

## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

**9.9 Review of Environmental Factors - Regional Sports Complex - Environa (Ref: ; Author: Thompson/Geyer)**

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**File Reference:** PJ 100184

**Summary**

The Regional Sports Complex has been in the planning phase for many years and more recently was held up due to archaeological survey works required by Heritage NSW. These delays had placed the development application on "Stop Clock" and exposed the funding from Sports NSW to potential risk.

Given that there is still likely to be several months before the DA is finalised, it is proposed to undertake some initial works under the provisions of *State Environmental Planning Policy (Infrastructure) 2007* which allows certain works to be carried out by Council. This will allow the project to get back on track while the DA process runs its course. Development without consent is regulated under Part 5 of the *Environmental Planning and Assessment Act 1979 (EP&A)* and requires that Council prepare and consider a Review of Environmental Factors (REF) before work commences.

A REF has been prepared for the proposed site works and is submitted to Council for determination.

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**Recommendation**

**That pursuant to Division 12 of *SEPP (Infrastructure) 2007* and Section 5.5 of the *Environmental Planning and Assessment Act 1979*, Council adopt the Review of Environmental Factors for the Regional Sports Complex for the completion of bulk earthworks, stormwater infrastructure and below ground services and endorse all of the mitigation measures recommended therein.**

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**Background**

The Regional Sports Complex (RSC) has been a major Council project in the planning since a Council resolution in 2012. The RSC is to be constructed on 23ha of land, dedicated to Council by the developer of the South Jerrabomberra urban release area, and is located between Environa Drive and Jerrabomberra Creek in Environa.

Stage One of the RSC consists of a series of sports fields and facilities aimed at pre-elite athletes, adding a level of facilities currently unavailable for certain sports within QPRC. The site will be the home ground for Queanbeyan-based field hockey (which currently needs to utilise ACT facilities in Lyneham), as well as Premier League football facilities for the region. Council currently has funding in place for this Stage.

Stage Two includes a four-court indoor multipurpose sports stadium suitable for basketball, netball, and various other sports. A grant application, under the Building Better Regions Fund, is still pending for Stage Two. Once known, the business plan can be finalised and presented to Council. Concept plans for the purpose of DA, have been prepared for Stages One and Two.

Stage Three, which is at Master Plan phase only, is expected to include an indoor 50m competition standard pool, hydrotherapy pool and associated administrative facilities.

Significant planning, design work and public consultation has been completed for the initial stages of the project and a development application was lodged for stages one and two in August 2020. Design details have been developed following a number of stakeholder workshops and community engagement over a number of years.

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At the outset of the project it was envisaged pre-construction works onsite, including bulk earth works, storm water channels, stormwater pipe network and water/sewer mains would be carried out under the SEPP (Infrastructure) 2007. These works are characterised as development without consent under Division 12, Parks and other Public Reserves Clause 65(3) of *State Environmental Planning Policy (Infrastructure) 2007*, which includes:

- a) development for any of the following purposes—
  - (i) roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,
  - (ii) recreation areas and recreation facilities (outdoor), but not including grandstands,
  - (iii) visitor information centres, information boards and other information facilities,
  - (iv) lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,
  - (v) landscaping, including landscape structures or features (such as art work) and irrigation systems,
  - (vi) amenities for people using the reserve, including toilets and change rooms,
  - (vii) food preparation and related facilities for people using the reserve,
  - (viii) maintenance depots,
- b) environmental management works,
- c) demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).

Under Part 5 of the EP&A Act development without consent requires the determining authority to '*examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity*'. As such a Review of Environmental Factors (REF) has been prepared to address those matters likely to affect the environment and is provided at Attachment 1.

The REF has been prepared for all works which can be carried out under the SEPP including:

- Bulk earthworks across the site
- Construction of:
  - four football (soccer) fields;
  - two hockey pitches;
  - multiple playing fields;
  - car parking;
  - a main access road & internal roads and paths;
  - stormwater infrastructure;
  - a storage/maintenance shed,
- Installation of:
  - public lighting, including sports field flood lighting
  - utilities;
  - fencing;
  - irrigation;
  - signage,
- Initial landscaping,
- Creek remediation.

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While a large part of the project can technically be completed under the SEPP, the adaptive reuse of the heritage listed stone amenities building and the large indoor sports building require formal consent under Part 4 of the Act and require the submission of a DA.

Therefore, it was deemed in the community's interest to only do those initial works and below ground services under the SEPP and all above ground visible works under an approved DA. Unfortunately, the archaeological requirements from Heritage NSW that placed the DA on 'stop the clock', also prevented the work commencing under the SEPP.

The delay has been due to the major stormwater channels passing through a potential archaeological deposit (PDA) and needing a formal permit to assess. Ironically, these channels do not service the RSC, rather they drain land to the south but pass through the RSC site and as such their impact had to be assessed. In early August 2021, Council received a clearance certificate from the archaeologists and Heritage NSW has removed the stop clock.

To get the project back on track, it is proposed to carry out bulk earth works, services and major stormwater works under the SEPP as these site works can be commenced fairly quickly - a contract for that purpose has been let. However, the REF must be approved by Council. This will allow site works to get underway while the DA is being finalised for the visible works.

The works covered by the REF have previously been placed on public exhibition and have been widely exhibited and feedback sought and incorporated into the works. As such the REF does not require further exhibition.

**Implications*****Legal***

These works are characterised as development without consent under Division 12, Parks and other Public Reserves Clause 65(3) of *State Environmental Planning Policy (Infrastructure) 2007*. Under the SEPP, the work can be completed by, or on behalf of Council without consent.

Section 5.5 of the EP&A Act requires the determining authority to '*examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity*'. The REF has been prepared to address those matters likely to affect the environment and is provided at Attachment 1.

There are permits under the *Fisheries Act* which will be required by the contractors before work impacting Jerrabomberra Creek can commence.

***Environmental***

The RSC has been designed to ensure the highest level of environmental protection and adds extensive tree planting and landscaping, to what is currently a degraded former speedway site. Contractors are required to provide a Construction Environmental Management Plan.

***Social / Cultural***

The RSC is an important community infrastructure project and many sporting groups are constantly seeking updates on the construction progress. The complex, when complete will provide a new level of sports and associated health and well-being opportunities for the region. Design of amenities has been completed to ensure all access and inclusion, opening the door for a broad range of sports, including both indoor and outdoor wheelchair sports.

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### ***Economic***

The economic return from sports events and sports tourism is just one aspect the RSC will bring to the region. The return in community health and wellbeing is significant yet difficult to quantify in monetary terms.

### ***Engagement***

The RSC has been a major Council project within delivery and operational plans since 2012. During this time, the project has been workshopped with sports groups and exhibited widely with broad community support. The project is also a standard item on the QPRC Sports Council agenda from quarterly meetings.

Community interest, understandably, is primarily focussed on sports fields, sports courts, amenities, and potential for hosting events. The works proposed under the REF generally have little to no visual impact on the community as they are below ground and ancillary to the sports complex, although necessary for the project to proceed. As such the REF does not require further exhibition.

### ***Financial***

The RSC is funded through a combination of grant and loan funds, with Stage One estimated at around \$30m.

Program Code	Expense Type	Funding source	Amount
	Sports Infrastructure Fund	Grant	\$10,000,000
	QPRC	Loans	\$15,000,000
	Other government grants	Grant	\$5,000,000


### ***Resources (including staff)***

The RSC Project is currently being managed though Council's Urban Landscapes Branch with the support of NSW Public Works Advisory.

### **Conclusion**

The commencement of work on the RSC is critically important to meet funding agreement milestones. The twelve-month delay has exposed the project to a higher level of risk than is desirable and carrying out early works under the *SEPP (Infrastructure) 2007* will assist to mitigate this risk. Only carrying out the bulk earth works, storm water works and below ground services, will still allow the higher profile visible works to undergo public review, as part of the DA process.

### **Attachments**

Attachment 1  Review of Environmental Factors - Regional Sports Complex, Environa (Under Separate Cover)