

<b>JRPP No:</b>	2010STH027
<b>DA No:</b>	DA-2010/1139
<b>PROPOSED DEVELOPMENT:</b>	Additions to western grandstand including additional seating tier and roof
<b>APPLICANT:</b>	NSW Communities
<b>REPORT BY:</b>	Theresa Whittaker, Senior Development Project Officer, Wollongong City Council

## Assessment Report and Recommendation

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### EXECUTIVE SUMMARY

#### Reason for consideration by Joint Regional Planning Panel

The proposed development must be considered by the Joint Regional Planning Panel (JRPP) as it is a Crown development with a capital investment value of more than \$5 million [Clause 13B(1)(c)) of SEPP (Major Development) 2005].

#### Background

The Joint Regional Planning Panel considered a report in relation to DA-2010/574 on 27 August 2010. This development application was subsequently approved by the JRPP and includes:-

- Demolition of an existing substation;
- Construction of a new western grandstand incorporating seating for 2236 spectators (inclusive of 64 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;
- Two (2) new ticket offices and turnstile entryways;
- 440sqm of ground floor lease areas fronting Harbour Street for future food and drink or commercial business premises;
- Signage;
- Upgrade of existing car parking facilities; and
- Reconfiguration of Harbour Street and associated road and public domain works.

A second application has subsequently been lodged with Council seeking consent for an additional tier of spectator seating (inclusive of seating for 3538 spectators), concession facilities (food and drink premises), associated amenities and back-of-house facilities and the roof structure. It is noted that this Development Application could only be determined following completion of the planning proposal zoning the Harbour Street road reserve SP3 Tourist. This rezoning occurred on 5 November 2010.

#### Proposal

This development application seeks consent for additions to the approved western grandstand including the following:-

- construction of an additional seating tier with capacity for 3538 spectators;
- concession facilities (food and drink sales);
- associated amenities and back-of-house facilities;
- roof structure which will provide shelter to all of the seats within the grandstand.

## Permissibility

The site and adjacent road reserve are zoned SP3 Tourist pursuant to Wollongong Local Environmental Plan 2009 (WLEP 2009). The proposed grandstand is best defined as a *recreation facility (major)* for the purposes of the LEP. This use is permissible with development consent in the SP3 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 and design of the grandstand.

## 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, and
- the applicant's Section 94A exemption request.

## RECOMMENDATION

It is recommended that Development Application DA-2010/1139 approved pursuant to Section 80 of the Environmental Planning & Assessment Act, 1979, subject to the conditions of consent contained within Attachment 5 to this report.

## ASSESSMENT 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
<u>DA- 2010/574</u>	Replacement of western grandstand at WIN Stadium	Approved 27/08/10

#### 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
<u>DA- 2010/574</u>	Replacement of western grandstand at WIN Stadium	Approved 27/08/10

### 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 where the western grandstand was located prior to its recent demolition as well as land to the west of the grandstand within 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 and south 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 stadium (prior to demolition of the western grandstand) had a total 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:-

- Additions to the recently approved western grandstand comprising:
  - An additional seating tier with capacity for 3538 spectators. This will increase the capacity of the western grandstand to 5774 spectators
  - Concession facilities (food and drink sales) at third floor level
  - Associated amenities and back-of-house facilities
  - The roof canopy and roof truss

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 grandstand extension will result in a structure comprising a two tiered rectangular form with a length of approximately 100m.

The following table has been provided by the applicant which details the components of the grandstand including both the approved components and those now proposed in this application:-

Grandstand Level	Components
Level 1 (ground level) <b>APPROVED</b>	<ul style="list-style-type: none"> <li>• corporate lobby entrance from Harbour Street</li> <li>• home and away team dug outs</li> <li>• concourse beneath lower level seating tier</li> <li>• 1 x 200m<sup>2</sup> and 1 x 240m<sup>2</sup> lease areas (use to be subject to future development consents)</li> <li>• concession areas (food, drink and merchandise sales)</li> <li>• public amenities</li> </ul>
Level 2 and lower level seating tier <b>APPROVED</b>	<ul style="list-style-type: none"> <li>• seating for 2236 including 64 accessible seats</li> <li>• 2 x 415m<sup>2</sup> corporate function areas with associated lobby area, serverys and storage rooms</li> <li>• 8 media boxes</li> <li>• public amenities</li> <li>• walkway linking the northern and western grandstands</li> </ul>
Level 3 and upper level seating tier	<ul style="list-style-type: none"> <li>• seating for 3538 spectators</li> </ul>

**PROPOSED**

- 4 concession areas for food and drink sales
- public amenities including an accessible toilet facility
- concourse and stairwells

Access to the tiered seating will be via concourses and vomitories. The approved 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. Access to the upper seating tier will be via a lift which provides access to the upper level concourse, then via vomitories.

This proposal also seeks consent for a roof canopy which will provide weather protection for all seats within the grandstand. 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 grandstand overall will be increased to approximately 31.95m 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 while Level 3 encroaches by 8.4m. The footpath and approved 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.

Materials & Finishes

The grandstand structure is to be constructed of fair-faced concrete, furnished with grey coloured PVC fold-up seating. The roof structure 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 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.

Vehicular Access & Parking

This proposal does not involve any changes to the vehicular access or parking arrangements approved pursuant to DA-2010/574. It is noted that there are 40 car spaces located within the undercroft area located beneath the northern grandstand, while 36 car spaces are to be formalised within the existing sealed area adjacent to the training field to the south of the western grandstand. Bicycle and motorcycle spaces have also been approved 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 caters for between 10,000 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 3538 seats, which will increase the overall capacity of the western grandstand to 5774. The seating capacity of the former western grandstand prior to its demolition was 2412 seats.

It is noted that consent conditions were imposed on DA-2010/574 requiring the development and implementation of traffic management plans for events catering for up to 15,000 people and events attracting more than 15,000 people. It is noted that the 15,000 attendees threshold applies to the entertainment precinct in combination and not solely WIN Stadium (ie the combined patronage of simultaneous events at the WIN Entertainment Centre (WEC) and WIN Stadium).

The applicant proposes to implement a larger event traffic management plan for events catering for more than 15,000 patrons. The main objectives of this plan are (i) to maximise public transport use for travel to/from the stadium, and actively discourage a reliance on private car travel (minimising on-street parking impacts in residential streets); (ii) minimise the risk of local traffic disturbance before and after events; and (iii) minimise the risk to public safety on the walkways approaching the stadium.

The following measures are to be implemented as part of the larger event traffic management plan:-

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.

Hours of Operation

When NRL games are held, the operating hours will vary depending on match requirements. It is noted that the ticket office box approved as part of DA-2010/574 may operate 9.00am to 5.00pm Monday to Saturday with late opening permissible on Thursday to 9.00pm, and 10.00am to 4.00pm Sunday, except when open in conjunction with any WIN Entertainment Centre or WIN stadium event. The corporate function rooms also approved as part of DA-2010/574 have approval to operate from 7.30am to 12.00am (midnight) Monday to Saturday and 9.00am to 10.00pm Sunday.

## 4 Other Approvals Required

### Roads Act 1993

As mentioned in relation to DA-2010/574, approval will be required under Section 138 of the Roads Act 1993 in relation to any construction work within the road reserve. There were numerous conditions of consent imposed on DA-2010/574 relating to approval requirements under the Roads Act 1993 including the conditions relating to street tree removal, permits to enter and exit demolition or construction sites, site management, pedestrian and traffic management (where works are proposed in or to and from a public road reserve), road occupancy licence from the Roads and Traffic Authority, works upon public land - Section 138 of the Roads Act and prior approval from Council for any works in the road reserve.

Some of the above conditions are also recommended for approval in relation to this development application, where works require occupation of the road reserve.

## 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	
<b>Section 79C(1)(a)(i) any environmental planning instrument</b>	
<u>State Environmental Planning Policies</u> <ul style="list-style-type: none"> <li>SEPP (Major Development) 2005</li> <li>SEPP (Infrastructure) 2007</li> <li>SEPP 64 – Advertising &amp; Signage</li> </ul> <u>Local Environmental Planning Policies</u> <ul style="list-style-type: none"> <li>Wollongong Local Environmental Plan (WLEP) 2009</li> </ul> <p><i>Detailed assessment is provided below the table.</i></p>	
<b>Section 79C(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority</b>	
Nil	
<b>Section 79C(1)(a)(iii) any development control plan</b>	
<ul style="list-style-type: none"> <li>Wollongong Development Control Plan 2009</li> <li>Wollongong Section 94A Development Contributions Plan 2009</li> </ul> <p><i>Detailed assessment is provided below the table.</i></p>	
<b>Section 79C(1)(a)(iiia) 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</b>	
There are no planning agreements entered into or any draft agreement offered to be entered into under Section 93F which affect the development.	
<b>Section 79C(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)</b>	
Clause 92 of the Environmental Planning & Assessment Regulation 2000 prescribes the following matters for consideration:-	

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

- AS 2601-1991: The Demolition of Structures
- In the case of land to which the Government Coastal Policy applies, the NSW Coastal Policy 1997

The proposed development does not involve demolition and as such the provisions of AS 2601-1991 do not apply to the proposed development. It is noted that the demolition of the grandstand was approved on 3 March 2010 pursuant to Development Consent 2009/1612 while the demolition of the existing substation was approved on 27 August 2010 pursuant to Development Consent 2010/574.

The site is located within the NSW coastal zone however the NSW Coastal Policy 1997 only applies to the seaward part of the LGA.

**Section 79C(1)(b) the likely impacts of development**Context 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 public domain works approved as part of DA-2010/574 include 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:

There will be no change to the vehicular access or car parking arrangements approved pursuant to DA-2010/574.

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. DA-2010/574 included conditions relating to the development and implementation of traffic management plans in relation to smaller events (up to 15,000 people) and larger events (over 15,000 people). The applicant proposes to implement a larger event traffic management plan and has outlined the various measures to be employed to encourage utilisation of public transport and other modes of transport as an alternative to private vehicular use. These are outlined in Section 3. The plans seek 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.

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.

Disabled 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).



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

### Public Domain:

As mentioned elsewhere within this report, the proposed development incorporates an overhang into the Harbour Street road reserve. This will necessitate closure and lease of portions of the stratum air space above the road reserve which has been addressed by Council's Property Division. DA-2010/574 previously approved by the JRPP incorporated an overhang supported by columns which are to sit within the road reserve. Road and other public domain works were also approved as part of this previous application. The proposed development will not have an adverse impact on the public domain.

### 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. The application has been accompanied by a lighting strategy.

### Utilities:

All utility services are available to the site, though some augmentation or adjustments may be required to facilitate the proposed development. The previous DA in respect of the replacement grandstand involved the demolition and replacement of the existing substation. 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.

### 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 grandstand redevelopment 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 have no impact on groundwater.

### Soils:

The proposed development will have no impact on soil resources.

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

A condition of consent is recommended for imposition requiring compliance with the recommendations of the wind impact report.

Flora and Fauna:

The proposal will have no impact on flora or fauna.

Construction 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. Conditions have been recommended for imposition, if consent is granted, requiring compliance with the recommendations of the Environmental Noise Impact Assessment.

Solar Access & Overshadowing

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

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

### Natural hazards:

The site is known to the flood affected. The floor levels of the approved ground floor lease areas have been set to ensure that they will not be affected during significant flood events.

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. This proposal will have no impact on groundwater.

### Other hazards:

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

The land is not known to be contaminated. This issue was considered in respect of DA-2010/574 and appropriate conditions were imposed in relation to remediation and site validation.

Council records list the site as acid sulphate soil affected. This proposal will have no impact on acid sulphate soils.

### 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 \$28.9 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. 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.

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

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

Cumulative Impacts:

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

**Section 79C(1)(c) the suitability of the site for development**Does 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 have any impact on 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 sporting 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 (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 has reviewed the proposal and has raised no objection. The RTA's comments on the proposed development are provided below in Section 13.3. In relation to (ii), the accessibility of the site will not be altered by the proposed development. As detailed above, transport/traffic management plans will be implemented at the venue to reduce private vehicle use, traffic congestion and parking impacts in the precinct.

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

The applicant has identified the proposed signage as follows:-

- Six (6) cantilevered flag poles affixed to the underside of Level 3 on the Harbour Street façade. Coloured flags will be hung from the flag poles to advertise upcoming events at either WIN Stadium or the WEC.

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.

## 9 Wollongong Local Environmental Plan 2009 (WLEP 2009)

### Zoning & Permissibility

Lot 143 DP 786508, Lot 101 DP 872951, Lot 106 DP 751299 and the adjoining road reserve 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. Patrons to the venue are likely to support local tourism through utilising local accommodation and patronising local restaurants, cafes and the like. 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 and is permissible with development consent in the zone.

### 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 31.95m measured in accordance with the definition of *building height* provided by the LEP (ie. to the upper most point of the structure).

#### Clause 4.4A Floor space ratio – Wollongong city centre

The LEP does not identify a maximum permissible floor space ratio in relation to the site.

## Part 5 - Miscellaneous provisions

### 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: (i) maintaining existing public access and, where possible, improving that access, and (ii) identifying opportunities for new public access,	The proposal will not impact on public access to or along the coastal foreshore. The grandstand is 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 overall grandstand redevelopment will replace the previous western grandstand which was outdated 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 a significant impact on 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. The height of the structure is compliant with the maximum height permitted by the LEP.
(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 no impact on biodiversity or ecosystems. No vegetation will be affected by 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

Matter for Consideration	Comment
	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. This proposal does not involve works which would require the preparation and submission of an acid sulphate soils management plan.

### **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.

#### 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 overall grandstand development (inclusive of that approved as part of DA-2010/574) 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 approved 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,	<p>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 along Burelli and Stewart Streets. The former western grandstand was unattractive and exhibited little architectural merit. The replacement stand will improve the street views.</p> <p>Some nearby developments may experience view impacts as a result of the proposed development, however its height is consistent with the relevant height limit and as such this impact is not considered to be unreasonable.</p>
(d) whether the proposed development detrimentally	There are no areas identified on the Sun Plane



Matter for Consideration	Comment
overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	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.
(e) how the proposed development addresses the following matters: (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 overall grandstand redevelopment was reviewed by a Design Review Panel (DRP) prior to the determination of DA-2010/574. The Panel provided a number of comments in relation to the proposed grandstand which are outlined below. The applicant provided a response to the DRP and amended the plans. Since that time, the proposal has been split into two parts, the first of which was approved pursuant to DA-2010/574, the second of which is the subject of this application. The DRP has reviewed this application and is satisfied with the design of the proposed development.

*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 design 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 laid 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 is considered to satisfy the design excellence criteria identified in the LEP.

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### PART B – LAND USE PLANNING CONTROLS

Nil applicable.

## PART C – SPECIFIC LANDUSE CONTROLS

## C1 – ADVERTISING AND SIGNAGE

<i>Controls/ objectives</i>	<i>Comment</i>	<i>Compliance</i>
<b>8 General requirements for advertising signs and structures</b>		
<u>8.1 Advertising Signage must relate directly to lawful use of the land</u>	The proposed flags will relate to the use of the grandstand/stadium and will incorporate the WIN name and advertise upcoming events	Yes
<u>8.2 Design and Location</u>	Acceptable	Yes
<u>8.3 Proportion</u>	Acceptable	Yes
<u>8.4 Colour</u>	Flags will be changeable.	Yes
<u>8.5 Illumination</u>	No illumination of flags specifically proposed	N/A
<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>	The flags can be readily replaced or removed for 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
<b>9 Specific controls for advertising signs and structures</b>	N/A	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"> <li>- no specific building setbacks identified</li> <li>- Minor projections into front setback up to 450mm for sun shading devices, entry awnings and cornices</li> </ul>	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	Does not apply to the SP3 Tourist zone	N/A
2.5	Side and rear building setbacks and building separation		
	<ul style="list-style-type: none"> <li>- commercial uses up to 24m in height – min 3m side setback; min 9m rear setback (note: DCP defines all non-residential uses as ‘commercial’)</li> <li>- commercial uses above 24m – 6m to side setback; 12m to rear</li> </ul>	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"> <li>- provide flexible building layouts which allow variable tenancies or uses on the first two floors of a building above the ground floor.</li> </ul>	N/A uses on first two floors of the grandstand were approved as part of DA-2010/574	Yes
	<ul style="list-style-type: none"> <li>- provide safe pedestrian routes through the site, where required.</li> </ul>	Safe pedestrian access is provided into and around the development.	Yes
	<ul style="list-style-type: none"> <li>- front buildings onto major streets with active uses.</li> <li>- avoid the use of blank building walls at the ground level.</li> </ul>	Ground floor uses will activate the streetscape. Glazed shopfronts are to be provided.	Yes
	<ul style="list-style-type: none"> <li>- 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.</li> </ul>	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"> <li>- The following documents must be considered for site planning and landscape design:               <ul style="list-style-type: none"> <li>i) Chapter E6–Landscaping in the DCP</li> <li>ii) Wollongong City Centre Public Domain Technical Manual.</li> </ul> </li> <li>- Remnant vegetation must be maintained throughout the site wherever practicable, particularly significant trees.</li> </ul>	No landscaping works are proposed as part of this application, though it is noted that this development includes a screen fixed to the front of the concourse (Harbour Street elevation) which will support a climbing plant. Details in relation to the planter boxes	Yes

- a long-term landscape management plan must be provided for all landscaped areas, in particular the deep soil landscape zone.
  - the plan must outline how landscaped areas are to be maintained for the life of the development.
- were provided with the previous DA and conditions were imposed at that time in relation to maintenance etc.

2.9	Planting on structures	Nil proposed	N/A
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"> <li>- through site links, arcades, shared ways and laneways are to be provided as shown in Figure 3.1.</li> <li>- where possible, existing dead end lanes are to be extended through to the next street as redevelopment occurs.</li> <li>- 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.</li> <li>- existing publicly and privately owned lanes are to be retained.</li> <li>- the design and finish of new through site links need to be provided in accordance with Council's City Centre Public Domain Manual.</li> </ul>	<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"> <li>- 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.</li> <li>- active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.</li> <li>- restaurants, cafes and the like are to consider providing openable shop fronts.</li> <li>- provide multiple entrances for large developments including an entrance on each street frontage.</li> </ul>	<p>Glazed shop fronts are to be provided to the ground floor retail/commercial spaces which were approved pursuant to DA-2010/574. 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 with levels to ensure level access.</p>	Yes  Yes
3.4	Safety and security		
	<ul style="list-style-type: none"> <li>- building design to provide for casual surveillance of access ways, entries and driveways</li> </ul>	<ul style="list-style-type: none"> <li>- the approved glazed shopfronts on the ground</li> </ul>	Yes

	<ul style="list-style-type: none"> <li>- avoid creating concealment opportunities in pathways, stairwells, hallways and car parks</li> <li>- provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.</li> <li>- 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.</li> <li>- provide clear lines of sight and well-lit routes throughout the development.</li> <li>- where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway.</li> <li>- provide security access controls where appropriate.</li> </ul>	<p>floor provide opportunities for casual surveillance of the street as will the concourse areas located on the western side of the grandstand.</p> <ul style="list-style-type: none"> <li>- minimal concealment opportunities provided in current application</li> <li>- entry to the third seating tier will be via the corporate lobby and stadium entry points (turnstiles) which are in prominent positions and are readily identifiable</li> <li>- street lighting will be retained on the western side of Harbour Street. Under awning lighting and other lighting to be provided around the site</li> <li>- provided</li> <li>- N/A</li> <li>- 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.</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
3.5	Awnings		
	<ul style="list-style-type: none"> <li>- continuous street awning required across frontage</li> <li>- awning design to match building facades and be complementary to adjoining buildings</li> <li>- specific design requirements and dimensions to be satisfied</li> <li>- provide under awning lights to facilitate night-time use and improve public safety.</li> </ul>	<ul style="list-style-type: none"> <li>- the grandstand does not incorporate a permanent awning, though it has been designed to provide a colonnade which will provide weather protection of the footpath area.</li> <li>- lighting to be provided beneath the canopy</li> </ul>	<p>No but intent has been satisfied</p> <p>Yes</p>
3.6	Vehicle footpath crossings		
	<ul style="list-style-type: none"> <li>- 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.</li> <li>- in exceptional circumstances, a double lane crossing with a maximum width of 5.4 metres may be permitted for safety reasons</li> </ul>	<p>No change to approved vehicular access arrangements</p>	<p>N/A</p>



3.7	Pedestrian overpasses and underpasses	None proposed	N/A
3.8	Building exteriors		
	<ul style="list-style-type: none"> <li>- consider new buildings in terms of appropriate alignment and street frontage heights; setbacks, appropriate finishes and materials; façade proportions</li> </ul>	<ul style="list-style-type: none"> <li>- design and finishes are appropriate.</li> <li>- concerns initially raised by the Design Review Panel have been addressed by the applicant as detailed above in Section 10.</li> </ul>	Yes
	<ul style="list-style-type: none"> <li>- balconies and terraces should be provided on low rise parts of buildings; gardens encouraged</li> </ul>	<ul style="list-style-type: none"> <li>- vegetative screen proposed adjacent to Level 3 concourse.</li> </ul>	Yes
	<ul style="list-style-type: none"> <li>- articulate facades so that they address the street and add visual interest.</li> </ul>	<ul style="list-style-type: none"> <li>- ground floor retail spaces address Harbour Street. Façade detailing provides visual interest and activates the streetscape.</li> </ul>	Yes
	<ul style="list-style-type: none"> <li>- 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.</li> <li>- 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.</li> <li>- avoid expanses of any one material</li> </ul>	<ul style="list-style-type: none"> <li>- 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.</li> </ul>	Yes
	<ul style="list-style-type: none"> <li>- limit opaque or blank walls for ground floor uses to 30% of the frontage</li> </ul>	<ul style="list-style-type: none"> <li>- variety of materials to be utilised</li> </ul>	Yes
	<ul style="list-style-type: none"> <li>- maximise glazing for retail uses, break glazing into sections to avoid large expanses</li> </ul>	<ul style="list-style-type: none"> <li>- glazing provided to approved retail areas at ground floor.</li> </ul>	Yes
	<ul style="list-style-type: none"> <li>- highly reflective finishes and curtain wall glazing are not permitted above ground floor level</li> </ul>	<ul style="list-style-type: none"> <li>- reflectivity to be limited. Conditions are recommended for imposition in this regard.</li> </ul>	Yes
	<ul style="list-style-type: none"> <li>- materials sample board and schedule to be submitted</li> </ul>	<ul style="list-style-type: none"> <li>- detailed sample board has been provided</li> </ul>	Yes
	<ul style="list-style-type: none"> <li>- 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:               <ol style="list-style-type: none"> <li>Expressed cornice lines that assist in enhancing the streetscape,</li> <li>Projections such as entry canopies that add visual interest and amenity, and</li> <li>Provided that the projections do not detract from significant views and vistas</li> </ol> </li> <li>- the design of roof plant rooms and lift overruns is</li> </ul>	<ul style="list-style-type: none"> <li>- the grandstand projects into the road reserve as discussed elsewhere within this report.</li> </ul>	No, but overhang is considered to be acceptable

	to be integrated into the overall architecture of the building.	- no roof plant rooms or lift overruns proposed.	Yes
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"> <li>- existing views shown in Figure 3.12 are to be protected to the extent that is practical in the planning and design of development.</li> <li>- 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.</li> <li>- align buildings to maximise view corridors between buildings.</li> <li>- remove or avoid installation of built elements that obstruct significant views.</li> <li>- carefully consider tree selection to provide views along streets in Figure 3.12 and keep under storey planting low where possible.</li> <li>- site analysis must address views with the planning and design of building forms taking into account existing topography, vegetation and surrounding development.</li> </ul>	<ul style="list-style-type: none"> <li>- 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.</li> <li>- replacement of the grand stand will improve the quality of views obtained along Burelli and Stewart Streets. The grandstand will be more visually interesting and attractive than the former western grandstand.</li> <li>- landscaping including installation of street trees was dealt with in relation to DA-2010/574.</li> </ul>	Yes

**Section 4 - Access, parking and servicing**

<i>Controls/ objectives</i>		<i>Comment</i>	<i>Compliance</i>
4.2	<b>Pedestrian access and mobility</b>		
	- 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	- entries to the grandstand via the corporate lobby entrance and turnstiles were approved as part of DA-2010/574.	Yes
	- facilities and car parking for disabled people to comply with AS 1428.1 and AS2890.1 and the DDA 1992	- disabled persons' car parking has been provided within the car park to the south of the western grandstand. This was approved as part of DA-2010/574	Yes
	- at least one main pedestrian entrance; convenient barrier-free access to ground floor	- the development will comply with the BCA and relevant Australian Standards. Conditions of consent have been recommended in this regard.	Yes
	- the development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.	- materials and finishes of pathways etc were approved in conjunction with DA-2010/574	Yes
	- 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.	- N/A	N/A
	- entrance levels and paths to comply with grades in AS1428.1, AS2890.1 and DDA 1992		
4.3	<b>Vehicular driveways and manoeuvring areas</b>		
		No change to approved vehicular access or car parking areas	N/A
4.4	<b>On-site parking</b>		
	- On-site parking must comply with AS2890.1 2004 – Parking facilities	- the car parking area to the south of the grandstand was approved as part of DA-2010/574.	Yes
	- On-site vehicle, motorcycle and bicycle parking is to be provided in accordance with Part E of this DCP.	- see Part E assessment below.	
	- to accommodate people with disabilities, minimum of 1% of the required parking spaces as an appropriately designated and signed disabled parking space.	- 2 disabled persons' car spaces have been provided within the car park.	Yes
4.5	<b>Site facilities and services</b>		
	- communication structures, air conditioners and service vents – to be located away from street frontages; integrated into roof space; setback from edge of roof	- not detailed on the plans but can be conditioned if consent is granted	Can be dealt with via

- 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	- The development will adequately accommodate waste handling and storage within the WIN Stadium and Entertainment Centre complex (see Clause 5.6 below).	condition Yes
- 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.	- existing loading dock and facilities located beneath the northern grandstand service the entire stadium.	Yes
- fire and emergency services – access to site required if vehicles cannot park within the road reserve due to distance to hydrant	- emergency vehicle access to the site is available.	Yes
- utility services – provision to be made for all essential services (water, power, sewerage, telecommunications and stormwater drainage)	- 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.	Yes

## Section 5 - Environmental Management

<i>Controls/ objectives</i>	<i>Comment</i>	<i>Compliance</i>
<b>5.2 Energy efficiency and conservation</b>		
- improve the control of mechanical space heating and cooling by designing heating/cooling systems to target only those spaces which require heating or cooling.	- applicant indicates that the development incorporates energy efficient fluorescent lighting, occupancy sensors and photo electric lighting controls.	Yes
- 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
<b>5.3 Water conservation</b>		
- 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	Yes

		devices will be installed.	
5.4	Reflectivity		
	<ul style="list-style-type: none"> <li>- new buildings should not result in glare that causes discomfort or threatens safety to drivers or pedestrians</li> <li>- visible light reflectivity from building materials should not exceed 20%</li> </ul>	The applicant states that reflectivity from building materials will not exceed 20%.	Yes
5.5	Wind mitigation		
	<ul style="list-style-type: none"> <li>- to ensure public safety and comfort, the following maximum wind criteria shall be met by new buildings – 16 metres/second</li> <li>- 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.</li> </ul>	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		
	<ul style="list-style-type: none"> <li>- all development must comply with Council's Technical Policy for the Management of All Wastes Associated with Building Sites</li> <li>- 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 storage requirements</li> </ul>	<ul style="list-style-type: none"> <li>- a detailed Construction &amp; 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 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.</li> <li>- 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</li> </ul>	<p>Yes</p> <p>Yes</p>

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.

## 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.	- no public domain works are proposed as part of this application. All road and public domain works were approved as part of DA-2010/574.	N/A

## 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 both this development application and DA-2010/574 which states that subject to the implementation of the report’s recommendations, the grandstand redevelopment will comply with the current BCA, the relevant Australian Standards and the intent of the DDA. The report recommendations include the implementation of operation management strategies for accessible parking, vertical access to the upper level seating, allocation of wheelchair seating spaces, allocation of accessible media, coaching and commentary boxes, and to provide emergency evacuation for people with a disability from Levels 2 and 3. The recommendations have been incorporated into the plans and conditions of consent were imposed on DA-2010/574 in relation to numerous matters including specifically the preparation and implementation of an operational management strategy to deal with numerous matters including:-

- Allocation of wheelchair seating spaces and companion seats on Level 02 and provision of access to those spaces;
- Provision of a ticketing/booking system which allows for flexibility to accommodate groups (which may wish to include use of a wheelchair space) to sit together; in addition to consistent ticketing prices to ensure equitable pricing of wheelchair seating spaces and companion seats;
- Equitable provision of access to concessions/food and beverage concessions;
- Assisted emergency evacuation from Level 02 for people with a disability; and
- Allocation of accessible car spaces.

It is noted that a consultation meeting with the Access Reference Group (ARG) was held in August 2010 to discuss the proposed overall western grandstand replacement. This occurred prior to the JRPP determining DA-2010/574. A number of alterations to the development were made in response to the ARG’s comments including the inclusion of a larger number of wheelchair/accessible seats and the provision of a unisex accessible sanitary facility on Level 3. In total, 64 accessible wheelchair spaces have been included within the grandstand. The Accessibility Report confirms that the proposed overall provision of 64 wheelchair seating spaces (complying with the circulation space requirements of AS 1428.1) meets the draft BCA 2011, intent of the applicable DDA guidelines and provides one of the highest levels of inclusive access to grandstands to date in NSW to fully satisfy the DDA objectives for equitable dignified access. It is noted that there are no accessible seats to be provided on the upper tier of the grandstand; all accessible seats will be provided in the already approved components of the grandstand. The applicant notes that the provision of wheelchair seating spaces in the upper level seating tier is not an essential requirement, and the seating provision in the lower level seating tier is representative of the range of seating provided in the entire Grandstand development as required under D3.9.3 of the Access Code for Buildings 2010.

If approved, it is recommended that conditions be imposed requiring the preparation and implementation of an operational management strategy to ensure the intent of the Disability Discrimination Act 1992 is met. The operational management strategy shall address the following matters:-

- Equitable provision of access to concessions/food and beverage concessions;
- Assisted emergency evacuation from Level 03 for people with a disability; and
- Vertical access to the upper level – to facilitate use of the lifts by people with ambulant disabilities to the upper level of the grandstand.

## 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 approved under DA 2010/574 and the proposed development, will incorporate appropriate lighting to ensure that shadows and glare are avoided which might put users at risk."

- 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:

"As noted above, the overall grandstand 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 overall grandstand development will create a friendly pleasant building that attracts users and provides a safe and secure environment."

- 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."



- 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. The DCP does not specify car parking requirements for the grandstand component.
- 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. 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 approved car parking area to be constructed to the south of the western grandstand.
- 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. Bicycle parking was approved as part of DA-2010/574.
- 1% of the number of car parking spaces shall be provided for disabled persons. Sufficient disabled persons' car parking was approved as part of DA-2010/574.
- 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 elsewhere within this report, Council's Traffic Section and the RTA support the implementation of integrated transport management plans as an alternative to the provision of on-site car parking in support of the additional grandstand seating capacity proposed.
- The loading dock and service area beneath the northern grandstand is utilised for the entire stadium.

### **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 new western grandstand.

## **CHAPTER E11 HERITAGE CONSERVATION**

This Chapter of the DCP applies to the land as 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 overall grandstand redevelopment has been appropriately designed with regard 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.

## **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.

A preliminary contamination assessment was provided with DA-2010/574 which indicates that there is a low risk of contamination on the basis of the site history. The site is suitable for the proposed development.

## **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 increase in seating capacity 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 (e.g. City Centre Public Transport, footpaths and cycle ways, city wide car park and public transport facilities) above and beyond the proposed works in kind.

Further, 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 i.e. 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 a regional sporting facility is 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 form part of a regional sports stadium that has wide community recreational benefits.

In addition, we note that within the assessment report to DA 2010/574, Council's Development Contributions Officer noted that he was *"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"* and recommended that an exemption of S94 contributions for the grandstand and ancillary areas such as food and beverage outlets.

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:-

“Under the Wollongong Section 94A Development Contributions Plan (2009), Clause 9(a) to 9(g) sets out exemptions specified in Directions issued by the Minister for Planning under Section 94E of the Environmental Planning and Assessment Act 1979. Section 94A cannot be imposed on development that meets these criteria.

In addition Council may grant a full or partial exemption for the following purposes Clause 9(j) *An application for or on behalf of the NSW government for public infrastructure.*

To consider an exemption under Clause 9(j) Council requires a comprehensive submission arguing the case for exemption and including details of the mechanism ensuring that such development will remain in the form proposed in the future.

The applicant, a Crown authority, has provided a comprehensive submission, within the Statement of Environmental Effects by JBA Planning, dated 31 August 2010. The submission clearly addresses that the proposed redevelopment of the western grandstand at WIN Stadium is the replacement of an existing facility, currently an element of public infrastructure provision.

The development proposed, as outlined in section 4 of the Statement of Environment Effects, is:

Construction of Stage 2 of the new western grandstand comprising:

- capacity for 3,538 spectators within an upper level seating area;
- concession facilities (internal food and drink premises);
- associated amenities and back of house facilities; and
- roof structure

The applicant has cited Planning Circular D6 which deals with exemptions from contributions for Crown developments on the basis that the material public benefit derived exceeds any demand created on existing infrastructure on the basis that these developments are not done so with a profit making intent.

Whilst sporting facilities are not expressly cited, the intent of the circular is clearly applicable and the 2008/09 annual report for the Wollongong Sportsground Trust shows that the overall facility is continually run at a loss emphasising its non-profit making intention for the provision of public service and amenity.

The main impact on Council services by the existing and proposed development is on parking and traffic during events at the site.

The seating capacity of the total stadium will increase by 3448 as a result of the proposed replacement grandstand. In addition to this, the overall development incorporates large corporate function areas, retail areas and associated amenities.

A number of issues regarding parking and traffic management have been addressed in Stage 1 of the proposed grandstand redevelopment being DA-2010/574.

In consideration of points raised in the applicant’s submission and my previous file note, 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.

Given the comments above and on the basis that the proposed development, subject to this application, relates only to the grandstand component of the overall western grandstand redevelopment, I

recommend a full exemption be granted as the grandstand development is regarded as public community infrastructure.”

## 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) The proposal appears to now be just the top part of the development. Does this mean the previous proposal was modified? The application should have been refused and then re-submitted as a staged development.
- b) The development is an overdevelopment of the site and should be redesigned. This is indicated by references within the SEE to the limited land area available and the need for a rezoning of the road reserve. The entry to the development should be from the southern field area rather than from the street which would eliminate problems with using Harbour Street and allow for the provision of car parking.
- c) The proposal will have no net community benefit. Where are the funds coming from?
- d) There is no parking and insufficient area for people to gather upon arrival to the stadium.
- e) This development could not be carried out by a private developer. The rezoning has occurred in a short space of time; no other development is allowed to have reduced setbacks like that proposed. There is insufficient justification provided for the reduced setbacks and this will have an adverse impact on the streetscape. The road closure will have adverse traffic impacts.

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

- In regards to (a), the previous development application in relation to the western grandstand (DA-2010/574) was modified by the applicant prior to its determination. The top tier of seating, associated food/bar and amenities and the roof structure were removed from the proposal. This application now seeks consent for those components.
- In relation to (b), it is acknowledged that the width of the grandstand and footpath area fronting Harbour Street is constrained by the position of the playing field and other grandstands. Council has already considered the applicant’s request for a road closure and rezoning of the road reserve to permit the encroachments into the Harbour Street road reserve and has resolved that these processes be progressed. The entry to the grandstand was approved as part of DA-2010/574 and is not proposed to be altered as part of this proposal.
- In relation to (c), the proposed development is being funded by the State government. The proponent is NSW Communities, a State government department who will fund the construction of the western grandstand.
- In relation to (d), it is noted that this application does not propose the provision of any additional car parking. As per the previous development application for the replacement western grandstand, spectators will be encouraged to utilise public transport or a combination of public transport and private vehicles such as ‘park and ride’. The Illawarra Venues Authority (IVA) who manages the stadium and WIN Entertainment Centre will implement a smaller scale and larger scale transport management plan as outlined within this report. This approach is considered to be suitable by the RTA and Council’s Traffic Section. In relation to the second part of (d), it is not possible to provide a wider footpath/forecourt area than that proposed. DA-2010/574 approved a widening of the footpath on the eastern side of Harbour Street to approximately 6.6m wide along most of the length 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. It is noted that, 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.

- The issues raised in (e) have been considered elsewhere in this report. 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 former western grandstand abutted the road reserve and only a very narrow footpath exists on the eastern side of Harbour Street. The western elevation of the former grandstand was uninteresting and did not contribute positively to the streetscape and pedestrian amenity in the area is poor. The replacement grandstand works incorporate streetscape/public domain works which will improve the pedestrian environment significantly, improving 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 assessed by Council's Design Review Panel in accordance with the requirements of WLEP 2009 and is considered to be satisfactory.

## 2. Mr I Young

- a) The extension of the grandstand outside the boundary of the Crown reserve is not permissible under State law and the road closure process has not complied with State laws.
- b) There has been no environmental impact study done in relation to the road closure for current local area traffic and for future traffic volumes given the high rise development permitted in the area and the major development approved nearby.
- c) Council does not have the authority under Sections 145(3) and 146 of the Roads Act 1993 to close Harbour Street. The authority to close Harbour Street rests with the Minister for Roads and the process for closing the road under Sections 34-37 of the Roads Act has not been enacted. The Roads Act implies that closing the road cannot be approved if it is inconsistent with the rights of passage and access that currently exist. Leasing of the air space above the road has not been approved by the Minister for Planning as required under section 149 of the Roads Act.
- d) Communities NSW do not have the authority to build outside of the Crown Reserve under Sections 30-33 of the Crown Lands Act. The land would need to be acquired under Section 101 of the Crown Lands Act.
- e) The environmental impact studies do not identify the impacts of the development on the properties fronting the western side of Harbour Street between Burelli and Stewart Streets in terms of (i) their ability to erect future developments to the maximum height permitted given that the grandstand will overhang the road reserve; and (ii) access from the properties onto the road with the road narrowed.
- f) The traffic study projects that it will take 20 years for the crowds attending the games to reach 15,000 spectators. The urgency to approve the extension cannot be used as an excuse to bypass State laws.

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

- In relation to (a), the road closure is a matter which is being dealt with separately to this development application. Council has resolved to close part of the road reserve and to lease it to the IVA.
- In relation to (b), an Environmental Impact Statement (EIS) is not required to close a road under the provisions of either the Roads Act 1993 or the Environmental Planning & Assessment Act, 1979. It is noted however that the applicant has provided a Traffic Impact Study prepared by a qualified traffic engineer which examines the impact of the road works on the local road network. Additionally, it is noted that the RTA and Council's Traffic Section have considered the roadworks proposed to be undertaken (which have now been approved pursuant to Development Consent DA-2010/574) and are of the opinion that the works will not have an adverse impact on the local network.
- In relation to (c), Council is the roads authority for Harbour Street and as such has the authority under the Roads Act 1993 to close the Harbour Street road reserve. Under Section 145(3) of the Roads Act 1993, all public roads within a local government area (other than freeways and Crown roads) are vested in fee simple in the appropriate roads authority, being Council. Sections 146(1)(d) & (e) do not allow the owner of a road to dispose of a dedicated public road, however, Section

34(1)(b) allows Council, as the roads authority for the road, to make application to close a public road. The land can then be disposed of following the closure.

Under Section 33 of the Roads Act 1993, the Minister has the authority to close a public road other than freeway, however, as stated above, Section 34 (1)(b) allows Council to apply to close a public road.

In accordance with Section 35 of the Roads Act 1993, the proposal was advertised by the Land & Property Management Authority in the Illawarra Mercury on 28 August 2010. That notice called for submissions from the public on the proposal within 28 days from the date of the notice. The Land & Property Management Authority are currently considering the submissions in accordance with Section 37 of the Roads Act 1993.

Consultation undertaken during the road closure process by both Council and the Land & Property Management Authority ensures that the issue of the rights of passage and rights of access referred to in Sections 5 & 6 of the Roads Act 1993 are addressed.

Section 149 of the Roads Act 1993 does not apply in this instance as the road is proposed to be closed. The leasing of the land and airspace will not occur until the road has been closed and is therefore no longer road reserve.

- In relation to (d), the road will not be transferred to the Crown to become a Crown road. The road is proposed to be closed and made Operational land which will be leased to the Illawarra Venues Authority.
- In relation to (e), the proposed development is not likely to have an adverse impact on the development potential of nearby allotments. Access will continue to be available for all allotments fronting Harbour Street and will not be hindered by the road closure or road works proposed.
- In relation to (f), all state laws have been complied with in full in relation to both the assessment of this application and DA-2010/574 and in relation to the road closure application.

**3. R Withers & E Henderson (operators of 'The Sugar Cube' café located at the corner of Harbour and Crown Streets, Wollongong)**

- a) Main concern relates to the four new retail areas proposed within the grandstand and the lack of car parking available to support these retail spaces. Contrary to the statements made within the applicant's traffic statement, on-street parking within the surrounding area is heavily utilised.

Also contrary to the statement made in the applicant's traffic statement in relation to the majority of customers/visitors to the retail spaces travelling by foot (from nearby apartments, hotels etc and during game days), other businesses in the immediate area are frequented by customers travelling by car who require nearby car parking.

Comment:-

- The ground floor retail areas do not form part of this application but rather were approved as part of DA-2010/574. Associated car parking was provided in this application also, at the rate required for retail spaces.

**4. Mrs E Collins**

- a) There is an increase in seating capacity proposed in this application which will have considerable parking and traffic impacts in the area. No additional car parking is proposed.
- b) The permanent closure of the eastern side of Harbour Street will have permanent impacts on traffic movement causing problems every day during peak times. Harbour Street is a busy street especially in peak periods. It is used by large number of buses. The temporary road closure during the demolition of the existing grandstand has illustrated the impacts of the road closure on the local streets. Council and the RTA should be concerned with moving traffic efficiently and quickly out of the inner city area rather than creating traffic problems in the inner city. Insufficient consideration has been given by Council to the future growth of the inner city areas which will contribute additional traffic.
- c) Council has pre-empted its decision to approve this application before the exhibition period has finished. This is indicated by Council approving the closure of the eastern side of Harbour Street;

and the approval of the rezoning of a section of the Harbour Street road reserve. Council would not expedite these two matters if it was not intending on approving this DA.

Comment:-

- In relation to (a), the proposal will increase the seating capacity of the stadium by 3538. 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.
  - In relation to (b), the road works proposed as part of the western grandstand development were approved as part of DA-2010/574. The road works, including the narrowing of Harbour Street, were considered by the RTA and Council's Traffic Section and detailed consideration was given to the impacts of these works on the local traffic network.
  - In relation to (c), it is considered that Council has not pre-empted the determination of this application. Firstly, the determining authority is the Joint Regional Planning Panel and not Council. Council resolved to proceed with the part road closure application made by the applicant. This was resolution was made prior to the approval of DA-2010/574 and was required in order to permit the columns and other encroachments proposed in that application. The rezoning application for the Harbour Street road reserve was lodged by the applicant prior to the lodgement of this application and Council resolved to support that rezoning request. This development application could not be approved without the rezoning occurring. The planning proposal was prepared and processed in accordance with the applicable provisions of the Environmental Planning & Assessment Act 1979, while the merits of this application have been considered in full as outlined within this report.
- 5. Mr R Chiaverini (owner/operator of 'Chikos' restaurant at the corner of Crown and Harbour Streets, Wollongong)**
- a) As part of the recent DA for the Chikos restaurant and café at the corner of Crown and Harbour Streets, Wollongong, the developer was required to comply with the parking standards required by Council. Parking is heavily used in the area and someone is employed to ensure that the restaurant car park is used only by patrons. It is not equitable that the WIN stadium development can occur with no additional parking and with new shops fronting Harbour Street with no parking and a change to Harbour Street to make it one way to accommodate the new development. It is unfair that the development can get away without providing car parking because the State government cannot afford to construct the required car parking. Either the shops should face inside and/or be limited to patrons only and open only on game days or if they front Harbour Street, they should be supported by the required number of car parking spaces.
  - b) Harbour Street should remain a two way street in the interests of residents and surrounding businesses. The partial closure of Harbour Street may have a detrimental impact on the recently opened Chifley Hotel. It is essential for this hotel to be accessible from Crown Street. The creation of a one way street will compromise traffic flow from the former Dwyers site when this is redeveloped. Council should be encouraging measures to support tourism rather than causing detrimental impact through road closures like that proposed.

Comment:-

- In relation to (a), the ground floor shops within the replacement western grandstand were approved pursuant to DA-2010/574 which was determined by the JRPP in August 2010. This development included the required number of car parking spaces to support the retail floor area in addition to a number of car spaces required to compensate for the loss of on-street car parking resulting from the streetscape and road works within Harbour Street. There is no additional car



parking proposed as part of this application to support the additional grandstand capacity. During events, it is proposed to implement traffic management plans which will encourage visitors patronising events at the stadium to use public transport or a combination of public and private transport like 'park and ride' to alleviate congestion and reduce parking impacts in the city centre. This approach is satisfactory to the RTA and Council's Traffic Section,

- In relation to (b), the road works associated with the replacement grandstand development were approved as part of DA-2010/574.

## 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

There are no landscaping works proposed as part of this application and as such no conditions of consent are required in relation to this issue.

### Traffic

The proposed development is considered to be satisfactory subject to the imposition of recommended conditions of consent. It is noted that conditions of consent were imposed on DA-2010/574 in relation to the implementation of a smaller scale and large scale traffic management plan catering respectively for up to 15,000 patrons/visitors and more than 15,000 patrons/visitors. No additional car parking is to be provided within the site to cater for the increased stadium capacity resulting from the proposed development and as such, similar conditions should also be imposed if this application is approved.

### Building

The proposed development is satisfactory subject to conditions.

### Property

As the grandstand will overhang into the road reserve of Harbour Street, application has been made by NSW Public Works to close and lease portions of the airspace and surface of the road reserve. The road closure application is currently with the Land & Property Management Authority for approval.

Council's Property & Recreation Division has no objection to the proposed development, subject to the closure of portions of the road and lease of the land and airspace to the Illawarra Venues Authority, prior to the commencement of the use of the grandstand structure by the public. Conditions of consent have been recommended for imposition in this regard.

It is noted that the application for a road closure 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. A similar condition was imposed on DA-2010/574.

#### 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 light spillage, construction management and acoustic treatment.

#### Health

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

#### 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.

#### Community Safety Officer

The proposed development is satisfactory subject to recommended conditions.

#### Works and Services

The proposed development is satisfactory subject to recommended conditions.

### **13.3 External Consultation**

#### NSW Roads & Traffic Authority (RTA)

The RTA advised that it does not object to the proposed development in principle subject to the comments outlined in the Regional Development Committee (RDC) Minutes dated 31 May 2010 being considered and addressed to Council's satisfaction. On 31 May 2010, the RDC considered DA-2010/574 which, at the time, included the upper level seating tier now proposed in this application. The RDC provided the following comments in relation to DA-2010/574:-

"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 and DA-2010/574. It is noted that plan amendments were made to DA-2010/574 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 the location of proposed car parking on the eastern

side of Harbour Street. Other matters have been addressed through consent conditions, 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 were forwarded to the applicant, NSW Communities for approval. The applicant has agreed to the imposition of the draft conditions outlined in Attachment 5.

## **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 and SEPP 64 in relation to the proposed signage. The proposed development is permissible with development consent in the SP3 Tourist zone 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 of the LEP.

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. 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 5 to this report and has agreed to their imposition.

## **15 Recommendation**

It is recommended that Development Application DA-2010/1139 be approved pursuant to Section 80 of the Environmental Planning & Assessment Act, 1979, subject to the conditions of consent contained within Attachment 5 to this report.

## **ATTACHMENTS**

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1. Aerial Photograph
2. Zoning Map
3. Plans
4. Submissions of Objection
5. Draft Conditions