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**DA 2020/23 - Wollongbar District Park including  
the Skate Park - Lot 6 DP 1161720, 93 Rifle Range  
Road & Lot 39 DP 1242246, 55 Avalon Avenue,  
Wollongbar**

**ballina** shire council  
geographical information system

Projection: GDA94 / MGA zone 56  
Date: 13/05/2020

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WOLLONGBAR DISTRICT PARKLAND: FUN AND FITNESS FOR ALL  
CHALLENGING \_ LEARNING \_ CONNECTING : EMPOWERING BODIES \_ MAKING MEMORIES

CONCEPT PLAN

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- 07\_Materials and Furniture Palette
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design team ink : landscape architecture + urban design

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REVISION C\_DATE: 10 JANUARY 2020

**SCOPE**

Ballina Shire Council has engaged design team ink to prepare a concept plan for the future embellishment of land at the corner of Plateau Drive and Rifle Range Road, Wollongbar, as a district level parkland. A district level parkland supports not only the local residents but also visitors from other nearby villages and towns.

In the past there have been numerous community engagement activities undertaken and a number of plan options prepared for this site. The concept design developed herein seeks to best address the varied consultation outcomes with Council's recreation planning objectives for the site.



Above: Extracts from the engagement undertaken as part of the Wollongbar 2038 Visioning

**SITE**



Above: Photo of the site taken during remediation works - looking towards the roundabout.

**KEY FEATURES OF THE SITE AND CONTEXT**

The proposed Wollongbar District Parkland is located at the corner of Rifle Range Road and Plateau Drive near the interface of the original and newer areas of Wollongbar. The site is central to an existing, as well as planned future residential population.

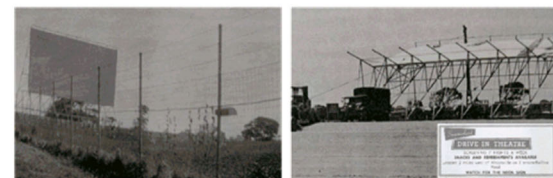
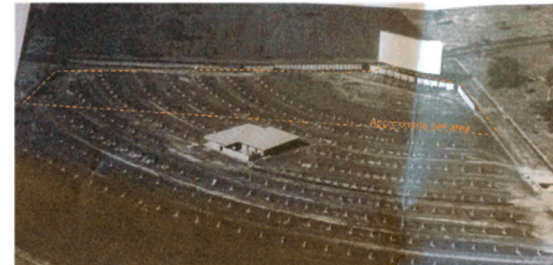
The land is part of the Bundjalung Nation and, according to Keats N.C. (1988) is within the Nyangbal and Wiyabal tribal language areas.

An existing park containing play equipment is located 100m to the south-east at Killarney Crescent. This park provides for children ages 4-10 years. The site is also located approximately 500m - 1km from the new sports fields which provide multipurpose ovals and multi-courts for public use and teams sports - primarily ball games.

The site in its present form is unconstrained by existing vegetation and the landform is relatively flat with a small portion at the western extent falling away to Plateau Drive to the west.

Wollongbar, and the broader plateau area, contains prime agricultural land and once supported The Big Scrub. This vegetation type is highly valued by the community.

Historically, the site was the former Summerland Drive-in Theatre which was a significant social and arts resource up until it ceased operation in the 1980's. The arched patterns of the vehicle access isles remain in the topography of the landscape today and can be seen in aerial photography.



Above: Summerland Drive-In Theatre (Source: download from facebook "Ballina Blast from the Past" contribution by Brian Rose)

**THE VISION**

The vision, is to provide a parkland to service the broader district which offers fun and fitness opportunities for all.

**KEY PRINCIPLES**

**Welcoming and Inclusive**

- A welcoming setting where people feel included, comfortable, safe and want to stay.
- Adaptive spaces which can be used for festive or seasonal, as well as supporting day-to-day recreational and fitness needs.
- Connected to adjoining complementary facilities such as path networks, residential areas, play areas, the recreation grounds and transport nodes.
- Suitable for people of all capabilities, ages and backgrounds.
- Compatible with surrounding existing and proposed future uses.

**Supports an Active Lifestyle and Healthy Living**

- Opportunities for people to improve fitness, challenge themselves, connect socially and thrive.
- Spaces for group and individual exercise.
- A place of high quality amenity with places to sit, walk, run or play in the shade and to enjoy the sun.

**Appreciates and Informs About the Environment**

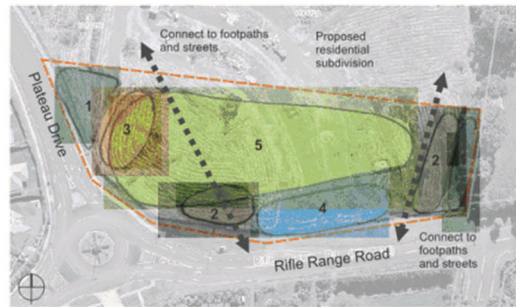
- Improves the environmental quality of the site and provides habitat.
- Reuses site materials and makes best use of local materials in construction where possible.
- Provides opportunities for education relating to the natural environment of the locality and historic uses of the site (in particular, subtropical rainforest vegetation of the plateau and the drive-in theatre).
- A place where people learn new things and create great memories.



**PARKLAND CONCEPT PRECINCTS**

There are five key precincts proposed:

- Precinct 1 Rainforest Mini-Arboretum (or natural edge)
- Precinct 2 Picnic
- Precinct 3 Group Fitness and Amenities
- Precinct 4 Skate and Ride
- Precinct 5 Multi-functional Open Space



**Context Theme Generators**



**INDICATIVE CONCEPT IMAGERY**

**1. Rainforest Mini-Arboretum:**

Steeper land planted with local rainforest plants supported by interpretative signage - a place to explore - a place to learn - a place to relax - tactile



Above left: Wild Play area by Ian Potter. Above right: My children exploring a native garden

**2. Picnic:**

A place for people or groups to gather, BBQ, sit and eat - observe - supervise - socialise with others



**3. Group Fitness and Amenities:**

Functional equipment for street workouts and cross training to suit all ages including elderly - a place to challenge yourself - colourful - fun - run



Above: Fitness equipment montage prepared by Urban Play

**4. Skate and Ride**

A small skate park set within landscaped parkland, suitable for skate boards, scooters and park bikes- a place for youth/families - a place to connect - fun



Above: Kwinana Skate Park (WA) by Convic



Above left: Skate park in Woolwich Canada. Above right: Singleton Skate Park by Skate Sculpture (WA)

**5. Multi-functional Open Space:**

Open grassy areas which can be used for a variety of informal activities - a place to run, sit or participate in group activities - a place to gather - adaptable

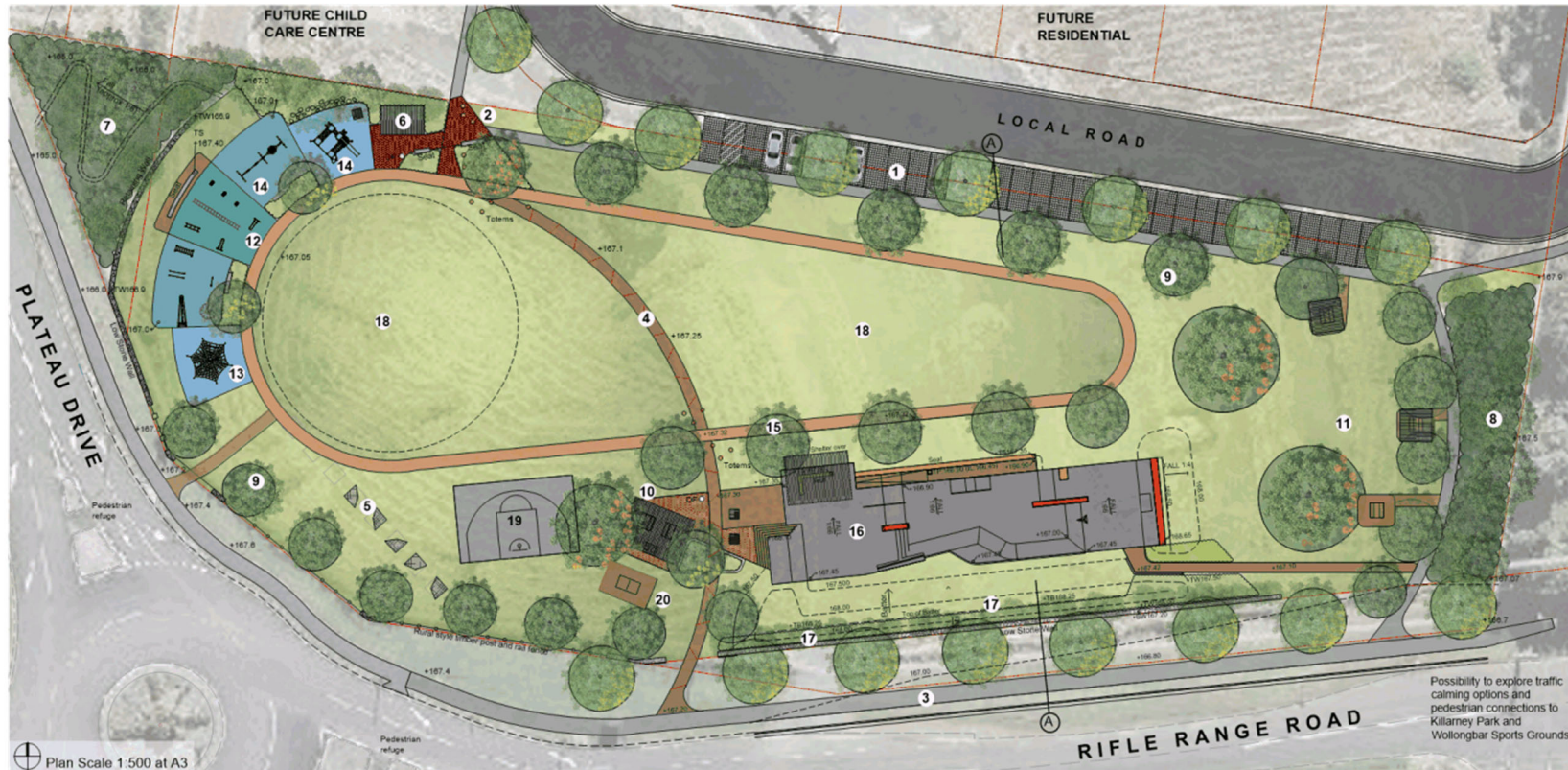


Above: Outdoor table tennis at Jamieson Park, South Penrith, hammocks, multi-purpose path circuit



Above: Adaptable spaces for group yoga, painting or cultural activities

**CONCEPT PRECINCTS + DESIGN IMAGERY**



**GENERAL FEATURES**

- 1 Car parking - 24 spaces (22 + 2 accessible)
- 2 Main parkland entrance - Recycled brick paving, seating, gardens and artwork
- 3 Main street footpath (2m wide)
- 4 Park interpretative footpath (1.5m wide) with pavement etchings providing historical information about the drive-in theatre or other related themes (solar navigational smart-lighting at night)
- 5 Site of former drive-in theatre screen. New collaborative art interpretative pillars (drive-in theatre theme)
- 6 Toilet Building - one male, one female and one unisex accessible toilet

**RAINFOREST MINI-ARBORETUM**

- 7 Area 1 - Subtropical rainforest species with a narrow walking trail and species information signage
- 8 Area 2 - Subtropical rainforest species with information signage along the pathway edge
- 9 Street and park trees including species tags

**PICNIC**

- 10 Central BBQ (2 DDA BBQ cooking plates plus bench) and picnic tables
- 11 Informal picnic area with table settings (2 with shelters) and large shade trees

**GROUP FITNESS AREA**

- 12 Fitness equipment (street workout and cross training) suitable for teenagers, adults and seniors
- 13 Climbing net (children and adults)
- 14 Juniors playground activity fort with slide and swing area (ages 3+)
- 15 Multi-purpose circuit pathway (250m long) with distance markers

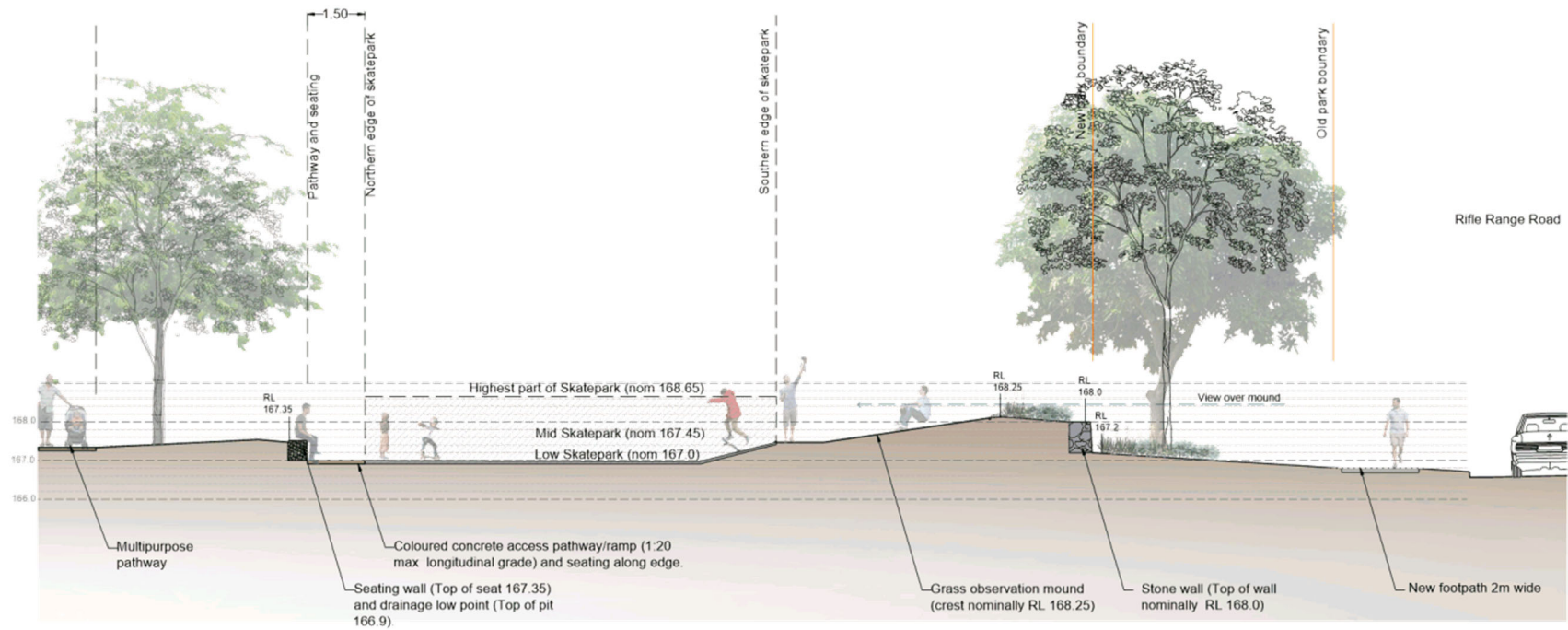
**SKATE AND RIDE**

- 16 Small skate park facility suitable for skate boards, scooters and park bikes with shaded seating area at western end (day use only with low level solar smart-security lighting at night) (Skatepark design by Enlocus)
- 17 Acoustic and observation mound.

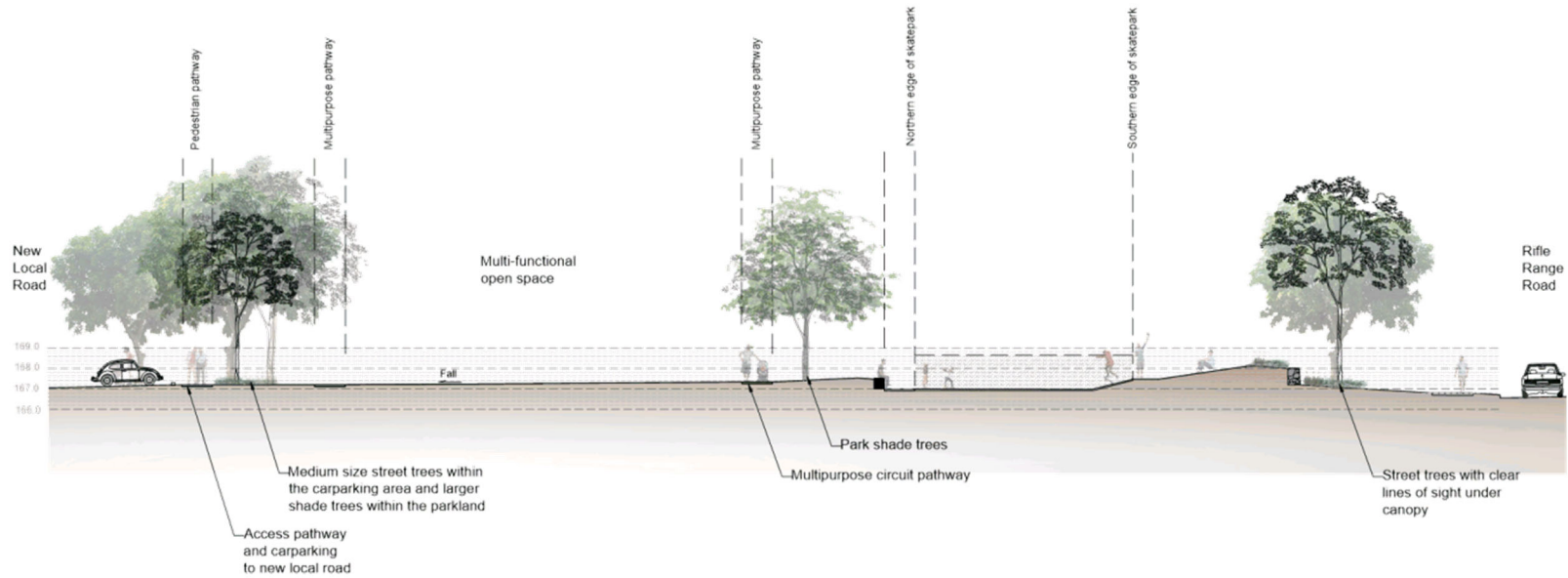
**MULTI-FUNCTIONAL OPEN SPACE**

- 18 Multi-functional open space for general use (painting, outdoor learning, ball games etc)
- 19 Multi-court (15m x 10m) with basketball ring and backboard
- 20 Outdoor table tennis on hardstand (6.25m x 4.5m)

CONCEPT DESIGN PLAN



TYPICAL SECTION - INTERFACE OF  
 SKATEPARK WITH RIFLE RANGE ROAD



TYPICAL SECTION A - NORTH/SOUTH

**FITNESS AND SPORTS EQUIPMENT**

Items (Digital representation provided by Urban Play):

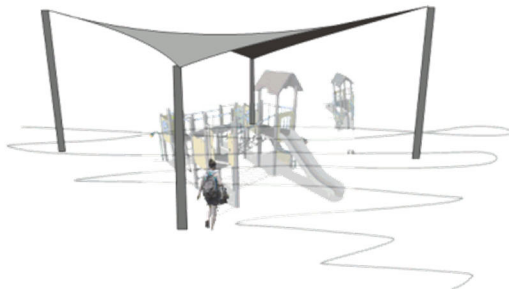
1. FAZ101, Suspension trainer
2. FAZ301, 20cm step
3. FAZ302, 40cm step
4. FAZ303, 60cm step
5. FSW201, Parallel bars
6. FSW202, Dip bench
7. FSW203, Bench
8. FSW206, Incline press
9. FSW204, Decline bench
10. FSW205, Overhead ladder
11. POPP Hero Table tennis table (orange base with custom artwork to top)



Parts powdercoated charcoal grey and orange. Installed over rubber softfall undersurfacing (shock tiles and CBSR top layer).

**SHADE STRUCTURE OVER JUNIOR PLAY TOWER**

Shade Sail Structure: HD galvanised posts with coloured fabric sail  
 Approximately 57 sq.m. to cover Junior Play Tower.  
 Post heights approx 4.7 - 6.3m (i.e. 2.4m clearance from equipment).



**PLAY EQUIPMENT**

Kompan "Four Tower with Net"  
 (PCM400500 - custom-20046645)  
 with shade structure over



Parts charcoal grey and lime green

Kompan "Double Bay Portal Swing with Baby and Bird's Nest Seats"  
 (KSW924-CUSTOM-20045007)



Parts charcoal grey and orange

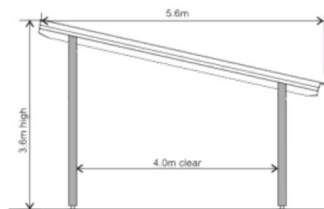
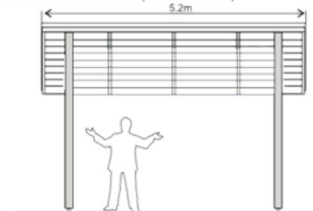
Corcord Climbing net  
 (COR207001-1101 with orange ropes)



Parts charcoal grey with orange ropes  
 (Height of play net = 3.9m)

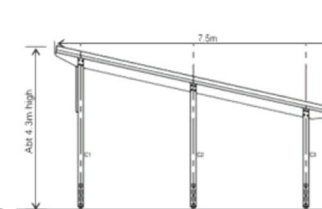
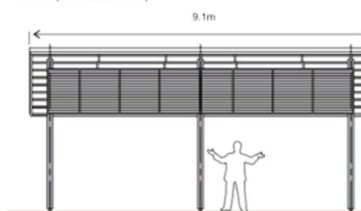
**SMALL PICNIC SHELTERS**

Custom Design by Ballina Shire Council  
 Materials: Raw galvanised steel posts with Custom-orb roof (Basalt colour)



**LARGE BBQ AREA PICNIC SHELTERS**

Custom Design by Ballina Shire Council  
 Materials: Raw galvanised steel posts with Custom-orb Roof (Basalt colour)



**TOILETS**

Modus Yarra 3 Toilet Building: 2 x unisex and 1 x fully accessible toilet. Custom orb sheeting to mid-height (Basalt or Monument) and powder coated aluminium planking (orange) above. Include solar lighting and 3000 litre water tank to side for garden watering. Include trellis wires to posts adjoining garden.



Image illustrative only.



**LITTER BIN ENCLOSURES**

Draffin "Bushland Bin Surround" made from weathering steel to suit 240 litre wheelie bin



**SEATING**

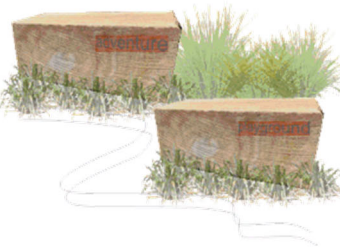
**CUSTOM SEATING**

Insitu off-form concrete garden walling/seating in areas adjoining softfall or feature paving. Image indicative only.



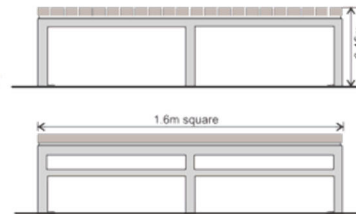
**INFORMAL SEATING**

Local sandstone blocks with engraved text. Image indicative only.



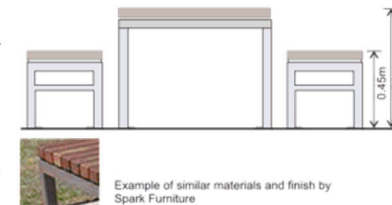
**TABLE SEATS**

Locally custom made table seat (subject to detailed design). Simple SHS HD galvanised steel frame with oiled hardwood timber slats.



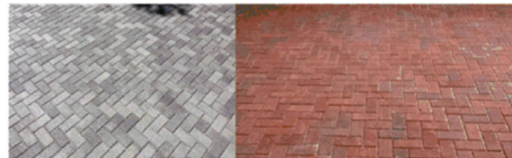
**PICNIC SETTINGS AND BENCH SEATS**

Locally custom made table with bench seats (subject to detailed design). Simple SHS HD galvanised steel frame with oiled hardwood timber slats. DDA Compliant. Individual bench seats to match.



**GROUND PLANE PAVEMENTS**

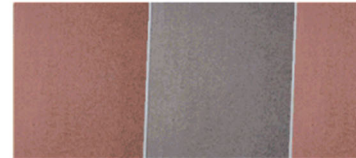
**FEATURE PAVING AT THE ENTRANCE AND AT NODES**  
 Recycled red brick or clay pavers with mortared joints, herringbone pattern with header course.



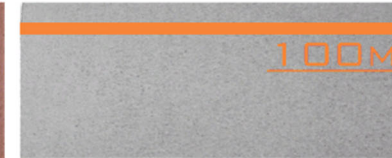
**FRONTAGE PATHWAYS**  
 Footpath Type 1: Plain concrete pathway (2m wide) to Ballina Shire Council footpath standards



**CENTRAL INTERPRETATIVE FOOTPATH**  
 Footpath Type 2 (1.5m wide): Integrally coloured concrete, angled joints, light sandblasted finish, sandblasted patterning to some feature panels



**MULTIPURPOSE CIRCUIT PATHWAY**  
 Footpath Type 2 (1.5m wide): Integrally coloured concrete, standard joints, light broom finish. Orange painted linemarking.



**BARBEQUES**

Christie modular series (Electric) 3 bay with 2 hot plates and 1 bench



**DRINKING FOUNTAIN**

Town and Park DF10 drinking fountain (stainless steel with powdercoated side panels)



**SOLAR LIGHTING**

Solar lighting: navigational lighting to interpretative pathway and security lighting to skate park - EverGEN M Series park lighting



**STONE WALLING AND TIMBER RURAL FENCING**

Combinations of low basalt stone walling with dual rail timber farm fence (oiled black) to Rifle Range Road frontage. Imagery is indicative only. Fence subject to detailed design.



**MATERIALS AND FURNITURE PALETTE**

## Planning and Environmental Health Division Development Application Assessment

Pursuant to s.4.15 (1) of the EP & A Act 1979



<b>Development Application No:</b>	2020/23
<b>Applicant's Name &amp; Address:</b>	Newton Denny Chapelle PO Box 1138 LISMORE NSW 2480
<b>Lodgement Date:</b>	21 January 2020
<b>Date Determined:</b>	<b>28 May 2020</b>
<b>Assessment Period (days):</b>	<b>118 days</b>
<b>Determined by:</b> <small>(under Delegated Authority – s.378 of LG Act 1993 /DAP/Council/JRPP/NSW DoP)</small>	Council
<b>Subject Land:</b>	Lot 6 DP 1161720 and Lots 39 & 45 DP 1242246, being No. 93 Rifle Range Road and No. 55 Avalon Avenue, Wollongbar (approved Lot 32 to be created via DA 2018/753)
<b>Description of Proposed Development:</b>	To establish the Wollongbar District Park including the Skate Park
<b>Building Classification under the BCA:</b>	10a amenities building 10b skate park and ancillary structures

<b>Does the Proposal involve a variation to a Development Standard?</b>	No
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Having inspected the site and assessed the application in terms of relevant matters for consideration enumerated in Section 4.15 (1) of the EP & A Act 1979 and other pertinent concerns as detailed in the following sections of this report, it is recommended that the application be determined by:

1. **granting of consent unconditionally**
2. **granting of consent subject to conditions (refer to Notice of Determination)**
3. **refusing of consent (refer to Notice of Determination)**

<b>Site inspection date:</b>	Various (most recently 15/5/20)
Is the development designated development?	No
Is the development integrated development?	No
List consultations/referrals undertaken and comments provided:	<b>External:</b> <b>NSW Police Crime Prevention Officer – Response dated 31 March 2020</b> <b>NSW RMS – Response dated 11 March 2020</b>

	<p><b>Internal:</b>  <b>EHO – Referral response received on 5 March 2020</b>  <b>Building Surveyor - Referral response received on 28 April 2020</b>  <b>Social Planner (ARG) - Referral response received on – 26 February 2020</b>  <b>Developments Engineer - Referral response received on – 24 April 2020</b></p>
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**Explanation of Proposal**

The proposal involves the establishment of the Wollongbar District Park at 93 Rifle Range Road, Wollongbar.

The plans for the Park depict a range of active and passive recreation opportunities for the Wollongbar community. These include:

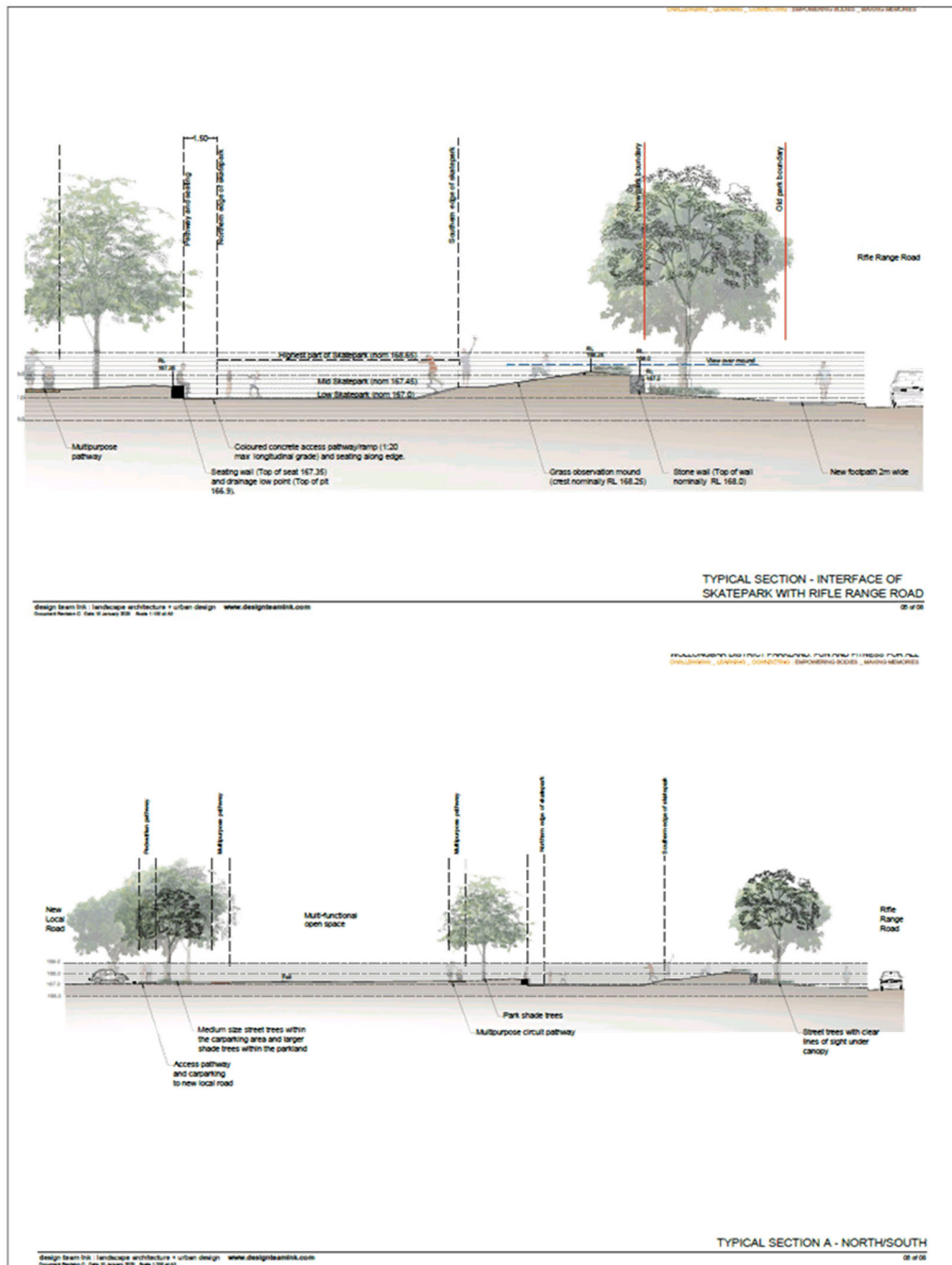
- Junior play equipment including swings, play structure and climbing net;
- Skate park;
- Fitness equipment;
- Multi court with basketball hoop; and
- Multi-purpose pathway (250m) with distance markers.



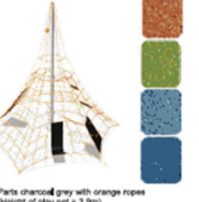

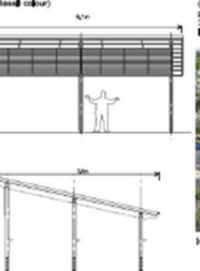




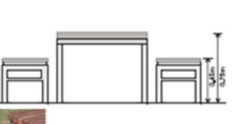
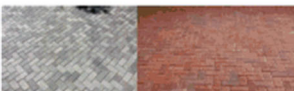
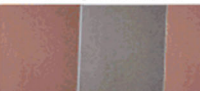



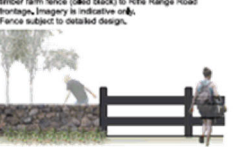
The Park is also proposed to contain pathways, public toilets, mini-arboretum and general landscaping (including fencing, mounding and trees). A range of covered and uncovered picnic tables and seating areas are to be provided throughout the site and a covered BBQ area is to be provided centrally between the multi court and skate park.

The plans lodged with the proposal reference the provision of artwork within the proposed Park. This includes art work to be provided at the formal entry to the Park (northern side, adjacent to the new local road) and new collaborative art interpretative pillars (drive-in theatre theme).

24 car parking spaces (including 2 accessible spaces) will be provided along Proposed Road 5 to the north of the site.





<p><b>FITNESS AND SPORTS EQUIPMENT</b></p> <p>Items (Digital representation provided by Urban Play):</p> <ol style="list-style-type: none"> <li>1. FAZ101, Suspension trainer</li> <li>2. FAZ301, 20cm step</li> <li>3. FAZ302, 40cm step</li> <li>4. FAZ303, 60cm step</li> <li>5. FSW201, Parallel bars</li> <li>6. FSW202, Dip bench</li> <li>7. FSW203, Bench</li> <li>8. FSW205, In-line press</li> <li>9. FSW204, Double bench</li> <li>10. FSW205, Overhead ladder</li> <li>11. POPP Mono Table tennis table (orange base with custom artwork to top)</li> </ol>  <p>Parts charcoal grey and lime green</p>	<p><b>PLAY EQUIPMENT</b></p> <p>Kompan "Four Tower with Net" (PCMA00500 + custom20046645) with shade structure over</p>  <p>Parts charcoal grey and lime green</p>	<p>Kompan "Double Bay Portal Swing with Baby and Bird's Nest Seats" (KSW924-CUSTOM20045007)</p>  <p>Parts charcoal grey and orange</p>	<p>Concord Climbing net (CQR20700x1101 with orange ropes)</p>  <p>Parts charcoal grey with orange ropes (Height of play net = 3.9m)</p>				
<p>Parts powdercoated charcoal grey and orange, installed over rubber softfall underlay (shock tiles and CBSR top layer).</p>	<p><b>SMALL PICNIC SHELTERS</b></p> <p>Custom Design by Ballina Shire Council</p> <p>Materials: Raw galvanneal steel posts with Customorb Roof (Black colour)</p> 	<p><b>LARGE BBQ AREA PICNIC SHELTERS</b></p> <p>Custom Design by Ballina Shire Council</p> <p>Materials: Raw galvanneal steel posts with Customorb Roof (Black colour)</p> 	<p><b>TOILETS</b></p> <p>Modus Yara 3 Toilet Building: 2 x unisex and 1 x fully accessible toilet. Custom orb sheeting to mid-height (Stair or Monument) and powder coated minimum sparkling (orange) above. Include solar lighting and 3000 litre water tank to side for garden watering. Include 12mm wires to posts adjoining garden.</p>  <p>Image illustrative only.</p>				
<p><b>SHADE STRUCTURE OVER JUNIOR PLAY TOWER</b></p> <p>Shade Sail Structure: HD galvanneal posts with coloured fabric sail. Approximately 57 sqm, to cover Junior Play Tower. Post heights approx 4.7 - 5.2m (1.4m clearance from equipment).</p> 				<p><b>MATERIALS AND FURNITURE PALETTE</b></p> <p>07 of 08</p>			
<p><b>LITTER BIN ENCLOSURES</b></p> <p>Driffin "Bamford Bin Surround" made from weathering steel to suit 240 litre wheeled bin</p> 	<p><b>SEATING</b></p> <p><b>CUSTOM SEATING</b></p> <p>Insitu conform concrete garden seating in areas adjoining softfall or feature paving. Image indicative only.</p> 	<p><b>INFORMAL SEATING</b></p> <p>Local sandstone blocks with engraved text. Image indicative only.</p> 	<p><b>TABLE SEATS</b></p> <p>Locally custom made table seat (subject to detailed design). Simple 60x120 HD galvanneal steel frame with solid hardwood timber slats.</p> 	<p><b>PICNIC SETTINGS AND BENCH SEATS</b></p> <p>Locally custom made table with bench seats (subject to detailed design). Simple 60x120 HD galvanneal steel frame with solid hardwood timber slats. DDA Compliant. Individual bench seats to match.</p>  <p>Examples of timber materials and finish by South Furniture.</p>			
<p><b>GROUND PLANE PAVEMENTS</b></p> <p><b>FEATURE PAVING AT THE ENTRANCE AND AT NODES</b></p> <p>Recycled red brick or clay pavers with mortared joints, herringbone pattern with header course.</p> 	<p><b>FRONTAGE PATHWAYS</b></p> <p>Footpath Type 1: Plain concrete pathway (2m wide) to Ballina Shire Council footpath standards</p> 	<p><b>CENTRAL INTERPRETATIVE FOOTPATH</b></p> <p>Footpath Type 2 (1.5m wide): Tagged coloured concrete, angled joints, light sandblasted finish, sandblasted patterning to some feature panels</p> 	<p><b>MULTIPURPOSE CIRCUIT PATHWAY</b></p> <p>Footpath Type 2 (1.5m wide): Tagged coloured concrete, standard joints, light broom finish, Orange painted framing.</p> 				
<p><b>BARBEQUES</b></p> <p>Christie modular series (Electric) 3 bay with 2 hot plates and 1 bench</p> 	<p><b>DRINKING FOUNTAIN</b></p> <p>Town and Park DF10 drinking fountain (stainless steel with powdercoated side panels)</p> 	<p><b>SOLAR LIGHTING</b></p> <p>Solar lighting, navigational lighting to interpretative pathway and security lighting to skate park + EverGlow kit Series park lighting</p> 	<p><b>STONE WALLING AND TIMBER RURAL FENCING</b></p> <p>Combinations of low basal stone walling with dual rail timber farm fence (solid black) to Rifle Range Road frontage. Imagery is indicative only. Fence subject to detailed design.</p> 				
<p>Design team: InH: landscape architecture + urban design www.designteamh.com Document Number: G Date: 18 January 2020</p>				<p><b>MATERIALS AND FURNITURE PALETTE</b></p> <p>08 of 08</p>			

**ASSESSMENT OF THE APPLICATION UNDER SECTION 4.15 (1) OF THE EP& A ACT 1979****4.15 (1) (a) (i) - the provisions of any environmental planning instrument****Local Environmental Plans (LEPs)**

Relevant LEP	Applies YES/NO
Ballina Local Environmental Plan 2012	YES
Ballina Local Environmental Plan 1987 (Note: BLEP 1987 only applies to land identified as "Deferred Matter" on the Land Application Map accompanying the BLEP 2012)	NO

Ballina LEP 2012 – Relevant clauses		Applies YES/NO	Comments/Is consistency with these provisions achieved?
PART 1 - Preliminary			
Cl.1.2	Aims, objectives	YES	The development and use of the land for recreational (passive and active) purposes is considered to be consistent with the aims and objectives of the BLEP 2012
Cl.1.4	Land use definition (refer to dictionary at the end of the Plan)	YES	<p>"Recreation area" means a <i>place used for outdoor recreation that is normally open to the public, and includes—</i></p> <p>(a) <i>a children's playground, or</i></p> <p>(b) <i>an area used for community sporting activities, or</i></p> <p>(c) <i>a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).</i></p> <p>Recreation area definition is applicable to all aspects of the proposed park except for the proposed skate park.</p> <p>The proposed skate park would be best defined as a recreation facility (outdoor)</p> <p>"Recreation facility (outdoor)" means a <i>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).</i></p>

PART 2 – Permitted or Prohibited Development			
Cl.2.2	Zoning under BLEP 2012	YES	<p>The land to be developed as the District Park and skate park is zoned RE1 Public Recreation. This is all contained within approved Lot 32 of DA 2018/753.</p> <p>The remaining land within the existing allotments is zoned R3 Medium Density Residential. No works are to occur on the R3 zoned land as part of the subject proposal. In this regard, an assessment of the proposal with respect to the R3 zone is not required to be carried out</p>
Cl.2.3(1)	Permissibility within zone	YES	<p>Recreation area and recreation facility (outdoor) are permissible with consent in the RE1 zone.</p> <p>Clause 65 (3) of the State Environmental Planning Policy (Infrastructure) 2007 enables Council's to carry out a range of works on 'Public Reserves' without the need for development consent. Under such circumstances, the works such as those proposed via the current application would normally be proposed and assessed through a 'Review of Environmental Factors' (REF) and Part V assessment rather than a Development Application.</p> <p>Under the Environmental Planning and Assessment Act 1979, a 'Public Reserve' is defined as follows:</p> <p><i>'public reserve' has the same meaning as it has in the Local Government Act 1993, but does not include a Crown reserve that is dedicated or reserved for a public cemetery.</i></p> <p>The Local Government Act 1993 then defines a 'public reserve' as follows:</p> <p><b>public reserve means—</b></p> <ul style="list-style-type: none"> <li>• a public park, or</li> <li>• any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or</li> <li>• any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or</li> <li>• any land dedicated or taken to be dedicated under section 49 or 50, or</li> <li>• any land vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act 1913, or</li> <li>• any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act 1989, or</li> <li>• Crown managed land that is dedicated or</li> </ul>

		<p><i>reserved—</i></p> <ul style="list-style-type: none"> <li>○ <i>for public recreation or for a public cemetery, or</i></li> <li>○ <i>for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the Crown Land Management Act 2016, being Crown managed land in respect of which a council has been appointed as its Crown land manager under that Act or for which no Crown land manager has been appointed, or</i></li> <li>• <i>land declared to be a public reserve and placed under the control of a council under section 52 of the State Roads Act 1986, or</i></li> <li>• <i>land dedicated as a public reserve and placed under the control of a council under section 159 of the Roads Act 1993, and includes a public reserve of which a council has the control under section 344 of the Local Government Act 1919 or section 48, but does not include a common.</i></li> </ul> <p>In this instance, the subject land is owned by Ballina Shire Council and is currently classified as 'Operational Land'. It forms part of a larger landholding, which is being subdivided for residential purposes via DA 2018/753. In this regard, the land is yet to be dedicated as a 'Public Reserve' as defined above.</p> <p>It has been proposed as part of DA 2018/753 that the land (approved Lot 32) will become a public reserve.</p> <p>The relevant conditions of DA 2018/753 are:</p> <p><u>During Construction</u></p> <p><b>23. District Park preparation (public reserve lot – Lot 32)</b></p> <p>The future District Park lot/public reserve shall be prepared, during the construction of Stage 3, for future embellishment as follows:</p> <ul style="list-style-type: none"> <li>• The existing concrete slab/footings from the drive in cinema are to be completely removed from the site and disposed of appropriately;</li> <li>• The site must be free of contaminants;</li> <li>• The site is to be of an even grade such that it is suitable for use as a grassed open space with no undulations greater than 50mm;</li> <li>• The top soiled layer must be free of all rocks and debris that is 50mm or larger;</li> </ul>
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			<ul style="list-style-type: none"> <li>• Any naturally occurring rock greater than 150mm can be stockpiled for future reuse on site;</li> <li>• The site must be free of all rocks and debris that is 50mm or larger;</li> <li>• The existing wire fence and other redundant infrastructure must be removed;</li> <li>• The site is to have a minimum of 250mm even cover of organic topsoil and is to be seeded with grass and successfully established prior to handover;</li> <li>• The site is to be maintained, weed free and tidy prior to handover.</li> </ul> <p><u>Prior to the issue of the Subdivision Certificate</u></p> <p><b>24. Dedication of public reserve lot – Lot 32</b> All land identified as public open space in the approved subdivision plan shall be dedicated to Council for the purpose of public recreation and be classified as "community land" for the purpose of the Local Government Act 1993. Note: The words in the dedication notice in the final plan need to be consistent with the purpose for which it is required to be dedicated.</p> <p>The applicant shall provide a list of park names that are preferably based on some aspect of the history or characteristic of the locality for Council approval and the approved name shall be identified on the final subdivision plan.</p> <p>Condition 23 is to be complied with as part of Stage 3 of the development (there are four stages in the development).</p> <p>In view of the above, the proposal does not have the ability to proceed via a Part V assessment and preparation of a REF and a development consent is required.</p>
Cl2.3(2)	Regard for zone objectives	<b>YES</b>	<p>The objectives of the RE1 zone are:</p> <ul style="list-style-type: none"> <li>• <i>To enable land to be used for public open space or recreational purposes.</i></li> <li>• <i>To provide a range of recreational settings and activities and compatible land uses.</i></li> <li>• <i>To protect and enhance the natural environment for recreational purposes.</i></li> <li>• <i>To provide for a diversity of development that meets the social and cultural needs of the community.</i></li> <li>• <i>To provide for public access to open space and natural recreation areas.</i></li> </ul>

			<ul style="list-style-type: none"> <li>To protect and conserve landscapes in environmentally sensitive areas, particularly in foreshore and visually prominent locations.</li> <li>To provide for development that is consistent with any applicable plan of management.</li> <li>To encourage development that achieves the efficient use of resources such as energy and water.</li> </ul> <p>The proposal is considered to have had appropriate regard for the objectives of the RE1 zone.</p> <p>The proposed park and its embellishments will provide for a range of passive and active recreational activities for a range of age groups.</p> <p>The subject land has been approved as part of DA 2018/753 as a single public reserve allotment – Lot 32. The land is not yet classified for public reserve purposes and is operational land. This is expected to occur as part of Stage 3 of that development, at which a CC Application has been lodged.</p> <p>Should DA 2020/23 be determined favourably, it is considered that there are options for the development of the land proposed via DA 2020/23 to occur concurrently with the works approved via DA 2018/753.</p>
Cl.2.6	Subdivision – consent requirements	<b>NO</b>	Previous application – DA 2018/753 granted consent for the creation of Lot 32 – public reserve lot.
<b>PART 4 – Principal Development Standards</b>			
Cl.4.3	Height of buildings	<b>YES</b>	<p>The building height limit for the site is 8.5m. Floor and elevational plans of the proposed toilet building and shelter structure have not been provided with the application, only their location shown on the site plan and indicative elevational plans. Conditions can be imposed requiring plans of the structures and building to be provided and compliance with Council's building height controls.</p> <p>The applicant has provided the following information in the SEE as to proposed building heights:</p> <ul style="list-style-type: none"> <li>Toilet block – Single Storey &lt;5m</li> <li>Shade structure over junior play area – 6.3m</li> <li>Climbing net – 3.9m</li> <li>Small picnic shelters – 3.6m</li> <li>BBQ shelter – 4.3m</li> </ul>

PART 5 – Miscellaneous Provisions			
Cl.5.10	Heritage conservation	<b>NO</b>	An AHIMS search was carried out as part of DA 2018/753 - on 26 August 2019, which has not identified any cultural heritage sites within a minimum of 200m of the subject land.
PART 7 – Additional Local Provisions			
Cl.7.2	Earthworks	<b>YES</b>	<p>The proposal will involve some earthworks in the construction of the active and passive recreation facilities and associated structures. The skate park component of the proposal is likely to involve more earthworks than other facilities/structures.</p> <p>In considering the provisions of Clause 7.2, the following comments are made.</p> <p>a) <i>the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i></p> <p>Comment: The subject site is heavily disturbed and does not currently contain significant drainage lines. The site is subject to current works via DA 2018/753, which include earthworks as part of Stage 1, in order to prepare the site for future use as a public reserve.</p> <p>All earthworks as part of DA 2020/23, which primarily comprise construction of the skate park and associated acoustic mounds are to be designed to ensure that water drains to approved discharge points without causing ponding or nuisance either within the park or offsite.</p> <p>It is not considered that the proposal will result in any soil stability issues.</p> <p>Council's Developments Engineer has not raised any issues with the proposed drainage measures for the development.</p> <p>b) <i>the effect of the development on the likely future use or redevelopment of the land,</i></p> <p>Comment: The proposed earthworks will enable the construction of the proposed skate park facility (including acoustic mounds) within the proposed District Park.</p> <p>It is not considered that the proposed earthworks will create an issue with any future developments to the Wollongbar Park and will not impinge on the useability of the remainder</p>

			<p>of the Park.</p> <p>c) <i>the quality of the fill or the soil to be excavated, or both,</i></p> <p>Comment: The site is subject to a Remediation Action Plan (RAP) as part of DA 2018/753, which will be fully implemented prior to dedication of the land. Any fill materials imported to the site will be certified as suitable for the intended use in accordance with EPA and Council requirements. No materials are expected to leave the site as part of the construction of the Park.</p> <p>d) <i>the effect of the development on the existing and likely amenity of adjoining properties,</i></p> <p>Comment: The proposed earthworks involve the construction of the skate park and also for acoustic mounding in association with the proposed skate park. The intent of the works is to enable construction of the skate park and to mitigate any potential adverse noise impacts on the surrounding locality. From an earthworks perspective, the works (i.e. change in landform – <u>not use of the development</u>) are unlikely to have a detrimental impact on the existing and likely amenity of the locality. The landform changes are not considered to create an issue for surrounding properties.</p> <p>e) <i>the source of any fill material and the destination of any excavated material,</i></p> <p>Comment: All significant earthworks to be carried out to the site have been approved as part of DA 2018/753. The applicant has advised that any materials imported to the site will be certified in accordance with EPA requirements. If any material is to leave the site, then it can be conditioned to be disposed of to an approved waste facility unless managed in accordance with a current resource recovery order and exemption. If alternative disposal methods are to be sought, written approval is to be granted by the Principal Certifying Authority (PCA).</p> <p>f) <i>the likelihood of disturbing relics,</i></p> <p>Comment: It is considered unlikely that any archaeological relics would be disturbed. However conditions can be imposed on any</p>
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			<p>consent granted in relation to this, should they be discovered during works.</p> <p><i>g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></p> <p>Comment: the subject site is located a substantial distance from any waterways, drinking water catchment and environemtanlly sensitive areas. The applicant has advised that the subject works will be appropriately engineered to ensure not adverse downstream drainage impacts, particularly during construction.</p> <p><i>h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development</i></p> <p>Comment: Erosion and sediment controls will be conditioned to be installed during construction.</p> <p>In light of the above, the provisions of clause 7.2 are considered to be satisfied.</p>
Cl.7.7	Essential services	<b>YES</b>	<p>The subject land (through works carried out via DA 2018/753 and the creation of Lot 32) will be connected to all essential services (water, electricity, sewerage, stormwater drainage, telecommunication services) and provides suitable vehicular access to the land, satisfying the provisions of clause 7.7 in relation to creation of the allotment.</p> <p>Further to this, the following comments are made in relation to the proposed development and the provisions of Clause 7.7.</p> <p><i>(2) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</i></p> <p><i>(a) the supply of water,</i></p> <p>Comment: The subject site will be provided with a water connection as part of DA 2018/753. Appropriate connections will be made to this infrastructure as part of the development (i.e. toilet facilities, drinking fountains etc.)</p>

		<p><i>(b) the supply of electricity,</i></p> <p>Comment: Electricity services are being made available to the allotment through DA 2018/753. The electricity supply servicing the site will be extended to provide lighting and power as specified within the landscape design.</p> <p><i>(c) the disposal and management of sewage,</i></p> <p>Comment: The subject site will be provided with a sewer connection as part of DA 2018/753. All wastewater generated as part of the proposal will be directed to the reticulated sewerage network constructed as part of the subdivision of the land.</p> <p><i>(d) stormwater drainage or on-site conservation,</i></p> <p>Comment: Stormwater drainage has been designed as part of the proposal, to ensure that the proposed skate park and paved surfaces will not create issues for the surrounding locality. The park is proposed to connect to the large stormwater management facility constructed to the north west of the site (which is to be extended via DA 2018/753. Council's Developments Engineer advise that Construction Certificate drawings can detail how the park connects to the stormwater management system.</p> <p><i>(e) suitable vehicular access,</i></p> <p>Comment: Vehicular access to the park is be from a new road being created in the subdivision approved via DA 2018/753. 24 car parking spaces are to be provided adjacent to the road for visitors to the park. Council's Developments Engineer has not raised any issue with the vehicular access to the park.</p> <p>Despite having road frontage to Rifle Range Road and Plateau Drive, there is no direct vehicular access into the park proposed from either road. This is acceptable, in accordance with road safety and parking measures.</p> <p><i>(f) telecommunication services</i></p> <p>Comment: Telecommunication services are being made available to the allotment through DA 2018/753. There no aspects of the proposal that require the use of these services, however should they be required for any aspects of the development of the park, then connection is available.</p>
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**State Environmental Planning Policies (SEPPs)**

Relevant SEPPs	Applies YES/NO	Comments/Is consistency with these provisions achieved?
55 – Remediation of Land	YES	<p>The subject land was required to be remediated and validated as suitable for a public park/reserve, as part of DA 2018/753.</p> <p>The assessment provided by Council's EHO for DA 2018/753 is as follows:</p> <p>"DA 2018/753 was supported by the submission of a Preliminary Contaminated Land Assessment prepared by Melaleuca Group Pty Ltd dated 12 November 2013. The assessment undertaken is a stage 1 preliminary site investigation. The assessment has generally been undertaken in accordance with Council's Management of Contaminated Land Policy, SEPP 55 and guideline made and approved by the NSW EPA including the National Environment Protection (Assessment of Site Contamination) Measure 1999 (amended 2013).</p> <p>The Preliminary Contaminated Land Assessment established the historical land uses occurring on the site, including reviewing available records, historical photos and undertaking seeking information from Council staff.</p> <p>Eleven surface (0-200mm) soil samples were collected across the site and one additional sample for analysis for asbestos (in the vicinity of the old projector shed), see sampling map below. The samples were composited by the laboratory for analysis (accept for the total petroleum hydrocarbon (TPH) and asbestos samples). The samples were analysed for heavy metals, Organochloride (OC) pesticides, asbestos and TPH.</p> <p>The results of analysis were compared to the Health Investigation Level Column 1 'residential with gardens and accessible soil including children's day care centres, preschools, primary schools, town houses or villas'. All the results complied with the specified criteria and no asbestos was detected.</p> <p>However, since the time of this assessment</p>

		the site has been used for uncontrolled storage of soil and other construction waste. The asphalt remains on site and a tank suspected of being a disused septic tank may also be remain on site. Therefore, the SEE states that the site will be remediated and validated in accordance with the relevant guidelines to ensure it is suitable for the proposed land uses i.e. residential and open space/public reserve. Therefore this will be conditioned on the determination.”
Exempt and Complying Codes 2008	<b>NO</b>	The application has not identified that any of the works to be carried out to the land as part of the Park development to be exempt from approval.
Infrastructure 2007	<b>YES</b>	<p>The subject land is not a public reserve, as discussed in the BLEP 2012 section of this assessment. In this regard, consent is required for the proposal and the applicant is not able to utilise the provisions of Division 12 of the Infrastructure 2007 SEPP.</p> <p>Clause 101 of the Infrastructure SEPP is applicable, as Rifle Range Road is a classified road.</p> <p>The application was referred to the NSW RMS for comment, given the site is located on a classified road. It is noted that there is no requirement to refer the proposal to the NSW RMS under the provisions of Clause 104, given it does not meet any of the criteria in Schedule 3.</p> <p>The submission from the NSW RMS provided the following comments.</p> <p><i>The key interests for TfNSW are the safety and efficiency of the transport network, the integrity of State infrastructure and the integration of land use and transport in accordance with Future Transport Strategy 2056. TfNSW has reviewed the referred information and provides the following comments to assist the consent authority in making a determination;</i></p> <ol style="list-style-type: none"> <li>1. <i>Given the location of the skate park and basketball facilities, it is likely that users may seek to park along the frontage with Rifle Range Road. The Consent Authority should be satisfied that the impact of any on-street</i></li> </ol>



	<p><i>parking along Rifle Range Road has been adequately addressed.</i></p> <p><i>2. Consideration should be given to connections for active transport users such as pedestrians and cyclists. It is not clear how the existing development on the southern side of Rifle Range Road would safely connect to the new park.</i></p> <p>Council's Developments Engineer has commented that no issues are raised in relation to any future parking along Rifle Range Road. Rifle Range Road it is to be widened to provide a safe parking environment as part of DA 2018/753. The civil construction certificate for this subdivision includes the widening of Rifle Range Road, connecting the kerb and gutter at the roundabout on Plateau Drive to the Avalon development. From centre line to edge of kerb is a minimum of 6.5m allowing for a 3.5m traffic lane and a 3.0m parking lane. This arrangement is better than providing an informal grassed verge.</p> <p>In terms of access from the southern side of Rifle Range Road, there are two pedestrian refuges across the road - one at the roundabout and another mid-block servicing Avalon Estate. Both are connected to the shared path.</p> <p>In relation to the provisions of Clause 101,</p> <p><i>(1) The objectives of this clause are—</i></p> <p><i>a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i></p> <p><i>b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i></p> <p><i>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i></p> <p><i>a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></p> <p><i>b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the</i></p>
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	<p><i>development as a result of—</i></p> <ul style="list-style-type: none"> <li><i>(i) the design of the vehicular access to the land, or</i></li> <li><i>(ii) the emission of smoke or dust from the development, or</i></li> <li><i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></li> </ul> <p><i>c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i></p> <p>Comment: Vehicular access is to be provided internally, through the new subdivision to the north of the park site. It is not proposed that direct vehicular access be provided to Rifle Range Road. It is not expected that the safety of the classified road will be compromised through the approval of the proposed Park and recreational facilities. The new park and associated recreational uses are not expected to create any traffic noise, vehicle emissions.</p>
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**4.15 (1) (a) (ii) – any proposed instrument that is or has been the subject of public consultation under the EP&A Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)**

Draft EPI/Planning Proposal	Comments/Is consistency with these provisions achieved?
<p>Draft State Environmental Planning Policy - Remediation of Land.</p> <p>Draft Amendment to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.</p> <p>Draft State Environmental Planning Policy (Short Term Rental Accommodation)</p>	<p>No issues are raised in relation to the Draft State Environmental Planning Policies. The provisions of Draft State Environmental Planning Policy - Remediation of Land do not alter the conclusions reached in relation to SEPP 55.</p>

**4.15 (1) (a) (iii) – any development control plan (DCP)**

DCPs currently in force:	
<b>Ballina Shire Development Control Plan 2012</b>	<input checked="" type="checkbox"/>
<b>Chapter No. 2 – General and Environmental Considerations</b>	<input checked="" type="checkbox"/>
<b>Chapter No. 3 – Urban Subdivision</b>	<input checked="" type="checkbox"/>

<b>Ballina Shire DCP 2012</b>	<b>Comments/Assessment of proposal against provisions of DCP</b>
Chapter 2 – General and Environmental Considerations	<p><b>Section 3.4 – Potentially Contaminated Land</b> Refer to comments made in relation to SEPP 55 within this assessment.</p> <p><b>Section 3.5 – Landslip/Geotechnical Hazard</b> These matters were addressed as part of DA 2018/753 and the creation of the allotment. No further reports or documentation are required to demonstrate the land can be utilised for the proposed Park.</p> <p><b>Section 3.7 – Waste Management</b> The applicant has advised that the proposed park is to be provided with garbage enclosures at convenient locations. The wheelie bins within the enclosures will be emptied routinely by Council's collection service.</p> <p>In term of construction waste, conditions can be imposed in relation to the management of this.</p> <p>Council's EHO has commented that the proposal will result in standard construction waste and that in terms of operational waste, the final number and placement of waste receptacles will be determined based on demand and servicing requirements. A condition can be imposed on any consent granted requiring that "adequate waste receptacles be provided to minimise littering, water pollution and impacts on the surrounding environment. Monitoring of the development area shall occur to determine the adequacy of provided waste receptacles and the need for additional bins."</p> <p><b>Section 3.9 – Stormwater Management</b> The proposed Park is to be connected to the stormwater management facility located to the north west of the site. The extensions to this facility were required via DA 2018/753 and have provided for adequate capacity to accommodate the hard stand surfaces generated by the current application.</p> <p>Council's Developments Engineer advise that Construction Certificate drawings can detail how the park connects to the stormwater management system.</p> <p><b>Section 3.10 – Sediment &amp; Erosion Control</b> The applicant has advised that a Sediment and Erosion Control Plan</p>

	<p>(prepared in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004) will be submitted to Council prior to construction of the park. This is able to be imposed as a condition of consent and is acceptable in addressing this section of Chapter 2.</p> <p><b>Section 3.11 – Provision of Services</b> As previously outlined in this assessment, the subject land (through works carried out via DA 2018/753 and the creation of Lot 32) will be connected to all essential services (water, electricity, sewerage, stormwater drainage, telecommunication services) and provides suitable vehicular access to the land.</p> <p>Appropriate connections will be made to the water, sewer and stormwater infrastructure for the lot as part of the proposed development.</p> <p>In relation to electricity, the electricity supply servicing the site will be extended to provide lighting and power as specified within the landscape design.</p> <p>Vehicular access to the park is to be from a new road being created in the subdivision approved via DA 2018/753. 24 car parking spaces are to be provided adjacent to the road for visitors to the park. Council's Developments Engineer has not raised any issue with the vehicular access to the park.</p> <p>Despite having road frontage to Rifle Range Road and Plateau Drive, there is no vehicular access proposed from either road. This is acceptable, in accordance with road safety and parking measures.</p> <p><b>Section 3.12 – Heritage</b> An AHIMS search was carried out as part of DA 2018/753 - on 26 August 2019, which has not identified any cultural heritage sites within a minimum of 200m of the subject land.</p> <p><b>Section 3.15 – Crime Prevention Through Environmental Design</b> This section requires developments to implement the principles of Crime Prevention Through Environmental Design (CPTED). Refer to the assessment below and within the report to the Council in relation to safety, security and crime prevention.</p> <p><b>Section 3.16 – Public Art</b> Under the provisions of Section 3.16, there is no requirement to provide public art for the development. In this regard, the proposal does not include formal public art via this section of the DCP, however it is noted that art work to be provided in within the park. Refer to the public domain section of this assessment for discussion of the proposed art works.</p> <p><b>Section 3.19 – Car Parking and Access</b> Car parking rates for public parks are not identified in Section 3.19 of Chapter 2.</p>
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	Council's Developments Engineer has advised that the proposed 24 car parking spaces, inclusive of two accessible spaces, as located along road 5 fronting the park, are considered adequate to service the facility.
Chapter 3 – Urban Subdivision	<p>The subject allotment has been approved as part of DA 2018/753.</p> <p>The proposal does not involve the subdivision of land and therefore the provisions of Chapter 3 are not strictly applicable.</p> <p>It is acknowledged that the proposal involves the embellishment of land zoned RE1 – Public Recreation and which has been previously identified as part of former DCP's for the Wollongbar Urban Expansion Area (WUEA), i.e. Chapter 15 of the former Ballina Shire Combined DCP 2006, as the "District Park" for the WUEA.</p> <p>In this regard, there are aspects of Chapter 3 that should be commented on in relation to the proposal.</p> <p>The following assessment is provided in relation to the relevant aspects of Chapter 3.</p> <p><b>Section 5.3.2 – Planning Objectives</b></p> <p>It is considered that the proposed embellishment of the park has had regard for the planning objectives of Section 5.3, particularly (f), (g) and (h).</p> <p>The proposal will provide for a usable and well landscaped public reserve, which will enhance the aesthetics and improve the residential amenity of the locality.</p> <p>The proposed skate park has been located centrally within the park, in order to provide maximum distances between existing and approved residential lots within the WUEA and surrounding locality. Further assessment of the suitability of buffers between the proposal and surrounding landuses is provided below.</p> <p>The pathways to be provided for the proposal are considered to be efficient, safe and convenient.</p> <p><b>Section 5.3.3 – Development Controls</b></p> <p><b>C – Element - Buffers</b></p> <ol style="list-style-type: none"> <li>i. <i>Appropriate buffers are to be provided between residential lots and adjacent uses that may be a source of conflict with the residential occupation of those lots. Such uses may include major roads, agricultural land uses, active open space facilities and significant native vegetation where appropriate;</i></li> <li>ii. <i>Where required, buffers are to comprise an appropriate setback distance within which intensive landscaping and/or physical structures (eg earthen mounds, fences, walls etc) can be constructed. The setback distance and appropriate structure treatment will be determined pending detailed investigations at the development application stage for subdivision (excluding Strata Title subdivision) of any land within the WUEA;</i></li> </ol>

- iii. *A buffer (with the preferred form being a constructed road) is to be provided around the full perimeter of any major open space facility;*
- iv. *Buffers of at least 5m width are to be provided between residential development and existing significant native vegetation (measured from the outer edge of the canopy) on the subject land. Buffers must be clearly identified on the subdivision plan accompanying the development application for urban subdivision; and*
- v. *Where a development application for urban subdivision (excluding Strata Title subdivision) proposes the removal of significant native vegetation, a detailed flora and fauna impact assessment report is to be prepared and submitted with the development application.*

Comment

In relation to the proposal, the 'skate park' is the only aspect that may be considered as an 'active open space facility' and therefore requires buffer considerations. The remaining components of the proposal are for passive recreation purposes and are considered to be less of a source of conflict.

It is noted that 'buffers' have been provided between the proposed skate park and residential properties, and these comprise distance buffers, vegetated mounds, vegetation, other passive recreation uses and roads.

In terms of distances between the proposed skate park and residential lots (property boundary of existing/future lots), the minimum distance can be calculated as 44 metres.

For residential properties to the south, a landscaped (small scale plantings) mound on top of a stone retaining wall is proposed as part of the buffer, along with Rifle Range Road and plantings within the road reserve.

For residential properties to the west, a range of proposed park uses (BBQ, basketball half-court, table tennis facility, vegetation, group fitness areas (children and adults), mature plantings and Plateau Drive all form part of the buffer.

For future residential properties (approved, but not yet constructed) to the north, a passive recreation area, mature plantings, car parking spaces and approved Road 05 all form part of the buffer.

For future residential properties (approved, but not yet constructed) to the east, a track of sub-tropical rainforest plantings are proposed (i.e. mini arboretum) at a minimum 6m width, within the buffer, along with passive recreation uses and an informal picnic area.

It is considered that the proposal has demonstrated that a 'buffer' is proposed between the active recreational use and residential properties (existing and future) and this buffer comprises, at a minimum, a constructed road on three sides in addition to other park and passive recreation facilities.

	<p>In relation to the buffer to the approved residential lots to the east, there would need to be a detailed design for the mini arboretum to demonstrate that the future growth of the vegetation would not impact on the adjoining approved residential allotment. A detailed plan of the planting, including details of proposed property boundary fencing can be required as a condition of any consent granted.</p> <p>In terms of potential conflicts between residential properties and the proposed skate park, submissions received as part of the public exhibition of the application raise concern with noise, safety and security. These aspects of the proposal are discussed in the subsequent sections of this assessment and in the report to the Council.</p> <p><b>D. Element - Pedestrian/ Bicycle Network</b></p> <ol style="list-style-type: none"> <li>i. <i>An integrated network of pedestrian/cycle paths shall be provided throughout the WUEA such that it provides safe, convenient and direct access to and within the residential areas;</i></li> <li>ii. <i>The internal pathway network shall be linked to the existing pathway network in Wollongbar, adjacent external networks (if available), passive open space areas and environmental management areas;</i></li> <li>iii. <i>Pathways within road reserves and at the end of cul-de-sacs shall be of concrete construction;</i></li> <li>iv. <i>Pathways within open space and/or environmental protection areas shall be sealed;</i></li> <li>v. <i>Pathway/cycleway linkages are to be provided to existing networks servicing the TAFE Campus, the Wollongbar Shopping Centre, Wollongbar Primary School and Hill Park Oval. The internal pathway network must connect with the external network at the intersections of Plateau Drive with Sneaths Road and Rifle Range Road;</i></li> <li>vi. <i>Pathways must be provided in the following locations:</i> <ul style="list-style-type: none"> <li>• <i>on both sides of Plateau Drive;</i></li> <li>• <i>between cul-de-sacs and open space and/or or any other constructed pathway/cycleway;</i></li> <li>• <i>between two cul-de-sacs to have direct access from one cul-de-sac to the other without having to travel a longer distance by road;</i></li> <li>• <i>along the northern side of Rifle Range Road from its intersection with Plateau Drive to the constructed pedestrian refuge in Rifle Range Road;</i></li> </ul> </li> <li>vii. <i>Pedestrian pathways are to be provided and integrated throughout the casual open space areas. They shall be designed such that grades permit walking for the majority of the expected population; and</i></li> <li>viii. <i>A concrete pathway/cycleway is to be provided to connect the WUEA to the Wollongbar commercial area and primary school. Options for the route of the cycleway include Wollongbar Drive, Bertram Place, Robindale Drive and Simpson Avenue</i></li> </ol>
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	<p><u>Comment</u> The proposed pathways within the park are considered to be compliant with the relevant provisions above.</p> <p><b>E. Element - Fencing to public places</b></p> <p><i>i. Highly visible fencing along main roads and public places must be uniform in terms of design, height, materials and colours so that it presents attractively and consistently in the streetscape. Such fencing must be erected as part of the subdivision development of the land; and</i></p> <p><i>ii. Fencing of the environmental protection zones along residential boundaries is to be provided that is consistent with the theme of the subdivision. Such fencing must be erected as part of the subdivision development of the land.</i></p> <p><u>Comment</u> The existing adjoining fencing to the far east of the site along Rifle Range Road functions as acoustic fencing (as was required as part of DA 2007/876) and comprises a solid, non-permeable structure, screened by vegetation. As part of subsequent residential subdivisions adjoining Rifle Range Road, there has not been a requirement to provide acoustic fencing or barriers.</p> <p>There is no requirement to provide acoustic fencing along the Rifle Range Road frontage of the site to protect the park from road noise.</p> <p>The applicant has advised that as acoustic fencing is not required for the park, an alternate design palette has been selected, comprising a combination of low-level stone walls and rural style timber post and rail fencing.</p> <p><b>I. Element - Open space requirements</b></p> <p><i>i. Local parks are to be provided in accordance with the following criteria:</i></p> <ul style="list-style-type: none"> <li>• <i>be situated so that each dwelling is within a 400m radius of a local park;</i></li> <li>• <i>be situated on land that is readily accessible to the surrounding dwellings and be physically connected to the pathway network;</i></li> <li>• <i>contain a minimum usable park area of 2000m<sup>2</sup>;</i></li> <li>• <i>be designed and located so as to maximise street frontage and encourage natural surveillance from surrounding residents;</i></li> <li>• <i>be equipped with play equipment and/or park furniture;</i></li> <li>• <i>provide shade cover over all play equipment; and</i></li> <li>• <i>include soft-fall under all play equipment in accordance with the relevant Australian Standards.</i></li> </ul> <p><b>Notes:</b> <i>For the purpose of this section, the proposed district park will serve as a local park.</i></p> <p><u>Comment</u> The subject site has been identified as a future district park for the Wollongbar Urban Expansion Area since the initial rezoning of the</p>
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	<p>area (at least 15 years ago). Since this time, the design, area and composition of the park has changed, with active sporting uses being provided nearby at the Wollongbar Sporting Fields. Council, as the landowner, has engaged in public consultation for the future design of the park and as a result has produced the design as proposed in the current application.</p> <p>The current DCP does not identify or define the district park, however the relevant open space and community facilities contribution plan references the development of the subject land for a “district park”.</p> <p>There are no criteria in the current DCP as to the composition, area or required facilities to be provided on the subject land as part of the ‘district park’.</p> <p>However, in reviewing the provisions above, it is considered that the proposed park:</p> <ul style="list-style-type: none"> <li>• is somewhat centrally located within the WUEA;</li> <li>• is situated on land that is readily accessible to the surrounding dwellings and be physically connected to the pathway network;</li> <li>• has a total area of 9893m<sup>2</sup> (as approved as part of DA 2018/753), at which a usable park area of 2000m<sup>2</sup> has been provided .</li> <li>• has been designed and located so as to maximise street frontage and encourage natural surveillance from surrounding residents;</li> <li>• is equipped with play equipment and/or park furniture;</li> <li>• will provide shade cover over all play equipment; and</li> <li>• will include soft-fall under all play equipment in accordance with the relevant Australian Standards</li> </ul> <p>In view of the above, it is considered that the proposed park meets the requirements of I Element – Open Space requirements.</p>
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**4.15 (1) (a) (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**

Planning Agreement (or draft)	Comments
None proposed	

**4.15 (1) (a) (iv) – any matters prescribed by the regulations**

If the DA is for the demolition of a building, consider the provisions of AS 2601-1991: The demolition of structures (as in force 1 July 1993):	Comments/Is consistency with these provisions achieved?
	Not applicable

<p>If the DA is only for a change of use or the use of an existing building as a place of public entertainment, <b>is the fire protection and structural capacity of the building appropriate to the building's proposed use?</b></p>	<p>Not applicable</p>
<p>If the DA involves the rebuilding/ alteration/enlargement/extension of an existing building, <b>is the existing building required to be brought into total or partial conformity with the Building Code of Australia (BCA)?</b></p>	<p>Not applicable</p>
<p>If the DA is for the erection of a temporary structure, <b>is the fire protection and structural capacity of the structure appropriate to the proposed use of the structure?, and is the ground or other surface, on which the structure is to be erected, sufficiently firm and level to sustain the structure while in use?</b></p>	<p>Not applicable</p>

**4.15 (1) (b) – the likely impacts of that development**

	<p><b>Discuss whether or not the impact is acceptable or not? If not, then describe the adverse impacts and the steps taken to mitigate the impacts</b></p>
<p><b>Urban and Building Design</b></p>	
<p>i) Context and Settings</p>	<p>The locality is characterised by residential landuses, comprising single dwellings and dual occupancy developments on a variety of lot sizes.</p> <p>The park will provide another component to Wollongbar's open space network, which includes Killarney, Green, Campbell and Rubiton Parks, providing strong coverage of Wollongbar's population within walkable catchments.</p> <p>The subject site has been earmarked as a future park for at least 15 years and over this time, the area and design of the park has 'morphed' from a large parcel of land (proposed to contain, residential uses, netball courts and parking, a district park and community precinct) to a smaller parcel (proposed to include passive recreational uses, smaller facilities - junior play and fitness equipment and as included in the current design, a skate park).</p> <p>The process of transforming this allotment to its current area and layout has been facilitated through rezonings and DCP amendments and most recently an update to the Open Space Contribution Plan and DA 2018/753. These processes have been subject to public exhibition and community consultation.</p> <p>The proposed open space is identified within the Ballina Shire Open</p>

	<p>Space and Community Facilities Contributions Plan 2016 (Contributions Plan) as a District Park. Along with the Public Recreation zoning footprint, the specific footprint of the proposal matches the site as identified within the Contributions Plan, confirming a longstanding size expectation.</p> <p>It must be acknowledged that the development of the Wollongbar Sporting Fields (off Elvery Lane) has influenced the planning of the public reserve zoned land on the subject site. The Wollongbar Sporting Fields provides extensive sporting facilities including rugby union/cricket fields, tennis courts and netball courts. In this regard, it is considered that the former "active recreation purpose and function" for the subject site has been transferred to the Sporting Fields. The subject site has been deemed suitable for more minor active uses, along with passive recreation uses.</p> <p>The group fitness areas, recreational uses, public facilities and landscaping are considered compatible with the locality in terms of scale and materials used. The proposed park embellishments are generally what has been expected for this site since the development of the Ballina Shire DCP 2012. The inclusion of a skate park on the site is relatively recent, with public consultation being sought in the past 2 years.</p> <p>The proposed embellishment of the park is considered to be generally compatible with the existing and approved residential allotments (and dwellings). The proposed works, inclusive of junior play equipment, fitness equipment, multi- court with basketball hoop, pathways, public facilities (seating, picnic areas, BBQ's, toilets and car parking), mini-arboretum and general landscaping are considered acceptable and desirable within the developing Expansion Area. No issues are raised with respect to visual and acoustic privacy, views and vistas for these park embellishments.</p> <p>In terms of the proposed skate park's compatibility with surrounding landuses, the main issues are considered to be noise and safety/security. These issues have been raised as part of the public exhibition of the application. Refer to the noise and safety/security sections of this assessment and the report to the Council.</p> <p>In relation to sunlight access, the proposal is considered largely suitable, however with the imposition of conditions requiring details of the planting treatment adjoining the approved residential lot within the Avalon Estate.</p> <p>In terms of edge conditions such as boundary treatments and fencing, the proposal is considered satisfactory.</p>
ii) Site Design and Internal Design	<p>The proposed works are considered to be sensitive to the environmental conditions and attributes of the site.</p> <p>The size and shape of the allotment is satisfactory to the proposed design of the park and facilities provided therein.</p>

	<p>There will be minimal coverage of the site by buildings, with the majority of the site uncovered and available for passive recreation purposes.</p> <p>The size (bulk, height, mass), form, appearance and design of buildings are considered compatible for the site and are typical of that provided in a public reserve. The tallest structure will be the shade structure over the junior play area, at a height of 6.3m.</p> <p>The proposed landscaping works are considered suitable for the site, comprising a range of hard and soft landscaping features. Vegetation is proposed throughout the site, on the perimeters etc. with pathways, future interpretative features and artwork to be included. Some of the hard landscaping (artwork and interpretative features) will be subject to detailed design and further consultation. However, the concept of these works is considered suitable for the site.</p> <p>The proposed building materials are considered acceptable for the site.</p> <p>In relation to access and facilities for the disabled, the proposal was referred to the Access Reference Group, with the following comments and recommendations received.</p> <p>Under the DDA, it is unlawful to discriminate against people with a disability. All new construction work must provide equitable access to facilities and services regardless of a person's ability. Failure to provided equitable access could result in legal action being taken out against a proponent.</p> <p><b>Accessible Toilet</b> Recommendation that the unisex accessible toilet comply with the specifications set out in the appropriate standards. <i>Refer to AS 1428.1 CI 15.</i></p> <p><b>Designated Accessible Parking Bays</b> Recommendations that:</p> <ul style="list-style-type: none"> <li>• there be clear access at the point where the parking space meets the pathway. This will accommodate people who use a mobility aid to exit from the rear of their vehicles.</li> <li>• the accessible parking bays be covered by a waterproof roof or awing structure, as set out in Ballina Shire DCP chapter 2 section 3.19.3.</li> </ul> <p><i>Refer to AS 2890.6 -2009 DP8.</i></p> <p><b>A Continuous Accessible Path of Travel (CAPT)</b> Recommendations that:</p> <ul style="list-style-type: none"> <li>• a CAPT incorporating slip resistant surface be provided throughout the playground.</li> <li>• splays be inserted where the pathways meet at 90 degrees. <i>Refer to AS 1428.1 CI 6, AS 1428.2 CI 7, AS 1428.1 CI 10.7</i></li> </ul> <p><b>Tactile Ground Surface Indicators (TGCSI)</b> Recommendation that TGCSI be applied in accordance with the</p>
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	<p>standards. <i>Refer to AS 1428.4.1:2009</i></p> <p><b>Ground Surfaces</b> Recommendation that firm, slip resistant ground surfaces be required to and through the playground and any grades/cross falls to be in accordance with standards. <i>Refer to AS 1428.1 Cl 7.</i></p> <p><b>Wayfinding</b> Recommendation that there be usage of appropriate signage that is clear, concise, and easy to read, as it will assist people to find their way around the amenity. <i>Refer to AS 1428.1 Amdt. Cl 8.1/8.2</i></p> <p><b>Circulation space picnic tables</b> Recommendation that a clear unobstructed 1.200mm circulation space be provided around picnic tables.</p> <p><b>Fixtures</b> Recommendation that all fixtures such as seats, tables, drinking fountains, planter boxes, rubbish bins and the like be set back off the pathway. <i>Refer to AS 1428.1 Cl 13.5, 14.1, 15.1 and AS 1428.2 Cl 27</i></p> <p><b>Seating</b> Recommendation that any occasional benches or seats have a clear 1.200mm space adjacent to one end, so as to accommodate a wheelchair user to sit beside the bench.</p> <p><b>BBQ's</b> Recommendation that all BBQ's be accessible to people who use mobility aids.</p> <p><b>Water Fountains</b> Recommendation that water fountains be able to be used by someone utilising a mobility aid.</p> <p><b>Garbage Bins</b> Recommendation that garbage bins be the type where rubbish is placed in (i.e. there are no lids).</p> <p><b>Playground Equipment</b> Recommendation that inclusive play equipment be incorporated as part of the project (refer to NSW Department of Planning, Infrastructure and Environment inclusive playground guidelines)</p> <p>Soft fall rubber is preferred as the ground surface under the playground equipment as children using mobility aids find it difficult to traverse soft fall mulch.</p> <p><b>Pathway linkages Basketball area</b> Recommendation that the Basketball and table tennis areas both be linked to the main pathway.</p> <p>The matters as recommended by the Access Reference Group can be imposed as conditions on any consent granted.</p>
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		<p>Council's Building Services Section have completed an assessment and have provided the following comments.</p> <p>"There are no issues with the proposed development.</p> <p>As it is considered to be a "bank of sanitary facilities", the amenities building will need to have both male and female sanitary facilities for persons with an ambulant disability, as well as the accessible unisex facility. This is a matter that can be dealt with at Construction Certificate assessment stage.</p> <p>Standard building conditions can be applied to any consent granted along with a condition requiring that the buildings and structures are to comply with the requirements of the <i>National Construction Code</i>, relevant Australian Standards and the <i>Disability (Access to Premises – Buildings) Standards 2010</i>.</p>
iii)	Ecologically Sustainable Building Design	No issues raised. BASIX Certificate not required for this form of development.
iv)	Access, Transport and Traffic	<p>The proposed development ensures suitable pedestrian and cyclist access, with connections to existing pathways. All pathways have been proposed as fully compliant to the required standards and conditions can be imposed on any consent granted reiterating this.</p> <p>In terms of car parking, it is noted that 24 spaces (inclusive of two accessible spaces) have been shown along the northern boundary of the park. The number and the location of car parking spaces has been deemed suitable by Council's Developments Engineer in relation to the proposed development.</p> <p>Comments made by NSW RMS have been considered in the assessment of the proposal.</p>
v)	Public Domain	<p>The subject land has been approved as Lot 32 as part of DA 2018/753. This allotment was identified as part of that subdivision as the future park/public reserve lot, subject to future detailed design and embellishment. DA 2020/23 seeks to provide that embellishment and facilities for use and enjoyment by the community.</p> <p>The proposal provides for suitable recreational activities (both active and passive) for a wide range of age groups along with landscaped and interpretative/artwork areas, supported by the necessary public facilities (toilets, BBQ's, picnic tables and shelters and seating).</p> <p>As has been stated previously, this subject land has been identified as a future public reserve and park to service the Wollongbar Urban Expansion Area, which is also central to the surrounding locality (and therefore likely to be enjoyed by residents from the southern side of Rifle Range Road).</p> <p>Lot 32 (proposed Wollongbar District Park) has an area of just under 10,000m<sup>2</sup>, it will contain a sufficient area to cater for a larger number of people and provide more extensive facilities than the existing parks provided in the locality. The proposal provides a higher range of</p>

	<p>facilities than what would normally be provided in a local park, and what has already been provided in the local park in the Wollongbar Park Estate.</p> <p>The proposed pathways and pedestrian network within the proposed Park have been demonstrated to link in with the surrounding existing and approved networks.</p> <p>The plans lodged with the proposal reference the provision of artwork within the proposed Park. This includes art work to be provided at the formal entry to the Park (northern side, adjacent to the new local road) and new collaborative art interpretative pillars (drive-in theatre theme).</p> <p>The applicant has indicated that the intention is for the proposed artworks to engage the community with the site and for the artworks to be developed around the history and culture of the location, with the drive in movie theatre as a theme.</p> <p>There have been discussions as to the potential for the artworks as comprising a community art project, with a local artist engaged to consult with the community in development of the artwork. An alternative option may be the development of concepts from artists, to then consult with the community on their preference. At this stage, the process for development and consultation has not yet been set. The applicant acknowledges that any artworks will need to be referred to the public art advisory committee.</p> <p>The applicant has stated that the use of the movie screen footing locations is simply a design link to the site's history. At present, there is no detail of what the interpretative pillars may be. The intention is for the provision of upright artwork, that uses the location of the old screen footings.</p> <p>The applicant has acknowledged that there would need to be consideration of public art requirements such as being static, non-reflective and at least 50% visually permeable so that the art works do not distract drivers or obstruct lines of view into the site. This would happen as part of the future design of the artworks and referral to the public art advisory committee.</p> <p>In view of the above, it is considered that conditions can be imposed on any consent granted to require consultation for the proposed art works and their consideration and referral to the public art advisory committee.</p>
vi) Utilities	The subject land (through works carried out via DA 2018/753 and the creation of Lot 32) will be connected to all essential services (water, electricity, sewerage, stormwater drainage, telecommunication services).
vii) Heritage	An AHIMS search was carried out as part of DA 2018/753 - on 26 August 2019, which has not identified any cultural heritage sites within a minimum of 200m of the subject land.

		No heritage implications with the proposed development.
viii)	Construction	It is considered that construction impacts will be relatively minor as compared to the recent surrounding subdivisional and dwelling construction impacts and can be managed through the standard conditions of consent in relation to hours of works, sediment and erosion control and erection of safety fencing around the perimeter of the site.
<b>Environmental Impacts</b>		
ix)	Other Land Resources	No issues raised with the proposal.
x)	Water	No issues with the proposal. All taps and toilet facilities will be provided with water saving devices.  No other issues are identified with the proposal in relation to water.  Refer to comments in the DCP section of this assessment in relation to stormwater management.
xi)	Soils	Refer to the SEPP 55 section of this assessment for discussion in relation to remediation of the site under the previous application – DA 2018/753.  Soil and erosion control measures will be employed during construction and will be required as a condition on any consent granted.
xii)	Air and Microclimate	The proposal is not considered to impact on air quality or microclimatic conditions.
xiii)	Flora and Fauna	The subject site is currently vacant. No flora or fauna issues identified for the proposal.  The proposal seeks to plant two areas with sub-tropical rainforest species. Details plans will be required in relation to these areas to ensure that plantings do not impact on adjoining existing and approved allotments. These plans can be provided as a condition of any consent granted.
xiv)	Waste	The applicant has advised that the proposed park is to be provided with garbage enclosures at convenient locations. The wheelie bins within the enclosures will be emptied routinely by Council's collection service.  In term of construction waste, conditions can be imposed on any consent granted in relation to the management of this.  Council's EHO has commented that the proposal will result in standard construction waste and that in terms of operational waste, the final number and placement of waste receptacles will be determined based on demand and servicing requirements. A condition



		can be imposed on any consent granted requiring that "adequate waste receptacles be provided to minimise littering, water pollution and impacts on the surrounding environment. Monitoring of the development area shall occur to determine the adequacy of provided waste receptacles and the need for additional bins."
xv)	Energy	No issues raised with the proposal. Lighting proposed in the park has been detailed to be solar lighting. This is considered acceptable.
<b>Hazards</b>		
xvi)	Noise and Vibration	Hours of construction noise can be managed via conditions of consent.  Detailed assessment has been provided in relation to operational noise in report to Council. Refer to the report to the Council for further assessment in relation to noise and the issues raised in submissions to the proposal.
xvii)	Natural Hazards	There are no natural hazard issues for the subject site or an issue for the proposed development.
xviii)	Technological Hazards	The proposal does not present any technological hazards to the locality. Refer to previous comments in this assessment in relation to SEPP 55.
xix)	Safety, Security and Crime Prevention (CPTED)	Crime Prevention Through Environmental Design (CPTED) principles seek to ensure that buildings and spaces are designed and constructed in a manner which minimises future risks of crime and undesirable behaviour. There are four principles that need to be considered in the assessment of development applications to minimise the opportunity for crime. These are as follows: <ul style="list-style-type: none"> <li>• surveillance;</li> <li>• access control;</li> <li>• territorial reinforcement; and</li> <li>• space management.</li> </ul> <p>The applicant has stated that CPTED principles have formed a key element of the design of the Wollongbar District Park.</p> <p>The proposal has been supported by the Crime Prevention Officer of the Richmond Local Area Command NSW Police.</p> <p>Detailed assessment has been in relation to safety, security and crime prevention in the report to Council. Refer to the report to the Council for further assessment in relation to CPTED and the issues raised in submissions to the proposal.</p>
<b>Social and Economic Impacts</b>		
xx)	Social Impacts in the Locality	It is considered that the provision of the proposed park, which includes active and passive recreation facilities, pathways, amenities

	<p>and landscaping will have a positive social impact in the locality. The proposed park and its facilities are for the most part wanted by the community.</p> <p>The issues that have been raised in submissions which are against the proposal relate to safety and security and noise from the skate park. Refer to the report to Council for discussion of these issues. These would appear to be the only negative social impacts that have been identified and commented on by the community in relation to the proposal.</p> <p>As has been previously discussed in this assessment, the Access Reference Group has reviewed the proposal and made recommendations with respect to ensuring suitable access for all park users. These recommendations can be imposed as conditions as part of any consent granted to the proposal.</p>
xxi) Economic Impact in the Locality	<p>The proposal will have positive economic impacts as a result of the construction of the various elements of the proposal (employment generation etc.).</p> <p>There are not expected to be any negative economic impacts as a result of the proposal. Issues have been raised in submissions in relation to knowledge of the proposed skate park prior to purchasing land/dwellings in the locality. Refer to the report to the Council for further discussion in relation to this.</p>
<b>Cumulative Impacts</b>	
xxii) Cumulative Impacts	<p>There are not expected to be any negative cumulative impacts as a result of the proposal. The locality has been waiting for the development of the park and the range of facilities and recreation opportunities that are proposed to be provided.</p> <p>Once the park is constructed and embellishments complete, the only ongoing impact for the community will be the use of the park. It is expected that this use would be consistent and typical of a district park with a range of recreational facilities.</p> <p>In terms of the use of the skate park, it is not expected that the use will change once constructed. Measures are proposed to be put in place to restrict and limit use outside of daylight hours. Refer to the report to the Council for further discussion in relation to this.</p>

**4.15 (1) (c) – The suitability of the site for the development**

	<b>Comments</b>
i) Does the proposal fit in the locality?	The subject site has been earmarked as a future park for at least 15 years. The community has had an expectation over this time that a range of passive and active recreation uses will be provided on the site. As previously mentioned in this assessment, the area and design of the park has changed over time for a variety of reasons, with community consultation occurring recently to inform the proposed

	<p>design.</p> <p>The development and use of the subject site for a district park is considered to fit in with the locality.</p> <p>Adjacent residential development will benefit from the provision of the proposed park. There are no unmanageable transport demands from the proposal.</p> <p>The site will be connected to all required utilities and services as part of its creation via DA 2018/753, which will be adequate for its purpose as a park.</p> <p>In relation to the development and use of part of the site for the proposed skate park, refer to comments made in the report to the Council.</p>
ii) Are the site attributes conducive to development?	<p>It is considered that the attributes of the site are conducive to development.</p> <p>The site is not subject of any natural hazards and there are no heritage issues.</p> <p>The subject land was required to be remediated and validated as suitable for a public park/reserve, as part of DA 2018/753.</p> <p>As previously stated, the site has been designated for future park and recreational use since the rezoning of the land over 15 years ago. The development of the land for these purposes is a community expectation and desire.</p>

**4.15 (1) (d) Any submission made in accordance with this Act or the Regulations?**


Is advertising required because the development is designated or "advertised" development?	<b>NO</b>
If YES, how many submissions were received?	
Is advertising required in accordance with established Council policy and practice?	<b>YES</b>
If YES, how many submissions were received?	10

Document general terms of issues raised in any submission and how they are being considered/assessed:

Public Submissions:	<b>Refer to the report to the Council for issues raised in submissions and responses.</b>
Public Authority Submissions:	<b>Comments were provided by the NSW RMS and NSW Police via their letters dated 11 and 31 March 2020. Refer to discussion in the Infrastructure SEPP and Crime Prevention sections of this assessment and the report to Council.</b>

**4.15 (1)(e) The public interest**

Federal, State & Local Government interests and Community interests:	<p>The proposed development is considered to be in the interests of the Federal, State and Local Governments and the Community.</p> <p>Refer to the report to the Council in relation to discussion of issues raised in submissions to the proposal.</p> <p>There are no issues with ESD.</p> <p>The subject site is identified as a district park in the Ballina Shire Open Space and Community Facilities Contribution Plan 2016.</p> <p>The relevant extracts from the plan are provided below in relation to the subject site.</p> <p><i>3.2.2 District parks</i></p> <p><i>District parks are large centrally located reserves that may include picnic and other recreation facilities including picnic shelters, walking opportunities, public art and play equipment etc. These parks cater for whole towns and often people will travel from adjacent areas to access the facilities.</i></p> <p><i>There is sufficient, well-distributed land for district parks across the Shire. These areas will also be sufficient to cater for the projected population in 2036 using the standards adopted by Council.</i></p> <p><i>However there will be a need for Council to further embellish district parks to meet the demands of the additional resident population. The following works have been identified for funding under this plan because they are well located to serve surrounding district populations:</i></p> <ul style="list-style-type: none"> <li>• <i>Pop Denison Park, Ballina – implementation of master plan improvements and cycle path</i></li> <li>• <i>New Wollongbar district park - skate park</i></li> <li>• <i>Wardell foreshore open space improvements - boardwalk facilities and public art.</i></li> </ul> <p><i>The district parks embellishment contribution will apply to all new residential development across the Shire except Cumbalum, which is subject to other contributions arrangements. This is because district parks users tend to be drawn from a wide area.</i></p>
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<p>Section 64 Contributions and Section 7.11 Contributions</p>	<p>Council's Developments Engineer has sought to apply Section 64 contributions for water and sewer as a condition of any consent granted.</p>

**STATEMENT OF REASONS FOR DECISION AND IMPOSITION OF CONDITIONS**

1. The subject development is permissible with consent in the RE1 zone of the Ballina Local Environmental Plan 2012.
2. The subject development has been assessed against the relevant considerations under the Environmental Planning and Assessment Act 1979, including the provisions of all relevant Environmental Planning Instruments, the objectives of the Ballina Local Environmental Plan 1987/2012 and the objectives of the RE1 zone. It has been determined that the site is suitable for the subject development and that the development is unlikely to have a significant adverse impact on the natural and built environments and is unlikely to have a significant adverse economic or social impact on the locality.
3. The application was required to be placed on public exhibition in accordance with Environmental Planning and Assessment Act 1979 or Environmental Planning and Assessment Regulations 2000, an Environmental Planning Instrument or Local Exhibition Policy.
4. The issues raised in the submissions have been addressed as part of the report to the Council and in the formulation of the conditions of consent.
5. Issues raised in submissions include the embellishment of the park, facilities provided in the park and the impacts on the locality from the proposed skate park. All issues raised have been addressed in the report to the Council and are considered satisfactorily addressed and resolved.
6. The application has been determined by the elected Council.
7. The approval of the development is in the public interest.
8. The reasons for the conditions listed in this determination notice are:
  - To ensure compliance with the requirements of the Environmental Planning & Assessment

- Act, 1979;
- To ensure compliance with the objectives of the Ballina Local Environmental Plan 2012;
  - To ensure an appropriate level of amenities and services is available;
  - To protect the existing and likely future amenity of the locality;
  - To maintain, as far as practicable, the public interest;
  - To ensure compliance with the Building Code of Australia and relevant Australian Standards;
  - To ensure satisfactory compliance with relevant Council plans, codes and policies.

**GENERAL NOTES & ASSESSMENTS**


**Signed:**

.....  
**Town Planner**

**Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Recommendation Endorsed:**

.....  
**per Planning and Environmental Health  
Director**

**Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

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**Subject:** FW: Submission for application (2020/23.1)

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**From:** Eric Zhang <[eric.zch@gmail.com](mailto:eric.zch@gmail.com)>  
**Sent:** Thursday, 27 February 2020 10:10 AM  
**To:** Ballina Shire Council <[BallinaShireCouncil@ballina.nsw.gov.au](mailto:BallinaShireCouncil@ballina.nsw.gov.au)>  
**Subject:** Submission for application (2020/23.1)

**CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.**

Re :  
Description: Wollongbar District Park including Skate Park To establish the Wollongbar District Park including the Skate Park  
Submitted Date: 21/01/2020  
Application Type: Development Application

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**Properties**

55 Avalon Ave, Wollongbar 2477 NSW (Lot: 39 DP: 1242246)  
93 Rifle Range Rd, Wollongbar 2477 NSW (Lot: 6 DP: 1161720)

Hi there

I'm the owner of 9 Tectona Place , Wollongbar 2477, my back wall will be facing the part directly I would like to vote NO for the skate part as usually skateparks are located in industrial areas or parks away from residential. I am concerned about the **noise** from skaters and the prospect of graffiti (God forbid) becoming an issue. Kids need fun and I am all for it but just maybe not a skate part, a regular/ normal park is all I want.

Please contact me if you have any enquires.  
Chunhui Zhang (Eric) 0437494988

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Residents of Tectona Place  
Wollongbar.  
Noel & Mabel Prior  
& Marianne Dengate.

To the General Manager  
Ballina Council  
Dear Sir,

We are three residents who are living in a fourster home residential area of Tectona Pl. We cannot believe that Ballina Council is planning to build a large skate park, in the centre of many residents, who live in the area.

Why! don't the council make the right decision, & build it at the Sporting Fields complex, where it belongs!

This decision to build a skate park in this peaceful area is a NO BRAINER! to the many residents living in close proximity.

The continuous noise, the roaring of the skate boards, as they take a run, & then the continual clicking of their feet together, as they turn around, is unacceptable to all.

We have viewed some DVDs, the teenagers do drugs, they pass the bongos to one another, along with the foul language thrown in!

The constant flow of traffic along Rifle Range road is already congested, will be another burden to the residents.

The residents paid big prices for their land, & the houses they built, & we are paying increasing rates, <sup>sometimes</sup> yearly, to live peacefully in this beautiful area. No one was ever advised before purchasing this land, by Council, we wouldn't have bought here, if we had been advised of Council's plans for a SKATE PARK!

Yours faithfully - Mabel Prior  
Noel Prior  
Marianne Dengate



I have never made any type of submission to Council before so please excuse my inexperience as I put forward my case against the Wollongbar Skate Park to be located in the residential area of Wollongbar.

My mother and I have resided in Cornwall Pl, Wollongbar since October 2018 and were only aware of the skate park development months after purchasing the property. Had we known of this development our decision to purchase the property would have been different. We are absolutely horrified!

My concerns are:

1/ Graffiti - The culture that goes along with this sport. Residents fences being tagged and disfigured - who will pay the costs for removal of graffiti???

**Here is an excerpt from Global Media Journal - Skateparks Trace and Culture.**

"Once I begin photographing my focus turns to instances of signs and symbols that have been repeated across two or more sites. In general terms these signs and symbols could be placed into four categories: graffiti, embellishments, stickers, litter and structural vandalism. Each main category can be further unpacked. For example, common repeating graffiti themes include drug references, RIP testimonials, territorial statements, political statements, personal attacks, brand affiliations, love testimonials, obscene and commissioned. Structural vandalism tends to be focused on either skateable features of the park such as damaging the ramp, or non-skateable features such as rubbish bins and signage.

<https://www.hca.westernsydney.edu.au/gmjau/?p=2425>

2/ The main demographic for this sport is 14-18 year old boys - who will be supervising in the case of accidents/ bullying/ kid congregating after dark? NOT the local residents!!!

Will there be skating allowed after dark? Will there be lights? Will there be CCTV cameras monitoring?

**Incident – Lismore skate park 3<sup>rd</sup> April, 2019 – BULLYING – Dad steps in**

**BUSSELTON TO INSTALL CCTV cameras**

<https://www.triplem.com.au/story/busselton-to-curb-anti-social-behaviour-at-skate-park-61898>

<https://www.dailytelegraph.com.au/newslocal/west/graffiti-covered-skate-park-at-the-centre-off-turf-war-between-taggers/news-story/c9986f7d8dda62bd2e3d98ed76658aaf>

Graffiti-covered skate park at the centre off turf war between 'taggers'  
Ben McClellan, Blacktown Advocate -Feb 12, 2013 8:18am

THE \$250,000 Lalor Park skate park was designed to unite the community but constant vandalism has turned the facility into a divisive issue.

The skate bowl, seats, bin, a bus stop, library signage - any clean space has been covered in graffiti.

Last year a stolen car was set on fire on the bowl and parents are frustrated by youths from outside the area taking over the park.

The suburb is at the centre of turf war between rival "taggers" competing to mark their territory, ward 2 Labor councillor Leo Kelly said.

Despite the skate park being "graffiti proof" because of its coating the council was "like a dog chasing its tail" keeping it clean. He believed floodlights would help deter anti-social behaviour and programs were in place to help local youths take ownership of the facility. Fencing the park wouldn't work.

"Fences only keep honest people out," he said.

Skate park committee co-ordinator Danielle Rawnsley-Galistan said there had been fights near the park and she wasn't surprised by the vandalism. "If the entire youth population are going to congregate in one area what do you think will happen?" she said.

Don't want to see the above in Wollongbar. Do you???

### **3/ The CONS of skateparks – EXERT fr SPORTS REC**

<https://www.sportsrec.com/cons-skate-park-8548136.html>

#### **Crime**

Investigations by The Courier Mail and My Suburban Life have shown that skate parks are a haven for crime. This includes the selling and use of drugs, gang activity, vandalism and theft of equipment. Lighting and security is sometimes insufficient at skate parks, which makes the parks more conducive for this criminal activity.

#### **Young Riders**

Skaters for Public Skate Parks cautions that inexperienced riders are sometimes put in harm's way. Skate parks can be dominated by older riders, creating an unsatisfactory or dangerous environment for young skaters just starting the sport. Many older, skilled skaters want to practice tricks and jumps without having to wait for younger skaters. As a result, younger skaters may get pushed out of the way or be placed in danger when an older skater enters the park.

#### **Injury**

While Sk8parks International says a skate park will reduce the chance of a skating injury, there are still risks involved. At a skate park, skaters can be encouraged or persuaded to try tricks and jumps they are not ready for. This increases the chance of serious injury. Additionally, some riders fail to use the proper equipment or padding. Supervision is non-existent at some parks, opening the door to dangerous behavior. According the Sk8parks

International, a study by the U.S. Consumer Product Safety Commission claims that 27,762 injuries occur for every 6.2 million skaters.

**Crowds**

According to Skaters for Public Skate Parks, crowded parks lead to skaters searching for other venues. While skaters enjoy socializing with others, at some point skate parks become overcrowded, which limits the enjoyability of the activity. When too many skaters are present at a skate park, skaters may be turned away, be forced to wait for long periods of time or be restricted to a small area in the park.

4/**Noise levels** - skate boards banging and clattering/ kids yelling/ street skating

5/ **Traffic** - Rifle Range Road. The traffic has increased enormously since I moved here particularly with the B DD trucks that barrel along Rifle Range Rd at great speed to the roundabout on Panorama Dr. – street skaters beware!

**Letter To Northern Star** from Mary\_Anne Meginess

As a parent and local resident I fully understand the need for a skatepark facility, however, not in such close proximity to a newly developing residential estate.

Another site such as the sports ground would be much more suitable.

Parents and kids will already be there for other activities.

Lighting, toilets, first aid, and access to drinking water are required as well as adequate parking and co -location with other activities that skaters and their families would already be involved in.

Easy pedestrian access with only light traffic to ensure skaters' safety is also obviously needed.

None of this will be the case at the proposed site off Rifle Range Road.

The site is on a busy road on the fringe of Wollongbar - not exactly easy access for those in Alstonville and the rest of the Plateau area.

There are no adjoining recreational facilities for young people to use and apparently no toilets will be provided.

Understandably I am uneasy about the prospect of the probable negative impacts of the skatepark in my neighbourhood - any antisocial behaviour, noise, rubbish, and possible safety issues do not make me feel good about the concept at all.

The Council is assuming that the residents will be checking up on the skatepark users - community surveillance for free on their behalf.

This is totally unacceptable.

Hence this letter!

I call upon the Ballina Shire Council to see the light and reverse their latest resolution.

**Mary-Anne Meginess,**

**Wollongbar.**<https://www.northernstar.com.au/news/skate-elsewhere-i-would-like-to-express-my-concern-/2961107/>

I have also been in contact with members of the Wollongbar community via NextDoor on Social Media. Everyone agrees with kids needing a skate park but NOT within the residential area. A purpose build area in an industrial site sits well with this skate boarding culture. See SLAM FACTORY – TUGGERAH. It is supervised and kids love it. There is also plenty of space in the Wollongbar sports field – LOTS why not down there? I really would despair if this goes ahead...it will be a visual disaster and so disturbing to the local residents. I am sure not one person within the Ballina Council would like to live near such a development.

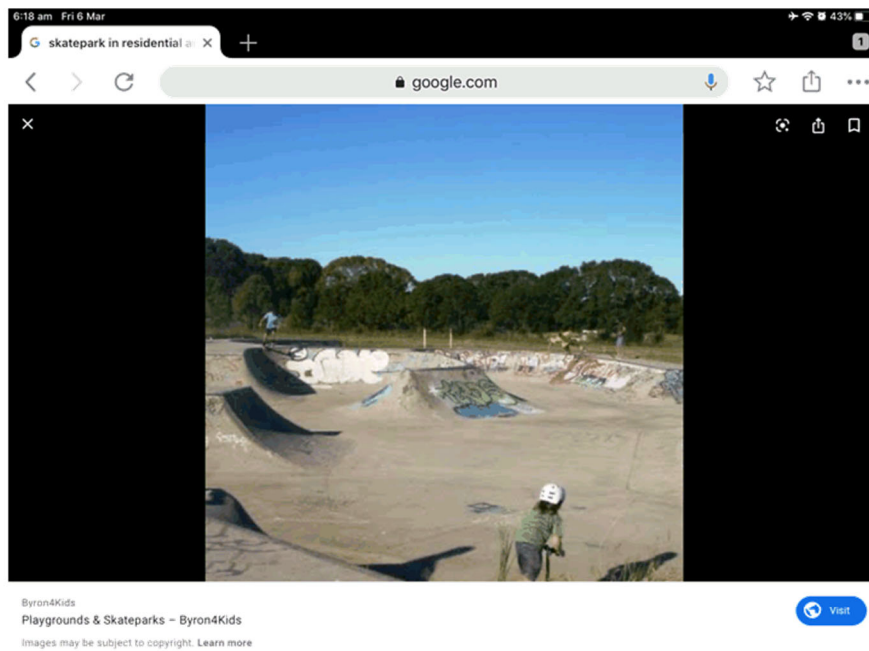
Please, please, please work at keeping beautiful, sweet Wollongbar a place where all residents feel cared for and respected. There would be better use of 550m<sup>2</sup> than a skate park.

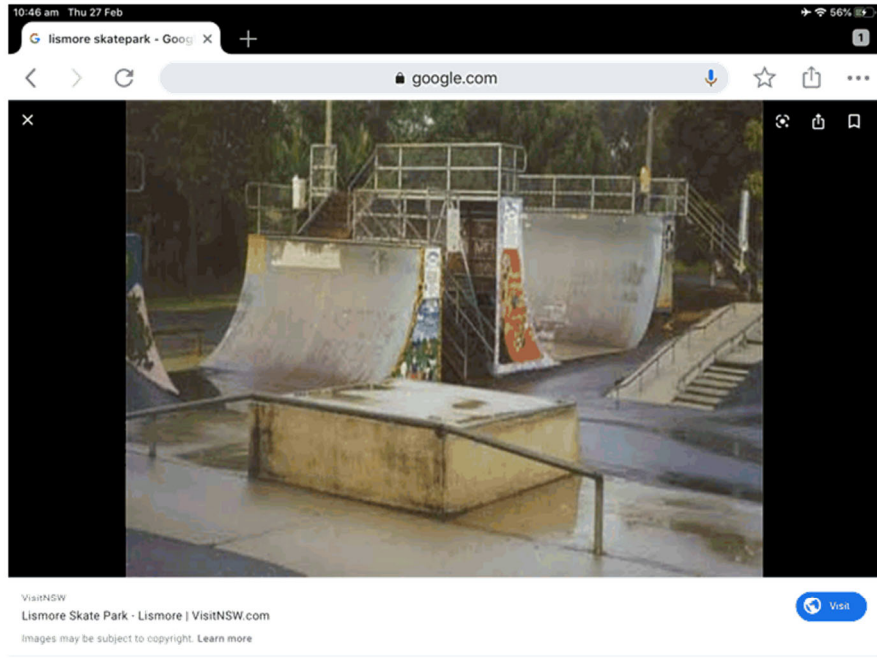
Can't we fund raise for a proper skate park for the teenagers??? I am very happy to get on board with that.

Yours sincerely

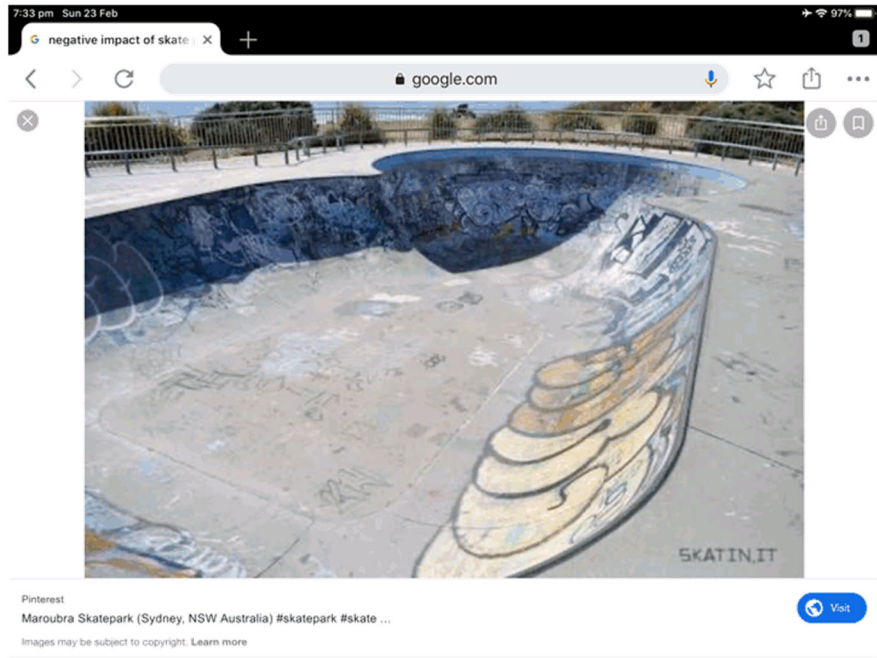
Robyn Hills

Please see attached photos





So ugly!



Slam Factory – Tuggerah  
Fun and Supervised in an industrial area – LETS FUNDRAISE FOR THIS!!!

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**From:** Brian & Robin Delaney <robinandbriandelaney@gmail.com>  
**Sent:** Monday, 30 March 2020 5:58 PM  
**To:** Ballina Shire Council  
**Cc:** Brian & Robin Delaney  
**Subject:** Submission for Wollongbar District Park -Skate Park DA 2020/23 Lot 39 DP:  
1242246 Lot 6 DP:1161720

**CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.**

30 March 2020.

Mr. Paul Hickey,  
General Manager,  
Ballina Shire Council.

Dear Mr. Hickey,

Submission: Wollongbar District Park -Skate Park DA 2020/23 Lot 39 DP:  
1242246 Lot 6 DP:1161720

Generally I am delighted that at last there is a plan but would like to put forward a few points of concern.

I acknowledge that I am late with my comments but considering Council's inappropriate location of the initial exhibition of DA 2020/23, I hope you will accept what I have to say regarding the following elements of your design for Wollongbar District Park - Skate Park

Earthworks

Strip and stockpile topsoil. It would appear from the number of trucks accessing the site that much of the soil and good topsoil is being removed. I hope the topsoil will be returned to enrich the gardens and lawn.

Noise Abatement

I am aware of the concern the people living in the area have over the anticipated noise and lighting emanating from the park. Is enough soil being retained on site to build the mounds high enough to keep the noise from escaping to neighbouring homes?

Electrical

Entrance

I submit that there be installed sufficient electrical supply and connections for the following:

In line with the expressed goal to provide "adaptive spaces" and with reference to "seasonal festivities", my hope connected to this point is that in the north-west area near the entrance there would be enough space for the provision of a "pop-up" cafe or kiosk for occasional catering with seating and a shelter for local artists, a low stage space for musicians, dancers and actors, poets and speakers who might provide entertainment for community groups - large and small.

Adequate electrical infrastructure would also ensure the possibility of "under the stars" community movie nights in keeping with the historical use of the land, using a portable screen or the facade of the cafe/shelter structure.

Lighting

When Daylight-saving ends young families may still want to use the park for an hour or so, especially the skate park, making good lighting necessary from a safety point of view.

Pathways and Hardscape

Art Interpretative Pillars and Art Tiles/Tokens on Central Interpretative Path

I submit that instead of spending \$35,000 on pillars and tiles to commemorate the drive-in cinema, a less expensive informative display of photos and the history of this area, both before and after European settlement including the drive-in cinema, could be designed into the entrance near the site of a kiosk/cafe or possibly around the exercise / play area. This could be a less costly and more comprehensive presentation, saving money and valuable open space for a more practical feature of the park, e.g. sensory, flower or community garden. Alternatively, commemorative tiles could feature in a labyrinth.

Running/Walking Track - I agree with some community members that a longer track could be achieved by having it follow the perimeter of the park more closely, to the west of the exercise area #12 and to the east of the sub-tropical rainforest planting #8 and perhaps weaving through the trees #9.

Most of the pathways/running track should I believe be wide enough for at least two people to walk beside each other so as to accommodate a wheelchair or wheelie walker and carer, child and parent.

Narrow pathways for children to explore one of the rainforest areas sounds like an attractive addition to the main track.

All Amenities to be DDA compliant

I would like to stress the need to consider the elderly and people with disabilities in all aspects of the park but particularly when choosing the design of picnic shelters, picnic tables, and BBQ areas and toilets.

Furniture

Picnic Table setting

Please consult people who use wheelchairs independently and those who require assistance.

A cement pad or soft-fall pad that extends a good distance out from the tables and BBQ is important for easy access. Spaces are needed where wheelchairs can slide into place at the table alongside other users of the table AND where there is room for their feet (on footplates).

Toilets

I think the most important issue here is that there be at least 3 toilets in the park and that the Disability Accessible toilets must conform to 'best practice' standards for people with disabilities, e.g. Toilet paper holders, hooks for bags, wash basins etc. all at a suitable height for children and those people in wheelchairs.

Park Benches

More benches could be placed around the park and along the paths for people to be able to sit and supervise children, or stop on their walk to rest and enjoy their surroundings. Perhaps these could be designed and made as projects by Men's Shed, TAFE or High School Design and Woodwork students.

Gardens:

Sensory Garden -In keeping with the Key Principles advanced in this plan, I would like to suggest sensory and flower gardens be included possibly near the picnic area instead of the orchard which I understand has been deleted from the plan.

Community Vegetable Garden -Provision of space for a community garden could possibly be included near the west end of the park, near the entrance and handy to the pop-up cafe/community kitchen.

Labyrinth - A small labyrinth could be a community project to be designed and built in the future if there is sufficient space, something for young and old - a meditative calming space, a measure to counter the distractions of the skatepark.



Security

I am aware of the concern of residents regarding the issue of safety, security of equipment, and inappropriate behaviour of people using the park. Having had 2 sons who loved to skate and who would have appreciated a park like this in their neighbourhood, I am not against having a skatepark but I am conscious of the possibilities of misuse. I would hope that from the beginning, efforts might be made to establish a team of interested parents, older students, local police and the skate shop enthusiasts who by their presence would help supervise activities, and provide role models for good on-site behaviour encouraging those using the park to take pride in and responsibility for the maintenance and protection of this new community space.

Thank you for considering the above comments.

Regards,

Robin Delaney  
37 Smiths Lane  
Wollongbar NSW 2477  
0421057539

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**From:** Doug Lipscomb <douglip800@gmail.com>  
**Sent:** Tuesday, 3 March 2020 10:57 AM  
**To:** Ballina Shire Council  
**Subject:** Submission re DA 2020/23  
**Attachments:** Skating in Kays Lane.jpg; Skate Park 8.jpg; Plateau Drive.jpg; Lennox Head.jpg; Skate Park Miami.jpg; Skate Park Currumbin.jpg

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Attn Naomi McCarthy

Planning and Environmental Health Issues

Ballina Shire Council

Re DA 2020/23 3rd March 2020

I am writing to register my total objection to the DA application by Newton Denny Chapelle for inclusion of a skate park in the proposed Wollongbar District Park.

Councils own criteria should be reason enough for rejecting a skate park at this site.

Back in 2013, Council staff met with residents adjoining the parks in Alstonville, and asked them if they wanted a skate park near their homes. Residents rejected the concept and Council acceded to resident's wishes!

Council Staff then suggested to the then councillors that if it was built at the old Drive In site on Plateau Drive, before the houses were built, it would "**minimise objections**".

They knew that there would be objections, and there were!

Councils own records show these statements to be true!

People buying council blocks of land in Tectona Place were never informed of council's intention to place a skate park adjacent to their blocks of land. At a public meeting, most said they wouldn't have bought there if they had known.

Council staff refused to meet with these residents and treat them with the same consideration as previously afforded those in Alstonville!

Northern Star newspaper records from 2014 show that Councillor Wright publically stated that the Plateau Drive site was too dangerous for a skate park. In the same interview, Councillor Smith said that the Drive In site was too small for a skate park. Were these councillors misleading the public then, or are they misleading us now?

Council staff recommended that the alternative site out at the sports fields should be rejected, because it was only 120 metres from one farm house, and noise would be an issue. Yet they now say noise can be mitigated at Plateau Drive where the skate park will be much closer to existing and future homes. Were they kidding us then, or are they kidding us now?

## 8.2 DA 2020/23 - Wollongbar District Park

Councillor Wright stood up at a local meeting and said that there were two design concepts for a skate park. A small one if it was to go in at the Plateau Drive site, and a bigger one if it was to go in at the sports fields!

Councils plan is to now put the bigger design in at the Plateau Drive site. Was he misleading us then, or is he misleading us now?

It is a common sight to see children skating down Plateau Drive, narrowly being missed by cars. This will only get worse if a skate park is built on the Drive In site, attracting more children to the area!

David Wright said one of the reasons for not developing the existing skate park site in Kays Lane is the problem of traffic. By any comparison, Rifle Range Road is just as busy, and with future housing development, will become increasingly busier! Rifle Range Road has become a feeder road to the Motorway and workers from the plateau working in Byron and Lennox Head!

Councillor Meehan said skate parks attract sexual predators, and now votes for it to be built near the homes where children live, and next to a proposed Child Care Centre. How bizarre is this?

Councillor Jeff Johnson said a small skate facility like that at Lennox Head would be a good fit, and that there had never been any anti social behaviour there. The skate park he now wants is twice the size of the Lennox Head one, and I have photos of kids skating off the domed roof of the Community Centre, as well as the safety rails. Was he misleading us then, or is he misleading us now?

The DA submitted by Newton Denny Chapelle shows a Police report that says there should be no visual obstructions to line of sight if a skate park is built at Plateau Drive, yet design plans show a raised mound to help mitigate excessive sound levels.

Many, many other councils have successfully integrated a skate parks into sport field areas, well away from residential homes. One only has to look at parks in nearby areas such as Pottsville, Brunswick Heads, Miami, Currumbin, Nerang, Mudgeeraba...and the list goes on!

Why is Ballina Council so inept that they can't see the trend towards having skate parks in sporting areas, away from residential areas?

All the Wollongbar residents ever asked for was to be treated with the same respect as accorded to Alstonville residents. Unfortunately it would seem that fairness just gets in the way of Council Staffs agenda!

For these reasons I totally object to the proposal for a skate park in the Community Park on Plateau Drive.

Doug Lipscomb

38 Hellyar Drive

Wollongbar

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Doug Lipscomb – Submission email attachments



Site	Accessibility & Safety	Location and Residential Proximity	Planning Controls*	Other Site Considerations
2. Wollongbar Urban Expansion Area Park	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Good access from Wollongbar via pathway network.</li> <li><input checked="" type="checkbox"/> Good passive surveillance.</li> <li><input checked="" type="checkbox"/> Centrally located.</li> </ul>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Skate park can be integrated with planned open space, play equipment and amenities as part of the initial development.</li> <li><input checked="" type="checkbox"/> The construction of a skate park prior to the construction of houses may reduce opposition from nearby residents.</li> </ul>	Council owned Operational Land Currently zoned 6(a) Open Space Proposed zone in Draft BLEP 2012 - RE1 Public Recreation and R3 Medium Density Residential ( BLEP 2012)	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> New development area master planning for site in progress. Skate park to be considered in the process in accordance with Council's April 2013 resolution.</li> </ul>



Doug Lipscomb – Submission email attachments

**9.8 Alstonville Skate Park - Preferred Location**

Letters were sent to surrounding property owners and residents close to the Crawford Park site in November 2013 to gather initial views about this option. Staff also met on site with several residents and property owners on 20 November 2013 to discuss the concerns raised by residents. These concerns have also been communicated to Council by way of written submissions and phone calls. As a generalisation, the views expressed are highly uncomplimentary and reject the Crawford Park option.

Further engagement with the community would be undertaken during the detailed design phase, should Council choose to proceed, and commit funds for this purpose.

**Options**

1. Continue to progress investigations for the development of a skate park in Alstonville at Crawford Park.

As indicated above, Crawford Park appears technically suitable for a skate park facility. However, it is in close proximity to residents, a number of whom have indicated opposition to its construction.

It is open to Council to determine that it wishes to progress to the concept planning phase of a skate park facility at this site. A concept plan for skate park facilities at this site will provide more specific detail on construction costs and the designs that suit the site and its users. It should be noted that progressing to the next planning phase will involve the development of concept designs undertaken by experienced skate park design and construction companies. Approximate costs for this service are provided above. No funds are available for this engagement.

Currently, Council has only received submissions opposing a skate park facility in Crawford Park. It is difficult to determine the wider community sentiment for a skate park in Alstonville without more comprehensive consultation being undertaken. This community engagement could be undertaken as part of the further investigations for a skate park at this site, however additional costs would be involved.

Having regard for the potential conflict with adjoining residences, the costs involved in conducting a comprehensive community engagement process and the additional costs associated with the concept planning for a skate park at Crawford Park, this approach is not recommended.

If Council chooses to continue and investigate designs suitable for a skate park on the Crawford Park site, a further report detailing the design options and budget allocation would be provided by Council's Civil Services Group. Under this approach, it is also recommended that the Council undertake a comprehensive community engagement exercise to establish the view of the Alstonville community in relation to the construction of a skate park to assist in decisions regarding capital expenditure on such infrastructure.

Should Council elect to undertake further community engagement, it is suggested that Council engage a suitably qualified independent consultant to deliver an engagement program.

Doug Lipscomb – Submission email attachments



**Skate Park DA 2020/23**

**Lot 6 DP 1161720**

**12 March 2020**

Our first objection deals with the council staff's disrespect of the Wollongbar Community, by failing to display the DA clearly ON the actual SITE of the park area. Instead it has been displayed off site and tucked around in the dead end section of Dundee Ave an un-developed street off Avalon Ave, where less than 70% of the local walking/riding/jogging community would have the opportunity see it. It took one of our community members to call the General Manager to rectify the situation and have the signage moved to a more appropriate position, and that did not happen until Wednesday 11 March (the day before the DA submissions closed.)

While most of the proposed plan shown has some really good elements to it, we have some areas of concern, as follows:

1. **Toilets:** The DA shows conflicting information regarding the toilets: are they to be unisex (unisex x 2 and one 'accessible' (Estimated Costs Page 3) OR 1 female, 1 male, & 1 unisex accessible (Concept Design Page 4 of 8)? Are three toilets sufficient for a District Park? Why 'unisex'? We feel this discriminates against the female population, most of whom, do not feel safe and are not comfortable in sharing toilets with men they don't know. Considering the police report attached to this DA, that these amenities can become 'gay beats' and are prone to attract 'sexual assault', we believe the Unisex type of amenity to be inappropriate.
2. **Skate Surface:** Over a number of years the council staff expressed that the surface of the skate area would have a 'sound deadening' surface – we see no mention of that in the DA, only concrete is mentioned - is it still the plan to include a quieter surface?
3. **Noise:** The sound attenuation mounds of 1.5 metre high are laughable. They will not be sufficient to dissipate the noise to receptor areas 2, 3, 4 & particularly no. 9.

4. **Measurements:** We are interested that there are no park boundary measurements shown on any of the drawings, and none indicating the width and length of the skate area itself, can the reasons for this be explained?
5. **Night Time Curfew:** We do not believe that erecting a sign to indicate the hours of use will in anyway deter those who will want to party into the night with little regard for the local residents. Is there to be security surveillance, particularly on Friday, Saturday nights when most of the vandalism and anti social behaviour has become a regular practise in our village?
6. **Parking on Rifle Range Road:** What strategies does council have in preventing cars being parked along Rifle Range Road? Particularly with the skate area being place closer to that side of the park. This is a dangerous area, with high volumes of fast moving traffic.
7. **Roundabout Safety:** Please have the engineering department investigate installing some safety measures to prevent cars driving on the wrong side of the roundabout, particularly when heading west to east on Rifle Range Road.
8. **General:** We are still concerned that this skate area is to be erected close to residential homes, every other site investigated which had a house within 150m has been rejected with this as one of the reasons NOT to build it on a particular site, why is this courtesy not afforded the residents in closer proximity to this proposed skate area?

Thank you for taking the time to consider our submission.

Mary Birch and Ron Birch  
9 Clovelly Place  
Wollongbar NSW 2477  
(m) 0400 876 616  
(m) 0467 163 991  
email: rnmbirch@bigpond.com



14th March 2020.

Mr P Hickey, General Manager,  
Ballina Shire Council,  
Ballina. 2478

Dear Paul,

Submission: DA 2020/23 - Wollongbar District Park .

Firstly, most Wollongbar residents did not know this Plan was on Exhibition, as Council's DA sign was not at the Park site on Rifle Range Rd or Plateau Drive, but on an undeveloped dead-end (thus, not used by anyone) section of road off Avalon Avenue. Following representations to you, as GM, the sign was relocated to the Plateau Drive round-about on Wednesday, 11th March, just a day before the close of Exhibition. The placement of this Notification of Exhibition was perplexing and disappointing.

Within the current District Park Plan on exhibition, the following points are of concern:

1. **Art Interpretative Pillars:** The Park budget includes \$35,000 for "collaborative art interpretative pillars" where the Drive-In screen was located.

In an earlier exhibition, DA 2018 - 753, where the drive-in site was discussed, the "Statement of Environmental Effects" noted

*the concrete footings of the former drive-in screen are still present ... a number of rectangular 'fingers' project upward towards the ground surface. An option ...to retain the footings ... (3.1.6, p.15).*

Is the expenditure of \$35,000 on historical references to the drive-in easier than removing the concrete footings? (These concrete rectangular 'fingers' are not mentioned in the current documents). It is difficult to understand why a significant amount of limited open space would be used in this way.

**2. Toilets:** The Concept Design indicates one female, one male and one accessible toilet, whilst the Budget of estimated costs indicate 2 x unisex and one accessible toilet. Most female users would not feel comfortable sharing toilets with unknown men in a public park space. Given the alerts in the Police Report attached to this DA, unisex toilets in this community situation would not be appropriate.

**3. Running Track:** Given the high number of local folk who walk/run in Wollongbar, a track of 250 metres appears significantly inadequate to meet local needs. From the concept plan, it appears design changes to the placement of facilities and equipment should enable a longer track to be achieved. Perhaps the route of the track could be changed to go towards the perimeter of the park in places, and include some tree shade.

**4. Noise:** Sound mounds of 1.5 metres from the lowest skating point, and about 1 metre at the mid-skating point appear to be inadequate, particularly for near-neighbours. It is not only the noise level, but the constancy of the noise that can become wearing for neighbours. This will be especially significant during weekends and school holidays. It is noted that full noise compliance, with the installation of acoustic screening, is not possible because it would interfere with sight lines, and have a negative effect "on crime prevention and safety considerations" (Statement of Environmental Effects, Noise Impacts, 4.5.3, p.27).

**5. After hours use:** The DA indicates the installation of low level lighting will not allow for skating at night, and further, Council will install signs warning that after-hours use is prohibited. It appears Planners have a dilemma: those intent on skating after hours will have dim lighting at the park, but can wear their own head-lamp and/or use the bright lighting from the well-lit adjacent round-about.

**6. Aboretum:** Two small areas are to be planted with Rainforest species, and identifying information will be included, at a cost of \$13,000.

Wollongbar is in the unique position of having **the only Temperate Sub-Tropical rainforest remnant within a residential area in the state of NSW**. The remnant is off Dalmatia Drive, has a 1 kilometre circular track through the rainforest, and includes two creek crossings. If money is available, perhaps upgrading this track, and encouraging locals to explore an original remnant of The Big Scrub within their village would be a better option than planting new examples in two small areas.

**7. Art tokens along the Central Interpretative Footpath:** Art tokens embedded into the pathway that crosses the Park, with more historical information about the drive-in, do not appear to be a practical addition to the space. \$20,000 would perhaps provide a second barbecue (one barbecue with two plates is included), or an additional piece of exercise or play equipment.

Wollongbar community is looking forward the completion of this long-awaited Park space. Many inclusions in the Park plan will be applauded and appreciated by those who come to use the space.

In response to a question at the C Ward Meeting ( 12th March, '20), Council Planner, Tara, reported that a Report will go to Council in March or April 2020, and then, consultation will be undertaken with the Wollongbar community, to ascertain the preferred facility/facilities to be provided.

There could be scope for a small-scale facility to be included within the District Park (simple pop-up kiosk/coffee shop/activity area or other). It would seem prudent for 'locals' to have the opportunity to contribute facility-related ideas before the Park Plan is finalised.

Thankyou for taking these points on Wollongbar District Park into consideration.

Your sincerely,

Ted and Marilyn Perkins  
3 Wollongbar Drive,  
Wollongbar. 2477  
(m) 0400463924  
email: 7brockley@gmail.com



ENGINEERS PLANNERS SURVEYORS ENVIRONMENTAL PROJECT MANAGEMENT

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5012 Submission to DA 2020.23.1

12 March 2020

The General Manager  
Ballina Shire Council  
PO Box 450  
**BALLINA NSW 2478**

Dear Sir/Madam

re: **DA 2020/23.1 – To establish the Wollongbar District Park including skate park  
Lot 6 DP 1161720 and Lot 39 DP 1242246, No. 93 Rifle Range Road & No. 55 Avalon Avenue,  
Wollongbar**

Ardill Payne & Partners has been commissioned by Mr Colin Brown (on behalf of the developers of the adjoining Avalon Estate (being Messrs, Bruce, Colin and Russell Brown and Two Minus Two Pty Ltd), to prepare a submission in respect of the subject application that is on public exhibition for the period 26<sup>th</sup> February to the 12<sup>th</sup> March 2020.

This submission has been prepared having regard to the information/documents that were available on Council's DAs Online as at the 12<sup>th</sup> March 2020.

The Avalon Developers do not object to the proposed district park, however have a number of concerns in relation to the skate park (including its location). The developers are concerned about the potential for the skate park to have adverse impacts on the amenity of the local area (and the developing Avalon Estate) as a consequence of noise, anti-social behavior, security and vandalism.

As detailed in Section 2.3 of the SEE, a site meeting was conducted on the 16<sup>th</sup> October 2019 with Lismore Police's Crime Prevention Officer (CPO), who identified a number of concerns including the following in respect of the skate park:

*"1. Trees should not block off the view of the skate park. Undesirables may well congregate at the skate park at night; if there are clear lines of visibility it should deter vandalism and other anti-social behavior."*

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As evidenced by the CPO's comments, there is an issue with the skate park being a potential place of congregation for undesirables (and thus a place potentially subject to vandalism and other anti-social behavior) and therefore its location and proximity to existing and future dwellings warrants careful and serious consideration.

It is submitted that if a skate park is to be situated in the district park:

- it should be relocated further to the west so that it is immediately adjacent to the roundabout at the intersection of Rifle Range Road and Plateau Drive
- appropriate security barrier/screening needs to be erected along the full eastern boundary of the district park site (to the east of this planting) – such to comprise a lapped and capped timber paling fence atop an earthen landscaped mound, similar to that which the developers were required to construct along the Rifle Range Road frontage of the Avalon Estate
- further acoustic testing be undertaken once the skate park is operational to ensure that the findings of the acoustic assessment are correct

This location would ensure that it is:

- as far away as possible and practicable from existing and future dwellings in the Avalon Estate
- provided with optimum passive surveillance opportunities, being highly visible to/from two busy roads and to the "Future Child Care Centre"

As shown on the "Concept Design Plan", there is an area of dense vegetation planting which is referenced as "8. Area 2 – Subtropical rainforest species with information signage along the pathway edge", which it has been assumed is proposed to buffer the district park and skate park from existing and future houses to the east. There are concerns that such vegetation planting will have the potential to reduce passive surveillance opportunities of the skate park when viewed from the east.

It is acknowledged that the provision of signage and low-level lighting will reduce the potential for the broader public to use the skate park during the night, however, it is submitted that such will not be a deterrent to the more undesirable elements of the community. Further, the lack of fixed lighting is able to be easily over-come by people bringing their own battery operated transportable lighting.

The current proposed location is considered to be too close to existing and future houses and will thus require a much higher degree of barrier/buffering to minimise noise and to maximise security to dwellings. In order to be practical and effective, such barrier/buffering would likely have to be of type that would potentially contradict and/or compromise the CPTED principle of maximising passive surveillance opportunities.

Council needs to ensure that the actual (and perceived) amenity, safety and security of existing and future local residents is not in any way adversely impacted or compromised by the skate park and that



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its location, surveillance potential, signage, lighting and buffering is reasonable, practicable and such that will attain all of the respective CPTED principles.

Please be advised that there is **no** disclosure of political donations/gifts required on behalf of the author of this submission and/or the developers of the Avalon Estate.

Should you have any questions in respect of this matter, please contact me on 6686 3280 or [pauls@ardillpayne.com.au](mailto:pauls@ardillpayne.com.au).

Yours faithfully

A handwritten signature in black ink, appearing to read 'Paul Snellgrove'.

Paul Snellgrove

**ARDILL PAYNE & PARTNERS**

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## **CONFIDENTIAL SUBMISSION**

### **DA 2020/23 – Wollongbar District Park**

*Please note private and identifying information has been removed from this submission in accordance with the Privacy & Personal Information Protection Act 1998 at the request of the submitter.*

### **Ordinary Meeting 28/5/2020**

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[REDACTED]

**Sent:** Wednesday, 11 March 2020 8:04 AM  
**To:** Ballina Shire Council  
**Subject:** DA Wollongbar Skatepark and Recreation Area Submission

**CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.**

Dear General Manager, Ballina Shire Council,

We are writing a suggestion for consideration in relation to the DA submitted for the Wollongbar Skatepark and Recreation Area on Rifle Rang Road/Plateau Drive, Wollongbar.

My son and friends in Wollongbar in his age group have for many years desperately wanted a basketball hoop in a public space that is easily and safely accessed. He wrote a few years ago to Council when he was 9 years old, and he is now 13 years old still requesting the same.

Currently the existing full court exists on the edge of town in the industrial estate. It is not safe for him to be so far out of the centre of our community and on the other side of a busy road.

The new sporting grounds do not have a basketball hoop.

The Council park in Hellyar Drive Estate does not have a basketball hoop.

We currently attend the Primary School after hours to shoot hoops but of course this is not ideal particularly now that he attends Alstonville High School - it no longer feels appropriate to use these facilities.

**We are not requesting a full court, just a hoop for practicing shooting.**

The plan accommodates those that ride skateboards and young children in a playground, but there are other child not accommodated outside of these activities. Not all children wish to ride a skateboard, yet nearly everyone will play around with shooting hoops - even parents just like myself!

Would you please consider this submission before finalising your plan.

Regards

[REDACTED]



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**Sent:**  
**To:**  
**Subject:**

[REDACTED]  
Monday, 9 March 2020 1:12 PM  
Ballina Shire Council  
DA 2020/23 - - [REDACTED]  
[REDACTED]

**CYBER SECURITY WARNING** - This message is from an **external sender - be cautious**, particularly with links embedded within the message and/or attachments.

Hi there again Naomi - I would like to express my dismay and concern at the potential location of a skate park so close to current and future residential homes in Wollongbar.

Please do not put the skatepark in the Wollongbar District park. Let common sense prevail. No where else have skate parks been built so close to residents.

**I object because of noise, anti social behaviour and safety issues.**

I live in Avalon Estate. The skate park is going to be way too close to existing homes. More homes will be built closer to the skate park in the very near future. Some of the vacant blocks have yet to be sold so no one can express their opinion about it yet. **Spear grass is very quiet - it does not have an opinion.** No doubt other local residents will complain in the near future even if it is built there and the skate park will not be worth living next to.

The Council will probably have to remove it anyway once there are more houses near it so why not save all your time energy and money and build it elsewhere.

**I repeat - Please do not build the skatepark in the Wollongbar District park.**

[REDACTED]

[REDACTED]

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For more information please visit <http://www.symanteccloud.com>

<BR

- Legend**
- ① Link road connecting Rifle Range Road to Sneaths Road
  - ② Cycleway (2.5 m wide)
  - ③ Community Building (e.g. Community hall, child care centre, library, information centre etc.)
  - ④ Community Building (e.g. Community hall, child care centre, library, information centre etc.)
  - ⑤ Car parking access road
  - ⑥ Car parking for community buildings (27 spaces)
  - ⑦ Car parking for courts (33 spaces)
  - ⑧ Recreation area car parking (61 spaces)
  - ⑨ Medium density housing (Duplexes or Apartments)
  - ⑩ Informal picnic area (includes gardens, lawn, grass swales, pathway connections and picnic tables)
  - ⑪ Teen play zone (and seating areas)
  - ⑫ Picnic shelter (including BBQ and tables)
  - ⑬ Park entry (including signage)
  - ⑭ Bus bay and parking (2 spaces)
  - ⑮ Drop - off zone (3 spaces)
  - ⑯ Bus shelter
  - ⑰ Netball / multi - purpose courts (6)
  - ⑱ Kiosk, toilets, showers, storage space and open covered area with seating
  - ⑲ Subtle grass mounds
  - ⑳ Pathway axis (3 m wide) - opportunity for paving art by local artists, special interest groups or school groups
  - ㉑ Childrens play zone (0 - 6) (includes play equipment, possibly water based play facilities, vibrantly patterned soft fall area)
  - ㉒ Covered picnic area (including BBQ and picnic tables)
  - ㉓ Subtle grass mounds
  - ㉔ Skate zone (including grind block, box and rail, pyramid jump and small jump)
  - ㉕ Long bench seats
  - ㉖ Open grassy area
- Approximate Total Areas**  
 Passive open space (pathways, grass areas, playgrounds, BBQ areas) 12270 sq.m.  
 Active open space (includes courts and skatepark) 10700 sq.m.  
 Medium density 9880 sq.m.  
 Community buildings 4050 sq.m.  
 Ancillary (roads and carparking) 3100 sq.m.

*This plan is conceptual only and has been developed to facilitate discussions on potential land uses and arrangements. This plan should not be used for construction.*

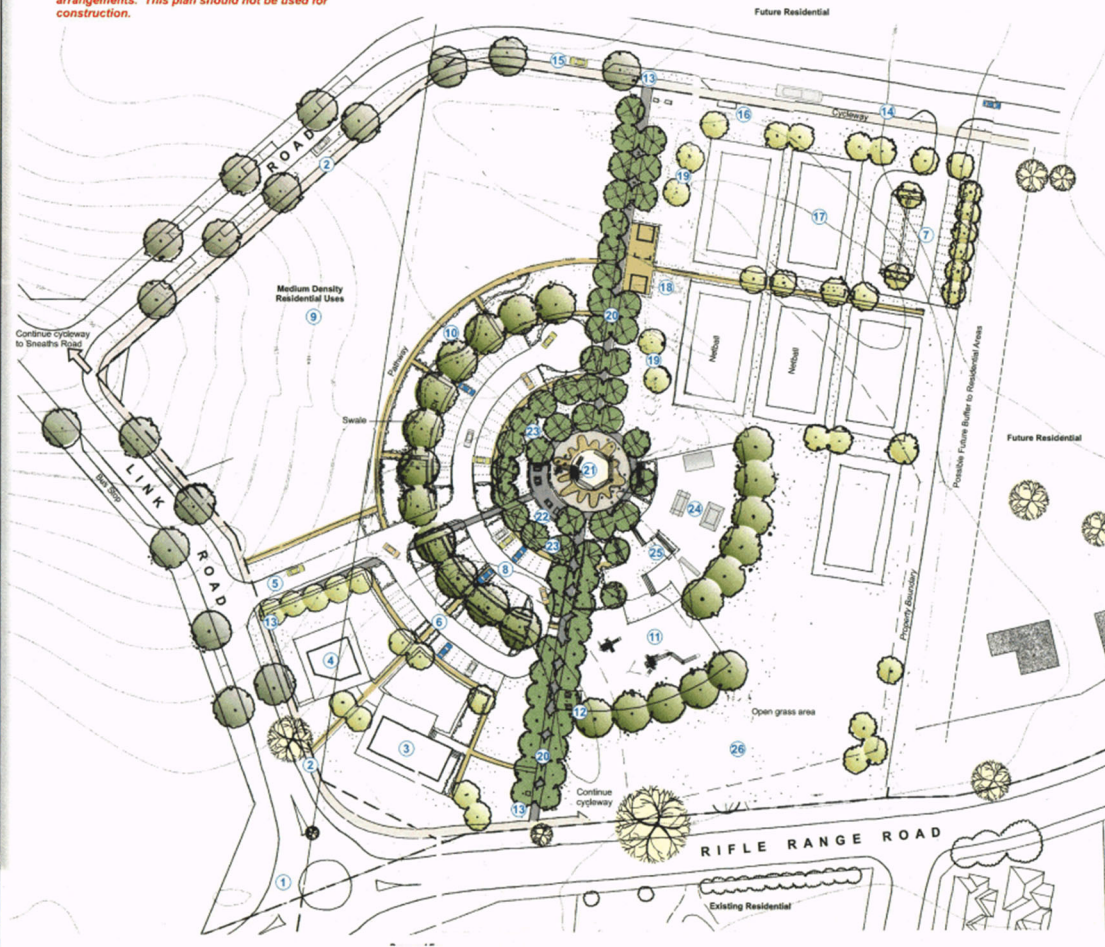


Illustration: **Wollongbar Recreation Area - Concept Plan 1**