

ASSESSMENT REPORT

Stable Facilities at Royal Randwick Racecourse MP 10_0098 MOD 1

1. INTRODUCTION

This report is an assessment of a request to modify the Major Project Approval for the construction of new stable facilities at Royal Randwick Racecourse (RRR) in the Randwick local government area.

The request has been lodged by Urbis Pty Ltd on behalf of the Australian Turf Club (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to introduce a construction staging program for the approved redevelopment of the stable facilities.

2. SUBJECT SITE

Royal Randwick Racecourse (RRR) is situated approximately eight kilometres south east of the CBD within Sydney's eastern suburbs (see **Figure 1**). The RRR site is located primarily on Alison Road, Randwick, with frontages also to Doncaster Avenue, Anzac Parade and Wansey Road.

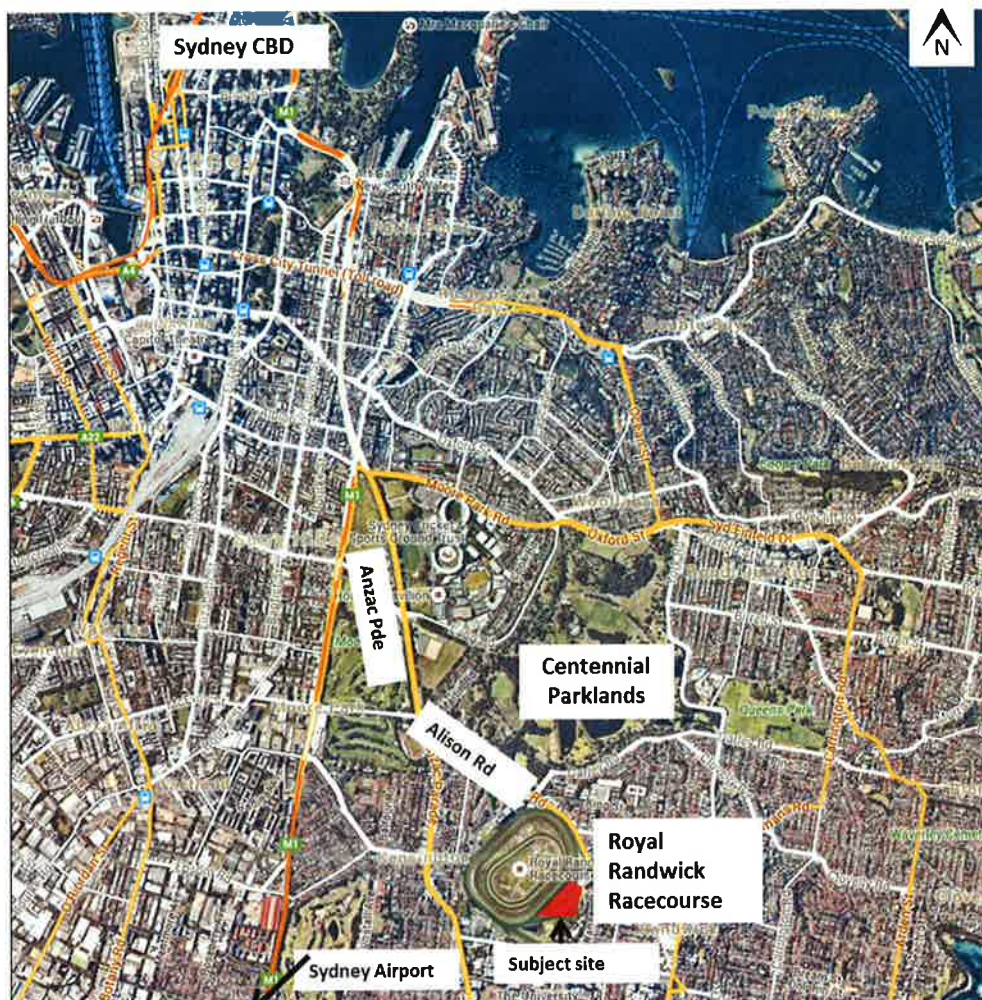


Figure 1: Site Location (subject site shown in red)

The subject site of the approved stables precinct is located at the eastern portion of the RRR site situated at the corner of Alison Road and Wansey Road. The stables precinct has an area of approximately 86,925 sqm with the primary frontage and vehicle access from Wansey Road (see **Figure 2**).



Figure 2: Layout of stables precinct

3. APPROVAL HISTORY

3.1 Original Application

On 2 August 2010, the Department delegated its functions to Randwick City Council (Council) to undertake the public consultation and an assessment of the original application in accordance with section 23(1)(d) of the EP&A Act.

On 7 February 2011 the Planning Assessment Commission (the Commission) granted Project Approval for the redevelopment of the stable facilities at the RRR site. The original approval included construction of:

- six two-storey stable buildings, each housing 100 horses, sand rolls, wash-bays and accommodation for 10 strappers / stable-hands;
- 12 two-storey mechanical horse walkers (24 machines in total);
- tie-up stalls for 50 visiting horses for Barrier Trials;
- a pony enclosure for 20 to 25 ponies;
- exercising facilities including a 'bull ring', parade rings and equine pool;

- parking for some 110 vehicles, comprising 80 permanent and 30 over-flow parking spaces; and
- modifications to the existing vehicle access from Wansey Road, relocating it further north of the existing Wansey Road access.

The development works have not yet commenced.

3.2 Related Application

On 4 June 2014, the then Minister for Planning approved State Significant Infrastructure Approval SSI 6042 for the construction and operation of the CBD and South-East Light Rail (CSELR) servicing a route from Circular Quay to Kingsford and Randwick via Surry Hills and Moore Park that includes 19 light rail stops, interchanges at ferry, rail and bus stations along the route.

Approved works under the Infrastructure Approval SSI 6042 are being carried out by Transport for NSW (TfNSW) and are partly located within and adjacent to the RRR site.

4. PROPOSED MODIFICATION

On 17 September 2015, the Proponent lodged a section 75W modification application (MP 10_0098 MOD 1) seeking approval to introduce a construction staging program. The proposal seeks to:

- develop the site in three (3) stages including:
 1. early works / site preparation works;
 2. construction of the equine tunnel; and
 3. all remaining works including construction of the stables and associated buildings;
- recognise that some aspects of the works will be undertaken by TfNSW, as there is a duplication of the works approved under the Major Project Approval MP 10_0098 for the redevelopment of the stables facilities and the CSELR Infrastructure Approval SSI 6042.

The proposed construction staging is illustrated in **Figure 3** and outlined in **Table 1**.

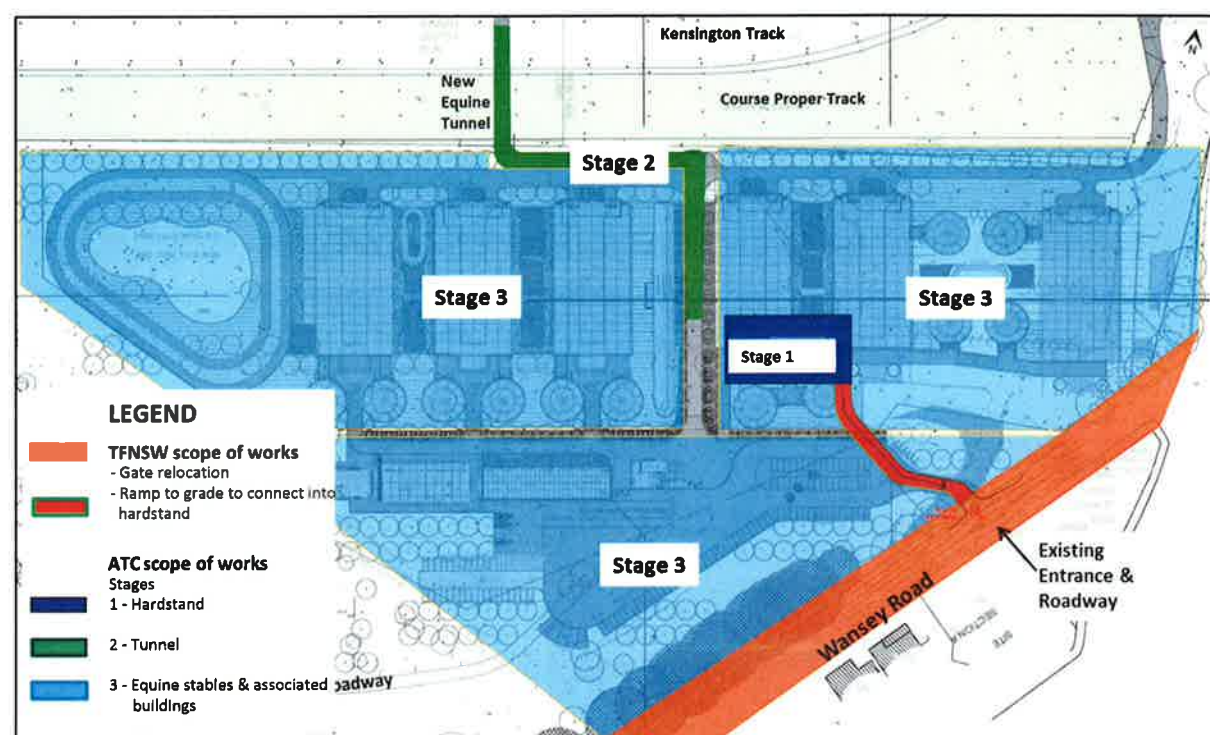


Figure 3: Proposed construction staging plan

Table 1: Proposed construction stages and associated works

Stage 1 – Early Works (dark blue)	Early works to establish a construction hardstand zone on site that is to be used as a base for the site preparation works and remaining works in Stages 2 and 3.
Stage 2 – Equine Tunnel (green)	The tunnel is to start from the construction zone and extend under the track and infield. This stage involves the most extensive below ground excavation works and is therefore proposed prior to the primary building works to occur in Stage 3.
Stage 3 – Stables & associated buildings (light blue)	The stables, associated buildings, northern car park and landscaping works are to be undertaken as one stage prior to the final occupation and operation of the stables precinct.
Transport for NSW Works (orange)	The scope of works includes the relocation of Gate 10 and a new associated driveway to provide access to the stables precinct. Road works along Wansey Road and the intersection of Alison Road.

Associated changes to conditions of the approval are also proposed to reflect the construction staging program. The proposed construction staging is requested in order to meet practical construction requirements, accommodate the indicative timing of the CSELR works, and to meet the operational needs of the racecourse.

Specifically, it would allow the Proponent to commence early works and site preparation works (which do not involve extensive excavation, civil works or building works) before detailed reports and plans are required (such as heritage, acoustic, stormwater, landscaping and contamination).

The modification would also allow for the construction to commence on the site prior to the final design of the roadworks and access driveway works required by existing conditions B6 to B9 of the approval. These roadworks are now being designed and constructed by TfNSW under the CSELR SSI 6042 approval, and are outside the control of the Proponent. TfNSW are still finalising the alignment and design of works on Wansey Road.

The Proponent does not seek to implement a staged occupation program and it understands the final Occupation Certificate (OC) for the development would only be issued following the certified construction of all stages.

5. STATUTORY CONSIDERATION

5.1 Section 75W

The project was originally approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act. The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Acting Executive Director, Key Sites and Industry Assessments may determine the application under delegation as:

- the relevant local Council has not made an objection;
- a political disclosure statement has been made but only relation to the original application; and
- there are no public submissions in the nature of objections.

6. CONSULTATION

The Department made the modification application publicly available on its website and consulted with Council, TfNSW and the NSW Roads and Maritime Services (RMS) about the proposed modification.

Council did not object to the proposal, but noted that the requested changes to conditions result in some uncertainty regarding the timing of certain requirements. Council therefore recommended changes to the wording of conditions to provide further clarity and ensure the requirements were reflective of the nature of works in each stage. Council also advised that if the TfNSW works result in changes to the driveway, any amended design must comply with the relevant Australian Standards.

RMS did not object to the proposal, but requested the Proponent to liaise with TfNSW regarding the design of road works to ensure compatibility with the CSELR approval.

TfNSW did not raise any issues regarding the proposal.

No **public** submissions were received by the Department.

The Proponent submitted an RTS addressing the issues raised by Council, and generally accepted most of the condition changes recommended by Council. Council commented on the RTS and advised it was satisfied with the Proponent's response, subject to some minor changes.

7. ASSESSMENT

The Department considers the key issues associated with the proposed modification are:

- appropriateness of the staged construction; and
- implications of the proposed amendments to conditions of the approval.

7.1 Staged construction program

The proposal seeks to introduce a construction program that provides for the redevelopment to be undertaken in three (3) stages. This would facilitate the practical requirements of the construction program, account for the CSELR construction works and meet the operational needs of the RRR site.

The Department notes the proposed modifications would not result in any changes to the final development including the approved gross floor area, height, open space, car parking or vehicle access requirements of the approved redevelopment. As such there would be no change to the overall long term impacts of the proposal.

Further, as discussed below in **Section 7.2**, short term construction impacts would be appropriately managed by the conditions of approval, subject to the recommended amendments to reflect the construction staging as necessary.

The proposed construction staging program is therefore supported as it would facilitate the construction requirements of the Proponent and would not result in any adverse environmental or amenity impacts.

7.2 Proposed changes to conditions

The proposal seeks to modify the timing of some of the conditions of approval to implement the staged construction program.

The Department has considered the proposed modification to each condition in detail at **Appendix B** and has considered the key changes to conditions below.

The key changes include:

- delaying various requirements generally from prior to the first CC to prior to construction of the most relevant stage; and
- delaying the requirement of the design, and approval for the road and intersection upgrades from prior to the first construction certificate (CC), to prior to occupation.

7.2.1 Conditions to be deferred

The requirements that would be delayed include:

- payment of long service levy and developer contributions;
- submission of an acoustic report;
- detailed design of water and cooling systems; bicycle parking, disabled access;
- Sydney Water and service authority requirements;
- drainage and stormwater details;
- heritage management plans and interpretation strategies; and
- detailed landscape plans and tree management.

These requirements are proposed to be deferred to later stages of construction on the basis that the Stage 1 works would only involve the creation of a temporary hardstand area to facilitate construction, and would not have any impacts on heritage, landscaping, stormwater or acoustic management. Similarly, detailed building design, parking and access requirements would only become relevant in Stage 3, when the stables and all other new buildings would be constructed.

Council provided a detailed review of each of the proposed amendments and was concerned that the proposed wording of the conditions lacked clarity, particularly where conditions are required to be met “*prior to the issue of the relevant construction certificate*” (and not specifying a certain stage), or “*prior to construction of Stage 2 and / or subsequent stages*”.

Council was concerned this may result in unacceptable outcomes in terms of the timing of the requirements and the potential for further sub-staging within Stage 3 which had not been properly described. Therefore Council recommended changes to the wording of conditions to provide further clarity and to ensure the requirements were reflective of the nature of works in each stage. Council also advised that if the TfNSW works result in changes to the driveway, any amended design must comply with the relevant Australian Standards.

In response, the Proponent:

- amended the requested wording of the conditions in order to address the matters raised by Council;
- advised that there is no intended sub-staging of construction within Stage 3; and
- advised that this application is not seeking an amendment to the design of the driveway.

In addition to the changes recommended by Council, the Department has made further changes to the wording of the conditions to ensure there is no ambiguity as to when the various requirements must be met. The Department is satisfied that the recommended conditions are clear, and the timing of the conditions accurately reflects the requirements relevant to each stage of construction.

7.2.2 Road and Intersection upgrade works

In relation to the access driveway, road upgrades and intersection works currently required by conditions B6 to B9 and C12, the Department considers that given TfNSW will carry out these works under SSI 6042, it is appropriate that these requirements be delayed until prior to occupation of the site. This would enable the Proponent to carry out construction on the

site (which is not reliant on the Wansey Road access or road upgrade works), while TfNSW carry out the works separately, as required by the CSELR approval.

The Department notes that RMS, TfNSW, and Council as the relevant stakeholders for the infrastructure, also support this approach. As the access and road upgrade works are considered necessary for the occupation and use of the site, the consent still requires that the conditions must be satisfied prior to occupation of the site. As such, there is an appropriate safeguard to ensure the works are completed, and the Proponent is responsible for the road upgrade works if they are not completed by TfNSW. An additional requirement has also been recommended to ensure the works, if carried out by the Proponent, are compatible with TfNSW requirements for the CSELR approval.

The Department also notes TfNSW are still finalising the detailed design of the required works on Wansey Road. Should any changes to the driveway be proposed, a further modification request may be required. Compliance with Australian Standards and safety would be considered at that stage.

8. CONCLUSION

The Department has assessed the modification request and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- it provides for a practical construction program to redevelop the site;
- the modified conditions of the approval provide adequate measures to manage and mitigate the impacts of implementing three (3) construction stages; and
- it provides a flexible approach for the provision of road and infrastructure upgrade works (which are required by two approvals).

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is **RECOMMENDED** that the Acting Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 75W, subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

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19/1/16

APPENDIX A: NOTICE OF MODIFICATION

The Notice of Modification can be found on the Department of Planning and Environment's website as follows:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7278

APPENDIX B: AMENDED CONDITIONS

	Condition	Proposed amendment	Justification	Department's comment
A2	Development in accordance with plans & documents	Inclusion of a Construction Staging Plan to the approved drawings and documents.	To illustrate the breakdown of each of the three stages proposed.	Accepted
A2A	New Condition Development in accordance with staging plan	Inclusion of a Construction Staging Plan.	To ensure consistency of the approved development with the proposed constructing staging program.	Generally accepted (minor amendments made to improve clarity of condition)
Part B – Prior to the Certification of Building Work				
B2	Long Service Levy	Prior to CC at pro-rata rate for Stage 1, 2 and 3.	To split the levy relevant works to each stage.	Generally accepted (minor amendments)
B3	Acoustic Report	Provide prior to CC for Stage 3.	Not relevant to Stage 1 or 2.	Accepted with edits
B4	Water and Cooling Systems	Provide prior to CC for Stage 3.	Not relevant to Stage 1 or 2.	Accepted
B5	Developer Contributions	<ul style="list-style-type: none"> 10% of total levy CC for Stage 1. 40% of total levy CC for Stage 2. A bank guarantee for remaining 50% of total levy for any Stage 3 CC. 	Split the construction for the relevant works at each applicable stage.	Generally accepted (minor amendments)
B6	Roads & Traffic Authority Requirements	Delete Condition and relocate with amendments as E9 prior to OC for Stage 3	To specify the relevant stage. Condition is duplicated and works are required under SSI 6042 approval. Condition will become redundant if works are completed prior to OC of Stage 3.	Generally Accepted with amendments and relocated to condition E2
B7	Wansey Road Accessway	Delete Condition and relocate with amendments as E10 prior to OC for Stage 3.	To specify the relevant stage. Condition is duplicated and works are required under SSI 6042 approval. Condition will become redundant if works are completed prior to OC of Stage 3.	Accepted
B8	Wansey Road and Alison Road Pedestrian Safety	Delete Condition and relocate with amendments as E11 prior to OC for Stage 3.	To specify the relevant stage. Condition is duplicated and works are required under SSI 6042 approval. Condition will become redundant if works are completed prior to OC of Stage 3.	Accepted

B9	Wansey Road Pedestrian Refuge	Delete Condition and relocate with amendments as E12 prior to OC.	To specify the relevant stage. Condition is duplicated and works are required under SSI 6042 approval. Condition will become redundant if works are completed prior to OC of Stage 3.	Accepted
B10	Bicycle Parking	Any CC for Stage 3.	Not relevant to Stages 1 or 2.	Accepted
B13	Disabled Access	Relevant CC for Stage 3.	Not relevant to Stages 1 or 2.	Generally accepted (minor amendments)
B14	Sydney Water – Notice of Requirements	Prior to CC for Stage 2.	Not relevant to Stage 1 (above ground works). Condition to be satisfied prior to significant excavation works (Stage 2).	Accepted
B17	Service Authority Issues	Prior to relevant CC for Stage 2.	Not relevant to Stage 1.	Generally accepted (minor amendments)
B18	Drainage and associated infrastructure	Relevant for any CC for Stage 2.	Not relevant to Stage 1.	Accepted
B19	Waste management	Prior to issuing of relevant CC for relevant stage.	To ensure condition is satisfied for all stages of the development.	Generally accepted (minor amendments)
B20	Landscape and tree management	Prior to lodging any CC for Stage 3.	Not relevant to Stages 1 or 2.	Accepted
B21	Drainage Works	Prior to lodging any CC for Stage 2.	Not required for Stage 1. Drainage works required at Stages 2 and 3.	Generally accepted (minor amendments)
B22	Heritage	Prior to relevant CC for Stage 2.	Not relevant to Stage 1. Only relevant to Stages 2 and 3.	Generally accepted (minor amendments)
Part C – Prior to Construction				
C7	Heritage Item Management	Prior commencement to Stage 2 works.	Not required for Stage 1 only relevant to Stages 2 and 3 works.	Generally accepted (minor amendments)
C8	European Archaeological Heritage Management	Prior commencement to Stage 2 works.	Not required for Stage 1 only relevant to Stages 2 and 3 works.	Generally accepted (minor amendments)
C10	Heritage Interpretation Strategy	Prior commencement to Stage 2 works.	Not required for Stage 1 and relevant to Stages 2 and 3 works.	Accepted
C12	RTA requirement – Plan checking fees Alison and Wansey Road intersection reconfiguration	Prior to the commencement of relevant works	Condition only required subject to the Proponent carrying out the intersection works. May become redundant if TfNSW carry out the works under the SSI approval instead	Condition is better relocated to within Condition E2. Achieves the same outcome, but is better linked to the carrying out of the roadworks.

C14	Contamination	Prior to works commencing for proposed development in Stage 2.	Not required for Stage 1 only relevant to Stage 2 works.	Accepted
Part E – Prior to Operations				
E2	Alison Road and Wansey Road Intersection Reconfiguration	Condition required to apply or otherwise be completed to satisfaction of the consent authority	Condition required to apply or otherwise be completed in accordance with SSI 6042	Accepted Additional information duplicating
E9	New Condition Roads and Traffic Authority Requirements	Relocated from Part B (prior to CC) to Part E – prior to OC for Stage 3.	Not relevant to Stages 1 or 2. Requirements of condition deferred to avoid duplication on the basis that required CSELR works are completed under SSI 6042 Refer also to discussion in Section 7.2.	Generally accepted but incorporated into condition E2 instead of creating a new condition. Achieves same outcome.
E10	Wansey Road Accessway	Relocated from Part B. OC for Stage 3. Condition will become redundant subject to works being completed under SSI 6042.	Not relevant to Stages 1 or 2 and works within these stages do not rely on access via this proposed driveway.	Generally accepted (minor amendments)
E11	Wansey Road and Alison Road Pedestrian Safety	Relocated from Part B. OC for Stage 3. Condition will become redundant subject to works being completed under SSI 6042.	Not relevant to Stages 1 or 2. Requirements of condition deferred to avoid duplication on the basis that required CSELR works are completed under SSI 6042.	Generally accepted (minor amendments)
E12	Wansey Road Pedestrian Refuge	Relocated from Part B. OC for Stage 3. Condition will become redundant subject to works being completed under SSI 6042.	Not relevant to Stages 1 or 2. Requirements of condition deferred to avoid duplication on the basis that required CSELR works are completed under SSI 6042.	Generally accepted (minor amendments)
Schedule 3 – Statement of Commitments				
Section 94 Contributions		Prior to relevant CC for Stage 2 works	To split the construction amount for the relevant works at each applicable stage.	Accepted
Residential Amenity – Light Spill		Prior to relevant CC	Minor change	Accepted
Ecologically Sustainable Development		Prior to relevant CC	Minor change	Accepted

Stormwater Management	Prior to relevant CC for Stage 2 works	Not relevant for Stage 1 works. Only required for Stage 2 works.	Accepted
Groundwater Management	Prior to relevant CC	Minor change	Accepted
Integrated Water Management	Prior to relevant CC	Minor change	Accepted

APPENDIX C: SUPPORTING INFORMATION

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. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7278

2. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7278