

5. ASSESSMENT

Council considers the key environmental issues for the project to be:

- built form and urban design;
- environmental amenity;
- transport and accessibility impacts;
- heritage impacts;
- ecologically sustainable development;
- drainage, stormwater and groundwater management;
- waste management;
- contamination;
- construction management;
- landscaping;
- section 94A contributions; and
- public interest.

5.1 Built Form and Urban Design

The proposed buildings comprise 6 stable buildings with typical dimensions of 12.63m high, 33m wide and 65m long. Each stable building will contain:

- two floors of stables with 1 single bed staff accommodation on each of these levels
- a mezzanine level containing 8 bedroom staff accommodation with 4 bathrooms and 1 kitchen/common area

The design externally will comprise an articulated façade using environmental fins, sun control awnings, louvers and shutters combined with select façade material and colour which will assist in breaking any visual bulk and scale. Additionally, the topography of the Stables Precinct with its lower level than Wansey and Alison Roads results in the proposed stables buildings being “sunk” into the subject site which further mitigates any visual bulk and scale. The proposed builtforms will also be soften and screened by existing heavy plantings that will be augmented by additional landscaping as proposed in the Landscape Concept Plan prepared by AECOM.

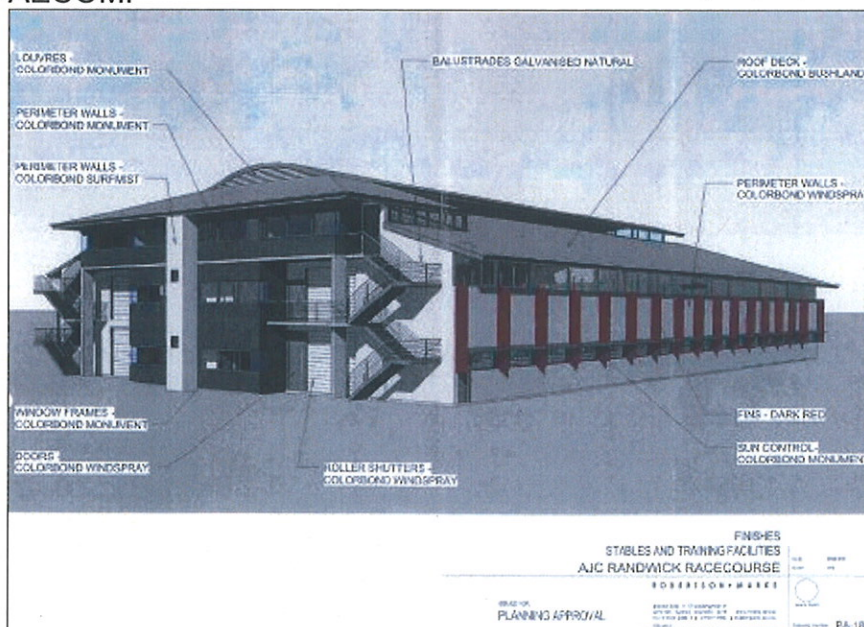


Figure 7 – North and East Elevation

It should be noted that no height controls are applicable in the Open Space zoning of the RRR. However, assessed on its merits, the proposed 12.63m high stable buildings are appropriately located in a sunken corner of the RRR separated from nearby existing residential development by the existing carriageways of Alison Road and Wansey Road. The proposal is considered to be generally consistent with the built form and character of existing residential development in the locality ranges from taller residential flat buildings across Alison Road to the north and elevated dwelling houses across Wansey Road to the east.

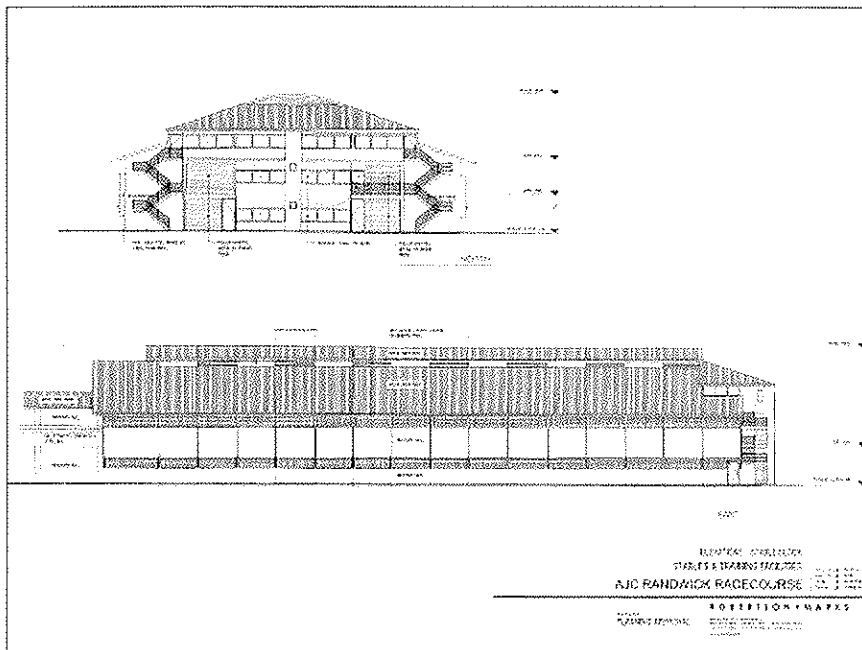


Figure 8 – North and East Elevation

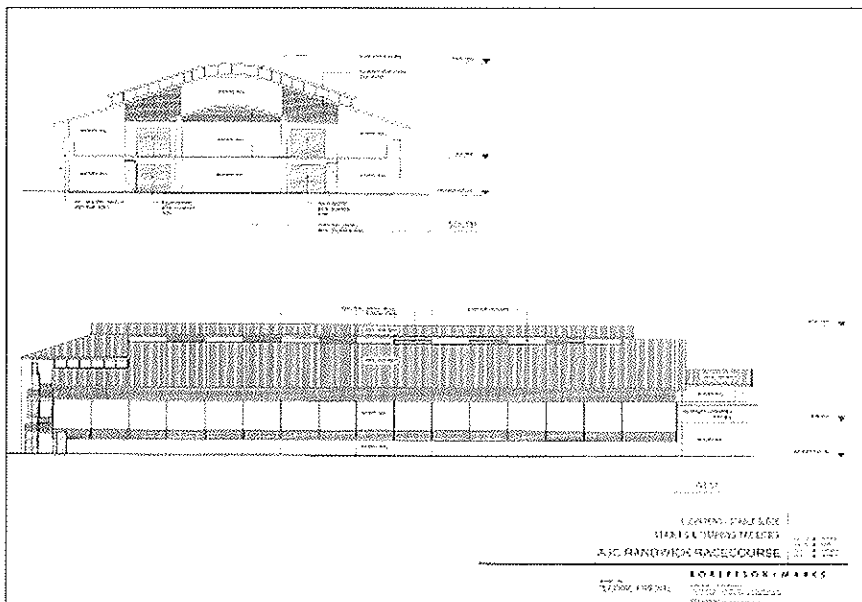


Figure 9 – South and West Elevation

A further consideration is that, while the footprint of the proposed stables will be substantially increased when compared to the existing structures on site, the proponent's landscape plan (see relevant landscaping section below) indicates that

screen planting will be provided so as to maintain visual amenity both within the Racecourse when viewed from the Spectator Precinct, as well as for the residents in Wansey and Alison Roads. In this manner, what is currently a relatively untidy and poorly maintained area of the RRR will be formalised, improved with modern good looking structures soften with new areas of open space and new landscaping.

5.2 Environmental Amenity

5.2.1 Solar Access

The subject site is bounded by Alison Road and Wansey Road which separates the subject site from surrounding residential properties.

Shadow diagrams submitted with the proponent's Environmental Assessment indicate that overshadowing will be contained wholly within the RRR site with no impacts on any adjoining residential properties during the winter solstice (see **Appendix E**). This is reinforced further by the sunken nature of the subject site in relation to Wansey Road and Alison Road.

Accordingly, the additional shadow impact is considered to be acceptable as the proposal will not result in any dwellings being overshadowed and therefore in no changes to the minimum standard of 3 hours of sunlight to living areas and principal landscaped spaces during the winter solstice,

5.2.2 Loss of views

The views that potentially will be affected by the proposed development as raised in submissions to the proposal are broadly available from the two locations, namely from an apartment block at No. 108 Alison Road. An assessment of view loss has been undertaken from objector's properties at unit Nos. 6 and 1 at No. 108 Alison Road and Nos 1,3 & 5 Wansey Road applying the view loss planning principles established in the case of Tenacity Consulting v Warringah [2004] NSWLEC 140:

Dwelling units in 108 Alison Road, Randwick

1. Quality of Views:

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.



Photo 1: View from living room window and enclosed balcony of Unit 6 looking south to the historic stripping stalls, existing bull ring and green racing track.



Photo 2: View from living room window and balcony of Unit 1 looking south to the historic stripping stalls, existing bull ring and green racing track.



Photo 3: Views from enclosed balcony of Unit 6 looking south-west to the Queen Elizabeth stand.

Having regard to Senior Commissioner Roseth's comments regarding "iconic views" it is considered that this district view inclusive of the Randwick Racecourse does not qualify as iconic. It is further considered that whilst the Randwick Racecourse may be "culturally" iconic in terms of its history, development and use, it does not qualify as an item that is "visually" iconic as it comprises essentially a horse racing track, dilapidated stripping stalls, bull ring and distant district views. Accordingly, the loss of part of this view as a result of the proposed development is considered acceptable and reasonable.

2. Reasonable Expectation of View Retention:

The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

It is acknowledged that the view is obtained across the front boundary of the two objector's property such that any view loss will be significant for the objectors. However, the expectation of full retention of this existing view is not considered reasonable for the following reasons:

- The view is primarily that of a racecourse which, whilst significant historically and locally, is not visually iconic.
- The proposal introduces new stable buildings into the outlook of affected dwelling units in No. 108 Alison Road, in which the development and provision of stables is an expected feature. Accordingly, the proposed new stables will form part of the scene within the Randwick Racecourse such that the view impact properly considered is not one of loss but rather one of change.
- Given the non-iconic quality of the views, the extent of the impact of the view loss is considered moderate especially considering that the distant views of the racecourse green and tree lines fronting the UNSW complex will still be retained in varying degrees for both units.

3. Extent of Impact:

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The view is primarily that of a racecourse in which the development and provision of stables is an expected feature. Accordingly, the proposed new stables will form part

of the scene within the Randwick Racecourse such that the introduction of new stable buildings into the outlook of affected dwelling units in No. 108 Alison Road merely replaces the existing stripping stalls and bull ring in the foreground of the affected view while retaining district views of the racecourse green and the tree-line fronting the UNSW Student Housing in the distance (as shown below in the photomontage provided by the proponent of the proposed stables digitally superimposed into the view of dwelling unit No. 6). Additionally, in the case of Unit No. 6, a secondary view of the Spectator Precinct (Queen Elizabeth stand) from the enclosed balcony of this unit looking south west will be retained and will not be affected by the proposal. The impact upon the lower level dwelling unit No. 1 will be similar but with a greater loss of distant district views due to the lower elevation of unit No. 1 in the residential block.



Photo 4: Photomontage of proposed stables development digitally superimposed into the view of No. 6/108 Alison Road.

In summary, the proponent has provided a view loss analysis comprising a photomontage of the proposed building superimposed into the view corridor from No. 6/108 Alison Road looking south. The proposed development will mainly replace foreground views of the existing stripping stalls and associated structures as well as the bull ring while maintaining background views of the race course green and line of trees adjacent to the UNSW Student Housing apartments in the distance. The loss of the historic stripping stalls, bull ring and associated structures is considered to be minor to moderate as these existing buildings and structures are not visually iconic although they retain a degree of historical and cultural significant.

4. Reasonableness of Proposed Development:

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate

impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

No statutory or policy standards prescribe height and FSR for the subject site. Accordingly, the built form of the proposed stables must be considered on its merits in terms of its location and context. This has been undertaken in Section 5.1 of this Report. Furthermore, Stables are an identified land use in the subject area under the RRR DCP (see Part 3.1 Uses).

Dwellings in Wansey Road, Randwick

1. Quality of Views:

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.



Photo 1: View from dining room window of No.1 Wansey Road looking west into the existing site significantly screened by existing vegetation.



Photo 2: View of subject site from elevated terrace of No. 3 Wansey Road looking west into subject site significantly screened by existing vegetation.



Photo 3: Views from study room of No. 5 Wansey Road looking north-west into the existing site significantly screened by existing vegetation.

Having regard to Senior Commissioner Roseth's comments regarding "iconic views" it is considered that this district view inclusive of the Randwick Racecourse does not qualify as iconic. It is further considered that whilst the Randwick Racecourse may be "culturally" iconic in terms of its history, development and use, it does not qualify as an item that is "visually" iconic as it comprises essentially a horse racing track, dilapidated stripping stalls, bull ring and distant district views. Accordingly, the loss of part of this view as a result of the proposed development is considered acceptable and reasonable.

2. Reasonable Expectation of View Retention:

The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the

protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

It is acknowledged that the view is obtained across the front boundary of the three objector's properties. However, the expectation of full retention of this existing view is not considered reasonable for the following reasons:

- The view is primarily that of a racecourse which, whilst significant historically and locally, is not visually iconic.
- The subject site is already heavily screened by existing vegetation. The proposed development will be further screened by proposed additional landscaping to be introduced under the proponent's Landscape Concept Plan.
- The proposal introduces new stable buildings into the outlook of affected dwelling on Wansey Road, in which the development and provision of stables is an expected feature. Accordingly, the proposed new stables will form part of the scene within the Randwick Racecourse such that the view impact properly considered is not one of loss but rather one of change.
- Given the non-iconic quality of the views, the extent of the impact of the view loss is considered moderate especially considering that the proposal will still retain district views of the racecourse green and sections of the Spectator Precinct.

Additionally, the retention of views from No 5 Wansey Road is difficult as it is obtained from a study room and not a living room or kitchen.

3. Extent of Impact:

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The view is primarily that of a racecourse in which the development and provision of stables is an expected feature. Accordingly, the proposed new stables will form part of the scene within the Randwick Racecourse such that the introduction of new stable buildings into the outlook of affected dwellings on Wansey Road merely replaces the existing stripping stalls and Farrier's Building in the foreground of the affected view while retaining district views of the racecourse green and sections of the Spectator Precinct (as shown below in the photomontage provided by the proponent of the proposed stables digitally superimposed into the view of dwelling unit No. 1). The impact upon Nos.3 and 5 Wansey Road will be similar given the elevated viewing positions but the impact of future landscaping will further screen the view.



Photo 4: Photomontage of proposed stables development digitally superimposed into the view of No. 1 Wansey Road



Photo 5: Photomontage of proposed stables with proposed landscaping development digitally superimposed into the view of No. 3 Wansey Road.

In summary, the loss views of the Farrier's Cottage, historic stripping stalls, bull ring and associated structures is considered to be minor to moderate as background views of the race course green and parts of the Spectator Precinct will be retained. These views are already screened by existing landscaping which will be further augmented under the proposed development. Furthermore, the existing buildings and structures are not visually iconic although they retain a degree of historical and cultural significance.

4. Reasonableness of Proposed Development:

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered

more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

No statutory or policy standards prescribe height and FSR for the subject site. Accordingly, the built form of the proposed stables must be considered on its merits in terms of its location and context. This has been undertaken in Section 5.1 of this Report. Furthermore, Stables are an identified land use in the subject area under the RRR DCP (see Part 3.1 Uses).

5.2.3 Noise Impacts

Operational

An Acoustic Report (Acoustic Amenity Assessment) has been prepared by Arup Pty Ltd which identifies the key operational noise generating activities as plant and equipment services, operational noise including horse training activities, deliveries, horse float loading and unloading and waster removal; and traffic noise. The Acoustic Report has been assessed and it is noted that the Report indicates that the operational use of the Stables precinct is predicted to be unchanged in terms of acoustics from existing and proposed training activities. In terms of horse movements, the use of rubberised asphalt is proposed in horse movement areas with a predicted 6 percent reduction in noise from this activity. Transport noise has been considered and recommended measures of:

- Space planning ;
- Minimising reversing beeper noise;
- locating car park entrances/exits away from nearest residence with shallower gradient of land;
- relocation access away from residences of Wansey Road;
- service entrance is also proposed to be re-routed for larger vehicles further from nearest residences.

The assessment contained in the Report is generally considered acceptable subject to appropriate conditions primarily seeking to ensure attainment of the relevant criteria and application of attendant mitigation measures.

Construction

The proponent has committed to preparing a noise and vibration management plan as part of the Construction Management Plan. Furthermore, the proponent has committed to limiting construction work that generates significant noise or vibration to the hours of 9am to 12pm and 2pm to 5pm Monday to Friday and from 9am to 12 pm on Saturdays.

Council agrees with these measures and has therefore recommended conditions requiring these measures to be incorporated into a Construction Management Plan.

5.2.4 Odour

An Odour Management Plan has been prepared by Arup Pty Limited. To accompany the EA, which indicates that the odour currently generated from the site is primarily from the generation, storage and transportation of waste. The report concluded that the waste and its potential odour generation from the site is expected to be increased over the existing condition and therefore recommended a number of mitigation measures to be applied on the site to ensure the odour generated from the site is managed in accordance with the relevant statutory requirements. In addition, the proponent has indicated in the Statement of Commitment that the recommendations outlined in the Odour Assessment report are to be fully implemented on the site.

Appropriate conditions have been included in this report including compliance with Odour Management Plan.

5.3 Transport and Accessibility Impacts

Traffic generation and impact have been adequately addressed in the Traffic Report submitted with the application. Specifically, the traffic report advises that due to the provision of strapper / stable-hand accommodation being provided on-site within the Stables Buildings, the traffic generation from the proposed redevelopment is considered negligible, and the report concludes that there is likely to be an overall reduction in traffic generated to the stable facilities when considered on a site-wide basis. Accordingly, the stables redevelopment is considered to be suitable for the Stables Precinct in terms of access and traffic generation.

The Traffic Report has been referred to the RTA/SRDAC. In response, it is noted that, whilst the RTA/SRDAC have not raised any issues regarding the capacity of Wansey and Alison Road to cater for the expected traffic generated by the proposed stables facility, recommendation has been made for the upgrade to the Alison Road and Wansey Road intersection. This upgrade is required to be in the form of an additional right turn bay into Wansey Road on the Alison Road carriageway. This will be required to be provided in relevant condition of approval.

Additionally, conditions to address potential conflict between pedestrian and vehicular traffic movements along Wansey Road in the vicinity of the subject site will be addressed by way of appropriate conditions to implement a range of traffic management measures in Wansey Road. The works required by the conditions arise as a natural and direct consequence of the development and therefore not part of the S94A levy.

5.4 Heritage Impacts

The current proposal has been accompanied by a European Heritage Impact Statement (HIS) prepared by Graham Brooks and Associates, as well as a Aboriginal Cultural Heritage Assessment prepared by prepared by Archaeological and Heritage Management Solutions.

The proposed works will result in the demolition of significant heritage components on site, consisting of Wansey Cottage, Stripping Stalls Complex and Farrier's Workshop all of which are identified in the Conservation Management Plan for the Royal Randwick Racecourse, December 2006, prepared by Godden McKay Logan. The items are of local significance and are not identified on the State heritage Register. The HIS makes the following assessment of this impact:

- In relation to heritage impact, the primary heritage significance of this part of the site is its continued function as a stabling and training area, and that the replacement of the existing structures with state of the art equine facilities is an acceptable heritage impact.
- In relation to new built elements the HIS argues that the proposed materials and finishes have been designed to compliment the site and that the proposal does not impact on the physical, functional or visual relationships of other groups of buildings within the site.
- In relation to landscaping, the HIS notes that trees identified in the DCP as being of exceptional and high heritage significance are to be retained and that the Bullring training track of high significance is to be reconfigured and that new landscaping will complement the significance of the site.
- In relation to heritage items in the vicinity, the HIS notes that the site is physically and visually separated from the Members Stand by the Racetrack and existing site landscaping and will have no adverse impact on public views to and from the stand. Similarly the HIS argues that the site is separated from the heritage item at no.114 Alison Road by the roadway, with views filtered by existing trees.
- In relation to Historical Archaeology, the HIS notes that earlier studies have identified the location of a portion on the former Steeplechase track as an item of low archaeological significance within the Stables Precinct. The HIS notes that future disturbance of relics associated with this track must be managed under the Archaeological provisions of the Heritage Act. The HIS concludes that the proposal will reinforce the significance of this part of the site for its continued functioning as a stabling and training area, as recognised in the Randwick Racecourse DCP. The HIS recommends archival recording of the site prior to demolition of existing buildings and structures.

The Aboriginal Cultural Heritage Assessment (ACHA) notes that the site has been visited by an archaeologist, a representative of the La Perouse Aboriginal Land Council and Dharawal Elders. It was noted that there was no surface evidence of Aboriginal objects or Aboriginal occupation but that potential for sub-surface archaeological evidence was confirmed. The ACHA notes that the majority of the development is located within the area identified as having low archaeological potential but that the carpark is located within the area identified as having high sensitivity. The ACHA therefore recommends that prior to any disturbance in the area of high Aboriginal archaeological sensitivity archaeological testing should take place to determine the nature and extent of the archaeological resource within the area. A suitably qualified archaeologist should be engaged with ongoing consultation with the Aboriginal communities, DoP and/or DECCW. The ACHA provides procedures should any material or objects be discovered during construction and recommends that consideration be given to display of interpretive material relating to the Aboriginal associations with the area.

The proposal has been referred to the Heritage Branch of the NSW Department of Planning for comment. The Heritage Branch has provided recommendations for revisions to the Statement of Commitments set out in the Stables Precinct EA in

order to manage heritage impacts and have also provided Heritage Management conditions to be satisfied prior to commencement of works.

5.5 Ecologically Sustainable Development (ESD)

An Ecological Sustainable Design Report prepared by ARUP Pty Limited has been provided with the application. The report details the incorporation of ESD principles into the design, construction and operation of the development.

It is considered that the implementation of all the ESD measures in the design, construction and operation of the proposed development as outlined in the ESD Report will contribute significantly towards achievement of this rating. Additionally, the Statement of Commitments commits the proponent to achieving these objectives through adherence to the ESD guidelines contained in the ESD Report rather than through the Green Star rating system as there are no tools currently available to assess the buildings.

5.6 Drainage, Stormwater and Groundwater Management

Whilst a Flood Study for the site prepared by WMA Water is referred to in the DA submission, conditions will be applied requiring all new floor levels, storage areas, carparking areas within the new Stables Precinct to have the appropriate freeboard above the 1 in 100 year flood level.

Additionally, any proposed alterations to Council infrastructure is required to be fully documented. In this instance Council controlled is defined as a drainage system that discharges water collected from public land such as road carriageways. It should be noted that the applicant's drainage consultant (in an e-mail to Council dated 3 December 2010) has advised that an additional stormwater drainage pipe had been identified in the development site that was not identified on the current survey and in the current proposal. The consultant further acknowledges that the detailed design of this stormwater drainage pipe will need to be identified on site and all relevant measure undertaken to ensure that the revised drainage system will have no negative impacts on either the upstream or downstream infrastructure of the racecourse site. A condition to ensure that all stormwater drainage infrastructure is accounted for in the proposed development will be applied.

Any reconstructed/relocated Council pipeline must be designed for the critical 1 in 20 year ARI event. All flowpaths within the site must be designed to cater for the critical 1 in 100 year ARI event without impacting on proposed or existing structures. Appropriate conditions will be applied requiring drainage infrastructure to be designed and constructed to these respective ARI events.

5.7 Waste Management

Waste management procedures for the construction phase are included in the Construction Management Plan (at Appendix P). The Construction Management plan contains a framework for detailing management of construction waste which is considered adequate subject to a condition listing additional details required for waste management. Specifically, a condition to reinforce the requirement for a construction management plan inclusive of a waste management plan for both construction and demolition material will be applied.

Operation of the facility will generate a variety of solid and liquid wastes including biological wastes, and requires a range of management strategies. A Waste Management Plan has been prepared by ARUP Pty Ltd which, among other things, provides an estimated waste generation from the proposed stables facility and the rate at which collection of waste by private contractor is expected to occur. In particular, it is noted that the prime waste generated by the Stables, that is manure and bedding will be removed daily from designated sealed bulk waste storage pits. The proponent's Statement of Commitments has included a commitment to provide details of operational waste management with the overall plan of management for the RRR. A condition will be applied to further augment this commitment.

5.8 Contamination

Douglas Partners have prepared a report titled "Preliminary Contamination, Salinity and Acid Sulphate Soil Assessment Proposed Stables Precinct Royal Randwick Racecourse, Randwick" dated September 2010.

The report indicated marginal exceedences of lead, B(a)P and total Polyaromatic Hydrocarbons, however the concentrations of these contaminants was below the adopted SAC. Additionally, one sample (TP110) detected asbestos at a nominal depth of 1.5-2.0 m, however, the report states that this sample was relatively distinct in the far south/west of the site and can be made suitable for the proposed commercial stables use subject to further investigation and remediation of contaminated soils in the vicinity of sample TP110.

The assessment essentially concludes that, based on the site history and field observations, the site has a relatively low potential for contamination with the exception imported fill placed on the site. The subject site can be rendered suitable for the proposed redevelopment, subject to further verification prior to construction. Accordingly, it recommends that further confirmation, inspection and possibly laboratory analysis of soils should be carried out once access to the developed parts of the site is available.

In order to ensure appropriate remediation/management strategies to address potential soil contamination are adopted, Council has recommended conditions to ensure the proper management and remediation of contaminated soil and groundwater in the subject site. Council is satisfied that there is minimal environmental concern in relation to site contamination and appropriate conditions including validation compliance with required criteria (to DECC Guidelines) will be included in this report.

5.9 Construction Management

Guidelines for management of noise, vibration, dust, soil, and erosion during construction are provided in the Construction Management Plan (CMP) prepared by the proponent. The proponent's Statement of Commitments provides for construction management to be consistent with the CMP and lists the general construction hours for the proposed development. These provisions in the Statement of Commitments are acceptable subject to amendments to the general construction hours and the inclusion of additional conditions to ensure that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997* and relevant standards relating to noise and vibration for construction.

5.10 Landscaping

The applicant has submitted an Landscape Design Report prepared by AECOM which defines the Stables Precinct into six key landscape spaces, namely:

- Arrival
- Circulation
- Water Management
- Open Space
- Green Space
- Visual Screening

and while existing trees will be removed to accommodate the building works, large quantities of replacements have been shown.

The indicative planting schedule proposes the use of a mixture of both native and exotic ground covers, riparian grasses, hedges and trees, and while there is no use of inappropriate species, incorporating the use of exotic trees that will offer seasonal variations in foliage and flower colour as accent or feature plantings is strongly recommended (as can be seen with the existing Jacaranda's), with the use of integrated stormwater/swale plantings as shown supported by Council given the benefits this provides to the environment by reducing run-off.

A total of 69 endemic, native and exotic trees exist within the site, some of which have cultural, aesthetic and environmental significance, and are included in a combination of Volume 3 of Council's Significant Tree Register (STR), the Racecourse DCP & Conservation Management Plan (CMP), as either significant trees or significant landscape elements.

They include part of the row of 20, 120 year old Moreton Bay Figs adjacent Wansey Road (trees 43-50 & 58), which are recognised as 'Exceptional', 9 Hills Weeping Figs in the northeast corner and a further 3 in Alison Road (trees 20-28 + 14, 16 & 17), as well as the row of 7 Plane Trees on the western side of the stables (trees 7-13), and while many of the other mixed plantings, being a variety of Gums, Jacaranda's, Coral Trees & Silky Oaks are not identified as significant, they are still considered contributory items.

An Arborist Report prepared by Earthscape Horticultural Services has identified those trees which need to be retained as part of this proposal, whether due to being significant in terms of their size and age or due to their contribution as landscape elements within the Racecourse grounds. The report lists 17 trees recommended for removal, irrespective of any proposed works, due to poor health and condition as identified in item 11, Conclusions, point 11.1.6 of the Arborists Report. The proponent's Arborist Report has been assessed, and appropriate inspections carried out, by Council's Landscape Officer. The trees identified for either retention or removal in the project are justified and acceptable. In view of the overall poor conditions of the 17 identified trees, no objections are raised to their removal.

Notwithstanding the removal of the identified trees, strict conditions are recommended relating to the proposed roadway and associated works located within the Tree Protection Zones (TPZ's) of the London Planes (trees 7-13), which are listed

as being of 'High Significance' in the CMP & RRR DCP, as these works may result in an adverse impact. However, should it become unviable to safely retain these Plane Trees, suitably advanced and located replacement species of the same or similar species will be required to be incorporated in this specific area of the site. Additionally, Point 12.3 of the Arborists Report must be complied with for removal of the existing asphalt surfacing and stable buildings within the TPZ's of the Hills Weeping Figs (trees 20-24), given their significance and major contribution to the site. As an overall measure for the management and protection of trees within this site, the Tree Management Plan in the Arborists Report (Appendix 2) will be required to be implemented and complied with during the course of works, with any pruning to be performed in accordance with Section 14.17 of the Report.

Overall, landscape issues raised have been appropriately addressed. To ensure the preservation of existing trees to be retained on site and survival of any transplanted specimens, conditions of approval at *Appendix A, Schedule 2*, will be applied to mitigate any potential adverse landscaping impacts.

5.11 Section 94A Contributions

The project is subject to the provision of Randwick City Council's Section 94A Development Contributions Plan (the Plan). The Plan authorises Council to collect a levy, being 1% of the estimated cost of development, for all development unless an exemption applies. The proposal does not fall within any of the categories that are afforded an exemption. Based on the project having a CIV of \$37,600,000, the levy would be \$413, 578.67.

The proponent has indicated in the EA that Section 94 Contribution will be paid.

5.12 Public Interest

The proposal is considered to be in the public interest as it would have significant benefits including:

- the proposal is consistent with the current statutory planning controls relating to the site;
- provides a high quality stabling and training facility which complement the primary function of the RRR for horse racing.
- improved urban and environmental design of the site;
- ensures the long term viability of the RRR as a major sporting venue and cultural destination in Sydney;
- significant capital investment in replacing and upgrading the outdated facilities to improve the stabling function of RRR; and
- providing additional employment opportunities in accordance with strategic planning objectives for the State.

6. CONCLUSION

Council has assessed the EA and considered the submissions in response to the proposal. The key issues relating to the proposal include: built form and urban design; heritage; environmental amenity; transport and traffic impacts; environmental amenity; ecologically sustainable development; drainage and stormwater; contamination, public domain and safety and public interest.

Council has determined that the proposal is well designed and is considered appropriate and compatible with the surrounding built form and character of the RRR.

The proposal would maintain the site's landmark presence as a major gateway to Randwick City and provide opportunities for greater access to and enjoyment of the site by the members, visitors and community, while recognising the use of thoroughbred racing and heritage conservation requirements.

The proposal provides appropriate responses to mitigate potential impacts on the surrounding environmental amenity; transport and traffic conditions; acoustic environment; and stormwater systems.

The project is consistent with key objectives in the State Plan, Sydney Metropolitan Strategy and Draft East Subregional Strategy and would promote the efficient use of sporting and recreational land uses and supporting the ongoing development of a thoroughbred racing facility within NSW.

Council is therefore satisfied that the impacts of the proposal can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance, pursuant to section 75J of the EP&A Act.

Accordingly, Council recommends the project application be approved, subject to conditions.

7. RECOMMENDATION

It is recommended that the Planning Assessment Commission:

- a) **Consider** the findings and recommendations of this report;
- b) **Approve** the project application, subject to conditions, under section 75J(1) of the EP&A Act, having considered all relevant matters in accordance with (a) above; and
- c) **Sign** the attached Instrument of Approval (**TAG A**).

David Ongkili
Co-ordinator Major Assessment
Randwick City Council



Kerry Kyriacou
Manager Development Assessment
Randwick City Council

APPENDIX B PROPONENT'S RESPONSE TO SUBMISSIONS

See Department of Planning's web site at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4090

Submissions	Proponent's Response	Council's comments
• Excessive Traffic and lack of on-street carparking	See Appendix B for applicant's response	Traffic impacts have been adequately addressed in the Traffic Report submitted with the application. The Traffic Report has also been referred to the RTA/SRDAC. In response, the RTA/SRDAC have not raised any issues regarding the capacity of Wansey and Alison Road to cater for the expected traffic generated by the proposed stables facility. However, the RTA/SRDAC have recommended the upgrade to the Alison Road and Wansey Road intersection by the installation of an additional right turn bay into Wansey Road. This will be required to be provided in relevant condition of approval. In particular, a condition requiring the proponent to install measures for banning all vehicles over 3 tonnes from using Wansey Road is considered to be a significant measure in reducing traffic on Wansey Road. The concerns raised by an objector at No 1 Wansey Road regarding the adverse impact of increased traffic accessing the facility on Wansey Road is mitigated to a significant degree by the fact that the proposed development will now relocate the access point (Gate 8) 30m away from the objector's property. This relocation combined with the measures proposed to be implemented as part of vehicular and pedestrian management measures on Wansey Road will further reduce impacts.
Increase intensity of use resulting in noise and odour issues	See Appendix B for applicant's response	Whilst it is recognised that the proposal will introduce an increased intensity of use of the location designated as the Stables Precinct in terms of noise and odour and general movement and activity, appropriate assessment of these amenity impacts have been undertaken in the various expert reports attached as the appendices of the Project application. Additionally, appropriate assessment of noise and odour issues have been made in the assessment section of this Environmental Assessment Report with reference to the proponent's submitted expert reports. Wherever necessary, the recommendations of these reports in addressing noise, odour and activity issues will be augmented by conditions as listed in Appendix below.

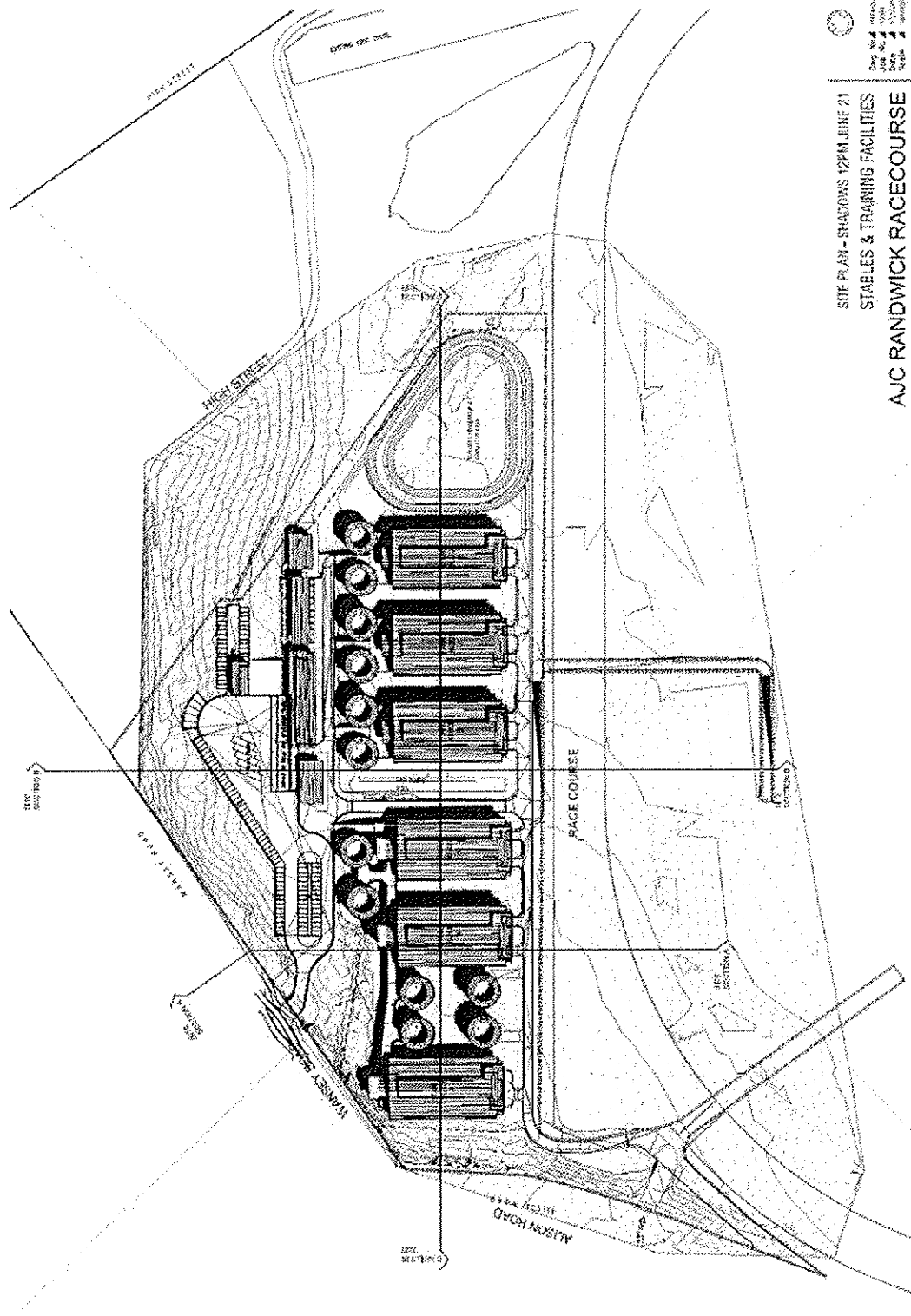
Submissions	Proponent's Response	Council's comments
The application is invalid under Part 3A		The objector asserts that there is no reasoning provided by the Department of Planning for the Minister forming an opinion and determining that the project is for a "major sporting facility" and as such an error in law has occurred. No reasoning is required to be given and the absence of any reasoning is not a reason for the requisite opinion of the Minister being held invalid. The objector also submits that the project is not a "major sporting facility" because it is for stabling and training horses. The objector's submission is flawed in that the objector has not characterised the use of the site in line with characterisation tests established in relevant case law. Based on the specific test of characterisation of development established in relevant case law, the proposed stables facility would be found to be for the purpose of a major sporting facility. With respect to the objector's argument that the proposed development is a tourist facility, it is maintained that a recreation facility would encompass sporting facilities. The proposal may have a secondary characterisation as a tourist facility under Group 6 clause 17 of the SEPP (Major Development) as asserted by the objector. However, this descriptor is not being relied upon by the proponent nor, in the circumstances, did the proponent need to. The project has been correctly described as a Major Sporting Facility. The Objector asserts that there is no compelling evidence that the project exceeds the \$30 million threshold. The objector relies on the fact that the Request and Preliminary Assessment – Randwick Racecourse Stables Precinct by Urbis dated July 2010 variously states that the Project's capital investment value is worth "approximately \$50 million" and \$49.1 million. The requirement under the SEPP is for the capital investment value to be over \$30 million. The fact that the Preliminary Assessment variously estimates the capital value at the differing amounts does not demonstrate that the value criterion has not been met.

Submissions	Proponent's Response	Council's comments
The application is invalid under Part 3A		In regards to the objector's assertion that the Project is "a purely commercial development", simply because a Project is driven by a commercial desire to generate income does not take that development outside of its proper characterisation. In relation to the objector's request for Council to withdraw the Director General's/minister's determination, this is not a matter for Council. It should be noted that the Minister has now delegated his power to the Planning Assessment Commission to determine the application.

Submissions	Proponent's Response	Council's comments
• The Project breaches various planning legislation and planning instruments.		The Objector asserts that the Environmental Assessment should be rejected pursuant to Clause 8D (3)(a) of the Environmental Planning and Assessment Regulation 2000. The provision relates to the circumstance where the Director General has notified a proponent of the failure by the proponent to comply with the Director General's requirements pursuant to 75H of the Act. The Environmental Assessment has been accepted and made publically available and as such the Clause does not apply. In regards the objector's comments concerning key issues in the project, those matters are largely an evaluation on the quality of the information contained with the reports submitted as part of the Environmental Assessment. It is clear that various firms were employed to provide expert evidence in relation to the various matters raised by the Director General's requirements. The objector's concerns tend to go to an assessment of the quality of the opinions expressed. A failure by an expert to assess the impact of the project in the same way as the objector, does not create a misrepresentation of those impacts nor does it demonstrate a failure to comply with the Director General's requirements. Furthermore, the validity and adequacy of the contents and recommendations contained in the various expert reports are properly the subject of assessment of this Director General's Environmental Assessment Report. In relation to the objector's alleged breaches of the relevant planning legislation, that is a matter for assessment and the fact that the objector may have a differing view to the proponent does not invalidate the Project application, although they may be the basis upon which the application is determined. The matters raised by the objector are matters which the Director General may require the proponent to submit a response to, pursuant to Section 75H(6)(a) of the Act.

Submissions	Proponent's Response	Council's comments
Conflict of interest in Council or the Department of Planning providing an assessment of the Project Application		There is nothing in the objector's submission which suggests there is any conflict of interest in Council or the Department providing an assessment of the Project Application. Councils have a statutory obligation to prepare planning instruments and to prepare strategies in support of these obligations. The preparation and publication of a specialised Centre Paper is not evidence of a conflict of interest . The land is Crown land held in trust and vested in trustees. The partial funding by the New South Wales government of the grandstand at the racecourse is not, based on that fact alone, an indication that the Department has a conflict of interest.

Submissions	Proponent's Response	Council's comments
Council cannot assess and report on the Project Application as there has been a reportable political donation.		The objector alleges that there has been a reportable political donation made. Pursuant to Section 147(1) of the Act: "Political donations or gifts are not relevant to the determination of any such planning application, and the making of political donations or gifts does not provide grounds for challenging the determining of any such planning application." The relevant planning application includes an application or formal request to the Minister or Director General for development to be declared a project to which Part 3A applies and also includes an application for approval of a project under Part 3A (Section 147(2)). In the decision of Kennedy v NSW Minister for Planning [2010] NSWLEC 129 Biscoe J. was required to consider whether or not the Minister's determination of a Part 3A project was outside her power because the proponent had made political donations to the Australian Labor Party. The Minister had previously issued on 6 November a media statement stating that as the then Minister it was her intention to delegate power to the Planning Assessment Commission to determine development applications where a developer had made a political donation. The alleged intention was that the PAC would de-politicise the planning system by standing in the shoes of the Minister. The Court held that in the particular circumstances the Minister's decision was not ultra vires because Section 147 did not apply as the subject application predated the coming into force of that section and, secondly, in any event that pursuant to Section 147(1) political donations did not per se give rise to a challenge of an approval under Section 75J of the EP&A Act. Accordingly, it is not considered that there is any legal impediment to Council assessing and reporting on the application to the Department on the basis that there has been a reportable political donation.

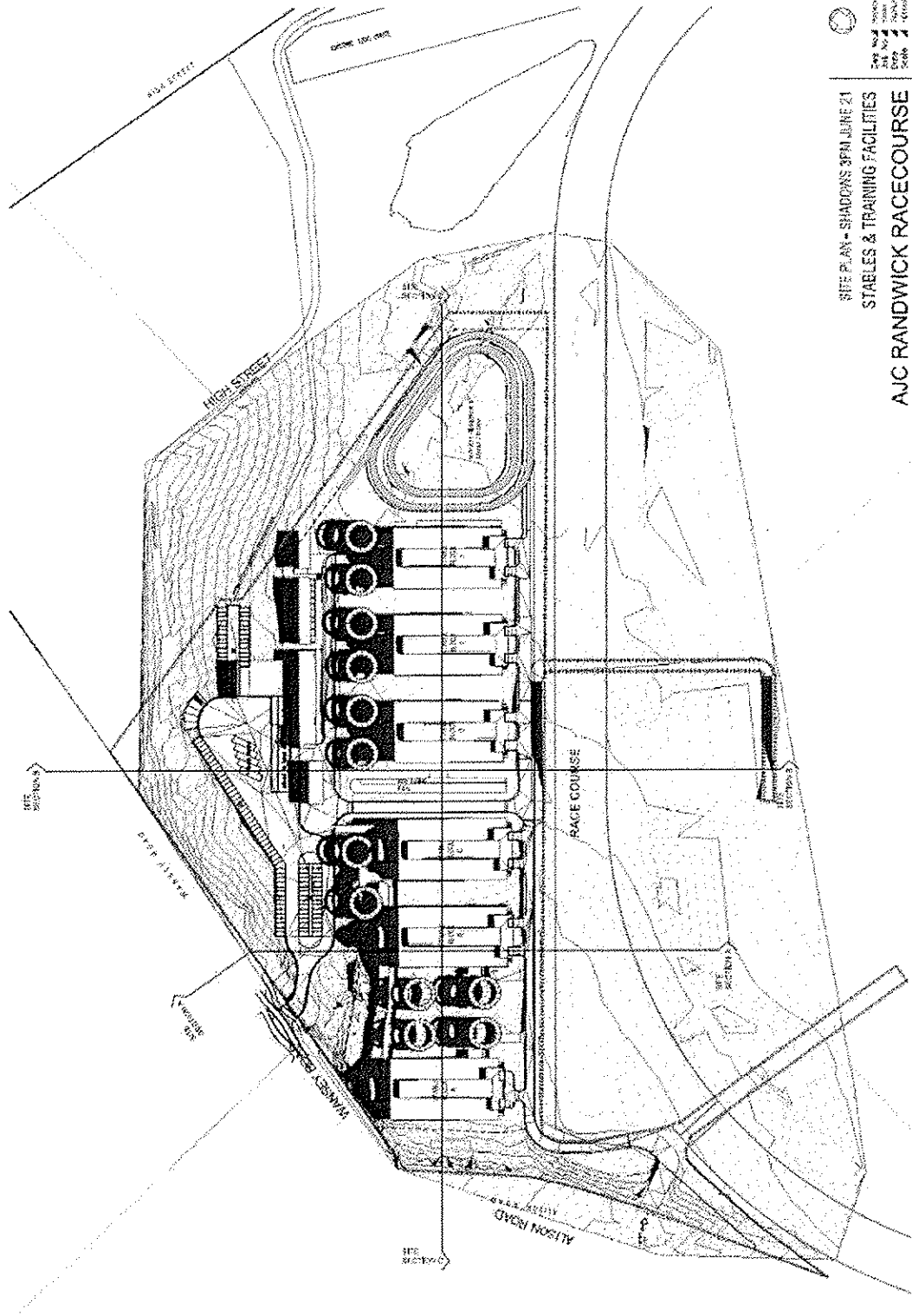


0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390 400 410 420 430 440 450 460 470 480 490 500 510 520 530 540 550 560 570 580 590 600 610 620 630 640 650 660 670 680 690 700 710 720 730 740 750 760 770 780 790 800 810 820 830 840 850 860 870 880 890 900 910 920 930 940 950 960 970 980 990 1000

SITE PLAN - SHADOWS 12PM LINE 21
 STABLES & TRAINING FACILITIES
 AUC RANDWICK RACECOURSE

ROBERTSON + MARKS
 ARCHITECTS
 100/102 MILKING ROAD
 RANDWICK NSW 1513
 TEL: (02) 9390 1234
 FAX: (02) 9390 1235
 EMAIL: info@robertson-marks.com.au
 WWW: www.robertson-marks.com.au

21 June - 12 noon




 N
 1:1000
 Scale
 1:1000
 Scale

SITE PLAN - SHEDS 3PM JUNE 21
 STABLES & TRAINING FACILITIES
 AJC RANDWICK RACECOURSE

ROBERTSON + MARKS
 ARCHITECTS
 PLANNING APPROVAL
 1/10/2006

21 June - 3pm

APPENDIX F CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

1.0 State Environmental Planning Policy (Major Development) 2005

On 2 August 2010, the Director-General, as delegate of the Minister for Planning, formed the opinion that the proposal is a major project under Clause 15 of Schedule 1 of the *State Environmental Planning Policy (Major Development) 2005*, as it is for a major sporting facilities with a capital investment value of more than \$30 million.

2.0 State Environmental Planning Policy (Infrastructure) 2007

The aim of this policy is to assist in the effective delivery of public infrastructure throughout the State. Schedule 3 of the SEPP requires traffic generating development to be referred to the RTA. The proposal was referred to the RTA, who raised no objections to the project proceeding subject to conditions. Refer to Section 4.2.1 of this report for further discussion on comments received from the RTA.

3.0 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose.

Douglas Partners has undertaken a Preliminary Contamination, Salinity and Acid Sulphate Soil assessment of the area that would accommodate the proposed building and concluded that the site history and the field observation suggest that with the exception of the quality of fill placed on the site, the site has a relatively low potential for contamination. Further, as the site has undergone modifications since as early as 1860s, there is also a potential for buried asbestos pipes to be present. The Contamination Assessment includes a number of recommendations which will ensure the Spectator Precinct is suitable for its intended use. The recommendations are also reflected in the proponent's draft Statement of Commitments. It is therefore considered that the land would be suitable for the proposal and its continued use for recreational purposes subject to further monitoring and investigation by the relevant authority.

4.0 Randwick Local Environmental Plan (Consolidation) 1998 (LEP)

An assessment against the key provisions of the LEP relevant to the development is provided below:

4.1 Zoning

The development site and adjoining land is zoned 6A Open Space and is identified as a heritage conservation area and the Member's stand located within the Spectator Precinct is also listed as a heritage item under the Randwick Local Environmental Plan (Consolidation) 1998. Recreation facility is permissible in the zone. The objective of the zone is to allow development that promotes, or is related to, the use and enjoyment of open space, and to enable the sustainable management of the land.

The proposal is a recreation facility which is permissible in the zone. There are no height or FSR controls that apply to the site.

4.2 Development in Open Space Zones (Clause 38)

The proposal involves substantial upgrade of the existing facilities and provides new facilities to ensure the ongoing use of the site as a racecourse. As noted above, the proposal will promote the use and enjoyment of open space and is therefore considered to be consistent with Clause 38 of the LEP.

4.3 Site Specific Development Control Plan (Clause 40A)

Pursuant to Clause 40A, a site specific development control plan is required for sites with an area greater than 10,000m² and the RRR DCP satisfies the provisions of this Clause.

4.4 Heritage Conservation (Clause 43)

Clause 43 requires Council to consider the impact of proposal on, amongst other things, the heritage significance of the adjacent heritage item and heritage conservation area in which a proposal is located. NSW Heritage Council and Council's heritage planner have reviewed the project application and a number of recommendations have been made which will be included in the instrument of approval to minimise the potential impact on the heritage significance of the heritage item and the heritage conservation area. The relevant comments are provided in Section 5 of the Director General's Environmental Assessment Report. Accordingly, the proposal satisfies the provisions of Clause 43.

5.0 Royal Randwick Racecourse Development Control Plan (RRR DCP)

The RRR DCP essentially aims to provide planning and design objectives and performance criteria which will optimise, amongst other things, the thoroughbred racing, training and spectator facility of RRR to the highest quality; the economic and tourism destination of the RRR; the physical, recreational and environmental quality of the RRR while respecting its heritage significance; the role of the RRR within the metropolitan and Randwick City context and its compatibility with adjoining lands; and the role of the RRR as an open space recreation facility.

The proposal is consistent with the relevant aims of the RRR DCP and the planning & design framework for the site. The proposed refurbishment of the Stables Precinct will:

- Optimise and promote the RRR as a thoroughbred racing, training and spectator facility of highest quality
- Provide for the growth of racing, training and spectator numbers and facilities.
- Maintain the site's landmark presence as a major gateway to Randwick City.
- Conserve the significant built and landscape heritage components of the site.
- Establish a concentration of significant stabling facilities within the Stables Precinct.
- Reinforce the RRR's landmark presence on Alison Road with expanded stabling facilities, high quality buildings, improved access infrastructure on-site and improved landscaping reinforcing the green edge.
- Integrate new buildings and landscaping with the built and landscape heritage components of the site.
- Establish clear pedestrian, vehicular and service route to and within the RRR that provide for separation, legibility, safety, security and high amenity.

The proposed stables facility will accord with the Uses Performance Criteria of the DCP which state the following (at page 8 of the DCP):

“3.1 Uses Performance Criteria

- a. The general pattern of land uses across the site as indicated in Map 2 is to be maintained. In particular:*

Bull Ring Precinct : stabling and training

- e. Modern stabling and training facilities are to be concentrated in the Steeple Hill and Bull Ring Precinct”*

The Stables Precinct is identified as the ‘Bull Ring Precinct’ in the RRR DCP. As such the proposed development will be entirely consistent with the land uses pattern contained within the RRR DCP.

APPENDIX G RECOMMENDED CONDITIONS OF APPROVAL
