

18 November 2024

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Development Assessment and Systems
Department of Planning, Housing and Infrastructure

Dear Navdeep Shergill

HUNTER INDOOR SPORTS CENTRE (SSD-65595459) - 24 WALLARAH ROAD & 2 MONASH ROAD NEW LAMBTON

I refer to the Department of Planning, Housing and Infrastructure's (DPHI) request of 14 October 2024 via the NSW Major Projects Portal inviting City of Newcastle (CN) to provide advice on the development mentioned above. I also refer to CN's letter of 11 November 2024 which provided preliminary advice.

At the Ordinary Council Meeting of 29 October 2024, a Notice of Motion was considered regarding Item 9.3 - 'Investigate other site options for the proposed Hunter Indoor Sports Centre' (HISC). Council unanimously supported an amended notice of motion (NOM) noting the HISC is State significant development and will be assessed and determined by the DPHI. The adopted NOM also invited community members and Councillors to make individual submissions to the State Significant Development (SSD) assessment process by 11 November 2024.

The exhibited Environmental Impact Statement (EIS) and architectural plans have been reviewed by CN officers and the following advice is forwarded for your consideration. We recommend the Applicant (Basketball Association of Newcastle Limited) is required to respond to those matters, where indicated:

1. Draft Broadmeadow Place Strategy

As acknowledged in the EIS (p22), CN in partnership with the DPHI is preparing the Broadmeadow Place Strategy (BPS) for the Broadmeadow Regionally Significant Growth Area as required by the Hunter Regional Plan 2041. Currently, the BPS has concluded the public exhibition period and is in the process of being finalised. Once approved and adopted, the BPS along with a new State Environmental Planning Policy and an amended Newcastle Local Environmental Plan will provide an overarching thirty-year land use and development framework for the growth area by coordinating infrastructure with growth, identifying locations of new land uses (including residential, commercial and community uses), addressing precinct-wide constraints (such as flooding and contamination), and identifying desired public space outcomes for the community.

While located outside the Broadmeadow Regionally Significant Growth Area to which the BPS relates, the proposal is not inconsistent with the future vision of the BPS, in particular the growth and transformation of the Hunter Park sub-precinct. Active transport connections through the development site and to surrounding key sites under the BPS, such as the McDonald Jones Stadium site and Broadmeadow train station, are essential for the BPS to be realised to its fullest potential.

The proposal itself does not preclude implementation of the BPS, however, if the current basketball facility at Broadmeadow remains occupied by the tenant into the future this will impact the ability for the site to be redeveloped for mixed use, including residential, in line with the BPS and for the Broadmeadow Town Centre sub-precinct to transform. Both are identified to occur within the first stage of the BPS and within the next 10 years.

CN recommends the Applicant responds to the following matters:

- a. *Hunter Park sub-precinct* - The subject site is adjacent to the Hunter Park sub-precinct envisaged by the BPS. The Hunter Park sub-precinct plays an important role as the Hunter's premier sport and entertainment destination centred around McDonald Jones Stadium. However, strong active transport connections between the subject site and the Hunter Park sub-precinct should be developed, which the proposal must demonstrate.
- b. *Active Connections* - The EIS (pp78 &79) states:
 - *"...it is likely a high number of patrons travel by train or by various bus routes when there are main events, consistent with attendance at various events at the adjacent stadiums."*
 - *"A designated pedestrian route shall be provided through the site between the HISC and Turton Road. The pedestrian infrastructure within and surrounding the site is considered sufficient to allow for safe and controlled pedestrian movements during events."*

The BPS proposes to deliver a pedestrian boulevard for direct and easy pedestrian access from Broadmeadow Station to the entertainment and sporting precinct of Hunter Park. Opportunities for improving connectivity between the subject site and the Hunter Park sub-precinct and to Broadmeadow Station should be investigated within the proposal. This could include the provision of an active transport link (shared pedestrian and cycling), noting the need for consolidation of sport and entertainment venues.

The structure plan within the BPS identifies an active transport link which extends along the southern boundary of the subject site, representative of the existing path adjacent to the Lambton Ker-rai Creek drainage channel, which connects Lambton to the Hunter Park sub-precinct. It appears from the proposed site plan that direct pedestrian access is proposed through the site from the forecourt area to this active transport connection, to the footbridge over Lambton Ker-rai Creek to Monash Road. CN supports this important connection for visitors entering the development from the west and south, via active transport (walking and cycling). However, the proposed width of the footpath between the proposed retail space and service/loading zone is not commensurate with that of the remaining promenade through the site. CN is concerned about potential conflicts between service and delivery vehicles and pedestrians.

- c. *Car Parking* - The EIS (p79) also states that:

"Offsite parking will be available in the McDonald Jones stadium car parking on the opposite side of Turton Road which has 900 spaces. The combined parking capacity of 1,140 spaces is considered sufficient to accommodate demands for events of this size, noting that patrons would be encouraged to attend via public transport."

Under the BPS, the land containing the McDonald Jones Stadium car park is envisaged to support future commercial and recreation uses. CN acknowledge that

any redevelopment of the car park area will be required to provide sufficient car parking to satisfy new and existing uses (including McDonald Jones Stadium) as with all development proposals. We further acknowledge that the use of the stadium carpark is only for overflow parking and that in the future there may be some disruption to access to this car parking when the site is being redeveloped. However, we envisage that access to this carparking in association with the HISC would still be available, if needed.

CN is supportive of shared parking arrangements between facilities and promotes mode shift from private vehicles to public transport use, the application should clearly identify any short-term or temporary needs for the proposal, including the provision of pedestrian connections between the subject site and the stadium site.

- d. *Staging and implementation* - According to the BPS, the relocation of the current basketball stadium site is identified within Stage 1 Implementation (short term), the 0–10 year timeframe of the 30-year strategy. In this context, the timing for the subject development application supports the implementation of the BPS.

2. Landscaping, fencing and trees

CN recommends the Applicant provide further information/plans to address the following matters:

- a. *Landscaping* - CN's letter dated 17th January 2024 to the DPHI was included as Attachment B of the Planning Secretary's Environmental Assessment Requirements (SEARs) dated 22 January 2024 for the development. This letter detailed well designed built form and landscape treatment to enhance the interface at all site boundaries is needed. In this regard, meaningful landscape treatment, including canopy, is needed to be delivered not just along the east site boundary along Turton Road, but also along the north, south, and west site boundaries.

The design development undertaken since the SEAR consultation has resulted in a reduction of the extent of landscaping proposed along the northern property boundary. The proposal now includes the provision of four large 'fire water tanks' within the Turton Road building setback directly adjacent to the northern boundary and neighbouring properties. This is not a suitable outcome in terms of visual amenity. Further, the width of landscaping proposed west of the 'fire water tanks' along the north boundary is not sufficient to facilitate the planting of 'screening trees' to address privacy issues for the adjacent residential properties. Amendments to the landscaping plan are required to address these matters.

- b. *Northern Boundary fence* - The submitted documentation and plans are inconsistent regarding a proposed fence on the northern property boundary. The EIS (p67) indicates that in accordance with a recommendation of the CPTED Report (Appendix J) a fence will be provided along the northern boundary to create a formal boundary to the adjoining private properties. The Stage 1A Site and View 01 Plans indicate a 'new fence' on the northern boundary adjacent to the residential properties. No details of height and materials are provided. However, there is no mention of the proposed fence in the Landscape Masterplan (Appendix I) and the Operational and Construction Staging Plan (Appendix TT). CN recommends the Applicant ensures the submitted EIS and supporting reports and plans are consistent regarding the proposed fence. Further, details are required of the fence height, materials and CN recommends constructed in Stage 1.
- c. *Tree Removal* - CNs previous advice noted that 12 existing trees are located adjacent to the Turton Road boundary of the subject site, and that sufficient

investigation needs to be carried out to demonstrate retention of these mature street trees.

According to the Arboricultural Impact Assessment report (Appendix N), six public trees, including five along the Turton Road frontage, are proposed to be removed to facilitate the development. CN notes all the trees are located on the perimeters of the site and suitable space is available to incorporate most of the trees into the design of the development.

The exception is the removal of a tree to provide vehicular access off Turton Road, which is accepted on traffic safety grounds. Further, as discussed below in 'Point 4-Wind Impacts', achieving suitable wind conditions for the development is dependent on retaining the existing trees along Turton Road.

Amendments to the design of the development should be undertaken in order to retain the trees within the Turton Road reserve.

3. Community use of the facility

The EIS (P22) states that the HISC will be available for use by other sports. CN understands that the facility will also be made available for non-sporting activities by the community. This multi-purpose use of the development should be addressed in the EIS and supporting documents.

4. Staging of the development

As outlined within CNs previous correspondence, the staging arrangement for the development is to achieve positive outcomes not only by the completion of Stage 2 but also at the completion of each earlier stage (Stages 1A and 1B).

- a. *Open Space* - To ensure quality outcomes are achieved throughout the staged implementation of the development, including in respect to open space, the Applicant should give further consideration with the programming of the staging. Where possible consolidation of the remaining open space subject to future stages should occur, also it should be ensured that these areas are not utilised for overflow car parking by way of appropriate restriction infrastructure.
- b. *Groundworks/underground works* - CN recommends Stage 1A should be inclusive of groundworks/underground works for all stages inclusive of drainage and required services to save on interruptions, construction time and conflicts at later stages. This is a more efficient, cost-effective outcome for the development and may be the Applicant's intent, however this is not clear within the documentation.

5. Wind Impacts

The Pedestrian Wind Environment Statement (PWES) (Appendix MM) identifies areas within the development likely to be exposed to stronger winds. Several treatment strategies have been recommended which, if incorporated into the final design, are expected to result in wind conditions for the various trafficable outdoor areas within and around the development suitable for their intended uses, and that the wind speeds will satisfy the applicable criteria for pedestrian comfort and safety.

Among the recommended strategies is the '*Retention of the existing densely foliating evergreen trees near the eastern and western aspects of the development*'. Figure 3 of the report illustrates the existing trees recommended for retention. However, the Demolition Plan (14683-DA-A42-RevB-16 August 2024) indicates some of the existing trees along the southern end of the Turton Road frontage are proposed to be removed

It is noted that the EIS does not include the findings and conclusions of the PWES including that achieving suitable wind conditions is dependent on retaining the existing trees along Turton Road. As detailed in 'Point 2(c)' above, retention of these trees is preferable, and it is requested that the Applicant amends documentation to ensure trees are to remain. Additionally, the PWES only considers the wind conditions at the final stage of the proposed development. The expected wind conditions should also be assessed at the completion of each stage of the development.

6. Flood risk management

- a. *Development impacts on flood hazard* - Section 5.3 of the 'Flood Impact and Risk Assessment' Report (FIRA) (Appendix CC) acknowledges the development will increase flood hazard in some surrounding roads (i.e. Duke Street, Rex Avenue, Gloucester Avenue, Monash Road, and Turton Road) during the Probable Maximum Flood (PMF) but did not consider there to be any tangible adverse impact as the overall trafficability of the roads remained unchanged.

CN has reviewed the pre- and post-development PMF hazard mapping (Figure 4-8 and Figure 5-7 of the FIRA) and found the impact of the proposed development was not limited to public roads. It was noted that, in the modelled post-development PMF scenario:

- i. Flood hazards at the south of Lambton High School (85 Womboin Road) have generally increased along with the extent of the PMF over the site.
- ii. Existing H2 hazard areas in residential properties on Hobart Road, just west of Hitchcock Avenue, become H3.
- iii. Flood hazards at the south of Arthur Edden Oval had generally increased.
- iv. Flood hazards at the Newcastle International Hockey Centre (1/330 Turton Road) have generally increased.

CN recommends the FIRA is amended to address all significant off-site changes to flood hazard at the PMF event due to the proposed development. Additional mapping is also to be prepared highlighting the impact of the proposed development on peak flood hazards in all modelled events - i.e. comparing Figures 4-6 to 4-8 and Figures 5-5 to 5-7.

- b. *Mapping pre- and post-development peak flood velocities* - Figures 5-11 to 5-13 in the FIRA highlight development impacts on flood velocities during the modelled events but no mapping was provided for velocities in the pre- and post-development scenarios.

CN recommends that additional mapping is prepared illustrating pre- and post-development peak flood velocities for all modelled flood events to better inform how the proposal may change flooding in the area.

- c. *PMF peak flood level impacts* -

CN does not support the proposed impact on peak flood levels during the PMF event at the scale and magnitude indicated in Figure 5-10 of the FIRA.

The Newcastle Development Control Plan (NDCP) 2023 Section B1(b) Flood Management manages development in areas of high risk to life flooding through the requirement of on-site flood refuges at or above the PMF level and constructed to withstand peak hydraulic loading during the PMF

Increases to peak velocities and/or peak flood levels can undermine the effectiveness of any existing flood refuges. For this reason, CN raises concern regarding the modelled impact on peak flood levels and velocities at the PMF as documented in the FIRA.

CN further notes the proposed impact on flood levels at the PMF is inconsistent with flood risk management guidelines set out in the former Department of Planning and Environment 2023 publication Flood risk management guideline FB01: 'Understanding and Managing flood risk.'

Information in Table 6 and Table 7 of the guideline recommend consideration of the impacts of cumulative development on flood events including the defined flood event (the 1% AEP 2050 for CN) and PMF with a starting point of 0.1 metres for the allowable limit of cumulative impact on flood level changes. Both sections 2.6.4 and 3.4.9 of the guidelines outlines that the impacts for specific development and infrastructure projects should be lower than the limit set for cumulative impact.

CN recommends the Applicant be required to revise the design of the development to achieve modelled flood level impacts not exceeding +0.05 metres at the PMF event.

- d. *Peak flood velocity impacts* - Figures 5-11 to 5-13 of the FIRA present modelled numerical impacts on peak flood velocities (i.e. in terms of m/s). CN recommends additional mapping is provided presenting the impacts of the development on peak flood velocities as a percentage increase/decrease from modelled pre-development velocities to allow assessment of these impacts against starting-point limits set out in Department of Planning and Environment's publication 'Flood Risk Management Manual'(2023).
- e. *Proposed car parking in high flood hazard areas* - Figures 5-5 and 5-6 of the FIRA indicate peak flood hazards in post-development conditions for the 10% AEP and 1% AEP 2050 flood events, respectively. CN notes the carparking areas of stages 1B and 2 and parts of 1A are affected by flooding at a hazard level of H2 and H3 during these events. In accordance with Control 8.0(C-7), CN does not generally consider carparking facilities to be suitable in areas subject to flood hazards greater than H1.

It is also noted that at the modelled 10% AEP event, a high number of car parking spaces are affected by H3 and H2 flood hazards. Considering the intermediate frequency of the 10% AEP, CN is concerned the parking of vehicles in these areas will result in flood risks to property (including private vehicles).

The proposed car parking areas in the front setback of the development (Stage 1B and Stage 2 carparking areas) are not compatible with the flood hazard of the land. CN recommends that the development be revised such that no carparking facilities are provided in these areas and these areas remain usable open space.

In this regard, the Applicant may consider:

- i. Redesign or provision of additional fill such that the Stage 1A car park is not exposed to flood hazards greater than H1 during the modelled 1% AEP 2050 flood event. Any additional filling will need to be supported by revised flood modelling.

Relocation of Stage 1B and 2 car parking away from areas of high flood hazard. The Applicant might consider relocating these spaces under the

proposed Stage 2 sports centre building as basement carparking designed in accordance with Control 8.0 (C-3), Section B1(b) of the NDCP2023.

- f. *Extent of mapping* - Flood impact mapping provided in Appendix C of the FIRA indicate impacts on existing flood events that extend "off the page." CN recommends that additional impact mapping be provided with smaller map scales to illustrate the full extent of flood impacts resulting from the proposed development.
- g. *Proposed flood refuge for State 1A* - Chapter 8 of the FIRA proposes a refuge on "the first-floor level at the completion of the Stage 1A development is limited to an unutilised area to facilitate subsequent Stage 1B extension. As a Flood Refuge it can accommodate up to around 600 people but will need to be provisioned accordingly (refer Section 7.5)."

The submitted EIS and architectural plans provide no indication an unused first floor level will be constructed as part of Stage 1A. The development documentation should be amended to clearly indicate a mezzanine or first-floor level will be constructed as part of Stage 1A for the purposes of flood refuge.

The FIRA assessed the first-floor level at the completion of Stage 1A will provide refuge for around 600 people. CN recommends that the Applicant propose site capacity limits (including staff and visitors) for each stage of development (as necessary) to ensure the corresponding flood refuge facilities can cater for the number of people on the development site.

7. Stormwater management

- a. *Water Cycle Management Plan* - Given the scale of the proposal CN recommends the Applicant prepare a Water Cycle Management Plan (WCMP) to document the proposed stormwater management strategy and philosophy, rainwater reuse opportunities, and MUSIC modelling.

It is noted that the EIS table of contents titles Appendix L as "Civil Plans & Concept Soil and Water Management Plan", however the DA (SSD-65595459) on the Major Project portal only provides Civil Plans under Appendix L.

- b. *Additional detail for MUSIC modelling* -The EIS presents the outcomes of MUSIC modelling in section 6.13.2 and Table 17. CN recommends that additional detail relating to MUSIC modelling is provided in the EIS or in the WCMP, including screenshots of the node map, a description of the modelled treatment train, and inclusion of the MUSIC-link report in the appendices.

It is also recommended additional MUSIC modelling is undertaken by the Applicant to demonstrate that each proposed development stage individually complies with water quality targets in the NDCP 2023.

- c. *Proposed tree planting in rain gardens* - The submitted Civil Plans (Appendix L) and Landscape Masterplan (Appendix I) propose 'rain gardens' with tree planting to provide canopy cover for car parking areas. CN recommends that this be given further consideration by the Applicant as water quality devices installed early in staged development can degrade under intensified sediment and pollutant loading from later construction work. In this regard, rectification often requires replacement of vegetation and upper filter layers. Further, the installation of trees in rain gardens can complicate long-term maintenance and prevent full replacement of filter media.

Tree planting in the car parking area is to be accommodated in tree vaults providing suitable rooting volume for the required number of trees to achieve shade cover in accordance with Section C12 of the NDCP 2023.

8. Traffic and Parking

Road Network

- a. *Turton Road* - The application proposes a kerbside left turn deceleration lane for access to the site and vehicle entry/exit in Turton Road. CN supports the proposed location for vehicular access to the site but acknowledges that Turton Road is a 'classified road' and therefore the concurrence of Transport for New South Wales (TfNSW) is required pursuant to Section 138 of the *Roads Act 1993*.
- b. *Monash Road* - The Traffic Impact Assessment (TIA) (p14) (Appendix P) has identified the northern side of Monash Road adjacent to the site as having the potential to cater for parking in the order of approximately 80 vehicles for larger events at the sporting centre. Due to the proximity of Monash Road to the site and the pedestrian footbridge connection, CN recommends the Applicant be required to formalise this northern road shoulder adjacent to the stormwater channel, comprising road pavement, kerb and gutter, stormwater drainage, vehicular barriers and lighting. In addition, the existing pedestrian footbridge linking the site to Monash Road should be upgraded to provide a minimum 3.0m wide pedestrian bridge incorporating pedestrian safety fencing.

Monash Road is a Crown road and therefore any works proposed to be undertaken by the Applicant within the road reserve as part of this application will require the prior approval of Crown Lands.

Traffic Impact Assessment

CN supports the following recommendations of the TIA (p41) to maintain road network safety and efficiency in the vicinity of the site:

- a. 'Left turn Only' signs be provided at the exit driveway on Turton Road within the site.
- b. A 'No U Turn' sign be provided on the central median in Turton Road at Monash Road for southbound traffic.
- c. Optimisation of traffic light phase times at the intersection of Turton Road and Griffiths Road to clear the northbound right turn lane at this intersection during the PM peak, due to additional traffic generated by the proposed sporting centre.

TfNSW are the responsible authority for traffic signals and therefore the Applicant should consult with this authority to address signal phasing.

Civil Plans

- a. *Stormwater Connections* - The civil plans indicate the provision of three new stormwater connections to the existing stormwater channel adjacent to Monash Road. These stormwater connections require the approval of Hunter Water.
- b. *Bus swept paths* - The modelled 14.5m long rigid bus vehicle swept path clashes with the designated pick-up / drop-off and bus parking areas. The Applicant proposes to manage this issue on-site utilising an events management plan. This approach is not supported and to ensure traffic safety and minimising congestion it is recommended that the car park layout be amended to remove this conflict.

- c. *Pedestrian Pathway* - CN recommends the proposed east/west pedestrian pathway linkage to Turton Road is implemented as part of Stage 1A to adequately cater for pedestrians, inclusive of a marked foot crossing across the internal driveway access road.

Pedestrian/Cycle Network

Network Impact

- a. The application impacts on the alignment of the existing major east/west cycleway at Turton Road with the proposed installation of the Stage 1B carpark. This is not supported as it results in the removal of the direct cycleway connection to the existing Turton Road traffic signal crossing.
- b. CN's concept plans for the future upgrade of the above cycleway require a minimum 10.0m wide corridor to be provided along the southern boundary of the site from the top of the existing stormwater channel. The proposed development encroaches into this corridor. CN recommends the design of the development is amended to remove these encroachments.
- c. Future transport planning by TfNSW in association with the BPS proposes a grade separated cycle /pedestrian bridge crossing for Turton Road. While planning is in the early stages, an adequate area will be required for the bridge landing in the south/western corner of the site. CN recommends the design of the development is changed to accommodate the above facility.

Network Upgrade

Having regard to the potential increase in pedestrian /cycle activity CN recommends the following pedestrian /cycle upgrades be undertaken by the developer in association with the development:

- a. The existing 1.2m wide concrete pedestrian path located on the western side of Turton Road between Monash Road and the proposed internal site pedestrian pathway is upgraded to a combined 3.0m wide pedestrian/cycle pathway incorporating pedestrian fencing.
- b. The existing pedestrian footbridge linking the site to Monash Road be upgraded to provide a minimum 3.0m wide pedestrian bridge incorporating pedestrian safety fencing.
- c. The existing major east/west cycleway be upgraded between Turton and Wallarah Roads to provide a 3.0m wide cycleway / 1.0m separation / 2.5m pedestrian path.

Parking

The application proposes a total of 240 parking spaces across three car parks including ten drop off spaces. In addition, a large off-street parking area associated with the McDonald Jones Stadium on Turton Road opposite the subject site providing 920 spaces for overflow parking during major events. The TIA has also identified the northern side of Monash Road adjacent to the site as having the potential to cater for an additional 80 vehicles.

CN supports the use of the McDonald Jones Stadium car park for additional overflow parking in larger events, however, as mentioned previously the BPS identifies this car park, excluding the car park area to the north of the stadium, as future commercial in the short term. Notwithstanding, CN recommends that the Applicant be required to upgrade the northern side of Monash Road as additional overflow parking to ensure adequate parking is available.

As advised above, the use of Monash Road for additional parking would be acceptable on the basis the Applicant includes this area as part of the proposed development and upgrades the existing pedestrian footbridge.

Traffic Event Management Plan

CN recommends the Applicant is required to prepare a Traffic Events Management Plan (TEMP) in consultation with TfNSW, CN, and NSW Police to address traffic management during events held at the proposed sports centre, such being prepared in accordance with 'NSW Guide to Traffic and Transport Management for Special Events, July 2018'. The TEMP is to be approved by TfNSW, CN and NSW Police prior to the occupation (part or whole) of the premise.

Preliminary Construction Traffic Management Plan

The application is supported by a Preliminary Construction Traffic Management Plan (Appendix R). CN recommends that heavy vehicle construction traffic is not permitted to utilise local roads to access the site and are confined to the State road network as shown in Figure 3.1 of the plan.

9. Noise Impacts

CN notes the Acoustic Assessment (AA) (Appendix U) is confined to consideration of activities on-site and traffic that may be associated with these activities. The EIS states that *"Large spectator events will generally take place over weekend periods from Friday evening to Sunday evening"*. Crowds from these large events exceed the parking available on-site and the night-time dispersal of these patrons from the site may result in noise impacts on the surrounding neighbourhood. The AA does not address potential noise from patrons outside the premises. This is usually the case for acoustic assessments, as the noise from these sources can be challenging to quantify and no clear guidelines for conducting an assessment are available. However, this potential impact should be considered and addressed appropriately.

10. Social Impact Assessment

CN notes the submitted materials appear consistent with the requirements in the Social Impact Assessment Guideline (NSW DPHI, 2023) and Sections C7 and C8 Safety and Security, and Social Impact, respectively, of the NDCP 2023.

The following comments outline key social planning analysis required to be undertaken by the Applicant and considered in the assessment process to ensure a complete assessment is undertaken.

Social Impacts

- a. The EIS and Statement of Social Impact Assessment (SEIA) (Appendix II) have effectively outlined current utilisation of the Indoor Basketball Centre (capacity rates, turn away numbers, court participation and member numbers). While an analysis has not been provided for the current utilisation of the existing Blackley Oval and Wallarah Oval outdoor sport fields and informal recreation greenspace, CN has been engaging with local sporting clubs and associations, and the local high school, to explore and plan upgrades to other nearby local facilities to ensure current user groups are no worse off.
- b. Future utilisation of the site for HISC has been clearly outlined in the submitted documentation. There is a need for the facility to be able to cater for other compatible community and sporting uses as part of the future utilisation.

Alternative Site Consideration (EIS)

CN recommends the submitted documentation and assessment is updated, including Table 1- Analysis of Feasible Alternatives (p8 EIS), to include the feasibility of the facility being located within Hunter Park Broadmeadow.

Code diversity, affordability, community access in perpetuity as mitigation for displacement of open space and recreation / alternative site use.

- a. *Additional code use* - The proposed development articulates the use of the facility of HISC with a primary use of basketball. The use and access of the site/facility for additional sporting codes, whilst indicated, should be further detailed and should include volleyball, pickleball, adaptive sports and other indoor sports including schools, out of school care providers or similar.

Consideration of community facility space co-location - Information should be provided on the purpose of and access to 'tenant areas for associated health and wellbeing services' to demonstrate the rationale of permanent location of commercial or code funded health workers on site in lieu of other community services, code office, meeting rooms or similar. The Applicant should consider provision of community space (e.g. local level hierarchy low-cost community accessible meeting room) to expand its 'value-add / positive social impact'.

- b. *Loss of free recreational open space* - The Applicant demonstrates how the loss of free recreational open space will be mitigated for both existing and future user groups and residents. Impact mitigations could include equitable access principles to assist user groups with low incomes etc. The Applicant should demonstrate how access is to be facilitated.
- c. The EIS (p43) states 'Access will be allowed for community groups and local sporting clubs at times to be agreed with BANL', access to indoor recreation spaces for non-member use (e.g. local community groups) is noted.
- d. *Community access in perpetuity* - Public access and wide community use is to be maintained.

To address these matters the Operations Plan should be revised for each stage to provide a draft/indicative operations 'road map' which demonstrates capacity for use by varying sporting codes, and wider community use coexisting with the primary use of the site as a regional basketball and indoor sports facility.

Staged delivery and staged deliverables for Social Impact Purposes

It is understood that delivery of stages 1B and 2 of the development is to be dependent on yet to be secured funding. The application should consider which social, economic, disability access, and CPTED elements of the proposal will/will not go ahead at each stage of the project.

CN recommends that the Applicant provide sections in each of the reports listed below which outline what will be delivered at each of the project stages. This should align with the Detailed Staging Plan - Construction and Operational (Appendix TT).

- i. Social and Economic Impact Assessment (SEIA)
- ii. Building Code of Australia (BCA) Capability Statement - (i.e. disability access, amenities/change rooms, parking, fire safety)
- iii. Crime Prevention Through Environmental Design (CPTED)
- iv. Operational Management Plan

Crime prevention

- a. *Data sources* - The Crime Prevention Through Environmental Design (CPTED) report (Appendix J) considers a superseded version of the architectural plans, outdated CN safety strategies and crime statistics for the whole local government area rather than suburb and surrounding specific figures. These documents/sources should be updated. Crime hotspot offence categories for New Lambton should also be specifically considered.
- b. *Staged delivery* - CN recommends a section be prepared in the CPTED report indicating crime and safety considerations (and mitigations) as each of the project stages; as per the staging plan (Appendix TT)
- c. *Cumulative impacts* - CN understands that major events at both the development and surrounding large scale uses, will be planned to occur at different times. This is accepted as a means to address any potential cumulative impacts from a CPTED perspective.
- d. *"Back of house" (Northern and Western site boundaries interface)* - CN recommends CPTED report be amended to include section/s that specifically address the back of house interface of the HISC, Lambton High School and the development's western outdoor courts and remnant open space. And across each of the three stages of development's delivery.
- e. *Public Access* - CN recommends the CPTED report give further consideration of the public use of the site, including the interaction between buildings that are secured after hours, and other areas of the site which remain accessible to the public.

Operations/Crime Prevention-Other

CN recommends the Applicant include the following in the Operational Management Plan (OMP) (Appendix OO), the CPTED assessment should also be updated in response as required:

- i. Crowd queuing and dispersal for large scale mass events.
- ii. Staff safety and sales handling - ticketed sport events (routine and large scale), food and drink premises and allied health hub; and
- iii. Staged shut down internally including isolated areas such as the administration offices, courts, changerooms as issue identified in the CPTED report.

11. Heritage

CN has no specific comments to offer in respect of heritage. Recommended conditions of approval regarding archaeology, Aboriginal cultural heritage and unexpected finds procedure will be provided with CN's advice on the Applicant's Response to Submissions report, if the various matters raised in this letter have been satisfactorily addressed.

12. Legal description of the subject land

CN notes the landowner's consent letter dated 12 August 2024 and attached 'Location Map' provided by the Department of Planning, Housing and Infrastructure- Crown Lands appears to include the legal description of the entire Crown Reserve (72941). This reserve includes the subject land (site) of the proposed development. The EIS (Table 3 p16) identifies the site details as Lots 2380, 2379, 2378 and 2377 DP755247, and '*Amenities block land (currently untitled)*'. In respect of the untitled land, it is indicated that Crown Lands has commenced the 'first titling process' which will provide this land with a legal description (Lot and D.P). According to our records, the strip of land occupied by the amenities block was registered as Lot 1 DP1304081 on 9 April 2024.

In addition, the extent of land subject to the DA is inconsistently identified within the architectural drawings. For example, Site Analysis Plan - Environmental (14683 - DA - A20 - Rev B - 16 August 2024) excludes the 'amenities block of land', now known as Lot 1 DP1304081, from the shaded area identified as the 'Subject Site'.

All properties forming part of the DA need to be accurately and consistently identified on the application form, landowners' consent, and supporting documentation submitted in support of the DA. CN recommends the Applicant is required to confirm the legal description of the subject land and updates any inconsistencies in their documentation.

13. Site Area

The EIS (pp16, 24 & 34) states the site has a total area of 7.83 ha. CN notes this area has been used in other supporting documents, such as the calculations of existing and proposed tree canopy in the Landscape Master Plan.

Based on the lot areas contained on the 'Wollarah Oval Detail and Contour Survey' plan (Appendix H) and dimensions taken from aerial images, we have calculated the site area as approximately 3.75ha. It is recommended that the Applicant confirm the area of the subject site and update any inconsistencies within their documentation.

14. Development Contribution Plan

The provisions of CN's Section 7.12 Development Contributions Plan (the Plan) apply to the subject land. Under the plan a contribution based on a levy of 1% of the cost of the development applies. The proposed development is not a type of development identified in the Plan as being eligible for an exemption or reduction in the payment of a contribution.

CN notes the Applicant is seeking from the consent authority an exemption from the payment of the contribution based in part on the grounds the Basketball Association of Newcastle Limited (BANL) is a not-for-profit organisation. However, the EIS does not provide evidence demonstrating BANL is a registered charity on the Australia Charities and Not-for-profits Commission (ACNC) register. Furthermore, the ACNC register does not identify BANL as a registered charity.

CN confirms that the provisions of the Plan apply, and contributions should be conditioned on any consent issued. The contributions can be conditioned to align with the proposed staging. However, ultimately it is a decision of the consent authority to decide whether full or partial contributions apply. To enable the contribution to be calculated, CN recommends the Applicant is required to prepare a Detailed Cost Report in accordance with Section 208 of the *Environmental Planning and Assessment Regulation 2021*.

15. Appendix referencing

To avoid confusion, the EIS should be reviewed to ensure references made to appendices are correct and consistent. There are several examples of incorrect referencing. For example, the Flood Impact Risk Assessment (Appendix CC) is incorrectly referenced as Appendix Z in Sections 5.2, 6.14, and 7.6 of the EIS.

CN appreciates the opportunity to provide advice on the proposed HISC. If you have any questions about the various matters raised in this letter, please contact Geof Mansfield Principal Development Officer (Planning) on 02 4974 2767 or on gmansfield@ncc.nsw.gov.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Amy Ryan', with a stylized flourish at the end.

Amy Ryan

INTERIM EXECUTIVE MANAGER PLANNING AND DEVELOPMENT