

AUBURN COUNCIL

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JRPP

To the Joint Regional Planning Panel

1 Lot 7046 Church Street, LIDCOMBE

SUMMARY

Applicant	Auburn City Council
Owner	The Minister For Lands
Application No.	DA-327/2014
Description of Land	Lot 7046 DP 1065005, Lot 7046 Church Street, LIDCOMBE
Proposed Development	Demolition, reconstruction and refurbishment works associated with the upgrading of facilities including new swimming pools, change rooms, pool hall and associated landscaping and drainage works - Ruth Everuss Aquatic Centre
Site Area	134110.00m ²
Zoning	Zone RE1- Public Recreation
Disclosure of political donations and gifts	Nil disclosure
Issues	Public Submissions

Recommendation

That the JRPP approve Development Application No. DA-327/2014 for the demolition, reconstruction and refurbishment works associated with the upgrading of facilities including new swimming pools, change rooms, pool hall and associated landscaping and drainage works - Ruth Everuss Aquatic Centre on land at Lot 7046 Church Street, LIDCOMBE, subject to standard conditions of consent that are described in the attached schedule.

History/Consultations

Late 90's to Early 2000 - Auburn City Council has investigated the redevelopment of the aquatic centre since late 90's - early 2000. This has involved the preparation of several concept designs.

27 August and 24 September 2012 - information and plans were placed on public exhibition; public meetings and workshops were held at the Ruth Everuss Aquatic Centre to gain feedback from the community.

5 December 2012 - Council at its Ordinary Meeting considered the community feedback following the exhibition of the concept design at that time and resolved that a further revised concept plan be prepared incorporating feedback and issues raised.

23 February 2014 and 2 April 2014 – An additional workshop and briefing were attended by Councilors to further discuss the matters relating to the redevelopment of the Ruth Everuss Aquatic Centre.

16 April 2014 - Following an external peer review of the exhibited concept plan which involved modifications to that plan incorporating issues and feedback from the public consultation, Council at its Ordinary Meeting resolved to adopt a revised Concept Design

Plan and call for tenders for the provision of Architectural Services for a scoping study for the upgrade of the Ruth Everuss Aquatic Centre.

18 June 2014 - Council at its Ordinary Meeting resolved to accept the tender from NBRS & Partners Pty Ltd incorporating a detailed development of the concept design, preparation of development application and tender documentation for design and construction.

7 October 2014 – 21 October 2014 – Council publicly notified the subject development application and received 9 submissions inclusive of a petition containing 66 signatures. Refer to submission section below.

18 November 2014 – Auburn City Councillors and Senior Council staff held a meeting with some of the objectors to discuss design options for the Ruth Everuss Aquatic Centre in regards to the issues as raised within the public submissions. Generally the main requests for reconsideration from the public submissions can be summarised as follows;

- The re-location of the Splash Pad to the area adjacent to the indoor pool and café;
- The inclusion of a new 50m pool of 9 lanes at 2.5m width in approximately the same location as existing 50m pool;
- The inclusion of a separate water polo pool (30m x 25m) in approximately the same location as existing diving pool; and
- In the event that the current 50m/25m pool is retained, the provision of a swim wall in the current 50m/25m pool to provide separation between swimmers and water polo players.

Arising from this meeting, it was decided that some additional work needed to be undertaken in order for council to consider the extent of the changes requested by the objectors and the associated costs.

The development design was subsequently amended (with the proposed splash pad being relocated from the northern side of the centre to the southern side of the centre) and a revised Ruth Everuss Aquatic Centre was publicly exhibited on 16 December 2014 through 7 January 2015.

17 December 2014 - Council at its Extraordinary Meeting resolved to adopt a revised Design Plan for the redevelopment of the Ruth Everuss Aquatic Centre that includes a separate water polo pool.

13 January 2015 – 10 February 2015 - Additional revised plans were received by Council staff including the removal of the diving areas and construction of a separate water polo pool within the eastern portion of the centre.

Site and Locality Description

The site of the Ruth Everuss Aquatic Centre is contained within the broader recreational precinct in Lidcombe which comprises of tennis and netball courts, youth club, sporting grounds and athletics oval. The land containing these publicly owned recreational facilities is legally described as Lot 7046 in DP 1065005 and is contained within the parameters of Olympic Drive, Church Street, the Bankstown Railway Line, Percy Street and Boorea Street. The land containing the recreational centres and facilities comprises an approximate total area of 222,780sqm.

The aquatic centre site comprises of an irregularly shaped portion located in the southern section of the larger parcel fronting Church Street and the Bankstown Railway line to the west and the Haslams Creek drainage canal to the east. The land area of the proposal is approximately 14,510sqm with a 160 metre frontage to Church Street.

The site contains the following existing recreational/built features:

- An outdoor 50m lap pool;
- An outdoor taper down/diving pool and associated diving platform structures;
- An indoor 25m lap pool;
- A family/children's recreational outdoor pool;
- A small splash pool;
- Change rooms, amenities, covered marshalling areas, equipment/filter shads and chemical storage areas;
- Existing Club room;
- Men's and Women's Pavilions and an existing gymnasium;
- Kiosk and entrance lobby area;
- An existing covered grandstand adjoining the main lap pool;
- Open recreational landscaped areas;
- At-grade hardstand parking areas; and
- 2 storey Managers Residence/Kiosk.



Description of Proposed Development

Council has received a development application for the demolition, reconstruction and refurbishment works associated with the upgrading of facilities including new swimming pools, change rooms, pool hall and associated landscaping and drainage works - Ruth Everuss Aquatic Centre. A detailed list of works are as follows;

Demolition Works

- Complete demolition of the existing outdoor diving pool and 50m main lap pool;
- Complete demolition of the existing internal 25m lap pool, main building and associated outdoor childrens pool;
- Partial removal of concrete lower folding roof-over structure to Men and Womens Pavillion structures;
- Demolition of internal dividing walls within pavilions and gymnasium;

- Removal of existing awnings adjoining caretaker cottage and demolition of the existing splash pool and shelter-over structure;
- Demolition of the existing diving platforms and towers;
- Decommissioning of the plant and vessels, refurbishment of roof structures and demolition of balustrading over the filtration plant areas;
- Demolition of the boiler room and associated slabs located on the north-eastern portion of the site adjoining the pump and filtration plant areas; and
- Removal and salvaging of palm trees.

Construction Works

- New 9 x 2.5 lane concrete lined 50m lap pool with depth ranging from 1.1 m to 1.8m;
- New separate 25 x 30 x 2m Waterpolo Pool located at eastern end of site;
- Re-construction of surrounding concourse areas;
- Installation of a new 'splash pad' shallow swimming pool with associated sunshade structure constructed of aluminium frame and shade cloth over;
- Installation of new electrical substation;
- Refurbishment of existing fencing and associated gates;
- Partial refurbishment of external columns;
- Construction of new at grade parking spaces along western site boundary;
- Construction of a new part single level pool hall with high level plant areas, and fitout to include a new 25m indoor pool, associated program pool for classes and therapy, pool plant equipment areas and chemical storage rooms and amenities, new male and female change rooms, new viewing room, family leisure pool, new open multi purpose recreational room and administration/staff room;
- Fitout of front of pool hall to provide new ancillary café, reception and entrance hall with associated kitchen and serving/seating area;
- Refurbishment of main entrance;
- Construction of new mezzanine mechanical plant room and installation of new heat pumps (on roof) with fixed openable louvres for screening purposes;
- Construction of new roof form over new pool hall structure;
- Reconstruction of the existing filtration plant room in the north eastern section of the site to include a new roof over structure, control room, storage and garbage store room; and
- Refurbishment of the existing grandstand.

Ancillary works

- Excavation works to facilitate new swimming pools (maximum depth of excavation to be 6m below RL 11.6;
- Drainage works to facilitate the proposal;
- Extensive landscaping to be provided inclusive of new paved areas, gardens and shaded seated areas;
- Installation of new entrance landscaped features surrounding the base of the existing mature tree, including a new brick/stone work entrance wall;
- The existing grandstand refurbishment incorporates the installation of some new timber decking;
- Refurbishment of the façade of the aquatic centre, including repainting and new hand rails to be installed.
- Provision of 10 new carpark spaces within the road reserve area including 4 accessible spaces; and
- New externally lit signage reading "Ruth Everuss Aquatic Centre" to be located at the entrance structure.

Proposed Use

The proposed use is to remain as per the existing aquatic centre, being both an indoor and outdoor recreational facility. The facility is intended to be staffed by 10-20 staff on a full time and part time basis depending on the season and booked events. The hours of operation for the site will be 5.00am to 9.00pm, 7 days a week, with the ancillary café to have operating hours of 7.00am to 9.00pm, 7 days a week.

Integrated Development

It is noted that the development is located within 40 metres of the highest bank of a stormwater channel. Despite this, the development proposal is not identified as “integrated development” for the purpose of Section 91 of the Environmental Planning and Assessment Act in accordance with Clause 38 of the Water Management (General) Regulations which states that *A public authority is exempt from section 91E (1) of the Act in relation to all controlled activities that it carries out in, on or under waterfront land.*

The Water Management Act 2000 defines a public Authority as

- (a) a Minister of the Crown, or
- (b) a Government Department or Administrative Office, or
- (c) a statutory body representing the Crown, or
- (d) a statutory State owned corporation (or any of its subsidiaries) within the meaning of the [State Owned Corporations Act 1989](#), or
- (e) a council or county council within the meaning of the [Local Government Act 1993](#), but does not include any person or body declared by the regulations not to be a public authority.

It is noted that Auburn City Council is a Council as within the meaning of the Local Government Act 1993.

Furthermore, in regards to the **controlled activity exemptions on waterfront land** issued by the **NSW Office of Water** in July 2012. The applicable exemption is as follows

- *the waterfront land relates to a river channel that is fully concrete lined or is a fully enclosed pipe channel*

The stormwater channel is considered to be fully concrete lined and the above exemption is therefore applicable.

Referrals

Internal Referrals

Development Engineer

The development application was referred to Council's Development Engineer for comment who has raised no objections to the proposed development subject to conditions of consent.

Environment and Health

The development application was referred to Council's Environment and Health Unit for comment where no objections were raised to the proposed development subject to conditions of consent.

External Referrals

NSW Police

In accordance with Section 8.0 of the Policy on Crime Prevention Through Environmental Design, the development application is to be referred to NSW Police for comment. A referral was sent to NSW Police on 7 October 2014.

NSW Police have nominated several areas whereas the proposal could be improved in relation to lessening crime and crime related activities and promoting safety in relation to the proposal, they include;

- Business Identification
- Surveillance equipment, such as Closed Circuit Television (CCTV),
- Signage
- Lighting
- Family Leisure Pool (Turbo Channel Whirlpool)
- Extra Security
- Change Rooms (Lockers)
- Workplace Safety
- Chemical Management
- Water Safety
- Plant Room/Plant Equipment Safety

NSW Police have noted that they are not in support of the provision of a turbo channel whirlpool within the family leisure pool. NSW Police have received and responded to numerous incidents regarding indecent assaults/sexual assaults associated with similar facilities located at the Homebush Bay Aquatic Centre.

Council officers recommend the imposition of conditions of consent to mitigate potential crime by strengthening security and promoting safety. The Turbo Channel Whirlpool has subsequently been removed and replaced by a Spa Seat & Overhead Spray and Waterplay area.

Roads and Maritime Services

In accordance with Clause 104 and Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007, Roads and Maritime Services (RMS) were to be consulted on the basis of Traffic Generating Development. On 7 October 2014, Council forwarded a referral package to RMS. On 29 October 2014, Council officers received a response from RMS. This is discussed under the State Environmental Planning Policy (Infrastructure) 2007 assessment below.

Sydney Trains

In accordance with Clause 85 and 86 of the State Environmental Planning Policy (Infrastructure) 2007, Sydney Trains were to be consulted on the basis of development adjacent to a rail corridor. On 7 October 2014, Council forwarded a referral package to Sydney Trains. As of 18 November 2014, Council officers have not received any correspondence from Sydney Trains or any representatives. This is discussed under the State Environmental Planning Policy (Infrastructure) 2007 assessment below.

The provisions of any Environmental Planning Instruments (EP& A Act s79C(1)(a)(i))

State Environmental Planning Policies

State Environmental Planning Policy (State and Regional Development) 2011

Given that the proposed works are in excess of a Capital Investment Value (CIV) of \$5 million and are to be carried out on behalf of Auburn City Council, the development is identified as Regional Development in accordance with Clause 20 of the SEPP (State and Regional Development) 2011 and Schedule 4A of the Environmental Planning and Assessment Act 1979. In this regard, the Joint Regional Planning Panel (JRPP) are the relevant consent authority.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposal incorporates a site identification signage which will read “Ruth Everuss Aquatic Centre” and will be incorporated within the refurbished main entrance. The signage will be externally lit to reduce any amenity concern on surrounding uses. State Environmental Planning Policy No. 64 – Advertising and Signage applies to all signage and the following is an assessment under this policy.

Requirement	Yes	No	N/A	Comment
Part 1 – Preliminary				
Clause 3(1)(a)(i) Aims, objectives <i>Signage is compatible with the desired amenity and visual character of an area.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed building/business identification signage is appropriate and compatible with the surrounding area. The signage is integrated into the building design.
Clause 3(1)(a)(ii), Aims, objectives <i>Signage provides effective communication in suitable locations.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signage proposed achieves effective communication in a suitable location.
Clause 3(1)(a)(iii), Aims objectives <i>Signage is high quality design and finish.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signage proposed is considered to be of appropriate design and quality
Part 2 – Signage Generally				
Clause 8 Granting of consent to signage <i>A consent authority must not grant consent to an application to display signage unless:</i> (a) <i>that signage is consistent with the objectives of the Policy at clause 3(1)(a)</i> (b) <i>(b) that the signage satisfies the assessment criteria specified in Schedule 1</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
Schedule 1 – Assessment Criteria				
Character of the area				
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed building/business identification signage is appropriate and compatible with the surrounding area. The signage is integrated into the building design.
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed signage is consistent with the locality.
Special areas				
<i>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?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no environmentally sensitive or conservation areas within close proximity to the subject site. It is located on land zoned for open space (RE1) however the proposed land use is consistent with that permitted in the zone.
Views and vistas				

Requirement	Yes	No	N/A	Comment
<i>Does the proposal obscure or compromise important views?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Signage does not obscure or compromise views. Signage is integrated into its architectural design and does not dominate the bulk and scale of the development.
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Signage does not dominate skyline.
<i>Does the proposal respect the viewing rights of other advertisers?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal is compatible with all existing signage located on adjacent sites.
Streetscape, setting or landscape				
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The scale of the signage is negligible and will have no significant impact. Signage does not dominate landscape or streetscape. Signage proposed have been designed as an integrated design element of the building which provides visual interest without clutter.
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signage proposed have been designed as an integrated design element of the building which provides visual interest without clutter.
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None existing
<i>Does the proposal screen unsightliness?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does not screen any existing unsightliness.
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Signage does not dominate skyline, bulk or scale of the development.
Site and building				
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which proposed signage is to be located?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal is compatible with all existing signage located on adjacent sites. This is inclusive of other community facilities within the area.
<i>Does the proposal respect important features of the site or building, or both?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Positioned at front building façade which is compatible with the building design and of minimal impact on the development itself.
<i>Does the proposal show innovation and imagination in its relationship to the site or building or both?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appropriate to the proposed use.
Associated devices and logos with advertisements and advertising structures				
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is displayed?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard signage is to be externally lit to reduce any potential amenity concern.
Illumination				
<i>Would illumination result in unacceptable glare?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Signage proposed will not be illuminated.
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Signage proposed will not be illuminated.
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Signage proposed will not be illuminated.
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Signage proposed will not be illuminated.
<i>Is the illumination subject to a curfew?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Signage proposed will not be illuminated.
Safety				
<i>Would the proposal reduce the safety for any public road?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Proposed signage for building/business identification only. Signage proposed do not move or flash and is not to be illuminated.
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Proposed signage for building/business identification only. Signage proposed do not move or flash and is not to be illuminated.
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sight lines from public areas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Proposed signage for building/business identification only. Signage proposed do not move or flash and is not to be illuminated.

State Environmental Planning Policy No. 55 – Remediation of Land

The requirement at clause 7 of SEPP No. 55 for Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development has been considered in the following table:

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In the development going to be used for a sensitive land use (eg: residential, educational, recreational, childcare or hospital)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Details of contamination investigations carried out at the site:</p> <p>The subject application was accompanied by a Preliminary Site Assessment, dated 22 September 2014 conducted by Douglas Partners for the subject site. The report provided recommendations as to general procedures to be undertaken during site works.</p> <p>The proposal was forwarded to Councils Environmental Health Officer who noted that the preliminary environmental site investigation did not include the statement that the site is suitable (for the particular development). Upon further consultation with Douglas Partners, Council officers received the following statement dated 6 November 2014;</p> <p><i>As authors of the Report on Preliminary Site Investigation, Ruth Everuss Aquatic Centre (REAC), Church Street, Lidcombe (Reference 84373.00 Rev01) dated September 2014, we confirm that the subject site can be made suitable for the proposed redevelopment of the aquatic centre through the implementation of the recommendations outlined in Section 8 of the report.</i></p> <p>Given the findings of the report, the statement received by the consultant and the ongoing use of the site for the purposes of a recreational facility, Council officers consider that the development satisfies the requirements of clause 7 of the SEPP and that no further investigations are required. Suitable conditions of consent are recommended be imposed to mitigate any potential contamination found during the construction phases.</p>	
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

State Environmental Planning Policy (Infrastructure) 2007

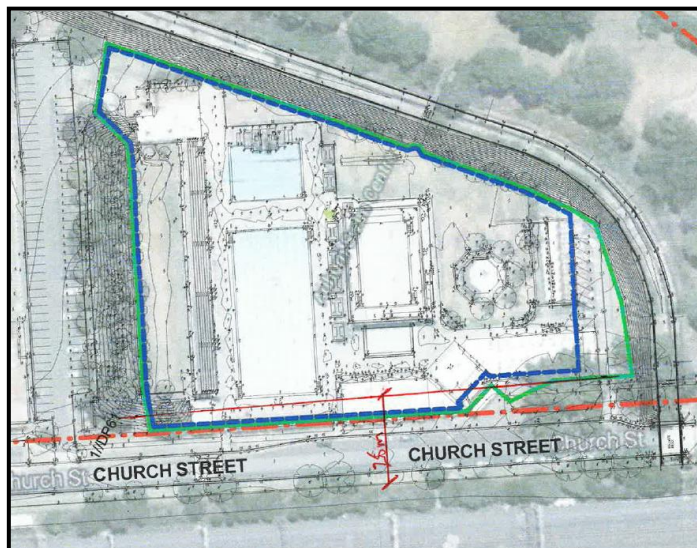
The proposal is located in close proximity to the Bankstown railway line (approximately 15 metres) and adjoins, although indirectly, Olympic Drive, being a Classified Road. In this

regard, the development proposal is required to address the provisions of Division 15 Railways and Division 17 Roads and Traffic of the State Environmental Planning Policy (Infrastructure) 2007.

Division 15 – Railways

The relevant provisions of the division relate to Clauses 85, 86 and 87. It is noted that Clause 85 and 87 relate to development immediately adjacent to rail corridors and the impact of rail noise and vibration. Upon investigation, it is noted that the subject site does not immediately adjoin the rail corridor, given that it is separated by Church Street and that the proposed use, being an indoor/outdoor recreational centre, is not considered to be a sensitive use, nor listed as a residential use, place of public worship, a hospital or an educational establishment or childcare centre as nominated under Clause 87(1).

Consideration however is to be given to Clause 86(1)(b) which applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within 25m (measured horizontally) of a rail corridor. It is noted that the bulk of the excavation is occurring outside the 25m requirement (with the bulk excavation relating to the removal of the existing pool areas and the installation of the new lap pool and water polo pool). The 25 metre distance relating to the existing layout (to take into consideration the removal of the existing lap pool) is demonstrated below;



It is therefore considered that the proposed development does not impact upon Division 15 Railways of the State Environmental Planning Policy (Infrastructure) 2007. However, given the proposals proximity to the railway corridor, Council officers referred the proposal to Sydney Trains on 7 October 2014 to ensure the development did not impact upon the rail infrastructure. As of 18 November 2014, Council officers have not received any correspondence from Sydney Trains or any representatives.

It should be noted that in accordance with Clause 85(2)(b) and Clause 86(2)(b), the consent authority must take into consideration any response to the notice that is received within 21 days after the notice is given. As stated above, no response has been received in that timeframe.

Additionally, in regards, to Clause 86(5)(b), the consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor if 21 days have passed since giving the notice and the chief executive officer has not granted or refused to grant concurrence. The consent

authority can be satisfied that a suitable timeframe in excess of 21 days has passed and that consent can be granted.

Division 17 – Roads and Traffic

The relevant provisions of the division relate to Clauses 101, 102, 103 and 104. It is noted that Clause 101 through 103 relate to development with frontage to a classified road, impact of rail noise and vibration and excavation immediately adjacent to corridors. Upon investigation, it is noted that the subject development does not immediately adjoin the Classified Road, as the site forms part of a larger site known as Wyatt Park (having direct frontage to Olympic Drive). Physical site access is provided via Church Street. Additionally, the proposed use, being an indoor/outdoor recreational centre, is not considered to be a sensitive use, nor listed as a residential use, place of public worship, a hospital or an educational establishment or childcare centre as nominated under Clause 102(1) and is not listed as a road as nominated in Clause 103(1) or a road project as listed under Schedule 2.

Consideration however is to be given to Clause 104 Traffic Generating Development and Schedule 3 as the proposal relates to the refurbishment to a recreational facility which is considered to generate the likely capacity of 200 or more vehicles with direct access to a public road. In this regard, the development is considered to be traffic generating development.

Council officers are therefore required to address Clause 104(3) before determining the development application. In this regard, Council officers referred the development to the Roads and Maritime Services (RMS) on 7 October 2014. On 29 October 2014, Council officers received correspondence from RMS in response to Council's letter nominating that RMS raises no objection to the proposed development as it will have minimal impact on the State Road network.

Additionally, the proposal has been supported by a Parking and Traffic Report, prepared by Gennaoui Consulting P/L, dated 22/09/2014. The report summaries that there is approximately 300 spaces within the vicinity of the site, which are to be utilised by the patrons of the aquatic centre. The parking areas consist of two separate carparks (on either side of the subject site) and on street parking. The proposal will incorporate an additional 10 formal car parking spaces along Church Street.

The report concludes *“that the available 310 parking spaces including the ten new ones would be more than adequate to cater for all events including the demand for commuters outside the school holiday periods. The proposed upgrades of the swimming complex are not likely to impact on the operation of the surrounding road network and intersection”*.

In this regard, Council officers can be satisfied that the relevant provisions of the SEPP have been taken into consideration and that the proposed development is considered acceptable. The recommendations of the submitted report will form part of any conditions of consent imposed on the development.

Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the Sydney Harbour Catchment area and thus, SREP (Sydney Harbour Catchment) 2005 is applicable to the development application. The development application raises no issues in this regard, as the proposal is considered to be consistent with the requirements and objectives of the SREP.

Local Environmental Plans

Auburn Local Environmental Plan 2010

The relevant objectives and provisions of Auburn LEP 2010 have been considered in the following assessment table:

Clause	Yes	No	N/A	Comment
Part 1 Preliminary				
1.2 Aims of Plan				
(1) This Plan aims to make local environmental planning provisions for land in Auburn in accordance with the relevant standard environmental planning instrument under section 33A of the Act.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal complies with the stipulated development standards of the ALEP 2010.
(2) The particular aims of this Plan are as follows:				
(a) to establish planning standards that are clear, specific and flexible in their application,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal is considered to establish an acceptable recreational facility to service the local government area.
(b) to foster integrated, sustainable development that contributes to Auburn's environmental, social and physical well-being,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal will provide a refurbished aquatic centre to facilitate the needs of the community.
(c) to protect areas from inappropriate development,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development is not considered to be inappropriate for the area. The development complies and will establish the future desired character for its immediate area.
(d) to minimise risk to the community by restricting development in sensitive areas,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(e) to integrate principles of ecologically sustainable development into land use controls,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development is acceptable in this regard.
(f) to protect, maintain and enhance the natural ecosystems, including watercourses, wetlands and riparian land,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposal is not considered to impact on the adjoining stormwater canal.
(g) to facilitate economic growth and employment opportunities within Auburn,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The aquatic centre is considered to promote economic growth within the LGA, providing suitable community facilities to the area.
(h) to identify and conserve the natural, built and cultural heritage,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suitable documentation has been provided to conserve the built heritage associated with the aquatic centre. Suitable conditions will be imposed on the development consent so as to facilitate the recommendations of these reports.
(i) to provide recreational land, community facilities and land for public purposes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will provide for a refurbished aquatic centre to serve the community and the LGA as a whole.
1.6 Consent authority				
The consent authority for the purposes of this Plan is (subject to the Act) the Council.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The consent authority for this development in this instance is the Joint Regional Planning Panel due to the Capital Investment Value of the development.

the meaning of the <i>National Parks and Wildlife Act 1974</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) to any Trust agreement within the meaning of the <i>Nature Conservation Trust Act 2001</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) to any property vegetation plan within the meaning of the <i>Native Vegetation Act 2003</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(f) to any biobanking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation Act 1995</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) This clause does not affect the rights or interests of any public authority under any registered instrument.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
				The development is on behalf of a public authority.

Part 2 Permitted or prohibited development				
<p>2.1 Land use zones</p> <p>The land use zones under this Plan are as follows:</p> <p>Residential Zones</p> <p>R2 Low Density Residential</p> <p>R3 Medium Density Residential</p> <p>R4 High Density Residential</p> <p>Business Zones</p> <p>B1 Neighbourhood Centre</p> <p>B2 Local Centre</p> <p>B4 Mixed Use</p> <p>B6 Enterprise Corridor</p> <p>B7 Business Park</p> <p>Industrial Zones</p> <p>IN1 General Industrial</p> <p>IN2 Light Industrial</p> <p>Special Purpose Zones</p> <p>SP1 Special Activities</p> <p>SP2 Infrastructure</p> <p>Recreation Zones</p> <p>RE1 Public Recreation</p> <p>RE2 Private Recreation</p> <p>Environment Protection Zones</p> <p>E2 Environmental Conservation</p> <p>Waterway Zones</p> <p>W1 Natural Waterways</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The land is zoned RE1 Public Recreation , which permits the type of development proposed.
<p>2.5 Additional permitted uses for particular land</p> <p>(1) Development on particular land that is described or referred to in Schedule 1 may be carried out:</p> <p>(a) with consent, or</p> <p>(b) if the Schedule so provides—without consent,</p> <p>in accordance with the conditions (if any) specified in that Schedule in relation to that development.</p> <p>(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No additional uses in accordance with this clause are being applied for under this application.
<p>2.6 Subdivision—consent requirements</p> <p>(1) Land to which this Plan applies may be subdivided, but only with consent.</p> <p>(2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:</p> <p>(a) widening a public road,</p> <p>(b) a minor realignment of boundaries that</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No subdivision (Torrens or Strata) approval is being sought.

<p>Kiosks; Markets; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants; Roads; Water recreation structures</p> <p>4 Prohibited</p> <p>Any development not specified in item 2 or 3</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.</p> <p>· recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).</p> <p>The proposal also incorporates a café portion to be used in conjunction with the recreational facility in regards to its operation. It is noted that a Restaurant is permissible within the zone and therefore can be considered as a separate permissible use. This is defined below;</p> <p>· restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.</p>
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Part 4 Principal development standards

4.1 Minimum subdivision lot size

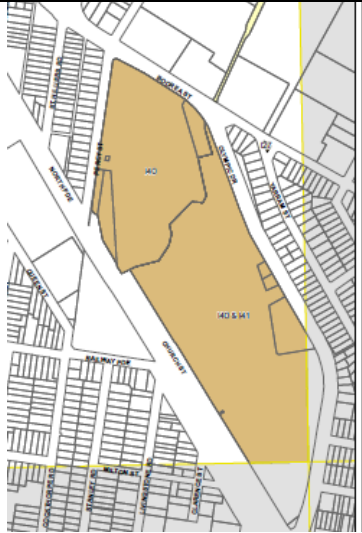
(1) The objectives of this clause are as follows:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site can comfortably support the development as proposed.
(a) to ensure that lot sizes are able to accommodate development consistent with relevant development controls, and (b) to ensure that subdivision of land is capable of supporting a range of development types.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No subdivision is proposed. The site would however be required to be consolidation, should the application be recommended for approval.
(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3A) Despite subclause (3), the minimum lot size for dwelling houses is 450 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3B) Despite subclause (3), if a lot is a battle-axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development is not for a single dwelling.
(3C) Despite subclauses (3)–(3B), the minimum lot size for development on land within the Former Lidcombe Hospital Site, as shown edged blue on the Lot Size Map, is as follows in relation to development for the purpose of:				
(a) dwelling houses:				
(i) 350 square metres, or				
(ii) if a garage will be accessed from the rear of the property - 290 square metres, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(iii) if the dwelling house will be on a zero lot line - 270 square metres,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) semi-detached dwellings - 270 square metres,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) multi dwelling housing - 170 square metres for each dwelling,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) attached dwellings - 170 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<p>Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows:</p> <p>(a) for sites less than 1,300 square metres—0.75:1,</p> <p>(b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1,</p> <p>(c) for sites that are 1,800 square metres or greater—0.85:1.</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> 	<p>Not a multi dwelling development.</p>
<p>(2B) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows:</p> <p>(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and</p> <p>(b) 3:1 for office premises and hotel or motel accommodation.</p>	<input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> 	<p>Not within Zone – B6 Enterprise Corridor (Parramatta Road Precinct).</p>
<p>(2C) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Floor Space Ratio Map, is as follows:</p> <p>(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and</p> <p>(b) 2:1 for office premises and hotel or motel accommodation.</p>	<input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> 	<p>Not within Zone – B6 Enterprise Corridor (Silverwater Road Precinct).</p>

another lot already included in the site area calculation.				
(6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(7) Certain public land to be separately considered For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposal does not relate to the creation of public land.
(8) Existing buildings The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(9) Covenants to prevent “double dipping” When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(10) Covenants affect consolidated sites If:				
(a) a covenant of the kind referred to in subclause (9) applies to any land (affected land), and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.				
(11) Definition In this clause, public place has the same meaning as it has in the <i>Local Government Act 1993</i> .				

4.6 Exceptions to development standards				
(1) The objectives of this clause are:				The applicant has not applied for any exceptions to development standards in accordance with this clause.
(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:				
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Consent must not be granted for development that contravenes a development standard unless:				
(a) the consent authority is satisfied that:				
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the concurrence of the Director-General has been obtained.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) In deciding whether to grant concurrence, the Director-General must consider:				
(a) whether contravention of the development standard raises any	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<p>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</p> <p>(iv) will cause minimal overshadowing, and</p> <p>(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>5.9 Preservation of trees or vegetation</p> <p>(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.</p> <p>(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.</p> <p>Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.</p> <p>(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:</p> <p>(a) development consent, or</p> <p>(b) a permit granted by the Council.</p> <p>(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.</p> <p>(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.</p> <p>(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.</p> <p>(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:</p> <p>(a) that is or forms part of a heritage item, or</p> <p>(b) that is within a heritage conservation area.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposal incorporates the removal of some vegetation as part of the application. The trees to be removed are not considered to be significant and suitable replacement landscaping is proposed.</p> <p>It should be noted that the site is nominated as containing a heritage item, being Item No. I41 - Stand of <i>Eucalyptus microcorys</i>.</p> <p>It is noted that the trees with heritage significance will not be impacted upon by the development, given that they are located approximately 350 metres north of the subject works. No additional consideration as to this clause is necessary in this instance.</p>


(b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	 <p>The proposal has been supported by a Heritage Impact Statement report, prepared by NBRIS + Partners and dated September 2014 and a Conservation Management Strategy, prepared by Tanners Architects and dated August 2004.</p> <p>It is noted that the trees with heritage significance will not be impacted upon by the development, given that they are located approximately 350 metres north of the subject works. No additional consideration as to this clause is necessary in this instance.</p> <p>The submitted heritage statement concludes that <i>"the proposed works do not significantly and adversely affect the identified heritage significance of the place when considered in total."</i></p> <p>The report then recommended the following if the proposal was approved;</p> <ul style="list-style-type: none"> · Confirmation of the location of heritage listed trees, arboricultural assessment and mitigation of impacts of proposed new water main from Ann Street should the listed trees be located in the vicinity of the proposed line; · Detailed examination and analysis of measures identified in the draft Tanner Conservation Management Strategy Section 5.0 conservation policies and the carrying out of those measures by way of development consent condition; · Salvage and reuse of materials identified of greatest significance and that are salvageable; · Heritage interpretation supported by a detailed Heritage Interpretation Plan prior to construction;
(c) altering a heritage item that is a building by making structural changes to its interior,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(g) subdividing land on which a heritage item is located or that is within a heritage conservation area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) When consent not required				
However, consent under this clause is not required if:				
(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:				
(i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the development is in a cemetery or burial ground and the proposed development:				
(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<p>or property, or</p> <p>(d) the development is exempt development.</p> <p>Note. For land known as Rookwood Cemetery zoned SP1 Cemetery, development consent from, and notification to, the consent authority is not required under this plan for the further use of an existing grave site or crypt within a graveyard that is a heritage item, provided the heritage significance of the item is not adversely affected.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> · Comprehensive archival recording of all elements of the place prior to construction; · Carrying out of a schedule of conservation works built upon the draft Tanner Conservation Management Strategy; · Confirmation of materials and finishes; · Continuing input by a conservation professional throughout design development, documentation and construction.
<p>(4) Effect on heritage significance</p> <p>The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Based upon these finding and subject to the imposition and carrying out of the recommendations of the heritage report outlined above, it is considered that the proposed works can be made sympathetic to, and consistent with the existing heritage fabric and significance of the items.</p>
<p>(5) Heritage impact assessment</p> <p>The consent authority <i>may</i>, before granting consent to any development on land:</p> <p>(a) on which a heritage item is situated, or</p> <p>(b) within a heritage conservation area, or</p> <p>(c) within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>It is recommended that a condition of consent based upon the heritage reports recommendations be imposed on the development consent.</p> <p>As nominated above, consideration has been taken into account in regards to the effect on heritage significance. The development is considered to be suitable.</p>
<p>(6) Heritage conservation management plans</p> <p>The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposal has been supported by a suitably prepared heritage impact assessment report which is considered satisfactory on the basis of its conclusions. If the proposal is recommended for approval, the recommendations of the report will be imposed on the consent.</p>
<p>(7) Archaeological sites</p> <p>The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the <i>Heritage Act 1977</i> applies):</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>The proposal has been supported by a Conservation Management Plan which will be recommended to be implemented as part of the approval.</p>
<p>(8) Places of Aboriginal heritage significance</p> <p>The consent authority must, before granting consent under this clause to the carrying out of</p>				

development in a place of Aboriginal heritage significance:				The subject site is not considered to be an archaeological site.
(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The subject site is not considered to be a place of aboriginal heritage significance.
(9) Demolition of item of State significance				
The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the <i>Heritage Act 1977</i> applies):				The proposal does not incorporate the demolition of any items of state significance.
(a) notify the Heritage Council about the application, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This part does not apply to this particular application.
(10) Conservation incentives				
The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:				The site lies over Class 2 Acid Sulfate
(a) the conservation of the heritage item is facilitated by the granting of consent, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Part 6 Additional local provisions				
6.1 Acid sulfate soils				
(1) The objective of this				

<p>clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Soils as demonstrated on the Acid Sulfate Soils maps as part of the ALEP 2010.
Class of land	Works				
1	Any works.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3)	Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>As part of the Preliminary Site Investigation, prepared by Douglas Partners and dated 22 September 2014, it has been recommended that a construction environmental management plan (CEMP), incorporating an unexpected finds protocol (UFP) and an acid sulphate soils management plan (ASSMP), be implemented during the excavation works to instruct environmentally sound excavation and stockpiling methods and actions to address any unexpected finds.</p> <p>In this regard, the recommendations as identified by the report nominated above will form part of a condition of consent to be implemented during the excavation phase. Council officers consider that appropriate investigation as to the impact of acid sulphate soils has been undertaken and can be managed accordingly.</p>
(4)	Despite subclause (2) Development consent is not required under this clause for the carrying out of works if:				
	(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5)	Despite subclause				

(c) the work is ancillary to other development for which development consent has been given.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(3) Before granting development consent for earthworks, the consent authority must consider the following matters:				
(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed excavation is not anticipated to disrupt local drainage patterns or soil stability. Suitable stormwater management plans have been prepared to facilitate the proposed works.
(b) the effect of the proposed development on the likely future use or redevelopment of the land,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is in accordance with the desired future character of the area and zone RE1 – Public Recreation zone objectives.
(c) the quality of the fill or of the soil to be excavated, or both,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Should the application be approved, appropriate conditions will be imposed to ensure that the recommendations provided in the preliminary site investigation report as discussed earlier will be realised.
(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Should the application be approved, appropriate noise, construction and traffic control conditions will be imposed to ensure minimal impact on the amenity of adjoining uses.
(e) the source of any fill material and the destination of any excavated material,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Soil has been tested in accordance with SEPP 55 requirements. All off site soil disposal to be to an approved landfill site.
(f) the likelihood of disturbing relics,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is not identified as a potential archaeological site.
(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The existing stormwater channel (being concrete lined) is not considered to be adversely impacted by the proposed works.
Note. The <i>National Parks and Wildlife Act 1974</i> , particularly section 86, deals with disturbing or excavating land and Aboriginal objects.				

will not impact on natural foreshore processes or affect the significance and amenity of the area.				<p>(parallel with the stormwater channel) is seen to be located within the foreshore building line as identified on the Foreshore Building Line Map. It is noted that the area incorporates a minute amount of landscaped area along the boundaries of the aquatic centre. Below is an indicative aerial photograph demonstrating the boundaries of the stormwater channel. This is seen to be consistent with the ALEP 2010 foreshore building line maps.</p>  <p>The building works associated with the development are considered to be above the foreshore building line and as such no further investigation is required. It is noted that the existing chain link fence on the boundary of the site is to be retained.</p> <p>The consent authority can be satisfied that the provisions of Clause 6.4 have been adequately addressed.</p>
(2) This clause applies to land identified as below the foreshore building line on the Foreshore Building Line Map.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Development consent must not be granted for development on land in the foreshore area except for the following purposes:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that:				
(a) the development will contribute to achieving the objectives for the zone in which the land is located, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) the development is not likely to cause environmental harm such as:				
(i) pollution or siltation of the waterway, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(iii) an adverse effect on drainage patterns, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and (h) sea level rise or change of flooding patterns as a result of climate change have been considered.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6.5 Essential Services (1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage. (d) stormwater drainage or on-site conservation, (e) suitable road access. (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	The listed services are currently available to the site. Should the development be approved conditions will be imposed requiring that the all services be augmented as necessary in accordance with service provider requirements.

The provisions of any Draft Environmental Planning Instruments (EP& A Act s79C(1)(a)(ii))

The proposed development is not affected by any relevant Draft Environmental Planning Instruments.

The provisions of any Development Control Plans (EP& A Act s79C(1)(a)(iii))

Auburn Development Control Plan 2010

The application relates to the construction of a new purpose built community centre for the Berala locality. As such the objectives and requirements of the Auburn Development Control Plan 2010 are limited to the application. Notwithstanding, the development proposal has been assessed on its merit and is considered to perform satisfactory in relation to the relevant planning controls.

Parking and Loading

The relevant objectives and requirements of the Parking and Loading part of the Auburn DCP 2010 have been considered in the assessment of this application. The proposal seeks to maintain the existing parking areas associated with the development and to construct an

additional 10 spaces. The proposal has been supported by a Parking and Traffic Report prepared by Gennaoui Consulting P/L dated September 2014.

The report summarises that “there are currently 300 spaces within the vicinity of the site which could be used by visitors of the swimming complex. About 56 percent of spaces are in two car parks situated either side of the complex. The remaining spaces are in Church Street.

A peak parking demand for the swimming complex of 232 spaces is likely to occur when a carnival is held. No more than about 190 of available spaces would generally be required for the Swimming Complex on 95 percent of the time. On less than 5 percent of days (less than 20), a peak parking demand of 200 spaces and above would be required.

The estimated volume of traffic likely to be generated by the proposed upgrading of the swimming complex will have little effect on current levels of service of all approach roads; the current level of service along all roads would continue to prevail.”

The report concludes that the available 310 parking spaces, including the ten new ones, would be more than adequate to cater for all events including the demand for commuters outside the school holiday periods. Additionally, the proposed upgrade is not likely to impact upon the operation of the surrounding road network and intersection.

It also should be noted that Council officers received correspondence from RMS in response to Council's letter nominating that RMS raises no objection to the proposed development as it will have minimal impact on the State Road network.

In this regard, subject to the imposition of standard consent conditions, the proposal is considered to be consistent with the Parking and Loading part of the Auburn DCP 2010.

Stormwater Drainage

The relevant requirements and objectives of the Stormwater Drainage part of the ADCP2010 have been considered in the assessment of the development application. Suitable stormwater plans and specifications have been submitted to accompany the development application. It is also noted that the subject site is nominated as a flood planning area as identified in the ALEP 2010. Suitable documentation has been provided to mitigate any flooding concern in relation to the proposed development. Council's Engineers have raised no objection to the proposed stormwater and flood mitigation measures and have recommended that standard conditions be imposed on any development consent. The application is considered to be consistent with the objectives and relevant requirements of this part.

Access and Mobility

The development is considered to be consistent with the objectives and requirements of the Access and Mobility part of the ADCP2010. It is noted that the proposal complies with the key access and mobility standards as specified in this part in that it provides a main access ramp which complies with the BCA and DDA 1992 together with tactile indicators on all surfaces for the vision impaired. Additionally, four new accessible parking spaces will be installed and designed in accordance with the Australian Standard AS2890.6. Subject to the imposition of standard access and mobility conditions, the proposal is seen to be consistent with the objectives and relevant requirements of this part.

Waste

The relevant objectives and requirements of the Waste part of the Auburn DCP 2010 have been considered in the assessment of this application. The application has been supported by a suitable waste management plan which contains details as to waste management of the demolition and construction phases and the ongoing operation of the centre. In this regard, the proposal is considered to consistent with the Waste part of the Auburn DCP 2010.

Section 94 Contributions Plan

The development does not require the payment of contributions in accordance with Council's Section 94 Contributions Plans 2007 Part F, clause 22.8 – Exemptions to the levy, which states the following:

“Council may consider exempting developments or components of developments from a levy under this Plan that include:

- (a) Development where Council is the applicant.”*
- (b) Developments which provide a distinct community benefit on a not for profit basis including but not limited to: fire stations, police stations or police shopfronts, ambulance stations, public hospitals, and the like;*
- (c) Development by or for non-profit organisations which provide a distinct community benefit including but not limited to: the provision of child care services, libraries, community or educational facilities, places of worship, outreach services or the like, on a cooperative or not for profit basis.*

Contributions have been calculated based on the works programmed in Section G of the plan which includes expenditure on the facilities identified as the Auburn/Lidcombe Swimming Centre. This particular development has a clear community benefit and is being undertaken by the Council. In this regard, it is appropriate that an exemption be given in accordance with Clause 22.8. In addition, Council's section 94 Planner has raised no objections to the non-payment of s.94 contributions in this instance.

Disclosure of Political Donations and Gifts

The NSW Government introduced The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (NSW). This disclosure requirement is for all members of the public relating to political donations and gifts. The law introduces disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans.

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

The provisions of the Regulations (EP& A Act s79C(1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the EP& A Regulations 2000.

The Likely Environmental, Social or Economic Impacts (EP& A Act s79C(1)(b))

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

The suitability of the site for the development (EP&A Act s79C(1)(c))

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, the site can be said to be suitable to accommodate the proposal. The proposed development has been assessed in regard to its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

Submissions made in accordance with the Act or Regulation (EP&A Act s79C(1)(d))

Advertised (newspaper) ☒

Mail ☒

Sign ☒

Not Required ☐

In accordance with Council's Notification of Development Proposals Development Control Plan, the proposal was publicly exhibited for a period of 14 days between 7 October 2014 and 21 October 2014. The notification generated 9 submissions, inclusive of a submission containing a petition of 66 signatures, in respect of the proposal. Given the nature of the amendments made to the design of the proposal, the development was publicly notified on two additional occasions for a period of 14 days and 28 days respectively, being, 16 December 2014 through to 7 January 2015 and 13 January 2015 through to 10 February 2015. During these additional notification periods an additional 2 submissions were received. The issues raised in the public submissions are summarised and commented on as follows:

- Concern is raised as to the poor community consultation/community input of the REAC refurbishment.

Comment: Council have completed three separate public notifications in regards to this application, with dates being nominated above. The proposal, inclusive all amendments associated with the design, has been made available for community consultation for a period of 56 days being well in excess of any statutory requirement. In addition to the public consultation, Councillors and Council senior staff held a meeting with concerned residents on 18 November 2014, where significant changes to the design were discussed and subsequently implemented. It is noted that this concern was only raised in the initial notification period. Given the above, it is considered that significant public consultation and community input has been undertaken.

- Concern is raised as to purpose of the REAC facility and its appearance of being downgraded in size and function.

Comment: It is stated within the submissions received that the community is in favour of the redevelopment of the REAC. It is noted from the project manager overseeing the redevelopment that the purpose of redeveloping the REAC was to provide the community with modern and attractive aquatic facilities catering for all ages, skill levels and cultural diversity which would attract a broad range of users. It is not intended that the local aquatic centre cater for high level championships in the different aquatic disciplines due mainly to the proximity and purpose of the Sydney Olympic Park Aquatic Centre. However, the proposed redevelopment of the REAC has now incorporated a separate out door 50m pool and separate water polo pool, which is considered to be in accordance with the requests as identified through further public consultation.

- Concern is raised as to the inadequate design (lane widths) of the 25m and 50m lap pools.

Comment: The original design of the REAC incorporated an outdoor pool of 50 metres divided into 9 x 2.25m wide lane widths and an indoor pool of 25 metres divided into 6 x 2m wide lane widths. As per the final design, being Drawing No. 14195-AWD103-6, Revision 6, prepared by NBRS + Partners and dated 07/01/2015, the REAC incorporates an outdoor pool of 50 metres divided into 9 x 2.5m wide lane widths and an indoor pool of 25 metres divided into 6 x 2m wide lane widths. This design has been considered in association with the public consultation held on 18 November 2014.

In relation to the indoor 25m pool the pool has been designed as a 12m x 25m pool which can be configured in a number of ways. The six lanes shown in the concept plans are 2m wide and suitable for junior swimming training and tuition. However the indoor 25m pool is not designed for indoor swimming competition or as the primary lap pool (the outdoor 50m lanes are provided for lap swimmers and adult squads and the pool is heated all year.) In conjunction with the separate program pool the 25m indoor pool may have "classes for aquarobics" on one side and Learn To Swim classes on the other side with one or two lanes used for stroke development in the centre of the pool or any number of other configurations. It is noted that the indoor pool will be used in a manner that suits its operation and will form part of the responsibility of the pool manager based on its needs.

Additionally, the water polo pool can be converted into a 25m lap pool containing 12 x 2.5m wide lanes when not in use for the purposes of water polo. This will be the responsibility of the pool operator based on demand.

It should be noted that the revised (final) plans were publicly notified and no submissions as to the design of the pools were received.

- Concern is raised as to the design of the outdoor pool and conflict of differing uses (water polo and lap swimming)

Comment: As per the final design, being Drawing No. 14195-AWD103-6, Revision 6, prepared by NBRS + Partners and dated 07/01/2015, the proposal incorporates a separate water polo pool which will not interfere with the functions of the 50m outdoor lap pool. It should be noted that the revised (final) plans were publicly notified and no submissions as to the design of the pools were received.

- Concern is raised as to the distance from the club room/recording room from the 50m lap pool

Comment: As per the final design, being Drawing No. 14195-AWD103-6, Revision 6, prepared by NBRS + Partners and dated 07/01/2015, the proposal incorporates the relocation of the splash pad to the eastern side of the centre and the relocation of the 50m lap pool closer to the Church Street frontage. A designated coaching/staff room has been dedicated in close proximity to the new location of the 50m lap pool.

- Concern is raised as to the proximity of the splash pad to the 50m lap pool in regards to children's safety

Comment: As per the final design, being Drawing No. 14195-AWD103-6, Revision 6, prepared by NBRS + Partners and dated 07/01/2015, the splash pad has been relocated to the eastern side of the centre and as such does not interfere with the outdoor lap pool and water polo pool, which is considered to reduce any likely child safety concern. It should be noted that as part of the operation of the facility, suitable lifeguards will be put in place by the managers of the centre to further safety within the centre.

- Concern is raised as to the location, size and function of amenities being provided.

Comment: The proposal incorporates two areas of change room/general amenities for male, female and disabled patrons. The location of these facilities are in close proximity to the main areas associated with the REAC, with one area being in proximity to the 50m lap pool and the other being in proximity to the indoor 25m pool. The proposed facilities are considered to be acceptable in regards to the operation and expected patronage of the centre.

- Concern is raised as to the operation (refereeing) of water polo games given the pools design.

Comment: As per the final design, being Drawing No. 14195-AWD103-6, Revision 6, prepared by NBRS + Partners and dated 07/01/2015, a separate water polo pool is to be constructed which will allow the provision of two referees on either side of the pool to officiate games.

- Concern is raised as to the removal of the dive boards/spring boards associated with the design.

Comment: It is noted that the diving boards constituted a locally significant part of the REAC. However, given the demand for additional facilities for water polo and lap swimming, the need for diving boards was seen as minimal. It should be noted that aspects of the dive boards in terms of archival records will form part of the heritage conservation management. It should be noted that the revised (final) plans were publicly notified and no submissions as to the design of the pools/removal of all diving infrastructure were received.

- Concern is raised as to the turbo channel located within the family leisure pool.

Comment: Acknowledging Police data provided with regards to similar existing activities in the SOPAC, and the difference in the SOPAC leisure pool and REAC leisure pool being considerable, an alternate design has been provided, removing the turbo channel whirlpool with the replacement of a spa seat and overhead spray water play area. This is considered to be a suitable replacement in regards to children's safety.

- Concern is raised as to the method of pool heating, size of change rooms and adequacy of shower facilities

Comment: Extensive investigations and cost implications have been undertaken on various pool heating methods and combinations thereof. Proposed amenities have been designed to acceptable public swimming pool standards in regard to size and numbers visiting the centre. Efficient water heating systems and water minimization strategies through selection of shower heads and taps have been incorporated in the design.

- Concern is raised as to the procedure and timeline associated with the closure/construction of the REAC

Comment: The current timeline proposes that the Design and construction Tender will be considered by council at the 17 June 2015 Council meeting with the view to council entering into an early contract with the successful builder.

An agreement has been reached with the current pool manager for the pool to remain open until Saturday 27 June, 2015. This will allow the builder to take early possession of the site. Construction dates will be discussed with the shortlisted builders in conjunction with the tendering process which is due to commence 24 March 2015.

The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

Operational Plan / Delivery Program

This assessment and report relates to the Auburn City Council Operational Plan and Delivery Program, Our Places – Attractive and Liveable theme, action “2a.1.1.3 Assess development applications, complying development and construction certificates”.

Conclusion

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979.

The proposed development is appropriately located within the RE1 – Public Recreation zone under the relevant provisions of Auburn Local Environmental Plan 2010. The proposal is consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with Council’s controls have been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, and the development may be approved subject to conditions.