

**JOINT REGIONAL PLANNING PANEL  
(Southern Region)**

<b>JRPP No</b>	<b>JRPP Reference Number</b>
<b>DA Number</b>	<b>LUA11/1092</b>
<b>Local Government Area</b>	<b>WINGECARRIBEE</b>
<b>Proposed Development</b>	<b>MOSS VALE INDOOR AQUATIC CENTRE</b>
<b>Street Address</b>	<b>PT LOT 3 DP 1108992 DONKIN AVENUE, MOSS VALE NSW 2577</b>
<b>Applicant/Owner</b>	<b>WINGECARRIBEE SHIRE COUNCIL</b>
<b>Number of Submissions</b>	<b>4</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>MICHAEL CARPENTER, TOWN PLANNER</b>

## Assessment Report and Recommendation

*Proposed Demolition of the existing Moss Vale War Memorial Swimming Pool and the construction of the Moss Vale Indoor Aquatic Centre, located on Part Lot 3 DP 1108992 Donkin Avenue, Moss Vale, Southern Highlands NSW*

Reference: **LUA11/1092**

### PURPOSE OF REPORT

The purpose of this report is to provide an assessment of LUA11/1092 *'Demolition of the existing Moss Vale War Memorial Swimming Pool and the construction of a new purpose built facility described as the Moss Vale Indoor Aquatic Centre'* for Determination by the Southern Joint Regional Planning Panel (JRPP) pursuant to State Environmental Planning Policy (State and Regional Development) 2011.

Schedule 4A (4) of the EP&A Act 1979 specifies SJRPP determination for development that meets the following criteria:

#### **EP&A Act 1979 Schedule 4A (4) Council related development over \$5 million**

*Development that has a capital investment value of more than \$5 million if:*

- (a) a council for the area in which the development is to be carried out is the applicant for development consent, or*
- (b) the council is the owner of any land on which the development is to be carried out, or*
- (c) the development is to be carried out by the council, or*
- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

As Council is both owner and developer and the proposed value of the development exceeds \$5 Million the above criteria are satisfied and trigger JRPP Determination.

### REPORT

#### **BACKGROUND**

The Statement of Environmental Effects (SEE) accompanying the application in summarizing the reasoning behind the proposal as follows: *'the nature and condition of Moss Vale's existing aquatic centre indicates that while the centre has a number of strengths there is also an urgent need for works which will enhance and update the physical condition of the asset and ensure its continued service to the community into the future in a sustainable and compliant manner.'*

## **Council Resolution of 25 May 2011**

In activating a Council Resolution made on 25 May 2011 to commence investigations into the 'Covered Moss Vale Pool Project' tenders were placed and Facility Design Group Architects ultimately engaged to produce the design for the project. A Community Consultation Meeting was held at Council on 9<sup>th</sup> November 2011 and a concept design publicly displayed at Council for comment. The Development Application was lodged for assessment on 5 December 2011 and Public Advertising/Neighbour Notification commenced on 7 December 2011 with submissions required to be received by 4:30pm 31 January 2012. The application was placed upon preliminary deferral on the 13 December 2011 seeking essential information as required for assessment under the *SEPP (Sydney Drinking Water Catchments) 2011*.

## **Peer Review by Wollondilly Shire Council**

In the interest of good governance and transparency the Development Application, including submissions received in response to Public Advertising and Neighbour Notification, were peer reviewed by Wollondilly Shire Council. Following Council's in house assessment and peer review by Wollondilly Shire Council a deferral letter was issued on 11 January 2012. The deferral letter outlined a number of outstanding issues with the proposal. The applicant's response addressing a number of the issues raised was received on 17 January 2012.

## **Receipt of Amended Plans 30.1.2012**

The applicant's response was shortly followed by the submission of amended plans received 30 January 2012. In terms of design the plans indicate a number of relatively minor changes to materials and design imposed in response to a revised budget forecast for the project. The changes made alter the roof structure from that of the plans originally submitted so as to simplify construction. The plans originally submitted at the time of lodgment called for a roof design which sloped on two planes whilst the amended plans indicate one plane, removing complex angles out of the roof construction. Significantly for the assessment of the application the amended plans indicate a reduction in the number of proposed car parking spaces from 42 down to 40. This has been brought about through the inclusion within the design of an access way and loading area to facilitate the removal of garbage from the site.

## **DETAILS OF PROPOSAL**

### Location

The subject site is identified as the Moss Vale War Memorial Swimming Pool and has main entrance frontage to Kirkham Street in the south with the rear of the site backing onto Donkin Avenue in the north. To the west and located within the same allotment are the Wingecarribee Shire Council offices with main entrance frontage to Elizabeth Street. East of the development site and separated by a section of Donkin Avenue is the Moss Vale Community Oval. Opposite the existing and proposed main entrance fronting Kirkham Street is a streetscape of low density residential scale that

in places is in transition towards medium density residential living. To the rear of the current and proposed development on Donkin Avenue are located a Council car park, preschool and CWA office building (refer to **Attachment 1** to this report).

### Demolition and construction works

The proposal entails the demolition of all existing swimming pools and associated facilities on site and the construction of a new indoor swimming pool and gymnasium complex including plant rooms, amenities, a kiosk, entry control and management components, a child minding facility, a swim club/multi-purpose room and a new forty (40) space car park. According to the submitted plans the overall building footprint for the development is 2654m<sup>2</sup>. (Refer to **Attachment 2** to this report).

### Architectural Design

The design concept for the Moss Vale Aquatic Centre has been developed from a naturally ventilated building concept to the current design which provides for a planar roof structure orientated to the north for maximum solar access. Energy savings from passive solar design and the future installation of solar panels for electricity generation are to be envisaged. In essence the proposal seeks to provide for a modern, contemporary building design with a choice of facilities available to the public on a year round basis.

### Pool Configuration

The pool configuration has been developed in order to provide users with as broad a range of water space as feasible for the site. The multifunction pool incorporates a beach entry to a 300mm depth water toy splash park, ramp access to a learn to swim area (700 to 1000mm depth) and a zone that provides for depths of between 1200 to 1500mm for warm water exercising. This pool is to be maintained at a temperature of 30 degrees C.

A 25m eight lane lap pool is to be provided with ramp access and is to have a water depth ranging between 1200 to 1500mm, catering to exercise classes, swimming events, lap swimmers and recreational swimmers.

### Proposed Hours of operation

The existing hours of operation for the currently operating facility are seasonal between the months of November and March each year and are as follows:

Monday-Thursday 6am -8am and 2pm until 6pm closure;  
Friday -6am -8am and 2pm until 8pm closure;  
Saturday 10am -6pm;  
Sunday 10am -6pm.

When operational the proposed development will operate year round within the following hours:

Monday –Friday 8am -8pm (9pm during daylight saving hours);

Saturday -6am -8pm (9pm during daylight saving hours);  
Sunday -10am -6pm (7pm during daylight saving hours).

### Car parking provision

The existing off-street car park located adjacent to the entry to the existing facility is proposed to be upgraded and expanded. The plans as originally submitted with the LUA indicated a total of forty two (42) car parking spaces however the amended plans now show a total of forty (40) spaces. These spaces are proposed to be created through the replacement of the existing single row of car parking spaces to a double row layout. Two (2) disabled car parking spaces are to be provided adjacent to the entrance to the facility.

Section 3.1 (c) of the SEE states that design for a Stage Two car park is currently underway within Council catering for an additional twenty six (26) car parking spaces to be provided along Kirkham Street to the east of the currently operational Kirkham Street car park. This figure is in contradiction with Section 3.5 of the SEE which states the Stage 2 car parking space provision as a proposed sixty (60) additional spaces with scope to expand in the future if required.

### Access for people with disabilities

The facility has been designed to be on one level to provide for maximum accessibility. Pursuant to AS 1428 Part 2 compliant access ramps are proposed for the facility entrance and to the individual swimming pools within the complex. The following matters have also been considered within the design of the facility:

- Lighting levels to be sufficient to assist visitors who are visually impaired;
- The change room/ablutions facilities meet the requirements of AS 1428.

A full Building Code of Australia assessment will occur with the Construction Certificate application.

### Landscaping

Existing mature trees located within the north eastern portion of the site are proposed to be retained. A minor amount of fresh landscaping is proposed in conjunction with an entrance ramp and the main entrance to the building. A concept landscape plan has been submitted that is indicative of the location for landscaping with full details to be considered at the Construction Certificate stage.

### Signage

In response to a request for information regarding proposed signage the applicant has advised that details of signage have yet to be finalized. Should these not be available prior to determination of the current application a separate application seeking approval for signage is required to be lodged with Council.

## **STATUTORY PROVISIONS**

### **Relevant Legislation**

*Environmental Planning and Assessment Act 1979 Section 79C and Schedule 4A (4)*

### **Relevant SEPPs**

*SEPP (State and Regional Development) 2011*  
*SEPP (Sydney Drinking Water Catchments) 2011*

### **WINGECARRIBEE LEP 2010**

The subject site has a split zoning. That part of the site affected by the development is zoned RE1 Public Recreation under the WLEP 2010 Land Use Table wherein a Recreation Facility (indoor) and a Kiosk are permissible forms of development with Council consent. That part of the site occupied by the Moss Vale Civic Centre is zoned B2 Local Centre under the WLEP 2010.

### **Moss Vale DCP**

The development application has been assessed against relevant Clauses within the Moss Vale DCP and seeks no variations to this document. The proposal development is considered to be consistent with the general objectives of the DCP in terms of the enhancement of the role of Moss Vale within the overall economic structure of Wingecarribee Shire.

In regards to the enhancement of urban function, this can be demonstrated subject to the submission of additional details pertaining to car parking, pedestrian and cycle access and coach parking as detailed within this report.

## **CONSULTATION**

### **COMMUNITY ENGAGEMENT**

The application was Publicly Advertised and Neighbour Notified between 7 December 2011 and 31 January 2012. During this period a total of four (4) public submissions were received.

Objections raised are summarized as follows:

- The site is too small to be economically viable and to suit the needs of the community;
- Car parking provision although doubled from the existing will still be inadequate;
- Cost of construction and on-going maintenance uneconomic;
- The gymnasium and other facilities are insufficient to offset the operational costs of the swimming pools;

Positive comments received are summarized as follows:

- The proposal to include other facilities will make the pool viable financially;
- The proposal is well situated in having access to the greater part of the Shire;
- Users are able to reach the facility via train in contrast to the redundant Eridge Park Leisure Centre proposal;

### **INTERNAL REFERRAL**

- The application was referred to Council's Area Building Surveyor and conditions have been prepared;
- The application was referred to Council's Manager Economic Development and Marketing seeking comment on the economic aspect of the proposal. Comments received are included as **Attachment 3** to this report;
- The application was referred to Council's Legal Officer for confirmation that the application must be determined by SJRPP. Legal Advice received concludes as follows:

Given that the estimated value of the Moss Vale Pool development is in excess of \$7 million, clause 4 of Sch.4A to the EPA Act is triggered. Furthermore, it is clear that each and every point outlined in cl.4 is satisfied - namely:

- Council is the applicant on the development consent;
- Council owns the land on which the pool development is to take place;
- Council is carrying out the development (though it may be argued that the contractors will be doing the work; and
- Council is a party to an agreement in relation to the pool's design and construction.

If **any one** of these factors existed, the clause would be satisfied and a referral to the SJRPP would be necessary. Given that at least three and probably all four points exist, there can be little doubt for the need to refer the matter to the SJRPP.

### **EXTERNAL REFERRALS**

- The application in triggering Module 5 of the *SEPP (Sydney Drinking Water Catchments) 2011* requires Sydney Catchment Authority concurrence. At the time of preparation of this report concurrence has yet to be granted;
- The application and Planning Report have been referred to Wollondilly Shire Council for peer review in the interests of maintaining probity. The final peer review is provided in **Attachment 4**.

## SUSTAINABILITY ASSESSMENT

- **Environment**

### Energy Efficient Design

The applicant has advised that the proposed development incorporates energy efficiency measures within the design with the aim of maximizing resource efficiency and achieving savings in energy and water usage. The building has been designed with a northern solar orientation and with a saw-toothed roof design to take maximum advantage of passive solar energy. Dehumidification units are to gather waste heat generated from within the building for reuse in heating pool water and in slab heating. The roof system and much of the wall cladding is proposed to be of a sandwich panel construction having a high thermal R value to provide maximum insulation to the pool hall and these thermal efficiencies will contribute to efficiencies in operational costs. Roof water is proposed to be collected for the topping up of swimming pool balance tanks. The harvested water is subsequently filtered and chlorinated prior to return to the swimming pools via a continuous process.

### Co-Generation of energy with the Moss Vale Civic Centre

The design brief calls for exploration into possibilities for Co-Generation Technologies in conjunction with the existing Civic Centre building as an ideal method for the provision of all power and heating requirements. The capital cost of such technology may prove to equal the capital cost associated with the required electricity substation if the design were to rely entirely upon traditional forms of energy production. Co-Generation Technologies further provide the possibility of an energy generation link with the existing Civic Centre building to supplement or ideally all electricity requirements. This technology is already well proven in Europe where industries are closely located and can share materials and processes, but largely yet to be realized within Australia given the lower concentration within the landscape of industrial and energy generating industries. Full details of the energy nexus between the proposed Aquatic Centre and the Civic Centre are to be explored with the Civic Centre refurbishment proposed mid 2012.

### Landscaping

A concept landscape plan is provided with the application to indicate fresh landscaping to the building's main entrance. Full details of plant species will be required prior to the release of the Construction Certificate for the development should Council resolve to support the application.

- **Social**

The proposed development when operational is envisaged to be capable of providing a positive social destination for residents of the Shire on a year round basis. As such this is the first swimming pool facility capable of offering such an opportunity that is not dependant upon seasonal climatic conditions. In providing an opportunity for members of the community to meet for fitness activities, learn to swim classes and sporting events the proposed development will be creating a positive social environment for participants.



- **Cultural**

A positive cultural contribution is made through both the building in its architectural form and through the opportunities for the expression of cultural activities in the form of sporting events conducted within it.

- **Broader Economic Implications**

The application was notified internally to Council's Economic Development and Marketing Manager. Comments received are included as **Attachment 3** to this report.

- **Governance**

The development application has been considered in accordance with WLEP2010, the EP and A Act and any matters relevant to the development.

## **RELATIONSHIP TO CORPORATE PLANS**

Council has resolved on 25 May 2011 that the proposed development be included within Council's Ten Year Financial Plan, Delivery Plan and Operating Plan.

## **POLICY IMPLICATIONS**

The proposed development being compliant with Council's Wingecarribee Local Environmental Plan 2010 and the Moss Vale Development Control Plan does not trigger Policy change for Council.

## **COUNCIL BUDGET IMPLICATIONS**

The estimated budget for the proposed development at the time of lodgment of the LUA was \$7 million. This has subsequently been increased at the time of preparation of this report to approximately \$8 million. Funding for the project has been allocated for in Council's Long Term Financial Plan.

A Capital Expenditure Review is also required by the Division of Local Government. This is being prepared and will be forwarded to them in the near future for information.

## **DISCUSSION OF KEY ISSUES**

At the time of preparation of this report a number of key issues have yet to be resolved by the applicant in regards to the Land Use Application currently before Council. As a result support for the proposed development is being sought from Council in principle, subject to all outstanding matters being finalized to allow reporting to the SJRPP for determination.

Key issues remaining to be addressed within the assessment of the application are:

1. Details of Stage 2 Car Parking Plan for Kirkham Street are to be provided as outlined within the SEE ;

2. Submission of additional details for Coach and Bicycle parking and also pedestrian assess to the site;
3. Submission of details to address servicing of the site (eg: waste collection);
4. The submission of a Geotechnical Report detailing the findings of field observations undertaken on 19 January 2012 (this maybe be finalized with the Construction Certificate application);
5. Finalization of the assessment of a Water Cycle Management Plan and MUSIC Modeling of storm water by the Sydney Catchment Authority (SCA) and concurrence conditions received;
6. Details of signage to be submitted either prior to determination of the current LUA or to be the subject of a separate LUA;

## Discussion

### 1. a) Car Parking Demand

Of the above issues, details of the proposed arrangements to meet car parking demand are considered to be most significant in terms of assessment of the LUA. As noted within this report the amended plans accompanying the application indicate a total of 40 car parking spaces proposed (down from 42 as originally submitted), with the SEE indicating the Stage Two Car Parking design to incorporate a figure of between 26 to 60 car parking spaces to be located east of the facility along Kirkham Street with 'scope to expand in the future if required.'

In response to Council's deferral letter issued 11 January 2012 containing a request for a traffic assessment based upon the predicted intensification of use the applicant has advised in the response dated 17 January 2012 that peak traffic demand should not be any higher than those currently experienced for the site and that advice provided by Council's Business Plan consultant suggests that approximately 100 car parking spaces should be provided for the development. This figure for car parking demand equates well in comparison to Mount Annan Leisure Centre which provides approximately 130 car parking spaces for a comparable range of activities.

### b) Conflict in current car parking arrangement between Civic Centre and Moss Vale Swimming Pool

The present operation of the car park in servicing the current swimming pool facility reveals a conflict between vehicular parking provision for staff associated with the Civic Centre and visitors to the swimming pool in the summer months. It is reasonable to presume that this competition for car parking spaces is likely to continue and be exacerbated by the proposed year round operation of the facility. Current demand for car parking during office hours on weekdays is largely generated by the needs of the Civic Centre. This demand accounts for approximately 20 car parking spaces within the existing car park arrangement. The proposed upgrading of the car park for the Indoor Aquatic Centre provides for a total of 40 car parking spaces.

### c) Parking arrangements for visitors arriving by other modes of transport

The car parking plan providing for 40 car parking spaces including two disabled car parking spaces is considered inadequate for the range of anticipated user groups and the number of patrons anticipated year round. No provision is made within the submitted application for forms of transport other than private motor car. A key user group for the proposed facility is likely to be children and teenagers, particularly during the school holiday season. No provision has been made for the safe parking of bicycles within the car park plan. This should be rectified within amended plans with storage for bicycles ideally to be in a location within the grounds of the facility for reasons of security and to avoid conflict with vehicular traffic maneuvering within the car park area. Pedestrian access to the facility that is designed so as to minimize conflict with vehicular traffic should be nominated within the car parking details contained within the Site Plan.

d) Coach parking

The current car parking arrangement does not provide for any drop off point for school coaches whilst the SEE identifies school swimming events as one of the key user groups for the proposed facility. This information should be provided prior to reporting to SJRPP and should also include details of safe pedestrian access for children from a designated coach parking area and from the pedestrian footpath of Kirkham Street to the main entrance to the facility.

e) Access for Service Vehicles & Garbage Collection

A bin area is nominated within the Site Plan for the development however it is not clear how this area is to be accessed from the street for garbage collection other than via the main entrance steps or the disabled access ramp. Given that the café element within the proposal in conjunction with the washroom amenities will generate significant amounts of waste to be collected on a daily basis, the nominated bin area and remote location from easy access may be considered inadequate. Service and delivery vehicles will require either a loading/unloading zone in close proximity to the entrance to the site or ideally an alternative access location remote from the main entrance.

2. Geotechnical Report

The applicant has indicated that geotechnical fieldwork has been completed and a final report is to be anticipated within the near future. Any issues arising from this report will be managed with the Construction Certification application and if necessary a Section 96 Application process.

3. SCA Concurrence

The SCA at the time of preparation of this report is finalizing assessment of amended MUSIC Modeling submitted by Hydraulic Engineering consultant Eclipse. Council has verbally been advised by the SCA that NorBe can be achieved and that SCA concurrence is to be anticipated in the near future.

4. Signage

Details of signage may be submitted either prior to determination of the current LUA or be the subject of a separate LUA;

#### 5. Noise control

The existing open air swimming pool is operated seasonally with no consideration given to noise generation. School Carnival events involve amplified speech and amplified music is provided on recreational swimming days. Noise generation from the Moss Vale Aquatic Centre should be considered within the context of the existing scenario at the site. The applicant proposes a design which entails enclosure of the pool and associated facilities that will buffer noise. Patron generated noise from the site will be reduced due to the building design whereby the gymnasium and entry areas are located between the pool and residential areas.

As the facility is proposed for year round operation there will be noise impacts from traffic movements on a more regular basis to and from the site. These movements are not considered to add greatly to the existing traffic movements associated with the nearby BiLo shopping centre car park. During the construction phase of the proposal noise will be limited through Council imposed hours of activity for demolition and construction. No works will be permitted on Public Holidays or Sundays.

### **OPTIONS**

The options to Council are:

- 1 Support the Moss Vale Aquatic Centre development in principle subject to determination by way of SJRPP;
2. Refuse to support the development in which case Council will not forward the application for a SJRPP determination.

Option 1 is recommended to Council.

### **REVIEW AND APPEAL RIGHTS**

The applicant cannot exercise rights of review under S82A of the EPA Act 1979 as this section does not apply to determinations made via SJRPP.

The EP&A Regulation provide that where council is the applicant and makes an appeal or otherwise commences Land and Environment Court proceedings concerning a Regional Panel determination in respect of the Council's application, the Regional Panel will be the relevant respondent in such proceedings. A case involving Kuringai Council and the Sydney Joint Regional Planning Panel established a local council may have standing to bring juridical review proceedings against a JRPP.

## CONCLUSION

It has been recommended to Council that the Moss Vale Aquatic Centre be supported in principle subject to the finalization of outstanding matters as detailed within this report and the Wollondilly Shire Council peer review subject to final determination by way of SJRPP in accordance *SEPP (State and Regional Development) 2011* and the relevant sections of the EP&A Act 1979.

## ATTACHMENTS

There are 4 attachments which have been circulated separately to this report:

1. Location Map;
2. Site Plan, Landscape Plan, Floor Plan, Elevations, Sections, Shadow Diagrams and Perspectives- amended plans A01-A09 dated 17.1.12 received 30.1.2012;
3. Memo dated 31 January 2012 from Economic Development and Marketing Manager;
4. Peer Review by Wollondilly Shire Council staff.

## RECOMMENDATION TO COUNCIL MEETING OF 28.3.2012

THAT Council adopt in principle support for the proposed Moss Vale Aquatic Centre and subject to the finalization of outstanding matters listed in this report and the peer review by Wollondilly Council, the Development Application be reported to the Southern Joint Regional Planning Panel for determination pursuant to State Environmental Planning Policy (State and Regional Development) 2011.

---

***(Voting on the Motion)***