

Item: CCL116-22 Georges River Aquatic Facility - Carss Park Site Assessment Review

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Directorate: Assets and Infrastructure

Matter Type: Assets and Infrastructure

RECOMMENDATION:

- (a) That Council notes and receives the findings and recommendations of the *Georges River Aquatic Facility – Carss Park Site Assessment Review*.
- (b) That Council notes Carss Park is a feasible option as identified in the *Georges River Aquatic Facility – Carss Park Site Assessment Review* and endorses the inclusion of Carss Park - Option 1: Local Scale Development (Aquatic Facility) in the future Capital Works Plan.
- (c) That Council endorses the immediate commencement of DA2020/0405 including the demolition of the existing pool and ancillary structures, remediation of contaminated land, earthworks and associated landscaping works.
- (d) That Council acknowledges its statutory obligations pursuant to Section 8A and 8B of the NSW Local Government Act 1993 on the management of lands and other assets and the principles of sound financial management.
- (e) That Council resolve to allocate expenditure of \$320,000 in the 2022/23 Budget in order to commence a new Plan of Management and Master Plan for Carss Bush Park and Todd Park, and to prepare a business case for a Local Aquatic Facility at Carss Park, with the identified funding source being the Merger Initiatives Reserve.

EXECUTIVE SUMMARY

1. *NOM046-21 Managing Risks to Safety – KWMP* and *CCLL050-021 Regional Aquatic Leisure Centre – Todd Park Site Assessment* resolved that “Council officers provide a detailed feasibility study comparisons between the Carss Park Pool site and the Todd Park pool site” and “review a comparative, comprehensively detailed Technical and Environmental Assessment report for both the Carss Park Site and the Todd Park Site to enable Councillors to make an informed decision on the most suitable site for the construction of a future contemporary aquatic facility”.
2. Otium Planning Group Pty Ltd was engaged by Council to investigate the feasibility of building aquatic facility options within both the Carss Park and Todd Park precincts.
3. The options in the *Georges River Aquatic Facility – Carss Park Site Assessment Review* include:
 - Replacement of existing aquatic facility components within the footprint of the current Kogarah War Memorial Pool (KWMP) site at Carss Park
 - Construction of a Regional Aquatic Facility within the footprint of the existing KWMP site at Carss Park
 - Construction of existing KWMP aquatic facility components within the identified Todd Park aquatic facility footprint

4. Due to the risk posed by the existing KWMP site conditions, Council prepared a Development Application (DA2020/0405) for the demolition and remediation of existing pool and ancillary structures and remediation of contaminated land that was approved by the South Sydney Planning Panel on 31 May 2021.
5. The technical studies detailed in the *Georges River Aquatic Facility – Carss Park Site Assessment Review* including the associated design options are predicated on the execution of DA2020/0405 to negate some of the direct site contamination risks and enable the progression of future construction works with some level of control.
6. The current Plan of Management (PoM) does not identify the construction of a new pool or a replacement pool at Carss Bush Park or Todd park and Council is required to prepare a new PoM and Master Plan for both sites.
7. The merger initiative internally restricted reserve has been identified as a potential funding source to progress the preparation of a new PoM and Master Plan for Carss Bush Park and Todd Park, and to prepare a business case for a Local Aquatic Facility at Carss Park.

BACKGROUND

8. The Regional Aquatic Facility Site Suitability and Feasibility Study (May 2020) prepared by Otium Planning Group identified four suitable sites for a Regional Aquatic Facility in the Georges River area, including the existing KWMP site at Carss Park and Todd Park.
9. In 2021, an investigation was undertaken to assess the feasibility of constructing a Regional Aquatic Facility on the Todd Park site (*Regional Aquatic Leisure Centre – Todd Park Site Assessment Review 2021*).
10. In 2022, Council engaged Otium Planning Group Pty Ltd to undertake detailed investigations into the site suitability of the KWMP site at Carss Park for the development of a new aquatic facility.
11. Technical investigations provided by the project team of companies include architectural concepts, engineering and traffic, heritage, planning and environmental effects, geotechnical and contamination, arboriculture, environmental sustainability and quantity surveying.
12. Conceptual plans developed for both Carss Park and Todd Park include:
 - a) Preliminary schematic concept designs to coincide with the footplate of each site
 - b) Environmental sustainability to test best ESD orientation options, design and component functional options and any restrictions to design such as site levels etc.
 - c) Development of a construction footplate plan to test the need for civil works such as site levelling, terracing, cut and fill and the need for excavation and underground works i.e., for parking options.
 - d) Site ground level reviews to see what the recommended site will cost to develop the proposed facility in relation to excavation and civil works. This considered existing contamination and geotechnical reports and identified extent of site remediation beyond the existing Demolition and Remediation Plan (DA2020/0405) to enable the construction of the proposed facility.
 - e) Detailed available services review in consultation with the various authorities and agencies (power, water, sewer, gas, and telecommunications) and determine future services capacity against the service needs of the development based on the construction footplate.
 - f) Local flood study for Carss Bush Park in consultation with Council's Drainage Engineers and other relevant state agencies.

- g) Preparation of a traffic impact study, including a traffic management plan, taking in account the additional peak hour traffic to be generated from the development in determining optimal entry and exit points to facilitate a safe and sustainable ingress and egress to the development with consultation with RMS and Council's Traffic Engineers.
 - h) Utilisation of detailed geotechnical investigation including ground condition review, soil tests for foundations, water table, remediation and contamination management, etc.
 - i) Assessment of potential environmental impacts of the proposed development including the need to remove any established trees and determine mitigation measures.
 - j) Assessment of heritage impacts and identify necessary approvals and viability of obtaining.
 - k) Commissioning Quantity Surveyor with specialised experience in Aquatic Leisure Centres to prepare indicative costings for the developments and associated car parking (all services and associated works) and surrounding infrastructure upgrades, to guide the project budget and funding strategy. This included the development of a capital cost plan to determine whether the site has any cost issues related to development/ design.
 - l) Consideration of any future Carss Park and Todd Park Plan of Management and Master Plan.
13. The key components identified in the Otium Planning Group *Georges River Aquatic Facility – Carss Park Site Assessment Review* include:
- A two-level development with an overall building height of with a roof height of 9.15m above existing ground floor.
 - The proposed new floor level for the facility is RL4.000 which is approximately 200mm higher than the existing aquatic centre floor to minimise fill. This is above overland flow and flooding levels for the fields from the stormwater report.
 - The entire facility is designed as a suspended structure on ground to avoid unnecessary and costly excavation. Piers/ piles will need to get down to approximately -36m to reach firm rock.
 - The existing aquatic footprint has been retained with the main change being that the aquatic centre has been raised up to the level of the parking deck.
 - The main drive-up entry is on this deck with car parking extended on the deck below as far as practicable, being up to the point where the pool shells protrude down and prevent head height.
 - This design solution has allowed for enhanced parking with a total count of 184 parking spaces (138 spaces at level 1 and 46 spaces at level 2).
 - The 8 lane 51.5m pool is an outdoor pool. Cost plans have allowed for the foundation design to be upscaled allowing the opportunity for the outdoor pool to be enclosed in the future.
 - The 25m Learn to Swim/ program pool and the toddler pool are both proposed as outdoor but covered pools, i.e., no air-conditioned internal environment. Cost plans have allowed for the foundation design to be upscaled allowing the opportunity for the outdoor pool to be enclosed in the future.
 - The open roof area will be maximised for installation of solar panel arrays.

NEXT STEPS

14. NSW Office of Local Government Capital Expenditure Guidelines state that before a council undertakes a capital expenditure project in excess of \$10 million, a business plan must be prepared to determine whether the proposal is necessary, consistent with Council's community strategic plan, delivery program and operational plans, offers value for money and that the council has the capacity to deliver and maintain their current and future community services in the long term.
15. The business plan is required to be supported by evidence and evaluate the service needs, options and implementation schedule of the proposed project.
16. Key issues to be addressed through further detailed investigations include vehicular access and traffic modelling, contamination, geotechnical, planning and potential heritage and archaeology impacts
17. Aquatic Facility construction would require Development Consent under Part 4 of the NSW Environmental Planning and Assessment Act 1979. Consent is to be obtained through the lodgement of a Development Application which will be determined by the Sydney South Planning Panel as it is for Council-related development with a cost of more than \$5 million. The preparation of detailed architectural designs which requires the involvement of consulting engineers, specialist aquatic facility quantity surveyors and project managers would be required to enable the lodgement of such a Development Application.
18. The execution of DA2020/0405 'Demolition of existing pool and ancillary structures, remediation of contaminated land, earthworks and associated landscaping works and use of the land for open space and recreation purposes' should commence to mitigate contamination and community safety risks present at the existing degraded site.
19. The demolition of the pool of the existing pool infrastructure and large-scale remediation of the site is not included in any future aquatic facility scope, with an assumption that this would be undertaken as soon as possible to negate some of the direct site contamination risks and enable the progression of future construction works with some level of control.

PLAN OF MANAGEMENT AND MASTER PLAN FOR CARSS BUSH PARK/TODD PARK

20. Carss Bush Park and Todd Park are covered by an existing Plan of Management (PoM) and Master Plan adopted in 2004. Carss Bush Park contains the former Kogarah War Memorial Olympic Swimming Pool.
21. The existing categorisation of the site of the Kogarah War Memorial Olympic Swimming Pool is General Community Use under the Local Government Act 1993. A General Community Use permits a pool.
22. A review of the current PoM does not identify the construction of a new pool or a replacement pool. The table at part 3.3, on pp 28-35 of the POM sets out general management strategies for the Park. This includes the following:

Strategy	Objectives	Performance Measures
Where feasible, Council to avoid excessive building development within the parkland.	to retain and preserve public open space, improve asset management, avoid duplication of existing facilities and amenities, encourage the maximisation and use of existing assets.	Retain, or alternatively increase, the existing total area of available open space.

Figure 1 – Extract from PoM

23. Legal advice has been obtained to determine if the construction of a new pool requires a new Plan of Management. Council is to note that Section 41 of the Local Government Act

1993 (LG Act) provides that a Council may amend an existing plan of management by adopting a further plan of management.

24. The legal advice states that a new PoM (and consequently a Master Plan) is required as:
- The existing PoM does not currently deal with the construction of a new pool.
 - Section 36(3) of the LG Act specifies that a PoM must include information as to the means by which the plans objectives and performance targets will be met. This information would be rendered meaningless if the intensity of the nature and uses of the land were permitted to be changed without consideration of whether the objectives of the PoM were being met.
 - The nature and use of the Park permitted under the PoM necessarily dictates the scale and intensity of the uses permitted to be carried out. This is because Section 36(3A)(b) of the LG Act provides a plan of management is to include a description as to the scale and intensity of any such permitted use or development.
 - The question whether a new PoM (or an amendment to it) is needed, requires consideration of the intensity or scale associated with the existing Pool, as envisaged under the PoM, in contrast to the proposed replacement pool and associated uses.
 - The use will be intensified as evidenced by the proposed replacement pool and associated uses, which were not present or contemplated in the POM.
 - The new pool and ancillary structures appear on concept plans to have a substantially larger footprint and being closer to the foreshore of Kogarah Bay.
 - The increase in car parking is particularly telling as to the anticipated increased intensity and scale by reference to traffic generation.
25. As the existing Park comprises a number of parcels of land either in the ownership of the Council, in part ownership between Council and Crown Lands, or entirely by Crown Lands, landowners' consent from Crown Lands (Department of Planning and Environment) will be required prior to the exhibition of a draft PoM and draft Master Plan. Council is to note that a PoM that contains Crown Land will take two (2) years to adopt, from commencement.

FINANCIAL IMPLICATIONS

26. The Kogarah War Memorial Pool site decontamination and remediation budget is approved in the 2022/23 Capital Program. The cost estimate developed by an external Quantity Surveyor in 2020 may be insufficient due to project cost escalations. This will be determined during the procurement process.
27. Currently all elements excluding the Kogarah War Memorial Pool site decontamination and remediation are unfunded and not budgeted.
28. The preparation of a new Plan of Management and Master Plan for Carss Bush Park and Todd Park can occur independently of the project approval and concurrently with the Kogarah War Memorial Pool site decontamination and remediation. In order for the work to commence additional non-budgeted funds of \$120,000 is required to prepare a new Plan of Management and Master Plan for Carss Bush Park and Todd Park. This amount is based on similar PoMs and Master Plans that have been prepared over the last 2 to 3 years by the Strategic Planning Team.
29. A detailed business plan must be prepared to meet the requirements of NSW Treasury and Federal Government grant programs and NSW Office of Local Government Capital Expenditure Guidelines (2010) this is currently unfunded. A further \$200,000 of additional non-budgeted funds is required to prepare a detailed business plan.

30. Therefore, an increase in expenditure budget of \$320,000 is required to commence with these two items in 2022/23. The merger initiative internally restricted reserve has a projected balance of \$538,000 and could be utilised to fund the preparation of these items.
31. Council's decision to proceed with these items will result in a reduction to the projected operating surplus by \$320,000 to \$1.58 million.

RISK IMPLICATIONS

32. Key issues to be addressed in the Development Application and Detailed Design include vehicular access, parking provision, impacts of stormwater and flooding, noise, visual and view impacts, light spill, crime and safety, contamination and potential heritage and archaeology.
33. Carss Park Aquatic Facility options raise significant planning approval risk including:
 - the potential non-compliance with the Foreshore Scenic Protection Area provisions of Clause 6.6 and other foreshore protection provision of the Georges River Local Environmental Plan 2021 and the coastal management requirements of State Environmental Planning Policy (Resilience and Hazards) 2021.
 - potential impacts of the new facility on State Heritage listed Carss Cottage and its curtilage requiring further heritage assessment and the approval by the NSW Heritage Council under the NSW Heritage Act 1977. In addition, the introduction of significant new built form within the locally listed Carss Bush Park heritage item is also likely to give rise to local heritage impacts, which would require further assessment in accordance with Clause 5.10 of the Georges River Local Environmental Plan 2021.
 - increased traffic movements on the local road network and utilisation of State Roads will require further investigations and relevant approvals to assess transport and traffic impacts.
 - site contamination may result in further NSW EPA involvement and certification of proposed works and mitigation of environmental impact.
34. The above planning approval risks may result in the project not obtaining Development Approval resulting in significant expenditure on a project that cannot progress or requires significant further expense to make changes and obtain consent.
35. Council is to ensure it complies with section 8B of the Act - Principles of sound financial management:
 - (a) *Council spending should be responsible and sustainable, aligning general revenue and expenses.*
 - (b) *Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.*
 - (c) *Councils should have effective financial and asset management, including sound policies and processes for the following:*
 - (i) *performance management and reporting,*
 - (ii) *asset maintenance and enhancement,*
 - (iii) *funding decisions,*
 - (iv) *risk management practices.*
 - (d) *Councils should have regard to achieving intergenerational equity, including ensuring the following:*

- (i) *policy decisions are made after considering their financial effects on future generations,*
- (ii) *the current generation funds the cost of its services.*

COMMUNITY ENGAGEMENT

- 36. Community engagement was undertaken during the preparation of the initial Regional Aquatic Leisure Centre Site Suitability and Feasibility Study in 2019-20.
- 37. The current technical investigations at the site and the preparation of the technical assessment report did not require community engagement.
- 38. The development of a Plan of Management and Master Plan for Carss Bush Park and Todd Park will involve significant community consultation. Normally two stages of community consultation are involved in preparing a new plan of management and master plan – Stage 1 – Preliminary which is conducted before a master plan is prepared and Stage 3 – the formal exhibition of the draft Plan of Management and Master Plan. A Public Hearing may also be required.
- 39. As per the Capital Expenditure Guidelines, Councils must undertake public consultation and engagement processes prior to making any commitment to the project. It is a requirement under these guidelines, that councils prepare a report on the public consultation process undertaken to bring the project to the review state as well as providing details on the process, for ongoing reporting on the project to the council and the community.