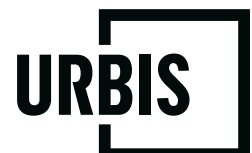




SCOPING REPORT

Hunter Basketball Stadium

Prepared for
BASKETBALL ASSOCIATION OF NEWCASTLE
21 December 2023



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Peter Strudwick
Associate Director	Rosie Sutcliffe
Consultant	Isabella Tonks
Project Code	P0048505
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GLOSSARY AND ABBREVIATIONS

Reference	Description
ACHAR	Aboriginal Cultural Heritage Assessment Report
AQIA	Air Quality Impact Assessment
ARI	Average Recurrence Interval
BAM	Biodiversity Assessment Method
BANL	Basketball Association of Newcastle Limited
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Reg	<i>Biodiversity Conservation Regulation 2017</i>
BDAR	Biodiversity Development Assessment Report
CEEC	Critically Endangered Ecological Community
CEMP	Construction Environmental Management Plan
CMP	Construction Management Plan
CTMP	Construction Traffic Environmental Plan
DCP	Development Control Plan
DPE	NSW Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EIS	Environmental Impact Statement
EPA	NSW Environment Protection Authority
HIPAP	Hazardous Industry Planning Advisory Paper
LEP	Local Environmental Plan
MNES	Matters of National Environmental Significance
NRAR	Natural Resource Access Regulator
OEMP	Operational Environmental Management Plan
PBP	Planning for Bushfire Protection
PCT	Plant Community Type

Reference	Description
POM	Plan of Management
PSI	Preliminary Site Investigation
SAIL	Serious and Irreversible Impacts
SARs	Commonwealth Supplementary Assessment Requirements
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
Site	Lot 2380 DP755247, Lot 2379 DP755247, Lot 2378 DP755247 and Lot 2377 DP755247 Site also include the strip of land to the south occupied by the amenities block –Lot and DP to be confirmed in the EIS
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2009</i>
SSD	State Significant Development
SSDA	State Significant Development Application
TIA	Traffic Impact Assessment
UXO	Unexploded Ordnance
VIS	Vegetation Integrity Score
WMP	Waste Management Plan

1. INTRODUCTION

This Scoping Report has been prepared on behalf of the Basketball Association of Newcastle Limited (BANL) and in support of a new basketball complex with courts, indoor stadium, amenities and associated civil and landscaping works at 2 Monash Road and 24 Wallarah Road, New Lambton in the City of Newcastle Local Government Area (LGA).

It seeks project specific Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) that will accompany a State Significant Development Application (SSDA).

This section of the report identifies the applicant for the project and describes the site and proposed development. It outlines the site history and feasible alternatives explored in the development of the proposed concept, including key strategies to avoid or minimise potential impacts.

1.1. APPLICANT DETAILS

The applicant details for the proposed development are listed in the following table.

Table 1 Applicant Details

Descriptor	Proponent Details
Full Name(s)	Basketball Association of Newcastle Limited
Postal Address	22 Young Road Broadmeadow NSW 2305
ABN	81 003 432 871
Nominated Contact	Simon Haire
Contact Details	Simon Haire 0428 600 657 infrastructureprojects@bnsw.com.au

1.2. PROJECT DESCRIPTION

This application is a State Significant Development Application (SSDA) for a basketball complex and indoor stadium on the site.

This SSDA seeks approval for:

- Site layout including carpark (205 car spaces) and landscaping.
- A single storey plus mezzanine basketball complex configured as eight (8) courts with amenities, administration spaces and retail tenancy, mezzanine level function rooms, administration space and training areas and an additional three (3) courts including show court with retractable grandstand seating and high-performance training facilities (teaching space and gym).
- Indicative GFA of up to 17,700m², comprising ground floor of approximately 15,300m² and first floor mezzanine of 2,400m².
- Civil works including construction of new vehicular access and egress point to Turton Road and an internal roadway.
- Demolition of existing amenities block
- Site remediation.
- Service infrastructure provision.

- Car park with 205 spaces.
- Site landscaping and pedestrian paths.
- Building and site signage.
- Subdivision to incorporate an additional piece of land into the overall site.

The works have been designed so that the courts can be delivered as an initial block of six, with the remaining courts and stadium component delivered in subsequent construction stages. The staging approach will be dependent on available funding and full details will be provided in the EIS.

A description of the proposed works is provided in **Section 3** of this report and is shown on the architectural concept plans prepared by EJE included at **Appendix B**.

The proposed development has an estimated capital investment value which exceeds \$30 million. Accordingly, the proposal is classified as SSD under clause 13 of Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP), being 'development for the purposes of a recreation facility (major) that has a capital investment value of more than \$30 million.

A Preliminary QS Report is included at **Appendix C**.

The Minister is the consent authority for the proposal in accordance with section 4.5 of the *Environmental EP&A Act*. Accordingly, this DA is being lodged with the Department of Planning and Environment (DPE) as an SSDA seeking approval for the new basketball stadium complex and associated ancillary development.

The site information relevant to the project is provided in the following table. A detailed description of the key features of the site and locality is provided in Section 2.3 of this report.

Table 2 Site Details

Descriptor	Site Details
Street Address	2 Monash Road and 24 Wallarah Road, New Lambton
Legal Description	Lot 2380 DP755247 Lot 2379 DP755247 Lot 2378 DP755247 Lot 2377 DP755247. Amenities block land (to be added to the site via subdivision as part of this SSDA)
Site Area	The site has an area of 7.83ha.

The site is known as Blackley Oval and Wallarah Oval and is currently used as playing fields. It is turfed with relatively flat topography. Several mature trees are located on the southern and eastern boundaries. The future development site includes a strip of land on the southern side of the site currently occupied by an amenities bloc. The City of Newcastle Council (Council) has confirmed that this area of land can be used for the development. The SSDA includes subdivision of the land to include this as part of the site.

A public walkway/cycleway runs directly adjacent to the southern boundary of the site and beyond this the Lambton Ker-rai Creek stormwater canal.

The site is surrounded by a variety of land uses. Directly north and adjacent to the site is Lambton High School. There are residential dwellings to the north and to the south (over the stormwater canal on Monash Road). To the east the site addresses Turton Road and sporting and recreational land uses including McDonald Jones Stadium, Newcastle International Hockey Centre and Newcastle Harness Racing Club. To the west are more public recreational spaces; Arthur Edden Oval, New Lambton Skate Park, Ford Oval, Kentish Oval and Harker Oval. An aerial of the site and surrounding context is included at **Figure 1**.

Figure 1 Aerial Map of the site



Source: Urbis

1.3. PROJECT BACKGROUND

The existing Newcastle Basketball Stadium at Broadmeadow has reached capacity and is in a dilapidated state. A larger purpose built facility is required to meet the needs of the growing sport. The current basketball stadium site is located at Broadmeadow on land owned by Venues NSW and designated as the Hunter Sports and Entertainment Precinct (Hunter Park). Venues NSW has plans for significant infrastructure investment and renewal in the area. The closure and removal of the existing basketball stadium will help to facilitate these plans.

The NSW Government has provided \$25 million for the project as part of previous election commitment. A Regional development application (RDA) was lodged for the project on Hillsborough Road, Charlestown in the Lake Macquarie LGA; however, the application was ultimately not supported by the Hunter and Central Coast Regional Planning Panel (HCCPP).

On 22nd March 2023, the Basketball Association of Newcastle Limited, City of Newcastle and New South Wales (NSW) Government announced that the new basketball stadium would be built at Wallarah Oval.

Additional funding will be required for the delivery and completion of the project. BANL have recently been notified that they have reached the second stage of the Commonwealth Government Growing Regions Program. If this grant application is successful, it will provide an additional \$15m commitment for the project.

2. STRATEGIC CONTEXT

This section describes the way in which the proposal addresses the strategic planning policies relevant to the site. It identifies the key strategic issues relevant to the assessment and evaluation of the project which will be explored in further detail within the future EIS.

2.1. PROJECT JUSTIFICATION

The proposed development is aligned with the State, district and local strategic plans and policies applying to the site as outlined below.

2.1.1. Hunter Regional Plan 2041

The Hunter Regional Plan 2041 sets the strategic land use framework for continued economic transformation in one of Australia's most diverse and liveable regions. The plan builds on the previous Hunter Regional Plan 2036, responding to an era of rapid change to promote sustainable growth, connected communities, resilience and a region that all residents have a stake in. The plan sets out nine objectives of which the following are directly relevant to the project:

- *Objective 3 – Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant local communities.*
- *Objective 4 – An inter-connected and globally focused Hunter without car dependent communities*
- *Objective 6 – Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking catchments.*
- *Objective 7 – Reach net zero and increase resilience and sustainable infrastructure.*
- *Objective 8 – Plan for businesses and services at the heart of healthy prosperous and innovative communities*

The proposal is consistent with the delivery of these objectives as listed below:

- It will deliver a sporting facility in the well-connected, central location of Broadmeadow, supporting goals for the 15-minute neighbourhoods.
- It supports active lifestyles and facilitates the social and cultural needs of the community.
- The proposal will address environmental conditions including flooding to provide sustainable and resilient infrastructure, ensuring it will positively contribute to wider sustainability goals.
- High quality landscaping opportunities have been incorporated into the proposal to ensure it supports landscaping aspirations.
- The proposal includes retail and a café space encouraging visitation and engagement and the opportunity to partner with a local business, supporting an innovative and prosperous local community.

2.1.2. Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle. The Plan also helps to achieve the vision set in the Hunter Regional Plan 2041 – for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

The proposal aligns with the outcomes within the plan as follows:

- It will deliver a significant sporting and recreational facility to support the active lifestyle of Novocastrians.
- It will provide the opportunity to further promote Newcastle and the region by attracting sporting events to Newcastle and generating tourism.
- The architecturally designed complex will positively contribute to the urban fabric of the city and the wider sustainability goals of the region by implementing sustainable infrastructure and practices.

2.1.3. Newcastle Local Strategic Planning Statement 2040

The Newcastle Local Strategic Planning Statement (LSPS) is City of Newcastle's (CN) plan to guide land use planning over the next 20 years. The LSPS implements priorities from the Community Strategic Plan, Newcastle 2030, and brings together land use planning actions in other CN adopted strategies. The LSPS also gives effect to the State Government strategic directions for the Hunter region, outlined in the Hunter Regional Plan 2041 and the Greater Newcastle Metropolitan Plan 2036. The proposal aligns with the following LSPS planning priorities:

- Planning Priority 6: Reduce carbon emissions and resources consumption – The proposal includes best practice waste minimisation and recycling practices and implement energy and resource efficiencies.
- Planning Priority 7: Plan for climate change and build resilience – The proposal will investigate and address flooding risk including addressing climate change scenarios.
- Planning Priority 8: Plan for growth and change in Catalyst Areas, Strategic Centres and Urban Renewal Corridors – The proposal will support growth in the Broadmeadow Strategic Centre by recreational opportunities and public activation.
- Planning Priority 16: Grow out tourism and night-time economies – The proposal will promote and support the growth of major sporting events within Newcastle and the broader Region, contributing to the cultural vibrancy of the city.

2.1.4. Broadmeadow Place Strategy

The NSW Government announced \$73.5m towards the Rezoning Pathways Program – an initiative designed to unlock 70,000 homes across NSW. The Broadmeadow precinct has been identified as an important area for growth to occur.

To enable this, City of Newcastle is developing a place strategy, known as the Broadmeadow Place Strategy, which outlines a 30-year vision for the area. The Strategy will help guide future land use and infrastructure investment in the area, specifically in regard to housing, employment opportunities, public spaces and facilities. This Place Strategy will also highlight the planning controls needed to enhance the precinct for both current and future residents.

Although just outside the boundary of the Place Strategy, the project will contribute to the strategic positioning of the area by providing recreational facilities to current and future residents.

2.1.5. Hunter Park

In 2017 Venues NSW released a discussion document and undertook community consultation about the long-term future of the Broadmeadow sporting precinct – incorporating the McDonald Jones Stadium, Hockey field, Newcastle Entertainment Centre and Newcastle showgrounds. This identified opportunities for open space, a hotel, consolidation of sport facilities, multi-purpose area and other complementary sporting and leisure facilities.

Key aspects of the proposal include:

- 50 hectares of public open space.
- Consolidation of existing sporting facilities.
- Complementary leisure, hotel and entertainment zones,
- 13,000sqm of commercial space.
- More than 2,600 new homes, including social and affordable housing.

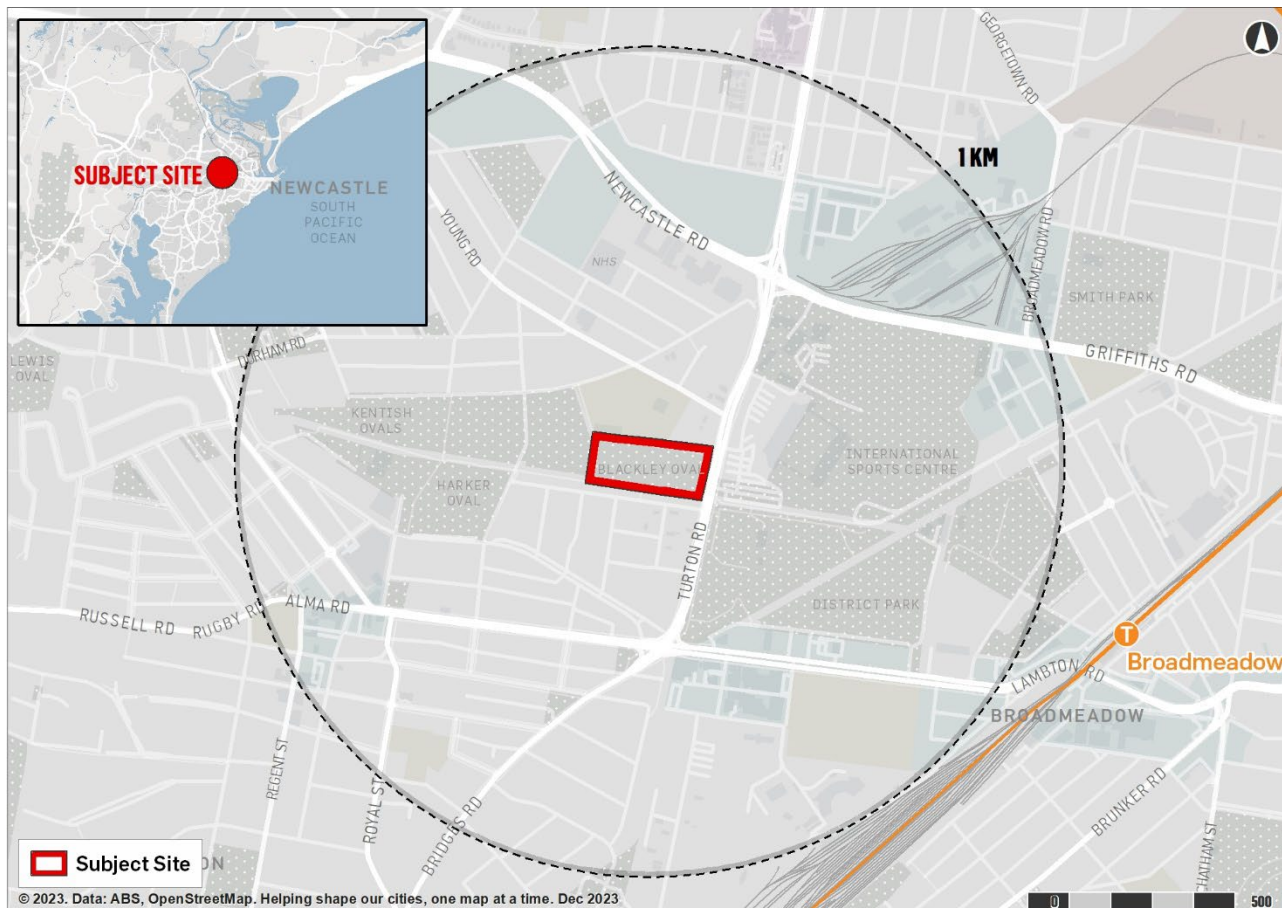
In June 2021 Venues NSW received \$6.7 million State Government funding to progress the business case for the project. A planning process will be required to enable the vision for Hunter Park. The timeframe for this is unknown.

Although outside the boundary of the Hunter Park proposal, the project will contribute to the strategic positioning of the area as a sporting and entertainment precinct.

2.2. KEY FEATURES OF SITE AND SURROUNDS

The site is 7.83ha and located at 2 Monash Road and 24 Wallarah Road, New Lambton, within the City of Newcastle LGA as shown in **Figure 2** below. Photographs of the current site conditions are provided in Figure 3.

Figure 2 Site Context



Source: Urbis

2.2.1. Traffic and Access

The site is currently used as an oval and has no direct vehicular access. The eastern side adjoins Turton Road which is classified main road. Turton Road is a major transportation route within the Newcastle Road network which collects and distributes traffic from the Waratah, Hamilton North, Broadmeadow, Lambton and Kotara areas to the higher order road network (Pacific Highway) at Highfields and Mayfield. Being a classified road, it is under the care and control of Transport for New South Wales (TfNSW).

A key priority for BANL is ensuring the project is provided with safe, legible vehicular access and sufficient onsite parking to meet the needs of the development and ensure impacts to the surrounding road network and residents are minimised.

Parking for the site is provided on Monash Road, with pedestrians crossing via a bridge over the stormwater canal to the ovals. It is noted that these spaces are not dedicated parking spaces for the oval and are used by residents as well as visitors to McDonald Jones Stadium.

Pedestrian access is available via Monash Road (via the bridge over the stormwater canal) Turton Road and through the adjoining sports fields. The shared pedestrian path / cycleway that adjoins the site to the south leads west to Lambton and to the east to Broadmeadow, connecting into other cycling routes, Hamilton and the Newcastle CBD.

The site is also well located with respect to access to public transport. Public bus routes run along Turton Road and Lambton Road (400m south) providing access to Newcastle CBD, John Hunter Hospital, the

University of Newcastle and west to Cardiff and Glendale in the Lake Macquarie LGA. Broadmeadow train station is located approximately 1km to the east. Pedestrian access from the site to the station is available via a shared cycleway that runs south of the International Hockey Centre. Broadmeadow station is a major stop on the Newcastle / Hunter train line with express services to Gosford and to Sydney.

2.2.2. Flooding

The site is mapped as flood prone land. There is a stormwater channel located on the southern boundary. An existing 1% Annual Exceedance Probability (AEP) floodway runs along the southern boundary and the south-eastern corner of the site. The proposal will be required to demonstrate that it does not adversely impact the existing flood conditions. Torrent Consulting has undertaken preliminary flood risk assessment which has identified the key constraints, and this has influenced the proposed site layout. Refer Section 6.1.3 of this report for further details.

2.2.3. Adjacent Land Uses

The proposal is located directly south of Lambton High School and in proximity to residential areas. A key priority for BANL is to ensure acoustic and vibration impacts are managed, as well as visual impacts and that the proposal positively benefits its neighbours.

Figure 3 Site Photographs



Picture 1 Looking West across the site toward the existing amenities block.

Source: APP



Picture 2 Looking east across the site toward McDonald Jones Stadium.

Source: APP



Picture 3 Existing Stormwater canal directly south of the site.

Source: APP



Picture 4 Existing amenities block located on the southern boundary of the site.

Source: APP

3. PROJECT

This section outlines the key features of the proposed development, including the project area, the conceptual physical layout and design, the main land use activities and indicative staging of the project.

It also includes a high-level understanding of feasible alternatives which were considered, including the consequences of not carrying out the development.

3.1. PROPOSED DEVELOPMENT

BANL is seeking approval for a new basketball complex including indoor stadium that will support the growing Basketball community within the Hunter region.

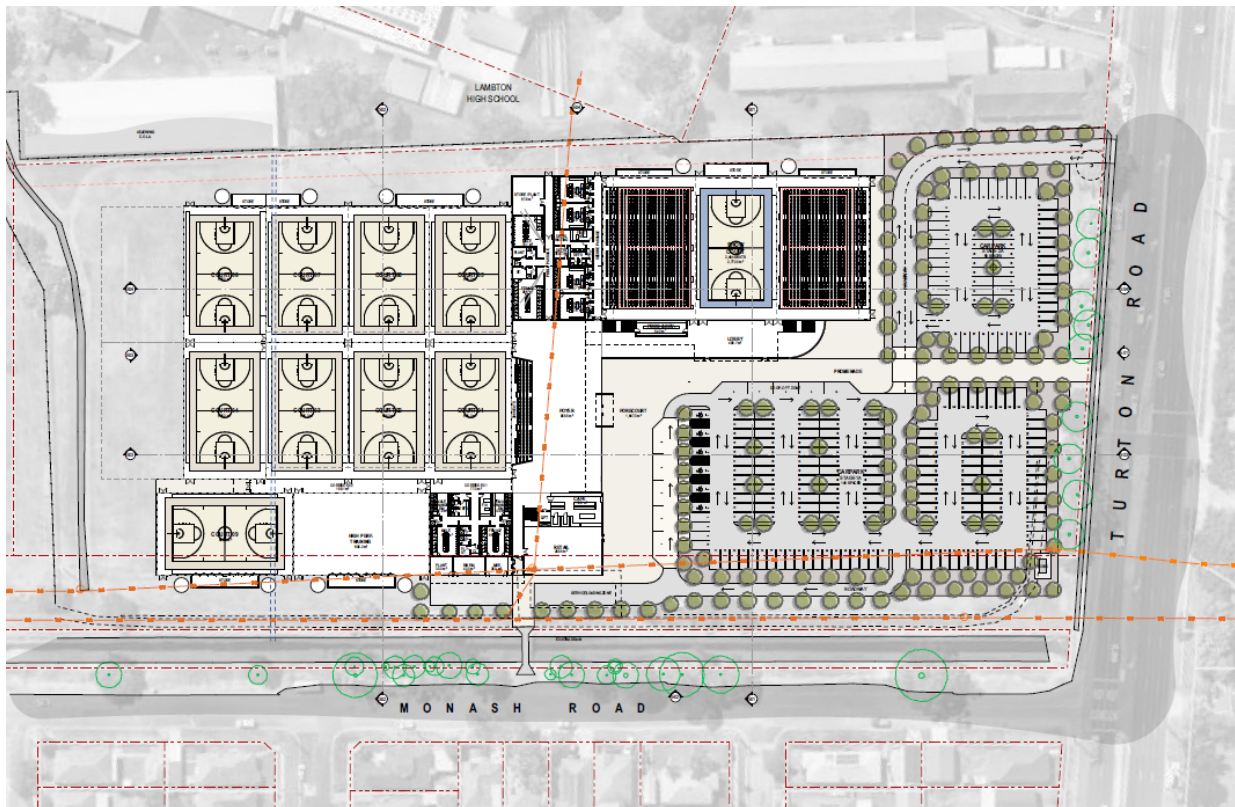
The key components of the proposed development are listed in the following table. A copy of the architectural concept drawings is attached as **Appendix B**.

This SSDA seeks approval for:

- Site layout including carpark and landscaping.
- A single storey plus mezzanine basketball complex configured as eight (8) courts with amenities, administration spaces and retail tenancy, mezzanine level function rooms, administration space and training areas and an additional three (3) courts including show court with retractable grandstand seating and high-performance training facilities (teaching space and gym).
- Indicative GFA of up to 17,700m², comprising ground floor of approximately 15,300m² and first floor mezzanine of 2,400m².
- Civil works including construction of new vehicular access and egress point to Turton Road and an internal roadway.
- Demolition of existing amenities block
- Site remediation.
- Service infrastructure provision.
- Car park with 205 spaces.
- Site landscaping and pedestrian paths.
- Building and site signage.
- Subdivision to incorporate an additional piece of land into the overall site.

The proposed works are shown in Figure 4 and Figure 5 below.

Figure 4 Ground Floor Plan



Source: EJE Architecture

Figure 5 3D cutaway of stadium complex



Source: EJE Architecture

3.1.1. Staging

The proposal has been designed so that the project can be delivered as an initial block of six courts with subsequent additions to be delivered over several construction stages, as described below:

Stage 1A

- A single storey plus mezzanine building with total GFA of approximately 10,218m² comprising:
 - Ground floor: 6 x basketball courts, amenities to support the functioning of the complex including bathrooms, change rooms, lobby and foyer, retail tenancy and café.
 - Mezzanine level function rooms, administration space and training areas.
 - Car park with 146 spaces

Stage 1B

- Ground floor extension to the west to provide 2 x courts in the general configuration delivered in Stage 1A with a GFA of approximately 1,630m².

Stage 2A

Extension to the northern side of the existing building with total additional GFA of approximately 5,269m² comprising:

- Ground floor 3 x courts including Show court with retractable grandstand seating over the 2 adjacent courts
- Mezzanine level: extension of mezzanine to provide additional corporate spaces
- Expansion of existing carpark to provide 205 spaces

Stage 2B

Ground floor extension to the southern side of the building to provide 1 x court plus high performance training area with total additional GFA of 1,911m².

The staging approach will be dependent on available funding and full details will be provided in the EIS. BANL is committed to delivery of the full proposal subject to allocation of additional funding.

Estimated construction start date for construction of the first stage is April 2025.

3.1.2. Operation

The basketball complex will serve basketball players from Lake Macquarie, Newcastle and Port Stephens LGAs and beyond as well as accommodate other sporting uses including futsal, netball and indoor hockey.

The complex will operate 7 days a week from 7am -10pm.

The proposal will provide a facility that will attract over 1 million visits per year. A breakdown of the visitation and event usage anticipated in the first construction stage and the completed proposal is provided in **Table 3** below.

Table 3 Visitors Number – Complete Proposal and Construction Stage 1A

Visitor number	Complete proposal	Construction Stage 1A
Regular training, local competitions	▪ Weekly – 22,500 ▪ Annually – 1 million	▪ Weekly – 15,000 ▪ Annually – 670,00
Events	▪ 12 x National Basketball League (NBL) games per year with 1,600 spectators. ▪ 3 x pre season NBL games, super netball or exhibition matches with 2,000 spectators.	▪ 4 x State Cup / Junior League events per year with 2,000 players and spectators attending over a two-day period.

Visitor number	Complete proposal	Construction Stage 1A
	2 x other sporting events (volleyball, indoor hockey, futsal) per year with 1,000 spectators. - State Cup and school gala days as per Stage 1. - Annually – 55,500 event related visits.	20 x school gala days with 300 players and spectators attending. - Annually – 35,000 event related visits.

3.2. FEASIBLE ALTERNATIVES

Section 192 of the *Environmental Planning and Assessment Regulation 2021* (the EP&A Regulation) requires an analysis of any feasible alternatives to the proposed development, including the consequences of not carrying out the development.

Several alternatives which were considered in relation to this project. The key options are listed and discussed in the following table.

Table 4 Analysis of Feasible Alternatives

Option	Comments
Option 1 – Do Nothing	BANL is a leading basketball club that seeks to provide its community with the highest standards of recreational facilities. For the club to maintain this standard, BANL needs to upgrade its existing facilities commensurate with contemporary standards and practices. A “Do nothing” approach as per Option 1 would diminish the quality of training and opportunities provided to its current and future club members.
Option 2 – Alternative Access Route to Site.	An investigation of potential vehicular access routes was undertaken to inform the site layout. An alternate access route (one way in) could be provided from Womboin Road on the north-west of the site, with cars exiting onto Turton Road. This option is not preferred as it represents a more disruptive (to the surrounding residential area in terms of traffic movements, as well as to an existing bike path) and inefficient access route to the site. This road would also need to be built on adjacent property.
Option 3 – Site layout	An investigation flooding affectation on the site was undertaken to determine the buildable zone. The courts are located to the western and north sides of the site, away from the area of greater flood affectation. Multiple configurations of the proposed car park were also considered. The optimum outcome is for the car park to be located close to the Turton Road frontage and southern boundary, in an L shape to enable it to also serve as flood storage for the site. The site layout provides the opportunity for the show court element of the complex to have a strong architectural impact on the streetscape, while also addressing site conditions.

Option	Comments
	Pursuing Option 3 therefore represents the most desirable option to meet the immediate and long-term needs of BANL.

4. STATUTORY CONTEXT

This section of the report provides an overview of the key statutory requirements relevant to the site and the project, including:

- *Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999*
- *NSW Biodiversity Act 2016;*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning Assessment Regulation 2021.*
- *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*
- *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Newcastle Local Environmental Plan 2012 (NLEP)*

Consideration is also required to be given to the following matters:

- *Newcastle Development Control Plan 2012 (NDCP)*

4.1. STATUTORY REQUIREMENTS

The following table categorises and summarises the relevant requirements in accordance with the DPE *State Significant Development Guidelines*. Each of these matters will be addressed in further detail within the future EIS.

Table 5 Identification of Statutory Requirements for the Project

Statutory Relevance	Action
<i>Power to grant approval</i>	In accordance with Clause 13 of Schedule 1 of the Planning Systems SEPP, development that has a capital investment value (CIV) of more than \$30 million for the purpose of <i>recreation facilities (major)</i> is classified as SSD. The proposed works have an estimated CIV exceeding \$30 million (refer preliminary cost estimate at Appendix C). Therefore, the proposal is SSD in accordance with the Planning Systems SEPP.
Permissibility	The site is zoned RE1 public recreation and <i>recreation facilities (major)</i> are permissible with consent within the zone.
Other approvals	
NSW Heritage Act 1977	The Heritage Act 1977 protects heritage items, sites and relics in NSW older than 50 years regardless of cultural heritage significance. Section 4.41 of the EP&A Act establishes that SSD is exempt from the application of Division 8 of Part 6 of the Heritage Act.
NSW National Parks and Wildlife Act 1974	The National Parks and Wildlife Act 1974 aims to prevent the unnecessary or unwarranted destruction of relics and the active protection and conservation of relics of high cultural significance. The provisions of the Act apply to both Indigenous and non-indigenous relics.

Statutory Relevance	Action
	Section 4.41 of the EP&A Act provides that SSD is exempt from the need for a section 90 permit for the removal of items of Aboriginal heritage. An archaeological assessment will be undertaken as part of the EIS to identify and minimise potential heritage impacts in relation to the proposed development.
NSW Water Management Act 2000	In accordance with the Water Management Act 2000, a licence would be required if water was to be extracted from a creek or if any waterways were to be realigned during construction. In accordance with section 4.14 of the EP&A Act, approvals under sections 89, 90 or 91 of the Water Management Act 2000 are not required for SSD.

4.2. PRE-CONDITIONS

Table 8 outlines the pre-conditions to exercising the power to grant approval which are relevant to the project and the section where these matters are addressed within the Scoping Report.

Table 6 Pre-Conditions

Statutory Reference	Pre-condition	Relevance
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 – Section 4.6</i>	A consent authority must be 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.	Potential sources of contamination may exist at the site but are not expected to preclude the proposed development of the site.

4.3. MANDATORY CONSIDERATIONS

Table 9 outlines the relevant pre-conditions to exercising the power to grant approval and the section where these matters are addressed within the EIS.

Table 7 Mandatory Considerations

Legislation	Relevance
<i>Biodiversity Conservation Act 2016</i>	In accordance with section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act), an SSD is required to be accompanied by a biodiversity development assessment report (BDAR). However, a BDAR waiver may be granted should it be determined by the Department and its Biodiversity Conservation Division that the proposed development is not likely to have any significant impact on biodiversity values. The site is not currently listed as containing environmentally sensitive land under the Newcastle LEP 2012. However, a suitably qualified person will need to confirm that there are no biodiversity values onsite. If this is the case, A Biodiversity Waiver will be prepared and obtained prior to the submission of the EIS.

Legislation	Relevance
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	The Planning Systems SEPP identifies development that is considered to be significant to the state of NSW. Section 13 of Schedule 1 of the SEPP identifies cultural, recreation and tourist facilities as state significant development: 13 Cultural, recreation and tourist facilities (1) <i>Development that has a capital investment value of more than \$30 million for any of the following purposes—</i> (e) <i>recreation facilities (major),</i> The proposed development is for a proposal best defined as ‘<i>recreation facility (major)</i>’ involving a CIV over \$30 million. The scale of the proposed basketball complex, as well as the capacity of the indoor stadium to host significant events with large numbers of spectators make this the appropriate land use definition. The development will therefore be determined by the Minister for Planning and Homes (unless referred to the Independent Planning Commission).
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	The Resilience and Hazards SEPP establishes state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. Appropriate contamination investigations will be conducted and if land is contaminated, the site will be suitably remediated prior to development to reduce the risk of harm to human life or to other aspects to the environment. It is assumed that the site can be remediated and prepared to be suitable for future proposed use.
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	The Sustainable Buildings SEPP encourages the design and construction of more sustainable buildings across NSW to meet emissions reduction targets. Consent authorities are required to consider the ways a development addresses the general provisions of the SEPP, which require measures to minimise waste, reduce reliance on fossil fuels, generate and store renewable electricity and minimise water. The proposal will address the general provisions of the Sustainable Buildings SEPP and the additional provisions applicable to the development. An Embodied Emissions Materials Form and Net Zero will be prepared.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	The Transport and Infrastructure SEPP identifies the environmental assessment category into which different types of infrastructure and services development are classified and requires certain traffic-generating developments to be referred to Transport for NSW (TfNSW). In accordance with Schedule 3 of the Transport and Infrastructure SEPP, the proposed development is likely to be considered traffic-generating development and the works also involve a new connection to a classified road. They will therefore be referred to TfNSW. The SSDA may also be referred to the relevant utility service providers to confirm that the siting and layout of the proposed development will not impact on relevant easements and/or infrastructure corridors.

Legislation	Relevance		
<i>Newcastle Local Environmental Plan 2012</i>	An assessment of the preliminary concept plans against the principal development standards within the Newcastle LEP 2012 is provided below.		
	Development Standard	Control	Compliance
	Land Use	The entirety of the site is zoned RE1 Public Recreation.	<i>'Recreation facilities (major)'</i> are permissible with consent.
	Clause 4.3 – Height of Buildings	The site does not have a maximum height of building control.	Not applicable.
	Clause 4.4 – Floor Space Ratio	The site does not have a maximum floor space ratio control.	Not applicable
	Clause 5.10 – Heritage Conservation	The site is not identified as a heritage item nor is it located within a heritage conservation area.	Not applicable.
	Clause 5.21 – Flood Planning	Minimise flood risk to life and property associated with the use of land.	A flooding risk assessment will be prepared in accordance with the SEARs the <i>Flood Risk Management Manual, June 2023</i> requirements and accompany the EIS.
	Clause 5.22 – Special Flood Considerations	Enable the safe occupation and efficient evacuation of people in the event of a flood	The proposed design will address the safe evacuation of people in a flood.

5. COMMUNITY ENGAGEMENT

The following sections of the report describe the engagement activities that have already been carried out for the project, including preliminary community views, and the engagement to be carried out during the preparation of the EIS.

5.1. ENGAGEMENT CARRIED OUT

5.1.1. Community Consultation

BANL is committed to keeping the basketball community, the local community and surrounding residents informed about the proposed works. BANL has undertaken consultation with the following stakeholders to date to inform the project planning, design and approvals process:

- NSW Department of Planning and Environment
- NSW Office of Sport
- Transport for NSW
- Local members of Parliament
- Local Aboriginal Land Council
- City of Newcastle Council
- Newcastle Basketball Association (members and associates)
- Lambton High School (school executives, parents and citizens committee)

5.1.2. Initial Stakeholder Feedback

In consultation undertaken to date, the following key themes have emerged:

- **Indoor Sporting Facility Demand:**
 - There is a significant community and stakeholder support to address the latent and future demand for indoor sporting facilities within the Newcastle, Lake Macquarie and Port Stephens LGAs.
- **Increased Access to Indoor Sporting Facilities:**
 - There is significant community and stakeholder support for the provision of further opportunities to facilitate increased participation in basketball and other sports particularly for people with a disability, culturally diverse communities as well as women and girls.
 - There is support for the provision of additional opportunities and access to multi-sport courts for other sport partners inclusive but not limited to netball, hockey, futsal, volleyball, badminton and pickle ball.
- **Improved Facility Standard:**
 - There is significant community and stakeholder support for improved user experience and address functional and quality issues of the current facilities within the Hunter region.
 - There is support for the opportunity to establish high profile indoor sporting spectator facilities to support a range of sports including basketball, netball and volleyball.
- **Regional Capacity:**
 - Significant community and stakeholder support for the proposed Hunter Basketball Stadium to enable major regional events and representative games to be held in the region.
 - Support for the economic benefits of a new facility to attract regional events.
 - Significant community and stakeholder support for the strategic alignment of the proposed Hunter Basketball Stadium to compliment and leverage the current and future Hunter Park Precinct.
- **Traffic and carparking impacts:**

- Public authorities (Newcastle City Council and Transport for NSW) have identified the need for specialist traffic assessment and consideration of mitigation options to address potential impact of increased vehicular traffic generated by the development, vehicular access to the site and carparking provision.
- **Reduction of open space**
 - User groups affected by the proposal, primarily local sporting clubs and Lambton High School have expressed concern about the loss of access to the existing ovals. It is noted that City of Newcastle Council is working with affected local sporting groups to find alternative locations for their sporting activities. Consultation with these stakeholders will be ongoing.
- **Construction Impacts:**
 - Consideration and mitigation options of the impact of the proposed development construction phase with specific reference to the noise and heavy vehicle movements on local residents.

These matters will be considered in future engagement regarding the proposed development and addressed in the Social Impact Assessment and within the EIS.

5.2. ENGAGEMENT TO BE CARRIED OUT BY THE APPLICANT

5.2.1. Additional Stakeholder Engagement

A Stakeholder Engagement Strategy (SES) has been developed to ensure a systematic robust and approach to inform the planning for the proposed Hunter Basketball Stadium. This SES has been developed to achieve the following stakeholder engagement objectives:

- Promote the benefits of the project
- Build key stakeholder relationships and maintain goodwill with impacted communities
- Manage community expectations and build trust by delivering on our commitments
- Provide timely information to impacted stakeholders and broader communities
- Address and correct misinformation in the public domain
- Reduce the risk of project delays caused by negative third-party intervention
- Leave a positive legacy for the community

Further community and stakeholder consultation will be undertaken in the preparation and assessment of the EIS. This will include consultation with the following stakeholders:

- NSW Department of Planning and Environment
- NSW Office of Sport
- Transport for NSW
- Venues NSW (owners of Mc Donald Jones stadium)
- Local members of Parliament
- Local Aboriginal Land Council
- City of Newcastle Council
- Newcastle Basketball Association (members and associates)
- Lambton High School (school executives, parents and citizens committee)
- Hunter Bible Church (who meet within Lambton High School)
- Other sporting groups (Newcastle Cricket, Lambton Football Club)
- Local residents

Throughout the next phase of consultation data will be recorded on stakeholders engaged, participation levels both face-to-face and online, a record of engagement tools and activities carried out in addition to queries received and feedback against emerging themes. Stakeholder and community sentiment will be evaluated throughout to ensure effectiveness of the engagement strategy and to inform future activities.

There will also be engagement with service providers to inform the technical studies inclusive of, but not limited to:

- Energy Australia
- Hunter Water
- Telstra

All feedback received during the preparation of the EIS will be collated in a Communications and Engagement Outcomes Report that will form part of the EIS.

In accordance with the EP&A Regulations, the EIS will be placed on formal public exhibition once the Department reviews the document as being 'adequate' for this purpose. Following this exhibition period, the applicant will respond to matters raised by notified parties.

6. PROPOSED ASSESSMENT OF IMPACTS

This section identifies the key impacts which will be further investigated and assessed within the EIS, including the proposed approach to assessing each of these matters. It also identifies the matters addressed in the scoping phase that are unlikely to result in significant impacts and do not warrant further consideration in the EIS.

6.1. MATTERS REQUIRING FURTHER ASSESSMENT IN THE EIS

The following section of the report provide a comprehensive description of the relevant matters and impacts which will be addressed in detail within the EIS. It outlines the matters and impacts of particular concern to the community and other stakeholders. It includes each of Key Issues and Other Issues as identified in the Scoping Summary Table (refer **Appendix A**).

6.1.1. Traffic and Transport

6.1.1.1. Access to site

The site is currently used as an oval with no direct vehicular access. The preferred vehicular access arrangement is via a left in, left out arrangement from Turton Road. Civil plans will be provided with the EIS documenting this access point.

6.1.1.2. Pedestrian Access

Direct pedestrian access to the site will be available from all sides except the north. A path will be provided from Turton Road. From the south the existing pedestrian bridge over the stormwater canal will continue to provide access from Monash Road. Access will also be provided from the school and adjoining ovals.

6.1.1.3. Traffic

The initial review of baseline data by the project traffic consultant SECA Solutions supports the proposed vehicular access arrangements from Turton Road and the capacity of the road network to support the trip generation expected from the basketball complex. This will be verified via traffic counts, modelling and assessment and provided with the EIS.

The proposal involves a new dedicated car park for the facility which will include a drop off zone and 205 car parking spaces. Parking provision has been calculated in accordance with Newcastle Council Development Control Plan 2012 requirements. Options for bus drop off/ parking are being explored with consideration being given to use of Monash Road or the car park at McDonald Jones stadium.

A Parking and Traffic Impact Assessment and associated Green Travel Plan will be prepared by SECA Solutions for inclusion with the EIS. These documents will analyse traffic impacts arising from both the proposal and provide any relevant mitigation measures, where required. As noted in Section 2.2.1 of this report, the site is well located with respect to bus and train services providing the opportunity to encourage visitation by means other than private vehicle. The applicant will consult with TfNSW and City of Newcastle Council in the course of preparing this assessment.

Traffic associated with the construction works will also be assessed. This will include details of any operational changes to access arrangements during construction of the proposed works.

6.1.2. Heritage

6.1.2.1. Archaeology

It is anticipated that there will be no items of Aboriginal heritage significance on site. An Aboriginal Cultural Heritage Assessment Report (ACHAR) will be prepared and submitted as part of the EIS and the relevant consultation process will be followed as part of preparing that ACHAR. The preparation of this report has already commenced.

It should be noted that the AHIMS register does not represent a comprehensive list of all Aboriginal objects or sites in a specified area as it lists recorded sites only identified during previous archaeological assessment. Areas not subject to previous assessment are therefore unlikely to contain registered sites on the AHIMS register, although sites currently unknown may occur.

6.1.3. Hazards and Risks

6.1.3.1. Flooding

Torrent Consulting has undertaken preliminary flood risk assessment to inform the site layout and concept design. The key flooding constraints to be addressed in the design include:

- Finished floor levels to satisfy flood planning requirements, with the flood planning level being around 8.7m AHD.
- On-site flood refuge to be provided above the probably maximum flood (PMF) level of 9.3 m AHD.
- Retention of flood water conveyance along the eastern boundary
- Retention of 80% floodplain storage volume being displaced by the proposed development.

Comprehensive flood modelling and reporting will be prepared to accompany the EIS. The assessment will be required to demonstrate that the proposal does not adversely impact the existing flood conditions. This documentation will provide details of the proposed on-site flood management measures as well as mitigation measures.

6.1.3.2. Geotechnical and Contamination

Appropriate geotechnical and contamination investigations will be addressed as part of the EIS, including a Stage 1 Environmental Assessment (and Stage 2 Environmental Assessment and Remediation Action Plan (RAP), if required). This will enable suitable structural designs to be incorporated and to appropriately address statutory contamination requirements and any appropriate mitigation measures for those works.

6.1.3.3. Waste Management

A waste management plans addressing operational and construction waste impacts will be prepared and accompany the EIS. Where possible, all construction and operational waste will be reused or recycled. The plans will detail proposed waste management arrangements including storage and collection points.

6.1.3.4. Stormwater Management

Stormwater impacts associated with the proposal will be assessed by a qualified consultant and the assessment will be provided with the submission of the EIS. A Stormwater Management Plan and Sediment and Erosion Control Plan will accompany the EIS submission and will provide details regarding proposed on-site stormwater management measures, as well as erosion and sediment control measures required to mitigate offsite impacts where relevant.

6.1.4. Built Form

The concept plans prepared by EJE Architecture (refer to **Appendix B**) illustrate the proposed works and proposed construction stages.

The site layout has been informed by the flood affectation on the site, with the built form located to the west of the site out of the floodway and the car park to the east fronting Turton Road.

The design development process is ongoing, and the EIS will outline the proposed development in detail, including any site preparation works, proposed building works and works associated with parking and access. Architectural plans and construction staging plans will be prepared.

The architectural design report will set out the rationale for the siting and layout of the proposed development. The EIS will address the height, bulk and scale of the proposed development within the context of the surrounding area, and design quality with specific consideration of the use of colours, materials, finishes and landscaping associated with the works.

A detailed landscape plan and landscape design report will be prepared.

The design will be developed and informed with regard to the Connecting with Country Framework released by the NSW Government Architect.

The applicant has engaged with the Government Architect of New South Wales (GANSW) in relation to the State Design Review Panel (SDRP) process. In October 2023 an application was submitted via the Planning Portal for a meeting date for project to be considered by the SDRP, however the earliest available meeting

was in February 2024. We understand that because the wait time exceeds 12 weeks the project is therefore exempt from review by the SDRP as part of the SSDA preparation process. Accordingly, the applicant seeks confirmation in the Project Specific SEARS of this exemption.

Notwithstanding, the design will be prepared with regard to the seven objectives for good design in *Better Placed*. An evaluation of their consistency with these objectives will be contained within the architectural design report prepared to accompany the EIS.

6.1.4.1. Ecologically Sustainable Development

The EIS will demonstrate the way in which the principles of Ecologically Sustainable Development (ESD) have been incorporated into the siting and design of the proposed development. It will identify potential measures to be implemented into the design and construction to minimise the environmental footprint of the development, including opportunities to avoid or minimise the demand for water and power, ensuring sustainable outcomes.

6.1.4.2. Utility and Infrastructure Delivery

The EIS will outline the adequacy of the existing portable water, sewer, electricity, and telecommunications infrastructure to accommodate the proposed development, including any necessary upgrades to meet forecasted demand.

6.1.4.3. BCA and Access

A Building Code of Australia (BCA) Report will be prepared which outlines how the proposed works meet the relevant requirements of the BCA. An Access Statement will be prepared by a qualified accessibility consultant to ensure the works would be capable of providing universal access to all required areas in accordance with relevant Australian Standards.

6.1.5. Amenity

6.1.5.1. Visual Impact

The final architectural package will detail the rationale for the siting and layout of the proposed development, including access arrangements.

Given the proposed site is situated on a key thoroughfare it will be highly visible. It is also located adjacent to an existing school and residential dwellings; therefore, a Visual Impact Assessment will be undertaken to accompany the proposal. The EIS will also outline how any potential visual impacts of the proposed development are minimised, on the surrounding sensitive land uses.

6.1.5.2. Noise and Vibration

An Acoustic Impact Report will be undertaken to assess the impacts of the proposal against the EPA's Noise Policy for Industry based on the proposed development. The assessment will consider the noise and vibration impacts of the proposal on sensitive receivers, including Lambton High School to the north and residential dwellings to the south.

A Construction and Operational Noise Report will also be provided as part of the EIS. The report will provide a detailed assessment of potential noise and vibration impacts caused by the proposed construction and operations activities associated with the proposal, and recommendations for any mitigation measures, where appropriate.

6.1.5.3. Air Quality

Due to the nature of the proposal, it is not anticipated that there will be any adverse impacts associated with air quality, and accordingly a specialist report addressing this matter will not be required.

During construction, air quality will be managed by appropriate dust mitigation measures through a Construction Management Plan (CMP). The CMP will be provided with the EIS.

6.1.5.4. Biodiversity

Section 7.9 of the Biodiversity Conservation Act 2016 requires that SSDA is to be accompanied by a BDAR unless the Department and its Biodiversity Conservation Division that the proposed development is not likely to have any significant impact on biodiversity values.

The site is a turfed area with few trees. The natural soil profile has been substantially disturbed. The site is not identified on the Newcastle 2012 Biodiversity Values Map (BVM) as containing biodiversity values. A suitably qualified person shall assess the site conditions and determine if a Biodiversity Waiver can be sought for the proposal.

6.1.6. Construction Management

A Preliminary Construction and Environmental Management Plan (CEMP) will be submitted with the EIS and will outline the key management measures to be implemented during construction of the works.

6.1.7. Social

The anticipated social impacts arising from the proposal include:

- The provision of the new facility will maintain and improve the delivery of recreational basketball training to existing and future club members.
- Loss of access to sporting ovals and recreational open space for users groups and residents.

The social impacts resulting from the proposed development will be set out in detail within the EIS. A social impact assessment will be prepared in accordance with the DPE's *Social Impact Assessment Guideline 2023*.

6.1.8. Development Contributions

The relevant Contributions Plan is the City of Newcastle *Section 7.12 Contribution Plan 2021-2036*. Contributions under this Plan are levied as a percentage based on the cost of the development and would equate to 1% of the cost of the development.

Contributions levied through the Plan will be used to fund (in part or in full) the transport and social infrastructure set out in the Schedule of Works at Appendix B of the Plan. Appendix B includes reference to 'community facilities embellishment', and 'Open Space and recreational facilities embellishment'. The map of infrastructure locations in Appendix C identifies Wallarah Oval as the site of a 'Proposed Community Facility'.

Section 1.6 of the Plan identifies the following type of facilities that are exempt from payment of contributions:

2. No contribution in respect of development applications (or modifications thereto) made by or on behalf of the Council for infrastructure including, but not limited to, libraries, community facilities, child care facilities, recreational areas or facilities, waste resource facilities, car parks or the like;

Section 2.5 identifies that a Voluntary Planning Agreement (VPA) may be entered in to as an alternative to paying contributions. Under a VPA, an applicant may undertake works in kind for CN, provide other material public benefits, dedicate land etc. A VPA may be additional to or in lieu of paying development contributions.

The Hunter Basketball stadium is a significant recreational facility that will benefit the LGA. Under the terms of the Contributions Plan, the project is not identified as a type of development that is eligible for an exemption or reduction in the payment of contributions. However, the project is the type of facility for which funding is being gathered. Further, the proposal is located at Wallarah Oval, where a site for a community facility is identified in the Contributions Plan.

We also note that under Section 7.17 of the EPAA, the Minister for Planning has the ability to waive or reduce contributions established under Contribution Plans.

On this basis of the above, the applicant will seek to discuss with the CN the potential for either waiving or reducing the contribution amount and document this in the EIS.

6.2. MATTERS REQUIRING NO FURTHER ASSESSMENT IN THE EIS

This section of the report identifies the matters that do not require further assessment in the EIS. Each of these matters was considered within the scoping phase but considered unlikely to result in significant impacts that warrant further assessment.

Issue	Justification
Built Environment – Airspace Operations	The site is not located in proximity to an airport.
Air Quality	The proposed development will not generate any consequential air quality impacts related to atmospheric emissions, gases or particulate matter.
Odour	The proposed future operation would not cause any anticipated odour-related issues, and therefore does not warrant further assessment.
Hazards and Risks	With the exception of those hazards and risks identified in Section 6.1, the proposed development does not require further assessment of matters relating to other hazards because: ▪ It is not located in a coastal environment. ▪ The existing and proposed operations are not classified as hazardous or offensive development or a biosecurity risk.

7. CONCLUSION

The purpose of this report is to request Project Specific SEARs for the preparation of an EIS to support a proposal for a new basketball complex including indoor stadium on the site. BANL is committed to working with key stakeholders, including State Government agencies and City of Newcastle Council to deliver a high-quality development.

This Scoping Report outlines the approval pathway for the application, the legislative framework, and the key matters for consideration in the assessment of the application. The EIS will demonstrate how the proposed development is suitable for the site and how the potential environmental impacts can be appropriately mitigated, minimised, or managed to avoid any unacceptable impacts where relevant.

We trust that the information contained in this Scoping Report is sufficient to enable the Department to issue the SEARs to guide the preparation of the EIS.

8. DISCLAIMER

This report is dated 21 December 2023 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of BASKETBALL ASSOCIATION OF NEWCASTLE (**Instructing Party**) for the purpose of Scoping Report (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

SCOPING SUMMARY TABLE



APPENDIX B

ARCHITECTURAL PLANS

APPENDIX C

PRELIMINARY COST ESTIMATE