

<b>JRPP No:</b>	2016WES004
<b>DA No:</b>	DA 42/2016
<b>PROPOSED DEVELOPMENT:</b>	The proposed development relates to alterations to an existing recreation facility (indoor) and the construction of a recreation facility (outdoor) including a fifty (50) metre pool, change rooms, pump room, bbq shelter and demolition of an existing skate park.
<b>APPLICANT:</b>	Pete Badenhorst for an on behalf of Griffith City Council PO Box 458 Griffith NSW 2680
<b>REPORT BY:</b>	Kelly McNicol, Coordinator of Planning and Compliance, Griffith City Council

## Assessment Report and Recommendation

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<b>Owner:</b>	<b>Department of Primary Industries – Lands</b> Griffith City Council as Trustee
<b>Lodgement Date:</b>	26 February 2016
<b>Capital Investment Value:</b>	\$5.5 Million
<b>Land Zoning:</b>	RE1 – Public Recreation
<b>Current Use</b>	Recreation Facility (Indoor), Recreation Facility (Outdoor)

## EXECUTIVE SUMMARY

### Proposal

The proposed development relates to the construction of an recreation facility (outdoor) adjacent to an existing recreational facility (indoor) at Lot 1 DP 1035387 (5-17 Wayella Street) Griffith. The proposal involves the demolition of an existing concrete skate park and storeroom and the construction of a fifty (50) metre by seventeen (17) metre swimming pool adjacent to the existing Griffith Regional Aquatic Leisure Centre (GRALC). The proposal also includes additional change rooms, a pump room, bbq shelter, landscaping and fencing. The existing facility and the proposed outdoor pool facility are owned and operated by Griffith City Council.

### Type of Development

- The proposed development is considered local development requiring determination by the Joint Regional Planning Panel as its Capital Investment Value (CIV) exceeds \$5,000,000 and the development is to be carried by Council as per Schedule 4A of the *Environmental Planning and Assessment Act 1979*.

### Consultation

Neighbour notification and advertising has been carried out in accordance with Council's Notification Policy (Development Control Plan No. 25). During the notification period three (3) submissions were received from the public. Consultation with internal divisions of Council

also occurred as part of the assessment of the development application. No external referrals were required.

### **Main Issues**

- Three (3) objections were received from the public. The grounds for objection included the following:
  - The choice of location;
  - The type of facility proposed (preference to a swimming lake or waterpark);
  - Issues with the design of the pool;
  - Cost to run existing facility; and
  - No appropriate shade areas.

### **Recommendation**

It is recommended that Development Application 42/2016 be approved pursuant to Section 80 of the *Environmental Planning & Assessment Act, 1979*, subject to the conditions of consent contained within Attachment 'A' of this report.

## **ASSESSMENT**

### **Site History**

Current land use	The site is presently used as a Council owned indoor recreation facility (Griffith Regional Aquatic Leisure Centre – GRALC)
Previous approvals	D300279/1998 – Griffith Regional Aquatic Leisure Centre (indoor pool and activity centre) D25/1999 – Construction of a public carpark DA 18/2004 – Skate park DA 12/2005 – Erection of light poles

### **Site Description**

The subject site is located at the eastern corner of Wayeela Street where it intersects with Olympic Street. The proposed construction site is immediately adjacent to the existing GRALC facility and is presently occupied by a skate park and an informal grass play area used by patrons of the facility. The site is relatively flat and includes a number of tree plantings and landscape areas. The existing GRALC facility includes a 25 metre pool, two smaller pools, a gym, a crèche and change room facilities and a carpark with room for 55 spaces and 7 motorcycle spaces. The site is located within the Griffith central business district area approximately 100 metres from Banna Avenue. A mixture of land uses are located in close proximity to the site including commercial and retail, residential and community facilities.



## Proposal in Detail

Griffith City Council proposes to construct an addition to an existing indoor recreation facility (GRALC) which constitutes an outdoor recreation facility. The proposal has a capital investment value of \$5.5 Million and includes the following components:

- Construction of a 50 metre x 17 metre pool, including a ramp for accessible access to the pool. The depth of the pool ranges from 1.85 metres ('deep end') to 1.35 metres ('shallow end');
- Demolition of an existing skate park;
- Extension to the existing GRALC building to include a 5.7 metre x 14.65 metre outdoor change room facility and additional indoor change room facilities;
- Construction of a pump room;
- A BBQ shelter;
- A turfed area to be used in conjunction with the outdoor pool;
- Landscaping; and
- Fencing

The facility will be operated by Griffith City Council and the existing staff of the GRALC facility. Additional staff are expected to be employed to oversee the new 50 metre pool facility. Operation times of the facility will remain unchanged.

## Environmental Planning and Assessment Act 1979

In determining a development application, the consent authority must take into consideration matters referred to in Section 79C(1) of the EP&A Act 1979 which are relevant to the development.

### SECTION 79C(1)(a)(i) any environmental planning instrument.

#### *Griffith Local Environmental Plan 2014*

#### Permissibility

The proposed development falls under the definition of *recreational facility (outdoor)* in the Dictionary of Griffith Local Environmental Plan 2014, which is defined as:

*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).*

The subject land is zoned RE1 – Public Recreation and under Part 2 Land Use Table of Griffith Local Environmental Plan 2014 a recreation facility (outdoor) is development that can only be permitted with the consent of Council. On this basis the proposed development is considered permissible.

#### Zone Objectives:

#### **RE1 – Public Recreation**

Objectives of zone

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To encourage the development of public open spaces in a way that addresses the community's diverse recreation needs.*
- *To offer opportunities for tourism development.*

The proposed outdoor pool and associated facilities will further enable the public reserve at 5-17 Wayeela Street to be utilised for recreational purposes. The 50 metre pool will allow the GRALC facility to be used for swimming carnivals and the inclusion of an accessible ramp will enable the pool facilities to be enjoyed by the elderly and people with disabilities.

The following additional clauses of GLEP 2014 apply to the proposed development:

#### **5.9 Preservation of trees or vegetation**

The provisions of clauses 5.9 and 5.9AA relate to the preservation of trees and vegetation and enables Council to allow the removal of trees and vegetation either with development consent or by a permit issued by Council.

The proposal involves the removal of six (6) relatively newly planted trees. The applicant has suggested that where possible, the trees will be re-planted elsewhere on the site.

#### **5.10 Heritage conservation**

Clause 5.10 of Griffith Local Environmental Plan 2014 sets down objectives in respect to the conservation of environmental heritage within the Griffith local government area. Specifically it applies to the protection of heritage items and heritage conservation areas; development affecting places or sites of known or potential Aboriginal heritage significance; development affecting known or potential archaeological sites of relics of non-Aboriginal heritage

significance; development in the vicinity of a heritage item; provision of conservation incentives; and development in heritage conservation areas.

The subject site is not located within a heritage conservation area, nor does it contain nor within the vicinity of a heritage item listed in Schedule 5 of Griffith LEP 2014.

### **5.12 Infrastructure development and use of existing buildings of the Crown**

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.*
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.*

The *State Environmental Planning Policy (Infrastructure) 2007* includes exemptions relating to development by public authorities such as Griffith City Council. Division 12 of the SEPP relates to development within parks and other public reserves. As the subject site is considered a “public reserve”, it would appear that Clauses 64-66 are relevant to the development. Clause 65 indicates that:

- (3) Development for any of the following purposes may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:*
  - (a) roads, cycleways, single storey car parks, ticketing facilities and viewing platforms,*
  - (b) outdoor recreational facilities, including playing fields, but not including grandstands,*
  - (c) information facilities such as visitors’ centres and information boards,*
  - (d) lighting, if light spill and artificial sky glow is minimised in accordance with AS/NZS 1158: 2007, Lighting for Roads and Public Spaces,*
  - (e) landscaping, including irrigation schemes (whether they use recycled or other water),*
  - (f) amenity facilities,*
  - (g) maintenance depots,*
  - (h) environmental management works.*

The proposed development relates to the construction of an “outdoor recreational facility” and alterations to an indoor recreational facility. The portion of the development relating to the outdoor pool appears to be development which could have been carried out without consent by Griffith City Council as a public authority. However, the demolition of the skate park and the additions to the internal change room facilities would appear to require consent.

### **7.10 Essential Services**

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 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 vehicular access.*

All of the required essential services for the proposed development are available and connected to the GRALC site including water, electricity and sewer. The site has vehicular access from the carpark on Lot 5 DP 1070702. The applicant has also proposed an informal service entrance off of Olympic Street to be used for maintenance and emergency services purposes.

## **State Environmental Planning Policies**

*State Environmental Planning Policy (Infrastructure) 2007*

### **Division 12 Parks and other public reserves**

#### **Clause 65 Development permitted without consent**

- (1) Development for any purpose may be carried out without consent:
- (a) on land reserved under the [National Parks and Wildlife Act 1974](#), if the development is for a use authorised under that Act, or
  - (b) on land declared under the [Marine Parks Act 1997](#) to be a marine park if the development is for a use authorised under that Act, or
  - (c) on land declared under the [Fisheries Management Act 1994](#) to be an aquatic reserve if the development is for a use authorised under that Act.
- (2) Development for any purpose may be carried out without consent:
- (a) on Trust lands within the meaning of the [Centennial Park and Moore Park Trust Act 1983](#), by or on behalf of the Centennial Park and Moore Park Trust, or
  - (b) on trust lands within the meaning of the [Parramatta Park Trust Act 2001](#), by or on behalf of the Parramatta Park Trust, or
  - (c) (Repealed)
  - (d) in the case of land that is a reserve within the meaning of Part 5 of the [Crown Lands Act 1989](#), by or on behalf of the Director-General of the Department of Lands, a trustee of the reserve or (if appointed under that Act to manage the reserve) the Ministerial Corporation constituted under that Act or an administrator, if the development is for the purposes of implementing a plan of management adopted for the land under the Act referred to above in relation to the land.
- (3) Development for any of the following purposes may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:
- (a) roads, cycleways, single storey car parks, ticketing facilities and viewing platforms,
  - (b) outdoor recreational facilities, including playing fields, but not including grandstands,
  - (c) information facilities such as visitors' centres and information boards,
  - (d) lighting, if light spill and artificial sky glow is minimised in accordance with AS/NZS 1158: 2007, *Lighting for Roads and Public Spaces*,
  - (e) landscaping, including irrigation schemes (whether they use recycled or other water),

The subject site is considered a public reserve which is vested to Council by the Department of Primary Industries (Lands). The proposed development is considered to be an outdoor recreational facility or as defined in the Local Environmental Plan: recreation facility (outdoor). As such, it would appear that Council could have constructed the pool without any development consent under sub-clause 65 (3)(b) of the SEPP. However, to ensure transparency in the development of the site, a development application has been submitted to be determined by the Joint Regional Planning Panel.

## **Division 17 – Roads and Traffic**

### **Clause 104 Traffic-generating development**

- (1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*
- (a) new premises of the relevant size or capacity, or*
  - (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) In this clause, relevant size or capacity means:*
- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
  - (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*
- (3) Before determining a development application for development to which this clause applies, the consent authority must:*
- (a) give written notice of the application to the RTA within 7 days after the application is made, and*
  - (b) take into consideration:*
    - (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
    - (ii) the accessibility of the site concerned, including:*
      - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
      - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
    - (iii) any potential traffic safety, road congestion or parking implications of the development.*
- (4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

For the purposes of clause 104(2), Schedule 3 of the SEPP has been referred to which states that recreational facilities that accommodate 200 or more vehicles with access to any road are considered “traffic generating development”. The proposed development is expected to accommodate 80 vehicles. The vehicular access to the GRALC carpark is located in excess of 90 metres from Banna Avenue and as such Column 2 of the Table does not pertain to the development.

Irrespective of Clause 104 and Schedule 3, the RMS were contacted regarding the proposal. The representative from the RMS did not have any issues with the proposed development and did not believe that the safety and efficiency of the Classified Road (Banna Avenue) would be compromised by the proposed development.

### **SECTION 79C(1)(a)(ii) any draft environmental planning instrument.**

At the time of preparing this report there is no draft environmental planning instrument that applies to the development or to land within the Griffith local government area.

### **SECTION 79C(1)(a)(iii) any development control plan.**

#### **Development Control Plan No. 20 – Off Street Parking (2011)**

The proposed development involves an extension to an existing recreational facility.

#### ***Proposed Pool Facility***

Table 1.7.1 of the DCP lists types of land uses and a corresponding minimum parking requirement. An outdoor pool is not listed as a type of recreation facility (outdoor) in the table, however, swimming pools is listed as a recreation facility (indoor) and requires 1 parking space per 10 sq. m. of pool area. The pool is 850 sq.m. and therefore the new 50 metre pool would require 85 parking spaces. However, it is considered that for the most part, the patrons of the existing facility will utilise the additional pool space during the week, with the exception of swimming carnival events.

#### ***Reduction of Required Parking***

Clause 1.7.2 (b) of the DCP allows for a reduction of the required parking numbers for developments in Olympic Street of 30%. Thus, the 50 metre pool extension to GRALC requires the provision of 60 parking spaces.

#### ***Existing Griffith Regional Aquatic and Leisure Centre (GRALC)***

The GRALC facility was constructed under DA 279/1998. At the time, Council's parking DCP required the provision of 50 parking spaces. Council constructed a carpark with 55 spaces for the facility and an additional 7 motor cycle spaces.

#### ***Total Parking Requirements for GRALC***

A total of 110 parking spaces are required for the GRALC facility once the pool is constructed. The site itself presently has 55 parking spaces. As such, the site itself is deficient 55 spaces.

#### ***Alternatives to Provision of on-site Parking***

Clause 1.8.1 of the DCP allows parking to be provided on another site that is within 300 metres and is readily accessible.

The Council owned the Couchman Car Park which has 77 parking spaces is located 130 metres walking distance from the GRALC entrance. A pedestrian crossing and a footpath is provided directly to the carpark. One of the purposes of the construction of the carpark was to provide additional parking facilities for GRALC.

The applicant has provided a parking plan indicating the location of all the Council owned parking facilities in near proximity (refer to Attachment 'C'). An additional 17 parking spaces are located within the Olympic Street road reserve at the frontage of the site. An additional 60 parking spaces are also located along the northern side of Olympic Street which are all within 300 metres of the entrance of the GRALC facility.



## ***Conclusion***

Although the GRALC itself does not have enough space for the required 110 parking spaces, there are a sufficient amount of Council owned parking facilities in close proximity (within 300 metres) to support the development.

### **SECTION 79C(1)(a)(iiia) any planning agreement.**

There are no planning agreements which apply to the subject site or the proposed development.

### **SECTION 79C(1)(a) (iv) the regulations.**

Section 79C(1)(a)(iv) requires Council to take into consideration the provisions of clauses 92-94 of the Environmental Planning and Assessment Regulation 2000.

Clause 92(1)(b) of the Environmental Planning & Assessment Regulation 2000 requires the consent authority to consider the provisions of Australian Standard AS 2601-1991: The demolition of Structures. Where demolition is proposed, it is recommended that a condition of consent be imposed which sets out the requirements for demolition to be carried out in accordance with a construction/demolition management plan and this will be required to be submitted prior to the issue of a Construction Certificate.

Clauses 93 and 94 of the Environmental Planning and Assessment Regulation 2000 require that Council take into consideration fire safety provisions. Where applicable, it is recommended that a condition of consent be imposed that requires the installation of a smoke alarm, if one is not already present, in the building as without a smoke alarm the measures in the building are considered inadequate to protect persons using the building or to facilitate their egress from the building in the event of fire.

### **SECTION 79C(1)(b) the likely impacts of the development.**

In taking into consideration section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 Council must evaluate the likely impacts of the development on both the natural and built environments, and the social and economic impacts in the locality.

## ***Context and Setting***

The subject site is located within the existing GRALC facility area. The locality provides a mix of recreation facilities, community facilities, commercial premises, residential premises and open space. The addition of a 50 metre pool and associated amenities is expected to positively affect the visual quality of the Olympic Street streetscape. The scale of the development is appropriate for the site and locality. A large grassed area has been provided for spectators and patrons utilising the facility for relaxation purposes. The surrounding mix of land uses are all considered to be compatible with the outdoor recreational facility. The facility will be appropriately fenced to ensure that users of adjacent premises including the Youth Centre must access the pool via the main entrance to GRALC.

## ***Access Transport and Traffic***

Access to the site, both pedestrian and vehicular will remain unchanged. Presently patrons access the site via the footpaths in the area, through the existing carpark, or are dropped off at the drop off facilities located within the Olympic Street road reserve. With the inclusion of a 50 metre pool it is expected that the site will be used for additional swimming carnivals which will see additional buses access the site. The unloading of buses can be carried out

within the bus zone area in front of GRALC. Parking is available within the site, however, the majority of parking facilities are located on alternative sites in close proximity to GRALC. A parking map and guide shall be prepared and provided on induction of new patrons and made available at the premises and on the facilities website.

### ***Public Domain***

The proposed facility will increase the availability of public recreation facilities in the area. The site is presently connected to Council's footpath network and there are two existing pedestrian crossings in Olympic Street. These crossings link the facility with the CBD to the south and to the residential areas to the south.

### ***Water***

It is expected that the addition of a 50 metre pool will increase the sites need for water. Council's reticulated water network has capacity in the locality to support the increase in water usage of the facility. The lawn areas will be required to be fitted with sprinklers. The facility presently captures rainwater which could be used to water the new grass areas.

### ***Noise and Vibration***

The use of the outdoor swimming pool is expected to increase the amount of noise generated from the site, however, the zoning of the site is for public recreation purposes and there is an expectation that some level of noise will be created from the use of any outdoor recreation lands. The proposed "pump room" for the outdoor pool is located on the northern boundary of the site. The pump room will be situated approximately 75 metres from dwellings located on the north side of Wakaden Street. The applicant is not able to provide the noise output of the pool pump at the present time. As such the applicant will be required to provide an acoustic assessment of the pump in its proposed location and provide insulation and other sound barriers should the noise emissions exceed the levels provided in the *NSW EPA Industrial Noise Policy*. This is to ensure that the residences are not negatively impacted.

### ***Safety, Security and Crime Prevention***

The outdoor recreation area is to be fenced off and access restricted to the site via the main entrance of GRALC. The security fencing will be slatted to allow natural surveillance and visibility of the public area from the street while reinforcing territoriality and reducing the fear of crime by the patrons. Access controls to the site will be enforced and the gate adjacent to Railway Street will be locked and only used for maintenance purposes.

### ***Site Design and Internal Design***

The proposed development appears to be accommodated for within the proposed site and will interact well with the existing GRALC facility. Outdoor change facilities have been provided as well as additional internal change facilities. However, additional accessible amenity facilities have not been provided with direct access to the outdoors. As the proposed pool will be utilised by people with disabilities it would seem reasonable to include an accessible amenities facility directly accessible to the new pool area so that those that require the facilities do not have to travel a substantial distance to the internal facilities. As such, a condition of consent has been placed on the development to provide an accessible toilet with direct access to the pool area.

### **SECTION 79C(1)(c) the suitability of the site.**

The subject site is zoned RE1 Public Recreation and the permissibility of the development under Griffith Local Environmental Plan 2014 provides a broad indication that the site is suitable for the proposed development.

Based on the assessment under this and other sections within this report it is considered that the site is suitable for the proposed development.

### **SECTION 79C (1) (d) any submissions made in accordance with this Act or the regulations.**

#### Public Submissions

Public exhibition of the application has been carried out in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Council's Notification Policy (Development Control Plan No. 25). During the public exhibition period three (3) submissions were received from the public (refer to Attachment 'D'). The public submissions raised several concerns, however, the grounds of the objections can be grouped into the following categories:

- Limited size of the site;
- Inadequate parking;
- Un-needed demolition of skate park;
- Should have demolished the "Police Boy's Club" and expanded facility into the adjacent park; and
- Issues with the design of the pool itself

#### Size of the Site

The objectors have commented that the site is not large enough for the facility or to meet the community's needs. They argue that the greenspace is limited and there is no hope for future expansion. Further, it is suggested that the plan provided no area for children and toddlers as there is no wading pool or water park.

The majority of these concerns are outside the scope of this assessment and are more closely related to the Council's decision to locate the 50 metre pool adjacent to the existing facility. The pool itself more than adequately fits within the site and a lawn space has been provided for "relaxation". A wading pool or toddler pool has not been provided as both presently exist within the GRALC facility. Locating the 50 metre pool within the existing GRALC facility is operationally beneficial as it does not require the replication of services and staff elsewhere.

#### Inadequate Parking

The objectors suggest that there is inadequate parking. As previously assessed in this report, the site and external parking facilities owned by Council are more than adequate for the facility. Although, it would require patrons to walk 130-150 metres to the entrance of GRALC, this is permitted within Development Control Plan No. 20 (2011) Off-Street Parking and more than appropriate within the CBD area.

#### Demolition of Skate Park / More Appropriate to Demolish "Police Boy's Club"

The Griffith Business Chambers has objected to the development application and suggested that the demolition of the skate park is wasteful and not in the community interest and also that Council should have looked to relocate the "Police Boy's Club" and locate the facility in this area. First of all, it is assumed that the objector is referring to the Police and Community

Youth Clubs (PCYC) facility located adjacent to the GRALC facility. Council does not presently own this site and therefore the objection is not relevant to the application. Secondly, in order to locate the 50 metre pool within the area adjacent to GRALC, the skate park needed to be demolished and relocated. Council has already carried out preliminary designs for a new and improved skate park to be located within the public reserve located within Olympic Park.

### Design of the Pool

One of the submissions raised some valid points regarding the design of the pool including the width of lanes, the depth of the pool and the length of the pool. The applicant has suggested that these suggestions will be taken into consideration during the preparation of the final pool designs at the Construction Certificate stage.

Another issue with the design of the pool alluded to in the submissions was the lack of shade structures proposed. The applicant has suggested that further DA's will be lodged for the purpose of shade structures within the grassed area and surrounding the pool potentially. As a lack of protection from the sun for the users of the pool could be considered a negative social impact as it could increase the likelihood of exposure to UV which has health impacts, the applicant will be required to provide designs for shade structures for the site prior to the lodgement of a Construction Certificate application.

In general, it appears that the objections relate more to the applicant's decision to locate the pool adjacent to the site of the GRALC facility and a belief that the facility should include other elements (water park and toddler pool) and the design of the pool should be modified. Although the objections could be used to consider the public interest in the application, they lack sufficient planning grounds to warrant refusal of the application.

### **SECTION 79C (1) (e) the public interest**

It is considered that the public interest is best served by the consistent application of the requirements of the relevant Commonwealth and State Government legislation, Environmental Planning Instruments (EPI), Development Control Plans (DCP), Council policy and ensuring that any adverse effects on the surrounding area and environment are avoided. On the basis that the proposal is considered consistent with the aims and objectives of GLEP 2014 and other EPI's, DCP's and Council policies it is therefore unlikely for the application to raise issues that are contrary to the public interest.

The applicant carried out a public consultation regarding the location, design and need for a 50 metre pool. The information and submissions gained from this consultation has been considered by the applicant. Further,

### **CONTRIBUTIONS**

#### **Section 94a**

Appendix B of Councils Section 94A Contributions Plan exempts Council from paying a 94A levy for applications involving community facilities. As such, no contribution is payable.

## CONCLUSION / RECOMMENDATION

The development application has been analysed and evaluated with regard to the matters for consideration listed in Section 79C of the Environmental Planning and Assessment Act 1979. The assessment has identified that:

- The proposed development is permissible within the zone under GLEP 2014 and is consistent with the aims, objectives and special provisions of that environmental planning instrument.
- The proposed development is consistent with the provision the relevant SEPP that apply.
- The proposed development is considered satisfactory with regard to the objectives and controls set down in the relevant development control plans.
- The proposed development is unlikely to have any unreasonable impact on the environment, and where an adverse impact has been identified appropriate conditions have been imposed to mitigate the effects.
- The subject site is suitable for the proposed development
- Where submissions were received they have been taken into consideration and where appropriate have been addressed by way of conditions of consent.
- The proposed development does not raise any matter contrary to the public interest.

On this basis it is considered that the proposal has merit and can be supported.

### **Recommendation**

It is recommended that Development Application 42/2016 for alterations and additions to an existing recreation facility (indoor) and construction of a recreation facility (outdoor) at Lot 1 DP 1035387 (5-17 Wayella Street) Griffith be approved pursuant to Section 80(a) of the *Environmental Planning & Assessment Act, 1979*, subject to the conditions of consent contained within Attachment 'A' of this report.