

# Notice of decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	State significant development
<b>Application number and project name</b>	SSD-12982045 Newcastle Jockey Club - New Stables Complex
<b>Applicant</b>	Newcastle Jockey Club Ltd
<b>Consent Authority</b>	Minister for Planning

### Decision

The Director of Regional Assessments under delegation from the Minister for Planning has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's assessment report is available [here](#).

### Date of decision

7 September 2022

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- the objects of the Act;
- all information submitted to the department during the assessment of the development application and any additional information considered in the department's assessment report;
- the findings and recommendations in the department's assessment report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the department's assessment report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including a. total capital investment of \$35,530,257, 250 construction jobs and 186 full time jobs and local development contributions;
- the project is permissible with development consent, and is consistent with NSW Government policies including the:
  - Hunter Regional Plan 2036
  - Draft Hunter Regional Plan 2041
- *[Impacts can be managed]* - the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The consent authority has imposed conditions relating to the preparation and implementation of a Vehicle Management Plan, Operational Waste Management Plan, Pest Management Plan; and management of construction impacts including traffic, parking, noise and dust;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines.
- weighing all relevant considerations, the project is in the public interest.

## • Attachment 1 – Consideration of Community Views

The applicant engaged with the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the department it was placed on exhibition from 19 October 2021 until 15 November 2021 (28 days). 30 submissions were received, including 12 objections and 13 in support of the project.

The key issues raised by the community (including in submissions) and considered in the department's assessment report and by the decision maker include air quality, odour and dust, traffic and pedestrian safety, car parking and waste management, noise, pests and vermin. Other issues are addressed in detail in the department's assessment report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Air Quality, Odour and Dust Impacts</i></p> <ul style="list-style-type: none"> <li>The development will increase the amount of horse waste and will lead to adverse odour impacts for the surrounding area.</li> <li>The development will generate dust during both construction and operation.</li> <li>The proposed waste management strategies are not appropriate.</li> <li>Currently the waste management is not occurring as it should</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant's Response to Submissions (RtS) and response to a Request for Further Information (RFI) contained revised Air Quality Report, Operational Waste Management Plans (OWMP) and Preliminary Construction Management Plan to address the potential for air quality, odour and dust impacts.</li> <li>The revised Air Quality Report outlined a number of measures to be implemented during construction works to mitigate the potential for dust impacts during both construction and operation phases of the development.</li> <li>The department considers further measures are required to mitigate the potential for odour impacts. As such conditions have been recommended that require the preparation of a revised OWMP increasing the cleaning frequency of the stables.</li> <li>The applicant has committed to the periodic cleaning of waste bins off site to remove residue odours.</li> </ul> <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>The proposed louvers be closable is required</li> <li>The preparation of a revised OWMP to be prepared including weekly cleaning of stables and the establishment of a complaints procedure.</li> <li>Implementation of the recommendations of the Air Quality Report</li> </ul>
<p><i>Traffic and Road Safety</i></p> <ul style="list-style-type: none"> <li>The development will significantly increase traffic, especially during the early hours of the morning.</li> <li>The increase in traffic and heavy vehicles could lead to Pedestrian Safety concerns with students walking along the local road network.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicants RFI response confirmed that no horses would be transported to the racecourse each morning for trackwork. Therefore, the only morning traffic would be associated with staff transportation.</li> <li>The RFI also equated the overall increase in traffic to a maximum of 188 vehicle trips per day comprising 176 light vehicle trips and 12 heavy vehicle trips with modelling demonstrating that the efficiency (or level of service) of the local road network would not be compromised as a result of the development.</li> <li>The Applicants RtS included a commitment to construct the footpath along Chatham Street and Darling Street to the public racecourse entrance. This would improve pedestrian safety and the pedestrian permeability for the local area.</li> <li>The Preliminary Construction Environmental Management Plan includes commitments for construction vehicles to avoid the school zone during school zone times</li> </ul> <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>Limiting vehicles to left turn in and out only from the northern access point on Chatham Street during School Zone times.</li> <li>Requiring a Vehicle Management Plan to be prepared that will require a booking system to be implemented for deliveries or horse transportation to prevent queuing of vehicles in the local road network</li> <li>The setting back of gates from the boundary to enable the largest vehicle to access the facility room to park and wait for gates to open.</li> <li>Construction of a footpath along Chatham and Darling Streets as per the architectural plans.</li> <li>Signage at all vehicle exit points to make them aware of the potential for pedestrians on the footpath.</li> </ul>
<p><i>Carparking</i></p> <ul style="list-style-type: none"> <li>The development has not provided</li> </ul>	<p><i>Assessment</i></p>

<p>enough carpark for the staff associated with the stables.</p> <ul style="list-style-type: none"> <li>The location of the development is used for parking of horse floats each morning as well as race days which will lead to additional vehicles parking on the surrounding streets.</li> </ul>	<ul style="list-style-type: none"> <li>The Applicant's RtS included revised plans that provided for 161 car spaces being in excess of the number of staff required for morning trackwork. On race days, this area would be available for parking for patrons.</li> <li>The Applicant's RtS also included commitments to use the interior of the race course for parking of patrons vehicles for large race events to compensate for the loss of the informal parking area within the location of the stables.</li> </ul> <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>The preparation of an Event Transportation Management Plan that details the how the operation of the parking within the interior of the racecourse will occur.</li> <li>The preparation of a Local Area Traffic and Parking Plan in consultation with Council that details the on-street parking available and make accommodation for buses, taxi and ride-share services</li> </ul>
<p><i>Noise</i></p> <ul style="list-style-type: none"> <li>The additional traffic and stable operations will generate adverse noise levels and impact the surrounding residential area.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicants RtS included a revised Noise Impact Assessment (NIA) that provided a detailed assessment of the noise and vibration impacts associated with both the construction and operational phases of the development. The NIA detailed that mitigation measures would be required during construction to mitigate adverse noise levels.</li> <li>The Department is satisfied that appropriate noise and vibration mitigation measures can be implemented to minimise impacts on nearby residents.</li> </ul> <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>Implementation of the recommendations of the NIA</li> <li>Testing of equipment once installed to ensure it complies with the adopted noise criteria and steps to be taken should the equipment not fall within the criteria.</li> <li>Undertaking noise monitoring of the site upon operation to verify the</li> </ul>
<p><i>Pests and Vermin</i></p> <ul style="list-style-type: none"> <li>The additional horses and horse waste will attract pests and vermin to the area and it will lead to adverse impacts for the surrounding area.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The applicants RtS included a revised Pest Control Procedures providing further details of the proposed strategies to be implemented to mitigate the potential for pests. The applicant also contended that the implementation of the OWMP would assist in preventing pests through the appropriate management of waste.</li> <li>The department considers that further measures are required to be implemented to ensure that pests are effectively managed on site.</li> </ul> <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>The preparation of a revised OWMP to be prepared including weekly cleaning of stables and the establishment of a complaints procedure.</li> <li><i>The OWMP is to include a Pest Management Strategy detailing the periodic treatment of the site for pests, both proactive and reactive measures to be implemented on site and the preparation of a complaints strategy.</i></li> </ul>