

## COUNCIL ASSESSMENT REPORT

Panel Reference	2017 WES 009
DA Number	D2017-499
LGA	DUBBO REGIONAL COUNCIL
Proposed Development	OUTDOOR RECREATION FACILITY (SWIMMING POOL)
Street Address	13A NANIWA CRESCENT, WELLINGTON 2820
Applicant/Owner	DUBBO REGIONAL COUNCIL
Date of DA lodgement	5 OCTOBER 2017
Number of Submissions	18
Recommendation	CONDITIONAL APPROVAL
Regional Development Criteria (Schedule 4A of the EP&A Act)	<ul style="list-style-type: none"> <li>COUNCIL DEVELOPMENT APPLICATION.</li> <li>CAPITAL INVESTMENT VALUE OF \$7.5 MILLION.</li> </ul>
List of all relevant s79C(1)(a) matters	<p>i.e. any:</p> <ul style="list-style-type: none"> <li>relevant environmental planning instruments</li> <li>proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority</li> <li>relevant development control plan</li> <li>relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F</li> <li>coastal zone management plan</li> <li>relevant regulations e.g. Regs 92, 93, 94, 94A, 288</li> </ul>
List all documents submitted with this report for the Panel's consideration	<p>A1. Schedule of Conditions . A5. Heritage Assessment Report .  A2. Development Plans . A6. Structural Condition Assessment .  A3. Essential Energy Correspondence . A7. Submissions .  A4. Heritage Impact Assessment .</p>
Report prepared by	PLANNER - ALEX NOAD .
Report date	14 FEBRUARY 2018

### Summary of s79C matters

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

☒ Yes / No

### 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 / No / Not Applicable

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

### 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?

☒ Yes / No / Not Applicable

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

☒ Yes / No / Not Applicable

### Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

☒ Yes / No



**REPORT:** Lot: 701 DP: 1020780 Res: 520101, 13A Nanima Crescent WELLINGTON  
**Development:** Outdoor recreational facility (swimming pool) and Demolition  
**Applicant:** Dubbo Regional Council  
**Owner:** Dubbo Regional Council  
**Report to:** Joint Regional Planning Panel  
**Assessing Officer:** Planner  
**Date:** 14 February 2017  
**File:** D2017-499 Part 1

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## 1. EXECUTIVE SUMMARY

On 5 October 2017 a development application was lodged by Council's Community and Recreation Division for the redevelopment of the Wellington Memorial Pool Complex, 13A Nanima Crescent Wellington, within Cameron Park. The development has a Capital Investment Value of \$7.5 million and is required to be determined by the Joint Regional Planning Panel (JRPP).

The re-development includes demolition of the majority of buildings and structures on site, the full replacement of three (3) existing pools, and the construction of three (3) interconnected buildings which will house a new public entrance, staff rooms, canteen, amenities blocks, plant room, multipurpose club room, and storage areas.

The new buildings have a contemporary angular design and will be oriented to the north west of the existing pool site, beside (west) the existing Wellington Memorial Pool Pavilion and boundary walls fronting Warne Street, which will be retained to protect their heritage values.

The re-development has been informed by community consultation undertaken by Council's Community and Recreation Division. Their consultation is detailed in the Master Plan for the Wellington Pool: Draft Consultation Report prepared by Otium Planning Group dated June 2017; and the Wellington Pool Complex Master Plan Report CCL17/105, prepared by the Manager Horticultural Services, which was adopted by Council's Administrator at an Extraordinary Council meeting of 9 August 2017. The report identifies that 'Option 1', as has been submitted herein for assessment, received the majority (72%) of support from the community.

During the development assessment process, the heritage value of the existing Wellington Memorial Pool Building became apparent. In response to this being highlighted, and in accordance with the recommendations of the Heritage Impact Assessment, prepared by David Scobie Architects dated December 2017, and comments from Council's Heritage Advisor Graham Hall, the redevelopment has been substantially amended to retain the full Memorial Pool entrance pavilion and adjoining Warne Street brick walls located on both sides of the central pavilion for a distance of 36 metres.

In total, eighteen (18) submissions were received in relation to the redevelopment, including two (2) petitions. The submissions focussed on the heritage values of the site, the design of the development, and the functionality of the proposed pools. The petitions requested the retention of the basketball courts on site, and the deep end of the existing 50m pool. In response to these matters, the applicant has retained the heritage façade, committed to increasing the deep end of the splash pool 600mm, committed to replacing one (1) basketball court on site, and advised that the pools have been designed to satisfy the requirements of FINA and Aquatic Exercise Association. The existing deep end of 3.8m will not be retained due to the increased risk of drowning associated with it.

Having addressed the principle heritage conservation concern and the matters raised in the submissions and petitions, the amended redevelopment proposal is now considered to comply with all relevant Environmental Planning Instruments and is recommended to the Joint Regional Planning Panel for approval subject to the attached conditions (Appendix 1).

## **2. DEVELOPMENT DETAIL**

The development application seeks approval for the redevelopment of the Wellington Memorial Pool Complex at Lot 701 DP 1020780 Res 520101, 13A Nanima Crescent Wellington.

The proposed re-development includes:

- The retention of the existing 'Wellington Memorial Pool' entry pavilion and the adjoining red-brick walls on both sides for a full distance of 36 metres (end to end);
- The construction of three (3) interconnected pool buildings having a contemporary design and claddings, being:
  - Amenities buildings adjacent to Warne Street frontage;
  - New public entrance building with feature window and seat containing staff rooms and kitchen; and,
  - Swim club multipurpose room and storage building.
- The construction of 11 space car park to the west of the pool buildings.
- The construction of three (3) new pools, being:
  - 8 Lane x 50m lap pool;
  - Warm water exercise and learn to swim pool; and,
  - Splash pad.
- The construction of a new plant room adjacent to the existing swim club building.
- Refurbishment of the existing swim club building.
- The provision of black 'palisade' fencing along a portion of the Warne Street frontage of the site.
- The provision of one (1) business identification sign, being:
  - Externally illuminated 'Wellington Memorial Pool' sign, made of 'coreten' material, above the new feature window, replicating lettering above existing pool entrance of 1.7m<sup>2</sup> (4.8m x 0.35m), and;
- One (1) new basketball court to the west of the proposed car park.

Demolition works include:

- Rooms and amenities behind the entrance pavilion and Warne street walls, including the storerooms, male and female change rooms;

- The majority of the existing sites plant rooms, structures, pools and paths; and the,
- Demolition of three (3) basketball courts to facilitate the construction of the proposed car park.

Plans of the proposed development are included as Appendix 2.

### 3. SITE CHARACTERISTICS

The subject site is Lot 701 DP 1020780. The following figures show the general locality of the site within Cameron & Bell Park:



**Figure 1:** Locality map of 13A Nanima Crescent, Wellington (Cameron & Bell Park).



**Figure 2:** Wellington Memorial Pool redevelopment site within 13A Nanima Crescent Wellington.



### *Slope*

The development site slopes gently to the south from Warne Street to the rear of the existing pool site. Thereafter the park is steeply terraced down to the Bell River.

### *Vegetation*

The site forms part of Wellington's historic Cameron and Bell Park. The park was designed and developed as a traditional Victorian park. It is a landscaped environment which contains numerous botanical and ornamental plantings. These include a number of large pine trees throughout the park.

The sites southern boundary fronts the Bell River. It is a riparian environment that contains a number of mature eucalypt trees, and native and exotic species such as willow trees.

### *Access*

The development site has a long road frontage to Warne Street.

### *Drainage*

The site drains south to the Bell River.

### *Adjoining uses*

The land uses surrounding the site are as follows:

- North: Two storey commercial building (Former Commercial Hotel – now residential terraces - Heritage Item I146) and, Residential Dwellings – Red Brick Cottages in Heritage Conservation Area.
- East: Commercial building, Cow and Calf Hotel (Heritage Listed Item I104), former Wellington Shire Council Building, and Cameron Park towards northern gates.
- South: Cameron Park rose garden (site of original Wellington Baths), Bell River, and sports fields.
- West: Residential dwellings - Red brick dwelling and cottages in Heritage Conservation Area and Bell River.

### *Services*

With reference to Figure 3 below, the site is serviced as follows:

- Reticulated water is available along Warne Street (red)
- Reticulated sewer is available along Warne Street and to the east of the development site (yellow)
- Reticulated stormwater is available within the western boundary of the site and to the south east of development site (bright green)
- Reticulated electricity, both overhead and underground, is available along Warne street (dark green). A substation is located inside the site front boundary.

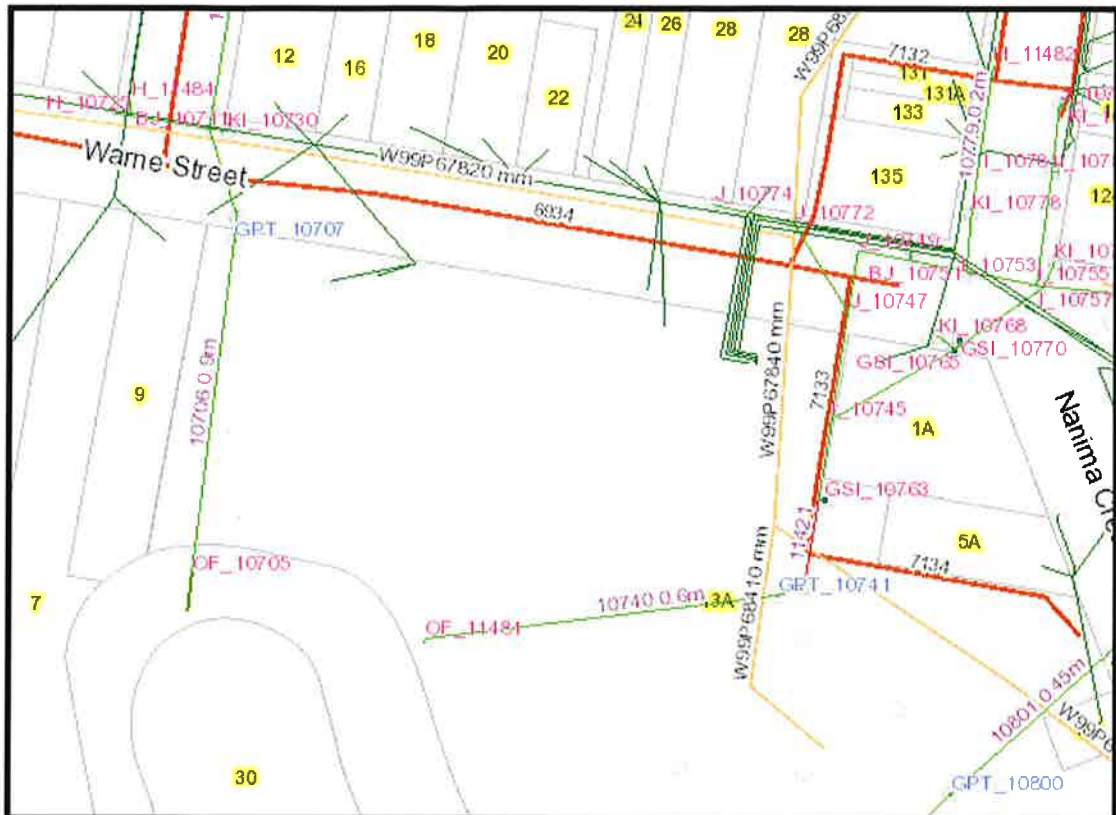


Figure 3: Location of existing services within and around development site.

#### 4. SITE HISTORY

An investigation of Council's records did not identify any approval for the development site. However, a history of Wellington Shire council meetings and minutes regarding the pools funding and construction was able to be identified.

The State Heritage Inventory Sheet (SHI) No: 2640160 for Cameron Park and Bell Park provides the following statement of significance for the park:

**Statement of Significance:** Cameron Park has been historically important to Wellington since the area was set aside by the Wellington Progress Association for purposes of recreation in 1859. It is an aesthetically attractive area, with aged tree and garden plantings, bordering the Bell River and containing the Cenotaph/War Memorial, the 1909 Fountain and the Band Rotunda and separated from the main street area by the Bronze Gilbert Doble Memorial Gates and the concrete fence which remains in parts to Nanima Crescent. Cameron Park has been a socially significant to the Wellington community since its establishment housing the Fire Station, the remaining Band Rotunda, the first Olympic Pool, the first Bowling Club, the Tennis courts and bringing the community together in a variety of activities over the years.

Figure 4: Cameron & Bell Park - Statement of Significance.

From historical notes on the SHI, it is evident that the first Olympic pool was built beside the Bell River in the area of the park which is now the Sunken Garden, and that the current Wellington Memorial Pool was built above, in its current location, in 1958.

## **5. LEGISLATIVE REQUIREMENTS**

### **Environmental Planning and Assessment Act 1979**

#### **Section 23G Joint Regional Planning Panels**

Pursuant to *Schedule 4A Development for which regional panels may be authorised to exercise consent authority functions of Council's*, the development application is to be determined by the Western Region Joint Regional Planning Panel (JRPP) as the development application is a Council related development with a Capital Investment Value (CIV) over \$5 million. The estimated CIV of the development is \$7.5 million.

#### **Section 91 What is Integrated Development?**

##### *Water Management Act 2000*

The development will require works and excavation within 40m of the high banks of Bell River, along the south western edge of the site. Accordingly, the application has been referred to the NSW Office of Water as integrated development.

NSW Office of Water provided a response dated 16 November 2017 which advised that, pursuant to the *Water Management (General) Regulation 2011 Clause 38 Controlled Activities-public authorities*, Council as a public authority is exempt from S91E(1) of the Water Management Act 2000 requiring controlled activity approvals on waterfront land.

However, the banks of the Bell River are at high risk of failure in the area and Office of Water recommended that the original development application be modified to have an enhanced setback from the riverbank and compliance with the NSW Office of Water 'Guidelines for Riparian Corridors on Waterfront Land.'

To address these matters, the applicant significantly reduced the proposed associated car parking from 71 car parking spaces, to 11 car parking spaces to remove its impact on the Bell River Bank and committed to enhancing the vegetation buffer along the riverbank to enhance its stability. In an email dated 29 January 2018 NSW Office of Water have confirmed that the reduction in car parking and 30m landscaping buffer has satisfied their concerns.

The issue of car parking is addressed later in this report.

#### **Section 79C Considerations**

##### **(a) (i) Environmental Planning Instruments**

##### *State Environmental Planning Policies (SEPPs)*

##### **SEPP 55 Remediation of Land**

The subject site contains the existing Wellington Memorial Pool. Pursuant to Clause 7 of the SEPP Council must consider whether the land is contaminated and whether the land is suitable for the proposed use. Council's Environmental and Health Services Team Leader in her memo dated 26 October 2017 made the following comment in relation to contamination:



*"The proposed site is currently not listed on Council's register of potentially contaminated land. The proposed development is for the demolition and upgrade of the existing swimming pool and associated facilities. The proposed use of the site is not changing. The proposed development is not foreseen to increase the sensitivity of the site and there are no known potentially contaminating activities that have occurred on the site. No further investigations will be required to address SEPP 55."*

#### SEPP (Infrastructure) 2007

- Division 5 Electricity transmission and distribution

Pursuant to *Clause 45 Determination of development applications – other development*, the development application has been referred to Essential Energy for comment due to the close proximity of overhead and underground powerlines and the presence of an electrical substation inside the northern frontage of the site.

Essential Energy have provided correspondence dated 24 October 2017 raising no objections to the development subject to standard conditions being included on the consent. A notation requiring compliance with correspondence from Essential Energy is recommended to be included on the consent.

- Division 12 Parks and Other Public Reserves

Cameron Park is Crown land which is vested in Council. Pursuant to Clauses 65 and 67 of the SEPP, the development exceeds the criteria to be development permitted without consent or exempt development. The application is for a full redevelopment of the Wellington Memorial Pool site within the park.

The NSW Department of Primary Industry's – Crown Lands in correspondence dated 6 November 2017 have confirmed their support for the development as follows:

*"As the proposed development is consistent with the purpose of the reserve and Trust Manager (Wellington Shire Council Crown reserve Trust – Dubbo Regional Council) has supported this application, the Department of Industry Crown Lands, Dubbo Regional Services Office, concurs with the application and has no further comment."*

- Division 17 Roads and Traffic

The development does not have direct frontage to a classified road and is not a recreation facility associated with 200 or more motor vehicles or more. Pursuant to Clause 104 of the SEPP, it is not classified as traffic generating development and has not been referred to the NSW Roads and Maritime Services for comment.

#### SEPP (State and Regional Development) 2011

Pursuant to Schedule 1, Clause 13 of the SEPP, the proposed development is not State Significant Development as the development is not defined as a 'recreation facility (major)' and has a capital investment value of less than \$30 million.

## SEPP 64 Advertising and Signage

In addition to the existing 'Wellington Memorial Pool' sign, the development application proposes:

- One (1) new externally illuminated 'Wellington Memorial Pool' business identification sign.
- The sign is located above the feature window of the new entrance building and replicates the lettering above existing pool entrance.
- The sign will be constructed of 'coreten' (rusted orange) material and will have an area of 1.7m<sup>2</sup> and dimensions of 4.8m x 0.35m.

Pursuant to Clause 8 Granting of Consent to Signage:

*A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:*

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

The relevant objectives of the policy state:

*(3)(1) This Policy aims:*

- (a) to ensure that signage (including advertising):*
  - (i) is compatible with the desired amenity and visual character of an area, and*
  - (ii) provides effective communication in suitable locations, and*
  - (iii) is of high quality design and finish.*

The proposed sign has been assessed in relation to the Schedule 1 Assessment Criteria as follows:

### *Character of the Area*

The proposed sign replicates the lettering of the existing memorial pool sign and will be compatible with the heritage character of the area. The use of 'coreten' will link the sign with the orange bricks of the retained entrance pavilion and walls.

### *Special Area*

The site is part of a heritage listed park. It is located opposite two (2) heritage listed items, and is located within the Wellington Heritage Conservation Area. The surrounding portion of Warne Street is a high quality conservation streetscape.

The proposed sign will not detract from the amenity or visual quality of the heritage items or the Heritage Conservation Area.

### *Views and Vistas*

The sign will not impact the viewing rights of other advertisers or dominate any skylines.

### *Streetscape and building*

The proposed sign will not detract from the Warne Street streetscape.

#### *Site and Building*

The sign has been designed to integrate with the proposed pool buildings and to be in scale and proportion to them.

#### *Associated Devices and logos with advertisements and advertising structures*

No devices are associated with the signs except external lighting and modern claddings.

#### *Illumination*

The sign will be externally illuminated. The illumination will have no impacts on surrounding properties or traffic movements. Standard conditions regarding the illumination of signs are recommended on the consent.

#### *Safety*

The proposed sign will not reduce the safety of vehicle or pedestrian traffic due to its location within the boundaries of the site parallel to Warne Street.

In summary, the proposed 'Wellington Memorial Pool' sign above the new entrance will have no detrimental impacts on the site or locality.

Note: While a number of other SEPPs apply to the land, none are specifically applicable to this development.

#### *Wellington Local Environmental Plan 2012*

The following clauses of Wellington Local Environmental Plan 2012 have been assessed as being relevant matters for consideration in assessment of the Development Application.

##### *Clause 1.2        Aims of Plan*

The development is consistent with the aims of the plan.

##### *Clause 1.4        Definitions*

The development is defined as recreation facility (outdoor):

***Recreation facility (outdoor)*** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including ...outdoor swimming pool... or any other building or place of a like character used for outdoor recreation (including any ancillary buildings),...

##### *Clause 1.9A        Suspension of covenants, agreements and instruments*

A review of the legal title and deposited plan for the site did not reveal any covenants, restrictions or instruments that would prevent approval of the development application in accordance with the WLEP 2012.

##### *Clause 2.2        Zoning of land to which Plan applies*

The subject site is zoned RE1 Public Recreation.

### *Clause 2.3 Zone objectives and Land Use Table*

The objectives of the RE1 Public recreation zone are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The development is consistent with the objectives of the zone. Recreation facilities (outdoor) are permissible with consent in the zone.

### *Clause 2.7 Demolition requires development consent*

Demolition may only be undertaken with development consent. The development application seeks approval for the demolition of the existing pools, and the majority of buildings and structures on site.

The applicant has provided a Structural Condition Report prepared by Geolyse dated 12 August 2016 which concludes that:

*"The wellington pool facility overall is generally in very poor condition. The main assets are very near the end of the functional life and well into the phase where multiple expensive repairs are required to keep them operational. The swimming pools leak in multiple locations...The pools structural concrete is suffering from spalling (concrete cancer) and general degradation in multiple locations. At least two of the pools have suffered from subsidence over 25mm.*

*....consideration needs to begin for either a major refurbishment of the swimming pools and facilities or full replacement of the same. On-going patch repairs will become increasingly ineffective as the entire asset approaches breakdown and substantially fails to meet its performance requirements. In particular, the ongoing leaks in the pool will likely exacerbate the ground movements around, leading to additional cracks in the concrete structures including the pools themselves.*

*The level of facility provided has not substantially changed since the pool was opened in 1956 and is now well below that provided in similar towns."*

The proposed re-development has been submitted by the applicant in response to these conclusions.

Council's Environment and Health Services Team Leader in her memo dated 26 October 2017 has recommended appropriate conditions to be included on the consent (Appendix 1).

### *Clause 5.10 Heritage conservation (schedule 5)*

#### *Heritage Listed Items*

Under Schedule 5 Environmental Heritage, Cameron and Bell Parks are listed together as heritage item I119.

On relevant WLEP 2012 mapping, the site is also located opposite two (2) heritage listed items, being I104 (Cow and Calf) and I146 (commercial building), and as being within the Wellington Heritage Conservation Area.

Clauses 5.10 (4),(5) & (6) state:

***(4) Effect of proposed development on heritage significance***

*The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

***(5) Heritage assessment***

*The consent authority may, before granting consent to any development:*

- (a) on land on which a heritage item is located, or*
  - (b) on land that is within a heritage conservation area, or*
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

***(6) Heritage conservation management plans***

*The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.*

In relation to these matters the following comments are made:

- The original development application proposed the full demolition of the existing Wellington Memorial Pool building and all associated pools and structures (refer to Figure 5 below).
- The plans were referred to Council's Heritage Advisor, and a Heritage Impact Statement (HIS) was requested from the applicant.
- The HIS, prepared by David Scobie Architects dated December 2017, confirmed that the development site was a heritage listed item within a heritage conservation area, and that the 'Wellington Memorial Pool' Pavilion and adjoining Warne Street brick walls had 'exceptional' and 'moderate' heritage values and should be retained.
- The HIS also identified that the additional tree planting should be provided for the originally proposed 71 space car park, and that alternative elevations for the new buildings to address the architecture of the setting should be adopted.
- Initially, amended plans retaining only the central façade of the Wellington Pool Pavilion as a fencing feature with window graphics, and showing a reduced 11 space car park, was re-submitted to Council for assessment (Refer to figure 6 below).
- The application was accompanied by a structural condition assessment from Geolyse dated 12 August 2016 and two (2) public consultation reports which detailed the public support for the relocation of the pool's entrance to the north west of the site.
- The amended plans were re-referred to Council's Heritage Advisor for comment.



- Council's Heritage Advisor considered the amended plans to be insufficient in relation to the recommendations of the HIS and requested substantial amendments to protect the existing entrance pavilion and Warne Street walls as required by the HIS and further consideration of the existing pools heritage values.
- In response, further plans were submitted which show that the full entrance pavilion and adjoining façade walls will be retained and joined to the proposed buildings, and that the amended 11 space car park will be retained. The existing pools will continue to be replaced (refer to Figure 7 below).
- Council's Heritage Advisor, in his revised memo dated 18 January 2018 has made the following comments in relation to the final plans, and recommended them for approval:

*"The pool complex as a whole is significant in its own right, as demonstrated by the assessment against the Heritage Council's gazetted criteria in the SOHI relating to the original application. The Heritage Council also provides guidelines for assessing the relative contribution of individual components to the significance of an item.*

*The SOHI provided with the initial scheme grades the contribution to the significance of the item made by the entry pavilion as exceptional, and of the Warne Street walls of the change rooms as moderate. In my opinion, the latter should be rated as high; but all three grades are above the threshold for significance. The SOHI does not consider the pools themselves, and the applicant has not provided the requested revised SOHI including such an assessment. In my opinion, the large pool probably of high significance within the complex, and it is certainly above the threshold.*

*The demolition would result in the loss of this pool: a significant part of a listed item within the Conservation Area. However it retains the main remaining significant components, and provides for the original form of the entry to be reinstated by removing what will be redundant disabled access ramps and planter box.*

*The pool is understood to have structural problems and because it provided for diving from greater heights than present practice permits, requires an unsustainable volume of water to be used and processed. Accordingly, on the basis that heritage items must be adapted to remain viable, and because the original entry will be conserved, there is no objection to demolishing the pool.*

*The new buildings are well composed, proportioned and detailed, complement the post-war modernist style of the entry pavilion well, being in a broadly similar style, yet will not be mistaken for original elements. Both the original and proposed buildings are of course different in function, style and age from the commercial and residential buildings in the conservation area. They are and will be visually separated and will not overwhelm or compete with the conservation area."*

In summary, the final plans have been significantly altered to respect the conclusions of the HIS and protect the key heritage values of the existing Wellington Memorial Pool site, being the existing entrance pavilion and adjoining Warne Street walls. The loss of the existing 50m pool is acceptable on the basis that it has structural issues and the redevelopment will facilitate the heritage buildings adaption for continued use.

While the final plans do not adopt revised elevations of the contemporary buildings, it is apparent from the Heritage Advisor's comments that the new buildings will sit successfully with the retained pavilion and Warne Street walls, and that they will not detrimentally effect surrounding heritage items or the heritage conservation area.

To ensure that the final development does sit successfully in its heritage setting, a condition requiring the submission of a detailed landscaping plan with the developments construction certificate application is recommended on the consent (Appendix 1).

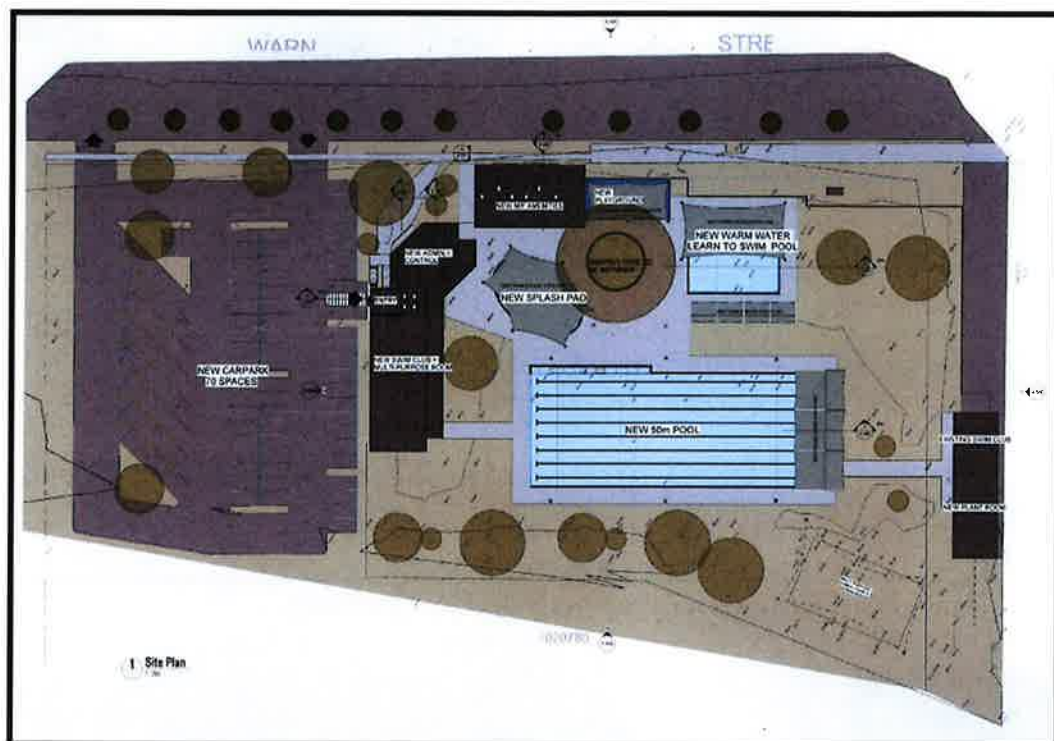


Figure 5: Originally submitted site plan

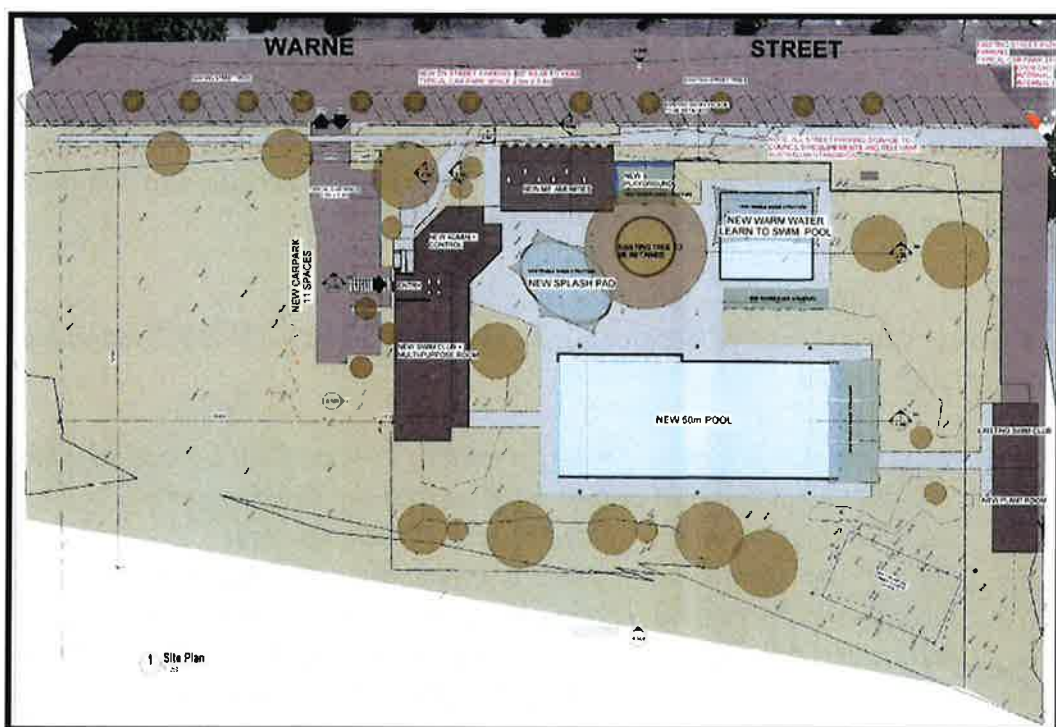


Figure 6: Amended site plan



**Figure 7: Final site plan – recommended for approval**

### Cultural Heritage

Council's Environment and Health Services Team Leader in her memo dated 26 October 2017 has advised:

*"The site is highly disturbed and modified, while the proposed development is within 100 meters of a watercourse, the proposed area of disturbance will remain the same and therefore the discovery of any significant aboriginal archaeological sites considered to be minimal. It is recommended that a standard condition in relation to the discovery of any significant sites is to be included on the final consent."*

### Clause 6.1 Flood planning

The subject site is identified as flood prone land in relevant WLEP 2012 mapping. Pursuant to Clause 7.1(3):

- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
- (a) is compatible with the flood hazard of the land, and
  - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

In relation to these matters the following comments are made:

- The flood prone land indicated on the WLEP2012 Mapping, Sheet 4D, is the 1 in 200 ARI event which represents an extreme flooding event that reaches Warne Street.
- A review of the Wellington Floodplain Management Study (Evans and Peck 12/7/13), Figure 2.11 Flood Hazard identifies that the existing and proposed pool buildings are all located above the 1 in 100 year ARI event level of 292.3m AHD which defines the standard flooding event.
- The ground levels beneath the most southern buildings, being Storeroom 4 and New Plant room sit at 293.7m and 293.60m AHD, above the 1 in 100 year ARI event level of 292.3m AHD.
- Accordingly, the redevelopment will not adversely affect the flood behaviour or increase the potential flood affectation of surrounding development or properties.
- The proposed development (50m pool) is setback 35m from the high banks of the Bell River. NSW Office of Water have confirmed that the development will not impact its stability or cause soil erosion.
- The development will not result in unsustainable social and economic costs to the community as a result of flooding.

The proposed development will have no detrimental effects on the flooding hazard or flooding patterns of the site, or detrimentally effect the river bank stability as required.

#### *Clause 6.2 Stormwater Management*

This clause does not apply as the site is not zoned RU5 Village zone, or within a residential, business or industrial zone. Notwithstanding, significant permeable areas, being lawn and landscaped areas will be retained as part of the development.

#### *Clause 6.3 Terrestrial Biodiversity*

The subject site is identified on relevant WLEP 2012 mapping as being partially effected by terrestrial biodiversity. The affected portion is riparian vegetation along the Bell River. The proposed redevelopment will be undertaken in a highly modified park that has largely been cleared of native vegetation. There will be no unacceptable impacts from the development on terrestrial biodiversity of the site.

#### *Clause 6.4 Groundwater Vulnerability*

The subject site is identified on relevant WLEP 2012 mapping as being in a fully effected groundwater vulnerability area. The development has the potential to contaminate local groundwater through the use and storage of chemicals.

Councils Environment and Health Services Team Leader in her Memo dated 26 October 2016 has stated:

*"In accordance with the current Wellington Local Environmental Plan 2012, the land is currently zoned to include vulnerable groundwater in accordance with Clause 6.4. The proposed development is foreseen to improve any potential impacts on the groundwater in the vicinity. The new facility will remove the existing leaking infrastructure and improve the water management of the site, minimising any risk to the groundwater in the vicinity. No further investigations are necessary."*

Conditions regarding the storage of chemicals are recommended on the consent (Appendix 1).

*Clause 6.5 Riparian land and watercourses*

The subject site is identified on relevant WLEP 2012 mapping as being partially affected by riparian land, due to its frontage with the Bell River.

Councils Senior Environmental Health Officer in her Memo dated 26 October 2016 stated:

*"In accordance with the Wellington Local Environmental Plan 2012, the land is identified as containing moderate or high biodiversity. The site is highly disturbed and modified, the majority of the trees on the site are not native to the area and do not provide habitat to species in the locality. The proposed development is not foreseen to impact species in the locality."*

The proposed development will have no impacts on the riparian land or on the Bell River. As previously discussed the development has been modified to satisfy the requirements of the NSW Office of Water.

*Clause 6.7 Essential Services*

*Pursuant to Clause 6.7*

*Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:*

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

The proposed development will be connected to all essential services as required.

**(ii) Draft environmental planning instrument**

Council is pursuing various amendments to the Wellington Local Environmental Plan 2012 as part of an Operational Review. The Operational Review includes administrative and minor amendments, only one (1) of which relates to the subject site. The relevant amendment seeks to replicate Dubbo Local Environmental Plan 2011 Clause 6.1 Flooding in the Wellington LEP 2012 for consistency purposes. The flood planning map and the flood planning level referenced remain the same as in the existing WLEP 2012 Clause 6.1 Flooding. As previously addressed the development will not detrimentally impact flooding behaviour or risk on site.

The operational review has been forwarded to the Department of Planning for gateway determination. The determination is ongoing and the amendments have not been exhibited for public comment at this time.



### (iii) Wellington Development Control Plan 2013

An assessment is made of the relevant chapters and sections of this DCP. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

## Section B Environmental Requirements

### B1 Soil and water management

The proposed redevelopment will require substantial earthworks and has the potential to cause soil erosion and stormwater impacts. The development is defined as a 'large site' and a Soil and Stormwater Management Plan SSMP has been submitted with the application as required.

The development will be connected to existing stormwater infrastructure in the vicinity. No additional stormwater outlets are proposed to be provided to the Bell River.

### B2 Vegetation and Fauna Protection

The existing pool site is a highly modified park that has been cleared of native vegetation. There will be no unacceptable impacts on flora and fauna.

### B3 Waste Management & Recycling

The proposed development will generate significant construction and operational waste. Council's Environment and Health Services Team Leader in her Memo dated 26 October 2017 has stated:

*"The applicant has provided a draft waste minimisation plan. It is recommended that a Waste management plan be provided to council prior to any works commencing on the site. The draft waste minimisation plan has indicated that approximately 650m<sup>3</sup> of concrete will be excavated from the site along with bitumen, sand, plaster board, bricks and excavated materials. The applicant has indicated that the final processing of waste is undetermined until a contractor is appointed to the project. To ensure waste is managed and classified appropriately further information will be required before the demolition works commence.*

*It is also noted that some of the pool infrastructure may contain asbestos, it is recommended that a standard notation be imposed to ensure the applicant is aware of their responsibilities in relation to the classification and disposal of such hazardous waste."*

Appropriate conditions regarding disposal of demolition and construction waste have been recommended on the consent.

## Section C Hazard Minimisation Requirements

### C2 Flood Hazard

The subject site is identified as flood prone land on relevant WLEP 2012 mapping. As previously discussed under WLEP 2012 Clause 6.1 Flood Planning, the development will have no detrimental impacts on the flood hazard or flooding patterns of the site. The majority of the site and all proposed buildings are located above the 1 in 100 year ARI flood level of 292.3m AHD. Only the south eastern grounds of the pool site will be impacted by flooding.

## Section D Development Design Requirements

## D1 Car Parking

### *Car Parking Requirement*

Wellington DCP 2013 D1 Car Parking or H Car Parking requirements, do not provide car parking rates which are directly relevant to the proposed use. The NSW RMS Guide to Traffic Generating Developments do not provide car parking rates that are directly relevant to the proposal either.

Notwithstanding, the development could loosely be considered 'commercial development' which requires 1 space per 25m<sup>2</sup> gross floor area with the pools themselves being the traffic generating feature of the development. Accordingly, the combined areas of the pools have been used to calculate car parking demand as follows:

#### *Existing Development:*

Wading Pool	87m <sup>2</sup>
Learn to Swim Pool	127m <sup>2</sup>
6 Lane 50m Pool	771m <sup>2</sup>
Gross Floor Area	985m <sup>2</sup>

Calculation: 985m<sup>2</sup> / 25 = 39.4, say 40 car parking spaces required.

Under current requirements the existing pool would be required to have 40 off-street car parking spaces. As these have not historically been required, the existing pool is considered to have credits for these off-street car parking spaces.

#### *Proposed development:*

Splash Pool	163m <sup>2</sup>
Warm water exercise and learn to swim pool	260m <sup>2</sup>
8 Lane 50m pool	1120m <sup>2</sup>
Gross Floor Area	1543 m <sup>2</sup>

Calculation: 1543m<sup>2</sup> / 25 = 61.72, say 62 car parking spaces required.

From these calculations twenty two (22) additional off street car parking spaces (62 spaces – 40 credits = 22 car parking spaces) would be required for the proposed development.

Only 11 car parking spaces are proposed for the development, leaving a shortfall of 11 off-street car parking spaces.

The shortfall is considered to be acceptable in this instance because the redevelopment ensures the protection of a heritage listed site and its values. Clause D1.3 Development Requirements in Urban Zones provides that:

*"In the case of significant heritage conservation works or other particular benefits for the public, Council may consider lesser car parking requirements in any application."*

As previously discussed in relation to WLEP 2012 Clause 5.10 Heritage Conservation, the original development has been significantly amended to protect the Wellington Memorial Pool Pavilion, Warne Street walls and the park grounds by reducing the proposed car park from 71 car parking spaces to 11 car parking spaces.

This shortfall may also be considered acceptable as Cameron Park has two long road frontages, being Warne Street and Nanima Crescent, which provide parking well in excess of the 62 car parking spaces required for the total development.

#### *Bicycle Parking Requirement*

Under Schedule 1 Bicycle parking in major commercial developments is to be provided at a rate of 1 space per 200m<sup>2</sup> of GFA. Accordingly, the pool is required to be provide with bicycle parking as follows:

Calculation:  $1543\text{m}^2 / 200 = 7.7$ , say 8 bicycle spaces.

A condition to this effect is recommended on the development consent (Appendix 1).

#### *Location of Car Parking*

The new pool entrance and buildings have been orientated to the proposed off-street car park. The car parking is located where it is readily accessible for customers and staff as required.

The car park is setback 4m from its front boundary and is located behind the proposed and existing buildings as required. Trees and landscaping will be provided adjacent to the car park and new pool entrance to soften its visual impact.

#### *Layout*

The proposal includes a 6.8 m wide vehicle crossover which will operate as a combined entry and exit point to the proposed car park. A 6.8m aisle width will be maintained to the rear of the car park. Both the access and the aisle width are sufficient for safe vehicle manoeuvring.

#### *Construction*

The car park will be hardstand sealed and line marked as required. Appropriate conditions are recommended on the consent.

#### *D3 Accessibility*

##### *Car parking facilities*

For medium and larger sized developments, disabled accessible car parking spaces are required to be provided at a rate of 2 per 50 parking spaces. The car park provides three (3) disabled accessible car parking spaces adjacent to the front entry of the development which satisfies this requirement.

##### *Continuous Accessible Paths*

The development includes continuous accessible paths of travel from the Warne street footpath, car park and within the development around the proposed pools as required.

##### *Walkways and Landings*

A walkway with appropriate landings and handrails will be provided between the car park and the pools entrance as required.

##### *Ramps, Step ramps and landings*

A condition requiring kerb ramps to be provided for any disabled accessible car parking spaces that will be retained along Warne Street is recommended on the consent.

#### Internal Fitout and Handrails

A condition requiring the floor plan of the development to be designed in accordance with the Disabled Access requirements of the BCA which includes handrails is recommended on the consent.

#### Disabled Accessible toilet

The proposal includes the provision of three (3) disabled accessible toilet facilities which will be sufficient for the development.

#### D4 Landscaping

The site and development plans show that the central tree behind the existing pool entrance will be retained as a key landscaping feature, that the existing Warne Street trees will be retained, and that a number of trees and bushes will be planted along the frontage of the site. This will be sufficient to ensure that the development is balanced with its setting within Cameron Park. A condition requiring the submission of detailed landscaping plan prior to the release of the construction certificate for the development is recommended on the consent.

#### D5 Crime Prevention

The location of the new pool entrance in the north western corner of the park will focus pedestrian activity and traffic in an area where it did not previously exist and enhance the surveillance of the area as a result. Palisade fencing along the sites northern boundary will also enable passive surveillance of Warne Street to continue.

Complimenting these features, the applicant has advised that security cameras focusing on the western car park area will be installed. To ensure that this is the case a condition requiring the submission of a security camera plan is recommended on the consent.

#### D6 Advertising and Signage

The development application proposes one (1) business identification sign, being a replica 'Wellington Memorial Pool' sign above the feature window of the new pool entrance. The sign integrates well with the proposed and retained buildings.

#### D7 Social and Economic Impacts

The development will provide social and economic benefits through the redevelopment of a key recreation site for the Wellington community. It will provide a high quality multipurpose development for the Wellington community that respects and retains the pools heritage features.

### Section E Heritage Conservation Requirements

#### E1 Heritage Items and Heritage Conservation Areas

The original development application has been modified to acknowledge the heritage significance of the site and to address the conclusions of the Heritage Impact Statement prepared by David Scobie and Associates and the advice of Council's Heritage Advisor.

While, the contemporary design of the new pool buildings do not comply with DCP requirements for heritage buildings to reflect heritage building styles and materials, Council's Heritage advisor in his revised memo dated 18 January 2018 has stated:

*"The new buildings are well composed, proportioned and detailed, complement the post-war modernist style of the entry pavilion well, being in a broadly similar style, yet will not be mistaken for original elements. Both the original and proposed buildings are of course different in function, style and age from the commercial and residential buildings in the conservation area. They are and will be visually separated and will not overwhelm or compete with the conservation area."*

The new pool buildings will have no detrimental impacts on adjacent heritage items or the heritage conservation area.

- (b) Likely impacts of the development (including environmental (natural and built) and social and economic impacts in the locality)

The development will have positive impacts on the natural and built environment by protecting the Bell River and the heritage values of Cameron Park, and have positive social impacts by redeveloping an existing pool which is at the end of its life cycle.

- (c) Suitability of the site

- *Will the development have an adverse effect on the landscape/scenic quality, views/vistas, access to sunlight in the locality or on adjacent properties?*

The development will have an acceptable impact on the landscape qualities of Cameron Park. The new contemporary buildings will be softened by existing and proposed trees and landscaping.

- *Is the external appearance of the development appropriate having regard to character, location, siting, bulk, scale, shape, size, height, density, design and/or external appearance of development in the locality?*

The external appearance of the contemporary buildings is acceptable due to their single storey height and location beside and behind the retained pavilion, walls and landscaping.

- *Is the size and shape of the land to which the Development Application relates suitable for the siting of any proposed building or works?*

The size and shape of the land is suitable for the proposed development and associated works.

- *Will the development proposal have an adverse impact on the existing or likely future amenity of the locality?*

The development will have a positive impact on the existing and likely future amenity of the locality.

- *Will the development design be sensitive to environmental conditions and site attributes?*



The development has been revised to address the environmental issues associated with the Bell River and the heritage values of the site.

- *Will the development have an adverse effect on the public domain?*

The development will enhance the public domain by redeveloping the existing pool site and retaining its heritage values.

#### Landscaping

- *Has adequate provision been made for landscaping of the subject land?*

Adequate landscaping will be retained on site and enhanced through the provision of a detailed landscaping plan. An appropriate condition has been included in Appendix 1.

- *Street trees (Street Tree Master Plan)*

The street trees located along Warne Street will be retained in association with the proposed development.

#### Environmental considerations

- *Is the development likely to adversely impact/harm the environment in terms of air quality, water resources and water cycle, acidity, salinity soils management or microclimatic conditions?*

The development will have no impact on environmental processes.

- *Is the development likely to cause soil erosion?*

A condition requiring the submission of a sediment and erosion control plan is recommended on the consent (Appendix 1).

#### Access, transport and traffic

- *Has adequate provision been made for vehicle entry/exit, loading/unloading, internal manoeuvring and parking of vehicles within the development?*

Adequate provision has been made for vehicle movements and car parking for the development.

- *Has the surrounding road system in the locality the capacity to accommodate the traffic generated by the proposed development?*

The surrounding road system in the locality has the capacity to accommodate traffic generated by the proposed development.

(d) Submissions

The original development application was advertised and notified to adjoining neighbours for a period of thirty (30) days, from 12 October 2017 to 13 November 2017. Thirteen (13) submissions were received in relation to the original development.

The amended development application, retaining only the façade of the Wellington Pool Pavilion as a fencing feature, was re-notified for a period of fourteen (14) days, from 9 January 2018 to 24 January 2017. Five (5) submissions were received in relation to the amended development application, including two (2) petitions.

The final design, retaining the full Wellington Pool Pavilion and Warne Street walls, was not advertised or notified on the basis that issues raised in the submissions and petitions have been addressed.

The submissions and petitions are summarised below with relevant comments:

Submission period one (1) - Original Plans	Comments:
Only structural changes are required to the existing pool.	<p>Council's Community and Recreation Division commissioned investigations into the state of repair of the existing Wellington Pool Complex which has informed the proposal for a full redevelopment of the pool complex.</p> <p>The Structural Condition Assessment Report dated 12 August 2016 (Attached) clearly identified that:</p> <p><i>"The wellington pool facility overall is generally in very poor condition. The main assets are very near the end of the functional life and well into the phase where multiple expensive repairs are required to keep them operational. The swimming pools leak in multiple locations...</i></p> <p><i>...The pools structural concrete is suffering from spalling (concrete cancer) and general degradation in multiple locations. At least two of the pools have suffered from subsidence over 25mm.</i></p> <p><i>....consideration needs to begin for either a major refurbishment of the swimming pools and facilities or full replacement of the same. On-going patch repairs will become increasingly ineffective as the entire asset approaches breakdown and substantially fails to meet its performance requirements. In particular, the</i></p>

	<p><i>ongoing leaks in the pool will likely exacerbate the ground movements around, leading to additional cracks in the concrete structures including the pools themselves.</i></p> <p><i>The level of facility provided has not substantially changed since the pool was opened in 1956 and is now well below that provided in similar towns."</i></p>
The existing Wellington Memorial Pool building has heritage and streetscape values and should be retained and reused as part of the development.	The development application has been modified to retain the existing Wellington Pool Pavilion and Warne Street walls as recommended by the Heritage Impact Statement prepared by David Scobie Architects, and Council's Heritage Advisor.
<p>The proposed learn to swim pools shallow depth of 900mm is too deep.</p> <p>The existing learn to swim pools depth of 400mm should be retained. This depth is well suited to babies and toddlers. It allows toddlers to stand up as required and develop increased water confidence.</p>	<p>The development has a diversity of pools. In addition to the Learn to Swim pool it includes a splash pool.</p> <p>The splash pool will provide a wading area where babies and toddlers can stand up as necessary to develop their water confidence and skills.</p> <p>The applicant has advised that they will expand the splash pad to include a deeper water section through to a depth of 600mm to accommodate this request.</p> <p>An appropriate condition has been recommended on the consent (Appendix 1).</p>
<p>The Learn to Swim and Olympic pools deep end depths of 1350mm and 2050mm is too shallow.</p> <p>These depths are not deep enough to facilitate exercise programs, water polo and diving.</p>	<p>The applicant, has designed and dimensioned these pools to have diving blocks and to meet the relevant guidelines of the Aquatic Exercise Association, and FINA.</p> <p>The pools comply with relevant guidelines and are suitable for exercise programs, water polo, and diving for competitive swimming.</p> <p>The applicant has advised that diving boards have not been included due to safety concerns.</p>
The existing pools get too hot, in the order of 30	The splash pool and the learn to swim pool will

<p>degrees.</p> <p>The temperature of the proposed pools needs to be reduced.</p>	<p>be fully covered by shade sail structures, and the Olympic pool will have shade sail structure over its shallow end. These will assist in moderating the temperature of the pools.</p> <p>The development will also renew the existing pools water circulation systems such that suitable water temperatures will be maintained.</p>
<p>Internal passive surveillance over the pool area, and external passive surveillance over the car park, is not ideal.</p>	<p>The design provides adequate opportunities for internal surveillance from the staff and canteen areas which are oriented directly over the splash pad and Olympic pool.</p> <p>The learn to swim pool has been relocated further south to retain the heritage pavilion and walls and this enhances its surveillance of this pool from the staff and canteen areas.</p> <p>The central area between the existing tree and the three pools will facilitate ready observation of patrons by the staff.</p> <p>The reduction of the car park to 11 spaces significantly improves its surveillance from the Managers office and by patrons entering and exiting the pool.</p> <p>Security cameras will be installed to enable the ongoing surveillance of the car park and further enhance its visibility.</p>
<p>The plant room is too close to the playground.</p>	<p>The playground has been deleted from the proposed plans to ensure the retention of the existing Wellington Pool Pavilion and Warne Street walls.</p> <p>The applicant has advised that a playground may be constructed within the new pool area if funding permits.</p>
<p>Entry from Warne Street should be maintained.</p>	<p>Prior to the submission of the development application, Council's Community and Recreation Department undertook consultation with the Wellington community and key stakeholders.</p> <p>The results of this consultation are detailed in</p>

	<p>the consultation report for the Master plan for the Wellington Pool and the Manager Horticultural Services CCL17/105 Wellington Pool Complex Master Plan report adopted by Council at its extraordinary meeting of 9 August 2017.</p> <p>The reports show that significant consultation was undertaken with the community in relation to the pool complex and that 72% of respondents supported the relocation of the entrance to the north west corner of the pool site as proposed.</p>
The existing pool filter system should be retained.	The new pool development will receive a new filtration system. The quality of the pool water will be maintained to necessary standards by Community and Recreation Division Staff.
Traffic from the car park is a threat to the surrounding traffic network.	<p>The car park has been significantly reduced to eleven (11) car parking spaces.</p> <p>Traffic utilising the car park will be modest and will not detrimentally impact safe traffic movements in the area.</p>
Indoor showers are not evident on the proposed plans and are required to be provided.	<p>The proposed plans show that the pool will have six (6) outside deck showers.</p> <p>The applicant has confirmed that both the male and female amenities will have three (3) inside shower cubicles each.</p>
<b>Submission Period (2)</b>	<b>Comments</b>
Reiteration that indoor showers not evident on the proposed plans.	Three (3) indoor shower cubicles will be provided in both the male and female amenities blocks.
Reiteration that pool depths and design of all three pools are not fit for purpose.	<p>All three pools have sufficient depths and designs to meet the requirements of the Aquatic Exercise Association and FINA.</p> <p>The deep end of the splash pool will be increased to 600mm to provide enhanced water</p>

	confidence opportunities for babies and toddlers as requested.
Reiteration that demolition of the existing entrance building and re-orientation to the north east is not acceptable.	<p>The final design has been substantially modified retain the existing entrance pavilion and the Warne street walls to preserve their heritage value to the site.</p> <p>The re-orientation of the pools entrance to the north-west has been undertaken in consultation with the community. This has been detailed in CCL17/105 adopted by Council at its extraordinary meeting of 9 August 2017.</p>
The existing 50m pool will need to be relocated on site at great expense.	<p>The existing pool is in poor condition and has reached the end of its life cycle. It will be replaced in the same location.</p> <p>The capital investment value of the development is \$7.5 million. Following completion the Wellington community will have a modern aquatic complex equivalent and superior to that of many regional cities.</p>
The development will require levelling the pool grounds and removal of grass and earth mounds on site.	<p>Substantial grassed areas will be retained on site as part of the development.</p> <p>The 50m pool will be excavated north from its southern edge to minimise any potential impacts on the Bell River. As such, the existing earth mounds along the southern edge of the pool will be maintained.</p> <p>A shaded, double sided bench will also be constructed between the Learn to Swim pool and the 50m pool to enhance the amenity and surveillance of the pools.</p>
The contemporary design of the proposed buildings is unsympathetic to the heritage of the pool and architectural style.	<p>The development has been amended to retain the existing entrance pavilion and Warne Street walls and protect their heritage value.</p> <p>In relation to the final plans, Council's Heritage Advisor has commented that:</p> <p><i>"The new buildings are well composed, proportioned and detailed, complement the</i></p>

	<p><i>post-war modernist style of the entry pavilion well, being in a broadly similar style, yet will not be mistaken for original elements. Both the original and proposed buildings are of course different in function, style and age from the commercial and residential buildings in the conservation area. They are and will be visually separated and will not overwhelm or compete with the conservation area."</i></p>
Petition 1 – Save the Basketball Courts.	<p>Following further consultation with the Wellington Local Aboriginal Land Council, the applicant has amended the plans to include the reconstruction of one (1) basketball court adjacent to the proposed car park.</p> <p>Three (3) existing basketball courts on site are in very poor condition.</p>
Petition 2 – Save the deep end at the Wellington Pool (50m).	<p>The deep end of the existing 50m pool is 3.8m deep. It was constructed for high diving, however, it is not a feature that is unique to the Wellington pool.</p> <p>Many similar pools were constructed as part of the Olympic pool movement of the 1950s. Since that time diving boards and towers have been progressively removed from regional pools due to safety concerns associated with them. The redundant water depth creates an enhanced risk of drowning for those in distress and staff that may have to recover them.</p> <p>The 2m depth satisfies relevant guidelines and will ensure that the pool is safe and cost effective to operate.</p>

(e) Public Interest

There are no matters other than those discussed in the assessment of the Development Application above that would be considered to be contrary to the public interest.

## 6. SECTION 64/SECTION 94 CONTRIBUTIONS

### Section 64 Water and Sewer Headworks Contributions

The Wellington Council Development Servicing Plan No.1, prepared by GHD February 2006 applies to the calculation of Water and Sewer Headworks charges for the development.



The plan does not identify how existing and expected demand for a public pool redevelopment should be calculated. Where development does not fit within typical uses, Section 2.4 provides that:

*Wellington Shire Council recognises that the guidelines are general and cannot practically be applied to all development applications. Some developments will not 'fit' a category in the guidelines. Also data required to assess the demands/loadings will not always be available at the time of application (i.e. the expected annual water consumption).*

*For this reason Council accepts that a proportion of applications will be assessed on individual merit. Council will determine a demand/loading for the development using the best available data....*

*With some industrial and commercial development there is an option of metering consumption and discharge for a period of time after calculating charges and later adjusting the charge once actual consumption and discharge is known.*

To address this matter, additional information was requested from the applicant establishing the existing water and sewer demands of the Wellington Pool, and the expected water and sewer demands for the proposed pool development.

As requested, the applicant has provided an investigation of the existing Wellington Pool Complex from Geolyse, dated 8 December 2017 (attached) which establishes that the proposed pool complex will demand:

- Water: 31,164 litres per day or 6.233 ET's
- Sewer – 50% of water ETs or 3.116 ETs

The investigation provided is based on steady population growth and pool usage levels, available water usage readings and backwash data, and other considerations such as evaporation. The information is considered to be credible. Accordingly, the following developer contributions for Water and sewer headworks are required:

- Water: 6.233 ET's x \$5138.95 (ET) = \$32,025.15
- Sewer: 3.116 ETs x \$1807.72 (ET) = \$5,632.85

Conditions to this effect are recommended on the consent.

### **Section 94A Developer Contributions**

The Wellington Council Section 94A Development Contributions Plan 2012, Amendment 1 dated 18 December 2013 applies to the proposed development. Notwithstanding, *Clause 1.9* states:

*Council may consider exempting other development, or components of development from the section 94A levy. If a development meets one or more of the following criteria, an exemption may be considered by Council:*

- *developments that incorporate the maintenance of an item of heritage significance;*
- *developments that contribute to the public benefit of the community, and*
- *developments where there is no increase in future demand on public amenities and services.*

*Such development includes, but is not limited to:*

*- Community infrastructure such as libraries, child care facilities, recreational areas, recreational facilities or car parks.*

In this regard the development application is clearly community infrastructure, being a recreational facility and car park, which will contribute to the public benefit of the community. Accordingly it is considered that exemption to the levy should be applied, and no Section 94A Developer contributions should be required.

## **7. INTERNAL REFERRALS**

### ***Building Assessment***

Council's Building Services Team Leader in his report dated 23 October 2017 and memo's dated 14 January 2017 and 5 February 2018 in relation to the amended plans has raised no issues in relation to the proposed development subject to a number of conditions being included on the consent (Appendix 1).

### ***Engineering Assessment***

Council's Development Engineer in his report dated 25 October 2017 requested additional information regarding the car park design, vehicle access arrangements, use of gross pollutant traps and bank protection works.

The amended plans and information provided by the applicant have addressed these issues. Council's Development Engineer in his report dated 7 February 2018 has raised no issues in relation to the amended development subject to a number of conditions being included on the consent (Appendix 1).

### ***Environment and Health Assessment***

Council's Environment and Health Services Team Leader (EHSTL) in her memo dated 26 October 2017 and email of 19 January 2018 in relation to the amended plans has raised no objections to the development subject to a number of conditions being included on the consent (Appendix 1).

## **8. SUMMARY AND RECOMMENDATION**

The Applicant has sought development consent from Council for the redevelopment of the Wellington Memorial Pool Complex at Lot: 701 DP: 1020780 Res: 520101, 13A Nanima Crescent Wellington.

The proposed development has been significantly amended to recognise the heritage values of Cameron Park and the existing Wellington Memorial Pool building. It will retain the full entry pavilion and Warne street walls on both sides as recommended by the Heritage Impact Statement for the development and advice from Council's Heritage Advisor.

The proposed development has also been amended to ensure that the banks of the Bell River are protected in accordance with recommendations with the NSW Office of Water. The development

is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality.

The proposed development is consistent with the objectives of the applicable EPIs, DCPs and Council policies and is therefore recommended for approval subject to the conditions of consent attached.

Having considered the matters raised and discussed in the assessment of the Application, it is recommended that the Application be approved subject to the proposed conditions (Appendix 1).

Appendices:

Appendix 1: Schedule of Conditions

Appendix 2: Development Plans

Appendix 3: Essential Energy Correspondence – 24 October 2017

Appendix 4: Heritage Impact Statement – David Scobie Architects – December 2017

Appendix 5: Heritage Assessment Report – Heritage Advisor – Revised 18 January 2018

Appendix 6: Structural Condition Assessment – Geolyse – 12 August 2016.

Appendix 7: Submissions



Alex Noad  
Planner 1

Date: 20 / 2 / 18



Stephen Wallace  
Manager Building and Development

Date: 16 / 2 / 18



Michael McMahon  
General Manager

Date: 19 / 02 / 18

