

07 February 2011

**Determination of Project Application
New stables at the Royal Randwick Racecourse**

Project Application

This project seeks approval for:

- Six two-storey stable buildings, each with capacity for 100 horses and accommodation for 10 strappers/stable hands;
- 12 two-storey mechanical horse walkers;
- Tie-up stalls for 50 visiting horses;
- Pony enclosures for up to 25 ponies;
- Exercise facilities including a 'Bull Ring', 'Parade Rings' and 'Exercise Equipment';
- Parking for 110 vehicles; and
- Associated infrastructure, including relocation of the access road.

Assessment Process

On 2 August 2010, the Director-General, as delegate for the Minister for Planning, formed the opinion that the project is a major project under Clause 15 of Schedule 1 of the *State Environmental Planning Policy (Major Development) 2005*. At the same time, the Director-General also delegated certain of his powers and functions, including the environmental assessment of the project, to Randwick City Council. Consequently, Council has prepared the Director-General's environmental assessment report on the project.

On 6 August 2010 the acting Director of the Department of Planning's Metropolitan Projects Branch, as delegate of the Director-General, issued the Director-General's Requirements for the project. An Environmental Assessment was subsequently prepared to address the Director-General's requirements.

Council accepted the Environmental Assessment for the Project and made it publicly available for 30 days, from 13 October 2010 to 12 November 2010. The publicly exhibited Environmental Assessment included a draft statement of commitments.

In response to the public exhibition of the project, Council received 9 submissions from agencies and 21 public submissions from members of the public.

The proponent was then asked to provide a response to the submissions received by Council. This response to the issues raised in submissions, dated 26 November 2010, was submitted to Council and made publicly available on the Department's website.

As part of Council's assessment of the Project, and in response to submissions, Council staff visited residents on Alison Road and Wansey Road to undertake a view loss assessment, in accordance with the view loss planning principles established in the case of *Tenacity Consultancy v Warringah [2004] NSWLEC 140*.

Council prepared the Director-General's Environmental Assessment Report (the DG's Report), date December 2010.

The DG's Report and recommended conditions of approval were referred to the Planning Assessment Commission for determination on 25 January 2011.

Delegation to the Commission

As a result of the Proponent having made a reportable political donation, the Director-General of the Department of Planning referred the project application (MP 10_0098) to the Commission for determination under a delegation issued by the Minister on 18 November 2008.

The Commission consisted of Professor Kevin Sproats as chair and Ms Donna Campbell.

The Commission met with senior Departmental and Council staff on 2 February 2011 for a briefing to discuss aspects of the report, and in particular visual and traffic issues.

Legal issues

The report refers to a number of legal issues raised by one objector on behalf of owners of an apartment in Alison Road who are concerned about the impact of the project. The objector has argued that the project application must be rejected on purely legal grounds. These include that the project cannot legally be determined under Part 3A, that any approval of the project would be in breach of specified planning provisions and requirements, and that the assessment process for the project has been inadequate and in breach of the legislation.

The Commission notes that the Council obtained legal advice on these issues in response to the submission.

On the basis of that advice and advice from the Department of Planning, the Commission is satisfied that there is no legal impediment preventing it from determining the application on its merits in accordance with Part 3A.

Planning Issues

The DG's report identified the following planning issues:

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

The DG's report concluded that "the proposal is well designed and is considered appropriate and compatible with the surrounding built form and character of the RRR" (Royal Randwick Racecourse).

During the exhibition period Council received 9 submission from agencies and 21 submissions from members of the public on the proposal. The Council has addressed the issues raised in these submissions in the DG's Report.

Commission Comments

Loss of views

The Commission sought clarification on the Council's view loss assessment. At the briefing the Council confirmed it had visited residences in Alison and Wansey Roads in order to apply the view loss planning principles established in the case of *Tenacity Consultancy v*

Warringah [2004] NSWLEC 140. The DG's Report acknowledges that there will be view loss from some residences, however the view loss assessment found:

- the views are not visually iconic;
- the impact is one of change rather than one of loss; and
- the extent of the view loss is moderate.

The Commission accepts this assessment.

Bulk and scale

Submissions also raised concerns about the bulk and scale of the project. The DG's Report indicates that each of the 6 stables would be 12.63m high, 33m wide and 65m long, but notes that no height controls are applicable to the Open Space zoning.

The assessment of built form and urban design in the DG's Report found that external design features such as an articulated façade and the selection of materials and colours would assist in breaking up the visual bulk and scale of the buildings. It also notes that the stable buildings would be appropriately located in a sunken corner, separated from existing residential development by the existing carriageways of Alison Road and Wansey Road. The DG's Report goes on to explain that the landscaping proposed includes screen planting to maintain visual amenity.

The Commission agrees that as a result of the topography of the stables precinct, the stables would be built at a lower level than Wansey and Alison Roads and that in combination with the eventual screening to be provided once the landscaping matures, impacts will be minimised. Consequently the Commission considers that the bulk and scale of the stables are acceptable.

Traffic

Traffic and transport conditions are likely to change as a result of the project because traffic associated with the stables adjacent to High Street are likely to use the new stables and associated access points.

The DG's Report indicates that traffic generation and impacts have been adequately addressed in the Traffic Report which found there is likely to be an overall reduction in traffic generated by the stables, when considered on a site-wide basis. Nonetheless, the DG's Report notes that certain road upgrades would be required, particularly for the intersection of Alison Road and Wansey Road. The DG's Report confirms the recommended conditions of approval require these and other traffic management measures to be provided.

The Commission is satisfied with this assessment.

Odour and other issues

The Commission notes the project has the potential to generate odour, without careful management. The DG's Report indicates that an Odour Management Plan has been prepared to ensure odour is managed in accordance with the regulatory requirements and that the recommended conditions require compliance with the Odour Management Plan.

Submissions also raised other issues in relation to the intensity of use, noise, dust, stormwater, vermin and heritage impacts.

The Commission agrees with the conclusions in the DG's Report (prepared by Council) that these impacts can be suitably mitigated and/or managed if approval is granted subject to the recommended conditions.

Commission's Determination

The Commission has considered the Director-General's Environmental Assessment Report for the project, including submissions on the project, the proponent's response to submissions and statement of commitments and the recommended conditions of approval.

The Commission is satisfied that the project should be approved subject to the recommended conditions.

A handwritten signature in black ink, appearing to be 'KS' with a stylized flourish.

Kevin Sproats
PAC Member

A handwritten signature in black ink, appearing to be 'DC' with a stylized flourish.

Donna Campbell
PAC Member