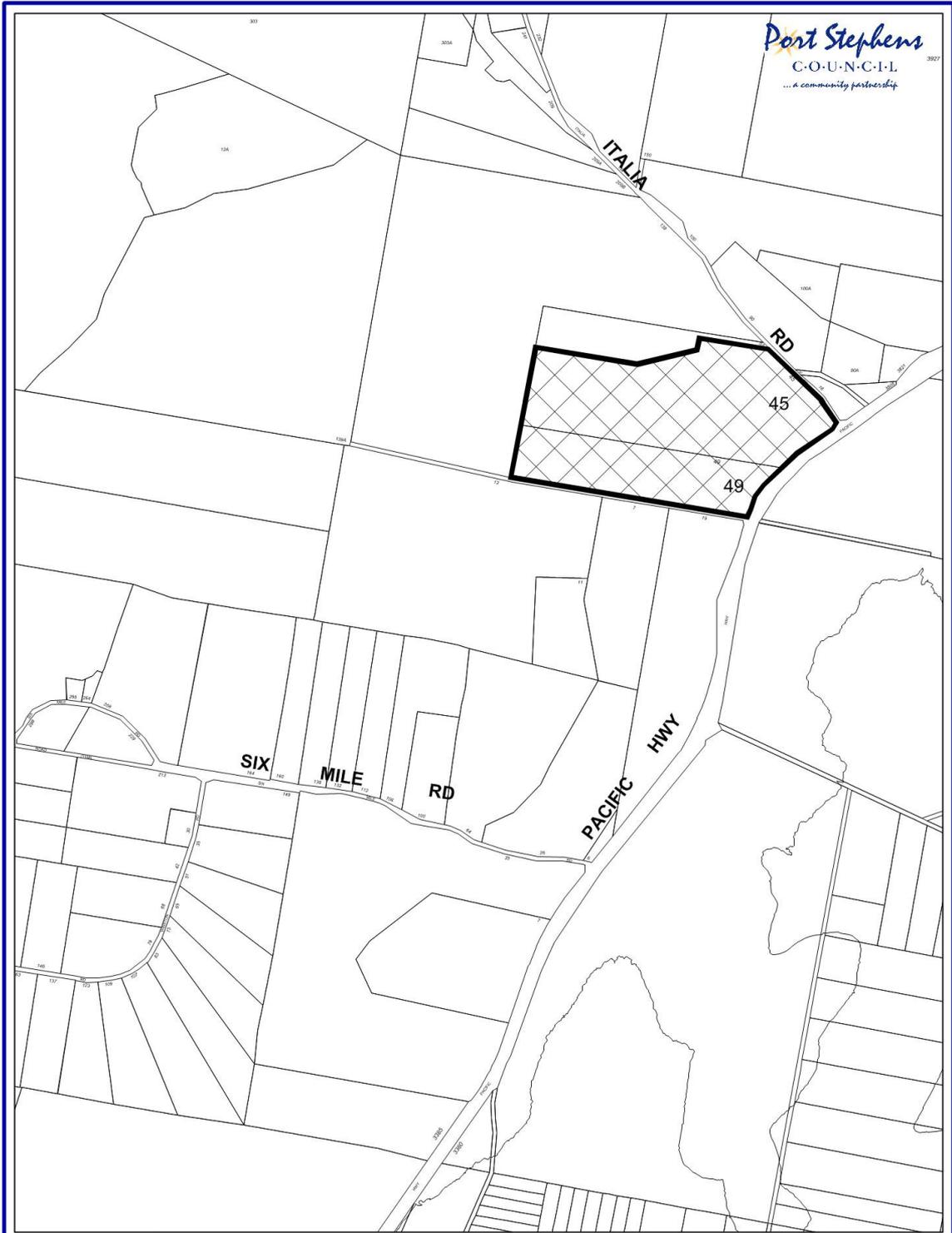


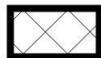
# ATTACHMENT 1 SITE PLAN



*Port Stephens*  
C·O·U·N·C·I·L  
... a community partnership



**LOCALITY: BALICKERA**



**SUBJECT AREA**

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**ATTACHMENT 2  
ASSESSMENT  
(Under Separate Cover)**

**1. APPLICATION DETAILS**

Application No.	16-2011-564-1
Property	45 & 49 Italia Road, Balickera
Lot & DP	Lot 1 DP 245116 and Lot 2 DP 1158962
Description of Development	Race track (Rehabilitate existing)
Applicant	Italia Road Holdings Pty Ltd
Date Lodged	15 August 2011
Present Use	Off road race track
Zoning	1 (a) Rural Agriculture
Key Issues	Noise, Environment, Traffic
Submissions	28 objections, 66 supporting
Integrated Development	Yes, under: <ul style="list-style-type: none"><li>▪ Water Management Act - Referred to NSW Office of Water for works within 40m of watercourse</li></ul>
Estimated Cost of Dev	\$4 million

**2. THE PROPOSAL**

Consent is sought for construction and use of a sealed race track (2.9km) and associated facilities including sealed pit and driver training areas and construction of primary and secondary access roads. The development will involve rehabilitation and revegetation of the existing off-road race track (3.8km).

The DA also seeks consent to use the track for the racing of motor vehicles (not including motorbikes) as follows:

- Race Meetings (Category 1)
  - Max of 4 events in the 7 month period between 1st October and 31st March
  - Race meetings may run over a maximum of a 3 day weekend (Friday to Sunday)
  - Max number of 32 vehicles on the circuit at any one time (based on track length)
  - Proposed to operate between the hours of 9am to 4pm
  
- Supersprint and Hillclimb events (Category 2)

- Events to run over weekends (Saturday and Sunday)
- Maximum number of 8 vehicles on the circuit at any one time (starting in pairs)
- Proposed to operate between the hours of 9am to 5pm

- General track use (Category 3)

- Proposed to operate between the hours of 9am to 5pm, 7 days per week and between the hours of 9am to 10pm for a maximum of 6 Saturdays in any calendar year.
- Shall consist of the following activities (or similar):
  - Restricted private practice by race cars
  - General use by road registered vehicles
  - Driver training
  - Educational or promotional events
  - Motorkhana

The applicant has indicated that future expansion of the facility may be sought for construction of garaging for 36 cars, with offices, meeting rooms and a race control centre located on the first floor and a scrutiny bay and medical room. These facilities are not proposed as part of this DA, and will require separate approval.

### 3. THE SITE AND SURROUNDING AREA

Area	Lot 1 DP 245116 and Lot 2 DP 1158962 have combined area of approx 94.4 hectares
Dimensions	Approx 700m x 1.5km
Slope	Site has varying topography between RL25 and RL50. Generally falls to NE (intersection of Pacific Hwy & Italia Rd) with 2 peaks in western part of site.
Existing Development	3.8km of off road track, recovery road, pit and spectator parking area, toilet block
DP & 88B Instrument	Existing easements for ROW 10m wide and electricity 30m wide. It is noted that the ROW is not located directly over the existing access road, which provides access to properties on Barleigh Ranch Way.
Vegetation	Approx 75 hectares of the site is currently vegetated.  Quality of vegetation varies significantly over the site. Areas east of ROW and along western boundary appear to be high quality remnant vegetation, while central area is

	generally disturbed regrowth.  The flora and fauna report submitted with the DA and previous studies on the site have identified some of the existing vegetation as EEC (mix of Swamp Sclerophyll Forest, River Flat Eucalypt Forest and Subtropical Coastal Floodplain Forest).
Constraints	Hunter Water Special Area Bushfire Acid Sulfate Soils (Class 5) Endangered Ecological Communities (EECs)
Stormwater & Drainage	Site generally drains to watercourse which runs from the western part of the site to Italia Road and to Campvale Drain
Access	Site is currently accessed via an existing access off Italia Road, which is shared with the MG Car Club (located on the adjoining property to the north).
Services	Sewer and water not available.

### 3.1 Surrounding Development

The area surrounding the subject site contains a mix of businesses and residential development.

Businesses include the Boral Seaham Quarry, MG Car Club, Port Stephens Gardenland Landscape Supplies, MX Central Motorcycle Facility and Hunter Valley Paintball.

There are approximately 17 dwellings within 2km of the proposed race track, including properties on Italia Road, Six Mile Road and the Pacific Hwy.

### 3.2 Site History

The Statement of Environment Effects states that the site has been used continuously for motor sports from the 1970s, with off road racing from 1984.

The subject land (and MG Car Club site) was originally described as Lots 1-3 DP 245116, which was registered in 1972. Council approved DA 16-2010-461-1, which separated the MG Car Club and off-road track via a boundary adjustment.

The following DAs affect the subject land and are considered relevant to the current proposal:

- DA 173/1978

Consent issued on 5/6/78 for motor sports complex. Required BA to be lodged within 12 months. Council issued letter on 14/5/82 advising that consent lapsed.

- DA 2118

Consent issued on 3/1/84 for hill climb course and amenities. The full description of the development on the Development Application is "construction of tar hill climb and dirt off road trail course with associated facilities, toilet blocks and car parks". The hill climb was constructed and is currently contained in Lot 1 DP 1158962 and operated separately by the MG Car Club. Although the description on the development consent does not include the dirt off road trail course, it is shown on the approved plans and there are no references to the approval excluding the dirt track component.

- DA 4299/1989

Consent issued on 1/8/89 for a drag strip. It appears that a BA was issued by Council for construction of the toilet block approved near the access of Italia Rd. Condition 11 required this to be completed prior to use of the drag strip. Clearing for the drag strip was undertaken, however neither the toilets nor drag strip have been completed.

The applicant advised that the toilet block was partially constructed, which may constitute commencement of the DA if undertaken within 2 years of the approval.

- DA 16-2002-42-1 (Motorplex)

Sought consent to construct a drag strip and racing circuit. Refused on 10/12/03.

There were 3 separate court cases following determination of the DA, the first questioning the need for a Species Impact Statement, the second regarding costs, and the third a merits based appeal against Council's decision.

- Motorplex v PSC SIS Case – NSW LEC 74 (2007)

Judge determined that the site contains EEC's, being identified as Swamp Sclerophyll Forest, River Flat Eucalypt Forest and Subtropical Coastal Floodplain Forest, and that the proposed development would require an SIS due to the likely impact on the identified EEC's.

The EECs follow the watercourse that runs from the western part of the site to Italia Road.

- Motorplex v PSC Appeal against Refusal – NSW LEC 1280 (2008)

Commissioner determined that Council's refusal was a valid decision, on the basis that the proposed development would likely result in an unacceptable environmental and traffic impacts.

## **5. CONSULTATION**

### **5.1 Community**

The proposed development has been publicly exhibited as "advertised development" for 30 days in accordance with the EPA Act and Council Notification Policy, due to the development being integrated development under the Water Management Act and potential impacts on threatened species.

Council received 94 submissions, 28 objecting to the proposal and 66 supporting the proposal.

The issues raised by the submissions are listed below, along with the relevant assessment comments:

#### Support

The majority of supporting letters were submitted by people participating in motor sports competition. The key comments related to lack of motor sports facilities in NSW (only Wakefield Park and Eastern Creek), the need for driver training facilities and the economic benefit provided to the local area as a result of competitors travelling to motor sport events.

#### *Comment*

While the potential economic and public benefit has been considered as part of this assessment, any consideration of the lack of motor sport facilities in NSW is outside the scope of Council's assessment of the planning merit and potential impacts for this specific proposal, despite some validation being provided through recent media coverage of proposed motor sport facilities in Wyong and Dungog.

#### Objections

The objections submitted raised the issues listed below. Following assessment of the DA, it is considered that these issues have been

appropriately addressed through the assessment and do not warrant refusal of the application in this instance.

- Noise

The majority of objections raised strong concern over the potential for unacceptable noise impacts to be generated on residential properties in the surrounding area.

Objections also raised specific concern regarding:

- Impacts on the existing Respite Centre and shift working residents
- Impact on Kings Hill
- Impacts from loud speakers on site
- Impacts from cumulative impacts from MX Central (motorbike facility), Boral Quarry and Landscape Supplies businesses
- Calculation of background noise levels
- Differences between noise limits of 5dB (Leq) referred to in Local Government Noise Guidelines (LGNG) and 10dB proposed by Vipac report
- Discrepancies between recommendations in VIPAC report, proposal and Council staff assessment

#### *Comment*

It is important to note that Council's assessment does not rely solely on the recommendations of the VIPAC report, but has considered a wide range of available information. There is no onus for Council to completely agree with any consultants report, and recommended conditions would prevail in the extent of any inconsistency.

As detailed later in this report, Council staff have recommended use of a noise limit different from the background + 5dB (Leq), which is normally used for development assessment. However, the approach taken by Council staff is consistent with recommendations from acoustic experts as part of the Motorplex case, existing approvals on the site and previous EPA noise policies.

It is agreed that the site's proximity to the Respite Centre (1.5km), Kings Hill (2km) and residences is not ideal. However, it is considered that the development (which does not include use by motorbikes) can operate within the limits recommended by the relevant noise guidelines.

The Respite Centre is considered a particularly sensitive receiver, and regardless of consistency with the noise guidelines, there remains scope to provide additional noise attenuation measures to reduce noise impacts for sensitive receivers as part of an ongoing Noise

Management Plan. Council's assessment has also considers the cumulative impacts from existing activities around the site, and recommends conditions to address this issue.

- Site suitability

The majority of objections raised concern regarding the suitability of the site for the development, due to the zoning and proximity of residences.

*Comment*

As detailed later in this report, the development is permissible on the site under LEP 2000 and considered to be consistent with the zone objectives, which require development to be compatible with existing uses and not to impact existing amenity.

While proximity to residences is a major concern, the relevant noise guidelines (particularly the LGNG) provide a mechanism for considering whether noise is likely to be "offensive". The development is consistent with the relevant noise guidelines, subject to recommended conditions, and the available information indicates that noise levels can be maintained within a level considered reasonable by the applicable noise guidelines. As such, the site's proximity to residences does not warrant refusal in this instance.

- Economic Impact

The majority of objections raised concern regarding the potential economic impact on the Respite Centre and property values in general around the locality.

*Comment*

Noise limits recommended by this report for the majority of track use (excluding Category 1 events) are aimed at maintaining noise below levels that would be considered "intrusive", and it is considered that the development is unlikely to unreasonably impact the economic viability of the Respite Centre.

Impact on property values is considered by the Land & Environment Court to be generally outside the scope of a planning assessment under Section 79C.

- Environmental Impact

Objections raised concern about the potential for environmental impacts, particularly regarding threatened species, fauna corridors, water quality and air pollution.

#### *Comment*

As detailed later in this report, it is considered that the development is unlikely to significantly impact threatened species or fauna habitat/movement following submission of an amended track layout and an additional flora and fauna report. However, Council staff have recommended a number of conditions relating to construction and on going management plans to ensure that disturbance to the environment is minimised.

It is considered that water quality can be maintained or improved (given the existing state of the site) through compliance with the recommended conditions. The DA has been reviewed by both Council's Engineers and Hunter Water, neither of whom has objected to the proposal subject to inclusion of their recommended conditions.

The applicant has indicated that the intensity of the use will be similar to Wakefield Park (near Goulburn and considered to be a "club" facility), and there is no evidence to indicate that the scale of the development will have a significant impact on air quality in the surrounding area (which is next to the Pacific Highway). If any concerns are raised regarding air quality, investigation and action could be taken under the provisions of the Protection of the Environment Operations Act.

- Traffic Impact

The majority of objections raised concern regarding potential traffic impacts, particularly as a result of spectator numbers for Category 1 events.

#### *Comment*

The applicant has stated that Category 1 events (which will be state and national titles) are not intended to generate large number of spectators. The development will not provide any grandstand facilities, nor sufficient parking for large numbers of spectators. The applicants claim is considered reasonable in this instance, and a condition has been recommended requiring an on going Traffic Management Plan, including measures for how numbers are to be limited during Category 1 events.

The DA has been reviewed by Council's Traffic Engineer and the RMS, and it is considered that the development is unlikely to have a significant impact on traffic safety, subject to an upgrade of the existing Italia Road access and providing measures to limit spectator numbers for Category 1 events are effective.

- Description of Development and Existing Approvals

Objections raised concerns over existing approvals on the site and that the description of the development, which referred to "Alterations to existing motor sport venue", was misleading.

*Comment*

Council's assessment of any development proposal is based on details in the Development Application form, Statement of Environment Effects and plans.

In this case, it is considered that the combination of documents clearly indicate that consent is sought for construction of a sealed race track (as defined in LEP 2000) and rehabilitation of the existing off road race track. As noted previously in this report, it is considered that the existing off-road race track was approved by DA2118.

Council has sought legal advice regarding this matter, and it is not considered to be a significant issue, nor requires any amendments by the applicant prior to determining the application.

- Previous Motorplex refusal by Land & Environment Court

The majority of objections stated that the issues raised by the LECs refusal of the Motorplex development were applicable to the development.

*Comment*

As part of its assessment, Council staff have considered the judgements made by the LEC with regard to Motorplex, while acknowledging that there are substantial differences between the two proposals (including amount of cleared area, track layout and absence of drag strip).

The LEC refusal was primarily based on a finding that Motorplex would "unreasonably impact on threatened species" and traffic "would adversely affect the amenity of the locality". It also notes that noise impacts were "not a matter that would necessarily warrant refusal", and that traffic impacts related to potential for 1400 vehicles up to 26 times per year.

The proposal has been assessed on its individual merit, and it is considered that the issues identified in the LEC case have been adequately addressed and do not warrant refusal of the application.

- Bushfire

Objections raised concern that the development may result in an increase in bushfires on and around the site.

*Comment*

While there is no evidence to suggest this is likely, the draft conditions recommend submission of a Bushfire Management and Emergency Evacuation Plan and further consideration of this issue can be included as part of that requirement.

- Waste

Objections raised concern that inadequate waste disposal could result in an on going environmental concern.

*Comment*

This issue can be adequately addressed through commercial waste contractors and consideration in the on going management plan required by the recommended conditions.

- Provision of services

Objections raised concern regarding inadequate provision of services to the site, particularly water and sewer.

*Comment*

The applicant has proposed to use tank water, and any toilets will need to be subject to Council approval a Section 68 Application to Operate an On-Site Sewerage Management. These arrangements are considered to be acceptable.

## **5.2 External Referrals**

### NSW Office of Water (NOW)

The proposal will involve works within 40m of a watercourse, and will require a Controlled Activity Approval from NOW. The DA has been

referred to NOW as integrated development under the Water Management Act.

The NOW have requested additional information on 2 separate occasions. Following a meeting on 19<sup>th</sup> July 2013, the applicant has provided additional information to NOW on 2<sup>nd</sup> August 2013. A response from NOW had not been received at the time of writing this report, however it was noted that no objections to the proposal in general were raised in the meeting.

A condition has been recommended requiring NOW approval prior to the issue of any construction certificates for the development. It is hoped that General Terms of Approval will be received prior to Council's consideration of this matter, however the recommended conditions will ensure that any determination by Council is legally robust.

#### NSW Roads & Maritime Services (previously RTA)

The DA has been referred to RMS for comment under State Environmental Planning Policy Infrastructure, as the proposal exceeds the traffic/parking triggers listed in Schedule 3 of the SEPP.

The RMS requested additional information regarding whether large numbers of spectators would be attending the site, and raised general concern regarding the Italia Road and Pacific Highway Intersection, particularly as a result of proposals for a quarry and expansion of the Landscape Supplies operation.

The applicant has provided further advice to RMS, but Council has not received a response to date. These issues have been dealt with through Council's consideration of traffic impacts.

#### Hunter Water Corporation

The subject land is located within a Hunter Water Special Area. The DA has been referred to Hunter Water for comment under the Hunter Water Special Areas Regulation.

No objection was raised with the proposal subject to conditions requiring submission of a Construction Soil & Water Management Plan and an Operational Soil & Water Management Plan for review by HWC prior to the issue of a construction certificate.

#### NSW Office of Environment & Heritage (OEH)

The site has been identified as containing a mix of Endangered Ecological Communities (EECs) and threatened species. Based on the information submitted with the DA and available from previous court cases over the site, Council staff were originally of the opinion that the development was likely to have a significant impact on threatened species, and that a Species Impact Statement and concurrence from OEH would be required.

However, the applicant has made alterations to the layout of the proposed race track and submitted additional information, including construction details and a flora and fauna report.

Based on the amended layout and additional information, Council staff are of the opinion that the development is not likely to have any significant impact on threatened species, and no longer requires concurrence from OEH.

#### NSW Rural Fire Service

The site is mapped as bushfire prone. Due to the proximity of the bushfire threat and the size/nature of the proposed race track, the DA has been referred to the RFS for comment under Section 79BA of the EPA Act. No objections were raised, subject to recommended conditions regarding emergency access and APZs. The relevant recommendations have been included in the draft conditions.

#### Hunter – Central Rivers Catchment Management Authority

The proposal will require substantial removal and rehabilitation of native vegetation, and has been referred to the CMA for comment. The CMA have advised that they are negotiating with the applicant regarding the possible development of a Property Vegetation Plan for the site. No further comments have been provided at this stage.

### **5.3 Internal Referrals**

#### Environment

Council's Natural Resources Section has reviewed the amended flora and fauna report submitted by the applicant, and are of the opinion that the additional information demonstrates that the proposal is not likely to have a significant impact on the key threatened species identified on the site, particularly the EEC's, squirrel glider and brush-tailed phascogale.

#### Traffic

Council's Traffic Engineer has no objections to the proposed development, subject to construction of an AUR/AUL (right/left auxiliary turning lanes) intersection with Italia Road and physical separation from the existing shared access with the MG Car Club.

Council's Traffic Engineer also recommended a condition requiring the applicant to discuss upgrading the intersection of Italia Road and the Pacific Hwy with RMS, following consultation with the Regional Traffic Committee.

### Engineering

Council's Engineers have no objections to the proposal subject to recommended conditions requiring additional stormwater and water quality details prior to the issue of a construction certificate.

### Environmental Health (Wastewater)

Council's Environmental Health Section have no objections to the proposal subject to approval of a Section 68 Application to Operate On-Site Sewerage Management Systems prior to the issue of a construction certificate.

### Building

Council's Building Assessment Officers have no objections to the development.

### Community Planning (Accessibility)

Recommended that conditions be included requiring accessible facilities (particularly toilets) be provided for the development.

## **6. STATUTORY PROVISIONS**

### **6.1 Port Stephens Local Environmental Plan 2000 (LEP 2000)**

The site is zoned 1 (a) Rural Agriculture. The proposed development is consistent with the definition of a "race track" in LEP 2000.

#### Clause 11 – Rural Zonings

Race tracks are permissible on the site subject to development consent. Following consideration of the proposal, it is considered that the development is generally consistent with the objectives, as the site does not involve any prime agricultural lands and the use is both existing and unlikely to generate impacts (subject to compliance with

recommended conditions of consent) of a scale that would make it incompatible with the variety of uses in the surrounding area.

#### Clause 44 – Appearance of land and buildings

The proposed race track is unlikely to have an adverse visual impact when viewed from any publicly accessible main road, waterway or public land.

#### Clause 47 – Services

Services necessary for the development are available to the site.

#### Clause 51A - Development on land identified on Acid Sulfate Soils Planning Map

The site is shown as Class 5 on the planning map. Earthworks for the proposed development will generally involve filling, however some cut will be required. A geotechnical report has been submitted with this application, which did not identify any potential acid sulphate soils in the areas to be disturbed. It is considered unlikely that the development will expose acid sulphate soils and does not require a Management Plan under this clause.

### **6.2 Draft Port Stephens Local Environmental Plan 2013 (DLEP 2013)**

The site will be zoned RU2 under DLEP 2013. The proposal would fit the definition of a "Recreation Facility (major)" under the standard set of definitions, and would be prohibited on the site.

The current LEP has the most assessment weight in this circumstance, and it is noted that it is likely that the proposal may be permissible in some form under the Existing Development Provisions (Section 106) in the Environmental Planning & Assessment Act 1979, due to an existing off road race track currently located on the site.

New clauses 7.2 – Earthworks and 7.8 – Drinking Water Catchment would also apply to the development. In this instance, the matters for consideration in the relevant clauses have already been considered as part of Council's Section 79C assessment.

## **7. POLICY PROVISIONS**

### **7.1 Port Stephens Development Control Plan 2007**

The development is considered to be in accordance with the relevant requirements of DCP 2007. The relevant assessment notes are included below:

### Section B2 - Environmental and Construction Management

The development will require earthworks, and conditions are recommended that any earthworks use Virgin Excavated Natural Material (VENM).

The site is mapped as marginal koala habitat, however the western part of the site is part of the X wildlife corridor. The development is considered to be consistent with the performance criteria in the Comprehensive Koala Plan of Management, particularly as a result of measures proposed by the applicant to ensure that the development does not unreasonably impact koala habitat or movement through the site. These measures have been included as recommended conditions of consent.

### Section B3 – Parking & Traffic

DCP 2007 does not have any specific parking requirements for race tracks. However, it is considered that the proposed parking (179 spaces) is suitable for the intended use and that the existing access provides sufficient sight (200m) distance as per the requirements of Section B3 (130m for 90km/hr).

## **8. SECTION 94 CONTRIBUTIONS**

Council's Section 94A Development Contributions Plan applies to the development, requiring 1% of the proposed cost of carrying out the development. A condition has been recommended in this regard.

## **9. LIKELY IMPACTS**

Following assessment of the proposal, it is considered that the most likely impacts from the development are noise, fauna and fauna, traffic and water quality. These are discussed below.

### **9.1 Built Environment**

#### Noise

The development has the potential to generate significant noise impacts on nearby residences. Included below are assessment comments relating to Expected Impacts, the Relevant Noise Guidelines and an Assessment of Compliance for Ringwood Raceway.

## **Expected Impacts**

The site has 17 residences in a 2km radius, with the Landscape Supplies Managers Residence (260m) and 16 Italia Rd (500m), 3848 Pacific Hwy (1km) and Respite Centre, 106 Six Mile Rd and 241 Italia Rd (1.5km) being the closest properties. The edge of the Kings Hill development is also 2km south of the development.

In determining the likely impact, Council staff have considered the Vipac Acoustic Report submitted with the DA, noise reports prepared for the Ringwood Off Road Race Track and Motorplex court cases and acoustic monitoring from MG Car Club and MX Central.

The Vipac report projects noise levels for 8, 16 and 32 cars and considers weather conditions and reduced noise source output (car muffling). The noise projections are based source data obtained from Oran Park, NSW in 2009 and USA EPA calculation methods.

The Vipac Report indicates that Category 2 and 3 events (vast majority of track use) are likely to generating noise up to 20dB above background noise levels (excepting Landscape Supplies Manager Residence) based on worst case weather conditions.

Category 1 events have been projected assuming 32 cars, which is the maximum possible based on the track length, and are estimated to generate high levels of noise at residences within a 2km radius, generally in the order of 30dB above background noise levels, and up to 40dB above background for the Landscape Supplies managers residence. For reference, the LGNGs state that an increase of 10dB is perceived as noise being twice as loud.

## **Relevant Noise Guidelines**

The *Local Government Noise Guidelines (LGNG)* are the most relevant to this DA and contains case study 2 (Part 3, Page 26) relating specifically to motor sport facilities.

However, consideration has also been given to the *Industrial Noise Policy*, *ACT Motor Sports Noise Environment Protection Policy, AS 2021-2000 Acoustics – Aircraft Noise Intrusion – Building Siting & Construction*, *Construction Noise Guidelines* and *NSW Occupational Health and Safety Regulation 2001*.

- Local Government Noise Guidelines (LGNGs)

Recommends that the "Offensive Noise Test" be applied in considering any proposal for motor sport facilities, and provides Case Study 2 to assist.

Case Study 2 addresses cumulative impacts from Motor Sports Facilities, using an annual event ratio of 50 events if noise can be maintained at background + 5dBA. Events generating higher noise levels would reduce the total number of allowable events, ie only 20 events permitted per year if events generate noise at background + 10dB.

However, it should be noted that the LGNG does not include any recommendations for specific noise limits or guidance on how to maintain a reasonable level of amenity during a single event.

- Industrial Noise Policy (INP)

Although the development is not strictly a commercial or industrial activity, the INP provides a method for determining whether noise will be intrusive or significantly impact amenity.

The INP advises that noise above background + 5dB (measured against  $L_{eq}$ ) is likely to be intrusive, and recommends acceptable daytime noise levels in rural areas of 50dB, and a maximum levels of 55dB where other existing activities impact the environment.

The INP also addresses cumulative impact, and a specific amenity criteria of between 48dB and 55dB (depending on how close a property is to the highway) was calculated for the development, which is aimed at ensuring new development does not increase the cumulative impact of existing noise sources.

- ACT Motor Sports Noise Environment Protection Policy

This policy was created to address noise impacts from existing motor sports operations. The policy adopts a similar approach to cumulative impact as the NSW LGNG, but also includes a total noise limit of 65dB, regardless of any cumulative compliance.

- AS 2021-2000 Acoustics – Aircraft Noise Intrusion – Building Siting & Construction

This Australian Standard relates to managing impacts from Aircraft Noise, and recommends a noise limit of 55dB in living areas in order to maintain residential amenity.

- Interim Construction Noise Guidelines

These guidelines relate to noise from construction works and their potential impact on adjoining properties, and recommends standard work hours of 7am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no works on Sunday or Public Holidays.

Further, the document identifies noise 10dBA above background as "the point above which there may be some community reaction to noise". Noise above 75dBA is considered "the point above which there will be strong community reaction to noise". The document recommends respite periods and consultation with owners for noise above this level.

- NSW Occupational Health & Safety Guidelines

Deals with noise in the work place, which is generally involves constant noise sources such as equipment or machinery. Limits noise in workplaces to 85dBA, above which employers are responsible for implementing noise control measures.

### **Existing Noise Limits**

Council staff have also considered noise limits that apply to the existing Ringwood Off-Road track on the subject site and the recommendations for the refused Motorplex development.

- Existing Noise Limits

The existing Ringwood off-road race track is subject to approvals issued by the State Pollution Control Commission (SPCC) under the old Noise Control Act in 1986. The approval limited operation to a maximum of eight (8) cars on the track at any one time, operating hours of 9am to 6pm except for extended hours until 10pm for 6 days per year).

- Limits recommended for Motorplex

As part of the Motorplex court case, acoustic consultants from both sides prepared a Joint Acoustic Conference report, which included agreed limits and conditions for the development.

The JAC report recommended a noise limit of background noise level (BNL) + 10dB, measured against the L<sub>10</sub> average maximum noise level.

The noise limit was consistent with EPA policy at the time, which also recommended an alternate noise limit of BNL + 5dB, measured against the L<sub>eq 15 minut</sub> average.

It was also recommended that the Landscape Supplies managers residence be subject to a noise limit of background + 15dB, due to it's association with a business activity, position relative to the highway and quarry and lack of objection to the proposal and it was considered that attenuation measures (such as barriers and double glazed windows) could be applied at the receptor.

### **Assessment of Compliance for Ringwood Raceway**

The Local Government Noise Guidelines (LGNG) recommends the use of an annual event ratio for 50 events at background noise level (BNL) + 5dB ( $L_{eq15\text{ minute}}$ ).

The annual event ratio does not include calculation of events less than the noise limit of BNL + 5dB ( $L_{eq15\text{ minute}}$ ), nor would Council normally seek to restrict the frequency of any activity complying with that noise limit.

While the LGNG and INP generally use the  $L_{eq15\text{ minute}}$  measurement, Council staff recommend use of the average maximum noise level in this case, referred to as  $L_{10}$ .

Both the LGNG and INP clearly state that other noise descriptors may be more suitable, depending on the situation. Previous approvals for the Ringwood Off Road track used the  $L_{10}$  average maximum level, and is consistent with the recommendation by the acoustic experts for both sides in the Motorplex court case, who agreed that the average maximum level ( $L_{10}$ ) is a more suitable descriptor for motor sports facilities and that BNL + 10dB was the applicable noise limit for that measurement.

Noise measurements from MX Central demonstrate that the  $L_{10}$  is generally 5dB more than the associated  $L_{eq}$  measurement for noise peaks. The average maximum level will provide accurate representation of the peak noise levels, and avoid breaks in race traffic and respite periods producing a lower  $L_{eq}$  measurement.

The table below shows the projected noise impact from Category 2 events at the nearest residential properties, and compliance with the recommended noise limit.

Residence	BNL	Projected Noise (Vipac) Measurements are $L_{eq}$	Recommended Noise Limit
		<ul style="list-style-type: none"> <li>▪ 8 cars at 87dB at 30m (typical weather)</li> <li>▪ 8 cars at 95dB at 30m (worst case weather)</li> </ul>	BNL +10dB ( $L_{10}$ ave max)

Landscape Supplies Mgrs Residence (2//1108702)	47	<ul style="list-style-type: none"> <li>▪ 64dB</li> <li>▪ 81dB</li> </ul>	57
16 Italia Rd (32//787250)	56	<ul style="list-style-type: none"> <li>▪ 57dB</li> <li>▪ 75dB</li> </ul>	66
241 Italia Rd (223//605928)	39	<ul style="list-style-type: none"> <li>▪ 40dB</li> <li>▪ 60dB</li> </ul>	49
100 Six Mile Rd Respite Centre (6//247953)	38-40	<ul style="list-style-type: none"> <li>▪ 41dB</li> <li>▪ 61dB</li> </ul>	48-50
106 Six Mile Rd (5//247953)	36-40	<ul style="list-style-type: none"> <li>▪ 41dB</li> <li>▪ 61dB</li> </ul>	46-50
3848 Pacific Hwy (2//248927)	58	<ul style="list-style-type: none"> <li>▪ 48dB</li> <li>▪ 68dB</li> </ul>	68

The table below shows the projected noise levels for Category 1 events, including their compliance with the annual event ratio recommended by the LGNG. The table also includes compliance against the 65dB noise limit obtained from the ACTs Motor Sports Noise Environment Protection Policy.

Residence	BNL	Projected Noise (Vipac) Measurements are Leq <ul style="list-style-type: none"> <li>▪ 32 cars at 87dB at 30m (typical weather)</li> <li>▪ 32 cars at 95dB at 30m (typical weather)</li> </ul>	Recommended Noise Limit 65dB (L <sub>10</sub> ave max)
Landscape Supplies Mgrs Residence (2//1108702)	47	<ul style="list-style-type: none"> <li>▪ 74dB</li> <li>▪ 87dB</li> </ul>	65dB
16 Italia Rd (32//787250)	56	<ul style="list-style-type: none"> <li>▪ 67dB</li> <li>▪ 81dB</li> </ul>	65dB
241 Italia Rd (223//605928)	39	<ul style="list-style-type: none"> <li>▪ 51dB</li> <li>▪ 64dB</li> </ul>	65dB
100 Six Mile Rd Respite	38-40	<ul style="list-style-type: none"> <li>▪ 52dB</li> <li>▪ 67dB</li> </ul>	65dB

Centre (6//247953)			
106 Six Mile Rd (5//247953)	36-40	<ul style="list-style-type: none"> <li>▪ 52dB</li> <li>▪ 67dB</li> </ul>	65dB
3848 Pacific Hwy (2//248927)	58	<ul style="list-style-type: none"> <li>▪ 67dB</li> <li>▪ 81dB</li> </ul>	65dB
<p>Projections show a maximum impact of BNL + 30dB, and BNL +40dB for the Landscape Supplies residence.</p> <p>The running of 3 Category 1 events per year would <b>total 30 equivalent events</b> using the annual event ratio.</p>			

- Discussion

Council's assessment identifies that the larger Category 1 events (max 32 cars and are of most concern) can comply with the cumulative requirements of the LGNG.

However, the projected levels show that Category 1 events will exceed the 65dB noise limit and smaller Category 2 events (max 8 cars) will exceed the BNL + 10dB noise limit (measured against L<sub>10</sub>).

Firstly it is noted that there is a reasonable level of uncertainty with any noise projections, and both the Vipac and Motorplex reports show significant degrees of variance depending on reductions in car numbers, muffling and provision of barriers. Also, acoustic experts from the Motorplex case noted that models can be conservative, as actual measurements from Wakefield Park was less than projected, which is consistent with acoustic logging from MG Car Club.

It would be ideal to obtain extra acoustic data using L<sub>10</sub> projections, and details of any additional acoustic measures prior to determination. Additionally, the noise limits recommended by Council staff are dependant on background noise levels (BNLs) and past data in the area provides a significant degree of variance.

#### *Trial Event*

The applicant has proposed to undertake a trial event prior to commencement of use, with noise monitoring and extensive background noise calculations to be undertaken and provided to Council with a Noise Management Plan and used to determine necessary acoustic attenuation measures.

There is sufficient evidence available to clearly indicate that both Category 1 and 2 events can operate within the recommended noise limits in some form, and while additional attenuation measures may be necessary, it is considered that a number of options are available in this circumstance, including reducing car numbers, increasing car muffling, construction of barriers (either at the site or receptors) and improvement of the acoustic attenuation of dwellings at the applicants cost.

As such, the proposed trial event is considered reasonable, subject to recommended conditions requiring submission of an acoustic report and Noise Management Plan prior to any further use of the track.

There also exists the ability to include any Category 2 events that exceed the BNL + 10dB noise limit ( $L_{10}$ ) in the annual events ratio calculation, which has been suggested by objectors.

However, Council staff would prefer to apply a cautious approach to this issue and impose the noise limit on Category 2 and 3 events as a hard noise limit, as not doing so would potentially expose residents to more noise from the development over the course of the year while still complying with the LGNG, potentially not reducing the total number of events (if all others comply with the noise limit) and be difficult for Council to enforce.

#### *Intrusiveness, Amenity and Acceptable Noise*

The INP provides criteria for intrusiveness, amenity and acceptable noise levels.

The recommended noise limit on Category 2 and 3 events, which constitutes the majority of proposed track use, should maintain noise below "intrusive" levels.

The INP does recommend a reduction in acceptable noise levels of 5dB after 6pm (evening), due to increased risk of noise impacts. The proposal to maintain the existing approval to operate until 10pm on 6 days per year would be likely to generate intrusive noise, and as such is not recommended for approval. This has been discussed with the applicant, who has no objection to this recommendation.

Category 1 events will exceed the intrusive criteria considerably. However, during consideration of LEC case Meriden School v Pedavoli (22/10/2009 – NSW LEC 183), acoustic experts stated that noise is generally reduced by approximately 10dB when inside, and by as much as 20dB if the windows are closed. Application of the 65dB noise limit provides reasonable assurance that internal noise levels below the

recommended maximum noise levels of 55dB for rural areas. This noise level is consistent with noise limits recommended by *AS 2021-2000 Acoustics – Aircraft Noise Intrusion – Building Siting & Construction*.

The amenity criteria, which takes into account other noise sources in the area, was calculated at approximately 48dB, and 55dB for properties closer to the highway. Noise complying with the recommended noise limits would still exceed this criteria for most properties, suggesting that the development will increase cumulative noise levels. However, consideration has not been given to existing noise from the Ringwood off-road track, for which Council has no data.

### *Offensive Noise Test*

The Offensive Noise Test from the LGNG, presents a number of questions to determine whether noise can be considered offensive, including:

- Loudness
- Is noise particularly irritating
- Timing
- Typical for area
- Regularity
- Number of people affected

While noise from Category 1 events is likely to be loud in an absolute sense, it can be maintained within the maximum noise levels recommended for rural areas by the INP, and the frequency of events will be controlled within the annual event ratio recommended by the LGNG. It is considered that Category 1 and 2 events are unlikely to generate "offensive noise", subject to compliance with recommended conditions which do not include any operation past 5pm.

The NSW EPA Noise Control Guidelines 1985 (which later became the LGNGs) originally recommended that consideration should be given for special events (such as state, national or international championships) that generated high levels of noise for maximum of 3 weekends (or 6 days) per year, on the basis that these events provided beneficial impacts for the wider community.

This principle was applied to the existing off-road approval, which is permitted to operate to 10pm on 6 days per year, which otherwise would exceed the relevant noise limits.

It is recommended that Category 1 events be limited to a maximum of 3 events over a 2 day weekend. This will ensure that the development

remains consistent with the original parameters of the EPA Noise Guidelines and existing approvals on the site.

This has been discussed with the applicant, who does not object to this recommendation. It is noted that practice for the Category 1 events may be run on the Friday before the event, but would be subject to the regular noise limit of  $BNL + 10dB (L_{10})$ .

Although it is noted that there are sensitive receivers such as the Respite Centre and shift workers who sleep during the day, the timing and type of noise is not considered unreasonable, given that it will only operate during daytime hours and the existing area already contains the MG Car Club, MX Central, the Ringwood Off-Road track, Boral Quarry and Landscaping Supplies. Additional measures can also be implemented for residences in close proximity to the site, particularly the Landscape Supplies Managers Residence and 16 Italia Rd, to ensure that a reasonable level of amenity is maintained.

With regard to cumulative noise impacts, while the development may increase the cumulative noise impact in the area, measures can be taken to ensure that major events are not held in conjunction with any similar events at the MX Central or MG Car Club facilities.

The DA has been independently reviewed by Global Acoustics, who advised that the proper guidelines had been applied in this instance. Council staff have also contacted Steven Cooper of The Acoustic Group, who advised that he still supported the recommendations from the JAC report, and generally agreed with the approach taken by Council staff in its assessment of this matter.

It is considered that noise from the development can be maintained below a level that would be considered "offensive", and that potential noise impacts do not warrant refusal of DA in this instance.

The development can operate in accordance with the recommended limits of the LGNG and INP, and additional controls have been recommended by Council staff to ensure that a cautious approach is taken to reduce potential for offensive noise.

#### Adjoining Properties and Amenity

Adjoining properties contain a mix of uses, particularly the Boral Quarry, MG Car Club, MX Central and Port Stephens Landscape Supplies. The proposed development is unlikely to have any direct conflict with any of these existing activities on adjoining properties. Any construction related impacts (noise, dust, erosion and sediment control) on the local

area can be suitably controlled through standard building conditions and requirements.

### Streetscape and Views

The race track will not be clearly visible from the Pacific Hwy, Italia Road or Barleigh Ranch Way, and is unlikely to impact the visual amenity of the area.

## **9.2 Access and Traffic**

### Access

The subject site currently has access to Italia Road, which is shared with the MG Car Club. The development will result in a new access point being constructed and separated from the MG Car Club access. The proposed access point has suitable sight distance, and it is considered that traffic safety will not be unreasonably impacted subject to conditions requiring an AUR/AUL intersection.

The site also contains an existing Right of Way and access road, which runs between Italia Road and Barleigh Ranch Way which provides access to properties on Barleigh Ranch Way. However, the access is not located within the boundaries of the Right of Way, which is an ongoing area of concern for both Council and the properties that rely on the ROW for legal access to Italia Road.

The development will result in creation of an access point between the access road and the Proposed Driver Training Area. This access point will be located in Lot 1 DP 245116, which raises the issue of legal access over Lot 2 DP 1158962.

The applicant has been made aware of this issue, and it is not considered necessary to require the 2 subject lots to be consolidated. The development will not alter the existing situation (the existing off road track crosses between both lots a number of times) and both lots are owned by Italia Road Holdings.

While the access road and ROW issue is a concern, it is not directly related to the proposed development and is outside the scope of Section 79C. The possibility of including a condition requiring the ROW to be relocated was discussed with the applicant, who advised that their preference would be to deal with the matter separately following determination of the race track proposal.

### Traffic

General use (Category 2 and 3 events) of the track is not expected to generate significant amounts of additional traffic, beyond what would be expected for off road or MG Car Club events.

However, Category 1 events have the potential to generate significantly higher levels of traffic. The site will have 178 parking spaces in pit area, and the applicant has estimated that as many as 200 cars may be in attendance.

There have been concerns raised, both as part of the assessment and public submissions, that additional spectators may result in significantly higher numbers and associated traffic impacts.

The applicants has advised that the development is unlikely to attract a large number of spectators, using both the limited parking available and similar operations such as Wakefield Park near Goulbourn (considered to be a "club" race track) as justification.

It is considered reasonable in this instance to accept the advice of the applicant, as the development does not provide spectator grandstands or viewing areas. Further, it is recommended that a Traffic Management Plan be submitted, addressing Category 1 events and identifying measures to ensure controlled attendance.

It is considered that traffic impacts from the development will not be unreasonable, subject to conditions requiring intersection works and a Traffic Management Plan.

It is noted that the RMS has interest in relocating the Italia Road and Pacific Hwy intersection to a location with more sight distance, particularly due to other potential development in the area, such as a proposed quarry and increase operation of the Port Stephens Landscape Supplies. However, it is not considered that this is necessary for the development based on the likely traffic generation. Further, the development does not include works on the eastern side of the access road/ROW, and is not likely to preclude future consideration of an intersection between Italia Road and Barleigh Ranch Way.

While the traffic generation of the development does not justify full upgrading or relocation of the intersection, it is noted that there is no north bound acceleration lane, and such an upgrade would be of a scale reasonable for the proposed development. However, the onus is on the RMS as part of the recommended conditions to determine what works (if any) are required to the intersection.

### **9.3 Natural Environment**

## Flora and Fauna

The site is known to contain a mix of Endangered Ecological Communities (including Swamp Sclerophyll Forest, River Flat Eucalypt Forest and Subtropical Coastal Floodplain Forest) and provide habitat or corridors for a number of threatened species, particularly the squirrel glider and brush tailed phascogale.

The site also contains the Wallaroo Raymond Terrace Regional Corridor, which runs through the western part of the site.

Council's staff key concerns have been similar to the issues raised in the Motorplex court case, which include the impact on threatened species, quantity of vegetation removal and impact on fauna movement, particularly through the western part of the site.

The applicant has addressed these issues by providing additional surveys, an amended Flora and Fauna report, amending the track layout and providing details regarding track construction (ie guardrails, barriers, safety/fauna gaps).

The additional flora and fauna report demonstrates that the vegetation required to be removed for the proposed south-east watercourse crossing does not form part of the EECs on site. The amended layout and additional track details, which include less fragmentation on the western side of the site, a 150mm gap under guardrails and installation of glider poles, demonstrate that fauna movement can be maintained throughout the site. The additional surveys demonstrate that the development will result in no net loss of vegetation following rehabilitation of disturbed areas and the existing off-road race track.

Conditions will also be imposed requiring identification and relocation of any hollow bearing trees and provision of an on-going Vegetation Management Plan.

It is considered that the development is not likely to significantly impact threatened species or have an unreasonable level of impact on flora and fauna across the site.

## Water Quality

The site is located within the Hunter Water Special Area, and any development of this type has the potential to impact water quality.

The existing quality of water flowing through the site is already impacted by the run-off from the existing off road race track, fines from

the adjoining Boral Quarry and potentially other existing businesses in the area.

It is considered that sealing the track and providing stormwater treatment devices along the watercourse running through the site will have a beneficial impact on water quality. The DA has also been reviewed by both Hunter Water and Council's Development Engineers, neither of whom object to the development subject to recommended conditions requiring further construction details prior to commencement of works.

#### Site Contamination

The site is not listed on Council's Contaminated Land Register, although it is noted that fines from the adjoining quarry have been observed in the watercourse running through the site. Aside from car tyres used as part of the off road race track barriers, there is no apparent evidence or information indicating contamination of the site. Remediation works under SEPP 55 are not considered necessary in this instance.

#### **9.4 Social and Economic Impacts**

The development is unlikely to have any adverse social or economic impacts on the wider community. The development has to the potential to provide a positive economic impact from people travelling to, and staying in, the LGA for events run at the site.

#### **10. SUITABILITY OF THE SITE**

The site is considered suitable for the proposed development, subject to recommended conditions.

#### **11. PUBLIC INTEREST**

The development is unlikely to adversely impact the wider public interest.

#### **12. CONCLUSION**

After assessment of the application under the provisions of section 79C of the Environmental Planning and Assessment Act 1979, it is considered the proposal is satisfactory and that the key issues of noise, flora and fauna, traffic and water quality impacts have been suitably addresses, either through provision of information or imposing conditions. Therefore, it is recommended that the application be approved subject to recommended conditions.

### **13. RECOMMENDATION**

That Council grant development consent to Development Application No. 16-2011-564-1 subject to recommended conditions.

## **ATTACHMENT 3 CONDITIONS**

### **STANDARD CONDITIONS**

1. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.
2. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.

### **OPERATIONAL**

3. This consent authorises construction of a sealed race track and use by motor vehicles (excluding motorbikes) as follows:

#### Category 1 Race meetings

- Maximum of 3 events in the 7 month period between 1<sup>st</sup> October and 31<sup>st</sup> March
- Race meetings to run over weekends (Saturday and Sunday)
- Maximum number of vehicles to be determined by Noise Management Plan required by this consent
- Shall operate between the hours of 9am to 4pm

#### Category 2 Supersprint and Hillclimb events

- Events to run over weekends (Saturday and Sunday)
- Maximum number of 8 vehicles on the circuit at any one time (starting in pairs), or as otherwise determined by the Noise Management Plan
- Shall operate between the hours of 9am to 5pm

#### Category 3 General track use

- Shall operate between the hours of 9am to 5pm, 7 days per week
- Use of the race track shall consist of the following activities (or similar):
  - Restricted private practice by race cars
  - General use by road registered vehicles
  - Driver training

- Educational or promotional events
- Motorkhana

Note: The above categories are not related to category/class classification of race vehicles, and have only been used to differentiate between different uses of the track for Council assessment and regulation purposes.

## NOISE

4. The development shall not generate "offensive noise" on nearby residential properties, as defined in the Protection of the Environment Operations Act.
5. **Prior to the commencement of use** of the race track, a test event (with a maximum of 8 cars on the track at any one time, starting in pairs) is to be held and monitored by a qualified acoustic engineer.

**Prior to any further use of the race track for Category 1 race meetings or Category 2 events**, an Acoustic Report and Noise Management Plan is to be submitted to and approved by Council, and shall provide:

### Acoustic Report

- Background noise levels (BNL) for key residential receptors (16 and 241 Italia Road, 100 and 106 Six Mile Road and 3848 Pacific Hwy).
- Results of the acoustic monitoring, including noise logging required for CAMs compliance (95dB at 30m) and noise levels (both  $L_{10}$  and  $L_{eq}$ ) generated by 2, 4 and 8 cars on the track at any one time at key residential receptors.
- Projection of likely impacts from Category 1 events.
- Review of compliance with noise limits specified by this consent.
- Recommendations and details of any additional noise attenuation measures necessary to ensure compliance with the noise limits specified by this consent.
- Review of proposed operational conditions, including car noise restrictions, maximum number of cars, number of events, days and hours of operation and advice on whether any changes are required to ensure that residential receptors maintain a reasonable level of amenity.

### Noise Management Plan

The management plan is to address all aspects of noise management, measures necessary to maintain a reasonable level of amenity at residential receptors, and consideration of:

- Operational and noise limits
  - On-going monitoring and reporting procedures
  - Complaints procedures
  - Community notification/consultation, particularly for Category 1 events
  - Consideration of the influences on noise impacts including weather and cumulative impacts from the development, MX Central, Boral Quarry and Landscape Supplies.
6. Any vehicle using the race track shall comply with a 95dBA (at 30m) noise restriction, measured in accordance with the current Confederation of Australian Motor Sport, Manual of Motor Sport, Schedule B regulations.
7. All Category 2 and 3 events shall be subject to a noise limit of background noise level (BNL) plus 10dB, measured within 30m of any affected residence, with the exception of 13 Barleigh Ranch Way, Balickera (Lot 2 DP 1108702). At 13 Barleigh Ranch Way, the noise limit shall be BNL plus 15dBA.

The noise impact from the development shall be measured as the average maximum noise level ( $L_{10}$ ).

8. Category 1 race meetings shall be subject to the Annual Events Ratio outlined in the Local Government Noise Guidelines - Case Study 2 (Part 3, page 26). In addition, Category 1 events shall not generate more than 65dB, measured as the average maximum noise level ( $L_{10}$ ) within 30m of any affected residence, unless additional acoustic attenuation measures are provided.

If the cumulative impact of Category 1 meetings exceeds the 50 point limit in any calendar year, then no further Category 1 race meetings will be permitted in that year.

9. The development shall be subject to on going acoustic monitoring. A report is to be submitted to Council on an annual basis providing acoustic measurements for all Category 1 events and 10% of any Category 2 events.
10. In response to any public noise complaints, the track operator shall provide a response with the relevant acoustic measurements within 10 working days of a request from Council.

## PLANNING

11. A Section 68 Approval to Operate an On-Site Sewerage Management System shall be submitted to and approved by Council **prior to the issue of an Occupation Certificate/Practical Completion.**

12. The proposed development shall be provided with access and facilities for the disabled in accordance with Australian Standard 1428.1 and the relevant provisions of the Building Code of Australia.
13. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-
  - \* Monday to Friday, 7am to 6pm;
  - \* Saturday, 8am to 1pm;
  - \* No construction work to take place on Sunday or Public Holidays.

## **ENGINEERING**

### Traffic, Access and Road Conditions

14. Engineering plans for the required work within a public road must be prepared and designed by a suitably qualified professional, in accordance with Council's 'Infrastructure Design and Construction Specification – AUS Spec', and Section B of Development Control Plan 2007.

The required works shall be as follows:

- a. The intersection of the access road to the subject development and Italia Road shall be constructed to a type AUR/AUL intersection. The intersection shall be designed and constructed in accordance with Austroads guidelines (with RMS supplements) to the satisfaction of Council. Provision shall be made for on-road cyclists through the intersection.
- b. Street lighting is required at the intersection of the access road and Italia Road in accordance with Australian Standard AS1158.
- c. Heavy-duty vehicle crossing that has a width to cater for Heavy Rigid Vehicles and their turning paths in accordance with Australian Standard 2890 and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- d. All redundant vehicular crossings to be removed and footway formation reinstated.
- e. Roadside furniture and safety devices including fencing, signage, guide posts, chevrons, directional arrows and guard rail in accordance with RTA and Australian Standards.
- f. Additions or modifications to regulatory and advisory signage and line marking required for the development. The signage and line marking plan shall be approved by the Council Traffic Committee (allow at least 3 months).
- g. Traffic control plans in accordance with the Roads and Traffic Authority – Traffic Control at Worksites Manual

- h. Payment of applicable fees and bonds; and
- i. Contractor's public liability insurances to a minimum value of \$10 million dollars.

All works required within the road reserve shall be submitted and approved by Council under a section 138 (Roads Act Approval) **prior to issue of Construction Certificate.**

- 15. Works associated with the approved plans and specifications located within the existing Road Reserve shall not commence until:
  - a. a Roads Act Approval has been issued; and
  - b. All conditions of the Roads Act Approval have been complied with to Council's satisfaction.
- 16. All civil engineering works associated with the Roads Act Approval shall be carried out to the satisfaction of Council (with a letter of practical completion issued) prior to issue of the Occupation Certificate.
- 17. Works associated with the Roads Act Approval are subject to:
  - a. inspection by Council,
  - b. testing by a registered NATA Laboratory and
  - c. Approval by Council at each construction stage as determined by Council.
- 18. A Secondary emergency vehicular access shall be provided to the development site. Detailed design to be provided by Council **prior to issue of the construction certificate.** All work required to be carried out within a public road reserve must be separately approved by Council, under Section 138 of the Roads Act 1993. All works to be carried out at no cost to Council.

Engineering plans for the required work within a public road must be prepared and designed by a suitably qualified professional, in accordance with Council's 'Infrastructure Design and Construction Specification – AUS Spec', and Section B of Development Control Plan 2007.
- 19. The intersection of Italia Road and the Pacific Highway shall be upgraded in accordance with the requirements of Roads and Maritime Services. A WAD shall be entered into between the applicant and Roads and Maritime Services to achieve this. Intersection works shall be completed and accepted by Roads and Maritime Services **prior to issue of Occupation Certificate.**
- 20. Physical separation of the proposed access intersection and the access driveway to the adjacent MG Car Club land is required, in accordance with Austroads guidelines. Alternatively, a combined driveway,

upgraded to the required standard may be acceptable. Full details to be supplied to Council **prior to Roads Act approval**.

21. The developer shall restore, replace or reconstruct any damage caused to road pavements, surfaces, street furniture, roadside drainage, street lighting or underground facilities on the haulage routes used for the construction of the facility. The developer will bear all of the associated costs involved in these works.
22. The applicant shall restore, replace or reconstruct any sections of footpath, cycleway, kerb and guttering, road pavement, stormwater, or any other public infrastructure located within the Road Reserve that occur as a result of construction activities, as determined by Council's Development Engineers or Civil Assets Engineer. The applicant shall bear all associated costs with restoring the public infrastructure to satisfaction of the Council.

#### Water Quantity

23. Stormwater conveyance system for the site shall be designed to cater for the 100 year ARI critical storm event to ensure concentrated flows are maintained within pre-defined flow paths. Channels and flow paths shall be designed in accordance with Council's Infrastructure Specifications.

Full engineering details and calculations shall be submitted and approved by Council prior to issues of Construction Certificate.

#### Water Quality

24. Earthworks, stormwater management and erosion and sediment control shall be designed in accordance with the approved Earthworks and Stormwater Management Plan with the following amendments to be made in subsequent construction and operational Soil and Water Management Plans;
  - a. Water quality improvement devices shall be modelled and designed to;
    1. Achieve water quality targets for nutrients as set out in Council's Urban Stormwater and Rural Water Quality Management Plan or Hunter Water requirements what ever is the greater (more strict) water quality parameter.
    2. Pre-development water quality modelling or baseline modelling shall be based on the virgin state of the site and shall be based on the "forest" values as documented in the Australian Runoff Quality (Engineers Australia, 2006).

#### Water Quality devices

25. Detailed design of water quality improvement devices shall be designed to current best practice standards.

26. All area of paved surface shall drain to a water quality improvement device capable of removing expected contaminant loads.

#### Construction Soil and Water Management

27. A Construction Soil and Water Management Plan shall be prepared & endorsed by a suitably qualified person, and shall include;
  - a. Erosion and Sediment Control during all construction activities in accordance with Managing Urban Stormwater – Soils and Construction, Volume 1 (Landcom, 2004).
  - b. Water quality monitoring strategy. This shall include a sampling and assessment plan including duration and arrangements for ongoing actions.
  - c. Required actions due to non-compliance of water quality monitoring results. This shall be established with clear definition of responsibilities for required actions.
  - d. Implementation Strategy, identify roles and responsibilities during the construction phase.
  - e. Chemical & Hydrocarbon onsite management and spill / contamination response actions, identifying roles and responsibilities during these spill and contamination events.
  - f. Fire fighting strategy demonstrating that the adopted fire fighting strategy (including fire fighting methods and fire fighting materials used) does not have any deleterious effect on surface or ground water quality, or pose a risk to human health.

#### Erosion and Sediment Control Guidelines

28. Suspended solids concentration shall not exceed;
  - a. 50 mg/L for all 5 day rainfall totals up to the 75th percentile rainfall event.
  - b. 50 mg/L for all flow events up to 100% of the flows generated by a 3 month ARI rainfall event.

#### Operational Soil and Water Management

29. Operational Soil and Water Management Plan
  - a. Erosion and Sediment Control during all construction activities in accordance with Managing Urban Stormwater – Soils and Construction, Volume 1 (Landcom, 2004).
  - b. Detailed water quality improvement strategy

- c. Surface water quality monitoring strategy. This shall include a sampling and assessment plan based on scientifically justified monitoring points, parameters and monitoring frequency and shall including monitoring duration and arrangements for ongoing actions.
  - d. Required actions due to non-compliance of water quality monitoring. This shall be established with clear definition of responsibilities for required actions.
  - e. Chemical & Hydrocarbon onsite management and spill / contamination response actions, identifying roles and responsibilities during these spill and contamination events.
  - f. Fire fighting strategy demonstrating that the adopted fire fighting strategy (including fire fighting methods and fire fighting materials used) does not have any deleterious effect on surface or ground water quality, or pose a risk to human health.
  - g. An Illegal Dumping Prevention Strategy shall be prepared and endorsed by a suitably person. The illegal dumping prevention strategy shall include the subject site and also include any access roads or tracks.
  - h. Water quality improvement device management and sustainability strategy, detailing how all water quality devices are managed and maintained over the life of the development.
30. The Construction and Operational Soil and Water Management Plans shall be submitted to Council and Hunter Water for approval **prior to issue of Construction Certificate**.
- Once approved by Council and Hunter Water, the Construction and Operational Soil and Water Management Plans shall be strictly adhered at all times. Any modifications shall be approved by Council.
31. Water quality testing shall be conducted using an N.A.T.A accredited organisation.

#### Vehicle Operations Area

- 32. Maintenance and servicing of vehicles, including vehicle refuelling should be restricted to a dedicated pit area. This area should be located at least 200 metres from any waterways, inlet to the stormwater system, or water quality improvement device to provide a buffer should a chemical or oil spill occur.
- 33. In order to minimise the risk of contaminating sensitive waters, the pit area should have the following attributes:
  - a. a low-permeability pad or floor that has been chemically sealed to minimise seepage and assist in the cleanup of spilt fluids;

- b. adequately weatherproofed (where practical) to prevent the intrusion of stormwater;
- c. security to prevent intruders and vandalism; and
- d. designed to contain any chemical/oil spills, eg by an impervious perimeter bund, or a floor that is graded to an internal collection sump.

#### Vehicle Wash down Facilities

- 34. Any vehicle wash down facility shall be designed and constructed by a suitably qualified person and approved by Council. Vehicle wash down areas shall include bunding, an impervious pad and wastewater treatment facility.
- 35. Operators should regularly inspect all on-site waste holding and treatment systems such as fuel storage areas and oil and sediment traps. Any waste matter that has accumulated in oil and sediment traps should be removed and disposed of at an approved facility.

#### Use of Chemicals on Site

- 36. The development shall ensure that:
  - a. Used fluids (lubricating or hydraulic oils, brake fluids and coolants) should be drained into product-specific secure containers for recycling or disposal at an approved facility.
  - b. Hydrocarbons recovered by oil separators should be collected and securely stored in weatherproof containers for recycling, destruction by incineration or disposal at an approved site, and that no chemicals or hydrocarbons are permanently stored on site.
  - c. Fuel, oils and chemicals brought onto the site on race days should be held in a centrally located, bunded area or compound, with impervious flooring to contain any leaks or spills. Any fuel storage area should have a minimum spill volume capacity of 110 per cent of the largest tank's storage capacity in order to prevent any potential fuel overflow into the environment.
  - d. Perfluorinated materials (e.g. fire fighting foams) shall not be used on site at any time.

#### Waste Management (with relation to Stormwater Quality)

- 37. Waste Management devices such as bins shall not be located within stormwater flow paths, or in areas in which litter can be transported (blown or washed) into natural or man made water courses.
- 38. Solid wastes, including empty chemical/fuel containers, oil filters and used motor parts should be disposed off-site at an approved facility.

## Spill and Contamination

39. A Spill and Contamination Contingency Plan shall be prepared and endorsed by a suitably qualified person and approved by Council prior to issue of Construction Certificate, and shall be strictly adhered to at all times with any modifications being approved by Council.

The Contingency plan should be available on-site to address emergency situations that could put local water resources at risk (eg accidents, fires, chemical spills and vandalism).

## ENVIRONMENTAL

40. **Prior to the issuing of the construction certificate**, the applicant will submit an integrated Development Site Management Plan, Native Vegetation Rehabilitation Plan and Habitat Tree Assessment report to the satisfaction of Council, as per the recommendations in the applicants ecologist report - Travers, Updated 7 Part Test Significance Assessment April 2013.
41. Any clearing of vegetation on site shall not occur during key breeding periods for fauna species: Glassy Black and Gang-gang Cockatoo, Little Lorikeet, Barking, Masked and Powerful Owl, Yellow-bellied and Squirrel Gliders, Brush-tailed Phascogale, Eastern Pygmy Possum, Spotted Quoll and most microbats as identified onsite by a qualified fauna ecologist. In this instance, clearing shall be restricted to late December to early February or late March to early May, unless further evidence is provided to Council that clearing can be undertaken outside these periods without impacting key breeding periods.
42. During the construction phase development must provide:
- Controls to prevent the spread of weeds on machinery including a disposal and wash down area;
  - An area for storage of contaminated spoil that is separate from clean material;
  - Certification that any soil, mulch and plants brought onto the site is free of weeds and weed seeds; and
  - Site inductions for all personnel and visitors that includes weed management practices as required by Council.
  - Ensure that fencing facilitates fauna movement (particularly koalas), and is in accordance with the requirements of the Comprehensive Koala Plan of Management.
  - Written confirmation that the above has been undertaken must be submitted to the Principal Certifying Authority prior to issue of Occupation Certificate.

43. In line with the applicants ecologist report – Travers, Vegetation Management Plan (August 2011) and Travers, Updated 7 Part Test Significance Assessment (April 2013), a fauna ecologist shall be employed to supervise the removal of all trees and to advise the site manager and tree clearing staff of any habitat potential and precautions necessary during tree felling. The following strategies need to be employed to mitigate the effect of this clearing on native fauna that occur on the site:
- Prior to removal of habitat trees licensed wildlife carers or consultants shall relocate any fauna species.
  - Clearing of hollow-bearing and nesting trees should be restricted to January so as to avoid dislocation of wildlife during breeding seasons.
  - Remove and modify hollows and nests from felled trees and re-establish these on the site or as near as possible to the site to provide compensatory habitat. This could include mounting of hollows & nests on trees or poles, or on other buildings or structures. Hollows of high quality or with fauna recorded residing within should be sectionally dismantled and carefully lowered. All hollows should be inspected for occupation, activity and potential for reuse.
  - Where original hollows cannot be retained, artificial nesting boxes must be provided to provide compensatory habitat. Suitable sized nest boxes or relocation of hollows for possum/owl/bird species identified in Travers 2013 and onsite shall be attached firmly to existing trees on site and positioned at a suitable height off the ground as per the species the nest boxes are designed for. These structures shall be installed and certified by a fauna ecologist prior to issue of the construction certificate.
  - In circumstances where native fauna is detected during the removal of habitat trees, clearing should cease until a licensed wildlife carer or consultant relocates the fauna species.
  - Should a threatened species be positively identified, all clearing works shall cease until a plan of management for the possible relocation of the species has been approved by council in consultation with the relevant State Government Department.
44. Guard rails along the race track (excluding run-off barriers) shall maintain a minimum clearance above ground level of 150mm to maintain fauna movement between areas of habitat. Any acoustic barriers implemented as part of the Noise Management Plan shall be designed to allow fauna movement.

**RFS**

45. Property access roads shall comply with Section 4.1.3 (2) of 'Planning for Bushfire Protection 2006'.
46. An emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation plan'. The pit area is to include an area designated as a safe refuge area in accordance with Section 4.2.7 Emergency & Evaluation Planning – 'Planning for Bush Fire Protection 2006'.
47. Existing and proposed buildings are to include ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

#### **NOW**

48. The development shall be undertaken in accordance with the General Terms of Approval issued by the NSW Office of Water on 13 September 2013.

#### **HUNTER WATER**

49. The applicant is to submit the documentation listed below to Hunter Water Corporation, and which must be endorsed **prior to the issue of a Construction Certificate**.
  - A Detention Basin Sediment Management Strategy.
  - A Spill Management Strategy.
  - A Surface Water Quality Monitoring Strategy with scientifically justified monitoring points, parameters, monitoring frequency and monitoring reports produced and disseminated to the Authorities (as defined in 6.2 of the Earthworks and Stormwater Management Plan).
  - An Illegal Dumping Prevention Strategy for the site (including any access roads or tracks).
  - Exclude use of Perfluorinated materials (eg fire fighting foams and proof that chosen fire fighting products to do not degrade surface or ground water quality, or pose risk of harm to human health).