

## **RECOMMENDATION AND ASSESSMENT REPORT**

### **Recommendation**

That the Western Region Joint Regional Planning Panel approve Development Application 2012/0416 for:

### **RECREATION FACILITY INCLUDING HARNESS RACING TRACK, LICENSED CLUB BUILDING, KIOSK, STABLES AND ASSOCIATED INFRASTRUCTURE**

subject to conditions included in the Draft Notice of Determination (see **attachment 1**) with any further conditions or amendments as determined by the Director Environmental, Planning & Building Services pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended.

### **Executive summary**

Council has received a Development Application submitted on behalf of Harness Racing NSW for a new Recreation Facility including harness racing track, licensed club building, kiosk, stables and associated infrastructure on College Road, South Bathurst.

Specifically the proposal involves the construction of a 1040 metre harness racing track, a licensed club building, a kiosk, a stables building, an access road from College Road, a public car park with 241 spaces and an owners/trainers car park with 42 heavy vehicle spaces.

The subject site is zoned 1(a) Inner Rural under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. The applicant considers that the proposed development may be defined as *recreation facility or area*. Council considers that the proposal is more appropriately defined as *entertainment facilities*. A recreation facility or area and entertainment facilities are both permissible with consent in the 1(a) Inner Rural zone. The proposed development is not inconsistent with any of the objectives of the 1(a) Inner Rural zone.

The proposed development has an estimated capital investment value (CIV) of \$6 million. The Development Application requires consideration by the JRPP as Council is the owner of the land.

The proposal has been referred to John Holland Rail Pty Ltd – Country Rail Network, Roads & Maritime Services (formerly RTA) and NSW Police for comments during the assessment process.

Council placed the Development Application on public exhibition for a period of fourteen (14) days. During the public exhibition period a total of three (3) submissions were received. A further submission was received as an addendum to an earlier submission after the close of the public exhibition period.

An assessment of the Development Application has been carried out in accordance with Section 79C of the Environmental Planning and Assessment Act 1979 and it is considered that the proposed development is acceptable.

### **Proposed development**

Council has received a Development Application from Geolyse on behalf of Harness Racing NSW for a new Recreation Facility including harness racing track, licensed club building, kiosk, stables and associated infrastructure on College Road, South Bathurst.

The proposal involves the following:

- 1040 metre harness racing track;
- Licensed club building (with lounge, function area/meeting room, bar and server, viewing platform, concourse with seating, grassed terrace, toilets, offices, control room, judges room, stewards room and race caller room, together with an external camera platform);
- Kiosk for outdoor food service;
- Stables building (with accommodation for up to 89 horses at any one time with one stallion box, two urinals, four wash bays, two swab bays, a stewards room, a sick bay, an office, a store room, an owners/trainers room and toilet facilities);
- Sealed access road from College Road;
- Public car park with 241 spaces; and
- Owners/trainers car park with 42 long vehicle spaces.

The facility is expected to have 52 meetings per year. Based on current estimates 50 of these events would attract up to 300 attendees with 2 meetings having up to 2000 attendees. The two major meetings are the “Carnival of Cups” on 26 December and the “Gold Crown Final Night” held on the last Saturday in March.

Racing days vary with most races occurring on Wednesday nights. Finishing times can vary with an estimated 70% finishing before 10pm. The remainder would finish by 11pm.

See Statement of Environmental Effects at **attachment 2**. It should be noted that the Noise Assessment Report and the plans of the proposed development contained in the Statement of Environmental Effects have been superseded. The most current versions of these are provided in later attachments.

See current set of plans of proposed development at **attachment 3**.

### **Existing development**

The subject site is currently vacant.

### **Existing harness racing operations**

The Bathurst Harness Racing Club currently operates at the Bathurst Showground.

The existing track is some 800 metres in length which is shorter than the desirable track length of 1040 metres.

### **The subject land**

The subject land comprises three allotments known as Lot 14 in DP 787842, Lot 10 in DP 717095 and Lot 6 in DP 540566.

The three allotments collectively comprise 59.4 ha.

The subject site is bounded by Ethelton Avenue to the north, the Main Western Railway Line to the east, a rural residential property to the south (233 College Road) and College Road to the west. A small rural residential property (23 Ethelton Avenue) is located within the north-east corner of the subject site and this property forms part of the northern boundary of the subject site.

Historically the land has been used for grazing purposes. It is generally devoid of any significant vegetation and contains mostly grassland.

The land slopes from College Road to Vale Road.

See location plan at **attachment 3**.

### **The locality**

The locality comprises a mixture of rural and rural residential landuses in the immediate vicinity.

The nearest residentially zoned area is approximately 370 metres to the north of the subject site.

Mount Panorama Racing Circuit is located approximately 700 metres to the north. College Road is used as a secondary access during major race events providing access to camping areas and to the rear of the circuit.

A small operational extractive industry is located on 233 College Road immediately to the south of the subject land.

The Bathurst Waste Management Centre is located approximately 1.5 kilometres to the south and is also accessible via College Road.

The nearest dwellings to the subject site are:

#### **North**

- 23 Ethelton Avenue – dwelling situated approximately 25 metres from boundary of development site.
- 105 College Road – dwelling situated approximately 270 metres from boundary of development site.

#### **East**

- 226 Gormans Hill Road - dwelling situated approximately 700 metres from boundary of development site.

#### **South**

- 233 College Road – dwelling situated approximately 300 metres from boundary of development site.

#### **West**

- 146 College Road – two dwellings situated approximately 220 metres and 300 metres from boundary of development site.
- 174 College Road – dwelling situated approximately 30 metres from boundary of development site.
- 180 College Road – dwelling situated approximately 25 metres from boundary of development site.

- 182 College Road – dwelling situated approximately 40 metres from boundary of development site.

### **Council's interest**

The subject land, being Lot 14 in DP 787842, Lot 10 in DP 717095 and Lot 6 in DP 540566, is owned by Bathurst Regional Council. The subject lots are Operational Land pursuant to the Local Government Act 1993.

Council has resolved to enter into a lease with Bathurst Harness Racing Club for the subject land.

### **Legislative framework**

#### **Environmental Planning and Assessment Act 1979**

##### **Schedule 4A Requirement for Joint Regional Planning Panel Determination**

Schedule 4A of the Environmental Planning and Assessment Act 1979 as amended provides that a Joint Regional Planning Panel is the consent authority for:

*Development that has a **capital investment value of more than \$5 million** if:*

- (a) a council for the area in which the development is to be carried out is the applicant for development consent, or*
- (b) **the council is the owner of any land on which the development is to be carried out**, or*
- (c) the development is to be carried out by the council, or*
- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

The proposed development has a capital investment value of \$6 million and is to be constructed on land owned by Bathurst Regional Council. Accordingly, the Western Region Joint Regional Planning Panel will be the consent authority.

### **State Environmental Planning Policies**

#### **State Environmental Planning Policy (Infrastructure) 2007**

##### **Clause 85 Development immediately adjacent to rail corridors**

The Development Application was referred to John Holland Rail under State Environmental Planning Policy (Infrastructure) 2007 as the development has the potential to impact upon rail safety due to the proximity to the rail corridor and the potential impacts upon the level crossing on Ethelton Avenue near the intersection of Ethelton Avenue and Vale Road.

See discussion below under "Referrals".

##### **Clause 104 Traffic generating development**

The Development Application was referred to Roads and Maritime Services (RMS) under State Environmental Planning Policy (Infrastructure) 2007 as the proposal involves a recreation facility with parking for over 200 vehicles.

See discussion below under “Referrals”.

### **State Environmental Planning Policy No. 55 – Remediation of Land**

Clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land provides that:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
  - (a) *it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (b) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

It is considered that the potential for contamination on the subject site is minimal given that the site has historically been used for agricultural purposes (grazing).

### **Local environmental plans**

#### **Bathurst Regional (Interim) Local Environmental Plan 2005**

#### **Zoning and zone objectives**

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

Clause 6(3) of the Bathurst Regional (Interim) Local Environmental Plan 2005 provides that:

- 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 or 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:

- (1) *The objectives of the 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 bush land 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 proposed development is not considered to be inconsistent with the objectives of the 1(a) Inner Rural zone.

### **Permissibility**

The applicant has defined the proposed development as *recreation facility or area*. The definition of recreation facility or area is as follows:

*a building, place or area intended for use:*

- (a) *as a children's playground, or*
  - (b) *for sporting activities or sporting facilities, or*
  - (c) *to provide facilities for recreational or leisure activities that promote the physical, cultural or intellectual welfare of the community,*
- but, in the zoning control table, does not include a building, place or area elsewhere specifically defined in this Dictionary.*

Whilst the proposal does include the provision of “sporting facilities” Council considers that the proposed development is more accurately defined as *entertainment facilities*. The definition of entertainment facility is as follows:

*entertainment facilities means buildings or places used for the purpose of sport, entertainment, exhibitions or displays and includes:*

- (a) *sports stadiums, showgrounds, **racecourses** and the like, and*
- (b) *theatres, cinemas, music halls, concert halls, open air theatres, drive-in theatres and the like.*

A *recreation facility or area* and *entertainment facilities* are both permissible with consent in the 1(a) Inner Rural zone.

### **Clause 10 Advertised development**

Clause 10 *Advertised development* in the Bathurst Regional (Interim) Local Environmental Plan 2005 provides that:

- (1) *The consent authority must not grant consent to development described in Schedule 2 unless the application for consent has been placed on public exhibition in accordance with subclause (2).*

- (2) *Before determining an application referred to in subclause (1), the consent authority must:*
- (a) *place the application on public exhibition for a period of at least 14 days (public holidays excluded) at the office of the Council,*
  - (b) *give public notice of the exhibition at the commencement of the period referred to in paragraph (a) in a newspaper circulating in the locality, and*
  - (c) *take into consideration any submission lodged during that period in respect of the proposed development.*

Schedule 2 *Advertised development* in the Bathurst Regional (Interim) Local Environmental Plan 2005 provides that advertised development is:

- 1 *In respect of land within Zone No 2 (a) or Zone No 2 (v), development for the purpose of:*
  - (a) *clubs, or*
  - (b) *home industries, or*
  - (c) *motels, or*
  - (d) *institutions, or*
  - (e) *making alterations or additions to a building the use of which is lawful only because it is an existing use.*
- 2 *In respect of any zone in which development for the purposes of any of the following is permissible with development consent, development for the purpose of:*
  - (a) *fun parlours, or*
  - (b) *premises licensed to sell fermented or spirituous liquor, or*
  - (c) *residential units, or*
  - (d) *boarding houses, or*
  - (e) *commercial premises, other than a newsagency or pharmacy, if:*
    - (i) *publications classified Category 1 restricted, Category 2 restricted or RC (Refused Classification) under the Classification (Publications, Films and Computer Games) Act 1995 of the Commonwealth are shown, exhibited, displayed, sold or otherwise made accessible or available to the public, or*
    - (ii) *a business to which section 578E of the Crimes Act 1900 applies is conducted, or*
  - (f) *brothels*

The proposal includes a venue “*licensed to sell fermented or spirituous liquor*”. The Development Application was placed on public exhibition for a period of fourteen (14) days between Monday 8 October 2012 and Monday 22 October 2012. This included written notification to ten (10) immediate neighbours and a notice in the Western Advocate on Saturday 6 October 2012.

During the public exhibition period a total of three (3) submissions were received. A further submission was received as an addendum to an earlier submission after the close of the public exhibition period. See copies of submissions at **attachment 4**.

Submission on behalf of	Address	Issues
Heather Carter	233 College Road	<ul style="list-style-type: none"><li>• Applicable standards for noise</li><li>• Applicable standards for lighting</li><li>• Hours of operation</li><li>• Why this location was chosen</li></ul>

William Kierath (17 October 2012)	23 Ethelton Avenue	<ul style="list-style-type: none"> <li>• Will be surrounded on 3 sides by proposal</li> <li>• Safety, security and crime prevention</li> <li>• Noise</li> <li>• Lighting</li> <li>• Traffic generation</li> <li>• Heritage and aesthetics</li> </ul>
Patrick and Carolyn McGrath	182 College Road	<ul style="list-style-type: none"> <li>• Heritage</li> <li>• Noise and lighting</li> <li>• Safety and security</li> <li>• Traffic generation</li> <li>• Proposals for excess land</li> <li>• Impact on views</li> <li>• Odours</li> <li>• Dust</li> <li>• Impact on property values</li> <li>• Compensation</li> </ul>
William Kierath (31 October 2012)	23 Ethelton Avenue	<ul style="list-style-type: none"> <li>• Potential increase in crime risk</li> <li>• Corruption within the racing industry</li> <li>• Management of un-utilised land</li> <li>• Concerns regarding the validity of the data provided in the Wilkinson Murray Noise report</li> <li>• Effectiveness of proposed earth mound</li> <li>• Impact of earth mound on views and heritage</li> <li>• Noise associated with other sporting activities proposed on the site</li> <li>• Impact of closure of Ethelton Avenue on access to the property</li> <li>• Concerns about the validity of traffic counts on College Road</li> <li>• Possibility of parking restrictions on College Road</li> <li>• Concerns about the capacity of College Road</li> <li>• Traffic associated with other sporting activities proposed on the site.</li> <li>• Effluent and waste associated with stable complex</li> </ul>
William Kierath (2 November 2012)	23 Ethelton Avenue	<ul style="list-style-type: none"> <li>• Has conducted own noise testing and found them to be significantly different to those provided by Wilkinson Murray</li> </ul>

Council forwarded copies of the second Noise Assessment to those persons who lodged submissions.

## **Clause 12 Mount Panorama environs**

Clause 12 *Mount Panorama environs* in the Bathurst Regional (Interim) Local Environmental Plan 2005 provides that:

- (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 Bathurst Local Environmental Plan 1997 as in force immediately before the appointed day.*

The subject site is within the identified Mount Panorama 50dBA Noise Contour meaning that it is affected by noise during the major racing activities conducted at the circuit.

The proposal itself does not include any residential development therefore the provisions of Clause 12 *Mount Panorama environs* do not apply.

## **Clause 23 Protection of environmental heritage**

Clause 23 *Protection of environmental heritage* in the Bathurst Regional (Interim) Local Environmental Plan 2005 provides that:

- (4) *The consent authority must not grant consent to development of land on which a heritage item is located, within the vicinity of a heritage item, or within a heritage conservation area, unless it is satisfied that the impact of the proposed development on the heritage significance of the relevant heritage item or of the heritage conservation area is acceptable to the consent authority.*
- (5) *In the case of proposed development that requires consent under this clause, being development that would affect a heritage item, the assessment in subclause (4) must include consideration of a heritage impact statement that addresses the following matters:*
  - (a) *the heritage significance of the item as part of the environmental heritage of the local government area of Bathurst Regional,*
  - (b) *the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or cultural features,*
  - (c) *the measures proposed to conserve the heritage significance of the item and its setting,*
  - (d) *the extent to which the carrying out of the proposed development will affect the form of any historic subdivision.*

23 Ethelton Avenue is (located near the north-east corner of the subject site) contains a Heritage Item listed under the Bathurst Regional (Interim) Local Environmental Plan 2005. The property is known as Ethelton Cottage and the listing includes the garden and outbuildings.

As part of the assessment process Council's Heritage Adviser undertook an inspection of the 23 Ethelton Avenue from Ethelton Avenue on 6 December 2012.

Council's Heritage Advisor has reviewed the amended proposal in light of the adjoining Heritage Item and advised that the proposal “would seem to have the least affect on the heritage item”.

## **Development Control Plans**

### **Bathurst Regional (Interim) Development Control Plan 2011**

While very few provisions in the Bathurst Regional (Interim) Development Control Plan 2011 specifically apply to this type of development or to the site itself, the following Chapters and Sections are relevant and have been considered in the assessment of the proposal.

#### **Chapter 2 Exhibition and Notification of Development Applications**

The proposal includes a venue “*licensed to sell fermented or spirituous liquor*” therefore, in accordance with the provisions of Clause 10 and Schedule 2 in the Bathurst Regional (Interim) Local environmental Plan 2005, the Development Application was placed on public exhibition for a period of fourteen (14) days between Monday 8 October 2012 and Monday 22 October 2012. This included written notification to ten (10) immediate neighbours and a notice in the Western Advocate on Saturday 6 October 2012. During the public exhibition period a number of submissions were received as noted above.

In accordance with Council’s usual practices an internal discussion forum was held on 19 December 2012 between Council officers, the applicant and their representatives and those persons who lodged submissions. The minutes of that Discussion Forum are provided at **attachment 5**.

#### **Chapter 6 Rural and Rural Lifestyle Development**

<b>Development Standard</b>	<b>Compliance/Comment</b>
<b>Siting</b>	
Where land is within Zones <b>1(a)</b> – Inner Rural or <b>1(e)</b> – Outer Rural and is identified as: i) a <b>sensitive land area</b> on DCP Map No. <b>25</b> - Land Resources or ii) a <b>sensitive waterways</b> on DCP Map No. <b>26</b> - Riparian Land and Waterways and/or iii) a <b>high or moderate biodiversity sensitivity</b> on DCP Map No. <b>27</b> - Biodiversity of this Plan an environmental assessment is to be provided in accordance with section <b>9 – Environmental Considerations</b> of this Plan. For all other lands, the development standards listed in points (b) to (d) below apply to the siting of buildings.	No sensitive land areas, sensitive waterways or riparian corridors, areas of high or moderate biodiversity sensitivity have been identified on the subject site.
A development application for new buildings is to locate and show as a minimum (where applicable) key existing natural environmental features including: iv) existing natural drainage lines, v) existing farm dams, vi) all existing tree and landscape features, and vii) environmentally sensitive land features (e.g. rocky outcrops, steep slopes, ridges and	Plans submitted with the Development Application acknowledge the existence of a farm dam and its associated overflow drainage line which traverses the site. No other significant environmental features are noted on the site.

hilltops).	
Buildings are to be sited so as to have minimal disturbance to the existing native habitat and in particular to the existing tree cover. Development Applications are to show the location of trees and identify any trees proposed to be removed.	The construction of the proposed track, buildings, vehicle parking areas and access road will not necessitate the removal of any existing trees.
Where applicable, dwellings and other buildings are to be sited within a designated building envelope if shown on the relevant deposited plan and outside any 'Land Management Areas' identified on a relevant DCP map.	No building envelope exists on the subject Deposited Plans
<b>Access, Entrances and Fencing</b>	
A vehicular access shall not be created or used to give access directly onto a classified road or highway, without the consent of the Roads and Traffic Authority.	College Road is not a classified road or highway. Vale Road to the east is a classified road however no access is proposed.
A vehicular access shall not be created or used to give access onto a minor road closer than 20 metres to any intersection of that minor road with a major road or highway.	The proposed access will not be within 20 metres of any intersection with a major road or highway.
A vehicular access shall not be created or used to give access onto a road specified by a relevant DCP Map as "access restriction".	No access restriction is indicated on any DCP map for the subject site.
Entrances are to be setback a minimum of 10m from the boundary of the subject land with the public road, in accordance with Council's <i>Engineering Works and Civil Engineering Construction Guidelines</i> . Entrance setbacks to a highway or classified road must meet RTA standards.	Not applicable.
Entrances required to accommodate semi-trailers and heavy vehicles (e.g. to mines and intensive animal husbandry activities etc.) are to be set back a minimum of 20m from the boundary of the subject land with the public road, in accordance with Council's <i>Engineering Works and Civil Engineering Construction Guidelines</i> .	The proposed entrance will need to be upgraded and will be designed to accommodate heavy vehicles.
Entrances are to have a 2 coat bitumen seal if the public road is sealed. Driveways are to otherwise be constructed to an all weather surface.	The internal access road will be sealed from the intersection with College Road to the entrances to the vehicle parking areas.
Entrances are to be a minimum 4m wide to enable access by Rural Fire Service resources.	The entrance width will be in excess of 4.0 metres to allow vehicles to enter and leave simultaneously.

<b>Fencing</b>	
Fencing is to be of a rural nature using traditional rural fencing materials, or of pipe, wire, timber, masonry or the like. Colorbond or similar fencing is not permitted.	The perimeter of the subject site is already fenced. The subject site also has some internal fencing. No additional fencing has been proposed.
Fencing is to be constructed so that it does not prevent the natural flow of stormwater drainage.	While no detail has been provided for any additional fencing, the existing fencing is of rural type post and wire that does not impede the flow of stormwater drainage.
<b>On Site Effluent Disposal</b>	Not applicable as the proposed development will be connected to Council's reticulated sewer.
<b>Water Supply Requirements</b>	Not applicable as the proposed development will be connected to Council's reticulated water.
<b>Building Form &amp; Design</b>	
The materials used must be naturally textured and coloured, sympathetic to the natural environment and must be non-reflective.	The main buildings will be located within the centre of the site and a significant distance from any boundary. Materials used include a mixture of Colorbond corrugated iron, glass and concrete panels which is considered appropriate given its context. A condition can be imposed to ensure that final colours are sympathetic to the natural environment and non-reflective.
The bulk and scale of the building must not adversely impact on the visual amenity from neighbouring properties or the visual amenity from other significant locations in the City or the Region.	While the proposed buildings will be visible from surrounding roads and immediate neighbours, they are not considered to be of a design or scale that will be visually intrusive.
The height of the building must relate to the topography of the land so that on steeper sites at least part of the roof plane is parallel to the slope and the overall building height sits below any ridgeline/s.	The proposed clubhouse building will have an overall height of approximately 8 metres and will sit at an elevation of approximately 675 metres AHD. The proposed stables building will have an overall height of approximately 7 metres and will sit at an elevation of approximately 674 metres AHD. The highest point of the subject site is at the proposed entrance which is approximately 695 metres AHD.
The design of the building must be in keeping with the rural character of the area.	The proposed buildings are of a design and scale appropriate for the rural locality. The mono-pitch roof of the proposed clubhouse building and the gabled roof of the proposed stables building are common elements of rural outbuildings. Further the proposed buildings will be clad in corrugated sheet metal which is also a common element of rural outbuildings.
Rural structures such as outbuildings must be adequately screened with vegetation and setback from any road.	The subject site will be extensively landscaped and such landscaping will screen the proposed buildings from the immediate neighbours and from surrounding roads. The proposed buildings are setback a significant distance from surrounding roads.

## Clause 9 Environmental Considerations

### Groundwater

Development Standards	Compliance/Comment
<p>This section applies to land identified wholly or partially as having a <b>High or Moderately High Groundwater Vulnerability</b> on DCP Map No. <b>26</b> – Riparian Land and Waterways for the following development types:</p> <ol style="list-style-type: none"> <li>1. intensive animal husbandry,</li> <li>2. liquid fuel depots,</li> <li>3. mines,</li> <li>4. abattoirs,</li> <li>5. service stations,</li> <li>6. sewerage systems,</li> <li>7. turf farming,</li> <li>8. waste disposal and recycling depots,</li> <li>9. water supply systems, and</li> <li>10. on-site effluent disposal systems</li> </ol> <p>Consent must not be granted to development listed above on land identified on DCP Map No. <b>26</b> – Riparian Land and Waterways as having a <b>high or moderately high groundwater vulnerability</b> unless the consent authority has considered an environmental/geotechnical assessment that indicates how the development will achieve the following outcomes:</p> <ol style="list-style-type: none"> <li>1. <i>Protect existing groundwater sources.</i></li> <li>2. <i>Protect the future extraction of groundwater sources for domestic and stock water supplies.</i></li> <li>3. <i>Prevent adverse environmental impacts, including the risk of contamination of groundwater sources from on-site storage or disposal facilities.</i></li> </ol>	<p>The subject site is within a high groundwater vulnerability area however the proposal does not constitute any of the identified development types that are associated with potential impacts upon ground water. All effluent from the proposed development will be conveyed to Council's reticulated sewer.</p>

### Flora and Fauna Surveys

Development Standard	Compliance/Comment
<p>A flora and fauna survey is to be undertaken prior to the lodgement of a Development Application where the following circumstances apply:</p> <ol style="list-style-type: none"> <li>1. the proposed development is likely to have an impact on matters of national environmental significance under the (Commonwealth) Environment Protection and Biodiversity Conservation Act 1999; or</li> <li>2. the proposed development is likely to have an impact on threatened species, populations or ecological communities listed under the</li> </ol>	<p>The site has historically been used for grazing purposes and is considered to be highly disturbed.</p> <p>A detailed flora and fauna assessment has not been undertaken nor is it warranted.</p>

<p>Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994, or their habitats; or</p> <p>3. the Council requests the applicant to provide supporting information to enable a determination as to whether the proposed development will have the impacts referred to above; or</p> <p>4. the proposed development involves clearing of native vegetation, including wetlands and riparian vegetation; or</p> <p>5. the proposed development involves clearing of native vegetation for bushfire hazard reduction purposes; or</p> <p>6. ecological assessment of the proposed development is required under State Environmental Planning Policy No. 44 - Koala Habitat Protection; or</p> <p>7. a proposal may affect, either directly or indirectly, certain vegetation or habitat communities subject to special planning controls, including coastal wetlands, urban bushland, littoral rainforest and koala habitat.</p>	
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### Sustainable Building Design and Efficiency

Development Standard	Compliance/Comment
All new commercial development is to comply with Section J – Energy Efficiency of the Building Code of Australia.	A report detailing compliance with the provisions of Section J – Energy Efficiency will need to be submitted with a Construction Certificate for the proposed buildings.

### Chapter 11 Outdoor Lighting

Development Standard	Compliance/Comment
Light is to be directed downwards, not upwards, to illuminate the target area. If there is no alternative to up-lighting, then shields and baffles must be used to reduce spill light to a minimum.	A detailed Lighting Assessment Report has been submitted with the Development Application. The Lighting Assessment Report concludes that “the effect of spill light emanating from this new facility will have a negligible impact on adjacent properties.
Specifically designed lighting equipment is to be used that, once installed, minimises the spread of light near to, or above, the horizontal.	
Do not ‘over’ light. Provide adequate lighting to achieve the desired effect. To keep glare to a minimum, the main beam angle of all lights directed towards any potential observer is to be kept below 70 degrees. It should be noted that the higher the mounting height, the lower can be the main beam angle. In places with low ambient light, glare can be very obtrusive and extra care should be taken in positioning and aiming light.	
Floodlights with asymmetric beams are to be used that permit the front glazing to be kept at or	

near parallel to the surface being lit.	
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### Chapter 13 Landscaping and Greening

Only indicative landscaping has been shown on the site plan for the proposed development at this stage. Further details of landscaping will need to be provided to cover the areas surrounding the Clubhouse, stables and car parking areas and for the proposed earth wall. This can be imposed by way of a condition requiring a detailed Landscape Plan to be submitted prior to the issue of the Construction Certificate.

### Chapter 14 Parking

The Bathurst Regional (Interim) Development Control Plan 2011 does not contain any specific standards for this type of development.

The RTA *Guide to Traffic Generating Developments* does not provide a specific car parking ratio that could be applied to this type of development and it concludes that:

*Research by the RTA has failed to find a conclusive relationship between parking demand and the size and nature of recreation facilities surveyed, indicating that the number of parking spaces required is best determined by the nature of the proposed development.*

The Development Application includes a Traffic Impact Assessment which acknowledges that there is a large variation in the expected patronage at race events. The Facility is expected to hold 52 race meetings a year. 50 of these events will have up to 300 attendees. The 2 major events would have up to 2000 attendees.

The proposal incorporates a public car park with 241 spaces and an owners/trainers car park with 42 long vehicle spaces.

Based on the assumption of an average vehicle occupancy rate of 2 vehicles per person for attendees and 1.5 persons per vehicle for staff. Trainers and stable hands the number of parking spaces required would be as follows:

Minor Event:  $300/2 + 78/1.5 = 202$  spaces

Major Event:  $2000/2 + 94/1.5 = 1063$  spaces

The proposed car parking areas will therefore be sufficient to cater for all minor events. During major events sufficient area is available for overflow parking beyond the proposed designated parking areas.

The proposed number of designated parking spaces is considered appropriate.

The following table outlines compliance with the engineering development standards provided in the DCP for car parks.

Development Standard	Compliance/Comment
On site car parking spaces shall not form part of vehicle manoeuvring areas or loading/unloading areas.	Plans for the proposed development indicate separate parking, manoeuvring and loading/unloading areas.

All car parking areas are to be located behind the building line or should be adequately screened by landscaping to reduce the effect of the development on the streetscape.	The proposed parking areas will not be directly visible from College Road, Ethelton Avenue or Vale Road given that the site is gently undulating. Appropriate landscaping will further reduce the visual impact of the proposed parking areas.
Car parking spaces and manoeuvring areas must comply with the minimum sizes outlined in <b>Schedules 1 and 2</b> of this Plan.	A condition will be imposed to ensure that all parking spaces are of the applicable minimum dimensions.
Visitors parking and disabled parking spaces must be clearly designated and readily accessible.	Parking areas will be clearly visible from the access road. Regulations relating to disabled parking spaces ensure that such spaces are clearly designated.
All parking areas are to be paved and line marked in accordance with Council's Engineering Standards.	The parking areas will have a hardstand gravel surface.
Vehicular crossings and laybacks must be provided for satisfactory ingress/egress to the subject property.	The site ingress/egress from College Road will have a turning lane, passing lane and street lighting.
Sufficient manoeuvring area shall be provided for vehicles to be parked on the site in a manner which ensures that they can enter and exit the site in a forward direction.	Plans for the proposed development indicate adequate manoeuvring area for cars and longer vehicles (i.e. trucks and trailers).
Car parking areas are to be lit. All lights must have fully shielded fittings and security lighting of unattended premises must use a motion detector sensor switch.	All parking areas will be lit.

## Chapter 15 Crime Prevention

The proposal was referred to NSW Police for consideration under the *Crime Prevention Through Environmental Design* principles.

The NSW Police have undertaken a *Safer by Design Evaluation* and have determined that the proposed development has an overall crime risk rating of **Low-Medium Crime Risk**.

The Assessment does however note that the site is isolated from the CBD is in close proximity to a "low socio economic housing estate to the north in Currawong Street". Lack of natural guardians has the potential to attract and create criminal activity in the area. Security measures and monitoring of the facility need to be seriously considered and implemented.

Overall the NSW Police have made a number of recommendations to address the concerns regarding security measures and monitoring that can be incorporated into the proposal including the use of CCTV, security patrols, lighting, signage and maintenance.

It is however worth acknowledging that NSW Police note in relation to the existing Harness Racing Facility at the Bathurst Showground:

*"...based on historical data relating to the existing complex in Kendall Avenue Bathurst there is minimal evidence to suggest that the nature of the business or the facility itself increases the risk of crime to property or person".*

It is also worth noting that, in general, crime associated with the Harness Racing industry is not a matter that would warrant consideration under the planning regime.

**Likely impacts (natural and built environments, social and economic impacts)**

**Scenic quality**

The land generally slopes west to east (from College Road to Vale Road) from 700m AHD near the proposed entrance point down to 660m AHD in the north east corner.

The development itself will require a significant amount of earthworks to enable flat areas for the building and car parking and for the racing track. This is illustrated in the site plan and cross sections.

The earthworks will mean that for the most part the development will be cut in on the southern side and filled on the northern side.

When viewed from the properties to the south and west the main buildings will be lower than the existing ground and will sit lower in the landscape.

When viewed from the north, and in particular from 23 Ethelton, the track will be higher than the existing ground level. The common boundary between 23 Ethelton and the subject land is 669m AHD. The finished track level will be in the order of 673m AHD. A 3 metre high signage wall will be constructed on top of the track. The track, which is to be 50 metres from the common boundary at its nearest point, will therefore sit approximately 4m “above” 23 Ethelton Avenue. The top of the signage wall will be approximately 7 metres “above” 23 Ethelton Avenue.

The earth wall is to have a 1 in 4 slope and include landscaping to act as an additional visual screen. Whilst landscaping is proposed on the earth wall it will be essential that it is of sufficient height and density to ensure that it ultimately screens the signage fence from 23 Ethelton Avenue.

While the proposed buildings will be visible from surrounding roads and immediate neighbours, they are not considered to be of a design or scale that will be visually intrusive.

The proposed clubhouse building will have an overall height of approximately 8 metres and will sit at an elevation of approximately 675 metres AHD. The proposed stables building will have an overall height of approximately 7 metres and will sit at an elevation of approximately 674 metres AHD.

The proposed buildings are of a design and scale appropriate for the rural locality. The mono-pitch roof of the proposed clubhouse building and the gabled roof of the proposed stables building are common elements of rural outbuildings. Further the proposed buildings will be clad in corrugated sheet metal which is also a common element of rural outbuildings.

The subject site will be extensively landscaped and such landscaping will screen the proposed buildings from the immediate neighbours and from surrounding roads. The proposed buildings are setback a significant distance from surrounding roads.

## **Pollution**

### Odour

Odour will be controlled with the regular removal of solid waste from the track and stables. Further, the proposed stables building will be fully enclosed.

### Noise

Noise generating components of the proposed development include:

- The public address system;
- Crowd noise;
- Harness racing activities (actual races); and
- Movement of vehicles entering, exiting and moving around the site.

### Initial Noise Assessment – Wilkinson Murray

The Development Application was initially supported by a Noise Assessment Report prepared by Wilkinson Murray. See Initial Noise Assessment Report at **attachment 6**.

Wilkinson Murray undertook noise monitoring on the western boundary of 23 Ethelton Avenue for a period of 6 days to determine existing ambient noise levels. From the data obtained Rating Background Levels (RBLs) were determined for the day (7.00am to 6.00pm), evening (6.00pm to 10.00pm) and night (10.00pm to 7.00am) periods.

Wilkinson Murray applied the methodology provided in the NSW State Government's Industrial Noise Policy (2000) for determining intrusiveness criterion (the level at which noise would be considered offensive) which is existing background noise level plus 5dBA.

Based on RBLs and the intrusiveness criterion determined by Wilkinson Murray.

<b>Time Period</b>	<b>RBL (dBA)</b>	<b>Intrusiveness Criterion  L<sub>Aeq,15min</sub> (dBA)</b>
Day	38	43
Evening	45	50
Night	38	43

For consistency Wilkinson Murray adopted 43dBA for all periods.

Wilkinson Murray measured source noise levels for the PA system and actual racing activities and then determined that at all time periods (day, evening and night) noise levels would not exceed the intrusiveness criterion at the nearest residential receivers with the exception of one, being 23 Ethelton Avenue. It was determined that the noise level at 23 Ethelton Avenue would be 47dBA which is 4dBA above the criteria.

Wilkinson Murray recommended the construction of a sound attenuation barrier in the form of an earth bund or noise wall between the subject site and 23 Ethelton Avenue and provided two location options for such a barrier.

The adequacy of the Wilkinson Murray report was questioned by adjoining neighbours in their submissions objecting to the proposal.

Council also noted some concerns regarding the existing background noise levels recorded and used by Wilkinson Murray to determine intrusiveness noise criteria.

While Wilkinson Murray acknowledged the potential for intermittent noise to be generated by vehicles entering and leaving the site, they did not consider further investigation of potential noise levels or mitigation measures were warranted. Further, Wilkinson Murray did not consider in detail the potential for crowd noise.

#### Peer Review of Initial Noise Assessment – PKA Acoustic Consulting

Council subsequently engaged PKA Acoustic to undertake the Peer Review of the Wilkinson Murray report. See Peer Review Report at **attachment 7**.

PKA undertook its own noise readings at 23 Ethelton Avenue and at the existing Harness Racing Facility.

PKA Acoustic Consultants concluded the following:

*Our review of the Wilkinson Murray report has found number of instances where insufficient data has been provided for assessment.*

*Measurements carried out by PKA also indicate that ambient noise levels at the proposed site are lower than those used as the basis for the Wilkinson Murray report. PKA measurements of existing harness racing operations at Bathurst Showground found significantly higher noise levels from the public address system than those used as the basis for the Wilkinson Murray report.*

*As such we do not consider that the Wilkinson Murray report demonstrates that the facility will comply with the required noise criteria.*

*The required noise reduction calculated by Wilkinson Murray is 4dB(A). Section 7 of the report provides details of the barrier or dirt bund to provide the required 4dB(A) reduction.*

*As noted in previous sections the Wilkinson Murray report appears to significantly overestimate the allowable noise goals whilst underestimating the noise levels generated from the track.*

*This means that the noise reduction required will exceed the 4dB(A) nominated by Wilkinson Murray. Accordingly the proposed barrier is unlikely to provide the required noise reduction.*

#### Subsequent Noise Assessment – Noise and Sound Services

In light of the conclusions of the PKA Peer Review the applicant commissioned Noise and Sound Services (NSS) to prepare a new Noise Assessment Report. See subsequent Noise Assessment Report at **attachment 8**.

PKA did not undertake further background noise levels at the site but did undertake noise readings at the existing Menangle Harness Racing Facility as a means of comparison.

### ***Noise from PA system, crowd noise and racing activities***

In accordance with the NSW State Government's Industrial Noise Policy (2000) methodology, NSS adopted a background noise level of 30dBA across all time periods and applied the widely accepted methodology for determining the intrusive noise criterion (the level at which noise would be considered intrusive) of existing background noise level plus 5dBA. That is the intrusive noise criteria should be 35 dBA.

Applying this methodology NSS determined that, for the PA system, crowd noise and actual racing activities, the 35dBA noise criteria would be met at the nearest residential receivers with the exception of 23 Ethelton Avenue.

NSS determined that the noise level from the PA system without mitigation is 47dBA at 300 metres or 12dBA above the intrusiveness noise criteria. This is the equivalent of the distance to 23 Ethelton Avenue.

At College Road, at 400 metres the calculated noise levels from the PA system is 34 dBA which is below the intrusiveness criteria.

These estimates are based on a PA system with a sound power level of 111 dBA similar to that used at the Menangle site.

Crowd noise and on site traffic noise for minor events will not be above the 35 dBA noise goal at 300 metres.

At major events (ie twice a year) crowd noise is likely to exceed the 35 dBA noise goal for short periods during race events.

NSS noted a number of options for reducing the noise levels at 23 Ethelton. These options included:

- An appropriately designed and installed PA system that will cover the audibility of the spectators area whilst producing the lowest feasible sound power level. Electronic compressions and peak limiting should be built into the system;
- If a sound system with a sound power level of 99 dBA could be installed the noise goal could be met under neutral weather conditions;
- A 200 metre long and 4 metre high sound barrier on the northern side between the track and 23 Ethelton Avenue will provide an estimated sound attenuation of 6dBA; and
- Installation of sound attenuation elements at 23 Ethelton Avenue.

The applicant has since confirmed that the PA system would be designed to ensure a sound power level of 99 dBA or less and that loudspeakers will only be installed on the southern side of the track.

The applicant has also proposed a 3 metre high signage panel on the northern side of the track. The proposed sound barrier will take the form of a 3 metre high signage panel on the northern side of the track. The panel will sit on top of the earth bund to achieve the total 4 metre height. The signage panel should be constructed from solid, impermeable material such as steel, timber or masonry. The proposed sound barrier is estimated to reduce the expected noise levels at 23 Ethelton Avenue by 6 dBA

The combination of the 99 dBA PA system and signage panels will reduce noise levels below the 35dBA for all events with the exception of major events where the additional crowd noise exceeds the intrusive noise criteria.

Whilst further noise attenuation could be achieved by upgrading of the glazing at 23 Ethelton Avenue it is generally the least favourable option and not warranted as part of this Development Application.

### **Noise from Road Traffic**

In accordance with the NSW State Government's Road Noise Policy (2011), NSS applied noise assessment criteria for on road traffic noise of 60dBA for day time (7am to 10pm) and 55dBA for night time (10pm to 7am) for residences affected by additional traffic on sub-arterial and local roads.

For minor events traffic generation is expected to peak at 125 vehicles per hour entering or leaving the site. The predicted noise levels for this scenario is 51 dBA over a 9 hour period and 60dBA over 1 hour.

For major events (2 time a year) traffic generation is expected to peak at 671 vehicles per hour entering or leaving the site. The predicted noise level during major events is 57 dBA over a 9 hour period. This meets the daytime criteria but marginally exceeds the night time criteria by 2 dBA.

Applying this methodology NSS determined that the criteria could be met at all nearest affected residences for the 50 minor events throughout the year but would be exceeded by 2dBA during the bi-annual major events. Given that this is only likely to occur twice a year, NSS consider it to be acceptable.

### **Waste**

Solid waste from the track and stables will be collected and removed from the site in trucks, as is the case with the existing facility at the Bathurst Showground. Liquid waste will be discharged to Council's sewer under a Trade Waste Agreement with Council.

### **Light spillage**

A detailed Lighting Assessment Report has been prepared by AJ Stockman and submitted with the Development Application.

The proposal includes the provision of track lighting as well as lighting of the main building and public areas to accommodate night time activities.

The Lighting Assessment Report concludes that "the effect of spill light emanating from this new facility will have a negligible impact on adjacent properties".

It is noted that John Holland Rail on behalf of Country Rail have requested a condition that the lighting be adjustable to ensure no impact on the adjoining rail corridor.

## Economic impacts

In 2011 the Bathurst Harness Racing Club commissioned the Western Research Institute to provide an estimate of the value of harness racing to the Bathurst LGA and to the Central West.

WRI concluded that the impact of the harness racing sector on Bathurst LGA, including flow on effects was in the order of:

- 90 full time equivalent jobs or 0.6% of the FTE in Bathurst LGA.
- \$3.8 million in household income.
- \$6.6 million in gross regional product or 0.32% of the GRP of Bathurst LGA.
- \$17.7 million in output.

Significantly the provision of the larger track brings the Bathurst facility into line with the other major harness racing facilities in provided the longer track lengths. This provides greater security to the industry as it assists in attracting users to the circuit.

Whilst the potential for the facility to decrease property values has been raised by a number of the adjoining residents this impact is not a matter that can be considered under current planning laws.

## Social impacts

The NSW Police have undertaken a *Safer by Design Evaluation* and have determined that the proposed development has an overall crime risk rating of **Low-Medium Crime Risk**.

It is interesting to note the following comments made by NSW Police in relation to the existing Harness Racing Facility at the Bathurst Showground:

*“...based on historical data relating to the existing complex in Kendall Avenue Bathurst there is minimal evidence to suggest that the nature of the business or the facility itself increases the risk of crim to property or person”.*

## Threatened species

Given that the site is highly disturbed and contains little native vegetation, a detailed flora and fauna assessment has not been undertaken nor is it warranted.

## Drainage

Stormwater runoff from all roof and hardstand surfaces will be collected and directed either to the existing dam on the northern side of the site or to southern part of the site. The overflow from the dam will be directed to the nearest natural drainage channel.

The stormwater will need to be managed such that the post development flows are the equivalent to the predevelopment flows. Further details will however need to be provided to ensure that this occurs to ensure that no adverse impact occurs at 23 Ethelton Avenue, Ethelton Avenue, the Great Western Railway and Vale Road.

## **Traffic generation**

A Traffic Impact Assessment prepared by Geolyse was submitted with the Development Application. The Traffic Impact Assessment addresses:

- Existing and proposed traffic volumes;
- The capacity of College Road; and
- The capacity of the intersection of College Road and the proposed access road.

### Existing Traffic Levels

Traffic counts were undertaken by Council near the proposed entrance to the site between 22 February 2012 and 7 March 2012. Average daily traffic level of 300 vehicles per day (split evenly in each direction) was noted.

### Estimated Traffic Generation

The Traffic Impact Assessment has been prepared on the basis that the proposed development will attract 50 minor racing events and 2 major racing events annually. Peak hourly and peak daily traffic volumes have been determined by Geolyse using the methodology outlined below.

In order to determine peak hourly traffic volumes Geolyse have assumed:

- 75% of attendees arrive in the peak hours;
- 10% of staff, drivers and trainers arrive in the peak hours;
- 2000 attendees, 24 staff, 35 drivers, 45 trainers and 25 stable hands attend the two major events;
- 300 attendees, 18 staff, 30 drivers, 40 trainers and 20 stable hands attend the fifty minor events; and
- Average vehicle occupancy of 2 persons per vehicle for attendees, 1.5 persons per vehicle for staff, trainers and stable hands and 1 person per vehicle for drivers.

Based on the above assumptions Geolyse have determined that:

- The peak hourly traffic generation for a major event is estimated to be 760 vehicles per hour; and
- The peak hourly traffic generation for a minor event is estimated to be 121 vehicles per hour.

In order to determine peak daily traffic volumes Geolyse have assumed:

- Each staff member, driver, trainer and stable hand generates an additional 0.5 vehicle trips per meeting accounting for possible offsite errands or additional trips to and from home;
- 5% of the attendees generate an additional 2 vehicle trips per meeting accounting for the potential for a small number of attendees to leave and return to the site during the race meet; and
- All delivery vehicles access the site on non-race days.

Based on the above assumptions and using the predetermined peak hourly volumes Geolyse have determined that:

- The peak daily traffic generation for a major event is estimated to be 2460 vehicles per day; and
- The peak daily traffic generation for a minor event is estimated to be 548 vehicles per day.

A major event, being the worst case scenario, when coupled with the existing traffic level of 300 vehicles per day will generate a daily traffic volume of 2,760 vehicles per day. A minor even when coupled with the existing traffic level of 300 vehicles per day will generate a daily traffic volume of 848 vehicles per day.

The estimate peak traffic generation of 760 vehicles per hour is within the overall environmental capacity of this type of road of 1,800 vehicles per hour.

### Intersection

It is acknowledged that the intersection of the entrance road and College Road will need to be upgraded to accommodate turning vehicles.

Roads and Maritime Services require the intersection of College Road and the proposed access road to include the following:

- A designated left turn lane on College Road for southbound traffic entering the subject site;
- A widened formation on College Road for northbound traffic entering the subject site and for continuing northbound traffic; and
- An entrance gateway or grid setback 22 metres from the edge of College Road carriageway.

### Closure of Ethelton Avenue

The Development Application proposes the closure of Ethelton Avenue to through traffic.

At present the existing rail crossing near the intersection of Ethelton Avenue and Vale Road would be unsatisfactory to cater for the increase in the number and type of vehicles expected to be generated by the Harness Racing facility. In particular the lack of storage space between Vale Road and the railway track, poor alignment, substandard pavement conditions and lack of signalisation make the closure the most preferable treatment from a road safety perspective.

The final location and type of barrier to be installed to effect the closure has not yet been determined and would be a matter for further consultation with the affected property holders.

It is noted that John Holland Rail on behalf of Country Rail have supported this proposal subject to the final details for closure being provided through conditions of consent.

The RMS have also supported the closure of the rail crossing and have suggested that Ethelton Avenue be physically separated from Vale Road east of the rail level crossing and that a turning area be provided on the western side of the rail crossing.

Should the Development Application be approved and the closure of Ethelton Avenue be supported, details of the proposed barrier can be considered as part of a Construction Certificate for civil works.

## **Suitability of the site for development**

### **Design of the development**

While the proposed buildings will be visible from surrounding roads and immediate neighbours, they are not considered to be of a design or scale that will be visually intrusive.

The proposed clubhouse building will have an overall height of approximately 8 metres and will sit at an elevation of approximately 675 metres AHD. The proposed stables building will have an overall height of approximately 7 metres and will sit at an elevation of approximately 674 metres AHD. The highest point of the subject site is at the proposed entrance which is approximately 695 metres AHD.

The proposed buildings are of a design and scale appropriate for the rural locality. The mono-pitch roof of the proposed clubhouse building and the gabled roof of the proposed stables building are common elements of rural outbuildings. Further the proposed buildings will be clad in corrugated sheet metal which is also a common element of rural outbuildings.

The subject site will be extensively landscaped and such landscaping will screen the proposed buildings from the immediate neighbours and from surrounding roads. The proposed buildings are setback a significant distance from surrounding roads.

### **Size and shape of the land**

The subject site is of a sufficient size and shape to accommodate the proposed facility and has significant area to accommodate noise and light spillage mitigation measures.

### **Risk and suitability of the site**

Council is not aware of any natural or technological hazard on or in the vicinity of the subject site that would impede or prevent the use of the site as a harness racing facility.

### **Access and parking**

#### **Access**

Access to the proposed development will be via a new internal access road from College Road. The intersection of the proposed internal access road and College Road will be constructed to incorporate a turning lane, a passing lane and street lighting.

#### **Parking**

The proposal incorporates a public car park with 241 spaces and an owners/trainers car park with 42 long vehicle spaces.

Significant area is available for overflow parking beyond the proposed designated parking areas. The proposed number of designated parking spaces is considered appropriate.

### **Public transport**

The proposed development will not necessitate the provision of additional public transport services.

## **Utilities**

All required utilities are already available on or in the vicinity of the subject site.

## **Landscaping**

A condition will be imposed to require the submission of a detailed landscape plan prior to the issue of a Construction Certificate.

## **Soil and water management**

A condition will be imposed to require the submission of a soil and water management plan prior to the commencement of any new building work on-site.

## **Amenity**

It is acknowledged that the magnitude of change for some of the adjoining properties (notably 23 Ethelton Avenue) is the subject of most concern.

These issues, notably noise, and traffic (as discussed above) have the potential to change the area significantly.

That said, those changes are for the most part within accepted limits with the exception of the 2 major events per year where noise from crowds and traffic may exceed accepted noise limits for short periods of time.

Where possible these impacts have been appropriately mitigated and will be reinforced through the conditions to be imposed on the consent.

## **Referrals**

### John Holland Rail Pty Ltd – Country Rail Network

The Development Application was referred to John Holland Rail under State Environmental Planning Policy (Infrastructure) 2007 as the subject site adjoins a rail corridor and as the site is currently accessed via a level crossing on Ethelton Avenue near the intersection of Ethelton Avenue and Vale Road.

The issues raised by JHR relate to the closure of the existing rail crossing which is supported and the impact of lighting which can be adequately mitigated.

### Roads & Maritime Services

The Development Application was referred to Roads and Maritime Services (RMS) under State Environmental Planning Policy (Infrastructure) 2007 as the proposal involves a recreation facility with parking for over 200 vehicles.

The RMS support the closure of Ethelton Avenue and all other matters raised can be incorporated into conditions of consent.

### **NSW Police**

The proposal was referred to NSW Police for consideration under the *Crime Prevention Through Environmental Design* principles.

The NSW Police classified the proposal as a low to medium crime risk and have suggested matters that can be incorporated into conditions of consent.

### **Public interest**

It is acknowledged that Harness Racing represents an important industry to the Bathurst region and the provision of an adequate facility to support its ongoing operations is a high priority.

The proposal will, with the exception of noise associated with the crowd noise at major events at 23 Ethelton Avenue and traffic noise at major events on College Road, fall within the accepted guidelines for noise and traffic noise.

Whilst the magnitude of the change will be large it is nonetheless reasonable given that these exceedances will occur for a short period twice a year.

### **Conclusion**

An assessment of the Development Application has been carried out in accordance with Section 79C of the Environmental Planning and Assessment Act 1979. All potential impacts of the proposed development have been addressed in this report, and where applicable, such impacts have been addressed with conditions of consent. It is considered that the Development Application warrants approval.