

## APPENDIX B:

### CONSIDERATIONS UNDER SECTION 79C

Section 79C of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

<p>(a) the provisions of:</p> <p>(i) any environmental planning instrument, and</p> <p>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</p> <p>(iii) any development control plan, and</p> <p>(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and</p> <p>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and</p> <p>(v) any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i>)</p> <p>that apply to the land to which the development application relates,</p>	<p>Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject of public consultation under this Act) that apply to the proposed development is provided in Appendix C of this report.</p> <p>The applicant has not entered into any planning agreement under section 93F.</p> <p>The agency has undertaken its assessment of the proposed development in accordance all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p> <p>The site is not located within the coastal zone and the agency is not aware of any coastal zone management plan that applies to the land to which the development application relates.</p>
<p>(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,</p>	<p>The agency has considered the likely impacts of the development in detail in Section 5 of this report. The agency is satisfied that all environmental impacts can be appropriately managed and mitigated through recommended conditions of consent.</p>
<p>(c) the suitability of the site for the development,</p>	<p>The agency considers that the proposed temporary use is suitable for the site considering the site's location, orientation, stage positioning and proximity to the city and its transport services.</p> <p>Royal Randwick Racecourse has hosted the Future Music Festival for the past eight years and the Goodlife Festival for the previous two years. The event venue has been subject to a number of other large scale events including frequent race meetings. The services and facilities have been constructed to service numbers of up to 55,000 patrons which is 5,000 above the patron numbers proposed for the larger Saturday festival.</p> <p>The site is adequately serviced with electricity, sewer and telephone services. Due to the temporary nature of the proposed development augmentation of these systems are not warranted or necessary.</p>

	<p>Due to the nature of the activity, the proposal will create noise and traffic issues, which are common with large outdoor event proposals. The agency is satisfied that these issues can be managed to acceptable levels subject to the applicant implementing appropriate measures to minimise residential impacts.</p> <p>These measures include:</p> <ul style="list-style-type: none"> <li>• monitoring sound recording to adjust amplified music output;</li> <li>• the provision of adequate security staff to appropriately direct patrons;</li> <li>• the strategic positioning of amplifiers to reduce sound projection out of the venue;</li> <li>• a combined transport strategy where a majority of patrons will travel to the site utilising public transport on buses; and</li> </ul> <p>marketing and sale of public transport/shuttle passes as part of event ticketing.</p>
(d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in Section 4 of this report and given due consideration as part of the assessment of the proposed development in Section 5 of this report.
(e) the public interest.	<p>The proposal is considered to be in the public interest for the following reasons:</p> <ul style="list-style-type: none"> <li>• the proposal would utilise an existing entertainment site for a temporary recreational activity, ensuring that the site will revert back and be available for racecourse activities in the long term;</li> <li>• the proposal does not raise any significant or adverse traffic or parking considerations that have not, or cannot, be adequately addressed in the submitted Traffic Management Plan;</li> <li>• the principles of ecologically sustainable development have been considered against the proposed development and are considered to be acceptable for this particular proposal; and</li> <li>• due to the one-off nature of the proposal i.e. one weekend per year and the mitigation measures proposed the proposal will not have any long term negative impacts on surrounding residential development.</li> </ul>

## APPENDIX C:

### CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

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#### Randwick Local Environmental Plan 2012

The *Randwick Local Environmental Plan 2012* (RLEP) applies to the site. Pursuant to the RLEP the site is zoned RE1 (Public Recreation).

The objectives of the RE1 zone are:

- *to enable land to be used for public open space or recreational purposes;*
- *to provide a range of recreational settings and activities and compatible land uses;*
- *to protect and enhance the natural environment for recreational purposes; and*
- *to protect, manage and restore areas with high biodiversity, ecological and aesthetic values, including buffer areas and habitat corridors.*

The following uses are permissible with consent within the RE1 zone:

*Animal boarding or training establishments; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Child care centres; Community facilities; Heliports; Horticulture; Information and education facilities; Jetties; Kiosks; Markets; Passenger transport facilities; Plant nurseries; Recreation areas; Recreation facilities (indoor); **Recreation facilities (major)**; Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Water recreation structures.*

The RLEP defines a 'Recreation facility (major)' as follows:

*A building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.*

The proposed festival event is considered to be a recreational activity attended by a large number of people periodically and is thus a permissible activity.

The proposal includes temporary use of the racecourse site for an ancillary recreation activity and therefore the proposal is considered to be permissible in the zone with consent.

When determining an application for consent to carry out development, clause 2.8 (3) states that the consent authority must be satisfied that:

- the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and*
- the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and*
- the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and*
- at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.*

The applicant contends that the event is an acceptable development as it:

- the event is genuinely temporary and restricted to two days each year, with all structures and equipment transported to and from the site;
- the event does not inhibit the use of the land for its intended use of horse racing as it is coordinated with the racing calendar;
- the proposal includes a number of mitigation measures that include management plans to address any significant amenity impact upon the neighbourhood; and,
- the structures included with the event are restricted to areas away from existing buildings and features. No excavation is involved in setting up the event.

In view of the above the agency supports the applicant's position in that the proposed use is a permissible form of development on the land and is also a reasonable development to occur on the RE1 zoned land.

#### **Amendment to Randwick Local Environmental Plan 2012**

A planning proposal to amend Randwick Local Environmental Plan 2012 to allow additional uses to the provisions applying to the Royal Randwick Racecourse being a hotel/motel and serviced apartments, with integrated conference and function facilities and ancillary bar and restaurant, in the 'spectator precinct' of the racecourse site was exhibited from 1 August 2012 to 31 August 2012.

#### **State Environmental Planning Policy (State and Regional Development ) 2011**

State Environmental Planning Policy (State and Regional Development) 2011 commenced 1 October 2011. Schedule 2 of this SEPP includes the site as a State Significant Development Specified Site:

##### ***"4 Development at Royal Randwick Racecourse***

*Development on land identified as being within the Royal Randwick Racecourse Site on the State Significant Development Sites Map if:*

- (a) it has a capital investment value of more than \$10 million, or*
- (b) it is for the purposes of an event that is not a race day event."*

The agency considers that the proposal is clearly classified as "*an event that is not a race day event*" and thus is a matter which has the Minister for Planning and Infrastructure as the consent authority.

No other provisions of the SEPP directly relate to the subject application.

Consequently, the Minister is the approval authority for the proposal. However, the Executive Director, Development Assessment Systems and Performance may determine the application on the Minister's behalf under delegation.

#### **State Environmental Planning Policy No.55 – Remediation of Land**

The proposal, being undertaken on an existing operational racecourse site, is subject to consideration of the provisions under SEPP 55. There is no evidence that the site is contaminated and this issue has not previously been raised as a concern in the assessment for the eight previous consents determined by both Randwick City Council and the Minister.

The existing racecourse operations currently include the accommodation of large crowds on race days, both within the stands, on the course and in the infield areas. The subject proposal will be a similar operation to those one day racing events and thus would be suitable as a proposed temporary use. Therefore, it is considered that the site currently is, and the proposal will not significantly vary from, that type of land use, being the accommodation of large crowd events.

Conditions have been implemented to ensure the safe use of the site, including:

- Soil and Water Management Plan (**Condition B5**);
- General siteoperation (**Condition D15**).

There are no other matters within SEPP 55 of relevance to the proposed use.

#### **State Environmental Planning Policy (Temporary Structures) 2007**

The proposed development will involve the erection of a performance stage, temporary stands, food stalls, portable toilets and associated structures. The Temporary Structure SEPP sets out that development consent is required and consideration must be given to the issues such as patron numbers, noise impacts, hours of operation, crime minimisation and serviceability of the land.

The agency notes that the matters raised above are primary considerations for the proposal should it be approved, and some of the issues have been raised as part of public submissions. General comments are as follows:

### Patron Numbers

The applicant seeks a maximum of 50,000 patrons for the Saturday event and 20,000 for the Sunday event. Whilst the proposed patron numbers are consistent with the 50,000 person figure approved for the 2013 'Future Music Festival' (SSD 5394), the proposed 20,000 capacity for the 'Goodlife Festival' results in a 5,000 patron increase in comparison to 2013. The applicant has noted that the racecourse can generally cater for crowds up to 55,000 and thus the site capacity is adequately catered for at 20,000.

At this time it is considered that the additional crowd is acceptable as no objection has been raised to the increase by NSW Police or key transport agencies, as logistical issues, subject to the implementation of acceptable Pedestrian Transport and Traffic Management Plan and Security Management Plan.

### Noise and Acoustics

The applicant has provided a noise management plan in support of the proposal which is addressed in Section 5.1 of this report. Construction work (bump-in and bump-out) associated with setting up the facilities prior to, and then dismantling after the concerts, is proposed to be restricted to 7am-7pm, 7 days per week, with no heavy vehicle operations after 6pm. These hours of operation are considered to be reasonable considering the temporary nature of the proposal, and will be imposed conditionally (**D3, D4**). This will ensure that construction and dismantling works only take place during predominantly daylight hours in the autumn.

### Hours of Operation

The Saturday 'over-eighteens' music festival is proposed to operate from 12 noon until 10.30pm whilst the Sunday 'under-eighteens' music festival will operate from 12 noon until 8.00pm. The two day event is proposed to be held during the second weekend in March each year. The site can operate from 7am in accordance with the bump-in/bump-out hours of operation to enable staff and performers to set up facilities on the mornings of the event.

A condition of consent (**B1**) has been imposed to ensure noise level emissions are restricted to 70dB(A) and 90dB(C) when measured at the nearest residential boundaries, and that all amplified music and announcements, apart from emergency announcements, cease at 10:30pm. A condition of consent restricting hours of work during construction has also been recommended (**D2**).

### Traffic and Parking

The applicant has addressed this issue through a Pedestrian Transport and Traffic Management Plan and various meetings with key government agencies. Events of this nature will create unusual impacts upon traffic flow and pedestrian movements due to the volume of patrons attending the event. The NSW Police, State Transit Authority and Transport Management Centre (on behalf of Transport for NSW) have reviewed the plan and consider, subject to appropriate conditions that it will reasonably cater for the movement of patrons to and from the venue. This is discussed in more detail in Section 5.1. Further, the applicant has provided a Security Management Plan, which will manage the direction of traffic/pedestrians as well as the behaviour of patrons in the local community that will assist in providing for a controlled and safe traffic management plan.

### Security and Crime

The applicant has prepared a Security Management Plan which addresses staffing operations, identifies issues/concerns, recommends high levels of monitoring and surveillance measures and should result in the event being appropriately managed and safe for both patrons and the surrounding communities. NSW Police support the proposed event and have acknowledged that proposed mitigation measures will reasonably respond to security concerns, subject to conditions. This issue is dealt with in greater detail at Section 5.

### Site Suitability

The applicant has submitted that the subject land is an ideal site for the event. The agency's consideration is discussed in detail in **Appendix B**.

### Public Facilities

Adequate toilet and washbasin facilities will be provided for the event, and have been identified on the plans. A suitable condition of consent has been imposed which requires such facilities to be provided in accordance with the requirements of the Building Code of Australia requirements (**Condition A6**).

### Duration of Event

The applicant has submitted that the temporary structures will be erected on the site 10 days before the event and removed 10 days later. This arrangement is considered satisfactory when undertaken in accordance with the Security, Emergency and Risk Management Plans controls. **Condition A2** is recommended requiring compliance with these requirements.

General Safety

Security, emergency and risk management plans have been prepared for the event proposal and will be implemented as part of any development consent. Conditions of consent are recommended as part of the consent (**Conditions B8, B9, B10, C2, C3, D13, D16**).

Conclusion

The agency is satisfied that the proposed two day festival can be adequately controlled conditionally for the relatively short duration of the event in order to minimise amenity impacts for the surrounding locality and meet the requirements of the Temporary Structure SEPP.

**State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)**

The ISEPP identifies under Schedule 3 matters which are required to be referred to the NSW Roads and Maritime Services (RMS) for comments where they are considered to be traffic generating development. It is noted that the matter has been referred to Transport for NSW, including the RMS, as part of this application assessment for general traffic management comments.

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## **APPENDIX D:**

### **ENVIRONMENTAL IMPACT STATEMENT**

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See the agency's website at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

## **APPENDIX E:**

### **APPLICANT'S RESPONSE TO SUBMISSION**

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See the agency's website at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

## **APPENDIX F:**

## **SUBMISSIONS**

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