

## 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	<p>The proposal is considered to be consistent with the relevant environmental planning instruments, including:</p> <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021,</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>Blacktown Local Environmental Plan 2015</li> </ul>	Yes
ii. Any proposed instrument that is or has been the subject of public consultation under this Act	<p>State Environmental Planning Policy (Sustainable Buildings) 2022 is to come into effect on 1 October 2023. Savings and transitional provisions state that the Policy does not apply to a development application submitted but not finally determined before the commencement of the Policy,</p> <p>Clause 3.2 of SEPP (Sustainable Buildings) 2022 requires a consent authority to consider the sustainable measures incorporated into a proposal for non-residential development. It also states that development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</p>	<p>Yes.</p> <p>Notwithstanding that the savings provisions mean the SEPP does not apply to the application, the development has been assessed against the SEPP and found to satisfactorily address the considerations.</p>
iii. Any development control plan	<p>Blacktown Development Control Plan 2015 applies in relation to car parking, stormwater management, tree preservation and site waste management.</p> <p>Draft DCP Part O (Mount Druitt Town Centre) was also taken into consideration in the assessment of the application.</p> <p>The proposal enforces existing pedestrian and cycle connectivity to, and through the site, and subject to conditions appropriately addresses parking, design, landscaping and safety and security provisions specified in Draft DCP Part O.</p> <p>The realignment and continuation of the driveway to provide a through-road linking Ralph Place to Railway Street as proposed in Draft DCP Part O is to be implemented at a later stage.</p>	Yes
iv. a) any planning agreement that has been entered into	No related planning agreement.	N/A

Heads of Consideration	Comment	Complies
under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,		
v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	<p>The additional matters for consideration identified in Part 4, Division 1 of the Regulations 2021 relevant to this application are:</p> <ul style="list-style-type: none"> <li>• Clause 61 - Demolition of a building - the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.</li> <li>• Clause 64 - Upgrade of existing building - the consent authority must consider whether it is appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.</li> <li>• Clause 66A - Council related development applications - the consent authority must consider an adopted Conflict of Interest Policy in determining the application.</li> </ul> <p>The relevant matters have been considered in the assessment of the application. In line with the Council adopted Conflict of Interest Policy the application has been independently assessed, for determination by the Panel.</p> <p>The requirements of clauses 61 and 64 have been addressed through recommended conditions of consent.</p>	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	<p>The proposal will have a positive impact in the community by providing improved and expanded recreational facilities with a focus on provision for non-ambulant uses.</p> <p>Whilst complete avoidance of impacts on the area identified on the NSW Biodiversity Values Map (Biodiversity Conservation Act, 2016) as having Critically Endangered Cumberland Plain Ecological Community afforestation was not possible, it has been determined that the areas of highest value will be retained and minimal impacts will result from the proposed development.</p> <p>Ecosystem and species offset credits are to be provided to compensate for any likely impacts from vegetation clearing. Further, conditions are recommended requiring a Biodiversity Management Plan, replacement planting, nesting boxes and other tree protection and management measures.</p>	Yes
c. The suitability of the site for the development	<p>The proposal is consistent with zoning and long-term objectives for the site by implementing the first stage of a concept masterplan development, which proposes improving and expanding indoor facilities, with the introduction of more passive recreational uses for the current playing fields area.</p>	Yes
d. Any submissions made in accordance	<p>The application was advertised for a period of 15 days between 9 and 24 January 2023. No submissions were received.</p>	Yes

Heads of Consideration	Comment	Complies
with this Act, or the regulations		
e. The public interest	<p>The development will provide positive impacts for the Mount Druitt community and especially for people living with disability.</p> <p>Crime prevention at the site will be improved and the proposal, implementing the first stage of a concept master plan for the site is considered to be in the public interest.</p>	Yes

## 2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Summary comment	Complies
<p>The development has been assessed in respect to clearing of vegetation in non-urban areas. It is noted that the site is identified on the NSW Biodiversity Values Map (Biodiversity Conservation Act, 2016) as having Critically Endangered Cumberland Plain Ecological Community. The proposed works require the removal of 63 trees with conditions recommended for replacement at a rate of 2:1 and provision of 7 ecological offset credits.</p> <p>Potential for impact to habitat for the Swift Parrot and threatened and endangered microbat species has been considered and addressed through recommended conditions including provision of 2 species offset credits, nesting boxes and tree protection and site management measures.</p> <p>The Water Catchment requirements specified in Chapter 6 of this Policy are addressed through the application of the controls contained in Blacktown Local Environment Plan 2015 and Blacktown Development Control Plan 2015. Subject to recommended conditions, the development satisfactorily addresses these requirements.</p>	Yes

## 3 State Environmental Planning Policy (Planning Systems) 2021

Summary comment	Complies
<p>The Sydney Central City Planning Panel is the consent authority for Council related development with a capital investment value of over \$5 million.</p> <p>As this development application has a capital investment value of \$11.6 million, Council is responsible for the assessment of the development application and determination of the application is to be made by the Panel.</p>	Yes

## 4 State Environmental Planning Policy (Resilience and Hazards) 2021

Summary comment	Complies
<p>A Preliminary Site Investigation Assessment and Detailed Site Investigation Report prepared by GeoEnviro Consulting Pty Ltd concluded that the site has contamination issues relating to uncontrolled fill and hydrocarbons. A Remediation Action Plan also prepared by GeoEnviro Consulting Pty Ltd recommends off-site disposal of the impacted soil, a Validation Strategy and Management Plan be implemented following which a Validation Report be provided.</p>	Yes

Summary comment	Complies
Council's Environmental Health Officer concurs with the findings and recommendations of the RAP and has recommended conditions to ensure the site is remediated and validated in line with the requirements of this Policy and the National Environment Protection Measures 2013 Guidelines.	

## 5 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 Development Application is consistent with the following overarching planning priorities of the Central City District Plan:</p> <p><b>Liveability</b></p> <ul style="list-style-type: none"> <li>• N3: Providing services and social infrastructure to meet people's changing needs</li> <li>• N4: Fostering healthy and socially connected communities</li> <li>• N6: Creating and renewing great places</li> </ul>	Yes

## 6 Blacktown Local Strategic Planning Statement

Summary comment	Complies
<p>The Blacktown Local Strategic Planning Statement outlines a planning vision for the City over the next 20 years to 2041. The Blacktown Local Strategic Planning Statement contains 18 Local Planning Priorities based on themes of Infrastructure and collaboration, Liveability, Productivity, Sustainability and Implementation.</p> <p>The development application is consistent with the following priorities:</p> <ul style="list-style-type: none"> <li>• LPP3: Providing services and social infrastructure to meet people's changing needs</li> <li>• LPP4: Respecting heritage and fostering healthy, creative, culturally rich and socially connected communities</li> <li>• LPP6: Creating and renewing great places and centres</li> </ul>	Yes

## 7 Blacktown Local Environmental Plan 2015

Summary comment	Complies
<p>The subject site is zoned RE1 Public Recreation under Blacktown Local Environmental Plan 2015, which permits the proposed indoor recreation facility with consent.</p> <p>Clause 5.23 requires, that in granting consent to a development that will disturb public bushland, the consent authority is satisfied of the following—</p> <ol style="list-style-type: none"> <li>(a) the disturbance of the bushland is essential for a purpose in the public interest</li> <li>(b) there is no reasonable alternative to the disturbance</li> <li>(c) the development minimises the amount of bushland to be disturbed</li> <li>(d) the development includes measures to remediate the disturbed bushland.</li> </ol> <p>Whilst disturbance of bushland will occur to meet the recreational needs of the community, areas of highest value will be retained and minimal impacts will result from the proposed development. The proposal is satisfactory having regard to the requirements of this clause subject to conditions requiring remediation and mitigation measures.</p>	Yes

Summary comment	Complies												
<p>Clause 7.7 requires the consent authority to be satisfied that the development exhibits design excellence.</p>													
<p>This requires the consent authority to have regard to the following matters:</p>													
<table> <tr> <th data-bbox="272 338 715 383">Clause 7.7 consideration</th><th data-bbox="715 338 1256 383">Comment</th></tr> <tr> <td data-bbox="272 383 715 768">Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved</td><td data-bbox="715 383 1256 768">The new building has been designed to integrate with the existing building, utilising a masonry base with light-weight materials above. The height and scale will be consistent with the existing building and will reflect the internal use for multi-purpose recreational activities. Lighter colours, translucent panels and a floating roof form will provide a more contemporary appearance whilst still ensuring compatibility of scale and form with the existing building.</td></tr> <tr> <td data-bbox="272 768 715 1216">Whether the form and external appearance of the development will improve the quality and amenity of the public domain</td><td data-bbox="715 768 1256 1216">The proposed contemporary external appearance, softened by surrounding landscaping and formalised parking and entry arrangements, will improve the presentation of the overall recreational facility. It will reduce overall bulk by dividing the built form into 2 pavilions with the connecting reception area clearly identifying entry and access locations. More formalised parking and access arrangements, together with the use of durable and graffiti resistant materials, will improve the overall presentation of the complex.</td></tr> <tr> <td data-bbox="272 1216 715 1323">Whether the development detrimentally impacts view corridors</td><td data-bbox="715 1216 1256 1323">The development will not detract from any significant view corridors.</td></tr> <tr> <td data-bbox="272 1323 715 1496">Whether the development detrimentally impacts on any land protected by solar access controls established in the Blacktown Development Control Plan</td><td data-bbox="715 1323 1256 1496">The development will not impact on identified solar access protected lands.</td></tr> <tr> <td data-bbox="272 1496 715 2018">The requirements of the Blacktown Development Control Plan (DCP)</td><td data-bbox="715 1496 1256 2018"> <p>The requirements of the Blacktown Development Control Plan have been considered with particular regard to design.</p> <p>Draft Development Control Plan - Part O (Mount Druitt CBD) was also taken into consideration noting the site is located within the area to which it applies.</p> <p>Draft Part O contains a range of design standards including façade length, floor to floor heights, connectivity, façade design, materials and colours, and roof form. Most of the built form controls have been developed for new commercial and residential development in the town centre, which permits heights of up to 64 metres.</p> </td></tr> </table>	Clause 7.7 consideration	Comment	Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	The new building has been designed to integrate with the existing building, utilising a masonry base with light-weight materials above. The height and scale will be consistent with the existing building and will reflect the internal use for multi-purpose recreational activities. Lighter colours, translucent panels and a floating roof form will provide a more contemporary appearance whilst still ensuring compatibility of scale and form with the existing building.	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Summary comment		Complies
	<p>The development sits within the context of open space and recreation facilities without direct visibility from street frontages and is consistent with the scale and form of the existing Kevin Betts Stadium. The nature of the proposed recreation use requires a large floor plate and height and as such strict compliance with the numerical standards of 64 m specified in Draft Development Control Plan Part O is not appropriate.</p> <p>Notwithstanding the constraints of the proposed use, the proposal does, as far as possible, incorporate differing proportions and elements into the façade and will utilise a range of materials for visual interest.</p> <p>The proposal enforces existing pedestrian and cycle connectivity to, and through the site and, subject to conditions appropriately addresses parking, landscaping and safety and security provisions specified in Draft Development Control Plan Part O.</p>	
how the development addresses the following matters —		
(i) the suitability of the land for development	The site is appropriate for the proposed development, which will be consistent with the objectives of the public recreation zoning, existing development on the site and the master planning for future development on the site	
(ii) existing and proposed uses and use mix	The proposed multi-purpose recreation facility is required to provide for additional community needs, including disabled users, noting the existing facility on site is at capacity.	
(iii) heritage issues and streetscape constraints	<p>The site is not close to or within the visual catchment of any heritage item or heritage conservation area. A European Archaeology assessment and an Aboriginal Heritage Assessment were both undertaken, which concluded that the site of the proposed works is unlikely to contain any European or Aboriginal Archaeological potential.</p> <p>The site of the proposed development does not have direct street frontage and will not have any significant impact when viewed from surrounding streets.</p>	
(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of	The proposed building will provide a contemporary interpretation of the existing stadium building, providing separation through a two-pavilion form whilst being of similar height and scale.	

Summary comment	Complies
separation, setbacks, amenity and urban form	
(v) bulk, massing and modulation of buildings	Whilst the nature of the use requires a rectilinear form with significant height, the bulk and massing will be minimised through the use of a two-pavilion form with materiality, colours and glazing used to provide articulation and interest.
(vi) street frontage heights	The development will be significantly set back from surrounding streets and is not viewed in a streetscape context with surrounding buildings.
(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity	The building will incorporate a variety of passive and active design solutions including: openings on all sides to achieve good cross ventilation, minimising heat absorption through use of lighter external colours and thermal insulated panels, 70L rainwater tank designed for grey water reuse, high star rated fixtures and fittings, solar panels for energy generation.
(viii) the achievement of the principles of ecologically sustainable development,	The proposal minimises building waste and incorporates design elements to maximise water and energy efficiency, consistent with principles of ecological sustainable design.
(ix) pedestrian, cycle, vehicular and service access and circulation requirements,	<p>A pedestrian pathway along the northern side of the access driveway is proposed from the Ralph Place frontage to the entrance to the stadium and continues to access all car spaces within the turning head. The pathway will also connect with through-site links to the west of the existing stadium building.</p> <p>It is recommended a condition be imposed ensuring the pathway complies with AS1428.1-2009 to ensure accessibility for wheelchairs. Parking for 8 bikes will be provided at the entrance with end of trip facilities provided internally.</p> <p>Servicing is intended to occur from the circular turning area, which is considered acceptable having regard to the nature of the use. Access for maintenance vehicles is provided to the eastern side of the building.</p>
(x) the impact on, and any proposed improvements to, the public domain.	The development will expand a well-used community recreation facility in a manner that sits comfortably with the existing built form and without significant impacts on the surrounding landscaped area. Improved access and parking arrangements will be consistent with the masterplan for the site and ensure a better user experience and public domain presentation.

Summary comment	Complies
The proposed building provides a contemporary interpretation of the existing stadium building providing separation through a two-pavilion form whilst being of similar height and scale. Having regard to the constraints of the proposed use, the development has satisfactorily achieved the requirements of design excellence sitting comfortably in its context.	

## 8 Blacktown Development Control Plan 2015

Summary comment	Complies
<p>The application has been assessed against the relevant provisions of Blacktown Development Control Plan 2015, including clauses:</p> <ul style="list-style-type: none"> <li>• A4 Environment Protection</li> <li>• A6 Car Parking</li> <li>• A7 Services</li> <li>• A8.4 Crime Prevention</li> <li>• Part G Waste Management</li> <li>• Part I Contaminated Land</li> <li>• Part J Water Sensitive Urban Design.</li> </ul> <p>In addition, draft Development Control Plan - Part O (Mount Druitt CBD) was also taken into consideration noting the site is located within the area to which this applies.</p> <p>Subject to conditions the proposal is an appropriate form of development having regard to the existing and draft DCP provisions.</p>	Yes