

22 April 2025

Attention: Portfolio Committee No. 8 – Customer Service
Legislative Council
Via Email: PortfolioCommittee8@parliament.nsw.gov.au

Dear Committee

**PORTFOLIO COMMITTEE NO.8 CUSTOMER SERVICE | INQUIRY INTO PUBLIC TOILETS |
SUPPLEMENTARY QUESTIONS**

I refer to the Portfolio Committee No. 8 – Customer Service hearing held 7 April 2025 for the Inquiry into Public Toilets and your subsequent email dated 14 April 2025 requesting responses to questions taken on notice and supplementary questions related to the Inquiry. Accordingly, please see the below responses:

(1) When was the last time Dubbo Regional Council or Dubbo City Council constructed a public toilet in a park that did not consist of single use cubicle/s?

Response:

Without initiating a costly review of all documentation in Council's record keeping system, designs from 2012 for the Dubbo Touch Clubhouse show externally facing toilets with cubicles. Noting there was not significant renewal of amenities for a significant period of time in open space assets beyond projects such as catering for growth at Elizabeth Park (individual amenities placed as the greenfield development took place), Dundullimall Reserve (single use toilet in a bush reserve with septic system), male and female designated single toilets at Lady Cutler Sports Fields. Single cubicles were trialled at parks serving social housing estates but were consistently vandalised to be non-operational and removed.

(2) Prior to the constructions of the new Lions Park West Public Toilet Block were councillors advised that the design would depart from the single use cubicle design that council had been previously using?

Response:

The word 'depart' implies there is a policy of Council that staff moved away from. There is no toilet policy of Dubbo Regional Council requiring design of a certain type that staff are required to follow beyond building codes that apply to all construction.

(3) If the answer to 2 is no, why not?

Response:

There is no record in formal meetings of advice in this regard being provided to Committees or a Council meeting. This is consistent with previous amenity renewals where detailed designs were not placed before Council beyond allocation of budgets as part of a Delivery Plan or Operational Plan.

This is illustrated by Council elevating their interest from previous practice in recommending via an amendment at its February 2025 Community and Culture Committee (subsequently resolved by Council) that draft designs be brought to Council for consideration for the Victoria Park amenities, noting Victoria Park is equal highest ranked park in the open space portfolio.

(4) Prior to construction was the design presented to councillors as a group as part of a council meeting or in some other way?

Response:

As above.

(5) If the answer to 4 is no, was it shown/provided to any councillors?

Response:

As above.

(6) Prior to the constructions of the new Lions Park West Public Toilet Block were councillors advised of the competing merits of single use cubicles and toilet blocks of the style ultimately adopted for the Lions Park West Toilet Block?

Response:

No.

(7) If the answer to 6 is no, why not?

Response:

Upon the allocation and as a low-level capital works it was treated as operational.

(8) Prior to the construction of the new Lions Park West Public Toilet Block did Dubbo Regional Council staff actively consider the competing merits of single use cubicles and toilet blocks of the style ultimately adopted for the Lions Park West Toilet Block?

Response:

Yes. I refer the Committee to the Questions on Notice considered at the February 2024 Ordinary meeting of Council, as follows:

Question from Councillor

In light of answers provided to questions on notice at the December 2023 Ordinary Meeting of Council regarding the Lions Park West Dubbo 3D Printed Toilet block, what was the

methodology used to determine how many toilet cubicles and urinal trough spaces were required in that park for a new toilet block?

Response from staff

The plan was to replace the end-of-life asset with a new one, ensuring at least the same level of service, if not better, was delivered within the allocated budget. Having a low maintenance form was also important given its location and some of the maintenance costs DRC incur on other amenities.

Considering its location in an evolving energised river precinct, close to a popular playground and BBQ area with high weekend traffic, along with expected increases in highway traffic and events like runs, it was agreed to slightly expand the capacity if possible, taking advantage of the budget provided. An additional two female cubicles and a new male urinal were achieved with minimal impact on the overall project budget.

Additionally, a disabled access toilet was added, which was not available in the previous amenities.

For further information, I refer the Committee to the Questions on Notice considered at the December 2023 Ordinary Meeting of Council as follows:

Question from Councillor

Was consideration given to a design that incorporated separate, individual cubicles with doors that open directly to the outside, rather than to the solid, fully enclosed building with a single, common access for each of the separate male and female areas?

Response from staff

- *The original Expression of Interest indicated that the contractor was to supply a design and layout that is flexible.*
- *The Select Tender scope of works required that the structure have a minimum of 5 female: 2 male cubicle and 2 stand urinals with privacy screen and 1 disabled / ambulant unisex. There was no specific requirement for the individual cubicles to be outward facing.*

Question from Councillor

Was it established if it was possible to 3D print amenities block with separate, individual cubicles with doors that open directly to the outside?

Response from staff

- *Yes, it was established that it was possible to have a design where individual cubicles with doors open directly to the outside. However, the design for this would have exceeded the project budget.*

(9) If the answer to 8 is no, why not?

Response:

Not applicable.

(10) If the answer to 8 is yes, can documents evidencing this consideration be provided to the committee?

Response:

As above.

(11) Why was no community consultation done on the design of the Lions West Public Toilet given the design departed from the style/design council had been previously using for public toilets in parks?

Response:

Again, as referenced in the answer Supplementary Question 2, the use of the word departed is erroneous.

As an example, previously in Elizabeth Park, individual cubicle modular units were put in place without consultation. Given heightened community interest over the last elected term and Council's focus on engagement there will be differing approaches applied to such projects as outlined in the Dubbo Regional Council submission.

(12) What process did/has Council decided to adopt for ensuring the construction of 3D printed homes at Keswick estate? For example was/has it been decided the blocks would/will be sold with a legal requirement that the purchaser utilise that mode of construction?

Response:

It is unclear as to the relevance of this specific question against the outcomes sought by the Inquiry into Public Toilets.

The Council set a policy direction with the resolution as put forward in Council's submission. Further, the submission stated:

It should be noted that the relevant stage of Keswick was not yet developed so there was not then a commercial opportunity via a public procurement process to develop the four residential blocks (page 2).

This remains the case as the slow down in the housing market created by the rise in interest rates has meant Council has not progressed with the development of the future stage of Keswick.

When a Council (the elected body) resolves a direction to Council (the organisation) it should be noted that it is not the end of decision points for the elected body. I will use the recent announcement of the renewables training facility in Wellington to illustrate this point that a resolution typically generates further analysis and bodies of work that require

further decision making by the elected body. This is still to occur for the resolution relating to 3D building at Keswick for the reason that the future stage of Keswick has not been developed as described above.

The Renewables Training Centre as a case study example:

26 October 2023 CCL23/282	<p>That the Chief Executive Officer produce a high-level conceptual business case for a Renewable Energy Awareness and Career Training (REACT) Centre by December 2023. The proposal will have at a minimum, the following focus areas:</p> <ul style="list-style-type: none"> • To be based in Wellington district. • Focused on building skills in the renewable sector as a whole. • Focused on building capacity in the local community to participate in the REZ delivery and maintenance. • Providing a tourism and public education experience that has state-wide significance and quality as the long-lasting legacy for the region. • Opportunities for external funding
15 August 2024 CCL24/216	<ol style="list-style-type: none"> 1. That the Chief Executive Officer submit an application for the Central-West Orana Renewable Energy Zone (CWO REZ) Community and Employment Benefit Program (Legacy Infrastructure Fund) 2. That the priority project is the Renewable Energy Awareness and Career Training Centre
5 September 2024 CCL24/230a	<ol style="list-style-type: none"> 1. That Council endorses the Renewable Energy Awareness and Career Training Centre (REACT) being submitted as the focus project for Dubbo Regional Council's application to the Central West Orana Renewable Energy Zone – Legacy Infrastructure Fund. 2. That further financial analysis continues on both sites along with consultation on both site options with key stakeholders.
Recommendation from Corporate Services Committee to Ordinary Council April 2025 Meeting 8 April 2025 CSC25/22	<ol style="list-style-type: none"> 1. That the report of the Director – Strategy, Partnerships and Engagement be noted. 2. That the elements of the Business Case that are not deemed confidential under Section 10A 2 (c & d) of the Local Government Act 1993 be published with the Minutes, including the following sections of the Business case being: <ol style="list-style-type: none"> a. Case for Change b. Cost Benefit Analysis c. Governance

- (13) What impact on sale price was/has it been determined requiring this particular mode of construction would/will/might have on the sale price of the blocks?**

Response:

Not relevant at this time.

- (14) If it was/is believed the requirement would/will negatively effect the sale price why was it considered appropriate to undertake the policy requiring private owners to utilise a private company to 3D print homes at a cost to council?**

Response:

Not relevant at this time.

- (15) What has occurred with this policy of ensuring 3D printing of homes at Keswick? Has it been finalised? Can the final policy documents be provided?**

Response:

As described in the answer to Supplementary Question 12.

- (16) Have blocks been sold with a requirement to use that mode of construction and have such homes been constructed? If not, why not?**

Response:

Not relevant at this time.

- (17) Why was it necessary to 3D print a public toilet in Dubbo in order to later have private purchasers 3D print homes in Dubbo using a private company?**

Response:

As described in the submission, it was a valid resolution by the elected body. Unless required by legislation or regulation, it could be argued that all decisions of an elected body are not necessary per se. It is a decision on a way forward in accordance with the Local Government Act.

- (18) What specific effect was it thought 3D printing a toilet would have on the 3D housing policy?**

Response:

This was directly explained in the submission to the Inquiry (page 2).

- (19) Could other means, such as inspecting the company's other projects have achieved the same objective? If not, why not?**

Response:

There was a select tender process as explained in the submission that was for construction. When going to tender there is an obligation for a Council to be genuinely seeking tender bids to a project that has budget allocation with the intent of delivery.

Prior to going to tender as per the submission there was significant engagement with a number of businesses involved in 3D printing construction.

- (20) The committee understands the Lions Park West Toilet has experienced some cracking. Could all documents related to this and to remediation efforts be provided to the committee? Including documents addressing the question of compliance with relevant safety and construction standards.**

Response:

Council will not be providing all documents as requested. This is an onerous request that takes key staff away from core duties such as:

- a. Completing the new animal shelter that is soon to be operational and is best in class for operational efficiencies and the safety and wellbeing of animals and staff.
- b. Undertaking the detailed design for the Wiradjuri Cultural Tourism Centre.
- c. Undertaking the complex, from an archaeological sense, heritage plaza in front of the State Heritage listed Old Dubbo Gaol.
- d. Working on the homelessness solutions with stakeholders which is growing to the point of the highest number of rough sleepers recorded to date in Dubbo.
- e. Delivering the recently adopted Community Safety and Crime Prevention Plan.

Council has been cooperative to date with a request to attend the Inquiry with only a week's notice and the request for specific detail on one project in the LGA as part of its submission.

The Committee has the reason and the rationale for decisions at Dubbo Regional Council regarding public toilets both looking back and for a current project.

The Building Assets section of Council provides the following advice:

- *Yes, some minor surface cracking was observed post-build — mostly hairline, cosmetic only.*
- *Cracks were monitored across the 12-month defect liability period and have remained within acceptable tolerances.*
- *The structure is not compromised in any way and was professionally engineered to exceed minimum code.*
- *No intervention beyond cosmetic sealing and painting has been needed. The building has remained structurally sound and watertight.*

Re Cracking – context and Inspection Approach

- *These cracks are early-age shrinkage cracks — they appeared during curing and thermal cycling, which is normal for concrete (particularly in 3D-printed walls where there's no formwork to slow drying).*
- *Staff have assessed them against the NSW Guide to Standards and Tolerances 2017 and they fall in Category 1 or 2 — that's up to 2 mm, classified as "very slight" or "slight" and not considered a defect unless structural or waterproofing issues emerge (they haven't).*
- *The walls are non-load bearing, with the roof supported on independent steel posts. So, cracking doesn't compromise structural performance — it's surface level only.*

- Staff deliberately wanted to monitor the structure for 12 months before sealing/painting to ensure no ongoing movement (Contour 3D intervened prior to this and painted the structure due to the negative unqualified media attention they were receiving). This aligns with best practice for assessing shrinkage-related movement through seasonal change.
- Cracks were caulked and painted in December 2023. No further substantive issues reported since.

Structural Integrity & Lifespan

- The structure was engineered and certified to AS 3600, with a 45 MPa concrete mix (Contourcrete), which is well above standard residential strength (20–32 MPa).
- Reinforcement was embedded at key layers during printing, and the overall wall system functions like reinforced masonry.
- Contourcrete includes 40% recycled content, developed with UNSW, and includes additives for UV resistance and surface cohesion.
- According to IPWEA and national infrastructure guidelines, reinforced concrete/masonry like this typically achieves a **50–100 year life**, compared to 25–40 years for lightweight or modular structures.

Re: Standards – What’s Legislated vs. What’s Just a Guideline

- Most “standards” are not laws. Only a handful are mandated through legislation (e.g. referenced in the National Construction Code or specific legislation).
- For example, AS 3600 (Concrete Structures), AS 1428.1 (Accessibility), and AS/NZS 3000 (Wiring Rules) are directly called up by the legislation re regulation, so they’re legally binding.
- Others, like the Guide to Standards and Tolerances, are not legislation — they’re dispute resolution tools, used post-construction to judge workmanship. They help define what’s “reasonable,” but they’re not benchmarks to design or build to.
- The National Construction Code itself is a minimum compliance framework — it defines the “minimum required level for the safety, health, amenity, accessibility and sustainability of certain buildings” ([National Construction Code | NCC](#)).

Dubbo Regional Council as an organisation does, as a practice, aim to build above minimum standards where budgets and project goals allow. Examples include:

- *Thermal efficiency:* We often exceed minimum R-values, especially in roof and wall systems.
- *Accessibility:* We aim beyond AS 1428.1 where possible, incorporating Gold/Platinum Liveable Housing Design Guidelines in housing or civic spaces.
- *Energy and sustainability:* Council policies have seen solar, passive design features, and insulation upgrades incorporated in several projects beyond what’s required by legislation and regulation.
- *Materials durability:* the preference is for concrete, masonry, or composite materials for longevity, even when lighter, cheaper options meet relevant Codes as whole of life cycle costs are considered.

Further information provided by project staff to Councillors being readily available to collate is as follows:

14 December 2023

From Monday 18th December Contour 3D personnel will be on-site for three days to apply an undercoat, topcoat, and brush the walls in a light grey finish, matching the current exterior. Whilst the project team was initially looking to not undertake this step to minimise future asset maintenance costs, as after 3 months the building has now settled into the site, the decision to do this for aesthetic purposes has been made. The project page on Your Say will be updated to reflect this project stage.

27 October 2023

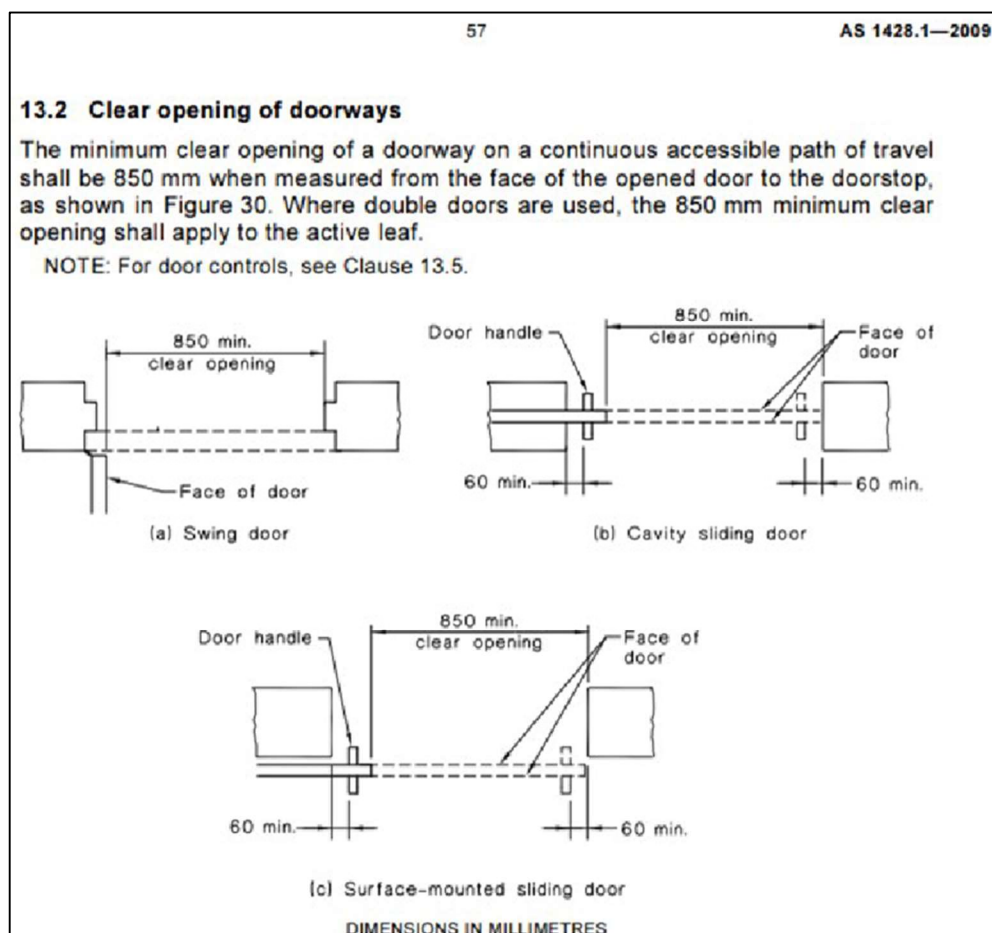
The Project manager within Council,, advises that:

Regarding the cracking this is something we are monitoring. Our intent has been to leave untreated until the point of intervention, if required, from an asset protection perspective. We want the structure to go through a 12 month seasonal cycle to test the material before any intervention, as the intent was to gain learnings for future projects. Once we intervene that essentially stops any further learnings on material performance.

Please note we also have a 12 month defect liability period with Contour 3D and we are still comfortable with this approach. As I said we will continue to monitor, I'm particularly interested to see how it holds up to some of our roasting hot dry summer periods. In the construction of the block we included some sacrificial form work which allows us the option to core fill the structure with concrete which would we and truly protect the asset for its intended lifecycle.

Regarding the disabled access – Yes there is a disabled toilet build within accordance of AS1428.1 (Design for Access and Mobility). See below excerpt of the opening and circulation space standards and attached amenities floor plan for your information. Note the 850mm width door opening required by standards.

The doorway has been designed as a 920mm (clear opening) fitted with an MLAK key system hence why it would appear locked (to some).



18 August 2023

The roof structure has been installed and the internal fit out is taking place. There is a chance the surrounding turf may not be laid in time, but we expect the facility to be operational.

Note: As described previously the roof is not supported by the walls rather by its own pillars as illustrated in the image below.



23 June 2023

Correspondence from Planning and Building Certification within Council.

NOTICE OF DETERMINATION - PLUMBING AND DRAINAGE WORKS

Section 99, Local Government Act, 1993

Premises to which Notice refers: Lot 1 DP 1114367 Res 520046, Stonehaven Avenue DUBBO

Application: 71-2023-134

Activity type: Plumbing and Drainage Works - New Amenities Block at Lions Park West

Related Development Ref: Part 5 Assessment: 53-2022-6


Please be advised that the application submitted by you for permission to carry out plumbing and drainage work on the land referred to in this Notice has been approved by Council.

The application has been determined as a conditional approval subject to compliance with the conditions attached to this Notice and adherence to the requirements of the Local Government Act and Regulation thereunder.

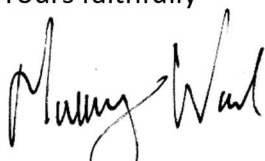
Approval commencement date: 23 June 2023

Approval expiry date: 23 June 2028

Note: Such approval will not lapse once the physical plumbing/drainage works have commenced before the date the approval would otherwise lapse except where a specific condition of approval limits the duration of approval.

		<h2 style="text-align: center;">Inspection Report</h2> <h3 style="text-align: center;">Internal Sanitary Drainage Ins</h3>										
APPLICATION NO:	071.2023.00000134.001											
INSPECTION DATE:	21-Jun-2023 08:55											
RESPONSIBLE OFFICER:	Wes Bailey											
SPECIFY STRUCTURE:	Plumbing and Drainage Works - New Amenities Block at Lions Park West											
ADDRESS:	Stonehaven Avenue DUBBO											
OWNER:	Dubbo Regional Council											
Inspection Information:												
TYPE OF INSPECTION:		Internal Sanitary Drainage Ins – IISD										
Issue Cert?	N/A	DA/CDC Consent date: 21-Jun-2023										
Certificate to Issue	•	Cert Determination date: (Only complete if final inspection date is NA)										
<table border="1" style="width: 100%;"> <tr> <td>Are major hazards present onsite? No</td> <td>Is PPE required before entry? No</td> <td>Do you have the correct PPE?</td> </tr> <tr> <td>Is it safe to proceed onto the site? Yes</td> <td>Sed. control present? Yes</td> <td>PC sign erected? Yes</td> </tr> <tr> <td>Onsite toilet? Yes</td> <td>Conditions checked? Yes</td> <td>Any missed Critical Stage inspections? No</td> </tr> </table>				Are major hazards present onsite? No	Is PPE required before entry? No	Do you have the correct PPE?	Is it safe to proceed onto the site? Yes	Sed. control present? Yes	PC sign erected? Yes	Onsite toilet? Yes	Conditions checked? Yes	Any missed Critical Stage inspections? No
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Plumber's name:		Principal Contractor's name:										
INSPECTION NOTES: <i>Have previous Inspection Reports been checked for outstanding issues? Yes</i>												
Internal inspection satisfactory - good fall and bedding, AS marks, traps supported, under test												
<i>NB: Photos & Diagrams relating to this inspection may be contained below</i>												
INSPECTION RESULT : Satisfactory (SAT)												

Yours faithfully



Murray Wood

Chief Executive Officer