

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	7 December 2017
PANEL MEMBERS	Jason Perica (Chair), Michael Leavey, Kara Krason, Cr. John Gilbert, Sandra Hutton
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Lake Macquarie City Council, 126-138 Main Road, Speers St on 7 December 2017, opened at 4pm and closed at 5pm.

MATTER DETERMINED

2017HCC035 - Lake Macquarie - DA/1783/2017

1 Carelton Street TORONTO - Toronto Swim Centre on Awaba Road Toronto (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was 3:1 in favour, against the decision was Councillor John Gilbert.

REASONS FOR THE DECISION

In terms of wider considerations, the Panel generally agreed with the environmental assessment and balance of considerations within the Council staff assessment report.

The use was suited for the site and maintained/upgraded an existing facility. The alterations would lead to reduced energy consumption and improved visual impacts from the building, as well as an improved landscaped setting (combined with recommended and imposed conditions). There was some concern that the opportunities for improvements were not fully capitalised upon, including the character of the internal space and use natural light, although these concerns were not such to justify either imposing a brief upon the new works nor to refuse the proposal put forward. The Panel also expressed concern over the lack of innovation in the external façade design, and encouraged the applicant to reduce the busyness of the blue cheque façade by focusing a design feature around the entry with a more refined coloured façade pattern beyond the entry feature. Overall, the positive social impacts associated with the improvement of the existing facility outweighed the concerns over the aesthetic design.

Councillor Gilbert disagreed with the majority decision for the following reasons:

- Cr. Gilbert considers that the design is aesthetically substandard by way of comparison with other designs that have been developed over the past decade.
- The Street/s view is of a nature that is unattractive especially in consideration of the corner location with Awaba Rd being of high vehicular movements and also with Carelton Street favoured by traffic entering the adjoining residential areas of some 900 individual lots. Subsequently, the subject property has a very high visual exposure to passing traffic as well as the constituents who will be attending the site on a destination basis.
- The external function area is at the front of the building and faces directly on to Awaba Road with minimal privacy.

- No consideration appears to have been given to the adjoining Bushland Reserve area that should have been used as a view outlook for any external area and could also have been an outlook focus from the internal pools area.
- Internally, the building's dark, limited solar lighting problem was not adequately addressed in the new design. This is disappointing in that naturally occurring ventilation inside the current building is minimal and this was an opportunity to have been addressed the natural lighting deficiency by orientation of windows, skylights, louver vents and windows being strategically placed, especially with the Eastern Wall being underutilised in this manner.
- As a result of the observed design deficiencies and with regard to these being present in this nature of facility Cr. Gilbert voted to decline the application.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- A new Condition 2A to state:
2A Solar Panels to be Flush
The plans shall be amended to show the proposed rooftop solar panels to be flush with the roof, to be detailed in the application for a Construction Certificate.
Reason: To ensure the solar panels are flush (as intended) and to improve the visual presentation of the roof.
- A new Condition 2B to state:
2B Signage not approved
The proposed signage is not approved.
Reason: The assessment report advised that signage would be dealt with as exempt development, and this was verified at the JRPP Panel meeting by the applicant.
- A new Condition 2C to state:
2C Revised Fencing Details
The proposed fencing shall be amended in the application for a Construction Certificate in the following regards:
 - (a) *The fence between the vehicular entry and exist driveway shall be removed and replaced with either line marking, planting or a physical traffic blister; and*
 - (b) *The fencing to between the carpark and the grassed area to the north of the swim centre shall be a maximum of 1m high (either matching the style of the proposed perimeter fence or be a clear glazed fence) and may include a gate(s) to the same height.**Reason: To improve the fencing presentation to the street and within the site while still allowing appropriate internal management.*
- A new Condition 2D to state:
2D Façade Panels to be amended
The proposed multi-coloured blue façade panels shall be revised and amended to be more subtle and refined in their colour differentiation, while still seeking to highlight the entrance to the facility.
Reason: So the proposed façade treatment would be more visually appealing.
- A new Condition 44 to state:
44 Health and Safety Management Plan
A Health and Safety Management Plan for the facility shall be prepared to outline the process and requirements for ongoing health and safety management relating to, but not necessarily limited to:
 - (a) *Air quality testing and management;*
 - (b) *Water quality testing and ongoing monitoring;*
 - (c) *Evacuation procedures and practice drills;*
 - (d) *Hazard Responses; and*
 - (e) *Storage and handling of chemicals.*

Such a plan shall be reviewed and approved by the Certifying Authority and shall be retained on the premises.

Reason: To provide an appropriate mechanism to manage health and safety.



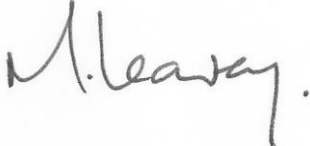


- A new Condition 45 to state:

45 Limit on storage of Calcium Hypochlorite

Less than 1000kg of Calcium Hypochlorite shall be stored at the premises at any one time.

Reason: This is the level where the proposal would be subject to consideration under State Environmental Planning Policy No 33 (Hazardous and Offensive Development), which has not occurred.

- The reference to the General Terms of Approval by NSW Subsidence Advisory shall make clear there were no conditions but instead the proposed plans were stamped.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Michael Leavey	 Cr. John Gilbert
 Sandra Hutton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017HCC035 - Lake Macquarie - DA/1783/2017
2	PROPOSED DEVELOPMENT	Recreation Facility (Indoor), alterations and additions to an existing indoor swimming centre
3	STREET ADDRESS	1 Carleton Street TORONTO (Toronto Swim Centre on Awaba Road)
4	APPLICANT/OWNER	Lake Macquarie City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No 19 Bushland in Urban Areas State Environmental Planning Policy 55 (Remediation of Land) State Environmental Planning Policy No 33 – Hazardous and Offensive Development Lake Macquarie Local Environment Plan 2014 Development control plans: <ul style="list-style-type: none"> Lake Macquarie Development Control Plan 2014 Planning agreements: Nil Provisions of the Environmental Planning and Assessment Regulation 2000 The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 or Regulations Section 79C of the EPA Act 1979 The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 23 November 2017 Written submissions during public exhibition: Nil Verbal submissions at the public meeting: <ul style="list-style-type: none"> On behalf of the applicant – David Middleton on behalf of Lake Macquarie City Council
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing meeting 23 November 2017 Site inspection 7 December 2017 Final briefing meeting to discuss council's recommendation, 7 December 2017, 2pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Jason Perica (Chair), Michael Leavey, Kara Krason, John Gilbert (Sandra Hutton visited separately) Council assessment staff: Amy Regardo
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council assessment report