



SYDNEY CENTRAL CITY PLANNING PANEL COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-515
DA Number	DA/764/2023 PAN-400816
LGA	City of Parramatta Council
Proposed Development	Alterations and additions to the Epping Aquatic Centre (Dence Park) including refurbishment of the existing 50m outdoor swimming pool, construction of a new 20m indoor swimming pool, a new grandstand, shade structure, splash pad and wading pool, lift tower, associated amenities, and landscaping works. The proposal also includes the consolidation of lots, tree removal and signage display. The proposal is Nominated Integrated Development requiring approval under the Water Management Act 2000.
Street Address	Dence Park, 26X Stanley Road, Epping Lot 1 DP 1083761 Lot 1 DP 441025 Lot 2 DP 1083761 Lot A DP 403412 Lot B DP 417995
Applicant Owner	Western Sydney Planning City of Parramatta Council
Date of Lodgement	15 January 2024
Number of Submissions	3 submissions
Recommendation	Approval, subject to conditions of consent
Regional Development Criteria	Pursuant to Part 4 and Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011, the development is Council related development with a capital investment value of more than \$5 million.
List of All Relevant s4.15 Matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act and Regulations• SEPP (Planning Systems) 2021• SEPP (Biodiversity and Conservation) 2021• SEPP (Resilience and Hazards) 2021• SEPP (Transport and Infrastructure) 2021• Parramatta Local Environmental Plan 2023• Parramatta Development Control Plan 2023
List of Relevant Documents	As appearing in Condition 1 of Attachment B
Report Prepared By	Planning Ingenuity (Independent Consultant)
Report Date	22 August 2024

Summary of S4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

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**

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? **N/A**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **N/A**

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

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

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.

EXECUTIVE SUMMARY

1. Summary

This report considers a proposal for alterations and additions to the Epping Aquatic Centre (Dence Park) including refurbishment of the existing 50m outdoor swimming pool, construction of a new 20m indoor swimming pool, a new grandstand, shade structure, splash pad and wading pool, lift tower, associated amenities, and landscaping works. The proposal also includes the consolidation of lots, tree removal and signage display. The proposed development is intended to be delivered across three (3) stages.

There has been a previous consultation and engagement process with Council in relation to a preliminary design for the proposed works. Pre-lodgement meetings occurred with Council on 4 March 2020 and 10 June 2021. The proposal has been amended in response to Council feedback.

The site is located within Dence Park, Epping and is subject to the Dence Park Master Plan. Dence Park is identified as having the potential to become a key recreational park within a natural setting through expanding the current use of the site and delivering an improved overall design.

The Dence Park Master Plan was endorsed by Council in 2019, with the Dence Park Masterplan Implementation Plan being endorsed in 2020. The proposed alterations and additions are generally consistent with the masterplan. The proposal satisfies the key masterplan objectives, including significantly improving the existing facilities, accessibility upgrades, improvement to general connectivity and wayfinding, whilst preserving the natural bushland setting and heritage significance of the site.

The subject site is an item of local heritage significance, identified as Dence Park, Item No: I137 in Parramatta Local Environmental Plan 2023. The significance of the site relates to its conservation of remnant bushland, cultural planning from c1910 and pool structure facilities and associated landscaping from the 1960's period. The site was formerly owned by industrialist John Dence and later sold to Hornsby Council as a memorial swimming pool.

The existing development and proposed alterations and additions are permissible with consent in Zone RE1 – Public Recreation and are in accordance with the relevant objectives and requirements of Parramatta Local Environmental Plan 2023 (PLEP 2023) and Parramatta Development Control Plan 2011 (PDCP 2011).

The proposal includes works within Zone W1 – Natural Waterways which are prohibited as per Clause 2.3 of PLEP 2023. A lawful use of the site has been established by the “existing use rights” provisions under Division 4.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Although the proposal contains works within Zone W1, the application is not Integrated Development under Section 4.47 of the EP&A Act. The Department of Planning and Environment – Water has reviewed the application and considers that, for the purposes of the *Water Management Act 2000*, the proposed works are exempt from the need to obtain a controlled activity approval because the proponent is a public authority. No further assessment under the *Water Management Act, 2000* is required due to the exemption in the *Water Management (General) Regulations 2018* s41 – Works undertaken by public authorities.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of

concern. The application is considered satisfactory when evaluated against Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

It is considered that any potential adverse impacts of the proposed works can be avoided or mitigated by the imposition of suitable conditions of development consent.

This report recommends that the Panel:

- Approve the application, subject to conditions of consent.

2. Key Issues

The key issues identified in relation to the proposed development include:

- Heritage impact given the site's local heritage significance
- Tree removal and biodiversity impacts
- Accessibility
- Sustainability
- Traffic and parking
- Bushfire management

3. Site Context

The subject site is legally described as Lot 1 DP 1083761, Lot 1 DP 441025, Lot 2 DP 1083761, Lot A DP 403412 and Lot B DP 417995, No. 26X Stanley Road, Epping.

The site is located in the Parramatta Local Government Area (LGA), however, was previously located in the Hornsby Shire LGA until May 2016 when the NSW local government amalgamations resulted in the site and surrounding areas becoming part of the Parramatta LGA.

The site is in Zone RE1 – Public Recreation, Zone W1 – Natural Waterways and Zone C2 – Environmental Conservation. No works are proposed within land in Zone C2.

The site is an irregular shaped allotment with an overall site area of 6.89ha. The site has a primary frontage towards Stanley Road of 45.72m. The site contains Epping Aquatic Centre and Epping Creative Centre. The site provides for at-grade parking to the west of the aquatic centre.

The site has a steep topography, with an approximate fall of 35m from the west boundary to the eastern boundary towards Terrys Creek. The site is inclusive of Terrys Creek, which runs along the east and southern middle portion of the site.

The surrounding area is characterised by low-density residential development to the northern, southern and western sides of the site, and land in Zone C2 – Environmental Conservation identified as Pembroke Park adjoins the eastern side of the site. The site is located within a dense landscaped setting containing bushland primarily to the east of the site.

The site is located approximately 650m from the nearest bus stop on Epping Road, and 1.1km from the M2 Motorway, located north of the site. The Epping centre is approximately 900m to the west of the site, and Macquarie University 1.8km to the east.

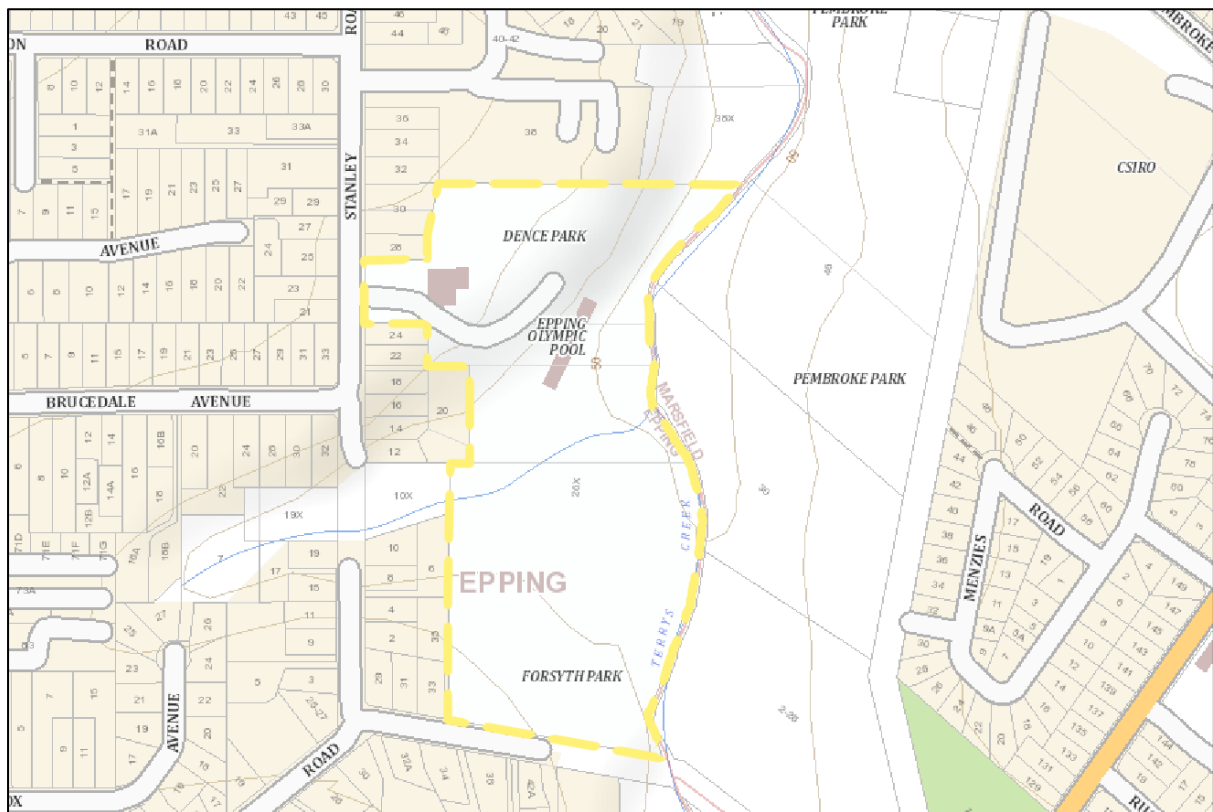


Figure 1: Location Map of 26X Stanely Road, Epping (Outlined yellow) (Source: NSW Planning Portal Spatial Viewer)



Figure 2: Aerial map of 26X Stanley Road, Epping (Source: Nearmap aerial photo dated 14 July 2024)



Figure 3: Bitumen Carpark looking north from entry ramp to aquatic centre



Figure 4: Access ramp showing sloping ground levels and pedestrian access path leading from Bitumen Carpark to aquatic centre looking north



Figure 5: Existing 50m swimming pool, grandstand and vegetation looking north-west



Figure 6: Existing toddlers swimming pool located south of 50m outdoor pool and in front of existing learn to swim pool

4. Site Constraints

Biodiversity Values

The subject site is mapped as containing Biodiversity Values, as shown in Figure 7.



Figure 7: Biodiversity affectation of site (Biodiversity Values Map – NSW Planning Portal Spatial Viewer)

The application is supported by a Flora and Fauna Assessment Report prepared by: Narla Environmental, dated: April 2024. The report notes the proposed development is located in an area with existing infrastructure and vegetation that has been historically disturbed, including noticeable weed infestations throughout the site.

The proposal incorporates the use of existing driveways and infrastructure, including the refurbishment of the toddler pool area and the repurposing of existing paths and accessways to minimise the disturbance footprint.

An Asset Protection Zone (APZ) is required for the development and requires selective removal of native and exotic vegetation. However, substantial areas of remnant vegetation will be preserved within the broader public reserve. Where possible, remnant vegetation has been retained. A majority of the proposed impacts to vegetation are associated within the implementation of an APZ, however, most vegetation within the site is in low condition due to weed invasion.

The riparian land will be subject to ongoing APZ maintenance as part of the proposed development. A Vegetation Management Plan (VMP) prepared by Narla Environmental, dated: March 2024, will be implemented to ensure the overall improvement of waterway health and the integrity of the riparian vegetation.

The application is supported by a Streamlined Biodiversity Development Assessment Report (BDAR) prepared by: Narla Environmental, dated: May 2024, which concludes as follows:

- No prescribed impacts on threatened entities associated with the proposed development.
- Due to the disturbed and exotic-dominated vegetation within the subject land, it is considered unlikely that flora, fauna and their habitats will be significantly impacted by the proposed development.

- A VMP will be implemented to ensure that the existing environment and its ecological processes will be protected and enhanced.
- Although public bushland will be impacted by the proposed development, a VMP will be implemented to ensure the existing environment and recreational area is retained and improved.
- Due to the disturbed and exotic-dominated vegetation within the subject land, it is unlikely riparian habitats and ecological processes will be significantly impacted by the proposed development. A VMP has been prepared and will be implemented to ensure the stability of banks of the waterway are retained and that the ecological processes are enhanced.

The application was referred to Council's Biodiversity Planning Officer who has concluded that the development triggers the Biodiversity Offsets Scheme under the *Biodiversity Conservation Act 2016* due to the area clearing threshold for native vegetation, largely due to the requirement of implementing an Inner Protection Area for bushfire risk management. A review was undertaken of the Streamlined BDAR in line with the "Guidance for local government on undertaking a critical review of a Biodiversity Development Assessment Report" (DCCEEW, 2024). Conditions of development consent have been imposed to protect adjoining bushland, to ensure the VMP is commenced and to retire the biodiversity credits as specified in the BDAR.

Bushfire

The site is mapped as being located on bushfire prone land, as shown in Figure 8.

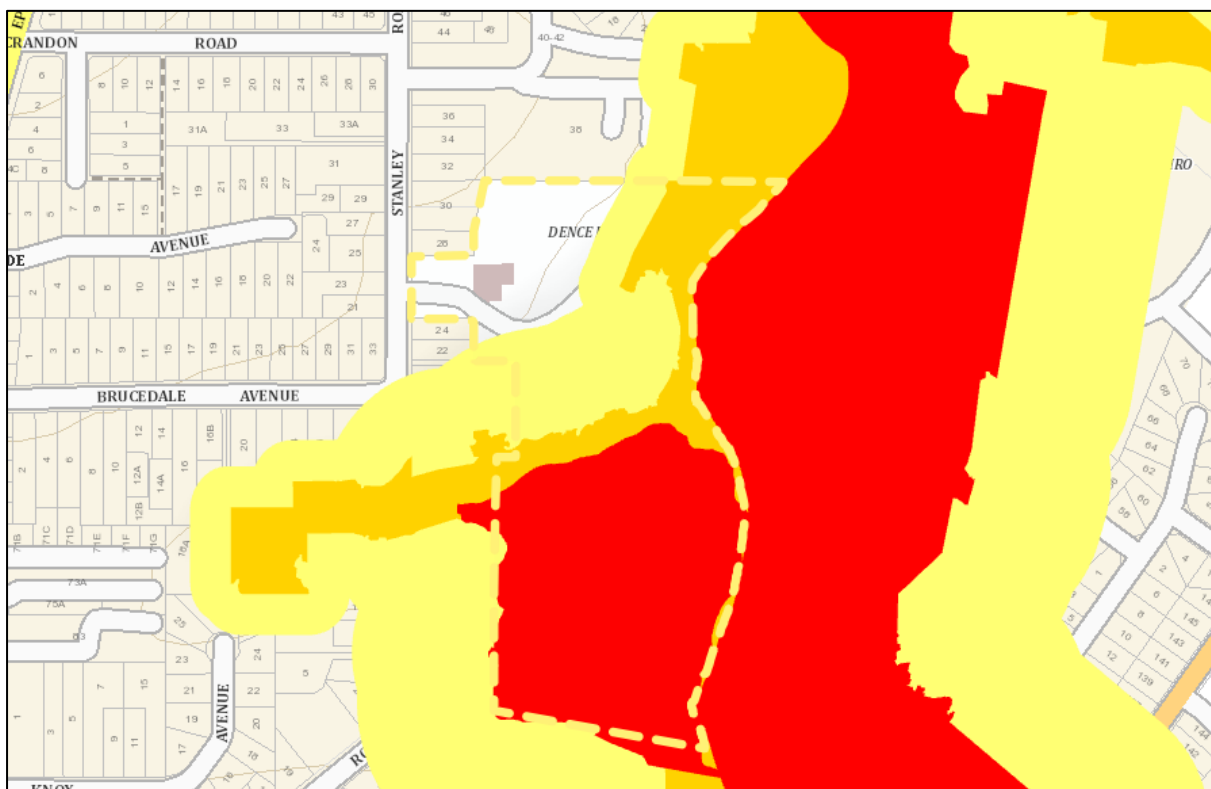


Figure 8: Bushfire affectation of site (NSW Planning Portal Spatial Viewer)

The application has been externally referred to the NSW RFS for consideration. NSW RFS have raised no objections to the proposal and have provided conditions of development consent relating to Asset Protection Zones (APZ), construction standards, access-internal roads, water and utility services, and emergency and evacuation planning.

5. Background

The site is located within Dence Park, Epping and is subject to the Dence Park Master Plan. Dence Park is identified as having the potential to become a key recreational park within a natural setting through expanding the current use of the site and delivering an improved overall design.

The Dence Park Master Plan was endorsed by Council in 2019, with the Dence Park Masterplan Implementation Plan being endorsed in 2020. The proposed alterations and additions are considered to be generally consistent with the concept masterplan. The proposal satisfies the key masterplan objectives, including significantly improving the existing facilities, accessibility upgrades, improvement to general connectivity and wayfinding, whilst preserving the natural bushland setting and heritage significance of the site.

The subject site is identified as being an item of local heritage significance, listed as Dence Park, Item No: I137 in PLEP 2023. The significance of the site relates to its conservation of remnant bushland, cultural planning from c1910 and pool facilities and associated landscaping from the 1950's/60's period. The site was formerly owned by industrialist John Dence and later sold to Hornsby Council as a memorial swimming pool.

The site also accommodates the Epping Creative Arts Centre, which was originally a house called the 'Everglades' built in the 1890's. Little original fabric remains, with heavy modifications made for use as a restaurant in the 1950s and later the Creative Centre (2000s). Some of the form and a single chimney can be seen from the rear and appear to be the only elements from the original house still visible.

6. The Proposal

The proposal includes alterations and additions to the Epping Aquatic Centre (Dence Park) including refurbishment of the existing 50m outdoor swimming pool, construction of a new 20m indoor swimming pool, a new grandstand, shade structure, splash pad and wading pool, lift tower, associated amenities, and landscaping works. The proposal also includes the consolidation of lots, tree removal and signage display. No works are proposed within Zone C2 – Environmental Conservation portion of the site. The proposal will include specifically the following:

Consolidation of Lots

- Consolidation of four (4) lots to create one lot with a total site area of 3.55ha

Demolition works include:

- Existing walkway to be demolished for new egress path
- Existing line marking for accessible parking to be removed to allow for bin storage
- Existing toddler pool to be removed and infilled. Removal of shade structure over.
- Existing bus shelter to be demolished
- Existing stairs to be replaced for new egress stairs
- Removal of existing concourse and construction of new concourse
- Driveway to be demolished to allow for new footpath and landscape
- Existing above ground pool to be removed and infilled. Removal of enclosure.
- Existing chemical shed to be decommissioned and removed
- Removal of pool plant fencing and shed
- Paving/retaining walls to be demolished and reinstated as part of new works
- Existing landing to be demolished

- Existing facility building to be demolished
- Existing concourse to be partially demolished and replaced for the installation of new pipework and construction of balance tank
- Portion of existing brick retaining wall to be demolished for the construction of new pool hall
- Existing concourse and asphalt platform to be demolished for the excavation and construction of new pool hall
- Portion of existing fencing to be demolished for the construction of new pool hall
- Removal of above ground water tank including all redundant pipe works

New Works include:

- Covered walkway to carpark

Ground Level

- New toddler pool – Provide new wading pool beach entry to 700mm deep with new gutters, finished and shading structure over
- Existing 50m outdoor pool to be retained
- 2x group changeroom
- Storeroom
- New grass mound area
- New Grandstand with five (5) wheelchair spectator seatings
- New 20m indoor pool
- Pool store with service lift
- First aid
- Service lift
- Reception
- Stair tower and access lift
- Male changeroom
- Female changeroom
- Male toilet
- Female toilet
- Male shower
- Female shower
- Family change room
- Pump room with service lift
- 20m pool balance tank
- Accessible carpark

Upper-Level Floor Plan

- Stair tower and access lift
- Admin office
- Kitchen
- Change room
- Accessible toilet
- Meeting/club room
- Services plant
- Aquatic plant
- Service lift
- Heat pump

Signage

- Changeroom signage
- Toddler pool signage
- Relocation and reinstatement of existing commemorative opening plaque in line
- Building signage from building entrance
- Directional signage
- Building signage.

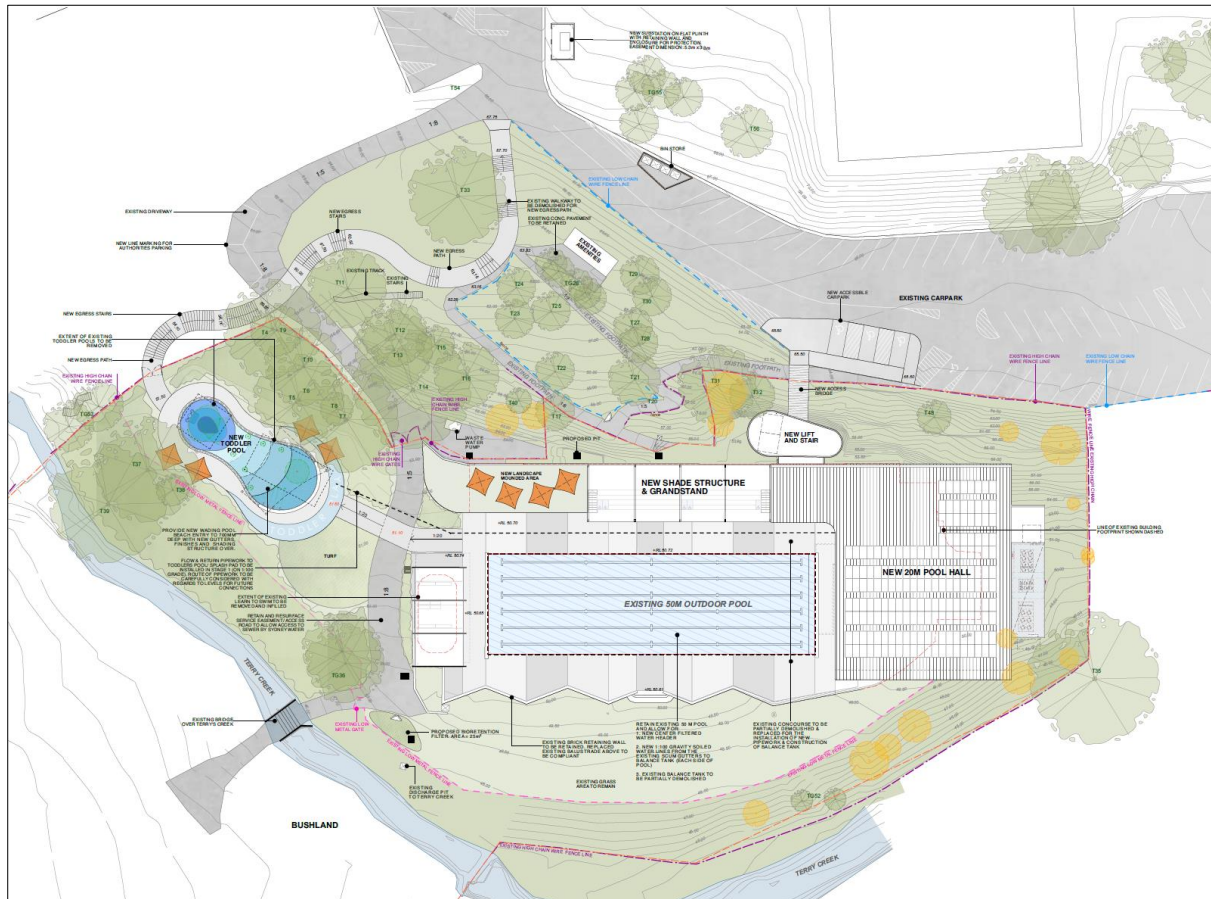


Figure 9: Site Plan of subject site (Source: Brewster Hjorth Architects)

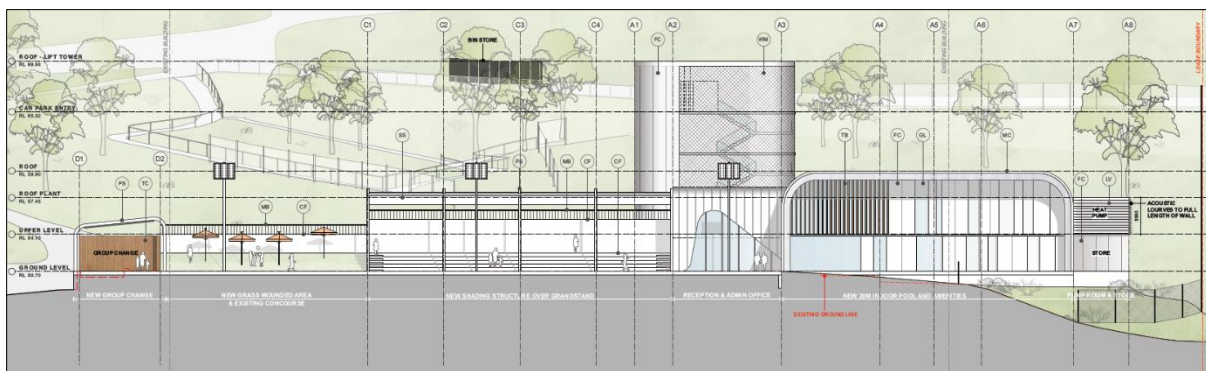


Figure 10: Eastern elevation of proposed works (Source: Brewster Hjorth Architects)



Figure 11: Photomontage of proposed works looking north-west (Source: Brewster Hjorth Architects)



Figure 12: Photomontage of 20m indoor pool (Source: Brewster Hjorth Architects)

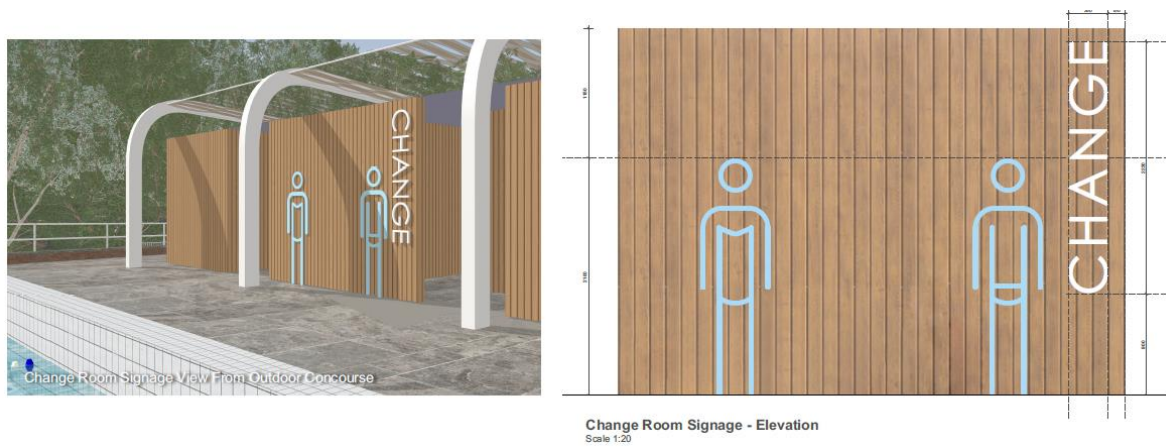


Figure 13: Proposed signage to changeroom (Source: *Brewster Hjorth Architects*)

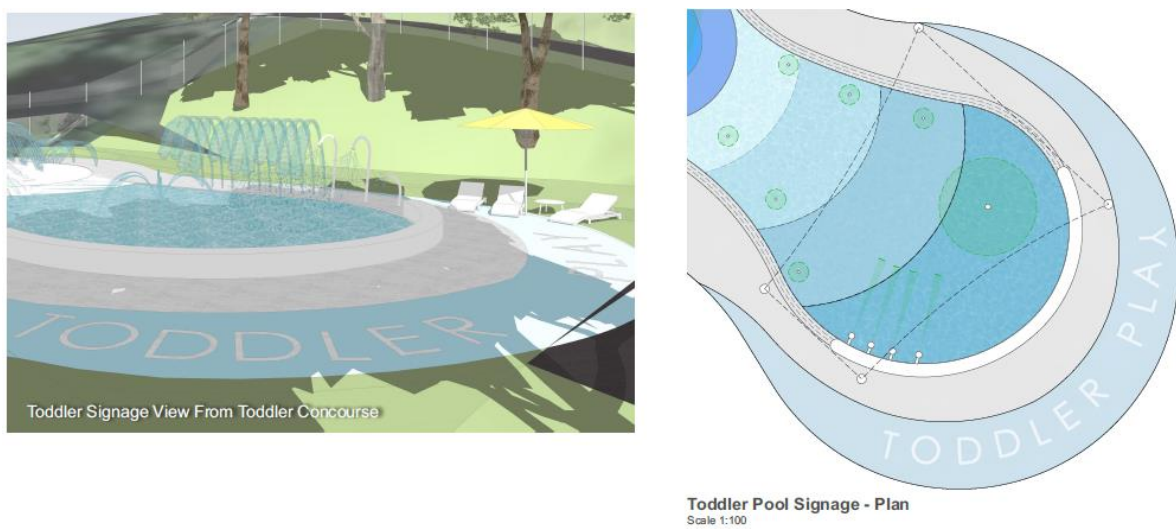


Figure 14: Proposed signage to toddler play area (Source: *Brewster Hjorth Architects*)

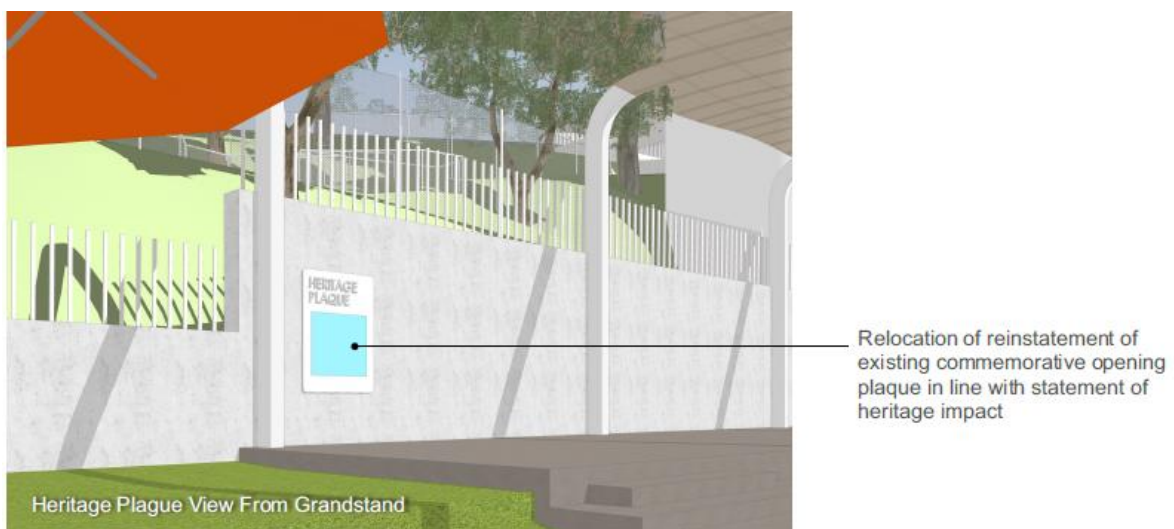


Figure 15: Existing relocated Heritage Plaque (Source: *Brewster Hjorth Architects*)

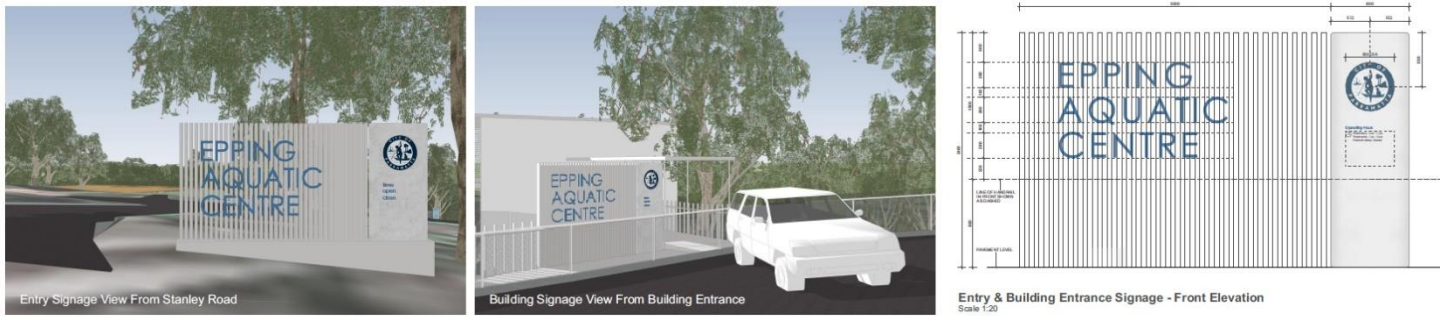


Figure 16: Proposed signage to entry of site and building entrance (Source: Brewster Hjorth Architects)



Figure 17: Proposed directional signage (Source: Brewster Hjorth Architects)



Figure 18: Proposed building signage (Source: Brewster Hjorth Architects)

Staging of Development

The development is proposed to be undertaken in 3 main stages, primarily due to the fact that additional funding will need to be sought in order to deliver all components of the development, whilst ensuring the facility will meet access provisions. The proposed staging strategy will split the project into the following 3 stages:

- Stage 1 – main building works, including access and egress
- Stage 2 – Toddler Pool area
- Stage 3 – Ancillary Building change rooms and showers

Design Scheme

The Design Statement submitted with the application, prepared by Brewster Hjorth Architects, provides details regarding the proposed plan and form for the development and notes the following:

- *The proposed exterior looks to create a singular form sympathetic to its setting with a sweeping curved roof that opens to southward views from the site. Its distinctive design, although pronounced, integrates harmoniously into the site's landscape. The design incorporates a combination of lightweight structure and metal cladding, with the roof sheeting extending down the sides of the pool hall, providing a single form in contrast to the bushland surrounds. The structural form ensures clear, unobstructed spans across the expansive 20m indoor pool area, enhancing visibility throughout the facility.*
- *Adding to the facility's unique appearance is the newly integrated stair/lift tower. This tower complements the curved roof of the indoor pool hall and enhances the leisure centre's entry experience from the car carpark. It provides direct access from the carpark to the main foyer, providing accessible access to the entire facility at a single level.*
- *The main foyer connects to the base of the lift tower, where visitors are greeted by the reception. The retail area is conveniently situated nearby as is the cafe/ kiosk integrated with reception. The main foyer functions as a secure entry point, controlling access to the indoor pool hall and external concourse. The retail area facilitates the sale of merchandise and aquatic-related items. An airlock at the pool hall entrance ensures serves to separate the chlorinated aquatic environment from the reception area. The amenities, which include change rooms, restrooms, showers, and accessible bathrooms, are strategically positioned for ease of use. The airlock offers a dry entry to the pool hall while the amenity space provides wet entry.*
- *The new indoor pool hall is located adjacent to the existing 50m pool. The location help provides visual connection to the 50m pool at the south and bushland views to the east. It also allows easy access between facilities for patrons, which is facilitated by openings to the pool hall between the two main water bodies.*
- *Ancillary support spaces are located to the north of the pool hall include pool storage, first aid with access via lift to the lower aquatic pump room and upper heat pump area which is located at the high level to assist with noise and air discharge away from patron area.*
- *Adjacent to the plant rooms are the staff office and staff amenities that can accommodate up to 8 staff members. A meeting room/ club room is proposed to provide convenience for meetings, training, gatherings and club activities, and offers direct access from the lift tower.*

- *The upper level primarily houses operational equipment and service plants for the indoor/outdoor pools. An additional service lift provides ease of access to the aquatic plant and equipment, for activities such as manual handling and chemical transportation, and is separated from patron areas. Mechanical reticulation is positioned beneath the pool concourse, ensuring that service infrastructure is well organised and hidden from view, preserving the facility's aesthetics and protecting it from the corrosive pool environment. Acoustic wall is placed to the perimeter of the plant rooms to ensure noises is contained within.*
- *To the west of the existing 50m pool, a new grandstand with wheelchair seating and a lightweight tensile shading structure allows adequate seating for carnivals and spectator seating with more informal seating on the grass areas to the south. Additionally, group change rooms and extra pool storage facilities are situated south of the 50m outdoor pool to provide additional facilities in close proximity to the outdoor aquatic spaces without having to access the indoor pool hall.*
- *The refurbishment of the current toddler pool area presents an exciting opportunity to create a vibrant aquatic space for various activities. This includes transforming the toddler pool into a splash pad, equipped with interactive elements like the tipping bucket and an anti-slip floor mat for safety. Next to the splash pad, a new wading pool offers water features like water umbrellas, jets, water cannons, and a beach entry. These outdoor spaces are surround by landscape and seating to provide areas of sun bathing and picnic within the facility.*
- *Considering the corrosive nature of the pool environment, it is essential to prioritise materials and structural elements that can withstand such condition while also adhering to design considerations. To address this, the internal exposed steel members of the indoor pool hall are painted and treated to resist the high level corrosive environment. The purlins that span between the primary steel portals are made of timber, which is not only corrosion resistance and also complements the cladding surrounding the program pool. Furthermore, the pool concourse and amenities will feature epoxy finish to the concrete floors to ensure slip resistance to wet areas around the concourse.*
- *The design and form of the aquatic centre aim to provide a harmonious blend of functionality, aesthetics, and durability. The building form has been designed to create a facility that not only complements its natural surroundings but also enhances the experience for visitors, participants, and patrons. The integration of innovative design elements, structural considerations, and a focus on safety and accessibility maintain the current cultural significance to the existing patrons and provide a new facility for the community.*

The application was referred to Council's City Design Officer who has no objections to the proposal, subject to the imposition of conditions of development consent.

7. Permissibility

The site is located on land within Zone RE1 – Public Recreation, Zone C2 – Environmental Conservation and Zone W1 – Natural Waterways in accordance with the PLEP 2013. The proposed development is described in two parts; firstly, as the alterations and additions to the existing 'recreation facility (outdoor)', and the inclusion of the indoor swimming pool, which fits the land use definition of a 'recreation facility (indoor)', both of which are a permissible form of development with consent in Zone RE1 as per the PLEP 2023.

Recreation facilities (both indoor and outdoor) are not a permissible use in the W1 – Natural Waterways zone. However, the proposal can be considered under Section 4.56 and 4.66 of

the EP&A Act 1979 and Clause 162-164 of the Environmental Planning and Assessment Regulations 2021.

The legal advice, as discussed in Section 3.7 of this report, concludes:

- a. The aquatic centre has continued to be used from the date it was constructed, and
- b. The use of the site was carried out in accordance with the terms of its likely approval.

The proposal is considered to satisfy the criteria under Clause 4.56 and 4.66 of the EP&A Act 1979, establishing a lawful use of the site. The use may be expanded in accordance with the proposed plans.

Refer to detailed discussion in Section 3.7 of this report.

8. Public Notification

Notification Period:	22 January 2024 to 20 February 2024
Submissions received:	3 submissions
Issues raised in submissions:	During the notification period three (3) submissions were received, with varying positive comments and concerns relating to car parking and the reactivation of The Active Van Aqua Program. The submissions are discussed in further detail in Attachment A .

9. Referrals

Any matters arising from internal/external referrals not dealt with by conditions	No
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10. Environmental Planning and Assessment Act 1979

Does Section 1.7 (Significant effect on threatened species) apply?	No
Does Section 4.10 (Designated Development) apply?	No
Does Section 4.46 (Integrated Development) apply?	No
Are submission requirements within the Regulations satisfied?	Yes

11. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	A detailed assessment is provided at Attachment A .
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12. Parramatta Local Environmental Plan 2023

The following table is a summary assessment against Parramatta LEP 2023. A detailed evaluation is provided at **Attachment A**.

LEP Section	Comment or Non-Compliances
Land Use Zone	<ul style="list-style-type: none"> • RE1 – Public Recreation • W1 – Natural Waterways • C2 – Environmental Conservation
Definition	<ul style="list-style-type: none"> • 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).
Part 2 - Permitted or prohibited development	<ul style="list-style-type: none"> • Recreation facilities (indoor) and recreation facilities (outdoor) are permissible with consent in the RE1 – Public Recreation zone and prohibited in the W1 – Natural Waterways zone. <p>The site is considered to benefit from existing use rights. This is discussed in detail in Section 3.7 of this report.</p>
Part 3 - Exempt and complying development	<ul style="list-style-type: none"> • Not Applicable
Part 4 - Principal development standards	<ul style="list-style-type: none"> • No minimum lot size, maximum height or FSR are applicable to the site.
Part 5 - Miscellaneous provisions	<ul style="list-style-type: none"> • Clause 5.10 Heritage Conservation – The subject site is identified as being an item of local heritage significance, identified as Dence Park, Item No: I137. <p>The application is supported by a Heritage Impact Statement prepared by: EMM Consulting, dated: 21 December 2023. Recommendations have been</p>

	<p>provided which will form part of the conditions of development consent. Additionally, the application is supported by an Aboriginal Cultural Heritage Due Diligence Report prepared by: EMM Consulting, dated: 21 December 2023. The report concludes that the area proposed for the development has low archaeological sensitivity and it is not expected that Aboriginal objects will be present within the area proposed for development.</p> <p>The application was referred to Councils Heritage Officer who has raised no objections to the proposal, subject to conditions of development consent.</p>
Part 6 - Additional local provisions	<ul style="list-style-type: none"> • Clause 6.1 Acid Sulfate Soils – not applicable • Clause 6.2 Earthworks - The proposal includes earthworks and has been assessed against the relevant matters set out in this clause. The proposed earthworks are considered to be acceptable and appropriate mitigation measures have been included in minimise adverse impacts. • Clause 6.3 Flood Planning – not applicable • Clause 6.3 Biodiversity – the site is mapped as containing biodiversity values. The proposal has been assessed against the relevant matters set out in this clause. The proposed works are considered to be acceptable and mitigation measures will be conditioned to minimise adverse impacts. • Clause 6.4 Riparian lands and Waterways -
Part 7 - Additional local provisions—Parramatta City Centre	<ul style="list-style-type: none"> • Not Applicable
Part 8 - Additional local provisions—Carter Street Precinct	<ul style="list-style-type: none"> • Not Applicable
Part 9 - Additional local provisions—Melrose Park Precinct	<ul style="list-style-type: none"> • Not Applicable

13. Parramatta Development Control Plan 2023

The proposal is generally consistent with the terms of PDCP 2023. A detailed evaluation is provided at **Attachment A**.

14. Response to Panel Kick-Off Briefing Minutes

Not Applicable – No kick-off meeting held.

15. Conclusion

The application has been assessed relative to Section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant State and local planning controls. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, approval of the development application is recommended.

16. Recommendation

That the Sydney Central City Planning Panel approve the application DA/764/2023 subject to the conditions contained within **Attachment B** of the Assessment Report.

ATTACHMENT A - PLANNING ASSESSMENT

SCCPP Reference:	PPSSCC-515
DA No:	DA/764/2023 PAN-400816
Address:	26X Stanley Road – Epping

1. Overview

This Attachment assesses the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, as noted in the table below:

1.1 Matters for consideration

Provision	Comment
Section 4.15 (1)(a)(i) - Environmental planning instruments	Refer to Section 3 below
Section 4.15 (1)(a)(ii) - Draft planning instruments	Not applicable
Section 4.15 (1)(a)(iii) - Development control plans	Refer to Section 4 below
Section 4.15 (1)(a)(iiia) - Planning agreements	Refer to Section 6 below
Section 4.15 (1)(a)(iv) - The regulations	Refer to Section 7 below
Section 4.15 (1)(a)(v) - <i>Repealed</i>	Not applicable
Section 4.15 (1)(b) - Likely impacts	Refer to Sections 3-8 below
Section 4.15 (1)(c) - Site suitability	Refer to Section 9 below
Section 4.15 (1)(d) - Submissions	Refer to Section 10 below
Section 4.15 (1)(e) - The public interest	Refer to Section 10 below

1.2 Referrals

The following external and internal referrals were undertaken:

External Referrals	
Ausgrid	No objections. Development must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practise for construction works near existing electrical assets.
NSW RFS	No objections, subject to conditions of consent.
Sydney Water	No objections, subject to conditions of consent.
Department of Planning and Environment – Water	The application is not identified as Integrated Development under Section 4.47 of the EP&A Act. The Department of Planning and Environment – Water has reviewed the application and considers that for the purposes of the Water Management Act 2000, the proposed works are exempt from the need to obtain a controlled activity approval and that no further assessment is required in this instance. The exemption is identified as Water Management (General) Regulations 2018 s41 – Works undertaken by public authorities.
Internal Referrals	
Parks and Recreation Officer	No objections.
Landscape Tree Management Officer	No objections, subject to conditions of consent.
Biodiversity Protection Officer	The development triggers the BOS under the BC Act 2016 due to the area clearing threshold for native vegetation, largely due

	to the requirement of implementing an Inner Protection Area. A review was undertaken of the BDAR in line with the “Guidance for local government on undertaking a critical review of a Biodiversity Development Assessment Report” (DCCEEW, 2024). Conditions of development consent have been imposed to protect adjoining bushland, to ensure the VMP is commenced and to retire the biodiversity credits as specified in the BDAR.
Fire Safety	No objections, no additional conditions of consent.
Universal Access	No objections, no additional conditions of consent.
Environmental Health – Contamination	No objections, subject to conditions of consent.
Environmental Health – Acoustic	The proposal satisfies the requirements of Council’s controls and is supported, subject to standard conditions of consent.
Environmental Health – Waste Management	The proposal satisfies the requirements of Council’s controls and is supported, subject to standard conditions of consent.
Environmental Health - Compliance	No objections, subject to conditions of consent.
Engineering	The proposal satisfies the requirements of Council’s controls and is supported, subject to standard and/or special conditions of consent.
Environmentally Sustainable Design	No objections, subject to conditions of consent.
Heritage	No objections, subject to conditions of consent.
Traffic	Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on the surrounding road network. The proposal can be supported on traffic and parking grounds subject to conditions.
City Design	No objections, subject to conditions of consent.
CPTED	No objections, subject to recommendations in the CPTED Report which form part of the conditions of consent.

2. Environmental Planning & Assessment Act 1979 (EPA Act)

2.1 Integrated Development

Although the proposal contains works within the W1 zoned land, the application is not identified as Integrated Development under Section 4.47 of the EP&A Act. The Department of Planning and Environment – Water has reviewed the application and considers that for the purposes of the Water Management Act 200, the proposed works are exempt from the need to obtain a controlled activity approval and that no further assessment is required in this instance. The exemption is identified as Water Management (General) Regulations 2018 s41 – Works undertaken by public authorities.

3. Environmental Planning Instruments

3.1 SEPP (PLANNING SYSTEMS) 2021

Clause 2.19 Declaration of regionally significant development

The development is for a Council related development which has a capital investment value greater than \$5 million. This application is captured by Part 2.4 of this policy which provides that the Sydney Central City Planning Panel is the determining authority for this application.

3.2 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

Chapter 3.1(1)(b) applies to this development:

3.1 Application of Chapter

(1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—

(a) the erection of a new building, if the development has an estimated development cost of \$5 million or more, or

(b) alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more.

3.2 Development consent for non-residential development

(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—

(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,

The application is supported by an Operational Waste Management Plan prepared by: EF Consulting, dated: 09/01/2024, which outlines several waste minimisation recommendations and requirements, outlining practises and procedures to ensure successful and sustainable waste operations. Additionally, the application is supported by an Ecologically Sustainable Development Report (ESD) prepared by: JHA Services, dated: 20/03/24, which outlines strategies for minimising waste generation, maximising material re-use, and recycling, reprocessing and reducing the volume of materials.

(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,

(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,

The supporting ESD Report includes various initiatives to reduce peak demand for electricity and the reliance on artificial lighting, mechanical heating and cooling through passive design, including:

- A high-efficiency air-cooled heat rejection system
- Energy efficient LED lighting with suitable timer controls and/or daylight/occupancy sensors as appropriate.
- Energy efficient pool heating as well as pool cover to reduce energy usage.
- Appropriate insulation and a light-coloured roof will be provided.
- High thermal performance glazing system.
- Appropriate combination of external shading devices (eaves etc.) and glazing location to maximise natural daylight and winter heat gains while minimising unwanted heat gains in summer.

(d) the generation and storage of renewable energy,

The supporting ESD Report outlines 99kW PV proposed in covering 57% of the roof area.

(e) *the metering and monitoring of energy consumption,*

The supporting ESD Report outlines sub-metering to be provided to enable individual time-of-use energy data recording of the on-site renewable energy equipment and on-site electric vehicle charging equipment. The sub-meters required will be interlinked by a communication system that collates the time-of-use energy data to single interface monitoring system where it can be stored, analysed and reviewed.

(f) *the minimisation of the consumption of potable water.*

The supporting ESD Report outlines initiatives for the minimisation of consumption of potable water, including:

- Installation of water-efficient fixtures and fittings meeting the minimum WELS Rating as nominated.
- Capturing rainwater for reuse in landscape irrigation and/or toilet flushing.
- Stormwater management plan including water-sensitive urban design (WSUD)
- Use of air-cooled heat rejection systems as opposed to water-based heat rejection

(2) *Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.*

The application is supported by an Embodied Emissions Materials Form prepared by: Blue Stone Management. The application was referred to Council's external ESD consultant who has raised no objections to the proposal, subject to conditions of consent.

3.3 SEPP (BIODIVERSITY AND CONSERVATION) 2021

SEPP Section	Comment
Chapter 2 Vegetation in non-rural areas	<p>The State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the site. The aims of the plan are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of the non-rural areas of the State through the preservation of trees and other vegetation.</p> <p>The site is mapped as containing biodiversity values, including native vegetation, and riparian land identified as Terrys Creek. The application is supported by Flora and Fauna Assessment Report prepared by: Narla Environmental, dated: April 2024. The report concludes that the proposed development is located in an area with existing infrastructure and vegetation that has been historically disturbed, including noticeable weed infestations throughout the site. The plan incorporates the use of existing driveways and infrastructure, including the refurbishment of the toddler pool area and the repurposing of existing paths and accessways. Due to the requirement for an Asset Protection Zone (APZ) for the development, it was unavoidable to impact some areas of remnant vegetation. However, substantial areas of remnant vegetation will be preserved within the larger property.</p> <p>It is not anticipated that the proposed development will significantly impact any threatened flora or fauna, provided</p>

	<p>that the impact mitigation measures outlined in the report are implemented. These measures aim to reduce impacts to native vegetation and fauna wherever possible. Additionally, the proposed development includes the clearing of native and exotic vegetation. Where possible, remnant vegetation has been retained. A majority of the proposed impacts are associated within the implementation of an APZ, however, most vegetation within the site is in low condition due to weed invasion. As such, impacts to biodiversity are expected to be minimal as part of the Proposed Development. The riparian land will be subject to APZ maintenance as part of the proposed development. A Vegetation Management Plan (VMP) will be implemented to ensure the overall improvement of waterway health. The application is supported by a Streamlined Biodiversity Development Assessment prepared by: Narla Environmental, dated: May 2024, which concludes the follows:</p> <ul style="list-style-type: none"> - No prescribed impacts on threatened entities associated with the proposed development. - Due to the disturbed and exotic dominated vegetation within the subject land, it is considered unlikely that flora, fauna and their habitats will be significantly impacted by the proposed development. - A VMP will be implemented to ensure that the existing environment and its ecological processes will be protected and enhanced. - Although public bushland will be impacted by the proposed development, a VMP will be implemented to ensure the existing environment and recreational area is retained and improved. - Due to the disturbed and exotic dominated vegetation within the subject land, it is unlikely riparian habitats and ecological processes will be significantly impacted by the proposed development. A VMP has been prepared and will be implemented to ensure the stability of banks of the waterway are retained and that the ecological processes are enhanced. - No candidate species credit. <p>The application is supported by VMP prepared by Narla Environmental, dated: March 2024.</p> <p>Finally, the application was referred to Councils Biodiversity Planning Officer who has concluded that the development triggers the BOS under the BC Act 2016 due to the area clearing threshold for native vegetation, largely due to the requirement of implementing an Inner Protection Area. A review was undertaken of the BDAR in line with the "Guidance for local government on undertaking a critical review of a Biodiversity Development Assessment Report" (DCCEEW, 2024). Conditions of development consent have been imposed to protect adjoining bushland, to ensure the VMP is commenced and to retire the biodiversity credits as specified in the BDAR.</p>
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Chapter 6 Water Catchment	<p>The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the SEPP. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.</p> <p>Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal, and any matters of general relevance (erosion control, etc) are able to be managed by conditions of consent.</p> <p>Refer to Chapter 6 Water Catchments table below.</p>
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Chapter 6 Water Catchment

Chapter 6 Water Catchments		
Clause	Requirement	Proposal
Division 2 Controls on development generally		
6.6 Water quality and quantity	<p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,</p> <p>(b) whether the development will have an adverse impact on water flow in a natural waterbody,</p> <p>(c) whether the development will increase the amount of stormwater run-off from a site,</p> <p>(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,</p> <p>(e) the impact of the development on the level and quality of the water table,</p> <p>(f) the cumulative environmental impact of the development on the regulated catchment,</p> <p>(g) whether the development makes adequate provision to protect the quality and quantity of ground water.</p> <p>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—</p> <p>(a) the effect on the quality of water entering a natural waterbody will be as</p>	<p>The proposed development is not considered to have any material reduction in water quality or quantity from the site. The application was referred to Councils Development engineer who has provided relevant conditions relating to erosion control and effective stormwater management and drainage. As the site already accommodates for a recreational use, the proposed alterations and additions will not make detrimental changes.</p>

Chapter 6 Water Catchments		
	close as possible to neutral or beneficial, and (b) the impact on water flow in a natural waterbody will be minimised.	
6.7 Aquatic ecology	<p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,</p> <p>(b) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require—</p> <p>(i) a controlled activity approval under the <i>Water Management Act 2000</i>, or</p> <p>(ii) a permit under the <i>Fisheries Management Act 1994</i>,</p> <p>(c) whether the development will minimise or avoid—</p> <p>(i) the erosion of land abutting a natural waterbody, or</p> <p>(ii) the sedimentation of a natural waterbody,</p> <p>(d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,</p> <p>(e) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology,</p> <p>(f) if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.</p>	<p>The proposed alterations and additions are sufficiently separated from Terry Creek and will not have any adverse impact to the aquatic ecology of the Sydney Harbour catchment. The proposal will include appropriate mitigation measures during construction and operation. Conditions of development consent to be imposed.</p>
	<p>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—</p> <p>(a) the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,</p> <p>(b) the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,</p>	<p>The proposed alterations and additions include an increase in built area for recreational use. The expansion of the existing recreation area is not considered to create significant environmental impacts beyond the boundaries of the development area and to the terrestrial, aquatic or migratory animals or vegetation. The application has been internally referred to Council's</p>

Chapter 6 Water Catchments		
	<p>(c) if a controlled activity approval under the <u>Water Management Act 2000</u> or a permit under the <u>Fisheries Management Act 1994</u> is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained,</p> <p>(d) the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,</p> <p>(e) the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.</p>	<p>Development engineer and Biodiversity Officer. No objections have been raised and conditions of development consent have been imposed.</p> <p>A controlled activity approval is not required for the proposed development.</p>
6.8 Flooding	<p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.</p> <p>(2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not—</p> <p>(a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or</p> <p>(b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.</p>	<p>The application is supported by a Flood Emergency Response Plan prepared by: TTW, dated: 4 December 2023, which details that a portion to the north-east of the site is identified as flood prone land. The proposed works, however, do not lie within the flood extents of any event. The extreme north-east corner of the site is located within the 1% AEP flood event and PMF extents. The proposed floor levels for the lower levels of the site are in excess of the required flood levels. The proposed design includes piling, forming columns above ground and suspending the pool concourse in the north-eastern corner. This ensures that all floor levels will be above the flood level and not prone to flood forces.</p> <p>The proposed works will not result in the release of pollutants that may have an adverse impact on the water quality of any natural waterbody, and will not have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.</p> <p>The application was referred to Council's Development</p>

Chapter 6 Water Catchments		
		Engineer who has raised no objections to the proposal, subject to conditions of consent.
6.9 Recreation and public access	<p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider—</p> <p>(a) the likely impact of the development on recreational land uses in the regulated catchment, and</p> <p>(b) whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.</p> <p>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—</p> <p>(a) the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation,</p> <p>(b) new or existing points of public access between natural waterbodies and the site of the development will be stable and safe,</p> <p>(c) if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded.</p> <p>(3) This section does not apply to development on land in a regulated catchment if the land is in a special area under the <i>Water NSW Act 2014</i>.</p>	<p>The site allows for public access to the recreation facility. The proposal does not include any public access to the foreshore area or activities linked to the recreational use of the creek including fishing, swimming or boating. The proposal does not include any access to or use of the foreshore area link to any natural waterbodies, watercourses, wetlands or riparian vegetation.</p>
6.10 Total catchment management	In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact.	The proposal has been referred to various internal departments within Council, including Development Engineering and Councils Biodiversity Officer. No objections have been raised within any of these referrals, and conditions of development consent have been provided.

Chapter 6 Water Catchments		
		The proposal is not considered to have adverse downstream impacts and consultation with adjoining Councils is not considered warranted.

3.4 SEPP (INDUSTRY AND EMPLOYMENT) 2021

SEPP Section	Comment
Chapter 3 Advertising and signage	<p>Signage is proposed as part of this application and includes the following:</p> <ul style="list-style-type: none"> - Changeroom signage - Toddler pool signage - Relocation and reinstatement of existing commemorative opening plaque in line - Building signage from building entrance - Directional signage - Building signage <p>The relevant matters to be considered under Chapter 3 of the SEPP for the proposed development are outlined in the table below.</p>

Assessment Criteria

Consideration	Comment	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The subject site is located within area characterised by residential developments. The proposed signage is considered to be subtle, high quality and appropriate to its location and purpose. It is consistent with the character of the area and the existing aquatic centre facility.	Complies
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme to signage within the area of locality.	N/A
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways,	The proposed signage is not considered to detract from the heritage significance of the site or create detrimental impacts to the sites environmental sensitivity, open space areas, waterway landscape, or the amenity or visual quality of the area. The proposed signage is considered to be suitable for the site and the existing aquatic centre facility.	Complies

rural landscapes or residential areas?		
3 Views and vistas		
Does the proposal obscure or compromise important views?	The proposed signage will not obscure or compromise any significant views.	Complies
Does the proposal dominate the skyline and reduce the quality of vistas?	Due to the sites topography, the proposed signage is not considered to dominate the skyline and reduce the quality of vistas.	Complies
Does the proposal respect the viewing rights of other advertisers?	The proposed signage will not compromise the viewing rights of other advertisers.	Complies
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale and proportion of the proposed signage is considered to be appropriate for the existing aquatic centre facility. The proposed signage is considered to be of a scale, proportion and form that is appropriate for the streetscape and setting.	Complies
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage serves the purpose of way finding and identifying the facility and different facilities of the site. The proposed signage is considered to add visual interest to the facility.	Complies
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage replaces existing signage in a clean and concise manner.	Complies
Does the proposal screen unsightliness?	No unsightliness is required to be screened.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above buildings, structure or tree canopies.	Complies
Does the proposal require ongoing vegetation management?	Ongoing vegetation management is not required as a result of the proposed signage.	N/A
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The scale and proportion of the proposed signage is considered to be appropriate for the characteristics of the existing aquatic centre facility.	Complies
Does the proposal respect important features of the site or building, or both?	The proposed signage is considered to respect the existing natural landscape and built form.	Complies

Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal demonstrates an appropriate level of imagination and innovation.	Complies
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No other associated devices or platforms form part of the signage structure.	N/A
7 Illumination		
Would illumination result in unacceptable glare?	The proposal includes signage which will be illuminated to identify the site from the public domain. The proposed illumination of signs is not considered to result in unacceptable glare.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposed signage is not considered to create detrimental impacts to pedestrian, vehicle or aircraft safety.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed illuminated signs will be sufficiently setback from adjoining residential properties and will be screened by the existing and proposed vegetation. The proposal is not considered to adversely impact upon residential amenity.	Yes
Is the illumination subject to a curfew?	The proposed timing of the illumination will align with the hours of operation of the aquatic facility.	Yes
8 Safety		
Would the proposal reduce the safety for any public road?	The proposed signage will not result in any safety issues, rather will provide for appropriate facility identification and way finding to assist the community in accessing the facility.	Complies
Would the proposal reduce the safety for pedestrians or bicyclists?	The signage will not affect pedestrian or cyclist safety.	Complies
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will not obscure any sightlines from public areas.	Complies

3.5 SEPP (RESILIENCE AND HAZARDS) 2021

SEPP Section	Comment
Chapter 2 Coastal Management	The site is not affected by this map.
Chapter 3 Hazardous and Offensive Development	Not applicable. The application does not involve any hazardous or offensive industries.
Chapter 4 Remediation of Land	<p>Clause 4.6 of this policy requires the consent authority to consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use.</p> <p>The application is supported by a Detailed Site Investigation prepared by: JK Environments, dated: 13 March 2014. The report included a review of existing project information, a site inspection, soil sampling from 12 boreholes, and groundwater sampling from three monitoring wells. The following potential contamination sources were identified at the site: fill material; use of pesticides; and hazardous building materials (former and existing buildings and structures).</p> <p>The report concludes that the site can be made suitable for the proposed development subject to the implementation of the RAP.</p> <p>Supporting documentation includes an Operational Asbestos Management Plan and Remediation Action Plan, prepared by: JK Environments. The Remediation Action Plan has been prepared to outline contingencies for remediation and requirements for pre-remediation. The report recommends:</p> <ul style="list-style-type: none"> • Consolidation and isolation of impacted soil by cap and containment; • Implementation of management strategy; and • Removal of contaminated materials to an appropriate facility and reinstatement with clean material <p>Prior to the commencement of the pre-remediation investigation, the validation consultant is required to prepare a detailed Sampling, Analysis and Quality Plan. The validation consultant is required to confirm whether the investigation has identified a trigger for remediation. If a trigger is identified, the pre-remediation investigation report is to include a discussion and details regarding the extent of remediation and provide an addendum to the RAP specifying/confirming the remediation and validation requirements.</p> <p>In the event that there is a need for remediation that falls outside the scope of this RAP, a new RAP must be prepared and submitted to the client/consent authority, principal contractor and remediation contractor etc (as applicable). The client/consent authority and project manager must then establish the appropriate course of action in relation to any</p>

	<p>additional planning/consent requirements prior to making arrangements to carry out the additional works.</p> <p>The project team must factor the above requirements into the project timeline so that all of the above can be closed out/finalised prior to the commencement of earthworks/construction.</p> <p>The application was referred to Council's Environmental Health Officer who has raised no objections, subject to the imposition of conditions of development consent.</p> <p>Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under Chapter 4 of the SEPP (Resilience and Hazards) 2021. Subject to the implementation of the remediation action plan, the site will be suitable for the proposed development.</p>
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3.6 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

SEPP Section	Comment
Chapter 2 Infrastructure	
Development likely to affect electricity transmission or distribution networks	Based upon the information contained within the submitted survey, the site contains underground telecommunication cables and NBN cables. Ausgrid were notified of the proposed development and have raised no objections to the proposed development. A condition requiring compliance with Ausgrid requirements (including construction within proximity to existing network assets and activities within easements) are included within the Recommendation section of this report.
Frontage to a Classified Road	The site does not have a frontage to a classified road.
Impact of road noise or vibration on non-road development	The site is not for a sensitive land use and is not within land that is in or adjacent to a freeway, tollway or transitway.
Traffic Generating Development	<p>The application is not considered to be a traffic generating development and will not result in more than 200 or more motor vehicle movements per hour.</p> <p>The application is supported by a Traffic Impact Assessment prepared by: TTW, dated: 20/12/2023. The report has provided recommendations which will form part of the conditions of consent. The application was referred to Council's Traffic Engineer who has raised no objections to the proposal, subject to conditions of development consent.</p>

3.7 LOCAL ENVIRONMENTAL PLAN

The relevant matters considered under the PLEP 2023 for the proposed development are outlined below:

Clause 1.2 Aims of Plan

“(1) This Plan aims to make local environmental planning provisions for land in the City of Parramatta in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

(2) The particular aims of this Plan are as follows—

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to protect and enhance the identity, diversity and viability of Parramatta City Centre and recognise its role in the Central River City of the Six Cities Region,*
- (b) to create an integrated, balanced and sustainable environment that contributes to environmental, economic, social and physical wellbeing,*
- (c) to identify, conserve and promote the City of Parramatta’s natural and cultural heritage,*
- (d) to protect and enhance the natural environment, including urban tree canopy cover and areas of remnant bushland,*
- (e) to ensure development occurs in a way that protects, conserves and enhances natural resources, including waterways, riparian land, surface and groundwater quality and flows and dependent ecosystems,*
- (f) to encourage ecologically sustainable development,*
- (g) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by restricting development in sensitive areas,*
- (h) to improve public access along waterways if the access does not adversely impact the natural value of the waterways,*
- (i) to improve public access to, and within, the City of Parramatta and facilitate the use of public transport, walking and cycling,*
- (j) to encourage a range of development to meet the needs of existing and future residents, workers and visitors,*
- (k) to enhance the amenity and characteristics of established residential areas,*
- (l) to retain the predominant role of industrial areas,*
- (m) to ensure development does not detract from the economic viability of commercial centres,*
- (n) to ensure development does not detract from the operation of local or regional road systems.”*

It is considered that the proposed development satisfactorily meets the aims of the plan. The proposed development meets the needs of existing and future residents, workers and visitors whilst maintaining the residential amenity of the area and providing for employment opportunities.

Clause 2.3 Zone objectives and Land Use Table

Permissibility

The site includes land within Zone RE1 – Public Recreation, Zone C2 – Environmental Conservation and Zone W1 – Natural Waterways in accordance with the PLEP 2013. A zoning map is included in Figure 19.

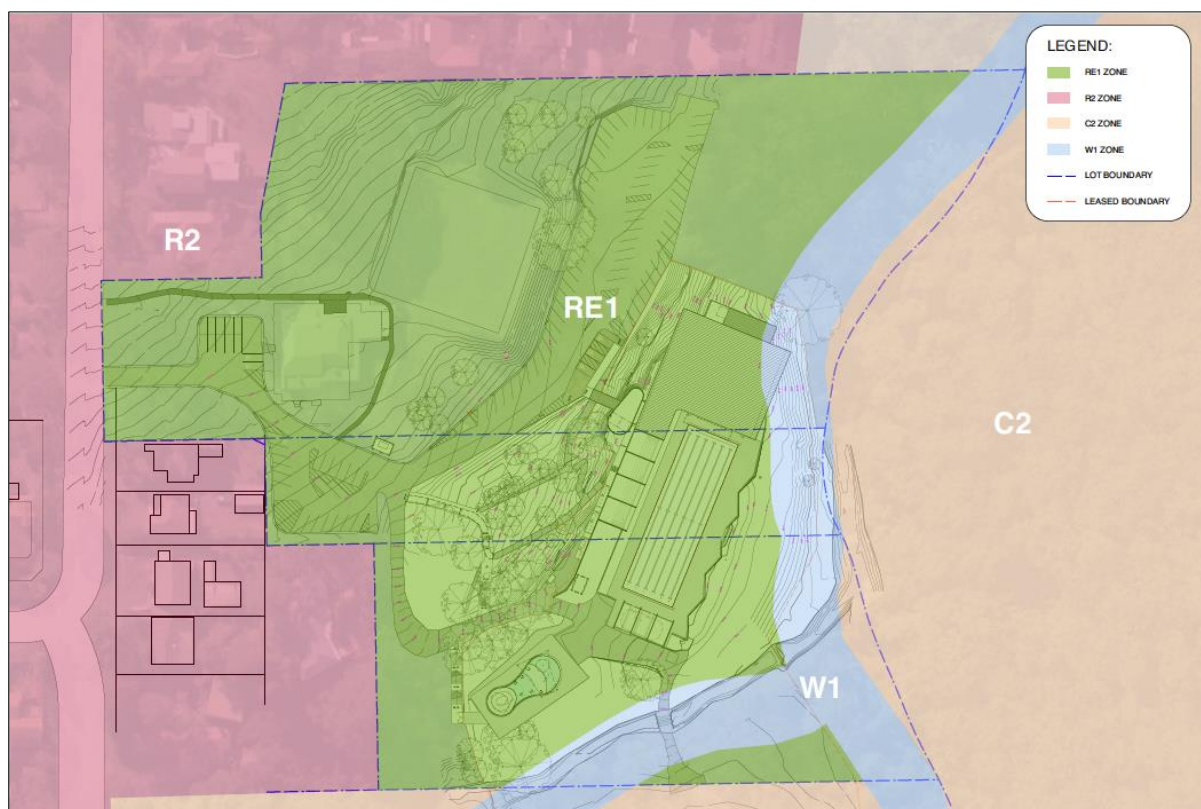


Figure 19: Site plans overlayed with the Land Zoning Map as per PLEP 2013 (Source: SEE prepared by Western Sydney Planning)

No new works are occurring in the Zone C2 – Environmental Conservation and no further consideration is required.

The proposed development is described in two parts; firstly, as the alterations and additions to the existing ‘recreation facility (outdoor)’, which is a permissible form of development with consent in the Zone RE1 as per the PLEP 2023. A recreation facility (outdoor) is defined in PLEP 2023 as:

“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).”

Secondly, the inclusion of the indoor swimming pool fits the land use definition of a ‘recreation facility (indoor)’, which is a permissible form of development with consent in Zone RE1 as per the PLEP 2023. A recreation facility (indoor) is defined as:

“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.”

The proposal includes works for the Recreation facility (outdoor) and Recreation facility (indoor) within the portion of the site in Zone W1 – Natural Waterway which is not permissible within Zone W1 – Natural Waterways. The development application seeks to rely on existing use rights to ensure a lawful and permissible development is continued on that part of the site.

Existing Use Rights

Recreational facilities (outdoor) and Recreational facility (indoor) are prohibited uses in Zone W1 – Natural Waterways. However, the proposal is considered under Section 4.56 and 4.66 of the EP&A Act and Clause 162-164 of the *Environmental Planning and Assessment Regulations 2021*.

Under the provisions of Section 4.56 of the EP&A Act, existing use means:

- (a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and*
- (b) the use of a building, work or land –*
 - (i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and*
 - (ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.*

Establishing Existing Use Rights

The subject site was previously considered under the Hornsby LEP 2013 and was entirely within Zone RE1 – Public Recreation. Pursuant to the Land Use Table for Zone RE1 in Hornsby LEP 2013, recreation facilities (both indoor and outdoor) were a land use permissible with consent.

Following the local government amalgamation process in May 2016, the City of Parramatta LGA was created and includes parts of the former Council areas of Auburn, Holroyd, Hornsby, Parramatta, and The Hills.

The site, which was previously a part of the Hornsby Shire LGA, is now included in the City of Parramatta LGA. A comprehensive LEP review was undertaken resulting in a consolidated LEP (the Parramatta LEP 2023), which came into force on 2 March 2023. Prior to the Parramatta LEP 2023 coming into force, the site was entirely within Zone RE1 – Public Recreation. As a result of this PLEP 2023, a portion of the site was rezoned to W1 Natural Waterways. Recreational facilities (both outdoor and indoor) are prohibited under the W1 – Natural Waterways zone.

It is noted that Council does not have any records of a notice of determination for the Aquatic Centre. In the absence of an existing development consent, evidence was supplied in the Statement of Environmental Effects prepared by Western Sydney Planning with accompanying legal advice to assist with demonstrating existing use rights (EUR) apply to the site. Specifically, legal advice prepared by Bartier Perry Lawyers, the supporting Existing Pool Drawing prepared by Figgis and Jefferson Architects, dated 18/09/1961, and Hornsby Shire Council Property File, have been considered as part of establishing if the site benefits from existing use rights.

Clause 164 of the *Environmental Planning and Assessment Regulation 2021* constitutes the following:

- (1) *Development consent is required for any enlargement, expansion or intensification of an existing use.*
- (2) *The enlargement, expansion or intensification must be —*
 - (a) *for the existing use and for no other use, and*
 - (b) *carried out only on the land on which the existing use was carried out immediately before the relevant day.*

The relevant day is defined under Clause 162 of the *Environmental Planning and Assessment Regulation 2021* as:

relevant day means—

- (a) *in relation to an existing use referred to in the Act, section 4.65(a)—the day on which an environmental planning instrument having the effect of prohibiting the existing use first comes into force, or*
- (b) *in relation to an existing use referred to in the Act, section 4.65(b)—the day on which the building, work or land being used for the existing use was first erected, carried out or used.*

The relevant day which applies to this application is the day on which the Parramatta LEP 2023 came into force, being 2 March 2023.

In order to rely on an existing use, the following must be established:

- (a) Whether the pool/recreation facility was a permissible use under the applicable planning instrument in force prior to the coming into force of the later instrument which has the effect of prohibiting that use.
- (b) Whether a development consent was in force as at the date of commencement of the use.
- (c) Whether the use of the Site, for which a development consent was granted, was carried out in accordance with the terms of that consent and such that the consent has not lapsed.
- (d) Whether the use of the Site as a pool/recreation facility has continued up to present date and that that use has not been abandoned.

The supporting legal advice prepared by Bartier Perry Lawyers establishes the following facts:

- *The pool/recreation facility was constructed and commenced use on or around 21 October 1960 as documented in the Daily Telegraph article “Historic photos capture excitement of hundreds of locals who attended Dence Park in 1960”.*
- *The pool/recreation facility was a permissible use under the Cumberland Planning Scheme being the applicable planning instrument at the date of the commencement of the use.*
- *Council does not have any records of a development consent being granted that was in force at the date of commencement of the use. However, Council has provided minutes of Council meetings held between 1956 and 1960 (the Minutes).*

The below is a chronology of the Minutes where the pool facility was discussed:

Date	Document	Description
16 February 1956	Minutes of Ordinary Meeting No. 4/56, Hornsby Shire Council	Pg 3 paragraph 12 refers to an agreement between Council and Figgis & Jefferson in connection with the preparation of preliminary sketch plans for Dence Park Swimming Bath Development.
19 April 1956	Minutes of Ordinary Meeting No. 8/56, Hornsby Shire Council	Pg 6 paragraph 51 refers to sketch plans submitted by Figgis & Jefferson of proposed swimming pool at Dence Park.
21 June 1956	Minutes of Ordinary Meeting No. 13/56, Hornsby Shire Council	Pg refers to a request to the Minister for Local Government which involved proceeding with the construction of a swimming pool at Dence Park, Epping.
17 February 1958	Minutes of Works Committee Meeting No. 3/58, Hornsby Shire Council	Pg 14 paragraph 60 notes that Figgis & Jefferson, Architects, are submitting plans for the proposed swimming pool at Dence Park, Epping.
13 May 1958	Minutes of Works Committee Meeting No. 9/58	Pg 6 paragraph 36 refers to the report submitted by Figgis & Jefferson concerning tenders received for the construction of the Eastwood-Epping War Memorial Olympic Pool at Dence Park.
7 July 1958	Minutes of Works Committee Meeting No. 13/58, Hornsby Shire Council	Pg 7 paragraph 40 refers to consideration of Architect's Report on tenders received for the construction of the Eastwood-Epping War Memorial Olympic Pool at Dence Park. Works deferred pending inspection of pools in the metropolitan area by councillors.
22 January 1959	Minutes of Ordinary Meeting No. 2/59, Hornsby Shire Council	Pg 16 paragraph 12 notes that Epping has decided to construct a pool.
2 April 1959	Minutes of Ordinary Meeting No. 7/59, Hornsby Shire Council	Pg 17 paragraph 2 refers to tenders for construction of Olympic Pool at Dence Park, Epping.
16 April 1959	Minutes of Ordinary Meeting No. 8/59, Hornsby Shire Council	<p>Pg 1 the President reported he had received a letter from the Hornsby & District Olympic Pool Association. The progress of the development was discussed, and the President noted that "Council will continue its endeavours to establish a pool in Hornsby".</p> <p>Pg 15 paragraph 10 notes that the Architect's Report concerning tenders received for the construction of an Olympic Pool at Dence Park,</p>

		Epping, be made an Order of the day for the next meeting.
30 April 1959	Minutes of Ordinary Meeting No. 9/59, Hornsby Shire Council	Pg 18 paragraph 1(a) refers to a report provided by architects, Figgis & Jefferson, concerning tenders received for the construction of the Olympic Pool at Dence Park, Epping.
9 July 1959	Minutes of Ordinary Meeting No.14/59, Hornsby Shire Council	Pg 16 records a discussion regarding the engineering report as to the progress of the Dence Park Pool and refers to a time limit on the contractor. Excavation work was proceeding.
23 July 1959	Minutes of Ordinary Meeting No. 15/59, Hornsby Shire Council	Pg 11 paragraph 10 refers to a bill to John Jawlinson & Partners in connection with the Olympic Pool in Dence Park, Epping.
6 August 1959	Minutes of Ordinary Meeting No. 16/59, Hornsby Shire Council	<p>Pg 8 paragraph 75 refers to a tender for tiling the Dence Park swimming Pool.</p> <p>Pg 17 paragraph 8 refers to figures relating to the Eastwood-Epping War Memorial Olympic Swimming Pool.</p>
3 March 1960	Minutes of Ordinary Meeting No. 5/60, Hornsby Shire Council	Pg 17 refers to work which has been done with the retaining wall at the Dence Park Swimming Pool, Council authorises the work to be completed.
17 March 1960	Minutes of Ordinary Meeting No. 6/60, Hornsby Shire Council	<p>Pg 15 paragraph 10 refers to letters received from the Eastwood Epping War Memorial Olympic Pool Committee and the Dence Park Amateur Swimming Club concerning the formation of a swimming club at Dence Park. Council was appreciative of the efforts of the clubs on behalf of the Dence Park Pool project and would continue to recognise the committee.</p> <p>Pg 18 paragraph 6 refers to a draft lease at Dence Park. It also refers to a letter advising of Council's intention regarding the improvements already authorised to the buildings and grounds at Dence Park.</p> <p>Pg 20 notice of motion no. 16/60 notes that tenders be called for the construction of an Olympic Swimming pool in Hornsby Park on the side selected at an estimated cost of £60,000 – tenderers to submit designs and specifications.</p>

12 September 1960	Minutes of Building, Parks and Health Committee Meeting No. 8/60, Hornsby Shire Council	Pg 1 paragraph 1 refers to a Health Inspector's report which includes an application for an illuminated sign advertising the Dence Park Olympic Swimming Pool. The sign was approved to be erected on the corner of Crandon and Epping Road.
		Pg 3 paragraph 10 refers to the organisation of the Official Opening Ceremony at Dence Park Swimming Pool at Epping.
23 April 2015	News Article "Historic photos capture excitement of hundreds of locals who attended Dence Park in 1960, The Daily Telegraph	The article shows photographs from the opening of Dence Park swimming pool in 1960.

The advice goes on to state that based on the review of the Minutes, *"that notwithstanding the absence of any consent document, an application was considered and approved by Council for the construction and use of the facility."* Anecdotal evidence has also been provided for the ongoing use of the site for the purpose of a pool/recreation facility between 1967 and 1989 contained in the Property File provided by Council. Bartier Perry Lawyers *"infer from the information contained in the Minutes and the Property File that the use was carried out in accordance with the approvals. We have reviewed the Site Plan contained in the Existing Pool Drawings prepared by Figgis and Jefferson Architects, discussed in the Minutes, and formed the view that it is consistent with the Site Plan prepared by Brewster Hjorth Architects."*

As the proposal seeks to expand and intensify the use, it is necessary to determine the area of land on which the existing use right applies. That is, it must be established that the existing use of the pool/recreation facility extends to the use of land which is now zoned W1 – Natural Waterways, which is intended to be developed. The legal advice considers the supporting Survey Plan, Master Plan, NSW Land Registry Title Search and Lease between The Council of the Shire of Hornsby and Professional Swimming Centre Management Pty Ltd (Lease).

Based on the review of these documents, the existing use right will apply to the areas proposed to be developed that are zoned W1 – Natural Waterways. That is, whilst the existing use rights may not extend to the entire site, the areas where development is now proposed was specifically leased for the purpose of the pool/recreation facility. This is identified as the Lease Boundary Area and is marked on the submitted Survey Plan. The pool/recreation facility and associated structures are all within the Lease Boundary Area and turfed grass area. The vegetated area between the turfed grass and the Lease Boundary still forms part of the pool/recreation facility as they provide for the desired landscape amenity for the facility.

The proposal includes the demolition of the metal fence and development on the vegetated land within the Lease Boundary Area. Due to the Lease and Survey Plans indicating that the area is to be used for the purposes of a pool/recreation facility, Bartier Perry Lawyers confirm that Council can establish that the existing use rights applies to this area. The extent of the proposed development includes development upon the Lease Boundary Area, which has benefit of the existing use right. Therefore, the proposed development is considered to be lawful on his land.



Figure 20: Survey Plan identifying Lease Boundary prepared by: Craig & Rhodes, dated: 07/04/2020

Based on the information provided with the application, the proposed works to the aquatic centre is considered to be a lawful use at the time it was constructed as:

- The use of the Site as a recreation pool/facility was permissible under the County of Cumberland Planning Scheme Ordinance, being the relevant planning instrument in force as at the date the use commenced.
- Whilst there is an absence of any formal consents, there is sufficient evidence contained in the Minutes and other Council documents to establish that Council authorised the recreation/pool facility.
- The Minutes and recorded discussions within Council from the proposal stage through to construction, indicate the facility was constructed in accordance with the approvals.
- The Property File provides anecdotal evidence that the use continued from 1960 when it commenced and continues to this day.

The legal advice concludes:

Based on the information provided, we are generally satisfied that Council is able to establish that the pool facility was a lawful use at the time it was erected...

Furthermore;

We are satisfied that the existing use right extends to the area of land which is proposed to be developed, including the land within the W1 zone as:

- a. *The Survey Plan and Lease indicate the Lease Boundary Area which was specifically identified to lease the land to external operators for the purpose of carrying out a pool/recreation facility.*
- b. *The area of the Lease Boundary Area that is vegetated was intended to be included in the original development for the purposes of providing landscaping and amenity to the facility.*

Given the above, Council can establish the lawful use of the site as a pool/recreation facility, and that the use has continued to date and has not been abandoned. The proposal is considered to satisfy the criteria under Clause 4.56 and 4.66 of the EP&A Act, establishing a lawful use of the site.

No works occur within the C2 – Environmental Conservation zone.

Zone Objectives

The proposed works are to be undertaken on the portion of land zoned RE1 and W1.

The aims and objectives for the RE1 – Public Recreation zone in Clause 2.3 – Zone Objectives 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.*
- *To conserve, enhance and promote the natural and cultural heritage value of parks and open space in the zone.*
- *To create opportunities to use riverfront land for public recreation.*

The aims and objectives for the W1 – Natural Waterways zone in Clause 2.3 – Zone Objectives are as follows:

- *To protect the ecological and scenic values of natural waterways.*
- *To prevent development that would have an adverse effect on the natural values of waterways in this zone.*
- *To provide for sustainable fishing industries and recreational fishing.*
- *To provide for cultural and scientific study of natural waterways.*
- *To enable works associated with the rehabilitation of land towards its natural state.*

In accordance with the objectives of the zone, the proposed development enables the ongoing use of the aquatic centre, whilst mitigating, as much as practicable, the impact on the natural landscape setting and the heritage significance of the site. The proposal is not considered to create detrimental impacts to the ecological and scenic values of Terry's Creek. The proposal will ensure the ongoing enhancement and promotion of the natural and cultural heritage values of Epping Aquatic Centre. Therefore, the proposed development is considered to be consistent with the aims and objectives of the zone.

Compliance Table

Standards and Provisions	Comment	Compliance
Part 4 Principal development standards		
Cl. 2.3 Zone objectives and Land Use Table	<p>Recreation facilities (indoor) and recreation facilities (outdoor) are permissible with consent in the RE1 – Public Recreation zone.</p> <p>The proposal includes works within the W1 – Natural Waterway zoned portion of the land. The proposed works are not a permissible form of development within the W1 – Natural Waterways zone. The development application is seeking a permissible planning pathway for the proposed development and relies on existing use rights to ensure a lawful and permissible development.</p>	Yes
Cl. 2.6 Subdivision – consent requirements	The proposal includes the consolidation of lots as part of this development application.	Yes
Cl. 4.1 Minimum Lot Size (MLS)	Not nominated.	N/A
Cl. 4.3 Height of buildings	Not nominated.	N/A
Cl. 4.4 Floor space ratio	Not nominated.	N/A
Cl. 4.6 Exceptions to Development Standards	N/A	N/A
Part 5 Miscellaneous provisions		
Cl. 5.1A Development on land intended to be acquired for public purposes	The proposal is not identified on the map.	N/A
Cl. 5.6 Architectural roof features	An architectural roof feature is not proposed.	N/A
Cl. 5.7 Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.	N/A
Cl. 5.10 Heritage conservation	<p>The subject site is identified as being an item of local heritage significance, identified as Dence Park, Item No: I137.</p> <p>The application is supported by a Heritage Impact Statement prepared by: EMM Consulting, dated: 21 December 2023. The report discusses the extensive works which have already been undertaken on the site</p>	Yes

	<p>to accommodate for the existing development. In the unlikely event that any significant archaeological remains are uncovered during the redevelopment, recommendations have been provided which will form part of the conditions of development consent.</p> <p>Additionally, the application is supported by an Aboriginal Cultural Heritage Due Diligence Report prepared by: EMM Consulting, dated: 21 December 2023. The report concludes that the area proposed for the development has low archaeological sensitivity. It is not expected that Aboriginal objects will be present within the area proposed for development, and no further investigation is warranted. The proposed activity has low risk of harming Aboriginal objects, and works may proceed with caution and in accordance with the following recommendations:</p> <ul style="list-style-type: none"> • It is considered that there is a low risk of Aboriginal objects being present within the parts of the project area proposed for development. However, the nature of disturbance does not preclude the potential for isolated finds, which is a common site type across the region, even in disturbed contexts. In the event that unexpected Aboriginal objects, sites or places (or potential Aboriginal objects, site or places) are discovered during construction, all works in the vicinity must cease and the proponent should determine the subsequent course of action in consultation with a heritage professional and/or the relevant State government agency as appropriate. • If human skeletal material less than 100 years old is discovered, the Coroners Act 2009 requires that all works should cease, and the NSW Police and the NSW Coroner's Office should be contacted. Traditional Aboriginal burials (older than 100 years) are protected under the National Parks and Wildlife Act 1974 and should not be disturbed. Interpreting the age and nature of skeletal remains is a specialist field and an appropriately skilled archaeologist or physical anthropologist should, therefore, be contacted to inspect the find and recommend an appropriate course of action. Should the skeletal material prove to be archaeological Aboriginal remains, notification of Heritage NSW and the Local Aboriginal Land Council will be required. Notification should also be made to the Commonwealth Minister for the Environment, under the provisions of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984. 	
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	Furthermore, the application was referred to Councils Heritage Officer who has raised no objections to the proposal, subject to conditions of development consent.	
Cl. 5.11 Bush fire hazard reduction	The site is mapped as being located on bushfire prone land. The application is supported by a Bush Fire Assessment Report, prepared by: Bushfire Hazard Solution Pty. Ltd. The application was referred to NSW RFS in accordance with section 4.14 of the EP&A Act for bush fire protection. No objections to the proposal have been raised and conditions of development consent have been provided.	Yes
Cl. 5.21 Flood Planning	<p>The site is located adjacent to Terry's Creek along the eastern edge. The application is supported by a Flood Emergency Response Plan prepared by: TTW Pty. Ltd., dated: 4 December 2023, which details that a portion of the north-eastern side of the site is identified as flood prone land. The proposed works, however, do not lie within the flood extents of any event. The proposed design includes piling, forming columns above ground and suspending the pool concourse in the north-eastern corner. This ensures that all floor levels will be above the flood level and not prone to flood forces.</p> <p>The application was internally referred to Councils Development Engineer who confirmed that the designated location is not susceptible to flooding from the creek or its branches, even in extreme events such as the PMF. There is no necessity for evacuation due to flooding, despite lower areas within Terry's Creek Channel becoming submerged. However, the northeast section of the site, within the flood zone, will be elevated using piling techniques, creating columns above the ground level. This setup will suspend the pool concourse, allowing floodwaters to flow underneath without obstruction.</p> <p>No objections have been raised, subject to the imposition of conditions.</p>	Yes
Cl. 5.23 Public bushland	<p>The proposal will result in some impacts to the bushland on the site. Clause 5.23(4) permits disturbance of public bushland without consent for (c) bush fire hazard reduction or (e) facilitating recreational uses which are sought in this instance. The application is supported by a VMP which has been conditioned to ensure the existing environment and recreation area is retained and improved.</p> <p>The application was referred to Councils Biodiversity Officer who has provided conditions of development consent to protect adjoining bushland, to ensure the VMP is commenced and to retire the biodiversity credits as specified in the BDAR.</p>	Yes

Part 6 Additional local provisions		
Cl. 6.1 Acid sulfate soils	The site is not mapped as containing acid sulfate soils.	N/A
Cl. 6.2 Earthworks	<p>The proposal includes substantial earthworks in order to accommodate the proposed development. Development consent is required for earthworks and consideration is to be given to the potential impacts of the proposed works, including:</p> <ul style="list-style-type: none"> (a) the likely disruption of, or detrimental effect on, drainage patterns, soil stability and flooding in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of fill material and the destination of excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area, (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. <p>These matters have been considered by Council's Development Engineer, who is satisfied the works can be managed without resulting in any significant adverse impacts subject to conditions of consent. The proposed site works will not prejudice the future development of any adjoining land, or the amenity of that land and will enable to ongoing use of the aquatic centre.</p> <p>Issues relating to soil quality addressed via considerations of SEPP (Resilience and Hazards) 2021. Heritage impacts have been addressed in Clause 5.10 above.</p>	Yes
Cl. 6.3 Biodiversity	<p>The site is mapped as containing biodiversity values.</p> <p>The application is supported by Flora and Fauna Assessment Report prepared by: Narla Environmental, dated: April 2024. The report concludes that the proposed development is located in an area with existing infrastructure and vegetation that has been historically disturbed, including noticeable weed infestations throughout the site. The plan incorporates the use of existing driveways and infrastructure, including the refurbishment of the toddler pool area and the repurposing of existing paths and accessways. Due to the requirement for an Asset Protection Zone (APZ) for the development, it was</p>	N/A

	<p>unavoidable to impact some areas of remnant vegetation. However, substantial areas of remnant vegetation will be preserved within the larger property.</p> <p>It is not anticipated that the proposed development will significantly impact any threatened flora or fauna, provided that the impact mitigation measures outlined in the report are implemented. These measures aim to reduce impacts to native vegetation and fauna wherever possible.</p> <p>Additionally, the proposed development includes the clearing of native and exotic vegetation. Where possible, remnant vegetation has been retained. The majority of the proposed impacts are associated within the implementation of an APZ, however, most vegetation within the site is considered of low condition due to weed invasion. As such, impacts to biodiversity are expected to be minimal as part of the Proposed Development. The riparian land will be subject to APZ maintenance as part of the proposed development. A Vegetation Management Plan (VMP) will be implemented to ensure the overall improvement of waterway health. The application is supported by a Streamlined Biodiversity Development Assessment prepared by: Narla Environmental, dated: May 2024, which concludes the follows:</p> <ul style="list-style-type: none"> - No prescribed impacts on threatened entities associated with the proposed development. - Due to the disturbed and exotic dominated vegetation within the subject land, it is considered unlikely that flora, fauna and their habitats will be significantly impacted by the proposed development. - A VMP will be implemented to ensure that the existing environment and its ecological processes will be protected and enhanced. - Although public bushland will be impacted by the proposed development, a VMP will be implemented to ensure the existing environment and recreational area is retained and improved. - Due to the disturbed and exotic dominated vegetation within the subject land, it is unlikely riparian habitats and ecological processes will be significant impacted by the proposed development. A VMP has been prepared and will be implemented to ensure the stability of banks of the waterway are retained and that the ecological processes are enhanced. - No candidate species credit <p>The application is supported by VMP prepared by Narla Environmental, dated: March 2024.</p>	
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	Finally, the application was referred to Councils Biodiversity Planning Officer who has concluded that the development triggers the BOS under the BC Act 2016 due to the area clearing threshold for native vegetation, largely due to the requirement of implementing an Inner Protection Area. A review was undertaken of the BDAR in line with the “Guidance for local government on undertaking a critical review of a Biodiversity Development Assessment Report” (DCCEEW, 2024). Conditions of development consent have been imposed to protect adjoining bushland, to ensure the VMP is commenced and to retire the biodiversity credits as specified in the BDAR.	
Cl. 6.4 Riparian land and waterways	<p>The site is located adjoining Terry’s Creek to the east. The proposal includes works within the W1 zoned portion of the site.</p> <p>The proposed works are not located within the waterway and will not have an adverse impact on the water quality and flows of Terry’s Creek, capacity of groundwater systems, aquatic or riparian species, habitats and ecosystems in the waterway. Additionally, the proposal will not impact the stability of the bed and banks of Terry’s Creek, the passage of aquatic organisms in and along the waterway, and any future rehabilitation of the waterways and riparian lands.</p> <p>The proposed development has been designed to ensure that works are sited and managed to avoid significant adverse environmental impacts.</p>	Yes
Cl. 6.5 Stormwater management	The application has been referred to Councils Development Engineer who has raised no objections to the proposal, subject to conditions of development consent.	Yes
Cl. 6.6 Foreshore area	The site is not identified on this map.	N/A
Cl.6.7 Essential Services	Essential services are available to the site.	Yes

4. Master Plans

4.1 Dence Park Master Plan

The site is located within Dence Park, Epping and subject to the Dence Park Master Plan. According to Council’s ‘Epping Social Infrastructure Study 2017’, Dence Park is identified as having potential to become a ‘key recreation park’ within a natural setting through expanded use and improved overall design. The Dence Park Master Plan was formally endorsed by Council in December 2019 and in April 2020, Council endorsed the Dence Park Masterplan Implementation Plan. The aim of the Implementation Plan is to provide a clear and strict cost-controlled method for Council to develop the high-level Masterplan into detailed design for tender and construction.

The Dence Park Master Plan, prepared by Place Design Group, envisaged a three (3) stage process in the implementation of the overall master plan works. It is noted that Stage 1 (green)

includes proposed works to the existing Epping Aquatic Centre, which are included as part of this DA. Stages 2 and 3, including the car park, Creative Arts Centre, and recreational areas, including playgrounds, will be undertaken as part of a separate development approval process.

While the general arrangement of works, including the new indoor pool and water play facilities vary, the proposal is not inconsistent with the concept masterplan presented by Place Design Group. Overall, the proposal satisfies the masterplan objectives, including significantly improving aquatic leisure offerings, accessibility upgrades, improvement general connectivity and wayfinding, whilst also preserving the natural bushland setting and heritage significance of the site. In particular, the proposal dramatically improves the existing access and connectivity to, from and within the site by bringing the existing facility up to standard in relation to accessibility requirements.

The site has a high ecological and biodiversity value. These values have been carefully considered by minimising the area of impact on native vegetation, while also providing a large area of planted locally indigenous species. The site's cultural heritage value and significance is noted with the proposal supported by a detailed heritage assessment. The design, siting and layout of the proposal has been considered alongside the heritage values of the land. Overall, the proposal offers a much needed upgrade to a critical and valued piece of social infrastructure for the local community that is consistent with the PoM and will continue to meet the future needs of residents.

5. Development Control Plans

5.1 Parramatta Development Control Plan 2023

The relevant matters considered under the PDCP 2023 for the proposed development are outlined below:

Parramatta Development Control Plan 2023		
Control	Requirement	Compliance
Part 2 Design in Context		
2.4 Building Form and Massing	Buildings are to be of a height that responds to the topography and the shape of the site.	The proposed height of development responds directly to the nature of the proposal, allows for accessible travel and is designed (as far as practicable) with the heavily sloping topography of the site.
	The proportion and massing of buildings is to relate to the form, proportions, and massing of existing and proposed buildings patterns in the street	The subject site is surrounded by existing residential development and is located away from streetscape view. The proposed alterations and additions are reflective of the existing recreation facility on site and will not adversely impact upon the building pattern of the nearby streetscape.

	Building height, and mass should not result in unreasonable loss of amenity to adjacent properties, open space, or the public domain.	The siting of the development ensures that the proposal will not result in unreasonable loss of amenity of nearby residential properties or the public domain.
	Buildings are to be modulated in plan and elevation to reduce the appearance of bulk.	The location of the existing recreation facility is largely hidden from public view due to the steep descent from the carpark area. The proposal is considered to be sufficiently modulated to ensure no excess bulk is added.
	Facades of buildings should be designed with a balance of horizontal and vertical elements that express the building's architecture	The proposed alterations and additions are contemporary in design and are in harmony with the existing built form and significant landscaped setting.
	A mix of building materials and/or colours should be used to reduce the appearance of bulk and to integrate the building within the material and colour palette of the local area.	The proposal incorporates various building materials and colours which compliment the landscaped nature of the site and do not create a visually obtrusive built form.
	Development adjoining land use zone boundaries should provide a transition in form and massing, considering elements such as height, scale, landscape, appearance, and setbacks	The subject site is zoned RE1, W1 and C2, and directly adjoins R2 zoned land. The proposal has been designed in such a way to ensure a harmonious transition, creating a built form with an appropriate height, scale, setbacks, and landscape treatment.
2.5 Streetscape and Building Address	New buildings must recognise and enhance the patterns and elements of facades within the street. Designs are to provide visual cohesion, continuity and distinction, having regard to the horizontal and vertical proportions of building elements which create the visual scene.	Due to the location and topography of the site, the development is largely located below the carpark area, away from direct views from the public domain. The proposal is considered to ensure that there is sufficient separation and vegetation screening to minimise any visual impacts to adjoining residential properties and the streetscape.
	Design consideration must be given to the underlying	The location of the development is separated

	building elements that contribute to the character of the area. Such things include roof shape, pitch and overhangs; entry porches, verandas, balconies and terraces; materials, finishes, fixtures, patterns, fenestrations, colours and detailing; and the location and proportion of windows and doors.	from existing built structures in the immediate locality. The proposed design of the development is considered to integrate harmoniously within the site's natural landscape, allowing the built form to maintain visibility and sense of openness against the surrounding bushland.
	Building setbacks from the street boundary are to be consistent with prevailing setbacks and alignment of adjoining and nearby buildings. A minimum of three lots either side of the subject lot and six lots directly across the street must be utilised to determine the prevailing street setback.	The location of the alterations and additions are setback significantly from the streetscape, and due to the topography of the site, are primarily located below the carpark level. The proposal will largely maintain the setbacks associated with the existing structures.
2.6 Fences	<ul style="list-style-type: none"> - Front fences are to be a maximum height of 1.2 metres. - On sloping sites, front fences should vary in height to suit the topography of the site up to a maximum height of 1.2 metres. Front fences should form a horizontal plinth with minimal stepping. - New fences and walls are to be constructed of robust and durable materials which reduce the possibility of graffiti. The material should be compatible with the associated building and adjoining fences. - The edges of fences between properties and the interface of the public domain are to be softened with suitable planting. 	<p>The proposal includes the retention of the existing low chainwire fence, existing high chainwire fence, existing aluminium fence and existing timber paling fence. The proposal includes new fencing throughout the site, setback from the public car parking, including:</p> <ul style="list-style-type: none"> - Proposed 1.8m high tensile mesh fence - 1.2m high aluminium fence - Low fence to match existing - 1.8m high secure mesh fence <p>The proposed fencing is considered to be reflective of the existing site and will not create adverse visual or privacy concerns to adjoining properties. Landscaping has been used where appropriate to soften the proposed fencing.</p>
2.7 Open Space and Landscape	Landscaping abutting the C2 Environmental Conservation zone under the Parramatta LEP 2023 is to be landscaped with local indigenous species to	The proposal does not include works within the C2 zoned portion of the site. The submitted VMP will form part of the conditions of development consent to

	protect bushland, wildlife corridors, and soften the interface between the natural landscape and urban environment.	ensure the protection of Terry's Creek and the existing bushland. Additional landscaping as detailed on the Landscape Plan will be indigenous species.
	The amount of hard surface area must be minimised to reduce run-off. Run-off should be reduced by directing the overland flow from rainwater to permeable surfaces such as garden beds.	The extent of hardstand areas is increased but is appropriate in this instance given it predominantly replaces existing hardstand and disturbed areas. The proposal will not create any significant detrimental impacts to the existing drainage management of the site. The application was referred to Councils Development Engineer who has raised no objections to the proposal, subject to conditions of consent.
2.8 Views and Vistas	Development is to preserve views of significant topographical features such as ridges and natural corridors, the urban skyline, heritage and civic buildings, sites of historical significance, and areas of high visibility, particularly those identified in Appendix 1 – Views and Vistas.	Due to the location and topography of the site, existing views and vistas will not be significantly affected.
	Building design, location and landscaping is to enable view sharing between properties. This may be achieved by appropriately: <ul style="list-style-type: none"> - Siting the building - Designing the building, and planting open foliage and well positioned landscaping. 	Due to the location and topography of the site, the proposal will not create adverse impacts to views sharing with adjoining and nearby properties. The proposal is considered to maintain view sharing between properties.
2.9 Public Domain	- Development is to be designed to address elements of the public domain, including the building interface between private and public domains, circulation patterns and access ways, gateways,	The existing recreation facility is significantly setback from the public domain and streetscape. The proposal is not considered to create adverse impacts to the public domain.

	<p>nodes, edges, landscape features, heritage items, ground floor activity, and built form definition to the street.</p> <ul style="list-style-type: none"> - Buildings are to be located to provide an outlook to the public domain, without appearing to privatise that space. - Development is to provide passive surveillance to the public domain. Continuous lengths of blank walls and fences at the public domain interface are to be avoided. - Where appropriate, ground floor areas abutting public space should maximise uses that create active building fronts with pedestrian flow and contribute to the life of the street and other public spaces. 	
2.10 Accessibility and Connectivity	Continuous unobstructed paths of travel should be provided from public footpaths, accessible car parking, and set-down areas to public building entrances.	The proposal ensures that public access will remain unobstructed. The inclusion of signage is considered to improve wayfinding and connectivity within the site.
2.11 Access for people with a disability	The siting, design and construction of development is to ensure an appropriate level of accessibility, so that all people can enter and use the premises. All new building work is to meet the requirements of the Disability Discrimination Act 1992 (DDA), the relevant Australian Standards and the Building Code of Australia (BCA), where applicable.	The proposal includes the provision of new access stairs and a lift which will ensure an appropriate level of accessibility to the facility. The application was assessed by Councils Universal Access Officer who has raised no objections to the proposal, subject to conditions of consent.
2.12 Amenities in Buildings Available to the Public	The number of women facilities and amenities for parents in women's and men's toilets are encouraged to be of a higher rate and standard than that	The proposal is considered to include sufficient amenities facilities. The application is supported by a BCA report prepared by: Design Confidence, dated:

	prescribed in the Building Code of Australia.	21 December 2023, which will form part of the conditions of development consent.
2.14 Safety and Security	<ul style="list-style-type: none"> - Casual surveillance is to be provided by designing buildings with a clear sense of address and orientating active uses or habitable rooms towards the street. - Clear sight lines must be provided between public and private places. - Physical or symbolic barriers should be used to attract, channel and/or restrict the movement of people. Landscaping and/or physical elements may be used to direct people to destinations, identify where people can and cannot go, and restrict access to high crime risk areas such as carparks. - Design elements should contribute to community ownership of public and communal spaces, fostering a shared sense of responsibility for a place's use and condition. 	<p>The application has been supported by a Crime Prevention Through Environmental Design report prepared by: Mecone, dated: January 2024. The report includes an assessment against the four key principles of CPTED and against the NSW Police CPTED guidelines. The report concludes that the development is acceptable from a crime risk perspective and incorporates design initiatives to reduce the opportunity for crime.</p> <p>Conditions of development consent to be imposed.</p>
2.15 Signage	<ul style="list-style-type: none"> - Signs are to be sited and designed so that they do not adversely impact on the amenity of the streetscape and the surrounding locality. Signs are not to dominate or obscure other signs or result in visual clutter. - Signs are to be compatible with the design, scale, and architectural character of the building or site on which they are to be placed. - Signs and their supporting structures are to be structurally sound and constructed to ensure pedestrian and traffic safety. - In considering applications for new signs, the consent authority must have regard to the number of existing 	<p>The proposal includes various signs used for identification and wayfinding. The proposed signage is considered to be an important element of the proposal and will complement the development and not result in visual pollution to the site and streetscape.</p> <p>The proposed signage is not considered to create detrimental impacts to pedestrian and vehicle safety.</p> <p>The application was referred to Councils Urban Design Officer who has raised no objections to the proposed signage subject to the imposition of a conditions</p>

	signs on the site or the number of signs on a new building and in its vicinity and whether the cumulative impact gives rise to visual clutter.	requiring that the directional signage to the carpark be amended to include reference to the main entrance.
Part 4 Non-Residential Development		
4.1.1 Consideration of adjoining uses	Any proposal must ensure the level of effects on adjoining properties is acceptable.	The proposed works have been assessed with consideration to adjoining land uses and residential properties. The proposal will ensure minimal impacts on any sensitive land uses due to the sites location and siting of development. The proposal is not considered to create any adverse amenity impacts relating to privacy and solar access.
4.1.2 Noise amenity	Non-residential development is not to adversely affect the amenity of adjacent residential development as a result of noise, odour, hours of operation and/or service deliveries.	The proposal is not considered to create adverse noise impacts to adjoining residential properties. The application is supported by an Acoustic Report prepared by: JHA Services, dated: 20/12/2020. The application was referred to Councils Environmental Health Officer who has raised no objections to the proposal, subject to conditions of consent.
Part 5 Environmental Management		
5.1.1 Flooding	Development is to be compatible with any relevant Floodplain Risk Management Plan and consistent with the current NSW Floodplain Development Manual, unless otherwise accepted by Council.	<p>The site is located adjacent to Terry's Creek along the eastern edge. The application is supported by a Flood Emergency Response Plan prepared by: TTW Pty. Ltd., dated: 4 December 2023.</p> <p>The report details that a portion of the north-eastern side of the site is identified as flood prone land. The proposed works, however, do not lie within the flood extents of any event. The proposed design includes piling, forming columns above ground and suspending the pool concourse in the north-</p>

		<p>eastern corner. This ensures that all floor levels will be above the flood level and not prone to flood forces.</p> <p>The application was referred to Councils Development Engineer who confirmed that the designated location isn't susceptible to flooding from the Creek or its branches, even in extreme events like the PMF. No objections have been raised, subject to the imposition of conditions.</p>
5.1.2 Water Sensitive Urban Design	<p>All developments must implement rainwater retention and a WSUD approach. The extent and types of this will be proportional to the scale of development.</p> <p>WSUD principles are to be integrated into the development through the design of stormwater drainage, on-site detention, and landscaping and in the orientation of the development rather than relying on 'end of pipe' treatment devices prior to discharge.</p>	<p>The application is supported by an Ecologically Sustainable Development Report (ESD) prepared by: JHA Services, dated: 20/03/24,</p> <p>The supporting ESD Report outlines initiatives for the minimisation of consumption of potable water, including:</p> <ul style="list-style-type: none"> - Installation of water-efficient fixtures and fittings meeting the minimum WELS Rating as nominated. - Capturing rainwater for reuse in landscape irrigation and/or toilet flushing. - Stormwater management plan including water-sensitive urban design (WSUD) - Use of air-cooled heat rejection systems as opposed to water-based heat rejection.

5.1.3 Stormwater Management	<ul style="list-style-type: none"> - Development is to be sited and built to minimise disturbance of the natural drainage system. - Adequate provision is to be made for the control and discharge of stormwater run-off from the site to ensure that it has no adverse impact on Council's stormwater drainage systems, waterways, the development itself, or adjoining properties. - Stormwater, including overland flows entering and discharging from the site, must be managed. The site drainage network must provide the capacity to safely convey stormwater run-off resulting from design storm events listed in Development Engineering Design Guidelines. 	<p>The application is supported by a Stormwater Management Plan which proposes a combination of in-ground drainage and above ground channels to convey the existing surfaces runoff around the proposed development and towards Terrys Creek. The application has been referred to Councils Development Engineer, who has raised no objections to the proposal, subject to conditions of consent.</p>
5.2.1 Control of soil erosion and sedimentation	<p>Development is to be designed and constructed to integrate with the natural topography of the site so as to minimise the need for cut and fill.</p>	<p>The application is supported by a soil and sediment control plan and measures have been proposed for the site to be utilised during the construction phase. Additionally, the application has been referred to Councils Development Engineer, who has raised no objections to the proposal, subject to conditions of consent.</p>
5.2.4 Earthworks and development on sloping land	<ul style="list-style-type: none"> - Sloping sites with a gradient in excess of 20% require certification from a geotechnical engineer as to the stability of the slope in regard to the proposed design. - Cut and fill shall not create a detrimental impact on overland flows through the site. - Cut and fill should not occur on or adjacent to, or have adverse impacts on, sensitive environments, such as waterways, 	<p>Due to the sites natural topography the proposal requires cut and fill in order to accommodate the proposed development. Cut and fill is considered to be located a sufficient distance away from adjoining properties, Terry's Creek and significant bushland.</p> <p>The application is supported by a Geotechnical Investigation prepared by: JK Geotechnics, dated: 2 February 2021. The</p>

	<p>riparian land, wetlands, bushland or significant vegetation.</p>	<p>application was referred to Councils Development Engineer who has raised no objections to the proposal, subject to conditions of development consent.</p>
5.2.5 Land Contamination	<p>Prior to the submission of a Development Application an assessment is to be made by the applicant under Clause 4.6 of the Resilience and Hazards SEPP as to whether the subject land is contaminated.</p> <p>Council under Clause 4.6 (1) of the Resilience and Hazards SEPP a consent authority must not consent to development unless it has considered whether land is contaminated, and if the land is contaminated is suitable for the proposed purpose or is satisfied that the land will be appropriately remediated. Where land is proposed to be subject to remediation, adequate documentation is to be submitted to Council supporting the categorisation.</p>	<p>Refer to discussion under SEPP (Resilience and Hazards) 2021. The land is considered suitable for the proposal.</p>
5.2.7 Bush fire prone land	<p>Development on land identified as bush fire prone on Council's Bush Fire Prone Lands Map should address the bush fire protection measures in the publication Planning for Bush Fire Protection 2019.</p>	<p>The site is mapped as being located on bushfire prone land. The application is supported by a Bush Fire Assessment Report, prepared by: Bushfire Hazard Solution Pty. Ltd. The application was referred to NSW RFS in accordance with section 4.14 of the EP&A Act for bush fire protection. No objections to the proposal have been raised and conditions of development consent have been provided.</p>
5.3.1 Biodiversity	<p>- Development is to have regard to direct and indirect impacts on biodiversity and natural areas. Council will require the submission of a Statement of Flora and Fauna Impact (SFFI) for all development in or adjacent</p>	<p>The site is mapped as containing biodiversity values. Refer to discussion under Section 4 of this report.</p>

	<p>to bushland and/or waterways, including vegetation mapped as 'Biodiversity' or 'Riparian Land and Waterways' on the Parramatta LEP 2023 Natural Resources Map. The SFFI is to be prepared by a suitably qualified ecologist and must determine whether the development triggers the Biodiversity Offsets Scheme (BOS) as per Part 7 of the Biodiversity Conservation Regulation 2017.</p> <ul style="list-style-type: none"> - Where the BOS is triggered, a Biodiversity Development Assessment Report (BDAR) must be prepared following the Biodiversity Assessment Method (BAM) by an accredited assessor. - Development is to be sited and designed to minimise the impact on cultural heritage trees and plantings and consideration is to be given to further planting of cultural landscapes where appropriate. - Pruning or removal of trees and vegetation must be in accordance with Section 5.3 – Protection of the Natural Environment and Section 5.3.4 – Tree and Vegetation Preservation of this DCP. - Development is to provide and maintain a setback of at least 10 metres from land zoned C2 Environmental Conservation or identified as 'Biodiversity' on the Parramatta LEP 2023 Natural Resources Map. Development should not 	
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	include buildings, structures and earthworks within the required buffer zone.	
5.3.2 Waterways and riparian zone	<p>Development is to make provision for buffer areas for the preservation and maintenance of floodway, riparian corridors and habitat protection.</p> <p>A VRZ of at least 10 metres, measured from the top of the highest bank, is to be provided to creeks (1st order waterways). A larger VRZ will be required to higher order waterways, such as Parramatta River, consistent with the NSW Department of Industry's Guidelines for controlled activities on waterfront land – Riparian corridors:</p>	<p>The site is located adjoining Terry's Creek to the east. The proposal includes works within the W1 zoned portion of the site.</p> <p>The application is supported by a VMP prepared by Narla Environmental, dated: March 2024 which details a 20m riparian buffer/Vegetated Riparian Zone. The application was referred to Councils Biodiversity Planning Officer who has raised no objections to the proposal, subject to conditions of consent.</p> <p>Note: The application is not identified as Integrated Development under Section 4.47 of the EP&A Act. The Department of Planning and Environment – Water has reviewed the application and considers that for the purposes of the Water Management Act 2000, the proposed works are exempt from the need to obtain a controlled activity approval and that no further assessment is required in this instance. The exemption is identified as Water Management (General) Regulations 2018 s41 – Works undertaken by public authorities.</p>
5.3.3 Development on land adjoining land zoned C2 – Environmental Protection or W1 – Natural Waterways	<p>Development on land abutting land within the C2 Environmental Protection zone and W1 Natural Waterways zone must take into consideration all of the following:</p> <ul style="list-style-type: none"> the need to retain and protect any bushland and/or marine vegetation on or adjoining the land; 	<p>The proposal does not include works within the C2 zone, however, includes works within the W1 zone.</p> <p>The application is supported by a VMP prepared by Narla Environmental, dated: March 2024 which details a 20m riparian buffer/Vegetated Riparian Zone. The application was referred to</p>

	<ul style="list-style-type: none"> • the effect of the proposed development on bushland and/or marine vegetation, including the erosion of soils, the siltation of creeks and waterways and the spread of weeds and exotic plants within the bushland, overshadowing, overland flows and stormwater runoff, and the removal or degradation of existing vegetation; • the requirement for provision of a buffer zone on the abutting land to protect the bushland and/or riparian corridor; • the protection of threatened ecological communities, populations, and species listed under the Biodiversity Conservation Act 2016 and/or Fisheries Management Act 1994; and any other matters which are relevant to the protection and preservation of the bushland and/or riparian areas. 	<p>Councils Biodiversity Planning Officer who has raised no objections to the proposal, subject to conditions of consent.</p>
5.3.4 Tree and Vegetation Preservation	<p>To damage, prune, or remove any prescribed trees or vegetation identified in C.01 in this Section of this DCP is prohibited without the written consent of Council (via either a Tree Permit Application or Development Application for tree works subject to location of tree).</p> <ul style="list-style-type: none"> • An arboricultural assessment report by a suitably qualified Australian Qualification Framework (AQF) Level 5 Arborist, and other specialist reports and information may be required to be submitted as part of the application assessment process as evidence to support the pruning or removal of the tree(s). <p>Where a tree is approved to be removed, Council will seek the replanting of a</p>	<p>The application includes the removal of trees and vegetation in order to accommodate the proposed development. The application is supported by an Arboricultural Impact Assessment prepared by: Tree IQ, dated: 19 December 2023. Additionally, the application is supported by a Landscape Plan prepared by: Taylor Brammer which shows additional planting throughout the site.</p> <p>The application was referred to Councils Landscape Tree Management Officer who has provided conditions of development consent.</p>

	<p>suitable canopy replacement tree or trees in a suitable location on the site. Any replacement trees will need to be grown to maturity and replaced if the planting fails to survive and thrive. In circumstances when there is no suitable location on site (for example, in the case of small backyards), a financial contribution will be required to be paid to support public tree planting. Offset fees are contained within Council's published fees and charges.</p>	
5.4.1 Energy Efficiency	<p>All development not subject to BASIX will need to, as a minimum, comply with the Building Code of Australia energy efficiency provisions (Section J). A Section J report should be provided along with an annotated plan demonstrating compliance for fabric and services requirements.</p>	<p>The application is supported by an Ecologically Sustainable Development Report (ESD) prepared by: JHA Services, dated: 20/03/24.</p> <p>The supporting ESD Report includes various initiatives to reduce peak demand for electricity and the reliance on artificial lighting, mechanical heating and cooling through passive design, including:</p> <ul style="list-style-type: none"> - A high-efficiency air-cooled heat rejection system - Energy efficient LED lighting with suitable timer controls and/or daylight/occupancy sensors as appropriate. - Energy efficient pool heating as well as pool cover to reduce energy usage. - Appropriate insulation and a light-coloured roof will be provided. - High thermal performance glazing system. - Appropriate combination of external shading devices (eaves etc.) and glazing location to maximise natural daylight and winter heat gains while minimising

		<p>unwanted heat gains in summer.</p> <p>Additionally, the proposal is supported by a Section J – Statement of Compliance prepared by: JHA. The proposal was referred to Councils ESD Officer who has raised no objections to the proposal.</p>
5.4.2 Water Efficiency	<p>All development not subject to BASIX, including alterations and additions, is to incorporate the following water saving measures:</p> <ul style="list-style-type: none"> • Plumbing fixtures are to meet minimum Water Efficiency Labelling and Standards (WELS) Scheme Standards including 4 star rated showerheads, 4 star rated toilet cisterns, 5 star rated urinals and 6 star rated water tap outlets. • Appliances (dishwashers, clothes washers etc) are to be 5 stars (WELS Scheme) or better rated with respect to water use efficiency. • Water use within open spaces to be minimised by improved soils, passive irrigation and integration of vegetated stormwater treatment system into open spaces. <p>All development not subject to BASIX, including alterations and additions, is to provide rainwater capture and reuse. The rainwater tank is to be suitably sized to maximise the rainwater for reuse and minimise rainwater discharged into stormwater infrastructure</p>	<p>The supporting ESD Report outlines initiatives for the minimisation of consumption of potable water, including:</p> <ul style="list-style-type: none"> - Installation of water-efficient fixtures and fittings meeting the minimum WELS Rating as nominated. - Capturing rainwater for reuse in landscape irrigation and/or toilet flushing. - Stormwater management plan including water-sensitive urban design (WSUD) - Use of air-cooled heat rejection systems as opposed to water-based heat rejection
5.4.8 Waste Management	<p>Development, including for demolition, construction, alterations and additions, and/or change of use, is to comply with the relevant provisions outlined in the Waste Management</p>	<p>The application is supported by a Construction and Demolition Waste Management Plan prepared by: EF Consulting, dated: 4/12/24, which outlines waste provisions during the</p>

	<p>Guidelines for new Development Applications contained in Appendix 2 of this DCP. The Guidelines should also be used as a guide for development which falls under Part 5 of the Environmental Planning and Assessment Act 1979.</p> <p>A Waste Management Plan (WMP) must be submitted with all Development Applications that involve demolition work, construction work, and/or the generation of waste. WMPs are to be prepared in accordance with Council's Waste Management Plan template and the Waste Management Guidelines for new Development Applications (refer to Appendix 2). Should the template not be used then the applicant must ensure that all of the required information outlined in Council's Waste Management Guidelines for new Development Applications 2016 is provided.</p>	<p>demolition and construction phase of the development.</p> <p>An Operational Waste Management Plan prepared by: EF Consulting, dated: 09/01/2024, which outlines several waste minimisation recommendations and requirements, outlining practises and procedures to ensure successful and sustainable waste operations.</p> <p>Additionally, the application is supported by an Ecologically Sustainable Development Report (ESD) prepared by: JHA Services, dated: 20/03/24, which outlines strategies for minimising waste generation, maximising material re-use, and recycling, reprocessing and reducing the volume of materials.</p> <p>The application was referred to Council's Waste Management Officer who has raised no objections to the proposal subject to the imposition of appropriate conditions.</p>
Part 6 Traffic & Transport		
6.2 Parking and Vehicular Access	<p>Parking rates must be provided as per the relevant parking rates specified in Transport for NSW Guide to Traffic Generating Development. For the uses not specified in Transport for NSW Guide to Traffic Generating Development, parking is to be provided at a rate suggested by a traffic and transport impact assessment. Lower parking rates can be considered if it is supported by a parking report with consideration of the surrounding land uses.</p>	<p>The proposal does not include changes to the existing access arrangement to the site. The development proposes a total of 109 car parking spaces and is supported by a Traffic Impact Assessment prepared by: TTW, dated: 20/12/2023.</p> <p>The application was referred to Council's Traffic & Transport Investigations Engineer, who has concluded that based on the analysis and information submitted by the applicant, the proposed development is not expected to have a</p>

		significant traffic impact on the surrounding road network. The proposal can be supported on traffic and parking grounds.
6.3 Bicycle Parking	<p>If a particular land use is not discussed in the Minimum Bicycle Parking Rates table, bicycle parking is to be provided in accordance with one of the following, whichever is the greater:</p> <ul style="list-style-type: none"> - in accordance with Austroads (2008) Guide to Traffic Management – Part 11: Parking (AGTM11-08), or - at a rate of 0.2 spaces per car parking space that would normally be required. 	<p>The proposed use is not identified in the DCP for bicycle parking. The application is supported by Traffic Impact Assessment prepared by: TTW, dated: 20/12/2023, which has considered bicycle parking in accordance with the Austroads Guide 2017. The proposal is required to provide for 15 bicycle parking spaces. A condition of consent will be imposed requiring the bicycle parking spaces to be shown on the architectural plans.</p>
6.4 Loading and Servicing	<p>Loading bay provision is to be in accordance with the Transport for NSW Guide to Traffic Generating Development but should include car and motorcycle space for couriers. Lower loading bay provision can be considered if it is supported by a traffic and transport impact assessment demonstrating that the proposed development will not result in any on-street loading/unloading activities. If a Loading Dock Management Plan is required, it is recommended that the Transport for NSW Last Mile Toolkit be considered in the preparation of the Loading Dock Management Plan.</p> <p>Loading docks are to be designed in accordance with the Australian Standard AS2890.2 - Parking Facilities – Off-Street Commercial Vehicle Facilities to allow heavy vehicles to enter and leave the site in a forward direction.</p>	<p>The development provides for access for waste trucks and service vehicles to the main entry area on the at-grade carpark. The proposal is supported by an Operational Waste Management Plan prepared by: EF Consulting, which details that a private waste collection contractor will be engaged to service general waste and recycling bins to an agreed schedule.</p> <p>The collection vehicle will access the site from Stanley Road and pullup adjacent to the bin storage area to service the bins. Once servicing is complete, the collection vehicle will turn and exit the site via the route it entered, in a forward direction.</p> <p>It is the responsibility of building management to ensure that the loading area is clear of any vehicles or obstructions prior to waste collection. When waste collection is complete, building management will</p>

	<p>All loading docks are to be provided on-site.</p> <p>The use of loading docks must not conflict with the safe efficient circulation of pedestrians and other vehicles on-site.</p> <p>In larger developments, loading docks should operate independently of other parking areas.</p> <p>A swept path analysis demonstrating the largest design vehicle safely and efficiently manoeuvring to and from the loading dock is to be provided in accordance with Austroads.</p> <p>Loading bays are not to be used for the storage of goods that may impede the use of the bay for loading/unloading and servicing activities.</p>	<p>ensure bins are neatly arranged within the storage area, ready to resume operational use.</p> <p>The application was referred to Councils Traffic Engineer and Environmental Health Officer, who have raised no objections to the proposal, subject to conditions of consent.</p>
Part 7 Heritage & Archaeology		
7.4 General Provisions	Maintain the natural landform and character of the area: avoid any cut and fill to land when constructing an addition, a new building and improving landscaping grounds.	The proposal maintains the natural landform as much as practicable. The development has been designed to preserve the massing, density and setting of the aquatic facility as much as possible.
	Where development is proposed that adjoins a heritage item identified in the Parramatta LEP 2023, the building height and setbacks must have regard to and respect the value of that heritage item and its setting.	<p>The subject site is identified as being an item of local heritage significance, identified as Dence Park, Item No: I137.</p> <p>The application is supported by a Heritage Impact Statement prepared by: EMM Consulting, dated: 21 December 2023. The report discusses the extensive works which have already been undertaken on the site to accommodate for the existing development. In the unlikely event that any significant archaeological remains are uncovered during the redevelopment.</p>

		<p>recommendations have been provided which will form part of the conditions of development consent.</p> <p>The application was referred to Councils Heritage Officer who has raised no objections to the proposal, subject to conditions of development consent.</p>
	Adequate open space areas around the heritage item should be retained to facilitate its ongoing use or allow for flexible adaptive reuse in a manner compatible with its history and heritage significance.	Adequate open space is maintained around the perimeter of the development. Conditions of development consent are imposed to ensure mitigation measures and ongoing vegetation management is maintained to the existing bushland to the north, south and east of the development area.
	Subdivision should minimise interference with the visual setting of the heritage item the lot containing the heritage item should have sufficient curtilage to provide a visual setting that is proportional to the size and design of the building.	The proposal includes the consolidation of four (4) lots into one (1) lot. The proposed consolidation of lots is not considered to interfere with the visual setting of the heritage site.
	Before any changes are made to a building, consideration should be given to whether increasing the bulk will adversely impact its heritage significance and public domain appearance. Additions to small buildings could easily overwhelm the heritage character while occupy significant portions of the garden and open spaces. Garden space is required for private outdoor living areas. Private and open space is a distinctive characteristic in many conservation areas that retains the historic pattern of subdivision and preserves the setting for each house.	The proposed alterations and additions are not considered to adversely impact the heritage significance of the site. The application was referred to Councils Heritage Officer who raised no objections to the proposed development, subject to conditions of consent.
	Any alterations and additions must be consistent with the scale, form and materials	The proposed alterations and additions are considered to contribute positively to the

	used in the existing building so as not to detract from its visual importance to the area while enhancing the area's visual consistency with the amenities. Materials selection should be sympathetic to the existing house, or otherwise lighter weight materials such as painted timber, fibro, iron or timber cladding could be adopted.	existing aquatic centre, providing for a scale, form and material selection which compliments the heritage significance of the site.
	Additions should not be designed to appear higher than the ridgeline of the existing buildings and to complement the existing roof form. The main body of the building should be retained, restored, and kept in good condition to extend its life and use of materials.	The proposal includes a lift tower which is visible from the carpark area. The majority of the development is located below the car park level and is not visible from the public domain. The lift tower provides for accessibility to all members of the public and is considered to be a significant improvement and addition to the aquatic centre. This is considered to be an appropriate response to the site and development and is considered to be acceptable in this instance.
	Applicants should concentrate on suitable design solutions that would adequately address the height, siting, shape and materials sympathetically to blend the new buildings with its heritage or significant context without pursuing imitation of period details.	The proposed alterations and additions, including the height, siting, built form design and materials are sympathetic to the heritage significance of the site.
7.8 Aboriginal Cultural Heritage	Before lodging a Development Application for development that may have an impact on known or potential Aboriginal sites, NSW Office of Environment and Heritage Aboriginal Heritage Information Management System and Council's information on known Aboriginal sites and potential heritage sensitivity should be consulted. Refer to Figure 7.8.1 below for the Aboriginal Sensitivity map.	The application is supported by an Aboriginal Cultural Heritage Due Diligence report prepared by: EMM, dated: December 2023. The report concludes that the proposed location and activity has low risk of arming Aboriginal objections, and works may proceed with caution. Recommendations have been provided and will form part of the conditions of consent.

6. Planning Agreements

The proposed development is not subject to a planning agreement entered into under Section 7.4 of the EPAA.

7. Environmental Planning and Assessment Regulation 2021

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions, refer to Appendix B.

8. Likely Impacts

The likely impacts of the development have been discussed within this report and it is considered that the impacts are consistent with those that are to be expected given the applicable planning framework and previous approvals on the site. The impacts that arise are acceptable, subject to the imposition of appropriate conditions.

Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 specifies the matters which a consent authority must consider when determining a development application. These matters are addressed below:

8.1 Site Works

Excavation

Bulk earth works are proposed in order to accommodate the proposed development. Due to the drop in elevation from the car park to the pool concourse, substantial cut is required to the north and north-western corner of the development site to nestle the proposed stair and lift tower into the hillside to provide equitable access to the facility. A section plan is provided at **Figure 21** which outlines the extent of cut needed primary to accommodate the stair and lift tower.

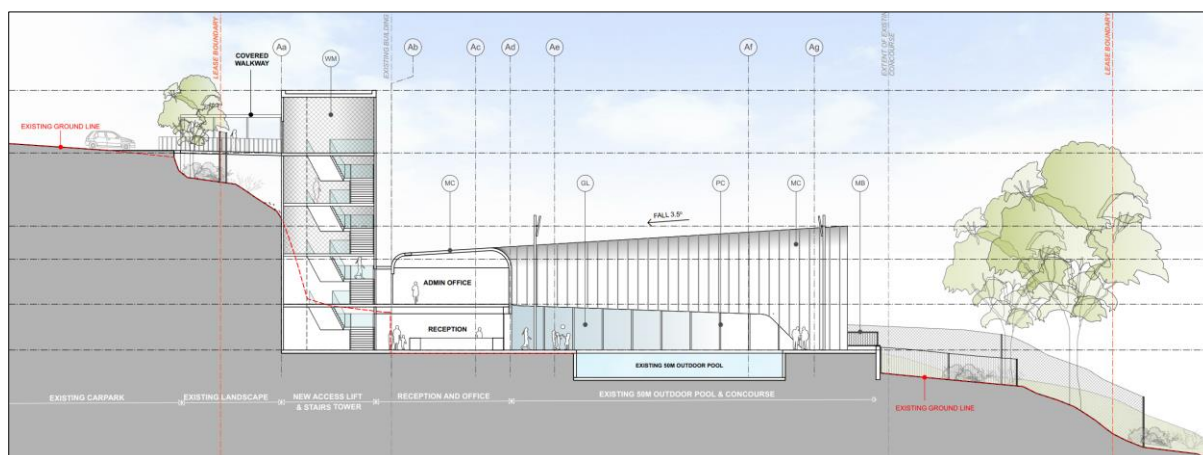


Figure 21: Section Plan looking north showing extent of cut by identifying proposed development and existing natural ground level (Source: Section Plan prepared by: Brewster Hjorth Architects submitted with application)

The application was assessed by Council's Development Engineer who has raised no objections to the proposal, subject to the imposition of appropriate conditions, ensuring the

works are properly managed, public assets are protected and appropriate treatment of sedimentation is carried out. The proposed earthworks satisfy the requirements of Clause 6.2 of PLEP 2023 and are considered to be reasonable within the context of the site and will not adversely impact upon the natural environment and adjoining properties.

Tree removal

The proposal includes the removal of trees in order to facilitate the construction of the proposed works. As part of the accompanying Arboricultural Impact Assessment prepared by: Tree IQ, dated: 19 December 2023, fifty-six (56) trees and tree groups were assessed and have been found to contain a mix of locally indigenous, Australian native and exotic species.

The application was assessed by Councils Landscape Officer who has identified specific tree numbers which are required to be retained, those of which can be removed and additional details which are required to minimise the construction impact within the Tree Protection Zone (TPZ). The proposal will ensure that a sympathetic landscape response is achieved to attain a high-quality design and amenity outcome for the site. Conditions of consent are provided to secure the retention of the significant trees.

The Landscape Plan prepared by Taylor Brammer identifies additional landscaping to be planted on the site to compensate for the loss of trees where appropriate.

Services

The proposal ensures that the site services will meet the anticipated demand of the development in accordance with service providers specifications. The application has been externally referred to Ausgrid and Sydney Water, who have raised no objections to the proposal, subject to the impositions of conditions.

8.2 Site design

The proposed exterior seeks to create a singular form sympathetic to its setting with a sweeping curved roof that opens to southward views from the site. Its distinctive design integrates harmoniously into the site's landscape. The design incorporates a combination of lightweight structure and metal cladding, providing a single form in contrast to the bushland surrounds.

The structural form ensures clear, unobstructed spans across the expansive 20m indoor pool area, enhancing visibility throughout the facility. Adding to the facility's unique appearance is the newly integrated stair/lift tower. This tower complements the curved roof of the indoor pool hall and enhances the leisure centre's entry experience from the car carpark. It provides direct access from the carpark to the main foyer, providing accessible access to the entire facility at a single level.

The main foyer connects to the base of the lift tower, where visitors are greeted by the reception. The retail area is conveniently situated nearby as is the cafe/ kiosk integrated with reception. The main foyer functions as a secure entry point, controlling access to the indoor pool hall and external concourse. The retail area facilitates the sale of merchandise and aquatic-related items.

An airlock at the pool hall entrance serves to separate the chlorinated aquatic environment from the reception area. The amenities, which include change rooms, restrooms, showers, and accessible bathrooms, are strategically positioned for ease of use. The airlock offers a dry entry to the pool hall while the amenity space provides wet entry. The new indoor pool hall is located adjacent to the existing 50m pool. The location helps to provide visual connection to the 50m pool to the south and bushland views to the east. It also allows easy access

between facilities for patrons, which is facilitated by openings to the pool hall between the two main water bodies.

The application is supported by a Design Statement prepared by: Brewster Hjorth Architects, dated: 21.12.2023, which states that the *design and form of the aquatic centre aim to provide a harmonious blend of functionality, aesthetics, and durability. The building form has been designed to create a facility that not only complements its natural surroundings but also enhances the experience for visitors, participants, and patrons. The integration of innovative design elements, structural considerations, and a focus on safety and accessibility maintain the current cultural significance to the existing patrons and provide a new facility for the community.*

Additionally, the application was referred to Councils City Design Officer who has raised no objections to the proposal, subject to conditions of consent.

Accessibility

The application is supported by an Accessibility Report which has been reviewed by Councils Universal Access Officer in conjunction with the plans and supporting documentation. No objections have been raised and conditions of development consent have been provided.

8.3 Heritage

The subject site is identified as being an item of local heritage significance, identified as Dence Park, Item No: 1137. The Statement of Significance identified the site as *site conserving remnant bushland cultural planting from c1910 and pool structures facilities and associated landscaping from the 1950/60's period. Formerly owned by industrialist John Dence. Later sold to Hornsby Council for memorial swimming pool. Of local significance.*

The following elements of Dence Park have been identified as being of significance within the Dence Park Plan of Management:

- Remnant bushland
- War Memorial Olympic Pool complex
- Former bowling green
- Former Victorian house
- Cultural planting from c1910 -Bunya pine and stone pine (located opposite the former Victorian house)

The application is supported by a Statement of Heritage Impact prepared by: EMM, dated: 21 December 2023. The report concludes:

“The construction of the Epping Aquatic Centres using a cut and fill process has significantly altered the landscape greatly reducing any potential for archaeological remains to be present within the impact area. The pool site has been cut into bedrock and then constructed with imported fill. This has resulted in the complete removal of soils that may have contained archaeological remains.

The extensive landscaping works and construction of the carpark area have also been built by a cutting of the natural sandstone and capping with imported fill and asphalt. This has also resulted in the complete removal of archaeological potential in these areas. Accordingly, no historic archaeological approval or permit is required for the work outlined in this Statement of Historical Archaeological Heritage Impact.

EMM provides predictions regarding the probability of subsurface archaeological material occurring within the place, based on historical research, surface indications

and environmental context. However, it is possible that materials may occur in areas without documentary evidence or surface indications and in any environmental context. In the unlikely event that any significant archaeological remains are uncovered during Epping Aquatic Centre redevelopment the attached EMM Unexpected Finds Procedure should be implemented. It is also recommended that movable heritage items, such as the commemorative opening plaque should be catalogued and stored in a safe location for future reinstatement in the new aquatic centre complex once constructed.

Additionally, the proposal was referred to Council's Heritage Officer who has raised no objections to the proposal, subject to the imposition of conditions.

Aboriginal Heritage

The application is supported by an Aboriginal Cultural Heritage Due Diligence Report prepared by: EMM Consulting, dated: 21 December 2023. The report concludes that the area proposed for the development has low archaeological sensitivity. It is not expectation that Aboriginal objects will be present within the area proposed for development, and no further investigation is warranted. The proposed activity has low risk of harming Aboriginal objects, and works may proceed with caution and in accordance with the recommendations listed in the report.

8.4 Environmentally Sustainable Design

Additionally, the application is supported by an Ecologically Sustainable Development Report (ESD) prepared by: JHA Services, dated: 20/03/24, which outlines strategies for minimising waste generation, maximising material re-use, and recycling, reprocessing and reducing the volume of materials. Refer to Section 3.2 of this report.

The application was internally referred to Councils external ESD consultant who has raised no objections to the proposal, subject to conditions of consent.

8.5 Biodiversity

The site is mapped as containing biodiversity values. A majority of the proposed impacts are associated within the implementation of an APZ. The riparian land will be subject to APZ maintenance as part of the proposed development. A Vegetation Management Plan (VMP) prepared by Narla Environmental, dated: March 2024, will be implemented to ensure the overall improvement of waterway health. The application is supported by a Streamlined Biodiversity Development Assessment prepared by: Narla Environmental, dated: May 2024.

The application was referred to Councils Biodiversity Planning Officer who has concluded that the development triggers the BOS under the BC Act 2016 due to the area clearing threshold for native vegetation, largely due to the requirement of implementing an Inner Protection Area. A review was undertaken of the BDAR in line with the "Guidance for local government on undertaking a critical review of a Biodiversity Development Assessment Report" (DCCEEW, 2024). Conditions of development consent have been imposed to protect adjoining bushland, to ensure the VMP is commenced and to retire the biodiversity credits as specified in the BDAR.

8.6 Traffic, access and parking

The proposal does not include changes to the existing access arrangement to the site. The development proposes a total of 109 car parking spaces and is supported by a Traffic Impact Assessment prepared by: TTW, dated: 20/12/2023.

The proposed development provides a total of 109 on-site car parking spaces. This is a reduction of three car parking spaces from the existing car park.

During carnival season, the majority of visitors will arrive to the site by bus. Temporary bus parking bays will be implemented, and a formal traffic management plan will be endorsed by Epping Aquatic Centre. The traffic management plan will ensure parking and traffic are properly managed during carnival season. This is considered acceptable given carnival season occurs for only 5 weeks throughout the year and traffic management will be in place to ensure all vehicles are accommodated on-site.

The application was referred to Councils Traffic & Transport Investigations Engineer, who has concluded that based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on the surrounding road network. The proposal can be supported on traffic and parking grounds subject to traffic related conditions.

8.7 Waste Management

The application is supported by a Construction and Demolition Waste Management Plan prepared by: EF Consulting, dated: 4/12/2023, and an Operational Waste Management Plan prepared by: EF Consulting, dated: 9/01/2024. The application was assessed by Councils Environmental Health Officer who has raised no objections to the proposal, subject to the imposition of conditions.

8.8 Social and Economic Impacts

The proposed alterations and additions to the aquatic centre are considered to be a significant improvement of the existing aquatic facility and will result in positive social benefits. The proposal is considered to be an important facility for the locality and will provide for a space which will contribute to improved health and wellbeing.

The application has been supported by a Social Impact Assessment prepared by: EMM Consulting, dated: 18 December 2023. The report has sought to identify social impacts and benefits associated with the construction and operation of the project. The report was completed in compliance with applicable legislation and guidelines, including the Parramatta SIA Guideline and the NSW SIA Guideline (Parramatta City Council, 2013; DPE, 2023a).

When applying the assessment criteria to the proposed upgrades to the Epping Aquatic and Leisure Centre, a range of positive and negative impacts were identified. These impacts mainly pertain to access to and usage of community facilities and services, health, safety, earning ability, neighbourhood identity, belonging and connection to community, and social equity.

The main potential negative impacts relate to the construction period, given the shutdown of the facility, noise and visual amenity impacts, and traffic changes. However, if the recommended measures to avoid, reduce, or mitigate the potential negative social impacts are considered and adopted, the likelihood of any negative social outcomes from the Project will be reduced, with the identified potential impacts anticipated to be adequately mitigated and managed.

The key benefits of the project included employment generation during both the construction and operation of the project, as well as operational benefits including extended service capacity of Epping Pool, improved disability access, enhancing the memorial significance of the facility and increased opportunities for social interaction.

8.9 Safety, Security and Crime prevention

The application has been supported by a Crime Prevention Through Environmental Design report prepared by: Mecone, dated: January 2024. The report includes an assessment against the four key principles of CPTED and against the NSW Police CPTED guidelines. The report concludes that the development is acceptable from a crime risk perspective and incorporates design initiatives to reduce the opportunity for crime. Conditions of development consent to be imposed.

8.10 Noise

The application is supported by an Acoustic Report prepared by: JHA, dated: 20/12/2023, which includes an assessment of the internal noise, external noise, public address, operational noise and traffic noise generation. The application was referred to Councils Environmental Health Officer who has raised no objections to the proposal, subject to conditions of consent.

8.11 Staging

The development proposes to undertake the proposed works and operation across 3 stages of development in order to facilitate the appropriate delivery of the facility. The stages include:

Stage 1

- Consolidation of three (3) allotments into one (1);
- Refurbishment of the existing outdoor 50m swimming pool;
- A new grandstand and shading structure;
- A new indoor 20m swimming pool;
- A new lift tower;
- Pedestrian pathways;
- Associated pool amenities, including a retail shop;
- Associated landscaping;
- Provision of three (3) accessible car spaces
- Signage; and
- Plant equipment rooms.

Stage 2

- Construction of new splash pad and wading pool.

Stage 3

- Construction of new changerooms and unisex showers.

The general arrangement of works will include the partial shutdown of the facility in order to accommodate for the proposed expansion, and alterations and additions.

9. Site Suitability

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.

10. Public Interest

10.1 Dence Park Masterplan

Following extensive consultation and consideration of feedback received over an 18-month period (2018-19), the Masterplan for Dence Park was completed and endorsed by Council in December 2019. The Masterplan identifies upgrades to the Epping Creative Centre, Epping Pool and surrounding green and open space. It will guide improvements across the whole park so that it continues to meet the needs of the growing community.

In April 2020, Council endorsed the Dence Park Masterplan Implementation Plan. The aim of the Implementation Plan is to provide a clear and strict cost-controlled method for Council to develop the high-level Masterplan into detailed design for tender and construction.

Consultation update

The submissions showed that Epping Pool is valued as an important asset by the local community. While most respondents indicated that they would use the pool for casual swimming, a majority also demonstrated a strong desire to have the water play equipment and a shallow splash pool included in stage one works.

10.2 Public Submissions

The application was notified between 25 November 2022 – 11 January 2023 in accordance with Appendix 1 (Consolidated Notification Requirements) of Council's Community Engagement Strategy. In response to the exhibition period, three (3) individual submission were received. The submissions received by Council included positive remarks and general questions which were not related to the development application. The issues raised within the submissions are discussed in the table below.

Issue	Response
Will sufficient car parking will be provided and how it will be managed.	The application was referred to Councils Traffic Engineer, who has considered the Traffic Report submitted with the application and the impacts of the proposal will have on the demand for parking. No objections have been raised and conditions of development consent have been imposed.
Will there be the provision of a hydro-pool and will this be available for when local residents need rehabilitation.	The application does not propose a hydro-pool as part of the development proposal. The proposal includes a heated pool option as part of the overall development.
Will the Active Van Aqua Program be reinstated?	The upgrade to the facility is access focused to ensure that all patrons have upgraded access to the facility. The proposed design will facilitate a broad range of activities now that it will be accessible to a wider demographic. These comments will be considered as Council continues to develop its plan for the operations and programming of the facility.
The plan to have a lift is excellent.	Noted.

The plan to have a smaller heated pool is excellent.	Noted.
Considerations of strategic placement of family change rooms and facilities in close proximity to the learn-to-swim and children's pools. This arrangement ensures a seamless experience for families with young children, providing convenience and enhancing the overall safety and accessibility of the facility.	Noted. The application has been assessed by various internal Council departments who have not raised any objections to the location of the proposed facilities. The location and placement to these facilities is considered to be appropriate given the site topography and constraints.
Additional shade around the main pool area. And hopefully this can be done with most appropriate types of plantings	No additional shading is proposed to the main pool area. The existing landscaping and proposed structures will provide shading to the pool area at various times during the day. The application has been considered by Councils City Design Officer who has raised no objections to the proposal.
I recommend the integration of LED lighting throughout the centre and advanced sound system across the site.	The Scheme does propose the use of LED lighting as part of the new lighting upgrades through the facility to ensure the safety of patrons from their arrival at the centre and their use of all the facilities. Smart Hub external poles will be positioned externally to ensure the centre can be used for extending hours safely.
Energy efficiency of the proposal	The facility will include 99kw of solar PV to the majority of the roof to the pool hall. In addition to PV, gas will be removed from the site and heating will be only electric to ensure the use of renewable energy. Sand filters will be replaced with UFF to allow for water efficiency in addition to the inclusion of modern energy-efficient technology throughout including the selection of timed water efficient fixtures.
Use of artist studio and commissioned artworks. Incorporation of colour and art.	Noted – There are a number of areas on the site, including the entry sequence where Council will review the integration of art and colour.
The proposed development for the Epping Aquatic Centre holds immense potential to become a centrepiece for our community.	Noted.

Amended Plans received

Yes

Changes include amendments to external egress stairs, addition of doors, pool concourse line added, Gate 5 & 6 amended to allow for turning circle, addition of bush wall steps, addition of new tree codes.

Amended Plans re-advertised or re notified

No

The changes are considered to be minor and will not result in increased impacts.

10.3 Conciliation Conference

On 11 December 2017, Council resolved that:

“If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices.”

Conciliation Conference – Not Required

The application received 3 unique submissions during the formal notification period and as a result a Conciliation Conference was not required to be held.

10.4 Conclusion

Subject to implementation of recommended conditions of consent no circumstances have been identified to indicate that the proposal would be contrary to the public interest. Rather it is considered that the proposal is in the public interest for the following reasons:

- The proposal is consistent with the zone objectives and controls within the LEP;
- The proposal is consistent with relevant DCP provisions;
- The proposal will not create any significant amenity impacts with regard to overshadowing, privacy, noise or view loss;
- The proposal will not result in a significant and unreasonable impact on the environment.
- The proposal will be sympathetic to the heritage significant of the site; and
- The proposal will ensure the ongoing operations of a high-quality community facility in the form of the Epping Aquatic Centre to meet the recreational needs of the community.

11. Disclosure of Political Donations and Gifts

No disclosures of any political donations or gifts have been declared by the applicant or any organisation / persons that have made submissions in respect to the proposed development.

12. Development Contributions and Bonds

12.1 Development Contributions

The development contributions required for the proposed development fall under the provisions of the City of Parramatta (Outside CBD) Development Contributions Plan 2021 (Amendment 1).

Section 1.3 of the Plan lists development that is exempted from the Plan. This includes the following:

- *Development undertaken by or on behalf of Council including for works listed in the works program in Appendix F of this Plan.*

It is noted that the Epping aquatic facility upgrades are included in Table 30 of Appendix F.

No contributions are therefore payable for this application.

12.2 Development Bonds

A development bond will be payable to Council for the protection of the adjacent road pavement and public assets during construction works. The development bond will be imposed in accordance with the Council's Schedule of Fees and Charges applicable at the time of bond lodgement. The 2023/2024 bond is currently as follows:

Section	Type	Amount
Section 2.6.10	Development site bond works valued over \$1,000,000	\$25,750.00

13. Conclusion

The application has been assessed relative to Section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

The proposed development is considered to be appropriately located.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been responsibly designed and provides for acceptable levels of earthworks associated with accommodating the proposal. Due to the sites location and siting of the development, the proposal is not considered to create adverse amenity impacts to adjoining residential properties. Hence the development is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

The application is recommended for approval subject to the imposition of appropriate conditions.

Reasons for Approval

Having regard to the assessment within this report, the proposal is considered to be suitable for approval for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site
- The proposal will provide for a high-quality community facility to meet the recreational needs of the local community
- The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome
- For the reasons given above, approval of the application is in the public interest.

14. Recommendation

That the Sydney Central City Planning Panel, as the determining authority, grant consent to Development Application No. DA/764/2023 for the alterations and additions to the Epping Aquatic Centre (Dence Park) including refurbishment of the existing 50m outdoor swimming pool, construction of a new 20m indoor swimming pool, a new grandstand, shade structure, splash pad and wading pool, lift tower, associated amenities, and landscaping works on land at 26X Stanley Road, Epping for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions contained within **Attachment B**.