

### COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PAN-258788
<b>DA Number</b>	RA22/1004
<b>LGA</b>	Shoalhaven City Council
<b>Proposed Development</b>	Internal and external alterations and additions to refurbish the existing Bomaderry Basketball Stadium
<b>Street Address</b>	84 Cambewarra Road, Bomaderry - Lot 100 DP 1237704
<b>Applicant/Owner</b>	Applicant: Shoalhaven City Council – c/o Leo Town Planning Owner: Shoalhaven City Council
<b>Date of DA lodgement</b>	26 September 2022
<b>Total number of Submissions Number of Unique Objections</b>	0 submission received.
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)</b>	<p><b>3 Council related development over \$5 million</b></p> <p>Development that has a capital investment value of more than \$5 million if—</p> <ol style="list-style-type: none"> <li>a) <u>a council for the area in which the development is to be carried out is the applicant for development consent, or</u></li> <li>b) <u>the council is the owner of any land on which the development is to be carried out, or</u></li> <li>c) the development is to be carried out by the council, or</li> <li>d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).</li> </ol>
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport &amp; Infrastructure) 2021</li> <li>• Shoalhaven Local Environmental Plan 2014</li> <li>• Shoalhaven Development Control Plan 2014</li> <li>• Environmental Planning &amp; Assessment Act 1979</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Access Assessment Report</li> <li>• Architectural Plans</li> <li>• Asbestos Report</li> <li>• BCA Assessment Report</li> <li>• Certificate of Design Intent – Electric Services</li> <li>• Certificate of Design Intent – Heating Ventilation and Air-Conditioning Services</li> <li>• Civil Design Certificate</li> <li>• Civil Engineering Drawings</li> <li>• Landscape Plans</li> <li>• Statement of Environmental Effects</li> <li>• Structural Engineer Certificate - Existing Floor framing Court 6 at Shoalhaven Indoor Sports Centre</li> <li>• Structural Engineer Certificate - Existing structures court 5&amp;6 at Shoalhaven Indoor Sports Centre</li> <li>• Survey Plan</li> <li>• Waste Management Plan</li> </ul>

<b>Clause 4.6 requests</b>	N/A
<b>Summary of key submissions</b>	
<b>Report prepared by</b>	<b>Jack Rixon - Mecone</b>
<b>Report date</b>	19 January 2023
<b>Summary of s4.15 matters</b> Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
<b>Legislative clauses requiring consent authority satisfaction</b> 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
<b>Clause 4.6 Exceptions to development standards</b> 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
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not applicable
<b>Conditions</b> Have draft conditions been provided to the applicant for comment? <i>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</i>	Yes

## Executive Summary

The subject site is located at 84 Cambewarra Road, Bomaderry. It forms part of the existing Bomaderry Basketball Stadium, located at the north-eastern corner of the Artie Smith Oval. The entire site has an approx. 400m frontage to Cambewarra Road and is fronting Bomaderry High School and Bomaderry Aquatic Centre to the north. The land is legally identified as Lot 100 in DP1237704.

The Artie Smith Oval site includes an AFL/Cricket Oval with associated amenities building, Croquet club house and courts, the Shoalhaven Indoor Sports Centre (SISC), site landscaping and car parking. The Artie Smith Oval is part of the master planned Shoalhaven Community and Recreational Precinct. The Artie Smith Oval site has a total area of approximately 7.86 ha and is zoned RE1 Public Recreation, pursuant to the provisions of *Shoalhaven Local Environmental Plan 2014*.

The site is surrounded by residential development, public recreational including the Bomaderry Aquatic Centre and Bomaderry high school. Bomaderry Train Station and town centre is located approximately 1.6 km southeast by road and Nowra CBD is located approximately 4 km south of the site.

The subject DA was lodged on the 26 September 2022. The application is described as internal and external alterations and additions to refurbish the existing Bomaderry Basketball Stadium. The works include refurbishment works, alterations and additions to the existing Basketball Stadium (further detail below).

As the capital investment value of the development is more than \$5 million and Shoalhaven City Council is the applicant and owner of the subject land, the application constitutes a regional development application, and the Southern Regional Planning Panel is the determining authority for the application in accordance with section 3 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*.

The development application has been assessed against the following relevant environmental planning instruments:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Shoalhaven Local Environmental Plan 2014*

The application has also been assessed against the Shoalhaven Development Control Plan 2014 (SDCP 2014). Further details can be found at Section 2, Page 19 of this assessment report.

Council is satisfied that the proposed works comply with the relevant provisions of SDCP 2014 and no further assessment is required.

The DA was notified in accordance with the *Environmental Planning & Assessment Regulation 2021* (the EP&A Reg) and Council's Community Consultation Policy for Development Applications on 19 October 2022 – 18 November 2022. No submissions were received during the notification period.

The site is considered suitable for the proposed development as it will provide for a continued use of the site as an indoor basketball stadium.

Approval of the proposal is recommended, subject to conditions of consent.

This report recommends that the application is approved for the reasons outlined in this report.

## Application Details

**Applicant:** Shoalhaven City Council

**Owner:** Shoalhaven City Council

**Capital Investment Value:** \$5,659,310

**Disclosures:** No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made by any persons.

## Detailed Proposal

### Development Application

The application as lodged seeks consent for refurbishment works, alterations and additions comprising the following works:

- Demolition works as indicated in red on drawings prepared by CM+ including:
  - All existing building elements apart from primary steel structure and game court flooring to be demolished and disposed of safely,
  - all internal and external building cladding to be demolished (may contain asbestos),
  - demolition of non-DDA compliant access ramp and slab,
  - demolition of spectator seating,
  - all existing doors and glazing to be demolished,
  - demolition of northern roof over amenities, porch including demolition of walling, fixtures and supporting structure (may contain asbestos),
  - all existing entry porch, slab and steps to be demolished,
  - all existing roofing to be removed and disposed of safely (may contain asbestos),

- all existing building lining to be removed and disposed of safely (may contain asbestos).
- Retention of primary steel structure and associated bracing to be made good.
- Existing game court floor to be preserved and reinstated after redevelopment (to be removed, stored and reinstated, if remedial works to footing required).
- Construction of new building elements to existing structure to a proposed building height of RL 55.72 m AHD (new roofing, internal walls, new external façades, access ramps / steps, doors and windows, new internal fitouts).
- New covered walkway between Site and adjacent SISC building.
- Reinstatement of flooring to Court 5 at RL 47.27 m AHD.
- Reinstatement of flooring to Court 6 at RL 46.50 m AHD.
- New internal layout to provide sanitary facilities, meeting rooms, café, official rooms and store rooms.
- Associated site works: electrical/civil/fire/mechanical/structural engineering, pathways, and lighting.
- Tree removal and additional curtilage landscaping.

### Aerial Image



Figure 1. Aerial Image



## Demolition Plans

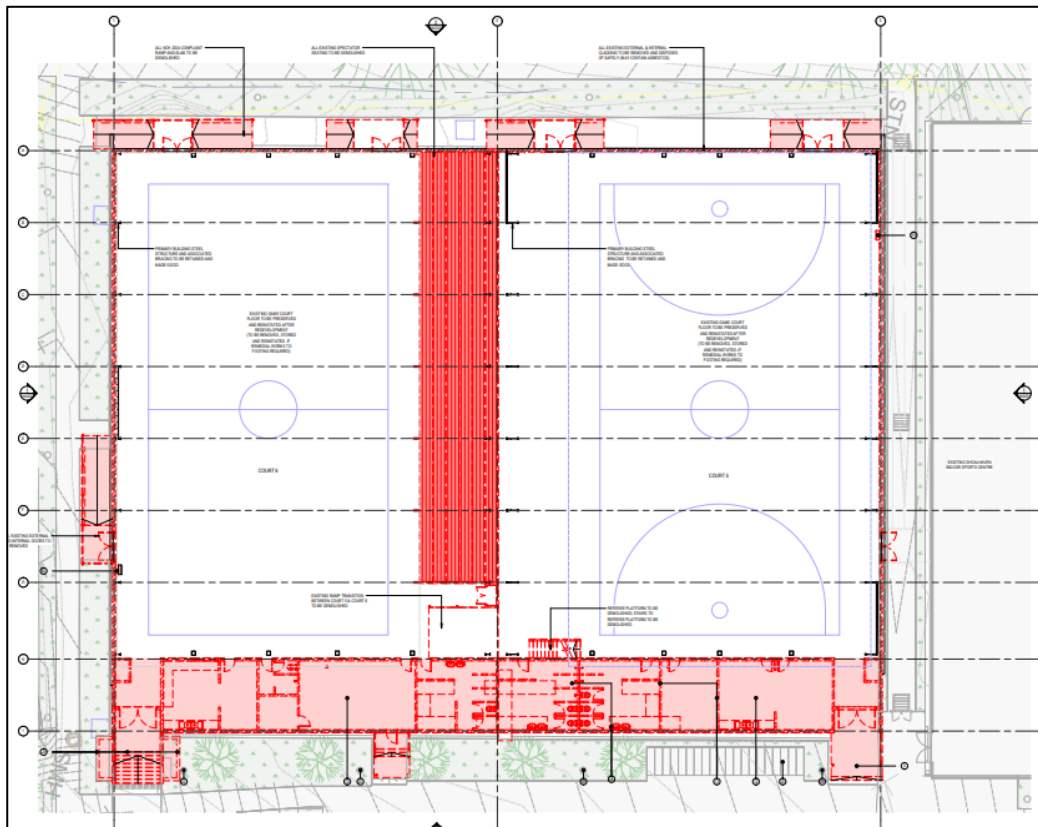


Figure 2. Demolition Plan – Ground Floor

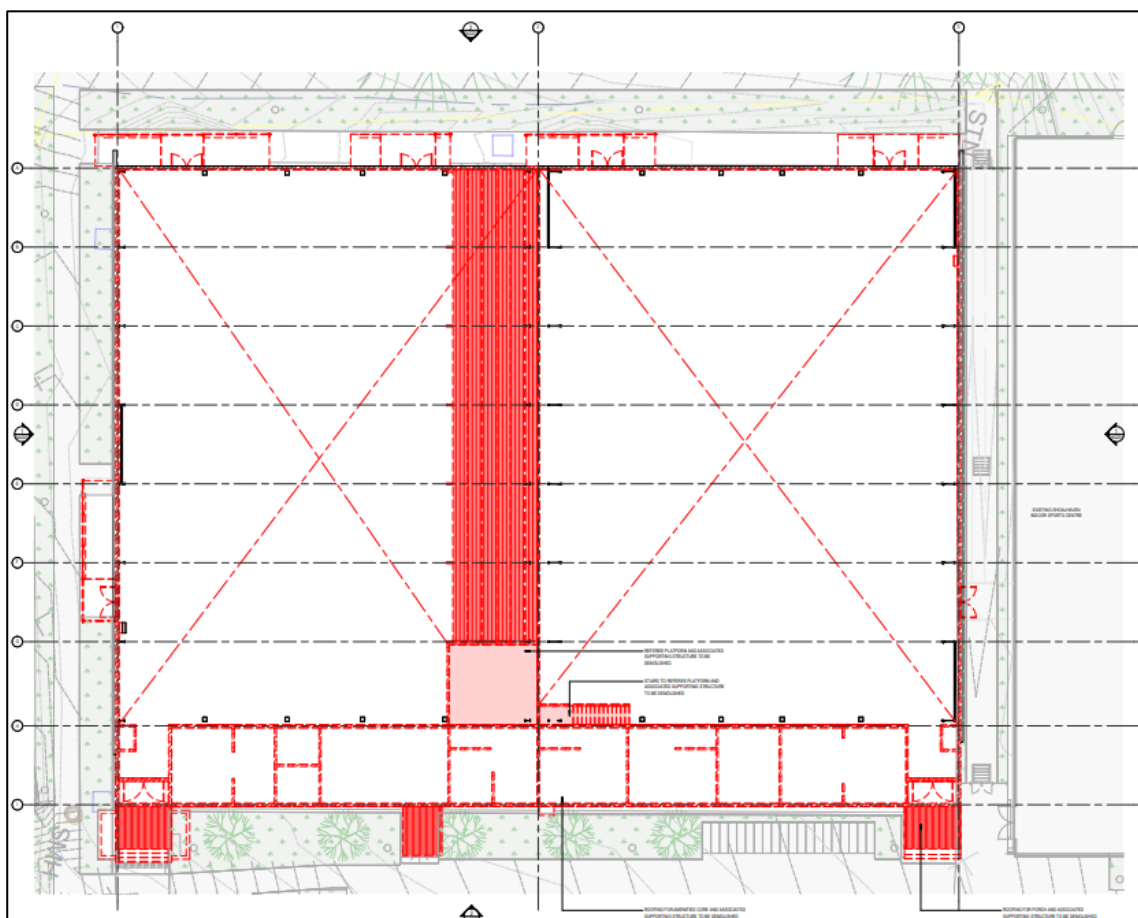


Figure 3. Demolition Plan – Referee Platform

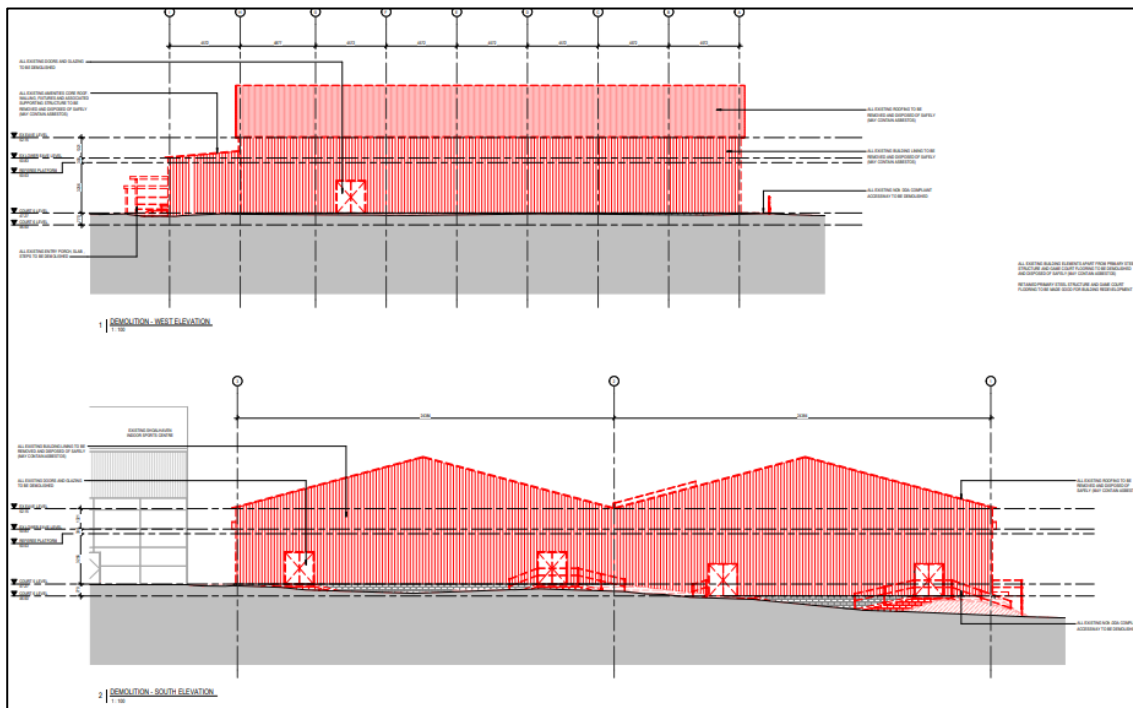


Figure 4. Demolition Plan – West and South Elevations

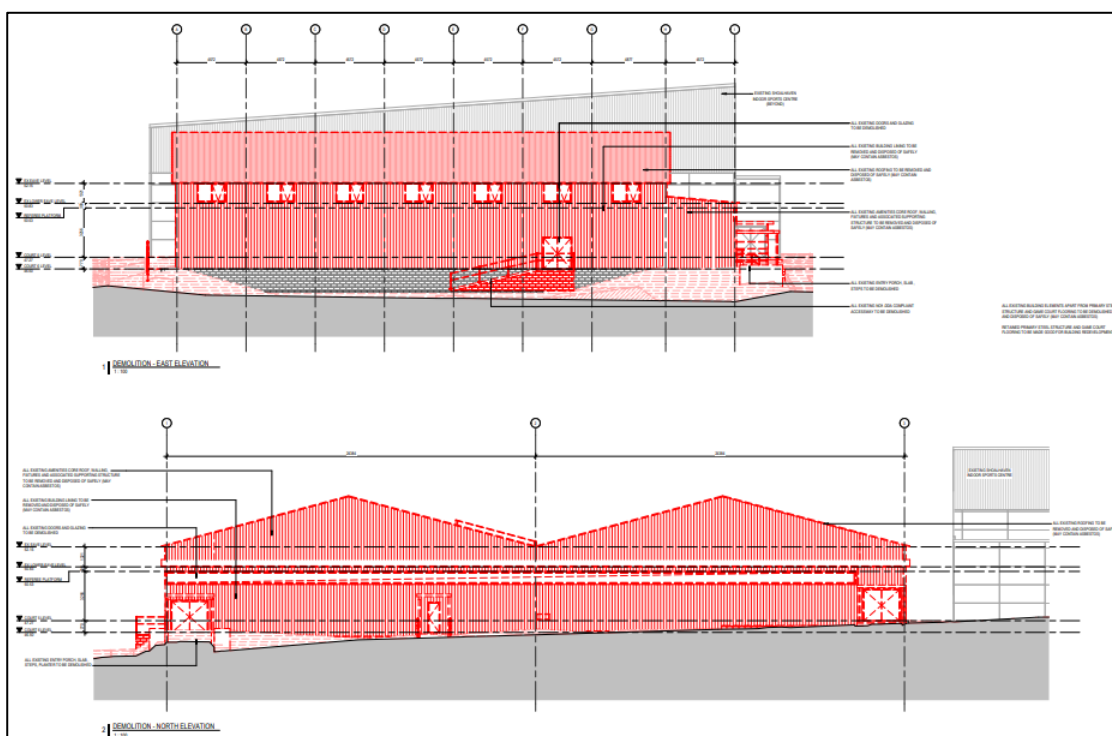


Figure 5. Demolition Plan – East and North Elevations

## Proposed Plan

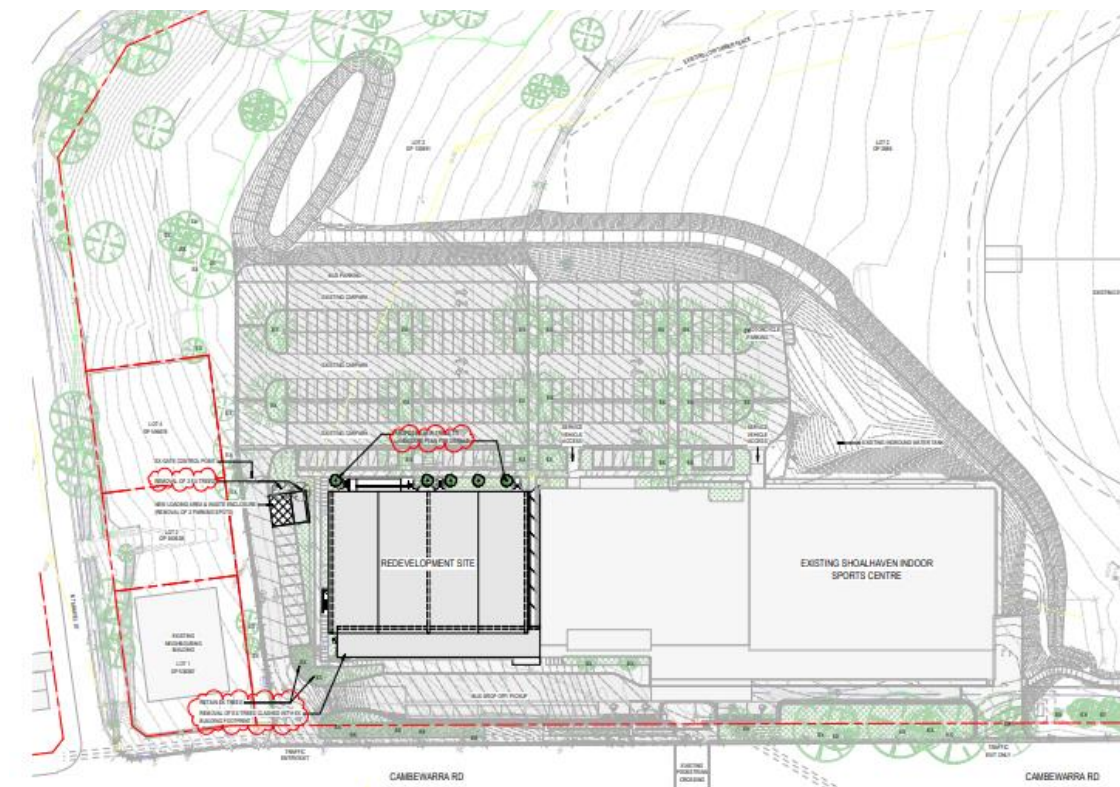


Figure 6. Site Plan

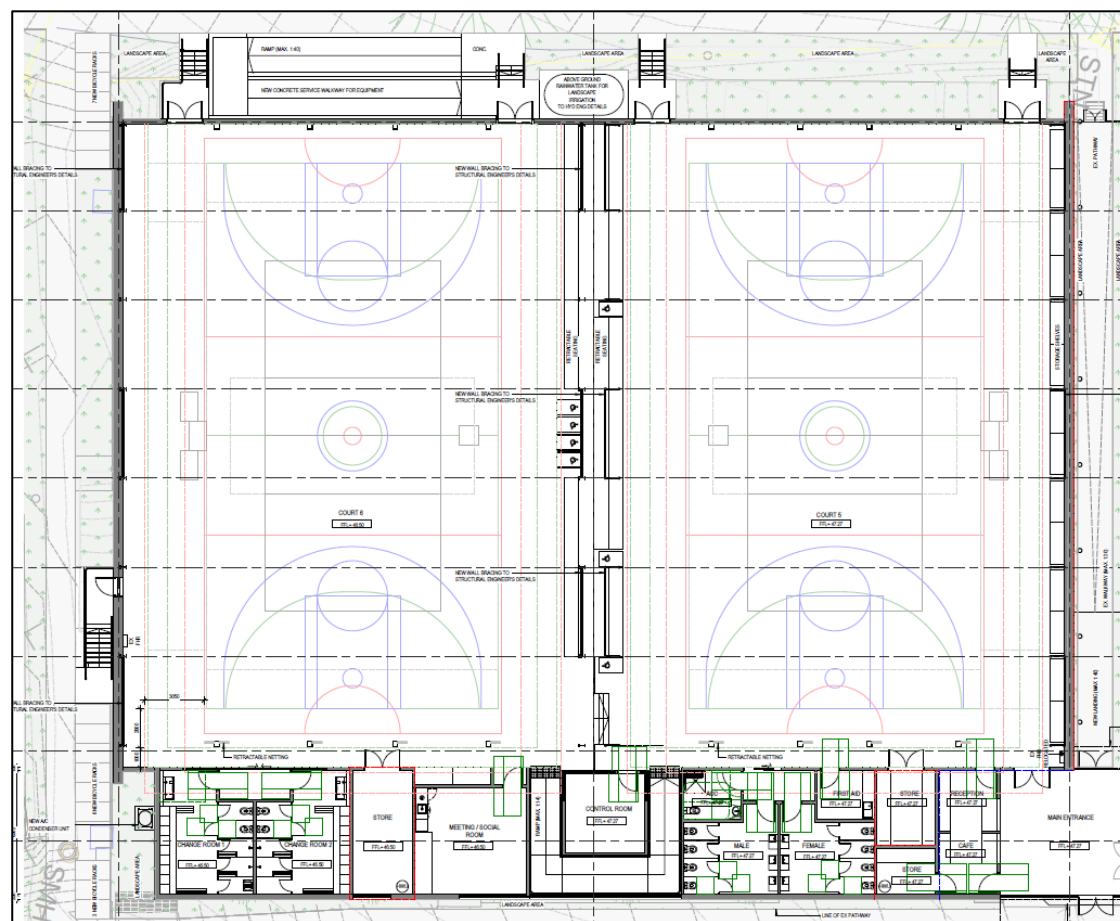


Figure 7. Plan – Overall Ground Level

## Proposed Section

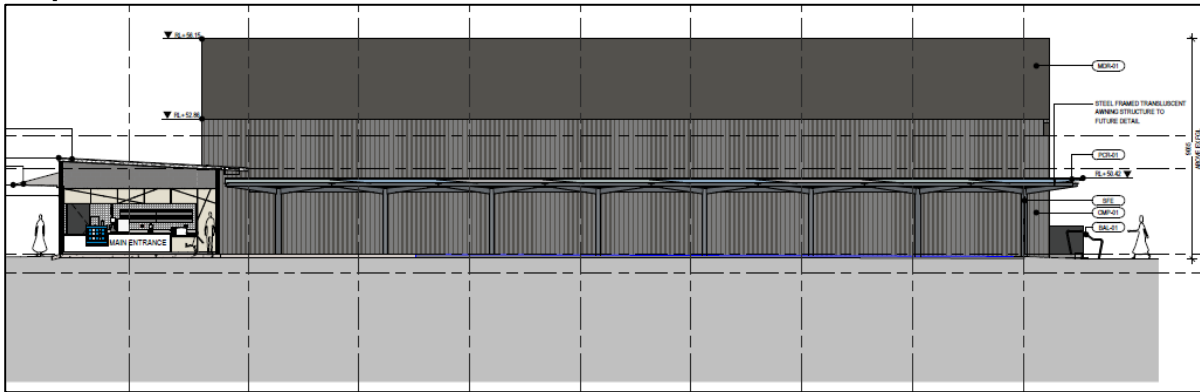


Figure 8. Proposed West Elevation

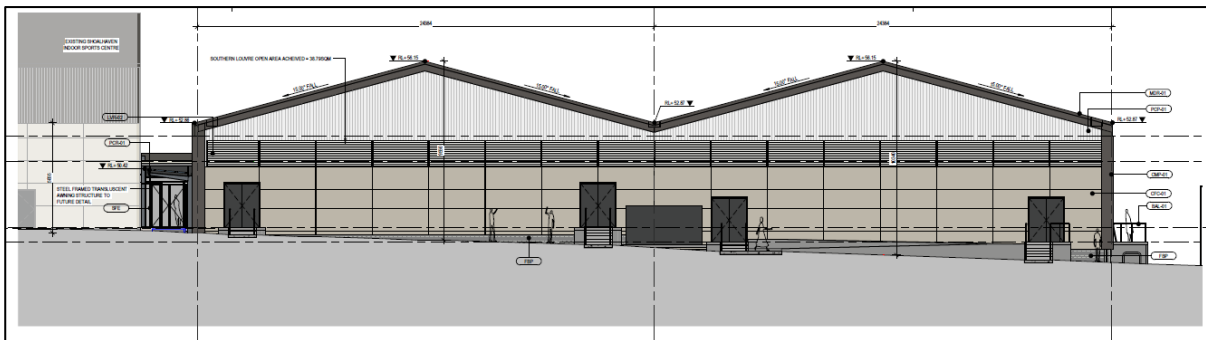


Figure 9. Proposed South Elevation

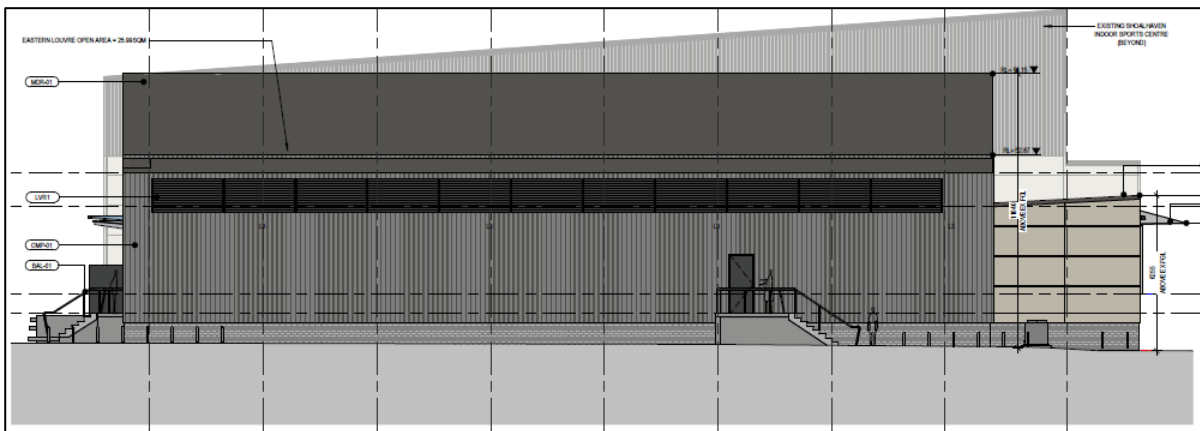


Figure 10. Proposed East Elevation

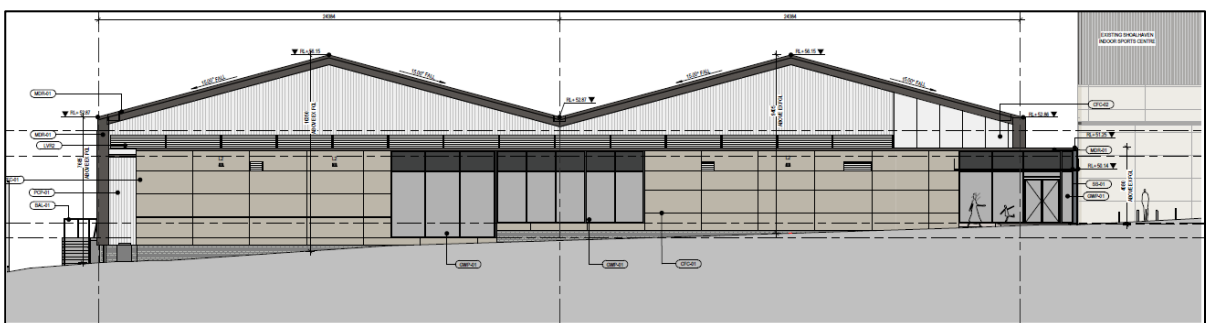


Figure 11. Proposed North Elevation



## Subject Site and Surrounds

### Site Description

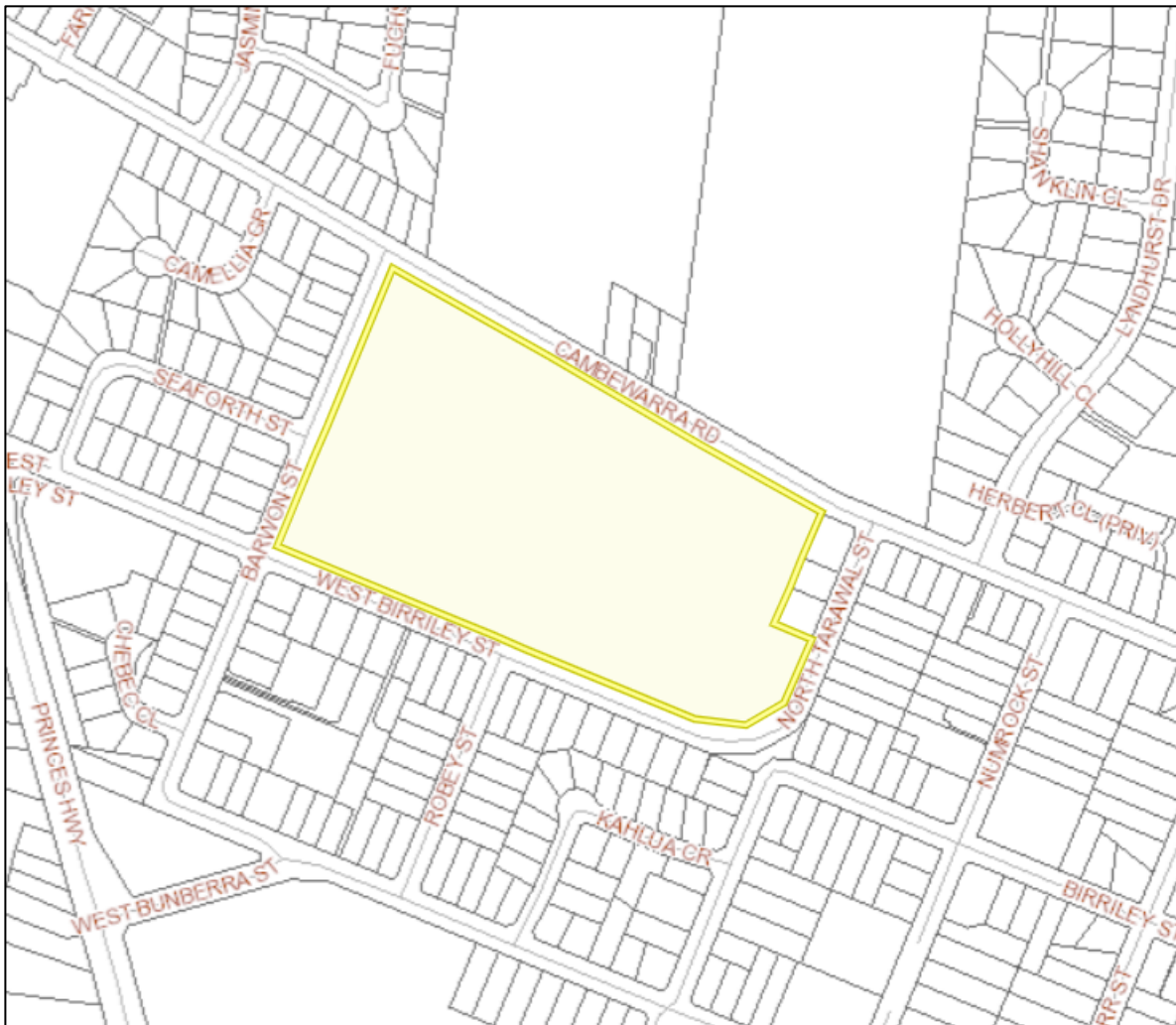


Figure 12. Site location

Street address:	84 Cambewarra Road, Bomaderry
Title details:	Lot 100 DP 1237704
Zoning:	The site is zoned RE1 Public Recreation under the <i>Shoalhaven Local Environmental Plan 2014</i> (SLEP).
Site dimensions:	The subject land is approximately 7.86ha
Topography	The site slopes to the east
Vegetation:	Vegetation within the redevelopment site consist of landscaping, shrubs and small trees (see Figure 13 below).
Existing buildings:	Basketball Stadium (indoor), Shoalhaven Indoor Sports Centre, Club House and amenity buildings.



Figure 13. Photographs of existing entry to Basketball Stadium & affected vegetation along the eastern side of existing building

### Surrounding Site

The site is located approximately 975m to the north-west of Bomaderry (Nowra) Train Station. It adjoins residential developments to the south and west and infrastructure educational establishment development to the east and infrastructure road to the north. It is located approximately 20m south of Bomaderry High School and Bomaderry Aquatic Centre.

The surrounding development comprises of the following:

- To the north: Infrastructure Road, Public Recreation, Infrastructure Educational Establishment, Residential Developments.
- To the east: Infrastructure Educational Establishment, Residential Developments.
- To the south: Infrastructure Educational Establishment, Residential Developments.
- To the west: Residential and Business Developments.

The photographs below outline the typical typology of development in the surrounding area.



Figure 14. Shoalhaven Indoor Sports Centre adjacent to the west of the site (photo looking to the west of the site)





*Figure 15. Educational Establishment to the east of the site (photo looking to the east of the site)*



*Figure 16. View towards the northern side of the site -towards Bomaderry High School (photo looking to the north-west of the site)*



*Figure 17. View towards the eastern side of the proposal (residential developments)*



*Figure 18. View toward the western side of the proposal (residential developments)*



## Background Development Application

<b>Date(s)</b>	<b>Action(s)</b>
24/03/2017  (approved)	S96 Amendment (DS17/1014) to RA15/1001  Modification to Conditions 1, 12 and 14 of the consent to reference an updated drawing in relation to car parking and to ensure retention of all existing trees within the Cambewarra Road reserve, in accordance with the same updated drawing.
31/01/2017  (surrendered)	DA (RA12/1000)  Demolition of existing Basketball Stadium and construction of proposed four (4) x court multi-purpose stadium with associated amenities, car parking and landscaping
26/08/2016  (approved)	DA (RA15/1001)  Construction of an indoor sports centre housing four (4) multi-purpose courts, seating and ancillary facilities (comprising change rooms, toilets, storerooms, canteen/café, sports office areas, conference room, administration areas, staff area, control rooms, first aid room, drug testing room, multi-purpose spaces, etc), car parking, landscaping and associated works.
09/08/2013  (approved)	DA (DA13/1763)  Metal Awning Attached to Existing Clubhouse/Amenities Block
28/06/2013  (surrendered)	DA (DA09/1829)  Proposed three (3) court Basketball Stadium with associated amenities, refurbishment of existing Stadium and conversion to Gymnasium and associated car parking.

## Consultation and Referrals

### Internal Referrals

Internal referrals were provided in response to the development application as described below.

<b>Agency</b>	<b>Comments</b>
City Lifestyles - Swim Sport & Fitness Manager	No Objection. No conditions.
City Lifestyles - Community Planning & Projects Manager	No Objection. No conditions.
Shoalhaven Water	No Objection. No conditions.
Building Surveyor	No Objection. Conditions to be imposed.  See the following in the draft determination: <ul style="list-style-type: none"> <li>▪ 'Prescribed Conditions' and 'Occupation / Use' conditions under Part A;</li> <li>▪ 'Construction Certificate', 'Appointment of Principal Certifier', 'Notice of Commencement' and 'Toilet Facilities - Temporary' under Part C;</li> </ul>

	<ul style="list-style-type: none"> <li>▪ 'Long Service Levy', 'Retaining Walls - Design' and 'Hydraulic Engineering Details for Water, Sewer &amp; Drainage' conditions under Part D;</li> <li>▪ 'Fire Safety', 'Retaining Walls - Certification', 'Works as Executed - Stormwater Drainage', 'Section 68 of the Local Government Act' conditions under Part G;</li> <li>▪ 'Fire Safety - Annual Statement' condition under Part I.</li> </ul>
Development Engineer	<p>No Objection. Conditions to be imposed.</p> <p>See the following in the draft determination:</p> <ul style="list-style-type: none"> <li>▪ 'Works within the Road Reserve', 'Construction Traffic Management Plan', 'Run-off and Erosion Controls' and 'Dilapidation Report' conditions under Part C;</li> <li>▪ 'Existing Infrastructure', 'Erosion and Sediment Control Plan (ESCP)' and 'Stormwater Drainage Design Standards (Urban)' conditions under Part D;</li> <li>▪ 'Works as Executed - Stormwater Drainage' condition under Part G (also recommended by Building Surveyor).</li> </ul>
Environmental Health	<p>No Objection. Conditions to be imposed.</p> <p>See the following in the draft determination:</p> <ul style="list-style-type: none"> <li>▪ 'Noise Specific Conditions' and 'Food Business Regulations' conditions under Part A;</li> <li>▪ 'Food Business Notification' condition under Part C;</li> <li>▪ 'Mechanical Plant' condition under Part G.</li> </ul>

Internal referral comments are referred to as required in the s4.15 assessment throughout this report.

#### External Referrals

<b>Agency</b>	<b>Comments</b>
Endeavour Energy	<p>No Objection. Condition to be imposed.</p> <p>See the following in the draft determination:</p> <ul style="list-style-type: none"> <li>▪ 'Network Connection - Endeavour Energy' condition under Part D.</li> </ul>

### 1. Statutory Considerations

This report assesses the proposed development/use against relevant Commonwealth, State, Regional and Local Environmental Planning Instruments and policies in accordance with section

4.15 (1) of the Environmental Planning and Assessment Act 1979 (EP&A Act). The following planning instruments and controls apply to the proposed development:

**(a) Biodiversity and Conservation Act 2016**

The proposed development has been assessed under Part 7, Clause 7.2 *Development or activity “likely to significantly affect threatened species”*.

(1) *For the purposes of this Part, development or an activity is **likely to significantly affect threatened species** if—*

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) it is carried out in a declared area of outstanding biodiversity value*

The proposed works is not deemed to be likely to significantly affect threatened species and a Species Impact Statement (SIS) or a Biodiversity Development Assessment Report (BDAR) is not required as part of the application.

**(b) Environmental Planning and Assessment Act 1979**

**Section 4.36 – State Significant Development**

Pursuant to Section 4.36 of the Act, the proposal does not trigger the criteria for State Significant Development.

**Section 4.46 – Integrated Development**

The subject development is not considered integrated development as the proposal does not trigger the requirements for other separate approvals.

**Section 7.11 - Shoalhaven Contribution Plan 2019**

The proposed development is not considered to trigger Shoalhaven Contribution Plan 2019 as it is to be provided by Council for a Council project that is to provide non-profit community facilities.

**Local Government Act 1993**

Activities identified under section 68 of the *Local Government Act 1993* require prior approval from Council before the activity can be carried out, except in so far as this Act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval.

The proposal includes works that require section 68 approval. A condition of consent will be imposed requiring section 68 approval to be obtained. (See ‘Hydraulic Engineering Details for Water, Sewer & Drainage’ condition under Part D of the draft determination)

**2. Statement of Compliance/Assessment**

The following provides an assessment of the submitted application against the matters for consideration under section 4.15 of the EP&A Act.

**(a) Any planning instrument, draft instrument, DCP and regulations that apply to the land**

**i) Environmental Planning Instruments**

The following Environmental Planning Instruments apply to the assessment of the subject DA:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Shoalhaven Local Environmental Plan 2014*

### **State Environmental Planning Policy (SEPP) (Planning Systems) 2021**

The proposal is categorised as a Regional Significant Development under Schedule 6, Part 3 of the SEPP.

#### **Schedule 6 Regionally significant development**

##### **3 Council related development over \$5 million**

*Development that has a capital investment value of more than \$5 million if—*

- (a) a council for the area in which the development is to be carried out is the applicant for development consent, or*
- (b) the council is the owner of any land on which the development is to be carried out, or*
- (c) the development is to be carried out by the council, or*
- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

The proposed works are Council related development which includes a capital investment value of more than \$5 million (\$5,659,310).

As such the proposal is required to be determined by the Regional Planning Panel in accordance with Section 4.7 of the EP&A Act.

### **State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021**

Chapter 4 Remediation of Land applies to the site.

#### **Chapter 4 Remediation of land: Section 4.6 – Contamination and remediation to be considered in determining development application**

The requirements of this SEPP apply to the subject site. In accordance with section 4.6(1), the consent authority must consider if the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out; and if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

It is understood that the site contains asbestos material that would need to be carefully removed from the site by a licenced contractor and disposed of at a licenced landfill facility. An Asbestos Management Plan has been prepared with the development application, in order to manage any further findings/unexpected finds of asbestos.

The land use of the site will remain unchanged and continue to be for the purposes of a 'recreational facility (indoor)', specifically a basketball stadium.

Council is satisfied that the site can be made suitable for the purposes for which the development is proposed subject to conditions of consent and implementation of the Asbestos Management Plan.

A condition is recommended to be imposed requiring asbestos removal to be carried out in accordance with AS2601-2 SafeWork NSW – Code of Practice, Demolition Work [ISBN 978-0-642-



78415-5] and SafeWork NSW – Code of Practice, How to Safely Remove Asbestos [ISBN 978-0-642-33317-9]. (See 'Asbestos Removal' condition under Part F of the draft determination)

### State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021

Clause 2.122 *Traffic-generating development* applies to development specified in Column 1 of the table to schedule 3 and involves:

- (a) *new premises of the relevant size or capacity, or*
- (b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

The alterations and additions proposed by this development do not result in any additional playing courts or an appreciable increase in floor area. As such, the proposal is not considered to result in an enlargement or extension of the existing premises of the relevant size or capacity for the development specified in Column 1 of Schedule 3.

As such, referral to Transport for NSW is not required in this case.

### Shoalhaven LEP 2014

#### Land Zoning

The site is zoned RE1 – Public Recreation under the LEP as shown below.



Figure19. Shoalhaven LEP 2014 zoning map excerpt

#### Characterisation and Permissibility

The proposal is best characterised as *Recreation facility (indoor)* under the SLEP 2014. The proposal is permissible in RE1 Public Recreation zone land.

Clause 2.3 - Zone objectives

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the RE1 Public Recreation zone are outlined below.

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

The proposed development will enable the land to continue to be used for recreational purposes, whilst also providing a range of recreational activities and compatible land uses in the area. The proposal is consistent with the land use objectives and provides a direct benefit to the community.

SLEP 2014 Clauses

<b>Clause</b>	<b>Comments</b>	<b>Compliance</b>
<b>Part 2 Permitted or prohibited development</b>		
<b>2.6 Subdivision – Consent requirements</b>	The application does not seek consent for the subdivision of the site.	N/A.
<b>2.7 Demolition requires development consent</b>	The proposed development includes demolition works as part of the development consent.	Complies
<b>Part 4 Principal development standards</b>		
<b>4.3 Height of buildings</b>	N/A - There is no maximum building height on site.  The application does not propose any increase in the building from what was previously approved.	N/A
<b>4.4 Floor space ratio</b>	N/A – There is no maximum FSR on site.	N/A
<b>Part 5 Miscellaneous provisions</b>		
<b>5.10 Heritage conservation</b>	The site is not identified as a local heritage item or within a heritage conservation area, nor is the site located in proximity of a local heritage item or heritage conservation area.	N/A
<b>5.21 Flood planning</b>	The site is not within a flood planning area.	N/A
<b>Part 7 Additional local provisions</b>		
<b>7.1 Acid sulfate soils</b>	The site is identified as being Class 5 and is not located within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	Complies
<b>7.2 Earthworks</b>	Minimal earthworks are anticipated due to the building being replacement of existing.	Complies
<b>7.11 Essential Services</b>	Essential services including supply of water, electricity and the disposal and management of sewage are available to the site.	Complies

**ii) Draft Environmental Planning Instrument**

Not applicable.

**iii) Any Development Control Plan**

**Shoalhaven DCP 2014**

The following chapters of Shoalhaven Development Control Plan 2014 apply to the subject development application assessment:

**Generic Chapters**

- Chapter 2: General Environmental Considerations
- G1: Site Analysis, Site Design and Building Materials
- G2: Sustainable Stormwater Management and Erosion/Sediment Control
- G3: Landscaping Design Guidelines
- G7: Waste Minimisation and Management
- G21: Car Parking and Traffic
- G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines

This chapter is assessed in **Table 3** below.

*Table 1. Chapter 2 SDCP 2014 Assessment*

<b>Chapter 2 General and Environmental Considerations</b>		<b>Achieved</b>
<b>2. Potentially Contaminated Land</b>	<p>The site is within a potentially contaminated land. An Asbestos Management Plan has been prepared to educate relevant Shoalhaven City Council staff, site workers and contractors about the presence asbestos contamination at the site and assist them with management of any future site works that may disturb any unidentified ACM that may result in a risk to human health.</p> <p>Council is satisfied that the site can be made suitable for the purposes for which the development is proposed subject to conditions of consent and implementation of the Asbestos Management Plan.</p> <p>(See 'Asbestos Removal' condition under Part F of the draft determination)</p>	Yes

*Table 2. Generic chapters assessment SDCP 2014*

<b>Generic Chapters</b>	<b>Achieved</b>
<b>G1: Site Analysis, Sustainable Design and Building Materials</b>	
<p>The application is supported by a site analysis plan and survey plan which contain information regarding existing vegetation, adjoining building, services and natural hazards.</p> <p>The applicant provided information regarding proposed materials and finishes schedule which identify the exterior design of the proposed development.</p>	Yes
<b>G2: Sustainable Stormwater Management and Erosion/Sediment Control</b>	
<p>The provisions of this chapter have been considered and Council's Development Engineer has raised no objections subject to conditions of consent.</p>	Yes, subject to conditions

	(See 'Referrals' Section of this report)
<b>G3: Landscaping Design Guidelines</b>	
<p>The applicant provided a Landscape Plan which details the proposed plantings, trees, shrubs and groundcovers. Landscaping is proposed within the front setback, towards Cambewarra Road and part of the western setback.</p> <p>The Landscape Plan provides detail of the location, height and species of what is proposed on site.</p>	Complies
<b>G4: Tree and Vegetation Management</b>	
<p>The proposal will require the removal of 3 trees on site. It includes removal of 2 trees on to the east side for the new loading area and waste enclosure, as well as 1 tree to the northern-east side due to the tree being at risk to the existing building structure. These trees have been identified on the revised site plan with photos provided below from the applicant.</p> <div data-bbox="158 866 663 1202" data-label="Image"> </div> <div data-bbox="670 866 1102 1202" data-label="Image"> </div> <p>These trees have been inspected by Council and are not identified as significant.</p> <p>The development proposes planting of five (5) additional trees to the south of the redevelopment site to compensate for the loss of trees proposed as part of the proposal.</p> <p>The provisions of this chapter have been considered and Council raise no objection to the removal the 3 trees identified in the site plan.</p>	Yes
<b>G7: Waste Minimisation and Management Controls</b>	
<p>A Waste Management Plan has been submitted with the application. The WMP provides information regarding demolition, construction and ongoing use, as per Shoalhaven WMP guidelines.</p>	<p>Yes, subject to conditions.</p> <p>(See 'Waste Management Plan' condition under Part F of the draft determination)</p>
<b>G21 Car Parking and Traffic</b>	
<p>The proposed development includes a combined car parking area with the adjoining development of the Shoalhaven Indoor Sport Centre.</p>	Yes



<p>In accordance with Chapter G21: Car Parking and Traffic, 15 spaces are to be provided per Indoor Cricket/Netball/Soccer Court. The proposal is for alterations and additions to the existing basketball stadium, inclusive of two basketball/multi-purpose courts. As such, 30 spaces are required.</p> <p>Parking on the site has previously been considered as part of the adjoining DA (RA15/1001) for the Shoalhaven Indoor Sport Centre (SISC) which considers the cumulative car parking capacity for the wider site, including Artie Smith oval and the existing basketball stadium (the subject site). A total of 198 car parking spaces has been provided for the site which far exceeds the 150 spaces required under RA15/1001.</p> <p>The proposal will require the removal of 2 car parking spaces, for the new loading area and waste enclosure. Council's Development Engineer's have reviewed the proposal and raise no objection to removal of these car spaces. The site retains sufficient car parking spaces to service the SISC, Artie Smith Oval and the site.</p>	
<b>G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines</b>	
<p>The site is located within Class 5 of Acid Sulfate Soils.</p> <p>The proposed development will not trigger requirements to prepare an Acid Sulfate Soil assessment.</p>	N/A

**iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

None applicable.

**iv) Environmental Planning and Assessment Regulation 2021**

<b>Clause</b>	<b>Comment</b>
cl. 23 Persons who may make development applications	The proponent for the DA at lodgement was Shoalhaven City Council.

**v) REPEALED**

**(b) The Likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality**

<b>Head of Consideration</b>	<b>Comment</b>
Natural Environment	<p>Three trees and associated landscape vegetation are required for removal. These trees are not identified as significant.</p> <p>The proposal is unlikely to have impacts on significant elements of the natural environment.</p>
Built Environment	<p><u>Acoustic</u></p> <p>An Environmental Noise Assessment (ENA) report prepared by Resonate has been provided in support of the development application. The report concludes that:</p>

Head Consideration	of Comment
	<p><i>Operational noise emissions from the Bomaderry Basketball Stadium have been calculated to nearby noise sensitive receivers and compliance is expected with the NPI with no additional mitigation measures during the day and evening periods provided mechanical services recommendations detailed in Section 5.1 are adopted.</i></p> <p>The proposed basketball stadium is to operate from 7:00am to 11:00pm seven (7) days a week.</p> <p>The ENA Report has flagged the issue of night-time use of the stadium between 10:00pm and 11:00pm where more stringent compliance with the NPI (New South Wales Environmental Protection Authority's <i>Noise Policy for Industry</i>, 2017) is required.</p> <p>The consultant expects that noise levels will be achieved at the most affected residential receivers and adjoining Department of Education building during the night-time period; however, a +5 dB penalty will need to be applied to account for annoying characteristics of noise emissions, causing non-compliance with the NPI after 10:00pm.</p> <p>Section 5.3 of the ENA report recommends that acoustic/operable louvres be installed on the north, east and southern facades. Operable louvres are required to be closed during the night time period.</p> <p>A condition of consent will be imposed specifying hours of operation and requirement for acoustic or operable louvres, and operational noise management measures (operable louvres to be closed during night time period) to be provided in accordance with recommendations of the ENA report. (See 'Noise Specific Conditions' condition under Part A and 'Operational Requirements' condition under Part I of the draft determination)</p> <p><u>Asbestos</u></p> <p>It is understood that the site contains asbestos material that would need to be carefully removed from the site by a licenced contractor and disposed of at a licenced landfill facility.</p> <p>A condition is recommended to be imposed requiring asbestos removal to be carried out in accordance with AS2601-2 SafeWork NSW – Code of Practice, Demolition Work [ISBN 978-0-642-78415-5] and SafeWork NSW – Code of Practice, How to Safely Remove Asbestos [ISBN 978-0-642-33317-9]. (See 'Asbestos Removal' condition under Part F of the draft determination)</p> <p><u>Views/Overshadowing</u></p> <p>The proposal will replace the existing basketball stadium and maintain the primary steel structure of the existing building. As such, no adverse impacts to existing views and overshadowing are expected to result from the proposal.</p> <p>All built environmental considerations can be appropriately managed subject to consent conditions.</p>
Social Impacts	The proposal will generate positive social impacts as it will improve the existing recreation facility on site and will provide for new amenity for the community.
Economic Impacts	The proposal will generate positive economic impacts with regard to construction works and ongoing use of the site for recreational purposes.
Other Impacts	<u>Plan of Management</u>

<b>Head of Consideration</b>	<b>Comment</b>
	<p>A plan of management has not been submitted as part of the Development Application.</p> <p>Correspondence from the operator and delegate of the basketball stadium and SISC has confirmed that there is no existing/current Plan of Management or the noted “Generic Plan of Management – Sports Ground” from the approved RA15/1001 documents.</p> <p>It is recommended that a condition of consent be imposed for the preparation of an Operational Plan of Management document.</p> <p>(See ‘Operational Plan of Management’ condition under Part G of the draft determination)</p>

### **(c) Suitability of the site for the development**

The site is considered suitable for the proposed development for the following reasons:

- The proposal is compliant with objectives and requirements of SLEP 2014.
- Consistent with objectives and acceptable solutions outlined in SDCP 2014.
- The proposal is compatible with surrounding land uses and does not propose a change of use.
- The works will enable an improved recreation facility in the area which is considered compatible with the adjoining Shoalhaven Sport Centre facility.

### **(d) Submissions made in accordance with the Act or the regulations**

No submissions were received.

### **(e) The Public Interest**

The public interest has been taken into consideration, including assessment of the application against applicable planning controls, public notification to the proposed development, internal referrals, and consideration of relevant policies. The assessment identified that the development is in the public interest.

## **3. Delegations**

### **Guidelines for use of Delegated Authority**

The Guidelines for use of Delegated Authority have been reviewed and the assessing officer does not have the Delegated Authority to determine the Development Application.

Given the proposal is regionally significant development under Schedule 6 of SEPP (Planning Systems) 2021, the application must be determined by the Southern Regional Planning Panel.

## **4. Recommendation**

This application has been assessed having regard for section 4.15 (Evaluation) under the *Environmental Planning and Assessment Act 1979*. As such, it is recommended that Development Application No. RA22/1004 be approved subject to appropriate conditions of consent.

Recommendation for approval includes the following reasons (as per section 4.15 of the Act):

1. The application is compliant with the respective environmental planning instruments applying to the site.
2. The proposed development complies with development standards of SLEP 2014.
3. The proposed development meets the zone objectives of the SLEP 2014 RE1 Public Recreation zone.
4. The proposed development is generally consistent with SDCP.
5. The proposed development is not expected to have any additional significant impact on the surrounding developments, including residential developments.
6. The site is suitable for the development as proposed.
7. The development is in the public interest.