

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2018HCC005 DA
<b>DA Number</b>	2018-196
<b>LGA</b>	Maitland
<b>Proposed Development</b>	Demolition of existing buildings and construction of a new athletics facility
<b>Street Address</b>	James & High Streets Maitland
<b>Applicant/Owner</b>	Maitland City Council
<b>Date of DA lodgement</b>	6 February 2018
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	Approval subject to conditions of consent
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	3. Council related development over \$5 million
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy 55 – Remediation of land</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• Maitland Local Environmental Plan 2011</li> <li>• Maitland Development Control Plan 2011</li> <li>• Clause 92 of the Environmental Planning &amp; Assessment Regulations 2000</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Attachment 1 -Conditions of Consent</li> <li>• Attachment 2 - Architectural Plans</li> <li>• Attachment 3 - Landscape Plans</li> <li>• Attachment 4 - Stockpile of fill (pre-loading) Plan</li> <li>• Attachment 5 - Statement of Environmental Effects</li> </ul>
<b>Report prepared by</b>	Maitland City Council
<b>Report date</b>	17 July 2018

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**  
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

# **ASSESSMENT REPORT AND RECOMMENDATION**

## **EXECUTIVE SUMMARY**

Council is in receipt of a Development Application (DA) for the redevelopment of the Paul Critchley Athletics Centre at Smythe Field and No.2 Sportsground. The DA was lodged with Council on 6 February 2018.

The proposal seeks consent for:

1. Demolition / removal of the existing amenities, storage buildings, skate ramps and access road;
2. Construction of a new grandstand with amenities;
3. A new multipurpose building;
4. A new all-weather IAAF Class 2 accredited synthetic running track and competition area;
5. Earthworks;
6. New flood lighting;
7. New paved forecourt and associated landscaping;
8. Extension and redesign of the existing parking area; and
9. Upgrade the existing stormwater drainage system.

The application is defined under the Maitland Local Environmental Plan 2011 as a Recreation Facility (major) and is considered to be consistent with the zone objectives. The application was advertised and notified for a period of 14 days in accordance with Council policy. No submissions were received during the exhibition period.

The application requires determination by the Joint Regional Planning Panel (JRPP) because the value of works exceeds \$5 million, which is the threshold for a Council related application to be considered a regionally significant development under Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011.

The primary potential issues identified during the exhibition period relate to traffic and parking, earthworks, flooding, heritage, visual, noise and lighting impacts. These issues have been considered and fully addressed within the assessment report.

The development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 and considered to be satisfactory. Accordingly, it is recommended that the application be approved subject to appropriate conditions.

## **OFFICER'S RECOMMENDATION**

That DA 18-196 for the demolition of existing buildings and construction of a new athletics facility on Lot 1 DP 722550, Lot 7006 DP 1126284, Lot 1 DP 1119935, Lot 1 DP 329996, Lot 7007 DP 1126284, Lot 1 DP 1195764, Lot 2 DP 1195764, Lot 181 DP 755237, Lot 125 DP 1165535, Lot 1 DP 435608, Lot 5395 DP 1106866, Lot 2124 DP 1106876 off High and James Streets Maitland, be approved subject to the conditions of consent set out in the attached schedule.

## **BACKGROUND**

The Development Application was lodged with Maitland City Council on the 6 February 2018 with the cost of works an estimated \$10.5 million. The application requires determination by the Joint Regional Planning Panel (JRPP) because the value of works exceeds \$5 million, which is the threshold for a Council related application to be considered a regionally significant development under Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011.

Maitland Council recently completed the redevelopment of the Maitland Sportsground No. 1 on the northern portion of the subject site. This works included the reconfiguration of the playing field and erection of a new grandstand and associated building incorporating facilities such as amenities, change rooms, canteen, office, first aid room and storage facilities. This Application was determined by the Hunter & Central Coast Joint Regional Planning Panel on the 12 November 2015.

## **SITE DESCRIPTION**

The subject site is located to the north east of High Street and is commonly known as the Paul Critchley Athletic Centre at Smythe Field and the adjoining Maitland No 2 Sportsground. The legal description of the site is:

Lot 1 DP 722550  
Lot 7006 DP 1126284  
Lot 1 DP 1119935  
Lot 1 DP 329996  
Lot 7007 DP 1126284  
Lot 1 DP 1195764  
Lot 2 DP 1195764  
Lot 181 DP 755237  
Lot 125 DP 1165535  
Lot 1 DP 435608  
Lot 5395 DP 1106866  
Lot 2124 DP 1106876

The subject site is bounded by Raglan and James Streets to the north and west, agricultural land to the east and businesses located along High Street to the south west. Refer to **Figure 1**.

The existing development on the subject land includes:

- Two (2) turf playing fields;
- Seven (7) steel light towers to illuminate the playing field;
- Amenities and canteen building;
- Two (2) storage buildings and a shipping container;
- Concrete skateboard ramps in the south west corner of the site;
- Informal car parking at the southern end of the site;
- Access road off High Street in between the two existing playing fields providing access to Maitland No 1 Sportsground.



# LOCALITY PLAN



DA18-196 Subject Site Proposed Athletic's Field



Scale: NTS  
Printing Date: March 2018



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This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time. It is the responsibility of the user to make his/her own decisions about the correctness of information found. The Council cannot warrant and does not represent that the advice can be relied upon completely. The Council also cannot accept any responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance upon the information. The map is for information purposes only and is not to be re-engineered, modified or used for any other purpose than for information.

Figure 1 – Locality Plan of the subject site.

## PROPOSAL

The proposed development involves the redevelopment of the existing Paul Critchley Athletics Centre at Smyth Field, incorporating the adjoining soccer field Sportsground No. 2 and includes the following works:

1. Demolition / removal of the existing amenities, storage buildings, skate ramps and access road;
2. Construction of a new grandstand with amenities;
3. A new multipurpose building;
4. A new all-weather IAAF Class 2 accredited synthetic running track and competition area;
5. Associated earthworks;
6. New flood lighting;
7. New paved forecourt and associated landscaping;
8. Extension and redesign of the existing parking area; and
9. Upgrade the existing stormwater drainage system.

The new grandstand will comprise concrete seating accommodating up to 600 people that steps down the site toward the athletic field with storage located under the seating at the rear.

The amenities structure will consist of two buildings to be located at the rear of the grandstand, separated by a 3m wide covered breezeway. Building one includes the canteen and store, male and female toilets, store room, and two accessible toilets. Building two includes the male and female changing rooms and toilets, first aid room, cleaners' room and two separate store rooms.

The grandstand, amenities and forecourt area are to be located under a metal sheet roofing structure.

The multipurpose building is to be located adjacent the grandstand separated by the entry forecourt. This building includes an athletics club room, sports development office, kitchen, toilet, a multi-purpose room and administration area which are separated with a stacking door system as well as a photo & competition official's area.

A new store and plant building will be located on the northern end of the track. Three (3) x 35,000 litre water tanks are to be installed behind this building. This building will incorporate plant for the irrigation system for both the proposed athletics track and adjoining Sportsground No.1.

The new all-weather IAAF Class 2 accredited synthetic running track will include a 10 lane front straight and an 8 lane back straight. The athletics field will also include the associated long, triple and high jumps, pole vault, steeplechase, shot put, hammer, discus and javelin areas. A grassed infield will enable informal events such as soccer and hockey to be played.

The construction of the athletics field includes earthworks to raise the level of the existing fields by approximately 0.7m. Prior to construction of the athletics field pre-loading of up to 9300m<sup>3</sup> of soil is required at the southern end for up to 10 months. It is proposed to install four (4) x 32m poles with LEP flood lights for the athletics field to replace the existing seven light towers.

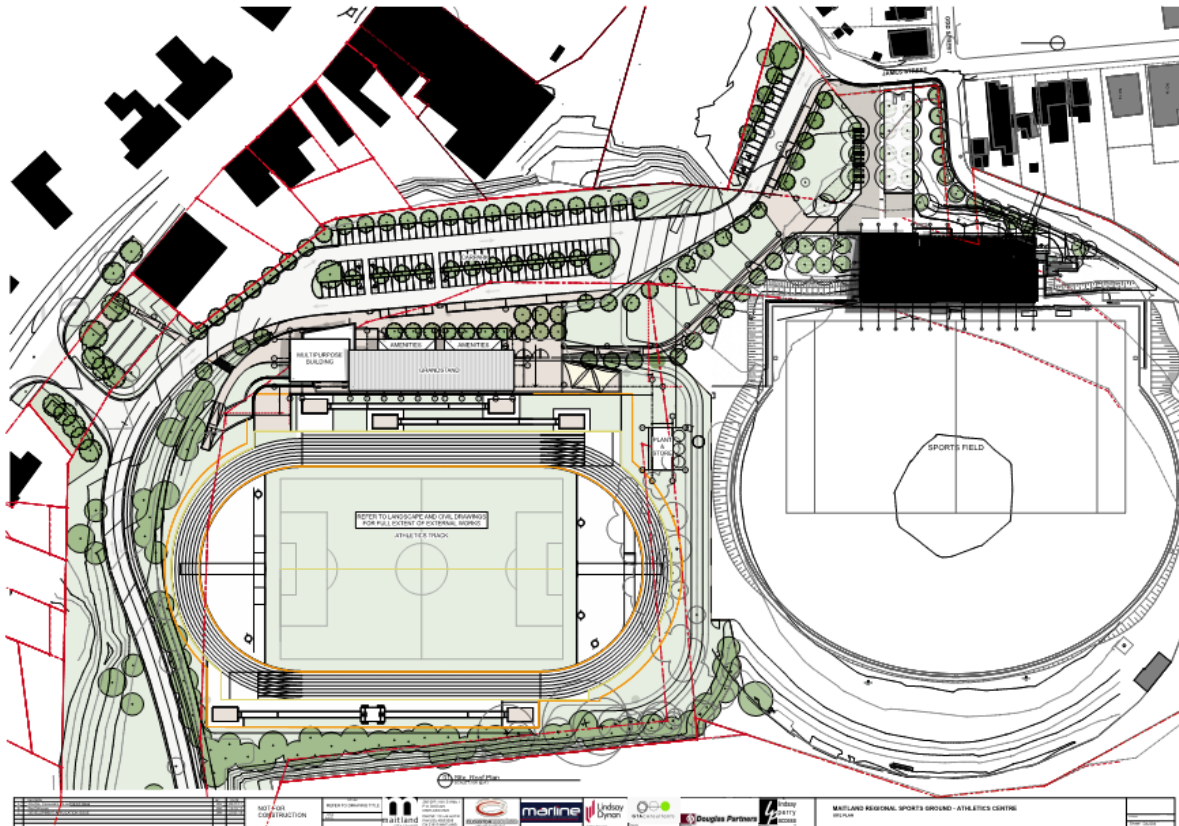
The proposed development will provide formal car parking for 128 spaces, including 8 disabled parking spaces directly adjacent the facility. The application also proposes the construction of a further 64 spaces to the north of the No 1 Sportsground which can be used for overflow parking



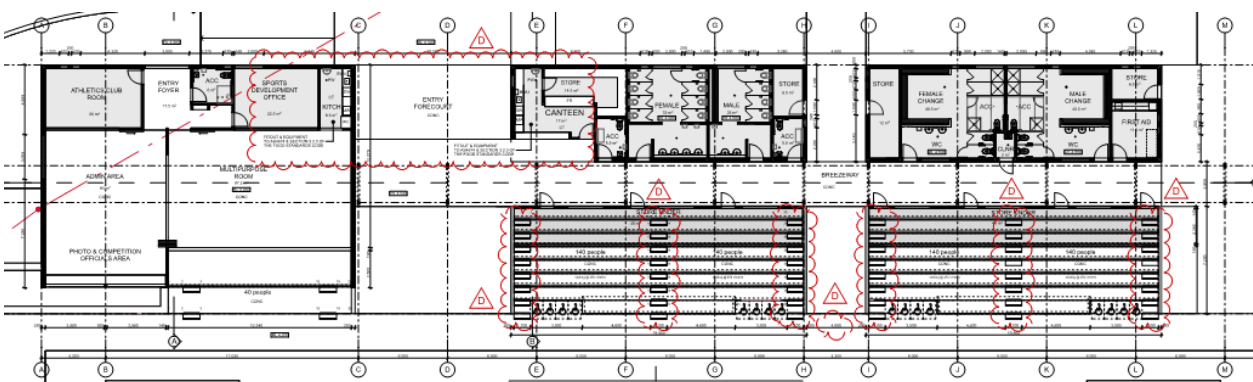
providing a total of 192 car parking spaces. Two (2) kiss and ride drop off spaces for cars have been located with direct access to the facility as well as coach drop off areas.

Two new vehicular access points are proposed for the site. One to be constructed off High Street adjacent the existing entrance and one off James Street. The access road will link these two entrance locations via the proposed car parking areas.

The development also includes the associated landscaping and servicing of the facility.



**Figure 2 - Site plan**



**Figure 3 - Floor Plan**



**Figure 4** - Proposed development with colours and finishes.

#### PLANNING ASSESSMENT (79C(1) matters for consideration)

#### ***Section 4.15(1)(a)(i) provisions of any environmental planning instrument***

##### **Local Environmental Plan**

The majority of the site is zoned RE1 Public Recreation under the Maitland Local Environmental Plan 2011 (MLEP). The two allotments fronting High Street are zoned B4 Mixed Use, and a long narrow allotment on the western edge of the subject land is zoned RU1 Primary Production.

The proposal is defined under the MLEP as:

*"recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks".*

Recreation facility (major) is permissible with consent in the RE1 zone. Whilst recreation facility (major) is a prohibited use within the B4 Mixed Use and RU1 Primary Production zone, the only works within these zones are the access and landscaping and are therefore considered to be ancillary.

The proposal is considered to be consistent with the objectives of the RE1 zones as follows:

- The land will continue to be used for public recreation purposes with the redevelopment and upgrade of the existing athletics field; and
- The proposal provides for a range of uses on the site which are compatible with the adjoining sportsground and in close proximity to the Maitland CBD.

Other clauses of relevance within the Maitland Local Environmental Plan 2011 include:

##### Clause 5.10 – Heritage Conservation

The subject site is not identified as an item of environmental heritage under the Maitland LEP 2011. A small portion of the site, being the entry locations from High and James Streets are located

within the Central Maitland Heritage Conservation Area. There are also a number of heritage items adjacent the subject site.

A statement of heritage impact prepared by Matt Devine & Co was lodged with the Development Application. This report identifies that there is potential for archaeology across the development area, therefore an unexpected finds procedure has been developed.

The works within the heritage conservation area involve the demolition of an existing landscape feature and construction of a new entrance off High Street. These works are considered relatively minor in nature and will involve appropriate landscaping. Due to the topography of the area, the proposed buildings will not be visually prominent and therefore will not have a detrimental impact on the heritage significance of the area.

It is therefore considered that the proposed development will have minimal impact upon the Central Maitland Heritage Conservation Area and adjacent heritage items. Further discussion on heritage impacts is provided later in this report.

#### Clause 7.1 – Acid Sulfate Soils

The subject site contains class 4 & 5 acid sulfate soils (ASS) pursuant to the Maitland LEP 2011. A Geotechnical Report prepared by Douglas Partners was lodged with the development application. Soil testing was undertaken and tested for ASS, with the results of the screening not revealing the presence of actual or potential ASS.

Furthermore it is not anticipated that significant volumes of natural soils will be excavated therefore an acid sulfate soil management plan is not required for the proposed development.

#### Clause 7.2 – Earthworks

The proposed development includes the importation of fill to raise the level of the athletics track as well as grading of the carpark. Prior to the construction of the athletic track the geotechnical report identifies that the southern end is at a high risk of differential settlement as there are weak soils and filling. In order to stabilise this southern end of the site it is recommended that pre-loading is the most suitable option which involves applying a load to the surface to compress the underlying clay and fill to reduce long term settlement. The application therefore includes the importation of around 9237m<sup>3</sup> of fill over are two zones. Zone A1 covering an area around 1260.5m<sup>2</sup> up to 3m high for 10 months and zone A2 covering an area around 1754.5m<sup>2</sup> up to 3m high for 3 months. Once the pre-loading is complete this fill will be utilised on the subject site to raise the level of the athletics track.

The work proposed will assist with mitigating some impacts of localised flooding currently experience due to the existing ground levels.

In accordance with this clause the following matters need to be considered:

*(3) Before granting development consent for earthworks, the consent authority must consider the following matters:*

*(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*

The proposed earthworks have been designed to ensure that the site adequately drains to Lynes Canel. The proposal is not expected to have a detrimental impact on the existing drainage patterns.



Adequate sediment and erosion control measures have been shown on the plans and will need to be put in place during the construction until the site is appropriately landscaped.

*(b) the effect of the proposed development on the likely future use or redevelopment of the land,*

The fill will enable the existing athletics track to be redeveloped to provide a higher level facility for the community. It is proposed to raise the athletics track and grade the proposed carpark to allow localised flood water to drain to Lynes Canal which will reduce the frequency of localised flooding and therefore reducing the potential for damage to the athletics track.

*(c) the quality of the fill or the soil to be excavated, or both,*

It is recommended that any consent issued be conditioned to require the fill to be quality material (ENM or VENM) which is considered suitable.

Any excavated material are likely to be reused on site and in the event that soils are removed from the site then these soils would need to be classified and removed in accordance with the EPA guidelines and this is recommended to be conditioned.

*(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*

The proposed pre-loading will be visible from the surrounding properties; however this is only temporary. The proposed development will have a positive impact on the amenity of adjoining properties through improved facilities.

*(e) the source of any fill material and the destination of any excavated material,*

The proposed fill will be appropriately sourced from developments occurring at the time of construction.

*(f) the likelihood of disturbing relics,*

The heritage impact assessment identified that there is the potential of uncovering relics during construction. An unexpected finds procedure has been prepared and will be adhered to during construction.

*(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

The flood study lodged with the application demonstrates that the earthworks will have minimal impact on drainage patterns in the area. The installation of additional stormwater inlet pits to collect and drain the site towards Lynes Canal and upgrade the outlet pipe from Lynes Canal to Wallis Creek is required. Appropriate sediment and erosion control measures are to be installed to ensure that water quality is not impacted on during the construction phase.

### Clause 7.3 – Flood Planning

The subject site is identified on the flood planning map pursuant to Maitland LEP 2011. A Flood Assessment prepared by WMA Water was lodged with the development application, which only relates to local storm events. It is noted that in the event of a 1% AEP Hunter River flood, the levees protecting central Maitland would be overtopped and the sportsground area would be inundated by several metres of water. The 1:100 year flood event level for the site is identified as 9.72m AHD.

The Flood Assessment identifies that Smythe Field is currently inundated by overland flow flood waters in events equal to or larger than the 50% AEP. To reduce the potential impacts of localised flooding a number of recommendations have been incorporated into the design. These include raising the level of the athletics track to the 1% AEP event for local storms, grading of the carpark

and installation of additional stormwater inlet pits to collect and drain the site towards Lynes Canal and upgrade the outlet pipe from Lynes Canal to Wallis Creek. Due to the large storage capacity within Lynes Creek these works are not expected to have a significant impact on flooding in the area.

The proposed multipurpose and amenities buildings have a finished floor level of RL 4.96m and RL 4.5m respectively and therefore will be inundated during a 1:100 year flood event. Whilst it is acknowledged that these facilities are not likely to be used during periods of heavy rain and flooding it is recommended that a condition requiring a flood evacuation plan will be placed on the consent. Lindsay Dynan Consulting Engineers confirmed that the buildings will be designed in accordance with the relevant Australian Standards to accommodate a 1:100 ARI flood level of RL9.72 AHD, along with the buoyancy and flow velocities associated with this event.

The proposed development is therefore considered to be satisfactory from a flooding perspective.

### **State Environmental Planning Policies**

The SEPPs relevant to this development application and respective comments are provided as follows:

#### State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

The development application has been considered in accordance with SEPP 55. A preliminary site investigation (contamination) report for the subject site was prepared by Douglas Partners. The report identified a number of sources of potential contamination for the site as follows:

- Uncontrolled fill during construction of the sportsground;
- Use of ash/slag materials for filling/drainage;
- Use of pesticides/herbicides during use of the site as a sportsground;
- Storage and/or spills of oil and fuel associated with maintenance of the sportsground.
- Former unlined landfill site at Harold Gregson Reserve which may have resulted in ground water contamination;
- Former Maitland Gasworks site located 500m west of the subject site. Potential for adverse impacts from migration from the former gasworks is considered to be low;
- Adjacent up-gradient premises such as the Petrol Station, Dry Cleaner and Car hire which may contain underground storage tanks. Possible leaks associated with the underground tanks or former waste management practices may result in migration of contamination towards the site.

Twenty one (21) test pits to a depth of 2m -3m, four (4) bore holes drilled to a depth of 3m - 6m and numerous soil samples and ground water samples were collected over the subject site and tested for potential contaminants. The results indicated that there were elevated levels of PAH, lead, TRH and ACM on the subject site.

The report identifies that due to the presence of fill materials with elevated contaminants remediation/management of the site will be required to render the site suitable for the intended recreation land use. Due to the widespread presence of filling and the general low propensity of soils to leach, site remediation via on-site management / capping could be considered. It is recommended that further infill testing be conducted to assess possible off-site sources of contamination and confirm site remediation options and requirements. Remediation of impacted soils should be conducted in accordance with a site specific Remedial Action Plan (RAP) which outlines the procedures and responsibilities for remediation and validation of the site.

It is also recommended that site works be undertaken with reference to a Construction and Environmental Management Plan (CEMP) which outlines procedures for soil handling, segregation and unexpected finds protocol.

Conditions are recommended to be applied to any development approval that a RAP and CEMP are prepared for the site prior to any earthworks commencing.

The report concludes that *"the site is considered to be suitable for the proposed recreational land-use, subject to further infill investigations and appropriate remediation / management of site conditions."*

The site is therefore considered suitable for the proposed development.

#### State Environmental Planning Policy (Infrastructure) 2007

##### *Electricity Transmission or Distribution*

In accordance with Clause 45 of the SEPP Infrastructure the application was referred to Ausgrid for comment as the development will require the relocation of power poles. Ausgrid provided a response under clause 45(2) of the SEPP which advised that Ausgrid consents to the development subject to conditions. It is recommended that these conditions be incorporated in the conditions of consent.

##### *Roads and Traffic*

The provisions of the SEPP "Traffic Generating Development" apply where there is the potential for the proposed development to generate a demand for 200 or more vehicles. The Traffic Impact Assessment calculates that the proposed development would generate approximately 175 vehicle movements in the peak hour for training night uses and 180 vehicle movements for school carnival movements. Therefore it was considered unnecessary to refer this application to the Roads and Maritime Services for comment. Further discussion on traffic and parking impacts is provided later in this report.

#### State Environmental Planning Policy (State and Regional Development) 2011

The proposed development is considered to be regionally significant development in accordance with the SEPP (State and Regional Development) being a Council related development with a capital investment in excess of \$5 million. The development application therefore needs to be determined by the Hunter and Central Coast Joint Regional Planning Panel.

#### ***Section 4.15(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition***

There are no draft environmental planning instruments relating to the proposal or subject site.

#### ***Section 4.15(1)(a)(iii) any development control plan***

The following chapters of the Maitland Development Control Plan apply to the proposed development and are discussed below:

##### A.1 – Community Participation

The application was advertised and neighbour notified for a period of fourteen (14) days in accordance with this section of the DCP. No submissions were received during the exhibition period.

## B.6 – Waste Not – Site Waste Minimisation & Management

This chapter of the DCP acknowledges that waste management and minimisation at both the construction stage and for ongoing operations can be a significant issue and Council seeks to encourage resource efficiency whilst assisting to plan for sustainable waste management through its processes.

A detailed waste management and minimisation plan was not submitted with the DA however the Statement of Environmental Effects submitted identifies that the civil contractor will provide their own specific construction management plans for will be developed which includes a waste management plan.

The application identifies that *"the majority of the building materials salvaged from the existing structures can be reused. These materials will be taken to an appropriate waste facility for reuse or recycling"*. This is considered to be appropriate option for the proposed development.

With regards to the earthworks component of the development, the amount of fill to be imported or excavated from the site is to be re-used in raising the ground level of the athletics track therefore it will not generate excessive waste.

## C.1 – Accessible Living

A disability access report prepared by Lindsay Perry Access was lodged with the application. The proposal was reviewed against the requirements of the Building Code of Australia 2016 and the Disability Discrimination Act 1992 with regard to access for persons with a disability. The proposed development has and/or can make the necessary allowances to facilitate persons with a disability accessing the building and its facilities.

## C.11 – Vehicular Access & Car parking

<b>Section</b>	<b>Comment</b>
<i>2. General Requirements Calculation of parking requirements</i>	<p>The DCP does not specify parking rates for an athletics facility therefore a Traffic Impact Assessment (TIA) was lodged with the application which reviewed comparable facilities. It is proposed to construct three (3) car park areas that include a total of 192 parking spaces, including eight (8) disabled spaces. It is noted that an existing twelve (12) spaces car park will also be removed to accommodate the development.</p> <p>The development includes provision for two (2) coach drop off bays and two (2) car drop off spaces. This is discussed further in the likely impacts section of this report.</p>
<i>3. Guidelines for the design, layout and construction of access and parking areas.</i>	<p>Access to the site is currently gained via a sealed entrance off High Street. It is proposed to construct a new vehicle access at the northern end off James Street and relocate and redesign the existing access off High Street at the southern end.</p> <p>Coaches and cars will be able to access the site via</p>



	both entrances, however coaches will only be able to exit the site via High Street. The layout provides sufficient space for the required manoeuvre and will be appropriately signposted. The location of the carpark and drop off points are considered satisfactory with appropriate landscaping and lighting proposed.
5. Car parking for person with a disability	The DCP requires one (1) designated parking space for people with disabilities per 100 (or part thereof) car spaces provided. The development will exceed the DCP requirement with eight (8) designated disabled parking spaces proposed. These are located adjacent the proposed path/disabled access leading to the entrance.
7. Major Traffic Generating Development	A Traffic Impact Assessment was lodged with the application.

***Section 4.15 (1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)***

Division 8 of Part 6 of the *Environmental Planning & Assessment Regulation 2000* applies to the proposal as follows:

Clause 92(1)(a) requires consideration of the Government Coastal Policy. The Government Coastal Policy does not apply to the subject land.

Clause 92(1)(b) of the *EP&A Regulation* requires Council to consider the provisions of *Australian Standard AS 2601 – 1991: The demolition of structures*. The demolition of the existing amenities buildings on the site will need to be carried out in accordance with relevant Australian Standards. A condition of consent is recommended which requires compliance with *AS 2601 – 2001: Demolition of structures*.

Part 9 of the *Environmental Planning & Assessment Regulation 2000* relating to fire safety and matters concerning the Building Code of Australia applies to the proposal. The development can comply with the fire safety and structural adequacy requirements of the regulation and is therefore considered appropriate. In accordance with the requirements of the regulation a condition of consent is recommended requiring the submission of an annual fire safety statement from the applicant.

***Section 4.15 (1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality***

The key issues associated with the development proposal are the potential impacts on context and setting, visual impact, heritage, access, transport and traffic, noise, lighting, social and economic issues which have been addressed below. Generally it is considered that the proposed development would not result in any significant adverse impacts within the locality.

Context and setting

The proposal is located to the north east of High Street and is commonly known as the Paul Critchley Athletic Centre at Smythe Field and the No 2 sportsground. The site is adjacent the

recently upgraded Maitland No 1 Sportsground and the access to Harold Gregson Reserve which is a recreational area with a skate park, picnic facilities and the Maitland off-road radio control track. The proposal will upgrade an existing athletics facility and is therefore considered to be consistent with the zone objectives and is appropriate for its context and setting.

#### Visual impact

The proposal will have a positive visual impact within the locality through the construction of a new athletics facility on the current out-dated athletics field. The proposed grandstand and multipurpose building have been designed utilising the topographical features of the site and will not be visually prominent from High Street. The vehicular entrances of High and James Streets and the proposed car parking areas are to be appropriately landscaped to provide a positive contribution to the locality.

Prior to construction of the athletics field pre-loading of up to 9300m<sup>3</sup> of soil is required at the southern end for up to 10 months. There are two zones, with zone A1 covering an area around 1260.5m<sup>2</sup> up to 3m high for 10 months and zone A2 covering an area around 1754.5m<sup>2</sup> up to 3m high for 3 months. The top of the proposed pre-loading mound will be below the level of High Street. Whilst it will be visible, it is not expected to be visually prominent and is considered suitable due to the temporary nature of these earth works.

#### Heritage

The subject land was created during one of the major Hunter River floods when the river changed course in the late 19<sup>th</sup> century. The Statement of Heritage Impact identifies that there is some discrepancy with regards to the exact location of the former riverbank; however there was no evidence of wharves found in the immediate area. The historic maps indicate that buildings were not located within the development site; however there is a small possibility that the High Street intersection is located in the proximity of the first dwelling in the area. Given the age of area, the various developments and floods that have occurred since the 1830's it is possible that there are some archaeological features near the High Street intersection. There is however limited potential for archaeological finds over the remainder of the site. An unexpected archaeological finds protocol has been developed.

The proposed buildings have been designed in response to the topography of the area, with the majority of the works to occur lower than High Street. From the west the amenities building and grandstand will be covered by a single colourbond roof, however the bulk and scale of the buildings are reduced by the openings between the amenities buildings and the forecourt. The proposed colourbond roof in shale grey and face brickwork being PGH Hawkesbury Bronze and Boral Black Beauty are consistent with the adjoining No 1 Sportsground buildings. The use of low scale simple architectural design incorporating historical interpretation in the brickwork is considered appropriate for the development. The proposed render on the multipurpose building is considered suitable however the use of surfmist is not supported given the proximity to the heritage conservation area and being the most visible portion of the development from High Street. It is recommended that a condition be placed on the consent requiring further details on materials and colours to be submitted for approval with the Construction Certificate. The proposed buildings will not be visually prominent and therefore will not have a detrimental impact on the heritage significance of the area or adjoining heritage items.

#### Access, transport and traffic

Vehicle entry and egress to the site is currently gained via High Street located to the south of the site. The existing internal access track provides vehicular access to Harold Gregson Reserve as well as the existing car park adjacent No 1 sportsground.

Existing demand for the site includes weekly football and athletics club use with approximately 250 participants, 250 spectators and 80-100 officials. In addition there are around 25 school athletics carnivals held throughout the year with up to 800 participants and 150 official and spectators. There is currently no formal dedicated car park provided for the existing athletics field and No.2 Sportsground.

The proposal will include the construction of a vehicle access off James Street to the north and relocation of the existing entrance off High Street further south. Cars will be able to enter and exit the facility via either location. It is noted however that two coaches would be unable to pass each other along James Street as well as turn left from James Street; therefore coaches will only be allowed to egress via High Street. The development has been designed to allow coaches to perform a u-turn in the main car park, access the coach drop off bays and egress the site in a satisfactory manner.

The High Street entrance has been relocated to permit a 70m long right turn lane for the southern approach along High Street which will enable larger traffic volumes to enter the site. The main car park will act as a circular one way system to reduce the potential conflict points for vehicles. The kiss & ride and coach drop off spaces are located directly in front of the grandstand with a short walk to the athletics centre entrance.

The Transport Impact Assessment (TIA) prepared in support of the proposal undertook a comparison of similar regional athletics facilities which showed a parking provision between 175-200 car parking spaces. The proposed development will provide formal car parking for 128 spaces, which is around 25% less than similar facilities. The development however includes the provision of a further 64 spaces to the north of the No 1 Sportsground which can be used for overflow parking, as well as informal overflow parking available on Harold Gregson Reserve. In the event of a car park shortage the TIA identifies around 330 additional parking spaces located within a 300m radius of the Athletics Centre. For events up to 1000 people sufficient car parking facilities are located within close proximity.

Larger events will require significantly higher parking supply and will be managed through a separate event management plan. It is noted that Council commissioned a parking survey during the Knights vs Eels Rugby League game held at the No. 1 Sportsground on the 24 February 2018 in which 6500 people attended. This parking survey identified that a number of surrounding streets, predominately to the north of Carrington Street had numerous vacant spaces suggesting that only residents' cars were parked in these streets during the event. This indicates that larger events can be accommodated without major impacts on traffic and parking in the locality. It is recommended that a condition be imposed on any development consent that for large events of over 1000 people in attendance that a traffic management plan be submitted to Council for approval at least 2 months prior to any such event.

The existing vehicular access to Harold Gregson Reserve will be impacted by the pre-loading and construction phase of the development. The applicant will need to construct a temporary access track to maintain vehicular access the eastern portion of the reserve at all times.

## Noise

Global Acoustics prepared a Noise Impact Assessment to determine the potential noise impacts on nearby residential receivers for the adjoining development of the No.1 Sportsground. The potential noise impacts were considered acceptable for this sportsground and grandstand development.

Global Acoustics has provided a letter stating that " *Stage 2 is a proposal for a lesser scale of activity, and it is further from the nearest receptors and more shielded than stage 1 (the same receptors are relevant for both). It is logical to conclude that stage 2 would also be acceptable.*

Construction works are likely to create some noise impacts on nearby properties, however these are short term in nature. Construction will be limited to the designated construction hours of 7.00am to 6.00pm Monday to Friday and 7.00am to 5.00pm on Saturdays which is considered acceptable.

#### Lighting

Currently there are seven (7) light towers positioned on the site for the athletics field and No. 2 sportsground which are to be removed. These will be replaced by four (4) x 32m high poles with LED floodlights. The lighting has been designed and calculated with reference to the Australian Standard AS4282-1997: Control of the Obtrusive Effects of Outdoor Lighting. It is recommended that a condition be imposed requiring compliance with AS 4282.

#### Social and economic impacts

The proposal development will have a positive social and economic benefit for the community by improving the existing athletics facilities. The development forms part of a wider sporting and recreation area in close proximity to the Maitland CBD for the broader community. The development will create employment opportunities during the construction phase. There are potential economic benefits during the operation phase through the opportunity for larger events to be held at the venue attracting people from outside the area.

#### ***Section 4.15(1)(c) the suitability of the site for the development***

The subject site is considered suitable for the proposed development as the proposal involves redevelopment and upgrade of an existing athletics track. The development will enable the continued use of the site for recreational purposes by the public within a well-established recreational precinct of the City.

#### ***Section 4.15 (1)(d) any submissions made in accordance with this Act or the regulations***

The development application & accompanying information were placed on public exhibition for a period of 14 days from the 19<sup>th</sup> February to 5<sup>th</sup> March 2018. As a result of the notification process no formal submissions were received.

It is noted that correspondence from Hunter Water as an adjoining owner was received after the exhibition period closed. This correspondence advised that "*Hunter Water as adjoining landowner has no issues with this development. Hunter Water will review the proposed development under the standard development process.*"

#### ***Section 4.15 (1)(e) the public interest***

The proposal is considered to be consistent with the public interest as it provides for improved recreational facilities within an established open space and recreational precinct of the City that is also in close proximity to Maitland CBD. The proposal is considered to be of clear benefit to the community.



## ASSESSMENT CONCLUSION

The assessment of this application has been carried out under Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. The development satisfies the relevant provisions of the *Maitland Local Environmental Plan 2011* and Maitland Citywide Development Control Plan 2011. The proposed development will not result in significant impacts within the locality; accordingly it is recommended that approval be granted subject to the attached conditions.

**Signed (Assessing Officer)**

 Date: 18/7/2018  
Kristy Cousins  
Town Planner  
Planning Environment & Lifestyle

**Authorised for submission to JRPP**

 Date: 18/7/18  
Leanne Harris  
Coordinator Development Assessment  
Planning Environment & Lifestyle

**Authorised for submission to JRPP**

 Date: 18.7.18  
Bernie Mortomore  
Group Manager  
Planning Environment & Lifestyle