

Joint Regional Planning Panel (Southern Region) – 29 June 2012

JRPP No	2012STH008
DA Number	RA12/1000
Local Government Area	Shoalhaven City Council
Proposed Development:	Demolition of existing 2 court basketball stadium and construction of 4 court indoor basketball stadium with associated café/kiosk, administration area and car parking
Street Address	Lot 2 DP130891 and Lot 2 DP2886 Cambewarra Rd, Bomaderry
Applicant / Owner	Shoalhaven City Council
Number of Submissions	NIL
Recommendation	Recommended that the application be approved
Report By	James Bonner, Acting Senior Development Planner

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

Reason for Consideration by Joint Regional Planning Panel

The submitted development application (DA) has been referred to the Joint Regional Planning Panel (JRPP) pursuant to State Environmental Planning Policy (State and Regional Development) 2011 as the development is of a type to which Schedule 4A of the Act applies. The development will have a capital investment value over \$5 million and Council is the applicant and land owner.

Proposal

The DA seeks approval to:

- Demolish the existing sports centre and car park.
- Construct an indoor sports centre housing four (4) basketball courts and grandstand seating.
- Provide ancillary facilities comprising change rooms, café/kiosk, administration areas, conference room, multi-purpose room, crèche, and breakout areas.
- Construct three car parking areas providing a total of 217 spaces.

The building and approximately half the car parking spaces are to be located on Lot 2 DP 130891 (where the existing building is) with the remaining spaces to be located on the adjoining Lot 2 DP 2886. These spaces are to be utilised by both the basketball stadium and users of Artie Smith oval.

The applicant at this time has not applied for a Construction Certificate through Council and has not nominated Council as the Principal Certifying Authority.

Refer to **Attachment 'A'** for a copy of the development application plans.

Permissibility

The site is zoned 6(a) (Open Space – Recreation “A” (Existing) Zone) under Shoalhaven Local Environmental Plan 1985 (SLEP 1985). The proposal (community facility) is permissible with development consent and is consistent with the objectives of the zone and the existing use of the site.

RECOMMENDATION

That, in respect of Regional Development Application RA12/1000 (2012STH008) for the demolition of an existing 2 court basketball stadium and construction of a 4 court indoor basketball stadium with associated café/kiosk, administration area and car parking at Lot 2 DP130891 and Lot 2 DP2886 Cambewarra Rd, Bomaderry, the application be approved, subject to the conditions outlined in Attachment B.

ASSESSMENT REPORT

1. Background

The following provides details on pre-lodgement discussions, post lodgement actions and general site history:

Pre-lodgement: A pre-lodgement meeting (i.e. Development Advisory Unit [DAU] meeting) was held with Council staff on 30 November 2011.

Post Lodgement: The application was lodged with Council on 27th February 2012 and included architectural drawings, landscape plan, storm water concept plan, statement of environmental effects, Building Code of Australia (BCA) assessment report, waste minimisation and management plan, arborist report and a traffic impact assessment.

The applicant was advised on 1 March 2012 to provide a revised Statement of Environmental Effects to include assessment against Deemed SEPP Illawarra Regional Environmental Plan, provide a Waste Minimisation and Management Plan for demolition waste and to provide the required number of copies of documents and plans. The additional information was submitted on 12 March 2012.

Site History: The existing stadium dates from 1964 and is of no known heritage significance. A search of Council's records indicates a number of sports related development applications have been previously lodged over the subject land. It is noted that the current use(s) of the subject land include football/cricket fields and the abovementioned basketball stadium.

Council approved an extension to the existing basketball courts on 19 November 2009. This consent approved the construction of an additional two courts to the rear of the existing building. The consent has not been acted upon and the Statement of Environmental Effects supporting the current application states *"the nature and condition of the existing sports hall makes it very uneconomical to attempt to salvage and refurbish the building. Its current position on site compromises the ability to construct a new structure that will have future capacity to expand"*.

2. Subject Site and Surrounds

The subject site is over two of the three lots that comprise the Artie Smith Oval sporting complex. The existing basketball stadium and car parking area are located wholly within Lot 2 DP 130891 and is setback about 20m from Cambewarra Rd.

The remainder of the site is grass with a small stand of trees and shrubs running around the southern and eastern boundaries. The site slopes towards the south-eastern boundary with a fall of between 3 and 4m.

Existing development surrounding the subject site comprises:

- north - Cambewarra Road and Bomaderry High School opposite;
- east - community training and education centre;
- south and east - residential area with dwelling houses; and
- west - grassed areas of the Artie Smith Oval sporting complex.

Refer to **Attachment 'C'** for additional details on the site's location.

3. Community Consultation

In accordance with Council's Community Consultation Policy, the application was notified as follows:

- Individual property owners within a 100m radius of the site were notified of the proposal. The notification period was from 21 March 2012 to 20 April 2012 (30 days);
- The proposal was advertised in the local press (South Coast Register) on two occasions being 21 March 2012 and 4 April 2012); and
- The application and supporting documentation were put on display at Council's City Administrative Centre, Nowra as well as on Council's website.

No submissions were received during the exhibition period.

4. Statutory Considerations

The following Environmental Planning Instruments (LEPs), State Environment Planning Policies (SEPPs), Development Control Plans (DCPs), Codes or Policies are relevant to this application:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No.55 – Remediation of Land
- Deemed State Environmental Planning Policy - Illawarra Regional Environmental Plan No.1
- Shoalhaven Local Environmental Plan 1985 (SLEP1985)
- Draft Shoalhaven Local Environmental Plan 2009 (DSLEP2009)
- Contribution Plan 2010 (as amended)
- Development Control Plan 18 – Car Parking Code
- Development Control Plan 82 – A Signage Strategy for the City of Shoalhaven
- Development Control Plan 93 - Waste Minimisation & Management
- Policy for the Assessment of Council's Own Development Applications POL11/121

Additional information on the proposal's compliance with the above documents is detailed in the following section of this report.

5. Statement of Compliance /Assessment

The following provides an assessment of the submitted application against the matters for consideration under 79C of the EP&A Act.

(a) Any planning instrument, draft instrument, DCP's and regulations that apply to the Land

State Environmental Planning Policy (State and Regional Development) 2011

Clause 20 of the SEPP states that if development is of a class or description included in Schedule 4A of the Act it becomes regional development.

Clause 4 of Schedule 4A of the Act states that it is regional development if it has a capital investment value of more than \$5 million and the Council is the applicant or land owner. The proposed development has a project value of \$8 million and Council is the land owner and applicant.

State Environmental Planning Policy No. 55 - Remediation of Land

Under Clause 7 of SEPP 55, contamination and remediation of the subject land is required to be considered. Initial investigation of the subject site indicates that:

- a potentially contaminating activity has not been previously conducted on the land;

- no records exist at Council to indicate or identify that the land is contaminated; and
- there are no land use restrictions relating to possible contamination affecting the land.

The land is suitable for the proposed development and no further assessment in regard to contamination issues is required.

Deemed State Environmental Planning Policy - Illawara Regional Environmental Plan No.1

The subject land is affected by the provisions of Deemed State Environmental Planning Policy - IREP. An assessment against the requirements of the IREP has indicated that the subject land is not identified as a wildlife corridor, land of prime crop and pasture potential, land supporting rainforest vegetation, land containing extractive materials, land containing coal resources or land that is part of the sub regional commercial centre.

It is identified as land with landscape or environmental attributes. However, the Regional Landscape and Environmental Study that supports the IREP contains no specific provisions for land with "landscape and environmental attributes" within the existing urban zoned area of Nowra.

The following clauses/matters contained in the IREP have relevance to this application:

- Clause 3 of the IREP contains the aims and objectives of the plan. It is considered that the submitted proposal does not conflict with the general aims and objectives as outlined in this clause;
- Clause 139 of the IREP requires the concurrence of the Director where a building will exceed 11m. The building is proposed to have a curved roof with a maximum height of 13.045m from natural ground level.

In accordance with subclause 3 in deciding whether to grant concurrence, the Director shall take into consideration:

(a) the height, scale, bulk and density of the proposed building,

The building has a curved roof with the apex at 13.045m above ngl with the main building element at 9.273m. The building is to be setback 25.5m from Cambewarra Rd, 27m from the eastern boundary and 46m from the southern boundary. The building height is required to enable the development to meet the indoor height standards for the facility and the scale and density are compatible with the locality.

(b) the external appearance and materials used on the exterior of the proposed building,

The use of composite panel, pre-cast concrete, glazing and metal cladding materials and design assists in the overall modern appearance of the proposed building. Any issued development consent to be conditioned so as to require the building to be

constructed in accordance with the approved materials and finishes and for the exterior colours to be sympathetic with the surroundings.

(c) the relationship of the proposed building to the streetscape or landscape,

The development is within an existing recreation district and is consistent with the existing use of the site and will contribute to the streetscape. Landscaping is proposed to be provided around the extremities of the building

(d) the effect of the proposed building on public amenity, including pedestrian amenity,

The development will improved public amenity in the locality by providing modern facilities and improved parking for the Artie Smith complex. Pedestrian amenity is not impacted by the proposal.

(e) the effect of the proposed building on wind patterns and wind velocity in public places,

The development is to be setback a minimum of 25m from the public road and it should not impact on the wind patterns and wind velocity in public places.

(f) the effect of the proposed building on overshadowing of public places,

The building will not overshadow public places.

(g) the effect of the proposed building on views from public places,

The building is located within a developed urban area and will not impact on views from public places.

(h) the effect of the proposed building on any item of the environmental heritage in the vicinity, and

There are no heritage items within the vicinity of the development.

(i) the effect of reflections from the exterior of the proposed building on roads, public places and buildings in the vicinity.

The building is to be constructed using a number of different materials, textures and colours that will reduce the reflectivity of the building. Any consent to be conditioned to require the roof to be covered with pre-coloured cladding using a dark colour to reduce the reflectivity of the roof.

Council's Director of Development and Environmental Services has delegated authority to grant concurrence. Following consideration of subclause 3, the Director gave his concurrence on 26 April 2012. Refer to **Attachment 'D'**.

In summary, the proposal does not conflict with the aims and relevant provisions of the Illawarra Regional Environmental Plan No. 1.

Shoalhaven Local Environmental Plan 1985

The proposal is defined as “community facility” which means a place used for sporting activities or sporting facilities. The subject land is zoned 6(a) (Open Space - Recreation “A” (Existing) Zone) under SLEP 1985. The proposed development is permissible within the subject zone subject to development consent from Council.

The following specific provisions of SLEP 1985 are applicable to the proposal:

Cl.2 – Aims and objectives

The development is consistent with the listed aims and objectives.

Cl.26 - Soil, Water and Effluent Management

The proposed development is located in an area that is serviced by reticulated sewer and water services/infrastructure and satisfies the requirements of this clause.

Cl.37 – Notification of certain development

The application was notified in accordance with the requirements for regional applications.

Cl.51 - Development in open space zones and on public reserves or other public land

Council must not consent to the carrying out of development on land within Zone No. 6(a), 6(b), 6(c) or 6(d), or on public reserves or on land owned or controlled by the Council, unless it has considered:

Cl.51(a) the need for the proposed development on the land;

Council has identified a demand for a basketball sporting facility within the northern Shoalhaven community and has resolved to develop the stadium complex in conjunction with the Shoalhaven Recreation Strategy.

Cl.51(b) the impact of the proposed development on the land; and

Provided all the consent conditions are complied with, it is considered that the development of the basketball stadium complex would not impact detrimentally on the local built or natural environments.

Cl.51(c) the need to retain the land for its existing or likely future use.

The proposed development is consistent with the existing and desired future use.

Draft Shoalhaven Local Environmental Plan 2009

The draft SLEP2009 is required to be considered as part of the assessment. The following clauses would be relevant to the application.

Land Use Table: The property is proposed to be zoned RE1 - Public Recreation. Under SLEP2009, the proposal would more likely be defined as a Recreation Facility (major) which would be permissible with consent.

Clause 1.2 - Aims of plan

Clause 2.6C Earthworks – earthworks not to have a detrimental impact.

Clause 4.3 Height of buildings – the height of any building is not to exceed 11m (unless specified in a DCP).

Clause 4.6 – Exceptions to development standards

Clause 5.6 – Architectural roof features

Clause 7.1 – Local infrastructure

The proposal is consistent with and is able to meet the objectives of the draft SLEP2009 and relevant clauses.

Section 94 Contribution Plan 2010 (as amended)

In accordance with the Contributions Plan, community facilities provided by Council are not liable to pay contributions.

Development Control Plan 18 – Car Parking Code

The application is proposing to provide 217 formalised parking spaces. The DCP states that sporting fields require 30 spaces. As there is no specific calculation for basketball stadiums, the Traffic Impact Assessment has used the requirement for indoor cricket/netball/soccer courts as a guide which requires 15 spaces per court, thus requiring 60 spaces for the basketball courts. This gives a total of 90 spaces leaving 127 spaces for spectators which the Traffic Impact Assessment has considered to be sufficient for the proposed use.

Access and Parking Design Criteria

The subject site gains access from Cambewarra Road. The following elements have been taken into account in regard to the access:

- The car parks servicing the existing basketball court and the oval are proposed to be combined to reduce the number of access points to Cambewarra Road.
- The proposed car park includes a bus drop-off and parking area.
- The entry and car park circulation would be appropriately sign posted to indicate traffic and pedestrian paths.
- In terms of car space dimensions and manoeuvring, the submitted proposal has been designed to provide car space dimensions, aisle widths and internal manoeuvring areas which comply with the requirements of DCP 18.

Development Control Plan 82 – A Signage Strategy for the City of Shoalhaven

The proposal includes a free standing sign measuring 7.043m high by 1.2m wide to be located between the car park and the front boundary on Cambewarra Rd. The sign identifies the location of the indoor sports centre. The sign is consistent with the performance criteria for freestanding signs in that it is in scale with the proposed development, will not adversely affect the amenity of the area, will not dominate the streetscape or skyline and will not affect traffic safety.

Development Control Plan 93 - Waste Minimisation & Management

A waste minimisation and management plan for the demolition and construction phase of the development was submitted with the application. Waste is to be separated into recyclable and non-recyclable material with the majority being sent to Council's West Nowra waste and recycling depot.

Policy for the Assessment of Council's Own Development Applications POL11/121

This policy applies to all DA's where Council is the applicant and land owner to ensure that the assessment, the consideration of submission and the recommendations put forward are free from any conflicts of interest, and are undertaken independently and in an unbiased manner. The application is considered to be an "other form of DA that takes place on Council reserves and complies with zoning and land use provisions". The Policy has the following provisions for this form of development:

Assessment by Council staff not involved in the application and peer reviewed by senior member of staff

The assessment is being undertaken by an Acting Senior Development Planner who was not involved in the application. The report will be peer reviewed by the Development Manager and Development & Environmental Services Director before being reported to the JRPP.

Determination under delegated authority by senior member of staff.

Not applicable, determination is by the JRPP.

Report to Council would be an option of substantial submission received.

The application is reported to the JRPP for determination, no submissions received.

(b) Likely impact of that development on the natural and built environment and social and economic impacts in the locality

Natural and built environment: The proposed development will occupy the area taken up by the existing basketball stadium as well as a grassed area to the south. The proposal will have minimal impact on the natural and built environment.

Social impacts: The proposed development will provide a modern sporting facility for the locality and will have a positive social impact.

Traffic impacts: The submitted Traffic Impact Assessment has concluded that the existing road network is capable of handling the expected increase in traffic through normal use of the proposed development. Any major events would exceed the car parking capacity of the site and would require a specific Traffic Management Plan to be developed for each event.

The proposed development will generate additional pedestrian and cyclist traffic and the Report has recommended existing footpath connections between West Birriley St and Cambewarra Rd are maintained and that existing crossing on the corner of West Birriley St and North Tarawal St be relocated further west to achieve minimum sight distance. Council's Traffic Section concurs with the recommendations and recommends a footpath be provided along the frontage with Cambewarra Rd to reduce the potential conflict between pedestrians and vehicles.

Noise, odour and dust: Noise is expected to be created during construction period. In terms of odour and dust, no concerns are raised. External noise generated from the ongoing use is likely to be noise from vehicle movements in the car park. This is likely to be negligible with the closest residence being about 65m from a parking area.

Context and setting: The proposed development is in context with the existing and desired future built environment for the locality. The perceived building bulk and scale is reduced by the design and use of different cladding materials and colours.

Economic impacts: The proposed development will have a positive economic impact during the construction and operational phases.

Sediment and erosion control: An erosion and sediment control plan (ESCP) has been submitted with the development application. Any development consent issued would be conditioned to require an ESCP to be prepared by a suitably qualified/experienced person in accordance with the Landcom manual “*Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004*” and be approved prior to the issue of a Construction Certificate.

Climate Change: No cumulative impacts are expected in regard to the proposed development that could further contribute to climate change.

(c) The suitability of the site for the development

The subject land is located within a sports precinct and is suitable for the proposed development.

(d) Any submissions made in accordance with the Act or the regulations

No submissions were received.

(e) The public interest

The proposed development provides a modern indoor sporting facility and is in the public interest.

Other Issues:

Local Government Act – Section 47E Development of Community Land:

Section 47E of the LGA 1993 states that “no power of a council under an environmental planning instrument to consent to the carrying out of development on community land may be delegated by the council in certain circumstances listed in section 47E.

The JRPP are exercising the functions of Council and are therefore the determining authority. Therefore section 47E is not relevant to the application as the determination is made by the JRPP and not under delegated authority.

6. Referrals

Internal:

- **Building surveyor:** Council not nominated as PCA or issuing construction certificate. Building work to comply with Building Code of Australia, s68 approval required for plumbing and drainage works.
- **Development Engineer:** No objection to amended plans subject to recommended conditions.
- **Environmental Health Officer:** No objection subject to recommended conditions.
- **Waste Management:** No objections.
- **Shoalhaven Water:** No objection subject to compliance with Development Application Notice conditions.
- **Traffic Unit:** No objection to proposal subject to recommended conditions including provision of appropriate signage, linemarking and pedestrian footpaths on Cambewarra Rd and through the reserve to North Tarawal St. The recommendation includes the provision of a pedestrian fence on the Cambewarra Rd boundary to separate pedestrian traffic on Cambewarra Rd from vehicular traffic in the car park. This recommendation has been modified so that a fence of shorter distance is provided that aims to direct pedestrians using the signalised crossing towards crossing points rather than restrict access for the overall length of the car park.

7. Options

The JRPP may:

- a) Resolve to refuse the application; or
- b) Resolve to approve the application; or
- c) Write to the applicant requesting them to amend/modify the proposal and subject to the matters being satisfactorily resolved a further report be submitted to the Joint Regional Planning Panel (Southern Region) for its consideration.

8. Conclusion

This application has been assessed having regard to the Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979. Following a detailed assessment, it is considered that Development Application No. RA12/1000 should be approved.

9. Recommendation

That, in respect of Regional Development Application RA12/1000 (2012STH008) for the demolition of an existing 2 court basketball stadium and construction of a 4 court indoor basketball stadium with associated café/kiosk, administration area and car parking at Lot 2 DP130891 and Lot 2 DP2886 Cambewarra Rd, Bomaderry, the application be approved, subject to the conditions outlined in Attachment B.

Signed: James Bonner, Acting Senior Development Planner

Date: 29 May 2012