



Newcastle Jockey Club Stable Development

State Significant Development Assessment
SSD-12982045

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Cover image: Perspective of development from Southern side of Darling Street looking north (EJE Architects)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
CPP	Community Participation Plan
Council	Newcastle City Council
Crown Lands	Crown Lands, DPE
Department	Department of Planning and Environment
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
Heritage	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
Minister	Minister for Planning
NRAR	Natural Resources Access Regulator, DPE
RMS	Roads and Maritime Services, TfNSW
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
SSD	State Significant Development
TfNSW	Transport for NSW

Executive Summary

This report provides an assessment of a State significant development (SSD) application for a new stable development at the Newcastle Jockey Club located at the corner of Chatham and Darling Streets, Broadmeadow (SSD 12982045) within the Newcastle local government area. The Applicant is the Newcastle Jockey Club.

The proposal seeks approval for the construction and operation of a new a new stable complex to accommodate up to 480 horses. The proposal includes earthworks to create the final site levels, construction of stable buildings ranging from one to two storeys containing stables, administration, storage and equine related facilities. The main stable complex will comprise seven buildings across two storeys, with the upper level accessible by a ramp. Associated works include provision of parking, landscaping, signage, and infrastructure works.

The proposal has a Capital Investment Value (CIV) of \$35,530,257 and would generate 250 construction jobs and 186 operational jobs. The application was exhibited between Tuesday 19 October 2021 until Monday 11 November 2021 (28 days). The Department received a total of thirty-one submissions from the public, including twelve objections, and one submission from Newcastle City Council. Advice was received from nine public authorities.

The proposal is SSD under clause 13 of Schedule 1 of the *State Environmental Planning Policy (State and Regional Development) 2011*, as it is development for the purpose of a Tourist Facility with a capital investment value of more than \$30 million. Therefore, the Minister for Planning is the consent authority.

The Department has considered the merits of the proposal in accordance with relevant matters under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the objects of the EP&A Act, principals of Ecologically Sustainable Development and issues raised in submissions and the Applicant's response to these.

The Department identified traffic and parking, odour and noise as the key issues for assessment. The Department is satisfied the impacts of the proposal have been addressed by the Applicant or can be adequately managed through conditions of consent. The Department considers that the proposed development would be appropriate for the site and will be compatible with the existing and desired future character of the surrounding land. The Department considers that satisfactory access and parking arrangements have been proposed or required through recommended conditions of consent to accommodate staff and patrons travel to the racecourse while avoiding significant impacts to the local network. Recommended conditions require the construction of driveways and pedestrian infrastructure adjoining the site prior to operation.

The Department considers that measures can be incorporated to mitigate potential odour, noise and pest impacts through suitable management of the site and daily activities. Recommended conditions require the preparation of management plans and construction amendments to mitigate potential impacts.

The Department considers that the proposal is consistent with the objects of the EP&A Act, the site is suitable for the proposed use and would provide new stabling facilities for the Newcastle and Hunter region. The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.

Contents

1	Introduction	1
	1.1. Newcastle Jockey Club and Newcastle Racecourse	Error! Bookmark not defined.
2	Project.....	4
	2.1 Uses and activities	9
	2.2 Timing.....	10
3	Strategic context.....	12
	3.1 Hunter Regional Plan 2036	12
	3.2 Greater Newcastle Metropolitan Plan 2036	12
	3.3 Newcastle Local Strategic Planning Statement ‘Planning for Newcastle 2040’	13
4	Statutory Context.....	14
	4.1 State significance	14
	4.2 Permissibility	14
	4.3 Other approvals.....	14
	4.4 Mandatory Matters for Consideration.....	14
	4.5 Biodiversity Development Assessment Report.....	18
5	Engagement.....	19
	5.1 Department’s engagement.....	19
	5.2 Summary of submissions	19
	5.3 Public authority submissions.....	19
	5.4 Public submissions.....	23
	5.5 Response to submissions	24
	5.6 Supplementary Response to Submissions	26
6	Assessment	27
	6.1 Traffic, Access and Car Parking.....	27
	6.2 Built Form and Urban Design.....	33
	6.3 Air Quality	36
	6.4 Noise and Vibration	38
	6.5 Other issues	39
7	Evaluation.....	48
8	Recommendation.....	49
9	Determination.....	50
	Appendices	51
	https://pp.planningportal.nsw.gov.au/major-projects/projects/newcastle-jockey-club-new-stables-complex	59

1 Introduction

This report provides an assessment of a State significant development (SSD) application for construction and operation of a new horse stables complex located at the Newcastle Racecourse, Broadmeadow.

The application has been lodged by the Newcastle Jockey Club (NJC) (the Applicant). The site is located within the City of Newcastle local government area (LGA).

1.1. Site Description

The Newcastle Jockey Club has been located at the Newcastle Racecourse since 1906. Over this period, the Newcastle Racecourse has grown to be a significant venue for horse racing for the Hunter Region.

The Newcastle Racecourse is legally described as Lots 13 – 14 DP227704, Lots 81-82 DP1138209 and Lots 6-12 DP227704 (the site) with an area of approx. 48.33Ha (**Figure 1**). The site is bounded by Chatham Street to the west, Darling Street to the south, Dumaresq Street to the North and Beaumont Street to the south. The site is within Broadmeadow, approximately two kilometres west of the Newcastle CBD (**Figure 2**).



Figure 1 | Regional Context Map (Source: NearMap, 2022)

The Newcastle Racecourse is surrounded by residential development to the north, east and south. To the west is Broadmeadow High School as well as residential development. The cadastral lots that make up the total site are illustrated in **Figure 2**.

The proposed stable complex would be located in the south-eastern corner of the subject site to the west of the existing racecourse infrastructure (**Figure 2**). The existing equine pool, workshops, sheds and former tie up stalls will be demolished to accommodate the proposal.



Figure 2: Local Context (Site of development in red) (Source: NearMap, 2022)

The Newcastle Racecourse contains the approx. 1.85km racecourse, two grandstands, hospitality infrastructure and restaurant, two large event marquees, administration facilities, formal and informal car parking, stabling for 230 horses. The site is identified as a heritage item under Newcastle Local Environmental Plan 2012 (NLEP).

The existing vehicular access to the site is via Darling Street to the south via 5 separate driveway crossovers. Chatham Street provides vehicular access to the west of the site to access the maintenance shed and for use on race days.

1.2. Surrounding Development

The racecourse is surrounded by the following land uses:

- to the north is a residential area comprising predominantly single detached dwellings fronting Dumaresq Street. Further north, likewise, consists of low-density residential development.

- to the east is a residential area comprising predominantly single detached dwellings in a north-south orientation. It is noted that dwellings do not generally front Beaumont Street. Further east, likewise, consists of low-density residential development.
- to the south is a residential area comprising predominantly single detached dwellings in a north-south orientation. It is noted that dwellings on the northern side of Hibberd Street back on to the existing stables for the racecourse. A sports field (Darling Street Oval) is located on the southern side of Darling Street. Further to the south are a number of Residential Flat Buildings between Darling Street and Glebe Road.
- to the west along Chatham Street is a small residential area comprising both single dwellings and multi dwelling housing developments. To the north of the residential area is the Merewether High School. To the south of the residential area is a large open space consisting of a number of sports fields and a velodrome.



Figure 3: Surrounding Land Uses (Source: NearMaps, 2022)

2 Project

The key components and features of the proposal (as refined in the Response to Submissions) are provided in **Table 1** and are shown in **Figures 4 to 8**.

Table 1 | Main Components of the Project

Aspect	Description
Demolition	<p>The demolition works include:</p> <ul style="list-style-type: none">• the now redundant masonry block and timber race day tie-up stalls• warm up ring• existing equine pool and associated structures• grounds maintenance workshop• machinery sheds adjacent Chatham Street• driveways, hardstand, pathways and fencing• entry feature structure / gates to race day facilities• existing signage at the corner of Chatham and Darling Streets
Site Preparation	Mine grouting and bulk earthworks
Horse Stables	<p>Construction of 7 x two-storey horse stables. The stables will comprise:</p> <p>each stable building will be 26m x 48m (1278m²) with a wall height of 8m to the underside of the eaves and an overall height of 13m</p> <p>each stable will have 40 stalls per level with an overall capacity of 480 horses across the seven buildings</p> <p>each level of the stable buildings will include amenities, feed stores, staff rooms, laundry and storage rooms</p> <p>the stable buildings will be constructed with an east-west axis and will each open onto central concourses (the upper levels will access an elevated concourse)</p>
Ramps and Elevated Concourse	The second level of each stables will be accessed via an elevated concourse with a ramp at the northern and southern ends of the complex
Equine Pool	The ground level of Block D of the horse stables will contain a new equine pool
Horse Walkers	12 horse walkers (comprising 6 at ground level and 6 on the first level) each capable of walking 10 horses
Sand Rolls	14 sand rolls (6 at ground level and 8 on the first level)
Wash Bays	21 horse wash bays
Site Office and Equipment Shed	The site office and equipment shed is single storey adjacent to the southern vehicle entrance off Chatham Street
Maintenance Shed	The shed will be located to the north of the stables, adjacent to the northern vehicle entrance. The shed itself will be single storey, however, will have horse walkers and amenities on the first floor.

Storage Shed	The shed will be located in the south-western corner of the site, adjacent to the Chatham Street boundary. The shed will be single storey and will store feed, supplies and waste bins prior to removal.
Car parking	161 car parking spaces (including 2 accessible spaces) with access from Darling Street. 8 motorbike parking spaces
Tree Removal and Landscaping	Removal of 14 trees Landscaping across the site including along the western and southern boundaries comprising a mix of mature trees, hedging and ground cover. 30 street trees will be planted within the road reserve of Chatham and Darling Streets.
Signage Tower	10.7m tall signage tower on the corner of Chatham and Darling Streets
Entry Tower	A 10.7m tall entrance tower incorporating access booths and ticket sales
Hours of Operation	The stables are proposed to operate 24 hours a day. No changes to the existing track work hours are proposed as part of this development.
Jobs	250 jobs during construction 186 jobs during operation both at the racecourse and off-site in complementary industries. 84 of the jobs would be new positions created by this development.

2.1. Site preparation works

The proposal will require the following site preparation works:

- demolition of structures within the south-west corner of the site
- mine grouting works will be required due to historic underground mines within the subject site
- the removal of 14 trees
- bulk earthworks are required to create the required landform for the development including the excavation of piers
- installation of services required for the development including water, sewer, stormwater and electricity

2.2. Physical layout and design

The stable development will be located in the south-western corner of the site, generally adjacent to the Chatham and Darling Street boundaries. The overall site in relation to the development is provided in **Figure 4** and a detailed outlined of the site is provided in **Figure 5 to 8**.



Figure 4: Newcastle Jockey Club Site (Source: EJE Architects)



Figure 5: Stable complex (Source: EJE Architects)

The development will consist of single and two storey buildings constructed around a central concourse that runs in a north-south direction. The concourse will have two levels, with the 7 stable buildings having direct access. The concourse will be accessible by pedestrians, horses and light vehicles. The second storey of the concourse and stables will be accessible by horses and vehicles via concrete ramps at the northern and southern end. Additional pedestrian stairs are provided along the concourse's length.

The stable buildings are two storeys in height and will be constructed with pre-cast concrete walls and corrugated metal sheet roofing. Areas between the stable buildings will be landscaped to assist in shading the buildings. Each level of the stable will include 40 stables, amenities, staff room, horse wash bays, storage areas. The standard floor plan of the stable is shown in **Figure 5**. Each external facing stable will have a window and louvered vents to allow air flow. The roof of each stable will incorporate additional louvers to allow for cross ventilation **Figure 6**.



Figure 6: Typical Stable floorplan (Source: EJE Architecture)

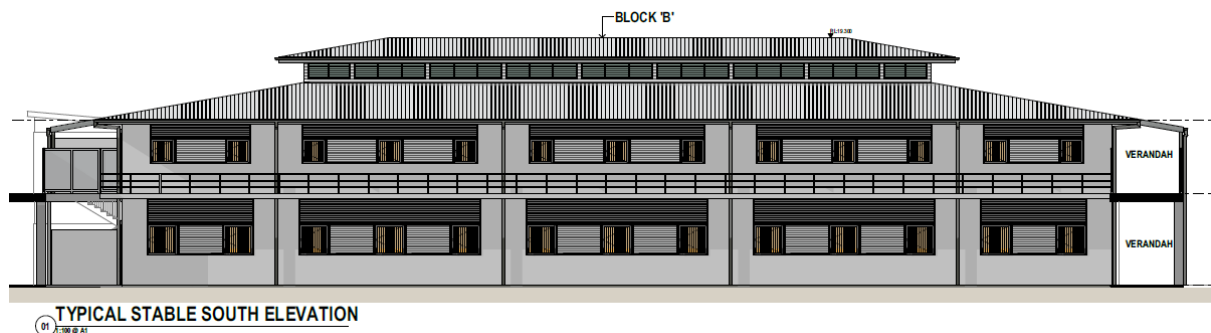


Figure 7: Typical side elevation of Stable (Source: EJE Architecture)

The lower level of stable Building A will provide tie up stalls for horses for use during training. The tie up stalls will allow for the temporary keeping of up to 98 horses during daily track work. The lower level of stable Building D will be an equine pool.

The development also seeks a number of ancillary buildings or structures to support the stables. Twelve horse walkers (6 on the ground flood and 6 on the first floor) are proposed, each capable of walking ten horses. The structures are circular, with a circumference of 21m. Wash bays and sand rolls for use by the horses are located around the stable precinct.

The storage building in the south-western corner of the site, adjacent to the Chatham Street boundary, will store all feed, stock following deliveries and will be utilised to store waste receptacles prior to collection. The building is single storey, with concrete walls and a corrugated metal sheet roof. Roller doors on the eastern elevation will provide access to the vehicle movement areas.

The office and equipment building is single storey in height, with concrete walls and a corrugated metal sheet roof. The building will house the administrative functions of the stables as well as the storage of equipment utilised for the day-to-day activities. The building is to the north of the southern vehicular entrance off Chatham Street.

The maintenance building is proposed to the north of the stable buildings, adjacent to the Chatham Street boundary. The building will be two storeys in height, with the second floor to comprise amenities for the maintenance workers and two horse walkers. The lower level will have concrete walls, with the upper amenities building to be clad in corrugated metal sheeting. The lower level will have four roller doors that open up to the vehicle accessway. This building is utilised to store the equipment for track maintenance.

To the east of the maintenance building is the trainer's facility. This building is two storeys in height, with the lower level utilised for storage. The upper level will provide an enclosed viewing area with views to the track.

Five vehicle crossovers are proposed to the site. Two access points are off Chatham Street and 3 are off Darling Street as identified in **Figure 7**. The development will allow for light vehicles (with trailers or horse floats) to enter the site via the northern entrance point (point 1) of Chatham Street and travel south through the stable precinct via the concourse, then exit the site via Darling Street (point 3) as depicted by the dashed line in **Figure 7**. Light vehicles will also be able to travel up and down the access ramps to access the upper concourse (and stable) level utilising the same entry and exit points. Access point 2 will be an entry only point and point 3 will be exit only.

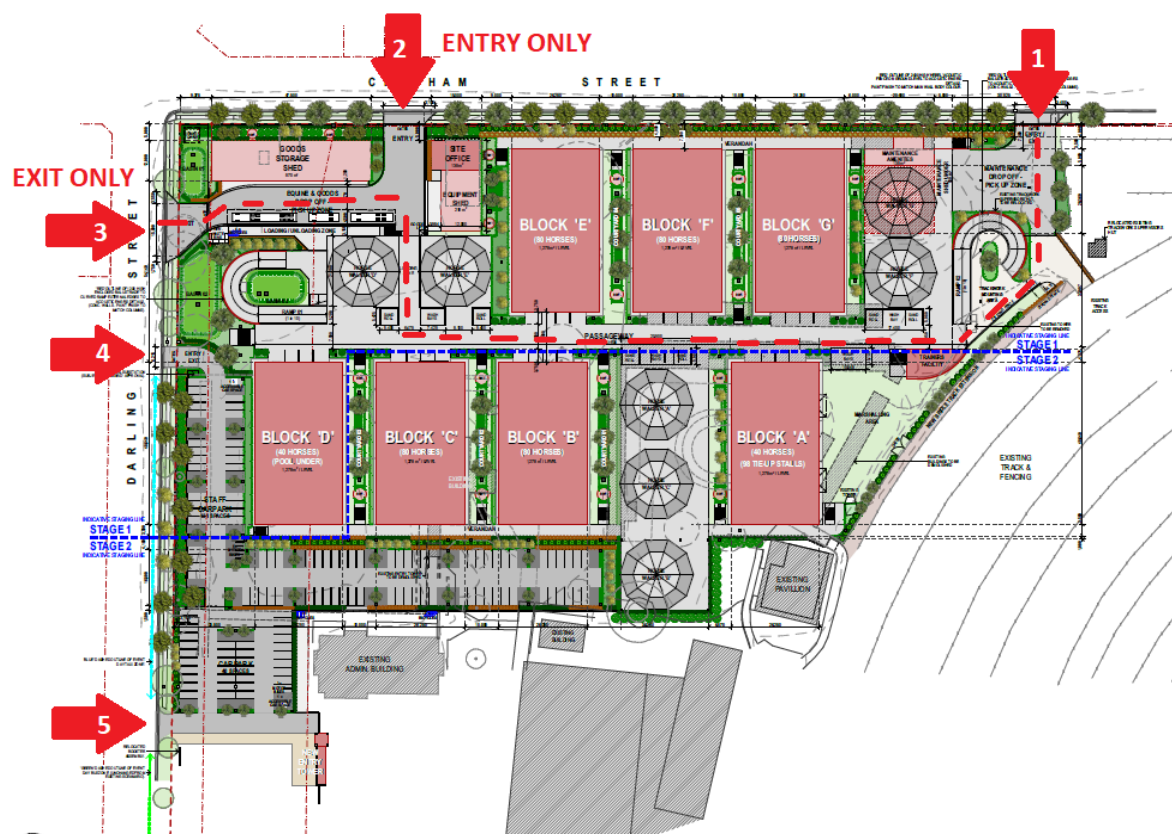


Figure 8: Proposed Access points to the stable development (Source: EJE Architects)

To the south and east of the stable development, parking for 161 cars (including 2 accessible spaces) and 8 motorcycles is provided. Access to the carparking is available from 2 driveways off Darling Street (being points 4 and 5 in **Figure 7**).

2.1 Uses and activities

The stable facility will operate 24 hours a day, 7 days a week. The day-to-day uses and activities includes the following:

- **Morning Trackwork**

Track work commences with the arrival of staff on site. This the arrival of a maximum 154 persons, including strappers, stable hands, jockeys, trainers and NJC staff. A maximum of 375 horses are to attend trackwork 6 days a week (no trackwork on Sundays). Horses are taken from the stables to the tie up stalls within the ground level of Building A, then each horse taken onto the track for the morning trackwork (approx. 15min on track for each horse).

- **General Daytime**

Twice daily each stable is cleaned out of waste. This process is undertaken following the morning track work. Waste is stored in lidded bins and is then transported to the storage shed pending collection. A maximum of 137 stable hands are on site (during maximum capacity of stables) to assist with the daily activities.

Twice per day a delivery of hay arrives via an articulated heavy vehicle (truck). The truck delivers a maximum of 80 bins of hay and removes 80 bins of organic waste that was removed from the stables in the same run. The delivered hay is stored in the storage building pending use the next day. Daily deliveries of supplies, including food, for the horses occurs via a heavy rigid vehicle. The supplies are stored in the Storage Building.

In the afternoon horses are exercised on horse walkers or within the equine pool. No track work takes place in the afternoon.

- **General Night-time**

Overnight there is to be generally little to no activity on site. Horses are intended to be resting within the stables. Occasionally there may be a need for a vet to visit the site if the need arises.

- **Picking up and dropping off of horses**

Horses that are competing off site (at other racecourses) or are leaving the site for rest periods are picked up from within the subject site. Depending where the horse is located, and the size of the vehicle, this can occur from in front of the stable building (for light vehicles with horse floats) or in front of the storage building (for larger vehicles). These pick-ups are generally undertaken between 9am and 7:30pm. When returning to the stables, the horses are dropped off outside the relevant stable building or in front of the storage building to be walked back to their stable.

- **Race Day Horse Movements**

On race days, horses that compete from the stables on site will be walked through the site to the newly constructed race day tie-ups. Horses competing from outside the stables will be driven in as currently occurs to the newly constructed dedicated parking for cars and floats has been constructed to the south of the newly constructed race day tie-ups.

2.2 Timing

The development will be constructed in two stages as depicted in **Figure 9**. This will allow for the continued site operation during construction works. Stage 1 will involve the demolition of all identified structures except the equine pool and construction of:

- Blocks D, E, F and G;
- Seven horse walkers;
- Goods storage shed;
- Site office and equipment shed;
- Maintenance shed;
- Staff car park (partial construction);
- Concourse; and
- Associated landscaping and fencing.

Stage 2 will then involve the demolition of the equine pool and construction of buildings A, B and C and the remaining staff carparking.

3 Strategic context

3.1 Hunter Regional Plan 2036

The Hunter Regional Plan 2036 (HRP2036) provides a number of goals and actions to guide land use planning for the Hunter Region through to 2036. The development is broadly consistent with the HRP2036 as follows

Goal 1: The leading regional economy in Australia

The development seeks to invest significantly in the Hunter Region economy. The investment will have region wide flow on effects through ancillary or complementary services that are located through the region.

Goal 4: Greater housing choice and jobs

The development will create approx. 250 jobs during construction and 186 jobs once operational across the equine and related industries.

3.2 Draft Hunter Regional Plan 2041

The Draft Hunter Regional Plan 2041 was exhibited from 6 December 2021 until 4 March 2022. The draft plan has reviewed and updated the current HRP2036 to address changes within the region and broader national and global changes.

The site is within the Broadmeadow growth area, and whilst not strictly identified as an area for development, the site will assist in achieving the aim for the area, being a nationally significant sport and entertainment precinct.

The Department considers that the development is consistent with the aims of the draft plan.

3.3 Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 (GNMP2036) sets out strategies and actions that will drive sustainable growth across the Greater Newcastle area. The proposed development is broadly consistent with, the GNMP2036 as follows:

Outcome 1: Create a workforce skilled and ready for the new economy

The development will create approx. 186 new jobs for the equine and related industries, supporting the established industry within the broader Greater Newcastle and Hunter regions.

Strategy 6 Promote tourism, major events and sporting teams on the national and international stage

The development will improve facilities at the Newcastle Jockey Club, being the primary location for horse racing within the Greater Newcastle area. The development will make the NJC an industry leader, providing high quality stabling facilities.

It is noted that Broadmeadows is specifically identified as a 'Catalyst Area' under the plan, providing a '*Nationally significant sport and entertainment precinct*'. Whilst the subject site is outside of this specific identified area, it is considered that the proposed development would contribute to the development of the area as a nationally significant sport and entertainment precinct.

3.4 Newcastle Local Strategic Planning Statement 'Planning for Newcastle 2040'

Newcastle Local Strategic Planning Statement 'Planning for Newcastle 2040' (LSPS) guides land use planning within the City of Newcastle through to 2040. The LSPS outlines a number of Planning Priorities to guide the strategic planning for Council.

Like the GNMP2036, the LSPS identifies Broadmeadow as a Catalyst Area, proposed to be a nationally significant sport and entertainment precinct. Again, whilst the subject site is outside the identified Catalyst Area, the Department considers that the development would contribute towards the development of the broader area for a sports and entertainment precinct and will result in new jobs being created.

4 Statutory Context

4.1 State significance

The application is categorised as State Significant Development (SSD) under *State Environmental Planning Policy (SEPP) (State and Regional Development) 2011* as it is development for a recreation facility (major) with a capital investment value of more than \$30 million as State Significant Development. The proposed development is ancillary to the existing recreation facility (major) with a capital investment value that exceeds \$30 million and as such is identified as SSD under the SEPP.

The Minister is the consent authority under section 4.5 of the EP&A Act.

In accordance with the Minister for Planning delegation to determine SSD applications, signed on 26 April 2021, the Director, Regional Assessments may determine this application as:

- the relevant Council has not made an objection.
- there are less than 15 public submissions in the nature of objection.
- a political disclosure statement has not been made.

4.2 Permissibility

The subject site is within the RE2 Private Recreation Zone under Newcastle Local Environmental Plan 2012 (NLEP2012). Within this zone, a Recreational Facility (Major) is permissible with development consent. The proposed development is considered to be ancillary to the existing Recreational Facility (Major) on the subject lot given the development will house the horses that utilise the recreational facility on a daily basis.

The development is considered to be consistent with the objectives of the RE2 Private Recreation Zone under NLEP2012 as discussed in **Appendix B**.

4.3 Other approvals

The subject site is identified as being within a mine subsidence district. The proposed development requires approval from the Subsidence Advisory (SA) pursuant to Clause 15 of the *Mine Subsidence Compensation Act 1961*.

The Applicant consulted with the SA following the preparation of SEARs. The SA issued a Notice of Determination for the development in a letter dated 28 July 2021 (ref: TBA21-02272).

4.4 Mandatory Matters for Consideration

Environmental planning instruments

Since lodgment of the DA, all NSW State Environmental Planning Policies have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of State Environmental Planning Policy (Housing) 2021, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP. As such, the Department has considered the development against the relevant provisions of the consolidated SEPPs.

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any EPI relevant to the development that is the subject of a development application. The EPIs that have been considered as part of the assessment of the modified proposal are:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Hazards and Resilience) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Industry and Employment) 2021

Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 2**.

Table 2 | Response to the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal aims to promote and provide social and economic welfare through a new stable development that is fit-for-purpose and future-proofed for expansion.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development (ESD)
(c) to promote the orderly and economic use and development of land,	The proposal promotes the orderly and economic use of land by placing a utilising previously vacant land to support the expansion of the stabling at the racecourse whilst ensuring the ongoing use of the site during construction.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.

Objects of the EP&A Act	Consideration
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal has been designed to avoid impacts on the environment. Limited vegetation removal is proposed and subject to conditions and implementation of management plans, the development is unlikely to result in adverse environmental impacts.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	Heritage impacts assessment has found the demolition and construction works will not adversely impact the heritage significance of the site Aboriginal cultural heritage assessment has found that no Aboriginal cultural heritage artifacts were identified on site, however, there remains a high potential for subsurface items. An Aboriginal Cultural Heritage Management Plan is to be developed post approval in consultation with the Registered Aboriginal Parties for the management of Aboriginal cultural values in the Project Area.
(g) to promote good design and amenity of the built environment,	The proposal features a high quality, purpose-built design that provides high amenity for users.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal has been designed in compliance with relevant BCA and DDA standards for building construction.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 5.1), which included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5.1 , which included notifying adjoining landowners and displaying the proposal on the Department's website and at Council during the exhibition period.

Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The development proposes ESD initiatives and sustainability measures, including:

- rainwater harvesting and integrated storm water management including rainwater tanks and onsite retention basin.
- maximization of natural cross ventilation through high window placement, size, and quantity rather than mechanical ventilation.
- provision of end of trip facilities to encourage active transport
- use of light-coloured materials to reduce heat absorption.

The EIS included an ESD report that details how the principles of would be addressed in the development.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough assessment of the environmental impacts of the proposed development.

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act.

Environmental Planning and Assessment Regulation 2000

The application was submitted prior to the commencement of *Environmental Planning and Assessment Regulation 2021*; therefore, the assessment is being undertaken via the now repealed *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) pursuant to the savings and transitional arrangement within Clause 3 of Part 1 of Schedule 6 of *Environmental Planning and Assessment Regulation 2021*.

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

Planning Secretary's Environmental Assessment Requirements

The EIS is compliant with the Planning Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

Section 4.15(1) matters for consideration

Error! Reference source not found. identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided in **Section 6** (Assessment) and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 3 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B .

Section 4.15(1) Evaluation	Consideration
(a)(ii) any proposed instrument	The Department's consideration of the relevant draft EPIs is provided in Appendix B .
(a)(iii) any development control plan (DCP)	Under clause 2.10 of the Planning Systems SEPP, DCPs do not apply to SSD. Notwithstanding, consideration has been given to relevant DCPs at Appendix B .
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The EIS and RtS adequately demonstrate that all likely impacts of the development can be appropriately mitigated, subject to implementation of additional conditions in relation to odour, waste, noise and traffic – details are discussed in Section 6 .
(c) the suitability of the site for the development	The information provided adequately demonstrates that the site is suitable for the development, subject to additional conditions in relation to odour, waste, noise and traffic – as discussed in Section 6 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Sections 5 and 6 .
(e) the public interest	The proposal is considered to be in the public interest, subject to the implementation of additional conditions as discussed in Sections 6 and 7 .

4.5 Biodiversity Development Assessment Report

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are “to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposal is not likely to have any significant impact on biodiversity values”.

Pursuant to clause 7.9(2) the proponent sought to have the requirement for a BDAR waived on the basis that the development is not likely to have any significant impact on biodiversity values. On 8 September 2021, the Delegate of the Secretary within Planning and Assessment Division waived the requirement for a BDAR to be submitted with the development application.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from Tuesday 19 October 2021 until Monday 15 November 2021 (28 days). The application was exhibited on the Department's website.

In March of 2020, the Minister for Planning removed the requirement for planning decision makers to display physical copies of some documents in response to the COVID-19 and longer-term structural changes to the news media industry.

The Department notified adjoining landholders and relevant State and local government authorities in writing. The Department representatives visited the site to provide an informed assessment of the development.

The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 6**) and by way of recommended conditions in the instrument of consent at **Appendix C**.

5.2 Summary of submissions

The Department received a total of 40 submissions, including 10 from public authorities (including Council) and 30 public submissions. Twelve objections from the public were received. A summary of the issues raised in the submissions is provided at **Section Error! Reference source not found.** and **5.4**. Copies of the submissions may be viewed at **Appendix A**.

5.3 Public authority submissions

A summary of the issues raised in the public authority submissions is provided at **Table** below and copies of the submissions may be viewed at **Appendix A**.

Table 5 | Summary of public authority submissions to the EIS exhibition

Newcastle City Council (Council)

Council made the following comments:

- Strategic context:
 - the site is not identified as a key site within Council's strategic planning
 - the development should be considered against the potential future character for the area of higher residential densities.
- Streetscape/Visual Impacts
 - concern is raised regarding the reliance on the proposed street trees to significantly mitigate the visual impacts of the development. Additional advanced screening tree species on site would be critical to be included in the landscape design.
 - inconsistency between architectural and landscape plans.

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- Flood Management
 - floor level for Goods storage shed and Equipment Shed should have floor level of RL 6.850 AHD.
 - additional analysis of flood storage potential impacts on adjacent properties required.
 - a flood management plan should be prepared due to on site stormwater detention within carparks.
 - Stormwater Management
 - development should be considered against Sydney Water Catchment Authority publication “Horse Property Developments in the Sydney Drinking Water Catchment” and Newcastle City Development Control Plan.
 - concerns raised for the potential for horse waste to discharge into Hunter Water/Council drainage systems
 - concerns raised over the Bioretention Basins being close to the property boundary and to an adjacent building. All on site retention areas should be marked on stormwater plans.
 - information required to demonstrate that stormwater discharge meets Council requirements.
 - Traffic Management
 - further SIDRA modelling is required on intersections to understand short and long term impacts.
 - the intersection of Chatham Street and Darling Street is already congested during race days and a roundabout as an immediate road infrastructure device is required to manage both traffic on race days and that generated by the proposed development. Traffic signals may be required as a long-term solution. At a minimum, a splay will be required on the south-west corner of the development site similar in dimensions to that on the northwest corner of the intersection. It is recommended the Applicant submit amended design plans.
 - concerns are also raised at the likely impacts of the additional traffic generated by the development on the Glebe Road and Chatham Street intersection, and the Koree Road, Brunner Road and Chatham Street interface, and the Darling Street and Beaumont Street intersection.
 - staff numbers on site will significantly increase as result of the development. Therefore, a thorough analysis of staffing numbers, including overall site, and demand for parking and other facilities for staff in the short and long term is required.
 - events such as barrier trials and other similar events should be analysed to understand the regularity of these events and expected changes to local traffic and parking in the area.
 - it is recommended the Applicant provide an Event Day traffic, pedestrian, and transport management plan to understand the operational requirements of the development.
 - a pedestrian movement analysis to/from the car parking and transport hubs to the Entry Point is required.
 - a noise impact analysis is required due to the likely increase in pedestrian movements on local roads.
 - an overall cumulative traffic analysis is required.
 - Parking Demand
 - on street parking analysis should identified the current parking and restrictions on race days and likely changes as a result if this development.
 - the on-site car parking count as indicated in the TIA does not appear to accurately reflect the current number of car parking spaces on site. The loss of off-street parking due to the proposal will have a significant impact on the surrounding local area by generating additional demand for the available on street parking.
 - concern is raised that the development has not provided any off-street motorbike parking spaces.
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- concern is raised that the development has not provided any facilities for secured bicycle parking for staff and any end user facility such as showers, storage and change rooms.
 - the development has not considered the availability of drop-off/pick-up areas within the site for use by alternative transport operations such as Taxi, Uber, and the like. Similarly, no provision has been made for bus/coach parking.
 - the location of the required accessible carparking referred to in the Access Report is not indicated on the architectural plans.
 - the new public entry appears to be secured. Emergency management vehicle access for ambulance, police and fire services is required to be considered as part of this proposal.
 - Pedestrian Management
 - it is recommended the development provide footpaths along the Chatham Street and Darling Street frontages.
 - Vehicular Access, Driveway Design and Crossing Locations
 - two new driveways are proposed from Chatham Street, including the access to the Maintenance Drop Off area. The latter is of concern given it will be used by heavy rigid vehicle and is in a 40km/h restricted school zone. Three additional driveways are proposed on Darling Street frontage of the site.
 - gates are proposed at the entry and exit. It is recommended that information is provided by the Applicant in relation to the operation and management of these gates to ensure that traffic movements on Darling Street are not adversely impacted on.
 - concern is raised that the proposed staff carpark comprising 94 spaces is only accessible via a single combined entry/exit driveway to Darling Street.
 - Heritage
 - the proposed development has the potential to impact the setting of the heritage item.
 - Pest Management
 - it is recommended the management plan and pest control recommendations be expanded to discuss and address fly control and 'feral' birds.
 - Waste Water Management
 - inadequate consideration has been given to the collection, treatment, and disposal of wash down and other contaminated water from the stables, wash bays, pool, and other likely sources in the proposed stable complex.
 - Noise Management
 - the Noise Impact Assessment does address sleep arousal and makes several recommendations for noise control measures; however, this issue will need to be carefully considered to ensure all feasible and reasonable measures have been implemented to minimise this potential for impact.
 - Odour Management
 - appropriate ongoing maintenance of the odour mitigation measures will be required to ensure compliance.
 - Signage
 - it is not clear if the signage panels will incorporate mechanical or electronic moving images or displays.
 - Section 7.12 Local Infrastructure Contributions
 - a maximum levy of 1% of proposed cost of the development is applicable.
-

DPIE Water/ Natural Resource Access Regulator (NRAR)

DPIE Water/NRAR made the following comments:

- the proponent must ensure sufficient water entitlement is held in a water access licence/s to account for the maximum predicted take for each water source prior to take occurring unless an exemption under the Water Management (General) Regulation 2018 applies.

Biodiversity Conservation Division (BCD)

BCD made the following comments:

- a biodiversity development assessment report waiver was issued for the project on 8 September 2021 and no further biodiversity assessment is required. BCD is satisfied with the flooding and flood risk assessment in the EIS and no further flooding assessment is required.

Crown Lands

No comments.

Heritage NSW (Aboriginal Cultural Heritage)

Heritage NSW (ACH) made the following comments:

- Heritage NSW supports the development of an Aboriginal Cultural Heritage Management Plan, to be developed post approval and in consultation with the Registered Aboriginal Parties for the management of Aboriginal cultural values in the Project Area. An archaeological test and salvage excavation is to occur post-project approval but implemented before natural soil layers are disturbed. The subsurface archaeological investigation is to be done in consultation with the Registered Aboriginal Parties.

Heritage NSW

Heritage NSW made the following comments:

- Heritage NSW advised it was satisfied with consideration of Aboriginal cultural heritage matters in the EIS and recommended the mitigation measures outlined in the EIS be implemented.

Hunter Water

Hunter Water made the following comments:

- Hunter Water provided Newcastle Jockey Club with a Notice of Formal Requirements (HW Ref 2021-1123) on 13 July 2021 in relation to servicing the proposed development. Hunter Water will require a revised Development Application if there are any changes to the development proposal.

Schools Infrastructure NSW

Schools Infrastructure made the following comments:

- consultation with SINSW requested.
- clarification sought as to the timing of traffic investigations. SINSW requests that the Traffic Impact Assessment be amended to clearly address construction traffic procedures, including mitigation of any associated conflicts with construction vehicles, pedestrians and commuters (along Chatham Street) during the construction phase.
- proposed dust mitigation measures should be included as conditions of consent.
- SINSW notes that the proposed stable Blocks E, F and G are all positioned closer to the western boundary of the site than the existing stables and will experience a significant increase

in intensity. These stables are proposed to be two storeys in height, accommodating up to 240 horses and will be naturally ventilated. In light of this fact, SINSW have identified some inconsistencies regarding the distance of the proposed development from surrounding sensitive uses. Proposed odour mitigation measures should be included as conditions of consent. If air quality issues persist at the school, mitigation measures are to be reviewed and a more tailored approach should be prepared for the affected schools.

- SINSW recommends that the mitigation measures identified in the Noise Impact Assessment be conditioned as part of any future consent for the site.
- SINSW requests that the OWMP be updated to include Pedestrian, traffic and Access Management during operation, Consultation and complaints handling, Noise management measures and Race day security and safety management procedures.
- provide details of quantum of waste and timing of removal. Waste management measures to be introduced as conditions of consent.

Subsidiary Advisory Board

Notice of Determination previously issued in relation to the proposed development.

Transport for NSW (TfNSW) incorporating Roads and Maritime Services

TfNSW provided the following comments:

- TfNSW has reviewed the information provided and raises no objection to or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network.

5.4 Public submissions

Thirty public submissions were received which may be viewed at **Appendix A**.

- thirteen submissions were supportive of the development.
- twelve submissions objected to the development.
- six submissions provided comment on the proposal.

The issues raised by objection or comment are summarised in **Table 4**.

Table 4: Summary of issues raised in objections

	Proportion of total EIS Submissions (30)
Air Quality, Odour and Dust Impacts	43.3%
Traffic and Road Safety	33.3%
Car Parking	30%
Pests/Vermin	30%
Waste Management	26.7%

Noise	26.7%
Scale of Development	16.7%
Visual Impact	16.7%
Not suitable for residential area	13.3%
Vegetation and Habitat Removal	13.3%

Other issues raised in public submissions (10% or less) included pedestrian access and safety, stormwater and flooding, horse safety and welfare and inadequate public consultation.

The 13 submissions submitted in support of the application stated the development would have a positive community and economic impacts on the area, have a positive environmental impact, would improve the facilities at the racecourse and overall makes a positive contribution to Newcastle and the Hunter Region.

5.5 Response to submissions

Following the exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions as well as other issues raised within a Request for Further Information (RFI).

On 13 May 2022, the Applicant provided a combined RtS and RFI (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS and RFI included:

- amended plans showing;
 - a reduced capacity of the stables from 520 to 480
 - minor relocation of buildings
 - introduction of trackwork tie-ups in the ground level of Building A and a trainers facility overlooking the track
 - increased carparking to 161 spaces
- updated supporting documentation and management plans.

The RtS was made publicly available on the Department's website and was referred to the relevant public authorities. The Department received an additional 2 submissions from public authorities, including Council. A summary of the public authority submissions on the RtS is provided in **Table 7**.

Table 7 | Summary of public authority submissions to the RtS

Council

Council provided the following comments:

-
- **Streetscape/ Visual Impact**
 - previous concerns have been addressed. Recommended draft conditions provided.
 - **Flood Management**
 - previous concerns have been addressed.
 - **Stormwater Management**
 - revised documentation has not satisfactorily addressed the impacts of horse waste on the proposed stormwater system. Stormwater from horse waste impacted areas should be diverted to sewer.
 - stormwater Discharge Connections.
 - **Traffic Management**
 - a roundabout is proposed by Council on the corner of Chatham and Darling Streets and amendments to the design are required. Revised turning templates for the roundabout are recommended.
 - **Parking Demand**
 - **On-Street Parking**
the RtS has not satisfactorily addressed the impacts of the development on the available on-street parking. The Applicant should be required to prepare a plan give to drop-off/pick-up areas.
 - **Horse Transportation Parking Demand**
previous concerns have been addressed.
 - **On-Site car parking**
the RtS and associated amended Traffic and Parking Assessment have not satisfactorily addressed CN's concerns regarding the likely impacts of the loss of the informal on-site parking.
 - **Pedestrian movements and Event Transport Management Plan**
 - it is recommended the Applicant be required to prepare an Event Transport Management Plan to cover race day traffic and other events at the racecourse.
 - **Vehicular Access, Driveway Design and Crossing Locations**
 - setbacks to gates to allow cars to park pending the opening of the gates recommended.
 - **Public Domain**
 - works would be subject to separate approval under Section 138 of the Roads Act.
 - **Street Trees**
 - street trees have been provided in accordance with Council requirements. Draft conditions recommended.
 - **Heritage**
 - previous concerns have been addressed.
 - **Pest Management**
 - previous concerns have been addressed.
 - **Wastewater Management**
 - previous concerns have been addressed.
 - **Noise Management**
 - previous concerns have been addressed.
-

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- **Odour Management**
 - previous concerns have been addressed.
 - **Signage**
 - previous concerns have been addressed.
 - **Contributions**
 - Cost Summary Report required for the calculation of contributions.

DPE Water

- Previous issues have been addressed. No further comments.
-

5.6 Supplementary Response to Submissions

On 22 July 2022, the Applicant submitted a Supplementary Response to Submissions (SRtS) which responded to comments on the RtS and queries raised by Council and the Department in relation to traffic, car parking, waste management and the noise assessment.

The SRtS amended the application as follows:

- the Applicant provided amended plans to address the prospective acquisition of land by Council at the intersection of Darling and Chatham Streets with the signage tower to be minimally relocated
- amended plans also include minor design amendments requested by Council including driveway setbacks and fence locations
- the Applicant confirmed that no horses would be transported to the site for morning trackwork
- identified an area for infield parking for large events
- reduced the periodic hosing out of the horse stables to monthly
- the Applicant confirmed a number of issues raised by the Department including:
 - total number of vehicles accessing the site
 - total volume of vehicles utilizing each access point
 - that all parking spaces will be available for staff associated with morning trackwork

The Department was satisfied with the documentation provided, and the assessment herein is based on the documents submitted with the modification application as amended by the RTS/SRtS.

6 Assessment

The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS and SRtS in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- traffic, access and car parking
- built form and urban design
- air quality

Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed at **Section 6.4**.

6.1 Traffic, Access and Car Parking

The EIS included a Traffic Impact Assessment (TIA) that described and assessed the transport aspects and impacts of the proposal. The TIA sets out the overall transport generated by the development and considers the impact of the increased traffic on the local road network.

The TIA concluded that there would be a net increase of up to 188 vehicle trips (or 94 vehicles) per day utilising the local road network to access the subject site.

It is noted that the TIA has not focused or assessed general race day traffic given that it is not the subject of this assessment.

Traffic

The stable development will result in additional light vehicles accessing the site. The additional capacity of the stables to 480 horses (from the current 230) would result in approx. 154 staff accessing the site each morning for track work.

Currently approx. 310 horses are trained each morning, comprising the 230 horses on site plus up to 80 horses being floated in each day. An estimated 102 staff are on site each morning to assist in the morning track work.

A number of objections raised the concern about the increases in traffic, particularly with the transportation of horses in the early morning with vehicles arriving from 3am creating the likelihood for adverse noise levels which could lead to disturbed sleep.

Council also raised concerns about the impact on traffic on intersections outside of those modelled.

As a result of the proposed development, track work capacity will increase to 375 horses per morning and staffing requirements are estimated to increase to 154 staff. However, due to the increased stable capacity on site, no horses will be transported to the site in the morning for trackwork.

Notwithstanding, the vehicle movements from horse transportation would be replaced with staff accessing the site each day resulting in a worst-case net increase of 52 vehicles (or 104 vehicle movements) each day from the additional 52 staff (assuming no carpooling or active transport is used) associated with morning trackwork. All training staff would access the site via the Darling Street driveway to the proposed car park.

Outside of the trackwork vehicle movements, there will be an increase in other vehicle movements. Each day, two articulated heavy vehicles will access the site to transport bedding and remove waste. The vehicles will enter the site via the southern driveway on Chatham Street (marked as access point 2 on **Figure 7**), park within the designated loading zone and leave via the eastern driveway on Darling Street (access point 3 on **Figure 7**). An additional 6 heavy vehicle movements per week (approx. 1 per day Monday to Saturday) will transport feed whilst an additional 3 heavy vehicles per week will collect general waste. This would result in a potential 23 heavy vehicle movements per week between 9:30am and 2pm.

In addition, horses that are stabled on site will be transported to other racecourses within NSW to compete. An average of 14 horses per day would be transported to other racecourses within 10 separate vehicles (nothing that some horses would be transported in vehicles capable of accommodating multiple horses). Based on the current stable capacity, an estimated 7 horses per day are transported off site for other race meetings. The proposed development would result in an average increase of 7 horses within approx. 5 vehicles or 20 vehicle movements based on the return trip. It is also estimated that 1 additional vehicle per day would be required to transport a horse offsite for extended periods of rest. Generally, the picking up and dropping off of horses would occur between 9:30am and 7:30pm. The daily traffic generated by the stable development (outside of race days) is summarised in **Table 8** noting that maximum vehicle trips have been utilised.

Table 8: Daily Traffic Generation for stables

Activity	Additional Traffic Movements	Total Daily Traffic Movements
Stable Operation (track works and daily operation)	308	470 staff movements (235 inbound and outbound)
Heavy Vehicles for deliveries/ pick up	8 per day (4 inbound and outbound)	8 per day (4 inbound and outbound)
Floating of Horses off site	24 (10 light vehicles and 2 heavy vehicles inbound and outbound)	42 (17 light vehicles and 4 heavy vehicles inbound and outbound).
Track Maintenance	0	4 (2 heavy vehicles inbound and outbound)
<i>Removed Horse float trips for trackwork</i>	<i>152 vehicle trips</i>	-
Total	188 additional trips	524 vehicle movements
	<i>176 light vehicle trips</i>	<i>10 Heavy vehicles inbound/outbound</i>
	<i>12 heavy vehicle trips</i>	<i>252 Light vehicles inbound/outbound</i>

Traffic estimates identify that at present Chatham Street operates at a Level of Service (LoS) B and Darling Street operates at a LoS A during both the morning (AM) and afternoon (PM) peak periods. The development is estimated to generate an additional 26 vehicle movements in the AM peak period and 10 in the PM peak period. As a result of the development Chatham Street remains at a LoS B and Darling Street remains at a LoS A during both the AM and PM peak periods.

The Department is satisfied that the traffic generated by the development would not have an adverse impact on the ongoing efficiency of the local road network. To ensure the efficient movement of vehicles through the site, it is recommended that a Vehicle Management Plan be prepared that outlines the timing of vehicle movements, as well as procedures for picking up and dropping off of horses and goods. A booking system should be implemented to ensure the staggering of vehicle movements through the site and prevent congestion within loading areas or queuing of vehicles within the local road network. In addition, it is recommended that a condition of consent be imposed restricting the transportation of horses to the site for morning trackwork.

Access

The development seeks to utilise 5 driveways to provide vehicular access for the site. Two driveways are proposed along Chatham Street and 3 along Darling Street, whilst a former driveway along Chatham Street will be removed. This represents an increase of 2 driveways for the site.

Council raised concerns about the increase in access points to the site, with 6 driveway crossovers fronting Darling Street.

The Applicant's RtS noted that not all the driveways are new, with existing 'non-active' driveways being reactivated, with there only being a net increase of 2 driveways for the site.

The northern driveway on Chatham Street provides for 2-way vehicle movement and provides access to the maintenance workshop as well as vehicular access to both levels of the stable concourse for light vehicles in the rare event that horses require transportation directly from a stable. Any vehicle that enters the concourse would exit the site via the western Darling Street driveway. The northern driveway allows for suitable sightlines north and south along Chatham Street. It is noted that the northern driveway is located within the adjacent high school's 40km/h zone and will be approx. 40m south of the school crossing over Chatham Street. It is further acknowledged that the driveway would be utilised during both the morning and afternoon school zone periods (8-9:30am and 2:30-4pm). Due to this, the Department considers that a left only traffic movement should be utilised for vehicles egressing via the northern driveway to ensure that vehicles are not crossing traffic during school zone periods potentially creating traffic safety concerns.

The southern driveway on Chatham Street provides for ingress only and provides access to the storage building, office and equipment buildings as well as the loading zone. This is the access that will be utilised for the articulated heavy vehicles delivering bedding and removing waste, as well as other delivery vehicles associated with the stables. Egress from this area is provided by the western driveway on Darling Street. This access point allows for egress only. This access point provides sufficient sightlines east along Darling Street, however sightlines west (towards the intersection of

Darling and Chatham Streets) is very limited (approx. 30m). When considering the sightlines recommended under AS 2890.2, a distance of 69m is required (representing a 5 second gap in the traffic). In this instance, the 30m distance is considered sufficient given that cars traversing the intersection will be travelling at low speed (well below the sign posted 50km/h), as such vehicles approaching the driveway would have sufficient time to slow down should there be traffic exiting the driveway given the safe stopping distance for a vehicle travelling at 50km/h is 33m. Assuming that vehicles travel through the intersection at less than 50km/h (due to negotiating the turn, or being stopped at the stop sign), ample space should be available for a vehicle to stop. Both driveways on Chatham Street do have limited setbacks from the carriageway. The Department recommends conditions be imposed requiring the gates to be setback enough to allow for the largest vehicle to access the site to be off the carriageway whilst waiting for the gates to open.

It is also noted that this driveway would only allow for approx. 23 vehicle movements per day (6 heavy vehicles and 17 light vehicles associated with the floating of horses to other racecourses or off site) with these traffic movements generally occurring outside of peak times, with the heavy vehicles occurring between 9:30 and 2pm.

The 2 other driveways on Darling Street would be utilised by light vehicles only associated with the proposed car park. Both access points provide for sufficient sightlines east and west along Darling Street.

The Department considers that suitable access will be provided for the site, subject to suitable signage being implemented to reinforce vehicle movements. In addition, it is recommended that a Vehicle Management Plan should be prepared that outlines the timing of vehicle movements, procedures for the dropping off and picking up of horses and goods. The VMP should also outline an appropriate booking system that would allow for the timing of vehicles (particularly heavy vehicles and floats) to ensure efficient site operations and prevent the need for queuing. A further condition should be implemented restricting access for the northern driveway on Chatham Street to a left hand only exit.

Parking

The development proposes the construction of a carpark for 161 cars (including 2 accessible spaces) and 8 motorcycles. The carpark will be accessible via 2 driveways off Darling Street, both of which would allow for 2-way vehicle movements. The carparks are proposed to provide for 121 staff carparks and 40 public spaces, however the Applicant has confirmed that all spaces are available for the use of staff each morning.

The public submissions and Council both raised the concern with the lack of parking proposed, with the area currently used for parking to be developed for the stables.

The Applicant's RtS included revised plans increasing parking by 67 spaces. In addition, the Applicant committed to allowing public parking within the infield during large events to ensure sufficient parking is available.

Parking for loading vehicles (both horses and goods) is provided in the Equine and Goods Drop Off Pick Up Zone adjacent to the Storage Building. Parking for up to 3 heavy vehicles available at any one time, nothing that there would be a maximum of 6 heavy vehicles per day (comprising 4 delivery vehicles and up to 2 heavy horse transport vehicles), this is considered satisfactory.

The Department notes that there is not a parking rate provided within Newcastle Development Control Plan 2012 or RTA *Guide to Traffic Generating Development 2002* that could provide a parking rate for comparison to the parking provided. Notwithstanding, the Department is satisfied that the proposed 161 car parking spaces would suitably cater for the parking of staff associated with the stable development.

Of note is that the area proposed for the stable development is currently utilised for parking of horse floats for trackwork, and public parking during race days. Once the site is developed, this area will not be available for parking. The NJC has proposed to develop the interior of the racecourse to support public parking during peak race periods where demand for parking is high. In addition, any horses floated in for race day will be dropped off within the newly constructed car park off Darling Street providing float parking adjacent to the race day tie-up stalls.

The Department considers there would be sufficient parking available for both track work and race day operations should the interior of the racecourse be utilised for parking. The Department will condition that the area of the infield identified for parking be constructed to an all-weather standard to ensure it is usable year-round irrespective of the weather. Further to this, Council recommended an Event Transport Management Plan (ETMP) should be prepared to cover race day procedures for the movement of vehicles to infield and patrons to public areas. The Department concurs with Council and will recommend a condition requiring an ETMP to be implemented.

Pedestrian Access and Safety

The development proposes to construct pedestrian paths along the eastern side of Chatham Street, from the existing pathway to the corner of Chatham and Darling Streets, and then along the northern end of Darling Street to the new entry tower. The proposed path will cross all five driveways proposed as part of this development.

Both public submissions and Council raised concern about the potential for pedestrian safety issue due to the increased number of driveways and traffic especially given the proximity of the school to the subject site.

In response, the Applicant proposed to reconstruct pedestrian paths along the Chatham and Darling Street frontages.

The Department considers that to ensure pedestrian safety is not compromised, appropriate signage should be installed in a prominent location at the exit of each driveway to make drivers aware of the potential for pedestrians.

The Department is satisfied that appropriate pedestrian infrastructure will be in place. Conditions of consent are recommended to ensure appropriate signage is placed on the exit of all five proposed driveways to make drivers aware of the potential for pedestrians.

Construction Traffic

The application was submitted a Preliminary Construction Traffic Management Plan (PCTMP) that outlined plans and procedures for traffic associated with construction works, outlining:

- construction would be undertaken in two stages (West and East). It is anticipated that 48 heavy vehicle trips per day (3 per hour for 8 hours) will be generated by the construction works outside of concrete pours with an additional 68 heavy vehicle per day anticipated during these periods.

- deliveries from oversized vehicles (including mobile cranes) will be dealt with separately and required permits or approvals from Council or TfNSW obtained.
- construction worker parking will be provided onsite (**Figure 9**) with the contractor encouraging employees to car pool and use public transportation.



Figure 1: Designated parking for construction vehicles (Source: Applicants PCTMP)

- access routes will differ during peak school times (8-9:30am and 2:30-4pm), with no vehicles travelling through the school zone within this period.
- For stage 1 works, vehicles would enter the site via Chatham Street and exit via Darling Street, with the reverse occurring for stage 2.
- the access to the site will differ for each stage. For stage 1, vehicles will access the site via Chatham Street and exit via Darling Street. In stage 2, all vehicles will enter and exit via Darling Street.
- traffic control measures will be required on Chatham and Darling Streets and will be submitted to Council and TfNSW for approval prior to works commencing.
- the site perimeter will be appropriately fenced to stop pedestrian/public access.

The Department has reviewed the PCTMP and is satisfied that construction traffic would be adequately managed during construction subject to the preparation of a detailed CTMP prior to the commencement of work and in consultation with Council and TfNSW. This would detail more specific construction management measures to ensure that impacts on the surrounding street network are minimised. The Department has also recommended a condition that requires the Applicant to prepare a Construction Worker Transport Strategy to manage and minimise impacts from construction worker parking.

6.2 Built Form and Urban Design

Design, Appearance and Landscaping

The application will involve significant construction works and development in an area that has historically been cleared and undeveloped (**Figure 9**). The development represents a significant transition for the immediate local area with respect to the built form and the appearance of the development from both the public domain and adjoining dwellings.



Figure 2: Looking west along Darling Street towards Chatham Street (Source: Site Visit, June 2022)

Concern was raised by Council about the use of street trees as landscaping. Whilst not objecting to the street trees, Council identified that the landscaping to be used as a visual screen should be within the property boundaries.

In response, the Applicant's RtS included revised landscaping plans with increased landscaping within the property boundaries. In addition, the Applicant confirmed that the street trees were in accordance with Council's DCP requirements.

The construction of the stable buildings will be the most visually dominant aspect of the development. The stable buildings have a proposed wall height of approx. 8m, an overall height of 13m and a limited setback of 7.5m. This will result in the stables being visually dominant in the streetscape when compared to the current site, and the vicinity of the site. Notwithstanding, other buildings in the local area have similar height and dimensions, and the area is proposed for higher density development within Council and regional strategic plans. Therefore, it is considered that the proposed bulk and scale of the structures is consistent with the desired future character of the area. The orientation of the buildings with an east-west axis and provision of landscaped courtyards in between assists in breaking up the bulk of the development.

The materials selected, comprising pre-cast concrete walls and corrugated metal sheet roof are in contrast to the surrounding built form that generally comprises masonry construction with tiled roofs. The provision of windows, balconies and the vented roof form does assist in breaking up the built form to reduce its bulk. Of concern is a continuous 2.2m screen along the first floor of the western edge of stable buildings E, F and G (**Figure 10**). This screen will be approximately 100m in length, setback 4m from the boundary and will sit above the mature height of the proposed hedging. The Department considers that the external facing (western) side of this screen should be broken up through non-permeable artwork or designs to assist in breaking up the bulk of the development when viewed from Chatham Street in the short to medium term until the vegetation has established, and the trees matured.



Figure 3: Screen along western edge of Stable Buildings E,F and G (Source: EJE Architects)

Landscaping along the western and southern boundaries is proposed, comprising a mix of hedging and trees to create a suitable buffer as depicted in **Figure 10**. The hedging is proposed to have a mature height of 3-4m and the trees 8-12m. These heights will substantially screen the buildings when viewed from Chatham Street. The development will also remove a 116m of metal sheet fencing fronting Chatham Street, ranging from 1.8-2.5m which will be replaced with 170m of landscaping with a varying height of 3-12m. The Darling Street frontage has significantly less vegetation proposed due to the presence of the stormwater detention ponds and providing safe sight distances for exiting vehicles. The Department considers additional landscaping in this area would further assist in providing a visual screen of the development when viewed from Darling Street.

The Applicant has also proposed to plant street trees outside of the property boundary with a mature height of 10-20m to further assist in screening the development. It is noted that these trees are outside of the boundary, however, will further assist in reducing the visibility of the development, and will complement the landscaping within the boundary.

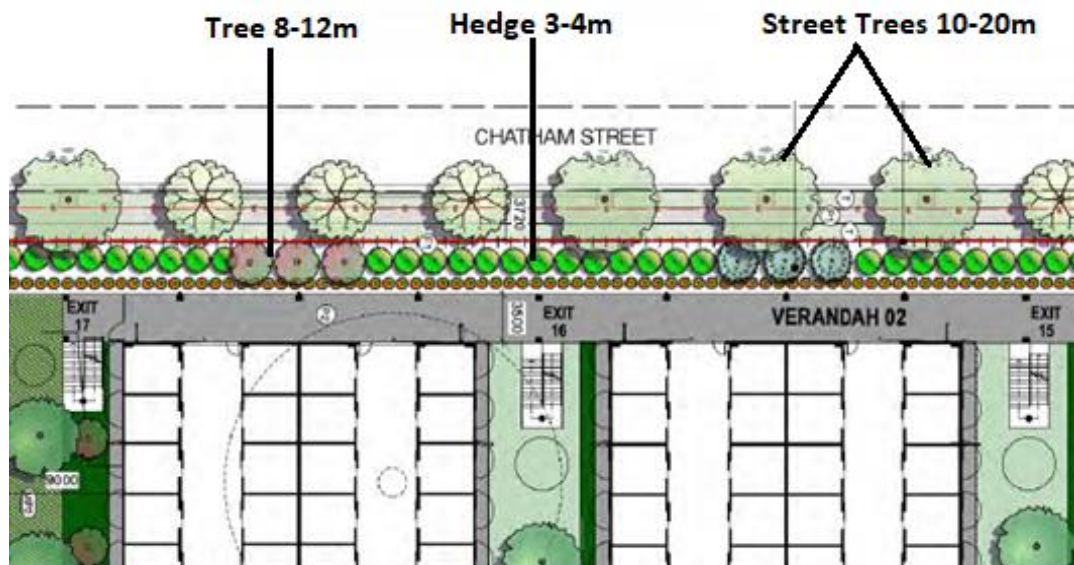


Figure 4: Landscaping fronting Chatham Street (Source: Moir Landscape Architecture)

The Department acknowledges that the development will result in a significant transition in the streetscape, with the development being in contrast to the predominant built form of the area. Notwithstanding, the use of landscaping and the orientation of the buildings with an east-west axis, reduces the potential visual dominance of the structures. The following additional conditions are recommended to assist in the development being compatible with the surrounding area:

- plantings of sizes reflected in the submitted landscaping plans.
- additional planting on the northern end of the detention ponds facing Darling Street to provide additional vegetation screening to a mature height of 3-4m, without compromising the stormwater basins of traffic safety.
- preparation of a Vegetation/Landscaping Management Plan to outline the procedures to be undertaken to ensure the landscaping grows effectively, is replaced when required and is maintained in a neat manner.
- provision of decorative screening to the western edge of the acoustic barrier fronting Chatham Street for Stable Buildings E, F and G to assist in breaking up the bulk of the buildings and elements of visual interest. It is recommended that a condition be imposed that restricts this area from being used for advertisements.

Should the recommended measures be adopted, the Department considers that the development would be compatible with the surrounding built form whilst improving the urban design, particularly along the Chatham Street frontage.

Building Height

The development seeks to construct the stables with a height of 8m to the underside of the eaves, and overall height of 13m which includes the ventilation louvers.

The Department notes that there are no Height of Building development standards under NLEP2012 for the subject site. The height is not dissimilar to the adjacent High School, or other buildings on the racecourse site. Shadow diagrams submitted with the EIS identifies that the development will not result in overshadowing of adjacent properties at June 21.

As outlined above, the development proposes landscaping along the western (Chatham) and southern (Darling) frontages. The landscaping will comprise hedging and trees which will grow to a mature height of 3-12m, although is reduced to groundcover vegetation for a length of the Darling Street frontage due to the presence of stormwater basins, and to improve driver visibility. The Department considers increasing vegetation within this area would further assist in providing a vegetation screen, and conditions are recommended to require this.

It is noted that street trees with mature heights of 10-20m are proposed along the Darling and Chatham street frontages.

The Department considers the proposed height of the buildings will not adversely impact the surrounding area should the recommendation per the 'Design, Appearance and Landscaping' section above be adopted.

6.3 Air Quality

Odour and Waste Management

The Applicant submitted an Air Quality Risk Assessment (AQRA) to consider the impacts of the development with respect to air quality considering both the construction and operational phases of the development and have the potential for the creation of dust and odour impacts. The most significant potential generator of odour would be the horse waste and soiled bedding from each stable. The Applicant has submitted an Operation and Waste Management Plan (OWMP) to support the implementation of the findings of the AQRA to address the generation and potential impacts arising from odour.

The most significant issue raised within the public submissions was regarding the odour to be created and the proposed waste management strategies proposed by the Applicant. Further to this, both SINSW and Council advised that the mitigation measures within the AQRA and OWMP should be implemented.

Within the Applicant's RtS, the capacity of the stables were reduced to 480 horses, however no further mitigation measures were proposed to address the concerns raised.

The OWMP proposes to clean out each stable twice per day (morning and afternoon) removing horse waste and soiled bedding. All waste would be placed within lidded, non-vented bins which would be collected daily. It is noted that the Applicant amended the frequency of the cleaning of stables as part of the SRtS within the OWMP from daily to monthly.

The Department considers that further measures are required to ensure that adverse odour impacts are not created, or to address concerns in the future should they arise. The Department recommends that louvers on all stables be closable to address odour issues in high wind periods, or if complaints persist.

A revised Operational Waste Management Plan should be prepared that outlines:

- the implementation of weekly cleaning of the stables and waste bins with suitable products;
- record keeping process to ensure cleaning tasks are completed;
- criteria for when the use of odour eliminating agents are used;

- a detailed complaints procedure that provides for an improvement process to address shortcomings in the adopted OWMP; and
- annual report back to Council for review.

Dust

The AQRA included an analysis of the potential for dust generation at both the construction and operation phase of the development as well as mitigation measure to be employed on site during works. In addition, a preliminary erosion and sediment control plans were provided to demonstrate measures to be implemented during construction.

A number of submissions raised concerns with respect to dust that may be generated in both the construction and operation phase of the development.

The Applicant's RtS stated that mitigation measures within the Preliminary Construction Management Plan would be in place during construction to address the potential for dust. The Applicant stated that once operational the design of the buildings suppresses wind entering the stables thereby preventing any dust from escaping. In the event that there is still dust concerns, during heavy winds windows and doors could be closed to further limit any dust movement.

The dust mitigation strategies for construction include a communication strategy with local stakeholders, monitoring for dust, erection of screens, covering stockpiles and dust suppression as required.

Once operational, the stables will comprise significant amounts of hard stand area, with potential dust to be created from transportation and handling of hay for bedding, mud or dirt trafficked in by vehicle or horse. The Applicant has proposed regular site maintenance to ensure the site remains clean, therefore reducing the potential for dust impacts.

The Department considers that should the recommendations of the AQRA be implemented, and the erosion and sediment controls be in place, then the development is unlikely to create adverse dust impacts.

Pests

The Applicant has provided a pest management strategy that outlines measures to be employed to ensure pests and rodents do not create a nuisance. The Applicant also contends that the proposed OWMP would assist in reducing the potential for pests to be attracted to the site through the suitable management of waste and the mitigation of odour.

Significant community concern was raised about the potential for insects, birds and rodents (pests) to become attracted to the site, and to adversely impact the nearby residential and educational land uses. Council also raised concerns about the lack of consideration for flies and birds within the OWMP.

In response, the RtS reduced the capacity of the stables to 480 horses and included a revised OWMP that included additional pest control measures as well as consideration of flies and birds. Further to this, the Applicant stated that development is proposed to be substantially constructed with precast concrete, removing the potential for pests to be located or housed within wall cavities.

The Department considers that a comprehensive Pest Management Plan (PMP) is required to be incorporated into the OWMP to proactively treat and inspect the site for pests. It is recommended that the PMP should outline the following:

- periodic proactive treatment of the site in accordance with the pest management strategy to reduce the potential for pests and rodents to become attracted or house at the site
- daily cleaning of stables to remove waste and odours
- periodic cleaning of horses to reduce odours
- periodic inspections by staff looking for signs of pest presence in and around the development
- process for staff to notify NJC if pests/rodents are identified on site whether as part of inspection or during daily work
- processes for reactive treatment should pests/rodents be identified on site.
- installation of bird deterrent on potential nesting areas.
- development of a complaints procedure whereby the public can raise complaints and/or concerns with NJC. The procedure should detail the extent of the complaint, how it was responded to, and whether ongoing improvements are required to address the issue.
- submission of annual report to the Planning Secretary detailing the complaints received, the steps taken to address the complaints and ongoing improvement.

Should the PMP and OWMP be implemented, the Department considers that the development will not result in adverse pest impacts.

6.4 Noise and Vibration

The EIS included a Noise Impact Assessment (NIA) which assessed the potential construction noise and vibration impacts on the nearest sensitive receivers as well as the potential noise generation of the stable development once operational.

Construction Noise and Vibration

The NIA found that likely construction activities and equipment would exceed noise affected and highly noise affected noise management levels at sensitive receivers if no mitigation measures were in place. The NIA noted that compliance with construction noise criteria could be achieved through specific noise mitigation measures and recommended that a detailed Construction Noise and Vibration Management Plan (CNVMP) be prepared prior to the issue of a Construction Certificate.

The NIA recommended that attended noise and vibration should be carried out at commencement of each process/activity that has the potential to produce excessive noise and/or vibration. The NIA noted that attended monitoring offers the advantage of immediate identification of noise or vibration exceedances at the receiver and ameliorative action required to minimise the duration of exposure.

The Department is satisfied that appropriate noise and vibration mitigation measures can be implemented to minimise impacts on nearby residents. The Department has recommended conditions requiring:

- the preparation and implementation of a CNVMP having regard to the mitigation measures of the NIA

- at the commencement of each construction activity, noise and vibration monitoring should take place to ensure compliance.

Operational Noise and Vibration

The NIA acknowledged the potential for adverse noise impacts arising from the daily operations. The assessment of the noise impacts to nearby receptors generally complied with the adopted criteria. Of particular note is the hours of operation of the stables, starting at 3am daily for morning trackwork.

The public submissions raised concern about the noise impacts arising from the operation of the stables as well as morning track work. Concern was raised about the potential for both horse and vehicle noises creating adverse impacts to the surrounding residential area.

In response, the Applicant's RtS included an amended Noise Impact Assessment which identified that noise associated with site activities and equipment will generally be compliant with the criteria during all time periods at all nearby receivers, providing acoustic treatment as recommended is implemented. Sleep arousal during the night period from 10:00pm-3:00am is not expected to be an issue, as the facility will be quiet during these times, with very little activity, except for the occasional attendance by vets or staff as required.

The NIA explored the likelihood of sleep arousal, particularly in relation to the travelling of vehicles associated with the development and the 3am start and found that the activities associated with the morning activities (including vehicles) would not exceed the adopted criteria. Where activities did exceed the criteria, mitigation strategies were proposed including:

- acoustic fencing adjacent to the Maintenance Shed
- enclosed balustrade on ramps
- acoustic barriers on identified plant if noise levels are exceeded
- restricting waste collection to weekdays 7am-6pm
- restricting the dropping off and picking up of horses to 7am-10pm (i.e. No delivery or pickup at night (10pm-7am))

The NIA concluded that if the mitigation measures were adopted, the criteria would be met for all the proposed activities.

The Department is satisfied that appropriate noise and vibration mitigation measures can be implemented to minimise impacts on nearby residents subject to conditions

The Department has recommended conditions requiring:

- compliance with standard construction hours and respite periods
- compliance with the mitigation measures as set out within the NIA including testing of plant post installation to verify noise compliance
- the preparation and implementation of a complaints procedure should there be any events that create adverse impacts.

6.5 Other issues

The Department's consideration of other issues is provided at **Table 9**.

Table 9 | Department's assessment of other issues

Issue	Findings	Recommendations
Contamination	<p>The EIS included a Preliminary and Detailed Site Investigation that detected a number of Contaminants of Potential Concern (COPC) arising from the previous uses of the site including metals and asbestos.</p> <p>Of the COPC identified on site, all were below the Health Investigation Levels (HIL) aside from zinc in a grassed area adjacent to an access road. The document identified that due to the small, isolated nature of the COPC, no further investigation or remediation is warranted. The report further identifies that an Unexpected Finds Protocol and classification of soils to be removed from the site should take place.</p> <p>Whilst the isolated COPC is above the HIL, the report has stated that the site is suitable for the proposed development in its current state.</p> <p>An assessment of the requirements of SEPP 55 has been undertaken in Appendix B.</p>	<p>The Department has considered the findings of the Preliminary and Detailed Site Investigations.</p> <p>The Department considers that due to the small and isolated nature of the COPC, a Remediation Action Plan (RAP) is not warranted and the site is suitable for the proposed use.</p> <p>Conditions are recommended that require:</p> <ul style="list-style-type: none"> the preparation of an unexpected find procedure classification of soils prior to removal from site.
Heritage	<p>The site is identified as a heritage item under NLEP2012. A Heritage Impact Assessment (HIA) was provided as part of the EIS. The HIA determined that significance of the site was closely tied to its historic and ongoing use as a racecourse. Overall, only the track and members stand were considered to represent high heritage significance.</p> <p>The proposed development will involve the demolition of low significant structures within the footprint of the proposed stable site. All moderate to highly significant structures will be retained with the horse trough to be relocated to the new day tie up area.</p>	<p>The Department has considered the findings of the HIA and considers that the development will not have an adverse impact on the heritage significance of the site due to:</p> <ul style="list-style-type: none"> the development will support the ongoing use of the site for horse racing and will continue to play a role in the ongoing social connection that the site has to the Newcastle and Hunter area the location of the stable development and the materials used will not detract from the heritage significance of the site, or the individual components the development to complement the racecourse use of the site

Whilst the eastern edge of the development will be in close proximity (approx. 8m) to the members stand, they are located further away than current structures of low significance.

Conditions are recommended that require the implementation of an unexpected finds protocol during construction works in the event that any relics or archaeological significance are found.

The HIA recommended the preparation of an unexpected finds protocol.

Heritage NSW reviewed the HIA and had no concerns subject to the recommendations of the HIA being implemented.

An assessment against clause 5.10 of NLEP2012 has been undertaken in **Appendix B**.

Aboriginal Cultural Heritage

An Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared and submitted as part of the EIS.

The Department has reviewed and considered the findings of the ACHAR as well as advice from HNSW-ACH.

The ACHAR involved site investigations and consultation with Registered Aboriginal Parties (RAP). No visible archaeological relics were found during the site investigations; however, the site has undergone significant change, through earthworks across the site to remove the former swampy land and make it suitable for the racecourse.

The Department considers that whilst no objects were discovered on site, given the likelihood of aboriginal occupation of the site, the recommendations of the ACHAR should be adopted.

Due to its former swampy state, the RAPs identified that it is likely that the site was utilised for camping, and there is a likelihood of subsurface relics.

The Department recommends the preparation of an Aboriginal Cultural Heritage Management Plan. The plan should include:

- sub surface investigations,
- an unexpected finds protocol and
- an induction for workers on site.

The ACHAR recommended that an Aboriginal Cultural Heritage Management Plan be prepared post determination. The Plan is to include subsurface archaeological investigation and heritage induction requirements, as well as protocols for unexpected finds and discovery of human remains.

Heritage NSW (ACH) reviewed the application and supported the recommendations of the ACHAR.

Biodiversity and Tree Removal

The EIS included an Arboricultural Impact Assessment (AIA) that considered the impact of the development on the existing trees in and around the site.

Prior to the lodgement of the EIS, the Applicant received a BDAR Waiver due to the limited biodiversity impacts that the development might have. This was due to the significantly disturbed nature of the site and the limited vegetation removal that would be required.

The application seeks to remove 14 trees from the site. The arborist report notes that of the trees to be removed, six are in poor condition and at risk of failure, with the remaining 8 trees are required to be removed for the development to proceed. The AIA noted that no trees to be removed were considered high value, with a number of them planted post construction of the racecourse as landscaping.

Some public submissions raised concern about the tree removal and the loss of habitat.

In response, the Applicant's RtS included revised landscaping plans, including trees that will mature to similar sizes to what is currently on site.

The Department has reviewed the findings of the AIA. The Department notes that the trees identified in the public submissions were considered to be in poor condition, and at risk of failure. The proposed landscaping plan, which will significantly increase the tree coverage on site will provide suitable habitat whilst removing trees that are currently in poor condition and at risk of failure. Conditions are recommended that require:

- the mitigation measures within the Arborist Report be adopted
- protection of trees in accordance with Australian Standards

Stormwater

The EIS included a Stormwater Management and Soil & Water Management Report and a concept stormwater design to detail how stormwater will be managed on site.

A number of stormwater measures are proposed including:

- capturing and diverting all roof water to rainwater tanks for reuse on site
- overflow from the tanks and roofs will be diverted to existing stormwater

The Department has reviewed the findings of the Stormwater Management and Soil & Water Management Report as well as comments from both Council and Hunter Water.

The Department notes that the stormwater methodology is consistent with the Sydney Catchment Authority document *Horse Property Developments in the Sydney Drinking Water Catchment* and that Hunter Water has consented to the design.

infrastructure in the surrounding road network, to infiltration trenches or the bio-retention basins.

- wastewater from stable floors, washing bays and horse walkers will be diverted to the sewer, with these areas to be bunded to prevent wastewater from entering the stormwater network.
- stormwater from carparks will be directed to the permeable gardens across the site, with the carpark themselves to operate as on-site detention during high rain events.
- stormwater from other impermeable surfaces will be diverted to the bio-retention basins or to landscaped areas for infiltration.

The Department considers that the management of stormwater as proposed is appropriate for the development.

Conditions are recommended requiring:

- the implementation of the measures detailed in the Stormwater Management and Soil & Water Management Report
- an ongoing stormwater monitoring program to ensure the stormwater being disposed is being adequately treated.

Council raised concerns about stormwater from horse trafficked areas and the potential for horse waste to be washed into the stormwater network.

Hunter Water, the stormwater authority, advised that it had considered and consented to the proposed stormwater design.

In response, the Applicant advised that horse waste from horse trafficked areas would be cleaned up in a timely manner and stormwater would be treated prior to entering the stormwater network.

Flooding

The site is identified as being flood prone in both the 1% AEP and PMF events and predominately within the flood fringe area, with the south-western corner being within the flood storage. A Flood Information Certificate issued by Council identified the site as having a flood level of 6.35m in the 1% event and 7.3m in the PMF event. A minimum floor level of 6.85m applies to the site for habitable buildings.

The Department has reviewed the EIS as well as comments from both Council and BCD.

The Department considers that the minimum floor levels as proposed are adequate to ensure the development is compatible with a 1% AEP event. Whilst the development will increase flood water displaced from the site, it is considered that this is inevitable with development in an urban

Council raised concerns about the minimum floor level of the development as well as the potential for the displacement of floodwater arising from the construction of the development. BCD reviewed the development and raised no concerns regarding the flooding assessment undertaken.

The RtS package outlined that the proposed Equipment and Goods shed will have a flood level of 6.5m, due to its nature as a non-habitable building (used only for storage). All habitable buildings, including the stables, have a proposed floor level of 7m, in excess of the 6.85m flood planning level. Council advised that the Equipment and Goods shed should have a minimum level of 6.65m (being 300mm above the 1% level). The Department considers that the increase in 150mm is not warranted given the non-habitable nature of the building.

Due to the significant increase in the footprint of structures at the racecourse, the development will result in the displacement of floodwaters from the subject site. The Applicant has undertaken a conservative assessment of the displaced water, with the development to result in a maximum increase in the planning level by 7mm.

context that is flood prone. The maximum 7mm increase is considered acceptable in this instance.

Conditions of consent are recommended for:

- a flood management plan
- minimum floor levels for structures.
- flood level certificate from registered surveyor post construction to verify the minimum floor levels
- use of flood compatible materials up to the flood planning level.
- requiring a flood refuge place to be prepared.

Social Impacts

The EIS included an assessment of the potential Social Impacts arising from the development.

The development will result in a change to the immediate area surrounding the subject site with both physical changes through the built form and potential other changes through the intensification of stable operations on the site.

During construction works, 250 jobs will be created. The

The Department has reviewed the EIS as well as the concerns raised in the public submissions.

The Department considers that should the mitigation measures be imposed as recommended throughout this report, then the potential negative social impacts would be suitably managed and the development can be compatible with the surrounding residential and community land uses.

	<p>development will result in an additional 84 jobs associated with the daily operations of the stables. This will comprise both staff on site, and those associated with other off site supporting services.</p> <p>The development also has potential to have negative social impacts including construction impacts, adverse noise and odour and traffic generation particularly for the immediate residential area.</p> <p>A number of public submissions raised concern about the adverse impacts that the development would have on the surrounding area.</p>	<p>Conditions are recommended requiring the implementation of mitigation measures as considered within Section 6 of this report.</p>
Light Pollution	<p>The EIS included a Light Impact Assessment (LIA) that provided an assessment of the proposed lighting design and the proposed hours of operation.</p> <p>The proposed lighting has been directed away from adjoining residences where possible whilst ensuring that the illumination is suitable. The LIA provided an assessment of all the lights which demonstrates compliance with the Australian standards.</p> <p>Concerns were raised in public submissions of the potential for light pollution from both on site lighting and vehicle headlights as they enter and exit the site.</p>	<p>The Department has reviewed the LIA and comments raised in public submissions.</p> <p>The Department considers that the development will not result in adverse impacts with respect to light pollution from the lighting proposed on site. For headlight impacts, the Department notes that the potential impacts would be from vehicles on the public road which would already be experienced. The proposed landscaping provides suitable screening around the perimeter of the site to shield headlights from the surrounding dwellings.</p> <p>Conditions are recommended requiring lighting to comply with the Australian Standards.</p>
Acid Sulphate Soils	<p>The EIS included a Geotechnical Assessment that undertook assessment of samples to determine the presence of ASS. ASS was detected at levels between 1.6-2.3m below ground surface (bgs).</p> <p>The site is identified as class 5 on the NLEP2012 Acid Sulphate Soils (ASS) maps. Class 4 is for works that proposed excavation</p>	<p>The Department has considered the findings of the Geotechnical Assessment.</p> <p>The Department considers that the known ASS can be suitably managed on site should the excavation works intersect with the detected ASS.</p> <p>Conditions are recommended that require the preparation of an Acid Sulphate Soils</p>

	<p>in excess of 2m below the ground surface.</p> <p>The Geotechnical Assessment recommended the preparation of an Acid Sulphate Management Plan if excavation works are proposed below 1.6m below ground surface (bgs).</p>	<p>Management Plan considering the likelihood of excavation below 1.6m bgs.</p>
Earthworks and Erosion and Sediment Controls	<p>The EIS included draft Erosion and Sediment Controls with conditions requiring a comprehensive plan prior to commencement of works.</p> <p>Erosion and sediment management strategies include a temporary sediment basin in the lowest point of the site to runoff during construction, use of water from the sediment basin as a dust control measure during construction and stabilisation of stockpiles to prevent runoff or dispersion.</p> <p>Concern was raised in public submissions about the potential for dust to be generated during construction works.</p> <p>In response, the Applicant stated that the measures proposed would adequately manage dust during construction works.</p>	<p>The Department has reviewed the draft Erosion and Sediment Controls as well as concerns raised by the community. The Department is satisfied that appropriate erosion, sediment and control measures can be effectively implemented during construction.</p> <p>A condition is recommended requiring the preparation of a detailed Construction Environmental Management Plan prior to the commencement of works.</p>
Utilities	<p>The EIS included a Utilities Infrastructure Report which noted that the site benefits from electricity, water, telecommunication, sewer and gas services.</p> <p>Connection to these services will be possible subject to approval from the various service providers. The proposal includes a new substation to provide electricity.</p> <p>Hunter Water has reviewed the project and issued formal requirements for the development to proceed with connections to water, sewer and stormwater.</p>	<p>The Department has reviewed the Utilities Infrastructure Report and is satisfied that arrangements can be put in place to connect the development to required utilities subject to augmentation.</p> <p>Conditions are recommended requiring the development to be connected to utilities to the satisfaction of the relevant agencies and prior to operation.</p>

Ausgrid have agreed in principle to the provision of a new dedicated electricity connection. This would require a new substation to be placed on site. The substation is proposed on the Darling Street frontage to allow for easy access by the electricity provider.

7 Evaluation

The Department has reviewed the EIS, RtS, SRtS and additional information provided by the Applicant and assessed the merits of the development, taking into consideration advice from the public authorities, including Council, and comments made in the public submissions.

The key issues identified with the proposal include waste, odour, traffic, noise and built form. All environmental issues associated with the development have been addressed. The Department concludes that the impacts of the development would be acceptable and could be appropriately mitigated through conditions of consent.

The waste and odour from the site activities can be appropriately mitigated through management plans. The surrounding road network and local streets could accommodate construction and operational traffic subject to conditions with parking demands generated by the proposal to be catered for on site. The proposed built form is appropriate in the context of the site and would make a positive contribution to the neighbourhood. The Department has recommended conditions to manage the construction and operational impacts on the surrounding land uses and require mitigation measures to be implemented.

The development is consistent with the objects of the EP&A Act and with the state's strategic objectives as it would improve education results through the provision of a new education facility in an area that is undergoing population growth.

The development is in the public interest as it would provide benefits including:

- supports the growth in the Broadmeadow catalyst area for the Newcastle region
- provision of new stable complex to support the ongoing growth of the horse racing industry in the Hunter region.
- investment of \$35,530,257 to deliver 250 construction jobs and 186 operational jobs.

Consequently, the Department considers the development is in the public interest and should be approved.

8 Recommendation

It is recommended that the Director of Regional Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent/approval** for the application in respect of the New Stable Complex SSD-12982045, subject to the conditions in the attached development consent
- **signs** the attached development consent/project approval and recommended conditions of consent/approval (see attachment).

Recommended by:



Tahlia Sexton
Acting Senior Planning Officer
Regional Assessments

Recommended by:



Chris Eldred
Acting Team Leader
Regional Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in blue ink, appearing to read 'K T' followed by a long horizontal stroke.

Keiran Thomas

Director

Regional Assessments

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows.

1. Environmental Impact Statement

<https://pp.planningportal.nsw.gov.au/major-projects/projects/newcastle-jockey-club-new-stables-complex>

2. Submissions

<https://pp.planningportal.nsw.gov.au/major-projects/projects/newcastle-jockey-club-new-stables-complex>

3. Applicant's Response to Submissions

<https://pp.planningportal.nsw.gov.au/major-projects/projects/newcastle-jockey-club-new-stables-complex>

4. Applicant's Response to Request for Information

<https://pp.planningportal.nsw.gov.au/major-projects/projects/newcastle-jockey-club-new-stables-complex>

Appendix B – Statutory Considerations

State Environmental Planning Policy (State and Regional Development) 2011

The State Environmental Planning Policy (State and Regional Development) 2011 aims to identify development that is of State significance due to its size, economic value, or potential impact.

The application is categorised as State Significant Development it is development for a recreation facility (major) with a capital investment value of more than \$30 million as State Significant Development. The proposed development is ancillary to the existing recreation facility (major) with a capital investment value that exceeds \$30 million and as such is identified as SSD under the SEPP.

State Environmental Planning Policy (Infrastructure) 2007

The State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The Department referred the modified application to TfNSW who had no comments on the development.

State Environmental Planning Policy No. 55 Remediation of Land

The State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55) aims to ensure that potential contamination issues are considered in the determination of a development application.

The application included a Preliminary and Detailed Site Investigation (DSI), which provided a summary of the investigations, the identified contaminants, and the suitability of the site for the proposed use.

The DSI identified a single isolated area of concern, with levels of contaminant above the adopted Health Investigation Levels. This area is proposed to be excavated in conjunction with the works. A Remediation Action Plan will be required to be prepared and implemented to ensure the contaminated area is suitably remediated.

The Department is satisfied that the subject site would be suitable for the proposed development once the minor remediation works are undertaken. It is recommended that an unexpected finds procedure be required by condition of consent.

Draft Remediation of Land State Environmental Planning Policy

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP require all remediation work carried out without development consent, to be reviewed and certified by a certified contaminated land consultant, categorise remediation work based on the scale, risk and complexity of the work and require environmental management plans relating to post-remediation management of sites or

ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to Council.

The Department is satisfied that the proposal will be consistent with the objectives of the Draft Remediation SEPP.

State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No. 64 – Advertising and Signage and it applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve. The proposal includes the installation of five signs:

- a signage tower in the south-western corner of the site with an overall height of 10.25m. the tower will have a sign of 2.5m x 3.2m on each elevation depicting the 'Newcastle Racecourse' and the 'Newcastle Jockey Club'.
- an entry tower fronting Darling Street with an overall height of 10.75m that includes a 2.5m x 2.8m sign depicting the 'Newcastle Racecourse' and the 'Newcastle Jockey Club'.

An assessment of the sign against Schedule 1 of SEPP 64 is provided in **Table 10**.

Table 10 | SEPP 64 Schedule 1 Compliance Table

Schedule 1 – Assessment Criteria	Compliance
Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs would be compatible with the existing and future character of the locality. The location of the signs would be appropriately placed at the entrance of the racecourse as well as on a prominent corner and the size of the signs is considered appropriate.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signs are consistent with what would be expected for a racecourse in a mixed use location. There are no common design themes for the locality.
Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signs would not detract from the visual amenity of surrounding residential areas. The locations are not part of any environmentally sensitive area. Whilst the racecourse itself is identified as a heritage item, the signs will be visually and physically separate from the items of heritage significance and unlikely to have an adverse impact.
Views and vistas	
Does the proposal obscure or compromise important views?	The proposed signs would not obscure or compromise any view. Whilst they are of reasonable height (both in excess of 10m), they are narrow in stature, and open for part of the base, allowing sightlines through the towers.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signs would not dominate the skyline nor reduce the quality of any vistas. It is noted that the signs would be visually prominent, however when considered in

Schedule 1 – Assessment Criteria	Compliance
	the context of the broader development, they are considered appropriate.
Does the proposal respect the viewing rights of other advertisers?	The proposed signs would not compromise the viewing rights of other advertisers.
<i>Streetscape, setting or landscape</i>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the proposed signs would be appropriate when considered in the context of the broader development and the scale of the site.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signs would complement the stable development design and contribute to the visual interest of the streetscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signs are simple in design and would not result in visual clutter.
Does the proposal screen unsightliness?	The signs have been designed in keeping with the site's recreational/stabling use.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signs would sit below the height of proposed adjoining buildings.
Does the proposal require ongoing vegetation management?	No vegetation management is required by the proposed signs.
<i>Site and building</i>	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signs are of appropriate scale and proportion and is considered relatively understated in the context of the entire site.
Does the proposal respect important features of the site or building, or both?	The signs are appropriately located at the site entrances and would not impact on any other important features of the site.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signs have been appropriately located to fit in with the design of the proposed development.
<i>Associated devices and logos with advertisements and advertising structures</i>	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Safety devices are not necessary for the proposed design of the signs.
<i>Illumination</i>	

Schedule 1 – Assessment Criteria	Compliance
Would illumination result in unacceptable glare?	Not applicable. No illumination proposed.
Would illumination affect safety for pedestrians, vehicles or aircraft?	Not applicable. No illumination proposed.
Would illumination detract from the amenity of any residence or other form of accommodation?	Not applicable. No illumination proposed.
Can the intensity of the illumination be adjusted, if necessary?	Not applicable. No illumination proposed.
Is the illumination subject to a curfew?	Not applicable. No illumination proposed.
Safety	
Would the proposal reduce the safety for any public road?	The proposed signs would not affect road safety.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signs would not affect pedestrian or cyclists' safety.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signs would not obscure any sightlines from public areas.

Under clause 8 of SEPP 64, consent must not be granted for any advertising sign application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. The Applicant has provided an assessment of the proposed sign against the provisions of Schedule 1 of SEPP 64. The Department has considered the proposed signs against the same assessment criteria and found them to be acceptable.

The Department considers that the proposed signs have been designed in accordance with clause 3 of SEPP 64, are compatible with the desired amenity and visual character of the area, provides effective communication, and are of a high-quality design and finish.

Newcastle Local Environmental Plan 2012

The NLEP 2012 aims to contribute to the economic well-being of the community in a socially and environmentally responsible manner and to strengthen the regional position of the Newcastle city centre as a multi-functional and innovative centre that encourages employment and economic growth.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the NLEP 2012 and those matters raised by Council in its assessment of the development (refer to **Section 5**). The Department concludes the development is consistent with the relevant provisions of the NLEP 2012. Consideration of the relevant clauses of the NLEP 2012 is provided in **Table 11**.

Table 11 Consideration of NLEP2012

NLEP2012	Department Comments/ Assessment
Land Use Table – Zone RE2 – Private Recreation	<p>The site currently consists of a racecourse, defined as a recreational facility (major) under NLEP2012. The proposed development is proposed to be ancillary to the ongoing racecourse use of the site given the horses being on site and having use of the racecourse is an essential part of the operation of the site and the stables.</p> <p>The development is consistent with the objectives of the RE2 Private Recreation Zone as it supports the continued use of the site for private recreation (being horse racing) and will be managed to prevent impacts to the natural environment.</p>
5.10 Heritage Conservation	The subject site is identified as a heritage item under NLEP2012. In consideration of clause 5.10, the Department considers that the development will not have a significant impact on the contributing heritage fabric on the site and will support the ongoing use of the site for horse racing as discussed in Section 6.5 of this report.
5.21 Flood Planning	The subject site is identified as being within the 1% flood level. The impacts of the development on flood behaviour, as well as the compatibility of the development with the known flood risks on site has been considered and discussed in Section 6.5 of this report.
6.1 Acid Sulphate Soils	The subject site is identified as being within the class 4 area of the acid sulphate soils map. The Department considers that the acid sulphate soils can be appropriately managed on site as discussed in Section 6.5 of this report.
6.2 Earthworks	The development requires earthworks as part of construction works and to make the final landform form of the development. The earthworks and the mitigation measures have been considered under Section 6.5 of this report

Newcastle Development Control Plan 2012

In accordance with Clause 2.10 of the Planning Systems SEPP, development control plans do not apply to SSD. Notwithstanding this, consideration of relevant sections of the Newcastle Development Control Plan 2012, where relevant, have been considered below in Table 12.

Table 12: Newcastle Development Control Plan 2012 considerations

Section	Considerations
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4.01 Flood Management	The development responds to the flood prone nature of the site and will be constructed to be compatible with the known hazards. The development will result in a minor amount of flood water displacement and is considered to not have an unreasonable flooring impact on other locations. Measures are recommended to manage the risk to like and/or property. Flooding is further considered under Section 6.5 of this report
4.03 Mine Subsidence	The Subsidence Advisory Board has issued approval for the development to proceed subject to conditions including risk removal through grouting works. The conditions of the approval are recommended to be reinforced through conditions of consent. Mine Subsidence is further considered under Section 6.5 of this report
5.01 Soil Management	The application was accompanied by a draft erosion and sediment control plan and CEMP to mitigated impacts of erosion and sediment transportation during construction works. Soil Management is further considered under Section 6.5 of this report
5.02 Land Contamination	The application was accompanied by a Detailed Site Investigation that identified an isolated area of contamination. The Department considers that the development can proceed subject to the preparation and implementation of a RAP. Following the completion of the RAP, site validation will be required via conditions of consent. Contamination is further considered under Section 6.5 of this report
5.04 Aboriginal Heritage	The application was submitted with an Aboriginal Cultural Heritage Assessment Report identifying the significance of the site and the potential for subsurface archaeology. Conditions are recommended requiring post determination investigations of the site. Aboriginal Heritage is further considered under Section 6.5 of this report
5.05 Heritage Items	The subject site is identified as a heritage item under NLEP2012. In consideration of clause 5.10, the Department considers that the development will not have a significant impact on the contributing heritage fabric on the site and will support the ongoing use of the site for horse racing as discussed in Section 6.5 of this report.
7.02 Landscape, Open Space and Visual Amenity	A comprehensive landscaping plan was submitted with the application. Council reviewed the plan and made a number of recommendations to ensure the plan is consistent with the DCP requirements. The proposed landscaping is further considered under Section 6.2 of this report
7.03 Traffic, Parking and Access	A Traffic Impact Assessment was submitted with the application demonstrating that the development is compatible with the local road

network without an adverse impact. Traffic, Parking and Access is considered in **Section 6.1** of this report

7.06 Stormwater

A concept stormwater design that was endorsed by Hunter Water was submitted with the application. The design includes various measures to manage stormwater on site up to and including peak flows. Stormwater is further considered under **Section 6.5** of this report.

Appendix C – Recommended Instrument of Consent

The recommended instrument of consent can be found here:

<https://pp.planningportal.nsw.gov.au/major-projects/projects/newcastle-jockey-club-new-stables-complex>