



APPENDIX D – STATUTORY COMPLIANCE TABLE

Statutory Reference	Relevant Considerations	Relevance	Section in Report
<i>Environmental Planning and Assessment Act 1979</i>			
Section 1.3	<i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The amended proposal seeks to provide a high quality indoor sports facility to benefit the community. It will stimulate economic activity within the LGA. The strategic location of the site within an existing sporting precinct and with well-connected access to public transport will facilitate social and economic benefits, with potential environmental impacts appropriately mitigated, managed and minimised to avoid unacceptable impacts on the local community and the environment.	Throughout RTS and Amendment Report
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The amended proposal has been designed to incorporate ESD initiatives including PV cells, water efficient fixtures, thermal glazing and use of materials designed to minimise the urban heat island effect.	
	<i>To promote the orderly and economic use and development of land</i>	The proposed development will deliver indoor sporting courts to serve existing and growing demand in the Lower Hunter. It is geographically well placed to meet regional demand and thus promotes the orderly and economic use and development of the land.	

Statutory Reference	Relevant Considerations	Relevance	Section in Report
	<i>To promote the delivery and maintenance of affordable housing,</i>	N/A	
	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	The site does not contain threatened species or endangered ecological communities and their habitats. The development has designed to limit tree removal as far as possible and provide increased vegetation. Appropriate mitigation measures are to be in place to further protect the environment during construction and operations.	
	<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	The site is not identified as a heritage item and is not located in a heritage conservation area per the Newcastle LEP 2012. An Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by Artefact is contained in Appendix AA .	
	<i>To promote good design and amenity of the built environment,</i>	The proposed design has been reviewed by the SDRP and the design team has responded to feedback to ensure the proposal adds to the amenity of the building environment.	
	<i>To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The proposed development is supported by a updated BCA and Accessibility statement confirming it is capable of meeting relevant standards.	
	<i>To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	Consultation with relevant stakeholders including various public agencies and CN has been undertaken.	

Statutory Reference	Relevant Considerations	Relevance	Section in Report
	<i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	Consultation with the local community was undertaken as part of the preparation of the EIS.	
Section 4.15	<p>Relevant environmental planning instruments:</p> <p><i>NSW Biodiversity Act 2016</i></p> <p><i>Environmental Planning and Assessment Act 1979</i></p> <p><i>Environmental Planning Assessment Regulation 2021</i></p> <p><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></p> <p><i>State Environmental Planning Policy (Planning Systems) 2021</i></p> <p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></p> <p><i>State Environmental Planning Policy (Sustainable Buildings) 2022.</i></p> <p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p>	See detail below under State Environmental Planning Policies (SEPPs).	Section 5.6
	<p>Draft environmental planning instruments:</p> <p>None relevant to the proposal.</p>	Not applicable.	Not applicable.
	Relevant planning agreement or draft planning agreement	Not applicable.	Not applicable

Statutory Reference	Relevant Considerations	Relevance	Section in Report
	No planning agreements relevant to the proposed development.		
	<i>Environmental Planning and Assessment Regulation 2021 – Schedule 2</i>	This EIS was been prepared in accordance with Schedule 2 of the Regulations.	
	Development control plans: <i>Newcastle Development Control Plan 2023 (NDCP 2023)</i>	In accordance with Section 2.10 of the Planning Systems SEPP 2021, Development control plans do not apply to State significant development. As such, there is no requirement for assessment of the proposed development against the Newcastle DCP 2023 for this SSDA. Notwithstanding, the proposed development is generally consistent with the Newcastle DCP 2023 key design guidelines.	Section 5.6 This table.
	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	The likely impacts of the development including the environmental impacts on the natural and built environments, and social an economic impact on the locality are assessed in detail within the EIS.	Section 7
	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the RTS and Amendment Report.. The entirety of the site is zoned RE1 Public Recreation. The proposed development is defined as ‘recreation facilities’ in accordance with the Newcastle LEP. Recreation facilities are permissible with consent within the RE1 Public Recreation zone.	Section 8

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		<p>The proposal presents a high-level compliance with all of the relevant controls in the Newcastle LEP. In particular noting compliance with Clause 5.21 Flood Planning. The updated Flood Risk Assessment (Appendix I) demonstrates how the proposal minimises flood risk to both life and property and is also accompanied by a flood emergency response plan.</p> <p>The development satisfactorily addresses the relevant provisions in NLEP 2012 and NDCP 2023, including acoustic and lighting amenity, built form, traffic and car parking and landscaping.</p> <p>The proposed design of the development has taken a considerate and holistic approach that has resulted in the sensitive treatment of the sites environmental constraints. The proposal will deliver a diversity of landscape spaces and a masterplan that responds to both the current and future needs of BANL.</p>	
	Any submissions made	Submissions made on the EIS have been addressed in the RTS.	Section 4
	The public interest	The proposed amended development satisfactorily responds to the relevant planning instruments and controls applying to the site. The proposal will not create any adverse social, economic or environmental impacts that cannot be mitigated via the proposed mitigation measures in this application. On balance, the benefits of the development outweigh any adverse impacts and	Section 7.3.4

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		the development is deemed to be in the public interest.	
Environmental Planning and Assessment Regulation 2021			
<p>Part 8 Infrastructure and environmental impact assessment</p> <p>Division 5 Environmental impact statements—the Act, ss 4.12(8), 5.7(1) and 5.16(2)</p>	<p>190 Form of environmental impact statement</p> <p><i>(1) An environmental impact statement must contain the following information—</i></p> <p>...</p> <p><i>191 Compliance with environmental assessment requirements</i></p> <p><i>The environmental impact statement must comply with the environmental assessment requirements notified under section 176 or the Act, section 5.16(4).</i></p> <p><i>192 Content of environmental impact statement</i></p> <p><i>(1) An environmental impact statement must contain the following—</i></p> <p>...</p> <p><i>193 Principles of ecologically sustainable development</i></p> <p><i>(1) The principles of ecologically sustainable development are the following—</i></p> <p>....</p>	<p>This EIS was prepared in accordance with the requirements of Clause 190 of the EP&A Regulation 2021 and follows the State Significant Development Guidelines published by the NSW DPE.</p> <p>The EIS was prepared in accordance with the Project SEARs (as assessed in Appendix A). The structure and content of this EIS has been designed with consideration of the recommendations of Appendix B to the State Significant Infrastructure Guidelines – Preparing Environmental Impact Statement.</p> <p>Assessment of the Project against the principles of ESD has been assessed in Section 7.3.2 of the RTS and Amendment Report.</p>	<p>Refer Appendix A to the original EIS for the project SEARs .</p>
Biodiversity Conservation Act 2016			

Statutory Reference	Relevant Considerations	Relevance	Section in Report
Section 7.9	<p>Section 7.9 of the BC Act requires preparation of a biodiversity assessment for SSD that is assessed under Part 4 of the EP&A Act.</p> <p>Section 7.9(2) of the BC Act allows for exemption from the requirement where the development is not likely to have any significant impact on biodiversity values.</p>	An amended BDAR has been prepared and is submitted as part of this application.	Appendix LL
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.	The amended BDAR has confirmed that the development is not likely to have any significant impact on biodiversity values.	Appendix LL
Crown Land Management Act 2016			
Section 2.23	<p>The primary aim of this Act is to provide for the ownership use and management of Crown land in New South Wales whilst requiring environment, social, cultural heritage and economic considerations to be taken into account in decision making about Crown Land.</p> <p>Section 2.23 of the CLM Act outlines that the Minister is taken to have given written consent on behalf of the Crown for certain development applications over dedicated or reserved Crown Land for its Crown land manager.</p> <p>Section 2.23(3) Subsection (2) identifies that this 'assumed consent' however does not apply in</p>	<p>The site is located on Crown Land and includes the lodgement of a development application.</p> <p>The proposed development is not a type to which Section 2.23 of the CLM Act applies, ie, the Minister cannot be taken to have provided consent for the development application.</p> <p>Therefore, the written consent of the Minister for Lands and Property for the lodgement of the SSDA is required. Written consent from Crown Lands was provided on 12 August 2024 and accompanies the original SSDA.</p>	N/A

Statutory Reference	Relevant Considerations	Relevance	Section in Report
	<p>relation to any development that involves any of the following—</p> <p>(a) the subdivision of land,</p> <p>(b) the carrying out of development of a kind excluded by the regulations.</p> <p>Division 2, Section 14 of the <i>Crown Land Management Regulation 2018</i> states:</p> <p><i>(1) For the purposes of section 2.23 (3) (b) of the Act, the carrying out of development involving the erection, repair, maintenance or replacement of services is excluded if the development is not being carried out principally for the benefit of the dedicated or reserved Crown land to which the development application relates.</i></p>		
<p>Division 2.4, Section 2.12</p>	<p>Dedicated or reserved Crown land may be used only for the following purposes—</p> <p>(a) the purposes for which it is dedicated or reserved,</p> <p>(b) any purpose incidental or ancillary to a purpose for which it is dedicated or reserved,</p> <p>(c) any other purposes authorised by or under this Act or another Act.</p> <p>Note—</p> <p>Section 3.38 authorises dedicated or reserved Crown land to be used for a purpose specified in a</p>	<p>The site is Crown land managed by the City of Newcastle Council. City of Newcastle has prepared a Cown Lands Plan of Management under the CLM Act 2016. In the POM the site is identified as community land and is categorised as a sportsground.</p> <p>The proposed development for the HISC is consistent with the designation of the site under the CLM Act 2016 and the POM.</p>	<p>Section 2.2.1 of original EIS.</p>

Statutory Reference	Relevant Considerations	Relevance	Section in Report
	<p>plan of management for the land. See also sections 2.18 and 2.19.</p>		
<p>Roads Act 1993</p>	<p>(1) A person must not—</p> <p>(a) erect a structure or carry out a work in, on or over a public road, or</p> <p>(b) dig up or disturb the surface of a public road, or</p> <p>(c) remove or interfere with a structure, work or tree on a public road, or</p> <p>(d) pump water into a public road from any land adjoining the road, or</p> <p>(e) connect a road (whether public or private) to a classified road,</p> <p>otherwise than with the consent of the appropriate roads authority.</p> <p>(2) A consent may not be given with respect to a classified road except with the concurrence of TfNSW.</p> <p>(3) If the applicant is a public authority, the roads authority and, in the case of a classified road, TfNSW must consult with the applicant before deciding whether or not to grant consent or concurrence.</p> <p>(4) This section applies to a roads authority and to any employee of a roads authority in the same way as it applies to any other person.</p>	<p>The proposal includes public domain works to Turton Road to widen the footpath. A s138 approval will be sought from Council to facilitate works within the road reserve.</p>	<p>Section 5.6</p>

Statutory Reference	Relevant Considerations	Relevance	Section in Report
	(5) This section applies despite the provisions of any other Act or law to the contrary, but does not apply to anything done under the provisions of the Pipelines Act 1967 or under any other provision of an Act that expressly excludes the operation of this section.		
State Environmental Planning Policies			
<i>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</i>	<p>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:</p> <p><i>13 Cultural, recreation and tourist facilities</i></p> <p><i>(1) Development that has a capital investment value of more than \$30 million for any of the following purposes— (e) recreation facilities (major),</i></p>	The proposed works have an estimated EDC of greater than \$30 million and accordingly, the proposal is State Significant Development for the purposes of the Planning Systems SEPP.	Appendix F to the original EIS.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	<p>Chapter 3 Hazardous and offensive development – Resilience and Hazards SEPP</p> <p>Chapter 3 of the Resilience and Hazards SEPP ensures appropriate mitigation measures are employed to reduce the impact of development with hazardous or offensive industries.</p>	The proposal is for the construction and use of an indoor sports centre. The proposal itself is not potentially hazardous or potentially offensive development.	Section 5.7
	<p>Chapter 4 Remediation of land – Resilience and Hazards SEPP</p> <p>Chapter 4 of the Resilience and Hazards SEPP aims to promote the remediation of contaminated</p>	Environmental investigations have concluded that the site is subject to contamination but can be remediated and prepared suitable for the proposed development.	Appendix W Appendix X

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	land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.	Remediation of the site forms part of the scope of works for which consent is sought.	
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	The Transport and Infrastructure SEPP is the primary planning instrument addressing the provision and operation of infrastructure across NSW. The SEPP provides planning pathways for various types of infrastructure within prescribed zones.		Section 5.6
	<p>2.48 Determination of development applications—other development</p> <p>(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</p> <p>(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</p> <p>The proposal will be referred to the electricity supply authority for comment.</p> <p>(b) development carried out—</p> <p>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</p> <p>(ii) immediately adjacent to an electricity substation, or</p>	Elements of the proposal are situated in proximity to electrical distribution infrastructure and will involve connections to the network. The proposal will be referred to the electricity supply authority for comment.	Section 5.6

Statutory Reference	Relevant Considerations	Relevance	Section in Report
	<p>(iii) within 5m of an exposed overhead electricity power line,</p> <p>(c) installation of a swimming pool any part of which is—</p> <p>(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</p> <p>(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</p> <p>(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</p> <p>2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</p> <p>(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</p> <p>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</p>		

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	<p>2.119 Development with frontage to classified road</p> <p>(1) The objectives of this section are—</p> <p>(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</p> <p>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</p> <p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</p> <p>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</p> <p>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</p> <p>(i) the design of the vehicular access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p> <p>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p> <p>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is</p>	<p>The development proposes a new access point from Turton Road which is a classified road. The site contains a strip of land on the southern side that extends west to meet Wallarah Road. While the site technically has frontage to a non classified road, this is not a feasible access point for the proposed development.</p>	

Statutory Reference	Relevant Considerations	Relevance	Section in Report
	<p>appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>		
	<p>2.122 Traffic-generating development</p> <p>(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</p> <p>(a) new premises of the relevant size or capacity, or</p> <p>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</p> <p>Traffic generating development specified in Clause 2.122 requires referral to TfNSW, this includes:</p> <p>Development with frontage to a classified road generating 50 trips or more per hour.</p>	<p>Transport for NSW has been consulted as part of the preparation of the RTS and Amended Project.</p>	<p>Section 5.6</p> <p>Appendix L</p>
<p><i>State Environmental Planning Policy (Sustainable Buildings) 2022</i></p>	<p>3.2 Development consent for non-residential development</p> <p>(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—</p> <p>(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,</p>	<p>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.</p>	<p>Appendix V</p>

Statutory Reference	Relevant Considerations	Relevance	Section in Report
	<p>(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,</p> <p>(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,</p> <p>(d) the generation and storage of renewable energy,</p> <p>(e) the metering and monitoring of energy consumption,</p> <p>(f) the minimisation of the consumption of potable water.</p>	<p>The proposal addresses the general provisions of the Sustainable Buildings SEPP</p> <ul style="list-style-type: none"> ▪ The ESD report demonstrates the developments compliance with the requirements under the SEPP. ▪ The Building is targeting a diversion of 80% of construction and demolition waste from landfill. ▪ Energy Efficient design through use of passive design, cool roofs, natural ventilation (where possible) and an integrated energy monitoring system will reduce the peak electricity demand across the project. ▪ The project includes measures to maximise daylighting and minimise reliance on artificial lighting. ▪ The roof space will have PV array to reduce the reliance on grid electricity within the site. ▪ A strong focus has been put on the effective management of water within the building, through the use of water efficient fixtures and fittings, integration of rainwater capture and reuse, and incorporation of principles of Water Sensitive Urban Design. 	
	<p>(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions</p>	<p>An Embodied Emissions Materials Form has been prepared.</p>	<p>Appendix KK.</p>

Statutory Reference	Relevant Considerations	Relevance	Section in Report
	<p>attributable to the development have been quantified.</p>		
<p><i>State Environmental Planning Policy Industry and Employment – Chapter 3 Advertising and signage</i></p>	<p>Chapter 3 Advertising and signage</p> <p>Section 3.1 – Aims, objectives</p> <p>To ensure that signage (including advertising)—</p> <ul style="list-style-type: none"> (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish, and <p>to regulate signage (but not content) under Part 4 of the Act, and</p> <p>to provide time-limited consents for the display of certain advertisements, and</p> <p>to regulate the display of advertisements in transport corridors, and</p> <p>to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</p>	<p>A proposed signage plan is included in the Architectural Plan set.</p>	<p>Appendix E.</p>
	<p>Character of the Area:</p> <ul style="list-style-type: none"> ▪ Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? 	<p>The proposal is a permissible use which fulfils the objectives of the RE1 zone. It will positively contribute to the character of the adjacent sporting precinct.</p>	<p>Appendix H</p>

Statutory Reference	Relevant Considerations	Relevance	Section in Report
	<ul style="list-style-type: none"> ▪ Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>A visual impact assessment has demonstrated that the bulk, scale and form of the proposal, when combined with the landscaping strategy, sits appropriately in the setting of the area. The proposed business identification signage will integrate with the built form and will be compatible with the character of the area.</p>	
	<p>Special Areas</p> <p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>The proposal does not detract from the amenity or visual quality of special areas. The business identification signage will not detract from the amenity or visual quality of the adjacent residential area or areas of open space. The signage is integrated with the building design and is positioned in suitable locations to identify the building.</p>	<p>Appendix H</p>
	<p>Views & Vistas</p> <ul style="list-style-type: none"> ▪ Does the proposal obscure or compromise important views? ▪ Does the proposal dominate the skyline and reduce the quality of vistas? ▪ Does the proposal respect the viewing rights of other advertisers? 	<p>The proposal does not obscure any significant views or vistas in the area. The signage is fitted flush to the building façade and will not extend beyond the built form. Signage will not obscure any views, dominate the skyline or impact sightlines to existing signage in the locality.</p>	<p>Appendix H</p>
	<p>Streetscape, Setting or Landscape</p> <ul style="list-style-type: none"> ▪ Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? 	<p>The scale and proportion of the proposed business identification signage is aligned with the scale of the building and will not detrimentally impact the local streetscape. Signage is integrated with the building façade and will contribute to the visual interest of the built form.</p>	<p>Appendix E</p>

Statutory Reference	Relevant Considerations	Relevance	Section in Report
	<ul style="list-style-type: none"> ▪ Does the proposal contribute to the visual interest of the streetscape, setting or landscape? ▪ Does the proposal reduce clutter by rationalising and simplifying existing advertising? ▪ Does the proposal screen unsightliness? ▪ Does the proposal protrude above buildings, structures or tree canopies in the area or locality? ▪ Does the proposal require ongoing vegetation management? 	<p>The proposed signage does not result in visual clutter, does not protrude above the built form, nor require ongoing management of vegetation.</p> <p>The proposed signage is for the purpose of building and business identification and does not include advertising.</p> <p>The proposal does not screen unsightliness but rather is subservient to the architectural form of the building.</p>	
	<p>Site & Building</p> <ul style="list-style-type: none"> ▪ Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? ▪ Does the proposal respect important features of the site or building, or both? ▪ Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The proposed signage is compatible with the scale and proportion of the building. The location and design of each of the signs have specifically considered the location and unique characteristics of the locality by exhibiting a compatible design that is integrated with the architectural features of the building.</p> <p>The proposal achieves a balance between identifying the building and the tenant and respecting features of the public domain.</p> <p>The proposal shows innovation and imagination through the colours, fonts and scale used for the signs. The proposal also shows innovation by the back lighting and logo signage proposed.</p>	<p>Appendix E</p>

Statutory Reference	Relevant Considerations	Relevance	Section in Report
	<p>Associated Devices and Logos with Advertising and Advertising Structures</p> <p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>N/A the proposal does not include advertising signage.</p>	
	<p>Illumination</p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p> <p>Is the illumination subject to a curfew?</p>	<p>The proposed illumination will be in accordance with Australian Standards, thus ensuring it will not result in unacceptable glare.</p> <p>The proposal will be in accordance with Australian Illumination Standards thus ensuring it does not affect the safety of pedestrians, vehicles or aircrafts.</p> <p>The proposal is in accordance with Australian Illumination Standards and will be lit from 6am to 11pm. However, the illumination will be dimmed from 10pm - dawn and can be turned off if necessary.</p>	<p>Appendix GG</p>
	<p>Safety</p> <p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>Due to the design, location and intensity of the proposed signage, the proposal will not reduce the road safety of any public roads for vehicles, pedestrians or cyclists. The signage is typical of existing signage within the Broadmeadow Sports precinct, including signage on McDonald Jones Stadium.</p> <p>The proposed signage will not obscure lightness from public areas and sit within the approved building façade.</p>	<p>Appendix E</p>

Statutory Reference	Relevant Considerations	Relevance	Section in Report
Newcastle Local Environmental Plan 2012			
Zoning and Land Use	<p>The proposed development involves a recreation facility which is a permissible use with consent in the RE1 Public Recreation Zone.</p> <p>The objectives of this zone are:</p> <ul style="list-style-type: none"> ▪ To enable land to be used for public open space or recreational purposes. ▪ To provide a range of recreational settings and activities and compatible land uses. ▪ To protect and enhance the natural environment for recreational purposes. 	<p>'Recreation facilities (major)' are permissible with consent.</p> <p>The proposal is wholly consistent with the RE1 Public Recreation zone objectives as it will provide a high quality indoor sporting facility which will accommodate a range of recreational activities with landscaping to enhance the natural environment.</p> <p>Under the Newcastle Local Environmental Plan 2012 (NLEP 2012) <i>Health services facilities</i> are not permitted within the RE1 zone. The proposal relies upon Section 4.38(3) of the EP&A Act that permits development consent for state significant development to be granted despite it being partly prohibited. The Allied health component is intrinsically connected with the '<i>recreational facility-major</i>' use on the site, providing space for physiotherapists or other allied health professionals to support athletes and recreational users of the facility. As the allied health component is sufficiently related to the recreational use, consent is therefore able to be granted under Section 4.38(3) of the EP&A Act.</p>	Section 5.6
4.3 Height of Buildings	<p>1) The objectives of this clause are as follows—</p> <p>(a) to ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy,</p>	<p>The proposed development has a maximum building height of 16.03m.</p>	Section 5.6

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	<p>(b) to allow reasonable daylight access to all developments and the public domain.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>The site does not have a Height of Building control.</p>		
4.4 Floor Space Ratio	<p>(1) The objectives of this clause are as follows—</p> <p>(a) to provide an appropriate density of development consistent with the established centres hierarchy,</p> <p>(b) to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centres hierarchy.</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p>The site does not have a maximum floor space ratio control.</p>	The proposed development has a maximum GFA of 17,700m ² .	Section 5.6
5.10 Heritage Conservation	<p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to conserve the environmental heritage of Bathurst Regional local government area,</p>	<p>The site are not listed as heritage items nor are located within a heritage conservation area under the Newcastle LEP 2012.</p> <p>The RTS and Amendment Report are accompanied by an ACHAR addressing impacts on Aboriginal Cultural Heritage and an Historical Archaeological Assessment</p>	<p>ACHAR- Appendix AA</p> <p>Historical Archaeological Assessment – Appendix CC</p>

Statutory Reference	Relevant Considerations	Relevance	Section in Report
	<p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>		
5.21 Flood Planning	<p>1) The objectives of this clause are as follows—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,</p> <p>(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.</p> <p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential</p>	<p>A updated Flood Risk Assessment has been prepared by Torrent at Appendix I.</p> <p>The report assesses the flood hazard applicable to the site and impacts on the proposed development and flood behaviour. The Flood Risk Assessment concludes that the project will not create any significant adverse impacts to flood behaviour on the subject site and on the properties surrounding the site.</p>	Appendix I

Statutory Reference	Relevant Considerations	Relevance	Section in Report
	<p>flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the</p>		

Statutory Reference	Relevant Considerations	Relevance	Section in Report
	surrounding area is impacted by flooding or coastal erosion.		
Clause 5.22 Special Flood Considerations	Enable the safe occupation and efficient evacuation of people in the event of a flood.	A Flood Emergency Response Plan (FERP) has been provided. The proposed design addresses the safe evacuation of people in a flood.	Appendix J.
Clause 6.1 Acid Sulphate Soils	<p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</p>	The site is identified as Class 4 on the Acid Sulfate Soils Map. Consent is required for works more than 2 metres below the natural ground surface or works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. Excavation is required to 3m depth. An Acid Sulphate Soils Management Plans accompanied the original SSDA.	Appendix BB to the original EIS.
Newcastle Development Control Plan 2023			
Part B: Site Planning Controls Section B(b) – Flood Management	As established in Section 6.0-9.0, the Newcastle DCP specifies controls which are to be met for the development of flood-prone land, which fall under four objectives: <ul style="list-style-type: none"> ▪ The retention of floodways. ▪ The protection of flood storage areas. ▪ The management of risk to property. ▪ The management of risk to life. 	The site is mapped as flood prone land and therefore an assessment of the proposal against the relevant controls within the DCP has been undertaken. Refer to Flood Risk Impact Assessment at Appendix I prepared by Torrent Consulting for the assessment of the proposal against the relevant controls.	Appendix I

Statutory Reference	Relevant Considerations	Relevance	Section in Report
<p>Part C: General Development Controls</p> <p>Section C1 – Traffic Parking and Assess</p>	<p>Car parking requirement for recreational facilities:</p> <p>There is no parking requirement prescribed for <i>recreation facility (major)</i> solution. Assessment is merit-based.</p>	<p>The proposal will include 240 car parking spaces. This number has been derived from recent similar examples, as discussed in the updated Traffic Impact Assessment prepared by SECA Solution (refer Appendix L).</p>	<p>Appendix L</p>
<p>Section C4 – Stormwater</p>	<p>C-1. Surface levels are to be graded so sites are generally free draining with sufficient overflow capacity to ensure waters do not enter buildings when underground drainage systems are beyond their capacity.</p> <p>C-2. Small hardstand areas are graded towards landscaping within the property boundary for infiltration into soil.</p> <p>C-3. Install drainage pits so that nuisance water does not collect at low points.</p> <p>C-4. Connect gutters, down pipes and pits to the stormwater management system for the site.</p> <p>C-5. Overflows from onsite paved areas adjacent to a property boundary are to be directed by a kerb or formed gutter to drain away from neighbouring properties.</p> <p>C-6. Manage runoff generated by more intense rainfall to not compromise downstream drainage systems beyond their design criteria.</p> <p>C-7. Runoff from development up to and including the 5% AEP shall be collected and drained underground. Public drainage (minor system) has a design capacity of the 10% AEP and connections</p>	<p>The proposal has been through a thorough design process which has assessed the proposal against the DCP's controls for stormwater. Refer the updated Concept Soil and Water Management Plan and the Civil Engineering Plans at Appendix Q.</p>	<p>Appendix Q</p>

Statutory Reference	Relevant Considerations	Relevance	Section in Report
	<p>from private development shall be made subject to the 10% AEP hydraulic grade line of the public drainage being lower than the property drainage system.</p> <p>C-8. Drain runoff from the development up to the 1% AEP event to the major drainage system so it poses nil adverse impact to neighbouring properties.</p> <p>C-9. Development ensures that peak runoff from the site for all events is not greater than the natural drainage conditions of the site.</p> <p>C-10. Development sites are to accommodate natural overland flow from adjacent properties, and where these flows continue downstream to other adjacent properties they are not to be concentrated.</p> <p>C-11. A minimum of 90% of the impervious site area is to be connected to the onsite controls.</p>		