

## REVISED ASSESSMENT REPORT AND RECOMMENDATION

<b>JRPP No.</b>	Item No.
<b>DA No.</b>	<b>LUA2011/1092</b>
<b>Proposal</b>	NEW AQUATIC CENTRE INCLUSIVE OF ASSOCIATED CAR PARKING, ROADWORKS, DEMOLITION OF ALL EXISTING STRUCTURES, TREE REMOVAL AND INTRODUCTION OF COMPENSATORY LANDSCAPING
<b>Property</b>	Part Lot 3 DP 1108992, Kirkham Street and Donkin Avenue, Moss Vale
<b>Applicant</b>	Wingecarribee Shire Council
<b>Responsible Officer</b>	Michael Carpenter, Town Planner, Environmental Assessment Branch

### EXECUTIVE SUMMARY

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#### Reason for consideration by Joint Regional Planning Panel

The application is to be determined by the Southern Region Joint Regional Planning Panel (JRPP) as required under Schedule 4A (4) of the *Environmental Planning and Assessment Act 1979*.

Schedule 4A (4) of the EP&A Act 1979 triggers JRPP 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).*

#### **Proposal**

The purpose of this report is to seek JRPP approval for the construction of a new Indoor Aquatic Centre inclusive of associated car parking, road works, demolition of all existing structures, tree removal and the introduction of associated compensatory landscaping.

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In particular, the works are as follows:

## 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 2 car parking areas with a total of 81 spaces. According to the submitted plans the overall building footprint for the development is 2,654m<sup>2</sup>.

Plans of the proposed development are in Attachment 1 to this report and a copy of the previous report to the Panel is included as Attachment 4.

## 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 1200mm to 1500mm for warm water exercising. This pool is to be maintained at a temperature of 30 degrees C.

A 25 metre 8 lane lap pool is to be provided with ramp access and is to have a water depth ranging between 1200mm to 1800mm, 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 to Thursday	6 am – 8am and 2pm until 6pm closure;
Friday	6 am – 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 to Friday	8 am – 8 pm (9pm during daylight savings hours);
Saturday	6 am – 8 pm (9pm during daylight savings hours);
Sunday	10am – 6pm (7pm during daylight saving hours).

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## Permissibility

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.

## Consultation

The proposal was notified in accordance with the recommendations of the JRPP Meeting of 12 April 2012 for a minimum period of 14 days.

This notification included sending out 284 letters to residents and interested parties, and notices in the Southern Highlands News on 18 and 25 April, and 7 and 9 May, 2012.

The notification period ran from 18 April to 9 May 2012 with plans and associated documentation being available for public viewing at Council's Design Branch from the commencement of this period, as well as on Council's web site and at Council's Customer Service Centre.

During the notification period a clerical error resulted in Council's notification letters and advertisement in the Southern Highlands News stating that the notification period would run until 15 May 2012.

This error was rectified by Council with the issue of a subsequent letter of apology stating the correct closing date of 9 May 2012. The local newspaper concurrently issued a correcting advertisement confirming the submission closing date of 9 May 2012.

Four (4) submissions were received during the notification period and 1 late submission was received 17 May 2012 (giving a total of 5 submissions).

The submissions are discussed within section 2.8 of this report.

It should be noted that this is the second notification of this proposal, with the first being from 7 December 2011 to 31 January 2012.

This also included sending out 284 letters to residents and interested parties, and notices in the Southern Highlands News on 14 and 21 December 2011, and 4, 11, 18 and 25 January 2012.

## Main Issues

The main issues for consideration are as follows:

- the provision of sufficient car parking to service the proposal;
- adequate consideration of access for pedestrians, cyclists & public transport;
- traffic impacts upon the local street network;
- the removal of vegetation from the site & in association with proposed car parking; and
- the granting of Sydney Catchment Authority (SCA) concurrence to the development under the SEPP Drinking Water Catchments (2011).

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These matters are discussed within the assessment report which follows.

## Maintenance of Probity

This is a development application by Wingecarribee Shire Council however as indicated above, the consent authority is the Southern Region JRPP.

In the interest of maintaining probity in the assessment of the application, it was imperative that there was a clear separation between the preparation of the development application and the assessment of it.

To this end, 2 teams were established as follows:

1. The Assessment Team comprised of:

- Michael Carpenter, Town Planner and Principal Assessment Officer, Environmental Assessment Branch;
- Eddie Kobeisi, Development Engineer, Environmental Assessment Branch;
- Vesna Giles, Health and Building Surveyor, Environmental Assessment Branch; and
- Les Pawlak, Manager Environmental Assessment Branch.

The Assessment Team also utilised the services of Wollondilly Council to undertake a review of the Assessment Teams assessment of the application.

2. The Applicant Team, comprised of:

- Dominic Lucas, Manager Engineering Services and Project Team Leader
- Robert Lewis, Special Projects and Contracts Engineer, Engineering Services Branch;
- Frank Iacono, Civil Design and Projects Co-ordinator, Engineering Services Branch; and
- Shannon Webb, Town Planner, Environmental Assessment Branch.

In addition to the above, the Applicant Team engaged a number of external consultants for the preparation of plans and information.

Contact between the 2 teams was conducted in the same manner as is the case between a private developer and Council's Assessment staff, and is fully documented on the development application file.

Following a joint review of the information accompanying the development application by the Assessment Team and Wollondilly Council, the application was deferred pending the submission of additional information.

The development application was initially considered by the JRPP at a meeting on 12 April 2012, however not all outstanding issues had been satisfactorily addressed and accordingly the JRPP resolved to defer the application.

All outstanding matters that were raised by the Assessment Team, Wollondilly Council and the JRPP have now been resolved, and the application is again being presented before the Panel for a determination.

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In respect of the issues raised by Wollondilly Council in its peer review, the manner in which these have been addressed is described in Attachment 4.

### **RECOMMENDATION**

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It is recommended that the development application be approved subject to the imposition of conditions as detailed within Attachment 3 to this report.

## 1. APPLICATION OVERVIEW

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### 1.1 PLANNING CONTROLS

The following planning controls apply to the development:

- State Environmental Planning Instruments:
  - SEPP No. 44 Koala Habitat;
  - SEPP No. 55 Remediation of Land;
  - SEPP Drinking Water Catchments (2011);
  - SEPP 64- Advertising and Signage.
- Local Environmental Planning Instruments:
  - Wingecarribee Local Environmental Plan (WLEP) 2010;
- Development Control Plans:
  - Moss Vale Development Control Plan.

### 1.2 BACKGROUND

The application was previously considered by the JRPP at its meeting on 12 April 2012, at which time the Panel resolved as follows:

1. *THAT the determination of Development Application LUA2011/1092 for the redevelopment of the Moss Vale Indoor Aquatic Centre be deferred to address the following matters:*

(i) *Amendment of the application to clearly identify the additional required car parking how it will function, infrastructure works, bus parking arrangements, pedestrian access, bicycle paths and storage, disabled parking, waste collection location, landscape treatment, location and potential impacts in terms of tree loss, access, stormwater and drainage and relationship with the embankment,*

(ii) *Assessment of the additional information received in respect to the Sydney Catchment Authority concurrence, geotechnical report and traffic report,*

(iii) *Assessment of the issues raised by the peer review.*

2. *THAT the amended application, including all additional information, be notified for a minimum of fourteen (14) days.*

3. *THAT a revised assessment report addressing the above matters and the relevant Section 79C matters be prepared and submitted to the Joint Regional Planning Panel.*

4. *THAT the Council be advised that the Joint Regional Planning Panel is of the view that the broader traffic management strategy for the Moss Vale Precinct, including the Civic Centre, proposed Aquatic Centre, Kirkham Street and Donkin Avenue should be the subject of public consultation.*

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The aim of this revised report is to demonstrate to the Panel that the above matters have been addressed and thereby enable the Panel to determine the development application.

## 1.3 PROPOSAL

The description of the proposed development was formally amended by the applicant following the JRPP meeting of the 12 April 2012 to include all activities that form a part of the development.

The application, which was described as “New Indoor Aquatic Centre” at the time of lodgement on 5 December 2011, is now more fully described as “New Aquatic Centre inclusive of associated car parking, road works, demolition of all existing structures, tree removal and introduction of compensatory landscaping”.

This new description was used in the notification letters as well as in the newspaper advertisements in the Southern Highlands News.

Concurrent with the amendment to the description of the proposed development, the Assessment Team received amended plans prepared by Facility Design Group Nos A01-A to A01-D ‘Revised Development Application Issue 19.4.2012’ and Eclipse Consulting Engineers Plans 7604 Dwg C01-C to C03-C, C04-E, C05-C, C06-E, and C07-D dated December 2011.

Following consultation with the SCA, the applicant was required to amend the submitted Sediment and Erosion Control Plan drawings prepared by Eclipse Consulting to CO2-E and CO3-D, which superseded the original submitted plans CO2 & CO3-C.

Following further consultation with the SCA, a Car Park Pavement Plan No C08-E was received on 18 May 2012. (Refer to Attachment 1 to this report).

The details of the proposed works are now described by the applicant in the amended Statement of Environmental Effects (SEE) received 18 April 2012 as:

- The demolition of all pools and features on the present site and the disposal of debris;
- The construction of a new indoor swimming pool and gymnasium complex including plant rooms, amenities, kiosk, entry control and management components, child minding facility, swim club/multipurpose room;
- New car parking to Kirkham Street, both in front of the facility as well as east along Kirkham Street adjacent to the oval. This car parking will also include improved traffic control measures, shared access ways for pedestrians and cyclists and two new bus shelters as described in an accompanying Traffic Impact Study.

Documents accompanying the amended plans include:

- Traffic Impact Assessment (TIA) as prepared by Wingecarribee Shire Council’s Strategic and Community Development Branch;
- An Environmental Assessment Report prepared by Woodlands Environmental Management; and
- A Geotechnical Report prepared by SMEC Testing Services.

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## 1.4 SITE DESCRIPTION

The site is described as Part Lot 3 DP 1108992, containing the Moss Vale Memorial Pool, with primary frontage to Kirkham Street and secondary frontage to Donkin Avenue, Moss Vale.

The Panel inspected the site prior to its meeting on 12 April 2012.

## 1.5 CONSULTATION

### 1.5.1 Internal Consultation

#### Geotechnical Assessment

As highlighted by both the Assessment Team and in the peer review by Wollondilly Council in the initial assessment of the application, a Geotechnical Assessment Report of the site is required and a report has been submitted by the applicant.

The Assessment Team's Development Engineer considers that the Geotechnical Assessment Report prepared by SMEC Testing Services demonstrates that the project is feasible from a geotechnical perspective and the geotechnical aspect of the proposal is considered to be satisfactory subject to appropriate conditions, which would include the Geotechnical Assessment Report's recommendation of a flexible pavement structure for the car parking areas.

The submitted plans do not indicate the type of pavement however the pavement design details will be required at Construction Certificate stage.

#### Storm Water Assessment

The Assessment Team's Development Engineer has reviewed the Concept Stormwater Drainage Plan prepared by Eclipse Consulting Engineers and considers this to be satisfactory for the purposes of the Development Application, subject to SCA concurrence.

Full design details will be required at the Construction Certificate stage.

#### Tree Removal and Compensatory Landscaping

The Environmental Report prepared by Woodlots Environmental Management was a consideration within Council's assessment of the proposed tree removal associated with the additional 43 place car park proposed off Kirkham Street.

The Woodlots report indicates that a total of 21 *Cupressus spp* (Cypress) trees are to be removed from the eastern side of Kirkham Street and that a total of 6 *Eucalyptus macarthurii* (Paddy's River Box) are to be removed from the embankment adjacent Community Oval.

The submitted plans indicate a total of 4 *Eucalyptus macarthurii* trees to be removed. Council's proposed conditions of consent will reflect the amount of tree removal as proposed within the plans submitted for assessment.



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The Assessment Team requested the applicant to mark on-site the location of the proposed car parking area to demonstrate the precise extent of earth works for the construction of the proposed retaining wall along the Community Oval embankment, and to enable the impact upon the existing trees there to be fully assessed.

This marking was done and it shows that the construction of the car park in the location as proposed, would result in a retaining wall up to a maximum of about 1 metre in height.

While potentially affecting 4 *Eucalyptus macarthurii*, the construction of the retaining wall would not necessarily require the removal of those trees.

However, it is noted that the construction of the car park as proposed will not leave room for adequate landscaping along the Kirkham Street frontage.

Due to the angling of the car parking spaces, only small triangular areas in front of each parking space would be available for planting.

It is considered that a minimum 1 metre corridor is required for landscaping between the proposed footpath and the car park to achieve this.

This in turn would extend the car park further into the embankment and result in the removal of 4 *Eucalyptus macarthurii*.

As *Eucalyptus macarthurii* is identified by the NSW Scientific Community as being an Endangered Species and Vulnerable under the *Threatened Species Conservation Act 1995* an environmental assessment is triggered.

The Woodlots report concludes that the stand of trees is an artefact, having been planted in 1983 by Wingecarribee Shire Council. The trees were not planted under any Legislative requirement or offset and therefore not protected. The trees are not mature and do not contain any hollows that may potentially be used by native fauna. In consideration of these factors the report concludes that the development is unlikely to impact upon any Threatened Species of flora or fauna or any EEC or their habitats.

It is considered that the removal of the 4 *Eucalyptus macarthurii* is not unreasonable, and is less than envisaged and compensation can be made by replacement planting elsewhere on the property, as well as by more comprehensive landscaping along the Kirkham Street frontage.

It is therefore also considered that the extension of works for the car parking area is relatively minor and is unlikely to result in any significant environmental impacts beyond what was initially proposed.

The submitted landscape plan, prepared by Facility Design Group Architects, shows replacement planting along the embankment/retaining wall, although species have not been indicated.

Full details of plant selection would be required at Construction Certificate stage.

However, of relevance in this instance is another project that Council is implementing, namely the Street Tree Planting proposal for Berrima Road in the Enterprise Zone.

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The first stage of this examined the character of street trees in Argyle Street, the main street of Moss Vale, and this has resulted in the identification of species which are complimentary to the character of Moss Vale.

The development and implementation of a similar complimentary scheme for the Aquatic Centre is considered to be appropriate given that Kirkham Street runs directly off Argyle Street and the proximity of the Aquatic Centre to the main street.

In addition to the above, which is aimed primarily at improving the streetscape through tree planting, the landscaping must include a component of "low" planting which will reduce the intrusion of night time headlights from vehicles using the car park on the residential premises opposite. At the same time in the selection of appropriate plant species consideration should be made in maintaining the opportunities for passive surveillance of the car park in the interests of public safety and security of the car park.

The above requirements would be included as a condition of any consent for the Aquatic Centre.

In the context of the above, and the previous examination of Argyle Street, it is considered that the removal of the 21 Cypress trees along the Kirkham Street frontage is reasonable.

These trees are exotics and not characteristic of either Moss Vale in particular or of Wingecarribee in general. The trees were not identified as having any particular heritage or conservation value within the Woodlots Environmental Assessment report engaged by the applicant.

## Traffic Impacts

The Assessment Team's Development Engineer has reviewed the Traffic Impact Assessment (TIA) provided with the amended application in conjunction with the amended plans.

The TIA makes a recommendation within Clause 5 of the document 'Essential Services' that a roundabout is to be provided at the intersection of 'Pool Lane' and the 2 off street car parks adjacent to Kirkham Street. The median/splitter island in 'Pool Lane' to Kirkham Street is to be formed to include a pedestrian refuge to facilitate the safe crossing by pedestrians of the off road shared path along Kirkham Street.

Although the submitted DA plans do not include these proposed traffic devices, full details would be required at Construction Certificate stage.

## Car Parking

In response to matters raised by both the Assessment Team and in the peer review by Wollondilly Council in the initial assessment of car parking as detailed in previous amended plans received 30 January 2012, additional information has been provided by the applicant in the form of a Traffic Impact Assessment (TIA) and the current amended plans dated 19 April 2012.

The submitted architectural plans indicate 38 spaces to be provided to the front entrance of the development in a double sided 90 degree arrangement with a further 43 car parking spaces to be provided to the east of Pool Lane and parallel with Kirkham Street.

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The proposed development therefore provides a total of 81 off street car parking spaces dedicated to the development. A figure of 80 car parking spaces required was arrived at as an outcome of the applicant's TIA.

The previous proposal was for 40 car parking spaces, however this figure was not accompanied by any traffic research to verify car parking demand.

The Assessment Team's Development Engineer in reviewing the TIA and the current amended plans received 19 April 2012 is satisfied that the proposed number of 81 off-street car parking spaces is adequate based upon the findings of the TIA.

In the previous proposal, comparisons were made with the Mount Annan Leisure Centre and the Picton Leisure Centre. The TIA concluded that these Centres were not useful for comparison with the Moss Vale proposal because they were significantly larger, and located in areas where the population density was higher than in the Wingecarribee Shire.

A similar conclusion was reached in respect of the Shoalhaven Bay and Basin Leisure Centre where 100 car parking spaces had been provided.

The TIA found a wide range of car parking requirements for such Centres, but ultimately determined that the ACT Guidelines provided a reasonable formula for the provision of car parking based upon pool and gym areas.

This determined that 80 spaces would adequately serve the development.

It is also noted that on-street parking of around 21 spaces is also available on the northern side of Kirkham Street which could be used for overflow parking during busy times.

This area is unlikely to be needed for visitor parking to residences as these exist only on the opposite side of Kirkham Street.

Council has elsewhere accepted the availability of on-street parking as satisfying car parking requirements where, as in this instance, it does not impact on the availability of visitor parking for existing development.

Having regard to all of the above, it is therefore considered that the provision of 2 car parking areas with 81 spaces specifically for the Aquatic Centre, and the availability of an additional 21 on-street spaces satisfies the parking needs for this development.

It is noted that, at this time, a significant number of the existing parking spaces in front of the existing pool are occupied by vehicles used by Council's staff, and primarily leaseback vehicles.

The use of the carpark when the Aquatic Centre is operational will be monitored and, if it is found that the availability of parking for the Centre is being adversely affected, the General Manager would simply issue a directive that Council and staff vehicles are to be parked elsewhere (eg the Donkin Avenue area).

Referral of the Aquatic Centre proposal to the RTA was not required because it does not exceed the thresholds for recreation facilities as described in SEPP (Infrastructure)2007, namely:

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- it does not have access within 90 metres of a classified road (in this case Argyle Street/The Illawarra Highway, Moss Vale); and
- it does not have a capacity for 200 or more motor vehicles.

Referral to Council's Traffic Committee was also not considered necessary, and this conclusion was reached on the basis that the TIA had demonstrated, through extensive traffic counts, TRACKS modelling and SIDRA 5 analysis, that the traffic impacts of the proposed Aquatic Centre, when compared to the existing pool, would *"have a negligible impact on network performance, well within the capacity of the network"*.

However, approval for any regulatory signs would need to be sought from the Traffic Committee, and this could be undertaken in conjunction with an application for a Construction Certificate.

### Pedestrian and Cycle Access

Pedestrian and cyclist needs are accommodated through the proposed construction of a 2 metre wide shared pathway adjacent to Kirkham Street running from the entrance to the proposed facility to the proposed western car park and from the eastern exit to the proposed eastern car park.

Dedicated storage for 10 bicycles is to be provided adjacent the entrance ramp to the facility and 2 motorcycle parking spaces are to be provided within the main western car park.

A connecting 1.2 metre wide pedestrian path is proposed to be constructed between the Aquatic Centre entrance and Donkin Avenue as recommended within the TIA.

The TIA details pedestrian, cyclist and public transport upgrades as a component of the current development application and also makes recommendations within a broader Precinct wide Traffic Management Plan, such as the conversion of Donkin Avenue from two Way to one way traffic flow only.

### Public Transport

A two berth bus zone is to be provided adjacent to Kirkham Street at the entrance to the development as recommended within the TIA.

A 2 minute 'Drop off' parking space is proposed to be located at the eastern end of the bus zone.

A bus stop and bus shelter are to be provided on the opposite side of Kirkham Street in a position that will also service the offices of Disability Services Australia and the adjacent Bi-Lo supermarket. In principle discussion with the bus service provider by the applicant indicates that it is feasible for a bus route change to occur to service the proposed development in both directions along Kirkham Street.

### Environmental Impacts

The environmental impacts of the proposal are considered to be satisfactory subject to appropriate conditions to deal with the demolition of the existing facility, disposal of waste and the construction and operation of the new facility.

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## Safer by Design

In response to comments received from Wollondilly Shire Council's peer review, the Assessment Team has reviewed the application with regards to CPTED principles and is satisfied that the building design meets the objectives of reducing the opportunities for crime.

However, these principles should apply to the whole of the development, and extend to ensuring the safety of visitors using the Centre, particularly at night time.

It is unlikely that the existing street lights in Kirkham Street would provide sufficient illumination of the 43 space eastern car parking area at night time, particularly as the required landscaping matures.

It is therefore considered appropriate that lighting should be provided in the eastern car park, but this would need to be operated only during the night time opening hours of the Centre.

## Civil Works in the Road Reserve

The Assessment Team's Development Engineer has considered the amended plans and supporting information and considers the proposed works, inclusive of the making of Donkin Avenue and Pool Lane to one way travel direction only, and traffic calming devices, including a roundabout to be satisfactory subject to the provision of appropriate conditions.

## Noise

Peer review of the application by Wollondilly Shire Council raised the issue of noise and made a request for an acoustic study to be undertaken by the applicant.

Section 3.9 of the Statement of Environmental Effects revised 18.4.2012 makes the following observations:

*'The design provides an effective architectural solution to address potential concerns of surrounding residents regarding noise. The proposed building enclosure will buffer noise generated to residents from the site. In fact it will provide less acoustic issues than the existing outdoor-open air facility in terms of patron generated noise-solely due to its enclosure.'*

*'Due to the proposed facility being a year round operation – naturally there will be some extra noise impact to the local amenity – in the form of traffic movements to and from the centre. However it is considered that this will be of negligible impact compared with the current traffic movements of the shopping centre further west along Kirkham Street.'*

In consideration of the noise mitigation through design of the proposed development and the above observations made within Section 3.9 of the submitted SEE, Council assessment staff are of the opinion that an acoustic study is not necessary to assess the impact of noise and that the noise is not an impediment to approval of the proposed development.

In respect of traffic noise, the TIA concludes that the increase in traffic resulting from the operation of the Centre will be minimal when compared to the existing traffic levels.

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The majority of land along Kirkham street is zoned R3 *Medium Density Residential*, however the existing vehicular movements within this area are higher than would be expected in a typical residential street.

This is partially due to a portion of Kirkham Street including land zoned B2 *Local Centre* which contains existing commercial premises.

In particular, significant traffic movements are generated by the Bi Lo supermarket located at the intersection of Kirkham Street and Elizabeth Street. Bi Lo's opening hours between 7am and 10pm weekdays and 8am and 9pm on Weekends, also leads to regular traffic movements outside of normal business hours.

In addition to the B2 zoning, Kirkham Street also contains the Moss Vale TAFE Campus which generates traffic over and above that of a typical residential location. The TAFE also generates traffic movement outside of normal business hours by offering classes up until 10pm on weekdays.

In addition to the above, Kirkham Street (where its intersection with Argyle Street is controlled by traffic lights) provides more favourable access to areas in/to the south of Moss Vale than, for examples Throsby Street and Railway Street, which are uncontrolled.

## Waste Collection

The proposed development includes a kiosk designed to comply with AS 4674 "Design, Construction and Fitout of Food Premises".

The amended plans indicate a garbage bin storage area adjacent the rear of the proposed kiosk. The amended SEE indicates that garbage generated from the kiosk is to be collected in Otto style garbage bins for temporary storage. Collected waste is to be wheeled to the street for weekly collection as per the current arrangements for the kiosk associated with the existing Moss Vale War Memorial Swimming Pool.

The Assessment Team's Health and Building Surveyor in assessing the proposed arrangements for garbage storage and collection considers this arrangement to be satisfactory.

## Access for people with disabilities

Two car parking spaces designated for use by persons with a disability have been provided to the entrance of the facility.

A ramp compliant with the requirements of AS 1428 "Design for Access and Mobility" is proposed to be constructed at the front entry to the facility.

The facility has been designed on one level so as to provide maximum accessibility to all users.

Both swimming pools also have access ramps incorporated within their design. Part 2 of AS 1428 requirements for paths of travel and toilets have been incorporated within the design which proposes:

- Lighting levels sufficient for visitors with visual impairment;

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- The entire site is designed to be accessible via minimal changes in level. Where changes in level have been necessary (e.g. front entrance and pool access) ramps compliant with AS 1428 Part 1 have been provided;
- A family change room/accessible amenities have been provided within the facility; and
- Disabled car parking spaces (two) have been provided in close proximity to the front entrance to the facility.

The Assessment Teams Health and Building surveyor has reviewed the plans and information provided in regards to access for people with a disability and advises that the development complies with the relevant Standard.

## Essential Services Plan and BCA Assessment

The peer review by Wollondilly Shire Council flagged the need for an Essential Services Plan to be provided to Council for assessment.

An amended BCA report has been provided, and the Assessment Team's Health and Building Surveyor is satisfied that all required information for the assessment of the development application has been received, with a full BCA assessment to be triggered by the future lodgement of a Construction Certificate.

## Signage

Part 3.17 of the amended SEE indicates that signage will be the subject of a separate Land Use Application yet to be lodged with Council.

This is considered to be a satisfactory arrangement.

## Waste Management Plan

A Waste Minimization Plan prepared by Facility Design Group to address the demolition of the existing swimming pools and associated structures has been considered by the Assessment Team's Health and Building Surveyor and has been found to be satisfactory.

## Ecologically Sustainable Development (ESD) Principles

The applicant proposes the use of Co-Generation Technology as the method for meeting the electrical and heating energy needs of the proposed development and for some of this energy to be utilized in a proposed upgrading of the adjacent Civic Centre building located upon the same property.

The technology is described by the applicant as being recent within Australia however is proven technology in Europe.

An online search reveals the principle as being the use of a heat engine to simultaneously generate both electrical and heat energy. All current electricity generating technologies emit heat as a by-product. Co-Generation captures this heat for use within the development as opposed to allowing this to escape as 'waste energy' into the environment.

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The harvesting of rain water from the roof area of the building is also proposed.

The collected water is to be stored within a balance tank for treatment prior to being used for the topping up of the two swimming pools.

## **1.5.2 External Consultation**

Sydney Catchment Authority (SCA) concurrence is triggered under the SEPP 'Drinking Water Catchments' (2011) as the proposal is identified as Module 5 Development triggering mandatory SCA referral.

SCA concurrence has been received to the current amended plans dated 19 April 2012 (Refer to Attachment 2 to this report).

## **1.5.3 Community Engagement**

The proposal was notified in accordance with the recommendations of the JRPP Meeting of 12 April 2012 for a minimum period of 14 days.

This notification included sending out 284 letters to residents and interested parties, and notices in the Southern Highlands News on 18 and 25 April, and 7 and 9 May, 2012.

The notification/advertising period ran from 18 April to 9 May 2012 with plans and associated documentation being available for public viewing at Council's Design Branch from the commencement of this period, as well as on Council's web site and at Council's Customer Service Centre.

During the notification period a clerical error resulted in Council's notification letters and advertisement in the Southern Highlands News stating that the notification period would run until 15 May 2012.

This error was rectified by Council with the issue of a subsequent letter of apology stating the correct closing date of 9 May 2012. The local newspaper concurrently issued a correcting advertisement confirming the submissions closing date of 9 May 2012.

Four (4) submissions were received during the notification period and 1 late submission was received 17 May 2012 (giving a total of 5 submissions).

The submissions are discussed within section 2.8 of this report.

It should be noted that this is the second notification of this proposal, with the first being from 7 December 2011 to 31 January 2012.

This also included sending out 284 letters to residents and interested parties, and notices in the Southern Highlands News on 14 and 21 December 2011, and 4, 11, 18 and 25 January 2012.



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## 2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 SECTION 79C ASSESSMENT

### (1) Matters for consideration—general

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

(a) <i>the provisions of:</i>	
(i) <i>any environmental planning instrument, and</i>	See section 2.1
(ii) <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	See section 2.2
(iii) <i>any development control plan, and</i>	See section 2.3
(iiia) <i>any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and</i>	See section 2.4
(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,</i>	See section 2.5
(v) <i>any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)</i>	See section 2.6
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	See section 2.7
(c) <i>the suitability of the site for the development,</i>	See section 2.8
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	See section 2.9
(e) <i>the public interest.</i>	See section 2.10

### 2.1 SECTION 79C 1(a)(i) ANY ENVIRONMENTAL PLANNING INSTRUMENT

#### 2.1.1 State Environmental Planning Policy 44 - Koala Habitat Protection

Wingecarribee LGA is identified within Schedule 1 of SEPP 44 as being subject to the provisions of the SEPP.

The subject site is not identified as being Core Koala Habitat given an absence of the Koala feed trees *Eucalyptus teretocornis* (Forest Red Gum) and *Eucalyptus punctata* (Grey Gum). The development of the subject site will not involve any impacts upon the local koala population.

## 2.1.2 State Environmental Planning Policy 55 – Remediation of Land

Under Clause 7 of State Environmental Planning Policy No.55 – Remediation of Land, a consent authority is required to consider whether a proposed development site is affected by soil or other contaminants before granting consent.

The subject site is zoned for the proposed development and there is no previous history of other uses that could be considered to be potentially contaminating.

It is considered that the subject site has a low contamination risk being unlikely to be contaminated and is suitable for the proposed development.

Therefore the proposal is considered to be consistent with SEPP 55.

## 2.1.3 State Environmental Planning Policy - Drinking Waters Catchment (2011)

The proposed development is required to consider the requirements of the SEPP Drinking Water Catchments (2011) in terms of a neutral or beneficial impact upon water quality.

The concurrence of the Sydney Catchment Authority has been granted to the proposed development thus satisfying the SEPP.

## 2.1.4 State Environmental Planning Policy No. 64 – Advertising and Signage

The site plan shows a freestanding pole sign that would be located at the front of the development. The Statement of Environmental Effects provides no assessment with regard to the provisions of the plan. A condition of consent is to be imposed requiring the submission of a new Development Application for assessment and determination in relation to signage (other than signage that is exempt development).

## 2.1.5 Wingecarribee Local Environmental Plan 2010

### Part 2 Permitted or prohibited development

#### Clause 2.2 – Zoning of land to which Plan applies

The zoning map identifies the land as being zoned RE1 Public Recreation wherein a Recreation Facility (indoor) and a Kiosk are permissible forms of development with consent.

#### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To enable land to be used for public open space or recreational purposes;*
- *To provide a range of recreational settings and activities and compatible land uses;*
- *To protect and enhance the natural environment for recreational purposes;*
- *To enable ancillary development that will encourage the enjoyment of land zoned for open space.*

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It is considered that the proposed development satisfies these objectives.

The land use table permits the following uses in the zone.

## **Zone RE1 Public Recreation: Land Uses Permitted with Consent**

*Caravan parks; Child care centres; Community facilities; Entertainment facilities; Environmental facilities; Function centres; Kiosks; Markets; Places of public worship; Recreation areas; Recreation facilities (indoor); Restaurants; Roads; Signage; Take away food and drink premises; Water storage facilities.*

The proposal is categorised as *Recreation facility (indoor)* as described below and is permissible in the zone with development consent.

A *Kiosk* is also a permissible use within the zone.

### WLEP 2010 Dictionary

*Recreation facility (indoor)* means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

*Kiosk* means retail premises used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

## **Part 4 Principal development standards**

### Clause 4.3 Height of Buildings

*The objectives of this Clause are as follows:*

- *To identify maximum heights of buildings;*
- *To ensure that the heights of buildings are compatible with the character of the existing development within the surrounding area;*
- *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The proposed development responds sympathetically to the surrounding environment with what is considered to be a high quality architectural design.

The development site is outside of that area nominated for control within the WLEP 2010 Height of Buildings Map.

### Clause 5.9 Preservation of trees or vegetation

*The objective of this Clause is to preserve the amenity of the area through the preservation of trees and other vegetation.*

The submission by the applicant of a compensatory landscape plan to address the visual amenity of the proposed development including car parking, together with the landscaping requirements as discussed previously, adequately address the objective of this Clause.

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## Clause 7.3 Earthworks

(1) *The objectives of this clause are as follows:*

- (a) *to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land,*
- (b) *to allow earth works of a minor nature without separate development consent.*

(2) *Development consent is required for earthworks, unless:*

- (a) *the work is exempt development under this Plan, or*
- (b) *the consent authority is satisfied the work is of a minor nature.*

(3) *Before granting development consent for earthworks, the consent authority must consider the following matters:*

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, -*

A Geotechnical Report prepared by SMEC Testing has been provided by the applicant and assessed as being satisfactory by the Assessment Team's Development Engineer.

- (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*

The proposed earthworks are required as part of the development of the land for both the construction of the new pools and for the eastern car park.

In the case of the latter, these works will not impact upon the future use or redevelopment of the adjoining Community Oval.

- (c) *the quality of the fill or of the soil to be excavated, or both,*

Conditions will be attached to the consent in relation to excavated material.

- (d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*

There is expected to be disruption to property owners opposite on Kirkham Street during demolition and construction works which is an unavoidable outcome of development of this type.

Conditions including hours of work would be attached to the consent to mitigate these impacts.

- (e) *the source of any fill material or the destination of any excavated material,*  
Fill is not anticipated to be required for the development.

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*(f) the likelihood of disturbing Aboriginal objects or other relics,*

The site is not listed as being subject to Aboriginal heritage and has a prior development history with the excavation for and construction of the existing Moss Vale War Memorial Swimming Pool.

*(g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

The land is not located in the immediate vicinity of any water course with the nearest being Whites Creek located behind existing residential development on the opposite side of Kirkham Street.

Sydney Catchment Authority concurrence has been granted in terms of a Neutral or Beneficial Effect on water quality.

*(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*

The proposal is not considered to result in unreasonable overshadowing given the permissible height and the location of the site separated from close proximity to residential dwellings by the Kirkham Street road reserve.

*(viii) the achievement of the principles of ecologically sustainable development,*

The development incorporates sustainability measures by way of passive solar access, water and energy conservation as outlined within the applicant's Statement of Environmental Effects as well as through the efficient use of land located in proximity to the existing Council Offices and is serviced by an existing public transport route (bus).

Council at the Construction Certificate stage is committed to exploring the possibilities of co-generation of energy between the proposed Aquatic Centre and the adjacent Council offices.

*(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,*

The proposal provides for a total of 81 off-street car parking spaces consistent with the findings of the Traffic Impact Assessment (TIA) report.

Storage for 10 bicycles and parking for 2 motorcycles have been provided in proximity to the main entrance to the proposed development.

The supporting TIA Report has been reviewed by the Assessment Team's Development Engineer who has no outstanding concerns.

*(x) impact on, and any proposed improvements to, the public domain.*

The development will impact on the public domain in a positive manner aesthetically through the architectural quality of the building and through proposed landscaping enhancement and public domain improvements such as the shared cycleway/pedestrian path fronting Kirkham Street and traffic calming devices.

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(5) *Development consent must not be granted to the following development to which this clause applies unless a design review panel has reviewed the design of the proposed development:*

- (a) *development in respect of a building that is, or will be, greater than 35 metres in height,*
- (b) *development having a capital value of more than \$1,000,000 on a key site, being a site shown edged heavy black and distinctively coloured on the Key Sites Map,*
- (c) *development for which the applicant has chosen to have such a review.*

(6) *In this clause:  
design review panel means a panel of 2 or more persons established by the consent authority for the purposes of this clause.*

The proposal is not on a key site and is not over 35 metres in height and therefore clauses (5) & (6) above do not apply.

## 2.2 SECTION 79C 1(a)(ii) ANY PROPOSED INSTRUMENT

None applicable.

## 2.3 SECTION 79C 1(a)(iii) ANY DEVELOPMENT CONTROL PLAN

### 2.3.1 Moss Vale Development Control Plan

Whilst no specific controls apply to a recreational facility of this nature, the proposed development is considered to be consistent with the relevant aims and objectives of the Moss Vale Development Control Plan (DCP):

*Clause A2.2.9 'The Public Domain' of the DCP states the following key objectives:*

- *To create a public domain which is accessible to all residents, workers and other visitors;*
- *To provide additional recreation and cultural opportunities according to need.*

The proposed development has been designed so as to be accessible to as broad a range of the community as is practical through quality design.

The proposed development will result in a modern and usable facility open year round to replace an aging, open air facility that offers only seasonal availability.

## 2.4 SECTION 79C 1(a)(iiia) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 93F, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 93F

There are no planning agreements entered into or any draft agreement offered to enter into under S93F which affect the development.

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## 2.5 SECTION 79C 1(a)(iv) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

### 92 What additional matters must a consent authority take into consideration in determining a development application?

*(1) For the purposes of section 79C (1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:*

*(a) in the case of a development application for the carrying out of development:*

- (i) in a local government area referred to in the Table to this clause, and*
- (ii) on land to which the Government Coastal Policy applies, the provisions of that Policy,*

*(b) in the case of a development application for the demolition of a building, the provisions of AS 2601.*

The proposal involves the demolition of all existing structures on the land.

### 93 Fire safety and other considerations

- (1) This clause applies to a development application for a change of building use for an existing building where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building.*
- (2) In determining the development application, the consent authority is to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use.*
- (3) Consent to the change of building use sought by a development application to which this clause applies must not be granted unless the consent authority is satisfied that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use.*  
*Note. The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.*
- (4) Subclause (3) does not apply to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4).*
- (5) The matters prescribed by this clause are prescribed for the purposes of section 79C (1) (a) (iv) of the Act.*

The proposal is for a new building and as such the development will be required to comply with the provisions of the BCA.

## 2.6 SECTION 79C(1)(a)(v) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT 1979)

None applicable.

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## 2.7 SECTION 79C 1(b) THE LIKELY IMPACTS OF DEVELOPMENT

### Context and Setting:

The proposal is permissible development and consistent with the objectives for development in the zone.

There are no outstanding matters with regards to the applicable planning controls and there are not expected to be any significant detrimental impacts on the locality or amenity of nearby residences.

### Access, Transport and Traffic:

The proposed development has considered and incorporated the findings of the Traffic Impact Assessment in the provision of car parking, public transport, pedestrian and cyclist access to the proposed facility.

### Public Domain:

The proposal is considered to result in improvements to the public domain by the provision of a public recreational facility open year round and by virtue of the building's high quality architectural presentation and associated landscaping.

### Utilities:

Conditions are recommended in regards to the specific requirements of individual service providers.

### Heritage:

No heritage items are envisaged to be adversely impacted by the proposal.

### Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to adversely impact upon any valuable land resources.

### Water:

Rainwater storage and harvesting has been incorporated into the design of the proposal.

### Soils:

The site is not categorised as being affected by acid sulphate soils, instability, fill or contamination.



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## Air

The proposal is not expected to have any negative impact on air quality.

## Flora and Fauna:

Vegetation removal is proposed as detailed within the Woodlots Environmental Management Report.

The proposed compensatory landscaping as discussed previously has been assessed as making a positive contribution to the streetscape and surrounding environment with full details of species selected to be submitted prior to the issue of a Construction Certificate.

## Waste:

A condition is proposed to be attached to any consent that appropriate receptacles be in place for any waste generated during the construction phase.

The required waste storage area has been provided within the amended plans dated 19.4.2012.

## Energy:

Energy saving measures are proposed within the design.

The Statement of Environmental Effects states that the applicant proposes the implementation of Co-Generation Technology as the method for production of all electricity and heating requirements for the development in conjunction with a proposed upgrade to the adjacent Civic Centre building.

## Noise and vibration:

There will be disruption to nearby residences during excavation and construction phases, and conditions are recommended in regards to mitigating these impacts.

## Natural hazards:

The Assessment Team's Development Engineer has reviewed the information supplied by the applicant in this regard and is satisfied that the subject site is not flood affected.

## Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal.

## Safety, Security and Crime Prevention:

The application has been reviewed in regards to the principles of CPTED and is not considered to create any significant safety risks through its design.

## Social Impact:

The proposal is expected to create a positive social impact in the provision of a publicly accessible recreational facility.

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## Economic Impact:

An Economic assessment has indicated that the proposal is anticipated to have a positive economic impact during construction and operational phases.

## Site Design and Internal Design:

The application does not result in departures from development standards or Council's Moss Vale Development Control plan.

A condition of consent is recommended requiring that all works are to be in compliance with the Building Code of Australia.

## Construction:

The application is for development consent only, to be followed by a separate application for a Construction Certificate.

## Cumulative Impacts:

The proposal is not expected to have any negative cumulative impacts other than the on-going operational costs associated with the development.

## **2.8 SECTION 79C 1(c) THE SUITABILITY OF THE SITE FOR DEVELOPMENT**

### Does the proposal fit in the locality?

The proposal is considered appropriate with regards to the zoning of the site and the applicable planning controls.

There are not expected to be any significant negative impacts on the amenity of the locality or adjoining developments when the Centre becomes operational.

The development is expected to have a positive impact in the provision of a community recreational facility open to the public.

### Are the site attributes conducive to development?

The site constraints, principally the area that is available for car parking, have been considered to have been suitably addressed by the applicant and are not expected to prevent the proposal from proceeding.

## **2.9 SECTION 79C 1(d) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS**

The application was Neighbour Notified and Publicly Advertised for a period of 14 days in accordance with Recommendation 2 of the JRPP Meeting of 12 April 2012.

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Four submissions were received comprising 3 objections and one letter of support during the period 15 April to 9 May 2012.

One late submission objecting to the development was received on 17 May 2012.

During the notification period a clerical error resulted in Council's notification letters and advertisement within the local paper (Southern Highlands News) stating that the notification period would run until 15 May 2012.

This error was rectified by Council with the issue of a subsequent letter of apology stating the correct closing date of 9 May 2012. The local newspaper concurrently issued a correcting advertisement confirming the submissions closing date of 9 May 2012.

Concerns raised in response to Council's 14 day notification are discussed below:

<i>Concern</i>	<i>Comment</i>
Construction of a road bypass around Moss Vale should be a higher Council priority than the Indoor Aquatic Centre.	<p>The development for an Indoor Aquatic Centre is being assessed as an outcome of a Council's Resolution with funding for the proposal identified.</p> <p>A bypass for Moss Vale remains conceptual with no budget allocation at this point in time.</p>
Concerns regarding traffic congestion (particularly Mack St, Moss Vale) and car parking availability for Moss Vale generally.	<p>Local traffic impact, car parking and pedestrian access in association with the development have been considered within the Traffic Impact Assessment prepared by the applicant to the satisfaction of the Assessment Team's Development Engineer.</p>
The application was not Publicly Exhibited and a new public consultation process should be instigated by Council.	<p>The JRPP Meeting of 12.4.2012 resolved that Council <u>notify</u> the amended plans received for a period of 14 days (as distinct from Publicly Advertise).</p> <p>Details of the proposal were included on Council's web site, with hard copies available for inspection at the Customer Service Centre.</p>

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The late submission received 17 May 2012 raised the following issues:

Concern	Comment
<p>The JRPP resolution called for the proposed development to be exhibited.</p> <p>Council information pertaining to the development was located under 'neighbour notification' and not 'community consultation'.</p>	<p>The JRPP Meeting of 12.4.2012 resolved that Council <u>notify</u> the amended plans received for a period of 14 days (as distinct from Publicly Advertise).</p> <p>Details of the proposal were included on Council's web site, with hard copies available for inspection at the Customer Service Centre, which is consistent with the manner in which development proposals are notified.</p> <p>At the close of the notification period, the hard copy of the proposal was not available for inspection by the person who made this submission.</p> <p>A copy was made and given to the person, together with a 1 week extension to the period within which a submission could be made.</p>
<p>Lack of effort by Council to inform community of proposal. Documents not readily accessible at Council.</p>	<p>The proposed development was the subject of extensive community consultation prior to the lodgement of the development application.</p> <p>Upon receipt of the development application, it was both neighbour notified and advertised in the local newspaper, The Southern Highlands News, which is usually used for this purpose.</p> <p>The amended plans dated 19.4.2012 were neighbour notified in accordance with JRPP resolution of 12.4.2012 and made available for public scrutiny at Council.</p>
<p>Objections to the conclusions drawn by Council's Traffic Impact Assessment (TIA).</p>	<p>The Assessment Team's Development Engineer has assessed the TIA and found the document to be satisfactory and the conclusions sufficient to enable approval of the proposed development with conditions.</p>
<p>SCA concurrence not received.</p>	<p>SCA concurrence was received by Council on 18 May 2012.</p>
<p>RTA consultation not undertaken.</p>	<p>The Assessment Team's Development Engineer advises that mandatory RTA consultation is not triggered as the proposed development does not have direct access to an RTA controlled road.</p>

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Concern	Comment
Negative environmental impact through EEC removal ( <i>Eucalyptus macarthurii</i> )	<p>The Environmental Assessment Report supplied by the applicant concludes that the trees were planted by Wingecarribee Shire Council in 1983 and were not planted as a legislative requirement or offset and are not protected.</p> <p>A concept landscape plan has been provided with full compensatory landscaping details to be provided at Construction Certificate stage.</p> <p>As discussed earlier in this report provision is made for enhanced landscaping of the development.</p>
The site is inappropriate and a greenfield site located within the geographic centre of the Shire should be preferred.	<p>The site is zoned appropriately for the development and an existing outdoor swimming centre is the current land use for the site.</p>

## 2.10 SECTION 79C 1(e) THE PUBLIC INTEREST

The application is not expected to result in any unreasonable impacts on the environment or the amenity of the locality.

The development is considered appropriate with consideration to the zoning and the character of the area and in the public interest.

## 3. RECOMMENDATION

This application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the *Environmental Planning and Assessment Act 1979*.

The proposal is permissible with consent in the RE1 Public Recreation zone under the provisions of Wingecarribee Local Environmental Plan 2010 and the assessment of the development application has had regard to the applicable provisions of the LEP.

Any concerns initially raised by referrals, and in the peer review by Wollondilly Council, have now been resolved through the submission of additional information and amended plans.

The concerns raised in submissions have been addressed as detailed within the above report.

There being no outstanding issues, it is recommended that, pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, the Southern Region Joint Regional Planning Panel approve development application LUA2011/1092 for a new Aquatic Centre inclusive of associated car parking, road works, demolition of all existing structures, tree removal and introduction of compensatory landscaping subject to conditions as described within Attachment 3 to this report.

## 4. ATTACHMENTS

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There are 5 Attachments to this report:

1. Amended Plans prepared by Facility Design Group Nos A01-A to A01-D 'Revised Development Application Issue 19.4.2012' and Eclipse Consulting Engineers Plans 7604 Dwg C01-C, C02-E, C03-D, C04-E, C05-C, C06-E, C07-D & C08-E dated December 2011;
2. Sydney Catchment Authority Concurrence received 18 May 2012;
3. Draft conditions of Consent;
4. Response to Wollondilly Council peer review issues; and
5. Initial report to JRPP meeting on 12 April 2012.