

Joint Regional Planning Panel (Southern Region) – 2nd December 2015

JRPP No	2014STH009
DA Number	RA14/1000
Local Government Area	Shoalhaven City Council
Proposed Development:	Staged Development Application for a motorsports facility, comprising upgrade and extension of the existing Nowra District Motorcycle Club and construction of a new sealed road racing track with associated buildings and car parking. Application seeks a staged consent for the overall masterplan with operational consent for stage 1 being the clearing of native vegetation on the land where the road racing track is to be located
Street Address	Lot 7308 DP 1147573, Lot 7309 DP 1148878, and Part Lot 7313 DP 1148869 Braidwood Road, Yerriyong
Applicant / Owner	Applicant: Cowman Stoddart Pty Ltd Owner: Crowns Lands Office
Number of Submissions	218 submissions – 85 objecting and 133 supporting
Regional Development Criteria (Schedule 4A of the Act)	Council related development over \$5 million. The proposal has a capital investment value of more than \$5 million and Council is a party to an agreement relating to the land
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning & Assessment Act 1979 • State Environmental Planning Policy Infrastructure 2007 • State Environmental Planning Policy State & Regional Development 2011 • State Environmental Planning Policy 44 – Koala Habitat Protection • State Environmental Planning Policy – Remediation of Land • Illawarra Regional Environmental Plan No. 1 (Deemed SEPP) • Shoalhaven Local Environmental Plan 1985 • Shoalhaven Local Environmental Plan 2014 (SLEP2014) • Contribution Plan 2010 • Development Control Plan 93 - Waste Minimisation & Management
List of Documents Submitted With This Report For The Panel's Consideration	Attachment A – Development Application Plans
Recommendation	Recommended that the determination of the application be deferred to allow the amendment and the additional information to be referred to specialist Council officers and State agencies for review, comment and further consideration.

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

Reason for Consideration by Joint Regional Planning Panel

The submitted development application (DA) has been referred to the Joint Regional Planning Panel (Southern) (hereafter JRPP) pursuant to Part 4 of SEPP (State and Regional Development) 2011, section 23G(2A) and Schedule 4A(6) of the Environmental Planning and Assessment Act 1979, as the proposal has a capital investment value of more than \$5 million and Council is a party to an agreement relating to the land.

The JRPP formally requested on 20/10/15 that the application be reported to the December meeting for determination with the report to be provided to the panel secretariat no later than the 18/11/15.

Proposal

The application seeks masterplan approval for a motorsports facility, comprising the upgrade and extension of the existing Nowra District Motorcycle Club on the western side of Braidwood Rd and the construction of a new sealed road racing track with administration buildings and car parking on the eastern side of Braidwood Rd. The application seeks a staged consent to the overall masterplan with operational consent for stage 1 which originally sought the clearing of 58 hectares of native vegetation on the land where the road racing track is to be located. The remaining stages of the proposal to be subject to separate development applications.

The application was amended on 13/11/15 by modifying the layout and size of the sealed track and location of support facilities on the eastern portion of the site to address threatened species issues. This modification substantially reducing the amount of clearing proposed.

Permissibility

The application was lodged on 25 March 2014 which was prior to the commencement of Shoalhaven Local Environmental Plan 2014 (SLEP 2014). Therefore, the application has been assessed against the relevant provisions of Shoalhaven Local Environmental Plan 1985 (SLEP1985). Under SLEP1985 the western portion of the site is zoned 1(d) General Rural in which a motorsport facility is not listed as being a prohibited use and is therefore permissible with consent. The eastern portion of the site is zoned 5(a) Special Uses with the particular purpose being 'Public and Airfield Purposes' in which the use is permissible with consent as it is for a community purpose.

Under SLEP2014 the western portion of the site is zoned RU2 Rural Landscape in which 'recreation facilities (major)' are permissible with consent. The eastern portion of

the site is zoned SP2 Infrastructure with the purpose listed as being Airfield Purposes. However, Schedule 1 of the SLEP2014 lists additional permitted uses on some specific land and clause 16 of schedule 1 lists “recreation facilities (major)” as being permissible with consent.

Main Issues

Flora and fauna impacts from vegetation removal, noise impacts from the use of the racing tracks and traffic impacts from spectators attending the facility.

RECOMMENDATION

That, in respect of Regional Development Application RA14/1000 (2014STH009) for a masterplan application for a motorsports facility, comprising upgrade and extension of the existing Nowra District Motorcycle Club and construction of a new sealed road racing track with associated buildings and car parking at Braidwood Road, Yerriyong - Lot 7308 DP 1147573, Lot 7309 DP 1148878, and Part Lot 7313 DP 1148869, the determination of the application be deferred to allow the amendment and the additional information to be referred to specialist Council officers and State agencies for review, comment and further consideration.

ASSESSMENT REPORT

1. Background

The following provides details on pre-lodgement discussions, post lodgement actions and general site history:

Pre-lodgement: A pre-lodgement meeting (i.e. Development Advisory Unit [DAU] meeting) was held with Council staff on 3rd July 2013 for the proposal.

Post lodgement: The application was lodged with Council on 25th March 2014 and included a statement of environmental effects, concept plans of the proposal, flora and fauna, Aboriginal archaeological, social impact, bushfire, environmental noise impact, traffic impact, soil and erosion control plan and infrastructure assessments.

Following initial assessment by referral agencies additional information was requested on 14/4/14, 28/4/14 and 16/5/14 in regards to flora and fauna, Aboriginal due diligence report, noise impacts, provision of water and sewer, traffic impacts, and the pedestrian underpass design. The additional noise assessment was submitted on 29/9/14 and the remaining requested information was submitted on 7/9/15.

Site history: A review of Council's computer records and files indicates that the subject land was created in 2010 by a Crown subdivision of a larger parcel of land. The following development applications have been approved on Lot 7309.

- DA75/1560 – extension to motorcycle complex – Approved 2/10/1984
- DA75/1560 – motorcycle complex – Approved 5/5/1975

- BA75/1654 – amenities building – Approved 17/12/1975

DA75/1560 approved a motorcycle complex in 1975 on the western portion of the site for dirt bikes that included area for trail riding, motocross, sporting trials, mini bike riding and training and a general riding area for training and riding. An application to extend the area where motorcycles could be ridden was approved in 1984.

2. Subject Site and Surrounds

The area of the western portion of the site (west of Braidwood Rd) has an area of approximately 260 hectares and comprises a mix of cleared land, disturbed native forest and undisturbed native forest. The western portion falls steadily from Braidwood Rd at 150m Australian Height Datum (AHD) for approximately 300m to an intermittent creek at 130mAHD. The land then steadily rises from a height of 130m AHD at the creek to 170m AHD towards the rear of the site before dropping steeply down to Calymea Creek. The area of the eastern portion of the site is approximately 85 hectares and comprises undisturbed native forest. The eastern portion falls gradually from Braidwood Rd towards HMAS Albatross.

The adjoining properties to the north and south are undeveloped Crown land comprising native forest. The land to the east is developed for the purposes of HMAS Albatross and land that has been acquired as a buffer to the base. The adjoining land to the immediate west is privately owned with a dwelling located on it.

3. Proposal

The application seeks staged development consent to an overall masterplan for a motorsports facility, plus operational consent for stage 1, being the clearing of vegetation associated with the sealed road racing circuit. The facility will be divided into two distinct areas, one comprising the sealed road circuit and the other consisting of the off-road facilities. The masterplan identifies a number of precincts, each containing a separate motorsports discipline:

- Off-road facility:
 - Motocross precinct – incorporating the existing social and competition motocross tracks and club facilities;
 - Enduro precinct – incorporating large parts of the western area, where existing endure trails and trial riding is undertaken;
 - Speedway precinct – incorporating a new speedway track, dirt track and flat track circuits (Note: the speedway component was removed from the flat track by the applicant during the assessment);
 - Junior riding precinct – incorporating two junior motocross tracks, junior training area and playground facilities;
 - Clubhouse and parking precinct – incorporating a centrally located clubhouse facility and 35 space parking area for visitor and spectator parking.

- Sealed road racing facility:
 - Road racing precinct – incorporating a new road racing circuit (3.6km), a go-kart (765m), associated pits and facilities and parking for approximately 1800 cars;
 - Administration precinct – incorporating administration buildings, race control and spectator viewing areas and facilities, mechanical workshops and other support facilities.

The application was amended on 13/11/15 by modifying the design of the facility on the eastern portion of the site. The amendment proposes an increase in the vegetated buffer areas around the sealed track, the retention of most of the plants of a threatened orchid found on the site, the re-location of the administration precinct, relocation and redesign of the parking areas, and a redesign of the sealed track. The aim of the amendment is to decrease the amount of native vegetation required to be removed and to retain the majority of orchids found on the site. The information submitted on the 13/11/15 also included a cost estimate of the pedestrian underpass and a document from Motorcycling NSW outlining the economic benefits the facility would have to the Shoalhaven.

The additional information was recently submitted and the report was due to be submitted to the JRRP by the 18/11/15. Due to the limited time frame available the amendment of the masterplan has not been able to be referred to Council departments or external agencies for assessment.

4. Community Consultation

In accordance with Council's Community Consultation Policy and the requirements for regional development applications, the application was notified as follows:

- Individual property owners within a 2km radius of the site and 1 community group. The notification period was from 2/4/14 to 2/5/14 and was extended upon request until 30/5/14.
- The proposal was advertised in the local press on 2/4/14 (South Coast Register);
- Upon receipt of the additional information on 29/9/15, the application was re-notified to property owners and people who made a previous submission. The notification period was from 14/9/15 to 16/10/15.
- The application and supporting documentation were put on display at Council's City Administrative Centre, Nowra as well as on Council's website.

Following the initial notification a total of 218 submissions were received with 85 submissions from individuals objecting (75 households) and 133 submissions (2 anonymous) supporting the proposal. Of those 133 submissions supporting the proposal, 89 people gave their address as being outside of the Shoalhaven local government area.

Following the second notification 4 submissions were received objecting to the proposal. These submissions being from people who had previously made a submission objecting to the proposal.

Issues raised in the submissions objecting to the proposal included:

- Noise impacts – from the various race events;
- Threatened species – destruction of native vegetation, impact on flora and fauna;
- Traffic impacts/safety – increased traffic, speeding drivers, alcohol affected drivers;
- Adequacy of water supply and effluent disposal;
- Will encourage more illegal bike and car activity;
- Public safety;
- Inaccurate social impact assessment;
- Lack of community consultation; and
- Short time frame for submissions to be made.

Issues raised in submissions that supported the proposal included:

- Promotion of sport;
- Generates employment;
- Increase tourism directly and indirectly through a high class tourist and recreational facility;
- Provide driver training facility for youth; and
- Beneficial for local businesses through increased demand for goods and services.

If the JRPP decides to defer the determination, the application will need to be re-notified as substantial changes have been made to the proposal in regards to clearing of vegetation and the layout of the sealed racing track and administration precinct.

5. Statutory Considerations

The following Environmental Planning Instruments (LEPs), State Environment Planning Policies (SEPPs), Development Control Plans (DCPs), Codes or Policies are relevant to this application:

- Environmental Planning and Assessment Act 1979 (EP&A Act)
- SEPP Infrastructure 2007
- SEPP State and Regional Development 2011
- SEPP 44 – Koala Habitat Protection
- SEPP 55 – Remediation of Land
- Illawarra Regional Environmental Plan No. 1 (Deemed SEPP)
- Shoalhaven Local Environmental Plan 1985 (SLEP1985)
- Shoalhaven Local Environmental Plan 2014 (SLEP2014)
- Contribution Plan 2010
- DCP 93 - Waste Minimisation & Management

Additional information on the proposal's compliance with the above documents is detailed in the following section of this report.

6. Statement of Compliance /Assessment

The following provides an assessment of the submitted application against the matters for consideration under 79C of the EP&A Act.

(a) Any planning instrument, draft instrument, DCP's and regulations that apply to the Land

Environmental Planning and Assessment Act 1979

The following clauses/matters contained in EP&A Act, apart from Section 79C, are relevant to this application:

- *Section 79BA (bushfire prone land):* The land is identified as being bushfire prone and development consent cannot be granted unless the consent authority is satisfied the development conforms to the specifications and requirements of the Rural Fire Service (RFS) document *Planning for Bush Fire Protection*. The application was referred to the RFS for comment who provided recommended conditions for the masterplan.
- *Section 83B (staged development applications):* The application is for a staged development that sets out a concept proposal via the masterplan and for which separate applications are proposed for the separate parts, such as the sealed racing track, administration buildings, and the flat track. The application proposes an operational stage 1 being clearing of native vegetation on the eastern portion of the site.
- *Schedule 4A (Development for which Regional Panels may be authorised to exercise consent authority functions of Councils):* The development meets the criteria of Clause 6 under this schedule as the proposal has a capital investment value of more than \$5 million and Council is a party to an agreement relating to the land and therefore must be referred to the JRPP for determination.

SEPP (Infrastructure) 2007

The following provisions of the SEPP are applicable to the application.

Clause 101 – Development with Frontage to Classified Road: The proposal fronts a classified road (Braidwood Rd) and therefore the provisions of clause 101 apply. The consent authority must be satisfied that the development will not adversely affect the safety, efficiency and ongoing operation of the classified road as a result of the design of vehicular access to the land, or the emission of smoke or dust from the development, or the nature volume or frequency of vehicles using the classified road to gain access to the land.

The applicant submitted a traffic impact assessment (TIA) that concluded that, subject to some intersection improvement works (Flinders Rd and the Princes Hwy intersection and the Albatross Rd and Braidwood Rd intersection), detailed design of the site access, parking and pedestrian restrictions on Braidwood Rd and the provision of a pedestrian underpass to connect the eastern and western portions of the facility, the proposal is supportable from an access and traffic perspective.

The application was referred to the Roads and Maritime Services (RMS) and Council's Traffic Unit for assessment and the concerns raised relate mostly to design of the proposed works (i.e. intersection treatments, access, underpass, pedestrian restrictions) to ensure that the classified road is not adversely impacted upon. Subject to further detailed design as detailed in the referral response (see referral section below) to be addressed in subsequent applications, Council is satisfied that the proposal will not adversely affect the safety, efficiency and ongoing operation of the classified road.

Clause 104 – Traffic Generating Development: The application proposes parking for 1800 vehicles and therefore the provisions of clause 104 apply which requires the application be referred to the RMS. The RMS had requested further information be provided in regards to the pedestrian underpass and the proposed intersection treatments at the access points to the facility as detailed in the referral section below. It is noted that the RMS had advised that they do not support the application proceeding until these issues have been satisfactorily resolved.

The amendment to the masterplan and the additional pedestrian underpass information submitted on 13/11/5, will be referred back to the RMS for comment, if the recommendation for deferral is accepted by the JRPP.

SEPP (State and Regional Development) 2011

The development is of a class or description included in Schedule 4A of the EPA Act (i.e. proposal has a capital investment value of more than \$5 million and Council is a party to an agreement relating to the land). As required by this Part, the Council consent functions are to be exercised by a Regional Panel, and as such, the application has been referred to the JRPP for determination.

SEPP 44 – Koala Habitat Protection

This Policy requires Council to consider whether the land is potential koala habitat and if so whether or not it is core koala habitat. The flora and fauna assessment by Biosis, dated 15 February 2014 states that the study area supports *potential koala habitat* based on greater than 15% cover of Grey Gum in areas of Spotted Gum Forest. However, targeted surveys failed to locate any further evidence of occupation by koalas and therefore the area is deemed not to be *core koala habitat*, and no further action is required.

SEPP 55 – Remediation of Land

This policy requires Council to consider whether the land is potentially contaminated from prior land uses. The eastern portion of the property is native forest and there is no record of a previous land use. The western portion of the land has been utilised as an off-road motorcycle facility since 1975 and this use is proposed to continue with some expansion and modification. Council's records do not identify the property or adjoining properties as being potentially contaminated. A search of Council's records found no reference of any uses listed in Table 1 of the Contaminated Land Planning Guidelines and therefore Council considers that the land is suitable for the intended purpose.

Illawarra Regional Environmental Plan No. 1 (IREP)

The site is located in an area to which the IREP applied prior to the adoption of SLEP2014. The maps supporting the IREP identify localities where specific policy issues apply. A review of these maps found that the land is not identified as containing rainforest vegetation, not identified as being within a wildlife corridor, and is not identified as land with landscape or environmental attributes. There are no other provisions of the IREP that are applicable to the proposal and therefore no further assessment is required.

Shoalhaven Local Environmental Plan 1985 (SLEP1985)

The following clauses are relevant to the proposal:

Clause 9 – Zone Objectives: The application has been assessed against the provisions of SLEP1985. Under SLEP1985 the western portion of the site is zoned 1(d) General Rural in which any purpose other than a purpose for which development is prohibited is permissible with consent. Motorsport facility is not listed as being a prohibited use and is therefore permissible with consent. The proposal involves the extension and reconfiguration of the existing off-road motorcycle facility and is consistent with the objective of the zone to provide opportunities for development which by virtue of their character require siting away from urban areas.

The eastern portion of the site is zoned 5(a) Special Uses with the particular purpose being 'Public and Airfield Purposes'. The objective of the zone is to identify land for certain community facilities and services including areas for off-street parking in private ownership. The motorsports facility is a community facility with the land proposed to be owned by Council and managed by Motorcycling NSW and is consistent with the objective and the particular purpose identified as being public and airfield purposes.

Clause 21 – Land of Ecological Sensitivity: The site is identified as being land of ecological sensitivity. The objectives of the clause are to minimise adverse impacts of development on natural features, including flora and fauna, landforms and other physical features and ecological processes. Council must take into account the objectives of the clause and the adequacy of measures proposed to avoid, mitigate or remedy any adverse effects.

Concern was raised by the Office of Environment and Heritage (OEH) and Council's Environmental Assessment Officers (EAO) about the extent of clearing works originally proposed and the subsequent impacts on flora and fauna as discussed below. The amended plans and additional information, which substantially reduce the amount of vegetation to be cleared are still awaiting assessment.

Clause 26 – Soil, water and effluent management: The facility is proposed to be connected to the reticulated sewerage system which is to be extended from the Albatross Aviation Park in Wugan St. The provision of stormwater collection and disposal, and sedimentation and erosion control measures will be the subject of future development applications. Prior to the commencement of clearing works required for Stage 1 a detailed sedimentation and erosion control plan and site management plan is required to be submitted to Council.

Clause 28 – Danger of bush fire: The site is identified as being bushfire prone and a bushfire assessment report was submitted with the application. The application was referred to the RFS for specialist assessment and advice. The RFS had no objection to the proposal subject to the inclusion in any consent of their recommended conditions.

Clause 37A – Notification of certain development: The application was notified as detailed above.

Shoalhaven Local Environmental Plan 2014 (SLEP2014)

The SLEP2014 was not in force when the application was lodged, however it is a consideration in the assessment of the application. The following clauses are relevant to the proposal.

Clause 2.3 Land use zones: Under SLEP2014 the western portion of the site is zoned RU2 Rural Landscape in which 'recreation facilities (major)' are permissible with consent. The eastern portion of the site is zoned SP2 Infrastructure with the purpose specified as being 'Airfield Purposes'. However, Schedule 1 of the SLEP2014 lists additional permitted uses on some specific land and clause 16 of schedule 1 lists "recreation facilities (major)" as being permissible with consent.

Clause 7.2 Earthworks – The objective of the clause is to ensure earthworks will not have detrimental impact on the environment and the amenity of adjoining properties. The majority of earthworks will be the subject of future development applications for the construction of facilities such as the flat track, administration buildings, sealed racing track, car parking areas. Stage 1 of the masterplan originally proposed the removal of approximately 58 hectares of native vegetation which will involve earth works during the clearing process. However, this is unlikely to result in the removal of soil from the site as material will be required, as a part of a subsequent application, to build the earth noise abatement mounds. A detailed sedimentation and erosion control plan, consistent with the 'Landcom manual - "Soils and Construction, Managing Urban Stormwater, would be

required to be submitted prior to any works commencing on site. The amended plan provides for a substantially reduced amount of clearing.

Clause 7.5 Terrestrial biodiversity – The majority of the site, excluding the existing off-road facility, is identified as “Biodiversity – significant vegetation” on the Biodiversity Map. Council must be satisfied that the development is sited, designed and will be managed to avoid any significant adverse environmental impact, or if that impact can’t be avoided the development is designed to minimise or mitigate the impact. The impacts on flora and fauna are discussed below.

Clause 7.10 Development in HMAS Albatross Military Airfield buffer area – The site is located within the buffer area and Council must consider the impacts of the proposal on the operation of the airfield and the impact the airfield operations may have on the development. In regards to impacts on the airfield the application was referred to the Department of Defence (DoD) for comment. As the proposal is a masterplan only, the DoD provided general comments in relation to building heights, lighting, glare from reflective surfaces, and overlooking of the base which are issues which will be addressed in future applications.

Clause 7.11 Essential Services - Reticulated water and sewerage are proposed to be provided through the extension of the mains from the Albatross Aviation Technology Park to the site. An assessment of the electricity requirements by the applicant has concluded that electricity may be supplied to the site via augmentation of the existing network or via on-site electricity generation.

Clause 7.20 Development within the Jervis Bay region – The eastern portion of the site is in the area to which clause 7.20 applies. The proposal will not have a significant adverse impact on the natural or cultural values of the area and there are no specific subclauses that apply to the site.

Contribution Plan 2010

The masterplan and Stage 1 of the proposal do not generate the need for additional facilities or services and therefore contributions are not applicable. However, contributions are likely to be applicable for subsequent applications that would require the construction of buildings or infrastructure.

DCP 93 - Waste Minimisation & Management

The only waste to be generated as part of the masterplan is the clearing works proposed by stage 1. The application proposes that vegetative matter will be mulched and reused on site and no waste will be removed from the site. As no waste is proposed to be removed from the site for stage 1 a detailed waste minimisation plan is not required.

(b) Likely impact of that development on the natural and built environment and social and economic impacts in the locality

Social Impacts: A social impact assessment (SIA) of the proposal on the immediate locality and the broader community of the Shoalhaven was undertaken on behalf of the proponent. The SIA found:

The main benefits identified as being:

- The delivery of a state of the art community facility which can be adapted to a number of recreational facilities for non-racing enthusiasts to utilise during non-race days.
- The development will support the local and wider economy by increasing tourism and visitors to the area. This will translate directly into local jobs in trades, technical services, administration and the services sector.
- Further positive outcomes can be achieved by running educational courses at the site which directly connect to race and non-race activities.

The main negative impacts being:

- Increased noise in the locality from increased racing at the off-road site and racing at the proposed sealed track.
- Increased traffic on Braidwood Rd and surrounding road network during events and through general increase in activity.
- Change in the identity of the Parma area due to the increased noise and traffic.
- Impacts on the local ecology due to vegetation removal.

This SIA concluded that with the implementation of proposed mitigation measures identified in the report, *“...it is anticipated the proposed development will have an overall beneficial impact through the increase in economic activity and development of a high quality sports and recreation facility, with minor noise and traffic impacts to the local residential community.”*

Flora and Fauna: Stage 1 of the masterplan originally proposed the removal of approximately 58 hectares of native vegetation on the eastern portion of the site for the proposed sealed racing track. Vegetation was proposed to be retained around the boundaries of the eastern portion of the site to provide a habitat corridor and visual buffer. The masterplan also proposed the reduction and consolidation of the existing motocross/enduro tracks that have proliferated on the western portion of the site. This reduction would allow the unused tracks to be rehabilitated potentially reducing the impacts on the western portion of the site. No details have been provided as to how and when this would occur.

The original application and supporting documentation was referred to OEH and Council's EAO's for review and assessment. OEH advised on 13/5/14 that the submitted flora & fauna assessment *“... did not adequately or appropriately apply the assessment of significance for up to 40 threatened species that are known or likely to occur on the site...”* and advised that the area has been identified as High Conservation Value according to the South Coast Regional Conservation Plan and considering the potential impact on threatened species, particularly the orchid *Cryptostylis hunteriana*, and the large area of land proposed to be cleared, a Species Impact Statement was

required. The applicant was advised on the 16/5/14 of the concerns raised and that an SIS was required. Council's EAO's also raised concern about the flora & fauna assessment and advised that further assessment was required to assess the impacts of the proposal.

On 7/9/15 the applicant submitted a final flora & fauna assessment that undertook additional surveys and assessments and concluded that "... overall, the project is considered unlikely to result in a significant impact to any threatened species, populations or communities.... [and therefore the] preparation of a Species Impact Statement is not required".

OEH provided advice on 30/8/15, that their previous assessment remained unchanged and an SIS was required. The key reasons for this assessment being:

- The proposal would have resulted in the removal of 22 *Cryptostylis hunteriana*, listed as vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1995 and the NSW Threatened Species Conservation Act 1995, being all the plants found within the site, leaving only 5 individuals off-site located adjacent to the facility.
- There is a low confidence that the plants found off-site (over 1100m to the south), can be considered part of the population as they exceed the known mean distance of movement for the known pollinator.
- If the off-site plants are considered part of the population, the proposal will still result in removal of 81% of the known population of the plants.
- The remaining 5 individuals are unlikely to constitute a viable population.
- The Threatened Species Profile Database defines a negligible loss for this species as a population size of two individuals. Exceeding the defined negligible loss for a species triggers a 'red flag' under the BioBanking methodology, which requires approval by the Minister.

Council's EAO's advised that an SIS was also required for *Cryptostylis hunteriana*, with additional survey and or assessment still required for several other species before a conclusion of non-significant impact could be reached for all species potentially affected.

The application was amended on 13/11/15 to increase the size of the vegetated buffers and to retain the threatened orchid *Cryptostylis hunteriana* found on site.

The applicant's ecologist states that the amendment has resulted in significant changes in the impacts arising from the proposal:

- An increase in the area of retained vegetation from 21 ha to 38 ha, being an additional 17 ha of Shoalhaven Sandstone Forest.
- A reduction in the amount of land to be cleared to 47.15 ha.
- The retention and protection of the core population of 20 *Cryptostylis hunteriana* with impacts arising from the project reduced to the removal of two individuals.
- An increase in the number of hollow-bearing trees to be retained from 193 to 403, being an increase of 210 hollow bearing trees to be retained.

An assessment of the amended plans are still to be completed.

Noise, odour and dust: Noise and dust is expected to be created during the vegetation removal period and can be adequately addressed by conditions of any consent issued.

The main noise generated by the proposal will be from the use of the flat track on the western portion and the sealed road racing track on the eastern portion. The submitted noise assessment report and additional supporting information identified that noise emissions from some motor car and motorbike events on the sealed track with no noise controls would likely exceed the assumed background noise level of 30dBA by up to 35dB at the nearest residential receivers on Parma Rd. The provision of a sound barrier along the south and south/eastern boundary of the track 3 metres above the finished track level at the highest point of the track (potentially 10m high barrier from ground level) would achieve a noise reduction of 5dB. Due to the topography of the site, i.e. sloping down towards the receptors, and the distance to the receptors, the report states that it is unlikely that a higher barrier would achieve a realistic or cost effective further reduction in noise.

The main measure proposed to mitigate the noise impacts on receptors (to an acceptable level) is by restricting the number of noisy events that can occur in any one year. A proposed annual event schedule was compiled that lists types of events, (e.g. race car school, police use, media days, practice events, go karts, motorcycle races, motor car races) and their predicted noise levels. Based on the predicted noise levels of an event a multiplication factor is applied that then calculates how many of these events can be held per year to give a total equivalent number of events. This is then used to calculate how many events can be held each year assuming the facility is approved to operate 365 days per year. The multiplication rate is determined by how much the noise exceeds the background level, the higher the exceedance the higher the multiplication rate. For example a use that exceeds the background noise level by 30dB has a multiplication rate of 10. This means if an event of this type is held on one day per year it equates to 10 days out of the 365 allowable days.

The schedule proposes 90 days of events with predicted noise levels of 5dBA above background and 34 days of events with predicted noise levels between 20–30 dBA above background. Events that are below or meet background noise levels at the nearest receptor are not counted.

Any assessment would need to determine the frequency for these noisy events and whether up to 34 days of the noisiest events is acceptable or whether they should be reduced so that residents are given a larger break between these noisier events. It is noted that some events, such as practice days, will be held over one day and some, such as race events, will be held over 2 days. Further detail would be required to be provided for the application to construct and use the sealed racing track to determine which events could be held on weekdays and which events would be required to be held on the weekend to ensure appropriate spectator attendance. This will be help in developing an event calendar that allows maximum use of the facility while at the same

time managing the impact, as much as possible, on nearby residents. While it is clear that the impact of noise can be mitigated, the exact frequency of events will be subject to more detailed assessment in subsequent applications.

The noise from the proposed flat track will be mitigated by the cut and fill required to construct the track and the added separation distances between it and the nearest residential receptors. The noise impacts from the remainder of the off-road motorcycle facility has not been considered in this assessment as it is an existing facility.

Traffic impacts: The potential traffic impacts have been assessed by the RMS and Council's Traffic Unit. Subject to further investigation and the provision of a number of mitigation measures proposed by the applicant, RMS and Council the increased traffic generated by the proposal could be accommodated on the road network. Due to the 100km speed limit on Braidwood Rd and the facility being located on both sides of Braidwood Rd with spectators anticipated to utilise both portions of the facility, the proposed pedestrian underpass is considered to be integral to the operation of the overall facility. Further assessment and detailed design will be required at the time subsequent applications are lodged.

Context and setting: The proposed development is to be setback from the property boundaries with a vegetated buffer to be retained between the eastern portion and Braidwood Rd. The amendment to the design should further increase these vegetated buffers providing greater separation between the road and adjoining properties. The existing vegetated buffer on the western portion should remain relatively intact though some clearing and revegetation will be required for the construction of the flat track and associated sound barrier mounding. The details to be provided in a subsequent development application for that stage.

Economic impacts: The proposed development will have a positive economic impact on the wider Nowra community during the construction and operational phases through the increased administration and services required to operate the facility and overnight accommodation likely to be required by spectators and competitors. The applicant states that the proposal will have a positive economic impact having regard to the following key areas:

- Construction where the project is expected to create 21 direct jobs (+68 indirect jobs);
- Operation with an expected annual revenue of around \$3.8 million by the time the facility reaches maturity and is expected to create 20 direct jobs (+14 indirect jobs);
- Through tourism and events, estimated at more than \$10 million of direct output and further \$6.8 million in industrial and consumption effects per annum, which equates to a total of 59 direct and 24 new in-direct jobs for the region.
- Development of an industry specific, motorsports industrial park where it is conservatively estimated that there will be 7 businesses established within the first 10 years of operation, employing 110 people and generating a 10 year total

economic impact of (including direct, indirect and consumption effect) of \$363,740,000.

Climate Change: No cumulative impacts are expected in regard to the proposed development that could further contribute to climate change.

(c) The suitability of the site for the development

The site is generally suited for the proposal apart from the substantial impacts on the native vegetation on the eastern portion of the site. Traffic impacts can be addressed by upgrading of a few key intersections, the provision of suitable on-site parking and pedestrian management and the provision of a traffic management plan. Subject to addressing the flora and fauna issues, the proposal is suitable for the site and is associated with an existing off-road motorcycle facility that proposes to add to and improve the facilities and tracks currently being used.

The applicant has amended the application to reduce these impacts by retaining the majority of the *Cryptostylis hunteriana* found on-site and increasing the size of the vegetated buffers. It is noted that this amendment has not been referred to OEH or Council staff for assessment, due to the JRPP reporting timeframe and meeting schedule, and therefore it is not known whether the amendment will sufficiently reduce the impact to a non-significant impact, thereby negating the need for an SIS.

(d) Any submissions made in accordance with the Act or the regulations

See the community consultation section above.

(e) The public interest

The proposed development is expected to impact on the locality of Parma due to the increased traffic and noise from some race events. This is offset by the potential benefits to the wider community by the provision of a recreational facility that can be utilised by the Shoalhaven community and by the economic benefits by spectators and competitors attending the facility.

7. Referrals

Internal:

- **Building Surveyor:** No BCA issues were identified at masterplan stage.
- **Development Engineer:** Further detail is required in regards to access to and from Braidwood Rd, the internal layout of the access roads, and the provision of car parking and manoeuvring templates showing how the largest vehicles can access the site including pit areas. Concept stormwater plans are required to show how the proposal will drain stormwater runoff and how it will be treated prior to discharge.
Note: All this information is subject to subsequent application/s for the construction of the sealed track, administration/spectator areas and associated access and

parking areas, and is not required to be provided at masterplan stage, though it could be included as conditions of consent should the masterplan be approved.

- **Environmental Health Officer:** Following a review of the noise assessment report, further information was requested from the applicant. Additional noise assessment information was provided and following a review of that information no objection was raised subject to compliance with the noise report and additional recommended conditions contained within the referral response.
- **Threatened Species Officer:** Following a review of flora and fauna report further information was requested to support conclusion of no significant impact. The review of the additional information concluded that an SIS is required due to the extent of vegetation clearing and the removal of the majority of plants if a threatened orchid found on the site. Note: *The amended plan that substantially reduces the amount of clearing has not been assessed.*
- **Shoalhaven Water:** No objection was raised subject to the Shoalhaven Water Development Application Notice being included in any consent and compliance with the conditions contained within the notice.
- **Traffic Unit:** Concern raised that the TIA has not considered 'warrants for rural turn lanes' taking into account the proposed additional traffic movements. The Traffic Unit requiring that an updated TIA be provided prior to determination to properly assess current versus required intersection treatments.
 Concern was also raised that connections to and from the proposed pedestrian underpass have not been provided. Details are required to be provided for entrances to the eastern and western portions of the facility. Concern was raised that Parma Rd is likely to be utilised by spectators accessing the facility from the south and this road is unsuitable for this purpose and an event management plan is required to address how access to Parma Rd will be restricted during events. It is also recommended that 'No Stopping' restrictions and a suitably sized fence are provided on both sides of Braidwood Rd at least 200m south of the property boundary and 200m north of the property boundary (total approximate distance 1350m) to ensure that patrons utilise the pedestrian underpass and on-site parking areas. Note: *All this information is subject to subsequent application/s for the construction of the sealed track, administration/spectator areas and associated access and parking areas, and is not required to be provided at masterplan stage, though it could be included as conditions of consent should the masterplan be approved.*
- **Economic Development Manager:** Under the scenario of a construction program of approximately \$12m the Shoalhaven Gross Region Product is estimated to increase by \$8.795 million (0.22 %) to \$4,064.882 million. Contributing to this is a direct increase in output of \$10.966 million, 12 additional jobs, \$1.965 million more in wages and salaries and a boost in value-added of \$3.723 million. Under the scenario of a construction program of approximately \$12m the Shoalhaven Gross Region Product is estimated to increase by \$8.795 million (0.22 %) to \$4,064.882 million. Contributing to this is a direct increase in output of \$10.966 million, 12 additional jobs, \$1.965 million more in wages and salaries and a boost in value-added of \$3.723 million. From this direct expansion in the economy, flow-on industrial effects in terms of local purchases of goods and services are anticipated, and it is estimated that these indirect impacts would result in a further increase to

output valued at \$8.622 million, 25 more jobs, \$1.873 million more paid in wages and salaries, and a gain of \$3.287 million in terms of value-added.

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- **Tourism Manager:** The proposal has the potential to provide year round employment and ongoing economic benefit. The complex will offer a range of options to motoring enthusiasts and will become a key attractor of tourists to the Shoalhaven and more specifically Nowra area. Youth unemployment is of concern in the Shoalhaven as well as the lack of activities for young people. This proposal has the potential to increase tourism, create employment opportunities and offer local young people a quality controlled and fun activity.

External:

- **Department of Defence (DoD):** The DoD provided general comments in relation to building heights, lighting, glare from reflective surfaces, and overlooking of the base. *Note: These issues relate to the construction of building and facilities which will be addressed in future applications.*
- **Office of Environment & Heritage (OEH):** Initial comments provided raising concern about the adequacy of the submitted flora and fauna report and that an SIS was required due to the potential impact on threatened species on the site, the Aboriginal due diligence, the extent of vegetation clearing required on the western portion of the site, further detail requested on how the existing facility will be managed to reverse existing significant impacts on the watercourses and ensure future impacts do not occur, details of how the existing “unofficial” endure tracks will be closed and measures to prevent creation of future unofficial tracks. It is recommended that the facility provides some general public access to the facility to reduce riders accessing the Parma Nature Reserve and Colymea State Conservation Area and provide some form of security on the boundary to stop riders leaving the site to access the surrounding crown lands. Following the provision of additional information the application was re-referred to OEH for further comment. OEH advised that while additional survey work had been undertaken in regards to flora and fauna an SIS was still required due to the impact on threatened species. Concern was raised again about sedimentation control measures at the existing facility and how existing tracks will be managed and closed tracks rehabilitated. The amended plan has not been referred to OEH at this stage.
- **Roads & Maritime Services (RMS):** Initial comments raised concern about the proposed pedestrian underpass, pedestrian movements between the off-road and sealed sites, vehicular access to the site, and general traffic issues. Following submission of additional information by the applicant on 7/9/15, the RMS again raised concerns about the pedestrian underpass, access arrangements to both portions of the facility, and details required of how pedestrian access to both portions will be managed. The RMS advised that does it not support the masterplan until

these issues are satisfactorily resolved. The additional information has not been referred to OEH at this stage.

- **Rural Fire Service (RFS):** No objection was raised subject to recommended conditions relating to access, asset protection zones, construction standards of buildings, and provision of an evacuation and emergency management plan.
- **NSW Police:** No objection was raised with respect to the proposal and no significant impact envisaged in relation to criminal involvements. Request that Police be notified of subsequent applications in relation to crime prevention strategies.
- **Endeavour Energy:** No issues were raised.
- **Department of Lands:** No objection was raised subject to conditions being included regarding the rehabilitation and rationalisation of the enduro tracks on the western portion of the site.

8. Options

The JRPP may:

- a) Resolve to conditionally approve the application; or
- b) Resolve to refuse the application and provide reasons why; or
- c) Write to the applicant requesting them to amend/modify the proposal and subject to the matters being satisfactorily resolved a further report be submitted to the Joint Regional Planning Panel (Southern Region) for its consideration; or
- d) Adopt the recommendation to defer the determination to allow further consideration of the amended plan.

9. Conclusion

The applicant was notified on 9/10/15 of the OEH comments in regards to the provision of an SIS and the RMS request for further information on the pedestrian underpass and access arrangements. Considering the length of time it would take to provide this information and that an SIS requires the application to be re-notified in accordance with s113 of the EP&A Act, the applicant was advised that Council's recommendation was that the application be withdrawn and a new application submitted once all the outstanding issues had been addressed.

The applicant amended the proposal on 13/11/15 by substantially increasing the size of the vegetated buffers and proposing to retain the majority of *Cryptostylis hunteriana* found on the site. This amendment will require a re-assessment of the impacts on flora and fauna in regards to section 5A of the Act and further referral to OEH for comment as per s79B of the Act which states that development consent cannot be granted for development that is likely to significantly affect a threatened species, population or its habitat without the concurrence of the Chief Executive Officer of the Office of Environment and Heritage.

By increasing the size of the vegetated buffers and thereby retaining an additional 17 ha of vegetation including the majority of the orchids and an additional 200 hollow bearing

trees, the amended plan has made a serious and substantive attempt to address the key unresolved issues and further consideration is warranted.

This application has been assessed having regard to the Matters for Consideration under s79C of the Environmental Planning and Assessment Act 1979 available at the time, excluding the additional information submitted on 13/11/15. Following a detailed assessment, it is considered that the determination of Development Application No. RA14/1000 should be deferred to allow the additional information provided to be referred to specialist departments and agencies for review, comment and assessment.

10. Recommendation

That, in respect of Regional Development Application RA14/1000 (2014STH009) for an Master Plan application for a motorsports facility, comprising upgrade and extension of the existing Nowra District Motorcycle Club and construction of a new sealed road racing track with associated buildings and car parking. Application seeks a staged consent to the overall Master Plan with operational consent for stage 1 being the clearing of 58 hectares of native vegetation on the land where the road racing track is to be located at Braidwood Road, Yerriyong - Lot 7308 DP 1147573, Lot 7309 DP 1148878, and Part Lot 7313 DP 1148869, the determination of the application be deferred to allow the amendment and the additional information to be referred to specialist Council officers and State agencies for review, comment and further consideration.

Date: 18 November 2015