

COUNCIL ASSESSMENT REPORT

Panel Reference	2017HCC035
DA Number	DA/1783/2017
LGA	Lake Macquarie City Council
Proposed Development	Recreation Facility (Indoor) Alterations and Additions
Street Address	1 Carleton Street, Toronto (Lot 1 DP 883847)
Applicant	Lake Macquarie City Council
Owner	Lake Macquarie City Council
Date of lodgement	26 September 2017
Number of Submissions	0
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	The development has a CIV of \$5.5 million and is proposed to be carried out by Council and is therefore to be determined by the Regional Development.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Lake Macquarie Local Environmental Plan 2014 • Lake Macquarie Development Control Plan 2014 • State Environmental Planning Policy No. 19 – Bushland in Urban Areas • State Environmental Planning Policy No 33—Hazardous and Offensive Development
List all documents submitted with this report for the Panel's consideration	Section 79C Assessment (Appendix A) Plans (Appendix B) Statement of Compliance Access for People with a Disability (Appendix C) Noise impact assessment (Appendix D) Waste Management Plan (Appendix E) Draft conditions of consent (Appendix F) Draft approved plans (Appendix G)
Report prepared by	Amy Regado, Development Planner, Lake Macquarie City Council
Report date	23 November

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **No**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Executive Summary

Date Lodged	26 September 2017
Submission Period:	28 September to 17 October 2017
Zoning:	RE2 Private Recreation Zone (Lake Macquarie Local Environmental Plan 2014)
Approval Bodies:	NSW Subsidence Advisory
Referral Agencies:	Hunter Water Corporation NSW Rural Fire Service
CIV:	\$5.5 million

Legislative Clauses:

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

The development site adjoins lands zoned for public recreation purposes (RE1) and is to be assessed having regard to the need to retain any bushland on the land, the effect of the proposed development on bushland zoned or reserved for public open space purposes (i.e. erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland) and any other matters considered relevant.

Due to the separation of the site from lands zoned for bushland purposes, as well as the minor nature of the works proposed, it is considered the proposal satisfies the provisions of the policy.

State Environmental Planning Policy No 33—Hazardous and Offensive Development

The development application relates to a swimming centre which incorporates the use and storage of chemicals.

The applicant has given consideration to the NSW Department of Planning and Environment 'Applying SEPP 33' Guideline and 'Multi-level Risk Assessment' and identified that the proposal does not involve the storage or usage of chemicals in quantities that are considered hazardous.

Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)

Clause 4.3 Height of buildings

The development site is subject to a maximum building height of 8.5 metres.

The building height measures a maximum of 8.5 metres, and is therefore consistent with the LEP provisions.

Clause 7.1 Acid Sulfate soils

The site is mapped as being affected by Class 5 Acid Sulfate Soils; works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Council are satisfied the proposal will not impact upon acid sulfate soils or lower the water

table more than 1 metre.

Clause 7.2 Earthworks

The consent authority must consider before granting consent the implications of the proposed development on the environment/locality in relation to earthworks.

The proposal requires minimal earthworks to be undertaken, and is isolated to footings and the like. Council are satisfied the proposed earthworks are minimal and will not have adverse impacts to the surrounding environment/locality.

Clause 7.3 Flood planning

The development site is mapped as part of the Flood Planning Area – catchment flooding from Stony Creek.

The consent authority is required to consider the implications of the flooding characteristics on life and property with respect to the development and ensure the development does not adversely affect flooding behaviour.

Council are satisfied that the proposal achieves finished floor levels that are consistent with the required flood planning levels (3.45m AHD). All unsealed electrical installations associated with development (i.e. pumps, switches, power points, motors, etc) are required to be placed above 3.90m AHD. The applicant has confirmed that this is achievable.

Clause 7.7 Development on sensitive Aboriginal landscape areas

The land is partially mapped as a sensitive aboriginal landscape area on the Sensitive Aboriginal Landscape Area Map.

Council's Heritage Officer advised that the development site is not located within 50 metres of the high water mark, or within 200 metres of an AHIMS site. All works are proposed within the existing disturbed footprint of the site. Subsequently, the proposed works are exempt in accordance with Council's policy and no further assessment is required at this point. The officer recommended a precautionary condition of consent regarding earthworks and potential Aboriginal relics.

Accordingly, the above will be imposed as conditions of consent.

Clause 7.21 Essential Services

The consent authority must not grant consent unless it is satisfied the required essential services are available to serve the development.

The site has available to it the required essential services and infrastructure to accommodate the development (water, sewer, electricity, stormwater and vehicle access).

With respect to electricity, an electrical substation has been provided to the development. This infrastructure is located within the site, adjacent to Awaba Road and within an existing planting area adjoining the car parking area. Council staff have recommended conditions of consent to ensure suitable landscaping outcomes are provided adjacent to the substation to soften and partly screen the structure to the street.

PROJECT DESCRIPTION

The Development Application is for alterations and additions to an existing Recreation Facility (Indoor) known as Toronto Swim Centre.

A detailed assessment of the development in accordance with Section 79C of the Environmental Planning and Assessment Act 1979 and supporting plans/documents are attached as Appendix A-E.

The application was lodged in September 2017.

The development site consists of a single lot, with an area of approximately 4000m² located in the suburb of Toronto. The site has frontage to Awaba Road and Carleton Street.

The site contains an existing swim centre building with associated external storage areas, car parking area and landscaping. Council acquired the centre in 2006 from a private operator.

The proposal incorporates:

- Provision of new substation to Awaba Road;
- Minor changes to the existing car parking area, to provide two new disabled car parking spaces adjacent to the reconfigured entry;
- Partial demolition of existing swim centre including rear external shed and slabs, sections of internal slabs, northern wall brickwork, roof lining, and some existing glazed openings;
- Upgraded foyer/entry area;
- Construction of new enclosed café seating and transition zone to internalise control /kiosk /entry and amenities access for year round use;
- Provision of upgraded and new amenities;
- Upgrade to office and managers office;
- Construction of new first aid room
- Construction of new club room, training room and multi-purpose rooms;
- Upgrade to existing 25 metre pool and learn to swim (LTS) pool;
- Reconfiguration of existing spa and hydrotherapy pool;
- Construction of new pool plant room including three filtration plants, roof top mechanical plant (over filtration plant) and internal service access;
- Retention of upper floor area comprising existing caretakers dwelling, storage and plant areas;
- Provision of internal fire rating to existing care takers residence;
- Provision of glazing to northern façade of building;

Overall, most works are internal to the existing building footprint.

No change is proposed to the existing site access arrangements.

The existing hours of operation are to be retained. These being:

- Monday to Thursday: 5am-8pm,
- Friday: 5am-6pm, and
- Saturday, Sunday and public holidays: 8am-4pm.

Signage will be erected, however the applicant has confirmed signage will be undertaken as Exempt Development.



Figure 1: Building perspective

Site & Locality

The site is located at Toronto, on the western side of Lake Macquarie. The site is located in proximity to the Toronto Town Centre, Biraban Public School, Ron Hill Oval and Toronto High School.



Figure 2: Aerial photo of development site and surrounds

The site consists of one lot, with an area of approximately 4000m². The site contains an existing swim centre building with associated external storage areas, car parking area and landscaping.

The existing building contains three swimming pools, kiosk, amenities, a caretaker's residence, plant room and external gym area.

Vehicular access to the development site is obtained via existing driveway cross overs to/from Carleton Street.

The immediate adjacent lands comprise the following:

- Council owned bushland to the south and south-east (zoned RE2 Private Recreation), which includes riparian vegetation;
- Sporting lands, including Ron Hill Oval to the north-east (zoned RE1 Public Recreation);
- Biraban Public School to the west (zoned R2 Low Density Residential);

- Residential development to the north-west and north-east (zoned R2 Low Density Residential).



Figure 3: Aerial photo of development site and adjoining properties including zonings

The development site is zoned RE2 Private Recreation under Lake Macquarie Local Environmental Plan (LEP) 2014.

The development site is affected by the following constraints:

- Flooding Planning Area – Catchment Flooding;
- 8.5 metre max building height;
- Sensitive Aboriginal Landscape Area;
- Hunter Water WWTW Buffer Zone;
- Acid Sulfate Soils Class 5;
- Bush Fire Prone Land - part parcel
- Geotechnical Zone T6;
- Within Mine Subsidence District;
- Natural watercourse.

Background

The existing swim centre was constructed in the mid-1990s as a private recreation facility. Council acquired the centre in 2006 from a private operator, and a private contractor has continued to operate the centre since this time.

The applicant has identified the existing building requires upgrading and refurbishment to modernise the building's physical condition and appearance, and ensure its continued operation. The applicant has identified that the proposed concept has been developed to provide for a number of water spaces and an improved community facility catering to the broader community and all age groups.

Since lodgement of the development application in September 2017, the following milestones have occurred:

- The development plans were notified and no submissions were received in relation to the development application;
- The development application was referred to NSW Subsidence Advisory (SA NSW) as Integrated Development. SA NSW raised no objection to the proposed development and provided their stamped General Terms of Approval;
- The development application was referred to other external agencies including Hunter Water Corporation, NSW RFS and Ausgrid. None of the external agencies raised objection to the development;
- The development plans were referred to relevant internal and external referrals undertaken. Internal referrals have raised concerns with the development with respect to:

- developer contributions,
 - stormwater management,
 - waste and general servicing,
 - flooding levels and electrical installations,
 - landscaping and fencing,
 - non-discriminatory access,
 - chemical storage capacities,
 - signage, and
 - erosion and sediment.
 - Based upon Council's initial assessment of the development application and matters identified within internal referral responses, requests for information were issued to the applicant. Responses have been provided by the applicant on the matters and all outstanding matters have been resolved;
 - The development application was referred to the Regional Panel for briefing on 23 November 2017. The Panel did not raise any significant issues with the development.
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Assessment Report

Assessment Report Contents

1. Integrated Referral/s
2. Section 79C: Potential Matters for Consideration
3. Conclusion
4. Recommendation

1. INTEGRATED REFERRALS

Mine Subsidence Compensation Act 1961.

The development is defined as Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979 in relation to the Mine Subsidence Compensation Act 1961.

The matter was referred to NSW Subsidence Advisory seeking their respective General Terms of Approval (GTAs). NSW Subsidence Advisory provided their GTAs by way of stamped plans.

Water Management Act 2000

Whilst works are proposed within 40 metres of a natural watercourse, and would typically be captured as Integrated Development under the Water Management Act 2000, under Part 3 /Division 2/Subdivision 4/Clause 38 of the Water Management (General) Regs 2011, public authorities are subject to exemptions from requiring a controlled activity approval.

For consideration of the proposed development's impacts to the waterway, the development application was referred to Council's Sustainability – Creeks and Watercourses Officer. The officer confirmed that an assessment of the proposal was undertaken in accordance with Council's Protection of Watercourses and Drainage Channels Policy. Typically a 30 metre Vegetation Riparian Zone would be required on each side of the watercourse to protect the watercourse and its associated riparian vegetation from development. However, as the proposal is not proposing any further vegetation clearing, or increasing the site coverage, the officer is satisfied that the proposal will not have any adverse effects on the watercourse.

2. SECTION 79C: POTENTIAL MATTERS FOR CONSIDERATION

A brief assessment of the proposed development in accordance with S79C is as follows:

Section 79C (1) (a) (i) the provisions of any EPI's

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

The development site adjoins lands zoned for public recreation purposes (RE1) and is to be assessed having regard to the need to retain any bushland on the land, the effect of the proposed development on bushland zoned or reserved for public open space purposes (i.e. erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland) and any other matters considered relevant.

Due to the separation of the site from lands zoned for bushland purposes, as well as the minor nature of the works proposed, it is considered the proposal satisfies the provisions of the policy.

State Environmental Planning Policy No 33—Hazardous and Offensive Development

The development application relates to a swimming centre which incorporates the use and storage of chemicals.

The applicant has given consideration to the NSW Department of Planning and Environment 'Applying SEPP 33' Guideline and 'Multi-level Risk Assessment' and identified that the proposal does not involve the storage or usage of chemicals in quantities that are considered hazardous. In particular,

- The operations of an aquatic centre or similar do not fall within hazardous or offensive industries;
- The centre will store Calcium hypochlorite (UN No 3487), in 10kg plastic square pails in no more than 250kg quantities.

The Multi-level Risk Assessment indicates dry pool chlorine is to be stored in quantities more than 1 tonne to be deemed hazardous. The proposal does not exceed these quantities;

- The centre will utilise Sodium Bromide (UN number) a pool sterilisation salt that reacts with the Calcium Hypochlorite applied to the water by a dissolved solution and metering pump.

The salt is not considered a dangerous product by the dangerous goods code;

- The centre will utilise CO₂ gas that is dissolved into the pool water to form Carbonic Acid that reduces the pool water pH.

This is required because the use of the calcium based chlorine product elevates the pool water pH. The bulk cryogenic storage container is located outside the building in a protected tank.

These materials are not classified as hazardous;

- Other chemicals used in pool water management include dry calcium chloride (used occasionally to increase calcium hardness of the water) and sodium bicarbonate (used occasionally to increase the calcium alkalinity of the pool water) both used to ensure the balance of Total hardness and Total Alkalinity are maintained in the ideal range.

The dry calcium chloride and sodium bicarbonate are held in moisture resistant

20k bags.

These materials are not classified as hazardous.

State Environmental Planning Policy (State & Regional Development) 2011

The development qualifies as Regional Development, based on the proposal having a capital investment value of more than \$5 million and is proposed to be carried out by Council (Clause 4 of Schedule 4A under Environmental Planning and Assessment Act, 1979). Consequently, the Hunter and Central Coast JRPP exercises the consent functions of Lake Macquarie City Council.

Lake Macquarie Local Environmental Plan 2014

Clause 2.3 Zone objectives and Land Use Table

The development site is zoned RE2 Private Recreation.

The development application proposes alterations and additions to an existing Recreation Facility (Indoor) which is defined as,

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.

It is acknowledged the existing and proposed development incorporates a care taker's residence. This dwelling will only be used in conjunction with the swim centre, and the use is therefore considered to be ancillary to the dominant function. In this regard, the dwelling is considered to be permitted.

The objectives of the RE2 Private Recreation zone are to:

- To enable land to be used for private 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 development that complements its location and minimises any adverse impacts on the environment.

The proposal is considered consistent with the zone objectives by enabling the ongoing use of the land for recreational purposes. The proposal has demonstrated, or can demonstrate by way of imposition of conditions of consent that impacts to the surrounding and environment will be minimised and the surrounding natural environment will be protected.

Clause 2.7 Demolition requires development consent

The development application proposes demolition works, and accordingly has sought consent for these demolition works.

Clause 4.3 Height of buildings

The development site is subject to a maximum building height of 8.5 metres.

The building height measures a maximum of 8.5 metres, and is therefore consistent with the LEP provisions.

Clause 7.1 Acid Sulfate soils

The site is mapped as being affected by Class 5 Acid Sulfate Soils; works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height

Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Council are satisfied the proposal will not impact upon acid sulfate soils or lower the water table more than 1 metre.

Clause 7.2 Earthworks

The consent authority must consider before granting consent the implications of the proposed development on the environment/locality in relation to earthworks.

The proposal requires minimal earthworks to be undertaken, and is isolated to footings and the like. Council are satisfied the proposed earthworks are minimal and will not have adverse impacts to the surrounding environment/locality.

Clause 7.3 Flood planning

The development site is mapped as part of the Flood Planning Area – catchment flooding from Stony Creek.

The consent authority is required to consider the implications of the flooding characteristics on life and property with respect to the development and ensure the development does not adversely affect flooding behaviour.

Council are satisfied the proposal achieves finished floor levels that are consistent with the required flood planning levels (3.45m AHD). All unsealed electrical installations associated with development (i.e. pumps, switches, power points, motors, etc) are required to be placed above 3.90m AHD. The applicant has confirmed that this is achievable.

Clause 7.7 Development on sensitive Aboriginal landscape areas

The land is partially mapped as a sensitive aboriginal landscape area on the Sensitive Aboriginal Landscape Area Map.

Council's Heritage Officer advised the development site is not located within 50 metres of the high water mark, or within 200 metres of an AHIMS site. All works are proposed within the existing disturbed footprint of the site. Subsequently, the proposed works are exempt in accordance with Council's policy and no further assessment is required at this point. The officer recommended a precautionary condition of consent regarding earthworks and potential Aboriginal relics.

Accordingly, the above will be imposed as conditions of consent.

Clause 7.21 Essential Services

The consent authority must not grant consent unless it is satisfied the required essential services are available to serve the development.

The site has available to it the required essential services and infrastructure to accommodate the development (water, sewer, electricity, stormwater and vehicle access).

With respect to electricity, an electrical substation has been provided to the development. This infrastructure is located within the site, adjacent to Awaba Road and within an existing planting area adjoining the car parking area. Council staff have recommended conditions of consent to ensure suitable landscaping outcomes are provided adjacent to the substation to soften and partly screen the structure to the street.

Section 79C (1) (a) (ii) the provisions of any draft EPI

Draft Coastal Management State Environmental Planning Policy

The development site is located within the Draft Coastal Management Zone. In particular, the site is located within the Coastal Use zone and the eastern portion of the development site is located within the Coastal Environment Area.

The objectives of the relevant zones/area generally relate to the protection of environmental and waterway values, and ensuring development does not have an adverse scenic impact.

As detailed throughout this assessment report, the development is considered to provide acceptable environmental outcomes. The proposal is therefore considered consistent with the provisions of the draft policy.

No other draft EPI's apply to the development site and/or proposed development.

Section 79C(1)(a)(iii) the provisions of any Development Control Plan (DCP)

Lake Macquarie Development Control Plan 2014

The following sections of Development Control Plan 2014 (DCP 2014) are considered relevant to the proposal.

Part 6 – Development in Recreation and Tourist Zones / Section 2.2 Scenic Values

The development site is located in Scenic Management Zone 5 – lake surround, high settlement. Development within these areas should maintain view corridors to the lake and vegetated ranges. Natural features of the locality should be maintained. Development should locate car parking so as to not dominate the street, and buildings should be of a scale, design and materials to not have adverse impacts.

For assessment of this matter, the development application was referred to Council's Landscape Architect. No objection to the scenic impact of the development was raised. Recommendations for site landscaping outcomes to mitigate immediate visual impact to surrounding lands were provided. The proposal is considered to provide acceptable scenic outcomes.

Part 6 – Development in Recreation and Tourist Zones / Section 2.3 Geotechnical

The development site is zoned T6 (a low risk zone) and it is considered the development is not at risk of being impacted by land movement.

A Geotech report has not been submitted with the development, and due to the low classification is not considered necessary.

For consideration of this matter, the development application was referred to Council's Development Engineers. No objection to the development was raised and confirmed further geotechnical investigation was not required.

Part 6 – Development in Recreation and Tourist Zones / Section 2.4 Cut and Fill

Review of the plans submitted with the development application confirm minimal earthworks are required to be undertaken. In particular, minor works to enable footings and the like to be constructed will be undertaken.

For consideration of this matter, the development application was referred to one of Council's Development Engineers. No objection to the development was raised.

Part 6 – Development in Recreation and Tourist Zones / Section 2.6 Contaminated

Land

The history of the site has been used for a swim centre since the mid-1990s. The site was not previously identified as being contaminated and since operation of the swim centre, no known contaminating events have occurred.

For consideration of this matter, the development application was referred to Council's Environmental Management Officers. No objection to the development was raised.

Part 6 – Development in Recreation and Tourist Zones / Section 2.7 Acid Sulfate Soils

The development site is mapped as potentially containing Class 5 acid sulfate soils (low classification).

For consideration of this matter, the development application was referred Council's Development Engineers. No objection to the development was raised.

Part 6 – Development in Recreation and Tourist Zones / Section 2.8 Stormwater Management

The plans submitted with the development application detail the proposed stormwater management system. This includes connection to existing systems and addition of rainwater harvesting and re-use (taps, toilets, irrigation) within the proposed development

For consideration of this matter, the development application was referred to Council's Development Engineers. Following the submission of additional information regarding the connection of the proposal to the existing stormwater management system, Council are satisfied with the development and recommended suitable conditions of consent. In particular, requiring a suitable drainage plan be provided prior to the relevant Construction Certificate (CC) being issued.

Part 6 – Development in Recreation and Tourist Zones / Section 2.11 Natural Water Systems

The development site is identified as maintaining a natural watercourse, which relates to a tributary of Stony Creek (a 3rd order watercourse). Works are proposed within 20 metres of the identified watercourse.

Whilst works are proposed within 40 metres of a natural watercourse, and would typically be captured as Integrated Development under the Water Management Act 2000, under Part 3 /Division 2/Subdivision 4/Clause 38 of the Water Management (General) Regs 2011, public authorities are subject to exemptions from requiring a controlled activity approval.

For consideration of the proposed development's impacts to the waterway, the development application was referred to Council's Sustainability – Creeks and Watercourses Officer. Assessment of the proposal was undertaken in accordance with Council's Protection of Watercourses and Drainage Channels Policy. Typically a 30 metre Vegetation Riparian Zone would be required on each side of the watercourse to protect the watercourse and its associated riparian vegetation from development. However, as the proposal is not proposing further vegetation clearing, or increasing the site coverage, the officer is satisfied the proposal will not have any adverse effects on the watercourse.

Further, Council's Development Engineer is satisfied with the proposed stormwater management system, direct impacts to the waterway would be mitigated.

Part 6 – Development in Recreation and Tourist Zones / Section 2.12 Bushfire

The development site is mapped as partly bushfire prone.

To assess the proposal is accordance with PBP, a Bushfire Hazard Assessment has

been submitted with the development application. The report identifies:

- The development should be considered in accordance with the aims and objectives of PBP (i.e. not 100B development);
- The bushfire hazards are located to the south and east of the development site.

The hazard to the south is riparian vegetation and the hazard to the east is also remnant riparian vegetation. Due to the reduced size of the adjoining vegetation and limited run, the vegetation has been classified as rainforest;

- The report recommends a 9 metre Asset Protection Zone (APZ) to the south and east;
- Access and egress is via Carleton Street away from the bushfire threat;
- The facility contains an existing hydrant system;
- Gas facilities will be maintained in accordance with PBP;
- Landscaping can be conditioned to comply with PBP;
- Bushfire improvements will occur with the:
 - enclosing of the eastern wall which is currently open. This area will be fully enclosed with non-combustible material, toughened glass and metal screening and draught excluders;
 - Removal of southern facing louvres and replacement with double glazed windows;
 - Recommendations for existing openings to have metal screens, roller doors to be treated to BAL 29 requirements and doors to have draught excluders;
 - Roof replacement with materials that are consistent with the requirements of BAL 29.

For consideration of this matter, the development application was referred to the State NSW Rural Fire Service (RFS) for comment. RFS raised no objection to the proposed development and recommended the following conditions of consent:

- Entire site to be managed as an Inner Protection Area (IPA);
- Water and utilities to be installed in accordance with PBP;
- BAL 29 for new construction;
- Landscaping to be installed and maintained in accordance with PBP;
- Fencing to comply with RFS Fast Facts.

Accordingly, the above will be imposed as conditions of consent.

Part 6 – Development in Recreation and Tourist Zones / Section 2.13 Flora and Fauna

As depicted in Figure 4, lands located south and east of the development site are mapped as containing native vegetation and fauna crossings.

The development does not require the removal of any vegetation on these lands (including any bushfire requirements), and it is therefore considered the proposal provides acceptable flora and fauna outcomes.

Efficiency and Generation

The applicant has submitted documentation demonstrating the proposed energy efficient measures to be incorporated into the development. This includes,

- High thermal R 4.7 value roofing system;
- External lined insulation of existing double brick wall construction;
- Install a 100kW photovoltaic array to the north roof;
- Install 10,000 litre water tank to be used for irrigation of landscaping.

For consideration of this matter, the development application was referred to one of Council's Sustainability Department. No objection was raised.

Part 6 – Development in Recreation and Tourist Zones / Section 3.12 Front Fences

The application proposes to erect 2.1 metre high 'diplomat' fencing to the northern and western street boundaries, inclusive of new entry and exit gates. The DCP controls require front fences and returns to not exceed 1.5 metres in height. Solid front fences are not supported.

Whilst it is acknowledged that the proposed fencing exceeds the recommended height provisions, the fencing is considered acceptable. The fencing is reflective of similar fencing erected at the school and also reflects the type of associated use (community facility). The fencing maintains suitable sight lines from the street to the car parking area and building area and therefore is consistent with the objectives of the control.

Part 6 – Development in Recreation and Tourist Zones / Section 3.13 Side and Rear Fences

The application proposes to maintain the existing western boundary chain mesh fencing. The application also proposes to maintain most of the chain mesh fencing along southern boundary fencing. New 2.1 metre high 'diplomat' fencing is proposed to the portion of the southern boundary located forward of the building line (i.e. with the street setback).

The DCP controls require side and rear fencing to not exceed 1.8 metres in height above existing ground level (inclusive of any proposed retaining).

Whilst it is acknowledged that the proposed new fencing exceeds the recommended height provisions, the fencing is considered to be acceptable. The fencing provides for security to the development site and also provides a positive streetscape outcome with higher quality fencing located within the street setback.

Part 6 – Development in Recreation and Tourist Zones / Section 3.14 Landscape Design

In accordance with the DCP, the proposed development is classified as a Category 3 development whereby a landscaping masterplan and report is required to be submitted. Accordingly, the applicant has submitted a landscaping plan and report.

No landscaping documentation was submitted with the development application. Documentation submitted indicates that existing landscaping at the site will be further enhanced with minor new planting.

For assessment of this matter, the development application was referred to Council's Landscape Architect. The officer confirmed that landscaping outcomes are required and recommended the imposition of suitable conditions of consent that establishes additional landscaping at the site inclusive of tree planting and car parking landscaping.

Part 6 – Development in Recreation and Tourist Zones / Section 3.14 3.16 Traffic and

Transport

The development site maintains an existing car parking area which obtains separate ingress and egress off Carleton Street. New gates are proposed to this entry/exit, however no further works are proposed.

For consideration of this matter, the application was referred Council's Development Engineers. The officer raised no objection to the proposed development in this regards.

To ensure appropriate traffic management controls are established during the construction phase, a condition of consent can be imposed requiring a Traffic Management Plan to be submitted as part of the CC documentation.

Part 6 – Development in Recreation and Tourist Zones / Section 3.17 Design of Parking and Service Areas

The development site maintains an existing car parking area that caters for 42 car parking spaces. All spaces are line marked and in good condition. The development application proposes to retain the car parking area, however proposes minor modifications to the car parking area to provide two new disabled car parking spaces adjacent to the relocated building entry. To enable the works to be undertaken, the applicant has indicated that only line marking and installation of bollards are required.

With respect to servicing, the applicant has indicated that delivery vans will be used to service the kiosk at the reception. Deliveries for plant and equipment will be limited due to improvements in technology and reduced usage requirements. Any chemical deliveries are expected to be via a ute, approximately once per month.

For consideration of this matter, the application was referred Council's Development Engineers. The officer raised no objection to the proposed development in this regards.

Part 6 – Development in Recreation and Tourist Zones / Section 3.18 Bike Parking and Facilities

The plans submitted with the development application include bike racks adjacent to the building entrance. Suitable shower and changing facilities are located within the building.

Part 6 – Development in Recreation and Tourist Zones / Section 3.19 Motor Bike Parking

The application has not proposed any specific motorbike parking. It is considered that this outcome is acceptable, as any motorbike parking can be captured within the remaining car parking area.

Part 6 – Development in Recreation and Tourist Zones / Section 3.20 Car Parking Rates

For indoor swimming pools, the DCP 2014 controls require 15 car parking spaces to be provided, plus 1 car parking space per 100m² gross floor area (GFA). Two car parking spaces are required to be provided for the dwelling.

For the purpose of calculating the required car parking, the development has an approximate GFA of 2200m². This generates the provision of 37 car parking spaces (15+22) for the pool component of the application. Two separate spaces are required for the dwelling, thus requiring a total provision of 39 car parking spaces.

The proposed car parking area caters for 42 car parking spaces (inclusive of two disabled car parking spaces) and therefore the proposal provides sufficient car parking. Suitable line marking will be required to be implemented for residential and

disabled car parking spaces.

Part 6 – Development in Recreation and Tourist Zones / Section 3.21 Non-discriminatory Access

At the request of Council, an Access Audit report was submitted for the development. Overall, the report provides recommendations for the inclusion of suitable facilities and amenities within the building. These outcomes can be achieved and demonstrated with the CC.

The report confirms pedestrian access to the proposed development will be available from Carleton Street and from within the existing car park area. Disabled access is available from disabled car parking spaces within the car parking area.

For consideration of this matter, the application was referred to Council's Ageing and Disability Services Officer. No objection to the development was raised.

Part 6 – Development in Recreation and Tourist Zones / Section 3.22 Safety and Security

The applicant has not submitted a CPTED report, however has provided written content within the documentation submitted. This documentation confirms the following:

- Surveillance

The development site is located within an existing community/recreational precinct having workers during daylight hours providing passive surveillance of the proposal.

Casual surveillance of the street is provided during the day and night with the revised orientating of the building entrance to Carleton Street with its intersection to Beckley Street;

- Access control

One entry/egress point for pedestrians is provided being the primary entrance to the swim facility. Security lighting will be provided in key locations and will be sufficient for good visibility at night;

- Territorial reinforcement

The provision of a fence along the site's boundary delineates the public and private areas in and around the site;

- Space Management

The development's design and internal layout have considered potential safety problems such as locations for entrapment and hiding. Straight lines of travel have been incorporated into the design of pathways which limit opportunities for hiding areas.

For consideration of this matter, the application was referred to Council's Youth and Safety Officer. The officer advised that they concur with the documentation submitted which identifies a number of strategies to mitigate risk and to ensure that the proposal is designed and constructed in accordance with CPTED principles. The officer also provided additional conditions in relation to CCTV, and a management plan for graffiti and broken lighting.

Accordingly, the strategies will be imposed as conditions of consent.

Part 6 – Development in Recreation and Tourist Zones / Section 4.1 Demolition and Construction Waste Management

The application proposes demolition and construction works, and therefore building wastes will be generated. The applicant has submitted a waste management plan detailing demolition and construction wastes.

For consideration of this matter, the development application was referred to one of Council's Waste Servicing Officers. No objection to the development was raised.

Part 6 – Development in Recreation and Tourist Zones / Section 4.2 Waste Management

The application proposes continuation of existing waste management practices. Waste will be collected under the existing regime as it is not expected that a substantial increase in waste will occur as a consequence of the proposed development. The waste management plan submitted identifies ongoing waste bin storage to be located in the south-eastern corner of the site within a gated area. This bin will be serviced within its location, or moved to the car parking area at a suitable time for servicing.

Part 6 – Development in Recreation and Tourist Zones / Section 4.4 Liquid Trade Waste and Chemical Storage

The applicant has indicated an approved grease arrestor and trade waste agreement with Hunter Water will be put in place for the kitchen fitout and associated waste. Further, a 30 cubic meter backwash detention tank will be installed under the new plant room floor to accommodate the backwash and distribution to sewer requirements of the new pool filtration plant.

Whilst it is acknowledged that the applicant has not submitted a trade waste agreement, it is considered that such agreement can be resolved at the construction phase. A suitable condition of consent will be imposed to require this outcome.

For chemical storage, refer to assessment under SEPP 33 Hazardous and Offensive Development.

Part 6 – Development in Recreation and Tourist Zones / Section 4.5 Erosion and Sediment Control

To demonstrate the adoption of suitable erosion and sediment controls for the development, the applicant has submitted an erosion and sediment control plan. This plan nominates the location of sediment fences, pit inlet filter and stabilised site entrance.

For consideration of this matter, the development application was referred to Council's Erosion and Sediment Control Officer. No objection to the development was raised.

Part 6 – Development in Recreation and Tourist Zones / Section 4.6 Air Quality

For consideration of this matter, the development application was referred to Council's Sustainability – Environmental Health Officer. The officer advised that the proposed development does not raise any concerns from an odour and air quality perspective.

Part 6 – Development in Recreation and Tourist Zones / Section 4.7 Noise and Vibration

A Noise Impact Assessment was submitted in support of the application. The report assesses the proposed mechanical plant and potential impacts to surrounding residential receivers. The report provides recommendations for the installation and operation of the mechanical plant to mitigate acoustic impacts to surrounding users. This includes concealing and fully enclosing mechanical plant.

Council's Environmental Management Officer raised no objection to the proposed development, subject to the imposition of suitable conditions of consent.

Section 79C (1)(a)(iia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into

There is no planning agreement that has been entered into under section 93F, and no draft planning agreement that a developer has offered to enter into under section 93F of the Act that relates to this development.

Section 79C (1)(a)(iv) any matters prescribed by the regulations

The Regulations contain provisions where demolition works are proposed. The development application will undertake demolition works.

To ensure that demolition works are undertaken in accordance with relevant standards, a suitable condition of consent will be imposed.

Section 79C (1)(b) the likely impacts of the development

The likely impacts of the proposed development have been considered and the proposal is considered to have acceptable impacts.

Section 79C (1)(c) the suitability of the site for development

Does the proposal fit the locality?

It is considered that the proposed development fits the locality. The development application proposes a form of development that is consistent with the expected and ongoing use of the site. Further, the development application proposes upgrading works that provides good design outcomes for the locality.

Are the site attributes conducive to development?

As demonstrated in this report, the development site is conducive to the development proposed.

Section 79C(1)(d) any submissions made in accordance with this Act or the Regulations?

Public submissions:

The development application was notified in accordance with Council's Notification Policy from 28 September until 17 October.

Submissions from public authorities:

NSW Rural Fire Service

The development application was referred to NSW RFS for comment. RFS raised no objection to the development and provided recommended conditions of consent.

Ausgrid

The development application was referred to Ausgrid. The organisation raised no objection to the development.

Hunter Water Corporation

The development application was referred to Hunter Water Corporation. The Corporation raised no objection to the development and provided stamped plans.

NSW Subsidence Advisory

The development application was referred to the NSW Subsidence Advisory as Integrated Development. The Advisory raised no objection to the development and provided their stamped General Terms of Approval.

Section 79C(1)(e) the public interest

It is considered that the development is in the public interest. The development application provides a development that is consistent with the zoning of the land and thus the expected development of the locality.

The development application has demonstrated compliance with most of the relevant controls, and where variations exist, has demonstrated that no significant amenity impacts will arise, subject to the imposition and compliance with recommended conditions of consent.

3. Conclusion

An assessment has been undertaken of the development application being for alterations and additions to an existing Recreation Facility (Indoor).

The initial assessment identified a number of site and operational issues with the development. Throughout the assessment process, additional and/or modified plans and documentation were submitted and all matters were satisfactorily resolved.

As such, Council staff are supportive of the proposed development and have prepared recommended conditions of consent (refer to Appendix F).



4. Recommendation

In considering the development application, an assessment has determined that the proposal is in the public interest and should be supported.

Accordingly, Lake Macquarie City Council as the assessment authority recommends Development Application No. 1783/2017 be approved subject to imposition of conditions of consent as detailed in Appendix F.



Endorsement

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application has no pecuniary interest to disclose in respect of the application.

The staff responsible authorised to determine the application have no pecuniary interest to disclose in respect of the application. The report is enclosed and the recommendation therein adopted.



Amy Regado
Development Planner
Lake Macquarie City Council

I have reviewed this report and concur with the recommendation.



Elizabeth J Lambert
Chief Development Planner
Lake Macquarie City Council