

Assessment against planning controls: section 4.15, summary assessment and variations to standards

1 Environmental Planning and Assessment Act 1979

1.1 Section 4.15 'Heads of Consideration'

Heads of Consideration	Comment	Complies
a. The provisions of: (i) Any environmental planning instrument (EPI)	<p>The proposal is considered to be consistent with the relevant Environmental Planning Instruments, including:</p> <ul style="list-style-type: none"> Biodiversity Conservation Act 2016 Sydney Regional Environmental Plan (State and Regional Development) 2011 State Environmental Planning Policy (Western Sydney Parklands) 2009 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 55 – Remediation of Land Sydney Regional Environmental Plan No.20 - Hawkesbury-Nepean River 	Satisfactory, subject to conditions of consent
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	<p>Draft State Environmental Planning Policy (Housing) 2021</p> <p>The draft State Environmental Planning Policy (Housing) 2021 was placed on exhibition on 31 July 2021. The new Housing SEPP will consolidate a number of existing housing-related SEPPs, including:</p> <ul style="list-style-type: none"> State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP) State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (SEPP 70) State Environmental Planning Policy No 21—Caravan Parks State Environmental Planning Policy No 36—Manufactured Home Estates. <p>The draft Housing SEPP includes existing provisions from these parent SEPPs, other than the provisions for caravan parks and manufactured home estates which will be transferred to the Housing SEPP in their current form.</p> <p>The draft Housing SEPP also:</p> <ul style="list-style-type: none"> includes the recently made provisions for short term rental accommodation and build-to-rent housing includes the recently updated social housing provisions introduces provisions for co-living housing, a form of housing that provides small private rooms (which may or may not include private kitchen and bathroom facilities), offset by access to managed communal spaces 	Not applicable

Heads of Consideration	Comment	Complies
	<ul style="list-style-type: none"> incorporates amendments to boarding house and seniors housing provisions amends some local environmental plans in relation to secondary dwellings in rural zones, and the permissibility of boarding houses in R2 zones. 	
	<p>Draft State Environmental Planning Policy (Environment)</p> <p>The draft Environment State Environmental Planning Policy was exhibited between October 2017 and January 2018 and seeks to simplify the NSW planning system and reduce complexity without reducing the rigour of considering matters of State and Regional significance.</p> <p>The State Environmental Planning Policy effectively consolidates several State Environmental Planning Policies including State Environmental Planning Policy 19 Bushland in Urban Areas, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 – 1997) and Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment and removes duplicate considerations across Environmental Planning Instruments.</p>	<p>Yes.</p> <p>This proposal is not inconsistent with the provisions of this draft State Environmental Planning Policy.</p>
	<p>Draft State Environmental Planning Policy (Remediation of Land)</p> <p>The draft Remediation of Land State Environmental Planning Policy was exhibited from January to April 2018 and seeks to repeal and replace SEPP 55 in relation to the management and approval pathways for contaminated land.</p> <p>The draft Remediation of Land State Environmental Planning Policy will:</p> <ul style="list-style-type: none"> Provide a state-wide planning framework for the remediation of land. Maintain the objectives and reinforce those aspects of the existing framework that have worked well. Clearly list the remediation works that require development consent. Categorise remediation work based on the scale, risk and complexity of the work. Require environmental management plans relating to post remediation, maintenance and management of on-site remediation measures to be provided to Council. 	<p>Yes. This proposal is not inconsistent with the provisions of this draft State Environmental Planning Policy.</p>
	<p>Explanation of Intended Effect for Draft Design and Place State Environmental Planning Policy</p> <p>The draft Design and Place State Environmental Planning Policy will repeal and replace State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.</p> <p>The Explanation of Intended Effect of the draft State Environmental Planning Policy was publicly exhibited in March/April 2021 and aims to improve the design, quality and environmental performance of development. Following submissions on the Explanation of Intended Effect, the draft</p>	<p>Yes. This proposal is not considered to be inconsistent with the provisions of the Explanation of Intended Effect for the draft Housing Diversity State Environmental Planning Policy.</p>

Heads of Consideration	Comment	Complies
	Design and Place State Environmental Planning Policy will be on public exhibition in late 2021.	
(iii) Any development control plan (DCP)	Not applicable (No Development Control Plans apply to Western Sydney Parklands)	Not applicable
(iii a) Any Planning Agreement	There are no planning agreements associated with this proposal.	Not applicable
(iv) The regulations	The proposal is consistent with the regulations.	Yes
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	It is considered that the likely impacts of the development including traffic and parking, noise, privacy, trees and landscaping, bulk and scale, overshadowing, waste management and stormwater management have been satisfactorily addressed, subject to conditions. The works proposed will have minimal visual impact on the built environment and are of a nature that is to be expected within the Blacktown International Sports Park. The site is bounded by the western railway line to the north. The nearest residential properties are located on the opposite side of the M7 Motorway. As such, there will be no adverse impacts on amenity as a result of the Blacktown International Sports Park expansion.	Yes, subject to conditions
c. The suitability of the site for the development	The proposed 'tourist and visitor accommodation' is permissible with consent under the provisions of the State Environmental Planning Policy Western Sydney Parklands. The site is well connected to the road network. The siting of the building is appropriate within the context of the Blacktown International Sports Park. The proposal will provide a supporting use to the existing Blacktown International Sports Park facilities.	Yes
d. Any submissions made in accordance with this Act, or the regulations	No submissions were made as part of the public notification process.	Yes
e. The public interest	The provision of the academy accommodation is considered to be in the public interest as it will provide a use which supports and benefits the existing use of the site by Blacktown International Sports Park and the proposed International Centre for Training Excellence. The accommodation will provide the opportunity to provide for higher usage of the existing facilities by permitting a wider catchment of users.	Yes

2 Biodiversity Conservation Act 2016

Summary comment	Complies
The Biodiversity Conservation Act 2016 aims to maintain a healthy, productive and resilient environment for the greater wellbeing of the community, now and into the future, consistent with the principles of ecologically sustainable development.	Yes

Summary comment	Complies
<p>The NSW Government BOSET Biodiversity Values Mapping Tool does not identify any part of the development site as being subject to biodiversity values.</p> <p>A Flora and Fauna Impact Assessment was submitted in support of the application. The assessment concluded that the proposal is unlikely to constitute a significant impact on Cumberland Plain Woodland and recommends a number of mitigation measures and protocols to reduce indirect impacts.</p> <p>The report was reviewed independently by Specialist Research Services who raised no objections to the proposal.</p>	

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

Summary comment	Complies
<p>The Sydney Central City Planning Panel (SCCPP) is the consent authority for Council related development with a capital investment value (CIV) of over \$5 million.</p> <p>Council is responsible for the assessment of the DA and the Panel has the function of determining the application for the following reasons:</p> <ul style="list-style-type: none"> • This DA has a CIV of \$9.8 million • Council is the applicant • Council is the owner of the land on which the development is to be carried out <p>The development is to be carried out by Council's Property Section.</p>	Yes

4 State Environmental Planning Policy (Western Sydney Parklands) 2009

Clause	Summary comment	Complies
Clause 2 - Aim of Policy	<p>The proposed development has been considered against the Aim of the Policy. The proposal will:</p> <ul style="list-style-type: none"> • contribute to a diverse range of recreational, entertainment and tourist facilities in the Western Parklands • deliver beneficial social and economic outcomes to western Sydney • encourage the use of the Western Parklands by providing supporting accommodation. 	Yes
Clause 6A - Development control plans	<p>A development control plan does not apply to the Western Parklands unless it is made by the Director-General.</p> <p>There are no Development Control Plans made by the Director-General for the Western Sydney Parklands.</p>	Note
Clause 11 - Land Uses	<p>The site is unzoned under the provisions of State Environmental Planning Policy Western Sydney Parklands.</p> <p>The proposed development which is best described as "tourist and visitor accommodation" is permissible by virtue of Clause 11(2). Notably the proposal does not constitute "residential development" which is prohibited under Clause 11(3).</p>	Yes

Clause	Summary comment	Complies
Clause 12 sets out matters to be considered by the consent authority	Each of the matters are considered below.	
	Clause 12(a) - the aim of this Policy, as set out in clause 2 See Clause 2 above.	Yes
	(b) the impact on drinking water catchments and associated infrastructure The site is not located near any waterway and will not impact on drinking water catchments.	Yes
	(c) the impact on utility services and easements The proposal will be connected to necessary utilities and services which exist on the site.	Yes
	(d) the impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities. The site is not within an area of Biodiversity value. A Flora and Fauna Assessment was provided with the application. The site of the proposed building and works are outside any areas of concern. A Review of the applicant's Arboricultural assessment and vegetation management plan was undertaken by Specialist Research Services. The review by Specialist Research Services agreed with the assessments submitted.	Yes, subject to conditions
	(e) the impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland The submitted Flora and Fauna report was prepared to address the proposal and the concurrent International Centre for Training Excellence works subject of a REF. The recommended measures are incorporated into conditions of consent where relevant.	Yes
	(f) the impact on the Western Parkland's linked north-south circulation and access network and whether the development will enable access to all parts of the Western Parklands that are available for recreational use, The proposal will not impact any existing access networks.	Yes
	(g) the impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of western Sydney The development site is located within an area which has been previously developed and includes buildings and a carpark. Tree planting will be required to replace the proposed 14 trees to be removed.	Yes
	(h) the impact on public access to the Western Parklands. The proposal does not alter existing public access to the parklands. Provision of onsite accommodation will improve access and usage of facilities.	Yes
	(i) consistency with:	Yes

Clause	Summary comment	Complies
	<p>(i) any plan of management for the parklands, that includes the Western Parklands, prepared and adopted under Part 4 of the Western Sydney Parklands Act 2006, or</p> <p>(ii) any precinct plan for a precinct of the parklands, that includes the Western Parklands, prepared and adopted under that Part,</p> <p>The NSW Minister for the Environment and Heritage adopted the Parklands Plan of Management 2030 in December 2018. The site is located within "Precinct 2 -Eastern Road Sports". The proposal is consistent with the objective of enhancing sport facilities and contributing to tourism growth. The proposal is consistent with the desired future character and management priorities for the precinct.</p>	
	<p>(j) the impact on surrounding residential amenity</p> <p>The closest residential development is located over 500m to the west of the development site (beyond the M7 Motorway)</p>	Yes
	<p>(k) the impact on significant views,</p> <p>Due to the location of the proposed building within the existing Blacktown International Sports Park and the proposed scale (2 storeys), no views will be impacted.</p>	Yes
	<p>(l) the effect on drainage patterns, ground water, flood patterns and wetland viability,</p> <p>The application was supported by flooding advice prepared by Cardno which was prepared for the wider International Centre for Training Excellence works but includes the proposed accommodation building. The advice concludes that the proposed works do not have any flood impacts and the proposed building is outside the flood extent and a freeboard/flood planning level is not required for the building. Council's engineers have assessed the application and raise no objections subject to conditions of consent.</p>	Yes
	<p>(m) the impact on heritage items</p> <p>The site is not subject to any heritage listings under either the State Environmental Planning Policy Western Sydney Parklands, Blacktown Blacktown Local Environmental Plan or the State Heritage Register.</p> <p>A Due Diligence report in regards to Aboriginal cultural heritage was prepared for the wider International Centre for Training Excellence work including the development site and supported by a letter from the Deerubbin Local Aboriginal Land Council which noted that no Aboriginal cultural material were found during the assessment because of the degraded study area, the Deerubbin Local Aboriginal Land Council raised no objection to the proposal.</p>	Yes
	<p>(n) the impact on traffic and parking.</p> <p>The proposal results in the loss of 76 existing on-grade parking spaces and generated the need for 38 new parking spaces. The application was supported by a Traffic and Parking Assessment which found that there is generally an oversupply of parking within the Blacktown International Sports Park. The International Centre for Training Excellence</p>	Yes

Clause	Summary comment	Complies
	<p>works subject to an REF will seek to replace the 76 spaces proposed to be removed by this application.</p> <p>During construction parking is able to be provided onsite within the Blacktown International Sports Park.</p> <p>The proposal has a low traffic generation (assessed by the Applicant as a PM peak of 14 vehicles per hour).</p> <p>Service vehicles (maximum size MRV) can access the waste collection area on the northern side of the building.</p> <p>Council's engineer assessed the Applicant's submitted traffic report prepared by PTC and raised no objection in principle with the proposal from a traffic management point of view.</p>	
Clause 13 Bulk water supply infrastructure not to be impacted	The proposed development will not impact on bulk water supply.	Yes
Clause 14 Development in areas near nature reserves or environmental conservation areas	An environmental conservation area is located to the north and east of the Blacktown International Sports Park. The proposal does not adjoin this area and will not impact on this area.	Yes
Clause 14A Flood planning	As discussed above, the proposal is not impacted by flooding nor will it impact on flood planning.	Yes
Clause 15 Heritage conservation	As discussed above, the site is not subject to any heritage listings under either the State Environmental Planning Policy Western Sydney Parklands, Blacktown Blacktown Local Environmental Plan or the State Heritage Register	Yes
Clause 16 Signage	The proposal does not include any signage.	N/A
Clause 17A Essential services	Essential services including water, electricity, sewage and stormwater are available for the proposed development.	Yes
Clause 17B Earthworks	The proposal includes minor earthworks with a maximum depth of 1 m.	Yes
Clause 19A Preservation of trees or vegetation	<p>The proposed development includes the removal of 14 trees with 26 trees to be protected within the development site. Notably, the planted row of Flax Leaved Paperbarks located along the western boundary of the development site are to be retained and protected with exception to 1 tree at the northern end which is required to be removed for drainage purposes.</p> <p>Council's Arboricultural section agrees to the removal of the trees subject to conditions of consent.</p>	Yes, subject to conditions

5 State Environmental Planning Policy (Infrastructure) 2007

Summary comment	Complies
The State Environmental Planning Policy ensures that Roads and Maritime Services (RMS) is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the State Environmental Planning Policy.	Not applicable
Clause 85 (Development adjacent to rail corridors) and Clause 86 (Excavation in, above, below or adjacent to rail corridors)	Not applicable

6 State Environmental Planning Policy No. 55 – Remediation of Land

Summary comment	Complies
<p>State Environmental Planning Policy 55 aims to 'provide a State-wide planning approach to the remediation of contaminated land'. Clause 7 requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to the granting of development consent.</p> <p>Various contamination studies have been undertaken by the Applicant and found that the subject site is not subject to significant levels of contaminated soils and can be remediated to be made suitable for the proposed land use. The remediation works are categorised as Category 2 Remediation works under State Environmental Planning Policy 55, which do not require DA consent.</p>	Yes

7 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

Summary comment	Complies
The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of the State Environmental Planning Policy Western Sydney Parklands.	Yes

8 Central City District Plan 2018

Summary comment	Complies
<p>While the Act does not require consideration of District Plans in the assessment of development applications, the DA is consistent with the following overarching planning priorities of the Central City District Plan:</p> <p>Liveability</p> <ul style="list-style-type: none"> • Creating great places • Contributing to the provision of services to meet communities' changing needs. • A city in its landscape 	Yes

9 Blacktown Local Strategic Planning Statement

Summary comment	Complies
<p>The Blacktown Local Strategic Planning Statement (LSPS) outlines a planning vision for the City over the next 20 years to 2041. The LSPS contains 18 Local Planning Priorities based on themes of Infrastructure and collaboration, Liveability, Productivity, Sustainability and Implementation.</p> <p>The DA is consistent with the following priorities:</p> <ul style="list-style-type: none">• A city in its landscape – Valuing green spaces and landscape• Jobs and skills for the city – Creating the conditions for a stronger economy	Yes

10 Blacktown Local Environmental Plan 2015

Summary comment	Complies
<p>Blacktown Local Environmental Plan 2015 does not apply to the Western Sydney Parklands. Clause 6(1) of State Environmental Planning Policy Western Sydney Parklands excludes operation of Blacktown Blacktown Local Environmental Plan 1988 (but not its successor Blacktown Blacktown Local Environmental Plan 2015). In any case, Blacktown Blacktown Local Environmental Plan 2015 (consistent with the intent of the exclusion of Blacktown Blacktown Local Environmental Plan 1988), does not provide any land use zoning at the Western Sydney Parklands or Blacktown International Sports Park</p>	Not applicable