

JRPP No:	2010STH010
DA No:	DA-2010/574
PROPOSED DEVELOPMENT:	Replacement of western grandstand at WIN Stadium
APPLICANT:	NSW Communities
REPORT BY:	Theresa Whittaker, Senior Development Project Officer, Wollongong City Council (02) 4227 7481

Assessment Report and Recommendation

EXECUTIVE SUMMARY

Reason for consideration by Joint Regional Planning Panel

The proposed development must be considered by the Joint Regional Planning Panel (JRPP) being a Crown development with a capital investment value of more than \$5 million (Clause 13B(1)(c)).

Background

The Joint Regional Planning Panel considered a report in relation to DA-2010/574 on 4 August 2010. At the time of finalising the report, the proposal sought consent for the redevelopment of the western grandstand at WIN stadium, involving a two tier grandstand with capacity for 5872 spectators. As noted within the previous report, that part of the grandstand which overhangs the Harbour Street road reserve (which is zoned B4 Mixed Use) is prohibited. Prior to the JRPP meeting, the applicant formally requested that the current application be amended to provide for a two stage redevelopment of the grandstand, with the second stage to be dealt with in a separate development application.

The JRPP meeting of 4 August 2010 resolved as follows:

1. *The Joint Regional Planning Panel considers that the current application has merit.*
2. *In light of the issue of permissibility, the applicant be invited to formally amend the current application through the submission of amended plans which clearly illustrate all works proposed to be determined that are currently permissible with consent in the SP3 and B4 zones. The amended application will need to be accompanied by all required supporting documentation including detailed cost estimate reports and include an overall concept plan for the redevelopment.*
3. *Council officers prepare a further report on the amended application for consideration by the Joint Regional Planning Panel as a matter of priority, to be considered at an appropriate time. At this time, the amended application will be determined.*
4. *Council officers report on the amended plans, addressing the following issues:*
 - a. *The revised capital investment value;*
 - b. *Use of function rooms and impacts on parking;*
 - c. *Appropriate conditions regarding the Roads Act 1993 approvals and specific approval by Council of the Traffic Management Plans.*
5. *The Joint Regional Planning Panel acknowledge the two Council resolutions in relation to (i) the closure and lease of portions of the Harbour Street road reserve, and (ii) the forwarding of a planning proposal to the NSW Department of Planning in respect of the Harbour Street road reserve adjacent to the site.*

6. *The applicant be invited to prepare and submit a separate development application for those works which are prohibited and are associated with the planning proposal and advise Council officers of the timing of that application.*
7. *The matter of compliance with the Building Code of Australia and the Disability Discrimination Act and issues identified by the Access Reference Group in their submission be addressed in reports to the JRPP for each application.*

Amended plans have been submitted by the applicant which have been assessed, as outlined in the following report. The upper tier of the grandstand (inclusive of seating for 3538 spectators, concession facilities [food and drink premises], associated amenities and back-of-house facilities and the roof structure) will be the subject of a future development application which the applicant has indicated will be submitted to Council shortly. It is noted that this Development Application could only be determined following completion of the planning proposal zoning the Harbour Street road reserve to SP3 Tourist.

Proposal

This development application seeks consent for the following:-

1. demolition of an existing substation;
2. construction of a new western grandstand incorporating seating for 2302 spectators (inclusive of 40 accessible seats); corporate function facilities; an elevated walkway linking the western and northern grandstands; concession facilities (food, drink and merchandise sales); associated amenities, media boxes, and back-of-house facilities;
3. two new ticket offices and turnstile entryways;
4. 440sqm of ground floor lease areas fronting Harbour Street for future food and drink or commercial business premises;
5. signage;
6. upgrade of existing car parking facilities; and
7. reconfiguration of Harbour Street and associated road and public domain works.

Permissibility

The site is zoned SP3 Tourist pursuant to Wollongong Local Environmental Plan 2009 while the road reserve is zoned B4 Mixed Use. The proposed grandstand is best defined as a *recreation facility (major)* for the purposes of the LEP, while the ground floor lease areas may comprise a combination of *food and drink premises* and *neighbourhood shops* (depending on the nature of future occupants). The function rooms are defined as *function centres*. Each of these uses is permissible with development consent in the SP3 zone.

The component of the development which encroaches into the road reserve contains part of the function rooms. *Function centres* are permissible with consent in the B4 zone.

Consultation

Neighbour notification and advertising has been carried out in accordance with the requirements of the Environmental Planning & Assessment Act, 1979 and Regulation and Council's 'Public Notification and Advertising Procedures'. Consultation with the RTA and internal divisions of Council has also occurred.

There was five (5) public submissions received which raised concerns in relation to traffic and car parking impacts; road works; encroachments into the road reserve and associated road closures and lease arrangements; the applicant's Section 94A exemption request; accessibility and issues relating to the provision of accessible seating and facilities for disabled people and those with vision or mobility impairment; design of the grandstand and suitability of the site for the proposed development.

Main Issues

The main issues arising from the assessment of this application are:-

- the design of the proposed development;
- car parking, traffic and transport impacts,
- the applicant's Section 94A exemption request;
- disabled persons' access throughout the building, facilities and accessible seating.

RECOMMENDATION

It is recommended that Development Application DA-2010/574 be approved pursuant to Section 80 of the Environmental Planning & Assessment Act, 1979, subject to the conditions of consent contained within Attachment 6 to this report.

ASSESSMENT REPORT

Part 4 of the Joint Regional Planning Panel's resolution of 4 August 2010 required that this assessment report address the following specific matters:

- a. The revised capital investment value;
- b. Use of function rooms and impacts on parking;
- c. Appropriate conditions regarding the Roads Act 1993 approvals and specific approval by Council of the Traffic Management Plans.

In relation to (a), the revised capital investment value of the amended development is \$15.38 million.

Comments in relation to (b) have been provided in Section 13.2 of this report, while comments in relation to (c) are provided in Section 4. The recommended conditions of consent are outlined in Attachment 6 to this report, which include conditions relating to Council approval of the traffic management plans.

In addition, the Panel required that the matter of compliance with the Building Code of Australia and the Disability Discrimination Act and issues identified by the Access Reference Group in their submission be addressed in reports to the JRPP for each application. Comments in relation to these matters are provided in Sections 11 and 13.1 of this report.

1 Background

The relevant development history of the various allotments within the subject site is as follows:-

Lot 101 DP 872951 & Lot 143 DP 786508, 9 – 11 Crown Street, Wollongong

<i>DA</i>	<i>Description</i>	<i>Decision</i>
<u>DA1991/315</u>	2 grand stands, additions to existing shed, eastern spectator hill and associated facilities	Approved 27/08/91
<u>DA 1993/521</u>	Trash and treasure markets	-
<u>DA- 1995/631</u>	Wollongong Entertainment Centre	Approved 18/12/95
<u>DA- 1996/787</u>	Physiotherapy, gymnasium and rehabilitation centre	Approved 21/02/97
<u>DA- 1996/817</u>	Revised plans for WEC	Approved 11/07/97
<u>DA- 2001/2162</u>	Additional ticket box/entrance and replacement score board	Approved 14/02/02
<u>DA- 2001/682</u>	Stage 1 – Construction of northern grandstand & ancillary function rooms. Stage 2 – construction of north-eastern wrap around grandstand	Approved 24/08/01
<u>DA- 2009/1521</u>	Upgrade of corporate boxes in the southern stand	Approved 27/01/10
<u>DA- 2009/1612</u>	Demolition of western grandstand	Approved 3/03/10
<u>DA- 2010/205</u>	Storage shed	Approved 6/05/10

Lot 106 DP 751299, Harbour Street, Wollongong (Integral Energy allotment)

<i>DA</i>	<i>Description</i>	<i>Decision</i>
<u>BA 1970/1313</u>	Substation	-
<u>DA- 1991/315</u>	2 grand stands, additions to existing shed, eastern spectator hill and associated facilities	Approved 27/08/91

It is noted that the demolition of the western grandstand (approved pursuant to Development Consent DA-2009/1612) is currently underway. This grandstand had capacity for 2412 spectators.

2 Site description

The site is legally described as Lot 143 DP 786508, Lot 101 DP 872951 and Lot 106 DP 751299, which are known as 9-11 Crown Street and Lot 106 Harbour Street, Wollongong. The allotments are owned by Illawarra Venues Authority and Integral Energy, while the Harbour Street road reserve is in the ownership of Wollongong City Council.

The site is located on the eastern side of Harbour Street and is bounded to its east by the foreshore reserve, Crown Street to the north, Harbour Street to the west and public land to the south. The site is

identified in Attachment 1. This application involves the land on which the existing western grandstand is located and land immediately south and west of the grandstand including the Harbour Street road reserve.

The site is currently occupied by the WIN Entertainment Centre (WEC), a training field and car parking areas to the south and the stadium which comprises separate grandstands to the north, south and west of the main playing field, and a spectator hill located to the east. The applicant indicates that the site has been used as a sporting ground or showground since at least 1911 and the western grandstand was constructed in the 1950s. The existing stadium has capacity for 19,392 people and is currently used for a range of sporting events including National Rugby League (NRL) games.

Council records identify that the site is affected by flooding and is classified as acid sulphate soils. In addition, there is a heritage item located within Andrew Lysaght Rest Park located to the east of the stadium which is a former cemetery.

3 Proposal

This development application seeks consent for the following:-

- Demolition of an existing substation;
- Construction of a new western grandstand comprising:
 - Capacity for 2302 spectators including 40 accessible seats
 - 1158sqm (gross floor area) of corporate function facilities comprising two function rooms with areas of 415sqm each
 - An elevated walkway linking the western and northern grandstands
 - Concession facilities (food, drink and merchandise sales) at ground floor level
 - Associated amenities, media boxes, and back-of-house facilities;
- Construction of two new ticket offices and turnstile entryways;
- Provisions of 440sqm of ground floor lease areas fronting Harbour Street for future food and drink or commercial business premises;
- Upgrade of existing car parking facilities; and
- Reconfiguration of Harbour Street and associated road works and public domain works including narrowing of the roadway, paving and landscaping along Harbour Street between Stewart and Burelli Streets.

The applicant is Communities NSW, a State government department and a Crown authority for the purposes of relevant legislation including the Environmental Planning & Assessment Act 1979. WIN stadium and WIN Entertainment Centre are operated and managed by the Illawarra Venues Authority.

The proposed grandstand is a single tiered rectangular form with a length of approximately 100m. The applicant has indicated that a second seating tier is proposed in the future, which will be the subject of a further development application. This future tier will accommodate seating for 3538 spectators along with catering areas and amenities. The corporate function rooms and media facilities will be located at the top of the lower seating area.

The following table has been provided by the applicant which details the components of the proposed grandstand:-

Grandstand Level	Components
Level 1 (ground level)	<ul style="list-style-type: none"> • corporate lobby entrance from Harbour Street • home and away team dug outs • concourse beneath lower level seating tier • 1 x 200m² and 1 x 240m² lease areas (use to be subject to future development consents)

	<ul style="list-style-type: none"> • concession areas (food, drink and merchandise sales) • public amenities
Level 2 and lower level seating tier	<ul style="list-style-type: none"> • seating for 2302, including 40 accessible seats • 2 x 415m² corporate function areas with associated lobby area, serverys and storage rooms • 8 x media boxes • public amenities • walkway linking the northern and western grandstands

Access to the tiered seating will be via concourses and vomitories. The level 2 seating will be accessed through the corporate facilities, access to which is gained from a central lobby located at ground floor fronting Harbour Street in addition to stairs and lifts.

It is the applicant's intention to seek consent for a roof canopy as part of a future development application, which will provide weather protection for all seats within the stand. The roof will comprise curved aluminium roof sheeting freely slung from a single steel truss supported by substantial columns. The roof will be generally slim in form, similar to that present on the northern grandstand.

The height of the proposed building is approximately 10m measured in accordance with the building height definition provided by WLEP 2009.

The grandstand structure encroaches into the Harbour Street road reserve. Level 2 encroaches by 5.89m. The footpath and ground floor lease areas are located directly below the proposed overhang. The structure is supported by columns also located within the road reserve, spaced at approximately 7m intervals. The lowest point of the projection is approximately 4.5m from ground level at the northern end of the building.

Materials & Finishes

The grandstand structure is to be constructed of fair-faced concrete, furnished with grey coloured PVC fold-up seating. The roof structure (which will form part of a further development application) will be supported by powder-coated steel columns and trusses, while the roof will be made from powder coated aluminium, painted in a low sheen paint to reduce reflectivity.

The box office and turnstile booths will be brick rendered structures, to be partially clad with brightly coloured powder-coated metal panels.

The ground level lease areas will feature glazed shop fronts while the corporate lobby entrance will be defined by a painted fibre cement sheet covered entry feature featuring the stadium name.

The applicant has indicated that all of the proposed materials have been selected having regard to the corrosive nature of the coastal position of the grandstand.

Roadworks

The proposal involves a reconfiguration of Harbour Street between Stewart and Burelli Streets. The works involve narrowing of the street, leaving a single one-way northbound lane. A 40km per hour speed limit is proposed to be imposed in this section of Harbour Street.

The existing footpath adjacent to the existing western grandstand is very narrow, providing an undesirable pedestrian environment. The proposed reconfiguration of Harbour Street will involve widening of the public footpath adjacent to the stadium and associated landscape works. The aim is to provide an improved pedestrian-friendly environment and to improve facilities for people with disabilities and the mobility impaired.

Vehicular Access & Parking

Access to the existing car parking areas within the site will continue to be obtained via Harbour Street and Marine Drive.

There are 40 car spaces located within the undercroft area located beneath the northern grandstand.

An existing sealed area adjacent to the training field to the south of the western grandstand will be formalised, creating 36 car spaces. Of these, two (2) will be nominated as disabled persons' car parking.

60 bicycle spaces will also be provided for both staff and visitors/patrons.

Traffic & Transport Management

An existing major event traffic management plan (TMP) is in place to coordinate events held at the WIN Stadium which cater for between 5,000 and 15,000 visitors. During such events, traffic management arrangements, public transport coordination and special parking resources (Bank St car park, St Francis Xavier school grounds, Market Street car park station and Stewart Street Council car park) are employed. These measures will remain in place to cater for such events (ie up to 15,000 patrons).

This proposal provides for 2302 seats, which is less than the current seating capacity of the western grandstand (2412 seats). The development does however include retail areas and corporate function rooms which will increase traffic generation associated with the development.

It is noted that the development and implementation of the larger event traffic management plan (for 15,000+ patrons) was previously proposed by the applicant in support of the application as originally lodged. The TMP would be activated by the IVA for events likely to attract in excess of 15,000 patrons and incorporated the following measures:

1. Local Traffic and Pedestrian Management

- Additional pick up and set down areas;
- Temporary relocation of existing taxi ranks during peak event times to Stewart Street (ie: an hour either side of scheduled matches) and away from the central pedestrian activity area;
- Greater promotion of taxis as an alternative transport mode to and from the site;
- Closure of some surrounding streets to vehicular traffic to provide greater pedestrian amenity;
- Crown Street (Queens Parade to Marine Parade) to be made available only to buses and taxis, and managed by security staff/traffic controllers;
- Provision of 20 additional bike racks along Foreshore Cycleway near Quilkey Place to promote the use of bicycles to attend event days.

2. Buses and Trains

- Liaison with City Rail to increase local rail services on event days combined with the promotion of 'Park and Ride';
- Provision of a shuttle service between the Stadium and JJ Kelly Park to provide a "park and ride" facility;
- Use Crown Street (Queens Parade to Marine Parade) for bus priority and orderly ranking of buses;
- Increased frequency of shuttle bus services between Wollongong Rail Station and WIN Stadium on event days to match additional local rail services;
- Increased frequency of the 'Gong Shuttle' on event days;
- Liaison with bus service providers to inform them of event days and ensure the adequate provision of bus services;
- Implementation of a stronger and contemporary communications strategy to provide patrons with information and links to public transport web sites, WIN Stadium website etc;

3. Ticketing and Advertising

- Consideration of an integrated ticketing system which offers free public transport to the stadium as part of the entry fee to an event;

- Ongoing advertisements and education of the public in the lead up to large event days to relay information regarding dates, times, duration, and places of proposed traffic changes and road closures; suitable alternative routes around WIN Stadium and public transport schedules to highlight the importance of using public transport to commute to the Stadium.

4. Signage and Traffic Control Staff

- Implementation of signage notifying the above traffic management and car parking strategies, such as Variable Message Signs located on the F6 and Mount Ousley Road;
- Employment of additional trained security staff, traffic controllers and police officers to manage access needs for local road closures, bus and taxi ranks, pick up and set down areas, and intersection points.

The applicant has removed the larger event traffic management plan from the proposal on the grounds that the seating capacity of the new grandstand is less than the old stand. Council's Traffic Section however considers that there is a need for the larger event traffic management plan to be retained for this amended application for the following reasons:-

- The high standard media facilities are included within the stage 1 proposal. These facilities are to be provided to attract and enable large sporting events at the stadium which will draw over 15,000 patrons.
- Parking impacts of the function room use would be negated at these large events. It is considered that shared use of the function rooms would occur during such events (i.e. patrons to the main event will be the same patrons using the function rooms). It is also considered that local parking resources are fully occupied during such events and other transport modes are highly utilised.

Council's Traffic Section consequently recommends the imposition of conditions requiring the implementation of a TMP in relation to events catering for up to 15,000 people and a larger scale TMP in relation to events attracting more than 15,000 people.

Pedestrian Access

Pedestrian access will be via the entry turnstiles located to the north of the western grandstand; via the corporate lobby; from the southern entry gates/turnstiles to the south of the western grandstand; via the walkway linking the northern and western grandstands and via the egress gates proposed to be located adjacent to the northern ticket box office, and southern turnstiles and southern stairwell. The applicant indicates that the gates and turnstiles have been designed to accommodate the arrival and departure of spectators without undue crowding at peak event times.

Hours of Operation

When NRL games are held, the operating hours will vary depending on match requirements.

The ticket office box will operate as a 'Ticketek' agency (open during standard business hours throughout the week) and will also be open in conjunction with events such as football games (usually 2 – 3 hours prior to game starting times).

The corporate function rooms are proposed to be available for use between 7.30am and 12am Monday to Saturday and 9.00am to 10.00pm on Sundays. The applicant proposes to make these facilities available for corporate breakfasts, lunches, parties, staff training days and the like, however it is recommended that a condition of consent be imposed restricting the use of the corporate function areas so that they operate only in conjunction with a major event which activates the required Major Event Traffic Management Plan. This is because there is insufficient car parking available within the site to cater for the demand created by the corporate functions areas. Further comment in relation to this matter is provided below in the referral from Council's Traffic Section (in Section 13.2 of this report).

Consent will be required for the future uses/occupants of the ground floor retail areas. At this time, hours of operation for these areas will be nominated.

4 Other Approvals Required

Roads Act 1993

Approval will be required under Section 138 of the Roads Act 1993 in relation to any construction work within the road reserve. There are numerous conditions of consent recommended within Attachment 6 which relate to approval requirements under the Roads Act 1993 including the conditions relating to

- street tree removal (draft Condition 3),
- permit to enter and exit demolition or construction site (draft condition 58),
- site management, pedestrian and traffic management (where works are proposed in or to and from a public road reserve) (draft condition 59),
- road occupancy licence from the Roads and Traffic Authority (draft condition 72),
- works upon public land - Section 138 of the Roads Act (draft condition 73) and
- prior approval from Council for any works in road reserve (draft condition 89).

Water Management Act 2000

The applicant has stated that approval is required under Section 91 of the Water Management Act 2000 as the proposal involves an 'aquifer interference activity'. The proposed piling for the grandstand will need to be drilled to 5m below natural ground level which is expected to penetrate the water table (ground water has been detected at a depth of 2.3m below surface level).

Normally the requirement for approval under Section 91 of the Water Management Act 2000 would trigger the integrated development provisions (Division 5, Part 4) of the Environmental Planning & Assessment Act 1979 (EPAA), however pursuant to Section 90(2) of the EPAA, the provisions of this Division do not apply to development applications made by or on behalf of the Crown. Accordingly, the development is not integrated development for the purposes of the Act, however approval under the Water Management Act 2000 will be required to be obtained prior to commencement of construction. A condition of consent has been recommended for imposition in this regard.

5 Assessment under the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 (EPAA)

In determining a development application, the consent authority must take into consideration matters referred to in Section 79C(1) of the EPAA as are of relevance to the development. The following table summarises the relevant matters of consideration under Section 79C(1) and the significant matters are discussed in further detail below the table.

Section 79C(1) of the Environmental Planning and Assessment Act 1979
Section 79C(1)(a)(i) any environmental planning instrument
<p><u>State Environmental Planning Policies</u></p> <ul style="list-style-type: none"> SEPP (Major Development) 2005 SEPP No. 64 – Advertising and Signage SEPP No. 55 – Remediation of Land SEPP (Infrastructure) 2007 <p><u>Local Environmental Planning Policies</u></p> <ul style="list-style-type: none"> Wollongong Local Environmental Plan (WLEP) 2009 <p><i>Detailed assessment is provided below the table.</i></p>
Section 79C(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority
<p>Nil</p>
Section 79C(1)(a)(iii) any development control plan
<ul style="list-style-type: none"> Wollongong Section 94A Development Contributions Plan 2009 Wollongong Development Control Plan 2009 <p><i>Detailed assessment is provided below the table.</i></p>
Section 79C(1)(a)(iia) any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F
<p>There are no planning agreements entered into or any draft agreement offered to be entered into under Section 93F which affect the development.</p>
Section 79C(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)
<p>Clause 92 of the Environmental Planning & Assessment Regulation 2000 prescribes the following matters for consideration:-</p> <ul style="list-style-type: none"> AS 2601-1991: The Demolition of Structures In the case of land to which the Government Coastal Policy applies, the NSW Coastal Policy 1997 <p>The proposed development involves demolition of an existing substation and as such the provisions of AS 2601-1991 apply. It is noted that the demolition of the grandstand was approved on 3 March 2010 pursuant to Development Consent 2009/1612. If approved, a condition of consent should be imposed requiring compliance with AS2601-1991.</p> <p>The site is located within the NSW coastal zone however the NSW Coastal Policy 1997 only applies to</p>

Section 79C(1) of the Environmental Planning and Assessment Act 1979

the seaward part of the LGA.

Section 79C(1)(b) the likely impacts of developmentContext and Setting:

The site of the grandstand is constrained by its depth (ie between the edge of the playing field and the Harbour Street road reserve). As mentioned above, the grandstand has been designed to incorporate an overhang over the Harbour Street road reserve. It is considered that the overhang will not have an adverse impact on the locality. The development incorporates public domain works including a widened footpath area and the overhang will provide shelter to this footpath area, improving its amenity and functionality. The design has been reviewed by Council's Design Review Panel and is considered to be acceptable.

Vehicular Access, Car parking, Transport and Traffic:

Vehicular access points will be generally retained however the existing footpath crossing to the south of the existing western grandstand is to be repositioned and constructed in accordance with relevant standards to provide access to the training field and a car parking area. An existing driveway to the north of the stand will continue to provide access to a parking area and loading dock beneath the northern grandstand.

The existing car parking arrangements underneath the northern grandstand the along Marine Drive are to be retained. There is an existing hardstand area to the south of the western grandstand adjacent to the training field which will be formalised to provide for a total of 36 car spaces including 2 disabled spaces.

As detailed above, reconfiguration works within Harbour Street are proposed involving a narrowing of the street to one northbound lane between Stewart and Burelli Streets. The RTA and Council's Traffic Section are supportive of the proposed arrangement and have advised that it will not have adverse impacts on the local network. The objective of the reconfiguration and public domain works within Harbour Street is to provide an improved pedestrian environment. The streetscape works will vastly improve the public domain. It is noted that the works will result in the loss of 17 on-street car spaces, though provision has been made for compensatory parking within the car park area to be formalised to the south of the grandstand.

The entertainment precinct is serviced by public transport including bus and taxi services, with bus stops located adjacent to the WEC.

As noted above, traffic management plans are currently implemented by the Illawarra Venues Authority to support major events such as NRL games, given the lack of on-site car parking to service the development. The applicant has removed the proposal to implement a larger event traffic management plan for events catering for more than 15,000 people, though it is considered that this is required to support the proposed development. The plans should encourage patrons to utilise public transport or a combination of private/public transport (eg 'park and ride') to reduce traffic congestion and parking impacts in the precinct during major events. The RTA and Council's Traffic Section support the implementation of the traffic/transport management plans proposed.

Further comment in relation to car parking is provided within Section 13.2.

Pedestrian Access

There are numerous points of pedestrian access available to the stadium. Pedestrian access from Harbour Street will be available via the entry gates and turnstiles provided at the northern and southern ends of the western grandstand. Access will be at-grade, permitting disabled persons access into the grandstand and stadium.

Section 79C(1) of the Environmental Planning and Assessment Act 1979Disabled Persons' Access:

Provision has been made for disabled persons' access and facilities throughout the building in accordance with the requirements of the Building Code of Australia (BCA). An Accessibility Report was submitted with the development application which states that subject to the implementation of the report's recommendations, the development will satisfy the requirements of the BCA, relevant Australian Standards and the intent of the Disability Discrimination Act 1992. It is noted that the applicant met with representatives of the Access Reference Group to discuss the matters of concern raised by the Group – refer to discussion in Section 13.1 of this report.

Public Domain:

The proposed development incorporates encroachments and works within the Harbour Street road reserve. This will necessitate closure and lease of portions of the public road and stratum air space which has been addressed by Council's Property Division. Level 2 of the grandstand overhangs the road reserve and is proposed to be supported by 14 columns within the road reserve approximately 4.0m west of the edge of the building, spaced at approximately 7m intervals.

The proposal also involves narrowing of Harbour Street to form a northbound one-way lane between Stewart and Burelli Streets. This will enable the footpath adjoining the stadium to be widened. A plan of public domain works has been provided which incorporates landscaping and paving works.

The works will activate the Harbour Street streetscape of the site, will improve pedestrian safety and amenity and will increase the usability of the eastern side of Harbour Street, creating opportunities for outdoor dining and the like.

Street lighting

Street lighting on the western side of Harbour Street will be maintained. There is no street lighting located on the eastern side of Harbour Street, though lighting will be provided in the colonnade to ensure that it is appropriately lit for night time use.

Utilities:

All utility services are available to the site, though some augmentation or adjustments may be required to facilitate the proposed development. The existing substation within the site is to be decommissioned and demolished, to be replaced with 2 substation kiosks. Conditions of consent have been recommended for imposition in relation to arrangements being made with the relevant service authorities.

Heritage:

There are items of local heritage significance located within the neighbouring land to the east. Andrew Lysaght Park contains gravestones, monuments and the former Roman Catholic cemetery. No works are proposed within the vicinity of these items and as such no impact on the heritage significance of these items is expected.

Land resources:

The proposal not anticipated to impact upon any valuable land resources.

Section 79C(1) of the Environmental Planning and Assessment Act 1979

Water:

The site is presently serviced by Sydney Water. As noted above, some augmentation of existing water and sewer infrastructure may be required to support the proposed development. The developer will be required to make appropriate arrangements with Sydney Water in this regard.

The proposal is not expected to consume unreasonable volumes of water. It is noted that the development incorporates a rainwater tank to provide for field irrigation (which the applicant estimates will save 2.45ML of water per year). Additionally, water-efficient tapware and fittings will be used throughout the stand to reduce water consumption.

Stormwater Management

Stormwater will be disposed of via the existing public drainage system in Harbour Street. Rainwater will be collected and used for field irrigation. The stormwater designs have been considered by Council's Stormwater Division and are satisfactory.

Groundwater

The proposed development will involve penetrating the subsurface to a depth of approximately 5.0m. Groundwater has been detected at depths of between 2.3m and 3.0m below surface level. The potential impacts of the piling and structural works on ground water levels and quality have been assessed and are not expected to be permanent or adverse. A permit from the NSW Office of Water will be required in relation to the aquifer interference activity prior to the commencement of works. A condition of consent has been recommended for imposition in this regard.

Soils:

Some impacts on soil resources are expected during construction, however these impacts are unlikely to be unreasonable and can be mitigated through implementation of appropriate soil and water management controls during construction.

Air and Microclimate:

The proposal may have air quality impacts during construction; however these impacts will be of a short term nature only and can be mitigated using dust suppression. No long term air quality impacts are envisaged.

The grandstand is likely to impact on wind conditions within Harbour Street. The applicant has submitted a wind impact report which examines the impact of the grandstand on north-easterly, southerly and west-north-westerly winds. It concludes that the redevelopment will not have significant impacts on wind conditions, subject to mitigation measures being employed. This includes the planting of densely foliating evergreen trees on the western side of Harbour Street and the use of screens on the southern side of the ground level outdoor dining areas (if used for such purposes) to provide suitable wind protection for outdoor dining. These issues can be dealt with via consent conditions.

Flora and Fauna:

There is likely to be some impact on existing street trees. Council's Landscape Section encourages the removal of the existing street trees and their replacement with a more suitable species. No impact on other flora or fauna is expected.

Some landscaping is proposed adjacent to Harbour Street which will be required to be carried out in accordance with Council's Public Domain Technical Manual.

Section 79C(1) of the Environmental Planning and Assessment Act 1979Construction Waste Management:

The applicant has indicated that a detailed construction and environment management plan (CEMP) will be submitted after the appointment of a builder and prior to commencement of construction. This will incorporate a construction waste management plan. A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.

Operational Waste Management:

Waste will continue to be managed in accordance with current practices employed at the stadium. Waste is currently collected from the loading dock beneath the WIN entertainment centre.

Energy:

The applicant proposes the use of energy efficient lighting, occupancy sensors and photo electric lighting controls to reduce energy consumption.

Noise and vibration:

Noise and vibration impacts are likely to occur during construction of the proposed grandstand. Conditions are recommended to ensure that construction impacts are not unreasonable.

An Environmental Noise Impact Assessment was provided with the development application which states that the main potential noise sources to be generated by the development are the public address system, spectators and operation of mechanical and air-conditioning plant. The noise impact assessment provides recommendations to ensure ongoing compliance with the specified noise criteria including setting maximum volumes on the speakers of the PA system; acoustic treatment of mechanical plant and the employment of security personnel to ensure that patrons behave appropriately outside the stadium.

Solar Access & Overshadowing

The applicant has provided shadow diagrams illustrating the overshadowing impacts of the proposed grandstand. The diagrams indicate that overshadowing impacts will be minor. During winter, by 12pm the proposed grandstand will not overshadow any surrounding land in the vicinity of the stadium including the beach.

Natural hazards:

The site is known to be flood affected. The floor levels of the commercial components (being the ground floor lease areas) have been set to ensure that they will not be affected during significant flood events. Council's Drainage Engineer is satisfied with the proposal in relation to this issue.

The site is located adjacent to the coastal foreshore and may be subject to future human-induced climate change impacts (ie sea level rise). The applicant states that the floor levels of the development have been set to prevent expected impacts of sea level rise. The replacement of the grandstand is not expected to exacerbate coastal or sea level impacts. This issue has been considered by Council's Environment Section who is satisfied with the proposal in relation to this issue.

Geotechnical assessments encountered groundwater at depths of between 2.3m and 3.0m below surface level. The proposal will involve piling and structural works which may interfere with ground water. Permanent impacts on ground water levels or flows are not expected. Council's Environment Section and Geotechnical Engineer are satisfied with the proposal in relation to these issues.

Section 79C(1) of the Environmental Planning and Assessment Act 1979Other hazards:

There are no technological hazards affecting the site that would prevent the proposal.

The land is not known to be contaminated. The applicant has provided a preliminary contamination assessment which indicates a low potential for contamination based on site history. Some potential sources of contamination were identified however if these contaminants are found to be present, they could be simply managed.

Council records list the site as acid sulphate soil affected. Approximately half of the field is classified as Class 4 acid sulphate soils while land further to the south (within the training field) is classified as Class 3 acid sulphate soils. The applicant has undertaken further soil testing which has identified the presence of acid sulphate conditions in boreholes taken to the south of the grandstand, however the geotechnical report states that acid sulphate soils are unlikely to be encountered during the construction of the proposed grandstand.

Safety, Security and Crime Prevention:

The applicant has outlined the security and access restrictions to be implemented at the site. Access to the grandstand will be prevented outside of event times. The grandstand will be linked to the existing 'Back to Base' monitoring security system currently utilised within the stadium and WEC. During events, security will be provided in accordance with existing security management practices.

Council's Community Safety Officer has reviewed the proposal and has provided comments which are outlined below in Section 13.2.

The proposal has been assessed with regard to Chapter E2 of Wollongong Development Control Plan 2009 which deals with Crime Prevention Through Environmental Design. The assessment is detailed below in Section 11.

Social & Economic Impacts:

The proposal is not expected to create any significant negative social impacts. A number of significant social benefits will arise out of replacement of the western grandstand with a modern facility. These include an improved regional sporting facility with the potential to attract significant sporting events; creation of a large number of jobs during construction; injection of \$15.38 million into the local economy through the construction of the replacement grandstand; an improved streetscape and better pedestrian facilities within the precinct.

Site Design and Internal Design:

The proposed configuration is satisfactory with regard to disabled persons' access and facilities, general compliance with the BCA, servicing and the like. The application does not result in any departures from development standards as outlined below.

A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Construction:

Construction impacts are likely to be significant and will extend over a number of months. Noise, vibration, dust generation and other impacts which will potentially impact upon the amenity of nearby residents can be mitigated through appropriate management. Suitable conditions are included in Attachment 6 in relation to these issues.

Soil and water impacts during construction can also be minimised through the use of appropriate soil and water management. Conditions are recommended for imposition in this regard.

There is likely to be temporary road closures required during the construction period also. This issue can also be dealt with via conditions.

Section 79C(1) of the Environmental Planning and Assessment Act 1979Cumulative Impacts:

The proposal is not expected to have any negative cumulative impacts.

Section 79C(1)(c) the suitability of the site for developmentDoes the proposal fit in the locality?

The proposal is considered appropriate with regards to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments subject to compliance with consent conditions.

Are the site attributes conducive to development?

The site constraints are detailed above and include flooding and acid sulphate soils. These will not preclude the proposed development.

Section 79C(1)(d) any submissions made in accordance with this Act or the regulations

The application was notified in accordance with Council's Public Notification and Advertising Procedures. At the conclusion of the notification period, there were five (5) submissions received which are discussed in Section 13.1 of this report.

Submissions from public authorities

Council consulted with the NSW Roads & traffic Authority (RTA) in relation to the proposed development. The comments provided by the RTA are outlined in Section 13.3 below.

Section 79C(1)(e) the public interest

Approval of the proposed development will serve the public interest by providing an improved facility.

6 State Environmental Planning Policy (Major Development) 2005

Part 3 of the Major Development SEPP applies to regional development and provides that certain types of development must be determined by a regional panel.

The proposed development is a Crown development with a capital investment value of more than \$5 million [Clause 13B(1)(c)]. Accordingly the proposal must be determined by the Joint Regional Planning Panel.

7 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 requires that, when assessing a development application, the consent authority must give consideration to whether the land to which the development application relates is contaminated. If so, consideration must be given to whether the land is suitable (in either its contaminated state or after remediation), for the purpose for which the development is proposed to be carried out.

The SEPP requires the consent authority to consider a preliminary investigation of the land as there may have been previous land uses which may have resulted in contamination.

A preliminary contamination assessment was provided with the development application which indicates that there is a low risk of contamination on the basis of the site history. The investigation confirms that the site is suitable for the proposed development.

This issue has been considered by Council's Environment Division who is satisfied with the preliminary assessment undertaken.

8 State Environmental Planning Policy (Infrastructure) 2007

The following provisions are relevant to the proposed development:-

Clause 104 – Traffic Generating Development

The application was referred to the RTA for comment. The RTA is of the view that the proposal is traffic generating development for the purposes of the SEPP.

As per clause 104(3)(b), Council must take into consideration:-

- (i) any submission that the RTA provides, and
- (ii) the accessibility of the site concerned, including:
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
- (iii) any potential traffic safety, road congestion or parking implications of the development.

The RTA's comments on the proposed development are provided below in Section 13.3. Council's Traffic Section has considered the above matters in the assessment of the proposal; comments are provided below in Section 13.2.

9 State Environmental Planning Policy No. 64 – Advertising & Signage (SEPP 64)

The applicant has identified the proposed signage as follows:-

- Two (2) changeable billboard signs (comprising vinyl interiors with plastic frames) are to be integrated into the northern-western grandstand balustrade structure above the kiosk substation. The billboard signs are to be 3m x 6m high and front lit with a series of spot lights attached to the top of the billboard and designed so as not to incur light spill outside the signage area. They will be changed on a monthly basis and include the name of the stadium alongside advertisements for upcoming events;
- A narrow signage zone above the turnstile entryways, the details for which will be provided in a separate DA.
- Backlit acrylic signage above the ticket booth openings advertising the Ticketek offices. Signage zones measuring 300mm x 750mm are proposed for these signs.

The proposed signage must be assessed having regard to the relevant provisions of SEPP 64. The signs have been considered in relation to the aims and objectives of the SEPP as outlined in Clause 3, and in relation to the assessment criteria contained in Schedule 1. The signs are considered to be satisfactory.

10 Wollongong Local Environmental Plan 2009 (WLEP 2009)

Zoning & Permissibility

Lot 143 DP 786508, Lot 101 DP 872951, Lot 106 DP 751299 are zoned SP3 Tourist under the provisions of WLEP 2009. There is one zone objective, which is:-

- *to provide for a variety of tourist orientated development related uses.*

Comment: The development is considered to be consistent with this objective as it will replace an existing recreational facility with a modern grandstand. The improved facility may draw a larger group of spectators to the region and may encourage different sporting codes to utilise the facility. Further, the proposed grandstand incorporates corporate function rooms which will be used in conjunction with the grandstand during events. The proposed uses within the facility are consistent with the zone objective.

The grandstand is best defined as a *recreation facility (major)* for the purposes of the LEP, while the ground floor lease areas may comprise a combination of *food and drink premises* and *neighbourhood shops* (depending on the nature of future occupants). The function areas are defined as *function centres*. Each of these uses is permissible with development consent in the zone.

The road reserve adjacent to the site within which the building will overhang (being that part containing part of the function rooms), is zoned B4 Mixed Use. *Function centres* are permitted within the B4 zone.

The applicant intends on lodging a further development application with Council to seek consent for an additional floor and seating tier to be placed on top of the grandstand proposed in this application. The grandstand will overhang the road reserve. Currently, a *recreation facility (major)* is prohibited in the B4 zone. Council resolved, at its extraordinary meeting held on 3 August 2010, to submit a Planning Proposal to the NSW Department of Planning seeking a Gateway Determination to rezone the section of the Harbour Street Road Reserve which is proposed to accommodate the overhang for the new grandstand.

The objectives of the B4 zone are as follows:-

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.*

Comment: The proposed overhang will contain the function rooms which are compatible with surrounding land uses. The development incorporates other commercial and retail tenancies which will be used in conjunction with the grandstand. The facility will assist in drawing a larger group of spectators and sporting codes to the region on game days thereby supporting adjacent commercial centres without adversely affecting their viability at other times. The site is well located with regard to public transport routes and the traffic management plans proposed encourage utilisation of public transport as opposed to private cars. Pedestrian pathways including the coastal pathway pass by the site, and bike racks are proposed to encourage patrons to cycle to the development.

It is noted that Clause 2.5 (Schedule 1) of the LEP permits *offices premises* and *retail premises* with consent on part of the site. This applies to that part of the site generally to the north of the proposed replacement grandstand.

Part 4 - Principal development standards

The relevant development standards contained within WLEP 2009 are as follows:-

Clause 4.3 Height of buildings

This clause provides for a maximum height limit of 32m within the allotment and 48m to the Harbour Street road reserve. The proposal complies in this regard, with an overall height of approximately 10m.

Clause 4.4A Floor space ratio – Wollongong city centre

The LEP does not identify a maximum permissible floor space ratio in respect of that part of the site zoned SP3 Tourist. Clause 4.4A(2) specifies a maximum floor space ratio of 3.5:1 in respect of the B4 zone, which relates to the Harbour Street road reserve.

Part 5 - Miscellaneous provisions

Clause 5.4 Controls relating to miscellaneous permissible uses

Clause 5.4 provides specific controls relating to a number of specific permissible uses. Of relevance to this proposal are the controls relating to neighbourhood shops as the applicant has indicated that one of the ground floor lease areas fronting Harbour Street may be occupied for this purpose. The retail floor area of a neighbourhood shop is restricted to 100sqm by Clause 5.4. All future uses of the lease areas will require separate development consent and if consent is sought for a neighbourhood shop, it would be required to be restricted to 100sqm of floor area only.

Clause 5.5 Development within the coastal zone

Clause 5.5 relates to land within the coastal zone. The site is located within the coastal zone and accordingly the matters listed in clause 5.5 require consideration. These issues are:-

Matter for Consideration	Comment
(a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:	The proposal will not impact on public access to or along the coastal foreshore. The grandstand is

Matter for Consideration	Comment
(i) maintaining existing public access and, where possible, improving that access, and (ii) identifying opportunities for new public access,	located approximately 140m from the coastal foreshore area. Existing pathways will not be affected.
(b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account: (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and (ii) the location, and (iii) the bulk, scale, size and overall built form design of any building or work involved, and	The proposal development is considered to be suitable for the site. The grandstand will replace that existing with a modern facility which will be better integrated with the northern grandstand and will improve the public domain and activate the Harbour Street frontage of the site. The land uses proposed are appropriate having regard to the zoning of the site. The bulk, size, scale and overall built form are considered to be acceptable. The proposal was reviewed by Council's Design Review Panel; refer to comments below.
(c) the impact of the proposed development on the amenity of the coastal foreshore including: (i) any significant overshadowing of the coastal foreshore, and (ii) any loss of views from a public place to the coastal foreshore, and	The proposed development will have no significant impacts on the amenity of the coastal foreshore. In relation to (i), the grandstand will not have any overshadowing impact on the foreshore. In relation to (ii), there is not expected to be any loss of views of the coastal foreshore from public places.
(d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and	The proposed grandstand will not have an adverse impact on the visual amenity or scenic quality of the coast.
(e) how biodiversity and ecosystems, including: (i) native coastal vegetation and existing wildlife corridors, and (ii) rock platforms, and (iii) water quality of coastal waterbodies, and (iv) native fauna and native flora, and their habitats, can be conserved, and	The proposed development will have minimal if any impact on biodiversity or ecosystems given that it involves the replacement of an existing grandstand only. Street trees are the only vegetation to be affected by any of the proposed works.
(f) the effect of coastal processes and coastal hazards and potential impacts, including sea level rise: (i) on the proposed development, and (ii) arising from the proposed development, and	The site may be subject to future human-induced climate change impacts (ie sea level rise). The floor levels of the development have been set to manage expected impacts of sea level rise. The replacement of the grandstand is not expected to exacerbate coastal or sea level impacts. This issue has been considered by Council's Environment Section who is satisfied with the proposal in relation to this issue.
(g) the cumulative impacts of the proposed development and other development on the coastal catchment.	No adverse cumulative impacts are expected.

In addition, Clause 5.5(3) states that consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that:

- (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and

- (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
- (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform.

The consent authority can be satisfied of these issues. The development will not impact upon public access to or along the coastal foreshore and the development will not have a negative effect on water quality. All stormwater will be discharged into the public stormwater drainage system.

Clause 5.10 Heritage conservation

The site is not listed as a heritage item and is not located within a conservation area however the adjoining north-eastern public reserve (Andrew Lysaght Rest Park) contains locally listed heritage items including a former Roman Catholic cemetery, gravestones and monuments. Each of these items are identified as having local heritage significance.

Council's Heritage Officer has reviewed the proposed development and considers it to be satisfactory.

Part 7 - Local provisions – general

Clause 7.1 Public utility infrastructure

Consent must not be granted for development unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

The subject site is serviced by reticulated power, water, gas and telecommunications facilities.

Clause 7.3 Flood planning area

The land is known to be flood prone. Preliminary flooding levels (probable maximum flood and 1 in 100 year flood event) have been identified for the site by Council.

This clause requires that consent must not be granted for development on flood prone land unless the consent authority is satisfied in relation to all the following matters:

- (a) all habitable floor levels of the development will be above the flood planning level,
- (b) the development will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,
- (c) the development will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain,
- (d) the development will not affect evacuation from the land,
- (e) the development will not significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,
- (f) the development will not result in unsustainable social and economic costs to the community as a consequence of flooding,
- (g) if located in a floodway area—the development will not be incompatible with the flow conveyance function of, or increase a flood hazard in, the floodway area.

Council's Stormwater Division has assessed the proposed development with regard to the above matters and considers them to be satisfied.

Clause 7.5 Acid Sulfate Soils

The site is classified on Council's mapping system as containing a combination of Class 3, 4 and 5 acid sulphate soils. The proposal involves works which require the preparation and submission of an acid sulphate soils management plan. The applicant supplied with the application a preliminary contamination and waste classification assessment report which states that the *Acid Sulphate Soil Risk Map* for Wollongong (1997) indicates that the site is located within an area of no known occurrence of acid sulphate soils.

Additional soil testing has been undertaken which has identified the presence of acid sulphate conditions within an area to the south of the grandstand (west of the training field). The analysis has found that it is unlikely that any acid sulphate soils will be encountered during construction of the proposed grandstand. On this basis, it is considered that an Acid Sulphate Soils Management Plan is not required.

Part 7 Local provisions—Wollongong city centre

Clause 8.2 Wollongong city centre – land to which this Part applies

Part 8 of the LEP applies to the proposal as the subject land is located within the Wollongong City Centre.

8.4 – Minimum building street frontage

Clause 8.4 provides that consent must not be granted to the erection of a building that does not have at least one street frontage of 20 metres or more on land within zone B4 Mixed Use. The road reserve is zoned B4 and is only bounded to the east and west. The eastern boundary of the allotment has a frontage length of more than 20m and therefore complies with this standard.

Clause 8.5 Design excellence

Clause 8.5 applies to development involving the construction of a new building or external alterations to an existing building. It requires that consent must not be granted to development unless, in the opinion of the consent authority, the proposed development exhibits design excellence.

In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:

Matter for Consideration	Comment
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The design, materials and detailing are appropriate having regard to the proposal's function, its coastal location and relationship to the streetscape. As detailed below, Council's Design Review Panel has reviewed the proposal and is satisfied with the design and treatment. Conditions of consent are proposed which seek to minimise material reflectivity.
(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	The form and external appearance of the proposed development will improve the quality and amenity of the public domain. The ground floor retail areas will address and activate the streetscape during and outside of events while the proposed public domain works will enhance the aesthetic appearance of the street and vastly improve pedestrian safety and amenity.
(c) whether the proposed development detrimentally impacts on view corridors,	The proposed development will not detrimentally impact on the view corridors identified within the LEP. The existing western grandstand is sited at the termination of two nominated framed street views from west to east down Burelli and Stewart

Matter for Consideration	Comment
	<p>Streets. The existing grandstand is unattractive and exhibits little architectural merit, while the replacement stand will improve the street views.</p> <p>It is unlikely that nearby developments will experience any view impacts as a result of the proposed development given its proposed height.</p>
(d) whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	There are no areas identified on the Sun Plane Protection Map within the vicinity of the site. The proposal will not have adverse shadowing impacts on either the coastal foreshore or nearby properties. Residents on the western side of Harbour Street will continue to receive a minimum 3 hours of direct sunlight.
<p>(e) how the proposed development addresses the following matters:</p> <ul style="list-style-type: none"> (i) the suitability of the land for development, (ii) existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints, (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) street frontage heights, (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (viii) the achievement of the principles of ecologically sustainable development, (ix) pedestrian, cycle, vehicular and service access, circulation and requirements, (x) impact on, and any proposed improvements to, the public domain. 	The proposed development is considered to be acceptable with regard to these matters where relevant.

Clause 8.5(5) states that consent must not be granted to development having a capital value of more than \$1,000,000 on a key site unless a design review panel has reviewed the design of the proposed development. The site is identified as a Key Site in LEP 2009 and the proposal has a capital investment value greater than \$1 million. The proposed development as originally submitted was reviewed by a Design Review Panel. It is noted that since the review was undertaken, the applicant amended the application to reduce the scope of the development to only include one tier of seating, the ground floor lease areas, first floor corporate function rooms and other associated components as described in Section 3 above. It was not considered necessary for the Panel to review the amended application as it will form the first part of a 2 part project of the same overall form as originally presented to Council and reviewed by the Panel.

The applicant has indicated that a second development application will be lodged shortly to seek approval for an additional tier of grandstand seating and an additional floor housing catering areas, amenities and associated facilities. These components were on the plans reviewed by the panel and as such, the following comments relate to the overall grandstand redevelopment including those aspects to be the subject of a further application.

The Panel provided a number of comments in relation to the proposed grandstand which are outlined below, along with the applicant's response:-

Panel comment: “The overall concept for the development of the stadium facilities and the introduction of retail outlets servicing Harbour Street was considered commendable by the panel. However it is recommended that further consideration be given to the following issues:

Public Domain

The dependency on the partial closing of Harbour Street to create an adequate spill out space from the stadium is not ideal. However given the constraints of the site it is an understandable outcome of the proposal.

The rear of the stadium is suspended over Harbour Street, encroaching into the street by 6m at level 2 and 8.5m at the upper level. The overhang of the level 2 floor has been utilised to provide a colonnade at street level. The proposed colonnade and the introduction of retail outlets in this location are considered to be a positive step toward activating the street. However further development of the treatment of the pavement, the extent and profiles of curbs (preferably flush with the road) the creation of more meaningful external spaces and the incorporation of proposed sculptures / statues should be considered. The connection of this public space with the rest of Harbour Street and the convention centre will play an important role in the overall success of the proposal.”

Applicant's response:

“The proposed pavement treatment on the eastern and western sides of Harbour Street and within the site and the kerb profiles are detailed on the landscape plans submitted on 20 July 2010. The pavement will be quartz/blue metal aggregate concrete with honed finish as specified in accordance with Council's Public Domain Manual.

As set out within our package of information, dated 23 June the civil designers and stormwater consultants identified that providing a pavement flush with the road would not be practical for the following reasons:

- it would result in drainage issues and potential impacts on the retail/ commercial units, as kerb and guttering will not be in place to prevent flooding; and
- without the kerb and gutter, bollard at 1.8m spacing will be required for pedestrian safety, which would be more of an impediment to pedestrians than the kerb.

The kerb and gutter is being retained, as shown on the architectural, civil and landscape/ public domain plans.

Due to the constrained nature of the site, it is difficult to provide meaningful spaces, however the increased widths of the pavements adjacent to both the northern and southern ticket offices, provide more circulation space for patrons and also an area for a sculpture outside the northern egress gates, denoted by an oval.”

Panel comment:

“Expression of structure

The roof structure is designed to hover independently over the solid mass of the tiered seating. The structure is supported by four posts located at the northern and southern ends of the stand. The proposed roof and supporting structure could potentially be very dramatic however the posts currently appear to be visually too light to support the dramatic bridged roof structure. The design should acknowledge the work these supports are doing and the architecture should do the same. Careful consideration of the relationship between the back of the tiered seating and the roof should also help to emphasise that the roof is hovering independently over the mass of the tiered seating.”

Comment:

The roof element has been removed from the plans and no longer forms part of this application. It will be the subject of a future development application.

Applicant's response:

“The posts have increased in size from 450mm diameter to 900mm diameter following further lateral wind analysis of the entire structure. The connection between the columns and the truss is resolved to a

pin jointed connection refer drawing attached (truss joint). The underside of the roof has been raised to the maximum height permitted to maximise the visual separation between the upper tier and the roof structure.”

Panel comment:

“Circulation

The northern entry turnstiles require patrons to enter the stadium, turn back sharply in the opposite direction towards the egress gates and then enter a narrow pinch-point between the egress gates and the stairs to access the upper levels of the stadium. This configuration is far from ideal and may lead to crowd congestion within the stadium. Further development of the configuration of the northern stairs to the upper levels of the stadium is required.”

Applicant’s response:

“The northern entry stairs and egress have been amended as shown on plan DA 2100_F to provide patrons with a greater area of circulation space to access and egress the stairwells, lower concourse area and the stadium as a whole. This revision follows further study and is essentially a development of Revision D previously submitted. We have removed the blade walls under the stair and replaced with columns to improve the circulation between the entry gates and the lower concourse area, in both ingress and egress modes. The issue of “patrons turning back sharply” is addressed, and congestion is also addressed.

In the egress mode there can be either of the following events:

- Normal mass migration at the end of a game
- Evacuation of one grandstand as a result of a fire alarm being activated
- Evacuation of more than one grandstand as a result of an alarm being activated

The revised design addresses these three egress scenarios by maximising the perimeter gate exit way width, which is seen as the paramount with respect to these dots points being satisfied. We are of the opinion the design response is appropriate in this instance.”

Panel comment:

“Patron comfort

It is recommended that further wind studies are undertaken to examine the impact on patrons occupying the upper levels of the stand adjacent to the slot between the roof and tiered seating. It is necessary to develop a clear understanding of this issue at an early stage of the design development, as it may potentially influence the appearance of the structure.”

Applicant's response:

“Windtech prepared a supplementary statement which was included within our letter of 23 June 2010. It confirmed that the continuous 2.04m impermeable screen along the top of the grandstand seating area will be sufficient to provide adequate wind conditions for the spectators within the seating area of the grandstand.”

Comment:

The upper tier of seating has been removed from the plans and no longer forms part of this application. It will be the subject of a future development application.

Panel comment:

“Detail treatment of colonnade

The topography of Harbour Street results in the underside of the soffit to the street colonnade being reduced to 4.2m. Because the soffit is 6m deep and west facing there is a potential that this space could be dark and uninviting. Careful consideration should be given to the selection of materials and lighting in this area to ensure that this space feels as light and open as possible.”

Applicant's response:

“The indicative lighting scheme demonstrates that it has been well considered and will provide a safe and secure of patrons space. The proposed materials are:

- Smooth Polished concrete columns
- High quality public domain light fittings
- Exposed aggregate concrete to Wollongong Council Foreshore specification
- Anodised aluminium framed and clear glazed
- Soffit CFC board layed in stretcher bond pattern, 10mm expressed joints with stainless steel fixings”

Panel comment:

“Detail treatment balustrades corporate access corridor

Light weight balustrades / screens have been used for the level 3 concourse, the level 2 corridor servicing the corporate area and the connection to the northern stand. The prolific use of light weight materials addressing the street is potentially harsh. Further detail of the proposed screens and balustrades is required to clarify the proposal. Consideration should be given to the function of each of these spaces and an appropriate method of enclosing the space demonstrated.

It is suggested that enclosing the corporate access corridor to form a more solid element will help to define a break between the ground floor retail and the upper level stadium. It would also provide a far more comfortable and appropriate point of access into the corporate areas. It is suggested that the enclosed corridor could appear to be suspended between the stadium columns and possibly broken down into smaller elements that relate to both the structure of the stadium and the access points of the corporate areas.”

Applicant's response:

“Photomontage of the proposed screening and planting have been submitted with the revised DA drawings. Allan Jack + Cottier have previously submitted details of the screen material as it would look with and without the plant material.

Furthermore, it is considered that the vegetation will:

- soften the form of the stadium providing an unifying element;
- provide screening to the service corridor;
- provide solid form to the corporate function area; and
- screen and provide further shelter to the corridor circulation zone.

The landscape architects have carefully considered this detail and the selection of plants which will grow in this context.

We also note that the corridor will primarily function as a service corridor, however natural light will filter through the screen.”

Panel comment:

“Vistas from Stewart Street and Burelli Street

The applicant’s approach of retaining an openness of the vistas when approaching the stadium from Stewart Street and Burelli Street by creating low level lightweight links to the northern and southern stands is considered appropriate. However further development of how the light weight link from the northern stand connects to the new western stand as outlined above could help to more clearly define the edges of the new stand.”

Applicant’s response:

“Details of the screening proposed for the upper level are shown on drawings A7101A & A7102 A as submitted by Allan Jack + Cottier.”

Panel comment:

“Summary / Conclusion

The proposal is generally a well considered response to the tight constraints of the site that will provide a reasonable level of amenity for its patrons and has the potential to greatly improve the quality of Harbour Street.

However the proposal would benefit from further development of the public domain, refinement of internal circulation, a clearer expression of structure and further development of detail elements as described above.”

Having regard to the assessment provided in the above table in relation to the matters for consideration outlined in Clause 8.5, and the applicant’s response to the comments provided by the Design Review Panel, the proposed development as amended is considered to satisfy the design excellence criteria identified in the LEP.

8.6 Building separation within Zone B3 Commercial Core or B4 Mixed Use

The relevant elements of this clause read as follows:-

- “(2) Buildings on land within Zone B3 Commercial Core or B4 Mixed Use must be erected so that:
- (a) there is no separation between neighbouring buildings up to the street frontage height of the relevant building or up to 24 metres above ground level whichever is the lesser, and
 - (b) there is a distance of at least 12 metres from any other building above the street frontage height and less than 45 metres above ground level, and
 - (c) there is a distance of at least 28 metres from any other building at 45 metres or higher above ground level.

- (5) In this clause:

street frontage height means the height of that part of a building that is built to the street alignment.”

The only component of the building which is to be sited within the B4 zone is the columns and the first floor containing part of the corporate function rooms and external corridor. The columns are placed 4.0m inside the footpath, while the first floor overhangs the road reserve by a distance of 5.89m at its southern end and 5.67m at its northern end. There are no ‘neighbouring buildings’ located to the north or south of this part of the structure (ie also within the B4 zone) and as such it is considered that the proposal complies with this clause.

It is noted that the distance from the edge of the Level 2 concourse to the edge of the Steelers Club (located on the opposite side of Harbour Street) building facia is 13.2m.

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PART B – LAND USE PLANNING CONTROLS

B4 – Development in Business Zones

This chapter is of relevance only in respect of that part of the proposal which will occur within the B4 Mixed Use zone (ie the Harbour Street road reserve).

<i>Controls/ objectives</i>	<i>Comment</i>	<i>Compliance</i>
4 Economic Impact assessment – retail hierarchy		
<u>4.1 Economic impact assessment required for retail developments involving a gross floor area of 3500sqm or more</u>	N/A	N/A
5 Planning requirements for development in the regional city and major regional centres		
<u>5.1 Wollongong City Centre</u>		
Relevant controls are contained within Chapter D13 of the DCP	Chapter D13 is addressed below	Yes
9 General Design Requirements for Retail and Business Premises Developments	N/A – that part of the development located within the business zone does not constitute either a retail or business premises for the purposes of the LEP	N/A
10 General Design Requirements for Retail Shopping Centre	N/A – that part of the development located within the business zone does not constitute a retail shopping centre	N/A
11 General Design Requirements for Fast Food Restaurants	N/A	N/A
12 Peripheral Sales (Bulky Goods) Precincts	N/A	N/A
13 Works in the Public Domain		
<u>13.1.2 Development Controls</u>		
o Any works within the public domain must comply with the requirements of the Public Domain Technical Manual	The proposed public domain works have been assessed by Council's Landscape Section and generally comply with the controls outlined in the Public Domain Technical Manual. Conditions are recommended for imposition in relation to this matter if this application is approved.	Yes

PART C – SPECIFIC LANDUSE CONTROLS

C1 – ADVERTISING AND SIGNAGE

<i>Controls/ objectives</i>	<i>Comment</i>	<i>Compliance</i>
8 General requirements for advertising signs and structures		

<i>Controls/ objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>8.1 Advertising Signage must relate directly to lawful use of the land</u>	Proposed signage relates to the use of the grandstand/ stadium and to the Ticketek box office only. Will advertise upcoming events and display logos etc	Yes
<u>8.2 Design and Location</u>	Acceptable	Yes
<u>8.3 Proportion</u>	Acceptable	Yes
<u>8.4 Colour</u>	Billboards above the ticket booth will be changeable. Complimentary colours proposed.	Yes
<u>8.5 Illumination</u>	The billboards will be lit by way of spotlights designed so as to not incur any light spill beyond the signage area.	Yes
<u>8.6 Rationalisation of Advertising Signage</u>	Rationalisation not considered necessary.	Yes
<u>8.7 Advertising Signs and Structures maintained in good repair and in a clean and tidy condition</u>	Applicant indicates that signs have been designed and are located so as to ensure easy maintenance and cleaning	Yes
<u>8.8 Advertising Signs must be displayed in English Language</u>	Yes	Yes
<u>8.9 Advertising Signs or Structures – Public Safety</u>	Acceptable	Yes
9 Specific controls for advertising signs and structures	Application indicates proposed billboard signage above the ticket box and entry turnstile	

<i>Controls/ objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>9.1 Fascia Signs</u>	N/A	N/A
<u>9.2 Flush Wall Signs</u>	Billboards to be placed on wall above ticket box and turnstiles would constitute flush wall signs.	Yes
<ul style="list-style-type: none"> o Max 1 per building elevation o Must not exceed 10% of the elevation of the building o Must be attached to the wall; must not protrude above parapets or eaves, over vents, windows or other openings; must not obscure architectural elements of the building 		
<u>9.3 Projecting Wall Signs</u>	None proposed	N/A
<u>9.4 Under Awning Signs</u>	None proposed	N/A
<u>9.5 Pole or Pylon Signs</u>	None proposed	N/A
<u>9.6 Top Hamper Signs</u>	None proposed	N/A
<u>9.7 Window Shopfront Signs</u>	None proposed	N/A
<u>9.8 Drop Awning Signs</u>	None proposed	N/A
<u>10 Location of certain names and logos</u>	Acceptable	Yes
<u>11 Multi-occupancy buildings</u>	No common signs are proposed and may not be appropriate in the circumstances	Yes
<u>12 Business identification signage for service stations</u>	N/A	N/A
<u>13 Advertising signs on heritage buildings</u>	N/A	N/A

PART D – LOCALITY BASED DCPS/PRECINCT PLANS

Chapter D13 - LOCALITY BASED DCP – Wollongong City Centre

Section 2 - Building form

<i>Controls/ objectives</i>	<i>Comment</i>	<i>Compliance</i>
2.2 Building to street alignment and street setbacks		
<ul style="list-style-type: none"> - no specific building setbacks identified - Minor projections into front setback up to 450mm for sun shading devices, entry awnings and cornices 	The building is proposed to be built to the street alignment at ground level and overhangs the road reserve as noted above.	Building setback is considered to be acceptable in the circumstances given the constraints of the site. The treatment of the colonnade

			and street façade is appropriate.
2.3	Street frontage heights in commercial core	N/A site is not located within commercial core	N/A
2.4	Building depth and bulk	N/A to the SP3 Tourist zone	N/A
2.5	Side and rear building setbacks and building separation		
	<ul style="list-style-type: none"> - commercial uses up to 24m in height – min 3m side setback; min 9m rear setback (note: DCP defines all non-residential uses as ‘commercial’) - commercial uses above 24m – 6m to side setback; 12m to rear 	Side setback >3m. Rear setback >9m Side setback >6m Rear setback >12m.	Yes
2.6	Mixed use buildings		N/A
	<ul style="list-style-type: none"> - provide flexible building layouts which allow variable tenancies or uses on the first two floors of a building above the ground floor. 	Ground floor retail/commercial spaces could be used for a variety of purposes subject to compliance with the LEP; uses will be the subject of future development applications.	Yes
	<ul style="list-style-type: none"> - provide safe pedestrian routes through the site, where required. 	Safe pedestrian access is provided into and around the development.	Yes
	<ul style="list-style-type: none"> - front buildings onto major streets with active uses. 	Ground floor uses will activate the streetscape. Glazed shopfronts are proposed which is preferable.	Yes
	<ul style="list-style-type: none"> - avoid the use of blank building walls at the ground level. - for mixed use buildings that include food and drink premises uses, the location of kitchen ventilation systems shall be indicated on plans and situated to avoid amenity impacts to residents. 	Kitchen ventilation systems for the catering areas are subject to consent conditions which seek to ensure appropriate positioning.	Yes
2.7	Deep soil zone	N/A	N/A
2.8	Landscape design		
	<ul style="list-style-type: none"> - The following documents must be considered for site planning and landscape design: <ul style="list-style-type: none"> i) Chapter E6–Landscaping in the DCP ii) Wollongong City Centre Public Domain Technical Manual. - Remnant vegetation must be maintained throughout the site wherever practicable, particularly significant trees. - a long-term landscape management plan must be provided for all landscaped areas, in particular the deep soil landscape zone. 	Landscape plan has been prepared which addresses these issues. If approved, conditions will be applied requiring compliance with Council’s Public Domain Technical Manual. A number of Cocos Palms (street trees) should be removed during the streetscape works as these trees are undesirable.	Yes

- the plan must outline how landscaped areas are to be maintained for the life of the development.
- chapter E17 Preservation and Management of Trees and Other Vegetation in this DCP provides for the protection of all trees with a girth greater than 200mm or a height over three metres, or a spread over 3m.

2.9	Planting on structures		
	<ul style="list-style-type: none"> - design for optimum conditions for plant growth: provide appropriate soil depth, soil volume and soil area; provide appropriate soil conditions, irrigation methods, and drainage. - planter boxes – suitable proportions for plant growth 	Small landscape planter boxes are proposed on the level 2 concourse and on the footpath adjacent to the columns to support creepers (creeping fig). The design has been reviewed by Council's Landscape Section and is generally acceptable subject to conditions	Yes
2.10	Sun access planes	N/A	N/A
2.11	Development on classified roads	N/A as the site does not front a classified road	N/A

Section 3 - Pedestrian Amenity

	<i>Controls/ objectives</i>	<i>Comment</i>	<i>Compliance</i>
3.2	Permeability		
	<ul style="list-style-type: none"> - through site links, arcades, shared ways and laneways are to be provided as shown in Figure 3.1. - where possible, existing dead end lanes are to be extended through to the next street as redevelopment occurs. - new through site links should be connected with existing and proposed through block lanes, shared zones, arcades and pedestrian ways and opposite other through site links. - existing publicly and privately owned lanes are to be retained. - the design and finish of new through site links need to be provided in accordance with Council's City Centre Public Domain Manual. 	<p>There are no existing through site links, arcades, shared ways and laneways through the site though Figure 3.1 does identify two existing pedestrian links through the site in alignment with both Stewart and Burelli Streets.</p> <p>Existing pedestrian pathways within and around the site will be maintained.</p>	Yes
3.3	Active street frontages		
	<ul style="list-style-type: none"> - active street fronts in the form of non-residential uses on ground level are required along streets, lanes and through site links shown in Figure 3.4 for all buildings in the Commercial Core and Tourist zones, and for mixed use buildings in the Mixed Use (city edge) and Enterprise zones. 	Glazed shop fronts provided to the ground floor retail/commercial spaces which may be occupied by retail uses such as food and drink premises or a neighbourhood shop. Consent will be required for future uses of the premises.	Yes

	<ul style="list-style-type: none"> - active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street. - restaurants, cafes and the like are to consider providing openable shop fronts. - provide multiple entrances for large developments including an entrance on each street frontage. 	<p>Clear glazing will assist in activating the street and will offer opportunities for passive surveillance of the street.</p> <p>Ground floor retail spaces will be directly accessible from the footpath. Footpath and floor levels will be required to be designed to ensure level access.</p>	Yes
3.4	Safety and security		
	<ul style="list-style-type: none"> - building design to provide for casual surveillance of access ways, entries and driveways - avoid creating concealment opportunities in pathways, stairwells, hallways and carparks - provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering. - provide adequate lighting of all pedestrian access ways, parking areas and building entries. Such lighting should be on a timer or movement detector to reduce energy consumption and glare nuisance. - provide clear lines of sight and well-lit routes throughout the development. - where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway. - provide security access controls where appropriate. 	<ul style="list-style-type: none"> - glazed shopfronts of ground floor retail/ commercial spaces provide opportunities for casual surveillance of the street - minimal concealment opportunities - entrance to the corporate lobby and stadium entry points (turnstiles) are in prominent positions and are readily identifiable - street lighting will be retained. Under awning lighting and other lighting to be provided around the site - provided - casual surveillance will be available from retail areas - during events, security will be provided in accordance with WIN's existing security practices. The development will also be linked to the existing 'Back to Base' monitoring system. - the applicant indicates that public access into the corporate lobby will be monitored and restricted on event days and closed at all other times. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.5	Awnings		
	<ul style="list-style-type: none"> - continuous street awning required across frontage - awning design to match building facades and be complementary to adjoining buildings - specific design requirements and dimensions to be satisfied 	<ul style="list-style-type: none"> - grandstand does not incorporate a permanent awning, though it has been designed to provide a colonnade which will provide 	No but intent has been satisfied

	- provide under awning lights to facilitate night-time use and improve public safety.	weather protection of the footpath area. - lighting to be provided beneath the canopy	Yes
3.6	Vehicle footpath crossings		
	- one vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted. - in exceptional circumstances, a double lane crossing with a maximum width of 5.4 metres may be permitted for safety reasons	The existing driveway to the north of the western grandstand will be retained, providing access to the car park and loading dock beneath the northern grandstand. An existing driveway entrance to the south of the stand will be replaced with a new crossing further to the south. Design and location of the driveway is acceptable to Council's Traffic Section.	Yes
3.7	Pedestrian overpasses and underpasses	None proposed	N/A
3.8	Building exteriors		
	- consider new buildings in terms of appropriate alignment and street frontage heights; setbacks, appropriate finishes and materials; façade proportions	- design and finishes are appropriate. - concerns initially raised by the Design Review Panel have been addressed by the applicant as detailed above in Section 10.	Yes
	- balconies and terraces should be provided on low rise parts of buildings; gardens encouraged	- vegetative screen proposed adjacent to Level 2 concourse.	Yes
	- articulate facades so that they address the street and add visual interest.	- ground floor retail spaces address Harbour Street. Façade detailing provides visual interest and activates the streetscape.	Yes
	- high quality/durable materials and finishes to be used on external walls with 'self-cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass. - finishes with high maintenance costs, those susceptible to degradation or corrosion from a coastal or industrial environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided. - avoid expanses of any one material - limit opaque or blank walls for ground floor uses to 30% of the frontage	- durable self-cleaning materials are proposed including powder coated metal panels, glazing and fair-faced concrete. Materials have been selected having regard to the corrosive nature of the coastal location of the site.	Yes
	- maximise glazing for retail uses, break glazing into sections to avoid large expanses - highly reflective finishes and curtain wall glazing are	- variety of materials to be utilised - glazing provided to retail areas. - reflectivity to be limited.	Yes

	not permitted above ground floor level	Conditions are recommended for imposition in this regard.	Yes
	<ul style="list-style-type: none"> - materials sample board and schedule to be submitted - minor projections up to 450mm from building walls may extend into the public space providing it does not fall within the definition of gross floor area and there is a public benefit, such as: <ul style="list-style-type: none"> i) Expressed cornice lines that assist in enhancing the streetscape, ii) Projections such as entry canopies that add visual interest and amenity, and iii) Provided that the projections do not detract from significant views and vistas - the design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building. 	<ul style="list-style-type: none"> - detailed sample board has been provided - the grandstand projects into the road reserve as discussed elsewhere within this report. 	<p>Yes</p> <p>No, but overhang is considered to be acceptable</p>
3.9	Advertising and signage		
		The proposed signs are detailed above and have been assessed in relation to the provisions of SEPP 64 and Chapter C1 of the DCP. The signs are acceptable with regard to all of the relevant controls.	Yes
3.10	Views and view corridors		
	<ul style="list-style-type: none"> - existing views shown in Figure 3.12 are to be protected to the extent that is practical in the planning and design of development. - the redevelopment of sites with potential to open a blocked view shown in Figure 3.12 must take into account the restoration of that view. - align buildings to maximise view corridors between buildings. - remove or avoid installation of built elements that obstruct significant views. - carefully consider tree selection to provide views along streets in Figure 3.12 and keep under storey planting low where possible. - site analysis must address views with the planning and design of building forms taking into account existing topography, vegetation and surrounding development. 	<ul style="list-style-type: none"> - site is located outside of the distant panoramic view field nominated by the DCP. Framed views along Stewart and Burelli Streets from west to east are identified in the DCP. - replacement of the grandstand will improve the quality of views obtained along Burelli and Stewart Streets. The grandstand will be more visually interesting and attractive than the existing grandstand. - landscaping and street trees will be required to comply with Council's Public Domain Technical Manual which specifies suitable tree species. 	Yes

Section 4 - Access, parking and servicing

	<i>Controls/ objectives</i>	<i>Comment</i>	<i>Compliance</i>
4.2	Pedestrian access and mobility		
	<ul style="list-style-type: none"> - main building entries to be clearly visible from primary frontage; enhanced with awnings, signage or high quality architectural features that improve the clarity of building address and contribute to visitor and occupant amenity 	<ul style="list-style-type: none"> - corporate lobby entrance is readily identifiable due to the entry treatment and building identification signage proposed. 	Yes
	<ul style="list-style-type: none"> - facilities and car parking for disabled people to comply with AS 1428.1 and AS2890.1 and the DDA 1992 	<ul style="list-style-type: none"> - disabled persons' car parking has been provided within the car park to the south of the western grandstand; will be required to comply with relevant standards. 	Yes
	<ul style="list-style-type: none"> - at least one main pedestrian entrance; convenient barrier-free access to ground floor 	<ul style="list-style-type: none"> - the development will comply with the BCA and relevant Australian Standards. Conditions of consent have been recommended in this regard. 	Yes
	<ul style="list-style-type: none"> - the development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access. 	<ul style="list-style-type: none"> - materials and finishes are required to comply with Council's Public Domain Technical Manual. Council's Landscape Officer is satisfied with the treatment proposed. 	Yes
	<ul style="list-style-type: none"> - pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours in accordance with Council's Public Domain Technical Manual. 	<ul style="list-style-type: none"> - building entrance levels and footpaths will comply with the longitudinal and cross grades specified in AS 1428:1 2001, AS/NZS 2890.1 2004 and the DDA. 	Yes
4.3	Vehicular driveways and manoeuvring areas		
	<ul style="list-style-type: none"> - vehicle access is to be designed to minimise the impact on the street, site layout and the building façade design; and be integrated into the building design. 	<ul style="list-style-type: none"> - vehicular access has been appropriately designed. Vehicle entry cannot be integrated into the design due to the function of the building and its position in relation to the other grandstands. 	Yes
	<ul style="list-style-type: none"> - all vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn. 	<ul style="list-style-type: none"> - vehicles will enter and leave in a forward direction 	Yes
	<ul style="list-style-type: none"> - design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a s138 Roads Act approval. 	<ul style="list-style-type: none"> - conditions will be imposed requiring compliance with relevant controls including 	Yes

	<ul style="list-style-type: none"> - driveway widths must comply with the relevant Australian Standards. - car space dimensions, driveway grades, vehicular ramp width/grades and passing bays must comply with relevant standards. 	applicable standards.	
4.4	On-site parking		
	<ul style="list-style-type: none"> - On-site parking must comply with AS2890.1 2004 – Parking facilities - On-site vehicle, motorcycle and bicycle parking is to be provided in accordance with Part E of this DCP. - to accommodate people with disabilities, minimum of 1% of the required parking spaces as an appropriately designated and signed disabled parking space. 	<ul style="list-style-type: none"> - applicant has indicated that car parking areas will comply with relevant standards. This will be conditioned if consent is granted. - see Part E assessment below. - 2 disabled persons' car spaces have been provided within the car park. 	<p>Yes</p> <p>Yes</p>
4.5	Site facilities and services		
	<ul style="list-style-type: none"> - communication structures, air conditioners and service vents – to be located away from street frontages; integrated into roof space; setback from edge of roof - waste storage and collection - adequate areas required on site for handling and storage; access preferred from side streets; designed and located to allow adequate manoeuvring, no adverse noise impact on sensitive receivers and screened from view. Must be located within the basement or at ground level with no visual impact - service docks and loading/unloading areas – provide adequate area on site; preferably locate access from side streets; screen service doors and docks; circulation to comply with AS 2890.1. - fire and emergency services – access to site required if vehicles cannot park within the road reserve due to distance to hydrant - utility services – provision to be made for all essential services (water, power, sewerage, telecommunications and stormwater drainage) 	<ul style="list-style-type: none"> - not detailed on the plans but can be conditioned if consent is granted - The development will adequately accommodate waste handling and storage within the WIN Stadium and Entertainment Centre complex (see 5.6 below). - existing loading dock and facilities located beneath the northern grandstand service the entire stadium. - emergency vehicle access to site is available. - applicant states that all services are available to the site and can be extended to service the proposed development. Conditions are recommended in this regard if consent is granted. 	<p>Can be dealt with via condition</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Section 5 - Environmental Management

	<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
5.2	Energy efficiency and conservation		
	<ul style="list-style-type: none"> - improve the control of mechanical space heating and cooling by designing heating/cooling systems to target 	<ul style="list-style-type: none"> - applicant indicates that the development 	<p>Yes</p>

	only those spaces which require heating or cooling.	incorporates energy efficient fluorescent lighting, occupancy sensors and photo electric lighting controls.	
	- insulate hot water systems, install water saving devices, such as flow regulators, 3 stars rated shower heads, dual flush toilets and tap aerators.	- water saving fittings to be used throughout	Yes
	-reduce reliance on artificial lighting		
	- all Class 5-9 buildings to comply with the BCA energy efficiency provisions.	- compliance with BCA to be required	Yes
5.3	Water conservation		
	- incorporate the following water saving measures – energy efficient fixtures, taps, appliances; stormwater capture and reuse; select water efficient plants for landscaping; use non-potable water for watering landscaping and landscape features; operating details for pools and water features.	- a rainwater re-use system will be installed. Roof water to be collected and then used for irrigation of the playing field. The applicant indicates that this will save 2.45ML of water per year. - water efficient tapware and timed urinal flushing devices will be installed.	Yes
5.4	Reflectivity		
	- new buildings should not result in glare that causes discomfort or threatens safety to drivers or pedestrians - visible light reflectivity from building materials should not exceed 20%	The applicant states that reflectivity from building materials will not exceed 20%.	Yes
5.5	Wind mitigation		
	- to ensure public safety and comfort, the following maximum wind criteria shall be met by new buildings – 16 metres/second - site design for new buildings shall include:- setback tower from lower structures to protect pedestrians from strong wind downdrafts at the base of the tower; ensure that tower buildings are well spaced to allow breezes to penetrate the city centre; ensure usability of open terraces and balconies.	Wind effects report has been lodged with the DA which provides certain recommendations to ensure that the maximum wind criteria are met.	Yes
5.6	Waste and recycling		
	- all development must comply with Council's Technical Policy for the Management of All Wastes Associated with Building Sites - waste management plan to be provided that addresses recycling and reuse of construction and demolition materials; use of sustainable building materials; handling methods and location of waste storage areas; procedures for ongoing sustainable management of wastes including estimated volumes, required bin capacity and on-site	- a detailed Construction & Environment Management Plan (CEMP) will be prepared and submitted for approval following the appointment of a builder and prior to the commencement of any construction activities on site. This plan will include	Yes

storage requirements

a waste management plan which will address material management, waste and material re-use, and incorporate any mitigation measures necessary to prevent any potential adverse impacts.

- existing waste management arrangements will be extended to accommodate the new grandstand. This includes the provision of 40 'bin stations' (comprising 1 x 240 litre bin for general waste and 1 x 240 litre bin for recyclables) throughout the stadium and Entertainment Centre complex. A compaction unit for organic compostable food and general waste and a cardboard and clean paper compaction unit is located in the waste storage compound in the north western corner of the Stadium complex. Bins will be assembled at Gate D for collection by a waste contractor as required on a weekly basis.

Yes

Section 7 – Planning Controls for Special Areas

<i>Controls/ objectives</i>	<i>Comment</i>	<i>Compliance</i>
7.5 Design excellence		
The proposal is required to be reviewed by the Design Review Panel in accordance with the requirements of the LEP prior to determination of the application.	The proposal has been reviewed by the Design Review Panel as required. This review is outlined above.	Yes

Section 8 - Works in the public domain

<i>Controls/ objectives</i>	<i>Comment</i>	<i>Compliance</i>
Public domain works		
- works within the public domain in the Wollongong City Centre are required to comply with the Wollongong City Centre Public Domain Technical Manual and any other specific Council requirements.	- Council's Landscape Officer is satisfied with the proposal in this regard. A condition should be imposed requiring compliance.	Yes

PART E – GENERAL (CITY WIDE) CONTROLS

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

- The Disability Discrimination Act 1992 (DDA) has the following objectives:
 - “(a) *To eliminate, as far as possible, discrimination against persons on the grounds of disability in the areas of:*
 - (i) *Work, accommodation, education, access to premises, clubs and sport; and*
 - (ii) *The provision of goods, facilities, services and land; and*
 - (iii) *Existing laws; and*
 - (iv) *The administration of Commonwealth laws and programs.*
 - (b) *To ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and*
 - (c) *To promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.”*
- The Disability Discrimination Act 1992 (DDA) requires that every area and facility open to the public should be open and available to people with a disability. New buildings must provide satisfactory accessibility for all people, including people with a disability.
- Both property developers and consent authorities are responsible for considering DDA principles in the design of new buildings or any redevelopment or alteration to an existing building, regardless as to whether or not a proposal requires access provision under the Building Code of Australia.
- Section 79C of the EPAA 1979 requires a consent authority to take into consideration “the public interest”. The “public interest” may include the provision of suitable access and mobility within a building or facility for people with a disability.
- The BCA and AS 1428 – *Design for Access and Mobility* provide the main framework for regulating access and mobility requirements for people with a disability. The BCA is currently under review (as of April 2009) to ensure that the BCA is more consistent with the DDA given that compliance with the BCA does not necessarily mean that developments meet the legislative requirements of the DDA. This has meant that development whilst complying with the BCA may nevertheless be subject to potential complaint to the Australian Human Rights Commission or subject to an appeal to the Federal Court in respect to the DDA legislation.
- Chapter E1 of the DCP states that access and facilities for people with a disability must be provided in accordance with the DDA, BCA and relevant Australian standards including AS1428.1.

An Accessibility Report was submitted with the development application which states that subject to the implementation of the report’s recommendations, the development will comply with the current BCA, the relevant Australian Standards and the intent of the DDA.

As detailed in Section 13.1 of this report, a detailed submission was received from the Access Reference Group which raised numerous concerns in relation to seating, accessible facilities and the like. Following the Southern Regional Panel meeting on 4 August 2010, the applicant and consultants met with representatives of the Access Reference Group to discuss the concerns of the group. Following the meeting, the applicant submitted amended plans providing for additional accessible seating and a further response from the Access Consultant which is attached to this report (Attachment 5). Further discussion on this issue is provided in Section 13.1 below.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

This Chapter outlines the objectives and general requirements of Crime Prevention Through Environmental Design. There are 3 central principles which are natural surveillance, access control and territorial reinforcement (ownership). This chapter outlines requirements in relation to lighting, natural surveillance and sightlines, signage, building design, land use mix, landscaping, spaces safe from entrapment, management and maintenance, public open spaces and parks, community facilities, bus stops and taxi ranks and public toilets.

The applicant has responded appropriately to each of the relevant requirements as follows:-

- Lighting

Applicant's response:

The development will incorporate appropriate lighting to ensure that shadows and glare are avoided which might put users at risk. Further the existing street lighting on the western side of Harbour Street is to be retained and the glass facades of the lease areas, which will be internally lit, will also provide light to Harbour Street.

- Natural Surveillance

Applicant's response:-

The development will not impact upon the sight lines along Harbour Street and will also encourage natural surveillance from the proposed lease areas fronting Harbour Street.

- Signage

Applicant's response:

The building identification for the development will be designed to provide clear way finding for patrons, identify if certain areas are accessible or not, and provide clear warnings where necessary.

- Building Design

Applicant's response:

The development will integrate well into the Stadium complex and also provide an upgrade to public domain along Harbour Street. In addition it will also be an environmentally sensitive development, as described in the SEE which incorporates elements, such as glazing to seek to reduce the temptation for graffiti.

- Land Use Mix

Applicant's response:

The development promotes natural surveillance of Harbour Street, and provides a mix of uses compatible with the development itself and surrounding land uses.

- Landscaping

Applicant's response:

The proposed public domain works will create a more attractive streetscape which in conjunction with the lease areas on the ground floor of the development will activate Harbour Street and attract users.

- Spaces safe from entrapment

Applicant's response:

The proposal has been designed so as to reduce the risk of entrapment and as far as possible provide a safe and secure development.

- Management and maintenance

Applicant's response:

IVA (Illawarra Venue Authority) will ensure prompt maintenance and repair to any damages within the development and maintain the area to the highest degree possible.

- Community Facilities

Applicant's response:

The development itself is a community facility which will be used both during the day and night for events and corporate functions.

The link way between the northern and western grandstands will also ensure that staff are able to safely access the grandstand when it is not in use.

- Bus stops and taxi ranks

Applicant's response:

The use of public transport is to be maximised during event days.

The development will utilise the existing bus stops, located to the north of the Entertainment Centre on Crown Street, which is well lit and overlooked from the WIN Entertainment Centre main concourse.

- Public Toilets

Applicant's response:

Toilets are located within the development and will be for use by patrons only.

Council's Community Safety Officer is generally satisfied with the proposal in this regard, subject to the imposition of conditions.

CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT

- Section 6.1 - a car parking/ traffic impact assessment study has been submitted in support of the DA as required.
- Section 6.2 - a preliminary construction traffic management plan may be required where construction activities may have a significant impact on traffic movement, on-street parking and/or pedestrian safety. Council's Works Division has reviewed the proposal and has applied appropriate conditions in relation to construction.
- Section 6.3 - A public transport strategy is required for certain developments. The applicant's Traffic Impact Assessment Report addresses public transport.
- Section 7 deals with parking demand and servicing requirements. Section 7.1 outlines the requirements relating to car parking, motor cycle, bicycle requirements and delivery and servicing vehicles. All car parking, motorcycle and bicycle requirements is required to be fully provided on-site in accordance with the required rates outlined in the DCP. The DCP identifies the following car parking requirements for the development:-
 - Food and drink premises: 1 car parking space per 25sqm GFA; 1 bicycle space per 200sqm GFA and 1 motor cycle space per 25 car parking spaces. Access for a small rigid vehicle is required for servicing purposes.
 - Function centre: 1 car parking space per 2 staff plus 1 car parking space per 5sqm; 1 bicycle space per 25sqm GFA and 1 motor cycle space per 25 car parking spaces. Access for a large rigid vehicle is required for servicing purposes.
 - It is noted that the DCP does not specify car parking requirements for the grandstand component of the development.
- Where parking rates are not identified for a particular land use, a car parking and traffic impact study must be provided. The applicant has provided a Traffic Impact Study (TIS) prepared by a suitably qualified traffic consultant which outlines the car parking needs of the proposed development. The TIS identifies that the car parking requirement for the new floor areas is 12 spaces for the retail/commercial component, 4 spaces for the neighbourhood shop and 172 spaces for the new function rooms. In addition, 17 on-street parking spaces will be lost as a result of the proposed development. 36 car spaces are proposed to be provided within the area to the south of the western grandstand alongside the training field. Council's Traffic Section has provided comments in relation to the car parking requirements of the development below in Section 13.2. It is noted that no additional car parking is proposed to be provided for the additional stadium capacity. Car parking and traffic will be managed through Traffic Management Plans.
- Section 7.2 requires the provision of disabled access and facilities in accordance with AS 2890.1, the BCA and the DDA. Two (2) disabled persons' car spaces are provided within the car parking area to the south of the western grandstand. Conditions of consent are recommended requiring compliance with AS 1428.1 and the BCA.
- Section 7.3 relates to bicycle parking / storage facilities and change facilities and requires the provision of suitable bicycle parking facilities in accordance with the required rates in compliance with AS 2890.3.
- 1% of the number of car parking spaces shall be provided for disabled persons. The proposal complies in this regard.

- Section 7.4 provides for a waiver or reduction of the number of car spaces required for a particular site if the reduced provision can be justified in the accompanying Car Parking and Traffic Impact Assessment study having regard to the amount of public car spaces in the locality; proximity to public transport nodes; opportunity for cross utilisation with another use; and an empirical assessment of car parking. As noted above, Council's Traffic Section and the RTA have provided comments in relation to the car parking requirements of the development below in Section 13.2 and 13.3.
- Section 7.6 states that car parking shall be provided in accordance with AS2890.1. Conditions of consent have been imposed in this regard.
- Section 7.12 outlines car parking and access construction requirements which include the requirement for car parking areas to be constructed of a hard standing all weather material and marked in accordance with AS 2890.1.
- The loading dock and service area beneath the northern grandstand is utilised for the entire stadium.
- The development satisfies the requirements relating to pedestrian access, safety and security measures for car parking areas and landscaping of car parking areas. Conditions of consent have been recommended for imposition in relation to some matters.

CHAPTER E6: LANDSCAPING

A landscape concept plan has been provided in accordance with the requirements of this chapter of the DCP. The landscape plan is satisfactory to Council's Landscape Section subject to conditions.

CHAPTER E7: WASTE MANAGEMENT

A site waste minimisation and management plan is required to be provided in relation to the construction phase and in the case of commercial development and uses such as food premises and entertainment facilities. It must address where and how waste will be managed. The applicant has indicated that a detailed construction and environment management plan (CEMP) will be submitted after the appointment of a builder and prior to commencement of construction. This will incorporate a waste management plan which will address material management, waste and material re-use and will incorporate mitigation measures where required. A condition of consent has been recommended for imposition requiring an appropriate receptacle be in place for any waste generated during the construction.

Existing waste management arrangements currently employed at the stadium will continue to be used and extended to service the western grandstand.

CHAPTER E11 HERITAGE CONSERVATION

This Chapter of the DCP applies to the land and the land is located adjacent to a heritage item.

Section 14 relates to development in the vicinity of a heritage site and states that development on land adjacent to a heritage item should not detract from the identified significance or setting of the heritage building. This issue has been considered by Council's Heritage Officer who is of the opinion that the proposed development will have no impact on the heritage significance of the neighbouring Andrew Lysaght Rest Park which contains a former Roman Catholic cemetery, gravestones and monuments.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The land is known to be flood prone and as mentioned elsewhere within this report, Council's Stormwater Section has reviewed the proposal and is satisfied that the development has been appropriately designed with regard to flooding. Specifically, floor levels are set above the 1 in 100 year flood level. Conditions of consent have been recommended for imposition in relation to flooding.

CHAPTER E14 STORMWATER MANAGEMENT

This chapter of the DCP outlines Council's requirements for stormwater drainage design and onsite stormwater detention for all developments within the City of Wollongong. The drainage design has been reviewed by Council's Stormwater Section and is acceptable subject to conditions.

CHAPTER E18 THREATENED SPECIES

The proposed development is not expected to have any impacts on threatened species, populations, endangered ecological communities or their habitats. The proposed works occur within existing disturbed areas.

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

This chapter outlines Council's procedures policy in dealing with the assessment of known or potentially contaminated land and the remediation of contaminated land.

Section 5 of this chapter states that all development applications are required to be subject to a detailed site history assessment & preliminary visual site inspection in order to determine as to whether or not the site is or was previously used by a potentially contaminating land use activity.

A preliminary contamination assessment was provided with the development application which indicates that there is a low risk of contamination on the basis of the site history. The investigation confirms that the site is suitable for the proposed development. This issue has been considered by Council's Environment Division who is satisfied with the preliminary assessment undertaken.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

This chapter requires that Development Applications for significant developments (developments equal to or greater than 2,500m² of GFA) be accompanied by a Soil and Water Management Plan. A concept erosion and sediment control plan has been submitted with this development application which is acceptable. Conditions have been recommended for imposition in relation to site management, sedimentation and erosion control and dust suppression measures.

12 Wollongong Section 94A Development Contributions Plan (2009)

A Section 94A levy of 1% of the cost of carrying out the proposed development would normally apply to the proposed development if consent was granted.

It is noted that Clause 9 of the Plan identifies a number of exemptions from the levy, which includes 9(j):-

“(j) An application for or on behalf of the NSW Government for public infrastructure, such as hospitals, police stations, fire stations, education facilities and public transport infrastructure”.

A comprehensive submission arguing the case for an exemption is required to be provided. The applicant has submitted a request which is detailed below.

Clause 13 of the Plan requires that a detailed cost estimate report be provided with a development application where the cost of carrying out the development is \$1,000,000 or more. The detailed cost estimate report must be in accordance with Schedule 2 of the Plan. Clause 14 prescribes that this cost estimate must be prepared by (where the proposed development cost is \$10,000,000 or more) a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors. A detailed cost estimate report was provided as required by the Plan.

Applicant's Exemption Request

The applicant has requested an exemption from the Section 94A levy, as follows:

“Communities NSW seeks an exemption from the payment of Section 94A levies. The development is considered to be exempt from payment of contributions under Clause 9(j) of the Section 94A Plan, being both a Government infrastructure project and a use/development that contributes to the social or physical infrastructure within the locality.

Council cannot impose Section 94 levies on a development unless there is an increased demand on local infrastructure being generated by the development. Currently, the Western Grandstand accommodates 2,412 patrons/spectators and overall there are a total of 20 full time employees associated with the caterers, IVA, Ticketek and Playbill. In addition up to 248 casual staff are employed on large event days.

The development will create approximately 20 full time equivalent jobs as a consequence of the lease areas. In addition it is anticipated that additional casual staff will also be employed on large event days.

The increase in jobs is adequately catered for by the proposed scope of works (Section 4) and is not expected to increase the demand on the types of community facilities for which Council collects levies (eg City Centre Public Transport, footpaths and cycle ways, City wide car parks and public transport facilities) above and beyond the proposed works in kind. Furthermore, whilst the completed Grandstand development will increase capacity, the Stage 1 component seeks approval for less seating than currently provided within the existing grandstand.

Over the past 5–10 years, the number of patrons visiting the site have remained constant and projections into future years indicate a significant increase is not expected.

Traffic flow is sporadic, confined to events when the CBD working population is not at a peak ie Saturday/Sunday.

The expected demands on local infrastructure normally associated with new commercial development, being for public domain and town centre improvements, is not considered applicable to the proposed development. The creation of locally and regionally based jobs is in fact considered to be a significant social and economic benefit.

An exemption from the payment of Section 94A Contributions can also be supported on the following grounds:

- the proposal's principal purpose is to replace, upgrade and improve an existing obsolete facility;
- there is no significant increase in patrons or employees;
- the proposal will mitigate environmental impacts and seek to provide its own car parking and public domain enhancements, drainage and site entrance works as part of the project; and
- the development is a regional sports stadium that has wide community recreational benefits.

The Department of Planning's Circular No D6 (21 September 1995) deals with Crown development applications and conditions of consent. It provides summary guidelines for appropriate categories of contributions towards off-site works for Crown development providing an essential community service. Recreation facilities are not identified as a specific facility that should consistently be required to make payments towards drainage, upgrading of local roads and local traffic management.

It is anticipated that Council will apply the principles of the Department of Planning's Circular D6 for Crown Development, and adopt the general approach applied to projects providing improved social infrastructure facilities for the wider community. Therefore, consistent with the Circular, no contributions are proposed or deemed necessary for open space, community facilities, parking, local roads, or any other local physical or social infrastructure or service or any regional infrastructure.

JBA Urban Planning Consultants Pty Ltd is aware of a number of Crown projects throughout NSW which have been exempt from the payment of Section 94 levies, including:

- redevelopment of the Doug Walters Stand (The Hill) at the Sydney Cricket Ground;
- redevelopment of the MA Noble/Bradman Stands at the Sydney Cricket Ground; and
- the Newcastle Energy Australia Stadium redevelopment.

It is therefore considered reasonable that a similar approach be adopted for the replacement of the western grandstand."

Council Comment:

The applicant's request has been considered by Council's Development Contributions Officer who has provided the following comments:-

"Whilst this current application has the seating capacity of the proposed replacement grandstand reduced from that of the existing, the total capacity for attendants will increase as a result of the proposed replacement grandstand when the new additional use areas are considered. These include the large corporate function areas, retail areas and associated amenities.

A further tier of seating is proposed to be subject to a separate future application; at this point the total proposed grandstand seating is expected to be increased to 6,072 excluding the new additional uses.

The proposed development is considered to have an impact on public parking and traffic during events at the site. The corporate function area and retail areas operating independent of events will have a similar impact as any other like development in the City and need to be assessed as such.

The proposed works included within the Harbour Street public domain are a benefit but not considered to be a substitute for the monetary contribution required under the S94A plan as the majority of the proposed works would be required by Council's Landscape Division as a normal condition of consent and are not in excess of what is directly related to the proposed development.

Lack of car parking provision and loss of existing car parking as a result of the redevelopment of the western grandstand is a significant public concern that Council may be expected to address as such discrepancies in the SEE, civil design drawings and traffic report in relation to car parking have been required to be addressed in additional information submitted by the applicant.

As a result it is considered that the shortfall in car parking not addressed, with the utilization of traffic management plans for events, relates only to the corporate function areas and the use of these areas has been recommended by Council's traffic division to only be permitted to occur when the large scale traffic management plan for events is activated. It is considered that shared use of the function rooms would occur during such events.

It is noted that previous consent conditions relating to car parking for the northern grandstand have not been satisfied. The applicant has undertaken to provide expansion of the proposed car park located on the southern grandstand area adjacent to Field 2 in an agreed manner to address the current car parking deficiency with respect to the new proposed corporate function area; this would seek allow its use outside major events.

In consideration of points raised in the applicant's submission and in accordance with the intention of Clause 9(j) of Councils Section 94A Plan, I am satisfied that the grandstand component of the development will provide public community infrastructure with a material public benefit via the increased capacity and quality of sporting infrastructure in the city. The same benefit is not directly associated with the corporate function area and retail areas.

Given the comments above and on the basis that the corporate function areas use is restricted in accordance with the actual provision of car parking, I recommend a part exemption be granted only for that part of the proposed development which is considered public community infrastructure, being the grandstand & ancillary areas such as the ticketing, food and beverage outlet areas.

In this case the applicable levy is as follows:

Item	Area (m2)	Value of Development	Levy at 1%
Corporate Function Area	1158	\$ 3,552,744	\$ 35,527
Retail Area	440	\$ 1,349,920	\$ 13,499
		Total	\$ 49,027 „

13 Consultation

13.1 Public Notification

The application was notified for a period of 30 days in accordance with Council's 'Public Notification and Advertising Procedures'. A notice was placed in the local newspaper and letters of notification were sent to neighbouring and nearby property owners. At the conclusion of the notification period, there were five (5) submissions received. The main concerns identified in the submissions are summarised and discussed below:-

1. Mr T Frank

- a) Is the location of the facility appropriate with regard to proximity to public transport and a good road network? And in terms of impact of lighting, noise and traffic on the residential area?
- b) Traffic congestion during major events, lack of car parking and poor accessibility. The improved facility will increase the number of patrons likely to come to the site.
- c) Loss of on-street parking is not being off-set by additional parking provision within the site. Underground parking or parking on the fields should be considered.
- d) The proposed overhang over the road reserve will impact on the locality and on the future development of neighbouring sites. The stand should be setback as far as the WIN entertainment centre and a larger forecourt area provided for people to mingle. People will overhang the footpath, posing a potential safety hazard. Where will a large number of people wait until the gates are open?
- e) Greater setback would provide a more desirable street scale and address given the height of the grandstand.
- f) Are there political motives guiding the process? has there been a political disclosure statement submitted by the applicant? Is the work due to be started and advertising the development simply a statutory requirement?
- g) Is the demolition application a separate application?
- h) The development of the stadium is disjointed. There has been no attempt to integrate the grandstands into a single development. This is a highly visible site and requires better attention to the design and detailing. The proposal is mediocre.

The following comments are provided in response to the above submission:-

- In regards to (a), the site is appropriately zoned for the grandstand and the site has been occupied for such purposes since around 1911. The site is located within the Wollongong City Centre and public transport is available within proximity. The impacts of lighting and noise have been considered during the assessment of the application and are dealt with by conditions.
- In relation to (b), the increased capacity of the stadium and corporate function areas will have traffic impacts on the surrounding road network. Traffic Management Plans (TMPs) are required to manage medium and large scale functions, with the aim of reducing reliance on car transport to the stadium through encouraging use of public transport.
- In relation to (c), 17 on-street car spaces are being removed from Harbour Street as a result of the proposed public domain works. 36 spaces are proposed to be constructed to the south of the western grandstand to the west of the training field which will include 17 spaces to make up for the loss of on-street car parking proposed.
- In relation to (d), the proposed overhang over the road reserve will not have an unreasonable impact on the locality or on the future development of neighbouring sites. It is noted that the existing western grandstand abuts the road reserve and only a very narrow footpath exists on the eastern side of Harbour Street. The western elevation of the existing grandstand is uninteresting and does not contribute to the streetscape and pedestrian amenity is poor. This proposal incorporates streetscape/public domain works which will improve the pedestrian environment significantly, improving pedestrian safety and amenity. The grandstand structure incorporates ground floor retail/commercial areas with glazed shopfronts which will activate the streetscape outside of events which currently does not occur. The design of the structure has been considered by Council's Design Review Panel in accordance with the requirements of WLEP 2009, as detailed above. The proposal was considered to be satisfactory subject to a number of issues being considered further. This has occurred and the design is now considered to be satisfactory.
- Further in relation to (d), the width of the grandstand and footpath area fronting Harbour Street is constrained by the position of the playing field and other grandstands. It is not possible to provide a wider footpath/forecourt area than that proposed. As noted above, the proposal involves public domain works including the provision of a wider footpath on the eastern side of Harbour Street (6.6m along most of the width of the grandstand). This will improve pedestrian amenity and safety. A wider footpath area is available further to the north adjacent to the WIN entertainment centre which will provide additional area for people to gather before and after events. During events (over 10,000 patrons), road closures are and will continue to be implemented in Harbour Street (between Burelli

and Stewart Streets) to facilitate safe pedestrian movement in the precinct. Police officers and road management contractors will be employed to supervise pedestrians.

- In relation to (e), it is not possible to provide a greater setback to the stadium given the constraints mentioned above.
- In relation to (f), the proponent is NSW Communities, a State government department who will fund the construction of the western grandstand. The development application has been publicly notified and assessed in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979 and Regulation 2000. In accordance with the EPAA and as required by Wollongong City Council, the applicant's disclosure of political donations and gifts was set out on the Application Form submitted with the DA at the time of lodgement.
- In relation to (g), an earlier development application was submitted and approved in relation to the demolition.
- In relation to (h), the applicant has noted that the site and budget constraints affecting the site have prevented continuous seating being provided from the Northern Grandstand to the Southern Grandstand. However the Western Grandstand will be integrated with the Northern Grandstand through the provision of the pedestrian bridge at Level 2. Further, the design of the development has been reviewed by the Design Review and Advisory Panel as detailed in Section 10 above. The design was considered to be acceptable subject to some changes being made.

The following further comments were provided in a later submission from the same person:-

- a) The demolition is underway prior to approval being obtained for the grandstand. Is the applicant of the view that they will be granted approval?
- b) This application has been dealt with expeditiously by Council as has the rezoning. It seems everything has been done to assist this development. I and other developers are not treated the same way.
- c) This development reduces the streetscape and is an overdevelopment of the site; there is no address to the forecourt area which should not be dismissed.
- d) Traffic in the area is a problem; there is no additional parking for this development. More parking should be provided for this development and the entertainment centre.
- e) The applicant has requested an exemption from the Section 94A levy. Who will be paying for the infrastructure required in the area? Will rates go up?
- f) If Council process the rezoning for this development within a few weeks, this will have a bad smell attached to it. Private enterprise cannot do what is being asked of this development – lack of parking, overhang the street by 8m, no forecourt area, changing the street to a one way etc.
- g) Is the regional panel truly independent?

The following comments are provided in response to the above concerns:-

- In relation to (a), an earlier development application was submitted and approved in relation to the demolition.
- In relation to (b), the development is a significant State funded development which is important to the community. It will have significant positive social and economic impacts on the region.
- In relation to (c), the design and treatment of the development is considered to be acceptable.
- In relation to (d), car parking and traffic impacts have been closely examined as part of the assessment of this development application and are considered to be acceptable subject to the implementation of appropriate traffic management plans.
- In relation to (e), a part exemption is considered to be acceptable in this instance.
- In relation to (f), every application is considered on its individual merits. This proposal has merit and consequently is supported by Council.
- In relation to (g), Joint Regional Planning Panels have been constituted by the Minister for Planning under the provisions of the Environmental Planning & Assessment Act 1979. In accordance with Schedule 4 to the Act, a Regional Panel comprises 3 persons appointed by the Minister (each having expertise in at least 1 of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration) and 2 Council nominees, at least one of whom has expertise in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

2. Access Reference Group

The following summarised comments were provided by the Access Reference Group (ARG) in relation to the proposed development. It is noted that at the time of making this submission, the additional floor and tier of seating was included in this application.

(a) Seating

- There are 24 designated accessible seats at ground level, 8 on the second level and none on the top level. This does not comply with the standards; there should be seating adjacent to wheelchair spots so that companions can sit beside people using the accessible seating.
- The plans do not indicate that there is seating for people with ambulatory disabilities.
- Media boxes will obstruct the vision of the people using the accessible seating on the second level and companion seating should be provided with these accessible spots.
- The type of seating is not specified. It is not specified if the seating will be fixed or movable, or flip up to accommodate multiple configurations that may be required for people with disabilities.
- The designated accessible seating is not equitably distributed throughout the stadium. There is no designated accessible seating in the upper level for people with disabilities.
- The proposed grand stand features 6072 seats, with 32 designated accessible seats. Access to Premises Standards (Table D3.9) requires the following number of wheelchair spaces, for seating between 800 to 10,000; that there would be 16 places plus 1 additional space for each additional 100 seats or parts thereof in excess of 800 seats. The grouping and location of these seating is to be provided as follows; not less than 2 single spaces; and not less than two and not more than 5 spaces in any other group and the location of spaces is to be representative of the range of seating provided.

It is noted that an access consultant prepared an accessibility report for submission with the development application. This consultant has reviewed the ARG submission and has provided the following comments in response to the above concerns:-

- To meet the performance requirements of BCA (2010) Part D3.2, (1 wheelchair space per 100 up to 200 seats + 1 per 200) - 32 wheelchair seating spaces, with dimension to meet the requirements of AS1428.1 (2009) are proposed.
- Level 01 includes 8 wheelchair spaces and 5 adjacent companion seats. In our opinion, the wheelchair seating spaces are located equitably to meet the intent of the DDA to be representative of the public seating provided in the lower tier. Located in the front row the spaces allow lines of sight comparable to general viewing with no seats provided in front of the wheelchair spaces.
- Level 02 includes 4 wheelchair spaces and 2 adjacent companion seats. In our opinion, the wheelchair seating spaces are located equitably to meet the intent of the DDA to be representative of the seating provided at Level 2. Access to the rear of the lower seating tier is proposed via the northern end of Corporate area 1 and the southern end of Corporate area 2. An operational management strategy will be required for the allocation of spaces and to facilitate access to these seats by people with a disability.
- Level 03 - it is not proposed to include wheelchair seating spaces in the upper seating tier. The base design of the upper tier creates design constraints which restrict the ability of the designers to provide wheelchair spaces with lines of sight comparable to general viewing in the upper tier. The passenger lift will provide vertical access to Level 3. The path of travel from the concourse to a number of seating rows at the vomitory entries in the upper tier include a limited number of steps to seats, which in our opinion could be accessed by people with ambulant disabilities which will enhance accessibility in the upper tier.
- The 7 'companion seats' adjacent to the wheelchair spaces are provided with additional circulation space which in our opinion provide enhanced amenity to meet the anticipated requirements of people with ambulant disabilities.
- The proposed seating layout includes the provision of removable seats which will provide flexibility in the provision of wheelchair seating spaces, seating for people with ambulant disabilities and their companions. If anticipated bookings indicate additional spaces/seats are required for an event, these provisions can then be facilitated.

- In order to meet the intent of the DDA and the proposed changes to the BCA (2011) the location of wheelchair seating spaces is to be representative of the seating provided. As wheelchair seating spaces are not proposed to be included in the upper seating tier, it is recommended that an operational management strategy be prepared to ensure that wheelchair users are treated as fairly as other spectators. The operational management strategy should include a ticketing/booking system to allow for flexibility to accommodate groups (which may wish to include use of a wheelchair space) to sit together and a consistent/same price for seating across all levels of public seating, thus meeting the intent for equitable access. If the upper tier seating is proposed to be cheaper than the lower tier seating, groups accessing the lower tier due to the location of the wheelchair spaces, should not be required to pay an additional ticketing cost, as they do not have the option of sitting in the upper tier. Secondly, it is recommended that an operational management strategy be prepared which includes a ticketing/booking system to make available the 'companion seats' which are provided with additional circulation space for people with ambulant disabilities. If approved, conditions of consent should be imposed in relation to these two recommendations.

(b) Toilets

- Both of the designated accessible toilets located on the ground floor are drawn as right hand side transfer toilets. Where there are two toilets present the standards require that one should be left handed and one should be right.
- There is no designated accessible unisex toilet located on the third level.

The applicant's access consultant has provided the following comments in response to the above concerns:-

- Level 01 includes two unisex accessible sanitary facilities (WC 13 and WC 16) each indicated to be located conveniently to the wheelchair spaces at the rear of the lower seating tier, in areas adjacent to gender specific facilities. The unisex accessible sanitary facilities are now indicated with a mirror image configuration to provide a layout suitable for both right and left hand use to comply with AS1428.1.
- Level 02: one (1) unisex accessible sanitary facility is indicated on the western side adjacent to gender specific toilets.
- Levels 01, 02 and 03: each gender specific sanitary facility includes a cubicle for people with ambulant disabilities to meet the requirements of AS1428.1 (2009). In our opinion, a unisex accessible sanitary facility is not required on Level 03 where wheelchair seating spaces are not proposed.

(c) People who are blind or with vision impairment

- Directional tactile indicators for people who are blind or have a vision impaired from the bus/ taxi drop off zones.

The applicant's access consultant has provided the following comments in response to the above concerns:-

- It is our understanding that points of arrival to the entries at the northern (Gate A) and southern (Gate C) ends of the new grandstand are proposed via the following:
 - event bus/taxi drop off zone
 - event managed accessible parking on Harbour Street
 - event managed accessible parking under the Northern Grandstand
 - event managed accessible parking in the South Carpark
 - pedestrian crossings (3) located in Harbour Street, including adjacent to the Steelers Club on the western side of Harbour Street
- It is our understanding that event managed drop off zones on Harbour Street may include varying bus/taxi stops and consequently it is our opinion that the provision of permanent directional tactile indicators may not provide long term meaningful way finding guidance for people who are blind or have vision impairment.
- The applicant notes that the bus/ taxi drop off zone has been removed from the proposed development. Tactile indicators will be provided as necessary in accordance with the relevant BCA provisions and Australian Standards.

(d) Signage

- Recommendation to use international symbols / pictures where possible.

Comment:-

- All statutory signage for accessible facilities and accessible parking is to comply with the specifications of the BCA and AS1428.1. Conditions of consent have been imposed in this regard.

(e) Parking

- ARG recommend that the required amount of accessible parking is made available to support the size of this development.

Comment:-

An existing hardstand area to the south of the new grandstand is to be redeveloped to provide 36 car spaces including two (2) accessible parking spaces. In addition, there are four (4) accessible parking spaces located beneath the existing northern grandstand. The access consultant recommended that the accessible parking comply with AS2890.6 and the BCA. Further, it is recommended that (i) the temporary provision of accessible parking spaces for events is to include spaces with dimensions and gradients to meet the requirements of AS2890.6 (2009) and (ii) an operational management strategy to facilitate use of accessible spaces is to be developed. Conditions of consent have been imposed in this regard.

(f) Kerb

- The Kerb Ramp located on the pedestrian crossing on the southern side of Stewart St is not positioned in direction of travel. It is recommended that kerb ramps be eliminated and that a raised traffic calming structure be installed between the Steelers Club and Harbour Sts.

The applicant's access consultant has provided the following comment in response to the above concern:-

- Pedestrian crossings, traffic calming paving and kerb ramps aligned in the direction of travel are now indicated on Harbour Street on the southern & northern sides of Stewart Street and the southern side of Burelli Street.

(g) Fire Safety

- In the event of fire there is no evidence of a fire safe place on each level of the grandstand for people with disabilities unable to take the stairs to find refuge in the case of a fire.

The applicant's access consultant has provided the following comments in response to the above concerns:-

- An operational management strategy is required to provide assisted emergency evacuation from level 02 and 03 for people with a disability.

(h) Other

- Clarification is requested about floor levels for leased shops at ground level. ARG recommend that these shops be accessible for people with disabilities.
- ARG recommend that wheelchair access is provided into the northern grandstand off the northern end concourse.
- ARG recommend that an accessible distance be maintained on the pathway between the building and the parking on Harbour St at the southern end where the Norfolk pines are located.
- Is the second level restricted for corporate use only or is this area accessible to the public?
- A person with a mobility disability using the lift from the corporate area cannot access the rear ground floor concourse without going out into Harbour St and having to come around through turnstiles.
- ARG recommend amenities associated with the leased areas on Harbour St be available for use when WIN stadium is not in operation.
- ARG recommend that this development complies with the latest Access to Premises standards available and DDA to ensure that it is compliant upon completion.

The applicant's access consultant has provided the following comments in response to the above concerns:-

- The footpath on the eastern side of Harbour Street is proposed to be redeveloped to include kerb & gutter and level access at the doorways of the four (4) tenancies.
- An accessible link is indicated from the external corridor on the eastern side of Level 02 to the existing corporate facilities of the Northern Grandstand via 2 sets of double outward opening doors and 2 ramped walkways.
- An operational management strategy will be required for allocation and assisting people with disabilities to access the 4 wheelchair spaces and 2 companion seats on Level 02
- An operational management strategy will be required for equitable provision of access to concessions/food and beverage concessions if these outlets are not available in the leased tenancies on Harbour Street.
- The latest editions of Australian Standards are referenced as a design requirement and in principle design based on AS1428.1 (2009) will in our opinion meet the BCA (2010) and the intent of the DDA.

Conditions of consent have been imposed to ensure compliance with the above recommendations.

Following the resolution of the JRPP in relation to this application at its meeting on 4 August 2010, the applicant and its consultants met with two representatives of the Access Reference Group (ARG) to discuss the outstanding issues raised in the submission. At the meeting, the ARG discussed its concerns with the proponent team. After much discussion, it was agreed that all issues outlined in the submission had been resolved with the exception of the following three key issues:

1. the number of wheelchair spaces provided within the Grandstand;
2. the location of the wheelchair spaces provided; and
3. the provision of an additional unisex WC in the Level 3 concourse area.

The ARG's requirements in regard to these three issues were:

1. provision of 66 wheelchair spaces to be provided within the grandstand to ensure that the development was compliant with the draft BCA 2011 and intent of the Disability Discrimination Act 1992 (DDA);
2. provision of more wheelchair spaces at the top of the lower level seating tier, accessible from the corporate function area; and
3. provision of an additional unisex WC in the Level 3 concourse area.

The applicant has provided the following comments in relation to these matters:-

"We note the ARG agreed that the constraints of the site and the development were such that the provision of wheelchair spaces on continuous accessible paths of travel and with lines of sight comparable to the general viewing within the upper level seating tier were difficult to incorporate into the proposed design, and that wheelchair spaces within the upper level seating tier could not be provided without significant engineering, OH&S requirements and significant reduction in seating capacity. For these reasons, the architect has designed the lower level tier seating area to include the wheelchair spaces for the entire grandstand development, which are required for the development to comply with the BCA 2010 standards.

Following the consultation meeting, the architect, Allan Jack + Cottier and the accessibility consultant, Access Associates Sydney, reviewed the provision of the wheelchair spaces and their location within the lower level seating tier. In light of this and the proponent's willingness to seek to comply with the ARG's requirements as far as viably and realistically possible, the design of Level 2 of the grandstand has been amended to incorporate 8 additional wheelchair spaces. In addition, Access Associates Sydney has provided a letter (as enclosed) which confirms that the revised design for the seating and the wheelchair space provision, exceeds the requirements of the BCA 2010 and goes a long way to meeting the rarely attainable requirements of the DDA guidelines, which were included within the public draft BCA 2011, released by the ABCB in June 2010. As noted within Access Associates Sydney's report, an additional unisex WC will be provided in the Level 3 concourse area, but approval for this will form part of the DA for Stage 2 of the replacement Western Grandstand at WIN Stadium, which will be submitted to Council

in due course. However, the current provision of unisex/ accessible WC's within the proposed development are considered to be acceptable.”

A full copy of this letter and the correspondence from Access Associates Sydney is attached to this report – see Attachment 5.

Comment:

The ARG consider that in order to meet the requirements of the DDA, full compliance with draft BCA 2011 is required. As noted within the discussion in relation to Chapter E1 of Council's DCP 2009, the draft Premises Standard has been developed to help clarify the accessibility requirements under the DDA. The Australian Building Codes Board was requested by the Australian Government to develop the draft Premises Standard. Once the Draft Premises Standard is adopted, the BCA will be amended so that in the future, compliance with the access provisions of the BCA will also mean compliance with the Premises Standard and hence, the DDA. In the interim, the DCP recommends that applicants consider the Australian Human Rights Commission's "Draft Access Code for Buildings" as well as the BCA and relevant Australian Standards and the Draft Premises Standard.

It is noted that conditions of consent have been recommended for imposition requiring compliance with the BCA and relevant standards including AS1428.1. It is considered that it is only reasonable for Council and the Panel to insist on compliance with the relevant standards in force at the time of determination of the development application.

BCA 2011 (if adopted) will not commence until 1 May 2011 and will apply to applications lodged after this date. Assuming that the draft BCA 2011 is to be adopted in its current draft form, at this time the amended standards will come into effect. It is considered to be onerous to require anything over and above the current standard. The applicant has made a commitment to comply with the current standards and is proposing more accessible seats than is currently required by the current BCA and relevant standards.

3. Mr P Hartley, Vision Australia

- With regards to the accessibility report, specifically to point 3.1- Access Provisions- Points of arrival. Is it possible for directional tactile ground surface indicators be put in place from one (or some) of the designated points of arrival to the proposed Northern and Southern entrances to the new grandstand. This would enable blind or low vision people to have greater access and orientation to the new grandstand and ground.

Comment:-

- This matter was considered above in relation to the submission from the Access Reference Group. The applicant's access consultant provided the view that the provision of permanent directional tactile ground surface indicators may not provide long term meaningful way finding guidance for people who are blind or have vision impairment.
- The applicant has indicated that tactile indicators will be provided as necessary in accordance with the relevant BCA provisions and Australian Standards.

4. Mrs E Collins

- No objection to replacement of the grandstand, however objection is raised to the increased seating capacity. There are major traffic problems in the area when major events occur. This will be exacerbated by the increased seating capacity proposed.
- Traffic problems result already from the lack of onsite parking facilities.

Comment:-

- As discussed elsewhere within this report, there is no additional on-site car parking proposed to cater for the additional seating capacity proposed. The applicant proposes to deal with traffic associated with events through the implementation of a traffic/transport management plan (TMP). There is a TMP currently used by the Illawarra Venues Authority which applies to events attracting between 5,000 and 15,000 people. Council's Traffic Engineer recommends a condition requiring the

preparation and implementation of a larger event TMP for events catering for more than 15,000 people to encourage increased use of public transport and strategies such as 'park and ride' to reduce traffic and parking impacts within the city centre. The implementation of these TMPs is supported by the RTA.

5. Mr Ron Knowles

- Neighbourhood Forum 6 has in the past raised considerable concern in relation to inadequate provision of carparking with construction of Wollongong Entertainment Centre and no provision of "free public transport" in ticketing for events at WEC and WIN Stadium.
- A number of questions were asked. These are:
 - a) Does Council accept as accurate the figures including modal split number of passengers per motor vehicle in the Bitzios Consulting Traffic report?
 - b) In relation to the encroachment over/ into the Harbour Street road reserve, does Council agree with this encroachment and what will be the terms of a lease agreement especially what moneys will be paid to Council?
 - c) In the notification letter there is a section '*Applicant seeks departure from Local Environment Plan Development –No*'. The applicant is seeking considerable departure from Council's planning, principally exemption from Section 94A and increased height. Is the 'No' in that section correct?
 - d) What are Council's future plans for Harbour Street? The applicant is seeking narrowing of Harbour Street; Harbour Street only becoming one way and speed limits maybe as low as 10kph. It will impact on the local community, especially Stewart Street. What changes and increased number of motor vehicles will occur on other streets?
 - e) When will Council install traffic lights at Bank and Corrimal Street intersection?
 - f) The applicant is seeking exemption from Section 94A Contribution Plan. Does Council agree with this exemption or will Council insist on payment of Section 94A Contributions?
 - g) Was Neighbourhood Forum advised of this DA?
 - h) Will Council insist that "free public transport" be included in any ticketing?
 - i) Will Council seek increased frequency of Gong Shuttle to provide realistic public transport to discouraged reliance on the private motor vehicle?

The following comments are provided in relation to the above questions:-

- In relation to (a), Council's Traffic Section has reviewed the applicant's traffic report and has no concerns with the figures cited.
- In relation to (b), Council's Property Division has raised no objection to the proposed encroachment over/into the Harbour Street road reserve, subject to partial road closures being undertaken. A condition of consent has been recommended for imposition in this regard. A report was presented to the 27 July 2010 meeting of Council in relation to this issue. Council resolved to consent to the closure of portions of the public road and stratum airspace within Harbour Street and the lease of those portions to the Illawarra Venues Authority. The arrangements made in relation to the road closure/lease are not matters for consideration in the determination of this application.
- In relation to (c), it is correct that the proposal does not involve any departures from Wollongong Local Environment Plan 2009. The applicant does seek an exemption from the requirement to pay a Section 94A levy, however this is not a departure from the LEP. There is also no height variation sought; the height is compliant.
- In relation to (d), Council has no objection to the works proposed within Harbour Street in conjunction with this development. The traffic report lodged with the application included modelling of the impacts of the proposed works on the local road network. No concerns were raised in relation to this issue by either the RTA or Council's Traffic Section.
- In relation to (e), Council has not scheduled the installation of traffic lights at the Bank and Corrimal Street intersection though provision has been made for this signalisation within Council's Access and Movement Strategy.
- In relation to (f), Council is prepared to grant a partial waiver of the Section 94A levy. This issue is addressed in Section 12 of this report.

- In relation to (g), the Neighbourhood Forum was not directly advised of this DA in writing, however the proposed development was advertised in the local newspaper.
- In relation to (h), Council cannot insist that “free public transport” be included in any ticketing. The RTA and Council encourage the implementation/promotion of integrated ticketing at the venue as part of the traffic management plans.
- In relation to (i), the applicant indicates that it will seek increased frequency of the ‘Gong Shuttle’ during major events to further encourage public transport use.

13.2 Internal consultation

Geotechnical Engineer

Council’s Geotechnical Engineer is satisfied with the proposal subject to the imposition of recommended conditions.

Stormwater

The proposed development is considered to be satisfactory subject to the imposition of recommended conditions of consent.

Landscaping

The proposed development is considered to be satisfactory subject to the imposition of recommended conditions of consent.

Traffic

Concerns initially raised in relation to traffic, parking and access have been largely resolved through plan amendments and where required, recommended conditions.

(a) The following summarised comments have been provided in relation to car parking:-

“The floor areas of elements which generate parking demand that require the provision of formalised on site parking have not changed as part of this “stage 1 application”. In this regard the car parking requirement for new floor areas is 12 spaces for the retail/commercial component, 4 spaces for the neighbourhood shop and 172 spaces for the new function rooms (see traffic filenote dated 20 July 2010). As with previous submissions for the development application, the parking requirement for the function rooms has not been met by this proposal.”

It is noted that the applicant is seeking to restrict the use of the function rooms in order to resolve this issue of parking shortfall. The following statement has been extracted from the Traffic Impact Study:-

“With respect to the proposed development, the proposed corporate function area within the new Western Grandstand is viewed by WIN Stadium representatives to be the preferable venue to the existing Premier’s Room. It is very unlikely that they be used to their full capacity at the same time.

Therefore in lieu of providing the required 166 car spaces, it was proposed to restrict the use of the corporate facilities within both the western and northern grandstands to the size of the existing Premier’s Room (770sqm), ie. WIN Stadium representatives could not hold an event across both function rooms, outside of event days (football matches etc) that would use more than 770sqm floor area in total.

In addition, if WIN Stadium representatives wished to hold an event(s) that would result in the use of more than 770sqm of floor space, then they shall prepare a transport management plan and submit it to the traffic committee for approval, prior to the event. This proposal is similar in approach to that proposed for the event management plan for stadium related events.”

The following further comment has been provided by Council’s Traffic Section in relation to this issue:-

“The Traffic Section does not support the linking of the new function rooms to the ‘Premier’s Room’ use in the northern grandstand as proposed in the latest revision of the traffic report. This proposed arrangement cannot be supported as there remains an outstanding condition of consent relating to the parking provision for the corporate function rooms in the northern grandstand (DA-2001/682).

Subsequently, the corporate function rooms in the northern grandstand cannot be linked to the use of the proposed function rooms in DA-2010/574.”

In this regard, it is noted that previous consent conditions applied to the northern grandstand consent (which included the Premier’s Room) required the provision of 100 car spaces adjacent to the southern training field to support the Premier’s Room. This condition was not complied with, though the IVA has recently committed to providing car parking in the future to resolve this issue. Until such time as this car parking has been provided, the use of the corporate function rooms should be limited. The following condition is recommended in this regard:-

“Restricted Use of Function Rooms

The use of the corporate function rooms within the western grandstand shall only occur during major events where the Major Event Traffic Management Plan is activated (ie for events attracting more than 15,000 attendees).”

This condition would have the effect of permitting the use of the proposed corporate function rooms only when the major event traffic management plan (15,000+ visitors) is activated. As such events, the function rooms would be used in conjunction with the grandstand (i.e. patrons to the main event will be the same patrons using the function rooms).

If and when the required car parking (to satisfy DA-2001/682) is provided, the applicant could seek to modify the above restrictive condition and replace it with a condition restricting the overall use of the function rooms as proposed by the applicant in the Traffic Impact Study (extract above).

(b) Council’s Traffic Section provided the following comment in relation to traffic management:

“It is noted that the development and implementation of the large scale traffic management plan (for 15,000+ visitors) has been removed from the latest submission (stage 1). Notwithstanding, the Traffic Section recognises the need for the large scale traffic management plan to be retained for this amended ‘stage 1 application’ for the following reasons:

- The high standard media facilities are included within the stage 1 proposal. These facilities are to be provided to attract and enable large sporting events at the stadium which will draw over 15,000 patrons.
- Parking impacts of the function room use would be negated at these large events. It is considered that shared use of the function rooms would occur during such events (i.e. patrons to the main event will be the same patrons using the function rooms). During such events, local parking resources are fully occupied and other transport modes are more highly utilised.

(c) Other elements of the proposal have not been altered as part of this submission and are satisfactory subject to conditions.

(d) The Traffic Section was also requested to comment on parts (b) and (c) of Item 3 of the JRPP resolution made on 4 August 2010 in relation to this matter:

“3 Council officers report on the amended plans, addressing the following issues:

- b. Use of function rooms and impacts on parking;
- c. Appropriate conditions regarding the Roads Act 1993 approvals and specific approval by Council of the Traffic Management Plans. “

In relation to (b), as noted above, on site parking has not been provided for the corporate function rooms but the Traffic Section would accept the construction of these rooms if their use were restricted to events which trigger the large scale traffic management plan (15,000+ patrons).

In relation to (c), the Traffic Section agrees with a requirement for any reviews of the existing Traffic Management Plan and the larger event Traffic Management Plan to be approved by Council and recommends the following amended conditions be imposed:-

15 Traffic Management – Events up to 15,000 people

The existing traffic management plan (TMP) utilised at the site for events likely to attract up to 15,000 people shall continue to be implemented during larger scale events. This TMP shall be

reviewed on a regular ongoing basis in consultation with the RTA, Council and NSW Police and be approved by Council. Where necessary, the proponent shall implement any reasonable measures necessary to improve traffic management and road safety.

All costs associated with the implementation of the TMP should be borne by the proponent.

16 **Traffic Management – Events attracting more than 15,000 people**

A large event TMP shall be implemented for events which are likely to attract in excess of 15,000 people. The 15,000 attendees threshold shall be applied to the entertainment precinct in combination and not solely WIN Stadium. That is, where the combined patronage of simultaneous events at the WIN Entertainment Centre (WEC) and WIN Stadium is likely to exceed 15,000, the “large event” TMP shall be implemented. The “large event” TMP shall be developed in consultation with the RTA, Council and NSW Police prior to the first event and shall be reviewed post implementation to ensure its adequacy. Where necessary, the proponent shall implement any reasonable measures necessary to improve traffic management and road safety. Once the plan has been established and implemented a number of times, it should be reviewed on an ongoing basis in consultation with the RTA, Council and NSW Police and be approved by Council. Again, where necessary, the proponent shall implement any reasonable measures necessary to improve traffic management and road safety.

All costs associated with the implementation of the TMP should be borne by the proponent.

Further in relation to (c), the Traffic Section advises that a number of draft conditions have been recommended for imposition regarding the Roads Act 1993 (not all by the Traffic Section) which related to any works within the road reserve. These are listed below:-

Draft Condition 3 - Street Tree Removal

Draft Condition 58 - Permit to Enter and Exit Demolition or Construction Site

Draft Condition 59 - Site Management, Pedestrian and Traffic Management (Where Works are Proposed in or to and from a Public Road Reserve)

Draft Condition 72 - Road Occupancy Licence from the Roads and Traffic Authority

Draft Condition 73 - Works Upon Public Land - Section 138 of the Roads Act

Draft Condition 89 - Prior Approval from Council for any Works in Road Reserve.

Building

The proposed development is satisfactory subject to conditions.

Property

In order to accommodate the encroachments within the Harbour Street road reserve, the closure of portions of the public road and stratum airspace within Harbour Street will need to be undertaken. The applicant has made an application for a road closure which was considered by Council at its meeting held on 27 July 2010, where it was resolved that:-

- 1 *Council consent to the closure of the portions of public road and stratum airspace within Harbour Street, Wollongong, as shown on attachment 1 of the report and upon closure, declare the land Operational under the Local Government Act 1993.*
- 2 *Subject to formal closure and issue of Development Approval, Council authorise the lease of the portions of stratum airspace and closed road for a term of 50 years to the Illawarra Venues Authority (the Authority), or its nominee, on the following conditions -*
 - a *An annual rent of \$1.00 (+GST).*
 - b *The Authority be responsible for all outgoings in relation to the leased area.*
 - c *The Authority be responsible for all costs associated with the closure and lease including Council's reasonable legal fees, survey and plan lodgement fees.*
- 3 *Authority be granted to affix the Common Seal of Council to the plan of survey and lease documents, together with any other documentation required to give effect to this resolution.*

A condition of consent has been recommended for imposition in relation to this matter, requiring the road closure and lease to be finalised before the occupation/ commencement of the use of the grandstand structure by the public.

Environment

The development application and supporting documents were reviewed and the proposal is considered to be satisfactory subject to the imposition of conditions in relation to numerous issues such as potential soil contamination, acid sulphate soils, acoustic treatment, material reflectivity and the like.

Health

The development application is considered to be satisfactory subject to the imposition of recommended conditions of consent.

Community Safety Officer

Council's Community Safety Officer has raised a number of concerns which have been sought to be addressed through recommended conditions of consent.

Works and Services

The proposed development is satisfactory subject to recommended conditions.

Strategic Project Officer - Development Contributions

Council's Development Contributions Officer has provided comments in relation to the Section 94A levy exemption sought by the applicant. These comments are outlined in Section 12 above.

Heritage

Council's Heritage Officer has reviewed the proposal. It was noted that the development is not affected by any heritage listings and, given the past disturbance of the site it is considered that the proposal will not have potential impacts on Aboriginal sites.

The proposal is therefore considered satisfactory.

13.3 External consultation

RTA

The following comments were provided by the Regional Development Committee in relation to the proposed development as originally submitted (ie. inclusive of the additional seating tier):-

"The Committee has reviewed the submitted information and does not object to the proposal in principle subject to the following being comments being addressed:

- The Committee supports the continued use of the existing traffic management plan (TMP) for events likely to attract up to 15,000 people. This plan should be reviewed on an ongoing basis in consultation with the RTA, Council and NSW Police. Where necessary, the proponent shall implement any reasonable measures necessary to improve traffic management and road safety.
- The Committee supports the implementation of a "large event" TMP for events likely to attract in excess of 15,000 people. The Committee recommends that the 15,000 threshold be applied to the entertainment precinct and not solely WIN Stadium. That is, where the combined patronage of simultaneous events at the Wollongong Entertainment Centre (WEC) and WIN Stadium is likely to exceed 15,000, the "large event" TMP should be implemented. The Committee recommends that the "large event" TMP be developed in consultation with the RTA, Council and NSW Police prior to the first event and be reviewed post implementation. Where necessary, the proponent shall implement any reasonable measures necessary to improve traffic management and road safety. Once the plan has been established and implemented a number of times, it should be reviewed on an ongoing basis in consultation with the RTA, Council and NSW Police. Again, where necessary, the proponent shall implement any reasonable measures necessary to improve traffic management and road safety.
- All costs associated with implementing both TMP's should be borne by the proponent.
- The Committee supports integrated ticketing being implemented for events likely to attract in excess of 15,000 people. Similarly to the "large event" TMP, the Committee recommends that

the implementation of integrated ticketing be linked to an expected precinct patronage in excess of 15,000 and not solely WIN stadium.

- The Committee supports the one way arrangement for Harbour Street (south to north) as it will provide a significantly wider footpath for pedestrians without significantly compromising network traffic flows.
- The Committee notes the lack of kerb and gutter on the eastern side of Harbour Street aimed at creating a more pedestrian friendly environment during closures of Harbour Street. Whilst the Committee supports this arrangement in principle, it highlights that clear definition and separation must be provided between the road and the road related area.
- The Committee does not support the proposed parking on the eastern side of Harbour Street. This parking would require people to exit the passenger side into the traffic stream. This is undesirable. Further, as there will be only one lane on Harbour Street, there would be a potential for vehicles exiting parking spaces on the western and eastern side to collide. The Committee recommends that the parking on the eastern side of Harbour Street in the one way section be removed.
- The Committee does not support the narrow footpath in the vicinity of the northern and southern ticketing booth access points. The Committee recommends that the wider footpath width within the proposed one way section of Harbour Street be extended either side to provide a safe pedestrian environment outside the ticket areas. That is, the footpath width outside the ticketing area should be consistent with wider footpath area in the one way section of Harbour Street. The Committee notes that this may result in a loss of parking however considers that it is more important to provide a safe pedestrian environment at this location.
- The Committee considers that it is vitally important to encourage people to travel to the events by private coaches as well as public transport. In this regard, the Committee recommends that a designated coach drop off area be provided within close proximity to the Stadium. Drop off areas should be adequately sign posted and designed in accordance with relevant standards. The proponent must also address where the coaches will park after drop off.
- The Committee considers that suitable arrangements are provided for disabled access to the ground. In this regard, disabled parking should be available within close proximity to the ground.
- Whilst the Committee considers it important to encourage the use of public transport and private coaches, the Committee acknowledges the need to provide private car drop off areas. In locating these spaces, consideration must be given to minimising vehicle movements within the immediate vicinity of the Stadium and therefore the drop off zones should not necessarily be located within the immediately vicinity of the ground. The drop off areas should be adequately signposted and patrolled during events. Good pedestrian connections should be available between the drop off areas and the stadium (i.e. footpaths, signalised crossing opportunities).
- The Committee supports the 40km/h high pedestrian zone proposed on Harbour Street in principle however it would need to be demonstrated to the RTA that the zone is compliant with all relevant standards and complete with appropriate speed management threshold infrastructure.
- Council highlighted a number of concerns with regard to the loading dock, bicycle parking, paid parking arrangements. The Committee considers that the proponent should address these issues to the satisfaction of Council.
- The Committee requests further details of the mode share survey undertaken by the proponent on 19 March 2010. The Committee considers that further investigation of the survey will assist in marketing strategies aimed at achieving a mode share. In particular, the Committee notes that post code was recorded in the survey and is interested in how mode share relates to origin of trip. This data should be provided to the RTA and Council.”

Comment: the above recommendations have been considered during the assessment of this development application. It is noted that the amended plans of the proposal provide for a smaller grandstand with a reduced number of seats. It was considered that referral of the amended proposal to the RTA was not required as a reduced number of seats is proposed and the above comments still apply to the amended proposal.

Plan amendments have been made where required to address a number of the concerns raised by the RTA, such as in relation to the width of the footpath area, implementation of drop-off areas, and location of proposed car parking on the eastern side of Harbour Street. Other matters have been addressed through recommended conditions where relevant to the amended proposal, such as the implementation of traffic management plans in respect of events catering for up to 15,000 people and events catering for over 15,000 people. The developer will also be required to promote integrated ticketing to further encourage the use of public transport to the stadium.

NSW Communities

In accordance with Section 89 (1)(b) of the Environmental Planning & Assessment Act 1979, Council's draft conditions have been forwarded to the applicant, NSW Communities for approval. At the time of writing this report, the applicant had not agreed to the draft conditions.

Prior to reporting the matter to the JRPP on 4 August 2010, the draft conditions had been discussed with the applicant and most of the conditions were agreed to subject to a number of amendments. Council made all of the amendments requested at that time, with exception to draft Condition 157 in relation to the use of the function rooms.

The proposed condition read as follows:-

“Restricted Use of Function Rooms

The use of the corporate function rooms within the western grandstand shall only occur during major events where the Major Event Traffic Management Plan is activated (ie for events attracting more than 15,000 attendees). ”

The applicant requested that this condition be amended to read:-

“Use of corporate function rooms should be unrestricted when an event traffic management plan is submitted and approved by the Traffic Management Committee, irrespective of the size of the event. Therefore if these areas are to be used then a TMP is to be in place.”

Council officers consider that the condition as originally proposed by Council should not be amended because at major events (15,000+ visitors) the function rooms would be used in conjunction with the grandstand (i.e. patrons to the main event will be the same patrons using the function rooms). During such events, local parking resources are fully occupied and other transport modes are more highly utilised. Further comments are provided in relation to this matter in the Traffic Section referral in Section 13.2 of this report. This condition is recommended for imposition in relation to this amended proposal.

14 Conclusion

This application has been assessed having regard to the relevant matters for consideration prescribed by Section 79C(1) of the Environmental Planning and Assessment Act 1979.

The proposed development has been considered with regard to all relevant provisions contained within the applicable environmental planning instruments including SEPP (Major Development) 2005, SEPP (Infrastructure) 2007, SEPP 64 in relation to the proposed signage and SEPP 55. The proposed development as amended is permissible with development consent in the SP3 Tourist and B4 Mixed Use zones and is consistent with the zone objectives. The proposed development is consistent with all other development standards and miscellaneous provisions including the design excellence provisions.

The proposal has been examined with regard to its environmental, social and economic impacts and is considered to be acceptable subject to the imposition of the recommended conditions. Detailed consideration has been given to the comments provided within public submissions in this assessment and the applicant has provided responses and addressed concerns through plan amendments and further information where required. It is considered that these concerns are now generally resolved.

The site is considered suitable for the proposal and on balance, the proposed development is considered to be in the public interest.

The applicant has been consulted in regard to the draft conditions outlined in Attachment 6 to this report.

15 Recommendation

It is recommended that Development Application DA-2010/574 be approved pursuant to Section 80 of the Environmental Planning & Assessment Act, 1979, subject to the conditions of consent contained within Attachment 6 to this report.

ATTACHMENTS

1. Aerial Photograph
2. Zoning Map
3. Plans
4. Submissions of Objection
5. Applicant's response to Access Reference Group's concerns
6. Draft Conditions