

**Joint Regional Planning Panel (Southern Region) – 29<sup>th</sup> June 2016**

<b>JRPP No</b>	<b>2014STH009</b>
<b>DA Number</b>	<b>RA14/1000</b>
<b>Local Government Area</b>	<b>Shoalhaven City Council</b>
<b>Proposed Development:</b>	<b>Staged Development Application for a motorsports facility, comprising upgrade and extension of the existing Nowra District Motorcycle Club and construction of a new sealed road racing track with associated buildings and car parking. The application seeks a staged consent for the overall masterplan with operational consent for stage 1 being the clearing of native vegetation on the land where the road racing track is to be located</b>
<b>Street Address</b>	<b>Lot 7308 DP 1147573, Lot 7309 DP 1148878, and Part Lot 7313 DP 1148869 Braidwood Road, Yerriyong</b>
<b>Applicant / Owner</b>	<b>Applicant: Cowman Stoddart Pty Ltd Owner: Crown Lands Office</b>
<b>Number of Submissions</b>	<b>629 submissions – 133 objecting and 496 supporting</b>
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	<b>The proposal has a capital investment value of more than \$5 million and Council is a party to an agreement relating to the land</b>
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning &amp; Assessment Act 1979</li> <li>• State Environmental Planning Policy Infrastructure 2007</li> <li>• State Environmental Planning Policy State &amp; Regional Development 2011</li> <li>• State Environmental Planning Policy 44 – Koala Habitat Protection</li> <li>• State Environmental Planning Policy – Remediation of Land</li> <li>• Illawarra Regional Environmental Plan No. 1 (Deemed SEPP)</li> <li>• Shoalhaven Local Environmental Plan 1985</li> <li>• Shoalhaven Local Environmental Plan 2014 (SLEP2014)</li> <li>• Shoalhaven Contributions Plan 2010</li> <li>• Development Control Plan 18 – Car Parking Code</li> <li>• Development Control Plan 93 - Waste Minimisation &amp; Management</li> </ul>
<b>List of Documents Submitted With This Report For The Panel's Consideration</b>	<b>Attachment A – Proposed Plan of Subdivision Attachment B – Facility Plan Attachment C – Land Subject to Conservation Attachment D – Aerial photograph Attachment E – Draft Development Consent</b>
<b>Recommendation</b>	<b>Recommended that the application be approved as a deferred commencement consent.</b>
<b>Report By</b>	<b>James Bonner, Development Co-ordinator</b>

## ASSESSMENT REPORT AND RECOMMENDATION

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### EXECUTIVE SUMMARY

#### Reason for Consideration by Joint Regional Planning Panel

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

Council's agreement is that, subject to the determination, it will purchase proposed Lots 28 and 29 from the Crown and lease the land back to Motorcycling NSW who will operate the motorsports facility (**See Attachment A – Proposed Plan of Subdivision**)

#### Background

The JRPP formally requested on 20/10/15 that the application be reported to the JRPP meeting of 2/12/15 for determination with the report to be provided to the panel secretariat no later than the 18/11/15. The submitted report recommended that the determination of the application be deferred to allow an amendment including additional information to be referred to specialist Council officers and State agencies for review, comment and further consideration. At the JRPP meeting of 2/12/15 the panel agreed to defer determination of the development application for the following reasons:

- 1. To allow the amendment and the additional information to be submitted and be referred to specialist Council officers and State agencies for review, comment and further consideration.*
- 2. That the additional information be submitted to Council by 31 January 2016.*

#### Proposal

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

The application was amended on 13/11/15 to address flora and fauna issues by modifying the layout and size of the sealed road racing precinct and the location of support facilities on the eastern portion of the site. This modification substantially reduced the amount of clearing proposed to approximately 47ha.

The application was further amended on 19/2/16 to address flora and fauna issues by redesigning the sealed road racing precinct and reducing the overall amount of clearing

proposed to 41.8 ha. In addition, stage 1 was also amended to limit clearing of vegetation under stage 1 to that required for survey work of the sealed racing track only.

### **Permissibility**

The application was lodged on 25/3/14 which was prior to the commencement of Shoalhaven Local Environmental Plan 2014 (SLEP 2014). Therefore, the application has been assessed against the relevant provisions of Shoalhaven Local Environmental Plan 1985 (SLEP1985).

Under SLEP1985 the western portion of the site is zoned 1(d) General Rural in which a community facility is not listed as being a prohibited use and is therefore permissible with consent. The eastern portion of the site is zoned 5(a) Special Uses with the particular purpose being 'Public and Airfield Purposes' in which the use is permissible with consent as it is for a public purpose being a community facility. In addition clause 48 – Development in Zone No.5(a), states *'a person may develop land within zone 5(a), being land that is not immediately required for the use designated on the map, for a purpose that is permissible on land within an adjoining or adjacent zone, but only with the consent of the Council'*.

Under SLEP2014 the western portion of the site is zoned RU2 Rural Landscape in which 'recreation facilities (major)' are permissible with consent. The eastern portion of the site is zoned SP2 Infrastructure with the purpose listed as being Airfield Purposes. However, Schedule 1 of the SLEP2014 lists additional permitted uses on specific land and clause 16 of schedule 1 lists "recreation facilities (major), being a motor sports facility" as being permissible with consent on Lot 7309 DP 1148878 and Lot 7308 DP 1147573.

While the proposal could be characterised as being a community facility, under SLEP2014 the number of definitions of land uses has increased substantially from those contained within SLEP1985. To characterise or define a development the 'best fit' definition is typically adopted. The 'best fit' characterisation of the facility under SLEP2014 is as a recreation facility (major) as that definition includes motor racing tracks.

### **Main Issues**

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

### **RECOMMENDATION**

**That, in respect of Regional Development Application RA14/1000 (2014STH009) for a masterplan application for a motorsports facility, comprising upgrade and extension of the existing Nowra District Motorcycle Club and construction of a new sealed road racing track with associated buildings and car parking with operational approval for Stage 1 being the clearing of vegetation to undertake survey work to finalise the design of the sealed road racing track at Braidwood Road, Yerriyong - Lot 7308 DP 1147573, Lot 7309 DP 1148878, and Part Lot 7313 DP 1148869, the application be conditionally approved as a deferred commencement consent, with the outstanding item to be resolved being the detail of how the lands proposed as conservation areas will be permanently protected.**

## ASSESSMENT REPORT

### 1. Background

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

**Pre-lodgement:** A pre-lodgement meeting (Development Advisory Unit [DAU] meeting) was held with Council staff on 3/7/13 for the proposal. The applicant was provided with feedback from Council staff on issues and legislation that the application should address.

**Alternate Sites:** Prior to the DAU meeting Motorcycling NSW facilitated a meeting with local residents to discuss the proposed development application. As a consequence of that meeting Motorcycling NSW wrote to Council enquiring as to whether alternate sites had been considered by Council for the proposed motorsports facility and in particular two sites identified by the local community as being close to Tianjara Falls, 7 kilometres further down Braidwood Rd. One site close to Tianjara Falls was not considered to be suitable due to the site being zoned for National Parks and Nature Reserve use and therefore not being a permissible use. The other site is Lot 7313 DP 1148389 and is owned by the Crown. It was considered to be unsuitable due its isolation from reticulated water, sewer and electricity, a creekline running through the property, cross falls of the property greater than the desired cross fall, and the proposal would create an island of development surrounded by nature reserve.

Council's Economic Development Manager also stated that in the mid-1990s various sites in and around Nowra were examined for their suitability as a motorsports facility based on a number of criteria including; proximity to utility services, easy access to a main arterial road, being relatively isolated, suitable topography and zoning. It was considered at the time and in subsequent investigations that the current proposed site (eastern portion) was the most suitable site based on the above criteria in addition to it being located next to a venue used for over 30 years for a similar purpose (existing off-road facility on the western portion). The design of the proposed facility includes a proposed redesign and upgrade to the existing off-road facility and incorporates the off-road facility into the overall development by proposing parking for spectators attending the off-road facility be provided on the eastern portion.

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

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

Following further assessment and feedback from referral agencies the application was amended on 13/11/15 by modifying the layout and size of the sealed road racing precinct and location of support facilities on the eastern portion of the site to address flora and fauna issues. This modification substantially reduced the amount of proposed clearing to approximately 47ha. The applicant also provided more detail on the proposed pedestrian underpass, and the economic benefits of the proposal to the Shoalhaven.

The application was further amended on 19/2/16 to address flora and fauna issues by redesigning the sealed road racing precinct to enable a greater number of the identified threatened orchid species to be retained, by reducing the amount of clearing proposed to 41.8 ha and to amend stage 1 to reduce the amount of clearing of vegetation to survey work for the sealed track only. The applicant also provided a further economic analysis of the benefits of the proposal, more detail on the traffic assessment, an addendum to the acoustic report, and a final flora and fauna report.

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

- DA75/1560 – motorcycle complex – Approved 5/5/1975
- DA75/1560 – extension to motorcycle complex – Approved 2/10/1984
- BA75/1654 – amenities building – Approved 17/12/1975

DA75/1560 approved a motorcycle complex in 1975 on the western portion of the site for dirt bikes that included areas for trail riding, motocross, sporting trials, mini bike riding and training and a general riding area for training and riding. The extension to the complex approved in 1984 effectively allowed the whole of the western portion of the site to be used for motorcycle activities.

## **2. Subject Site and Surrounds**

The western portion of the site has an area of approximately 260 ha and comprises a mix of cleared land, disturbed native forest and undisturbed native forest. The western portion falls steadily from Braidwood Rd at 150m Australian Height Datum (AHD) over a distance of approximately 300m to an intermittent creek at 130m AHD. The land then steadily rises from a height of 130m AHD at the creek to 170m AHD towards the rear of the site before dropping steeply down to Calymea Creek at 90m AHD. The area of the eastern portion of the site is approximately 85 ha and comprises undisturbed native forest. The eastern portion falls gradually from Braidwood Rd at 150m AHD towards HMAS Albatross at 130m AHD over a distance of approximately 550m.

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

### 3. Proposal

The application seeks staged development consent to an overall masterplan for a motorsports facility, plus operational consent for stage 1, being the clearing of vegetation associated with the sealed road racing circuit. Stage 1 has been amended to restrict the clearing to undertake survey work only for the sealed track. The development will be divided into two distinct areas, one comprising the sealed road racing facility and the other consisting of the off-road facilities. The masterplan identifies a number of precincts, each containing a separate motorsports discipline: **(see Attachment B – Facility Plan)**

- Off-road facility:
  - Motocross precinct – incorporating the existing social and competition motocross tracks and club facilities;
  - Enduro precinct – incorporating large parts of the western area, where existing endure trails and trial riding is undertaken;
  - Speedway precinct – incorporating dirt track and flat track circuits (Note: the precinct originally included a speedway component which was removed by the applicant during the assessment);
  - Junior riding precinct – incorporating two junior motocross tracks, junior training area and playground facilities;
  - Clubhouse and parking precinct – incorporating a centrally located clubhouse facility and 35 space parking area for visitor and spectator parking.
- Sealed road racing facility:
  - Road racing precinct – incorporating a new road racing circuit (3.6km), a go-kart track (765m), associated pits and facilities and parking for approximately 1800 cars;
  - Administration precinct – incorporating administration buildings, race control and spectator viewing areas and facilities, mechanical workshops and other support facilities.

The amended design proposes an increase in the size of the vegetated buffer areas around the sealed track, the retention of most of the plants of a threatened orchid found on the site, the relocation of the administration precinct, relocation and redesign of the parking areas, and a redesign of the sealed track. The aim of the amendment is to decrease the amount of native vegetation required to be removed and to retain the majority of orchids found on the eastern portion while still retaining a viable facility.

### 4. Community Consultation

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

- First Notification: Individual property owners within a 2km radius of the site and 1 community group. The notification period was from 2/4/14 to 2/5/14 and was extended upon request until 30/5/14.
- The proposal was advertised in the local press on 2/4/14 (South Coast Register);

- **Second Notification:** Upon receipt of additional information on 29/9/15, the application was re-notified to property owners and people who made a previous submission. The notification period was from 14/9/15 to 16/10/15. Notification was undertaken via email to those people who provided an email address and the remainder via the post.
- **Third Notification:** Upon receipt of additional information and re-design of the sealed racing precinct, the application was re-notified to property owners and people who made a previous submission. The notification period was from 25/2/16 to 28/3/16. Notification was undertaken via email to those people who provided an email address and the remainder via the post.
- The application and supporting documentation were put on display at Council's City Administrative Centre, Nowra as well as on Council's website.

Following the first notification the following submissions were received:

- 112 submissions objecting to the proposal.
- 135 submissions supporting the proposal.

Following the second notification the following submissions were received:

- 4 submissions objecting to the proposal.
- 80 submissions supporting the proposal.

Following the third notification the following submissions were received:

- 17 submissions objecting to the proposal
- 281 submissions supporting the proposal.

During the three notification periods **8 petitions** were received **supporting** the proposal that were signed by **approximately 3784 people** and **1 petition** received **objecting** to the proposal that were signed by **approximately 236 people**.

Submissions **objecting** to the proposal were received from the following bodies:

- Australian Conservation Foundation – Shoalhaven Branch
- Australian Orchid Council
- Parma/Yerriyong Community Group

Submissions **supporting** the proposal were received from the following Parliamentary members and relevant bodies:

- Ann Sudmalis Federal Member for Gilmore
- Stuart Ayres MP Stuart Ayres MP NSW Minister for Trade, Tourism and Major Events, Minister for Sport
- John Barilaro MP NSW Minister for Regional Development, Minister for Skills and Minister for Small Business
- NSW Office of Sport
- Motoring Advisory Council

- Confederation of Australian Motorsport Limited
- Motorcycling Australia
- National Motorcycle Alliance
- TAFE Illawarra
- Shoalhaven Business Chamber
- Shoalhaven Professional Business Association
- Shoalhaven Business & Employment Development Committee
- Shoalhaven Sports Board
- Various motorcar and motorcycle clubs

Issues raised in the submissions **objecting to the proposal** included:

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

Issues raised in submissions **supporting the proposal** included:

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

## **5. Statutory Considerations**

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

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



- DCP 18 – Car Parking Code
- DCP 93 - Waste Minimisation & Management

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

## **6. Statement of Compliance /Assessment**

The following provides an assessment of the submitted application against the matters for consideration under 79C of the Environmental Planning and Assessment Act 1979.

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

#### **EP&A Act**

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

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

## **SEPP (Infrastructure) 2007**

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

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

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

The application was referred to the Roads and Maritime Services (RMS) and Council's Traffic Unit for assessment and they raised concerns relating mostly to the design of the proposed works (i.e. intersection treatments, access, underpass, pedestrian restrictions) to ensure that the classified road is not adversely impacted upon. Further information was provided on the potential design of the pedestrian underpass and intersection treatments and subject to detailed designs to be provided in subsequent applications, Council is satisfied that the proposal will not adversely affect the safety, efficiency and ongoing operation of the classified road.

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

The amendment to the masterplan, the additional traffic assessment information and the pedestrian underpass information submitted on 13/11/15 and 19/2/16, was referred back to the RMS for comment. The RMS advised on 9/3/16 that they have recently reviewed their level of involvement on classified regional roads and consider it more appropriate for councils to determine if proposed treatments are acceptable in terms of safety and efficiency.

## **SEPP (State and Regional Development) 2011**

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

### **SEPP 44 – Koala Habitat Protection**

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

### **SEPP 55 – Remediation of Land**

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

### **Illawarra Regional Environmental Plan No. 1 (IREP)**

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

### **Shoalhaven Local Environmental Plan 1985 (SLEP1985)**

The following clauses are relevant to the proposal:

**Clause 9 – Zone Objectives:** The application has been assessed against the provisions of SLEP1985. Under SLEP1985 the western portion of the site is zoned 1(d) General Rural in which any purpose other than a purpose for which development is prohibited is permissible with consent. Community facilities are not listed as being a prohibited use and are therefore permissible with consent. The definition of a community facility in the

SLEP1985 includes 'a place used for sporting activities or sporting facilities' and the proposed use is consistent with this definition. The proposal involves the extension and reconfiguration of the existing approved off-road motorcycle facility and is consistent with the objective of the zone to provide opportunities for development which by virtue of their character that requires siting away from urban areas.

The eastern portion of the site is zoned 5(a) Special Uses with the particular purpose being 'Public and Airfield Purposes'. The objective of the zone is to identify land for certain community facilities and services including areas for off-street parking in private ownership. The motorsports facility is a community facility with the land proposed to be owned by Council and managed by Motorcycling NSW and is consistent with the objective and the particular purpose identified as being public purposes. The definition of a community facility in the SLEP1985 includes 'a place used for sporting activities or sporting facilities' and the proposed use is consistent with this definition.

In addition clause 48 – Development in Zone No.5(a), states under subclause (1) that 'a person may develop land within zone 5(a), being land that is not immediately required for the use designated on the map, for a purpose that is permissible on land within an adjoining or adjacent zone, but only with the consent of the Council'. The land is not required for 'airfield purposes' and community facilities are permissible with consent in the adjoining zone to the west being 1(d) General Rural. Subclause (2) states that Council must not give consent to development referred to in subclause (1) unless:

(a) *In the opinion of the Council, the proposed development is compatible with the character and amenity of existing or potential development in any zone adjoining or adjacent to the land on which the development is to be carried out; and*

The land to the west, east and south is zoned 1(d) General Rural with one small privately owned land adjoining to the south which is zoned 5(a) Special Uses. The adjacent land to the west is Crown land that is occupied by the approved off-road motorcycle facility that is proposed to be upgraded as part of this application. The adjoining land to the north is zoned 5(a) Special Uses on which is located HMAS Albatross which is a naval air base. The adjoining land to the east is owned by the Commonwealth of Australia and forms part of the buffer to HMAS Albatross. The adjoining land to the south that is zoned 5(a) Special Uses is undeveloped privately owned land. The proposed development is compatible with the character and amenity of the existing development, being an off-road motorcycle facility and naval air base, in the zones adjoining and adjacent to the proposal.

(b) *The likely effect of the proposed development on the future use for which the land is designated has been taken into account.*

The land is not required for airfield purposes and SLEP2014, clause 16 of schedule 1 states that 'development for the purpose of recreation facilities (major), being a motor sports facility is permitted with development consent' on the land, therefore the use is compatible with the future proposed use of the land

**Clause 21 – Land of Ecological Sensitivity:** The site is identified as being land of ecological sensitivity. The objectives of the clause are to minimise adverse impacts of

development on natural features, including flora and fauna, landforms and other physical features and ecological processes. Council must take into account the objectives of the clause and the adequacy of measures proposed to avoid, mitigate or remedy any adverse effects.

Concern was raised by the Office of Environment and Heritage (OEH) and Council's Environmental Assessment Officers (EAO) about the extent of clearing works originally proposed and the subsequent impacts on flora and fauna as discussed below. The application was subsequently amended by increasing the size of the vegetated buffer areas around the sealed track, and retaining most of the plants of a threatened orchid found on the site. The amendment reduced the area of land proposed to be cleared from 58 ha to 41.8 ha. Collectively, these are positive measures to reduce and mitigate the overall impact of the proposal. They constitute a significant reduction in impact when compared to the original proposal. These measures are consistent with SLEP1985 requirement for consideration of how to minimise and mitigate impact to native flora and fauna as per Clause 21. Overall the footprint has been reduced by 22.2Ha which is a reduction of 34% on the original proposal.

**Clause 26 – Soil, water and effluent management:** Reticulated water and sewerage are proposed to be provided through the extension of the mains from the Albatross Aviation Technology Park to the site. Details of the extension are the subject of future development applications. The provision of stormwater collection and disposal, and sedimentation and erosion control measures will be the subject of future development applications.

**Clause 28 – Danger of bush fire:** The site is identified as being bushfire prone and a bushfire assessment report was submitted with the application. The application was referred to the RFS for specialist assessment and advice. The RFS had no objection to the proposal subject to the inclusion in any consent of their recommended conditions. Following the amendment to the proposal a revised bushfire report was requested to assess the modified proposal and that bushfire protection could be provided to the site without impacting on the native vegetation areas proposed to be retained. The revised report was submitted on 6/5/16 concluding that the development could achieve the bushfire protection measures without impacting on the vegetation proposed to be retained for conservation purposes. The addendum report was referred to the RFS for comment who provided amended recommended conditions of consent.

**Clause 37A – Notification of certain development:** The application was notified as detailed earlier in this report.

#### **Shoalhaven Local Environmental Plan 2014 (SLEP2014)**

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

**Clause 2.3 Land use zones:** Under SLEP2014 the western portion of the site is zoned RU2 Rural Landscape in which ‘recreation facilities (major)’ are permissible with consent. The eastern portion of the site is zoned SP2 Infrastructure with the purpose specified as being ‘Airfield Purposes’. However, Schedule 1 of SLEP2014 lists additional permitted uses on some specific land and clause 16 of schedule 1 states that ‘development for the purpose of recreation facilities (major), being a motor sports facility, is permitted with development consent’ on Lot 7309 DP 1148878 and Lot 7308 DP 1147573. While the proposal could be characterised as being a community facility, under SLEP2014 the number of definitions of land uses has increased substantially from those contained within SLEP1985. To characterise or define a development the ‘best fit’ definition is typically adopted. The ‘best fit’ characterisation of the facility under SLEP2014 is as a recreation facility (major) as that definition includes motor racing tracks.

**Clause 7.2 Earthworks** – The objective of the clause is to ensure earthworks will not have a detrimental impact on the environment and the amenity of adjoining properties. The undertaking of earthworks will be the subject of future development applications for the construction of facilities such as the flat track, administration buildings, sealed racing track, car parking areas. The amended Stage 1 component of the masterplan proposes the removal of native vegetation for survey work only which should not include earthworks. A detailed sedimentation and erosion control plan, consistent with the ‘Landcom manual - “Soils and Construction, Managing Urban Stormwater’ (i.e. Blue Book), would be required to be submitted prior to any earthworks and/or construction works commencing on site.

**Clause 7.5 Terrestrial biodiversity** – The majority of the site, excluding the existing off-road facility, is identified as “Biodiversity – significant vegetation” on the Biodiversity Map. Council must be satisfied that the development is sited, designed and will be managed to avoid any significant adverse environmental impact, or if that impact can’t be avoided the development is designed to minimise or mitigate the impact. The application has been amended to reduce the amount of clearing required on the western portion for the on-road facility and to protect the identified areas of the threatened orchid. Areas of land on the western portion of the site have been identified as being set aside for conservation purposes as mitigation of the impact of the clearing of vegetation on the eastern portion. Collectively, these are positive measures to reduce and mitigate the overall impact of the proposal. They constitute a significant reduction in impact when compared to the original proposal. These measures are consistent with the SLEP2014 requirement for consideration of how to minimise and mitigate impact to native flora and fauna as per Clause 7.5. Overall the footprint has been reduced by 22.2Ha which is a reduction of 34%.

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

reflective surfaces, and overlooking of the base which are issues which will be addressed in future development applications.

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

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

### **Shoalhaven Contributions Plan 2010**

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

### **DCP18 – Car Parking Code**

As the proposal is for a masterplan an assessment of the parking areas has not been undertaken as the design of these areas has not been completed. The applicant has proposed the following parking areas:

- parking for 35 vehicles in a fully constructed car park in the off-road facility;
- parking for approximately 900 cars in a car park adjacent to the pedestrian underpass in a northern area of the on-road facility;
- parking for approximately 900 cars in two car parks in a southern area of the on-road facility.

Any future application involving construction works on the off-road or on-road facility will be required to provide a detailed assessment against the provisions of Council's car parking code that is current at the time.

### **DCP 93 - Waste Minimisation & Management**

The only waste to be generated as part of the masterplan is the clearing works proposed by stage 1. The application originally proposed that vegetative matter would be mulched and reused on site and no waste would be removed from the site. As no waste is proposed to be removed from the site for stage 1 a detailed waste minimisation plan is not required. Furthermore, as stage 1 has been amended to clearing for survey work only the volume of vegetative matter cleared as part of stage 1 will be greatly reduced.

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

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

The main benefits identified as being:

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

The main negative impacts being:

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

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

Overall, the facility will provide social benefits to the broader Shoalhaven community through the improvements to the existing facility and added recreational facility for spectators and racing enthusiasts. The overall facility may also be used for other activities such as fun runs, cycling events, learner and advanced rider/driver training courses, and public ride and drive days.

**Flora and Fauna:** Stage 1 of the masterplan originally proposed the removal of approximately 58 ha of native vegetation (now reduced to 41.8 ha) on the eastern portion of the site for the proposed on-road facility. Vegetation was proposed to be retained around the boundaries of the eastern portion of the site to provide a habitat corridor and visual buffer. The masterplan also proposes the reduction and consolidation of the existing motocross/enduro tracks that have proliferated on the western portion of the site. The tracks are proposed to be formalised to a maximum seven main tracks with interlinking trails and an access track down the centre for emergency access by staff only.



Details of the remediation and consolidation of disused tracks are to be provided as part of future development applications.

The original application and supporting documentation was referred to OEH and Council's EAO's for review and assessment. OEH advised on 13/5/14 that the submitted flora and fauna assessment "... *did not adequately or appropriately apply the assessment of significance for up to 40 threatened species that are known or likely to occur on the site...*" and advised that the area has been identified as High Conservation Value according to the South Coast Regional Conservation Plan and considering the potential impact on threatened species, particularly the orchid *Cryptostylis hunteriana*, and the large area of land proposed to be cleared, a Species Impact Statement was required. The applicant was advised on the 16/5/14 of the concerns raised and that an SIS was required. Council's EAO's also raised concern about the flora and fauna assessment and advised that further assessment was required to assess the impacts of the proposal.

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

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

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

Council's EAO's advised on 8/10/15 that an SIS was also required for *Cryptostylis hunteriana*, with additional survey and or assessment still required for several other species before a conclusion of non-significant impact could be reached for all species potentially affected.

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

ecologist stated that the amendment has resulted in significant changes in the impacts arising from the proposal:

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

The application was amended again on 19/2/16 to further reduce the area of land to be cleared. The amendment resulted in the following changes in the impacts arising from the proposal:

- *An increase in the area of retained vegetation from 38 ha to 43 ha.*
- *A reduction in the amount of land to be cleared to 41.8 ha.*
- *An increase in the number of hollow-bearing trees to be retained from 403 to 507.*

An addendum to the Flora and Fauna Report was submitted to Council on 6/6/16. This report addressing issues previously raised by Council in regards to the survey of the number of hollow bearing trees in the locality, an assessment of significance being undertaken for a further four species previously recorded in the area, and additional measures being included to mitigate the impacts of native vegetation removal and long term conservation actions.

The applicant is proposing that 136.9ha of land on the western portion of the site is dedicated for conservation and management purposes with existing tracks in these areas to be closed and rehabilitated in accordance with a Conservation Management Plan. One of these areas (47.8ha) is included in the land to be acquired by Council with the remaining areas (89.1ha) to remain within the land leased from the Crown. **(See Attachment C – Land Subject to Conservation)**

In addition to these conservation areas, Motorcycling NSW has committed to the management of the retained land within the road racing precinct and the closure and rehabilitation of enduro tracks throughout the rest of the off-road facility. This will include an allowance for a maximum of seven main enduro trails with details to be provided within the Conservation Management Plan which is subject to a future application.

Following the submission of the additional flora and fauna information, proposed conservation and mitigation areas and redesign of the on-road facility, Council's EAO's concluded that; *"on the basis of all the mitigation areas offered (34% reduction in area of impact, avoidance of endangered species, reduction in hollow bearing tree removal, vegetated buffers, in perpetuity conservation management for 137 ha of like for like habitat, and rehabilitation of existing enduro tracks and creek crossings) Council concurs with Biosis' conclusion that this proposal does not trigger a significant impact'*. However, given the substantial clearing that is still proposed, it is critical that the vegetation is protected **in perpetuity** to secure the ongoing management of the proposed biodiversity

conservation areas. This would ensure that the footprint of the development can never encroach into the proposed conservation areas through later amendments to the masterplan. It is recommended that this matter be addressed via a deferred commencement condition requiring the applicant to enter into a legally binding instrument to ensure the permanent conservation of retained vegetation, details of which are to be provided to Council's satisfaction.

**Noise and dust:** Noise and dust is expected to be created during the vegetation removal period for the on-road facility and can be adequately addressed by conditions of any consent issued for that future stage of the development.

The main noise generated by the proposal will be from the use of the flat track on the western portion and the sealed road racing track on the eastern portion. The noise from the proposed flat track will be mitigated by the cut and fill required to construct the track and the separation distances between it and the nearest residential receptors.

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

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

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

### **Peer Review of Noise Assessment**

Council engaged Marshall Day Acoustics (MDA) to undertake a peer review of the Noise Assessment Report and supporting documents. The peer review concluded the following:

- *While MDA disagreed with some of the methodology used to calculate the equivalent events ratio (EER) and thereby the event schedule they agreed that the starting point of 365 days was reasonable and concluded that they did not have an issue with the adoption of Day Design's interpretation of the ratio (i.e.  $EER = 0$  for levels  $<30\text{dB } L_{Aeq}$  and  $EER = 0.5$  for levels  $>30\text{dB } L_{Aeq}$  and  $<35\text{dB } L_{Aeq}$ ).*
- *An assessment of the existing enduro precinct is required to be undertaken and should be included in the calculation of equivalent events.*
- *Recommended that a Noise Management Plan for ongoing site operations be included as a condition of consent.*
- *An assessment of road traffic noise is required and should be undertaken prior to the determination of the application.*
- *Recommended that a Construction Noise Management Plan be included as a condition of consent.*

Following the peer review, additional information was submitted by the applicant's acoustic consultant on 7/6/16 addressing the key items raised by MDA.

- *An assessment of noise emissions from the motocross track at the existing off-road facility was undertaken on 27/5/16 and 29/5/16. This assessment which also reviewed the use of the enduro tracks concluded that noise from the use of the existing facility will be below 35dBA ( $L_{eq, 15 \text{ minute}}$ ) at all receptor locations and will not impact on the EER.*
- *An assessment of potential road traffic noise associated with the facility concluded that the level of traffic noise generated by the facility for a major event would meet the EPA's Road Noise Policy 2011. The assessment was based on a major event with traffic using Albatross Rd and Braidwood Rd as sub arterial roads. Parma Rd was assessed as a local road and utilised a lower traffic count due to the traffic access restrictions proposed for Parma Rd.*
- *A Construction Noise Management Plan and ongoing Noise Management Plan will be provided as part of future applications.*

Overall, Council's position is that ongoing noise impacts to nearby residential receivers are able to be managed and mitigated via the proposed noise barrier and restrictions on the total number of events that can be held in any one year and on the types of events that can be held in any one year via a schedule of events based on the methodology described in the NSW EPA Noise Guide for Local Government 2013.

It is recommended that the facility be approved to operate 365 days, however, the maximum number of events that are permitted in any 12-month period that have a noise of background plus 5 dB be restricted to 250. In addition, it is recommended that the number of events that exceed the background noise level between 25-30 dB are restricted to a maximum of three events per month with events with this noise level not to occur on

consecutive weekends. This should allow the facility to hold a reasonable number of high noise events and lower noise events during the year while still providing some respite to nearby affected residents.

Any future development application to include a Construction Management Plan and Noise Management Plan that details how ongoing noise impacts from the facility will be managed.

**Traffic impacts:** The potential traffic impacts have been assessed by the RMS and Council's Traffic Unit. Subject to the provision of a number of mitigation measures proposed by the applicant, RMS and Council the increased traffic generated by the proposal could be accommodated on the road network. The mitigation measures include the upgrade of selected intersections, improvements to the entry/exits points to both sides of the facility and a pedestrian underpass. Further detailed design will be required at the time further development applications are lodged.

**Aboriginal Cultural Heritage:** A due diligence assessment was undertaken in 2013 by Biosis on behalf of the applicant. The assessment identified one previously recorded Aboriginal scarred tree within the project area (AHIMS site#52-5-0384). The assessment recommended that the facility be designed to avoid any impacts to the tree and it be fenced off and labelled on any construction plans. The assessment stated that the *archaeological potential* [for artefacts] is *assessed as low due to the extensive timber clearing in the recent past, lack of high, dry camping places and the distance to reliable sources of water*. The design of the on-road facility is well clear of the tree and no work is proposed within its vicinity.

In 2015, a further Aboriginal object was identified on the site and registered as an Aboriginal heritage site on the Aboriginal Heritage Information System (AHIMS) as site #52-5-0827. A site inspection was undertaken in April 2016, on behalf of the applicant, which determined the object to be of cultural origin and is an Aboriginal heritage object although it was identified as a quartzite grinding stone rather than the hammerstone it was registered as. In order to impact the item an Aboriginal Heritage Impact Permit (AHIP) is required to be obtained through OEH. The assessment determined that the object is an isolated artefact which is likely not to be in-situ, meaning that the artefact has been brought onto the site from another place at some time in the past. The due diligence assessment undertaken in 2013 determined there is a low potential for archaeological sites to exist on the surface or subsurface and therefore the artefact can be considered to be a chance find and is not indicative of the site containing a higher potential for Aboriginal heritage sites. The archaeologist for the applicant states that it is expected that an AHIP will be obtained to relocate or destroy the Aboriginal heritage item. It is noted that as the item is a moveable object it seems unlikely that the item would be required to be destroyed. Any consent to include a condition that no Aboriginal artefact is to be disturbed unless an AHIP is obtained from NPWS that permits it to be disturbed.

**Context and setting:** The proposed development originally proposed a setback from the property boundary of the eastern portion to Braidwood Rd with the retention of a 10m wide vegetated buffer. The amendment to the design has increased the width of the

vegetated buffer along Braidwood Rd to 50m providing a much greater retention of vegetation that will help to maintain the visual amenity of the site as viewed from Braidwood Rd. The existing vegetated buffer on the off-road facility on the western portion should remain relatively intact though some clearing and revegetation will be required for the construction of the flat track and associated sound barrier mounding. The details to be provided in a subsequent development application for that stage.

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

- Construction where the project is expected to create 21 direct jobs (+68 indirect jobs);
- Operation with an expected annual revenue of around \$3.8 million by the time the facility reaches maturity and is expected to create 20 direct jobs (+14 indirect jobs);
- Through tourism and events, estimated at more than \$10 million of direct output and further \$6.8 million in industrial and consumption effects per annum, which equates to a total of 59 direct and 24 new in-direct jobs for the region.
- Development of an industry specific, motorsports industrial park where it is conservatively estimated that there will be 7 businesses established within the first 10 years of operation, employing 110 people and generating a 10 year total economic impact of (including direct, indirect and consumption effect) of \$363,740,000.

**Safety and Security:** As per the requirements of Council's Safer by Design Guidelines, consideration needs to be given to the principles of Crime Prevention through Environmental Design (CPTED). Any development consent issued to be conditioned so as to require a 'Safer by Design Crime Risk Evaluation/Assessment' to be submitted with each development application.

**Climate Change:** No cumulative impacts are expected in regard to the proposed development that could further contribute to climate change. Furthermore, there are no risks relevant to the site that could be potentially exacerbated by climate change.

### **(c) The suitability of the site for the development**

The site is suited for the proposal and the impacts to the native vegetation have been reduced by the redesign of the eastern portion which has increased the width of the buffers, reduced the area of native vegetation to be removed and substantially increased the number of threatened *Cryptostylis hunteriana* orchids to be retained. Traffic impacts are able to be addressed by the upgrading of a few key intersections, the provision of suitable on-site parking and pedestrian management and the provision of a traffic management plan. The proposal is suitable for the site and is associated with an existing

off-road motorcycle facility that proposes to add to and improve the facilities and tracks currently being used.

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

See the community consultation section above.

**(e) The public interest**

The proposed development is expected to impact on the locality of Parma due to the increased traffic and noise from some race events. The noise impacts are mitigated to some extent by the provision of an earth mound and the restriction on the number, frequency and type of events to be held. The impacts to the local area are offset by the benefits to the wider community of the Shoalhaven by the provision of a major recreational facility that can be utilised by the community and by the economic benefits brought to the Shoalhaven by spectators and competitors from intrastate and interstate attending the facility. The impacts to the natural environment from the required clearing for the on-road facility are mitigated by the proposed conservation the areas that are currently used for off-road activities on the western portion.

## 7. Referrals

**Internal:**

- **Building Surveyor:** No BCA issues were identified at the masterplan stage.
- **Development Engineer:** Further detail is required in regards to access to and from Braidwood Rd, the internal layout of the access roads, and the provision of car parking and manoeuvring templates showing how the largest vehicles can access the site including pit areas. Concept stormwater plans are required to show how the proposal will drain stormwater runoff and how it will be treated prior to discharge. *Note: All this information is subject to subsequent application/s for the construction of the sealed track, administration/spectator areas and associated access and parking areas, and is not required to be provided at masterplan stage, though it could be included as conditions of consent should the masterplan be approved.*
- **Environmental Health Officer:** Following a review of the noise assessment report, further information was requested from the applicant. Additional noise assessment information was provided and following a review of that information no objection was raised subject to compliance with the noise report and additional recommended conditions contained within the referral response. *Recommended conditions have been provided of which some are relevant to the current masterplan and others relevant to future development applications.*
- **Environmental Assessment Officer:** Following an extensive review of the flora and fauna reports submitted and site visits the EAO's have concluded that *'on the basis of all the mitigation areas offered (34% reduction in area of impact, avoidance of endangered species, reduction in hollow bearing tree removal, vegetated buffers, in*

*perpetuity conservation management for 137 ha of like for like habitat, and rehabilitation of existing enduro tracks and creek crossings) Council concurs with Biosis' conclusion that this proposal does not trigger a significant impact'. Note: Recommended conditions have been provided of which some are relevant to the current masterplan and others relevant to future development applications.*

- **Shoalhaven Water:** No objection was raised subject to any future consent complying with the requirements of the Shoalhaven Water Development Application Notice included in the referral response.
- **Traffic Unit:** Initial concern was that the TIA has not considered 'warrants for rural turn lanes' taking into account the proposed additional traffic movements. The Traffic Unit requested that an updated TIA be provided prior to determination to properly assess current versus required intersection treatments. Concern was also raised that connections to and from the proposed pedestrian underpass have not been provided.

The Traffic Unit reviewed the Addendum to the TIA and provided recommendations as to which intersections should be required to be upgraded as part of the development.

Further details are required to be provided for entrances to the eastern and western portions of the facility. Concern was raised that Parma Rd is likely to be utilised by spectators accessing the facility from the south and this road is unsuitable for this purpose and an event management plan is required to address how access to Parma Rd will be restricted during events. It is also recommended that 'No Stopping' restrictions and a suitably sized fence are provided on both sides of Braidwood Rd at least 200m south of the property boundary and 200m north of the property boundary (total approximate distance 1350m) to ensure that patrons utilise the pedestrian underpass and on-site parking areas. *Note: All this information is subject to subsequent application/s for the construction of the sealed track, administration/spectator areas and associated access and parking areas, and is not required to be provided at masterplan stage, though have been included as recommended conditions of consent should the masterplan be approved.*

- **Economic Development Manager:** Under the scenario of a construction program of approximately \$12m the Shoalhaven Gross Region Product is estimated to increase by \$8.795 million (0.22 %) to \$4,064.882 million. Contributing to this is a direct increase in output of \$10.966 million, 12 additional jobs, \$1.965 million more in wages and salaries and a boost in value-added of \$3.723 million.

From this direct expansion in the economy, flow-on industrial effects in terms of local purchases of goods and services are anticipated, and it is estimated that these indirect impacts would result in a further increase to output valued at \$8.622 million, 25 more jobs, \$1.873 million more paid in wages and salaries, and a gain of \$3.287 million in terms of value-added.

- **Tourism Manager:** The proposal has the potential to provide year round employment and ongoing economic benefit. The complex will offer a range of options to motoring enthusiasts and will become a key attractor of tourists to the Shoalhaven and more specifically Nowra area. Youth unemployment is of concern in the Shoalhaven as well



as the lack of activities for young people. This proposal has the potential to increase tourism, create employment opportunities and offer local young people a quality controlled and fun activity.

**External:**

- **Department of Defence (DoD):** The DoD provided general comments in relation to building heights, lighting, glare from reflective surfaces, and overlooking of the base. *Note: These issues relate to the construction of buildings and facilities which will be addressed in future applications.*
- **Office of Environment & Heritage (OEH):** Initial comments provided raising concern about the adequacy of the submitted flora and fauna report and that an SIS was required due to the potential impact on threatened species on the site, the Aboriginal due diligence, the extent of vegetation clearing required on the western portion of the site, further detail requested on how the existing facility will be managed to reverse existing significant impacts on the watercourses and ensure future impacts do not occur, details of how the existing “unofficial” endure tracks will be closed and measures to prevent creation of future unofficial tracks. OEH recommended that the facility provides some general public access to the facility to reduce riders accessing the Parma Nature Reserve and Colymea State Conservation Area and provide some form of security on the boundary to stop riders leaving the site to access the surrounding crown lands.

Following the provision of additional information the application was re-referred to OEH for further comment. OEH advised that while additional survey work had been undertaken in regards to flora and fauna an SIS was still required due to the impact on threatened species. Concern was raised again about sedimentation control measures at the existing facility and how existing tracks will be managed and closed tracks rehabilitated.

Following the amendment of 19/2/16, OEH provided further advice on 17/3/16, that they remained concerned with the degree of impact to local biodiversity values on a site of regional conservation significance. The key reasons for this position being:

- *The site is identified as having significant biodiversity and conservation values through the South Coast Regional Strategy (2007), South Coast Regional Conservation Plan (2010) and the Illawarra Shoalhaven Regional Plan (2015).*
- *The amended plan does not propose any **offset to mitigate** the assessed biodiversity impacts.*
- *Uncertainty remains around the long term viability of the on-site *Cryptostylis hunteriana* population due to the high visitation of the site, poor understanding of the species ecology and lack of detail around proposed management areas.*
- *The loss of 50% of hollow bearing tress across the site and the cumulative impacts have not been adequately assessed.*
- *The recent record of an Aboriginal cultural heritage site in the proposed area requires the proponent to revisit the Aboriginal cultural heritage assessment of the site.*

- *The implication of bushfire asset protection zones on vegetation loss and biodiversity has not been integrated into the assessment.*

Significantly, OEH did not maintain its position that an SIS was required. The issue of offset has been further investigated and addressed.

On 15/6/16 after the completion of the report an email was received from OEH stating that they do not support the proposed offset requirement as an effective or adequate offset solution because:

- offsets should be based on quantitative assessment of the loss in biodiversity from clearing (or other indirect development impacts) and the gain in biodiversity from the offset. It has not been quantified through an established offset methodology such as the BioBanking Assessment Methodology to ensure that the appropriate credit requirements are met;
- there is no appropriate legal mechanism or instrument proposed to secure the required actions;
- there is no secure and transparent funding agreement;
- the current condition of the facility west of Braidwood Road reflects poorly on the current management of the facility and Councils ability to regulate future impacts. Rehabilitation of this site should be an ongoing management issue for the current activity and does not equate to an offset for the proposed development.

At the strategic planning level, OEH again highlighted that the subject lands are acknowledged to have significant environmental conservation values (see South Coast Regional Strategy (2007), South Coast Regional Conservation Plan (2010) and the Illawarra – Shoalhaven Regional Plan (2015)). All these strategic planning documents highlight that land with high environmental/conservation values should be protected and that the siting of new development will be directed away from sensitive locations in the first instance.

*Note: Council has undertaken an assessment of the impacts on the basis of all the mitigation areas offered (34% reduction in area of impact, avoidance of endangered species, reduction in hollow bearing tree removal, vegetated buffers, in perpetuity conservation management for 137 ha of like for like habitat, and rehabilitation of existing enduro tracks and creek crossings) Council concurs with Biosis' conclusion that this proposal does not trigger a significant impact'. It is noted that the proposed conservation areas are not BioBanking and therefore BioBanking credits are not applicable, and the recommendation is that the application be a deferred commencement to resolve the permanent protection of the conservation areas.*

- **Roads & Maritime Services (RMS):** Initial comments raised concern about the proposed pedestrian underpass, pedestrian movements between the off-road and sealed sites, vehicular access to the site, and general traffic issues. Following submission of additional information by the applicant on 7/9/15, the RMS again raised concerns about the pedestrian underpass, access arrangements to both portions of the facility, and details required of how pedestrian access to both portions will be managed. The RMS advised on 9/3/16 that they have recently reviewed their level of

involvement on classified regional roads and consider it more appropriate for councils to determine if proposed treatments are acceptable in terms of safety and efficiency.

- **Rural Fire Service (RFS):** No objection was raised to the original proposal subject to recommended conditions relating to access, asset protection zones, construction standards of buildings, and provision of an evacuation and emergency management plan. The final amended proposal and amended Bushfire Assessment was referred to RFS for comment who provided updated recommended conditions on 8/6/16.
- **NSW Police:** No objection was raised with respect to the proposal and no significant impact envisaged in relation to criminal involvements. The Police requested that they be notified of subsequent applications in relation to crime prevention strategies.
- **Endeavour Energy:** No issues were raised.
- **Department of Lands:** No objection was raised subject to conditions being included regarding the rehabilitation and rationalisation of the enduro tracks on the western portion of the site. *Note: Rationalisation of tracks to be addressed in future development applications via the CMP.*

## 8. Options

The JRPP may:

- a) Resolve to conditionally approve the application as operational or as a deferred commencement; or
- b) Resolve to refuse the application and provide reasons why; or
- c) Write to the applicant requesting them to amend/modify the proposal and subject to the matters being satisfactorily resolved a further report be submitted to the Joint Regional Planning Panel (Southern Region) for its consideration.

## 9. Conclusion

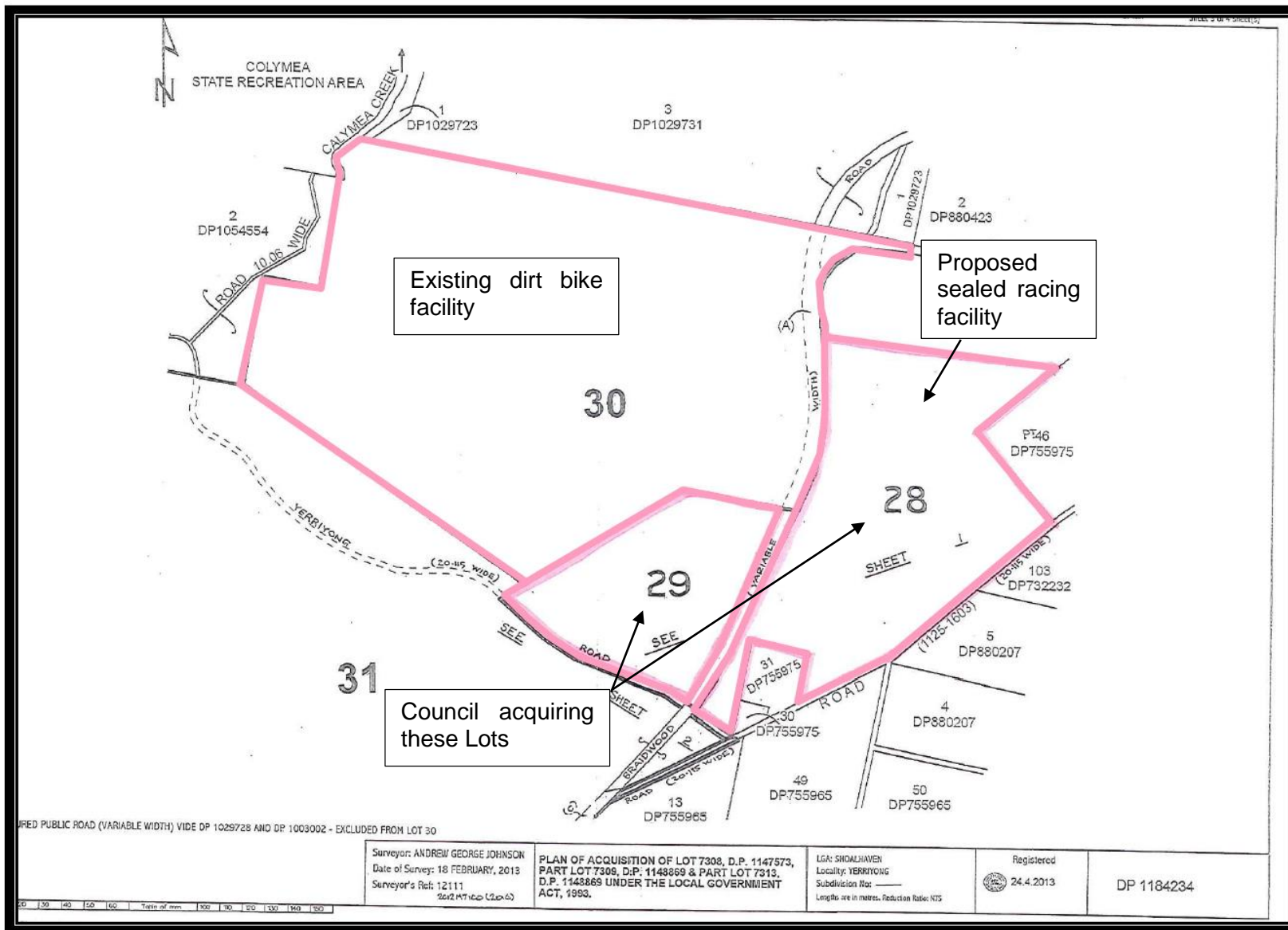
This application has been assessed having regard to the Matters for Consideration under s79C of the Environmental Planning and Assessment Act 1979. Following a detailed assessment, it is considered that the determination of Development Application No. RA14/1000 should be supported as a deferred commencement with the outstanding item to be addressed being the permanency of the proposed conservation mitigation areas and the recommended conditions of consent.

## 10. Recommendation

**That, in respect of Regional Development Application RA14/1000 (2014STH009) for a Master Plan application for a motorsports facility, comprising upgrade and extension of the existing Nowra District Motorcycle Club and construction of a new sealed road racing track with associated buildings and car parking with operational approval for Stage 1 being the clearing of vegetation to undertake survey work to finalise the design of the sealed road racing track at Braidwood Road, Yerriyong -**

**Lot 7308 DP 1147573, Lot 7309 DP 1148878, and Part Lot 7313 DP 1148869, the determination of the application be conditionally approved as a deferred commencement consent, with the outstanding item to be resolved being the detail of how the lands proposed as conservation areas will be permanently protected.**

Regional Development Committee 22 June 2016 - Attachment A  
**Attachment A – Proposed Plan of Subdivision**







**OFF-ROAD FACILITY**

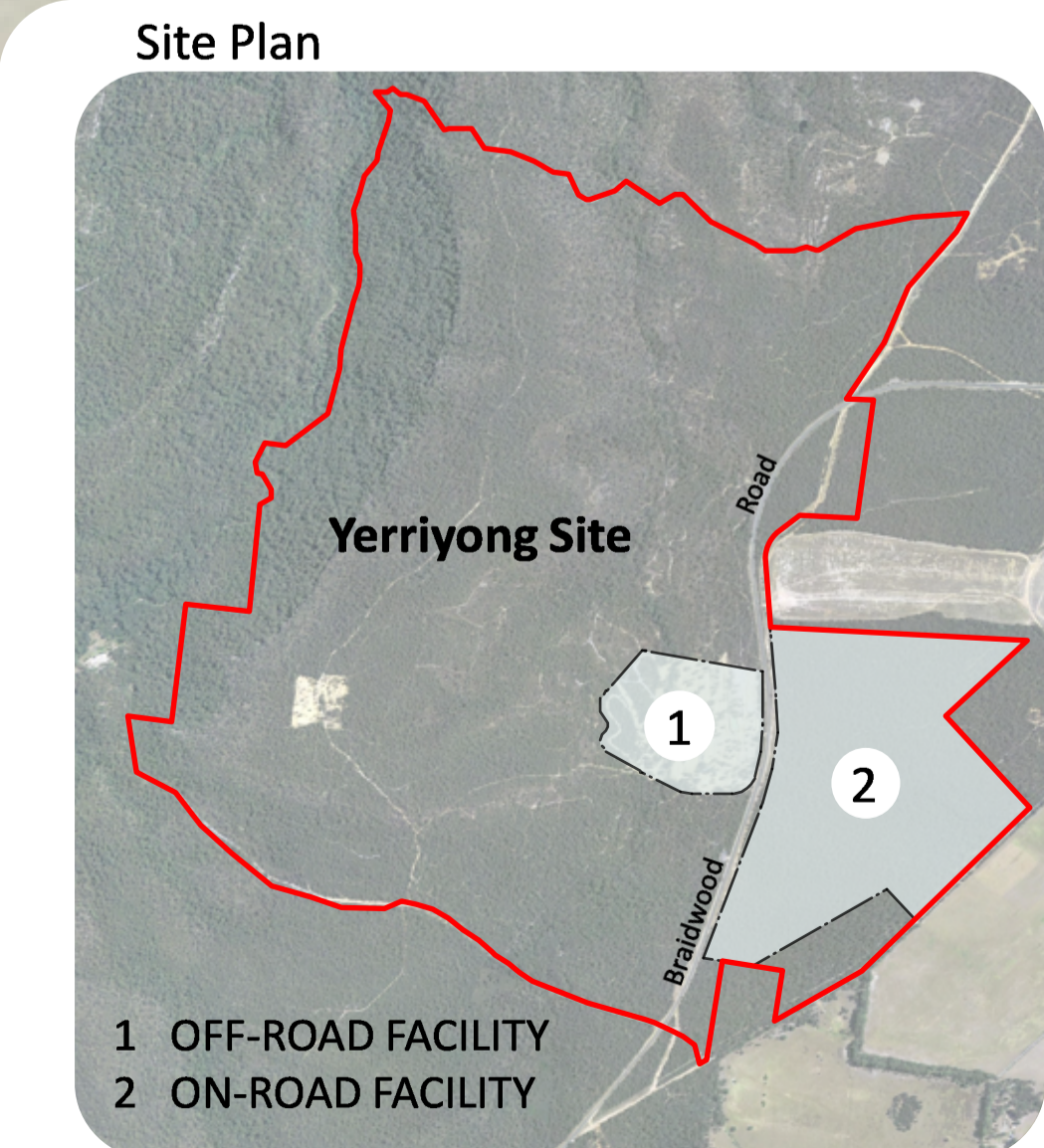
A MOTOCROSS AREA Competition and Social Tracks	I FLAT TRACK AREA Dirt Track and Flat Track
B ENDURO AREA Start Chute	J SOUND BARRIER MOUND 3m height x 20m width (1:3 max grade)
C NORTHERN PITS	— SITE BOUNDARY
D CAR PARK Approx 35 Spaces	■ BUILDINGS
E CLUB HOUSE	■ SHARED PITS
F DAM	■ JUNIOR AREA
G JUNIOR TRAINING AREAS Short & Long Tracks	■ MOTOCROSS AREA
H SOUTHERN PITS	■ FLAT TRACK AREA
	■ ENDURO AREA

**BRAIDWOOD ROAD**

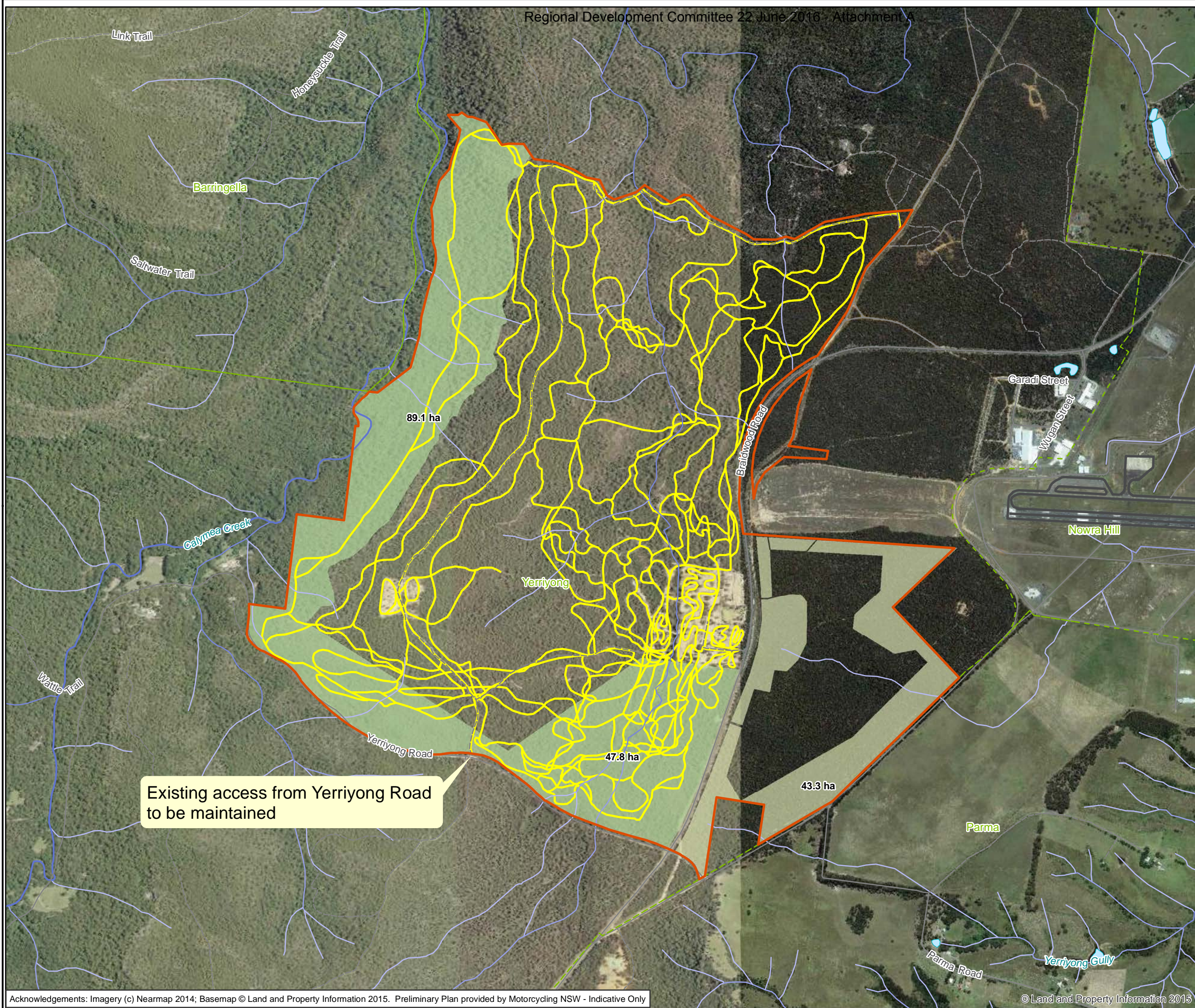
K OFF-ROAD FACILITY ACCESS Indicative Only. Refer ARC traffic review.	M ON-ROAD FACILITY ACCESS Indicative Only. Refer ARC traffic review.
L PEDESTRIAN UNDERPASS Indicative Location Only. Refer GHD Report.	--- PEDESTRIAN UNDERPASS
	⊥ PROPOSED INTERSECTIONS

**ON-ROAD FACILITY**

N PITS AND ADMINISTRATION BUILDING	— SITE BOUNDARY
O PITS AREAS.	■ BUILDINGS
P NORTHERN CAR PARK Approx 900 capacity	■ VEGETATION
Q SOUTHERN CAR PARKS Approx 900 combined capacity	■ HARD STAND PIT & PARKING AREAS
R RETAINED VEGETATION BUFFER: 50m width from northern boundary.	■ CIRCUIT AND TRACK ZONE INCLUDING INFIELD AND RUN OFF AREAS
S PIT BUILDING	■ SPECTATOR AREAS
T GO KART TRACK	— RACE TRACK: Indicative Only
U SPECTATOR AREAS	⊘ THREATENED FLORA 50m BUFFER (BIOSIS): Leafless Tongue Orchid
V CIRCUIT & TRACK AREA	<b>PROPOSED SERVICES</b> Indicative Location Only. Refer GHD Report.
W SOUND BARRIER MOUND: 10m height x 55m width (1:3 front grade, 1:2 rear grade)	● SPS
X SIGNIFICANT VEGETATION	● RP RETICULATION PUMP
Y RETAINED VEGETATION BUFFER: 50m min width from eastern edge of road reserve.	● T STORAGE TANK - 150kl
	— WATER MAIN
	— RISING SEWER MAIN







- Legend**
- Study Area
  - Conservation mitigation areas**
  - Retained vegetation in Road Racing Precinct
  - Land subject to rehabilitation in Off-road Precinct
  - Enduro Track

**Figure 2: Land subject to conservation in accordance with Conservation Management Plan**

0 150 300 450 600 750  
Metres  
Scale: 1:15,000 @ A3  
Coordinate System: GDA 1994 MGA Zone 56

**biosis**  
Biosis Pty Ltd  
Ballarat, Brisbane, Canberra, Melbourne, Newcastle, Sydney, Wangaratta & Wollongong



Regional Development Committee 22 June 2016 - Attachment A  
**Attachment D- Aerial photograph**



Aerial photo showing approximate distances to nearest residential receivers. Distances on the right are shown from 100m within the on-road facility to the property boundary and to the residence. Distances on the left are shown from the property boundary and residence to the closest main enduro track and from the property boundary to the main off-road facility.



**Attachment E – Draft Development Consent**

**NOTICE TO APPLICANT OF DETERMINATION OF DEVELOPMENT APPLICATION  
BY THE SOUTHERN JOINT REGIONAL PLANNING PANEL  
STAGED/DEFERRED COMMENCEMENT DEVELOPMENT  
CONSENT**

**in accordance with Part 4, Division 2A of the  
Environmental Planning and Assessment Act, 1979  
RA14/1000**

**TO:**

Cowman Stoddart Pty Ltd  
PO Box 738  
NOWRA NSW 2541

**being the applicant(s) for RA14/1000 relating to:**

Yerriyong Rd, YERRIYONG - Lot 7308 - DP 1147573  
Braidwood Rd, YERRIYONG - Lot 7309 - DP 1148878  
Braidwood Rd, YERRIYONG - Lot 7313 - DP 1148869

**APPROVED USE AND OR DEVELOPMENT:**

Master Plan/Staged Development Application for a Motor Sports Facility and upgrading of the existing Nowra Motor Cycle Club including operational Stage 1

**DETERMINATION DATE:**

**[#Determined#]**

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

**CONSENT TO OPERATE FROM:**

**[#ConsentFrom#]**

**CONSENT TO LAPSE ON:**

**[#LapseDate#]**

*In accordance with Section 95 of the Act, development consent of the erection of a building does not lapse if building, engineering or construction work relating to the building or work is physically commenced on the land to which the consent applies before the lapse date.*

**DETAILS OF CONDITIONS**

The conditions of consent and reasons for such conditions are set out as follows:

## PART A

### CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT

#### **Deferred Commencement**

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, this development application has been determined by granting of “**Deferred Commencement**” Consent, subject to the following matters being resolved:

- a) The submission to Council for approval, of a detailed plan setting out the final delineation of the boundaries of the proposed Conservation Area. The boundaries of the Conservation Area are to incorporate topographical and environmental features necessary for improved conservation outcomes. The conservation area must result in a total area of no less than that proposed in figure 3 of the Addendum Flora and Fauna Assessment Report by Bioisis, dated 6 June 2016 and must be approved by Shoalhaven City Council.
- b) The entering into of a legally binding instrument, to the satisfaction of Shoalhaven City Council, to ensure the permanent conservation of the retained vegetation, habitat and linkages contained within the Conservation Area approved by the Council in a) above.

**The maximum amount of time that Council will allow for these matters to be resolved is two (2) years from the date of this consent (i.e. determination date).**

This consent must not operate until the applicant has satisfied Council with respect to the above matters. Details must be submitted to Council for approval by the Planning & Development Services Group.

#### **Note:**

- *An application under Section 96 of the Environmental Planning and Assessment Act, 1979 **must** be lodged with Council prior to expiration of the above period if additional time is required to resolve the outstanding matters.*
- *Upon resolution of the abovementioned matter(s), an application under Section 96 of the Environmental Planning and Assessment Act, 1979 **must** be lodged with Council to effect deletion of this condition. An operational consent will then be issued.*

#### **General**

1. This consent relates to **Master Plan for a Motor Sports Facility and upgrading of the existing Nowra Motor Cycle Club** as illustrated on the plans (referenced in the table below), specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.

DOCUMENT	REF/SHEET NO.	PREPARED BY	DATED
Masterplan – Motorcycling NSW Yerrilyong Facility Plan	-	-	February 2016
	13/45	Cowman Stoddart Pty Ltd	February 2014

Masterplan Statement of Environmental Effects			
Environmental Noise Impact Assessment	5166-1-1R	Day Design Pty Ltd	10 February 2014
Bushfire Risk Assessment	BRA-103039, Rev A	SET Consultants	5 May 2016
Report on Soils, Soil Erosion, Sediment Control and Revegetation	13/45	Cowman Stoddart Pty Ltd	August 2013
Land subject to conservation in accordance with Conservation Management Plan	21230, Figure 3	Biosis	2/6/2016

**Notes:**

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
  - *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*
2. The **Master Plan for a Motor Sports Facility and upgrading of the existing Nowra Motor Cycle Club** must not commence for each subsequent operational stage until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with council (i.e. a security).

**Staging of the Development**

3. Operational consent is given for Stage 1 being the clearing of vegetation to undertake survey work to finalise the design of the sealed road racing track.

**New Development Applications Required**

4. This development consent relates to the Masterplan of the development including operational consent for Stage 1. Pursuant to Section 83B (3) of the Environmental Planning and Assessment Act, 1979, this consent does not authorise the carrying out of any development, except Stage 1, on any part of the site unless accompanied by a separate consent subsequently granted to carry out development on that part of the site. As such, separate development applications must be submitted to Council for any future stages of the development.
5. In accordance with Section 83D (2) while this development consent remains in force, the determination of any further development application in respect of that site cannot be inconsistent with this consent.

## **PART B**

### **CONDITIONS RELATING TO APPROVED STAGE 1**

#### ***Clearing of Vegetation***

6. The removal of vegetation approved for stage 1 is restricted to that required to undertake survey for the sealed on-road racing track only and does not include the administration area or parking areas. The removal of vegetation is to be undertaken using hand tools only and must not involve the removal of any tree containing hollows.

#### ***Heritage***

7. An Aboriginal Heritage Impact Permit (AHIP) that authorises the disturbance of an Aboriginal heritage item must be obtained before any works are undertaken within 10 metres of the location of AHIMS site #52-5-0827
8. No impact is to occur to AHIMS site #52-5-0384 unless an AHIP that authorises the disturbance of the Aboriginal heritage item must be obtained.

#### ***Aboriginal Objects Discovered***

9. If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:
  - a) all disturbance of the area must stop immediately in that area, and
  - b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974.

**Note.** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required to be obtained under the National Parks and Wildlife Act 1974.

#### ***Damage to Public Assets***

10. The developer or his agent must undertake a site inspection of the adjacent carriageway, reserves and the like, prior to commencement of work and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the construction work being repaired at the applicant's expense.

## **PART C**

### **CONDITIONS THAT RELATE TO THE ONGOING MANAGEMENT OF THE DEVELOPMENT**

#### ***Ongoing Environmental Management***

11. The operation of the overall motorsports facility and conservation areas must be in accordance with the approved Conservation Management Plan at all times throughout the life of the development.
12. In accordance with the Addendum Flora and Fauna Assessment Report, by Biosis, dated 6/6/16 the operation of the off-road facility is restricted to a maximum of seven main enduro trail loops.

### ***Operational Restrictions***

13. **The maximum number of events that have a noise level of background plus 5 dB are restricted to a total of 250 equivalent events within any 12 month period.**  
The calculation of equivalent events is to be in accordance with the 'determining annual event ratio' below. For example an event with a noise level of 30dB above background is counted as being 10 events.
14. In addition, the number of events that exceed the background noise level between 25-30 dB are restricted to a maximum of three events per month (i.e. three days) with events not to occur on consecutive weekends.
15. An event covers a full day (e.g. 9am to 5pm) even if the actual event is scheduled for less than the 9 hours. The noise level for an event is based on the noisiest activity that occurs during that day.
16. The  $L_{AMAX}$  must not exceed 70dB(A) within 1m of the boundary of the nearest residential premises.
17. The  $L_{eq, 15 \text{ minute}}$  must not exceed 35 dB above background noise level within 1m of the boundary of the nearest residential premises.
18. Approved hours of operation
  - a) Off-road facility – 7:00am to 6:00pm daily;
  - b) On-road facility – 7:00am to 6:00pm daily;
  - c) Administration precinct – 7:00am to 10:00pm daily; however staff may attend the site outside of these times to undertake activities that are not audible outside the boundary of the site;
  - d) Racing at the on-road facility and off-road facility is restricted to 9:00am to 5:00pm daily and as further restricted by the approved race quota schedule.

## ***PART D***

### **MATTERS THAT MUST BE ADDRESSED IN SUBSEQUENT APPLICATIONS**

#### ***Conservation Management Plan***

19. In order to reflect the intent for the long term protection and rehabilitation of areas being retained, each subsequent development application that involves the clearing or disturbance of vegetation must include a Conservation Management Plan (CMP) developed by a suitably qualified ecologist that is submitted to Council for approval
20. Apart from the survey works approved in stage 1, no works that involve the clearing or disturbance of any vegetation shall be carried out before the CMP is approved.
21. The CMP must include a package of mechanisms to mitigate the proposed impact as detailed below. All works must be carried out strictly in accordance with the terms of the CMP:
22. The CMP must record the:
  - a) commitments to conserve biodiversity and protect all retained vegetation; and

- b) measures to ensure the ongoing management of areas of retained vegetation including the annual monitoring of the success of the measures.
23. The CMP must include as a minimum a detailed schedule of works, personnel undertaking the works and a map which records:
- a) results of further surveys of all hollow bearing trees suitable for target threatened species in the development footprint confirming the absence of breeding within the hollows that are to be removed;
  - b) areas where vegetation will be cleared;
  - c) areas where vegetation will be retained;
  - d) areas that will be managed for biodiversity conservation;
  - e) details, methods and targets for rehabilitation of the tracks on Lot 7309 known as the Enduro tracks on Figure 3 of the Biosis addendum of the Flora and Fauna report as detailed the track remediation plan;
  - f) methods to identify and rehabilitate all creek crossings on Lot 7309 as detailed in the waterway remediation plan;
  - g) methods to ensure that areas of retained vegetation are protected from disturbance including the use of physical barriers to prevent motorcycle or other vehicular traffic.
  - h) measures to ensure that buffers to the *Cryptostylis hunteriana* plants are retained including physical barriers to prevent any form of disturbance;
  - i) measures to control weeds across the area to which the development application relates;
  - j) measures to remove rubbish;
  - k) proposed rules imposed on the users of the facility to ensure that users of the Enduro facility only ride on tracks outside the areas of retained vegetation
  - l) pest management plan for all natural areas including the conservation areas.
24. The CMP must include a monitoring report to be submitted to council six (6) monthly during the first two years of implementation and annually thereafter, that details the success of the conservation area, pest species management program, weed removal program, rehabilitation of creeks and tracks and the success of the orchid buffers.

#### ***Pre-clearance Surveys to be Undertaken Prior to any Clearing Works***

25. Prior to the commencement of any site works and/or vegetation clearing, other than those clearing works approved by stage 1, pre-clearance surveys of all hollow bearing trees that provide suitable habitat for the threatened species known or have potential to occur on the site must occur in the area of impact to rule out breeding given that the 7 part test relies on this claim of non-significance. If breeding is confirmed, these results will inform the final track design in order to avoid the breeding resources. The results of the survey shall also inform the development of the Conservation Management Plan.

Following the surveys of trees in the impact area, a report will be submitted to council outlining the findings and any proposed changes to the design of the track as a result.

#### ***Protection of *Cryptostylis hunteriana****

26. A minimum 50 m buffer zone is to be provided and maintained around the 41 known *Cryptostylis hunteriana* plants within the conservation area. This buffer must be managed to ensure no negative impacts occur within these buffer areas. These buffer zones and the *Cryptostylis hunteriana* plants must be monitored 6 monthly for the first two years and then annually for the life of the development, with a monitoring report provided to council 6 monthly for the first two years and annually for the life of the development in order to

report the ongoing success of the plants and document any impacts to these plants and buffers as a result of the development.

### ***Exclusion Fencing***

27. Any subsequent development application involving upgrade works to the existing off-road facility or the construction of the sealed on-road facility must include details of the location and type of:
- a) permanent fauna and public exclusion fencing around the entire road racing precinct to prevent public access to the retained vegetation and to prevent fauna from entering the road racing precinct,
  - b) permanent public exclusion fencing along Braidwood Rd to prevent the public crossing Braidwood Rd,
  - c) Vehicle exclusion fencing, suitable to prevent access by cars and motorised trail bikes from accessing the conservation areas, this fencing must not restrict fauna movement.

### ***Waterway Remediation Plan***

28. Any subsequent development application involving upgrade works to the existing off-road facility must include a waterway remediation plan that details the current status of the creeks, what will be done to reduce impacts, a schedule of works including who will be undertaking the works, what tracks will be closed to reduce impacts to the creeks, sedimentation and erosion controls to be implemented long term, details of upgrades to creek crossings and education of riders and rehabilitation of degraded creeks. Crossing of the known creeks on the western portion of Lot 7309 must be avoided and a maximum of four crossings are permitted. These creek crossings must be upgraded in order to prevent the sedimentation and erosion of the creeks by the installation of bridges to allow the natural flow of water. Permanent sedimentation and erosion controls must be implemented at all creeks within the lot.

### ***Remediation of Disused Off-Road Motorcycle Tracks***

29. Any subsequent development application involving upgrade works to the existing off-road facility or the construction of the on-road facility must provide a plan for the remediation of existing tracks proposed to closed and rehabilitated. The remediation plan must show a maximum of seven main enduro trail loops and closure of residual enduro trails, particularly in areas of Morton Mallee-Heath. The information must include any requirements of the CMP and the recommendations of the Report on Soils, Soil Erosion, Sediment Control and Revegetation, Reference 13/45, by Cowman Stoddart, dated August 2013.

### ***Bushfire Protection***

30. As the site is bushfire prone, the following requirements of the Rural Fire Service apply to each subsequent development application involving upgrade works to the existing off-road facility or the construction of the on-road facility. This advice does not exempt development applications lodged in accordance with s83B(3)(a) of the Environmental Planning and Assessment Act (EP&A Act) 1979 from the provisions of s79BA of the EP&A Act (development on bushfire prone land), s91 of the EP&A Act (integrated development) or s100B of the Rural Fires Act 1997 (Bush Fire Safety Authority).

### Asset Protection Zones

31. To allow for emergency service personnel and staff to undertake property protection activities, a defensible space that permits unobstructed vehicle access is to be provided around all buildings to a distance of 10 metres. This area is to be managed as an inner protection area (IPA) as outlined within Section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

### Design and Construction

32. Buildings approved under this masterplan must be constructed at a minimum, in accordance with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of Buildings in Bushfire-prone areas' and in accordance with Addendum: Appendix 3 of *Planning for Bush Fire Protection 2006*.

### Evacuation and Emergency Management

33. In recognition of the significant numbers of people likely to attend events at the site, an emergency management plan is to be provided to the NSW RFS Shoalhaven Team. This plan should at a minimum address the following:
- a) Identify and define types of emergency incidents that could occur and their potential impacts on and off site.
  - b) Identify a staff position which will assume the role of 'emergency controller' for the site and nominated people for when the emergency controller is not available. If the site is not staffed an emergency contact person should be appointed.
  - c) Identify specific staff functions in the case of an emergency including creating and distributing emergency procedures (specify actions to minimise any secondary damage e.g. spread of fires).
  - d) Nominate staff positions who will perform specific functions as required under the emergency plan and provide contact details for nominated staff.
  - e) Where staff or visitors are present on site, appropriate evacuation measures are to be provided.
  - f) Indicate internal emergency resources that are available including fire fighting equipment (e.g. water tanks, pumps for dams, fire extinguishers, fire hose reels), medical first aid equipment, other specialist equipment that may be available (e.g. backhoes, forklifts, etc.).
  - g) The plan should detail the actions of persons who first notice an emergency occurrence and how they are to activate or raise an alarm. The plan should detail procedures to ensure that the relevant emergency service is contacted.
  - h) The contact number should always be identified as '000' triple zero.
  - i) Instructions should also be provided on information to be given to the emergency service including:
    - i. Location of site
    - ii. Type of emergency
    - iii. Any casualties or injuries
    - iv. What assistance is required
    - v. Any hazards that may be encountered
    - vi. Your name and telephone contact number



- j) Details of types of alarms systems should be included. Contact numbers of adjacent facilities should be provided so that a nominated person can notify those facilities of an emergency which may have some impact on them.
- k) Include a copy of the site plan indicating emergency access, water sources and other relevant information.

### **Off-Road Facility (West of Braidwood Road)**

#### Asset Protection Zones

34. In recognition of the significant numbers of people likely to attend events at the site, prior to the commencement of any future building works for the "clubhouse building" and in perpetuity the property around the building shall provide asset protection zones (APZs) which comply with Table A2.7 of Planning for Bushfire Protection 2006 and achieve a radiant heat level not greater than 10kW/m<sup>2</sup>. These APZs are to be provided and managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

#### Water and Utilities

35. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

#### Access

36. In recognition of the significant numbers of people likely to attend events at the site internal access to the "clubhouse" and associated car parking facilities shall comply with the requirements of Section 4.2.7 Internal Roads of 'Planning for Bushfire Protection' 2006, with the exception of the length of the proposed internal road accessing the "clubhouse" and associate car parking facilities- which is approved to be no greater than 110m in length.

### **On-Road Facility (East of Braidwood Road)**

#### Asset Protection Zones

37. In recognition of the significant numbers of people likely to attend events at the site, prior to the commencement of future building work for "administration building/s" and in perpetuity the property around the southern portion of the identified building footprint (being approximately the southern most 90 metres of the footprint) shall provide asset protection zones (APZs) which comply with Table A2.7 of Planning for Bushfire Protection 2006 and achieve a radiant heat level not greater than 10kW/m<sup>2</sup>. These APZs are to be provided and managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

#### Access

38. In recognition of the significant numbers of people likely to attend events at the site internal access to the "administration building/s" and car parking facilities shall comply with the requirements of Section 4.2.7 Internal Roads of 'Planning for Bushfire Protection' 2006.

**NOTE:** The RFS notes that no detailed access plans have been provided for the "On road" component of the Motorsports Facility. Accordingly, the RFS advises that Section 4.2.7 of PBP 2006 requires roads to be through roads. If dead end roads are unavoidable, these are not to be more than 100m in length and incorporate a minimum 12m outer radius turning circle.

### ***Traffic Management***

39. The following road improvement works must be addressed in any subsequent development application involving upgrade works to the existing off-road precinct or the construction of the sealed on-road precinct:
- a) Construction details of the proposed pedestrian underpass and what additional measures (such as fencing, parking restrictions, etc), will be utilised to restrict pedestrian movements between the sealed racing precinct and off-road precinct of the site to facilitate the use of the underpass.
  - b) Detail plans of the proposed entry / exit points to the development including a CHR/CHL design to the off-road precinct and CHR/CHL design to the on-road sealed racing precinct. The proposed design and spacing between the two entry/exit points be further developed in consultation with Council and the RMS to achieve
  - c) Detailed plans of required upgrade works to the following intersections:
    - i. Albatross Rd and Braidwood Rd – CHR/AUL for left turn from Albatross Rd into Braidwood Rd and the right turn from Albatross Rd into Braidwood Rd;
    - ii. Braidwood Rd and Turpentine Rd – AUL for left turn from Braidwood Rd into Turpentine Rd.
  - d) Detailed plans of the driveways and parking areas and how they comply with the relevant parts of AS2890 and Chapter G21 – Car Parking and Traffic of the Shoalhaven Development Control Plan 2014 (SDCP2014) and how the design will prevent or minimise vehicle queuing onto Braidwood Rd.

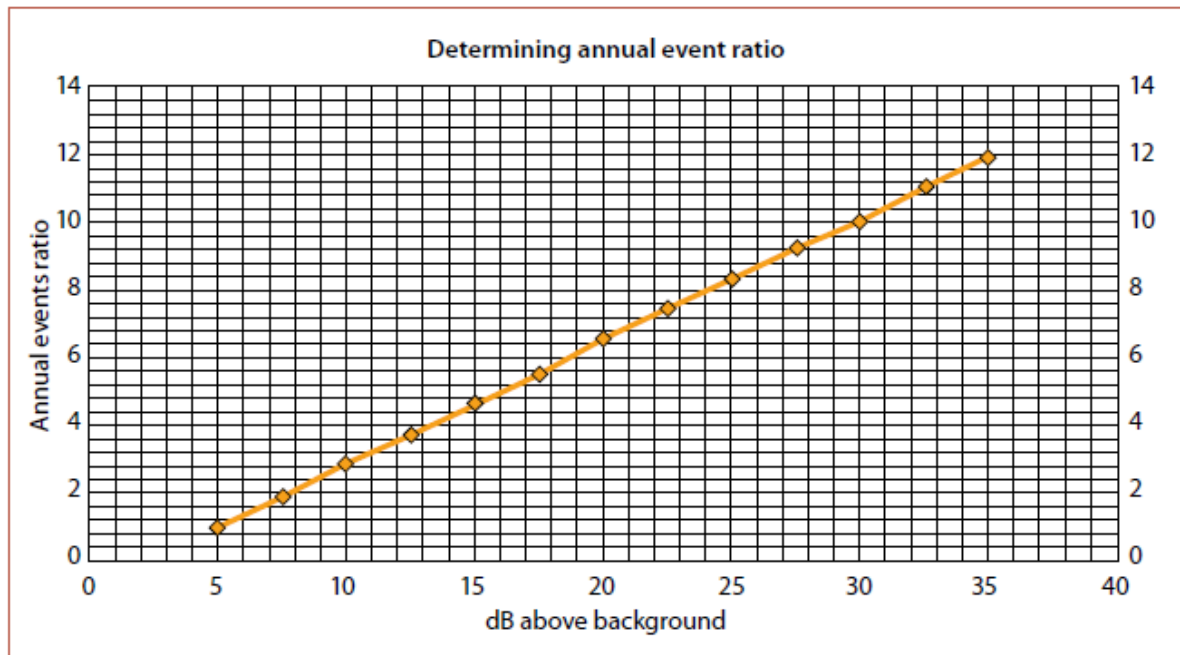
### ***Event Traffic Management***

40. Any subsequent development application involving upgrade works to the existing off-road precinct or the construction of the sealed on-road precinct must include an Event Traffic Management Plan that addresses all key access, traffic and parking management strategies to minimise impacts associated with general site operations and events, key of which would be the restriction of site access via Parma Rd and the appropriate management of on-site access and parking.

### ***Noise Management Plans***

41. A Construction Noise Management Plan must be submitted with each subsequent development application that involves construction works and/or the extensive clearing of vegetation for the sealed on-road precinct.
42. Any subsequent development application involving upgrade works to the existing off-road facility or the construction of the sealed on-road facility must include a Noise Management Plan (NMP) setting out the proposed methodology and compliance in regards to noise generated from the ongoing operation of the approved development. The NMP must include, though not necessarily be limited, to the following:
- a) An updated Noise Impact Assessment of the final track design of the racing track and noise control berms in the on-road facility and the flat track circuit in the off-road facility;
  - b) Ongoing noise monitoring and measurements to track the ongoing event quota usage, certify that the noise levels predicted by Day Design Acoustics relate to noise levels experienced on the completion of the development and certify that each vehicle used on-site meets the applicable sound power level;

- c) Items identified in section 9.2.2 of the Environmental Noise Impact Assessment by Day Design, dated 10/2/14;
- d) Provide details of the positions and procedures for the measurement and monitoring of noise levels to ensure compliance with the CAMS general limit of 95 dBA at 30m from the track and to ensure compliance with the noise limits set by the noise management plan in regards to off-site impacts;
- e) An Annual Event Schedule is to be developed in accordance with the methodology identified in the EPA Noise Guide for Local Government and the Annual Event Ratio Table replicated below;



### **Water and Wastewater**

- 43. Each subsequent development application involving the construction of buildings must include detailed information on how:
  - a) reticulated water will be provided to the development in accordance with the requirements of the Building Code of Australia and AS3500 Part 1;
  - b) waste water from the development will be collected, treated and disposed of in accordance with the requirements of Shoalhaven Water and Chapter G8 – On-Site Sewage Management of SDCP2014 as applicable.

### **Stormwater Drainage Design**

- 44. A Stormwater Management Plan must be submitted with each subsequent development application. In this regard, the plan must ensure:
  - a) Major and minor drainage systems are to be designed by a qualified practising engineer in accordance with Council's Engineering Design Specifications section D5 (Stormwater Drainage Design) Chapter G2 - Sustainable Stormwater Management and Erosion/Sediment Control of SDCP2014. The minor and major systems must be designed for a 20% AEP and 1% AEP rainfall events respectively.

- b) Any new table drains and culverts under and adjacent to the roadways/driveways are to be designed:
  - i. For a minimum 20% AEP rain event.
  - ii. To withstand the pressure of the maximum AEP stored upstream before the culvert/roadway is overtopped.
  - iii. To resist scour and erosion within the table drains and the roadway/driveway caused by overtopping of any culvert.
- c) Where culverts are 1m high or greater (roadway to invert) they are to be provided with a guard fence in accordance with Australian Standards.

### ***Aboriginal Cultural Heritage***

- 45. Any subsequent development application for the on-road facility must include an Aboriginal Heritage Impact Permit (AHIP) from the Office of Environment and Heritage that permits the registered Aboriginal heritage site #52-2-0827 to be disturbed.
- 46. No impact is to occur to AHIMS site #52-5-0384 unless an AHIP that authorises the disturbance of the Aboriginal heritage item must be obtained.

### ***Contributions for Additional Services and/or Facilities***

- 47. This development will generate a need for additional services and/or facilities as described in the Shoalhaven Contribution Plan 2010. Specific contribution amounts payable will be determined as part of each subsequent development application and will be applied in accordance with the requirements of the Contribution Plan applicable at that time.

Contribution rates are adjusted annually on 1<sup>st</sup> July in accordance with the indexation formula indicated in the Contributions Plan and the total contribution levied will be adjusted accordingly at the time of payment (i.e. contributions are calculated on the rate applicable at the date of payment, not the date of development consent).

### ***BCA Requirements***

- 48. A Building Code of Australia Report, Access Report and energy efficiency assessment under Part J of the Building Code of Australia that has been prepared by a suitably qualified consultant must be submitted with each subsequent development application involving construction works.

### ***Kitchen/Food Requirements***

- 49. The construction and operation of any food related area/food premises must comply with all relevant legislation/ regulations and standards, including the *Food Act 2003*, *Food Regulation 2010*, Australia New Zealand Food Authority - Food Safety Standards 2001, and Shoalhaven City Council's Food Premises Policy. Details to demonstrate compliance with the above must be submitted with each subsequent stage/development application.

### ***HMAS Albatross***

- 50. Any subsequent development application for the on-road facility must have consideration to the operation of and the requirements of HMAS Albatross. These requirements may include though not be limited to, construction standard of buildings to meet noise

requirements, overlooking of the base, building heights, glare from reflective surfaces, lighting and ongoing waste management to reduce the risk of bird strike to aircraft.

### **Formal Crime Risk Evaluation**

51. A 'Safer by Design Crime Risk Evaluation/Assessment' (i.e. Crime Prevention Through Environmental Design (CPTED) Assessment) of the proposed development having regard for safer by design principles must be submitted with each subsequent development application involving the construction of buildings. It must be prepared by a suitably qualified professional and must identify potential problems and mitigating measures that will be implemented.

### **Waste Minimisation and Management**

52. A Waste Minimisation and Management Plan (WMMP) must be submitted with each subsequent development application. The WMMP must be prepared in accordance with Chapter G7 - Waste Minimisation and Management Controls of SDCP 2014. The plan must address construction waste and on-going waste management (i.e. waste generation rates from each of the uses, waste storage location, screening if visible from adjoining public lands, etc) as appropriate to each development application.

*Note: "Waste" has the same meaning as the definition of "Waste" in the Protection of the Environment Operations Act 1997.*

### **Erosion and Sediment Control Plan**

53. An Erosion and Sediment Control Plan (ESCP) and accompanying specifications must be submitted with each subsequent development application specifically relating to works to be undertaken as part of that stage of the development. The ESCP is to be prepared by a suitably qualified/experienced person and be based on the Landcom manual "*Soils and Construction, Managing Urban Stormwater, Vol 1 4<sup>th</sup> Edition, March 2004*". The ESCP must include, but not be limited to:

- a) Existing and final contours;
- b) Provision for the diversion of runoff around disturbed areas;
- c) Location and type of proposed erosion and sediment control measures;
- d) Maintenance details;
- e) Location of and proposed means of stabilisation of site access;
- f) Approximate location of site sheds and stockpiles;
- g) Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur; and
- h) Standard construction drawings for proposed erosion and sediment control measures.

## **PART E**

### **REASONS FOR CONDITIONS**

#### **Conditions of consent have been imposed to:**

1. Ensure the proposed development:
  - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
  - b) complies with the provisions of all relevant environmental planning instruments;

- c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

## **PART F**

### **ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL**

#### ***Development Determination under Environmental Planning and Assessment Act, 1979***

*Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a Complying Development Certificate, Designated Development or Integrated Development. The request must be made **within six (6) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.*

*Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within six (6) months** after receipt of this notice.*

## **PART G**

### **GENERAL ADVICE TO APPLICANT**

#### ***Privacy Notification***

Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the *Government Information (Public Access) (GIPA) Act 2009*.

#### ***Trees Located on Public Land***

Please note that any works carried out on the subject property or within the road reserve, such as construction of a driveway, that damages or otherwise detrimentally impacts on the health or safety of any tree located on public land may result in the applicant incurring the costs of any remedial action or removal of the tree(s). If you are proposing to carry out any works that may impact on any tree on public land, it is recommended that you contact Council for advice before carrying out those works.

### ***Commonwealth Environment Protection and Biodiversity Conservation Act 1999***

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on

- a) A matter of national environmental significance (NES) matter; or
- b) Commonwealth land

without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation.

It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter.

There are severe penalties for non-compliance with the Commonwealth legislation.

### ***Disability Discrimination Act 1992***

This application has been assessed in accordance with the Environmental Planning & Assessment Act, 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

### ***Disclaimer – s88B Restrictions on the Use of Land***

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under Clause 1.9A of Shoalhaven Local Environmental Plan 2014 agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

**SIGNED** on behalf of Shoalhaven City Council:



Bridge Rd, Nowra NSW 2541 02 4429 3111  
Deering St, Ulladulla NSW 2539 02 4429 8999

**Address all correspondence to**  
The General Manager, PO Box 42, Nowra NSW 2541 Australia  
DX5323 Nowra Fax 02 4422 1816

COUNCIL REFERENCE: RA14/1000  
CONTACT PERSON: **James Bonner**

17 June 2016

Joint Regional Planning Panels  
Regional Panels Secretariat  
23-33 Bridge St  
SYDNEY NSW 2000

Attn: Panel Secretariat

Dear Sir/Madam,

**Masterplan Application – RA14/1000  
Lot 7308 DP 1147573, Lot 7309 DP 1148878 and  
Part Lot 7313 DP 1148869 Braidwood Road Yerriyong**

I refer to the report sent to the Joint Regional Planning Panel on 16 June 2016, and request an amendment be made to the recommendation to correct a drafting error by the assessing officer. The amended recommendation is:

**That, in respect of Regional Development Application RA14/1000 (2014STH009) for a masterplan application for a motorsports facility, comprising upgrade and extension of the existing Nowra District Motorcycle Club and construction of a new sealed road racing track with associated buildings and car parking with operational approval for Stage 1 being the clearing of vegetation to undertake survey work to finalise the design of the sealed road racing track at Braidwood Road, Yerriyong - Lot 7308 DP 1147573, Lot 7309 DP 1148878, and Part Lot 7313 DP 1148869, the application be conditionally approved as a deferred commencement consent, with the outstanding items to be resolved being the submission to Council for approval of a detailed plan setting out the final delineation of the boundaries of the proposed Conservation Area, and the entering into of a legally binding instrument, to the satisfaction of Council, to ensure the permanent conservation of the retained vegetation, habitat and linkages contained within the Conservation Area.**

If you need further information about this matter, please contact James Bonner, Development Coordinator on 4429 3111. Please quote Council's reference RA14/1000.

Yours faithfully

  
James Bonner  
**Development Coordinator**  
Planning & Development Services Group