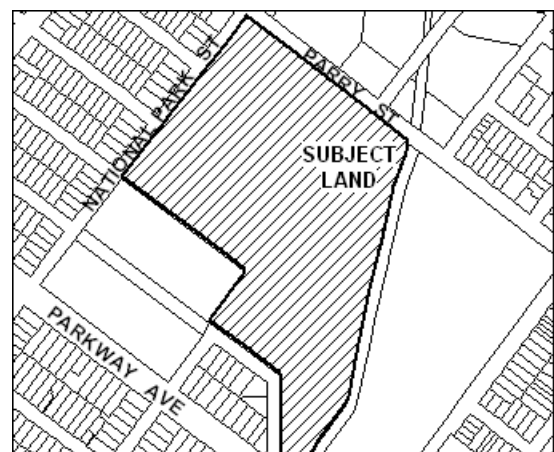


<b>JRPP No.</b>	<b>2010HCC009</b>
<b>DA No.</b>	<b>10/0336</b>
<b>Proposed Development</b>	<b>REDEVELOPMENT OF NUMBER 2 SPORTS GROUND</b>
<b>Location</b>	<b>120 UNION STREET NEWCASTLE WEST</b>
<b>Applicant</b>	<b>NEWCASTLE CITY COUNCIL</b>
<b>Author</b>	<b>ENVIRONMENTAL RESOURCES MANAGEMENT AUSTRALIA PTY LTD (ERM) ON BEHALF OF NEWCASTLE CITY COUNCIL</b>

## Assessment Report and Recommendation

### PURPOSE

On 18 March 2010 Council lodged a development application seeking consent to redevelop No.2 Sportsground at 120 Union Street, Newcastle West. The proposal is to demolish existing structures and redevelop the site as a sporting/entertainment venue accommodating up to 5000 people. The venue is to be used for major sporting events and other forms of entertainment such as, but not limited to, open air theatre, outdoor cinema, youth concerts, Christmas carols and outdoor community celebrations.



**Subject Land:** Map 2 - G10 as Gregory's Street Directory 22<sup>nd</sup> Edition.

## Introduction

The proposal is to demolish existing structures and redevelop Newcastle No 2 Sports Ground as a sporting/entertainment venue accommodating up to 5000 people, including new grandstand and associated amenities building and landscaping, reconfigured playing area and 265 on site car parking spaces.

The development application is to be determined by the Joint Regional Planning Panel (JRPP) under Clause 13(B(2)) of State Environmental Planning Policy (Major Development) 2005. The proposed development has a Capital Investment Value (CIV) in excess of 5 million dollars and the Council is the owner of the land as well as the applicant and therefore has a conflict of interest in the determination.

The application was submitted with a Statement of Environmental Effects (SoEE) to enable a full and accurate assessment of the proposal. The SoEE incorporated:

- A traffic assessment report;
- A visual impact assessment;
- A landscape design report;
- An arborist report;
- A lighting design compliance statement;
- A preliminary waste classification assessment; and
- A noise assessment report and management plan.

2 July 2010 – Amended plans received;

18 August 2010 – Further amended plans received

A copy of the latest amended plans and photomontages are included at **Attachment A**.

## Submissions

The application was notified in accordance with Council's Public Notification Policy from 31 March 2010 to 19 April 2010.

A total of 26 responses were received, 19 letters of support and seven letters of objection. Letters of objection raised the following concerns:

- Elected council representatives are removed from representing their constituents concerns;
- Departure from the National Park Plan of Management (POM);
- Removal of parkland to facilitate car parking;
- Flooding impacts and flood risk;
- Incompatible design;
- Bulk and scale;
- Loss of a local cricket facility;
- Noise impacts; and
- Traffic impacts.

Letters of support related to:

- Improvement and diversification of a local sporting facility;
- Improvement in car parking stimulus for local business and investment; and
- Sports tourism improvement.

The concerns raised by objectors are addressed under the relevant matters for consideration in 4.0 of this report.

## **Issues**

- Whether the development is acceptable in relation to the relevant provisions set out in Newcastle Local Environmental Plan 2003;
- Whether the development is acceptable in relation to the relevant guidelines set out in Newcastle Development Control Plan 2005;
- Whether the development is consistent with the Plan of Management for National Park; and
- Whether the development is acceptable in relation to amenity impacts upon the surrounding locality.

## **Conclusion**

The proposal to redevelop the site as a high quality venue to be used for major sporting events and other forms of community entertainment represents a positive outcome for the community and the region. The site is well located and relatively unconstrained for its intended purpose. The provision of off street parking has the potential to increase access to and the availability of recreational space, to facilitate improved traffic and parking management and relieve existing pressure on on-street parking in the locality. The design of the proposal properly addresses the constraints and opportunities associated with the site, resulting in a site solution which is appropriate to the context and which will significantly improve the public domain. The development application has been assessed against the relevant environmental planning policies and instruments and is generally consistent with these. The surrounding locality will be positively affected by the proposal and any impacts can be managed through appropriate conditions of consent. The proposed development has been assessed having regard to the relevant heads of consideration under Section 79C (1) of the Environmental Planning & Assessment Act 1979 (as amended) and is considered to be acceptable.

## **RECOMMENDATION**

It is recommended that the Joint Regional Planning Panel approve the development application in its current form subject to compliance with the conditions set out in the draft schedule of conditions at **Attachment B**.

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## **PART II**

### **1.0 THE SITE AND SURROUNDING AREA**

The subject property is located in Newcastle West and is known as Newcastle No 2 Sports Ground, comprising Lot 268A DP 755247. The site forms part of National Park which is identified as a regional sporting facility. The site has an irregular shape, having a north eastern frontage to Parry Street of 120m, a western frontage to Smith Street of 260m and is bounded by a major stormwater channel on the eastern side and a minor channel on the southern side.

The site is occupied by a centrally located sports oval oriented roughly north south. A brick grandstand and associated canteen building on the western side of the site face the oval and back on to Smith Street. Several mature trees are located in the north east part of the site along Parry Street as well as the south west corner. The remainder of the fenced perimeter is occupied by trees of varying species, age and size which, along with mounded areas along the edge of the oval, provide a sense of enclosure. Vehicle access to the oval is currently provided close to the north eastern corner off Parry Street with additional pedestrian access on the north side of the existing grandstand off Smith Street. Currently car parking at the ground is informal and provides for about 50 cars.

The site is adjoined by open space immediately to the east on the opposite side of the stormwater channel (No 1 Sportsground), south and west. The open space contains sports ovals, netball courts bowling greens, an athletics track and tennis courts which all form part of National Park. The northern side of Parry Street opposite the site is characterised by a mix of land uses including retail (Marketown Shopping Centre and associated parking) and offices.

### **2.0 THE PROPOSAL**

The proposal is to demolish existing structures and redevelop the site as a sporting/entertainment venue accommodating up to 5000 people. The venue is to be used for major sporting events and other forms of entertainment such as, but not limited to, open air theatre, outdoor cinema, youth concerts, Christmas carols and outdoor community celebrations.

Specifically the following is proposed:

- Reconfiguring the existing sportsground from its current oval shape to a rectangular field;
- New formal grandstand on western side and seating along the northern, southern and western edges of the field;
- New amenities building on the western side, incorporating change rooms, tunnel access, ticket office, plantrooms, storerooms, public amenities, gym, first aid room and forecourt at ground floor level and office, club, boardrooms, bar, canteen and function rooms at first floor level;
- New sealed at-grade 45 space landscaped car park on northern side with entry and exit off Parry Street;

- New sealed at-grade 220 space landscaped car park (including 6 disabled spaces) on western side with entry and exit off Smith Street midway along the site frontage and exit to Smith Street at the south western corner;
- 11 parallel parking spaces along southern part of Smith Street;
- New landscaped pedestrian footway and associated drop off zone on north western side extending from Parry Street to carpark access midway along western boundary;
- New retail space at north west corner of playing field;
- New electronic scoreboard on eastern side of playing field;
- New light poles at each corner of playing field;
- New perimeter security fencing; and
- New pedestrian footbridge across southern stormwater channel.

A copy of the amended plans and photomontages are included at **Attachment A**.

### **3.0 PUBLIC NOTIFICATION**

The application was notified in accordance with Council's Public Notification Policy from 31 March 2010 to 19 April 2010.

A total of 26 responses were received, 19 letters of support and seven letters of objection. Letters of objection raised the following concerns:

- Elected council representatives are removed from representing their constituents concerns;
- Departure from the National Park Plan of Management (POM);
- Removal of parkland to facilitate car parking;
- Flooding impacts and flood risk;
- Incompatible design;
- Bulk and scale;
- Loss of a local cricket facility;
- Noise impacts; and
- Traffic impacts.

Letters of support related to:

- Improvement and diversification of a local sporting facility;
- Improvement in car parking stimulus for local business and investment; and
- Sports tourism improvement.

The concerns raised by objectors are addressed under the relevant matters for consideration in the following section of this report.

### **4.0 ENVIRONMENTAL PLANNING ASSESSMENT**

The application has been assessed having regard to the relevant matters for consideration under the provisions of Section 79C(1) of the Environmental Planning & Assessment Act, 1979, as detailed hereunder.

## **4.1 STATUTORY CONSIDERATIONS [Section 79C(1)(a)(i) and (ii)]**

### **4.1.1 State Environmental Planning Policies (SEPP)s**

#### SEPP (Major Development) 2005

SEPP (Major Development) 2005 defines certain developments that are major projects under Part 3A of the EP&A Act 1979. Clause 13(B(2)) requires this development application to be determined by the Joint Regional Planning Panel (JRPP) since it has a Capital Investment Value (CIV) in excess of 5 million dollars and the Council is the owner of the land as well as the applicant.

#### SEPP (Infrastructure) 2007

This SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with the relevant public authorities during the assessment process. The proposal provides in excess of 200 car spaces on the site and therefore falls within Column 1 of Schedule 3 of the SEPP and requires referral to the RTA. The RTA has confirmed that it has no objection to or requirements for the proposed development as it is unlikely to have a significant impact on the classified road network (refer discussion under 4.2 below).

### **4.1.2 Newcastle Local Environmental Plan 2003**

The site is zoned 6(a) Open Space and Recreation Zone under Newcastle LEP 2003. The zone has the following objectives:

- (a) *To accommodate leisure, recreation and sports facilities in parks, gardens, plazas and other open spaces, for the general use of the community, where consistent with an adopted plan of management under the Local Government Act 1993 or the Crown Lands Act 1989.*
- (b) *To provide for the conservation of urban bushland where associated with parks and other open spaces.*
- (c) *To accommodate other facilities for the benefit of the community that are compatible and consistent with the heritage and character of the open space and with the character and amenity of the neighbourhood.*

The proposed development is permissible with consent, falling within the definition of “recreation area” within LEP 2003 and is consistent with the objectives of the zone.

The proposal is also consistent with the Aims and General Objectives for Newcastle LEP 2003. It will contribute positively to the public domain including streetscape and open spaces and enhance sense of place. It also makes a positive contribution to the economic and social well being of the community in an environmentally responsive manner.

## Relevant Special Provisions of LEP 2003

### Clause 25 – Acid sulphate soils

The area is a Class 4 works area as set out in LEP 2003 and the Potential Acid Sulphate Soils Planning Map. Class 4 includes works more than 2m below ground level and works by which the water table is likely to be lowered by more than 2m below natural ground surface. The consent authority is required to assess the adequacy of an acid sulphate soils management plan prepared for the proposed development.

The applicant has submitted a Preliminary Acid Sulfate Management Plan Redevelopment of No 2 Sportsground Parry Street Newcastle West prepared by RCA Australia RCA ref 7673-602/0 dated August 2010. The Management Plan has been prepared in accordance with the ASSMAC Acid Sulfate Soils Manual August 1998 and identifies ASS treatment methods if ASS is encountered. A condition has been recommended requiring that the site be managed in accordance with this Management Plan.

### Clause 33 - Development in the vicinity of a heritage item or heritage conservation area

The site is located in the vicinity of Hamilton South, Cooks Hill and City Centre Conservation Areas, but not identified within those areas. Clause 33 of LEP 2003 requires the consent authority to assess the impact of the proposed development on the heritage significance of the heritage item or heritage conservation area in the immediate vicinity.

Council's Heritage Officer has provided the following comments:

*The development proposal has no direct impact on the heritage significance of each of the three heritage conservation areas in the vicinity. There are no known heritage items on the site that would be impacted by the proposal.*

### **4.1.3 Draft Standard LEP 2011**

The site is zoned RE1 Public Recreation under Draft Newcastle LEP 2011. Recreation areas and major recreation facilities are permitted with consent in the zone. The proposal in its current form is also consistent with the objectives of the zone which are:

- 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.

## 4.2 MERIT CONSIDERATIONS

### 4.2.1 Newcastle Development Control Plan 2005

Newcastle Development Control Plan 2005 applies to the proposal.

#### Element 4.1- Parking and Access

Element 4.1 of DCP 2005 sets out the requirements for parking. However there is no specific reference in the parking rates to the type of facility proposed. The DCP sets out that parking provision for major traffic generating development will be assessed on merit.

A Traffic Assessment Report in support of the proposal has been undertaken by TPK & Associates. The redevelopment site will provide 265 formal off street parking spaces and a section of multi use kerb side space that can be adapted to a drop off zone on an as required basis. 11 parallel parking spaces are also proposed along the southern part of Smith Street. The Traffic Assessment Report details that the additional off street spaces should be available for general public use outside event requirement times and that the additional parking will significantly improve parking availability for the surrounding recreational precinct when event times do not conflict and reduce demand for on street kerbside parking when events do coincide. Pick up and delivery of goods will be at the main entry located at the rear of the grandstand.

Council's traffic engineer provided the following comments in response to the TPK report:

*This proposal provides in excess of 200 car spaces on the site therefore falls within column 1 of Schedule 3 of the SEPP Infrastructure and requires referral to the RTA via the Regional Development Committee (traffic).*

*The proposed redevelopment of the No. 2 Sportsground is unlikely to have an adverse impact on the local road network except for special events that will draw crowds in excess of 1,000 people. At this level of attendance it is expected that parking will spill over onto the on street parking areas and thus has the potential to reduce capacity and decrease amenity of adjoining areas. However for most periods of time given that most events at the site will result in attendances of less than 1,000, the proposed redevelopment will result in an improved road network efficiency because of the provision of additional off street car parking. Therefore no objection is raised to the proposal on traffic and parking grounds.*

*However I do not agree with the submitted traffic assessment in these areas;*

- 1. The impact of right turning traffic propped at the Smith Street entrance on through traffic on Smith Street.*
- 2. That Council should monitor future pedestrian movements at major events to determine external pedestrian facility requirements.*



*In regard to these two areas the following advice is provided;*

- 1. It is considered that on street parking in Smith Street is not critical at this stage therefore parking restrictions should be placed on the north-western side of Smith Street immediately opposite the proposed entrance to ensure through traffic can pass a vehicle propped to turn right into the new car park area. To facilitate this movement the existing traffic calming device immediately south of the Smith Street entrance should also be relocated further south along Smith Street such that it would be clear of any likely queuing at the Smith Street entrance.*
- 2. I believe that on review of the final design, pedestrian patterns from the site during major events can be easily identified without waiting to monitor future trends. I think it is obvious that the design will encourage pedestrian to utilise the pedestrian plaza and entrance portals to enter the site from Parry Street. From there the main desire line will be to the bus stops and rail lines in King Street and Hunter Street more than likely along Steel Street. Therefore I believe the traffic assessment should look at a pedestrian crossing facility more likely as a refuge on Parry Street between Steel Street and Smith Street. This could be in the form of an extension of the median from the Steel Street roundabout with a suitable cut-through.*

*Given that available on site and adjacent on street parking is only likely to accommodate a crowd of up to 1,000 people a suitable event management plan should be prepared and approved by Council prior to use of the facility. This plan should detail measures to be undertaken to reduce the impact of the proposed event on the local road network and should include but not be limited to measures to promote public transport use, overflow car parking areas, road closures, traffic diversions, marshalling, police involvement etc. It is also recommended that different levels and types of events need to be considered in preparing the event management plan and as such a number of different traffic management plans may need to be provided within the overall event management plan. The plan will also need to be referred to the RTA and Police for their approval. A condition requiring an event management plan is included at **Attachment B**.*

### **Recommendation**

*The concept plans for the proposed development should be amended as follows;*

- 1. On street parking in Smith Street opposite the proposed entrance to the car park is to be removed to allow through vehicles to pass vehicles queued at the Smith Street car park entrance waiting to turn right into the site.*
- 2. The existing traffic calming device located immediately south of the proposed Smith Street entrance is to be relocated further south along Smith Street to ensure it does not impede through vehicles passing right turning vehicles queued at the Smith Street car park entrance.*
- 3. An appropriate pedestrian refuge is to be provided on Parry Street in the vicinity of the main pedestrian entry to the ground (entry portals) to facilitate the crossing of Parry Street by pedestrians generated by the development.*

*Subject to the plans being amended and an in principle approval being given by the Newcastle City Traffic Committee, it is considered the proposal can be supported subject to conditions.*

The applicant submitted an amended drawing which was reviewed by Council's Traffic and Development Sections. Further discussions resulted in an agreed concept with amendments to the plan that satisfied both Council and the applicant's concerns.

Council have also advised that the reconstruction of the Parry Street and Steel Street intersection to round about control is a term of development consent for the 'Marketown' development at 23 Steel Street. Modelling undertaken by TPK & Associates concluded that should the round about not be in place prior to the completion of No 2 Sports Ground, the operation of the Parry Street/Smith Street intersection in its current form will remain at acceptable performance levels. The proposed development was also considered by the Regional Development Committee. The Regional Development Committee does not support the findings in the TPK report for the Parry Street/Smith Street intersection, and in consultation with Council's Traffic co-ordinator, are proposing the following measures:

- Widening of the Smith Street Intersection with Parry Street to adequately cater for bus movements;
- Provision of a raised marked pedestrian foot crossing in Parry Street incorporating concrete central medians;
- Provision of a dedicated right turn bay in Parry Street for entry into 'Marketown' Shopping Centre; and
- Review of kerbside parking in Parry Street between Smith and Steel Streets.

The applicant has submitted an amended road works concept plan (**Attachment D**) which reflects the above points. Conditions to this effect are also included at **Attachment B**.

The RTA has also confirmed that it has no objection to or requirements for the proposed development as it is unlikely to have a significant impact on the classified road network.

### Traffic Objections

The following objections were raised on traffic grounds by the owners of 'Marketown' shopping centre:

- Loss of a right hand turn from Parry Street into Smith Street;
- Road works on Parry Street affecting access to 'Marketown' shopping centre, elimination of street parking in Parry Street;
- Lack of a future right hand turn into 'Marketown' for south bound traffic on Steel Street;
- Lack of ability for trucks travelling west bound on Parry Street to enter 'Marketown' because of the proposed median island.

These objections were based upon a now superseded road concept plan that incorporated an extended central median within Parry Street that restricted right turn movements into 'Marketown' shopping centre from Parry Street. The amended road concept plan (**Attachment D**) has now incorporated a dedicated right turn bay into 'Marketown'.

Council's traffic engineer has provided the following advice into the matters raised:

1. *It is intended to defer the restriction of vehicle movements to left-in / left-out at Smith Street until the construction of a roundabout by Council, at the intersection of Parry and National Park Streets. Notwithstanding, any such restriction will serve to control 'rabbit running' through residential streets by confining vehicle movements essentially to both Union and Parry Streets. A set of traffic signals is also proposed for the intersection of Parry and Union Streets to further reinforce this road hierarchy.*
2. *It is no longer intended as part of this development to alter access arrangements to 'Marketown's' Parry Street vehicular entry / exit. Any future proposal by Council to restrict access would be publicly notified in accordance with the requirements of the Roads Act 1993.*
3. *Access to the existing Fruit Market loading dock is intended to be confined to left-in / left-out in the interests of traffic safety. All service vehicles are able to enter and exit the site in a forward direction. It is expected that delivery drivers will become accustomed to this restriction and access the site from a westerly direction. Recent discussions between Council's Senior Development Engineer (Traffic) Mr David Ryner and the owner of the Fruit Market have confirmed his support for the proposal.*
4. *The loss of kerbside parking in Parry Street between Smith and Steel Streets is intended to be kept to a minimum under the proposed road improvements. Notwithstanding, this car parking loss is offset with the provision of the 2 at-grade public car parks proposed under this development.*

It is considered that the objectors concerns have been adequately addressed by the amended road works concept plan (**Attachment D**).

#### Element 4.2 Contaminated Land Management

Element 4.2 sets out requirements in relation to the use and/or development of land that is or may be contaminated. RCA Australia has prepared a Remediation Action Plan (RAP) outlining management activities to minimise the risks to human health and the environment during works and in the longer term.

Assessment of the RAP shows that fill materials, mainly within the raised spectator mounds around the perimeter of the playing fields, had concentrations of contaminants in excess of the site guidelines extensively distributed throughout the soil profiles, and the site requires remediation to make it suitable for the proposed use. The RAP identifies cap, contain and manage remediation as the most appropriate approach, and outlines the specific remediation techniques to be

employed. The RAP also identifies the need for a Long Term Management Plan at the site.

Council's Senior Environmental Health Officer has reviewed the RAP and is of the opinion that it appears to have been prepared in accordance with the relevant Guidelines made or approved by the NSW Department of Environmental, Climate Change and Water (DECCW), including the Guidelines for Consultants Reporting on Contaminated Sites.

The RAP concludes that the site can be made suitable for use subject to the successful implementation of the actions contained in this RAP. A number of non-standard conditions are recommended in relation to contaminated land remediation.

#### Element 4.3 Flood Management

Element 4.3 sets out guidelines for managing flood prone land. Flooding Consultants BMT WBM have submitted a flood study which identifies current restrictions to local floodwaters entering the playing field due to existing spectator mounding and the ground levels around the grandstand building. As part of the new development a flood spillway is proposed to be located in the south east corner of the site adjacent to the Cottage Creek Open Drain. In large flood events when the capacity of the open drain is exceeded, floodwater will be able to spill into the playing field which will act as a flood storage area. Newcastle DCP 2005 restricts the amount of filling in flood storage areas to not more than 20% of the development site. Council's Senior Development Officer (Engineering) is satisfied that the redevelopment meets this requirement and has recommended a number of conditions.

A stormwater management report has also been prepared by ADW Johnson, which provides a concept plan for site stormwater management. The total storage proposed is 290KL in a number of rainwater tanks and infiltration trenches around the site. The plan addresses the requirements of DCP 2005 to manage and control site runoff and site pollutants.

#### Element 4.4 Landscaping

Element 4.4 sets out guidelines in relation to landscaping. The applicant has submitted a Site Masterplan (**Attachment C**) and Arborist Report prepared by Terras Landscape Architects which indicates the retention of some existing high value perimeter planting as well as new planting around the carparking and pedestrian concourse areas. This should assist in softening the visual impact of the proposed development and help visually integrate the facility into the surrounding environment. It is considered that the proposal in its current form will enhance the landscape character and visual amenity of the locality. Council's Landscape Architectural Services Division are satisfied with the proposed landscaping solution subject to conditions.

#### Element 4.6 Waste Management

Element 4.6 outlines requirements for the use/and or development of land that is likely to result in the generation of waste. The applicant has submitted a Preliminary Waste Classification Assessment prepared by RCA Australia to provide Council with preliminary information regarding the likely classification of material on site prior to

the commencement of works. Conditions are recommended to ensure the safe treatment and removal of waste from the site during demolition and construction as well as during the operation of the facility.

#### **4.2.2 Relevant Strategic Policies**

##### **The Newcastle Urban Strategy**

The Newcastle Urban Strategy has been adopted by Council as a means of providing direction to future development patterns throughout the city. The strategy is designed to analyse, influence and determine:

- Land use, transport and development practices;
- Corresponding social, economic and ecological impacts;
- Social and economic trends and their implications for city growth;
- The role each neighbourhood and district plays eg residential, industrial or commercial areas; and
- Roles Newcastle plays locally regionally and globally.

The proposal is considered to be consistent with this strategy. The development of a key sporting, recreation and cultural venue will bring significant value to both the city and the region. The venue will be a multi purpose facility capable of supporting regional and state events and productions, bringing increased utilisation to the site and the benefits of increased economic and social activity.

##### **Lower Hunter Regional Strategy**

The Lower Hunter Regional Strategy was adopted in October 2006. The purpose of the strategy is to provide broad guidance to future planning of the Lower Hunter including promoting Newcastle as a regional city with a hierarchy of urban centres. The proposed development is consistent with the aims and objectives of the strategy.

##### **Plan of Management for National Park**

The National Park Plan of Management (PoM) is based on the need to provide short and long term management policy direction and design guidance within the framework of changing local needs and alternative regional sporting venues. A 2009 amendment to the PoM establishes a framework for the redevelopment of No 2 Sports Ground into a high quality venue that has the capacity to attract and accommodate medium scale cultural, community and sporting events. The proposed development in its current form will achieve this purpose. The PoM seeks to minimise parking and traffic impacts in relation to the use of National Park on surrounding residential suburbs. The proposal will achieve this aim through the provision of a centralised off-street parking facility.

In terms of landscape character, the PoM seeks to create boundary definition and a range of spaces suitable for a balance of sporting and non sporting uses. The landscape plan prepared to accompany the development application achieves a number of positive outcomes for the site including retaining high value fig trees on the northern mounding, recommending compensatory planting for medium value

trees required to be removed and improving pedestrian linkages between the grand stand and parking areas.

In terms of flood management, the PoM advocates that any redevelopment should ensure that risk to life and property is adequately managed in accordance with the principles of NSW Government Flood Management Policy and that drainage/flood management should be carried out using the combined skills of drainage engineering, flood management, recreation/open space planning and landscape architecture. The flood management proposed for the site has been discussed under 4.3 above and is considered consistent with the principles set out in the PoM.

In terms of development control, the PoM seeks to ensure that new development in National Park complements existing facilities and provides a consistent and quality design theme. The development in its current form has been designed taking into account the context and constraints and opportunities of the site and surrounding area and will enhance the character and functionality of the locality in a sympathetic way.

In terms of vandalism and security, the PoM seeks to minimise opportunity for vandalism within National Park, to maintain a cost effective system and reduce the incidence of physical human violence. In terms of safety and security the facility has been designed to promote sightlines through the public domain and is likely to be more frequently used than the current sportsfield, meaning a higher level of general activity and associated surveillance in the locality which is consistent with the PoM. A condition is however recommended that the applicant provide details of proposed lighting in the carpark area prior to the issue of the Construction Certificate.

In terms of public image, signage and interpretation, the PoM seeks to encourage the development of a consistent and strong public image portrayed through signage and interpretive strategy. While no specific signage is proposed as part of the development application, the redevelopment of No 2 Sports Ground will generally enhance the image of the Sports Ground and National Park as a whole.

In terms of relationship to adjoining spaces, the PoM seeks to maximise the links with adjoining local open space. The landscape masterplan accompanying the development application sets out measures to improve pedestrian linkages with local open space through the following:

- New landscaped pedestrian footway from Smith Street to Parry Street;
- Smith Street Parry Street corner is proposed to be opened up to become a more prominent entry for pedestrians and vehicles;
- Provision of a small urban park on Parry Street for passive recreation; and
- New pedestrian footbridge across southern stormwater channel

The PoM acknowledges the value that the development of a sporting, recreational and cultural venue at No 2 Sports Ground would bring to both the city and the region. The PoM seeks to transform the site from its current run down condition with limited functionality into a venue that has the capacity to attract medium scale intra and interstate sporting activities. The PoM further notes that the venue should be designed to ensure that it can accommodate cultural and community events ranging from outdoor cinema, youth concerts and Christmas carols through to outdoor community celebrations. This should be achieved by creating a natural amphitheatre

together with appropriate quality ground surface, concourse seating and public amenities.

To achieve the above, the PoM prescribes a number of features that should be incorporated into the redevelopment including:

- Reconstruction of the existing sports ground from current oval shape to a rectangular field. As part of the reconstruction north/south orientation to be improved and the existing cricket pitch removed;
- Provision of formal and informal seating around the sportsground with capacity to cater for up to 5000 people seated;
- Provision of amenities building incorporating appropriate change facilities, public amenities, kiosk, club room facilities and office accommodation;
- Provision of new, sealed, at-grade car parking facility that will cater for precinct activities and that will at other times be available to provide additional general public parking. Parking area to be metered with a capacity of up to 300 spaces;
- Regrade of surrounding earth mounds and provision of additional landscaping;
- Pedestrian concourse, pedestrian and cycle movement paths linking No 2 sports ground with adjoining sites;
- Ancillary fencing to control access and security.

The design of the new facility incorporates the above features and the proposal is generally consistent with the provisions of the National Park Plan of Management.

### **Crime Prevention through Environmental Design**

The NSW Department of Planning has issued guidelines as part of a broad approach reducing crime and to help councils identify crime risk and minimise opportunities for crime through the appropriate assessment of development applications. There are four principles that should be used in the assessment of development applications to minimise the opportunity for crime:

- Surveillance
- Access control
- Territorial reinforcement
- Space management

#### **Surveillance**

The current design achieves “deterrence” through its open aspect, by ensuring clear sight lines, as well as through landscaping which is strategically located to allow good visibility throughout the public domain while still effectively defining different spaces within the facility. The carpark areas and amenities building will be visible from surrounding streets, encouraging passive surveillance. Conditions are also recommended to ensure lighting in and around the development facilitates appropriate levels of surveillance and that warning signs are strategically posted around the grandstand and amenities building to warn intruders of security measures.

### Access Control

The design incorporates appropriate barriers to channel and restrict the movement of people, which minimises the opportunities for crime and increases the effort required to commit crime. The playing area is to be fenced to prevent general public access when the field is not being used. The car parks and pedestrian areas will have a greater degree of general public access and are likely to be used outside specific events.

### Territorial Reinforcement

The design has clear boundaries between different spaces, encouraging community ownership and a sense of what activities are appropriate and where. More general use of the car parking areas outside specific events will encourage territorial reinforcement and reduce opportunities for crime.

### Space Management

Space management ensures that space is appropriately utilised and well cared for. Conditions of consent are recommended to enhance space management such as requiring ground level furniture eg seats, bins and rails to be of durable construction, anti graffiti coating applied to vulnerable areas and external doors and frames to be of solid construction.

## **4.2.3 Impacts on the Natural and Built Environment [Section 79C(1)(b)]**

Many of the impacts associated with the proposed development have been discussed in detail in 4.1 and 4.2 above. Outstanding matters still to be addressed in terms of impacts related to the natural and built environment include noise and lighting.

### Noise Impact

The venue is to be used for major sporting events and other forms of entertainment such as, but not limited to, open air theatre, outdoor cinema, youth concerts, Christmas carols and outdoor community celebrations.

Two documents addressing potential noise impacts were submitted in support of this application, Noise Assessment prepared by Spectrum Acoustics project number 10527\_3425 dated February 2010 and Noise Management Plan prepared by Spectrum Acoustics project number 10527\_3426 dated February 2010.

This report identifies the potential noise sources from operation of the proposed development to be:

- Use of the sports ground for major sporting events and other forms of entertainment such as open air theatre; and
- Ground capacity of 5000.



The report identifies the nearest residential receivers to be in the north east in apartments near Market town shopping centre and concludes that Sleep disturbance is not an issue due to hours being restricted to 9:00am to 10:00pm.

The report identifies the adopted noise criteria to be 75 dB(A) Lmax at the nearest residential boundary at any time, which has been decided upon using a hypothetical case study in the Noise Guide for Local Government.

The report states that the calculated crowd noise at capacity (5000) is 132 dB(A) Lmax at worst case which would give received noise levels of 70-76dB(A) Lmax at the nearest residential boundary. The report recommends acoustic control measures be in place, and these measures have been developed into the Noise Management Plan prepared by Spectrum Acoustics project number 10527\_3426 dated February 2010.

A condition requiring all outdoor theatre or similar style events are to be set up and operated in accordance with the requirements of the Noise Management Plan prepared by Spectrum Acoustics project number 10527\_3426 dated February 2010 is included.

The Noise Assessment concludes that the redevelopment of No. 2 Sportsground can be used to host open air theatre style performances without adversely impacting on the acoustic amenity of the nearby residential areas. This conclusion was reached by imposing some restrictions around the times of use, and these restrictions have been incorporated into the approval via consent conditions.

#### Lighting Impact

New light poles are proposed at each corner of the playing field. The lighting is designed to meet 500 lux for Professional Competition under the Professional Level of Play as per Australian Standard AS 2560.2.3-2007. The applicant has stated that lighting will be used primarily during the winter months. During winter the lighting would be required for football team training up until 9:30pm from Monday to Friday. At weekends lighting would not normally be required later than 8pm. However for special events it is possible that lighting may be required to 10pm. The applicant has also confirmed that the design of the lighting system meets the requirements of AS4282, control of the obtrusive effects of outdoor floodlighting systems. The lighting design uses the latest in advanced lighting equipment to control light spill and glare usually associated with sports stadiums. The stadium is located in an area generally remote from residential development. However a condition is recommended to limit the use of the lights to no later than 10:30pm at any time other than for special events where they could be used up to, but not later than 11pm.

### **4.2.4 Social and Economic Impacts in the Locality [Section 79C(1)(b)]**

#### Social Impacts

The proposed development will have a positive social impact through the provision of an improved key facility for sporting and social functions. The design provides for 6 disabled parking spaces close to the grandstand as well as lift access through the forecourt within the grandstand. In terms of safety and security the facility has been

designed to promote sightlines through the public domain. It is also likely to be more frequently used than the current sportsfield, meaning a higher level of general activity and associated surveillance in the locality. It is not expected that the proposal in its current form will disadvantage any social group.

#### Economic Impacts

The applicant advises that the likely employment benefits related to the proposed redevelopment are approximately 40 short term jobs during construction and 29 long term jobs post construction.

#### **4.2.5 Suitability of the Site for the Development [Section 79C(1)(c)]**

##### Mine Subsidence

The proposal falls within an area of mine subsidence and was referred to the Mine Subsidence Board who have commented in the following terms:

*All structures are to be designed with full articulation. The final drawings to be submitted prior to commencement of construction should contain a certification by a qualified structural engineer to the effect that any improvement constructed to meet the specifications of such final drawings will be safe, serviceable and repairable taking into account the existing site conditions.*

This requirement has been included as a condition of consent.

The proposal is essentially a redevelopment of the existing sportsground to allow for an improved multifunctional sporting/community venue on the same site. The site is well located in relation to Newcastle City Centre and public transport opportunities and sufficiently remote from sensitive residential uses. The site is therefore considered suitable for the proposed development.

#### **4.2.6 Submissions made in accordance with the Act or Regulations [Section 79C(1)(d)]**

This report has addressed the matters raised in the submissions received in response to the Public Notification and referral procedures under the Act and Regulation.

#### **4.2.7 Public Interest [Section 79C(1)(e)]**

The proposed development does not raise any significant general public interest issues beyond matters already addressed in this report.

#### **Conclusion**

The proposal to redevelop the site as a high quality venue to be used for major sporting events and other forms of community entertainment represents a positive outcome for the community and the region. The site is well located and relatively unconstrained for its intended purpose. The provision of off street parking has the potential to increase access to and the availability of recreational space, to facilitate

improved traffic and parking management and relieve existing pressure on on-street parking in the locality. The design of the proposal properly addresses the constraints and opportunities associated with the site, resulting in a site solution which is appropriate to the context and which will significantly improve the public domain. The development application has been assessed against the relevant environmental planning policies and instruments and is generally consistent with these. The surrounding locality will be positively affected by the proposal and any impacts can be managed through appropriate conditions of consent. The proposed development has been assessed having regard to the relevant heads of consideration under Section 79C (1) of the Environmental Planning & Assessment Act 1979 (as amended) and is considered to be acceptable. It is recommended that the Joint Regional Planning Panel approve the development application in its current form subject to compliance with the conditions set out in the draft schedule of conditions at **Attachment B**.

## **ATTACHMENTS**

**Attachment A:** Plans and photomontages;

**Attachment B:** Draft Schedule of Conditions;

**Attachment C:** Landscape Masterplan prepared by Terras Architects

**Attachment D:** Concept road works plan.