

DEVELOPMENT APPLICATION NO. 1783/2017

Proposal:	Recreation Facility (Indoor) – alterations and additions
Address:	1 Carleton Street, Toronto Lot 1 DP 883847
Applicant:	Lake Macquarie City Council
Owner:	Lake Macquarie City Council
Lodged:	26 September 2017
Zoning:	RE2 Private Recreation
Integrated Authority:	NSW Subsidence Advisory
Value (CIV):	\$5.5 million
Assessing Officer:	Amy Regado
Recommendation:	Approval

Précis

The development application proposes to undertake alterations and additions to an existing recreation facility (Toronto Swim Centre) at the site.

The development application was lodged in September 2017. Following an assessment, a number of requests for information were issued to the applicant. Amended plans and documentation were submitted throughout the assessment process with all outstanding matters resolved.

The development application is determinable by the JRPP as the development is Council related and has a CIV of more than \$5 million.

The development plans were notified. No submissions were received in relation to the development application.

This report assesses the proposal against relevant State, Regional and Local Environmental Planning Instruments and Policies, in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

Site, context and development history

The development 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 1: Aerial photo of development site and surrounds

The site consists of one lot, with an area of approximately 4280m². The site is known as Toronto Swim Centre, 1 Carleton Street, Toronto and has frontage to Carleton Street (main entrance) and Awaba Road. The site is verified operational land.

The site contains an existing swim centre building with associated external storage areas, car parking area and landscaping. The centre is owned by Council, however run by a private contractor.

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 Stony Creek and associated 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 2: Aerial photo of development site and adjoining properties including zonings

The original swim centre was approved and constructed in the mid-late 1990's.

The application was lodged in September 2017. Following an assessment, a number of requests for information were issued to the applicant. Amended plans and

documentation were submitted throughout the assessment process and all outstanding matters are resolved.

The development application is determinable by the JRPP as the development is Council related and has a CIV of more than \$5 million.

Proposal

The development application proposes alterations and additions to an existing Recreation Facility (Indoor) known as Toronto Swim Centre.

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, and a minor reduction in site coverage is proposed as a result of the works.

The operations of the swimming pools are as follows:

- Filling pools with towns water;
- Filtering these water bodies on a recirculation basis to provide a safe bathing environment;
- Dosing of dry calcium hypochlorite disinfectant into the water to ensure a safe disinfected swimming environment;
- Dosing of CO₂ gas into the filter process stream to correct for pH upward drift generated by the calcium hypochlorite;
- Filtering of the post treated pool water through a high rate sand filter;
- Periodically washing the filter media to release the contained contamination from the filter beds;
- Storage of the wash water in a detention tank to ensure de-chlorination over several hours
- Discharge of the filter wash water to the sewer at a maximum 2.0L/s discharge rate as a licensed trades waste.

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

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.

The centre provides for a maximum of 12 staff. This will be increased to a maximum of 18.

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 the 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.

In addition, the applicant has indicated the proposed improvements will bring the facility into full BCA compliance and will not result in any change to the ongoing use of the site.

Environmental Planning and Assessment Act 1979

Schedule 4A Development for which regional panels may be authorised to exercise consent authority functions of councils

The Schedule outlines developments of which are to be determined by Regional Panels. Part 4 of the Schedule details that Council related development with a capital investment value (CIV) over \$5 million is required to be determined the Joint Regional Planning Panel (JRPP).

The development application will be carried out by Council and has a CIV of \$5.5 million. The development application is therefore to be determined by the JRPP.

Section 5A

Refer to assessment under DCP 2014 / Part 6 / Section 2.13 Flora and Fauna.

Section 79C: Potential matters for consideration

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

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

The aim of the Policy is to protect and preserve bushland within the urban areas. Clause 9 applies to land adjoining land zoned or reserved for public open space. As detailed in Figure 2, the development site adjoins lands zoned for public recreation purposes (RE1); that is, lands on the opposite side of Awaba Road.

In this regard, the clause requires a consent authority to consider 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.

It is considered the development satisfies the above requirements. This is primarily due to separation of the development site from the identified lands, as well as the minor upgrading works proposed. Further, as detailed elsewhere throughout this assessment report, the proposed development has included, or can include by way of condition of consent, appropriate controls relating to erosion and sediment, landscaping and drainage to ensure that the identified lands are not adversely impacted by the proposed development.

State Environmental Planning Policy No 33—Hazardous and Offensive Development

The aim of the policy is to determine whether a development is a hazardous or offensive industry, and take into account any measures proposed to be employed to reduce the impact of the development are taken into account.

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 the following with respect to the storage and use of chemicals:

- 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.

Lake Macquarie Local Environmental Plan 2014

Clause 2.3 Zone objectives and Land Use Table

The site is zoned RE2 Private Recreation.

The 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.

It is considered the development is consistent with the zone objectives by enabling the ongoing use of the land for recreational purposes. Further, as detailed throughout this assessment report, the proposal can minimise impacts to the surrounding and environment and protect the surrounding natural environment.

Clause 2.7 Demolition requires development consent

The clause requires development consent to be obtained for the demolition of a building or work.

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

Clause 4.3 Height of buildings

The 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 LEP provisions.

Clause 7.1 Acid sulfate soils

Refer to assessment under DCP 2014 / Part 6 / Section 2.7 Acid Sulfate Soils.

Clause 7.2 Earthworks

Refer to assessment under DCP 2014 / Part 6 / Section 2.4 Cut and Fill.

Clause 7.3 Flood planning

Refer to assessment under DCP 2014 / Part 6 / Section 2.9 Catchment Flood Management.

Clause 7.7 Development on sensitive Aboriginal landscape areas

Refer to assessment under DCP 2014 / Part 6 / Section 2.16 Aboriginal Heritage.

Clause 7.21 Essential services

This clause states that development consent must not be granted to development unless Council is satisfied essential services are available to the development or that adequate arrangements have been made to make them available when required.

With respect to water and sewer, the development application was submitted to the Hunter Water Board prior to lodgement. Hunter Water identified that water and sewer connection is available to the site, and upgrading will be required to facilitate the proposed development. Suitable water and sewer services are therefore considered to be provided to the site.

Further, the site is located within the Hunter Water Waste Water Treatment Buffer Area. Hunter Water raised no objection with the proposed development in this respect.

Regarding electricity, the development application has been prepared with the inclusion of an electrical substation to Awaba Road. The electrical substation will be located within an existing planting area adjoining the car parking area and Awaba Road frontage. No objection is raised to the inclusion of this structure in this location and suitable landscaping outcomes to soften and partly screen this structure to the street will be imposed as conditions of consent.

For consideration of stormwater drainage, refer to assessment under Refer to assessment under DCP 2014 / Part 6 / Section 2.8 Stormwater Management.

For consideration of vehicle access, refer to assessment under DCP 2014 / Part 6 / Section 3.16 Traffic and Transport.

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

Draft Coastal Management State Environmental Planning Policy

The 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) DCP's

Lake Macquarie DCP 2014

Part 6 – Development in Recreation and Tourist Zones

2.1 Site Analysis

Development should understand the site and context to provide good site planning, built form and landscaping outcomes.

The controls require a site analysis plan to be submitted to inform the design of the proposed development.

A site analysis plan has not been submitted with the development application. Given the proposal relates to alterations and additions, such an omission is not considered a matter for refusal.

2.2 Scenic Values

Development should ensure scenic values of the City are protected and enhanced.

The controls require development to be designed and sited to complement their location (i.e. landscaping, earthworks, building design and material and colour selection).

The 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 more specific assessment of this matter, the application was referred to Council's Landscape Architect. The officer raised no objection to the scenic impact of the proposed development. The officer provided recommendations for site landscaping outcomes to mitigate immediate visual impact to surrounding lands. The proposal is therefore considered to provide acceptable scenic outcomes.

2.3 Geotechnical

Development should minimise potential damage to buildings resulting from land movement.

The development site is zoned T6 (a low risk zone) and it is considered that the proposed 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.

Council's Development Engineer raised no objection to the development.

2.4 Cut and Fill

Development should maintain existing levels outside building and car parking footprints. Development should minimise impact on groundwater flows and ensure surface water flows do not concentrate on adjoining properties.

The controls require earthworks to be undertaken within building and car parking footprints only. Any cut and fill should be undertaken in accordance with the table below. Fill should not be undertaken within flood areas and should maintain amenity and waterflows to adjoining properties.

Table 9 - Requirements for cut and fill works

Location	Type of Works	Height	Other Requirement
within building footprint	cut and/or fill - retained	4m max	
within 2m of a boundary	cut and/or fill - retained	not permitted	landscape planting to area between boundary and retaining wall
remainder of site	cut and/or fill - retained	2.0m max	.

Note *: distance to a boundary is measured from the face of the retaining wall

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.

Council's Development Engineer raised no objection to the development.

2.5 Mine Subsidence

Development should minimise risk to buildings associated with potential mine subsidence.

The site is located within a mine subsidence district. The controls require developments to obtain written concurrence of Subsidence Advisory NSW (SA NSW) for developments within affected areas.

Accordingly, the applicant obtained the stamped approval of the SA NSW.

2.6 Contaminated Land

Development should minimise impact to human health or the environment as a result of developing 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.

Council's Environmental Management Officer raised no objection to the development.

2.7 Acid Sulfate Soils

Development should minimise disturbance of acid sulfate soils.

The controls require development to be sited or designed to avoid the disturbance of acid sulfate soils. Where the disturbance of acid sulfate soils is unavoidable, a Preliminary Acid Sulfate Soil Assessment report must be submitted with the development application. Detailed assessments and management plans may be required.

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

Council's Erosion and Sediment Control Officer raised no objection to the development.

2.8 Stormwater Management

Development should not adversely affect water quality or availability. Stormwater leaving a site should be minimised.

The controls require a water cycle management strategy to be submitted for developments. Systems should be designed in accordance with Council's guidelines

and aim to reduce run-off from the site and be designed to integrate with the development.

The plans submitted with the 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

Following the submission of additional information regarding the connection of the proposal to the existing stormwater management system, Council's Development Engineer raised no objection to the development and recommended suitable conditions of consent. In particular, a suitable drainage plan to be provided prior to the relevant Construction Certificate (CC) being issued.

2.9 Catchment Flood Management

Developments should be sited and designed to minimise adverse impacts of flooding on development, and adjoining properties.

The controls require development be consistent with relevant local flood studies. Buildings and other structures must be designed so as to not impede the flow of floodwaters. The DCP requires commercial development to have a minimum floor level 0.5 metres above the 100 year ARI. Additions or alterations to existing development are assessed on merit, having regard to meeting an acceptable level of risk of flood damage. Development on land subject to flooding must use flood compatible materials that will minimise damage by flooding.

The development site is identified as being flood prone which relates to catchment flooding from a nearby creek/waterway (Stony Creek). The Flood category is considered to be low hazard flood storage and would consist of slow moving flood flows as a result of back up waters from the main river channel. Flood depth and velocities are low and do not pose a significant risk to life. Flooding in this location is able to be predicted from upper river flood peaks and enable appropriate flood warning systems to be put in place to evacuate properties if considered necessary.

The applicant has indicated there would be minimal stock and materials stored at the facility that would be affected by flood waters. Further, with the existing flood warning system, there would be opportunity to remove stock and materials or provide temporary protection.

Council's Sustainability – Flooding Officer advised the proposal has been assessed against Council's flood planning levels. The officer is satisfied with the proposed development, subject to the development being constructed in accordance with the levels shown on the floor plans. All unsealed electrical installations associated with development (i.e. pumps, switches, power points, motors, etc) are required to be placed above 3.90m AHD.

2.10 Lake Flooding and Tidal Inundation (incorporating Sea Level Rise)

Refer to assessment under DCP 2014 / Part 6 / Section 2.9 Catchment Flood Management.

2.11 Natural Water Systems

Development should maintain the natural water regime of natural water systems.

The controls require stormwater to be managed to minimise nutrient and sediment run-off entering watercourses.

The 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.

Council's Sustainability – Creeks and Watercourses Officer confirmed 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.

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

2.12 Bushfire

Development upon bushfire prone land should effectively manage risks associated with bushfire.

The controls require development to comply with Planning for Bushfire Protection (PBP).

The development site is mapped as partly bushfire prone.

To assess the proposal in 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 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.

2.13 Flora and Fauna

Development should minimise impacts on native flora and fauna.

The controls require flora and fauna assessments to be submitted where development proposes the removal of more than five native trees.

As depicted in Figure 3, 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), it is considered that the proposal provides acceptable flora and fauna outcomes.



Figure 3: Aerial photo of development site and vegetation corridors

2.14 Preservation of Trees and Vegetation

Refer to assessment under DCP 2014 / Part 6 / Section 2.13 Flora and Fauna.

2.15 European Heritage

N/A – The development site does not contain, nor is located within proximity to any European heritage items.

2.16 Aboriginal Heritage

Development should protect and conserve Aboriginal cultural, spiritual, and sacred sites within the City.

The controls require documentation be prepared and submitted in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW where development will disturb the ground surface.

The development site is partially located within a Sensitive Aboriginal Landscape Area.

Council's Heritage Officer advised the site is not within 50 metres of the high water mark, or within 200 metres of an AHIMS site. Further, all works are proposed within the existing disturbed footprint of the site. The proposed works are therefore considered to be exempt in accordance with the DCP.

The officer advised that no further aboriginal assessment is required at this point, however, a condition regarding Aboriginal relics is required to be imposed on any consent issued, to alert the applicant to their legal responsibilities regarding the discovery of an Aboriginal relic, should it occur.

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

2.17 Natural Heritage

N/A – The development site does not contain, nor is located within proximity to any items of natural heritage.

2.18 Social Impact

Development should ensure social impact is taken into consideration. Development should occur in appropriate locations, and be supported by adequate services and facilities. Facilities should be accessible to all members of the community.

The controls require a Social Impact Assessment (SIA) to be prepared and submitted for development that has a value greater than \$5 million and for development of recreation facilities. The applicant did not prepare an SIA, however gave consideration to this matter within the Statement of Environmental Effects.

Council's Social Planner advised the development will have an overall social benefit by providing an updated facility for the community. Further, the upgraded facility will provide greater accessibility for people with a disability, and have positive implications for community welfare, well-being, and health. The officer did not consider the proposal to have any negative impacts for the local residents or wider community.

2.19 Economic Impact

Development should support the Lake Macquarie hierarchy of centres and positively contribute to the economic growth of the City.

The controls require an Economic Impact Assessment (EIA) to be prepared and submitted for development that has a value greater than \$5 million. This requirement is at the discretion of the assessing officer.

An EIA has not been submitted. It is considered that such assessment is not necessary in this instance. The proposal provides upgrading to an existing facility that provides for the community. The continued use of this facility will contribute to the economic growth of the City.

3.1 Streetscape

Development should respond to existing or future street character. Building design should address the street and provide good design and innovative architecture. Building bulk and scale should be appropriate for its location and context and

buildings should incorporate change in materials, setback variation, architectural details and landscaping. Car parking areas should not dominate the streetscape.

Accessible and legible pedestrian access from the street should be provided. Developments on sites with two or more road frontages must address all frontages.

The application proposes alterations and additions to the existing building. The majority of works are internal, however some external works that will impact the streetscape are proposed. This includes:

- modification to the building entrance location and design;
- provision of glazing to the northern façade of the building;
- new roof and roof mounted infrastructure;
- addition of cladding;
- addition of window screening;
- installation of electrical kiosk to Awaba Road frontage.

Overall, it is considered the works provide acceptable streetscape outcomes. The overall scale and appearance of the building will be retained, and thus no substantial change to the streetscape is proposed. The proposed entry reorientation reinforces the entrance to the building to both street frontages, thus providing an improved outcome. Further the provision of cladding and window screening provides a modernisation of the building. Suitable landscaping will be undertaken to the perimeter of the car parking area, and through the northern grassed area to provide softening and screening of the building and hardstand areas.

3.2 Front Setback

N/A – The development application does not propose any alterations to the existing building's front setbacks (to both Awaba Road and Carleton Street).

3.3 Side Setback

Development should provide adequate separation between buildings to achieve privacy, views, ventilation, and solar access. Visual separation and landscaping should be provided between buildings.

For building heights up to 4.5 metres, the controls require a side setback of at least 0.9 metres.

The development will have a setback of 2 metres to the eastern side boundary. This setback is considered acceptable in accordance with the numerical controls. Further, the adjoining lands are zoned for reserve purposes and the proposed development will not impact upon the future development and/or maintenance of these lands.

The proposal maintains a setback of 5 metres to the southern side boundary. This setback is considered acceptable in accordance with the numerical controls.

3.4 Rear Setback

N/A – The development site is not subject to rear setback controls.

3.5 Setbacks from Residential Zoned Land

N/A – The development site does not adjoin residential zoned lands.

3.6 Building Bulk and Scale

Refer to assessment under DCP 2014 / Part 6 / Section 3.1 Streetscape.

3.7 Building Height

Refer to assessment under LM LEP 2014 / Clause 4.3 Height of buildings.

3.8 Roofs

Roof form should complement the local character and topography. The controls require roof form to complement the site topography and concealed any roof mounted infrastructure.

The development application proposes removal and replacement of the existing roof structure. The overall design and pitch is generally the same as existing. The roof will maintain solar panels which will be flush against the roof structure. The roof is proposed to be Shale Grey in colour.

It is considered that the proposed roof form is acceptable.

3.9 Views

N/A – There are no public or private views within the surroundings of the development site.

3.10 Solar Access and Orientation

Development should provide acceptable levels of sunlight to existing and likely future residents and public open spaces. Design should incorporate passive solar design for energy efficiency.

The controls require development to provide solar access to lands.

Given the general scale of the existing building is being retained, any overshadowing impact occurring to the adjoining reserve lands south of the development site will be maintained.

With respect to solar access within the development, the application proposes glazing to the northern façade of the existing building. This will enable additional solar access to be achieved within the building. Further, window screens have been proposed to all western facing windows to protect from the summer afternoon sun.

3.11 Energy Efficiency and Generation

Energy efficiency should be achieved in all developments. The controls require buildings to be orientated to provide efficient use of solar energy and natural ventilation.

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.

Council's Sustainability Department raised no objection to the development.

3.12 Front Fences

Development should avoid the dominance of fencing on the streetscape. Fencing should allow clear sight lines from the street to car parking areas and building entries.

The controls require front fences and returns to not exceed 1.5 metres in height. Solid front fences are not supported.

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.

Whilst it is acknowledged that the proposed fencing exceeds the recommended height provisions, the fencing is considered to be 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.

3.13 Side and Rear Fences

The DCP requires development provide privacy and security to development.

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

The development application proposes to maintain existing western boundary chain mesh. The development 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).

Whilst it is acknowledged 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.

3.14 Landscape Design

Development should provide suitable landscaping that complements the nature and scale of development and contributes to the streetscape. Landscaping should provide shade and shelter to car parking areas, be of low maintenance and include local native species.

In accordance with the DCP, the 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.

Council's Landscape Architect confirmed 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.

3.15 Landscape and Tree Planting in Car Parks

Refer to assessment under DCP 2014 / Part 6 / Section 3.14 Landscape Design.

3.16 Traffic and Transport

The DCP requires developments to provide for effective, efficient and safe movement of pedestrians, cyclists and vehicles. Vehicles should be able to leave and enter the site in a forward direction.

The controls require access points be kept to a minimum, located as far as possible from intersections to ensure adequate sightlines are achieved and be of a type and

width suitable for the development whilst not adversely impacting upon the streetscape.

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.

Council's Development Engineer raised no objection to the development.

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.

3.17 Design of Parking and Service Areas

Developments should ensure car parking and associated areas do not dominate the streetscape. Pedestrian and vehicle movements should be safe and efficient.

The controls require parking to be located to the rear or side of developments. Well marked pedestrian routes are required.

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 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 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.

Following the submission of additional information regarding service vehicles, Council's Development Engineer was satisfied with the proposed car parking layout and arrangements.

3.18 Bike Parking and Facilities

Development should provide convenient and safe bike access, movement and parking.

The controls require bicycle parking facilities to be appropriately located within the development site and suitably designed.

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.

3.19 Motor Bike Parking

Development should provide convenient and safe motor bike access, movement and parking.

The controls require motor bike parking facilities to be provided at a ratio of one motor bike parking space for each 20 car parking spaces required.

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.

3.20 Car Parking Rates

Development should ensure the number of car parking spaces are sufficient to support the intended use.

For indoor swimming pools, the controls require 15 car parking spaces to be provided, plus one 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 proposed development has an approximate GFA of 2200m². This generates the provision of 37 car parking spaces (15+22) for the pool component of the development application. Two separate spaces are required for the dwelling, thus requiring a total provision of 39 car parking spaces.

The 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.

3.21 Non-discriminatory Access

Developments should provide non-discriminatory access that accommodates all people. Access facilities should have minimal visual impact.

The controls require an Access Audit Report to be submitted for recreation facility development.

At the request of Council, an Access Audit report was submitted. 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 that 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.

Council's Ageing and Disability Services Officer confirmed they concur with and support the recommendations of the Access Report. This document will form an approved document, therefore ensuring the recommended outcomes are incorporated into the proposed development.

3.22 Safety and Security

Development should mitigate opportunities (including perceived opportunities) for criminal activity and behaviour.

The controls require developments to be designed in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). Recreation facilities are a development type whereby a CPTED report is required to be submitted.

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.

Council's Youth and Safety Officer advised 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.

4.1 Demolition and Construction Waste Management

Development should appropriately manage demolition and construction wastes.

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.

Following the submission of additional documentation, Council's Waste Servicing Officer was satisfied with the proposed demolition and construction waste practices.

4.2 Waste Management

Development should manage, collect and dispose of waste effectively and efficiently. Building design shall minimise the impact of garbage bins.

The controls require a site waste minimisation plan to be submitted.

The application proposes continuation with the existing waste management practices. That is, 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.

Following the submission of additional documentation, Council's Waste Servicing Officer was satisfied with the proposed ongoing waste practices.

4.3 On-site Sewer Management

N/A – The development site is connected to a reticulated sewer network.

4.4 Liquid Trade Waste and Chemical Storage

Development should ensure liquid trade waste is disposed of appropriately.

The controls require evidence of a liquid trade waste agreement with Hunter Water to be provided. Liquid trade waste must be adequately contained and bunded to prevent pollution entering the environment.

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.

4.5 Erosion and Sediment Control

Development should prevent erosion and sediment laden run –off during site preparation, construction and the ongoing use of land.

To demonstrate the adoption of suitable erosion and sediment controls for the proposed 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.

After the submission of revised plans to account for the officer's recommendations, Council's Erosion and Sediment Control Officer was satisfied with the proposed development, subject to the imposition of suitable conditions of consent.

4.6 Air Quality

Development should not adversely impact on air quality.

The controls require an air quality report to be prepared by an air quality/odour expert where a proposed development has the potential to adversely affect air quality.

Council's Sustainability – Environmental Health Officer advised the proposed development does not raise any concerns from an odour and air quality perspective.

4.7 Noise and Vibration

Development should minimise generation of noise and/or vibration impacts.

Where potential noise impacts may arise, the controls require an acoustic report be submitted to assess potential noise impacts and ameliorative measures.

The applicant prepared and submitted a Noise Impact Assessment. 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 Officers raised no objection to the proposed development, subject to the imposition of suitable conditions of consent.

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 contained in this part of the Act have been detailed throughout the assessment report.

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. No submissions were received in relation to the development application.

Internal Referrals:

Building

The development application was referred to one of Council's Building Surveyors. The officer was satisfied with the proposed development, subject to the imposition of suitable conditions of consent.

Engineering

The development application was referred to one of Council's Development Engineers. After the submission of additional information, the officer was satisfied with the proposed development and recommended suitable conditions of consent.

Landscape/streetscape

The development application was referred to Council's Landscape Architect. After the submission of additional information, the officer was satisfied with the proposed development, subject to the imposition of suitable conditions of consent.

Erosion and sediment

The development application was referred to Council's Erosion and Sediment Control Officer. After the submission of additional information, the officer was satisfied with the proposed development and recommended suitable conditions of consent.

Heritage – Aboriginal

The development application was referred to Council's Erosion and Sediment Control Officer. The officer was satisfied with the proposed development and recommended suitable conditions of consent.

Flooding and sea level rise

The development application was referred to Council's Sustainability – Natural Disaster Management Officer for comments regarding flooding impacts. The officer was satisfied with the proposed development and recommended suitable conditions of consent.

Social Impact

The development application was referred to Council's Social Planner. The officer was satisfied with the proposed development and did not recommend any conditions of consent.

Non-discriminatory access

The development application was referred to Council's Ageing and Disability Services Officer. After the submission of additional information, the officer was satisfied with the proposed development, subject to the imposition of suitable conditions of consent.

CPTED

The development application was referred to Council's Safety and Security Officer. The officer was satisfied with the proposed development, subject to the imposition of suitable conditions of consent.

Environmental Management

The development application was referred to one of Council's Environmental Management Officers. The officer was satisfied with the proposed development and recommended suitable conditions of consent.

Food Safety

The development application was referred to one of Council's Environmental Management – Food Safety Officers. The officer was satisfied with the proposed development and recommended suitable conditions of consent.

Asset Management – Community Buildings

The development application was referred to one of Council's Asset Management – Community Building Officers. The officer was satisfied with the proposed development and did not recommend any conditions of consent.

Creeks and Watercourses

The development application was referred to one of Council's Sustainability – Creeks and Watercourses Officers. The officer was satisfied with the proposed development and did not recommend any conditions of consent.

Waste Servicing

The development application was referred to one of Council's Sustainability – Waste Servicing Officers. After the submission of additional information, the officer was satisfied with the proposed development and did not recommend any conditions of consent.

Sustainability – Energy supply and demand

The development application was referred to one of Council's Sustainability – Energy supply and demand Officers. The officer was satisfied with the proposed development and did not recommend any conditions of consent.

Sustainability – Environmental Health

The development application was referred to one of Council's Sustainability – Environmental Health Officers. The officer was satisfied with the proposed development and did not recommend any conditions of consent.

Developer Contributions

The development application was referred to Council's Developer Contributions Officer. The officer provided a calculation on the contributions applicable based upon peak vehicle trips and workers.

External Referrals:

NSW Rural Fire Service

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

NSW Subsidence Advisory

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

Hunter Water Corporation

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

Ausgrid

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

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

It is considered that the proposed 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.

Section 94

The development site is subject to Section 94 Development Contributions under the Toronto Contributions Catchment.

The development application was referred to Council's Developer Contributions Officer. The officer provided a calculation on the contributions applicable based upon peak vehicle trips and workers.

Staff 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.

Signed:




Amy Regado
Development Planner

Staff 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.

Signed:



Andrew Leese
Senior Development Planner

Section 94

I have reviewed the Section 94 contributions section of this report and confirm that contributions have been levied on the consent in line with the relevant section 94 contribution plan; the section 94 condition is evident on the consent.

Signed:



<i>Staff endorsement</i>
Andrew Leese Senior Development Planner