

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Friday, 17 December 2021
DATE OF PANEL DECISION	Thursday, 16 December 2021
DATE OF PANEL MEETING	Monday, 29 November 2021
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran and Louise Camenzuli
APOLOGIES	Ninos Khoshaba and Sera Yilmaz
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 24 November 2021.

MATTER DETERMINED

PPSSWC-175 – Fairfield City Council – DA314.1/2020 relating to the site comprised of the following land in Horsley Park:

Lots 39 & 56, DP 235949	Southdown Road
Lot 36, DP 235949	No.'s 31-39 Border Road
Lots 2,3,4,5,6,8,9,10,11,12,13 & 16, DP 234284	No.'s 1-119 Southdown Road
Lot 92, DP 13905	No. 1680 The Horsley Drive
Lot 95 D, DP 388681	No. 1752 The Horsley Drive
Lot 7, DP 234284	No.'s 51-59 Southdown Road
Lots 3,6,7 & 8, DP 825571	Border Road
Lots 4 & 5, DP 825571	No.'s 52-100 Southdown Road
Lot 9, DP 825571	No.'s 2-50 Southdown Road
Lot 10, DP 825571	No.'s 91-101 Border Road
Lots 11 & 12, DP 825571	No.'s 121-139 Southdown Road
Lot 15 & 16, DP 825571	No.'s 32-40 Cotswold Road
Lot 19, DP 1022008	No. 372 Wallgrove Road
Lot 12, DP 1022008	No. 444 Wallgrove Road
Lot 13, DP 1022008	No.'s 434-442 Wallgrove Road
Lot 14, DP 1022008	No. 432 Wallgrove Road
Lot 15, DP 1022008	No. 420 Wallgrove Road
Lot 16, DP 1022008	No. 408 Wallgrove Road
Lot 17, DP 1022008	No. 396 Wallgrove Road

Lot 18, DP 1022008	No. 384 Wallgrove Road
Lot 20, DP 1022008	No. 360 Wallgrove Road
Lot 17, DP 1021839	No. 452 Wallgrove Road
Lot 9, DP 1021839	No. 1706 The Horsley Drive
Lot 8, DP 1021839	No. 1700 The Horsley Drive
Lot 7, DP 1021839	No. 1686 The Horsley Drive
Lot 10, DP 1021839	No. 1726 The Horsley Drive
Lot 12, DP 1021839	No. 1750 The Horsley Drive
Lot 1, DP 1021938	No. 1 Saxony Road,

Use of the Sydney International Equestrian Centre for the purpose of non-equestrian events (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979* subject to the conditions of consent recommended by the Council assessment staff updated by email sent by Council to the Secretariat at Thursday, 9 December 2021 10:31 am.

The decision was unanimous.

REASONS FOR THE DECISION

Benefits of the proposal and consistency with the Western Sydney City District Plan

As noted in the Panel's deferral report in relation to this DA dated 29 September 2021:

1. The proposal to expand this equestrian facility, constructed at great public expense for the 2000 Olympics to accommodate diversified community and entertainment events, offers substantial benefits including:
 - a) adding significantly to the available social, cultural and entertainment infrastructure within Fairfield local government area,
 - b) allowing for a better economic and social return from this major public investment, and
 - c) reducing bureaucratic inefficiencies whereby each non-equestrian event at present requires a fresh approval.
2. As such the proposal is consistent with the following Planning Priorities of the Western Sydney City District Plan:
 - a) Planning Priority W1 Planning for a city supported by infrastructure (and particularly the emphasis on ensuring infrastructure use is optimised)
 - b) Planning Priority W3 Providing services and social infrastructure to meet people's changing needs (particularly through better support for the arts, creativity, cultural expression and innovation)
 - c) Planning Priority W4 Fostering healthy, creative, culturally rich and socially connected communities (acknowledging the potential for this facility to be used more flexibly to cater for sporting, musical, educational and creative events with a minimum regulatory burden).

- d) Planning Priority W6 Creating and renewing great places and local centres, and respecting the District's heritage (particularly through the opportunity to provide social infrastructure and the opportunity to add to the 'great places' within the Western Sydney City region that are inclusive of people of all ages and abilities, with a range of authentic local experiences and opportunities for social interaction and connection.)
- e) **W11.** Growing investment, business opportunities and jobs in strategic centres (the expanded use of the equestrian facility will promote investment and business activity in the sporting and cultural sectors with events and festivals being a good source of casual employment.)

The DA was deferred to allow for TfNSW to report its views in relation to the anticipated traffic impacts of the latest revised proposal and particularly the amendment to increase maximum patron numbers from 5,000 to 6,000, and to allow for the Applicant to provide additional information as to the management of events to reduce the potential for adverse acoustic impacts on the surrounding residential areas.

Traffic

The response from TfNSW (now received) criticised the assumptions and data relied upon in the preparation of the Applicant's traffic reporting, and specifically:

- (a) the assumption that the arrival of patrons will be spread over a two hour period;
- (b) whether 10% of patrons will arrive by public transport (when the nearest bus stop is 2.7 km away); and
- (c) a high occupancy rate of cars at 3 persons per car has been assumed; and

Using those observations, TfNSW recommended a maximum attendance for a single event at 2,000.

While taking that advice into account, the Panel also notes the advice of the Applicant and Council assessment staff that events will often involve fun runs, or social events extended across a day where vehicular arrivals will in fact be expected to be more spread out. It is also relevant that the facility under its existing equestrian event approval allows for events with attendance of 5,000.

The advice of the Council staff is to approve the continuation of that maximum attendance, but to allow a trial period for an extension to 6,000 so as to allow for improved data to be collected and any adverse traffic impacts to be observed. The Panel accepts that advice, and notes that the conditions allow for that trial.

Acoustic

The amended Noise Impact Assessment Report prepared by Renzo Tonin & Associates, Reference Number TK611-01F02, Revision 6-7, dated 25 October 2021 supplied by the Applicant recommended four (4) noise management procedures, and specifically to minimise noise impacts, notify residents, manage complaints and identify noise-monitoring methods.

The Council has engaged in further discussions with the Applicant in relation to the content of that noise report so as to incorporate its recommendations into the development consent conditions.

The Panel accepts the advice of the Council assessment staff at the determination meeting that with those conditions adopted, the issue of potential noise can be sufficiently managed.

Determination

With the key potential impacts of the use of noise and traffic to be regulated in the manner discussed above, the panel determined to approve the application for the reasons outlined in the council assessment report.

CONDITIONS

The development application was approved subject to conditions resolved by agreement between the Applicant and the Council including measures to address the particularly sensitive issues of traffic and

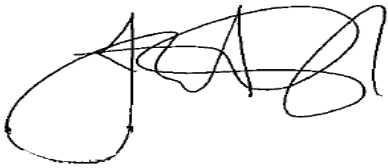
noise. Specifically, the conditions (received by the Secretariat at Thursday, 9 December 2021 10:31 am) include provision for:

- (a) A traffic management plan being submitted to Council prior to any non-equestrian event occurring at the site (Condition 18);
- (b) A special events approval is to be obtained from Council (Condition 19) and a Bush Fire Emergency Management and Evacuation Plan is to be prepared to comply with A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan, Section 6.8.4 and Section 8.3.8 of *Planning for Bush Fire Protection (PBP)* 2019, prior to non-equestrian events being convened.
- (c) Compliance is required with the Noise Impact Assessment Report, prepared by Renzo Tonin & Associates, Reference Number TK611-01f02, Revision 6-7, dated 25 October 2021 and accepted by Council (Conditions 2, 16 and 21), a requirement for preparation of an operational acoustic report and monitoring during a peak event (Condition 11), provision for ongoing acoustic investigations by an appropriate acoustical consultant to be submitted to Council when instructed by the Council where acoustic complaints are identified (Condition 9), and a prohibition against evening music festival events and excessive noise in the Hacking Arena (Condition 24 & 25).

The Panel accepts the advice of the Council assessment report that those conditions will be adequate to mitigate potential adverse amenity impacts.

CONSIDERATION OF COMMUNITY VIEWS

No public submissions are reported to have been received during the public submission period.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Louise Camenzuli	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-175 – Fairfield City Council - DA314.1/2020
2	PROPOSED DEVELOPMENT	Use of the Sydney International Equestrian Centre for the purpose of non-equestrian events
3	STREET ADDRESS	Lots 39 & 56, DP 235949 Southdown Road Lot 36, DP 235949 No.'s 31-39 Border Road Lots 2,3,4,5,6,8,9,10,11,12,13 & 16, DP 234284 No.'s 1-119 Southdown Road Lot 92, DP 13905 No. 1680 The Horsley Drive Lot 95 D, DP 388681 No. 1752 The Horsley Drive Lot 7, DP 234284 No's 51-59 Southdown Road Lots 3,6,7 & 8, DP 825571 Border Road Lots 4 & 5, DP 825571 No.'s 52-100 Southdown Road Lot 9, DP 825571 No.'s 2-50 Southdown Road Lot 10, DP 825571 No.'s 91-101 Border Road Lots 11 & 12, DP 825571 No.'s 121-139 Southdown Road Lot 15 & 16, DP 825571 No.'s 32-40 Cotswold Road Lot 19, DP 1022008 No. 372 Wallgrove Road Lot 12, DP 1022008 No. 444 Wallgrove Road Lot 13, DP 1022008 No.'s 434-442 Wallgrove Road Lot 14, DP 1022008 No. 432 Wallgrove Road Lot 15, DP 1022008 No. 420 Wallgrove Road Lot 16, DP 1022008 No. 408 Wallgrove Road Lot 17, DP 1022008 No. 396 Wallgrove Road Lot 18, DP 1022008 No. 384 Wallgrove Road Lot 20, DP 1022008 No. 360 Wallgrove Road Lot 17, DP 1021839 No. 452 Wallgrove Road Lot 9, DP 1021839 No. 1706 The Horsley Drive Lot 8, DP 1021839 No. 1700 The Horsley Drive Lot 7, DP 1021839 No. 1686 The Horsley Drive Lot 10, DP 1021839 No. 1726 The Horsley Drive Lot 12, DP 1021839 No. 1750 The Horsley Drive Lot 1, DP 1021938 No. 1 Saxony Road, Horsley Park NSW 2175
4	APPLICANT/OWNER	Applicant: NSW Office of Sport Owner: Western Sydney Parklands Trust
5	TYPE OF REGIONAL DEVELOPMENT	Crown development referred under section 4.33 of the EP&A Act
6	RELEVANT MANDATORY CONSIDERATIONS	Environmental planning instruments:

		○ State Environmental Planning Policy (Western Sydney Parklands) 2009 ○ Western Sydney Parklands Plan of Management 2030 • Draft environmental planning instruments: Nil • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council assessment report: 13 September 2021 • Applicant submission received: 16 September 2021 • Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Applicant Briefing: 20 September 2021 ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, Louise Camenzuli, Ninos Khoshaba and Sera Yilmax ○ <u>Applicant representatives</u>: Brendon Clendenning Creative Planning Solutions, Aonya Constantinou CPS, Mark Fulcher Office of Sport and Hayden Dimitrovski Traffic <u>Note</u>: Applicant briefing was requested to provide the Panel with clarification and to respond to issues • Final briefing to discuss council's recommendation: 20 September 2021 ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, Louise Camenzuli, Ninos Khoshaba and Sera Yilmax ○ <u>Council assessment staff</u>: Liam Hawke, Jeyda Kokden, Sunnee Cullen • Final briefing to discuss council's recommendation: 29 November 2021 ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, Louise Camenzuli, Ninos Khoshaba and Sera Yilmax ○ <u>Council assessment staff</u>: Liam Hawke and Sunnee Cullen ○ <u>Applicant representatives</u>: Brendon Clendenning, Mark Fulcher and Sonya Constantinou
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report