

INVERELL AQUATIC CENTRE REPLACEMENT

**INDEPENDENT PEER REVIEW – DA-87/2023
(PAN-346942)**

**69 EVANS STREET, INVERELL,
NSW, 2360
(LOT 85, DP1151983)**

Prepared for Inverell Shire Council

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1 INTRODUCTION

1.1 BACKGROUND

Perception Planning Pty Ltd has been engaged by Inverell Shire Council to undertake an independent peer review of Council's assessment report of DA-87/2023 (PAN-346942) for the proposed Inverell Aquatic Centre Replacement.

The report has been commissioned by Council to manage potential conflicts of interest and increase transparency of the development process, for this council-related development, in accordance with Councils Conflict of Interest Policy.

The following matters have been taken into consideration to determine the adequacy of Council's assessment of the application, its recommendation, and recommended conditions of consent:

- The relevant matters listed in Section 4.15 of the *Environmental Planning and Assessment Act 1979*;
- The prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- The findings and recommendations of Council's Assessment Report;
- The submissions received from the community and external agencies and authorities; and
- The recommended conditions of consent.

1.2 OVERVIEW

Inverell Shire Council has received a development application, DA-87-2023, which seeks consent for the replacement of the Inverell Aquatic Centre. The proposed development involves the construction of a new contemporary aquatic centre intended to cater to the needs of the Inverell Community. The Council's assessment report provides that the previous Inverell Memorial Swimming Pool was partially demolished in June 2023 under a separate development consent (DA-38/2023).

The site is located at 69 Evans Street, Inverell NSW, 2360 (**'the site'**), legally identified as (LOT: 85 DP 1151983). The site is positioned on the corner of Evans Street and Lawrence Street, Inverell. The site currently contains the original Inverell Memorial Swimming Pool Entry building, war memorials and stockpiles of crushed concrete from the previous swimming pool (to be reused for the new aquatic centre).

The site is located in the RE1 – Public Recreation zone pursuant to Clause 2.2 of the Inverell Local Environmental Plan 2012. The proposed development is characterised as both a 'Recreation Facility (Indoor)' and 'Recreation Facility (Outdoor)', which are both permissible with consent in the RE1 Public Recreation zone.

1.3 PROPOSAL DESCRIPTION

The proposed development involves the construction of a new contemporary aquatic centre intended to cater to the needs of the Inverell Community. The characteristics of the proposed development are as follows:

Construct a new aquatic centre comprising:

- Main pool indoor / outdoor measuring 50 metre x 20 metre (8 lane x 2.5 metre wide) with an access ramp to the northern end. The main pool will be winterised by way of:
 - A permanent roof over the shallow end;
 - A hinged swim wall and enclosing wall at the 25 metre mark to enable the pool to be enclosed during winter months;
 - A two-zone filtration and pool water heating system to enable the southern 25 metre outdoor pool to be closed off when the northern 25 metre pool is operating indoors in winter mode; and
 - A one zone pool hall heating system for the northern 25 metre pool hall when in winter mode.

The pool has been designed to be compliant with Federation Internationale de Natation (FINA) criteria for 50 metre and 25 metre (short course) competitions.

- Integrated 20m x 10m warm water, indoor program pool, with a spiral lift, moveable floor (fully moveable to same depth), as well as articulating floor, with three integrated depth zones, meeting all pool access safety transition requirements. Access to this pool will be by way of moveable stair with isolated concourse platform lift. The warm water program pool will be located in its own pool hall.
- Indoor zero depth water play equipment and splashpad with adjacent toddler's pool.
- This facility will be located adjacent to the northern end of the 25 metre indoor pool and will be enclosed all year round.
- New foyer, front of house, shared reception/café, and moveable display retail areas.
- The café will be supported by wet lounge (adjacent to water play/ splash pad) and dry lounge (located off foyer) areas.
- Administration and office areas.
- Range of change rooms, shower and amenity areas, servicing different wet and dry zones.
- Multipurpose activity room with capacity to be divided into two separate activity spaces.
- Wellness/consulting rooms.
- Associated plant and building services/infrastructure necessary to operate the facility.
- Landscaping.

No works are proposed to the original Inverell Memorial Swimming Pool building or associated war memorials. A separate Development Application will be lodged at a later date

for the redevelopment and/or change of use of this building, following an Expression of Interest by Council.

2 CONSISTENCY WITH STATUTORY CONSIDERATIONS

2.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the principal planning and development legislation in NSW and is applicable to the proposed development. Section 4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a DA.

The proposal has been appropriately classified as 'Recreation Facility (Indoor)' and 'Recreation Facility (Outdoor)' and constitutes 'development' as defined by the Environmental Planning and Assessment Act 1979 (the Act), requiring development consent as per the Inverell Local Environmental Plan 2012.

Section 4.15 of the Act establishes the assessment process applicable to development applications, which are addressed, in the same order, below.

2.2 ENVIRONMENTAL PLANNING INSTRUMENTS

Council's assessment report accurately identifies the environmental planning instruments relevant to the proposal which include:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021.*
- *State Environmental Planning Policy (Industry and Employment) 2021.*
- *State Environmental Planning Policy (Planning Systems) 2021.*
- *State Environmental Planning Policy (Resilience and Hazards) 2021.*
- *Inverell Local Environmental Plan 2012.*
- *Inverell Development Control Plan 2013.*

2.2.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The aim of Chapter 4 – Koala Habitat protection 2021 is to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Considering the land's historic use for public recreation and the absence of koala food trees in the vicinity, the development is considered to have no impact on koalas or koala habitat. Consequently, there is no necessity for a koala assessment report, and the granting of consent is not precluded by this SEPP.

The proposal and Council's assessment is considered to be consistent with this Policy.

2.2.2 State Environmental Planning Policy (Industry and Employment) 2021

The aim of Chapter 3 – Advertising and Signage is to ensure that signage (including advertising) is compatible with the desired amenity and visual character of an area.

An individual sign is proposed to be positioned above the Lawrence Street entry.

The council's assessment report provides a comprehensive review against Section 3.1 and the Assessment Criteria specified in Schedule 5 of the SEPP.

Based on review of the Architectural plans prepared by Facility Design Group and the Heritage Advisory Memo prepared by Port Macquarie Hastings Heritage it is considered that the proposed entry signage is modest in size and exhibits a suitable colour palette that aligns with the visual character of the area.

The proposal and Council's assessment is considered to be consistent with this Policy.

2.2.3 State Environmental Planning Policy (Planning Systems) 2021

The aim of Chapter 2 – State and Regional Development is to identify State significant development, State significant infrastructure and critical significant infrastructure and regionally significant development.

The council's assessment report identifies that the proposal is regionally significant development pursuant to Section 2.19 (1) as it satisfies the criteria in Clause 3 of Schedule 6 of the Planning Systems SEPP as the proposal is "Council related development over \$5 million" (capital investment value is \$24,978,789). Accordingly, the Northern Regional Planning Panel is the consent authority for the application.

The application was referred to the Northern Regional Planning Panel for consideration. The proposal and Council's assessment is considered to be consistent with this Policy.

2.2.4 State Environmental Planning Policy (Resilience and Hazards) 2021

The object of Chapter 4 – Remediation of land is to provide for a Statewide planning approach to the remediation of contaminated land.

Both the application and Council's assessment have considered whether the land is contaminated land in accordance with Clause 4.6(1) of the SEPP.

The council's assessment report states that during the partial demolition of the former Inverell Memorial Swimming Pool under DA-38/2023, asbestos water pipes were discovered and removed from the site. As part of DA-38/2003 (part demolition of the previous swimming pool), asbestos clearance certificates have been provided to Council for the removal of these pipes. Given the discovery of asbestos water pipes as part of the demolition works, there is potential for other asbestos water pipes to be discovered during construction activities (e.g. footings, service lines, etc.) and consideration should be given to potential contamination caused by damage to these pipes.

It is noted that Council's assessing officer has recommended a condition of consent requiring that an "Unexpected Finds Protocol" inclusive of an 'Asbestos Handling and Disposal Procedure' be prepared and implemented on-site. This response is supported.

The proposal and Council's assessment is considered to be consistent with this Policy subject to the recommended conditions.

2.2.5 Inverell Local Environmental Plan 2022

The subject site is zoned RE1 Public Recreation under the provisions of the Inverell Local Environmental Plan 2012 (LEP). The proposal seeks consent for the construction of a new contemporary aquatic centre (Inverell Aquatic Centre) on the subject site.

The proposal has been appropriately classified as both 'Recreation Facility (Indoor)' and 'Recreation Facility (Outdoor)' which is defined under the LEP as follows:

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

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 a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

As detailed by the Council's assessing officer, both Recreation Facility (Indoor) and Recreation Facility (Outdoor) are permissible with consent in the RE1 – Public Recreation zone. The proposed use is permissible with consent, and consistent with the relevant objectives of the zone.

The Council's assessment of the proposal against the objectives of the RE1 – Public Recreation zone and relevant LEP controls is deemed to be suitable.

Furthermore, the Council's assessment report has satisfactorily addressed the relevant issues related to Part 5 Miscellaneous Provisions and Part 6 Additional Local Provisions.

2.3 INVERELL DEVELOPMENT CONTROL PLAN 2013

As detailed by Council's assessing officer, the Development Control Plan (DCP) relevant to this application is the Inverell Development Control Plan 2013 (IDCP).

The Council's assessment was undertaken against the following sections:

- IDCP – Chapter 4 Commercial and Industrial Development
- IDCP – Chapter 5 Parking and Traffic
- IDCP – Chapter 6 Flooding
- IDCP – Chapter 7 Heritage

Based on the Council's assessment the proposal does not result in a variation to the DCP Chapters 4, 5, and 6 objectives or controls. However, the development is inconsistent with Clause 7.4.7 Form & Massing, Chapter 7, as the new building is higher than the existing building and is considered to dominate the site. The Council's Heritage Advisor has reviewed this matter and considers that this dominance can be reduced with the inclusion of additional landscaping.

The Council's assessing officer has recommended a condition of consent that before the issue of a Construction Certificate, a revised landscaping plan is to be submitted to and approved by Council. This landscaping plan must include additional shrub and tree plantings at the front of the new Aquatic Centre, between the new entry and adjoining heritage item (original pool building). The revised landscaping plan will be referred to Council's Heritage Advisor for review and comment. This response is supported. While this recommendation is endorsed, there are further additional conditions recommended under Section 3.2 of this report.

The Council's assessment of the proposal against the relevant DCP provisions is considered appropriate.

Additionally, no contributions plans are considered relevant to the development pursuant to Section 7.18 of the EP&A Act.

The Council's assessment of the proposal against the provisions of the contribution plan is considered appropriate.

2.4 PLANNING AGREEMENTS

No Planning Agreements or Draft Planning Agreements are applicable to the site or the proposed development.

2.5 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

As detailed in the Council's assessment report, Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. No matters are considered relevant to the proposal, noting that no further demolition works are proposed (completed under DA-38/2023).

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are not relevant to the proposal, as no

works (i.e. alterations, rebuilding) or change of use is proposed to existing Memorial Pool building.

It is noted that the proposal is not considered to be:

- Integrated Development (s4.46);
- Designated Development (s4.10);
- Requiring concurrence/referral (s4.13); or
- Crown DA (s4.33) - written agreement from the Crown to the proposed conditions of consent must be provided.

The provisions of the 2021 EP&A Regulation have been considered.

2.6 LIKELY IMPACTS OF THE DEVELOPMENT

Council's assessment of the likely impacts of the proposal on both the natural and built environments, and social and economic impacts in the locality identified the following matters for consideration:

- Context and setting
- Access and traffic
- Public domain
- Utilities
- Heritage
- Other land resources
- Water/air/soil impacts
- Flora and fauna impacts
- Natural environment
- Noise and vibration
- Natural hazards
- Safety, security and crime prevention
- Social impact
- Economic impact
- Site design and internal design
- Construction
- Cumulative impacts

It is considered that the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, have been satisfactorily addressed by the Council's assessment report.

2.7 SUITABILITY OF THE SITE

It is noted that that site previously contained the Inverell Memorial Swimming Pool. The proposed Inverell Aquatic Centre is considered appropriate for the locality. In addition to the commentary provided by Council's assessing officer, it is noted that the proposed

development will enable the creation of additional employment opportunities and supports the needs of the community.

The Council's assessment of the suitability of the site for the proposed development is supported.

2.8 PUBLIC INTEREST

Council's conclusion that the development is deemed to be in the public interest is supported given that the proposal:

- is a permissible form of development;
- complies with the relevant legislation;
- is consistent with the RE1 – Public Recreation zone objectives;
- complies with the relevant development standards for the site;
- received no community submissions;
- supports the needs of the community; and
- provides ongoing employment opportunities and flow on economic benefits.

It is considered that the likely impacts of the development can be appropriately mitigated by way of the recommended conditions of consent. Furthermore, the proposal has been referred to and reviewed by relevant state agencies and there are no outstanding concerns subject to the recommended conditions being imposed.

2.9 PUBLIC SUBMISSIONS

The proposal was notified in accordance with the *Council's Community Participation Plan and Council Policy - Conflict of Interest Policy - Council-related Development Applications* from 13 July 2023 until 11 August 2023. No submissions were received.

2.10 EXTERNAL REFERRALS

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979*.

3 COUNCIL'S ASSESSMENT PROCESS

3.1 ADEQUACY OF COUNCIL'S ASSESSMENT

Council's assessment of the application is deemed to be reasonable and appropriate based on the following:

- The application was correctly classified as Regionally Significant Development by Council and referred to the relevant government agencies and authorities for review;
- Council's assessing officer undertook a suitable exhibition and notification process in accordance with the relevant legislation and Council's Community Participation Plan.
- Council's assessing officer undertook a comprehensive assessment of the proposal against the relevant matters of consideration listed under Section 4.15 of the EP&A Act, and
- Council's assessment of the likely impacts of the proposal including environmental impacts on both the natural and built environments, and social and economic impacts in the locality is deemed to be appropriate.

3.2 ADEQUACY OF COUNCIL'S RECOMMENDED CONDITIONS OF CONSENT

A review of the recommended conditions of consent has been undertaken with consideration of the proposal. The conditions proposed for the development are relevant and reasonable.

A few matters that are recommended to be added or altered are as follows:

Occupation and ongoing use

1. Operational Management Plan

An Operational Management Plan is to be formulated and a final copy provided to Council prior to the issue of an OC for the development.

This OMP should provide management and impact mitigation recommendations for the operation of the proposed Indoor and Outdoor Recreation Facility at the site.

As a minimum, the Operational Plan of Management shall address the following:

- a) Proposed staffing arrangements;
- b) The maximum number of persons permitted to occupy the site;
- c) Hours of operation;
- d) A procedure for maintaining security;
- e) A procedure/agreement for waste management; and
- f) First aid, emergency and incident procedures.

2. Completion of Landscape Works

All landscape works, are to be undertaken in accordance with the approved landscape plan and conditions of Development Consent, prior to the issue of an OC.

3. Maintenance of Landscaping

Landscaping shall be maintained in accordance with the approved plan in a healthy state, and in perpetuity, by the existing or future owners and occupiers of the development.

If any vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and be of similar maturity as the vegetation which has died or was removed; within three (3) months of the vegetation dying or being removed.

8 CONCLUSION

This independent peer review has been prepared by Perception Planning on behalf of Inverell Shire Council to manage potential conflicts of interest and increase transparency of the development process, for this council related development, in accordance with Council's Conflicts of Interest Policy for Council-Related Development.

The Development Application DA-87/2023 (PAN-346942) seeks approval for construction of a new contemporary aquatic centre. The site is land owned by Inverell Shire Council.

The following matters were taken into consideration as part of this independent peer review:

- Relevant matters listed in Section 4.15 of the Environmental Planning and Assessment Act 1979;
- Prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- The evaluation and recommendations in Council's Assessment Report;
- Submissions received from the community and external agencies and authorities; and
- Council's recommended conditions of consent.

In summary, this independent peer review found:

- Application was correctly classified and referred to the relevant external agencies and authorities;
- The application was correctly notified in accordance with the relevant legislation and Council's Community Participation Plan;
- Council's assessing officer undertook a comprehensive assessment of the proposal against the relevant matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979;
- Council's review to public submissions and agency/authority referral comments was appropriate;
- Council's assessing officer's assessment of the likely impacts, suitability of the site and public interest is appropriate and supported.

It is the conclusion of this Peer Review that, the application will have no significant adverse environmental impacts, is considered to be suitable for the subject land, and is in the public interest.

Council's Assessment Report and Recommendation for Approval subject to the draft schedule of conditions and consideration of the matters outlined in this report is considered appropriate and supported by the findings of this independent peer review.



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