

JRPP No:	2010WES009
DA No:	DA 323/2010(1)
PROPOSED DEVELOPMENT:	Recreation Facility (Indoor Aquatic Centre), 21a Hill Street, Orange
APPLICANT:	Mr John Boyd, Orange City Council
REPORT BY:	Senior Planner, Orange City Council

Assessment Report and Recommendation

Application Lodged	21 October 2010 Amended information received 30 November 2010
Development Application No	DA 323/2010(1)
Plan No/s	2385 comprising TP-00 Rev 2, TP-01 Rev 2, TP-02 Rev 5, TP-03 Rev 6, TP-04 Rev 5, TP-05 Rev 4, TP-06 Rev 5, TP-07 Rev 4, TP-08 Rev 5, TP-09 Rev 5, TP-10 Rev 5 (10 sheets)
Applicant	Mr John Boyd Orange City Council PO Box 35 ORANGE NSW 2800
Owner/s	Crown Land Trustee Orange City Council PO Box 35 ORANGE NSW 2800
Land Description	Lot 7001 DP 1020319 - 21A Hill Street Orange
Proposed Land Use	Recreation Facility (indoor aquatic centre)
Value of Proposed Development	\$7,200,000
Provisions of LEP 2000 (amended)	Zone 6 Open Space and Recreation
Details of Advertisement of Project	Advertised in the Central Western Daily and notified to adjacent landowners on Saturday 30 October 2010. The exhibition period closed on Monday 15 November 2010.
Recommendation	Approval

THE APPLICATION

Approval is sought for the construction and use of a recreation facility (indoor aquatic centre) at 21A Hill Street, Orange. The land is described as Lot 7001 DP 1020319 and is the site of the existing Orange Aquatic Centre operated by Orange City Council.

The capital investment value of the proposal is over \$5m and in accordance with Section 13B(2)(a) and (c) of State Environmental Planning Policy (Major Development) 2005, the proposal is deemed to be regional development. Accordingly, the Joint Regional Planning Panel for the Western Region is the consent authority responsible for determining the application.

THE PROPOSAL

The proposal involves the construction of a new 25m (8 lane) pool within an indoor enclosure which will also cover the existing toddler and leisure pools. The indoor centre will be provided with suitable connections to allow for integration with the existing outdoor pools.

The proposal also includes a new entrance and staff facilities, kiosk and outdoor cafe, tiered seating for 200 people, a large concrete concourse area for carnivals, access ramp and swim out ledge and disabled/family change rooms. Two 50,000L rainwater tanks and one 20,000L backwash tank are proposed to be established on the site.

Alterations to the existing 50m pool facilities include alterations to the southern concourse, incorporation of the new building with the existing amenities, refurbishment and alteration to the existing amenities, and a new pool cover storage area.

A car park comprising 40 spaces is to be provided on the eastern boundary with separate ingress and egress from Hill Street.

Demolition works upon the site would include the existing kiosk and associated entry paths, removal of the existing retaining wall and steps on the southern side of the existing 50m pool, and removal of 17 trees where indicated on Drawing TP-02 Revision 5. Shade sails would be relocated where necessary.

The hours of operation of the facility are proposed to be 5:30am to 9pm seven days per week, with the general hours of operation being 6am to 8pm week days and 8am to 7pm weekends. It is estimated that attendance at the site would be in the figure of 130,000 entrances per year.

It should be noted that an indicative hydrotherapy pool has been shown on Drawing TP-05, however the approval of this will be subject to a future development application.

BACKGROUND

21A Hill Street is located to the south of the CBD of the City of Orange. The site is bounded by Blackmans Swamp Creek set within parkland to the north and west, Warrendine Street and residential development to the south and Hill Street across to a bowling club to the east (refer to Plate 1). The site forms part of the Moulder Park open space and recreation precinct which follows Blackmans Swamp Creek along an east west axis.



Plate 1: Locality

The site contains the existing aquatic centre, which comprises:

- A heated outdoor 50m pool with 9 lanes;
- A heated diving pool, with diving boards and a 10m tower;
- A heated leisure pool with beach entry, water features and spa;
- Amenities area with change facilities;
- Beach volleyball courts and an outdoor basketball court;
- Kiosk and BBQ facilities set within landscaped grounds; and
- A grandstand with shade cloth covering.

It is advised that the centre currently operates for 24 weeks of the year over the summer period, attracting an average of 63,000 entrances per year. The site is staffed by a maximum of 16 staff comprising 1 permanent staff member and up to 15 casual staff, being the equivalent of 4 full time staff members.

Car parking for the site is currently located on the adjacent local road network, predominately in National Avenue to the north (as shown below) and Hill Street to the east. Staff members utilise the compound behind the existing amenities for on-site parking.



Plate 2: National Avenue

MATTERS FOR CONSIDERATION

Section 79C of the Environmental Planning and Assessment Act 1979 requires Council to consider various matters, of which those pertaining to the application are listed below.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s79C(1)(a)(i)

Orange Local Environmental Plan 2000 (Amended)

The subject land is zoned 6 Open Space and Recreation under Orange Local Environmental Plan 2000 (amended) ("the LEP"). Pursuant to Clause 86 of the LEP the proposal is defined as a "recreation facility" which means:

Recreation facility means a building or an enclosed area provided for community sport, recreation or leisure activities by the community, whether or not operated for the purpose of gain, and may include:

- (a) a swimming pool, golf course, tennis courts, squash courts, basketball courts, bowling green, bowling alley, gymnasiums, skating rinks and the like and*
- (b) a paint ball park, gun or archery club.*

A recreation facility is permissible in zone 6 with the consent of Council, pursuant to clause 68(2)(b) of the LEP.

The objective of zone 6 is to ensure that public and private open space meets a range of recreational needs of residents of the City, and enhances and protects the environment of Orange. It is considered that the proposed recreation facility is consistent with the zone objectives.

Clause 24 - The Zones

The LEP provides that prior to determining an application for consent under this plan Council shall consider how the development meets:

- (a) the general aims of this plan, and*
- (b) the specific objectives of the zone in which it is proposed to be carried out, and*
- (c) any other relevant objectives and requirements of this plan.*

Consistency with the aims of the plan have been addressed above. The specific objectives of the zone are addressed below.

Clause 2 - Aims of the Plan

The proposed development is not contrary to the aims of the LEP 2000. The development relates to and is consistent with aim (a) of the LEP which aims to *encourage development which complements and enhances the character of the City*. The Recreational Needs Study prepared by Insite (2008) identified the need for a year-round swimming facility, with there being no high-quality, multi-faceted indoor pool/aquatic centre to cater for year round swimming in Orange. The provision of this indoor aquatic centre will fulfil this recognised need, to a scale and design which will complement the existing pool facilities provided for the community of Orange.

Clause 2 - Aims of the Plan (cont)

The proposal creates social and recreation opportunities in Orange without ecological detriment and is therefore consistent with aim (b) of the LEP, being to *provide for a range of*

development opportunities which contribute to the social, economic and environmental resources of the City in a manner that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development. The Financial Operational Forecast and Operation Statement prepared by Insite (2009) identifies that the proposed development is expected to create approximately 70 direct jobs during construction, with 32 long term jobs being created, therefore satisfying the economic objective of aim (b).

Aim (f) of the LEP is to *recognise and manage valued environmental heritage, landscape and scenic features of the City.* Whilst it is intended to remove 17 trees from within the site, due consideration has been given to the design to ensure the retention of the significant row of Pin Oaks along Hill Street and the Sequoia located within the grounds of the pool. It is the intention of the proponent to suitably landscape the site to maintain the landscaped setting of the site.

Clause 8 - General Considerations of Development

Clause 8 of the LEP requires that before determining an application for consent to development, Council shall give consideration to such matters listed therein that are of relevance. The matters that are of particular relevance to this proposal are:

- (a) the potential of that development to impact on:
 - (i) water quality of waterbodies, and
- (b) the cumulative impact on the environment of:
 - (i) the development, and
 - (ii) other development in the vicinity of the proposed development, and
- (c) the impact on the scenic, landscape or urban character of the area, and
- (d) the impact of the development on energy conservation
- (e) the impact of the development on waste generation, and
- (f) any measures necessary to mitigate any of these impacts.

These matters have been addressed below under “The Likely Impacts of the Development”.

Clause 12 – Objectives of the special environmental considerations

The objectives of Part 3 of the LEP 2000 (clauses 12-17) comprise:

- (a) to protect the City’s water resources
- (b) to minimise the impact of development on the continued operation of existing major industry, utilities and infrastructure on which the City depends, and
- (c) to ensure that land is adequately serviced prior to use, and
- (d) to minimise the impact of development on the environment, and
- (e) to minimise the impact of development on the operation of existing and proposed major roads.

Matters for consideration pertaining to Clause 12 will be addressed under the heading “The Likely Impacts of Development”.

Clause 13 - Sewage Disposal

Before determining an application for consent for development that will result in the generation of sewage or other effluent, consideration is to be given as to whether the site of the proposed development should be connected to public sewerage facilities and, if so, whether the land is capable of being connected to public sewerage facilities either now or in the future.

The site is currently connected to Council's reticulated sewerage facilities, which will continue to service the proposed development. There will be an increase in the demand for such facilities, and as such, appropriate Section 64 contributions will be levied to cater for the demand. An appropriate condition of consent is included in the attached draft Notice of Approval.

Clause 15 – Land shaping

The proposal involves some alteration of ground levels to provide for the development and the associated at grade car park. The earthworks will be concentrated within the south eastern corner of the site and will provide some relief in terms of visual impact of the structure and noise attenuation from the pool plant. However, the land shaping will require the removal of a number of trees and will impact upon the landscaped vista from the surrounding public areas and from within the site. Appropriate landscaping will be required to alleviate this impact.

The proposal is required to provide stormwater retention within the development, with all stormwater proposed to be collected and piped to Council's existing stormwater system.

Clause 70 – Use of public land within Zone 6

The subject site is Crown Land to which the Crown Lands Act 1989 applies (which includes land that Council controls but which is owned by the Crown) and is therefore not subject to the provisions of this clause. The consent of the Crown as owner of the land has been received for the lodgement of the development application.

STATE ENVIRONMENTAL PLANNING POLICIES

Part 3 of State Environmental Planning Policy (Major Development) 2005 applies to the development by virtue of the capital investment value exceeding \$5 million, the Council being the applicant for development consent and the development being carried out by the Council (Section 13B(2)(a) and (c)). Accordingly, Section 13F of that policy establishes that the Joint Regional Planning Panel has the role of determining the application and conveys on the panel the functions of a consent authority under Divisions 2 and 2A of Part 4 of the Environmental Planning and Assessment Act 1979. This report assesses the application in accordance with section 79C of the Act and the JRPP operational guidelines.

State Environmental Planning Policy 55 - Remediation of Land applies to the subject development. Pursuant to clause 7 of the SEPP, Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated by means of a preliminary investigation of the land concerned. A perusal of the historic property files indicate no previous land use known to have caused contamination warranting consideration pursuant to SEPP 55.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION s79C(1)(a)(ii)

There are no draft environmental planning instruments that apply to the subject land or proposed development.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s79C(1)(a)(iii)

Development Control Plan 2004

Orange Development Control Plan 2004 ("the DCP") applies to the subject land. The following sections of the DCP have been identified as being relevant to the application:

- Part 2.1 Water Quality
- Part 2.4 Flora and Fauna, Biodiversity
- Part 3.2 Scenic, Landscape and Urban Areas
- Part 3.4 Waste Generation
- Part 4.3 Land Shaping
- Part 15.4 Parking Requirements
- Part 15.5 Parking Area Design and Layout
- Part 15.6 Parking Area Construction

Part 2.1 - Water Quality

The DCP planning outcomes for stormwater quality include avoiding downstream erosion or sedimentation, promoting onsite detention and protecting natural watercourses and enhancing stream bank stability. The approach detailed in the applicant's stormwater management report is consistent with the DCP planning outcomes.

The Statement of Environmental Effects prepared by Geolyse demonstrates that onsite detention within the car parking area, as well as the use of rainwater tanks, will reduce the post-development discharges to pre-development levels. The existing stormwater infrastructure operates such that run-off contaminated with chlorine does not enter Blackmans Swamp Creek due to a series of drains, pits and pipes that drain the existing pool concrete concourse areas to a junction pit in Moulder Park to the north of the site. Flows from this pit are then pumped to storage tanks within the existing pool complex for reuse within the pool. This infrastructure will continue to operate in conjunction with the new development so as to protect the natural watercourse to the north.

Alternatively, the proponent is considering the payment of a Section 94 contribution towards the construction of detention basins in Moulder Park to alleviate any impact on the root system of existing trees. The off-site detention basins are proposed to be constructed either side of the subject site which will reduce the load of the creek, and would achieve the same outcome with regard to stormwater drainage of the site.

As discussed below, a Soil Erosion Control Plan will be required to ensure erosion and sedimentation does not occur downstream.

Part 2.4 – Flora and Fauna, Biodiversity

The DCP Planning Outcomes for flora and fauna require that where there is a likely impact of development on native habitats, the impact is addressed in the development application.

The site has been highly modified from its natural state and now comprises a mixture of exotic trees of varying maturity. A Section 5A assessment has been submitted as part of the proposal, which identifies that it is unlikely that any threatened species, populations or ecological communities, or their habitats, would be adversely affected by the proposed development. The assessment provided by the proponent's town planning consultant is supported.

Part 3.2 – Scenic, Landscape and Urban Areas

The DCP Planning Outcomes for scenic, landscape and urban areas requires that development incorporates landscaping that enhances the landscaped setting of the locality; and external finishes, materials and colour schedules complement the setting.

Initially the proposed development identified the removal of 9 trees, and due to the design, would have compromised a number of significant trees along Hill Street and within the grounds. Following numerous discussions, the proposed development has now been amended to ensure retention of the row of Pin Oaks along Hill Street (refer to Plate 3) and the large Sequoia located within the north eastern corner of the site (refer to Plate 4). Other amendments however have resulted in the requirement to remove 17 trees to facilitate the latest design of the indoor aquatic centre. This includes 4 Acer Negundo trees along the southern boundary of the site (refer to Plate 5) which would be compromised due to the earthworks in this area. The removal of these trees combined with the loss of the landscaped setting will detrimentally impact upon the landscaped character of the site. In order to alleviate this impact, supplementary landscaping is to be undertaken where indicated on Drawing TP-03 Revision 6. A condition of consent should be imposed requiring the submission of a landscape plan to ensure a suitable variety of species to complement the landscaped setting of the locality.



Plate 3: Hill Street trees



Plate 4: Sequoia



Plate 5: Trees to be removed

It is proposed to construct the new building in precast concrete walls painted in a textured paint being Dulux Acratex in 'Dark Blue', with a Colorbond roof in 'Windspray'. The windows and door frames will be powdercoated in 'Charcoal' with the exposed steel in the columns and roof beams being finished in a white protective paint. The main entry/reception/kiosk will be clad in colorbond sheeting with the roof being 'Windspray' and the walls being 'Deep Ocean'.

No concern is raised with the general materials or the colour scheme of 'Dark Blue', 'Deep Ocean' and Colorbond 'Windspray'. The development initially proposed 'Shale Grey' for the roof of the building; however concern was raised with 'Shale Grey' given its likeness to zincalume and corresponding reflective properties. The reflective nature of the proposed roof was further problematic when considering the curved design and bulk of the roof, the ridge height of the roof being lower than that of the surrounding residential neighbourhood and therefore more visible, and the potential for this colour to cause reflectivity during certain

parts of the day. The suggested roof colour of Colorbond 'Windspray' is an acceptable alternative.

Part 3.4 - Waste Generation

The DCP Planning Outcomes for waste generation includes the identification of measures for reuse and recycling of waste materials, in a manner consistent with waste-minimisation principles.

The Statement of Environmental Effects indicates that where possible, demolition materials would be reused on-site where possible. Where this cannot occur, the materials would be recycled and otherwise disposed of at Council's waste facility. The approach outlined is consistent with the DCP outcomes.

It is recommended that a condition be imposed to require a Waste Management Plan prior to the issue of a Construction Certificate. Additionally, since the application involves the demolition of buildings and the likelihood that asbestos will be present, a precautionary condition should be imposed in relation to the handling and disposal of any asbestos materials, if encountered.

Part 4.3 - Land Shaping

Land shaping has not been addressed in the application and a Soil Erosion Control Plan, as anticipated by the DCP, has not been supplied. Given the degree of earthworks required for this development, it is considered appropriate to require the preparation of a Soil Erosion Control Plan prior to the issue of any Construction Certificate. An appropriate condition of consent is included in the attached draft Notice of Approval.

Part 15.4 - Parking Requirements

Part 15.4 establishes the parking requirements for a range of activities. Whilst a recreation facility is not specifically listed, the DCP provides a car parking calculation for a "*gymnasium, health and fitness centre*" being 4 spaces per 100m² of GFA. The proposed development comprises a structure with a GFA of 2530m² to facilitate year-round use of a new swimming pool with a surface area of 558m², plus covering an existing toddler and leisure pool. The GFA of the new structure would equate to 101.2, or 102 parking spaces. Given the scope of the development being a new pool with a structure to accommodate year-round use of the new pool and existing pools, it was requested that a traffic study be prepared to accurately determine the parking needs of the proposed development.

A Traffic Study was prepared by Geolyse, and recommends that "*a minimum of 40 car parking spaces be provided within the Aquatic Centre with the layout of the car parking spaces, aisle access widths and provision for disabled parking and access would be designed in accordance with AS28090.1:2004 Parking Facilities: Part 1: Off street car parking and Council's requirements specified in its DCP 15: Car Parking*".

The design incorporates a parking area of 40 car parking spaces which is sufficient for the proposed development.

Part 15.4 also requires that delivery and service vehicles be provided for onsite and this has been accommodated in the design with the utilisation of the existing loading and unloading area to the north of the site which is suitable for deliveries with ingress and egress from Hill Street, in conjunction with a second delivery point located to the south of the proposed car park. This will be discussed in further detail under the heading "The Likely Impacts of the Development".

Part 15.5 - Parking Area Design and Layout

Part 15.5 details the dimensions and configurations of parking spaces. The proposal shows the parking area can be consistent with these requirements and this can be assured through an appropriate condition of consent.

Part 15.6 - Parking Area Construction

Part 15.6 outlines construction standards for car parking areas, including lighting, landscaping, bicycle facilities and loading bays.

It is proposed to erect four floodlights on 8m high poles on the eastern side of the car park to provide lighting of the car park. An additional floodlight would be provided on the northern side of the entry footpath to light the path from the car park to the entrance. Landscaping of the car park will be undertaken to ensure integration of the car park with the setting of the site. Bicycle facilities have been designated to the south of the new entrance. As previously identified un/loading will be carried out via the existing arrangements to the north of the site, and the new service access to the south. These requirements may be assured through appropriate conditions of consent.

PROVISIONS PRESCRIBED BY THE REGULATIONS s79C(1)(a)(iv)

Demolition of a Building (clause 92)

The proposal involves the demolition of structures upon the site. A condition is attached requiring the demolition to be carried out in accordance with *Australian Standard AS2601 - 1991: The Demolition of Structures*. Furthermore, it should be conditioned that asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

Fire Safety Considerations (clause 93) and Buildings to be Upgraded (clause 94)

A Fire Safety Schedule specifying the fire-safety measures (both current and/or proposed) to be implemented in the building should be submitted in conjunction with the Construction Certificate application in accordance with Part 9 Clause 168 of the *Environmental Planning and Assessment Regulation 2000*. A detailed plan and report indicating all fire safety measures for the existing site and/or building, as well as plans indicating compliance with the Building Code of Australia are also required to be provided. Conditions to this effect should be imposed upon the development.

THE LIKELY IMPACTS OF THE DEVELOPMENT s79C(1)(b)

Context and setting

The subject site is located to the south of the CBD of Orange in an area of linear parkland running along an east west axis, known as Moulder Park. To the north and south of the parkland is predominately residential development. To the east of the site is a bowling club, velodrome, netball courts and a skate park, whilst to the west is additional public open space leading to Endeavour Oval and Elephant Park. The linear parkland is shown below in context to the surrounding residential zoned land.

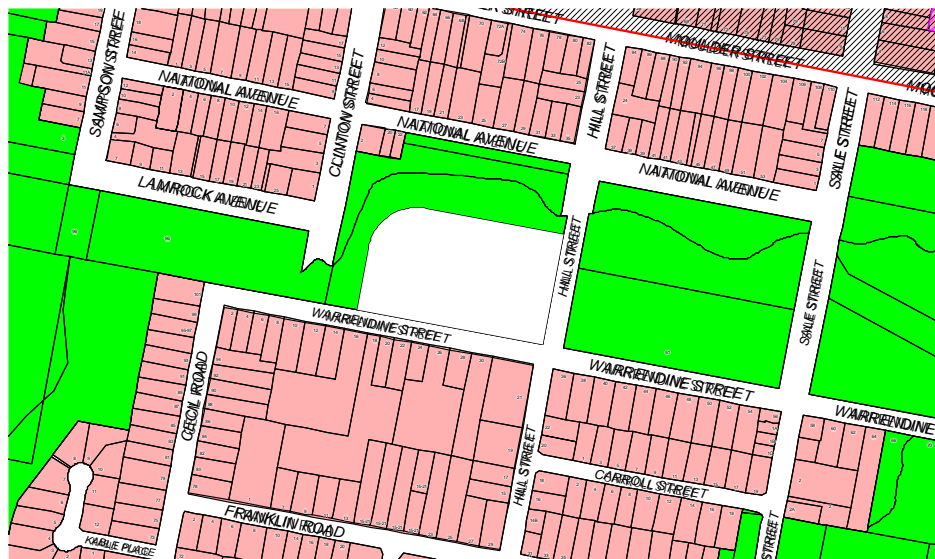


Plate 6: Zoning

Residential amenity

The proposed indoor aquatic centre will be located approximately 30m away from the closest residential building, being situated to the south of Warrendine Street. Whilst the development will not restrict sunlight access or overlook this property or nearby residential properties, a landscaping treatment will be required along the southern boundary of the site where indicated on Drawing TP-03 Revision 6 (the area subject to tree removal) to soften the bulk of the structure when viewed from Warrendine Street.

The redevelopment of the complex proposes a kiosk with external servery to cater for passing trade. The operation of this kiosk will be such that it will primarily service internal patrons of the complex, however service will also be provided to external customers. No external seating will be provided. A 1.2m wide footpath will be provided from the existing sealed area to the north of the site to the servery for appropriate pedestrian access. Given the lack of outdoor seating for external customers, the kiosk is not believed to impact upon the amenity of the residential neighbourhood and will primarily provide a service to users of the complex.

The existing hours of operation are 6am to 7pm weekdays, 8am to 7pm Saturdays and 9am to 7pm Sundays for 24 weeks of the year. It is proposed to extend these hours of operation to be 5:30am to 9pm seven days per week, 52 weeks of the year. A Noise Impact Assessment has been prepared by Watson Moss Growcott Acoustics P/L (November 2010) in support of the proposed development. The noise levels predicted within the report would comply with the NSW Industrial Noise Policy and therefore the proposed development should not impact upon the amenity of the residential neighbourhood. Conditions of consent are recommended to regulate noise both during the construction phase and also the operation phase of the swimming pool. Given the proximity to residential receivers and the inherent importance that noise emissions from the development are as predicted, an additional condition should be included that requires the testing of noise emissions from the completed pool, prior to the issue of an Occupation Certificate.

Scenic qualities and features, views and vistas

The subject site has a high level of scenic quality for an urban setting given the linear parkland running along the northern boundary of the site. Blackmans Swamp Creek is the main unifying landscape feature of the park system, with the creek meandering through the parklands and being crossed by pedestrian wooden bridges as well as vehicular bridges. A number of mature street trees provide integration of the urban built form in this location, including a significant row of street trees along Hill Street and National Avenue.



Plate 7: Landscaped vista of Hill Street

Council's Survey of Significant Landscapes and Trees register identifies the following landscapes:

National Avenue: Significant vista due to the established avenue of good specimen Plane trees, proximity to parklands and row of quality homes. The changing landscape quality with the seasons due to deciduous trees and the open parklands to the south reinforce the parkland quality of this street and strengthen the vista. A significant avenue of Pin Oak trees exist in National Avenue between Hill Street and Clinton Street.

Blackmans Swamp: The streetscape between Moulder Park and the surrounding houses on National Avenue is characterised by a grand avenue of Plane trees. The mature street trees act to visually blur the distinction between parkland and streetscape.

Moulder Park: Moulder Park houses Orange's Olympic Pool. The pool was built in 1957 and was at the time considered to be one of the best swimming facilities of its kind in the southern hemisphere. The tall diving tower provides a vertical landmark within the park and the surrounding area.

Much discussion has taken place with regard to the retention of significant landscape elements, with an Arborist Report prepared by Hayden Trott being submitted in support of the application. Whilst it is unfortunate to be losing 17 trees from the site, the most significant landscape elements will be conserved, and are discussed below:

Hill Street trees

Located on the western side of Hill Street are 5 mature and 2 semi-mature Pin Oaks (*Quercus pilustris*). These trees are a significant element to the streetscape and form an impressive vista when travelling to the site from the CBD. Following numerous discussions, the revised car park location will provide a suitable tree root protection zone to ensure minimal loss of root mass and therefore the integrity and value of the subject trees. A Tree Protection Zone (TPZ) should be created to protect these trees during construction, with

appropriate fencing for a distance of 8m setback from the outside circumference of the subject trees. As recommended in the arborist report, the concrete infill panels between each street tree should be removed to reduce the footpath width to 1.2m and replaced with mulch. Conditions to this affect have been included in the attached draft Notice of Approval.

Sequoia

The site contains a number of landscape features of varying maturity, one of the most significant being the *Sequoiadendron giganteum* (Sequoia) in the north eastern corner of the complex. This tree was identified early in the design process for retention, given its significant contribution to the landscaped element of the site. The tree is estimated to be in the order of 120 years of age. The Arborist Report recommends that the proposed development be 6m from the base of the tree, which is reflected in the drawings of the proposed development. Additionally, permeable paving is to be used for the entrance path, and the placement of the path be kept as far away as possible from the drip line of the tree. Council is giving consideration to providing further protection for this significant tree. An alternative footing design (such as pier and beam construction) is required to alleviate root disturbance and provide for future root development. Once again, a TPZ would be required during construction for protection of the tree's root system. Conditions to this affect have been included in the attached draft Notice of Approval.

Acer Negundo's

As previously discussed, four Acer trees along the Warrendine Street boundary and various other trees identified elsewhere on Drawing TP-02 Revision 5 will require removal to facilitate the development. Whilst the building footprint of the building is sited clear of the Acer trees, it is likely that the root systems will be disturbed during construction, causing damage and possible death to the trees. The environmental value of the trees is acknowledged, however, it is proposed to replace these trees with species to the satisfaction of Council's Manager City Presentation. A landscape plan should be required to be submitted for approval to ensure appropriate replacement of trees.

Bulk, scale, height

The proposed indoor aquatic centre will have a gross floor area of 2530m² with a ridge height of 8.73m from the concourse level. The height of the new building is comparable in height to the existing grandstand, however the new building will extend for approximately 69m along a north south axis, creating a bulk and scale dissimilar to the existing built form within the neighbourhood. Whilst the building will have an unfavourable impact on the streetscape, the form is functional for the intended use. The bulk of the building will be somewhat reduced by the ground levels adjacent to Hill Street and Warrendine Street, requiring the building to be cut into the existing slope and therefore partially obstructed from view which will assist with the integration of the building into the site. The streetscape presentation of the development would be assisted with additional landscaping to soften the bulk of the building when viewed from adjacent public streets, particularly Hill and Warrendine Streets.

Fencing

Fencing of the site will comprise a mixture of existing security fencing and new 1.8m high security fencing where indicated on the plans. No concern is raised with regard to the type of the fencing. It is recommended that an emergency gate is erected within the fenced outdoor area to the east of the new building for appropriate access to this area.

Landuse

The intensification of the site for the purpose of an indoor aquatic centre is consistent with the long established land use of outdoor recreational facilities, comprising a 50m Olympic swimming pool, grandstand, amenities and landscaped areas. The land use of the neighbourhood comprises predominately low density residential dwellings interspersed with linear parkland and associated recreational land uses, therefore the proposed use is considered to be consistent with the existing locality.

The proposed development, with appropriate conditions of consent, will not detrimentally impact upon the context and setting of the locality.

Access, transport and traffic

Travel demand and generation

The proposed development will generate year-round use of the surrounding local road network, instead of the existing Summer period demand. In this regard, the Traffic Study prepared by Geolyse predicts an increase in traffic volume of 17% on Hill Street, a 12% increase on Warrrendine Street, and a 69% decrease on National Avenue due to the relocation of the entrance from National Avenue to Hill Street. It is reported that the impact of the additional traffic generated from the proposal on the surrounding road network is limited and the classification of the surrounding roads would not change; thus the increase in traffic is capable of being dispersed and absorbed into the surrounding road network with minor impact on the existing traffic facilities and without the need for upgrading.

Parking spaces

The proposed design provides 40 car parking spaces with separate ingress and egress from Hill Street. These spaces will adequately cater for the additional vehicles predicted to require parking as a result of the development, whilst providing further spaces to alleviate the demand for on-street parking within the vicinity. The proposed development will also result in the provision of parking for persons with a disability which will overcome a deficiency with the provision of such facilities with the current complex.

Drop off bay

The initial design submitted with the application indicated a drop off bay on Hill Street adjacent to the new entrance. This traffic measure was supported by the Traffic Study prepared by Geolyse. The drop off bay has now been deleted to reduce the amount of construction works and sealing around the existing trees to the north. Whilst the deletion of this bay is not ideal, it does remove a small conflict between pedestrians on Hill Street and vehicles utilising the drop off bay, as well as providing a greater opportunity for landscaping of this area.

Delivery vehicles

The redeveloped Aquatic Centre will receive pool chemicals for the new pool via 12m rigid trucks which enter and leave from the existing service access along the northern boundary of the site. It is anticipated that up to one additional delivery per fortnight would be required for the new pool.

The new kiosk would receive deliveries from 8.8m rigid trucks that would also utilise the existing service access to the north of the site. It is not expected that the peak frequency of deliveries for the new kiosk would be significantly greater than the existing kiosk deliveries, with an expected peak frequency of 1-2 deliveries per day.

All delivery vehicles would enter and exit the site in a forward motion. The relocation of the entrance to the existing pool would improve the safety of patrons accessing the facility as it eliminates the need for patrons to cross over the existing service/delivery vehicle access road.

A service access is proposed to be located to the south of the car park for suitable access to the pool plant room and around the building for daily maintenance and secondary delivery. The largest vehicle to utilise this access will be a utility which can be accommodated with the design, however the access should be marginally extended to the east to allow the utility to enter and exit the car park in a forward movement. A suitable condition of consent is included in the attached draft Notice of Approval.

Pedestrian access

A series of pedestrian footpaths will link the entrance of the complex to the on-site car park, bus stop and on-street parking in Hill Street and National Avenue. When inside the

complex, suitable access is provided throughout the site including a disabled access ramp from south west of the 50m Olympic pool to the landscaped area which runs along the southern boundary of the site.

Public domain

As previously discussed, the site is located within an area of linear parkland consisting of the aquatic centre, Endeavour Oval, Elephant Park, a bowling club, the velodrome, netball courts and a skate park; therefore a long association exists with the public recreation opportunities in the immediate vicinity. The proposed development will complement the provision of public recreation opportunities within the area, providing a facility with year-round swimming and aquatic activities.

Pedestrian linkages to the site will improve as a result of the development, providing a streamlined access point to the complex, complete with dedicated on-site car parking. Pedestrian connections are proposed to be maintained to the existing on-street parking areas and bus stop in National Avenue.

Utilities

The existing reticulated water and sewer facilities, as well as the natural gas and electricity supply, would be augmented to support the proposed development. Given the increase in demand for water and sewer, appropriate Section 64 contributions should be levied to cater for the predicted demand.

Heritage

The site is not listed as an item of environmental heritage in Schedule 8 of Council's LEP 2000, nor is the site listed on the State Heritage Register. Furthermore, the site is not located within a heritage conservation area. Given the highly disturbed nature of the site, it is unlikely that any items of indigenous heritage significance would be located on the site.

Water

The new pool is predicted to require 510,000L to fill, sourced from the reticulated potable water supply. Following the initial fill, the pool will require two back washes per week, equating to approximately 4.5ML per year. Water backwashed from the new pool will be directed to a 20,000L holding tank for transfer to the large concrete backwash tank on the northern side of the site adjacent to the existing Reverse Osmosis (RO) water recovery plant. The RO tank processes waste water at full capacity and delivers potable water to holding tanks ready for re-use in any of the pools. Additional water would be sourced initially from rain collected in the 2 x 50,000L tanks, followed by the reticulated supply. It should also be noted that the site is connected via pipeline to a groundwater bore at Endeavour Oval on Woodward Street. This has been used previously to provide water for use at the pool site.

Flora and fauna

With regard to Part 5A of the Act, consideration was given as to whether the proposed development would be likely to have a significant effect on threatened species, populations or ecological communities, or their habitats. A search of the Atlas of NSW Wildlife was undertaken to identify any previously recorded threatened species located on the subject site and within the study area. It was found to be unlikely that any threatened species, populations or ecological communities, or their habitats, would be adversely affected by the proposed development.

Energy

The new indoor pool will predominately be heated by natural gas, with ancillary heating provided through a number of solar water heaters erected on the roof of the proposed building. The proposed development will be required to comply with Section J of the Building Code of Australia which aims for environmental sustainability with regard to energy efficiency of the building.

Noise

The likely impact of noise on residential receivers was raised as a concern from the outset. Given the location of pool and mechanical plant, an increase in traffic movements and an increase in both the hours and seasonal operation of the site, combined with the proximity to residentially zoned and developed land (particularly on the southern side of Warrendine Street), a Noise Impact Assessment was requested from the applicant on 5 November 2010. It was requested that the Noise Impact Assessment address the likely noise from vehicle movements, occupants of the development, and plant noise on surrounding residential development.

A satisfactory Noise Impact Assessment prepared by Watson Moss Growcott Acoustics Pty Ltd (report reference 10944dkg) was received on 26 November 2010. An assessment of the acoustic report was undertaken by Council's Manager Building and Environment, who is satisfied that the noise levels predicted within the report would comply with the NSW Industrial Noise Policy. As previously discussed, conditions of consent should be imposed upon the development to regulate noise during the construction and operational phase of the development. Given the proximity to residential receivers and the inherent importance that noise emissions from the development are as predicted, an additional condition should be imposed that requires the testing of noise emissions from the completed pool, prior to the issue of an Occupation Certificate.

Technological Hazards

Chemicals

The proposed development will require the storage of dangerous goods on the site. The existing pool uses liquid chlorine (stored in 2 x 3250L tanks), hydrochloric acid (stored in 30 x 25L drums), calcium chloride (stored in 20 x 25kg bags), isocyanuric acid (total of 500kgs), sodium bicarbonate (stored in 50 x 25 kg bags), sodium thiosulphate (stored in 2 x 25kg bags) and liquid aluminium chloride (stored in 1 x 25L drum). It is advised that these goods are stored in accordance with the *National Standard: Storage and Handling of Workplace Dangerous Goods*.

Technological Hazards (cont)

It is proposed that the new pool would utilise the same chemical supplies with more frequent deliveries to cater for demand. It is acknowledged that transportation volumes of these materials would remain under the threshold for a preliminary hazard analysis under *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*.

Land contamination

As previously discussed, a land contamination study will not be required given the long history of use for recreation on the site, and the proposal being a continuation of this use.

Safety, security and crime prevention

A referral was forwarded to the Crime Prevention Officer of the Canobolas Local Area Command on 3 November 2010. A response was not received; therefore an assessment of the proposal using the Crime Prevention through Environmental Design (CPTED) principles has been provided below.

Adequate surveillance will be provided through building siting and design which allows for natural connections between occupants and visitors. A distinct entrance has been provided to ensure positive territorial reinforcement, whilst a suitable number of windows and doors directed towards public areas will maximise natural surveillance and therefore increase the risk to potential offenders. Defined footpaths and driveways will channel people to the entrance of the facility. The site will have sufficient locations for seating to allow for a high level of observation and surveillance of pool users.

The site is currently fenced with a visually permeable fence, this is to continue where indicated on the plan to provide suitable access control to the complex. The outer perimeter of the site should be unobscured by landscaping (i.e. no shrubs) so as to encourage natural surveillance into inner areas by passing pedestrians and motorists. The landscaping of the public area should strike a balance between aesthetics and safety.

The bicycle parking is appropriately located at the entrance of the pool to maximise observation. Additional lighting will be provided on the western side of the proposed building to light the area between the existing pool and the new building, along the eastern elevation of the building, eastern side of the plant room and on the northern side of the kiosk and meeting rooms to ensure safe paths of travel. All lighting will be required to comply with AS4292-1997 – Control of the Obtrusive Effects of Outdoor Lighting.

The proposed development is not predicted to have an adverse impact on safety, security or crime prevention.

Social and economic impact on the locality

The proposed development would not have any unfavourable impact on the way of life or culture of the local community.

Social and economic impact on the locality (cont)

The proposed development is not considered to create any adverse economic impacts as a result of the proposal. The Financial Operational Forecast and Operation Statement prepared by Insite (2009) reported a positive impact in terms of job creation and economic flow-on effects as a result of the proposal.

Construction

The construction of the proposal will generate adverse conditions for the surrounding environment without the imposition of conditions relating to noise, hours of operation, soil and erosion control, dust and traffic management. Suitable conditions of consent should be imposed upon the development to ensure the construction phase is carried out with the least possible impact upon the surrounding environment.

The construction of the facility will undoubtedly impact upon the use of the complex during the construction phase (scheduled to commence January 2011), with a potential need to close the toddlers pool and kiosk before the end of the summer season. There is also the potential to shorten the season of the 50m pool, which would be significant for the users of these pools. The Statement of Environmental Effects recommends that a Construction Management Plan be prepared outlining the staging of the proposed works and exhibited in a location to allow users of the complex sufficient notice of the impending construction works. It is recommended that a condition be imposed requiring the preparation of a Construction Management Plan.

THE SUITABILITY OF THE SITE s79C(1)(c)

Suitability is determined by two primary considerations:

- whether the proposal fits the locality; and
- whether the site attributes (zoning, extent of site and configuration) are conducive to the proposed development.

The proposal is consistent with the development pattern of the locality and represents an intensification of the existing use of the land. The location is considered suitable to support the expanded use of the site, and is appropriately zoned to allow such expansion.

All utility services are available to the site and are adequate for the proposal pursuant to clause 13 of the OLEP 2000. There are no physical attributes of the land that would constrain the development. The site is not subject to known technological or natural hazards.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s79C(1)(d)

The proposed development is not defined as advertised development under the provisions of the LEP; however due to the public interest of the proposal and the potential for the development to adversely affect the amenity of residents in Warrendine Street, a 14 day exhibition period was advertised in the Central Western Daily and notified to landowners within a 100m radius of the site boundaries. The exhibition period commenced on Saturday 30 October 2010 and closed on Monday 15 November 2010. At the end of the exhibition period, one submission had been received by Council. The matters of concern outlined in this submission are discussed below.

The proposed internal design of the site is the best option when considering existing site constraints such as the location of existing infrastructure and vegetation in conjunction with the needs of the development. It should be noted that the design of the site has been modified in order to ensure retention of significant trees.

Car parking, access and road network

As discussed above, the design proposes a sufficient number of car parking spaces to cater for the proposed development, as well as alleviating the need for some existing on-street car parking spaces. The traffic study does not recommend a round-about at the intersection of Hill and Warrendine Streets to facilitate traffic movements for the proposed development. It should be noted that the proposed drop-off bay in Hill Street has been deleted.

Native fauna – Australian Water Rat

Whilst the water rat is a native species, it is not listed as a threatened species under the *Threatened Species Conservation Act 1995* or the *Environment Protection and Biodiversity Conservation Act 1999*. Nevertheless, the favoured habitat of the rat would not be affected or modified by the proposed development.

Stormwater

The proposed retention basin would ensure that peak flows during flood events do not exceed those currently experienced. The development will not impact upon downstream flooding. The 200mm maximum depth of ponding in the car park associated with the on-site detention functions would only occur during a 1:100 year rainfall event. It is unlikely that people would be traversing the car park in such an event. During smaller events there would be minimal to nil ponding in the car park. Alternatively, the applicant may consider the payment of a contribution towards the construction of off-site detention basins which will achieve the same outcome.

Energy Efficiency

The orientation of the building is a result of a number of factors being considered including function, access, car parking, entrance, slope of the land, etc. If the building was to be redesigned to allow for north facing glazing, it would have a negative effect on other factors such as the retention of trees, location of car park and pedestrian and traffic flow. It is advised that the cost of providing insulation below ground level outweighs the benefit. It is considered that the proper use of the pool covers provide a significantly substantial improvement in temperature regulation compared to insulation.

Water use

The 4.5ML/year required for backwashing is the estimated volume provided by the Pool Manager. Having a working knowledge of these facilities he is best placed to advise of the requirements.

Contamination of site, discharge of chlorine

As previously discussed, the site has a long history of recreational use and there are no previous uses of the site which would warrant a preliminary investigation of land contamination. There will be no direct discharge of chlorine into Blackmans Swamp Creek, with appropriate systems put in place to avoid such occurrence.

Heritage

As previously discussed, given the disturbed nature of the site it is unlikely that any items of indigenous heritage significance would be located on the site.

Social and economic impact

The decision for Council to provide this service to the public, or the fee structure for such, are not matters for consideration pursuant to Section 79C of the *Environmental Planning and Assessment Act 1979*. Furthermore, the feasibility of such a venture is not relevant to this assessment.

Estimated income, Background,

These are not matters for consideration pursuant to Section 79C of the *Environmental Planning and Assessment Act 1979*.

PUBLIC INTEREST s79C(1)(e)

The proposed development is considered to be of interest to the wider public due to the nature of the proposed development. The proposal is not inconsistent with any relevant policy statements, planning studies, guidelines, etc that have not been considered in this assessment.

Consultation was undertaken with stakeholders including the Orange Aquatic Centre Community Committee during the design process of the development. Consideration of the consultation is reportedly incorporated into the design where possible to satisfy their requests. The proposed development will provide for improved indoor swimming facilities for the local and wider community, and will provide additional and alternate facilities for winter swimming and associated activities. The facility will continue to support lap swimmers, swimming squads, swimming clubs, water polo training, learn to swim classes and recreational users, whilst providing the potential to accommodate hydrotherapy and aqua aerobics in the future. The proposed development is considered to be of benefit to the public of Orange.

SUMMARY

The proposed development is a permissible use within Zone 6 Open Space and Recreation with consent. The applicant has adequately demonstrated that the proposed development complies with the relevant aims, objectives and provisions of the LEP. A section 79C assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

COMMENTS

The requirements of the Environmental Health and Building Surveyor, the Engineering Development Manager and Manager City Presentation are included in the attached Notice of Approval.

RECOMMENDATION

That the Joint Regional Planning Panel approves development application DA 323/2010(1) for a *Recreation Facility (indoor aquatic centre)* at Lot 7001 DP 1020319 - 21A Hill Street Orange pursuant to the conditions of consent in the attached Notice of Approval.

Rishelle Turner
SENIOR PLANNER
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