

Planning Proposal Assessment Report

APPLICATION DETAILS

Application No:	LEP24/0002
Applicant:	Salvestro Planning/Habitat Planning Peter Carney
Proposal Summary:	Amend Wagga Wagga Local Environmental Plan, Schedule 1 Additional Permitted Uses to introduce “function centre” as a use permitted with consent
Landowner:	Harness Racing New South Wales Racecourse Development Fund.
Assessment Officer:	Hayden Bousfield, Strategic Planner
Documents:	
Planning Proposal,	Prepared by Salvestro Planning, Revision 3, dated 03/10/2024.
Noise Impact Assessment	Prepared by Pulse White Acoustic Noise, Revision 4, dated 04/03/2025.
Traffic Impact Assessment	Prepared by McLaren Traffic Engineering & Road Safety Consultant, Issue C, dated 30/09/2024.
Attachments	Independent Review Noise Complaints Analysis Etc.

SITE AND LOCATION

The subject site is Lot 10 in Deposited Plan 1247474 and is generally known as the 92 Cooramin Street, Cartwrights Hill. Cartwrights Hill is located approximately 4km north from the centre of the Wagga Wagga Central Business District and is characterised as a semi-rural residential area that predominately consists of small lot primary production or rural residential lifestyle lots.

The subject site is an anomaly in the locality, being the site for the Riverina Paceway, a major landmark for the area. The paceway is located on the western side of Cartwrights Hill and is bound by Cooramin Street to the south, Hampden Avenue to the east and Wright Street to the west.

The approved use of the site is a *recreational facility (major)* and utilised for harness racing. The site is well developed and contains a track, clubhouse, stables, grandstand, and associated infrastructure. A site inspection was undertaken on 19 November 2024.

Subject Land: Lot 10 DP 1247474, Harness Racing Facility, 92 Cooramin Street

Current LEP Provisions: **Land Zoning:**
Part RU1 Primary Production and Part RU6 Transition
Minimum Lot Size:

200 Ha
Height of Building:
 N/A
Floor Space Ratio:
 N/A
Heritage:
 N/A

Current DCP Provisions Section 1 – General
 Section 2 – Controls that apply to all development
 Section 3 – Environmental Hazards and Management
 Section 8 – Rural Development.

Existing Character: The site is characterised by its use as a recreational facility (major) and the existing infrastructure associated with harness racing.

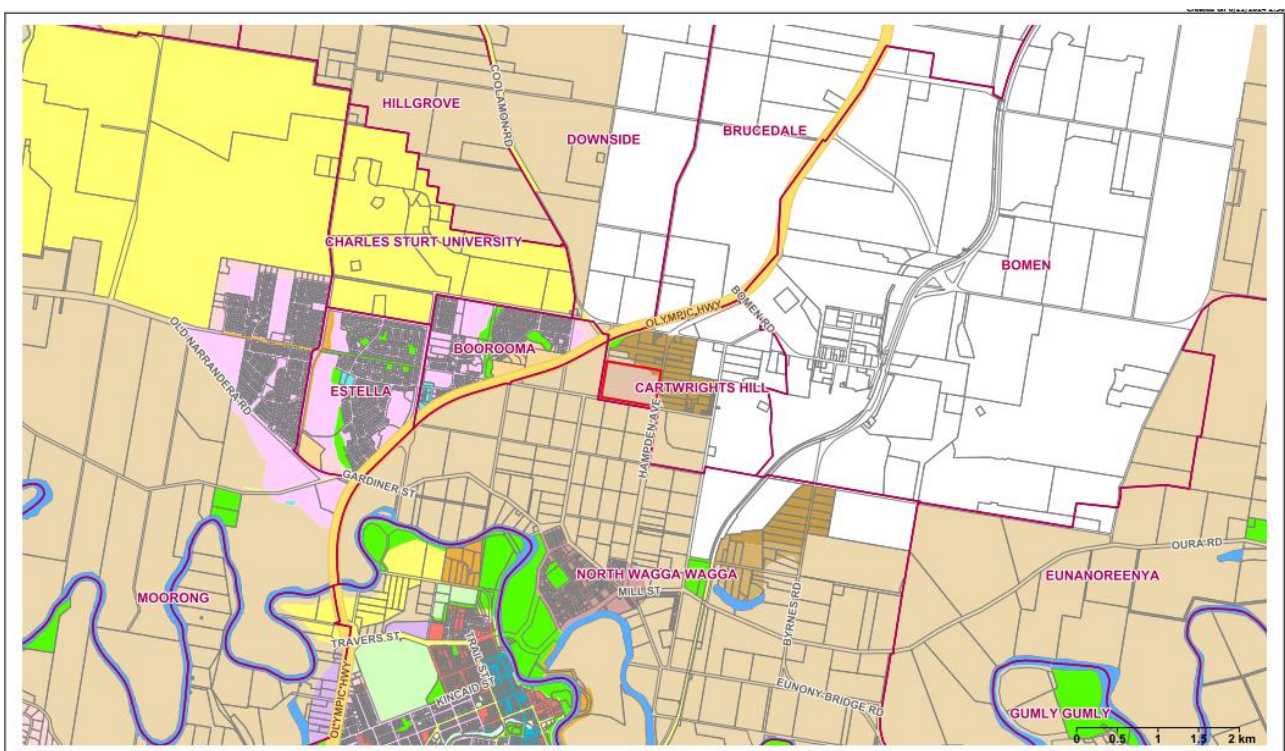


Figure 1 – Context Map: **Source:** Prepared by Council staff.

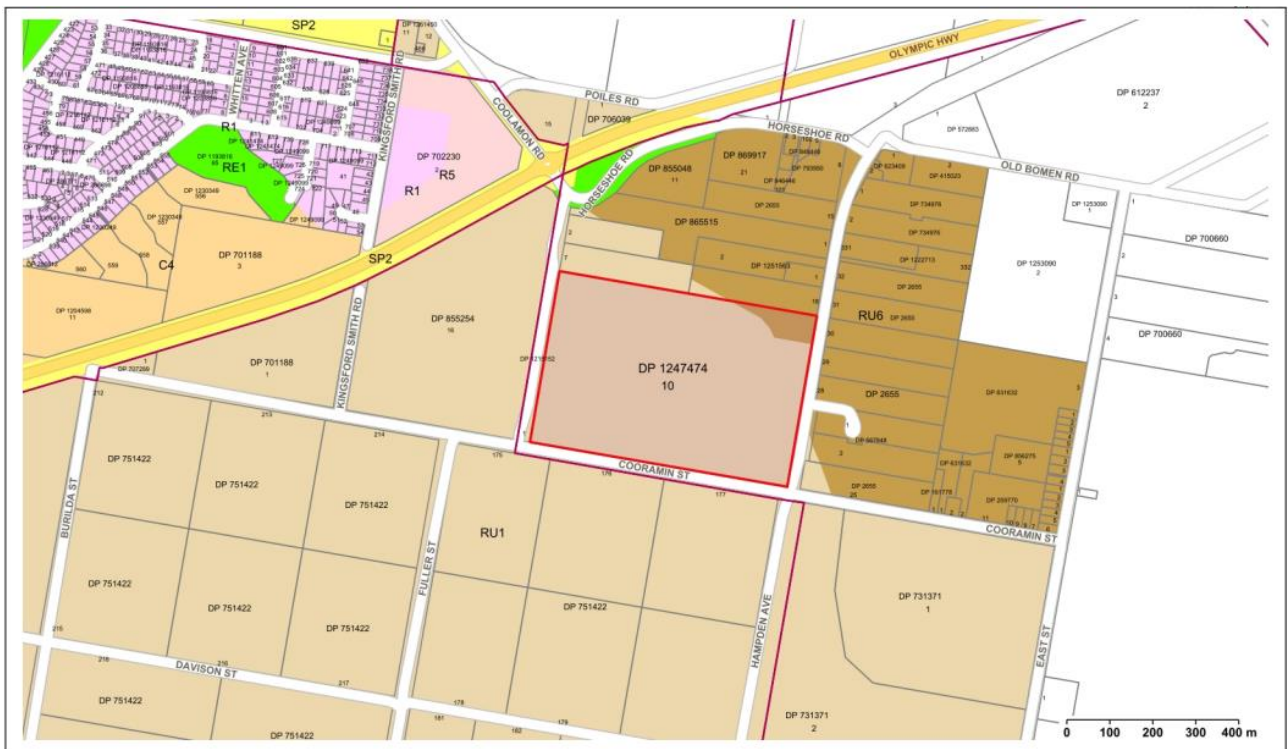


Figure 2 – Lot Identification **Source:** Prepared by Council Staff



Figure 3 – Aerial Image **Source:** Prepared by Council Staff

SECTION 3.33 – ENVIRONMENTAL PLANNING & ASSESSMENT ACT

The following matters pursuant to the provisions of Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment's '*Local Environmental Plan Making Guideline*' (August 2023), have been taken into consideration in the assessment of the proposal.

Section 3.33(2) of the EP&A Act states that the planning proposal is to include the following:

- a) a statement of the objectives or intended outcomes of the proposed instrument,
- b) an explanation of the provisions that are to be included in the proposed instrument,
- c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1),
- d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,
- e) details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument. These matters are assessed below, with respect to the application in detail below.

PART 1 – OBJECTIVE AND INTENDED OUTCOMES

The objectives as outlined in the draft Planning Proposal are to:

*“..... allow an additional permitted use for the purposes of a **function centre** on the subject land, by seeking an Amendment to Schedule 1 of the Wagga Wagga Local Environmental Plan 2010.”*

The draft Planning Proposal clarifies that the intended outcome is to allow for a future development application which will seek consent for the use of the existing clubhouse for private functions and events hire.

The objectives of the planning proposal are sound, however the application of these objectives in consideration of the wider strategic planning framework and principles are limited, meaning that the proposal is will not have a broad impact on the community. Further assessment and discussion is provided throughout this report.

PART 2 – EXPLANATION OF PROVISIONS

This section must provide a detailed statement of how the objectives or intended outcomes will be achieved by amending an existing LEP.

In this instance the subject Planning Proposal seeks to amend the Wagga Wagga Local Environmental Plan 2010 (LEP) to achieve the following:

Amend Schedule 1 Additional Permitted Uses of LEP 2010 to insert an additional item as follows:

“7 Use of Certain Land at 92 Cooramin Street, Cartwrights Hill

- (1) This Clause applies to land at 92 Cooramin Street, being Lot 10 DP 1247474.*
- (2) Development for the purpose of “Function Centre” is permitted with development consent.”*

The intended development outcome is to allow for the establishment of a private function centre and events hire premise associated with the existing clubhouse to supplement the existing paceway activities.

2.1 Mapping

No amendments are proposed to the LEP Maps as part of the draft Planning Proposal.

2.2 Proposed Amendments

No amendments are proposed by the assessing officer to be included as part of the Planning Proposal.

2.3 Alternative Approaches

The proponent engaged with Council to discuss the appropriate approaches to achieve the desired outcome for the site. As a result of the engagement with Council a planning proposal was identified as the only mechanism within the NSW planning system that allows for the sought outcomes. Council is supportive of the approach in this instance.

PART 3 –JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

This section provides a detailed assessment of the proposal's strategic and site-specific merit to determine whether the planning proposal should be supported.

This is the most important section of the planning proposal as it integrates findings from supporting technical studies and provides justification for the proposed amendments to the LEP. It considers the findings and justification and determines whether the proposal will align with state and local strategic planning framework (strategic merit) and any environmental, social, or economic impacts (site-specific merit).

It is important to note that strategic merit is not a yes / no response. The planning proposal should include reasonable justification explaining how and why strategic merit is achieved and addresses all relevant principles, objectives, and actions in the relevant strategic plans.

Table 1 – Summary of Consistency with Table 3. *Matters for Consideration*, in the LEP Making Guideline (August 2023)

#	Question	Consistency & Comment
Section A – need for the planning proposal		
1	Is the planning proposal a result of an endorsed LSPS, strategic study or report?	Refer to Section A part 3.1
2	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Refer to Section A part 3.2
Section B – relationship to the strategic planning framework		
3	Will the planning proposal give effect to the objectives and actions of the applicable regional or distant plan or strategy (including any exhibited draft plans or strategy (including any exhibited draft plans or strategies).	Refer to Section B part 3.3
4	Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?	Refer to Sections 3.2, 3.5, 3.6 and 3.7
5	Is the planning proposal consistent with any other applicable State and regional studies or strategies?	N/A
6	Is the planning proposal consistent with applicable SEPPs?	Refer to Section 3.3
7	Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 Directions) or key government priority?	Refer to Section 3.4
Section C – environmental, social, and economic impacts		
8	Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	Refer to Section 3.11

#	Question	Consistency & Comment
9	Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	Refer to Sections: 3.7, 3.9, 3.10, 3.11, 3.12
10	Has the planning proposal adequately addressed any social and economic effects?	Refer to Section 3.13
Section D – Infrastructure (Local, State and Commonwealth)		
11	Is there adequate public infrastructure for the planning proposal?	Refer to Section 3.10
Section E – Stat and Commonwealth Interests		
12	What are the views of the state and federal public authorities and government agencies consulted in order to inform the gateway determination?	Refer to Section 5

Section A – Need for a Planning Proposal

3.1 Is the Planning Proposal a result of any endorsed LSPS, strategic study or report?

The Planning Proposal is not a result of the Wagga Wagga LSPS or any other strategic study or report. However, it is acknowledged that the proposal encourages economic growth within Cartwrights Hill and would be a net positive for the region. Give this, Objectives 12 and 16 of the Riverina Murray Regional Plan 2041 and Principle 7 (Growth is supported by sustainable infrastructure) of the LSPS, generally support the context of the proposal.

3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal is the only means of achieving the objectives and intended outcomes. The granting of an additional permitted land use is required to meet the requirements of both the *Environmental Planning and Assessment Act 1979* and the *Wagga Wagga Local Environmental Plan 2010*.

Section B – Relationship to the strategic planning framework

3.3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The *Riverina Murray Regional Plan 2041* is the 20-year blueprint for the region. It provides the vision, and strategic direction for land use planning and ensures that the regional plans for continued viability of its environment, communities, and economy. This planning proposal is consistent with the Riverina Murray Regional Plan (Regional Plan) 2041, in that it provides a mechanism of resilience for a rural land use and supports the development of the visitor economy within the region. The following table outlines and assesses the relevant objectives of the Regional Plan to the proposal.

Table 2 – Riverina Murray Regional Plan 2040 Assessment

Direction	Comment
Part 1 – Environment	
Objective 1: Protect, connect, and enhance biodiversity throughout the region	Not relevant to the proposal

Direction	Comment
Objective 2: Manage development impacts within Riverine Environments	Not Relevant
Objective 3: Increase natural hazard resilience	<p>Consistent: This objective highlights the importance of considering natural hazards at the strategic stage to reduce the level of vulnerability and risk to the community.</p> <p>The site is identified within the 1% AEP under the <i>Riverine Flood Model (2018)</i>, therefore, gaining a clear understanding of the potential risks to the site is critical to ensuring resilience for future use.</p> <p>Consideration has been given to the previous flood impact assessments undertaken during the assessment of DA14/0448 and subsequent modification, which have determined that the current use of the site, subject to conditions, as a recreational facility (major) (harness racing) to be suitable.</p> <p>Given that the planning proposal seeks the use of the site as a function centre ancillary to the harness racing, the flooding impact is considered to be manageable at the strategic planning stage.</p>
Part 2 – Communities and Places	
Objective 4: Support aboriginal aspirations through land use planning	Not relevant to the proposal
Objective 5: Ensure housing supply diversity, affordability, and resilience	Not relevant to the proposal
Objective 6: Support housing in regional cities and their sub-regions	Not relevant to the proposal
Objective 7: Provide for appropriate rural residential development	Not relevant to the proposal
Objective 8: Provide for short term accommodation	Not relevant to the proposal
Objective 9: Plan for resilient places that respect local character	Not relevant to the proposal
Objective 10: Improve connections between Murry River communities	Not relevant to the proposal
Objective 11: Plan for integrated and resilient utility infrastructure	Not relevant to the proposal
Part 3 – Economy	
Objective 12: Strategically Plan for rural industries	<p>Consistent: Objective 12 discusses the importance of a diverse rural economy being essential to the resilience and success of rural land, whilst also highlighting the need to manage land use conflicts between rural and urban land uses.</p>

Direction	Comment
	<p>In this instance the planning proposal seeks an outcome (i.e. function centre) that would enable an existing rural site to diversify and develop commercial resilience consistent with Objective 12.</p> <p>This assessment has also considered that the proposal has an impact on surrounding residential land uses due to potential increases in the frequency of noise emitting events and traffic. It is likely these impacts can be reasonably managed and restrictions applied to the site during the any subsequent DA process which will enable further detailed consideration of adjoining land use impacts</p>
Objective 13: Support the Transition to net zero by 2050	Not relevant to the proposal
Objective 14: Protecting and promoting industrial and manufacturing land	Not relevant to the proposal
Objective 15: Support the economic vitality of CBDs and main streets	Not relevant to the proposal
Objective 16: Support the Visitor Economy	<p>Consistent: Objective 16 highlights the importance of the visitor economy to the region and acknowledges that conferences and business events are important attracters for Wagga Wagga.</p> <p>The paceway facility is an existing tourism and visitor economy attracter. Given this, it is considered logical for the facility to also be utilised as a function centre that can encourage greater attraction for Wagga Wagga as a business and conference destination.</p> <p>It is noted that Strategy 16.1 requires tourism, aside from agritourism, in the rural areas to be strategically justified and located in appropriate areas to avoid land use conflicts. Whilst the proponent has not directly addressed Strategy 16.1, it is acknowledged that the paceway facility is an existing visitor economy attracter and that the additional permitted use is a practical use of the land due to its proximity to the city and available infrastructure. Furthermore, the technical traffic and acoustic studies indicate that the resultant land use is unlikely to conflict / impact on surrounding uses, this has been confirmed through Council's assessment of likely impacts. As result, the additional permitted use is generally consistent with Objective 16.</p>
Objective 17: Strategically plan for health and education precincts	Not relevant to the proposal
Objective 18: Integrate transport and land use planning	Not relevant to the proposal

3.4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

The Local Strategic Planning Statement (LSPS) 2040 is Council's long-term strategic planning blueprint for the next 20-years. It considers issues of strategic significance to Wagga Wagga, which guides and supports the introduction of new planning policies, strategies and actions related to land use planning.

The LSPS supports the planning proposal as it would enable LEP and DCP to support outcomes that support the visitor economy and provides economic resilience for a rural property,

Table 3 includes a summary of the relevant Principles of the *Wagga Wagga Local Strategic Planning Statement 2040* applicable to the proposal.

Table 3 – Wagga Wagga LSPS Assessment

Direction	Compliance
The Environment	
Principle 1: Protect and enhance natural areas and corridors	Not relevant to proposal
Principle 2: Increase Resilience to natural hazards and land constraints	Not relevant to proposal
Principle 3: Manage growth sustainably	<p>Consistent: Principle 3 highlights the need for Council to plan and manage growth sustainably, considering the natural environment, utilisation of existing services and promotion of a circular economy.</p> <p>The planning proposal aligns with Principle 3 to the extent that the utilisation of the paceways facilities as a function centre will ensure the best and maximum use of the site, whilst offsetting the need to construct and service new facilities to meet future demand.</p>
Growing Economy	
Principle 4: The southern Capital of NSW	Neither consistent nor inconsistent
Principle 5: Encourage and support investment	Neither consistent nor inconsistent
Principle 6: Connected and accessible city	Neither consistent nor inconsistent
Principle 7: Growth is supported by sustainable infrastructure	<p>Consistent: The applicant has identified the proposal is being consistent with action Econ 7 “<i>Engage with the business community to ensure that our LEP, DCP and approvals systems are enabling the right types of land uses in the right locations to support investment, business and employment growth</i>”. The planning proposal is generally consistent with this action to the extent that it is enabling the use of a function centre on land that is suitable and practical to do so, giving the existing paceway facilities and infrastructure.</p>
Community Place and Identity	
Principle 8: Our city promotes a healthy lifestyle	Neither consistent nor inconsistent
Principle 9: High quality public spaces with an engaging urban character.	Neither consistent nor inconsistent
Principle 10: Provide for a diversity of housing that meets our needs.	Neither consistent nor inconsistent
Principle 11: Strong and resilient rural and village communities	Neither consistent nor inconsistent

3.5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Given the relative niche outcome sought by the planning proposal, there are no other applicable State / regional studies or strategies that directly relate to the proposal and that must be considered in this instance.

3.6 Is the planning proposal consistent with applicable SEPPs?

State Environmental Planning Policies (SEPP) are planning legislation (planning instruments) prepared and development by the Department of Planning, Housing, and infrastructure, to dealing with land use and urban and regional development in a state-wide context.

Table 4 identifies and assesses the relevant SEPPs and Clause applicable to the proposal.

Table 4 – State Environmental Planning Policies (SEPP) Assessment

State Environmental Planning Policy (SEPP)	Comment / Consistency
SEPP (Biodiversity and Conservation) 2021	Neither consistent nor inconsistent
SEPP (Exempt and Complying Development Codes) 2008	Neither consistent nor inconsistent
SEPP (Housing) 2021	Neither consistent nor inconsistent
SEPP (Industry and employment) 2021	Neither consistent nor inconsistent
SEPP (Planning Systems) 2021	Neither consistent nor inconsistent
SEPP (Precincts – Regional) 2021	Neither consistent nor inconsistent
SEPP (Resilience and Hazards) 2021	Neither consistent nor inconsistent Not applicable as clause 6 (under previous SEPP 55) which required consideration of contamination as part of a rezoning proposal was repealed on 17 April 2020. These provisions were effectively transferred to a Ministerial direction under section 9.1 of the EP&A Act.
SEPP (Resources and Energy) 2021	Neither consistent nor inconsistent
SEPP (Sustainable Buildings) 2022	Neither consistent nor inconsistent
SEPP (Transport and Infrastructure) 2021	Neither consistent nor inconsistent

3.7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

Section 9.1(2)(b) of the *Environmental Planning and Assessment Act 1979*, allows the Minister responsible for the Act to make directions, known as ministerial directions, with regard to planning proposals which include

matters of state, regional and local environmental planning significance. These matters must be considered and addressed within a planning proposal.

Table 5 below outlines and assesses the relevant Ministerial Directions applicable to the proposal.

Table 5 – Ministerial Directions Assessment

Ministerial Directions	Consistency / Comment
Focus Area 1: Planning Systems	
1.1 Implementation of Regional Plans	<p>This direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan has been released by the Minister for Planning. Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</p> <p>A planning proposal may be inconsistent with the terms of the direction if the relevant planning authority can satisfy the Planning Secretary that;</p> <ul style="list-style-type: none"> a) the extent of inconsistency with the Regional Plan is of minor significance, and b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions, or actions. <p>As discussed in Section 3.3 above, the Planning Proposal is generally consistent with the Objectives of the regional plan.</p>
Focus Area 2: Design and Place	
Focus Area 3: Biodiversity and Conservation	
Focus Area 4: Resilience and Hazards	
4.1 Flooding	<p>This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes, or alters a zone or a provision that affects flood prone land.</p> <p>The planning proposal relates to an additional permitted use (APU) provision within the Wagga Wagga LEP that would affect flood prone land. Therefore, consideration of Direction 4.1 is required.</p> <p>In this instance, the existing flood planning provisions in the LEP are sufficient to ensure that any APU is consistent with the Direction 4.1(1) and the planning proposal does not create a provision that would be prohibited by Direction 4.1(3) and (4).</p> <p>Furthermore, previous flood assessments of the site have been undertaken during the assessment process for the current harness racing facility and subsequent modification. In all instance the assessments concluded that the site was suitable for the current use subject to conditions. Given the current planning proposal indicates that the APU that would utilise the sites existing infrastructure (i.e. the clubhouse and car park), no further flood planning assessment is required.</p> <p>Given the above, the planning proposal is considered to satisfy Direction 4.1.</p>

Ministerial Directions	Consistency / Comment
4.3 Planning for Bushfire Protection	<p>The subject site is not currently identified by bushfire mapping. However, it is within 140m of mapped bushfire prone land, therefore ministerial direction 4.3 applies.</p> <p>Direction 4.3(1) requires consultation with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act. This has not been undertaken as the draft Planning Proposal has not received a gateway determination. RFS have been preliminarily consulted and, a response was received on 3 November 2024, which indicated that RFS had no objection to the planning proposal, provide that any change of use (though a subsequent development application) was able to comply with Planning for Bushfire Protection (PBP) 2019.</p>
Focus Area 5: Transport and Infrastructure	
Focus Area 6: Housing	
Focus Area 7: Industry and Employment	
Focus Area 8: Resource and Energy	
Focus Area 9 Primary Production	
9.1 Rural Zones	<p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>Direction (1)(a) applies to all relevant planning authorities.</p> <p>Direction (1)(b) only applies in the following local government areas: <i>(refer to Local Planning Directions document for full list)</i></p> <p>Whilst the subject site is located within an RU1 Primary Production zone, the planning proposal will not result in an amendment that will reduce the agricultural productive value of the zone as the land is already used for a purpose that is not agricultural in nature. Therefore, ministerial direction 9.1 is not relevant to the planning proposal.</p>
9.2 Rural Lands	<p>This direction applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the Greater Sydney Commission Act 2015) other than Wollondilly and Hawkesbury, that:</p> <ul style="list-style-type: none"> (a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or (b) changes the existing minimum lot size on land within a rural or conservation zone. <p>Whilst the subject site is located within an RU1 Primary Production zone, the planning proposal would not result in an amendment that will alter the minimum lot size mapping or affect the agricultural use of the land as the site is already used for a purpose that is not agricultural in nature. Therefore, ministerial direction 9.2 is not relevant to the planning proposal.</p>

Section C – Environmental, Social and Economic Impact (Site-specific Merit)

3.8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The draft planning proposal states that the reason for seeking an additional permitted use is to utilise the existing site infrastructure (club house) for function and event hire. There is no intention at this stage for the expansion of the site's facilities, including additional structures. Given that the proposal only seeks the use of the sites existing club house and car park for a function centre, there is considered to be limited to no additional impact on critical habitats or threatened species within the vicinity of the proposal. Where additional expansion of the facility is proposed, this can be managed through a Development Application process and the relevant considerations of s4.15 of the EP&A Act.

3.9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Context and Setting

The proposal is located 4km north of the Wagga Wagga CBD in a rural area that comprises a mix of small-scale primary production lots, rural residential lifestyle lots and a recreational facility. Given that the current use of the site for harness racing is by its nature a venue that holds events, and that the existing site infrastructure meets the requirements to host functions, there is a reasonable argument that the site is uniquely suitable for a function centre in this instance. Therefore, the inclusion of a function centre in this area would generally be considered consistent and appropriate.

Flooding

The site is subject to both riverine flooding and major overland flow flooding during a 1% AEP event. Previous flood assessments of the site have been undertaken during the assessment process for the current harness racing facility and subsequent modification. In all instances the assessments concluded that the site was suitable for the current use subject to conditions.

Given that the proponent has indicated that the additional permitted use will be contained within the existing clubhouse, there will be no changes to the site that would affect flood behaviour. Consequently, the risk of flooding is considered reasonable at this stage. Further consideration of flooding can be addressed by any subsequent Development Application.

Bushfire

The subject site is within 140m of bushfire prone land, therefore the planning proposal was referred to the NSW Rural Fire Service (RFS) for comment on 10 October 2024. A response was received back on 3 November 2024, which indicated that the proposal was consistent with the Ministerial Directions under Section 9.1 of the EP&A Act 1979 and that the NSW RFS had no objection to the progress of the planning proposal, subject to continued compliance with *Planning for Bushfire 2019*.

Acoustics

The subject site has a known history of noise concerns related to the operation of harness racing events. Generally, noise complaints have been linked to the use of the announcement system (loudspeakers) during race meetings, with notable incidents occurring at nighttime. A review of the noise complaints has been undertaken as part of this assessment and is attached as an appendix to this report.

To address concerns regarding potential future noise emissions from the site, the proponent submitted a Noise Impact Assessment evaluating the additional permitted use (function centre) against the relevant NSW EPA Noise Policy for Industry (NPI) and guidelines set out by the NSW Office of Liquor and Gaming (used to assess noise impacts associated with licensed premises, i.e. music and patron noise). The Noise Impact Assessment considered noise emissions from the clubhouse, factoring in a maximum of 285 patrons (excluding staff), background music and operations between 9am – 5pm Monday – Thursday and 9am – 12am (midnight) Friday – Sunday, and noise from increased traffic movements from the existing car park. The assessment identified that the nearest sensitive receivers were the residential properties to the 240m east of the clubhouse (refer to reference map below).

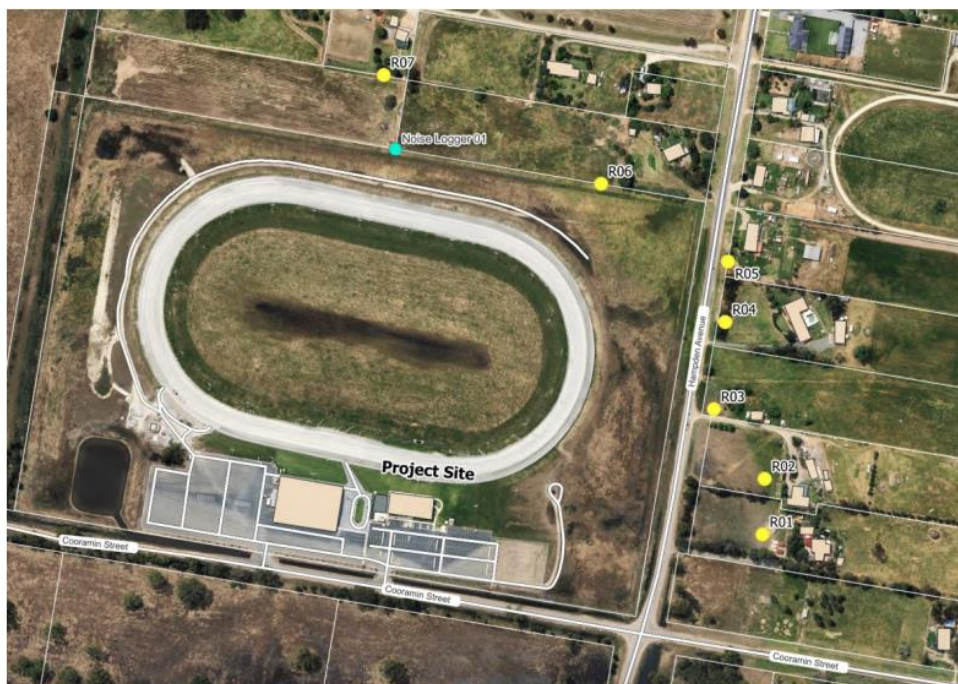


Figure 4 – Site map, measurements locations and surrounding receivers: **Source:** Pulse White Noise Acoustics – Report Number 240461 Revision R4

The assessment concluded that external noise emissions from the function centre (clubhouse) would be within compliant levels of the Liquor and Gaming NSW noise criteria, excluding an assessment from 12:00am (midnight) – 7:00am, where the proposed usage would unlikely comply due to more stringent requirements and levels. To demonstrate compliance, an operational noise contours map was included in the assessment that visually demonstrated relevant noise levels from the site. (refer to reference map below).

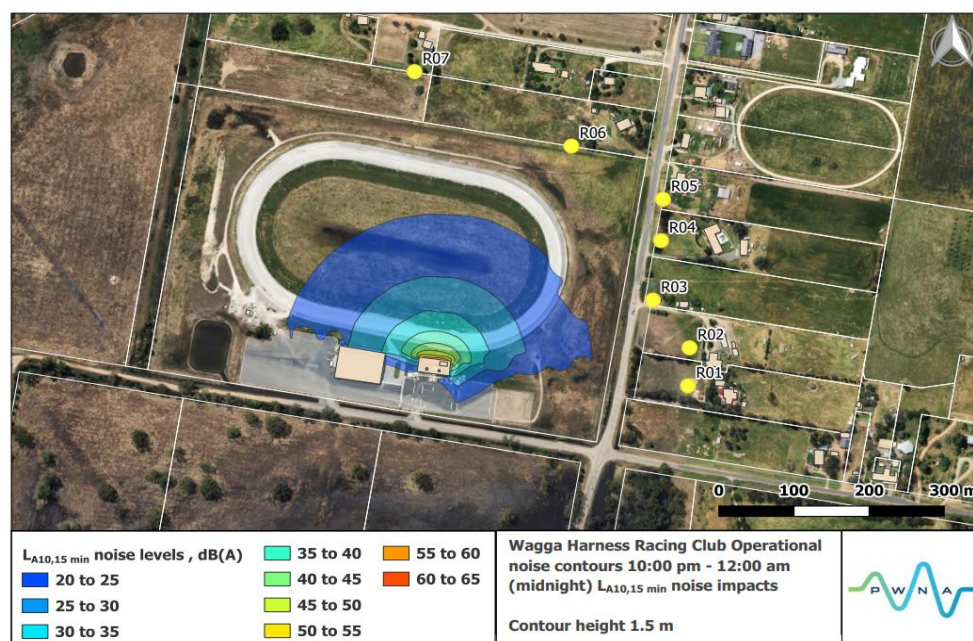


Figure 5 – Operational Noise Contours Map: **Source:** Pulse White Noise Acoustics – Report Number 240461 Revision R4

An independent technical review of the Noise Impact Assessment was commissioned by Council to validate the findings and conclusions of the assessment. The independent technical review was satisfied that the report adequately assessed the impacts from noise generated by the function centre and agreed with the findings that noise impacts would be within the compliant levels of the NPI and the Office of Liquor and Gaming.

It should be noted that further consideration of acoustic impacts must also occur at the development application stage in conjunction with a detail design. It is important to note that support at the planning proposal stage does not guarantee support or a favourable determination at the development application stage.

Traffic, Access, and Parking

The planning proposal is accompanied by a traffic impact assessment (TIA) that has considered the current and proposed traffic conditions. The TIA concluded that there was sufficient parking on site to enable a function centre accommodating the proposed 285 patron (excluding staff), and that the traffic from the function centre would not adversely affect the intersection of Cooramin St and Hampden Avenue.

The TIA also included a cumulative impact assessment where a function would coincide with a typical Friday race meet. It concluded that there would be sufficient site parking and infrastructure to accommodate the simultaneous uses.

The TIA was referred to Council's Traffic Engineer for concurrence. A response was received 29 October 2024 which indicated that the no objection was raised to the TIA.

3.10 Has the planning proposal adequately addressed any social and economic effects?

A formal social impact assessment has not been undertaken by the proponent. However, it is considered that the scale of the proposal will not have a significant social or economic impacts beyond providing additional employment opportunities for hospitality workers and providing an additional source of income for Riverina Paceway.

Section D – Infrastructure (Local, State and Commonwealth)

3.11 Is there adequate public infrastructure for the planning proposal?

The proponent has indicated that the planning proposal will rely upon the existing site infrastructure and does not require any public servicing works to support the proposal. This is considered reasonable as the existing public infrastructure in the area is capable of supporting the proposed land use.

Section E – State and Commonwealth Interests

3.12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The planning proposal was referred to relevant government agencies to provide comment on the planning proposal. The views of those agencies have been considered during the assessment of the planning proposal and are addressed in Part 5 – Community Consultation below. It would be up to the relevant Departments to determine if additional consultation is required as part of the gateway determination.

PART 4 – MAPS

This draft planning proposal does not result in any amendments to the current Wagga Wagga Local Environmental Plan 2010 Maps. Therefore, no further consideration of Part 4 is required.

PART 5 – COMMUNITY CONSULTATION

Internal: The Planning Proposal was referred to following internal Council Teams and the following summarised responses have been received.

Table 6 – Internal Referral Comments

Referral	Comment Summary	Assessment Officer Response
City Engineering	No comments received	N/A
Traffic	No objection is raised to the Planning Proposal	N/A
City Growth & Regional Assets	No comments received	N/A
Development Assessment	<ul style="list-style-type: none"> - Noted that historically the use of the harness racing site for independent functions has not been supported for a variety of reasons. - Main issues of concern are increased noise and traffic and the impact on existing levels of residential amenity - issues within the noise report that require further assessment including: - The period of noise assessment did not include any night-time race meetings. It would be beneficial to record noise from a nighttime meeting to be able to compare predicted noise from functions. - Assumptions in the report are misleading and must be amended to accurately reflect the likely use of the clubhouse as a function centre. - Predicted noise levels from a function should address the following: Use of the outdoor area – the grandstand area is directly linked to the clubhouse, and it is very unlikely that patrons will not make use of this space; The same applies to the marquee area. Doors and windows open - again very unlikely that they will all be closed. Live music – functions often include bands and/or music to dance to resulting in greater than background music levels. - There is no assessment of the noise after midnight as the report assumes that the functions will end at midnight. - Consideration must be given to noise from the car park area after midnight from patrons talking, patrons getting in and out of cars, cars leaving, taxi and or bus services collecting groups of people. - As stated in the report there are more stringent measures to be complied with after midnight and if there is the potential or risk of non-compliance with noise regulations from patrons leaving after midnight this needs to be outlined to determine if any mitigation is possible or amendment required. 	<p>Resolved – Whilst the comments provided from Councils Development Assessment team are relevant and demonstrate site-specific concern, the independent technical review of the Noise Impact Assessment (refer to Section C – 3.9 above) has identified that at the strategic level, acoustic impacts from a function centre land use could be reasonably managed.</p> <p>Note: Strategic Planning only assesses the proposed land use in concept for the site. If approved, the APU would require the proponent to lodge a development application, which would assess the issues raised and impose conditions as required. This means that support at the planning proposal stage does not guarantee support at the development application stage</p>

Referral	Comment Summary	Assessment Officer Response
	<ul style="list-style-type: none"> - The report should include a cumulative assessment of the use of the site. If the additional permitted use is approved there is the potential for the currently approved 52 harness racing meetings each year and subsequent use as a function centre throughout the rest of the year. An analysis of the likely maximum number of events that could be held and the cumulative impact of this additional permitted use when compared to the existing use as a recreation facility should be considered. - The site is approved as a recreational facility and this must remain as the dominant and primary use of the site. - The planning proposal focuses on the use of the clubhouse only but many functions can be outdoor events. There is no consideration or assessment of outdoor functions such as weddings, fundraising events, markets or corporate event activities. It is critical that noise from these functions is assessed and determined as compliant with relevant noise criteria and/or identifies required limitations, if applicable. 	
Developer Contributions	No comments received	N/A
Land and Property	No comments received	N/A
Environment	No comments received	N/A

External: Council has referred the planning proposal to the following government agencies and the following summarised responses have been received. It would be up to the Departments descript to determine if additional consultation is required as part of the gateway determination.

Table 7 – External referral comments

Referral	Comment Summary	Officer Comments
Department of Planning, Housing and Infrastructure (Southern, Western and Macarthur Region)	A response was received and noted that no additional comments were required at this stage.	N/A
Riverina Water Country Council (RWCC)	No objection to the proposal noting that the additional permitted use is unlikely to incur additional charges from RWCC given there is no potential increase in peak daily consumption.	N/A

Referral	Comment Summary	Officer Comments
Department of Climate Change, the Environment and Water Regional Delivery Division Planning, Southwest	No objection to the proposal, noting that Riverina Paceway site is not of a major concern from a flood risk management or threatened species perspective. However, an update to the existing flood management and evacuation plan for the site is needed. This process should be done at the development application stage in collaboration with the NSW SES.	N/A
NSW State Emergency services (SES)	No objection to the proposal provided it is consistent with Section 9.1 Ministerial Directions, including Section 4.1 – Flooding and is consistent with the NSW Flood Prone Land Policy. Noted is that the Flood Emergency Response Plan (FERP) will need to be updated for the site. This process should be done at the development application stage.	N/A
NSW Rural Fire Service (RFS)	NSW RFS has reviewed the proposal with regards to Section 4.3 of the Ministerial Directions. No objection is raised to the proposal subject to a requirement that future development / change of use complies with Planning for Bushfire Protection (PBP) 2019.	N/A
NSW Police Force	No response was received.	N/A

Community consultation:

Public consultation with adjoining landowners and the public occurs after a Gateway Determination has been issued. Formal community consultation will be undertaken as required by the Gateway Determination if granted.

PART 6 - PROJECT TIMELINES

The following table identifies the benchmark timeframes in the LEP Making Guideline (August 2023) for a standard planning proposal. The Council decision milestone is an addition to the Guideline stages, recognising the process of reporting to Council to receive endorsement for Gateway Determination.

Table 8 – Benchmark Timeframes

Milestone	Date
Planning Proposal <i>Measured from lodgement of PP with Council via the Planning Portal to Council decision on whether the proposal should proceed and be referred to the Department for a Gateway Determination.</i>	95 days
Gateway Determination <i>Measured from referral of the PP to the Department for a Gateway Determination to the issuing of a Gateway Determination.</i>	25 days
Post-Gateway <i>Measured from when the PPA receives the Gateway Determination from the Department to public exhibition of the PP. This stage includes time to satisfy any Gateway conditions, undertake technical studies (if required) and consult with authorities and government agencies (if required before public exhibition).</i>	50 days
Public Exhibition and Assessment <i>Measured from exhibition to assessment and endorsement of the PP by Council (or PPA) on whether to proceed. Includes exhibition, consultation with authorities and government agencies (if required), and consideration and assessment of any submissions received.</i>	95 days
Finalisation <i>Includes finalisation of the LEP, final GIS mapping, legal drafting and the LEP being made (if the proposal is supported).</i>	55 days
Total target days	320 days

FINANCIAL IMPLICATIONS

In accordance with Council's 2023/2024 Fees and Charges, a Standard LEP Amendment Fee of \$11,970.00 applied at the time of the application being submitted. The proponent has paid these fees.

It is anticipated that the LEP amendment will result in a development application in the future for a function centre usage, in association with the use of the land as recreation facility (major), being the Riverina Paceway. Council's contribution plans and development servicing plans enable Council to levy contributions and developer charges based on the likely increased demands that the new development will have.

CONCLUSION

The subject Planning Proposal seeks to amend the Wagga Wagga Local Environmental Plan 2010 (LEP) to achieve the following:

Amend Schedule 1 Additional Permitted Uses of LEP 2010 to insert an additional item as follows:

"7 Use of Certain Land at 92 Cooramin Street, Cartwrights Hill

- (1) *This Clause applies to land at 92 Cooramin Street, being Lot 10 DP 1247474.*
- (2) *Development for the purpose of "Function Centre" is permitted with development consent."*

The intended development outcome is to allow for the establishment of a private function centre and events hire premise associated with the existing clubhouse to supplement the existing paceway activities.

The Planning Proposal is supported for the following reasons:

- General consistency with Council's strategic framework, vision and intent
- Consistency with relevant S9.1 Ministerial Directions.
- The investigation of the subject land provided with the application is sufficient to support the planning

proposal and forward to the Department of Planning, Industry and Environment seeking Gateway Determination.

Appendix 1 - Complaints Summary Review

Appendix 1 aims to provide an overview of the relevant known objections and complaints that Council has received regarding Riverina Paceway. This includes an overview of the submissions received from previous development applications associated with the subject site and Customer Request (noise complaints) that Council has received with regards to the operational activities of the paceway.

DA Submission History

- **DA14/0448** – Recreation Facility (Major) approved 01/12/2015.
 - 11 submissions received against the proposal.
- **DA14/0448.01** - Modification to Increase Size of Clubhouse, approved 16/07/2018.
 - 6 submissions received against the proposal.
- **DA19/0049** – Ancillary Toilet Block, approved 07/03/2019.
 - 2 submissions received against the proposal.
- **DA19/0076** - Installation of single sided advertising signs, approved 08/03/2019.
 - 2 submissions received against the proposal.
- **DA14/0448.02** - Modification to conditions 73 and 93 to increase hours of operation and allow an increased number of race events, approved 30/07/2020.
 - 6 Submission received against the proposal.
 - 17 Submission received in support.

Total DA Objection Submissions – 27

Note: all submissions in objection to the proposal referenced acoustic impact concerns or that the development leant itself to a future function centre land use.

Customer Requests (Noise Complaints)

- **14/03/2019 – CREnv19/0212:** Noise Pollution- Customer stated that on Sunday the 10th of March there was loud amplified noise coming from the Harness racetrack from 9:05am-9:20am and then again from 4-5pm. The noise was quite disturbing.
- **02/02/2022 – CREnv22/0103:** the noise pollution that occurred 1 February 2022 because of the loudspeakers at the Wagga Harness Racing Club: The noise was droning, loud and necessitated turning up the volume of the TV in our loungeroom to hear the TV comfortably. The noise from the racetrack reaches a crescendo with the race caller as the race comes to an end. Then there's announcements he makes, perpetuating the disturbance that residents hear, this continued until 9:45 pm.
- **09/06/2023 – CREnv23/0495:** Noise Pollution: Customer is wanting to put in a noise complaint against the harness racing club due to the loud race calling, which they can hear from inside their house with the doors closed.
- **05/10/2023 – CREnv23/0774:** Reporting loud amplified speaker/announcer at racing track event, first noticed at 7:00pm 26 September 2023.