

**JOINT REGIONAL PLANNING PANEL  
Western**

<b>JRPP No</b>	<b>2011WES011</b>
<b>DA Number</b>	<b>2010/0770</b>
<b>Local Government Area</b>	<b>Bathurst Regional Council</b>
<b>Proposed Development</b>	<b>Bicycle Park</b>
<b>Street Address</b>	<b>College Road, Orton Park</b>
<b>Applicant/Owner</b>	<b>Bathurst Regional Council</b>
<b>Number of Submissions</b>	<b>4</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Scott Hoy, Development Control Planner &amp; Richard Denyer, Manager Development Assessment</b>

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## **Assessment Report and Recommendation**

### **Executive Summary**

The Development Application involves the construction of the following;

- 333.33 metre outdoor velodrome (complete with training lighting)
- Criterium long course
- Criterium short course
- BMX track
- Mountain bike downhill course
- Mountain bike cross country course
- Junior education course
- Club house and Amenities Building
- Sealed car park

The subject land is zoned 1(a) Inner Rural pursuant to Bathurst Regional (Interim) Local Environmental Plan 2005. The development is permissible with consent.

The development is to be undertaken by Bathurst Regional Council and has an estimated capital investment of \$9.5 million (SGL Group Feasibility Study). Accordingly the Joint Regional Planning Panel is the consent authority pursuant to State Environmental Planning Policy (Major Development) 2005.

The site is located on Main Road 54 (Vale Road) approximately 3km south of Bathurst. The site has frontage to both Vale Road and College Road. Access via Main Road 54 will be the principle entry point via a level crossing over the Great Western Railway line.

The proposed site access from Main Road 54 will require upgrading. The RTA has advised that it will not object to the proposal subject to conditions being imposed.

The proposed site is accessed by an existing rail crossing. The ARTC has advised that it will not object to the proposal subject to conditions being imposed.

The proposal contains a major gas pipeline. The controlling authority of this pipeline has not raised any objections to the proposal.

The Development Application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979 and is considered acceptable.

It is therefore recommended that the Joint Regional Planning Panel approve Development Application 2010/0286 subject to conditions as included in **attachment 9** to this report.

### **Proposed Development**

The Development Application involves the construction of the following;

- 333.33 metre outdoor velodrome (complete with training lighting)
  - Criterium long course
  - Criterium short course
  - BMX track
  - Mountain bike downhill course
  - Mountain bike cross country course
  - Junior education course
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- Club house and Amenities Building
- Sealed car park

A full set of plans are provided at **attachment 1**.

It is proposed that the development will occur in a number of stages as determined by Council (conceptually shown as 3 stages).

The Development Application has been supported by a number of documents including:

- Bathurst Bicycle Park Feasibility Study prepared by SGL Group
- Engineering Report prepared by Aurecon
- Traffic Feasibility Report prepared by Aurecon
- Bathurst Bicycle Park – draft Business Overview prepared by Combined Bathurst Bicycle Users Group
- Bathurst Bike Park – Concept Cost Estimate prepared by Davis Langdon
- Statement of Environmental Effects and Fauna and Flora Assessment prepared by Mactaggart Natural Resource Management

These documents are provided at **attachment 2**

### **The Subject Land**

The subject land consists of Lot 20 DP 119593 known as 378 College Road and has an area of approximately 79.4 ha.

The land has frontage to both College Road and Vale Road.

The Vale Road entry is via an existing level crossing over the Great Western Railway line. This crossing is also used to serve the adjoining Omya Minerals crushing plant.

A section of Council's Waste Management Facility is co-located on the south east corner of the Lot 20.

The site slopes generally from the west to east ie from College Road to Vale Road from approx 744m to 664 m. The lower section of the land is designated as flood liable in a 1:100 year flood event on Council's 1%AEP flood map.

An area of remnant bushland is located on the midslopes of the site.

Directly adjoining the site to the east is the Great Western Railway Line.

The site is traversed by a high pressure gas line covered by a 20 metre wide easement.

### **The locality**

The site is approximately 3 km south of Bathurst on Main Road 54 (Vale Road).

Adjoining the site to the north of the site is Omya Minerals crushing plant. Land to the south is predominately rural.

The existing site access is shared with Omya Minerals and involves a signalised crossing across the Great Western Railway line.

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Queen Charlottes Vale Creek is located to the east of the site and contributes to an area of floodplain which is used for intensive agricultural purposes.

A locality plan is at **attachment 3.**

## **Planning Provisions**

In determining a Development Application the consent authority is to take into consideration such of the matters outlined in section 79C of the Act as are relevant to the application

The relevant matters are outlined below

### **ANY ENVIRONMENTAL PLANNING POLICIES**

### **STATE ENVIRONMENTAL PLANNING POLICIES**

### **SEPP (INFRASTRUCTURE)**

#### ***PROXIMITY TO THE GREAT WESTERN RAILWAY LINE***

Immediately adjoining the front (eastern) boundary is the Great Western Railway line.

Clause 84 of SEPP (Infrastructure) is as follows

#### ***84 Development involving access via level crossings***

- (1) This clause applies to development that involves:*
    - (a) a new level crossing, or*
    - (b) the conversion into a public road of a private access road across a level crossing, or*
    - (c) likely significant increase in the total number of vehicles or the number of trucks using a level crossing that is in the vicinity of the development.*
  - (2) Before determining a development application for development to which this clause applies, the consent authority must:*
    - (a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*
    - (b) Take into consideration:*
      - (i) any response to the notice that is received within 21 days after the notice is given, and*
      - (ii) the implications of the development for traffic safety including the costs of ensuring an appropriate level of safety, having regard to existing traffic characteristics and any likely change in traffic at level crossings as a result of the development, and*
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- (iii) *the feasibility of access for the development that does not involve use of level crossings.*
- (3) *Subject to subclause (5), the consent authority must not grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor,*
- (4) *In determining whether to provide concurrence, the chief executive officer must take into account:*
  - (a) *any rail safety or operational issues associated with the aspects of the development, and*
  - (b) *the implications of the development for traffic safety including the cost of ensuring an appropriate level of safety, having regard to existing traffic and any likely change in traffic at level crossings as a result of the development.*
- (5) *The consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor if:*
  - (a) *the consent authority has given the chief executive officer notice of the development application, and*
  - (b) *21 days have passed since that notice was given and the chief executive officer has not granted or refused to grant concurrence.*
- (6) *The consent authority must provide the rail authority for the rail corridor with a copy of the determination of the application within 7 days after the determination is made.*
- (7) *In this clause:*

**Level crossing** means a level crossing over railway lines.

**Traffic** includes rail, road and pedestrian traffic.

Clause 86 of SEPP (Infrastructure) is as follows:

- (1) *This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:*
    - (a) *within or above a rail corridor, or*
    - (b) *within 25m (measured horizontally) of a rail corridor, or*
    - (c) *within 25m (measured horizontally) of the ground directly above an underground rail corridor.*
  - (2) *Before determining a development application for development to which this clause applies, the consent authority must:*
    - (a) *within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*
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- (b) take into consideration:*
  - (i) any response to the notice that is received within 21 days after the notice is given, and*
  - (ii) any guidelines issued by the Director-General for the purposes of this clause and published in the Gazette.*
- (3) Subject to subclause (4), the consent authority must not grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor to which the development application relates, unless that rail authority is ARTC.*
- (4) In deciding whether to provide concurrence, the chief executive officer must take into account:*
  - (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
    - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
    - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
  - (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*
- (5) The consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor if:*
  - (a) the consent authority has given the chief executive officer notice of the development application, and*
  - (b) 21 days have passed since giving the notice and the chief executive officer has not granted or refused to grant concurrence.*

The development is likely to result in a significant increase in the total number of vehicles using the level crossing and will be partly located within 25 metres of the Great Western Railway corridor and involves excavation in excess of 2 metres.

The Development Application and accompanying documents were forwarded to the Australian Rail Track Authority as part of the exhibition process.

The ARTC initially in its response of 6 August 2011 withheld concurrence pending Council's agreement as to the costs for any required rail crossing upgrades.

A copy of the initial ARTC correspondence is provided in **attachment 4**.

Council in its letter of 4 October 2011 agreed that it would be responsible for all costs relating to upgrading of the rail crossing and that excavation depths will be limited to 2m within 25m of the rail. Upgrading works referred to in Council's letter were limited to additional warning signs as appropriate to deter vehicles queuing across the level crossing and increasing the

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vehicle queue length between Vale Road and the level crossing.

A copy of the correspondence between Bathurst Regional Council and ARTC is at **attachment 5**.

The ARTC subsequently advised in its letter dated 7 September 2011 (but received 11 October 2011) that it has no further objections to the proposal. The ARTC has not indicated any upgrading works beyond that noted in Council's letter of 4 October 2011.

### **TRAFFIC GENERATING DEVELOPMENT**

Clause 104 of SEPP (Infrastructure) is as follows:

- (1) *This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*
  - (a) *new premises of the relevant size or capacity, or*
  - (b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) *In this clause, **relevant size or capacity** means:*
  - (a) *in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
  - (b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*
- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
  - (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
  - (b) *take into consideration:*
    - (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
    - (ii) *the accessibility of the site concerned, including:*
      - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
      - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*

- (iii) *any potential traffic safety, road congestion or parking implications of the development.*
- (4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

In accordance with Clause 104 the development requires referral to the RTA as it exceeds the thresholds established (recreation facilities catering for 200 or more vehicles).

### **DEVELOPMENT WITH FRONTAGE TO CLASSIFIED ROAD**

Clause 101 of SEPP (Infrastructure) is as follows:

- (1) *The objectives of this clause are:*
  - (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
  - (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (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:*
  - (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
  - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
    - (i) *the design of the vehicular access to the land, or*
    - (ii) *the emission of smoke or dust from the development, or*
    - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
  - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is 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.*

The Development Application and accompanying documents was initially referred to the RTA due to the potential for the development to impact on Main Road 54.

The Development Application was supported by a Traffic Study prepared by Aurecon as part of the SGL Feasibility Study..

Following referral the Roads and Traffic Authority provided advice that it would not object to the proposed development and will provide concurrence pursuant to Section 138 of the Roads Act subject to the following requirements being addressed in the conditions of consent.

These requirements included:

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- A right turn treatment of the 'Type CHR' (Channelised Right Turn) is to be constructed adjacent to the southbound lane on Vale Road as per Fig 7.7 in the Austroads Guide to Road Design: Part 4A.
  - Intersection design on Vale Road will need to cater for any additional queuing as a result of level crossing operation. The level crossing will require the installation of a queuing treatment as detailed in Australian Standard AS 1742.7 (2007) in conjunction with the Vale Road intersection works.
  - The pavement and seal of widened sections is to be consistent with the existing pavement and seal on the highway. In this regard a pavement design is to be forwarded to the RTA for approval. The approved layout and pavement design will form part of the Works Authorisation Deed (WAD).
  - A copy of construction plans for the proposed road works associated with the access are to be submitted to the RTA for approval.
  - As the intersection is located on a state road, the developer will be required to undertake private financing and construction of works on a road in which the RTA has a statutory interest. A formal agreement in the form of a Works Authorisation Deed (WAD) is required between the developer and the RTA.
  - Any environmental impacts associated with widening for the above intersection works is to be considered in the Part 4 development assessment. Otherwise as part of the WAD a Review of Environmental Factors will be required under Part 5 of the Environmental Planning and Assessment Act 1979.
  - More details are required for the proposed cyclist lane on Vale Road between Bathurst and the development site. Information is to be provided regarding the lane width along the route given that there is an existing narrow bridge as well as trees located close to the road.
  - Landscaping and vegetation of the site is not to interfere with driver or pedestrian sight lines.
  - Road Safety Audits are to be conducted as per Section 4.4 of the traffic feasibility report.
  - Lighting is to be in accordance with Australian Standards and not be a distraction or a nuisance to road users through light spillage onto the road corridor.
  - Detail of any proposed outdoor advertising signage was not provided. Dependant upon size, the sign could be the subject of a separate Development Application or further information pertaining to overall size, location and structure detail to be provided for assessment. The RTA interest is in the frangibility and location of the structure, and the potential for distraction of road users on Vale Road by sign content and lighting.
  - A Road Occupancy Licence is required prior to any works commencing within three metres of the travel lanes of Vale Road. This can be obtained by contacting Mr Paul Maloney on (02) 6861 1686. Submission of a Traffic Management Plan incorporating a Traffic Control Plan is required as part of this licence.
  - The intersection treatments are to be completed prior to any other works being undertaken at the site.
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- All consulting, planning, designing, investigating, reviewing, and works are to be at no cost to the RTA.

A copy of the Roads and Traffic Authority response is at **attachment 6**

Following receipt of the RTA correspondence Council's Engineering Department provided further advice relating to the issues raised relating to the adequacy of the Vale Road intersection and the provision of cycle facilities on Vale Road which is repeated below:

*I advise that a traffic engineering consultant has been engaged to consider the interaction between the railway crossing and MR 54.*

*The primary bicycle and vehicular route between Bathurst and the proposed bicycle park will be College Road which is a local road. It is intended that shoulder widening along College Road will be provided to allow for appropriate carriageway widths as per Austroads Guidelines.*

*The secondary access to the bicycle park will be Vale Road. It should be noted that the RTA has recently funded, with Bathurst Regional Council constructing, a wider carriageway from Lloyds Road to beyond the subject site to allow for a two way cycle lane on Vale Road. Whilst cyclist access would be encourage along College Road, there is sufficient carriageway width in Lloyds Road to accommodate cyclists. Cyclist use of the Vale Road from Rocket Street to Lloyds Road would be discouraged due to the two narrow bridges.*

The current RTA Guidelines relating to on road bicycle lanes is an exclusive 1.5m lane.

In order to address the need to provide on road cycle access between the City and the site it is proposed that the following condition be imposed:

*Vale Road (from its intersection with Lloyds Road to the entry to the subject land) and College Road (from its intersection with Currawong Street to the entry to the subject land) are to each be provided with a designated on road bicycle lane with a minimum width of 1.5 metres. The bicycle lanes are to be designed in accordance with Section 3 of the RTA Guidelines.*

*Prior to the commencement of works the proponent is to undertake an audit of Vale Road and College Road to determine the degree of existing compliance and identify additional works necessary to comply with this requirement.*

*The Vale Road bicycle lane is to be provided prior to the commencement of operations of the 1<sup>st</sup> stage of the development,*

*The College Road bicycle lane is to be provided prior to the connection of the internal access road between the development and College Road.*

## **SEPP (MAJOR DEVELOPMENTS)**

In accordance with Part 3 of SEPP (Major Developments) 2005 development undertaken by Council, which has a capital investment value in excess of \$5 million is to be determined by the Joint Regional Planning Panel.

The JRPP was notified to the Development Application on 11 August 2011.

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An earlier meeting of the JRPP to be held 25 October 2011 was deferred to allow resolution of the issues raised by the ARTC and RTA.

## **SEPP 64 – ADVERTISING AND SIGNAGE**

The proposal does not indicate any advertising structures or signage. Conditions have been imposed requiring approval for advertising signage if consent can not be assumed in accordance with clause 16 of the Bathurst Regional (Interim) LEP 2005.

## **BATHURST REGIONAL (INTERIM) LOCAL ENVIRONMENTAL PLAN 2005**

The subject land is zoned 1 (a) Inner Rural under the provisions of Bathurst Regional (Interim) Local Environmental Plan 2005.

Clause 6(3) of BRILEP 2005 provides as follows:

*Consent must not be granted to the carrying out of development within a particular zone unless the consent authority has taken the objects of the zone into account and:*

- (a) is satisfied that the proposed development is consistent with one of more of those objects, or*
- (b) if the proposed development is development of the kind that is identified by this plan as usually not consistent with those objects – is satisfied that, in the particular circumstances of the case, it is appropriate that the proposed development be carried out.*

The objectives of the 1 (a) Inner Rural Zone are as follows:

- (a) to support and maintain the continued viability of agricultural development in rural areas located near the urban fringe areas of Bathurst.*
- (b) to enable development that is appropriate for broad acre productive land used for grazing and cropping to be carried out.*
- (c) to provide for a range of compatible land uses to be carried out on land within the zone that are in keeping with the rural character of the locality and do not unnecessarily convert prime crop and pasture land to non-agricultural land uses.*
- (d) to protect and conserve the scenic environment by controlling the location of buildings and materials used, particularly in development adjacent to a major road or located within a scenic protection area or within an identified remnant bushland area.*
- (e) to protect and conserve valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development to enable the efficient extraction of those deposits.*

The development would be defined as a “recreational facility”.

The proposed use is permissible with consent within the zone and is not inconsistent with the objectives of the zone. Whilst the development is not related to agriculture it is not considered to be out of character with the area (given non- agricultural uses occurring in the area including Omya, the Council Waste Management Centre and the Motorkhana site on College Road) and will not adversely impact on the visual environment.

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The land is subject to the special provisions contained in Clause 12 Mount Panorama environs, Clause 13 Land liable to flood and Clause 14 Scenic protection area. These special provisions are addressed as follows”

### **Clause 12 - Mount Panorama environs**

Clause 12 Mount Panorama environs applies to the western part of the subject land and is repeated below:

- (1) *This clause applies to the land identified on the land use map by red hatching and the words “50dBA Noise Contour”.*
- (2) *Despite any other provision of this plan, the only development for residential purposes that may be carried out on the land to which this clause applies is development that could have been carried out on that land under { HYPERLINK "http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3DDepi%20AND%20Year%3D1997%20AND%20No%3D663&nohits=y" \t "main" } as in force immediately before the appointed day.*

Clause 12 seeks to limit residential development around the Mount Panorama racing circuit. As there is no residential development proposed the special provision is satisfied.

### **Clause 13 - Land liable to flood**

A section of the eastern part of the site is identified as being below the 1%AEP flood line shown on the Bathurst 1% AEP flood map and accordingly is subject to Clause 13 repeated below:.

- (1) *This clause applies:*
    - (a) *to land shown as being below the one percent AEP flood line on the map marked “Bathurst One Percent AEP Flood Inundation Map” dated 1992, and*
    - (b) *to any land identified or known by the Council as having the possibility of flooding.*
  - (2) *Despite any other provision of this plan, a person must not carry out any work or erect any structure on land to which this clause applies, except with the consent of the consent authority.*
  - (3) *The consent authority must not grant a consent required by subclause (2) unless it is satisfied that:*
    - (a) *the proposed development will not increase the flood hazard rating of, or likely flood damage to, any other property or persons, and*
    - (b) *the proposed development generally complies with the Bathurst Floodplain Management Plan or Bathurst Floodplain Development Policy (whichever applies), copies of which are available at the offices of the Council.*
  - (4) *Development consent is not required by this clause if:*
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- (a) *the proponent has notified the consent authority in writing of the proposed development, and*
- (b) *the consent authority has formed the opinion that the proposed development is of a minor nature, and*
- (c) *the consent authority is satisfied that the proposed development meets the requirements of subclause (3), and*
- (d) *the consent authority has advised the proponent in writing before the development is carried out that it is satisfied that development consent is not required because of the exception created by this subclause*

The proposed Velodrome is to be located within the area identified in the 1% AEP flood map.

A flood level certificate issued by Council indicates that the 1%AEP flood level in the vicinity of the subject land is 667.28m AHD at the south east corner of the site and 664.75m AHD at the north east of the Omya site.

The engineering assessment prepared by Aurecon includes an assessment of existing ground levels in the vicinity of the Velodrome and carpark which indicate that this area is generally above the 1%AEP flood inundation area (refer Section 6.2 of Aurecon engineering assessment). Provided there is no cutting into the existing ground level then it is unlikely that the site would be affected by the 1%A AEP flooding from Queen Charlottes Vale Creek.

#### **Clause 14 - Scenic protection area**

The scenic protection area covers a small part of the western part of the site. Clause 14 is repeated below”

- (1) This clause applies to land shown on the land use map by black diagonal hatching and the words “Scenic Protection Area”.
  - (2) Despite any other provision of this plan, a person must not carry out development of land to which this clause applies except with the consent of the consent authority.
  - (3) The consent authority must not grant a consent required by subclause (2) unless it has made an assessment of the following:
    - (a) the height of any structures resulting from the proposed development and any effect this might have on views or vistas,
    - (b) the colours of materials to be used,
    - (c) the effect that the carrying out of the proposed development will have on (and, in particular, its visual impact on) approaches to Bathurst, places of visual significance, views and parklands,
    - (d) the visual impact that carrying out of the proposed development will have on the environment generally,
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- (e) whether adequate provision has been made for the preservation of existing trees and landscaping of the site on which the development is proposed to be carried out.

The proposed works are wholly located outside the area designated as within the scenic protection area and accordingly the development will not have an adverse impact on the area.

### **BATHURST REGIONAL (INTERIM) DEVELOPMENT CONTROL PLAN 2011**

There are no specific development controls that relate to the proposal.

### **BATHURST COMMUNITY ACCESS AND CYCLE PLAN 2011**

Council at its meeting held 15 June 2011 adopted its Bathurst Community Access and Cycling Plan (BCACP). The BCACP reviewed, updated and expanded on 3 key access plans of the former Bathurst City Council being the 1993 Bike Plan, 1999 Strategic Access Plan and the 2001 Pedestrian Access Mobility Plan.

The BCACP is intended to be the primary guiding document for the construction of footpaths and cycleways in the Bathurst Region.

The Bathurst Community Access and Cycle Plan identifies Vale Road as an important cycle route within the region. The plan proposes both an on road and off road cycleway along Vale Road to Perthville, as the road is RTA controlled the plan notes that the construction of any such path is reliant on RTA budgets. The proposed cycle paths will ultimately connect the proposed development with the existing and proposed cycle network with the region.

The Plan also makes recommendations of on road bicycle paths along College Road.

### **LIKELY IMPACTS (NATURAL AND BUILT ENVIRONMENTS AND SOCIAL AND ENVIRONMENTAL IMPACTS)**

#### **PARKING**

Council does not have an adopted standard for the provision of parking for major outdoor recreation facilities/sporting facilities. The RTA's Guideline to Traffic Generating Developments equally does not contain a parking ratio for the proposed development type.

The Traffic Study prepared by Aurecon (included within the SGL Feasibility Study) provided an assessment of estimated attendance at the venue and expected parking generation (Chapter 4) Aurecon estimated that the maximum number of people to ab a local event would be approximately 360 (typically on the weekend) A regional event would attract approximately 1170 people while a major event is expected to draw a maximum of 1200 people. Aurecon estimate that on a worst case scenario there would be a demand for car parking at major BMX events of approximately 516 spaces.

It is proposed to provide a total of 612 parking spaces on site divided into 2 major areas. The northern car park accessed off College Road will contain 360 spaces and will be linked to the southern car park located adjacent to the velodrome via an internal access road. The southern carpark will be accessible from Vale Road The southern car park will contain 252 spaces.

Based on the traffic study the proposed car parking is adequate to serve the development.

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## **CRIME PREVENTION**

Bathurst Council has in place a protocol with the NSW Police (Bathurst Branch) for referral of major and potentially significant Development Applications for assessment against the principles of Crime Prevention Through Environmental Design (CPTED).

In accordance with the CPTED protocol the Development Application was referred to the Bathurst Police for comment. Comments were subsequently provided by the Crime Prevention Officer.

The development was rated as a low crime risk.

The NSW Police have made a number of recommendations inclusive of:

- Installation of CCTV throughout the development.
- Lighting of all pathways, car parks and related areas.
- Development of a lighting maintenance policy.
- Signage reinforcing public areas, speed zones and general safety.
- Establishment of a graffiti management plan.
- Landscaping should reduce opportunities for concealment.
- Limiting access to the site particularly after hours.

A copy of the NSW Police response is provided in [attachment 7](#).

## **BOX GUM WOODLAND EEC**

Included within the assessment documents is a Statement of Environmental Effects and Fauna and Flora Assessment of the proposal prepared by Mactaggart Natural Resource Management.

As noted earlier in this report the site can be broken into a number of different habitat types being:

- Farm dam/ephemeral wetland
- Floodplain
- Lower slope grassy herbland
- Midslope grassy herbland
- Mid to upper slope woodland

The mid to upper slope area contains woodland areas which provide connections to other remnant bushland on and around the Mount Panorama precinct and beyond to the Boundary Road Reserve area and Sawpit and Jordan Creeks.

There are currently two areas of woodland on the subject site. These are noted on the diagram on page 9 of the Mactaggart report. The two patches form an area of approximately 1.5 ha each.

The southern patch of timber is a grassy box, moderately dense woodland dominated by *Eucalyptus melliodora* (Yellow Box). The northern patch is dominated by *Eucalyptus bridgesiana* (Apple Box) and *Eucalyptus blakelyi* (Blakely's Red Gum).

The remnant woodland areas on the site are recognised as being part of the an endangered community at both state federal level as follows:

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- White box, Yellow Box Blakely's Red Gum Woodland (Box-Gum Woodland) is listed as an Endangered Ecological Community (EEC\_ under the NSW Threatened Species Conservation Act; and
- White Box, Yellow Box , Blakely's Red Gum Grassy Woodland and Derived Native Grassland (Box Gum Grassy Woodlands) is listed as Critically Endangered Ecological Community (CEEC) in the federal Environment Protection and Biodiversity Conservation Act.

The southern and northern patches of timber would meet these respective classification requirements and accordingly could be classified as Box Gum Woodland and Box Gum Grassy Woodlands.

Whilst there were no specific recordings of other threatened flora and fauna observed on the site the Mactaggart report notes the potential for a further 21 species to occur in the area.

The Mactaggart report includes an "assessment of significance" or 7 part test in accordance with the obligations imposed under Section 5A of the Environmental Planning and Assessment Act.

The proposal itself does involve the removal, fragmentation or isolation of the remnant Box Gum Woodland.

The Mactaggart Report makes a series of recommendations (Part 7) relating to the management of the site. Those that are relevant to the development have been included in the draft conditions of consent.

The Mactaggart report concludes by recommending that the down hill mountain bike track be relocated clear of the remnant Box Gum Woodland. A condition has been imposed to ensure that this recommendation is imposed.

## **SITE SUITABILITY**

### **WATER**

Council's water mains run within the Vale Road reserve. It would be appropriate for conditions to be imposed relating to sewer headwork's, infrastructure installation and connection charges.

### **SEWER**

Council's sewer mains run within the Vale Road reserve. It would be appropriate for conditions to be imposed relating to sewer head works, infrastructure installation and connection charges.

### **STORMWATER**

There is no formal piped drainage system located on the subject land or within Vale Road. It would be appropriate for conditions of consent to be imposed in respect of storm water issues. There will be a need to accommodate overland flow paths and sufficient drainage in order to eliminate issues associated with the containment of stormwater on the site by the Great Western Railway.

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## **TRADE WASTE**

It is expected that there is potential for trade waste to be generated with the operations of the Clubhouse kitchen. It would be appropriate for conditions of consent to be imposed in respect of trade waste issues

## **DEVELOPER CONTRIBUTIONS**

The proposed site is not subject to any Section 94 Contributions Plans

## **CONSULTATION AND SUBMISSIONS**

In accordance with the obligations imposed under the Regulations public consultation involved:

- Referral of the Development Application and accompanying documents to other Government agencies including ARTC, NSW Police and RTA
- Omya Minerals
- APA Group

As a result of this exhibition, referral and consultation process submissions were received from:

- RTA
- NSW Police
- ARTC
- APA Group.

A copy of the APA Group response is provided in **attachment 8**

## **OMYA MINERALS**

Omya Minerals provided a submission to SGL as part of the original Feasibility Study raising a number of concerns regarding the compatibility of the 2 uses. These are included in Appendix 3 of the SGL Feasibility Study.

Omya raised a number of concerns principally relating to safety of the rail crossing, stormwater and flooding and dust and noise issues.

Omya estimate that the Vale Road is in the order of 25,000 semi trailer movements per annum with potential to increase to 70,000 if the business grows to the full capacity under the existing development consent for the associated mine.

Whilst the provision of a designated “on road” cycle lane on Vale Road will address part of these concerns the interface between heavy vehicle traffic using the Omya site and the light vehicle and cycle traffic using the Bike Park will need to be further investigated. Ultimately this section of the entry road will need to be upgraded to physically separate cycle traffic from heavy vehicle traffic and to provide a more formalised traffic movement pattern for vehicles entering and leaving both sites. As noted in the correspondence from Omya a secondary (but not active) rail line also traverses entry road.

In terms of flooding and stormwater it has been noted that the development will need to accommodate the stormwater generated on site as well as a significant amount of overland flow which is impeded by the rail line.

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Omya have also suggested that the development be modified to include a 50 metre buffer zone consisting of a 5 m earthen berm and vegetation along the northern boundary and that the velodrome and carpark be relocated to the southern end of the site.

The SGL Feasibility Study includes an assessment of the existing noise levels associated with the operations of the Omya Minerals. The predicted noise levels at the nearest point of the criterium course is. This is within the DECCW Industrial Noise Policy recommended levels of 55-60dB(A) Laeq 15 min

On this basis it is not considered necessary to redesign the development to reduce any noise impacts from the operations of Omya.

### **PUBLIC INTEREST**

The proposal is not inconsistent with any relevant published Commonwealth, State or local government policy, plan, guideline, study or strategy.

### **CONCLUSION**

An assessment of the Development Application has been carried out in accordance with Section 79C of the Environmental Planning and Assessment Act. It is considered that the development warrants approval subject to conditions to address the environmental impact.

A copy of the draft conditions of consent are provided at **attachment 9**.

### **RECOMMENDATION**

It is recommended that the JRPP approve Development Application 2010/0770 (2011WES011) subject to those conditions included in this report.

D R Shaw  
**DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

