

**JOINT REGIONAL PLANNING PANEL  
(Southern)**

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|---|---|
| JRPP No   | <b>2018STH011</b>   |
| DA Number   | <b>DA14/0448.01</b>   |
| Local Government Area   | <b>Wagga Wagga</b>  |
| Proposed Development  | <b>Recreation Facility (Major) – Harness Racing Facility including Earthworks, Track, Clubhouse, Stables and Associated Infrastructure – S4.55(2) [former s96(2)] Modification to Increase Size of Clubhouse, Re-orientate Stables Building, New Elevated Marquee Pad, Minor Site Layout Amendments including increased car parking &amp; Minor Internal &amp; External Alterations</b> |
| Street Address  | <b>Lots 1-6 and Lots 19-24 DP2655<br/>Cooramin Street, Cartwrights Hill, NSW 2650</b>   |
| Applicant/Owner   | <b>Applicant: Peter Basha Planning and Development<br/>on behalf of Harness Racing New South Wales.<br/><br/>Owner: Harness Racing New South Wales<br/>Racecourse Development Fund</b>  |
| Number of Submissions   | <ul style="list-style-type: none"> <li>• <b>Six (6) public submissions were received in objection to the modification during the notification period.</b></li> </ul>  |
| Regional Development Criteria (Schedule 4A of the Act)                      | <b>Section 4 - Development that has a capital investment value of more than \$5 million if the Council is the owner of any land on which the development is to be carried out.</b>  |
| List of All Relevant s79C(1)(a) Matters                                     | <ul style="list-style-type: none"> <li>• <b>Wagga Wagga Local Environmental Plan 2010</b></li> <li>• <b>Wagga Wagga Development Control Plan 2005</b></li> <li>• <b>S90 Water Management Act – integrated approval</b></li> </ul>   |
| List all documents submitted with this report for the panel's consideration | <b>Report to Southern JRPP – 7 June 2018<br/>Amended list of Conditions of Approval</b>   |
| Recommendation  | <b>Approval with Conditions</b>   |
| Report by   | <b>Amanda Gray<br/>Senior Town Planner</b>  |
| Meeting Date  | <b>To be determined electronically</b>  |

## **Assessment Report and Recommendation Cover Sheet**

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### **BACKGROUND TO REPORT**

The Development Application for a *Recreation Facility (Major) – Harness Racing Facility including Earthworks, Track, Clubhouse, Stables and Associated Infrastructure* was approved by the Southern Joint Regional Planning Panel on 11 November 2014.

A modification to the approved plans was presented to the Panel as a s4.55(2) Modification Application on 7 June 2018. The panel members all visited the site on the same day to view the current site works and location of the proposed modified clubhouse and marquee pad.

The details of the modification were discussed at length with the applicants and their representatives. In discussing the existing conditions it became apparent that the published conditions before the Panel were inconsistent with the original determination document of 11 November 2015.

The matter was deferred to enable an accurate list of conditions to be prepared and presented for determination. The revised list of conditions should include all original conditions, proposed new conditions as well as any conditions that the panel sought amendments to as a result of the discussions at the meeting on 7 June 2018.

The conditions that the panel sought specific amendment to (as listed in the determination and statement of reasons document) are conditions 21A, 53 and 85.

The assessment is proposed to be finalised via an electronic determination.

### **DESCRIPTION OF DEVELOPMENT**

- The overall proposal remains as a new harness racing facility with earthworks, a track, clubhouse, stables and associated infrastructure.
- The proposed modifications presented to the panel for determination relate to changes to the clubhouse building, re-orientation and changes to the stable block, new marquee pad and associated layout changes including an increase in car parking. Specifically the changes can be described as follows:-
- Clubhouse building increased in size from 465.5sq.m to 613.4sq.m and length of clubhouse building increased from 31.7m to 40.9m. This will increase the capacity of the clubhouse building from 180 persons to 285 persons.
- External grandstand area increased in area from 75sq.m to 116.9sq.m. This will increase the external seating provision from 141 seats to 195 seats.
- Minor reduction in size of broadcasting box and associated minor alterations to building exterior to reflect above changes.
- Reorientation of the stable building to allow for a more appropriate presentation to the parade ring. Reduction in size of stable building by 71.6sq.m.
- Reorientation of the parade ring to allow for the new marquee pad.

- New marquee pad to be sited to the west of the clubhouse building, as amended. The pad will have an area of 190sq.m and be formed as an elevated platform using a terraced arrangement. The pad will be level with the clubhouse with a fall away in height down towards the parade ring.
- Amendment to parking layout to allow for site changes as noted above. Loss of two truck/trailer spaces and increase in car parking spaces from 157 to 170 spaces.
- Amendment to fencing style around track – solid fencing of 1.2metres in height around the whole track other than in front of the parade ring and grandstand areas.

The specifics of the development that remain as originally approved can be summarised as follows:

#### Earthworks and Track

- 1071m long racetrack with associated steward's towers and podium.
- Earthworks to create a raised track with sunken central area - the track is to be built to the 10% AEP design flood level and will have an approximate finished level of 2.56m above natural ground.
- Two separate entry points from Cooramin Street into the different parking areas.
- Upgrade to Cooramin Street to provide a sealed road up to the new entry and exit points in and out of the site.
- Upgrade to the junction of Cooramin Street and Hampden Avenue to allow for the turning path of semi-trailer vehicles to be accommodated.
- Associated infrastructure works across the site including extension of town water to the site, sewer pump station and rising main and an on-site detention basin for stormwater run-off.
- Twenty-eight (28) lighting columns to illuminate the track, the car park, stables and parade ring. Seventeen (17) of the columns will be positioned inside the track and be directed down onto the track surface, each of these extend to 21.3 metres in height. The other 11 columns vary in height from 18.3m to 24.4m and are located around the public areas.
- Tree planting and landscaping across the site.
- One Business Identification Wall Sign on the southern elevation of the clubhouse.

The development has a total value of \$6.5 million.

The harness racing facility will be classed as a major regional facility within NSW and is comparable to the recently constructed facility at Bathurst. The facility will accommodate approximately 35 scheduled race meetings throughout the calendar year consisting of:-

11 Night time meetings which run from 6.30pm to 10.30pm

4 Twilight meetings which run from 5.30 pm to 8 pm

20 Daytime meetings which run from about 1 pm to 6 pm

Two of these meetings are classed as major events, the Carnival of Cups and the Saturday Night May meeting.

The modifications proposed will not increase the number of race meetings scheduled at the track. The modifications are intended to provide an improved venue for the anticipated number of patrons attending race meetings as opposed to attracting a greater number of patrons.

The works are classed as flood works under the Water Management Act 2000 for which integrated approval is required from DPI Water. General Terms of Approval were issued as part of the original development application.

The full assessment of the modification, pursuant to s4.15 of the Environmental Planning and Assessment Act was presented to the Panel on 7 June 2018 and that report remains valid and of relevance to this report.

### **Update to Conditions**

A full list of conditions, as amended in accordance with the deferred determination of 7 June 2018 are included as Attachment A to this report.

The following updates and amendments have been made to the conditions that were published for the 7 June 2018 Southern Joint Regional Planning Panel meeting.

| <b>Condition Number</b> | <b>Nature of Amendment</b>   | <b>Reason</b>   |
|-------------------------|--|---|
| 2                       | Updated wording to reference flood work approval                             | To reflect the wording of the original determination dated 11 November 2015 |
| 2A                      | Updated wording  | To reflect the updated wording of condition 2 as noted above.               |
| 8                       | Updated wording changing the word sewage to sewerage                         | To reflect the wording of the original determination dated 11 November 2015 |
| 8A                      | Updated wording  | To reflect the updated wording of condition 8 as noted above.               |
| 9                       | Updated wording to reference vehicle movements ' <i>in all directions.</i> ' | To reflect the wording of the original determination dated 11 November 2015 |
| 17                      | Updated wording about the approval of the amended plan                       | To reflect the wording of the original determination dated 11 November 2015 |
| 18                      | Updated wording to include final point about plant equipment                 | To reflect the wording of the original determination dated 11 November 2015 |
| 21A                     | Amended wording to delete the requirement for fencing to be open in style    | In accordance with the recommendations of the Panel meeting of 7 June 2018  |
| 46                      | Updated wording to reference ' <i>in that immediate location.</i> '          | To reflect the wording of the original determination dated 11 November 2015 |

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|---------------------------|---|--|
| 47                        | Updated wording replacing <i>should</i> with <i>shall</i> .                           | To reflect the wording of the original determination dated 11 November 2015  |
| -                         | New condition inserted as 51 as omitted from published papers                         | To reflect the wording of the original determination dated 11 November 2015  |
| 51                        | Renumbered to 52  | To reflect the wording of the original determination dated 11 November 2015  |
| 52                        | Renumbered to 53 and re-worded to reference the need for an annual review – point (g) | To reflect the wording of the original determination dated 11 November 2015 and in accordance with the recommendations of the Panel meeting of 7 June 2018 |
| 53                        | Renumbered to 54  | To reflect the wording of the original determination dated 11 November 2015  |
| 54                        | Renumbered to 55  | To reflect the wording of the original determination dated 11 November 2015  |
| 55                        | deleted   | To reflect the wording of the original determination dated 11 November 2015  |
| 72                        | Updated wording about the approval of exterior colours                                | To reflect the wording of the original determination dated 11 November 2015  |
| 73                        | Updated wording to reflect the scheduled hours  | To reflect the wording of the original determination dated 11 November 2015  |
| 76                        | Updated wording to clarify when further DA may be required                            | To reflect the wording of the original determination dated 11 November 2015  |
| 79                        | Updated wording to reference correct street names                                     | To reflect the wording of the original determination dated 11 November 2015  |
| 84                        | Updated wording to reference receptors to north and east                              | To reflect the wording of the original determination dated 11 November 2015  |
| 85                        | Updated wording to clarify noise limitations  | To reflect the wording of the original determination dated 11 November 2015 and in accordance with the recommendations of the Panel meeting of 7 June 2018 |
| -                         | New condition inserted as 93 as omitted from published papers                         | To reflect the wording of the original determination dated 11 November 2015  |
| -                         | New condition inserted as 94 as omitted from published papers                         | To reflect the wording of the original determination dated 11 November 2015  |
| General Terms of Approval | Updated wording   | To reflect the wording of the original determination dated 11 November 2015  |

The majority of the conditions are re-worded to correlate exactly with the wording of the original determination of November 2015. Condition 21A has removed the need for open style fencing to the track but retains the need for the truck parking area to be sealed. The two other specific conditions that the Panel requested be reviewed both related to noise.

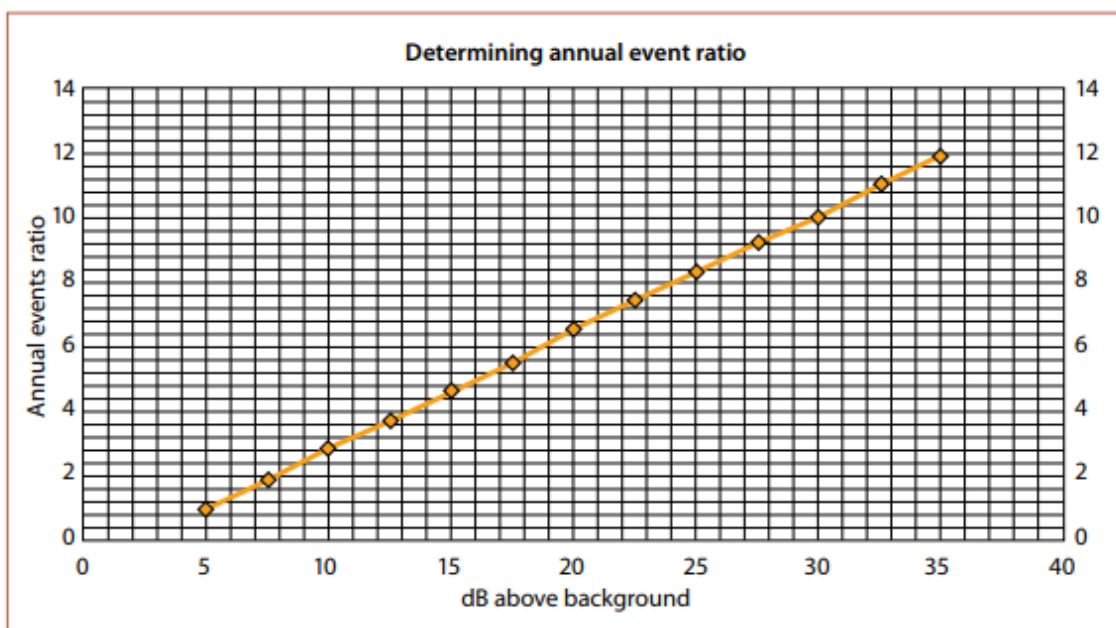
Condition 53 requires the submission of an Event Noise Management Plan, the Panel determined that this should be reviewed annually. As condition 85 has also been re-worded (detailed below) and this includes permitted noise levels, a reference to this condition is recommended to be included in Condition 53. It is recommended that Condition 53 be modified by adding part (g) as follows:

*(g) Annual review of all events and clarification of recorded noise levels associated with each event to determine compliance with condition 85 of this consent DA14/0448.01.*

Condition 85 is to be reviewed to restrict the number of events that are permitted to exceed the adopted noise criteria. Condition 85 originally read as follows:-

**Within any 12 month period the maximum number of events with noise levels greater than the background by 5dB(A) is 50. Background is defined as  $L_{90/4\text{minutes}}$ , while noise levels should be measured as  $L_{10/4\text{minutes}}$ . In the case where events are greater than the background by more than 5dB(A), then the number of events will be reduced according to a ratio shown in the table below (see Figure 3.4 in *Noise Guideline for Local Government* as published by EPA 2013).**

**The graph allows for an event multiplication factor to be assigned where noise from the event exceeds background plus 5dB(A). For example, an event that exceeds the background by 8dB(A) would count as two events as the multiplication factor from the graph is '2'.**



REASON: It is in the public interest that the amenity of the area is not affected. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

In assessing the increased capacity of the harness racing facility and the potential for increased noise the Panel requested that this condition be reviewed to ensure that it was not misinterpreted and was relevant to the modified consent.

The interpretation of this condition has caused confusion as the first line references '50 events', whereas the consent (at condition 93) clearly limits the use to a maximum total of 35 events. The intent of the condition is not to limit the total number of events, but rather to limit the number of events that can exceed the background noise level by 5dB(A) or more. In reviewing this condition and the *Noise Guideline for Local Government (EPA 2013)*, it is apparent that the reference to '50 events' could be better described as '50 equivalent events credits'.

The condition operates by applying equivalent events to any actual event that exceeds background noise by 5dB(A) or more with the number of equivalent events being calculated using the table in the condition which is taken from the *Noise Guideline for Local Government (EPA 2013)*. For example, an event exceeding background noise levels by 15dBA would equate to 5 equivalent events. The condition operates by then deducting the 5 equivalent events from the 50 total equivalent event credits afforded under this condition (i.e. reducing the total to 45 equivalent events credits).

It is clear from this table that the calculation of an 'equivalent event' only occurs when events are greater than the background noise by 5dB(A) or more. An event/race meeting that is not greater than the background noise by 5dB(A) or more will not be counted as an equivalent event.

Rather than deducting 'equivalent events' from the 50 total equivalent event credits afforded under this condition, it is recommended, for the purpose of clarity, that the condition be reworded so that it operates by the accumulation of equivalent events up until a maximum of 50 is reached. This means that the applicant will start at zero equivalent events and will incur equivalent event penalties up until a maximum of 50 equivalent event penalties is reached for any event that triggers the condition. It is recommended that the first part of the condition be reworded as follows:

*Any event that exceeds the background noise level by 5dB(A) or more will equate to an equivalent number of events according to a ratio (annual events ratio) shown in the table below (see Figure 3.4 in Noise Guideline for Local Government as published by EPA 2013). The maximum accumulated number of equivalent events shall not exceed 50 within any 12 month period.*

Upon reviewing information provided by the applicant in regard to their proposed events and the expected noise levels, it is considered that the 50 equivalent events afforded under the current condition is an excessive number as it will likely allow for a large number of the proposed events to exceed background noise by more than 5dB(A).

The original noise impact assessment prepared in support of DA14/0448 identified that the two annual major events would exceed typical noise criteria. Based on increased spectator numbers the assessment concluded a worst case scenario of the noise levels being 15dB(A) higher than a normal race meeting. Using the table contained within the condition, an event with noise levels of 15dB(A) above background levels would be counted as 5 equivalent events. Therefore two such events would be counted as 10 equivalent events, leaving a total of 40 equivalent events available for further breaches. As all other events are not anticipated to be above background levels, it is considered that the remaining 40 equivalent events is excessive.

Notwithstanding all appropriate measures being in place there may, however, be instances where race events run over-time due to television scheduling or weather events and therefore there may also be occasions where a standard night time event exceeds the noise criteria and may trigger equivalent events under the condition. There does need to be some additional capacity available within this condition to allow for such instances.

Based on the above analysis it is recommended that the allowable 50 equivalent events be reduced to 20 equivalent events. This could allow for, as an example:

- 2 major events at 15dB(A) above background = 10 equivalent events
- 2 further events at 10dB(A) above background = 6 equivalent events
- 4 further events at 5dB(A) above background = 4 equivalent events

TOTAL = 20 equivalent events

The amended condition does not alter the fact that there remains 35 approved race meetings per annum at the facility (condition 93) but it does limit the number of instances that established noise criteria may be exceeded to what is considered a more appropriate level. The original Panel determination accepted that the two major events held each year will result in increased noise levels and this was also acknowledged in the applicant's noise impact assessment.

Whilst the modification application that is the subject of this (addendum) report does not anticipate increased noise levels at the facility it does result in an increased capacity and increased car parking area that prompted the review of this condition and how it should be interpreted.

The proposed re-wording of the condition does not decrease the number of approved events at the site, rather it clarifies the acceptable noise levels and exceedances that can occur at the site. This amendment is of benefit to both the applicants and Council in ensuring clarity about noise at race events. Subject to the events on site remaining within accepted noise levels and not going above the limit of 20 'equivalent events' there would be no need for compliance action.

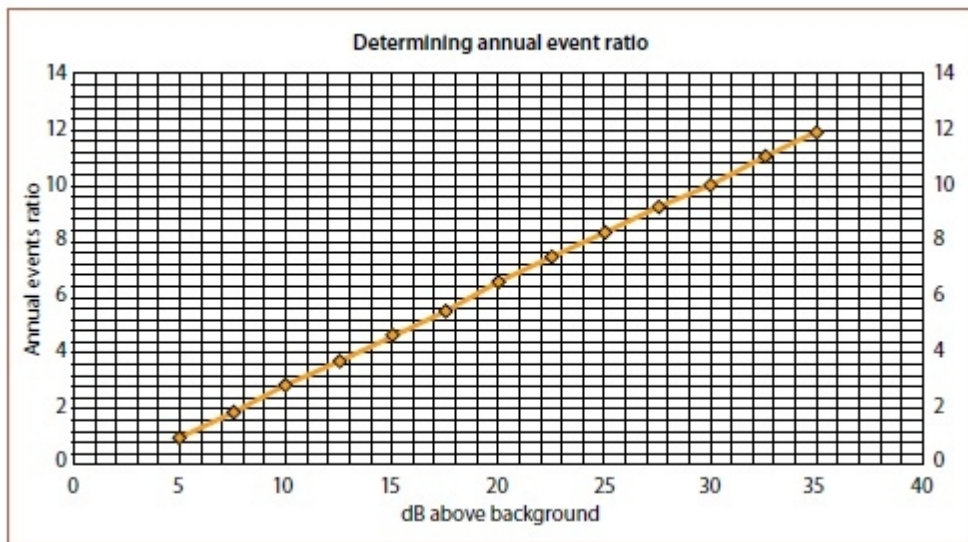
Condition 53 has also been re-worded (as noted earlier in this report) to require the noise measurements from each event to be annually assessed against the criteria in this condition.

It is recommended that the condition be re-worded as follows:



Any event that exceeds the background noise level by 5dB(A) or more will equate to an equivalent number of events according to a ratio (annual events ratio) shown in the table below (see Figure 3.4 in *Noise Guideline for Local Government* as published by EPA 2013). The maximum accumulated number of equivalent events shall not exceed 20 within any 12 month period.

Background shall be defined as  $L_{90/4\text{minutes}}$ , while noise levels shall be measured as  $L_{10/4\text{minutes}}$ .



**Note:** The table included in this condition allows for an event multiplication factor to be assigned where noise from the event exceeds background by 5dB(A) or more. For example, an event that exceeds the background 8dB(A) would count as two equivalent events as the multiplication factor from the table is '2'. The total equivalent events calculated for all events exceeding the background noise level by 5dB(A) or more over a 12 month period may not exceed 20 in total under this condition.

REASON: It is in the public interest that the amenity of the area is not affected. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

## Conclusion

The modification application will result in the development of a clubhouse with increased capacity for up to 285 persons. The extended grandstand and new marquee pad will allow for a greater experience of the races from external areas as well as from within the clubhouse.

The impacts of the modified development are not considerably different from those originally assessed including the assessment of noise from the facility and flood impacts.

## **RECOMMENDATION**

It is recommended that DA14/0448.01 for Recreation Facility (Major) - Harness Racing Facility including Earthworks, Track, Clubhouse, Stables & Associated Infrastructure - Modification to Increase Size of Clubhouse, Re-orientate Stables Building, New Elevated Marquee Pad, Minor Site Layout Amendments including increased car parking & Minor Internal & External Alterations be approved, subject to the conditions contained within Attachment A.