

Attachment 4

MEMORANDUM



To:	Michael Carpenter c/- Wingecarribee Shire Council	From:	Daniel Lukic
File:	LUA11/1092	Date:	22 March 2012
Subject:	PEER REVIEW OF THE MOSS VALE INDOOR AQUATIC CENTRE		

BACKGROUND

This is a peer review of a Development Application for the construction and use of a new aquatic centre at Moss Vale in the Wingecarribee Local Government Area.

DETAILS OF THE DEVELOPMENT

Wingecarribee Shire Council has sought a peer review of Development Application LUA11/1092 which seeks approval for the following:

- Demolition of existing swimming pools and site facilities
- The construction of a new aquatic centre comprising two indoor swimming pools, a gymnasium, plant rooms, amenities, a crèche, a swim club/multi purposed meeting room, a kiosk, entry control and management components
- The construction of forty (40) car parking spaces along Kirkham Street

The Statement of Environmental Effects details that Stage 2 of this development proposal would involve the further construction of sixty (60) car parking spaces east of the subject land/adjacent to the Moss Vale Community Oval.

STATUTORY REQUIREMENTS**Disability Access to Premises – Buildings) Standards 2010**

It is recommended that the design of the pool be altered to provide disabled access to both swimming pools. An option that should be given consideration is joining the pools together to facilitate compliance with the Commonwealth legislation.

Assessment Team Comment: This issue has been addressed in the “Access for people with disabilities” section on page 14 of the Assessment Report.

State Environmental Planning PoliciesState Environmental Planning Policy (State and Regional Development) 2011

Under the provisions of *Part 4 Regional Development* that the part applies to development of a class or description of development included in Schedule 4A of the Environmental Planning and Assessment Act 1979.

Schedule 4A of the Act provides:

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).

Comments: the capital investment value of the development exceeds \$5 million. As Council land forms part of the application, the application is required to be determined by the relevant Joint Regional Planning Panel.

Assessment Team Comment: *This issue has been addressed by the referral of the development application for determination by the Southern Region Joint Regional Planning Panel.*

State Environmental Planning Policy No.44 Koala Habitat Protection

While *Eucalyptus tereticornis* and *punctata* are present, they are extremely common trees in most vegetation communities and whilst they are a feed species for koalas, other factors such as connectivity to populations, corridors etc need to be considered.

Given the trees are fragmented and isolated both topographically and by surrounding infrastructure, it is unlikely that their removal would have an impact upon any present koala populations.

Assessment Team Comment: *This issue has been addressed in section 2.1.1 on page 17 of the Assessment Report.*

State Environmental Planning Policy – Sydney Drinking Water Catchment 2011

An assessment against the plan has not been undertaken to demonstrate if the development has a neutral or beneficial effect on the catchment.

Until such a time that an assessment has taken place and demonstrated that there would be no adverse impact, approval, be it in principle or in full, should not be granted at this point in time.

Assessment Team Comment: *This issue has been addressed in section 2.1.3 on page 18 of the Assessment Report.*

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.

It would be appropriate to include a condition in the consent to require the submission of a new Development Application for assessment and determination in relation to signage (other than signage that is exempt development).

Assessment Team Comment: *This issue has been addressed in section 2.1.4 on page 18 of the Assessment Report.*

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

Under the provisions of the plan, the site is zoned Part B2 Local Centre and Part RE1 Public Recreation under the provisions of the plan.

The subject development would be wholly located within the RE1 zoned land. Under the provisions of the plan, the development is defined as being a 'recreation facility (indoor)' and is a permissible land use within the zone.

A review of the Wingecarribee LEP maps has revealed that the site is not located within the heritage conservation zone and is not affected by a height limitation.

Clauses relevant to the development from the plan:

Clause 7.3 Earthworks

(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,

Comments: it is considered that the development would not have an adverse impact upon drainage patterns.

However, a geotechnical assessment has not been provided to Council and as such, it is considered that such information be provided to council prior to any determination being made.

Assessment Team Comment: This issue has been addressed in the "Geotechnical Assessment" section on page 8 of the Assessment Report.

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

Comments: an assessment against the Drinking Waters Catchment SEPP has not been undertaken at the time of this review.

As such, the approval of this application, be it in principle or in full, should not be granted at this point in time.

Assessment Team Comment: This issue has been addressed in section 2.1.5 on page 18 to 22 inclusive of the Assessment Report.

Development Control Plans

Moss Vale Development Control Plan 2010 Amendment 1.

Part A: All Land

- Safer by Design

Comments: has the application be referred to the NSW Police for comments with regard to Crime Prevention through Environmental Design? No information in regard to this issue has been provided.

Assessment Team Comment: This issue has been addressed in the “Safer by design” section on page 13 of the Assessment Report.

- Landscaping

Comments: an indicative plan has been submitted with the application. It is recommended that some landscaping be established along the Kirkham Street frontage to help soften the development and provide a decorative separation between the pedestrian and parking areas,

Assessment Team Comment: This issue has been addressed in the “Tree Removal and Compensatory Landscaping” section on page 8 of the Assessment Report.

Part B: Business Zoned Land

- On-site Car Parking

(a) To ensure that adequate off-street parking is provided in conjunction with development in order to discourage the use of streets for the parking of vehicles associated with additional traffic generated by new developments.

Comments: concerns are raised with the number of parking spaces that would be used to accommodate all uses proposed as part of this development. A total of forty (40) spaces have been shown on the plan and this is considered to represents a significant shortfall.

A review against the provisions of the plan indicates that the application proposes a departure from the car parking requirements schedule provided in Table B3.3 of the plan. There are no comments that a formal variation has been sought by the applicant.

It is noted in the review that the applicant has used the Mount Annan Leisure Centre as a basis to compare the subject development against. The assessment provides that the Mount Annan facility has a total of 130 spaces.

A review of the Picton Leisure Centre was undertaken as the Picton facility is comparable in terms of the uses proposed in the Moss Vale development. A total of 117 spaces are available onsite with a dedicated bus pick up/drop off area. The furthest parking space at the Picton facility to the covered entrance walkway is ~118m (measured lineally).

It is noted that the “Stage 2” parking area would provide a total of sixty (60) spaces. The furthest space of this additional area would be ~130m from the entrance of the Moss Vale facility, similar to the Picton facility.

If the application were to be approved, it is recommended that the additional sixty (60) parking spaces (a total of 100 spaces overall) be constructed and ready upon the commencement of use of the aquatic centre.

This would help discourage on-street parking in front of the development area and further help reduce traffic conflict. Further, wheel stops for all parking spaces should be provided.

A dedicated bus pick up/drop off should be provided onsite to accommodate school swimming carnivals and the like.

Assessment Team Comment: This issue has been addressed in the “Car Parking” section on page 10 of the Assessment Report.

(b) To provide communal public car parking in appropriate areas, funded from developer contributions, where the development cannot accommodate adequate on-site parking, and/or where Council chooses to aggregate parking into a centralised location(s).

Comments: a contribution for the shortfall in parking does not form part of this application and as such, the 100 parking spaces are recommended to be provided.

Assessment Team Comment: This issue has been addressed in the “Car Parking” section on page 10 of the Assessment Report.

(c) To ensure that car parking areas are safe and functional.

Comments: it is considered that the parking areas would not cause any disruptions to the operation of the public road system.

Assessment Team Comment: This issue has been addressed in the “Car Parking” section on page 10 of the Assessment Report.

(d) To ensure that car parking areas are visually attractive.

Comments: landscaping is suggested to be used to help soften the expanse of hard stand surfaces.

Assessment Team Comment: This issue has been addressed in the “Tree Removal and Compensatory Landscaping” section on page 8 of the Assessment Report.

(e) To ensure that vehicular access points to the site are located to minimise danger or disruption to vehicles and pedestrians on the public street system.

Comments: some attention would be required to improve access into and out of the parking area.

Assessment Team Comment: This issue has been addressed in the “Traffic Impacts”, “Car Parking”, “Pedestrian and Cycle Access” and “Public Transport” sections on pages 10 to 12 of the Assessment Report.

▪ Loading Facilities and Waste & Resource Collection

Comments: Details will need to be shown and additional information regarding Section 4 of the plan will need to be provided prior to any further assessment. There are no details on how a service vehicle would be able to empty the bins associated with the development.

Assessment Team Comment: This issue had been addressed in the “Waste Collection” section on page 14 of the Assessment Report.

CONSULTATION

Any Submissions Made in Accordance With This Act or The Regulations;

The application was advertised and notified between 7 December 2011 and 31 January 2012 in accordance with Wingecarribee Shire Council's requirements.

A total of four submissions were received and a summation of the objections is listed below:

Objections raised are summarised 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 be inadequate;
- Cost of construction and on-going maintenance;
- The gymnasium and other facilities are insufficient to offset the operational costs of the swimming pools;

Positive comments received are summarised as follows:

- The proposal 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 proposal;

Comments: the draft assessment report from Wingecarribee Shire Council accurately describes the issues raised on the submissions.

Assessment Team Comment: This issue has been addressed in section 2.9 on page 26 of the Assessment Report.

The objection to the deficient number of parking spaces is valid and, as already discussed, 100 spaces should be provided prior to the occupation of the new facility.

Internal referrals

- Area Building Surveyor
- Economic and Tourism Department

External referrals

None listed

Assessment Team Comment: These issues have been addressed in the "CONSULTATION" section from page 8 of the Assessment Report.

CONCLUSION

It is considered that there is insufficient information to enable an assessment of the development application under the provisions of Section 79C of the Environmental Planning and Assessment Act 1979

As such, it is recommended that the following be submitted to Council prior to any further assessment of the development proposal:

- An assessment against the provisions of the Moss Vale Development Control Plan (Amendment 1)
- The submission of a traffic assessment report
- The submission of a noise assessment report

- The submission of a geotechnical report
- An assessment against the provisions of the State Environmental Planning Policy – Drinking Water Catchments 2011.
- An essential services plan should be submitted demonstrating compliance with the Building Code of Australia.
- The shortfall in the provision of parking be addressed. Consideration must be given to constructing the Stage 2 additional parking spaces at the same time as the aquatic centre. As such, plans should be provided to address the shortfall mentioned in the assessment.
- Consideration must be given to a dedicated bus pick up/drop off area within the site.

Assessment Team Comment: It is considered that all the issues raised in the peer review by Wollondilly Council have been satisfactorily addressed by the provision of amended plans and additional information.

RECOMMENDATIONS

That the outstanding information and amended plans in response to those issues mentioned in Wollondilly Shire Council's peer review be submitted to Wingecarribee Shire Council for assessment prior to the application being forwarded to the Joint Regional Planning Panel for determination.

Assessment Team Comment: It is considered that all the issues raised in the peer review by Wollondilly Council have been satisfactorily addressed by the provision of amended plans and additional information.

Regards

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