



EXTRAORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

20 June 2018

His Worship the Mayor & Councillors

**Notice of Extraordinary Meeting of Bathurst Regional Council -
Wednesday, 27 June 2018**

I have to advise that an **Extraordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 27 June 2018 commencing at 6.00 pm.

A handwritten signature in blue ink, appearing to read "D J Sherley".

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 27 JUNE 2018

1. 6:00 PM - MEETING COMMENCES

2. APOLOGIES

3. DECLARATION OF INTEREST

To assist the Councillors and committee members in their correct consideration of business before them at the meeting, please give consideration to Section 451 of the Local Government Act, in relation to Declaration of Interest at meetings.

4. RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS

* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

5. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

Present: Councillors Hanger (Chair), Aubin, Bourke, Christian, Fry, Jennings, Morse, North, Rudge.

MINUTE

2 APOLOGIES

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED: That the late arrival of Cr Aubin be accepted and leave of absence granted.

MINUTE

3 DECLARATION OF INTEREST 11.00002 MOVED: Cr B Bourke SECONDED: Cr J Jennings

RESOLVED: That the Declaration of Interest be noted.

Cr Aubin arrived at 6.02 pm.

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES'
REPORT AND MINUTES**

EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL

27 JUNE 2018

1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)

Recommendation: That the information be noted.

Report: Section 4.15 of the Environmental Planning and Assessment Act 1979 is provided below to assist Council in the assessment of Development Applications.

4.15 Evaluation (cf previous s 79C)

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
 - (v) (Repealed)
- (b) that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Note. See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

(2) Compliance with non-discretionary development standards—development other than complying development

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

- (3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:
- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and
 - (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).

(3A) **Development control plans**

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
- (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.

(4) **Consent where an accreditation is in force**

A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.

- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) **Definitions**

In this section:

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

Financial Implications: Nil

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

Community Engagement

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

MINUTE

4 Item 1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)

MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

2 DEVELOPMENT APPLICATION NO. 2018/141 – OUTDOOR RECREATION FACILITY (AQUA PARK) AT BEN CHIFLEY DAM, THE LAGOON. APPLICANT: HICKSTAR INVESTMENTS (BATHURST) PTY LTD. OWNER: BATHURST REGIONAL COUNCIL (DA2018/141)

Recommendation: That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/141, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) The applicant is to provide on-site, for the duration of the aqua park season, a minimum of four (4) self-contained portable toilets suitably designed and installed to eliminate effluent escape to the environment.
 - (ii) The Aqua Park be located to provide unimpeded access for marine craft using the boat ramp, specifically, a 20 metre wide corridor or such other distance as maybe specified by Roads & Maritime Services extending from the centre line of the existing ramp.
 - (iii) In addition to other approvals, the applicant enter into a Licence Agreement with Council to prescribe operational and other requirements.
 - (iv) Exclusion fencing on the foreshore be limited to enable other visitors to the dam to use foreshore facilities.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for an outdoor recreation facility (Aqua Park) at Ben Chifley Dam, Chifley Dam Road, The Lagoon, described as Lot 2, DP 224864 and Lot 3, DP 632418.

See location plan and aerial photo at **attachment 1**.

The site, in the immediate vicinity of the proposal, currently contains:

- Tourist cabins;
- Public toilet block;
- Picnic shelters;
- Playground;
- Storage sheds; and
- Boat ramp providing access to the dam by various user groups.

The proposal

The proposal involves:

- Placement of an inflatable aqua park on the surface of Ben Chifley Dam and associated anchoring with submerged concrete blocks; and
- Placement of a transportable building on the foreshore to accommodate ticket sales,

canteen, first aid and administration.

All proposed infrastructure will be removable.

The aqua park will occupy a dam surface area of approximately 100 metres in length by 50 metres in width.

The aqua park is proposed to operate from 1 November to 31 March each year.

The aqua park will be open 7 days a week during school holiday time from 10.00am to 6.00pm. When it is not school holidays the aqua park will be open from Thursday to Sunday (inclusive) from 10.00am to 6.00pm.

The applicant estimates that the peak usage would be in the order of 50 persons per hour although a lesser figure is anticipated as the norm.

See plan of proposed development at **attachment 2** and Statement of Environmental Effects at **attachment 3**.

In addition to Development Consent the applicant will be required to obtain;

- an aquatic license from RMS
- a permit from NSW Department of Primary Industries - Fisheries
- a Controlled Activity Approval from Office of Water
- enter into a licence agreement with Council as landowner to occupy a public place.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned RU1 Primary Production under the provisions of the *Bathurst Regional Local Environmental Plan 2014*.

The proposed development is defined as a *recreation facility (outdoor)* the definition of which is:

"...a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major)".

A *recreation facility (outdoor)* is permissible with consent in the RU1 Primary Production zone.

The objectives of the RU1 Primary Production zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining*

zones.

- *To maintain the rural and scenic character of the land.*
- *To provide for a range of compatible land uses that are in keeping with the rural character of the locality, do not unnecessarily convert rural land resources to non-agricultural land uses, minimise impacts on the environmental qualities of the land and avoid land use conflicts.*

The proposal is not inconsistent with the objectives of the zone.

Clause 7.14 Drinking water catchments

The subject site is identified as being within a drinking water catchment on the Drinking Water Catchment Map.

Clause 7.14 provides the following:

- (1) *The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.*
- (2) *This clause applies to land identified as “Drinking water catchment” on the Drinking Water Catchment Map.*
- (3) *In deciding whether to grant a development application for development on land to which this clause applies, the consent authority must consider the following:*
 - (a) *whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:*
 - i. *the distance between the development and any waterway that feeds into the drinking water storage,*
 - ii. *the on-site use, storage and disposal of any chemicals on the land,*
 - iii. *the treatment, storage and disposal of waste water and solid waste generated or used by the development,*
 - (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Impact of users on dam water quality

Potential impacts upon water quality from the proposal centre on swimmers using the water and the potential for effluent from additional toilet facilities etc to be inappropriately managed.

The potential for users of the facility to have an additional adverse impact upon the water quality entering or within the Dam, whilst it may exist, is minimal. It is noted that the dam is

located within a rural catchment with many activities occurring that have the potential to impact upon water quality. This would include the various agricultural pursuits in the area including those occurring on the foreshore and the whole of the catchment up stream. This would also extend to other user groups who use the dam for recreation purposes.

The potential “additional risk” from this activity is therefore difficult to quantify in any meaningful way however the Council nonetheless has an obligation to protect its water supply. The Council has adopted a number of management and risk mitigation strategies to deal with this obligation including:

- Ben Chifley Dam Management Plan
- Integrated Water Cycle Management Plan

The risk management strategies will need to be reviewed independently of this Development Application, a process that has already commenced. This process will involve consultation with multiple Government Agencies including NSW Health.

It is further noted that the Dam is already used by a number of recreational users including swimmers, rowers, dragon boaters, skiers and recreational anglers. All would to varying degrees provide a level of risk to water quality. It is somewhat difficult to contemplate a scenario where this use creates a significantly greater risk than the other uses already occurring on the site.

Impact of additional facilities on dam water quality

The other area of potential risk to water quality is from additional effluent generated by users of the facility. Currently the site is serviced by a toilet block constructed by Council in 2008. The toilet block currently provides 3 male toilets plus a urinal, 3 female toilets and 1 accessible toilet. The toilet block is available for all users of the Dam.

Effluent from the existing toilet block and the cabins is collected and pumped to an Envirocycle system located up behind the cabins. The capacity of the system, whilst it is able to accommodate existing effluent loads, is limited.

The applicant’s proposal is to rely upon the existing toilet block for its patrons. If the toilet block becomes too small, the applicant proposes to bring in portaloos to service the development. This approach does however raise some concerns as to:

- The capacity of the toilet block to accommodate the additional users;
- The capacity of the existing effluent disposal system to accommodate the additional loads;
- The reliance upon the public asset to augment the commercial development (i.e. the public would be responsible for any additional costs associated with its use);
- Appropriate triggers in determining if the existing facility is “too small”; and
- Increased risk to the dam water quality if the portaloos are not managed appropriately.

Council’s options in this regard would be to either:

- Require the developer to provide their own facilities (i.e. portaloos) to service the development with appropriate management protocols in place; or
- Allow the proponents to rely upon the existing facilities with some appropriate triggers in place through a proposed licence agreement as to the need to augment facilities and agreements for cost.

The preferred approach is obviously the former and the Development Application has been

assessed on that basis. That is not to say that the latter is not an option however it does not necessarily provide certainty at this stage.

Water quality guidelines

In terms of risks associated with users of the facility from poor water quality the applicant would have an underlying obligation to ensure the water would comply with the Guidelines for Managing Risks in Recreational Water 2008. This would include regular testing of water quality by the applicant. Where this would overlap with Council's own testing regimes is a matter that could be included in the licence agreement between the applicant and Council.

Council already undertakes regular water quality monitoring within the Dam to ensure appropriate water quality as a drinking water supply/ recreational usage. Decisions as to access to the water body for recreation purposes based on this testing already occurs as part of Council's risk management strategies. Effectively users of this facility will be subject to those same restrictions (i.e. if dam water quality ceases to be acceptable then this use, along with other uses, will need to cease).

It is further noted that public swimming in a very large water body such as Ben Chifley Dam differs from swimming in public/commercial swimming pools which are regulated under the Public Health Act. In the latter circumstances the proponents have obligations as to the treatment of water (i.e. disinfection and clearing). Notwithstanding the impracticalities of this occurring on a natural water body, these Public Health obligations apply to "structures" used for human bathing, swimming or diving. The advice Council has received to date from NSW Health is that these obligations do not apply in these circumstances.

Impact on Council's water supply

It is acknowledged that the Dam forms part of the overall Council water supply for which it has an overriding obligation to protect. Any use that jeopardises the supply could not be contemplated. Whilst there are many Guidelines and legislation that govern water supply the principle ones are as follows:

- ***Australian Drinking Water Guidelines*** designed to provide an authoritative reference to the Australian community and the water supply industry on what defines safe, good quality water, how it can be achieved and how it can be assured. The guidelines have been developed after consideration of the best available scientific evidence and provide a framework for good management of drinking water supplies to ensure safety at point of use. They address both the health and aesthetic quality aspects of supplying good quality drinking water.
- ***Guidelines for Managing Risks in Recreational Water*** designed to protect human health from threats posed by the recreational use of coastal, estuarine and fresh waters, such as natural and artificial hazards. The guidelines are a tool to assist in the development of legislation and standards to ensure that recreational water environments are managed as safely as possible.

Whilst the various Guidelines would stop short of saying that water supply dams should not be used for recreation purposes, there is nonetheless a risk to Council that additional measures to protect the water supply may result. These may well be at some point in time an additional cost, for example, an upgrade to Council's water filtration and treatment plant, for which Council cannot necessarily quantify at present and which cannot be attributed solely to this development.

Bathurst Regional Development Control Plan 2014

Chapter 9 Environmental Considerations

Riparian Land and Waterways

On DCP Map No 30 *Riparian Land and Waterways* the subject site is identified as being of high and moderately high ground water vulnerability and as being a sensitive waterway.

The Development Application is Integrated Development as approval is required from NSW Department of Primary Industries – Water (DPI Water) under the Water Management Act 2000 and from NSW Department of Primary Industries – Fisheries (DPI Fisheries) under the Fisheries Management Act 1994 and Roads & Maritime Services.

Public Notification

The Development Application was advertised and notified to known dam user groups from 7 May 2018 to 5 June 2018.

Prior to the commencement of the public notification period a submission was received from Bathurst Pan Dragons Incorporated (see submission at **attachment 4**).

No additional submissions were received during the public notification period, although correspondence was subsequently received from Bathurst Pan Dragons Inc describing a regatta to be conducted on 4 November 2018. A discussion forum has not been held.

The submission from the Bathurst Pan Dragons raises the following issues:

- Proximity of proposed aqua park to boat ramp and subsequent safety concerns;
- Distance from emergency services;
- Potential for blue green algae;
- Potential impacts on Bathurst's water supply, the dam surround and wildlife ;
- Lack of car parking;
- Lack of shower and toilet facilities;
- Lack of shelter for inclement weather;
- Adequacy of road network.

Council staff are of the opinion that most of these concerns can be addressed by way of conditions of consent for license or license agreement.

External Referrals

NSW Department of Primary Industries – Water

The Development Application is Integrated Development as approval is required from NSW Department of Primary Industries – Water (DPI Water) under the Water Management Act 2000.

General Terms of Approval were received from DPI Water on 14 June 2018 with a copy included at **attachment 5**.

NSW Department of Primary Industries – Fisheries

The Development Application is Integrated Development as approval is required from NSW Department of Primary Industries – Fisheries (DPI Fisheries) under the Fisheries Management Act 1994.

General Terms of Approval were received from DPI Fisheries on 29 May 2018 with a copy included at **attachment 6**.

NSW Police – Chifley Local Area Command

As the proposal is for an outdoor recreation facility the Development Application was referred to NSW Police – Chifley Local Area Command for assessment against the Crime Prevention Through Environmental Design (CPTED) principles.

After conducting a Safer by Design Evaluation for this development the crime risk rating has been identified on a sliding scale of low, moderate and high. The rating for this development has been identified as **Low Crime Risk**.

The Crime Prevention Officer has made recommendations in relation to crime prevention with a copy included at **attachment 7**, these will be forwarded to the applicant for their consideration.

Other Matters for Consideration

Biodiversity Offset Scheme (BOS)

As no clearing of vegetation is required to accommodate for the proposed aqua park and as all associated infrastructure is removable, it is considered that the proposal does not meet the area trigger for the Biodiversity Offset Scheme (BOS).

The development is located on Ben Chifley Dam which is identified as an area of high biodiversity value on the Biodiversity Values Map. The guidance for determining whether the BOS is triggered says that the BOS applies to all clearing of native vegetation and other biodiversity impacts prescribed by clause 6.1 of the Biodiversity Regulation 2017 on land identified on the map. The prescribed impacts listed in clause 6.1 include impact of the development on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities.

While the applicant has not specifically addressed this particular trigger, it is considered unlikely that the proposed activities will impact upon water quality in such a way that they will have a negative impact on threatened species and threatened ecological communities.

Amenities

The Ben Chifley Dam public recreation area has an existing amenities block with provision for male, female and accessible facilities. It is considered that this amenities block may not be adequate for peak periods when multiple recreational uses are occurring on the dam.

A condition will be imposed to require the provision of additional self-contained portable toilets on the site for the duration of the aqua park season.

The *Hire and Rental Industry Association Ltd – Portable Toilets Division Code of Practice* provides the following guide for portable toilet facility provision for temporary events of up to 240 patrons:

No. of users (50% male and 50% female)	Minimum number of portable toilets (for an event of up to 6 hours duration)	Minimum number of portable toilets (for an event of up to 12 hours duration)

In the absence of any other guide or regulation on portable toilet provision it would seem appropriate to apply the above figure of 4 toilets for the proposed development given its maximum anticipated patronage of 50 persons per hour and maximum duration of 8 hours per day.

Car parking

While limited formalised car parking spaces are available, the access road into the public recreation area provides the opportunity for informal parallel parking.

It is considered that there is adequate area available for parking for peak periods where multiple dam users are in the public recreation area.

Traffic generation

It is anticipated that the aqua park could generate up to 20 vehicle movements per hour during peak periods.

It is considered that the surrounding road network is of sufficient capacity to cope with the envisaged increase in traffic. The application will be conditioned to demonstrate appropriate bus turning paths can be accommodated.

Conflict with other user groups

There are two aspects to this issue, namely the potential conflicts with the various user groups on the water and the various users wishing to use the foreshore areas for other activities.

In terms of the safety and management of on water activities the Maritime Safety Act, administered by the RMS, applies. This includes the safety of the various user groups (i.e. swimmers and boats etc.) and the licensing of events on the water through an Aquatic Licence.

A licence is required from Roads & Maritime Services (RMS) for the operation of the aqua park.

It is Council's understanding that discussions between the applicant and the RMS as to the licensing regime are occurring.

Conflict between Aqua Park users and boat ramp users can be managed by ensuring a suitable separation distance for both activities.

The second conflict exists around the different users groups wishing to conduct events when the aqua park is operational and those user groups also wishing to have access to the highly valued foreshore areas.

The potential for these conflicts to occur has already been raised by Pan Dragons Inc who are seeking to conduct a major Dragon Boat Agenda event on 4 November 2018. It is fair to say that once the aqua park is established on a permanent or semi-permanent basis that other users will have to cooperate and compromise in the use of the space. In particular, access to the foreshore from both onshore and offshore may become unavailable or disrupted, and this may not be readily accepted by other users of the Dam.

It is noted that public consultation process undertaken as part of the preparation the Ben Chifley Dam Management Plan in 2000 noted that:

- Water quality should not be compromised;
- Facilities should be located in a manner that provides adequate physical separation of water skiers and motor craft and passive aquatic uses;
- Concentrate on providing quality day visit facilities for the local community as opposed to trying to create a regional tourist destination;
- A significant asset is the dam's quiet and rustic environments; and
- Theme or fun parks facilities, such as a kiosk or water slide, are inappropriate for the dam.

In relation to the last point it is ultimately a matter for the Council to determine future uses at the Dam and it is unknown as to whether the same sentiment would apply today. Certainly there has been a significant number of additional users added to the Dam in the intervening period which has increased its visitation and range of uses. The addition of swimming facilities is not seen as antipathetic to these other uses.

Waste

The Chifley Dam public recreation area is provided with garbage bins and these are regularly emptied.

Conclusion

Council has received a Development Application (DA2018/141) for an outdoor recreation facility (aqua park) at Ben Chifley Dam, Chifley Dam Road, The Lagoon. The proposal involves placement of an inflatable aqua park on the surface of Ben Chifley Dam and associated anchoring with submerged concrete blocks and the placement of a transportable building on the foreshore to accommodate ticket sales, canteen, first aid and administration. The Development Application was advertised and notified to known dam user groups from 7 May 2018 to 5 June 2018. Prior to the commencement of the public notification period a submission was received from Bathurst Pan Dragons Incorporated. Key issues of water quality and conflict between dam users have been addressed in the body of this report.

Financial Implications: Nil

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

Community Engagement

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

MINUTE

5 Item 2 DEVELOPMENT APPLICATION NO. 2018/141 – OUTDOOR RECREATION FACILITY (AQUA PARK) AT BEN CHIFLEY DAM, THE LAGOON. APPLICANT: HICKSTAR INVESTMENTS (BATHURST) PTY LTD. OWNER: BATHURST REGIONAL COUNCIL (DA2018/141)

MOVED: Cr B Bourke SECONDED: Cr J Jennings

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/141, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) The applicant is to provide on-site, for the duration of the aqua park season, a minimum of four (4) self-contained portable toilets suitably designed and installed to eliminate effluent escape to the environment, with one of these to be suitable for disabled access.
 - (ii) The Aqua Park be located to provide unimpeded access for marine craft using the boat ramp and the vessel towing drop off/pick up zone on the western foreshore, specifically, a minimum 60 metre buffer or such other distance as may be specified by Roads & Maritime Services.
 - (iii) In addition to other approvals, the applicant enter into a Licence Agreement with Council to prescribe operational and other requirements.
 - (iv) Exclusion fencing on the foreshore be limited to enable other visitors to the dam to use foreshore facilities.
 - (v) Prior to the commencement of works on site the applicant is to submit to Council a final plan of the layout of the on-water infrastructure and evidence of approval of the plan from Roads & Maritime Services.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge,

Against the motion - Nil

Absent - Nil

Abstain - Nil

Yours faithfully

A handwritten signature in black ink, appearing to read 'N Southorn', with a long horizontal flourish extending to the right.

N Southorn

DIRECTOR

ENVIRONMENTAL, PLANNING & BUILDING SERVICES

MINUTE

6 MEETING CLOSE

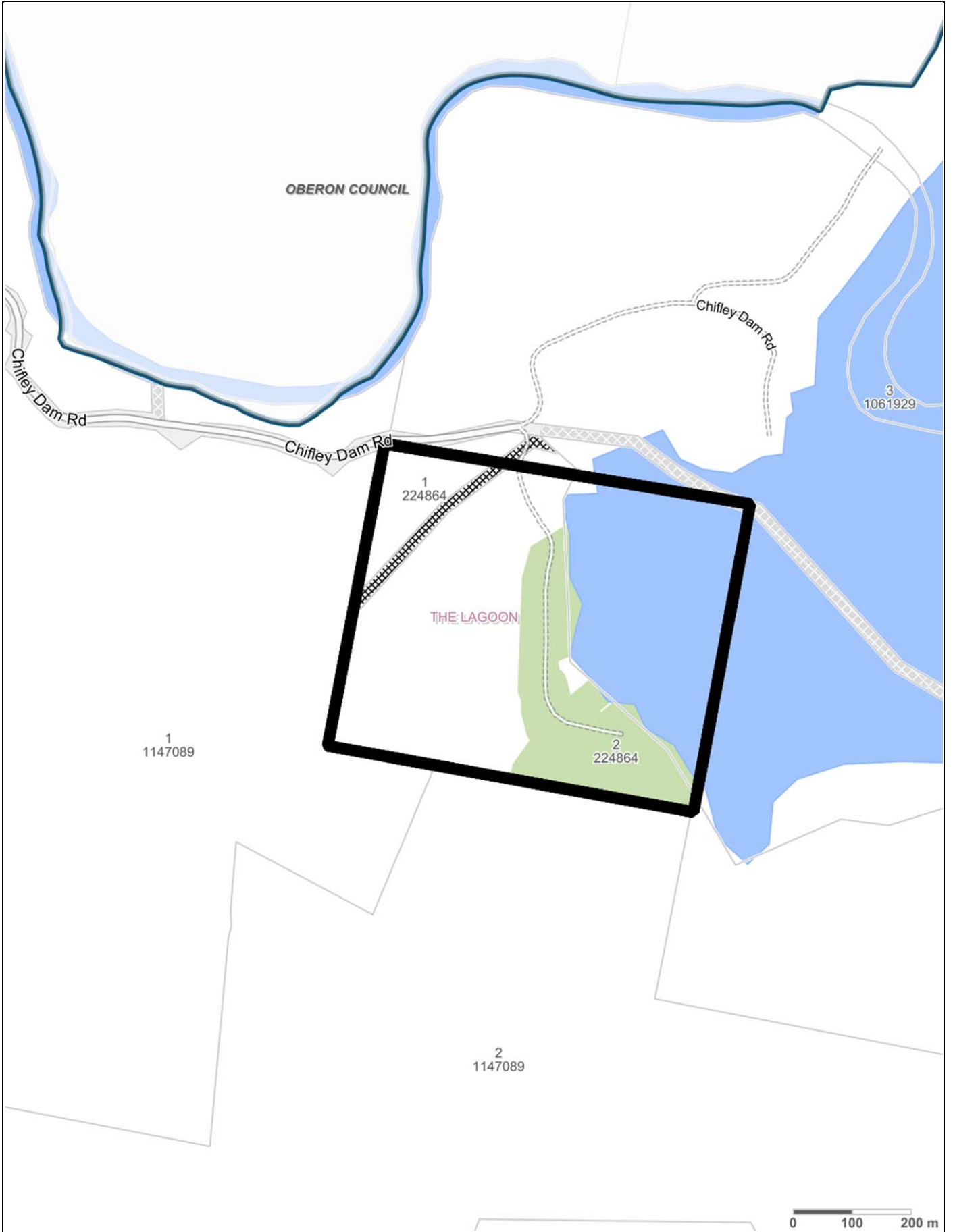
The Meeting closed at 6.17 pm.

CHAIRMAN: _____

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES'
REPORT - ATTACHMENTS**

EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL

27 JUNE 2018



Bathurst Regional Council
 PMB 17
 158 Russell Street
 BATHURST NSW 2795
 Telephone: 02 6333 6111
 Fax: 02 6331 7211
 Email: council@bathurst.nsw.gov.au

Important Notice!

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Drawn By: DwyerD
Date: 18/06/2018
Projection: GDA94 / MGA zone 55
Map Scale: 1:8437 @ A4

DA 2018/141 - Aqua Park



Bathurst Regional Council
 PMB 17
 158 Russell Street
 BATHURST NSW 2795
 Telephone: 02 6333 6111
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 Email: council@bathurst.nsw.gov.au

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 Date: 18/06/2018
 Projection: GDA94 / MGA zone 55
 Map Scale: 1:8437 @ A4

DA 2018/141 - Aqua Park



STUART OSMAN
BUILDING DESIGNS

PROPOSED WATERPARK FOR

HICKEY

CHIFLEY DAM -
BATHURST

JOB NUMBER - 7253



NOTES:
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* REFER TO ELEVATIONS FOR DETAILS

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CLIENT: **HICKEY**

PROJECT: **PROPOSED WATERPARK**

CHIFLEY DAM - BATHURST

DRAWN BY LU KE CHECKED BY LS

DESIGN: CUSTOM

DATE: C18/04/2018

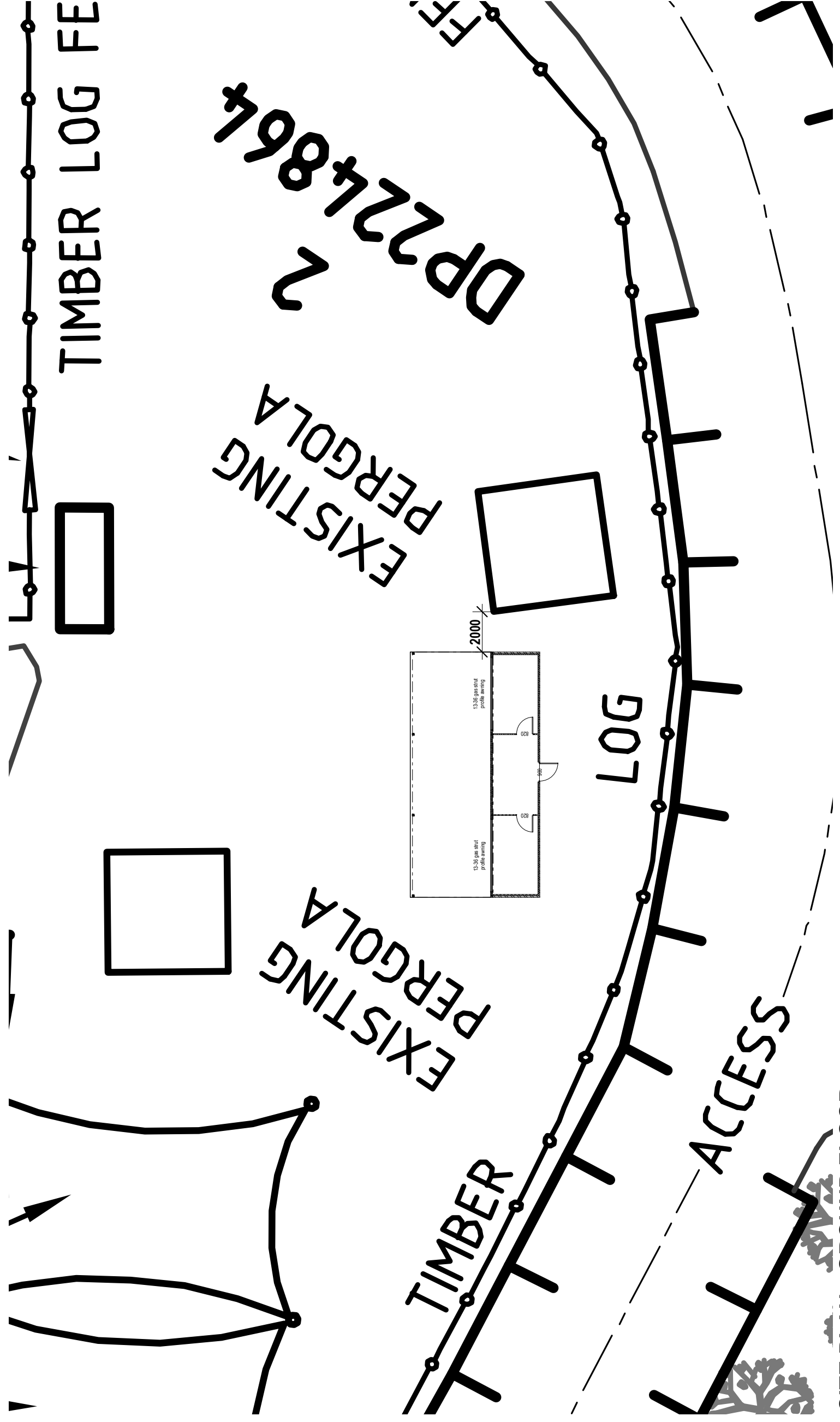
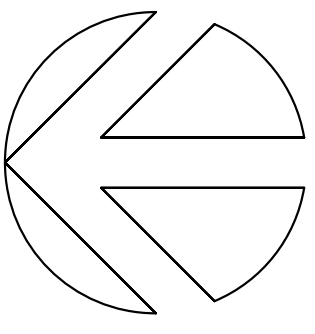
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SHEET NUMBER 3 of 91

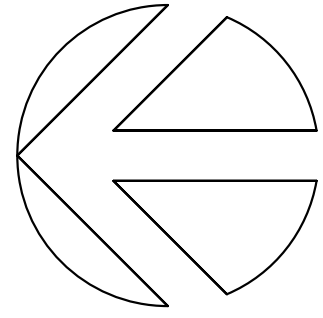
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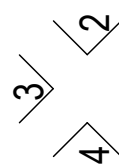
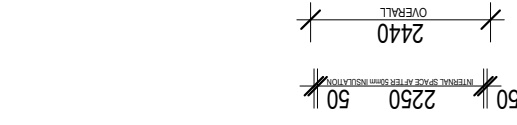
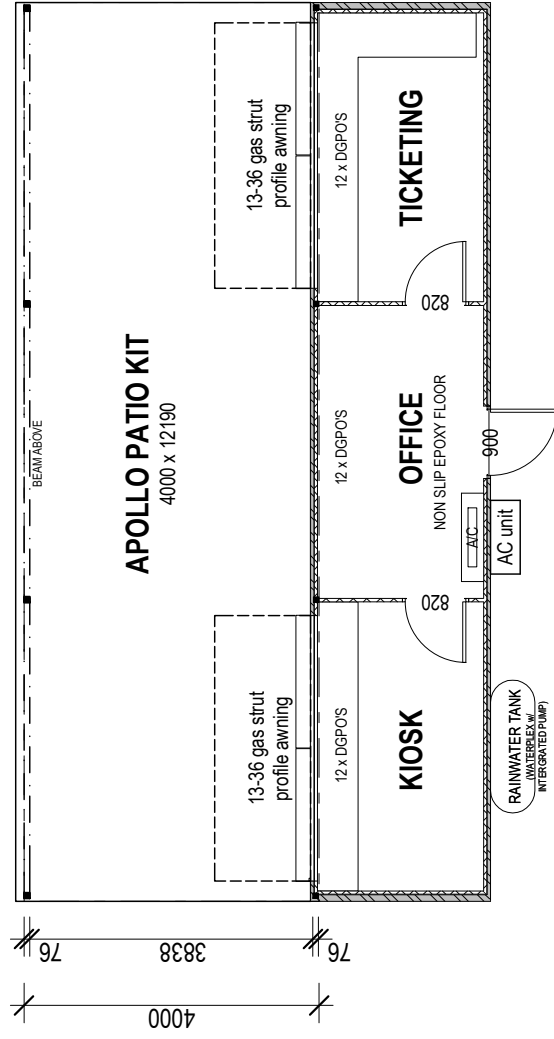
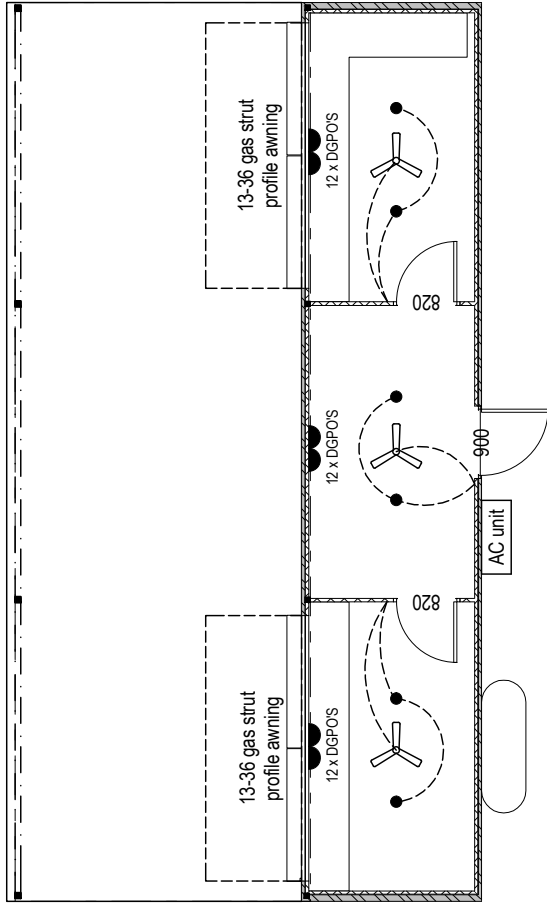
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NOTES:
 * ALL external power points to be weather-proof
 ** ALL ELECTRICAL POINTS T.B.C ON SITE BY CLIENT AND ELECTRICIAN **



ELECTRICAL LEGEND	
	SINGLE GPO'S - 1050 OFF FLOOR
	DOUBLE GPO'S - 1050 OFF FLOOR
	SINGLE GPO'S - 300 OFF FLOOR
	DOUBLE GPO'S - 300 OFF FLOOR
	TV ANTENNA POINT
	CEILING LIGHT (BATTEN HOLD)
	SWITCH POINTS @ 1350 OFF FLOOR
	FLUORESCENT LIGHT
	PHONE OUTLET-300 OFF FLOOR
	PHONE OUTLET
	EXHAUST FAN
	DOWN LIGHT
	CEILING FAN
	CEILING FAN LIGHT
	SMOKE DETECTOR
	WALL LIGHT
	FLOOD LIGHT
	SPECIAL LIGHT
	PENCIL SPOT
	FLUORESCENT PENCIL SPOT
	METER BOX
	2 GLOBE FAN, HEAT, LIGHT

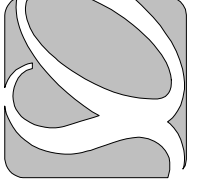

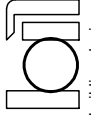



ELEVATIONS

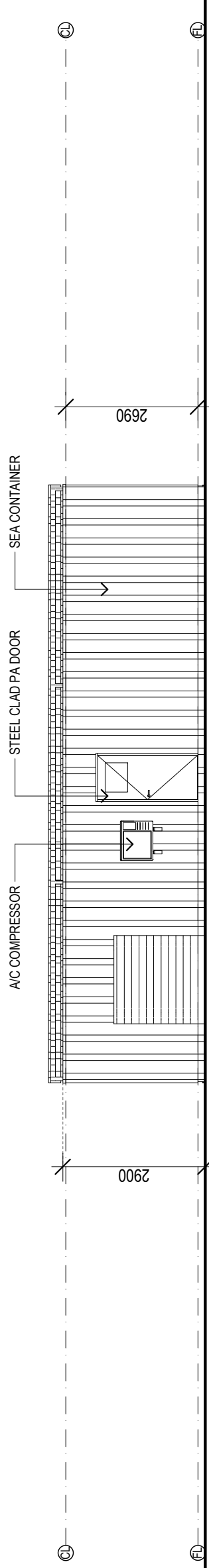
GROUND FLOOR PLAN & ELECTRICAL PLAN
 SCALE 1:100

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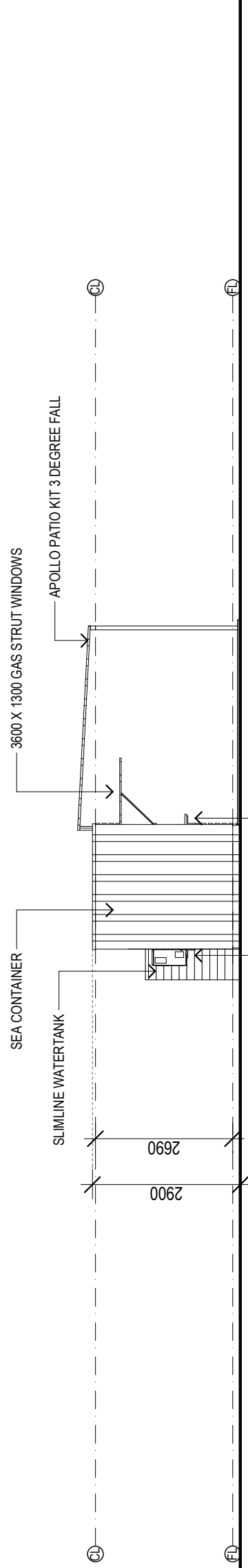
FLOOR AREAS	
AWNING	Area (m2) 47.35
FLOOR AREA	29.74
TOTAL	77.09 m²

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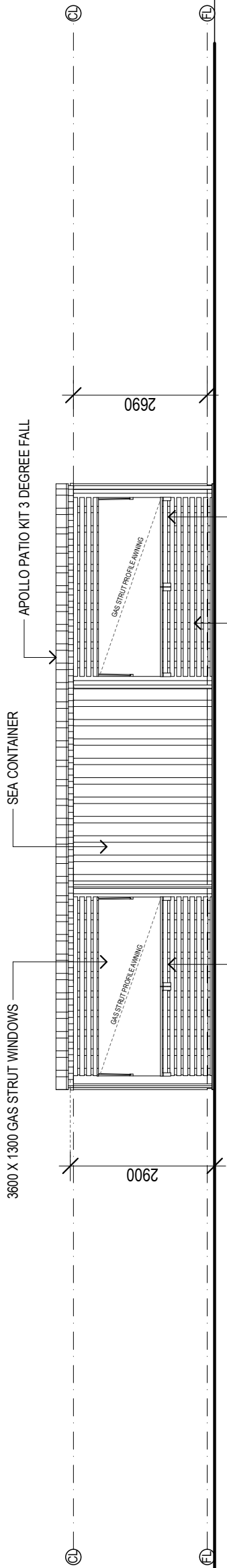
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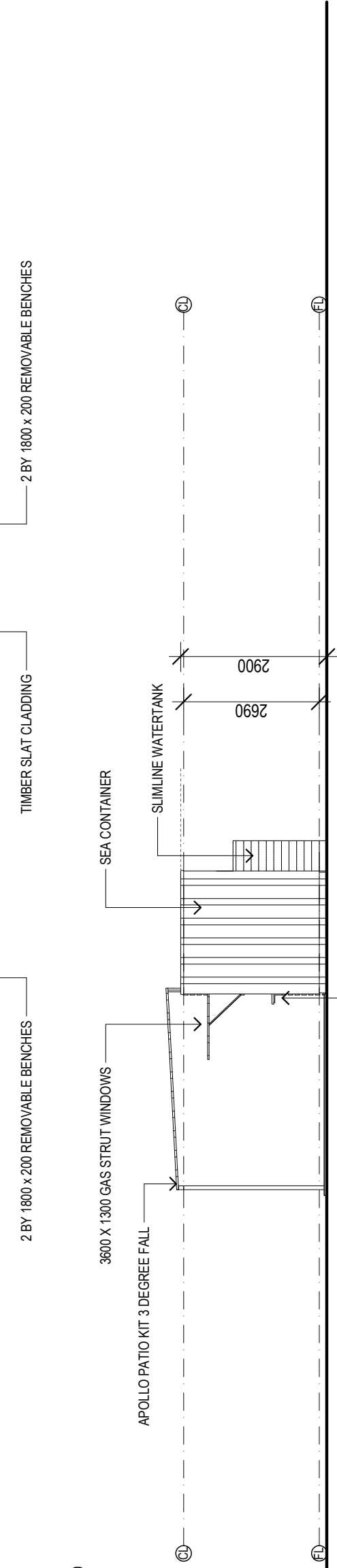
ELEVATION 1 1:100



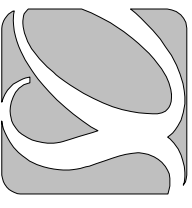

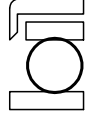

ELEVATION 2 1:100



ELEVATION 3 1:100



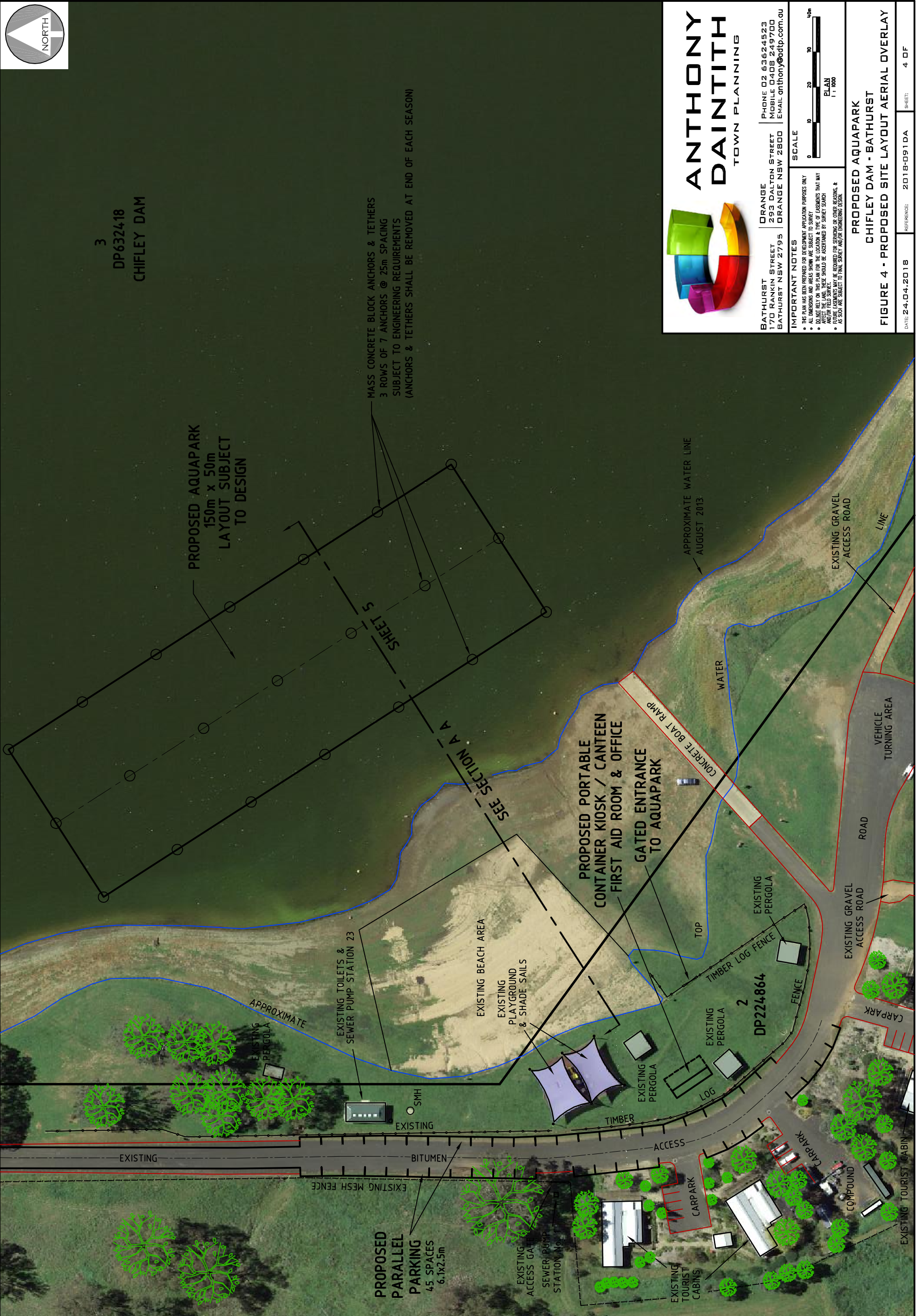
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<p>PROJECT PROPOSED WATERPARK</p> <p>CHIFLEY DAM - BATHURST</p>		<p>DRAWN BY LU KE CHECKED BY LS</p>	<p>DESIGN CUSTOM</p>	
<p>DATE C-18/04/2018</p>		<p>SCALES 1:100 @ A3</p>	<p>AMENDMENTS C24042018</p>	
<p>SHEET NUMBER 6 of 91</p>		<p>JOB NUMBER 7253</p>		

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3
 DP632418
 CHIFLEY DAM

MASS CONCRETE BLOCK ANCHORS & TETHERS
 3 ROWS OF 7 ANCHORS @ 25m SPACING
 SUBJECT TO ENGINEERING REQUIREMENTS
 (ANCHORS & TETHERS SHALL BE REMOVED AT END OF EACH SEASON)

PROPOSED AQUAPARK
 150m x 50m
 LAYOUT SUBJECT
 TO DESIGN

PROPOSED PARALLEL
 PARKING
 45 SPACES
 6.1x2.5m

PROPOSED PORTABLE
 CONTAINER KIOSK / CANTEN
 FIRST AID ROOM & OFFICE
 GATED ENTRANCE
 TO AQUAPARK



ANTHONY DAINTITH
 TOWN PLANNING

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IMPORTANT NOTES

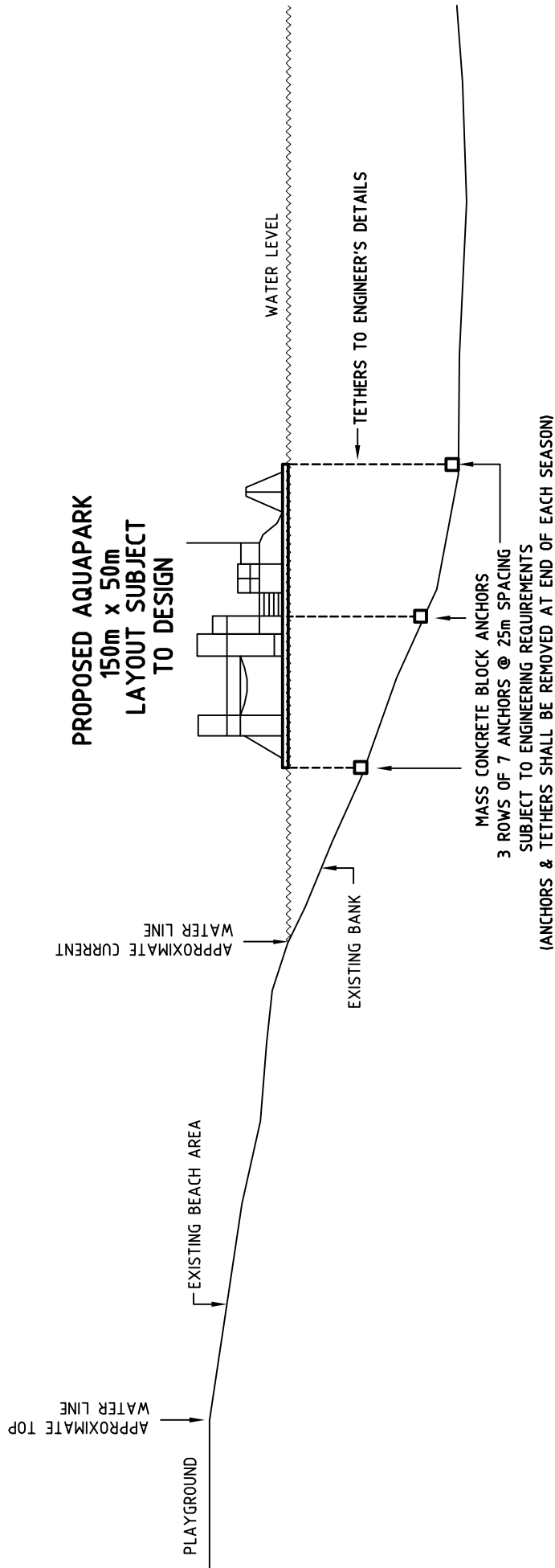
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- FUTURE EASMENTS MAY BE REQUIRED FOR SPENDING OR OTHER REASONS, & AS SUCH ARE SUBJECT TO FINAL SURVEY AND/OR ENGINEERING DESIGN

SCALE
 0 10 20 30 40m
 PLAN
 1 : 1000


PROPOSED AQUAPARK
 CHIFLEY DAM - BATHURST

FIGURE 4 - PROPOSED SITE LAYOUT AERIAL OVERLAY

DATE: 24.04.2018 REFERENCE: 2018-091DA SHEET: 4 OF 4



SCHEMATIC CROSS SECTION A - A
NOT TO SCALE



**ANTHONY
DAINTITH**
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SCALE

**PROPOSED AQUAPARK
CHIFLEY DAM - BATHURST**

FIGURE 5 - SCHEMATIC CROSS SECTION A - A

DATE: 24.04.2018	REFERENCE: 2018-091DA
SHEET: 5 OF 5	



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposal: Recreation Facility (Aqua Park)
Address: Chifley Dam

Date: 20 April 2018



DESCRIPTION: Recreational Facility (Aqua Park)

CLIENT: Hickstar Investments (Bathurst) Pty Ltd

Anthony Daintith Town Planning Pty Ltd

ABN 46 121 454 153

ACN 121 454 153

Contact: 145 Keppel Street, Bathurst
 293 Dalton Street, Orange
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QUALITY ASSURANCE

This document has been prepared, checked and released in accordance with the Quality Control Standards established by Anthony Daintith Town Planning.

Version	Date	Description	By
1.0	20/4/2018	Approved	AD

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A handwritten signature in black ink, appearing to read "AD", is positioned above a horizontal line.

This document has been authorised by

Anthony Daintith (Principal)
 Date: 20 April 2018



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1. BACKGROUND

1.1 INTRODUCTION

Hickstar Investments (Bathurst) Pty Ltd has engaged Anthony Daintith Town Planning to prepare a Statement of Environmental Effects (SOEE), to support a Development Application to Bathurst Regional Council, for a proposed recreational facility (Aqua Park) at Chifley Dam.

The purpose of this document is to:

- Describe the existing environment;
- Outline the proposed development;
- Consider relevant statutory matters; and
- Make conclusions and recommendations for Councils consideration.

The development application consists of the following components:

- Completed DA form;
- Statement of Environmental Effects;
- Site and Building Plans.

1.2 APPLICANT AND OWNER

The applicant is Hickstar Investments (Bathurst) Pty Ltd.

The current owner of the land is Bathurst Regional Council. The owners have provided their written consent to the application.



2. SITE ANALYSIS

2.1 LOCATION AND TITLE

The subject land is located on the western side of Chifley Dam (Chifley Dam Road, The Lagoon) adjacent to the existing playground and holiday cabins.

Refer to **Figures 1** which depicts the site within the locality.

Figure 1: Locality Map

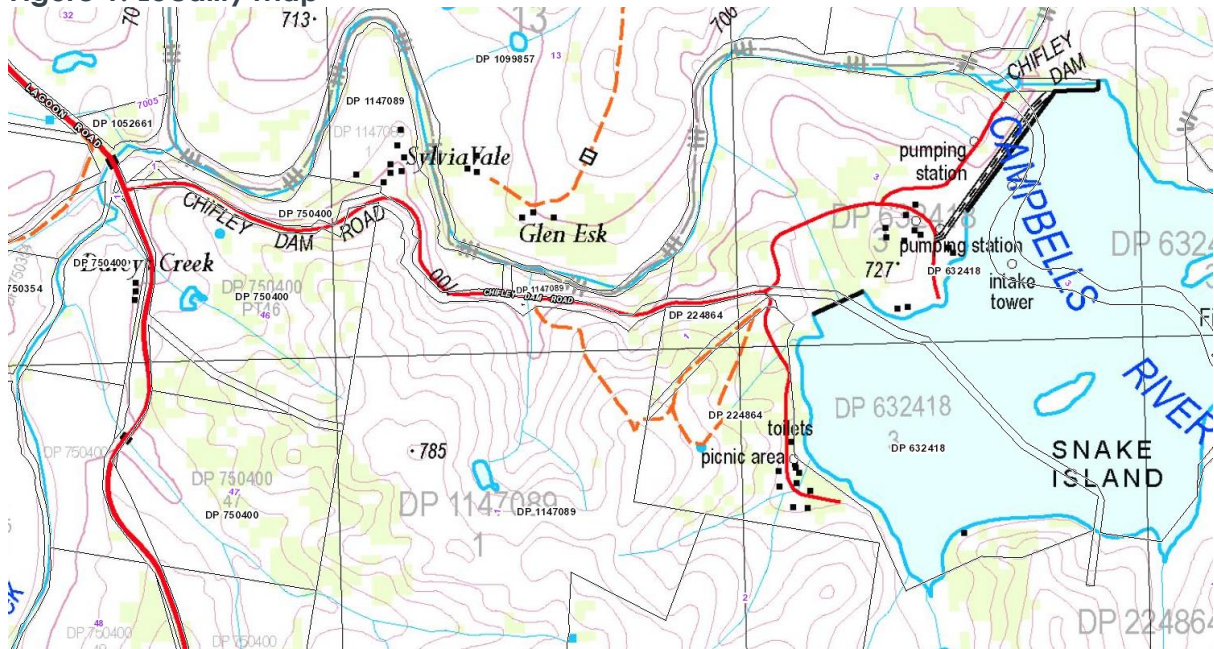


Table 1: Land Title Description

Lot	Deposited Plan	Area (ha)
3	632418	209.2
2	224864	72.79

2.2 GENERAL SITE DESCRIPTION

The Aqua Park will be setup adjacent to the western foreshore of Chifley Dam adjacent to the existing playground (and amenities) and across the road from the existing holiday cabins (4 cabins). There is a boat ramp just south of the site. The access road to the site is a two-way bitumen sealed road. The location consists of a mix of sand and grassed areas, amenities building, covered picnic tables.

Chifley Dam is used for water storage and recreational activities such as water skiing, canoeing, fishing, swimming.

Photos 1 – 6 provide a visual representation of the property.



Figure 2: Aerial View of the Site



Photo 1: Existing toilet block





Photo 2: Western foreshore looking south towards the boat ramp



Photo 3: Western foreshore looking east over Chifley Dam





Photo 4: Western foreshore looking north



Photo 5: Existing playground equipment





Photo 6: Looking north along the western foreshore from boat ramp





3. PROPOSAL

The proposal seeks development consent for a recreational facility (aqua park) adjacent to the western foreshore of Chifley Dam. The development would be operated by Hickstar Investments (Bathurst) Pty Ltd.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

The proposal proposes to install an inflatable aqua park on Chifley Dam consist of blow up obstacles, anchored by (removable if necessary) concrete blocks submerged in the water and held in place by chains.

The aqua park will have dimensions of approximately 100 metres in length by 50 metres in width.

The aqua park will be seasonable from the 1 November to 31 March.

The operation will be 7 days a week during school holiday time with hours of operation been from 10am to 6pm.

During non-school holiday times, the development will operate for 4 days a week (Thursday to Sunday) with hours of operation been from 10am to 6pm.

To assist in the operation of the aqua park will be a custom-built site office (6m x 3m) that will be relocated off site during the off season, on the western foreshore of Chifley Dam in front of the aqua park. This will contain first aid, office, ticket counter and refreshment sales (i.e. drinks, confectionary & pre-packaged foods).

The structures both on and off the dam are removable and relocatable.

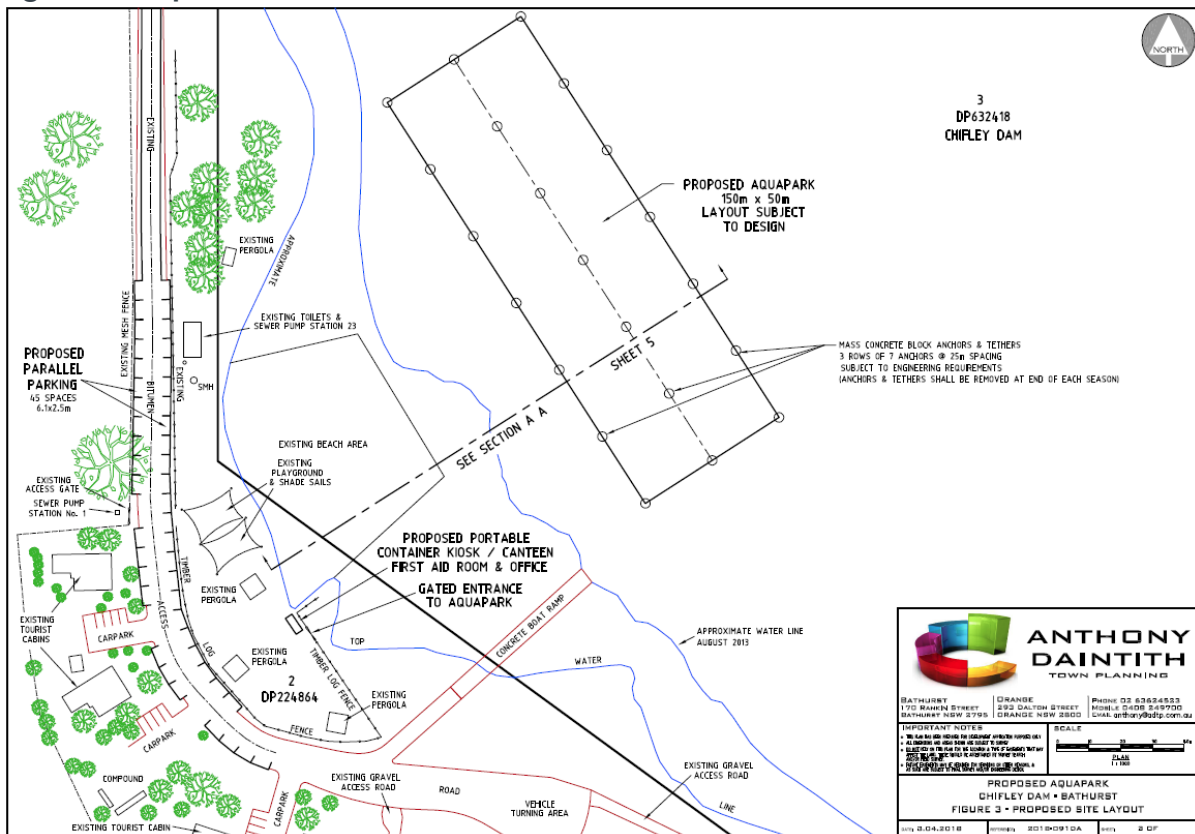
Subject to the success of the development, the proponent believes that there will be increase vehicle and foot traffic – on up to a maximum of 50 people per hour during the proposed hours of operation. Accordingly, this will bring more tourism to Bathurst and the Chifley Dam along with employment opportunities (up to 60 casual positions are anticipated).



Figure 3: Example of an Aqua Park



Figure 4: Proposed Site Plan





4. TOWN PLANNING CONSIDERATIONS

Pursuant to Section 4.15 (formerly Section 79C) of the *Environmental Planning and Assessment Act 1979*, the following matters must be taken into consideration when assessing a development application:

4.15 Evaluation

(cf previous s 79C)

Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

that apply to the land to which the development application relates,

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*



(a)(i) The provisions of any environmental planning instrument

LOCAL ENVIRONMENTAL PLANS

BATHURST LOCAL ENVIRONMENTAL PLAN 2014

Applicable LEP Clauses

Part 1 - Preliminary

Clause 1.2 - Aims of Plan

The broad aims of the LEP are set out under subclause 2. Those relevant to the application are as follows:

- (a) to deliver growth and development in the city of Bathurst and rural localities,*
- (b) to promote development that is consistent with the principles of ecologically sustainable development and the management of climate change and water resources,*
- (c) to enhance and protect the region's unique Aboriginal and European cultural heritage as key social and economic assets,*
- (d) to identify, protect, enhance and manage areas of high biodiversity conservation value as a means to:

 - (i) preserve and improve the ecosystem services they provide, and*
 - (ii) protect the region's significant vegetation and scenic quality, and*
 - (iii) respond to and plan for climate change by identifying and protecting habitat corridors and links through the local government area,**
- (e) to facilitate rural housing choice through sustainable rural settlement growth that includes rural village living and strategic rural lifestyle living opportunities,*
- (f) to provide greater housing choice within the city of Bathurst through sustainable urban settlement growth that includes greater opportunities for medium density housing and the minimisation of the city's environmental footprint,*
- (g) to promote the well-being of the people of the region by encouraging living, vibrant and growing rural settlement areas, urban villages and suburbs that generate a sense of community and place,*
- (h) to protect the region's key transport assets and to promote opportunities for sustainable transport, particularly public and active transport,*
- (i) to provide a secure future for the region's recreation assets, in particular, the Mount Panorama and the Macquarie River precincts,*
- (j) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires and to minimise cumulative impacts on environmentally sensitive areas,*
- (k) to encourage the dynamic and innovative development and growth of the region's primary resources,*
- (l) to protect and enhance the region's landscapes, views, vistas and open spaces,*
- (m) to create a land use framework for controlling development in the region that allows detailed provisions to be made in any development control plan made for that purpose.*

The application is consistent with these aims. The proposed aqua park will support the recreational activities that are currently been undertaken at Chifley Dam in an environmental sensitive manner, whilst adding to the economy of Bathurst through tourism and job creation.



Clause 1.9A - Suspension of Covenants, Agreements and Instruments

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions.

- covenants imposed or required by Council
- prescribed instruments under Section 183A of the *Crown Lands Act 1989*
- any conservation agreement under the *National Parks and Wildlife Act 1974*
- any trust agreement under the *Nature Conservation Trust Act 2001*
- any property vegetation plan under the *Native Vegetation Act 2003*
- any biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995*
- any planning agreement under Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979*.

Not aware of the title of the subject property being affected by any of the above.

Mapping

The subject site is identified on the LEP maps in the following manner:

Land Zoning Map:	Land zoned RU1 Primary Production
Lot Size Map:	100 ha
Heritage Map:	Nil
Height of Buildings Map:	Not applicable
Floor Space Ratio Map:	Not applicable
Terrestrial Biodiversity Map:	Not mapped
Groundwater Vulnerability Map:	Not mapped
Drinking Water Catchment Map:	Yes
Watercourse Map:	Not mapped
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies

Those matters that are of relevance are addressed in detail in the body of this SOEE.



Part 2 - Permitted or Prohibited Development

Land Use Zones

The subject site is located within the RU1 Primary Production zone. The proposed development is defined as “recreation facility (outdoor)” under the LEP 2014. The proposed recreation facility (outdoor) is permitted with consent for this zone.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Clause 2.3 of LEP 2014 references the Land Use Table and Objectives for each zone in LEP 2014. The objectives for land zoned RU1 Primary Production are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the rural and scenic character of the land.
- To provide for a range of compatible land uses that are in keeping with the rural character of the locality, do not unnecessarily convert rural land resources to non-agricultural land uses, minimise impacts on the environmental qualities of the land and avoid land use conflicts.

As detailed throughout this report, the proposed development can generally be shown to be consistent with the relevant objectives of the zone. The proposal is obviously not a rural land use – but as the surrounding land is not used for primary production purposes, there has not no land use conflict identified.



Figure 5: Bathurst LEP Zoning Map



Part 3 - Exempt and Complying Development

The application is not exempt or complying development.

Part 4 - Principal Development Standards

Clause 4.3 - Height of Buildings

Not applicable.

Clause 4.4 - Floor Space Ratio

Not applicable.



Part 5 - Miscellaneous Provisions

Nil

Part 7 - Additional Local Provisions

7.5 – Essential Services

Water – no changes are proposed.

Electricity – the proposed building will be connected.

Sewage – No changes to the existing toilet block is proposed.

Stormwater drainage – no changes are proposed.

Vehicle access – access to the site will be via the existing bitumen road along the western side of Chifley Dam.

7.14 Drinking water catchments

(1) The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.

(2) This clause applies to land identified as "Drinking water catchment" on the Drinking Water Catchment Map.

(3) In deciding whether to grant a development application for development on land to which this clause applies, the consent authority must consider the following:

(a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:

(i) the distance between the development and any waterway that feeds into the drinking water storage,

(ii) the on-site use, storage and disposal of any chemicals on the land,

(iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

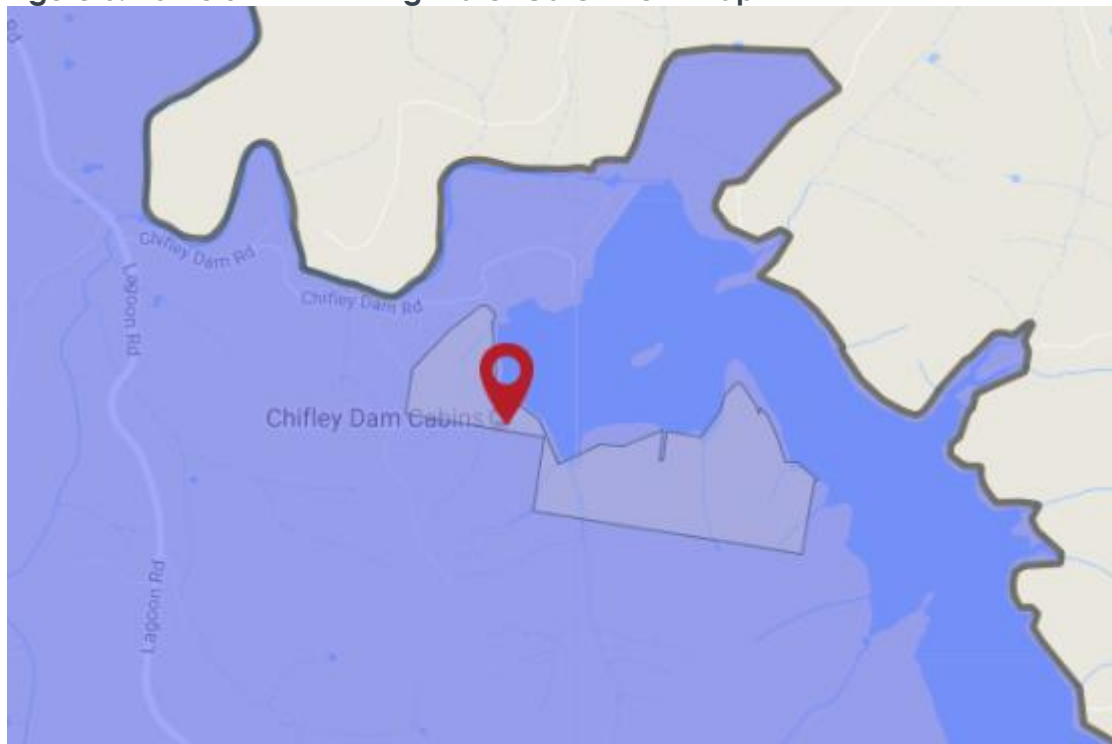
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comments

The site of the proposed aqua park is located within a drinking water catchment (see figure below).



Figure 6: Bathurst LEP Drinking Water Catchment Map



The following specific comments are made:

(a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:

(i) the distance between the development and any waterway that feeds into the drinking water storage,

The proposed aqua park will be located on Chifley Dam (with ancillary operations on the foreshore area). The proposed use for recreational purposes will have the same impact as what is existing via other recreational uses on the dam (including water skiing, fishing, swimming etc).

(ii) the on-site use, storage and disposal of any chemicals on the land,

No chemicals are required to be used as part of the proposed development.

(iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,

The aqua park does not include the treatment, storage and disposal of waste water and solid waste generated or used by the development.

There is an existing toilet lot that will be utilised initially by patrons of the aqua park – if this facility becomes too small for the development, portaloos will be brought in to service the development (cleaning will be undertaken on a regular basis to ensure that there is absolutely no impact on Chifley Dam.



(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

No specific measures are considered necessary to avoid, minimise or mitigate impacts of the development. The proposed aqua park is designed to have a relatively small footprint and will utilise areas of Chifley Dam that are already utilised (especially in the warmer months of the year). These include the beach area and existing swimming area adjacent to the foreshore.

Any rubbish will be removed on a regular basis and if required portaloos to be cleaned and serviced as needed.

The aqua park is not permanent and can be relocated without leaving any permanent impact.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or

The aqua park is proposed in a location that already receives a large amount of use. The beach area is quite popular for dam users (opposite the tourist cabins) and includes playground and picnic benches. The foreshore is used for swimming, boating and fishing activities. The aqua park is proposed just to the north of the boat ramp.

No additional impact on water quality or flows has been identified.

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

There is no negative impact on the dam have been identified. The dam is already used for recreational purposes and the location of the aqua park is in a spot that has the most use within the dam area.

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

It is considered that the proposed aqua park can operate (as outlined in the proposal section of this report), without the need for specific mitigating measures.



STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

7 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.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
- (4) The land concerned is:
- (a) land that is within an investigation area,
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).



Comment

Pursuant to Clause 7 of the SEPP, the potential for contamination appears minimal. This is based upon an inspection of the site.

In terms of potential soil contamination, the subject land has been evaluated for:

- Evidence of previous mining activity;
- Evidence of existing and previous dip sites and other associated infrastructure;
- Evidence of orcharding; and
- Vegetative and other features which could indicate possible soil contamination.

Accordingly, it is recommended that a detailed investigation is not necessary or warranted in this instance.

(a)(ii) Any draft environmental planning instrument

Nil.

(a)(iii) Any development control plan

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014

Following is an assessment of the relevant provisions of the DCP:

Clause	Heading	Comment
9.2	Land Resources	<p>No issues with respect to steep slopes, soil salinity, and removal of native vegetation, permanent inundation and rock outcrops have been identified on the site.</p> <p>Refer to the submitted site plan (including aerial photo overlay) for greater detail.</p>
9.3	Riparian Land and Waterways	<p>Map 30 indicates that the subject land has high & moderately high groundwater vulnerability and is a sensitive waterway.</p> <p>The proposed development will have no impact of water flows within Chifley Dam or the water quality of Chifley Dam. Due to the nature of the proposed aqua park no issues with respect to the bank or bed of Chifley Dam has been identified. In addition, no specific measures are considered necessary to protect the hydrological and ecological functions of the riparian lands.</p>



		<p>Note: It is understood that the development application will become integrated development with approvals required from DPI Fisheries and DPI Office of Water due to the use of site within 40m of a water course.</p> <p>Refer to the proposed site plan that indicates the location of the proposed aqua park. The area of disturbance is entirely within existing disturbed areas of the western foreshore of Chifley Dam.</p> <p>There is no existing stream or bank erosion in this location of Chifley Dam.</p> <p>There are no know areas of significant habitat in this location.</p> <p>No vegetation (including riparian vegetation) is proposed to be removed.</p> <p>No other environmental constraints have been identified.</p> <p>All buildings and structures are temporary and will be removed after use.</p>
9.4	Biodiversity	There is no identified threatened species or critical habitat on the subject land of the proposed aqua park. The subject land is highly disturbed and is outside of the mapped High and Moderately Sensitive lands.
9.5	Groundwater	It is considered that the proposed development on the site will not have an adverse impact on groundwater. There are no polluting aspects to the proposal and no chemicals are kept on site in conjunction with the aqua park.
9.6	Flooding	The land is not flood liable (nor will it affect any flood regime).
9.7	Bushfire Prone Land	Not applicable.
9.8	Flora and Fauna Surveys	Not considered necessary for this development on extensively disturbed and developed lands.
9.9	Sustainable Building Design and Energy Efficiency	No building works are proposed (other than the relocatable building). No specific measures are considered necessary.
14	Car parking	The carparking calculation as per the DCP will not relate to the proposed aqua park – there is no specific buildings utilised in this instance. It is proposed that patrons will park their vehicles along the access road (as shown on the development plans) which is consistent with current practice.



(a)(iia) Any Planning Agreements

There are no known planning agreements affecting the property.

(a)(iv) Any matters prescribed by the regulations:

Government Coastal Policy

Not applicable to Bathurst LGA.

Building Demolition

There is no building demolition proposed.

Upgrading of Buildings

Not applicable.

Fire Safety

Not applicable.

Temporary Structures

Not applicable to this proposal.

Deferred Commencement Consent

Not applicable to this proposal.

Modification or Surrender of Development Consent or Existing Use

Not applicable.

Ancillary Development

Not applicable to this proposal.

BASIX

Not applicable to this proposal.



(b) The likely impacts of the development:

CONTEXT AND SETTING

The Aqua Park will be setup adjacent to the western foreshore of Chifley Dam adjacent to the existing playground (and amenities) and across the road from the existing holiday cabins (4 cabins). There is a boat ramp just south of the site. The access road to the site is a two-way bitumen sealed road. The location consists of a mix of sand and grassed areas, amenities building, covered picnic tables.

Chifley Dam is used for water storage and recreational activities such as water skiing, canoeing, fishing, swimming.

It is considered that the proposal is within the context of the locality and is compatible with the surrounding area and will have acceptable impact in regard to (as justified in this report):

- Adjacent properties;
- Adjoining land uses;
- Overshadowing; and
- Views and vistas.

ACCESS AND TRANSPORT

Access

Access to the site of the proposed aqua park will be via the existing bitumen sealed road.

Car Parking & Traffic

It is proposed to provide car parking along the side of the access road as shown on the site plans. This is consistent with the current arrangements for car parking for existing recreational users of the dam. No additional car parking is considered necessary to support the proposed aqua park development.

It is difficult to estimate the amount of traffic generation because of the use of the aqua park. Patrons may utilise other Chifley Dam activities or stay at the cabins in conjunction with their visit. It is noted that the aqua park will only be open from November to March each year.

Based on the maximum patronage it is proposed that the aqua park may generate a maximum of 20 vehicle movements per hour.



PUBLIC DOMAIN

It is considered that the development will have a negligible impact on the public domain in terms of:

- Public recreational opportunities in the locality;
- Amount, location, design, use and management of public spaces in and around the development; and
- Pedestrian linkages and access between the development and public areas.

UTILITIES & SERVICES

Water – no changes are proposed.

Electricity – the proposed building will be connected.

Sewage – No changes to the existing toilet block is proposed.

Stormwater drainage – no changes are proposed.

Vehicle access – access to the site will be via the existing bitumen road along the western side of Chifley Dam.

HERITAGE

There are no heritage items on the site.

FLORA AND FAUNA

There are no known threatened species or critical habitat on the site of the proposed aqua park.

No vegetation removal is proposed.

Biodiversity Offsets Scheme

Following is an assessment of the risk-based test to determine when the Offsets Scheme will apply to local developments under the *Biodiversity Conservation Act 2016*.

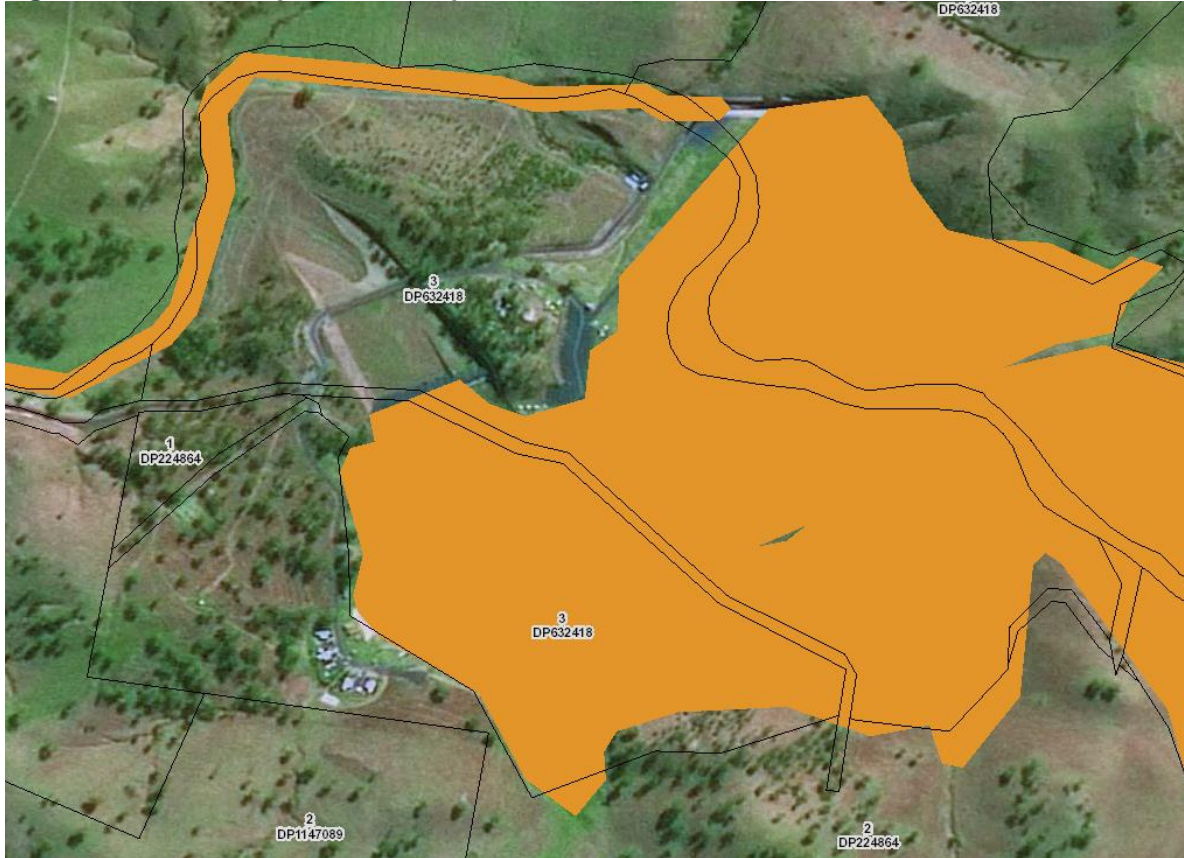
Area Criteria:

The area of the subject land is 281.99ha. The threshold for clearing is, above which the BAM and offsets scheme applies is 1 ha or more. As there is no removal required, the area criteria will not apply.



Biodiversity Values Map:

Figure 7: Biodiversity Values Map



Chifley Dam is identified under the Biodiversity Values Map. There are no building works proposed within this area (other than locating the inflatable aqua park on top of the Dam). Accordingly, this does not trigger the offsets scheme.

Test of Significance:

The site of the proposed aqua park is in a highly disturbed area of Chifley Dam that is already utilised for recreational purposes. The aqua park will complement this land use. Accordingly, no detailed investigation is considered warranted.

ENERGY

A BASIX certificate is not required.

AMENITY

The proposed use of the building is considered to be compatible with the existing and likely future character and amenity of the locality.



Operationally, the proposed aqua park will generate acceptable impacts as a result of vehicle movements and amenity as discussed previously in this report. There will essentially be no operational noise generated that is audible away from the site of the aqua park.

There will be no impact from dust generation due to the sealing of the access road. No adverse impact from the security lighting has been identified. There will be no operation after 6pm.

There are no issues in relation to privacy and overshadowing as part of the proposal.

There have been no issues identified in relation to the supply of water and the disposal of sewage and stormwater.

Due to the nature of the proposal, issues in relation to energy efficiency and waste management are not significant.

NATURAL HAZARDS

There are no known flooding, bushfire or land subsidence issues in the general locality of the site.

POTENTIAL CONTAMINATION

There are no signs of potential contamination on the land. It is considered that a preliminary contamination assessment is not warranted in this instance.

SAFETY, SECURITY & CRIME PREVENTION

Normal measures will be installed as part of the security of the building.

SOCIAL & ECONOMIC IMPACTS IN THE LOCALITY

The economic impacts as a result of the proposed use of the subject land are considered very positive. There will be significant boost to the local economy as a result of the proposal. There will be additional employment generation (up to 60 casual positions creates) as a result of the proposed use of the site as an aqua park. It is considered that there will be negligible social impacts as a result of the proposed use of the site.

The proposed aqua park will complement and support the existing recreational use of Chifley Dam.



CONSTRUCTION

All construction work (relocated building) is to be undertaken in accordance with conditions of consent, stamped plans, BCA and Australian Standards.

Construction impacts are not anticipated to have an adverse impact on the locality. Works would occur during daytime hours, thus not impacting on the local amenity. The site naturally excludes the public from entering during the construction phase.

All waste generated during construction would be taken and disposed of at Council's Waste Disposal Facility.

Construction activities would be tailored to minimise the impact on site, with all disturbed areas rehabilitated as soon as practical. All construction machinery would be fitted with appropriate muffling devices to limit noise generation during construction. The construction period would be for a limited period, and thus any impacts would be limited to that time frame.

Refer to development plans for greater detail.

CUMULATIVE IMPACTS

It is considered there will be no negative cumulative impacts as a result of the proposed recreational facility (aqua park).

(c) Suitability of the site for the development

Does the proposal fit in the locality?

- There are no constraints posed by surrounding development to render the proposal prohibitive;
- The proposal is considered complimentary to the surrounding land use pattern and zoning;
- It is considered that the proposal will not create any unmanageable access or transport concerns in the locality;
- No negative impact on public spaces will eventuate as a result of the proposal proceeding;
- The site is already connected to all available services available to the site;
- There are no issues in relation to air quality and microclimate; and
- There are no identified surrounding hazardous land uses or activities.



Are the site attributes conducive to development?

It is considered that the site is conducive to the change of use based on the following:

- The site is not affected by any natural hazards;
- There are no heritage considerations;
- There is no known soil characteristics that would render the proposal prohibitive; and
- There are no flora and fauna considerations that will have an impact on the proposal.

(d) Any submissions

The application may be referred to adjoining neighbours for comment.

(e) The public interest

It is considered that the proposed use of the building, with appropriate conditions of consent, will not have any unacceptable negative impacts on the amenity of the general public. The proposed development is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts.



6. CONCLUSION

This report includes an analysis of the existing environment, details of the proposed development and consideration of applicable statutory requirements.

Based upon the investigations of the proposal it can be concluded that:

- The proposed development is permissible with the consent of Council;
- The impacts upon or by surrounding development will not be altered significantly as a result of the proposal;
- The topography of the site is not a consideration;
- All available services are already connected to the site;
- The impacts on the amenity of the area are considered to be within acceptable limits; and
- The proposal is generally consistent with the objectives and provisions of Councils LEP and DCP.

The proposal is considered to be acceptable in terms of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and potential impacts are expected to be manageable.

Accordingly, it is recommended that the Development Application be approved subject to appropriate standard conditions.



Bathurst Pan Dragons Incorporated

Affiliated with Dragon Boats NSW
 Registered Number INC 9894496
pandragons.website@gmail.com
 P.O. Box 462 Bathurst NSW 2795

Bathurst Regional Council,
 PMB 17,
 Bathurst NSW 2795

BATHURST REGIONAL COUNCIL

- 2 MAY 2018

27th April 2018

REF. 32.00005-07/104

ATTENTION: General Manager, Mayor, Councillors

The Bathurst Pan Dragons Dragon Boat Club is writing regarding the proposed Aquatic Park at Chifley Dam. We think in practice this is a great idea to attract visitors to Bathurst and to increase awareness of the wonderful facility we have at the dam however; we feel this must be planned very carefully.

Points to Consider:

- We use the boat ramp near the cabins to launch our boats and the paddlers board the boats on the land near the ramp. The boat ramp on the other side of the dam is too steep for the dragon boats. We take great care and follow all safety regulations while reversing the boat trailer. This would be very difficult and dangerous if there were a lot of people (200 or more) in the area. If the Aquatic Park is built will the boat ramp still be available for use?
- The distance of the dam to emergency/life saving services.
- At the moment the water level at the dam is very low and the shoreline is very muddy. There are also a lot of blue green algae. This happens regularly in the summer months. We don't know how this would be suitable for an aquatic park.
- We are aware that Chifley Dam is our main water supply, so we treat the dam, the surrounding lands and the wildlife with great respect. We are concerned how these will be affected if there are large crowds visiting the dam every day.

DES ✓
 GM ✓
 MAYOR ✓
 CLLRS ✓

- There is not much parking at the dam near the cabins. If there is a large volume of traffic in the area, where will all the cars park?
- The toilet and shower facilities at the dam would have to be upgraded and enlarged to cater for a large number of people.
- There are no shop or canteen or BBQ facilities and there are limited picnic shelters or shade. The weather is quite unpredictable and conditions change rapidly. People will need somewhere to shelter.
- The roads to the dam are adequate for the number of people who use them now, but we are not sure how they would cope with a high volume of traffic.

We would be very grateful if we could be notified when a DA is lodged. If any further information becomes available regarding this project we would greatly appreciate it if you could inform us so we can organise a meeting with council to discuss any issues.

Thank you for your consideration.



Yvonne Winkley, secretary
Bathurst Pan Dragons.



Natural Resources
Access Regulator

Contact: Callum Lanagan-Jonas
Phone: 02 6841 7413
Email: callum.lanagan-jonas@nrar.nsw.gov.au

General Manager
Bathurst Regional Council
158 Russell Street
BATHURST NSW 2795

Our ref: IDAS1106822
Our file: N/A
Your ref: DA2018/141

Attention: Daniel Dwyer

13 June 2018

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA2018/141
Description: Recreational Facility (Aqua Park)
Location: Chifley Dam Road THE LAGOON

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find DPI Water's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note DPI Water requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

-2-

- if Council receives an application under s96 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:
www.water.nsw.gov.au > [Water licensing](#) > [Approvals](#).

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 91A (6) of the EPA Act.

Yours Sincerely



Jeanette Nestor
Water Regulation Officer
Water Regulatory Operations
NSW Department of Primary Industries – Water

Callum Lanagan-Jonas signing for Jeanette Nestor



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1106822
Issue date of GTA:	13 June 2018
Type of Approval:	Controlled Activity
Description:	Recreational Facility (Aqua Park)
Location of work/activity:	Chifley Dam Road THE LAGOON
DA Number:	DA2018/141
LGA:	Bathurst Regional Council
Water Sharing Plan Area:	Macquarie Bogan Unregulated and Alluvial Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
------------------	---------

Design of works and structures

- | | |
|--------------|--|
| GT0009-00010 | Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000. |
| GT0019-00003 | Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Natural Resources Access Regulator. |

Plans, standards and guidelines

- | | |
|--------------|--|
| GT0002-00368 | A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 2018.141 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Dubbo Office, must be notified in writing to determine if any variations to the GTA will be required. |
| GT0012-00004 | Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator. |
| GT0032-00010 | The application for a controlled activity approval must include the following document(s): A. Site plan showing the clear demarcation of waterfront land. B. Design details and plans for all works/activities proposed on waterfront land. C. Construction Management Plan including erosion and sediment control measures, a schedule & sequence of works and site rehabilitation. |

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA2018/141 as provided by Council:

- - Development application form for an aqua park recreation facility at Chifley Dam Road, Lagoon
- - Statement of environmental effects for an aqua park recreation facility at Chifley Dam Road, Lagoon
- - Development plans for an aqua park recreation facility at Chifley Dam Road, Lagoon



Department of
Primary Industries



FE18/395 IDA18/58
23 May 2018
The General Manager
Bathurst Regional Council
Private Mail Bag 17
BATHURST NSW 2795

Your ref: DD:JM:DA/2018/141

Attention: Mr R Denyer

Dear Mr Denyer

Re: Development Application 2018/141 Premises: "Chifley Dam" Lot 2 DP224864 & Lot 3 DP632418, Chifley Dam Road, The Lagoon

Thank you for your letter dated 7th May 2018 requesting that DPI Fisheries, a division within the Department of Primary Industries provide General Terms of Approval on the above mentioned development application.

Thank you for the proscribed \$320 fee under cl253 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation 2000).

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is "no net loss" of key fish habitats upon which they depend. To achieve this, the Aquatic Environment Branch assesses activities under Part 5 of the *Environmental Planning and Assessment Act 1979* in accordance with the objectives of the *Fisheries Management Act 1994*, the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, and the *Policy and Guidelines for Fish Habitat Conservation and Management (2013 Update)*. In addition DPI Fisheries is responsible for ensuring the sustainable management of commercial, quality recreational fishing and viable aquaculture within NSW.

Subject to the following General Terms of Approval, DPI Fisheries raise no objection to the development application:

General Terms of Approval

- A permit under s201 of the *Fisheries Management Act 1994* for dredging and reclamation works associated with placement of concrete blocks in Chifley Dam must be obtained prior to commencement of the works at the site, unless the work has been authorised under the *Crown Lands Act 1989* or an authority is obtained under the *Water Management Act 2000* from DPI Water.
- Any construction works are carried out in accordance with all applicable requirements of The Blue Book: *"Managing Urban Stormwater: Soils and Construction"* (4th Edition Landcom, 2004).

If you wish to discuss these General Terms of Approval please contact me on 6763 1255 or 0429 908 856

Yours sincerely

D. Ward

David Ward
Fisheries Manager (Tamworth)

FISHERIES AQUATIC ENVIRONMENT BRANCH
TAMWORTH AGRICULTURAL INSTITUTE
4 Marsden Park Road
CALALA NSW 2340

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DEPBS

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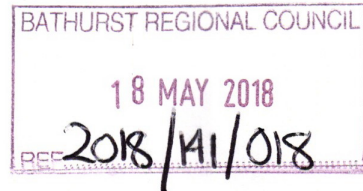
14th May 2018

Mr R Denyer,
 Manager Development Assessment
 Bathurst Regional Council



NSW Police Force
 www.police.nsw.gov.au

Attention: Mr D Dwyer



Dear Sir,

Re: Development Application Chifley Dam. 2018/141, lot 2 DP 224864 & Lot 3 DP 632418 – Aqua Park

The development application is being referred to Council following the below listed guidelines as per “Safer by Design” information. The Crime Prevention Officer has made relevant comments regarding some safety and security issues.

The following information and recommendations are supplied based on the basic application floor plans, design and written specifications supplied by Bathurst Regional Council.

As the Crime Prevention Officer, I am available for consultation during the construction process for any issues that may arise in relation to Crime Prevention.

DISCLAIMER

New South Wales (NSWP) has a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this evaluation, any person who does so acknowledges that:

1. It is not possible to make areas evaluated by NSWP safe for members of the community or their property.
2. It is based upon information provided to NSWP at the time the evaluation was made.
3. The evaluation is a confidential document and is for the use by the consent authority or organisation referred to on page 1(one) only.
4. The contents of this evaluation/report are not to be copied or circulated than for the purposes of the consent authority/organisation referred to on page 1(one).

NSW Police hopes that by using the recommendations contained in this document criminal activity will be reduced and the safety of the community and their property will be increased. However, it does not guarantee that all risks have been identified, or that the area evaluated will be free from criminal activity if its recommendations are followed.

In April 2001 the NSW Minister for Planning introduced Crime Prevention guidelines to Section 79C of the Environmental Planning and Assessment Act, 1979. These guidelines require consent authorities to ensure that development provides safety and security to users and the community. ‘If a development presents a crime risk, the guidelines can be used to justify modification of the development to minimise crime risk, or, refusal of the development because crime risk cannot be appropriately minimised’.



DEPBS

The NSW Police Safer by Design Crime Risk Evaluation process is based upon the Australian and New Zealand Risk Management Standard ANZS4360:19999. It is a contextually flexible, transparent process that identifies and quantifies crime hazards and location risks. Evaluation measures include crime likelihood (statistical probability), consequence (crime outcome), and distribution of reported crime (hotspot analysis), socio-economic conditions (relative disadvantage) situational hazards and crime opportunity.

Crime Prevention through Environmental Design (CPTED)

Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

Predatory offenders often make cost-benefit assessments of potential victims and locations before committing crimes. CPTED aims to create the reality (or perception) that the costs of committing crimes are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

- Maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension).
- Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime).
- Minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards) and
- Minimise excuse making opportunities (removing conditions that encourage/facilitate rationalisation of inappropriate behaviour).

Site Description

The proposed development site is for a temporary Aqua Park structure, operating from November through March each year. A temporary container will be placed on the site which will house the kiosk, ticket office and first aid. Nil existing structures will be demolished to make way for the facility.

Site Risk Rating

After conducting a Safer by Design Evaluation for this development the crime risk rating has been identified on a sliding scale of low, moderate and high. The rating for this development has been identified as **Low Crime Risk**.

CPTED employs the following key strategies and the issues identified will be listed under the following heading:

Surveillance/lighting/technical

Territorial Reinforcement

Environmental Maintenance

Activity/Space Management and Access control

Under each heading will be suggested treatments/considerations and recommendations where appropriate.

1. Surveillance, Lighting and technical supervision

Natural surveillance is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design, landscaping and lighting.

Technical Supervision and lighting

Consider:

- *Installing external lighting front and rear of the kiosk.*

Treatment -Lighting

Ensure:

- Lights should be vandal resistant and projected away from buildings towards pathways and gates – not towards windows and doors.
- Lighting should meet the minimum Australian standard AS1158 for public streets

2. Territorial Re-enforcement

Criminals rarely commit crime in areas where the risk of detection and challenge are high. People who have guardianship or ownership of areas are more likely to provide effective supervision and to intervene in crime than passing strangers.

Treatment Territorial Reinforcement

Signage: Consider:

- All ingress and egress points to be well defined and clearly marked with signage.
- Speed limit signage within the entire driveway/ car park area –**max 10kph**
- “Lock it or Lose it” signage in all areas of the car park.

3. Environmental Maintenance.

Clean, well maintained areas often exhibit strong territorial cues. Research indicates that run-down areas impact perceptions of fear within the community, community confidence to use public space and ultimately, crime opportunity. Vandalism can induce fear, particularly amongst women and the elderly.

Landscaping can be used to enhance the appearance of the development and assist in reducing opportunities for vandalism. However, landscaping can provide concealment and entrapment areas for people involvement in criminal behaviour. Plants that block natural sight lines lessen natural surveillance.

Nil issues as a temporary structure

4. Activity, Space Management and Access Control.

Space/activity management strategies are important ways to develop and maintain natural community control. Space management involves the formal supervision, control and care of the development.

Treatment – Access Control.

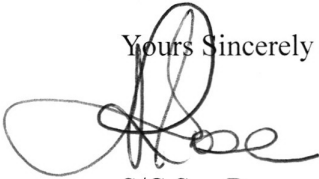
- All premises should be fitted with good quality locks to windows and doors.
- Consider a designated car space for emergency service personnel, duly sign posted.

Conclusion.

The design, purpose and definition of the space are in harmony with the intended function of the existing area. There are no adverse findings in the information submitted to Police.

We would like to thank you for the opportunity of inspecting the plans for this development and should you require further information on the subjects mentioned with this report feel free to contact Senior Constable Sue Rose, Crime Prevention Officer, Chifley LAC, Phone 02- 63328699.

Yours Sincerely



S/C Sue Rose
Crime Prevention
Crime Management Unit
Chifley Police District