



INNER WEST COUNCIL

SUPPLEMENTARY DEVELOPMENT ASSESSMENT REPORT

Application No.	DA2017/249
Address	160 - 178 ELIZABETH STREET, 2-12 BASTABLE STREET & 10-18 FREDERICK STREET, ASHFIELD
Proposal	Alterations and additions to existing Ashfield Aquatic Centre
Date of Lodgement	12 December 2017
Applicant	Inner West Council
Owner	Inner West Council, Roads and Maritime Services and Ausgrid
Number of Submissions	One (1)
Value of works	\$28,926,000
Reason for determination at Planning Panel	Value of works over \$5 million and community facility
Issues to be addressed	<p>Clarification regarding flood modelling / flood gate.</p> <p>Clarification on the need or otherwise for the bus drop off on Elizabeth Street.</p> <p>A Plan of Management relating to flood management, traffic and parking management.</p> <p>A review of the proposed conditions of consent.</p> <p>Clarification as to whether a Plan of Management is required under the Local Government Act relative to the land.</p>
Recommendation	Approval

1. Executive Summary

This supplementary report provides an update on the assessment of the application submitted to Council for alterations and additions to the existing Ashfield Aquatic Centre at 160-162 Elizabeth Street and 10-14 Frederick Street, Ashfield. The report also addresses each of the reasons for deferral given by the Sydney Eastern City Planning Panel (the Panel) on 5 April 2018.

The application was originally notified to surrounding properties and one (1) submission received. That submission raises concern in relation to noise from the Bastable Street car park, landscaping and lighting of the car parks. This objection was addressed as part of the report to the Panel. Notwithstanding this, an alternative arrangement has been proposed to close off only car parking spaces adjacent to the existing residence between the sensitive hours. This arrangement is discussed further in this report.

The proposal was heard by the Sydney Eastern City Planning Panel on 5 April 2018 where the application was deferred pending the following issues to be addressed:

1. Flood modelling to establish the flood risk and whether there is reason for removal/retention of the flood gate. If not, establish alternative methods to mitigate flood risk. If the flood gate is to be relied on then the management issues concerning its operation need to be fully explained.
2. Clarification of the flooding risk and possible solution to be discussed between the applicant and the Council's Engineer. Sydney Water's position as to the installation of the flood gate on its stormwater asset is to be clarified.
3. Appropriate, agreed, clear and certain conditions of consent relating to the issue of flooding are to be drafted by the Assessment staff.
4. Clarification is required as to the need or otherwise for the bus drop off on Elizabeth Street, whether this is formally part of the proposal and confirmation that RMS has reviewed it as such in granting its concurrence.
5. A plan of management relating to flood management, traffic and parking management (including buses) shall be submitted and assessed prior to DA determination.
6. A review of all the proposed conditions of consent. These need to be redrafted to address:
 - (a) Consecutive numbering and clear headings;
 - (b) Certainty, clarity and for a planning purpose as required by the Newberry Principles. No extraneous statement or comments shall be included in a condition. Leaving or deferring matters for 'consideration' or investigation in any condition is appropriate.
7. Clarification is required as to the Plan of Management under the Local Government Act relative to the land. What does it say in relation to the use of the land?

The subject report now addresses the outstanding issues raised above, provides clarity as to the proposal and recommends a new set of conditions in a clear and concise form.

2. Proposal

The development application seeks consent for the redevelopment of the Ashfield Aquatic Centre (AAC) site to form new public pools with upgraded facilities. A full description of the proposal is outlined in the original report to the Panel on 4 April 2018.

In response to the reasons for deferral and discussions held during the panel meeting the following amendments have been made to the proposal:

- The proposed bus drop off and pick up has been confirmed to occur from Frederick Street and the proposed bus zone on Elizabeth Street has been removed.
- 3 car parking spaces at the south east corner of the Bastable Street Carpark that are in the high velocity zone have been allocated to staff to allow control, monitoring and management during a potential flooding event.
- The configuration of the Bastable Street car park has been rearranged to restrict car parking adjacent to the existing residential flat building to between 7.00am and 10.00pm. The arrangement has been supported by an acoustic report and will allow the remainder of the car park to continue the current 24 hour operation.

3. Site Description

The following briefly describes the site and surrounds. A full description can be found in the original report to the Panel on 5 April 2018.

The subject site is located on the southern side of Elizabeth Street, and is bound by Frederick Street to the east and Bastable Street to the west. The T2 Inner West and South railway corridor forms the southern boundary of the site. The site consists of 17 allotments and is an irregular shape.

To the west of the AAC facility, on land that forms part of the DA is:

- A concrete lined stormwater channel, approximately 4m wide and 3.5m deep that extends along the western boundary of the AAC.
- Further west of the channel is a paved car park which accommodates 60 car parking spaces.
- A small park situated at the southern end of the car park.
- A single storey building used as Council community hall.
- A concrete bridge that provides access over the channel from the park to the aquatic centre but there is currently a chain wire fence which restricts public access from the park to the AAC.

To the east of the AAC facility on land that forms part of the DA are:

- The existing car park that is predominantly on land owned by the RMS. This land currently accommodates 74 car parking spaces, accessed off Elizabeth Street.
- A fenced courtyard area off the indoor pool building extends approximately 2.8m into the RMS / Council land.

The AAC currently has over 350,000 customers a year and provides a swim school that averages 15,000 visits a month. The AAC hosts regular school swimming carnivals and a range of water sports, including water polo.

Existing development within proximity of the site includes a mixture of low to medium density housing and sites owned by Transport for NSW. Within the development block is a group of

two storey terrace style dwelling houses (2-8 Frederick Street) on land owned by RMS to the east off Frederick Street. A residential flat building in private ownership is located on the corner of Bastable Street and Elizabeth Street (182 Elizabeth Street) adjacent to the car park to the west of the aquatic centre.

A railway corridor for the main western rail line is located along the site's southern boundary above a vegetated embankment of approximately 4 to 4.5m high. Ashfield railway station is located approximately 750m to the east of the site and Croydon railway station is located approximately 420m to the west of the site.

The site is not a heritage item and is not located within a conservation area. The site is in proximity to a number of heritage items at 173 Elizabeth Street, 177 Elizabeth Street and in proximity to the Eccles Estate Conservation Area.

The site is identified as being subject to mainstream/overland flow and mainstream flooding.

4. Background

4(a) Site history

A full history of the site is described within the original report to the Panel on 5 April 2018. Since the application was first reported to the Panel the existing Pool has closed to the public in anticipation of commencing work during the off swimming season to minimise disruption to the community.

The most recent development history of the site relates to an earlier development application for refurbishment of the site that was granted deferred commencement approval by the Sydney Central Planning Panel 3 March 2017. The subject application supersedes the earlier approval with a larger more extensive development proposal.

4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter/ Additional Information
12/12/17	Application lodged with Council
14/3/18	Meeting with applicant and council staff
20/3/18	<p>Amended plans submitted to council. The amendments included:</p> <ul style="list-style-type: none"> • Revising the proposal from two stages to one stage to incorporate all proposed works in one stage • Façade changes to comply with Section J of the BCA and associated floor plan changes • Substation relocated • Provision of 4 car share spaces • Provision for car charging of electric cars • Amended bin store areas and waste collection services • Amended landscape plans • Additional information from the traffic consultant as requested

	by the RMS
20/3/18	Amended plans referred to internal council staff for comment and to the RMS for concurrence.
20/3/18	Sydney Trains concurrence granted.
23/3/18	RMS concurrence granted.
5/4/18	Application heard by the Sydney Eastern City Planning Panel. The determination was deferred subject to a number of issues to be addressed relating to flooding, car parking and clarification of conditions of consent.

5. Reasons for Deferral

Each reason for deferral has been reviewed and is addressed in the following discussion.

5(a) Flood modelling, flood gate, flood risk and Sydney Water

In response to the Planning Panel comments additional flood modelling has been undertaken and an updated Flood Impact Assessment has been provided which can be found at Attachment C. The additional information addresses the potential flood risk associated with the site and the methodology to address such risk. Specifically:

The modelling confirmed that adequate flood protection is provided to the development during a 1% AEP flood with the use of a flood gate in the closed position:

- The building finished floors levels including the plant and store rooms will be 500mm or more above the 1% AEP flood level;
- Bastable Street carpark area is subject to flooding during a 1% AEP flood however the overall flood hazard is low. Levels at the south east corner of the carpark have been raised to 13.0m AHD (with a crest in the aisle of 13.05m AHD) which reduced the number of carspaces affected by high hazard flood to 3 spaces. These spaces will be reserved for staff who will be made aware of the flood hazard of these spaces;
- Flood free access is maintained via the Frederick Street carpark for the 1% AEP flood; and
- The development does not detrimentally increase flood affection other adjacent properties.

The Flood Impact Assessment has also provided additional information regarding the operation of the flood gate. The flood gate as a default will be in the closed position. It will only be opened occasionally by staff when access is required to the Bastable Street carpark. In addition a detailed plan of the flood gate and Operation and Maintenance Instructions from the manufacturer have been provided. The flood gate has also been relocated to be 1m or more from the adjacent stormwater channel as required by Sydney Water.

The Operations Manual has also been amended to include procedures during flooding of the site such as checking of the flood gate and evacuation of the site including cars from the Bastable Street carpark.

The updated information has been referred to Council's Engineers who have reviewed the information and are satisfied the risk to flooding has been addressed.

The amended information complies with the requirements of Sydney Water who raised no objection to the flood gate subject to its position in relation to the existing canal. Specifically the following extract from Sydney Water's concurrence conditions require:

Proposed Flood Gate

Proposed floodgate at the pedestrian crossing is to be located at least 1m away from the outside face of the Sydney Water's stormwater channel. Details of this floodgate are to be submitted to Sydney Water. The design of the floodgate is to be such a way that this should not impose any load onto Sydney Water's stormwater channel and Sydney Water can remove and replace the stormwater channel without causing any structural impact to this proposed floodgate.

5(b) Revision of proposed conditions of consent relating to food risk

A set of new conditions has been prepared following the submission of amended information relating on flooding on the site. The conditions at Attachment A provide appropriate, clear and certain conditions in relation to the flooding issues on the site.

5(c) Clarification as to the bus drop off on Elizabeth Street

RMS has confirmed that they have no objection to buses egressing out onto Frederick Street and hence plans have been amended to provide a bus drop off/pick up area within the Frederick Street carpark. The Bus Zone on Elizabeth Street will no longer be required and therefore has been deleted from the plans. In addition an addendum to the Traffic Report including bus swept paths through the carpark has been provided detailing the operation of bus drop off/pick up area which can be found at Attachment C.

5(d) Plan of Management relating to Flood Management, Traffic and Parking

A draft Operational Plan of Management has been prepared for the operation of the refurbished Ashfield Aquatic Centre. The operational plan is a live document which will continue to be developed as operational needs arise. Notwithstanding this specific management plans have been developed relating to flood management, traffic and parking. Each of these extracts from the overall operation plan are provided at Attachment D.

These aspects of the operational plan have been review by Council's Engineer who has supports the management strategies.

5(e) Review of the proposed conditions

A full review of the proposed conditions has been conducted and can be found at Attachment A. The conditions as amended provide consecutive numbering, clear headings and certainty that each condition is for a planning purpose consistent with the Newberry Principles.

5(f) Clarification as to the requirement under the Local Government Act for a Plan of Management for the land relative to the proposed use.

A plan of management is required for the development, lease or licensing of land classified as "community land" under the Local Government Act 1993. The subject site is classified "Operational Land" not Community Land. It is not compulsory to have the Plan of Management.

6. Additional matters

At present all car parking associated with the Ashfield Aquatic Centre are open 24 hours a day on an unrestricted basis. The car parking is used by customers of the centre and the wider community. The existing aquatic centre operates between 7.00am and 10.00pm daily. The proposal will increase trading hours to commence at 5.00am.

During the notification period a submission was received raising concern with noise associated with the car park. The original report to the Panel on 4 April 2018 recommended the Bastable Street car park be closed to the public between 10.00pm and 7.00am to resolve this issue.

Following the Panel meeting, further consideration has been given to this matter and the potential impact on the closing of the car park overnight both on the wider community and the operations of the redeveloped centre.

An alternative arrangement is now recommended where only the car parking spaces adjoining the existing apartment building are closed to the public between 10.00pm and 7.00am. This will be an improvement on the current arrangement where car parking in this location is available unrestricted 24 hours a day.

A condition is recommended that these spaces be physically restricted between 10.00pm and 7.00am daily with either a chain, bollards or a similar device.

The alternative arrangement has been supported by a supplementary acoustic report which can be found at Attachment D.

7. Conclusion

The reasons for deferral by the Sydney Eastern City Planning Panel have each been addressed in the above supplementary report. The proposal generally complies with the aims, objectives and design parameters contained in Ashfield Local Environmental Plan 2013 and Ashfield CIWDGP 2016. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

That the Sydney Planning Panel, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: 2017/249 for alterations and additions to the existing Ashfield Aquatic Centre at 160-162 Elizabeth Street and 10-14 Frederick Street, Ashfield subject to the conditions listed in Attachment A.



Report prepared by Jai Reid Team Leader Inner West Council

10 May 2018

Attachment A – Recommended conditions of consent

Attachment B – Plans of proposed development

Attachment C – Additional information supplied as part of the supplementary report

Attachment D – Extracts from the draft Operations Manual for the Ashfield Aquatic Centre