

# Joint Regional Planning Panel

(Sydney East Region)

*Meeting Date: 28/5/14*

<b>JRPP Number:</b>	2014SYE022
<b>DA Number:</b>	DA-2014/255
<b>Local Government Area:</b>	ROCKDALE
<b>Proposed Development:</b>	Rockdale City Aquatic Centre - Demolition of existing pools and associated facilities and construction of a new outdoor 50 metre pool and an indoor aquatic and leisure centre including parking for 150 vehicles, site works, landscaping and signage
<b>Street Address:</b>	98C Preddy's Road, BEXLEY NSW 2207
<b>Applicant/Owner:</b>	Rockdale City Council
<b>Number of Submissions:</b>	Sixty seven (67)
<b>Recommendation:</b>	Conditional approval
<b>Report by:</b>	Kerry Gordon – Consultant Town Planner

## Precis

The proposal is for demolition of existing pools and associated facilities and construction of a new outdoor 50 metre pool and an indoor aquatic and leisure centre including parking for 150 vehicles, site works, landscaping and signage. The proposal also involves the removal of 73 trees and associated vegetation as well as removal of a large group of Casuarinas growing near the northern embankment.

The site is zoned part RE1 Public Recreation and part SP2 Infrastructure under Rockdale Local Environmental Plan 2011 (RLEP 2011). Preddys Lane is zoned R2 Low Density Residential. The use is defined as recreation facility (indoor) and recreation facility (outdoor) and is permissible with consent in the RE1 zone but prohibited in the SP2 zone. A zoning overlay plan has been provided by the applicant that confirms no works are proposed within the SP2 zone and as such the proposal is permissible with consent. Further, works within Preddys Lane include construction of a road and landscaping, with roads being a permitted use without consent and the landscaping works being ancillary to the road works.

The proposal complies with requirements in Rockdale Local Environmental Plan 2011 (RLEP 2011) and Rockdale Development Control Plan 2011 (DCP 2011) and is consistent with all relevant state instruments.

The proposal has a Capital Investment Value greater than \$20 million (i.e. 29.9 million) and as such the development application is referred to the Joint Regional Planning Panel (JRPP) for determination. The recommendation is for approval subject to conditions.

## **Officer Recommendation**

1. That development application DA-2012/255 for demolition of existing pools and associated facilities, construction of a new outdoor 50 metre pool and an indoor aquatic and leisure centre including parking for 150 vehicles, site works, landscaping and signage be APPROVED subject to conditions.
2. That the submitters be advised of the JRPP decision.

## **Report Background**

### **PROPOSAL**

The proposal is for demolition of existing pools and associated facilities and construction of a new outdoor 50 metre pool and an indoor aquatic and leisure centre including parking for 150 vehicles, site works, landscaping and signage. The proposed works are identified in two stages, however the application is not for a staged approval, but rather relates to funding issues. The proposal is described in detail following.

Demolition	It is proposed to demolish all buildings, facilities and car parking on the subject site, with the exception of the buildings to the east of the existing 50m pool which are to be retained. However, the existing pool plant is to be removed from these buildings. The proposal also involves the removal of 73 trees and associated vegetation as well as removal of a large group of Casuarinas growing near the northern embankment.
50m Pool	It is proposed to construct a new 50m, 8 lane outdoor pool approximately 26m to the south of the existing pool, to be surrounded by a pool concourse area.
External Structures	<p>To the south of the pool is to be a marshalling shade structure having dimensions of 20m x 5.5m, a height of 3.5m-4.8m and constructed of painted steel frames with a fabric roof.</p> <p>A 7 tiered grandstand with seating capacity for 434 persons is proposed to the east of the pool and a 23m x 10m shade structure is proposed above it to a height of 5.3m, constructed of lightweight steel cladding with a metal deck roof.</p> <p>A recorders room is proposed on the western side of the pool having dimensions of 3.5m x 4.8m, with a height of 3.5m-4.8m and constructed of lightweight steel cladding with a metal deck roof.</p> <p>A splash deck is proposed as part of Stage 2 to the western side of the pool and is to be covered with a 10.8m x 7.2m shade</p>

structure to a height of 5.4m, constructed of steel frames and a fabric roof.

A new access road is proposed from the south-eastern corner of the aquatic centre building, around the eastern side of the outdoor pool to the location of the new heat pump plant area to the south of the pool.

**Aquatic Centre Building:** The aquatic centre building is to be constructed over three levels. The building is largely to be a rectangular shaped building having dimensions of approximately 30.5m x 102m, but has an elongated semi-circular shaped protrusion to the south containing the amenities. The basement level contains part of the lower level car park to the western end, the pool plant to the eastern end and the pool balance tanks at the centre.

The ground level of the building is elevated above parking at the western end, which contains the main entrance and reception, administration offices, staff amenities, children's club, community room, pool store, swim club room and shop. A lift is provided adjoining the reception/foyer which provides access from both the lower and upper level car parks and to the first floor of the centre.

The remainder of the ground floor contains a proposed leisure pool, learn to swim pool and 25m pool, with low grandstand seating along the northern side of the pool. The amenities area is contained within the southern portion of this floor and contains male and female change rooms and toilets as well as a families change room and 2 accessible toilets. This area also contains a Stage 2 steam and sauna room. Finally, a kiosk is proposed at the eastern end which opens onto an elevated terrace area.

The first floor level of the building is a mezzanine located over the western and southern portions of the building and is to contain a gym, fitness area and store to the west and a spin room and amenities area within the southern projecting element.

The proposed building is to have a maximum height of 15.8m from the basement floor level to the top of the trusses at the western end and 14m from the finished ground level to the top of the trusses at the eastern elevation. The trusses will project 3m above the roof of the building.

**Lower Car Park:** The lower car park is to be reconstructed to provide parking for 97 cars and 5 motorcycles. The car park is to be partially overhung by the aquatic centre building, providing 21 undercover spaces, including 4 accessible spaces. A total of 6 dedicated spaces for parents with prams are also proposed (3 under cover and 3 near the pedestrian access ramp). A central landscaped strip is proposed between the two aisles of parking which is to be planted with trees to provide shade to the parking area. Movement around the parking area is one way in a clockwise direction.

A loading bay is proposed at the end of the parking area under the building. A waste room and the main switch board are to be

constructed within the car park to the south-western side of the undercroft of the building.

Vehicular access to the car park is to be provided by a single entry/exit point to the northern side of the car park from Preddys Road. To the south of the entry point is proposed a drive-thru bus drop-off bay for two buses to allow for the drop-off of school and other groups to the centre. The bus drop-off bays adjoin the proposed pedestrian ramp that runs along the northern edge of the escarpment and provides access to the aquatic centre. The bus drop-off bays are to be delineated by a contrast paving. Adjoining the bus drop-off bays to the west is the existing public bus stop on Preddys Road which is to be retained.

Upper Car Park:

It is proposed to reconstruct Preddys Lane to a similar alignment, but located slightly westward, creating a two way lane of 6m width. The east/west section of Preddys Lane is to have 10 perpendicular parking spaces provided, supported by a retaining wall to the north. The north/south section of Preddys Lane is to retain access to the existing residential properties to the west and the Council depot to the south as well providing access to two parking areas providing parking for 20 cars in the northernmost one and 23 cars and 4 motorcycles in the southernmost one. A pedestrian path is proposed on the northern and eastern side of Preddys Lane between the car parking and a set of access stairs to the front entrance of the aquatic centre building. The path also provides access to a ramp, providing an accessible path of travel to the lift which provides access to the aquatic centre.

Signage:

Two signs are proposed being a 3 sided pylon sign located adjacent to the south-western corner of the lower level car park side - each side 3m wide x 6.5m high (wording – Rockdale City Aquatic Centre) – constructed of steel on a concrete plinth with 3D aluminium, painted letters on an aluminium meshed panel – back spot lighting and a building sign on the façade over main entry – 3.8m x 2.0m – individual 3D aluminium, painted letters – back spot lighting

Landscape Works:

Landscaping works are proposed around the development with the following features of particular note.

- Tree planting and a bioswale located between the aisles of the lower car park;
- Reconstruction of the pedestrian pathway from Highgate Street to Preddys Road under the building and then located within the adjoining reserve;
- Bushland planting on the escarpment in front of the parking to the north of Preddys Lane;
- Low level planting between the carriageway of Preddys Lane and the north/south portion of Preddys Lane;
- 2m high planting between the east/west portion of the carriageway of Preddys Lane and the adjoining property to the south;
- Retention and additional planting of heath bushland to the east of the proposed upper level car parking;

- Bushland planting to the south of the upper level car park and the south and east of the pool are to provide a wildlife corridor; and
- Provision of turfed areas to the east and south of the pool.

The aquatic centre is proposed to operate between the hours of 5am-9pm Monday to Friday, 6am-8am Saturdays and Sundays and 8am-6pm on public holidays.

## EXISTING AND SURROUNDING DEVELOPMENT

The site is described as Lot 100, DP 1042328, Lot 7, DP 21406, Lot E, DP 328325, Lot 14, DP 14208 and Lot 7008, DP 1031070, No 98C Preddys Road, Bexley and currently contains the Bexley Pool and Leisure Centre. The site is an irregular shape, having frontage to Preddys Road and a site area of 35,625.6m<sup>2</sup>. The site also includes the reservation of part of Preddys Lane.

The site is an old quarry and the existing pool and associated buildings are located in the low part of the site that was previously quarried for materials to construct roads within the municipality. The low part of the site is relatively flat, having been previously filled and has a fall of approximately 1.1m from the toddlers pool in the south to the northern edge of the 50m pool, and is surrounded to the east, west and south by higher land, creating an amphitheatre effect, with Bardwell Creek, which runs roughly north/south, located to the north at a much lower level (over 6m lower).

The pool currently has a car park between it and Preddys Road which slopes up from Preddys Road to the pool and also down from the south to the north. Adjoining the car park to the south is a rock face created by the previous quarrying, having a height of approximately 4m-6m. To the south of this rock face is Preddys Lane which is a rough bitumen road without kerb and gutter which is entered from Preddys Road and has a right-angle right hand turn along the back of the residential allotments to the south of the subject site. The bitumen surface of Preddys Lane is contained within the road reserve up to the right hand turn and then does not follow the road reserve, but rather encroaches into the subject site. Preddys Lane provides vehicular access to the rear of a number of residential properties fronting Preddys Road and also to the Council depot which is located to the south of the subject site. The land immediately surrounding Preddys Lane is informally used for car parking, largely by the residents of the properties fronting Preddys Road. The remainder of the land between Preddys Lane and the escarpment is heavily vegetated with heath and a clump of native trees.

Buildings currently used to house pool equipment are located to the north-east of the 50m pool. Further to the east are residential properties on Allan Street and Highgate Street. A public pathway from Bardwell Valley Parklands exists on the northern portion of the site, connecting with Preddys Road. Residential properties adjoining to the south-west (fronting and on the opposite side of Preddys Road) and to the north of the Bardwell Valley Parklands, which is located to the northern portion of the site, fronting Canonbury Grove.

A public bus stop is located at the frontage of the subject site, with another bus stop located on the opposite side of Preddys Road.

## PLANNING CONSIDERATION

The proposed development has been assessed under the provisions of the Environmental and Planning Assessment Act, 1979. The matters below are those requiring the consideration of the Joint Regional Planning Panel.

## **Section 91A – Development that is Integrated Development**

The applicant has indicated that the development does not constitute Integrated Development and as such does not require approval by the NSW Office of Water under the Water Act 1912. The applicant has indicated that they have had discussions with the Office of Water which confirmed that as the site adjoins a piped and concrete lined waterway it is not considered to be a natural waterway and therefore is not Integrated Development.

## **Section 79C (1) Matters for Consideration – General**

### **Provisions of Environmental Planning Instruments (S.79C(1)(a)(i))**

#### ***State Environmental Planning Policy No 19 – Bushland in Urban Areas (SEPP 19)***

Clause 6 requires consent for the disturbance of bushland zoned or reserved for public open space. The subject site is zoned for public open space and it is considered that the vegetation on the higher portion of the site, above the escarpment is bushland for the purposes of SEPP 19. Clause 6 requires that a consent authority not grant consent to the disturbance of such bushland unless:

- (a) it has made an assessment of the need to protect and preserve the bushland having regard to the aims of this Policy,*

An ecological assessment prepared by Alison Hunt and Associates accompanied the application and identified two vegetation associations within Bardwell Valley Parklands being sandstone and alluvial floodplain.

The floodplain communities are highly disturbed remnants of Swamp Oak Woodland, Aquatic Herbfeld, Sedgeland and remnant trees of Floodplain Open Forest along Bardwell Creek north of Bexley Road, which correspond to highly disturbed examples of Swamp Oak Floodplain Forest, Freshwater Wetlands on Coastal Floodplains and Swamp Sclerophyll Forest on Coastal Floodplains, which are all EECs. The sandstone communities correspond to Eastern Sandstone Gully Forest, Sandstone Open Forest and Sandstone Heath.

On the site there are 3 communities, being Sandstone Heath, Sandstone Open Forest and disturbed, none of which are EECs. The Sandstone Heath is located near the edge of the escarpment and the Sandstone Open Forest is located between Preddys Lane and the Sandstone Heath.

The Sandstone Heath comprises a 3m high dense native shrub layer with sparse canopy cover. The Sandstone Open Forest intergrades with the heath and is on top of the escarpment and east of Preddys Lane and contains a Turpentine dominant overstorey with isolated occurrences of Smooth-barked Apple and Red Bloodwood. The midstorey includes isolated stands of Rough-barked Apple, Ball Honeymyrtle and Allocasuarina distyla. The edge of the bushland is impacted by weeds, but away from the edge there are groundcovers of native herbs, forbs and grasses.

The site provided limited habitat for fauna, especially ground-dwelling species and mobile species such as bats and birds. The site is not considered suitable for nesting of endangered or vulnerable species, though some may fly over the site. The site provides part of a linear corridor for flora and fauna links east to west.

The original proposal (which included a greater level of disturbance of the bushland) involved removal of 0.16 ha of native vegetation, including the loss of regionally significant

habitat for Grey Spider Flowers, Ball Honeymyrtle and Mountain Devil and results in the loss of connectivity. According to the assessment, in order to offset the losses an area of the escarpment should be considered for rehabilitation and vegetation to represent current communities and strengthen connectivity and landscaping should occur with native species. The recommendations of this report are shown in the landscape plans.

- (b) *it is satisfied that the disturbance of the bushland is essential for a purpose in the public interest and no reasonable alternative is available to the disturbance of that bushland, and*

The disturbance of the bushland is required to provide sufficient parking for the aquatic centre for the expected patronage and this is considered to be for an essential purpose of public interest. The only alternative to providing part of the parking at the upper level of the site is the provision of a multi-level car park on the lower portion of the site. Due to the topography and shape of the allotment, the only possible location for the outdoor pool and indoor complex is in its proposed location, which means the only location for a car park on the lower level is where it is proposed. Were a multi-level car park to be provided in this location it would have an unacceptable visually dominant impact upon Preddys Road and would prevent the aquatic centre from having an appropriate relationship with Preddys Road. It is therefore considered that there is no alternative location for the additional parking which is located at the upper level of the site.

- (c) *it is satisfied that the amount of bushland proposed to be disturbed is as little as possible and, where bushland is disturbed to allow construction work to be carried out, the bushland will be reinstated upon completion of that work as far as is possible.*

Concern was originally raised with the application that an excessive amount of parking was being proposed as parking was being proposed to cater for the peak usages of the aquatic centre such as large swimming carnivals where significant numbers of attendees come by private cars. Such events are irregular and it is considered inappropriate to provide sufficient parking for such infrequent events, which would be empty for the majority of the time. Concern was also raised that the car park design did not ensure maximum retention of the bushland, being located too close to the stand of trees such that it would have a detrimental impact upon them. Amended plans were provided in response to this concern which reduced the number of parking spaces proposed from 175 car spaces and 24 motorcycle spaces to 150 car spaces and 9 motorcycle spaces. The reduction in the provision of parking reduced the length of the upper level car parking area to the immediate south of the pool and as such allowed for the retention of a greater amount of the heathland. The realignment of the second upper parking area allowed for the retention of the clump of 5 trees between the two parking areas. It is considered that the amended design minimised disturbance upon the bushland to the extent possible whilst still achieving a reasonable level of parking provision on the site.

### **State Environmental Planning Policy No.55 - Contaminated Land (SEPP 55)**

The subject site (eastern portion) has been identified as a potential stockpile area for incinerated waste from the former garbage incinerator for the municipality which used to adjoin the site. Further, the site was used as a quarry in the early 1900s and the site was filled in the late 1950s from waste collected in the quarterly clean-ups and road based from Stoney Creek Road when it was constructed in the 1960s. Council records indicated that when the Bexley Swim Centre was constructed on the site in the 1970s a significant amount of consolidated garbage from the former incinerator was removed.

Based on the history of the site there is a high probability of onsite contamination and as such a soil/groundwater sampling programme was undertaken which included sampling from 13 borehole and the installation of 2 groundwater monitoring wells. The sampling programme identified elevated concentrations of lead and benzo(a)pyrene TEQ in fill soil from the north-eastern section of the site, elevated concentrations of benzo(a)pyrene, copper, lead, nickel and zinc in some fill samples and an elevated concentration of copper in the groundwater sample of one well.

The assessment found the soil contamination associated with the fill and the groundwater contamination to pose a moderate to low risk to human receptors. The Environmental Site Assessment found that the site could be made suitable for the proposed use provided a Remediation Action Plan was prepared and implemented during the construction works. It is recommended that a 'cap and contain' approach be taken to the contamination and that a site validation assessment and report should be prepared at the completion of the remediation. It is further recommended that an Environmental Management Plan be prepared for ongoing management of contamination remaining onsite. It is further recommended that a hazardous building materials survey be undertaken prior to any demolition work.

Council's Environmental Health Supervisor raises no objection to the proposal having regard to the above report and conditions of consent are proposed in line with the above recommendations. Therefore the proposal meets the requirements of SEPP 55.

#### ***State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64)***

SEPP 64 applies to applications including advertising structures/signage that will be visible from any public place and the subject application includes two signs and/or advertising structures that will be visible from public places as are detailed following:

- 3 sided pylon sign located adjacent to the south-western corner of the lower level car park side - each side 3m wide x 6.5m high (wording – Rockdale City Aquatic Centre) – constructed of steel on a concrete plinth with 3D aluminium, painted letters on an aluminium meshed panel – back spot lighting
- Building signage on façade over main entry – 3.8m x 2.0m – individual 3D aluminium, painted letters – back spot lighting

Clause 8 requires that signage must not be granted consent unless the signage is consistent with the objectives of the Policy and satisfies the assessment criteria specified in Schedule 1. The objectives of the Policy of relevance to this application are:

- (a) to ensure that signage (including advertising):*
- (i) is compatible with the desired amenity and visual character of an area, and*

The site is located in an area that is surrounded by residential dwellings and as such there is no other signage in the immediate area of the site. Therefore, whilst signage is appropriate for the proposed use, it is appropriate that the signage provides suitable information as to the location of the facility and the entrance to the facility without detracting from the residential character of the surrounding area. The proposed façade signage is simple and of reasonable dimensions given its distance from Preddys Road and will not detract from the residential character of the area.

The pylon signage needs to be of sufficient size and height to ensure traffic travelling down the dip in Preddys Road towards the site from both directions can discern the location of the centre in sufficient time to slow down and indicate the intention to turn into the centre and as



such necessarily needs to be of sufficient size and be appropriately located for this purpose. It is considered that the location is appropriate, providing sufficient sight distance for cars travelling in both directions and that the size and design of the sign allows a driver to identify the site with appropriate ease, but will not unacceptably impact the residential amenity of the area.

*(ii) provides effective communication in suitable locations, and*

See above comments.

*(iii) is of high quality design and finish, and*

The design and finish of the proposed signs is acceptable.

The Schedule 1 assessment criteria are addressed following.

The following assessment criteria apply to the application:

### **1 Character of the area**

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*

See previous comments

- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

There is no relevant theme for outdoor advertising in the area.

### **2 Special areas**

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The site is located in an environmentally sensitive area and the adjoining Bardwell Valley Parklands is a listed item of heritage. The façade signage is considered appropriate and will not detract from the visual quality of the Parklands. The pylon sign, whilst relatively large, is consistent with the use of the site for an aquatic centre and by necessity of the location of the site in a dip in the road needs to be of the proposed size to ensure traffic has sufficient time to slow down to enter the site. The simple nature of the signage is considered appropriate to its location and proposed use and is not considered to detract from the scenic quality of the Parkland to an unacceptable degree.

### **3 Views and vistas**

- Does the proposal obscure or compromise important views?*

The proposed signage has no negative impacts upon important views.

- Does the proposal dominate the skyline and reduce the quality of vistas?*

The height of the proposed pylon sign is such that it will project approximately 2.5m above the adjoining escarpment, but will be roughly in line with the ground level of the adjoining dwellings in Preddys Road to the south of the site and as such it is not considered the sign will dominate the skyline or reduce the quality of vistas.

- *Does the proposal respect the viewing rights of other advertisers?*

There are no other advertisers in the immediate area.

#### **4 Streetscape, setting or landscape**

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*

See previous comments. The signage is considered to be of appropriate scale, proportion and form for its setting and purpose.

- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*

The signage will contribute positively to the streetscape.

- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*

The level of signage proposed will not result in unacceptable clutter.

- *Does the proposal screen unsightliness?*

The proposed signs do not screen unsightliness.

- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*

The proposed signage will not protrude above surrounding buildings or tree canopies.

- *Does the proposal require ongoing vegetation management?*

The signage will not require ongoing vegetation management.

#### **5 Site and building**

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*

The signage is appropriate to the scale and proportion of the building.

- *Does the proposal respect important features of the site or building, or both?*

The signs are compatible with the building proposed for the site.

- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The signage will be appropriate but is not particularly innovative or imaginative.

#### **6 Associated devices and logos with advertisements and advertising structures**

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

The signs are not general purpose signs and as such there are no logos of advertising companies. The lighting will be incorporated into the signage and is appropriate.

## **7 Illumination**

- *Would illumination result in unacceptable glare?*

Illumination of the signage is reasonable, but should be limited to the hours of operation of the premises. A condition of consent to this effect is recommended.

- *Would illumination affect safety for pedestrians, vehicles or aircraft?*

It is not likely that the signage illumination would have any safety implications.

- *Would illumination detract from the amenity of any residence or other form of accommodation?*

There is some potential for the lighting of the pylon sign to impact dwellings, however the signage will not be visible from dwellings to the south and is of sufficient distance to dwellings to the north and west that it is unlikely to result in glare impacts.

- *Can the intensity of the illumination be adjusted, if necessary?*

There is no information provided as to whether the illumination can be adjusted.

- *Is the illumination subject to a curfew?*

No information is provided as to the hours of illumination, however it is appropriate to limit illumination to the hours of use of the facility.

## **8 Safety**

- *Would the proposal reduce the safety for any public road?*

The proposed signage is unlikely to impact the safety of the adjacent road, being of sufficient size and prominence to allow drivers sufficient time to slow down to enter the site.

- *Would the proposal reduce the safety for pedestrians or bicyclists?*

The signage is located such that it will not screen any pedestrians or cyclists from the view of drivers.

- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The signage will not obscure any sightlines from public areas.

## **State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)**

Clause 104 requires traffic generating development (identified in Schedule 3) to be referred to the RMS for comment. As Preddys Road is not a classified road and the site is not within 90m of a classified road, the proposal is not considered to be traffic generating development as the car park does not provide for 200 or more vehicles.

## **Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment**

The Greater Metropolitan Regional Environmental Plan No. 2 applies to all land within Rockdale City local government area and requires consideration of the impact of development upon water quality in the catchment.

Whilst the proposal as amended still provides for an inappropriate level of treatment of stormwater runoff to ensure appropriate water quality being discharged from the site, conditions of consent will require appropriate measures to ensure water discharged is of appropriate quality. Further, soil and sedimentation measures during construction will also protect the water quality of the catchment. Subject to conditions it is considered that the proposal will be consistent with the requirements of the Greater Metropolitan Regional Environmental Plan No.2.

### ***Rockdale Local Environmental Plan 2011 (RLEP 2011)***

The site is zoned part RE1 Public Recreation and part SP2 Infrastructure under Rockdale Local Environmental Plan 2011 (RLEP 2011). Preddys Lane is zoned R2 Low Density Residential. The use is defined as recreation facility (indoor) and recreation facility (outdoor) and is permissible with consent in the RE1 zone but prohibited in the SP2 zone. A zoning overlay plan has been provided by the applicant that confirms no works are proposed within the SP2 zone and as such the proposal is permissible with consent. Further, works within Preddys Lane include construction of a road and landscaping, with roads being a permitted use without consent and the landscaping works being ancillary to the road works.

The objectives of the RE1 zone are satisfied by the proposal as is discussed following:

- *To enable land to be used for public open space or recreational purposes.*

The proposal is for a public swimming pool complex and as such provides for a recreational purpose, satisfying this objective.

- *To provide a range of recreational settings and activities and compatible land uses.*

The subject site as a whole provides for a swimming pool complex and natural areas of bushland and these are compatible land uses.

- *To protect and enhance the natural environment for recreational purposes.*

The design of the proposed building is to incorporate measures to protect the natural environment, including drainage swales and infiltration from car parking areas to minimise transfer of pollutants to Preddys Creek and planting of a fauna corridor to the north-eastern side of the site as well as the protection of heathland on the upper level of the site to an appropriate degree.

The relevant clauses of RLEP 2011 that apply to the proposal are below.

#### ***Clause 4.3 - Height of buildings***

Clause 4.3 sets maximum permitted heights for buildings however does not set a height for the subject site. The maximum permitted height for Preddys Lane under this clause is 8.5m. As no buildings are proposed within Preddys Lane the proposal complies with clause 4.3.

#### ***Clause 4.4 – Floor Space Ratio (FSR)***

Clause 4.4 sets maximum FSR for buildings however does not set a FSR for the subject site. The maximum permitted FSR for Preddys Lane under this clause is 0.5:1. As no buildings are proposed within Preddys Lane the proposal complies with clause 4.4.

#### ***Clause 5.9 – Preservation of Trees or Vegetation***

Clause 5.9 requires that consent be sought for the removal of trees or vegetation and the proposal involves the removal of 73 trees and a large group of Casuarinas growing on the northern embankment as well as removal of part of the heath vegetation on the upper level of the site. The loss of the heath vegetation has been discussed in the section of the report addressing SEPP 19 and is considered to have been suitably minimised and is acceptable. The removal of the trees is required to allow for the redevelopment and will be compensated for with new tree planting.

#### *Clause 5.10 – Heritage Conservation*

Clause 5.10 indicates that development impacting items of heritage require consent and that the consent authority must consider the impact of the proposal upon the heritage item prior to granting consent. Part of the subject site, the northern portion which is to contain the indoor pool complex and part of the lower car park, is identified as an item of heritage. The item of heritage is the Bardwell Creek Flora Reserve and extends further to the north and north-east of the subject site and is an item of local significance.

Comments in relation to the proposal addressing the impact upon the heritage significance of the Bardwell Creek Flora Reserve provided by Council's Coordinator Environmental Strategy follow.

*The SEE has also recognised the existence of a heritage listed natural item known as the Bardwell Creek Flora Reserve. The issues raised in the SEE's Ecological Report address all of the impacts and issues associated with the Flora Reserve.*

*If the recommendations from the SEE, Ecological Report and Landscape Plan are implemented, the impacts to the integrity of the heritage listing will be minimal.*

#### *Clause 6.1 – Acid Sulfate Soils*

The site is within an area classified as Class 5 in the acid sulfate soils map. The proposal does not involve any works within 500m of a Class 1-4 area that is below 5m AHD and which will lower the water table by 1m below AHD on that adjacent land. As such no further investigations are necessary in relation to acid sulphate soils.

#### *Clause 6.2 – Earthworks*

The proposal involves excavation for the pools within the indoor centre and the outdoor pool and clause 6.2 requires consideration of the following matters prior to granting consent for earthworks.

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

A geotechnical report has been prepared to address soil stability as the site contains significant levels of poorly compacted fill. The report identifies methods of dealing with the excavations to ensure soil stability. The excavations are not such that they will alter the drainage patterns in the locality.

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

The excavation proposed is intended to facilitate the proposed future use of the site and as such the effect will be positive.

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

A geotechnical report has been prepared as the site contains significant levels of poorly compacted fill and also contaminated soil. The geotechnical report and a required RAP identify how the fill and contaminated soil are to be treated and disposed of for the excavation works.

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

The proposed excavation work is all located a significant distance from adjoining properties and subject to appropriate methods of construction, as identified in the geotechnical report, will not have any negative impact upon surrounding property.

(e) *the source of any fill material and the destination of any excavated material,*

The geotechnical report has identified that any excavated material to be disposed of offsite will need to be classified. The RAP and waste management plan will need to identify offsite disposal sites for any contaminated material.

(f) *the likelihood of disturbing relics,*

The site has previously been used as a quarry and has been extensively filled and as such there is little likelihood of disturbing any relics.

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

Soil and sedimentation devices will be required to be installed and maintained throughout the excavation and construction works given the location of Bardwell Creek downslope of the subject site.

#### *Clause 6.6 – Flood Planning*

The Rockdale City Aquatic Centre at Preddys Road Bexley is adjacent to Bardwell Creek and also is located in a depression such that local catchment overland flows (principally from the directions of Stoney Creek Road, Rye Avenue and Highgate Street) enter and pass through the site as they are conveyed to the creek. While the Centre's buildings and swimming pools are located on land which is somewhat elevated relative to the Bardwell Creek channel, they are also located within the base of the depression.

The site is affected by flooding in 1% AEP flooding event from Bardwell Creek and also by overland flow flooding from upslope. Council's flood advice letter for the site indicated that the design for the building should provide for a freeboard of 200mm above the 1 in 100 year overland flow level or 500mm above the 1 in 100 year flood level from Bardwell Creek, whichever is higher. It further indicated that the minimum level of the pool coping for the outside pool and the parking level and outbuildings was to be the 1% AEP flow level, though basement levels could be below this if they are physically protected to the flood planning level. All electrical connections or external power points were to be set above the minimum floor level. The letter also required consideration of the construction method of structures in the overland flow path and required that the works not result in increasing the flood hazard off site.

To address these issues a report was prepared by AECOM which determined that the redeveloped site will be inundated during the 1% AEP event with flows from Stoney Creek

Road, however this water will not enter the car park. The report found that the flood level at the south eastern corner of the indoor pool building is equivalent to the proposed flood level in the 1% AEP event and as such no freeboard clearance is provided. Sections of the flows through the site will result in high hazard conditions and these will need to be managed through the implementation of a Flood Evacuation Plan. The report found that the flood hazard to adjoining properties is not increased by the proposal. Further, the report found that the ground floor of the indoor pool building will not be affected by flooding in Bardwell Creek and that the access to the basement meets the flood planning level required by Council's flood advice letter. Finally, it was found that the flood levels in Bardwell Creek do not influence the height of the overland flows travelling through the site.

The information was provided to Brewsher Consulting Pty Ltd to peer review and following are the conclusions of the peer review.

- *In our opinion the March 2014 flood study report has a number of deficiencies (reference Sub-Sections 4.1 & 4.2 of this memo). It is recommended that those deficiencies be addressed at this stage of the approval process,*
- *The project documentation has failed to address and/or adequately respond to almost all the development control items listed in Council's Flood Advice letter (reference Section 7 of this memo). It is recommended that those deficiencies be addressed at this stage of the approval process;*
- *In our opinion the assessment of OSD matters has not been adequate (reference Section 5 of this memo) and should be addressed at this stage of the approval process; and*
- *The flood modelling of a range of flood events both smaller and larger than the 1% AEP event provide important information regarding flood RLs, potential flood damages and hazard to inform a Flood Management Plan but would also provide a picture of potential inundation issues for what is a significant Council asset. Such modelling would also inform the process for assessing works options which might divert the substantial overland flows around the new complex. It is recommended that such potential works options be identified and investigated at this stage of the approval process.*

As a result of the above peer review a meeting was held with the applicant's and Council's drainage experts and additional information was sought, particularly in regard to the likely frequency and extent of flooding of the outdoor pool and the method of protection against flooding of the basement and pool plant room, the communications room and switch board and the lower level car park. The additional information provided indicates that:

- The outdoor pool will not be subject to flooding from Bardwell Creek but will be inundated from overland flow during the 20% AEP event and during the 45, 60 and 90 minute 50% AEP storm events, however the depths of the flows are expected to be minimal. During these events it is anticipated that some sediment may be contained within the runoff and could be deposited within the outdoor pool.
- Anecdotal information provided from staff indicates the current pool has not been inundated and the existing pool is constructed lower than the proposal outdoor pool.
- The basement and pool plant room will be protected against flood by the provision of doors at a level of RE 23.3 AHD which provides a 500mm freeboard to the 1% AEP flood level in Bardwell Creek. The design also provides a 15m wide overland flow path to the east of the indoor pool building, diverting overland flows around the building.
- The lower level car park is designed to be above the 1% AEP flood level in Bardwell Creek and overland flow is diverted to the east of the proposed indoor pool building, protecting the car park from the overland flow. A kerb invert has been provided along

the northern edge of the car park and a low point has been designed in the kerb to direct surface runoff away from the proposed lift. A ridgeline has been incorporated into the pavement design to direct overland flows from Preddys Road away from the lift well and undercroft parking area.

- The communications room and main switch board have finished floor levels of RL 23.3 AHD, providing 500mm freeboard above the 1% AEP flood level in Bardwell Creek

The additional information has been assessed by Council's Development Engineer as acceptable subject to conditions. It is noted that the outdoor pool is likely to be subject to impact from overland flow, though the likelihood has been reduced by the elevation of the pool compared to the existing pool. The inundation from overland flow is unlikely to cause significant impact upon the pool and surrounds other than in the largest events, with damage in the smaller events being some siltation of the pool and surrounds, requiring cleaning. IN the larger events more significant siltation is likely to occur. The following comments were provided by Council's Development Engineer in response to the additional information.

*Given the limitations of the Webb, McKeown & Associates "Southern Bardwell Creek Drainage Study – GIS Implementation", it is suggested that a more detailed investigation would be required to better understand the behaviour of overland flow and the performance of Council's existing drainage infrastructure within the upstream catchment.*

*In summary;*

- *Lack of above details leads to further investigation and proper documentation of a **Business Flood Risk Management Plan** including a Flood Evacuation plan.*

*The proposed development is supported from a flooding perspective in relation to clause 6.6 – Flood Planning of Rockdale LEP 2011, subject to recommended conditions above.*

#### *Clause 6.7 – Stormwater*

The proposed stormwater system consists of a combination of pipes and overland flow, with the building and lower car park piped to Bardwell Creek and the upper level car park drained using overland flow through the health land, via spreaders. The stormwater system has been approved by Council's Development Engineer, subject to conditions, and is consistent with this clause.

Comments received from Council's Coordinator Environmental Strategy address water sensitive urban design of the original proposal following.

*The proponent's response to managing stormwater and water quality, in terms of water sensitive urban design, is inadequate and disappointing, especially as the proposed Aquatic Centre has the opportunity to demonstrate to developers and the community how contemporary and sustainable water management can be achieved.*

*The proponent's consideration of water sensitive urban design seems to be limited to the dismissal of water sensitive urban design options, based on site constraints.*

*The proposal to install a Gross Pollutant Trap (GPT) to manage stormwater is completely inadequate as a sole response. GPTs are not designed to manage or minimise water quality impacts, other than by trapping gross pollutants. GPTs are also very old technology with high maintenance demands and limited capabilities.*



*The proponents even acknowledge that the proposed design does not meet the general stormwater pollutant load reduction targets set out by Council, yet propose nothing to mitigate this issue.*

*The total phosphorus and nitrogen levels do not see much improvement as these typically require treatment through bioretention or filters, both of which have been dismissed for the site.*

*The SEE's proposed landscape plan even highlights the opportunity for water sensitive urban design opportunities under the proposed car parks. However, there is no investigation about its viability.*

*As a regional leader, Council (as the proponent), should, as a minimum, meet the water quality improvement targets set out in the Botany Bay and Catchment Water Quality Improvement Plan (Sydney Metropolitan CMA 2011).*

*I urge that further investigation and action be undertaken by the proponent to investigate how other developments with site constraints have achieved water sensitive urban design outcomes, or to provide more evidence that the site is incapable of delivering any WSUD structures and outcomes.*

After raising this concern with the applicant additional information was provided and the following response was provided from Council's Development Engineer.

*The stormwater concept drawings have shown the stormwater generated from the roof areas of the proposed building and lower car park area being collected within an OSD system. The controlled flow from the system has shown to be gravity feed to Sydney Water's open channel. Also provision of a stormwater treatment device is provided.*

*The proposed location for OSD or the stormwater treatment device is not clearly defined and or not suitable for a flood affected site or to meet the treatment targets. A condition is recommended below to meet the requirements prior issue of CC.*

Also

- 1. The runoff to Preddy's Road should be captured and treated prior to discharge downstream of the Council system.*
- 2. Also the covered carpark level runoff should be captured and treated through an oil interceptor.*
- 3. Best practice measures for stormwater harvesting shall be implemented.*

Recommended conditions of consent address the above issues of concerns and require the development to incorporate water sensitive urban design to achieve the following targets;

Stormwater Pollutants	Commercial re-Development (with only 10% variation)
Gross Pollutant	90%
Total suspended solids (TSS)	80%
Total Phosphorus (TP)	55%
Total Nitrogen (TN)	40%

Clause 6.8 – Biodiversity Protection

The site is partially mapped as environmentally sensitive land - biodiversity pursuant to clause 6.8, with the area corresponding to the health and open forest on the upper level of the site being mapped. Clause 6.8 requires the consent authority to consider the impact of a development on the following prior to granting consent for development on such land.

- (a) *native ecological communities,*
- (b) *the habitat of any threatened species, populations or ecological community,*
- (c) *regionally significant species of fauna and flora or habitat,*
- (d) *habitat elements providing connectivity.*

Further, consent must not be granted unless the consent authority is satisfied of the following:

- (a) *the development is designed, sited and will be managed to avoid any adverse environmental impact, or*

The development is not sited or designed to avoid adverse environmental impact as it results in the loss of part of the mapped heath land.

- (b) *if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or*

For the reasons discussed in relation to the assessment of the development against the criteria of SEPP 19, it is not considered that impact upon the mapped area can be avoided.

The following comments were received from Council's Coordinator Environmental Strategy in relation to the impact of the originally proposed development upon the mapped land.

*The proponents have prepared a Statement of Environmental Effects (SEE) with a section dedicated to the assessment and analysis of ecological impacts. This is supported by an Ecological Report.*

*The SEE acknowledges that there are likely to be impacts to biodiversity as a consequence of this proposal including:*

- *Clearing of 0.16 ha of Environmentally Sensitive Land as mapped under the Rockdale LEP 2011.*
- *Impacts to three plant species of regional conservation significance and their habitat.*
- *Some disruption to connectivity.*

*The Ecological Report and Proposed Landscaping sections of the SEE also refer to recommendations for the implementation of management measures to mitigate and offset any potential impacts associated with the vegetation clearing necessary to facilitate construction of the proposed works.*

*The assessment and recommendations are welcomed as an appropriate approach to managing proposed impacts on the site. Provided that the proposed management measures are implemented and monitored (ie Construction Environmental Management Plan, Landscape Plan, offset and rehabilitation of an area to compensate for corridor vegetation clearing), the works proposed are likely to only have a minimal impact on the biodiversity values of the land zoned as Environmentally Sensitive Land. The offset planting is particularly important to strengthen connectivity through the corridor and landscape.*

*A condition to be considered is that any compensatory offset or rehabilitation plantings will need to be monitored, and subsequently managed, over time to ensure their survival and viability. This could be elaborated on further in the Environmental Management Plan or a more detailed Landscape Plan than that provided as part of the DA documentation.*

However, by the removal of the originally proposed “stage 2” parking and other design changes, the impact upon the mapped land has been further minimized since the above comment was received and as such is considered to be acceptable. Conditions as recommended are included in this report.

(c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

See above comments.

#### *Clause 6.12 – Essential Services*

Services are generally available on the site. Additional conditions of consent are proposed requiring consultation with relevant utility providers to ensure appropriate provision of services on the site.

#### **Provisions of 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 (S.79C(1)(a)(ii))**

There are no Draft Environmental Planning Instruments that affect the assessment of this proposal.

#### **Provisions of Development Control Plans (S.79C(1)(a)(iii))**

##### ***Development Control Plan 2011(DCP 2011)***

The proposal has been assessed against the objectives and controls under DCP 2011. The relevant parts of DCP 2011 are Part 4 General Principles for Development and Part 6.4 Advertising and Signage and are addressed following.

##### ***Part 4.1 – Site Planning***

Part 4.1.1 addresses Views and Vistas and requires development to have regard to significant views to, from and across the site, with significant views and views to heritage items to be retained. The site contains a heritage item (being Bardwell Valley Parklands) and views to the item are currently available to persons using the pedestrian pathway that adjoins the existing pool building and connects Highgate Street to Preddys Road. The pathway is being demolished as part of the proposal, however a new pathway is to be provided to reinstate this access way and the views of the Parkland therefrom. It is noted that the pathway is currently not accessible and cannot be made accessible due to the topography of the area, particularly at the Highgate Street end of the pathway. Views to the Parkland from within the new indoor pool are also provided for with windows along the northern side of the indoor pools at ground level and with a balcony and windows provided from the gym at the first floor level. Finally, the Parkland will be visible from the eastern surrounds of the outdoor pool.

Given the location of the site within a depression in the topography, the proposed building will not result in the loss of any views from surrounding properties.

Part 4.1.2 addresses Heritage Conservation and the proposal satisfies the provisions of DCP 2011 as it does not have a detrimental impact upon the heritage significance of the Bardwell Valley Parklands as has been addressed previously in this report.

Part 4.1.3 addresses Water Management, including water sensitive urban design and the proposal whilst not satisfying the criteria contained in DCP 2011, as has been discussed previously in this report, will be satisfactory subject to compliance with recommended conditions addressing water sensitive urban design. The flood management issues addresses by DCP 2011 have also been addressed previously within the report and have been found to be acceptable subject to conditions of consent.

Part 4.1.4 addresses Soil Management and the proposal has the potential to cause significant damage to Bardwell Creek if appropriate soil and sedimentation measures are not put in place and maintained throughout the construction process. The application has been considered by Council's Development Engineer in relation to soil management and the following comments were provided.

*The application has been conditioned for the soil erosion requirements will be assessed by the PCA at the Construction Certificate stage.*

*In order to control runoff of silt to the Council stormwater system, it is necessary that a water quality treatment device be installed to treat stormwater from the paved surfaces. In this regard a silt arrestor pit is to be provided on each line before it discharges to the receiving system.*

Part 4.1.5 addresses Contaminated Land and part of the site has been identified as contaminated. The contamination of the site and the proposed remediation required have been addressed previously in this report and will be satisfactory subject to conditions of consent.

Part 4.1.6 addresses Development on Sloping Sites and requires the building footprint to be designed to minimise cut and fill by stepping the building to follow the slope of the land. For the proposed facility, such an approach is not possible given the large footprint required for swimming pools. However, the proposed building and pool are located on the flattest parts of the site and as such the level of cut and fill is reasonable given the nature of the structures.

Part 4.1.7 addresses Tree Preservation and this issue has been addressed previously as being satisfactory, with the tree loss considered to be necessary to provide for the new public facility and being offset by proposed landscaping, including a connecting corridor for fauna to the south-eastern side of the site.

Part 4.1.8 addresses Biodiversity and requires that development be sited and designed to minimise and/or avoid impact upon indigenous flora and fauna, with the planting of indigenous species encouraged. As has been discussed previously in this report, the design has minimised the impact upon the heath land on the upper portion of the site to the greatest extent possible whilst still providing a suitable level of parking for the facility to cater for all but the largest events. Additional planting of indigenous species to create a corridor for movement of fauna will assist in mitigating the impacts of the development.

#### *Part 4.2 – Streetscape and Site Context*

Part 4.2 addresses Streetscape and Site Context and requires development to respond and relate to the broader urban context, with a transition in form of development being provided at zone boundaries and with buildings bordering public open space to relate to it positively.

Building design is to relate to the streetscape through appropriate setbacks, design and roof design. Buildings are to be designed to overlook streets and other public areas to provide casual surveillance and pedestrian and cycle thoroughfares are to be reinforced as safe routes through appropriate lighting, casual surveillance and minimising opportunities for concealment.

The site is surrounded by residentially zoned properties and the Council depot and by the nature of the use of the proposed building it would be inappropriate to attempt to provide a building that transitions to those zones or contains design elements or setbacks that correspond to those uses. Rather, the design of the proposed building should be suitable for the function of the use and be appropriate to its special setting adjoining Bardwell Valley Parklands. Comments raised by the Design Review Panel to the original proposal in this regard are summarised following:

*The site is located in a beautiful context, surrounded by sandstone escarpment and remnant bush land to the south and west, a natural embankment to the eastern and Bardwell Valley parklands and creek channel on the north. The current Aquatic Centre configuration houses the pool within the basin retaining the sandstone escarpment and sandstone heath and woodland bushland areas. A public link exists along the north of the site that has the potential to become a beautiful public path. It is noted that vegetated areas of the site have been mapped as Environmentally sensitive land – biodiversity under the Rockdale LEP 2011.*

*While the proposal intends to keep the landscape basin for the main pool – which is commendable – the proposed building and associated facilities are too large for the site, impacting the sandstone escarpment to the south, which is a very negative outcome. The building also appears to compromise the northern section of the site. Rather than develop the public path as a means of entry linking back into the greater context and its street frontage, the proposal (for operational reasons described) moves the entry to the south and effectively severs the link with the public path. The entry now appears uncomfortable and does not appear to relate to its street or comfortably allow movement around the escarpment.*

*In such a natural suburban context, the building appears closed and functionalist. Rather than provide shaded edges and overhangs for comfortable pedestrian movement, the building is about its internal functions only ie. Providing protection to its internal space but little to the outside. This makes the building appear heavy and not comfortable in its context.*

*Generally the scale of the proposal is acceptable. However the use of strict orthogonal planning, taut box profile and external trusses does not create comfortable external spaces at a lesser scale around its edges. The layout also requires cutting into to the sandstone escarpment which compromises the existing context (as discussed above). As such, the proposal is denied a chief way to mediate with its surroundings and create amendable spatial relationships.*

*While the architects have explained their rationale for using external trusses, the current design appears clumsy and heavy handed against its natural suburban context. See notes above. This is exacerbated by the trusses disappearing into the top of the amenities block which is again, awkwardly placed. The building does not provide comfortable protected edges and appears not to sit comfortably on its site.*

The above comments were provided in relation to the initial design of the proposal and amendments have been made to the design of the proposal which, in part, address the panel's concerns. Further, it has been determined that the escarpment referred to in the panel's comments, whilst attractive in parts, is the result of previous quarrying on the site

and is not a natural escarpment. It is therefore considered appropriate to allow limited encroachment upon the escarpment where proposed, which is an area that is characterized by a mixture of rock and soil and require the more attractive rock areas (such as exist to the south of the lower car park) to be retained adjoining the entry pathway.

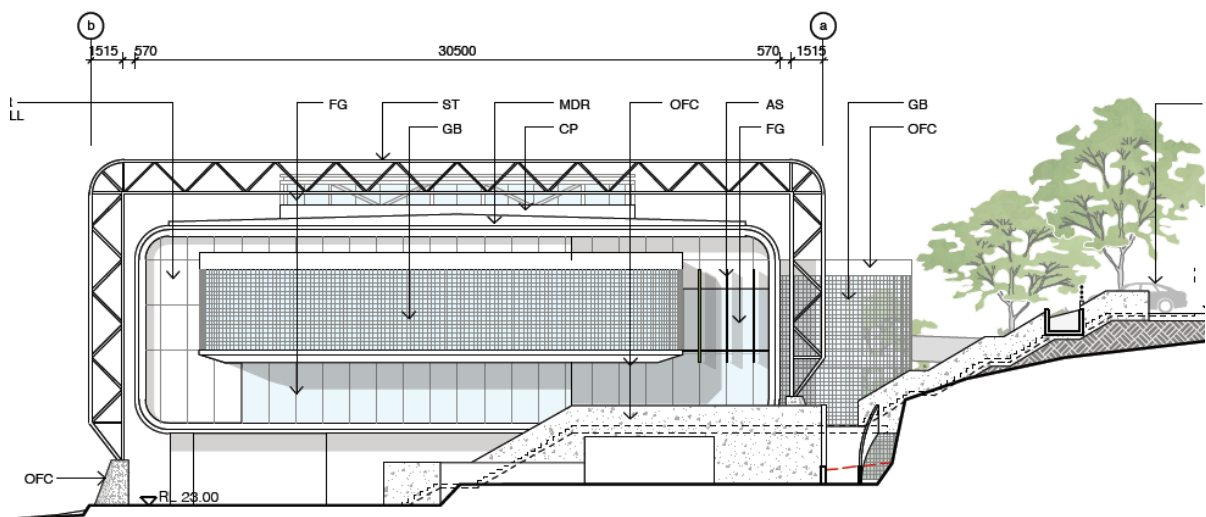
The northern façade of the building and the internal spaces at the first floor level have been redesigned to provide for more opportunities to view the adjoining Parklands from within the proposed building.

It is noted that the main entry has an elongated eave overhang which provides weather protection and it is not agreed that the entry pathway should be provided with weather protection.

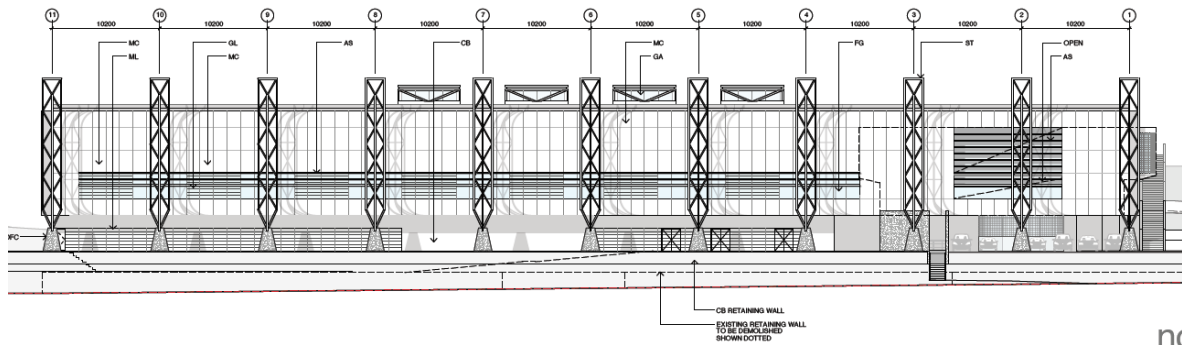
Further, it is noted that the amended plan incorporates a new pathway to connect the public pathway from Highgate Street, allowing appropriate access to Preddys Road and the bus stops and enjoyment of views of the Parkland.

It is not agreed that the building needs to be redesigned to provide overhangs around the building for comfortable pedestrian movement. The pathway to the north is overhung by the design and as such afford protection to pedestrians. The building, by virtue of its orientation, provides a shaded area for users of the site and this includes the terrace to the kiosk. Other shaded areas will be available to the users of the outdoor pool by virtue of the shade structures and tree planting.

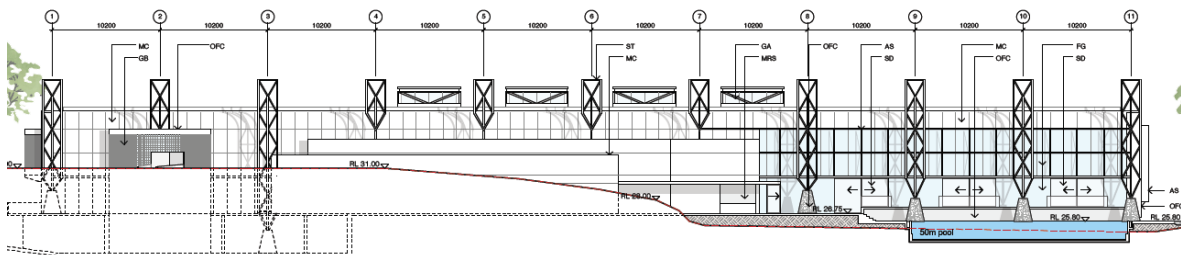
It is considered that the amended design achieves an appropriate balance between form and design, with the materials used being muted and reflective of the water based use of the building and with the curved element of the roof trusses and building shape softening what could otherwise be a large and harsh building.



Front elevation – fronting Preddys Road



North elevation – fronting Bardwell Creek Valley Parkland



South elevation – facing the 50m outdoor pool

#### Part 4.3 – Landscape Planning and Design

Part 4.3 addresses Landscape Planning and Design and contains general requirements for landscape plans, seeking development to retain natural features and vegetation on the site where possible. The following comments were provided by the Design Review Panel in relation to the proposed landscaping, it being noted that they relate to the original proposal

*The proposed car parking on top of the existing sandstone escarpment zones requires removal of a large proportion of native vegetation (0.16 ha) with potentially negative impacts on fauna habitat. Parking should be removed from this zone and alternative solutions developed.....*

*Landscaping works are compromised by the large areas required for the proposed building; car parking and servicing. This negatively impacts on natural features of the site, including the sandstone escarpment and existing native vegetation at the top of the escarpment. The building configuration creates poor connections across the site, particularly from the north east and creates inequitable access to proposed upper level car parking zones.*

*As noted above the proposed car parking on the upper level escarpment requires removal of existing native vegetation. This parking is located on the most sensitive ecological area of the site and is an unacceptable outcome. It is also visually isolated and provides poor access for less able users. This parking should be removed from the upper level escarpment location. This area should be retained intact and improved through bush land regeneration as a natural asset for the wider community.*

*The sandstone escarpment is a key natural feature and should be retained intact with adequate clearances provided from proposed buildings (min 1.5 metres). Whilst the existing pedestrian link along the northern edge of the site, adjacent to Bardwell Creek is currently underutilized, this could be improved by providing clear unimpeded access from neighboring*

*streets and adjacent Bardwell Creek parklands. The current design requires that pedestrian using this link must access through lower level car parking, creating very poor amenity for pedestrians. Consideration should be given to an alternative pedestrian route.*

*Large areas of the site have large scale trees nominated to be removed as well as to be retained. Architectural drawings do not show Tree Protection Zones on DA drawings; these need to be provided in order to adequately assess the proposed layout impacts. Proposed redesign of the lower level car parking could incorporate WSUD features to collect and filter car park runoff. Additional native planting could be provided along the northern interface to supplement existing creek corridor vegetation.*

The report has previously addressed the issue of the escarpment which is a man-made escarpment, not a natural escarpment. The concern raised with the impact of the car park at the upper level was concurred with and amended plans were sought showing a reduced car park footprint orientated to have more regard to the location of trees. The following comments were received from Council's Landscape Architect in relation to the amended plans.

*While the "Stage 2 carpark" has been deleted from the scheme, a stormwater "diversion bund" (see engineering "drainage plan") is proposed that dissects the otherwise undisturbed bushland/ heathland (identified as area 5 on the Landscape Plan) feeding into a "new earth bund level spreader". The extent of this, impacts on the heathland, and what sort of site restoration may be envisaged is not shown.*

*It is noted that the Landscape Concept Plan is minimalist in terms of design resolution, and so comment is based on loosely resolved documentation. The schematic cross section drawing through the carpark (including proposed problematic median swale) previously submitted has now been deleted from the submission. It is noted that bioswales in the upper heathland zone are considered unviable due to underlying rock and I would concur with this view.*

*A fully documented Landscape Plan and construction details in accordance with the DCP needs to be undertaken.*

*It is noted that the engineering plans show detailed carpark contour plans and that the indicative levels shown on the architectural and landscape plans are therefore meaningless and should be deleted, or changed to reflect the engineering plans. There are no details on what sort of lighting is proposed for the public domain (particularly pathways and carparks), nor what P – rating is planned. Given the isolation of the upper carparks (and the concerns expressed as a result of this in terms of user safety), the design of an appropriate lighting scheme is very important.*

The Landscape Architect has provided conditions of consent to address the remaining concerns with the proposal which are included in the recommendation.

#### *Part 4.4 – Sustainable Building Design*

Part 4.4 addressed Sustainable Building Design and requires consideration of issues of natural lighting and ventilation, solar access, visual and acoustic privacy, noise impact and wind impact.

The proposal will not result in any shadow impact upon adjoining residential properties and will not cause any visual privacy impacts. The following comments in relation to sustainable building design and acoustic impact have been provided by Council's Coordinator Environmental Strategy and Environmental Health Supervisor respectively.



*Generally, the proposals outlined to address energy efficiency meet some standards. Proposals such as louvres to facilitate ventilation are welcomed. However, the proponent's response to energy efficiency seems to focus more on meeting minimum development control requirements set out by Council rather than exploring opportunities as part of an exciting new sustainable development for Council.*

*There are also great opportunities for Council to meet best practice sustainable procurement outcomes into the building design and construction, which are consistent with Council's Sustainable Procurement Policy and Strategy. These opportunities have not been considered in the DA.*

*Issues such as photovoltaic arrays, embodied energy in building materials, highly efficient lighting, air conditioning and pumping systems are not detailed in the proposal. Cogeneration is listed but is considered an optional extra rather than an integrated component of the development.*

*Further investigation and consideration of a greater range of options are encouraged.*

*DA conditions to facilitate resource efficiency outcomes should include:*

- Exploration of options (by specialist energy and resource efficiency consultants), as part of detailed design documentation, to better integrate energy/resource efficiency initiatives into building and site design, and materials.*
- Inclusion of necessary infrastructure into design plans (eg subsurface requirements), to prepare the development site for the potential to install co-generation systems, when Council is in a position to consider such an investment.*

*The above recommendations have been incorporated into the conditions.*

*I also note the Noise Impact Assessment report prepared by Acoustic Logic dated 10 February 2014. I have also noted a couple of submissions in TRIM concerning noise impact from the proposed development (TRIM 14/23567 and TRIM 14/23127). Our unit receives complaints on a regular basis about noise from the operation of the Bexley Swimming Pool such as playing music on PA equipment; noise from drums, horns, trumpets, chanting, starting buzzers and the like from swimming carnivals or swimming events. There was a Prevention Notice issued by NSW EPA to Council back in 2002 in relation to noise issues (TRIM 2014/27943).*

*Section 7.2 (External Pool Noise) of the above acoustic report states that 'potential noise impacts from the use of the external pool to the south of the development have been assessed in this section of the report'. It further mentions that 'As the proposed pool is located in a similar location to the existing public pool the resulting noise impact on the surrounding residential receivers will not differ from noise currently experienced at the site'. I recommend that the acoustic consultant shall also assess the potential noise impacts from the external pool to the potentially worst affected receiver location to the north-east (Allan St) corner of the proposed development.*

*Based on the submissions received by Council and the history of the noise complaints received by Council, I recommend that the acoustic consultant shall be provided with all the submissions concerning noise issues (TRIM 14/23567, TRIM 14/23127 and others if any) and a copy of Prevention Notice (TRIM 2014/27943). The acoustic consultant shall review all the information and address the issues. The acoustic consultant shall provide additional information and confirm that noise from any sound equipment, plant, swimming carnivals and other activities will comply with NSW EPA Industrial Noise Policy requirements to*

*potentially worst affected residential receivers at any directions surrounding the proposed development.*

The applicant was asked to address the external noise source of users of the pool and to consider the acoustic impact of such use. The applicant provided additional information to address this concern and Council's Environmental Health Supervisor raised no objections to the proposal subject to conditions that are contained in the recommendation.

#### *Part 4.5 – Social Equity*

Part 4.5 addresses Social Equity and in particular details requirements in relation to equitable access. The original application raised significant concerns in relation to equity of access with the accessible parking spaces being uncovered and located near Preddys Road rather than in close proximity to the entrance of the building and with no accessibility provided to the upper level car park.

Amended plans were provided which addresses these concerns by relocating the accessible parking spaces to near the lift in the basement level and providing a ramp and then lift access from the upper level car park.

Appropriate accessible paths of travel are provided throughout the complex and appropriate accessible toilet facilities are provided. However, the accessible toilet facilities do not include shower facilities and a condition of consent will required this. Finally, the learn to swim and indoor 25m pool both have ramps for accessibility and the outdoor 50m pool was originally shown to be provided with a hoist to enable accessibility (though this does not appear to be shown on the amended plans). A condition of consent will ensure the hoist is provided.

Further, the Access Review prepared by Brewster Hjorth Architects identifies a series of additional works required to ensure equity of access to persons with a variety of disabilities and a condition of consent is recommended requiring compliance with all recommendations. Subject to the recommended conditions the proposal is considered to appropriately address the provisions of the Disability Discrimination Act.

#### *Part 4.6 – Car Parking, Access and Movement*

Part 4.6 addresses Car Parking, Access and Movement and sets broad controls for parking rates, designs and locations as well as criteria for loading facilities. The following comments were provided by the Development Engineer in relation to the original proposal.

##### ***Car Parking***

*Off-street car parking is proposed for a total of 175 cars in two parking locations. The number of parking bays in accordance with demand for a similar facility at a similar location and no concerns are being raised.*

##### ***Vehicle and Pedestrian Access***

*Vehicular access to the site will be gained from Preddy's Road. The pedestrian access is via Preddy's Road and the walkway along the stormwater channel.*

##### ***Service Vehicle Parking (Loading and Unloading)***

*The development proposes loading and unloading operation within the basement floor. A review of the plans does not conclusively show whether the loading areas can be accessed*

by a SRV – Good delivery vehicle in terms of forward direction entry and exit, height clearance and swept path within the loading area.

### **Access and Circulation**

The access required for the development is determined as a category 2 access from AS2890.1:2004. The driveway design complies with the design requirement and restrictions of the AS. The circulation pattern of the parking area appears to be satisfactory, except as outlined below for the service vehicles and school buses.

The following amendments to the proposal were sought from the Development Engineer

1. *The proposed accessible parking bays are too far to the main entry and also not protected from weather. To relocate the bays closer to the main entry under cover.*
2. *The make provision for school bus parking bays on site.*
3. *To propose parking bays for parents with prams.*
4. *The Service / Loading Bay facilities are to be designed to accommodate SRV for goods delivery truck (Forward in & out). The details should be in accordance with Council DCP, Rockdale Technical specification – Traffic, Parking and Access and AS 2890.2. including the height clearance.*
5. *The functionality of the lower car park is required to be improved because of poor circulation patterns, conflicting traffic convergence points and unsafe conflicts between pedestrians, parking vehicles and through traffic.*
6. *To provide fence / barriers to Retaining walls greater than 1000 mm high within the care parks and footpaths.*
7. *Clearly define staging of carparks works.*

Council's Traffic and Road Safety Coordinator raised the following concerns with the proposal:

1. *The proposed marked footcrossing shall not be provided underneath any vehicles including the buses.*
2. *The proposed marked footcrossing across the footpaths shall not be provided until the number of pedestrians and vehicles have met the RMS's pedestrian crossing warrants for the pedestrian crossings.*
3. *The 4 disabled parking spaces shall be located closer to the main entrance as stated in their Traffic Consultant report.*
4. *A bus storage area shall be provided to accommodate six buses.*
5. *No time limit shall be provided on the bus zone signs.*
6. *The concrete median island shall be extended by 4m north of the original position to prevent vehicles and buses from making U-turns.*
7. *The number of parking spaces shall meet the required number of parking spaces for the Swimming Pool. Currently, it lacks of around 60 spaces. If a new car park is provided, adequate car park lights shall be provided and be shielded off the light from spilling into the adjoining residences.*
8. *A pedestrian fencing shall be provided to prevent children or pedestrians fell down at the footpath drop near the new bus zone and the car park ramp.*

Amended plans were submitted which addressed the majority of the above concerns and it was indicated that whilst onsite bus parking bays would not be proposed, a plan of management would be prepared in relation to the drop off and pick up of school children by buses requiring no more than 2 buses to arrive at the site at any one time and requiring the buses to leave the site after drop off such that other buses can come and unload children. On the basis of the amended plans and the proposed plan of management the above concerns were satisfactorily addressed.

However, a submission lodged with the application included a series of photographs which show traffic chaos occurring at the site in March during a large carnival event. The photographs show cars breaching road rules, carrying out dangerous manoeuvres, and pedestrians crossing Preddys Road in the midst of the chaos. The situation was clearly one where an accident, potentially fatal, could have occurred and the photographs clearly show that the location of the site in the dip of Preddys Road raised serious concerns for both vehicular and pedestrian safety.

A meeting between the author and the abovementioned Council staff was held to determine ways in which to address this concern that occurs during large events. It was determined that in order to resolve this concern the following measures were necessary, which are contained in the recommended conditions of consent:

- The provision of a pedestrian refuge in Preddys Road located between the two car park entrances to allow safe crossing of the road;
- Elongation of the median in Preddys Road by 4m;
- Creation of an island in Preddys Road to separate traffic travelling north and turning right into the lower car park from traffic turning right out of the lower car park to travel north along Preddys Road;
- Reduction in the width of the vehicular crossing (lower car park);
- Provision of signs indicating when the lower car park is full to be electronically operated to alert drivers prior to entering the site; and
- Provision of a plan of management that requires a traffic controller to be in the lower car park during major events to prevent cars from leaving the site using a right hand turn (to limit conflict and ensure smooth traffic flow).

#### *Part 6.4 – Advertising and Signage*

Part 6.4 addresses Advertising and Signage and seeks to prevent signage that is flashing, moving or video signage, signage above the parapet of a building other than building identification signage, signage capable of movement that is located on a building and projecting wall signs greater than 300mm deep. The proposed signage does not contain any of these features.

Signage within an open space zone is to be assessed on merit with consideration required as to the effect of the signage on adjoining residential properties. The assessment of the merit of the signage has been provided previously within this report.

**Any Planning Agreement that has been entered into under section 93F, or any draft planning agreement that the developer has offered to enter into under section 93F (S.79C(1)(a)(iia))**

The proposal is not subject to a Voluntary Planning Agreement (VPA).

#### **Provisions of Regulations (S.79C(1)(a)(iv))**

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of AS 2601:1991 - Demolition of Structures when demolition of a building is involved. In this regard a condition of consent is proposed to ensure compliance with the standard.

The Regulations requires notification to relevant authorities that may have an interest in the application. The proposal has been notified to Sydney Water as the site has a significant Sydney Water pipe traversing the site. Sydney Water's response to the notification included the raising of a concern that the proposed structures were proposed over the pipe. Additional information was sought from the applicant to clarify the location of the pipe in relation to the proposed works. The additional information provided confirmed the location of the pipe was such that it would not be detrimentally impacted by the proposed works.

Further, the application was notified to the State Transit Authority due to the location of a bus stop in Preddys Road near the entrance of the site. The State Transit Authority confirmed it raised no object to the proposal subject to the bus stop being retained, which is the case.

All relevant provisions of the Regulations have been considered in the assessment of this proposal.

### **Impact of the Development (S.79C(1)(b))**

#### *Character / Streetscape / Density / Bulk / Scale*

The impact of the development upon the streetscape and the suitability of the development has been addressed previously in this report and found to be acceptable.

#### *Visual Privacy*

The proposed building and external facilities are of sufficient distance from surrounding dwellings such that visual privacy will not be detrimentally impacted. The only area of the site where there is a potential for privacy impacts is the upper level car park given its proximity to the rear fences of the properties fronting Preddys Lane. In order to provide additional separation between the rear fences and the users of the aquatic centre it is proposed to provide landscaping between the rear fences and the realigned Preddys Lane.

#### *Overshadowing*

The proposed building is located at a lower level than all surrounding residential properties and at a significant distance from them. Accordingly, the proposed building will not result in any shadow impacts upon surrounding residential properties.

#### *Safety and Security*

The proposal has been designed to allow casual surveillance of the lower car park, Preddys Road and the Bardwell Valley Parklands, improving the safety of the area. However, the isolation of the upper level car park raises concerns in relation to safety and security to both patrons using the car park and adjoining residential properties outside of daylight hours. It is therefore recommended that a plan of management be required for the use of the aquatic centre which required the upper level car park (ie the two parking areas located off the eastern side of Preddys Lane) to be closed prior to dusk and not opened prior to 7am on weekdays or 8am on weekends. Signage should also be provided at the entrance to the upper level car park identifying that the car park will be closed at dusk and not opened until dawn. Appropriate lighting will also be provided to this area.

Subject to compliance with these conditions, the proposal is satisfactory having regard to safety and security.

#### *Traffic/Parking*

The impact of the proposal upon the traffic in the area has been assessed by Council's Development Engineer as being acceptable subject to the previously discussed conditions of consent.

In terms of parking provision, it is considered that the parking will be provided onsite at an appropriate level to cater for the majority of uses of the centre. Only the largest of events at the site would require more parking than is to be provided onsite, however, in balancing the need for parking against the impact upon the heath land on the upper level of the site, and the infrequency of such events, it is not considered necessary or appropriate to provide parking sufficient to cope with such events. Rather, in such events the surrounding street network will cater for the additional parking required and the walkway from Highgate Street along the northern side of the building and the pedestrian refuge to be conditioned on Preddys Road will ensure appropriate pedestrian access from the surrounding area.

As such the proposal is satisfactory in regard to traffic and parking.

#### *Lighting*

Concern has been raised at the potential for lighting of the upper level car park to result in unacceptable impacts upon the adjoining residential properties. Given the hours of use of the upper level car park proposed by the recommended conditions of consent, lighting provision of the upper level car park should be conditioned on the basis that it is operable only when the car park is open. The exception to this is the car parking adjoining the northern side of Preddys Lane which shall be provided with lighting that is shielded in a manner that does not result in unacceptable light glare impacts upon the adjoining residences as required by the relevant Australian Standard.

Given the separation distance between the lower car park and the residential properties to the north it is less likely that light glare will impact those properties, however appropriate shielding of the lighting will also be required for the lights in this car park to achieve compliance with the relevant Australian Standard.

#### *Accessibility*

The development is provided with an appropriate level of accessibility for all as has been addressed previously in this report.

#### *Noise*

The potential acoustic impact of the proposal has been addressed previously within the report and has been found to be acceptable.

#### *Views and Vistas*

The impact of the proposal upon views and vistas has been assessed previously within this report as acceptable.

#### *Management of Waste*

The applicant has been in consultation with Council officers in regards to the provision of on site garbage collection facilities. Appropriate conditions are recommended in regards to waste management.

#### *Geotechnical Stability*

Given the site is known to contain fill carried out previously and as the existing 50m pool is subject to ongoing leaking, a geotechnical report has been prepared by Jeffery and Katauskas Pty Ltd to consider the need for specific construction techniques to ensure the stability of the proposed works.

The geotechnical report found that the site of the outdoor pool is underlain by fill of varying depths from 1-7m and with varying levels of compaction and that this is likely to be the cause of existing pool leakage. In order to address the existing uneven fill, it is recommended that the pool be supported by the underlying bedrock by the use of piles or grouted columns through the base of the existing pool. It is also suggested that the new pool shell be constructed within the existing shell, however as the pool is being relocated this will not be possible.

The geotechnical report also found that excavation for the indoor complex will encounter underlying bedrock. This excavation will require care so as not to undermine or remove support from surrounding buildings or structures and no to cause settling of the poorly compacted fill on other parts of the site due to excessive vibration.

Finally, due to onsite contamination, the report recommends a waste classification system be implemented.

A condition of consent is proposed requiring the implementation of the recommendations of the geotechnical report.

### **Suitability of the Site (S.79C(1)(c))**

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. Additional conditions of consent are proposed to further minimise any impacts on neighbouring properties. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development.

### **Public Submissions (S.79C(1)(d))**

The development application has been notified in accordance with Council's Development Control Plan 2011 and sixty seven (67) submissions have been received, 56 in support and 11 raising concerns with the proposal. The issues raised are addressed below.

Issue: Concerned about noise from plant

Comment: A condition of consent is recommended requiring plant and its housing be designed to ensure no detrimental noise impact.

Issue: Request that tree 102 (Deodar cedar) be retained or replanted

Comment: This tree is located in the middle of the proposed location for the 50m outdoor pool and as such cannot be retained. Additional tree planting is proposed but native species are proposed which is considered appropriate given the location of the site.

Issue: Concerned that the provision of the upper level car park will result in increased use of the area for anti-social activities such as graffiti, burglary, dumping and burning out vehicles, drug use and litter

Comment: Concerns with the after hours use of the upper level car park is warranted and conditions of consent will require the car park to be closed by staff prior to dusk and not

opened prior to 7am on weekdays and 8am on weekends. Such measures should reduce the incidents of any anti-social activities.

Issue: Security concerns are raised with strangers accessing the rear of the properties that adjoin the upper level car park

Comment: Whilst the security concerns are acknowledged, Preddys Lane is a public road and as such is accessible to any member of the public. However, the above recommended conditions should minimise security concerns.

Issue: Increased traffic/concern with safety

Comment: The concerns raised in relation to the safety of traffic have been reviewed and it is agreed that the existing traffic/pedestrian safety situation is dangerous during large events. It is recommended that additional traffic calming devices be provided in Preddys Road as discussed throughout the report and that a plan of management be implemented during large events to ensure traffic flows smoothly into and out of the site so as not to unacceptably impact traffic flow on Preddys Road.

Issue: Noise from traffic

Comment: This concern appears to relate to noise from users of the upper level car park early in the morning and late at night. The abovementioned time restrictions on the use of this car park should address this concern.

Issue: Construction impacts of noise, dust and potential damage to fences from trucks

Comment: Whilst the construction will result in short term construction impacts, appropriate conditions of consent are recommended to address dust and limiting the hours of construction. Further, a condition requiring the preparation of a dilapidation report on the fences adjoining Preddys Lane is proposed such that should any damage be caused by construction vehicles evidence would be available to pursue repairs.

Issue: A hydrotherapy pool would be beneficial to the disabled and wider community

Comment: The proposal is accessible for the disabled but is not being constructed as a hydrotherapy pool.

Issue: The shaded areas along the eastern side of the 50m pool should be lengthened and provide total sun protection

Comment: the sun shade devices provide shade for over 400 persons and this is considered appropriate. The roof is metal and as such will provide for total shading of persons in this area.

Issue: Concern is raised with the removal of the walkway along the northern side of the car park

Comment: The amended plans reinstate a walkway on the northern side of the car park.

Issue: Inadequate parking is provided for the larger events

Comment: It is acknowledged that inadequate parking is provided for the largest events. It is not considered reasonable to provide sufficient parking for such infrequent events at the expense of the heath land being retained. In the infrequent events that have a demand for a greater level of parking surrounding street parking will need to be utilised which is considered reasonable.

Issue: Concerned about noise impacts of extended hours of operation

Comment: The aquatic centre is proposed to operate between the hours of 5am-9pm Monday to Friday, 6am-8am Saturdays and Sundays and 8am-6pm on public holidays. It is not considered likely that large numbers of patrons would use the pool in the early hours and as such it is unlikely that any significant level of noise will be generated.



Issue: The central strip of trees in the lower car park should not be removed as it provides shade for the cars

Comment: Whilst the central strip of trees is to be removed to enable the new car park to comply with the Australian Standards (the current car park does not), it is proposed to plant trees in the central strip which will, over time, provide for shade to the cars.

Issue: Buses shouldn't be allowed into the car park

Comment: Buses are not proposed to enter the car park, but rather to use the two bus drop-off bays near the car park entry.

Issue: Request security cameras in the car parks

Comment: This is a reasonable request to improve safety and as such cameras are required by conditions of consent.

Issue: Solar panels should be provided on the roof

Comment: Noted. Conditions of consent address energy efficiency measures.

Issue: Insufficient toilets are provided for large swim meets or polo matches

Comment: It is agreed that limited toilet facilities are provided at the ground level, however the additional toilet facilities at the first floor could also be used during large events.

Issue: Sufficient storage near the pool is vital

Comment: Noted

Issue: Sufficient room should be provided around the pools to allow for ease of movement of lifeguards

Comment: It is considered that there is sufficient room around the pools for ease of movement by lifeguards.

Issue: The entry barriers are located too far from the reception

Comment: The amended design locates the reception in the centre of the barriers.

Issue: The entry to Preddys Lane is too narrow for two way traffic

Comment: The proposal widens the access to the lane and the lane way road surface to provide for two way traffic movement.

Issue: Concerned that the fence to No. 98 Preddys Road (adjoining the car park) will be damaged again

Comment: The proposed reconstruction of Preddys Lane will provide kerbing on the southern side to ensure vehicles cannot hit the fence.

Issue: Concerned access to the garages of properties accessed of Preddys Lane will be prevented during construction

Comment: Other than when the road sealing of Preddys Lane occurs access should remain available to adjoining residents and a condition of consent to this effect is recommended.

Issue: Concerns about light spill into residential properties

Comment: This issue has been addressed in the report and conditions are recommended requiring shielding of any lighting such that it meets the relevant Australian Standard for light glare.

**Public Interest (S.79C(1)(e))**

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity and provide a valuable community asset. Furthermore, the proposal does not create unreasonable impacts on surrounding properties. As such it is considered that the development application is in the public interest.

**CONCLUSION**

The proposed development has been considered under S79C(1) of the Environmental Planning and Assessment Act, 1979. The application involves demolition of existing structure and the construction of the Rockdale City Aquatic Centre comprised of a building containing indoor pools and gym facilities, a 50m outdoor pool, surrounding car parking and landscaping. The proposal is consistent with the objectives of the controls under RLEP 2000, DCP 2011 and relevant state policies. As such, the application DA-2014/255 is recommended for approval.