

09693
30 July 2010

Pier Panozzo
Wollongong City Council
32 Burelli Street
WOLLONGONG NSW 2500

Dear Pier

**AMENDMENTS TO DA 2010/574 - REDEVELOPMENT OF THE WESTERN GRANDSTAND
WIN STADIUM, WOLLONGONG**

On behalf of Communities NSW, we write to amend DA 2010/574, which seeks approval for the redevelopment of the existing Western Grandstand at WIN Stadium, Wollongong.

As you are aware, the Level 3 concourse, plant room, part of the upper level seating area and part of the roof structure, extends over the Harbour Street road reserve. Given that the Harbour Street road reserve is within the B4 Mixed Use zone, the parts of the proposed grandstand which would be defined as a 'recreational facility (major)' that extend over the road reserve are not permissible within the B4 Mixed use zone.

In light of this, a Planning Proposal was submitted on 28 July 2010 to Council's General Manager requesting an amendment to the zone boundary of the SP3 – Tourist zone between Crown Street and Bank Street, within the Wollongong Local Environmental Plan 2009. The purpose of the Planning Proposal is to extend the SP3 boundary zone to the west to encompass the building encroachment and therefore address the issue of permissibility.

Under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A) there is no jurisdiction for the Joint Regional Planning Panel (JRPP) or the Minister for Planning to approve a development application which is prohibited. On this basis, the proposed development is to be divided into two stages. Stage 1 will seek approval for all works which are permissible within the SP3-Tourist and B4- Mixed Use zones and Stage 2 will seek approval for the part of the grandstand which currently contains prohibited uses within the B4 zone (i.e. all works above RL 14.25).

Accordingly we request DA 2010/574 be amended as detailed below and hereby submit amended Architectural Plans, prepared by Allan Jack & Cottier (**Attachment A**) to accompany the development application (DA) currently before Council.

1.0 AMENDMENTS TO THE PROPOSED DEVELOPMENT

Overview of the proposal

The DA as shown on the plans at **Attachment A** seeks approval for:

- construction of Stage 1 of a new western grandstand comprising:
 - capacity for 2322 spectators;
 - 1158m² GFA of corporate function facilities at level 2;
 - concession facilities (internal food and drink premises) at ground floor level;
 - associated amenities and back of house facilities.
- construction of two new ticket offices and turnstile entryways;
- provision of 440m² of ground floor lease area fronting Harbour Street for future food and drink or commercial business premises;
- demolition of an existing substation;
- upgrade of existing parking facilities; and
- reconfiguration of Harbour Street and associated road works and public domain works (including landscaping) along Harbour Street.

The following table outlines the full list of architectural plans which form part of this DA, including those, submitted as part of this package, which are in '***bold italics***' below (included at **Attachment A**).

Drawing Number	Drawing Title	Revision	Date
DA 0000	Cover Sheet	A	29/04/2010
DA 0001	Site Analysis	A	29/04/2010
DA 1000	Site Plan	B	21/06/2010
DA 1001	Existing Car Park Plan	A	21/06/2010
DA 1500	Solar Studies Sheet 1	A	29/04/2010
DA 1501	Solar Studies Sheet 2	A	29/04/2010
DA 1502	Solar Studies Sheet 3	A	29/04/2010
DA 1503	Solar Studies Sheet 4	A	29/04/2010
DA_2100	Level 01 Plan	D	21/07/2010
<i>DA_2101</i>	<i>Level 02 + Level 03 Plans</i>	<i>E</i>	<i>26/07/2010</i>
<i>DA_2102</i>	<i>Upper Seating Tier Plan</i>	<i>D</i>	<i>26/07/2010</i>
DA 2600	Photomontage Views	B	16/07/2010
<i>DA_3100</i>	<i>East + West Elevations</i>	<i>E</i>	<i>26/07/2010</i>
<i>DA_3101</i>	<i>North + South Elevations</i>	<i>E</i>	<i>26/07/2010</i>
DA_3102	North + South Entry Elevations	D	16/07/2010
<i>DA_3201</i>	<i>Section A-A</i>	<i>D</i>	<i>26/07/2010</i>
DA 3300	Finishes Board	A	03/05/2010

It is noted that the plans submitted with this letter do not propose any additional design amendments to those previously considered by the Urban Design Review Panel or Council's Planning Officers. The changes to the plans solely identify the works which will form part of the Stage 2 development application and therefore no longer form part of the current amended DA. Furthermore, there are no proposed changes to the civil works or stormwater management plans, previously submitted for the development.

1.1 Construction Management

It is intended that the construction of the grandstand (Stages 1 and 2) will be undertaken sequentially and be phased to ensure that there is a smooth transition between completing the Stage 1 works and starting the Stage 2 works.

As set out within the Statement of Environmental Effects, prepared by JBA and submitted with the DA in May 2010, following the appointment of the builder, and prior to work commencing on the site, a detailed Construction and Environment Management Plan (CEMP) will be prepared. Within this document the builder will outline the proposed phasing of the works within both Stages 1 and 2.

1.2 Conclusion

The need to stage this development arises from the construction timetable which, to meet the future utilisation plans for WIN Stadium, needs to commence during October 2010. To await the outcome of the assessment and final gazettal of the Planning Proposal will compromise the contractor schedule. Given the unusual aspects surrounding the permissibility issue there would appear no other preferential solution to that which is being proposed.

Overall, it is considered that the proposed amendment to the development, will not give rise to any additional significant impacts, and will enable the construction of the Stage 1 works to commence, whilst the planning proposal and the future DA for Stage 2 is being considered.

2.0 PROPOSED STAGE 2 DEVELOPMENT APPLICATION

As advised above, a DA is to be submitted as soon as practicable to Council to seek approval for Stage 2 of the proposed grandstand development. In accordance with the Planning Proposal for the amendment of the zone boundary between the SP3 - Tourist and B4 - Mixed Use zone, the development application for the Stage 2 works will seek approval for:

- construction of Stage 2 of the new western grandstand comprising:
 - capacity for 3,538 spectators;
 - concession facilities (internal food and drink premises) at level 3;
 - associated back of house facilities; and
 - roof structure.

As is standard practice, in accordance with section 79C of the EP&A Act, the Stage 2 DA will be accompanied by all necessary documentation to enable Council to take into consideration the range of matters relevant to the development, including the provisions of environmental planning instruments; impacts of the built and natural environmental; the social and economic impacts of the development; the suitability of the site; and whether the public interest would be served by the development.

However, as every aspect of the Stage 2 development has already been considered, exhibited and assessed, we do not consider that any additional environmental impacts, to those already considered under the Stage 1 development will arise.

It will be the intention to exhibit the Stage 2 Development Application in conjunction with the Planning Proposal. Preliminary discussions have been held with both Council and the Department of Planning with regards to the Planning Proposal and Council have advised that the application will be considered at a meeting of 3 August 2010.

We trust the information set out above and enclosed enables the JRPP to approve the DA in the form now suggested and also consider the merits of the overall proposed development at WIN Stadium. We would appreciate it if you could forward this letter and the attached plans to the JRPP for their consideration, prior to the meeting on 4 August 2010.

Yours faithfully



Claire Wright
Senior Planner