



Planning

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Ecoplan Projects Ltd
33 North Avalon Road
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Notice of Determination of a Development Application

Issued under section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*

Reference No. 09/01958-1

Development Application Number DA 094-10-2009

Application Details

Name of Applicant Motorcycling NSW Ltd c/- Ecoplan Project Ltd
Address of Applicant 33 North Avalon Road, Avalon NSW 2107
Address of land to be developed 63-107 Redmayne Road, Horsley Park 2164 – Lot 6
in DP 1021711, Lot 112 and 113 in DP 13905

Proposed Development Construction and operation of a new junior motorcycle training, education and riding complex comprising two motorcycle tracks, an acceleration and brake track, car parking and associated infrastructure and services.

Determination Date 24 September 2010

Determination Approval

Details of conditions See attached schedule

Note:

- (1) This notice should be read in conjunction with the approved plans endorsed as part of this determination.
- (2) This consent becomes effective from the endorsed determination date.
- (3) The consent will lapse 5 years after the date of the effective consent date, unless a specific condition of the consent stipulates a lesser period or the consent is subject to a "deferred commencement" consent, or the use has commenced or any building works have been physically commenced.

- (4) Section 125 of the Act confers the authority to direct any person to comply with the terms and conditions of any consent and any person failing to comply with such a direction shall be guilty of an offence under the Act.
- (5) The applicant or any other person entitled to act on this consent may apply to modify the consent in accordance with section 96 of the Act.
- (6) Additional advisory notes regarding this consent maybe attached to the Notice of Determination.

Other approvals

Nil

Right of appeal

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Further information

If you have any queries regarding this matter, please contact Peter McManus on 9228 6316, or email peter.mcmanus@planning.nsw.gov.au

Signed

Under delegated authority from the Minister for Planning, and pursuant to section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*, I hereby grant consent subject to the conditions in the attached schedule.



Daniel Cavallo
**A/Director,
Government Land and Social Projects
Delegate for Minister for Planning**

Sydney

24 / 9 /2010

SCHEDULE

ADDRESS: 63-107 Redmayne Road, Horsley Park 2164 - Lot 6 in DP 1021711, Lot 112 and 113 in DP 13905

DA NUMBER: DA 094-10-2009

FILE NUMBER: 09/01958-1

DESCRIPTION OF DEVELOPMENT: Construction and operation of a new junior motorcycle training, education and riding complex comprising two motorcycle tracks, an acceleration and brake track, car parking and associated infrastructure and services.

A APPROVED DEVELOPMENT

A1 Development in Accordance with Plans and Documentation

The development shall be generally in accordance with development application number DA 094-10-2009 submitted by the applicant on 27 September 2009, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Architectural (or Design) Drawing prepared by Ecoplan Projects Ltd.		
Drawing No.	Name of Plan	Date
Sheet 1 of 1	Layout of facility	13 May 2010
Statement of Environmental Effects prepared by Ecoplan Projects Ltd dated October 2009.		
Noise Assessment Report prepared by Acoustic Dynamics Pty Ltd, dated 25 August 2009 and Supplementary Advice prepared by Acoustic Dynamics Pty Ltd, dated 29 July 2010.		
Flora Assessment Report prepared by Toolijooa Environmental Restoration Pty Ltd.		
Baseline Environmental Site Assessment, Remediation and Validation prepared by Consulting Earth Scientists Pty Ltd dated 25 September 2009.		

Except as amended by the following conditions:

A2 Approval of Changes or Fixtures

No changes or fixtures other than those shown on the stamped plans or as specified in these conditions of consent are to be installed without the prior approval of the Department of Planning.

B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

B1 Compliance with the Food Handling Guideline for Temporary Events

The Applicant must ensure that the onsite canteen at all times, complies with the *NSW Food Authority - Food Handling Guideline for Temporary Events*.

B2 Protection of On-site Trees

All activities, such as car parking areas, associated access roads, acoustic walls and events areas should not be located within the Root Protection Zone (RPZ) of any tree as identified by AS4970-2009 Protection of Trees on Construction Sites unless authorised by a suitably qualified ecologist, in order to avoid impacting the RPZ and subsequent damage to trees. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B3 Disabled Facilities

Adequate separately accessible toilet facilities are to be provided for persons with disabilities in accordance with the BCA. Full details are to be provided to the Certifying Authority.

B4 Sydney Water

Prior to the issue of a Construction Certificate, a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 shall be obtained and a copy must be submitted to the Certifying Authority (Council or a private accredited certifier).

B5 Stormwater and Drainage Works Design

Final design plans of the stormwater drainage systems within the proposed development, prepared by a qualified person and in accordance with the requirements of Fairfield City Council shall be submitted to and approved by the PCA prior to issue of a Construction Certificate. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

B6 Road Safety Audit

Prior to the Roads and Traffic Authority's (RTA) final determination of its decision to waive upfront construction of the Type BAR treatment on Wallgrove Road, at the intersection of Wallgrove Road and Redmayne Road, an independent Road Safety Audit is to be commissioned by the applicant and prepared by a suitably qualified road safety auditor that demonstrates why the proposed upgrade works are not warranted. The Road Safety Audit is to be prepared prior to the issue of a Construction Certificate for the approved development and submitted to the RTA for their concurrence. A copy of the final Road Safety Audit and details of the RTA's concurrence are to be submitted to the Department of Planning.

C PRIOR TO COMMENCEMENT OF WORKS

C1 Construction Management Plan

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) Hours of work;
- (2) Contact details of site manager;
- (3) Traffic management including:
 - (a) Ingress and egress of vehicles to the site;
 - (b) Predicted traffic volumes, types and routes; and
 - (c) Measures undertaken to keep roads and footways clear of mud and sediment.
- (4) Noise management including:
 - (a) Predicted noise levels at sensitive receivers;
 - (b) Measures for dealing with exceedances; and
 - (c) Arrangements to inform residents of noisy activities likely to affect their amenity, including:
 - I. Provision of a 24 hour contact point for residents; and
 - II. Establishment of a system to handle and respond to complaints.
- (5) Waste management; and
- (6) Flora and fauna management.

The Applicant shall submit a copy of the approved plan to the Department of Planning and Council.

C2 Construction of Acoustic Barrier

Prior to the commencement of any works on the site, an acoustic barrier shall be constructed along the entire lengths of the northern and eastern boundaries of the subject site. The acoustic barrier is to be a minimum of 4.0 metres in height, comprising a mix of vegetated earth mound and acoustic fencing in order to blend in with the surrounding vegetation and be sympathetic to the rural character of the area. The design of the acoustic barrier is also to ensure provisions for safe and unobstructed access via the existing right-of-carriage-way are maintained. The final design must be approved by the Department of Planning in consultation with the Western Sydney Parklands Trust (WSPT) prior to the commencement of works. Fill material associated with the earth mound is to be classified as Virgin Excavated Natural Material (VENM).

C3 Vegetation Management Plan

Prior to the commencement of works, the Applicant shall prepare a Vegetation Management Plan in consultation with a suitably qualified ecologist to ensure the

ongoing conservation and managements of the northern and southern remnant areas of Cumberland Plain Woodland. The Plan shall address, but not be limited to, the following matters:

- (1) The protection and conservation of remnant areas of Cumberland Plain Woodland;
- (2) Measures to restrict access to remnant areas of Cumberland Plain Woodland;
- (3) The fencing and demarking of remnant areas of Cumberland Plain Woodland;
- (4) The protection of Cumberland Plain Woodland trees from ring-barking by removal of old fencing wire from tree trunks.

The Applicant shall submit a copy of the plan approved by the Certifying Authority to Council prior to the commencement of construction.

C4 Removal of Hazardous Materials

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal complex in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

C5 Asbestos Removal

All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

C6 Road Works

No works are to take place within the public road until Council's separate written approval has been obtained. This includes the storage of building materials or the carrying out of building operations in Council's foot way or road way.

D DURING CONSTRUCTION

D1 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D2 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D3 Site Notice

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) Showing the name, address and telephone number of the principal certifying authority for the work;
- b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) Stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while any building work or demolition work is being carried out, but must be removed when the work has been completed.

D4 Hours of Work

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) Between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) Between 8:00 am and 1:00 pm, Saturdays, and
- (3) No work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) The delivery of materials is required outside these hours by the Police or other authorities;
 - (2) It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
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D5 Noise Control – During Construction

All work, including demolition, excavation and building work must comply with Chapter 171 of the NSW EPA's *Noise Control* and Australian Standard AS2436: 1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

D6 Dust Control

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Cleaning of footpaths and roadways shall be carried out regularly.

D7 Right of Carriageway to be Unobstructed

Any right of carriage way on the subject site must not be obstructed at any time during construction.

D8 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW *Heritage Act 1977* may be required for further works can be considered in that area.

D9 Impact of Below Ground (Sub-surface) Works – Aboriginal Relics

If any Aboriginal archaeological relics are exposed during construction works, the Applicant shall immediately notify the National Parks and Wildlife Service and obtain any necessary approvals to continue the work. The Applicant shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

E PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

E1 Roads and Traffic Authority Bank Guarantee

Subject to the outcome of Condition B6, the following requirements are to be undertaken prior to the issue of an Occupation Certificate for the approved development:

- (1) The applicant shall submit an unconditional bank guarantee to the RTA for the full cost of the BAR treatment on Wallgrove Road at Redmayne Road intersection. The dollar amount of the unconditional bank guarantee shall be based on the estimated cost of the BAR treatment and shall be to the satisfaction of the RTA;

NOTE: A full list of pre-qualified contractors that can provide a cost estimate of the roadworks can be found at the following weblink:

<http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>

- (2) The subject intersection will be monitored for a period of 6 months post occupation of the approved development to determine if the basic right turn treatment is warranted;
- (3) If the RTA determines that the BAR treatment is unwarranted at the end of the 6 months monitoring period, then the bond will be returned in full to the applicant. The RTA is to provide written advice to the applicant and the Department of Planning when the bond is returned in full.
- (4) However, at any time during the 6 month monitoring period, if it is determined by the RTA that the BAR treatment is warranted, then the RTA reserves the right to use the unconditional bank guarantee to construct a BAR treatment at the subject intersection.

Circumstances that would warrant the construction of the BAR treatment (using the unconditional bank guarantee) within the 6 month monitoring period would be:

- i. Any accident occurring at the intersection that involves a right turn movement from the northbound carriageway of Wallgrove Road into Redmayne Road; and/or
 - ii. Complaints received by members of the public regarding this intersection.
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F OPERATION

F1 Plan of Management

A Plan of Management must be prepared and submitted for the Department's approval prior to the operation of the complex. The required Plan of Management is to include, but not be limited to, the following:

- (1) Starting and finishing times associated with the operation of the complex in accordance with conditions of consent;
- (2) Noise minimisation and monitoring;
- (3) Minimisation of dust emissions;
- (4) Complaints handling;
- (5) Emergency evacuation plans;
- (6) Onsite safety measures;
- (7) Protection of existing flora and fauna;
- (8) The role of the caretaker;
- (9) Traffic and parking;
- (10) Waste management and disposal; and
- (11) Security.

F2 Effluent System Works Design

Prior to the operation of the complex, the effluent management system must be upgraded to the satisfaction of Council.

F3 Waste Disposal

Adequate facilities are to be provided and to the satisfaction of the PCA within the premises for the storage of all garbage associated with the development.

F4 Traffic Management Works

Prior to the operation of the complex, the Applicant shall construct a Type 'BAR' treatment on Wallgrove Road at the Redmayne Road intersection, to allow vehicles travelling to the site, to safely turn right from Wallgrove Road into Redmayne Road. The 'BAR' treatment shall be designed and constructed in accordance with the Roads and Traffic Authority's (RTA) Road Design Guide and RTA requirements.

The developer will be required to enter into a Works Authorisation Deed with the RTA. In this regard, the developer is required to submit detailed design plans and all relevant additional information, as may be required in the RTA's Works Authorisation Deed documentation, for each specific change to the state road network for the RTA's assessment and final decision concerning the work.

All works associated with the development shall be at no cost to Fairfield City Council, WSPT or the RTA.

F5 Onsite Vehicles and Motorcycle

- (a) The approved Junior Motorcycle Training, Education and Riding Complex is restricted to a maximum of 150 vehicles on the subject site at any one time.
- (b) The approved Junior Motorcycle Training, Education and Riding Complex is limited to the operation of up to and including typical 85cc two-stroke and typical 150cc four-stroke motorcycles.

F6 Road Damage

The Applicant is to make good any damage caused to a public road or associated structures, including drains and kerb and gutter, and to private property caused as a result of the works prior to the operation of the complex, the subject of this development application. The cost of repairing any damage caused to Council's assets in the vicinity of the subject site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to the operation of the complex. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works being restored to match existing conditions at the applicant's expense. Any redundant existing vehicular crossings are to be removed at no cost to Council and the public footway and kerb being restored to match the existing infrastructure.

F7 Fencing

Prior to the operation of the complex, the entire perimeter of the site and event areas must be fenced to ensure riders and spectators are separated in accordance with the Track Licensing Guidelines set by Motorcycling NSW, NSW Sport and Recreation and the NSW Police.

F8 Hours and Days of Operation

- (a) The hours of operation of the motorcycle complex are **7.30 am to 6.30 pm** Monday to Sunday. However, motorcycles must only be operated at the site between **9.00 am and 4.30 pm** Monday to Sunday.
- (b) The complex can be used a maximum of 10 days per month. However, the complex may be used a maximum of 15 days per month (with a maximum of 5 days per week) during school holiday periods.

F9 Annual Fire Safety Certification

The owner of the all buildings on the site shall certify to Council every year that the essential services installed in the buildings for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

F10 Noise Control – Operation of the Complex

The applicant shall ensure that:

- (1) Noise associated with the operation of the complex does not exceed the Daytime Noise Criterion for each relevant noise receiver location as outlined in the Noise Assessment Report prepared by Acoustic Dynamics Pty Ltd dated 25 August 2009 and Supplementary Advice prepared by Acoustic Dynamics Pty Ltd, dated 29 July 2010 (refer to table below);

Table 4.2 Predicted Noise Emission Levels (Revised) and Criteria

Loc. No.	Location	Predicted ¹ L _{Aeq} Noise Emission Levels	Daytime Noise Criterion	Complies with Criterion?
1	Semi-rural/residential receiver - Redmayne Rd	57 dB(A)	55 dB(A)	Yes ³
2	Semi-rural/residential receiver - Redmayne Rd	51 dB(A)	55 dB(A)	Yes
3	Semi-rural/residential receiver - Redmayne Rd	53 dB(A)	55 dB(A)	Yes
4	Spanish Gospel Chapel - Redmayne Rd	43 dB(A)	45 dB(A) ²	Yes
5	Semi-rural/residential receiver - Wallgrove Rd	50 dB(A)	55 dB(A)	Yes
6	Semi-rural/residential receiver – Wallgrove Rd	44 dB(A)	55 dB(A)	Yes
7	Semi-rural/residential receiver – Chandos Rd	51 dB(A)	55 dB(A)	Yes
8	Semi-rural/residential receiver – Chandos Rd	50 dB(A)	55 dB(A)	Yes

Note: 1) Noise prediction calculations include a typical "worst case" scenario with ten (10) 85cc two-stroke motorcycles being ridden at the nearest proposed activity location within the facility to the subject receiver location with the incorporation of acoustic benefits obtained from the mitigation measures recommended in section 7 of our detailed report.

2) Internal noise criteria specified. Typical and outdoor to indoor correction of 10 dB is applied allowing for receiver windows to be open.

3) Marginal compliance is achieved as the human ear cannot easily distinguish sound level differences of up to 3 dB(A).

- (2) Noise associated with the operation of the complex complies with the requirements and noise criteria of the NSW Industrial Noise Policy;
- (3) Noise monitoring is undertaken to demonstrate compliance with the Daytime Noise Criterion for each relevant noise receiver location as outlined in the Noise Assessment Report prepared by Acoustic Dynamics Pty Ltd dated 25 August 2009 and Supplementary Advice prepared by Acoustic Dynamics Pty Ltd, dated 29 July 2010. A noise report is to be submitted to the Department of Planning within 6 months of commencement of the operation of the complex and then at annual intervals to ensure that the mitigation measures implemented are adequate;
- (4) Responses to noise complaints are immediately managed and resolved; and
- (5) The acoustic barriers along the northern and eastern boundaries of the site are maintained to effectively control noise.

F11 Dust Mitigation

The applicant shall install appropriate irrigation systems from the onsite dam to ensure that the site is watered to control dust associated with the use of the complex and prevent it from being deposited on the M7 Motorway and adjoining properties. The onsite caretaker is to ensure the continual control of dust.

F12 Storage of Hazardous or Toxic Material

Any hazardous or toxic materials must be stored in accordance with WorkCover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

F13 Public Areas

No goods or advertising signs are to be displayed or allowed to stand on the public footpath or street.

F14 Right of Carriageway to be Unobstructed

Any right of carriage way on the subject site must not be obstructed at any time during the operation of the complex.

F15 Public Way to be Unobstructed

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

F16 Remedial Actions

The applicant is responsible for any ongoing remedial work or action that may be required to meet any terms of this consent; any Act or Regulation or any requirement of Council or Public Authority.

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

The applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Telstra Australia, AGL, WorkCover etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN2 Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval under Section 68 of the *Local Government Act, 1993*, to erect a hoarding or scaffolding in a public place. Such fence or structure is to comply with the Construction Safety Act 1912 and Regulation 1950. Notice of intention of commencement must be given to WorkCover.

AN3 Use of Mobile Cranes

The applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

(1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:

- (a) At least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
- (b) At least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

(2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30 am without the prior approval of Council.

AN4 Movement of Trucks Transporting Waste Material

The applicant shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN5 Construction Inspections

Compliance certificate/s shall be issued by the PCA and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (1) Foundations;
- (2) Footings;
- (3) Structural concrete, including placing of reinforcement and formwork prior to pouring; and
- (4) Structural beam and column framing.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of consent.

AN6 Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN7 Road Closure

A temporary road closure permit is to be obtained by Council/RTA prior to the closure of any roads.