens, each approx. 620mm x 360mm 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